

1 Wednesday, 5 November 2008

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: Yes.

5 MR HILLIARD: Sir, the first witness is Dr Shorrocks,
6 please.

7 SIR MICHAEL WRIGHT: Thank you.

8 DR KENNETH SHORROCKS (sworn)

9 SIR MICHAEL WRIGHT: Please sit down.

10 Questions from MR HILLIARD

11 MR HILLIARD: Have a seat. I think it's Dr Ken Shorrocks;
12 is that right?

13 A. That's correct, yes.

14 Q. You are a pathologist; is that right?

15 A. Yes.

16 Q. Can you help us with your qualifications, please?

17 A. Yes. I'm a Bachelor of Medicine and Bachelor of
18 Surgery, which is the basic medical qualification.
19 I have the degree of Doctor of Medicine by research.
20 I'm a fellow of the Royal College of Surgeons of England
21 and a fellow of the Royal College of Pathologists.
22 I have a diploma in medical jurisprudence, which is one
23 of the qualifying exams for forensic pathologists and
24 I am a Bachelor of Laws, having graduated with first
25 class honours.

- 1 Q. How long have you worked as a pathologist for?
- 2 A. I have been a pathologist for about 20 years. I moved
3 over from being a surgeon to a hospital pathologist and
4 then having done my law degree, I moved over to being
5 a full-time forensic pathologist about seven years ago.
- 6 Q. In that time have you conducted no doubt hundreds, maybe
7 thousands, for all I know, of post-mortem examinations?
- 8 A. I have conducted thousands of post-mortem examinations
9 and I have conducted several hundred examinations in
10 which there was a forensic interest, if I can put it
11 that way.
- 12 Q. Right. We have heard quite a bit about what you are
13 going to detail for us, yesterday from Mr Tomei, the
14 firearms expert.
- 15 A. Yes.
- 16 Q. So we can take it relatively shortly. Do you have with
17 you a copy of a report of yours dated 27 July 2005?
- 18 A. Yes, I have.
- 19 Q. In addition, and we will perhaps put this up on the
20 screen a little bit later, do you have two pages of
21 drawings that were in fact done by Mr Tomei? Do you
22 have those?
- 23 A. I have those, yes.
- 24 Q. You I think did your own sketches that showed injuries,
25 but we have become used to looking at his and they are

1 not different.

2 A. Yes.

3 Q. All right. Looking at the first page of your report,
4 page 1046 in the documents, I am just going to ask if we
5 can have that on the screen, just to clear one matter
6 out of the way. You see the date of your report there,
7 the 27th, the name of the deceased, Jean Charles
8 de Menezes. You explain that the post-mortem
9 examination you did was done on 23 July; correct?

10 A. That's correct, yes.

11 Q. Under the instruction of Mr Sampson, the Coroner. We
12 will hear you had actually been to the tube station and
13 to the carriage the day before, the 22nd?

14 A. That's correct, yes.

15 Q. I just want to ask you about the passage in the report
16 headed "history". Just to remind you of this:

17 "This man's death occurred as part of the emergency
18 relating to the planting of bombs on public transport in
19 London. On the morning of the 22nd ... he was pursued
20 by armed police officers as a result of surveillance.
21 He was followed into Stockwell tube station where he
22 vaulted over the ticket barrier. He ran downstairs and
23 onto a tube train where it appears that he stumbled.
24 The officers then immobilised him and a number of shots
25 were fired. At the present time I am not sure as to any

1 further details."

2 Can you help us, because we know that there are two
3 significant errors in that?

4 A. Yes.

5 Q. The vaulting over the ticket barrier being one, and the
6 running downstairs and onto a train and stumbling
7 appears to be another. Can you help us where you would
8 have got this information from?

9 A. Yes. When I went to Stockwell tube station on the 22nd,
10 what happened was that I arrived at the road outside the
11 tube station in a police car, and while I was in the
12 road, I was met by some of the officers and as I recall,
13 I was also met by the ballistics officer as well. What
14 we did basically was a walk through where I was told
15 what was believed to have happened. We then walked into
16 the tube station, and I remember we walked into a small
17 office that was being used as a police office, if you
18 like.

19 We then went through the barrier, we turned left
20 I think it was, and we went down an escalator. We then
21 turned left again and we were on a platform and then
22 I entered the tube train. What was happening all that
23 time was that there were a number of officers present,
24 and we talked through it, and this was what was told to
25 me.

1 You have to remember that when we produce a report,
2 we give you the story that was available on Day 1,
3 otherwise we would forever be changing it. That was the
4 story that I was given, talking to several people as
5 I describe at the tube station. I didn't write anything
6 down. I didn't make a note of who told me what. But at
7 the next opportunity that I had, I got my dictaphone and
8 I started to dictate my report. That was a summary of
9 what I was told.

10 On the 23rd --

11 Q. Can I just pause you there for a moment?

12 A. Certainly, yes.

13 Q. We have understood that. In addition, no doubt you,
14 like everybody else, would have been aware of what was
15 being said in the broadcast and the print media about
16 the circumstances?

17 A. Yes.

18 Q. Would that be something you would factor in at all?

19 A. I, to the best -- if I can just tell you a little bit
20 about it. I was having a normal day's work, I knew
21 nothing about this having happened, the next thing
22 I knew was that I was being asked to go to Stockwell
23 tube station because of an incident.

24 I received this information, and this information,
25 the information that I have put on here, is information

1 that I received before I saw it on the news, read it in
2 the newspapers, or anything else. So if you like, I was
3 in at the beginning. And I presumably, it's not that
4 I got my sources from the press, I think the press and
5 I probably had a common source, if you like.

6 Q. I see. Then I interrupted you, you were just telling us
7 about -- so it's the 22nd being the day that you have
8 actually gone to the station; 23rd being the date of the
9 post-mortem examination, and you were just coming on to
10 the 23rd, and I interrupted you.

11 A. Yes. We decided that we would do the post-mortem on the
12 following day, so I went to Greenwich Mortuary on the
13 23rd where I met again a number of police officers and
14 they are listed, as I recall, in my report.

15 I didn't take a history again. I merely said words
16 to the effect of "okay, I got the story, this is what
17 I am told happened, has anything changed?" I can't
18 remember what my wording was, but the response basically
19 was: no, there is nothing, nothing has changed overnight
20 in terms of that story. So I can't tell you who told me
21 what, but it was the distillate of what I was told on
22 the first day.

23 Q. All right. Just turning to the second page of your
24 report for you, there we are, you explain at the top
25 there that you went to the tube station in the company

- 1 of investigating officers, arriving at 1.30 and leaving
2 at about 3 o'clock; is that right?
- 3 A. That's correct.
- 4 Q. Went into the carriage and saw Mr de Menezes' body
5 there.
- 6 A. Yes.
- 7 Q. We know that, I think, by the time you had got there, he
8 had been checked for explosives and so on?
- 9 A. Yes.
- 10 Q. So can't, I think, attach significance to how his body
11 was at this time, but he was face down, you have said
12 with his right leg crossed over the back of the leg; is
13 that right?
- 14 A. Yes.
- 15 Q. You say, and we have heard already, that he clearly had
16 severe head injuries, blood on the floor next to his
17 head; is that right?
- 18 A. Yes.
- 19 Q. Then that three seats away from the double doors on the
20 opposite side, so opposite to the doors that were open,
21 there was a seat that was heavily saturated with blood.
22 We know that that was the seat next to the one in which
23 he was primarily sitting.
- 24 A. Right, yes.
- 25 Q. You say blood had also dripped downwards to form a pool

1 on the floor. And you explain, we don't need to go into
2 the details, but there was extensive spatter of blood
3 obviously in the carriage; yes?

4 A. Yes.

5 Q. You say that you noticed a number of spent cartridges
6 and also a live round lying on one of the seats?

7 A. Yes.

8 Q. You decided that no further examination was needed at
9 the scene; yes?

10 A. The only thing that did happen was after the body had
11 been removed from the tube train, a short distance away
12 on to the platform, we basically searched the pockets
13 and found a number of items, including the passport.

14 Q. We will come on, I think, in a minute to two items, and
15 then you can take us back to this.

16 So that's all happening on the 22nd?

17 A. That's correct, yes.

18 Q. Then the post-mortem examination, the next day?

19 A. Yes.

20 Q. Presumably you were able to say from your own knowledge
21 that, as it were, the person you were seeing on the 23rd
22 was the person you had seen on the 22nd?

23 A. Yes.

24 Q. I just want to deal with one matter through you, there
25 is no issue about this, can I just hand you a statement

1 from his cousin, Mr Alex Pereira, who we heard from as a
2 witness. We just need some formal evidence of this, we
3 appreciate it is hearsay through you but that's no bar
4 to it. Mr Pereira, Jean Charles's cousin, confirms,
5 doesn't he, that he identified his body at the mortuary
6 on the 23 July 2005?

7 A. Yes.

8 Q. Can you confirm that for us?

9 A. I can, yes.

10 Q. Thank you very much. Right. So on the 23rd, the
11 post-mortem examination, you noted, is this right, that
12 he was 172 centimetres or 5-foot 8 inches tall?

13 A. Yes.

14 Q. And weighed 70 kilograms?

15 A. Yes.

16 Q. You described his hair as short and dark brown?

17 A. Yes.

18 Q. And you said that he was moderately built, and you have
19 described him as of Mediterranean complexion?

20 A. Yes, that's correct.

21 Q. Clothing you describe at this stage as being jeans,
22 white socks, denim jacket, black shirt, pants and
23 a belt; yes?

24 A. Yes.

25 Q. You say that his shoes had been removed before your

1 examination?

2 A. That's correct, yes.

3 SIR MICHAEL WRIGHT: Had they been removed before you saw

4 him in the railway carriage?

5 A. That I can't recall, my Lord.

6 SIR MICHAEL WRIGHT: You didn't note it, right.

7 MR HILLIARD: Then property: wristwatch with plastic strap

8 on left wrist?

9 A. Yes.

10 Q. Keys, piece of paper?

11 A. Yes.

12 Q. And ú1.20 in coins in jeans pocket?

13 A. Yes.

14 Q. You said there the watch was on his left wrist. Do you

15 know where the keys and the piece of paper were?

16 A. No, I am sorry, I don't.

17 Q. That's all right. The money in coins in a jeans pocket,

18 do you know which pocket?

19 A. No, I don't.

20 Q. No. But then I want to understand what you were saying.

21 In addition did you see other property the day before?

22 A. When we were on the tube, when we were on the platform,

23 his identity wasn't then known, and I remember clearly,

24 I don't know whether it was me or whether it was

25 somebody else, but it was probably me, put a hand in

1 a pocket and retrieved what I believe was a passport and
2 on that passport was a name, which was his name. And
3 that was to a certain extent the first intimation as to
4 who he was. But I can't remember who took custody of
5 that document after I saw it.

6 Q. Right. Can you help, do you have any recollection now
7 as to which pocket?

8 A. I cannot, I am sorry.

9 Q. All right. So the property there you have mentioned on
10 the 23rd, and certainly a passport that you were aware
11 of on the 22nd?

12 A. I believe it was a passport, it was certainly
13 a comprehensive identification document of some sort,
14 I believe it to have been a passport.

15 Q. Then you began your examination, is this right, starting
16 with external injuries?

17 A. Yes.

18 Q. If we can have, please, documents page 1044 up, this is
19 the picture. There we are.

20 A. Yes.

21 Q. We have seen this yesterday with Mr Tomei, all right?

22 A. Yes.

23 Q. I am going to go through these very briefly with you,
24 but the same presumably applies in your case as with
25 his: although they are numbered for reference purposes,

- 1 you can't give an order of the shots; is that right? Or
2 an order in which the injuries were inflicted, I should
3 say.
- 4 A. No. Generally speaking when we number injuries, we
5 adopt a convention or I adopt a convention of doing
6 right first and then left, and working downwards.
7 Sometimes that's not possible. But again, when it's
8 bullet wounds, one often tries where one can to
9 number -- or I do at least -- entry wounds before exit
10 wounds. So there is really no significance in the
11 numbering beyond the convention that I have used to make
12 things simple for me in writing it up.
- 13 Q. All right. On this picture we have there, we pick up
14 a number 2, which is, as it were, sort of top right.
- 15 A. Yes.
- 16 Q. But we haven't got a number 1?
- 17 A. That's correct.
- 18 Q. Number 1 was also, is this right, a bullet entry wound?
- 19 A. Yes.
- 20 Q. Where was it?
- 21 A. This was a bullet entry wound that was on the right side
22 of the upper part of his back, level with the shoulder,
23 so it was the very uppermost part of the back. It was
24 5 centimetres or 2 inches to the right of the mid-line.
- 25 Q. So that's a notional line running down the middle?

