

OPUS2

Fishmongers' Hall Inquests

Day 13

April 29, 2021

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1 Thursday, 29 April 2021
2 (10.00 am)
3 (In the absence of the jury)
4 JUDGE LUCRAFT: Mr Hough, just before the jury come in,
5 I think, Mr Armstrong, you said yesterday you've got
6 about another 5 or 10 minutes to go?
7 MR ARMSTRONG: (Off microphone – inaudible), I might be
8 about 20 to 30, I've got a couple of points.
9 JUDGE LUCRAFT: We've got quite a lengthy programme today
10 and tomorrow which Mr Hough set out yesterday at the end
11 of the day, which no one said was unworkable. I'm just
12 conscious that we just need to make sure we get through
13 things.
14 MR ARMSTRONG: Yes. I absolutely will do my best and I've
15 actually cut the questions a little overnight.
16 JUDGE LUCRAFT: Right.
17 Then, Mr Rule, I think you are to follow. Estimate,
18 please?
19 MR RULE: (Off microphone – inaudible).
20 JUDGE LUCRAFT: 40 minutes.
21 MR RULE: (Off microphone – inaudible).
22 JUDGE LUCRAFT: Right, thank you.
23 MR HOUGH: With Ms Leek's questions that will take us to the
24 mid-morning break with Mr Machin.
25 JUDGE LUCRAFT: Yes.

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1 MR HOUGH: Then we have Ms Butler and Ms Boulton to go
2 today.
3 JUDGE LUCRAFT: Yes.
4 MR HOUGH: And certainly we would need to finish both of
5 those today in order to be on track to finish with
6 Mr Styles and Ms Nix tomorrow, so perhaps there can be
7 some discussion between all counsel to work out timings
8 during the breaks --
9 JUDGE LUCRAFT: Certainly.
10 MR HOUGH: -- for all those witnesses.
11 JUDGE LUCRAFT: Thank you very much.
12 MR ARMSTRONG: I'm very happy to indicate if it helps, and
13 this may be directed at Mr Hough as much as you, sir,
14 I think I'm about -- I don't think I'm more than
15 30 minutes at the moment with either Ms Butler or
16 Ms Boulton.
17 JUDGE LUCRAFT: That's very helpful, thank you.
18 (In the presence of the jury)
19 MR STEVE MACHIN (continued)
20 JUDGE LUCRAFT: Good morning, everyone, very nice to see you
21 all.
22 Mr Machin, good morning.
23 Mr Armstrong.
24 Questions by MR ARMSTRONG (continued)
25 MR ARMSTRONG: Thank you, sir.

2

1 Mr Machin, can I just go back to -- well, just
2 before I go back to where I finished yesterday, can
3 I just pick up two points of detail.
4 When you were being asked questions by Mr Hough
5 yesterday, he asked you some questions about the
6 application process and the compact for
7 Learning Together.
8 A. Yes.
9 Q. And you told Mr Hough that you thought you remembered
10 being involved in the design of those forms, and I think
11 you mentioned the compact in particular?
12 A. Yes.
13 Q. Can I just ask you about that? In the interests of
14 speed, I'm not going to ask us to bring it up again, but
15 the compact is a short document, it is one page, it has
16 Mr Khan signing it but security not signing it, and
17 simply says: I will comply with prison rules.
18 Do you remember what your role was in that document?
19 A. Not so much the final document. I clearly remember us
20 having meetings discussing about course compact, the
21 boundary-setting for what can and can't happen within
22 the sessions, dress code, and such, but I can't -- we
23 didn't sit there and build that document.
24 Q. Well, I'm just saying, I mean it's a very short
25 document, it's a single page, and I'm going to suggest

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1 to you it achieves very little. I'm just wondering how
2 that was the product of several meetings' work.
3 A. So those meetings weren't purposely for that but
4 happened over several meetings.
5 Q. Right.
6 A. I understand it's common practice for small group
7 settings to have a -- just an agreed course compact. In
8 groups, other groups I've taken part in in the prison,
9 the course compact is often drawn up by participants of
10 agreed rules of how they will engage each other,
11 et cetera.
12 Q. Okay. Just one other question, NOMIS, we referred to
13 yesterday, and the jury knows this is the database to
14 which all staff have access and is an important way of
15 communicating information, isn't it?
16 A. Yes.
17 Q. Because it's not like Mercury that only intelligence
18 staff can see?
19 A. That's correct. Everyone can access.
20 Q. And you often see in guidance, if there has been
21 an event, for example, and you want wing staff to look
22 out for something, then something would be recorded in
23 the NOMIS although perhaps in a different form?
24 A. Yes, there's several elements, it's one big database and
25 there's lots of different areas within it.

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1 Q. Can I just ask you about this: as you confirm in your
 2 witness statement, but we can see from the NOMIS itself,
 3 you, Steve Machin, never make an entry in the NOMIS?
 4 A. Not onto Usman's, no.
 5 Q. Not on Usman Khan. For a high profile high risk
 6 category A prisoner, isn't it a bit odd that you, as the
 7 counter-terrorist security head, never have anything to
 8 communicate to discipline staff via the NOMIS at any
 9 stage when he is at Whitemoor?
 10 A. So we communicate with discipline staff in a slightly
 11 different way. The analysts attend staff briefings and
 12 give verbal briefings to the staff on a regular basis
 13 and rotate to the different residential areas of the
 14 prison, and let them know what current concerns are.
 15 Q. So you rely on briefings which take place in the
 16 morning, do they?
 17 A. And afternoons.
 18 Q. All right.
 19 A. So prior to any unlock period, whether it be morning or
 20 the afternoon unlock, residential staff have a team
 21 briefing on each of the wings where there's a whole
 22 prison briefing sheet that's to communicate things going
 23 on in the rest of the prison. They'll also have the
 24 wing observation book, where they'll brief to staff
 25 things that have been recorded over the coming days,

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1 because most prison officers work shifts, so may have
 2 not been on duty for a day or two, so there will be
 3 things they've missed. So that's what the briefings are
 4 for.
 5 Q. And we don't have any records of the briefings that took
 6 place, and I'm going to suggest to you that that's
 7 a fallible system. The NOMIS, and there's guidance
 8 about this, isn't there, about recording things, things
 9 should be written down in the NOMIS, the NOMIS is what
 10 discipline staff go to, the NOMIS is what you go to when
 11 you are doing the sift; why not put it in the NOMIS?
 12 A. I think because naturally most of my work feeds into
 13 Mercury and into the case management system, so a lot of
 14 my thoughts and words are captured in the case
 15 management files.
 16 Q. I see.
 17 Where I got to with you yesterday was that you
 18 accepted that the very high risk assessment of
 19 Usman Khan in -- well, throughout his sentence but
 20 including up until his release, sat with the ERG
 21 assessment conducted in April 2018, and sat with the
 22 OASys, so all of the -- the two key structured bits of
 23 decision-making and risk assessment both point at the
 24 same direction?
 25 A. Yes.

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1 Q. You were also clear with me that you, you're absolutely
 2 conscious with that, and when you were risk assessing or
 3 thinking about putting him on Learning Together, you
 4 were a custodial manager, you are focused on what
 5 happens within the prison, you are not focused on what
 6 happens outside the prison at Learning Together events,
 7 for example?
 8 A. I wasn't, no.
 9 Q. Can I just press you about that. Usman Khan is, on any
 10 view, a very unusual situation, he is a high risk
 11 category A prisoner. To the extent to which there is
 12 any optimism about Usman Khan -- and some is expressed
 13 and there is hope expressed about him, and
 14 Learning Together may be having an impact on him --
 15 there is a risk that, again, recorded in the documents,
 16 it's false compliance and it is generated to facilitate
 17 his time following release?
 18 A. Yes.
 19 Q. In those circumstances, isn't it important not to silo
 20 this off at the prison walls. You are the senior
 21 uniformed officers, you have seen him over several years
 22 now, you are the person with the experience of him, and
 23 in order to contextualise his behaviour and his intent,
 24 isn't it your responsibility to have at least half
 25 an eye to what happens beyond the prison wall?

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1 A. At that time I simply wasn't conscious in that way,
 2 I think.
 3 Q. You say "at that time"; has it changed?
 4 A. As you mentioned yesterday, there's been a lot of
 5 reflection since this. The way -- many aspects
 6 I conduct my work has changed and will continue to
 7 change.
 8 Q. And the result of that reflection is you need to have
 9 more of a view to what -- more of an eye to what happens
 10 outside?
 11 A. I will be much more conscious. It just never entered my
 12 thought processes at the time, I was just focused on
 13 what I thought we were seeking to achieve within those
 14 rooms that were Learning Together, and all my focus was
 15 about risk assessing, taking away risks that would just
 16 prevent that from happening.
 17 Q. So you accept that one should not silo off and there may
 18 have been some siloing off in this case?
 19 A. I'll accept that. Much of my working practices is
 20 just -- we have numerous protocols and guidance from the
 21 National Security Framework PSIs that you have
 22 mentioned. As a result of this I'm sure our policies
 23 might change, but I certainly know my personal way of
 24 working will change as a result.
 25 Q. Well, I'm grateful for that, Mr Machin, and that might

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1 speed up some of where I want to go now.
 2 I want to now just ask you some questions about how
 3 that might have been different, then, if you had done it
 4 at the time, because not only was he heading towards
 5 release in those circumstances, we had this piece of
 6 intelligence about returning to his old ways, and I just
 7 want to go back to that very briefly. Can I have it up
 8 again? It's {DC6503/2242}. I think we might need the
 9 second half of that page. So this is the:
 10 "Khan has said that he will return to his old ways,
 11 believed to be related to terrorism when he is released
 12 next year."
 13 Can we then go to {DC6503/2244}, at the bottom of
 14 that page you can see WRCTU, which I understand is
 15 Whitemoor Counter—Terrorism Unit, says that this is
 16 "information received from partner agencies."
 17 Now, the reason why I just flag that is, this
 18 information has been graded within the prison and the
 19 grading, we can't see the detail of it for security
 20 reasons, but it means that this is information which
 21 no one had reason to distrust. That is the language
 22 that we understand?
 23 A. That's correct, yes.
 24 Q. And that means it's prima facie, it's in principle
 25 reliable, and I'm just emphasising that because Mr Hough

1 took you yesterday to the way it got treated in the
 2 MAPPA, and the MAPPA minutes in late 2018 refer to it as
 3 having been — there's a flag in it that says "Note, low
 4 grade"; do you remember that language?
 5 A. Yes.
 6 Q. Now, when you were asked that question by Mr Hough
 7 yesterday, you said this: you're not sure who said that,
 8 not a statement you would have used?
 9 A. No, I wouldn't.
 10 Q. And that's because "Low grade" doesn't properly describe
 11 that intelligence, it is better than that?
 12 A. Yes, I don't understand what the reference is to in that
 13 statement.
 14 Q. Okay, well that's helpful to know. You accept, then,
 15 that that was information to be taken seriously?
 16 A. Which is why it was passed on to MAPPA.
 17 Q. And you would agree also, would you, that because it's
 18 concerning for at least two reasons: firstly, it's true,
 19 and he's planning an attack is the obvious point, but,
 20 secondly, even if he is not, it's a status-seeking
 21 remark made somewhere where he is seeking to big himself
 22 up as being somebody who might make an attack to whoever
 23 he said it to?
 24 A. Yes, but when I was describing it, it was difficult for
 25 us to build upon that intelligence, so those words don't

1 tell me if the person reporting it actually heard him
 2 say it, whether it was a third party's —
 3 Q. No, I understand.
 4 A. — impression, et cetera.
 5 Q. Yes, I understand that. But also you get nothing from
 6 that, do you, I mean, let's just take it at its face
 7 value, you get nothing from those words on the document
 8 or otherwise that he is planning an attack within
 9 a particular time frame?
 10 A. No.
 11 Q. And it seems logical, doesn't it, that — I mean, if you
 12 are planning an attack it may well not come immediately
 13 you're released?
 14 A. No.
 15 Q. It may take time to plan it or it may take
 16 an opportunity?
 17 A. Yes.
 18 Q. And, indeed, we know that, for example, he stays
 19 approved premises until 24 September, and that's
 20 a period where he is monitored much more closely, isn't
 21 it?
 22 A. Yes.
 23 Q. Now, I wanted to ask you, going back to this thing about
 24 silos, there's also nothing in that information —
 25 I know the information can be shared with other agencies

1 and it may be that there are restrictions on this
 2 information and to what can be shared with people who
 3 are not statutory agencies, but is there anything, in
 4 your understanding, preventing some kind of warning,
 5 whether in summary or gist form or otherwise, telling
 6 Learning Together that there is information of this
 7 kind, that there are reasons to be more concerned, as
 8 of November 2018, about Khan than there might otherwise
 9 have been?
 10 A. So yesterday I think I wasn't able to have a clear
 11 answer for you then. It's one thing I'll be taking away
 12 on my return to work, will be researching exactly where
 13 the boundaries lie with briefing non-intelligence
 14 agencies, what we can and can't share.
 15 Q. Because what I'm looking for is, there is this momentum
 16 building with Learning Together and Khan. He is
 17 becoming this — and I'm going to use the word "poster
 18 boy", and we'll come back to why with other witnesses,
 19 but he is becoming this success story quite quickly at
 20 this stage, and everybody hopes this is all going to be
 21 great and all going to be fine, but that bubble needs
 22 puncturing somehow, and this looks like a way of
 23 puncturing it and going "just remember".
 24 Now, this doesn't happen, you don't ring up and go
 25 "just watch him".

1 A. No.
 2 Q. And at the moment you can't tell me that there's
 3 a particular obstacle to you saying: I can't tell you
 4 why, Amy, we've got a bit of intelligence, just be
 5 careful.
 6 A. No.
 7 Q. I see. Again on silos, can I just -- there is then the
 8 overlap and the key way in which multi-agency working is
 9 achieved outside is MAPPAs, it's the multi-agency
 10 protection panel, and in order to avoid fracturing and
 11 fragmentation between the agencies and ensure that all
 12 learning is brought together, they want that to start
 13 taking place while he's still in custody?
 14 A. Yes.
 15 Q. Now, you tell us -- and for others it's paragraph 59 of
 16 your witness statement, that you did attend one or two
 17 of the MAPPAs meetings by telephone at Jo Boulton's
 18 request?
 19 A. Yes.
 20 Q. Now, you refer to two of those. Now one of them is --
 21 you are not in fact recorded as an attendee on any of
 22 these meetings?
 23 A. No, but I understand I'm quoted within the minutes, but
 24 not listed at the front.
 25 Q. You are on one of them. You are on one of them, and

1 I'll come back to that.
 2 You say in relation to an August 2018 MAPPAs, that
 3 they -- Mr Hough took you to this yesterday -- that they
 4 raised that there was a problem with prison intelligence
 5 coming to MAPPAs, and you tell us in your witness
 6 statement at paragraph 20:
 7 "I don't remember hearing about this. It may be
 8 that I didn't attend this meeting by telephone and the
 9 matter was raised with someone else. At the same time
 10 I do remember giving the MAPPAs panel some assurance at
 11 one of the meetings that there was less intelligence
 12 because Usman was withdrawing from group dynamics and
 13 keeping himself to himself."
 14 Mr Machin, there's no record of that contribution
 15 from you at any of the MAPPAs meeting minutes; are you
 16 sure you said it?
 17 A. In my memory I recollect saying it.
 18 Q. Okay. The one that we do have is this, can I just have
 19 {DC6408/7} up, please. This is the 11 October 2018, and
 20 if we go to the top of page 7, yes:
 21 "Steve fed back that he held an informal
 22 conversation with UK where he disclosed that it is
 23 likely UK's parents will move back to their country of
 24 origin and UK will remain in the UK. During the
 25 conversation there was no mention of UK's father."

1 Mr Machin, I'm just putting more to this that this
 2 is another learning point: in the whole of that process
 3 where I'm saying MAPPAs need to understand what they're
 4 dealing with, they need to have this absolutely critical
 5 custodial behaviour understood, I know that Jo Boulton
 6 goes as well, but this appears to be your only recorded
 7 contribution.
 8 A. Okay.
 9 Q. It's not enough.
 10 A. So I wasn't formally invited to attend these, in my
 11 memory, it was from conversations with Jo, and twofold:
 12 one, in case she was asked anything about intelligence
 13 that I would be best placed to answer; and, two, part of
 14 me -- by this time I had had a short temporary spell in
 15 this role, so part of it was exposing me to processes
 16 I hadn't been part of before, so some of it was for the
 17 personal learning. So it wasn't part of my remit to
 18 actually feed into this directly. We draft the reports,
 19 intelligence reports, for Jo to attend on behalf of both
 20 probation and HMP Whitemoor, where she's based.
 21 Q. Okay. I'm going to suggest that that needs much more
 22 tightening up. I mean we can't have (a) you're very
 23 important, and (b) it seems to be conditional upon what
 24 the probation officer, Jo Boulton, does. That needs to
 25 be a much more formal, much more involved process;

1 I don't think you would disagree?
 2 A. Yes. As I understand it, we were following the
 3 requirements to comply with the MAPPAs process to the
 4 letter. We hadn't sort of taken our own decision to
 5 amend anything.
 6 Q. And this is, presumably, quite unusual for you. There
 7 are very few released prisoners from Whitemoor?
 8 A. Very few released from Whitemoor, but MAPPAs processes do
 9 start within Whitemoor, it's not the only one I've ever
 10 come across.
 11 Q. Okay. Two other matters just very quickly:
 12 in June 2019, Khan comes back to Whitemoor. I think you
 13 said yesterday that -- I mean, he attends an event that
 14 has other prisoners at it. I think you told us it might
 15 be five or six other prisoners; is that right?
 16 A. Yes.
 17 Q. Can I just ask you about this -- can I have witness
 18 statement {WS0749/2} -- actually, just go back to
 19 {WS0749/1} just to see who this is. This is somebody
 20 called Keith Rose, who I understand is a prisoner
 21 elsewhere. He is talking about -- and to be absolutely
 22 clear, he is talking about something that happens after
 23 the event, after 29 November 2019, but if we then go to
 24 page 2, please, at the top of that he is reporting after
 25 the event something that he was told after the event by

1 somebody at Whitemoor. So it says:
 2 "During this event Khan told some of the prisoners
 3 that he was going to 'do something'."
 4 A. Yes.
 5 Q. Now, I'm not suggesting that the Prison Service knew of
 6 this until after 29 November 2019, but are you aware of
 7 this?
 8 A. I've seen this statement, yes.
 9 Q. Has the Prison Service — this is obviously very
 10 concerning, because it looks very like the November 2018
 11 type intelligence, where he was saying: I am going to do
 12 something. Has the Prison Service conducted a security
 13 review or investigation of this to see if that's true
 14 and he did tell somebody and who he told?
 15 A. I don't know if the service has; I've certainly done
 16 an intelligence search of Whitemoor's intelligence, and
 17 there were no IRs even remotely similar.
 18 Q. I mean, what were the arrangements on that day? Five or
 19 six prisoners plus — was he allowed to mingle freely
 20 with prisoners having conversations that officers
 21 couldn't hear?
 22 A. I wasn't there for that day, so I don't know. All
 23 I know of that day was he was escorted to the prison,
 24 and that's all I know, and the feedback was that the day
 25 went well after it.

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1 Q. I see, okay.
 2 Finally this: on 29 November you're there, you have
 3 been invited as a guest?
 4 A. Yes.
 5 Q. Presumably as somebody who has been helpful and
 6 supportive to Learning Together?
 7 A. Yes.
 8 Q. You told Mr Hough yesterday that he said something, as
 9 one of his contributions, was that imams had not been
 10 able to alter his perspective on his religion, and that
 11 sent a warning balloon up for you?
 12 A. Yes.
 13 Q. You said that your antennae twitched and you asked him
 14 for clarification about that?
 15 A. Yes.
 16 Q. And it is important to have those antennae alive with
 17 somebody like Khan, isn't it?
 18 A. Yes.
 19 Q. Can I just ask you this: why don't you pick up the fact
 20 he is wearing a bulky coat?
 21 A. He had already provided a back story, and it sort of
 22 made sense, so because of — I could see below his coat
 23 was a Sondico base layer, and he had said that when he
 24 checked the weather this morning, he was expecting
 25 a very cold day: I've put a base layer on and a jacket.

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1 He said: I don't want this being my outer top.
 2 Q. But I just want to go back to this. I mean, you need
 3 eternal vigilance with somebody like Khan and your
 4 antennae are already twitching about him.
 5 A. So the coat — more as the day went on. So he did
 6 remove it at one point.
 7 Q. So far as we can see, it only goes to about waist
 8 height?
 9 A. Yes, so it's down, and down sat around his waist.
 10 Q. But you're familiar with searching processes and the
 11 disruption techniques that work with people like this
 12 and just going, you know, you can use a joke and say
 13 "Why are you wearing your coat, Usman? What have you
 14 got in your bag?" None of that occurs to you?
 15 A. At no point did I see him with a bag. I understand when
 16 he arrived that was either put in the cloakroom or
 17 hidden elsewhere, so during the day I can't remember
 18 seeing him with a bag. Like I say, I did comment about
 19 the coat and the story he gave, because of what I could
 20 see underneath, felt plausible at that time.
 21 Q. I mean, I just wonder when you are at
 22 a Learning Together event and everything's getting
 23 exciting and very positive and everybody wants to
 24 champion it —
 25 A. Oh yes, I'm not in the same headspace as when I was at

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1 work, I truly accept that.
 2 Q. And isn't that a problem, that you lose sight of these
 3 security concerns?
 4 A. Well, that depends if my role of being there was to
 5 provide those security concerns. I wasn't there as
 6 a counter-terrorism governor: I was there as
 7 an operational manager of HMP Whitemoor, and so I wasn't
 8 in the prison, so my headspace would have been
 9 completely different.
 10 Q. I mean, I'm just going to put this to you: one of the
 11 problems in this area is that you get drift away from
 12 those security antennae and a good news story like this
 13 can prevent those or blunt those antennae, because good
 14 news stories can be seductive, can't they, Mr Machin?
 15 A. They can, but I guess the counter to that is as well is
 16 I couldn't live my life suspecting every encounter
 17 I have with either community or ex-offenders that it's
 18 going to lead to a devastating — because I think
 19 I wouldn't be able to live with that level of paranoia.
 20 Q. But with somebody like Khan, who you've told us has
 21 a particular title, "High Risk Khan", high risk cat A,
 22 going straight out, highly unusual, you do have to
 23 police that very carefully?
 24 A. Yes, but as I said, since he — almost a year since he
 25 had left the prison, things I'd heard were in

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1 continuation of the early stages of change we'd seen, so
 2 the fact, as you say, he passed through the approved
 3 premises stage, I saw that actually that must have been
 4 because he was progressing through what was asked of him
 5 and being able to have his own accommodation, and then
 6 I guess ultimately hearing that he wouldn't be escorted
 7 as well, that just sat with: well, he must have
 8 continued on the path that he continued on.
 9 Q. The good news story had continued to unroll?
 10 A. Not so much -- I didn't see it myself as a good news
 11 story at that -- so him being involved I see as good.
 12 I don't -- he hadn't got to the point for me where
 13 I could call it a good news story; that would have been
 14 if he had achieved other things.
 15 Q. The problem with good news stories is they're not always
 16 true?
 17 A. That's also correct.
 18 MR ARMSTRONG: Thank you, Mr Machin, I've got no further
 19 questions.
 20 Questions by MR RULE
 21 MR RULE: Mr Machin, my name is Philip Rule, I'm asking
 22 questions on behalf of Saskia Jones' family.
 23 A. Okay.
 24 Q. You told us yesterday about the concerns you have for
 25 good order in prison. So inside Whitemoor, the security

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1 department where you have worked, and I know you have
 2 progressed to counter-terrorism and through those ranks,
 3 but you have a long-standing experience of attempting to
 4 keep order inside the prison?
 5 A. Yes.
 6 Q. And that means avoiding the violence that occurs in
 7 these prisons?
 8 A. Yes.
 9 Q. And trying to keep abreast of the prisoners and their
 10 behaviour and their actions that lead to that type of
 11 event?
 12 A. Yes.
 13 Q. And that's to protect the safety of the staff?
 14 A. Yes.
 15 Q. The prisoners, and the visitors?
 16 A. Yes.
 17 Q. And one of the things that you are required to look at
 18 in terms of the management of the prison is that there
 19 are boundaries that are set appropriate between
 20 prisoners and visitors and staff?
 21 A. Yes.
 22 Q. Healthy boundaries include keeping a lookout for
 23 prisoners who condition staff?
 24 A. Yes.
 25 Q. Now, what we mean by conditioning staff are individuals

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1 who look to try and encourage staff to bend rules,
 2 resulting in, essentially, often smuggling into the
 3 prison or that type of behaviour?
 4 A. Yes, the easiest way to describe it, something very
 5 minor which would then be used against a person to make
 6 it much less minor. That's the process of conditioning
 7 to corrupt someone.
 8 Q. Thank you. And you have told us about being acutely
 9 conscious in your dealings with prisoners of safety?
 10 A. Yes.
 11 Q. That comes with the territory of your job, no doubt?
 12 A. Yes.
 13 Q. And you discussed boundaries with Learning Together in
 14 the formation of the compact that you were telling us
 15 about?
 16 A. Yes.
 17 Q. And I appreciate those discussions go generally to the
 18 security of running the events inside Whitemoor?
 19 A. Yes.
 20 Q. So that was something you had raised directly with the
 21 representatives you've mentioned from Learning Together,
 22 Amy and Ruth and others?
 23 A. Yes, but I think they arrived conscious of that, I guess
 24 from having worked in prisons previously, certainly in
 25 regards to contact between both groups of students.

23

1 Q. You would certainly expect them to be conscious about
 2 healthy boundaries between university students coming in
 3 and category A prisoners that --
 4 A. Yes.
 5 Q. -- are being joined with them in these classes?
 6 Another topic, please. The population in Whitemoor,
 7 we've understood, of course, includes TACT offenders,
 8 terrorist offenders. The first point is this: it's not
 9 possible to hold them all separately, is it?
 10 A. No, it's not.
 11 Q. In the system that is in operation in the prisons in
 12 this country, including Whitemoor, there is insufficient
 13 provision for terrorist offenders to be kept away from
 14 other terrorist offenders; it's as simple as that.
 15 A. I've never looked at -- I wouldn't be able to frame that
 16 statement.
 17 Q. Let me ask about Whitemoor. At Whitemoor you certainly
 18 are unable to have a separate wing, a separate spur for
 19 every terrorist offender because of the numbers?
 20 A. Yes. We wouldn't be able to do that, no.
 21 Q. And do you accept this: that in prisons -- and I'll
 22 limit it to Whitemoor, but I was going to ask you about
 23 high security prisons generally, there are problems,
 24 significant problems, with extremist gangs, including
 25 extremist Muslim gangs?

24

1 A. So it's one big gang, really, and there is extremist
 2 elements within it. So the statement that was
 3 previously up of Mr Rose, where he listed a whole list
 4 of names linked to Usman, people on that list were
 5 members of the Muslim gang, but the pattern there was
 6 behavioural problems, and those people never had any
 7 extremist views or never made it to my caseload.
 8 Extremists within that group are able to continue
 9 spreading their mindset to others, but not everyone
 10 within that gang aligns with them, but they are all part
 11 of the same faith-based gang which does account for
 12 a lot of the bullying and other anti-social behaviours.
 13 Q. And I don't want to go back to all the discussion about
 14 status and other things, and you mentioned yourself the
 15 perverse status that being a certain notorious criminal
 16 can give inside the prison estate?
 17 A. Yes.
 18 Q. But it follows, doesn't it, that these gangs, which will
 19 include either moderate Muslims or non-Muslims who are
 20 potentially being converted, or saying they are, in
 21 order to be safe from the gang, those who control and
 22 pull the strings are the extremist TACT element, aren't
 23 they, within those gangs?
 24 A. Yes, within it. I couldn't say they sit in the
 25 background controlling the whole gang, but what they do

25

1 do is hide within the gang and fulfil their needs
 2 shrouded around it, often not sharing their true
 3 intentions with the people around them.
 4 Q. Yes. So you have the foot soldiers of any gang, you
 5 have those in the centre, often trying to keep
 6 themselves distanced from the activities of the gang by
 7 allowing others to be caught doing what they've put them
 8 up to?
 9 A. Yes, and we hold a lot of people who come from a gang
 10 background, so they're already behaving in ways that
 11 enables that to happen.
 12 Q. Thank you. You mentioned earlier about the MAPPA
 13 meetings. I don't want to go into any detail, but can
 14 I just put the central proposition, that although you
 15 may have telephoned in to some of the meetings in this
 16 case, that's no part of your role: you would rely in the
 17 system on the offender supervisor passing on
 18 intelligence that you have provided from the security
 19 department?
 20 A. Yes, we feed in by the MAPPA F.
 21 Q. Thank you. And that is completed by the offender
 22 supervisor, who is a prison-based probation or prison
 23 officer?
 24 A. I think the analysts complete the report and pass to the
 25 offender supervisor who then presents it to the MAPPA

26

1 meeting.
 2 Q. Thank you. Within the system, Whitemoor being no
 3 different to others, there's mandatory testing, isn't it
 4 there?
 5 A. Yes.
 6 Q. So at random a prisoner at any stage can be told: right,
 7 you're being tested for drugs?
 8 A. Yes.
 9 Q. And the whole variety of different substances can be
 10 tested, and of course, it can be done if there's
 11 particular concern about a prisoner as well?
 12 A. Yes, so as well as random testing, we can also carry out
 13 suspicion testing.
 14 Q. And the prisoners know that, don't they?
 15 A. Yes, they do.
 16 Q. So those who do use drugs in prison tend to realise that
 17 there is a chance they will be caught?
 18 A. Yes.
 19 Q. Jobs for inmates. I'm not going to ask you in great
 20 detail about this, I think we have other witnesses who
 21 can be asked about it in slightly more detail, but
 22 you're aware, aren't you, in general terms, of the
 23 system of activities that includes employment within the
 24 prison for the prisoners?
 25 A. Yes, in loose terms, yes.

