



The Sheku Bayoh Public Inquiry

Witness Statement

Nicol Porter

Taken by [REDACTED]

By Teams

On 23 July 2024

Witness Details

1. My name is Nicol Porter. My year of birth is 1983. My contact details are known to the Inquiry.
2. I am the Chief Firearms Instructor for Police Scotland.

Career Summary

3. I've got 18 years police service. I joined legacy Grampian Police, as it was at that time, in 2006. I was stationed to A division, which is response policing, where I remained for a good few years. In 2008, I did my initial firearms

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course, that's when I got qualified as an armed response vehicle qualified officer at a PC level, albeit I was still on response policing within A division. In 2010, I transferred into the full-time Armed Response Vehicle unit at the time, still under Grampian Police, where I was an Armed Response Vehicle officer, and I remained there for a number of years. I was trained in that period as a close protection officer and operational firearms commander as well.

4. In 2014, I was temporarily promoted to sergeant back on to local policing in A division, so I came out of the Armed Response Vehicles for a period of time to do an acting stint as a divisional sergeant. In 2015, I returned back to the Armed Response Vehicle unit in Aberdeen, back as a PC. I remained there until 2017 where I was then promoted as a sergeant within the Armed Response Vehicle Unit, so then I gained supervisory responsibilities within the unit whilst still being an operationally deployable ARV officer.
5. In 2018, I did my National Firearms Instructor's course (Police Scotland having come into being in 2013), so I went away for a course to be able to teach firearms tactics, and I successfully completed that. In 2019, I transferred from the operational ARV Unit to the Firearms Training Unit in Aberdeen and became what was called a firearms training manager. I was a supervisor in charge of the training team in Aberdeen that was responsible for all ARV, close protection, tactical rifle officer training delivered locally in the A and D division areas, but part of an overall national training unit that covered the whole of Scotland. When I became part of that national training unit, I was responsible as the training manager for the North East of the country for that training delivery. I further developed in the role there and became a post-incident manager as well as a firearms tactical advisor. I received that training as a sergeant when I was part of the training unit.
6. In 2020, I was promoted to inspector within the firearms training unit, so I became what was called a senior training manager within the Armed Police training department. Over the next year or so, I was further developed where

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I did my Initial Tactical Firearms Commander's course and my Tactical Firearms Commander's course. I did these courses in around May/June 2021, and that was to give me occupational competence as an Initial Tactical Firearms Commander (ITFC) and a Tactical Firearms Commander (TFC) to then go on and deliver command training, so initial courses and refresher courses, within Police Scotland.

7. In 2021, I was substantively promoted as an inspector within the department and then became what was called the deputy chief firearms instructor, where I was the deputy to the chief firearms instructor in charge of all firearms and command training within Scotland and managing the risk on behalf of the portfolio holder. As of February this year I've been temporarily promoted up to chief inspector. I am now the chief firearms instructor for Police Scotland. I have overall responsibility for advising the ACC on all firearms training related matters. I'm here to manage the risk of all firearms training and delivery for every aspect of firearms and command training for Police Scotland.

ITFC Occupational Competence - Current Training

8. I have been asked to explain what a ITFC is. An ITFC is fully accredited and takes command in the earliest stages of spontaneous incidents that may require the deployment of armed officers. These are incidents where the police don't have prior warning to develop strategies, tactics and contingency plans. Within Police Scotland this role is generally carried out by Police Inspectors who work within one of the force control rooms as the Duty Officer.
9. I have been asked to outline the current training to become occupationally competent as an ITFC.
10. Police Scotland are licensed by the College of Policing to deliver initial tactical firearms commander courses and tactical firearms commander courses. The ITFC course is an eight-day initial course and is currently run at Jackton training centre in East Kilbride, however it could be run anywhere in Scotland,

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depending on venue availability. The course is nationally accredited by the College of Policing, and because we're licensed to deliver it, it covers roughly the same content as all of the other delivery centres in the UK. Over the eight days, it takes officers or students on the course right back to the beginning in terms of theory inputs into the National Decision Model (NDM), working its way through to formative scenarios including rationalising decisions, and then through to an assessment day where the students are put through three summative assessments to test their application of the NDM and their ability to command a firearms incident in a controlled setting.

11. I have been asked whether these scenarios are used for the ITFC assessment. Yes. Throughout the eight days, we'll deliver formative scenarios to the students. We start off with very basic, very short scenarios, just to get them using the National Decision Model, and then the scenarios will gradually become more complicated; more feeds, more things will happen, and they'll have more resources to manage. It'll result in a summative assessment day at the end where they'll be put through three summative scenarios, where they'll be tested in all the theory and everything they've been taught during the course, in order to make sure that they're hitting the learning outcomes and the assessment criteria that's set out in our training curriculum.


