

OPUS2

Fishmongers' Hall Inquests

Day 27

May 21, 2021

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1 Friday, 21 May 2021
 2 (9.59 am)
 3 (In the absence of the jury)
 4 JUDGE LUCRAFT: Mr Hough, my apologies to everyone, we're
 5 starting a little bit later than I said we would, but
 6 there was a document that I just needed to read through,
 7 which I have done.
 8 MR HOUGH: Yes, sir.
 9 We remain very hopeful that we will finish by
 10 lunchtime, though.
 11 (In the presence of the jury)
 12 JUDGE LUCRAFT: Good morning, everyone. Very nice to see
 13 you. I'm sorry, I'm the cause of us sitting a little
 14 bit late, but I just needed to read something before we
 15 sat, which I have done.
 16 I think the good news, Mr Hough, is it won't affect
 17 our overall hoped-for timetable for the day.
 18 MR HOUGH: Indeed. Sir, today's first witness is
 19 ACC Matt Ward, perhaps he could be sworn.
 20 ACC MATTHEW WARD (sworn)
 21 JUDGE LUCRAFT: Good morning, Mr Ward. If you would prefer
 22 to sit, please do so, there is a desk by the side of
 23 you, a microphone there too. The documents you are
 24 likely to be shown will appear on the small screen or if
 25 it's easier, please do look at the larger screens.

1

1 A. I will sit, thank you, sir.
 2 Questions by MR HOUGH QC
 3 MR HOUGH: Would you please give your full name and rank for
 4 the court?
 5 A. Good morning, my name is Matthew Ward, I am an assistant
 6 chief constable.
 7 Q. Mr Ward, you will appreciate, like others, that I am
 8 asking questions first on behalf of the Coroner and then
 9 you may have questions from other lawyers. You've told
 10 us that your rank is assistant chief constable; is that
 11 in the West Midlands Police?
 12 A. Yes, it is.
 13 Q. Have you held that role since July 2020?
 14 A. Yes, I have.
 15 Q. What are your broad areas of responsibility within the
 16 force?
 17 A. I'm responsible for organised crime, counter-terrorism
 18 and intelligence.
 19 Q. When did you first join the West Midlands Police?
 20 A. I joined West Midlands Police in 1995. I have just over
 21 25 years' policing service.
 22 Q. What sort of roles did you perform in your early police
 23 career?
 24 A. In my early policing career I carried out a range of
 25 general operational duties, including response policing,

2

1 neighbourhood policing and criminal investigations.
 2 Q. In your later career what kinds of roles have you
 3 filled?
 4 A. In my later service I've carried out more specialist
 5 roles, including being a major crime senior
 6 investigating officer, a local policing commander, and
 7 I'm also a trained and accredited firearms commander,
 8 public order commander, and a multi-agency gold incident
 9 commander.
 10 Q. What post did you hold between early 2017 and early
 11 2020?
 12 A. Between those dates I was a detective chief
 13 superintendent and I was the Head of the West Midlands
 14 Counter-Terrorism Unit.
 15 Q. So at the time that we're concerned with, you were
 16 heading the CTU?
 17 A. That is correct.
 18 Q. Next, some questions about the West Midlands Police
 19 region. What geographical areas does it cover?
 20 A. It covers four forces in the West Midlands, namely West
 21 Midlands Police, Staffordshire, West Mercia, and
 22 Warwickshire police forces.
 23 Q. So there is a broader West Midlands region and then
 24 there is a force area covered just by West Midlands
 25 Police?

3

1 A. That is correct.
 2 Q. Is it right that at the time we're concerned with, and
 3 now, indeed, West Midlands Police has been the largest
 4 force in the region?
 5 A. That is correct.
 6 Q. And I think also the second largest force in England and
 7 Wales?
 8 A. Yes, that is correct.
 9 Q. The jury have heard in relation to counter-terrorism
 10 policing about the government's counter-terrorism
 11 strategy, Contest, and its four strands, Pursue,
 12 Prevent, Protect and Prepare. Is it right that there
 13 is a national counter-terrorism policing network sitting
 14 above the individual forces that works in support of all
 15 strands of that strategy?
 16 A. Yes, that is correct.
 17 Q. In support of that strategy and under that network, do
 18 many forces in England and Wales have their own Special
 19 Branch which deals with counter-terrorism and
 20 intelligence?
 21 A. That is correct. Many, but not all.
 22 Q. In addition, sitting above the local forces within the
 23 counter-terrorism policing network, are there nine
 24 regional counter-terrorism units?
 25 A. Yes, there are nine individual units of varying sizes.

4

1 Q. Is there also a national counter—terrorism policing
 2 headquarters as part of the network?
 3 A. Yes, that is correct.
 4 Q. In simple terms, what does that body do?
 5 A. So the national Counter—Terrorism Policing Headquarters
 6 is responsible for setting policies , procedures and
 7 coordinating the activities of the wider network.
 8 Q. Turning, then, to counter—terrorism policing in the
 9 West Midlands region, so the broader region that
 10 encompasses those four forces which you identified, what
 11 bodies in late 2019 were responsible for
 12 counter—terrorism policing in that area?
 13 A. There were three bodies at that time: there was the
 14 West Midlands Counter—Terrorism Unit, there was the
 15 Staffordshire Special Branch, and there was a combined
 16 special branch between Warwickshire and West Mercia
 17 called the Alliance Special Branch.
 18 Q. Now, while you as the head of CTU were a West Midlands
 19 officer , was the Counter—Terrorism Unit a regional
 20 collaboration between multiple forces?
 21 A. Yes, it was a collaboration between the four forces
 22 within the region.
 23 Q. Was that collaboration and that unit set up in 2007?
 24 A. That is correct .
 25 Q. After the CTU was established, did West Midlands Police

5

1 have its own Special Branch?
 2 A. No, it did not. West Midlands Police took the decision
 3 to disband its Special Branch and incorporate it within
 4 the regional CTU.
 5 Q. So that's why we had a situation, in the period we're
 6 concerned with, that there was a CTU in West Midlands
 7 and Special Branches in some of the other forces within
 8 the broader West Midlands area?
 9 A. That is correct .
 10 Q. Is it right that officers of the CTU worked and continue
 11 to work in collaboration with the National
 12 Counter—Terrorism Policing Network, with
 13 the Security Service, with other members of the UK
 14 intelligence community, and with other agencies?
 15 A. Yes, that is correct .
 16 Q. And as we've heard, among other elements of the
 17 Counter—Terrorism Unit's work, do officers participate
 18 in joint priority investigations with MI5?
 19 A. Yes, they do.
 20 Q. Turning, then, to the functions of the Special Branches
 21 in the area, is it right that in November 2019, and
 22 indeed the period running up to that, there were two
 23 Special Branches in the broader West Midlands region?
 24 A. That is correct .
 25 Q. Which were those?

6

1 A. That was the Staffordshire Special Branch and the
 2 Warwickshire and West Mercia combined Special Branch.
 3 Q. Now, looking at page 6 of your witness statement, you
 4 identify four responsibilities of those Special Branches
 5 in the area. I'm going to ask you about each one of
 6 those in turn.
 7 First of all , intelligence management, what did the
 8 Special Branches do in that regard?
 9 A. There was two functions of intelligence management. So
 10 the first was where we received information of
 11 intelligence from anywhere. The Special Branches would
 12 work with MI5 colleagues in assessing that intelligence
 13 to determine what, if any, further action needed to be
 14 taken, and, secondly, if there was an investigation
 15 taking place, the Special Branches, if that
 16 investigation's footprint was within their force area,
 17 they would provide operational intelligence support to
 18 the senior investigating officer .
 19 Q. Secondly, activity which you describe as broader
 20 activity in support of the Contest strategy; what did
 21 that encompass?
 22 A. So the Special Branches would lead on other aspects of
 23 the strategy, namely the Prevent, Prepare and Protect
 24 strands, and ensuring that activity was being conducted.
 25 Q. Did that include, for example, providing

7

1 counter—terrorism advice to the local policing area?
 2 A. Yes, it did.
 3 Q. Thirdly, did the Special Branches provide what you term
 4 "non—Contest" activity in the form of additional
 5 sensitive policing tasks?
 6 A. Yes, they did.
 7 Q. Would that include, for example, risk assessments for
 8 VIP and royal visits?
 9 A. Yes, it would.
 10 Q. And finally, fourth, did the Special Branches have
 11 a role in the recruitment, management and development of
 12 counter—terrorism informants which we all know from Line
 13 of Duty to call CHIS?
 14 A. That is correct , although by that stage in 2019, that
 15 was being managed and controlled by the
 16 Counter—Terrorism Unit.
 17 Q. Moving, then, to developments in structures, which you
 18 cover from page 9 of your statement, is it right that
 19 across the UK, there had historically been very
 20 different structures for counter—terrorism policing in
 21 the different regions?
 22 A. Yes, each region in the country is of a different size
 23 and composition, different numbers of forces and
 24 different size of forces , therefore the
 25 counter—terrorism structures reflected the differences

8

1 of those regions.
 2 Q. In that context, in 2016, did the National Police Chiefs
 3 Council commission a national review of Special
 4 Branches?
 5 A. Yes, they did.
 6 Q. And did that review confirm that there was a wide
 7 diversity of arrangements?
 8 A. Yes, it did.
 9 Q. Within West Midlands Police, was a regional Special
 10 Branch review project established which reported in
 11 early 2017?
 12 A. Yes, there was, and yes, it did report at that time.
 13 Q. What decision was made, broadly speaking, as a result of
 14 that review?
 15 A. The decision made by the four forces together was to
 16 leave the structures in place as they were in the
 17 region. In part this was because there was a strong
 18 desire to maintain a local context to counter-terrorism
 19 work which the Special Branches were able to provide,
 20 but it was equally important that we had robust
 21 arrangements between the Special Branches and CTU to
 22 make sure the information flowed between the two.
 23 Q. And was it decided at that point that informant-handling
 24 was to be managed at CTU level?
 25 A. Yes, it was.

9

1 Q. Were further reviews then carried out following the 2017
 2 terrorist attacks in London and Manchester?
 3 A. Yes, so two national reviews were conducted following
 4 the 2017 terror atrocities .
 5 Q. What was decided as a result of those reviews and their
 6 findings?
 7 A. They looked at how again the Special Branches operated
 8 and how information flowed within the Counter-Terrorism
 9 Policing Network and so again we took the opportunity to
 10 review local procedures within the West Midlands region.
 11 Q. Did that lead to agreements on greater collaboration
 12 between the CTU and the local Special Branches?
 13 A. Yes, so we tightened up our governing structures in
 14 terms of daily, weekly, monthly, quarterly meetings and
 15 sharing of information, but we also agreed that we would
 16 start to look at opportunities to amalgamate the Special
 17 Branches into a single regional entity .
 18 Q. The jury have heard reference to Project Amplify,
 19 a structural project established to develop a new
 20 operating model. Can you tell us what that was and over
 21 what time it developed?
 22 A. Yes, so it sort of was first discussed in 2018, and
 23 agreement was given in 2019 to develop a single
 24 counter-terrorism policing unit which would combine the
 25 two Special Branches with the CTU and that was due to

10

1 take effect in April 2020.
 2 Q. And since April 2020, has there been that new
 3 collaboration agreement which has transferred the
 4 direction and control of the Special Branches to the
 5 CTU?
 6 A. Yes, there has.
 7 Q. May we then move on to the management of registered
 8 terrorist offenders in the community and in the
 9 West Midlands region. The jury know from other evidence
 10 that part 4 of the Counter-Terrorism Act 2008 imposes
 11 notification requirements on those convicted of
 12 terrorist offences to notify certain information to the
 13 police, and notify changes in that information over
 14 a long period of time.
 15 A. That is correct .
 16 Q. We've also heard that that information has been extended
 17 by legislation .
 18 A. That is correct .
 19 Q. And that in addition to offenders having those
 20 requirements, they have typically a range of licence
 21 conditions imposing restrictions on them following
 22 release?
 23 A. Yes, that is also correct .
 24 Q. Looking, then, at the management of such offenders in
 25 the West Midlands region, what were the numbers of such

11

1 offenders who had to be managed in late 2019?
 2 A. I believe there were 29 in total by the end
 3 of November 2019.
 4 Q. Is it right that 26 of those resided in the
 5 West Midlands force area?
 6 A. That is correct .
 7 Q. The West Midlands Police force area, two in the
 8 Staffordshire area, including Usman Khan?
 9 A. That is correct .
 10 Q. And one in the West Mercia force area?
 11 A. That is correct .
 12 Q. Is it right that of those 29, 18 were subject to
 13 management by MAPPA meetings?
 14 A. They were.
 15 Q. Is it also right that that figure of 29 was a modest
 16 increase on previous years?
 17 A. Yes, the numbers have been rising steadily over the past
 18 couple of years — previous few years.
 19 Q. Now, before October 2019, how was responsibility
 20 organised for the overt management of those offenders in
 21 the community dealing with their part 4 registrations
 22 and overseeing their part 4 notifications ?
 23 A. So because it wasn't a part of the collaboration
 24 agreement that created the CTU, the responsibility for
 25 the management, the overt management of part 4, lay with

12

1 the force area in which the registered terrorist
 2 offender was living.
 3 Q. So in the case of Khan, because he was being released
 4 into the Staffordshire area, the responsibility for
 5 overt management lay with that force?
 6 A. That is correct.
 7 Q. Was this solely a legacy issue, an artefact of history
 8 as a result of the collaboration agreement not
 9 considering this sort of activity, or was it something
 10 which had been positively considered and decided upon at
 11 senior officer level?
 12 A. So it's a legal requirement that the force where
 13 an offender lives is subject to whatever legislation
 14 applies to them and we had discussed in 2017 whether to
 15 bring all those responsibilities into the CTU, and
 16 a decision was made to leave them locally because of the
 17 importance of maintaining that local context.
 18 Q. So a decision made that was important for local officers
 19 to be doing this work because it involves local
 20 interactions?
 21 A. Absolutely, and it was important that the local officers
 22 have a greater understanding of the communities, the
 23 context, and would be able to provide that level of
 24 insight and understanding.
 25 Q. Now, we've heard that Staffordshire Police decided that

1 that management should be done by Prevent officers; was
 2 that a decision made entirely within the Staffordshire
 3 force or did the West Midlands Police contribute to that
 4 decision?
 5 A. It was a decision made within Staffordshire but it was
 6 a decision which I would fully support.
 7 Q. And just in a sentence or two, why did you support or
 8 would you have supported that decision?
 9 A. Because the Prevent officers generally have the required
 10 skills that we would want to be able to carry out this
 11 work. Prevent officers are specialist CT officers,
 12 they're used to working in partnership with other
 13 agencies delivering interventions, they're used to
 14 building a rapport and a long-term relationship with
 15 people who often have complex and multiple needs, and
 16 they have a good understanding of ideology and are able
 17 to recognise the signs of radicalisation to be able to
 18 escalate any change in behaviour that may give rise to
 19 a threat or risk.
 20 Q. Now, of course with that answer you are giving reasons
 21 why Prevent officers may be right for the overt
 22 management, but of course, there is a separate question
 23 about what support should be given to them and within
 24 what sort of team they should sit.
 25 A. Yes.

1 Q. Just to be clear, though, in 2019, if there had been any
 2 breach of a part 4 notification by an offender in the
 3 Staffordshire area, how would that have been dealt with,
 4 and by whom?
 5 A. So if there had been a breach, that would have been
 6 considered to be a CT investigation. That would have
 7 been managed by the Counter-Terrorism Unit.
 8 Q. As we've heard, and as you've confirmed, the
 9 responsibilities of the local Special Branches didn't
 10 extend to counter-terrorism investigation?
 11 A. No, they did not. That was agreed to be the CTU would
 12 lead on all investigative work.
 13 Q. Now, we have heard from Mr Jerromes that
 14 in September 2019, the lead officers of Team 7 within
 15 the CTU made a proposal that they should have
 16 responsibility for offender management of part 4
 17 nominals in the broader West Midlands area, including
 18 Staffordshire, and Mr Jerromes told us that that
 19 proposal followed on from discussions at relatively
 20 high level within the forces. Were you aware of those
 21 discussions at the time?
 22 A. At the precise time when the memo was sent in, I was
 23 overseas, but we had already agreed as four forces that
 24 we were going to move via Project Amplify to regionalise
 25 all those functions under the command and direction of

1 the CTU, so that was already planned for the
 2 following April.
 3 Q. Did you understand the rationale for bringing that
 4 responsibility within Team 7?
 5 A. Yes, I think we saw or we were expecting a mini surge of
 6 releases taking place during late 2019, a number of them
 7 were due to go to Staffordshire and we wanted to make
 8 sure we had a very consistent process in place to manage
 9 those offenders.
 10 Q. Now, Mr Jerromes' paper, which we went through yesterday
 11 and which I think you are very familiar with, also
 12 argued strongly in favour of the Team 7 model as
 13 a better model, incorporating close working between the
 14 overt offender managers and the CT investigators. Was
 15 that a part of the motivation for bringing this function
 16 within the CTU?
 17 A. So we were clear we wanted to have a consistent approach
 18 as a region, that was part of Project Amplify, and why
 19 we'd implemented the regionalisation project. In terms
 20 of which was the best model then to adopt,
 21 Sergeant Jerromes, as an excellent officer, had done a
 22 lot of work and thinking around offender management and
 23 the model which he had proposed within the West Midlands
 24 CTU felt to be the right model to be used regionally,
 25 given that the majority of offenders were already being

1 managed within that model.
 2 Q. As we've heard, as a result there was a staggered
 3 transfer of these part 4 nominals to the CTU.
 4 A. That's correct.
 5 Q. Just to be clear, when engaging with such an exercise of
 6 change within a police force, is it normal for some sort
 7 of transition period to happen so that you don't
 8 suddenly transfer responsibility for a number of pieces
 9 of work onto the same unit?
 10 A. We had always planned a phased transfer of work. It was
 11 brought forward because of the imminent releases in late
 12 2019.
 13 Q. A little now about the history of Team 7, and its
 14 functions. Was that team created in 2009 or 2010 as
 15 a risk management team, or entitled the risk management
 16 team?
 17 A. Yes, it was.
 18 Q. What was its purpose when it was created?
 19 A. Initially the part 4 notification legislation was being
 20 passed at that time, so we were planning on offenders
 21 being released who would require management of those
 22 part 4 notifications, so we created a team to be able to
 23 oversee those processes. Later legislation would come
 24 along which would expand the cohort of individuals that
 25 the team would be responsible for.

