

Witness Name: Brian Gardner

Statement No: WITN0429001

Dated: 26/03/2026

## THE NOTTINGHAM INQUIRY

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### FIRST WITNESS STATEMENT OF PC BRIAN GARDNER

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I, Brian Gardner, will say as follows: -

#### **Introduction**

1. I am an officer of Leicestershire Police currently serving in the Counter Corruption Unit of the Professional Standards Department.
2. This witness statement is made to assist the Nottingham Inquiry (the “**Inquiry**”) with the matters set out in the Rule 9 Request dated 5<sup>th</sup> February 2026 (the “**Request**”).

#### **Background**

3. I joined Leicestershire Police in October 1998. During my career I have carried out several different roles:-
  - a. 28 October 1998 to 5 April 2009 I was a General Duties Officer latterly at Keyham Lane Police Station;
  - b. 6 April 2009 to 24 June 2012, I was an officer in the Force Intelligence Unit/Special Operations;
  - c. 25 June 2012 to 3 July 2016, I served in the East Midlands Special Operations Unit (EMSOU) Regional Intelligence Unit; and
  - d. 5 July 2016 to present, I have been in the Professional Standards Department Anti/Counter Corruption Unit (CCU).

4. In my current role as a Counter Corruption Officer, I am responsible for investigating allegations of criminal conduct and misconduct involving police officers and staff.
5. My core duties include conducting criminal and misconduct investigations. This involves gathering evidence, intelligence, planning investigations, interviewing subjects and witnesses, report writing and working with partner departments to progress enquiries effectively. I produce reports that present findings that are used in misconduct hearings or criminal proceedings.
6. I support wider investigative and judicial processes by providing evidential material to hearings and or the courts. A key part of my role involves the retrieval and examination of systems data and if necessary, seek confirmation of my findings from the software provider. I also identify, secure and interpret digital material that may evidence inappropriate system use, unauthorised access or other breaches of policy.

#### **Access to NICHE RMS Record of VC by PC Taylor**

7. I have conducted a search for all documents, including screenshots, recordings, and demonstrations, relating to IOPC Operation Penhallow that address whether PC Taylor viewed a tab on the police system on which the existence of the outstanding warrant for VC's arrest would have been visible.
8. No original screenshots or system captures from 2023 are available. However, I exhibit a copy of a recreation of a PowerPoint (from a training database) that was obtained in connection with the Independent Office of Police Conduct (IOPC) [URN: LEPF0000655]. This representation was provided so that the IOPC could understand what the various NICHE screens looked like in general. This product was intended as a starting point so that the IOPC could develop their knowledge and understanding of NICHE RMS. Since this time I have also arranged NICHE training to have been provided to the IOPC so that they could obtain great understanding of Niche.
9. I also exhibit a PowerPoint consisting of 2 slides showing (at Slide 1) VC's linked occurrences (displayed in full screen) this includes the Warrant information and showing

the "Involvement" field highlighted and, at Slide 2, showing the Open Occurrence for the Warrant 22000554223 page with the "Involvement" field highlighted (displayed in full screen) [URN: LEPF0000660].

10. NICHE has been subject to change and update since 2023 and, as a result, the screen shots referred to above may not represent exactly what PC Taylor would have seen when she accessed NICHE RMS.

11. As a result of the NICHE Audit retention periods, I was not able to conduct an audit of my own straight away and as a result a request was made to rebuild the database. On 6th February 2026 I was informed that the Niche audit rebuild was working (Sean Elder-NicheRMS Capability Manager)

12. I have been asked whether PC Taylor opened the Warrant Occurrence on the NICHE record of VC. My response is that I conducted an "Open Record" search of NICHE Occurrence **2000554223 (long ID 9252103200001545865085)** with the user id of "eastmidlands\1965@Leics" and no date range selected. The user id "eastmidlands\1965@Leics" refers to PC Taylor 1965. The audit did not identify any "Open" events.

13. An 'Open' event' is generated when a user has accessed or viewed a Niche record. When an Occurrence has been opened, it provides the person's name, address, date of birth, their involvement, occurrence number, agency, date of the occurrence, status, Summary details, involved police and also the ability to access and/or review the Occurrence Enquiry Log's (OEL's) for the occurrence.