12. We specifically write out assessment scenarios to make sure we're covering everything that we need to in terms of those learning outcomes that the College of Policing set. Then the students, over those three scenarios, should be able to demonstrate competence to then be signed off as occupationally competent. So that's them, they're demonstrating a good knowledge of the theory and the practical application of the NDM in a controlled, classroom environment. Thereafter, they go on to a period where they go out operationally to shadow and be mentored by signed off ITFCs in order to obtain what we would call operational competence as an ITFC.

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13. I have been asked what percentage of students pass this ITFC course. I don't have specific detail on that. The vast majority manage to pass the course. We do have occasions where officers aren't successful and then we have a discussion as a training team to see just how far off the mark they were. For example, if the student failed by a small margin we could look at just a reassessment the following day with some different scenarios, or if we are looking at potentially a longer term development plan where we get them back in to re-cover some of the theory, some of those aspects, to reassess them, or perhaps we feel that they've performed to such a level that they might actually just need to come back and re-do a full course.

14. We'd sit down as a training team, and, as the chief firearms instructor, I would ultimately make the decision as to where we would go with a particular student, whether it's an immediate reassessment the following day, following some verbal feedback, a slightly longer term development plan followed by a reassessment, or an actual full recourse, or the option is always there that we might not invite them back if they were underperforming to such an extent that we felt like a full re-course wouldn't address the identified learning issues.

15. I have been asked whether officers need to have any particular experience or years of service as a police officer to apply to undertake the ITFC course. You don't have to have a specific background in firearms and the course is tailored to cover that. Part of the course is that we provide inputs and demonstrations on firearms tactics, so you do not need to specifically have that background. It is beneficial at times to have had that background, but it's by no means a precursor to coming on the course. Within Police Scotland, we are very much reliant on our colleagues in the C3 division to nominate students to come on the ITFC course to fill the duty officer role that they are trying to facilitate within the control room. We tend to go to the C3 division to say, "Who would you like to nominate to come on the course? Who have you got in the pipeline to become a duty officer?" In my experience, albeit I'm not in C3 division, it tends to be C3 division officers who have performed control

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room roles, either as a constable or a sergeant and then they're making potentially a next step up to inspector within the control room, who come on the course. Recently in the last couple of years, it's predominantly been officers who have already been embedded within C3 division that then come on the ITFC course.

16. I have been asked about my knowledge of the period of time that officers spend becoming operationally competent as an ITFC. In terms of becoming operationally competent as an ITFC, the Police Scotland guidance is we would look for them to shadow an already operationally competent ITFC on at least one deployment and then be mentored themselves as an ITFC on one deployment. So, it's a minimum of two live jobs that they would need to shadow and be mentored on, but it should really be a case-by-case basis, and depending on what the nature of that deployment is, would be a factor in whether you feel that's an adequate exposure to operational deployments. What we don't say is, "It's only two jobs and then you put a memo away for sign off for operational competence." What we try and stress on the course is the commander has to feel comfortable that they've had enough operational exposure. What we have found is a lot of commanders are quite comfortable after doing a shadow and a mentor deployment, but the failsafe to that is they then have to prepare a memo detailing the two deployments and the full details of what they carried out and who mentored them. That then gets submitted through to the firearms training department where we assess the information that's contained within that memo to make sure it's meeting the learning outcomes and the assessment criteria that I outlined earlier in the course for an ITFC. So that's a check and balance to make sure we're quite comfortable that that commander has actually demonstrated all of the learning outcomes required of an ITFC.

17. The memo is then passed through several chains of checking and then ultimately goes up to the ACC for sign-off, and that will be them signed off as "operationally competent as an ITFC," so they're then able to go and sit in a

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control room as a duty officer from an ITFC point of view on their own without being mentored.

18. I have been asked to clarify whether the operational competence sign-off is also governed by the College of Policing, and whether this process is the same between Scotland and England. The College of Policing's guidance is that every force has to have its own, auditable process for operational sign-off, but the general consensus across forces is that firearms commanders undertake a shadow mentor process. It is essential to have a documented process which involves a period of shadowing and mentoring to make sure that when the individual is signed off, they have got all the tools and the experience necessary to do the job on their own. How many jobs or how that actually physically looks is up to each individual force, because every force is different, control room setups can be different, geography, things like that. So the college basically give guidelines to follow, but it's up to each individual force to have their own process for operational sign-off.

19. I have been referred to the standard operating procedure (SOP) for Armed Policing Operations published in August 2018 (PS12405). I have been asked if this is the most up to date version of this SOP. No this will be an older version of this SOP. This SOP is managed by a different section of the department called the Armed Policing Policy and Compliance Unit. This states the basis for the deployment of Authorised Firearms Officers (AFOs) in Section 9.2.