1 Q. What sorts of officers were initially staffing that
 2 team?
 3 A. It was staffed initially entirely by Prevent officers.
 4 Q. Was the reason for that the reason that you've
 5 identified, that Prevent officers were thought to be the
 6 right sort of people for this kind of job?
 7 A. Yes, they had the skills and the aptitude for this work.
 8 Q. However, as more offenders were released, was a decision
 9 made to change or develop the structure and composition
 10 of the team?
 11 A. Yes, as the volume of offenders grew and the different
 12 types of offenders were coming out under slightly
 13 different bits of legislation we needed a bigger team
 14 with a broader range of skills, including investigative
 15 skills.
 16 Q. What, in simple terms, was the reason for needing that
 17 broader range of skills within the team?
 18 A. It allowed us that if a -- to help identify breaches of
 19 either part 4 or licensing conditions or other
 20 legislation, and if a breach was identified, to be able
 21 to then to prosecute them and to maintain all of that
 22 within a single team.
 23 Q. Was there also a broader benefit seen that the officers
 24 who might be involved in investigations and those who
 25 might be involved in overt management would be

1 physically close and able to communicate with each
 2 other, and take a joined up approach?
 3 A. It was certainly an advantage of having firstly
 4 a slightly bigger team, so eight officers. They all
 5 came with a mix of background skills and experiences,
 6 which they could then pool together and share that
 7 knowledge, and it allowed us to carry out joint visits
 8 where somebody who was more skilled than the offender
 9 management side could be supported by an officer who had
 10 more skills on the investigative side.
 11 Q. Was the team rebranded as Team 7 and transferred within
 12 the CTU in 2017?
 13 A. Yes. We changed sort of the superintendent who had
 14 overall line management from the Prevent superintendent
 15 to the Pursue superintendent, and it became Team 7
 16 because there were six other investigative teams already
 17 within the Pursue strand.
 18 Q. We've heard from Mr Jerromes about the structure of the
 19 team: a detective inspector, detective superintendent,
 20 both with counter-terrorism investigation experience?
 21 A. That is correct.
 22 Q. Detective constables who were capable of engaging in
 23 counter-terrorist investigations?
 24 A. That's correct.
 25 Q. And police constables to handle the overt offender

1 management?
 2 A. That is correct.
 3 Q. Now, by November 2019, you had this team with its
 4 structures which we've discussed. Was there any
 5 national or local training in place for the management
 6 of these offenders?
 7 A. No, there was general training for Prevent officers
 8 which talked about ideology and that kind of work, there
 9 was a general induction, which all CT officers,
 10 regardless of their specialisms went through,
 11 understanding how the network operates, but there was no
 12 specific training for CT offender management.
 13 Q. Equally, was there any policy or procedure issued by the
 14 College of Policing at that point for this work?
 15 A. At that stage there was no national policy procedural
 16 guidelines for the management of CT offenders.
 17 Q. I'll ask you a little later about what's been changing
 18 over more recent times.
 19 At that time, as we've heard from some of those
 20 involved, there was such training and there were such
 21 policies for the management of sexual and violent
 22 offenders. Is it right that that training and those
 23 policies didn't apply to extremists?
 24 A. That is true. The motivations and the ideologies and
 25 the issues behind violent and sexual offenders are

1 different to those for extremist offenders.
 2 Q. But is it right that in late 2019, the Team 7 officers
 3 did have counter—terrorism training in the form of
 4 general awareness training and briefings?
 5 A. Yes, all members of the CT Policing Network are given
 6 awareness training around counter—terrorism.
 7 Q. Now, despite the lack of a national procedure and
 8 a formal training course, is it right that the Team 7
 9 officers had developed over time a series of procedures
 10 for their management of part 4 nominals?
 11 A. They had. They had developed their own processes and
 12 policies based on their experiences.
 13 Q. As we saw from Mr Jerromes' document, did they include
 14 processes for officers getting involved in the MAPPA
 15 procedures before release of the offender?
 16 A. Yes, they did.
 17 Q. Did they involve processes for escort from prison and
 18 part 4 registration with means of recording that?
 19 A. Yes, they did — yes, it did.
 20 Q. Did they involve procedures for a bespoke risk
 21 assessment which took account of intelligence?
 22 A. Yes, their process included risk assessment.
 23 Q. Also formal procedures for drawing up and sharing
 24 trigger plans of the kind we've heard about?
 25 A. Yes.

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1 Q. And formal procedures for meetings with the offender and
 2 recording those on a case management system?
 3 A. Yes, that is correct.
 4 Q. Did those processes involve specific consideration of
 5 how regular those meetings had to be?
 6 A. Yes, they considered the frequency based on the threat,
 7 the risk, and the time by which the subject had been
 8 under conditions.
 9 Q. Now, turning to the sharing of that learning and that
 10 system with Staffordshire, is it right that
 11 in March 2019, Team 7 officers had a meeting with the
 12 Staffordshire Police Prevent Team?
 13 A. Yes, that is correct.
 14 Q. What was the purpose of that meeting?
 15 A. The — I'm not sure what the original purpose was, but
 16 I know the Team 7 officers were very keen to share with
 17 their Staffordshire Prevent colleagues their learning,
 18 their experience in terms of how they managed part 4
 19 notifications given that Staffordshire Prevent
 20 colleagues had managed far fewer part 4 notification
 21 subjects.
 22 Q. And is it right also that later in 2019, before the
 23 attack we're concerned with, the Staffordshire Prevent
 24 Team attended West Midlands Police premises to have
 25 a discussion with the Team 7 officers?

22

1 A. Yes, they did, and they discussed the custody procedures
 2 and the initial registration and notification
 3 procedures.
 4 Q. May we then turn to the counter—terrorism MAPPA panel.
 5 We've heard from Mr Byford and, indeed, from officers of
 6 your force, that there was a specialised
 7 counter—terrorism panel for MAPPA meetings dealing with
 8 terrorist offenders in the West Midlands area?
 9 A. That is correct.
 10 Q. And that meetings would take place about every six or
 11 seven weeks, spread over two days towards the end of the
 12 period we're concerned with?
 13 A. Yes.
 14 Q. How were those meetings structured?
 15 A. So the meetings, because of the volume of individuals
 16 under both licence conditions and part 4 notifications,
 17 stretched over two days. The first day, they would go
 18 through all of the Birmingham subjects, and on the
 19 second day, they would go through all the subjects from
 20 Coventry, Walsall and Staffordshire.
 21 Q. Now, we've heard a fair amount about who did attend
 22 those meetings. What was the view taken before the
 23 period we're concerned with as to what sorts of
 24 West Midlands officers ought to be attending those MAPPA
 25 meetings?

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1 A. So there should be a senior officer from the
 2 Counter—Terrorism Unit, so we would send one of our
 3 detective chief inspectors, our deputy head of
 4 investigations, she would represent the CTU as a whole,
 5 and for those individuals who were subject to part 4
 6 notification within the West Midlands, we would send the
 7 relevant Team 7 offender managers.
 8 Q. Now, we have heard that that senior officer, which was
 9 at first DCI Cobbett and then Chief Inspector Floyd,
 10 would stay for all the meetings, including the meetings
 11 for offenders being managed within Staffordshire, for
 12 example?
 13 A. That is correct. Their role as the senior CTU officer
 14 was to be present for all MAPPA nominals within the
 15 West Midlands region.
 16 Q. What was the function of that officer, both in MAPPA
 17 meetings concerning West Midlands Police nominals and in
 18 relation to others?
 19 A. So MAPPA guidance is very sort of vague on this, it just
 20 asks for a chief inspector who can manage resources, and
 21 I think we've heard evidence where they've offered
 22 resources and support, but, more importantly, their role
 23 was there to represent CTU in terms of making sure if
 24 there were any issues, barriers, concerns, they could be
 25 escalated to them and, if needed, they could make

24

1 a decision in support of the MAPPA process. They would
 2 also offer advice and guidance based on their own
 3 personal experience and knowledge.
 4 Q. Would that officer, though, be expected to immerse
 5 themselves in all the detail and the background of all
 6 the offenders in order to play that role?
 7 A. No, that would be an impracticality given the numbers of
 8 nominals being managed, but they would be a conduit back
 9 into senior investigating officers within the CTU, if
 10 required.
 11 Q. Now, we've heard that it wasn't normal for a CTU senior
 12 investigating officer, if there was one, to attend the
 13 MAPPA meetings?
 14 A. No, I wouldn't support SIOs routinely going to MAPPA
 15 meetings. I think it was important we kept the covert
 16 priority investigation separate from the purpose of the
 17 MAPPA meeting.
 18 Q. Well, let me just press you a little on that. The CT
 19 senior investigating officer in a priority investigation
 20 surely needs to know as much as they can about the
 21 offender, their behaviour, their conduct, their mindset?
 22 A. That is correct.
 23 Q. A MAPPA meeting is taking place every six weeks, during
 24 which precisely those subjects are discussed.
 25 A. That is correct.

25

1 Q. Wouldn't there be some benefit, or wouldn't there have
 2 been some benefit in having the senior investigating
 3 officer at those meetings where those subjects would be
 4 discussed?
 5 A. I think the important bit was the intelligence flow that
 6 went between the SIO into the MAPPA was there, and one
 7 of the other functions that were there was somebody who
 8 was able to capture and manage that intelligence.
 9 Sometimes that would be an offender manager from Team 7;
 10 for the case of the non-West Mids nominals, our
 11 colleagues from Special Branch performed that function.
 12 Q. Isn't there, though, some benefit in having the person
 13 actually at the meeting so that nothing gets lost in
 14 transmission?
 15 A. I think there are pros and cons of this. I think one of
 16 the disadvantages is clearly not all MAPPA cases --
 17 subjects were subject to priority investigations and the
 18 moment an SIO comes in, it's very clear to the wider
 19 audience within that MAPPA that that subject is
 20 a subject of a priority investigation, it's not
 21 necessarily something we would have wanted to have
 22 shared with the wider MAPPA audience as opposed to just
 23 the chair. Secondly, the SIO is important that what --
 24 they don't inadvertently share information which could
 25 potentially compromise that investigation as well. So

26

1 probably if they were there, they would end up being in
 2 listening mode and I think actually their time is better
 3 spent elsewhere and we used intelligence people within
 4 that meeting to make sure information is fed back.
 5 Q. Is it right in relation to that last answer that there
 6 will be some offenders where it will be more of
 7 a problem that the broader panel knows that there is
 8 a priority investigation going on?
 9 A. Yes, all priority investigations are different and some
 10 are incredibly sensitive that we wouldn't want anybody
 11 not sufficiently vetted to have any inkling that there
 12 was a priority investigation taking place.
 13 Q. For example, are you aware that it's a standing policy
 14 of the Security Service never to confirm or deny that
 15 an individual is subject to a priority investigation?
 16 A. I am aware of that because we are equally aware -- we
 17 are equally bound by that decision.
 18 JUDGE LUCRAFT: Just before you move on, Mr Hough, can
 19 I just ask this question: we've heard in relation to the
 20 MAPPA process about pre-meetings, and just picking up on
 21 the question that Mr Hough asked you about the utility
 22 of the SIO being there for the whole meeting, what about
 23 the SIO having a pre-meeting with the chair of the
 24 panel?
 25 A. I think if there was a requirement to do that that can

27

1 certainly happen, there's no reason why those
 2 discussions with the chair could not take place. If
 3 there was something specific then, again, that could be
 4 escalated to the senior officer who was representing the
 5 CTU who could equally have those conversations with the
 6 chair.
 7 JUDGE LUCRAFT: But rather than, as it were, saying that
 8 could happen, would it not be better if it happened as
 9 a matter of routine? Taking on board for a moment your
 10 point about not being able to share some of this
 11 material with the wider audience, you've got a chair
 12 there running this panel: would it not be a better
 13 course to have had a structured regular pre-meeting
 14 between the SIO on these cases with the chair before the
 15 panel then went on to consider the detail of the cases
 16 it was dealing with?
 17 A. That is a possibility. I -- my expectation would be
 18 that if there was something that needed to be shared,
 19 then the senior officer present at the MAPPAs would be
 20 able to facilitate that on behalf of the SIO, but I do
 21 accept there may be some specific intelligence that the
 22 senior officer would not be aware of but the SIO would
 23 be, and therefore that that is a potential -- that
 24 wasn't the process in November 2019.
 25 JUDGE LUCRAFT: Thank you.

28

1 MR HOUGH: Apart from that, and in case it were thought that
 2 requiring the SIO to go for perhaps unnecessary meetings
 3 regularly wasn't a great idea, even if that were the
 4 thought, wouldn't there be a distinct benefit in
 5 ensuring that the MAPPA minutes always go to the CT SIO?
 6 A. Yes, so I think it is important that there was always --
 7 relevant information which had been obtained via the
 8 covert investigation should be shared into MAPPA where
 9 it is able to do so, and equally any information that
 10 comes out of the MAPPA meeting should be fed back into
 11 the covert investigation. The information should flow
 12 both ways.
 13 Q. And we heard from Mr Chambers, and obviously no
 14 criticism of him because this is the procedure in place
 15 at the time, that he wasn't routinely receiving and
 16 reviewing the MAPPA minutes. Is that something that
 17 either has changed or ought to change?
 18 A. So I think that -- and again, we've identified that that
 19 was a process that was not working properly. I think
 20 what's happened since then is we've been able to
 21 develop, as you would have heard from DCI Chambers, he
 22 was very clear in what his role was as an SIO within
 23 a covert investigation, because we have a very clear
 24 manual of guidance which sets out how we manage covert
 25 investigations and the roles of all those within that

1 investigation. In November 2019, we did not have
 2 an equivalent management manual of guidance for how we
 3 manage terrorism offenders. We have now developed
 4 a manual of guidance which sets out much more clearly
 5 the roles of all those within that process which will
 6 include the roles for information and intelligence flow,
 7 who is responsible and how it gets passed between the
 8 two separate processes.
 9 Q. Just in relation to counter-terrorism investigations in
 10 the region, it's right, as we've heard, that all
 11 counter-terrorism investigations in the broader
 12 West Midlands region, including Staffordshire, were led
 13 by and continue to be led by the CTU?
 14 A. That is correct.
 15 Q. Those priority investigations that we've discussed would
 16 be in conjunction with MI5, with MI5 as the lead agency
 17 in the investigation while it's covert?
 18 A. Yes, that is correct.
 19 Q. But is this right: if the investigation ever leads to
 20 a prosecution or some other such police action, the
 21 police take over as lead agency for that purpose?
 22 A. Yes, they do.
 23 Q. May I then ask you about changes which have been made in
 24 more recent times, and Project Semper, which has been
 25 mentioned by some of us. Is it right that after the

1 2017 terrorist attacks, an operational improvement
 2 review was established between the
 3 Metropolitan Police Service and MI5?
 4 A. That is correct.
 5 Q. And did that lead to the introduction of something
 6 called multi-agency centres developed between the
 7 Home Office, MI5 and counter-terrorism police?
 8 A. Yes, it did.
 9 Q. Was their function to standardise processes for moving
 10 individuals from covert investigations into long-term
 11 life in the community and management under part 4?
 12 A. Yes, it did. It focused specifically on what Witness A
 13 described as the closed subjects of interest, so we had
 14 these 40,000 people who had been the subject of
 15 a national security investigation, had not been
 16 prosecuted for whatever reason, but still posed a risk
 17 of engaging in violent terrorism, and so it was how we
 18 managed those, working with partners to provide a range
 19 of interventions to reduce the risk that they posed.
 20 Q. Was there then a pilot with these MACs, multi-agency
 21 centres, being developed and working on the ways in
 22 which offenders would be managed locally?
 23 A. Yes, there was, and one of those pilots was within the
 24 West Midlands CTU.
 25 Q. Now, in the summer of 2019, so before the attack we're

1 concerned with, and in parallel with the development of
 2 the multi-agency centres, did the Counter-Terrorism
 3 Policing Headquarters establish a high level review
 4 across the regions to approaches to overt management of
 5 nominals of terrorist interest?
 6 A. We did. So this was developing on from the MAPPA
 7 process, so the MAC had prioritised those closed
 8 subjects of interest, people we had investigated but not
 9 prosecuted, but clearly there was a wider sort of cohort
 10 of individuals in the community who posed a risk,
 11 including convicted terrorist offenders, so the aim was
 12 to take the initial MAC work and expand that to include
 13 all those who posed this risk within our communities.
 14 Q. So as it happens in the months before the attack we're
 15 concerned with there was this project going on looking
 16 at overt management of offenders in the community?
 17 A. Yes, there was.
 18 Q. But to be clear, was this project effectively leading
 19 the way in looking at this sort of problem
 20 internationally?
 21 A. Yes. So we -- as we described, in the West Midlands our
 22 Team 7 had developed their own policies and practices
 23 based on their experience, but either nationally or
 24 internationally there was very little evidence and
 25 academic study around what was the best way of managing

1 convicted terrorist offenders within the communities, so
 2 nationally the NCTPHQ project was leading on this,
 3 developing best practice that we could use national,
 4 trying to gather as much information as they could
 5 around the world, but actually heavily influenced by the
 6 work which was going on within the West Midlands at the
 7 time.
 8 Q. Is it right that this was something of a new problem
 9 because over time there was a greater number of
 10 terrorist offenders being released into the community,
 11 subject to this kind of long-term management by police,
 12 and so procedures had to be developed to work on how
 13 that was done.
 14 A. Yes, I mean the terrorist threat had changed, it had
 15 gone from the nineties from sort of
 16 Northern Ireland-related terrorism where convicted
 17 offenders would often be returned back to Ireland, to
 18 the Islamist threat from the 2005 7/7 attacks, so those
 19 convictions we would see in the late 2000s, the early
 20 2010s, we were beginning to see those offenders coming
 21 out, but they were still relatively small numbers but
 22 growing sort of year by year, so this was a new -- the
 23 management of these was a new experience for
 24 counter-terrorism policing and we were trying to design
 25 the best ways of dealing with that threat.

