Tuesday 5th of September 2023

Meeting held between NCP and SGI

Report by Specialist Group International in response to the National College of Policing enquiry into the conduct of Lancashire Police in the Nicola Bulley investigation.

Introduction

Following a review of the questions released to us previously by the National College of Policing (NCP), Specialist Group International (SGI) have collated this report which covers the NCP line of questioning specifically. Additionally, it covers areas which we think are also important in relation to this tragic incident. We would expect that this report forms part of your overall report and is published alongside or with it.

The questions provided by NPC do seem to be biased/closed and aimed at apportioning blame, this does not accord with our understanding of the purpose of an enquiry? The adversarial style adopted by the NCP toward Peter and SGI is felt to be deliberately intimidating and so is disappointing. We find it sad and disappointing that the police, in marking their own work in this way and not having an independent (non-Police) review, have taken this line as it undermines our confidence about the veracity and openness of this process.

SGI CEO Peter Faulding.

Peter Faulding is the CEO and founder of Specialist Group International. Since 1995, the company has undertaken protester removal services, specialist land, maritime and aviation security operations, specialist rescue, underwater search and recovery and forensic search as its core business. Over many years Peter has ensured that his company has acquired a vast array of cutting-edge equipment, resources and unique capabilities that are made available to UK emergency services in order to relieve suffering and where possible save life. This is a humanitarian response to an emergency or tragic situation which brings relief of suffering to the bereaved, family and friends and the company's fees are set only to cover running and operational costs. However, on many occasions, Peter has been known to offer his search and recovery services free of charge to distraught families who ask for assistance in locating their loved ones who have not been found by the emergency services. These services are offered in assistance to the emergency services not to take over the search.

Peter's expertise is well known and documented and he is highly regarded worldwide. He has previously been asked to provide expert evidence in coroner courts in many cases. For many years, SGI has been the official underwater search team for Surrey, Sussex, Kent, Thames Valley, Essex and Hampshire Police and since early 2000 has carried out diving operations for many other forces across the UK. Dive operations often involve searching for and recovering the bodies of missing persons but SGI have also often successfully been tasked with locating items of evidence, vital to police investigations.

Beyond this on many occasions, he has undertaken sensitive work for UK government agencies and is an experienced and credible expert in subsurface, and difficult to reach locations search and rescues. He has developed capabilities which are unique in the UK and has pioneered ground-breaking technical capabilities. Since early 2000, Peter was a registered expert on the National Operations Faculty (which became the NCOF, then SOCA, and is now the NCA) and was often called upon by regional crime advisors to carry out specialist search operations. In particular, the then National Search Advisor Mark Harrison MBE, was Peter's main contact and heavily oversaw Peter's

early sonar trials. He was instrumental in ensuring Peter's expertise was appropriately recognised and utilised by adding Peter to the list of recognised experts for forces across the UK including the PSNI to call upon. Peter has lectured extensively on specialist land and underwater search at the National Police Search Centre at Chattendean (counter terrorist search wing) when it was under the command of Lieutenant Coronel Garth Witty and Lieutenant Coronel Bob Tonkins.

Peter has significant experience and expertise in finding bodies in water, he is often, as in this case, asked to help locate missing family members when other agencies have failed to find them. More often Peter and the SGI search team are integrated into part of a missing persons response where police forces coordinate the response capabilities and expertise of other agencies and organisations, like the Fire and Rescue Service, RNLI, Lowland Search and Rescue too. This is a common multi agency approach which reflects the UK emergency services doctrine (the Jesip framework), this is where many organisations work simultaneously in their own areas of expertise and experience, but all contributing toward a shared outcome. This approach requires the sharing of information and intelligence, good planning and liaison, developing the operation in a common risk and intelligence picture, and working together by co-locating.

