

# **OPERATION BRIDGE**

**PEER REVIEW INTO THE RESPONSE OF CUMBRIA CONSTABULARY  
FOLLOWING THE ACTIONS OF DERRICK BIRD ON 2nd JUNE 2010.**

**INDEPENDENT PEER REVIEW – FINAL REPORT  
MARCH 2011**

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**SECTION 1**

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**SECTION 2**

**LIST OF VICTIMS**

**Deceased Victims**

David BIRD

Kevin COMMONS

Darren REWCASTLE

Susan HUGHES

Kenneth FISHBURN

Isaac DIXON

Jennifer JACKSON

James JACKSON

Garry PURDHAM

James CLARK

Michael PIKE

Jane ROBINSON

**Surviving Victims**

Donald REID

Paul WILSON

Terry KENNEDY

Emma PERCIVAL

Leslie HUNTER

Christine HUNTER-HALL

Harry BERGER

Jacqueline LEWIS

Fiona MORETTA

Nathan JONES

Samantha CHRYSTIE

**THIS REPORT IS EMBARGOED  
UNTIL 4PM MONDAY 28<sup>TH</sup> MARCH 2011**

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### **SECTION 3**

## **EXECUTIVE SUMMARY INCLUDING THE LIST OF RECOMMENDATIONS AND OBSERVATIONS**

### **3. Executive Summary**

- 3.1 This is the report of the Peer Review into the response of Cumbria Constabulary following the tragic events of 2<sup>nd</sup> June 2010 during which 12 innocent members of the public lost their lives and a further 11 people were seriously injured.
- 3.2 The Peer Review has been conducted at the request of the Cumbria Constabulary Chief Constable, Mr Craig MACKEY, to agreed Terms of Reference and under the scrutiny of a Reference Group.
- 3.3 This report is not protectively marked in accordance with the Government Protective Marking Scheme (GPMS). It has always been Mr MACKEY'S intention that this report should enter the public domain in the interests of openness and transparency. The appendices remain GPMS Restricted as they contain sensitive information, such as the Force Firearms Strategic Threat and Risk Assessment.
- 3.4 In completing this Peer Review, my team and I have been afforded full co-operation from Cumbria Constabulary and we have had full access to all relevant information. The depth of this review would not have been possible without this level of co-operation and access for which I am extremely grateful.
- 3.5 Cumbria Constabulary have carried out their own major investigation on behalf of HM Coroner. The Peer Review has had full access to all materials gathered as a result of the Cumbria Constabulary major investigation.
- 3.6 The Peer Review Terms of Reference are re-produced in full at Section 11 of this report. The following excerpt highlights the overall objectives of the review.
- 'To consider the policing issues arising there from, and any lessons which can be learned by Cumbria, the region or nationally and, to make such recommendations as may seem appropriate'.*
- 3.7 In summary, the Peer Review has sought to address two concerns:-
- Could this incident have been prevented before it started?

- During the incident, could more have been done to stop Derrick BIRD any sooner?

Both questions have been carefully considered.

- 3.8 This report will go into some detail regarding Cumbria Constabulary's dealings with Derrick BIRD prior to the 2<sup>nd</sup> June 2010. I have been able to establish that Cumbria Constabulary had no opportunity to prevent this incident. In fact, the first time they had an opportunity to intervene was at 10.13 hrs on 2<sup>nd</sup> June 2010 when they received the initial 999 call.
- 3.9 In answer to the second question, the response provided by the force has been examined in detail. Events of this magnitude are thankfully rare and would challenge any police force, regardless of size. On this occasion geography was a major factor.
- 3.10 Cumbria Constabulary were able to deploy sufficient resources to deal with the threat posed by Derrick BIRD. It is important to note that throughout the whole incident, which lasted only two hours, police officers saw Derrick BIRD only twice. Having examined these encounters carefully I have concluded that the overall response was reasonable under the circumstances and police officers did not have the opportunity to stop Derrick BIRD any sooner.
- 3.11 I can not imagine any circumstances under which a post incident review of an incident of this magnitude would not expose areas of weakness in the police response and result in recommendations. This Peer Review has highlighted areas of weakness, for example, a lack of clarity of command in the early stages of the response and the immediate availability of armed police officers in West Cumbria. The Review Team is unable to conclude that had these areas of weakness not been present, that Derrick BIRD would have been stopped any sooner.
- 3.12 The Peer Review also found strengths in the response and we have found examples of bravery, innovation and dedication to duty, which are highlighted in the report.
- 3.13 This report makes 15 formal Observations and 9 Recommendations. The Observations largely relate to Cumbria Constabulary and are for further consideration by the Chief Constable and his team. The 9 Recommendations relate to the issues that the Peer Review Team suggest should lead to improvements in policy or professional practice.
- 3.14 Two of the Observations are of high national importance. Observation 1 relates to Cumbria's use of the Airwave police radio network, which was very nearly overwhelmed. This is a common

theme with other major incidents and large operational exercises and may in part be due to user error. However, this needs to be resolved particularly in light of the 2012 Olympics.

- 3.15 Observation 3 relates to police interoperability with the ambulance service, which the Review Team highlight as a significant issue. In summary, the ambulance service felt unable to dispatch ambulances to the scenes in the absence of police protection. This is despite the fact that unarmed police officers and members of the public were at all scenes.
- 3.16 This section will now briefly describe the contents of each of the 14 sections of this Peer Review report and summarise each of the 15 Observations and 9 Recommendations.
- 3.17 **Section 4. - Introduction** – This section provides the context of the information collated within the report and outlines the purpose of the Peer Review in greater detail.
- 3.18 **Section 5. - The community served by Cumbria Constabulary** – This section describes the impressive community cohesion that has been observed by the review team during the process of creating this report.
- 3.19 In particular, this section identifies how this cohesion remains steadfast in the time period that has followed the events of the 2nd June 2010.
- 3.20 **Section 6. - Cumbria prior to the offences being committed** – From a policing perspective, this section provides a snapshot of Cumbria in the time immediately prior to the incident under review.
- 3.21 Two significant events were being managed by Cumbria Constabulary when this incident was initially reported.
- 3.22 **Section 7. - Cumbria Armed response capability** – This section describes the availability of Armed Response Vehicles (ARVs) in Cumbria at the time of the incident being reported and how additional armed officers were deployed throughout the incident.
- 3.23 **Section 8. - The events of 2nd June 2010** – This section details the events as they unfolded. I have thoroughly examined all previous contact between Derrick BIRD and the police service to establish if there was any opportunity to intervene to reduce the risks that he ultimately posed.
- 3.24 Furthermore, I have examined in minute detail the actions of Derrick BIRD and how Cumbria Constabulary reacted to each incident they became aware of.



- 3.25 **Section 9. - The Review Process** – This section outlines the process that my team and I adopted to establish the information in conjunction with the Cumbria Constabulary Major Investigation Unit.
- 3.26 **Section 10. - Review team's approach to interviews with police staff** – This section examines the method that was employed by my team and I, to secure additional information from key members of Cumbria Constabulary staff.
- 3.27 The concept of 'professional discussions' was created to ensure that we were not only able to obtain facts but were also able to establish the feelings and emotions that were present within the various departments that collectively worked to stop Derrick BIRD from his offending.
- 3.28 **Section 11. - Terms of Reference** – This section is included to provide clarity on the specific directions that my team and I were provided in order to create a Peer Review that would meet the needs and expectations of Chief Constable MACKEY and Cumbria Constabulary.
- 3.29 The original terms of reference that were set are reproduced in their entirety.
- 3.30 **Section 12. - Background information relating to the routine policing delivered by Cumbria Constabulary** – This section provides information relating to the way that Cumbria Constabulary routinely operated prior to the 2nd June 2010.
- 3.31 This section is subdivided into various different business areas and where relevant, following each one, an Observation or Recommendation is produced in an identical format to those in Section 8.
- 3.32 The purpose of this section is to suggest ways that Cumbria Constabulary could amend or improve its processes, in light of this incident.
- 3.33 **Section 13. - Background Information in relation to Derrick BIRD** - This section examines all available details that are known about Derrick BIRD. I have used this information to identify any instances where Cumbria Constabulary is likely to have had contact with him and whether opportunities to prevent this incident were missed.
- 3.34 I can say without hesitation that there were no opportunities for Cumbria Constabulary to foresee what Derrick BIRD would do on the 2nd June 2010 and therefore, had no opportunity to prevent the incident before it started.

- 3.35 **Section 14. - Conclusion - Could the Incident Have Been Prevented?** – This section summarises the entire facts as they are presented throughout the report and addresses the key questions that were asked at the beginning of the process.
- 3.36 **Section 15. – Glossary of Acronyms** - This section provides a list of acronyms used within this document in order for them to be understood by those not used to the specific terms.
- 3.37 **Observations and Recommendations** - Within the following paragraphs, I have recreated all of the Observations and Recommendations that I have identified within the body of the report for ease of reference.
- 3.38 **Observation 1:** The local Airwave Radio Channel was overwhelmed by the radio traffic caused by this incident. This became more acute when armed officers from neighbouring forces deployed to Cumbria as they were unable to access the local channel.
- 3.39 Observation 2 makes specific comment on how high volume communication usage can be minimised within an Armed policing communication structure.
- 3.40 **Observation 2:** That Cumbria Constabulary considers options to ensure that the Tactical Firearms Commander can communicate directly with armed police officers under their command whilst minimising interference with the incident command channel during more complex incidents.
- 3.41 **Observation 3:** Interoperability between the police service and ambulance service should be improved. This is particularly true in relation to differing risk thresholds.
- 3.42 **Observation 4:** The decision to deploy a trained negotiator and to make the first attempts to contact Derrick BIRD without delay was sound. To achieve this within such a fast moving incident and be able to place the first call only 42 minutes after the police were first made aware of the incident, is commendable.
- 3.43 **Observation 5:** Cumbria Constabulary quickly identified that it had a duty to warn the public. They used their media line, their website, shop watch radio links, direct phone calls to vulnerable locations and the use of “sky shout” from the police helicopter to warn the public.
- 3.44 The review team commends the proactive use of the media and other means to warn members of the public in this case.

- 3.45 **Observation 6:** Informing ARVs of potential Tactical Options is good practice as is providing all officers of an indication of any emotional or mental distress which the subject may be experiencing and any potential reason for their behaviour whether real or perceived.
- 3.46 **Observation 7:** That Cumbria Constabulary reinforce the importance of command protocols to both the Tactical Firearms Commander and the FIM and to ensure that a Commander is clearly defined at all times during a Firearm's Operation.
- 3.47 The implementation of Recommendation 3 should minimise the likelihood of this occurring in the future.
- 3.48 **Observation 8:** The overriding priority of the police service is to protect the public. These officers had to decide whether to stop and render first aid, or to continue in their efforts to locate and stop Derrick BIRD, before he could kill or injure anyone else. The casualty was being cared for by members of the public and on reflection, the review team believes that these firearms officers made the right decision and continued to search for Derrick BIRD in an attempt to prevent further loss of life.
- 3.49 **Observation 9:** Taking account of the fact that it is now only one hour since Cumbria Constabulary have been made aware of a crime in action with no prior warning, they have approximately 30 armed officers deployed across the County. Many forces with considerably larger numbers of resources, would have found it difficult to deploy such large numbers of armed officers within such a time period.
- 3.50 **Observation 10:** Having reconstructed the incident it is now clear that Derrick BIRD drove along routes that could have been highly populated with tourists. The police response to 'warn and inform' the public was so effective, that many of these locations were deserted. It is impossible to be sure, but it is highly likely that lives were saved by this strategy.
- 3.51 **Observation 11:** The bravery of the officers who entered the woods to search for Derrick BIRD cannot be overstated. The woodland is dense and is situated on a hill; it is commonly used by local Scout groups to build hides. From his elevated, well camouflaged position, it is very likely that Derrick BIRD could have seen the officers approaching before they saw him.
- 3.52 **Observation 12:** In common with many Police Forces, Cumbria Constabulary operate two force control rooms. This provides resilience and business continuity. In light of the FIM's comments to the review team, the force may wish to satisfy itself that, appropriate communication links and processes are in place to maximise the FIM's ability to command incidents across two control rooms.

- 3.53 **Observation 13:** That Cumbria Constabulary consider raising the subject of call signs with the ACPO Lead for Airwave Communications. If the UK were to adopt a national call sign structure for specialist roles, any patrol deployed on mutual aid would be immediately recognised.

(This would be particularly useful for PSU's, Dog Handlers, DVI Teams, Negotiators, Search Teams and Firearms Officers).

- 3.54 **Observation 14:** Cumbria Constabulary may wish to re-examine the standard operating procedures and interoperability between the various organisations that provide air support within Cumbria.

- 3.55 The difficulties that were presented with the use of the helicopters were not unique to the police service. Their primary use was casualty evacuation and therefore the Ambulance Service should play a pivotal role.

- 3.56 Visibility for the staff within the various helicopters was particularly poor on the 2nd June 2010. The low cloud made flying particularly difficult. The crews of each of the aircraft should be commended for their perseverance.

- 3.57 **Observation 15:** That Cumbria Constabulary take the opportunity to reassess its position with regards to the overt carriage of firearms by its ARV crews.

- 3.58 **Recommendation 1:** That Cumbria Constabulary review its policy with regard to the deployment of ARVs, with emphasis on the challenge presented by geography and the road network.

- 3.59 **Recommendation 2:** That Cumbria Constabulary considers access to intelligence resources during weekends and evenings. The provision of an intelligence capability within the force control room on a 24/7 basis is achieved within many forces and could benefit Cumbria.

- 3.60 **Recommendation 3:** That Cumbria Constabulary nominate an Operational Firearms Commander at the start of each tour of duty.

- 3.61 **Recommendation 4:** That Cumbria Constabulary convert the existing Gold Command Suite, at Force Headquarters, into a fully functioning Command Suite suitable for a Tactical Firearms Commander to take command of a firearms operation.

- 3.62 **Recommendation 5:** That the CNC adopt the full range of firearms tactical options as used by the Home Office forces nationally. That they also adopt the same glossary of terms that are used to describe this tactic to facilitate an effective interoperability.

- 3.63 It is recognised that the CNC has a unique role and will require a range of additional bespoke tactics and equipment to undertake their daily duties to protect the nuclear industry, which this recommendation does not seek to alter.
- 3.64 **Recommendation 6:** That Cumbria Constabulary review the manner in which their Force Incident Managers, contemporaneously record their decisions, in respect of authorising the deployment of armed officers.
- 3.65 The use of a loggist in more complex incidents would be a particularly useful consideration.
- 3.66 The use of a Dictaphone has been a useful means of capturing decisions where the pace of an incident means that the recording of written material is impracticable.
- 3.67 **Recommendation 7:** That Cumbria Constabulary create a readily recognised call sign structure for its resources, that more accurately identifies their role, their usual geographic location and most importantly, whether they are an armed resource.
- 3.68 **Recommendation 8:** That Cumbria Constabulary completes its planned introduction of ARLS.
- 3.69 **Recommendation 9:** Cumbria constabulary should instigate a process for monitoring the accreditation retraining of all Firearms Commanders so as to ensure that all accreditations remain current.

## **SECTION 4**

### **INTRODUCTION**

#### **4. Introduction**

- 4.1 This Peer Review was commissioned by the Chief Constable of Cumbria Constabulary, Mr Craig MACKEY, in order to learn lessons and assess whether the armed response to the events of 2nd June 2010 was reasonable.
- 4.2 Policing throughout England and Wales is delivered by 43 Home Office police forces. Each force is led by a Chief Constable who is responsible for the direction and control of all policing activity within the geographic area covered by their force. In addition, several non-Home Office police forces exist to provide specialist law enforcement to our ports, transport infrastructure, Ministry of Defence establishments and nuclear installations.
- 4.3 Police forces have to be ready to deliver a complex variety of services from providing visible reassurance to counter terrorism. Also, despite the contrast between policing a densely populated inner city area and a sparsely populated rural area, each force has a duty to deliver a service which meets the needs and expectations of their local communities.
- 4.4 The British Police Service is proud of its tradition of policing with the consent of the communities it serves and the fact that this remains one of very few, unarmed police services, across the world.
- 4.5 Only the Civil Nuclear Constabulary and Ministry of Defence Police routinely arm the majority of its uniformed operational police officers.
- 4.6 Chief Constables have to decide upon the level of armed policing which is proportionate to an assessment of the risks within their area. This assessment is informed by an annual Strategic Threat and Risk Assessment<sup>1</sup>. Each force produces its own assessment, within a national template, taking into account, local, regional and national threats.
- 4.7 Deciding how many officers to train in the use of firearms is not an exact science. Cumbria Constabulary is a good example, where the day to day threat from armed criminality is assessed to be low; however, the tragic events of the 2nd June 2010 highlight the fact that

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<sup>1</sup> The Strategic Threat and Risk Assessment is produced at Appendix 1.

critical incidents can occur, even in the most idyllic and safest of areas.

