

IN THE NOTTINGHAM INQUIRY

CLOSING SUBMISSIONS ON BEHALF OF THE CROWN PROSECUTION SERVICE

Introduction

1. These written submissions address the Inquiry's Terms of Reference which require the Inquiry to consider how the Crown Prosecution Service ('CPS') handled VC's case between 13 June 2023 and the commencement of the sentencing hearing on 23 January 2024 including:
 - a. as to charging and acceptance of pleas;
 - b. seeking the relevant information to inform decisions; and
 - c. handling of and communications with the survivors and bereaved families.
2. The CPS welcomes this Inquiry and the important opportunity it has provided to examine the issues arising in VC's case. Throughout the course of the proceedings, the Inquiry has heard evidence from a wide range of witnesses, which has assisted in understanding the relevant facts and decision-making. The Inquiry has also served an important function by providing an opportunity to explain how the criminal justice system operates in practice and particularly in relation to the partial defence of diminished responsibility, a legal concept that is often difficult for those without knowledge and experience of criminal law to understand.

Background

3. The CPS was first contacted about VC's case on 13 June 2023 and, once it was confirmed that the case was unlikely to be terror related, the case was dealt with by East Midlands Complex Case Unit.¹ Mr Murphy, a specialist prosecutor with over two decades of prosecutorial experience, was appointed as the Reviewing Lawyer. On 16 June 2023, Mr Murphy authorised Nottinghamshire Police to charge VC with the murders of Barney, Grace and Ian and the attempted murders of Wayne, Sharon and Marcin.² Given that the advice on charge was undoubtedly correct (and neither the Inquiry nor any Core Participant has sought to suggest otherwise) these submissions will focus on the CPS handling of the case post-charge and, in particular, the decision to accept pleas to manslaughter by reason of diminished responsibility in respect of Barney, Grace and Ian.
4. In VC's case, given his prior history with mental health services, it was immediately apparent that mental health issues may feature in the case (whether in the form of a partial defence on the grounds of diminished responsibility, a defence of insanity or a determination of his fitness to plead). The CPS anticipated that the defence would explore VC's mental state at the time of the attacks and so, on 14 June 2023 quite properly, retained Dr Nigel Blackwood, Professor of Psychiatry at Kings College, London as the prosecution psychiatrist. This ensured that the prosecution secured one of the leading experts in the field renowned for his "*fiercely independent approach*" in cases such as this.³
5. As Section 52 of the Coroners and Justice Act 2009 makes clear, diminished responsibility is a partial defence to murder. It is for the defendant to establish by

¹ WITN0080001_0003

² CPSE0000004. The decision to charge murder and attempted murder was described by HMCPSP as "*beyond reproach*" HMCP0000625_0054

³ WITN0083001_0006-0007 and _0033; WITN0068001_0017; see also HMCP0000587_0003 and HMCP0000581_0030

proving that it is more likely than not (or, in legal terms, ‘on the balance of probabilities’) that the partial defence applies.⁴ The psychiatrists use of the word “likely” in their reports therefore reflects that the burden of proof is on the defendant.

6. It follows that, had the defence not served Dr McSweeney’s report, Dr Blackwood would have been stood down, the partial defence of diminished responsibility would have formed no part of the criminal case and, subject to any other applicable defence, VC would have been tried for murder. In this case, the prosecution was satisfied that VC intended to kill. This does not however mean that diminished responsibility does not apply - the partial defence to murder only operates once the CPS is satisfied that the defendant intended to kill or cause grievous bodily harm. In practice, the case law makes clear that the defence will only be available if a defendant adduces expert evidence of his/her mental state.⁵ Expert evidence is therefore an integral part of the evidential picture in cases where the partial defence does or may arise and so the decision to retain Dr Blackwood was an expedient and sensible one.

Instruction of Dr Blackwood

7. In VC’s case, the Crown Court ordered that any defence psychiatric report be served by 15 September 2023 with a Plea and Trial Preparation Hearing to take place on 31 October 2023. When the deadline for service of the defence report was missed, Mr Murphy, quite properly, chased the defence for an update.⁶ The defence solicitors informed Mr Murphy that the defence psychiatrist, Dr McSweeney, considered that diminished responsibility was available and Dr McSweeney’s report was eventually served on Mr Murphy on 2 October 2023. The defence report was sent to Dr

⁴ In contrast, where the burden of proof is on the prosecution, the prosecution must make the jury ‘sure’.

⁵ Expert evidence was described in Bunch [2013] EWCA Crim 2498 [RLIT0000088] as a “*practical necessity*”. CPS legal guidance makes plain that it is usual for the CPS to then obtain evidence from a further expert (HMCP0000625_0038)

⁶ CPSE0000040

Blackwood later that same morning, which Mr Murphy followed up with a phone call and subsequent letter of instruction.⁷

8. In his instructions to Dr Blackwood, Mr Murphy highlighted a number of pieces of evidence which appeared to demonstrate that VC could potentially form a rational judgement or exercise self-control.⁸ In particular, Mr Murphy asked Dr Blackwood to specifically address VC's phone call to his brother in which VC acknowledged that he had done "*something stupid*", the fact that VC stopped his attempts to break into Seeley Hirst House when a vehicle drove past and the fact that notwithstanding the discussion with his brother, VC went on to attack again. Dr Blackwood was supplied with the police case summary, counsel's case summary, all served prosecution evidence (including the CCTV of the attacks, sequence of events, videos of VC's interviews and messages sent by VC to his brother) and all disclosed unused material (including police reports relating to VC's mobile phone download and fixations on mind-control, his medical and mental health records and material provided by VC's family to doctors in 2020).⁹ As further evidence and disclosure became available, this material was also sent to Dr Blackwood.¹⁰ As Dr Blackwood told the Inquiry, he had "*a wealth of information for this report. - I think we had a very full dataset*" not least 3 years of mental health records.¹¹
9. It has been suggested that more material should have been provided to Dr Blackwood, such as, footage of VC at Thames House in May 2021;¹² 999 calls from

⁷ WITN0083001_0038-0040. Dr Blackwood described the letter of instruction as "*very helpful... (unusual to receive this helpful degree of instruction!)*" CPSE0000790

Given the late service of the defence report, the CPS asked the Court to move the PTPH to w/c 27 November 2023 (CPSE0003339). In due course, the Court listed the PTPH for 28 November 2023.

⁸ CPSE0000153

⁹ CPSE0000011_0004; WITN0083001_0039

¹⁰ WITN0083001_0041

¹¹ INQT0000043 90/7; see also HMCP0000629_0001

¹² Dr Blackwood said he was aware of the footage by the time of the sentencing hearing which confirmed "*his delusional belief about interference by MI5 that he wanted them to desist*" (INQT0000043 16/22-25)

Sebastian;¹³ footage of the assault on PC Pritchard;¹⁴ mental health tribunal documentation¹⁵ and footage of the assault on Christopher.¹⁶ The CPS submits that none of this extra material would have altered Dr Blackwood's conclusions, nor, realistically, could it. Indeed, Dr Blackwood confirmed in his evidence that the additional material he had seen during the Inquiry did not alter his conclusions.¹⁷ He stated, *"Well, they're all helpful pieces of information. The tribunal records, I think, are helpful. The new information about applying to have his surveillance taken away from him is very important information, but it's additional information that I think supports my ultimate conclusion and doesn't cause me to doubt my conclusions."* Similarly, Dr Latham said, *"I don't think any of it has been shown to contradict the overall opinion about both his mental disorder, the nature of his mental disorder, and likely impact of that on his actions."*¹⁸

Instruction of Dr Latham

10. On 21 November 2023, the CPS received Dr Blackwood's report which concluded that the partial defence of diminished responsibility was available to VC. The CPS (including Deputy Chief Crown Prosecutor, Andrew Baxter), prosecution counsel and the police discussed the expert evidence in conference on 23 November 2023. The conference notes make clear that the CPS discussed the case in detail and considered that the experts had come to proper, reasoned conclusions based on all the evidence.¹⁹ The CPS therefore formed the view that (subject to anything contrary

¹³ Dr Blackwood stated he had seen Sebastian's statement (INQT0000043 17/15-16)

¹⁴ Dr Blackwood said he did not think the description of the footage as given to him by CTI was *"countervailing evidence to the fact he's psychotic at that moment"* and stated that even if VC had targeted a male officer in September 2021, on 13 June 2023 he assaulted a female police officer (INQT0000043 20/13-14)

¹⁵ The Tribunal records (PAGR0000016) were not available at the time of prosecution but were obtained by the Inquiry from the Priory Group and disclosed to the CPS on 27 October 2025.

¹⁶ Dr Blackwood stated VC was psychotic during this incident and so his anger at his housemate was in the context of a psychotic illness (INQT0000043 24/1-25/4)

¹⁷ INQT0000044 16/10-25

¹⁸ INQT0000044 33/5-11

¹⁹ CPSE0000194

in the third psychiatric report, which was awaited from the defence), if pleas to manslaughter by reason of diminished responsibility were offered, the pleas would be acceptable.

11. The following day (24 November 2023), the bereaved families were informed that the CPS intended to accept pleas to manslaughter on the grounds of diminished responsibility.²⁰ It was apparent that the Webber family, the O'Malley-Kumar family and Mr Coates' sons were extremely dissatisfied with this news (see chronologies of contact below). The O'Malley-Kumar family raised a number of questions and concerns about the psychiatric findings and the prosecution's proposed acceptance of pleas.²¹ In particular, the family was concerned about:

- a. the length of time between the commission of the offences and the psychiatric assessments conducted by Dr McSweeney and Dr Blackwood;
- b. whether sufficient consideration had been given to how VC was acting at the time of the killings including his presentation in police custody and during interview, including the fact that he was fit to be detained and interviewed. The O'Malley-Kumars considered that these features might illustrate that VC was not suffering from a mental illness at the time of the attacks. As Dr Blackwood explained to H M Crown Prosecution Service Inspectorate ('HMCPSI'), there was no inconsistency between VC being assessed as fit to be detained and the later finding that diminished responsibility was available to him, "[VC] *had psychotic symptoms (hallucinations and delusions) that he could conceal from others at times, and he did that whilst in police custody. That is not uncommon in individuals whose psychosis does not include a disorganised*

²⁰CPSE0000013. The defence psychiatric report from Dr Shaffiulla (CPSE0002368) arrived on the morning of the conference.

²¹ CPSE0007625_0003-0004

component. There was evidence of hallucinations and delusions very early on when in prison.”²²

- c. whether the psychiatric assessments had taken into account the deterioration of VC’s mental health whilst in prison.²³

12. On 27 November a further case conference was held, attended by the Chief Crown Prosecutor (Janine McKinney,) Deputy Chief Crown Prosecutor (Andrew Baxter), Samantha Shallow (Head of the Complex Casework Unit), Michelle Mannion (Deputy Head of the East Midlands Complex Case Unit) and Alan Murphy. Discussions took place regarding the acceptance of pleas and the concerns of the families and it was ultimately decided that Dr Latham would be instructed to review the reports of the first three psychiatrists and to consider whether the conclusions regarding diminished responsibility had been properly reached.²⁴ Dr Latham is an expert with significant experience in diminished responsibility cases, with an excellent reputation for challenging/disagreeing with his colleagues where he considers it appropriate to do so.²⁵

13. It is important to note that Dr Latham was not instructed because the CPS considered that Dr Blackwood and Dr McSweeney’s conclusions were wrong. Indeed, as Alan Murphy’s review of the psychiatric evidence made clear, there was “*nothing*” in any of the reports to suggest that the experts had “*backdated*” their assessment of VC in custody to his mental state at the date of the offences.²⁶ The instruction of a fourth expert was not therefore legally required but was a step taken to address the families’ concerns and to try to provide reassurance that the decision to accept pleas to manslaughter was the proper course on the particular facts of this case.²⁷ This

²² HMCP0000625_0052

²³ CPSE0000039

²⁴ CPSE0000016

²⁵ WITN0068001_0019

²⁶ CPSE0007616_0007

²⁷ WITN0080001_0008-0009, 0017, 0021; HMCP0000589_0005

instruction was in accordance not only with the Bereaved Family Scheme but also with the CPS' utmost wish to try and help the families understand why the acceptance of pleas was appropriate in this case. It was however important to be realistic with the families and explain to them that Dr Latham may very well not come to a different conclusion.²⁸ As is clear from the minutes of the CPS meeting on 27 November 2023 however, had Dr Latham disagreed with the other three experts, the case would have been further reviewed and *"if it meant going to trial on murder, we [CPS] would."*²⁹

14. Dr Latham was provided with all relevant material and, additionally, an email from Dr Kumar raising some specific points to consider.³⁰ In particular, Dr Kumar repeated his concerns that the first three psychiatrists had been influenced by VC's deterioration in custody and he therefore wanted an assessment of VC's state of mind on the day. As a result, it was decided that Dr Latham would not be asked to interview VC to avoid any suggestion that he too had been unduly influenced by VC's presentation in custody.³¹

15. In his report, Dr Latham explained that it was rare for there to be records of a mental health assessment immediately before an offence(s) and so psychiatric assessments invariably involve *"both clinical interviews, and piecing together other sources of information, to attempt to reconstruct a defendant's likely mental state at the relevant time. This process is accompanied by the clinical experience and expertise of mental disorders being utilised so that as well as a data- based approach (using available evidence and clinical assessment) there is a process of considering whether the picture implied by looking at all the evidence is clinically plausible."*³²

²⁸ NGPF0008746_0074

²⁹ CPSE0000405_0003

³⁰ CPSE0003209

³¹ WITN0083001_0047-0048

³² CPSE0000017_00021; Dr Blackwood provided a similar explanation to HMCPSI (HMCP0000629_0001)

16. Dr Latham's report also explained:

- a. Why suspects accused of serious offences "*commonly*" do not have a mental health assessment in custody.³³ It should be noted that Dr Latham's evidence accords with other evidence heard by the Inquiry on this topic.³⁴
- b. Why references to whether VC had 'capacity' misunderstand the test for diminished responsibility.³⁵
- c. That VC's non-engagement with assessments in custody should not be equated with a positive absence of psychotic symptoms.³⁶
- d. The fact that VC was initially abusive on arrest and thereafter calm does not mean VC was mentally well. As Dr Latham made explicitly clear "*The important point is that severely mentally ill people do not necessarily look or behave in a way that allows determination of whether they are in fact ill.*"³⁷
- e. Why it was unnecessary for the psychiatrists to interview Elias Calocane and Ivan **GRO-B** (the security guard at Seely Hirst House).³⁸ Dr Latham noted that the witnesses had provided statements which added to the picture already available but neither witness would be able to provide a medical opinion and so "*interviewing them would not provide anything more useful than has already been provided.*"³⁹ Similarly, Dr Blackwood stated "*Individuals in the grips of a psychotic episode may have intermittent periods of lucidity*

³³ WITN0080001_0021

³⁴ see for example WITN0388001_0003 and INQT0000029 45/21 - 48/20

³⁵ CPSE0000017_0026; See further the evidence of Alex Ruck-Keene KC INQT0000053 2/24-3/18

³⁶ CPSE0000017_0025

³⁷ CPSE0000017_0025

³⁸ This point was raised at the CPS meeting with the O'Malley-Kumar and Webber families on 7 December 2023. Both Dr Blackwood and Dr Latham were asked to address this. On 12 December 2023, Dr Blackwood confirmed why he did not think he needed to speak to those witnesses (CPSE0000166). Both experts explain that psychiatrists sometimes interview family members etc where there is diagnostic uncertainty but in VC's case there was no such uncertainty.