Peter relentlessly campaigns for water safety, starting and privately funding the *Lucas Dobson Water Safety Campaign*, delivering water safety advice and free life jackets to schools across England. As a result of his extensive charitable efforts, water safety education, awareness and equipment are now accessible free of charge to young people so that they can be safe on or near water. This has undoubtedly saved lives. The campaign was started in 2019, just before COVID and since then Peter has visited many schools and has donated over 1000 free life jackets in his own time at his own expense. In recognition of his efforts towards water safety, Peter has recently been presented with a Lord Leiutenants award.

The NCP sets out a doctrinal primary Decision Making Model (DMM) for all Police Forces which applies to both spontaneous and planned operations, individual or teams, both during operational and non-operational situations. It is used by Local Resilience Forums and other blue light agencies too. It can also be used to review decisions and promote learning. It covers 6 key elements:

1. Code of ethics.
2. Gathering information and intelligence.
3. Assess threat and risk and develop a working strategy.
4. Consider powers and policy.
5. Identify options and contingencies.
6. Taking action and reviewing what happened.

Our experience during our time with Lancashire Police in this incident is that we consider that the Jesip principles where not used or adhered to. Furthermore, we believe that Lancashire Police fell short in its use and actions insofar as the NCP DMM in particular but not restricted to:

Code of ethics - Policing principles – Fairness and treating people fairly, objectivity, openness and transparency, respect, and selflessness (acting in the public interest)

We also strongly feel that Peter and SGI are owed an apology for the behaviour of Police Officers and the conduct of various Police institutions as a result of SGIs participation, on humanitarian grounds and at the request of the family, in this incident. Furthermore, we feel that the Police have not be open to expert opinion that differs from their own and that they have set out to deliberately undermine SGI and Peter personally in particular because of this difference.

As a result, Peter and SGI have suffered damage to their reputation which is unwarranted.

Response to questions submitted by NPC to SGI CEO Peter Faulding

1. *Can you provide us with a brief summary of the services provided by SGI International and what would you say is your company's precise area of expertise?*

Since 1995, the company has undertaken protester removal services, specialist land, maritime and aviation security operations, specialist rescue, underwater search and recovery and forensic search as its core business.

Peter is the UKs expert who introduced the use of the underwater side scanning high resolution sonar, pioneering its use being trained and experienced in this field. Additionally, the use of how Ground Penetrating Radar was developed in conjunction with Police. SGI have been providing body and evidence recovery services to Police, Fire the intelligence service and the public for many years. official underwater dive team for Surrey, Kent, Sussex, Thames Valley, Essex and Hampshire Police and since 1999 has carried out diving operations for many other forces across the UK. Dive operations often involve searching for and recovering the bodies of missing persons but SGI have also often successfully been tasked with locating items of evidence, vital to police investigations.

2. *It is important, when engaging an expert, to be clear about the area of operation that is subject of expertise – can you outline any recognised accreditation and/or qualification that you hold relevant to this area of expertise?*

The NCP DMM does not refer to this insofar as operational or non-operational activity which is what SGI were engaged in delivering in this incident. SGI have numerous agreements in place with many Police Forces and other agencies like Fire and Rescue Services already to provide this capability. Additionally, Peter has been called to give evidence in court previously so one would assume SGIs suitability and expertise has already been determined.

SGI and Peters bona fide is already well-established, obviously others must decide if this level of expertise is adequate for them.

3. *How did you become involved in the investigation into Nicola Bulley?*

By invitation from Paul Ansell (Nicolas partner) who contacted Peter directly and followed up by Emma White (Nicolas best friend) who offered free accommodation for the team. During the initial telephone exchanges with Paul, Peter agreed to assist in the search but only with agreement from Lancashire Police. Agreement was sought by Paul and Emma and this was subsequently confirmed by Lancashire Police in correspondences with Peter. (See enclosure 1 email from Sgt Pinder)

4. *Prior to your actual deployment in the investigation, did you have any briefings with police or the family and what was the content/how was this conveyed (ie written/verbal)?*

Yes the family briefed Peter, as did the police (to a degree) with a call from Sgt Pinder followed by an email which acknowledged SGIs inclusion in the search operation. (see enclosure 1)

