

OPUS2

Fishmongers' Hall Inquests

Day 25

May 19, 2021

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Wednesday, 19 May 2021

(10.04 am)

(In the presence of the jury)

JUDGE LUCRAFT: Morning, everyone. Very nice to see you. Mr Hough.

MR HOUGH: Sir, today's first witness is Robert Hessel. May he be sworn.

CHIEF INSPECTOR ROBERT HESSELL (sworn)

JUDGE LUCRAFT: Mr Hessel, please sit or stand, whichever you would feel happiest doing. There's a microphone on the desk if you want to take a seat.

A. I'll sit, thank you.

JUDGE LUCRAFT: Thank you.

And the microphone there will obviously help to amplify your voice and documents will appear on the small screen but also on the larger screen if that's easier to look at.

Questions by MR HOUGH QC

MR HOUGH: Would you please give your full name and rank for the court.

A. Yes, good morning. My name is Robert Hessel, I'm a chief inspector in Staffordshire Police.

Q. Chief Inspector Hessel, you know that I'm asking you questions first on behalf of the Coroner and you will then have some questions from other lawyers.

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First, some questions about your police background. When did you first enter police service?

A. I joined Staffordshire Police in 2002.

Q. We'll hear about the roles you performed from late 2017, but in broad terms what sort of police work did you do between 2002 and 2017?

A. Predominantly, after two or three years' uniformed policing, I've done a variety of investigative roles.

Q. Now, in September 2017, did you commence a role as a detective sergeant in Staffordshire Police Special Branch?

A. That's correct.

Q. Were you, at that point, working in the Operational Intelligence Management Unit?

A. Yes.

Q. Had you previously done work on counter-terrorism investigation?

A. Not prior to that point in time.

Q. When you joined Special Branch, was the head of the branch DI Powell?

A. Yes.

Q. And was DC Stephenson, from whom we heard on Monday, a constable on your team?

A. Yes, he was.

Q. Now, is it right that between September 2018

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and January 2019, you temporarily filled the role of Head of Special Branch while DI Powell was on temporary posting elsewhere?

A. That's correct.

Q. Did you then revert back to your role as detective sergeant in the OIMU within Special Branch in January 2019?

A. Yes.

Q. And did you do that role until October 2019, early October 2019?

A. Yes.

Q. At that stage, is it right that DI Powell moved on from Staffordshire Special Branch, and you became head of Special Branch as a detective inspector?

A. That's correct.

Q. Is it right also that at the same time, October 2019, DS Stephenson was promoted to DS and occupied your former post as the Head of the OIMU?

A. Yes.

Q. We have heard that in simple terms, Special Branch is the unit in a police force responsible for national security and intelligence, including counter-terrorism in the force area; is that right?

A. That is right.

Q. We've also heard that the OIMU at the relevant time

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provided counter-terrorism intelligence support within Special Branch, and for investigations run by the West Midlands Counter-Terrorism Unit?

A. Correct.

Q. Based on what you've told us, by early 2019, you had 18 months' experience in Special Branch?

A. Yes.

Q. By that time, in general terms, what sort of investigations had you worked on?

A. By that point I think there had probably been one, maybe two other priority operations, which varied, depending on the circumstances, but in general, that would -- you know, my role would involve supervising the receipt and assessment of intelligence and the suitable and appropriate sharing of that intelligence.

Q. Now, is it right that the -- in those priority operations, the lead investigators would be from West Midlands Counter-Terrorism Unit?

A. That's correct.

Q. But your team, in the OIMU, would in practice be providing intelligence support coming from the Staffordshire local region?

A. Yes. My team would provide local support, and the reason for that is due to different computer systems and partnerships locally, might not be immediately visible

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1 to the West Midlands CTU.
 2 Q. Plus, of course, there might be sources of intelligence
 3 and information in Staffordshire for which Staffordshire
 4 Special Branch had responsibility or experience?
 5 A. Correct.
 6 Q. Were you, therefore, familiar with working alongside
 7 officers from the CTU?
 8 A. Yes.
 9 Q. Were you also familiar with working with officers of MI5
 10 in the context of the priority operations?
 11 A. Yes.
 12 Q. Had you had specific training for investigation of
 13 counter-terrorism cases as such?
 14 A. No. Not with regards to investigations, but more so
 15 with regards to intelligence.
 16 Q. So you had had specific training for counter-terrorism
 17 intelligence work?
 18 A. Yes.
 19 Q. Had you also had any experience or training for major
 20 crime investigations?
 21 A. Not specifically that I can recall in terms of major
 22 crime investigations, other than the normal training
 23 courses provided within Staffordshire Police, such as
 24 PIP level 2 investigations.
 25 Q. That, though, was still a reasonably sophisticated level

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1 of criminal investigation training?
 2 A. Yes.
 3 Q. Turning to Usman Khan, then, we know that Usman Khan was
 4 released from prison on 24 December 2018. Based on your
 5 answers, that was while you were Head of Special Branch?
 6 A. That's right.
 7 Q. We have heard that he was the subject of a P3 priority
 8 investigation by MI5 working jointly with West Midlands
 9 CTU?
 10 A. Yes.
 11 Q. And we have heard that the senior investigating officer
 12 from West Midlands was DI Ryan Chambers, and his deputy
 13 was DS Paul Beattie?
 14 A. That's correct.
 15 Q. We've also heard that at the same time as that covert
 16 investigation was taking place, Usman Khan had part 4
 17 notification requirements which were being managed
 18 overtly, to his knowledge, by officers of the Prevent
 19 Team within Staffordshire Police?
 20 A. Yes.
 21 Q. Were you familiar with those officers, Sergeant Forsyth
 22 and his team?
 23 A. I was.
 24 Q. Were you aware of why they were handling that overt
 25 management function rather than that being done by

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1 Special Branch officers or West Midlands CTU officers?
 2 A. Yes. So the responsibility was required of the Prevent
 3 Team, largely down to, I think, a legacy issue relating
 4 back to having previously done so in 2015.
 5 Q. We've heard that they performed a similar role for
 6 Mohibur Rahman, the first part 4 nominal released into
 7 the Staffordshire area.
 8 A. That's correct.
 9 Q. Is it right, you would have known that those officers,
 10 Sergeant Forsyth and his team, didn't have significant
 11 counter-terrorism investigation or intelligence
 12 experience?
 13 A. That's right, yes.
 14 Q. We've also heard, though, that they worked close to
 15 Special Branch, down a physical corridor, and that they
 16 attended morning meetings with you and your officers?
 17 A. They did.
 18 Q. Is it right, though, that they were separated not just
 19 by a physical corridor but by a metaphorical sterile
 20 corridor which meant that they didn't have access to
 21 secret information?
 22 A. Yes, they had a lower vetting level, so it was
 23 an ethical corridor, effectively.
 24 Q. And we have heard that the regime within which the
 25 Prevent officers worked, both with Mohibur Rahman and

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1 with Usman Khan, involved them visiting the offender at
 2 intervals, preparing reports, which would then be passed
 3 on to your team?
 4 A. Yes.
 5 Q. When Usman Khan was to be released into the community,
 6 what background knowledge, if any, did you have of him
 7 from his previous offending and the investigation that
 8 led to his conviction?
 9 A. So I personally had no knowledge of the previous
 10 conviction other than through briefing myself with
 11 documents that existed, colleagues' awareness, so
 12 effectively through self-briefing.
 13 Q. Now, preparations for managing Usman Khan in the
 14 community began in early to mid-2018, with a referral to
 15 MAPPA in February 2018, first MAPPA meeting
 16 in June 2018. Can you recall roughly at what stage you
 17 were first made aware that this man was going to be
 18 released into the Staffordshire area and that your team
 19 would have a role to play?
 20 A. Not specifically, but it would probably have been within
 21 the six-month run-up at some point, probably
 22 around October, maybe September.
 23 Q. What did you understand your team in the Operational
 24 Intelligence Management Unit would play in relation to
 25 Khan once he was released?

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1 A. I think at first I was unsure, because whether there
 2 would be a priority operation in place was still to be
 3 determined, there was a likelihood that that would be
 4 the case, so therefore my team would provide that local
 5 support. Obviously with Khan he'd also be subject to
 6 the part 4 notification requirements, and that would
 7 be — to be determined exactly how that would work with
 8 the front-facing management of him.

9 Q. Did you appreciate that if there was to be a priority
 10 operation, one of your functions would be to pass on the
 11 reports from the Prevent Team to the West Midlands CTU
 12 officers and others?

13 A. Yes, that became apparent through that period, as
 14 discussions took place.

15 Q. Did you consider that you would have any other role to
 16 play in relation to a priority investigation if one was
 17 established?

18 A. No. That would pretty much include being that conduit
 19 for information.

20 Q. If we can put on screen {DC7482/1} we'll see your major
 21 incident disclosure book for this investigation, I hope.
 22 That's your book, is it?

23 A. Yes, it is.

24 Q. If we go to page 2, please, we can see that you record
 25 some initial information about Usman Khan at the

1 pre-release stage {DC7482/2}. Can you recall roughly
 2 when you would have made up these entries?

3 A. I think this would have been possibly documented at the
 4 time of the priority operation opening [redacted] being
 5 received.

6 Q. We've heard that that was around late November 2018;
 7 would that be right?

8 A. I think that is about right, yes.

9 Q. In order to prepare for your work, and in order to make
 10 up these entries, what preparation and pre-reading did
 11 you do?

12 A. Like I mentioned, so there would be legacy documents
 13 about what Khan was sentenced for in terms of a previous
 14 investigation. At some point during this period there
 15 would be a subject profile being compiled, and that
 16 would consist of summaries of prison intelligence. So
 17 that would form some of the documentation that I would
 18 become aware of.

19 Q. We have seen that a subject profile was first prepared,
 20 I think, in September 2018, and it was then subject to
 21 incremental addition and revision up to first of
 22 all December 2018 and then beyond.

23 A. Yes.

24 Q. You would have seen editions of that subject profile,
 25 would you, by November?

1 A. Yes.

2 Q. We can see that in your book that we have on screen you
 3 include short details of his release date, and down the
 4 page his convictions, and you record the basis of his
 5 plea that he had been aware of and approved prospective
 6 attacks, and that he had planned travel for terrorist
 7 training which might have led on to attacks?

8 A. Yes.

9 Q. And then {DC7482/3}, please, you record a little about
 10 Operation Guava, the operation that led to his
 11 conviction, and then down the page, you see that you
 12 wrote that at HMP Belmarsh and Whitemoor and others,
 13 Khan was a "radicaliser of others" and had "expressed
 14 extremist views".

15 A. Yes.

16 Q. Was that drawn from the subject profile with its summary
 17 of prison intelligence?

18 A. It was.

19 Q. And then if we go to {DC7482/4} we will see some recent
 20 strands of intelligence identified, that Khan
 21 radicalised his fellow inmates and held a Shari'a court.
 22 Then you identified two particular intelligence reports,
 23 one that Khan would return to his old ways. That's put
 24 in quotation marks; are you there suggesting that that's
 25 intelligence that Khan said that?

1 A. I'm not suggesting that that was what Khan said.
 2 I think that is probably a quotation of what the
 3 intelligence said.

4 Q. Yes. Then the second entry with a bullet point by it:
 5 "Intends to carry out an attack".
 6 And you are indicating that that came from
 7 a separate intelligence report?

8 A. Yes.

9 Q. So those were strands of intelligence that you got from
 10 the subject profile that you regarded as particularly
 11 significant, were they?

12 A. Yes.

13 Q. And then {DC7482/5}, please, we can see you note that
 14 the Security Service "SYS", MI5, has commissioned
 15 an investigation, Operation Molal?

16 A. Correct.

17 Q. We've heard that that was commissioned towards the end
 18 of November 2018, so that fits with you writing up these
 19 notes around that time.

20 A. Yes.

21 Q. You then, further down the page, say:
 22 "Spoke to DCI Cobbett [on] 21/11/18."
 23 And a joint operational team meeting has been
 24 requested to be confirmed in the week commencing
 25 26 November 2018. So that suggests these notes were

1 written up between the 21st and the 26th?
 2 A. Yes.
 3 Q. And then you refer to the fact that a subject profile is
 4 complete and has been forwarded. Was that a reference
 5 to the subject profile having been completed within
 6 Staffordshire Special Branch and forwarded to
 7 West Midlands CTU?
 8 A. Yes, that's what that refers to.
 9 Q. You refer to the part 4 notifications and that the
 10 Staffordshire Prevent Team is going to manage that
 11 aspect of things, so that had been decided by this
 12 stage.
 13 A. Yes.
 14 Q. And you record that a senior investigating officer was
 15 to be appointed from the CTU for the joint priority
 16 investigation?
 17 A. Correct.
 18 Q. And then at {DC7482/6}, please, do you here give details
 19 of the part 4 notifications which will have to be
 20 handled by the Prevent team?
 21 A. Yes, it's just a summary of what the notification
 22 requirements were.
 23 Q. And then down the page, do you note that Khan was to be
 24 moved prisons prior to release because, as we know,
 25 Whitemoor wasn't a release prison?

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1 A. So I understand.
 2 Q. And that the Prevent Team were going to collect him and
 3 deal with the part 4 documentation and the tagging?
 4 A. Yes.
 5 Q. Now, we have seen the subject profile which was prepared
 6 at this time, I don't propose to put it on screen now,
 7 but is it right that it contained substantial details of
 8 prison intelligence, referring to Khan as a radicalising
 9 influence?
 10 A. Yes, it contained that summary.
 11 Q. And it also referred to various incidents of violence in
 12 which he had been involved, various incidents of
 13 disruption within the prison?
 14 A. Yes.
 15 Q. We have also seen that the November and December
 16 editions of the subject profile recorded analyst
 17 comments which identified the risk of Khan lying and
 18 manipulating the authorities for his own purposes; do
 19 you recall those comments being in the profile?
 20 A. Not specifically, but yes, that's not lost on me.
 21 Q. As well as reading the subject profile, did you receive
 22 and review any prison and probation documents from those
 23 services, so, for example, the OASys assessment or ERG
 24 reports?
 25 A. Yes.

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1 Q. Did that include the most recent OASys assessment from
 2 the pre-release period?
 3 A. I can't specifically recall the OASys assessment; I can
 4 recall the ERG assessment, and having sight of that.
 5 Q. Was that the 54-page report from April 2018 by
 6 Dr Cechaviciute?
 7 A. Yes, it was quite lengthy.
 8 Q. If we now move to {DC7482/7} of the document on screen,
 9 did you attend on 28 November 2018 a joint operational
 10 team meeting including MI5 officers and officers of
 11 West Midlands CTU?
 12 A. Yes.
 13 Q. And was that meeting attended by the senior
 14 investigating officer, who is identified here as
 15 DI Ryan Chambers?
 16 A. Yes.
 17 Q. Did his deputy, DS Beattie, also attend so far as you
 18 can recall?
 19 A. I can't recall.
 20 Q. We have also heard that, along with you, attended
 21 DS Stephenson from Staffordshire Special Branch?
 22 A. Yes.
 23 Q. Now, in your major incident book you note tasks of the
 24 various police officers and teams involved, and do we
 25 see that you refer to the West Midlands Police CTU

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1 setting up the operation on the NCIA system?
 2 A. Yes.
 3 Q. And further down the page -- sorry, just a little bit
 4 up -- reference to part 4 oversight, regularity and
 5 enforcement, and you note:
 6 "Calum to liaise with T7."
 7 Is that reference to Calum Forsyth liaising with
 8 Team 7 of West Midlands CTU.
 9 A. Yes.
 10 Q. Can you recall what you meant by that?
 11 A. I think that's the suggestion that Nick Powell had
 12 previously suggested. Team 7, you know, would be
 13 considered to have best practice with regards to
 14 offender management, such as the regularity of visits,
 15 the level of intrusion, if you like, so Calum to liaise
 16 with them was to be informed as to his approach.
 17 Q. Is this right: the Team 7 officers were a team of
 18 officers within West Midlands Counter-Terrorism Unit who
 19 handled offender management, so the part 4 process,
 20 within the West Midlands Police force area?
 21 A. Yes.
 22 Q. Is it right that they had dealt with a lot more part 4
 23 offenders being released into the community?
 24 A. Yes.
 25 Q. And is that the reason why you say you would have

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1 expected them to have best practice in the area?
 2 A. Yes.
 3 Q. And then you refer further down to a risk assessment,
 4 and Emma. Is that a reference, as we heard
 5 Mr Stephenson, to DC Hartill having the task of
 6 preparing a surveillance risk assessment?
 7 A. That's correct.
 8 Q. Then you set out below a series of to-dos, the trigger
 9 plan for PS Forsyth to prepare. As we've heard, was
 10 that a document addressing what would happen in the
 11 event of various forms of breach by Khan?
 12 A. Yes.
 13 Q. And then a reference under "Investigation", once again
 14 to DC Hartill's work on the risk assessment, and once
 15 again, to the fact that the subject profile has been
 16 sent to CTU?
 17 A. Yes.
 18 Q. Then {DC7482/8}, please, you set out the licence
 19 conditions in summary which are to govern Khan's life?
 20 A. Correct.
 21 Q. May we then go to {DC7438/13}. If we look right at the
 22 bottom of the page, on the next day, did you send
 23 an email bright and early, 9.27 on 29 November, to
 24 Mr Stephenson and Ms Hartill?
 25 A. Yes.

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1 Q. And then over the page {DC7438/14} do we see that you
 2 sent them a series of tasks arising from the JOT?
 3 A. Yes.
 4 Q. So this is you setting up the work for your team members
 5 in providing that intelligence of what you were talking
 6 about?
 7 A. Yes.
 8 Q. Then next, please, {DC7482/9}. Was a further joint
 9 operational team meeting held on 19 December 2018,
 10 shortly before Khan was to be released?
 11 A. Yes, it was.
 12 Q. Again, did you attend that along with DS Stephenson and
 13 members of the WMCTU team under Mr Chambers?
 14 A. Yes.
 15 Q. And can we see that you record that the risk assessment
 16 has been completed and sent, presumably a reference to
 17 DC Hartill's document?
 18 A. Yes.
 19 Q. There has been an update to the subject profile, which
 20 has also been sent?
 21 A. Correct.
 22 Q. That -- you make a reference to GPS data and Team 7. Is
 23 it right that the West Midlands CTU Team 7 officers were
 24 going to be assisting with the monitoring of the GPS
 25 tagging data?

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1 A. Yes, that was initially the case due to limitation,
 2 I think, on licence and access for the Prevent Team.
 3 Q. The Team 7 officers were able to do that monitoring
 4 function initially and the Prevent officers weren't?
 5 A. Yes, and they had passed that on.
 6 Q. Then you set out below a series of actions which the
 7 Prevent Team have been involved with, including getting
 8 a phone for Usman Khan, preparing the trigger plan, and
 9 preparing for Khan's release.
 10 A. Yes.
 11 Q. Move to {DC7482/10}, please, now. Can we see from the
 12 middle of the page that you record Khan's release on
 13 24 December 2018. A little bit up the page, please.
 14 And where he has been released to?
 15 A. Yes.
 16 Q. So you were alive to Khan's release when that was
 17 happening in real time?
 18 A. Absolutely.
 19 Q. And you note his tag details as well, because that was
 20 part of the responsibility of the Prevent Team?
 21 A. Yes.
 22 Q. And then you note on 31 December 2018 a change of
 23 handset. We've heard that around that time, the Prevent
 24 Team arranged for Khan's mobile handset to be changed
 25 because the first had internet connectivity. Was that

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1 recording something that had been told to you about that
 2 visit?
 3 A. Yes, that's correct, that's the details of the new
 4 mobile phone.
 5 Q. Now, these are the records that you made of the initial
 6 establishment of the operational support. In the weeks
 7 and months that follow, how closely do you personally
 8 follow Khan's progress?
 9 A. Yes, relatively closely. I was privy to emailed updates
 10 through the Prevent Team with regards to their
 11 front-facing engagements, also emails regards tagging
 12 data, and mentor reports, notwithstanding informal
 13 verbal updates with Calum and his team in Prevent.
 14 Q. So you're getting the Prevent Team reports, which we've
 15 seen and heard were sent out by email and uploaded onto
 16 the SPIN system?
 17 A. Yes.
 18 Q. You're getting the mentor reports, which are being
 19 provided, I think, by the probation CT team?
 20 A. Yes.
 21 Q. And you're getting tag data reports prepared by the
 22 electronic monitoring service?
 23 A. Yes.
 24 Q. From that information, what was your understanding about
 25 how well Khan was complying with his licence conditions

20

1 and the law?
 2 A. I think all reports indicated that he was compliant with
 3 all of his conditions. The tag data was unremarkable,
 4 he didn't move much outside of the local area, and he
 5 was engaging with his managers well.
 6 Q. What was your understanding from your discussions with
 7 the Prevent Team about their view of him?
 8 A. That he was suggesting that he was reformed, he wanted
 9 to put his past behind him, he wanted to be a mentor and
 10 go through the rehabilitation process, and was generally
 11 positive.
 12 Q. Now, at the end of January 2019, as we heard with
 13 DS Stephenson, he recalls having spoken to you about
 14 an intelligence report from Khan's time in prison,
 15 specifically the intelligence report about attack
 16 aspirations; do you recall that conversation?
 17 A. Yes.
 18 Q. I can take you to his day book if you like, but what he
 19 told us was that he spoke to you about that intelligence
 20 report, and that at that stage, the intelligence was
 21 still to be broken out due to strict holding conditions.
 22 Do you recall a conversation to that effect?
 23 A. Yes, I do.
 24 Q. What was the meaning of that? What was meant by the
 25 fact that that intelligence had yet to be broken out?

1 A. Effectively, the handling conditions precluded that from
 2 being shared more widely. I recall the conversation
 3 with Jon, Jon Stephenson, who had been privy to that
 4 intelligence and had sight of it, he's discussed that
 5 with me, but that intelligence was actually owned by the
 6 prison establishment, not ourselves.
 7 Q. Did you therefore appreciate that that intelligence
 8 wasn't going to be shared, wasn't being shared, with the
 9 MAPPA panel participants generally?
 10 A. Yes. Well, that wasn't an active thought in my mind at
 11 the time. I am aware of that. I don't think it was
 12 actually intended for the police initially either.
 13 Q. However, even if it may not have been intended for the
 14 police, would you accept that it was very valuable both
 15 for those investigating Khan and for those managing him
 16 to know that there was intelligence of that kind shortly
 17 before his release?
 18 A. Yes.
 19 Q. Did it occur to you at that time that some effort might
 20 be made to break out that intelligence, to obtain the
 21 permission of the owner of the intelligence to get it to
 22 the MAPPA participants and to inform the Prevent Team of
 23 that intelligence?
 24 A. Yes. So with regards to MAPPA, I didn't know that it
 25 wasn't being shared with MAPPA through either the

1 prisons or otherwise, but if there was a requirement to
 2 share that further, I don't believe my team would have
 3 expected to have autonomy to do that, and that would
 4 probably be down to a policy decision by the SIO.
 5 Q. So you would have expected the SIO, Mr Chambers, to be
 6 making the decision whether that intelligence should go
 7 further?
 8 A. Yes, if there was a disclosure from one agency to
 9 another, I would expect that to come from an SIO.
 10 Q. But here was Mr Stephenson specifically raising this
 11 with you, we have heard that he was -- he had expressed
 12 some dissatisfaction about not getting this intelligence
 13 at first himself, and did it occur to you that it was
 14 something important for your team to do to ensure that
 15 this intelligence did go further, to everyone who was
 16 involved with managing Khan and needed to know?
 17 A. Yes.
 18 Q. Looking back on it, do you think that you or
 19 Mr Stephenson ought to have spoken to the SIO about
 20 this?
 21 A. Looking back, I think that could have been raised as
 22 a potential thing to consider.
 23 Q. So that it went further into the MAPPA process and
 24 further into the Prevent Team who were dealing with him
 25 day-to-day?

1 A. With regards to Prevent, I did actually think there was
 2 a need for Prevent to know, so therefore part of the
 3 requirement for Prevent to attend one of the operational
 4 meetings in December was partly due to that reason, so
 5 the intelligence could be discussed, and they would
 6 become aware of it.
 7 Q. As far as you can recall, was that intelligence
 8 discussed in the hearing of Sergeant Forsyth?
 9 A. Yes.
 10 Q. That was at the December JOT meeting, was it?
 11 A. Yes.
 12 Q. So you can recall that specific intelligence about
 13 attack-planning being spoken about in front of
 14 Calum Forsyth?
 15 A. That was the intention of me requesting he attend.
 16 I can't specifically remember it being discussed but if
 17 it wasn't discussed, then I would probably have raised
 18 in that meeting that it needed to be discussed.
 19 Q. Are you aware that Sergeant Forsyth has told us that
 20 that was intelligence he didn't know about?
 21 A. Yes.
 22 Q. Do you think he's wrong about that?
 23 A. Well, yes, I do. Yes.
 24 Q. Moving on to February 2019, may we have on screen
 25 {DC7438/107}. Now, if we go towards the bottom of the

1 page, we will see an email. Can we just see the header
 2 of the email please as well, just slightly up the page.
 3 Thank you. An email from DC Hartill to DS Stephenson
 4 and yourself which, as we can see, mentions in about the
 5 third paragraph down that Cambridge University had asked
 6 Khan to give a talk to students, and that that was ruled
 7 out by Ken, Mr Skelton, so the university had asked him
 8 to provide a video recording of his talk, and that
 9 DC Hartill had said to PS Forsyth that your team would
 10 want to seek a copy if that went ahead.
 11 A. Yes.
 12 Q. And then at the top of the page, can we see that you
 13 respond, and in the last paragraph you say:
 14 "... aware of your previous clarity provided about
 15 Cambridge being assessed as too much too soon."
 16 And you ask to obtain a copy of the video, that is
 17 an email from you to Mr Forsyth, copied to Mr Stephenson
 18 and Ms Hartill.
 19 A. Yes.
 20 Q. What did you understand to be the reason why the
 21 Cambridge visit had been ruled out?
 22 A. Well, I think it was a decision from probation and it
 23 was probably, as you might have heard, one step too
 24 many, too soon.
 25 Q. You were sighted on all the intelligence that we've

25

1 discussed. Did you agree with that judgment?
 2 A. I wasn't opposed to it, no.
 3 Q. You weren't opposed to it?
 4 A. Absolutely.
 5 Q. What did you think about it? What did you think were
 6 the rights and wrongs of it?
 7 A. I thought -- yes, I thought it was the right thing to
 8 do. I thought the process, the rehabilitation process
 9 would take a lot longer than two months at that point.
 10 Q. Did you, at that stage, perceive any risk to Khan going
 11 to a high profile event so soon after without
 12 established improvement?
 13 A. I can't recall actively identifying that, but I think
 14 that would be a fair assumption, yes.
 15 Q. Did you yourself receive a copy of the video which you
 16 had requested?
 17 A. I don't recall personally receiving a copy of it,
 18 I think Jon Stephenson received a copy that I saw.
 19 Q. Is it fair to assume you didn't see it if you can't
 20 recall receiving it?
 21 A. No, no, so it was received in the office and I saw it,
 22 by the person who received it.
 23 Q. {DC7482/11}, please. Back to your major incident book.
 24 Did you record here on 14 March 2019, a meeting with the
 25 Prevent officers?

