

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921.

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

THURSDAY, 27th JUNE, 1996

Within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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.....

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APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayor (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for individual officers of the Scottish Police Federation, and Lothian and Borders Police.

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I N D E X.

	<u>Page.</u>
DAVID JOHN PENN, Examined by Mr. Bonomy.....	4
JOHN ANDERSON (Recalled), Examined by Mr. Bonomy.....	54
JOSEPH JACKSON, Examined by Mr. Campbell.....	58
Cross-examined by Mr. Taylor.....	62
Cross-examined by Mr. Lake.....	64
Re-examined by Mr. Campbell.....	65
DAVID JOHN COOKE, Examined by Mr. Lake.....	66
Cross-examined by Mr. Campbell.....	107

THURSDAY, 27th JUNE, 1996.

TWENTY-SECOND DAY.

LORD CULLEN: Yes, Mr. Bonomy?

MR. BONOMOY: Thank you, sir. The first witness this morning is David John Penn

DAVID JOHN PENN, (51), Sworn,

EXAMINED BY MR. BONOMOY: Can you tell us first of all what your job is? - I am the Keeper of the Department of Exhibits and Firearms at the Imperial War Museum.

How long have you been doing that? - I have been Keeper of Firearms since 1974.

Your interest in firearms is obviously professional. Is it a professional interest that first involved you with firearms? - No, I started shooting very early in life. I first fired a firearm when I was five years old. I first owned my own air weapon at 11 and I have been seriously involved in target shooting and increasingly for competition purposes since I was 13.

Are you a member of a shooting club? - Yes.

Which club? - Marylebone Rifle and Pistol Club, the National Rifle Association and various other ones.

Is the Marylebone Pistol and Rifle Club a big club? - Yes, it has about 330 members.

Is that typical of rifle and shooting clubs? - It is a little larger than many of them but in other ways it is typical.

Is it also a social club? - Yes.

Can you tell us something of the social element? - The club has attached to it a large area where people may sit, have a light meal, discuss matters of the day, read journals and magazines/

magazines and most of them talk about shooting and related interests. They will arrange visits occasionally to places of interest for the members.

We have heard descriptions in this Inquiry of clubs of a quite different nature which are little more than tin huts on a hill. Do you know what the whole range of shooting club premises is throughout the United Kingdom? - They vary. Some clubs, and I would say this is an increasing tendency, will if they can afford it acquire their own premises. For pistol clubs that is reasonably straightforward. Most competition shooting takes place at 20 yards or 25 metres so you can build entirely enclosed premises which are perfectly safe in any environment, including the urban environment. The Marylebone Club is in fact under a major office building in the City of London. There are, however, many clubs which use other ranges. They might either use another club or association range. For example, the National Rifle Association ranges at Bisley are used as their home range by a whole variety of clubs in the south-east of England. Very commonly, military ranges, Ministry of Defence ranges, will be hired by civilian clubs for target shooting practice. This is extremely well established, going on very much since the inception of modern military ranges in the late 19th Century.

You have been describing there indoor and outdoor ranges. Can you say how much of handgun shooting is carried out outdoors? - Quite a lot. You can shoot competitions by and large either indoors or outdoors, the exception being the 50 metre precision events. There are very few indoor 50 metre ranges so it is almost exclusively an outdoor sport. They can be shot indoors or outdoors but it is largely a matter of availability of the ranges.

Now, you are on the Council of the British Shooting Sports Council? - That is correct, I am Chairman of the Technical and Research Committee.

The Council itself is an umbrella organisation? - Yes.

For how many other organisations? - Most of the members of target shooting and gaming shooting organisations in this country. I could go through/

through them if you wish.

No, we heard evidence yesterday about an organisation called the Scottish Target Shooting Federation. Are they a distinct body? - They are. They are not in the British Shooting Sports Council.

Which is the member body that you are also on? - I am a member of the Muzzle Loaders Association of Great Britain and Vice-President.

Are you a member of the National Pistol Association? - I was at one time.

And have you formerly held high office in that organisation? - Yes, for many years I was Vice-Chairman.

In your statement we also have an indication of your shooting history, that you are past Shooting Captain of the club, Marylebone Rifle and Pistol Club? - Yes.

And you are past Secretary and Captain of the Oxford University Pistol Club? - That is correct.

And then Chairman of the Museum Weapons Group. Is that really something that has come from the combined effect of your interest in recreational shooting and your work? - I would agree with you, yes, because I have had to get a good working knowledge of the law which applies equally to museums as it does to private individuals.

Have you written on the subject of shooting? - Yes.

Extensively? - I wouldn't say extensively. Probably a dozen or two articles over the years and certain chapters in certain books but I have also prepared papers for specific purposes, for instance the Firearms Consultative Committee, and I have given talks to Police Forces.

And the Firearms Consultative Committee would be concerned with legislation and reform of the legislation? - That is what it was set up for, yes.

Did/

Did you give evidence to the House of Commons Home Affairs Committee on their review of firearms? - Yes, I did.

Was that earlier this year? - That is correct.

In what shooting disciplines do you have the most experience? - Target shooting disciplines. When I was young I shot small bore rifle and target rifle through my school. I continued shooting small bore rifle into my 20's but most of my target shooting experience has been with either pistols or muzzle-loading firearms, in which I have a particular interest. That is both rifle and pistol. I have been shooting muzzle-loading rifles and pistols.

Do you still compete? - Yes, I do although not as seriously as in the past.

I think we have had some difficulty in the course of the Inquiry in pinning down just how much shooting activity at local clubs is strictly speaking competitive rather than simply recreational. Can you help us with that? - Again, it is pretty much what the individual wants to make of it. There are a wide range of club events normally which are run in-house. It is pretty much up to the club how much it wants to run an internal competition programme. There are also what are known as postal competitions. This takes place for both small bore and full bore pistol. This involves you competing against a wide range of individuals nationally in leagues by shooting at your home club and submitting your targets and results. The shooter may then, if he wishes to do so, and this may either be on a club initiative or a club team or his own initiative, enter as an individual. He may choose to go into competitions at regional or national level. That is all quite straightforward and these are well advertised and if he wishes to compete he merely sends in his application and then turns up at the event so it is largely individually led, the extent to which a person gets involved in competition shooting.

If at the end of a hard day I want to go to the club just to do some shooting for recreational purposes and I discover there are two or/

or three other people there at the same time, would a range officer take over and discipline us as we shot together? - It is normal practice at any club to have someone in charge of the shooting detail. There will be a nominated person. He may do it full-time or they may nominate suitably competent individuals from among those present. It is not usual these days for people to just turn up at a range and shoot. That is a past practice at enclosed gallery ranges but about the only one that operates on that basis these days is at the National Rifle Association at Bisley where there is an old-fashioned gallery range.

So normally when I go to the club it will be because it is a club night and I would anticipate other members being there to shoot? - That is entirely the normal procedure.

And in these circumstances would there be scope for simply recreational shooting for my own enjoyment but would I in that context also have to shoot along with other people? - Yes, it depends on the physical arrangements of the range. Some ranges have automatic electronic returning targets or hand-cranked returning targets for each individual shooter's target.

In a range with that arrangement it is pretty much up to the shooter what he wants to do. So he can shoot quickly or he can practice a particular course of fire or he can zero a gun, do what he wishes. Other clubs, where you don't have this facility, are shot in details and he will normally run for about 10 or 12 minutes and during that 10 or 12 minutes you shoot when you wish to shoot and then a halt will be called. Everyone will go forward, change their targets, come back and you will resume another detail. There is a club arrangement where what normally happens if there is to be a serious competition going on that will be given priority within the club so 6 until 8 will be competition shooting and after 8 the club will go back to practice and recreational shooting. That would be the normal sort of approach.

And practice and recreational means you are not shooting against your neighbour, you are just shooting either for your own enjoyment or perhaps to see how well you are getting on in the sport? - That is correct. It is like every sport./

sport. You have to practice for a competition but you may wish just to practice for practice's sake.

What does zeroing a gun mean? - It is adjusting normally the sight on the firearm to ensure that it shoots precisely at your chosen point of aim. Firearms are shot slightly differently from individual to individual. This is because of the weight of the individual and the way he grips the firearm. Possibly his sight may have an effect on this so the individual will wish to tune the firearm to himself and to the ammunition he is using and when he has got it zeroed then he can be confident if he takes a known point of aim it will put the bullet into the centre of the target.

Now, you cover a number of issues in your statement as you were invited to. I won't necessarily take them in the order in which they appear here because of course as the evidence has been read here certain issues have become clearer and others not so clear and I would like to start at the area of the weapons which Thomas Hamilton actually had. He had semi-automatic or self-loading weapons which were full bore weapons. Now, can you tell me first of all what proportion roughly of target shooting sport is conducted using these weapons in the United Kingdom? - I looked at some figures provided by the National Pistol Association which I would like to refer to. The National Pistol Association is, as the name indicates, exclusively concerned with pistol shooting. It has 438 affiliated clubs. Of these a minimum of 324 shoot some centre-fire disciplines. If I can go through the figures. Bearing in mind the figure is 438 in total.....

Can I be clear about the terminology first of all. I say full bore and you say centre-fire. Now, what should we be saying? - Either term is acceptable. Centre-fire is a general term. Full bore is a peculiarly British term which derives from the Army practices in the certificating ranges. Both are correct. You may equate in these circumstances full bore and centre-fire as the same thing.

And do both cover a certain range of calibres? - Yes.

And/

And can you tell us what that is? - In centre-fire the calibres range from point..... well, technically 2 mm although that is obsolete rounds up to for pistol purposes to cartridges of 577 but that again is an obsolete round. The normal range for centre-fire will run from .22 centre-fire up to 50 calibre for pistol.

That is in current use? - In current use, yes.

And for rifles? - From .17 up to .7 of an inch.

Anyway, we are talking about the same subject? - We are talking about the same subject, yes.

It is helpful to be clear about it so can I just let you carry on now please? -

The/

10.20 a.m.

The National Pistol Association asks its clubs what disciplines they shoot. Of the 438 clubs, 342 indicate they shoot club pistol. This is a .22 event, and it is normally a slow fire event, a fairly basic precision shooting event. 302 of them shoot UIT small bore pistols, handguns or sport pistol, and 110 shoot Olympic rapid fire discipline.

Of the clubs, 255 shoot UIT centrefire competitions, 324 shoot police pistol, which is centrefire, 276 shoot service pistol, which is centrefire, 188 shoot practical pistol, which is centrefire, 100 shoot classic pistol, which is mainly centrefire, and 74 shoot long range pistol, which is exclusively centrefire. So of the approximately 438 clubs in the NPA at least 75 per cent are shooting centre pistol.

Yes? - Figures from the National Rifle Association also indicate a substantial use of centrefire pistols. There are 2118 Home Office-approved clubs in this country. Of those, 1049 are approved for centrefire pistol as a discipline and 1395 are approved for small bore pistol as a discipline.

I must point out that a lot of older indoor ranges in this country were provided for .22 calibre only. There are a lot of clubs that use these ranges that may not have a facility for centrefire.

The tendency with modern indoor ranges -- except those held in schools -- is that the modern ranges would be built to accommodate centrefire pistol as well, because it increases the flexibility of the range.

Are you able to say within these statistics what the actual proportion of centrefire has against small bore activity is? - I would say at the very least 50 per cent is going to be centrefire pistol shooting.

Would the same apply to rifle shooting, in general terms? - No. There tends to be a difference there in the sort of ranges used and the type of clubs. It is a different set-up.

Can/

Can you assist me in identifying how much of that 50 plus per cent of centrefire activity involves the use of semi-automatic or self-loading pistols, handguns? - I would say the trend is towards semi-automatic pistols. There are still a lot of revolvers in use, but I would expect with centrefire it is going to be probably slightly more self-loaders these days. For .22 target shooting the .22 self-loading pistols are in the great majority, much more than used than either revolvers or single shots.

I am sorry? The .22.....? The .22 self-loading pistols are in the great majority, much more commonly used.

Of the self-loading pistols within the .22 category? - You can use self-loading pistols, revolvers or single shot, but self-loaders are in the vast majority.

In centrefire what proportion involves shooting with self-loading weapons rather than single shot weapons? - I'm afraid there has to be two ways of looking at this, and I would like to put them both to you.

Yes? - If you look at the competition available, the majority of competitions these days favour self-loading pistols, so if you are going to be competing seriously you are probably using a self-loader. For recreational shooting or shooting at a lower level you could still use a revolver, however.

If you were looking at the overall use of self-loading pistols and revolvers, self-loading pistols are slightly more used than revolvers, but revolvers are used more for recreational purposes than for high level competition shooting.

The question I am trying to put to you is the distinction between the use of self-loading pistols and revolvers on the one hand and the extent to which single shot weapons are used in centrefire? - I misunderstood you. Single shot weapons are very, very little used in centrefire. The UIT regulations forbid those in centrefire.

On the other hand, in relation to small bore/

bore are self-loading pistols and revolvers more greatly used than single shot weapons? - Yes, the normal use for single shot weapons in .22 calibre these days falls into two areas: one is for a basic club trainer, because it is safer for a beginner. The other is a UIT competition where they are mandatory, called the 50 metre free pistol precision event.

What proportion of small bore shooting is done with single shot handguns? - I would say well under five per cent.

And strictly speaking, what proportion of full bore shooting is done with single shot weapons? - Apart from specialised long range events there is no common use of centrefire single shots.

If as a result of this whole investigation some restrictions emerge, and one of these was the abolition of multi-shot weapons, what effect would that have on the shooting sport? - It would virtually eliminate pistol shooting in its present form in this country.

If we look at another possibility, the restriction of handguns to .22 calibre, but not restricting the self-loading element, what effect would that have on shooting sport in this country? - It would substantially reduce the range of interests, obviously. The .22 calibre long rifle cartridge has not significantly evolved over the last 30 years. There have been very minor improvements, hardly perceptible, in the .22 handguns during that period. There is not therefore a developmental challenge that you find in other areas of the sport, which is one of the great things about the sport, that people try different things to improve their accuracy in relation to their ammunition. This aspect would be removed, and this is a strong attraction to many shooters.

It has been suggested earlier that it is the case the .22 rounds cannot be developed any further? - The .22 round has been subjected to very minor attempts at development, but it really has not progressed. It seems to work absolutely fine as it is. It is the highest precision cartridge available.

What/

What is the difference in composition between a .22 centrefire and a .22 rimfire cartridge? - A .22 rimfire cartridge, the cartridge case itself is made of light metal, which is necessary because the rim of the cartridge case itself has to be crushed by the firing pin to ignite the cartridge. This means that the cartridge case itself is incapable of withstanding very high pressure. The .22 is a relatively low pressure round, which fires a lead alloy bullet at a very sedate velocity of about 1100 feet per second.

Yes? - We cannot significantly improve the rimfire performance. With centrefire, the .22 can be pretty much what you want to make of it. It will use a very strong brass cartridge case capable of a large amount of powder, therefore the bullet can be given a much higher velocity than the rimfire. It is quite possible to fire centrefire .22 at velocities in excess of 3,000 feet per second.

Yes? - The bullet itself will not just be a simple lead alloy projectile, but a projectile where the lead core is encased in a harder outer surface. This enables it to be driven up the bore at a much greater velocity, with no leading effect.

Yes? - The net result is that you get a cartridge capable of longer range, and also with significantly greater lethality.

The main use of .22 centrefire in rifles is for vermin destruction of medium sized vermin, like foxes, and in countries where handgun hunting is permitted, for instance the USA, these are also used with fairly identical cartridges as a vermin hunting weapon.

Yes? - There would not be much use in this country at present for .22 centrefire. The main use in handguns in this country is for longer range target pistol shooting, 200, 300 yards, even 1,000 yards, and they tend to use 7.62 calibre.

One of the problems you highlighted if shooting was restricted to .22 calibre was the state of development and the lack of opportunity of improvement. Would that problem not be removed if in fact the .22 calibre is centrefire? - You would be/

be back to the problem you already had, because the routing of development would be towards more powerful cartridges, not less powerful, and the .22 centrefire in its already developed form is an already significantly more powerful firearm than a rimfire.

But not anything like as lethal as a 9mm round? - If you are pushing it at a high enough velocity it is more lethal. You can approach current military rifle performance with a handgun.

Do you get the same variety of structure of ammunition in a .22 as you do in the full bore ammunition, namely round nosed or hard nosed types, semi-wadcutter and the hollow point? - I would like to answer that in two parts. If I could first talk about .22 rimfire.

Certainly? - Normally for target shooting purposes .22 rimfire is made of round nose. It has been made for target shooting purposes in a semi-wadcutter form. It is not however particularly popular these days.

.22 rimfire is also made with hollow point ammunition, because it is a very useful vermin destruction cartridge, particularly for rabbit sized animals. So .22 hollow point ammunition is widely distributed.

You can also get a high velocity rate .22 rifle which increases the energy of the round by very approximately 30 per cent. That is used for humane vermin destruction. A .22 high velocity hollow point round will normally function in all .22 rifles.

Are they used for target shooting? - Yes. The only normal use for high velocity hollow point .22 is for target shooting.

Why are they used for that? - The higher the velocity means that you don't have to lead the target so much, aim in front of it.

Is standard velocity hollow point used for target shooting? - It might be. Standard velocity hollow point is mainly intended to be used in moderated firearms, firearms with silencers on them, /

them, which are used for normally culling purposes, culling rabbits. A .22 standard velocity hollow point made to the same accuracy level is a target cartridge.

Yes? - It is still perfectly adequate for this vermin destruction purposes. The tendency would be for people to use a standard solid .22 live cartridge for target shooting.

While dealing with hollow point, we have heard evidence that hollow point ammunition is available in 9mm calibre for target shooting. Is there any particular reason why it needs to be available in that form for target shooting? - Most, nearly all of the hollow point ammunition that is available on the market is designed as an expanding bullet, for police or self-defence purposes. This is very widely available in the market place, in that it is made in huge quantities, therefore it is usable.

Yes? - There's no reason why a hollow nosed cartridge may be less accurate than any other design. Since the only criterion for most target shooting purposes is how accurate it is, the hollow point happens to be the most accurate, and we tend to use it.

Now, there are some hollow nosed cartridges which are made for competition shooting. They are jacketed round. The lead core has to go into the jacket, so one end has to be open.

I see? - Now, in fact you get better target accuracy if the lead core goes in from the front and you have a solid base on the cartridge.