"The deployment of AFOs should only be authorised in the following circumstances:

*(a) where the officer authorising the deployment has **reason to suppose** that officers may have to protect themselves or others from a person who:*

- is in possession of, or has immediate access to, a firearm or other potentially lethal weapon, or*

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- *is otherwise so dangerous that the deployment of armed officers is considered appropriate; or*
- (b) As an operational contingency in a specific operation based on threat assessment; or*
- (c) For the destruction of animals which are dangerous or are suffering unnecessarily.”*

20. I've been asked to confirm whether this is a standard part of the ITFC training and considering in the scenarios. Yes. The very first input after the course opening on day one, is an input on the criteria for the deployment of authorised firearms officers, and it basically looks at all those points covered in that section. So that is the foundation input that happens on day one, and then we move forward and we're always constantly referring back to that criteria. We discuss each one of them and operational examples of what that might look like, but, yes, the students get all that as part of their day one inputs and it's then refreshed. Every time we do a formative scenario, we'll always go back and revisit the criteria and whether certain circumstances meet those criteria or not.

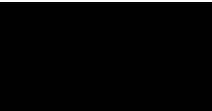
21. I've also been asked to confirm if the use of the NDM in making assessments of whether AFOs should be deployed also forms part of an input and is used in the scenarios. Yes. So, the second input, and pretty much the rest of day one, is all on the National Decision Model, and we cover every single part of that model and we speak about it in detail.

22. Day one is a course opening, followed by an input on the criteria for the deployment and the authority of firearms officers. It's then a significant input on the NDM, the theory around that, and it ends with a very quick or brief NDM scenario just to consolidate the learning from the day. So, in the afternoon, once we've done the theory about the criteria and the NDM, we'll then do a formative scenario as a group within the classroom and just talk through each of the parts of the NDM and how the scenario that we present

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would link it to that, and then that process of starting to ask the students to think like ITFCs, to then take some information we give them on a PowerPoint slide, and use the NDM theory and the criteria that we've provided them on day one to start formulating a plan and some decision-making, yes.

23. I have been asked whether there is any specific training on deployments for knives or bladed weapons. There's not a specific input on knives or bladed weapons. What we do is, when we speak about the criteria for deployment, we make sure we're clear that it's not just about physical firearms, it's about any type of potential weapon, and that's why the criteria is written the way it is, to cover all of that. So, we will cover in real detail, and make it quite clear that it is not just conventional firearms threats only that we will deal with. It could be knives, it could be swords, it could be crossbows. It could be an "otherwise so dangerous" aspect, it could be, a subject who has particular sets of martial arts skills that might make them particularly dangerous. Making sure commanders have an open mind and they're not pigeonholing themselves into just thinking it's about conventional firearms. We have to think about all sorts of potential threats that officers might face.
24. Throughout the course, they will get a range of scenarios that will cover subjects with conventional firearms, or subjects with knives, subjects with crossbows, trying to cover as much as possible. It's basically trying to cover everything that's in that statement about what the criteria is, right the way through those different examples. We will touch on that throughout the course to make sure that, as best as possible, the students are leaving the course with a good grasp of making sure they don't pigeonhole themselves in terms of specific weapons. It's about using the NDM as a model, assessing what the threat is, and then formulating a plan or response to mitigate that threat rather than just thinking, "Because it's a gun we're doing this, because it's a knife we're doing this." It's about taking all that information and intelligence, using the NDM, and then applying the theory that we've taught them in the course.

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ITFC Occupational Competence – Training pre-May 2015

25. I have been asked whether I have any knowledge of the training for staff within an area control room (ACR) including the Duty Officer/Inspector or ITFC training prior to May 2015. I'm afraid not, no. I was an operational ARV officer during that time, but whilst I would know who the ITFCs were in my area, I think they tended to be sent down south back in those days to do the national ITFC training courses. However, in terms of how that was set up in the control rooms and the specific training, I don't have any working knowledge of that at all.

26. I have been referred to the Inquiry statement of Inspector Craig Finnie (SBPI-00406) at paragraphs 5 and 6.

"Following the formation of Police Scotland in 2013/2014, I transitioned from the divisional intelligence manager role across to the area control room at Bilston Glen where, during the summer of 2014, I attended the Initial Tactical Firearms Commander ('ITFC') course.