1 A. Running down the spine, yes. It was an oval wound that
2 had appearances of being a bullet entry wound. And when
3 I examined further, slightly later, I found that there
4 was a track passing from that entry wound in the back,
5 and it passed from right to left. As far as I could
6 determine, it was pretty much horizontal, it didn't go
7 up or down, and it also passed forward. The track
8 passed through the muscles of the shoulder girdle, and
9 I recovered a distorted bullet, putting it very simply,
10 from the region of the shoulder girdle somewhere behind
11 the collarbone.

12 Q. So you have an entry wound and still inside the body,
13 the bullet?

14 A. That is correct, yes.

15 Q. So that's number 1?

16 A. Yes.

17 Q. And that's why it's obviously not on this picture of the
18 head; is that correct?

19 A. That's correct, yes.

20 Q. Right. Then the others we can take pretty shortly
21 because we heard about these yesterday. 2 on the right
22 there.

23 A. Yes.

24 Q. Then 4 in the middle, and then 3, just a little
25 difficult to make out but that is actually a 3 to the

- 1 left of 4?
- 2 A. Yes.
- 3 Q. Then 5 and 6 below on this?
- 4 A. Yes.
- 5 Q. Correct?
- 6 A. That's correct, yes.
- 7 Q. Is this right, that apart from 3, you thought 2, 4, 5
8 and 6 were bullet entry wounds?
- 9 A. That's right. We initially thought that number 3 was
10 an entry wound. It can sometimes be difficult to tell
11 the difference, very often it's very easy. In this case
12 it had some of the characteristics of an entry wound,
13 but it became very clear to us as the examination
14 progressed that this was not. So as you say, numbers 1,
15 which I have described, 2, 4, 5, and 6 were bullet entry
16 wounds. Number 3 was not.
- 17 Q. Was it also your view that 5 may have consisted of, as
18 it were, an entry wound and an exit, if you understand?
19 I think you have described it as tangential; is that
20 right?
- 21 A. That's right. It's very difficult when wounds like this
22 are so closely grouped to work out, putting it very
23 simply, what went where. But in this case, in the case
24 of wound number 5, it had the appearances of where
25 a bullet grazes the skin, produces a short furrow, if

- 1 you like, and then comes away from the body as well
2 without entering through the head.
- 3 Q. If we go to the little drawing below, bottom right --
- 4 A. Yes.
- 5 Q. -- I think the same applied, is this right, to
6 number 8?
- 7 A. Yes. Number 7 on the right was an entry wound --
- 8 Q. I was going to come to that. That was a proper entry
9 wound, actually going into the head?
- 10 A. That's correct. Number 8 again was one of these furrows
11 where it had just damaged, badly damaged, the scalp
12 through the full thickness of the scalp, but the bullet
13 had then left without entering through the head.
- 14 Q. Right. Then if we can turn to page 1045. Here you
15 describe later in your report that what I think we are
16 looking at here were what you have called exit wounds
17 either, is this right, of bullets or part of bullets, or
18 of bone that had been fragmented by a bullet, and as it
19 were, had then itself come out the bone. So this is
20 exit wounds, you thought, of either bullet or bone; is
21 that right?
- 22 A. I describe in my report injuries 9 to 13 which are, as
23 you say, they are exit wounds, something has come out of
24 the head. The problem is when a bullet goes into the
25 body, it doesn't usually remain intact, it breaks into

- 1 pieces. So, for instance, one bullet can produce two
2 fragments, it can produce two entry wounds, it can
3 produce no entry wounds if it doesn't come out. It can
4 dislodge a fragment of bone that can come out; we call
5 it a secondary projectile. So all I can say is that we
6 had these exit wounds where something had come out,
7 whether it was an intact bullet, part of a bullet or
8 part of bone, I simply can't tell. And nor can I tell
9 which of these wounds corresponds to which entry wound.
- 10 Q. Right. Just so far as these are concerned, we can take
11 them very quickly. A 3-centimetre by 1.5-centimetre
12 laceration on the left side of the front of the scalp,
13 is that what we have in about the middle of the page and
14 then you have done a little drawing of it?
- 15 A. That's Mr Tomei's drawing, that's it.
- 16 Q. Forgive me. I am looking at the measurements and the
17 description in your report and that's what we can see
18 there.
- 19 A. Yes.
- 20 Q. 3 by 1.5?
- 21 A. Yes.
- 22 Q. Then a laceration 2 by 1.2 centimetres, that as it were
23 is just below that on the sketch; is that right?
- 24 A. That's correct, yes.
- 25 Q. We have the approximate position of that too.

- 1 A. Yes.
- 2 Q. Then a laceration on the scalp, 5 by 5 centimetres, we
3 have that shown as well; correct?
- 4 A. Yes.
- 5 Q. Then over to the left as we look, a laceration 1.5 by
6 1.5 centimetres on the left side of the scalp.
- 7 A. Yes.
- 8 Q. Then a laceration 5 by 2 centimetres that we can see,
9 looks like it's sort of above the upper part of the left
10 ear; is that right?
- 11 A. It is, yes, and also associated with number 13, which is
12 as you say, and as is illustrated, a 5.5 by 2 centimetre
13 wound, there was also laceration of the -- I'm sorry,
14 I am talking about the right side. There was also
15 laceration of one of the ears.
- 16 Q. If we just deal with those, those you thought exit
17 wounds of bullets or bone or bits of bullets?
- 18 A. That's correct, yes.
- 19 Q. Then finally, three other injuries that you noticed. As
20 you say, some injury to the right ear; is that right?
- 21 A. That's right, yes. Something had caught the right ear
22 on the way in, basically.
- 23 Q. Some bruising to the right eyelid; is that right?
- 24 A. Yes.
- 25 SIR MICHAEL WRIGHT: Laceration to the right ear I think you

1 show on the other set of pictures, I think.

2 MR HILLIARD: By all means.

3 A. Yes, it is. Yes, he had --

4 SIR MICHAEL WRIGHT: Hang on a minute.

5 MR HILLIARD: We don't need to take time to wait for it.

6 SIR MICHAEL WRIGHT: Go on.

7 MR HILLIARD: Lacerations to the right ear.

8 A. He also had what I described as bruising on the medial
9 or inner aspect of the right upper eyelid. He had the
10 beginnings of a black eye on the right. Now, the fact
11 that he had a black eye is of no significance as far as
12 I'm concerned. When you get severe injury to the head,
13 you get blood tracking downwards, and it appears where
14 the skin is thinnest and most transparent and where the
15 blood can accumulate easily.

16 So almost inevitably when somebody has injury to the
17 scalp, they end up with a black eye. It is of no more
18 significance than that.

19 He also had bruising on the left side of the chest
20 wall. I have said around the clavicle which is the
21 collarbone, and I'm putting my hand right at the upper
22 left part of my chest (indicated). The simple reason
23 that he had that bruising there was because a bullet had
24 lodged not far away --

25 Q. That's the bullet that's gone in the right shoulder sort

- 1 of area?
- 2 A. From injury number 1. As a result of that there will
3 have been bleeding -- there was bleeding into the
4 tissues and that manifested itself as that bruise, that
5 is all.
- 6 Q. Then the only other one, I think on the left forearm
7 there was a single bruise up to about 2 centimetres; is
8 that right?
- 9 A. Yes. It was on the front of the little finger side of
10 the left forearm, above the wrist. There was no bruise
11 visible on the skin, but there was bruising in the
12 tissues underneath the skin which is quite common for
13 a bruise not to be visible, particularly at first. It
14 was a 2-centimetre or 1 inch bruise.
- 15 Q. We will come back to that later. It follows, I think,
16 from what you have already said that as well as the
17 external examination you carried out an internal
18 examination; is that right?
- 19 A. That's correct, yes.
- 20 Q. You identified a number of bits of bullet jacket and
21 bullet fragments, is this right, that you had also been
22 able to see on x-rays?
- 23 A. That's right. When we deal with a case of shooting,
24 even if we think a bullet has gone in and come out, we
25 always do x-rays. And the reason we do those x-rays is

1 so we can identify where the bullet fragments are, and
2 we can get some idea of which ones we want to retrieve
3 for the purpose of forensic examination.

4 Q. Right. Without going into the detail, but it must be
5 obvious from what we know, there was obviously severe
6 damage to the brain; is that right?

7 A. Yes.

8 Q. And such that, I think you have already explained, you
9 weren't able to follow tracks of wounds or anything of
10 that kind within the brain itself?

11 A. No. The bullets were so closely grouped, the damage to
12 the skull did not consist of several holes like
13 a pepperpot. There was very severe fracturing and
14 damage, and you simply couldn't tell where each bullet
15 had gone, particularly because they were all damaged and
16 fragmented to a greater or lesser extent.

17 Q. I think you describe, is this right we don't need the
18 details, but something like 30 --

19 SIR MICHAEL WRIGHT: Forgive me, Mr Hilliard. If I have
20 understood you correctly, it's not only, as it were, the
21 direct bullet damage to the brain but also the
22 fracturing pieces of bone that had moved around inside
23 the head?

24 A. That's correct, my Lord, we call them secondary
25 projectiles. When a bullet hits a hard object, whether

1 it's a door frame, a window or whether it's something
2 hard inside the body such as bone, it imparts its energy
3 into that fragment and then that fragment begins to move
4 fast and it too will cause damage. So what we have got
5 is we have got several bullets going into the head,
6 those bullets are fragmenting, each of those fragments
7 depending upon its size and shape is acting as
8 an independent projectile. It's also liberating
9 fragments of bone, and those too are acting as
10 projectiles.

11 SIR MICHAEL WRIGHT: That may give me the opportunity, if
12 I may, Mr Hilliard, having interrupted you, to ask
13 a question that's just come up.

14 MR HILLIARD: Certainly.

15 SIR MICHAEL WRIGHT: Of course you can't tell us in what
16 order these injuries were inflicted?

17 A. No, I can't.

18 SIR MICHAEL WRIGHT: But whatever the sequence may be, once
19 you get to the first penetrative injury to the skull,
20 was Mr de Menezes likely to have survived that first one
21 at all?

22 A. No. Pathologists will never say never, nor will any
23 doctors, but you can survive a single gunshot wound to
24 the head if it goes into a part of your brain which is
25 not desperately important. I have several of those.

1 But in this case, they went in around the region
2 above and behind the ear, and they went through the
3 centre of the brain. In this particular case, excluding
4 those that nearly missed, any one of those bullets, in
5 my view, would have killed him.

6 So choose any one you like, and it is my view that
7 it would have killed him in this case.

8 SIR MICHAEL WRIGHT: Any one I think of numbers 2, 4 --
9 certainly 2, 4, 6 and 7?

10 A. That's correct, there was one that went into the
11 shoulder that would not have killed him.

12 SIR MICHAEL WRIGHT: That you can leave out.

13 A. That we can leave out. Two seem to have nearly missed,
14 they would not have killed him. That leaves four
15 bullets that entered the head and it is my evidence --

16 SIR MICHAEL WRIGHT: 4, 5, 6 and 7.

17 A. That's correct, it is my evidence that any one of those
18 would have --

19 MR HILLIARD: We are going to deal with all this in a minute
20 when we come to --

21 SIR MICHAEL WRIGHT: I have had the question so I thought --

22 MR HILLIARD: If we can keep it to the end perhaps, it is 2,
23 isn't it, it is not 5 because 5 is like 8, it's one of
24 the ones that is on the surface, do you remember telling
25 us?

- 1 A. Yes, it is 2, 4, 6 and 7 that would have killed him.
- 2 SIR MICHAEL WRIGHT: And in effect because of the nature of
3 the injury, death would have been instantaneous?
- 4 A. Yes.
- 5 SIR MICHAEL WRIGHT: Thank you.
- 6 A. The other thing is, not only would death have been
7 instantaneous, but clearly once the first bullet hit his
8 head and went in, he would have had no perception of
9 what was going on.
- 10 MR HILLIARD: Right.
- 11 So if we can just go back to your report, you
12 explain that, I think is this right, something like from
13 inside the skull, I think it's a total of 13 pieces of
14 either bullet or bullet jacket that you recovered from
15 there?
- 16 A. Yes.
- 17 Q. Then you go on to give your conclusions in a section at
18 the end; is that right?
- 19 A. That's correct, yes.
- 20 Q. You say that he died as a result of multiple gunshot
21 wounds to the head; yes?
- 22 A. Yes.
- 23 Q. And just help us, were any of those, there is a reason
24 for asking, to the brain stem?
- 25 A. I cannot answer that, because the brain was so badly

1 damaged that I simply couldn't tell.

2 Q. Can you just show us where the brain stem is, or is that
3 a difficult thing to do?

4 A. If you were to go in from a point below and behind the
5 ear, the sort of hard bony bit we call the mastoid. If
6 you were to go straight in there you would get to the
7 brain stem. The brain stem goes from the base of the
8 skull and it goes upwards almost into the centre of the
9 head.