Yes? - You have one line of cartridges, the Sierra, which is specifically designed for target shooting and has a hollow point, because the core goes into the front of the jacket rather than the back.

Is hollow point ammunition used throughout the world for target shooting? - By and large, yes.

Is it used in UIT competitions? - It may be, but very few shooters would choose to use that. In/

In UIT centrefire normally they would be using a firearm which is regulatory a full wadcutter cartridge.

Is there any significant problem to be faced by target shooters if they do not have access to hollow point ammunition? - It would mean that the range of bullets available to them would be reduced, and one also has to accept -- this is a difficult point, but there is a crossover problem. A lot of cartridges which are looked on as pistol cartridges can also be used in rifles, and they are normally used in rifles for humane game shooting, for which purpose you would need an expanding bullet.

I am confining my questions at the moment to target shooting. Would there be any inherent problems for target shooters if they were denied access to hollow point ammunition? - They would have to seek an equally accurate non-hollow point bullet, but they could probably find one.

In relation to full bore shooting, is the main use of the hollow point ammunition for moving targets? - No.

Can you clarify that for me? - The main use of full bore hollow point ammunition is for game hunting.

But in target shooting? - In the target shooting area there is no significant use of hollow point ammunition that is designed for expansion for private rifle shooting. A lot of target bullets which are made for high precision are technically hollow point, because the core goes into the jacket, but the front of the jacket is then closed over the top.

If for example these particular rounds that you are describing were used on a human would they expand within the body? - They might do. Frankly it would not particularly matter, because once you get beyond 2200 feet per second you get a cavitation effect, which gives you massive trauma, even with a solid projectile.

It has been suggested to the Inquiry that significantly more damage is caused by expanding ammunition/

ammunition to the body than by other forms of ammunition. Now, everything is relative, in that in themselves these rounds are lethal: but is it fair to say that significant more damage is caused to the structure of the body by expanding ammunition? - Yes, it can be.

But that would not be so true of the type you have just been describing? - It is not designed to do that, therefore it probably would not expand as well.

So there is a technical problem in relation to what would be the definition of hollow point and expanding ammunition? - It is a definitional problem, yes.

And there is added accuracy for the target shooter, in that that involves inserting the bullet from the front and encasing it in its jacket, pulling the jacket over the top of it? - Yes.

And that applies to pistol shooting as well? - Yes. There is one range of very highly regarded ammunition that is made in this way by Sierra.

Just to complete this area of ammunition, do people home load .22 centrefire ammunition? - Yes.

Can you help us with the extent to which ammunition is produced by home loading in general? - Very widely. Obviously rimfire is not susceptible to being loaded, so we are talking about centrefire ammunition. It is my feeling that probably at least 70 per cent of centrefire of pistol ammunition in this country is home loaded.

Hamilton/

11.00 a.m.

Hamilton was an individual who used only

commercially purchased ammunition, and some witnesses have suggested that that was highly unusual, almost exceptional. Is that a fair description of someone who does that? - I would agree.

That ties in with a description you often read when you become involved in a Inquiry like this and comments are thrown at you from all directions, of a sort of macho personality who enjoys the possession or the ownership of weapons rather than the sport of target shooting, and the suggestion that that type of personality has developed with the increase in interest in self-loading pistols and full bore revolvers. Are you conscious of that type of person appearing on the scene in the last 25 or 30 years? - I think that one has to be careful about judging by appearances here. It is my experience that the technological changes in the sport, for instance by the introduction of electronic timers, do enable competitions to be developed which are rather different from the old precision slow fire shooting. That is one approach to shooting at one end, but like many other sports, there can be a whole range of different approaches within the sport. You have it in ballroom dancing; you have it in track events; you have it in field events in athletics, so there's not one time form of shooting. Technological development has opened new avenues to new sorts of competition. Some of these will involve rapid fire; some of them will include in their parameters the use of a heavy calibre weapon. This tends to make it an attractive sport for the younger, fitter, more athletic person. .22 slow fire shooting is a bit like Zen archery. What you are trying to do is to precisely replicate some series of aims time after time, and if you do that precisely enough, you put all your bullets into a very small group and get a high score, but you can have other competition parameters that for instance include having to make mental judgments while you are shooting, which can include firing movement. All of these will attract a slightly different personality, possibly a younger, physically fitter personality, so the old image of shooting which might be considered rather staid, the slow fire attitude,/

attitude, has been replaced by a younger, fitter sort of shooter in that sort of competition. Whether that makes them more macho, I don't know.

I take the point you are making and I would like to develop that particular point in a moment. Before doing that, can I ask you the question again about whether you are conscious of the type of personality I had mentioned appearing on the scene who is more interested in actually owning, handling, possessing the gun, talking about the gun, than actually participating in target shooting, and perhaps he isn't in the sport with the right motivation? - You can get a wide range of pleasures out of the possession of firearms. You have got some people who are purely collectors who never wish to fire their weapon, whose sole interest is having it as an object. I am at least in part among that number, and I consider that I and the other collectors I know have a very serious antiquarian interest in the subject. It is certainly true that some people do get at least as much pleasure out of the ownership of the firearm as they will out of the shooting of it. I cannot see that necessarily makes it a bad thing.

Is it right to say that over these years, the 25 or 30 years I am talking about, the interest in the police pistol, service pistol, practical type of pistol activity has greatly increased? - Yes.

In fact, did these disciplines develop after the War or did they exist before the War? - Pistol shooting in Britain has always tended to have a military basis. When pistol shooting was developed seriously as target shooting in this country in the 80's, it was very very closely tied to military practice. You were required to use a revolver that was fit for service and had a suitable calibre for service. The tendency in Britain from the earliest days was to come at the sport from a military point of view. The small bore tradition is a slightly different one. If anywhere, it grew up in France and it became more important with the development of UIT shooting, but .22 shooting took root in this country quite early, so military style shooting is not new.

You/

You did mention rapid fire competition and a developing interest in that? - Yes.

But did you also mention that UIT competitions include rapid fire competitions? - Yes; it is a highly stylised type of rapid fire.

It is shot at five targets and it uses a self-loading pistol or revolver, but in practice, nobody uses a revolver. It uses a five shot normally, self-loading pistol, chambered from lower down and the calibre is known as the .22 shot. That calibre is used to minimise the recoil effect of the pistol and it enables you to use the pistol and fire five shots at five targets very rapidly and then turn away again.

Is it correct to say that there are UIT competitions which require the use of full bore self-loading pistols and revolvers? - Yes, there is a UIT centre fire event which includes both slow fire and rapid fire.

So just to be absolutely clear then, if competition in the UK were to be restricted to .22 calibre weapons, what do you say the effect on target shooting sport would be? - Very, very, very major. Obviously it would restrict people only to 22s. I think what would tend to happen is that you would get surrogate centre fire events designed for use with .22 weapons, so in fact courses that are presently shot with centre fires, people would tend to shoot with 22's, so there might be a 22 police pistol event if that is all that was possible.

That would suggest that people could adapt to the sort of change I am hinting at? - Within the UK, I suppose they could, but it would for practical purposes remove Great Britain from international target shooting as a sport, because I can see no reason whatsoever why other nations would wish to follow our lead in this matter. Other nations seem to accept that shooting is perfectly acceptable as a sport.

Would there therefore be any significant difference between restricting competition shooting to .22 and banning handguns completely? - There would still be many shooters who would carry on the sport as best they could within any limitations that were laid down.

And/

And just to complete that part of the picture, if there was a combination of restricting self-loading and pistols and revolvers to .22, but retaining full bore weapons as single shot only, that would have more or less the same effect? - For all practical purposes, yes.

In your statement, you deal with the use of single shot handguns? - Yes.

At the beginning, and we can read there what you say, but is the effect of what you say there, plus what you are saying today, that single shot handguns are really only used for competition purposes at .22 calibre? - Apart from a relatively obscure long-range pistol shooting, yes.

So far as accuracy is concerned, is there some difference between a .22 weapon and a centre fire weapon? - As we have already discussed, the .22 is highly involved and it is inherently very accurate, as are virtually all the pistols made for it. Absolute pin-point accuracy may not necessarily be the main criterion with centre fire weapons. You may wish to have another balance and attributes, for instance we have already talked about power. There are some competitions which require the use of a more powerful firearm, for instance there are some action pistol competitions where you are trying to knock them down, a solid target, and obviously you require a heavier calibre weapon for that.

And are they necessarily less accurate? - They may be. You are striving for an appropriate balance for the competition, and there is a tendency these days for increasing specialisation of weapons for each competition. There will be still centre fire displays, for instance UIT centre fire where precision accuracy will be of a premium, and there will be others where other factors such as complete functional reliability will be also at a premium, possibly at the expense of some degree of accuracy.

But if it comes to knocking over a target because you have to strike it simply with a degree of force, presumably in a range of areas or a fairly large area over the surface? - Yes.

Presumably/

Presumably an accurate weapon is as good as a less accurate weapon for that purpose? - Oh yes; obviously you would want the best accuracy you could achieved.

If I set up a tripod and fix a .22 pistol to it and let it fire so that when you take the human element away, we would then see just how accurate the pistol was on its own? - That is correct.

And you say that is highly accurate? - Yes.

Can I do the same with a self-loading pistol or revolver? - You would wish to fire either a 22, which has some recoil, or centre fire weapon from a rest which would take account of the recoil, but there are such rests made for testing of firearms.

Would the centre fire weapon be less accurate than the .22? - It depends on the centre fire weapon, but I would say on average, any centre fire weapon, even the best of them, will tend to be slightly less accurate than the 22.

If we take the standard Browning hi-power service pistol, how accurate would it be when compared with a .22? - Significantly less accurate.

This/

11.00 a.m.

This is a major subject that we have been touching on and your evidence has been very helpful and I daresay we could discuss it for a long time but there are other issues that I would like to turn to, individual issues on their own. At present a self-loader can acquire all the elements necessary to make his own ammunition without having a Firearms Certificate? - Yes, that is possible.

With the exception I presume of the original case? - No, you can buy an empty case or a primed case without showing a certificate or having any certificate.

You can buy the lot? - You can buy the lot. The only restriction is an extremely small number of projectiles which are covered by the legislation. These are in fact service hollow point but that is a very minor detail.

It is perceived by a number of people as something which should not occur, that where you can identify elements as essentially component parts of a round of ammunition you should require a Firearms Certificate to buy them. Do you see any practical problems about imposing such restrictions? - It depends on the nature of the restrictions. If you can draw an analogy with the purchase of shotgun cartridges in this country, which of course are extremely widely used in the community in very large numbers. To buy shotgun cartridges you have to produce your Shotgun Certificate. All you do is show it. There is no entry made on the certificate for the purchase of shotgun ammunition. I can personally see no reason why for instance primers could not be sold on the same basis. In other words, you show your Firearms Certificate, having proof you have a certificate for centre-fire pistol ammunition to buy your primers.

Could that not be done in relation to the other elements as well? The bullet for example? - You have a problem with bullets because people can make their own bullets and you have many, many people who do. Either by casting or swadging them up from hunks of lead. That is a common thing to do so you can homemade bullets without any problem.

You can homemade a lot of things you are not/

not supposed to homemade of course and perhaps we just have to accept that certain things should be outlawed. Would it be practical to outlaw the making of bullets by individual persons? - Given the very large numbers of bullet moulds that have been on sale since the 19th Century and their ready availability in other parts of the world and all you need is some scrap lead and something to melt it in, I hardly think that is practical.

What about the powder then? - Yes, you could control the powder. Possibly against a certificate but again there are alternative sources of powder. For instance, by breaking down shotgun cartridges to get the powder out. Shotgun propellant is quite a satisfactory pistol propellant.

What about the magazines? - Essentially the same problems as with the bullet moulds. The magazines at present are on unrestricted sale in this country. They are not numbered normally. Some older firearms have a magazine which is numbered to a particular gun because they were hand-fitted but most modern magazines are unnumbered and no one knows how many have been sold and no one knows how many people have in their possession and they are readily available in other parts of the world so it is essentially a stable door problem. You could introduce a restriction now but its effects are very uncertain.

I suppose there is no real practical difficulty about identifying magazines by putting a number on them? - It would be a massive task and then all you would know about is the magazines that have been numbered. Any magazine had not been declared would still be floating around and any magazine that was illegally imported unnumbered would still be floating around and one has to remember that a number per se does not stop crime. It is merely part of an audit system to work out what happened usually after the event.

Yes, I accept the point you make about crime and the difficulty of imposing an effective restriction there because of the current position? - Yes.

But what we are dealing with in this case is/

is a man who followed the rules and was in legitimate possession of items and if we were to assume that the shooting public would wish to follow the rules and do as they were required, would it not be practical in fact to introduce a restriction which would mean that magazines were identifiable? - What you would then end up with is a situation where shooters.....let's say for argument's sake shooter A has six magazines now. You would go through a considerable process of marking the magazines, of recording them in some way, presumably entering them on to his certificate and at the end of the day you have a shooter who has six magazines on them entered in various places as a record but he has still got the six functioning magazines that he started out with.

Now, it might be possible to combine that with a restriction which meant that the magazines and any ammunition associated with them could be kept separate from the weapon. In other words, kept at the club. What practical problems would that create for sporting shooters or target shooters? - It rather depends on the individual. Some shooters shoot at only one place. They are a member of one club and use one range, but a very large proportion of shooters travel to shoot at other ranges. They will go to competitions. They may be a member of a club for instance which has got its own .22 range on the premises but uses another facility for full bore. He might go to Bisley. So you would have a very large proportion of shooters who for certain periods of time would still need to have in their personal possession a firearm, a magazine and the ammunition if they were allowed to compete at all. As far as I can see, the only way of getting that aspect out of the equation would be to completely ban the present system of competition shooting and restrict people to only one range but, again, I think that would effectively ruin the sport.

For people who have to travel to away shooting, is there any reason why they can't simply pick up their weapon and ammunition on the way and take them back in later? - That is of course a possibility. You have to bear in mind that many clubs function infrequently and they are not permanently staffed. If a club shoots only once a month and he did want to go competition shooting he would/

would have everything in his hands for a month. If he shoots once a week he might have everything in his hands for a week to cover the competition period. So one then begins to question whether this would really significantly affect the issue. If someone really wished to undertake a serious crime using his own firearm and ammunition, he would merely come up with the colour of an excuse by entering in a competition, checking out his firearm, his ammunition and his magazine and then carrying out his actions.

It may be because of great public anxiety however, that exceptional measures have to be taken and these measures which do involve a change in practice by those who benefit from the sport and enjoy the sport and that might mean going to a different place from those at present to actually collect the ammunition and weapon and bring it back afterwards and have the facility for doing that. Now, do you accept that if necessary it could be done? - I suppose it could be done but it does introduce another extremely wide range of problems. For a start, you split the responsibility. You are saying that fallible human individual A will not take entire responsibility for his firearm and ammunition but you are introducing into the equation fallible human individual B, presumably some official of the club who will have to take charge of these separate items and be responsible for the issue and return of them. By split responsibility if something goes wrong, and that is when the question arises, you will also get a dispute as to where responsibility lies and you would create an extremely cumbersome situation which is still open to human error and to human abuse.

And that is really because people do travel regularly to compete in shooting in venues other than their own club? - Absolutely.

What about the need that target shooters have at present to load their own ammunition or make their own ammunition? Could that task be undertaken in club premises so that the ammunition could in fact stay there? - There would be great difficulties, aside from the fact that many clubs don't actually have a suitable building in which this could take place. This is not the sort of thing you can do out of the boot of the car in the open/

open with any hope of success I suspect. You have to have a place where the ammunition is loaded. Now, you have to accept that this requires concentration and precision. You are using measures, scales and so on so you have the potential of going to produce an unsafe round. If someone is doing that he should be doing it in calm, quiet conditions where preferably he is alone. I would suspect that normal club premises with people milling around taking guns out of lockers and cleaning weapons and chatting to each other and going on and off the range is not conducive to that. You also have to accept that loading ammunition may take a rather long time so you would have queues of people waiting to get into the facility to load their ammunition for shooting. I honestly don't believe it to be practical and I also believe it is very questionable on the safety aspect.

Why do you say that? - Because of the circumstances in which the person is trying to load explosives into the cartridge.

We have heard evidence that magazines have varying capacities. What is the largest capacity that is in wide use in competition? - Probably the 18 round magazine in the Glock but there are extension magazines for 20 rounds as we know from this case.

I am wondering whether for example if a magazine were restricted to say five or six rounds, if that would have a significant effect on competition? - It would certainly affect Practical Pistol and one or two other competitions that require a significant string of shots to be fired quickly but you have to accept that any pistol shooter with a reasonable level of skill can change one magazine for another in well under two seconds so it won't significantly affect the rate of fire. He would just need more magazines.

Would it disadvantage a British target shooter in competition elsewhere? - In Practical Pistol shooting absolutely because Practical Pistol shooting is time-measured in fractions of a second.

But apart from Practical Pistol shooting, would it affect the British competitor? - It might do in one or two other events but I have to say I can't/

can't think of one immediately.

Now, can existing magazines be modified to restrict capacity? - I think it is possible probably by either crimping the sides or by inserting a pillar into the magazine preventing the follower going too far down.

What is the average price of a magazine for six rounds or five or six rounds of ammunition? - Well, there is no difference in price at the moment significantly based on capacity. A magazine may be as cheap as £12 or as expensive as £25. You have to accept that magazines are actually semi-disposable. If they are damaged they are normally just thrown away and replaced.

Just to complete the picture on this; with your experience of shooting clubs, and forget for the moment the practical problem of collecting and travelling and so on, would it be physically possible to store weapons at a club for members of the club? - It depends on the club. As we have indicated earlier, there are a number of clubs that have no premises of their own. If they have club guns they are normally kept by the Secretary at his home so what you would be doing is requiring a club official in these circumstances to store everything. Again, one has to accept there would be a very, very significant bureaucratic burden involved here because if you are talking about parts of a Section One firearm you may be talking also about certificate accountability for these. In other words, that there would have to be legal authorities to possess all those parts belonging to the club members.

Now, I think in your statement at Section 11 you deal in considerable detail with the storage of ammunition at club premises? - Yes.