³⁹ CPSE0000017_0027

and appear 'normal' to others (particularly those who are not clinically trained) in brief interactions.”⁴⁰⁴¹

17. Dr Latham concluded that the experts had properly concluded that the partial defence of diminished responsibility applied.

Applicability of Diminished Responsibility in VC's case

18. All expert witnesses are subject to duties to provide the court with objective and unbiased opinions. In VC's case, all four psychiatrists, (Dr McSweeney, Dr Blackwood, Dr Shaffiullha and Dr Latham) concluded that the legal test for diminished responsibility was met. In VC's case, the statutory test was satisfied because the psychiatrists concluded that VC was suffering from an “*abnormality of mental functioning*” arising from his psychotic state at the time of the killings which arose from a recognised medical condition, namely paranoid schizophrenia, which substantially impaired his ability to form a rational judgment and exercise self-control and which was a cause or contributory cause to the killings.

⁴⁰ WITN0308001_0017

⁴¹ In an undated letter, the O'Malley-Kumar family requested that Dr Latham speak with Bill Monteiro (CPSE0009937_0002). As SIO Sanders explains in his witness statement, Mr Monteiro was spoken to as a significant witness and provided a witness statement setting out his interaction with VC on 11-13 June 2023 (NGPF0002282). As is clear from para 16e above, Dr Blackwood and Dr Latham set out why speaking to a witness such as Mr Monteiro would not assist in their assessment of VC's mental state. In relation to Mr Monteiro more broadly, the CPS submits that the fact that Mr Monteiro was subject to an injunction in 2018 banning him from, inter alia, entering various places in Essex, from making drill rap music videos and from associating with certain people online because he was said to be exploiting youngsters for drugs supply is not evidence that goes to VC's mental state on 12-13 June 2023 and does not prove Mr Monteiro was a drug dealer less still that he dealt drugs to VC (see BBC article WITN0289006).

Abnormality of mental functioning arising from recognised medical condition

19. Although the recognized medical condition, paranoid schizophrenia, is not challenged,⁴² it is apparent that some Core Participants question whether VC was suffering from an abnormality of mental functioning at the time of the attacks.

20. Each of the psychiatrists independently agreed that VC was experiencing an abnormality of mental functioning (i.e. psychosis) at the time of the attacks. In reaching their conclusions, the experts triangulated VC's own account with his extensive medical records and the other evidence in the case.⁴³

21. Particular reliance was placed on the witness statement of Elias Calocane (dated 13 June 2023), which described his telephone call with VC at 19:09 on 12 June 2023.⁴⁴ During that call, VC spoke to Elias for 44 minutes about being monitored and how his mind was being controlled.⁴⁵ VC stated that he had 24/7 voices in his head and that they were making threats. He stated that he would send Elias the research documents he had shared with his parents at Christmas. Those documents were subsequently forwarded to Elias by VC at 23:52 on 12 June 2023. The documents contained a note from VC which explained that he had been hearing voices since 2020, as a result of mass surveillance technology. He attached a collection of articles in an attempt to persuade his family that his experiences were not due to mental illness.⁴⁶ At 4:52am, after the attack on Grace and Barney, VC called Elias to check that he had received the documents.

22. In his evidence, Dr Blackwood described Elias Calocane's evidence as being "*incredibly important*" when assessing VC's state of mind at the time of the attacks,

⁴² VC was not suffering from a personality disorder (WITN0073003_0002) and was not malingering.

⁴³ CPSE0000011_0013 -0014, _0023; CPSE0000017_0003 and _0023

⁴⁴ CPSE0000017_0023; CPSE0000011_0013

⁴⁵ NGPF0008987_0001

⁴⁶ INQY0000003_0006-0027

*“it's there before the offences and it's there in the middle of the offences, and both sets of information speak to his psychotic motivation”*⁴⁷. Any suggestion therefore that the psychiatrists did not consider VC's state of mind at the time of the attacks, or that they relied solely on VC's own account and past medical records, is simply incorrect.

23. Furthermore, Dr Blackwood was of the view that given VC's documented history of psychosis from 2020 onwards and his presentation in prison after the offences, it was unrealistic to suggest that VC was not so unwell on the day of the attacks that the partial defence was not available to him.⁴⁸ He said the suggestion that VC was not psychotic in the 90 minutes around the time of the attacks *“does not make sense to me...”*⁴⁹

Substantial impairment

24. One of the issues the Inquiry may be asked to consider is whether the experts were right to conclude that VC's psychotic state substantially impaired his ability to form a rational judgement and exercise self-control.⁵⁰

25. The CPS was alert to the fact that some of VC's behaviour on 13 June 2023 might indicate some ability to form rational judgement and/or exercise self-control. This is precisely why Mr Murphy's instructions to Dr Blackwood explicitly asked Dr Blackwood to address these (non-exhaustive) matters.⁵¹ Dr Blackwood did so and his explanation at para 103 of his report bears repeating:

⁴⁷ INQT0000044 18/8-16

⁴⁸ INQT0000044 21/20-24

⁴⁹ *Ibid*

⁵⁰ Dr McSweeney, Professor Blackwood and Dr Latham all concluded that VC could understand of the nature of his conduct (per s.52(1A)(a) Coroners and Justice Act 2009), but that his psychotic state substantially impaired his ability to form a rational judgement and exercise self-control (s.52(1A)(b) and (c). It should be noted that if any one of those three things applies then, subject to the fourth step, i.e. that VC's schizophrenia was a cause or contributory cause in the killings, the partial defence is available.

⁵¹ INQT0000047 49/5-6; CPSE0000153

*"Those in the grip of a psychotic episode do not necessarily lose all aspects of their rationality: thus, despite the psychosis, he remained capable of seemingly rational behaviours such as slowing for speed bumps or even modifying his breaking and entering behaviours when he considered he may be observed by others."*⁵²

26. Dr Blackwood explained to the Inquiry that VC's behaviour is not profoundly disorganised, but that instead, his psychosis is characterised by distorted reality *"which is why VC does not behave in the way people might ordinarily think."* For example, some people might have expected VC to have exhibited more florid behaviour whilst in police custody whereas in fact, as Dr Blackwood explained, in interview VC displayed a blunted affect (i.e. had no emotional reaction despite the material he was viewing).⁵³ As Dr Blackwood said, the seemingly rational acts did not undermine the conclusion that VC's psychosis caused the offending because *"individuals with reality distortion symptoms, without disorganisation symptoms can appear rational in brief interactions with others. More automatic parts of the behaviour, like slowing for speed bumps, are maintained."*⁵⁴

27. It is important to note:

- a. the fact that VC planned the killings does not mean diminished responsibility does not apply. As Dr Blackwood explained to HMCPSI, *"I found diminished based on both the second and third limb. You have to justify both in your mind separately. Individuals looking from the outside are trying to impose a rational framework to best understand. So this idea that he was engaged in planning and so must be a cold calculated murderer is not right. Yes, he did have weapons and is thinking of harming others when he speaks to his brother*

⁵² CPSE0000011_0023

⁵³ INQT0000043 19/19-23

⁵⁴ INQT0000043 9/11-15

*from London, but this is not planning in the abstract rational sense— he is under the influence of a profound psychosis which profoundly impaired his rational decision making.”*⁵⁵

- b. It has been suggested that some significance attaches to a piece of paper found in VC’s backpack on which the names of three former housemates were written. The suggestion put to Mr Khalil KC was that the note somehow went to either the question of planning and/or VC’s retained responsibility.⁵⁶ Mr Khalil KC explained that he did not see any connection between the note which contained the names of VC’s former flatmates and the assault on Grace and Barney. In any event, in relation to the issue of planning, Mr Khalil KC explained that it was not in dispute that VC had planned to attack stating *“when I prepared the opening in this case, I made it absolutely clear that the Crown’s case was that although the individuals hadn’t been pre-selected, his conduct that night, early morning, involved extensive, comprehensive planning. He had acquired weaponry beforehand, he’d changed his clothing, he’d changed his SIM card, he hid in the shadows. All of this was indicative of planning.”*⁵⁷ Accordingly, even if the note was somehow considered to be evidence of planning (which is not accepted given it bore the names of 3 people who were not attacked on 13 June 2023), it would not and could not have affected any decisions which were made in this case, as the Crown’s case was already that VC had planned the attack. As noted above, the fact that VC planned the attack does not, in this case, affect the availability of diminished responsibility as a partial defence.
- c. the fact that VC chose to kill some people but not others does not mean diminished responsibility does not apply. As Dr Blackwood explained *“The family understandably are preoccupied with the fact that he seems to exert some self-control and rational judgement in not attacking the security guard*

⁵⁵ HMCP0000629_0003

⁵⁶ INQT0000048 66/13-67/20

⁵⁷ INQT0000047 112/6-13

*but for a moment a more rational part of himself may have controlled his actions — who knows exactly why he did not assault that security guard- but the psychosis overwhelms his power to resist voices/delusional thoughts and underpins the fatal assaults.”*⁵⁸

Cause or explanation for the killing

28. The experts all agreed that VC’s abnormality of mental functioning provided an explanation for his conduct.

29. As Dr Latham set out in his report (dated 12 December 2023), “*the partial defence of diminished responsibility is the proper conclusion of each of the experts*” and it would have been “*highly unusual*” for them to have come to any other conclusion. He reiterated this in evidence when he stated that VC’s case was:

*“a classic case of schizophrenia, the symptoms are so classic and so consistent, and the progression of his illness is so typical and, whilst violence of this nature is not typical in people with schizophrenia, the schizophrenia itself is so typical, and that’s what those records provided...but this is such a clear diminished responsibility case for so many reasons, that I think it is very difficult to see how the experts, with the information they had, excepting the questions and the points that have been made about what might have not been there, how they could have reached any other conclusion in this case.”*⁵⁹

Acceptance of pleas

30. Dr Latham’s report was considered by prosecution counsel⁶⁰ in their written advice dated 15 December 2023 and Mr Murphy in his further review dated 17 December

⁵⁸ HMCP0000629_0003

⁵⁹ INQT0000044 54/3-9, 62/13-18

⁶⁰ Mr Khalil KC had 25 years of experience in homicide cases and Peter Ratliff is Junior Treasury Counsel with extensive experience in homicide cases.

2023.⁶¹ As HMCPSI concluded, *“it was clear from the review notes, conference notes, counsel’s advices and email exchanges...that the CPS and counsel had carefully scrutinised whether it was appropriate to accept pleas...”*⁶²

31. Counsel’s advice included reference to the applicable case law, namely R v Brennan [2014] EWCA Crim 2387. In Brennan, the Court of Appeal stated, that where there are *“no other circumstances to consider, unequivocal, uncontradicted medical evidence favourable to a defendant should be accepted by a jury”*. Further, as the Supreme Court held in R v Golds [2016] UKSC 6:

- a. *“It is an important part of the Crown’s function, where the charge is murder and a case of diminished responsibility is advanced, to assess the expert evidence - almost invariably obtained on both sides - and its relationship to any dispute of fact. If it is clear that the defendant was indeed suffering from a recognised medical condition which substantially impaired him in one of the material respects, and that this condition was a significant cause of the killing, the Crown is entitled to, and conventionally frequently does, accept that the correct verdict is guilty of manslaughter on the grounds of diminished responsibility and no trial need ensue. In practice quite a large proportion of verdicts of manslaughter on this ground arise from the Crown taking this responsible course”* (at 48)
- b. *“If the jury is to be invited to reject the expert opinion, some rational basis for doing so must at least be suggested”* (at 49). As counsel rightly concluded, there was no basis for inviting a jury to reject the experts’ opinions in VC’s case.

⁶¹ CPSE0000034; CPSE0000012

⁶² HMCP0000625_0051-0052

32. Following the reviews by the CPS and counsel, on 19 December 2023, the CPS informed, firstly, the families and, subsequently, the Court that the pleas to manslaughter by reason of diminished responsibility were acceptable.⁶³ In her letter to the families, Ms McKinney explained that the CPS had to be satisfied that there was a realistic prospect of conviction on each charge (the evidential test). The letter went on to summarise the law relating to diminished responsibility and the reasons why the evidential test for murder was not met and why the CPS therefore accepted the pleas to manslaughter.⁶⁴ The CPS was aware how painful and upsetting this decision would be, but assessing whether the evidential test is met is a purely legal question for the CPS to determine. A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.⁶⁵

33. In light of the matters set out above, it is submitted that:

- a. Given VC's psychiatric history since at least 2020, it was wholly appropriate for Dr Blackwood to be retained on 14 June 2023.
- b. Once the partial defence had been raised and a defence expert report served, Dr Blackwood was properly instructed and had access to and considered the relevant material in the case.
- c. Dr Latham's report was requested to try to provide reassurance to the families. His conclusions make plain that diminished responsibility was available to VC and that the experts had come to the proper conclusion.
- d. From 2 October 2023 when Dr McSweeney's expert report was served, through to 17 December 2023 when Dr Latham's report was served, the CPS properly

⁶³ WITN0083001_0022

⁶⁴ CPSE0000200; CPSE0000207; CPSE0000209; CPSE0000211

⁶⁵ WITN0080003_0008. The HMCPSI report noted that the use of the word 'consult' in various communications (as opposed to 'inform' or 'explain') had led the families to believe that they should have been consulted over the decision to accept pleas to manslaughter. The HMCPSI report explained that decisions about whether the evidential test was met, were, in accordance with the CPS Code, solely a matter for the CPS. HMCPSI therefore recommended that the CPS review all its guidance to ensure that the terms 'consult' and 'consultation' were used only where appropriate. This recommendation was implemented in full across a number of pieces of CPS guidance, including guidance in homicide cases (INQT0000073 27/10-20)

and thoroughly considered the evidential picture in a number of conferences, reviews and written advices. The decision to accept pleas was not therefore a rushed decision.⁶⁶ The CPS properly analysed all the evidence (including the expert evidence) and applied the relevant law when determining whether the Full Code Test was met.