5. *What did you see as your purpose and role and why did you think this? Did you receive clear instruction regarding your role and purpose and, if so, by whom?*

Peter offered his full underwater search capability to assist in the search and recovery of Nicola Bulley to the family and Lancashire Police. In particular, he offered to deploy the side scan sonar which is extremely effective at quickly locating missing persons. SGI's assistance in the search was aimed at helping the family and friends of the missing and assist all emergency services in their efforts by bringing additional capabilities and experience to the search. Peter's services were offered free of charge as this was a humanitarian response to a tragedy where SGI has been able to bring its organisations capabilities to bear with the sole purpose of providing relief of suffering and closure to those in an unimaginable tragic situation.

6. *What was your understanding of the NDA that you were provided with, and can you confirm the process of consent/signature undertaken and what this meant to you?*

Peter did not sign an NDA either before or on the day, he was asked to sign a piece of paper which he was not provided a copy of, as we recall it set out SGIs responsibilities insofar as Risk assessments, H&S issues, etc. this missive was not set out as an NDA.

This document was never described as an NDA and Peter signed it quickly leaning up against the side of the command centre and was not provided a copy.

Before his arrival Peter received an email from Sgt Pinder stating (see enclosure1)

For clarity, Peter was never provided any operational information by the police.

7. *During your deployment, there were several occasions when you engaged the media and provided content for public broadcast about the investigation. Can you explain your rationale for this?*

By the time SGI arrived in Lancashire to assist in the search, the baffling story of the Nicola Bulley case has already reached national headlines and was rapidly escalating into worldwide news. Lancashire Police failed to recognise this, take control, or put any media handling measures in place and the media and social media channels were wanting any information they could get and were going to any length to get it. SGI's arrival on scene was the catalyst for a media frenzy and Peter and the team were swarmed with media as soon as they arrived. (see enclosure 2) Peter was not provided with any operational information about the search and never passed any onto the media for broadcast as per his agreement with Sgt Pinder. He was not given any further instruction about media handling or provided any media messages to respond to. No feedback was given to Peter about any media statements he made. There were no press officers from Lancashire Police on site at any time and Peter had no contact with them. Peter was left to fend for himself having asked Sgt Pinder for a senior officer to attend. The police failed to take control of the situation and failed to take control of the messages to the family and public. Peter spoke with the Paul and Nicola's sister in the SGI command trailer, and they requested that he spoke to the press with updates on the search and were happy with the messages that Peter provided. The SGI search team were told by police officers that no cordon would be provided as this was not a crime scene. This meant that all our operations were hampered by intrusive press activity and demonstrates that the police had already decided the outcome of the case even though Nicolas body had not been located.

8. *In the NDA, it specifically details that the investigation/case is not to be discussed with any party other than those involved in the investigation. Can you provide an explanation why you sought to engage with the media and, in doing so, discussed the investigation extensively?*

As stated, there was no official NDA discussed or signed for. The email from Sgt Pinder cannot be treated as an NDA and is without legal merit, furthermore under the principles of Jesip and the DMM the Police; who are the lead agency for missing persons should have been coordinating the press information including controlling press activity at the scene of the search. The police failed to engage with SGI about any press statements. Peter and the team were 'ambushed' by the press, (see enclosure2) had no support from the police or any feedback after making any media statements and he therefore assumed his press engagements were within the terms of his agreement with Lancashire Police. If Lancashire Police had any issues with Peter's press engagements, at any time they could have intervened and asked him not to make any statements. This never happened and Peter had no discussion or feedback with anyone from Lancashire Police about this. Therefore, we can only believe that this was a deliberate Police strategy aimed at undermining and setting Peter and SGI up to become the face of the shambolic Nicola Bulley search. Peter did restrict his media engagements during this time – cancelling book sales appointments advising Macmillan publishers that it would not be appropriate during the period of the search.

