

## Transcript of the Sheku Bayoh Inquiry

Wednesday, 30 November 2022

(10.00 am)

LORD BRACADALE: Good morning, Ms Caffrey.

A. Morning, sir.

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

MS JOANNE CAFFREY (affirmed)

Questions from MS GRAHAME

LORD BRACADALE: Ms Grahame.

MS GRAHAME: Thank you.

Good morning, Ms Caffrey.

A. Good morning.

Q. You are Joanne Caffrey?

A. Yes, that's correct.

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

A. Yes.

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

A. Yes.

Q. I won't go into those in any detail. Could we begin just by looking at that report please. It's SBPI00181. Now, this will come up on the screen, but you also have

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1           a full hard copy in the folder in front of you.

2           A. Yes.

3           Q. I don't intend to take you through the entire report  
4           page by page today, but if at any time you feel there's  
5           something within your report that you would like to  
6           refer to, please don't hesitate to let me know.

7           A. Okay.

8           Q. And we can have that brought up on the screen if that's  
9           necessary at any point.

10          A. Yes.

11          Q. Okay, thank you. It's a lengthy report and contains  
12          a number of appendices, with documents attached and your  
13          full CV and such-like.

14          A. Yes.

15          Q. So we see from page 1 it says "Joanne Caffrey, expert  
16          witness", and it relates to Mr Bayoh. If we can move up  
17          slightly, it relates to the events on 3 May 2015 and the  
18          date of this report is 31 October 2022.

19          A. Yes.

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

22                 "Prepared at the request of:

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

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

25                 "The opinions expressed in the following chapters

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1           are based on the evidence and information available to  
2           me as at the date of this report. Should further  
3           relevant evidence or information become available, I may  
4           require to reconsider my opinions."

5       A. Yes.

6       Q. And so this document was prepared by you on  
7           31 October --

8       A. Yes.

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

10      A. Yes, that's correct.

11      Q. But -- and this report, does it express your views on  
12           these matters as at that date and it's an accurate  
13           representation of the views that you formed looking at  
14           various items of information and things you had been  
15           provided with by the Inquiry?

16      A. Yes, that's correct.

17      Q. You -- in order to prepare this report were you also  
18           sent a number of other documents? Let's look briefly at  
19           SBPI00167 and this -- we can just scroll through that.  
20           This is an appendix which is an inventory of the  
21           disclosed evidence, so evidence that you were given by  
22           the Inquiry to consider as part of your reflections on  
23           the case.

24      A. Yes.

25      Q. And it contained links to evidence that had been heard

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1           in our first hearing, statements, PIRC statements,  
2           Inquiry statements --

3       A.   Yes.

4       Q.   -- and a number of other documents that are all listed  
5           there.

6       A.   Yes.

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

9       A.   Yes, I have, yes.

10      Q.   In addition, after you were sent all of those documents,  
11          were you sent a further inventory, which was SBPI00178,  
12          and this is additionally disclosed documents and it  
13          contained training logs, STORM logs, transcripts of  
14          emergency calls, statements from a Scott Masterton and  
15          then other papers?

16      A.   Yes.

17      Q.   Thank you.   Just to be clear, all of the documents that  
18          are listed in the inventory and the supplementary  
19          inventory were available to you prior to completing your  
20          report on 31 October?

21      A.   Yes, that's correct.

22      Q.   Thanks.   Then after you completed your report  
23          in October, were you also sent further documents by the  
24          Inquiry team in order to update you on information that  
25          was becoming available to the Inquiry --

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1       A.   Yes, that's correct.

2       Q.   -- after you had finished.  And let me just look for

3       a moment at the -- there were supplementary statements

4       that were sent to you --

5       A.   Mm-hm.

6       Q.   -- that contained statements from an Inspector Kay?

7       A.   Yes.

8       Q.   An Inspector Stewart?

9       A.   Yes.

10      Q.   There was a statement from Mr Masterton?

11      A.   Yes.

12      Q.   Michelle Hutchison?

13      A.   Yes.

14      Q.   Sergeant Bisset?

15      A.   Yes.

16      Q.   Sergeant Dalglish?

17      A.   Yes.

18      Q.   And a Ms Anthony?

19      A.   Yes.

20      Q.   And then you were sent an inspector's job profile and

21      a contact management SOP.

22      A.   Yes.

23      Q.   And you were also sent a report from Mr Martin Graves.

24      A.   Yes.

25      Q.   And you hadn't seen that report prior to completing your

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1           report?

2       A.   No.

3       Q.   Thank you. But you have seen it since subsequently?

4       A.   Yes, I have.

5       Q.   And have you also seen statements from a PC Wood who was

6           the dog handler?

7       A.   Yes.

8       Q.   And you were sent an up-to-date position statement from

9           Police Scotland?

10      A.   Yes.

11      Q.   Have I missed anything out?

12      A.   No, I don't think so.

13      Q.   Right. And then since the start of this hearing were

14           you also asked to view the evidence that was being led

15           last week?

16      A.   Yes, I have watched the evidence.

17      Q.   So that included oral evidence from Inspector Kay and

18           Inspector Stewart?

19      A.   Yes.

20      Q.   Martin Graves?

21      A.   Yes.

22      Q.   He spanned into Monday.

23      A.   Yes.

24      Q.   And Gary Wood as well, the dog handler?

25      A.   Yes.

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1 Q. Lovely. I would like to begin -- is there anything we  
2 have not sent you, first of all, that we should have,  
3 that you would have expected to see that was missing?

4 A. Nothing that comes to mind.

5 Q. Thank you. I would like to begin by looking at your CV.  
6 Now, the Chair will have your full report available to  
7 him to consider at length, but I would like to just  
8 touch on some of your experience.

9 A. Okay.

10 Q. Could we begin by looking at page 18 of your report and  
11 I think from pages 18 to 27 you actually set out your  
12 own background and you also say at this section your  
13 full CV is at appendix N of this report.

14 A. Yes.

15 Q. So in the report we see from pages 18 to 27 a summary of  
16 your background, plus that is supplemented by the full  
17 CV attached.

18 A. Yes.

19 Q. Going through some of your experience, am I right in  
20 saying you were a police officer for almost 24 years?

21 A. Yes, 23 and a half.

22 Q. 23 and a half, and you became a police officer in 1990?

23 A. Yes, February of 1990.

24 Q. And that was with the Cumbria Constabulary?

25 A. Yes.

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1 Q. And then from 1996 to 2003 you were a sergeant?

2 A. Yes.

3 Q. Tell us a little about that.

4 A. So in 1996 I was an acting sergeant and as the acting

5 sergeant in a small town called Penrith, I would change

6 between operational on the street and the custody

7 function. Then in 1997 I was promoted to a full-time

8 sergeant and my first posting was to the custody unit in

9 Kendal, so then between 1997 and 2003 there were no set

10 time periods for doing the different roles, I would be

11 in and out and flexible between the roles, so I was

12 custody sergeant for anything between three months or

13 18 months at a time, patrol sergeant which again would

14 be anything between three months and a year at a time,

15 and I was also a PSU sergeant. The PSU, public --

16 Police Support Unit, or it was commonly called task

17 force in those days. I would be used either for

18 pre-planned events such as at Sellafield nuclear

19 establishment for planned protests, or when the PSU

20 full-time sergeant did acting rank roles, I would then

21 cover for his absence, so I know at one point I did his

22 role -- I think it was for three months, but it may have

23 been two, but it was somewhere between the eight and

24 12 weeks that I covered on a full-time basis there.

25 Q. And when you say you were a patrol sergeant, what does



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1           that mean?

2           A. So the patrol sergeant's responsible for the briefing of  
3           the shift, all officers on duty, deployment, attending  
4           the incidents with the officers, so it's all the  
5           day-to-day risk assessment, the deployment plans, the  
6           liaison then with the local inspector, so just dealing  
7           with the personnel and the priorities.

8           Q. And then you were a sergeant or acting sergeant  
9           initially for a year and then --

10          A. Well, no, sorry, the acting sergeant was just for part  
11          of that. I think that was a three months acting at the  
12          end of 1996.

13          Q. Sorry.

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

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

16          A. Yes.

17          Q. Carrying out different roles, depending on where you  
18          were sent?

19          A. Yes.

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

22          A. Then I was deployed into the training department for the  
23          force and I was initially involved in the design of the  
24          Professionalising Investigations Programme and then  
25          after the design and delivery of that for a couple of

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1           years I then took over as head of specialist training,  
2           which was in relation to -- the primary roles was  
3           custody training, all of the use of force and first aid.  
4           They were the three core subjects.

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

6       A.   Of that team, yes.

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

9       A.   Until 2008 when I then went to a newly created role  
10          called -- it was called civil contingencies and  
11          emergency planning, but it was in light of all the new  
12          command and control documentations that -- and processes  
13          that were coming in.

14      Q.   Tell us about that role.

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

22                They were looking then for creation of training  
23          materials, delivery of training to increase the force's  
24          preparedness for major incidents and general business as  
25          usual command and control functions.

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1           We were also going to be working with the  
2           multi-agency partners at gold, silver and bronze levels  
3           so there was also going to be a combined training role  
4           in relation to the multi-agency working for major and  
5           emergency incidents.

6       Q.   Right.  Can I just ask you one or two more questions  
7           about that.

8       A.   Yes.

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

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

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

22      A.   Yes.  So gold, silver and command is the very core of  
23          what command and control is about and how I used to  
24          explain it -- when I was delivering training to the  
25          multi-agencies and trying to bring them into

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

9       Q.   And that would be the gold level?

10    A.   That would be the gold level.

11           Then at silver that's your tactical plan, so that  
12           would be the kitchen designer who would then come up  
13           with the plan and agree that that fit then within the  
14           gold strategy, so then once that was agreed at bronze  
15           level you're looking at -- that's your team of fitters  
16           and joiners who will get the plan from the silver and  
17           they would have to then try and make that plan fit. So  
18           they would have minor deviations within that, for  
19           example if they then realised there was an extra 6-foot  
20           of plumbing that needed put in, that would be within  
21           their parameters, as long as it then didn't go out of  
22           the budget, but other than that if there was any  
23           significant tactical change they would have to go back  
24           to the silver for agreement of variation of the tactical  
25           plan.

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

3 A. Yes.

4 Q. But with the ultimate goal of securing a kitchen in your  
5 analogy.

6 A. Yes, yes.

7 Q. And there are different levels that they each -- each  
8 role is distinct --

9 A. Yes.

10 Q. -- but they work together?

11 A. Yes, and different parameters whereby they've got  
12 flexibility within those parameters, but if it's going  
13 to go outside of those parameters it needs to feed back  
14 up. So if at that bottom level there was going to be  
15 some additional cost or time, they would have to feed  
16 that back to tactical who would then maybe need to go  
17 back to gold to seek consent and permission for the  
18 extra expense.

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

20 A. Yes.

21 Q. So you have said that you were doing the emergency  
22 planning at 2008?

23 A. Yes.

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

25 A. Yes. My initial training was delivered by the

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1           Cabinet Office at the emergency planning college.

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

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

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

6           A.   So it had functions in relation to day-to-day business,  
7           so planning-wise and preparedness-wise, but then it also  
8           had the training function in order to increase the force  
9           preparedness, so that involved trying to teach as many  
10          people throughout the entire force, from constable and  
11          civilian equivalent to chief constable, through  
12          simulated exercises and scenarios, but then it also  
13          meant in real events we would act as advisors to gold,  
14          silver and bronze command, so at real events the chief  
15          inspector, he would be the advisor to the police  
16          gold command team.   If it was a multi-agency  
17          gold command team I would then act as the advisor to the  
18          multi-agency gold command but I would also then be  
19          liaising with the tactical commanders, so the area  
20          control room inspector.

21          If it was a police only incident the chief inspector  
22          would take the police gold, I would take the silver as  
23          an advisor and then the constables and civilians that  
24          I had within my team, they would act as bronze command  
25          or additional support within the gold and silver

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1 function.

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

4 A. It was a unit, yes.

5 Q. A unit.

6 A. Yes.

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

8 A. Yes.

9 Q. -- others performing the role?

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

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

18 A. Yes.

19 Q. And you were his deputy?

20 A. Yes.

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

23 A. Yes.

24 Q. And you would also assist third parties?

25 A. Yes, so the design of the building -- the control

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1 room -- my office, which I shared with the chief  
2 inspector, was as soon as you came out of the control  
3 room our office was the first office that you came to  
4 and then next to us then was my team and then we had  
5 a command suite next to that which was a large room,  
6 large table, but then we also had plans for all of  
7 the -- the entire floor of that building to be evicted  
8 on immediate notice so that we could open all those  
9 rooms up for multi-agencies' use for any major events.

10 Q. What's a multi-agency?

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



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1           would have multi-agency gold command meetings in  
2           addition to police gold command meetings and  
3           multi-agency silver meetings, in addition to police only  
4           meetings.

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

6       A.   Yes.

7       Q.   -- multi-agencies?

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

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

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

22      Q.   And your senior officer, the chief inspector who is  
23          the head of that emergency planning unit, he would -- if  
24          he was present and available, he would be advising the  
25          gold command which would be another chief inspector

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1           somewhere perhaps?

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

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

10          A. Yes.

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

12          A. Absolutely, yes --

13          Q. -- during that time?

14          A. -- of varying degrees. There was firearms, there was  
15          severe weather, there was bus collisions where  
16          children -- you know, school bus, all children, two  
17          children die.

18          Q. So any major incident?

19          A. Any major incident or unusual incident because the  
20          theory would be you've got business as usual and at the  
21          other extreme you've got your major incidents, but then  
22          in-between otherwise you've got this void of one way or  
23          the other that would be called an unusual incident and  
24          an unusual incident would be one where you have maybe  
25          not got enough information to put it to a major, but

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1           it's beyond the normal run-of-the-mill, day-to-day,  
2           business as usual and that might either be because of  
3           the level of risk, or because of the implications with  
4           it, or it's using more additional staff than you might  
5           have, or you might need the assistance of another agency  
6           being involved, so it might be that you're needing to  
7           call on the ambulance crew, for example, as support and  
8           asking them to do something that isn't business as  
9           usual.

10          Q. And can you help the Chair understand by use of  
11          an example of what an unusual incident would be?

12          A. So an unusual incident -- if, for example, the police  
13          suspected something, so they suspect a firearms  
14          incident, one of the initial considerations at  
15          a suspected firearms incident is to consider ambulance  
16          attendance, to be on standby, so if you're then seeking  
17          for the ambulance crew -- because you haven't got this  
18          incident declared as a firearms, it's declared as  
19          a suspected firearms, you're then asking the ambulance  
20          crew to go outside of their business as usual to deploy  
21          an ambulance to then sit at a location in case they're  
22          needed, so that would be definitely an unusual incident  
23          because we're doing things slightly different, or it  
24          could be that we have reached capacity in a custody  
25          unit, so operational capacity is now affected because we

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1           can no longer accept any detainees at that custody unit,  
2           or because of the level of risk of a small number of  
3           detainees, or one detainee, they're having to close the  
4           custody unit to everybody, so that would become unusual  
5           because then strategies would have to be designed for --  
6           is there issued an instruction about detention, or are  
7           they going to then install processes to move detainees  
8           from one location to two hours away, or ...

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

11      A.   No.

12      Q.   No.  Thank you.  Then in 2013 am I right in saying you  
13       left --

14      A.   Yes.

15      Q.   -- the Police Service?

16      A.   Yes.

17      Q.   In order to -- and then you became -- you trained and  
18       became a skilled witness and you have given a number of  
19       reports since then?

20      A.   Yes.

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

25      A.   Yes.  So one knife incident that springs to mind -- it

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1           started off as a business as usual call. It was a call  
2           that there was a disturbance at a particular address, so  
3           a neighbour had rung in just saying "There's a bit of  
4           noise", so it sounded on the basis of it it was just  
5           a routine police call.

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

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

25          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.

22      Q.   A probationer and a constable with about five years'

23           service?

24      A.   Yes.

25      Q.   Sorry.

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1       A. I could be wrong on the length of time, but yes, so then  
2       I instructed them to pull over on the way to there  
3       because I knew from my own mind the location towards  
4       them, where they would have to go. There was a dual  
5       carriageway in one direction that they needed to travel  
6       along. There was a dual carriageway with 30-mile an  
7       hour limit, so I asked them to pull over and wait there  
8       so we could RV.

9       Q. Explain what RV means?

10      A. So we could rendezvous, so it was -- so we could  
11      rendezvous and both turn up together because I didn't  
12      want just one vehicle turning up on their own.

13      Q. And that was something that you could do as the  
14      sergeant?

15      A. Yes, definitely, because ultimately my job was to also  
16      safeguard and protect the officers' health and safety.

17             So then as I pulled up behind them we both moved off  
18      and we both pulled up at the premise together. We all  
19      got out of the vehicles, we walked into the front garden  
20      area which was part walled so you couldn't instantly see  
21      what was happening behind there and the first thing that  
22      I was confronted with was the front door of the premise  
23      being open, the lights were all on in the communal  
24      hallway and there was a young man laid on the floor with  
25      an arterial bleed from the neck which was -- it seemed

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1           to be hitting the ceiling, it was really high and  
2           another young man then who appeared to be crouched over  
3           him, standing up to his feet.

4           So at that point in my mind then all of these little  
5           checklists start appearing because then I'm thinking  
6           preservation of life, which is always the priority, so  
7           we've got a casualty there who appears to have an  
8           arterial bleed and this is a life and death situation,  
9           we've got our only suspect on the scene, so potentially  
10          here we've got a murder/attempted murder scenario, we've  
11          got potentially a knife or other weapons, we might have  
12          other people, we might have -- so all of these things  
13          are going on and I'm thinking about forensic  
14          contamination then between the different people and the  
15          scenes.

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

21          I also immediately -- so I directed the constable,  
22          the female constable to deal with the life saving,  
23          thinking then that with the probationer I would stay  
24          with him and between us we would effect the arrest of  
25          the only suspect that was at scene. I needed her to get



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1           by the only suspect, so I gave him the command then to  
2           move out of our way.

3       Q.   Are you holding your hand out there?

4       A.   Yes.   So I'm instructing him to move aside to let the  
5           officer through and put his hands on his head which was  
6           tactics we used to use in the Police Support Unit,  
7           especially with suspected firearms or weapons, you get  
8           the person to get their hands to the head.   So then  
9           I could clearly see then there was no weapon in his  
10          hands, so I asked him to move over to the side to allow  
11          the officer behind and I instructed that officer to  
12          start dealing with the casualty.

13                I instantly informed control "Urgent, ambulance  
14                required, arterial bleed and urgent back-up required",  
15                but I knew the closest back-up was likely to be at least  
16                30 minutes away at another town.