- e. There was no rational basis for inviting the jury to reject the experts' conclusions.

34. As the HMCPSI report concluded, the decision to accept the pleas was “correct”:

“The CPS could not have proceeded on the murder allegations because of the clear and unambiguous findings of the prosecution and defence psychiatric reports that the offender's actions were because of pure psychosis that substantially impaired his ability to form rational judgments and to exercise self-control. Had the CPS disregarded the Code for Crown Prosecutors and proceeded to trial on the murder charges, it is likely that the judge would have stopped the trial, ruling that, given the psychiatric evidence, a murder conviction would not be one that a properly directed jury could deliver.”⁶⁷

35. The CPS respectfully submits that the HMCPSI review accurately sets out the history, the basis of decision making and fully addresses the concerns raised by families in respect of the CPS analysis of and reliance upon expert evidence, and decision-making as to charging and acceptance of pleas. The CPS properly applied and complied with the Full Code Test and relevant case law.⁶⁸

⁶⁶ The CPS appreciates that from the families' perspectives, following the service of Dr Blackwood's report, the families were provided with a lot of information between c. 24 November and 18 December which may have appeared to them to be 'rushed'. However, from the CPS perspective this was a carefully considered decision that was made over a number of weeks.

⁶⁷ HMCP0000625_0007-0008

⁶⁸ See questions 37 and 38 of the Inquiry's 'Questions to be addressed document'

Intoxication

36. Questions have been raised about the issue of intoxication and whether the lack of toxicology testing had any impact on the availability of the partial defence. As the Inquiry is aware, whilst in police custody, VC refused to provide consent for intimate samples of blood and urine to be taken. Consent is a legal requirement set out in s.62 Police and Criminal Evidence Act 1968. The police would not have required VC's consent to take a sample of his hair but, as Professor Kim Wolff explained in her expert report prepared for the Inquiry, a blood or urine sample would be required to establish or discount recent drug use by VC prior to 13 June 2023.⁶⁹

37. The CPS submits the evidential picture remains clear. There was, and continues to be, a complete absence of evidence to suggest that VC's paranoid schizophrenia or his psychosis at the time of the attacks was linked to or exacerbated by the voluntary intoxication of drink or drugs. No drugs or drug paraphernalia were found on him at the time of arrest, or at any of the properties with which he was associated.⁷⁰ The arresting officers did not note a smell of cannabis on his person when he was arrested. There were no messages on his phone to indicate his involvement in drug use. He had no prior arrests for drug related offences.⁷¹ A number of students who he associated with at university (including those he lived with) have provided witness statements and none ever saw VC using drugs.⁷² VC's family also stated that they did not believe that VC used drugs.⁷³

38. Save for on the one occasion he described to Dr Mirvis (as set out in Dr Mirvis' report dated 14 January 2024 which was prepared for the sentencing hearing), VC denied

⁶⁹ WITN0394002_0017

⁷⁰ WITN0419001_0019

⁷¹ INQT0000045 115/1-116/2

⁷² WITN0151001_0002; WITN0059001_0005; WITN0061001_0006; WITN0062001_0004; WITN0101001_0003

⁷³ WITN0087001_0004; WITN0085001_0003

ever taking drugs. As Karim Khalil KC said, “*And so one description of an historical event of drug taking, albeit with a florid description of consequences, appeared to have no bearing whatsoever on the events that we were concerned with some years later.*”⁷⁴

39. Furthermore, Dr Blackwood explained, VC’s “*mental state abnormalities continued to obtain many months after any such substances would have left his system: that is, even if substance misuse had obtained in the weeks before or on the day in question, his illness was not/ is not reducible to a drug-induced psychosis. The clinical picture is of a major mental illness (paranoid schizophrenia) with an onset and course unrelated to substance misuse.*”⁷⁵ As Dr Blackwood summarised when interviewed by HMCPSI, this was a case of “*pure psychosis.*”⁷⁶

40. Notwithstanding the absence of evidence of drug use, it is important to note that as a matter of law, the consumption of drugs or alcohol does not, in any event, act as a bar to diminished responsibility in cases where a defendant suffers from an abnormality of mental functioning.⁷⁷ In Brennan the defendant admitted that he had been taking cannabis, cocaine and alcohol “*almost continually*” in the preceding 24 hours before he killed his victim. The Court of Appeal nevertheless substituted his murder conviction for manslaughter by way of diminished responsibility, there being unchallenged medical evidence that the partial defence was available to him and no other evidence which, looked at in the round, was at least capable of rebutting the defence.

41. VC’s was not a case therefore which, on the evidence, required the CPS to consider whether the use of drugs affected the decision to accept pleas. There was unchallenged medical evidence that the partial defence was available to him and

⁷⁴ INQT0000047 99/5-8

⁷⁵ WITN0308001_0020

⁷⁶ HMCP0000625_0053; HMCP0000629_0004

⁷⁷ R v Dietschmann [2003] UKHL 10 [RLIT0000089]; R v Joyce Kay (2017) EWCA Crim 647 [RLIT0000090]

there was no other evidence, which, looked at in the round, could rebut the defence. In those circumstances, the partial defence was, as in the case of Brennan, bound to succeed.

DC Beddoe's Report

42. The Inquiry is aware that DC Beddoe's review ('the Beddoe report')⁷⁸ was prepared for the purpose of highlighting features of the evidence that may have strengthened the Crown's submission that VC should be sentenced to a hybrid order (not a hospital order with restrictions). This context is important as the report was not designed nor intended to be an attempt to persuade the CPS to reconsider its decision to accept the pleas to manslaughter.⁷⁹ As DC Beddoe explained in his email sent to the CPS and prosecution counsel on 16 December 2023, "*I did not intend to contest the Diminished Responsibility Manslaughter defence suggested by the reports, just to answer the question posed by Mr Khalil and highlight behaviours which may assist with assessing the degree of responsibility, risk and seriousness for sentencing.*"⁸⁰ It is also important to bear in mind that the report was not written by a lawyer or a psychiatrist, hence the muddled and sometimes interchangeable use of 'capacity' and 'culpability'. The Inquiry has heard evidence that these two concepts are not the same thing (see para 16(b) above). Culpability was clearly a matter for the Judge when deciding on the appropriate sentence.⁸¹

43. The report itself was a review of the evidence and unused material that was already available and had been considered both by the CPS and the psychiatrists and did not raise any new issues.

⁷⁸ NGPF0000474_0001

⁷⁹ CPSE0009524

⁸⁰ *Ibid*

⁸¹ The Sentencing Council guidelines applicable in cases of manslaughter by reason of diminished responsibility require the sentencing judge to assess the level of the defendant's retained responsibility.

44. It has been suggested, erroneously, that the inclusion of the Beddoe report on a sensitive police schedule (also referred to as an MG6D, taken from the name of the form itself) means that the report has in some way been ‘covered up’ or hidden. It may help correct those misunderstandings to set out the disclosure regime.

45. The disclosure regime in England and Wales is governed by the Criminal Procedure and Investigations Act 1996 supplemented by the Code of Practice and the Attorney General’s Guidelines. This regime requires:

- a. Investigators to record any “*material relevant to an investigation*”. The definition of “*material relevant to an investigation*” is broad and includes material of any kind that has been obtained in the course of the investigation (including that generated by investigators) which has some bearing on any offence under investigation, any person being investigated, or on the surrounding circumstances of the case.
- b. Material relevant to an investigation is retained.
- c. Any relevant material which is not relied on by the prosecution as part of its case (known as unused material) is to be revealed to a prosecutor, by the investigator, by listing it on a schedule of non-sensitive unused material (MG6C) or a sensitive schedule of unused material (MG6D). Those schedules are compiled by the police and sent to the CPS for review.
- d. Material is listed on the MG6D if disclosure of it would give rise to a real risk of serious prejudice to an important public interest. This includes a broad range of material and does not solely relate to material relevant to national security. It includes, for example, material given in confidence and material relating to the private life of a witness. Internal communications or reports between the police and the CPS, which are created for the purpose of assisting counsel to prepare submissions for a forthcoming sentencing hearing are plainly sensitive communications. The Inquiry has heard from a number of witnesses that, ordinarily, such communications between police and CPS are not

scheduled at all.⁸² However, if they are to be scheduled, it is “*perfectly proper*”⁸³ to schedule them on the MG6D because “*confidentiality between the police and the CPS, it's obviously an important public interest.*”⁸⁴ Indeed, the Inquiry has seen the Police PII Disclosure Codes, which expressly list “*internal police communications*” as a category of sensitive material⁸⁵

- e. The inclusion of material on an MG6D is therefore part of the established disclosure process. It is not a means of concealing material but rather of highlighting to a prosecutor where material retained by the police falls within a recognised sensitive category.
- f. In accordance with their statutory duty, the CPS review both schedules and decide whether there is material that meets the statutory test for disclosure **to the defence** i.e. whether the material undermines the prosecution case and/or assists the defence case. Any material that meets that test is disclosed to the defence.⁸⁶

46. It is clear that the Beddoe report did not undermine the prosecution case or assist the defence and, accordingly, it was not disclosable to the defence.

47. It is incorrect to assert therefore that the Beddoe report was covered up. It was not disclosable to the defendant in the Crown Court proceedings and was, quite properly, disclosed to this Inquiry. The MG6 disclosure schedules exist solely to reveal material to the prosecutor, the defence and the court. Any suggestion that the report was “hidden” from the families is a misunderstanding of the disclosure regime which

⁸² INQT0000047 57/1-9; INQT0000048 64/3-9 and 64/20-25

⁸³ INQT0000047 69/9-12

⁸⁴ INQT0000045 91/12-14; INQT0000073 56/6-8 and 57/14-17

⁸⁵ CPSE0000077

⁸⁶ Save in exceptional circumstances, where the prosecutor is satisfied that disclosure would create a real risk of serious prejudice to an important public interest. In such cases, an application for Public Interest Immunity may be made.

governs disclosure to the defendant and does not relate to disclosure to any other person.

Communications with the survivors and bereaved

48. Communications with survivors and bereaved families are inevitably case-specific and must be tailored to each family's individual circumstances, needs, and preferences. Families are often required to navigate multiple, overlapping processes at a time of profound grief, including funeral arrangements, the coronial process, police investigations, criminal proceedings, and engagement with a range of other agencies. These processes frequently intersect, creating significant emotional and practical challenges. Against this backdrop, effective communication requires careful judgement as to what information should be shared, when it should be communicated, and how it can be conveyed most appropriately. Given their close relationship with families and their understanding of each family's particular circumstances, Family Liaison Officers (FLOs) are uniquely placed to make these judgements. The CPS therefore places considerable reliance on, and greatly values, the advice and insight provided by FLOs when communicating with families, particularly where the information is legally complex, procedurally significant, or inherently difficult to hear, such as the circumstances surrounding the death or injury of a loved one.

49. It should be noted at the outset that the HMCPSI report found that the CPS had met their obligations to the bereaved families under the Victims' Code of Practice and the Bereaved Family Scheme. In particular, the report noted that "*the prosecution team were committed to delivering the best possible service to the bereaved families and were disappointed that some of the bereaved families were unhappy with the service*

*they had received from the CPS.*⁸⁷ That said, the CPS considers that to look at communications through the lens of whether the CPS got communications ‘right’ or ‘wrong’ is to ask the wrong question; communications are almost invariably capable of further improvement but this acknowledgement does not mean that the original communications were ‘flawed’. For example, having heard the evidence, the Inquiry may consider that providing families with some additional information about the proposed topics to be discussed at any particular meeting may assist some families to make a more informed decision about whether they wish to attend a meeting(s) with the CPS, but it does not follow that the CPS’ communications with the families were ‘wrong’.

50. The Inquiry may also consider that the provision of written information explaining the applicable defence or defences might assist (the topic is further considered after the chronology tables below). This is not to suggest that FLOs cannot explain matters of law but to help the families digest what can be complicated legal matters, the CPS/prosecution witnesses from whom the Inquiry heard agreed, that in addition to meetings (if meetings are requested), the provision of written information about diminished responsibility could assist some families.⁸⁸ The CPS submits that the timing of providing this information will also need to be case specific. For example, it might depend on whether any of the family are likely to be witnesses (as might apply in homicides committed in a domestic context where family might be giving evidence about a background of domestic violence).

51. The section below sets out, chronologically, the communications between the CPS and the families relevant to CPS handling of the case. In VC’s case, given the traumatic nature of the killings and attacks, the FLO logs provide an invaluable contemporaneous account of the information that was communicated, how it was

⁸⁷ HMCP0000625_0070. For the reasons set out at para 3.4 of the HMCPSI report, the report focussed on communications with the bereaved families and not the injured families – see HMCP0000625_0016

⁸⁸ INQT0000047 16/21-17/5; 85/3-22

communicated and the families' wishes and responses to that information. As such, the CPS submits that the Inquiry can rely on the statements and logs from the FLOs as being an accurate and reliable record.⁸⁹

Dr Kumar and Dr O'Malley-Kumar

52. The Family Liaison Log⁹⁰ and the comprehensive witness statements of DC McVey⁹¹ and DC Cutts⁹² contain a detailed chronology of the contact that took place with the O'Malley-Kumar family. The following table summarises the communications that relate to VC's mental health and/or opportunities for the family to meet with the police and CPS to discuss the case.