10 These projectiles will have caused their primary
11 damage; in other words they will have passed through the
12 area of the centre of the brain at the top of the brain
13 stem. But fragments going off in different directions
14 simply went everywhere.

15 The other problem is that it's not just what happens
16 immediately, but it's the bleeding that happens
17 afterwards, it's the swelling of the brain, it's the
18 secondary disruption that happens, that essentially
19 those parts of the brain towards the upper part of the
20 brain stem in the very centre of the brain, many of
21 which are vital for the continuance of life, were
22 destroyed.

23 SIR MICHAEL WRIGHT: We have been told in the course of the
24 evidence that in order to achieve instant disability,
25 instant incapacity of a global nature, it's the brain

1 stem that has to be hit.

2 A. Yes. If you are to choose one small area, then if you
3 hit the brain stem, it will achieve that. The problem
4 is in this case we do not have damage to one small area,
5 we have collateral damage, we have collateral damage
6 caused by other fragments, and we have collateral damage
7 caused not by fragments but by shockwaves. A lot of the
8 damage that you get when a bullet goes through is not
9 caused by the immediate passage of the bullet, it's
10 caused by the shockwaves that it generates. If you bear
11 in mind that the brain is a soft organ, then that causes
12 shattering at a distance in a -- it gets progressively
13 less the further you get away.

14 So we are not looking at one small area, we are
15 looking at a larger area.

16 SIR MICHAEL WRIGHT: That's what I wanted to ask you,
17 really. The brain damage is so extensive that the
18 question of whether the brain stem was involved is
19 really irrelevant?

20 A. Yes. The brain stem was involved, but the area of
21 damage was so great that it encompassed that, and as
22 I said, if you had to choose one small area of the
23 brain, then you would choose the brain stem. In this
24 case, there was such a large area within the centre
25 that -- the reason you have to hit the brain stem is

1 everything goes through it. In this case, everything
2 that goes to the brain stem was also damaged anyway. So
3 you get the same effect, but by hitting a wider area
4 above it.

5 SIR MICHAEL WRIGHT: Thank you.

6 MR HILLIARD: All right.

7 Now, you have given us the cause of death, multiple
8 gunshots wounds to the head. I just want to make sure
9 I have understood your evidence correctly. What you are
10 telling us is that any one of, as it were, the bullets
11 that actually went in, so not one of the ones that is
12 causing the guttering as it was described on the
13 surface, but any one of those shots that actually went
14 into the head in your view would of itself have been
15 fatal; correct?

16 A. Yes.

17 Q. Then again I just want to understand, so far as any one
18 of those shots is concerned, so of those particular ones
19 that have gone in, do you say he would have been
20 incapacitated, unconscious, as it were, the moment that
21 shot had gone in?

22 A. That is my belief, yes.

23 Q. You say in paragraph 5 of this section of your report:

24 "Death will have occurred instantly on sustaining
25 the head injuries. No first aid or medical treatment,

1 no matter how promptly or expertly administered, could
2 have improved the outcome."

3 Is that your view?

4 A. Yes, that is really a statement of the obvious but
5 I make it to be absolutely clear.

6 Q. Absolutely. You explain that no evidence of any natural
7 disease that had caused or contributed to death?

8 A. That's correct, yes.

9 Q. Finally, just the question of any injuries suggestive of
10 any other form of assault or struggle. You told us
11 about other injuries that you found, for example do you
12 remember the bruising in the right eyelid and so on?

13 A. Yes.

14 Q. Also do you remember the bruising to the forearm?

15 A. Yes.

16 Q. And the bruising in the left clavicle area?

17 A. Yes.

18 Q. The first two of those I think you were pretty clear
19 were caused in one instance by a bullet inside the body;
20 in the other as a result of damage to the skull leading
21 to a black eye. Correct?

22 A. Yes. There is only one injury that I cannot associate
23 with him being shot, and that is this bruise on the
24 forearm. Sorry, I am struggling to remember which one
25 it was.

1 Q. Yes. Absolutely.

2 A. Left forearm.

3 Q. For example, is that a kind of bruise that could have
4 been caused if somebody was restraining that arm in some
5 way?

6 A. It could have been caused by restraint. If somebody
7 grabs your forearm then you often get what we call grip
8 marks or finger -- there are sometimes called 10p
9 bruises or something like that, they are just little
10 round bruises. This was only in the subcutaneous
11 tissue. But we all get them.

12 Q. That may not have been caused by this incident,
13 presumably at all?

14 A. I understand Mr de Menezes was an electrician. It was
15 an active job, anybody who has tried doing anything like
16 that, you bang into things, it could be that, it could
17 be restraint, it could be falling in the street. There
18 is simply nothing about that bruise that tells me how it
19 was caused.

20 SIR MICHAEL WRIGHT: Or when?

21 A. It was recent but within 24, 48 hours, I can't say when.

22 MR HILLIARD: Thank you very much, doctor.

23 SIR MICHAEL WRIGHT: Thank you very much. Mr Mansfield?

24 Questions from MR MANSFIELD

25 MR MANSFIELD: Good morning, doctor, I represent the

1 de Menezes family. I do not want to dwell for much
2 longer on the actual injuries but I do have just
3 a couple of questions.

4 The first one is: there was unusual ammunition used
5 in this case, we have already heard from Mr Tomei
6 yesterday about this; had you come across this hollow
7 tip 124-grain ammunition before in a case?

8 A. I simply don't know. My job is to, if you like, remove
9 the ammunition and pass it on to the ballistics officer.
10 I don't usually find out what sort of ammunition it was.
11 So I simply don't know.

12 Q. Right, so you don't know whether you have come across it
13 before. We understand from the evidence that it's the
14 kind of ammunition that doesn't overpenetrate but, as it
15 were -- I am using the word that was used yesterday --
16 mushrooms once it impacts upon and penetrates the body
17 concerned. Were you aware of that?

18 A. Well, I am not a ballistics expert and that evidence is
19 ballistic. But I'm aware that if you use what we call
20 hollow point ammunition, in other words the jacket does
21 not extend to the tip, then the soft core, as you say,
22 mushrooms and expands. I am aware of that, yes.

23 Q. All right. You have dealt with the four specific entry
24 wounds, any one of which would have caused instantaneous
25 death. I just want to deal with the other two, that is

1 on 1044 if we could have it up again, the tangential
2 ones, in other words number 5 and number 8.

3 A. Yes.

4 Q. In those cases, even though they didn't enter in the
5 same way, nevertheless what would have been the impact
6 of either one of those?

7 A. I cannot say what the impact was, but what I would
8 expect if either -- let us take away all the other
9 injuries and say, imagine -- and this is to a certain
10 extent conjecture which I am not allowed to do, but --

11 Q. I don't know whether it's possible for you to perhaps
12 omit the conjecture. I know that's very difficult.
13 Reasoned inferences I think are totally acceptable.

14 A. Yes. If he had sustained those two grazing injuries,
15 there are a range of possibilities.

16 SIR MICHAEL WRIGHT: From a bullet, remember.

17 A. From a bullet, yes. There are a range of possibilities.
18 They could simply have grazed the scalp and gone away,
19 left him bleeding with a headache. They could have
20 struck the head with sufficient force that the skull
21 would be fractured, leaving him with a headache, and he
22 would have got better. They could have struck the side
23 of the head with sufficient force that they caused the
24 skull to fracture and they caused, if you like,
25 shockwaves to enter the head, caused him to be

1 concussed, and to have had an element of brain injury
2 that could have recovered completely or with which he
3 could have been left. So the fact that a bullet grazes
4 does not necessarily make it completely harmless.

5 In this particular case, because of the overwhelming
6 consequences of the other four, I cannot say what they
7 did do.

8 MR MANSFIELD: All right.

9 Can I just work backwards, could we have on screen
10 document 1365, please. This is just a memory refresher.
11 In fact the document that you retrieved, I suggest it
12 wasn't strictly a passport, it was more
13 an identification card. Does that refresh your memory?

14 A. That does, yes.

15 Q. Sorry about the timing. When did you retrieve that, as
16 you put it?

17 A. I retrieved it after I had gone down to the tube train,
18 after we removed the body from Mr de Menezes -- sorry,
19 after we removed the body of Mr de Menezes from the tube
20 train, we moved it off the platform into the little
21 alleyway, if you like, that goes towards the escalator.
22 To the best of my recollection we laid it down there,
23 and that I believe is where we recovered this.

24 Q. Give us some idea of what time that was on the 22nd.

25 A. I was there between 1330 and 1500, it would have been

- 1 towards the end of that visit. I can't say whether it
2 was five minutes before I left, half an hour before
3 I left but it was --
- 4 SIR MICHAEL WRIGHT: Early afternoon?
- 5 A. It was in the early afternoon, yes.
- 6 MR MANSFIELD: A couple of other matters. So you knew
7 before the post-mortem about the name that was on the
8 card, or rather you thought it was a passport. Had you
9 made a note of the names?
- 10 A. I hadn't, no. All I remember was that it was
11 a Brazilian, as you say, identification card.
- 12 Q. All right.
- 13 A. I didn't make a note of the name, no.
- 14 Q. At the post-mortem, it's not uncommon, in fact I suggest
15 it's normally common for a representative of the family,
16 another pathologist, to attend?
- 17 A. That's correct, yes.
- 18 Q. But there wasn't one on this case?
- 19 A. No, there were two pathologists present, myself and
20 Dr Barbara Borek who to the best of my recollection was
21 representing the Police Federation.
- 22 Q. Was anything said about why the family didn't have
23 anybody there or why they hadn't been informed or
24 whatever?
- 25 A. Nothing was said at all. Generally when I deal with

1 a case where somebody is shot by the police, then more
2 often than not there will be a pathologist representing
3 another party. Various parties may be represented, but
4 it didn't strike me as unusual that the family were not
5 represented at that examination.

6 SIR MICHAEL WRIGHT: You know what I am going to ask you,
7 Mr Mansfield.

8 MR MANSFIELD: I have another question.

9 SIR MICHAEL WRIGHT: All right.

10 MR MANSFIELD: At the post-mortem, and this relates to --
11 can you have your statement, please, page 684. I'll
12 take it in stages. This formed part of your report.
13 The information that you have told us that you put in
14 the report about the history, namely the jumping of the
15 barriers or the vaulting of the barriers and so on, you
16 had obtained you said by a walk through from various
17 different police officers?

18 A. That's correct. Various different people. There were
19 not only police officers there. I can't remember who
20 was there. There were police officers. There may have
21 been people representing the Independent Police
22 Complaints Commission, there may have been others, but
23 I met a --

24 Q. There certainly wasn't anybody there from the IPCC.

25 A. Right. I met a number of people, many of whom were

1 police officers. I cannot recall whether properly
2 interested people from other organisations were there at
3 that stage.

4 Q. I am going to mention three people to see whether any of
5 these -- Mr Evans, a senior investigating officer, was
6 he there?

7 A. It says on my report that he was, yes.

8 Q. Right. We only know him by a code, and it may not help
9 you very much, a senior firearms officer, a tactical
10 adviser known as TJ84, Trojan 84?

11 A. I have no recollection.

12 Q. No recollection, all right. He would have been
13 certainly there at some point. And a Silver Commander
14 in the police, S013, Mr Purser?

15 A. Again, I have no recollection of that particular
16 individual.

17 Q. I want to ask you carefully: did this information that
18 you have written in the history as part of the report,
19 as you do commonly have to do, come from the senior
20 investigating officer?

21 A. The senior investigating officer had input, and I spoke
22 to him, but I spoke to a number of people and what
23 I said fairly briefly in my report was a distillate of
24 what I understood by the time I left the tube. I cannot
25 remember whether it all came from him or whether there

1 was substantial contribution from others.

2 SIR MICHAEL WRIGHT: Sorry, Mr Mansfield. Who do you mean

3 in this context by the senior investigating officer?

4 Because the SIO for what was then going on was Mr Evans.

5 MR MANSFIELD: Yes, I mean Mr Evans, in fact.

6 SIR MICHAEL WRIGHT: You mean Mr Evans?

7 MR MANSFIELD: I do.

8 SIR MICHAEL WRIGHT: He has dealt with this, he says it

9 didn't come from him.

10 MR MANSFIELD: I just want to ask you about this, because on

11 page 684 in your statement, can we just go through this,

12 this is a statement you made much later, obviously, but

13 in 2005.

14 A. Yes.

15 Q. In August. Can we go from the statement:

16 "I recall receiving a briefing from DCI Evans when

17 I arrived ..."

18 A. Yes.

19 Q. "... in the presence of Mr Tomei" and so on?

20 A. Yes.

21 Q. "This briefing which was verbal is what I used as the

22 basis of the history section of my post-mortem

23 examination".

24 A. Yes.

25 Q. "It is usual practice for a pathologist to attend ... it

1 is the Home Office policy for the post-mortem report to
2 contain a section which includes the history of each
3 incident as provided by the senior investigating
4 officer".