And you make a number of significant points in there, a number of points you have made as we have taken your evidence this morning. Is there anything in that particular section that you feel you want to highlight that we have not either touched upon or can easily be read in your statement? - I would like to emphasise that you would be introducing a position where the base level of fairness in competition could be quite significantly/

significantly affected if shooters had no ready access to their ammunition. This would mean that it would effectively give the home team an advantage if people had to either acquire ammunition from another club or possibly make extensive arrangements for that ammunition to be transported on their behalf to another venue. What I'm saying is that away shooters have to have their ammunition in their possession if they are to compete fairly.

MR. BONOMOY: Sir, I wish to ask Mr. Penn questions about one of Hamilton's own weapons. The weapons were not here initially to be examined but the weapons are now here. Would it be possible to have a 15-minute adjournment just now so that he could have a look at it?

LORD CULLEN: Certainly, and I think it will give the witness a break from his explanations.

*After/*

11.30 a.m.

After a short adjournment.

What I asked you to do was to have a look at the Browning pistol with the longer barrel, the muzzle weight and certain other apparent alterations or modifications to the safety mechanism that had either broken off or been altered in some way. Now, you have had a chance to do that? - Yes.

Can you confirm to me that the weapon is different from the other Browning? - Yes, it is. It is what is known as a Browning competition model. It is a factory-made variant for target shooting. The longer barrel and the extension and weight at the end of the barrel and the adjustable rear sight are all features introduced on to that model for target shooting.

So Hamilton had not himself made any obvious alterations to it? - The only obvious modification is to the spur of the hammer.

What has happened to it? - The spur itself has been completely removed.

Can you tell me how it has been removed, first of all? - No. I can only tell you it has been very neatly re-finished and rounded, presumably with a grinder.

Has this been done accidentally? - The re-finishing is deliberate, but the damage may have been accidental. I think the possibility that he broke the hammer spur is a real one.

Is that something which often happens? - Very rarely. If the pistol was dropped and landed on the hammer spur it could have happened like that.

Could it be replaced? - He could have bought another hammer for that pistol, but that would have required careful fitting. The pistol is set up for target or competition shooting, as a target or competition pistol. It has got a light trigger pull, which I estimate -- and this is only an estimate -- to be between 3 and 4 lbs., and it has been very well adjusted as a competition trigger, therefore Hamilton may have felt that rather/

rather than go to the significant expense of having a new hammer fitted to achieve that good level of trigger pull he would rather just have cleaned up the damaged hammer.

What is the effect of the damaged spur? - It makes it nearly impossible easily to cock the pistol when the hammer is down by pulling back the trigger.

I see? - You have to retract the slide. The slide comes back, overrides the hammer, pushes it back and cocks it. Now, for target shooting purposes that would not be a very significant problem.

Are there circumstances in which target shooters modify a weapon? - Yes, there are two main ones. One is to reduce the weight of the hammer, thereby speeding the hammer forward. You get a shorter time between squeezing the trigger and the firearm firing. The lesser the time the less opportunity there is for the gun to be affected by the hand moving. We are talking about fractions of a second here. The second reason is particularly common with self-loading pistols of the Browning type, in order to avoid hammer bite.

What is that? - For someone with fleshy hands, when the pistol is gripped the flesh between the thumb and forefinger tends to ride up over the back of the frame and be nipped by the hammer when the hammer comes back, which can be painful.

Oh, I see? - Some shooters with large fleshy hands will either shorten or change the shape of the hammer.

Could that have been done in this case? - No, because normally you won't entirely remove the spur. There are some advantages of being able to cock the weapon easily without having to retract the slide.

Does the missing spur affect the trigger weight? - Not significantly.

Is it a particularly light trigger? - Not for a well tuned competition pistol. It is about normal.

Now/

Now could I move to the next section of the submission, which is about separate storage of component parts of a handgun? - Yes.

We have had some evidence to the Inquiry about the facility with which both self-loading handguns and revolvers can be dismantled, so that they cannot operate as firearms. I think you have had the opportunity to read Mr. Paton's evidence? - Yes.

I think you agree broadly with what he had to say? - I do.

There may be however certain weapons -- and he in fact dealt with more than self-loaders and revolvers; he dealt also with single shots -- there may be some where the dismantling process could cause some degradation of the weapon? - That is correct.

Does that apply to a significant number of weapons? - It applies most to self-loading .22 calibre pistols designed for target shooting. There are some of these, including one of the top competition models, the Hammerlee 208, which I use myself, whereby to remove the slide, which would be the only easily removable part, for separate storage purposes you also have to move a yoke on which the rear sight sits, and every time you do that you run the risk of losing the zero on that pistol, and you would have to re-zero it.

Yes? - I do agree that the generality of pistols and revolvers are designed to be field stripped, to be broken down into single components.

Losing the zero just means that you have to re-set it? - Yes: but continual removal and replacement of the yoke would probably ultimately loosen it.

So far as revolvers are concerned, are there any revolvers you know of in common use where there would be a problem about regular dismantling? - Not a major problem.

So apart from the one you have identified just now and the one Mr. Paton identified where you have to hammer out the pin, are there any other particular/

particular features of any handguns which would cause a difficulty that might result in deteriorating the weapon? - Not that I can immediately think of, no.

So far as the objections to dismantling are concerned, if you take pistols first of all, self-loading pistols, I think you were describing the removal of a slide. Are there other easy ways of dismantling the pistol and making it ineffective? - The majority of self-loading pistols in every day use today have a slide; and so normally that pistol will break down into the components, the frame and the slide certainly and possibly also the barrel as a third major component, and also the magazine.

Yes? - There are very few pistols which do not use slides; the only common one that comes to mind is the Luger 22 pistol, which is widely available and made in large numbers, and which is used as a target pistol.

This has an internal bolt rather than a slide. It also happens to be a pistol which is not well designed for easy taking apart -- like the Hammerlee -- and putting back together. It is difficult to do.

Can the bolt be removed? - Yes.

If that is done regularly would it cause any damage to the weapon? - No.

It is simply more difficult than in other cases? - Yes.

You have set out also in your statement a number of problems which are largely related to convenience; is that right? - Yes.

And we can obviously read the difficulties there? - Yes.

I think you also mentioned the availability elsewhere of some of the component parts that might be removed from the main chunks of the weapon to render it ineffective? - Yes.

Do you see a difficulty there about a person like Hamilton replacing the part which ought to/

to be separated from the main bulk of the gun? - If you are accepting a degree of forward planning and an intention to take some trouble to ensure having a complete firearm it would be possible for components to be bought in other countries.

Within the USA normally only the frame of the pistol or revolver is registerable; other parts are on free sale. The same applies in Finland, which is a European Community country. Depending on the canton, in Switzerland any component, including the frame, may be on free sale: some cantons do, other cantons do not. I am talking about an entirely free sale.

I now want to look at the question of the relationship between the clubs and the police, and the policing of clubs. Not all clubs are Home Office-approved. In general terms do you personally see any advantage in having a requirement that there should be Home Office approval for all clubs? - Not really. Approval -- its main function is to provide a mechanism whereby a person may have temporary possession of a firearm for the purposes of target shooting within the club. This is obviously necessary if you are going to introduce new probationary members into a club. The police will not issue a firearms certificate normally to a person who is not a full member of a club, therefore you need that facility. There are other clubs which are not Home Office-approved, and if they work on that basis every single member of the club has to have a firearms certificate, therefore they will have gone through the police vetting process.

I also have to say that I think there is some difficulty in defining what a club would be in these circumstances. You are really talking about imposing on groups of already-certificated individuals a Home Office approval system which they might not feel they wanted.

The problem of identification or definition was one of the difficulties highlighted by a police witness, that perhaps the identity of all clubs in a given area is not known by the police. That is a possibility? - I think it is a possibility, yes.

Some clubs will effectively function as a means/

means of a group of like-minded people getting together to shoot a certain type of firearm or a certain competition.

I happen to be a member of one such society which meets to shoot Edwardian courses and meets three or four times a year. It has a natural status in that it has a letterhead, and all the members have firearms certificates, but they get together and shoot a competition, have lunch and then go away again.

That takes me to a concern which has been expressed that when perhaps it comes to looking at the "good reason" test being genuine or renewing a certificate held by a target shooter that some attention should be paid to the amount of target shooting the applicant is actually doing at the time, and for that to be checked if that is necessary to be able to identify where he is doing his shooting, and to have some sort of ability to obtain information from that source. Now, do you see any particular problems about requiring clubs to give information to the police about shooting being done by members? - It depends on the organisation of the club as to whether they keep this sort of information. Obviously if this were to be made a requirement -- you would then still run into difficulties, because many shooters shoot at more than one location. For instance, someone who is a member of the National Rifle Association can book a range for himself and go and shoot, so he and the NRA officers are the only people who know he has made a booking. His local club would not know he had done that. If he belongs to two clubs, presumably they would not interchange information. Since different members can belong to a wide range of different clubs, the only way the information could be assessed is by the police going to every single club that a person might have a right to shoot at and checking every single competition he said he had entered.

12.00 p.m.

I think perhaps the starting point would be a declaration by the applicant that he had been shooting at particular places and giving at least some guidance, so obviously in his own interests? - Yes.

And that would obviously reduce the extent to which enquiry would be necessary? - That would be one route to go.

Assuming there was such an obligation on Clubs to disclose information, would that create a particular problem for the Club? - Only that it is another piece of bureaucracy. I don't want to say it is necessarily a bad thing. It has to be borne in mind that most shooting Clubs are groups of like-minded people who gather together to enjoy their leisure activity, and they are run by amateurs in the best interests of the sport. They are not doing it as a job and fully professional, therefore one has to accept that the less pleasurable aspects of that administration, as they grow, it becomes more difficult for the Clubs to accommodate them.

There has been a suggestion in -- I think it was the Chief Inspector of Constabulary's report -- into Firearms Licensing Systems and Licensing Departments, in Scotland, that there could be detected a measure of resentment among the shooting public about the very involvement of the police at all in the administration of the system in the certification process. Do you detect that? - It largely depends on the sensitivity of the policing. The tendency in recent years has been for a number of police Forces to see this increasingly as a police service and not as a police Force. Her Majesty's Inspectorate of Constabulary's report on licensing that was recently done in England and Wales stresses the fact that the police were supposed to be giving the shooters a service and that the shooters demanded good service, and could expect good service. I think that is entirely reasonable, so provided the police do in every way conduct themselves in a proper and efficient manner, I can't see why anyone would object to it. If they don't then there may be reason for complaint.

BY/

BY LORD CULLEN: Can I ask you one question as to my own understanding of this? When somebody applies for a Firearms Certificate and he specifies target shooting as a reason, I imagine he would normally be expected to specify where he is going to do it? - That's not an absolute requirement in law. It is, however, an almost absolute requirement in practice.

So he would normally, I suppose, refer to a Club or Clubs by name? - Yes.

Am I right -- would that normally be an approved Club, or might it not be an approved Club? - The tendency would be for it to be an approved Club because if he joined an unapproved Club, he would have at that time absolutely no means of enjoying the sport because the law would prevent him using either -- well, in fact most unapproved Clubs don't have Club guns, but he couldn't get a firearm.

He couldn't get started? - Exactly.

But he could at the same time or later become a member of another Club which was not an approved Club, possibly some informal arrangement of the type you have been describing? - That is true, although for the sort of informal arrangement that you are describing, every person will be a member of another Club which he would use on a much more regular informal basis. What we are talking about there is like-minded people getting together to enjoy an aspect of the sport.

So in practical terms, for every Firearms Certificate holder, there will be at least one, if not more than one, approved Club of which he is a member? - There would be at least one Club that the police could be expected to recognise as an existing entity. It may be that some shooters as they move on, possibly change their place of residence, will have moved from an approved Club to an unapproved Club because that is what is available locally, but they will already have gone through the certification process so they will have their certificate.

But to require firearm holders to be a member of at least one Club would not represent any significant difference compared to the present situation?/

situation? - Not for most people. There may be some areas of the country where it would be physically difficult to get to an approved Club, and if that were the case and people were knocking on the doors of unapproved Clubs, it would probably encourage them to seek approval.

EXAMINATION CONTINUED BY MR. BONOMOY: It has also been suggested that perhaps the records of some Clubs, certainly as kept at present, would not provide evidence of the extent to which a member was making use of the facility. Would you say that was fairly common, in view of what you have been saying about the attitude to bureaucracy? - I really can't say. The normal reason for keeping records or for creating records on use of a whole new range, is for members to list their names while they are waiting or queuing to go on the range, so effectively you are producing a queuing system and the range officer will call out the next detail of shooters to go forward and shoot. Whether the club bothers to keep that shoot paper thereafter is really up to them at the moment. That is the normal reason for keeping a record of shooting. There may be other forms of record of attendance, for instance if someone is buying ammunition at the Club, he would normally be expected to sign for it in some form of register or book, for good accountancy purposes as well as legal ones, so that would be an indication at least he had been there on the day.

Or if he buys ammunition from the Club, would that be recorded? - That is what I am talking about, yes.

There does appear to be a practice in some Clubs of requiring a minimum attendance? - Yes.

In the course of a year; is that common? - I can't say how common it is. I certainly know that at least one of the Clubs I am a member of makes such a requirement, yes.

But that is an attendance requirement rather than an actual shooting requirement, is it? - It is a nice distinction, yes.

So is the answer "Yes, it is a nice distinction"?

distinction"? - That is precisely the reason, yes. You have to accept that not everyone goes to the Club every time to shoot. There is a social element to most Clubs, and people will sometimes just go along for a snack and a chat. One also has to say that at some very busy Clubs you can turn up and not get on the range all evening. That has happened to me many a time because you are too late and there is too big a queue.

BY LORD CULLEN: I have heard that some shooters come along and may shoot a few rounds in order that they keep their attendance up; could that happen? - Yes, I think that is possible, but I can't see how you can differentiate between the shooters -- the mental process of the person who is on the range is a little difficult to -- I have to stress that the shooting aspect is obviously a major part of the reason for being in the Club, but there are other reasons. There are people who are perfectly proper, acceptable, respectable in this and who have a very strong interest in firearms, who may be less interested in the shooting aspect. They will shoot a bit. It is the reason for having the firearm, but they are still within the system. They are still certificated; they have been checking out, and I can't say that that interest is either more or less proper than someone who is interested entirely in the highest precision target shooting. It is just another aspect in the spectrum of interest in firearms.

EXAMINATION CONTINUED BY MR. BONOMOY: I think the problem with that may be the very existence of the weapon at all where they are being put to little use, and that is then taken along with the suggestion that it is very difficult to predict when people's mental state might change, and they have ready access to something that they have little use for? - The difficulty here is that, as I have indicated, the interest in firearms is broad, and there is without doubt, and I am among those people, a group of people who have a strong interest in firearms as objects as opposed to sporting implements primarily. Those people also have a legitimate interest. It is very hard to differentiate between the two. A lot of collectors like to shoot a bit, and a lot of collectors like to shoot as a process of understanding the object they are studying because they want to check mental performance./

performance.

I have been asking you about Clubs. Can I just alter the direction of these questions now into the area of the umbrella organisations or bodies representing the shooters more widely? In your experience, and you are obviously very experienced in these areas, how do these shooting organisations get on with the police? - Very well. If we are talking about the National Target Shooting Association, they have excellent relations with the police, largely because large numbers of police actually shoot through them.

I think you may be the only witness to give evidence who has experience of the -- inside experience of the operation of the Firearm Consultative Committee of which -- are you still a member? - I am a member.

And have been for how long? - Since the Committee was founded in 1989.

What is the object of that Organisation? - May I quote you the law on this? The Committee was set up by Section 22 of the Firearms (Amendment) Act 1988. 22/1 -- "There shall be established in accordance with the provisions of this section a firearms Consultative Committee consisting of a Chairman and not less than 12 other members appointed by the Secretary of State, being persons appearing to him to have knowledge and experience of one or more of the following matters -- (a) the possession, use or keeping of, or transactions in, firearms; (b) weapon technology; and (c) the administration or enforcement of the provisions of the principal Act, the Firearms Act 1982 and this Act.

(2) the reference in sub-section 1(a) above to the use of firearms includes in particular a reference to their use for sport or competition". It then goes on about vacancies of posts and resignation. "(5) it shall be the function of the Committee, (a), to keep under review the working of the provisions mentioned in sub-section 1(c) above and to make the Secretary of State such recommendations as the Committee made from time to time think necessary for the improvement of the working of those provisions; (b), to make proposals/

proposals for amending those provisions if it thinks fit and (c), to advise the Secretary of State on any other matter relating to those provisions which he may refer to the Committee.

"(6) the Committee shall in each year make a report on its activities to Secretary of State who shall lay copies of the report before Parliament", and it then goes on about payments of expenses.

Can you remind me what the provisions above are? - Yes -- sorry, it's Section 22/1 of the Act.

Sub-section 5 refers to the provisions above; what are the provisions above? - "The possession, use or keeping of, or transactions in, firearms, weapon technology, and the administration or enforcement of the provisions of the principal Act, the Firearms Act 1982 and this Act".

What in practical terms has the Firearms Consultative Committee been doing since it was set up? - If I could first say that the Consultative Committee does not consider matters relating to the use of firearms by the Armed Forces or by the police or other Crown servants, so it is very strictly looking at civilian use and training in firearms. Its function really has developed into one of looking at different sections of the existing legislation which, as you know, is actually a series of Acts, of establishing whether there are any problems connected with that part of the administration and application of the Act. If there are problems, to look into those problems and then to make recommendations. Some of these recommendations may be of a nature that they can be implemented without primary legislation. One has to say that a very large number of suggestions would require primary legislation for enactment, so effectively the Firearms Consultative Committee has been building up a study and large corpus of information to assist the Home Secretary in making future decisions of changes on primary legislation.

Now/

12.10 p.m.

Now, you can take it that we know what the reports say and we know to what extent they have been implemented. It is a general picture I am looking for at the moment? - Yes.

Can you now tell me the general composition of the committee in practice? - In practice, yes. You will have ex officio a senior member of the Home Office in the Police Policy Department as it now is. The Secretariat also comes from that body. There will be a representative from the Association of Chief Constables of England and Wales and also ACPOS in Scotland. There is normally at least one and possibly two or three lawyers. At the moment there is for instance a recently retired senior Crown prosecutor and a Scottish Advocate on the board and also one solicitor. There is a representative of the Proof House. There is a representative of the Forensic Science Service and there are also individuals who will have specific knowledge of aspects either of firearms or of aspects of the shooting sports.