27

1 Q. I'm not going to list off the jobs with you because, as
 2 I say, others will deal with that more appropriately,
 3 but is it right in your knowledge of Mr Khan that he did
 4 not have a trusted job or any form of employment within
 5 the prison?
 6 A. No, I only remember him in education, really.
 7 Q. So he was allowed to go to certain classrooms, certain
 8 workshops, and you've told us a bit about the low risk,
 9 the high risk areas, et cetera.
 10 A. Yes.
 11 Q. But he wasn't allowed, for example, to be an orderly,
 12 a cleaner, given some freedom to go and perform duties
 13 or equipment, et cetera?
 14 A. Certainly I don't think any high risk category A
 15 prisoner is allowed to be an orderly because those roles
 16 are much less supervised in comparison, and the nature
 17 of them being high risk cat A is that within every hour
 18 of each day we have to account for their whereabouts, so
 19 they're automatically filtered out for those positions.
 20 Q. Thank you.
 21 JUDGE LUCRAFT: So that wasn't particularly unique to Khan?
 22 A. No.
 23 JUDGE LUCRAFT: Any high risk category A prisoner would not
 24 be allowed to have, I think the phrase was, a trusted
 25 job within the prison?

28

1 A. Yes, because trusted jobs tend to equal lower
 2 supervision levels, and as a high risk cat A, the two
 3 don't meet.

4 MR RULE: Thank you. So these are roles within the prison,
 5 inside the walls, within certain wings, spurs,
 6 restrictions, but even so, even though it's taking place
 7 in this environment, there's this category of prisoners,
 8 of which Khan is one, for whom the risks are deemed too
 9 high to allow them any form of trust with the roles that
 10 would be performed?

11 A. Certainly, yes, they can only be in areas where they can
 12 be properly monitored, and by that, CCTV alone isn't one
 13 way to monitor them, there needs to be staff.

14 Q. Thank you very much.

15 You told us yesterday a lot about category A and the
 16 restrictions that come with that in terms of the
 17 surveillance, and I don't want to go into the detail
 18 again, but you told us about the phones being monitored,
 19 about approval for any numbers on the contact list,
 20 about all the mail being read for the high risk and for
 21 other category As perhaps on a less 100% basis, the
 22 searching of the visitors, et cetera. The guard to
 23 prisoner ratio in category A, of course, is higher,
 24 isn't it? The number of guards per prisoner higher than
 25 in other categories, less secure categories?

29

1 A. I expect so, but I'm not aware of exact numbers.

2 Q. And then on top of those surveillance restrictions
 3 there's also the added surveillance, the added measures
 4 you told us about with being high risk, so the 28-day
 5 cell moves, the searching by the dedicated team, all of
 6 those with the observations being recorded on an hourly
 7 basis, et cetera.

8 Now, all of that adds up to -- I don't want to
 9 repeat evidence you've given, but thank you, I take that
 10 as read -- all of that means, doesn't it, that staff
 11 surveillance is a routine part of prison life. All
 12 these measures add up to keeping tabs on what the
 13 prisoners are doing?

14 A. Yes. In some ways the environment does. It's part of
 15 being a boundary to their behaviour, the high levels of
 16 monitoring.

17 Q. And the way in which we record, as the Prison Service
 18 records this information, is through various documents,
 19 including the NOMIS, including other records, including
 20 the intelligence reports?

21 A. Yes.

22 Q. And those are created by officers and staff throughout
 23 the prison. It's not one person writes down all the
 24 intelligence about the individual, you form the picture
 25 from a variety of sources?

30

1 A. Yes.

2 Q. And the prisoners realise, don't they, that the
 3 consequences of being reported on all the time, means
 4 that if their behaviour is noted, is seen, witnessed to
 5 be negative, it has consequences for rewards or
 6 sanctions. An example is the incentives and earned
 7 privileges scheme?

8 A. Yes, but I think I ought to be clear that -- so security
 9 intelligence does not form part of the decision-making
 10 for an IEP review, so that information is based pretty
 11 much solely around NOMIS and day-to-day interactions
 12 with the staff.

13 Q. I think I chose a bad example then because other
 14 examples --

15 A. So intelligence doesn't necessarily feed every
 16 assessment that goes on.

17 Q. That's fine. IEP being perhaps one of the less serious
 18 decision-making points was whether you have the TV or
 19 whether you can have extra canteen money, et cetera.

20 So on the more serious things you have for
 21 consequences of your actions in prison, you can be
 22 adjudicated upon, for example, if you breach prison
 23 rule 51?

24 A. Yes, you can.

25 Q. And that means that it can be proved beyond reasonable

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1 doubt that you have committed a disciplinary offence and
 2 you are sanctioned?

3 A. Yes.

4 Q. There are a number of sanctions, I'm not going to go
 5 into them. But prisoners who have been inside for a
 6 while realise, don't they, that there's a feedback loop
 7 about them and that if they're seen to behave in
 8 a certain way, that may come to light with negative
 9 consequences for them?

10 A. Yes.

11 Q. And that might leave the prisoner who has spent eight
 12 years in prison as Mr Khan had quite conscious of the
 13 need to hide or conceal ill behaviour?

14 A. I would apply that to everybody, yes.

15 Q. Sorry?

16 A. Yes, and I would apply that to everyone.

17 Q. Not just Khan, but prisoners realise that if you are
 18 saying the right things and doing the right things, and
 19 seen to be doing that, good things happen to you; if, on
 20 the other hand, you are shown and established to be
 21 doing what you should not, there can be various negative
 22 consequences, the extreme end is police action and
 23 adjudications, other ends are lesser sanctions within
 24 the prison system, and it feeds into categorisation, for
 25 example.

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1 Now, with Mr Khan's case, I don't want to, at this
2 stage, go to any intelligence with you, but you are
3 familiar with what was being dealt with in summary
4 yesterday: we see him involved directly in assaults and
5 directly in misbehaviour in the early part of his
6 sentence, and then we see the pattern change, don't we,
7 in terms of him being there or thereabouts, so
8 an example, an assault that takes place inside a cell,
9 what he is seen to do is block the door and push away
10 someone who might try and help the victim because he was
11 a co-defendant with the victim, but he is not the one
12 assaulting.

13 So over time we see him go from the direct
14 involvement to this more indirect involvement with what
15 is happening at his behest?

16 A. Yes.

17 Q. Now, risk assessments inside prison. One of the matters
18 we heard about was the ERG, the Extremism Risk Guidance
19 assessment, and in Whitemoor it's very clear, isn't it,
20 that's the role of the psychology department?

21 A. Yes.

22 Q. You have experienced trained psychologists conducting
23 a very rigorous assessment of risk?

24 A. Yes.

25 Q. And we know one of the individuals, and we'll hear from

33

1 her later in these proceedings. But it's important,
2 isn't it, that psychology is involved in that type of
3 detailed and important assessment?

4 A. Along with Jo from probation, I see leva as -- I find
5 both really beneficial to help me do my role well.

6 Q. But the ERG is done by leva, isn't it?

7 A. Yes, it is.

8 Q. Yes. That's a very long document, I don't want to take
9 you to it, the jury have seen it in parts, but that's
10 an extremely long structured process, and then other
11 things are done, including OASys assessments?

12 A. Yes, they happen for everyone.

13 Q. And they are conducted, I think in this case, certainly
14 2018, by Mr Skelton, who is an offender manager?

15 A. Yes.

16 Q. But I just wanted to deal with the role of psychology in
17 those risk assessments in prison, and the ERG is one
18 example, and that is specific to terrorist offenders,
19 isn't it, that particular assessment?

20 A. Yes.

21 Q. And it comes from a recognition that the risks that are
22 posed by those who have certain ideological beliefs --

23 A. Yes.

24 Q. -- pose a different problem to those who have other
25 criminogenic risk factors dealt with more usually by the

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1 standard OASys and other types of assessments?

2 A. Yes, that's correct.

3 Q. Now within the roles for psychology, I just want to deal
4 briefly with the recategorisation process, and the jury
5 have heard something about this already. Help me with
6 this, please, and I'm referring at the time to
7 PSI 08/2013, it's a policy I know you're familiar with,
8 but in terms of the process, the first part is that the
9 prison creates some reports about the prisoner?

10 A. Yes.

11 Q. It's called a dossier?

12 A. Yes.

13 Q. That dossier includes the forensic psychologist based in
14 the prison providing a report from the psychology
15 department?

16 A. Yes.

17 Q. And the question that is asked of the psychologist for
18 a categorisation review is, has the prisoner
19 demonstrated any evidence that the risk of serious
20 re-offending has reduced, and there are various ways
21 they might do that, quite often by offending behaviour
22 programmes.

23 A. Yes.

24 Q. But the question that the psychologist is asked to look
25 for is demonstrating evidence of risk reduction, of the

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1 risk of serious re-offending reduced?

2 A. Yes.

3 Q. Other reports include security?

4 A. Yes.

5 Q. And the offender supervisor?

6 A. That's correct.

7 Q. Now, there's then the local advisory panel, the LAP,
8 which meets, which includes the governor and other
9 members of the prison community, that's still based in
10 Whitemoor for this purpose?

11 A. Yes.

12 Q. And that makes a recommendation. It doesn't make
13 a decision, does it?

14 A. No, not a decision, a recommendation to the CART.

15 Q. Thank you.

16 Now, in terms of timetable, again, I'll try and
17 avoid going to the policy, but you are familiar, aren't
18 you, with the way in which the timetable works in
19 general?

20 A. No, so in terms of category A reports, I know they're
21 done annually, but I know within the prison we would
22 clearly schedule them a couple of months before it's
23 due, but in terms of timescale, beyond that, no, I have
24 no idea.

25 Q. Okay, well that might be enough, because I think I take

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1 from your answer that the LAP would occur a few months
 2 before the date is set for when the review -- decision
 3 has to be taken by the Category A Team?
 4 A. Yes, I think that's correct.
 5 Q. And that's really the point: that the LAP makes its
 6 recommendation and then typically, several months,
 7 a couple of months, or at least a month will pass before
 8 the decision is taken somewhere else, and the somewhere
 9 else -- so we've got a timetable, but the somewhere else
 10 is the Public Protection Casework Section in the
 11 Ministry of Justice where there's a Category A Team
 12 specifically called the Category A Team, isn't there?
 13 A. I think so. Again, I don't have a great understanding.
 14 Q. Okay. But you're aware that the decision is taken at
 15 a central place, rather than at prison level?
 16 A. Yes.
 17 Q. Thank you. The policy will tell us that it's the
 18 Category A Team and that responsible for any downgrade,
 19 it has to go through that team saying yes and then go to
 20 the director or deputy director in order to make
 21 a decision about that; is that familiar to you, seeing
 22 the director, deputy director, get involved with
 23 a downgrade?
 24 A. Yes.
 25 Q. So it's quite a strict centralised concern over this

1 dangerous category of prisoners?
 2 A. Yes.
 3 Q. Because of the level of risk they pose, it's actually
 4 centralised as a process?
 5 A. Yes, it is.
 6 Q. And what it means in terms of the recommendation we saw
 7 happen on 22 November 2018 in Mr Khan's case is that,
 8 bearing in mind his release date was 24 December, so
 9 a month and two days later, that whatever was
 10 recommended, he was never going to spend time in
 11 category B, he was never going to be approved for
 12 category B with the decision taken and then moved and
 13 then enjoy time in a category B prison?
 14 A. I don't know. I wasn't -- we obviously fed reports in,
 15 but I don't know when the meetings occurred and what
 16 timescales they were up against. Sorry.
 17 Q. That's fine. I will ask others who were present at the
 18 LAP meeting.
 19 JUDGE LUCRAFT: Well, I think what we can take, Mr Rule, is
 20 that it's logical, isn't it, if the recommendation is
 21 only made or considered in November and he is released
 22 in December, then he couldn't have spent any meaningful
 23 time in category B. That must follow.
 24 MR RULE: Yes, I'll put to another witness it could not be
 25 any time but you would never expect a decision within

1 that timetable.
 2 JUDGE LUCRAFT: No.
 3 MR RULE: I can leave it there, but, sir, I think that is
 4 the point that I was seeking to look at, in terms of
 5 what that -- was realistically in mind of those
 6 individuals.
 7 Now, before I leave the categorisation system,
 8 I would like to just pause as to what the test is for
 9 coming out of category A, because it's perhaps important
 10 that we may see in the course of this Inquest that there
 11 is some difference between the way in which risk is
 12 being looked at and reduction of risk is being assessed.
 13 Now, you're familiar, aren't you, with the
 14 category A criteria, the description of what category A
 15 means, which was put to you previously, which is that
 16 a prisoner whose escape would be highly dangerous to the
 17 public, for whom the aim must be to make escape
 18 impossible?
 19 A. Yes.
 20 Q. In order to reduce from that level the way in which the
 21 director or the Category A Team will assess it is that
 22 it must have convincing evidence -- that's the term that
 23 you see time and time again in the decision letters, but
 24 I'm reading from paragraph 4.2 of the PSI, which for the
 25 lawyers is {DC6595/12}, but the test is:

1 "... must have convincing evidence that the
 2 prisoner's risk of reoffending if unlawfully at large
 3 has significantly reduced..."
 4 So what the Category A Team asks is, is there
 5 evidence that is convincing, convincing evidence, that
 6 the risk has significantly reduced, and that's how the
 7 categorisation process works, isn't it?
 8 A. Yes.
 9 Q. That's what the reports have to go to, that's what the
 10 Category A Team will ultimately decide, because they
 11 know they are dealing with somebody whose index offence
 12 is so serious, whose risk factors are so serious, that
 13 in order to protect the public, they're keeping them in
 14 a category A prison until they have got that convincing
 15 evidence?
 16 A. Yes.
 17 Q. And what is meant by convincing evidence will often be,
 18 if I give an example, but you will be able to confirm
 19 this from your experience, I suspect, that the
 20 individual has undertaken an intervention, an offending
 21 behaviour programme, that is accredited, that is
 22 designed to address their risk factors and, having done
 23 so, a psychology assessment is done which confirms that
 24 they have reduced their risk successfully?
 25 A. Yes, and I think that psychology report tends not to hit

1 that level until -- so they may have partaken in the
 2 course or whatever. They won't get that report,
 3 perhaps, until they've seen a consolidation of their
 4 learning, which has been mirrored into their behaviour.
 5 So one doesn't automatically follow the other.
 6 Q. I think you're hinting at what I was going to come to,
 7 which is that's really stage one of the convincing
 8 evidence, because at stage one you have obtained this
 9 assessment that suggests that your risk is reduced, and
 10 then what you were telling us about yesterday was
 11 a period of consolidation to put into practice that
 12 reduced evidence, so that it's monitored, it's tested.
 13 A. Yes.
 14 Q. So there's two stages, as it were: one is evidence of
 15 risk reduction; two is evidence that that's internal,
 16 it's taken effect and you are putting it into practice?
 17 A. Yes.
 18 Q. And that's pretty much standard to be seen throughout
 19 the categorisation decision—making for those individuals
 20 who are posing this high risk.
 21 A. That's my understanding, yes.
 22 Q. Experience tells you that it is not enough just to stay
 23 out of trouble?
 24 A. No.
 25 Q. You can be a model prisoner doing everything on the

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1 surface entirely properly, education, working as
 2 a trusted orderly, et cetera, et cetera, in certain
 3 prisons, but you will not be removed from category A on
 4 the basis that you haven't done anything in this
 5 reporting period that caused the concern?
 6 A. No, and the phrase we often use is an absence of
 7 negative reporting doesn't automatically equal
 8 progression.
 9 Q. Thank you very much.
 10 The high risk category again is reviewed annually as
 11 with the categorisation decisions, they are separate
 12 decisions but they are both annual ones, and that
 13 decision looks at whether the information suggesting the
 14 escape potential is no longer valid. So again we're
 15 looking for something to positively say: our concerns
 16 here have been positively allayed?
 17 A. Yes.
 18 Q. When the individual has obtained these positive results,
 19 they've obtained the positive reports, they have reduced
 20 their risk, et cetera, the decision—making, again, if
 21 one goes to paragraph 3.22 of the Prison Service
 22 Instruction, the PSI, it involves a psychologist as part
 23 of a team who advise the deputy director of high
 24 security, so again we see psychologists involved in the
 25 process, don't we?

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1 A. Yes.
 2 Q. Now, I move away from categorisation, please. Managing
 3 terrorists in custody. You've mentioned one of the
 4 things that you can try is a disruption move, and we see
 5 that in Mr Khan's history.
 6 A. Yes.
 7 Q. That's attempting to deal with the problem that
 8 I mentioned with you moments ago in terms of terrorist
 9 gangs and influence building up?
 10 A. Yes.
 11 Q. So that's done -- that's the reason for Mr Khan's move,
 12 a disruption move?
 13 A. Yes.
 14 Q. In your witness statement, your witness statement, 5060
 15 at page 2, paragraph 5, you have mentioned that you
 16 have, since the incidents, added a Prevent lead to the
 17 counter—terrorism team inside the prison?
 18 A. Yes.
 19 Q. Could I ask what was the thinking about why that change
 20 has been done?
 21 A. It wasn't a local change, that's a national change. So
 22 the high security prisons have all got the Prevent leads
 23 and we had some additional admin put into our function
 24 and there has been increased resources given to us to
 25 enable more training to be delivered through the PPLs

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1 and my team. The reasons for that, I'd only be
 2 guessing, so it wouldn't be right of me to say.
 3 Q. Right. So is it your position that although that change
 4 has been made, before that was made, you were not unable
 5 to deal with the intelligence, information—sharing and
 6 processes that were required?
 7 A. So we were able to fulfil all of what was required of us
 8 from that. What we are now able to do with increased
 9 resources is to do things much better, and do things we
 10 weren't able to do previously, and now access with more
 11 resource, we can access more information, which makes
 12 our pictures better.
 13 Q. Right. Let me just pick up on the point about more
 14 information. What is the more information that the
 15 Prevent --
 16 A. So more people equals more conversations which results
 17 in more intelligence reports. So our PPL, although
 18 hasn't been in post many months now, he has already
 19 generated quite a lot of intelligence into our Mercury
 20 system.
 21 Q. All right. So does it in fairness come to this, that
 22 without having the individual there to hear the
 23 conversation that was never heard and never recorded, or
 24 the piece of information that was never gathered, we
 25 don't know what was missing in the time before this

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1 officer was added to the team or the resources were
 2 increased?
 3 A. Yes, so all I can say is the evidence I've seen of him
 4 being there is an increased amount of information
 5 reports for us to look at every month that's related to
 6 our caseload.
 7 Q. Right. So prior to his involvement or her involvement,
 8 the way in which your team was operating was sufficient
 9 to discharge the functions that were in front of you,
 10 but you were lacking that large amount of information
 11 that could have been gathered had you had another
 12 officer in this role that has now been nationally
 13 provided since?
 14 A. So what I can't say is what he would have uncovered, but
 15 based on the evidence I've seen, he would have uncovered
 16 more, yes. It could have been more of the same
 17 intelligence, it could have been opposing intelligence.
 18 I can't say what he would have uncovered, but I can say
 19 from the evidence I've seen, if he was there at that
 20 time, we would have had more intelligence. Would it
 21 have been about Usman? I honestly can't say.
 22 Q. All right.
 23 Mr Khan and education at Whitemoor. You come at it
 24 from the perspective of security. Did you have any
 25 discussions or say in what would be appropriate

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1 education within the selection — within the range that
 2 was available at Whitemoor for Mr Khan?
 3 A. Sorry, what do you mean, in terms of the content he
 4 accessed, or ...
 5 Q. Let me come at it more slowly. So you have an education
 6 provider in the prison?
 7 A. Yes.
 8 Q. Academic qualifications like GCSEs, potentially
 9 A—Levels, NVQs, things like that. You have external
 10 providers, Open University. You have vocational
 11 training qualifications that are available. Were you
 12 involved in any decision—making about what it was
 13 appropriate for Mr Khan to be doing in 2017/2018?
 14 A. I think the only — so other than feeding into what his
 15 assessments enabled him to access, we would be directly
 16 contacted for any distance learning and a member of the
 17 team would look at the risks around that before — and
 18 would also ask that question of our partners, whether
 19 that raised any concern, before we would then provide
 20 an answer back.
 21 By nature of pre—existing assessments within the
 22 prison, we identified certain workshops within the
 23 prison where we don't allow any TACT offender to work.
 24 One example being the IT Schools for Africa where old
 25 corporate computers are brought in, stripped down,

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1 cleaned up, made into functioning new ones and then sent
 2 out to schools in Africa, so things like that we don't
 3 allow.
 4 JUDGE LUCRAFT: So I think the answer to Mr Rule's question
 5 was that your only involvement was in fact in assessing
 6 the risks, not whether the educational need was one that
 7 he required or not?
 8 A. Only if it would be a distance learning, so an OU, or
 9 things that are provided through the educational
 10 timetable.
 11 MR RULE: Okay. Thank you.
 12 The Learning Together programme sat outside of the
 13 education department, didn't it, it wasn't part of that
 14 education package?
 15 A. No. In no way linked to our education provider.
 16 Q. And we see in the beginning of the compact that it's not
 17 an accredited course of the university?
 18 A. No.
 19 Q. Your understanding of Learning Together, we have a lot
 20 of information from you about it and I'm not going to
 21 trespass on what we already know, but as well as that
 22 status of the programme, were you aware of whether the
 23 volunteer tutors or the employed staff coming into the
 24 prison had any Prevent training?
 25 A. No, I wasn't aware.

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1 Q. Was the only prison — sorry, the only training that the
 2 prison offered to do with physical security and
 3 key—handling?
 4 A. Yes.
 5 Q. Now, your process for selection for Learning Together,
 6 again, I take as read what we've already heard, it
 7 didn't involve or consult with counter—terrorism police,
 8 did it?
 9 A. About my — my students?
 10 Q. Yes, your security sift, saying: these people can go to
 11 the Learning Together classroom, they're not going to
 12 commit an offence in the classroom.
 13 A. No, no.
 14 Q. That sift didn't involve talking to outside agencies?
 15 I have said counter—terrorism police, it extends also to
 16 MI5, I think.
 17 A. No.
 18 Q. And it didn't involve the psychology department?
 19 A. Not — I worked in isolation, so no.
 20 Q. Yes. There's only a security sift, and that's all that
 21 happens, but not with any regard to psychology on this
 22 particular matter?
 23 A. So I know they have — for main activities, I don't
 24 know, I think they have sequencing meetings where when
 25 people apply for things, different departments will feed

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1 into it, so whether it's right that -- someone's
 2 sentence planning needs may really strongly want them to
 3 undertake education or other direction, so the
 4 sequencing meetings are to make sure people access the
 5 right activities that are going to help them and perhaps
 6 not just because it's the one that brings the most money
 7 at that time, and so it's -- rather than looking at
 8 their short-term sort of wants, it looks at their
 9 long-term needs. I honestly don't know if psychology
 10 formed part of that or not.
 11 Q. You don't have access -- you have access to the Mercury
 12 records we've been talking about; you don't have any
 13 access to anything called the National Common
 14 Intelligence Application, NICA, police database or
 15 record?
 16 A. I don't, no.
 17 Q. And you don't have access to information from MI5 in
 18 terms of anything like that?
 19 A. No. No.
 20 Q. Your process wasn't documented. Do you accept that it
 21 should have been documented, ideally?
 22 A. With the benefit of hindsight, obviously.
 23 Q. Right. Could I just invite us to look at a document,
 24 {WS5092-GB12}, please. Perhaps if we could have
 25 an enlargement, thank you.

1 So this is where an assessment is being conducted
 2 that involves security in a prisoner having anything to
 3 do with external -- Open University, that type of work?
 4 A. All activity within the prison, that's the assessment
 5 I was referring to that throws out a high, medium or low
 6 rating.
 7 Q. And this is blank because we don't have Mr Khan's, but
 8 let's just look at what the factors would be that you
 9 would have been filling out in his case.
 10 A. Yes.
 11 Q. So you can see on the left column there, the behaviour
 12 in prison is the fourth, obviously we have the offence
 13 and the category, then you have the behaviour, history
 14 of responses:
 15 "Is the prisoner sufficiently trustworthy to handle
 16 tools or implements... consider high risk tools ...
 17 sufficiently trustworthy to be left
 18 unsupervised...temperament to work safely and without
 19 causing disruption ... evidence the prisoner may take
 20 advantage of any opportunities to bully other
 21 prisoners."
 22 And if we can carry on, please, down the page:
 23 "... (either on their own account or on [account] of
 24 other[s]...) ... are there relevant medical or hygiene
 25 problems..."

1 You don't have outside work parties at Whitemoor:
 2 "Is it reasonable to trust the prisoner not to
 3 escape? Is the risk to the public if the prisoner were
 4 to escape acceptably low? Is the prisoner likely to
 5 smuggle in drugs or other contraband..."
 6 Now, on balance -- not all of those will be relevant
 7 in every case, but on balance it's clear, isn't it, that
 8 Mr Khan would have come out as high on those criteria?
 9 A. On his initial, I think at some point it did reduce, and
 10 I say that not because I completed the assessment, but
 11 when he moved -- he did move work areas and ended up in
 12 a medium risk area which he wouldn't have been able to
 13 access as a high, so ...
 14 Q. We might be having some confusion there or problems with
 15 memory, because he was wrongly placed into a medium
 16 workshop and removed when that mistake was noticed?
 17 A. Right.
 18 Q. So if that's what you're basing the suggestion that he
 19 may have reduced --
 20 A. No, I have a memory of him being in one of the education
 21 workshops, but it's probably an incorrect memory, from
 22 what you say.
 23 Q. I don't want any mystery about it, but Ms Butler can
 24 deal with that point, I'll leave it to her.
 25 A. Yes.

1 Q. The fact is, in terms of your assessment of risk with
 2 Learning Together, that they did not tell you at any
 3 stage of intentions to expand what it was doing outside
 4 the education in the room in Whitemoor?
 5 A. They would have, I'm sure, through conversations and as
 6 I spent more time becoming aware that they kept in touch
 7 with people, but at no point did I ever think we were
 8 setting this up so every person that takes part in this,
 9 then this is what they're all signing up to.
 10 So I was aware of two, maybe three names of all the
 11 people they had previously worked with that they were in
 12 contact with. I had assumed that was a very low
 13 percentage of the total number of people they had worked
 14 with, but I never inquired, to be honest with you.
 15 Q. And that was an expectation that grew with you, that
 16 there might be some written correspondence via the
 17 university as the compact makes clear?
 18 A. Yes, it felt that they were keen to provide a support
 19 network and what that looked like was newsletters,
 20 mailshots, and some individual letter writing too.
 21 Q. So they didn't explain to you that there would be events
 22 and roles outside of that nature for Mr Khan or for
 23 students generally?
 24 A. I'm sure they did. I just don't remember having those.
 25 Q. Was it an education in prison system --

1 A. That was my understanding, what I was helping to set up.
 2 Q. Yes. It wasn't an ongoing rehabilitation or pastoral
 3 organisation?
 4 A. It was my understanding that it was to bring in a unique
 5 learning experience into the prisons.
 6 Q. Thank you. And they never invited your advice on
 7 security measures or assessments extending its provision
 8 or remit outside of the prison?
 9 A. I can't remember having any conversations as such, no.
 10 I don't see why they would. My experience lies
 11 within -- so they certainly did on all things Whitemoor.
 12 I know I gave talks at the universities I mentioned
 13 yesterday where I described how we were doing it, so in
 14 some way we're sort of letting other operational staff
 15 know from the prison, different prisons that were there,
 16 from that point of view.
 17 Q. That was -- sorry to interrupt you -- that was letting
 18 them know what was happening inside the prison. My
 19 question is: did they at any stage say to you: we've now
 20 decided, we've developed, we've evolved what we're
 21 doing, it's not going to stop in the classroom, we're
 22 going to do something else, so either ask you: should
 23 Mr Khan be involved going forward in the community, or
 24 ask you what security measures should we be looking at
 25 in security. Did they ask you either of those two

1 things?
 2 A. I don't remember that, no.
 3 Q. Do you think you would remember had they asked you for
 4 that important advice?
 5 A. I think I would.
 6 Q. Learning Together was clearly regarded as a protective
 7 factor, we can see from certain assessments and
 8 documents. Can I invite you to confirm this: it was
 9 never considered that Learning Together might be
 10 a possible risk factor, to be involved with that high
 11 profile reputational programme might increase the risk
 12 or danger?
 13 A. No.
 14 Q. Now, the members of the jury have been provided with
 15 a schedule, which I believe they have in paper, sir.
 16 JUDGE LUCRAFT: Yes.
 17 MR RULE: I'm going to deal with dates, don't worry that you
 18 don't have it in front of you, I'm not going to be
 19 reading from the document, this will be material that
 20 you can assist us with.
 21 If I look at page 1, please, of that document, we
 22 have there dates, the date of record on the left, the
 23 date of subject --
 24 JUDGE LUCRAFT: I'm just going to pause a moment, because it
 25 might be easier for the witness if we can have it on the

1 screen. I don't know if it has been provided to the
 2 Opus --
 3 MR RULE: I am afraid I don't have the DC number if it is on
 4 Opus.
 5 JUDGE LUCRAFT: No, but I know that Mr Hough will.
 6 MR HOUGH: {DC7534/1}.
 7 JUDGE LUCRAFT: I'm just conscious it may help Mr Machin
 8 just to understand what we're all looking at.
 9 MR RULE: Certainly, thank you, sir.
 10 Members of the jury, you have the paper copy as well
 11 and we have it on the screen, so what we see is the date
 12 there, "Date of subject", the second column, 24 December
 13 2016 and then 29 January 2017.
 14 Now, this, as the title says to this document, this
 15 is from the prison intelligence records and essentially
 16 this has been taken from the Mercury system that you
 17 were telling us about and that you're familiar with.
 18 JUDGE LUCRAFT: And the NOMIS record.
 19 MR RULE: And the NOMIS record, yes, I apologise. The NOMIS
 20 records you are also familiar with, but that's
 21 a different document. So it's a combination of those
 22 two.
 23 But I would like to just draw attention to dates if
 24 we can in terms of the progress we see of Mr Khan
 25 through the intelligence and the picture that's there.