I attended the ITFC course from 21st to 25th July 2014, in Kent, which was hosted by Kent Police Force. At the time, that was an external course because there was no availability within Police Scotland, which was not unusual at that time. This allowed me to attend an ITFC course as quickly as possible after commencing in C3 division. I passed that course successfully. From 29th September to 1st October 2014, I attended a training course on the System for Tasking Operational Resource Management (STORM) Command and Control System, which was held at Fettes Police Headquarters, Edinburgh. I successfully passed the course, which was a necessary component of my learning and development to become a Duty Officer or ITFC within C3 division. Once you have attended your initial ITFC training course, you are 'occupationally' competent as an ITFC. To become

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operationally and occupationally competent as an ITFC, you then have to complete at least two or three live incidents to achieve this status. This operational competence is completed once you have been shadowed by a more experienced ITFC who was already occupationally and operationally competent. Once I had demonstrated competence in this role, a memorandum was submitted to the Assistant Chief Constable (ACC) with responsibility for the armed policing portfolio. The ACC will personally endorse the memorandum, which is retained by armed policing policy and compliance unit. Once this process is complete, you are authorised to perform the role of ITFC without supervision.”

27. I have been asked to compare this description of training prior to May 2015 with my knowledge of the current ITFC training programme. While I can't comment of the content of the course prior to May 2015, the system now is pretty much identical to what it was back then in terms of that sign-off, and that's because we follow the College of Policing advice on operational sign-off processes, which we have done since the formation of Police Scotland. So, the process sounds exactly the same. Once you've done that accredited course, you're signed off as occupationally competent. You then do that shadow mentor process with a minimum of two deployments, and then you compile that portfolio of evidence which then ultimately gets presented up to the ACC for sign-off, and then that is you signed off as operationally competent, as long as you've met the criteria set out in the memo.

28. I have been referred to Inspector Steven Stewart's statement (SBPI-00084) at paragraph 3:

“I was an Inspector in the Area Control Room (ACR) at Bilston as at 3 May 2015. As part of this, I was an initial tactical firearms commander (ITFC) at the ACR at Bilston from January 2013 to 27 October 2016, so I must have moved out of the control room thereafter. To become an

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ITFC, I went down to Kent and did a College of Policing course, a week-long intensive course. Then what happens is you're accredited by the College of Policing, you come back to Force and you have to shadow an experienced ITFC and you shadow a live incident and then you actually command a live incident as well whilst you're being supervised or mentored. There's that mentoring period and then you are assessed to be operationally competent in the role and up and running. I did my course in November 2012 and I actually went to the control room in January 2013 in that role."

29. Again, I have been asked to compare this description of training prior to May 2015 with my knowledge of the current ITFC training programme. Yes, this follows the previous statement and is very similar to the current ITFC programme.

Refresher Training

30. I have been asked to outline the process for maintaining competence as an ITFC. Once an individual has obtained that initial sign-off for operational competence and are live to do the role themselves, over a period of 12 months they then need to have commanded at least two live operational incidents, and then what happens is every year they will submit on our Chronicle computer system, what's called an evidence submission. So they will submit evidence of those two deployments, they'll then be reviewed by our Armed Policing Policy Compliance Unit to ensure that they meet the standard, and then they are signed off for another 12 months as operationally competent.
31. Every year, commanders have to demonstrate that they have commanded live operational deployments, and they are recorded and evidenced on our Chronicle management system. That ensures that they're current and they can continue to perform their role operationally. If you do not meet that criteria, so say for instance you haven't managed to command two

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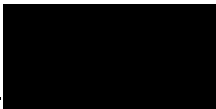
deployments in 12 months, you're then temporarily taken off those duties. You revert back to occupational status, and then we look to then re-institute that initial sign-off process. So, you'd then need to shadow and be mentored again, to regain that operational competence.

32. Every five years, commanders have to do what's called an ITFC Re-accreditation Course, and that's where they'll come back to Armed Police Training and we will revisit the theory side of things. It's like a miniature version of the initial ITFC course and, again that's just to make sure that every five years they get a refresh on all of the theory and they're put through formative and summative assessments again, replicating the initial course.

33. I have been referred to the Inquiry statement of Inspector Craig Finnie (SBPI-00406) at paragraph 16:

"In order to maintain your competence as an ITFC, you must command at least 2 live firearms incidents each year in addition to attending 12 hours' training per annum. The 12 hours' training consists of 6 hours' nationally mandated refresher training from the College of Policing and 6 hours 'in force' for the Security, Threat and Risk Assessment (STRA) refresher training. The training is generally delivered at Jackton or the police college at Tulliallan."

34. I have been asked about the 12 hours training referred to in this passage and whether this forms part of the current training. Yes, that's still the case. That's part of the College of Policing rules around being an ITFC as well. Every year you do 12 hours' refresher training; one of the days, which is 6-hours contact time, that's written and mandated by the College of Policing, so we get sent that training material by the College of Policing and then we deliver that across Scotland to all the commanders, but it's not just ITFCs, it's the full firearms command chain and tactical advisors who receive this training. .