BY LORD CULLEN: Can you perhaps enlarge a little on what you see as being the objectives of the committee. I understand the function because you have described that first but what are the objectives in terms of interests to be pursued? - The committee reacts to suggestions and these can come from any source. So, for instance, the Home Secretary may and indeed has asked the committee to look at an area that he perceives as a problem. An example of that would be the standards for approval of clubs which have been looked into twice during the course of the committee. It may be that there will be a police interest and one or other of the senior police officers will introduce the subject for consideration. It may be that there will be a subject raised by one or other of the shooting organisations. An example of this, for instance, will be the territorial conditions on certificates relating to the use of sporting rifles. So what tends to happen is at the start of each year the committee will consider proposals that have been put forward to it from whatever source and it will chose these topics which it then considers to be most important or if it has been asked to look at a subject by the Home Secretary, obviously it would include/

include that. Then those subjects will be given detailed scrutiny in the course of the year, if necessary by reference to a working party and then the conclusions will be reported to the Home Secretary.

Yes, I think that is still very much within the realms of function. What I was interested in was whether the committee conceives it has a role to play in regard to public safety? - Yes, public safety is considered to be of absolute and prime foundation to the firearms legislation and therefore everything the committee does is with a view to the public safety element as the major and prime consideration.

Some of the earlier things you were discussing sounded as though they were more concerned with making sure that existing rules operated efficiently or effectively? - This does have a public safety aspect because resources, police resources, are finite and if aspects of an administration are actually taking police resources away needlessly, that being the criteria from a public safety point of view, from other aspects of police work then it is desirable that they be entitled to use resources for other purposes.

So presumably then you're thinking about the balance between using resources on the one hand and safety on the other? - That obviously is a consideration.

EXAMINATION CONTINUED BY MR. BONOMOY: Now, one of the things that was considered by the Firearms Consultative Committee was the question of a unique identification mark on a weapon, is that correct? - That is correct, yes.

And you in fact have written a paper for the Consultative Committee dated the 3rd of March, 1993? - Yes, I have.

Now, that has actually been given to Lord Cullen and to other parties. I don't know whether it has had a Production number. I doubt if it has. Do you have a copy there that you can now give to the Production Officer? - I am just checking to see if I have a copy with me. If you would excuse me. Yes, I do.

Now,/

Now, that was your assistance to the committee on that subject? - Yes.

Did the matter proceed any further after this paper was prepared? - I had twice suggested to the Home Office that they should get their own data processing experts to look at my paper and to indicate whether they think it is a true picture. I think it is true to say that at least one of the two Chief Constables on the committee, Dr. Ian Oliver, is convinced of the soundness of my argument.

And your argument is for or against? - My argument essentially is that if you are looking at a national database of unique identifiers, the system will not work well. The serial numbers on firearms as it exists in the real world works adequately for local audits.

So a check of the holding of a firearms dealer or of an individual certificate holder against a record on his certificate or register, that works quite well but for data retrieval, when you don't necessarily have the object before you and what you are looking through would be millions of records, I don't think the system would work.

Is there any good reason why firearms should not, like a motor car, have a unique identification number? - If you are talking from a starting point of now, no, but you have to accept that there are many old firearms in common everyday use and not all of those are numbered. The routine numbering of shotguns is really relatively recent. The same applies to 233 rifles and certain other classes of weapon. So there is no such thing as a manufacturer unique number.

Some major manufacturers number within a model or a series so you could have a number of Colt revolvers with precisely the same serial number. What you have got to know is what model of Colt it is before you have a unique statement relating to the weapon. This also holds true of military weapons because the military don't like long serial numbers so they tend to have repeat batches and require prefixes or suffixes to the number. They may require the number to be related to a date on the weapon so uniqueness is difficult to achieve because whoever is recording the firearm has to know an awful lot about the subject to make sure he is recording all the data necessary to create a unique record.

Now,/

Now, I take it the objective of having a unique way of identifying a firearm is to keep track of it? - Yes.

And that in fact might be of assistance in the detection of crime? - It might be but it very rarely is and I believe it was the New Zealand Police a few years ago when they looked at their own recording system, I think they discovered that they had never successfully tracked a firearm. If you look at the report done by Inspector Maybanks on numbers of firearms recorded in the Metropolitan Police area during a period of time, the percentage that they could, by the description and numbering, link to legal ownership was very low. I don't have the report with me but my recollection is that it was about 13 per cent. It may have been lower.

BY LORD CULLEN: Just remind me of the name of the report? - It is the Maybanks Paper.

EXAMINATION CONTINUED BY MR. BONOMOY: Now, the other document you provided was in letter form and that is dated the 31st May, 1996 and that can actually be considered I think quite independently by the Inquiry as a description of the types of ammunition which Hamilton had and the use to which these are put? - Yes.

You indicated you also had the opportunity of reading Mr. Paton's evidence? - Yes.

And he dealt with ammunition in some detail. Do you accept what he has actually said about ammunition? - In the generality of terms, yes, but there are one or two specific statements I would take issue with.

And you deal specifically with anything you wish to say on that subject in this letter, do you? - Yes, I do.

So I can give that also a Production number and lodge the two I have here. That is the report of the Firearms Consultancy Committee and the letter as to additional Productions? - Yes.

BY LORD CULLEN: Perhaps you could tell us if there are any matters you take issue with because I think perhaps I better know in case I rely on/

on something where there is some issue? - I am sorry, sir, I can't recall precisely. I think at one point he talks about semi-wad cut bullet and I don't think he was precisely correct there. I'm afraid, sir, I really would need to review Mr. Paton's evidence in some detail. I did not take notes. I read it.

What I would suggest if there is any passage in it which you would like to draw to my attention you should write to me and draw these points to my attention. I think that would be the sensible way of dealing with it? - Certainly.

And then I will have to make up my mind what to do then.

EXAMINATION CONTINUED BY MR. BONOMOY: That leads me to the question of illegal firearms. Do you have any information that might assist us in relation to the numbers of firearms which are held illegally in the United Kingdom? - I would like to talk about this. I'm afraid I can't be brief on this subject. One of my jobs involves looking at firearms that come in in amnesties and I think I probably looked at about one-third of the firearms that came in in the previous amnesty. I will be looking at other firearms shortly. I would like just to mention one or two figures. The total of firearms that have come in in amnesty since 1933, and bear in mind that nearly all of these firearms would have been in unlicensed ownership, is 321,023. That includes Scotland. Anecdotal evidence seems to indicate that apart from amnesties the police have recovered approximately 600,000 firearms that have come to the police. So we are looking at a figure of a million firearms or thereabouts that have already come out of Great Britain and nearly all of which would have been unlicensed.

The question then arises about how many more there are out there. That is difficult. Now, can I say to you that I believe essentially one is looking at three different pools of firearms in Great Britain. Pool one we have been discussing today. They are the certified legally owned firearms and the person who owns these is an active shooter. He wants to be able to travel with his firearms, to replace them, to buy ammunition and so on. There is a second, and I submit very small, pool which is used for professional criminal purposes./

purposes. My own feeling is that they can probably be served by 2,000, 3,000 or 4,000 firearms. If you look at the report that was done by Oxford University recently on the use of firearms in crime, it indicated that most of these cost less than £200. In a magazine article, a magazine called SKY written shortly after the 1988 Firearms Act gave anecdotal evidence that the only firearms purchased illegally that cost more than their equivalent purchase legally were Uzi sub-machineguns and other weapons that were popular in the drugs sub-culture. The indication there is that supply exceeds demand for serious criminal purposes.

The third pool of firearms, and that is the one we are talking about at the moment, is those that are in public possession, members of the public, but uncertificated. Now, you may wish to consider the extent to which those can be and have been recovered.

Again, I would like to take you back to the period before firearms licensing in any serious way was introduced in this country which was in 1920. For all practical purposes before 1920 anyone could buy pretty much any sort of firearm they wished to possess.

Now, with your permission, sir, I would like to read from a short passage from the Journal of Beatrix Potter which is dated 13th January, 1885. "I can't help thinking that the state of society, as regards personal safety, has rather gone back lately. A correspondent of the Times in Paris states that he became confused as to his overcoat in the lobby of one of the most influential and respectable Paris Clubs. He thought that he should at once recover his coat because he had left a revolver in the pocket, but he felt in no less than 20, in every one of which was a pistol. This letter called forth a most startling one from a gentleman who seemed veracious, and must of course have given proof of his good faith to the editor.

He said he had been staying at a quiet Yorkshire hotel when, one day in the coffee room, a discussion arose as to whether the practice of carrying revolvers is common in England. The correspondent thought not, but to his amazement discovered that, out of the eight or nine persons present, he was the only one unarmed. The Times wrote a Leader on the subject, in surprise and consternation, and other papers declared that the practice had for some time been very common, and it is/

is perfectly well known to the authorities.

One of its dangers, a shocking example, has lately occurred in Huddersfield, where an unfortunate gentleman thinking he heard burglars in the middle of the night, went downstairs and shot his cook dead."

Now, that indicates that firearm possession was extremely common and also that it was not very responsible. I would just like to make an aside that in this country things have changed very considerably obviously and one factor of that is that possession of firearms in this country now legally is a very social activity. If you shoot game you are normally shooting on someone's land and you shoot as a member of a group or a syndicate which tends to be self-regulating. If you shoot in clubs you are in a self-regulating society. So in fact it is in the interests of all shooters to make sure that reasonable standards are attained for safe and successful firearms use and handling which is a significant change but my main point is the very large number of firearms we see.

Another point which indicates this is that the Americans passed a major tariff law change in 1897 which put a very heavy tax on cheap firearms coming into America. The result was that Great Britain, who through Birmingham, who was a major firearms manufacturer, also at that time became the single perhaps destination of firearms from Belgium which was probably the largest firearms manufacturer in Europe at that time. So all one can say is that there were very large numbers of firearms in Britain after the First World War.

The/

12.30 p.m.

The second main source of illegal firearms are wars and other forms of conflict. The First and Second World Wars brought huge numbers of firearms into the country. In fact it was not illegal in the First World War. After the First World War the Government gave great quantities of rifles and machine guns, which were not deactivated, to people and institutions who contributed to War Savings.

In the Second World War it was technically illegal, but you only have to look at the number of firearms used in crime which emanated from that source to know how many were brought back.

Since 1945 there has been no great cessation of conflict in which Britain has been involved, albeit in a very minor way. You only have to look at the Falklands and the Gulf War and all the weapons that were brought back into the country illegally and which have been involved in crime.

In relation to the amnesty figures, they appear to be going up somewhat. There could be lots of reasons for this. The big amnesty after the Second World War in England and Wales netted 76,000 firearms, 70,000 in 1961, 41,000 in 1965, 25,000 in 1968, 42,725 in 1988; so the numbers have not obviously been decreasing.

All one can say is that there are probably still large numbers of firearms out there, illegally held. My personal gut feeling and belief is that it is probably around the million mark.

Figures have been put by others ranging from many thousands to 4 million. I would think around 1 million is a sustainable figure.

There are a number of quite distinct issues I wish to ask you about finally. We have heard about the practicability of converting weapons from multi-shot to single shot, and all that evidence concentrated on weapons made of standard material, which I presume is normally iron or steel of some kind? - That is correct.

No attention was paid at that stage to the possibility of weapons which have frames made of different/

different material. Now, how widespread are weapons with frames of different material? - Aluminium started to be used as a frame-making material significant between the wars, and became much more common post-war. There are quite a large range of pistols which have aluminium frames, which are not susceptible to welding.

Yes? - There is also an increasing tendency to use plastic as a material. Quite apart from lightness, it has very genuine benefits in that it won't corrode, and it helps to avoid recoil.

Now, there are a number of pistols, including the Glock, which is commonly used and also commonly used as a police weapon, and that has a plastic frame.

In top competitions, at the top level there are a number of weapons made by Sterr Tripp, which have plastic frames.

There are of course a number of adhesives. You can hold aircraft wings on by adhesive these days. Plastic however by its nature is fairly soft, so I suspect it would be relatively easy to cut out blocks.

The general tenor of the evidence was that it would be largely unsatisfactory to try to convert these weapons from multi-shot to single shot because of the potential for re-constituting the original mechanism. Is the position the same in relation to those weapons which are plastic framed and alloy framed? - Yes.

We have also had some evidence -- this is on a separate matter -- about the speed at which a good shot might fire off a number of rounds from a single shot handgun? - Yes.

You may have read that evidence, given by Mr. Paton?  
- Yes, I did.

Do you agree with the view he expressed about the time he said it would take to re-load and fire a second shot? - No, I think the time he indicated was too long.

Why is that? - A single shot weapon is normally very simple to manipulate. Most of them are/

are very similar to a conventional shotgun, in that the barrel will drop and the fired case will be ejected.

Now, provided you have ready access to additional rounds you can re-load quite quickly.

I used to use a .22 shot, single shot, for vermin destruction, and I used a wrist bandolier which had .22 cartridges to assist re-loading. With one of these attached to your wrist, the movement from cartridge to breech is four or five inches, and you can considerably speed up re-loading. If you couldn't buy one of these it is within anyone's capabilities to make one.

How quickly could you re-load and fire? - I would suggest with reasonable practice you could get it down to about five seconds.

Can you tell me anything at all -- please tell me if this is outwith your expertise -- about the relative lethal capacity of .22 rimfire ammunition compared to centrefire 9mm ammunition? - You have to understand that there is a difference between lethality and stopping power. Something can be lethal without immediately incapacitating someone. Heavy handgun cartridges are designed for immediate incapacity. A .22 long rifle is capable of lethality on a human being and is capable of instant lethality if you hit certain areas, the brain and the spinal column.

This might seem commonsense, but is it not the case that the bigger the round the more likely it is to cause damage? - It may cause damage, but it depends where you hit. If you hit the brain or the spinal cord with a .22 you will cause instant death. You would not cause as much damage generally to the brain with a .22 as you would with a heavy calibre weapon.

But you must be more likely to hit a vital organ the larger the calibre of ammunition? The smaller the calibre the greater or more likely must be the chance that you would miss? - That is true. The chest cavity however is full of vital organs. If you miss one you are likely to hit another.

We/

We have had some evidence in this case about Hamilton's firearm certificate containing permissions which were never taken up over a number of years, in fact up to 10 years? - Yes.

In your experience is this something which does occur from time to time? - I suspect it occurs frequently. For instance, on the renewal form used by the Metropolitan Police, it takes this into account.

Yes? - On my own firearms certificate I have had one open variation on my certificate for a long time. Now, my interest is antiquarian, but I have an open variation, which is an opportunity to purchase. It is not a problem.

BY LORD CULLEN: How detailed is that variation? - In my case it is for a .455 revolver. Normally the variation is couched in terms of nominal calibre of weapon. I am talking about -- I think it was a .445 handgun. Essentially it is not specific as to serial number or.....

EXAMINATION CONTINUED BY MR. BONOMOY: So you would have the facility within that variation to purchase something other than the particular weapon that you sought it for? - Yes. It would still have to be a handgun of a .455 calibre, but frankly that is quite normal for target shooters, who may well decide that they want a .22 rapid fire pistol, and apply for a variation. They will then try several different types and decide which one they want.

BY LORD CULLEN: If I could ask you about one matter, and that is to do with clubs. We have heard a number of clubs are affiliated to national organisations? - Yes.

Does that have any bearing upon the way in which the clubs are run or managed? Are there model rules or things of that sort? - There may well be advice to that effect from the Associations. The Associations also increasingly make available information on safe range construction and on training courses to ensure safe and good practice.

Now, for the most part we have been thinking about what might be called members' clubs, but I think there are a certain number of what might be/

be called proprietary clubs, which may be more common in England than in Scotland. How many are there relative to members' clubs? - I don't know, and I am not sure anybody does. They are normally approved clubs, because they will be wishing to attract new novice shooters to join. Now, the fact they are commercial is not necessarily a bad reflection on them: indeed it has been argued that a properly run commercial club, where there is the ability to pay staff full-time, may run better and more efficiently than clubs run by amateur committees. There is therefore in my view nothing wrong in a club being commercial. The way they operate tends to be that they will operate a shooting range, to which a shop will be attached, and you may buy your ammunition or firearms or shooting equipment there: so obviously the commercial aspect will stem not only from membership fees and range fees on the day but also from the sale of necessities for the sport.

Are they likely to be affiliated to national organisations or not? - They may be, yes. In practice, in operation they can be, the same as an amateur-run club. The difference is that they are run with a bottom line that is a commercial one.

Are they linked normally to somebody for example who may be a dealer? - Yes, normally if they were going to sell guns and ammunition, in these circumstances they would have to have a dealer's certificate, because they would be doing it by way of trade or business. An amateur-run club can sell its members ammunition through its firearms certificate.

#### EXAMINATION CONTINUED BY MR. BONOMOY:

Arising out of that last matter, I assume it would be possible to invite the Home Office to provide information in regard to the number of clubs which are approved? - Given the nature of the approval today, it would be straightforward for them to secure that information in the future, because approval now requires a positive police inspection to make sure the club is meeting the criteria. In the past approval was essentially a correspondence transaction, and lasted indefinitely; approval is now a finite concept.

JOHN/

JOHN ANDERSON (Recalled)

The witness was reminded he was still on oath.

EXAMINATION CONTINUED BY MR. BONOMOY: I believe that at one stage in your service with Central Scotland Police you served in the Child Protection Unit or the Family Unit? - That is correct.

When was that? - I began in the Child Protection Unit on the 4th January, 1989 at the launch of the Unit.

How long did you remain in the Unit? - I remained there as a Detective Sergeant until April of 1991, when I was promoted to Inspector.

Who took over from you? - Detective Sergeant Paul Hughes took over at that time.

Did you keep in touch with matters within the Family Unit? - For the following year not directly. I did obviously see Detective Sergeant Paul Hughes in my working day.

While you were in the Family Unit did you have any experience of Thomas Hamilton? - I did not, sir.

After you left the Family Unit did you pick up information from other sources about Thomas Hamilton? - I did.

From where? - From Paul Hughes, who in casual conversation asked me if I had known Thomas Hamilton. I said no, and he mentioned he had an investigation ongoing at that time and I said I had no knowledge of him.

When was that? - It was during the time I was away from the Unit, which would have been after 1991. I could not be more accurate than that.

What was the investigation he had ongoing at that time? - I believe it concentrated on the area of Loch Lomond.

Was that the first you had ever heard of Hamilton?/

Hamilton? - It was to my knowledge, yes.