Date	Contact
16 June 2023	DC McVey informed the family that VC had previously assaulted a police officer 2 years ago whilst police were executing a mental health warrant. ⁹³
16 - 18 June	CPS sent an introductory letter (dated 16 th June, provided on 18 th), offering a meeting with the prosecution team. ⁹⁴ The letter offered to meet at the first court hearing in the Magistrates' Court, the Preliminary Hearing at the Crown Court and/or at " <i>an appropriate time for you.</i> " The family indicated to their FLO that they would like to meet CPS at a later date, TBA. ⁹⁵
21 June	DC McVey provided an update to the family regarding the court hearing the previous day, including the key dates and directions made relating to the service of expert reports. The family stated that they did not wish to know too much at this stage. ⁹⁶
22 August	A meeting took place at the family home with the SIO. The FLO log states: " <i>Supt Sanders answered some questions posed from Sanjoy re mental health of defendant and agreed he would provide a timeline of contact with mental health / police incidents. Sanjoy stated that he would like to know if</i>

⁸⁹ As noted below, there are gaps in DC Johal's records of her contact with the survivors as a result of her records not being retained upon her retirement from Nottinghamshire police.

⁹⁰ NGPF0008746

⁹¹ WITN0370001

⁹² WITN0135001

⁹³ NGPF0008746_0011

⁹⁴ CPSE0000002

⁹⁵ NGPF0008746_0014

⁹⁶ NGPF0008746_0020

Date	Contact
	<i>there were any missed opportunities for MH services to engage with the defendant.” The FLO log goes on to record that the family would like to meet the KC/ CPS in future and that police will “do work around MH if that is raised as a defence – very alive to that as a possibility. Further discussion re mental health... Mental health of defendant overarching concern of Sanjoy and Sinead and any missed opportunities.”⁹⁷</i>
2 October	The SIO informed DC McVey that a psychiatric report had been received from the defence raising the partial defence of diminished responsibility. The SIO asked that the family were informed. ⁹⁸
3 October	DC McVey informed the family that the defence psychiatric report raised the partial defence of diminish responsibility. This was described as “step 1”. “Step 2” was described as the CPS instructing a psychiatric assessment. It was explained that the second psychiatrist may or may not agree with the first and this would determine the path within the criminal justice system of “either a hearing or a trial.” The family explained that they were not ready yet to hear any level of detail relating to the offences. DC McVey explained that once the prosecution psychiatric report was received and the team knows which path the case will take, they would at some point pre-trial / hearing need to hear some detail. The family agreed with the step-by-step approach and stated that as soon as any information was available from the prosecution assessment, they would like to be told. ⁹⁹
26 October	Dr Kumar asked DC McVey if there was any update on the psychiatric assessment. DC McVey confirmed there was no update at that time. In terms of the investigation, Dr Kumar stated that they were still not ready to hear any information, although they were aware that the time was approaching to prepare for court. ¹⁰⁰
10 November	DC Cutts informed Dr Kumar that VC had been transferred from HMP Manchester to Ashworth, a high security unit. Dr Kumar asked for the reason for the move. ¹⁰¹
14 November	DC McVey informed Dr Kumar and Dr O’Malley-Kumar that the reason for VC’s move was due to VC’s deteriorating behaviour and increased paranoia. VC was described as violent and a danger to himself and to prison staff. The FLO log records that: “ <i>This led to discussion re CPS meeting. All agreed for them it would be beneficial for them to have that after the psych report is back. Then CPS will have all the information as to route to court and path to take based on psych assessment outcome.</i> ” ¹⁰²

⁹⁷ NGPF0008746_0028-0029

⁹⁸ NGPF0008746_0035

⁹⁹ NGPF0008746_0036

¹⁰⁰ NGPF0008746_0043

¹⁰¹ NGPF0008746_0044

¹⁰² NGPF0008746_0045

Date	Contact
	Later that day, the CPS emailed DC McVey to ask if the family wished to have a meeting with the CPS and proposed 27 November. DC McVey replied stating that they would like a meeting, once the psychiatric report was received and she would therefore propose 27 th November to the family, as the report was due to be provided by 20 th November. ¹⁰³
15 November	DC Farrell informed DC McVey that Mrs Webber and Dr-O'Malley-Kumar had suggested a joint family meeting. The meeting was arranged for 24 November. ¹⁰⁴
22 November	DC McVey emailed CPS and the SIO setting out the O'Malley-Kumar family's expectations for the meeting. ¹⁰⁵
24 November	A meeting took place between the police, CPS, prosecution counsel, the Webber family, the O'Malley-Kumar family and Mr Hendy.¹⁰⁶ During the meeting, Mr Khalil KC explained that there was no doubt that VC intended to kill and understood the nature of his actions. However, it was explained that the two psychiatric reports agreed that the partial defence of diminished responsibility was available to VC. The third report had arrived that morning and although it had not been considered in detail at that stage, it also agreed that the defence of diminished responsibility was available. Mr Khalil KC provided a summary of the psychiatric reports, the nature of VC's illness and the features necessary to establish the partial defence of diminished responsibility. During the meeting, Mr Hendy asked what evidence there was of drugs or toxicology. The FLO log records that Mr Khalil KC responded: "<i>No suggestion of history of drug induced psychosis. That does not apply here.</i>"¹⁰⁷ Mr Khalil KC explained that as there was no basis to challenge the psychiatric evidence, the pleas would be accepted and went on to explain the court's sentencing powers.¹⁰⁸ Counsel explained that the prosecution would seek a hybrid order, but that the sentence was ultimately a matter for the Judge. The families expressed their clear dissatisfaction with the decision to accept the pleas.¹⁰⁹
24 November	Dr Kumar spoke with DC McVey about the family's concerns that arose from the meeting. Their overarching concern was whether the psychiatrists had assessed how VC presented at the time of the attacks, noting his behaviours prior to and following the attacks. He requested sight of the psychiatric reports and considered that a further psychiatrist should be instructed to assess VC's presentation on the day.

¹⁰³ NGPF0008746_0046

¹⁰⁴ NGPF0008746_0047

¹⁰⁵ NGPF0008746_0047

¹⁰⁶ NGPF0008746_0051-0058

¹⁰⁷ NGPF0008746_0053

¹⁰⁸ NGPF0008746_0054

¹⁰⁹ NGPF0008746_0056

Date	Contact
	DC McVey raised these concerns with the SIO, who contacted the family and then subsequently contacted the CPS to share the family's concerns. ¹¹⁰
27 November	DC McVey emailed Dr Kumar and Dr O'Malley-Kumar stating that at the hearing the following day, VC would enter his pleas but those pleas would not be accepted by the prosecution at that stage. The email stated: <i>"The reasoning behind the CPS decision is as follows: Psychiatric reports. We would like to pause to take you and the other families through the report of the prosecution expert, Dr Blackwood. This will allow us to explain what material he has had access to and what he has considered in coming to his conclusions. At the same time, the CPS will instruct Dr Richard Latham to provide further independent opinion, specifically regarding concerns raised. This will demonstrate the extent to which the defendant's actions on the day, his presentation on arrest and when in custody have been considered. He will be made aware of the material in possession of the prosecution and will be provided with any material he deems relevant to his assessment."</i>¹¹¹ Dr Kumar replied to this email, highlighting a number of points to consider about VC's presentation (see para 11) Dr Kumar asked that these points be raised with CPS and counsel.¹¹²
28 November	PTPH. Pleas entered but not accepted by the Crown. Prosecution counsel stated that given the <i>"nature and sensitivity"</i> of the case, the Crown felt it proper to commission one final report. When defence counsel expressed concern about the basis and need for a fourth report, the High Court Judge said to defence counsel <i>"I'm sure you understand the anxiety of the prosecution and those who have been bereaved ...that all avenues should be explored thoroughly in the light of what your client has admitted he did."</i>¹¹³ Directions were made for service of the fourth expert report. Following the hearing, Dr Kumar called DC McVey and reiterated his concerns that the fourth report should focus on the time of the attacks.¹¹⁴
1 December	DC McVey emailed Dr Kumar and Dr O'Malley-Kumar offering a meeting with the SIO to share <i>"a timeline of the investigation and a timeline of the mental health of the defendant."</i> The email further offered a meeting with the CPS <i>"to go through Dr Blackwood's report"</i> and contained a lengthy explanation of the instructions given to Dr Latham. The email explained that concerns had been raised that the psychiatrists had been unduly influenced by VC's presentation at the time of their assessments and that insufficient regard

¹¹⁰ NGPF0008746_0059

¹¹¹ NGPF0008746_0061

¹¹² NGPF0008746_0061- 0063

¹¹³ HMCP0000590_0007, 0010

¹¹⁴ NGPF0008746_0064

Date	Contact
	had been paid to VC's presentation on the day of the attacks. The email went on to explain that <i>"Dr Latham has therefore been specifically instructed to review the available evidence in the case (or as much of it as in his expert opinion he feels is appropriate), with particular regard to the defendant's presentation on 12-13 June..."</i>¹¹⁵ Dr Kumar replied, noting that his concern was that VC had been deemed to be fit to be detained, interviewed and charged and that none of the professionals who interacted with him in custody raised any concerns about him.¹¹⁶
4 December	The Webber and O'Malley-Kumar families requested a joint meeting in Bristol with police and CPS to discuss the evidence and the psychiatric reports.¹¹⁷
7 December	Meeting between the O'Malley-Kumar family, Webber family, police and CPS. Duration of meeting: 7 hours.¹¹⁸ Samantha Shallow (CPS) explained that the three psychiatric reports provided a partial defence to murder and that she was satisfied that Dr Blackwood had considered VC's presentation on the day. Nevertheless, a fourth report had been sought from Dr Latham who had also been asked to <i>"focus on the day."</i>¹¹⁹ A number of questions were asked and answered about dates that VC had been seen by psychiatrists and whether VC's family members and other witnesses had been spoken to. It was confirmed that police had obtained witness statements and those statements were provided to the psychiatrists. The psychiatrists did not interview family members or witnesses.¹²⁰ Ms Shallow explained that it would be a matter for the experts whether they needed to speak with witnesses but confirmed she would raise this with Dr Blackwood.¹²¹ Diminished responsibility was explained and the next steps were discussed. The CPS made clear that if Dr Latham agreed the partial defence was available, the pleas would be accepted. If he offered a different opinion, this would lead to a trial.¹²² The families were taken through the Sequence of Events and questions were raised as to VC's state of mind and the fact that he was not displaying <i>"odd</i>

¹¹⁵ NGPF0008746_0068

¹¹⁶ NGPF0008746_0069

¹¹⁷ NGPF0008746_0071

¹¹⁸ NGPF0008746_0072 - 0090

¹¹⁹ NGPF0008746_0074

¹²⁰ NGPF0008746_0076 - 0081

¹²¹ NGPF0008746_0083

¹²² NGPF0008746_0076

Date	Contact
	<i>behaviour.</i> ¹²³ Ms Shallow confirmed that the CPS and police had checked and challenged the conclusions of the psychiatrists. ¹²⁴ Mr and Mrs Webber left the meeting at 17:45. Dr Kumar and Dr O'Malley-Kumar remained and were taken through Dr Blackwood's report, including the timeline of VC's previous interactions with mental health services, prior arrests and the warrant for his arrest. ¹²⁵
8 December	Dr Kumar asked DC Cutts to confirm what toxicology was performed on VC. ¹²⁶ D/Supt Sanders replied, noting that VC refused consent for intimate samples so no blood or urine analysis could be performed. ¹²⁷
10 December	Dr Kumar emailed Ms Shallow and D/Supt Sanders attaching a document setting out his concerns that the psychiatrists had not interviewed witnesses and VC was not demonstrating " <i>an altered state of mind.</i> " Dr Kumar also expressed concerns about this being a planned attack and VC showing a level of insight when he spoke to his brother on the night of the attacks. Concerns were also raised about VC's manner of driving – slowing down for speed bumps, stopping at traffic lights etc and his presentation in custody. ¹²⁸
13 December	The Webber and O'Malley-Kumar families met with their respective FLOs, to go through the psychiatric reports of Dr Blackwood and Dr Latham. ¹²⁹ Dr Kumar commented that the doctors were hypothesising and that VC was intelligent and would have researched voices, noting that he had had 3-4 months to do so. His view was that there were no symptoms on the day. Dr Kumar requested that hair samples be obtained for toxicological analysis. ¹³⁰ Dr O'Malley-Kumar expressed a concern that VC could manipulate mental health professionals. It was explained that the CPS would make their decision based on the reports but that the families should expect the CPS to accept the pleas. The option of judicial review was discussed as a means to challenge the CPS' decision. ¹³¹
14 December	DC McVey emailed Dr Kumar and Dr O'Malley-Kumar offering meetings with the SIO and CPS. She enclosed a link to the CPS legal guidance on judicial review of prosecution decisions. ¹³²

¹²³ NGPF0008746_0079

¹²⁴ NGPF0008746_0080

¹²⁵ NGPF0008746_0086 - 0090

¹²⁶ NGPF0008746_0090

¹²⁷ NGPF0008746_0091

¹²⁸ NGPF0008746_0091 - 0094

¹²⁹ NGPF0008746_0098 - 0101

¹³⁰ NGPF0008746_0100

¹³¹ NGPF0008746_0101

¹³² NGPF0008746_0101

Date	Contact
15 December	DC McVey emailed the O'Malley-Kumar family attaching notes of the meetings that took place on 7 and 13 December and a document entitled "Information for family" which contained answers to some of the questions posed during the meetings. ¹³³ This included, <i>inter alia</i> , Dr Blackwood's response as to whether it would assist him to interview Elias Calocane or the security guard at Seeley Hirst House. Dr Blackwood explained that in this case it was not necessary to speak to the witnesses because VC's state of mind was clearly indicated by the written materials VC shared with his family, the accounts obtained from family members and his earlier and later clinical presentations. ¹³⁴ Dr Latham concurred with this view, noting that neither witness would be able to provide a medical opinion and that both had provided " <i>fine detail</i> " in describing their contact with VC. ¹³⁵ It was confirmed that no toxicology was undertaken due to the lack of consent from VC whilst in custody. In addition, his medical records indicate no history of drug use and he continued to experience psychotic symptoms whilst at HMP Manchester. No drug paraphernalia was found in his rucksack nor was any found during the search of his last known address.
18 December	Dr Kumar telephoned DC McVey declining the offer to meet with the SIO and CPS as it would not alter the CPS decision. ¹³⁶ Dr Kumar sent a further email to Ms Shallow and D/Supt Sanders stating that, in the family's view, VC's state of mind on the day of the offences was nothing but conjecture and they disagreed with the experts' views that it was not necessary to interview the witnesses. ¹³⁷
19 December	The CPS letter (dated 18 December) explaining the decision to accept pleas was provided to the family. ¹³⁸ The letter contained an offer to meet with the CPS to discuss the decision. ¹³⁹
15 January 2024	A meeting took place between CPS, counsel, police and the Webber and O'Malley-Kumar families to discuss the sentencing hearing and sentencing options available to the Judge. ¹⁴⁰
23-25 January	The sentencing hearing took place at Nottingham Crown Court. Prior to the hearing, Dr Kumar and Dr O'Malley-Kumar confirmed that they did not wish to speak to the SIO or Mr Khalil KC. ¹⁴¹ At the conclusion of the sentencing