17                So then I'm trying to keep distance and I'm thinking  
18                about the probationer officer because I had had him  
19                since he came from training school, so he had been on my  
20                shift so whether I was in custody or patrol I had  
21                a close working relationship with him so I instantly  
22                knew this was potentially the most significant event he  
23                had been confronted with, so I was speaking to the  
24                person but I was trying to be calm because I didn't want  
25                to -- if he was an armed suspect, I didn't want him to

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1           go into flee mode, as in thinking then he's got to fight  
2           his way out, so I was trying to keep everything down and  
3           like, you know, "Keep calm, talk to me, what's  
4           happening?" And he just kept his hands up to his head.

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

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

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

6       Q.   Why do you say that?

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

18                So then at that point I heard a screech of brakes  
19                and a thud and turned around to see on the road a car  
20                had ran a pedestrian over so now I've got a pedestrian  
21                laid on the road and this car and I'm just thinking "Is  
22                this an inspector's promotion scenario?" So then I ran  
23                over to this because again I'm thinking preservation of  
24                life, my priority was is this another life and death  
25                casualty or not because I have already got

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1 a preservation of life there, plus now an enforceable  
2 requirement for the suspect who has been arrested.

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

16 Q. So you are continually, in light of new information,  
17 feeding that into this process of considering threat and  
18 risk?

19 A. Threat and risk.

20 Q. And priorities?

21 A. Yes.

22 Q. And you are reacting -- every time something else  
23 happens, you're reacting to that and factoring that into  
24 your decision-making process?

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

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1           other going on, I was then aware of a group of young men  
2           who came from that direction who had what looked like  
3           baseball bats, or wood with them and one of them was  
4           banging it on a wheelie bin and throwing abuse at us  
5           about what they were going to do and again I'm thinking  
6           "Could this get any worse?"

7           So at that point I still had the baton withdrawn  
8           from earlier, I then pulled my CS as well.

9       Q.   So again you're taking account of the equipment that you  
10       have available to you?

11      A.   Yes.

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

13      A.   Yes and thinking about people, object, place and  
14       thinking about people, there's only me who can deal with  
15       this and I want to deal with it quickly and probably  
16       differently than I would have done under normal  
17       circumstances.

18      Q.   We have heard about -- some evidence about a mnemonic  
19       "POP", "People, Object, Place"?

20      A.   Yes and "people" is looking at the people you're dealing  
21       with, but plus the person, yourself as well, and  
22       thinking about your own capabilities, how many of you is  
23       there and what's your competency, so, for example, if  
24       I compare myself now as a 52-year-old to when I was  
25       first promoted to a sergeant at 27, at 27 I was running

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1 marathons, in the gym most days, I was fit and healthy  
2 and now I'm not, so even looking at a situation now  
3 I would be thinking, you know, I'm not going to get up  
4 off the floor as quick now as I would have then, so I've  
5 got to take my demographics into consideration, plus  
6 I wanted this to be dealt with so I could deal with  
7 priority of life.

8 Q. So when you're considering people it's not just the  
9 subject, it's not just members of the public, it's  
10 yourself and your own skills and experience?

11 A. Yes, and people's competencies and likewise then  
12 thinking about, you know, the initial decision of  
13 a probationer constable and a more experienced  
14 constable, who am I going to direct to the casualty.

15 Q. So their skills and experience of members of your team?

16 A. Yes and that comes from knowing your team and having  
17 a bit of knowledge about who you've got, what experience  
18 they've got, what exposure have they had already and  
19 then trying the best that you can.

20 Q. Yes.

21 A. So thankfully this group then eventually went when they  
22 realised the severity of what was going on and then we  
23 could start dealing -- and then it took -- it was  
24 probably about 30 minutes in total before extra  
25 police officers attended but by that time the ambulance

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1           had attended before any police resources attended.

2       Q.   And during this whole event you have said that you were  
3           on the radio feeding back --

4       A.   Yes, constantly.

5       Q.   -- and is that the same --

6       A.   Yes.

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

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

20      Q.   One would hope so.

21      A.   Yes.

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

25      A.   Yes.

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

3 A. Yes, definitely.

4 Q. And that's -- that was your experience during that  
5 event?

6 A. Yes.

7 Q. Thank you. And you mentioned at the beginning that you  
8 RVed, or rendezvoused.

9 A. Yes.

10 Q. We have heard some evidence about the nature of  
11 a rendezvous point and you have told us that you have  
12 listened to Martin Graves' evidence.

13 A. Yes.

14 Q. And we heard about, you know, there can be an officer  
15 with a marshal, I think he called it.

16 A. Yes.

17 Q. Are you able to help us understand the distinction  
18 between that type of rendezvous point and the one you  
19 described?

20 A. Yes, so we have basically two different types of  
21 rendezvous point. One is called the RV point and one is  
22 called a forward control point, so at the lowest level  
23 is your RV point and that can just be a case of pulling  
24 over on the side for a few seconds while somebody else  
25 catches up. It's looking at -- it's a temporary -- it's



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1 not permanently blocking the road that you need a Local  
2 Authority permit for to do, it's a very brief "Pull  
3 over, hang on until I catch up", that can be your RV  
4 point.

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

6 A. Absolutely, yes.

7 Q. Is that like the scenario you described in your example  
8 there?

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

16 Q. Why not?

17 A. Mostly -- one aspect is the presence, the physical  
18 presence, particularly if it's a call about disorder  
19 outside of clubs or pubs. If public see two vehicles  
20 turning up then those who maybe don't have any intent to  
21 continue disorder, just the sight of the vehicles  
22 turning up they are likely to run from the scene. So  
23 it's just to try and ensure that physical presence with  
24 two. Or if you have then got a scenario where you have  
25 got an injured party and a suspect, you've got enough

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1 people to instantly deal, so I just find from an  
2 operational point of view if you can get people -- if  
3 that just means delaying something by a very short time,  
4 it can be a more efficient and effective police  
5 response, both for safety and policing priorities.

6 Q. So it's not just the policing priorities, it can be the  
7 safety. Whose safety could be benefited by that  
8 approach?

9 A. Everybody's safety can be benefited because if you've  
10 got then the officers, the public, the suspects that  
11 you're dealing with, by having enough staff attend  
12 initially, it can contain people, it can stop people  
13 then fleeing amongst the crowds and across other  
14 publics, it can help with officer safety so that they  
15 then -- if one officer turns up on their own and there's  
16 two or three offenders, especially if they're drunk,  
17 they're more likely to feel they can challenge the  
18 officer, so that visual presence can often assist and  
19 negate any trouble straight off.

20 But the forward control point, that was brought in  
21 with the command and control training as well in  
22 relation to major incidents and the command and  
23 control -- sorry, the forward control point, the forward  
24 control point is a more permanent RV point so it can be,  
25 for example, short-term like half an hour or an hour --

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1           there is no formal time limit with this -- or it can be  
2           weeks or days and usually then you do need marshals  
3           because you decide -- it's typically a car park or  
4           a large open hard standing and you will cordon off  
5           different parts so you will say "All police resources go  
6           there, all ambulance resources go there, Local Authority  
7           there" etc, so everyone will have an area.

8           There will then be established briefing sessions,  
9           there will be toileting, catering, you know, everything  
10          then will be brought to that forward control point and  
11          even from a police point of view the national riots,  
12          when forces were sending their staff down to like  
13          London, when we were -- every force was sending staff  
14          down, even Cumbria we were sending staff down, there  
15          would be a forward control point so you would be roads  
16          of just personnel vans parked up, that would be  
17          a forward control point, so it doesn't always have to be  
18          a car park, it can be roads that they take over.

19          When we think about the ferries, when -- the  
20          stack-up -- when they stack the lorries, "Operation  
21          Stack", they will have one lane of the dual carriageways  
22          allocated as basically the forward control point as well  
23          for stacking things and for meeting.

24          Q.   So there's both the planned rendezvous point, a more  
25          established structure, if I can call it that, and then

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1           you've got your more spontaneous --

2       A.   Yes.

3       Q.   -- which can just be officers agreeing to meet in

4           advance and arriving en masse?

5       A.   Yes and then if that RV point became a more long-term

6           thing as part of the planning then you would be looking

7           at silver and/or bronze looking for a nominated RV

8           point, a more formalised -- and then it could become

9           a more formalised RV point or forward control point.

10      Q.   Thank you. I would like to ask you about something in

11           your CV which says you specialised in safer handling of

12           detained persons and safer custody --

13      A.   Yes.

14      Q.   -- and the use of force.

15      A.   Yes.

16      Q.   Could you tell the Chair a little about that experience

17           that you have.

18      A.   Yes, so if we go back then to like the early 1990s and

19           the culture then within the police was if a person was

20           arrested they went into the cells, often without being

21           searched, they had belts on, they had property in their

22           pockets, things like death in custody wasn't really

23           considered or given priorities, often the detainees

24           weren't visited through the night. A lot of the safety

25           control measures weren't there.

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1           As time evolved, and certainly from 1996, as an  
2           acting doing some custody function but then 1997 being  
3           a custody sergeant, the cultures then were changing in  
4           relation to safer custody, safer detention. That was  
5           then formalised. From 2002 the UK became part -- well,  
6           they signed up to the agreement to adopt safer custody  
7           principles and that was across all of the secure sectors  
8           where the person is held by the state, so that's police,  
9           prison, mental health units, immigration, military  
10          prisons, so --

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

12       A. Yes, yes.

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

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

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

24       From 2006 there was a document published called the  
25       Safer Detention and Handling of Persons in Police

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1           Custody, so shorthand it was called the SDHP 2006.

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

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

23                Now, I then designed a training course which was  
24          then taken by the -- what was the National Police  
25          Improvement Agency at the time. They then adapted that

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1           and adopted it and then put it out as a national package  
2           in order for bringing about change as quickly as  
3           possible in relation to practice and that again was  
4           going right back to that initial contact.

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

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

8       Q.   But that package that was delivered and rolled out  
9           nationally --

10      A.   Yes.

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

12      A.   Yes.

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

14      A.   Yes.

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

17      A.   Definitely not.

18      Q.   -- in a police office.

19      A.   Yes.

20      Q.   And your training, which you delivered -- your training  
21           package was designed to improve the standards?

22      A.   Yes.

23      Q.   And implement change, I think you said.

24      A.   And the standards of the control measures.

25      Q.   And what sort of things are you thinking when you say

## Transcript of the Sheku Bayoh Inquiry

1 "control measures"?

2 A. Well, recognition of what then becomes a risk factor, so  
3 there are certain conditions which have constantly  
4 remained identified risk factors throughout all of the  
5 custody risks, that's: head injuries, alcohol  
6 intoxication, drug intoxication, mental ill health,  
7 asthma, diabetes, angina. So those are specified risks.

8 Q. Recognised risks for someone in custody?

9 A. Yes and those are particularly specifically specified as  
10 stand-alone topics where if any of those are identified  
11 then you must obtain appropriate clinical attention as  
12 soon as practicable.

13 Q. So any of those risks require some sort of medical  
14 attention --

15 A. Yes, yes.

16 Q. -- being given to the person?

17 A. Regardless of whether the police officers or the person  
18 acknowledge there's any problem with it.

19 Q. Right. So any of those risks, if they're recognised or  
20 known, require some sort of medical intervention?

21 A. Yes and you will find now that if any of those risk  
22 factors are identified, reasonable custody sergeants  
23 will not book those people in. They will instantly say  
24 to the presenting officers "You must go to hospital with  
25 that person first", or a lot of custody units now have



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1           embedded healthcare professionals working and based from  
2           there, they will have the healthcare professional come  
3           and see the person before they even start booking them  
4           in.

5       Q.   Right.  Can you think of any examples that you can maybe  
6           share with the Chair where you have come across  
7           a situation where someone was having a mental health  
8           crisis who was in police custody?

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

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1           it appeared that he had blocked the toilet and caused it  
2           to overflow, to wet.

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

13        Q. Tell us about that.

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

## Transcript of the Sheku Bayoh Inquiry

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  
22 because it's easier at times to escalate my response up  
23 than if you go in at critical parent, it's hard then to  
24 turn to nurturing parent because you have lost the  
25 trust.

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1 Q. What does a nurturing parent do?

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

8 Q. What's the critical parent?

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

12 Q. Right, sorry. Carry on.

13 A. That's all right. So I used to try -- if I seen  
14 somebody in any form of crisis, or on the potential of  
15 being in crisis, I would always try and be that  
16 nurturing parent and particularly in a cell block  
17 environment you're dealing with a lot of people who have  
18 lost their liberty, who have a whole host of different  
19 crisis issues for themselves there and I used to feel it  
20 was like working in a powder keg and the least spark  
21 could set everything off. So I used to always find --  
22 as a custody sergeant I would try and be nurturing  
23 parent to try and keep things as calm and smooth as  
24 possible, but then knowing if I needed to go into  
25 critical parent, I could.

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

14          I wanted to be careful with this because I also knew  
15          there was electrical wires hanging from the ceiling and  
16          there was water throughout the cell and a little bit  
17          coming out from the door, so I needed to make sure  
18          I wasn't in the water.

19          I then instantly went into nurturing parent and  
20          I said his name and I said "How can I help you?" and at  
21          the same time I touched the silent alarm button on the  
22          wall because there was only me in the cell block and  
23          there was other detainees as well. I knew then officers  
24          would be coming because the silent alarm activates in  
25          other parts of the station and also at the area control

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1 room so I knew then that they would also pass over the  
2 air to officers that the alarm had activated in the  
3 custody unit.

4 I'm then trying to talk to him, but I don't want him  
5 to react spontaneous, I don't want him jumping off the  
6 bed in anger, so I'm just trying to say to him like  
7 "Just stay there, let's talk about things, what's up?  
8 How can I help you?" I'm trying to buy time, trying to  
9 keep everything calm. As I'm hearing the officers  
10 entering the custody block I've got my hand up to tell  
11 them to like stop, so then I actually said to him while  
12 he was standing there "Can I make you a cup of tea or  
13 coffee?" and he asked for a cup of tea so I said "Okay,  
14 I'm going to be away for just a short time while I put  
15 the kettle on, stay on the bed", so then as I pulled the  
16 hatch up and walked away I'm whispering then to the  
17 colleagues that we need the electricity cut to that  
18 cell, to disconnect that live wire. I also need  
19 a shield team, I need two officers for a shield --  
20 three-person shield team because there's part of my  
21 Police Support Unit I was trained in shield tactics, so  
22 usually as the sergeant you would have your two  
23 constables in front with the shield and as the sergeant  
24 you would be behind them holding their utility belts,  
25 directing where you wanted them to go and also trying

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1           then to communicate with the subject.

2           So I wanted that function to be available in case  
3           I needed it, but I was hoping we could just resolve  
4           this. So the officers then went -- I wasn't going to  
5           open the door. The officers went off to do what I had  
6           asked them to do. I went back to the cell with the cup  
7           of tea, but by that point I got the notification that  
8           they had got the switch cut to the lights for that cell,  
9           so I knew now that the power was cut, so I was able to  
10          tell him that I have cut the power to the cable,  
11          you know, we have had that cut so you can come and get  
12          your drink.

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

24          Q. You have described what you saw when you arrived in the  
25          cell. Am I right in thinking you are assessing the

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1 risks as you see what's in the cell?

2 A. Constantly, yes.

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

4 A. Yes.

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

7 A. Yes.

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

10 A. No.

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

12 A. Yes.

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

15 A. Yes. I mean one of the key ones for buying time is for  
16 me as the officer and my decision-making process because  
17 you've got multiple -- for me I'll be seeing multiple  
18 lists spinning around in mid-air thinking "I've got all  
19 of these" and I'm trying to think "What am I actually  
20 dealing with? Am I dealing with a person in certain --  
21 am I dealing with a medical crisis which needs a medical  
22 response? Am I dealing with a police response, as in  
23 a crime, or...?" You know, I don't want it to escalate  
24 because it might be a medical response which if I deal  
25 with wrong could turn into a crime, so all the time I'm



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1           buying a bit of time, thinking time for me, I'm also  
2           buying thinking time for colleagues, buying time to get  
3           other colleagues in place so that we can be prepared for  
4           what contingencies we might need. So with that one, for  
5           example, saying about the shields, in case we needed the  
6           shield entry I wanted staff kitted up with the shields  
7           in the cell block unit, just so that they were there and  
8           ready.

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

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

24        A. I would regularly use it. Even going to see victims of  
25          crime. If a person has rang and they're distressed --

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

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

15        A.   Yes, so that -- that first example, for example, where  
16              we've got the guy who has got the arterial bleed, we  
17              were on that so quick and I needed to get officers by,  
18              you know, that wasn't appropriate then for me to ask  
19              about the cup of tea because it wasn't there, but it was  
20              still appropriate, I thought, to start talking to him  
21              and ask him to move aside so that the officer could get  
22              by, just give him that opportunity so then if he said  
23              "No I'm not moving, you have to get past me" then we  
24              know where we stand, but it was just all the time "Can  
25              I get as much compliance as possible before we have to

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1           use force?"

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

5       A.   Yes, because I just always think that the last thing  
6           I want is to start fighting with people because chances  
7           are somebody is going to get injured and it could be one  
8           person or more than one person and it could be serious  
9           injuries, so it as much as possible if we can avoid the  
10          use of force and violence, then we can look at minimum  
11          use of force, just purely as transportation, handcuffs  
12          if need be.

13      Q.   Thank you.  You talked about, in buying time and looking  
14          at the person you could see that this was not normal  
15          behaviour and so is one of the benefits of taking that  
16          extra time your opportunity to observe what's happening?

17      A.   I have always found that, yes.  As far as possible  
18          taking that time, just to take in as much information,  
19          because otherwise you can get just focused on the person  
20          and you want to gather as much information from around  
21          the scene.

22      Q.   And during that, attempts from you to communicate you  
23          have said you were speaking through the hatch?

24      A.   Yes.

25      Q.   We have heard about a principle called the "CUT

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1 principle"?

2 A. Yes.

3 Q. "Create distance, use cover, and transmit".

4 A. Yes.

5 Q. Would the existence of the hatch be part of the "use

6 cover" principle?

7 A. Yes, so I was keeping the door closed. There was no way

8 I was opening that door because that was my cover

9 because otherwise I could be fearful of "Do I get

10 dragged in?" and then it's a hostage scene, I'm now in

11 amongst water and electricity and -- so I would

12 certainly want to keep that hatch there unless there's

13 other members in.

14 Q. And does that protect your own safety?

15 A. Yes, but then opening the hatch allows me to look at the

16 person and for them to see me because although I could

17 see them through the little eye glass, it's not good

18 communicating to someone if all they can do is hear

19 a voice so I wanted them to see my face and to try and

20 reassure them that I was no threat to them, I wanted to

21 help them and I wanted it to end peacefully rather than

22 not.