9. *What was your preferred hypothesis about the disappearance of Nicola Bulley and what facts, or knowledge, was this based on?*

Peter had no hypothesis but was using well established search procedures to establish Nicola's location. Using information such as her last known location and any other useful pieces of information (such as previous search history, water flow rate, depth, what she was wearing, swimming ability, mental state etc) to try to locate where she was, Peter's experience and expertise leads him to narrow down the most likely place that she could be located. This is as far as what was needed initially, the hypotheses of 'why' is left to others like the police. Knowing these factors, Peter and the trained SGI team can with high proportion of certainty calculate the most likely area to search.

Peter and SGI arrived 10 days after Nicola went missing and according to Sally Riley's statement made in a press conference the river had been searched many times by police divers, underwater drones and by sonar. On Day 1 Peter's preferred search area was in the 'hot zone', which was from the bench where the mobile phone was found down to the weir, however they were tasked with searching from the weir downstream to Cartford Bridge. In all of Peter's years of experience people that drown do not float, they sink to the bottom and this is widely agreed by other experts in the field. Therefore if Nicola was to be found she would most likely be in this area. While searching down from the weir on Day 1, the water was extremely shallow and we could visually see the bottom of the riverbed where there were very few snag hazards. Nicola would have undoubtedly been seen if she was in this part of the river by the many members of the media chasing our boats along the rivers edge and members of the public doing their own searches. We saw no search activity whatsoever from the caravan site near the upper field all the way down to Cartford Bridge, only local beat officers wearing body armour, not search officers, walking along the towpath solely as a visual presence. There was very little evidence of any previous search activity along the river's edge including searching in or cutting back the reeds.

SGI were confident the areas they were specifically tasked with searching were done thoroughly and properly. On day 2 within six minutes of starting the search, up from the weir and 100m downstream from the bench, a significant target was located. It immediately appeared to be of human forms with shapes similar to legs which were symmetrical in length, as normally seen in shadow. In Peter's experience, this was a credible target ie: a body. (see enclosure 3) James Pinder was immediately notified by whaps app and followed up with by phone (see enclosure 4). Peter suggested that the site was searched immediately but SGT Pinder said no and that the Northwest Underwater search unit would not allow SGI's underwater search team to dive it and insisted on carrying out the dive themselves. Later in the afternoon and with only limited engagement and coordination with the SGI team, the NW Underwater search team relayed to SGI that the target was 'nothing' and ruled it out. Peter was dismayed and perplexed by this as not only was it a very credible target in the area that he would have expected her to be found, but the lack of detail about what the target actually was caused Peter concern. The target could not have been 'nothing', it had to have been 'something' with a similar shape and size to a body. With no support and a lack of professional interest from the police, Peter did not feel it wise to press the issue any further and had to put his trust in the ability of the Northwest Underwater search team that the target they ruled out was the same target that was identified by him on sonar. (See presentation and notes at annex).

However, just to be sure, Peter requested to re scan the area the next day and this request was refused, and they were tasked with searching the same area as day 1. The next day Peter also requested to search down river in case the body had drifted to weir overnight but this request was also refused.

The find was not disclosed beyond the police and has not been discussed with the family or press. Including the person acting suspiciously in the area (see enclosure 5).

As no other targets were located, Peter remained completely baffled by Nicola's location in the seemingly simple case. Although the limited information he was given led him to believe she should have been in the river, no body was found and therefore he had no choice other than to rule the section of the river that searched out.

However, during the search when all information led him to believe she should have been in the river, he formed an opinion that Nicola could have entered the shallow water near the bench, where there were rocks immediately below the surface to hinder her fall. The depth and speed of the flow of water meant that initially she should have been able to self-rescue by wading out or take a few strokes to get to wading depth. Despite the effects of cold-water shock, this would probably have been possible for an averagely fit and healthy person. Having either entered the water at all or not being unable to self-rescue would have unexpected according to the family and friends who confirmed that she was fit, healthy, a good swimmer and was very careful never to go near the river's edge. However, something tragic happened and she entered the water and drowned. In Peter's experience, in still water drowning victims generally go straight to the bottom and the body remains in the same spot. The body would have remained in roughly the same spot until the natural gas build up causes the body to swell and become buoyant. The body would then be able to move down stream, over the weir and into the tidal section of the river where it was finally discovered. It is unclear whether the body was discovered floating in the river or tangled in the reeds but either way this section had apparently been thoroughly searched by police search team in the initial days and by Peter on Day 1 too.