33

1 Q. And did that initial high-level review lead to
 2 a strategic plan being submitted to Counter-Terrorism
 3 Police Headquarters in autumn of 2019?
 4 A. Yes, it did.
 5 Q. Did that in turn lead to the work of Project Semper
 6 from November 2019?
 7 A. Yes, it did.
 8 Q. From December 2019 to January 2020, was there then
 9 a more detailed piece of work done analysing the
 10 arrangements for overt offender management across the
 11 regions of England and Wales?
 12 A. Yes. Because as we've discussed, each region operated
 13 in a different way. One of the first bits of work that
 14 we wanted to do was to understand the totality of how
 15 offender management was being conducted in each of the
 16 CTUs and in each of the forces.
 17 Q. As we've established, this was done under the aegis of
 18 a national policing organisation?
 19 A. Yes.
 20 Q. Did that establish that there was a range of approaches
 21 across the regions of England and Wales to overt
 22 management of terrorist nominals?
 23 A. Yes, the different CTUs in different forces took
 24 different approaches.
 25 Q. And is it right that different forces took a different

34

1 approach to risk with not all regions engaging in
 2 specific risk assessment of these sorts of offenders?
 3 A. Each force of each region had its own approach,
 4 including risk management, which officers were involved
 5 in it and their structures and support mechanisms.
 6 Q. In the early part of 2020, did Project Semper produce
 7 a business case leading to a series of changes in the
 8 systems?
 9 A. Yes, it set out a series of recommendations for how the
 10 network could better manage nominals, CT nominals within
 11 our communities.
 12 Q. Is one change that management of counter-terrorist
 13 offenders in the community is now recognised formally as
 14 a capability within counter-terrorism policing?
 15 A. Yes, that was important, so we've heard of investigators
 16 and Prevent officers and intelligence officers, those
 17 are all CT specialists, we wanted to create a CT
 18 specialist for nominal management, which brought
 19 together the skills of a Prevent officer and
 20 an investigator to be able to conduct that work, and by
 21 creating it as a capability, we are being able to
 22 attract additional funding to be able to create 150 of
 23 these specialist posts in the coming years.
 24 Q. In simple terms, what would be the job of those 150
 25 people? What will they be doing in relation to these

35

1 offenders?
 2 A. So these will be the -- we'll call them nominal managers
 3 because not all of the people they deal with are
 4 convicted offenders, but these will be the people who
 5 will be doing the face-to-face engagement with the
 6 people in the community, they will be working alongside
 7 probation and other partners, they will be attending
 8 MAPPA meetings, and they will be doing the work which
 9 Staffordshire Prevent officers did, Team 7 officers did,
 10 the Special Branch officers did, but they'll try and
 11 bring all that together into a single team and a single
 12 discipline.
 13 Q. For each of these individuals, what experience will they
 14 be expected to have before taking on that post?
 15 A. Again, learning the lessons from the past, we recognise
 16 that whilst we select people with a wide range of
 17 skills, knowledge and aptitude, it's always important we
 18 give them specific training courses, so we developed
 19 a new nominal management training course which has now
 20 been piloted and is due to go live this summer.
 21 Q. In conjunction with that training is there now a manual
 22 of guidance which serves as a policy for management of
 23 these sorts of offenders?
 24 A. Yes, there is, and in a similar way that we have a very
 25 comprehensive management and guidance for covert

36

1 priority investigations , we will now have a manual of
 2 guidance for nominal management which sets out very
 3 clearly roles , responsibilities , methods and processes
 4 by which we will work with nominals in the community
 5 alongside our partners.
 6 Q. Considering the framework for managing these offenders,
 7 will there be a post entitled "Lead responsible
 8 officer" ?
 9 A. Yes, there will , and again, this is how we -- you know,
 10 we've spoken around the role of the senior officer at
 11 MAPPA and the clarity of what that role was, and their
 12 responsibilities ; that will be codified within the lead
 13 responsible officer post. It will be responsible for
 14 all nominal management across the whole of the region,
 15 and ensuring working towards standards which are set at
 16 a national level , so we're able to actually have
 17 a proper and robust management framework that allows us
 18 not only to understand what's going on, but to know what
 19 good looks like and to be able to assess how close we
 20 are to reaching that level .
 21 Q. Will there be any procedures under the new framework for
 22 those involved in the overt management of offenders to
 23 be closely linked into those dealing with any
 24 investigation or priority operation?
 25 A. Yes, so the manual of guidance will set out,

1 importantly, the need to preserve the sterile corridor
 2 between the two worlds, but equally will set out the
 3 processes and mechanisms by which we ensure relevant
 4 information and intelligence passes between the overt
 5 management and the covert investigation.
 6 Q. And will the new procedures also involve standard
 7 processes for risk assessment of these offenders?
 8 A. Yes, they will .
 9 Q. Just as the Team 7 organisation has those processes?
 10 A. Yes, they will .
 11 Q. Will there be means for that risk assessment to be
 12 informed not only by intelligence available to all
 13 police officers , but also to be informed to a degree by
 14 secret intelligence ?
 15 A. Yes. And again, it's important that the relevant
 16 information, the relevant intelligence , gets to the
 17 people who need it so they can make the best decisions
 18 possible.
 19 Q. So do I take from that that there will be somebody
 20 involved in the management process for an offender who
 21 will have access to the secret intelligence if there is
 22 any?
 23 A. Yes, it will be very similar to the Team 7 set-up in
 24 that the sergeant and the inspectors within the nominal
 25 management teams will be appropriately vetted and have

1 access to the relevant intelligence , including the
 2 secret intelligence , that they can then obviously advise
 3 and guide their staff on who will maintain a sterile
 4 corridor with officers who are face-to-face with
 5 subjects, so that there is no compromise of any covert
 6 investigation .
 7 Q. And in addition, will there be overarching structures,
 8 a nominal management capability board?
 9 A. Yes, and this board is incredibly important because this
 10 again, it will help to set the standards by which all
 11 nominal management will be conducted across the country
 12 by the nominal management teams, but also he will link
 13 in closely with other partners including the probation
 14 national security division and national MAPPA
 15 arrangements to make sure that the structures we put in
 16 place are the most appropriate and the best structures
 17 that we can put in place.
 18 Q. Will there also be a counter-terrorism nominal
 19 management strategic partnership board to ensure joint
 20 working with other agencies?
 21 A. Yes, there will .
 22 Q. And that takes place, of course, alongside the changes
 23 within the National Probation Service we've heard about
 24 from Mrs Flynn?
 25 A. Yes.

1 Q. Next, just a few questions finally about Usman Khan.
 2 We've been told that West Midlands Police played two
 3 functions in relation to Usman Khan: first of all,
 4 officers of Team 7 were involved in MAPPA meetings from
 5 the time of his release through to the time of the
 6 attack in the capacity you've identified ?
 7 A. Yes. So they're initially there to offer advice, expert
 8 advice and guidance to the offender managers within
 9 Staffordshire Police, and then they later took on a role
 10 within the covert investigation .
 11 Q. And also from late November 2018, as we've heard,
 12 West Midlands CTU officers played a role in the priority
 13 investigation working alongside MI5?
 14 A. Yes, they did .
 15 Q. As part of that, we've heard that the Operational
 16 Intelligence Management Unit within the CTU was involved
 17 in the investigation . What sort of role would that unit
 18 play in a priority investigation ?
 19 A. So they support the senior investigating officer to
 20 ensure that he or she has the relevant information to be
 21 able to set an appropriate intelligence and
 22 investigative strategy .
 23 Q. As we've heard, Staffordshire Special Branch were to act
 24 as a channel of information between the officers
 25 responsibility for overt management of Khan,

1 Staffordshire Prevent officers , and West Midlands CTU.
 2 Was that a standard approach, accepting that there
 3 aren't many of these individuals in question, or was it
 4 something new developed for this investigation?
 5 A. No, that was a normal approach in line with the manual
 6 guidance for covert investigations , because the
 7 Staffordshire Special Branch brought this local context
 8 to intelligence that the West Midlands CTU OIMU could
 9 not bring, so having both those parts made sure that the
 10 SIO had the richest intelligence picture possible to be
 11 able to set the appropriate investigative strategy in
 12 conjunction with MI5.
 13 Q. And finally just this: you've described a lot of work
 14 being done within Team 7 to develop its procedures for
 15 offender management, and you've also described a lot of
 16 work being done nationally to develop those procedures.
 17 Are you satisfied that the national approach is now in
 18 keeping with best practice as far as you understand it,
 19 recognising, of course, that lessons will continue to be
 20 learned?
 21 A. Yes, I am confident that we are heading in the right
 22 direction , that the processes, the procedures, the
 23 mechanisms have been put in place now to be completed
 24 by March of next year will be the right ones to make
 25 sure we can be as confident as we'll ever be that we

1 have the most robust structures in place for managing CT
 2 offenders within our communities.
 3 MR HOUGH: Thank you very much, Mr Ward. Those are all my
 4 questions.
 5 JUDGE LUCRAFT: Yes, Mr Armstrong.
 6 Questions by MR ARMSTRONG
 7 MR ARMSTRONG: Assistant Chief Constable Ward, my name is
 8 Nick Armstrong, I ask questions on behalf of the family
 9 of Jack Merritt.
 10 A. Good morning, Mr Armstrong.
 11 Q. I won't keep you long, I just want to put one thing to
 12 you. The use of Prevent for the overt management of
 13 part 4 wasn't a West Midlands decision, was it, it was
 14 a Staffordshire decision?
 15 A. It was a Staffordshire decision which I fully supported
 16 because the Contest strategy was very clear in 2018 that
 17 Prevent would play a much greater role in helping to
 18 prevent re-engagement of terrorists.
 19 Q. I just want to put this to you, because we've heard
 20 quite a lot of evidence and I just want to push back on
 21 that confidence, if I may.
 22 The Prevent officers that we've had here, and we've
 23 had all four of them here, have told us things
 24 like: lacking the time, lacking the relevant training ,
 25 and lacking relevant information, and just so you have

1 some of the words that were used, Victoria Barker told
 2 us that it felt "bizarre" that they were trusted to
 3 manage Usman Khan, and she was asked about that specific
 4 phrase in her oral evidence, and she says yes, she
 5 repeated that.
 6 Craig Hemmings told us, in response to a question
 7 from me, in fact, about the atmosphere in the team,
 8 said: we often spoke about that we shouldn't be doing
 9 this role .
 10 Did you know any of that, that that was their view
 11 of their capability?
 12 A. No, so unfortunately I don't know the officers
 13 personally. I do know lots of Prevent officers and my
 14 experience of Prevent officers , as I've said is, in
 15 general, Prevent officers are very used, from their
 16 normal work of working with partners to deliver
 17 interventions , they are very used to building a rapport
 18 and relationship with people with complex and multiple
 19 needs and they have the best understanding of ideology
 20 within CT policing and being able to recognise the signs
 21 of radicalisation . I did not know the issues that
 22 you've raised . My view would have been had at any point
 23 somebody raised concerns around their lack of confidence
 24 or their lack of clarity about their purpose, then
 25 clearly we would have put additional support to them,

1 but the training they had as Prevent officers in
 2 Staffordshire was no different to the training Prevent
 3 officer within West Midlands CTU.
 4 Q. You say you didn't know them personally; had you met
 5 them?
 6 A. I'm sure I may have met them at conferences but I've not
 7 met them sort of personally --
 8 Q. Did you remember meeting them?
 9 A. I don't remember meeting them. There are several
 10 hundred people within the --
 11 Q. I understand the numbers; I'm just exploring the basis
 12 of your confidence.
 13 Can I just show you your witness statement, this is
 14 {WS5014/21}, please. At paragraph 119 you told the
 15 Inquest that you were:
 16 "... unable to comment on the operational practices
 17 and procedures of Staffordshire Police Prevent ...
 18 because they fell under the direction and control of
 19 Staffordshire Police."
 20 That doesn't sound -- and I understand that you're
 21 senior, so -- that sounds like you may not have a full
 22 grasp of the detail of their concern that's going on
 23 beneath you?
 24 A. So I don't know how they are sort of daily managed and
 25 tasked, I don't know their personal training records,

1 but I know as CT Prevent specialists, they would have
 2 gone through the same Prevent training course that all
 3 CT Prevent officers go through --
 4 Q. But it sounds like your confidence is --
 5 A. Sorry, if I could just finish my answer. And generally
 6 CT Prevent officers are seasoned, experienced officers
 7 who have a number of years behind them. They're chosen
 8 because of their general skills, knowledge and aptitude
 9 for the role.
 10 Q. But you see the point, you seem to be confident in the
 11 generality of Prevent, whereas they are telling us: this
 12 is not what we should be doing?
 13 A. I am confident in the generality; I can't be specific
 14 about the individuals, but what I am confident was there
 15 were sufficient opportunities and mechanisms in place
 16 that if anybody felt they were unclear of their role or
 17 lacked confidence in their role, that could have been
 18 escalated to me, and had it been escalated to me I would
 19 have, with Staffordshire Police, we would have taken
 20 responsibility to be able to address that.
 21 Q. Because what we've seen here and the concern that
 22 certainly those I represent have is that you've got
 23 an important role being conducted here where others rely
 24 on what Prevent are saying, and if Prevent don't say
 25 they've got a particular concern, that informs a picture

1 where everybody is content with Mr Khan. But we see,
 2 for example, these PCs saying: we didn't know what we
 3 were going to do, we weren't trained, we just thought we
 4 were going along and having a chat, you see. We also
 5 see things like between him moving out of the approved
 6 premises and the attack, he was only seen twice by
 7 Prevent for a total of 18 minutes, and he wasn't seen at
 8 all by Sergeant Forsyth. You see that must be a concern
 9 in a case as anxious as this one?
 10 A. Sir, I absolutely accept that the Prevent officers play
 11 an important role in the management of any CT offender,
 12 which is why we select Prevent officers to be able to do
 13 that. I am concerned that the evidence the officers
 14 gave was that they lacked confidence and lacked clarity,
 15 and I regret I didn't know that. Had I known that or
 16 suspected that, I would certainly have spoken to my
 17 colleagues in Staffordshire and together we would have
 18 put methods in place to be able to rectify that. But as
 19 far as I'm aware, that was never escalated or raised at
 20 any of the daily, weekly, monthly, quarterly meetings
 21 that took place.
 22 Q. Okay. Also, just one final point on this, we also, just
 23 to give you an idea of the scale of the potential issue
 24 here, this is from January 2019, so relatively early on,
 25 but this was an Officer Hartill writing to Officer

1 Hessel, both who you will know within the Staffordshire
 2 Special Branch, and she used the expression, from note,
 3 in relation to, we think, Sergeant Forsyth:
 4 "Unhelpful, obstructive, lack of knowledge."
 5 You see the scale of the problem, given the role
 6 that they are having to perform?
 7 A. I see that there were issues and concerns and, again,
 8 I wish they had been escalated to the right levels that
 9 we could have taken some action to resolve and to deal
 10 with those. As a partnership, that's what we're there
 11 for. Whilst responsibility lay with Staffordshire,
 12 West Midlands CTU was absolutely committed to working in
 13 partnership with Staffordshire and others to deal and
 14 keep communities safe.
 15 But if the information isn't raised or flagged or
 16 escalated to the right levels, then it's very difficult
 17 to be able to take remedying action.
 18 MR ARMSTRONG: Thank you very much, Assistant Chief
 19 Constable, that's all I want to ask.
 20 JUDGE LUCRAFT: Thank you, Mr Armstrong.
 21 Mr Boyle.
 22 Questions by MR BOYLE QC
 23 MR BOYLE: Good morning, sir. Good morning.
 24 Good morning, Assistant Chief Constable.
 25 A. Good morning.

1 Q. As you know, I ask questions on behalf of Staffordshire
 2 Police, yes, I can see you smiling in recognition.
 3 Just to pick up on that last point you were asked
 4 about. Obviously if you have an officer within
 5 Staffordshire Police who's expressing some concerns or
 6 issues in relation to another officer within
 7 Staffordshire Police, you might expect that in the first
 8 instance to be addressed by officers within
 9 Staffordshire Police rather than it being escalated to
 10 the Assistant Chief Constable of the West Midlands?
 11 A. I would expect it to be resolved, but if it couldn't be
 12 resolved it gets escalated up at each level until it is
 13 resolved.
 14 Q. Yes, and of course, it would depend upon the nature and
 15 extent of the concerns that are being expressed,
 16 presumably?
 17 A. Yes, but what is unacceptable is for it not to be
 18 resolved. So at some point, whatever the issue is needs
 19 to be dealt with.
 20 Q. And in terms of the evidence that the jury have heard in
 21 addition to the short extracts that Mr Armstrong
 22 reminded you and them of, are you aware of evidence
 23 being given by, for example, Sergeant Forsyth that he
 24 didn't feel hindered in any way and, indeed, evidence
 25 from all of the remaining Prevent officers that, in

1 fact, any lack of training would have made no difference
 2 to how in fact they performed their role in terms of
 3 what they were asked to do?
 4 A. I've read their statements and I saw their evidence and
 5 there were at times — it conflicted between whether
 6 they felt they had the skills or didn't have the skills
 7 or whether there was a clarity issue, I do accept that
 8 one of the lessons we've learnt as a national CT is
 9 a training course just to give people that confidence,
 10 that the skills they've got, they understand how they're
 11 being asked to use those skills to help manage
 12 an offender.
 13 Q. And is this right: that until late 2019, you were aware
 14 that the use of Prevent officers to perform this
 15 management of registered terrorist offenders was
 16 something which was not unique to Staffordshire Special
 17 Branch, in fact using Prevent officers to perform that
 18 role was something which was happening in other forces
 19 across England and Wales; is that right?
 20 A. I think it was common in a number of forces, but each
 21 force did different things. Some forces used non-CT
 22 officers to manage them, hence the review to try and get
 23 a nationally consistent practice, but the use of Prevent
 24 is certainly not uncommon and the use of Prevent
 25 officers is one I would generally support, without

1 knowing the individuals involved in this case.
 2 Q. And also can you just confirm that when you made your
 3 witness statement for the purposes of these proceedings
 4 at paragraph 86 you said the following:
 5 "I'm not aware of any criticisms of
 6 Staffordshire Police Prevent Team's management of their
 7 registered terrorist offenders"?
 8 A. At no point in my time as the head of the CTU did
 9 anybody raise to me concerns that Khan or any other
 10 nominal wasn't being managed appropriately, because if
 11 that had been raised to me, then I would have taken
 12 action to resolve that, I would have worked with
 13 colleagues in Staffordshire, because we were all of the
 14 same mindset: our job was to keep people safe and to
 15 manage those threats, and my colleagues in Staffordshire
 16 would expect me, as the head of the CTU, to advise them
 17 if I had any concerns.
 18 MR BOYLE: Thank you very much. Those are all my questions.
 19 Thank you, sir.
 20 MR BEER: Sir, I don't have any questions and I'm not going
 21 to come up, if that's okay, particularly on the long
 22 route I usually take.
 23 JUDGE LUCRAFT: Quite understood, Mr Beer. You normally
 24 veer off, I know, and take a circuitous route so
 25 that's —

1 MR BEER: I'm just following the instructions on Covid, sir.
 2 JUDGE LUCRAFT: Absolutely. It will save you your morning
 3 10,000 steps, but you may have to pick them up some
 4 other time.
 5 MR BEER: Thank you, sir.
 6 MR HOUGH: Well, resisting the temptation to ask Mr Beer to
 7 come forward anyway on his long perambulation, thank
 8 you, Mr Ward, those are all the questions we have for
 9 you.
 10 A. Thank you, sir.
 11 JUDGE LUCRAFT: Thank you very much indeed.
 12 MR HOUGH: Sir, the next and final live witness is DCI Dan
 13 Brown.
 14 JUDGE LUCRAFT: Can I make a suggestion, Mr Hough, that we
 15 might just take a break there. I appreciate we've not
 16 been sitting for as long as we anticipated, but I have
 17 certainly, myself, had quite a long morning already
 18 before I came here, I had a couple of other things to
 19 deal with, and I would just welcome myself just
 20 a 10-minute breather, so shall we take our mid-morning
 21 break there?
 22 MR HOUGH: Of course, sir, thank you.
 23 (In the absence of the jury)
 24 JUDGE LUCRAFT: I'll rise.
 25 (11.10 am)

1 (A short break)
 2 (11.26 am)
 3 (In the absence of the jury)
 4 JUDGE LUCRAFT: Thank you for accommodating that slightly
 5 earlier break, Mr Hough. It may be that Mr Beer has
 6 managed to clock up some of his steps as well, but it
 7 was a welcome break.
 8 (In the presence of the jury)
 9 JUDGE LUCRAFT: Thank you very much, Mr Hough.
 10 DCI DAN BROWN (continued)
 11 Questions by MR HOUGH QC
 12 MR HOUGH: DCI Brown, you have given your name before and
 13 you know that you are still under oath.
 14 A. I do.
 15 Q. Do you understand that you are here to give evidence at
 16 the end of these Inquests on any remaining matters where
 17 enquiries are to be raised by interested persons or by
 18 the Inquest team?
 19 A. Yes, I understand that.
 20 Q. First of all, have you been provided with a document
 21 headed "Particulars of registration" which contains
 22 various formal particulars for each of Jack Merritt and
 23 Saskia Jones: name and surname; time, date and place of
 24 death; sex; date of birth; place of birth; occupation,
 25 and address?