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1 A. Yes.
 2 Q. And do we see that you wrote:
 3 "To be clarified".
 4 First bullet:
 5 "Cambridge [University] involvement (ongoing)
 6 (Chromebook)."
 7 What did you mean by that entry?
 8 A. So, I suppose I was aware at that point by some
 9 involvement that Khan was having with Cambridge
 10 University and I wanted to establish exactly what that
 11 was, what any future proposals may be. With regards to
 12 the Chromebook, that will refer to the suggestion of him
 13 being provided with a non-internet-enabled device, and
 14 again establishing more detail about that.
 15 Q. Were you told what the nature of the involvement with
 16 Cambridge University was?
 17 A. Not specifically that I can recall at that point, but
 18 I became aware of the Learning Together programme
 19 subsequently.
 20 Q. What did you understand that programme to involve for
 21 Khan?
 22 A. Primarily around creative writing, I believe.
 23 Q. {DC7482/13}, please. Do we see that you make a note in
 24 your book highlighting an aspect of a mentor report, so
 25 you're reading the mentor reports as they come in, and

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1 you highlight one in particular in your book?
 2 A. Yes.
 3 Q. And you refer again to the work of Khan with Cambridge
 4 University, and the intention to obtain a Chromebook.
 5 A. Yes.
 6 Q. And then you refer to the subjects of discussion,
 7 including job applications and the use of a gym.
 8 A. Yes.
 9 Q. And at the bottom you record the relatively positive
 10 summary provided by the mentor?
 11 A. Yes.
 12 Q. You also note, about halfway down:
 13 "Friend previously [beaten] up and killed in Stoke."
 14 Did your team ever look into the suggestion by Khan
 15 that a friend of his had been killed in Stoke?
 16 A. I recall that being discussed at the time. I think
 17 there was some level of knowledge with some colleagues
 18 with regards to that, but I can't recall the specific
 19 detail of it, actually.
 20 Q. We've heard that Khan told almost anyone who would
 21 listen that when he was young, a friend of his had been
 22 killed in a fight by people connected to the English
 23 Defence League; was that something you were aware of?
 24 A. Not to that extent, no.
 25 Q. Then {DC7482/15}, please, we move on in time to

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1 1 May 2019. You refer to a probation email that had
 2 been sent to Prevent about Khan being involved in
 3 something called Intensive Engagement, and we've heard
 4 that was a community organisation and the idea was that
 5 Khan might become a mentor within that organisation; do
 6 you recall that?
 7 A. I recall the suggestion, yes.
 8 Q. What was your view of that?
 9 A. I don't really think I had a view at the time, I didn't
 10 know enough detail about what was being suggested other
 11 than there was a chap called Richard James who had
 12 approached probation to have some kind of involvement
 13 with Khan.
 14 Q. On 15 May, further down the page, you make a note of
 15 a meeting between the Prevent Team and Khan at Stafford
 16 station to deal with some further part 4 registration
 17 matters due to a change in the legislation .
 18 A. Yes.
 19 Q. And you note that Usman Khan had queried matters of
 20 passports and deportation, and how long his tag
 21 requirements would be in place.
 22 A. Yes.
 23 Q. Did those questions provoke any worries in you?
 24 A. No. I believe the context that Calum Forsyth put around
 25 that was that Khan was probably worried that the

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1 necessity to reregister him was to do with having his
 2 passport taken away, which wasn't the case, as
 3 I understood it.
 4 Q. Then on 21 May, you make an entry that the probation
 5 officer had approved a visit by Khan to Whitemoor Prison
 6 for a digital roundtable event organised by
 7 Learning Together, and that the Prevent Team were going
 8 to transport Usman Khan there.
 9 A. Yes.
 10 Q. You then note that questions have been raised about the
 11 attendees; that a list has been provided by prison
 12 security of inmates attending, and all had been
 13 convicted for murder and/or terrorist offences?
 14 A. Yes.
 15 Q. Why were you interested in who else was attending that
 16 event?
 17 A. I think that's twofold, really. I think firstly, I am
 18 wanting to have an understanding of who might be in
 19 attendance with regards to associations and part of that
 20 intelligence development, but also any covert
 21 opportunities that that might present.
 22 Q. At the bottom you write:
 23 "Suitability [arrow] for MAPPA."
 24 What did you mean by that entry?
 25 A. Ultimately I think this was in my opinion going to be

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1 something that would be decided upon by MAPPA as part
 2 of lifestyle or rehabilitation, and so I think that
 3 refers to whether it is suitable or not would be
 4 a decision probably for MAPPA.
 5 Q. So the MAPPA panel would have to decide whether Khan
 6 ought to go to this visit?
 7 A. Yes.
 8 Q. But it's plain then from that entry that you considered
 9 that there was a question of suitability which would
 10 require MAPPA's approval.
 11 A. Yes, I think it would be incumbent on MAPPA to --
 12 I think MAPPA proposed that Khan would go to that event
 13 so therefore it would be incumbent that they decided
 14 whether he should or not.
 15 Q. Page 18, please {DC7482/18}, 3 June, you summarise
 16 a recent Prevent report referring to Khan having
 17 obtained a Construction Skills card, and hopeful of
 18 attending a "D truck course"; that's a reference to the
 19 dumper truck course, is it?
 20 A. Yes, it will be.
 21 Q. You also note that Khan likes his own company, that he
 22 walks around and plays on his Xbox?
 23 A. Yes.
 24 Q. What was your view of the idea that Khan might undertake
 25 a dumper truck course when you first read that?

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1 A. Surprised.
 2 Q. Why is that?
 3 A. Khan was a convicted terrorist. I think it was widely
 4 known at that point in time, and over the preceding
 5 couple of years, the number of attacks in Europe and
 6 worldwide actually that had happened as a result of
 7 vehicle-borne attacks.
 8 Q. So there was immediate surprise in your mind at the idea
 9 that Khan might be approved, given access to heavy
 10 machinery?
 11 A. I thought that would be naïve.
 12 Q. Did you do anything about that concern?
 13 A. Yes, so when that was identified, I remember
 14 a discussion with Jon Stephenson, we were both of the
 15 same opinion, it was unsuitable. I understand that Jon
 16 was liaising with Calum Forsyth and Prevent to
 17 understand more, and that Calum's view was it was
 18 potentially suitable and his rationale for why that was
 19 the case.
 20 As a result of that, I recall speaking to one of our
 21 counter-terrorism security advisors who was able to
 22 source the JTAC threat assessment around vehicle attacks
 23 that was supplied to Calum to provide to the -- to
 24 MAPPA, which provided some kind of objective assessment
 25 as to why it wasn't suitable, not just our subjective

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1 opinions.
 2 Q. Now, in your witness statement you say that you went on
 3 to attend the MAPPA meeting in July 2019, having
 4 requested an invite in response to a proposed dumper
 5 truck course. That's paragraph 2.3.1 of your witness
 6 statement.
 7 A. Yes.
 8 Q. That suggests that you actually sought out an invitation
 9 to the MAPPA meeting in order to address this topic; is
 10 that right?
 11 A. Yes. If that was going to be necessary, then that was
 12 the reason.
 13 Q. Is this in fact the only MAPPA meeting you attended?
 14 A. Yes.
 15 Q. And you took this seriously enough to want to go to
 16 a meeting that you wouldn't normally attend?
 17 A. Yes.
 18 Q. May we look at the minutes of that meeting, {DC6414/5},
 19 and if we go towards the bottom of the page we can see
 20 that the dumper truck course was discussed and that the
 21 panel decided to seek more clarification of what the
 22 course would entail, what types of equipment would be
 23 involved.
 24 A. Yes.
 25 Q. Do you recall that discussion happening?

1 A. Yes.
 2 Q. And then may we return to your major incident book,
 3 {DC7482/19}, at the top of the page. You've written:
 4 "Dumper truck course!
 5 " Clarification re proposal."
 6 So you are stressing the discussion of the course
 7 and noting that the chair has asked for further
 8 clarification about the proposed course.
 9 A. Yes.
 10 Q. Then the previous page, {DC7482/18}, please. We can see
 11 an entry for 14 August 2019, which seems to come in your
 12 book between 3 June and 11 July. Is the entry out of
 13 order or is the date wrong?
 14 A. It's likely that the entry will be out of order.
 15 Q. And in this you record, as you've told us, the concern
 16 about the dumper truck being used as a weapon, and
 17 something being provided by Jon to Prevent for MAPPA.
 18 Is that a reference to the JTAC report being provided by
 19 Mr Stephenson to Mr Forsyth?
 20 A. Yes.
 21 Q. And then you record that Mr Forsyth had been of the view
 22 that this was acceptable and you set out his reasons,
 23 which he has told us about.
 24 A. Yes.
 25 Q. You also say that you discussed this with DI Powell, so

1 you were sufficiently concerned also to take it to the
 2 Head of Special Branch and discuss it with him?
 3 A. Yes.
 4 Q. Can you remember his view of the matter?
 5 A. No, not specifically .
 6 Q. Can you remember in general terms whether he agreed with
 7 you or with Mr Forsyth?
 8 A. I think there was probably an element that -- both sides
 9 of the disagreement had a rationale; one was aligned to
 10 risk , and one was aligned to rehabilitation . I think
 11 probably Nick saw both of those sides of that argument.
 12 Q. We go next to page 19, towards the bottom {DC7482/19},
 13 was there then a MAPPA meeting which, as you recall,
 14 DC Hartill attended on 22 August 2019?
 15 A. Yes.
 16 Q. I think you didn't attend that meeting, is that right?
 17 A. That's correct.
 18 Q. After a few entries you note:
 19 "DT course on hold!"
 20 Was that referring to the fact that the panel had
 21 refused permission for the dumper truck course for the
 22 moment?
 23 A. Yes.
 24 Q. Then:
 25 " Still working with Cambs Uni".

1 Saying that Khan is still working with the Cambridge
 2 University programme?
 3 A. Yes.
 4 Q. And then over the page, just to see the completion of
 5 the note, we can see there's no further entry in that
 6 note {DC7482/20}.
 7 There's no reference in what you've written down to
 8 Khan having been invited to any further events with
 9 Cambridge University; was that something that you
 10 discovered after that meeting?
 11 A. I recall the information that Emma relayed, Emma Hartill
 12 relayed from that meeting was some level of continued
 13 involvement with Cambridge University.
 14 Q. Did she tell you that it had been raised in the meeting
 15 that there was a visit to take place later in the year,
 16 to which Khan would be expected to go under his own
 17 steam?
 18 A. No.
 19 Q. If you had been told that, what would you have thought
 20 of the proposal?
 21 A. If I had have been told that I probably would have
 22 wanted some more assurances about what was being
 23 proposed.
 24 Q. Because of the kind of risks you've told us about in
 25 other contexts?

1 A. Yes.
 2 Q. Then {DC7482/20} towards the top, we can see you've
 3 noted that Lois Gell, the probation counter-terrorism
 4 lead, has told you, or your team, that the mentor is
 5 being withdrawn from Khan?
 6 A. Yes.
 7 Q. So you are aware at that stage that Khan was no longer
 8 going to be having a mentor?
 9 A. Yes.
 10 Q. And then 11 September, you refer to a proposed move of
 11 Khan to a flat, and you give the address where he
 12 ultimately moved on 24 September?
 13 A. Yes.
 14 Q. You also refer to information from the tagging data,
 15 suggesting that he is using the gym on two days of the
 16 week, making walks in a particular area, and that he is
 17 attending the mosque infrequently?
 18 A. Yes.
 19 Q. So you were at that stage keeping an eye on the tagging
 20 analysis to tell you about Khan's lifestyle patterns?
 21 A. Yes.
 22 Q. And then down the page, entry for 24 September, you
 23 confirm that he has made the move to the private flat?
 24 A. Correct.
 25 Q. Then next, please, {DC7443/70}, we have seen this with

1 Mr Stephenson, did DC Hartill email you on 4 October to
 2 update you on the MAPPa meeting which had taken place
 3 the previous day?
 4 A. Yes.
 5 Q. We can see that if we just go down the page to look at
 6 the Usman Khan section -- sorry, keep the entire
 7 Usman Khan section on the page, on the screen -- do we
 8 see that there were generally positive reports about
 9 Khan's progress, and reference to a mentor being
 10 reallocated but Khan being low down the priority list?
 11 A. Yes.
 12 Q. And then there's reference to probation staff and
 13 approved premises staff helping with supervised internet
 14 access for job hunting, et cetera, in the time being.
 15 Were you aware to what extent that actually happened?
 16 A. Sorry, can you repeat that question?
 17 Q. Yes, of course. It says:
 18 "AP/Probation staff to assist with supervising
 19 internet access for job hunting ETC in the time being."
 20 Were you aware to what extent they actually did help
 21 with internet access?
 22 A. No, but with the mentor being took away, the mentor was
 23 the supervised internet access for job-seeking, so that
 24 would have to be done by AP or probation staff, but no,
 25 I wasn't aware of to what degree that was.

1 Q. Back to your major incident book, please, {DC7482/20} at
 2 the bottom of the page, you wrote up her update in your
 3 book at the bottom, do we see?
 4 A. Yes.
 5 Q. No reference in either her update or your book to any
 6 discussion of a visit to London?
 7 A. Not in November, no.
 8 Q. Now, in October 2019, by October 2019, were arrangements
 9 being made for the transfer of the management of Khan
 10 and his part 4 notifications from the Prevent Team to
 11 the West Midlands Team 7 officers?
 12 A. Yes. In -- later in the month.
 13 Q. Is it right that the -- all the management of part 4
 14 nominals in Staffordshire was going to be transferred
 15 over to Team 7 and this was happening in stages?
 16 A. Yes.
 17 Q. In the case of Khan, was it to happen in
 18 mid-December 2019?
 19 A. Yes. I think it was the 11th that it was proposed for.
 20 Q. Yes. And {DC7482/21} in your notebook we can see that
 21 there's an entry for 22 October 2019 where you refer to
 22 that handover and an exchange of emails with
 23 DI Williams, who is the head of Team 7; is that right?
 24 A. That's correct.
 25 Q. And then you refer to that:

1 "Phone discussion with [Detective Superintendent]
 2 Edwards re unsuitability of Prevent..."
 3 What do you mean by that?
 4 A. So it's kind of horizon-scanning for the -- regards
 5 part 4s and the capacity of Prevent to manage them.
 6 I think by the following March there would have been
 7 five part 4s within Staffordshire. Prevent were a team
 8 of one sergeant and three PCs, so they wouldn't have
 9 capacity, and it was also more consistent that Team 7
 10 would manage them, given the best practice we've already
 11 spoke about, so that was hence the phone discussion and
 12 the request for that to happen.
 13 Q. Were you aware of how Team 7 structured their management
 14 of part 4 nominals?
 15 A. Not in any great depth, but I think it's fair to say
 16 that Team 7 had more of an investigative kind of
 17 approach because they were a team of investigators and
 18 offender managers.
 19 Q. Were you aware that when Team 7 were managing a part 4
 20 nominal, there would be an offender manager who would
 21 have some counter-terrorism experience?
 22 A. Yes.
 23 Q. Then further down the page you make an entry for
 24 31 October 2019, and you refer to a Prevent engagement
 25 on that day. Was this you making a note of reading

1 a report from the Prevent Team?
 2 A. Yes, I think probably a summary of the report that we
 3 were provided some date after the 31st.
 4 Q. And you record that Khan was met at his address at
 5 Wolverhampton Road. Then you note:
 6 "Not going to mosque.
 7 "No mentor.
 8 "No internet access.
 9 "Struggling to find employment."
 10 Those were points you drew from the report. What
 11 did you think about them?
 12 A. Yes, so I think that was probably consistent with the
 13 conversations that I would have been having with
 14 Jon Stephenson around that time, and the concerns that
 15 he had highlighted.
 16 Q. Did you share those concerns?
 17 A. Yes.
 18 Q. We've heard from him those concerns were that Khan was
 19 lacking social connections, that he was isolating
 20 himself, and that wasn't a good situation?
 21 A. Yes. I think whilst Jon's concerns are completely
 22 valid, some of those concerns were actually things that
 23 were taken away from around Khan, that were not
 24 necessarily his doing, such as the mentor, so it was
 25 that lack of support that was more of a concern for me.

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1 Q. Now, you note that a question is being raised about
 2 increasing the frequency of Prevent visits, and that
 3 Mr Stephenson is going to speak to Mr Forsyth about
 4 that; is that right?
 5 A. Yes.
 6 Q. And also you raise a question about what probation are
 7 going to do in the absence of a mentor. Was that to do
 8 with providing internet access for Khan?
 9 A. I think both relate to the information void that's being
 10 created by having less insight into Khan, due to no
 11 mentor, et cetera, so the two points are actually one
 12 and the same, about how we're going to fill the void,
 13 whether that can be done within our gift, through
 14 Prevent increasing engagements, but also twofold with
 15 what are probation's intentions in terms of upping any
 16 engagements.
 17 Q. Did you perceive a problem that the removal of the
 18 mentor visits deprived you of a source of information,
 19 these regular mentor reports?
 20 A. Yes, it would have done, and it did.
 21 Q. Did you also perceive a problem that the loss of the
 22 mentor combined with the move of house and the social
 23 isolation meant that Khan's connection with human beings
 24 was reducing?
 25 A. Yes.

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1 Q. Then at the bottom of the page you make a series of
 2 notes:
 3 "Prevent/Probation resistant to [increased] visits."
 4 Sorry, this is {DC7482/21} towards the bottom of the
 5 page:
 6 "Resistant to [increased] visits.
 7 "Mentor --- for MAPPA.
 8 "Not isolated any more than [when he was at the
 9 approved premises]."
 10 We've seen and heard that Mr Stephenson sent that
 11 email expressing concern about the matters we've been
 12 discussing and proposing increased visits to Mr Forsyth,
 13 copying you in on 6 November 2019.
 14 A. Yes.
 15 Q. Is that a reference to you reading those emails and
 16 noting up their content?
 17 A. Yes, I think it will be.
 18 Q. If we go to those emails, if we go to {DC7443/133}, we
 19 can see Mr Stephenson's email on the morning of
 20 6 November 2019, which we looked at on Monday, raising
 21 this concern about isolation and asking about increasing
 22 the frequency of Prevent engagements, and that's copied
 23 to you.
 24 Then {DC7443/130}, please, we can see later that day
 25 at 12.20 Mr Stephenson forwards an email from

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1 Calum Forsyth on to you? Do you see that?
 2 A. Yes.
 3 Q. Did you read that at the time?
 4 A. Yes, I believe so.
 5 Q. And if we go down the page, we can see that the email
 6 that's been forwarded includes a short report from
 7 Ken Skelton with generally positive reports about Khan?
 8 A. Yes.
 9 Q. And do we see at the last sentence:
 10 "Discussed attendance at the Illumi event
 11 in November he stated [this is a reference to Khan] that
 12 he is happy to do the journey alone as long as someone
 13 can meet him at Euston station."
 14 A. Yes.
 15 Q. Then over the page to {DC7443/131}, he ends by saying
 16 that he doesn't propose increasing visits.
 17 Now, you've noted up a number of features of that,
 18 as we saw in your major incident book, but did the
 19 reference to the prospective visit to London strike you
 20 at the time?
 21 A. I can't recall at that time that striking me, but, you
 22 know, I was --- I was aware of the proposal through the
 23 conversation I had with Jon and that Jon had sought
 24 further clarity regards that.
 25 Q. So had you been aware before this exchange of emails

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1 that there was going to be this visit to London?
 2 A. No.
 3 Q. You say that you were aware from Jon Stephenson that he
 4 sought clarification about that visit; is that right?
 5 A. That's correct.
 6 Q. Why were you and he interested in obtaining
 7 clarification?
 8 A. The same principle as previous: I think we would want
 9 more detail as to the proposal, the risk, associations,
 10 covert opportunities, and we would want that detail
 11 through probation and the Prevent Team in order to share
 12 it with our partners.
 13 Q. So one aspect of your interest is to understand whether
 14 this event poses a risk to the public?
 15 A. That would have been part of it, yes.
 16 Q. And in simple terms, was the risk that Khan remained
 17 a dangerous ex-terrorist, and that sending him to high
 18 profile events might pose a risk to the public?
 19 A. Can you repeat that question, please, sorry?
 20 Q. Yes. You've told us that the risk about Khan having
 21 a dumper truck was that he was a convicted terrorist,
 22 somebody who was for that reason a dangerous person?
 23 A. Yes.
 24 Q. And giving him access to a dumper truck might create the
 25 risk of an attack?

1 A. Yes.
 2 Q. You said that your concern about the visit was similar
 3 in relation to risk; do you therefore mean that your
 4 concern was that sending somebody with that profile to
 5 an event might give rise to a risk of an attack?
 6 A. I think that it -- you know, those issues are -- would
 7 be apparent, but obviously the detail of what that
 8 proposal was at that point in time wasn't known, so
 9 that's what we needed to try and establish.
 10 Q. You would want to know about the visit because the
 11 characteristics of the place and the visit and the
 12 arrangements for him to attend would all matter?
 13 A. Yes.
 14 Q. Did you receive that further information about the
 15 visit?
 16 A. No, not personally.
 17 Q. Did you ask? Did you press for further information
 18 about it?
 19 A. No.
 20 Q. Why not, given the concerns that you had expressed?
 21 A. Well, I don't recall expressing those explicit concerns
 22 at that time, and therefore I was aware that Jon was
 23 seeking further clarity as to what the proposal was.
 24 I didn't push that, I didn't chase that, and I would
 25 have expected, perhaps, to have been made aware of

1 further finer detail as and when that was known.
 2 Q. Now, there was a MAPPA meeting on 14 November 2019 -- we
 3 can take that document off screen -- you didn't attend
 4 that meeting, did you?
 5 A. No.
 6 Q. We know that DS Stephenson and DC Hartill did. Did you
 7 have any discussion with them at the time about that
 8 meeting?
 9 A. I can't specifically recall that, but I -- it was very
 10 likely that I would have done.
 11 Q. Do you recall in those discussions anything being said
 12 about a prospective visit to London?
 13 A. No.
 14 Q. Do you just not recall, or do you think nothing was
 15 said?
 16 A. I mean, I can't actually recall the conversation, but
 17 I would have likely had an update and if I'd have had
 18 an update, it was likely that London wasn't mentioned,
 19 so I probably would have queried that.
 20 Q. {DC7482/22}. Now we can see that an entry is made in
 21 relation to a Prevent engagement, and the words "Trip to
 22 Cambridge?"
 23 This is described as a late entry. Was it made on
 24 14 November, or was it made at a later date and
 25 referring back to 14 November?

1 A. I don't know. I think it was probably referring to
 2 an earlier date.
 3 Q. Now, the entry appears to refer to a visit from the
 4 Prevent Team to Khan on 14 November because it refers to
 5 photographs of his -- of Khan's Xbox games which we know
 6 were taken on 14 November.
 7 A. Yes.
 8 Q. You have made the entry:
 9 "Trip to Cambridge?"
 10 "Discussed with probation."
 11 Can you recall what that related to?
 12 A. So I recall that in an update that was provided there
 13 was suggestion of a trip to "Cambridge", which was at
 14 odds with what I've previously been told regards any
 15 interactions with Learning Together, so it was a bit of
 16 an anomaly.
 17 Q. Did you receive any clarification about that?
 18 A. No.
 19 Q. Did you ask for any?
 20 A. No.
 21 Q. You note that photographs were obtained of the Xbox
 22 games and then you write:
 23 "Upset/mistrust/[requested] Prevent to leave."
 24 That's a reference to Khan being unhappy about his
 25 games being photographed and asking the Prevent Team to

1 leave?
 2 A. Yes.
 3 Q. Was that a cause for concern for you; that Khan was
 4 behaving in a way rather different from before?
 5 A. Not on its own, no. I think more the issue there was
 6 the ongoing relationship and some kind of recovery of
 7 that.
 8 Q. So you were hoping to ensure that a good relationship
 9 was recovered?
 10 A. Yes.
 11 Q. And further down the page you note on 18 November, so
 12 four days later, a JOT, joint operational team meeting.
 13 Was that as we've heard with officers of MI5 and various
 14 officers of West Midlands CTU?
 15 A. Yes.
 16 Q. By that stage, had a new senior investigating officer
 17 taken over the joint investigation on the West Midlands
 18 CTU side?
 19 A. Yes.
 20 Q. That's referred to as Mr Williams, DI Williams?
 21 A. Yes.
 22 Q. Was he, as we've seen, the DI in Team 7?
 23 A. He was.
 24 Q. So by this stage, Team 7 had very recently taken over
 25 the covert investigation?