10. *During the investigation, what steps did you take to raise any concerns about the police investigation or Nicola's disappearance with the police team? If you did, can you provide any supportive evidence (ie. notes/emails etc)?*

See attached sonar evidence (enclosure 3), this was not disclosed beyond the police and has not been seen by the family or press. However, the police failed to engage with Peter or SGI about what this was or have any meaningful discussions about the search with Peter. SGI were tasked to search areas which doesn't accord with our understanding of the DMM or interagency working, no METHANE message was shared with SGI at any time for example. The briefings received were at best short and directive if not discourteous, SGIs requests and information were often not responded to or had a minimal and dismissive, responses.

11. *Your assessment of the depth and flow of the river, along with the 'behaviour of bodies in water', differed significantly to the information provided by other specialist support services engaged, can you explain your difference/information?*

Peter has not been formally asked for his assessment of the depth and flow of the river either by the police or the coroner so how his opinion may differ to that of the other specialist support services cannot be determined. However, during the search Peter and SGI were not given any information about any assessments already made, which would have been normal practise so that all teams were using the same working assumptions. This meant that we were all working to our own view in these matters, whereas it would clearly have been better to have come to a common understanding, agreement as co-responding teams and is in line with the DMM, Jesip and best practice. This shows that an isolationist view insofar as they (police) were not open to discuss matters with other experts and experienced teams. Peter is a bona fida expert in his own right and is capable of making his own findings and the coroner needs to explain why Peter's opinion on these matters were not requested. We have seen the video made by the police dive team member used at the coroner's inquest which in our opinion is deeply flawed. Experts can disagree with each other and often do (the British legal System is adversarial after all) and it seems incredulous that Peter's expertise, experience and opinion did not want to be considered by the coroner. This is of grave concern given the role of the Corner to act for the dead who cannot act for themselves and to give full consideration to all evidence. We believe the supporting statements provided by other specialists, many of whom were not involved in the search, as well as Peter's evidence being excluded was in obvious support of a predetermined outcome.

12. *On 6th February, you made a public statement in the media that the river was too shallow and slow for anyone to drown. Given the findings of the inquest that the river, at the point of disappearance, was both deep and fast enough for a person to drown, why was your assessment so different, do you feel?*

Peter disagrees with the assessment of the Police, neither the location of where Nicola drowned or the manner in which she entered the water had any evidential proof to support these findings at the inquest. As stated above although it's not clear where Nicola entered the water and in what condition He believes she should normally be able to self-rescue unless impeded, unconscious or

deliberately determined not to in some way. The police failed to engage with Peter about what their expert opinion was as said above.

13. *On 7th February, you made a public statement in the media that you did not believe that Nicola was in the river. Given the finding of her body in the river on the 19th February, with the benefit of hindsight, why was your assessment so different, do you feel?*

Peter stated that she was not in the river where SGI had searched, despite the evidence SGI did provide evidence to the police that her body could be in the river at a known location. We were able to say this as the Police subsequently said that there was nothing there and that they had looked at this area, we remain sceptical about the subsequent Police search of this spot as there was no evidence of search activity when the area was rescanned later. Her body was found in shallows that were searched and cleared by the police team previously, perhaps this question is better aimed at them. We do not think the police have a satisfactory explanation for this, if they were happy with the fact that the river was searched properly how is it that Nicolas body was found in an area that they had searched and cleared previously?