1 A. Yes. I have been provided with that document. I have
 2 read it and I can confirm that it is correct.
 3 MR HOUGH: I'll just hand a copy to the judge. (Handed).
 4 JUDGE LUCRAFT: Thank you very much.
 5 MR HOUGH: I don't need to go through all of those, they
 6 will be entered into the Records of Inquest unless you
 7 would prefer me to go through them individually.
 8 JUDGE LUCRAFT: I don't think that's necessary, for my part,
 9 Mr Hough, thank you.
 10 MR HOUGH: Other matters you have identified during the
 11 course of these Inquests. First of all, concerning
 12 Khan's time in prison, evidence was given that Khan may
 13 have at some point been in contact with the notorious
 14 prisoner known as Charles Bronson. What did your
 15 investigation reveal about whether they had been in
 16 prison at the same time and in the same place?
 17 A. Yes, so we know that they were twice in the same prison,
 18 in Wakefield Prison in 2012, and in Woodhill Prison in
 19 2016, however, there's no evidence to prove or disprove
 20 that they ever came into contact with each other in
 21 those establishments.
 22 Q. Next, please, evidence has been given about Khan on
 23 multiple occasions telling official agencies that he had
 24 been affected by an incident in his early life in which
 25 a friend was murdered and right-wing extremists were

1 involved; I think you're aware of that evidence?
 2 A. That's right, yes.
 3 Q. Has your team made any enquiries to establish whether
 4 such an incident occurred?
 5 A. Yes, so we identified the death of an individual in
 6 Tunstall in Stoke-on-Trent in June of 2010. That was
 7 a death that was a consequence of a violent disorder
 8 between two groups of men after a football match so it
 9 was in the locality of where Khan lived. However, we've
 10 got no evidence to suggest that Khan knew any of the
 11 parties involved in that attack, and also the
 12 investigating team have assured us that the motivation
 13 for that incident was not racial, however, it was more
 14 as a result of a drink-related incident that followed
 15 from a pub earlier on in the evening.
 16 Q. Thank you. Next, please, the jury heard evidence and
 17 saw evidence of Usman Khan being photographed in the
 18 press waving a black flag by the side of the street.
 19 What is the significance of that flag, based on your
 20 counter-terrorism knowledge and your enquiries?
 21 A. So a translation of the text on that flag has been
 22 carried out and the translation is "There is no God but
 23 Allah". The flag itself does not belong to any
 24 proscribed organisation and would not constitute an
 25 offence under the Terrorism Act to wave such a flag,

1 however, in context, that clearly presents the view of
 2 an extremist by carrying out that action, and would
 3 certainly within a counter-terrorism investigation add
 4 towards the concept of mindset when we would be looking
 5 at an individual.
 6 Q. But the text in Arabic "There is no God but Allah and
 7 Mohammad is the prophet of Allah" is the basic statement
 8 of belief of Muslims, including mainstream law-abiding
 9 Muslims?
 10 A. Absolutely right, yes.
 11 Q. But is this right: the black flag has been associated in
 12 popular mindset and culture with Islamic State because
 13 of its widespread use of that flag?
 14 A. That is right, that is not an Islamic State flag, but
 15 there is such a flag which is a black flag with other
 16 text on it.
 17 Q. Next, please, the jury heard evidence about offenders
 18 who were on the Learning Together course at Whitemoor at
 19 the same time as Khan. Did you establish how many of
 20 those offenders on the Learning Together course had
 21 terrorism offences in their background?
 22 A. Yes, we did. So there were five other individuals with
 23 terrorism offences that attended the Learning Together
 24 course: four at Whitemoor and one at HMP Dovegate.
 25 Q. Thank you. Finally, please, the attack aspiration

1 intelligence. So you have been aware of the extensive
 2 evidence being given about intelligence which was
 3 generated in late 2018 to the effect that Khan planned
 4 to carry out an attack on his release from prison, or at
 5 least had said as much?
 6 A. Yes, I'm aware of that intelligence.
 7 Q. Now, DI Hessel gave evidence that this had emanated
 8 from the prison establishment. Is that right, in the
 9 sense that Khan was in prison at the time, so the
 10 intelligence must have emanated from the prison
 11 establishment in that sense?
 12 A. Yes, correct.
 13 Q. However, can you confirm that the original owner of the
 14 intelligence, the body generating or receiving the
 15 intelligence, was not Her Majesty's Prison
 16 and Probation Service?
 17 A. That's correct, yes, I know who the owners are and it's
 18 not the Prison Service.
 19 Q. And it's not possible to say who the owner is for
 20 reasons of national security?
 21 A. That's correct, yes.
 22 Q. We have heard that the owner was not MI5?
 23 A. Yes.
 24 Q. We've also received the evidence of DCI Chambers that
 25 the owner, in his view, would have given permission for

1 that information, that intelligence to be shared with
2 the MAPPA panel participants if asked, and the jury have
3 so far heard no evidence to contrary effect. The jury
4 have also heard that MI5 would not have objected to that
5 intelligence being shared, although it was, of course,
6 not the owner.

7 Now, you know what the intelligence is, where it
8 came from, and who the original owner was. To your
9 knowledge, is there anything about that intelligence
10 which would have caused the owner to refuse it being
11 shared with the MAPPA participants?

12 A. Not to my knowledge, no.

13 Q. Based on all your experience and understanding, would
14 you have expected that to be shared if a request had
15 been made?

16 A. Yes, I would.

17 MR HOUGH: Thank you very much. Those are all my questions.

18 It may be that others have some questions for you.

19 JUDGE LUCRAFT: I don't see anyone rushing forward. Even
20 Mr Beer has remained seated.

21 MR HOUGH: Sir, the only evidence other than that that we
22 have for today is some read evidence, so DCI Brown,
23 thank you very much.

24 A. Thank you very much. Thank you, sir.

25 MR HOUGH: Mr Moss will be dealing with the read evidence,

57

1 so the jury can be relieved that they won't be hearing
2 my voice anymore.
3 MR MOSS: Sir, I shall read evidence which you are admitting
4 under Rule 23 of the Coroners (Inquests) Rules 2013.
5 I will read parts of two statements from two witnesses,
6 both called Dawn: Dawn Banner and Dawn Spilsbury. IPs
7 have all had access to this evidence on the document
8 management system, it has been communicated to them what
9 the nature of the evidence is, and no IP has objected to
10 the evidence being read.

11 But, sir, before doing so, I will just make one
12 correction to something I read exactly two weeks ago at
13 the end of a Friday afternoon. When reading the
14 statement of Ellie Brown, an individual who worked with
15 Learning Together and attended the event at
16 Fishmongers' Hall, at the end of Ellie Brown's statement
17 she says that she had:

18 " ... a general idea of the types of people who would
19 be there."

20 The word "there" refers to the event on 29 November,
21 and she is relying on her knowledge of the
22 Learning Together programme, whereas I said when reading
23 the statement that the word "there" referred to her
24 knowledge of attendees at events more generally.

25 JUDGE LUCRAFT: Thank you.

58

1 MR MOSS: Sir, then I will first read the statement of
2 Dawn Spilsbury dated 12 December 2019, the reference
3 {WS0322}.

4 JUDGE LUCRAFT: And just pausing there, Mr Moss, this
5 relates to Ixion which we've heard reference about in
6 relation to searching for employment.

7 MR MOSS: Yes, and sir, it's an eight-page statement, and
8 I won't read eight pages of it, but I will read a short
9 introduction that puts it into context, and then a short
10 section at the end.

11 JUDGE LUCRAFT: Thank you.

12 MS DAWN SPILSBURY (read)

13 MR MOSS: "I am Dawn Spilsbury and currently work as a case
14 manager for Ixion Holdings. The company works with the
15 disadvantaged groups of people across the board ranging
16 from minor offences to very serious top-level offences.
17 We assist with their needs and try to help them move
18 forward. I've worked with the company for 18 months.
19 I'm currently based in Stafford. I have a workload of
20 nearly 70 clients who have different offending
21 histories .

22 "I believe that the offence [talking about
23 Usman Khan] related to recruitment and funding of
24 terrorism. Usman was a participant of the programme
25 since Friday, 11 January 2019. He was assigned to me

59

1 and a meeting was arranged for the first assessment.

2 I met him at approved premises in Stafford.

3 An assessment usually lasts about half an hour, but
4 sometimes longer.

5 "During the first assessment, I thought Usman was
6 very pleasant, easy to talk to, and quite confident.
7 Usman would not normally talk about his personal life,
8 and keep himself to himself. Usman was very happy to
9 speak to me about the programme, and engaged well, but
10 I would not be able to tell you much about his personal
11 life .

12 "From the beginning it was quite clear that he was
13 very willing to get into work."

14 And then in the next five or six pages the witness
15 talks about her engagement with Usman Khan, and I'll
16 pick it up on 21 November 2019, when she says:

17 "... I arranged to meet with Usman at the library in
18 Stafford. At 10.33 am, I received a text message from
19 Usman saying 'Hi Dawn, I feel really under the weather
20 today, do you mind rearranging the meeting until next
21 week? Thanks, Usman'. I was happy to rearrange, but
22 spoke with Ken [that's Ken Skelton]. Ken told me to
23 leave it with him and he would speak to Usman and make
24 him attend. A few minutes later Ken called me and said
25 that Usman was on his way.

60

1 "I arrived at the library for midday and Usman
2 arrived about five minutes later. When I saw Usman, he
3 had his face covered with what appeared to be a black
4 scarf. He was wearing a hat. All I could see was his
5 eye. After about 10 minutes of talking Usman pulled
6 down the scarf and sat on the other side of the desk
7 because he was concerned about me catching his cold.
8 I didn't keep him there for very long because I knew he
9 was ill. We discussed a painting and decorating course,
10 and a plastering course. The plastering course seemed
11 like the best option, but Usman mentioned that once he
12 completed the course he could be self-employed. I was
13 aware there may be issues with Usman being self-employed
14 so I explained to Usman that I would call Ken just to
15 check while we were together. I called Ken and he
16 explained to me that at this moment in time Usman could
17 not be self-employed, but he may be suitable after
18 completing the training course, because he would have
19 been out from prison for about 15 months.
20 "The available course was to start in March 2020,
21 I spoke to Usman about this course, and he went away to
22 have a think about it. I was trying my hardest to get
23 Usman into employment. I felt that Usman was constantly
24 being knocked back and there were numerous barriers for
25 him to try to get over.

61

1 "I had concerns that he was in his flat on his own
2 all day, and mentioned this to Ken. Ken mentioned that
3 he had a computer console and he was playing on that,
4 and he had bought some new games. I don't think he got
5 out much, and spent most of his day alone in the flat.
6 This motivated me further to help him get into work.
7 "On Friday 28 November 2019, I sent Usman a text
8 message saying 'Morning, hope you are feeling better. I
9 am in process of putting in for funding for plastering
10 course at Stoke-on-Trent. I don't need to see you today
11 unless there's something you want to discuss. If so,
12 I will be at CRC at Greyfriars where you can see me if
13 you need to. I have sent email to Ken to authorise your
14 course then I will send a request to my boss for
15 authorisation, regards, Dawn'. I called him and
16 explained that I had sent him the text and asked how he
17 was. He said he was in the barbers getting his hair
18 cut, he sounded fine. I asked if everything was okay.
19 He said everything was fine. I explained to him about
20 the order and said I would be in touch once authorised
21 so we could arrange dates for the course.
22 "When I woke Saturday morning, I saw on the news or
23 Facebook I'm not sure which that it was Usman who was
24 involved in the attack. I felt quite sad to find out it
25 was Usman and that he had killed a few people and been

62

1 killed himself. To this day I still can't understand
2 why he did it. He showed no signs that he was thinking
3 or planning to do anything like this."

4 And, sir, finally, the statement of Dawn Banner,
5 dated 5 May of this year, reference {WS5098}.

6 MS DAWN BANNER (read)
7 MR MOSS: "I joined Staffordshire Police in February 2015 as
8 a crime analyst, around January 2016 I joined Special
9 Branch (I believe this is now known as West Midlands CTU
10 Northern Hub) within Staffordshire Police, continuing in
11 an analyst role, and solely working within Special
12 Branch.

13 "This role involving me analysing of various data
14 and intelligence and producing various reports. I would
15 be using various systems to obtain this information and
16 it would be used to assist various Special Branch
17 investigations. I was working within the Special Branch
18 and would work directly with the Staffordshire
19 investigation team.

20 "I was first aware of Usman Khan around August
21 or September 2018 when he was due to be released from
22 prison. In anticipation of his release, I put together
23 a subject intelligence profile on Usman Khan, using
24 various sources of intelligence to do this. This
25 profile would be a living document and would be updated

63

1 periodically, depending on the level of intelligence
2 received. I would obtain this information or
3 intelligence on Usman Khan from various places,
4 including prison and police intelligence, probation and
5 mentor reports, and tagging data. In completing these
6 profiles, I had read a lot of intelligence around
7 Usman Khan, and from doing this, had a good
8 understanding of his behaviour and his mindset. I've
9 never actually met Usman Khan, and all the information
10 I knew had come from documents I had read.

11 "Initially the majority of my understanding of
12 Usman Khan came from prison and previously held police
13 intelligence prior to his release. Once Usman Khan was
14 released, I used various other sources of intelligence,
15 including mentor reports, tagging data, police
16 intelligence, which continued to develop my
17 understanding of his ongoing behaviour and mindset
18 post-release.

19 "In the profiles I created, I would make a summary
20 of the intelligence on Usman Khan, and this would be
21 disseminated to the appropriate people.

22 "From reading this information it did not appear
23 Usman Khan had changed his behaviour and mind set, this
24 is mainly formed from reading about his behaviour whilst
25 in prison which was summarised in the profiles. To me,

64

1 it appeared to show that he showed no remorse or want to
 2 change while in prison until a short period prior to his
 3 release.
 4 "I believe I used the words similar to 'he will pose
 5 a risk of re-engagement when released' to summarise this
 6 on a subject profile, my review of the intelligence
 7 would be summarised on his profile documents, which I do
 8 not currently have access to."
 9 Sir, that is the end of the evidence.
 10 JUDGE LUCRAFT: Thank you. I suspect, Mr Hough, there may
 11 just be a little bit of tidying up we need to look at on
 12 Wednesday.
 13 MR HOUGH: It is possible there may be one or two statements
 14 to be read to the jury just to tie up some loose ends,
 15 but they will be, if at all, short.
 16 JUDGE LUCRAFT: As the jury know, the next stages are really
 17 that on Monday we won't be sitting at all because the
 18 parties will be preparing their final submissions for
 19 me, which I will deal with on Tuesday, and then we will
 20 look forward to seeing you back on Wednesday when
 21 I suspect for much of the day, I am afraid you will be
 22 listening to me. So I know that I can't see you all,
 23 but at least the screens mean that you can see me.
 24 What I'm going to endeavour to do, ladies and
 25 gentlemen, is provide you with as much assistance as

1 I can both as to your approach to the questions that you
 2 will have to deal with, and to provide you with
 3 a summary of the major parts of the evidence that you
 4 have listened to over six weeks. Of course, what
 5 I can't do is to recite all the evidence, partly because
 6 it would take me a very long time to do so, but also it
 7 would be a slight insult to your intelligence; you have
 8 been listening very carefully, as I can see, and many of
 9 you have made your own notes. But, as I have said, what
 10 I will endeavour to do is summarise the evidence in such
 11 a way as it helps you identify the issues and deal with
 12 the questions which will be on a questionnaire which
 13 I will also give to you with some written directions,
 14 which I hope will steer you in your work towards the end
 15 of next week.
 16 The reward for starting early yesterday and, indeed,
 17 today, is that we have finished before noon. I think in
 18 the first week we had a couple of early days and I said:
 19 don't get used to this, it won't happen again. Sadly
 20 that's been proved to be right, but we will part company
 21 there. Whatever you are doing this weekend, please,
 22 I've said it before and it is like a cracked record,
 23 please do just put this very much on the pause button.
 24 Whatever you are doing on Monday and Tuesday please,
 25 again, enjoy that. Some of you may be having some time

1 off. Whatever you are doing, please don't worry or
 2 think about this, and then on Wednesday we will look
 3 forward to seeing you all again for 10 o'clock. Thank
 4 you very much indeed.
 5 (In the absence of the jury)
 6 JUDGE LUCRAFT: Mr Hough, in relation to Monday, there won't
 7 be, obviously, any hearings here on Monday, and in terms
 8 of Tuesday, I was going to suggest that we sit at
 9 10 o'clock, unless anyone has any strong views that we
 10 should either sit earlier or later?
 11 MR HOUGH: For our part we think starting at 10 o'clock will
 12 allow you to finish the closing submissions within
 13 a day. We've produced a reasonably detailed document
 14 which has been sent to interested persons, and no doubt
 15 others will supply written submissions which will allow
 16 them to condense their oral remarks.
 17 JUDGE LUCRAFT: Thank you. I'll rise.
 18 (11.54 am)
 19 (The court adjourned until 10.00 am on
 20 Tuesday, 25 May 2021)
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 22
 23
 24
 25

1
 2 INDEX
 3 PAGE
 4 ACC MATTHEW WARD (sworn)1
 5 Questions by MR HOUGH QC2
 6 Questions by MR ARMSTRONG42
 7 Questions by MR BOYLE QC47
 8 DCI DAN BROWN (continued)52
 9 Questions by MR HOUGH QC52
 10 MS DAWN SPILSBURY (read)59
 11 MS DAWN BANNER (read)63
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