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1 A. Yes.
 2 Q. And they were about to take over, in December 2019, the
 3 overt management of Khan?
 4 A. Yes.
 5 Q. And you record in your book it being said that there was
 6 no adverse intelligence in relation to Khan; yes?
 7 "No adverse intel."
 8 A. Yes, that would be no new intel that was made available
 9 at that meeting.
 10 Q. That there were monthly Prevent visits taking place?
 11 A. Yes.
 12 Q. That no tagging issues have been -- have arisen, so no
 13 breach of Khan's GPS tag?
 14 A. Correct.
 15 Q. No mentor, no change about the employment situation, and
 16 no attendance at the mosque?
 17 A. Yes.
 18 Q. So that's a summary of lifestyle factors in relation to
 19 Khan?
 20 A. Yes.
 21 Q. And then you note:
 22 "Prevent engagement weekly."
 23 Was that the team proposing that from that point on
 24 there should be weekly Prevent Team meetings?
 25 A. Yes. I believe that was kind of an action that was

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1 raised for that to happen by the SIO.
 2 Q. And then there's:
 3 "Closure of op?"
 4 Was that a reference, as we've heard from Witness A,
 5 to the fact that the priority operation was to be
 6 considered for closure?
 7 A. Yes, that was in relation to the suggestion of that.
 8 Q. Now, according to Witness A, it was also noted at that
 9 meeting that there remained a risk of Khan re-engaging
 10 in Islamist extremist activity, including radicalising
 11 and inciting others; do you recall that being mentioned
 12 in the meeting?
 13 A. No. I wasn't present at the meeting. That was
 14 a summary of the update I was provided.
 15 Q. I see. I see. Who provided you with that summary?
 16 A. I can't 100% say, but it's more than likely it would
 17 have been relayed by Jon Stephenson.
 18 Q. Now, did he tell you whether anything had been said in
 19 relation to a prospective visit to London, whether
 20 anything at all had been said?
 21 A. No.
 22 Q. No. So by the time that that JOT was happening and you
 23 were receiving an update on it from Mr Stephenson, were
 24 you aware that Khan was going to be going to London on
 25 29 November 2019?

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1 A. No.
 2 Q. Because, as you've told us, you had heard those
 3 indications but you hadn't received clarity on what the
 4 visit was going to involve and when it was going to take
 5 place?
 6 A. Yes.
 7 Q. Looking back, given the concerns that you had expressed
 8 at various points, if you had been told that Usman Khan
 9 was to be permitted to go to a significant building, a
 10 livery company hall right next to London Bridge, that he
 11 was going to be going unescorted and that there were
 12 going to be some relatively high-profile figures there,
 13 what would you have thought of that proposal?
 14 A. If I'd have been aware of that level of detail, at the
 15 very least I think I would have wanted some assurances
 16 around the -- what was in place, which would have no
 17 doubt provoked further conversations.
 18 Q. When you say "What was in place", what do you mean by
 19 that?
 20 A. Well, with all the factors you've mentioned there,
 21 there's obviously some levels of concern, and what
 22 levels of security may be in place or who was
 23 accompanying, who would be in attendance.
 24 Unfortunately, no, I didn't know that detail.
 25 Q. When you say "security measures in place", would you

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1 have wanted to see something like a bag search or
 2 a metal detector?
 3 A. I'm unable to say. Looking back, obviously yes, but
 4 completely hypothetical, but that would be a fair point,
 5 yes.
 6 Q. Would you have thought that it would be appropriate for
 7 him to be accompanied to such an event?
 8 A. Would I have thought it would be --
 9 Q. Appropriate for him to be accompanied to such an event?
 10 A. Possibly.
 11 MR HOUGH: Thank you very much. Those are all my questions.
 12 Sir, would that be a convenient time for our break?
 13 JUDGE LUCRAFT: We will take our mid-morning break there.
 14 We're going to break for about 15 minutes and then we
 15 will return.
 16 A. Thank you.
 17 (In the absence of the jury)
 18 MR HOUGH: Sir, may I just raise one brief matter before you
 19 rise.
 20 JUDGE LUCRAFT: Yes.
 21 MR HOUGH: At the end of this week, DCI Brown will be giving
 22 evidence. He will be confirming personal particulars in
 23 relation to Jack and Saskia for the purposes of death
 24 registration.
 25 JUDGE LUCRAFT: Yes.

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1 MR HOUGH: He will also answer any sweep-up questions
 2 dealing with matters which his investigation team can
 3 assist with. May we ask that any interested person who
 4 wishes to ask such a question of DCI Brown identifies
 5 the subject matter to Solicitors to the Inquest by
 6 lunchtime tomorrow, say 1.00 pm tomorrow, in order that
 7 he can prepare properly.
 8 JUDGE LUCRAFT: I'm sure no one sees a problem with that,
 9 and obviously it's very helpful if that's provided.
 10 Thank you. I'll rise.
 11 (11.26 am)
 12 (A short break)
 13 (11.44 am)
 14 (In the presence of the jury)
 15 JUDGE LUCRAFT: Mr Pitchers.
 16 Questions by MR PITCHERS QC
 17 MR PITCHERS: Mr Hessel, I'm Henry Pitchers, asking
 18 questions on behalf of the family of Saskia Jones.
 19 Just a few questions for you, if I may: firstly, in
 20 relation to the decision to allocate Khan to the Prevent
 21 Team at Staffordshire, you have described that as
 22 a legacy arrangement, if you like?
 23 A. Yes.
 24 Q. That's not your legacy, is it?
 25 A. No. I think that was a strategic decision from the

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1 past, prior to my tenure in Special Branch.
 2 Q. So those questions are best addressed to others,
 3 I think, rather than yourself?
 4 A. Yes.
 5 Q. But if I could just ask a few questions about the
 6 respective roles and specialisms of those who were
 7 involved with Khan, and perhaps to start with, what
 8 might be an obvious question, but can you help us with
 9 the reason why the police have counter-terrorism
 10 specialists?
 11 A. The police have counter-terrorism specialists that span
 12 a number of different disciplines and different roles.
 13 Intelligence would be one, Prevent being another, for
 14 different purposes.
 15 Q. But what is it about terrorist offenders that requires
 16 that specialism? What makes them difficult to manage?
 17 A. My view would be that terrorist offenders by nature of
 18 what they are, are probably duplicitous individuals.
 19 Q. And they have a different motivation for their offending
 20 than other offenders who we might think of?
 21 A. Quite possibly, yes.
 22 Q. And of course -- this is a generalisation, but --
 23 sorry -- but the intention of terrorists is often to
 24 inflict the maximum damage and injury to the general
 25 public?

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1 A. That would be a fair assumption.
 2 Q. So the consequences of getting it wrong are of the
 3 utmost severity?
 4 A. Absolutely.
 5 Q. Would you agree that one would reasonably expect
 6 counter-terrorism specialist police officers to carry
 7 an inbuilt degree of scepticism about what terrorist
 8 offenders might tell them?
 9 A. I think that's a fair point.
 10 Q. Would you also agree with me that Prevent officers bring
 11 with them a different skill set?
 12 A. Yes.
 13 Q. Because, of course, as we've heard, their general role
 14 is involved in trying to divert people from getting
 15 involved in criminal activity?
 16 A. Yes.
 17 Q. So in that sense, they're in a pre-criminal sphere?
 18 A. That has been said.
 19 Q. It's been said and it's correct as well, isn't it?
 20 A. What I mean by that is I've heard it said a number of
 21 times that they operate in the pre-criminal space.
 22 Q. Yes, but you wouldn't disagree with that?
 23 A. No, I think a large part of Prevent's role is about
 24 safeguarding.
 25 Q. But you would accept, wouldn't you, that as we look at

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1 the way that Khan was managed, that the Prevent Team
 2 brought with them very different skill sets to the CT
 3 police team?
 4 A. Yes.
 5 Q. And so when we consider Prevent's role here, we've got
 6 a different specialism and expertise, haven't we, to the
 7 CT police?
 8 A. Yes.
 9 Q. But there's another point of difference which is, of
 10 course, they don't have access to the same intelligence
 11 that the CT police have?
 12 A. Yes.
 13 Q. And would I be right that the management of Team 7, when
 14 it comes to part 4 nominals, would be done by CT
 15 specialist police officers?
 16 A. Yes.
 17 Q. So, again, unlike the Prevent Team they would have the
 18 CT specialism, but they would also have access to the
 19 full intelligence picture?
 20 A. Team 7 was set up differently to what Prevent were, and
 21 sat under different governance.
 22 Q. And PC Barker, in her evidence, said:
 23 "The general role for us is to go along and have a
 24 chat with somebody, engage, built rapport, and report
 25 back."

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1 That was how she summarised the Prevent role. Would
 2 I be right in concluding that you wouldn't expect
 3 Special Branch or a CT specialist police officer to
 4 describe their role in those terms?
 5 A. No, I don't think so, no.
 6 Q. Sorry, you don't think I'm right or ...
 7 A. I don't think that's how I would describe Special Branch
 8 or CT specialists.
 9 Q. No. Now, as you know, we've heard evidence about the
 10 frequency of the Prevent visits in the autumn of 2019.
 11 What was your awareness — prior to the attack, what was
 12 your awareness as to the frequency of visits by Prevent
 13 after Khan moved out of the approved premises?
 14 A. My understanding was that they would decrease over time
 15 and the Prevent Team would have that kind of level of
 16 autonomy to dictate, probably along with MAPPA, what
 17 that frequency should look like.
 18 Q. But were you aware that the first visit after Khan left
 19 approved premises on 24 September was 31 October?
 20 A. Yes.
 21 Q. You were aware of that at the time, were you?
 22 A. Yes, I think so, yes.
 23 Q. Were you happy with that level of frequency, the first
 24 visit after the move into his own flat being five weeks
 25 subsequently?

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1 A. I can't recall at the time being aware that it was
 2 actually five weeks since the previous one. I think
 3 Jon Stephenson highlighted the request for enhanced
 4 visits, as in more frequent visits, and I wasn't opposed
 5 to that, I supported that.
 6 Q. So obviously you were aware on 31 October there was
 7 a visit; yes? You were made aware of it?
 8 A. Yes, slightly afterwards.
 9 Q. But you didn't know that that was the first visit since
 10 he had left?
 11 A. Not that I can actually recall from that time.
 12 Q. But you certainly supported the request to increase the
 13 frequency?
 14 A. Yes, I thought it was a fair point.
 15 Q. But — well, presumably you agreed that there was a need
 16 for more frequent visits in October/November 2019?
 17 A. Yes.
 18 Q. I just want to ask you to clarify a point about the
 19 subject profile that we've looked at before, and if we
 20 could have up, please, {DC7497/1}, so it's a version of
 21 a document that we've looked at previously this week,
 22 I'm sure you're very familiar with this format.
 23 A. Mm—hm.
 24 Q. And you're presumably familiar with the subject profiles
 25 for Khan in particular?

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1 A. Yes.
 2 Q. And I believe this is an updated version to
 3 18 June 2019. We might be able to see that if we zoom
 4 in to the bottom half. Yes, version 2, last updated
 5 18 June 2019. So essentially this was the version in
 6 play in the autumn of 2019?
 7 A. Yes.
 8 Q. And can we turn, please, to internal page 9 {DC7497/9}
 9 and if we could just scroll down, I think it's the
 10 bottom half of this. This is information that was
 11 contained in the subject profile, therefore that was
 12 available to the Special Branch officers.
 13 And we see there at the top in relation to
 14 12 December, of course, this is looking back
 15 historically at what was known about the offending
 16 behaviour, the three groups that we've heard about had:
 17 "... met in a Welsh country park where discussion
 18 was said to include how to advance plans for an attack.
 19 London and Cardiff groups were to act quickly to carry
 20 out some form of explosive attack in London. The Stoke
 21 group were committed to training abroad and recruit men
 22 to go with them and train in terrorism abroad with the
 23 aim of further acts of terrorism in the future. Khan,
 24 Shahjahan and Rahman discussed targeting pubs and clubs
 25 in the Stoke area by leaving a device in the toilets."

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1 So as we have heard already, and it was your
 2 understanding, there were three groups of terrorist
 3 offenders?
 4 A. Yes.
 5 Q. But they discussed, it would seem, their plans with each
 6 other?
 7 A. Yes, I believe so.
 8 Q. And we see then under the heading "Potential Targets",
 9 a list, a bullet point list there of potential targets
 10 that had been named, and would I be right in concluding
 11 that, if you like, that's the aggregate list from across
 12 the three groups?
 13 A. Yes. I think it would be. My understanding was it was
 14 generally around the first two.
 15 Q. Generally around the first two for both of them, so the
 16 first one being unidentified pubs and clubs in Stoke,
 17 the second being the London Stock Exchange?
 18 A. Yes.
 19 Q. But as we can see, also here listed are other potential
 20 targets being given as The Chapter House, St Paul's; The
 21 Western Marble Arch Synagogue; Central Synagogue,
 22 London; the American Embassy, London and the then Mayor
 23 of London, Boris Johnson?
 24 JUDGE LUCRAFT: I think, Mr Pitchers, the footnote reference
 25 we can see is in fact a reference to the Court of Appeal

1 judgment.
 2 MR PITCHERS: Yes.
 3 JUDGE LUCRAFT: Which, as we will recall when we saw it on
 4 screen a while ago, did specifically refer to the first
 5 two sites.
 6 MR PITCHERS: Yes.
 7 But for the Special Branch officers who are
 8 concerned with Khan in the autumn of 2019, this is the
 9 information that was available to them in terms of the
 10 background of Khan and his associates?
 11 A. Yes.
 12 Q. And it included a list of potential targets, most of
 13 which were in London?
 14 A. Yes.
 15 MR PITCHERS: Thank you, I've no further questions.
 16 JUDGE LUCRAFT: Mr Armstrong.
 17 Questions by MR ARMSTRONG
 18 MR ARMSTRONG: Thank you. Mr Hessel, my name is
 19 Nick Armstrong, I ask questions for Jack Merritt's
 20 family.
 21 I only want to ask you about one issue and I just
 22 want to try and understand an email that was sent to you
 23 in January 2019. Can I see {DC7473/1}, please, and
 24 {DC7473/150} which I think is at the end of this.
 25 Now, this is an email to you, Mr Hessel, from

1 Emma Hartill, 30 January 2019. I don't think we've gone
 2 to it before so I do want to just see if I can
 3 understand this. It's titled "Notes" and then it says:
 4 "Rob,
 5 "Just in case you wanted to see this re issues ... "
 6 And then there's a section on to "UK - Sublorael",
 7 and that's the operation name for the overt management
 8 of Khan, isn't it?
 9 A. Yes.
 10 Q. Then if you look at the bottom half of the page, I don't
 11 think this is relevant but I just want to understand it,
 12 there is a reference to a different operation which is
 13 "Yawnful"; can you just tell us what that is? That may
 14 be unrelated to Khan -- that may be related to other
 15 RTOs.
 16 A. Yes, it will. I can't actually recall which operation
 17 that relates to.
 18 Q. So back to the Sublorael section, please, at the top.
 19 The style of this email -- sorry, I want to see the top
 20 half. Thank you. The style of this email appears to
 21 be -- and I don't know whether you can help us -- a cut
 22 and paste of some notes:
 23 "Just in case you wanted to see this re issues ... "
 24 And then there's the "UK - Sublorael" and then the
 25 language of the email changes so it's much more notesy.

1 Do you know if this is what that was, do you remember?
 2 A. I don't know.
 3 Q. Okay. If you look within it, you can see that there are
 4 references to the licence conditions, briefing slide.
 5 Now, this seems to be a series of issues, and it's said
 6 to be around issues, and I think it's around the Prevent
 7 Team, so I'm asking you about that, because it says
 8 things like this:
 9 "Not recording valuable intel on spin.
 10 "Discussion with UK re previous offence and mindset
 11 not on spin, lots of valuable intel -- requested to be
 12 put on spin.
 13 "Phone 3 issued -- didn't record imei details and
 14 not added on spin entry. Jon made further entry."
 15 Now that looks like this is sort of raising with you
 16 issues about things not happening, not being put on
 17 SPIN, and your team, ie Jon Stephenson, having to take
 18 corrective action to put them on SPIN; is that a fair
 19 reading?
 20 A. Yes.
 21 Q. And then:
 22 "JOT prior to release 24/12 -- asked re follow up
 23 engagement after 24/12. 'not put much thought into
 24 it' -- OIMU [sergeant] addressed with colleagues after."
 25 Now, I wonder if that's a reference to

1 Sergeant Forsyth?
 2 A. Yes, sorry, the OIMU sergeant relating to Sergeant
 3 Forsyth?
 4 Q. Yes?
 5 A. No, Sergeant Forsyth was the Prevent sergeant. The OIMU
 6 sergeant would be one of probably two people at that
 7 point, that would be Jon Stephenson --
 8 Q. That's Jon.
 9 A. -- or Guy Morris. Both were sergeants in that role in
 10 respective organisations.
 11 Q. Do you have a recollection of what this is -- who is not
 12 putting much thought into it?
 13 A. My interpretation of that relates to the follow on
 14 Prevent engagements --
 15 Q. Yes.
 16 A. -- post 24 December.
 17 Q. Okay. Then it's got this:
 18 "Issue with myself contacting Ken [presumably
 19 Skelton] (complained to Lee..."
 20 Is that Lee Plimley?
 21 A. It's likely to be Lee.
 22 Q. "... all contact to be made by him) -- in the morning
 23 I asked if any appointments due to SV..."
 24 Do you know what SV is?
 25 A. (Pause). No, I'm sorry, I don't off the top of my head.

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1 Q. "... he advised Ken was seeing him today and didn't know
 2 time, I advised would contact Ken. Defensive when
 3 advised of meeting with Ken."
 4 Then there's another reference:
 5 "UK -- phone retrieval statement from IO, --
 6 numerous requests to IO, emails from Emma and Jon. The
 7 asked again what want doing -- unhelpful, obstructive,
 8 lack of knowledge."
 9 I just want to understand this: this looks like
 10 quite early on in the process, January 2019, Emma
 11 Hartill raising with you as the senior officer concerns
 12 about Prevent around not sharing information or not
 13 following protocol or being unhelpful, obstructive, lack
 14 of knowledge--type issues; do you remember this
 15 conversation?
 16 A. I think it relates to frustrations that Emma probably
 17 identified and I was privy to, with her perception of
 18 what the Prevent Team might or might not do different to
 19 what she might or might not do. As far as I was
 20 concerned, there was two different roles and it was part
 21 of my role to manage that relationship to ensure the
 22 intelligence was passed from one to the other, and
 23 I would have addressed that with Calum informally in
 24 conversation.
 25 Q. And there's also here with -- it appears to be Emma

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1 communicating to you that there's a degree of
 2 possessiveness, not -- to wanting to shut out the
 3 communication direct between your team and Ken Skelton
 4 wanting to run it through Calum Forsyth; do you remember
 5 that?
 6 A. Not specifically, no.
 7 Q. You see:
 8 "Defensive when advised of meeting with Ken."
 9 A. Yes.
 10 Q. "Issue with myself contacting Ken", "Issue with myself
 11 contacting Ken."
 12 The reason I'm asking about this is there is an
 13 issue in this Inquest and lots of questions have been
 14 put about why use Prevent and the difficulties to which
 15 that gives rise. This seems to feed into that?
 16 A. Yes, like I say, I think there's some frustrations that
 17 were being aired.
 18 Q. Okay. Do you remember whether you took any steps in
 19 response to this to try and smooth some of these?
 20 A. Yes, I previously mentioned, you know, I would have
 21 ongoing conversations with Calum, Calum Forsyth, and
 22 I didn't feel it necessary to escalate it any more that
 23 at that point with regards to the level of those
 24 frustrations. Suffice to say it was dealt with
 25 informally to just agree perhaps process issues and what

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1 was done and by who.
 2 Q. But that was something you had to get involved with and
 3 had to smooth that through?
 4 A. In the early stages, until the passage of information
 5 developed some kind of rhythm, I think that was probably
 6 normal.
 7 Q. We see later stages where you have had to get involved,
 8 dumper truck, and the 6 November exchange about
 9 isolation and whether or not Jon was right or Calum was
 10 right; does that look a little bit like a continuation
 11 of similar sorts of friction?
 12 A. There were different things identified by people doing
 13 different roles, each with their own rationale.
 14 I wasn't necessarily saying one was right or one was
 15 wrong, but I think that was for me to either manage or
 16 to pass on to others to discuss.
 17 MR ARMSTRONG: All right, that's all I wanted to ask about.
 18 Thank you very much.
 19 A. Thank you.
 20 JUDGE LUCRAFT: Thank you, Mr Armstrong.
 21 Do you want to go to that one, Mr Baumber?
 22 Questions by MR BAUMBER
 23 MR BAUMBER: Thank you. Kevin Baumber, counsel for the
 24 Prevent officers.
 25 Part of the role under part 4 they were given was to

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1 report back their interactions with Khan, wasn't it?
 2 A. Yes.
 3 Q. Can we have {DC7441/159}. We've all seen this before,
 4 but this is an email from you, and I will just direct
 5 your attention to the last part:
 6 "I know you will anyway but can you also ensure that
 7 recent and future interactions with Khan are documented
 8 on SPIN to keep the Ops Desk informed."
 9 Now, that's from you to Calum Forsyth, CC'd to
 10 others; yes?
 11 A. Yes.
 12 Q. Is that the reference to this function of reporting back
 13 the interactions under part 4?
 14 A. Yes.
 15 Q. And did you require or ask them anything more than what
 16 it says there on that email?
 17 A. No, not initially. I think they were the actions raised
 18 from the first JOT that were just being cascaded to
 19 Calum and his team.
 20 Q. Just to pick up on that early allocation and the legacy
 21 issue. The legacy, a reference to them having a part 4
 22 function in relation to Rahman as well; yes?
 23 A. Yes.
 24 Q. Was there liaison between Staffs and West Mids forces to
 25 clarify how Khan's management would work with -- would

1 work?
 2 A. Yes.
 3 Q. Can we have a look at your day book? It's {DC7482/23},
 4 please, the top half. We've got some bullet points
 5 here, the second of which:
 6 "Clarity sought around WMCTU/Team 7 oversight.
 7 "Marc Jerromes 01/08/18.
 8 "No response."
 9 Is that clarity surrounding the overt management
 10 side of things or the priority operation, or can't you
 11 recall?
 12 A. I think that -- so that was from mid-2018 --
 13 Q. Yes.
 14 A. -- in the knowledge that Khan was going to be released
 15 at some point, so that was an early enquiry with Team 7
 16 to try and establish ownership or levels of involvement
 17 and whether that would fall on Prevent, Special Branch
 18 or Team 7 in the CTU.
 19 Q. Yes, so that's clarity as to the overt management part
 20 being referenced?
 21 A. I think it's both.
 22 Q. Both. All right. No reply at that time, so you follow
 23 up:
 24 "Further clarity sought.
 25 "DI Gareth Williams -- 12/11/18.

1 "Team 7 to be/provide guidance."
 2 Do you remember what the essence of that was?
 3 A. I think the essence of that was Gareth, Gareth Williams
 4 outlining that Team 7 have that responsibility but for
 5 West Midlands Police, and not necessarily Staffordshire
 6 part 4 offenders, and therefore that Team 7's role was
 7 offered to provide for guidance to Prevent.
 8 Q. Based upon their previous expertise --
 9 A. Yes.
 10 Q. -- having done it in their own region?
 11 A. Yes.
 12 Q. Can we go to the bottom half of the page:
 13 "Discussions with DCI Dale re [West Mids
 14 Counter--Terror Unit] oversight."
 15 Again, overt, covert operation or a bit of both, or
 16 don't you know?
 17 A. That would be with regards to the intelligence side.
 18 Q. So then we have:
 19 "Email to... Dale...
 20 "Discussion with ... Amos...
 21 "Subject profile [s] ...
 22 And concluding -- you can see the entries there down
 23 to a JOT being arranged to the 28 November 2018. Is
 24 that priority operations stuff, in terms of those
 25 entries generally, or overt or a bit of both?

1 A. No, that's related to intelligence and specifically the
 2 prison intelligence that we've previously spoke about.
 3 Q. Right, that side of things. So the JOT arranged
 4 28 November 2018. Can we stay in the same document but
 5 go back to {DC7482/7}, please. We can see the date
 6 there is the same, JOT. Are these your notes of that
 7 meeting that we've just seen flagged up at the end of
 8 the book?
 9 A. Yes.
 10 Q. You've been taken to this, but you can see on the bullet
 11 points under A, allocation of roles:
 12 "Part 4 oversight/regularity/enforcement.
 13 "Calum to liaise with [Team] 7."
 14 That reflects the entry we just saw, doesn't it?
 15 A. Yes.
 16 Q. The earlier ones. And you were asked about two strands
 17 of intelligence and what was said in that meeting to
 18 Calum Forsyth, and there appeared to be a difference of
 19 recollection as to whether one or both strands were
 20 mentioned to him. Do you remember being asked those
 21 questions this morning?
 22 A. Yes.
 23 Q. That isn't -- it's not a criticism, it wouldn't be
 24 there, but it's not something that as far as we can see
 25 is a matter recorded in those notes that you made at the

1 time, is it?
 2 A. No, it's not actually relating to that JOT. It's the
 3 one on 19 December that I was referring to.
 4 Q. I see. And you've made two statements for the purposes
 5 of this Inquest, haven't you?
 6 A. I think it's three.
 7 Q. Three statements. And is this a topic that you have
 8 covered in your statements, the content of what's said?
 9 A. It's contained in one of those statements, yes.
 10 Q. And when did you address your mind to the content of
 11 what was said in the meetings?
 12 A. I think the statements were January -- December/January
 13 just gone.
 14 Q. December 20, January 2021?
 15 A. Correct.
 16 Q. When you seek to recollect what's said in the meeting,
 17 are you drawing on your memory or --
 18 A. Yes.
 19 Q. -- some other source? Your memory?
 20 A. Yes.
 21 Q. So no written notes to help you with the content?
 22 A. Not my notes, no.
 23 Q. Or discussions with other people?
 24 A. No.
 25 Q. So it's your memory that you're going from, to draw on.