Now, in April of 1995 WPC Anne Anderson spoke to you about Hamilton? - That is correct.

Now, that was specifically her subject, Hamilton? - Yes, sir.

Do you remember the conversation in some detail? - It was a very short conversation: but yes, I can recall.

Do you remember why she spoke to you? - Yes, sir.

Why was that? - She came into my office at Stirling and mentioned that she was doing background enquiries into a Thomas Hamilton; I think it was to do with a firearms enquiry. Whether it was an application or a renewal I do not know.

Yes? - She said she had checked to see if he had any previous convictions, and he had not. She suspected I may have knowledge of Thomas Hamilton.

Did she indicate why she thought you would know? - She did not.

What did you say? - I recalled the name Thomas Hamilton in my previous conversation with Paul Hughes, and I mentioned to her that Thomas Hamilton had been the subject of investigation by the Family Unit, and I suggested she make enquiries with staff there and also carry out a check on the Force's Criminal Intelligence Unit to see if they had information regarding Thomas Hamilton.

She indicated in her evidence you told her the Family Unit had put in a report regarding Thomas Hamilton? - I am aware the Family Unit did put in reports to the Procurator-Fiscal.

Do you remember telling Constable Anderson that? - No. My recollection of the conversation was that I said Thomas Hamilton was the subject of investigation by the Family Unit, and that she should liaise with them.

Do/

12.50 p.m.

Do you remember saying to her that there were no previous convictions that you knew of? - No, sir, she told me that she had carried out a check and found that he had no previous convictions.

She indicated to us that you told her there were no previous convictions and there was nothing we, that is the police, can do about that? - No, sir, that is not the case.

Are you suggesting her recollection is faulty? - I would say that if the officer had said that, she is mistaken.

This whole investigation made a big impression on her, which she told the Inquiry very graphically about, and one might have formed the impression that she was likely to remember clearly what had gone on. Do you think it may be your recollection that is not clear now, since it wasn't so important to you? - All I can say is, sir, that my recollection of events as far as I am concerned are quite accurate. The conversation we had was very short and perhaps no more than a minute, and I am quite satisfied that I can recall what I said and what indeed that officer said to me.

No cross-examination.

MR. BONOMY: Sir, the arrangement I have made with Professor Cooke is that he should come this afternoon to respect his professional commitments, and I would be grateful if you could now adjourn. It is proposed that Mr. Lake should take his evidence.

LORD CULLEN: 2 o'clock -- would that be helpful?

MR. BONOMY: I think because the length of his evidence is rather unpredictable, it might be as well to start at 10 to 2.

LORD CULLEN: Very well -- 10 to 2.

After/

1.50 p.m.

After an adjournment for lunch.

LORD CULLEN: Now, Mr. Lake, I think there was a suggestion about a witness being interposed?

MR. LAKE: Yes, the next witness it is proposed to call is Mr. Joseph Jackson and it is proposed that Mr. Campbell examine him.

LORD CULLEN: Yes, all right.

JOSEPH JACKSON (56) Sworn

EXAMINED BY MR. CAMPBELL: I think you currently live in Jackton by Eaglesham? - Yes.

Are you a retired Detective Superintendent of Strathclyde Police? - I am.

What is your current occupation? - I am chief of security for the Chivas Glenlivet Seagram Group in Scotland.

I think you joined the City of Glasgow Police Force in 1960? - That is correct.

How many years of police service did you have? - Just over 32. 32½ years.

And you have prepared a statement which I think has been given to all parties and to the Tribunal and we can take your personal details in the main from that. Am I right in thinking that in 1978 you became a Detective Inspector and you were transferred to the Gorbals Sub-Division of F Division of the City of Glasgow Police? - That is correct, yes.

And at that time as a senior CID officer did you begin to take charge of a number of major inquiries, including murder inquiries and numerous other types of violent crime? - Yes, I did. Before that I had been a Detective Sergeant in the Serious Crime Squad and of course was dealing with serious crime but had not actually fronted any enquiries or headed any enquiries.

I/

I think you served in the Gorbals area in that capacity for some seven years before being promoted in 1985 to Detective Chief Inspector of the Strathclyde Serious Crime Squad? - That is correct.

Seven months later you were again promoted and appointed Detective Superintendent in charge of that Department? - That is correct.

And you remained there for a further two years before transferring to G Division to take command of the CID within that Division? - Yes.

And you served there for five years before retiring from the Strathclyde Force? - That is correct.

Were you an authorised firearms officer? - Yes, I was.

Was that from 1974 until your retirement? - Yes.

And can you give us some indication of the kind of experience which you have had which enables you to tell us a little bit about the illegal obtaining of firearms which is the specific subject that I wish to ask you about? - Obviously as a CID officer, and I was always in the CID from three and a half years service, when dealing with criminals and the criminal fraternity, the majority of the time was in Glasgow but when Strathclyde came about it was outwith Glasgow too and from there of course we had to deal with situations where there were robberies which involved firearms, murders which involved firearms and other types of crimes where firearms could or would have been used or would be in the possession of the criminal who intended to commit that crime.

As an incidental, do I correctly understand that as a Detective Superintendent you were also involved in a Working Party concerning the restructuring of the use of firearms by Strathclyde Police officers? - That is correct.

And the recommendations of that Working Party were implemented in due course? - That is correct.

Obviously/

Obviously you are aware of the terrible crimes committed by Thomas Hamilton on the 13th of March of this year? - Yes, I am.

With which we are concerned. The Inquiry has heard evidence to the effect that if Hamilton's firearms certificate had been revoked Hamilton may have simply obtained firearms illegally for the purposes of carrying out these terrible events? - Yes.

And it is in that context that I want to ask for you evidence. We have also been told that Mr. Hamilton had no criminal record? - Yes.

He had no previous convictions of any nature. Bearing that in mind, do you have any comment to make upon the proposition that Hamilton would have obtained firearms illegally? - It is something obviously you would have to think about and you would have to think well, in that context from where could he obtain firearms? If you are looking at it from the criminal element, if his certificate or firearms certificate had been revoked and he had obtained them from the criminal element -- looking at Hamilton's background I would suggest that this would be highly improbable for the simple reason that, and I think great stress has been placed on the fact, he had no criminal convictions and he had no criminal contacts. To obtain firearms from criminals in the context which I am aware of, on many occasions for armed robberies etc. firearms are hired out. Firearms are there for hire and I couldn't see Hamilton being the type of person who could go into an area, and there are specific areas, where these firearms can be hired. I could never see Hamilton going into such an area to hire a firearm or buy a firearm for that matter. I just don't think he was that type of person.

Now, those of us who know very little about this type of thing may not immediately understand why Mr. Hamilton should not have been the kind of person who would be able to do this. Can you help us on the reasons for your view? - Yes. He doesn't have the criminal contacts, he doesn't have the type of background, he has no previous convictions and he doesn't seem to come from any criminal family. He doesn't seem to come from an area where firearms could be obtained in that way. There/

There are a whole set of circumstances which would have to be put together before I would say that Hamilton or any other person could go to an area and obtain firearms by buying from criminals or hiring them from criminals.

So do I understand from that it is not the simple matter of anyone with the necessary amount of money going to wherever one goes and buying an illegal firearm or hiring an illegal firearm? - No, that is not the way it is done.

Now, have you considered other possibilities such as burglary? - Yes. I have thought of the situation where if he had no firearms and he was requiring to acquire similar types of firearm which Hamilton had he would have to look at specific places where he could go to obtain them by housebreaking and it would have to be a gun club or it would be a firearms dealer. These places generally, if they are holding firearms, are heavily alarmed and heavily secured and it certainly takes a certain amount of expertise to break into such places. I would suggest that Hamilton would know this and possibly not have the nerve, let alone the expertise, to carry out such a housebreaking.

So from the knowledge which you have of Thomas Hamilton's background and the type of person which he was, assuming his firearms licence had been revoked what is your view as to the likelihood of him obtaining alternative firearms by illegal means? - The only other way that he could obtain them by illegal means was perhaps by some colleague or contemporary within a gun club giving him these guns but from my reading of Hamilton, Hamilton was a loner, Hamilton was not a person who had friends and if a person's firearms certificate or gun licence was revoked I would expect that people who were members of the gun club certainly would not be prepared to hand over other firearms to him so I really don't think.....it is not beyond the bounds of possibility but I certainly do not think it is probable that Hamilton could have obtained the type of firearms he had if they had been taken from him. If his legal firearms had been taken from him I don't see him acquiring illegal firearms.

CROSS/

CROSS-EXAMINED BY MR. TAYLOR: Can you tell the Inquiry the nature of the information you were given which enabled you to form your view of Mr. Hamilton? - The information I was given certainly was in regard to what evidence of.....you are talking of my view of Hamilton, sir?

How it was formed, the basis upon which it was formed? - Obviously I am the same as every other person. I have been reading the papers. I have been looking at the background of Hamilton.

Sorry, looking at the background? Can you please tell me the source for the background material? - The source for the background material is material which has been published in the newspapers and the media which has come from this Inquiry.

So your view of Hamilton has been formed from the media? - My view of Hamilton has been formed from what I have read of him and of this Inquiry.

Have you had access to the transcripts of the evidence? - No.

Have you had access to any of the statements which were prepared by the witnesses before they gave their evidence? - No.

Have you had access to any of the Productions? - No.

Have you formed a view that Mr. Hamilton was a determined man? - Yes, I have formed that view. I have formed a view from what I have read. I have formed a view that he would be obsessive in certain areas. When I speak of that I would be speaking of the fact of how he pursued the situation with regards to the childrens Clubs that he was involved in.

I take it from what you have said about knowledge that weapons capable of doing that which Hamilton did on the 13th would be available to certain individuals from various sources in Scotland illegally? - Can I say that my experience is that generally illegal weapons which are used in robberies or murders and which I have come across and/

and which I have investigated are generally sawn-off shotguns. It is very rare to find 9 mm Browning automatics or semi-automatics being used by criminals. I have had instances where semi-automatic firearms have been used but the vast majority of times when I have investigated crimes it has been sawn-off shotguns.

If one wanted to obtain a 9 mm weapon or similar and if one was sufficiently determined, would it not be possible by building up certain relationships to be able to gain access to such a weapon, albeit it illegally? - I don't know which types of relationships you would be referring to. Can I say to you that generally when criminals are trying to hire or buy a gun they will not refer to "I want a 9 mm Browning automatic". They will take whatever is going. If it so happens the cache of guns has sawn-off shotguns or some other type, they will take that. I have never known a situation where they have been able to go and demand a certain type or calibre of gun.

Even if one accepts that, would you accept that it would not just be one particular type or calibre of gun which would be necessary to do what was done on the 13th? - Yes, I would accept that. I would say, though, that semi-automatic firearms to my own personal knowledge are highly dangerous and these are the ones which really people are afraid of because even in a situation where I have recovered a semi-automatic firearm at one time, it was still a situation which although I was an authorised firearms officer and I had actually taken the magazine from the gun, there was still a bullet within the chamber so these are guns which are very, very dangerous and semi-automatics always were ones which were treated with extreme caution. If we were going into a situation in the serious crime squad where we had to face firearms and our information was that this was the type of weapon which was being used then obviously that was the time when we took great care.

Are you familiar with the Bonnyrigg murder? - No.

I can understand why one might have some difficulty if one walked into a locality without being known and made inquiry as to whether it would be/

be possible to obtain a weapon illegally, either by purchase or hire, but would you accept that it is said that there are certain premises, usually pubs in Glasgow, in certain areas in Glasgow and perhaps in Scotland, where one can go and where a weapon can be obtained? - Yes, but you can't just go in with some money in your hand and go to the barman and say "I'd like to buy a rifle" the same as you say "I would like to buy a bottle of beer". It isn't done that way.

You would need to establish a relationship? - It would take a long time to establish such a relationship. Believe me, with the criminal fraternity in Glasgow you couldn't do it in a week. It is a thing that would take a long, a long time and you would have to be introduced and you would have to know other criminals and they would have to take you into their particular enclave before you could ever get anywhere near buying a firearm.

Are you saying that would be impossible to achieve? - I would say it would be highly improbable that any one of Hamilton's calibre could go into the areas of Glasgow which I know, and very well, and buy a firearm.

CROSS-EXAMINED BY MR. LAKE: You said that in your experience most of the guns used in crimes are sawn-off shotguns? - That is correct.

Is it the case that most of the illegal firearms you come across are ones that have already been used in the course of some crime? - They may have been. Most of the time, yes, when we investigate crime we would find a firearm which had been used. There are other occasions of course where we were given information and you would go to certain premises and you would recover firearms. Shotguns, it is very difficult to work back from a shotgun whether or not it had been used at that time.

If you are given information about the existence of firearms without a certificate, is that a matter which you investigate at once? - Yes.

So although estimates may be given it would be very difficult for the police to predict with/

with accuracy how many unlicensed firearms are in circulation? - In my experience, yes, that is correct.

And my understanding is that evidence was given this morning that there were up to one million in circulation. Would you be able to make any comment on that? - No, I couldn't make any comment on that.

Similarly, would you be able to make any comment on how many of the weapons used in the course of crime are licensed or unlicensed? - The vast majority of them have been firearms which have been obtained illegally. Generally with shotguns, they are guns which have been stolen during the course of housebreaking etc.

When you say the vast majority, are you able to make any estimate on percentage? - I'm sorry, I couldn't. If you allow me to speculate in this instance, in my experience, because I have had instances where you had firearms dealers broken into etc. and guns acquired from there but I would say that in all crimes which I dealt with and all the firearms I saw, I would say probably 5 per cent at the outside would be legal firearms.

RE-EXAMINED BY MR. CAMPBELL: You were asked certain questions by Mr. Taylor about the material upon which your evidence was based? - Yes.

Were you provided by a solicitor acting for the families with summaries of the evidence of this Inquiry? - I was with some of them, yes. Yes, it was summaries I was given. I wasn't given statements.

And I think we know there are large files upon files of Productions just outside here? - Yes.

Were you provided with summaries by the same solicitors of the chapters of evidence in the Productions? - Yes.

And did you read that material? - Yes, I did.

Did/

Did you take it into account when preparing your evidence? - Yes.

DAVID JOHN COOKE (43) Sworn:

EXAMINED BY MR. LAKE: What is your present occupation? - I am a Clinical Psychologist and Professor of Forensic Psychology.

Where are you a professor of psychology? - At Glasgow Caledonian University.

What are your qualifications? - Bachelor of Science, Master of Science, Doctor of Philosophy, a Fellow of the British Psychological Society and a Chartered Clinical and Chartered Forensic Psychologist.

Can I ask you to have in front of you please the reports that you have prepared for this Inquiry. I propose that these be numbered 64 and 65. 64 would be the one entitled "Predicting Violent Behaviour: A Psychological Perspective" and 65 would be the one entitled "Psychological Report on Thomas Watt Hamilton". Are these the reports prepared by you? - Yes, they are.

Rather than referring you to the reports in any detail, what I would like to do is to consider certain aspects arising out of them which I might add would involve dealing with them perhaps not in the same sequence as they are contained in the report? - Okay.

The first thing I would like to consider please is different types of violent behaviour and if I can ask you to look at Page 15 of the first of those reports entitled "Predicting Violent Behaviour"? - Indeed.

I think we see under a heading on that page you refer to the fact that the nature of violent acts and violent individuals is heterogeneous? - That is correct.

In what way do you mean it is heterogeneous? - In the sense that people really are/

are violent for a whole variety of reasons. Some people can be violent because they are active criminals using violence in an instrumental manner to intimidate other people or to rob a bank. Other people use violence because they are emotionally disturbed, perhaps even brain damaged. Other people use it because they have difficulty controlling their anger. A whole variety of reasons why people actually act in a violent way and you can get to that violent act by many different pathways.

And do these different pathways reflect different states of mind of the person that commits a violent act? - Yes, indeed. If we take a case of instrumental violence, a person might not be in any emotionally aroused state. They are using violence as a tool whereas someone else may be using violence because they are very angry, they feel they are being threatened. The cause of emotional reasons are instrumental reasons.

Now, I take it that these different types of violence are more or less prevalent depending on the population as a whole? - Yes, indeed. It varies. There are some sub-cultures where violence is the norm. It is the way of dealing with difficulties and people are brought up and taught that violence is the way to resolve difficulties.

Is there a particular sort of violence that will arise in that context? - The end result, the violent behaviour, will be same but it comes because people have learned that is the way to deal with difficulties and we call that sub-cultural violence.

The particular incident which occurred at Dunblane Primary School on the 13th March of this year, how would you classify that particular form of violence? - I define it as spree killing or mass murder and these terms are used but they are not clearly defined. The difference. I am not clear what the motivation for it was. It may be that he had violent fantasies that he was acting out because he felt he had a grudge against people because they were spreading rumours about him but it isn't clear.

When you talk about the violence as being/

being a spree killing then would there be factors which are to some extent a definable profile of factors which might be relevant to it? - No, there may be a variety of reasons why people commit spree killing.

It may be that someone is suffering from psychotic symptoms, they believe God has instructed them to carry out a violent act. That may be one process leading to it.

Even/

2.20 p.m.

Even within the different parties there may be a great variety of factors which go to explain why violence might occur? - The internal psychological processes which lead to the same end result may be different in different cases.

I would like you now to look at page 16 of your report, to consider the determinants of violent behaviour. What are the two basic determinants which go towards violent behaviour? - There are psychological factors and there are situational factors.

Although we will consider this in more detail, in broad terms what are the psychological factors? - Something inherent to the person. It may be they have personality difficulties that make them prone to anger easily, they may be dis-inhibited through the use of drugs or alcohol, they may have psychotic symptoms. It is the type of thing which is inherent to the individual.

Just in very broad terms, what are situational factors? - These are the factors within the context of the acts of violence which may increase the likelihood of violence. One example might be of a fight in a pub, if someone draws a weapon the likelihood of the violence being more extreme is increased. Researches show that victims who had to draw a weapon were more likely to be killed by the perpetrator than those who did not. So there is a psychological factor in the violence.

In what way do these two factors inter-act to provide a determinant indicator of violence? - It would vary. In some cases the psychological factors on their own may be sufficient. For example, there may be someone who has elaborate sadistic fantasies, and these are enough to make him go outside, seek a victim and to resort to violence without any other external trigger, where there are others where the situational factors would be very important.

If someone goes into a public house wearing a football jersey they may be attacked because of what they are wearing and the context in which they are wearing it.