14. *When Nicola was found you stated that 'had you known of her personal circumstances, you would have amended your strategy'. Can you please explain this and, had you been provided with this information, what would you have done differently?*

The police decided to task SGI and did not brief them in line with normal practices in other force areas as described previously. The mental state of the victim is always important as accidental drowning is different to malicious drowning (homicide) or suicide. Why could she not self-rescue? was it accidental, suicide or was she pushed, was she conscious or not? All of these are important factors in water search and rescue. No police hypothesis on this was shared with Peter or the SGI team, if the police believed she was disturbed or upset and had determinedly committed suicide then this would have been helpful in aiding the location of her body. If they thought she entered the river in the shallows, determined to head toward deep water and drown, then this would also have been helpful, tragic as this is.

In the police conference the police stated they believed Nicola fell into the river in the area of the bench.

15. *Can you clarify your expectations around who should have provided this information to you, given that you were commissioned by the family and not deployed through the NCA Database to Lancashire Police?*

Once on scene of a joint operation having been accepted into the search team as a capability provider; irrespective of being requested by the family who had lost faith in the police at that time. The Police should have briefed and engaged with SGI more professionally using Jesip principles, sharing their 'Methane' messages as discussed above. All this information would have been available. This information and discussion would normally have been either with the bronze or silver sector commander given this was an ongoing police led operation.

16. *Given the outcome of the investigation and the findings of the inquest, on reflection, would you have conducted a different approach to your conduct with the media?*

Yes, Peter would have made better contemporaneous notes about the conduct of the police, once the information about the body location hit was passed to them. Overall he would (with his team) have made more notes about their behaviour, lack of professional engagement and about how the Police should have taken control of the messaging and engagement rather than abandon SGI left to answer questions after being hounded by press in what should have been a controlled search environment of an ongoing police operation.

17. *Do you consider that the information that you placed into the public domain on several occasions helped or hindered the investigation?*

The course of police investigations is not SGIs role, Peter was asked an opinion, Peter and SGI were given no agreed lines to take by the police or areas to avoid therefore Peter considered that there were no restrictions insofar as the police were concerned and answered the questions honestly and to the best of his ability given many people were asking for an opinion at that moment, despite this Peter used his judgment to not tell everything (ie the location of a positive sonar hit) which would definitely have been of great interest to the press and family. I used my discretion.

18. *On reflection, is there anything throughout your time in the investigation that you would have done differently.*

Peter made notes and provided information and evidence perhaps trying harder than normal to get the police to engage with him and SGI. The police on the other hand failed to engage properly with Peter and the SGI team, this is an area of real concern as it shows that the police in this instance were a poor partner, and their behaviours were unprofessional (possibly based on private sector prejudice) and that their minds were closed to other information or professional advice or assessment and had probably determined the outcome even before the body was discovered and not being open to other possibilities.

<u>Conclusion</u>

Specialist Group International was requested to help by the family who were frustrated with the police activities, SGI sought to integrate into the police investigation activities by helping search areas of the river as directed by them. The Police were not open to other expert advice or opinion on this occasion which is a departure from the decades of cooperative activity that SGI has experienced, and indeed sought to undermine Peter and SGI once it was clear to them that there were professional expert differences. Worryingly, evidence of Nicolas body location and the outcome of the search was not shared either with SGI or we believe the Coroner. There is little evidence that the police searched the target location given to them, perhaps mistakenly searching a different area. There now appears to be a campaign to discredit Peter and SGI following decades of excellent professional relationships with Police and other emergency services. The treatment during the investigation of Peter and his team was at times hostile which flies in the face of the code of ethics.

We also feel that Peter and SGI are owed an apology for the behaviour of Police Officers and the conduct of various Police institutions as a result of SGIs participation, on humanitarian grounds and at the request of the family, in this incident. Furthermore, we feel that the Police have not be open to any expert opinion that differs from their own and that they have set out to deliberately undermine SGI and Peter personally in particular because of this difference.

As a result, Peter and SGI have suffered damage to their reputation which is unwarranted.