5 A. Yes.

6 Q. There is no suggestion there that you in fact wrote it
7 up because of what other people had been telling you?

8 A. No, but in what I have written there, I may have been
9 a little bit too specific about where the information
10 came from. I certainly spoke to the senior
11 investigating officer but I listened to what I was told
12 and I sat down later on and I wrote it. I can't
13 recall -- I didn't take it as a script, if you like, of
14 exactly who said what. I can't recall whether it all
15 came from him, whether it was told to me by others and
16 agreed by him or what it was. But that was the
17 information that I collected while I was at the tube
18 station.

19 Q. I just want to put to you what we have heard from him,
20 and it comes in his statement. Can we have page 806,
21 please. Because you said on the second day, that is the
22 23rd, you repeated what you knew at the post-mortem and
23 nobody said there had been any change in the
24 information. Do you remember you said that this
25 morning?

1 A. Yes, I do, yes.

2 Q. This is what he says he told you initially and repeated.
3 So 806 at the bottom. This is dealing with your arrival
4 on the 22nd.

5 A. Yes.

6 Q. "I also informed them [this is Mr Evans] that on the
7 morning of Friday 22nd ... the deceased male was the
8 subject of a police surveillance ... Shortly after 10 am
9 a surveillance officer called for armed assistance at
10 Stockwell tube station. Two officers then entered the
11 tube train and when the suspect was identified to them,
12 he leapt towards them. The surveillance officer was
13 pushed out of the way and shots were fired. The suspect
14 was shot in the head several times."

15 Was anything said like that?

16 A. No.

17 Q. Then over the page, 807, now we are on the 23rd, it
18 says:

19 "At the post-mortem I again informed Dr Shorrocks of
20 the facts as I knew them. I provided him with the same
21 information that I provided him with on the 22nd at the
22 scene of the incident."

23 So in other words, he is saying he repeated what
24 I have just read out?

25 A. Yes. My very clear recollection of the post-mortem was

1 that I did not -- we did not go into any detail of the
2 antecedent, the things leading up to Mr de Menezes being
3 shot. I merely confirmed that things had not changed
4 overnight. My --

5 SIR MICHAEL WRIGHT: You mean without repeating the story
6 all over again?

7 A. That is correct. That is my clear recollection.

8 MR MANSFIELD: Was anything said about a CCTV film having
9 been viewed, and that in fact it was clear from the film
10 what de Menezes had done, because it's suggested that
11 a telephone call comes through during this?

12 A. To the best of my recollection I did not see a CCTV --

13 Q. I'm not suggesting you saw it, but was any result of
14 watching a CCTV communicated to you?

15 A. To the best of my recollection, no, it wasn't.

16 MR MANSFIELD: Thank you.

17 SIR MICHAEL WRIGHT: I have a couple of questions to ask
18 you. You have already told us that you are not
19 a ballistics expert.

20 A. Yes.

21 SIR MICHAEL WRIGHT: So I suspect I know what the answer to
22 this question will be but I will put it to you all the
23 same.

24 Looking at the positions, shapes and sizes of all
25 the entry wounds, are you able to either deduce -- for

1 the reasons we discussed, I won't ask you to
2 conjecture -- or suggest the relative position, given
3 that we know that two officers fired their guns, as to
4 where they were in relation to Mr de Menezes at that
5 time?

6 A. Well, bearing in mind that bullets can be deflected but
7 not greatly so, in many cases, all of the entry wounds
8 to the best of my understanding were from the right and
9 the fragments passed from right to left. The general
10 trend seems to be that the exit wounds were at a higher
11 level, a slightly higher level than the entry wounds,
12 but bearing in mind what I have said about fragmentation
13 and secondary fragments I don't think one can read too
14 much into that.

15 But to all intents and purposes the bullets entered
16 from his right, they went roughly horizontally towards
17 the left, so if one assumes that he was standing bolt
18 upright with his head facing forward or if he was
19 sitting down facing forward, then those bullets have
20 come from his right side.

21 Now, clearly he could have moved his head one way or
22 the other, so that would change the position of the
23 person who was firing the shots. But we have to bear in
24 mind that he also had this shot to his trunk which would
25 be less likely or would move less than his head. But

1 they entered him from right to left. If there is
2 evidence of the position he was in, then you have to
3 read into that where they came from. But in terms of
4 simply looking at him, they went from right to left and
5 approximately horizontally.

6 SIR MICHAEL WRIGHT: And that's all you can say on that?

7 A. That's all I can say.

8 SIR MICHAEL WRIGHT: The other question is this, I think
9 particularly talking about the bruising to the arm: you
10 have told us that death would have been instantaneous
11 once the first bullet entered the brain?

12 A. Yes.

13 SIR MICHAEL WRIGHT: Which presumably means that all bodily
14 functions would stop?

15 A. No.

16 SIR MICHAEL WRIGHT: I thought not.

17 A. He would have been unconscious, his brain was destroyed,
18 and he was irrecoverably dead. He was brain dead. That
19 would not necessarily mean that his heart would stop
20 beating immediately. It could continue to beat for
21 seconds or minutes afterwards.

22 SIR MICHAEL WRIGHT: So that this is the point of the
23 question, I think you can see it coming, is there any
24 possibility that the bruising on the arm might have
25 developed after death?

1 A. It could have developed after he was shot. It would be
2 unlikely to develop after his heart ceased to function.

3 SIR MICHAEL WRIGHT: But they might not have been
4 coincidental?

5 A. They might not have been coincidental.

6 SIR MICHAEL WRIGHT: So there is a possibility that that
7 bruise might be post shooting?

8 A. Perimortem, post shooting, yes.

9 SIR MICHAEL WRIGHT: Thank you. Now, Mr Gibbs?

10 MR GIBBS: No questions.

11 SIR MICHAEL WRIGHT: Mr Stern?

12 MR STERN: No questions.

13 SIR MICHAEL WRIGHT: Ms Leek?

14 MS LEEK: No thank you, sir.

15 MR PERRY: No thank you, sir.

16 MR KING: No thank you, sir.

17 MR HORWELL: No thank you, sir.

18 MR HILLIARD: Thank you very much indeed.

19 SIR MICHAEL WRIGHT: Doctor, thank you very much indeed.

20 A. Thank you, my Lord.

21 (The witness withdrew)

22 MR HILLIARD: The next witness is Brian Paddick, please.

23 SIR MICHAEL WRIGHT: Thank you.

24 MR BRIAN PADDICK (sworn)

25 SIR MICHAEL WRIGHT: Yes, Mr Paddick, please sit down.

1 Would you look for a break point, Mr Hilliard, about
2 11.30?

3 MR HILLIARD: Yes, certainly.

4 Questions from MR HILLIARD

5 MR HILLIARD: I think your name is Brian Paddick?

6 A. Yes, sir.

7 Q. Mr Paddick, I am going to ask you some questions first
8 of all on behalf of the Coroner, and when we have got to
9 the end of those you may be asked questions by others.

10 Do you have with you a copy of a statement that is
11 dated 14 July of this year?

12 A. Yes, I have, sir.

13 Q. So you understand, there is absolutely no difficulty
14 about you looking at that as we go along, as and when
15 you need to, and indeed I may ask you about particular
16 passages in it.

17 I'm going to start, please, with just a little bit
18 by way of background. You are, I think, a retired
19 police officer?

20 A. Yes, sir.

21 Q. Did you join the Metropolitan Police in 1976 as
22 a constable?

23 A. Yes, sir.

24 Q. And thereafter, I think you served as a sergeant in
25 Brixton when promoted?

- 1 A. Yes.
- 2 Q. In due course as an inspector in Fulham, and then
3 Lewisham?
- 4 A. Yes.
- 5 Q. Then I think starting in about 1990 or 1991, did you
6 have some involvement with the Notting Hill Carnival?
- 7 A. Yes, did I. For about seven consecutive years
8 I performed various roles at Notting Hill Carnival, in
9 a supervision/leadership capacity.
- 10 Q. I am going to come to the detail of this a bit later on
11 but just while we are going through the history, did you
12 have some involvement with the decision-making process
13 about whether baton rounds should be fired at the
14 Carnival, because of disturbances, that kind of thing?
- 15 A. Yes, I did.
- 16 Q. As I say, we will come back to that later on.
17 In due course I think you were promoted to
18 Chief Inspector, then had a period as a Detective Chief
19 Inspector, before Superintendent, Chief Superintendent;
20 is that right?
- 21 A. Yes, sir, that's right.
- 22 Q. Thereafter, were you promoted to the rank of Commander
23 within the Metropolitan Police?
- 24 A. Yes, sir.
- 25 Q. Can you help us, please, with when that was?

- 1 A. I was selected for promotion at the end of 2000 and
2 promoted Commander in January of 2001.
- 3 Q. As we have heard, as a Commander in the
4 Metropolitan Police, you have something called ACPO --
5 Association of Chief Police Officers -- rank; is that
6 right?
- 7 A. That's correct, sir.
- 8 Q. Towards the end of 2003, were you promoted to the rank
9 of Deputy Assistant Commissioner?
- 10 A. Yes, sir.
- 11 Q. Then we will come back to this a little bit later, but
12 in 2004, in May of that year, did you attend something
13 called I think an Operation Kratos awareness course at
14 New Scotland Yard?
- 15 A. Yes, I did, sir.
- 16 Q. Then coming on, if we can, please, to 2005, and
17 specifically the incident that we are concerned with,
18 I think you weren't directly involved in it; is that
19 right?
- 20 A. No, sir.
- 21 Q. But were you responsible for the community relations
22 aspect of the incident for the weekend that followed the
23 shooting? Was that one of your responsibilities?
- 24 A. It was, sir, yes.
- 25 Q. Then just moving on beyond 2005, I think in February of

1 2006 did you attend a senior officers' firearms training
2 course?

3 A. Yes, sir.

4 Q. Was that as part of the training to become a DSO that we
5 have heard about for Kratos purposes?

6 A. Yes, sir.

7 Q. Did that include learning the role of something again
8 that we have heard about, the role of a Gold Commander
9 in a firearms situation?

10 A. Yes, sir.

11 Q. Then in 2006, April of that year, did you attend a day's
12 DSO Kratos training?

13 A. Yes, sir.

14 Q. Then in 2007, I think you retired from the Metropolitan
15 Police Service; is that right?

16 A. I did, sir.

17 Q. All right. So thank you very much for that by way of
18 background.

19 SIR MICHAEL WRIGHT: Do I have this right, in July of 2005
20 you were a Deputy Assistant Commissioner?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: Thank you.

23 MR HILLIARD: Now, we have mentioned there the question of
24 baton rounds and public order, and indeed we have heard
25 some evidence about that in the course of these

1 proceedings.

2 But to state the obvious, over the years, has the
3 Metropolitan Police had to develop strategies to deal
4 with particular events, obviously as different kinds of
5 events happen over the years?

6 A. Yes, sir.

7 Q. You have helpfully set out in your statement the
8 position of a DSO so far as baton rounds were concerned
9 at the Notting Hill Carnival. Can you just help us
10 a bit about that, please, what your involvement was, and
11 how that developed?

12 A. It was decided that there should be a designated
13 Commander whose role was exclusively to deal with baton
14 rounds at Notting Hill Carnival.

15 Q. So we all understand, is that plastic or rubber bullets
16 effectively?

17 A. It is, yes.

18 Q. Right, yes?

19 A. And I was asked by the Commander chosen in this
20 particular year to be his conscience, to be the person
21 who was alongside him, who recorded contemporaneously,
22 and we fixed up a handheld tape recorder sellotaped to
23 the flameproof gloves as the way of recording exactly
24 what the Commander's thought processes were, so that
25 were we to be deployed we could then give evidence to

1 the inevitable inquiry afterwards as to what the
2 decision-making process was.

3 Q. Is that a version of the loggist that we have heard
4 plenty about in the course of these proceedings?

5 A. It is, sir, yes.

6 SIR MICHAEL WRIGHT: Can we identify the year, Mr Hilliard?

7 MR HILLIARD: I think you did, actually. Was that 1990?

8 A. I think it was, I think it was, it was around 1991/92,
9 something of that order, sir.

10 SIR MICHAEL WRIGHT: And your rank then would have been?

11 A. Chief Inspector.

12 SIR MICHAEL WRIGHT: Thank you.

13 MR HILLIARD: Can you just help us, who would be taking the
14 decision? So imagine there is disorder and the question
15 arises as to whether plastic bullets or rubber bullets
16 should be fired.

17 A. Yes.

18 Q. How would the decision-making process go or would it
19 have gone at that time?

20 A. The Gold Commander in charge of the whole operation
21 would decide that conventional means of controlling the
22 situation were not working. He would then call in the
23 designated senior officer to make an assessment. If the
24 DSO's assessment was to agree with the Gold Commander,
25 the DSO would communicate with the Commissioner of

1 Police for the Metropolis, the top man, that that was
2 the situation.

3 It was the Commissioner alone who was able to give
4 the authority back to the DSO that he could use rubber
5 bullets in that situation. The DSO then would have to
6 go back into that scenario, confirm to himself that all
7 conventional means had failed, and at that point, he
8 could then authorise the use of rubber bullets.