Turning now to consider the various factors/

factors which might be relevant to predict violence, I think you summarised those, starting at page 6 of that report? - Yes.

And again we have a sub-division into biographical factors on the one hand and psychological factors on the other hand? - Yes.

What is the definition of the two categories in this case? - I was trying to simplify the list. Biographical factors would be characteristics of individuals, the experience and the employment status, and they would include gender and age, because young men are more violent than older women, for example.

And psychological factors? - Psychological factors which are inherent to the person or things to do with their thoughts and behaviour.

I think under the heading of "Biographical Factors" you say "The best predictor of future behaviour is past behaviour"? - Yes.

Then you talk about being a victim or witness of family violence on a child, recent relationship problems and recent employment difficulties? - Yes.

What is the relevance of these factors in indicating that someone might be prone to committing violent acts? - You are looking for a variety of factors which are related to violence. There is no simple relationship between the number of factors someone shows and the risk of violence: one is sufficient. For example, if someone has this belief that God is telling him to go and kill prostitutes, that might be sufficient to make him a high risk. In general terms, the more risk factors the greater the risk.

Talking about someone who thinks God is telling him to do things, that would be a psychological factor? - Yes.

In relation to purely biographical factors, do these factors give any indication about the state of mind of a person, or are they matters of statistical probability? - I think they are all interlinked./

interlinked. They are based on essentially the actuarial risk. These things have been shown from studies to be linked. People with unstable employment are shown to have a high rate of violence. That may be linked to personality or other factors. One could not be clear on this.

So biographical factors may overlap the psychological factors? - Yes.

Looking at psychological factors, which you begin on page 8 of your report, you begin with a number of headings, the first of which is "Personality Disorders"? - Yes.

What is meant by a personality disorder? - This is essentially a disorder which starts early in adulthood or late adolescence, and it affects all parts of a person's life. They have difficulty in dealing with problems: they demonstrate inflexibility, and so forth. It should be distinguished I think from other forms of mental disorder, which tend to be episodic. It is a thing which is persistent and affects all aspects of an individual's life.

You provide instances of three different types of personality disorder, the first of which is psychopathic personality disorder? - That is correct.

What is suffered by someone who has a psychopathic personality disorder? - There are a variety of problems that will show up that are relating to that or they are relating to -- they tend to be grandiose or egocentric, forceful, cold-hearted and so forth. Their actions are labile, they are easily angered, they are impulsive and sensation-seeking in their behaviour. These lead to increased risk of criminal behaviour in general and violent behaviour in particular.

By what means has it been established that there is an increased risk of violent behaviour in people with psychotic personalities? - There are now a number of extensive studies looking both retrospectively and prospectively at individuals. One example is a study where people are rated before they leave prison and are followed up ten years afterwards, and you can say that the probability of them/

them having resorted to violence is five or six times increased when they have high levels of psychotic disorder. That has been replicated in nine or ten studies now.

The next one you have referred to is sadistic personality disorder? - Yes.

What are the key features of that? - When an individual relates to other people in a cruel and demeaning and often aggressive manner they may get pleasure from humiliating or assaulting other people.

One of the characteristics which has been shown to be a frequent part of this is a fascination with violence, a fascination with weapons and Martial Arts, with tortur, concentration camps and that type of thing.

When you say weapons and Martial Arts, is that purely the activities themselves or is it films also? - Books, pictures, photographs, films, video tapes.

I think sexual sadism is a sub-category of sadistic personality disorder, is it? - That is not clear. It is related in some way, but it is not necessarily a sub-category. I think it probably is a sub-category, but it is not clear.

What are the features of sexual sadism? - Again, it is not very well mapped out.

There are a few research papers on this, and the evidence suggests that they get sexual satisfaction from dominating other people and humiliating other people. They have elaborate fantasy lives, which are often more important to them than their real lives. They have fantasies of domination of others.

They may attempt to get sexual arousal by putting their sexual fantasies into action and indulging in behavioural draw-outs: so they may stalk someone for a while and get sexual gratification from that, but that fades after a while, and that is not sufficient, and they go further and perhaps assault them.

On page 24 you list previous reports of a classical/

classical description of a sadistic murder and of that sort of personality trait. What sort of personality trait did these people have? - They are shy, socially withdrawn and often prudish, though they have complex sexual fantasies. Although they are sexually interested they are often inexperienced in sexual matters.

I think you go on to refer to the relevance of weapons? - Brittain was a psychiatrist and pathologist who wrote the classic account of sadistic murderers. He was able to look at a crime scene and also talk to the perpetrators because of his dual speciality. He suggested "The weapons have an attraction for him far beyond what they have for an ordinary collector, and he may 'love' them, handling, and in the case of firearms dismantling them and cleaning them for long periods of time. He has strong feelings about them, may have special favourites and he can even have 'pet' names for these."

That has been taken from a report in 1970 I see? - Yes.

Is that still accepted to be an accurate definition of that? - There has not been a lot of research in that areas. Britain's account is a clinical account based on clinical experience. There have been two major papers since this that perhaps have clarified the mechanisms by which sexual sadism operates. Fortunately it is a rare disorder, so it is difficult to get an absolutely clear profile of what they are like. It is perhaps the best clinical description we have had at the present time.

You state there it is a rare disorder. How rare is it in relation to a general situational personality disorder or psychopathic personality disorder? - We can't answer that, because we have not got studies we have carried out on the general population.

Within the Scottish prison system the rate of psychotic personality disorder is probably in the order of 8 per cent, but we have no estimate of the level of sadistic personality disorder or sexual sadism within the general population: one can only guess.

The/

The next of the psychological factors relates to impulsivity? - Yes.

What are the features of impulsivity? - It can take a variety of forms. People may act without thinking, they may think and make decisions very quickly or they may go through life without any thought for the future.

How does that relate to violent conduct? - People attacked without thinking can be violent. In a dispute or a conflict rather than reflecting how to deal with it the person will punch or kick or act in a violent manner.

Next you refer to poor anger control? - Yes.

What are the principal features of that? - There are certain individuals who might be described as hot-headed, who in a social situation would feel they were being provoked, seeing injustice where there was no injustice, easily aroused physically about these issues.

If someone does have poor anger control what is the mechanism by which that leads him to commit violence? - It is a way of trying to resolve the problem by treating it and trying to stop the problem happening. It is a way of getting over their frustration.

The next heading is "History of Substance Abuse". What range of substances do you include within that? - The principal one would be alcohol, but there are other drugs which are related to violence; Temazepam abuse, for example.

In relation to someone who only consumes alcohol, in what circumstances does that become relevant to violent behaviour? - I suppose people are dis-inhibited and are less likely to think about the consequences of their actions.

With other substances violence may occur because people are trying to secure supplies of the substance, although that could apply to alcohol as well.

Is alcohol relevant in any situation where it/

it is consumed or only in situations where it is being consumed in an abusive manner? - I think at even low levels of consumption it can be sufficient to facilitate violence. In public houses, someone taking two pints of beer may be sufficient if the other triggers are there, may be sufficient for him to be violent.

That is the dis-inhibiting effect you have referred to? -  
Yes: depending on their experience of drinking alcohol, their weight, etc.

We have heard some evidence to the effect the police take into account when issuing a Firearms Licence the fact that a person has been convicted of driving whilst under the influence of alcohol. Is that a factor which in your view would be relevant in relation to predicting the possibility of someone committing violence? -  
Yes, it suggests the person is prepared to behave in a reckless manner, and that would be an increased risk.

The next heading is "Recent Suicidal and Homicidal Thoughts and Intent"? - Yes.

How does this relate to the issue of violence? -  
Someone who has formed an idea they are going to kill someone else, that increases the risk.

Again we don't know how common this is in the general population, for people to have homicidal ideas and not to carry them out. We know that suicidal thoughts are not uncommon in people who do not go further.

Would suicidal thoughts be an indicator of likely violence to others? - They can do, yes.

The next heading is "Psychotic Symptoms or Manic Symptoms"? - Yes.

What do you mean by "Psychotic Symptoms"? -  
Psychotic disorders such as schizophrenia may include difficulties in perception or difficulties in thinking, but they may include delusions, hallucinations and so forth.

What is meant by "manic symptoms"? - Manic symptoms would be symptoms of a manic depressive/

depressive disorder, which might include thinking difficulties, irritability and so forth.

You said in relation to personality disorder that these are matters that set in relatively early in a person's life and last throughout their life? - Yes.

Is that true of psychotic symptoms or manic symptoms?  
- Generally psychotic symptoms start -- they may start in early adulthood, and they are episodic. When the person is not in an episode of their illness they are effectively in a normal state. There is a quantitative difference in their state when they move in and out of the illness.

Yes? - With a personality disorder it is a basic disorder which is there all the time and may diminish in late adulthood, and you may find anti-social personality disorder diminishes in people in their 50's, but it is a very long-lasting process.

If someone has a psychotic disorder but is not having an episode of it would there be any indication that they were prone to having episodes in the future? - There might be slight evidence in their mannerisms and behaviour and so forth, but not in the same way as a personality disorder is evidenced throughout a person's life.

Does that mean it would be more difficult to detect a psychotic disorder? - When a person is not in a florid state, yes.

In what circumstances might a person be detected having a psychotic disorder? - You mean in terms of the symptoms?

Yes? - If they start believing that God has instructed them to do something, or if they say they are hearing voices which are giving instructions or if their thinking seems abnormal in its form and structure.

How would you as a psychologist be able to detect if a person was suffering from these symptoms? - Only by interviewing them, and if they were in a hospital by observation of nursing staff, who/

who would be able to see them talking to someone who was not there, for example.

We will come back to this in more detail, but purely in relation to some of the psychotic symptoms, if they did not wish to reveal them to you would you have any means of discovering they were there? - It would be difficult to detect active symptoms such as delusions and hallucinations. It may be their behaviour seems odd, but it would be difficult to be precise about the diagnosis in the absence of information from them.

You have referred to the prevalence or non-prevalence of personality disorders. How prevalent are psychotic symptoms in relation to personality disorders? - We have more information in relation to the prevalence of psychotic disorder in the general population, which is estimated at between 1 and 2 per cent of the general population, and a similar prevalence within the prison population in Scotland.

Is that 1 or 2 per cent of people who are currently in an episode of psychotic disorder? - No, that is a lifetime prevalence for them.

How relevant is psychotic symptoms or disorder to violence? - That has been a hotly debated issue over the years. In the public mind there is an association between what we might term madness and violence. However, empirical evidence is not clear. There is some evidence that types of psychotic symptoms, so-called poor control of anger, are linked to increased characteristics of violence.

I quote a paper by Monahan, who is regarded as the world authority on this topic, which asserts that psychotic symptoms are really of limited relevance as compared to other risk factors, like abuse of drugs and alcohol.

Is/

2.40 p.m.

Is that because these other factors are more prevalent in the population, or are they more potent in relation to causing violence? - Both, I would think.

You mentioned there threat control over-ride systems; what are they? - These are symptoms where a person believes that an outside agent has taken control over them, and believes that they have been subjected to some sort of threat, and the outside agent is instructing them to deal with this threat in some way, so someone may believe that the police are going to shoot them, and this voice is telling them that the police are going to shoot them and you must do something about it to protect yourself.

And how would that come to light? - Only if the person reported that by detailed interview, and it may not come to light.

And just prior to the reference to threat control over-ride symptoms, you refer to "urrent psychotic symptoms are lined with an elevated short-term risk for a violent act"? - Yes; we are thinking in terms of months rather than any longer -- about two months maybe.

From what time does that two months run? - From the onset of the symptomatology.

Is that each episode of symptomatology? - Yes; one cannot be precise about these things. The evidence comes from only two studies essentially. It is not well worked out yet.

I have asked you about the prevalence of psychotic symptoms and personality disorders, but in relation to impulsivity, poor anger control, substance abuse, and suicidal and homicidal thoughts, are they more prevalent than these other disorders? - I would consider they probably are, but we don't have any clear evidence of the prevalence of these types of psychological characteristics in the general population at the moment, although there is a large community study which is about to report next week, which are using many of the instruments that I would use in measuring/

measuring these things, and it will give us estimates, but it is a North American study, so it may not relate to Scotland, but it will give us some estimate of the prevalence of these characteristics in the population.

Is that the general population? - The general population -- a community study.

And the bases for the current studies have begun? - Which studies?

A number of studies; you said you don't have information on these matters in the population as a whole. On what base of the population do you have information regarding these matters? - The bulk of the information will come from studies in special hospitals, studies in prison settings, and studies in forensic clinics. Very few studies have been carried out in the general population because for one reason, the base rate or frequency of the violence we are interested in is so small that you would need to have very large samples to study the problems.

And presumably the base rate is much higher within hospitals? - Within special hospitals and within prisons.

I would like now to consider means by which these various items might be detected and violence predicted, and to consider the tests that might be used? - Yes.

And the results which might be identified, but dealing with those in reverse order and first of all looking at the issue of results, what is the outcome of any test as to someone's psychological state? What information can you get out of that in the context of risk assessment? - Yes -- you can use the information in a variety of ways, but one of the common ways is looking at a group of people and looking at a group of people and looking at whether they are likely to offend or likely not to offend in the future.

How might you test someone to discover the existence of the disorders you refer to? - If I can say normal risk assessment is carried out in the context of a hospital or prison or forensic setting and/

and so normally you have a lot of information about an individual, either from previous case records or from observations by nurses or by prison staff, and then the person doing the assessment would carry out a very detailed interview with the individual, and that may include -- for serious cases, that might be quite a number of interviews, which may be 10 or 12 interviews over a period of some time. To assess the risk, you might use standardised interviews to look at things like psychotic symptoms and so forth. To assess other characteristics such as psychopathy, you would use the instrument of choice, which is the psychopathy check-list, which is a standardised instrument for measuring psychotic personality disorder.

What is the check-list? - Essentially a psychopathy check-list revised, which is the one we would use in the criminal population or hospital population and has 20 characteristics, and the assessor will make judgements on 20 characteristics using information culled from files and also from the interview with individuals, so we would be looking for things like grandiosity, impulsivity, criminal flexibility, someone who engages in a lot of criminal activities. You would be looking for lack of empathy, failure to take responsibility for their actions and so forth, so these are all very tightly defined, and there are standard ways of rating it, and once you get a score, that can indicate the level of risk the person may present.

You said it is part of the information provided by an interview? - That is correct. It is not essential, but to make the ratings, you must have access to collateral information, because pathological lying is a defining feature, so you have to check out the information and it can be done from collateral information or file information alone, but it is preferable to do it from interview.

You have said that once that information has been gathered, it would be assessed by the person carrying out the valuation? - Yes.

Using the guide you have referred to? - Yes indeed.

To what extent is that evaluation a subjective evaluation or to what extent is it governed/

governed by an objective scale? - It is governed by an objective scale. Each item or each characteristic is defined in rather tedious detail and examples given, and the person doing it has to be trained of course by somebody experienced in these matters. Training takes three or four days to learn how to do the test properly, so it is not subjective.

Prior to the training, does the person require to have any qualifications before carrying out such an assessment? - Yes, he would need to be clinically qualified either as a psychiatrist or a psychologist.

But he would need further training over and above that?  
- Yes, very specific training on this particular instrument.

The phrase has come up a number of times "psychometric testing"? - Yes.

Is what you have described psychometric testing? - It is one form of psychometric testing.

What other forms of psychometric testing are there? - Psychometric testing is essentially a way of measuring psychological characteristics or abilities or perhaps people's personality characteristics, and they can take a variety of forms. They can be demonstrated by a psychologist who asks the person to do particular tasks. The fundamental characteristic of psychometric assessment is that the tasks are done in a standard way so everyone gets the test in the same way, that they are scored in a standard way so you know -- there are criteria laid down for the scoring of each item in the test, whatever the test is, and there are statistical methods for converting a person's performance and scores into a score which can convert to how a large group of people have performed. Perhaps the easiest example would be a IQ test where a person is given a large number of different types of tests which are related to intellectual functioning, and then that is converted to the IQ score and you can tell whether the person is in the bottom 10 per cent of the population in terms of intelligence, the top 10 per cent and so forth.

Is/

Is a IQ test a form of psychometric test? - It is a form of psychometric test.

I think you mentioned in your report on page 24 in the form of paper or administered by computerised adaptive testing? - Yes. Essentially that is a method of delivering a psychological test using a computer screen. The particular advantage of this method is that instead of perhaps administering 100 questions or tasks to measure their ability, the computer is able to select items as the person goes along, which are likely to be measuring the level of ability that the person is falling into. I am not sure if that clarifies it, but shall I give you an example?

Yes, please? - If you are measuring an arithmetic ability, the computer will give the person one or two items to begin with, and from that, whether they pass or fail on that gives you an idea of the range within which their ability lies, and then it will select tests which measure that rate of ability, and administers those to the person, so it is an efficient way of selecting items.

Are there any disadvantages to using computers to carry out this sort of test? - They are very useful for measuring abilities, but for measuring aspects of personality which are related to risk, they would not be very useful, but if you consider that personality disorder is important, then the computer has no way of judging people's inter-personal style or the way you relate to other people and so forth, so it wouldn't be very useful in this sense.

And how do you get that information? - By interviewing them.

What sort of things would you be looking for in an interview of the person? - I would be interested in whether they showed any appropriate sign of remorse, not just for their criminal behaviour, but for the way they relate to other people, or their behaviour to their family and so forth, whether they seem to have the capacity to experience appropriate emotion, or whether the emotion is seen in an alien concept to them. That is a concept of a psychopathic individual.

How/

How long would it take in duration to carry out an assessment of a person to determine these criteria? - Which criteria?

All of the things you have talked about? - It is difficult to do it in two days of working with the individual and scoring subsequent to that.

You think two days? - Two days, 16 hours, to do all the things you have talked about in the report.

And is that on a one-to-one basis or would it be possible to assess an entire group of people? - No, it would have to be done on a one-to-one basis, but it could be done with collateral information.

What sort of collateral information? - For psychopathy, previous offending history, you would want to know the way they relate to their family. In a prison setting, you would want to know how they relate to other prisoners and other prison staff and so forth.

In/

3.00 p.m.

In a non-prison setting, a community setting, if you were trying to evaluate people working with children or in possession of firearms what collateral information would you want there? - I would want very detailed references from people who know them well and who took the matter seriously and who could be considered to be reliable. I think that that would be quite difficult to obtain.