¹³³ NGPF0008746_0103

¹³⁴ HMCP0000405_0001

¹³⁵ CPSE0009084_0002

¹³⁶ NGPF0008746_0105

¹³⁷ NGPF0008746_0107

¹³⁸ NGPF0008746_0110

¹³⁹ CPSE0000200_0003

¹⁴⁰ NGPF0008746_0115-0126

¹⁴¹ NGPF0008746_0137

Date	Contact
	exercise, they again confirmed they did not wish to speak to Mr Khalil KC or CPS. ¹⁴²
29 January	Chief Crown Prosecutor, Janine McKinney wrote to Dr Kumar and Dr O'Malley-Kumar inviting them to attend a meeting on 7 February 2024. ¹⁴³

Mr and Mrs Webber

53. The Family Liaison log¹⁴⁴ and the witness statements of DC Piggott¹⁴⁵ and DC Farrell¹⁴⁶ provide a detailed chronology of the contact that took place with the Webber family. The following table summarises the communications that relate to VC's mental health and/or opportunities for the family to meet with the police and CPS to discuss the case:

Date	Contact
16-18 June	CPS sent an introductory letter (dated 16 th June, provided on 18 th), offering a meeting with the prosecution team. ¹⁴⁷ The letter offered to meet at the first court hearing in the Magistrates' Court, the Preliminary Hearing at the Crown Court and/or at " <i>an appropriate time for you.</i> "
25 July	DC Piggott sent a letter to Mr and Mrs Webber setting out the upcoming court dates and the offer of meetings with the CPS, prosecution counsel and the SIO. ¹⁴⁸
5 September	DC Farrell contacted Mr and Mrs Webber by telephone to discuss the topics for the forthcoming meeting with D/Supt Sanders. Mr and Mrs Webber indicated that they did not wish to know about the post mortem, the forensics or the CCTV, but did wish to know about the defendant, his mental health, the court process, Op Plato and potential outcomes should VC be found to be mentally unfit. ¹⁴⁹

¹⁴² NGPF0008746_0139

¹⁴³ CPSE0000215

¹⁴⁴ WITN0289002

¹⁴⁵ WITN0161001

¹⁴⁶ WITN0167001

¹⁴⁷ HMCP0000150

¹⁴⁸ WITN0289002_0019

¹⁴⁹ WITN0289002_0020. Op Plato is the national police response to a suspected terrorist attack and is designed to coordinate how the police, other emergency services and partner agencies respond to an incident of that nature (WITN0359001_0010)

Date	Contact
12 September	D/Supt Sanders, DC Farrell and DC Piggott met Mr and Mrs Webber at the Webber family home and explained that VC was an ex-student at Nottingham University, who had been in London the previous day and had returned to Nottingham for reasons not known. It was stated that at the PTPH there was a strong possibility that the defence would be asking for psychiatric reports. Mrs Webber asked what the defence was likely to be and D/Supt Sanders stated that police and CPS had no indication of this at the time but would know more on 31/10/2023 (the original date for the Plea and Trial Preparation Hearing). It was explained that VC <i>“had previously had dealings with mental health teams but had been moving around the UK so had not been fully engaging with them of late.”</i> It was further explained that the police <i>“had assisted in the execution of a mental health order” and that the defendant had assaulted a police officer.</i> ¹⁵⁰
2 October	DC McVey emailed Alan Murphy, copying DC Farrell and DC Piggott stating that neither Grace nor Barney’s families intended to attend the PTPH and that both families felt unable to hear any level of detail relating to the offences. She noted that there was a need to prepare the families <i>“whilst respecting their wish to not know too much at this time.”</i> In terms of meeting the CPS, DC McVey stated <i>“we are of the view that that post-PTPH would make sense as we will all know then the direction the case is taking in terms of pleas and defences.”</i> Mr Murphy responded the same day informing the FLOs that the defence psychiatric report had been served that day and that they should speak with police colleagues about a <i>“strategy for communicating the contents of the report to the families.”</i>¹⁵¹
4 October	DC Piggott spoke to Mrs Webber by telephone and informed her that following a psychiatric assessment, the defence were raising the partial defence of diminished responsibility. This was explained as being “step 1.” It was explained that “step 2” involved the CPS instructing an expert and another report will be produced. If the two reports agreed, there would be a hearing and if not, there would be a trial. The FLO log records as follows: <i>“This did not come as a shock to them and they understood this. They did ask if they could see the defence’s report and I explained that I would find out and that at some point they could.”</i> DC Piggott apologised for providing this update one day after it had been provided to the O’Malley-Kumar family. It was explained that the PTPH had been adjourned to the week commencing 27 th November to enable time for the CPS to obtain its report. ¹⁵² The log further records: <i>“Emma also stated that after the hearing or</i>

¹⁵⁰ WITN0289002_0020 – 0021

¹⁵¹ NGPF0008608_0007 - 0008

¹⁵² WITN0289002_0022

Date	Contact
	<i>the trial; whichever it ends up being, they will as a family be putting their energy into finding out why the defendant was out in public; knowing what they now know about his mental health issues and his dealings with the police.”</i> ¹⁵³
9 October	DC Farrell contacted Mr Webber to update him that the PTPH had been adjourned until 28 November 2023, to allow the CPS time to obtain a psychiatric report in response to the defence report.¹⁵⁴ During this call, Mr Webber asked what the partial defence of diminished responsibility meant. DC Farrell stated that she would “ask for a point of reference from the CPS as [she] did not want to make a hash of explaining it in layman’s terms.” In her witness statement, DC Farrell candidly accepts that she cannot find any note to suggest that she contacted Mr Murphy to obtain an explanation or arrange a meeting where diminished responsibility could be explained.¹⁵⁵ The CPS has not identified any email or other record of this request being passed on but when that request was repeated by Mrs Webber (see entry below on 7 November) her request was passed to the CPS (on 13 November) and Mr Murphy responded the same day offering a meeting with the family on 27 November.
7 November	DC Piggott informed Mrs Webber that VC had been moved from HMP Manchester to Ashworth hospital. During the call, Mrs Webber asked about diminished responsibility and the possible outcomes at the PTPH. She asked to speak to someone directly at the CPS who could explain it to her. DC Piggott stated that she would contact the team and arrange this before the PTPH. ¹⁵⁶
13 November	DC Farrell emailed Alan Murphy asking him to set up a meeting to explain the partial defence of diminished responsibility. Mr Murphy responded the same day, offering a meeting on 27 November, noting that Dr Blackwood’s report was due on 20 November but may arrive later than expected. ¹⁵⁷ In the event, Mrs Webber was due to be abroad on 27 November and the meeting was therefore arranged to take place on 24 November. ¹⁵⁸ DC Farrell noted that the O’Malley-Kumar family may seek a similar meeting, but in her view, “we need separate meetings so that each family feel we are responding to their individual needs.” ¹⁵⁹
15 November	Mrs Webber sent a text message to her FLO requesting a joint meeting with the O’Malley-Kumar family: “Have messaged with Sinead and she agrees it

¹⁵³ WITN0289002_0023

¹⁵⁴ WITN0167001_0064

¹⁵⁵ WITN0167001_0064

¹⁵⁶ WITN0289002_0023 - 0024

¹⁵⁷ NGPF0008608_0005- 0006

¹⁵⁸ NGPF0008608_0004

¹⁵⁹ NGPF0008608_0003

Date	Contact
	<i>seems a good idea to include them. It can't be any different for them surely? I may also want [a representative] from Hundred Families or a legal representative...to be present.</i>"¹⁶⁰ Later that day, Mr Webber emailed the CPS asking for Grace's parents to be included in the meeting on 24 November.¹⁶¹
21 November	DC Farrell contacted Mrs Webber to inform her that the CPS and counsel had decided not to invite Mr Hendy to the joint family meeting with the CPS. ¹⁶²
22 November	Mrs Webber contacted DC Farrell and stated that she did not accept the decision not to invite Julian Hendy to the meeting. The CPS confirmed later that day that Mr Hendy could attend. ¹⁶³
24 November	A meeting took place between the Webber family, the O'Malley-Kumar family, the police, CPS, counsel and Mr Hendy. (See previous table). The FLO log records that an explanation was provided as to the partial defence of diminished responsibility and the possible sentencing outcomes, namely a Hospital Order or a Hybrid Hospital to prison Order. It was explained that a whole life order was not an option in cases where the defendant was diagnosed with a mental illness. It was noted that this was a source of disappointment for the families.¹⁶⁴ DC McVey's witness statement and the CPS notes of the meeting make clear that Mr Khalil KC properly and fully explained the legal test for diminished responsibility.¹⁶⁵
28 November	Mr Webber attended the PTPH via CVP. ¹⁶⁶ Following the hearing, Mr Webber told DC Piggott that he did not believe that VC could have been "mad" on the day and must have known what he was doing. DC Piggott explained that in the fullness of time, understanding the psychiatric reports would be key to understanding more about the defendant's mental health both before and after the offences.

¹⁶⁰ WITN0289002_0025

¹⁶¹ CPSE0000782

¹⁶² WITN0289002_0026. The Inquiry heard that the CPS initially declined to allow Mr Hendy to attend as he was a documentary filmmaker and prosecution team were concerned about whether they could have confidential discussions with the families in his presence. (INQT0000047 26/1-16)

¹⁶³ WITN0289002_0027. The Inquiry heard that the Webber family wished for Mr Hendy to attend. Checks were therefore made with the O'Malley-Kumar family who stated that, although they were not aware that Mr Hendy was due to attend, they were content for him to be present. The Chief Crown Prosecutor therefore confirmed that Mr Hendy could attend. (INQT0000047 28/1-8)

¹⁶⁴ WITN0289002_0027

¹⁶⁵ CPSE0000196_0002; WITN0370001_0142 (INQT0000100 57/20-58/3)

¹⁶⁶ WITN0289002_0029

Date	Contact
	Later that day, DC Farrell contacted Mr Webber and stated that, in her view, Mr and Mrs Webber would benefit from some disclosure about the case and the psychiatric reports. She stated that she would raise this with D/Supt Sanders and the CPS.
1 December	DC Piggott emailed Mr Webber offering a meeting with the SIO to share “a timeline of the investigation and a timeline of the mental health of the defendant.” The email further offered a meeting with the CPS “to go through Dr Blackwood’s report.” The email contained a lengthy explanation of the instructions given to Dr Latham stating that “Dr Latham has therefore been specifically instructed to review the available evidence in the case (or as much of it as in his expert opinion he feels is appropriate), with particular regard to the defendant’s presentation on 12-13 June...” ¹⁶⁷
4 December	DC Farrell received a text message from Mrs Webber stating: “We’d like an in person meet with the police and the CPS this week ideally on Thursday afternoon or Friday. Hoping the Kumars will join. Therefore, suggestion for location is Bristol...Over this weekend we have been talking and getting further advice and we have real concerns about how this is being dealt with. Therefore a meeting asap is essential.” ¹⁶⁸
7 December	A meeting took place between the Webber family, the O’Malley-Kumar family, the police and CPS.¹⁶⁹ A detailed summary is provided in the table relating to the O’Malley-Kumar family above. Concerns were also raised about the media reporting on VC’s mental health and the fact that VC must have been capable of rational thought in custody. The families suggested that the psychiatrists should have spoken to VC’s brother in person. A question was raised as to why the CPS informed the families that pleas would be accepted and then subsequently instructed a fourth expert.¹⁷⁰ Ms Shallow explained that the first three reports were sufficient for the CPS to accept the pleas however, she also had a responsibility to listen to the families and the questions they raised about VC’s mental health. The CPS concluded that obtaining a fourth report would give the families more reassurance. Ms Shallow reiterated that the CPS were listening to the families and that they wished to do the right thing and go through the right processes. Questions were raised about how VC could be fit to plead and yet still have the partial defence available to him. Ms Shallow explained the difference between these two legal concepts. Ms Shallow explained that if the fourth report agreed with the first three reports, the pleas would be

¹⁶⁷ HMCP0000647_0002 - 0004

¹⁶⁸ WITN0289002_0030

¹⁶⁹ WITN0289002_0030 - 0034

¹⁷⁰ WITN0289002_0031

Date	Contact
	accepted.¹⁷¹ The families expressed a view that the fourth report was being rushed as the doctor had less time to complete the report than the other doctors. Ms Shallow explained that Dr Latham had been selected because he is known to challenge opinions of other psychiatrists if he disagrees with them. She also explained that Dr Blackwood had been retained at the point of charge, but he was not formally instructed to assess VC until the defence raised the issue of diminished responsibility. Mrs Webber stated that she would not change her mind about the psychiatric reports and that they were deeply uncomfortable with manslaughter.¹⁷² The FLO log records <i>“Ms Shallow assured Emma that she was listening to what she was saying but that she had a statutory obligation to ensure that she prosecuted fairly and that she only wanted to be clear and straightforward about what the way ahead looks like.”</i>¹⁷³
8 December	DC Piggott spoke with Mrs Webber on the telephone and informed her that after she and Mr Webber had left the meeting yesterday, the police had provided further information to the O’Malley-Kumar family about VC’s contact with the police and mental health services since 2020. She was informed that D/Supt Sanders intended to meet the O’Malley-Kumar family the following week to take them through Dr Blackwood’s psychiatric report. Mrs Webber was offered the same meeting but Mrs Webber stated that they <i>“trusted what the O’Malley-Kumars would tell [them] about the report and their thoughts on it”</i>.¹⁷⁴ The FLO suggested that it would help Mrs Webber’s understanding of diminished responsibility if she had the report explained to her but <i>“Emma was adamant at this time that she and David did not want it explained to her.”</i>
13 December	A meeting took place between the Webber and O’Malley-Kumar families and their respective FLOs during which the FLOs read the psychiatric reports of Dr Blackwood and Dr Latham to the families.¹⁷⁵ A question was raised as to why the reports referred to VC as having a <i>“negative PNC.”</i> It was explained that although the police had had prior dealings with him, VC did not have any convictions. The O’Malley-Kumar family raised concerns that the psychiatrists were hypothesising and suggested that a hair sample should be taken from VC to establish if there were drugs in his system. Mr and Mrs Webber left the meeting but the O’Malley-Kumar family remained. Later that evening, DC Piggott called Mrs Webber to provide details of Dr Latham’s report that had been discussed with the O’Malley-Kumars. Mrs Webber stated that she would contact the O’Malley-Kumars