23 Q. And to what extent are you also using your body

24 language, your demeanour, your tone of voice to

25 communicate?

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

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

14     A. Yes.

15     Q. Is that another important factor?

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

24     Q. Right.

25     A. So -- because often with people their body language will

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1           indicate in the short-term what they're going to do.

2       Q.   So that period of observation again is about gathering  
3           in information for yourself?

4       A.   Yes.

5       Q.   And then during your description of those events you  
6           seem to be indicating you were sharing quite a lot of  
7           information with the man in the cell about what was  
8           happening?

9       A.   Very much, to keep him informed of what the noises were,  
10          for example, because what I don't want to do is  
11          pressurise someone into thinking that I'm being devious,  
12          or for them to think that we're planning an attack, so  
13          I would be saying "Officers are coming in now because  
14          they're -- but they're waiting down at the bottom of the  
15          cell, the cell area. I've got four officers down  
16          there", so I wouldn't hide that information from them  
17          and just trying to -- again it's just about that trust  
18          and rapport.

19      Q.   And you were -- in the first example you gave us in  
20          the -- the man with the arterial bleed, you described  
21          being on the radio a lot.

22      A.   Yes.

23      Q.   And sharing information with the control room and other  
24          officers?

25      A.   Yes.

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

3 A. Mm-hm.

4 Q. How were you communicating with others?

5 A. Well, they could all hear because initially -- the  
6 initial communication was through the silent alarm  
7 which -- there was always a silent alarm within --  
8 that's why I'm demonstrating. If I was at the hatch  
9 there's always a silent alarm button on the wall next to  
10 a cell door, so that was my first communication.

11 Although I had a radio on me, the noise within the  
12 cell blocks because it's all metal and stone, everything  
13 echos and if a person then is in crisis that is causing  
14 a lot more noise and commotion and it can then stop the  
15 communication if they're hearing all of this noise going  
16 on, this white noise, that can take over me being able  
17 to talk, so basic issues we're taught when we're dealing  
18 with people when who are in crisis is to knock your  
19 radio right down as far as you can, so it's still live  
20 so you can communicate but you have knocked it right  
21 down so you're not having all of this noise blaring.

22 Q. So, is it fair to say you were tailoring your methods  
23 and style of communication to the particular  
24 circumstances --

25 A. Yes.

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

2 A. Yes.

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

6 A. Okay.

7 Q. Could we look please at one of the passages in your  
8 report please, paragraph 3.2. Sorry, that's page 18.  
9 Do I see you have been engaged -- sorry, if you can just  
10 come down the page:

11 "I have been engaged for approximately 150 case  
12 reports over the last 5 years concerning deaths or  
13 injures in custody, police custody procedures and use of  
14 force within all of the secure custody sectors."

15 A. Yes.

16 Q. You also are contactable through email and give advice  
17 that way as well.

18 A. Yes.

19 Q. And you say that you provided reports for misconduct  
20 cases.

21 A. Yes.

22 Q. Is that against the police?

23 A. Yes.

24 Q. Is that for both the police officers or the  
25 police service?



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1       A. Both. In relation to misconduct, the Police Federation  
2       of England and Wales legal teams have engaged me.  
3       I have also been engaged by the professional standards  
4       departments and I have been engaged by the IPCC, as was,  
5       which is now the IOPC, the Independent Office of Police  
6       Conduct.

7       Q. And you say coroner inquiries?

8       A. Coroner -- in addition to that other one, the Police  
9       Ombudsman for Northern Ireland have also engaged me.  
10      Yes, so coroners' inquiries, I have been engaged  
11      directly by them.

12     Q. Fatal accident inquiries in Scotland?

13     A. Yes.

14     Q. Civil and criminal cases?

15     A. Yes.

16     Q. And you have given evidence on a number of occasions in  
17      relation to these reports?

18     A. Yes.

19     Q. And then do we see the split of your cases in this  
20      paragraph when you have been called as an expert for the  
21      defence, that's roughly 38% of your work?

22     A. Yes.

23     Q. Is this over the past five years?

24     A. Yes.

25     Q. And then you have been called by either the prosecuting

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1 authority or the claimant 56% of the time?

2 A. Yes.

3 Q. And you have been engaged directly by the coroner 6% of  
4 the time?

5 A. Yes.

6 Q. And now you can add that you have been instructed by  
7 a Public Inquiry.

8 A. Yes.

9 Q. Thank you. You have delivered many training courses for  
10 participants --

11 A. Yes.

12 Q. -- over -- since you have left the Police Force.

13 A. Yes.

14 Q. How many courses or how many participants have you  
15 trained?

16 A. So since January 2014 until the end of 2021 I have  
17 electronically registered 10,800 and something delegates  
18 and that's mostly between conflict management, use of  
19 force, managing behaviour, or first aid. Those are the  
20 predominant courses. Then on top of that there's been  
21 the odd child protection course, but the majority of  
22 those are either the first aid or to deal with the  
23 challenging behaviour.

24 Q. And am I right in thinking that your cases that you have  
25 been involved with as a skilled witness, or as an expert

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1           have been all over the UK: England, Wales, Scotland,  
2           Northern Ireland, the Republic of Ireland and the Isle  
3           of Man?

4       A.   Yes.

5       Q.   And they have been criminal and civil?

6       A.   Criminal and civil, yes.

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

9       A.   Yes.

10      Q.   Or by professional standards?

11      A.   Yes.

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

15      A.   Yes, yes.

16      Q.   -- and the Assessors here today?

17      A.   Yes.

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

19      A.   Yes, yes.

20      Q.   Thank you. And we had briefly touched on the fact that  
21           in England there's a section of rules called "Part 35"  
22           which sets out the obligations, you are aware of that as  
23           well?

24      A.   Yes.

25      MS GRAHAME: Thank you. I'm going to move on to the

## Transcript of the Sheku Bayoh Inquiry

1 instruction by the Inquiry now and I wonder if it would  
2 be a suitable --

3 LORD BRACADALE: That would be a convenient point to take  
4 a break. We will take a 20-minute break at this point.

5 MS GRAHAME: Thank you.

6 (11.21 am)

7 (Short Break)

8 (11.43 am)

9 LORD BRACADALE: Yes, Ms Grahame.

10 MS GRAHAME: Thank you.

11 I would like now to turn to the letters of  
12 instruction you were sent --

13 A. Yes.

14 Q. -- from the Inquiry team, and can we look at SBPI00166  
15 and 00164. We will start with 166, please.

16 And you will see this is a letter of instruction  
17 dated Tuesday 12 July this year, addressed to you and  
18 I'm not going to take you through the detail of this,  
19 it's available for the Chair should he wish to consider  
20 it, but I would like to look at a section where we  
21 discuss a hypothetical, reasonable officer. Sorry,  
22 I have not noted which page it is on, I'm sorry. If we  
23 can scan down the page. There we are. Thank you,  
24 page 6, thank you.

25 You will see that this indicates that we were

## Transcript of the Sheku Bayoh Inquiry

1           inviting you to consider a concept as a hypothetical  
2           reasonable officer.

3       A.   Yes.

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

10      A.   Yes.

11      Q.   -- who complies with the rules and regulations that are  
12           on police officers --

13      A.   Yes.

14      Q.   -- in their actions. And we then go on to mention  
15           a number of legal principles, I will come back to those  
16           later. Are you comfortable in proceeding on the basis  
17           that when I ask you questions, Ms Caffrey, if you would  
18           consider them from the perspective of a reasonable  
19           officer?

20      A.   Yes.

21      Q.   Thank you. And we know that -- we have heard evidence  
22           that a reasonable officer will only use force that is  
23           reasonable, proportionate and the minimum force  
24           necessary. Do you understand that?

25      A.   Yes.

## Transcript of the Sheku Bayoh Inquiry

1       Q. And that there is a principle of preclusion on  
2       police officers which dictates that less forceful  
3       options must have been attempted and failed, or have  
4       been considered and found to be inappropriate in the  
5       circumstances.

6       A. Yes.

7       Q. And you understand that principle?

8       A. Yes, yes.

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

12      A. Yes.

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

15      A. Yes.

16      Q. And that would be based on what they can see, what they  
17      can hear, the circumstances that they find themselves  
18      in.

19      A. Yes.

20      Q. And that two officers confronted with the same set of  
21      circumstances may react differently, they may select  
22      different force options, each of which they perceive to  
23      be appropriate and reasonable.

24      A. Yes.

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

## Transcript of the Sheku Bayoh Inquiry

1 A. Yes.

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

4 A. Yes.

5 Q. Do you accept that?

6 A. Yes.

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

9 A. Yes.

10 Q. And what and whether any justification offered was  
11 a reasonable justification?

12 A. Yes.

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

18 A. Yes.

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

20 A. Yes.

21 Q. -- from the moment the calls -- emergency calls were  
22 coming in.

23 A. Yes.

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

## Transcript of the Sheku Bayoh Inquiry

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  
22 being the member of the public who is phoning. He  
23 thought -- he thinks he may be carrying a knife, he is  
24 big with muscles, about 6-foot, wearing a white T-shirt  
25 and dark coloured jeans and the male is jumping in front



## Transcript of the Sheku Bayoh Inquiry

1           of other cars and stopping them and that the male -- and  
2           within a minute of that description, a male in  
3           possession of a large knife, black male, wearing a white  
4           T-shirt, no jacket, walking along the street with  
5           a large knife in his right-hand, about a 9-inch blade  
6           and walking in the direction of the hospital, walking  
7           quickly, and a male, large, 6 feet tall, large knife,  
8           wearing white T-shirt, walking in the direction of the  
9           hospital, male in the middle of the road and that was  
10          a grade 1 call --

11        A. Yes.

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

13        A. Yes.

14        Q. -- and it's a high risk.

15        A. Yes.

16        Q. You recognise that category?

17        A. Yes.

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

21        A. Yes.

22        Q. Because of the grade 1 nature of that call it flashes  
23          red and that is immediately on the same screen as the  
24          controller, but also on their sergeant, their  
25          superior's -- their supervisor's screen and also appears

## Transcript of the Sheku Bayoh Inquiry

1           flashing red at the same time on the duty inspector's  
2           screen --

3       A.   Yes.

4       Q.   -- in the ACR.  So that is the scenario.  Thinking about  
5           the control room staff and primarily, first of all, the  
6           controller, thinking about a reasonable officer in that  
7           position, how long would you envisage that that  
8           controller would take to respond or react to that  
9           grade 1 call on the computer screen?

10      A.   It would depend on the initial -- because every person  
11          who is involved needs to conduct some initial risk  
12          assessment process and the National Decision-Making  
13          Model is the core model that's used throughout the UK,  
14          because different people could perhaps interpret risk  
15          and threat slightly different as well and about policies  
16          and options, so certainly such a thing coming in, the  
17          keywords for me are things like "9-inch knife". Multiple  
18          reports, so it's sort of making it more realistic that  
19          there's multiple individuals, so each one is  
20          corroborating the other report that's coming in. "Male  
21          with big muscles", so there you could be thinking about,  
22          well, this is potentially a strong male, 9-inch knife,  
23          risk to death of officers attending, in addition to  
24          risks of death to public and also risk of death to the  
25          person themselves, so it's definitely -- on that first

## Transcript of the Sheku Bayoh Inquiry

1           hearing this is a -- it's above business as usual, it's  
2           not your normal routine-sounding call.

3           Usually routine-sounding calls where knives or  
4           weapons are involved might be one call made saying  
5           "There's some people fighting, squaring up to one  
6           another, I think someone might have a knife", and it's  
7           a one-off call, and then you have the other extreme  
8           where you say, "I'm watching someone now shooting  
9           members of the public with a gun", and there's  
10          everything in-between that, so certainly it's in this  
11          unusual/suspected, but it's definitely a high risk to  
12          either officers attending -- because if you're thinking  
13          about 9 inches, you don't really want to be having to  
14          confront someone with a 9-inch blade because even with  
15          your protective equipment you could still get stabbed  
16          and killed.

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

19        A.   Yes.

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

21        A.   I would, yes.

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

25        A.   Yes.

## Transcript of the Sheku Bayoh Inquiry

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

4 A. Yes, that would enhance the reality of it and  
5 truthfulness, yes.

6 Q. And to what extent -- if I tell you that these calls are  
7 coming in at -- from 7.10 on a Sunday morning, what  
8 comment would you have to make about that?

9 A. Sunday mornings, really the mindset when you go to work  
10 on a Sunday morning is that it's usually quiet, you're  
11 picking up work from the night shift in relation to --  
12 it's more the investigative strategy and dealing with  
13 prisoners who have been in overnight. You don't usually  
14 get public order or violence to that level on a morning  
15 shift.

16 Q. So to what extent would the timing of the calls have  
17 caused you any --

18 A. That would indicate it's highly unusual.

19 Q. And we have also heard some evidence about this not  
20 being a call about two men fighting in a location, that  
21 there's no one that's being fought with --

22 A. Yes.

23 Q. -- or no one that's bearing the brunt of any aggression;  
24 again, what difference does that make?

25 A. Because of its unusualness. You're identifying then

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

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

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

12      Q.   Why do you say that?

13      A.   Having seen them perform on numerous occasions and at  
14           times co-trained with them, because as a public order  
15           sergeant you would often combine your public order  
16           training with the police dogs as well because then it  
17           helps develop the dogs dealing with the disorder and the  
18           chaos that's going along, but you can see the dog can  
19           easily do the work of numerous officers and it's much  
20           safer because a lot of the members of the public, as  
21           soon as a dog arrives on the scene, straight off you  
22           will get a proportion of the public who will say  
23           "I don't want to be here if the dog is getting let out",  
24           and suspects, at times, as soon as they see the dog,  
25           they will just go to their knees and they will put their

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1 hands up because they don't want to deal with the dog  
2 and then it stops all of that physical contact being  
3 at risk with the officers.

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

7 A. Yes, very much so.

8 Q. You have seen that yourself?

9 A. Yes, yes. And they're excellent -- if you have then got  
10 a mobile suspect who runs, the police officers aren't  
11 always very good at running after the people because  
12 that person's hyped up, they're going a lot faster. The  
13 officers have got all the different kit on, it's heavy  
14 to be running with. The dog can just run after someone  
15 really quick, they can contain them, they can stop them  
16 from going towards member of the public and that's  
17 another risk at times that if you can't contain the  
18 person efficiently, you're dispersing the risk, and if  
19 you're dispersing a person who is already in an agitated  
20 state, that can increase the risk to the public. It  
21 could push them to take, for example, a hostage, or to  
22 do something to a member of the public in order to try  
23 and effect their escape.

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

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

9       Q. Right. To what extent would a reasonable officer in the  
10      position of a controller receiving this information, as  
11      I have described to you, to what extent would they  
12      consider the need for specialist resources and by that  
13      I mean ARV or dogs?

14     A. I think it should be a primary thought of the reasonable  
15     controller, thinking that --

16     Q. Why do you say that?

17     A. Because potentially -- we've got an incident which on  
18     the description a control room inspector may decide to  
19     deem it a firearms incident, so we've got that period of  
20     thinking it's not a normal event, so it could be  
21     a suspected firearms incident, but without it even being  
22     a firearms incident, it's still a high risk because of  
23     the factors of the person, the object and the place that  
24     are being mentioned, so certainly I would expect  
25     a controller to be seeking supervision advice at the

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1           very least in relation to putting it up the scale.

2       Q.   Now, you said at the very least seeking supervision

3           advice?

4       A.   Yes.

5       Q.   What does that mean in real terms?   What would

6           a reasonable controller be doing?

7       A.   So your controllers typically are either constables or

8           civilian equivalent, and then control rooms will also

9           have supervisors within the teams as well, which will

10          either be sergeants or civilian equivalents, and they're

11          your mid-way point between the controller and the

12          inspector, so at the very least you've got a supervisor

13          of a sergeant or civilian equivalent to turn to for

14          advice.

15      Q.   If in this situation we have heard that there's a red

16          flash on the screen when a grade 1 call, or grade 1

17          calls come in, would a reasonable controller in that

18          situation be comfortable in assuming that the sergeant

19          and the inspector also have that on their screen?

20      A.   No, you must never assume anything within the police.

21          There's the old phrase about assuming making an ass of

22          you and me.   It's all based on facts and evidence and

23          using that NDM to justify, and so you can never assume

24          that somebody is aware of a fact, because they might not

25          be.



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1 Q. How could a controller draw attention to the matter --  
2 draw their attention to -- the sergeant's attention or  
3 the inspector?

4 A. What I have seen happening for real in the Cumbria  
5 control room -- it's a similar set up, you have an area  
6 control room, an inspector's overview desk, you've got  
7 supervisors within and then you've got your call  
8 handlers within circles. The call handler then if they  
9 get anything which is not business as usual they will  
10 instantly be waving their hand for the supervisor to go  
11 over and the supervisor is on their shoulder within  
12 seconds looking at what they've got.

13 Usually then because it's not a business as usual,  
14 that controller is allocated as a SPOC, which is  
15 a single point of contact.

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

17 A. Yes, S-P-O-C, single point of contact, because you don't  
18 want multiple people involved in the one incident whilst  
19 it's getting first assessed, but neither do you want  
20 that one person being distracted by other incidents, so  
21 once the supervisor then nominates that this person is  
22 dealing with this incident, so anything else coming in  
23 about this incident comes through the SPOC, and likewise  
24 in our control room the inspector's overview is actually  
25 in the same room, it was further across, but they could

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1           also see the waving of the arms, but you would tend to  
2           see the person would either wave, stand up and wave, and  
3           the more worried they were, the more they would be  
4           jumping up and down and waving.

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

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

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

16      A.   A radio, yes.

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

19      A.   Yes.

20      Q.   Is that the alternative?

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

22      Q.   Right.  Would it be within the range of reasonable  
23          options in this scenario for a controller to send one  
24          unit?

25      A.   I wouldn't think that was reasonable for a risk that's

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1           above business as usual.

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

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

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

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

17               Now, at times if every other officer was engaged on  
18          a higher priority incident then you're maybe just left  
19          with what you're left with and those are the risks of  
20          policing, but that's where you go through the National  
21          Decision-Making Model to think: this is the level of  
22          risk, the control measures around this are to send  
23          sufficient numbers of staff who are competent of dealing  
24          with it with the sufficient control measures around  
25          numbers, back up, capabilities, instructions.

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

3 A. Yes.

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

8 A. Yes.

9 Q. That was the extent of your team?

10 A. Yes, and we didn't know it was a knife incident, but if  
11 it was a knife incident then I still wouldn't be happy  
12 with us just turning up like that, without tactical  
13 decisions being made before we got there: where was the  
14 dog handler, how far away, where was the armed response  
15 vehicle. I still wouldn't be happy just three of us  
16 turning up at an arterial stabbing because then you know  
17 if a person's done that they've got the means and intent  
18 to carry on, so again, it's looking at that balancing up  
19 the risk that if it they have already stabbed and  
20 potentially killed one person, the term cannon fodder,  
21 you know, are we then just going in as cannon fodder and  
22 at the end of the day although police officers always go  
23 to work knowing that at some point they may have to put  
24 their life on the line, you don't actually expect to  
25 have to be pushed into that role --

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1 Q. Unnecessarily.