BY LORD CULLEN: Is what you are describing a quest which could alter with the passage of time, or would it be very much a lifetime characteristic? - There are some stable characteristics which would tend to be consistent, such as psychopathy, poor anger control. These characteristics do tend to diminish slightly as people get older.

In terms of psychotic symptoms, these may emerge at any time. Someone may develop poor anger control seven months after being processed, and you would have no idea at the time of the assessment he was going to develop these characteristics or symptoms.

What you have been describing sounds as if it would take a lot of time and require a lot of collateral information. Is it practical to think of something along more modest lines for community use which would be affective as a form of screening? - In my view it would not be effective, sir.

EXAMINATION CONTINUED BY MR. LAKE: I would like you to consider even whether you would consider someone who has been interviewed in a two day test, whether or not that would be effective for determining the propensity to commit violent acts. Do you consider you would be able to identify the likelihood of someone committing a violent act? - Are we talking about the community setting?

Yes? - I think you could identify a propensity in some individuals, and you could estimate generally that they are likely to act violently. There are always of course errors. You either falsely predict that people will commit an act and they do not, or you predict that people will not be violent and they are violent. There is always/

always errors in the system.

The other problem is the severity of violence we are trying to predict. Presumably there is a relationship between the frequency and severity of violence. Extreme violence is very rare and is virtually impossible to predict because of what is termed the base rate problem.

What is the base rate problem? - It means it is effectively impossible to predict any behaviour which is rare.

I see? - Violence prediction schemes operate reasonably well in settings of violence which is reasonably common, such as prisons or psychiatric hospitals; but in settings where violence is rare you run into problems of rare events, which are extremely difficult to predict.

It is like trying to predict a disease. It is the same difficulty. There are good statistical reasons for it that I do not feel qualify to explain.

When you refer to the low base rate making prediction difficult, what sort of base rate do you start to have difficulties at? - Below 10 per cent.

And we would consider the chances of committing violent acts as a whole falls beneath that 10 per cent? - Yes, I imagine it must do, in a community setting.

You referred to the output of various heads as being a scoring system? - Yes.

How did you translate that score into an assessment of whether someone is likely to be violent? - There are various ways of doing it, but I put different factors, the different factors we have identified, into a risk system. Some factors are more important than others.

I suppose the most well-worked-out actuarial system was produced in a psychiatric hospital, and in that setting psychiatric personality disorder is the most important predictor of violence. There are other things, such as whether/

whether you have parents who are alcoholic, which is one predictor, or the early onset of behavioural problems is another predictor. The people are positive in these characteristics there is a weight given to the characteristics, and there is a continuous score of risk. The higher the score, the greater the risk.

It then becomes a question of judgment about the level of risk, what level of risk is acceptable, and you can change the cut-off risk that is used. If the scale goes from zero to 100, you may decide that a score of 50 or above is sufficient to say there is a risk, or you may say a person has to have a score of 80 or above before they can be regarded as a risk. You choose the cut-off point normally to justify the number of predictor errors you make. You can look at both positive and negative errors and decide where to put your cut-off score.

This is a reference to something which is contained on Page 19 of your report? - Yes.

I think there you provide a simple table which tabulates the prediction of violence against the outcome of violence? - Yes.

And you establish areas where both predictions are correct and you also identify incorrect predictions? - Yes.

I think you refer to a situation where violence predicted does not occur, and that is a false positive? - That is correct.

And in situations where it is predicted that it will not occur but does, it is a false negative? - Yes.

Presumably the allocation of the outcome within these four categories depends on the cut-off point you set on your scale? - That is correct.

I think on the next page, Page 20, you give an example of the same information, but adjusted so that there are not false negatives? - That is correct.

And/

And an increase in false positives? - Yes.

And that is identified simply by a cut-off point on the scale? - Yes.

So presumably it is a matter of evaluation and consideration in relation to any particular matter whether persons were not concerned by false positives than false negatives? - Yes. You have to balance the two types of error. In hospital settings the evidence is that people tend to be conservative and to make more false positives than they ought to, but that is the nature of things; so in that case they are balancing public safety and the liberty of patients, and the information available suggests that people tend to err on the side of false positive predictions.

That is where you are considering the liberty of the individual? - Yes.

So if you did have a concern about the liberty of the individual would you consider that would increase the number of false positives? - It would reduce them.

If you did not have to take into the account the question of personal liberty would that have an effect on the cut-off point you choose in your scale? - If your intention is to use false negatives and you were not worried about false positives then you would suggest a cut-off point.

Do you consider it would be possible to adjust the cut-off point to such an extent as to eliminate false negatives in relation to the possession of guns, firearms? - I don't think you could use psychological assessment with sufficient confidence to eliminate false negative errors.

Why is that? - We don't know enough about all the factors which make people violent. There are situational factors which come into play. People change between assessments in relation to these factors, which makes it difficult to rule out false negatives.

In relation to violent behaviour, which would be the most difficult false negative to eradicate?/

eradicate? - Violent behaviour which was related perhaps to psychotic symptoms which developed after assessment, or violent behaviour related to complex fantasies which the person did not acknowledge when you were interviewing them.

Would you be able to find means in a psychometric testing to calculate information of such a nature to identify people who would be safe to hold firearms? - You could probably do that with some degree of accuracy, but there would still be the danger of error.

Why would that be? - The sort of pattern I showed can be quite useful in identifying a group of individuals who are unlikely to be violent, but you couldn't be absolutely sure that some of them won't be, depending on the circumstances, situations there they are confronted with.

Considering the outcome, that you do not feel confident about predicting violence by means of psychological factors, I would now like to look at the second determinant you referred to, which is the situational factors. I think on Page 17 of your report you refer to the importance of some of these factors in two studies in relation to the availability of handguns? - That is correct.

What is the nature of these two surveys? - They are essentially studies following on -- one was a study following the changes in the law on the availability and transfer and possession of handguns in the District of Columbia in the United States of American; the other was a comparison in the rate of homicide using guns between Seattle and Vancouver.

Do you see there the difference in homicides related purely to handguns, despite the fact the assault rate was similar? - Yes. This is a comparison between Seattle and Vancouver, who are very close to each other, similar population trends, similar demographic characteristics, similar rates of crime: but there was 4.8 times as great a risk of being killed by a handgun in Seattle than Vancouver, and the study suggested this was because of availability.

I think you talk about your work in Barlinnie?/

Barlinnie? - Yes, I worked in the Barlinnie Special Unit for 12 years as a psychologist there.

What does the research from there show? - It shows that a group of very violent men transferred to Unit, and the assault rate on staff and other individuals dropped dramatically. The research shows there was not any intrinsic psychological changes but situational changes.

What were the situational changes? - There were differences in the way in which aggressive behaviour was handled. If people started having arguments then a group meeting was called, and you had to come to these and discuss the difficulties till they were resolved without violence.

Anything else? - They were given more autonomy within the Unit to make basic decisions about the operation of the Unit.

The third thing was that there was a change in the nature of the staff/personnel relationship. An attempt was made to break down the "us" and "them" relationship which persisted in other prison settings to a relationship closer to that of a nurse/patient in a hospital. A variety of factors were important.

Turning/

Turning now to consider what situational controls might be appropriate in relation to firearms, I think you deal with this from page 26 onwards on your report? - Yes.

The first one you referred to is the availability of weapons? - Yes.

I think there are a number of considerations in which you consider that is a factor that is a relevant form of situational control? - Yes.

The first of these is lethality? - Yes.

What is meant by that? - It is the instrumental effect of the weapon. Studies would suggest that people are more likely to be killed by firearms than if a knife is used. This study suggested you are five times more likely to be killed by firearms used than if a knife is used as a weapon.

You then consider the question of restriction of access to handguns? - Yes.

And you refer to the study in relation to the District of Columbia? - Yes.

What was the outcome of that? - Essentially they looked at the in the changes in the rate of homicide using guns before and after the introduction of the laws. They found that the number of homicides and suicides dropped significantly; homicides by firearms dropped significantly, and there was no increase in suicides or homicides using other methods following the change. They also looked at other similar Metropolitan areas closer to the District of Columbia, where there had been no change in the gun laws and no changes had occurred in these areas where the law had not changed.

Yes? - The authors concluded that the restriction had reduced the number of deaths by 47 per year after the law had been implemented.

I think you then go on to consider the other study, being a comparison between Seattle and Vancouver?/

Vancouver? - Yes.

And the fact that the availability of guns in Seattle might account for the very much greater rate of homicides? - Yes.

And you set out the conclusions of the study? - Yes.

At the foot of page 27 you refer to another study relating to Canada which seemed to contradict that? - It was not very well carried out. It was a page and a half paper, and a very limited analysis, I thought. It doesn't completely contradict the first paper.

Are situational controls more relevant to certain types of killings than others? - Yes. I think situational controls would help reduce certain types of murder in society, but there will always be determined perpetrators who will get access to guns whatever we do, so there will always be a core of people who can and will get access to weapons.

Dealing with these categories of possible killings you referred to at the outset of your evidence, people who might be determined would carry out killings anyway, but what other category of killers might not be affected by situational controls? - I suppose people involved in what might be termed professional criminal activities, to do with drugs and so forth, turf wars, etc.

Which category of killers might be more affected by situational controls? - Impulsive individuals. If someone goes into a public house with a handgun they are likely to use it, if the weapon is in their hand. A knife or a tumbler, they might use it, but the lethality of the weapon is much less.

Looking at the case of Hamilton, what is the relevance of situational control to that situation? - Clearly in this case the man had an intense interest in weapons. If he couldn't get them legally he may have been able to get them illegally. Now, that may have been difficult for him if he was not part of the criminal sub-culture. Individuals in the criminal sub-culture I understand can have easy access to weapons, but someone who has no/

no contact in that area might have found it more difficult.

We were going to consider Hamilton's situation in particular. Do the various views set out in the first of the two reports -- are they very generally representative of the views within the psychological profession? - In respect of psycho-metric testing I have published articles on this in journals talking about things of this nature.

People who are experts in the field have accepted the argument. I have also received a fairly reasonable grant from the Chief Scientist's Office to research this issue, and am currently doing that. That research appraisal was subjected to peer review before it was funded: so to that extent I think it represents mainstream thinking.

BY LORD CULLEN: You have been talking about various factors that might lead to a person resorting to violence, and you have also been talking about the ways in which one might set about trying to predict that kind of outcome. Now, it has been suggested to me that multiple killings are apparently done by men who mightly loosely be described as loners? - Yes.

The type of person who has had difficulty perhaps in establishing relationships with others, who has a lack of empathy and perhaps low self-esteem? - Yes.

It might be suggested that people like that tend to convert these feelings into some kind of dominating act, ending up in killing? - Yes.

Can you think of any way in which one might target psychometric testing on that sort of person in order to try to weed that person out of the category of those wanting to possess firearms or the like? - I think the first problem is that probably we do not know how many individuals like that are around in the community. The second problem is that we do not know how many of them go on to do these sorts of things, but it is very rare: so even if we did identify this group of individuals and got insight into the thinking, it would be difficult -- we know that there are a lot of people -- certainly I meet a lot of people in my clinic who have homicidal ideas but do not go on to carry out the/

the act, but they have very violently disturbed thoughts of doing things to other people.

Now, sir, we do not know the basis by which people have these thoughts and then translate them into actions. I think it is very difficult to work that out. Also, it seems that the people we are dealing with and trying to assess will not talk to us about their fantasies and feelings and thoughts and anger and so forth. People may do that in the context of treatment over a long period of time, where if they have come to us for another reason we have been able to assist them and they may develop trust and start talking to us about these issues; but my experience is that that takes a long time.

Someone who has got low self-esteem, is a loner, a lack of empathy, is probably someone who is not easy about disclosing his innermost thoughts of violence and fantasies.

So we are talking about a system in which one can make a score? - I do not think that is realistic.

So obviously the system would have to be relatively simple to administer and has to be short circuited by.....? - That is correct.

I/

3.20 p.m.

I tried to indicate that in a setting where we would typically do an assessment which is a very lengthy involved procedure, and part of the length of time is because it takes a long time to build rapport and build trust with the individual being assessed.

EXAMINATION CONTINUED BY MR. LAKE: If somebody is a loner and lacks empathy, but there is also disquiet in respect of that person amongst people they meet as to their suitability to have weapons or to be dealing with children, would that provide a platform from which you consider you would be able to carry out a psychological assessment with a view to identifying undesirable traits? - Here we have an individual who on the face of it may represent a risk. It depends how much time and effort we direct towards the assessment, and it would have to be very detailed, and we would need to have a lot of collateral information before we could do it adequately.

If I could now turn to the consideration of Hamilton in particular in the second of your two reports, if I can do this in reverse, considering the conclusions of your report first of all, I think you say you do not consider it would be possible to provide a full explanation of the factors which led Hamilton to commit these crimes? - That is correct.

But you give what you consider to be the most likely explanation; what is that? - I think it is informed speculation. It is the most likely explanation from my perspective and my experience, but in this sort of situation one cannot be clear. I think it is the sort of -- the data which are most interesting are missing really, which are data about his thoughts and fantasies, and I think that is probably the most significant aspect, but there is very little evidence to go on in relation to thoughts and fantasies of this man.

But in the absence of these data, what you have described as informed speculation, what conclusions and explanations have you arrived at? - I think primarily he was suffering from some form of personality disorder characterised by lack of empathy, and perhaps by sadistic personality disorder, but there is not complete and sufficient information/

information to make an absolute diagnosis of that.

Do you consider that with all the information you now have about Hamilton, that not including the events of the 13th, it would have been possible to identify in advance that he posed a significant risk? - From the information that I have, no, I don't think one could have predicted that he would have been a risk of this sort.

Just picking up the point I dealt with before, had you had information that Hamilton was already the source of a great deal of concern locally, both by Reporters to the Children's Panel and parents, would that have made it any easier for you to carry this out? - In terms of predicting a risk of what type of behaviour?

First of all, what assistance would it be in identifying his unsuitability to have custody of children? - If we had the information which has come to light since the Inquiry started, then that would have been extremely helpful. Looking at his video tapes and so forth, I think it is suggested that he had a strong paedophilia interest.

And in relation to identifying the chances of acts of extreme violence, would that have assisted you? - I doubt it.

If I can turn back in your report to consider a number of factors which you enumerate in your first report as being indicators of possible violent conduct, and you note there was little history of past violent behaviour? - Yes.

You refer to the incidents of which you were aware from the boys' camps? - Yes.

When he struck them sometimes across the head? -  
Right.

Do you consider that had any relevance in determining likelihood of violence? - It was not clear from the information I had the extent of this violence. Reading it, it struck me that it might have been -- looking at the video tapes and the way in which he ran his clubs, he seemed to be almost in a time warp in terms of the way he behaved to children and the way he ran his gymnastics and so forth, /

forth, and it may have been that he considered slapping children about the head or smacking them on the legs as an appropriate way of controlling them, and when I was at school, this was not an uncommon feature in the way we were dealt with.

Would you consider that in the 1980s and 1990s as being an indicator of violent conduct? - Not particularly. I didn't think that the level of violence was severe enough.

I think you then note that there was no specific information as to Hamilton himself being a victim when he was a child of violence? - No.

But you describe it as relevant that he did have relationship difficulties and was a loner? - Yes.

You refer to his employment difficulties, such as they were, and in fact he wasn't employed. In Hamilton's situation, would you have considered that of relevance? - I think of more relevance is the effect of lack of employment, the financial difficulties. He was running up debt and he was being refused loans and he was having financial difficulties.

Then under the heading "Personality disorder", you assess features of Hamilton's personality? - Yes.

And in particular, you refer to psychopathic personality disorder which was considered in the context of your earlier report? - Yes.

Did you consider that there was evidence that Hamilton was suffering from a psychopathic personality disorder? - No. He showed one or two traits, but he didn't have sufficient number to merit a diagnosis of being a psychopath. I used an instrument which is developed for use in community settings for people who have no previous convictions, and he obtained a score of six out of 24 on that. To be diagnosed as a psychopath, you have to have a score of 18 or above, so he was a long way from the diagnostic.....

I think the details of that are at the top/

top of page seven of your report? - That is correct, yes.

If the cut-off point is 18? - Yes.

Is it possible to indicate what the average score might be on that scale? - We have no idea in the general population. There is one study currently which has been completed, but has not been reported, in North America where they used this on 1200 people in the community. When that is reported we will have some idea of the average score in the general population, but as yet we have no evidence from the community setting, and certainly nothing in Scotland.

Without knowing what the average is, are you able to say whether, if the level, the cut-off level had been set so as to catch Hamilton with a score of six, what percentage of the population that would have caught? - No. You need to know the prevalence of the disorder or the mean value and standard deviation of the scores in the general population and we don't have that information. We haven't done the studies to collect this data.

When is the study you have referred to to be published? - There is a conference in Oxford next week at which the results of the biggest recent assessment study ever carried out will be presented by Professor Monaghan from Virginia. They have spent six million dollars doing this research in the community identifying what we are trying to do, looking at risk factors of violence.

And that should be available next week? - Yes.

Looking back at page six of your report, you refer to there being no evidence that he was pathologically superficial grandiose or deceitful. What sort of things would you be looking for to give an indication that these factors exist? - Superficial people tend to have the gift of the gab. They tell stories which are elaborate and they lie easily; they are good at conning people. When you are talking to them you get a sensation that they are not being open and truthful although they can be quite engaging to be with. Grandiose people feel they are superior to other people and feel they may have/

have special insight into the way the world operates, and they may regard other people as worthless. One patient described them as being like insects which he would like to crack and he could just destroy people.

That is quite an extreme example? - Yes, but that is one example of grandiosity. Deceitful people, perhaps con artists, would be an example of people who lie pathologically in the sense they lie for no reason and they know you are going to catch them out, but they still lie anyway, and when you catch them lying they just smile. There is no embarrassment and they just proceed to tell you more falsehoods.

We have heard evidence from a policeman who considered that he had adjudged Hamilton as being a deceitful person. Is the deceit relevant for this check-list of a very extreme nature, or is every day deceit enough? - It would be extreme deceit. I assume most, if not everyone, lies in certain contexts. Lying in a social context, if you don't want to embarrass someone and tell a white lie, that would not be seen as pathological, but I am talking about lying when there is no purpose and almost for the fun of it. It has been termed "duping delight", getting pleasure in conning other people.

And you have given an example of what you consider to be grandiose conduct which is quite extreme? - Yes.