¹⁷¹ WITN0289002_0033

¹⁷² WITN0289002_0034

¹⁷³ WITN0289002_0034

¹⁷⁴ WITN0289002_0034

¹⁷⁵ WITN0289002_0035

Date	Contact
	and receive the update from them instead. It was reiterated that it would be beneficial for her to hear the contents of the report verbatim, but Mrs Webber declined. She was advised that if the families were not happy with the acceptance of the pleas, there was an option to Judicially Review the decision and that further information would be sent to them about this.
14 December	DC Farrell emailed Mr and Mrs Webber providing a link to the CPS Legal Guidance concerning Judicial Review of prosecution decisions. She further offered a meeting with D/Supt Sanders and the CPS to discuss matters. ¹⁷⁶ Mrs Webber declined the proposed meeting. ¹⁷⁷
15 December	DC Farrell emailed Mr and Mrs Webber attaching notes of the meetings that took place on 7 and 13 December and a document entitled "Information for family" which contained answers to some of the questions posed during the meetings. ¹⁷⁸ This included, <i>inter alia</i> , Dr Blackwood's response as to whether it would assist him to interview Elias Calocane or the security guard at Seeley Hirst House. Dr Blackwood stated that he relies on the material gathered by the police, but that if there were significant doubts or questions in his mind, he would seek authority for focussed re-interviews. In this case it was not necessary because VC's state of mind was clearly indicated by the written materials shared with his family, the accounts obtained from family members and his earlier and later clinical presentations. ¹⁷⁹ Dr Latham concurred with this view, noting that neither witness would be able to provide a medical opinion and that both had provided " <i>fine detail</i> " in describing their contact with VC. ¹⁸⁰ In relation to questions raised about toxicology, it was confirmed that no toxicology was taken due to the lack of consent from VC whilst in custody. In addition, his medical records indicate no history of drug use and he continued to experience psychotic symptoms whilst at HMP Manchester. No drug paraphernalia was found in his rucksack nor was any found during the search of his last known address.
18 December	DC Pigott arranged with Mr Webber that the FLOs would travel to their home address to hand deliver a letter from the CPS the following day. The letters were due to be delivered to all families at 1pm, but as Mrs Webber had a pre-existing commitment, it was agreed that the letter would be delivered later that afternoon. ¹⁸¹

¹⁷⁶ WITN0289002_0037

¹⁷⁷ WITN0289002_0038

¹⁷⁸ NGPF0008746_0103

¹⁷⁹ HMCP0000405_0001

¹⁸⁰ HMCP0000405_0002

¹⁸¹ WITN0289002_0039 - 0040

Date	Contact
	The CPS letter contained a detailed explanation of the decision to accept pleas to manslaughter on the grounds of diminished responsibility. ¹⁸² It further invited the family to meet with the CPS to discuss the decision.
19 December	The letter from the CPS was hand-delivered. Mr Webber requested a meeting with prosecution counsel in the New Year to seek assurance that the prosecution was going to try and obtain the best outcome for Barney. ¹⁸³ Mrs Webber raised a number of concerns about the case, including the fact that VC's mental health was not sufficiently established in police custody, the delay between the offences and the examination by Dr Blackwood, the fact that the fourth report was only obtained because the families had " <i>kicked off</i> " and it was considered to be a gesture when the outcome was a foregone conclusion, the entire concept of diminished responsibility as a defence to murder, but not attempted murder and the fact that VC was receiving better "care" than they were receiving as victims. The FLO log records that Mrs Webber was dissatisfied, both with the CPS and the fact that VC was wanted on a warrant. ¹⁸⁴
20 December	Mrs Webber emailed Ms Shallow, D/Supt Sanders, the FLOs and the O'Malley-Kumar family stating that they had "grave concern" about the CPS decision letter, noting that they were left no further opportunity to address concerns that they had regarding the case. She stated that not all their questions had been addressed and therefore they did not consider that the Victim's Code had been adhered to. She stated that as the first contact with the CPS took place on 24 November, they felt "<i>rushed, hastened and railroaded</i>." She asked that the defendant and court not be notified of the decision to accept pleas until the families had had further time to assess their options.¹⁸⁵ DC Farrell contacted Mrs Webber by telephone. Mrs Webber stated that they could have been told sooner if mental health was an issue, not just 4 days before the PTPH. DC Farrell reminded Mrs Webber that the family had been offered information about the case in the weeks leading up to the PTPH and that the change of PTPH date from October to November was to allow for psychiatric reports to be prepared.¹⁸⁶
4 January 2024	Mrs Webber requested a meeting with CPS and counsel the following week. The request was for a joint meeting with the O'Malley-Kumar family. ¹⁸⁷

¹⁸² CPSE0000207

¹⁸³ WITN0289002_0040 - 0041

¹⁸⁴ WITN0289002_0041 - 0042

¹⁸⁵ WITN0289002_0042

¹⁸⁶ WITN0289002_0043

¹⁸⁷ WITN0289002_0044

Date	Contact
15 January	A meeting took place between the Webber family, the O'Malley-Kumar family, police, CPS and counsel to discuss the sentencing hearing. Mr Khalil KC explained what would happen during the hearing and the sentencing options available to the Judge. He advised that he would seek a Hybrid Order. He advised that a Hybrid Order or a Hospital Order would likely lead to VC being detained for multiples of decades. ¹⁸⁸
16 January	David Webber sent an email to D/Supt Sanders, the O'Malley-Kumar family and the FLOs stating that it was reported in the Daily Mail that VC had taken drugs and in September 2022 had been evicted as a result. ¹⁸⁹ D/Supt Sanders replied the following day, stating that the Daily Mail article " <i>on the contrary it supports the proposition of no drug taking.</i> " ¹⁹⁰
17 January	Mrs Webber emailed DC Piggott raising a number of questions, including seeking clarification as to mental health assessments carried out in custody, whether video recordings were undertaken of VC's interviews, whether the first visit he had from a mental health professional was in July, whether VC began receiving medication in September, requesting confirmation of the date he was moved from HMP Manchester into a secure hospital and whether the CPS expert visited him on 14 th November. A further email was sent about VC's " <i>outstanding offence of assault on the police officer.</i> " Mrs Webber asked for confirmation of the date of the offence and the fact that a warrant was outstanding. ¹⁹¹
18 January	DC Piggott spoke to Mrs Webber by telephone to inform her that the CPS had confirmed that Barney's friend would be able to provide a Victim Personal Statement. ¹⁹²
19 January	Officers responded to the various questions sent on 17 January explaining, inter alia, that VC was seen by a paramedic and nurse in custody, his interviews were video recorded and that the outstanding assault on a police officer related to an incident on 3 September 2021, when an officer was executing a warrant under the Mental Health Act. VC failed to appear at court and a warrant was therefore issued for his arrest. At the time of these offences, he had not been arrested. ¹⁹³
23-25 January	Sentencing hearing. At the conclusion of the hearing, Mrs Webber was asked if she wanted to meet with CPS or counsel. Mrs Webber declined. ¹⁹⁴

¹⁸⁸ WITN0289002_0054 - 0055

¹⁸⁹ WITN0289002_0057

¹⁹⁰ HMCP0000454

¹⁹¹ WITN0289002_0058 - 0059

¹⁹² WITN0289002_0067

¹⁹³ WITN0289002_0070 - 0072

¹⁹⁴ WITN0289002_0079

Date	Contact
29 January	Chief Crown Prosecutor, Janine McKinney, wrote to Mr and Mrs Webber inviting them to attend a meeting on 7 February 2024. ¹⁹⁵

James, Lee and Darren Coates

54. The Family Liaison log¹⁹⁶ and the witness statement of PC Baxter¹⁹⁷ provide a detailed chronology of the contact that took place with Ian Coates' sons. The following table summarises the communications that relate to VC's mental health and/or opportunities for the family to meet with the police and CPS to discuss the case:

Date	Contact
17 June 2023	PC Baxter contacted James Coates to discuss a number of matters. James Coates was informed that following the Preliminary Hearing on 20 th June, he would have a meeting with CPS who would provide an update on the case. ¹⁹⁸
20 June	Preliminary Hearing at Nottingham Crown Court. PC Baxter read the CPS introductory letter (dated 16 June) ¹⁹⁹ to James, Lee and Darren Coates and informed them that they could meet with the CPS if they wanted to at any time. ²⁰⁰ Prosecution counsel, Peter Ratliff, and Alan Murphy met with the Coates family prior to and following the hearing and explained that the defence were obtaining a psychiatric report. ²⁰¹ It was also explained that ordinarily the offence of murder carries a mandatory life sentence, but a psychiatric assessment would be pursued to identify any impact this may have had and whether any partial defence applied. It was explained that the CPS do not just accept the findings of reports provided by the defence and that they would instruct a prosecution expert if required. The family were offered further meetings as required with the CPS and the SIO. ²⁰²
14 September	PC Baxter sent a text message to James Coates offering him a meeting with the SIO. Mr Coates replied stating that they did not have any questions for the SIO so did not see a reason to meet.
9 October	PC Baxter contacted James Coates by telephone to inform him that a psychiatric report had been received from the defence which raised a

¹⁹⁵ CPSE0000218

¹⁹⁶ WITN0128002

¹⁹⁷ WITN0168001

¹⁹⁸ WITN0128002_0002

¹⁹⁹ HMCP0000152

²⁰⁰ WITN0168001_0034

²⁰¹ CPSE0000186

²⁰² WITN0168001_0035 - 0037

Date	Contact
	potential defence of diminished responsibility. ²⁰³ As a result, the prosecution team would now instruct a psychiatrist to prepare a report, which may cause the PTPH date to be delayed. PC Baxter explained that the prosecution “ <i>do not just accept the defence report</i> ”, and that the CPS would identify and instruct its own expert and await that report before deciding how to proceed. Mr Coates was asked whether he wished to have a meeting with the SIO. He declined the offer, stating that he was happy to meet at court hearings as this was easier with him and his brothers in terms of booking time off work. ²⁰⁴
6 November	PC Baxter informed James Coates that VC had been moved from HMP Manchester to a secure hospital. During the call, Mr Coates confirmed that he and his brothers intended to attend the PTPH on 28 th November. ²⁰⁵
7 November	PC Baxter spoke to James Coates by telephone. Mr Coates informed her that a friend had told him that VC had a history of mental health issues, was known to the mental health trust and that he had not been attending his appointments or taking his medication and that at his last appointment he had informed staff he wanted to go out and kill people. This was said to be information that had been passed to Mr Coates’ friend by an individual who worked within the Trust. ²⁰⁶
14 November	PC Baxter informed James Coates that VC had been moved from prison to hospital due to his deteriorating behaviour and increased paranoia. She further advised that the prosecution psychiatric report was due to be received the following week so a further update would be provided at that stage. PC Baxter offered a meeting with the SIO and suggested he liaise with his brothers to find a suitable date. ²⁰⁷
21 November	James Coates contacted PC Baxter by telephone to ask if the PTPH would be going ahead. PC Baxter confirmed that it would. PC Baxter enquired about a possible meeting with the SIO and Mr Coates confirmed that he was keen to arrange one but was unsure of suitable dates due to him and his brothers working very long hours. He confirmed that he would suggest some suitable dates and PC Baxter would then make enquiries as to D/Supt Sanders’ availability. ²⁰⁸
23 November	James Coates text PC Baxter informing her that he was still trying to find a suitable date for a meeting. He confirmed that he, his brothers and additional family members would be attending the PTPH on 28 November.

²⁰³ WITN0168001_0069

²⁰⁴ WITN0168001_0070

²⁰⁵ WITN0168001_0076 - 0077

²⁰⁶ WITN0168001_0077 - 0078

²⁰⁷ WITN0168001_0080 - 0081

²⁰⁸ WITN0168001_0081

Date	Contact
	PC Baxter replied offering to have the meeting with the SIO directly after the PTPH. Mr Coates confirmed that this would be convenient for all. ²⁰⁹
24 November	PC Baxter contacted James Coates by telephone to provide him with an update. Mr Coates was informed that psychiatric assessments concluded that VC was suffering from paranoid schizophrenia at the time of the attacks and that accordingly, the defence of diminished responsibility was available to him. PC Baxter informed Mr Coates that this meant that VC could not be found guilty of murder, but would instead be found guilty of manslaughter, as his mental health condition had significantly contributed to him committing the offences. Mr Coates was informed that the CPS would accept the medical opinion and so the likely outcome at court on 28th November would be three pleas to manslaughter and three pleas to attempted murder. It was explained that the Judge would have two sentencing options available to him, either a Hospital Order or a Hybrid (Prison / Hospital) Order. Either way, the defendant would be returned to a secure hospital for whatever treatment was required. PC Baxter states that <i>“Mr Coates was extremely agitated by this update”</i>, noting that he felt <i>“completely let down”</i> and that VC <i>“would just get away with it.”</i> He was also concerned that in a few years, VC <i>“could be out walking the streets”</i>²¹⁰ PC Baxter explained that the psychiatrists were independent and do not work for the defendant, and instead, gave an impartial report. Mr Coates stated²¹¹ that he would prefer to go to trial as there was nothing to lose and PC Baxter explained that it was the CPS who makes the final decision and that they would fully explain their rationale for the decision. Mr Coates was informed that he could raise any questions or concerns directly with the CPS and SIO at court on 28th November. Following this call, PC Baxter contacted Lee Coates (as requested by James Coates) to provide him with the same update. Lee Coates <i>“was extremely agitated”</i> with the update.²¹² He stated that at the previous court hearing he had been informed that <i>“VC would not be out for the rest of his life.”</i> He was also concerned that further “bartering” would take place at court which would lead to the attempted murders being “dropped.” PC Baxter explained that this was not a case of plea “bartering”, but rather the CPS were required to act according to the evidence, medical recommendations and to select appropriate offences. He stated that he could not understand how VC had been able to behave normally between incidents, so he was concerned that VC had <i>“blagged”</i> the professionals. Mr Coates was keen to know what