1 And in relation to your answers this morning, it
 2 seems that you don't actually remember precisely what
 3 was said in the meeting?
 4 A. Not specifically, no.
 5 Q. Or who said it?
 6 A. No.
 7 Q. You said words to the effect: If not, then you would
 8 have raised the topic; if the detail wasn't said, then
 9 you would have raised the topic --
 10 A. Yes.
 11 Q. -- is that right?
 12 A. Mm-hm.
 13 Q. Would that be going to the question of whether the thing
 14 was allowed to be told to someone like Calum Forsyth?
 15 A. I'm sorry, can you rephrase?
 16 Q. When you say that you would have raised the topic --
 17 A. Yes.
 18 Q. -- would that be to address whether he is allowed to
 19 know a certain thing?
 20 A. No, I think what I meant by that was if the intelligence
 21 wasn't laid out in that meeting, I would have perhaps
 22 prompted either Security Service partners or somebody
 23 else at the meeting who was perhaps able to share that
 24 information, that was the purpose for me wanting
 25 Calum Forsyth there in the first place.

1 Q. Whose permission would be needed?
 2 A. For?
 3 Q. The dissemination of both strands of intelligence?
 4 A. The intelligence owner.
 5 Q. And who was that?
 6 A. The prisons.
 7 Q. Can we look at -- this is a document that's been
 8 referred to, but we didn't have for the benefit of the
 9 screen before today -- {DC5183/1}. Subject profile, you
 10 can see this is the official sensitive version; do you
 11 see that?
 12 A. Yes.
 13 Q. {DC5183/10}, if I understood correctly this is the
 14 version that would go to -- bottom half, please -- to
 15 Calum Forsyth, and there are a number of entries of
 16 intelligence that are listed there. We can see the
 17 third one in its middle line refers to "old ways", and
 18 we just look over the page {DC5183/11} just to make sure
 19 we're at the end of these entries. We can see some
 20 further entries continuing there.
 21 Can we go back to the bottom of the page before
 22 {DC5183/10}. It appears that the document that would
 23 have been provided to Calum Forsyth is one that would
 24 have included the "old ways" strand but had what we're
 25 calling the attack aspiration strand taken out of it; is

1 that right?
 2 A. Yes.
 3 Q. And so having -- although you don't have an organic
 4 recollection of it, having maybe told him it at the
 5 meeting, it was nevertheless removed from the subject
 6 profile he would be working to?
 7 A. Sorry, can you repeat that?
 8 Q. The strand that you have said you think would have been
 9 mentioned at the meeting --
 10 A. Yes.
 11 Q. -- albeit not remembering it exactly, that would have
 12 been removed from the document that he was then working
 13 to?
 14 A. It wasn't in the document he was working to, no.
 15 Q. If he is permitted to be told it in the meeting, why
 16 remove it from the profile that he is briefed with?
 17 A. It wasn't removed; it just didn't form part of it
 18 according to the handling conditions, but the reason it
 19 was verbally briefed in at the meeting was on the basis
 20 of need to know.
 21 Q. Why not include it in the subject profile?
 22 A. I think that's due to the handling conditions.
 23 Q. And regards it being verbally briefed in, as you say,
 24 that's something that you're going on your memory but
 25 you don't remember it being said?

1 A. Yes.
 2 Q. Can I just turn briefly to tagging data, it's something
 3 that has been touched upon {DC7438/313}. Something that
 4 has been picked up on in your questions this morning.
 5 We start at the bottom, as we tend to, and read up
 6 chronologically. There's an email there, you're not in
 7 this chain yet, we'll see you are higher up, we can see
 8 these are your emails, generally speaking.
 9 Marc Jerromes, that's Team 7, West Mids; yes?
 10 A. Yes.
 11 Q. "Subject: Usman Khan tagging data.
 12 "Hello Rich,
 13 "As it stands we have had no requests for us to
 14 obtain more data for UK. I think it make sense for
 15 Staffordshire to take ownership of this moving forward
 16 if they are now compiling the reports. Of course we can
 17 assist where needed and Jodie has made contact with
 18 Calum who looks after the Part 4s in his region.
 19 "Many thanks,
 20 "Marc."
 21 Can we just go up to see the answer to that.
 22 A message from yourself to Marc Jerromes CC'd at Staffs
 23 Special Branch, effectively, included:
 24 "Hi Marc,
 25 "I have been made aware that the analysis of the

1 tagging data around Usman Khan is no longer able to be
 2 done within WMCTU.
 3 "Further to what we agreed in March, is it possible
 4 that Team 7 can still obtain the data from the tagging
 5 company on a monthly basis, then forward this to our
 6 analyst, Dawn Banner, who will be able to complete the
 7 work?
 8 "Hopefully this will not cause too much of a burden
 9 and will provide us with the oversight around Khan and
 10 his movements particularly in light of his upcoming move
 11 out of the AP.
 12 "As per previous, Staffordshire Prevent staff are
 13 still awaiting courses from EMA in order to obtain the
 14 data for themselves which is going to be a longer term
 15 goal."
 16 EMS stands for?
 17 A. Electronic monitoring service.
 18 Q. So this is what you'd referred to before, there are two
 19 tasks, there's the obtaining of the data; yes, is one?
 20 A. Yes.
 21 Q. And the analysis of the data; yes?
 22 A. Yes.
 23 Q. To give an oversight of his movements, and so on?
 24 A. Yes.
 25 Q. They were both being done in West Mids?

1 A. Certainly the obtaining of the data was being done by
 2 our Team 7 colleagues. I can't actually recall who
 3 originally did the analysis, but as that email suggests,
 4 Dawn Banner, our analyst, would be able to do that.
 5 Q. And then the intention come July is to try to move the
 6 obtaining and the analysis across?
 7 A. Yes, which was partly dependent on the course he's been
 8 allocated for Prevent to get it themselves.
 9 Q. And are you saying here: we can analyse it with
 10 Dawn Banner, but Prevent can't do it yet because they
 11 haven't had the course?
 12 A. Pretty much, yes.
 13 Q. And just for completeness, the top of this page,
 14 DS Jerromes responds:
 15 "More than happy to assist, I mistakenly thought
 16 Staffs had previously been put in the demand for EMS
 17 courses previously? We will of course send you the
 18 details as you need them for your analyst to complete."
 19 Thank you, you can take that off screen, thank you.
 20 The part 4 management was due to move back -- move
 21 to Team 7 in December for Khan, December 2019, we've
 22 heard that?
 23 A. Yes.
 24 Q. That was a -- not the function of any problem whatsoever
 25 with Prevent Team's handling of that task, was it?

1 A. It was, as I mentioned earlier, to do with predominantly
 2 capacity.
 3 Q. Yes, there are effectively two driving forces: one is
 4 capacity, which has two sides of it, first, the Prevent
 5 capacity to do the job in light of more jobs coming down
 6 the pipeline?
 7 A. Mm--hm.
 8 Q. Do you agree?
 9 A. Yes.
 10 Q. And second, the capacity for Team 7 to be able to do it,
 11 that it was thought they did have it, even with more
 12 people coming?
 13 A. Yes.
 14 Q. And the second reason was more structural, that
 15 a regional approach was to be taken to the management of
 16 part 4s so that one team could have the full oversight?
 17 A. Yes.
 18 Q. Is that right?
 19 A. Mm--hm.
 20 Q. And so that change is not in response to anything done
 21 improperly or inefficiently by the Prevent Team in
 22 relation to Khan, is it?
 23 A. No, I just thought that it would be better provided for
 24 by Team 7., and also in light of, further down the line,
 25 the regionalisation programme under Project Amplify, so

1 it would be more consistent for that to happen.
 2 Q. You were just taken by Mr Armstrong to an email back
 3 in January 2019, so shortly after the release of Khan;
 4 yes?
 5 A. Yes.
 6 Q. From Emma Hartill to you; yes?
 7 A. Mm—hm.
 8 Q. Do you remember it?
 9 A. Yes.
 10 Q. And it was suggested that it portrayed faults or
 11 shortcomings and so on. Were there teething problems
 12 with the take-up of the management and the processes in
 13 place?
 14 A. Whether I'd call them teething problems, but it's just
 15 refining that process, smoothing that process of passage
 16 of information from one to the other. No different,
 17 I don't think, than perhaps you would see between any
 18 teams.
 19 Q. Yes, refining the process is perhaps another way of
 20 saying teething problems. These are matters that were
 21 resolved satisfactorily?
 22 A. Yes, I believe so.
 23 Q. It was suggested to you there was friction between
 24 yourselves and the Prevent Team. There was no friction,
 25 was there?

1 A. I wouldn't class it as friction any more so than let's
 2 say with other teams or individuals who have
 3 a difference of view.
 4 Q. There's a difference of opinion, yes, on some matters --
 5 A. Yes.
 6 Q. -- coming from people with different experiences?
 7 A. Yes.
 8 Q. And people that are subject to receiving different
 9 information?
 10 A. Yes.
 11 MR BAUMBER: Yes. I have no further questions, thank you.
 12 JUDGE LUCRAFT: Thank you.
 13 Questions by MS WHITELAW
 14 MS WHITELAW: Good afternoon. My name is Francesca Whitelaw
 15 and I ask questions on behalf of the Secretary of State
 16 for Justice and the Secretary of State for the Home
 17 Department.
 18 I just want to ask you a very limited number of
 19 questions about the intelligence that you have spoken
 20 about, but first I want to do that asking you not to
 21 comment on the origins of the intelligence, we have
 22 heard from Witness A that that creates a risk to
 23 national security. Okay.
 24 You will be aware, I think, that MI5 in late 2018
 25 received two strands of intelligence, and we've referred

1 to them as the "old ways" intelligence strand and Khan's
 2 intention to carry out an attack on release from prison;
 3 you're aware of those, I think.
 4 A. Yes.
 5 Q. Are you aware that the first strand, that's the "old
 6 ways" intelligence strand, appears on the prison Mercury
 7 Intelligence record and was passed by the prison through
 8 the MAPPA F to MAPPA?
 9 A. Subsequently I am aware. Not at the time.
 10 Q. Are you aware that the second strand, the intention to
 11 carry out an attack, doesn't appear on the prison's
 12 Mercury Intelligence record or in prison documents?
 13 A. Again, I wasn't aware either way.
 14 Q. Witness A gave evidence that both strands were shared
 15 with counter-terrorism police colleagues, and were you
 16 aware of Witness A's evidence that, if asked, they would
 17 have agreed to both pieces of intelligence being shared
 18 with MAPPA?
 19 A. I am aware of that, yes.
 20 MS WHITELAW: Thank you. Those are my questions.
 21 JUDGE LUCRAFT: I can see, Mr Beer, there's a concerted
 22 effort to make sure that my usher is very active today
 23 by emphasis(?) of cleaning.
 24 MR BEER: Yes, apologies for that. I've got to ask some
 25 questions.

1 Questions by MR BEER QC
 2 MR BEER: Chief inspector, my name is Jason Beer, I ask
 3 questions on behalf of West Midlands Police.
 4 The first topic, please, the working relationship
 5 with West Mids CTU. You say in your first witness
 6 statement that the standing relationship between Special
 7 Branch on the one hand and the CTU on the other was
 8 based on a close, cooperative working relationship that
 9 ensured the sharing of information and the management of
 10 counter-terrorist threat and risk in Staffordshire.
 11 That was obviously your view when you wrote your
 12 statement; does it remain your view today?
 13 A. Yes, notwithstanding there's been a formal changing of
 14 governance and control through a regional collaboration
 15 agreement.
 16 Q. Yes, so just because it's changed now --
 17 A. Yes.
 18 Q. -- doesn't mean that the view that you held that the
 19 working relationship was a good, closely cooperative one
 20 which ensured the sharing of and management of
 21 information?
 22 A. Correct.
 23 Q. You say elsewhere in the statement that the relationship
 24 was very good; does that remain your view?
 25 A. Yes, I think there would be a requirement to have

1 interactions with the CTU over — through a range of
 2 departments, depending what the issue was, or those
 3 circumstances.
 4 Q. So the management of Khan was not against the background
 5 of a difficult , underperforming or dysfunctional
 6 relationship between SB and the CTU; it was strong,
 7 effective ?
 8 A. Yes.
 9 Q. And wasn't, can I put it this way, blighted by the petty
 10 jealousies and strife that sometimes exist between
 11 different parts of large organisations?
 12 A. No.
 13 Q. Not at all?
 14 A. No.
 15 Q. I'm not going to ask you about the internal
 16 relationships within Staffordshire between Prevent and
 17 SB, that's for others, but your understanding was that
 18 it was senior officers within Staffordshire Police that
 19 decided that Prevent should manage the part 4 offenders?
 20 A. So I believe.
 21 Q. Thank you.
 22 Can I turn to the overall view taken in relation to
 23 Khan by SB. You say in your first statement, standing
 24 back from the weeds for the moment, all of the detail
 25 that we've been looking at, that for the period after

1 his release , some 11 months, reports indicated he was on
 2 a positive trajectory , having been compliant with the
 3 rules set out in his part 4 notification , and in his
 4 licence , and gave his National Probation Service and
 5 police [offender managers] no serious cause for concern;
 6 would you say that's the headline view?
 7 A. That was the view at the time, yes.
 8 Q. And you refer in that statement to his National
 9 Probation Service and police offender managers, ie
 10 managers in the plural; does that accurately reflect the
 11 position , that there was more than one offender manager?
 12 A. Prevent had responsibility for the part 4 notification
 13 requirement and adherence to those. I would consider
 14 that a part of the offender management function.
 15 Q. Okay. So you would seek two offender managers,
 16 essentially , one from Prevent and one from the Probation
 17 Service?
 18 A. Essentially yes, with different responsibilities .
 19 Q. Thank you. You say in your second statement that the
 20 Probation Service were the primary agency for Khan's
 21 supervision and management, and that that included risk
 22 assessing opportunities considered or provided by them,
 23 or activities undertaken at their behest?
 24 A. Yes.
 25 Q. Can you explain what you mean by that: that the

1 Probation Service were the primary agency for
 2 supervision and management, including risk assessment of
 3 activities undertaken by him?
 4 A. So, for instance, any of the activities that were
 5 brought to our attention would have primarily been —
 6 done so through probation, so that includes the proposal
 7 for attendance at HMP Whitemoor, and others, and
 8 therefore I would expect if they're sanctioning that to
 9 happen, that that responsibility for assessing that risk
 10 or the coordination or the choreographing of that
 11 function would be primarily done by them.
 12 Q. You mentioned in the statement that primary — the
 13 primary responsibility that rested on the Probation
 14 Service included, for the following events, and then you
 15 list some out, attendance at the gym, attendance at the
 16 mosque, job opportunities, Learning Together attendance
 17 at Whitemoor, and Learning Together's event at
 18 Fishmongers' Hall.
 19 Are you in that statement saying that the primary
 20 responsibility for risk assessment for attending those
 21 events, in your view, rested with the Probation Service?
 22 A. Ultimately, yes, there would be a degree of — there
 23 were instances, for instance, I can recall in terms of
 24 employment opportunities, that there was requests made
 25 for Special Branch to run intelligence checks, if we'd

1 got any adverse view, I can't recall any, but ultimately
 2 that would be fed back by us to probation for them to
 3 sanction.
 4 Q. Okay, I'll come back to that in a moment and look at
 5 those intelligence checks, but just understanding
 6 exactly what you mean, you don't mean that police
 7 officers , whether from Prevent, whether from Special
 8 Branch or, indeed, from my client, from the CTU, would
 9 not, if they became aware of such activities or such
 10 an attendance, and saw an obvious risk that arose, stand
 11 back and say: oh, that's not my job, I'm going to stay
 12 silent about it. That would just be bureaucratic,
 13 pen—pushing, paper—shuffling.
 14 A. That wouldn't happen.
 15 Q. That wouldn't happen. So if the police service became
 16 aware of an obvious risk that arose, a duty would arise
 17 to say so, to the Probation Service or to MAPP; yes?
 18 A. Yes.
 19 Q. But the point you're making is that the agency with
 20 primary responsibility for assessing risk , amongst all
 21 of the agencies, was the Probation Service?
 22 A. In my opinion, yes.
 23 Q. And can I just pick back to why that was your
 24 understanding. Was it because of the law, the Criminal
 25 Justice Act 2003, and the licence conditions that

1 imposed that responsibility?
 2 A. I can't comment.
 3 Q. Okay. Can I turn to the opening of the priority
 4 investigation, please. I think it's right that Special
 5 Branch used to create and then update a document called
 6 a running log in a P-Op; is that right?
 7 A. Yes, that was usual practice.
 8 Q. And I think it was practice in this case as well, that
 9 would be available to Special Branch officers on
 10 an investigation to view and to contribute to?
 11 A. Yes.
 12 Q. Was it kept on a Staffs system, a Staffordshire Police
 13 system?
 14 A. Yes.
 15 Q. Could it be seen by the CTU officers or not, the ones in
 16 West Mids?
 17 A. Not in a straightforward way, no.
 18 Q. No. So it was an internal sort of working document for
 19 the use by Staffs SB?
 20 A. Yes.
 21 Q. Thank you. I wonder whether we could look at it,
 22 please. I don't think we've looked at it in the
 23 Inquests so far. It's {DC7500/1}, thank you.
 24 Now, this is 22 pages long and I'm obviously not
 25 going to go through all of it, but we can see that it is

1 headed "Running log - Op Molal", it's got Usman Khan's
 2 name and date of birth at the top, and then there are
 3 a series of documents listed; can you see that?
 4 A. Yes.
 5 Q. And is that essentially setting out where all of the key
 6 documents can be found?
 7 A. Yes.
 8 Q. You can see a series of OD numbers, is that other
 9 document numbers?
 10 A. Yes, those are NCIA reference numbers.
 11 Q. So that's telling the reader of this document: if you
 12 want to find the part 4 papers, go and look on the NCIA
 13 system under OD183704065?
 14 A. Yes.
 15 Q. Thank you. Then it says at the beginning that the SIO
 16 is Gareth Williams. Will that reflect the fact that by
 17 the time this document had finished being created
 18 in November 2019, the SIO had changed from Mr Chambers
 19 to Mr Williams?
 20 A. That would reflect that, yes.
 21 Q. So initially when this would have been created, that
 22 would have presumably said Ryan Chambers there?
 23 A. Yes.
 24 Q. Thank you. Then you can see that it says that the
 25 running log was commenced on 12 December 2018, so that's

1 about a fortnight before Mr Khan was released.
 2 A. Yes.
 3 Q. And then it says:
 4 "For intel prior to 11 December, see the subject
 5 profile."
 6 And then there's a reference to the "opening
 7 [redacted] for Op Molal"; can you see that?
 8 A. Yes.
 9 Q. Is that a reference to a message from MI5?
 10 A. Yes.
 11 Q. That's the term of art used?
 12 A. I'm sorry.
 13 Q. Is that the term of art used, a [redacted] message?
 14 A. Yes, it is.
 15 Q. Thank you. And then if we just scroll down, please, we
 16 will see four or five paragraphs in italics; can you see
 17 that?
 18 A. Yes.
 19 Q. Does that, in your view, represent the [redacted]
 20 message, is that effectively the [redacted] message cut
 21 and pasted into this document?
 22 A. I think it probably is.
 23 Q. And that's why they're in italics.
 24 A. Yes.
 25 Q. There's a footnote there, footnote 1 which takes you

1 down to the bottom of the page, but that's been
 2 redacted, been blacked out, so we can't see that but
 3 this looks like the [redacted] message?
 4 A. Yes.
 5 Q. And so is this the opening [redacted] message, the one
 6 that sets out the reasons for the opening of the P-Op?
 7 A. Yes.
 8 Q. And it sets out in summary form what was then known by
 9 MI5, in very summary form, and is the police service
 10 being told by MI5 what the position is?
 11 A. Yes.
 12 Q. And if we just read through:
 13 "Convicted under TACT, on 1 February 2012, for
 14 conspiracy to cause an explosion and preparing for acts
 15 of terrorism under Operation Guava. Khan received
 16 an indeterminate prison sentence, to serve a minimum of
 17 eight years."
 18 I think that must mean determinate?
 19 JUDGE LUCRAFT: Well, he did receive an indeterminate
 20 sentence when he was first sentenced.
 21 MR BEER: Initially, yes, but then it was changed to
 22 a determinate sentence of 16 years, with eight years
 23 served.
 24 "Khan is currently held in HMP Whitemoor with
 25 a conditional release date of 24 December 2018. Please

1 note this is subject to change and will be updated
 2 accordingly.
 3 "Whilst in prison, Khan was investigated under Op
 4 Molal due to reporting indicating he may pose
 5 a radicalisation threat in prison."
 6 And then this:
 7 "No intelligence was identified indicating Khan was
 8 involved in activities of national security concern and
 9 the investigation was closed on 18 February 2015."
 10 We've heard all of that from Witness A:
 11 "Since that time, Khan had shown no signs of
 12 undertaking activities of national security concern
 13 within the prison estate and his residual risk was
 14 assessed to be low.
 15 "Due to Khan's impending release, [Op] Molal has
 16 been re-opened in order to investigate Khan's activity
 17 upon release."
 18 Then this final sentence is the one I wanted to ask
 19 about:
 20 "Recent intelligence indicates that Khan may be
 21 intending to carry out an attack upon his release. We
 22 note that this reporting is uncorroborated and deemed of
 23 low credibility."
 24 Do you see that?
 25 A. Yes.

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1 Q. So this is a reference to the so-called second strand,
 2 and the "we note", would that be interpreted by you as
 3 meaning MI5 speaking here, MI5 notes that?
 4 A. Yes.
 5 Q. And so the words being used by MI5 in writing and
 6 communicated to the police service were that the second
 7 strand was uncorroborated and deemed of low credibility?
 8 A. Yes.
 9 Q. And I think you attended the JOT on 28 November 2018; is
 10 that right?
 11 A. Sorry, yes, it is, yes.
 12 Q. We've got a note from Mr Chambers saying that -- or
 13 recording the words "low credibility against this
 14 intelligence". Can you recall whether those were the
 15 words used in that JOT?
 16 A. I can't recall what words were used, no.
 17 Q. And I don't think you've got a note in your book about
 18 that issue?
 19 A. No.
 20 Q. No. Thank you. Okay, that can be taken down, thank
 21 you.
 22 Now, you've already told us that at this time and by
 23 the end of January 2012, when you had your conversation
 24 with Sergeant Hessel, you knew that this second strand
 25 hadn't been broken out?

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1 A. Sorry, can you repeat that, 2012 and a conversation with
 2 somebody else?
 3 Q. Yes. By the end of January 2019, I think you knew that
 4 this intelligence hadn't been broken out, this second
 5 strand?
 6 A. Right.
 7 Q. Because you had a conversation with DS Stephenson?
 8 A. Right.
 9 Q. Is that right?
 10 A. Yes.
 11 Q. Thank you. And by "Breaking out", I think you're not
 12 referring, is this right, to breaking out to
 13 Sergeant Forsyth, because you knew that he already knew
 14 about it?
 15 A. That was my belief.
 16 Q. And when speaking about breaking out, are you referring
 17 to breaking out to MAPPA or didn't you know one way or
 18 another whether MAPPA knew about it?
 19 A. I think the point I made earlier on was that I didn't
 20 know that MAPPA didn't know --
 21 Q. Yes.
 22 A. -- and it wasn't broken out to MAPPA, but it wouldn't be
 23 my team's responsibility to do that.
 24 Q. So are you talking about breaking this out on the
 25 system, on the computer system, then?

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1 A. Whether it's verbally or electronically.
 2 Q. Now, handling and dissemination conditions are for the
 3 originator of the intelligence, aren't they?
 4 A. Correct.
 5 Q. And never mind who owned this intelligence, it was just
 6 called the originator?
 7 A. Yes.
 8 Q. The SIO can't unilaterally decide to act contrary to
 9 those handling and dissemination conditions?
 10 A. No.
 11 Q. It might be an SIO who approaches the originator and
 12 says: can we break this out?
 13 A. Yes.
 14 Q. Or decides to make such an approach. But I think you
 15 can confirm that you didn't approach Mr Chambers and
 16 say: this needs to be broken out, or: we think it should
 17 be broken out, can you please make enquiries back with
 18 the originator?
 19 A. No, we didn't do that, as it was within a priority
 20 operation.
 21 Q. Thank you. Can I turn to the third issue, please, the
 22 amendment of Mr Khan's curfew conditions. We know that
 23 initially Khan had a licence that had a curfew condition
 24 in it requiring him to be inside the house between
 25 7.00 pm and 7.00 am.