- 4.8 The Cumbria Strategic Threat and Risk Assessment is completed to a high standard and is entirely appropriate.
- 4.9 Geography had a major influence throughout this incident. Cumbria is a very large area and, although it has excellent road networks from North to South, local roads do not lend themselves to emergency response. In addition, a central mountain range divides the county down the middle and this further restricts access from West to East.
- 4.10 From a national perspective, regardless of whether the demand for armed policing is high or low in any given area, incidents where armed criminals discharge firearms in the United Kingdom are extremely rare.
- 4.11 The only incidents within the whole of the UK which would compare with the events in Cumbria on the 2nd June 2010, were those which occurred in Hungerford on the 19<sup>th</sup> August 1987 and Dunblane School on 13<sup>th</sup> March 1996.
- 4.12 Incidents of this nature would present a serious challenge to any police force, whether armed or not.
- 4.13 Significant numbers of lawfully held firearms (including shotguns) are owned by members of the public across the United Kingdom. Residents in the more rural communities are far more likely to own a firearm<sup>2</sup>. Each of the aforementioned incidents involved offenders who used firearms that were in their lawful possession.
- 4.14 The overarching, and most difficult question to answer is, 'could police have intervened and stopped Derrick BIRD'?
- 4.15 In addressing the Terms of Reference there were two key questions to be considered, these were:
- Could this incident have been prevented before it started?
  - During the incident, could more have been done to stop Derrick BIRD any sooner?
- 4.16 This Peer Review examines the Cumbria Constabulary response to the events as they occurred and findings are categorised as follows;

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<sup>2</sup> Home Office statistics show that in March 2008, almost 32000 licensed shotguns and firearms were held in Cumbria alone.

- Observations. The report makes a number of observations in order to highlight issues worthy of further consideration by the most appropriate authority or to address a key point.
- Recommendations. These are the specific findings of the Peer Review and should be considered for inclusion in policy or procedure.

4.17 Both Chief Constable MACKEY and I have always recognised that the families of those who sadly lost their lives would clearly have an interest in the content of this report.

4.18 Given the tragic nature of the events, the individuals and communities affected have a need to ensure that issues of public policy and operational policing are appropriately considered. This report has been formatted in a manner intended to encourage wide readership.

4.19 The report follows the chronology of events as they unfolded. Where possible, all observations and recommendations are identified throughout so they can be placed in the context of the unfolding incident.

4.20 Additional observations and recommendations are produced within the report where they have been identified during the review process.

4.21 I am very grateful for the openness and transparency with which all staff we have encountered within Cumbria Constabulary have responded to the Peer Review.

#### **4.22 The Purpose of the Peer Review**

4.23 On the 2nd June 2010, a local taxi driver, Derrick BIRD, went on a shooting spree, resulting in the murder of twelve innocent members of the public and the serious injury and attempted murder of 11 others.

4.24 It is only by good fortune that the number of victims was not greater. Several other members of the public came close to becoming a victim, with some actually being fired at, but escaping unharmed.

4.25 Derrick BIRD committed the offences using a .22 rim fire rifle, 12 gauge shotgun and associated ammunition that prior to the offences, had been in his lawful possession.

4.26 The impact of his actions has not only touched the families of those who fell victim to him that day, but also many others across the country who felt their grief<sup>3</sup>.

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<sup>3</sup> This is demonstrated by the significant number of letters of appreciation that have been received and the absence of any formal complaints against Cumbria Constabulary or its staff.



- 4.27 The Chief Constable of Cumbria Constabulary, Mr Craig MACKEY, sought an expeditious review of the way his staff responded to the events that day. Mr MACKEY remains keen to understand whether more could have been done by his staff and to identify lessons that could be used by all UK Police Forces, in the event that they face a similar situation.
- 4.28 Mr MACKEY commissioned this Peer Review and sought assistance from the Association of Chief Police Officers for England, Wales and Northern Ireland, (ACPO). As the ACPO lead for Armed Policing, I was asked to undertake this review.
- 4.29 This report examines precursor events in the life of Derrick BIRD and Cumbria Constabulary's knowledge of him prior to the incident. Specifically it focuses on the actions of Cumbria Constabulary in response to information as it became available to them, in particular, the reports during 2nd June 2010. It also examines the effectiveness of the police response.
- 4.30 The review process has been conducted by a small team of officers and police staff from West Mercia Police and supported by specialists where required.
- 4.31 The process has been complex as the review has involved the examination of significant quantities of documents and reference material<sup>4</sup>.
- 4.32 The review process has been conducted in parallel with the Cumbria Major Investigation Unit enquiry. The Cumbria enquiry is being completed on behalf of the West Cumbria Coroner for the purpose of a formal inquest.
- 4.33 It was essential that the Peer Review did not interfere with the investigation being carried out on behalf of HM Coroner but equally that my staff had full access to material that would be of benefit to the Review.
- 4.34 I can say without reservation that my team and I have been afforded unhindered access to all material that was collated by the investigation team; we have been fully supported throughout the review process.

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<sup>4</sup> The full list of material referred to is produced at Appendix 2

## **SECTION 5**

### **THE COMMUNITY SERVED BY CUMBRIA CONSTABULARY**

5. Every community is unique and has individual nuances that make it special to those who live and work there. This is particularly true for Cumbria.
- 5.1 I have included the following information in order to demonstrate the extent of community cohesion that I have seen during the review process. This is particularly relevant when taking account of the impact that this incident had on the community and the overwhelming support that was shown towards Cumbria Constabulary, both during and after the incident<sup>5</sup>.
- 5.2 Cumbria is the second largest county in England and covers 2268 square miles.
- 5.3 The resident population is less than 500,000 but tourism, attracted predominantly by the natural beauty of the Lake District, results in over 15 million visitors staying as guests within the county each year.
- 5.4 Approximately 50% of the resident population live within small rural communities.
- 5.5 West Cumbria is a distinct area within the county. It has a natural perimeter of the coast to one side and the Cumbrian Mountains to the other. The result is that West Cumbria is a close knit community where the level of community cohesion is almost tangible.
- 5.6 My team and I have extensive experience across a number of different police areas but have never experienced such community bonds as is evident here.
- 5.7 It is difficult to describe how close the community ties are, but this is self evident when you appreciate the fact that many witnesses were related to, worked with or had knowledge of several victims (and the suspect) despite the incident occurring across an area of many square miles.
- 5.8 The result of this cohesion is that the whole community felt the full impact of these events.

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<sup>5</sup> The Chief Constable of Cumbria Constabulary reports an overwhelming support from community groups and partners in the way they responded on 2<sup>nd</sup> June 2010.

- 5.9 Almost all police officers and staff, who work within West Cumbria are also an integral part of that community and were managing an incident which was directly affecting their friends, neighbours and colleagues.
- 5.10 As an example, one communications operator working within West Cumbria Communications Centre was recognised by the review team as being particularly competent in the way she conducted her duties that day. This was despite the fact that her husband was an unarmed officer searching for Derrick BIRD during the incident, her parents were in Whitehaven town centre with her young baby at the relevant time and her brother was one of the potential targets whose home he attended (and whose neighbour he shot dead).
- 5.11 There are very few places in the country where such a strong community bond exists.
- 5.12 This is particularly relevant when considering the number of officers who booked themselves on duty from home to assist with the response.

## **SECTION 6**

### **CUMBRIA CONSTABULARY ON THE MORNING OF THE 2nd JUNE 2010**

6. On the 2nd June 2010, it was not entirely a routine day for Cumbria Constabulary.
- 6.1 On the 24<sup>th</sup> May 2010, a coach carrying school children had been involved in a collision near Braithwaite in Cumbria. This collision resulted in the deaths of two of the children and a car driver. The funeral of one of the victims was being held on the 2nd June and had attracted national media interest with the presence of a significant number of journalists, television and radio broadcasters within the county.
- 6.2 A policing operation to ensure the safety of those attending the funeral had been prepared. A number of officers had been assigned to duties relating to the funeral.
- 6.3 Coincidentally that day, the BBC was filming an episode of "Helicopter Heroes" with the Yorkshire Air ambulance. This air ambulance service was deployed to West Cumbria as a result of the murders that occurred and in doing so, the BBC camera crew were conveyed straight to the scene of the incident.
- 6.4 In addition, Appleby Fair was due to take place, starting late afternoon that same day. This is an annual horse fair that attracts 10,000 Gypsies and Travellers and up to 30,000 visitors, making it one of the largest events of its kind. High demands on Cumbria Constabulary in previous years have resulted in them undertaking a significant policing operation. The Appleby Fair event is traditionally the largest single policing operation in the force calendar.
- 6.5 Particular tensions between two Gypsy/Traveller families during the event in 2009 had resulted in a bespoke operational plan being invoked in 2010.
- 6.6 Authorised Firearms Officers (AFO's) from the force Roads Policing Unit and Tactical Support Group (TSG) were rostered to perform duties at this event, albeit the majority of these officers were required to start their duty later in the day.
- 6.7 The morning of 2nd June had started relatively quietly for Cumbria Constabulary and appropriate numbers of officers and police staff were on duty.



## **SECTION 7**

### **THE AVAILABILITY OF ARMED RESPONSE VEHICLES (ARVs) IN CUMBRIA AT THE TIME OF THE INCIDENT BEING REPORTED**

7. In addition to the officers who had been tasked with duties at Appleby Fair or the funeral, Cumbria had two dedicated Armed Response Vehicles (ARVs) on duty and additional Roads Policing Unit (RPU) vehicles.
- 7.1 The Western ARV (Call sign MB30) would ordinarily have been located within West Cumbria but had attended Penrith in order to have repairs to the vehicle. They had not notified the Force Incident Manager (FIM) that they were leaving West Cumbria. The second ARV was also at Penrith.
- 7.2 All ARVs are a 'force resource' and are deployed across the force area. It is not uncommon for ARVs to be undertaking duties in different parts of the Force area. In addition, ARVs are generally deployed in pairs meaning that it is common for two ARVs to be deployed to the same incident.
- 7.3 When this incident started, 25 Authorised Firearms Officers were on duty within Cumbria. Five of these officers were situated in West Cumbria.
- 7.4 The majority of these officers were deployed as Roads Policing Unit unarmed patrols and had no immediate access to firearms or their ballistic protection. This equipment is only carried in vehicles that are designated as ARV's for that tour of duty.
- 7.5 Cumbria Constabulary ensure that ARV coverage never falls below two ARV's. The force deploys additional Roads Policing Unit vehicles, any of which could become ARVs, at no additional cost, simply by placing firearms within the safe in the vehicles.
- 7.6 The deployment of two ARVs is supported by the force Strategic Threat and Risk Assessment; however, bearing in mind the unique geography and the isolation of West Cumbria should both ARVs be deployed to the East, additional deployments could be justified.

#### **RECOMMENDATION 1:**

**That Cumbria Constabulary review its policy with regard to the deployment of ARVs, with emphasis on the challenge presented by geography and the road network.**



## **SECTION 8**

### **THE EVENTS OF 2nd JUNE 2010**

8. In this section my Peer Review Team have critically reviewed the Police Response to events in the chronological order in which the incident unfolded.
- 8.1 Within this section the opportunity has been taken to address and make comment on issues relating to command structures, mutual aid assistance provided by other police services and issues associated with the ambulance service response and helicopter support.
- 8.2 It is believed that the first person shot by Derrick BIRD was his brother David. The investigation has been unable to confirm at what time the shooting occurred; however, it is known that it could not have occurred before 00.45 hrs on the 2nd June. The shooting occurred at David's home and he was repeatedly shot with Derricks .22 rifle and died at the scene.
- 8.3 The rifle could fire a maximum of 11 rounds before being reloaded and 11 spent cartridges were recovered at the scene.
- 8.4 David BIRD was found by neighbours and a colleague later that morning when he didn't attend work. Cumbria Constabulary was notified of this incident a short time later at 11:00 hrs.
- 8.5 At 05:14 hrs Derrick BIRD arrived at Mowbray Farm, the home address of Kevin COMMONS.
- 8.6 A number of witnesses saw him sitting in his taxi on the road leading up to the farm.
- 8.7 At approximately 10:00 hrs Kevin COMMONS drove down his drive until he found his way blocked by Derrick BIRD'S Citroen Xsara Picasso taxi.
- 8.8 The investigation has concluded that Derrick BIRD fired a shotgun twice at Kevin's vehicle damaging the windscreen and roof during which time Kevin was wounded in the shoulder.
- 8.9 Kevin ran back towards the house, followed by Derrick BIRD. Kevin was found dead at the entrance to the farmyard having been shot twice with a .22 rifle.
- 8.10 At 10:10 hrs, Derrick BIRD was seen to drive away from the scene towards his home address in Rowrah.



- 8.11 At 10:13 hrs Cumbria Constabulary received the first telephone report pertaining to a shooting incident. It came from a Susan ROONEY and made reference to a male shooting at another person with what she thought was an air rifle.
- 8.12 Prior to making the call Susan ROONEY, who was unsure if anyone had been injured, sought advice from neighbours before deciding on what to do. This delayed her initial call to the police by several minutes.
- 8.13 Due to the incident being reported in West Cumbria, the call was received by the Workington control room.
- 8.14 The Force Incident Manager (FIM) who would ultimately command this incident was located at Penrith.
- 8.15 The details of the information that was obtained from this call was not directly passed to the FIM, who was only provided with a brief summary on which to base any decisions with regard to whether to deploy armed officers.

10:13:20	Call handler	Telephone	Good morning Cumbria Police what's your emergency?
10:13:22	Susan ROONEY	Telephone	Erm, there's been an incident on you know the tip road?
10:13:26	Call handler	Telephone	Sorry where?
10:13:27	Susan ROONEY	Telephone	You know where the tip road is Yeathouse Road and there's a farm up at the top, off Frizington Road
10:13:35	Call handler	Telephone	I don't really no. What's the incident, what's the problem?
10:13:37	Susan ROONEY	Telephone	Well I've heard like an air rifle shot and a fella's got out of a car and he's run up the farm lonning erm and he's shooting , shooting. Well that other taxi, it's a taxi that's took off but the van's still there and I dunno where that other fella is eh?
10:13:52	Call handler	Telephone	Right so you've heard some shots
10:13:54	Susan ROONEY	Telephone	Yeah like air rifle eh. I thought they were shooting at the sheep, but he was running after a fella eh

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10:14:03	Call handler	Telephone	You heard the shots and then sorry what?
10:14:06	Susan ROONEY	Telephone	A fella getting out of a car and they were parked like nose to nose and I've liked watched it and thought oh they're not shooting the sheep and I've seen a fella running up the road out the white van up the lonning and then this other fella kept shooting and I've watched it til he's got to the top and outta sight but I haven't seen this fella come back into this car but the other fella's took of in his car. I'm just frightened he's wounded up the top eh.
10:14:35	Call handler	Telephone	Right so a male got out and started shooting at another male is that what you're saying?
10:14:38	Susan ROONEY	Telephone	Yeah. From where I'm standing like yeah there were two males. But there on like someone's property as well eh
10:14:55	Call handler	Telephone	Right just bear with ez. Right so did you say that one of the males has returned back to his car?
10:15:04	Susan ROONEY	Telephone	And then took off yeah come down the lonning
10:15:06	Call handler	Telephone	But the other male hasn't
10:15:08	Susan ROONEY	Telephone	No and the car's still parked up

- 8.16 Susan ROONEY was understandably affected by what she had seen and this made it difficult for the call taker to establish the facts.
- 8.17 However, significant details were missed. It was clear that someone was discharging a firearm towards another person and the shots could be heard by the witness who was concerned that someone was injured.
- 8.18 A firearm being heard as it was discharged would indicate that it was not an air weapon. This is a relevant fact for the FIM to decide whether to send armed resources.
- 8.19 Irrespective of whether the weapon was an air rifle or not, the fact that the allegation was that an individual had discharged the weapon

at another person and that there was possibly someone injured, would itself be good reason to consider sending the crew of an Armed Response Vehicle to investigate.