²⁰⁹ WITN0168001_0083

²¹⁰ WITN0168001_0084 - 0086

²¹¹ WITN0168001_0087

²¹² WITN0168001_0089

Date	Contact
	sentence would be imposed and PC Baxter stated that this question was best directed to King's Counsel at the PTPH. ²¹³
27 November	PC Baxter contacted James Coates by telephone to inform him that at the PTPH the following day, VC would enter his pleas to manslaughter and attempted murder but that these pleas would not be accepted at this stage. This was because the prosecution team would like further time to obtain an additional psychiatric report following the concerns of the families in relation to the previous update. ²¹⁴
28 November:	The PTPH took place at Nottingham Crown Court. Prior to the hearing, Mr Khalil KC, Alan Murphy and D/Supt Sanders met with the Coates family to explain what would happen at the hearing and the reasoning for obtaining an additional psychiatric report. At a meeting following the hearing, the evidence was discussed, diminished responsibility was explained including how and why this had been raised by the defence. Counsel explained the findings of both reports which had determined that the partial defence was available to VC. Lee Coates expressed a view that VC had pulled the wool over the psychiatrists' eyes. Counsel explained that the CPS would be instructing a further psychiatrist in light of the families' concerns. The sentencing options were explained and both the CPS and the SIO offered to meet with the family at another time.²¹⁵ James Coates sent a text message to PC Baxter that evening suggesting 10th December for a meeting with the SIO to go through the evidence.²¹⁶ The meeting was ultimately arranged for 17th December.²¹⁷
17 December	D/Supt Sanders and PC Baxter attended a meeting with James Coates and Darren Coates.²¹⁸ It was explained that VC's mental health began to deteriorate around 2020 and during one of these deteriorations, he assaulted a police officer which was the outstanding matter that had been disclosed earlier in the investigation.²¹⁹ D/Supt Sanders explained VC's movements the day prior to the attacks and a description of the attacks was also provided. It was explained that after VC was arrested, he assaulted an officer in custody. D/Supt Sanders took James and Darren Coates through the psychiatric report provided by Dr McSweeney.²²⁰ He stated that the prosecution team did not just accept that report at face value, they challenged how VC was seemingly able to do normal things such as using

²¹³ WITN0168001_0088 - 0091

²¹⁴ WITN0168001_0093

²¹⁵ WITN0168001_0094 - 0095

²¹⁶ WITN0168001_0095 - 0096

²¹⁷ WITN0168001_0099

²¹⁸ WITN0168001_0102 - 0118

²¹⁹ WITN0168001_0104

²²⁰ WITN0168001_0113

Date	Contact
	trains and withdrawing cash from an ATM. The prosecution also instructed Professor Blackwood who agreed that the partial defence was available. The defence then instructed another psychiatrist, Dr Shaffiullha before the Crown instructed a fourth psychiatrist, Dr Latham. It was explained that Dr Latham formed a clear view that the defence of diminished responsibility was available. He stated that as a result, it was inevitable that the CPS would accept the pleas to manslaughter. ²²¹ The sentencing options were explained and D/Supt Sanders explained that the family were entitled to have a meeting with the CPS. ²²²
19 December	The CPS letter regarding the decision to accept pleas (dated 18 December) was hand-delivered by PC Baxter. ²²³ The letter contained an offer to meet the CPS to discuss the decision. ²²⁴
23-25 January:	Sentencing hearing took place. The family were spoken to by both the SIO and the CPS to ascertain if they had any questions or concerns. ²²⁵ Following the hearing, Lee Coates and Darren Coates were extremely dissatisfied with the sentence imposed and left court immediately without any further discussion. ²²⁶ James Coates made his way to the front steps to undertake a planned interview.
29 January	Chief Crown Prosecutor, Janine McKinney wrote to James Coates inviting him, Lee Coates and Darren Coates to attend a meeting with the CPS on 7 February 2024. ²²⁷

Elaine Newton

55. The witness statement of DC Kimberley provides a detailed chronology of the contact that took place with Ms Newton.²²⁸ The following table summarises the communications that relate to VC's mental health and/or opportunities to meet with the police and CPS to discuss the case:

²²¹ WITN0168001_0115

²²² WITN0168001_0115

²²³ WITN0168001_0121

²²⁴ CPSE0000209_0003

²²⁵ WITN0168001_0133

²²⁶ WITN0168001_0137

²²⁷ CPSE0000217

²²⁸ WITN0246001

Date	Contact
16 June 2023	DC Kimberly informed Ms Newton that VC had been charged and would appear before the Magistrates' Court on Saturday (17 June 2023). Ms Newton confirmed that she did not wish to attend. DC Kimberly informed her that a hearing would take place at the Crown Court and that the CPS had offered to meet with her. Ms Newton confirmed that she would attend the Crown Court hearing. ²²⁹
17 June	DC Kimberly received an introductory letter (dated 16 th June) from the CPS, addressed to Ms Newton, offering a meeting with the prosecution team. ²³⁰ The letter offered to meet at the first court hearing in the Magistrates' Court, the Preliminary Hearing at the Crown Court and/or at " <i>an appropriate time for you.</i> " DI Gould confirmed that the letters could be delivered after the weekend as the families had already been given a vast amount of information.
20 June	Ms Newton attended the Crown Court for the Preliminary Hearing. She met with junior counsel, Peter Ratliff, Alan Murphy, DS Cooper and DCI Dean, who discussed the case and the process for obtaining psychiatric reports, including that " <i>a report for the CPS would be compiled by Dr Blackwood.</i> " ²³¹
26 June	Alan Murphy sent an email to DC Kimberly containing details of the Bereaved Families Scheme ("BFS"). ²³² Ms Newton declined the offer to participate in the scheme and declined the offer to meet the prosecutor. ²³³ DC Kimberley completed the BFS form noting the following reason for declining to participate: " <i>Family have already spoken to the barrister and CPS at the first CC hearing. Elaine is happy to get updates from court hearings and will approach FLO if she feels another meeting with CPS is required.</i> " ²³⁴
3 October	Ms Newton was offered a meeting with the SIO which she declined. ²³⁵
9 October	DC Kimberley contacted Ms Newton by telephone and informed her that a psychiatric report had been obtained which assessed VC as being fit to stand trial, but that diminished responsibility was available. He explained that further psychiatric reports were being obtained and that due to this, the PTPH date may be moved. DC Kimberley offered a home visit with the SIO, but Ms Newton stated that she did not feel the need for a visit at this time, she understood what was happening and would await further updates. ²³⁶

²²⁹ WITN0246001_0033

²³⁰ HMCP0000151

²³¹ WITN0246001_0036

²³² WITN0246001_0038

²³³ CPSE0002501

²³⁴ *Ibid* and WITN0246001_0038

²³⁵ WITN0246001_0048

²³⁶ WITN0246001_0049

Date	Contact
10 October	DC Kimberley emailed Ms Newton to confirm that the PTPH had been adjourned until 28 November as the CPS were obtaining a psychiatric report. ²³⁷
9 November	DC Kimberley contacted Ms Newton's son to inform the family that VC had been moved from HMP Manchester to a secure unit at Ashworth. ²³⁸
24 November	DC Kimberly contacted Ms Newton by telephone and explained that the CPS had now received their psychological (sic) report back, which stated that VC was suffering from paranoid schizophrenia at the time of the attacks. It was explained that the defence may offer pleas to manslaughter by way of diminished responsibility and attempted murder and that if they did so, it was likely the CPS would accept those pleas. ²³⁹ Sentencing options were discussed and Ms Newton stated that she would get more detail on 28 th November when she would speak to the CPS and counsel.
27 November	DC Kimberly emailed Ms Newton advising her of the decision to instruct a further psychiatrist. ²⁴⁰ He also contacted Ms Newton by telephone to inform her of the decision, noting that the CPS would not be accepting the pleas to manslaughter. Ms Newton stated that she was pleased that the CPS were being thorough and she was looking forward to meeting counsel the following day, who could provide her with more detail. ²⁴¹
28 November	The PTPH took place before Nottingham Crown Court. Prior to the hearing, Ms Newton met the CPS and counsel who explained what would happen during the hearing. Following the hearing, counsel met with Ms Newton who confirmed that she had understood the proceedings. ²⁴² Counsel discussed diminished responsibility and explained the purpose of Dr Latham's review, but he was clear that he did not expect the review to alter the Crown's position as regards the acceptance of pleas on the basis of diminished responsibility. ²⁴³
5 December	DC Kimberley emailed Ms Newton providing a lengthy explanation of the instructions given to Dr Latham. The email explained that concerns had been raised that the psychiatrists had been unduly influenced by VC's presentation at the time of their assessments and that insufficient regard had been paid to VC's presentation on the day of the attacks. The email went on to explain that " <i>Dr Latham has therefore been specifically instructed to review the available evidence in the case (or as much of it as in his expert opinion he feels is appropriate), with particular regard to the defendant's</i>

²³⁷ WITN0246001_0049

²³⁸ WITN0246001_0051

²³⁹ WITN0246001_0053

²⁴⁰ WITN0246001_0054

²⁴¹ WITN0246001_0054

²⁴² WITN0246001_0055

²⁴³ CPSE0000199

Date	Contact
	<i>presentation on 12-13 June...</i> ²⁴⁴ The email offered Ms Newton a meeting with the CPS to discuss Dr Blackwood's report. Ms Newton asked for a visit with the SIO (see 4 January entry below) but did not request a meeting with the CPS. ²⁴⁵
19 December	DC Kimberley hand-delivered a letter to Ms Newton from Janine McKinney, Chief Crown Prosecutor, which explained the CPS' decision to accept the pleas to manslaughter on the grounds of diminished responsibility. ²⁴⁶ In addition, DC Kimberley contacted Ms Newton by telephone to discuss the letter and the psychiatric reports. Ms Newton stated that she felt as though <i>"this level of analysis was sapping her energy and said she had always been happy with the police and CPS throughout."</i> ²⁴⁷ Ms Newton sent an email to DC Kimberley stating that she had read the CPS letters and she understood why the decision to accept pleas to manslaughter had been made. ²⁴⁸
4 January 2024	The SIO conducted a home visit with Ms Newton to discuss the law around diminished responsibility, the contents of the psychiatric reports, the rationale for accepting the pleas, VC's mental health history, the timeline of events, police professional standards investigations and sentencing options. ²⁴⁹
18 January	DC Kimberley emailed Ms Newton to explain that psychiatric reports had been prepared for the sentencing hearing, both of which recommended a Hospital Order, but ultimately the decision would be for the Judge. ²⁵⁰
23-25 January	The sentencing hearing took place before Nottingham Crown Court. Prior to the hearing, Ms Newton and her sister met with Michelle Mannion (CPS), Alan Murphy, junior counsel (Mr Ratliff) and D/Supt Sanders who explained the process of the sentencing hearing and what would be involved. Following the hearing, Ms Mannion asked if Ms Newton wished to meet to discuss the sentence and she confirmed that she did not wish to meet. ²⁵¹
29 January	Chief Crown Prosecutor, Janine McKinney wrote to Ms Newton inviting her to attend a meeting on 7 February 2024. ²⁵²
30 January	Ms Newton declined the offer to meet the CPS, noting that she had <i>"a good understanding of the decision making of the case"</i> and that she had <i>"no concerns or questions I wish to discuss."</i> She stated that the letter dated 18 th December was clear and as such, she did not require any further

²⁴⁴ NGPF0007499

²⁴⁵ WITN0246001_0056

²⁴⁶ WITN0246001_0057-0058

²⁴⁷ WITN0246001_0058

²⁴⁸ WITN0246001_0059

²⁴⁹ WITN0246001_0059-0060

²⁵⁰ WITN0246001_0061

²⁵¹ CPSE0000214

²⁵² CPSE0000219

Date	Contact
	clarification. She concluded her email by stating, <i>"Thank you for your support and compassion during this difficult time..."</i> ²⁵³
2 February	DC Kimberley contacted Ms Newton by telephone regarding meetings she had been offered with the Chief Constable and with the CPS. Ms Newton explained that she did not intend to attend the meeting with the CPS. She noted that she had listened to the evidence given at court and she had no complaints regarding the updates she had been provided. ²⁵⁴
25 March	DC Kimberley contacted Ms Newton to discuss the HMCPSI inspection report. Ms Newton stated that she understood the CPS had to act within the confines of the law and for things to change, a new law would need to be passed. She stated that she felt she had been well updated by the CPS via the FLO. ²⁵⁵

Sharon Miller, Wayne Birkett and Marcin Gawronski

56. The Family Liaison logs and the witness statement of DC Johal²⁵⁶ provide more limited detail regarding the contact that took place with the three surviving victims, due to DC Johal's lack of access to her records upon leaving Nottinghamshire Police.²⁵⁷ The following table summarises the communications that are available that relate to VC's mental health and/or opportunities for the families to meet with the police and CPS to discuss the case:

Date	Contact
14 June	DC Johal attended Queen's Medical Centre and spoke to Sharon Miller and Marcin Gawronski. Both were offered a meeting with the Chief Constable, which they declined. ²⁵⁸ Wayne Birkett remained in intensive care at this time.
15 July	DC Johal asked Mr Birkett, Ms Miller and Mr Gawronski whether they wished to meet the CPS or the SIO. ²⁵⁹ All three confirmed they did not, but Mr Birkett indicated that he would consider whether he wished to meet the SIO. ²⁶⁰