9 Q. Even though, as it were, the decision had come back to
10 him from the Commissioner, it was still the DSO who had
11 to go through, as it were, the decision-making process
12 him or herself?

13 A. Yes, he or she had to confirm that the circumstances he
14 had told the Commissioner about were still relevant and
15 at that point he could then authorise the use of rubber
16 bullets.

17 Q. Right. This may just be a question of job titles
18 changing over the years, but in that situation, the
19 decision about actually using baton rounds is from
20 somebody who was then called a DSO, who's actually in
21 place on the ground, if you understand?

22 A. Yes, the DSO in that scenario was actually at the scene
23 of the disorder.

24 Q. But I think you are very familiar with the fact, and
25 there may be different views about it, but so far as

1 suicide bomber decisions -- we will come to the detail
2 of them a bit later -- but so far as those sort of
3 decisions were concerned, the designated senior officer,
4 the person who might have to give authority for
5 a critical shot to be fired without warning, that person
6 would be based, is this right, at New Scotland Yard
7 rather than on the ground?

8 A. Yes, sir.

9 Q. We have heard that, with an operation involving
10 a suicide bomber or suspected suicide bomber, there
11 could be vast amounts of intelligence, for example,
12 coming in from a whole host of different agencies, there
13 does seem to be compelling grounds for supposing that's
14 that easier to handle at New Scotland Yard rather than
15 outside a tube station or something of that sort.
16 That's the thinking there; is that right?

17 A. Yes, sir. In addition many of these situations were
18 spontaneous ones that could happen anywhere in London,
19 Notting Hill Carnival only happens in Notting Hill,
20 a suicide bomb attack could happen anywhere in London,
21 therefore it's felt best that the DSO is based
22 centrally.

23 Q. So what you are saying is there is a geographic reason,
24 so for something like the Carnival the DSO would only
25 have to be in one place but for a suicide bomber or

1 suspected suicide bomber that could happen anywhere and
2 the DSO might find themselves really chasing round
3 London?

4 A. Under Kratos, yes. If it was Clydesdale, where there
5 was intelligence perhaps that, and events such as
6 Trooping the Colour was going to be attacked, then that
7 could be a different scenario. But you would still have
8 the overriding possible argument that, in order to get
9 the intelligence feeds in, it would be better to be
10 based at Scotland Yard.

11 Q. All right. Thank you. We have heard a bit about baton
12 rounds and so on earlier on, that certainly puts that
13 into context, thank you.

14 If it helps you, I am looking at paragraph 7 of your
15 statement, the next topic I want to come on to is the
16 Metropolitan Police strategy for dealing with suicide
17 bombers. Can you just help us, please, it's set out in
18 your statement, but your own words will be as good. Can
19 you help us with a bit about that, please?

20 A. After the events of 9/11 Assistant Commissioner
21 David Veness, who at the time was in charge of
22 specialist operations, decided that, in consultation
23 with his colleagues, we needed to develop a policy to
24 deal with suicide bombers, and he tasked Deputy
25 Assistant Commissioner Assistant Commissioner

1 Barbara Wilding and a team of officers to look into the
2 various tactics that were used in various parts of the
3 world to deal with that, in order to come up with
4 a policy that could be used by the Metropolitan Police
5 Service.

6 Q. I don't know whether it was her but certainly officers
7 travelled around the world, is that right, to try to
8 gather this kind of information?

9 A. Yes, they travelled to parts of the world where there
10 had been suicide bomb attacks to talk to the law
11 enforcement officers in those various places to try to
12 glean best practice.

13 Q. Did all of that process, which again we have heard
14 a little bit about in the course of these proceedings,
15 so we don't need I suspect more detail about it, but did
16 that process lead to the operation names again that we
17 have heard about, Clydesdale and Kratos?

18 A. Yes, sir.

19 Q. Clydesdale, again, just to bring it back because it's
20 sometime I think since we have heard about it,
21 Clydesdale we heard was the name for the sort of
22 operation that might be mounted when there was
23 intelligence in advance, that for example somebody might
24 try and suicide bomb Trooping of the Colour is I think
25 the example that's been given. Kratos, is this right,

1 would deal with a spontaneous event, so for example
2 a police officer or a member of the public phones in
3 with their suspicions; is that essentially it?

4 A. Yes, sir.

5 Q. We have heard, but can you help us about this, that
6 initially the position was that in Clydesdale operations
7 there would be a DSO or designated senior officer,
8 because with the timeframe because, as it were, the
9 danger was sometime in advance, there would be time to
10 appoint one and so on; but that initially, so far as
11 Kratos was concerned, there wasn't to be a designated
12 senior officer. Does that accord with your
13 recollection?

14 A. No, it doesn't. My recollection or at least when
15 I became involved with Kratos, there was to be
16 a designated senior officer available 24 hours a day on
17 a rota basis. So that if there was a spontaneous
18 incident, the designated senior officer on call could be
19 brought in rapidly to Scotland Yard to take command of
20 that situation. Now, I don't know whether, how far into
21 the development of the policy that came in. But from my
22 involvement, that was the situation.

23 Q. All right. That may be the answer to that conundrum
24 because certainly I think by the time we are concerned
25 with, it's accepted I think on all sides that a DSO, you

1 would have a DSO in a Kratos and a Clydesdale situation,
2 and indeed we know about an oncall DSO who was working
3 at the very time we are concerned with, in the event
4 that a call came in, spontaneous call from a member of
5 the public.

6 A. Yes.

7 Q. All right. I just want to fit in, if we can, at this
8 stage, such training as you had had before July 2005.
9 This is paragraph 11, if it helps you, of your
10 statement. Such training as you had had before
11 July 2005 about tactics to deal with suicide bombers.

12 A. Yes. Having gone back through my electronic diary,
13 I can say that it was 27 May 2004 that I spent half
14 a day having Operation Kratos awareness training, and
15 this involved part of that session being addressed by
16 Assistant Commissioner David Veness, we were showed
17 video sort of mock-ups of, I think it was an Operation
18 Kratos Vehicle scenario, and it was to be followed,
19 I understand, by a full day of training to bring you up
20 to the level of a trained DSO. But I only had the half
21 day awareness training prior to this incident in 2005.

22 Q. So to have been eligible to act as a designated senior
23 officer, as you say, you would have needed a bit more
24 training, another day's training, to ensure that you
25 were eligible. Can you help us a bit about DSOs, and

1 I am looking at paragraph 12 in your statement. Was
2 firearms experience necessary if you were going to do
3 that job, and if so, why? If not, why not?

4 A. No, sir. There were very few -- there are very few --
5 Commanders and Deputy Assistant Commissioners. The
6 level of seniority that was decided was appropriate for
7 a DSO, very few of us had operational experience of the
8 use of firearms, or even leading the specialist firearms
9 unit. And therefore it was decided that it was the
10 seniority of officer that was the most important,
11 somebody who could make very difficult decisions in
12 a fast time scenario that was the most important, rather
13 than having firearms experience There just simply
14 weren't enough of us that were trained experienced
15 firearms officers ourselves.

16 Q. Now, before Stockwell, so before 22 July 2005, as you
17 understood it, what was the DSO's role in a Kratos
18 situation, one involving a person rather than a vehicle?
19 Can you help us, as you understood it, what was their
20 role?

21 A. My understanding from the awareness training was that
22 the designated senior officer would be called in at the
23 point where the Chief Inspector in charge of the 999
24 room, the information room at Scotland Yard had decided
25 that his or her belief was that this was a suicide

1 bomber with a bomb. The role of the DSO was then to
2 come in to look at the intelligence, gather all the
3 available information, and then decide whether or not to
4 deploy a covert armed team to deliver a critical shot at
5 close quarters to the back of the head, to the suicide
6 bomber. That was the role of the DSO.

7 Q. As you understood it, at the time of Stockwell -- I'll
8 come on to some evidence we have heard in a moment but
9 I want your understanding first of all. As you
10 understood it, was there a role for the DSO to decide
11 which of a number of possible tactics to deal with
12 a situation of that kind should be deployed, or was it
13 simply a question of a DSO deciding whether or not to
14 use this particular option, the critical shot option?

15 A. My understanding was the critical shot close quarter
16 option was the only option.

17 Q. Right. And that was, as you understood it, is this
18 right or not, as it were, the part that the DSO had to
19 play?

20 A. Yes, the whole reason for a DSO was that the DSO gave
21 the order for that to be carried out.

22 Q. We have heard evidence here that Commander Dick, as she
23 then was, took charge of the whole of this operation on
24 the 16th floor, not just the potential Kratos aspect of
25 it. There is evidence that she announced that at

1 a briefing in the forward intelligence cell at about,
2 I think, 8 am or so. And that she was involved in other
3 parts of the decision-making process, for example about
4 whether or not buses or bus stops should be suspended;
5 decisions about precisely who, from the particular
6 premises, should be stopped and how, for example; also
7 as to whether an arrest team from S013 should be
8 deployed, and then in due course whether they should be
9 called off and so on.

10 As I say, we have heard evidence about those
11 aspects. Is that what you would expect, a DSO to have
12 been involved in an operation of this kind or not?

13 A. No. The -- my understanding of the role of DSO is
14 solely to make decisions around when officers are
15 confronted with a suspected suicide bomber who is
16 suspected of about to detonate a bomb. And indeed at
17 the same time, there was another DSO, Commander Carter,
18 on the second floor at Scotland Yard, and he would have
19 been solely concerned with making that decision, and
20 there would have been another Gold, Commander Allison,
21 who would have been in charge of all other aspects of
22 that side of the operation.

23 So you know, I think the clue is in the title,
24 designated senior officer, that officer is designated
25 only, in my understanding, only to deal with the

1 critical shot decision.

2 Q. All right. As I say, we have heard evidence about what
3 it was Commander Dick, as she then was, was actually
4 doing on this particular day. I just want to rehearse
5 with you, please, just another part of the evidence and
6 have your comments on this. We have heard evidence
7 from, in particular, two tactical advisers, Mr Esposito
8 and somebody called Trojan 84, to the effect that, even
9 though a designated senior officer was involved, SFOs,
10 specialist firearms officers, would have to make their
11 own judgment as to what they perceived a particular
12 threat level to be and then, as it were, in the light of
13 that perception, how they responded to the perceived
14 threat.

15 Do you agree with that?

16 A. It's complicated, I think, in that my understanding of
17 the Kratos policy was if the designated senior officer
18 has told the firearms officers to take the critical
19 shot, once the officers get to the suspect, if what they
20 see -- if there is nothing that they see that undermines
21 what the DSO has told them, then they are authorised to
22 take a critical shot without giving a warning.

23 If, having been authorised to take the critical
24 shot, the firearms officers have some doubt, there is
25 an extra bit of information that clearly the DSO hasn't

1 had who is not there at the scene, then the firearms
2 officers should give a warning and then respond to the
3 suspect on the basis of how that suspect responds to the
4 warning.

5 The law does not allow the firearms officers to give
6 that responsibility away, they still have to make that
7 decision; but if the DSO has told them "this is
8 a suicide bomber with a bomb" and there is nothing to
9 dissuade them otherwise when they see the suspect, then
10 they would be justified in giving the critical shot.

11 Q. Just spell it out for us, please, in what circumstances
12 do you say that the SFOs, the specialist firearms
13 officers, would be obliged to give a warning of some
14 kind?

15 A. So if, for example, the information coming to the DSO
16 was that the suspect was carrying a rucksack, for
17 example, and that the DSO had made the decision that
18 this was a suicide bomber with a bomb because he or she
19 was carrying a rucksack, but when the firearms officers
20 confronted with the suspect see no rucksack at all, then
21 the DSOs may then decide that that's -- that there is
22 something wrong --

23 Q. DSOs or SFOs?

24 A. Sorry, the SFOs, the firearms officers might think to
25 themselves: this doesn't look like the designated senior

1 officer has all the information, we ought to warn first
2 and then react to that.

3 MR HILLIARD: All right.

4 Sir, that might be a convenient moment.

5 SIR MICHAEL WRIGHT: Yes, by all means. Twenty to, ladies
6 and gentlemen.

7 (11.32 am)

8 (A short break)

9 (11.48 am)

10 (in the presence of the jury)

11 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

12 MR HILLIARD: Now, we have obviously heard from specific
13 firearms officers in the course of these proceedings,
14 but what I want your help with, please, is what would
15 you understand from an instruction from a designated
16 senior officer that somebody should be stopped?