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35. Then there's a further day which is that second six hours, which is STRA training, where we look at trends around Scotland, what's happened in the last 12 months, and then we tailor that training to meet any identified Police Scotland needs. Every year commanders must attend the 12 hours' refresher training throughout the year and then, again, if they fail to do that, they're temporarily taken offline until that training is caught up.

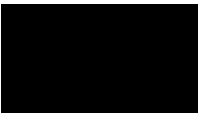
36. I have been referred to Inspector Steven Stewart's statement (SBPI-00084) at paragraph 3, which I am told refers to the period 2013 to 2016:

"I have to do regular training throughout as well just to keep my accreditation up and fully qualified. That's part and parcel of it. There is a mandatory period, it might be three years, then you have to submit a report of what you've done just to keep your ticket live, effectively, to show you're operationally competent."

37. Again, I have been asked to compare this description with my knowledge of the current ITFC refresher training. Yes, this is similar to previous statement of Inspector Finnie and is very similar to the current programme. The only thing that sticks out is, *"There's a mandatory period, it might be three years, you have to submit a report."* I don't know if he is confusing the five-year re-accreditation period I referenced earlier, when you have to come back and replicate the initial course. That's maybe what he's meaning there, I'm not sure, but certainly what he seems to be covering there pretty much aligns with what we do now and my knowledge of what we did back then as well.

Armed Policing SOPs: Spontaneous Firearms Incidents

38. I have been referred to the Armed Policing Operations SOP dated 2018 (PS12405). I have been referred to the definition of a spontaneous firearms incident at section 7.1.1:

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“An incident that takes place without warning, the circumstances of which demand that armed support to the initial police response must be considered.”

39. I have also been referred to the Armed Policing Operations SOP dated 2014 (PS10985) which also contains a longer definition for “spontaneous firearms incident” at section 8.4.1, which states:

- “- An incident that takes place without warning, the circumstances of which demand that armed support to the initial police response must be considered.*
- It should be borne in mind that this may include situations where the subject is not in possession of a firearm or other potentially lethal weapon but is ‘otherwise so dangerous’ that the deployment of police firearms resources may be required to safely control the situation e.g. in some situations where persons are in possession of edged weapons, hostage situations etc.”*

40. It has been suggested to me that, both the 2014 SOP and the 2018 SOP list actions required by, amongst others, the service centre, controller, the Duty officer, the first unarmed officer at the scene and the first supervisor at the scene. I have been asked whether the term “spontaneous firearms incidents” include both (1) incidents to which AFOs have been deployed and (2) incident for which the deployment of AFOs were considered but not actually deployed. No. I would only consider the first example to be a “spontaneous firearms incident”.

41. I have been asked if the College of Policing have a definition for a spontaneous firearms incident. I am unsure if COP have a specific definition for a “spontaneous firearms incident” however, within the ITFC training curriculum, they’ve got some paragraphs which speak about what’s considered a spontaneous incident and what’s considered a planned operation. This is from the training curriculum from the ITFC course:

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“A spontaneous incident is one where the police do not have prior warning to develop strategies, tactics, and contingency plans for a spontaneous incident. An initial response is required even though the information about the incident may be incomplete. As a result, the initial response to a spontaneous incident may be directed towards increasing the level of intelligence. Commanders should therefore ensure that robust information and intelligence management processes are in place to provide as clear a picture as possible of the spontaneous incident as it develops. This will then help form the basis of the police response.”

42. I have been asked if a spontaneous incident is the same as a spontaneous firearms incident. The spontaneous incident definition applies to both firearms incidents and others that are suitable for a conventional response. It would become a spontaneous firearms incident if the criteria for deployment of armed officers was met.

43. For spontaneous incidents, with the initial information that comes in, we have to consider all potential options. The control room or the duty officer will then have to consider, given what limited information might be available to start with, are we considering this could be a spontaneous firearms incident, or is it a spontaneous police incident? But that's why we teach the NDM and dynamic spins of the NDM. The very first part of the NDM, which we always talk about are initial actions. So, based on what we've got right now, what do we think? Are there any initial actions that need to be carried out to manage any immediate risks and to help develop our information gaps prior to looking at the NDM in detail. i.e. Intel checks, briefing of divisional officers etc.

44. I think that would always have to be in your mind— depending on what the circumstance is – could this lead to a firearms deployment? That's why we have duty officers and ITFCs in the control rooms, so that hopefully incidents

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that come in that may involve higher degrees of risk or make mention of, weapons present etc. should get flagged up to an ITFC to then carry out that initial assessment, albeit the time pressure is always there and it's a very, very difficult job being a duty officer.