- 8.20 The review does not seek to criticise the decision, not to declare the incident as a spontaneous firearms incident at this time, as it is clear that the FIM did not have access to all relevant information on which to base their decision.
- 8.21 Susan disclosed that the one person had left the scene in a taxi and described the vehicle in significant detail.

10:16:32	Call handler	Telephone	And sorry the taxi was
10:16:33	Susan ROONEY	Telephone	Oh like a silvery blue
10:16:35	Call handler	Telephone	No but did you say there was a name on it
10:16:38	Susan ROONEY	Telephone	No it just had yellow taxi written on it
10:16:42	Call handler	Telephone	What on the side?
10:16:43	Susan ROONEY	Telephone	Yeah round the door across the bottom, round the door
10:16:46	Call handler	Telephone	Yellow taxi? Could that be the name of the firm then do you think? Yellow taxi?
10:16:51	Susan ROONEY	Telephone	No it's just got taxi on it to say it's a taxi eh.
10:16:55	Call handler	Telephone	What kind of vehicle do you know then?
10:16:56	Susan ROONEY	Telephone	A Picasso

- 8.22 NB: Please note that the reference to "Yellow Taxi" is in relation to the description of the vehicle and does not refer to the taxi company by that name that is situated in West Cumbria.
- 8.23 The call was ended and the call taker sought to transmit the details as they had understood them. Significant differences appear within this recall when compared to that of the conversation with the caller.
- 8.24 What started as a silvery blue Picasso vehicle with the word 'taxi' in yellow writing around the bottom of the door was passed by the control room as a 'yellow taxi'.

- 8.25 The below excerpts from the telephone log demonstrate this clearly when the Call Centre attempts to update the patrols and the HQ Call Centre.

	Comms	Airwave	2041 I'll just give you a (over talking /inaudible) Susan ROONEY from Frizington Road contacted saying that she heard some air rifle shots near the tip, she's seen two vehicles parked nose to nose
10:25:48	9254	Telephone	2 fellas are shooting each other with air rifles
10:25:58	Dispatcher		Unfortunately not all I've got is a yellow taxi and a white van the male in the yellow taxi has made off but the other male in the white van hasn't so believe he's currently still on scene
	Comms	Airwave	Unfortunately not all I've got is a yellow taxi and a white van. The male in the yellow taxi has made off, but the other male in the white van hasn't so we believe that he is currently still on scene

- 8.26 The duty FIM has worked within the force Call Management Centre for many years and has managed numerous firearms incidents.
- 8.27 Reports of people in possession of air weapons to shoot the rats at or near to the tip at Frizzington, are a regular occurrence.
- 8.28 The information that was passed to the FIM lacked the detail that the call taker had been told and coupled with his local knowledge, the FIM decided that this incident was not one that required a firearms response, at that stage, and local patrols could attend.
- 8.29 At 10:26 hrs, the Workington Call Centre decided to re-contact the caller to establish more details. The call centre supervisor in West Cumbria also decided to contact the duty Roads Policing Sergeant to make them aware of the incident.
- 8.30 This second call to Susan ROONEY did not illicit too much additional information other than the fact that someone had been injured. It was still unclear what type of weapon was fired.

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10:26:31	Comms	Telephone	(Telephone ringing). Susan it's the police station control room, you alright. Did you get any details of any vehicles by any chance, and registrations or anything
10:26:36	Susan	Telephone	Here there's a fella been, one of our neighbours has run up the farm, he's running back down; this other fella must be injured eh.
10:26:47	Comms	Telephone	So you think there's injury
10:26:51	Susan	Telephone	It looks that way the way Jack's running back down the yard, this white's van still on the Lonning, the taxi's gone
10:26:56	Comms	Telephone	The man in the taxi, was the offender
	Susan	Telephone	Wait, Jack's shouting so we need an ambulance or something, Jack's shouting this other fella's injured eh.
10:27:09	Comms	Telephone	OK, do you know what the injury is.
10:27:11	Susan	Telephone	A shotgun
10:27:13	Comms	Telephone	It's a shotgun then, because originally it came in as an air rifle, so it's now a shot gun
	Susan	Telephone	It sounded like an air rifle
10:27:20	Comms	Telephone	There's a difference between an air rifle and a shotgun, I need you to tell me which one it is
10:27:20	Susan	Telephone	It was a shot, er, air rifle it sounded like
10:27:26	Comms	Telephone	So you think it's an air rifle
10:27:27	Susan	Telephone	Yeah, but this fella's went up to see if he's alright and he's running down shouting for help eh.
10:27:30	Comms	Telephone	So, someone's been shot with an air rifle pellet
10:27:32	Susan	Telephone	Yeah, yeah, It was a few shots eh. I don't know I haven't...

GPMS RESTRICTED

10:27:36	Comms	Telephone	No it's alright, don't worry, possibly more than once
10:27:41	Susan	Telephone	It was yeah, about six times
	Comms	Telephone	Do we know what the injury is
10:27:44	Susan	Telephone	I haven't a clue, they're away up the top, we're at the bottom where our houses are and Jack's gone up to the lonning eh.

8.31 At 10:27 hrs the following information was passed by the Western Control room.

10:27:24	Comms centre	Airwave	2041 we're getting further calls that it was actually a shot gun I just need ya to stand down at this time
10:27:32	PC 2041	Airwave	Say again
10:27:36	Comms centre	Airwave	Yeah, just yeah cancel me last 'er there was conflicting reports that it was actually shot guns that were being used, 'er we've advised to stand ya down but now it's gone back to air rifles
10:27:48	PC 2041	Airwave	Yeah standing back up
10:27:50	Comms centre	Airwave	Sorry about that 'er I think that the lady on the phone was a wee bit confused at the minute

8.32 At 10:30 hrs unarmed officers attended the scene and discovered the body of Kevin COMMONS and the FIM authorised the deployment of ARV's.

8.33 It is difficult to establish exactly what information the FIM had, at any given time, as much was passed verbally by his staff in response to information received from the Western Call Centre.

8.34 This demonstrates the importance of the FIM recording information in relation to the decisions that they make.

8.35 Great emphasis was clearly placed on the type of weapon that was believed to be in the possession of the suspect.

8.36 It is the opinion of the review team that based on the information, originally given to the call taker, that it would have been entirely

appropriate to deploy armed officers and manage the incident accordingly.

- 8.37 It should however be stressed that at this stage, there was no reason to believe the police were dealing with anything other than a single event. It would not have been possible to foresee that it would escalate the way that it did.
- 8.38 The FIM authorised ARVs to attend the incident reported by Susan ROONEY at 10:28 hrs. However, by this time, unknown to the FIM, Derrick BIRD had already arrived in Whitehaven Town Centre and had shot and killed Darren REWCASTLE and injured Donald REID.
- 8.39 It is important to note that even if the FIM had given an immediate authority to deploy ARVs, they would not have been able to make it to the subsequent incidents in Whitehaven in time.
- 8.40 At the same time as giving the authority to deploy armed police officers, the FIM also requested the support of a Tactical Advisor. This decision is in line with routine procedures.
- 8.41 After shooting Kevin COMMONS, Derrick BIRD went to the address of a friend, who the previous evening he had given one of his shotguns to. This shotgun was more modern, accurate and quicker to use, due to its mechanism to self eject spent cartridges.
- 8.42 Derrick BIRD asked his friend's wife if he could have the shotgun returned to him, but she had no access to it.
- 8.43 At 10:25 hrs Derrick BIRD then drove to the taxi rank in Duke Street in the town of Whitehaven.
- 8.44 This is a small taxi rank at which local drivers, including Derrick BIRD, wait for fares. There had been recent disputes between the taxi drivers who work from this rank over allegations that some of them were poaching fares from their colleagues.
- 8.45 Derrick BIRD had also been the subject of ridicule by other drivers around his personal hygiene and the cleanliness of his taxi.
- 8.46 One particular taxi driver, Darren REWCASTLE, had upset Derrick BIRD over a protracted period of time, over allegedly poaching fares and his general behaviour toward him.
- 8.47 Darren was believed to have played "tricks" on other drivers by causing criminal damage to their vehicles. On one occasion he was known to have damaged the tyres on Derrick BIRD'S vehicle and had boasted about this openly.

- 8.48 At 10:27 hrs Derrick BIRD arrived at the taxi rank and called Darren REWCASTLE over to his taxi. As Darren bent down to speak to him, Derrick BIRD shot Darren from close range in the lower face and neck area with the first shot. As he fell, Derrick BIRD fired a second shot striking him in the abdomen. Darren died as a result of multiple gunshot wounds.
- 8.49 Derrick BIRD then drove a short distance to the front end of the taxi rank where he stopped and pointed the .22 rifle at another taxi driver, Donald REID.
- 8.50 Donald was shot in the back as he tried to take cover. He crawled along the taxi rank towards the body of Darren REWCASTLE.
- 8.51 Derrick BIRD got out of his car and followed him, aiming his rifle as if to shoot Donald again, until someone shouted at him to stop.
- 8.52 Derrick BIRD returned to the taxi without firing again, but did not leave the area. He drove around the one-way system once more returning to the Duke Street Taxi Rank where Donald was waiting for the arrival of the emergency services.
- 8.53 As he drew level with Donald REID again, Derrick BIRD fired two further shots out of the passenger window in his general direction, which caused damage to nearby properties but caused no injury. Donald REID survived his injuries.
- 8.54 At 10:31 hrs Derrick BIRD then drove along Duke Street and onto Scotch Street away from the Taxi Rank.
- 8.55 At the junction with Scotch Street and Lowther Street he stopped his car alongside another taxi driver, Paul WILSON who was walking along the pavement.
- 8.56 Derrick BIRD called Paul over to him and as he looked down into the passenger window he fired at him once with the shotgun hitting him in the right side of the face. Paul survived these injuries.
- 8.57 As a result of the Duke Street and Scotch Street incidents, unarmed police officers from Whitehaven Police Station were informed and made their way directly to the town centre.
- 8.58 At 10:32 hrs the force control room issued a directive to all officers to look out for the suspect vehicle but not to make any attempt to stop it.
- 8.59 The call centre supervisor made contact with the Tactical Advisor to request his support for the FIM.



02/06/2010	10:32:00	Mark, Mark GRUNDY its Andy, Comms Supervisor, from FIM can you listen to the Egremont 1 Talk Group, we've got a fella that he's got facial injuries, been shot with a shotgun possibly deceased looks like it's a murder.
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#### **8.60 Commentary on the sighting of Derrick BIRD by police officers**

- 8.61 A member of the public, Paul GOODWIN, had seen the incidents in Whitehaven and stopped a Police Officer as he walked from the Police Station in response to the incidents as they occurred.
- 8.62 The officer got into the car driven by Paul GOODWIN and they followed directly behind Derrick BIRD'S car. A police van followed directly behind them.
- 8.63 Derrick BIRD, followed by the unarmed officers, drove into Coach Road where at approximately 10:34 hrs he pulled alongside another taxi that was travelling towards him.
- 8.64 Despite the fact that he was clearly being followed by the police, Derrick BIRD discharged the shotgun from the driver's side window of his vehicle, seriously injuring fellow taxi driver Terry KENNEDY and also injuring Terry's passenger, Emma PERCIVAL.
- 8.65 At the same time, Paul WILSON had been taken into the local police station, where he was able to tell officers that Derrick BIRD was the gunman.
- 8.66 At 10:35 hrs, calls from members of the public started to be received by Cumbria Constabulary in relation to the murder in Duke Street.
- 8.67 In an incident of this nature, there is a risk that the number of calls being received and the scale and pace of events, that there can be information overload and confusion as to what is taking place and the disposition of police resources. This is both understandable and to be expected. However, the Call Centre and FIM would, by this stage, have been aware of the following issues:
- the identity and name of the suspect,
  - the vehicle he was driving,
  - the fact that the suspect would appear to be in possession of a lethal barrelled weapon,
  - is most likely to be responsible for two murders and several other shootings,

- Police Officers were travelling directly behind the suspect and had witnessed the latest incident.
- 8.68 After shooting Terry KENNEDY and Emma PERCIVAL, Derrick BIRD started to turn his vehicle around as if he was intending to drive back into Whitehaven town centre. This manoeuvre was not possible, as his way back was blocked by Terry's taxi, Paul GOODWIN'S car and the police van.
- 8.69 With his driver's window open and now facing the police vehicle, Derrick BIRD raised the shotgun and pointed it directly at the police vehicle where the two unarmed officers took cover behind the dashboard and bodywork of the vehicle. When they looked up a short time later, he was driving away from them at speed.
- 8.70 They attempted to follow, but the head start and the fact that their van had limited acceleration compared to Derrick BIRD'S car meant that they were unable to see which route he had taken when they arrived at the five way junction at Ginns.
- 8.71 Following the incident there was speculation regarding whether these unarmed officers could have done more to stop Derrick BIRD at this point. The review team has examined this aspect in some detail.
- 8.72 These officers had just witnessed Derrick BIRD shooting two members of the public with no regard for the fact that the police were directly behind him. It was reasonable to assume that he would not hesitate to shoot them either. It was also entirely reasonable for the officers to take cover as Derrick BIRD discharged the firearm from close quarters.
- 8.73 The police vehicle was a large van with limited acceleration and its proximity to Derrick BIRD'S vehicle would have limited the likelihood of a successful ramming to immobilise his car. Such action would also have placed the lives of the officers involved and those at the immediate scene at risk. As Derrick BIRD was in the vehicle it was also, most unlikely that this sort of action would have incapacitated him.
- 8.74 Unknown to the police, Derrick BIRD had taken the Ginns to Kells Road and drove in the general direction of Sandwith and Rottington to St Bees, using minor roads.
- 8.75 The FIM then spoke to the ARVs and advised them not to attend any rendezvous point but to actively search for Derrick BIRD and repeated the tactical command to "*confront*" him. It is clear that the FIM wanted the officers to search for and stop Derrick BIRD from continuing his offending.

- 8.76 At this time, the control room start to receive calls relating to the first shooting in Duke Street and at 10:36 hrs the on-call Tactical Firearms Commander was made aware of the incident and asked to attend the force control room.

02/06/2010	10:45:25	I currently have 4 officers at Workington who are just about armed and going to deploy from Workington er just soon as you know where you want them I told them
02/06/2010	10:45:34	I know where I want them straight onto the woodhouse estate last sighting there is no rendezvous point <i>we will confront</i>

- 8.77 This was followed up by the same command repeated.

02/06/2010	10:49:44	Roger, there is no rendezvous point, last sighting of this individual was Monkway Brow, Monkway Brow Whitehaven, <i>we will confront</i> , do you roger? We will confront inaudible
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- 8.78 At no time was any recognised tactical command given by the FIM.

**8.79 The Command and Directions provided by the FIM at this stage**

- 8.80 It is important to place any comments on the command and direction provided at this stage into perspective, in terms of the time scales which have elapsed since the first incident and the situation which is still developing at this stage.

- i. The first report of a possible air rifle shooting had occurred at 10:13 am.
- ii. The FIM had been made aware of the incident and Tasked ARVs.
- iii. As a result of this call the murdered body of Kevin COMMONS was discovered at approximately 10:30 am.
- iv. While ARVs are en route to the above incident, the first shooting in Whitehaven had occurred at the TAXI Rank. Darren REWCASTLE had been shot and killed and Donald REID seriously injured.
- v. A short time later Paul WILSON is shot and injured nearby.
- vi. The first report of the Taxi Rank shooting is relayed to the FIM.
- vii. At 10:32 am the Force Control Room issues a directive to all officers to look for the suspect vehicle but make no attempt to stop it. A Tactical Advisor had also been contacted and was providing advice.

- viii. At 10:34 am Taxi Driver, Terry KENNEDY and passenger Emma PERCIVAL are shot in Coach Street whilst being followed by police officers.
- ix. Derrick BIRD drives away from the scene and is lost from sight of the police officers.
- x. At the request of the FIM, the Tactical Firearms Commander was made aware of the incident and asked to go to the Force Control Room.

8.81 It is evident that what had started as a single incident reported to involve an air-rifle, had quickly developed into one of multiple murders involving what had internationally become known within police circles as an Active Shooter situation.

8.82 Such situations are very rare in the UK and at the time of this incident Active Shooter incidents were only afforded a short reference in training for AFO's or Firearms Commanders. Largely as a result of counter terrorism work, this has now been rectified.