1 On 15 February 2017, so it will come at the bottom
 2 of this page, we have the category A review that he will
 3 remain category A. Could I ask that that's on the
 4 screen {DC5350/3}. And at the top of the page we can
 5 see he has had an ERG Extremism Risk Guidance assessment
 6 in 2014, then done the Healthy Identity Intervention
 7 programme:
 8 "At the same time there was evidence of his
 9 involvement in radicalisation and no evidence of
 10 significant progress. The present reports show that he
 11 has had no significant contact with psychological
 12 services [in that period] ... recommended ... normal
 13 location ... [and] another ERG..."
 14 Then if we go to the bottom of the page, the reasons
 15 for the decision:
 16 "... considered his offending showed he would pose
 17 a high level of risk if unlawfully at large ...
 18 downgrading could be justified [for it to be justified]
 19 there must be clear and convincing evidence of a
 20 significant reduction in this risk."
 21 And his engagement is noted:
 22 "But the reports confirmed ... did not achieve any
 23 significant progress".
 24 And:
 25 "In the meantime ... [his] release date and

1 attendance of other activities [did] not show ...
 2 convincing evidence of a significant change in risk
 3 reduction."
 4 So they were satisfied he had to remain in
 5 category A. This document, on the previous page, the
 6 jury have seen there was intelligence about telling lies
 7 and ticking boxes, that was raised with you?
 8 A. Okay.
 9 Q. If we continue through, back to the document, please,
 10 {DC7534/5}, please. At the bottom of this page we see
 11 the last entry is 23 July 2017, and I'm going to ask
 12 that we just look at a further piece of intelligence
 13 that the jury will not find on this document itself.
 14 Could we please have {DC6503/2017}. And if we go to the
 15 bottom of the page, please, and onto the next page,
 16 I think {DC6503/2018}, bottom of the page, please.
 17 I think, in fact, I have the wrong page reference here.
 18 I'll leave that particular entry.
 19 What is relevant to this page, page 5 that the jury
 20 have in front of them, on 27 July 2017, there was
 21 another evaluation of his risk category, and it
 22 confirmed him at high escape risk again. That document,
 23 please, is {DC5358/1}. So on 27 July, review of escape
 24 risk classification, coming from the Category A Team, we
 25 can see in the top right-hand corner, decision to remain

1 category A high escape risk. Could we just see the
 2 reasons if we go down the page:
 3 "From the information that was previously
 4 disclosed ... a number of concerning pieces of
 5 information during this period ... a big concern that you
 6 have completed the HII without a definitive reduction in
 7 risk being identified, and fails to offer any assurances
 8 about risk reduction. That said, engagement has
 9 undoubtedly improved and you are to be congratulated for
 10 pursuing educational qualifications.
 11 "The panel noted that you continue to accept
 12 correspondence with external organisations known to
 13 support TACT offenders.
 14 "You are believed to be involved in a religiously
 15 motivated assault and believed to have had access to
 16 a mobile phone, this causes significant concern to the
 17 panel.
 18 "The panel concluded that the lack of evidence to
 19 suggest your religious ideology has changed and access
 20 to a mobile phone mean that high escape risk remains
 21 appropriate."
 22 So that's July 2017.
 23 JUDGE LUCRAFT: I'm assuming there's a question coming at
 24 some stage for the witness because at the moment we've
 25 had quite a lot of explanation from you, Mr Rule.

1 MR RULE: Sir, the question is about approval for
 2 Learning Together in the light of the assessments that
 3 fit into this. I thought it might be helpful to place
 4 some of the dates that we have in the context of this
 5 particular schedule. I appreciate that the category A
 6 matters I can deal with with another witness if that
 7 assists.
 8 JUDGE LUCRAFT: Well, I'm just conscious, so we've had quite
 9 a lot without the witness being asked a question to help
 10 us understand what the point is you're trying to make.
 11 So I'm happy for you to ask the question. It may well
 12 be Mr Machin can answer it without the need for the very
 13 long preamble that we're currently having.
 14 MR RULE: Well, it wasn't by way of preamble, sir, it was
 15 because the officer has introduced the document and
 16 I envisaged it was more appropriate to deal with the
 17 additions to the document, the points about it with the
 18 witness rather than the officer on the previous day.
 19 I know that time is pressing upon us and I don't
 20 wish to deal with it in too much -- perhaps if I could
 21 deal with --
 22 JUDGE LUCRAFT: Perhaps if you could ask your question, I
 23 think Mr Machin in fact knows the question you are going
 24 to ask him.
 25 A. And I think I know what the question is.

1 JUDGE LUCRAFT: I'm just saying, why don't you ask your
 2 question, Mr Machin can give his answer and we can move
 3 on.
 4 MR RULE: Well, with reference to the material that's in the
 5 intelligence records more generally and not just the one
 6 that the jury have been provided with, it's right that
 7 the concerning behaviours persist throughout, and that
 8 at no stage is he showing a reduction of risk, is he?
 9 A. No, and I think you were going to ask me about what --
 10 if those decisions were being made, it felt like you
 11 were going to ask me how come I sifted him to attend in
 12 that, and my answer to that would be, what you're
 13 referring to there, they're assessing his risk to the
 14 public in terms of release. I was assessing him in
 15 terms of being within a room, within a high security
 16 prison with CCTV, with staff present, so I think that's
 17 what I was thinking, as you were supplying that
 18 information.
 19 Q. Thank you. And the application, we know, was on
 20 23 August 2017 when he first applied.
 21 In your first witness statement to the police, you
 22 said that Mr Khan did not appear to associate with
 23 anyone in particular or other TACT offenders, but you
 24 corrected that in your second statement because, in
 25 fact, he did associate with other TACT offenders?

1 A. But not predominantly. So as discussed earlier, the way
2 our wings are set out, there will be other TACT
3 offenders around them. So at times, they're neighbours
4 in a block of flats is the best way to describe it, so
5 of course there will be contact, but what we were being
6 told by staff at the time, that Usman didn't have
7 a definitive group he always mixed with. That was
8 relevant to us because previously there most certainly
9 had been. It had all been about membership of the gang
10 and those around that.

11 We were also conscious that because of the peer
12 pressure and how the gang works, you take risks stepping
13 away from it as well, because it builds mistrust
14 about — because it's all about being part of an in and
15 out group, and if you are deciding that you're not
16 favouring that group anymore, you risk putting yourself
17 most definitely firmly in the middle of the out group
18 and become enemy number one, so we were factoring that
19 in also.

20 Q. There was a significant amount of intelligence that he
21 was associating with TACT offenders; correct?

22 A. There was intelligence, yes.

23 Q. Well, I'm using your words "significant body of MIRs"?

24 A. Yes.

25 Q. I'm not going to go in any detail with it: are you aware

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1 of an independent review of MAPPA that was conducted by
2 Jonathan Hall QC following these events?

3 A. I was questioned as part of that, yes.

4 Q. And that was in response to the atrocity at
5 Fishmongers' Hall. Within that, there's a suggestion
6 that a core group should include a security—cleared
7 prisoner security manager from the offender's last
8 prison. Are you a security—cleared prison security
9 manager?

10 A. Yes, I am.

11 Q. Would your analysts be security—cleared as well?

12 A. Yes, they are.

13 Q. Was that —

14 A. They're not a manager level though.

15 Q. I appreciate that. But in terms of clearance, was your
16 department cleared for receiving intelligence from MI5
17 or counter—terrorism police?

18 A. Every member of the team is security—cleared, yes.

19 Q. Thank you. Did you feel there was any impediment to the
20 lines of communication at the time between yourself, the
21 CTU in Whitemoor, the Counter—Terrorism Unit in
22 Whitemoor, and MI5 or counter—terrorism police?

23 A. No, not at all.

24 Q. In terms of information—sharing, you believed that that
25 was unimpeded?

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1 A. Yes.

2 Q. Could I ask you about the June 2019 event very briefly.

3 At that event, Ms Nix, who we'll hear from later,

4 witnessed Mr Khan greet one of the governors and the

5 governor said "He's a completely reformed prisoner. If

6 you could help him get a job, he would be grateful". Do

7 you know if that was yourself speaking to Ms Nix or

8 someone else?

9 A. I wasn't present at Whitemoor the day of that event so

10 I know definitely it wasn't me.

11 Q. Thank you. In terms of approval of the list of

12 attendees for that event, you were responsible for

13 approving the list of prisoners attending?

14 A. Yes.

15 Q. That included three individuals: Nathaniel Okusanya,
16 Okello Allimadi and Waheed Zaman. Did you know that
17 those individuals associated with Khan?

18 A. They had been on similar Learning Together groups, they

19 had lived on similar wings at times, but I — one of

20 those was also a TACT offender, but I wouldn't say any

21 of them were his close associates, no.

22 Q. All right.

23 Did you receive any intelligence from the police

24 about that visit, about the attendance list for the

25 12 June event?

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1 A. I genuinely can't remember, no.

2 Q. All right. Could I ask us to have up, please

3 {DC7499/1}. Staffordshire Police cluster message. This
4 is in advance of, we can see from the second paragraph,
5 the visit to Whitemoor on 12 June that Mr Khan was to
6 undertake, and if I can go over the page, please, to
7 {DC7499/2}, we see, second paragraph:

8 "Steve Machin... provided the following prisoners as
9 potential attendees, who had been approved to attend
10 from [the prison's] perspective and therefore will be in
11 the company of Khan on the day."

12 And if we go down the page to the second half,
13 please, we see Nathaniel Okusanya, and we can see there
14 offences: murder for him. We see Staffordshire checks:

15 "Traces as prison contact for Khan ... noted to be
16 part of a group having a bit of power on one of the
17 spurs in prison; khan noted to be in frequent talks with
18 him... part of a group of prisoners who believed they
19 were untouchable."

20 So this is a Staffordshire Police intelligence
21 document about 12 June; was that information shared with
22 you?

23 A. That's our intelligence they shared back.

24 Q. Sorry?

25 A. That intelligence has come from the prison initially

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1 that they've shared back, so I recognise the
 2 intelligence .
 3 Q. You recognised it. So that's the details you have of
 4 his relationship with Okusanya. Over the page, please,
 5 to Allimadi; and we see there murder, and in the second
 6 paragraph:
 7 "Prison contact for Khan ... part of a group of
 8 prisoners Khan was speaking to and seen as an emir on
 9 one of the prison spurs, along with Khan."
 10 A. Again, I recognise that intelligence as ours.
 11 Q. Right. And Waheed Zaman, who is a TACT offender, we can
 12 see there, and if you go to the bottom of that
 13 paragraph, we see:
 14 "Traces as prison contact for Khan in Whitemoor.
 15 Both ... noted to influence other prisoners seen deep in
 16 conversations... Zaman is ... and emir on one of the
 17 prison spurs and holds Islamic studies in the chapel."
 18 So you approved on 12 June that Khan would visit and
 19 would be in company with these three individuals, that
 20 intelligence was known to you?
 21 A. Yes.
 22 JUDGE LUCRAFT: Mr Rule, it's 11.30. I don't know how much
 23 longer you've got. You indicated to me 40 minutes and
 24 that was an hour ago, but I'm conscious that we will
 25 take a break at some stage.

1 MR RULE: Yes, I am at the end of the questions bar one
 2 topic, which is just very briefly about 29 November.
 3 JUDGE LUCRAFT: Right. Can I suggest you deal with that
 4 topic and then we have our break?
 5 MR RULE: Yes.
 6 Mr Machin, you attended on 29 November as we know.
 7 On that occasion you in fact met and spoke to Saskia?
 8 A. Yes, I did.
 9 Q. You were sat at a table, we've seen some photographs
 10 that included yourself.
 11 A. Yes.
 12 Q. In the conversations with her she explained that she had
 13 finished her master's and was thinking of joining the
 14 police?
 15 A. Yes, in a victim support role.
 16 Q. You were aware that she was a guest, not an employee, or
 17 otherwise working with Learning Together?
 18 A. She told us that, yes.
 19 Q. And she had received an invitation, much like others,
 20 which didn't tell them who else was attending?
 21 A. I don't know.
 22 Q. She hadn't met, she didn't know Usman Khan?
 23 A. So at the point -- I think they discussed -- I don't
 24 know if Saskia had said she attended the digital thing
 25 at Whitemoor or potentially had had an invite, they were

1 sort of discussing whether their paths had crossed, but
 2 I didn't hear whether that was confirmed or not.
 3 Q. All right, we may hear other evidence about that, but
 4 I would suggest to you that this was the first occasion
 5 that they met and that they were sat at the table and
 6 that was the...
 7 A. That's how it seemed to me, yes.
 8 MR RULE: Thank you very much. Thank you, sir.
 9 JUDGE LUCRAFT: Thank you very much, Mr Rule.
 10 Members of the jury, we will take our mid-morning
 11 break there. Thank you.
 12 (In the absence of the jury)
 13 MR HOUGH: Sir, although we are running a little behind,
 14 I do understand that, this being the first witness from
 15 the Prison Service, a certain amount has to be
 16 introduced with him.
 17 JUDGE LUCRAFT: Yes.
 18 MR HOUGH: Nevertheless with a view to ensuring the
 19 remaining parts of today and tomorrow go smoothly, I'll
 20 ask Mr Moss to collect time estimates from each advocate
 21 for all the witnesses remaining for the next two days.
 22 JUDGE LUCRAFT: Yes.
 23 MR HOUGH: We all live in an environment where in many
 24 fields of litigation timetabling needs to be handled
 25 quite carefully and timetables are often agreed.

1 JUDGE LUCRAFT: Yes.
 2 MR HOUGH: So I'll --
 3 JUDGE LUCRAFT: I'm loath to impose any form of guillotine,
 4 and I'm sure everyone understands not just the
 5 importance of getting through the material but also the
 6 effect on witnesses who are waiting to give evidence,
 7 which is something that I have to have one eye on. So
 8 that's partly -- I'm sorry, Mr Rule, if you felt I was
 9 stopping you mid-flow, but I was just conscious of that.
 10 MR HOUGH: Thank you, sir.
 11 JUDGE LUCRAFT: I'll rise.
 12 (11.33 am)
 13 (A short break)
 14 (11.45 am)
 15 (In the absence of the jury)
 16 JUDGE LUCRAFT: Mr Hough, I understand that Mr Moss has been
 17 around and extracted time estimates for everyone which
 18 we will all stick to, I'm sure, without me needing to
 19 open the trap door underneath where anyone is sitting,
 20 cut off their microphone or do anything else, but on
 21 a serious note, obviously it is important we do try as
 22 best we can to stick to the time estimates.
 23 MR HOUGH: If those estimates are adhered to, then we will
 24 complete our witnesses today and tomorrow, just.
 25 JUDGE LUCRAFT: Yes. By 1 o'clock tomorrow.

1 MR HOUGH: Yes.
 2 (In the presence of the jury)
 3 JUDGE LUCRAFT: Yes, welcome back. Mr Griffin.
 4 Questions by MR GRIFFIN
 5 MR GRIFFIN: Mr Machin, my name is Nicholas Griffin and
 6 I represent Cambridge University.
 7 A. Okay.
 8 Q. I want to ask you a short number of questions purely in
 9 relation to the event in June 2019, held within
 10 Whitemoor --
 11 A. Yes.
 12 Q. -- but after Usman Khan had been released. And your
 13 evidence is that you became involved in reviewing the
 14 prisoners at Whitemoor to see if it was appropriate that
 15 they should be allowed to attend the event itself?
 16 A. Yes.
 17 Q. Could we just look at two emails. First of all,
 18 {DC6695/81}. Thank you very much. Can we see,
 19 Mr Machin, this is an email from Amy Ludlow, of
 20 Learning Together, to Ken Skelton, the probation
 21 officer, to Calum Forsyth, who the jury will hear from,
 22 but was a Staffordshire police officer, and copying in
 23 yourself?
 24 A. Yes.
 25 Q. And this was on 13 May, so about a month in advance of

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1 the event itself?
 2 A. Yes.
 3 Q. Just reading the first paragraph there, does Dr Ludlow
 4 say:
 5 "This email is to connect you [Kenneth and Calum]
 6 with our colleague in security at Whitemoor, Steve
 7 Machin. I've just discussed with Steve about Usman
 8 joining us for the [event]. Steve is kindly going to
 9 continue discussions with colleagues and will provide
 10 wise counsel in terms of the selection of other
 11 Learning Together students who will join us for the
 12 event..."
 13 And so on. And can we see a little bit further down
 14 the email, a message to you:
 15 "Steve -- Kenneth's contact details below in case
 16 helpful."
 17 So do we see here in advance of the June event, Amy
 18 Ludlow of Learning Together bringing together yourself,
 19 probation and police in order to facilitate arrangements
 20 for that event?
 21 A. Yes.
 22 Q. And just moving on, please, to {DC6695/94}. Just expand
 23 the top, please. Thank you.
 24 Can we see this is 13 June 2019, so the day after
 25 the event. Can we see an email here from Amy Ludlow to

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1 various people, including you, and we can see the first
 2 sentence:
 3 "We wanted to write to say a huge thank you for
 4 everyone's thoughtful and joined up work that it
 5 possible for Usman to attend yesterday's digital
 6 roundtable..."
 7 And that's right, there was appropriate liaison from
 8 Learning Together to facilitate that event?
 9 A. Yes.
 10 MR GRIFFIN: Thank you.
 11 Thank you, sir.
 12 JUDGE LUCRAFT: Thank you.
 13 Ms Leek, over to you, I think, now. Again, you've
 14 been in the hall behind the jury, so they may not have
 15 been aware that you were sitting behind them, but again
 16 if you might just introduce yourself to them, I'm sure
 17 Mr Machin knows who you are.
 18 Questions by MS LEEK QC
 19 MS LEEK: He does, sir. I'm Samantha Leek and I ask
 20 questions on behalf of the Ministry of Justice and the
 21 Secretary of State for the Home Department.
 22 JUDGE LUCRAFT: Thank you.
 23 MS LEEK: Mr Machin, when you're looking at who can go to
 24 each activity within a prison, you are only considering
 25 the risk within the prison setting?

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1 A. That's correct.
 2 Q. And you're considering that risk on the basis of what
 3 you know at the particular time?
 4 A. Yes.
 5 Q. So you look at intelligence and behaviour, and you carry
 6 out a balancing exercise to determine whether somebody's
 7 behaviour is too risky to permit them to go to
 8 an activity?
 9 A. Yes.
 10 Q. But nobody within your establishment is entirely free
 11 from risk?
 12 A. No, and in fact they all present many risks.
 13 Q. You are in a high risk prison?
 14 A. We are in a high security prison, so if there was anyone
 15 like that, they are wrongly allocated.
 16 Q. Exactly. Yet you as a prison are still required to
 17 facilitate their attendance at education, training and
 18 employment?
 19 A. Yes.
 20 Q. Any risk in the community will be managed and considered
 21 by MAPPA?
 22 A. Yes.
 23 Q. And we've heard about MAPPA, that that is Multi-Agency
 24 Public Protection Arrangements?
 25 A. Yes.

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1 Q. And you are one agency that feeds into the panel that
 2 considers how to manage offenders within the community?
 3 A. That's correct.
 4 Q. And MAPPA are informed partly by reports and
 5 intelligence from the prison?
 6 A. Yes.
 7 Q. And initially that will be on a form that we've seen
 8 briefly called the MAPPA F?
 9 A. Yes.
 10 Q. And in the community, MAPPA panels will look at things
 11 like compliance with licence conditions, and sustained
 12 good behaviour?
 13 A. Yes.
 14 Q. They will also consider any ongoing feeds into the
 15 intelligence picture?
 16 A. Yes.
 17 Q. But, as you said yesterday, that's not your area of
 18 expertise?
 19 A. No, not at all.
 20 Q. Let us turn to the MAPPA Fs, and sir, if I may,
 21 {DC5668/1}. This is the first MAPPA F prepared by the
 22 prison and we can see on page 1 that it sets out
 23 establishment and meeting details, it sets out offender
 24 details, it sets out, further down the page, sentence
 25 details.

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1 We have on page 2 relevant dates, and then we have
 2 at the bottom of page 2 prison contribution to
 3 assessment, and it says Joanna Boulton, custody
 4 protection officer, we're going to hear from her later
 5 today, she was the offender supervisor and sets out
 6 supervision details?
 7 A. Yes.
 8 Q. She talks about how often she meets with the offender,
 9 and she talks about her relationship with the offender?
 10 A. Yes.
 11 Q. We then have a whole page on the following page, page 3,
 12 that sets out the offender's conduct and behaviour in
 13 custody, and it says that:
 14 "Mr Khan's conduct and behaviour in prison has been
 15 mixed. It would appear that in the last 8 months there
 16 has been a sustained positive improvement in his
 17 behaviour."
 18 But it goes on to set out adjudications, the fact
 19 that he was previously managed under central MCBS,
 20 Managing Challenging Behaviour Strategy, it talks about
 21 the referrals in July 2013 that we've heard about, and
 22 it talks about his behaviour and his engagement in
 23 a creative writing course.
 24 Over the page, {DC5668/4}, it sets out three ERG
 25 assessments, the Thinking Skills programme, and the

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1 Healthy Identity Intervention programme.
 2 Down the page, it goes on to consider diversity
 3 considerations, and on the following page, {DC5668/5} it
 4 covers telephone calls and correspondence that has been
 5 monitored.
 6 If we could then turn to {DC5668/6} it sets out
 7 a summary of intelligence over the previous 12 months.
 8 Now, no doubt that will be gone through with Ms Boulton
 9 when she gives evidence later, but at the bottom of that
 10 it says "Potential for radicalisation and extremism",
 11 and it says:
 12 "... this does not mean that his ideologies have
 13 changed, just that he may be behaving in a deceptively
 14 compliant manner in order to facilitate his release."
 15 So does the prison feed into MAPPA all aspects of
 16 his behaviour, conduct, intelligence and training during
 17 his time at Whitemoor?
 18 A. I understand it does.
 19 Q. And it's not a static picture, is it? It's not
 20 a one-off feed into MAPPA?
 21 A. No.
 22 Q. If we go to {DC6420/1}, this is 15 August 2018, a second
 23 MAPPA F that feeds into the multi-agency panel. Yes?
 24 A. Yes.
 25 Q. On page 3 of that {DC6420/3}, there is, at the bottom of

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1 the page, if we could zoom in, "August 2018 update". So
 2 we've had conduct and behaviour up to August, and then
 3 we've got -- up to June, and then we've got
 4 the August 2018 update, and that talks about the
 5 positive entries, one for his positive contribution to
 6 book club where he shared a play he had written, and he
 7 also attended the restorative forum on the use of spice,
 8 and then it talks about him being in contact with
 9 Amy Ludlow who facilitates the Learning Together work
 10 done with Cambridge University.
 11 And it sets out here that Mr Khan is keen to
 12 maintain contact with her and her team when he's
 13 released, and Dr Ludlow would like to continue to have
 14 contact and work with Mr Khan.
 15 So that is the updated picture as at August 2018?
 16 A. Yes.
 17 Q. And underneath that it sets out who Mr Khan's associates
 18 are within the prison. So the MAPPA panel know who his
 19 associates are, what his behaviour is, and who his
 20 social visitors and telephone calls are with?
 21 A. Yes.
 22 Q. If we go on to {DC6420/6}, again, we don't have a static
 23 picture of the intelligence being fed to the MAPPA
 24 panel, do we?
 25 A. No.

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1 Q. If we go to the bottom of the page, August 2018 update,
 2 and this will have come from the security department,
 3 the CT and security department within Whitemoor?
 4 A. This would have just been my analyst, but they would
 5 have accessed general security info as well as CT
 6 specific, yes.
 7 Q. Yes. And all of this from wings and from the offender
 8 supervisor and from the CT department will be fed
 9 through to the MAPPA panel?
 10 A. Yes.
 11 Q. So we can see the August 2018 update, that
 12 notwithstanding the improved behaviour, there are
 13 several snippets of information with reference to his
 14 associations?
 15 A. Yes.
 16 Q. And at the bottom:
 17 "During work in Shop 10 intelligence suggests that
 18 for the past 3 weeks..."
 19 There have been deep discussions between Mr Khan and
 20 a number of other associates:
 21 "One of the 4 prisoners was today writing something,
 22 which was retrieved after the lesson. Intelligence
 23 suggests that some of the writing could be names."
 24 A. Yes.
 25 Q. I don't need to take you to the October and the December

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1 updates, but can we see from these MAPPA Fs that they
 2 are comprehensive documents that are fed into the
 3 Multi-Agency Public Protection panel arrangements?
 4 A. Yes.
 5 Q. So, far from operating in silos, as has been suggested,
 6 the Prison Service has involvement in the run-up to
 7 release from the prison, and thereafter?
 8 A. Yes.
 9 Q. I just want to look briefly at the setting in which
 10 educational courses such as maths, English,
 11 Learning Together, et cetera, take place. Yesterday
 12 afternoon, you told the jury a little bit about how
 13 a prisoner would get from the wing to the classroom, and
 14 just so the jury understand, as you've said, prisoners
 15 live or sleep in cells which are on spurs of wings.
 16 A. Yes.
 17 Q. So corridors which go off wings, basically?
 18 A. Yes.
 19 Q. And there are other areas within the prison that they go
 20 to for various activities?
 21 A. Yes.
 22 Q. They are not permitted to walk unescorted around
 23 a prison?
 24 A. No.
 25 Q. In order to get to an activity, such as maths, English,

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1 Learning Together, they have to leave the wing?
 2 A. Yes.
 3 Q. They have to go through locked gates?
 4 A. Yes.
 5 Q. They will be escorted through the gates?
 6 A. Yes.
 7 Q. And before they do so, they will be searched?
 8 A. Yes.
 9 Q. Gates will be locked behind them, and they will be
 10 escorted to the activity area?
 11 A. Yes.
 12 Q. They have to go through further locked gates whilst
 13 escorted at all times?
 14 A. Yes.
 15 Q. They will undergo a second search before they enter the
 16 room for the educational activity?
 17 A. No.
 18 Q. Before they go onto the educational area, I'm sorry.
 19 And they may be searched with a wand and a metal
 20 detector.
 21 We will hear from Gina Butler later about the full
 22 process by which it is determined which prisoners can
 23 undertake which activities, but in short, Usman Khan, as
 24 we have heard, was a high risk prisoner who was only
 25 permitted to undertake low risk activities.

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1 A. Yes.
 2 Q. Learning Together was a low risk activity?
 3 A. Yes.
 4 Q. And it was low risk because it took place in a low risk
 5 area?
 6 A. Yes.
 7 Q. With a number of CCTV cameras. There is a check of the
 8 fabric of the room, prior to sessions?
 9 A. Yes.
 10 Q. Prisoners are subject to random rub-down searches?
 11 A. Yes.
 12 Q. There is a podium in the Learning Together workshop
 13 where a prison officer will sit for the entire session?
 14 A. Yes.
 15 Q. There are also checks on the university students; is
 16 that right?
 17 A. Yes.
 18 Q. And why is that?
 19 A. General policy for anyone coming into a prison which is
 20 already set out through different PSIs under our
 21 National Security Framework, there's a pathway of checks
 22 that need to be completed, so Amy and Ruth clearly -- we
 23 considered all of those guests as official visitors, so
 24 applied all the policies that we apply to official
 25 visitors. We have a local notice in place that we will

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1 only conduct minor checks if an official visitor is
 2 visiting for single figures amounts of times, which the
 3 students qualified for.
 4 Amy and Ruth who would be visiting much more often,
 5 we put through the full range of vetting checks that all
 6 civilian and operational members of staff go through
 7 before they get there.
 8 As we hadn't -- so we weren't breaking policy at all
 9 by not doing that with the students. We then sort of
 10 looked at -- because for two reasons, it didn't seem
 11 worth it for the risk, cost-effective for public money,
 12 to put every Cambridge student through a full vetting
 13 check, so with police colleagues, they helped us conduct
 14 Police National Computer checks.
 15 Q. Yes. And is one of the reasons for doing that to make
 16 sure that they don't have any associations already with
 17 the prisoners within the prison?
 18 A. Yes. Some of our criminals have amassed wealth and
 19 their children go to the right schools and do make it to
 20 university. So you can -- we couldn't rule out that
 21 either knowingly or unknowingly people with contacts
 22 would be attending that university.
 23 Q. Notwithstanding the fact that Mr Khan was permitted to
 24 go to low risk activities, if anything specific had
 25 given you cause for concern, would that permission have

1 been withdrawn?
 2 A. Yes.
 3 Q. Turning to Learning Together, Amy Ludlow and
 4 Ruth Armstrong were asked a number of questions on the
 5 basis that different classes or categories of prisoner
 6 should be excluded from certain courses; yes?
 7 A. Yes.
 8 Q. For example, it was suggested that Terrorism Act or TACT
 9 offenders should be excluded from Learning Together,
 10 there should be a blanket exclusion; yes?
 11 A. I wasn't aware of that.
 12 Q. That was what was suggested.
 13 A. Yes.
 14 Q. Does this ignore the fact that within a category of
 15 offence, different prisoners pose different risks?
 16 A. Oh, hugely. They're -- from the people I've worked with
 17 convicted of terrorism offences, their risks vary
 18 greatly in terms of what drove them to become that
 19 offender, what work needs to be done to reduce that
 20 risk. No two people are identical, it's as simple as
 21 that.
 22 Q. Yes. And it ignores the fact, doesn't it, that a person
 23 might be category A but pose little or no risk to the
 24 people within the prison?
 25 A. Yes, particularly because there's been a number of cases

1 where our security services have been so good they make
 2 arrests before things happen as opposed to after them.
 3 So when you're evaluating people's risks, you're
 4 evaluating on their plans not actually knowing whether
 5 they had the capability to carry it out or not, so you
 6 work that they do, but even within that there's a whole
 7 raft of different risks they all present.
 8 Q. And in general is it right that decisions made in
 9 prisons as to what prisoners are and are not permitted
 10 to do, are made on a case-by-case basis?
 11 A. That's correct.
 12 Q. And not just on a case-by-case basis, but in fact on
 13 a day-by-day basis, so, as you've said before, if
 14 a prisoner who is permitted to undertake a course
 15 behaves in a way that would suggest he would pose a
 16 risk, then that permission will be withdrawn?
 17 A. Yes.
 18 Q. Subject to the assessment of individual suitability,
 19 could you see any reason why Terrorism Act offenders
 20 should not be permitted to undertake the
 21 Learning Together creative writing course?
 22 A. Not from the content that I was aware that they would be
 23 doing, I saw no concern with that. In fact, our
 24 riskiest people are the ones that need the risk
 25 reduction, so I just think it would be a bad place as

1 a service to start if we're assessing people as too
 2 risky to work with and then having to release those
 3 people at the end doesn't bode well.
 4 Q. So there was no reason why they shouldn't undertake
 5 Learning Together, but in fact, for many prisoners, was
 6 it a significantly protective factor?
 7 A. Hugely so, yes.
 8 Q. There are some courses, such as town planning, for
 9 example, that TACT offenders aren't permitted to do
 10 because of the information they might gain themselves?
 11 A. Yes.
 12 Q. Which increases their risk?
 13 A. Yes.
 14 Q. Were you aware at any point, was there any information,
 15 intelligence or evidence to suggest that
 16 Learning Together could in any way increase the risk of
 17 a Terrorism Act offender?
 18 A. No.
 19 Q. Ruth Armstrong said in her evidence on Day 9:
 20 "I would absolutely hope that my HMPPS colleagues
 21 would identify people they thought too risky to take
 22 part in the courses and they would not be admitted."
 23 Is this the process which you described when you
 24 went through the applications to determine if any
 25 prisoners were not suitable?