2 A. -- unnecessarily when control measures do exist that can  
3 negate that.

4 Q. Right. So a reasonable controller listening to the --  
5 or being aware from the screen of these calls, having  
6 the capacity to listen to messages on the radio,  
7 a reasonable controller would not simply send two --

8 A. No.

9 Q. -- individuals.

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

11 Q. And would it make any difference to know if one of them  
12 was a probationer, or an officer with little -- a short  
13 period of experience in a response team?

14 A. That would just increase the risk more because then you  
15 would be thinking what level of experience have they  
16 got, but even if you knew the two officers going, both  
17 had a background history of police support units where  
18 they have trained for shields and that, you would still  
19 think it's still not -- it can be safer and you still  
20 need to look at safety being a critical factor for the  
21 deployment. It's still not safe to send two officers,  
22 then if the background is the probationers and they've  
23 got little experience, that just then increases that  
24 risk even more.

25 Q. You have talked about control measures to be put in

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1 place.

2 A. Yes.

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

4 A. It's to protect safety of the officers as well as safety

5 of the suspect that they might be dealing with as well,

6 because if you're too quick to get involved then you

7 might not then be taking into consideration all of the

8 implications that affect the safe custody and it might

9 end up not being a police custody issue, it might be

10 a medical issue.

11 Q. Would it also include safety to potential members of the

12 public?

13 A. Absolutely, yes, because as I mentioned before the last

14 thing you want to do is go in with good intentions but

15 push the person into then running and taking a member of

16 the public hostage or transferring that risk to the

17 public.

18 Q. And you talked about control measures, including --

19 I think I got this in -- sufficient numbers of

20 police officers or staff as you put it?

21 A. Yes.

22 Q. Back-up, capabilities and instructions.

23 A. Yes.

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

25 A. Well, the primary focus for dealing with any kind of

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1           bladed weapon is contain rather than restrain, so to put  
2           a containment on you need more than two people. You  
3           can't contain someone in an open space with two, so  
4           that's the first thing there. If we're going to attempt  
5           containment, we need more than two. So if four or six  
6           turned up together, you've got a really good chance of  
7           a containment.

8           What was the next bit, sorry?

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

## Transcript of the Sheku Bayoh Inquiry

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

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

6       A.   Yes.

7       Q.   -- which --

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

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

11      A.   Yes.

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

14      A.   So keep safe messages -- they should always be part of  
15      your annual refresher training for the use of force as  
16      well, but it's all about being clear with any message as  
17      well, and when you're thinking about -- when officers  
18      are responding and travelling somewhere and they're in  
19      the vehicles, there's a lot of noise, there's the white  
20      noise of everything going on, there's the metal cages  
21      rattling, there's traffic, the officers' radios are  
22      going, so there's a lot of noise and white noise to be  
23      dealt with, and messages that are coming over need to be  
24      clear and short because there's theories about how many  
25      words we can actually hear when we're in a heightened



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1 state, and you're looking at three or four words per go  
2 in order to get words over, so things like "Do not  
3 approach", gap, "Observations only", you know, so it's  
4 those "Keep safe" -- because you don't want the officers  
5 actually getting close and you're trying to remind them  
6 of the health and safety implications of their response,  
7 but re-emphasising the tactic option is you're deploying  
8 for observation and feedback so a tactical plan can be  
9 decided.

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

11 A. Yes.

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

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

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

17 A. Yes.

18 Q. Would you agree with that?

19 A. Yes.

20 Q. If a controller is receiving information in the scenario  
21 I have given you, and is in the situation where it's  
22 a grade 1 call, immediate threat to life, you have  
23 described how your view is that a reasonable controller  
24 would be seeking to make contact or draw it to the  
25 attention of a supervisor.

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1       A.   Yes.

2       Q.   If that supervisor is -- I would like to ask you about  
3           if that supervisor is absent from their station, if  
4           I can call it that, their position. Are there  
5           circumstances where it is reasonable for a sergeant in  
6           a control room to be absent from their position?

7       A.   If they're going to the bathroom, for example, they're  
8           going to leave, but that's why you have multiple  
9           supervisors and you have deputies, so that there should  
10          always be -- as a function, there should always be  
11          controller, supervisor, incident manager, as in the ACR  
12          inspector. Those three functions should be available  
13          24/7 as a basic command and control police response.

14      Q.   And where one or other is absent from their position,  
15          what would the reasonable member of staff in the ACR --  
16          what arrangements would they make to have their position  
17          covered during that period of absence?

18      A.   So usually you would find where there's teams like that,  
19          one person going would say "I'm just going to the loo,  
20          can you watch my team", you know, "I will be back in  
21          five minutes", or -- so there will always be that  
22          notification to one another to say, "I'm just popping  
23          out, I'm just popping to here", so that people knew you  
24          were away from your desk and then when you come back you  
25          go, "I'm back", to make sure they know that you're back.

## Transcript of the Sheku Bayoh Inquiry

1 Q. So you would let people know when you're away?

2 A. Yes.

3 Q. So that cover can be put in place immediately?

4 A. Yes.

5 Q. And when you return, so they can stop doing that task?

6 A. Yes.

7 Q. Thank you. And are there circumstances -- well, let me  
8 look for a moment at the armed policing operations SOP  
9 2014, which is PS10985. Now, you will see on the screen  
10 it says "Armed Policing Operations. Standard Operating  
11 procedures", and we have heard some people call this  
12 a firearms SOP?

13 A. Yes.

14 Q. And is it commonly known as that?

15 A. Yes, so you will commonly shorten it to firearms SOP,  
16 dog SOP, custody SOP.

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

19 "Whilst a policy of 'Contain and Negotiate' may be  
20 a preferred response to many firearms incidents, it  
21 should be clearly understood that there is no single  
22 policy or tactic contained within the APP (AP) or  
23 National Police Firearms Training Curriculum ...  
24 (available via the Chief Firearms Instructor) that can  
25 provide an all-encompassing response to meet all types

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1           of threat that may be anticipated or encountered."

2       A.   Yes.

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

4       A.   So what that's saying there is that would be the  
5           preferred option --

6       Q.   Contain and negotiate?

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

8       Q.   Right.

9       A.   So it's like with a lot of the guidance, it's the  
10           preferred option unless you can justify why it wasn't,  
11           so it may be -- I wouldn't even say if they had a hold  
12           of someone because the last thing you want to do is try  
13           and grab hold of someone who has already got like  
14           a hostage, because even that one you would be wanting to  
15           contain and back off and bring in professional  
16           negotiators in order to deal with that person but yes,  
17           that's the preferred unless something -- so just  
18           thinking there, if the person then dropped their weapon  
19           and they were seen to drop their weapon and then they're  
20           fumbling, you might then think "I'm taking my  
21           opportunity" and go for them, but if the person is  
22           holding a weapon or you believe they've got access to  
23           a weapon but you can't actually see it, then the  
24           preference would still be contain and negotiate where  
25           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."

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

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

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

18     A. Yes.

19     Q. -- a 9-inch blade?

20     A. Yes.

21     Q. Would they have to be stabbing somebody?

22     A. No.

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

24     A. No, no. If you just think that because of the  
25      circumstances of the item and/or the circumstances of

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1           the incident as well as the item, it's considered to be  
2           too dangerous to send officers in.

3       Q.   Unarmed officers?

4       A.   Yes.   So the person with the big machete, you know, it's  
5           going to be nearly as long as a police baton and it's  
6           not really ideal to send a police officer in with  
7           a baton against a machete, so straight off you say  
8           "That's a firearms incident".  The person then with  
9           a 9-inch blade, it could be a kitchen knife, it could be  
10          a machete, you don't know until you get to see, but  
11          9 inches can still kill a person with one stab.

12      Q.   And it says there on the second bullet point it can be  
13          a firearm or a potentially lethal weapon, but a knife is  
14          a potentially lethal weapon?

15      A.   Yes, yes.

16      Q.   And it says:

17                 "... otherwise so dangerous that the deployment of  
18          police firearms resources may be required to safely  
19          control the situation."

20      A.   Yes.

21      Q.   So in fact is it possible that someone even without  
22          a weapon could fall within this SOP?

23      A.   Yes, yes, they could.  If it was considered that they  
24          were too dangerous to deal with and that's because of  
25          the fact the firearms officers also have the taser.

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1 Q. And that would be based on what? What would that  
2 assessment of "otherwise so dangerous" amount to?

3 A. So it's all the information coming in. They may be  
4 throwing items of risk at people where you can't  
5 actually get near them and so the tactical option could  
6 be to instruct firearms, the ARV response, because it's  
7 otherwise too dangerous to send officers in to them.

8 Q. Thank you. Could we look at page 12, please. I would  
9 like to look at section 9 now, beginning with 9.4. This  
10 may be going back to what you said earlier:

11 "On receipt of a suspected firearms incident the  
12 Controller will immediately alert the Initial Tactical  
13 Firearms Commander (ITFC) of the incident."

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

17 A. No. The requirement is that it's -- if it is suspected,  
18 that it's brought to the attention of the ITFC before  
19 officers are deployed, so it doesn't have to be declared  
20 a firearms, it can still remain it's suspected but we  
21 need more information and therefore we're going to still  
22 deploy officers who aren't armed but with stringent  
23 control measures and tactical plan directions.

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



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1       A.   Yes.

2       Q.   Or it could be suspected, you need more information but

3            you then couple that with stringent control measures?

4       A.   Yes.

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

6            control measures, are those the ones you mentioned

7            earlier when we were discussing --

8       A.   Yes, and it could even be deploying staff in an unmarked

9            police vehicle first so that you're not attracting the

10          attention of people to it being a marked police vehicle,

11          so your officers might still be in uniform but inside an

12          unmarked vehicle at a distance, in order to get closer

13          or even drive by and feed back the information then.

14       Q.   We will come back to that.

15            Where it says "Initial Tactical Firearms Commander",

16            if the scenario was that the ITFC was also the duty

17            inspector, would that be the duty inspector?

18       A.   Yes.

19       Q.   Thank you.

20       A.   Those two roles nationally go hand in hand.  You usually

21          find that the control room inspector is also an ITFC.

22       Q.   We have heard that that involves extra training for the

23          officer?

24       A.   Yes.

25       Q.   And then 9.5:

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1           "The ITFC will ensure that it is clearly highlighted  
2           that they are in command of the incident."

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

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

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

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

20      A. So that all staff involved then know who they're  
21      listening to and who they're feeding back to and who  
22      they're asking for advice from because you've got the  
23      three aspects, you've got the bronze at the scene and  
24      you've got the tactical plan decisions and resourcing  
25      decisions, so you could have the two different

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1            commanders, but as the operational staff you need to  
2            know who is directing what aspect and who takes primacy.

3        Q.    What do you mean by primacy?

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

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

19        A.    Yes.

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

24        A.    Yes.

25        Q.    We have heard about a PIO in the area who is an

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1           inspector, and we have heard about a sergeant who is on  
2           the ground.

3       A.   Yes.

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

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

15                At the bronze level, where you have an inspector and  
16                a sergeant, because it's a hierarchy force with  
17                the police, the inspector will always take primacy over  
18                the sergeant and especially when it's then a nominated  
19                PIO role, they would become the bronze commander. The  
20                sergeant's role would be delivering the tactics,  
21                supervising the staff and doing the delivery with the  
22                staff and safeguarding the mechanics and the actual  
23                issues for the staff safety and who they're dealing  
24                with, their safety, but the command decision at bronze  
25                would lay with the PIO.

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

3 A. Yes.

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

8 A. Yes.

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

11 A. Yes, and they wouldn't be a commander.

12 Q. No.

13 A. You might then get several sergeants there at a bronze,  
14 so, for example, I might turn up with a PSU team in  
15 order to do a physical entry and search of the property,  
16 so then as the sergeant I would go to the bronze  
17 commander, like the inspector, and ask for the briefing  
18 and look at what were we doing, then I would take my  
19 team in to do shield entries and enforced entries and  
20 search through the house.

21 Q. So there could be potentially multiple sergeants doing  
22 different roles?

23 A. There could be multiple sergeants, yes.

24 Q. But they would be looking to the local inspector who  
25 would be the bronze commander?

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1       A.   Yes.

2       Q.   Right.  And then let's look at the scenario where it is  
3       simply a suspected firearms incident, so it's not been  
4       declared one by the ACR inspector.

5       A.   Mm-hm.

6       Q.   Can you help us understand how the governing structure  
7       would be in that situation?

8       A.   So the principle is still the same, it's rank and role,  
9       so you have still got the control room inspector being  
10      the initial spontaneous silver commander of any  
11      incident, until that role is formally agreed and handed  
12      over to somebody else, and you have still got -- because  
13      there's an inspector and a sergeant there, the inspector  
14      would outtrump the sergeant in the rank stakes and the  
15      inspector would be responsible for command decisions  
16      there.

17      Q.   With the sergeant delivering the mechanics on the  
18      ground?

19      A.   Yes.

20      Q.   And supervising staff?

21      A.   Yes.  Because one of the core issues around command and  
22      control is the ability to manage, like, staff, but if as  
23      the sergeant you're actually dealing with the incident  
24      you're not in a position to then manage, look at  
25      spreadsheets and go: who can we get from where?  You

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1           haven't got the authority or the time to do that, so you  
2           need people then who aren't actually delivering at the  
3           front end, who are in a position that they can look at  
4           screens, they can look -- they've got radio control,  
5           they can talk to people and get the resources that are  
6           needed.

7           Q.   How do officers on the ground understand that command  
8           organisation?

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

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

18          A.   Through the bronze command, so the -- for example, the  
19          bronze commander, so the inspector, unless they get  
20          replaced by -- if there was a superintendent or  
21          a chief inspector on duty there, they might then come  
22          down and then announce "I am the bronze commander now",  
23          because it works up the rank, not down the rank, so then  
24          they would give input to the sergeant who then delivers  
25          the message to the constables, and it's about trying

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1           to -- you don't want lots of different people going for  
2           the answers. It's got to be narrow so that you get  
3           a message cascading down, up and down the command  
4           structure.

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

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

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

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

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

18     A. Yes.

19     Q. And if, for example, the inspector, divisional  
20     inspector, the PIO, is in a police office, he is on the  
21     phone, he can see his screen, but he is not actually  
22     communicating on the Airwaves at that moment in time,  
23     how is it that any command decisions would be shared  
24     with the sergeant and the officers?

25     A. So they would either then use the radio to notify the



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1           sergeant, or mobile phone to the sergeant, or there's  
2           the back-to-back channel on the Airwaves terminal as  
3           well.

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

5       A.   Yes, yes.

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

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

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

19       A.   Yes.

20       Q.   -- Airwaves transmissions in chronological order.

21       A.   Yes.

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

24       A.   They would not appear.

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

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1           "Each and every incident will require to be  
2 progressed on its own merits and as such, much will  
3 depend upon the quality and quantity of the information  
4 that is available. Any deployment of police resources  
5 to alleged high threat situations should follow safe  
6 response procedures unless there are sound and objective  
7 reasons to discount the allegations. The facts that a  
8 reporter appeared to be under the influence of drugs or  
9 alcohol or chose to remain anonymous are not objective  
10 reasons to disregard established safe procedures."

11           Can you explain a little about that?

12       A. So safe procedures, you can't always get the safest  
13 procedure, so you have to try and make it as safe as you  
14 can in the circumstance, so your initial decision might  
15 be the contain and keeping distance, reporting back, but  
16 then you see -- you know, you're near to a school, it's  
17 3.15, or whatever, it's kicking out time and now you see  
18 a group of primary school children walking towards the  
19 person, so you know now you've got this threat and if  
20 you can't get to the children to divert them, you might  
21 then have to do something else and stop that distance,  
22 but all the time you're reviewing it and thinking what  
23 is the actual risk because we've got potential risks,  
24 hypothetical risks but we have also got to weigh that up  
25 with what is the actual risk that we're dealing with now

## Transcript of the Sheku Bayoh Inquiry

1           and second-to-second, minute-to-minute that can change,  
2           it can go up and down, you know, how are your staff  
3           dealing, but it's about if you are diverting from safer  
4           options which you have been instructed to do you need to  
5           be able to justify it because ultimately somebody's life  
6           is on the line and that might either be an officer, the  
7           subject or a member of the public so you need to be able  
8           to justify why you have diverted from core tactics.

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

12         A. Yes.

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

15         A. Yes.

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

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

## Transcript of the Sheku Bayoh Inquiry

1 forward again, or stay static.

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

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

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

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

21 Now, with being a rural force you're used to  
22 firearms incidents, as in "We have heard a shotgun, it's  
23 like lamping or scaring of birds", but this was unusual  
24 because you don't normally in the middle of the morning  
25 get a report of a shotgun sound in the town centre at

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

20 My boss went straight upstairs to the chief  
21 constable's suite to get one of those officers.  
22 I directed my team to switch on the gold command suite  
23 which is next door to the control room because it's  
24 easier to knock it down if it's proved not to be.  
25 Unarmed uniformed officers in the local area were being

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

9 Q. So depending on the particular circumstances -- and  
10 I appreciate that can change very quickly -- for -- we  
11 have heard that in Scotland if you wish to deploy an  
12 ARV, you have to have the authority of the inspector --  
13 the duty inspector at the ACR?

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

15 Q. Right. And we have also heard from Mr Graves that in  
16 London they don't need that authority because the ARVs  
17 are deployed -- they're roaming round London all the  
18 time, ready to be sent to an incident --

19 A. Yes.

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

22 A. Yes, the authority.

23 Q. And for a situation where multiple calls come in, as we  
24 have described, and it's a grade 1 call, knife incident,  
25 I would like to focus on what would be a reasonable

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1 officer response to that, bearing in mind the situation  
2 with the inspector in Scotland.

3 We have heard two possible options and I would like  
4 your views on them: 1, that an ARV is deployed  
5 immediately and then stood down if it is not needed  
6 within a short time; alternatively that contact is made  
7 with an ARV team, they are not deployed but the  
8 inspector waits for feedback and further information.  
9 Do you think both of those are within the range of  
10 reasonable options?

11 A. They're both within the range of reasonable options and  
12 just from our basis that we were running at the time was  
13 we erred on the side of caution and to deploy to  
14 a suspected because then you could cancel them because  
15 it might be several minutes and each minute counts if  
16 somebody's life is at risk, so -- but either option  
17 could be a reasonable option.