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1 A. Yes.
 2 Q. And that that was subsequently relaxed to 9.00 pm to
 3 7.00 am?
 4 A. Yes.
 5 Q. It's the further relaxation that I want to ask you
 6 about. Would you agree that an amendment to curfew
 7 times by way of relaxation is an important matter and
 8 ought to be the subject of some scrutiny by MAPPA?
 9 A. I would say so.
 10 Q. Can we look, please, at {DC7482/1}, please, which is
 11 your major incident disclosure book, and can we look at
 12 {DC7482/16}, please. Thank you very much.
 13 If we look at the entry for 28 May, that's your
 14 writing in your book; yes?
 15 A. Yes.
 16 Q. Can you see under the second bullet point you've noted:
 17 "Curfew amended...
 18 "Probation approved.
 19 "11 pm-7 am.
 20 "No sign on..."
 21 That's attending at a police station to sign on.
 22 And then it says:
 23 "... (as of 3/6/19)."
 24 A. Yes.
 25 Q. You say here that -- does this mean that your

1 understanding was that as of 3 June 2019, probation had
 2 approved an amendment to the curfew, putting the start
 3 time back to 11.00 pm?
 4 A. Yes.
 5 Q. Do you know who gave you this information?
 6 A. I actually can't recall where that information was from,
 7 whether it was through verbal update or an email.
 8 Q. You see, it might have been an email from someone within
 9 the team or it might have been somebody in SB giving you
 10 the information; would that be right?
 11 A. Possibly.
 12 Q. Now, we know from the MAPPA meeting two days later on
 13 30 May -- I'm not going to call it up, but for those
 14 following, it's {DC6413/5}, that there was opposition to
 15 an amendment to the curfew time.
 16 Now, I don't think you attended that meeting, did
 17 you, that was DI Powell. Do you recall that opposition
 18 to an amendment to the curfew time being discussed?
 19 A. I'm aware of it retrospectively, having seen the
 20 minutes, but, like you say, I wasn't present at the
 21 meeting so I wasn't actually aware of the opposition.
 22 Q. Okay, I'll move on, thank you.
 23 In relation to the role of Team 7, would this be
 24 a fair summary: that there were four functions that
 25 Team 7 variously had. Firstly, because they had more

1 RTOs in their area, they developed processes and
 2 documents to manage them?
 3 A. Yes.
 4 Q. And they shared those, to your knowledge, with the
 5 Prevent Team?
 6 A. Yes.
 7 Q. Second, they were there in a reactive capacity so that
 8 if Khan's licence conditions were broken, they would
 9 then step in and investigate it, but in fact that never
 10 happened?
 11 A. Correct, on both points.
 12 Q. Sorry, I missed that?
 13 A. On both points. The agreement would be they would pick
 14 up any investigation, but it didn't ever happen, no.
 15 Q. Thirdly, they were, in fact, due to take over management
 16 of Khan, the overt management, on 11 December 2019, but
 17 that never happened?
 18 A. That's correct.
 19 Q. And then fourthly, because of their experience of
 20 managing a higher number of RTOs, they were frequent
 21 attenders at the MAPPA meetings and provided challenges
 22 in the course of the meetings; would that be a fair way
 23 of putting it?
 24 A. Yes.
 25 Q. That wasn't because Team 7 were the offender managers

1 for Khan or were themselves liaising with Mr Skelton or
 2 any of the other agencies; it was in that position that
 3 they provided guidance or assistance?
 4 A. Yes.
 5 Q. Thank you.
 6 Now, would it be fair to say that Special Branch in
 7 Staffordshire took a more active part in seeking to
 8 influence the way that Khan was managed under his
 9 licence?
 10 A. I think that's probably a fair thing to say.
 11 Q. Thank you. And so a good example of this, we're not
 12 going to go over it, is the dumper truck issue?
 13 A. Yes.
 14 Q. Thank you. Can I look at another couple of examples.
 15 Firstly, checking out the identities of visitors at the
 16 Whitemoor event, the Learning Together Whitemoor event.
 17 Can we see {DC7438/1}, please, at {DC7438/232}. Thank
 18 you. If we see the top of the page, if we can just skip
 19 to the bottom of the previous page so we can see who the
 20 email is from {DC7438/231}, right at the bottom, you can
 21 see "Steve Machin", 16 May 2019. Then if we go to the
 22 next page please {DC7438/232} to Calum Forsyth and
 23 Ken Skelton; can you see that?
 24 A. Yes.
 25 Q. With Amy Ludlow copied in. So this is in the run-up to

1 the Whitemoor event. And Mr Machin says:
 2 "Ken/Calum,
 3 "The names below are the ones identified as
 4 potential attendees at the event and I am content with
 5 them from our perspective. Are you able to complete
 6 your checks from this info?"
 7 And then there's a list of, I think, seven names set
 8 out; yes?
 9 A. Yes. Mm—hm.
 10 Q. So these are people who are going to be at the Whitemoor
 11 event and this is the prison saying to the Probation
 12 Service and to the Prevent team: can you check these
 13 names out because Khan is coming into the prison; yes?
 14 A. Yes.
 15 Q. Then if you can go up a page, please — sorry, back
 16 a page is what I meant, so the page we were previously
 17 on, thank you {DC7438/231}. Then if we scroll down,
 18 please, we see what happens. Calum Forsyth sends the
 19 email on to the general Special Branch email address,
 20 the inbox, can you see that? In fact it's just cut off.
 21 Maybe if we can see the middle of the page.
 22 Calum Forsyth forwarding the email to the Special Branch
 23 inbox, essentially .
 24 A. Yes.
 25 Q. Saying:

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1 "These are the other prisoners who will be taking
 2 part in the Cambridge University day at Whitemoor with
 3 Usman. Could you please run them through PINS..."
 4 What's PINS?
 5 A. PINS is the prison intelligence system but ultimately
 6 this was a request for intelligence checks.
 7 Q. So in fact, it is a request for more general
 8 intelligence checks to be run on those other seven
 9 attendees:
 10 "... to ensure we are happy with them so that I can
 11 let the Prison and Ken know.
 12 "... thanks.
 13 "Calum."
 14 Then if we go up to the top of the page, please,
 15 I think this is an email that you are copied in on from
 16 Dawn Banner, the analyst, to you and to Emma Hartill,
 17 saying:
 18 "Just to make you aware, I have run the names
 19 through the prison contact spreadsheet... and 3 names
 20 have come up as prison associates for Khan."
 21 And then they are listed; yes?
 22 A. Yes.
 23 Q. So what this demonstrates is that for the upcoming event
 24 at Whitemoor, what happened was the prison emailed Calum
 25 and Ken and then Calum got in touch with Special Branch

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1 to do intelligence checks on those that were attending?
 2 A. Yes.
 3 Q. And then you mentioned it earlier, I wonder whether we
 4 could go there, please {DC7438/331} in this clip,
 5 please, a separate issue, which is the job application .
 6 Can we look at the bottom of the page, please. This is
 7 from Sally Morris, a probation residential worker, to
 8 Ken Skelton saying:
 9 "[Khan] has a job interview tomorrow at [a place] as
 10 a cleaner. It is for a company called ..."
 11 And then it is mentioned, and then the hours of
 12 work.
 13 A. Yes.
 14 Q. And then if we can go up the page, please.
 15 JUDGE LUCRAFT: Up a page or up the page?
 16 MR BEER: Sorry, up the page, thank you, sir.
 17 What Ken does is he, just like before, sends it on
 18 to Calum.
 19 A. Yes.
 20 Q. "Please see email below, have you any issue with it?"
 21 And then Ken does what he did before which is send
 22 it to the Special Branch inbox copied to you and
 23 DS Stephenson saying:
 24 "I have no issues, is there any reason you are aware
 25 of why he [shouldn't] be allowed to do this?"

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1 le to attend a job interview with these people. And
 2 then if we go up a page, please, this time, or back
 3 a page this time {DC7438/330} and the bottom of the
 4 page, please. Caroline, who is administering the
 5 Special Branch inbox, sends it on to a group of people
 6 within Special Branch, saying:
 7 "[For your information]
 8 "OIMU for noting and any observations."
 9 And then up the page, please. Emma Hartill,
 10 DC Hartill replies :
 11 "All checks completed re [the place of work] and
 12 cleaning company, no issue identified."
 13 So she has run some intelligence checks on the
 14 cleaning company, maybe the people that work there, for
 15 example, or the location of the proposed interview?
 16 A. Yes.
 17 Q. And would that fairly reflect the fact it was your
 18 understanding that it was Special Branch who had
 19 a responsibility for making checks like this?
 20 A. Yes. I mean in respect of those, they were local to the
 21 Stafford area, so, you know, there would be local
 22 intelligence that we held that others wouldn't, so we
 23 are the most suitable people to do that.
 24 MR BEER: Chief Inspector, thank you very much indeed.
 25 JUDGE LUCRAFT: Mr Boyle, I'm just looking at the clock as

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1 to see how long you might be?
 2 MR BOYLE: If I can address you from here, sir. I nearly
 3 trespassed into home time on Monday, I'll trespass into
 4 lunchtime today by about 10 to 15 minutes, I think.
 5 JUDGE LUCRAFT: If it's that long, what I'm going to suggest
 6 is we'll take our break there, Mr Boyle, and we will sit
 7 again at 2 o'clock and take your questions at that
 8 stage. Thank you.
 9 (In the absence of the jury)
 10 JUDGE LUCRAFT: Mr Hough, I've got the time estimates that
 11 were provided, and there's either a figure missing from
 12 Mr Baumber's or suddenly minutes became something out of
 13 nothing which can often arise, I appreciate, but we're
 14 obviously going to be quite tight with timing to get
 15 through the other two witnesses this afternoon, but
 16 we'll see what we can do, I think is the best answer.
 17 MR HOUGH: Yes, I think we're still hopeful that we can
 18 achieve that.
 19 There is a matter just to be raised in the absence
 20 of the jury, I think it's to be raised by Ms Leek.
 21 JUDGE LUCRAFT: Yes.
 22 MR HOUGH: And this part of the discussion should not be
 23 reported.
 24 JUDGE LUCRAFT: Thank you.
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1 Submissions by MS LEEK
 2 MS LEEK: Sir, very briefly, my learned friend Mr Beer
 3 referred to a certain type of messages, which I won't
 4 repeat here --
 5 JUDGE LUCRAFT: Yes.
 6 MS LEEK: -- that is covered by your order in respect of
 7 PII.
 8 JUDGE LUCRAFT: Yes.
 9 MS LEEK: So I wonder if you might make the usual reporting
 10 restriction, and I understand that that will be taken
 11 out of the transcript.
 12 JUDGE LUCRAFT: Yes, I think, to use the phrase, there were
 13 [redacted] of references to a particular word, but
 14 certainly I will make that direction, Ms Leek.
 15 MS LEEK: That's right, sir. Thank you.
 16 MR HOUGH: Perhaps, and this is certainly no criticism of
 17 Mr Beer because he won't have had it in mind, but
 18 perhaps other advocates could be careful of that when
 19 mustering future references.
 20 JUDGE LUCRAFT: Certainly. I'll rise.
 21 MS LEEK: Thank you, sir.
 22 (12.58 pm)
 23 (The short adjournment)
 24 (2.02 pm)
 25 (In the presence of the jury)

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1 JUDGE LUCRAFT: Mr Boyle.
 2 Questions by MR BOYLE QC
 3 MR BOYLE: Good afternoon, officer. As you know, I ask
 4 questions on behalf of Staffordshire Police.
 5 Officer, can I ask you to look, please, at
 6 {DC7482/4}. This is a copy of your major incident
 7 disclosure book and the reference to the two strands of
 8 intelligence; yes?
 9 A. Yes.
 10 Q. Can we then look, please, at the next page in your book,
 11 page 5 {DC7482/5}, and the top half. Thank you. There
 12 are a number of tasks listed adjacent to some bullet
 13 points, and although it says "SYS commissioned Op
 14 Molal", at that time, had an SIO from within
 15 West Midlands actually been appointed?
 16 A. No, not at that point.
 17 Q. I'll come on to that in a second. In the third bullet
 18 point we can see it says:
 19 "DCI Dale/DI Amos/DCI Cobbett notified".
 20 And then the date, 20 November 2018.
 21 A. Yes.
 22 Q. Can you help us, please, who are DCI Dale, DI Amos and
 23 DCI Cobbett?
 24 A. All three were counterparts across in the CTU with
 25 intelligence and investigations.

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1 Q. Okay, so that's in West Midlands in other words?
 2 A. Yes.
 3 Q. And DCI, does that stand for Detective Chief Inspector
 4 Cobbett?
 5 A. Yes.
 6 Q. And do you know who she was at the time?
 7 A. Yes.
 8 Q. Who was she?
 9 A. DCI Cobbett was within West Midlands CTU investigations,
 10 and also attended some of the MAPPA meetings.
 11 Q. Okay. Do you know what her role was in relation to
 12 being within WMCTU investigations at that time?
 13 A. Not specifically, but there was obviously a hierarchy,
 14 so she would sit above the respective DIs.
 15 Q. Okay. And it says "Notified". Is this a reference to
 16 something in a telephone call or writing, or ...
 17 A. From recollection, I made, having been notified of that
 18 intelligence, made a phone call to --
 19 Q. Just pause there a second. I could hear some ringing.
 20 It has stopped now.
 21 Go ahead.
 22 A. I was saying, from my recollection, having been notified
 23 of the intelligence, I made a phone call. I can't
 24 recall exactly to which one of the three it was, but
 25 they were notified via phone and via follow up email.

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1 Q. Okay, of what?
 2 A. Of the intelligence that was received.
 3 Q. One or other or both strands?
 4 A. It would have been both.
 5 Q. Okay. If we look right at the bottom of that image
 6 which we can see on the screen, it says:
 7 "Spoke to DCI Cobbett 21/11/18".
 8 Do you see that?
 9 A. Yes.
 10 Q. And then at the end of that entry, which probably
 11 confirms what you said a moment ago:
 12 "SIO to be appointed from CTU."
 13 A. Yes.
 14 Q. Was this contact between you and DCI Cobbett an example
 15 of the close cooperation, ensuring the sharing and
 16 management of information which Mr Beer asked you
 17 about --
 18 A. Yes.
 19 Q. -- earlier on? And we can see from that entry in the
 20 notebook it says:
 21 "JOT requested -- [to be confirmed] [week
 22 commencing]...
 23 "AC to liaise [something] re JOT."
 24 A. Yes.
 25 Q. AC: are they initials?

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1 A. Yes, they are initials of DCI Cobbett.
 2 Q. Is DCI Cobbett's first name Ainsley?
 3 A. Yes.
 4 Q. And then we can see:
 5 "Subject profile complete and forwarded."
 6 Yes?
 7 A. Yes.
 8 Q. Now, during Mr Pitchers' questions, you were shown
 9 a copy of the profile, which was dated, I believe,
 10 either May or June of 2019, and you were asked about the
 11 targets of the under -- of the previous criminal
 12 investigation; yes, including some venues in London;
 13 yes?
 14 A. Yes.
 15 Q. They weren't added in the middle of 2019 to the profile,
 16 were they? They had always been in the profile; is that
 17 right?
 18 A. It will have been in the original profile.
 19 Q. Okay. Can we just have on the screen, please,
 20 {DC7484/5}. Top half. There's an entry here at 09.30.
 21 It says:
 22 "Discussion DI Hessel informed of above..."
 23 We needn't look back at it, and please don't:
 24 "Discussion DI Hessel informed of above -- to
 25 complete OPT4.

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1 "DI Hessel liaising with WMCTU and MI5."
 2 Do you see that?
 3 A. Yes.
 4 Q. And was that in relation to the intel that had been
 5 provided that we just looked at in your own notebook?
 6 A. That's right, yes.
 7 Q. Thank you very much. That can come off the screen now.
 8 Thank you.
 9 So far as you understood it then, was the position
 10 that MI5 and the WMCTU were aware of that intelligence?
 11 A. Yes.
 12 Q. Did you become aware during the course of the MAPPA
 13 panels that MI5 and/or West Midlands CTU attended those
 14 meetings?
 15 A. Yes, to my belief they did, yes.
 16 Q. Okay. And so far as you're aware, did either one of
 17 those agencies disclose that intelligence to those MAPPA
 18 panels?
 19 A. I wasn't aware whether they did.
 20 Q. Okay. Can I ask you also to look, please, at
 21 {WS5063-JS66/1}. Thank you very much. Here we have the
 22 top of the page, it's an email from DS Stephenson to
 23 Guy Morris who I think was at WMCTU:
 24 "... Sgt Forsyth from our Prevent team will also be
 25 in attendance to provide update around the Part 4

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1 management and Trigger plan he has put in place for
 2 managing Khan, MI5 are keen to have him present.
 3 "Jon."
 4 Do you see that?
 5 A. Yes.
 6 Q. That's a reference to attendance at the up and coming
 7 JOT which was due to take place; is that right?
 8 A. That's right.
 9 Q. And do you have a recollection of Sergeant Forsyth being
 10 at the JOT?
 11 A. Yes.
 12 Q. And you said that information was provided to him on
 13 a need-to-know basis; yes?
 14 A. Yes.
 15 Q. You were asked questions about how many statements you
 16 had made and so on. For the purposes of producing those
 17 statements, were you specifically asked the question:
 18 "What information was given to Sergeant Forsyth at that
 19 JOT meeting on 19 December 2018?" Can you remember?
 20 A. I can't recall that being a specific question.
 21 Q. All right, very well. In any event, even if
 22 Sergeant Forsyth had been provided that information at
 23 that time in December of 2018, in fairness to him, would
 24 it have been a decision for him to make as to whether he
 25 could or should disclose that information to a MAPPA

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1 panel?
 2 MR HOUGH: Sorry, could we have this document off screen,
 3 please.
 4 MR BOYLE: Would it be a matter for him to make a decision
 5 about disclosing that information to a MAPPA panel?
 6 A. No.
 7 Q. That would be, with no disrespect to Police
 8 Sergeant Forsyth, beyond his pay grade for want of
 9 a better expression?
 10 A. Yes.
 11 Q. That would have to go up the chain of command, wouldn't
 12 it?
 13 A. Yes.
 14 Q. And presumably it would have to go to SIO or equivalent
 15 within WMCTU, the P-Op?
 16 A. That was my opinion, yes.
 17 Q. And/or M15, depending?
 18 A. Yes.
 19 Q. You were asked some questions about your enthusiasm for
 20 increasing the frequency of the Prevent visits, and you
 21 were being asked specifically around about the entry for
 22 31 October of 2019, the visit which prompted
 23 DS Stephenson to then send emails and so on on
 24 6 November; do you recall?
 25 A. Yes.

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1 Q. And Mr Pitchers put to you the suggestion that you were
 2 therefore keen for the frequency of those Prevent visits
 3 to be increased in October and November, to which you
 4 answered "yes", and I just want to seek some clarity
 5 from you. Had the frequency of the Prevent visits
 6 actually become an issue so far as you were concerned,
 7 prior to obtaining the report of the visit on
 8 31 October?
 9 A. No.
 10 Q. So, again, in fairness to you, were you enthusiastic for
 11 the Prevent visits to increase thereafter, based upon
 12 what you had been informed?
 13 A. Yes.
 14 Q. A bit difficult for you to suggest that they should
 15 increase them in October, bearing in mind that this came
 16 to you on 31 October, or some days thereafter, I gather?
 17 A. That's right.
 18 Q. You were asked some questions about the role of Special
 19 Branch in terms of active participation in certain
 20 aspects of Khan's activities, the dumper truck being
 21 an example, and Mr Beer took you to one or two others.
 22 Can we bring up on the screen, please, {DC6411/5},
 23 and the top half of the page in the second paragraph,
 24 there's a paragraph which begins:
 25 "Staffordshire Special Branch colleagues asked to

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1 have the heads up if Usman will be attending these
 2 events."
 3 And then this:
 4 "Ainsley advised that she would be happy for her
 5 team to facilitate the attendance by them taking him to
 6 reduce the pressure on Staffordshire Police colleagues."
 7 Is that a reference to taking Khan to the event at
 8 Whitemoor Prison in the June of 2018?
 9 A. Yes, it would have been, yes.
 10 Q. And the Ainsley there, is that Ainsley Cobbett who we've
 11 touched upon a moment or two ago?
 12 A. Yes.
 13 Q. And in terms of your understanding of why it was that
 14 either Prevent or here, DCI Cobbett volunteering members
 15 of her team to do so, what was the justification for
 16 that attendance by police officers?
 17 A. My understanding was that it was purely on a logistical
 18 basis.
 19 Q. Was it on the basis of insuring against some kind of
 20 risk?
 21 A. No.
 22 Q. Your understanding?
 23 A. No, it was purely to convey him, I think if the
 24 suggestion was to have made his way via, for example,
 25 via train, it would have been quite difficult, as

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1 Whitemoor is in a rural location.
 2 Q. Can we have on screen, please, {DC6414/6}. So these are
 3 MAPPA minutes from 11 July 2019. If we look at the top
 4 half and the second paragraph where it describes "UK
 5 [being] very much on his own", and there's a reference
 6 to how:
 7 "... he spends the majority of his time, at the gym
 8 or on his Xbox. He states that he is happy with this.
 9 Ainsley Cobbett queried whether staff are confident that
 10 UK is not accessing the internet through his Xbox --
 11 Calum confirmed that he is not; he is just a keen
 12 gamer."
 13 Was that an example of an active intervention by
 14 DCI Cobbett in relation to a MAPPA meeting in relation
 15 to Mr Khan around his management?
 16 A. Yes, I think it probably would have been. It would have
 17 been DCI Cobbett just scrutinising the query around Xbox
 18 use.
 19 Q. Yes, and if we look at the bottom half of the page,
 20 please, there is a reference in that top paragraph
 21 underneath the heading "Panel Discussion", talking now
 22 about the dumper truck course, this was the meeting that
 23 you, I think, wanted to attend because you had
 24 identified this issue, and it says:
 25 "Ainsley Cobbett highlighted that there's

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1 an upcoming court hearing for another TACT offender whom
 2 used a vehicle as a weapon — this is likely to activate
 3 some media attention.”
 4 So you had attended this meeting with a view to
 5 expressing some reservations about his attendance on the
 6 dumper truck course?
 7 A. Yes.
 8 Q. You were not alone in that, were you?
 9 A. No.
 10 Q. Can we have, please {DC6415/1}, and so these are the
 11 minutes of the August 2019 meeting, and can we have
 12 {DC6415/6}, please, and if we have the bottom half of
 13 the page, can we have the second—last paragraph, can we
 14 just go right to the bottom, please, thank you very
 15 much, where we have reference to ERG interviews, then
 16 an expression about wanting to find accommodation and
 17 a job, doesn't know how to achieve this, and then we
 18 have:
 19 "Ainsley Cobbett queried whether the mentor would be
 20 able to assist ... with this process. He appears to be
 21 demonstrating child—like behaviour when he does not get
 22 his own way and this behaviour cannot dictate everyone's
 23 actions.”
 24 Then Calum Forsyth makes a note.
 25 Again, a reference there to others making the

1 contribution in terms of how he is behaving and what
 2 kind of information — what kind of provision he may be
 3 given to assist him?
 4 A. Yes.
 5 Q. Can we look at the top half of the next page, please
 6 {DC6415/7}, right at the end of the first line we can
 7 see a reference there to DCI Cobbett raising concerns
 8 regarding his access to the heavy weight vehicle; yes?
 9 A. Yes.
 10 Q. And then in the next paragraph, three lines from the top
 11 of the page, concern being raised — sorry, three lines
 12 from the top of the paragraph there's a paragraph which
 13 begins:
 14 "Calum Forsyth..."
 15 And you can see in the middle of the third line:
 16 "Ainsley Cobbett raised concerns in relation to
 17 [his] recent child—like behaviour.”
 18 Do you see that?
 19 A. Yes.
 20 Q. And then two further lines below that we have
 21 an intervention from Marc Jerromes, who we've heard a
 22 reference to already. He was on Team 7; is that right?
 23 A. Yes.
 24 Q. Noting how work on a construction site may not be the
 25 most appropriate setting.

1 So were these contributions mirroring the kind of
 2 concerns that you had in relation to Mr Khan taking this
 3 particular course?
 4 A. Yes, and we were all of the same kind of opinion.
 5 Q. And can I then take you through, please, to {DC6417/1}
 6 and to {DC6417/3}, and the bottom half of the page,
 7 please, and here we can see the attendees for this
 8 particular meeting, which was the one on
 9 14 November 2019, and we can see Mr Byford and others,
 10 the MAPPAs coordinators and so on, and a chief inspector
 11 Jo Floyd from West Midlands CTU together with
 12 Sergeant Jerromes and others; yes?
 13 A. Yes.
 14 Q. And if you turn through, please, to {DC6417/5} and if we
 15 could look at the middle third of this document, please.
 16 I've finally got the hang of fractions. And if we look
 17 at the paragraph which begins:
 18 "Nigel Byford... ”
 19 We can see there's a comment or a query attributed
 20 to Jo Floyd; can you see that?
 21 A. Yes.
 22 Q. "Jo Floyd queried whether Panel were aware of what he
 23 was doing inside the property all day — it was noted
 24 that [he] has an extensive DVD collection however Panel
 25 were not clear as to what types of material ...”