1 A. Yes.
 2 Q. And was this on top of the work activity allocation risk
 3 assessment that we've already seen?
 4 A. Yes, that's correct.
 5 Q. I just want to touch on the question of intelligence
 6 briefly. You say in paragraph 10 of your witness
 7 statement that intelligence is triaged every morning by
 8 security analysts and CT, counter-terrorism analysts?
 9 A. Yes.
 10 Q. And you explained a little yesterday what the security
 11 analysts and counter-terrorism analysts do.
 12 In paragraph 11 of your witness statement, you say
 13 that CT analysts will prepare a report on any
 14 information and that the custodial manager or duty
 15 governor will assign actions from the report. Can you
 16 give an example of the type of action that might be
 17 assigned?
 18 A. They can be varied from -- if it was a behavioural
 19 information report, it would be: wing to confirm if this
 20 has been addressed through IEP, ie has a warning been
 21 issued, once they accrue a certain amount of warnings it
 22 can lead to a review.
 23 It could be that the intelligence is around
 24 bullying, so the action would be to inform our Safer
 25 Prisons department, who run our anti-bullying policies.

1 It could be that a mental health referral was needed, so
 2 it would be checking that In-Reach have received
 3 a mental health referral. They can be very varied.
 4 Q. This could include moving wings, for example?
 5 A. It could be.
 6 Q. You could assign an action to stop somebody from
 7 attending an activity?
 8 A. Yes.
 9 Q. You could warn wing staff or teaching staff of potential
 10 risk?
 11 A. Yes, or if it was, say, a piece of intelligence that
 12 supported pre-existing, it could be as far as contacting
 13 the duty governor for the day and saying: actually, we
 14 need to segregate this person because there's some risks
 15 that we don't feel safe investigating while they're
 16 still around others.
 17 Q. And if there was intelligence to suggest that someone
 18 posed a risk to teachers coming into the prison, what
 19 action would be assigned?
 20 A. Pardon?
 21 Q. If there was intelligence to suggest that somebody posed
 22 a risk to teachers or educators coming into the prison,
 23 what risk would be assigned -- sorry, what action would
 24 be assigned?
 25 A. What action. I would expect the action is they would be

1 immediately suspended from that activity while it's
 2 looked into further so we can come to a conclusion.
 3 Q. And would the course convener be informed of that?
 4 A. They would if there was risk towards them, most
 5 definitely.
 6 Q. So in fact the prison intelligence, if necessary, would
 7 be shared with people who would not otherwise have
 8 access to it, on a general basis?
 9 A. In a gist, yes.
 10 Q. In a gist.
 11 On intelligence, do prisoners sometimes say things
 12 about other prisoners in order to get them or the other
 13 prisoner moved?
 14 A. Yes, sometimes people submit malicious intelligence,
 15 either anonymously or through conversations with staff,
 16 sometimes people's perceptions, they report what they
 17 genuinely believe, but it could be incorrect also.
 18 Q. And in managing prisoners within the prison, do you have
 19 to consider all of the intelligence in the round and
 20 look at it against the overt behaviour of the prisoner?
 21 A. Most definitely. You can't view intelligence at the
 22 same level as a piece of research, for example. One,
 23 you would be much happier to nail your opinions to, so
 24 with intelligence it can be very complicated, so you are
 25 looking, wherever possible, to find overt evidence of

1 something, yes.
 2 Q. And do prisoners sometimes big themselves up, for want
 3 of a better expression?
 4 A. Not sometimes: in a high security prison I would suggest
 5 pretty much always. It's part of the peer -- being
 6 vulnerable in a high security prison isn't -- and this
 7 is what I have told back to me by people that live
 8 there: it's not safe for them to ever come across as
 9 vulnerable, they tell me.
 10 Q. Right. Mr Hough asked you yesterday about the
 11 Pathfinder process.
 12 A. Yes.
 13 Q. You explain that this is a system of counter-terrorism
 14 case management in the prison context?
 15 A. Yes, but it also happens in the community.
 16 Q. Yes. And you said that in the prison context, you meet
 17 once a month and you look at each individual on the
 18 caseload?
 19 A. Yes.
 20 Q. You said that it is attended by lots of different
 21 departments from within the prison, and also
 22 counter-terrorism police?
 23 A. Yes.
 24 Q. And I think it is also attended by a psychologist?
 25 A. Yes.

1 Q. Ieva, who we're going to hear from?
 2 A. Yes.
 3 Q. Counter—Terrorism Unit analysts, CTU analysts?
 4 A. Yes.
 5 Q. And the chaplaincy?
 6 A. Yes.
 7 Q. Did you chair these meetings?
 8 A. Yes, yes.
 9 Q. And you look at the intelligence as a multi—disciplinary
 10 group?
 11 A. Yes.
 12 Q. And as a group, you look at reports concerning behaviour
 13 and progress?
 14 A. Yes.
 15 Q. And you determine what strategies and management options
 16 are available for each individual?
 17 A. Yes, we try to, yes.
 18 Q. And during the Pathfinder meetings, I think the group as
 19 a whole was aware that Mr Khan was undergoing the
 20 Learning Together course?
 21 A. Yes, they most definitely were. He wasn't the only TACT
 22 offender at the time that was.
 23 Q. And there was discussion about the effect on his
 24 behaviour of his attendance at the Learning Together
 25 course?

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1 A. Yes, there was.
 2 Q. And at any stage, did any member of the Pathfinder
 3 process, the Pathfinder meeting, including the
 4 psychologist, suggest that this was an inappropriate
 5 course for him to be attending?
 6 A. I don't recall that, no.
 7 Q. Or that the Learning Together course was in some way
 8 inappropriate at Whitemoor Prison?
 9 A. I've definitely not heard that, no.
 10 Q. Ruth Armstrong and Amy Ludlow were asked questions to
 11 the effect that some courses may be appropriate in
 12 Grendon but not in Whitemoor on the basis that Grendon
 13 is a therapeutic community. Could you see any reason
 14 why Learning Together would not be appropriate in
 15 Whitemoor?
 16 A. From what I understood, no.
 17 MS LEEK: Sir, thank you. I've no further questions.
 18 MR HOUGH: Sir, just before Mr Machin leaves, one final
 19 sweep—up matter.
 20 JUDGE LUCRAFT: Yes.
 21 Further questions by MR HOUGH QC
 22 MR HOUGH: Mr Machin, you were just asked questions about
 23 whether people might be excluded from Learning Together
 24 on the basis of offence—type.
 25 A. Yes.

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1 Q. Do you recall those questions?
 2 A. Yes.
 3 Q. And you suggested that because terrorism prisoners
 4 presented a wide range of risks, it would be wrong to
 5 exclude them as a whole from a particular educational
 6 activity?
 7 A. Yes.
 8 Q. In giving those answers, were you focusing on the risks
 9 within a prison context?
 10 A. I was, yet again, yes.
 11 Q. So there were some questions of Drs Ludlow and Armstrong
 12 about whether their course with its mission for
 13 a long—term connection between the course and the inmate
 14 after release into the community was not appropriate for
 15 people who may have an entrenched ideology represented
 16 by terrorism offences. Is that something on which you
 17 feel able to express a view at all?
 18 A. I would only just say, again, so a lot of the
 19 information we had was intelligence. Some —— much ——
 20 the overt behaviours that would have fed into that,
 21 I don't... I don't think it would have marked him out of
 22 it, to be honest, no.
 23 Q. Understood in relation to Usman Khan, but if you are
 24 setting up an educational course with a deliberate
 25 connection being established between the offender and

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1 academics going forward in the community, it has been
 2 suggested that consideration should be given to either
 3 excluding or at least carefully assessing the
 4 involvement of somebody who may have an extreme
 5 ideology?
 6 A. That is a discussion I think definitely needs to happen,
 7 yes.
 8 MR HOUGH: Thank you very much. Those are all my questions.
 9 Thank you very much, Mr Machin.
 10 A. Thank you.
 11 JUDGE LUCRAFT: Mr Machin, you've been giving evidence for
 12 really quite some lengthy period. Can I simply just
 13 thank you very much indeed for coming along to give
 14 evidence at the Inquest and for the answers that you've
 15 given to the various topics you've been asked to cover.
 16 Thank you very much.
 17 A. Thank you, sir.
 18 MR HOUGH: The next witness is Georgina Butler.
 19 MS GEORGINA BUTLER (affirmed)
 20 JUDGE LUCRAFT: Good afternoon. If you are happy to, please
 21 do remove your mask whilst giving evidence, and if you
 22 would prefer to sit, please do so. There's a chair by
 23 the desk.
 24 A. Thank you.
 25 JUDGE LUCRAFT: And we all have a natural tendency to talk

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1 more quietly when we sit down, so I'm just going to ask
 2 that my usher just moves the microphone closer to you,
 3 so that what you say can be heard by everyone in the
 4 room.
 5 A. Thank you.
 6 JUDGE LUCRAFT: Thank you.
 7 Questions by MR HOUGH QC
 8 MR HOUGH: Would you please give your full name for the
 9 court?
 10 A. Yes, Georgina Butler.
 11 Q. Ms Butler, you know I'm asking you questions first on
 12 behalf of the Coroner and you may then have some
 13 questions from other lawyers?
 14 A. Yes.
 15 Q. You made witness statements in December 2019 and
 16 in February and April of this year, and you may refer to
 17 those.
 18 A. Thank you.
 19 Q. What was your post in November 2019?
 20 A. So I was the learning and skills manager based at
 21 HMP Whitemoor.
 22 Q. Since when had you held that post as learning and skills
 23 manager at Whitemoor?
 24 A. So I think it was about five or six years.
 25 Q. Since, I think, about the start of 2015?

1 A. Sounds right, yes.
 2 Q. Before that, had you worked for the Prison Service in
 3 various roles since 2004?
 4 A. That's right.
 5 Q. In summary, what did the role of learning and skills
 6 manager at Whitemoor involve?
 7 A. So it requires me to identify the needs of our prison
 8 population, and to commission services that then meet
 9 the needs of individuals. I'm then interested in the
 10 quality of that provision and making sure that it does
 11 meet needs and deliver good outcomes.
 12 Q. So did this involve both considering the needs of
 13 prisoners themselves?
 14 A. Yes.
 15 Q. The appropriate programmes for those prisoners?
 16 A. Yes.
 17 Q. And commissioning those courses?
 18 A. That's right.
 19 Q. In that role, you would have needed to have a good
 20 understanding of the educational requirements of
 21 prisoners and the courses available to them?
 22 A. Mm—hm.
 23 Q. Did you have any experience or training in security
 24 matters though?
 25 A. So having worked in the Prison Service for some 17 or so

1 years, when I first arrived at Whitemoor I went through
 2 the full prison induction, which included elements of
 3 security cover there, so that was with regards to
 4 key—holding, kind of corruption prevention, and keeping
 5 myself safe and secure whilst in the establishment.
 6 There has probably been ongoing security courses
 7 that have happened throughout my career, but I can't
 8 think of exact names or times, but yes, it's an ongoing
 9 process.
 10 Q. But is this fair: you wouldn't have had the same degree
 11 of security expertise and experience of someone like
 12 Mr Machin?
 13 A. Absolutely. I've been non—operational my whole career.
 14 Q. Now, is this right: by late 2016, plans had been made to
 15 provide a Learning Together course at Whitemoor?
 16 A. That's right, yes.
 17 Q. When did you first become aware of Learning Together?
 18 A. So in my statement I think I make reference to, I think,
 19 a previous governor, Damian Evans, had made me aware of
 20 Learning Together as a concept. I think he'd heard
 21 about it, either around the service, or had been
 22 approached directly, I'm not entirely sure.
 23 I know that I had been to Grendon to an end of
 24 course event there. That was kind of one of my first
 25 occasions where I'd sort of really looked at what

1 Learning Together was.
 2 Q. I think that was April 2016?
 3 A. Sounds right, yes.
 4 Q. We've heard that Learning Together operated with lessons
 5 in which the number of undergraduates would study
 6 alongside a roughly equal number of prisoners?
 7 A. That's right.
 8 Q. Is that how you understood it to operate?
 9 A. Yes.
 10 Q. And that it provided a range of courses which was, in
 11 fact, developing and growing?
 12 A. Yes.
 13 Q. May we have on screen, please, {DC6505/1}. Was a notice
 14 produced in late 2016 to Prison Service employees at
 15 Whitemoor giving details of a proposed Learning Together
 16 course?
 17 A. That's right, yes.
 18 Q. And do we see from this notice that it made clear what
 19 the course was concerned with, the good life and the
 20 good society, with some philosophical and theological
 21 themes, the participation requirements for prisoners
 22 participating in the course?
 23 A. Yes.
 24 Q. And then at the bottom of the page, please, a process of
 25 application set out with the applications to be made by

1 form, submitted to you, and sifted by key stakeholder
 2 departments such as security and the Offender Management
 3 Unit?
 4 A. Yes, that's right.
 5 Q. Now, before this notice was sent out, were you involved
 6 with discussions with the Learning Together team?
 7 A. I will have been, yes.
 8 Q. What made you decide to -- what made you decide that
 9 introduction of Learning Together at Whitemoor would be
 10 a good thing?
 11 A. So ultimately the final decision sat with the governor,
 12 of course, but I obviously had the experience at the end
 13 of course event, I had spent some time speaking with Amy
 14 and Ruth, I could see the impact it had had at Grendon.
 15 I could see that from a collaborative point of view that
 16 Amy and Ruth were very much committed to the work that
 17 we were intending to do and that they were capable of
 18 doing it in a really good way.
 19 You know, other elements that also factored into my
 20 considerations were things like some HMIP, so the prison
 21 inspectors, we'd had recommendations that told us to, or
 22 suggested that we seek out kind of higher level
 23 educational opportunities, and so, you know, this
 24 opportunity fit that bill, so it seemed like it all had
 25 great potential for the population of Whitemoor.

1 Q. Before it was proposed in this notice, did there have to
 2 be any discussions within the prison about physical
 3 security given that you had students coming in studying
 4 directly alongside prisoners?
 5 A. Absolutely, yes. I haven't kind of got any evidence
 6 still in existence from them times because it was quite
 7 some time ago, but I'm fairly sure that I will have
 8 understood from Amy and Ruth what the requirements were
 9 of the course and I would have then translated them
 10 requirements into how it could then operate within
 11 Whitemoor. I then will have liaised with operational
 12 colleagues to make sure that my proposal for dealing
 13 with each of them was kind of fit for need, really.
 14 Q. At that stage, so when you were first seeking to
 15 introduce it, did you have any views about where it
 16 should take place in the prison, what sort of
 17 environment it should take place in?
 18 A. I think it became apparent fairly early on that it was
 19 going to be a fairly large group, in that we were going
 20 to have -- so the staff-to-prisoner ratio is one officer
 21 to 15 residents. So on that basis we anticipated trying
 22 to maximise the opportunities for as many people as
 23 possible, so I knew if we were going to have 15
 24 residents we would likely have 15 students coming in
 25 from outside, plus any additional staff.

1 So Workshop 9 had immediately come to mind as quite
 2 a large venue that could be adapted to suit the needs
 3 for a course such as this.
 4 Q. Could you tell us a little about Workshop 9, what sort
 5 of room it was and what security characteristics it had?
 6 A. So it's kind of an overflow area from the chaplaincy
 7 department. It is based in our workshops complex in the
 8 prison. It's a very large, open-plan floor space that
 9 had been prepared in order to facilitate Friday prayers,
 10 which meant that it was carpeted. There were tables and
 11 chairs available, there were bathrooms, hot water for
 12 drinks and things like that, so it presented itself as
 13 a good venue for what we were looking to do.
 14 Q. Were there any discussions in advance about the security
 15 procedures that should be followed before prisoners were
 16 approved to go on the course?
 17 A. There will have been. So it's probably worthwhile
 18 setting out that I'd approached Steve Machin about
 19 preparations for Learning Together, because I've known
 20 of Steve for some time, we'd kind of crossed paths in
 21 what were sort of first-line manager forums, I could
 22 tell that Steve was very rehabilitative in his outlook,
 23 he felt like a good colleague to work alongside in order
 24 to make these preparations for a course such as this.
 25 So in talking with Amy and Ruth and understanding

1 what each of the requirements were going to be, when you
 2 break it down it is kind of visitors coming in, so
 3 I knew that that had to link in with notifying the gate
 4 and security of visitors, doing the necessary checks for
 5 them, making sure that they're registered with the gate,
 6 moving people from the gate to the workshops complex,
 7 again, through the prison corridor, so there were
 8 operational elements of that that needed to be taken
 9 into account. So I had an idea in mind of how I could
 10 make that work, and spoke it through in practice with
 11 Steve and probably with operational colleagues on my
 12 department as well.
 13 Q. Can we now turn to the process of application and
 14 sifting.
 15 A. Yes.
 16 Q. Now, first of all, is there in general terms for each
 17 prisoner a risk assessment specific to education and
 18 work?
 19 A. That's right, yes.
 20 Q. If we put on screen, please, {WS5092-GB12/1}. We looked
 21 at this earlier today.
 22 A. Mm-hm.
 23 Q. Is this a risk assessment document which is prepared at
 24 Whitemoor, and indeed other prisons, for a given
 25 prisoner with a view to assessing their risk for forms

1 of work and other activity within the prison?
 2 A. That looks familiar to me, yes, and I would understand
 3 that security colleagues would fill that in.
 4 Q. And would this be filled in both at the initial time
 5 a prisoner enters an establishment and then reviewed
 6 annually thereafter?
 7 A. Or in the event of a significant change, yes.
 8 Q. We see there's a whole series of questions about
 9 behaviour, conduct and risks.
 10 A. Mm—hm.
 11 Q. Would that result in a prisoner being given a risk
 12 category?
 13 A. Yes.
 14 Q. If we go to the bottom of the page, please, we can see
 15 three categories for the prisoner: high, medium and low?
 16 A. Yes.
 17 Q. With any work activity, would it be standard for the
 18 prisoner's risk assessment to be taken into account and
 19 compared against the risk allocated to the activity?
 20 A. That's right, yes, so all of our activity areas also
 21 have a risk assessment for them and then it's a case of
 22 matching the individual's risk assessment against the
 23 risk assessments for any given place.
 24 Q. And as Mr Machin said in response to questions, is it
 25 right that the risk activity for an activity is

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1 primarily based upon the risk rating for the place in
 2 which it will take place?
 3 A. Yes, so the activity risk assessment will look at the
 4 activities that are due to happen in that space, take
 5 into account the environment as well, and then will
 6 result in an overall score.
 7 Q. So for Learning Together, as for anything else, there
 8 would be a process of comparing the prisoner's risk
 9 assessment against the risk assessment for the location,
 10 Workshop 9, and I think that had a low risk assessment
 11 attached to it?
 12 A. Yes.
 13 Q. And was that because of the location it was in, the
 14 security procedures on the way there, and the access, or
 15 lack of access, to anything dangerous in the area?
 16 A. That would be my understanding, yes.
 17 Q. Would that process of comparing the risk assessment of
 18 the prisoner and the risk assessment of the activity be
 19 carried out by people in something called the activities
 20 hub in the prison?
 21 A. Yes. So probably, for clarity, just to explain, that
 22 would be the process that would happen for allocations
 23 to prison activities, ie that would act as the
 24 individual's kind of paid employment. With
 25 Learning Together, certainly in the early days, I did

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1 a lot of that processing myself, so it wasn't a case
 2 that the activities hub were overly involved in that
 3 process at the time, and in order to, you know, be clear
 4 and frank, in considering Learning Together applications
 5 at that time, I wouldn't necessarily look at this
 6 document and look at all of the individual risk levels
 7 for each of the applicants. My approach at the time was
 8 to go to security and OMU colleagues to ask that they do
 9 reviews of the individuals and feed into me any concerns
 10 that needed to be considered.
 11 My reason for doing that, you know, it can sometimes
 12 be the case that documents don't get updated
 13 necessarily. I just wanted to be sure that I was
 14 getting the latest information from those that were in
 15 the know to make sure we were making well informed
 16 decisions.
 17 Q. If we put on screen {DC6505/6}, please. We can see here
 18 an application form for the first of the courses at
 19 Whitemoor run by Learning Together, and if we go down
 20 the page, we see it asks why the inmate wants to
 21 participate, what they can contribute, and then over the
 22 page, please {DC6505/7}, further questions about
 23 concerns and what the inmate hopes to gain, and then
 24 finally {DC6505/8}, please, a series of check box
 25 questions about — concerning views about the course.

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1 Once a form like that had been filled in by
 2 an inmate, what would be the next stage in terms of
 3 clearing them to participate in the course?
 4 A. So I would collate a list of all the applicants for the
 5 different courses and I would then send out an email to
 6 all relevant colleagues asking for them to give feedback
 7 on the applicants, so any issues that needed to be taken
 8 into account in considering that individual for that
 9 course.
 10 Q. Would there be any further level of checking by others?
 11 A. So once all of the feedback had come back, then if there
 12 were anything that had caused any concern, then I would
 13 have discussed it with whoever was appropriate. Often
 14 Steve would be somebody that I would often talk to and
 15 bounce ideas around with.
 16 At the point of somebody being cleared through the
 17 sift, that's when we would get together a timetable of
 18 interviews and share that with Learning Together
 19 colleagues so that they could do that part of the
 20 process.
 21 Q. Was it routine in the sense that Steve Machin would
 22 always review the application forms of those within his
 23 purview, so offenders with a terrorist offending
 24 background?
 25 A. So I will definitely have sent the email to Steve, I may

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1 have copied in the generic security email address as
 2 well, my expectation being that I would share it with
 3 Steve and he would do the risk assessment himself, or
 4 that he would kind of divvy up the work with other
 5 colleagues to make sure that that process was done.
 6 Q. To your knowledge, about how many offenders at Whitemoor
 7 participated in Learning Together courses over the
 8 two years from early 2017 to late 2018?
 9 A. So for the whole time that we've been running
 10 Learning Together, there's always been massive
 11 oversubscription. So for every course that we ran,
 12 there were 15 individuals that would participate in the
 13 course. I would guesstimate at about double that with
 14 regards to number of applications. So in the first year
 15 we ran just the one course, so it would have been 15
 16 individuals that were selected. In the second year,
 17 where we introduced Writing Together, again, it would be
 18 two groups of 15.
 19 Q. Were you aware of any applications being refused just on
 20 security grounds?
 21 A. I am, yes.
 22 Q. How many or what sort of proportion?
 23 A. So I think it was fairly small numbers. Cases that
 24 particularly come to mind were of individuals that we
 25 just didn't know very well or that had had some kind of

1 negative behaviour in their recent past that just made
 2 it too risky to give them this opportunity.
 3 Q. We can take that document off screen now. What was your
 4 understanding of how successful Learning Together
 5 courses were in prison, and how prisoners responded to
 6 them once they got going?
 7 A. So having been to Grendon for the end of course event,
 8 from that very moment I could see the impact that it had
 9 on individuals and the ways in which that was shared
 10 with others was quite compelling. From running the
 11 courses at Whitemoor, immediately the feedback was very
 12 positive, the guys were committed. Writing Together
 13 actually came about as a result of feedback from
 14 a learner in the first year who had said that that would
 15 feel like a helpful avenue for Learning Together to go
 16 down. You'll see from my statement that we went on to
 17 develop provision that was kind of more aligned with the
 18 ways that I understood universities to work, so like the
 19 big ideas seminars that would happen of an evening.
 20 Some of the higher education studies skills groups, it
 21 kind of evolved out of feedback we were getting from
 22 learners about ways in which it could be pushed forward.
 23 But just in general terms, there was also a lot of
 24 feedback that just said: this is a life-changing
 25 opportunity, experience.

1 Q. May we have on screen {DC6687/3}. And we move to the
 2 bottom of the page, please. This is the introduction to
 3 a collection of writing by inmates at Whitemoor, and do
 4 we see in March 2018 that you wrote an introduction
 5 where you praised the quality of the work the students
 6 had developed. You remarked on how rewarding it was to
 7 watch the students develop their potential, and you
 8 noted that the scheme was making a real contribution to
 9 the rehabilitative culture at Whitemoor?
 10 A. That's right. And, you know, it might be helpful to
 11 also talk about, as I mentioned earlier with regards to
 12 the requirements of my job, being very much interested
 13 in the quality of the provision that we deliver. The
 14 world of prison education is sometimes one that can be
 15 quite limited, sometimes it's not of the greatest
 16 quality sometimes, sometimes it's delivered by people
 17 that are not necessarily overly experienced in the world
 18 of education, so to work alongside this organisation
 19 that just did everything really well was a pleasure and
 20 it delivered all of these outcomes as well for the
 21 individuals.
 22 Q. May we have on screen {DC5045/10}. If we go to the text
 23 in italics, did you give a reference for an application
 24 by Learning Together for a grant from The
 25 Fishmongers' Company to pay for a study centre at

1 Whitemoor in around April 2019?
 2 A. I did, yes.
 3 Q. And, once again, do we see that you praised the high
 4 quality of the course and its contribution to the
 5 rehabilitation of people within a high security prison?
 6 A. Yes, and you'll see that I mention there about, you
 7 know, the clientele that we have at Whitemoor are very
 8 often people that are serving very long sentences,
 9 indeterminate sentences. Again, going back to the world
 10 of prison education, it can sometimes be very focused on
 11 just developing employability skills, but when you are
 12 dealing with residents who have got 30 plus year
 13 sentences, for example, you know, being able to offer up
 14 a wide variety of opportunities that are going to keep
 15 them well occupied is something that's really important
 16 to us at Whitemoor.
 17 Q. We see, for example, that you say about five lines down:
 18 "We have seen men suffering with mental health
 19 conditions stabilise enough to a full course, men who
 20 for years have believed themselves unable to hold their
 21 own among academics doing just that, and men beaming
 22 with pride when they are celebrated in front of their
 23 family and friends."
 24 A. Yes. And to put that into kind of practical terms as
 25 well, you know, some of the residents that we engage

1 with struggle to go into learning environments following
 2 on from some distressing experiences that they've had
 3 from their childhoods, for example, being in that
 4 learning space has enabled them to kind of recognise
 5 their capabilities and go on to do things that are
 6 really fundamental skills, so developing their
 7 functional skills, for example, where you and I would
 8 know that when you're applying for a job quite often
 9 places will want you to have five GCSEs, for example;
 10 these guys are going on to engage in their functional
 11 skills that then takes them to a level where they can
 12 then open doors with regards to employment.
 13 Q. We can take that off screen now.
 14 You, I think, also had some involvement with some of
 15 the Learning Together personnel in another context,
 16 I think we can deal with this quite briefly.
 17 A. Yes.
 18 Q. Is it right that you began a master of studies degree in
 19 criminology in 2017?
 20 A. I did, yes.
 21 Q. And that Dr Ludlow became the lead for the course, so
 22 overall supervisor of the course, in 2019?
 23 A. Yes.
 24 Q. And you therefore had some interaction with her and
 25 Dr Armstrong through that academic connection?