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

21 A. It's not. If you think about the proportion of  
22 incidents and the proportion of times you actually ask  
23 for them, it's not common in that respect. Likewise  
24 asking for dogs, you know -- you know, certainly as  
25 operational officers, or anywhere within the command

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1 structure, you know in an ideal world you would have  
2 a dog attached to every shift and an ARV, but you know  
3 that they're in short supply and so you have to be  
4 careful when you ask for them because you don't want to  
5 take it to your incident and then leave officers at  
6 a more serious incident where it should have gone, so  
7 basically it's not common to keep having ARVs and dogs  
8 attend your incidents.

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

11 A. No, no.

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

14 A. Where you're thinking about either it's either  
15 a confirmed incident, so either confirmed physical  
16 firearm, confirmed physical weapon of high risk, or  
17 because of the volume of information coming in, it's  
18 likely to be confirmed, either of those, because you  
19 might have, for example, someone with an imitation  
20 firearm, like an antique firearm or something and  
21 a member of the public with good intentions says they  
22 have seen someone with a gun, because they have seen  
23 someone with a gun, but it's an imitation or a model in  
24 some ways, it's not an illegal possession but they did  
25 see someone with a gun, or it's where you're balancing



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1 up that risk and thinking officers without taser still  
2 trying to deal with someone with a knife are at  
3 high risk of being stabbed or shot, and so you don't  
4 want to be deploying officers to those situations if you  
5 think that you have a safer option available to  
6 safeguard them and so all the time you're thinking about  
7 is it available? If it's not available because it's on  
8 a higher risk incident then again, you're back to: we're  
9 left with what we're left with, how can we make this  
10 safer, so all the time you're thinking about: if we're  
11 left with what we're left with, how can we do it safer  
12 to try and avoid no one being injured or killed.

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

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

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

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

25 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  
22 observing and seeing from a distance and seeing at the  
23 moment that no one else is in danger --

24 Q. No member of the public?

25 A. Yes, so if you can see that no member of the public is

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1           in imminent danger, you can keep your staff held back  
2           awaiting the dog, but then if a member of the public  
3           became in immediate danger then you've got to review  
4           that decision.

5       Q.   So again, dependent on the circumstances you see at the  
6           scene.

7       A.   Yes.

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

15      A.   It's not common to ask for all of that because you know  
16          that -- if you're constantly asking for it, it's like  
17          the boy who cried wolf scenario. You have to be careful  
18          and mindful how often you're asking for it and when  
19          you're asking for it and justifying it, because again,  
20          if you start getting these units deployed to you, you  
21          might be putting staff at serious risk in another  
22          policing area because you have taken that resource.

23      Q.   But making that request, that request coming from the  
24          sergeant, is that within the range of options open to  
25          a sergeant?

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- 1       A. Yes, so they can request it, yes.
- 2       Q. And in response to that request, what actions would you  
3       expect others to take in response to that?
- 4       A. I would expect in that line if the sergeant has asked  
5       for this information that that then should be  
6       immediately considered by the control room because at  
7       the end of the day they're the only ones who can  
8       actually contact those resources and deploy them.
- 9       Q. So if we have heard that in response to that there was  
10      contact made with the dog unit to see whether they were  
11      available, that would be within the sort of reasonable  
12      range of things that you would expect to happen?
- 13      A. Yes, and plus then the control room takes primacy in  
14      relation to deployment, so the dog handler might say  
15      "Well, I'm actually engaged on an incident here", but  
16      the control room inspector, for example, can then  
17      compare that incident with what they're asking for here  
18      and then take primacy and say, "No, you're being  
19      deployed to this incident".
- 20      Q. So again, in this scenario that we're discussing, you  
21      would expect a reasonable inspector to be part of that  
22      consideration --
- 23      A. Yes, yes.
- 24      Q. -- and that review?
- 25      A. Yes.

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

3       A. Well, the control room inspectors -- the role is  
4       designed to be immediately available 24/7, so if they're  
5       not immediately available you need to get them, so where  
6       are they? Because their deputy can't necessarily --  
7       they can't authorise to the same extent that the control  
8       room inspector is, so that's where you need as a team  
9       and a function to always have those available, or  
10      readily available and if the inspector isn't there --  
11      because they can't stay in the room all the time, so  
12      it's how quick can you get them, because they need  
13      involved in making that decision.

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

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

19      Q. Why do you say that?

20      A. On the grounds that it's not common practice for  
21      sergeants to constantly ask for these, and chances are,  
22      they know information that the control room staff don't  
23      know. They know the information about the staff  
24      involved, they know the information potentially about  
25      the location and especially now as all forces have gone

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1           to the area control room set-up rather than station  
2           control rooms, you are relying on that local knowledge  
3           and that local command sergeant or inspector, to  
4           understand a bit more about the team and the location  
5           and the risks.

6       Q.   So you would expect them to be -- to have more local  
7           knowledge of the area but also to know more about their  
8           team and their response team?

9       A.   Yes, so you don't ask for specialist resources lightly,  
10          so if a sergeant on the ground is saying "We need this",  
11          then my advice would be you would be looking for  
12          justification why not to give them it, and if the  
13          resource was available, you need to get them the  
14          resource.

15      Q.   We have heard evidence from Martin Graves, you have  
16          watched his evidence.

17      A.   Yes.

18      Q.   And he was of the view that an inspector at the ACR --  
19          it would be within a reasonable inspector in that  
20          position -- it would be within their options to either  
21          deploy the ARV, or to contact them, not deploy them, but  
22          wait for feedback. Do you agree with Martin Graves?

23      A.   Yes, I agree.

24      Q.   Can you help us understand what difference it might make  
25          to officers on the ground if a sergeant makes that

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1 request and if the control room then deploy an ARV,  
2 arrange for a dog unit to attend, and the sergeant has  
3 requested all units, can you explain what effect that  
4 might have on individual officers?

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

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

24 "I'm monitoring this obviously from an ARV  
25 perspective. If you get sightings of the male you need

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1           to make an initial assessment yourself and feed back  
2           through straight away and I will listen out on  
3           the channel."

4           Now, you have told us already about how you would  
5           see a stay safe message being communicated, so if we  
6           assume that a stay safe message along these lines has  
7           been communicated, to what extent do you think that that  
8           communicates all that would be required in a stay safe  
9           message?

10          A. I think that it needs to be short, sharp, precise, no  
11          ambiguity in the message, and capable for the officers  
12          to hear, so short and snappy, keywords, and clear about  
13          the mandate, so sometimes if you give officers that  
14          freedom of saying like "Make your own decision, decide  
15          this", does that mean they're to keep distance, or they  
16          can interact with the person, so it's about clarity,  
17          like "Do not approach, feed back first".

18          Q. And earlier today, am I right in thinking you said the  
19          controller in the ACR can also give a stay safe message?

20          A. Yes.

21          Q. That could be at an early stage?

22          A. Yes.

23          Q. And in response to that type of message that I have just  
24          described, what would you expect a reasonable officer to  
25          give back to ACR in terms of feed back?



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1       A. Definitely that they are approaching the scene, or  
2       arriving at scene, ideally approaching the scene and  
3       what they can first initially see, so is that one  
4       person, you know, one suspect, several suspects, any  
5       sight of weapons, any other factors of risk, so members  
6       of the public nearby or not, so some key principles  
7       like: suspect sighted, one person, no knife visible, or  
8       knife visible, no members of the public in immediate  
9       vicinity, by the road, you know, whatever, but just some  
10      key principal factors of what is making this a risk or  
11      not, higher risk or lower risk.

12     Q. And is that something that officers are generally  
13      trained to do?

14     A. Yes.

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

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

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

21     A. Yes.

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

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

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1 MS GRAHAME: Thank you.

2 (12.59 pm)

3 (The luncheon adjournment)

4 (2.00 pm)

5 LORD BRACADALE: Ms Grahame.

6 MS GRAHAME: Thank you.

7 Ms Caffrey, I would like to move on to look at the  
8 tactical options that may be available to reasonable  
9 officers --

10 A. Yes.

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

13 A. Okay.

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

18 A. Yes.

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

23 A. Yes.

24 Q. -- Gallaghers pub car park, and officers could park in  
25 the car park, wait there in the same position, the same

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1 location, keep their eyes on the subject, if he walked  
2 off they could try and they could try to contain him,  
3 they would have to be fluid, there would be a potential  
4 risk to members of the public if they appeared, it would  
5 have to be closely monitored, but they would take  
6 a point of view from Gallaghers car park, see the  
7 roundabout, the streets in that area, and while they  
8 were waiting, be feeding back to the ACR. So that's  
9 the -- we will call that the rendezvous point option.

10 A. Yes.

11 Q. Is it your view that it would be open to reasonable  
12 officers attending a knife incident to embark on that  
13 option of -- way of proceeding?

14 A. Yes, that would be one tactical option.

15 Q. Right. And would that tactical option remain open to  
16 officers if it had been declared a firearms incident by  
17 an ACR inspector?

18 A. Yes, but if it had been declared a firearms incident  
19 then there would be a mandate from the ACR informing  
20 officers not to approach.

21 Q. Right. And would it remain an option if a firearms  
22 incident was not declared by the ACR inspector?

23 A. Yes.

24 Q. Would it be an option open to the sergeant on the  
25 ground, the divisional sergeant?

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1       A.   Yes.

2       Q.   Would it be an option open to the PIO, the inspector in  
3           the divisional area?

4       A.   Yes.

5       Q.   Would it be an option for individual officers attending  
6           the scene?

7       A.   Yes.

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

9       A.   Yes.

10      Q.   -- to choose that option?

11      A.   Yes.

12      Q.   And would you be able to help the Chair understand what  
13           reasonable officers would do when at a rendezvous point,  
14           if they have opted for that tactical option?

15      A.   So the main benefit of the rendezvous point is for  
16           additional staff to meet and then to discuss rapidly the  
17           tactical options of how they can work the incident with  
18           the numbers of staff that they've got, so whether that  
19           be two officers, four, six, 12, but it gives them time  
20           to come together and hopefully then produce  
21           a coordinated option and that might be then deploying so  
22           many to one part of the scene and so many being in  
23           reserve, but it would then be an agreed plan and ideally  
24           led by a supervising officer.

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

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1 RVP -- rendezvous point that you mentioned this morning  
2 in your example?

3 A. Yes, absolutely, yes.

4 Q. So not the formal --

5 A. No.

6 Q. -- planned RVP?

7 A. No.

8 Q. And you have said that officers would come together,  
9 there could be a coordinated option. What do you mean  
10 by that?

11 A. So that's where, for example, if the sergeant was there,  
12 or a constable would take the lead to say "This is what  
13 I think we should do", you know, and deciding what skill  
14 sets were there, who is better able to do certain  
15 tactics, and this is where it's vital that you  
16 understand who is in the team and you know what their  
17 experiences are, what their capabilities are, so you  
18 would look at their experience, the qualities of their  
19 training, matching them with the potential demographics  
20 of the person because that person could be an 80-year  
21 old lady who has escaped -- sorry, "escaped" is the  
22 wrong word -- who has left a care home, who has got  
23 dementia, but she too could have a knife, so then you  
24 might think then well looking at the demographics of  
25 your staff, who is potentially better able and willing

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1           to take the lead for the contact role, so the  
2           conversation, but then if you're looking for tactical  
3           application of use of force then you may then look at  
4           the experience of who you've got and what competencies  
5           exist in using the force, who is then going to take over  
6           as the supervisor of any use of force, you know, so it's  
7           about trying to fit the demographics of the people that  
8           you've got with the demographics of the suspect or  
9           subject that you're going to deal with.

10          Q.   And allowing that time at the rendezvous point from what  
11               you're saying suggests that it provides more opportunity  
12               for officers to consider the skills and experience of  
13               the members of the team.

14          A.   Yes, and even down to, you know, if it does end up going  
15               to a restraint, allocating who is taking what role in  
16               the restraint, so you might then be looking at "You're  
17               the leg person, you're one of the arm persons", and so  
18               that's -- the officers then know what the plan is, what  
19               the loose plan is, so you don't end up with everybody  
20               laying over their legs and nobody has got hold of the  
21               arms, so especially when there's a higher risk and  
22               a potential for a weapon that might be concealed, you're  
23               thinking then about if it gets to that point, the  
24               containment, the restraint, the searching, you know, who  
25               is going to do the search.

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1 Q. So to what extent is there a -- if a plan is created, to  
2 what extent does that allow additional benefits to the  
3 officers in terms of protecting their safety and the  
4 safety of others?

5 A. Yes, both because the more efficient you can make the  
6 process, the quicker it is. It's then reducing the risk  
7 of chaos because sometimes you find with interventions  
8 it ends up in chaos because nobody knows who is doing  
9 what, so the more you can warn and plan, the more then  
10 it's hopefully -- it's hopefully time-efficient,  
11 safety-efficient and therefore reduces the risk to all  
12 parties because you've got this tactic in place of who  
13 is trying to do what role, who is taking control, who is  
14 going to be the supervisor, who is going to be the  
15 safety officer. If members of the public appear, who is  
16 going to deal with them because again, you wouldn't want  
17 everybody letting go at one point thinking nobody else  
18 is doing that, so you could allocate rapid roles and all  
19 of this -- we're only talking matters of seconds for  
20 a supervisor to rapidly allocate roles and if it's  
21 a tactic which is used regular within that shift, people  
22 then will automatically say, "I will do whatever, I will  
23 do this", and within small teams you start becoming  
24 aware of who does which role within that team.

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

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1       A. Very quick, very quick.

2       Q. -- creating a tactical plan --

3       A. Very quick.

4       Q. Very quick.

5       A. Yes.

6       Q. You said a moment ago seconds?

7       A. Yes.

8       Q. So not a lengthy period?

9       A. No, it's not a write-down plan and that, it's very

10       rapid. People know what the roles are so it might be

11       head officer, you know, left arm, right arm, legs,

12       you're the supervisor, you know, you're the member of

13       the public", so people know rapidly what is their

14       primary role if it's required.

15       Q. What about permitting time for specialist resources to

16       arrive? Would a rendezvous point option permit that?

17       A. Absolutely, because the rendezvous point then will allow

18       the time for specialist officers to arrive, but also

19       afford the staff there the visibility of the scenario,

20       so that if it becomes no longer viable to wait, they can

21       rapidly intervene, but they can also then be assured --

22       for example, if a member of the public is about to walk

23       in on it, they're going to have to then do something,

24       but if they're kind of able to confirm the public is not

25       at imminent risk, we have still got time to wait for the



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1 resources.

2 Q. So when you say no longer viable to wait, what type of  
3 situation would you expect to mean reasonable officers  
4 would say it's no longer viable to wait?

5 A. So this would be where if the person is continuing to  
6 move but they're now trying to get into somebody's  
7 property, or they're trying to -- they're going into  
8 a hospital but again, you're going to need to feed that  
9 back to the tactical for advice about what to do because  
10 the whole scenario is increasing in risk.

11 You might see the group of children walking towards.  
12 With some members of the public you can verbally shout  
13 to them to back off. You could then look at, well, can  
14 you get a police vehicle in-between the member of the  
15 public who is walking in that direction and cut them off  
16 before they actually get near the person. There's  
17 ultimately many scenarios that you could consider, but  
18 this is where the benefit is often having a supervisor  
19 involved in that part so they can be thinking about the  
20 wider health and safety factors for all people  
21 concerned.

22 Q. And that supervisor could be the sergeant on the ground?

23 A. Yes.

24 Q. And when I read out the scenario there was a suggestion  
25 of it having to be fluid. Does that permit

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

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

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

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

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

17 A. An object as in an object of concern, so it could be  
18 a weapon, it could be stolen property, so it's  
19 whether -- it's what relevance that object has. And  
20 then place, so is the person moving, have they gone now  
21 onto a road, because if they're in the highway it  
22 increases the risk to that person themselves on the  
23 road, because they could get run over, and then thinking  
24 about what can we actually see of the person, is there  
25 anything yet telling us more, is this a criminal

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1 intervention or is it a medical intervention that  
2 the police are there for.

3 Q. What sort of information could a reasonable officer be  
4 hoping to gather in about the subject themselves in  
5 terms of assessing things such as mental health or  
6 otherwise?

7 A. Okay, so one of the things that's often used within  
8 police is looking at vulnerability assessment framework  
9 and it's an A, B, C category of looking at A, the  
10 appearance of the person, so how are they appearing, so  
11 whatever you can see about the appearance, is it  
12 different in any way to this like normal person who  
13 would be in that same situation, so that could be either  
14 visually looking, mode of dress, so how are they  
15 appearing, do they appear drunk, intoxicated, are they  
16 incapable of walking in a straight line, what is that  
17 appearance and then that links us into B, which is the  
18 specific behaviour, so what are they actually doing  
19 because then is the behaviour then indicating concerns  
20 for perhaps the intoxication, the mental health, some  
21 other kind of medical emergency, are they grabbing their  
22 chest as they're stumbling around because it might then  
23 indicate concerns about heart attack, angina attacks, so  
24 then when you get on with C and communication, the  
25 communication one, it's difficult from a distance but

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1 not impossible because are they shouting out at  
2 [passers-by], is it appropriate what they're shouting  
3 now, so try and -- is the communication verbal,  
4 non-verbal, how is that communication? And within all  
5 of this look at dress, is it appropriate for the  
6 situation. The D then is the dangers that's involved,  
7 so are they about to walk into the road, onto a train  
8 track, go into water -- you know, a harbour, so what are  
9 the specific dangers that's about. Then environment,  
10 are there any specific issues about the environment, so  
11 close to a mental health unit, close to a hospital,  
12 close to a school, highly populated residential areas,  
13 or is it commercial areas, so all of these factors are  
14 often looked at in relation to this is the kind of  
15 feedback which is relevant to the risk.

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

19 A. Yes.

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

22 A. Yes.

23 Q. And other officers who are listening?

24 A. Yes, because that's ultimately assisting the inspector  
25 there and the ACR team to work out about changes of

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1 risk, any update they maybe then need to pass on to  
2 specialist resources who are attending, so the  
3 specialist resources might not yet be on that radio  
4 channel to hear this, so they act as the mid-person to  
5 communicate the updates to the specialist resources.

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

7 A. Yes.

8 Q. And that included dress, so, for example, if a person  
9 was out on a wet day, it was cooler, and they were  
10 wearing a T-shirt with short sleeves, is that the type  
11 of information that an officer would be looking for?

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

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

23 A. Definitely. Intoxication and mental health. The police  
24 are well-known for dealing with a large volume of people  
25 who are suffering from the effects of intoxication or

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1           mental health crisis and so the more that they can  
2           recognise the warning signs for this -- because at the  
3           end of the day the police officers are not healthcare  
4           practitioners, so they're taught to look for signs, and  
5           it's those signs then that need to be passed to go  
6           "There's a lot of signs now, it's still not proof but  
7           there's signs that's indicating this might be something  
8           else".