<p>A</p> <p>able (26) 9:19 13:23 14:10,16,17 17:22 18:20 19:1 26:8 28:10,20 29:9,20 35:20,21,22 37:16,19 40:21 41:11 43:20 45:20 46:12,18 47:17 60:10 above (2) 4:14,22 absence (4) 1:3 51:23 52:3 67:5 absolutely (5) 13:21 46:10 47:12 51:2 55:10 academic (1) 32:25 acc (3) 1:19,20 68:4 accept (3) 28:21 46:10 49:7 accepting (1) 41:2 access (4) 38:21 39:1 58:7 65:8 accommodating (1) 52:4 account (1) 21:21 accredited (1) 3:7 across (8) 8:19 32:4 34:10,21 37:14 39:11 49:19 59:15 action (6) 7:13 30:20 47:9,17 50:12 55:2 activities (1) 5:7 activity (5) 7:19,20,24 8:4 13:9 actually (5) 26:13 27:2 33:5 37:16 64:9 add (1) 55:3 addition (4) 4:22 11:19 39:7 48:21 additional (3) 8:4 35:22 43:25 address (2) 45:20 52:25 addressed (1) 48:8 adjoined (1) 67:19 admitting (1) 58:3 adopt (1) 16:20 advantage (1) 19:3 advice (4) 8:1 25:2 40:7,8 advise (2) 39:2 50:16 aegis (1) 34:17 affect (1) 1:16 affected (1) 53:24 afraid (1) 65:21 after (5) 5:25 30:25 54:8 61:5,17 afternoon (1) 58:13 again (12) 10:7,9 28:3 29:18 36:15 37:9 38:15 39:10 47:7 66:19,25 67:3 agencies (4) 6:14 14:13 39:20 53:23 agency (2) 30:16,21 ago (1) 58:12 agreed (3) 10:15 15:11,23 agreement (4) 10:23 11:3 12:24 13:8 agreements (1) 10:11 aim (1) 32:11 allah (3) 54:23 55:6,7 alliance (1) 5:17 allow (2) 67:12,15 allowed (2) 18:18 19:7 allows (1) 37:17 alone (1) 62:5 along (2) 17:24 46:4 alongside (4) 36:6 37:5 39:22 40:13 already (5) 15:23 16:1,25 19:16 51:17 also (27) 3:7 4:6 5:1 10:15 11:16,23 12:15 16:11 18:23 21:23 22:22 25:2 38:1,13 39:12,18 40:11 41:15 46:4,22,22 50:2 54:11 56:24 57:4 66:6,13 although (2) 8:14 57:5 always (4) 17:10 29:5,6 36:17 amalgamate (1) 10:16 among (1) 6:16 amount (1) 23:21</p>	<p>amplify (3) 10:18 15:24 16:18 analysing (2) 34:9 63:13 analyst (2) 63:8,11 another (1) 48:6 answer (3) 14:20 27:5 45:5 anticipated (1) 51:16 anticipation (1) 63:22 anxious (1) 46:9 anybody (3) 27:10 45:16 50:9 anymore (1) 58:2 anyone (2) 57:19 67:9 anything (2) 57:9 63:3 anyway (1) 51:7 anywhere (1) 7:11 apart (1) 29:1 apologies (1) 1:4 appear (2) 1:24 64:22 appeared (2) 61:3 65:1 appeals (1) 13:14 apply (1) 20:23 appreciate (2) 2:7 51:15 approach (8) 16:17 19:2 35:1,3 41:2,5,17 66:1 approaches (3) 32:4 34:20,24 appropriate (4) 39:16 40:21 41:11 64:21 appropriately (2) 38:25 50:10 approved (2) 46:5 60:2 april (3) 11:1,2 16:2 aptitude (3) 18:7 36:17 45:8 arabic (1) 55:6 area (16) 3:24 5:12 6:8,21 7:5,16 8:1 12:5,7,8,10 13:1,4 15:3,17 23:8 areas (2) 2:15 3:19 arent (1) 41:3 argued (1) 16:12 armstrong (9) 42:5,6,7,8,10 47:18,20 48:21 68:6 around (9) 16:22 21:6 32:25 33:5 37:10 43:23 63:8,20 64:6 arrange (1) 62:21 arranged (2) 60:1,17 arrangements (4) 9:7,21 34:10 39:15 arrived (2) 61:1,2 artefact (1) 13:7 ask (8) 7:5 20:17 27:19 30:23 42:8 47:19 48:1 51:6 asked (8) 27:21 43:3 48:3 49:3,11 57:2 62:16,18 asking (1) 2:8 asks (1) 24:20 aspects (1) 7:22 aspiration (1) 55:25 assess (1) 37:19 assessing (1) 7:12 assessment (8) 21:21,22 35:2 38:7,11 60:1,3,5 assessments (1) 8:7 assigned (1) 59:25 assist (2) 59:17 63:16 assistance (1) 65:25 assistant (6) 2:5,10 42:7 47:18,24 48:10 associated (1) 55:11 assured (1) 54:12 atmosphere (1) 43:7 atrocities (1) 10:4 attack (9) 22:23 31:25 32:14 40:6 46:6 54:11 55:25 56:4 62:24 attacks (3) 10:2 31:1 33:18 38:1,13 39:12,18 40:11 41:15 46:4,22,22 50:2 54:11 56:24 57:4 66:6,13 although (2) 8:14 57:5 always (4) 17:10 29:5,6 36:17 amalgamate (1) 10:16 among (1) 6:16 amount (1) 23:21</p>	<p>authorisation (1) 62:15 authorise (1) 62:13 authorised (1) 62:20 autumn (1) 34:3 available (2) 38:12 61:20 aware (14) 15:20 27:13,16,16 28:22 46:19 48:22 49:13 50:5 54:1 56:1,6 61:13 63:20 awareness (2) 21:4,6 away (1) 61:21</p> <p>B</p> <p>back (7) 25:8 27:4 29:10 33:17 42:20 61:24 65:20 background (3) 19:5 25:5 55:21 banner (4) 58:6 63:4,6 68:11 barbers (1) 62:17 barker (1) 43:1 barriers (2) 24:24 61:24 based (7) 21:12 22:6 25:2 32:23 54:19 57:13 59:19 basic (1) 55:7 basis (1) 44:11 became (1) 19:15 beer (7) 50:20,23 51:1,5,6 52:5 57:20 before (15) 1:14 12:19 21:15 22:22 23:22 27:18 28:14 31:25 32:14 36:14 51:18 52:12 58:11 66:17,22 beginning (2) 33:20 60:12 behalf (4) 2:8 28:20 42:8 48:1 behaviour (6) 14:18 25:21 64:8,17,23,24 behind (2) 20:25 45:7 being (33) 3:5 7:24 8:15 13:3 16:25 17:19,21 24:11 25:8 27:1,22 28:10 31:21 33:10 34:2,15 35:21 41:14,16 43:20 45:23 48:9,15,23 49:11 50:10 54:17 56:2 57:5,10 58:10 61:13,24 belief (1) 55:8 believe (4) 12:2 59:22 63:9 65:4 belong (1) 54:23 beneath (1) 44:23 benefit (5) 18:23 26:1,2,12 29:4 bespoke (1) 21:20 best (9) 16:20 32:25 33:3,25 38:17 39:16 41:18 43:19 61:11 better (6) 16:13 27:2 28:8,12 35:10 62:8 between (20) 3:10,12 5:16,20,21 9:21,22 10:12 16:13 26:6 28:14 30:7 31:2,6 38:2,4 40:24 46:5 49:5 54:8 bigger (2) 18:13 19:4 birmingham (1) 23:18 birth (2) 52:24,24 bit (4) 1:5,14 26:5 65:11 bits (2) 18:13 34:13 bizarre (1) 43:2 black (4) 54:18 55:11,15 61:3 board (5) 28:9 39:8,9,19 59:15 bodies (2) 5:11,13 body (2) 5:4 56:14 boss (1) 62:14 both (8) 19:20 23:16 24:16 29:12 41:9 47:1 58:6 66:1 37:3 43:25 55:1 bound (1) 27:17 boyle (5) 47:21,22,23 50:18 68:7 branch (19) 4:19 5:15,16,17 6:1,3 7:1,2 9:10 26:11 36:10 40:23 41:7 47:2 49:17 63:9,12,16,17</p>	<p>branches (19) 6:7,20,23 7:4,8,11,15,22 8:3,10 9:4,19,21 10:7,12,17,25 11:4 15:9 breach (3) 15:2,5 18:20 breaches (1) 18:18 break (5) 51:15,21 52:1,5,7 breather (1) 51:20 briefings (1) 21:4 bring (3) 13:15 36:11 41:9 bringing (2) 16:3,15 broad (1) 2:15 broader (11) 3:23 5:9 6:8,23 7:19 15:17 18:14,17,23 27:7 30:11 broadly (1) 9:13 bronson (1) 53:14 brought (3) 17:11 35:18 41:7 brown (6) 51:13 52:10,12 57:22 58:14 68:8 browns (1) 58:16 building (2) 14:14 43:17 business (1) 35:7 button (1) 66:23 byford (1) 23:5</p> <p>C</p> <p>call (3) 8:13 36:2 61:14 called (6) 5:17 31:6 58:6 60:24 61:15 62:15 came (5) 19:5 51:18 53:20 57:8 64:12 cant (4) 45:13 63:1 65:22 66:5 capability (4) 35:14,21 39:8 43:11 capable (1) 19:22 capacity (1) 40:6 capture (1) 26:8 career (3) 2:23,24 3:2 carefully (1) 66:8 carried (4) 2:24 3:4 10:1 54:22 carry (3) 14:10 19:7 56:4 carrying (1) 55:2 cases (3) 26:16 28:14,15 catching (1) 61:7 cause (1) 1:13 caused (1) 57:10 centres (3) 31:6,21 32:2 certain (1) 11:12 chair (6) 26:23 27:23 28:2,6,11,14 chambers (3) 29:13,21 56:24 change (6) 14:18 17:6 18:9 29:17 35:12 65:2 changed (4) 19:13 29:17 33:14 64:23 changes (4) 11:13 30:23 35:7 39:22 changing (1) 20:17 channel (1) 40:24 charles (1) 53:14 chat (1) 46:4 check (1) 61:15 chief (10) 2:6,10 3:12 24:3,9,20 42:7 47:18,24 48:10 chiefs (1) 9:2 chis (1) 8:13 chosen (1) 45:7 circuitous (1) 50:24 clarity (4) 37:11 43:24 46:14 49:7 clear (9) 15:1 16:17 17:5 26:18 29:22,23 32:18 42:16 60:12 clearly (6) 26:16 30:4 32:9 37:3 43:25 55:1 clients (1) 59:20 clock (1) 52:6 close (3) 16:13 19:1 37:19 closed (2) 31:13 32:7 closely (2) 37:23 39:13 closing (1) 67:12 cobbett (1) 24:9</p>	<p>codified (1) 37:12 cohort (2) 17:24 32:9 cold (1) 61:7 collaboration (8) 5:20,21,23 6:11 10:11 11:3 12:23 13:8 colleagues (7) 7:12 22:17,20 26:11 46:17 50:13,15 college (1) 20:14 combine (1) 10:24 combined (2) 5:15 7:2 come (4) 17:23 50:21 51:7 64:10 comes (2) 26:18 29:10 coming (3) 18:12 33:20 35:23 command (1) 15:25 commander (4) 3:6,7,8,9 comment (1) 44:16 commission (1) 9:3 committed (1) 47:12 common (1) 49:20 communicate (1) 19:1 communicated (1) 58:8 communities (6) 13:22 32:13 33:1 35:11 42:2 47:14 community (10) 6:14 11:8 12:21 31:11 32:10,16 33:10 35:13 36:6 37:4 company (3) 59:14,18 66:20 completed (2) 41:23 61:12 completing (2) 61:18 64:5 complex (2) 14:15 43:18 composition (2) 8:23 18:9 55:3 compromise (2) 26:25 39:5 computer (1) 62:3 concept (1) 55:4 concern (4) 44:22 45:21,25 46:8 concerned (10) 3:15 4:2 6:6 22:23 23:12,23 32:1,15 46:13 67:1 concerning (2) 24:17 53:11 concerns (8) 24:24 43:23 47:7 48:5,15 50:9,17 62:1 condense (1) 67:16 conditions (4) 11:21 18:19 22:8 23:16 conduct (2) 25:21 35:20 conducted (5) 7:24 10:3 34:15 39:11 45:23 conduit (1) 25:8 conferences (1) 44:6 confidence (7) 42:21 43:23 44:12 45:4,17 46:14 49:9 confident (6) 41:21,25 45:10,13,14 60:6 confirm (5) 9:6 27:14 50:2 53:2 56:13 confirmed (1) 15:8 conflicted (1) 49:5 conjunction (3) 30:16 36:21 41:12 cons (1) 26:15 consequence (1) 54:7 consider (1) 28:15 consideration (1) 22:4 considered (3) 13:10 15:6 22:6 considering (2) 13:9 37:6 consistent (3) 16:8,17 49:23 console (1) 62:3 constable (6) 2:6,10 42:7 47:19,24 48:10 constables (2) 19:22,25 constantly (1) 61:23 constitute (1) 54:24 contact (2) 53:13,20 contains (1) 52:21 content (1) 46:1 contest (3) 4:11 7:20 42:16 context (7) 9:2,18 13:17,23 41:7 55:1 59:9 continue (3) 6:10 30:13 41:19 continued (3) 52:10 64:16</p>	<p>68:8 continuing (1) 63:10 contrary (1) 57:3 contribute (1) 14:3 control (2) 11:4 44:18 controlled (1) 8:15 conversations (1) 28:5 convicted (5) 11:11 32:11 33:1,16 36:4 convictions (1) 33:19 coordinating (1) 5:7 copy (1) 53:3 coroner (1) 2:8 coroners (1) 58:4 correct (36) 3:17 4:1,5,8,16,21 5:3,24 6:9,15,24 8:14 11:15,18,23 12:6,9,11 13:6 17:4 19:21,24 20:2 22:3,13 23:9 24:13 25:22,25 30:14,18 31:4 53:2 56:12,17,21 correction (1) 58:12 corridor (2) 38:1 39:4 countdnt (1) 48:11 council (1) 9:3 counterterrorism (43) 2:17 3:14 4:9,10,13,19,23,24 5:1,5,8,12,14,19 6:12,17 8:1,12,16,20,25 9:18 10:8,24 11:10 15:7,10 19:20 21:3,6 23:4,7 24:2 30:9,11 31:7 32:2 33:24 34:2 35:14 39:18 54:20 55:3 counterterrorist (2) 19:23 35:12 country (2) 8:22 39:11 couple (3) 12:18 51:18 66:18 course (27) 14:20,22 21:8 28:13 36:19 39:22 41:19 45:2 48:14 49:9 51:22 53:11 55:18,20,24 57:5 61:9,10,10,12,18,20,21 62:10,14,21 66:4 courses (1) 36:18 coventry (1) 23:20 cover (2) 3:19 8:18 covered (2) 3:24 61:3 covers (1) 3:20 covert (12) 25:15 29:8,11,23,24 30:17 31:10 36:25 38:5 39:5 40:10 41:6 covid (1) 51:1 cracked (1) 66:22 craig (1) 43:6 crc (1) 62:12 create (2) 35:17,22 created (5) 12:24 17:14,18,22 64:19 creating (1) 35:21 crime (3) 2:17 3:5 63:8 criminal (1) 3:1 criticism (1) 29:14 criticisms (1) 50:5 ct (19) 14:11 15:6 16:14 20:9,12,16 21:5 25:18 29:5 35:10,17,17 42:1 43:20 45:1,3,6 46:11 49:8 ctu (37) 3:16 5:18,25 6:4,6,10 9:21,24 10:12,25 11:5 12:24 13:15 15:11,15 16:1,16,24 17:3 19:12 24:4,13,23 25:9,11 28:5 30:13 31:24 40:12,16 41:1,8 44:3 47:12 50:8,16 63:9 ctus (2) 34:16,23 culture (1) 55:12 currently (3) 59:13,19 65:8 custody (1) 23:1 cut (1) 62:18</p> <p>D</p> <p>daily (3) 10:14 44:24 46:20 dan (3) 51:12 50:10 68:8 data (3) 63:13 64:5,15</p>	<p>date (2) 52:23,24 dated (2) 59:2 63:5 dates (2) 3:12 62:21 dawn (12) 58:6,6,6 59:2,12 13 60:19 62:15 63:4,6 68:10,11 day (8) 1:17 23:17,19 62:2,5 63:1 65:21 67:13 days (3) 23:11,17 66:18 dci (8) 24:9 29:21 51:12 52:10,12 56:24 57:22 68:8 deal (7) 36:3 47:9,13 51:19 65:19 66:2,11 dealing (6) 12:21 23:7 28:16 33:25 37:5 57:25 deals (1) 4:19 dealt (2) 15:3 48:19 death (3) 52:24 54:5,7 december (2) 34:8 59:2 decided (4) 9:23 10:5 13:10,25 decision (16) 6:2 9:13,15 13:16,18 14:2,4,5,6,8 18:8 25:1 27:17 42:13,14,15 decisions (1) 38:17 decorating (1) 61:9 degree (1) 38:13 deliver (1) 43:16 delivering (1) 14:13 deny (1) 27:14 depend (1) 48:14 depending (1) 64:1 deputy (1) 24:3 describe (1) 7:19 described (4) 31:13 32:21 41:13,15 design (1) 33:24 desire (1) 9:18 desk (2) 1:22 61:6 despite (1) 21:7 detail (3) 25:5 28:15 44:22 detailed (2) 34:9 67:13 detective (5) 3:12 19:19,19,22 24:3 determine (1) 7:13 develop (7) 10:19,23 18:9 29:21 41:14,16 64:16 developed (10) 10:21 21:9,11 30:3 31:6,21 32:22 33:12 36:18 41:4 developing (2) 32:6 33:3 development (2) 8:11 32:1 developments (1) 8:17 di (1) 56:7 didnt (8) 15:9 20:23 44:4 46:2,15 48:24 49:6 61:8 difference (1) 49:1 differences (1) 8:25 different (18) 8:20,21,22,23,24 18:11,13 21:1 27:9 34:13,23,23,24,25,25 44:2 49:21 59:20 difficult (1) 47:16 direction (4) 11:4 15:25 41:22 44:18 directions (1) 66:13 directly (1) 63:18 disadvantaged (1) 59:15 disadvantages (1) 26:16 disband (1) 6:3 discipline (1) 36:12 discuss (1) 62:11 discussed (9) 10:22 13:14 20:4 23:1 25:24 26:4 30:15 34:12 61:9 discussion (1) 22:25 discussions (3) 15:19,21 28:2 disorder (1) 54:7 disprove (1) 53:19 disseminated (1) 64:21 distinct (1) 29:4 diversity (1) 9:7 division (1) 39:14 document (7) 1:6 21:13 52:20 53:1 58:7 63:25</p>
--	--	--	---	--	---	---

67-13
documents (3) 1:23 64:10
65:7
does (3) 3:19 5:4 54:23
doesnt (1) 44:20
doing (11) 13:19 35:25
36:5,8 43:8 45:12 58:11
64:7 66:21,24 67:1
done (9) 1:7,15 14:1 16:21
33:13 34:9,17 41:14,16
dant (15) 17:7 26:24 43:12
44:9,24,25 45:24 50:20
53:5,8 57:19 62:4,10 66:19
67:1
doubt (1) 67:14
dovegate (1) 55:24
down (1) 61:6
drawing (1) 21:23
drinkrelated (1) 54:14
due (4) 10:25 16:7 36:20
63:21
during (4) 16:6 25:23 53:10
60:5
duties (1) 2:25
duty (1) 8:13

E

earlier (3) 52:5 54:15 67:10
early (11) 2:22,24 3:10,10
9:11 33:19 35:6 46:24
53:24 66:16,18
easier (1) 1:25
easy (1) 60:6
effect (3) 11:1 56:3 57:3
effectively (1) 32:18
eight (2) 19:4 59:8
eightpage (1) 59:7
either (4) 18:19 29:17 32:23
67:10
elements (1) 6:16
ellie (2) 58:14,16
elsewhere (1) 27:3
email (1) 62:13
emanated (2) 56:7,10
employment (2) 59:6 61:23
encompass (1) 7:21
encompasses (1) 5:10
end (9) 12:2 23:11 27:1
52:16 58:13,16 59:10 65:9
66:14
endeavour (2) 65:24 66:10
ends (1) 65:14
engaged (1) 60:9
engagement (2) 36:5 60:15
engaging (4) 17:5 19:22
31:17 35:1
england (5) 4:6,18 34:11,21
49:19
enjoy (1) 66:25
enquiries (3) 52:17 54:3,20
ensure (3) 38:3 39:19 40:20
ensuring (3) 7:24 29:5 37:15
entered (1) 53:6
entirely (2) 14:2 18:3
entitled (2) 17:15 37:7
entity (1) 10:17
equally (7) 9:20 20:13
27:16,17 28:5 29:9 38:2
equivalent (1) 30:2
escalate (1) 14:18
escalated (9) 24:25 28:4
45:18,18 46:19 47:8,16
48:9,12
escort (1) 21:17
establish (4) 32:3 34:20 54:3
55:19
established (5) 5:25 9:10
10:19 31:2 34:17
establishment (2) 56:8,11
establishments (1) 53:21
even (2) 29:3 57:19
evening (1) 54:15
event (2) 58:15,20
events (1) 58:24
ever (3) 30:19 41:25 53:20
every (2) 23:10 25:23

everybody (1) 46:1
everyone (2) 1:4,12
everything (2) 62:18,19
evidence (34) 11:9 24:21
32:24 42:20 43:4 46:13
48:20,22,24 49:4 52:15
53:12,19,22 54:1,10,16,17
55:17 56:2,7,24
57:3,21,22,25 58:3,7,9,10
65:9 66:3,5,10
exactly (1) 58:12
example (6) 7:25 8:7 24:12
27:13 46:2 48:23
excellent (1) 16:21
exercise (1) 17:5
expand (2) 17:24 32:12
expect (3) 48:7,11 50:16
expectation (1) 28:17
expected (3) 25:4 36:14
57:14
expecting (1) 16:5
experience (8) 19:20 22:18
25:3 32:23 33:23 36:13
43:14 57:13
experienced (1) 45:6
experiences (2) 19:5 21:12
expert (1) 40:7
explained (4) 61:14,16
62:16,19
exploring (1) 44:11
expressed (1) 48:15
expression (1) 48:5
expression (1) 47:2
extend (1) 15:10
extended (1) 11:16
extensive (1) 56:1
extent (1) 48:15
extracts (1) 48:21
extremist (2) 21:1 55:2
extremists (2) 20:23 53:25
eye (1) 61:5