1 A. Yes, so the reason that I had kind of put in to do the
 2 course, it was something that I had always been
 3 interested in. Being involved in Learning Together, as
 4 you know, they've kind of got research interests as
 5 well, I was able to kind of contextualise some of the
 6 ways in which I carry myself professionally and
 7 understand that with regards to research and outcomes
 8 and then strive to do kind of the best quality job
 9 I could.
 10 I may not be an educator kind of by trade, I'm not
 11 a trained teacher or anything like that, but I'm very
 12 much committed to education and that was me trying to
 13 push on individually.
 14 Q. During the time that you were involved with
 15 Learning Together while at Whitemoor, were any concerns
 16 or issues raised about interactions between the
 17 prisoners and the students, the Cambridge students?
 18 A. So there was a particular incident that was dealt with
 19 through the IR, the intelligence reporting system,
 20 whereby a prison student had made attempts to be in
 21 contact with a university student outside of the
 22 arrangements within the compact. That got flagged up
 23 with us, and by that point the individual had moved on
 24 to a secure hospital and all of that kind of stuff was
 25 dealt with from a security perspective. I very much

1 explained that there was limits as to what I could do
 2 with it, so encouraged security folk to be contacted
 3 about that.
 4 Q. Did you discuss within the prison, or indeed with the
 5 Learning Together personnel, how Learning Together would
 6 interact with inmates who had been on the course after
 7 they had been released?
 8 A. So at the point of us starting to roll out
 9 Learning Together at Whitemoor, obviously it was still
 10 very much in its infancy. I knew that I'd been to the
 11 end of course event and seen people who I think you have
 12 all met, people like Gareth Evans and John Crilly, I had
 13 seen them at the end of course event and I knew from
 14 speaking with Amy and Ruth that there was continued
 15 contact with them post-release. It hadn't formed part
 16 of our planning at the beginning when we introduced
 17 Learning Together. Obviously there was the contact
 18 whereby Usman said that he had wanted to stay in contact
 19 post-release. I knew that that was outside of my field
 20 of remit and so put the necessary parties in contact.
 21 Q. We'll come to that in a moment, if we may.
 22 A. Okay.
 23 Q. But in general terms, did these discussions ever get
 24 into the question of whether there would be risks of
 25 having a long-term connection between a recently

1 released serious offender and those in the educational
 2 programme?
 3 A. Not explicitly in the beginning, no. There was -- the
 4 compact obviously set out, staying in contact, but that
 5 was very much within prison walls.
 6 Q. Moving on to Usman Khan, we know he was at Whitemoor
 7 from July 2016 to December 2018; when did you first come
 8 across him?
 9 A. So I certainly recall having -- kind of physically
 10 crossing paths with him when he became involved with
 11 Learning Together. However, I knew of his name prior to
 12 that because he had applied for a number of distance
 13 learning courses focused around creative writing. So
 14 I knew of his name before I met him.
 15 Q. In addition, as well as those distance learning courses
 16 for creative writing, were you aware that he undertook
 17 a number of other educational courses for
 18 qualifications, like GCSEs?
 19 A. So I've become aware of that since everything happened,
 20 and I've looked at records. I'm not at all surprised by
 21 that, but I haven't crossed paths with him myself in the
 22 education department.
 23 Q. Did you ever yourself speak to Usman Khan about
 24 Learning Together before he applied for the course
 25 in November 2017?

1 A. So in my statement I make reference to when the decision
2 was made that Learning Together was going to roll out,
3 Amy, Ruth and I had gone for a walk around the wings.
4 My work and experience means that I've crossed paths
5 with many of the guys that are resident at Whitemoor and
6 knew quite a lot of them by name. So as we walked
7 around the wings, I would approach people that I knew,
8 I would talk about this new opportunity that I knew was
9 coming up and encourage people to put in applications if
10 they wanted to. I think it was probably the case that
11 I was on the wing where Usman was and I probably spoke
12 to him but I don't remember anything distinctly about
13 that conversation.

14 Q. Did you have any knowledge at the time of the
15 application he was making and the sifting of that
16 application by the process you've described?

17 A. So I know that he will have been through the sift, but
18 his application doesn't particularly stand out.

19 Q. After he had begun the course, did you have any
20 discussions with him about Learning Together and the
21 creative writing he was doing on his first course with
22 them?

23 A. I think I will have done but, again, they're not
24 particularly conversations that I can remember much
25 detail of.

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1 Q. Is this right: in June 2018, you had contact with Joanna
2 Boulton, Khan's offender supervisor, the probation
3 officer within the prison?

4 A. That's right.

5 Q. Because he wanted to maintain contact with
6 Learning Together after release?

7 A. Yes, that's right.

8 Q. Did you, in the course of that communication, ask for
9 the outside probation officer's details and were you
10 given those of Mr Skelton?

11 A. Yes, I believe so.

12 Q. Did that lead on to you putting Mr Skelton in touch with
13 Amy Ludlow?

14 A. I believe so.

15 Q. In simple terms, just so the jury can understand, why
16 were you doing that? Why were you putting Dr Ludlow in
17 touch with Mr Skelton?

18 A. So I knew that Usman had requested that he would like to
19 stay in contact post-release. I probably would have
20 discussed that with Amy and knew that there was
21 a commitment that they were willing to do that, but
22 I knew that post-release stuff was very much outside of
23 my remit of expertise, so I wanted to hand the case over
24 to those people who were able to make informed decisions
25 about that.

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1 Q. In November 2018, we've heard that Usman Khan acted as
2 a mentor in a Learning Together course called Hands on
3 Probability?

4 A. Yes.

5 Q. Were you aware of that?

6 A. I was, yes.

7 Q. Did you in fact make a note of it in the NOMIS record,
8 and did you regard it as a positive step that he was
9 taking that role?

10 A. That's right, and I know that there was a NOMIS entry
11 that I had made that spoke about Usman being encouraged
12 to deal with a particular scenario. I can't quite
13 remember the wording of it, but in essence I remember
14 the scenario being that he as a mentor had shared with
15 me that some of the teaching practices within the room
16 weren't quite sort of hitting the nail on the head, and
17 he had wanted me to take it forward and challenge people
18 appropriately. What I suggested that he do is actually
19 try and tackle some of that himself, and he did do that,
20 and so I made a NOMIS entry that recognised that he had
21 gone out of his way to do the right thing.

22 Q. A few short questions about matters after Usman Khan's
23 release. As we have heard, he attended a digital
24 innovation event of Learning Together at Whitemoor
25 in June 2019?

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1 A. That's right.

2 Q. Were you at that event?

3 A. I was at the event. I wasn't involved in the planning
4 for him being there.

5 Q. Did you have any conversation with Usman Khan then?

6 A. A very brief one. I was in the midst of making sure
7 that everything was running as it needed to, but there
8 will have probably been a brief conversation that said:
9 how are you, how's things going, family okay, kind of
10 small talk stuff.

11 Q. Do you remember anything about what he said or how
12 he seemed?

13 A. No, not particularly.

14 Q. Were you then invited to the Learning Together alumni
15 event at Fishmongers' Hall on 29 November 2019?

16 A. I was.

17 Q. I'm not going to ask you in great detail about that,
18 because the jury have heard about it —

19 A. Yes.

20 Q. — from other witnesses, but is it right that before the
21 opening sessions began, you sat down at a table in the
22 main Banqueting Hall with Usman Khan, Steve Machin, and
23 Saskia Jones?

24 A. That's right.

25 Q. And we've seen photographs of you in a white jumper at

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1 that table.
 2 On that occasion, did you have any conversation with
 3 Usman Khan?
 4 A. Yes. So I'd arrived to the event late because I'd got
 5 lost, so I'd managed to get there just in time to get
 6 some lunch. So by the time I got to the table we
 7 weren't far off the event starting. So I did my cursory
 8 hello to everybody; obviously I knew Steve, so I checked
 9 how he was, and I just made some small talk with Usman.
 10 I particularly remember asking him how his family is.
 11 For me that feels like quite a significant question,
 12 kind of knowing that family contact is so important for
 13 prisoners, and certainly beyond release, and I remember
 14 him being sort of fairly chatty about it, more chatty
 15 than I had perhaps found him to be before. I remember
 16 him telling me stories of his sister taking children to
 17 school and teachers misidentifying her as a sister
 18 rather than a mother and that kind of stuff, so that
 19 struck me. But there was sort of no further discussion
 20 than that.
 21 Q. Did you note anything about what he was wearing?
 22 A. Yes. So I had got to the hall and I was very flustered
 23 and very warm so I had taken my jacket off and was kind
 24 of flapping my blouse a bit to cool down. I remember
 25 seeing that Usman was in the puffer jacket and thinking

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1 it a bit peculiar. Obviously a lot more comes to light
 2 when you reflect upon things afterwards. I remember
 3 seeing underneath the jacket a skintight sort of like
 4 a base layer top, and I recall thinking to myself: oh,
 5 he's just worn the wrong kind of clothes, it looks to me
 6 like he's uncomfortable, he's wearing something that's
 7 too tight, he's trying to hide himself, and that's as
 8 much as I thought of it at the time.
 9 Q. You didn't ask him about it or mention it to anyone
 10 else, did you?
 11 A. No, because there were other people who were in jumpers
 12 and things like that. I know that I had been rushing
 13 around, so I thought I had just got myself flustered and
 14 was particularly warm.
 15 Q. I'm not going to ask you in detail about what followed,
 16 but just so the jury knows --
 17 A. Mm--hm.
 18 Q. -- is it right that shortly after the attack began, that
 19 you did go down the stairs briefly and you saw part of
 20 the attack taking place?
 21 A. That's right, at which point I returned to the hall and
 22 did what I felt were the necessary arrangements to keep
 23 the majority of people that were upstairs safe.
 24 MR HOUGH: Thank you very much, Ms Butler, those are all my
 25 questions, and I think that might be a convenient moment

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1 for the lunch break.
 2 JUDGE LUCRAFT: Impeccable timing, Mr Hough, 1 o'clock.
 3 We'll pause there and pick up on matters at 2 o'clock.
 4 A. No problem, thank you.
 5 JUDGE LUCRAFT: Thank you very much.
 6 (In the absence of the jury)
 7 JUDGE LUCRAFT: I'll resist the temptation, Mr Hough, to ask
 8 whether you kept to your time estimate, but we'll assume
 9 you did.
 10 MR HOUGH: I didn't give one formally, but I kept to my
 11 internal one.
 12 JUDGE LUCRAFT: Very good, I'll rise.
 13 (1.01 pm)
 14 (The short adjournment)
 15 (2.01 pm)
 16 (In the presence of the jury)
 17 JUDGE LUCRAFT: Yes, Mr Armstrong.
 18 Questions by MR ARMSTRONG
 19 MR ARMSTRONG: I'm grateful, sir.
 20 Ms Butler, my name is Nick Armstrong, I ask
 21 questions on behalf of Jack's family.
 22 I'm not going to keep you long, I know this is very
 23 difficult. You were friendly with Jack; you knew him
 24 quite well in the prison, didn't you? I'm sorry.
 25 A. Sorry.

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1 Thank you. Yes.
 2 Q. Do you need time?
 3 A. No, I will be fine.
 4 Q. All I'm trying to do is see if we can improve the
 5 learning from this.
 6 A. Absolutely.
 7 Q. What I want to understand a little bit from your point
 8 of view in a little more depth is the process by which
 9 this course gets rolled out to Whitemoor from Grendon.
 10 A. Okay.
 11 Q. Can I just have your witness statement on the screen,
 12 please, it's {WS5053/3} and if I can go to paragraph 6.
 13 So you talk, as you have talked today, about
 14 Damian Evans, so the governor who preceded Will Styles?
 15 A. Mm--hm.
 16 Q. You say you can't remember when this happened, but you
 17 can see that you attended a Learning Together event at
 18 Grendon in April 2016. Now we know that that's only two
 19 years or less after it started?
 20 A. Mm--hm.
 21 Q. The actual delivery of Learning Together started during
 22 Governor Styles' tenure, and you say:
 23 "I remember the rollout happening at pace. I think
 24 I recall that Governor Styles knew of Dr Amy Ludlow and
 25 Dr Ruth Armstrong from having met them previously,

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1 possibly during his [master's in studies] course at the
 2 Institute of Criminology."
 3 A. Mm.
 4 Q. Now, if we then look at paragraph 7, we say that:
 5 "Normally we send out letters and put up posters
 6 when we start a new course, but this is not always most
 7 effective."
 8 So you wanted it to be effective, this new idea?
 9 A. Yes, absolutely.
 10 Q. And you and Drs Ludlow and Armstrong walked around the
 11 wing speaking to the residents and asking if they wanted
 12 to apply. So you went around inviting specifically
 13 people to apply to this?
 14 A. To kind of promote the opportunity of something very new
 15 and different.
 16 Q. Yes. And if we then just skip to paragraph 18,
 17 {WS5053/7}, one of the people you see on that first run
 18 is Usman Khan. You say you remember speaking to
 19 Usman Khan when you were walking around the wings with
 20 Dr Ludlow and Dr Armstrong but you don't remember the
 21 detail of the conversation.
 22 A. So, just to be clear on that, we did the walking around
 23 the wings kind of for every year that we ran things, so
 24 in reference to that comment there, it will have been at
 25 the year when we were rolling out Writing Together which

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1 was a creative writing programme, and obviously from my
 2 working knowledge, I knew that Usman had been interested
 3 in that, so this wasn't, sorry, a conversation that
 4 happened right at the very beginning.
 5 Q. So the Usman Khan conversation wasn't right at the
 6 beginning?
 7 A. No.
 8 Q. That's fine. What I'm interested in is this, is when
 9 you say it proceeded at pace, I want to ask you why.
 10 Now, you have spoken about the result, so you have
 11 talked and others have talked about the impact that they
 12 see when this starts happening: people going back to the
 13 wing, beaming with pride, amazing results, more
 14 prosocial behaviour?
 15 A. Mm—hm.
 16 Q. But at this stage you hadn't seen that because this is
 17 pre its rollout?
 18 A. So I'd seen it at Grendon.
 19 Q. You'd seen it at Grendon.
 20 A. And through talking with Amy and Ruth I could absolutely
 21 see the reasons why it would be effective.
 22 Q. I see. So you see those effects at Grendon and they're
 23 really, on the face of it, very positive?
 24 A. Yes.
 25 Q. And you want to bring something like that to Whitemoor?

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1 A. I could see the potential for the ways in which it would
 2 meet the needs of our men, yes.
 3 Q. Yes. Now, you said to Mr Hough that one of the things
 4 that you also had in mind was an inspectorate report
 5 that talked about access to higher education
 6 opportunities.
 7 A. Yes.
 8 Q. Now just for the jury's benefit, prisons are subjected
 9 to an inspection regime by Her Majesty's Chief Inspector
 10 of Prisons?
 11 A. That's right.
 12 Q. They wander about and sometimes quite often raise
 13 criticisms of things that could be better in prisons.
 14 Is this that one of those things was you could improve
 15 access to higher level education?
 16 A. So alongside HMIP, Ofsted will always come in with
 17 a team. Ofsted obviously being the organisation we
 18 would all regularly know to inspect schools. Because we
 19 were delivering education we're held accountable to the
 20 same framework, so yes, it was one of their
 21 recommendations.
 22 Q. But you had in your mind providing something at
 23 university level or more at university level was a good
 24 thing because the inspectors had raised it?
 25 A. Yes, that was one of the factors taken into account.

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1 Q. I mean you know, don't you, that there is no specific
 2 qualification that comes with Learning Together, it is
 3 a certificate and future references and the
 4 transformative experience, but they don't get a GCSE or
 5 a part of a degree or anything like that?
 6 A. No, that's right.
 7 Q. You see against that, and against that sort of limited
 8 specific objective, I'm looking, and Mr Hough asked you
 9 a little bit about this as well, about the discussion
 10 about whether this is a good idea in the high security
 11 estate rather than in Grendon where prisoners are a lot
 12 further on and a lot more settled as a demographic.
 13 Now, can I just ask: what do you at this stage in
 14 2016 or 2017 understand about the research methodology
 15 of Learning Together and how they evaluate their
 16 programmes: anything or nothing, or?
 17 A. I'm not entirely sure what I knew of it at the time.
 18 I know that they'd been through, like, the ethics
 19 applications and things like that.
 20 Q. You knew they had an internal ethics application but you
 21 don't know the content of that?
 22 A. Not that I can recall at this point.
 23 Q. We can look at that if necessary, but I don't want to
 24 get too much into that process, but the point, really,
 25 is this: less what a university ethics committee brings

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1 to this than what a prison might bring to this and say:
 2 we understand that this is how you normally do this kind
 3 of research but asking a lot of very subjective,
 4 untested questions about — to an individual prisoner,
 5 the effect of which is: how do you feel about this
 6 programme, which encourages them to talk about how they
 7 feel, and in this case: I'm a massive victim, everything
 8 that has happened to me is not my fault, I'm really
 9 grateful that all of you people have come around and are
 10 listening to me and taking me terribly seriously.
 11 A. Mm.
 12 Q. Does anybody have a conversation about whether that's
 13 not a terribly good idea?
 14 A. So going back to the ethics point, I know that the
 15 Learning Together team will have gone through the
 16 university ethics application, but there's also the
 17 prison side of things, the National Research Centre, so
 18 my expectation would be that any kind of ethical
 19 questions about what was right or wrong to be considered
 20 as measures or ways of kind of investigating the
 21 outcomes of this type of course would have been
 22 considered there.
 23 Q. Okay, let me just drill into that slightly. If
 24 I suggest to you that the University of Cambridge is
 25 unlikely to get into and doesn't get into that level of

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1 question about the risk element, who do you think within
 2 the Prison Service would look at University of Cambridge
 3 or Learning Together methodology and put up a red flag
 4 about it?
 5 A. So I know through my own studies, through the MST when
 6 I applied to do a thesis I had to make ethical
 7 applications, one through the university, one through
 8 the prison service and the feedback that comes through
 9 that I think they are teams of psychologists,
 10 predominantly, that assess those applications and can
 11 send back —
 12 Q. So in your master's degree thesis, I don't know the
 13 answers to these questions so you just tell me —
 14 A. Yes.
 15 Q. — in your master's degree thesis which was in what
 16 year?
 17 A. So I started it in 2019, I think, I'm not yet complete.
 18 Q. Okay, and that went through an ethics process at the
 19 university?
 20 A. Yes.
 21 Q. But also in the Prison Service?
 22 A. Yes.
 23 Q. With psychologists within the prison services?
 24 A. So I don't know who the individuals are that do the
 25 assessments but my understanding is that they are people

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1 with psychological backgrounds that look at the
 2 applications.
 3 Q. What was the subject of your thesis?
 4 A. So my interest is in the way in which prison education
 5 is now designed with regards to the framework and
 6 whether that meets the needs of long-term prisoners.
 7 Q. Right. And you said you got some feedback on this; what
 8 feedback did you get and from whom?
 9 A. So it just comes from the NRC, you don't get a named
 10 somebody.
 11 Q. NRC being?
 12 A. National Research Centre.
 13 Q. In the Prison Service?
 14 A. As far as I'm aware, yes.
 15 Q. Okay, all right. Thank you very much.
 16 A. Okay.
 17 Q. You're not party, you don't know, you assume that that
 18 conversation took place about if there were any concerns
 19 about that kind of methodology, you're not privy to
 20 them?
 21 A. No, and I think also to perhaps expand on the answer
 22 a bit, I mean, to kind of talk to somebody about how
 23 they feel following an experience, kind of feels like
 24 a fairly standard practice, so I know that if I do
 25 training at work I'm asked about kind of how I feel

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1 following, having done it.
 2 Q. But it might be a standard practice that when you're
 3 dealing with somebody like Usman Khan, it might be much
 4 more dangerous because you're saying: how do you feel
 5 about your experience, and he says: great because you're
 6 all listening to me, I'm a massive victim, and lots of
 7 people sit around him taking him seriously, finding him
 8 terribly interesting, finding him terribly valuable and
 9 then making videos and putting him on brochures. For
 10 somebody who has a distorted sense of self, that might
 11 be amplifying that distorted sense of self?
 12 A. Potentially, yes.
 13 Q. Now, there is an application form and I'm not going to
 14 go back to that, can I have your witness statement up
 15 again, please, at 5053, we know that this process —
 16 {WS5053/3} at paragraph 9, we know the application form
 17 doesn't seek any information, doesn't require a prisoner
 18 to write down what his offence was?
 19 A. Mm—hm.
 20 Q. And you give an explanation for this:
 21 "I didn't consider security risks and do not have
 22 access to, or consider, intelligence reports related to
 23 applicants."
 24 Then over the page, please {WS5053/4}:
 25 "Application forms did not require applicants to

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1 detail their offence. I cannot recall if they required
2 their security category. I note that the form used when
3 the programme first rolled out did not require a
4 security category, but I cannot be sure if future
5 versions did. [You] expect not."

6 We know Mr Khan's didn't.

7 "The reason for this was that it was considered to
8 be in conflict with the principles of Learning Together,
9 in that asking a resident to give these details could
10 create feelings of stigma and shame."

11 Now, is that specifically a conversation that you
12 remember having: shall we try and categorise them or is
13 that just going to make them feel a bit bad about
14 themselves?

15 A. I don't recall if it was a specific conversation of its
16 own. I think in talking about Learning Together and the
17 approach that we were going to take at Whitemoor, it was
18 kind of part of the discussion.

19 Q. And who is in that discussion?

20 A. So that was probably at that point myself with Amy and
21 Ruth, it may have been that that was at a point when
22 Will was around, I'm not entirely sure, but, as I go on
23 to talk about, it felt like that was a safe way of doing
24 things because I was going to have this direct liaison
25 with OMU and security colleagues, that anything that was

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1 significant with regards to them issues would be flagged
2 up in the feedback.
3 Q. But at the moment that's -- so far as you remember that
4 conversation, it's you and Amy and Ruth?

5 A. As far as I can recall.

6 Q. And if I was to say to you, that's all very nice and all
7 very lofty, but in the counter-terrorism context, it may
8 be a little ill advised where stigma may be well placed,
9 and what we might want to do is keep in mind at all
10 times just what some of these men are capable of; do you
11 see how you might lose a little --

12 A. I can see that.

13 Q. It's getting a bit flowery?

14 A. Again, I can understand how it could be perceived as
15 that. I can also see the benefit of trying to push
16 somebody on with regards to kind of protective factors,
17 so to keep taking somebody back. Obviously in
18 hindsight, having been through what we've all been
19 through --

20 Q. Yes.

21 A. -- but at the time, trying to build on protective
22 factors which meant that you didn't have to always keep
23 taking somebody back to what they were potentially quite
24 a long time ago felt like the right thing to do.

25 Q. I understand. This is all about drawing lines and

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1 whether they're drawn in the right place.

2 A. Yes.

3 Q. Now, you've told Mr Hough -- this is about the sifting
4 process for the prison end --

5 A. Mm--hm.

6 Q. -- and you've told Mr Hough that there's no
7 discussion -- and I just want to be clear about this --
8 no discussion at all about what might happen when
9 they're released; that's right?

10 A. When Learning Together was first brought in, yes.

11 Q. Because it just wasn't on the agenda?

12 A. It's kind of a programme that as you can see has kind of
13 developed in time in lots of different ways.

14 Q. And I understand that in general terms in Whitemoor,
15 which releases almost nobody.

16 A. Yes.

17 Q. But Mr Khan at this stage is about a year off release
18 and he's a release, and it's a dramatic release, he's
19 coming out from high security cat A.

20 A. Mm--hm.

21 Q. And even in that context you don't remember
22 a conversation about the risks associated with that?

23 A. No, it kind of wasn't on the agenda at that point.

24 Q. Because you see the point: he is being told at this
25 time: you're really interesting and valuable and we want

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1 to work with you and all this is really exciting and,
2 and, and. He's then about to get released where he
3 might be about to discover, and he is a status-seeking
4 individual who has senses of entitlement and tends to
5 get angry about things, he might be about to find out
6 that he is much less interesting and valuable when in
7 the community and he is a TACT offender and he can't get
8 a job or even on the internet to get a job?

9 A. As I recall, I don't remember that it was kind of --
10 there was any upfront discussion with him that said: we
11 can support you beyond release. I think it was
12 instigated by him saying "I would like to stay in
13 contact", and that's where the conversation then evolved
14 from.

15 Q. Because this is a man whose reactions to frustration, as
16 we all can now see, tend to be dramatic.

17 A. Mm--hm.

18 Q. Okay. Now I've talked about the fact that there's no
19 specific educational objective beyond a certificate and
20 the sense of participation, but can I just show you also
21 this: there's a learning plan attached to your latest
22 witness statement. Can I have {WS5092-GB13/1}. So this
23 is an exhibit to your statement.

24 A. Mm--hm.

25 Q. So this is a combined record sheet, and you might just

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1 need to tell us this, but as I understand it, this is
 2 a learning plan that is treated for prisoners and is
 3 updated at various points?
 4 A. Yes.
 5 Q. And this is Usman Khan's and you had to do a bit of a
 6 search to find it.
 7 A. That's right. So this document in essence was actually
 8 designed before I even took up post, so within the
 9 Prison Service, there's something that we've been
 10 striving for for a long time that we haven't,
 11 particularly at Whitemoor, I don't know about elsewhere,
 12 mastered, which is sequencing, so it's about making sure
 13 that we make opportunities available to individuals at
 14 a point which suits their needs.
 15 This document -- in order to make that happen, it
 16 takes a lot of collaborative working to make sure that
 17 we're doing all the right information-sharing. This
 18 document was designed with the intent that all the
 19 relevant departments would keep it up-to-date and
 20 therefore everybody would have everything that they
 21 needed, but it never really took off.
 22 Q. It's fair to say that it doesn't really do that?
 23 A. No.
 24 Q. If we just have a flick through, for example, if we just
 25 go to page 2, I think. The learning summary record is

1 all blank. {WS5092-GB13/3}, there are some learning
 2 activities and courses, short term aims and targets to
 3 achieve, those are all blank.
 4 A. Mm-hm.
 5 Q. Next page, {WS5092-GB14/4}, that is a security risk
 6 assessment in relation to that. There is more on
 7 aspirations for learning, which are all blank. But if
 8 you then just expand the middle of that page, this is
 9 the security check against whether he can do these
 10 education objectives, there are references there to
 11 assaulting an offender supervisor at High Down, those
 12 entries are not him, he has never been at High Down,
 13 High Down is a cat C prison?
 14 A. Yes.
 15 Q. So this is just a sloppy document that means nothing?
 16 A. It never achieved its intent, no.
 17 Q. Thank you.
 18 Another aspect from your witness statement, can
 19 I just look at 5092 just to look at a bit of the risk
 20 assessment that was done in relation to the
 21 Learning Together programme, and if I go to {WS5092/6}
 22 paragraph 19 this is you talking about the risk
 23 assessment for the Learning Together area and I just --
 24 we have had this a bit before, but I just want to get
 25 your take on it.

1 A. Yes.
 2 Q. This is Workshop 9 which is where Learning Together
 3 takes place: nine CCTV cameras, fabric check, which
 4 means that you're checking everything, that nobody is
 5 trying to burrow out --
 6 A. That's right.
 7 Q. -- or take anything or make a weapon from anything --
 8 A. Yes.
 9 Q. -- including the workshops prior to each session, so
 10 that is doors, windows, locks are secure and walls.
 11 Prisoners are searched as they leave their residential
 12 wings when they move to activity areas, we've been
 13 through a lot of that, and then on top of that there are
 14 random searches including removing head gear, a prison
 15 officer using hands to search the prisoner's body, 10%
 16 of prisoners going through the portal receive a random
 17 rub-down search. I mean, that is high security
 18 conditions --
 19 A. Absolutely.
 20 Q. -- and I'm just flagging this that that is a world away
 21 from what we see at Fishmongers' Hall.
 22 A. Yes.
 23 Q. Can I just ask you about this: on paragraph 21 on this
 24 witness statement {WS5092/7}, you have a conversation
 25 with -- sorry, no, this is -- your earlier witness

1 statement, in fact, so can I go to {WS5053/8} at
 2 paragraph 21, sorry about that, and my thanks to the
 3 person who does this, by the way, following all of us,
 4 I don't actually know where they are.
 5 JUDGE LUCRAFT: They're up on the side there,
 6 Mr Armstrong --
 7 MR ARMSTRONG: I've been wondering.
 8 JUDGE LUCRAFT: -- but they are very good at working out
 9 when you say paragraph 21 that it's page 8.
 10 MR ARMSTRONG: I thought it was some kind of magic if I'm
 11 honest.
 12 "I remember Usman Khan speaking to me about creative
 13 writing and Learning Together. He said that he found
 14 creative writing to be really powerful and it allowed
 15 him to digest some of the things he had been through in
 16 life. I cannot recall with absolute certainty, but
 17 I believe I had a conversation with him in which he told
 18 me of a childhood experience that affected him greatly.
 19 It was an attack by a group of white men on his Asian
 20 friend which resulted in either death or severe injury.
 21 I do not remember the ... context of the conversation."
 22 Now, I ask you about this because we have heard a
 23 bit of evidence on this that this may be either entirely
 24 untrue or at least partially untrue?
 25 A. Okay.