1 And then a decision taken after that intervention
 2 about confirming that those would be reviewed; yes?
 3 A. Yes.
 4 Q. And then can we turn through, please, to {DC6417/6}, and
 5 the paragraph at the top of the page which begins
 6 "Ken Skelton", second line, towards the end of the
 7 second line:
 8 "Jo Floyd noted that this type of behaviour was
 9 concerning — UK is not protecting his own psychology;
 10 he is only 28 and is at risk of being vulnerable to the
 11 influence of others. It's important that we are more
 12 intrusive into what he is doing whilst at home, eg what
 13 he is watching.”
 14 Yes?
 15 A. Yes.
 16 Q. So in terms of contributions being made by Special
 17 Branch with regard to intel and dumper trucks and so on,
 18 there were clearly others who were expressing
 19 observations and views at the MAPPAs meetings; yes?
 20 A. Yes.
 21 Q. Some of which obviously touched upon issues of risk
 22 management: he's bored, what's he doing at home all day
 23 and so on; yes?
 24 A. Yes.
 25 Q. You were asked by my learned friend Mr Hough about if

1 you had known about Mr Khan's attendance at the
 2 Fishmongers' Hall event on 29 November you said that you
 3 would have wanted assurances and you would have
 4 discussed with others; yes? Would that have included
 5 the partners involved, so, for example, the P—Op team
 6 and MI5?
 7 A. Yes.
 8 Q. Are you now aware that in fact the P—Op team and MI5
 9 were aware that he was due to be attending the
 10 Fishmongers' Hall event in London?
 11 A. Yes, I am now aware, yes.
 12 Q. And obviously, if you had been aware and if you had had
 13 discussions with those organisations, presumably you
 14 would have taken into account, in terms of any
 15 decision—making that needed to be made around Khan, what
 16 information they may have had or what additional
 17 information they may have had?
 18 A. Yes.
 19 Q. Including any concerns that they may have had, or indeed
 20 any lack of concerns that they had.
 21 A. Absolutely.
 22 MR BOYLE: Thank you very much, officer. Those are all my
 23 questions. Thank you.
 24 JUDGE LUCRAFT: Thank you very much, Mr Boyle.
 25 Further questions by MR HOUGH QC

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1 MR HOUGH: Mr Hessel, just one short point before we let
 2 you go. It was put to you in Mr Beer's questioning that
 3 Usman Khan had a sign—on condition, which was removed at
 4 one stage; do you remember that?
 5 A. Yes.
 6 Q. And it was mentioned to you that that was a requirement
 7 to sign on at a police station. We know, and I can show
 8 you the licence condition if you wish, that it was
 9 a requirement to sign on at his approved premises; can
 10 you confirm that?
 11 A. Yes.
 12 MR HOUGH: Thank you very much, just being a critical friend
 13 to Mr Beer.
 14 Thank you, that's all we have for you, officer.
 15 JUDGE LUCRAFT: Being friendly and critical at the same
 16 time, Mr Hough.
 17 MR HOUGH: Indeed, sir.
 18 JUDGE LUCRAFT: Thank you very much indeed.
 19 A. Thank you.
 20 MR HOUGH: The next witness is Nicholas Powell.
 21 DI NICHOLAS POWELL (sworn)
 22 JUDGE LUCRAFT: Good afternoon, Mr Powell. If you are happy
 23 to do so, please do feel free to remove your mask. If
 24 you wish to take a seat, again, please do so, there's
 25 a seat by your side, there's a microphone there and the

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1 documents you're going to be shown I suspect will appear
 2 either on the small screen or on the larger screens in
 3 court.
 4 A. Thank you. I'll sit if I can.
 5 Questions by MR HOUGH QC
 6 MR HOUGH: Would you please give your full name and rank for
 7 the court?
 8 A. Yes, my name is Nicholas Powell and I'm a detective
 9 inspector.
 10 Q. Mr Powell, you understand I'm asking you questions first
 11 on behalf of the Coroner and then you may have some
 12 questions from others?
 13 A. Yes.
 14 Q. You told us you were that detective inspector; is that
 15 in Staffordshire Police?
 16 A. That's correct.
 17 Q. When did you first enter police service, in which year?
 18 A. 1992.
 19 Q. Is it right that in March 2016, you took over as head of
 20 Special Branch for Staffordshire Police?
 21 A. That's correct.
 22 Q. In the intervening time between 1992 and 2016, in broad
 23 terms, what types of police role did you fill?
 24 A. I would say in my 28 years policing career, probably
 25 over 20 years of that has been as a detective, served at

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1 three different ranks in the criminal investigation
 2 department, major investigation department, a short
 3 spell on a regional organised crime unit, and in Special
 4 Branch and CT.
 5 Q. Is it right that the year after you took over as head of
 6 Special Branch, DS Hessel, from whom we've just heard,
 7 joined the branch heading up the Operational
 8 Intelligence Management Unit?
 9 A. That's correct.
 10 Q. So he was working under you from that point in time?
 11 A. He was.
 12 Q. Is it right that DC Stephenson, from whom the jury
 13 heard, was an officer in that unit of Special Branch?
 14 A. That's correct.
 15 Q. We've heard that between September 2018
 16 and January 2019, you were on temporary posting; was
 17 that in the regional organised crime unit?
 18 A. It was, yes.
 19 Q. We've heard that while you were absent, Mr Hessel took
 20 on your role as Head of Special Branch, and
 21 DC Stephenson moved up to head up the OIMU; is that
 22 right?
 23 A. Yes.
 24 Q. We've also heard, and can you confirm that at the start
 25 of October 2019 you moved on from Staffordshire Special

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1 Branch?
 2 A. That's correct.
 3 Q. Where did you move to?
 4 A. I moved on secondment, which is where I am at the
 5 moment, with the West Midlands Counter—Terrorism Unit.
 6 Q. We've heard that at that point DS Hessel became a DI
 7 and became Head of Special Branch.
 8 A. That's correct.
 9 Q. We've heard from others about the work done by Special
 10 Branch and the OIMU within it. By early 2019, you had
 11 had three years' experience in Special Branch?
 12 A. Yes.
 13 Q. In general terms, what kinds of investigations had you
 14 worked on over those three years?
 15 A. A wide variety of investigations within that department,
 16 including operations that had resulted in what's termed
 17 executive action, arrest phase and prosecution, and also
 18 the management of various different intelligence leads
 19 connected with counter—terrorism.
 20 Q. Were you, like Mr Stephenson and Mr Hessel, very
 21 familiar with working with both officers of MI5 and
 22 officers of West Midlands CTU?
 23 A. Yes, I was.
 24 Q. Moving to the case of Usman Khan, is it right that the
 25 planning for Usman Khan's release into the community and

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1 his management in the community began in mid—2018 while
 2 you were head of Staffordshire Special Branch?
 3 A. That's correct, yes.
 4 Q. We have heard that in November 2018, so while you were
 5 on secondment, a P3 priority investigation was commenced
 6 by MI5 working jointly with the CTU?
 7 A. Yes.
 8 Q. You were aware of that when you returned, I suppose?
 9 A. Yes, and just prior to my return, yes.
 10 Q. His compliance with part 4 notification requirements was
 11 managed by the Prevent Team within Staffordshire Police.
 12 A. Yes.
 13 Q. Just as the previous offender of that kind released into
 14 Staffordshire had been managed by that team, Mohibur
 15 Rahman.
 16 A. That's correct.
 17 Q. Were you aware of the fact when Khan was about to be
 18 released into the area that PS Forsyth and his team
 19 would have to take on that responsibility?
 20 A. Yes, I was.
 21 Q. Can you explain from your perspective why they were
 22 responsible for that function of overt management of
 23 Usman Khan rather than either anyone in Special Branch
 24 or anyone in the CTU?
 25 A. Why the — sorry?

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1 Q. Why the Prevent Team were doing that job?
 2 A. Yes. With regards to Mohibur Rahman, I was involved in
 3 the management of that individual and part 4, and at the
 4 time Staffordshire Prevent were the individuals that
 5 were managing Mr Rahman.
 6 That resulted in a prosecution, and that was
 7 an established practice when I joined Special Branch, so
 8 it stood to reason that when Mr Khan came out on part 4
 9 conditions, the same principles applied with regards to
 10 the same officers being involved in the management of
 11 the part 4 conditions.
 12 Q. Did you have or were you aware of anyone having any
 13 concerns about the experience and competence of those
 14 officers in the Prevent Team to do that job?
 15 A. No, not at all.
 16 Q. You would have been aware, presumably, though, that they
 17 didn't have significant counter—terrorist investigation
 18 experience?
 19 A. Yes.
 20 Q. However, you would also have been aware that they were
 21 physically close to the Special Branch officers and
 22 dealing with them regularly?
 23 A. That's correct.
 24 Q. We've heard that the — in practical terms, the job of
 25 managing Usman Khan done by that team involved the

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1 officers having periodic visits to see him, talking to
 2 him about his life, reporting back on his answers and
 3 his demeanour and behaviour. Is that what you expected
 4 of them when those arrangements were put in place?
 5 A. It was, yes.
 6 Q. They would also prepare reports which would be provided
 7 to your team and passed on to West Midlands CTU in the
 8 form of intelligence reports. Again, was that what was
 9 expected given the experience of Mohibur Rahman?
 10 A. It was, yes.
 11 Q. Now, turning to the period immediately before Khan's
 12 release, we have heard that he was referred for MAPPA
 13 management by a MAPPA form in February 2018, and that
 14 meetings in relation to him by the MAPPA panel began
 15 in June 2018. Did you attend a number of those meetings
 16 while Khan was still in prison?
 17 A. I did, yes.
 18 Q. In what capacity did you attend those meetings?
 19 A. I was invited to the meeting via the MAPPA panel, with
 20 a view to predominantly being the supervisor of the
 21 Prevent Team that were going to be engaging with him and
 22 managing his part 4 conditions and probation licence
 23 conditions, so I attended in that capacity.
 24 Q. Because, of course, at that stage, early to mid—2018,
 25 the priority investigation involving MI5 and the CTU

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1 hadn't yet been initiated?
 2 A. That's correct.
 3 Q. May we have on screen, please, {DC6406/1}, and you'll
 4 see the minutes of the first MAPPA meeting on
 5 26 June 2018.
 6 A. Yes.
 7 Q. And {DC6406/3}, please, at the bottom. We can see that
 8 you are present, along with Mr Forsyth?
 9 A. That's correct.
 10 Q. Before you attended this meeting, the first of the
 11 meetings in the capacity you've described, what
 12 pre-reading or pre-briefing had you had?
 13 A. In terms of briefing, I can't actually recall any
 14 documents. I was certainly requested, upon attendance
 15 at the meeting, to provide the panel with some
 16 background information in relation to Mr Khan's offence
 17 for which he was sentenced to prison.
 18 Q. In order to give that information to the panel, what
 19 preparation did you do?
 20 A. One of the officers on the Operational Intelligence
 21 Management Unit, the OIMU, had prepared a document for
 22 me to be able to give that information to the MAPPA
 23 panel.
 24 Q. So by this stage, you knew and you briefed the panel of
 25 the details of Usman Khan's offending in 2010?

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1 A. That's correct.
 2 Q. So you knew that he had been convicted on his guilty
 3 plea of an offence under section 5, acts preparatory to
 4 terrorism?
 5 A. That's correct.
 6 Q. And you knew also, then, that his basis of plea was that
 7 he had conspired with others to fund and establish
 8 a terrorist training facility in Pakistan?
 9 A. I did, yes.
 10 Q. At that stage, did you know anything about his conduct
 11 in prison and the intelligence derived from his time in
 12 prison?
 13 A. Not prior to the MAPPA meeting, no.
 14 Q. May we go to page 5, please, and at the bottom of the
 15 page {DC6406/5}, if we zoom out so that we can see the
 16 whole width of the page, thank you. According to the
 17 minutes, an update was given from the security
 18 department at the prison, and we know that this was
 19 provided by way of a MAPPA F form informed by a security
 20 form from the prison. We've seen this before, the
 21 minutes identify intelligence about Khan radicalising
 22 others, and being disruptive; do you recall that being
 23 discussed at that meeting?
 24 A. I do, yes.
 25 Q. And then at the bottom, do we see a more compendious

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1 summary expressing concern about Khan potentially being
 2 compliant in order to avoid scrutiny?
 3 A. Yes.
 4 Q. Page 6, please {DC6406/6} towards the top of the page,
 5 we can see a series of risk factors identified from the
 6 most recent ERG report. Had you, at that stage, seen
 7 that report?
 8 A. Not at this stage, I don't think I had, no.
 9 Q. Did you later see it?
 10 A. Yes.
 11 Q. Then {DC6406/7}, please, at the bottom. "Risk
 12 assessment summary". If we see:
 13 "Who is at risk?
 14 "The General Public are at a very high risk of
 15 seriousness harm."
 16 I think that should be "serious harm".
 17 Do you recall being made aware at the meeting that
 18 the referring agency, the Prison and Probation Service,
 19 attached to Mr Khan a very high risk of serious harm?
 20 A. I do, yes.
 21 Q. We can take that off screen now.
 22 Following that meeting, and in the run-up to the
 23 second meeting you attended in August 2018, did you do
 24 any other preparatory reading or receive any other
 25 material about Usman Khan?

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1 A. I think we received -- there was an action generated,
 2 I think, from that MAPPA meeting for us to look into the
 3 whereabouts of co-defendants, and I think we requested
 4 further intelligence from the prison, or what
 5 intelligence was known from the prison.
 6 Q. Can you recall what you discovered as a result of that
 7 exercise?
 8 A. In relation to co-defendants, they were still in
 9 custodial sentences, and at that point and prior to the
 10 next MAPPA, I don't think we had any update from the
 11 prisons.
 12 Q. Then {DC6407/1}, these are the minutes from the MAPPA
 13 meeting on 15 August. Page 3 at the bottom {DC6407/3},
 14 again refers to you as present, along with Mr Forsyth
 15 and Ms Barker from the Prevent Team.
 16 A. Yes.
 17 Q. Then {DC6407/6}, please, towards the top, we can see
 18 a further security update, which contains some items of
 19 intelligence including, in the third paragraph,
 20 referring to a conversation overheard apparently
 21 involving Usman Khan, which was interpreted as
 22 suggesting that he wanted to harm a snitch in the
 23 prison.
 24 A. Yes.
 25 Q. So was it communicated in that meeting that there was

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1 continuing to be concerning intelligence coming out
 2 about Khan?
 3 A. Yes, it was.
 4 Q. We can take that off screen now.
 5 Following that second meeting, can you remember any
 6 particular actions that you and your team had to
 7 undertake, or any further material that came to you?
 8 A. No, I can't, no.
 9 Q. There was a third MAPPA meeting on 11 October 2018.
 10 Were you, again, present on that occasion?
 11 A. I was, yes.
 12 Q. I don't think we need to go to the minutes. The
 13 intelligence continued to be all of a piece, didn't it?
 14 A. Yes, that's correct.
 15 Q. Do you recall anything in particular in that meeting or
 16 immediately following it which required your attention?
 17 A. No, I do not. No.
 18 Q. You did not attend the fourth MAPPA meeting on
 19 5 December 2018; is that because you were on your
 20 secondment to the ROCU?
 21 A. Yes, that's correct.
 22 Q. You returned to your post as Head of Special Branch
 23 in January 2019. In the intervening time, Khan had been
 24 released?
 25 A. That's correct, yes.

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1 Q. After you returned, did you review the subject profile
 2 of Usman Khan which was prepared within Special Branch?
 3 A. I did, yes.
 4 Q. If we bring up on screen {DC7481/1}, this is the version
 5 which was updated in December 2018. If we go to
 6 {DC7481/18}, first of all, at the bottom of page 18,
 7 this is in a section where recent intelligence is being
 8 recorded, and can we see in the last two paragraphs,
 9 there is reference to intelligence indicating that Khan
 10 has said he would return to his old ways when released,
 11 believed to relate to terrorism?
 12 A. That's correct, yes.
 13 Q. Then over the page, please, to the top of {DC7481/19},
 14 a further piece of intelligence is recorded that Khan:
 15 "... intends to carry out an attack after his
 16 release. He expresses hatred for the United Kingdom."
 17 A. Yes.
 18 Q. Did these two pieces of intelligence come to your
 19 attention when you read the subject profile?
 20 A. Yes, they did.
 21 Q. Did this intelligence come to your attention when you
 22 returned to Special Branch after your secondment, or had
 23 you been aware of it before you left?
 24 A. I'd been aware of it before. When I was on secondment
 25 I tried to get back to the office at least once a week

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1 to keep in touch with DI Hessel and the others in the
 2 office on all matters to do with the running of Special
 3 Branch, and I believe I was made aware at some point
 4 in December about this intelligence, and the development
 5 of the priority operation.
 6 Q. Did you understand that the commencement of the priority
 7 operation had anything to do with these two pieces of
 8 intelligence?
 9 A. Yes.
 10 Q. What did you think the connection was?
 11 A. As a result of the intelligence that they'd received,
 12 these two pieces of intelligence, the priority operation
 13 was upgraded to a P3 operation.
 14 Q. That would have told you that this intelligence was
 15 being taken seriously by those involved in the
 16 investigation?
 17 A. Yes.
 18 Q. Did you know at that point whether the MAPPA panel
 19 participants were aware of either of these pieces of
 20 intelligence?
 21 A. No, I wasn't aware at the time.
 22 Q. Did you later become aware?
 23 A. Yes.
 24 Q. At what stage?
 25 A. I can't -- well, again, it would be as a result of

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1 reading such documents as this in terms of -- well,
 2 I was aware of the sensitivities around the second piece
 3 of intelligence.
 4 Q. Are you telling us that you knew that the first piece of
 5 intelligence, the "old ways" intelligence, was a kind of
 6 intelligence that could go to the MAPPA panel?
 7 A. Yes.
 8 Q. But that this second piece of intelligence was a kind of
 9 piece of intelligence that couldn't go to the MAPPA
 10 panel?
 11 A. That's correct, yes.
 12 Q. Do you recall discussing that matter with anybody, that
 13 one piece of intel could go to MAPPA and one piece
 14 couldn't?
 15 A. In the conversations that I had with DI Hessel, the
 16 handling conditions and the gradings of the intelligence
 17 were brought to my attention, so I was made aware
 18 through that perspective.
 19 Q. Now we've heard from Mr Stephenson and Mr Hessel that
 20 they had a discussion around the end of January about
 21 the fact that this second piece of intelligence was
 22 subject to handling conditions that meant it couldn't be
 23 broken out?
 24 A. That's correct.
 25 Q. Is that the discussion you're referring to?

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1 A. Yes.
 2 Q. Did you give any thought to the fact that this would be
 3 intelligence that would be valuable or useful to those
 4 making the decisions in the MAPPA panel?
 5 A. I think my thought process at the time was that the
 6 intelligence was being appropriately managed by
 7 DI Hessel and the team, having shared it further, or
 8 certainly discussed it further with West Midlands
 9 Counter-Terrorist Unit and MI5, and so I didn't
 10 intervene in the management of that intelligence at the
 11 time.
 12 Q. You were attending the MAPPA panel. You knew that the
 13 MAPPA panel participants were making decisions about the
 14 management of Usman Khan?
 15 A. Yes.
 16 Q. Including decisions about what sorts of employment he
 17 could consider, what would happen to his curfew and his
 18 sign-on times, all those sorts of management decisions;
 19 yes?
 20 A. Yes.
 21 Q. Did it occur to you at the time: these people are making
 22 these decisions without knowing this critical piece of
 23 intelligence that has caused the operation to be
 24 upgraded in priority?
 25 A. I was aware of that, yes.

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1 Q. Did you or anyone else, to your knowledge, give any
 2 thought to how that might be circumvented, whether
 3 a gist could be provided, or whether information could
 4 be provided to the MAPPA chair or any other method?
 5 A. I hadn't, and I think that was because the intelligence
 6 was being managed in my absence. I certainly didn't
 7 revisit this intelligence in my mind at the MAPPA
 8 meetings to question whether or not, for example, form
 9 of words and things had been discussed.
 10 Q. But in the meetings that followed, and we'll look at
 11 a few of them shortly, you are sitting there in a room
 12 with people making a decision.
 13 A. Yes.
 14 Q. Does it ever strike you: gosh, all these people are
 15 having these discussions and making these decisions
 16 without knowing something really important that I know?
 17 A. Yes.
 18 Q. When you did think that, did you think it was
 19 unsatisfactory, or difficult?
 20 A. I obviously had due regard to handling conditions, and
 21 that is very often a position that we find ourselves in
 22 in terms of knowing intelligence but having to adhere to
 23 the grading and conditions that's applied to it.
 24 Q. But does it then make it all the more important that the
 25 person in the meeting or the people in the meeting who

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1 do know this intelligence speak up in relation to any
 2 decisions to which it might be relevant?
 3 A. Yes.
 4 Q. Now, in the months that followed, you attended a number
 5 of MAPPA meetings in relation to Usman Khan. Apart from
 6 attending those MAPPA meetings, what was your
 7 involvement on a day-to-day basis in the various strands
 8 of work which Special Branch were doing in relation to
 9 Usman Khan?
 10 A. So at the time the Prevent department came under my line
 11 management, so I had daily contact with the Prevent
 12 officers, knowledge of their workload and the cases that
 13 they were running, and that would obviously include the
 14 management of part 4 nominals, such as Mr Khan.
 15 Q. Were you reading their reports regularly when they came
 16 in?
 17 A. I would say I generally got the -- I -- if the reports
 18 came via or into Special Branch, I was either copied in
 19 to them or I obviously have access to the Special Branch
 20 inbox, which is where the information would be passed in
 21 to go on to other intelligence systems within the
 22 department, so yes.
 23 Q. Was there a MAPPA meeting on 7 March 2019 which you
 24 attended, I think the first one you attended
 25 since October 2018?

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1 A. That's correct.
 2 Q. If we can put on screen {DC6411/3}, and go to the bottom
 3 of the page. Now we see you identified there and
 4 a number of officers from West Midlands CTU. When you
 5 sat down in that meeting, did it strike you that neither
 6 the SIO nor the deputy SIO from the priority
 7 investigation were there?
 8 A. No, it didn't strike me that they weren't there, no.
 9 Q. Would you have expected them to be there?
 10 A. Not necessarily, no.
 11 Q. Isn't there a benefit when having discussions within
 12 a MAPPA meeting for some of the officers involved in the
 13 covert investigation to be party to those discussions?
 14 A. Yes, there could be. I think it's equally important
 15 that whatever information comes out of that MAPPA
 16 meeting was fed back to them for consideration of those
 17 decisions.
 18 Q. {DC6411/4} at the bottom, please. We can see from the
 19 minutes that Mr Skelton gave a report on Usman Khan
 20 saying that he was maintaining generally good behaviour.
 21 Was that in keeping with what you were receiving from
 22 your Prevent Team?
 23 A. Yes, that's correct.
 24 Q. And then the last paragraph refers to an event to which
 25 Khan had been invited in Cambridge for which Mr Skelton

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1 had refused permission on the basis that it was too
 2 soon?
 3 A. That's correct.
 4 Q. And then {DC6411/5} at the top. Last sentence of the
 5 first paragraph, the minutes record Mr Skelton saying
 6 that probation may look to enable Usman Khan to attend
 7 some of the events in future with Learning Together with
 8 measures in place.
 9 A. That's correct, yes.
 10 Q. Do you recall that being said?
 11 A. I do, yes.
 12 Q. Do you recall what the measures were that he was
 13 referring to?
 14 A. My recollection is that there was no specific measures
 15 mentioned. I can remember a conversation along the
 16 lines of it wasn't an automatic right that due to the
 17 passage of time, conditions would automatically relapse,
 18 there would have to be justification that those
 19 conditions could be taken away. So no specific measures
 20 were actually mentioned because there was nothing to put
 21 it against, if that makes sense.
 22 Q. Then we see this:
 23 "Staffordshire special branch colleagues asked to
 24 have the heads up if Usman will be attending these
 25 events."

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1 Did you and your colleagues make that request?
 2 A. Yes.
 3 Q. Why was that?
 4 A. For a couple of reasons. I think the first one is so
 5 that we could accurately assess any particular
 6 intelligence around those particular events to ensure
 7 that there was compliance with everything that was going
 8 on, so that Mr Khan wasn't put in a position where he
 9 would breach, and also to assess, obviously, covert
 10 options, to feed into the priority operation.
 11 Q. Not to assist in advising on public protection or risk?
 12 A. Not specifically, no.
 13 Q. Then this is recorded in the minutes:
 14 "Ainsley [that's Ainsley Cobbett of CTU] advised
 15 that she would be happy for her team to facilitate the
 16 attendance by them taking him to reduce the pressure on
 17 Staffordshire police colleagues."
 18 A. That's correct.
 19 Q. Do you recall that being said?
 20 A. I do, yes.
 21 Q. As the minutes are written, it seems to suggest that
 22 DCI Cobbett is assuming that if attendance is going to
 23 happen there will be some sort of escort, but that she
 24 will offer it to take the pressure off the Prevent Team?
 25 A. That's correct.

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1 Q. At that stage they're not talking about a visit to
 2 a particular place, are they?
 3 A. No.
 4 Q. So it is under discussion, or in fact, being assumed in
 5 the discussion, that if Khan is allowed to go somewhere,
 6 there will be an escort?
 7 A. That's correct.
 8 Q. And because they're not talking about anywhere in
 9 particular, that's not an escort being contemplated in
 10 order to get him to a specific inaccessible place?
 11 A. No.
 12 Q. Thank you. We can take that off screen.
 13 Was there then a seventh MAPPA meeting -- in total,
 14 not the seventh you attended, but the seventh in
 15 total -- on 17 April 2019 which you attended?
 16 A. That's correct, yes.
 17 Q. {DC6412/5}, please. If we can go down to under "CTU",
 18 which is in the middle of the page. On this occasion
 19 the minutes record that Khan had been invited back to
 20 Whitemoor, again, as part of his work with the
 21 Learning Together programme with Cambridge University.
 22 And it goes on:
 23 "The University have asked him to do a presentation
 24 on his experiences since he has commenced this course
 25 and to encourage other prisoners to partake on the

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1 course. Initially, [Usman Khan] suggested that as the
 2 seminar was at HMP Whitemoor he didn't want to attend.
 3 He has since changed his mind, it is not known the
 4 reason for this but checks will take place to ensure he
 5 is not pressured into going. CTU colleagues have also
 6 offered to provide an escort on the day."
 7 Do you recall that discussion?
 8 A. I do, yes.
 9 Q. Who was offering the escort? Is that reference to CTU
 10 a reference to West Midlands officers who were there?
 11 A. Yes, I think originally that was the suggestion, but
 12 I think ultimately it was as a collective from the
 13 police, as opposed to looking at it from a CTU
 14 perspective, or a Staffordshire Police perspective,
 15 I think the general consensus of opinion was that the
 16 police would provide that escort.
 17 Q. Then the next MAPPA meeting, {DC6413/4}, was there
 18 a meeting on 30 May 2019 which you attended?
 19 A. That's correct.
 20 Q. If we look down the page towards the bottom, {DC6413/4},
 21 was there once again a report from Mr Skelton which was
 22 generally positive about Usman Khan engaging well with
 23 him and with those at the approved premises?
 24 A. Yes, there was.
 25 Q. Then over the page to {DC6413/5}, right at the top, can

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1 you see that there was a discussion to be had about
 2 amending the curfew to 11.00 pm to 7.00 am?
 3 A. Yes.
 4 Q. You can take that off screen now.
 5 Was that the last MAPPA meeting you attended
 6 personally?
 7 A. Yes, it was.
 8 Q. You didn't leave your position in Special Branch until
 9 early October?
 10 A. That's correct.
 11 Q. And there were, I think, three more MAPPA meetings after
 12 that?
 13 A. Yes.
 14 Q. July, August and early October. Was there any
 15 particular reason why you didn't attend those?
 16 A. It would be purely down to other operational
 17 commitments, and therefore, I generally ensured that
 18 there was other Special Branch representation there.
 19 Q. We know that from around June or July 2019, there was
 20 raised the possibility of Usman Khan engaging in
 21 training to drive a dumper truck.
 22 A. Yes.
 23 Q. Was that brought to your attention?
 24 A. It was, yes.
 25 Q. What was your view on it when it was brought to your

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1 attention?
 2 A. I think my view was very similar to other colleagues' in
 3 the general Special Branch office; that it wouldn't be
 4 appropriate. It generated quite a lot of discussion in
 5 our office at the time, and that was the reason behind
 6 DS Hessel, as it was then, going to the MAPPA and
 7 having the conversation and contributing to the
 8 conversations in the way that he did.
 9 Q. Mr Hessel told us that he thought it was naïve to think
 10 of allowing somebody with Khan's background to have --
 11 to undergo such a course and to get access to heavy
 12 trucks of that kind; did you agree?
 13 A. Yes.
 14 Q. We've also heard that at the MAPPA meeting towards the
 15 end of August 2019, the attendees, including DC Hartill,
 16 were told that Khan had been invited to an event by
 17 Learning Together and would have to go there under his
 18 own steam. Was that brought to your attention?
 19 A. What date, sorry, could you...
 20 Q. This was a MAPPA meeting on 22 August 2019.
 21 A. Right. No, I wasn't aware of a specific arrangement for
 22 a trip to London.
 23 Q. Were you told about the prospective trip by Usman Khan
 24 to a Learning Together event before you left Special
 25 Branch in early October?