F

face (1) 61:3
facebook (1) 62:23
facetoface (2) 36:5 39:4
facilitate (1) 28:20
fair (1) 23:21
familiar (1) 16:11
family (1) 42:8
far (4) 22:20 41:18 46:19
57:3
favour (1) 16:12
february (1) 63:7
fed (2) 27:4 29:10
feel (2) 48:24 60:19
feeling (1) 62:8
fell (1) 44:18
felt (6) 16:24 43:2 45:16
49:6 61:23 62:24
few (4) 12:18 40:1 60:24
62:25
fewer (1) 22:20
figure (1) 12:15
filled (1) 3:3
final (3) 46:22 51:12 65:18
finally (5) 8:10 40:1 41:13
55:25 63:4
find (1) 62:24
findings (1) 10:6
fine (2) 62:18,19
finish (3) 1:9 45:5 67:12
finished (1) 66:17
firearms (1) 3:7
first (18) 1:18 2:8,19 7:7,10
10:22 23:17 24:9 34:13
40:3 48:7 52:20 53:11 59:1
60:1,5 63:20 66:18
firstly (1) 19:3
fishmongers (1) 58:16
five (3) 55:22 60:14 61:2
flag (10) 54:18,19,21,23,25
55:11,13,14,15,15
flagged (1) 47:15
flat (2) 62:1,5
flow (3) 26:5 29:11 30:6

flowed (2) 9:22 10:8
floyd (1) 24:9
flynn (1) 39:24
focused (1) 31:12
followed (2) 15:19 54:14
following (6) 10:1,3 11:21
16:2 50:4 51:1
football (1) 54:8
footprint (1) 7:16
force (16) 2:16 3:24 4:4,6
7:16 12:5,7,10 13:1,5,12
14:3 17:6 23:6 35:3 49:21
forces (20) 3:20,22
4:14,18,22 5:10,20,21 6:7
8:23,24 9:15 15:20,23
34:16,23,25 49:18,20,21
form (2) 8:4 21:3
formal (4) 21:8,23 22:1
52:22
formally (1) 35:13
formed (1) 64:24
forsyth (3) 46:8 47:3 48:23
forward (6) 17:11 51:7 57:19
59:18 65:20 67:3
four (9) 3:20 4:11 5:10,21
7:4 9:15 15:23 42:23 55:24
fourth (1) 8:10
framework (3) 37:6,17,21
frequency (1) 22:6
friday (4) 1:1 58:13 59:25
62:7
full (2) 2:3 44:21
fully (2) 14:6 42:15
function (4) 16:15 24:16
26:11 31:9
functions (6) 6:20 7:9 15:25
17:14 26:7 40:3
funding (3) 35:22 59:23 62:9
further (3) 7:13 10:1 62:6

G

games (1) 62:4
gather (1) 33:4
gave (2) 46:14 56:7
general (7) 2:25 20:7,9 21:4
43:15 45:8 58:18
generality (2) 45:11,13
generally (4) 14:9 45:5 49:25
58:24
generated (1) 56:3
generating (1) 56:14
gentlemen (1) 65:25
geographical (1) 3:19
get (6) 49:22 60:13 61:22,25
62:6 66:19
gets (4) 26:13 30:7 38:16
48:12
getting (2) 21:14 62:17
give (7) 2:3 14:18 36:18
46:23 49:9 52:15 66:13
given (13) 10:23 14:23 16:25
21:5 22:19 25:7 47:5 48:23
52:12 53:12,22 56:2,25
giving (1) 14:20
god (2) 54:22 55:6
going (13) 7:5 15:24 25:14
27:8 32:15 33:6 37:18
44:22 46:3,4 50:20 65:24
67:8
gold (1) 3:8
gone (2) 33:15 45:2
good (12) 1:12,16,21 2:5
14:16 37:19 42:10
47:23,23,24,25 64:7
governing (1) 10:13
governments (1) 4:10
grasp (1) 44:22
great (1) 29:3
greater (4) 10:11 13:22 33:9
42:17
grew (1) 18:11
greyfriars (1) 62:12
groups (2) 54:8 59:15
growing (1) 33:22
guidance (11) 24:19 25:2
29:24 30:2,4 36:22,25

37:2,25 40:8 41:6
guide (1) 39:3
guidelines (1) 20:16

H

hair (1) 62:17
half (1) 60:3
hall (1) 58:16
hand (1) 53:3
handed (1) 53:3
handle (1) 19:25
happen (4) 17:7 28:1,8 66:19
happened (2) 28:8 29:20
happening (1) 49:18
happens (1) 32:14
happy (2) 60:8,21
hardest (1) 61:22
hartill (1) 46:25
hat (1) 61:4
having (9) 11:19 19:3
26:2,12 27:23 41:9 46:4
47:6 66:25
head (5) 3:13 5:18 24:3
50:8,16
headed (1) 52:21
heading (2) 3:16 41:21
headquarters (4) 5:2,5 32:3
34:3
heard (3) 4:9 6:16 10:18
11:16 13:25 15:8,13 17:2
19:18 20:19 21:24 23:5,21
24:8,21 25:11 27:19
29:13,21 30:10 35:15
39:23 40:11,15,23 42:19
48:20 54:16 55:17 56:22
57:3,4 59:5
hearing (1) 58:1
hearings (1) 67:7
heavily (1) 33:5
held (2) 2:13 64:12
help (5) 18:18 39:10 49:11
59:17 62:6
helping (1) 42:17
helps (1) 66:11
hemmnings (1) 43:6
hence (1) 49:22
here (8) 42:22,23 45:21,23
46:24 51:18 52:15 67:7
hessel (2) 47:1 56:7
hi (1) 60:19
high (2) 15:20 32:3
highlevel (1) 34:1
himself (3) 60:8,8 63:1
hindered (1) 48:24
historically (1) 8:19
histories (1) 59:21
history (2) 13:7 17:13
hmp (1) 55:24
hold (1) 3:10
holdings (1) 59:14
home (1) 31:7
hope (2) 62:8 66:14
hopedfor (1) 1:17
hopeful (1) 1:9
hough (31) 1:4,8,16,18 2:2,3
27:18,21 29:1 42:3
51:6,12,14,22 52:5,9,11,12
53:3,5,9,10 57:17,21,25
65:10,13 67:6,11 68:5,9
hour (1) 60:3
however (6) 18:8 53:19
54:9,13 55:1 56:13
hub (1) 63:10
hundred (1) 44:10

I

idea (3) 29:3 46:23 58:18
identified (7) 5:10 18:5,20
29:18 40:6 53:10 54:5
identify (3) 7:4 18:18 66:11
ideologies (1) 20:24
ideology (3) 14:16 20:8
43:19
ill (6) 20:17 51:24 53:3 60:15
61:9 67:17

im (16) 1:13,13 2:17 3:7 7:5
22:15 44:6,11 46:19
50:5,20 51:1 56:6 59:19
62:23 65:24
immerse (1) 25:4
imminent (1) 17:11
implemented (1) 16:19
importance (1) 13:17
important (13) 9:20
13:18,21 25:15 26:5,23
29:6 35:15 36:17 38:15
39:9 45:23 46:11
importantly (2) 24:22 38:1
imposes (1) 11:10
imposing (1) 11:21
impracticably (1) 25:7
improvement (1) 31:1
inadvertently (1) 26:24
incident (5) 3:8 53:24
54:4,13,14
include (5) 7:25 8:7 21:13
30:6 32:12
included (1) 21:22
including (14) 2:25 3:5 12:8
15:17 18:14 24:10 30:12
32:11 35:4 39:1,13 55:8
64:4,15
incorporate (1) 6:3
incorporating (1) 16:13
increase (1) 12:16
incredibly (2) 27:10 39:9
index (1) 68:2
individual (6) 4:14,25 27:15
54:5 55:5 58:14
individually (1) 53:7
individuals (10) 17:24 23:15
24:5 31:10 32:10 36:13
41:3 45:14 50:1 55:22
influenced (1) 20:9
influenced (1) 33:5
informant (1) 9:23
informants (1) 8:12
information (25) 7:10 9:22
10:8,15 11:12,13,16 26:24
27:4 29:7,9,11 30:6 33:4
38:4,16 40:20,24 42:25
47:15 57:1 63:15 64:2,9,22
38:12,13
informs (1) 45:25
initial (3) 23:2 32:12 34:1
initially (5) 17:19 18:1,3 40:7
64:11
inking (1) 27:11
inquest (3) 44:15 52:18 53:6
inquests (3) 52:16 53:11
58:4
insight (1) 13:24
inspector (3) 19:19 24:9,20
inspectors (2) 24:3 38:24
instance (1) 48:8
instructions (1) 51:1
insult (1) 66:7
intelligence (49) 2:18 4:20
6:14 7:7,9,11,12,17 21:21
26:5,8 27:3 28:21 30:6
35:16 38:4,12,14,16,21
39:1,2 40:16,21 41:8,10
56:1,2,6,10,14,15
57:1,5,7,9 63:14,23,24
64:1,3,4,6,13,14,16,20
65:6 66:7
interactions (1) 13:20
interest (3) 31:13 32:5,8
interested (2) 52:17 67:14
internationally (2) 32:20,24
interventions (3) 14:13
31:19 43:17
into (17) 10:17 13:4,15 25:9
26:6 29:8,10 31:10 33:10
36:11 37:23 53:6,20 59:9
60:13 61:23 62:6
introduction (2) 31:5 59:9
investigated (1) 32:8
investigating (8) 3:6 7:18
25:9,12,19 26:2 40:19
54:12

investigation (29) 7:14
15:6 10 19:20 25:16,19
26:20,25 27:8,12,15
29:8,11,23 30:1,17,19
31:15 37:24 38:5 39:6
40:10,13,17,18 41:4 53:15
55:3 63:19
investigations (16) 3:1 6:18
7:16 18:24 19:23 24:4
26:17 27:9 29:25
30:9,11,15 31:10 37:1 41:6
63:17
investigative (6) 15:12 18:14
19:10,16 40:22 41:11
investigator (1) 35:20
investigators (2) 16:14 35:15
involve (4) 21:17,20 22:4
38:6
involved (13) 18:24,25 20:20
21:14 35:4 37:22 38:20
40:4,16 50:1 54:1,11 62:24
involves (1) 13:19
involving (1) 63:13
ip (1) 58:9
ips (1) 58:6
ireland (1) 33:17
irelandrelated (1) 33:16
islamic (2) 55:12,14
islamist (1) 33:18
isnt (2) 26:12 47:15
issued (1) 20:13
issues (7) 20:25 24:24 43:21
47:7 48:6 61:13 66:11
its (22) 1:25 4:11 6:1,3
13:12 17:13,18 20:3
26:18,20 27:13 30:10,17
35:3 36:17 38:15 41:14
47:16 55:13 56:17,19 59:7
itself (1) 54:23
ive (7) 3:4 43:14 44:6 49:4
59:18 64:8 66:22
ixion (2) 59:5,14

J

jack (2) 42:9 52:22
january (4) 34:8 46:24 59:25
63:8
jerromes (6) 15:13,18
16:10,21 19:18 21:13
job (3) 18:6 35:24 50:14
join (1) 2:19
joined (4) 2:20 19:2 63:7,8
joint (3) 6:18 19:7 39:19
jones (1) 52:23
judge (26) 1:4,12,21 27:18
28:7,25 42:5 47:20 50:23
51:2,11,14,24 52:4,9
53:3,4,8 57:19 58:25
59:4,11 65:10,16 67:6,17
july (1) 2:13
june (1) 54:6
jury (17) 1:3,11 4:9 10:18
11:9 48:20 51:23 52:3,8
54:16 55:17 57:2,3 58:1
65:14,16 67:5

K

keen (1) 22:16
keep (5) 42:11 47:14 50:14
60:8 61:8
keeping (1) 41:18
ken (9) 60:22,22,22,24
61:14,15 62:2,2,13
kept (1) 25:15
khan (27) 12:8 13:3
40:1,3 25 43:3 46:1 50:9
53:12,22 54:9,10 17 55:19
56:3,9 59:23 60:15
63:20,23
64:3,7,9,12,13,20,23
khans (1) 53:12
killed (2) 62:25 63:1
kind (4) 18:6 20:8 21:24
33:11
kinds (1) 3:2

knew (3) 54:10 61:8 64:10
knocked (1) 61:24
know (25) 8:12 11:9 22:16
25:20 37:9,18
43:10,12,13,21 44:4,24,25
45:1 46:2,15 47:1 48:1
50:24 52:13 53:17 56:17
57:7 65:16,22
knowing (1) 50:1
knowledge (10) 19:7 25:3
36:17 45:8 47:4 54:20
57:9,12 58:21,24
known (3) 46:15 53:14 63:9
knows (1) 27:7

L

lack (5) 21:7 43:23,24 47:4
49:1
lacked (3) 45:17 46:14,14
lacking (3) 42:24,24,25
ladies (1) 65:24
larger (1) 1:25
largest (2) 4:3,6
last (2) 27:5 48:3
lasts (1) 60:3
late (10) 1:14 5:11 12:1 16:6
17:11 21:2 33:19 40:11
49:13 56:3
later (10) 1:5 3:2,4 17:23
20:17 22:22 40:9 60:24
61:2 67:10
lawabiding (1) 55:8
lawyers (1) 2:9
lay (3) 12:25 13:5 47:11
lead (11) 7:22 10:11
15:12,14 30:16,21 31:5
34:1,5 37:7,12
leading (3) 32:18 33:2 35:7
leads (1) 30:19
learned (1) 22:9
learning (8) 41:20 17 36:15
55:18,20,23 58:15,22
learn (1) 49:8
least (2) 56:5 65:23
leave (3) 9:16 13:16 60:23
led (2) 30:12,13
legacy (1) 13:7
legal (1) 13:12
legislation (6) 11:17 13:13
17:19,23 18:13,20
lessons (3) 36:15 41:19 49:8
let (1) 25:18
level (9) 9:24 13:11,23 15:20
32:3 37:16,20 48:12 64:1
levels (2) 47:8,16
library (2) 60:17 61:1
licence (2) 11:20 23:16
licensing (1) 18:19
life (4) 31:11 53:24 60:7,11
like (9) 2:7 37:19 42:24
44:21 45:4 46:5 61:11 63:3
66:22
likely (1) 1:24
line (3) 8:12 19:14 41:5
link (1) 39:12
linked (1) 37:23
listened (1) 66:4
listening (3) 27:2 65:22 66:8
little (7) 1:5,13 17:13 20:17
25:18 32:24 65:11
live (2) 36:20 51:12
lived (1) 54:9
lives (1) 13:13
living (2) 13:2 63:25
local (13) 3:6 4:22 8:1 9:18
10:10,12 13:17,18,19,21
15:9 20:5 41:9
locality (1) 54:9
locally (2) 13:16 31:22
london (1) 10:2
long (8) 11:14 42:11 50:21
51:7,16,17 61:8 66:6
longer (1) 60:4
longterm (3) 14:14 31:10
33:11

look (5) 1:25 10:16 65:11,20 67:2
 looked (1) 10:7
 looking (5) 7:3 11:24 32:15,19 55:4
 looks (1) 37:19
 loose (1) 65:14
 lost (1) 26:13
 lot (5) 16:22 41:13,15 42:20 64:6
 lots (1) 43:13
 lucraft (25) 1:4,12,21 27:18 28:7,25 42:5 47:20 50:23 51:2,11,14,24 52:4,9 53:4,8 57:19 58:25 59:4,11 65:10,16 67:6,17
 lunchtime (1) 1:10

M

mac (2) 32:7,12
 maces (1) 31:20
 mainly (1) 64:24
 mainstream (1) 55:8
 maintain (3) 9:18 18:21 39:3
 maintaining (1) 13:17
 majestys (1) 56:15
 major (2) 3:5 66:3
 majority (2) 16:25 64:11
 making (1) 24:23
 manage (10) 16:8 24:20 26:8 29:24 30:3 35:10 43:3 49:11,22 50:15
 managed (14) 8:15 9:24 12:1 15:7 17:1 22:18,20 24:11 25:8 31:18,22 44:24 50:10 52:6
 management (61) 7:7,9 8:11 11:7,24 12:13,20,25,25 13:5 14:1,22 15:16 16:22 17:15,15,21 18:25 19:9,14 20:1,5,12,16,21 21:10 22:2 30:2 31:11 32:4,16 33:11,23 34:10,15,22 35:4,12,18 36:19,22,25 37:2,14,17,22 38:5,20,25 39:8,11,12,19 40:16,25 41:15 42:12 46:11 49:15 50:6 58:8
 manager (2) 26:9 59:14
 managers (4) 16:14 24:7 36:2 40:8
 managing (3) 32:25 37:6 42:1
 manchester (1) 10:2
 manual (7) 29:24 30:2,4 36:21 37:1,25 41:5
 many (5) 4:18,21 41:3 55:19 66:8
 mappa (29) 12:13 21:14 23:4,7,24 24:14,16,19 25:1,13,14,17,23 26:6,16,19,22 27:20 29:5,8,10,16 32:6 36:8 37:11 39:14 40:4 57:2,11
 mappas (1) 28:19
 march (3) 22:11 41:24 61:20
 match (1) 54:8
 material (1) 28:11
 matt (1) 1:19
 matter (1) 28:9
 matters (2) 52:16 53:10
 matthew (3) 1:20 2:5 68:4
 mean (2) 33:14 65:23
 means (2) 21:18 38:11
 mechanisms (4) 35:5 38:3 41:23 45:15
 meet (1) 60:17
 meeting (12) 22:11,14 25:17,23 26:13 27:4,22 29:10 44:8,9 60:1,20
 meetings (20) 10:14 12:13 22:1,5 23:7,10,14,15,22,25 24:10,10,17 25:13,15 26:3 29:2 36:8 40:4 46:20 9:2,3 10:3 20:5,15 21:7
 members (2) 6:13 21:5
 memo (1) 15:22

men (1) 54:8
 mentioned (4) 30:25 61:11 62:2,2
 mentor (2) 64:5,15
 mercia (4) 3:21 5:16 7:2 12:10
 merritt (2) 42:9 52:22
 message (2) 60:18 62:8
 met (5) 44:4,6,7 60:2 64:9
 methods (2) 37:3 46:18
 metropolitan (1) 31:3
 mi5 (10) 6:18 7:12 30:16,16 31:3,7 40:13 41:12 56:22 57:4
 microphone (1) 1:23
 midday (1) 61:1
 midlands (46) 2:11,19,20 3:13,18,20,21,23,24 4:3 5:9,14,18,25 6:2,6,8,23 9:9 10:10 11:9,25 12:5,7 14:3 15:17 16:23 22:24 23:8,24 24:6,15,17 30:12 31:24 32:21 33:6 40:2,12 41:1,8 42:13 44:3 47:12 48:10 63:9
 midmorning (1) 51:20
 mids (1) 26:10
 might (4) 18:24,25 48:7 51:15
 mind (2) 60:20 64:23
 mindset (6) 25:21 50:14 55:4,12 64:8,17
 mini (1) 16:5
 minor (1) 59:16
 minutes (6) 29:5,16 46:7 60:24 61:2,5
 mix (1) 19:5
 model (1) 27:2
 model (7) 10:20 16:12,13,20,23,24 17:1
 modest (1) 12:15
 mohammad (1) 55:7
 moment (3) 26:18 28:9 61:16
 monday (4) 65:17 66:24 67:6,7
 monthly (2) 10:14 46:20
 months (3) 32:14 59:18 61:19
 more (12) 3:4 18:8 19:8,10 20:18 24:22 27:6 30:4,24 34:9 54:13 58:24
 morning (12) 1:12,21 2:5 42:10 47:23,23,24,25 51:2,17 62:8,22
 moss (7) 57:25 58:3 59:1,4,7,13 63:7
 most (3) 39:16 42:1 62:5
 motivated (1) 62:6
 motivation (2) 16:15 54:12
 motivations (1) 20:24
 move (4) 11:7 15:24 27:18 59:17
 moving (3) 8:17 31:9 46:5
 ms (4) 59:12 63:6 68:10,11
 much (20) 25:20 30:4 33:4 42:3,17 47:18 50:18 51:11 52:9 53:4 56:5 57:17,23,24 60:10 62:5 65:21,25 66:23 67:4
 multiagency (4) 3:8 31:6,20 32:2
 multiple (4) 5:20 14:15 43:18 53:23
 murdered (1) 53:25
 muslims (2) 55:8,9
 must (2) 46:8 56:10
 myself (2) 51:17,19