8.83 It is also important to note that guidance and training for more routine incidents, emphasises an orderly hand over of command between FIM's and dedicated Tactical Firearms Commanders.

8.84 The guidance sets out the criteria which should take place before such transfer of command takes place. Incidents of this nature highlight the need for someone to firmly grip the tasking and direction of all (armed and unarmed) operational resources, irrespective of the limited amount of information available, or the speed at which issues are developing.

8.85 In the circumstances which presented itself, despite the arrival of the Tactical Firearms Commander, the FIM continued to direct resources.

8.86 No criticism is levied at him for doing so, as it was for the Tactical Firearms Commander to assess what was taking place and make the operational decision to assert his command authority.

8.87 It is clear, however, that by the stage where Derrick BIRD had driven off from the police officers that a very dangerous situation was in existence involving Police and public safety.

#### **8.88 Radio Command Channel**

8.89 The FIM directed that all patrols in West Cumbria should change their radio channel to "Egremont 1".

- 8.90 It is usual for a Firearms Incident Commander to choose a single channel on which to manage an incident. This enables all patrols to have full knowledge of the incident and understand the responsibilities that each patrol has been allocated.
- 8.91 On this occasion this caused difficulty, both on the ground and in the control room. An incident of this size and complexity requires a great deal of resources to resolve. Towards the end of the incident, officers were managing over thirty crime scenes and numerous urgent requests for ambulances were being made to treat casualties. Simultaneously firearms officers were being deployed and briefed.

**OBSERVATION 1:**

**The local Airwave Radio Channel was overwhelmed by the radio traffic caused by this incident. This became more acute when armed officers from neighbouring forces deployed to Cumbria as they were unable to access the local channel.**

- 8.92 An effective police response would need to incorporate three separate command roles. The early introduction of a scene commander/supervisor would have reduced the demands on the FIM/Tactical Firearms Commander.
- 8.93 The use of three radio channels would have assisted to facilitate these varied command functions whilst minimising the impact that they had on each other. A suggested command/communication structure is produced below.
- The pursuit of Derrick BIRD (including both armed and unarmed response)
  - The management of each scene after the suspect had left (including the support to casualties, the identification of fatalities and casualties and the management of forensic evidence and witnesses).
  - The command of the armed police officers in order to deliver a coordinated and effective armed response within the agreed strategy and utilising the agreed tactics set by the Tactical Firearms Commander.
- 8.94 The FIM could have retained command of all unarmed officers and coordinated their response in the pursuit of Derrick BIRD with the primary objective to locate (but not intercept) him. This could have been managed within the existing channel, 'Egremont 1'.
- 8.95 The early appointment of an additional commander to manage the scene of all incidents that had occurred, would have reduced the demand on the control room. The appointed person could have utilised a separate channel to coordinate the resources at those

scenes. They would also have been able to coordinate the response of partners, including liaison with the ambulance service.

- 8.96 A dedicated firearms command channel would have enabled the Tactical Firearms Commander to manage the firearms response in concert with the incident command channel. Several forces provide two separate radios for the use of all of its armed officers to enable them to monitor the incident channel and a firearms command channel simultaneously.
- 8.97 This is particularly important to enable the Tactical Firearms Commander to brief the armed police officers and direct the working strategy and tactical options, without interrupting the communication on the local channel during such a dynamic incident.
- 8.98 Providing an armed policing communication structure would provide significant benefit.
- 8.99 Having routine access to a national firearms channel on the Police Airwave radio system would ensure that all armed officers, regardless of which Police service they have attended from, have an effective tactical channel on which they can operate.
- 8.100 The channel is not available to unarmed officers.
- 8.101 This communication structure would also provide a direct communication between the armed officers and their Operational and Tactical Commanders.
- 8.102 This report identifies a particular difficulty with transfer of command between the Tactical Firearms Commander (TFC) and the FIM. The provision of a dedicated Armed Policing communication structure would ensure that the Tactical Firearms Commander would have access to all of their resources without interruption to the routine local channels.

**OBSERVATION 2:**

**That Cumbria Constabulary consider options to ensure that the Tactical Firearms Commander can communicate directly with armed police officers under their command whilst minimising interference with the incident command channel during more complex incidents.**

**8.103 Mutual Aid Mobilised**

- 8.104 The helicopter from Lancashire had been notified and was directed to attend the area to assist.

- 8.105 The Civil Nuclear Constabulary (CNC) were informed and advised of the potential risk to the Sellafield site and to forewarn them that Cumbria Constabulary may need to call upon them for their support.
- 8.106 All available Cumbria firearms trained officers that could staff ARVs, were directed to do so.
- 8.107 Four officers who were at Workington Police Station, immediately attended the armoury to obtain firearms. Their prompt action resulted in the creation of two additional ARV's.
- 8.108 The two on-duty ARVs who were at Penrith were deployed to West Cumbria and several additional officers trained to use firearms were tasked with creating additional armed resources.
- 8.109 By this stage there are at least three prongs to the police operation these involve;
- Providing medical treatment and casualty evacuation to the injured.
  - Maintaining public safety and attempting to create calm in the town centre.
  - Locate/contain operation for an armed subject with a view to neutralising the threat to police and public safety.
- 8.110 It is most unusual for police in the UK to have to undertake all three roles simultaneously and would stretch the capability of most police forces.
- 8.111 Cumbria Constabulary and the Ambulance service**
- 8.112 At 10:37 hrs the ambulance service were asked to attend the incidents in Duke Street by Cumbria Constabulary. It is clear from their telephone logs that they had received a number of calls directly in relation to the incidents. The ambulance service was then contacted by Cumbria Constabulary and members of the public throughout the incident.
- 8.113 Further communication was made with the ambulance service clearly requesting attendance to Duke Street.
- 8.114 Although the Terms of Reference for this Peer Review does not extend to the actions of any group other than Cumbria Constabulary, it is almost impossible to comment on the police response without having to take account of the interoperability with the ambulance service. Therefore the following brief comments and observations are made.

- 8.115 The ambulance staff on duty on the 2nd June 2010 provided statements to the investigation. It is apparent that the ambulance service had a significant number of resources on duty. During the incident, at least one of those ambulances was deployed with a Doctor on board.
- 8.116 It is clear that the ambulances were not deployed to the majority of the incidents, despite being requested by members of the public and Cumbria Constabulary.
- 8.117 The North West Ambulance service NHS Trust, Head of Service, Mr MULCAHY, produced a statement of evidence on the 21<sup>st</sup> January 2011. The statement contains significant reference to the safety of his staff and the responsibility on the police service to create a safe environment for the ambulance service to deploy and to provide an escort to each scene.
- 8.118 The content of the statement demonstrates the procedures of the ambulance service and provides an insight into why the ambulances available that day were not deployed.
- 8.119 The effect on Cumbria Constabulary was significant.
- 8.120 Police officers were left at scenes for significant periods of time with seriously injured casualties.
- 8.121 During the latter stages of the incident, police patrols were diverted from their deployments to convey casualties to the local hospital.
- 8.122 In every case that the ambulance service were requested to attend by Cumbria Constabulary, police officers were at the scene.
- 8.123 One ambulance attended the scene in Coach Road and was treating Terry KENNEDY when the ambulance crew were instructed to leave the scene by ambulance control. It was only at the insistence of the police officer at that location that prevented the casualty being left in situ.
- 8.124 In the event of a future similar incident it is essential that the police service and ambulance service fully understand each others needs. During an incident such as this, it is very unlikely that the police will be in a position to guarantee that the scene is safe; however, it would be reasonable for the public to expect the ambulance service to attend scenes where there is residual risk.
- 8.125 Whilst Derrick BIRD was still at large, the armed police officers had to make containing him their priority. In events such as this, the chances of armed officers being available to protect ambulance staff is unlikely; however, where the suspect has left the scene, a dynamic



risk assessment can be conducted and unarmed staff deployed. In this case unarmed police officers were at all the scenes.

**OBSERVATION 3:**

**Interoperability between the police service and ambulance service should be improved. This is particularly true in relation to differing risk thresholds.**

**8.126 The changing nature of the attacks by Derrick BIRD**

8.127 It is important to appreciate whilst reading this chronological version of events that the reports to the emergency services were far from clear. The reports lacked detail in terms of the offender and how the victims became injured. The reports were made in a sequence that did not replicate the actual events.

8.128 At 10:37 hrs, 24 minutes had elapsed since the Cumbria Constabulary had been informed of the first incident. It appears that each person who was killed or injured by Derrick BIRD had been known to him and specifically targeted.

8.129 This appeared to change at this stage and subsequent victims appear to have been randomly targeted.

8.130 During some calls to the police, it was clear that someone had been shot. Others reported accidents, road traffic collisions and some had no idea of the events that had occurred.

8.131 In some cases the police received no calls and officers simply came across the scene as they searched for Derrick BIRD.

8.132 This only added to the complexities that existed as those involved in managing the incident attempted to send a police response to every scene and at the same time track Derrick BIRD in order to intercept him with armed officers.

8.133 At approximately 10:48 hrs, Derrick BIRD was travelling along Out Rigg towards the market town of Egremont. He saw Jacqueline WILLIAMSON who was walking her dog and he stopped and asked her the time. As Jacqueline was about to respond she saw a gun in the vehicle and her dog pulled on the lead taking her away from the open window. He drove off towards Egremont.

8.134 At 10:51 hrs, the CNC were formally asked to provide two ARVs to supplement the Cumbria Constabulary armed deployment.

**8.135 Professional discussion between the review team and the FIM**

- 8.136 During the incident the FIM was never aware of the totality of the armed resources he had available to him. During the Peer Review team discussion with the FIM, he described how he deployed as many armed resources as he could and maintained a commentary about where Derrick BIRD was last sighted, allowing the patrols to respond accordingly to locate and stop Derrick BIRD in line with their own training and professionalism.
- 8.137 Greater situational awareness of the precise location of all armed and unarmed officers and what they were dealing with could have improved the police response.
- 8.138 This could only have occurred effectively by use of enhanced technology, particularly the use of the Automatic Resource Location System referred to separately within this report.
- 8.139 The following transcripts demonstrate that the FIM did attempt to identify the armed police officers that were available to support his strategy even though unable to establish any detail.

02/06/2010	10:54:12	Any arv on this channel please west to confirm er officers collar numbers and vehicles that are travelling into the scene please
02/06/2010	10:54:30	West comms , we've got Sellafeld listening, they're doing us a favour, they're arming up and they 're going to St. Bees. Sellafeld patrols identify your call signs
02/06/2010	10:54:38	Telephone call to West Comms regarding the ACC wanting to know what resources we've got and where: Everybody at Whitehaven at Whitehaven and Egremont all North Allerdale to meet at Workington and for them to sent down as well. Comms Inspector has sent ever

#### **8.140 Further shootings by Derrick BIRD**

- 8.141 At 10:53 hrs Susan HUGHES was walking along Grove Road, Hagget End from Egremont town centre when Derrick BIRD stopped alongside her and shot her.
- 8.142 The post mortem examination shows that Susan received two shotgun wounds to the left breast and the abdomen which would have incapacitated her. Witnesses describe seeing Derrick BIRD get out of his vehicle and physically struggling with Susan whilst holding the rifle. The post mortem examination also revealed a fatal shot to the back of the head from the .22 rifle.

8.143 At 10:54 hrs Derrick BIRD drove a short distance to Bridge End where Kenneth FISHBURN was walking towards him on the opposite side of the road. He then drove his taxi across the road close to the bridge parapet and shot Kenneth in the neck/head using the shotgun. This resulted in a fatal injury.

8.144 At 10:55 hrs Derrick BIRD drove a short distance further to where Leslie HUNTER was walking along the pavement at Cringlethwaite. It appears that he called Leslie over to his vehicle and as he bent down to look into the passenger window Derrick BIRD fired at him with the shotgun hitting his face and then in his back as he turned away to protect himself. Leslie survived his injuries despite the close proximity that the shots were fired from.

#### **8.145 Utilisation of a Negotiator**

8.146 At this time, at the request of the FIM, a Force Negotiator was identified and briefed with the facts. Without delay the Negotiator began to try and contact Derrick BIRD via the various phone numbers that were held on police systems.

#### **OBSERVATION 4:**

**The decision to deploy a trained negotiator and to make the first attempts to contact Derrick BIRD without delay was sound. To achieve this within such a fast moving incident and be able to place the first call only 42 minutes after the police were first made aware of the incident is commendable.**

8.147 Derrick BIRD did not take any of his phones with him and so the Negotiator deployment was futile. Despite this fact, it demonstrates a real clarity in giving consideration to all methods available to stop him in addition to the physical search for him.

8.148 At 10:56 hrs the ambulance service had not attended Duke Street and officers had continued to provide first aid to Donald REID at that location, preventing them from being redeployed to assist with the ongoing operation. The continued calls for the ambulance service to attend were having an impact on the operational effectiveness of the officers at that location.

#### **8.149 Incidents at Thornhill and Wilton**

8.150 At 10:57 hrs Derrick BIRD drove out of Egremont onto the A595 where he turned south, towards and onto the Thornhill Estate. As he drove along Thorny Road he stopped alongside a 15 year old girl, Ashleigh GLAISTER. As she bent down to the passenger window she saw a gun and ducked. Derrick BIRD fired the shotgun at her but missed, striking the house behind. Ashleigh ran away from the car. He fired a second shot which again fortunately missed her.

- 8.151 At 11:00 hrs Derrick BIRD left the Thornhill Estate and crossed the A595 into narrow lanes past the village of Carleton towards Wilton.
- 8.152 Gladys and Joseph WARBRICK were unloading shopping from their car in Carleton when Derrick BIRD pulled up close to their drive and shouted out, again asking for the time. Joseph called out the time but neither of them approached the taxi window and he drove on.
- 8.153 At this time, around 11:00 hrs the police were informed of David BIRD'S death. Whilst this incident occurred several hours before, this was not known at the time of the report and resulted in Cumbria Constabulary having to take account of incidents being reported out of sequence. This could easily have resulted in resources being diverted to attend locations away from Derrick BIRD'S last known offence, although it is clear that such confusion did not occur. The FIM accurately assessed each call and was not affected by the sequence of reporting.
- 8.154 By this time 20 armed Cumbria Constabulary officers were deployed at strategic locations around the force area. They were supported by two CNC ARVs.
- 8.155 These additional CNC resources were in addition to every available uniformed, armed and unarmed, resource that Cumbria had at its disposal, in an attempt to locate and intercept Derrick BIRD.
- 8.156 At 11:00 hrs Cumbria Constabulary closed down their website and utilised it to support a media message that had gone to all local media to warn them of the incident and the presence of a man actively shooting members of the public.

**OBSERVATION 5:**

**Cumbria Constabulary quickly identified that it had a duty to warn the public. They used their media line, their website, shop watch radio links, direct phone calls to vulnerable locations and the use of "sky shout" from the police helicopter to warn the public.**

**The review team commends the proactive use of the media and other means to warn members of the public in this case.**

- 8.157 At 11:05 hrs Derrick BIRD continued along single track lanes and un-made roads until he came across Isaac DIXON on the Egremont to Haile Road. He was seen to slow down and stop alongside Isaac. The post mortem examination shows he received two fatal wounds from the shotgun at close range. Isaac's body was not found until some time later.

- 8.158 Derrick BIRD then drove on to the village of Wilton having performed a u-turn on his route near to the village of Grange.
- 8.159 Wilton is home to Jason CAREY and his wife Deborah. Jason is a committee member of the Solway Sub-Aqua Club, of which Derrick BIRD was a member. It was subsequently established that he had been involved in a number of disputes with the diving club committee over use of the club boat and potentially dangerous diving practices. It is clear from witness evidence that he bore grudges against some of the committee members.
- 8.160 As Derrick BIRD drove into Wilton he passed Jennifer JACKSON who was walking through the village to meet her husband James who had been out for a walk.
- 8.161 Derrick BIRD pulled into the drive of Jason's home and sounded his horn. Jason heard the noise but was in bed having worked a night shift. Deborah CAREY put her dog into another part of the house as it was barking and she wanted to avoid disturbing her husband. By the time she opened the front door the taxi was reversing off the drive.
- 8.162 Almost as soon as he pulled off the drive of the CAREY'S home, Derrick BIRD stopped his car alongside Jennifer JACKSON who was by now nearby, having walked through the village. Witnesses including Jennifer's son, Christopher, who was working close by heard gunshots. The post mortem examination shows that Jennifer suffered a shotgun injury to the chest and two .22 rifle wounds to the head which proved fatal.
- 8.163 At 11:10 hrs Derrick BIRD continued on his route through the village passing Town Head Farm where, coincidentally, Jennifer's husband James was talking to a neighbour, Christine HUNTER-HALL. He drove past them but turned around and came back through the village stopping alongside the two neighbours. He fired the shotgun at James from the driver's window killing him instantly with a shot to the head and then again at Christine who was taking cover assisted by her husband who had witnessed the shooting. Christine was hit in the back, with the shotgun pellets causing extensive injuries including a punctured lung.
- 8.164 Derrick BIRD drove back through the village passing the body of Jennifer JACKSON lying on the roadside. His exact route to the next scene is unclear but it is believed that he drove through the village of Haile, on to the A595 at Blackbeck Roundabout close to the northern entrance of the Sellafield plant.
- 8.165 Witnesses describe following Derrick BIRD'S vehicle travelling south on the A595 at Calder Bridge where he drove past a cyclist and then

drove through a red traffic light. He was seen to stop in a gateway on the roadside adjacent to the Red Admiral Public House.