14. Niche Audits rely on the auditor identifying the 25 Digit long ID number for the record they wish to research.

15. I have been asked: 'What information did PC Taylor see in relation to the Warrant Occurrence 22000554223'. I conducted an "Instant Actions" (selecting none of the fields) search of Niche Occurrence 2000554223 (long ID 9252103200001545865085) with the user id of "eastmidlands\1965@Leics" and no date range selected. As a result of this search, I was able to identify a 'brush by' on 24 May 2023 at 23:49 (LEPF0000659).

16. Niche Brush-by of 22000554223 (long ID 92521032000001545865085) does not evidence that the officer opened the Occurrence relating to the warrant (22000554223). The audit record only confirms that the occurrence was 'brushed-by'. This means simply that preview information for Occurrence 22000554223 was available for the officer to view on 24 May 2023 at 23:49.

17. Niche 'brush-bys' occur in a range of situations. Two examples are provided below to illustrate how this can happen during normal system use:

a. **Example** **1:**

When a staff member performs a Niche search for a person (for example, John Smith), Niche may return hundreds of results with that name or similar variations. Each result displays limited preview information. All records shown to the user in the results list are classed as brushed-by, even if the user does not scroll through or view each one individually. The system records these as brushed-bys because the information was available to the user on screen.

b. **Example** **2:**

When a user is viewing a person profile and expands the "Involved Occurrences" tab, Niche displays the first six results by default, starting with the most recent. These six occurrences are classed as brushed-by. The preview information includes Involvement type (such as Wanted on Warrant or Arrested), Niche reference number, agency, date, location, and a summary.

18. It is important to note that what the user may actually have seen can vary depending on factors such as the number of NICHE sessions that were open, other applications open, screen size, the size of the NICHE window, and whether multiple monitors were in use. NICHE RMS manufacturer documentation (Viewing & Extracting NOS Audit Data, Niche RMS v4.30+) defines a brush-by as follows: "Tracks IDs of records that are 'brushed-by', such as those that appear in a search result or other list, i.e. not just limited to those records that are opened."

19. Niche Brush-by of Occurrence 22000554223 (long ID 92521032000001545865085) is the Niche Audit line that identified PC 1965 Taylor's contact with the Warrant Occurrence. Once this date and time were identified, I explored the actions of this user on 24 May 2023 to establish their actions before and after the 'brush by'.
20. PC Taylor conducted a series of Niche sessions on this date. I extracted the Niche Data relating to her shift on the 24 May 2023 (LEPF0000661). This is a top-level audit and identifies high level information. If specific events are required to be drilled down info further this requires further integration through NICHE. I have explored 4 of these events and they are represented by LEPF0000656, LEPF0000662, LEPF0000663, LEPF0000657. The 4<sup>th</sup> expand is LEPF0000657.
21. This data provides context as to what the user was doing on Niche before and after the 'brush by' occurred.
22. LEPF0000663 captures the 'brush-by' from viewing the "Involved occurrences" linked to VC as at 24 May 2023 23:49:40 ds\_GOcclvGPerson\_GPerson\_Browse **long ID 92521032000001545865085** (GOcclvGPerson (Link)).
23. I have been asked to explain the meaning of the running man icon which appears next to NICHE occurrences, the meaning of any other icons which can appear and whether those icons are colour coded. My response is that I have exhibited a copy of an explanatory document showing the meaning of the various iterations of the icon (LEPF0000716).

### STATEMENT OF TRUTH

I believe the content of this statement to be true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

**GRO-B**

Dated: 26/03/2026

**Index to First Witness Statement of PC Brian Gardner**

<b>No.</b>	<b>URN</b>	<b>Document Description</b>
1.	LEPF0000655	OP Penhallow training pack, undated, LEPF
2.	LEPF0000660	Police Generated Resource Activity Report, dated 23/09/2022, compiled by Gardner, Br., re: NicheRMS of VC, Rule 9 Request (sample screenshot) of the relevant page if it had been accessed, Org unknown
3.	LEPF0000656	Audit Batch Report dated 24/05/2023, LEPF
4.	LEPF0000662	Audit Batch Report dated 24/05/2023, LEPF
5.	LEPF0000663	Audit Batch Report dated 24/05/2023, LEPF
6.	LEPF0000657	Audit Batch Report dated 24/05/2023, LEPF
7.	LEPF0000659	User Actions, 24/05/23, Leicestershire Police
8.	LEPF0000661	Police database user document, undated, LEPF
9.	LEPF0000716	NICHE Icon Guide