17 A. I think the difficulty with that in this scenario is
18 that it could be interpreted in a number of different
19 ways; it's ambiguous, if you will. So it could simply
20 mean to stop them from -- you know, to detain them. My
21 concern would be if it's an order coming from a DSO,
22 then it could be interpreted as a critical shot.
23 I think that's the difficulty with the policy because at
24 the time there was no code word that had to be given to
25 authorise the critical shot.

1 Q. I was just going to come on to that, it's paragraph 22,
2 the next point I think that follows from this topic.
3 Paragraph 22 in your statement. In the training that
4 you had had, had there been any discussion or
5 instruction about the use of code words from
6 a designated senior officer to give the order to fire
7 a critical shot?

8 A. Not in the training I received prior to this incident in
9 2005.

10 Q. Did you have any conversation about that topic with
11 anybody on 23 July, so that would be the Saturday
12 morning, the day after this?

13 A. Yes. I was in my office at Scotland Yard dealing with
14 community issues, and there were two people came to see
15 me in my office. One was Ken Jones, who was at the time
16 Chief Constable of Sussex, and also chairman of an ACPO
17 committee called Terrorism and Allied Matters, ACPO TAM,
18 and we were discussing community issues.

19 Then Steve Swain, who was the Metropolitan Police's
20 expert on Operation Kratos, also joined us, and Steve
21 Swain and I joined on exactly the same day, so we knew
22 each other very well, and we had a discussion about
23 Kratos. I asked specifically Steve Swain what was the
24 code word that the designated senior officer had to give
25 in order to authorise the team to take the critical

1 shot. He said that there wasn't one.

2 Q. So did you make any response to that?

3 A. Well, I considered that to be a flaw in the policy.

4 I saw that as a significant weakness in the policy, that
5 there wasn't a clear word or instruction that the
6 designated senior officer had to give in order to
7 authorise the team.

8 Q. So what, that there might then be the risk that people
9 would interpret instructions in different ways?

10 A. Yes, so if you had a situation like we had at Stockwell,
11 where the instruction -- and I understand there is some
12 debate about what the instruction was, but if there was
13 some ambiguity about what the order was that was being
14 given to the firearms team, then the firearms team could
15 take the wrong inference from it, which is why you need
16 to have a clear and unambiguous command such as a code
17 word.

18 Q. I don't know whether you have had the facility or the
19 opportunity to look at transcripts of evidence in this
20 case, but are you aware that the firearms officers in
21 this case have indicated that they would expect to have
22 had an instruction along the lines of "critical shot
23 authorised" before they say they would have taken action
24 of that kind, or before they say they would have
25 understood that was the instruction being given? Were

1 you aware of that?

2 A. No, I wasn't.

3 Q. Right. We were dealing with the question of the

4 instruction that was given, and the use of the words --

5 SIR MICHAEL WRIGHT: Fair to say, I suppose, Mr Paddick,

6 that some such expression as "critical shot authorised"

7 is pretty unambiguous?

8 A. Would be an unambiguous thing to say, yes, indeed.

9 MR HILLIARD: If we can come back to the use of the word

10 "stop", and I am looking, if it helps, at paragraph 23

11 of your statement, did you have any discussion about the

12 use of that word with anybody?

13 A. No, I didn't, in terms of discussing whether "stop"

14 could mean shoot or not, no, I did not.

15 Q. Did you have any discussion about the order that was in

16 fact given? Perhaps I should put the question that way.

17 A. Yes. I recall speaking to Commander Alfred Hitchcock

18 who at that time was one of my Commanders, I was his

19 immediate boss, he was responsible for community issues

20 on the Friday, the responsibility I took on for the

21 weekend, and it was in the corridor just at the doorway

22 to my office when I had a brief conversation with him,

23 where from what I can remember, he said that he had

24 spoken to Cressida Dick, the DSO, and Cressida had given

25 a command: "arrest him, but whatever you do, don't let

1 him go on the tube".

2 Q. Do you remember when that conversation was?

3 A. That would have been at around midday on the Friday.

4 Q. "Arrest him, but whatever you do, don't let him get on
5 the tube", do you have any comment to make about the
6 clarity or otherwise of an instruction of that kind, if
7 it were given?

8 A. Well, "arrest him" seems pretty clear in terms of
9 detaining him. "Whatever you do, don't let him get on
10 the tube" in this scenario is I think somewhat
11 ambiguous. But put together with "arrest him", the
12 balance I would say was on "detain" rather than "shoot".

13 Q. Then one other aspect, please, and I am looking at the
14 very last paragraph, if it helps, of your statement.

15 Can you help us, please, about an incident with
16 somebody, Jim Smith, can you tell us who he was and what
17 happened?

18 A. Yes. Jim Smith was another one of my Commanders, and he
19 was the oncall designated senior officer, the role of
20 the DSO on the second floor, as I understood it. So he
21 had taken over the role from the other commander, whose
22 name escapes me at the moment, who was running in
23 parallel with Cressida Dick.

24 Q. Commander Carter?

25 A. Yes. He came into my office and showed me a folder, and

1 on the front it had something like "DSO briefing
2 folder", and inside there were -- I think there were
3 five photographs of the people who were suspected of
4 being involved in the bombings on the day -- on the
5 21st.

6 But the thing that struck -- and the reason why he
7 was showing me and what he said was interesting about
8 them, which I agreed with, was that these were like
9 surveillance photographs, these were very clear,
10 apparently professionally taken photographs, as opposed
11 to what we had seen the previous day at the press
12 conference, which were still photographs from the CCTV
13 capture at the various locations.

14 Q. Can you just help us, what time was it you saw him,
15 roughly?

16 A. That would have been early in the morning, something
17 like 8 or 9 o'clock in the morning.

18 SIR MICHAEL WRIGHT: Of the 23rd?

19 A. On the 23rd.

20 MR HILLIARD: Do you know how long, did you have any idea
21 how long he had had that material for?

22 A. I'm not sure what time he would have come on duty, I am
23 assuming something like 6 o'clock in the morning. But
24 I'm not exactly sure.

25 Q. Does it follow, whether that material, for example, had

1 been available the day before and if so, at what time
2 the day before, or anything of that sort. You cannot
3 help us?

4 A. I have no idea. I have no idea, sir.

5 MR HILLIARD: Thank you very much indeed.

6 SIR MICHAEL WRIGHT: Mr Mansfield.

7 Questions from MR MANSFIELD

8 MR MANSFIELD: Good morning, my name is Michael Mansfield,
9 I represent the family of Jean Charles de Menezes. Just
10 a few questions.

11 Just on that last one, and I want to do it this way,
12 because we now have an assembly of photographs, I want
13 to see whether either we include or exclude photographs
14 that have been placed before the jury.

15 Now, I want to do it this way, there is a jury
16 bundle there, or otherwise if the bundle isn't there
17 I'll do it on screen, tab 37 will come up right now.
18 Tab 37 in the jury bundle. This is what's been known as
19 the gym card. Do I understand from what you are saying
20 the photographs didn't include this one?

21 A. No, it didn't.

22 SIR MICHAEL WRIGHT: Is that the one you had seen at the
23 press conference?

24 A. No, sir, I think the one at the press conference was
25 clearly from a CCTV capture from the station, yes.

1 MR MANSFIELD: Could we have tab 39, please. These are what
2 have been called or termed, so people know what I'm
3 talking about, the wedding photographs.

4 I am not going to show you them all because there is
5 a series of photographs like this. They have been torn
6 and re-assembled. Can we take it --

7 A. Definitely not that.

8 Q. Definitely not that. Can we then have tab 54, please.
9 These are a series of photographs, and I'm going to ...
10 (Pause). Yes, you have it in hard copy there, I think.

11 A. Yes.

12 SIR MICHAEL WRIGHT: Are we looking at Ragstone?

13 MR MANSFIELD: Yes, it's Ragstone.

14 If you very kindly just flick through those
15 photographs, the jury know what I'm talking about as
16 they have it. I don't require it on screen unless it's
17 absolutely necessary. If you go through those and tell
18 me whether any of those match the ones that you had been
19 shown.

20 A. I can't remember exactly what the photographs were, but
21 in terms -- these are, I think, fairly poor colour
22 photocopies of them, but the quality of photograph is
23 entirely consistent with the sort of photographs that
24 I was shown by Jim Smith. So in terms of the previous
25 ones you showed me, the wedding photographs and so

1 forth, absolutely not; but they could easily have been
2 from this batch, in that the quality of photograph was
3 very similar to this.

4 SIR MICHAEL WRIGHT: But you dismissed the wedding
5 photographs out of hand, presumably because what you
6 remember being shown were not posed photographs like
7 that?

8 A. Exactly, sir.

9 SIR MICHAEL WRIGHT: They were activity photographs more
10 like this?

11 A. They were activity photographs, but they were quite
12 clearly very high quality in the way that these other
13 photographs were not.

14 SIR MICHAEL WRIGHT: Did you ask what they were all about?

15 A. No, I didn't, I am not sure even sure whether Jim Smith
16 should have been showing them to me, so I thought best
17 not to enquire too deeply.

18 MR MANSFIELD: In relation to the photographs that you were
19 shown as opposed to those, which may be those or may not
20 be those, were the photographs you were shown, did they
21 have names attached to them or was Mr Smith in
22 a position to indicate who was who?

23 A. I can't remember, sir, specifically, but I think that
24 the names were attached as well.

25 Q. Right. There is one more photograph. This is one that

1 will, as it were, arrive, and we asked for it the other
2 day. So it's clear, it's a driving licence photograph.
3 That's its origin. It's 1674, please. We have the
4 coloured version. This is going to come up on screen,
5 for those that want to have it in black and white, it's
6 1674. That will do.

7 I just want to get your view, was that one of the
8 photographs do you think you were shown?

9 A. It could have been, but from memory they were more
10 activity photographs similar to the Ragstone ones.

11 Q. All right. So that's the range we have so far obtained.

12 SIR MICHAEL WRIGHT: What do we call this one, Mr Mansfield?

13 MR MANSFIELD: Well, it's the DVLA photograph, as

14 I understand it. So DVLA photograph. There is evidence
15 to come about this one.

16 SIR MICHAEL WRIGHT: Very well.

17 MR MANSFIELD: I think you will recall Mr Owen, at the
18 bottom of his notes, had a reference to DVLA.

19 SIR MICHAEL WRIGHT: Yes.

20 MR MANSFIELD: So that's the connection.

21 SIR MICHAEL WRIGHT: Yes, I remember.

22 MR MANSFIELD: Thank you very much. That's the only colour
23 copy we have at the moment but there are black and white
24 versions.

25 I want to ask you about two other things. You were

1 asked about the implications of certain words being
2 used, and you indicated "stop" could be ambiguous.

3 I want to ask you about what the firearms team said they
4 were told by their own TJ84.

5 You will understand some of these abbreviations or
6 not?

7 A. Yes.

8 Q. TJ84, he was the tac adviser on the ground with the
9 firearms team. The message that both he and other
10 firearms officers indicate was put out, the order which
11 then became state red, was words to this effect, "Stop,
12 he must be stopped before he gets on the tube", words to
13 that effect. "He must be stopped before he gets on the
14 tube". Now, again, do you have any observations about
15 an order going out in that way?

16 A. Sir, I think in the scenario that we had, where you have
17 got a DSO, you have got officers with unusual
18 ammunition, you have got a suspected suicide bomber,
19 that order is ambiguous, and it could mean one of two
20 things, depending on your frame of mind as to how you
21 interpret it.

22 Q. Right. Now, the other thing I want to ask you about,
23 you have developed the DSO situation, I want to ask you
24 about the Gold framework which the jury have heard about
25 over many, many weeks. Gold, Silver, Bronze. Are you

- 1 very familiar with that structure?
- 2 A. I am very familiar with that.
- 3 Q. Have you played one of those roles at any one time?
- 4 A. I have played all three roles at different times, mainly
- 5 in public order situations rather than in a firearms
- 6 situation.
- 7 Q. I do not want to deal with it in the public order,
- 8 I want to deal with it in principle. In principle are
- 9 they very much the same; in other words, the obligations
- 10 and responsibilities on Gold, Silver and Bronze,
- 11 whatever the actual practical situation?
- 12 A. Absolutely, sir, yes.
- 13 Q. The specific question I want to ask you relates to Gold:
- 14 if you set a strategy as a Gold Commander, what are the
- 15 obligations upon you to ensure that the strategy is
- 16 implemented?
- 17 A. It's your responsibility as Gold to ensure that your
- 18 strategy is implemented, and indeed in the situation
- 19 where I have performed the role of Gold, I have been in
- 20 the control room or very close by throughout the
- 21 situation, because the scenario can change and it could
- 22 require a change in strategy, and you have to, as Gold,
- 23 be available to make sure that you can change the
- 24 strategy if needed.
- 25 Q. What are the ways in which you should ensure that it's

1 being implemented? I mean, practically what do you have
2 to do?

3 A. Well, again, my experience is in public order, but in
4 that scenario you would actually be present in the
5 control room looking at the developing situation and you
6 would be being updated all the time as to what actions
7 were being taken as a result of your strategy.