- 8.166 At 11:15 hrs the Police helicopter from Lancashire was still making their way to the area to assist. Their progress had been frustrated by the low cloud that was present that day, as evidenced by the following extract from the helicopter communications log:

02/06/2010	11:15:18	ON 99 still 8 minutes from Egremont 'er still struggling with cloud just an update on what's happened, just to give us an idea of how high we need to be
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- 8.167 At 11:19 hrs the Tactical Advisor to the Tactical Firearms Commander had identified that no firearms command decisions had been given to any of the armed officers that had been deployed.

02/06/2010	11:19:11	All patrols stand by from FIM speaking to TAC advisor, the tactics as soon as we sight him are level one enforce stop using two ARVS. Level one enforced stop two ARVS engage immediately.
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- 8.168 At this time, almost an hour had passed since the authority to deploy armed police officers had been given; the tactical option of a "level 1 enforced stop" was communicated to the ARVs.
- 8.169 This is a specific tactic that all ARVs would understand and would ensure that any patrol that saw Derrick BIRD driving his vehicle would have a clear understanding of the tactical approach recommended to stop him.
- 8.170 At the same time, all officers were informed of the fact that Derrick BIRD could be 'emotionally or mentally distressed', (terminology used by firearms officers to describe an individual who may be suffering from mental ill health or could be acting irrationally owing to a distressing episode), and that due consideration should be given to this fact.
- 8.171 Reminding the ARVs of the various reasons why someone is behaving in a certain way is very important as it may influence the way in which they would approach or communicate with the subject should any contact occur.
- 8.172 It is essential that where information is held, that it is shared with the Operational Firearms Commanders and ARVs.

**OBSERVATION 6:**

**Informing ARVs of potential Tactical Options is good practice as is providing all officers of an indication of any emotional or mental distress which the subject may be experiencing and any potential reason for their behaviour whether real or perceived.**

- 8.173 At 11:20 hrs Garry PURDHAM was working in a field close to the Public House. Derrick BIRD shot Garry at this location.
- 8.174 Witnesses report seeing him getting out of his car at this scene.
- 8.175 The post mortem examination shows that Garry died from wounds consistent with being shot
- 8.176 Derrick BIRD drove South on the A595 and turned off towards Seascale on the Gosforth Road. A short distance along this road he slowed and waved a vehicle on to pass him. A number of witnesses report seeing him parked on the side of the road.
- 8.177 At 11:25 hrs a local Estate Agent, James CLARK was returning from a cancelled appointment in Seascale.
- 8.178 His manager had spoken to him on the telephone at 11:22 hrs and had mentioned the reported shootings and advised him to leave the area and ensure that he was safe. The witnesses report seeing James parked at the side of the road, consistent with that telephone call.
- 8.179 James's car was found on its side on a grass verge. There was damage to the driver's window and roof lining and the wheels were still turning. James was found dead inside the vehicle having been shot in the head by a shotgun.
- 8.180 The investigation team have been unable to conclusively establish the exact sequence of events.
- 8.181 This incident was reported as a Road Traffic Collision.
- 8.182 At 11:25 hrs, the telephone log on which all information was being recorded was updated with the fact that the FIM was being replaced by a Tactical Firearms Commander.
- 8.183 All firearms command communication from the call centre following this change, continued to be made directly by the FIM.
- 8.184 I was able to identify that for the next hour, ARV officers made a number of requests for specific direction, this was provided without delay and was passed directly by the FIM.

- 8.185 I formed the opinion that the FIM had continued to maintain the firearms commander role throughout the incident.
- 8.186 During the professional discussions with the FIM and the Tactical Firearms Commander, it was apparent that command had not been exchanged at 11:25 hrs.
- 8.187 The Tactical Firearms Commander had understood that he had command at that time, but in the absence of any appropriate working environment, he had to operate from the corner of the call centre. He understood that the FIM was maintaining the communication with patrols due to the absence of a radio for his use.
- 8.188 The FIM had not understood that command had been exchanged and believed that he was in command until the point which occurred later when Derrick BIRD'S vehicle was abandoned.
- 8.189 The FIM saw that the incident was a fast moving spontaneous incident where command could not effectively be handed over to the Tactical Firearms Commander.
- 8.190 The Tactical Firearms Commander was unaware that the FIM had maintained command and had continued to direct armed officers.
- 8.191 Due to the fact that Derrick BIRD was not located during this period of ambiguity, the failure to have a single tactical commander had not become a critical issue.
- 8.192 This would not have been the case if he had been located and the officers required specific command advice.
- 8.193 The review team has also conducted a professional discussion with the Strategic Firearms Commander (SFC), who was in overall command of the incident. The Strategic Firearms Commander has responsibility for setting the overall strategy to resolve the incident and to ensure that sufficient resources are deployed. The review team has examined the Strategic Firearms Commander's strategy and found it to be appropriate and clear. It is apparent that the Strategic Firearms Commander liaised with neighbouring forces in order to arrange mutual aid. The review team found that the Tactical Firearms Commander and FIM were never fully aware of the totality of resources they had available to them and this appears to have been a breakdown in communication.

**OBSERVATION 7:**

**That Cumbria Constabulary reinforce the importance of command protocols to both the Tactical Firearms Commander and the FIM and to ensure that a Commander is clearly defined at all times during a**



**Firearm's Operation.**

**The implementation of Recommendation 2 should minimise the likelihood of this occurring in the future.**

- 8.194 At 11:26 hrs, attempts were made by the FIM to establish the number of armed police officers available. Limited replies were given which only provided a partial understanding of the level of ARVs available.

02/06/2010	11:26:13	Comms Inspector speaking ARV staff just give me a quick ref where you are whose where, 00 just passing Egremont nick south now 595, Mike Bravo 38 Stanley Arms 595, Alpha Alpha 22 on the A66 between Keswick and Cockermouth making ground, Mike Sierra 60 stationary.
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- 8.195 At this stage 23 armed Cumbria officers were deployed searching for Derrick BIRD, supported by their CNC colleagues who had deployed additional resources, including two armoured vehicles from the Sellafield site.

**8.196 Seascale**

- 8.197 At 11:27 hrs Derrick BIRD was travelling towards the village of Seascale where he had to navigate a narrow passage under a railway bridge, this resulted in him approaching head on with a Landrover driven by Harry BERGER.
- 8.198 The road is only sufficiently wide for one vehicle to pass at a time and Harry reversed back out of the tunnel towards the seafront to allow Derrick BIRD to pass.
- 8.199 Harry saw the gun in the taxi as he mouthed a comment towards Derrick BIRD and then saw that the weapon was pointed at him.
- 8.200 Harry BERGER was shot twice through his Landrover causing severe damage and tissue loss to his right arm. Derrick BIRD drove off along the seafront and onto Drigg Road.
- 8.201 Three ARVs (two from Cumbria Constabulary and one from CNC) travelled through this scene in convoy a short time after Derrick BIRD had left. They were unable to pass Harry BERGER'S vehicle and members of the public had to push the Landrover to enable them to pass. The footage from a mobile telephone, from a witness at the scene, clearly demonstrates the relief that is displayed on the arrival of the emergency services.

8.202 A call to the police from a member of the public at the scene where Harry BERGER was injured shows the confusion they felt when the police did not stop to assist them.

8.203 The three ARVs had the sole aim to locate and stop Derrick BIRD and although the officers briefly spoke to the members of the public they continued their pursuit of him.

**OBSERVATION 8:**

**The overriding priority of the police service is to protect the public. These officers had to decide whether to stop and render first aid or to continue in their efforts to locate and stop Derrick BIRD before he could kill or injure anyone else. The casualty was being cared for by members of the public and on reflection the review team believes that these firearms officers made the right decision and continued to search for Derrick BIRD in an attempt to prevent further loss of life.**

8.204 At 11:29 hrs Cumbria Constabulary informed the North West Ambulance Service that military helicopters were available to assist them with any casualty evacuation that they could not resource. The helicopters were not deployed.

02/06/2010	11:29:03	I've got two RAF helicopters that are actually gonna travel to Workington erm police station the cricket pitch behind there now they will be available to you if you wish to sort of erm
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**8.205 Drigg Road**

8.206 At 11:30 hrs Derrick BIRD drove along the seafront onto Drigg Road where Michael PIKE, who was cycling in the same direction, was travelling ahead of his car.

8.207 Derrick BIRD drew alongside Michael where he fired twice. The first shot missed but the second hit Michael in the neck which killed him instantly.

**OBSERVATION 9:**

**Taking account of the fact that it is now only one hour since Cumbria Constabulary have been made aware of a crime in action with no prior warning, they have approximately 30 armed officers deployed across the County. Many forces with considerably larger numbers of resources would have found it difficult to deploy such large numbers of armed officers within such a time period.**

8.208 At 11:32 hrs Derrick BIRD continued along Drigg Road, stopping adjacent to a well known, local lady, Jane ROBINSON, who was delivering catalogues.

8.209 It appears that Derrick BIRD caused her to lean into the passenger window, similar to the way he had done to several people beforehand. Jane was killed instantly with a shotgun wound to the neck and head.

8.210 Following this incident, witnesses describe Derrick BIRD driving at speed along the road towards Drigg. Whereas he had previously been seen to be driving in a controlled manner, even when he had the police vehicle directly behind him in Whitehaven, his driving appears to be increasingly erratic.

8.211 At 11:33 hrs one of the ARVs was travelling from Holmrook towards Drigg when they passed Derrick BIRD travelling in the opposite direction. This sighting demonstrates that the police response was closing in.

02/06/2010	11:33:55	Three zero just passed the vehicle heading back towards Holmrook
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8.212 The officers turned to follow but were forced to manoeuvre through temporary road works at Holmrook and lost sight of the taxi.

02/06/2010	11:36:01	Does an ARV by Holmrook garage wanna take the left he possibly could have gone down that road have got a temporary loss at the moment. Comms inspector speaking don't break up the ARVs I want two together let Oscar November nine nine do the search Oscar No
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### **8.213 Eskdale valley**

8.214 The officers continued south on the A595 but it has since been established that Derrick BIRD had turned off the main road and travelled towards the Eskdale valley.

8.215 Additional police resources including Air Support were deployed to the area and began to close in around Derrick BIRD.

8.216 At 11:34 hrs, Jackie LEWIS, who is an elderly resident of Drigg village, was out walking. Jackie was shot in the head with a single .22 round. She does not recall the incident and was found by passers-by at the side of the road, who initially thought she had collapsed.

8.217 A number of witnesses describe seeing Derrick BIRD travelling towards Eskdale. As a local taxi driver and having lived in West Cumbria for his entire life, he knew the area very well. He was seen

to take a route through Irton before doubling back towards the Bower House Public House.

- 8.218 A single round of live .22 ammunition was found on the roadside close to Irton giving reason to believe that Derrick BIRD had travelled through that location.
- 8.219 From the Bower House, he continued through the Eskdale valley towards Eskdale Green.
- 8.220 Police officers, having identified Derrick BIRD'S direction of travel, began to telephone ahead to warn businesses and tourist attractions to keep people inside and so, despite the fact that it was a fine day during half term holidays, there were fewer people than normal on the roads in the valley.
- 8.221 From a very early stage, following Cumbria Constabulary being notified of this incident, they deployed a Detective Inspector from their intelligence unit to identify all locations with a high population and start to warn members of the public. As a result, a small team was established to 'warn and inform' the public. This process was impressive with all significant tourist sites being contacted and being told to advise their customers to stay inside and stay away from the windows of the premises.
- 8.222 As Derrick BIRD'S route became clearer, this same team telephoned every campsite and Public House, as well as the smaller tourist sites, with the same message. This complemented the media and website strategy that was also deployed to warn the general public.

**OBSERVATION 10:**

**Having reconstructed the incident, it is now clear that Derrick BIRD drove along routes that could have been highly populated with tourists. The police response to 'warn and inform' the public was so effective, that many of these locations were deserted. It is impossible to be sure but it is highly likely that lives were saved by this strategy.**

- 8.223 Had this incident occurred during an evening or at the weekend, the outcome may have been different, as this team of intelligence officers would not have been readily available.

**RECOMMENDATION 2:**

**That Cumbria Constabulary considers access to intelligence resources during weekends and evenings. The provision of an intelligence capability within the force control room on a 24/7 basis is achieved within many forces and could benefit Cumbria.**

- 8.224 At 11:40 hrs the Lancashire Police Helicopter advised the call centre that they were located at Drigg and requested direction for where they were required to attend.
- 8.225 The FIM misinterpreted the comments and believed the helicopter had sighted Derrick BIRD at that location.
- 8.226 ARVs were tasked to move from their locations to respond to the sighting.

02/06/2010	11:40:39	ARVs from Comms Inspector car is stationery at Drigg first thing we want to contain it. I want armed vehicles at least one preventing its egress, I want two to challenge. Call signs please.....
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- 8.227 The FIM directed that the ARVs should challenge the subject. He failed to use a recognised tactical option again, despite having been prompted earlier by the Tactical Advisor.
- 8.228 Despite this fact, the FIM attempted to pair up the ARVs in order to deploy the Level 1 enforced stop.

02/06/2010	11:45:00	Yeah, all standby, Comms Inspector speaking, I need to pair up the ARVs for the tactic were gonna engage in. We need to have the ARVs working in pairs. 38 who are you nearest to, is it 30
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- 8.229 At 11:50 hrs Fiona MORETTA, who was in the area on holiday, was walking along the road close to the King George IV Public House. Derrick BIRD stopped alongside her. Fiona thought she was going to be asked for directions and so she bent down to the passenger window to speak to him.
- 8.230 Derrick BIRD fired his .22 rifle, the round hit Fiona in the face, resulting in serious injuries. Fiona ran towards the rear of his car. He initially began to reverse after her but then drove off on his original route towards Boot.
- 8.231 At approx 12:00 hrs, in excess of 40 armed officers, from Cumbria Constabulary and CNC, were deployed in the search for him. Armed resources from Lancashire and Yorkshire were also deployed on the periphery of the county to ensure that Derrick BIRD was contained into the smallest geographic location as possible.
- 8.232 The FIM and call centre again attempted to identify the number of armed officers and also tried to designate two Operational Firearms Commander's.

- 8.233 In Cumbria there were a number of ARV officers who were trained to perform this role. However, it was not the practice for this role to be designated when officers came on duty.
- 8.234 The appointed Operational Firearms Commander's could not establish what ARVs they had available and as a result, they were unable to perform this role effectively.
- 8.235 Derrick BIRD travelled along the valley road and into Boot where he stopped outside a business premises called Sims Travel. At this location he was seen to fire the rifle at people in the vicinity but fortunately missed.
- 8.236 A short distance further down the road he fired at the ALTY family who were walking with their children towards Dalegarth Station.
- 8.237 Dalegarth is one location that would have been heavily populated with customers but had responded to the police warnings and everyone was locked in the building for their protection.
- 8.238 The ALTY family had not reached the station and so were unaware of the danger. Again, fortunately the shot missed.
- 8.239 A further short distance along the road, within 100 metres of the ALTY family, Derrick BIRD stopped again and pointed the rifle at Reginald MILLER who was walking along the road but did not appear to fire at him.
- 8.240 The armed police patrols were by now very close to the scene but had not yet come across him.
- 8.241 Nathan JONES and Phillip MOORE were leaving the campsite at Hollins Farm, a short distance further on. Derrick BIRD stopped alongside them and fired at Nathan hitting him in the face with a .22 bullet causing internal injuries.
- 8.242 Samantha CHRYSTIE and her partner Craig ROSS had been driving in the same direction, but ahead of Derrick BIRD, when they had stopped to take a photograph. He pulled up alongside Samantha and asked if she was having a nice day. As she began to respond Derrick BIRD shot her in the face with his rifle causing internal injuries.
- 8.243 Craig had seen what had happened and got out of his vehicle but was told by Derrick BIRD to drive away. Craig did as he was instructed and drove off up the valley. As he drove away, Derrick BIRD fired at the car smashing the rear window but fortunately Craig was uninjured.