9       Q.   When a reasonable officer sees signs, what would they  
10       do, what would they be --

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

23      Q.   We have heard that if officers identify a medical  
24       emergency that they can contact through their radios ACR  
25       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 --  
22 there's a difference whether it's a country lane or  
23 a motorway and whether they're about to go over a bridge  
24 in case then they fall over the bridge, or whether  
25 they're going towards a harbour end, so the danger links

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1           into the environmental issues as well, but also the  
2           weather issues. It's whatever is specific to that  
3           scenario that day.

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

5       A. Communication.

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

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

19      Q. Thank you. Can I ask you if officers do take the  
20          decision, or a sergeant takes the decision to gather at  
21          a rendezvous point and they are gathered there, what  
22          impact does that have on the ACR, the staff there? What  
23          importance do they place on that?

24      A. Well, chances are if they think they have deployed  
25          someone straight to the scene and now the staff on the



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1 ground are going "We're not going straight to the  
2 scene", they should then be thinking is this  
3 disobedience of a lawful order or is there something  
4 else, so that should then be triggering them to think  
5 what do the officers know or believe that we don't see,  
6 and sometimes, you know, that's all it comes down to,  
7 that the officers on the ground with the local knowledge  
8 know something or believe something that the area  
9 control room can't because they don't have that local  
10 knowledge.

11 Q. And in terms of a situation if the officers decide and  
12 then the sergeant becomes aware of that, what impact  
13 would that have on a reasonable sergeant?

14 A. Again, it should be indicating to them "What's the  
15 problem?" you know, "Do I need to -- as the sergeant, do  
16 I need to take them into this and manage them into this?  
17 Do I need to brief them? What is it that's holding them  
18 back? What are they seeing or thinking that I, as the  
19 sergeant or the control room, aren't seeing?" So again,  
20 it's just that extra warning light to say "Something's  
21 not right here", because business as normal officers get  
22 told to go to an incident and they go, so for someone  
23 then to go "Mm-hm, no" ...

24 Q. And would that be the same warning light if the sergeant  
25 had made the decision or the PIO had made the decision

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1           to gather at a rendezvous point?

2       A. Yes, definitely.

3       Q. When we talk about the benefits of gathering at  
4           a rendezvous point would this also permit an opportunity  
5           to wait for, say, a dog unit?

6       A. Definitely, yes.

7       Q. Or an ARV if that was deemed appropriate?

8       A. Yes, yes.

9       Q. Right, thank you. I would like to move on to the second  
10           scenario, if I may. Again, this is a non-engagement  
11           scenario, if I may call it observe, wait and feed back,  
12           but perhaps at a nearby location.

13      A. Yes.

14      Q. So observe, wait and feed back. And this would be  
15           a scenario or a tactical option where the officers  
16           wouldn't move to a remote rendezvous point, but perhaps  
17           park nearby in the street at the end of the street, or  
18           in the vicinity, even perhaps driving by the area. They  
19           would observe, wait and feed back. They could park and  
20           remain within the vehicle but observe, wait and feed  
21           back to the ACR, perhaps stop a short distance away and  
22           say to themselves "I can see him, this is what's  
23           happening to him", so observing what the subject looks  
24           like, what he is doing, what's happening at that moment  
25           in time and the location, and then creating some space

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1           and some distance there, so not bringing themselves out  
2           of the vehicle into potential harm's way.

3           Again, as a tactical option open to reasonable  
4           officers would you -- in the scenario we have been  
5           discussing about the knife incident, would you agree  
6           that was an option open to reasonable officers?

7       A. Yes, definitely.

8       Q. And if we imagine these reasonable officers carrying out  
9           this option, how would they -- or what would they be  
10          communicating with the ACR while they're doing this  
11          observation?

12      A. Similar things again as what would be passed back from  
13          the rendezvous point, just now that you're closer to the  
14          person, so same things again about the appearance, what  
15          you can see, the behaviour, the communications, any  
16          dangers, the environmental factors, so as much as  
17          possible and then ensuring that you've got an escape  
18          route as well because if it does escalate you need to  
19          either be able to, you know, quick U-turn or move  
20          forward if you need to do that, so it's constantly being  
21          flexible and responsive to either act -- act either to  
22          go forward or to reverse.

23      Q. So if circumstances change and perhaps a vulnerable  
24          member of the public comes onto the scene, the  
25          officers -- reasonable officers can respond to that

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1 immediately?

2 A. Yes, yes.

3 Q. So they're not required to wait there for a particular  
4 length of time?

5 A. No, because ultimately the priority -- the policing  
6 priority is always the preservation of life, so if life  
7 is at risk then the reasonable officer is always going  
8 to try and respond to that, but officers are never  
9 expected or mandated to put their own lives at risk in  
10 order to save the life of another. A lot of officers  
11 will, but they're not mandated to do that.

12 Q. What benefits are there to waiting and creating a little  
13 bit of time and space?

14 A. Again, it's gathering more information and intelligence  
15 in which to then feed back into the NDM so that you're  
16 hopefully then looking at a more accurate risk and  
17 threat picture and also then that you can think about  
18 the policies and procedures as well because what are we  
19 in, because you can have the same person but if you're  
20 looking at them under an arrest model, or a help model  
21 then your response is going to be different, so the more  
22 information that you can gather, hopefully then the more  
23 accurate your response is with the plan.

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

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

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1 information to think this is actually a person in  
2 a medical health, or a mental health crisis and again  
3 they need a medical intervention, so although the police  
4 may assist we're not looking at an arrest mode, we're  
5 looking at helping somebody who has got a medical  
6 incident going on, or the person could even be a victim  
7 of a crime, you know, they have just managed to escape  
8 from having been a hostage for -- somewhere, they're  
9 still coming off the effect of drugs which they have  
10 maybe been given, so it's not always -- it's not always  
11 a clear distinction between what you're dealing with.  
12 You've got to be prepared for who is this person that  
13 you're dealing with, as much signs as you can get and  
14 warning signs off the person, whereas if it's purely  
15 then that you're thinking "This is arrest mode", the  
16 other issues might then be secondary rather than  
17 thinking the primary objective with this is, you know,  
18 a mental health crisis which the police are assisting  
19 with, or is it a primary objective of an arrest for  
20 a serious offence, or is it a victim that we need to  
21 help -- that they need to help.

22 Q. So a reasonable officer is still at this stage  
23 considering is this a medical matter, or would it be  
24 exclusively a criminal matter?

25 A. Yes.

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

3 A. So the closer you are, the more you can pick up on the  
4 face, so although from a further distance you can see  
5 from the behaviours a lot of indicators, but the more  
6 that you can physically see the face, the more  
7 information that's going to give in relation to --  
8 you know, is the face interactive or not, or is it like  
9 a paralysis where the face is just numb, not moving,  
10 very little movement there, or is there something  
11 physical with the face, do we have what looks like  
12 a head injury, do we have the eyes bulging in relation  
13 to potential injuries or mental illness. So it's about  
14 trying to see as much as possible on the face in  
15 relation to again, feeding that in and thinking "Which  
16 way are we swinging in relation to what is this  
17 a response for?"

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

21 A. Definitely, because that's going to increase or reduce  
22 risk when you start dealing with the person and it might  
23 impact your methodology of how to deal with the person  
24 as well, who you're going to get to deal with the  
25 person, so officers are trained from the beginning to

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1           take in as much as possible and think about are any of  
2           these tick lists being -- you know, these risk factors  
3           being ticked or not and if we're getting numerous ticks,  
4           in which list are they in. Are they more in the  
5           criminal list or the medical list or the mental health  
6           crisis list?

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

9       A. No, no. The only time factor would be if the risk and  
10      threat shifts to then cause like significant -- imminent  
11      harm to someone. That would be the pressure, but other  
12      than that there's no time limit involved in this.

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

15     A. Yes.

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

21     A. The safest method is keeping your door locked in the car  
22     and approach, and if need be that you just open the  
23     window slightly because even if you open the door and  
24     think "Well, I will use the door as cover", if the  
25     person moves forward quickly you haven't got time to get

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1           in and shut the door, so by keeping the door closed and  
2           locked it gives you that time as well to see if it  
3           there's going to be any reaction from the person, are  
4           they going to try and get into the police car and get  
5           you out, so whilst you're in the vehicle you're safe and  
6           you can also evade the area.

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

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

17      Q.   And again, would observing and waiting permit  
18          an opportunity for a reasonable officer to wait for  
19          specialist resources to arrive?

20      A.   Yes.

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

22      A.   Yes.

23      Q.   We have heard evidence from Martin Graves that he took  
24          the view that this type of option, the observe, wait and  
25          feed back, was open to reasonable officers and is it



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1 fair to say you agree with him on that?

2 A. Yes, I agree.

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

6 A. Yes, I agree.

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

11 A. Okay.

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

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

24 Q. Subject to that distinction, where Martin Graves  
25 appeared to describe the rendezvous point as

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1           available -- an option available for reasonable  
2           officers, you would agree with him to that extent?

3       A.   Yes.

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

5       A.   Rendezvous points can be two seconds.

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

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

17               Now, the police might need to travel in the  
18               ambulance with the person as well for the safety of all  
19               involved, but the primary transport method is always the  
20               medical model with medical staff there because  
21               police officers are not medical.   All they can do is  
22               look at indicators, so those risk markers.

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

25      A.   Well, hopefully then they're getting the care and

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1           attention that they need, plus we've got then fully  
2           equipped ambulances which can cater for transportation  
3           of a person on the stretcher, the medical seats, rather  
4           than in the back of a police van in handcuffs.

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

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

8       Q.   Yes, all right, thank you.

9           I would like to move on to a third scenario and this  
10          scenario is the first, really, where there's engagement  
11          with the officers, and I'm going to call this  
12          de-escalation.

13      A.   Yes.

14      Q.   And I will describe this to you as a scenario where  
15          a tactical option of engage and negotiate and  
16          de-escalate. Unarmed officers attend a location. They  
17          are trying to understand what is going on, which would  
18          then allow them to inform decision-making about the  
19          process. They would provide additional updates to ACR  
20          and other officers. It would provide them with various  
21          options, such as the opportunity to communicate. It  
22          would be a key to building rapport. They would attempt  
23          to de-escalate, engage and negotiate.

24      A.   Mm-hm.

25      Q.   A type of situation where there was engagement with the

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1 subject, they're not sitting in a vehicle in any  
2 position, they're actually approaching the subject in  
3 some way and in relation to that type of scenario I'm  
4 interested in whether you consider that option would be  
5 open to reasonable officers who are approaching  
6 a subject in the scenario we have described, grade 1  
7 knife incident.

8 A. Yes, definitely, but you could even commence the  
9 communication through the open window, you know, as in  
10 "Hey, are you okay?" and just to get the response from  
11 how is the person going to respond to any attempt to  
12 communicate whilst you're still in the vehicle, so it  
13 doesn't have to be a case that you can't speak to the  
14 person and try and build rapport unless you're out of  
15 the vehicle, it can start from that point. Then if  
16 a person turns round and goes "No, I'm all right, I'm  
17 all right, just a bit wound up", or not, or they might  
18 instantly go into a violent attack on the police  
19 vehicle.

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

22 A. Mm-hm.

23 Q. -- about how the person is?

24 A. Yes.

25 Q. Can you describe in terms of what a reasonable officer

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1           would do, what tone they would use, what their body  
2           language, their demeanour would be like?

3       A. I think the reasonable officer would look at trying to  
4       come in low, knowing then that they've got flexibility  
5       to suddenly increase the response. As I mentioned  
6       earlier, it's difficult if you go in at a high level to  
7       come down, so it's -- certainly officers are trained if  
8       there's any suspicion of mental crisis, mental health  
9       crisis, or medical, it's about being calm with the  
10      voice, keeping it quiet, offering assistance and not  
11      being sharp to frighten the person into -- because a lot  
12      of people might, if they're in crisis, be frightened of  
13      the police, just the physical uniform can send the  
14      anxieties there, so it's about trying to be calm and  
15      going, you know, "Hello, hey up", whatever, whatever  
16      local --

17     Q. In a Scottish accent?

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

21     Q. What circumstances in that situation would give rise to  
22     a suspicion in the mind of a reasonable officer that  
23     this was a mental health crisis? Could you give us  
24     examples?

25     A. Yes, so if the person -- if they're not -- if their

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behaviour is unusual, so like, the clothing, the lashing out at things, talking -- talking to nobody, or into open air, so we've got behaviour, then physically the bulging of the eyes, that would indicate either mental health crisis and/or some form of intoxication, staring through people, so if you're not actually correctly focusing, because often if you're talking to a person -- a lot of people even in mental health crisis can talk quite freely back depending on what the crisis is, but sometimes you will see their eye focus point isn't there, they're either looking right through you or there's no change in their eye contact and again, I'm not a healthcare professional to identify what that means, but that would be a tick of concern to go, "I need a healthcare professional to look at this and tell me is this relevant".

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

A. Yes.

Q. -- what does that mean?

A. Ambulance at the scene there, or if it got to it and the person was being arrested, it would be healthcare upon

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

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

13 A. Yes.

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

17 A. Again, it's giving you more information in relation to  
18 that NDM and to feed then into the policies and powers  
19 to then be thinking about which SOP or which legislation  
20 am I going down with this because you might still be  
21 unsure where you're going with this. Plus it gives you  
22 that opportunity to try and build that rapport with the  
23 person as well because you don't want a person to be  
24 thinking about violence towards you because at the end  
25 of the day, the officers as well all want to go home

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1           safe that day, so it's about trying to keep everything  
2           as calm as possible and to try and minimise escalation  
3           of violence.

4       Q.   What if an officer -- a reasonable officer is looking at  
5           the subject but is unsure whether it is a mental health  
6           crisis --

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

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

10      A.   Yes, yes.

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

13      A.   Yes.

14      Q.   -- provide that advice?

15      A.   Yes.

16      Q.   What advice would you expect a reasonable supervisor to  
17           be giving if the officer is uncertain whether it's  
18           a mental health crisis?

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

21      Q.   Yes?

22      A.   I think then the reasonable supervisor is likely to say  
23           "This needs a medical intervention", as in: we need to  
24           deploy an ambulance, get an ambulance to the scene,  
25           because there's -- it's quite common where an ambulance



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1           will go to a scene and check someone over before they're  
2           then brought to custody and then at custody, because  
3           they have already been checked at the scene, the  
4           embedded healthcare professional will then further  
5           assess them and then decide do they need to go to the  
6           hospital or can they continue with them at the custody.

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

10      A.   Yes.

11      Q.   If a reasonable officer is unsure but seeking that  
12           clarification --

13      A.   Yes.

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

15      A.   Yes.

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

17      A.   Yes.

18      Q.   Maybe not by the officer, or sought by the officer, but  
19           by the supervisors?

20      A.   Yes, because I think if the constable who is dealing  
21           with the person has got suspicions that there might be  
22           mental health, or health, then that's enough then to say  
23           "This is no longer just business as usual, we have now  
24           got suspected mental health, we need someone with  
25           medical training to actually now look."

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1 Q. And what difference would it make if rather than mental  
2 health issues, it was an issue about intoxication  
3 through drink or drugs? Would any of the evidence you  
4 have given alter in any way?

5 A. No, because same again, the intoxication through drink  
6 or drugs are specified conditions, the same as mental  
7 health, head injuries and angina, so as a specified  
8 condition they need to be advised upon by a healthcare  
9 professional, so the level of intoxication is important  
10 to establish whether -- even if it's a criminal matter,  
11 they might still not be safe to go to custody, to the  
12 actual custody unit, they might still need to be taken  
13 to hospital and officers remain at hospital with them  
14 until they are deemed to be low enough intoxication and  
15 safe enough to then be dealt with by non-healthcare  
16 staff in a custody unit.

17 Q. Thank you. To what extent does this form of engagement  
18 with a subject permit a reasonable officer  
19 an opportunity to make an assessment about the demeanour  
20 and the behaviour of the subject?

21 A. It gives a really good one. Sometimes that moment of  
22 being closer can give a lot of rapid suspicion of risk  
23 factors, because there's just something you think "Well,  
24 it's just something -- this person just isn't presenting  
25 how I would expect an average normal member of the

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1           public today to be presenting".

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

5           A.   Definitely, definitely, yes.

6           Q.   And what difference, if any, would it make if the  
7               subject is non-verbal, so not communicating verbally  
8               with the officers?

9           A.   That, for me, would indicate more risk factors because  
10            you're thinking then why are they not speaking? Is it  
11            an inability to speak through maybe a disability, in  
12            which case, this could be even more frightening because  
13            maybe they can't hear as well. Are they not speaking  
14            because of impact of intoxication, drink or drugs, in  
15            which case if they can't speak, then they need medical  
16            help, because they're at such a level of intoxication,  
17            or is it the mental health aspect why they can't speak  
18            and either way, the communication then from the officers  
19            is going to be difficult because it's a barrier to  
20            communication if that person either has any impacted  
21            hearing ability or speech ability.

22           Q.   So essentially all of these factors would be going  
23               through the head of a reasonable officer and would  
24               a reasonable officer then be feeding back to ACR?

25           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.

22 Q. For reasonable officers attending a knife incident such  
23 as we have described, would this option be open to  
24 reasonable officers?

25 A. It would be open if the preclusion existed for the other

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1 things have either been attempted and failed, or  
2 deemed -- because of the imminent risk -- they weren't  
3 feasible to attempt.

4 Q. Tell us about this principle of preclusion?

5 A. So it's about looking at -- you're always trying to look  
6 at what is the lowest level of force that I can use and  
7 force -- use of force isn't just about the physical use  
8 of force. The moment you draw a baton or CS, that is  
9 a use of force, it's a level of force that you're using  
10 because there's the threat impact effect there, so you  
11 don't actually have to hit someone with your baton for  
12 it to be a use of force by the baton. Simply  
13 withdrawing it is still a methodology of use of force.

14 So sometimes time will be an impact. So if the  
15 person -- if a person is running at you now with a knife  
16 in their hands, I have a split second to decide -- none  
17 of this like verbal intervention -- none of it is likely  
18 to work because I need to stop the momentum of the  
19 person suddenly running at you, but if they're at the  
20 other end of the room and they've got the knife or  
21 another weapon and then they're going, "I might go and  
22 kill Angela", then I've got some opportunity there to  
23 go, "Do you think that's a wise option?"--

24 Q. Okay.

25 A. -- or whatever, but you've got some opportunity there,

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1           so it's all about looking at time factors, level of  
2           risk, the imminency of it, so is it about to happen now,  
3           or is it in the near future; is it going to create any  
4           additional or increased risk by whatever option I decide  
5           to do or not do because an action is also an inaction,  
6           so there's pros and cons with action or inaction.