45. I have been referred to the Armed Policing SOP dated from 2018 (PS12405) SOP at section 8 which has the heading "Initial Unarmed Response to a Spontaneous Firearms Incident". 8.1.2 provides a list of information that should be provided from the report the majority of which specifically refer to where a firearm. and at 8.1, there is a list of different steps that should be taken when a report comes in, which appears to be very much referring to where a firearm is actually present. That is the case down to 8.1.7, which states:

"These procedures will also apply where the incident does not involve a person in possession of a firearm but where they are considered otherwise so dangerous and the incident is not assigned firearms incident status."

46. I have been asked to explain what that means particularly when contrasted with the meaning of "spontaneous firearms incident" above. I have been asked whether clarify if "firearms incident status" is different from a "spontaneous firearms incident". The Armed Policing Operations SOP sits outwith my department. However, my understanding of the highlighted paragraph is that the same processes documented for an incident where a confirmed, conventional firearms threat is present should be followed for those involving a subject who is 'otherwise so dangerous' and the deployment of armed officers is still authorised. These types of deployments could involve a subject with a knife, with a sword, with a crossbow, and that's why you have the different criteria for deployment, including "otherwise so dangerous"

47. If we feel the criteria is met for the deployment of armed officers or it may be met, this is recommended actions that, in an ideal world, should be happening

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in order to mitigate the risk whilst the ITFC assesses all information, intelligence, and then formulates a plan and potentially authorises armed officers.

48. I have been asked whether “firearms incident status” is a recognised term within firearms training. It’s not a term I’m familiar with and not one specifically used in the training environment. What we focus on during the initial and refresher training is, “Do we feel the criteria for the deployment is met when we’re looking at that information, and intelligence, and spinning the NDM”, The management of that incident will then depend on what conclusions are made.

49. From my point of view, if we have an incident that’s comes into a control room and it would have an ITFC assessing it in terms of consideration of an armed policing response, then that incident is sitting with the ITFC at that time whilst they’re doing that assessment. So that will be where those actions then kick in, in terms of what’s specified there in the SOP, but in terms of the specific wording there, “the incident is not assigned firearms incident status,” I’m not 100 per cent sure what that means, or what the author meant when they wrote that.

50. I have been referred to the Armed Policing SOP dated from 2018 (PS12405) at section 8.3.1 which states the following in relation to the Duty Officer:

“Dependent on the initial information received, and following application of the National Decision Model (NDM), AFOs can be deployed to a spontaneous firearms incident, in such circumstances, the Duty Officer will assume the role of ITFC.”

51. I have been referred to the Armed Policing SOP dated from 2014 (PS10985) at section 9.9.1 which has a similar section in relation to the Duty Officer:

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“Dependent on the initial information received, and following application of the National Decision Making Model (NDM), AFOs can be deployed to a spontaneous firearms incident, in such circumstances, the Duty Officer will assume the role of ITFC”

52. I have been asked to confirm if these sections are rightly understood to mean that the duty officer only becomes the ITFC at the point of deploying AFOs? Yes, the duty officer formally becomes the ITFC when they have assessed the available information and intelligence, decided that the criteria for the deployment of armed officers has been met and as such has declared a firearms incident that AFO's will be deployed to.

53. I have been asked to outline my understanding of what assuming the role of ITFC means in relation to the responsibility for command and control of the response officers attending an incident? The ITFC has command of all armed and unarmed resources during this type of incident until the criteria for the deployment of armed officers is no longer met and the incident is handed back to a PIO.

54. I have been asked what the current ITFC training teaches students in relation to the point at which the ITFC takes control of an incident, by assuming the role of ITFC or otherwise? The specific process for when a duty officer is made aware of an incident on the STORM management system for assessment and is therefore potentially in command of such incidents is an operational decision for the C3 department of Police Scotland, however when delivering initial and refresher training, Armed Policing Training Instructors verbally advise commanders that if an incident has been flagged to them and they are carrying out an NDM assessment, with a view to potentially authorising the deployment of armed officers, then command of this incident should sit with them and unarmed resources including the local PIO should be advised of this and appropriate briefings/instructions delivered to mitigate any immediate risks.

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55. What we advise is that if you're actively considering a potential firearms deployment, or you have, tactically relocated armed resources closer by, albeit you haven't authorised them for anything yet, then the control of that incident sits with the ITFC and you should be linking in with the divisional PIO or the divisional supervisor to make sure that they are aware that you are assessing the incident and if there's anything that you specifically want them to do in terms of, "At the moment, I want you to make sure officers have a stay safe briefing," for instance. That's what that initial action part is before you jump into the full NDM spin. We always talk about initial actions. So, in part, the initial actions usually always include establishing contact with the PIO to let them know you're assessing the incident. Whether there is a RVP identified etc

56. There was a memorandum issued on 3 June 2014 by the Chief Superintendent of C3, at that time, which clarified the command during a tactical relocation of armed assets (WIT-00114). The memo states:

"Where Police Scotland receive a report that meets the criteria for the deployment of Authorised Firearms Officers (AFO's), the Initial Tactical Firearms Commander (ITFC) within the Area Control Room may choose to 'tactically relocate' AFO's to the area of the report, whilst the circumstances develop and are being assessed as part of the National Decision Model.