N

name (5) 2:3,5 42:7 52:12,23
 namely (2) 3:20 7:23
 national (20) 4:13 5:1,5 6:11 9:2,3 10:3 20:5,15 21:7 31:15 33:3 34:18 37:16

39:14,14,23 41:17 49:8 56:20
 nationally (4) 32:23 33:2 41:16 49:23
 nature (2) 48:14 58:9
 nctphq (1) 33:2
 nearly (1) 59:20
 offered (1) 26:21
 necessarily (1) 53:8
 need (6) 38:1,17 53:5 62:10,13 65:11
 needed (6) 1:6,14 7:13 18:13 24:25 28:18
 needing (1) 18:16
 needs (5) 14:15 25:20 43:19 48:18 59:17
 neighbourhood (1) 3:1
 network (10) 4:13,17,23 5:2,7 6:12 10:9 20:11 21:5 35:10
 never (3) 27:14 46:19 64:9
 news (2) 1:16 62:22
 next (11) 3:18 40:1 41:24 51:12 53:22 54:16 55:17 60:14,20 65:16 66:15
 nice (1) 1:12
 nick (1) 42:8
 nine (2) 4:23,25
 nineties (1) 33:15
 nominal (10) 35:18 36:2,19 37:2,14 38:24 39:8,11,12,18 50:10
 nominals (12) 15:17 17:3 21:10 24:14,17 25:8 26:10 32:5 34:22 35:10,10 37:4
 noncontest (1) 8:4
 nonct (1) 49:21
 nonwest (1) 26:10
 noon (1) 66:17
 normal (4) 17:6 25:11 41:5 43:16
 normally (2) 50:23 60:7
 northern (2) 33:16 63:10
 note (1) 47:2
 notes (1) 66:9
 nothing (1) 26:13
 notification (6) 11:11 15:2 17:19 22:20 23:2 24:6
 notifications (4) 12:22 17:22 22:19 23:16
 notify (2) 11:12,13
 notorious (1) 53:13
 november (10) 6:21 12:3 20:3 28:24 30:1 34:6 40:11 58:20 60:16 62:7
 number (5) 16:6 17:8 33:9 45:7 49:20
 numbers (6) 8:23 11:25 12:17 25:7 33:21 44:11
 numerous (1) 61:24

O

oath (1) 52:13
 objected (2) 57:4 58:9
 obstructive (1) 47:4
 obtain (2) 63:15 64:2
 obtained (1) 29:7
 obviously (4) 29:13 39:2 48:4 67:7
 occasions (1) 53:23
 occupation (1) 52:24
 occurred (1) 54:4
 o'clock (3) 67:3,9,11
 october (1) 12:19
 offence (2) 54:25 59:22
 offences (5) 11:12 55:21,23 59:16,16
 offender (21) 13:2,13 15:2,16 16:14,22 19:8,25 20:12 21:15 22:1 24:7 25:21 26:9 34:10,15 38:20 40:8 41:15 46:11 49:12
 offenders (41) 11:8,19,24 12:1,20 16:9,25 17:20 18:8,11,12 20:6,16,22,25

21:1 23:8 24:11 25:6 27:6 30:3 31:22 32:11,16 33:1,10,17,20 35:2,13 36:1,4,23 37:6,22 38:7 42:2 49:15 50:7 55:17,20
 offending (1) 59:20
 offer (2) 25:2 40:7
 offered (1) 24:21
 office (1) 31:7
 officer (27) 3:6 5:19 7:18 13:11 16:21 19:9 24:1,8,13,16 25:4,12,19 26:3 28:4,19,22 35:19 37:8,10,13 40:19 44:3 46:25,25 48:4,6
 officers (56) 6:10,17 13:18,21 14:1,9,11,11,21 15:14 18:1,3,5,23 19:4 20:7,9 21:2,9,14 22:11,16,25 23:5,24 25:9 35:4,16,16 36:9,9,10 38:13 39:4 40:4,12,24 41:1 42:22 43:12,13,14,15 44:1 45:3,6,6 46:10,12,13 48:8,25 49:14,17,22,25
 official (1) 53:23
 often (3) 14:15 33:17 43:8
 oimu (1) 41:8
 okay (3) 46:22 50:21 62:18
 once (3) 61:11 62:20 64:13
 ones (1) 41:24
 ongoing (1) 64:17
 onto (1) 17:9
 operated (2) 10:7 34:12
 operates (1) 20:11
 operating (1) 10:20
 operation (1) 37:24
 operational (5) 2:25 7:17 31:1 40:15 44:16
 opportunities (2) 10:16 45:15
 opportunity (1) 10:9
 opposed (1) 26:22
 oral (1) 61:11
 oral (2) 43:4 67:16
 order (3) 3:8 25:6 62:20
 organisation (3) 34:18 38:9 54:24
 organised (2) 2:17 12:20
 original (3) 22:15 56:13 57:8
 others (6) 2:7 24:18 45:23 47:13 57:18 67:15
 ought (2) 23:24 29:17
 over (12) 2:20 10:20 11:13 12:17 20:18 21:9 23:11,17 30:21 33:9 61:25 66:4
 overall (2) 1:17 19:14
 overarching (1) 39:7
 overseas (1) 15:23
 oversee (1) 17:23
 overseeing (1) 12:22
 overt (15) 12:20,25 13:5 14:21 16:14 18:25 19:25 32:4,16 34:10,21 37:22 38:4 40:25 42:12
 own (8) 4:18 6:1 21:11 25:2 32:22 35:3 62:1 66:9
 owner (7) 56:13,19,22,25 57:6,8,10
 owners (1) 56:17

P

pages (2) 59:8 60:14
 painting (1) 61:9
 panel (7) 23:4,7 27:7,24 28:12,15 57:2
 paper (1) 16:10
 paragraph (2) 44:14 50:4
 parallel (1) 32:1
 part (28) 5:2 9:17 11:10 12:21,22,23,25 15:2,16 16:15,18 17:3,19,22 18:19 21:10,18 22:18,20 23:16 24:5 31:11 35:6 40:15 42:13 53:8 66:20 67:11
 participant (1) 59:24

participants (2) 57:2,11
 participate (1) 6:17
 particular (1) 45:25
 particularly (1) 50:21
 particulars (2) 52:21,22
 parties (2) 54:11 65:18
 partly (1) 66:5
 partners (5) 31:18 36:7 37:5 39:13 43:16
 partnership (4) 14:12 39:19 47:10,13
 parts (3) 41:9 58:5 66:3
 passed (2) 17:20 30:7
 passes (1) 38:4
 past (2) 12:17 36:15
 pause (1) 66:23
 pausing (1) 59:4
 pcs (1) 46:2
 people (19) 14:15 18:6 27:3 31:14 32:8 35:25 36:3,4,6,16 38:17 43:18 44:10 49:9 50:14 58:18 59:15 62:25 64:21
 perambulation (1) 51:7
 perform (4) 2:22 47:6 49:14,17
 performed (2) 26:11 49:2
 perhaps (2) 1:19 29:2
 period (7) 6:5,22 11:14 17:7 23:12,23 65:2
 periodically (1) 64:1
 permission (1) 56:25
 person (1) 26:12
 personal (4) 25:3 44:25 60:7,10
 personally (3) 43:13 44:4,7
 persons (2) 52:17 67:14
 phased (1) 17:10
 photographed (1) 54:17
 phrase (1) 43:4
 physically (1) 19:1
 pick (3) 48:3 51:3 60:16
 picking (1) 27:20
 picture (2) 41:10 45:25
 oral (1) 34:9
 pieces (1) 17:8
 pilot (1) 31:20
 piloted (1) 36:20
 pilots (1) 31:23
 place (21) 7:15 9:16 16:6,8 20:5 23:10 25:23 27:12 28:2 29:14 39:16,17,22 41:23 42:1 45:15 46:18,21 52:23,24 53:16
 places (1) 64:3
 plan (1) 34:2
 planned (3) 16:1 17:10 56:3
 planning (2) 17:20 63:3
 plans (1) 21:24
 plastering (3) 61:10,10 62:9
 play (4) 25:6 40:18 42:17 46:10
 played (2) 40:2,12
 playing (1) 62:3
 pleasant (1) 60:6
 please (12) 1:22,25 2:3 44:14 53:22 54:16 55:17,25 66:21,23,24 67:1 57:6,8,10
 police (44) 2:11,19,20,22 3:18,21,22,25 4:3 5:25 6:2 9:2,9 11:13 12:7 13:25 14:3 17:6 19:25 22:12,24 24:17 30:20,21 31:3,7 33:11 34:3 38:13 40:2,9 44:17,19 45:19 48:2,5,7,9 50:6 63:7,10 64:4,12,15 60:9
 policies (5) 5:6 20:21,23 21:12 32:22
 policing (25) 2:21,24,25 3:1,6 4:10,13,23 5:1,5,8,12 6:12 8:1,5,20 10:9,24 20:14 21:5 32:3 33:24 34:18 35:14 43:20
 policy (4) 20:13,15 27:13 36:22
 pool (1) 19:6

popular (1) 55:12
 pose (1) 65:4
 posed (4) 31:16,19 32:10,13
 positively (1) 13:10
 possibility (1) 28:17
 possible (4) 38:18 41:10 56:19 65:13
 post (4) 3:10 36:14 37:7,13
 postrelease (1) 64:18
 posts (1) 35:23
 potential (2) 28:23 46:23
 potentially (1) 26:25
 practice (3) 33:3 41:18 49:23
 practices (2) 32:22 44:16
 precise (1) 15:22
 precisely (1) 25:24
 prefer (2) 1:21 53:7
 premeeting (2) 27:23 28:13
 premeetings (1) 27:20
 premises (3) 22:24 46:6 60:2
 prepare (2) 4:12 7:23
 preparing (1) 65:18
 presence (2) 1:11 52:8
 present (2) 24:14 28:19
 presents (1) 55:1
 preserve (1) 38:1
 press (2) 25:18 54:18
 presumably (1) 48:16
 prevent (44) 4:12 7:23 14:1,9,11,21 18:3,5 19:14 20:7 22:12,17,19,23 35:16,19 36:9 41:1 42:12,17,18,22 43:13,14,15 44:1,2,17 45:1,2,3,6,11,24,24 46:7,10,12 48:25 49:14,17,23,24 50:6
 previous (2) 12:16,18
 previously (1) 64:12
 prior (2) 64:13 65:2
 prioritised (1) 32:7
 priority (14) 6:18 25:16,19 26:17,20 27:8,9,12,15 30:15 37:1,24 40:12,18
 prison (18) 21:17 53:12,16,17,18,18 56:4,8,9,10,15,18 61:19 63:22 64:4,12,25 65:2
 prisoner (1) 53:14
 probably (1) 27:1
 probation (5) 36:7 39:13,23 56:16 64:4
 problem (4) 27:7 32:19 33:8 47:5
 procedural (1) 20:15
 procedure (3) 20:13 21:7 29:14
 procedures (16) 5:6 10:10 21:9,15,20,23 22:1 23:1,3 33:12 37:21 38:6 41:14,16,22 44:17
 proceedings (1) 50:3
 process (10) 16:8 21:22 25:1 27:20 28:24 29:19 30:5 32:7 38:20 62:9
 processes (12) 17:23 21:11,14,17 22:4 30:8 31:9 37:3 38:3,7,9 41:22
 produce (1) 35:6
 produced (1) 67:13
 producing (1) 63:14
 profile (4) 63:23,25 65:6,7
 profiles (3) 64:6,19,25
 programme (3) 58:22 59:24 60:9
 project (12) 9:10 10:18,19 15:24 16:18,19 30:24 32:15,18 33:2 34:5 35:6
 proper (1) 37:17
 properly (1) 29:19
 prophet (1) 55:7
 proposal (2) 15:15,19
 proposed (1) 16:23
 pros (1) 26:15
 proscribed (1) 54:24
 prosecute (1) 18:21

prosecuted (2) 31:16 32:9
 prosecution (1) 30:20
 protect (2) 4:12 7:23
 prove (1) 53:19
 proved (1) 66:20
 provide (7) 7:17 8:3 9:19 13:23 31:18 65:25 66:2
 provided (2) 52:20 53:1
 providing (1) 7:25
 pub (1) 54:15
 public (1) 3:8
 pulled (1) 61:5
 purpose (6) 17:18 22:14,15 25:16 30:21 43:24
 purposes (1) 50:3
 pursue (3) 4:11 19:15,17
 push (1) 42:20
 puts (1) 59:9
 putting (1) 62:9

Q

q (171) 2:7,13,15,19,22 3:2,10,15,18,23 4:2,6,9,17,22 5:1,4,8,18,23,25 6:5,10,16,20,25 7:3,19,25 8:3,7,10,17 9:2,6,9,13,23 10:1,5,11,18 11:2,7,16,19,24 12:4,7,10,12,15,19 13:3,7,18,25 14:7,20 15:1,8,13 16:3,10 17:2,5,13,18 18:1,4,8,16,23 19:11,18,22,25 20:3,13,17, 21:2,7,13,17,20,23 22:1,4,9,14,22 23:4,10,14,21 24:8,16 25:4,11,18,23 26:1,12 27:5,13 29:13 30:9,15,19,23 31:5,9,20,25 32:14,18 33:8 34:1,5,8,17,20,25 35:6,12,24 36:13,21 37:6,21 38:6,9,11,19 39:7,18,22 40:1,11,15,23 41:13 42:11,19 44:4,8,11 45:4,10,21 46:22 48:1,14,20 49:13 50:2 52:15,20 53:22 54:3,16 55:6,11,17,25 56:7,13,19,22,24 57:13 58:5,7,9
 qc (6) 2:7 47:22 52:11 68:5,2,4
 quarterly (2) 10:14 46:20
 question (5) 14:22 27:19,21 41:3 43:6
 questionnaire (1) 66:12
 questions (22) 2:2,8,9 3:18 40:1 42:4,6,8 47:22 48:1 50:18,20 51:8 52:11 57:17,18 66:1,12 68:5,6,7,9
 quite (6) 42:20 50:23 51:17 60:6,12 62:24

R

racial (1) 54:13
 radicalisation (2) 14:17 43:21
 raise (1) 50:9
 raised (6) 43:22,23 46:19 47:15 50:11 52:17
 range (7) 2:24 11:20 18:14,17 31:18 34:20 36:16
 ranging (1) 59:15
 rank (2) 2:3,10
 rapport (2) 14:14 43:17
 rather (2) 28:7 48:9
 rationale (1) 16:3
 reaching (1) 37:20
 read (20) 1:6,14 49:4 53:2 57:22,25 58:3,5,10,12

59:1,8,8,12 63:6 64:6,10
65:14 68:10,11
reaching (4) 58:13,22
64:22,24
reality (2) 60:19 65:16
rearrange (1) 60:21
rearranging (1) 60:20
reason (5) 18:4,4,16 28:1
31:16
reasonably (1) 67:13
reasons (2) 14:20 56:20
rebranded (1) 19:11
received (4) 7:10 56:24
60:18 64:2
receiving (2) 29:15 56:14
recent (2) 20:18 30:24
recite (1) 66:5
recognise (3) 14:17 36:15
43:20
recognised (1) 35:13
recognising (1) 41:19
recognition (1) 48:2
recommendations (1) 35:9
record (1) 66:22
recording (2) 21:18 22:2
records (2) 44:25 53:6
recruitment (2) 8:11 59:23
rectify (1) 46:18
reduce (1) 31:19
reengagement (2) 42:18
65:5
reference (4) 10:18 59:2,5
63:5
referred (1) 58:23
refers (1) 58:20
reflected (1) 8:25
refuse (1) 57:10
regard (1) 7:8
regardless (1) 20:10
regards (1) 62:15
region (19) 3:19,23 4:4
5:9,9,22 6:23 8:22 9:17
10:10 11:9,25 16:18 24:15
30:10,12 34:12 35:3 37:14
regional (5) 4:24 5:19 6:4
9:9 10:17
regionalisation (1) 16:19
regionalise (1) 15:24
regionally (1) 16:24
regions (6) 8:21 9:1 32:4
34:11,21 35:1
registered (4) 11:7 13:1
49:15 50:7
registration (3) 21:18 23:2
52:21
registrations (1) 12:21
regret (1) 46:15
regular (2) 22:5 28:13
regularly (1) 29:3
related (1) 59:23
relates (1) 59:5
relation (11) 4:9 24:18
27:5,19 30:9 35:25 40:3
47:3 48:6 59:6 67:6
relationship (2) 14:14 43:18
relatively (3) 15:19 33:21
46:24
release (7) 11:22 21:15 40:5
56:4 63:22 64:13 65:3
released (7) 13:3 17:21 18:8
33:10 63:21 64:14 65:5
releases (2) 16:6 17:11
relevant (9) 24:7 29:7
38:3,15,16 39:1 40:20
42:24,25
relieved (1) 58:1
rely (1) 45:23
relying (1) 58:21
remain (1) 1:9
remained (1) 57:20
remaining (2) 48:25 52:16
remarks (1) 67:16
remedying (1) 47:17
remember (2) 44:8,9
reminded (1) 48:22
remorse (1) 65:1

repeated (1) 43:5
report (1) 9:12
reported (1) 9:10
reports (3) 63:14 64:5,15
represent (3) 24:4,23 45:22
representing (1) 28:4
request (2) 57:14 62:14
require (1) 17:21
required (2) 14:9 25:10
requirement (2) 13:12 27:25
requirements (2) 11:11,20
requiring (1) 29:2
resided (1) 12:4
resisting (1) 51:6
resolve (2) 47:9 50:12
resolved (4) 48:11,12,13,18
resources (2) 24:20,22
response (2) 2:25 43:6
responsibilities (5) 7:4 13:15
15:9 37:3,12
responsibility (10) 2:15
12:19,24 13:4 15:16 16:4
17:8 40:25 45:20 47:11
responsible (8) 2:17 5:6,11
17:25 30:7 37:7,13,13
restrictions (1) 11:21
result (5) 9:13 10:5 13:8
17:2 54:14
returned (1) 33:17
review (1) 53:15
review (10) 9:3,6,10,14
10:10 31:2 32:3 34:1 49:22
65:6
reviewing (1) 29:16
reviews (3) 10:1,3,5
reward (1) 66:16
richest (1) 41:10
rightwing (1) 53:25
rise (3) 14:18 51:24 67:17
rising (1) 12:17
risk (17) 8:7 14:19 17:15,15
21:20,22 22:7 31:16,19
32:10,13 35:1,2,4 38:7,11
65:5
robust (3) 9:20 37:17 42:1
role (23) 2:13 8:11 24:13,22
25:6 29:22 37:10,11
40:9,12,17 42:17 43:9
45:9,16,17,23 46:11 47:5
49:2,18 63:11,13
roles (7) 2:22 3:2,5 29:25
30:5,6 37:3
route (2) 50:22,24
routine (1) 28:9
routinely (2) 25:14 29:15
royal (1) 8:8
rules (1) 58:4
running (2) 6:22 28:12
rushing (1) 57:19