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1 A. No, not in any specific detail, no.
 2 Q. Were you told that any such event was planned?
 3 A. No. The only recollection that I've got is, you'll see
 4 through the MAPPA minutes that there was constant
 5 reference to Learning Together and potential events, and
 6 that's my recollection of it, not a specific event in
 7 London.
 8 Q. If we put on screen {DC7453/1}. This is an operations
 9 meeting note from within Staffordshire Special Branch
 10 for a meeting on 10 September 2019, and we can see that
 11 you attended that, along with other key members of the
 12 team?
 13 A. Yes, that's correct.
 14 Q. And then {DC7453/2}, please, under "Update from April",
 15 if we just go slightly down, the note records:
 16 "He [Usman Khan] is still expecting to undertake
 17 a dumper truck driving course and has recently
 18 questioned why this has not happened, informing Prevent
 19 that this prevented him getting a job that had been
 20 offered to him. (This is not true as the job offered to
 21 him was a scaffolding job), truck course refused by
 22 MAPPA, to be monitored for any developments."
 23 So you and your team, is this right, were going to
 24 monitor the future discussions in MAPPA in case this
 25 issue ever arose again?

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1 A. That's correct.
 2 Q. And there was the additional worrying feature raised at
 3 this operations meeting that Khan had been dishonest
 4 about the effect of being deprived of the dumper truck
 5 training?
 6 A. Yes.
 7 Q. During the course of this meeting, which came a few
 8 weeks after the MAPPA meeting of 22 August, was there
 9 any discussion of any particular visits by Khan to
 10 Learning Together events?
 11 A. No, there wasn't.
 12 MR HOUGH: Thank you very much. Those are all my questions.
 13 A. Thank you.
 14 JUDGE LUCRAFT: Mr Armstrong, I know, because I've seen
 15 a time estimate of how long you're likely to be, that
 16 it's probably not very long. What I'm going to suggest
 17 is we might take the break after your questions. If
 18 that has changed, just let me know.
 19 MR ARMSTRONG: Yes, about five minutes.
 20 JUDGE LUCRAFT: Yes. Thank you.
 21 Questions by MR ARMSTRONG
 22 MR ARMSTRONG: Mr Powell, my name is Nick Armstrong, I ask
 23 questions on behalf of Jack Merritt's family.
 24 A. Yes.
 25 Q. I just want to go back to one issue, which is you were

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1 asked a number of questions by my learned friend
 2 Mr Hough about why not break out the second strand of
 3 intelligence --
 4 A. Yes.
 5 Q. -- you can see why it's an important issue.
 6 A. I can.
 7 Q. And the answer to that, as Mr Hessel gave us, as
 8 Mr Stephenson gave us, is that there were handling
 9 conditions.
 10 I just want to put this to you. I can put this on
 11 the screen if it's possible to put this on the screen,
 12 which is the answers that Witness A gave in relation
 13 to an aspect of this. Now this is on, I think it's
 14 13 May real time, and I want to start with page 78 of
 15 that. I think it's Day 22.
 16 JUDGE LUCRAFT: I was just wondering what "13 May unreal
 17 time" looked like, Mr Armstrong, but I think we know
 18 what you mean.
 19 MR ARMSTRONG: There may be too many jokes about, there was
 20 something faintly unreal about 13 May, but...
 21 EPE OPERATOR: Can I have the page, please?
 22 MR ARMSTRONG: Page 78, first of all. I'm going to work
 23 backwards slightly ridiculously. Thank you.
 24 {Day22/78:7}.
 25 So do you see at line 7, first of all, these are

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1 just some of the answers that Witness A gave, and I'll
 2 try and tread carefully around some of this because
 3 there were some sensitivities. But you see at point A
 4 first of all that MI5 is the lead body for the
 5 investigation?
 6 A. Yes.
 7 Q. So for the covert investigation, the covert P--Op in
 8 relation to Mr Khan, they are the leader?
 9 A. Yes.
 10 Q. No surprise there. Then go to {Day22/76:1} and again at
 11 the top of the page, Witness A told us in relation to a
 12 question asked by Mr Hough:
 13 "Question: And you've told us that you also
 14 provided the police teams with both the 'old ways'
 15 intelligence and the attack aspiration intelligence?"
 16 Now, that doesn't tell us -- I don't think it tells
 17 us the origins, who is the originator of this or who
 18 owns it, but they seem to supply it to the police team,
 19 so she says:
 20 "Answer: That's correct."
 21 You provided both the "old ways" intelligence and
 22 the attack aspiration intelligence and they say to the
 23 police teams each piece is of unknown validity and
 24 uncorroborated:
 25 "Answer: Yes.

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1 Do you see that?
 2 A. Yes.
 3 Q. And then this important answer on {Day22/74:1}, she was
 4 asked:
 5 "Question: Would you have approved of that
 6 decision, namely to feed in the 'old ways' intelligence
 7 but not the attack aspiration intelligence."
 8 She says she doesn't think she can really comment on
 9 what intelligence was fed in. And then she is asked
 10 this:
 11 "Question: If you had been asked, if MI5 had been
 12 asked, would they have approved providing this
 13 intelligence and not the other piece?
 14 "Answer: We would have given agreement to both
 15 pieces of information being provided."
 16 Now, what I'm just trying to get to understand here
 17 is in circumstances where this is clearly critical
 18 information and MI5 have no objection to it being
 19 shared, I mean, that is not "we don't mind", that is
 20 "I would positively have agreed if I had been asked",
 21 how does this come about that it doesn't get shared?
 22 MR HOUGH: Just to assist, the witness may be thinking about
 23 what he can say and what he can't say. He can confirm
 24 that the intelligence --owner is not the person speaking,
 25 so MI5 was not the intelligence owner, and that the

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1 handling codes refer to permissions from the
 2 intelligence owner.
 3 A. Thank you.
 4 MR ARMSTRONG: You're just about to confirm what counsel has
 5 said?
 6 A. Therein lies the answer, I think. Yes, every piece of
 7 intelligence has a handling code applied to it, along
 8 with a grading, and the two are different, and in
 9 intelligence management, we have to adhere to the
 10 handling code that is applied to that intelligence.
 11 Q. Okay. There was, at the MAPPa meeting that discussed
 12 this -- I know you weren't present, and neither was
 13 Mr Stephenson -- it's in the minutes for December 2018,
 14 it was originally covered by public interest immunity so
 15 we couldn't see it, but that was lifted, where MAPPa
 16 raised clarification, sought clarification of this
 17 material, of the "old ways" material?
 18 A. Yes.
 19 Q. And I put to Mr Stephenson on Monday that those sorts of
 20 enquiries might have been an opportunity to clear all of
 21 this up, which might have led to a conversation that
 22 took in the second strand as well. Are you aware of any
 23 of this?
 24 A. Subsequently, through obviously looking at the MAPPa
 25 minutes, but at that time, I wasn't aware of it, no.

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1 Q. All right, can you help me with this, I'll try one last
 2 attempt at walking around these slightly sensitive
 3 issues. If it's not -- do you know -- can you help us
 4 with this, what is the substantive objection to not
 5 being able to gist this or provide it or seek additional
 6 clearance? Would you have objected to this information
 7 being shared?
 8 A. I think the only answer that I can give is decisions are
 9 based on threat, risk and harm, and so due regard has to
 10 be given to conditions that are applied to intelligence.
 11 Not being the originator of the intelligence, I wouldn't
 12 know what that is, and so therefore we've just got to
 13 adhere to the conditions that are applied to it.
 14 Q. Do you know if the originator, the owner, was asked? So
 15 is this a substantive reason or is it a dropped ball?
 16 A. I don't know.
 17 MR ARMSTRONG: I think that's as far as I can take it.
 18 JUDGE LUCRAFT: Thank you very much, Mr Armstrong.
 19 What we will do there, Mr Hough, I think is to have
 20 our afternoon break, and we will sit again in
 21 15 minutes' time. Thank you.
 22 (In the absence of the jury)
 23 I'll rise.
 24 (3.14 pm)
 25 (A short break)

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1 (3.31 pm)
 2 (In the absence of the jury)
 3 JUDGE LUCRAFT: I don't know who is next for the witness,
 4 but if they want to make their way forward.
 5 Just while we're waiting, Mr Boyle, I'm glad you
 6 have worked out your fractions. I meant to say that
 7 having three halves, we've now got three thirds.
 8 (In the presence of the jury)
 9 JUDGE LUCRAFT: Yes, Mr Boyle.
 10 Questions by MR BOYLE QC
 11 MR BOYLE: Thank you, sir.
 12 Just this, officer. When you returned to working in
 13 Special Branch in January of 2019, did you arrange
 14 a meeting to take place between the representatives of
 15 Team 7 from the West Midlands and the Prevent Team to
 16 talk through processes and the like?
 17 A. I did, yes.
 18 Q. And did that meeting then take place on 5 March 2019,
 19 when DS Jerromes and Police Constable Gail Colley from
 20 WMCTU Team 7 attended the Staffordshire Prevent office?
 21 A. That's correct.
 22 Q. And were you present at that meeting when various issues
 23 were discussed?
 24 A. I was, yes.
 25 MR BOYLE: Thank you very much, that's all I ask.

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1 Thank you, sir.
 2 Further questions by MR HOUGH QC
 3 MR HOUGH: Mr Powell, just one matter before you leave. Do
 4 you recall you were asked some questions by Mr Armstrong
 5 about the intelligence obtained in late 2018 that
 6 Usman Khan had said he intended to carry out an attack
 7 after his release?
 8 A. I do, yes.
 9 Q. And you were understandably careful in your responses
 10 about the handling codes governing the use of that
 11 intelligence?
 12 A. Yes.
 13 Q. You were asked about whether that intelligence could
 14 have been provided to the MAPPa panel in some form or
 15 other, and you indicated that that would be a matter
 16 that would have to be raised with the owner of the
 17 intelligence?
 18 A. Yes.
 19 Q. So the organisation or the agency which received or
 20 generated it?
 21 A. That's correct.
 22 Q. Can you confirm that your force did not ask the owner of
 23 the intelligence whether the intelligence could be put
 24 into the MAPPa panel or otherwise broken out?
 25 A. That's correct, they did not.

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1 Q. And can you confirm that you don't know of anyone else
 2 having made that request of the owner of the
 3 intelligence?
 4 A. That's correct.
 5 MR HOUGH: Thank you very much. Those are all my questions.
 6 A. Thank you.
 7 JUDGE LUCRAFT: Thank you very much indeed for coming to
 8 help us. Thank you.
 9 A. Thank you.
 10 MR HOUGH: Sir, the next witness is Javid Oomer.
 11 DCS JAVID OOMER (sworn)
 12 JUDGE LUCRAFT: Good afternoon. If you are happy to do so,
 13 please do feel free to remove your mask whilst giving
 14 evidence. If you want to keep it on, equally that's
 15 fine with me, and then please sit or stand, whichever
 16 you feel more comfortable doing.
 17 A. Okay, thank you.
 18 Questions by MR HOUGH QC
 19 MR HOUGH: Would you give your full name and rank for the
 20 court, please?
 21 A. I'm Detective Chief Superintendent Javid Rashid Oomer
 22 from Staffordshire Police.
 23 Q. Mr Oomer, you appreciate I'm asking you questions first
 24 on behalf of the Coroner, you may then have some
 25 questions from other lawyers?

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1 A. Okay.
 2 Q. You've told us your rank. Are you a senior officer of
 3 Staffordshire Police?
 4 A. I am.
 5 Q. Have you held your current rank of detective chief
 6 superintendent since late 2017, except for a period of
 7 being temporary assistant chief constable in the force
 8 from late 2019 to early 2020?
 9 A. That's correct, yes.
 10 Q. By way of background, do you have 23 years in the police
 11 service?
 12 A. Okay, I think it's just 24 now, so yes.
 13 Q. And very extensive experience as a detective?
 14 A. That's correct, yes.
 15 Q. Is it right that your current role involves overseeing
 16 a number of line management departments within the
 17 force?
 18 A. That's correct.
 19 Q. And that you also act as the Staffordshire Police link,
 20 so liaison for West Midlands Counter-Terrorism Unit?
 21 A. Yes.
 22 Q. Some questions, first, about Staffordshire Special
 23 Branch, please. In September 2017, when you took up
 24 your current post, was Special Branch part of the force
 25 intelligence unit which sat under the investigations

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1 department?
 2 A. It was, yes.
 3 Q. We've heard that at that time, the Prevent officers
 4 within the force were line managed within Special
 5 Branch; is that right?
 6 A. That's right, yes.
 7 Q. However, we've also heard that their role was rather
 8 different from other Special Branch officers because
 9 they had a lower level of security clearance and weren't
 10 involved with intelligence or investigations in quite
 11 the same way?
 12 A. That's right, yes.
 13 Q. Is it right that around that time, the force was putting
 14 into effect a transformation project which would lead to
 15 a new operating model from early 2018?
 16 A. Yes.
 17 Q. Did that lead to a decision being made for Special
 18 Branch to come under a different department, the
 19 specialist investigations department?
 20 A. That's correct, yes.
 21 Q. Did that then cause Special Branch to be put under
 22 different senior management within the force?
 23 A. It was, yes.
 24 Q. As a result, did the Head of Special Branch then report
 25 into the Detective Superintendent in charge of

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1 specialist investigations, who in turn reported to you?
 2 A. That's correct, yes.
 3 Q. So from October 2017, or thereabouts, you became the
 4 ultimate line manager for Special Branch?
 5 A. Yes. I was the line manager for Special Branch
 6 in September when I started, but with some changes in
 7 structure. I continued to be the line manager, just
 8 a different detective superintendent.
 9 Q. I see.
 10 From 2018 to April 2020, is it right that the
 11 structure which was adopted for counter-terrorist
 12 investigations in your area was that West Midlands
 13 Counter-Terrorism Unit undertook the investigation
 14 itself?
 15 A. Yes.
 16 Q. While Staffordshire Special Branch provided primarily
 17 an intelligence support function?
 18 A. That's correct, yes.
 19 Q. So, for instance, as the jury have heard, Special Branch
 20 officers provided intelligence for the investigation
 21 into Khan, Operation Molai?
 22 A. They did.
 23 Q. While the SIO and deputy SIO came from West Midlands
 24 Counter-Terrorism Unit?
 25 A. They did.

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1 Q. And that was completely standard, was it?
 2 A. It was.
 3 Q. May we put on screen {WS5078/3}, and this is a part of
 4 your witness statement. If we look at the upper part of
 5 the page, do you refer to four capabilities which
 6 Staffordshire Special Branch provided?
 7 A. That's correct.
 8 Q. Do you refer to, first of all, dedicated source unit,
 9 a unit for managing sources including informants?
 10 A. That's right, yes.
 11 Q. Secondly, an intelligence management function, which had
 12 a unit to receive intelligence, and a unit to provide
 13 intelligence support for counter-terrorism
 14 investigations, that's the OIMU we've heard about?
 15 A. That's correct, yes.
 16 Q. Then thirdly, field intelligence and operations, the
 17 provision of broader support to counter-terrorism and
 18 domestic extremism policing?
 19 A. That's correct.
 20 Q. And then a variety of other activities, including
 21 vetting checks and so on?
 22 A. That's right.
 23 Q. So that's what Special Branch did as a body, and that's
 24 how the OIMU officers sat within it?
 25 A. That's correct, yes.

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1 Q. So is this right, in summary: that while Special Branch
2 officers were under the management of senior officers of
3 Staffordshire Police, like yourself, much of the daily
4 tasking for their work came from West Midlands CTU and
5 the investigative officers there?
6 A. Yes.
7 Q. Turning, next, to the Prevent Team, and we can take the
8 document off the screen, was a view taken in late 2018
9 that the Prevent Team should no longer be managed within
10 Special Branch?
11 A. There was, yes.
12 Q. What was the rationale for that decision?
13 A. The rationale for that decision was Prevent officers
14 were predominantly community-based, their role involved
15 liaison and identification of potential radicalisation,
16 and actually, it's against the Prevent strategy in terms
17 of so closely linked to Special Branch, and it was
18 an opportunity to develop better community links through
19 neighbourhood policing rather than being seen as
20 an investigative arm of the Special Branch function.
21 Q. Is it right also that by extension, the Prevent officers
22 weren't vetted to the same level of clearance as the
23 Special Branch officers?
24 A. That's correct, yes.
25 Q. But as the jury have heard, the Prevent officers

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1 continued working physically closely, and operationally
2 closely with their Special Branch colleagues?
3 A. That's right, yes.
4 Q. As far as you're aware, did the change really affect the
5 relations between Prevent officers and their Special
6 Branch colleagues?
7 A. As far as I'm aware, no, it didn't.
8 Q. Moving on, then, to the work of the Prevent Team
9 managing offenders subject to part 4 notifications. So
10 part 4 nominals.
11 A. Yes.
12 Q. We've heard that part 4 of the Counter-Terrorism Act
13 2008 established a scheme of notifications whereby
14 terrorist offenders in the community have to notify the
15 police of certain information, such as their address and
16 changes of address?
17 A. That's correct, yes.
18 Q. In practical terms, does this require a police force to
19 be identified that must receive the notifications and
20 exercise a degree of supervision?
21 A. That's right.
22 Q. And we know that the Staffordshire Police had to perform
23 that function for Mohibur Rahman from 2015 to 2016?
24 A. Yes.
25 Q. And then again for Usman Khan from December 2018?

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1 A. Yes.
2 Q. Were you yourself directly and closely involved with the
3 investigation and management of Khan?
4 A. I wasn't, no.
5 Q. That's no particular surprise because you are several
6 ranks up the chain from those who were directly
7 involved?
8 A. That's right, yes.
9 Q. However, in early 2018 — sorry, in early December 2018,
10 were you told that Khan was to be released into your
11 force area?
12 A. I was, yes.
13 Q. That was, we understand, the first part 4 nominal to be
14 managed by the force while you were in charge of Special
15 Branch?
16 A. That's right, yes.
17 Q. Were you briefed on how he would be managed after he had
18 been released?
19 A. Yes, I was.
20 Q. What were you told?
21 A. I was told of his date of release, the fact that he
22 would be managed — his part 4 requirements would be
23 managed by our Prevent officers, I was given a brief
24 history in relation to his offending, and also the fact
25 that there was a priority operation that was going to

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1 take place upon his release, and that our Prevent
2 officers had previously managed well the previous
3 registered terrorist offender that came out of custody.
4 Q. Knowing that a priority operation had been set up, you
5 would have known that MI5 and the CTU would be working
6 together managing that investigation?
7 A. Yes.
8 Q. You would therefore also have known that your Special
9 Branch OIMU would be assisting with an intelligence
10 function dealing with any local intelligence?
11 A. That's right.
12 Q. Were you aware what, in practical terms, the Prevent
13 officers would be doing in managing Khan for the
14 purposes of the part 4 provisions?
15 A. I was.
16 Q. What did you understand they would be doing?
17 A. They would be ensuring that he was complying with the
18 requirements of his part 4 notifications.
19 Q. Did you know how they would be doing that, what their
20 interaction with him would be?
21 A. I was aware of the initial part 4 notification
22 requirements in relation to registration and reporting,
23 and the fact he was going to approved premises, and
24 contingency plans and trigger plans in relation to any
25 breaches, so I was aware that they were providing those

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1 trigger plans for that and managing his requirements
 2 around reporting.
 3 Q. So you would have known that they would deal with his
 4 registration at a police station shortly after release?
 5 A. Yes.
 6 Q. And that they were responsible for producing these
 7 trigger plan documents to deal with any breaches?
 8 A. Yes.
 9 Q. Did you also know what form their other contact with
 10 him -- we know regular visits and so on -- what form
 11 that would take?
 12 A. I was aware that they were conducting regular visits,
 13 but not necessarily the specific detail of exactly when.
 14 Q. Would you also have been aware in general terms that
 15 they would produce reports from those visits which would
 16 be channelled through Special Branch to West Midlands
 17 CTU and so on?
 18 A. I was, yes.
 19 Q. We have heard that one potential issue was that Prevent
 20 officers who were managing Khan didn't have access to
 21 intelligence that sat at secret level, and in this case
 22 in particular, that some or all of the officers may not
 23 have had access to intelligence shortly before Khan's
 24 release, indicating that he had expressed an intention
 25 to carry out an attack. Are you aware of that in

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1 general terms?
 2 A. Yes.
 3 Q. Now, the jury may have to consider whether the lack of
 4 that information affected any of their work or any of
 5 their advice, but would you accept that there is
 6 a disadvantage if the officers dealing with the
 7 management of an offender are ignorant of some critical
 8 pieces of intelligence?
 9 A. They can be, yes.
 10 Q. While some of the officers dealing with the offender may
 11 be relatively junior and may lack security clearance to
 12 access secret information, would you agree that it's
 13 a good idea to have somebody, even if only the team
 14 leader, sighted on the full intelligence picture?
 15 A. I think it depends on the circumstances.
 16 Q. In the circumstances of Khan, a released registered
 17 terrorist offender who had generated this intelligence
 18 about potential attack--planning shortly before release,
 19 would you think that it was good for that kind of
 20 offender to be managed by at least somebody who
 21 understood the full intelligence picture?
 22 A. I was reassured that we'd got Special Branch colleagues
 23 with that information available, and if they felt it was
 24 appropriate to disseminate that, then absolutely. If
 25 they didn't feel it was appropriate, based on all the

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1 circumstances, then again, I would be equally as
 2 comfortable.
 3 Q. But doesn't that answer rely upon the Special Branch
 4 officers playing a part in the MAPPAs meetings given that
 5 the Prevent officer who is attending those MAPPAs
 6 meetings may not know the full picture?
 7 A. Yes. Yes. Quite possibly, yes.
 8 Q. Another issue which we've heard about is that the
 9 Prevent officers did not have counter-terrorist
 10 investigation experience?
 11 A. Yes.
 12 Q. With your wealth of experience, would you accept that it
 13 helps when dealing with terrorists and other extremists
 14 to have experience in dealing with them, including in
 15 an investigative capacity?
 16 A. Not necessarily, no.
 17 Q. You don't think that it can help in understanding the
 18 potential mindset, behaviour and tactics of these
 19 individuals to have spent years investigating them?
 20 A. I wasn't expecting the Prevent officers to be involved
 21 in the investigation of any operation covertly around
 22 Mr Khan. My expectations were that the Prevent officers
 23 were managing his part 4 requirements, which were very
 24 specific, and actually they were well capable of doing
 25 so, especially as they'd got experience in identifying

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1 extremist behaviour and potential radicalisation, based
 2 on their roles.
 3 Q. However, if a Prevent officer is giving guidance and
 4 advice as to decisions in the context of a MAPPAs
 5 meeting, so what sort of employment somebody should
 6 have, whether they should have access to a piece of
 7 heavy equipment, whether somebody should be permitted to
 8 travel by train to a job, whether somebody should be
 9 permitted to go into central London without an escort,
 10 those are judgments, are they not, which benefit from
 11 a degree of counter-terrorist investigation experience?
 12 A. They are, but I'm also aware at MAPPAs a number of
 13 agencies with lots of counter-terrorism experience were
 14 also present and able to provide that advice and
 15 support.
 16 Q. Is this right: another potential issue arising from the
 17 structures that we have in this case is that the Prevent
 18 officers who were managing Khan, and providing guidance
 19 to the MAPPAs panel, were separated by two removes from
 20 those responsible for the counter-terrorist
 21 investigation: they reported to Staffordshire Special
 22 Branch who in turn reported to CTU?
 23 A. That's right, yes.
 24 Q. Would you consider that extended chain less than ideal?
 25 A. Only if there were gaps in any information that had been

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1 provided to the priority operation or the SIO. My
 2 understanding is that everything that our Prevent
 3 officers obtained was provided to Special Branch and in
 4 turn provided into the SIO.
 5 Q. Now, another point that we have discovered in recent
 6 days in the evidence, or the jury have discovered, is
 7 that in the MAPPA panel meetings, the senior
 8 investigating officer and deputy SIO from the priority
 9 operation were never present. Would you have regarded
 10 that as less than ideal?
 11 A. I would be concerned if there was no representation from
 12 the Counter-Terrorism Unit at those meetings, but the
 13 MAPPA minutes clearly demonstrate that there was
 14 representation.
 15 Q. Don't you think it would have been helpful to have the
 16 actual investigation team represented by somebody?
 17 A. The senior investigating officers are managing multiple
 18 investigations, so it would be really difficult for me
 19 to sit here and say they must attend, because I don't
 20 know what commitments they had, but I was reassured with
 21 the fact that somebody from CTU was represented at those
 22 MAPPA meetings that any information would be passed to
 23 the senior investigating officer.
 24 Q. Are you aware that in 2019, so the time we're concerned
 25 with, the approach to management of part 4 nominals, so

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1 these terrorist offenders released and subject to
 2 notification requirements, varied very widely across the
 3 country?
 4 A. Yes, they did, yes.
 5 Q. So in some places they were managed by counter-terrorism
 6 officers, in other places, by other officers, as in
 7 Staffordshire?
 8 A. That's right, yes.
 9 Q. And is it right that the nature of the management at
 10 that time also varied?
 11 A. That's right, yes.
 12 Q. Can you confirm -- and I think we'll hear about this in
 13 more detail from ACC Ward on Friday, but are you aware
 14 that since the Fishmongers' Hall attack, a project has
 15 been pursued which will lay down national guidance and
 16 a national approach for the management of such nominals?
 17 A. I am, yes.
 18 Q. Final topic, the handover to West Midlands CTU. Now,
 19 we're going to hear that in September 2019, officers of
 20 West Midlands CTU made a proposal that Team 7 of that
 21 unit who had been responsible for offender management in
 22 the West Midlands force area should take charge of
 23 managing part 4 nominals across the broader
 24 West Midlands region, including Staffordshire; did you
 25 become aware of that proposal at the time?