The primary benefit of tactical relocation is to expedite the availability of armed resources in the immediate area if required quickly. This early movement of AFO's is particularly relevant where the incident occurs in remote or rural areas of our command.

This type of tactical relocation has caused some uncertainty about who has overall command of the incident, divisional Police Incident Officer

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(PIO) or the ITFC. The purpose of this memorandum is to provide clarity of command.

Where an ITFC tactically relocates AFO's, there is clear consideration that armed officers may be required as a contingency, and / or that the matter may be declared a Spontaneous Firearms Incident.

To ensure a clear command structure, where tactical relocation has been instructed, the matter will remain under the command of the ITFC until such times that they have discounted the need for the deployment of armed officers.”

57. This explains that if an ITFC is relocating armed resources closer to an incident whilst an assessment is being made and they're considering the deployment of armed officers, then the command of that should sit with the ITFC, because there had been, I think, a bit of a grey area at times where Police Incident Officers (PIOs) and ITFCs weren't necessarily clear on that. So there was some direction put out in this memo to clarify that to say, particularly if there's a tactical relocation and an ITFC is sitting, assessing information and intelligence with a view to a potential deployment or not, then that command of that incident sits with the ITFC. These operational matters are managed by C3 in conjunction with Armed Policing Operations, however I believe this guidance is still the current position of Police Scotland. This memo isn't specifically referenced during ITFC initial training however instructors verbally advise students as previously referenced on when they should be assuming command of an incident.

58. I have been asked, what are ITFCs trained to do with that in the time between a call coming in specifically about a weapon other than a gun? What do they do in that grey area between the call coming in and a decision being taken regarding the authorisation, or not, of an armed response. That is where, as I touched on, that initial action piece is really key for the commander, and that

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is where it's really imperative that they link in with the divisional supervisor or the PIO and make it very clear what it is they want them to do, as in whether they want them to hold, whether they want them to go to an RVP, whether they're still happy for them to go and make contact with a potential subject. But what we don't do in the course is give them definitive guidance on every type of incident because they're so dynamic and different and that, because that's why we have the NDM.

59. We say this in the assessments, "There's no one single way to solve an incident, but what we need you to do is use the NDM and the tools that we provide you with to make sure you're making that accurate assessment of those facts and assumptions, in the threat level and working strategy, in order to protect the officers and the public."
60. One of the biggest things we do is emphasise is that if you're considering a deployment and information is coming in, and you're aware the divisional officers might be attending something that you're then going to potentially consider as a firearms deployment, before you jump into that full spin of the NDM, as part of those initial actions, you, or one of your team should get in touch with the PIO or whoever is going to be responsible for those officers to make sure they are briefed for what your expectations are whilst you make that decision. But exactly what the tactical plan is, that is up to the commander to decide upon based on available information and relevant risk assessments. That's certainly how we would teach it now, in 2024.
61. I have been asked about the need to link in with the divisional supervisor or the PIO and how this would be done. Whether it's a case of a transmission via the airwave radio or a point to point transmission or some other method. It would be over the radio channel. We would always encourage within a firearms incident to avoid things like point-to-point. As much as possible, we'd want it broadcast over as wide a net as possible. So, whilst you might be engaging the PIO on the radio, hopefully it's on the same channel as the rest


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of the divisional officers so they are picking up that as well, because if you're contacting individuals direct, you're increasing your own workload as a commander because you might then need to contact half a dozen people, whereas if you're putting it over a local channel, you're making it clear in your communications who you are, the fact you're considering this as a firearms deployment, and who you're wanting to communicate with.

62. So, you're wanting to make contact with the PIO, but you're also doing it in a manner that ensures the rest of the divisional officers, or whoever else is attending, or everyone on that talk group is going to hear, and that should hopefully capture as many people as possible. That should assist with achieving shared situational awareness of what's going on and what's expected of the officers; if you are sending them to an RVP or if you are sending them straight to locus, so you have that element of control over what's happening.