8 Q. What structure should you ensure is in place to update
9 you and to implement the strategy?

10 A. It's very clear to me that, as Gold, you should be --
11 that everybody understands that if there is any change
12 to the scenario which requires a change in strategy, you
13 should be informed about that. And of course that would
14 include if you have decided that certain things need to
15 happen and they can't happen, for example.

16 Q. It may be clear in your mind, but if you can just
17 express it. So underneath the Gold, who is the person
18 who's going to be responsible for actually implementing
19 it as opposed to ensuring that it's implemented?

20 A. The responsibility for implementation is the role of
21 Silver. The role of Silver is to interpret the strategy
22 and to come up with the tactics which are then
23 implemented by the Bronzes who have either geographic or
24 specific responsibilities in terms of implementation.

25 Q. And whose is the responsibility for ensuring that there

- 1 is a Silver in place to implement it?
- 2 A. It's Gold's responsibility. Gold is responsible for the
3 whole operation, no matter what the responsibilities of
4 Silvers and Bronzes are.
- 5 Q. The last question is really this: as a Gold Commander,
6 do you go up to somebody in practical terms and say "you
7 are the Silver"? How does it actually work?
- 8 A. In slow time situations where you have time to prepare,
9 you tend to select your own Silver, as I believe
10 Cressida Dick did, because they are people that you know
11 and you trust, people with experience. In a fast time
12 situation, it could be that you choose the best
13 available person who is in the vicinity.
- 14 Q. Right, but the best available person will know that they
15 are effectively the Silver?
- 16 A. Yes, absolutely.
- 17 MR MANSFIELD: Thank you.
- 18 SIR MICHAEL WRIGHT: Thank you, Mr Mansfield.
- 19 Mr Gibbs?
- 20 MR GIBBS: No questions, thank you.
- 21 SIR MICHAEL WRIGHT: Mr Stern?
- 22 MR STERN: No, thank you.
- 23 SIR MICHAEL WRIGHT: Ms Leek?
- 24 MS LEEK: No, thank you, sir.
- 25 SIR MICHAEL WRIGHT: Mr Perry?

1 Questions from MR PERRY

2 MR PERRY: Thank you, sir.

3 Mr Paddick, I ask questions on behalf of
4 Cressida Dick as well as Commander McDowall, as he then
5 was, and Vince Esposito, Trojan 80, and also Mr Purser.
6 But for these purposes, just so everyone understands,
7 I am principally concerned with the position of
8 Commander McDowall and Cressida Dick. You understand
9 that?

10 A. Yes.

11 Q. What I would like to do, please, Mr Paddick, is first of
12 all just look a little more, if I may, at your
13 experience. I'll try to do this as quickly as possible,
14 but just so we have the overall picture correct, have
15 you ever performed the role of Gold Firearms Commander?

16 A. Yes, sir, I have.

17 Q. In what sort of situation?

18 A. In a situation when I was the Chief Superintendent at
19 Merton Borough where we had a situation, I can't
20 remember exactly what the scenario was, but we were
21 deploying armed officers onto the street, and I was
22 responsible for that operation.

23 Q. That was in Merton?

24 A. Yes.

25 Q. Have you ever performed the role of DSO in a firearms

- 1 operation?
- 2 A. No, I haven't, sir, no.
- 3 Q. May we just look very quickly at the CV, then. Just
4 going through it very briefly, I hope everyone can
5 follow this. You were a constable for four years
6 between 1976 and 1980, so that's four years as
7 a constable?
- 8 A. Yes, sir.
- 9 Q. Then two years as a sergeant in Brixton, 1980 to 1982?
- 10 A. Yes, sir.
- 11 Q. Then nine months as an inspector at Fulham in 1983?
- 12 A. Yes, sir.
- 13 Q. And that's mainly dealing with football matches and
14 public order?
- 15 A. Yes, under the Gold, Silver, Bronze system.
- 16 Q. Yes, but dealing with that in a public order situation?
- 17 A. Yes.
- 18 Q. Then three years as an inspector at Lewisham, 1986 to
19 1989?
- 20 A. Yes.
- 21 Q. And that's you acting as a team leader, and also as
22 a Chief Inspector in operations?
- 23 A. Yes.
- 24 Q. Then did you move to the planning unit in the personnel
25 department between 1989 and 1990?

- 1 A. Yes, sir.
- 2 Q. So it's a very important job in the planning unit, but
3 it's not a front line job?
- 4 A. No, it isn't at all, sir, no.
- 5 Q. It's what you might call indoors?
- 6 A. Back office job, sir.
- 7 Q. Thank you very much. Then two years as a staff officer,
8 1991 to 1992, that's staff officer to
9 an Assistant Commissioner, and then 1993,
10 Chief Inspector for four months in southeast London with
11 the Territorial Support Group?
- 12 A. Yes, sir.
- 13 Q. Then two years at Brixton police station, 1993 to 1994,
14 personnel and training?
- 15 A. Yes, sir.
- 16 Q. So again, personnel and training, very important job but
17 back office?
- 18 A. Some back office and some front office in terms of on
19 a borough, the police station, you get involved in
20 operational work as well, including, as I have put here,
21 when we had an incident where two of our officers were
22 shot.
- 23 Q. Yes. But just so we understand it, we are concerned
24 here with conventional policing on the borough?
- 25 A. Yes, sir, we are.

1 Q. Then ten months as a Detective Chief Inspector at
2 Notting Hill police station, that's January to
3 October 1995?

4 A. Yes, sir.

5 Q. Again conventional policing?

6 A. Yes.

7 SIR MICHAEL WRIGHT: That's presumably when you started
8 getting involved in the Notting Hill Carnival?

9 A. It was actually prior to that, sir, I think it was --

10 MR PERRY: I am very sorry, if I may, I would like to do it
11 in the order in which I want to ask you questions. I am
12 very sorry, but I'm going to come on to that if I may,
13 because it may be quite important to get the structure
14 correct.

15 Then between 1995 and 1997, you were deputy head of
16 operations, 1995 to 1997 in Central London Crime Squad;
17 is that correct?

18 A. Yes, sir.

19 Q. Then you spent two years as a superintendent in charge
20 of seconding officers to other organisations, that's the
21 personnel department?

22 A. Yes, sir.

23 Q. Again a very important job, but would I be right in
24 thinking that that is also back office?

25 A. Yes, more to do with policy rather than operations.

- 1 Q. Then 1997, Chief Superintendent Leadership and
2 Management Development in the personnel department?
- 3 A. Yes, sir.
- 4 Q. Again would it be fair to say, back office?
- 5 A. Yes, it would be.
- 6 Q. Then three years, 1997 to 2000, you were the
7 Chief Superintendent Borough Commander in Merton dealing
8 with things such as rugby internationals and policing
9 the Wimbledon tennis championships?
- 10 A. Sir, I was in charge of policing in the borough in its
11 entirety, and for a bit of extra entertainment I used to
12 be in charge of the public order operations at Wimbledon
13 and Twickenham.
- 14 Q. Yes, very different situations from the one that we are
15 concerned with here?
- 16 A. Yes.
- 17 Q. People going to play tennis or people going to watch
18 a rugby match who have to be overseen, both for the
19 safety point of view of their safety and the safety of
20 other members of the public?
- 21 A. Yes, sir, including looking at possible terrorist
22 attacks and going through training exercises, and
23 dealing with the potential, particularly at Wimbledon,
24 of a terrorist attack.
- 25 Q. You mention in your CV, and I ask you this just so you

1 can assist us, you say during this time, which is 1997
2 to 2000, so we can understand it, when you were the
3 Borough Commander at Merton, that you were involved in
4 two separate raids on alleged anarchist strongholds in
5 Brixton?

6 A. Yes, sir.

7 Q. Can I just ask you this: what is an alleged anarchist
8 stronghold, so I understand it? I'm not sure if I know
9 what an alleged anarchist stronghold is.

10 A. Yes, it's a sort of shorthand. The two scenarios were
11 there were a couple of houses in Railton Road owned by
12 the local authority that had been taken over by
13 anarchist squatters and we were assisting the Sheriff in
14 repossessing those properties.

15 The complications were that we felt there was the
16 potential for booby traps and so forth, and therefore
17 a great deal of planning had to go in, including with
18 armed officers but also rope access teams, people coming
19 in from a height, all sorts of different "what if"
20 scenarios had to be considered in terms of repossessing
21 those properties.

22 The other was a premises locally known as the Button
23 Factory, where anarchists were believed to be carrying
24 out training in preparation for activities on the 1 May
25 in order to disrupt the City of London and so forth,

1 a sort of an anti-business demonstration, and again it
2 was decided that those premises should be demolished and
3 again a great deal of planning in terms of the potential
4 for fierce resistance being offered by the anarchists
5 from us taking away their training ground.

6 Q. Just reassure us, Mr Paddick, it is not yet an offence
7 to be an anarchist in this country, is it?

8 A. No, indeed it isn't.

9 Q. Then one year as the Borough Commander in Lambeth in
10 2001 and 2002?

11 A. Yes, sir.

12 Q. Then nine months between March and December 2002 when
13 you go into personnel at New Scotland Yard to deal with
14 police uniforms?

15 A. No, this is to do with reforms of the police service
16 generally in terms of pay and conditions and pensions
17 and so forth. So a fundamental change in the pay and
18 rations, if you will, of the police that I was involved
19 with.

20 Q. So again a very important job but back office?

21 A. Yes, sir.

22 Q. Then you spent six months in 2003 in a support function
23 to the Specialist Crime Directorate?

24 A. Yes, sir.

25 Q. Is that again back office?

- 1 A. Yes, sir.
- 2 Q. Then also in 2003, five months as a Commander having
3 oversight of seven London boroughs, that's overseeing
4 conventional policing?
- 5 A. Yes, sir.
- 6 Q. Then seven months as Deputy Assistant Commissioner in
7 Territorial Policing Support, that's in 2004?
- 8 A. Yes, sir.
- 9 Q. Just so we understand, Territorial Policing Support,
10 that's liaising with people who provide important
11 services to the police such as traffic wardens and other
12 support agencies; is that right?
- 13 A. It's being responsible for those departments that are
14 listed there, so Special Constabulary, Police Community
15 Support Officers, volunteers, traffic wardens, it was
16 actually being responsible for those particular groups.
- 17 Q. Front office or back office?
- 18 A. Back office.
- 19 Q. Yes. Then two years Deputy Assistant Commissioner
20 responsible for Territorial Policing, that's oversight
21 of routine policing?
- 22 A. Yes, sir.
- 23 Q. Then a year as a Deputy Assistant Commissioner
24 Management of Police Information following the
25 Bichard Inquiry, that was the inquiry into the

1 circumstances surrounding the death of two young girls
2 in Norfolk and there was a question mark as to how
3 information had not been shared amongst various
4 agencies. So you were involved in implementing various
5 matters arising from that inquiry?

6 A. Yes, sir.

7 Q. Front or back office?

8 A. Back office.

9 SIR MICHAEL WRIGHT: That was as a result of Soham, wasn't
10 it?

11 A. Yes.

12 MR PERRY: So that takes us up to 2007, and then you retired
13 from the Metropolitan Police, and you are now
14 a self-employed writer and lecturer?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: Forgive me, Mr Perry, you have reached
17 the end of the CV. I'm assuming you have a document?

18 MR PERRY: Yes.

19 SIR MICHAEL WRIGHT: Could I have a copy of it?

20 MR PERRY: I'll make sure, I thought everyone had it.

21 SIR MICHAEL WRIGHT: I thought I had but I haven't.

22 MR PERRY: It came from the solicitors to the inquest. So
23 if you don't have it and I have, that's a first.

24 Usually I am the last person to get it.

25 SIR MICHAEL WRIGHT: There is no hurry. It's just so that

1 I can have it to remind myself.

2 MR PERRY: Yes.

3 SIR MICHAEL WRIGHT: Thank you very much.

4 MR PERRY: I am very pleased I have been privileged with it
5 this time.

6 Now, you retired, you have become a writer and
7 lecturer, and may I just ask you this: how have you come
8 to give evidence here?

9 A. I was approached by solicitors for the family to ask if
10 I could advise them.

11 Q. And you provided a statement to them?

12 A. Yes, I did, sir.

13 Q. So you were happy to do that and come along and assist?

14 A. Yes, sir.

15 Q. Now, I just want to ask you this: having gone through
16 your CV, if I just ask you, you know Deputy Assistant
17 Commissioner Dick, don't you?

18 A. Yes, I do, very well.

19 Q. And you would accept that she is a very experienced
20 public order Commander?

21 A. I wasn't aware of her public order experience until
22 I read the transcript of her evidence-in-chief, but I'm
23 aware that she is a very experienced firearms commander.