Would it have to be that extreme to qualify it for the check-list? - Not as extreme as that, but Hamilton was described as timid and withdrawn and overly polite and so forth by various witnesses.

We heard evidence from a surgeon who had met him in the late 70s, who felt that Hamilton had delusions of his own abilities? - Yes. It is difficult from the information available. There seemed to be a group of people who report him as timid and withdrawn loner and unassertive, Dr. Fairgrieve in this context regarding him as grandiose, and it is difficult to make a judgement on whether that applies or not.

You/

You go on to consider in the context of the screening check-list you were referring to, a number of other items you felt Hamilton might satisfy the requirements of the check-list? - Yes.

But you come only to a score of six out of 24? - That is correct, yes.

In the next part of your report, you analyse Hamilton in relation to sadistic personality disorder. What was the outcome of that analysis? - I felt there was some evidence that he may be suffering from a sadistic personality disorder, but I don't feel there is sufficient to be absolutely certain.

What facts did you consider were relevant in identifying him as suffering this disorder? - Looking at the video tapes suggested he might have pleasure dominating other people, younger boys between 8 and 12.

It/

3.40 p.m.

It looks like he was taking photographs and video tapes presumably to look at later, and the children seemed to be suffering; they seemed to be cowed and distressed when they were doing certain of the exercises, sit-ups, working on the wall bars and so forth. I read there was an education expert who suggested he is pushing the boys far too hard, but I felt that may be to do with power and control, although one cannot be certain about that.

You referred to a number of other matters in relation to threats? - Yes, it seems he may have gained pleasure from alarming others. It is reported he deliberately alarmed his biological mother by telling her she would have to go to Inverness for medical treatment; he fired a gun at James Gillespie. His neighbours felt he deliberately frightened her by creeping up behind her. It was stated he was being cruel to the boys.

The final matter you mention under that heading is Hamilton's fascination with weapons? - Yes.

Despite all these factors you do not consider there is a clear indicator he suffered this disorder? - No. Under the diagnostic system which is used, which is the DSM3R system, there has to be clear evidence of four of seven characteristics. I could not be absolutely clear that he had so sufficient interest in the suffering of others to be absolutely sure. There is suggested evidence to that effect, but I was not absolutely certain.

Again, if all this information had been available to you prior to March 13th you would not have been able to identify him as being someone who suffered from this disorder? - If this information on its own had been available, no. If I had been able to talk to him that would have been perhaps different.

I see? - A lot of the risk factors are to do with the way the person relates. You have to make judgements about how they seem to be experiencing emotion, etc. If you think someone does not seem to have the capacity to feel guilt, empathy and so forth that is important. It is difficult/

difficult to gauge that from the sort of information which was available.

Would this information be enough to ring alarm bells and suggest that further enquiry was needed? - Yes, in terms of either access to handguns or to children's organisations, yes.

What sort of information would you require to complete your assessment if you had been carrying it out prior to March? - If I had been allowed to interview him that would help; that would be the most important aspect.

If the interview was held under some compulsion, where Hamilton had been forced to attend, would that have assisted you? - It could have. Often we are assessing people either for the Courts or for the Parole Board, and it can be helpful, but again it has got to be seen in the context of a large amount of collateral information and the interviews.

What is collateral information? - Information about their past behaviour, information from people who knew them well. Most interviews are in the context of a prison or hospital, so there would be observations made of the person over a lengthy period of time, and his home background reports and so forth.

Again assuming alarm bells had been rung for someone interviewing Hamilton, would they have needed collateral information to make sense of that interview? - Yes: in the sense that the person may tell you things and you want to be able to check them out to get an idea if they are really a pathological liar and they are trying to con. you. Psychotics will take in even experienced interviewers, so you may be able to check it out.

What things do you require to check out? - As I was saying, in the normal context we have Social Enquiry Reports, background reports and so forth, and observations made by prison staff.

On page 10 of your report you refer to the frequency of Hamilton's visits to gun clubs and his use of specially marked targets and his firing more bullets than he was supposed to? - Yes.

How/

How much weight would you attach to these matters in providing an indication of a disorder? \_ In retrospect, are we saying?

Firstly in retrospect? - In retrospect it would be consistent with the notion that he had fantasies which he was trying out, behavioural try-outs. Now, if you observed that at the time it would be difficult to regard it as particularly significant in the absence of any information about what he was thinking in his head, what his fantasies were.

But would that have started additional alarm bells ringing for you? - In which situation are we?

Without knowledge of what happened in March, would the fact he was going to the gun club and behaving in this fashion be an indication of concern in relation to him, or would it not have been relevant? - It might have increased my concern, but only marginally, because he was pursuing a role in a gun club. He was instructed to fire off six bullets over a certain period, and he was firing off the magazine as fast as he could.

You go on to refer to other factors from your other report, and you say that there is no evidence to suggest Hamilton tied in with these particular factors? - That is correct.

You say "In relation to standard risk factors it is clear that many of the most frequent risk factors would not have been present in Thomas Hamilton"? - Yes.

What are the most frequent risk factors? - Capacity for violence, abuse of alcohol and drugs, psychotic personality disorder.

What is the significance of the fact these were not present? - In what sense?

What significance would you attach to the fact these were not present in terms of evaluating the likelihood of his future conduct? - As I indicated initially, there is no clear relationship between the number of risk factors and the level of risk. One risk factor was sufficient. The fact that/

that these -- an assessor coming in and looking at probably would not have regarded him as being of high risk, assuming they did not have information about his thought processes.

You indicated at the foot of page 11 that Hamilton may have "Obtained feelings of power and mastery by fantasising his revenge on those whom he perceived as persecuting him"? - Yes.

We have heard some evidence as to the persons or organisations that Hamilton considered were persecuting him. We have not heard evidence that Hamilton regarded himself as being persecuted by children. Is there any way you can indicate as to how his desire for revenge appears to have been directed at children, ultimately? - Well, I understand that he believed that the school at Dunblane and the staff were telling the families not to send children to his boys' club, that he felt the parents were spreading rumours that he was a pervert. Perhaps the most powerful way of getting back at people like that is to kill their children. That is a very traumatic thing to happen. Perhaps he thought he would make maximum impact by doing that. Again, that is speculation.

Moving away from the issue of violence towards the issue of Hamilton's paedophilia, were you able to draw any conclusion as to the likelihood of paedophilic tendencies in relation to Hamilton? - I think on balance there is probably some good evidence that he had paedophilic interests. Paedophilia can take a variety of forms; it doesn't necessarily involve physical sexual contact between the adult and the child. It may be someone has an infatuation with children and likes being in their company, and although physically attracted does not go as far as physical contact.

Yes? - One witness, Carruthers, reported that Hamilton rubbed the inside of his leg, and became "stroppy" when Carruthers moved away.

Yes? - Looking at the video tapes, they give the impression of being fantasy material. He had a lot of them. They were all tapes of boys he was filming. There were long, lingering shots of boys' torsos, and there were lots of shots of boys in a similar position, hanging from wallbars with their/

their torsos stretched out, and on some occasions with matching swimming trunks; apparently his favourites received red rather than black trunks. That looked like a fetishistic interest in boys.

How was that fetishistic interest indicated? - We know paedophiles often use films and video tapes, and they use them in a fantasy style which gets them sexually aroused, and they tend to, I suppose as other people do, they have particular physical types that they find attractive, and they tend to select images which are attractive.

Yes? - Some paedophiles find that more mature boys with hair and so on are unattractive, and so they tend to focus on a particular type of body shape and style.

Yes? - One cannot be absolutely sure it was used for paedophiliac interests, but it had that feel about it.

We have heard evidence that Hamilton wanted to recruit boys between the ages of 8 and 12. Is there any significance to be attached to that? - Often paedophiles, whether they are interested in females or males, are interested in sexually immature children rather than sexually mature children. It may be to do with sexual maturity.

Were you able to form a view as to which particular types of paedophilia Hamilton might have fallen into? - There doesn't seem to be a lot of evidence of physical contact, although it may be that the physical training was an excuse to allow him to have legitimate physical contact with the children, lifting them on to the wallbars or holding them while they were doing sit-ups. Yesterday I believe it was alleged he sexually assaulted a boy at camp, but I was only given that information this morning.

Does that affect the conclusions of your report? - It depends on veracity of the witness. If what he says is true it obviously increases the probability considerably.

I concentrated initially on asking you questions about the ability to predict violent behaviour in future, and we have looked at various factors/

factors which would be relevant in identifying the violent behaviour in advance? - Yes.

I think your conclusion is that it would not be possible accurately to determine violent behaviour in advance? - Yes, in this context.

Would it be possible to identify the possibility of paedophilic behaviour in advance by means of psychometric testing? - No. One of the characteristics of paedophiles is that they will deny sexual interest. Even those who are convicted and come for treatment, a lot of the initial stages of treatment is getting them to admit what has happened: they either minimise or deny completely.

Yes? - There are techniques which are not psychometric which have been shown to be useful, but they are very intrusive. They involve measuring changes in penile volume or circumference, where people are shown particular types of slide. That technique is used with serious sex offenders in special hospitals before their release.

Yes? - Some of those factors I talked about earlier have been shown to be powerful predictors of re-offending in a sexual manner. This is a very intrusive technique, and it would probably be difficult to do in a community setting.

Is there any factor which might be used to identify in a community setting that someone might be a danger to children? - The experimental work, which has shown promise, again is looking at really pornographic imagery, and looking at viewing times, how long a person takes when they are viewing the images, but again that is not well defined: penile measures are well established, and especially hard to fake, and have been shown to be useful towards prediction of serious sex offenders.

Presumably of course the number of people who carry out this is very small indeed? - Yes.

Perhaps I can consider one other means by which it has been suggested it might be suitable to determine personality types. Have you had any experience of graphology? - No.

Are you able to express any views on the possibility/

possibility of identifying personality traits by means of graphology? - I think it is improbable that it would be of use in predicting violence.

Dealing with the precise situation of Hamilton, we heard in evidence that a number of concerns arose in relation to him, both of cruelty and neglect of children, requiring boys to train in swimming trunks, taking photographs of them and taking videos of them, and showing weapons to them. There had been a number of parental complaints? - Yes.

With that information, would you have been able to make enquiries about Hamilton which would have enabled you to draw a conclusion as to his fitness to hold a firearms certificate? - I think it would be difficult. It is difficult to see the link between paedophilic interests and violence. In fact paedophiles as a whole tend to be non-violent. The fact that he had these other interests would not necessarily be any indication of a propensity to be violent with firearms.

But you had an indication from Gillespie of him having paedophilic tendencies? - Well, that would certainly raise concerns.

CROSS/

4.00 p.m.

CROSS-EXAMINED BY MR. CAMPBELL: Will you turn to your first report please? Towards the latter part of this report you are dealing with the availability of weapons? - Yes.

If I have followed this correctly, the available evidence indicates that homicide, gun homicide and gun suicide, or the rate of that, I should say, is linked to the availability of weapons in the particular society concerned? - Yes, that is my understanding of the research in the United States.

And interestingly, in that connection, there is no displacement effect? - Yes.

In the sense that there is no compensating alternative method of suicide or violence to replace the lack of the gun? - Yes, that is correct.

So it follows, if the evidence is correct, that one way of reducing gun homicide and gun suicide in a society is to reduce the availability of firearms? - That is correct, yes.

Looking at your conclusions at page 29, in the third conclusion you say "Restriction of access to handguns is more likely to have an impact on the level of lethal violence in the community; unfortunately, it is unlikely that any restrictions could prevent a determined perpetrator obtaining access to a handgun"? - Yes.

The latter part of that third conclusion, lest there be any confusion or uncertainty over what you say there, I take it that that is not intended to dilute what we would otherwise conclude from the statistics we have just been talking about? - No, it doesn't. Overall the effect of restriction is to reduce the overall rate of gun homicide, but if someone is absolutely determined there is always ways of getting guns in most societies, I would imagine. The number of illegally held handguns is allegedly quite high and so it would be relatively easy for somebody who is very determined to obtain one.

I just wanted to be clear about that, because I think, just speaking generally, comments such/

such as that are sometimes used by those who favour the status quo for no change? - No, it's not in any sense trying to limit the impact of the research evidence which shows there is a dramatic change in the rate of gun homicides.

Turning to your second report, can you help me with this -- what was it that you were setting out to do when compiling this report? - Essentially I was trying to see if there was anything that could be identified which would assist us understanding what had happened on that day. I didn't feel I could provide a complete explanation, but maybe some of the facts which led Hamilton down this path might be identified, and I was aware it can only be regarded as hopefully slightly informed speculation after the fact. That is obviously all it can be.

Essentially, am I right that one of the things you were looking at was whether the awful events of 13th March could or should have been predicted by someone such as yourself? - Yes.

If involved in the kind of testing which you have been talking about? - I'm not sure if that is the case because I think the conclusion of my first report is that it is extremely difficult to predict the type of violent behaviour. If there had been evidence of some of the risk factors, then that might have given us a clearer explanation for what had happened. If for example there had been evidence that he was suffering from some psychotic delusion, that might have helped us understand how the events came to pass, but as that wasn't the case, then the report was less helpful in that sense.

You were not asked in preparing this report, and you haven't in your report dealt with the question of whether or not Hamilton, before 13th of March was a fit person to be entrusted with firearms? - No, I haven't dealt with that.

And you haven't addressed yourself to the question whether it could have been determined that he was an unfit person to be entrusted with firearms? - No, I haven't directed my report at that issue.

If/

If we look for a moment at the final conclusion of your second report at page 14, you say "It is unlikely that psychological psychiatric examination prior to the incident at Dunblane would have alerted an assessor to his dangerousness; it is unlikely that he would have divulged any plans or fantasies, unless he had been in long-term treatment". Just concentrating on the first of those for a moment, "It is unlikely that psychological or psychiatric examination prior to the incident at Dunblane would have alerted an assessor to his dangerousness", can you help me with this -- how is that to be understood in the light of your evidence to my learned friend a moment or two ago that what was known about, or at least what was brought to your attention about Hamilton, relating to his conduct before the 13th of March, was enough to ring alarm bells was the way you put it, either regarding handguns or children's organisations? - If I remember my evidence correctly, I thought I said in relation to the paedophilia it would have raised concern. With handguns, the evidence available would have been less use in predicting the fact that he was going to go on and engage in very violent behaviour. It would raise concerns about the paedophilia or attempted paedophilia.

I don't want to enter into a confrontation with you, but I have a clear note that you said this would be enough to ring alarm bells either regarding handguns or children's organisations. Have I noted that wrong? - Perhaps I didn't explain myself correctly. Handguns -- well, in terms of going and engaging in the violence that he engaged in, it would have raised alarm bells, but the probability of that act would probably be quite low because it is an infrequent act. Paedophilia, there would be alarm bells because there is more evidence related to paedophilic interests than there is into gross violent behaviour.

So are we to understand that while alarm bells might be ringing relating to handguns, because something like the 13th of March is a very rare event, then one cannot really predict that it would happen? - That's right, and that comes back to the base rate problem, the difficulty predicting events.

But/

But if alarm bells are ringing about handguns, might not that suggest to people that there is a risk that that person is not fit to be entrusted with weapons? - Are we not talking about two different things here?

Are we? If somebody of your experience, qualification, has alarm bells ringing in his head about a person and handguns, is that not good reason to question his fitness to be entrusted with weapons? - Yes, I think so. I think it comes back to what I am saying in No. 5. I meant his dangerousness in relation to committing the violent acts he committed in Dunblane. I think it is very difficult to -- I think it comes back to the confidence of the assessor. I would be more confident that, on the information I have, that he would be a risk of engaging in paedophilic behaviour than I would be confident that he was going to go out and shoot people, and that is to do with confidence on the information available.

But if someone such as yourself has any concern at all that someone who has firearms is someone who might act violently, then would you not agree that the public may have a legitimate expectation that if that matter came to light, that something would be done to remove weapons from that person? - Yes, I think that would be a legitimate thing for them to expect to happen.

Because tragically, it may be too late to wait for the absolute confidence that you have just mentioned a moment ago? - Yes.

If I have followed the thrust of at least part of your evidence correctly, you are of course severely hampered by the fact that Hamilton is now dead? - Yes.

And that you are looking at necessarily part of the overall picture as has been made available to you? - And I think significant data are missing in terms of his thoughts and fantasies. That is the most likely explanation, but again I may be wrong.

And the reality is that if the matter had been brought to your attention, specifically in the context of Hamilton, not only would you have wanted/

wanted to interview Hamilton perhaps more than once, you would have instigated no doubt other enquiries? - Yes, indeed.

And what the end result of that might have been, we can only speculate upon now? - That is correct.

But what you can say now is, as we find at Page 11, that "He suffered from significant features of personality disorder of a sadistic type"? - Yes, that is correct.

And that he was a paedophile, or at least someone with paedophile tendencies? - Yes, that is correct.

And just in the context of paedophile tendencies alone, the question of whether or not someone of that character should be entrusted with firearms is a matter that legislation has entrusted to the discretion of the Chief Officer of Police? - I didn't..... yes.

So it may be unfair to ask you your opinion on that? - Yes.

And would I be right in thinking that before you were content to express a view as to whether or not Hamilton was or was not a fit person to be entrusted with weapons, you would want to have as clear a picture as possible as to all the available information relating to him? - That is correct, yes.

And for example, you have not been provided with a detailed and comprehensive report of all the information available to Central Scotland Police? - No, I have not, no.

Stop me if this is beyond your expertise, but while no doubt you are right to say that tragedies such as Dunblane are rare events, they have happened from time to time world-wide? - They have indeed, yes.

We have had two for example this year? - Yes -- three.

Is there a general pattern emerging as to/

to the type of person who tends to do this, for example the word loner or mis-fit often seems to crop up in this context? - There is some evidence that that is the case, but that applies to many types of criminal behaviour. On its own, it's not sufficient to tell us very much. Some of the acts seem to be committed by people who are psychotic and others are people with grudges. There are a variety of motivations, in a sense, because fortunately they are rare events and it is difficult to see patterns.

One striking, what some may think is a striking feature of the evidence at this Inquiry is that almost everyone who had anything to do with Hamilton seems to have recoiled from him in some way -- not everyone, but many people? - Yes, many people.

And nouns such as weirdo, mis-fit, loner, creep, that kind of thing, are very common? - Yes.

The Inquiry was adjourned  
until tomorrow.

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