63. I have been asked about the phrase used in the memo "*the matter may be declared a Spontaneous Firearms Incident*". It has been explained to me that a similar phrase is used by Inspector Steven Stewart in his statements. For example, at paragraph 30 of SBPI-00084: "*The decision to declare a spontaneous firearms incident, authorise and deploy authorised firearms officer was my responsibility as an ITFC.*" And paragraph 54 of SBPI-00197: "*I'm asked about my understanding of the command structure on the morning of 3rd May 2015. Essentially this was a division response and divisional officers were attending the incident under the command and direction of their supervisor on their ground, who in turn was reporting to the divisional inspector. I have previously explained that calls of this nature were, and continue to be routinely attended by response officers. I would only become part of that command structure at the point that it was declared a firearms incident. I would then take command of that incident if it was a declared firearms incident.*"

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64. When a call has been declared a firearms incident, a commander will have carried out a full NDM assessment of the circumstances and decided that the criteria for the deployment of armed officers is met. This declaration is a means of informing all of the relevant parties that the firearms command structure is being put in place and that overall command of the incident sits with the identified Operational, Tactical and Strategic firearms commanders. It is a common term used within the Armed Policing Training environment.

65. I have been asked what ITFCs are trained about the requirement for feedback from officers that have been sent to an incident. Again, that forms part of what we would ask the commanders to verbalise to us in the training in terms of that initial action piece. So, when you're getting in touch with the PIO or the divisional officers themselves, because the PIO might not necessarily be with them – it could depend on which part of the country; they might be considerable distance away – is you are making direct contact with them, making it clear what your expectation is of them, whether it would be implementing stay safe, cordons, things like that, but also making it clear to the officers what your expectation is. For example, if you have intelligence gaps, when you're getting in touch with those divisional officers, you're then asking them about if they have an opportunity (whether they're uniformed or whether they are plain clothes) if they can get sight of the subject, or what else you're looking for, but you're making it clear to them you're wanting a very, very early update as soon as they can about the developing situation.

66. We're not prescriptive to say, "Within 30 seconds/within 1 minute of being there, I want an update," but, generally, my experience with ITFCs is if there's an incident ongoing and you're considering the deployment of firearms officers, but you're still needing some more information that you might be able to get from officers on the ground who are either close by or are going to be there, you're going to be pretty intrusive and asking for that, or trying to push for that very, very quickly.

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67. We're not prescriptive at all with it, but it's based on, again, exactly what is happening, but certainly in the training scenarios we deliver, there's a thirst for information. So, the candidates in the training courses wouldn't be sitting for a long period of time waiting for an update if they knew the officers were on scene, we would advocate trying to get that situational awareness to say, "What's going on at the locus," if you have allowed them to go that far.

68. I have been referred to the Armed Policing SOP dated from 2014 (PS10985) at section 9.10.2 which states *"The first officer at the scene of a spontaneous firearms incident should ensure that the ITFC is updated of a potential firearms incident in order that the ITFC can arrange..."* and then goes on to list various options for the ITFC including in the consideration of armed support. I am referred also to an identical paragraph in section 8.4.1 of the Armed Policing SOP dated from 2018 (PS12405). I have been asked whether these sections form any part of the ITFC training and consequently whether ITFCs will expect the first officers at any scene to update them in this way? The specific sections referenced from the Armed Policing SOP are not specifically covered verbatim during ITFC training, however, are generally covered verbally during the various formative scenarios delivered during the course. In my experience, ITFC's would always have a desire for updates from the first officer at scene in order to assist with information gathering.

69. I have been asked whether I have any input into the drafting of the Armed Policing SOP, Armed Policing Training are not responsible for the writing of this SOP, however, in my current position as the Chief Firearms Instructor, I will be given the chance to review and provide comment on any future versions. I believe it's every 12 months that it is reviewed.

70. I can't remember exactly what the process is, but there's a policy unit within Police Scotland who manage this and draft versions of SOP's get sent out to staff associations, and, internally within armed policing for review and feedback if necessary.

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71. I have been asked about Police Incident Officer (PIO) Stay Safe at firearms incidents PowerPoint (PS12611). I have been asked whether this a training document that that my department have input into or use and whether I can outline how this document is used in training.
72. I can see from the provenance that that's an armed police training pack that's been created, so that has been my department, albeit this was created in 2017. The author of the document named in the PowerPoint has retired; however, he was a previous deputy chief firearms instructor. I'm aware that the PIO courses that are being run at the Scottish Police College, they often come to us and ask to provide an input to PIOs, and this is the input that has been provided in the past.
73. The last I was aware is we still, when they come and ask for assistance, provide inputs to the PIO course. Either firearms instructors will do it, or, if there's a qualified officer already within that training department at Tulliallan, they'll cover it on the course as well is my understanding, albeit the PIO course isn't delivered by armed police training, so I'm not 100 per cent sure of the exact content of it.
74. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

August 28, 2024 | 4:13 PM BST

Date

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