²⁵³ CPSE0010001

²⁵⁴ WITN0246001_0065-0066

²⁵⁵ WITN0246001_0069

²⁵⁶ WITN0360001

²⁵⁷ WITN0360001_0011

²⁵⁸ WITN0360001_0012 -0013

²⁵⁹ WITN0360001_0017

²⁶⁰ NGPF0000264; NGPF0009241; NGPF0009323

Date	Contact
16 July	DC Johal emailed Alan Murphy stating that she had spoken to all three surviving victims and, at this stage, none of them would like to meet the CPS. She stated that if they changed their minds, she would let Mr Murphy know. ²⁶¹ DC Johal attached the BFS/1 form to her email in which she recorded that <i>“all three victims are content with the updates provided by the FLO. At this time they do not wish to meet the prosecutor, however, if they change their mind, they will let the FLO know.”</i> ²⁶²
23 August	DC Johal attended Mr Birkett’s home address. Her Daybook contains a list of four points for discussion namely: <i>“meet SIO, meet CPS, obtain MG11/ VRI and visit location of the incident.”</i> ²⁶³ The daybook does not record any further details about the outcome of these discussions.
30 August	Ms Shallow attended a meeting at Radford Road police station, during which D/Supt Sanders informed her that Tracey Hodgson wished to meet him and <i>“likely with CPS too.”</i> ²⁶⁴
8 September	Mr Murphy attended a meeting at Radford Road police station. Following on from the above indication that Ms Hodgson <i>“likely”</i> wanted to meet the CPS, Mr Murphy suggested that Mr Birkett’s family be approached to ask if they wished to meet at the next court hearing, as counsel would also be present. ²⁶⁵ ²⁶⁶
5 October	DC Johal met Sharon Miller and Marcin Gawronski. ²⁶⁷ The witness statement and daybook of DC Johal provide no detail as to the purpose of this visit, or the matters discussed.
9 October	DC Johal provided updates to all three victims regarding the psychiatric report that had been received from the defence. ²⁶⁸
24 November	DC Johal contacted all three victims to read them an agreed form of words. ²⁶⁹ The form of words related to the psychiatric assessments that had been undertaken on VC and their conclusion that VC had been suffering from paranoid schizophrenia at the time of the attacks. As a result of these medical opinions, it was explained that VC cannot be found guilty of murder but instead would be guilty of manslaughter. It was explained therefore that the likely outcome at the PTPH would be 3 guilty pleas to manslaughter and

²⁶¹ CPSE0006150

²⁶² CPSE0000187

²⁶³ NGPF0009619_0004

²⁶⁴ CPSE0000188

²⁶⁵ CPSE0000190

²⁶⁶ In her evidence to the Inquiry, Ms Shallow noted that on 8 September 2023, Mr Murphy followed up the request for a meeting by Ms Hodgson, but no response was received from the police. Ms Shallow accepted that the CPS did not follow it up a second time until 24 November 2023 (see entry for 24 November). INQT0000047 60/2-61/16

²⁶⁷ WITN0360001_0019

²⁶⁸ WITN0284001_0149

²⁶⁹ WITN0360001_0026

Date	Contact
	3 guilty pleas to attempted murder. It was explained that either way, the result would be that VC would go back to a secure hospital. The SIO directed each of the FLOs to ascertain if their families would be attending court and if they wished to meet with the SIO, CPS or counsel.²⁷⁰ All three victims confirmed that they did not wish to attend court on 28th November. Tracey Hodgson stated that they would like to see the SIO, CPS and counsel “<i>but perhaps at sentencing.</i>” It was explained that the sentencing hearing was likely to take place on 16th January 2024. Tracey Hodgson stated that they may wish to attend the sentencing hearing, but Ms Miller and Mr Gawronski confirmed that they did not wish to attend the sentencing hearing.²⁷¹
27 November	DC Johal updated the three victims that VC had been moved to a secure unit. ²⁷²
28 November	DC Johal informed the three victims that VC had pleaded guilty to three counts of attempted murder and three counts of manslaughter, which the CPS did not accept. They were informed that the case was adjourned until January 2024. ²⁷³ They were further informed that an additional psychiatric assessment would be obtained. ²⁷⁴
1 December	DI Claire Gould emailed the FLOs informing them that she could share a form of words with the families in relation to the psychiatric evidence. She also asked the FLOs to ascertain whether the families wished to meet with the SIO and whether they wished to meet with the CPS, or whether they would prefer to await Dr Latham’s report prior to a meeting being arranged.²⁷⁵ DC Johal’s Daybook records that she visited all three victims on 1st December.²⁷⁶ No records are available to ascertain what was discussed on this date.²⁷⁷
20 January	DC Johal visited Sharon Miller who confirmed that she did not wish to attend court.²⁷⁸ The FLO log records as follows: “<i>Sharon stated she does not wish to attend court and I have made arrangements to contact her on Tuesday 23rd and Wednesday 24th January 2024, in order to keep her fully updated. She stated the reason she does not wish to attend is that she does not want to re-live the events of the day and wants to put the matter behind her.</i>”²⁷⁹ DC Johal informed Ms Miller that if she changed her mind, she should

²⁷⁰ NGPF0007496_0003-0004

²⁷¹ NGPF0003141

²⁷² WITN0360001_0020

²⁷³ WITN0360001_0020

²⁷⁴ NGPF0009605; NGPF0009614; NGPF0009952

²⁷⁵ HMCP0000363

²⁷⁶ NGPF0009621_0005

²⁷⁷ WITN0360001_0021

²⁷⁸ WITN0360001_0022

²⁷⁹ NGPF0009607

Date	Contact
	let DC Johal know. Ms Miller was shown the CCTV compilation which she found upsetting. She confirmed that this was the reason she did not wish to attend court. Marcin Gawronski also indicated that he did not wish to attend court. ²⁸⁰
23-25 January	DC Johal attended court with Mr Birkett, Tracey Hodgson, Jordan Birkett and Ian Birkett. ²⁸¹ Prior to the hearing, the family met with Michelle Mannion, Alan Murphy, junior counsel (Mr Ratliff) and D/Supt Sanders who explained the process of the sentencing hearing and what would be involved. Following the hearing, the family met with leading counsel, junior counsel, Michelle Mannion, Alan Murphy and D/Supt Sanders. Mr Khalil KC explained the effect of the sentence imposed and took the family members through the process for treatment, assessment and potential movement to lower categories of secure hospital. He reminded the family of the Judge's comments regarding the unlikelihood of VC being released. ²⁸²
25 January	DC Johal contacted Ms Miller and Mr Gawronski and informed them of the sentence imposed. ²⁸³

Opportunities to meet the CPS

57. It is apparent from the above chronologies that extensive communications took place with each of the families regarding the prosecution of VC. Each of the families received a number offers to meet with the CPS, both at the outset of the case, at moments of key decision making and after the conclusion of the sentencing exercise.

58. Furthermore, it is clear that the approach taken to communicating with each family was tailored to their specific needs and requests. For example, James Coates had indicated that his family preferred to meet the CPS at court hearings, as each family member had booked time off work to attend those hearings. Accordingly, each of the meetings between the CPS and Ian's sons took place at court. Ms Newton indicated that she preferred to receive all information about the case through her FLO and was

²⁸⁰ WITN0360001_0022

²⁸¹ NGPF0009596

²⁸² CPSE0000216

²⁸³ WITN0360001_0023

content to receive CPS updates at court hearings. Her wishes were respected and each of her meetings with the CPS accordingly took place at court.

59. In relation to the Webber family and the O'Malley-Kumar family, the FLOs initially indicated to the CPS that the FLOs' preference would be for individual meetings but once the families expressed a preference for joint meetings, joint meetings were arranged.²⁸⁴ Given the preferences expressed by James Coates (to meet at court) and Ms Newton's expressed desire for privacy, it is respectfully submitted that it would not have been appropriate for the CPS to host joint meetings attended by all bereaved families.²⁸⁵ Instead, the individualistic approach adopted was the correct one in the circumstances. The evidence of the specially trained FLOs and Family Liaison Advisor accords with this approach. For example, DC McVey explained that *"updates to families in my experience should also be tailored around the emotional state of the family and with regard to their wishes as to how much or little information they feel prepared to know at a given time."*²⁸⁶ DCI Gould similarly explained, *"Family Liaison is bespoke (sic) to each family so it can be tailored for their individual needs. I feel therefore that it would have been incorrect of us to have requested invitations to be extended to others to their meeting. Grace and Barney were sadly attacked and died together in the first incident with Ian being attacked afterwards in a different area of the city. There were therefore different evidential facts and information pertaining to the individual attacks and our intention was to sensitively discuss this with the families, guided by when and how much detail they asked to be given."*

60. The surviving victims were each offered the opportunity to participate in the CPS Bereaved Family Scheme, but all declined the offer to do so. On 8 September, Mr Murphy suggested to the police that Ms Hodgson be offered the opportunity to meet with the CPS at the PTPH as counsel would also be present on that date. On 24

²⁸⁴ See above chronology re Webber family: entries dated 13 and 15 November 2023.

²⁸⁵ WITN0246001_0022 -0023

²⁸⁶ WITN0370001_0007

November, Ms Hodgson confirmed that she would like to meet the CPS and the SIO *“but perhaps at the sentencing.”* The first meeting accordingly took place at the sentencing hearing. Mr Gawronski and Ms Miller had expressed clear views that they did not wish to attend court or meet with the CPS. Ms Miller was clear that this was because she wanted to put the matter behind her. Those views were respected.

Communications about VC’s mental health

61. The chronologies also set out the dates when each of the bereaved families received communications about VC’s mental health/ that his mental health would be an issue in the criminal case.

62. After the meeting on 24 November 2023, Dr Kumar asked for sight of VC’s psychiatric reports to help him understand the experts’ conclusions. As the Inquiry is aware, the experts’ reports were evidence in the case and, as is routine, in order to avoid prejudicing any trial and any continuing police enquiries, it was not permissible or appropriate to provide copies of the evidence to anyone other than the parties to proceedings and the court. It was for this reason that the FLOs met with the O’Malley-Kumar and Webber families to go through the psychiatric reports.²⁸⁷

63. It has been suggested during the evidence that the families should have been notified earlier that diminished responsibility was an issue in this case. It is important to bear in mind that whilst it was clear at the outset of the investigation that it was likely that VC’s mental health would feature in the case, it was not inevitable that diminished responsibility would be raised. VC could instead have been assessed as being unfit to plead and/or as having the defence of insanity available to him. Equally, it is not uncommon in criminal proceedings for the defence to serve a psychiatric report

²⁸⁷ Further information about provision of/disclosure of material to third parties can be found on the CPS website – RLIT0000091

which concludes that the defence of diminished responsibility or insanity is available, or that the defendant is unfit to plead, and for the prosecution to obtain reports that reach different conclusions. Some of those issues may then subsequently fall away.

64. Fitness to plead, diminished responsibility and insanity are all complex legal concepts. The Inquiry will wish to consider whether discussing the various elements of each potential issue in the event that they might be raised would be appropriate in every case. In VC's case, it was important to await the conclusions of the independent experts before informing the families of the relevant issue in the case. For example, in his report, Dr Shaffiullha opined that the defence of insanity was available to VC. This is a defence which, if successful, would have resulted in a special verdict of not guilty by reason of insanity. In the event, the defence of insanity was not pursued, but had Dr Shaffiullha's report been received first and had the families been taken through the defence of insanity, it would no doubt have caused a great deal of unnecessary distress. In the event, insanity did not become a live issue in the case, thereby demonstrating that the appropriate time to communicate with families about complex legal concepts is when the evidential picture including all the expert evidence is clear.

65. The CPS provided a written explanation of diminished responsibility to the bereaved families in its letter dated 18 December 2023. By this time, the psychiatric evidence was clear and the decision was made to accept the pleas. The basis of that decision was set out in the four-page letter which explained the legal elements of the partial defence, how those elements were satisfied, the applicable standard of proof and the duty of the prosecution team to apply the Code for Crown Prosecutors. The letter also contained an offer to attend a further meeting with the prosecution team to discuss the decision. It is respectfully submitted that the appropriate time to provide this written explanation was once all the psychiatric evidence had been received. In this case, Dr Latham's report was received on 13 December. The written explanation was provided on 19 December.

66. The Inquiry may wish to consider whether a written explanation of diminished responsibility ought to have been provided before December 2023. When considering this question, it is important to recognise that the CPS interacts with a very broad range of families across England and Wales. Whilst some families may wish to receive information in writing, other families may not or may have additional needs which mean that written communication is not appropriate in their case. Some families prefer face to face communications. Some families simply do not wish to engage with the CPS at all, or not until they are ready to receive information. It is for those reasons that the CPS does not mandate that communication must be in a particular format or that communication must be at fixed points in time in the lifecycle of proceedings. Similarly, for the reasons given above, it is submitted that receipt of a defence psychiatric report cannot always be the trigger for explaining complex legal concepts that may arise in the case.

67. In VC's case, the individual circumstances of each bereaved family further demonstrate why there cannot be a 'one size fits all approach'. For example, James Coates' preferred method of communication was via telephone calls, as he noted that he received too many letters and emails and important information got lost.²⁸⁸ Dr O'Malley-Kumar told the Inquiry how important it was for her to have information put in writing,²⁸⁹ Mrs Webber also stated that she thought information, particularly where the information related to institutional failings/potential failings, should be communicated in writing.²⁹⁰ Sharon Miller did not wish to receive any information at all and her partner, Martin, preferred communication face to face.²⁹¹ Tracy Hodgson expressed a concern to the police that emails were sent to Wayne Birkett, but his brain injury was such that he was unable to reply to them.²⁹² The reality is that each

²⁸⁸ INQT0000038 78/8-12 and 79/8-25

²⁸⁹ INQT0000040 29/8-10 and 78/4-6

²⁹⁰ INQT0000039 28/8-13

²⁹¹ INQT0000041 45/12-24, 52/12-19

²⁹² INQT0000041 17/1-10

family has its own preferences and needs and those preferences and needs can change at different stages of the case. It is for those reasons that the CPS provides a bespoke service to each family, tailored to their individual needs and would urge caution regarding any recommendations that communications should take place in a particular way or at a particular time.

Potential recommendations

68. The Inquiry may be considering whether in some homicide and/or complex cases, bereaved families and/or survivors may be assisted by an independent advisor, to provide advice and to help support them through the criminal justice process. Since their introduction in the mid to late 2000s, Independent Sexual Violence Advisors ('ISVAs') and the Independent Domestic Violence Advisors ('IDVAs') have provided invaluable support to victims and complainants in cases involving serious sexual offences and domestic violence. The Inquiry may therefore wish to examine whether a similar role should be recommended in homicide and/or complex cases, noting in cases of sexual or domestic violence, victims do not have a Family Liaison Officer, whereas bereaved families do. In addition, the CPS' Victim Transformation Programme introduces the role of Victim Liaison Officer to help support victims of crime and so the Inquiry may wish to ensure that any new role would complement the roles that already exist.²⁹³

69. Finally, the thoughts of the CPS remain with Barney, Grace and Ian's families and with Wayne, Sharon and Marcin and their loved ones. Having to revisit the events of 13 June 2023 and all that happened thereafter during the Inquiry's public hearings can have been nothing other than heartbreaking for them. The CPS remains fully

²⁹³ <https://www.cps.gov.uk/careers/victim-liaison>: RLIT0000092

committed doing all it can to assist families in navigating the complexities of the criminal justice system in these most difficult and sensitive of cases.

JACQUELINE CAREY KC

14 August 2026

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