1 Q. But it's part of the narrative that he is advancing, and
 2 I just wanted to be clear about this: is this the first
 3 time that you meet him?
 4 A. I don't --
 5 Q. You haven't met him often, have you?
 6 A. Through Learning Together generally?
 7 Q. Yes?
 8 A. Yes, I can't recall.
 9 Q. Do you remember where in your relationship this was:
 10 "I remember Usman Khan speaking to me about creative
 11 writing and Learning Together..."
 12 This is a snatched conversation with him somewhere,
 13 is it?
 14 A. Yes, certainly in prison, not post-release.
 15 Q. But this is the story that he offers up to you when he
 16 is chatting to you: I'm Usman Khan and awful things have
 17 happened to me in my life?
 18 A. Yes. Like I say, I can't remember the broader context
 19 of how it came up, particularly.
 20 Q. Thank you. I'm grateful, Ms Butler. Just one last
 21 thing, and again this is about how the relationship
 22 works between Learning Together and the
 23 University of Cambridge and the prison. We know they're
 24 funded at quite a high level, they get a grant for this
 25 work, we know that Governor Styles and you did

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1 a master's degree. You tell us in one of your witness
 2 statements that Amy Ludlow was the lead on that?
 3 A. So she became -- oh, I can't remember what the term
 4 is --
 5 Q. Lead is the word used in the statement, but I think she
 6 told us she was the director of the programme?
 7 A. That's it, director, that's the one.
 8 Q. And that's a master's degree you do as part of your job,
 9 that is funded by the Ministry of Justice?
 10 A. It's funded by the service, yes. Not a requirement of
 11 my job, it was me putting myself forward and wanting to
 12 further myself.
 13 Q. And I just wonder whether you would just comment on
 14 this: we've got something that's trying to progress
 15 prisoners at the same time as hold them back, because we
 16 need to have security, we have the people who are doing
 17 security from the prison side, including people like
 18 Governor Styles, but also now you doing the master's
 19 degree with Cambridge, and we have Cambridge people, Amy
 20 and Ruth, walking round the wing with their keys and
 21 having got security. Is that, do you think, is it
 22 a fair comment for me to put to you, that we are seeing
 23 a bit of a blurring of the edges here on things where
 24 distance and security and care needs to be kept in mind?
 25 A. I don't believe so. As you'll see from my witness

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1 statement, I put in to do the MSt, so it kind of came
 2 about, I'd known of the MSt for quite some time,
 3 I remember seeing a story on the intranet back in my
 4 early days and thinking that that was interesting. When
 5 I came to cross paths with Amy and Ruth, I remember them
 6 giving me some feedback about the way in which I carry
 7 myself professionally, so I know a lot of the guys at
 8 Whitemoor by their first name. For me it's important to
 9 build rapport so I would quite often remember things
 10 about individuals and then use it as a means of starting
 11 fresh conversation or kind of seeing how people were
 12 getting on, and I remember feedback from Amy and Ruth
 13 about: wow, that's different to how other people do
 14 things, have you thought about this opportunity. As our
 15 engagements kind of progressed, they were able to kind
 16 of put professional distinct terms to some of the ways
 17 in which I carried myself and did my job, and it just
 18 stimulated something for me that made me think: I want
 19 to know more about that, I want to know how I can do
 20 things better, differently, what works well, what
 21 doesn't work well, and that's then what kind of
 22 instigated my application, the first one being turned
 23 down. I knew Amy by that point. It was only my second
 24 one where I was successful.
 25 Q. I mean, I see the benefits to this, and I see, and you

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1 are talking, if I may say so, in very enthusiastic
 2 terms --
 3 A. Mm.
 4 Q. -- and no doubt you've gained a lot out of this in the
 5 way lots of the prisoners --
 6 A. Mm.
 7 Q. -- but all that needs to be safeguarded, doesn't it?
 8 A. Yes.
 9 Q. You cannot get too giddy about this stuff?
 10 A. No, and I can recall there were times, you know, where
 11 Amy and -- well, predominantly with Amy, you know, she
 12 was kind of the operational lead, there were times where
 13 we had to have conversations about things that weren't
 14 working so well where we had to discuss and progress
 15 issues that weren't quite panning out as we needed them
 16 to, like from a quality perspective which is part of my
 17 job role, kind of talking about some of the guest
 18 speakers they had coming in, it just didn't really work
 19 quite well enough, so we had them challenging
 20 conversations too.
 21 MR ARMSTRONG: Ms Butler, that's all I have for you. Thank
 22 you very much indeed.
 23 A. Thank you.
 24 JUDGE LUCRAFT: A gold star to Mr Armstrong for sticking to
 25 his time limit. Very good.

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1 Questions by MR RULE
 2 MR RULE: I must follow then.
 3 My name is Philip Rule, Ms Butler, and I ask
 4 questions on behalf of Saskia Jones' family and a lot of
 5 what I would have asked you has been covered so I won't
 6 be covering that.
 7 So far as Mr Khan's record is concerned, we went to
 8 a document earlier which you rightly told us is only
 9 partly filled out, there are some errors in it .
 10 A. Yes.
 11 Q. There are elements of it which were filled out that
 12 enable us to look at some of his educational record,
 13 particularly at Whitemoor.
 14 Could I invite on the screen, we have firstly
 15 reference to some certificates that I think you were
 16 able to identify , so that's {DC5602/1}, please. So we
 17 can see Islamic studies certificate , and there are
 18 a number of certificates in this document, and I'm going
 19 to ask, please, that we go to {DC5602/5}, and the date
 20 on that was 2011, but we go through some certificates
 21 and we find some on page 5, and we can see here some
 22 provisional results coming in in June 2017 for
 23 an English language course, a mathematics course, with
 24 some subject awards of 6 and 3., distinction in spoken
 25 language. Then three what appear to be GCSEs and we can

1 cross-reference that and find that that is the case,
 2 general studies, geography and sociology, and he had D
 3 as his grades for those three, and that date there.
 4 If we go through that document to another page,
 5 please, {DC5602/8}. We see here the Functional Skills
 6 qualification in English at level 2. So it's a City &
 7 Guilds, we learn a bit more.
 8 A. Yes.
 9 Q. He passes that, and if we then go to {DC5602/7}, please,
 10 back one page, we can see a creative writing course.
 11 Now, this is not the Learning Together course, is it ,
 12 this is an earlier creative writing course that he has
 13 done?
 14 A. That he accessed via distance learning, yes.
 15 Q. We can see the date there, 5 June 2015. Now, I'm not
 16 going to go to all of the certificates in here, but is
 17 it right that he was studying educational courses
 18 throughout his time, but in particular, 2015, 2016 and
 19 onwards?
 20 A. It would seem so, yes.
 21 Q. Yes, because the certificates are there, even if the
 22 records otherwise are not entirely accurate.
 23 So we can see that his educational progress in
 24 Whitemoor included him obtaining three D grades at GCSE
 25 and some other passes in City & Guilds courses.

1 A. Mm—hm.
 2 Q. It's right, isn't it, that there are no A—Levels or
 3 higher education certificates that you were able to
 4 identify?
 5 A. No, and at that time with regards to the provision of
 6 prison education there was a real priority to deliver up
 7 to kind of level 2., so to access distance learning —
 8 to access A—Levels, level 3 and above, the expectation
 9 was that you do that via distance learning .
 10 Q. Thank you very much. I'm going to ask you a little bit
 11 about the process of applying for distance learning in
 12 a moment, but just so we see what he has done, two
 13 points can be seen: one, that he has been conducting
 14 education for a number of years, so if we look at that
 15 against his behaviour, we see somebody involved in
 16 education and then we will see other behaviour coming
 17 from other departments, and we also see that the level
 18 at which he has achieved, the level — the height to
 19 which he has reached is not particularly high within
 20 that —
 21 A. So, just to contextualise, with the GCSE grades, that
 22 was at a time where we were looking at ways in which —
 23 so in order to deliver GCSEs full stop you have to do it
 24 within a certain time frame so when you think of
 25 children at school they generally do one or two lessons

1 of each subject per week and therefore that draws out
 2 the time frame. We, in the prison, had to do the same,
 3 so we were trying to run a regime whereby prisoners
 4 would have studies in different subjects on different
 5 days, but we started to face some staffing difficulties ,
 6 so it would mean that sometimes we had to cancel
 7 classes. That would then mean, you know, if it was
 8 Wednesday afternoon, for example, that would then mean
 9 that the GCSE class for geography that week had been
 10 missed, so it kind of put people out of schedule with
 11 regards to their learning, so it could be that the poor
 12 grade might have been down to regime issues within the
 13 prison.
 14 Q. All right, I'm not sure we know why he obtained D
 15 grades, I was simply dealing with the fact that they are
 16 there.
 17 Another alternative is that he didn't apply himself
 18 particularly or that that was the extent of his academic
 19 ability?
 20 A. Potentially.
 21 Q. Yes. But there were other things that he could have
 22 done beyond those courses which we don't see any
 23 evidence of him doing or applying for?
 24 A. So he wouldn't necessarily have been able to do them as
 25 like a paid activity because we were generally limited

1 to delivery at level 2.
 2 Q. All right, so he is paid to do these courses but
 3 wouldn't be for the next stage of distance learning?
 4 A. Which would then be accessed via distance learning, yes.
 5 Q. Thank you. Now, one of the things you told us in your
 6 witness statement is that the Prison Service has
 7 a strong emphasis on using education and work in prison
 8 as preparation for securing a job upon release.
 9 A. Yes.
 10 Q. And that's with good sense, isn't it, because it's
 11 recognised that if people have a constructive use of
 12 their time, employment once they are released from
 13 prison, then the chances of offending are commensurably
 14 reduced?
 15 A. Yes, the difficulty that that presents for us as staff
 16 within the long term high security estate is that when
 17 you've got people, and I know that this didn't apply in
 18 Usman's case eventually, but when you've got prisoners
 19 with very long sentences that are decades long, there's
 20 sort of no job that takes that amount of preparation so
 21 you're right, it's the right thing to purposefully
 22 occupy somebody and that was part of the reason why
 23 Learning Together felt like a nice kind of addition to
 24 what our provision was already.
 25 Q. All right, but I think it's right, Whitemoor did have

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1 within its education department, it's also a training
 2 department, it has vocational courses available?
 3 A. It does.
 4 Q. For prisoners who are at the right category and risk?
 5 A. Yes, yes.
 6 Q. And part of that is because of the interest in education
 7 for a purpose. So one purpose of education is people
 8 growing in themselves --
 9 A. Yes.
 10 Q. -- but also to actually give them skills that they will
 11 use?
 12 A. Yes.
 13 Q. And that would be one of the things that the activities
 14 hub considers when looking at applicants for different
 15 courses?
 16 A. Yes.
 17 Q. Now, I think it's right, your statement tells us that
 18 the activities hub is now involved with
 19 Learning Together applications --
 20 A. Mm-hm.
 21 Q. -- or would be once that course was back running, but it
 22 wasn't at the time?
 23 A. There was very limited involvement at the time, yes.
 24 Q. All right, well I think, and we can go back to your
 25 witness statement, at the time, activities hub wasn't

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1 consulted about Learning Together?
 2 A. Not consulted, no.
 3 Q. The way in which education would be accessible to
 4 individuals would have a bearing and a relationship to
 5 whether they were category A and whether they were high
 6 risk, wouldn't it?
 7 A. Say the question again, sorry.
 8 Q. Access to education, the workshops and those sorts of
 9 things?
 10 A. Yes.
 11 Q. There were policies which dictated restrictions on high
 12 risk prisoners accessing those?
 13 A. Yes, so there were certain numbers of particularly high
 14 risk prisoners that were allowed in certain areas at any
 15 given time, yes.
 16 Q. Thank you. Could we look, please, at your witness
 17 statement at {WS5092/11}. Now, the first paragraph
 18 here, 38, this is information which you have taken from
 19 that other document that Mr Armstrong was showing you
 20 earlier --
 21 A. That's right, yes.
 22 Q. -- which had been completed in part with that detail,
 23 and then you've added an explanation to what we can
 24 read --
 25 A. Mm-hm.

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1 Q. -- because some of it was in shorthand.
 2 A. Yes.
 3 Q. So I'm happy to deal with it from your statement, so we
 4 can see there the reference to the GCSEs completion,
 5 et cetera, over these periods of time in 2016 and 2017.
 6 If I ask to go down the page, please, we can see
 7 in July 2017, although the dates are not in date order
 8 at that point, but you will see there "Allocated shop
 9 3", and then "Removed shop 3 H/R".
 10 A. Yes.
 11 Q. So you have provided an explanation so I don't need to
 12 ask you from memory --
 13 A. Yes.
 14 Q. -- we can see that at your paragraph 39, can't we, that
 15 looks like what's happened is he is allocated full time
 16 as his employment, his education to Shop 3 in July 2017
 17 but it looks like a mistake because he's removed
 18 immediately from it?
 19 A. So it will either have been a mistake or that there was
 20 feedback from security colleagues that said that now
 21 can't happen for whatever reason.
 22 Q. And if we put into context "H/R" and his high risk
 23 status --
 24 A. Yes.
 25 Q. -- you can then tell us, if we go over the page

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1 {WS5092/12} please, to your paragraph 40, you can tell
 2 us there by reference to the employment policy, we don't
 3 need to look at that now, but you have extracted from
 4 that the relevant point, which as we read on, we can see
 5 at bottom, the end of this paragraph:
 6 "Workshop 3 is referred to as 'Plastering/Painting &
 7 Decorating' and was a medium risk area in 2017 and in
 8 2018."
 9 So we relate that to what we've already been told,
 10 a medium risk area is not suitable for a high risk
 11 prisoner. Mr Khan was a high risk prisoner,
 12 therefore --
 13 A. So that refers to high risk as in the individual risk
 14 assessment that was done, not necessarily his security
 15 status.
 16 Q. Sorry, yes, high risk comes up more than once, but in
 17 this context, we're talking about him being assessed for
 18 what educational trust he can be given, where he is
 19 allowed to go in terms of that, and that he was high
 20 risk, we think, although we can't find the form, but
 21 that is consistent with what happened with him being put
 22 in the wrong workshop 3 and then pulled out again?
 23 A. That potentially is the circumstances, yes.
 24 Q. Now, although there is this difference between the
 25 assessments for education and the assessments for the

1 director of high security on categorisation and escape
 2 risks, we can see in the policies that you have provided
 3 in your third witness statement some detail about that.
 4 Could I ask that we have up, please, it comes from
 5 your witness statement, {WS5092-GB11/11}. Thank you.
 6 So this is a document in use at Whitemoor?
 7 A. Yes.
 8 Q. Which concerns the activity allocation that the activity
 9 hub would have to have regard to in proving a prisoner's
 10 application to undertake certain tasks, and what it
 11 tells us -- we don't need to go back to page 5 where it
 12 defines HRA, but you can tell me that that is high risk
 13 category A?
 14 A. That is, yes. Yes.
 15 Q. So:
 16 "[High risk category A] prisoners will not be
 17 considered for employment in any of the following
 18 areas ..."
 19 And it gives those details there, and includes
 20 Shop 3, of course, we can see that as well?
 21 A. Mm-hm.
 22 Q. And then certain restrictions to a number of high risk
 23 category A prisoners allowed in a workshop at any one
 24 time, et cetera.
 25 A. Yes.

1 Q. Then if we go to the bottom of that page, we see
 2 a reference to TACT prisoners, and the jury know who
 3 that refers to.
 4 A. Mm-hm.
 5 Q. And we can see then we have all these restrictions for
 6 the category A high risk prisoners, and then if you are
 7 also in this category of TACT, the second entry which
 8 should be 2.22, the Counter-Terrorism Unit, CTU
 9 managers -- sorry, no, you won't find 2.22, sorry.
 10 I'm reading it in.
 11 A. Okay, yes.
 12 Q. So we've got the second of two 2.21s, we've got:
 13 "The CTU Managers must approve all allocations of
 14 TACT prisoners prior to implementation which will be
 15 based on intelligence related information..."
 16 So this is about the processes inside Whitemoor for
 17 allowing high risk or category A TACT offenders access
 18 to certain education or employment opportunities?
 19 A. Yes.
 20 Q. Now, so far as that process is concerned, there are also
 21 specific processes that you have assisted us with with
 22 external study, and just two points I would like to look
 23 at in terms of that policy, please.
 24 A. Yes.
 25 Q. So {WS5092-GB4/1}. Thank you. So this document is

1 concerned with applications to undertake higher
 2 education learning courses.
 3 A. Mm-hm.
 4 Q. And we can see here that there is a documented
 5 procedure, isn't there?
 6 A. Mm-hm.
 7 Q. And it includes each of the departments we see mentioned
 8 there having -- being consulted and providing
 9 information.
 10 A. Yes.
 11 Q. So we can see within that list we have the sections to
 12 be completed by, at the bottom there, psychology and
 13 security?
 14 A. Yes.
 15 Q. If appropriate with psychology, but in every case with
 16 security.
 17 A. Yes.
 18 Q. And if we look at what those sections deal with, we can
 19 see those, if we go forward to {WS5092-GB4/10}, please,
 20 we can see there at the bottom of the page, section E,
 21 that's for psychology to raise any concerns that may
 22 impact on the prisoner undertaking this particular
 23 course.
 24 A. Mm-hm.
 25 Q. And over the page, please, to 11, we see security to:

1 " ... note any issues or concerns relating to this
 2 prisoner undertaking this course."
 3 So, if an application came in for higher education,
 4 Open University or something of that nature, there would
 5 be a documented process, and it would have to consult
 6 the security department and it would also potentially
 7 look at the psychology department as well --
 8 A. Yes.
 9 Q. -- for issues of suitability?
 10 A. Yes.
 11 Q. That process, because that applies to things within the
 12 education remit, that was not applied, was it, to the
 13 Learning Together organisation's offering?
 14 A. Not exactly the same process, no. No.
 15 Q. Was there a documented process in relation to the
 16 Learning Together one?
 17 A. The sifting process?
 18 Q. Yes.
 19 A. So I'm fairly sure that there was at the time, but
 20 I couldn't find a record of it when I had a look back
 21 through the files.
 22 Q. All right.
 23 Now, I would just like to deal with two more short
 24 points, please, with you. The first is in relation to
 25 the June 2018 raising of the point with Usman saying he

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1 would like to stay in touch with Learning Together.
 2 A. Mm.
 3 Q. Could we have up, please, {DC6489/36}, please. We can
 4 see here, this is the 28 June 2018 email --
 5 A. Yes.
 6 Q. -- from yourself to Joanna Boulton and Amy Ludlow,
 7 copying in Kenneth Skelton?
 8 A. Yes.
 9 Q. And this was, I think, the introduction that you were
 10 mentioning earlier?
 11 A. Yes.
 12 Q. Putting together people with a view to the fact he was
 13 going to be released six months later in December. And
 14 we can see there the paragraph at the bottom of the
 15 page:
 16 "We're very aware that [he] is due for release
 17 shortly, and he has spoken ... about wanting to upkeep
 18 his connections. Therefore, I just wanted to put all
 19 key parties in contact so that we can talk about ways of
 20 enabling, and therefore supporting Usman with this.
 21 I would imagine his restrictions will be considerable to
 22 start with, so some work beforehand to shape his
 23 expectations and plan a pathway to reducing his
 24 restrictions could be helpful."
 25 Now, that shaping of expectations and what would

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1 happen in the future, the first point about this email
 2 and putting together people is it doesn't involve
 3 security, does it?
 4 A. No.
 5 Q. Or the Counter--Terrorism Unit at Whitemoor?
 6 A. I hadn't copied them in, no.
 7 Q. So planning for what would happen after Whitemoor is not
 8 at this stage directly involving or informed by
 9 security?
 10 A. I think it would be fair to say that I don't really know
 11 what processes are sort of post--release, so I was kind
 12 of looking to Ken to, you know, if that were necessary
 13 I would expect perhaps that there might be an equivalent
 14 of a Steve outside.
 15 Q. It's not a criticism of you, but what we've heard about
 16 Whitemoor is this essentially is the release, isn't it?
 17 I'm not sure if we've heard about any other prisoners
 18 being directly released from Whitemoor who were going
 19 to --
 20 A. No, it's very rare.
 21 Q. So this is something which is new territory, there is no
 22 guidance for you about this following through, we've got
 23 Learning Together sitting uncomfortably outside the
 24 education processes that we've been looking at, and
 25 there isn't a guide for you to follow so you're doing

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1 what appears to be appropriate to you at the time?
 2 A. Yes, and I envisaged this being the first email of many,
 3 and that people would be looped in as was necessary.
 4 Q. In hindsight, knowing what we do now, would it have been
 5 a good idea to involve security or the Counter--Terrorism
 6 Unit in the prison in the onward--planning for
 7 Usman Khan?
 8 A. It could well have been.
 9 Q. I said there were two topics, and the last one is this,
 10 please. So far as the Learning Together experience was
 11 concerned, you're focused in the prison, that's the
 12 environment in which you're working day--to--day. Is it
 13 right to say that at no time that you were involved in
 14 was consideration given to whether involving Khan with
 15 expectations or his risk factors with Learning Together
 16 was something that actually created or increased the
 17 risk?
 18 A. Can you repeat the question, sorry?
 19 Q. I'm very clear that you would have regarded
 20 Learning Together and education as a protective
 21 factor --
 22 A. Yes, absolutely.
 23 Q. -- something that helps rehabilitation.
 24 A. Yes.
 25 Q. But what about the converse: that because of its

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1 specific nature, that it is involved with Cambridge
 2 University, it is high profile, it's got a very
 3 uncertain path as to what it's going to achieve for you
 4 outside afterwards, but there is some suggestion that
 5 you were aware of there would be continuing contact,
 6 that it creates an option for this individual to offend?
 7 It creates a risk by involving him with it?
 8 A. Of course there can be risks everywhere, I think that
 9 was part of the reason for my putting in that email that
 10 we were looking at just a moment ago about shaping
 11 expectations and being realistic about what would be
 12 achieved. I was kind of looking for colleagues to step
 13 in and manage things in the same robust way that we'd
 14 managed them inside the prison, that's not -- I'm not
 15 saying that as criticism of anyone, but at that point
 16 that was my expectation, that somebody would step in
 17 with the same level of involvement that would take that
 18 stuff forward.
 19 MR RULE: Thank you.
 20 JUDGE LUCRAFT: Thank you, Mr Rule. I think that's a gold
 21 star for you as well.
 22 Ms Whitelaw, do you want to come forward.
 23 Questions by MS WHITELAW
 24 MS WHITELAW: I'm feeling under gold star pressure, but I've
 25 got eight short points that I can hopefully deal with in

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1 the time. As you know, I'm asking questions on behalf
 2 of the Prison Service.
 3 A. Yes.
 4 Q. And first of all, we've heard about the population at
 5 Whitemoor in general terms, that it accommodates,
 6 obviously, violent offenders, TACT offenders, those
 7 serving sentences for offences as serious as murder and
 8 serious drug offences.
 9 A. Mm--hm.
 10 Q. The PSI on prison employment, training and skills
 11 requires a prison, doesn't it, to make education,
 12 employment and training available to prisoners?
 13 A. That's right, yes.
 14 Q. And you try and make education and activities available
 15 to as many of the population of Whitemoor as you can; is
 16 that right?
 17 A. That's right.
 18 Q. And the purpose of education and skills, Mr Rule
 19 referred you to one purpose, to build employability for
 20 release, but also particularly in the case of Whitemoor,
 21 other factors such as achieving personal growth?
 22 A. Mm--hm.
 23 Q. Motivation to rehabilitate?
 24 A. Absolutely.
 25 Q. And you also say in your witness statement that it helps

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1 build positive relationships and rapport for a safer and
 2 more decent environment; is that right?
 3 A. Yes.
 4 Q. So that's achieved both through education and skills
 5 courses and also through prison staff building rapport
 6 with prisoners?
 7 A. Yes.
 8 Q. Thank you. The second aspect I wanted to ask you about
 9 is you attended the event, the Learning Together event
 10 at HMP Grendon in April 2016.
 11 A. Yes.
 12 Q. You are someone who has been at Whitemoor now for about
 13 17 years, I think, and obviously were involved for
 14 a long time in activities at Whitemoor.
 15 A. Mm.
 16 Q. When you attended that event, did you see any reason why
 17 Learning Together could not be introduced at Whitemoor?
 18 A. No.
 19 Q. The third aspect I wanted to ask you about was, you have
 20 been asked about the relationship between staff and
 21 Learning Together. The Prison Service encourages,
 22 I think, staff to study for master's in such things as
 23 criminology; is that right?
 24 A. Yes, absolutely, yes.
 25 Q. And is your understanding that that's to encourage staff

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1 to develop their knowledge and understanding of the
 2 field in which they're working?
 3 A. Yes.
 4 Q. And does that include gaining a deeper understanding of
 5 the thought and research behind practices and policies
 6 that you might be implementing on a daily basis?
 7 A. Yes.
 8 Q. And did your relationship, which was a friendly one,
 9 with Amy and Ruth, cause you to approach differently
 10 Learning Together from any other activity, or did you
 11 apply the same processes that you would normally apply?
 12 A. Same processes. Yes, absolutely.
 13 Q. The fourth matter I wanted to ask you about was the
 14 other learning providers and activities outside the
 15 traditional courses that we've seen, such as GCSE and
 16 that sort of thing, there were those at Whitemoor,
 17 weren't there, and I think they included such things as
 18 an orchestra, Britten Sinfonia, that you've referred to
 19 in your statement --
 20 A. Yes.
 21 Q. -- and The Crito Project, which was playwrighting --
 22 A. Yes.
 23 Q. -- and a charity called Safe Ground delivered a course
 24 called Fathers Inside; is that right?
 25 A. Yes.

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1 Q. And we've heard quite a lot of process, so I want to
2 deal with this quite briefly, but is it right that when
3 the prisoners arrive in the prison, they have
4 an education induction?
5 A. That's right.
6 Q. And I think Usman Khan had his meeting on 4 August 2016.
7 A. Right.
8 Q. And they complete a skills action plan and they identify
9 activities they want to take part in, or that might be
10 suitable for them according to their (inaudible)?
11 A. So there's two elements of the induction: there's
12 an educational induction which is completed which finds
13 out what the individual's functional skills levels are,
14 where they're at with their education; there's then
15 a review that's done with what's called the Information,
16 Advice and Guidance Service, which is predominantly
17 focused on careers and that is where they would talk
18 about what their plan would look like moving forward.
19 Q. And then I think the security department completes the
20 work activity allocation risk assessment which we've
21 seen?
22 A. Yes, that's right.
23 Q. And then when they apply or are put forward for
24 a specific course, that's when the comparison takes
25 place between the individual work allocation, risk

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1 assessment, and the location and activity that one is
2 talking about.
3 A. That's right.
4 Q. I think as well as the risk assessment process we've
5 discussed, and it's been mentioned that high risk
6 prisoners are only suitable for low risk areas, the head
7 of the counter-terrorism department must approve all
8 allocations for TACT prisoners with consideration to the
9 number of TACT prisoners in the area; is that correct?
10 A. That's one of the elements that they'll consider, yes.
11 Q. And I think there are restrictions on the number of high
12 risk category A prisoners in a particular area?
13 A. Yes.
14 Q. And you were asked about the different forms, the E-ILP,
15 as opposed to the work activity allocation risk
16 assessment, and I think you indicated that it was the
17 work activity allocation security risk assessment that
18 was the important document for you?
19 A. So with regards to kind of standard allocations to
20 activity, yes, it's the individual's risk assessment
21 which is carried out about them, and that then has to
22 align alongside the area risk assessment, and that's how
23 we can make the decision as to whether somebody can go
24 into a work area or not. From a Learning Together point
25 of view, I relied more heavily on the contact with Steve

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1 directly to make sure that I was getting everything that
2 was up to date and full, as full a picture as --
3 Q. So irrespective of the paperwork that you had all the
4 up-to-date complete information that you could obtain?
5 A. Yes.
6 Q. In relation to distance learning, there is an annex to
7 the PSI which indicates that specific courses that are
8 not suitable for TACT offenders are those which would
9 include town planning?
10 A. Mm-hm.
11 Q. You heard this mentioned earlier in evidence today, and
12 studies about language or culture of terrorism would
13 have to be considered very carefully?
14 A. Yes.
15 Q. And you were aware of that at the time?
16 A. Yes.
17 Q. But of course, Learning Together didn't involve any of
18 those aspects?
19 A. No, no.
20 Q. I think that was my fifth point I was on, and then
21 sixthly, you've obviously articulated in your evidence
22 the positive effects of Learning Together as you
23 witnessed them. I just want to clarify with you the
24 different points that you have made in your witness
25 statement about that. Firstly, prisoners felt

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1 investment in them on the programme.
2 A. Yes.
3 Q. And secondly, the creative elements provided an outlet.
4 A. And that's partly linked in with where I've mentioned
5 Ofsted earlier, they're looking for us to enable
6 individuals to build their social and cultural capital.
7 That's all about, you know, broadening their horizons so
8 they've got, you know, a broader knowledge of the world,
9 a fuller picture of the world.
10 Q. I think that brings me onto the third aspect of that,
11 that the University of Cambridge participants also
12 gained an understanding of prisoners likely to have led
13 different lives from them, and vice versa?
14 A. Absolutely, yes.
15 Q. And fourthly, it generated a sense of community and
16 togetherness?
17 A. Yes, so some of the feedback that we got from residents
18 following, for example, big ideas seminars, was that
19 they welcomed going back to the wing and having
20 something to talk about, something to share that was
21 other than the football and kind of mundane
22 conversation, they actually felt stimulated, and it
23 brought different people together, and, you know --
24 I'm not going to suggest that it changed the world on
25 the wings or anything like that, but there were

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1 differences in dynamics. People were coming together
 2 that wouldn't normally necessarily come together.
 3 Q. And I think also prisoners who completed courses could
 4 become mentors --
 5 A. That's right.
 6 Q. -- as we've heard, which gave an internal sense of
 7 progression within the course.
 8 A. Yes.
 9 Q. And did you ever have any reason to be concerned about
 10 Learning Together operating in Whitemoor?
 11 A. No.
 12 Q. And the seventh aspect that I wanted to ask you about,
 13 again, I'm going to touch on this very briefly because
 14 Mr Hough asked you about it, but on 28 June 2017, you
 15 spoke to Jo Boulton, and we're going to hear from her,
 16 because Usman Khan wanted to continue Learning Together
 17 on release, and you asked for contacts of his offender
 18 manager. Was that because you were aware that once he
 19 was released from prison, he would be managed through
 20 MAPPA?
 21 A. That's right, yes.
 22 Q. And did you know that his offender manager would input
 23 into MAPPA?
 24 A. Yes. So I don't know an awful lot, or anything of the
 25 kind of MAPPA process, but I knew that there would be

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1 mechanisms in order to make that happen and that the
 2 offender manager was the best avenue for taking that up.
 3 Q. Because you were asked whether it was a good idea to
 4 involve security going forward. Were you aware that
 5 security inputted to MAPPA through the MAPPA F?
 6 A. Yes, yes.
 7 Q. And finally, we've seen some of the certificates, we
 8 know that Usman Khan completed a number of different
 9 courses, GCSEs in various subjects, in creative writing,
 10 Islamic guidance programme, other courses; would the
 11 application process have been very similar to that that
 12 you applied for Learning Together to the extent that the
 13 prisoner applies and you receive input from all
 14 different departments, including security?
 15 A. So the Learning Together process was more detailed, so
 16 in order for a resident to apply for any of our normal
 17 day-to-day activities, then they literally just list
 18 three preferences and then the application form goes off
 19 and it goes through the process that we outlined
 20 earlier. With the Learning Together form what we looked
 21 for was for the individual to have to invest a little
 22 something in making the application and that kind of
 23 demonstrated to us that they were committed to getting
 24 involved and engaging well, so that's why they had to
 25 give some details of what they thought they could bring

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1 to the learning environment, what they thought were any
 2 areas of concern for them and that kind of thing.
 3 Then the fact that I liaised with the OMU and
 4 security at that point meant that I was assured I was
 5 getting the latest, most up-to-date information, whereas
 6 with regards to normal activity allocations, it is the
 7 risk assessments, the individual's risk assessment and
 8 the location risk assessments that are referred to and,
 9 you know, sadly with us being human beings, there is
 10 sometimes the potential for things to get overlooked, so
 11 that's why it felt so important to me to make sure I was
 12 having that in the moment contact with those key
 13 stakeholders.
 14 Q. So you felt that it was a much more thorough process, if
 15 anything?
 16 A. Yes.
 17 MS WHITELAW: Thank you. Those are my questions.
 18 JUDGE LUCRAFT: Thank you very much indeed.
 19 MR HOUGH: Thank you, Ms Butler, that's all we have for you.
 20 Thank you for coming to give evidence.
 21 A. Thank you.
 22 JUDGE LUCRAFT: Thank you very much indeed. Thank you.
 23 MR HOUGH: Sir, the next witness is Ms Boulton.
 24 MS JOANNA BOULTON (affirmed)
 25 JUDGE LUCRAFT: Good afternoon. If you are happy to do so,

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1 please feel free to remove your mask whilst giving
 2 evidence, and you can either sit or stand, whichever
 3 you --
 4 A. Sit, please.
 5 JUDGE LUCRAFT: Certainly, please do.
 6 A. Thank you.
 7 Questions by MR HOUGH QC
 8 MR HOUGH: Would you please give your full name for the
 9 court?
 10 A. It's Joanna Christine Boulton.
 11 Q. Perhaps the microphone could be moved a little closer to
 12 you, there is a tendency to drop one's voice when
 13 speaking when seated. That will amplify your voice.
 14 You understand, Ms Boulton, that I am asking you
 15 questions first on behalf of the Coroner, and then you
 16 will have questions from others. Your witness statement
 17 was made on 9 February of this year and you may refer to
 18 that as you wish.
 19 What is your current occupation?
 20 A. I am a prisoner offender manager at HMP Whitemoor.
 21 Q. Did you begin working for the Prison and Probation
 22 Service in 2002?
 23 A. Yes, I did.
 24 Q. Did you work as a probation officer in the community
 25 from 2009?