8.244 Craig quickly came upon two cyclists, Phillip and Anne LOWE, and stopped to warn them before he continued to the nearby Woolpack Public House to ask for assistance.

8.245 Derrick BIRD also continued his route and stopped alongside Phillip and Anne, firing the rifle at Phillip, narrowly missing him.

**8.246 The final phase of the Operation to locate Derrick BIRD**

8.247 Derrick BIRD then began to drive off at speed along the very narrow road, colliding with a number of oncoming vehicles and the dry stone wall which caused the front offside tyre of the taxi to deflate.

8.248 This resulted in him being unable to continue and so he turned off the road at the next turning, a no-through road to Doctor Bridge, Boot.

8.249 A short distance down this road the tyre came off the wheel and Derrick BIRD brought the car to a halt at the roadside near the stone bridge.

8.250 At approximately 12:15 hrs, two families of holidaymakers, who were nearby, and who were totally unaware of anything that had occurred, asked if he wanted assistance.

8.251 Derrick BIRD declined their offer of help, removed the rifle from the vehicle and walked over the bridge towards Oak How Woods where a short time later it is suspected he took his own life.

8.252 These were the last people to see Derrick BIRD alive.

02/06/2010	12:15:57	From a member of the public believe the male has abandoned the vehicle towards Hardknott pass we're hopefully gonna get there in about two minutes
02/06/2010	12:16:05	Nine nine did you get the last he's on foot vehicle abandoned Hardknott pass. Oscar November nine nine making back to hard nose er Hardknott now Wrynose appears clear Wrynose appears clear

8.253 The whole incident, from the time that Cumbria Constabulary had been first contacted until Derrick BIRD walked into the woods, was only two hours (10:13 – 12:15 hrs).

8.254 Taking account of the geography, his extensive local knowledge and the distance of approximately 52 miles that he had covered in that time, it is clear to see why it had been difficult to locate him.

8.255 Armed police and dog handlers arrived at the scene of the abandoned vehicle and began a search along Derrick BIRD'S route.

02/06/2010	12:36:27	Yeah in view of the location of where this vehicle may be I now have six, eight...eight officers all armed and waiting for permission to advance towards the vehicle to make a check, so far
02/06/2010	12:37:36	Once we have seized the vehicle are we authorised for an open country search and start looking for him, we've got dog handlers here and a lot of AFO's. An open country search, just stand by, tell us what he's got in the vehicle and therefore what he's got
02/06/2010	12:37:47	Approaching 5 minutes left on scene we are doing a very quick open area search 'er we've now located the vehicle 'er as of the ARVs 'er your instructions please. ON 99 'erm you've heard the direction he's made off in and I understood it was South 'er if
02/06/2010	12:38:18	Yeah just for information, we've got two dogs with us now heading towards the car

02/06/2010	12:39:29	Yeah, 04, we've got the vehicle ND55 ZFC we're not able to see in the vehicle , all the doors are closed , we're just going to move forward and clear the vehicle
02/06/2010	12:46:24	We have with us two dog handlers and ten AFO's, are we in order to do an open country search in relation to this male. 1512 to 882 just standby that on that we need to discuss this regarding the weapon that he now has standby

8.256 They found the sound moderator before eventually finding Derrick BIRD'S body.

**OBSERVATION 11:**

The bravery of the officers who entered the woods to search for Derrick BIRD cannot be overstated. The woodland is dense and is situated on a hill; it is commonly used by local Scout groups to build hides. From his elevated, well camouflaged position, it is very likely that Derrick BIRD could have seen the officers approaching before they saw him.



- 8.257 Derrick BIRD'S body and his vehicle were searched and it was established that there were 6 live .22 rounds in his trouser pocket with a further 8 live rounds in the magazine of the rifle.
- 8.258 No live shotgun cartridges were recovered which suggests that he ran out of shotgun ammunition after the shooting of Jane ROBINSON in Seascale.
- 8.259 During the course of the shootings, Derrick BIRD is known to have discharged at least 29 shotgun cartridges and 18 rounds of .22 ammunition.
- 8.260 In common with all certificate holders, Derrick BIRD had no restriction on the amount of shotgun ammunition he could hold and was permitted to have a maximum of 1,500 rounds of .22 ammunition at any one time.
- 8.261 Derrick BIRD'S home address was searched by the police and over 750 rounds of .22 ammunition and 240 live shotgun cartridges were recovered indicating that he was well within his permitted quantities of ammunition.
- 8.262 Also found at his house were quantities of paperwork relating to his financial difficulties, these were prominently placed in the kitchen as were the deeds to his home.

## **SECTION 9**

### **THE REVIEW PROCESS**

9. The West Mercia Police review team were invited to Cumbria on the 23<sup>rd</sup> and 24<sup>th</sup> June 2010. They were briefed by the Cumbria Constabulary Chief Officer Team and the appointed Senior Investigating Officer (SIO) who was leading their investigation on behalf of HM Coroner.
- 9.1 The Terms of Reference set out in section 11 of this report were agreed and the review team were given an escorted tour of the incident scenes in the chronology that it was understood to have occurred.
- 9.2 It was agreed that the Cumbria investigation team would have the primary responsibility for investigating the incident including interviewing the majority of witnesses and securing evidence in respect of Derrick BIRD'S activities and the crimes committed. This included police officers and staff including the Authorised Firearms Officers.
- 9.3 The Peer Review team would take primacy of securing evidence from all of the firearms commanders and their tactical advisors.
- 9.4 Nothing within this agreement was intended to preclude the Peer Review Team from speaking to any specific witness, if it was felt that such a requirement would add value to the review process.
- 9.5 The review team had direct access to all evidence recorded having had direct access to a secure link to the Cumbria Home Office Large Major Enquiry System (HOLMES). This computer based system is used nationally by all police forces to manage complex and major crime investigations.
- 9.6 A guidance document<sup>6</sup> created by the review team and agreed with the Cumbria investigators proved most beneficial in ensuring that all needs and expectations of the two teams were understood. This minimised the potential for any witness to be interviewed more than once.
- 9.7 It was agreed that any additional information that was required by the review team would be obtained by the Cumbria investigation team. All information would be incorporated into the primary investigation,

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<sup>6</sup> The guidance document is produced at Appendix 3.

regardless of the purpose that it had been requested. This ensured that the Coroner's file would be based on all available evidence.

- 9.8 Following the initial briefing on the 23<sup>rd</sup> June 2010 to the present date, the review team has examined significant numbers of documents and other relevant material as it became available.
- 9.9 It was imperative that this material was properly assessed and it is for this reason that the review process has taken several months to complete.
- 9.10 The collation of this material, particularly the telephone and Police radio transcripts were extremely time consuming. This accounts for the length of time that this report has taken to produce. Examination of this material was essential to ensure that I was able to complete a comprehensive assessment of the incident response.
- 9.11 A Reference Group of relevant professionals was formed in order to scrutinise the review process and hold the review team to account throughout the review process.
- 9.12 The Reference Group included Chief Constable Ian ARUNDALE who is a subject matter expert in relation to armed policing and Mrs Deborah GLASS, Deputy Chair of the Independent Police Complaints Commission.

## **SECTION 10**

### **REVIEW TEAM'S APPROACH TO INTERVIEWS WITH POLICE STAFF**

10. The purpose of this Peer Review was to establish the facts and assess the response of Cumbria Constabulary in order that any lessons can be learned.
- 10.1 In order for real value to be achieved and operational lessons learned, it was important that all those involved in this incident, felt they were able to openly share their experience.
- 10.2 The review team recognised the importance of being able to understand the emotional and practical experiences of key members of staff. It was also recognised that some members of police staff would not be required to submit a statement of evidence and those that did would concentrate on the evidential tasks that they performed.
- 10.3 The review team created a strategy to conduct "Professional Discussions".<sup>7</sup> The purpose of this was to enable the review team to speak openly with relevant members of staff and maximise the opportunities to fully understand the detail of how they responded on that day.
- 10.4 As a result, the review team and Cumbria Constabulary in consultation with the Police Federation and the Police staff union agreed a protocol in relation to Professional Discussions.
- 10.5 This enabled the review team to create an environment where staff felt that they were able to talk openly to the review team in a way which might not have been possible, if the review team were conducting a criminal or disciplinary investigation.
- 10.6 To support this process, Chief Constable MACKEY afforded immunity for any minor disciplinary issues which might arise during these discussions, in order to encourage open and transparent communication.
- 10.7 It is important for me to highlight that no misconduct issues were identified.
- 10.8 The "Terms of Reference" were agreed from the outset in order to ensure that the Peer Review remained focussed; these are reproduced here in their entirety for clarity of those reading this review.

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<sup>7</sup> The strategy of Professional Discussions is produced at Appendix 4

## **SECTION 11**

### **TERMS OF REFERENCE**

11. The Terms of Reference were set as follows:
- 11.1 On behalf of the Chief Constable of Cumbria Constabulary, conduct a Peer Review into the circumstances surrounding Cumbria Constabulary's response to Operation Bridge in West Cumbria on Wednesday 2nd June 2010. To consider policing issues arising there from, and any lessons which can be learned by Cumbria, the region or nationally and, to make such recommendations, as may seem appropriate.
- 11.2 In particular the Review will focus upon the following areas:-
- The proportionality of Cumbria Constabulary's general firearms capability and capacity including training and deployment, and, how this compares to other similar Police Forces Nationwide, taking into account Cumbria's Strategic Firearms Threat and Risk Assessment.
  - The reasonableness of Cumbria Constabulary's armed policing response to the events on 2nd June 2010.
  - The reasonableness of Cumbria Constabulary's general response (unarmed officers and staff) to the events on 2nd June 2010.
  - The reasonableness of Cumbria Constabulary's command response to the events on 2nd June 2010.
  - The reasonableness of Cumbria Constabulary's use, deployment and effectiveness of mutual aid to the events on 2nd June 2010
  - The reasonableness of Cumbria Constabulary's deployment of Civil Nuclear Constabulary Officers who supported the response.
- 11.3 At the conclusion of the Review, the report, containing the Review Team's findings in respect of the matters outlined above and any recommendations which the Review Team considers appropriate, are to be provided to the Chief Constable of Cumbria Constabulary.
- 11.4 The report will be published in full, subject only to redaction of material properly attracting Public Interest Immunity. Material subject to Public Interest Immunity is to be contained within an annexe to the main report.

- 11.5 Any recommendations, findings or lessons to be learned in respect of the actions of Cumbria Constabulary officers or staff will be expressed against the force generally and not against specific persons.
- 11.6 Guidance to the Terms of Reference**
- 11.7 In addition to the Terms of Reference, the Chief Constable has set the following parameters within which the Review Team will operate:
- 11.8 The Review is not a formal investigation under the Police Reform Act 2002.
- 11.9 The Review is to be a review of existing material and evidence gathered following the events on 2nd June 2010. The Review Team will be provided with full access to all documents and audio and visual recordings which came into existence during the events under review. They will also be provided with all documents in the possession of Cumbria Constabulary touching upon the issues of Cumbria Constabulary's general firearms resourcing, training and deployment.
- 11.10 In order to ensure that there is no risk of prejudice to the adjourned inquests and/or to any proceedings which might flow from a referral under paragraph 4 below this is to be confined to a review of the existing material and evidence. For this reason no public witnesses to the events of 2nd June 2010 should be interviewed by the Review Team.
- 11.11 During the course of the Review, if the Review Team identify any evidence of potential conduct/discipline matters, as defined within the Police Reform Act 2002 (the "2002 Act") and/or The Police (Conduct) Regulations 2008, (the "2008 Regulations"), they should draw this to the immediate attention of the Deputy Chief Constable of Cumbria Constabulary, as Appropriate Authority, who will determine whether or not action needs to be taken pursuant to the 2002 Act and/or 2008 Regulations.
- 11.12 The Review is concerned with the response of officers and staff of Cumbria Constabulary. If the Review Team identifies any issues arising out of the response of other Agencies these issues should be referred back to the Chief Constable.
- 11.13 It is requested that the Review Team report back to the Chief Constable as soon as is practicable. During the course of the review the Chief Constable is to be provided with updates on the progress of the review on a fortnightly basis. The Chief Constable of Cumbria may suggest further issues and lines of inquiry to the Review Team within the Terms of Reference arising from these updates.

- 11.14 In order to avoid the risk of prejudice to any other proceedings, the Review Team should not work outside these Terms of Reference. The Terms of Reference should only be amended following consultation and agreement with the Chief Constable of Cumbria Constabulary.
- 11.15 In order to avoid the risk of prejudice to any other proceedings and to maintain the integrity of the Review, the Review Team and other contributors to the Review should not disclose any information pertaining to the Review until the Review Report has been published.

**As agreed by Chief Constable MACKEY (Cumbria Constabulary)  
and ACC CHESTERMAN (ACPO lead for armed policing)**

## **SECTION 12**

### **CUMBRIA CONSTABULARY'S ARRANGEMENT FOR THE MANAGEMENT, COMMAND and DEPLOYMENT OF ITS RESOURCES**

12. The review process has taken an in-depth view of how Cumbria Constabulary performed on the 2nd June 2010.
- 12.1 In order to comment about that performance, it is useful to examine how the force operates within its normal routine business.
- 12.2 I have included the following paragraphs to outline how the force operates and identify any additional observations and recommendations that may have assisted the force to deal with the events under review.
- 12.3 Communications Room Structure**
- 12.4 Cumbria Constabulary has two Call Management Centres. The primary centre is within force HQ at Penrith and the second is at Workington, West Cumbria.
- 12.5 The Force Incident Manager (FIM), Firearms Tactical Advisors and the majority of call centre staff are based at Headquarters.
- 12.6 Both call centres have an identical infrastructure and both have the capability to manage communications for the whole of the force area. In the event of one call centre being unavailable, the second control room could manage the needs of Cumbria Constabulary. As an example, during the floods in November 2009, the Western control room was flooded and the force was managed from a single site.
- 12.7 The control room at Penrith is well structured with bays containing staff that have specific geographic responsibility for communications for locations in the North and South of the Force area.
- 12.8 The FIM sits in a central location in the room in order to command any incident that is being managed from within any one of the bays.
- 12.9 The majority of incidents that occur within the West Cumbria area are managed from Workington.
- 12.10 With incidents managed from Workington, the FIM does not have the same interaction with his control room staff and relies on the



computerised command and control log, telephone briefings and monitoring the Airwave radio to command an incident.

- 12.11 In our interviews with the FIM, who coordinated the incident under review, he expressed concerns about the Communication Room structure. His view was that having staff on two sites makes it very difficult to establish every detail when being briefed by colleagues over a telephone or radio, compared with being face to face in a single call centre.
- 12.12 His decisions on the 2nd June 2010 were made based on brief radio transmissions and commentary passed via a third party, from phone calls between the two call centres.
- 12.13 The FIM favours a single control room to negate such difficulties which he will say had a detrimental impact on his ability to comprehend the full facts, in real time, as they unfolded.

**OBSERVATION 12:**

**In common with many Police Forces, Cumbria Constabulary operate two force control rooms. This provides resilience and business continuity. In light of the FIM's comments to the review team, the force may wish to satisfy itself that appropriate communication links and processes are in place to maximise the FIM's ability to command incidents across two control rooms.**

- 12.14 The review team make specific recommendations later in the report in relation to the communication between the Armed Response Vehicle officers and the firearms commander in isolation of the overall incident and this may have an impact on the control room structure.

**12.15 Command of Firearms Incidents**

- 12.16 The generic command structure used in the UK Police Service operates at three levels, strategic, tactical and operational. This structure is often referred to as Gold, Silver and Bronze levels of command.
- 12.17 In situations where Firearms Officers are deployed, the command functions are usually assigned to specific officers and the roles assigned are as follows:
- 12.18 The Strategic Firearms Commander - has responsibility for determining the strategic objectives and sets any tactical, functional or territorial responsibilities related to a tactical plan. The Strategic Firearms Commander retains strategic oversight and overall command responsibility.