S

sad (1) 62:24
saddy (1) 66:19
safe (2) 47:14 50:14
same (7) 17:9 45:2 50:14
53:16,16,17 55:19
saskia (1) 52:23
sat (2) 1:15 61:6
satisfied (1) 41:17
saturday (1) 62:22
save (1) 51:2
saw (6) 16:5 21:13 49:4
54:17 61:2 62:22
saying (5) 28:7 45:24 46:2
60:19 62:8
scale (2) 46:23 47:5
scarf (2) 61:4,6
screen (1) 1:24
screens (2) 1:25 65:23
searching (1) 59:6
seasoned (1) 45:6
seated (1) 57:20
second (2) 4:6 23:19
secondly (3) 7:14,19 26:23
secret (3) 38:14,21 39:2

section (1) 59:10
security (5) 6:13 27:14 31:15
39:14 56:20
see (18) 1:12 33:19,20 45:10
46:1,4,5,8 47:5,7 48:2
57:19 61:4 62:10,12
65:22,23 66:8
seeing (2) 65:20 67:3
seem (1) 45:10
seemed (1) 61:10
seen (4) 18:23 45:21 46:6,7
select (2) 36:16 46:12
selfemployed (3) 61:12,13,17
semper (3) 30:24 34:5 35:6
send (3) 24:2,6 62:14
senior (16) 3:5 7:18 13:11
24:1,8,13 25:9,11,19 26:2
28:4,19,22 37:10 40:19
44:21
sense (2) 56:9,11
sensitive (2) 8:5 27:10
sent (5) 15:22 62:7,13,16
67:14
sentence (1) 14:7
separate (3) 14:22 25:16
30:8
september (2) 15:14 63:21
sergeant (5) 16:21 38:24
46:8 47:3 48:23
series (3) 21:9 35:7,9
serious (1) 59:16
serves (1) 36:22
service (8) 2:21 3:4 6:13
27:14 31:3 39:23 56:16,18
set (9) 5:23 35:9 37:15,25
38:2 39:10 40:21 41:11
64:23
sets (3) 29:24 30:4 37:2
setting (1) 5:6
specialist (1) 4:9
setup (1) 38:23
seven (1) 23:11
several (1) 44:9
sex (1) 52:24
sexual (2) 20:21,25
shall (2) 51:20 58:3
share (4) 19:6 22:16 26:24
28:10
shared (7) 26:22 28:18 29:8
57:1,5,11,14
sharing (3) 10:15 21:23 22:9
short (6) 48:21 52:1 59:8,9
65:2,15
should (10) 14:1,23,24 15:15
24:1 29:8,10,11 45:12
67:10
shouldnt (1) 43:8
show (2) 44:13 65:1
showed (2) 63:2 65:1
shown (1) 1:24
side (5) 1:22 19:9,10 54:18
61:6
significance (1) 54:19
signs (3) 14:17 43:20 63:2
similar (3) 36:24 38:23 65:4
simple (3) 5:4 18:16 35:24
since (4) 2:13 11:2 29:20
59:25
single (5) 10:17,23 18:22
36:11,11
sio (12) 26:6,18,23 27:22,23
28:14,20,22 29:2,5,22
41:10
sios (1) 25:14
sir (20) 1:8,18 2:1 46:10
47:23 50:19,20
51:1,5,10,12,22 57:21,24
58:3,11 59:1,7 63:4 65:9
sit (5) 1:22 2:1 14:24 67:8,10
sitting (5) 1:13 4:13,22
51:16 65:17
situation (1) 6:5
six (5) 19:16 23:10 25:23
60:14 66:4
size (2) 8:22,24
sizes (1) 4:25
skelton (1) 60:22

skilled (1) 19:8
skills (14) 14:10
18:7,14,15,17 19:5,10
35:19 36:17 45:8
49:6,6,10,11
slight (1) 66:7
slightly (3) 18:12 19:4 52:4
small (2) 1:24 33:21
smiling (1) 48:2
solely (2) 13:7 63:11
somebody (4) 19:8 26:7
38:19 43:23
something (13) 1:14 13:9
26:21 28:3,18 29:16 31:5
33:8 41:4 49:16,18 58:12
62:11
sometimes (2) 26:9 60:4
sort (15) 2:22 10:22 13:9
14:24 17:6 18:6 19:13
24:19 32:9,19 33:15,22
40:17 44:7,24
sorts (4) 18:1 23:23 35:2
36:23
sound (1) 44:20
sounded (1) 62:18
sounds (2) 44:21 45:4
sources (2) 63:24 64:14
speak (2) 60:9,23
speaking (1) 9:13
special (38) 4:18 5:15,16,17
6:1,3,7,20,23
7:1,2,4,8,11,15,22 8:3,10
9:3,9,19,21 10:7,12,16,25
11:4 15:9 26:11 36:10
40:23 41:7 47:2 49:16
63:8,11,16,17
specialised (1) 23:6
specialisms (1) 20:10
specialist (4) 3:4 14:11
35:18,23
specialists (2) 35:17 45:1
specific (8) 20:12 22:4
28:3,21 35:2 36:18 43:3
45:13
specifically (1) 31:12
spent (2) 27:3 62:5
spillsbury (5) 58:6 59:2,12,13,
68:10
spoke (3) 43:8 60:22 61:21
spoken (2) 37:10 46:16
spread (1) 23:11
staff (1) 39:3
staffed (1) 18:3
staffing (1) 18:1
stafford (3) 59:19 60:2,18
staffordshire (45) 3:21 5:15
7:1 12:8 13:4,25 14:2,5
15:3,18 16:7
22:10,12,17,19,23 23:20
24:11 30:12 36:9 40:9,23
41:1,7 42:14,15 44:2,17,19
45:19 46:17 47:1,11,13
48:1,5,7,9 49:16
50:6,13,15 63:7,10,18
stage (2) 8:14 20:15
stages (1) 65:16
staggered (1) 17:2
standard (2) 38:6 41:2
standardise (1) 31:9
standards (2) 37:15 39:10
standing (1) 27:13
start (2) 10:16 61:20
starting (3) 1:5 66:16 67:11
statement (11) 7:3 8:18
44:13 50:3 55:7
58:14,16,23 59:1,7 63:4
statements (3) 49:4 58:5
65:13
stay (1) 24:10
steadily (1) 12:17
steer (1) 66:14
steps (2) 51:3 52:6
sterile (2) 38:1 39:3
still (4) 31:16 33:21 52:13
63:1
stokecentrot (2) 54:6 62:10

strand (1) 19:17
strands (3) 4:11,15 7:24
strategic (2) 34:2 39:19
strategy (8) 4:11,15,17
7:20,23 40:22 41:11 42:16
street (1) 54:18
stretched (1) 23:17
strong (2) 9:17 67:9
strongly (1) 16:12
structural (1) 10:19
structure (2) 18:9 19:18
structured (2) 23:14 28:13
structures (11) 8:17,20,25
9:16 10:13 20:4 35:5
39:7,15,16 42:1
study (1) 32:25
subject (12) 12:12 13:13
22:7 24:5 26:17,19,20
27:15 31:14 33:11 63:23
65:6
subjects (9) 22:21 23:18,19
25:24 26:3,17 31:13 32:8
39:5
submitted (1) 34:2
suddenly (1) 17:8
sufficient (1) 45:15
sufficiently (1) 27:11
suggest (2) 54:10 67:8
suggestion (1) 51:14
suitable (1) 61:17
summarise (2) 65:5 66:10
summarised (2) 64:25 65:7
summary (2) 64:19 66:3
summer (2) 31:25 36:20
superintendent (5) 3:13
19:13,14,15,19
supply (1) 67:15
support (14) 4:14,17 7:17,20
14:6,7,23 24:22 25:1,14
35:5 40:19 43:25 49:25
supported (3) 14:8 19:9
42:15
sure (10) 9:22 16:8 22:15
24:23 27:4 39:15 41:9,25
44:6 62:23
surely (1) 25:20
surname (1) 52:23
suspect (2) 65:10,21
suspected (1) 46:16
sworn (3) 1:19,20 68:4
system (3) 22:2,10 58:8
systems (2) 35:8 63:15

T

tagging (2) 64:5,15
taken (5) 7:14 23:22 45:19
47:9 50:11
takes (1) 39:22
taking (6) 7:15 16:6 25:23
27:12 28:9 36:14
talk (2) 60:6,7
talked (1) 20:8
talking (2) 59:22 61:5
talks (1) 60:15
tasked (1) 44:25
tasks (1) 8:5
team (42) 14:24 15:14
16:4,12
17:13,14,15,16,22,25
18:2,10,13,17,22
19:4,11,11,15,19 20:3
21:2,8 22:11,12,16,24,25
24:7 26:9 32:22 36:9,11
38:9,23 40:4 41:14 43:7
52:18 54:3,12 63:19
teams (4) 19:16 38:25 39:12
50:6
telling (2) 45:11 53:23
temptation (1) 51:6
term (1) 8:3
terms (10) 5:4 10:14 16:19
18:16 22:18 24:23 35:24
48:20 49:2 67:7
terror (1) 10:4

terrorism (7) 30:3 31:17
33:16 54:25 55:21,23
59:24
terrorist (14) 10:2 11:8,12
13:1 23:8 31:1 32:5,11
33:1,10,14 34:22 49:15
50:7
terrorists (1) 42:18
text (6) 54:21 55:6,16 60:18
62:7,16
thank (27) 2:1 28:25 42:3
47:18,20 50:18,19
51:5,7,10,11,22 52:4,9
53:4,9 54:16 55:25
57:17,23,24,24 58:25
59:11 65:10 67:3,17
thanks (1) 60:21
thats (14) 6:5 17:4 19:24
44:22 47:10,19 50:21,25
53:8 54:2 56:17,21 60:22
66:20
themselves (1) 25:5
therefore (2) 8:24 28:23
theres (3) 28:1 53:19 62:11
theyll (1) 36:10
theyre (5) 14:12,13 40:7
45:7 49:10
theyve (3) 24:21 45:25 49:10
thing (1) 42:11
thinking (2) 16:22 63:2
thirdly (1) 8:3
though (4) 1:10 15:1 25:4
26:12
thought (5) 18:5 29:1,4 46:3
60:5
threat (5) 14:19 22:6
33:14,18,25
threats (1) 50:15
three (1) 5:13
through (10) 1:6 16:10
20:10 23:18,19 40:5 45:2,3
53:5,7
tidying (1) 65:11
tie (1) 65:14
tightened (1) 10:13
time (29) 3:15 4:2 5:13 9:12
10:21 11:14 15:21,22
17:20 20:19 21:9 22:7 27:2
29:15 33:7,9 40:5,5 42:24
50:8 51:4 52:23 53:12,16
55:19 56:9 61:16 66:6,25
times (3) 20:18 30:24 49:5
timetable (1) 1:17
today (4) 57:22 60:20 62:10
66:17
todays (1) 1:18
together (12) 9:15 19:6
35:19 36:11 46:17
55:18,20,23 58:15,22
61:15 63:22
told (8) 2:9 15:18 40:2 42:23
43:1,6 44:14 60:22
too (1) 1:23
took (7) 6:2 10:9 21:21
34:23,25 40:9 46:21
toplevel (1) 59:16
total (2) 12:2 46:7
totality (1) 34:14
touch (1) 62:20
towards (4) 23:11 37:15 55:4
66:14
trained (2) 3:7 46:3
training (20) 20:5,7,12,20,22
21:3,4,6,8 36:18,19,21
42:24 44:1,2,25 45:2
49:1,9 61:18
transfer (3) 17:3,8,10
transferred (2) 11:3 19:11
transition (1) 17:7
translation (2) 54:21,22
transmission (1) 26:14
trigger (1) 21:24
true (1) 20:24
trusted (1) 43:2
try (4) 36:10 49:22 59:17
61:25

trying (3) 33:4,24 61:22
tuesday (4) 65:19 66:24
67:8,20
turnall (1) 54:6
turn (3) 7:6 23:4 34:5
turning (3) 5:8 6:20 22:9
twice (2) 46:6 53:17
types (2) 18:12 58:18
typically (1) 11:20

U

uk (2) 6:13 8:19
unable (1) 44:16
unacceptable (1) 48:17
unclear (1) 45:16
uncommon (1) 49:24
understand (10) 16:3 34:14
37:18 41:18 44:11,20
49:10 52:15,19 63:1
understanding (9) 13:22,24
14:16 20:11 43:19 57:13
64:8,11,17
understood (1) 50:23
unfortunately (1) 43:12
unhelpful (1) 47:4
unique (1) 49:16
unit (11) 3:14 5:14,19,23
8:16 10:24 15:7 17:9 24:2
40:16,17
units (3) 4:24,25 6:17
unless (3) 53:6 62:11 67:9
unnecessary (1) 29:2
until (5) 48:12 49:13 60:20
65:2 67:19
updated (1) 63:25
upon (2) 13:10 48:14
used (13) 14:12,13 16:24
27:3 43:1,15,17 47:2 49:21
63:16 64:14 65:4 66:19
using (3) 49:17 63:15,23
usman (38) 12:8 40:1,3 43:3
54:17 59:23,24
60:5,7,8,15,17,19,21,23,25
61:1,2,5,11,13,14,16,21,23,23
62:7,23,25 63:20,23
64:3,7,9,12,13,20,23
usually (2) 50:22 60:3
utility (1) 27:21

V

vague (1) 24:19
various (8) 52:22
63:13,14,15,16,24 64:3,14
varying (1) 4:25
veer (1) 50:24
vetted (2) 27:11 38:25
via (2) 15:24 29:7
victoria (1) 43:1
views (1) 67:9
violent (4) 20:21,25 31:17
54:7
vip (1) 8:8
visits (2) 8:8 19:7
voice (1) 58:2
volume (2) 18:11 23:15

W

wakefield (1) 53:18
wales (5) 4:7,18 34:11,21
49:19
walsall (1) 23:20
ward (9) 1:19,20,21 2:5,7
42:3,7 51:8 68:4
warwickshire (3) 3:22 5:16
7:2
wasnt (8) 12:23 25:11 28:24
29:3,15 42:13 46:7 50:10
wave (1) 54:25
waving (1) 54:18
way (7) 32:19,25 34:13
36:24 48:24 60:25 66:11
ways (3) 29:12 31:21 33:25
wearing (1) 61:4
weather (1) 60:19

wed (1) 16:19
wednesday (3) 65:12,20 67:2
week (3) 60:21 66:15,18
weekend (1) 66:21
weekly (2) 10:14 46:20
weeks (4) 23:11 25:23 58:12 66:4
welcome (2) 51:19 52:7
went (5) 16:10 20:10 26:6 28:15 61:21
werent (1) 46:3
west (50) 2:11,19,20 3:13,18,20,20,21,23,24 4:3 5:9,14,16,18,25 6:2,6,8,23 7:2 9:9 10:10 11:9,25 12:5,7,10 14:3 15:17 16:23 22:24 23:8,24 24:6,15,17 30:12 31:24 32:21 33:6 40:2,12 41:1,8 42:13 44:3 47:12 48:10 63:9
weve (37) 6:16 11:16 13:25 15:8 17:2 19:18 20:4,19 21:24 23:5,21 24:21 25:11 27:19 29:18,20 30:10,15 34:12,17 35:15 37:10 39:23 40:2,11,15,23 42:19,22,22 45:21 49:8 51:15 54:9 56:24 59:5 67:13
whatever (6) 13:13 31:16 48:18 66:21,24 67:1
whats (3) 20:17 29:20 37:18
whereas (2) 45:11 58:22
whilst (3) 36:16 47:11 64:24
whitmoor (2) 55:18,24
whole (3) 24:4 27:22 37:14
whom (1) 15:4
whos (1) 48:5
wide (2) 9:6 36:16
wider (5) 5:7 26:18,22 28:11 32:9
widespread (1) 55:13
willing (1) 60:13
wish (1) 47:8
witness (7) 1:18 7:3 31:12 44:13 50:3 51:12 60:14
witnesses (1) 58:5
woke (1) 62:22
wont (7) 1:16 42:11 58:1 59:8 65:17 66:19 67:6
woodhill (1) 53:18
work (30) 6:11,17 7:12 9:19 13:19 14:11 15:12 16:22 17:9,10 18:7 20:8,14 32:12 33:6,12 34:5,9,13 35:20 36:8 37:4 41:13,16 43:16 59:13 60:13 62:6 63:18 66:14
worked (4) 6:10 50:12 58:14 59:18
working (13) 14:12 16:13 29:19 31:18,21 36:6 37:15 39:20 40:13 43:16 47:12 63:11,17
workload (1) 59:19
works (2) 4:14 59:14
world (1) 33:5
worlds (1) 38:2
worry (1) 67:1
wouldnt (5) 25:14 26:1,1 27:10 29:4
writing (1) 46:25
written (2) 66:13 67:15
ws0322 (1) 59:3
ws501421 (1) 44:14
ws5098 (1) 63:5

Y

year (4) 33:22,22 41:24 63:5
years (6) 2:21 12:16,18,18 35:23 45:7
yesterday (2) 16:10 66:16
youre (2) 44:20 54:1
youve (9) 2:9 15:8 18:4 28:11 40:6 41:13,15 43:22 45:22

1

1 (1) 68:4
10 (4) 61:5 67:3,9,11
1000 (1) 67:19
10000 (1) 51:3
1033 (1) 60:18
10minute (1) 51:20
11 (1) 59:25
1110 (1) 51:25
1126 (1) 52:2
1154 (1) 67:18
119 (1) 44:14
12 (1) 59:2
15 (1) 61:19
150 (2) 35:22,24
18 (3) 12:12 46:7 59:18
1995 (1) 2:20

2

2 (1) 68:5
2000s (1) 33:19
2005 (1) 33:18
2007 (1) 5:23
2008 (1) 11:10
2009 (1) 17:14
2010 (2) 17:14 54:6
2010s (1) 33:20
2012 (1) 53:18
2013 (1) 58:4
2015 (1) 63:7
2016 (3) 9:2 53:19 63:8
2017 (7) 3:10 9:11 10:1,4 13:14 19:12 31:1
2018 (5) 10:22 40:11 42:16 56:3 63:21
2019 (27) 5:11 6:21 8:14 10:23 12:1,3,19 15:1,14 16:6 17:12 20:3 21:2 22:11,22 28:24 30:1 31:25 34:3,6,8 46:24 49:13 59:2,25 60:16 62:7
2020 (7) 2:13 3:11 11:1,2 34:8 35:6 61:20
2021 (2) 1:1 67:20
21 (2) 1:1 60:16
23 (1) 58:4
25 (2) 2:21 67:20
26 (1) 12:4
28 (1) 62:7
29 (4) 12:2,12,15 58:20

4

4 (18) 11:10 12:21,22,25 15:2,16 17:3,19,22 18:19 21:10,18 22:18,20 23:16 24:5 31:11 42:13
40000 (1) 31:14
42 (1) 68:6
47 (1) 68:7

5

5 (1) 63:5
52 (2) 68:8,9
59 (1) 68:10

6

6 (1) 7:3
63 (1) 68:11

7

7 (19) 15:14 16:4,12 17:13 19:11,15 21:2,8 22:11,16,25 24:7 26:9 32:22 36:9 38:9,23 40:4 41:14

70 (1) 59:20
77 (1) 33:18

8

86 (1) 50:4

9

9 (1) 8:18
959 (1) 1:2