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1 A. Yes, I did.
 2 Q. And from 2016 were you working at Whitemoor as
 3 an offender supervisor in the Offender Management Unit,
 4 the OMU?
 5 A. Yes, that's correct.
 6 Q. In brief, what is the role of an offender supervisor at
 7 a prison?
 8 A. So the role is to look at offence—focused interventions
 9 which aim to reduce the risk of harm that prisoners
 10 pose, and also to support and help them with
 11 progression, also to attend various meetings to do risk
 12 assessments, to write reports.
 13 Q. Before 2016, have you ever had any experience of dealing
 14 with terrorist offenders?
 15 A. No, I did not.
 16 Q. In October 2016, did you undertake training in something
 17 called the Healthy Identity Intervention?
 18 A. Yes, I did.
 19 Q. And is that a scheme which involved sessions, often with
 20 a psychologist, addressing aspects of identity and
 21 designed to address extremism?
 22 A. Yes, it is, it's for psychologists and for probation
 23 officers to deliver to terrorist offenders.
 24 Q. Were you also trained in the Extremism Risk Guidance
 25 process, which as the jury have heard, is a tool for

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1 assessment of extremist offenders?
 2 A. Yes, I was.
 3 Q. In late 2016, did you become the OMU lead for all
 4 terrorist offenders at Whitemoor?
 5 A. Yes, I did.
 6 Q. Now, in terms of record—keeping, is it right that you
 7 would make entries from time to time on a prisoner's
 8 NOMIS record, the general record about the prisoner?
 9 A. Yes, I did.
 10 Q. And that you could also just inform other staff
 11 informally about interactions you had with those you
 12 were managing?
 13 A. Yes.
 14 Q. Did you, in addition, keep your own contact log of
 15 dealings with an individual prisoner?
 16 A. Yes, I did.
 17 Q. And did you attend the Pathfinder meetings which the
 18 jury heard about from Mr Machin, those monthly meetings?
 19 A. Yes, I did.
 20 Q. Turning to TACT offenders, terrorism offenders, is it
 21 right that such offenders are subject to an unusual
 22 degree of supervision or management by your unit?
 23 A. They are more — so they're more monitored.
 24 Q. At the monthly Pathfinder meetings, was it your role to
 25 raise any concerns about individual offenders?

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1 A. Yes, it is.
 2 Q. And also to provide updates on the interventions being
 3 given to them, like the HII course?
 4 A. If I'm delivering HII, I would give Pathfinder an update
 5 on how they were doing.
 6 Q. As we've heard from Mr Machin, would intelligence
 7 reports relevant to the offenders under discussion be
 8 raised at those meetings?
 9 A. Yes, they are.
 10 Q. And that way those reports could add to your
 11 understanding of the offenders?
 12 A. Yes.
 13 Q. Turning to Usman Khan, did he arrive in Whitemoor, as we
 14 have heard, in mid—2016?
 15 A. Yes, he did.
 16 Q. And I think you took over from someone called Aneel Darr
 17 as his offender supervisor in November of that year?
 18 A. That's right.
 19 Q. What preparation did you undertake when you took on this
 20 new inmate?
 21 A. So when I take on a new case, I always look through the
 22 last few months of the NOMIS system, which is the prison
 23 system, to see how their behaviour has been on the wing,
 24 if they've completed any previous offence—focused work,
 25 I will look at any post—programme reviews, I would look

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1 at their OASys, so I have an understanding of the
 2 offence and where they're at. If there's an ERG,
 3 I would look at that, or a post—programme report for
 4 HII.
 5 Q. Now, the OASys report, and we can put it on screen if
 6 need be, but the OASys report from early 2016, which
 7 preceded your involvement —
 8 A. Yes.
 9 Q. — gave details of Usman Khan's offence?
 10 A. Yes.
 11 Q. What he had pleaded guilty to?
 12 A. Yes.
 13 Q. So you discovered that he had pleaded guilty to
 14 preparing for acts of terrorism by conspiring to set up
 15 a terrorist training camp in Pakistan?
 16 A. Yes.
 17 Q. Did you also either read entries by Aneel Darr or speak
 18 to Aneel Darr about Mr Khan's progress at the time you
 19 took over?
 20 A. Yes, I did. I had a brief conversation with him and
 21 I would have looked at his contact logs.
 22 Q. What did you glean from that conversation and those logs
 23 about Usman Khan?
 24 A. So I was aware that there were issues around his
 25 behaviour, I was aware that he had completed the HII

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1 intervention and that he had another ERG completed but
 2 he hadn't fully participated in that.
 3 Q. Did you become aware that in particular in the early
 4 stages of his time in prison, he had been involved in
 5 some seriously disruptive behaviour?
 6 A. Yes. Yes.
 7 Q. And did you become aware either then or shortly after
 8 your involvement with him that he'd been linked to
 9 radicalisation and bullying in a number of prisons?
 10 A. Yes, I was aware of that.
 11 Q. May we turn to your contact log, then, against that
 12 background. This is {DC5349/1}. I think the reference
 13 must have been changed. {DC6489/1}. There we are. If
 14 we start, please, at page 2 {DC6489/2}, do we see that
 15 in December 2016, you referred Mr Khan for the
 16 Thinking Skills programme?
 17 A. Yes.
 18 Q. Then if we move on to page 6, please {DC6489/6}, so from
 19 very early on you were referring him to a new
 20 intervention?
 21 A. Yes.
 22 Q. And that was designed to, as we've heard, deal with
 23 aspects of his thinking which tended towards extremism?
 24 A. It's a generic programme that is to look at -- for
 25 Thinking Skills, it's for all prisoners that meet the

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1 criteria, where there's issues around thinking, not
 2 stopping and considering the consequences, and it's
 3 about goal-setting too.
 4 Q. In January 2017, 20 January 2017, you meet up with
 5 Mr Khan and in the course of that meeting he expresses
 6 frustration about being a category A high risk prisoner?
 7 A. Yes.
 8 Q. Is it right that he expressed frustration because of the
 9 limitations of high risk status?
 10 A. Yes, that's right, yes. There's lots more constrictions
 11 on them. So, for example, he was very upset because he
 12 couldn't call his mum without pre-booking it before,
 13 where I think in other prisons he was able to ring his
 14 mum whenever he wanted to, but Whitemoor you had to
 15 pre-book, I believe, a week in advance, so that was one
 16 of the things he was unhappy about.
 17 Q. May we move on to {DC6489/9}, please, and we are taking
 18 these events chronologically in your dealings with him,
 19 just looking at some of the most significant events.
 20 Did you send an email on 17 March 2017 to someone called
 21 Phil Bromley?
 22 A. Yes, I did, he was his outside offender manager at the
 23 time.
 24 Q. I think he was the predecessor to Mr Skelton?
 25 A. That's correct, yes.

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1 Q. And later went on to become Mr Skelton's line manager?
 2 A. I believe so.
 3 Q. So you're in touch with the outside offender manager,
 4 the person who is going to be dealing with Usman Khan
 5 after release?
 6 A. Yes.
 7 Q. And did you inform Mr Bromley that Khan had been
 8 involved in an assault and reduced to basic IEP level?
 9 A. Yes, I did.
 10 Q. And did you note the details of that, of the event,
 11 which involved Mr Khan not only being involved in
 12 assault but jumping onto the spur netting?
 13 A. Yes, because he was involved in the assault and I think
 14 when they tried to reduce his IEP, at that point then he
 15 jumped onto the netting out of frustration, I believe,
 16 and remained there for around half an hour shouting
 17 before staff managed to persuade him to come off of the
 18 netting.
 19 Q. And we see, I think if we go down the page, that he was
 20 told he would need to demonstrate good behaviour,
 21 settled good behaviour, before an upgrade from his IEP
 22 level could be considered?
 23 A. Yes.
 24 Q. And then {DC6489/17}, please. Moving on to May 2017,
 25 did you record on 5 May that you had a reasonably long,

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1 hour and a half discussion with Usman Khan?
 2 A. Yes, I did.
 3 Q. And did you record there that he spent the time talking
 4 at you?
 5 A. Yes, he did.
 6 Q. In relation to his category A review. As the jury have
 7 heard, had he been maintained at category A in a recent
 8 review?
 9 A. Yes.
 10 Q. And do we see that he was particularly frustrated and
 11 annoyed about some intelligence describing him as using
 12 taqiyya, a permissible form of telling lies to advance
 13 the cause of Islam?
 14 A. He was very unhappy about that, yes.
 15 Q. Very unhappy at the suggestion that he was telling lies
 16 to progress?
 17 A. Yes. Very unhappy about it. He brought it up numerous
 18 times. This was the first time, though.
 19 Q. Now if we then, just staying with the chronology but
 20 moving to a different document, {DC5633/26}. Now, this
 21 is an entry in the Delius notes, which is a probation
 22 system, and the notes we're concerned with are kept by
 23 Mr Skelton.
 24 In the middle of the page, Mr Skelton notes that on
 25 12 July he spoke to you and discussed the current

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1 situation :
 2 "There have been behavioural problems and Mr Khan is
 3 subject to a Challenging Behaviour Strategy."
 4 He notes the interventions that Khan has had, the
 5 ERG, HII, and the TSP which you had referred him to?
 6 A. Yes.
 7 Q. And he records:
 8 "OS did suggest that he does give cause for
 9 concern."
 10 A. Yes.
 11 Q. So that's you being noted by Mr Skelton as saying that
 12 Khan gave cause for concern.
 13 A. Yes.
 14 Q. Can you recall on what basis you said he gave cause for
 15 concern?
 16 A. I can't remember the conversation, but it's likely to
 17 have been around his behaviour in terms of what had
 18 happened with him jumping on the netting, and also some
 19 of the intelligence around the potential for
 20 radicalising others and just his destructive behaviour,
 21 and the taqiyya comments he made.
 22 Q. Then continuing with the chronology into August of 2017,
 23 {DC6489/21}, please. We are back in your contact log.
 24 If we can go to the entry on the lower half of the page,
 25 do we see that in August 2017 you met with Usman Khan

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1 and Ken Skelton?
 2 A. Yes.
 3 Q. And once again, we have Usman Khan noting his
 4 frustration at his category and again about the taqiyya
 5 comment.
 6 Then do you also note that on this occasion that he
 7 was concerned about having his British citizenship taken
 8 away?
 9 A. Yes, because he was a dual national, I understand, and
 10 Ken went away to find out, to check if that was the case
 11 or not.
 12 Q. Moving on to {DC6489/24}, please, right at the top of
 13 the page, do we see you made an entry on 23 August 2017,
 14 an email to Mr Skelton noting that Usman Khan had been
 15 placed on basic IEP, so that's the lowest level of the
 16 privileges system?
 17 A. Yes.
 18 Q. Because he had incited a group of prisoners to refuse to
 19 lock up?
 20 A. Yes, that's correct.
 21 Q. Were you also aware by that stage, so July/August 2017,
 22 that there was intelligence naming Mr Khan as one of the
 23 main prisoners for promoting extremist views?
 24 A. Yes.
 25 Q. And would you have got that, for example, from your

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1 Pathfinder?
 2 A. I would have got that from the Pathfinder meetings.
 3 Q. Now we're now at September 2017. Was a category A
 4 review carried out at this time?
 5 A. Yes, it was.
 6 Q. If we could put on screen {DC5351/1}, this is a report
 7 to which I think you contributed.
 8 A. I would have contributed to the dossier for the
 9 category A review.
 10 Q. Page 11, please {DC5351/11}, do we see that the report
 11 noted concerning behaviour of various kinds, including
 12 the protest on the netting, and if we look at the whole
 13 page, a number of other instances of poor attitude over
 14 the previous months?
 15 A. Yes.
 16 Q. And then {DC5351/12}, so we're at September 2017,
 17 page 12 also recorded a number of instances of positive
 18 behaviour, both in relation to education and in relation
 19 to dealing with staff and other prisoners?
 20 A. Yes.
 21 Q. So there were signs of positive behaviour noted in the
 22 record?
 23 A. Signs of positive — yes.
 24 Q. Then {DC5351/13}, please, do we see there your summary
 25 that his behaviour had been mixed but he had engaged

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1 well with you and his new offender manager?
 2 A. Yes.
 3 Q. That's Mr Skelton.
 4 A. That's Mr Skelton, yes.
 5 Q. Were you then aware that following your report, or your
 6 contribution to the dossier, a category A decision was
 7 made that Khan should remain at category A high risk,
 8 and which described him as having made no substantial
 9 progress?
 10 A. Yes, I'm aware of that.
 11 Q. We can take that off screen now.
 12 In January 2018, so right at the start of his last
 13 year in prison, did you chair a sentence planning board
 14 meeting about Usman Khan?
 15 A. Yes, I did.
 16 Q. A report was prepared from that in March 2018, which we
 17 can see at {DC5561/1}. So we can see this is a sentence
 18 planning meeting report, and that you are recorded as
 19 the chairperson?
 20 A. Yes, that's correct.
 21 Q. And if we go to the top of {DC5561/3}, please, do we see
 22 a report of his accommodation, that he had settled in
 23 C wing with no concerns?
 24 A. Yes.
 25 Q. That was a change that was made in the previous year as

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1 a disruption move, as --
 2 A. It was disruption, I believe he was on A wing prior to
 3 that and they moved him to C wing to disrupt him.
 4 Q. We have a wing report referring to him keeping his cell
 5 clean and so on?
 6 A. Yes.
 7 Q. We have references to the creative writing course he has
 8 done, and his hopes for employment in the future?
 9 A. Yes.
 10 Q. Then down the page to the bottom, please. Do we see
 11 reference to the courses he has undertaken and a wing
 12 report stating that he is generally polite and only
 13 interacts with staff when needed, interacting well with
 14 his peers?
 15 A. Yes.
 16 Q. So does that suggest that at least as far as the wing
 17 staff were concerned, by that stage, Mr Khan was keeping
 18 his nose clean?
 19 A. By this point his behaviour had much improved.
 20 Q. Then over the page {DC5561/4} to the bottom of page 4,
 21 please, nevertheless do we see that the board
 22 recommendations continued to assess his risk of serious
 23 harm in the community as very high?
 24 A. Yes.
 25 Q. And we see the note of various adjudications about

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1 possession of unauthorised items and so on?
 2 A. Yes.
 3 Q. Meanwhile, had Usman Khan completed the Thinking Skills
 4 programme at the end of 2017?
 5 A. Yes, he finished, I believe, the end of December 2017,
 6 or at some point in December 2017, and then we had the
 7 sentence planning board and we reviewed the post
 8 programme report for the Thinking Skills programme all
 9 at the same time.
 10 Q. As the jury have heard, that was quite a positive
 11 report?
 12 A. Yes, it was.
 13 Q. May we now move onto the ERG process. In April 2018 you
 14 know that Mr Khan participated in an ERG assessment by
 15 the prison psychologist leva?
 16 A. Yes.
 17 Q. And that she produced a report in April 2018?
 18 A. Yes.
 19 Q. Did you participate in the meeting that followed the
 20 preparation of an initial report?
 21 A. Yes, I did.
 22 Q. And if we look at your contact log {DC6489/31}, and to
 23 the bottom of the page, 6 April 2018, do you see that
 24 you note that you met with Usman and leva about the
 25 ERG 22+ because there was security information he wasn't

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1 happy with?
 2 A. Yes, that's right.
 3 Q. And he went on to be very talkative, and if we go over
 4 the page {DC6489/32}, gave you a screenplay he had
 5 written, and talked at length about his experiences in
 6 prison and how his behaviour had changed?
 7 A. Yes.
 8 Q. So he was keen to impress on you improvements in
 9 behaviour?
 10 A. He was, yes.
 11 Q. Did the meeting with Mr Machin go ahead on
 12 19 April 2018?
 13 A. Yes, it did.
 14 Q. And if we go to {DC5322/49}, some notes of his comments
 15 on the report were taken at that meeting. Were these
 16 notes that you wrote up?
 17 A. I think these are the notes that he made in relation to
 18 the ERG. I think that I made some other notes in
 19 relation to the meeting.
 20 Q. Summarising, did Usman Khan object to those parts of the
 21 report which were referring to intelligence about him
 22 radicalising other prisoners?
 23 A. Yes, he did object.
 24 Q. And once again, objecting to references to him lying to
 25 make progress?

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1 A. Yes, he objected to the taqiyya, yes.
 2 Q. Did you read the report from the ERG process that was
 3 produced after the meetings?
 4 A. Sorry, could you...
 5 Q. Did you read the report of the ERG process that was
 6 produced after those meetings?
 7 A. Yes, yes, I did.
 8 Q. We can take that off screen now.
 9 The jury have seen that report a number of times.
 10 I don't propose to go back to it. Is it right, in
 11 general terms, that that report noted material
 12 continuing risks?
 13 A. It did still raise continued risks.
 14 Q. Next, please, the category A report that came towards
 15 the end of 2018. May we have on screen {DC5567/1}. In
 16 late 2018, was there another category A review process
 17 and you contributing again to the dossier?
 18 A. Yes, that's correct.
 19 Q. And if we go to {DC5567/6}, please. Towards the bottom
 20 of the page, do we see a note by you:
 21 "I was allocated Mr Khan's case in November 2016 and
 22 have met with him... regularly. During all of our
 23 meetings Mr Khan has been polite and engaged. During
 24 this ... period [his] level of interaction and
 25 engagement has been very good. Looking through NOMIS

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1 his behaviour has been generally good and there have
 2 been numerous positive behaviours..."
 3 Which you then noted below?
 4 A. Yes.
 5 Q. And then {DC5567/8}, please. Did you summarise that
 6 during the review period, so during the year of 2018,
 7 essentially --
 8 A. Yes.
 9 Q. -- Khan's behaviour had vastly improved, continuing to
 10 engage well with you and Mr Skelton?
 11 A. Yes.
 12 Q. You also saw it as positive that he completed the
 13 Thinking Skills programme and engaged in the further
 14 ERG?
 15 A. Yes.
 16 Q. And on the basis of that positive progress, you
 17 recommended that he be managed as a category B prisoner?
 18 A. That's correct, yes.
 19 Q. Quite a big step from category A high risk right to
 20 category B?
 21 A. Yes.
 22 Q. Why, in your own words, did you think that was
 23 justified?
 24 A. I knew -- I guess for me it was to show Usman that --
 25 kind of recognising the good progress that he had made.

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1 In reality, because I think the local panel sat,
 2 I believe, in November, by the time the recommendation
 3 would have been typed up and sent to the category A
 4 review team in London who make the final decision, Usman
 5 would likely have been released, so he wouldn't have
 6 been downgraded anyway.
 7 So for me, recommending a downgrade was me showing
 8 that, you know, I recognise that your attitude and your
 9 behaviour has come a long way since the year before.
 10 Q. So you appreciated the reality that he may not, in fact,
 11 spend time --
 12 A. He wouldn't have spent time in a category B. There
 13 wasn't time before his release date.
 14 Q. But you wanted to mark his improvement by this
 15 recommendation?
 16 A. Yes. Yes.
 17 Q. You evidently thought by this stage that there had been
 18 a significant improvement in his behaviour and his
 19 underlying attitudes and mentality?
 20 A. Yes.
 21 Q. Did you consider at that time that there was any risk
 22 that he was engaged in taqiyya with you; that he was
 23 ticking boxes and presenting a positive picture in order
 24 to gain this sort of recommendation?
 25 A. I guess it is always a possibility. But he would have

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1 nothing to gain, I don't believe, by that, because he
 2 was going to get out of prison however he behaved
 3 towards me, so he would gain nothing from being kind of
 4 abrupt and rude as to being kind of polite and engaging.
 5 Q. As a prison professional, would it occur to you that
 6 somebody might -- somebody with a release imminent not
 7 having to pass a parole board might nevertheless behave
 8 well in order to limit the degree of scrutiny they faced
 9 after release?
 10 A. It is possible, however, with Mr Khan, when he was
 11 released -- and we spoke all about his licence
 12 conditions, I think the number of additional licence
 13 conditions that he had, I cannot see how, even if his
 14 behaviour was poor in prison, they added, I believe,
 15 an extra 17 additional licence conditions to the already
 16 kind of five standard conditions. I don't really know
 17 what else they could have added if he had been of poor
 18 behaviour.
 19 Q. So if he was seeking to reduce his conditions through
 20 his behaviour, it didn't work?
 21 A. No.
 22 MR HOUGH: Sir, would that be a convenient time for the
 23 mid-afternoon break?
 24 JUDGE LUCRAFT: It would indeed, we'll take our
 25 mid-afternoon break there. Thank you very much.

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1 (In the absence of the jury)
 2 JUDGE LUCRAFT: Mr Hough, I've got Mr Moss' little table of
 3 time estimates. What I'm going to suggest, because
 4 I'm conscious, again, we're taking on board quite a bit
 5 of material, is that we sit again this afternoon until
 6 about 4.30.
 7 One option we could look at is to start a bit
 8 earlier tomorrow morning.
 9 MR HOUGH: Sir, I was thinking that might be a good idea to
 10 ensure that Mr Styles and Ms Nix aren't inconvenienced.
 11 JUDGE LUCRAFT: So what I was going to simply ask during the
 12 break is that the jury might be asked would it be
 13 inconvenient to them if we tried to start tomorrow
 14 morning at 9.30, and we'll see what the answer is. If
 15 they can manage 9.30, we will manage 9.30.
 16 MR HOUGH: No doubt your usher will deploy all her charm and
 17 offers of coffee and croissants.
 18 JUDGE LUCRAFT: Yes, absolutely.
 19 I'll rise.
 20 (3.31 pm)
 21 (A short break)
 22 (3.43 pm)
 23 (In the absence of the jury)
 24 JUDGE LUCRAFT: The very good news, Mr Hough, is having such
 25 a good usher with lots of things that she was able to

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1 say(?), we can start tomorrow morning at 9.30 by the
 2 looks of things.
 3 MR HOUGH: Excellent.
 4 JUDGE LUCRAFT: One of our jurors has rearranged something
 5 that they were going to do at 9 o'clock, for which
 6 I'm very grateful, and, this is not an invitation to do
 7 it, but just to give us that extra safeguard if, in
 8 fact, at the knocking of 1 o'clock, we had 15 minutes
 9 left, if we sat on until 1.15, it won't cause them any
 10 difficulty either, so I hope that's good news. As I
 11 say, it's not an invitation necessarily that we need to
 12 go to 1.15.
 13 MR HOUGH: Extra croissants for that juror and extra
 14 croissants for any advocate who doesn't require the
 15 15 minutes to be used.
 16 JUDGE LUCRAFT: But, on a serious note, I do note that we
 17 have at least one juror with childcare issues, which is
 18 why I've tried to stick fairly strictly to 4.30 or
 19 thereabouts.
 20 (In the presence of the jury)
 21 Mr Hough, just before you resume with the questions,
 22 can I simply just express my great thanks to the jurors
 23 and particularly one juror who has rearranged something
 24 for tomorrow morning, that's extremely kind of you.
 25 What we will do this afternoon, Mr Hough, is we will

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1 go no later than 4.30, and tomorrow we will all
 2 endeavour to start at 9.30.
 3 I said to everyone before you came in, members of
 4 the jury, that 1.15 is our real final cut-off, but
 5 that's not an invitation for anyone to extend if we
 6 don't need to, but that's what we'll plan to do.
 7 Thank you.
 8 MR HOUGH: Ms Boulton, I was moving on to another topic
 9 concerning Usman Khan in 2018 and this is the MAPP
 10 meetings and the MAPP F forms, which you, I think, were
 11 responsible for?
 12 A. Yes.
 13 Q. Now, as the jury have heard, in June, August, October
 14 and December of 2018, there were meetings of the MAPP
 15 agencies in the run-up to Usman Khan's release?
 16 A. Yes, that's right.
 17 Q. You, I think, played a role of preparing a MAPP F
 18 document --
 19 A. Yes.
 20 Q. -- for each of those meetings?
 21 A. Yes.
 22 Q. Is it right that that was an information-sharing report
 23 which included, as we've already seen, some security
 24 intelligence on it?
 25 A. Yes, that's right.

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1 Q. If we put on the screen the first of those, {DC5668/1},
 2 we can see that this is a MAPP F form for the meeting
 3 of 27 June 2018. If we look at the entire page, please,
 4 we see it gives detail of the offender and his sentence.
 5 Next page, please {DC5668/2}, various important dates,
 6 like the conditional release date at the end of 2018.
 7 Next page, please {DC5668/3}, details of his conduct and
 8 behaviour in custody, including adjudications against
 9 him.
 10 A. Yes.
 11 Q. Over the page again, please {DC5668/4}. At the top of
 12 the page, details about courses he had performed: ERG,
 13 TSP, HII?
 14 A. Yes.
 15 Q. And diversity considerations which looked into, for
 16 example, factors relating to his faith?
 17 A. Yes.
 18 Q. Then {DC5668/5}, please. Some information about the
 19 correspondence and communications he was having, which
 20 as we know were monitored?
 21 A. Yes, they were.
 22 Q. Then {DC5668/6}, please. This is the section of
 23 security information, about which I asked Mr Machin, and
 24 this gives details of some events during 2017 where
 25 Mr Khan was disruptive, and then under "Potential for

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1 radicalisation and extremism", a section which, if we
 2 can expand it, please, the jury have already seen, and
 3 gives the warning that although Mr Khan has crept below
 4 the radar in recent months, he may have done that
 5 because with release imminent he will be watched
 6 carefully, or for some other reason, and it gives this
 7 warning:
 8 "... this does not mean that his ideologies have
 9 changed, just that he may be behaving in a deceptively
 10 compliant manner in order to facilitate his release."
 11 Is that a section you read at the time?
 12 A. I would have taken that directly from the security
 13 report I was given.
 14 Q. Yes. And it did indeed appear on a security report
 15 prepared for the MAPP process.
 16 Did you regard that as an odd explanation, given
 17 what you said just before the break?
 18 A. In terms of him being released, he would have been
 19 released regardless.
 20 Q. But did you nevertheless note that the security
 21 department regarded the risk of deceptive compliance as
 22 being a real one?
 23 A. Yes.
 24 Q. Then the next form, please, {DC6420/1}, it's a form in
 25 the same format and with many of the same entries. If

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1 we go to {DC6420/6}, please, and can we see that at the
 2 bottom of the page, this has been updated with
 3 intelligence snippets of associations with a number of
 4 other prisoners, and towards the bottom, a piece of
 5 intelligence suggesting that Mr Khan is involved in
 6 a discussion about hurting somebody who is a snitch?
 7 A. Yes.
 8 Q. So is this right: that there were some pieces of
 9 intelligence coming through to you, even at this stage,
 10 suggesting that Mr Khan might not have changed his
 11 underlying attitudes or his behaviour on the wing?
 12 A. Yes.
 13 Q. Then next, {DC6421/5}, we're now looking at the MAPP A F
 14 report for the MAPP A meeting in October 2018, which
 15 again you filled out with details from the security
 16 report?
 17 A. Yes, I took it straight from the security information
 18 I was given.
 19 Q. And we see here Mr Khan and another prisoner involved in
 20 what appeared to be a fight simulation?
 21 A. Yes.
 22 Q. Reference to the snitch intelligence again, and then
 23 quoted a call between Khan and his mother?
 24 A. Yes.
 25 Q. If we go to the following page, please {DC6421/6}, and

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1 the top half, do we see him ending the call with:
 2 "Insha'Allah, I have understood everything and I am
 3 not angry. It is not that I get scared, thanks to Allah
 4 I have been in prison like a lion."
 5 So he is presenting himself as having grown up a lot
 6 in prison --
 7 A. Yes.
 8 Q. -- and having a high status?
 9 A. Yes.
 10 Q. And then the third MAPP A F form, {DC6422/1}, which is
 11 for the meeting of December 2018, shortly before he was
 12 released, {DC6422/5}, please. We see the intelligence
 13 referring to Usman Khan as a continuing radicalising
 14 influence and as having said that he would return to his
 15 old ways, believed to be related to terrorism. When you
 16 saw that piece of intelligence in particular, did it
 17 surprise you?
 18 A. I was surprised, yes.
 19 Q. Now, in terms of the timing, you would have been
 20 receiving this security form and transposing this
 21 information into the MAPP A F for the MAPP A agencies --
 22 A. Yes.
 23 Q. -- shortly after you had recommended Khan for regrading
 24 to category B?
 25 A. Yes.