- 12.19 A Tactical Firearms Commander (TFC) – is responsible for developing, commanding and coordinating the overall tactical response in accordance with strategic objectives.
- 12.20 Operational Firearms Commander(s) (OFC) – Commands a group of officers carrying out the tactics.
- 12.21 Where a Strategic Firearms Commander is not yet in place, as is often the case where an incident is reported or comes to the attention of the police and an immediate operational deployment of AFO's is considered appropriate, the command structure is likely to be condensed.
- 12.22 Initial command will usually sit with the person having ready access to information, communications and resources.
- 12.23 In Cumbria as in many other Forces in England and Wales, the Force Incident Manager referred to as the FIM undertakes this role until such time as a dedicated command structure for the incident can be established.
- 12.24 In order to achieve this, the FIM would use an operational decision-making tool known as the Conflict Management Model (CMM). From this they would create a working strategy and set some tactical parameters for the armed officers to work to.
- 12.25 In addition to the command roles outlined above, each Force has designated firearms Tactical Advisers who are on call. The Tactical Advisers are an important resource particularly to the Strategic and Tactical commanders.
- 12.26 It is however important to note that the role of a Tactical Advisor is to advise and not to make command decisions. The responsibility for the validity and reliability of the advice lies with the advisor, but the responsibility for the use of that advice lies with the commander.
- 12.27 For as long as the FIM is in command he or she acts as the Tactical Firearms Commander setting the working strategy, including any appropriate tactical parameters. These will be reviewed and ratified by a Strategic Firearms Commander as soon as is practicable.
- 12.28 Forces should therefore, have structures in place that ensure the ready availability of Tactical and Operational Firearms Commanders.
- 12.29 Where incidents become protracted, there should be arrangements which enable command to be transferred to a dedicated Tactical Firearms Commander, thereby enabling others to return to their normal duties.

- 12.30 The command of the incident and responsibility for its management rests with the initial Commander until such time as command is transferred.
- 12.31 Until strategic firearms command is established, the Tactical Firearms Commander (TFC) will be responsible for developing a working strategy, which may include the setting of tactical parameters.
- 12.32 They must ensure that all officers are sufficiently briefed, information flows are established and all officers are given as full a briefing as possible in the time available.
- 12.33 A Strategic Firearms Commander should be contacted as soon as practicable and informed that an incident requiring the deployment of armed officers is taking place.
- 12.34 The Strategic Firearms Commander, when in a position to do so, should then review, agree or amend the strategy and any tactical parameters set and where necessary, confirm or rescind any given authority.
- 12.35 This command structure offers flexibility in response to a varied and developing range of circumstances and is functional and not based on rank.
- 12.36 The actions of Derrick BIRD on the 2nd June 2010 resulted in a situation where public safety had to be prioritised and an immediate operational response was necessary.
- 12.37 The FIM managed the initial response as described. Cumbria Constabulary responded exactly as would be expected within this established structure
- 12.38 Police firearms officers and the officers that command them, are trained to agreed national standards. All officers who perform armed duties are fully aware of the CMM and the full range of tactics that are available to them.
- 12.39 Cumbria has sufficient Firearms Officers, Commanders and Tactical Advisors to meet the requirements of a 24/7 capability.
- 12.40 On the 2nd June 2010, despite the early deployment of ARVs, there was difficulty in coordinating and directing resources on the ground with each ARV crew attempting to respond as they considered appropriate.
- 12.41 The review team have concluded that had one of the ARV's already on duty contained an officer who was the nominated Operational Firearms Commander for any incident which might have occurred,

that would have greatly assisted in managing the response by Firearms officers.

- 12.42 By the time an Operational Firearms Commander was appointed, at approx 12.00 hrs, it had become increasingly difficult to gain situational awareness and understanding of the staffing levels that were available. This made coordination of resources more difficult.

**RECOMMENDATION 3:**

**That Cumbria Constabulary nominate an Operational Firearms Commander at the start of each tour of duty.**

**12.43 Firearms Training**

- 12.44 Cumbria Constabulary has a firearms training school situated at Force Headquarters in Penrith.

- 12.45 The Chief Firearms Instructor is a very capable firearms officer, who is held in high regard nationally.

- 12.46 The National Police Improvement Agency (NPIA) inspect and license police forces to deliver firearms training. The NPIA had recently conducted an assessment of Cumbria. In April 2010, a self assessment process was conducted by Cumbria Constabulary following a successful independent review during the previous year.

- 12.47 As part of the review process, the Peer Review team have visited the training school and met with the Chief Firearms Instructor. We have also had the opportunity to read the NPIA inspection reports.

- 12.48 We are satisfied that the Cumbria Constabulary firearms training school delivers appropriate training and that there is no evidence to suggest that firearms training had any impact on the outcome of the incident under review.

**12.49 The Firearms Command Suite**

- 12.50 The main role of the FIM is to ensure that an appropriate response is afforded to each incident as it occurs within the force area. The management of firearms incidents is a small but important aspect of that role.

- 12.51 Within the Cumbria Force Control Room there is an allocated workspace where a FIM can access all force communication and computer systems to ensure they possess all relevant information to perform their role.

- 12.52 When the FIM hands over a firearms operation to a Tactical Firearms Commander, it is essential that the Tactical Firearms Commander

has access to the same systems and has an appropriate environment in order to enable them to command the incident as effectively as possible.

- 12.53 The review team does not believe that the Cumbria Constabulary Headquarters control room affords the Tactical Firearms Commander the right environment within which to effectively command an ongoing incident.
- 12.54 The only option at the moment is to co-locate with the FIM which can disrupt other control room business and does not afford the Tactical Firearms Commander easy access to systems. This arrangement could also make the transfer of command, from the FIM to the Tactical Firearms Commander, less defined and risks confusion.
- 12.55 Adjacent to the control room is a Gold Command suite which is ideally situated and could easily be adapted to provide the right infrastructure for the Tactical Firearms Commander.
- 12.56 Ambiguity over who is actually in command of an incident at any given time is a common criticism following high profile incidents.
- 12.57 On the 2nd June 2010, Cumbria Constabulary had other significant operations to manage namely, a Fatal Road Traffic Collision, the initial phase of Appleby Fair and a large funeral of victims from the school coach collision that occurred in Keswick some weeks earlier.
- 12.58 All of these incidents would benefit from the FIM having oversight, to ensure sufficient resources were available to manage them, and that policing elsewhere was uncompromised by the major incident.

**RECOMMENDATION 4:**

**That Cumbria Constabulary converts the existing Gold Command Suite, at Force Headquarters, into a fully functioning Command Suite suitable for a Tactical Firearms Commander to take command of a firearms operation.**

- 12.59 Implementing this recommendation would enable the Tactical Firearms Commander to attend the control room, receive a briefing from the FIM and then take the management of the whole incident away from them.

**12.60 Interoperability with the Civil Nuclear Constabulary**

- 12.61 The Civil Nuclear Constabulary (CNC) has a responsibility for providing protection to civil nuclear licensed sites, safeguarding nuclear material and those that are employed by the industry. Sellafield in Cumbria is one site that the CNC has a responsibility to protect.

- 12.62 CNC officers are routinely armed and therefore a significant armed policing presence exists within Cumbria on a daily basis.
- 12.63 The relationship between CNC and Cumbria Constabulary is excellent.
- 12.64 Standard operating procedures (SOP) have been developed between the two forces to outline the way that the two organisations can co-exist whilst affording support to each other where appropriate.
- 12.65 This relationship is demonstrated by the fact that recently, officers from each force have exchanged roles for a period of time in order to afford an opportunity for both organisations to have a better understanding of each others business.
- 12.66 Interaction between the two organisations is inevitable. CNC officers routinely patrol the exterior perimeter fence of the nuclear site. In addition to the main site, other locations associated with Sellafield are found in the County and it is common place for CNC patrols to travel across the county to these other locations.
- 12.67 It is a regular occurrence that CNC officers will happen across incidents and will liaise with Cumbria colleagues to resolve the incident. During 2nd June 2010, the immediate availability of additional armed assets was a welcome opportunity for Cumbria Constabulary.
- 12.68 The CNC were notified by the Cumbria FIM shortly after the first shooting was reported in order to give prior warning to them for the safety of their site. Subsequently, CNC deployed several patrols into Cumbria to support their neighbouring colleagues.
- 12.69 Difficulties arose when the Tactical Firearms Commander gave an authority to the armed patrols to deploy a specific vehicle tactic to stop Derrick BIRD if he was located whilst driving his vehicle.
- 12.70 The tactic was acknowledged by the CNC officers but their firearms commander had to notify the Cumbria Tactical Firearms Commander that the CNC patrols did not have the training to deliver that tactic. The CNC officers had heard the tactic but it actually had a different meaning to them.
- 12.71 This could have resulted in a Cumbria and CNC ARV being deployed together and having a different understanding of what action the other patrol would take following appropriate tactical options being given by the Tactical Firearms Commander.

- 12.72 This situation did not arise and so had no detrimental impact on the result of this incident.

**RECOMMENDATION 5:**

**That the CNC adopt the full range of firearms tactical options as used by the Home Office forces nationally. That they also adopt the same glossary of terms that are used to describe this tactic to facilitate an effective interoperability.**

**It is recognised that the CNC has a unique role and will require a range of additional bespoke tactics and equipment to undertake their daily duties to protect the nuclear industry which this recommendation does not seek to alter.**

**12.73 The Recording of Information Relating to the Management, Command and Deployment of Armed Officers.**

- 12.74 Cumbria Constabulary has created a number of documents that are used by firearms commanders to record information that they have been given and decisions that they make with regards to a firearms authority.

- 12.75 The documents provide the framework on which authorisation for deployment of Firearms officers are recorded and are used to document issues associated with the application of the CMM.

- 12.76 The documents are also used to record the working strategy, any tactical parameters and details of all resources deployed.

- 12.77 In managing and deploying Firearms officers, the FIM's routinely record their decisions directly onto the telephone message that relate to the incident as it is reported to them.

- 12.78 As part of the review, I have examined a number of historical telephone messages where various FIM's, including the officer working on the 2nd June 2010, had authorised armed officers to deploy.

- 12.79 Overall the content of the information recorded is very basic. In many cases, the information that was relied upon to make the decision to arm is not presented. The process of considering the CMM is often not shown and the working strategy and tactical parameters are not always recorded. This lack of recorded detail makes these critical decisions more difficult to justify post event.

- 12.80 We have noted that the FIM who was on duty on the 2nd June 2010 does not as a matter of course record a great deal of information when commanding firearms deployments. Whilst this is not to

suggest criticism of his ability, the review team would recommend that as a minimum the following information should be recorded.

- A brief summary of information.
- Application of the CMM
- Authority to arm (or not) and the time of that decision
- The working strategy
- The tactical parameters
- The tactical options (inc. the preferred option)
- Notification of Tactical Advisor
- Time of arrival of Tactical Advisor
- Amendments to tactical options based on tactical advice
- Notification of Strategic Firearms Commander
- Any changes to strategy as a result of their direction
- Handover to Tactical Firearms Commander and time of transfer of command

12.81 It is appropriate to record this information onto a telephone message as long as the information can be accessed by the firearms department for statistical and quality assurance purposes.

**RECOMMENDATION 6:**

**That Cumbria Constabulary reviews the manner in which their Force Incident Managers contemporaneously record their decisions in respect of authorising the deployment of armed officers.**

**The use of a loggist in more complex incidents would be a particularly useful consideration.**

**The use of a Dictaphone has been a useful means of capturing decisions where the pace of an incident means that the recording of written material is impracticable.**

**12.82 Call Signs**

12.83 Cumbria Constabulary has a call sign structure that identifies patrols to the role that they perform.

12.84 The call signs allocated to officers performing ARV duty are not immediately obvious. Call signs ending in a "0" indicate that the vehicle is being used as an ARV.

12.85 On the 2nd June 2010, staff who were trained Authorised Firearms Officers (AFO's) but, at that time not performing an armed role, were requested to take possession of firearms and create additional ARVs.

12.86 Some were able to access vehicles that are routinely used for ARV duty, whilst others used vehicles that were readily available.



- 12.87 As a result, a mixture of call signs were used which did not support the immediate recognition of them being used by armed officers.
- 12.88 The FIM and Tactical Firearms Commander would not have been able to distinguish which patrols were ARVs and therefore could not gain an accurate appreciation of the armed assets they had at their disposal.

**RECOMMENDATION 7:**

**That Cumbria Constabulary create a readily recognised call sign structure for its resources that more accurately identifies their role, their usual geographic location and most importantly whether they are an armed resource.**

**OBSERVATION 13:**

**That Cumbria Constabulary consider raising the subject of call signs with the ACPO Lead for Airwave Communications. If the UK were to adopt a national call sign structure for specialist roles, any patrol deployed on mutual aid would be immediately recognised.**

**(This would be particularly useful for PSU's, Dog Handlers, DVI Teams, Negotiators, Search Teams and Firearms Officers).**

**12.89 Automatic Resource Location System (ARLS)**

- 12.90 Effective communication between operational police officers and police staff is an important element of an effective command and control system. The majority of operational staff routinely carry a police radio whilst performing their duties and the majority of police vehicles also have a radio fitted within.
- 12.91 All radios are permanently linked to the communication network and ARLS converts this link to accurately identify where each radio is located. The force control room can simply view a map on which all police patrols are displayed. The nearest resources can be identified where there is an incident requiring police attendance.
- 12.92 Cumbria Constabulary do not utilise ARLS.
- 12.93 During this incident, the ability for the FIM and the Tactical Firearms Commander to be able to see the exact location of its patrols, particularly the ARVs, would have been a significant advantage.
- 12.94 Derrick BIRD drove a considerable distance during the incident and at all times Cumbria Constabulary were trying to coordinate its response to intercept him.
- 12.95 Due to the large geographic area and sparsely populated communities, this system would have allowed a live time view on a

map of police deployments over which the latest intelligence on the location of the suspect could be overlaid.

- 12.96 This would have provided a valuable tool to the Tactical Firearms Commander in an extremely complex and fact moving incident.
- 12.97 As a result of this incident Cumbria Constabulary have planned to introduce this system and this fact is presented within the evidence provided to the inquest into this incident.

**RECOMMENDATION 8:**

**That Cumbria Constabulary completes its planned introduction of ARLS.**

**12.98 Helicopter (Air Support) to Cumbria Constabulary**

- 12.99 Cumbria Constabulary does not have its own Air Unit and relies on collaborative arrangements with neighbouring forces. This arrangement involves reimbursing neighbouring forces for Air Support services.
- 12.100 Cumbria has an excellent relationship with the military Search and Rescue service and the Coastguard who operate routinely around the Cumbrian Mountains, lakes and coastline.
- 12.101 Cumbria Constabulary regularly calls upon these organisations to support them when they are dealing with missing climbers and walkers or those taking part in the water based activities on the large expanses of water that exists within the county.
- 12.102 On the 2nd June 2010, Lancashire Constabulary Air Support Unit provided support to Cumbria with the use of their helicopter.
- 12.103 In order for the Lancashire helicopter to fly to West Cumbria, a significant amount of fuel is used simply to reach the coastline towns. This clearly reduces the effective flying time that the service can provide without having to relocate in order to refuel.
- 2.104 Cumbria Constabulary also notified the control room at RAF Kinloss who provide the coordination of military Search and Rescue aircraft. A number of military helicopters were deployed to assist with the police response and in particular to assist with any casualty evacuation.
- 2.105 The military aircraft did not appear to have communication systems that were compatible with the police systems, meaning that they were

not effectively tasked. In fact the majority of the military aircraft landed at Workington and were not further deployed.

- 2.106 Calls to the Ambulance Service also prompted the deployment of the Yorkshire air ambulance service.
- 2.107 The air ambulance was used in a casualty evacuation of Harry BERGER but its potential was not fully realised.
- 2.108 As a result, a significant number of air assets were available to Cumbria Constabulary, but it is clear that these aircraft were not used to maximum effect.