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

10      A.   Yes, and it's making those rapid decisions of  
11           thinking: what is the right option at this time and, as  
12           you mentioned before, two officers might have  
13           a different viewpoint on what option is the best option,  
14           but ultimately, if your decision-making is there, then  
15           it's more likely to be evidenced and hopefully work out  
16           than if there's no decision-making there.

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

21      A.   If you come in at verbal dominance, you're quite high up  
22           on the communication aspect, so there's less chance then  
23           of going into nurturing mode, you're basically at that  
24           critical parent didactic particular mode, so you have  
25           begun a chain of events on the communication level, so

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1           it's difficult to go from being that dominant person to  
2           then going to "Can I help you? Do you want to talk  
3           about it?"

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

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

10      A.   Yes, because the person might now have a barrier to  
11          communicate to me if I was trying to be dominant to you,  
12          but another officer then arriving who took a more  
13          nurturing approach, you might instantly warm to them,  
14          but it's difficult for me to create a rapport now with  
15          you because that's been damaged.

16      Q.   So more difficult for that reasonable officer, but still  
17          something that they could attempt to try?

18      A.   Yes, still something that can be attempted, but just  
19          more difficult.

20      Q.   So it would still remain a reasonable option for other  
21          officers who have not got that situation.

22      A.   Yes.

23      Q.   In terms of permitting a reasonable officer time to  
24          engage and communicate or build a rapport with the  
25          subject, how does verbal dominance as an approach impact

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1           on that?

2           A. It doesn't really give you the opportunity to build  
3           a rapport because you have gone straight into didactic  
4           mode, so that does bring up a lot of barriers. You  
5           would have to then work harder to get those barriers  
6           down over longer-term, but time-wise it would all be  
7           dependent on the people involved as well and could --  
8           the person who started off in a dominant role, do they  
9           even have the time then to try and go into a nurturing  
10          mode and then would that person actually go that easy to  
11          think "Well, okay then, now you're being nice", so it  
12          could create barriers, but each individual, whether it  
13          be the officer or the subject, it's personal to them as  
14          to length of time.

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

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



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1 force, usually --

2 Q. And when you say impact, you mean increase, escalate?

3 A. As in it's more likely to increase and escalate, yes,  
4 because you will often find the person then, the subject  
5 will either respond in a forward motion at the officers,  
6 or try and suddenly escape, so then you've got a bit of  
7 a chase on and use of force. That's from my experience  
8 that I have seen those different methodologies being  
9 attempted.

10 Q. And if a reasonable officer used verbal dominance, what  
11 impact would that have on their opportunity to assess  
12 whether it was a mental health matter, a health issue,  
13 or an arrest issue?

14 A. Potentially it's going to reduce the chance -- the time,  
15 so you are more likely then -- you've got your evidence  
16 from prior to that verbal dominance and then whatever  
17 happens after the verbal dominance, but it's removed  
18 a section of time. Now, that section of time, you know,  
19 could be short, could be long, but by trying to -- if  
20 you've got the opportunity to engage with the person a  
21 bit and establish more communication or lack of  
22 communication, it just then gives you more information  
23 feeding into the NDM.

24 Q. And that can then be fed back to ACR?

25 A. Yes.

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1 Q. And are there any circumstances -- and you may have  
2 already answered this actually -- where you feel that  
3 this approach would not be one that a reasonable officer  
4 would consider open to them on arrival at an incident?

5 A. I think when you arrive at a scene if you start thinking  
6 that what you're dealing with is mental health crisis,  
7 I think the reasonable officer would go down the line of  
8 trying communication and de-escalation that way. If you  
9 have arrived at the scene and you think a crime is  
10 imminent, so the person is about to stab someone, then  
11 you're going to go more to the verbal dominance because  
12 you want that crime in motion to stop, or that crime  
13 that's about to happen.

14 Q. Thank you. Can we look at -- well, I should say --  
15 I think I said at the outset -- we heard from  
16 Martin Graves and he said this is an option open to  
17 officers --

18 A. Yes.

19 Q. -- reasonable officers, depending on the circumstances.

20 A. Yes.

21 Q. Would you agree with that in principle?

22 A. Yes, yes.

23 Q. Thank you. Can we look at the use of force SOP now,  
24 please. It will come up on the screen, it's PS10933.  
25 This is the use of force standard operating procedure

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1           and if we look at 2.2 to 2.7, just up the screen --  
2           thank you. 2.2:

3           "Any force used by a Police Officer or member of  
4           Police Staff must be legal, proportionate, and  
5           reasonable in the circumstances and the minimum amount  
6           necessary to accomplish the lawful objective concerned."

7           Do you understand that principle?

8       A. Yes, yes.

9       Q. And could you explain what it means by the minimum  
10       amount necessary to accomplish the lawful objective?

11      A. Yes, so there, for example, if a person was urinating in  
12      a doorway, it would be completely disproportionate to  
13      taser them. It might be an annoying act, but it's  
14      completely disproportionate to what's happening. So  
15      it's looking at can you avoid the use of force  
16      altogether, simply by your mere presence. You know,  
17      sometimes the officer's physical presence, or a warning  
18      from them, verbal warning, pleading with them to like  
19      "Stop what you're doing now" -- so I'm not talking about  
20      the urinating now, just any incident.

21      Q. No.

22      A. So those initial engagements in addition to your  
23      physical presence. Can you even get in-between people,  
24      so if you see, for example, two people are squaring up  
25      outside a pub or a club, then you will quite often see

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1           officers getting in-between, hands up and saying "Back  
2           off", or you might see then a push and like just a small  
3           push "Back off", so all the time they're looking at can  
4           this be avoided altogether with this minimum amount of  
5           force, but then if the person comes to attack, how are  
6           you then going to deal with the person and then that's  
7           where, for example, you're taught the colour coding of  
8           the body system to understand risk factors and which  
9           then would be the safer body parts to target.

10          Q.   Can I ask you what it means about accomplishing a lawful  
11               objective?

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

15          Q.   And then 2.3:

16               "Action must be proportionate ..."

17               Which you have just described:

18               "... in relation to the competing rights of  
19               individuals and any force used should be no more than is  
20               absolutely necessary. In this regard individual  
21               officers and staff must be prepared to account for their  
22               decisions and to show that they were justified. It is  
23               recognised as good practice for police officers and  
24               staff to record details in their notebooks of all  
25               instances involving the use of force and the reasons why

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1 force was necessary."

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

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

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

19 A. Yes.

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

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

24 Q. And then as well as individual officers justifying their  
25 actions, to what extent would a reasonable officer

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1           consider they had to justify each use of force?

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

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

14      A. Yes.

15      Q. Dependent on the circumstances that exist at that  
16      moment?

17      A. Yes, yes.

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

22      A. So every officer has a pocket notebook, and that pocket  
23      notebook needs to record significant events as their  
24      aide memoire, so any use of force that you have used,  
25      even if that's just you have drawn your equipment, it's

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1           achieved the objective, you haven't had to physically  
2           use it, you would still make a note of this because the  
3           person could still then, for example, make a complaint  
4           in relation to the police use of force to move them on  
5           from an area, for example.

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

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

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

20      A.   Yes.

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

22      A.   Yes.

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

24      A.   Yes. Yes, basically by the end of your shift you're  
25          expected to put in your use of force forms by the end of

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1           that shift, but it was permissible within the next  
2           24 hours before your next shift, but they were looking  
3           at by the end of that shift you put them in, so some  
4           nights you could put several in for the one shift,  
5           especially on a night shift, because if you have been  
6           using handcuffs for transportation of people in from  
7           locations as well, you would need to be putting the use  
8           of force form in for the fact that you have decided to  
9           restrain them and why, so the form asks about what the  
10          risk assessment, the reasons for handcuffing, so yes,  
11          some officers could end up putting multiple forms in per  
12          shift or per week.

13        Q.   We have also heard some evidence about use of spray  
14              forms --

15        A.   Yes.

16        Q.   -- and a legal requirement which came in  
17              in April 2013 --

18        A.   Yes.

19        Q.   -- that they be completed within 24 hours?

20        A.   Yes.

21        Q.   And in Scotland, at least sent to PIRC, the Police  
22              Investigations and Review Commissioner, and that would  
23              be sent via the OST email address and then passed to  
24              PIRC. Is that something you're aware of as well?

25        A.   Yes. At the time when I was policing, the use of force



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1 form that we had covered the CS as well, it wasn't  
2 a separate one, but I believe most forces now have gone  
3 to a separate one for the CS, or PAVA.

4 Q. Do you have any knowledge of if forms aren't completed  
5 by officers, so use of force forms or use of spray  
6 forms, what arrangements are made to ensure completion  
7 of those forms?

8 A. Well, it's a mandate that they're put in, so usually  
9 then the supervisor is on the team member before the end  
10 of that shift to be saying "Where's your use of force  
11 form?" because typically the paperwork will go through  
12 the sergeant if it's hard copy; if it's electronic copy  
13 I don't know what safeguards Police Scotland had in  
14 place for the sergeant to know that they have put an  
15 electronic copy in, but certainly the paper copies would  
16 always come through the sergeant when I was there.

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

18 A. Yes.

19 Q. And for the sergeant?

20 A. It would be the inspector.

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

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

24 "An arrest should be made as unobtrusively as  
25 possible. In no circumstances must a prisoner be

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1           harshly treated or have greater force used towards that  
2           person than is absolutely necessary to restrain them."  
3       A.   Yes.  
4       Q.   Can you explain what that means?  
5       A.   Yes, so that's complying with some of the European  
6           human rights for safer custody, whereby whether the  
7           detainee is police or prison -- it's about use of force  
8           and arresting unobtrusively, so, for example, you don't  
9           overtly go into somebody's workplace and arrest them, or  
10          into the public -- you would ask them if -- depending on  
11          the risk "Do you mind stepping outside", and then if  
12          they start saying , "I'm not stepping outside", you say,  
13          "Well, you either step outside to be arrested or we're  
14          going to arrest you in here", so it's looking at  
15          wherever possible can it be done subtly and likewise, it  
16          is recommended that you don't arrest children at school  
17          and again, it's just about trying to remove some of that  
18          stigma from them being arrested there.  
19       Q.   So it's not even to the extent about using force to do  
20          that, it's using that subtly, as you put it --  
21       A.   Yes.  
22       Q.   -- or discreetly?  
23       A.   Yes, so you don't make a big show of it and put  
24          spotlights on people because at the end of the day for  
25          what they're being arrested for, they might be innocent.

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1           And then about the issues about being harshly treated,  
2           so that -- if it's excessive use of force then that  
3           would breach the European Conventions in relation to use  
4           of force with detainees, that it's not overly used, it's  
5           not used excessively in volume, so even though the force  
6           in itself might not be excessive per se, but if it's  
7           a volume that's unnecessary then that could be that.

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

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

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

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

20         A. Yes. And it might depend on the individual demographics  
21                 of the officer involved. You know, if the person is  
22                 a lot bigger and stronger than you, or you fear that  
23                 they're a lot stronger than you by the size and  
24                 behaviour presented, then if that officer then feels  
25                 they need equipment in order to defend themselves and

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

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

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

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

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

21          A. Yes.

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

24          A. Yes, so this would link in with, you know, days gone by  
25          where there might be large gatherings of people and

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1 a little bit of disorder happening but you would see  
2 police running in with truncheons just indiscriminately  
3 hitting out at people and then innocent people who were  
4 there just to watch, were not offering violence, are  
5 then struck. So that would link in with those kind of  
6 examples and preclusion there -- it's about looking at  
7 what's reasonable in the circumstances. You're not  
8 going to taser someone who has been at a minor disorder  
9 level.

10 Q. Yes. And 2.7 finally:

11 "The overriding principle is that any force used by  
12 ... Officers and ... Staff must never be excessive. Any  
13 force used must be reasonable based on the individual  
14 person's perception of the threat that they are  
15 immediately facing."

16 I'm interested in this phrase "The individual  
17 person's perception of the threat that they are  
18 immediately facing". Do you have any comments on that?

19 A. Again, it would take into account things like  
20 demographics, background, your own level of knowledge  
21 and competency, whether incidents have happened in the  
22 past which then make you fear that that's a potential  
23 risk that you're going to experience. It's very much  
24 down on the individual officers to justify why the  
25 threat and risk that they were being posed they

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1           considered to be, you know, disproportionate for the  
2           response coming back or not.

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

6                 "This term encompasses the actions and behaviour of  
7           the subject and comprise of the Warning and Danger signs  
8           they exhibit coupled with Impact Factors. Profiling  
9           a person's behaviour may assist in determining  
10          an officer's reasonable response. Profiled Offender  
11          Behaviour can be sub-categorised ..."

12                And as we go down the page do we see that those  
13           categories are split into, I think, six levels?

14       A.   Yes.

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

18       A.   Yes.

19       Q.   Are you familiar with all these categories?

20       A.   Yes, they're similar across the UK and different  
21           sectors.

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

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1           "By combining the elements of Profiled Offender  
2           Behaviour and Impact Factors it afterwards the  
3           officer/staff the ability to quickly assess the threat  
4           and to make an informed decision to adopt appropriate  
5           tactics from a range of force Options in order to deal  
6           with the situation in a controlled justifiable and  
7           accountable manner. These responses (force options) can  
8           be sub-categorised."

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

13       A. Mm-hm.

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

15       A. Yes, yes.

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

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

20       A. So this is looking at -- for example, if you're  
21           interfering with someone's human rights and entitlements  
22           to be able to move freely around the street but you're  
23           now stopping them simply by your physical presence, can  
24           you account -- can you justify it and can you account  
25           for it, so it's often balancing rights of one against

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1           rights of another as well and whether use of force is  
2           applicable, or your intervention rather than any just  
3           use of force.

4       Q.   And in terms of providing a justification for choosing  
5           a use of force, you may recall as you have watched  
6           Martin Graves' evidence he said it's not just justifying  
7           that particular use of force, but also why you didn't  
8           choose an alternative lower method?

9       A.   Yes, yes.

10      Q.   You agree with that?

11      A.   Yes.

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

14      A.   Yes.

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

20      A.   Yes.

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

24      A.   Yes.

25      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.

22 A. Yes.

23 Q. Could I see the preceding one and this one I'm not --

24 yes. And then we see here "Use of Force":

25 "Force must only be used when it is:

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1 "Reasonable ...

2 "An absolute necessity.

3 "The minimum amount necessary.

4 "Proportionate..."

5 And:

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

8 A. Yes.

9 Q. Can I touch on perception before we move on. To what  
10 extent is perception a factor when one is carrying  
11 out -- a reasonable officer is doing the NDM and  
12 carrying out a risk assessment?

13 A. Well, certainly it's something to take into  
14 consideration but the officer still has to justify their  
15 action or inaction, because collectively,  
16 police officers have such a varied background even prior  
17 to joining the police and then in the police different  
18 postings will give them different experiences, different  
19 capabilities, different competencies, then we've got age  
20 factors, and we've got maybe where it's gone wrong,  
21 different -- they will experiences of trying things,  
22 it's gone wrong, trying things, it's worked, their own  
23 personal history of being assaulted, so officers will be  
24 considering all of this, but that doesn't mean to say  
25 that that's the only factor to consider. It's something

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1           else to take into consideration but you still need to be  
2           objective with the facts and risks as presented and as  
3           known, but your background in relation to what this  
4           might be could then feed extra information into that  
5           information and intelligence as the first step.

6       Q.   So would it be open for the Chair to consider it is  
7           still appropriate for him to consider the reasonableness  
8           of any perception --

9       A.   Yes.

10      Q.   -- that is stated.

11      A.   Yes.

12      Q.   Thank you.   And we have heard from Martin Graves that  
13           the four options we discussed are open to officers; you  
14           agree with that?

15      A.   Yes.

16      Q.   And you agree that they are open to all the individual  
17           officers separately?

18      A.   Yes.

19      Q.   Any use of force at any time has to be -- each  
20           individual use of force --

21      A.   Yes.

22      Q.   -- has to be justified, and would you agree that  
23           a reasonable officer will endeavour to observe the  
24           preclusion principle in what they do, depending on the  
25           circumstances?

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1       A.   Yes.

2       Q.   I would like to move on now to -- sorry, are you  
3           comfortable to continue?  Would we need a break?

4       A.   Yes, yes.

5       Q.   Yes, thank you.  I would like to move on to look at some  
6           specific scenarios with you.  Where first of all  
7           officers are attending an incident, we've discussed  
8           this, there's an allegation of a knife that the subject  
9           has chased cars with that knife?

10      A.   Yes.

11      Q.   There's been a call for all units to attend, the  
12           sergeant has asked -- sergeant on the ground has asked  
13           for a dog unit and an ARV, and I'm going to again be  
14           asking you some questions about tactical options that  
15           are open to reasonable officers in different scenarios?

16      A.   Yes.

17      Q.   So if I can take you to the first officers arriving at  
18           the scene, against that background.

19      A.   Yes.

20      Q.   And the subject is walking briskly.

21      A.   Yes.

22      Q.   He is noted by an officer to have eyes bulging out of  
23           his head.  It's been raining, blowing a gale, the  
24           subject is wearing a wee T-shirt.

25      A.   Mm-hm.

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1 Q. His palms are held out and there is no knife visible but  
2 obviously the Airwaves have been inviting officers to --  
3 deploying officers to a knife incident. He is already  
4 walking towards officers when they get out of the van  
5 and an officer became aware he was high on something.

6 Now, as we go through this scenario I would like to  
7 have the use of force SOP back on the screen if possible  
8 and I would like to go through 4.6 and 4.7, the profiled  
9 offender behaviour and the reasonable officer response.

10 So let's start with 4.6. It is profiled offender  
11 behaviour and let's start there. So in the circumstance  
12 I have described to you, what would a reasonable  
13 officer's view be in relation to the category of  
14 profiled offender behaviour?

15 A. So at the moment we have just got a person who is going.  
16 If the officers then initially engage as in "hey,  
17 stop" -- do we have some indication first from the  
18 officers to establish what is the reaction to that, so  
19 if the officers try to engage by saying "Hello", or  
20 whatever words, if the person then is attempting to --  
21 well, sorry, if the person then responds in a positive  
22 way, as in "Hi officer, how can I help?" then they're  
23 fully compliant, they're level 1, they're complying with  
24 this.

25 But then you might get the person who is then

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1 walking on by, so then you're at level 2 because they're  
2 not compliant. They may or may not be verbal but  
3 certainly if the person then -- you know, it's not  
4 uncommon to try and engage with someone who wants to  
5 carry on walking by and they may even say like "No, not  
6 bothering", or just do a non-verbal hand sign gesture or  
7 just try and ignore the fact that you have even asked  
8 them to stop, and there's many reasons for that lack of  
9 engagement initially. It could be either, you know, the  
10 person has got hearing difficulties so they haven't  
11 heard you, or it could be that the person just doesn't  
12 like the police, you know, or it could be that the  
13 person can't understand because of intoxication or  
14 mental illness, or the person is guilty of something and  
15 they don't want to engage with the police, so there  
16 could be a spectrum of why a person doesn't want to  
17 engage.