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1 Q. And here was a piece of intelligence suggesting that he
 2 was telling people he would return to terrorism after he
 3 was released?
 4 A. Yes.
 5 Q. Did you discuss this with anyone?
 6 A. Only the MAPP A panel that would have had this
 7 information, and obviously Mr Skelton, his probation
 8 officer outside, would have had this information as
 9 well.
 10 Q. What did you think was the reality? Did you think that
 11 you were dealing with somebody who had genuinely changed
 12 by this stage, or did you think that you were dealing
 13 with somebody who retained an extremist ideology?
 14 A. I guess he had made positive changes in terms of his
 15 engagement and willingness to participate in programmes,
 16 he was also -- he met with Mr Skelton, he also met with
 17 the police Prevent officer, which I wasn't sure how he
 18 would react to, and he engaged with both of them very
 19 well, so that, I thought that he had made progress and
 20 that he had made positive changes, but you would
 21 never -- you never really know if somebody has fully
 22 changed or not.
 23 Q. You, I think, participated in the MAPP A meetings which
 24 discussed Usman Khan's risk factors and planning for his
 25 release?

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1 A. Yes.
 2 Q. May I ask you about one of those. It's the meeting
 3 in October. This is {DC6408/5}. If we go to the bottom
 4 of the page, this is in October 2018:
 5 "Jo Boulton advised the panel that [Usman Khan]
 6 is due for a conditional discharge on 24 December
 7 2018..."
 8 And then you refer to him having been selected for
 9 a number of courses, and then this:
 10 "He is keen to work with Cambridge University
 11 learning team or Amy Ludlow whom he has the contact
 12 details for and has been made aware of his discharge."
 13 Then there's reference to training opportunities.
 14 Then at the bottom of the page:
 15 "Jo advised that [Usman Khan] is engaging well and
 16 seemed to accept his licence conditions when explained
 17 by Ken."
 18 Over the page {DC6408/6}, top of the page, please:
 19 "In relation to the prison intelligence it shows
 20 that overall [Khan] does well, however there were 3
 21 areas of concern. He lives in an area with surrounding
 22 gang activity. He appear to be part of the group
 23 however acts independently. [Usman Khan] mixes with
 24 a wider group including some enemies of the gang where
 25 he resides and people of other religion. It is thought

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1 that this causes friction between himself and another
 2 prisoner who is the group or gang influencer, as [Khan]
 3 regularly goes against him. This has shown progress for
 4 [Usman Khan] as he previously used to do the opposite
 5 and partake in the gang which he is no longer doing.”

6 So did you report to MAPPA that not only was Khan
 7 being positive in his engagement with you and
 8 Mr Skelton, but he was actually appearing to go against
 9 a senior gang figure within the prison?

10 A. Yes.

11 Q. And then you also record, I think, that he had started
 12 to engage with Cambridge University a year ago, and
 13 a positive change was noted by Mr Skelton around that
 14 time?

15 A. Yes.

16 Q. We can take that off screen now.

17 Overall, what was your view of how your working
 18 relationship with Usman Khan developed?

19 A. So at the beginning, my relationship with Usman was kind
 20 of difficult. He didn't -- he would meet with me and he
 21 would talk to me but it was mainly complaining about the
 22 high risk, him being a high risk cat A. He insisted
 23 that I called him Mr Khan, and whilst he kind of engaged
 24 and he was polite, he wasn't easy to work with or kind
 25 of build a rapport.

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1 However, over -- because I knew him
 2 from November 2016 until the time he left Whitemoor,
 3 which I believe was December 2018, our working
 4 relationship improved a lot, so I think it was the
 5 beginning of 2018 that he allowed me to kind of call him
 6 Usman, which felt like a big step. I went -- he was
 7 kind of really -- he would see me in the corridor,
 8 before he would kind of avoid me or not make eye contact
 9 if he saw me on the wing, whereas as time wore on,
 10 I would see him on the corridor, he would stop and talk
 11 to me if I was going to his wing and he was returning to
 12 work. He would ask if he had any questions in relation
 13 to licence conditions. He met with Ken and I was there
 14 with Ken, and Ken and Calum also asked me to be present
 15 when they served him the section 4 notification from the
 16 police, because I had a pretty good relationship with
 17 Usman towards the end.

18 Q. As you're telling us, you met with Usman Khan and
 19 Ken Skelton --

20 A. Several times.

21 Q. -- ran through the licence conditions?

22 A. We did, and I believe then we had a MAPPA meeting and
 23 then I took the confirmed licence conditions and I went
 24 through those with Usman and he accepted them.

25 Q. And as you were also telling us, you made the

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1 arrangements for him to see Police Sergeant
 2 Calum Forsyth?

3 A. That's right.

4 Q. Who was going to be doing the overt management of
 5 Usman Khan on behalf of Staffordshire Police?

6 A. Yes.

7 Q. Did you also, I think, inform Usman Khan of his
 8 mentoring arrangements?

9 A. I did.

10 Q. Practical mentors who would work with him in the months
 11 following release?

12 A. Yes.

13 Q. In those meetings, how did Usman Khan speak about his
 14 intentions and plans in future life?

15 A. He seemed really -- he had hope for when he was
 16 released. He was looking forward to -- he spoke about
 17 potentially his mum finding him a wife so that he could
 18 get married and eventually settle down. He was talking
 19 of looking to possibly do something in education, maybe
 20 going on to do a degree. He had plans for his -- for
 21 the future, and he seemed positive.

22 Q. If we could put on screen {DC6489/63}, the top of the
 23 page. You told us that you were with PS Forsyth and
 24 Mr Skelton when Usman Khan was served with his part 4
 25 terrorism notification conditions --

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1 A. Yes.

2 Q. -- and that you went through those with him. You record
 3 this here in your contact log, I think?

4 A. Yes.

5 Q. Then in the second paragraph you say this:

6 "Usman was very engaging, he answered all questions
 7 asked of him. He spoke about how he has changed from
 8 being a 19 year-old boy to now. He spoke about his bad
 9 behaviour and how he is very different now."

10 A. Yes.

11 Q. Did you accept that, did you think he was being honest?

12 A. I felt he was being honest, yes.

13 Q. What was your impression of Khan's relationship with
 14 Mr Skelton and Mr Forsyth?

15 A. So he had met Ken a couple of times before this last
 16 meeting, before release, and I understand he had also
 17 been writing to Mr Skelton, so he had started to build
 18 a good relationship with him. I was kind of concerned,
 19 I wasn't sure how Usman would be towards Calum Forsyth,
 20 because historically him being anti-authority, I wasn't
 21 quite sure how that would go, but it all went very well.
 22 I think Calum was, yes, happy with how the meeting went.
 23 They went through all of the part 4 notification and
 24 what would happen on his day of release.

25 Q. It's right, isn't it, that when Usman Khan was released

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1 into the community, the MAPPA meetings continued?
 2 A. Yes, they did.
 3 Q. And, of course, the MAPPA panel had received those
 4 reports you had prepared giving the security
 5 intelligence --
 6 A. Yes.
 7 Q. -- as well as your own assessments?
 8 A. Yes.
 9 Q. So, is this right: whereas you took a positive and
 10 optimistic view of Usman Khan towards the end of his
 11 time in prison, those who were going to be dealing with
 12 him outside had the benefit of the countervailing
 13 security intelligence?
 14 A. Yes, they had both sides.
 15 MR HOUGH: Thank you very much. Those are all my questions.
 16 Questions by MR ARMSTRONG
 17 MR ARMSTRONG: Ms Boulton, my name is Nick Armstrong and
 18 I ask questions on behalf of Jack's family.
 19 I think I've understood this correctly: that you
 20 were relatively new to high security at this time?
 21 A. Yes, I was, yes.
 22 Q. You had started off in the mid--2000s, I think, you had
 23 been the PA to a probation board in Devon and Cornwall?
 24 A. That's right.
 25 Q. And then you wanted to become a probation officer and

201

1 worked in the community?
 2 A. Yes.
 3 Q. And you didn't come to any form of custody at all until
 4 February 2016?
 5 A. I didn't work in custody, but my work from working in
 6 the community meant I would visit prisons.
 7 Q. You would visit prisons?
 8 A. I would visit but I hadn't worked --
 9 Q. You hadn't become a member of prison staff?
 10 A. No, I hadn't, no.
 11 Q. And not in the high security estate?
 12 A. No.
 13 Q. And Whitemoor was a very different experience?
 14 A. Yes, very different.
 15 Q. It holds extraordinarily serious individuals?
 16 A. Yes, it does.
 17 Q. And you had never had a TACT offender before 2016?
 18 A. No, that's right.
 19 Q. And by the end of 2016, you had all of them in
 20 Whitemoor?
 21 A. I did. I do, yes.
 22 Q. And you still do?
 23 A. I still do, yes.
 24 Q. I mean, that is, I am putting this gently to you, that
 25 is quite an acceleration into very serious work from

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1 what you knew before?
 2 A. Yes.
 3 Q. One of the things that you talk about in your witness
 4 statement, and I'm not going to bring it up at the
 5 moment, but one of the things that you talk about Usman,
 6 and we see him talking about this with other people, is
 7 he talked quite early on with you about the death of his
 8 friend in a racist incident who was murdered?
 9 A. Yes.
 10 Q. And I think you have heard, and I have put it to
 11 Ms Butler as well and others that the evidence on that
 12 is, at best, limited, and it may well not be true?
 13 A. I don't know.
 14 Q. Well, I just want to ask you about that. One of the
 15 things that probation officers do and when they are
 16 testing and risk assessing offenders is achieve
 17 a formulation of their offending behaviour, don't they?
 18 A. Yes.
 19 Q. They look at the sentencing remarks of the judge, and
 20 they need to be very clear about the history because
 21 that which the prisoner says about the history may not
 22 be true?
 23 A. That's correct, yes.
 24 Q. You never caused any checks to be taken as to whether
 25 this part of his background which he relies on regularly

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1 was true?
 2 A. No, I didn't.
 3 Q. You can see, and I don't think I need to go back to
 4 this, but Usman Khan on any view is an extraordinarily
 5 serious man?
 6 A. Yes.
 7 Q. And you -- we've seen the ERG and the ERG informs the
 8 OASys?
 9 A. Yes, it does.
 10 Q. And both of those documents are, and I think probably
 11 for him the big documents for him: they are the
 12 structured, disciplined, careful decision--making that
 13 you need in an area which is complex?
 14 A. Yes, along with the cat A reports.
 15 Q. Along with the cat A reports, and those are, let's be
 16 fair, all speaking with one voice?
 17 A. Yes.
 18 Q. The ERG report, April 2018, 54 pages long, says
 19 that: really not convinced he's done any work, really
 20 don't think that he -- there's a real strong possibility
 21 that he may even be at the pre--contemplative state of
 22 change, so no change at all, and identifies no less than
 23 14 warning signs at the end of that report, which the
 24 jury will hear about and may think a number of them are
 25 apposite, and that was itself said to be

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1 a non-exhaustive list, so there may be more than
 2 14 warning signs for this man?
 3 A. Yes.
 4 Q. And he was very high risk OASys all the way through?
 5 A. He was.
 6 Q. Which means imminent risk of serious harm?
 7 A. Yes.
 8 Q. Now, against all of that, I mean, as it happens, these
 9 things almost entirely pre-date that ERG, the work that
 10 he had done and which we've seen referred to on his
 11 offending behaviour was firstly the HII, the Healthy
 12 Identity Intervention?
 13 A. Healthy Identity -- yes.
 14 Q. It's fair to say, I think, that that is, at least,
 15 a mixed report. I mean, I've been to various sections
 16 of that, and I'm not going to put it back on the screen,
 17 but the extent to which he has developed any additional
 18 insight is questionable, is the concluding remark at
 19 paragraph 5.1, and there are lots of other worrying
 20 entries in that because that says one of the reasons why
 21 they got to that conclusion is he says he doesn't need
 22 to do any work because he has already thought about all
 23 of these things already. Do you recall that?
 24 A. I can't recall the report, if I'm honest, I'm sorry.
 25 Q. Can I just put it up briefly, then {DC5327/1} and I'll

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1 go to paragraph 5.1, sorry not to have the page number
 2 {DC5327/7} yes, just at the bottom the page there:
 3 "... the extent to which Mr Khan has developed any
 4 additional insight into the risk ... is questionable,
 5 given Mr Khan's own admission that he feels he has not
 6 learnt anything new, and the intervention has mainly
 7 served to emphasise what he already knew and to initiate
 8 a period of reflection."
 9 So he thinks he hasn't really learnt anything?
 10 A. Okay.
 11 Q. But also, as we will get to, there's an enormous
 12 quantity of very poor behaviour after this?
 13 A. Yes, there is.
 14 Q. So even if it had made any difference, and it looks like
 15 it hasn't, he's behaving in precisely the same way, at
 16 least as badly, not long afterwards?
 17 A. Yes.
 18 Q. We also see the Thinking Skills programme, I'm going to
 19 try not to call that up as well, but I am going to put
 20 this to you: you say in a number of places that this was
 21 a positive report?
 22 A. The Thinking Skills programme, from what I recall, was
 23 a positive report in terms of his engagement and his
 24 participation, and his improved behaviour following the
 25 completion of that report.

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1 Q. Well, because his behaviour became less negative in 2018
 2 and he completed this in December 2017, but you know
 3 that the absence of negative behaviour isn't
 4 an indicator of fundamental change?
 5 A. Sure.
 6 Q. And if I say that the TSP contains a number of negative
 7 indications if you read the detail rather than the
 8 overall, I mean, the TSP is a fairly basic course, it's
 9 not an intensive programme?
 10 A. No, it's not intensive.
 11 Q. And it says things like: learn about perspective-taking
 12 and stop and think?
 13 A. Yes.
 14 Q. That's the level we're talking at?
 15 A. Yes.
 16 Q. And if I say to you that is not a programme that is
 17 going to call a halt established behavioural patterns
 18 learnt in late-teens and activated throughout a prison
 19 sentence of eight years, that's not going to turn that
 20 around?
 21 A. Not totally, but it would give him skills to hopefully
 22 make changes if he chooses to.
 23 Q. It might make a contribution?
 24 A. Yes.
 25 Q. And I just want to show you that, because talking about

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1 what we are looking at is those two programmes, the HII
 2 and the TSP, occur at a time when he is capable of
 3 engaging and he is capable of saying one thing to the
 4 likes of you and then going off and behaving incredibly
 5 badly. And can I just show an example of that, can I
 6 just have the NOMIS up, please, at {DC5336/169}. Now,
 7 if we look here we have -- there's the third entry
 8 there:
 9 "This prisoner was part of a group of inmates who
 10 refused to lock away during an alarm response. He
 11 appeared to be the main instigator in getting the others
 12 to refuse to lock away."
 13 And that's Matthew Crick enters that, presumably
 14 a prison officer.
 15 Then below that, please. A more detailed entry:
 16 "On 15 August ... at approximately 17.10 I was on A
 17 Wing Blue spur [this is relating to the same incident]
 18 locking up prisoners due to the incident on B wing.
 19 During this time a large group of prisoners were
 20 refusing to lock up... it was obvious that they were
 21 being led by ... Khan who was giving instructions and
 22 inciting them to refuse. It was clear to myself that
 23 this prisoner was inciting and instructing the remaining
 24 prisoners to not comply with our instructions."
 25 So that is very serious ill behaviour, not least in

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1 a maximum security prison, which he is inciting and
 2 leading?
 3 A. Yes.
 4 Q. If you just look above that, that's witnessed by two
 5 different officers, and there doesn't appear, and
 6 I don't think there is, any doubt that he did that?
 7 A. Yes.
 8 Q. And if you look at the entry above it on 10 August 2017:
 9 "Met with Mr Khan and his [offender manager] was
 10 also present. He engaged well."
 11 That's you?
 12 A. Yes, it is.
 13 Q. And then if we look below this entry, we may need to go
 14 to the next page, {DC5336/170}, again 23 August 2017,
 15 the next entry after these things, after the incitement
 16 things:
 17 "Caught up with Mr Khan for his category A report,
 18 he engaged well."
 19 That's you.
 20 Now, you know about these incidents and you are
 21 writing entries in the NOMIS immediately below these
 22 entries, that must tell you: the way he engages with me
 23 is not necessarily indicative of how he is?
 24 A. And it is, and I reflected that, I believe, in my
 25 category A report of 2017.

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1 Q. Yes. But you told Mr Hough a moment ago in relation to
 2 the intelligence he took you to from November 2018, and
 3 the entry that you had in 2018, that you genuinely
 4 thought that he had moved on, that he was different?
 5 A. By 2018, yes.
 6 Q. But if I just --- I just want to put this to you: when we
 7 look at his history through childhood, we have this
 8 status-seeking poor behaviour, sidling up to the
 9 playground bully characters, you know, Anjem Choudary,
 10 he understates it, no doubt, all with violence, not
 11 accepting that he has done anything wrong since
 12 a teenager. We see all of this behaviour sufficient to
 13 keep him at high risk category A all the way through.
 14 The ERG calls him out on it in April 2018, to which he
 15 reacts, as you tell us, badly, he doesn't like being
 16 confronted with ---
 17 A. He doesn't --- he didn't like being confronted with it
 18 but he didn't behave as badly as he would have done
 19 previously. So he sat down and he raised his concerns,
 20 as you would hope that he would, rather than jumping on
 21 the netting.
 22 Q. All right, so he manages to keep a lid on it?
 23 A. Yes, he does.
 24 Q. But given that we appear to be looking, in order to turn
 25 the adult lifetime of that kind of entrenched awfulness

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1 around, what do you think, as the probation officer,
 2 does it?
 3 A. I believe he has made some positive changes. I'm not
 4 saying he's perfect or he's changed all of his
 5 ideologies. His behaviour was vastly improved and
 6 he was willing to work with professionals, which was
 7 a step forward for me.
 8 Q. Well, you use the expression "vastly improved" about his
 9 behaviour ---
 10 A. Yes. Overt behaviour.
 11 Q. His overt behaviour.
 12 A. Yes.
 13 Q. But you know that that is a very limited indicator of
 14 fundamental change.
 15 A. Mm--hm.
 16 Q. You also know it may be false compliance ---
 17 A. Absolutely.
 18 Q. --- because he's heading towards release.
 19 A. Yes.
 20 Q. There are, therefore, two possibilities: one is, he's
 21 gaming the system?
 22 A. Yes, absolutely.
 23 Q. The other possibility is, this is extraordinary fragile
 24 change ---
 25 A. Yes.

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1 Q. --- which can revert at any moment?
 2 A. Absolutely.
 3 Q. And a reversion in Usman Khan's case is very serious
 4 indeed.
 5 A. Yes.
 6 Q. Now, what I just want to ask you about with that is, if
 7 we put it in that context, where this is somebody who
 8 has to be watched very carefully, let's then have a look
 9 at these MAPPA reports. Can I go to MAPPA F again at
 10 {DC5668/1}, so this is June 2018, and if we look at
 11 page --- I mean, this is what we're choosing to give, or
 12 what you are choosing to give to MAPPA. This has some
 13 information on it, and I know it's a summary document,
 14 not everything, the intelligence and the work done. If
 15 we look at {DC5668/3}, top of that:
 16 "Mr Khan's conduct and behaviour in prison has been
 17 mixed and it would appear that ... in the last 8 months
 18 there has been a sustained positive improvement in his
 19 behaviour."
 20 You are using quite strong words there. That's your
 21 first paragraph, "sustained positive improvement". Now,
 22 as it happens, and the jury has a document about this,
 23 it's only that eight months that really has it, because
 24 if you go back nine months you hit August and the
 25 incident we've just seen, and the following month we're

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1 seeking bad intelligence again about the snitch?
 2 A. Yes.
 3 Q. So you really did hit -- I'm not suggesting this is
 4 deliberate, but you do happen to hit a window which was
 5 a bit of a lucky window for Khan?
 6 A. It was eight months of good behaviour.
 7 Q. It was eight months of the absence of negative
 8 behaviour.
 9 A. Mm--hm.
 10 Q. Then we've got, if we look at the following page, please
 11 {DC5668/4}. Now, if we look at the offending behaviour
 12 work:
 13 "Mr Khan has completed 3 [ERG] assessments, [one] is
 14 completed earlier this year."
 15 A. Yes.
 16 Q. Now, in fact he hadn't cooperated with the earlier two.
 17 A. He didn't, no.
 18 Q. And the last one is really very negative, but you don't
 19 say that in this document. You then talk about the HII
 20 and the TSP. Now, you're accepting with me that those
 21 are at least of -- the HII is a pretty mixed report and
 22 the TSP is of limited effect.
 23 A. Okay.
 24 Q. But you don't say that, do you see?
 25 A. Okay.

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1 Q. And what I'm concerned about is, this is going to MAPPA
 2 you understand what the HII and the TSP is, you
 3 understand -- the ERG they probably do understand, but
 4 are you just assuming that they will read the documents
 5 themselves and form their own views and unravel it all;
 6 that they will know what the TSP is in its limitations?
 7 A. Some of the members of MAPPA would have access to those
 8 reports.
 9 Q. You would hope they would?
 10 A. I know the probation officer outside, I sent them the
 11 reports so they would definitely have them.
 12 Q. You see, what I'm concerned about, there's a lot of
 13 assuming here, and we heard from Mr Machin this morning
 14 about the risk of siloing between those in custody and
 15 those outside, and you see the risk of assuming that
 16 anybody else --
 17 A. Yes.
 18 Q. -- knows this or will go looking for it.
 19 A. Yes.
 20 Q. Unless you road map them to it?
 21 A. Sure.
 22 Q. Now, also around this sort of time later in the year,
 23 you're writing, you're meeting Mr Skelton, you're
 24 writing the category A review, and you told my learned
 25 friend Mr Hough that the reason why you made the

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1 downgrade recommendation in the category A report is
 2 because it wasn't going to make any difference anyway.
 3 A. It wasn't.
 4 Q. And you wanted to say something nice to Usman?
 5 A. I just wanted to kind of encourage Usman to carry on
 6 with the positive behaviour and engagement, and this was
 7 a way for me to demonstrate that he had made positive
 8 progress.
 9 Q. Is that appropriate? I mean, you are writing
 10 a recommendation for a jump in security category of two
 11 leaps?
 12 A. Yes.
 13 Q. And you say because you want to just say something nice
 14 to him?
 15 A. Yes, because I wanted to recognise -- and he had -- for
 16 me he had made good progress.
 17 Q. Okay. Now, that -- you sign up to that recommendation
 18 on 22 November.
 19 A. Yes.
 20 Q. There is intelligence in the prison system at this stage
 21 from 9 November, I think, which says he -- which is
 22 reliable evidence suggesting he may be planning
 23 an attack on release. Now, either that's true, or it
 24 dramatically undermines his presentation.
 25 A. Mm--hm.

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1 Q. Are you aware of that at this stage?
 2 A. I was aware of when -- I think only the intelligence
 3 I had from -- was it from MAPPA, I think, for
 4 the December meeting?
 5 Q. But at the time that you're saying: let's reward
 6 Usman --
 7 A. No, because I think I wrote my report in September,
 8 I think my report -- because it takes a couple of months
 9 for me to write -- well, I write the report then, the
 10 resident has 28 days to make their representations, and
 11 then the LAP is the following month.
 12 Q. The meeting takes place --
 13 A. So at that point I wouldn't have had that.
 14 Q. But I think the meeting and the final decision is on
 15 22 November.
 16 A. Okay, I wouldn't --
 17 Q. You don't want to reverse that or cause it to be --
 18 A. So I would only have the information from the category A
 19 dossier that I'd submitted, or that was submitted
 20 in September.
 21 Q. You don't want to review your recommendation and say:
 22 maybe not?
 23 A. I may well -- if I had seen the information I may well
 24 have reviewed it, yes.
 25 Q. This is what goes in -- the MAPPA report, the MAPPA F is

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1 what goes into the MAPPA. I know that you also attend
 2 a MAPPA, and I just want to drill into that slightly ,
 3 because you go a few times, but you don't go in person,
 4 do you?
 5 A. No, I dial in .
 6 Q. You dial in?
 7 A. Yes.
 8 Q. And I'm just concerned about this, because again
 9 I'm thinking about siloing and I'm thinking about making
 10 sure the people on the outside get how serious this is
 11 and the limits on what some of this material says, but
 12 you're just on a phone?
 13 A. I am, yes.
 14 Q. Is that conducive to making sure your voice is heard or
 15 making sure the prison perspective gets across?
 16 A. I guess the information is in the MAPPA F and then if
 17 they had -- they get, I think, about a week to read the
 18 MAPPA F and if the other panel members have any
 19 questions they usually raise those at MAPPA. I've also
 20 been, I guess, in regular contact with Mr Skelton
 21 throughout when we're kind of -- from MAPPA onwards, so
 22 he would have had all the documents and we would have
 23 had numerous discussions about Usman.
 24 Q. What I'm slightly concerned about is this, and I want to
 25 be fair to you about it. I mean, that sounds like

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1 a slightly reactive approach.
 2 A. Mm--hm.
 3 Q. You're waiting to be asked questions. I can sort of
 4 understand, and I just want to ask you whether this is
 5 fair. You're quite new to this.
 6 A. Yes.
 7 Q. You're only attending by phone. You have got -- you
 8 know that other attendees are counter-terrorist police,
 9 potentially the security services, lots of big burly
 10 police officers and all of that, and you're only on
 11 a phone?
 12 A. Yes.
 13 Q. Do you feel able to get in anybody's face and say: be
 14 careful with this guy?
 15 A. I --
 16 Q. Do you want to speak up and be heard?
 17 A. If I had concerns, then I would raise them, yes.
 18 Q. Do you remember ever doing them?
 19 A. I can't recall the meetings. It's several years ago
 20 now.
 21 Q. Can I ask you this, and just -- do you think you got
 22 this wrong and underestimated this and this was just --
 23 you were just a bit out of your depth at this point in
 24 your career?
 25 A. I don't believe so, no, because at the MAPPA we put --

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1 there was additional licence conditions, so I think
 2 I already said there was around 17 additional licence
 3 conditions in addition to the, I think, five standard
 4 conditions. So they were put in place regardless of
 5 what -- I don't know what else they could have added, if
 6 I'm honest.
 7 Q. About the conditions, that's true. What I'm talking
 8 about --
 9 A. So that's the conditions and the control and monitor.
 10 There was also the AP referrals to monitor him.
 11 We would have -- we had made arrangements with the
 12 police officer to come in to go through all the part 4
 13 notification. We also had a mentor coming in that met
 14 him, I think a practical mentor, so that there was lots
 15 of controls and support for Mr Khan on his release.
 16 Q. But what I'm talking about is eternal, constant,
 17 never-lapsing vigilance at all stages, because this is
 18 a very different offender to any other kind of offender:
 19 he's coming straight out from high risk category A.
 20 A. He is.
 21 Q. And he's very difficult to predict.
 22 Now, can I just put one last thing to you, which is
 23 can I have up {DC6513/48}, and see if you will agree
 24 with this. This was a report of Jonathan Hall into
 25 terrorism, one of the things that occurred around the

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1 time partly related to this case but not entirely. Can
 2 I just have paragraph 6.3, please. Now, what it says
 3 here is, in the first bullet:
 4 "As identified in Chapter 2, assessing terrorist
 5 risk is particularly difficult. There is both a risk of
 6 complacency or optimism bias, and a risk that
 7 uncertainty is allowed to default to the highest risk
 8 settings."
 9 So we don't want to say: absolutely no, terrorist
 10 offenders never do anything.
 11 A. Mm--hm.
 12 Q. But we also need to guard against complacency or
 13 optimism bias all the time?
 14 A. Yes.
 15 Q. And the tools that you were given to help you do that
 16 are in particular the ERG and the OASys?
 17 A. Yes.
 18 Q. Those are the detailed structured risk assessment tools?
 19 A. They are the main risk assessments tools.
 20 Q. And they were pointing in the same direction, saying: be
 21 very, very careful?
 22 A. Yes. They highlighted, yes.
 23 MR ARMSTRONG: I'm grateful. I have no further questions.
 24 JUDGE LUCRAFT: Thank you very much indeed. Almost two gold
 25 stars for the day, Mr Armstrong.

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1 Mr Hough, I'm going to suggest we pause there, it's
 2 almost 4.30. There will be some more questions for you
 3 in the morning. We're going to start tomorrow morning
 4 a bit earlier than we have done previously, at 9.30, but
 5 I hope that doesn't inconvenience you.

6 A. Okay.

7 JUDGE LUCRAFT: Thank you. Ladies and gentlemen, we'll see
 8 each other tomorrow morning, please, at 9.30. Thank
 9 you.

10 (In the absence of the jury)

11 JUDGE LUCRAFT: Mr Hough, can I simply thank those who have
 12 stuck to their time limit so far, and I'm sorry to harp
 13 on about it, but obviously it is quite important, and in
 14 fact I think, Mr Armstrong, you may have come out
 15 slightly under what you had said, so that's probably the
 16 equivalent of a Paul Hollywood handshake rather than
 17 a gold star, but let's hope that the trend continues
 18 tomorrow.

19 I'll rise.

20 (4.28 pm)

21 (The court adjourned until 9.30 am on
 22 Friday, 30 April 2021)

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