**OBSERVATION 14:**

**Cumbria Constabulary may wish to re-examine the standard operating procedures and interoperability between the various organisations that provide air support within Cumbria.**

**The difficulties that were presented with the use of the helicopters were not unique to the police service. Their primary use was casualty evacuation and therefore the Ambulance Service should play a pivotal role.**

**Visibility for the staff within the various helicopters was particularly poor on the 2nd June 2010. The low cloud made flying particularly difficult. The crews of each of the aircraft should be commended for their perseverance.**

**2.109 Armed response arrangements**

- 2.110 In common with other forces of a similar demographic nature, Cumbria Constabulary's ARV's are not deployed solely on firearms related duties. On a day to day basis their main duties relate to roads policing. The vehicles are however also equipped as ARV's crewed by Authorised Firearms Officers (AFO).
- 2.111 When the vehicle is being deployed in its dual function, firearms are carried within a safe in the vehicle. Authorised access to these firearms relies on the authority of the relevant firearms commander, except where officers 'self authorise' in response to a perceived immediate threat to life.
- 2.112 The majority of police forces in Great Britain now deploy their armed officers with sidearms being worn at all times.
- 2.113 Coincidentally, my own force (West Mercia Police) and Cumbria Constabulary are two of those forces where officers performing an ARV role do not operationally patrol wearing holstered weapons.

- 2.114 The fact that Cumbria Constabulary does not deploy its ARV's in this way had no bearing on the outcome of this incident.

**OBSERVATION 15:**

**That Cumbria Constabulary take the opportunity to reassess its position with regards to the overt carriage of firearms by its ARV crews.**

- 2.115 NB. West Mercia Police is also reviewing its position on routine arming.

**2.116 Accreditation of the Firearms Commanders**

- 2.117 As one of the most significant members of staff involved with the management of the firearms response on the 2nd June 2010, I have examined the training and experience of the FIM to ensure compliance with policy and procedure.

- 2.118 It is clear that the FIM is very experienced and has worked within the control room for many years.

- 2.119 The FIM has successfully completed the original courses that were required to enable him to manage firearms operations.

- 2.120 The role of the Tactical Firearms Commander has evolved over the years and some significant amendments have been made to the role and the way it is conducted.

- 2.121 On the 1st November 2009 the previous Manual of Guidance that was used to manage firearms operations was replaced by The ACPO Manual of Guidance on the Management, Command and Deployment of Armed Officers.

- 2.122 Greater emphasis was placed on the Tactical Firearms Commander to manage a firearms incident and to provide the armed officers with clear tactics and command during every aspect of the operation.

- 2.123 As per national guidelines, Cumbria Constabulary updated every firearms commander with the training in relation to the new manual as part of their re-accreditation process.

- 2.124 The FIM who was on duty during this incident was due to leave his current role within the Control Room and so did not attend the training.

- 2.125 For personal reasons that have no relevance to the review process, the FIM did not leave his current role and as a result, continued to perform his role without the advantage of the additional training.

**RECOMMENDATION 9:**

**Cumbria constabulary should instigate a process for monitoring the accreditation retraining of all Firearms Commanders so as to ensure that all accreditations remain current.**

## **SECTION 13**

### **RELEVANT BACKGROUND INFORMATION IN RELATION TO DERRICK BIRD**

13. Derrick BIRD was born in Whitehaven on 27th November 1957 and was, therefore, 52 years of age at the time of this incident. He lived at 26 Rowrah Road, Rowrah, West Cumbria. He owned this property and had no outstanding mortgage.
- 13.1 Derrick BIRD had lived with his partner between 1978 – 1994 during which time they had two children.
- 13.2 Derrick BIRD had always lived in Cumbria and was educated at local schools before taking various employment opportunities within the county.
- 13.3 A valid question that has been raised within the media following this incident is whether Cumbria Constabulary should have known about the risks posed by Derrick BIRD and whether they missed any opportunity to prevent the events of 2nd June.
- 13.4 To answer this, the review has sought to establish all previous contact that Derrick BIRD has had with Cumbria Constabulary in order to identify if there had been any opportunities for them to recognise the potential risks that he posed. This will obviously include the contact during which the firearms and shotgun licences were granted and renewed.
- 13.5 The following summary outlines each occasion that records will show that he had any contact with the police service.
- 13.6 Assaults / Road Traffic Collisions/Crimes**
- 13.7 Between 24th and 25th March 1998, Derrick BIRD'S car was stolen from outside his house. The vehicle was subsequently abandoned nearby. No-one was convicted for this offence.
- 13.8 On 21st February 1999, three youths made off from his taxi without paying; one was caught and later convicted.
- 13.9 On 4th October 2002, Derrick BIRD was assaulted outside Fusion Nightclub in Workington. He claimed to have been kicked in the face after being knocked to the floor by the offender. He had a broken nose and a swollen upper lip. He later withdrew his complaint as he did not wish to attend court.

- 13.10 On 7th October 2007, Derrick BIRD was assaulted by passengers from his taxi. He had a laceration to his head which required medical attention. He also had broken dentures and a chipped front tooth and suffered a bruised right shoulder. He was admitted to hospital overnight. A suspect was charged and convicted for this offence.
- 13.11 On 15th February 2008, Derrick BIRD reported damage to his taxi whilst outside Shakers on Duke Street, Whitehaven. A suspect was charged and convicted for this offence.
- 13.12 On 28th May 2009, Derrick BIRD attended the Accident and Emergency Department at West Cumberland Hospital after a road traffic collision. He had pain to the right side of his neck and shoulder. He was diagnosed with a sprained neck and discharged. On 3rd June 2009 he requested a physiotherapy assessment in relation to an accident claim.
- 13.13 There is no indication that during the timeframe of these incidents Derrick BIRD was suffering any breakdown of his mental health. There is no reference within the Cumbria Constabulary records that any police officers who had dealings with Derrick BIRD as a result of these incidents, raised or documented any concerns about his emotional or mental state.

**13.14 Medical**

- 13.15 The investigation team have identified that in 1994, Derrick BIRD began to suffer from back pain whilst subcontracting as a joiner. This is why he changed his employment and became a taxi driver.
- 13.16 As a result of the two assaults and the road traffic collision referred to above, Derrick BIRD was treated at West Cumberland Hospital, Whitehaven.
- 13.17 On 31st January 2008, he saw a Doctor as he was feeling stressed following the assault in 2007 and felt under pressure to keep working. He disclosed he was getting flashbacks and there was an ongoing court case. He stated it had affected his work and he was finishing early on Friday and Saturday nights. He also stated that he thought about the incident daily and had flashbacks most days.
- 13.18 On 23rd February 2010, Derrick BIRD attended his Doctors complaining of losing his sense of smell, which had been getting progressively worse over the previous ten months. He received nasal spray and antibiotics.
- 13.19 On 11th May 2010, he attended his Doctors again complaining of loss of smell. He received a different nasal spray and antibiotics and was

referred to an ear nose and throat specialist. He also reported feeling “down” on this visit.

13.20 Derrick BIRD was due to attend an Ear Nose and Throat Surgery on 23rd July 2010.

13.21 Cumbria Constabulary had no knowledge of any detail within these consultations with his GP or local hospital. Currently there is no requirement for Health Officials to be alerted to the fact that a patient holds a shotgun or firearms licence.

13.22 The separate Peer Review into the firearms licensing has made specific recommendations about information sharing between the police service and the medical profession where the patient holds a firearms or shotgun certificate.

### **13.23 Vehicles**

13.24 Derrick BIRD owned a dark grey Citroën Xsara Picasso, Registration Number, ND55ZFC. The vehicle was lawfully owned and maintained and with the exception of the traffic collision previously referred to, his vehicle ownership did not result in any contact with the police.

13.25 All taxi licensing issues were managed by the local licensing authority and again there is no evidence that Cumbria Constabulary were involved in any aspect of this process.

### **13.26 Interests and Hobbies**

13.27 Derrick BIRD was a member of a local diving club and enjoyed his scuba diving. This hobby involved overseas travel to countries such as Thailand.

13.28 In addition, he enjoyed clay pigeon shooting and rough shooting on local farmers’ land.

13.29 I have found no links between this aspect of his life and any interaction with Cumbria Constabulary.

### **13.30 Previous Arrests/Incidents**

13.31 On 16th January 1998, the Police attended a domestic abuse incident at 26 Rowrah Road. No details were forthcoming and both parties were drunk. There were no complaints and no arrests were made.

13.32 On the 15th November 1999, Derrick BIRD was arrested for demanding money with menaces but no further action was taken.

### **13.33 Previous convictions**



13.34 In July 1990, Derrick BIRD was arrested for theft and handling stolen items from BNFL Sellafield, where he was employed. His employment was terminated and he received a suspended sentence at Carlisle Crown Court.

13.35 He also had one previous conviction for driving with excess alcohol.

**13.36 Firearms licensing**

13.37 Derrick BIRD had been initially granted a shotgun certificate on 19th November 1974. This certificate was continuously renewed up until his death.

13.38 He was subsequently issued with a firearms certificate on 21st March 2007.

13.39 The Firearms certificate was issued with the authority to purchase a .22 rifle and a .22RF sound moderator.

13.40 The licensing conditions restricted the quantity of ammunition that could be held and Derrick BIRD was authorised to purchase a maximum of 500 rounds of ammunition in any single transaction and could hold a maximum of 1500 rounds of ammunition at any one time.

13.41 On 27th March 2007 Derrick BIRD bought a .22 rifle, a sound moderator, a 10 shot magazine and 500 rounds of .22 rim fire ammunition.

13.42 As a result of these purchases, on the 2nd June 2010 Derrick BIRD was known to have lawful possession of;

- a 20 Gauge Breda shotgun, single barrelled, with a serial number of 041906,
- a 12 Gauge Winchester over and under shotgun with the serial number K435377
- a 12 Gauge Fisher side by side shotgun with the serial number 33188.
- a .22LR rim fire calibre bolt action rifle fitted with a telescopic sight and a 10 round magazine.

13.43 On 9th May 2007, Derrick BIRD purchased 400 rounds of .22 ammunition.

- 13.44 On 30th April 2009, Derrick BIRD purchased a further 500 rounds of .22 ammunition.
- 13.45 The separate Peer Review had examined the issue of the firearms and shotgun licences and had concluded that Cumbria Constabulary had issued the licences appropriately.
- 13.46 This review does not seek to overlap with the findings of the firearms licensing review.
- 13.47 It is worthy of note that there are no adverse incidents relating to Derrick BIRD'S ownership of firearms that would have any impact on the findings of this report.
- 13.48 The contact between Cumbria Constabulary and Derrick BIRD would have been minimal with regard to his renewal of firearms licences as these are predominantly administrative functions for someone who has already been granted the licences.

**13.49 Derrick BIRD'S Finances**

- 13.50 It would appear that Derrick BIRD had recently become concerned over his finances after he had received letters from Her Majesty's Revenue and Customs (HMRC) who had queries relating to his low declaration of income.
- 13.51 In the weeks prior to the shootings, Derrick BIRD enlisted the assistance of his twin brother, David BIRD.
- 13.52 David had a close friend who was a solicitor, Kevin COMMONS. David suggested that Kevin would be able to assist his brother with his concerns.
- 13.53 Kevin attempted to help but advised him that he would benefit from more specialist assistance from an accountant and recommended someone who he knew, Peter ELLWOOD.
- 13.54 Derrick BIRD appears to have developed irrational fears about being imprisoned for the tax matters and formed the impression that his brother and Kevin COMMONS were conspiring against him.
- 13.55 A meeting was planned for the 2nd June 2010 for Derrick BIRD to meet Kevin COMMONS; he was sure that he would be arrested during this meeting and imprisoned.
- 13.56 Significant detail has been collated with regards to these facts and several friends have described how Derrick BIRD'S behaviour had become irrational in the weeks prior to the 2nd June.

- 13.57 Derrick BIRD had significant savings within his bank accounts and owned his home without a current mortgage.
- 13.58 Mr ELLWOOD, the Accountant, who was recommended to Derrick BIRD, had advised him that he had nothing to fear from the HMRC enquiry and that it was entirely routine.
- 13.59 Importantly, Mr ELLWOOD had informed Derrick BIRD that he would not be at risk of imprisonment and that the worse case scenario would be that the amount of income tax that he had paid would be recalculated and that he would have to pay an additional sum.
- 13.60 Due to the significant savings he had accrued, this should not have caused him any major difficulty.
- 13.61 Mr ELLWOOD had taken responsibility for managing contact with HMRC on Derrick BIRD'S behalf.
- 13.62 Cumbria Constabulary were not in a position to know that his emotional and mental state were showing signs of deterioration and he was losing any sense of perspective and proportion in respect of the HMRC investigation.
- 13.63 The HMRC would have had no cause to inform Cumbria Constabulary of their investigation.

## **SECTION 14**

### **CONCLUSION**

- 14. In response to the question, "Could this have been prevented before it started?" I am satisfied beyond any doubt that Cumbria Constabulary had no opportunity to prevent this incident prior to 2nd June 2010.
- 14.1 Given that Cumbria Constabulary were not made aware of Derrick BIRD'S deteriorating emotional and mental state, the Peer Review team are satisfied that there was no action that could have been taken by the force in preventing him from setting out on his shooting spree.
- 14.2 I am confident that the first opportunity Cumbria Constabulary had to mitigate the threat posed by Derrick BIRD was at 10.13 hrs on the 2nd June 2010 when they received the initial 999 call.
- 14.3 The entire incident from where Cumbria Constabulary were first made aware to the point where Derrick BIRD was last seen alive was only 2 hours. (10:13 am – 12:15 pm)
- 14.4 During this period he had travelled a distance of approximately 52 miles over terrain that he was very familiar with.
- 14.5 By the end of the incident there were in excess of 40 armed police officers actively engaged in the search for Derrick BIRD. The on-duty ARVs were supplemented by officers who were redeployed from Appleby Fair and by mutual aid from the CNC. The review team found that, hearing of the incident, many officers reported for duty from home and assisted in the search.
- 14.6 Throughout the incident police officers saw Derrick BIRD only twice. The first sighting was when the unarmed officers encountered him in Whitehaven at the beginning of the police response. The second occasion was at 11:32 hrs on the A595 between Holmbrook and Ravenglass, when the ARV passed him going the other way. On both occasions officers had no opportunity to stop him.
- 14.7 The Air Unit was actively looking for Derrick BIRD'S vehicle but never had sight of it at any stage during the search.
- 14.8 An incident of this nature will always result in investigation and review in an effort to learn lessons and possibly to apportion blame. I can not imagine any circumstances, under which a post incident review of

an incident of this magnitude, would not expose areas of weakness in the response and make relevant recommendations.

- 14.9 This review has found areas of weakness in the response. For example, there should have been more clarity of command in the early stages. In addition, as both ARVs were in Penrith, West Cumbria did not have armed officers immediately available; however, this incident would have stretched any police force.
- 14.10 Overwhelmingly Cumbria Constabulary staff, whether in the control room or out on the ground, whether armed or unarmed, did their best to prevent Derrick BIRD from causing further harm. The review team is unable to conclude that had these areas of weakness not been present that he would have been stopped any sooner<sup>8</sup>.
- 14.11 We have found examples of bravery, for example, the officers who searched the woods and found Derrick BIRD'S body, and unselfish professionalism, for example, the control room operator who remained at her station despite the fact that her own family were in serious danger. We have also found examples of best practice, for example the individuals who took responsibility to think ahead and 'warn and inform' the public, I have no doubt this saved lives.
- 14.12 Derrick BIRD was responsible for this incident and to answer the Chief Constable's overriding question "was the response of Cumbria Constabulary reasonable under the circumstances?" My response is unequivocally "yes".

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<sup>8</sup> A summary report of where the Review team have recognised good practice and incidents of individual work that is worthy of recognition is attached at Appendix 5

**SECTION 15**

**GLOSSARY OF ACRONYMS**

ACPO	Association of Chief Police Officers
HOLMES	Home Office Large Major Enquiry System
SFO	Specialist Firearms Officers
TSG	Tactical Support Group
AFO's	Authorised Firearms Officers
ARV's	Armed Response Vehicles
PSU's	Police Support Units
DVI	Disaster Victim Identification
ARLS	Automatic Resource Location System
SLP	Self Loading Pistols
RPU	Roads Policing Unit
ANPR	Automatic Number Plate Recognition
FIM	Force Incident Manager
TFC	Tactical Firearms Commander
OFC	Operational Firearms Commander
SFC	Strategic Firearms Commander
Tac Ad	Tactical Advisor
CMM	Conflict Management Model
NPIA	The National Police Improvement Agency
CIA	Community Impact Assessment
STRA	Strategic Threat and Risk Assessment
CNC	Civil Nuclear Constabulary
SOP	Standard Operating Procedures