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1 A. Yes, I was aware -- September was the formalised
 2 proposal, but there was plenty of discussion taking
 3 place prior to September 2019, with a view of providing
 4 some consistency across the region with Prevent -- with
 5 Team 7 taking on responsibility for part 4s across the
 6 four forces that make up West Midlands CTU.
 7 Q. Now, we'll look at some of the formal documents with
 8 other witnesses, but were you aware of the rationale for
 9 that proposal?
 10 A. I was, yes.
 11 Q. What was it?
 12 A. So that was to provide a consistent approach and utilise
 13 Team 7's expertise in the management of part 4s as they
 14 had historically had the highest number, and other
 15 regions were much lower in terms of numbers, and the
 16 other issue was in relation to the actual capacity for
 17 smaller forces to manage multiple part 4s in conjunction
 18 with other work around Prevent.
 19 Q. Did you think it was a good idea?
 20 A. Yes.
 21 Q. Were you aware that as well as having greater
 22 experience, West Midlands Team 7 had their own
 23 structures which were somewhat different for managing
 24 part 4s?
 25 A. Yes, I'm aware that the structures developed in

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1 West Midlands, certainly in 2016 it was Prevent in
 2 West Midlands that were managing part 4, and we saw that
 3 evolve into Team 7, so absolutely, it was a benefit for
 4 the region.
 5 Q. And is it right that as it developed, and certainly by
 6 2019, that a part 4 nominal managed by Team 7 would be
 7 managed by a team headed up by an offender manager with
 8 counter-terrorism experience?
 9 A. Yes.
 10 Q. In terms of logistics, is it right that you agreed with
 11 a West Midlands colleague that there would be a phased
 12 handover of part 4 nominals being managed by the
 13 Staffordshire Prevent Team?
 14 A. That's correct, yes.
 15 Q. Was the plan that the most recently released offenders
 16 would be transferred over first?
 17 A. That's right, yes.
 18 Q. And did that mean that Khan would be the last to be
 19 transferred in December 2019?
 20 A. That's right, yes.
 21 Q. At the time of the attack, was he in fact the only
 22 part 4 nominal remaining to be transferred to the
 23 responsibility of Team 7?
 24 A. That's correct, yes.
 25 Q. More broadly, is it right that from April 2020, all the

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1 regional Special Branch and Prevent teams in the wider
 2 West Midlands area, including Staffordshire, came under
 3 the direction of West Midlands CTU?
 4 A. That's correct, yes.
 5 Q. Is it right that officers are still working in local
 6 force areas, physically, but under the control and
 7 direction of the CTU?
 8 A. That's correct, yes.
 9 MR HOUGH: Thank you very much. Those are all my questions.
 10 Questions by MR PITCHERS QC
 11 MR PITCHERS: Good afternoon, I'm Henry Pitchers, asking
 12 questions on behalf of the family of Saskia Jones.
 13 A. Okay, hello.
 14 Q. So I understand it, in the run-up to Khan being
 15 released, you were made aware of the proposal that he
 16 would be managed in part by the Prevent Team of
 17 Staffordshire?
 18 A. That's correct, yes.
 19 Q. And as I understand it, you approved that decision?
 20 A. I supported that decision, yes.
 21 Q. Presumably, given your seniority, if you were concerned
 22 about that decision, you would have felt able to speak
 23 up?
 24 A. Definitely, yes.
 25 Q. And you would have expected any concerns that you might

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1 have expressed to have been taken seriously?
 2 A. Yes. Yes.
 3 Q. And presumably you could have objected to that
 4 allocation to Prevent --
 5 A. I could, yes.
 6 Q. -- if you considered it to be the wrong decision?
 7 A. Yes.
 8 Q. And could we have up, please, {DC7524/1}, just zoom in.
 9 So we're going to be looking at a couple of emails which
 10 were exchanged, and it's an email, we can see, from
 11 Victoria Downing. Who is Victoria Downing?
 12 A. She is a detective chief inspector in our professional
 13 standards department.
 14 Q. And was she involved in your liaisons with the IOPC in
 15 relation to their investigation?
 16 A. She was, yes.
 17 Q. And I hope that if we go down onto {DC7524/3} we should
 18 find there questions. She cites there a question which
 19 was raised of you, and we can see here an email sent to
 20 you on 4 August 2020, and she quotes a question, as
 21 I read this, from the IOPC. Is that your understanding
 22 of what this is?
 23 A. That's right, yes.
 24 Q. And the question is posed in this way:
 25 "'Whilst the organisational statement does discuss

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1 the role of the Prevent officers in managing RTO's, it
 2 doesn't address the question of why the Prevent officers
 3 were chosen to manage RTO's. It would be very useful
 4 for me to have a clearly set out rationale which
 5 explains why Prevent officers were considered the most
 6 appropriate officers to deal with this, along with
 7 an explanation of who else would have been considered
 8 and why the Prevent officers would be better suited'."
 9 And if we go up to page 2 and zoom in, we see here
 10 part of your reply {DC7524/2}; are you familiar with
 11 these emails?
 12 A. I am, yes.
 13 Q. And as we look at it, it's about a quarter of the way
 14 down, and you said this -- so this is part of your
 15 response to that specific question.
 16 A. It is.
 17 Q. And you said:
 18 "Prevent officers are trained in a number of
 19 different fields relating to radicalisation and work
 20 with partners and therefore somebody [I think you meant
 21 to say who] has been deemed to have been de-radicalised
 22 and released under part 4 there could be considered the
 23 best resources to see the signs of re-radicalisation.
 24 Given this is what they do daily."
 25 Yes?

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1 A. Yes.
 2 Q. So that was part of your response justifying the
 3 allocation of this work to Prevent?
 4 A. Yes.
 5 Q. And it's clear from that, isn't it, that your view,
 6 perhaps, at least, at the time was that Khan had been
 7 de-radicalised?
 8 A. Yes. Yes. It's a poor choice of words.
 9 Q. Obviously now we know that he hadn't been. So am I
 10 right that when you made your decision approving the
 11 allocation to Prevent, it was your view that he had been
 12 de-radicalised?
 13 A. Yes, he was less extremist, yes.
 14 Q. What was the basis for you holding the view that he had
 15 been de-radicalised in the autumn of 2018?
 16 A. Okay. So I'd obviously been briefed in relation to him
 17 being released from prison, maybe under the slight
 18 misconception that this was based on some parole at the
 19 time, however, I was made aware of the intelligence
 20 picture that indicated that there were some concerns,
 21 hence why he was a priority operation at P3, and he had
 22 also demonstrated whilst in prison and with dialogue
 23 with our Prevent officers some remorse and changed some
 24 of his ways.
 25 Q. Okay. Let's just take that in stages.

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1 A. Yes.
 2 Q. So was it your understanding at the time that you
 3 approved the allocation to Prevent that actually he had
 4 been released under some discretionary Parole Board
 5 decision—making?
 6 A. In hindsight, yes, I think I had made that assumption,
 7 yes.
 8 Q. And that's obviously quite profoundly wrong, isn't it?
 9 A. Yes.
 10 Q. And presumably you were given a proper briefing as to
 11 his offending history?
 12 A. I was.
 13 Q. And did you have a proper briefing as to his conduct
 14 whilst in prison?
 15 A. I was given an overview of his behaviour in prison.
 16 Q. Were you informed that there was concerning
 17 intelligence, really running right up to the point of
 18 his release?
 19 A. Given the nature it was a P3, I was aware that there was
 20 some intelligence that needed developing, and he didn't
 21 come out as a P4, if that makes sense.
 22 Q. Well, the intelligence was pretty developed, wasn't it,
 23 that he had been engaged in radicalising others, for
 24 example, whilst in custody; were you aware of that?
 25 A. I was aware that there was some intelligence that

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1 indicated he posed some potential risks and hence why he
 2 had been escalated to a P3.
 3 Q. And also intelligence close to his release that he
 4 intended to return to his old ways?
 5 A. Yes. Yes.
 6 Q. And perhaps had aspirations to carry out an attack?
 7 A. I wasn't aware of the second strand, certainly aware of
 8 the first strand, yes.
 9 Q. But on no analysis of what was available to you could
 10 you properly conclude he had been de-radicalised, could
 11 you?
 12 A. No.
 13 Q. So you accept now, that was a mistake on your part --
 14 A. Mm—hm, yes.
 15 Q. -- considered to be de-radicalised(?). And if you had
 16 had a proper grasp as to his mindset and his
 17 presentation in late 2018, you wouldn't have allocated
 18 him to Prevent, would you?
 19 A. Like I said, Prevent weren't there to investigate him;
 20 Prevent were there to manage his part 4 requirements.
 21 I was fully aware that there was a priority operation
 22 with the senior investigating officer investigating any
 23 covert opportunities and developing intelligence that
 24 might assist the bigger picture in relation to his
 25 potential risk.

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1 MR PITCHERS: Those are the questions I have.
 2 JUDGE LUCRAFT: I always note, Mr Armstrong, you prefer to
 3 go to one side rather than the other, but do feel free
 4 to break the mould.
 5 MR ARMSTRONG: I tend towards the left.
 6 Questions by MR ARMSTRONG
 7 MR ARMSTRONG: Mr Omer, I'm Nick Armstrong, I ask questions
 8 on behalf of Jack Merritt's family. I just want to go
 9 back very briefly to the question Mr Pitchers was just
 10 asking you about. He took you to your email,
 11 {DC7524/1}, can I just have that back up again, please.
 12 That's an email that's written by you on
 13 3 September 2020; yes? As part of the investigation?
 14 A. That's an email written by Victoria Downing.
 15 Q. Yes. Sorry, if we go to the email below that, so
 16 you're -- if you go to the email at the top of
 17 {DC7524/2}, please, so this is where you say "deemed to
 18 be de-radicalised"?
 19 A. Yes.
 20 Q. And if you look the page above, or take it from me, that
 21 email is written by you to Victoria Downing on
 22 3 September 2020?
 23 A. That's correct, yes.
 24 Q. And you say that you thought on 3 September 2020 that
 25 there had been some kind of discretionary parole process

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1 that had filtered his risk?
 2 A. I don't know whether I specifically thought on that
 3 date, but that was my thinking at the time --
 4 Q. Right.
 5 A. -- when Prevent were allocated.
 6 Q. But the explanation you've given for this language on
 7 3 September 2020 is that he has been somehow passed and
 8 therefore deemed de-radicalised because there has been
 9 a discretionary parole process. You still think that
 10 when you write that email, presumably?
 11 A. No, I think this was my opinion at the time, not
 12 necessarily the opinion at the time of the email,
 13 because I'm obviously aware that that wasn't the case.
 14 Q. So you're saying that you thought this at the time that
 15 it was allocated to Prevent that you thought that he had
 16 been passed by the parole system?
 17 A. So that's -- yes, so my rationale there is why were
 18 Prevent allocated him in the first place and that was my
 19 response in relation to that.
 20 Q. I see. When did you become aware that he in fact had
 21 been released straight out without a parole process?
 22 A. Pretty soon after, actually.
 23 Q. All right. And you agree, do you, that that is, as
 24 Mr Pitchers put it, profoundly wrong?
 25 A. Yes.

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1 Q. And if we then -- can I just show you this as well.
 2 Your witness statement for the IOPC is {DC7526/1},
 3 please, paragraph 36 {DC7526/8}:
 4 "By virtue of the fact I was aware that the previous
 5 part 4 nominal was breached by Prevent officers [so
 6 that's Mr Rahman] and then subsequently prosecuted...
 7 I saw no concerns about the approach in relation to
 8 Usman Khan. Given that Usman Khan was being released so
 9 early in his sentence as a part 4 nominal indicated that
 10 the wider criminal justice system deemed him
 11 deracialised [I assume that means de-radicalised] and
 12 the best people to manage a CT nominal would be those
 13 very people that are trained to identify the signs of
 14 radicalisation."
 15 Now, that is a reference to the wider criminal
 16 justice system, the sentencing process. That doesn't
 17 refer to the Parole Board or anything else?
 18 A. Yes.
 19 Q. So is that your thinking: that because he had been
 20 released he was deemed de-radicalised?
 21 A. So that was my email response put into a report into the
 22 IOPC, so that was my thinking at the time of his
 23 release.
 24 Q. Did you know at any of these times he is a high risk
 25 category A prisoner who is --

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1 A. Yes.
 2 Q. -- nowhere near being the level that would ordinarily be
 3 released in these circumstances?
 4 A. I was aware he was a category A high risk prisoner.
 5 Q. Can I now look finally at your final witness statement
 6 from 29 March 2021, and that's {WS5078/1}, at
 7 {WS5078/6}, please, paragraph 33:
 8 "The Prevent officers in the force are trained in
 9 such a way as to spot the signs of radicalisation .
 10 I therefore did not consider it a risk to have Prevent
 11 officers managing Usman Khan as they would be the best
 12 placed to see potential re-radicalisation signs."
 13 So it's now three times that you say your thinking
 14 about this is: it's fine for Prevent to do it because
 15 this looks very like their usual process of looking for
 16 signs of re-radicalisation insofar as -- in relation to
 17 a man who is not currently radicalised?
 18 A. Yes, I don't think I used the word de-radicalisation on
 19 this occasion but re-radicalisation, yes.
 20 Q. None of these statements at any stage say: that was my
 21 thinking at the time, that was wrong, I realise I've
 22 made a mistake?
 23 A. No.
 24 Q. Even on 29 March 2021, which is the date of this
 25 statement?

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1 A. Yes.
 2 Q. That's a pretty significant error to still be
 3 maintaining on 29 March 2021?
 4 A. I don't use the word "de-radicalised"; I used the word
 5 "re-radicalised" on my statement.
 6 Q. But re-radicalisation assumes somebody who is not
 7 currently radicalised?
 8 A. Potentially, yes.
 9 MR ARMSTRONG: I see. Thank you very much.
 10 A. Okay.
 11 JUDGE LUCRAFT: Mr Beer.
 12 Questions by MR BEER QC
 13 MR BEER: Thank you, sir.
 14 Mr Oomer, my name is Jason Beer, I ask questions on
 15 behalf of West Midlands Police.
 16 Just one question, please. It's, in the scheme of
 17 things probably a small issue, and we can deal with it
 18 quite quickly.
 19 A. Mm-hm.
 20 Q. You said that there was to be a phased handover of the
 21 part 4 offenders from Staffordshire to West Mids CTU in
 22 the late autumn/early winter of 2019?
 23 A. That's right, yes.
 24 Q. And we obviously agree with that. I just want to ask
 25 you about the order in which they were to be handed

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1 over. You have told the jury earlier that it was to be
 2 done in reverse order, ie the first out of prison was to
 3 be the last to be transferred?
 4 A. That's right, yes.
 5 Q. And I think that's based on a phone call that you had;
 6 is that right?
 7 A. Yes. Yes.
 8 Q. I don't think you've got a note to draw on of that phone
 9 call, have you?
 10 A. I have.
 11 Q. You have. Where is that?
 12 A. In my day book.
 13 Q. Okay. And was that with...?
 14 A. Mr Edwards.
 15 Q. Shaun Edwards, is that right?
 16 A. Yes.
 17 Q. Can I ask you to reflect on that and consider that the
 18 discussion was really about a risk-based approach to be
 19 agreed between officers at a working level on handover?
 20 A. So we discussed on that phone call the rationale in
 21 relation to the handover of those nominals. Part and
 22 parcel of that was there was no identified additional
 23 risk over anybody that was currently being managed over
 24 anybody else in terms of those that were already out in
 25 the community.

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1 We also discussed on that phone call the potential
 2 for the new part 4s that were coming out, due from — in
 3 Staffordshire, actually starting with Team 7, building
 4 the rapport and managing those as they come out of
 5 prison would be a better way to stop transferring people
 6 mid-way through, having already built rapport and
 7 relationships with Prevent officers.
 8 Q. Obviously you wouldn't want to do this just on a numbers
 9 basis?
 10 A. No.
 11 Q. First in is last managed?
 12 A. No.
 13 Q. It's got to be a risk-based decision?
 14 A. Yes.
 15 Q. And can you recall that there was one offender about to
 16 be released who was thought to pose a particular
 17 concern, not only because of the offence, the terrorist
 18 crime of which he had been convicted, but he was
 19 a former employee of the Probation Service?
 20 A. Yes.
 21 Q. And therefore there was a suspicion or a risk that he
 22 might be able to game the system, in particular because
 23 he knew how the system of offender management might
 24 work?
 25 A. Potentially, yes.

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1 Q. And that he was identified as a person that needed to be
 2 transferred first?
 3 A. Yes, and I believe he was.
 4 Q. Can I ask you to reflect that in fact the staged
 5 handover was on the basis of risk that might equate
 6 to: how long have we been managing this person and
 7 therefore how much we might know about them, rather than
 8 just first out, last to be transferred?
 9 A. Yes, definitely. Yes.
 10 MR BEER: Good, we agree. Thank you very much indeed.
 11 JUDGE LUCRAFT: Mr Boyle.
 12 Questions by MR BOYLE QC
 13 MR BOYLE: Good afternoon again, sir.
 14 Good afternoon, officer.
 15 Could I ask that we have on the screen, please,
 16 {WS5078/6} and the bottom half of the page, please. You
 17 were asked some questions just a moment ago about the
 18 decision-making in relation to Prevent —
 19 A. Yes.
 20 Q. — looking after Khan when he came out, and in the email
 21 and in the other statement and in this statement you
 22 added further information which you haven't been taken
 23 to yet, but I will.
 24 A. Okay.
 25 Q. Which is this, which you say in paragraph 33:

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1 "This was coupled with the well established CT MAPPA
 2 process, stringent licence conditions, the appointment
 3 of a Home Office mentor, with [Special Branch] tasking
 4 Prevent where necessary and the fact that there was
 5 a Senior Investigating Officer assigned from
 6 [West Midlands Counter-Terrorism Unit]."
 7 So in terms of you being content, for want of a
 8 better expression, that Prevent were going to be
 9 involved in managing this particular individual's
 10 part 4, were those multiple other factors of some
 11 comfort or reassurance to you at the time?
 12 A. They were, yes.
 13 Q. And did you know the members of the Prevent Team who
 14 were going to be responsible for the part 4 management,
 15 Sergeant Forsyth and others?
 16 A. I did, yes.
 17 Q. And did you know that they had in fact been involved in
 18 the part 4 management of Mr Rahman?
 19 A. I did, yes.
 20 Q. And did you know that they had been involved in the —
 21 if it can be deemed a success — but in the successful
 22 return of Mr Rahman into Her Majesty's custody?
 23 A. I was aware, yes.
 24 Q. And did the fact that they'd been involved in that
 25 success also help to inform you as to whether or not

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1 this Prevent Team were a suitable custodian of the
 2 part 4 management?
 3 A. That's right, yes.
 4 Q. And one of the alternatives, we suppose, to the Prevent
 5 Team being involved in the part 4 management would have
 6 been perhaps to have had Special Branch officers from
 7 Staffordshire Police being involved in that overt part 4
 8 engagement and so on. Can I ask you this: when Khan was
 9 convicted in 2012 of the terrorist offences that he had
 10 committed, were the Staffordshire Special Branch
 11 involved, at least in part, in the successful
 12 prosecution of Khan?
 13 A. They were, yes.
 14 Q. In terms of then involving officers from Staffordshire
 15 Special Branch in the overt "Nice to see you again,
 16 Mr Khan" when he leaves custody where he has been for
 17 eight years, is that something which may or may not have
 18 been a good idea at the time?
 19 A. Yes, my opinion is it wouldn't be a good idea given the
 20 fact that these are the very people that have assisted
 21 in putting him into prison, are then going to engage
 22 with him when he's out of prison.
 23 Q. Might that have provoked more or less cooperation on the
 24 part of Khan in his part 4 management thereafter?
 25 A. In my view it would provoke less cooperation.

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1 Q. And you had some experience, we gather, of the way in
2 which the West Midlands had dealt with some of these
3 kinds of offenders before Team 7 came into existence; is
4 that right?
5 A. Yes, I was aware of how they dealt with.
6 Q. And had West Midlands themselves used officers from
7 their Prevent Team to perform this role as per the
8 Staffordshire Prevent Team?
9 A. They had, yes.
10 Q. And is it your understanding that nationally, in fact,
11 even to this day, officers in different forces from
12 their Prevent Teams still perform this part 4 management
13 role?
14 A. They do, yes.
15 Q. In relation to the officers who were involved in the
16 Rahman case, those officers together with other
17 officers, perhaps from Special Branch and West Midlands,
18 did they receive any formal recognition of the work that
19 they had done in relation to the way in which that case
20 had been handled?
21 A. They have received a commendation in relation to work
22 involving a — somebody that's got convicted for
23 counter-terrorism offences. I don't think it was that
24 individual.
25 Q. But not Mr Rahman?

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1 A. Yes.
2 Q. Thank you very much indeed.
3 In terms of offender managers, to your knowledge
4 generally, do they all have significant qualifications
5 or experience as detectives?
6 A. No, they don't.
7 Q. We know because we heard it from Sergeant Forsyth that
8 when he started to perform this role with his team, with
9 the first RTO, Mr Rahman, that he adopted the
10 West Midlands policy or protocol as it was then for
11 Staffordshire purposes?
12 A. That's correct, yes.
13 Q. So far as you were aware, did they work to that policy
14 and did it seem to you to be effective over the course
15 of time?
16 A. Yes.
17 Q. During the management of Khan and when you got involved
18 in these discussions about Team 7 taking cases back
19 in-house, as it were, were any issues raised with you
20 about the capability of the Prevent officers in terms of
21 how they had managed Khan over the course of those 10 or
22 11 months?
23 A. None whatsoever.
24 MR BOYLE: Thank you very much. Those are all my questions.
25 JUDGE LUCRAFT: Thank you very much, Mr Boyle.

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1 Further questions by MR HOUGH QC
2 MR HOUGH: Just very briefly and finally, Mr Oomer, you were
3 just asked whether, to your knowledge, the Prevent Team
4 had worked properly to the Team 7 protocols which they
5 adopted for the year or so that they managed Usman Khan;
6 do you remember being asked those questions?
7 A. Yes.
8 Q. Were you actually monitoring whether they were doing
9 that?
10 A. Not directly, no.
11 Q. So, for example, we've heard about risk assessments
12 which Mr Forsyth made, one at the start, one at the end
13 of that period, and that they differed radically. You
14 weren't monitoring whether that was being done properly
15 because you are about five ranks too high for that,
16 aren't you?
17 A. Yes.
18 MR HOUGH: Thank you very much.
19 A. Okay.
20 MR HOUGH: Sir, those are all my questions.
21 JUDGE LUCRAFT: Thank you very much indeed.
22 A. Thank you.
23 JUDGE LUCRAFT: Mr Hough, we seem to have finished 6 minutes
24 before 4.30 but we are going to make up for it a little
25 bit in the next couple of days. Ladies and gentlemen,

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1 I know you have been asked and you very kindly have said
2 that you can be here for a 9.45 start tomorrow, that's
3 absolutely fantastic, thank you very much.
4 The plan, as you know, is that we will complete the
5 evidence this Friday, and that just gives us a bit of
6 leeway just in case things take a little bit longer, but
7 the good news is that we won't require you on Monday and
8 Tuesday by giving up those times, and I know that some
9 of you have got plans for those two days and I don't
10 want to disrupt them, so we will start at 9.45 tomorrow,
11 we'll take a slightly shorter lunch break.
12 I think, Mr Hough, the sensible thing is we will see
13 how we do tomorrow as to whether we actually need to
14 repeat that on Friday, but we've got the comfort that
15 the jury can do it if we need it.
16 MR HOUGH: Our principal concern is to ensure that we finish
17 by the end of Friday so that the jury have Monday and
18 Tuesday —
19 JUDGE LUCRAFT: Yes.
20 MR HOUGH: — and it's just giving ourselves that little
21 extra room to ensure we can do that.
22 JUDGE LUCRAFT: Well, we will do so.
23 Thank you very much indeed, I look forward to seeing
24 you all tomorrow morning for 9.45. Thank you.
25 (In the absence of the jury)

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1 I'll rise .
 2 (4.26 pm)
 3 (The court adjourned until 9.45 am on
 4 Thursday, 20 May 2021)
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