18 Q. Would a reasonable officer have that spectrum of  
19 possibilities within their thoughts?

20 A. I believe so. Because you still want to know why:  
21 what's the problem, why -- why aren't you willing to  
22 speak to me? I'm trying to engage with you here.

23 Q. And if the subject -- as this scenario I have  
24 described -- is eyes bulging out of his head, wearing  
25 a T-shirt when it has been raining and blowing a gale

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1           that day and the officer is aware he was high on  
2           something, can you explain what level of response  
3           a reasonable officer at that stage would consider  
4           appropriate?

5       A. I think they would be thinking about this is a person  
6       who is under the influence of intoxication and/or mental  
7       illness and I need to get them medical attention, so  
8       "Control, we need an ambulance"; "Hey guy, I want to  
9       help you, how can I help you", and look at that initial  
10      engagement as to can you get a rapport with the person  
11      and stress to them "We're here to help", but still  
12      keeping all the distance because you don't know whether  
13      there's a weapon involved or not.

14     Q. So at that stage what are the factors, the key factors  
15     from the description I have given you that would in your  
16     mind alert a reasonable officer to calling for that  
17     ambulance?

18     A. Definitely the visual of the eyes bulging. If the face  
19     then if it's not looking, it's not responding like  
20     normally, the inappropriate clothing for the weather,  
21     those factors alone would be thinking "There's something  
22     not right here, it --" and you still don't know as  
23     a police officer whether it's purely intoxication,  
24     purely mental health crisis or both, but the fact that  
25     you deal with both issues quite a lot would increase

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1           your suspicions that this could be yet another incident  
2           involving these areas.

3       Q.   And for a reasonable officer, bearing those factors in  
4           mind, how long do you think it would take them to  
5           contact ACR on the radio and --

6       A.   It should be very quickly because you want to feed that  
7           information back and plus you're trying to then feed  
8           back to the control room the nature of what -- so it  
9           doesn't negate the fact that a knife has been reported,  
10          but it's instantly feeding back that this is a person  
11          involving potentially intoxication/mental health crisis,  
12          which in effect could increase the risk if not handled  
13          appropriately.

14      Q.   And thinking about how a reasonable officer would  
15          respond to that risk, potentially a higher risk, what,  
16          in your view, would a reasonable officer be doing after  
17          they have contacted ACR about an ambulance?

18      A.   It then indicates this is going to have additional risk  
19          factors for police involvement and that would be all the  
20          more reason to hopefully have the dog arriving because  
21          you -- you still need the person to stop and you still  
22          need to find out if they've got a weapon, so that in  
23          effect is involving your stop search powers, but yet if  
24          the weapon is concealed on them then that's putting the  
25          officers at risk to go into that personal space.  So you



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1           have still got obligations there as well to either  
2           negate that risk by finding the weapon and removing it,  
3           or demonstrating it's not there, and then in which case  
4           if it's not there, one of the key roles of the dog as  
5           well is to find discarded items, so if potentially  
6           you've got a discarded knife you know then if the dog is  
7           coming, the dog's role then is find the knife, or  
8           whatever weapon it is before the public finds it and  
9           then uses it in another way.

10          Q.   Right.   Would it be an option for a reasonable officer  
11               at that stage to withdraw?

12          A.   Yes, it would still be an option.   It would still be an  
13               option.

14          Q.   What does the possibility of the knife, even though it  
15               is not visible, what's the possibility -- what impact  
16               does that have on that option in terms of how  
17               a reasonable officer would deal with it?

18          A.   It's all about balancing that risk factor and imminent  
19               danger, so if you think -- if there's no knife visible  
20               it doesn't mean the knife isn't there, but it also means  
21               that the knife could have been discarded because that  
22               can happen as well, but it's then looking at is there  
23               a necessity to escalate this to -- if the person isn't  
24               willing to stop and comply, do we then increase  
25               the police presence to do it by force, or do you back

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1           off for the time being, keep observations or even follow  
2           the person, carry on walking along with them to still  
3           try building rapport but keeping distance. So it's not  
4           saying -- you're not going to get into your car and  
5           drive off and out of sight. It would still be -- but  
6           there is still an option of keeping that distance and  
7           constantly trying with that either verbal engagement to  
8           try and get the rapport, or you might back off a little  
9           bit more and just keep close following.

10          Q. Would a reasonable officer consider that it was open to  
11             them to continue to attempt to communicate and to  
12             continue to attempt to build a rapport?

13          A. Yes, certainly for those immediate tactical objectives  
14             because at the minute we've got officers who haven't  
15             actually got a given tactical option, so if the tactical  
16             option was given that the objective is that person must  
17             be stop searched for the weapon, then they know they're  
18             still aiming for that tactic, but if no tactic has been  
19             given and the officers are being left to decide their  
20             own tactic, then that's going to impact it as well and  
21             then they might be thinking "We need more than two  
22             officers in order to deal with this because we need to  
23             get the person to stop and we need to be able to go  
24             through the process such as the stop search", but with  
25             two officers with a non-compliant person that's going to

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1           be more problematic.

2           Q. When you say no tactical option, is this what you were  
3           talking about earlier, the benefits of an RVP or  
4           observe, wait and feed back, that it creates that  
5           opportunity to prepare a tactical option?

6           A. Yes, and a formal tactical option, so if the supervisor  
7           says "The object is by the end of this incident we will  
8           have stop searched this person and then we will respond  
9           to whatever is found or not" --

10          Q. And for a reasonable officer in this situation you have  
11          said one option would be to continue to attempt to  
12          communicate and engage.

13          A. Yes.

14          Q. What would the impact be for this officer, reasonable  
15          officer, of knowing that more officers were coming, all  
16          units were coming?

17          A. It means then you're buying time because you know  
18          there's extra officers arriving so then once you've got  
19          sufficient there and you're notifying them which way  
20          they're going, as those officers are joining you've got  
21          more officers then to put a containment on to stop the  
22          person having the freedom of movement and then you can  
23          bring the containment in more and again, depending on  
24          time, how far behind is the dog because ideally you want  
25          the dog involved so officers don't have to go into the

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1           near space, but if no dog is available and isn't  
2           attending then at some point the officers are going to  
3           have to go in closer to conduct the stop search, but at  
4           least then if you've got multiple officers there you can  
5           look at the use of force in order to facilitate the  
6           search.

7       Q.   So if circumstances permit, even at that stage, it would  
8           be open to a reasonable officer to fall back, wait for  
9           other officers, wait for a dog if available, and prepare  
10          a tactical plan in amongst those other officers?

11      A.   Yes.

12      Q.   Even at that stage?

13      A.   Yes.

14      Q.   And would at that stage a reasonable officer be  
15          considering ABD? We have heard about acute behavioural  
16          disorder or disturbance, we have heard about a phrase  
17          used at an earlier stage called excited delirium. Is  
18          that the sort of thing that a reasonable officer would  
19          be considering at that stage?

20      A.   They would definitely be considering mental health  
21          crisis. That then links on to the next checklist in  
22          relation to the ABD and thinking about what else do I --  
23          what else would I need to be triggering this, so it's  
24          hanging there at the moment as a potential checklist, so  
25          then you're thinking about, well, that's like excessive

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1           body heat is a potential risk, lack of (inaudible). We  
2           haven't done anything yet to justify whether those other  
3           bits are ticked, so yes, it might be there because it's  
4           trained -- they're often trained hand in hand with the  
5           intoxication and the mental health crisis risks. Here  
6           it's about ABD and positional asphyxia, so they're  
7           trained as interweaving issues but then they could be  
8           also stand-alone.

9           Q. Right. If a reasonable officer was seeking to adopt  
10          a minimum level of force, what options would be open to  
11          that officer at this time?

12          A. This would be looking for trying to get a containment  
13          on -- but you would need the additional officers. That  
14          would then be a minimal level of force to contain.

15          Q. And if a reasonable officer was endeavouring to observe  
16          the principle of preclusion, what would that reasonable  
17          officer try first?

18          A. Well, in order to do -- it would be the verbals and the  
19          distance because in order to do any sort of "Hey" --  
20          because sometimes if the person is in crisis they're not  
21          aware that the person is there, unless you physically  
22          touch them to go "hey", but then you don't want an  
23          officer to be going into that close space to be able to  
24          touch a person until you know whether there is a knife  
25          or not there, or whether there's sufficient officers be

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1           to involved, so certainly at this point I would be  
2           thinking the reasonable officer would be still thinking  
3           about keeping their distance until there's sufficient  
4           officers to try and be safer in the approach because if  
5           no dog is coming, then at some point they're going to  
6           have to go into that personal space in order to rule out  
7           the concept of the knife.

8       Q.   We have heard from Martin Graves in relation to this  
9           scenario and I want to see if you agree with his views.

10          He says:

11                "At this point I would be looking at the information  
12                in relation to what they knew before they arrived,  
13                specifically if they believed the individual is in  
14                possession of a knife, but it's a cold morning, the  
15                person's wearing a T-shirt ..."

16                I'm reading this short:

17                "It's raining, their demeanour, their look indicates  
18                to the officer there's possibly intoxication of some  
19                description, thinking around how might this person  
20                respond to me. I might get out of the vehicle and  
21                approach, they might not like the police, they don't  
22                want to talk to us, they don't want to do anything, try  
23                to talk to them, see what's wrong with them. They're  
24                obviously, you know, intoxicated or possibly  
25                intoxicated, I need to establish that, and sometimes

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1           that's only available to be able to talk to the  
2           individual just to verify the fact."

3           Do you agree with what --

4       A. I do agree with that, yes.

5       Q. -- Martin Graves says about that. And he has described  
6       it as:

7           "You've got level 1 profiled offender behaviour  
8       here."

9       A. Yes.

10      Q. "And then they're approaching the vehicle, they're  
11      getting out of the vehicle, they can assess the vehicle,  
12      and then you would go to level 2, you would engage that  
13      individual, try to engage that individual in  
14      conversation, it could be something as simple as 'Stand  
15      still', 'what's up?', 'What are you doing?', 'hello',  
16      anything like that and see what sort of response I get.  
17      Do I get a no response, some physical or verbal response  
18      from that attempted communication, so you've got 1 and 2  
19      very quickly together. Do you agree with that?

20      A. Yes.

21      Q. Thank you.

22           I would like to move on to a different scenario  
23      where officers have embarked on using strong verbal  
24      commands and those commands are not complied with by the  
25      subject. So the subject is walking towards the officers

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1           when they get out of the vehicle, they park in his path,  
2           he is not aiming for them as such, he continues walking  
3           and he doesn't move or divert away from them.

4           Again, thinking about the categories of profiled  
5           offender behaviour, where would you place the behaviour  
6           that I have described?

7       A. Well, it's definitely level 2, as in the resistance  
8       there, but again, a key thing would be do they actually  
9       understand what is expected of them to be doing because  
10      a lot of the time, especially if someone is in crisis,  
11      they might not even be aware that the police are there,  
12      or that they are police, or if they're aware someone is  
13      there, what they're even saying or wanting of them, so  
14      I think there there would be an issue of how can we  
15      demonstrate that they actually understand that we want  
16      them to stop and engage.

17     Q. Is the -- for a reasonable officer, we see these  
18     categories, you have said they would be aware of those,  
19     would they also be considering the mindset of the  
20     person, or the reason behind the behaviour?

21     A. Yes.

22     Q. And that would be part of the information they feed into  
23     the risk assessment?

24     A. Yes.

25     Q. And so for the description I have given you of the



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1           subject's behaviour, how would a reasonable officer  
2           categorise that?

3       A.   Certainly level 2.

4       Q.   And the question would be asked do they understand, is  
5           that what you said?

6       A.   Or they're looking for some feedback to them about does  
7           this person actually understand we're the police and  
8           we're wanting them to engage.

9       Q.   What if they don't get that feedback?

10      A.   Well, then it might not be so much that it's -- because  
11         we talked about profiled offender behaviour, but if the  
12         person -- the person might not be an offender for  
13         offender behaviour, it might be that they're actually in  
14         a medical emergency, so they can't physically respond.

15      Q.   And what would a reasonable officer consider  
16         an appropriate response to level 2 behaviour? Do you  
17         want to go -- we can go down to 4.7 and see the  
18         reasonable officer response?

19      A.   I think here we're looking most are at the verbal  
20         interaction to try and get the person to look at them,  
21         acknowledge them and show that they're either able to  
22         acknowledge their presence --

23      Q.   Right, if we look at level 2 "Tactical  
24         communications" --

25      A.   Yes.

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1 Q. -- are you -- your response you have just given us --

2 A. Tactical communications, yes.

3 Q. We have heard that these different levels are not in  
4 neat, clearly defined boxes, and there can be a range of  
5 options within each level?

6 A. Yes.

7 Q. Describe to us the range of options that are open to  
8 a reasonable officer in level 2 tactical communications?

9 A. So at one extreme you've got the nurturing  
10 communication, as in "I'm a police officer, I want to  
11 help you, do you need help", and at the other end you've  
12 got the scenario of the didactic, "Stop, down on your  
13 knees", so it's a lot more didactic communication there,  
14 but ultimately if you're trying to communicate with  
15 someone you have to be able to send a message that that  
16 person can receive so the methodology of the sending is  
17 important as well because things that will affect that  
18 message being received will include things like  
19 intoxication and crisis.

20 Q. And is it a matter for the discretion of the reasonable  
21 officer to tailor their style of communication with the  
22 needs of the subject -- the needs of the circumstances  
23 that present themselves?

24 A. Yes, because the example I gave earlier about the  
25 80-year-old lady who has gone missing from the care

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1           home, the rest of the circumstances could be the same,  
2           she is walking down the road in a nightdress, reports of  
3           her having had a knife, lashing out at cars, that person  
4           then might need a different tactic or officers might  
5           give a different approach to that person than a young  
6           male who looks physically strong and healthy, but the  
7           exact same circumstantial conditions other than their  
8           demographics are different.

9           Q.   And why would the response from the officer be different  
10          if the circumstances were the same?

11          A.   Partly because of the threat that they would fear as  
12          well if it goes wrong because they might then be  
13          thinking, "I can deal with a frail 80-year-old person  
14          who has gone missing from the care home", but then they  
15          might think "I can't actually deal one-on-one with  
16          a young, fit, strong person", so those demographics will  
17          have differences as well.

18          Q.   We have heard evidence that in using the National  
19          Decision-Making Model and in providing information into  
20          that to carry out the risk assessment, that there are  
21          many factors that can be fed into that --

22          A.   Yes.

23          Q.   -- but one of them can be your own skills, your own  
24          experience, your own capability, compared to the  
25          subject?

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1 A. Yes.

2 Q. The training you have had, the equipment you have  
3 available, or the equipment you don't have available?

4 A. Yes.

5 Q. The specialist resources that you have available or you  
6 don't have available?

7 A. Yes.

8 Q. Is that all correct?

9 A. Yes, definitely.

10 Q. When we consider this scenario that we're looking at, to  
11 what extent would a reasonable officer consider using  
12 their CS or PAVA spray?

13 A. Well, CS and PAVA is a defensive tactic at level 4,  
14 which then would be in response to self-defence, so  
15 either defence of themselves, or defence of another  
16 person.

17 Q. So let's look at level 4. We were on -- we were looking  
18 at level 2, tactical communications.

19 A. Yes.

20 Q. Level 3 is control skills and we will look at that in  
21 a moment. Defensive tactics are:

22 "... perceived to be strikes, whether delivered by  
23 means of empty hand techniques or baton strikes, but  
24 also include the more robust defensive handcuffing  
25 techniques and the use of CS Incapacitant Spray."

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1       A.   Yes.

2       Q.   So the use of that spray is a level 4 --

3       A.   Yes.

4       Q.   -- response?

5       A.   Yes.

6       Q.   And can you explain what would the view of a reasonable  
7           officer be in using a level 4 defensive tactic by using  
8           their spray in those circumstances?

9       A.   Yes, I think you would be looking at --

10      Q.   Sorry, could I have one minute.

11               (Pause).

12               Are you happy to answer this question?

13      A.   Yes.

14      Q.   Sorry.

15      A.   You would be looking at use of spray if you felt there  
16           was an imminent attack about to happen on you by that  
17           person, or on your colleague by that person, and you're  
18           using it then to defend your colleague or yourself or  
19           a member of the public who is in imminent danger of  
20           being attacked and preclusion-wise, you haven't got  
21           a chance to, like, get in front of them and try and stop  
22           them.

23      Q.   I was going to ask you in that -- if we go back up the  
24           page we can see that -- sorry, yes. Level 3, "Control  
25           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).

22     LORD BRACADALE: Yes, well, Ms Caffrey can go, I take it?

23     MS MITCHELL: Yes.

24     LORD BRACADALE: Ms Caffrey, you can leave now and if you  
25      come back at 10 o'clock tomorrow morning.

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1       A.   Okay, thank you, sir.

2                               (The witness withdrew)

3       LORD BRACADALE:   Yes, Ms Mitchell, do you want to come to  
4       the table?

5       MS MITCHELL:   Yes, I'm obliged to the Chair for allowing me  
6       this opportunity.

7               The Chair will have heard during the course of the  
8       hearing this afternoon there was some noise from the  
9       back of the Inquiry room, which appeared to be coming  
10      from a telephone.   Now, that sounded not like  
11      a telephone might go off like a ringing tone, or perhaps  
12      a ping because they have forgotten to put off the tone  
13      or something, but it sounded actually as if something  
14      was being listened to or a noise sounded like -- the  
15      Chair can make their own inquiries, but it sounded like  
16      football.

17              Now, I wonder if the Chair can make a direction to  
18      ensure that all parties, when they are in the Inquiry,  
19      are using their mobile phones for reasons of  
20      communication between perhaps other people in their  
21      group and for no other reason.   Clearly of all the  
22      witnesses that come to court and all the work that is  
23      being done -- sorry to the Tribunal -- it's highly  
24      important that we have the opportunity to clearly focus  
25      and concentrate on that and this sort of interruption is

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1           clearly not what we, or indeed the family, wish for.

2 LORD BRACADALE: Well, I shall reflect on that submission,  
3 Ms Mitchell. I have had representations in relation to  
4 a number of aspects of the activities of legal  
5 representatives, so I will reflect on that as one  
6 element of that. Thank you.

7 (3.51 pm)

8 (The Inquiry adjourned until 10.00 am on Thursday,  
9 1 December 2022)



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