24 Q. Yes. And in fact, I'll come on to this in a moment, but
25 she was one of the officers who taught at one of the

1 seminars, that may be a rather grand way of saying it,
2 but she was moderating at one of the seminars that you
3 attended on Kratos?

4 A. I don't recall her being there, but if that's what she
5 says, I accept that.

6 Q. Having read the transcript, would you accept she is
7 a very experienced public order commander on the basis
8 of what you have read?

9 A. On the basis of what I have read, sir, yes.

10 Q. And having read the transcript, you will know that she
11 was selected for the DSO --

12 SIR MICHAEL WRIGHT: You said public order, I think you mean
13 firearms, don't you?

14 MR PERRY: Public order incidents is what she said, and I'm
15 going to come on to deal with other matters.

16 SIR MICHAEL WRIGHT: Very well.

17 MR PERRY: She was selected for the DSO role in 2002, one of
18 the first of four, wasn't she?

19 A. Yes.

20 Q. And she did the initial training of that stage together
21 with firearms tactical advisers, didn't she?

22 A. I don't know, sir, only from reading the transcripts.

23 Q. If that's right, I am asking you to proceed on this
24 basis. You see, you have come here to assist by telling
25 us about what you say your experience is, and I just

1 want to see how it compares with Deputy Assistant
2 Commissioner Dick's.

3 You know from reading the transcript that, as
4 a designated senior officer, she had been on the oncall
5 system on the basis of what you have read?

6 A. Yes, sir.

7 Q. Every three or four weeks she was on call for the whole
8 of the Metropolitan Police District for spontaneous
9 incidents?

10 A. Yes, and I understand she was called out twice, is her
11 evidence-in-chief.

12 Q. Does that matter?

13 A. Well, if you are simply sitting at home on call waiting
14 to be called in, then that's very different from
15 actually having to deal with an incident.

16 Q. Yes, how many times were you on call as a DSO?

17 A. I wasn't on call as a DSO, sir.

18 Q. Ever?

19 A. No.

20 Q. Of course she was required to involve herself in
21 Clydesdale planning work with Trojan 80; you know about
22 that as well?

23 A. No, I don't know about that, sir.

24 Q. All right. So far as you are concerned, Mr Paddick,
25 would you accept that she is a highly experienced and

1 highly regarded senior police officer?

2 A. Yes, sir.

3 Q. And entirely suited and fitted to perform the role of
4 designated senior officer on 22 July 2005?

5 A. Yes, sir.

6 Q. May I just ask you, please, about your training so that
7 we are clear about that and we understand what it
8 involved. I'm going to try again to do this in sequence
9 so that we understand precisely when you received any
10 training.

11 On 27 May 2004 you have told us as a result of
12 consulting your electronic diary you can tell us that
13 you attended half a day's training session on Kratos?

14 A. Yes, sir.

15 Q. And that was your sole contact with Kratos on
16 27 May 2004 before the incidents with which we are
17 concerned on 22 July 2005?

18 A. No, sir, my recollection is that, having had the
19 awareness training, we were then given paper copies of
20 policy for us to look at and to understand and to get
21 a feel for, so that were we to be called to perform the
22 role of DSO, that we would be fully conversant with the
23 policy.

24 Q. Well, you couldn't be called to be the DSO, could you,
25 until you had done the other training course?

1 A. No, sir.

2 Q. No yes, or no no, if you see what I mean?

3 A. No, I don't, sir.

4 Q. You say "no", "no, sir" you say but --

5 A. I could not have been called to be a DSO because

6 I hadn't done the other day of training, but that didn't

7 stop them providing me with the policy in order to read

8 up. So my assumption is that they were looking for

9 an opportunity to train me up. In the meantime, we were

10 given copies of the policy.

11 Q. Yes. At the half day's training you are given a bundle

12 of documents which includes the policy?

13 A. Yes, sir.

14 Q. To read at your leisure in tranquillity?

15 A. Well, to be honest, having attended that half day's

16 training and remembering that it was the Commissioner

17 himself who had to authorise rubber bullets to be used

18 at Carnival, it somewhat frightened me to death to think

19 of me being put in a situation where I would have to

20 make that decision. So I avidly read the policy because

21 I knew what a terrible responsibility it was going to be

22 when inevitably I was going to be called to be a DSO.

23 Thankfully it never worked out like that. But it wasn't

24 simply a case of putting it in the drawer and forgetting

25 about it.

- 1 Q. Because it terrified you to death and you were so scared
2 of this what is, I accept, a terrible, terrible
3 responsibility, did you take the trouble to go and talk
4 to the people who had developed the policy?
- 5 A. No, I simply read the policy and I waited to be trained,
6 which didn't happen before 2005.
- 7 Q. Well, you waited almost two years. In the interim, were
8 you reading this document every day to make sure you
9 were up to speed in case the training came along and you
10 were called out?
- 11 A. No, sir.
- 12 Q. How many times did you read it?
- 13 A. I can't remember, sir.
- 14 Q. Just so we get it clear, by 22 July 2005 you had
15 attended a half day training session and you had read
16 most avidly the policy document?
- 17 A. Yes, sir.
- 18 Q. And then after this incident, 22 to 24 February 2006,
19 you attended a three-day training course?
- 20 A. Yes, sir, Gold Commander's training course, firearms
21 training course.
- 22 Q. And a one-day course on 27 April 2006?
- 23 A. Yes, specifically on Operation Kratos.
- 24 Q. And may I just ask so we get an idea of what happens at
25 these training courses, because the sort of situations

1 that police officers might be dealing with are very
2 varied, aren't they?

3 A. Yes, sir.

4 Q. And you may need to be flexible in any situation?

5 A. Yes, sir.

6 Q. It would be very important for police officers to
7 maintain flexibility because the circumstances may
8 change, and any sensible person is not going to be mule
9 headed and stubborn, they are going to be flexible as
10 the circumstances develop, aren't they?

11 A. Yes, sir.

12 Q. So what happens at these sessions is that hypothetical
13 situations are presented and people have to make
14 split-second decisions, what would you do?

15 A. Yes, sir.

16 Q. And the reason why these hypothetical situations are
17 presented is because they illustrate the very difficult
18 problems that will confront officers who have to make
19 difficult decisions, don't they?

20 A. Absolutely, sir.

21 Q. They illustrate that certain circumstances may be
22 interpreted one way, they may be interpreted another?

23 A. Yes, sir.

24 Q. And they make it clear that decision-making may be very
25 finely balanced?

- 1 A. Yes, sir.
- 2 Q. And that's why you need good, competent officers to
3 perform the role of DSO to make sure that you have the
4 best people to make the best decisions?
- 5 A. Yes, sir.
- 6 Q. You have told us that the expert in the
7 Metropolitan Police on these matters is Mr Swain?
- 8 A. Was Mr Swain; I understand he has retired, sir.
- 9 Q. Given that we are talking about this period, and that's
10 what you have talked about, and we are concerned with
11 events on 22 July, you would accept that, for these
12 purposes, for the purposes of this inquest, he's the
13 expert?
- 14 A. Yes, sir.
- 15 Q. So to the extent that he disagrees with you, you would
16 defer to his opinion?
- 17 A. Depending on what it was, sir. I mean, if it's about
18 a recollection of a conversation --
- 19 Q. I'm not talking about that.
- 20 A. -- then that might be different, but in terms of
21 expertise about the policy, then I would agree I would
22 defer to him.
- 23 Q. In the same way that you are not a firearms officer, are
24 you?
- 25 A. No, sir.

1 Q. And in matters of expertise relating to firearms, you
2 would be the first, no doubt, to accept that you would
3 defer to the expertise of a firearms officer in matters
4 relating to his expertise?

5 A. Yes, in the same way that Cressida Dick was not
6 a firearms officer, which is why we have tactical
7 advisers to advise us because none of us are experts on
8 firearms.

9 Q. Yes. But I'm just going to ask you about that in
10 a moment. Just before we move on to the role of the
11 DSO, can we get one or two other matters clear before we
12 go into the detail.

13 Have you yourself ever been in charge of a terrorist
14 operation?

15 A. No, sir.

16 Q. Have you yourself ever been in charge of a covert
17 operation involving the deployment of specialist
18 firearms teams?

19 A. No, sir.

20 Q. Have you yourself ever been in charge of a covert
21 operation?

22 A. Yes, sir.

23 Q. And that didn't involve firearms?

24 A. No, it didn't involve firearms.

25 Q. And you certainly haven't ever been involved in charge

- 1 of a covert operation involving firearms investigating
2 failed suicide bombers?
- 3 A. No, sir.
- 4 Q. There has only ever been one, hasn't there?
- 5 A. There has, sir.
- 6 Q. Just so we get another thing clear, please, Mr Paddick,
7 you were not involved in the development of the
8 Metropolitan Police's policy for dealing with suicide
9 bombers, were you?
- 10 A. No, sir.
- 11 Q. That was Mr Veness, the Assistant Commissioner?
- 12 A. Yes, sir.
- 13 Q. And also, I am going to say Barbara Wilding, because
14 I think that's the name you use, she is now the Chief
15 Constable of South Wales, is she?
- 16 A. Yes, sir.
- 17 Q. And she was a Deputy Assistant Commissioner at the time?
- 18 A. Yes, sir.
- 19 Q. It was also Mr Hayman who took over when Mr Veness left?
- 20 A. Yes, sir.
- 21 Q. So you weren't personally involved in the development of
22 the policy at all, so the only time you would have come
23 across it would have been on your half day -- prior to
24 this incident -- awareness course?
- 25 A. And reading the documentation provided on both the

- 1 awareness day and then subsequently after this incident.
- 2 Q. Sorry, that may be a little ambiguous. Reading the
- 3 documentation provided on the awareness day and
- 4 subsequently after this incident; you are talking about
- 5 the training courses rather than documentation provided
- 6 subsequently after this incident, are you?
- 7 A. I am talking about the documentation provided on the
- 8 training courses and the updates to those policies as
- 9 the policy developed.
- 10 Q. So you were supplied with those?
- 11 A. Yes.
- 12 Q. So you no doubt read those very assiduously too?
- 13 A. Yes, sir.
- 14 Q. You have frankly accepted you were not trained as a DSO
- 15 in 2005, and you never undertook the role of DSO on any
- 16 occasion?
- 17 A. That's correct, sir.
- 18 Q. May I just ask you, then, as you have come to speak
- 19 about the role of a DSO which you have never yourself
- 20 performed, may I just see whether you can assist us on
- 21 a few matters. You have said in evidence you need
- 22 a competent decision-maker?
- 23 A. Yes, sir.
- 24 Q. You need someone able to make very difficult decisions
- 25 in fast-moving and very, very pressurised situations?

- 1 A. Yes, sir.
- 2 Q. Someone who's calm and unflustered?
- 3 A. Yes, sir.
- 4 Q. And someone to be relied upon to make split second life
5 or death decisions?
- 6 A. Yes, sir.
- 7 Q. And someone who can be flexible?
- 8 A. Yes, sir.
- 9 Q. And the DSO in a terrorist operation which is covert
10 involving firearms officers as well, the parallel with
11 that and a public order DSO is not very precise, is it?
- 12 A. There are lots of similarities, but it's not exactly the
13 same, sir, no.
- 14 Q. Well, just take as an example the DSO at Carnival. If
15 the DSO at Carnival authorised the release of a baton
16 round, he's not being asked to make a decision that if
17 it fails may directly involve the death and/or injury of
18 potentially dozens of people, is he?
- 19 A. Well, I would think that the only situation in which
20 baton rounds would be authorised is where the DSO
21 believes that there is an imminent danger of life being
22 put at risk from the rioting situation. That is what
23 "all conventional means have failed" implies.
- 24 Q. So we get it right, then, you are saying that there is
25 no real distinction to be drawn between that and the

- 1 sort of situation --
- 2 A. No, that's not what I said at all. What I said was that
3 there were similarities. You specifically asked me
4 about whether or not as a consequence of the decision
5 large numbers of lives might be lost or not, and there
6 is a scenario in a public order situation where rioting
7 is so bad that whether you use baton rounds or not could
8 result in deaths or not.
- 9 Q. Yes. The way I phrased my question, I hope I was quite
10 careful about it, was: potentially dozens of persons or
11 the immediate taking of an individual's life. It's not
12 the same, is it?
- 13 A. Yes, because there have been instances, for example, in
14 Northern Ireland, where baton rounds have killed people,
15 and also there has been a situation where dozens of
16 people have been killed as a result of rioting.
- 17 Q. So you equate policing the Notting Hill Carnival in
18 these circumstances with the situation with which we are
19 concerned --
- 20 A. No, sir, because --
- 21 Q. -- on that issue?
- 22 A. No, sir, because the rioting at Notting Hill Carnival
23 has never reached the stage where it's been necessary to
24 deploy baton rounds, but it is conceivable that you had
25 a situation where the rioting could be so violent that

1 people's lives were put at risk and therefore you had to
2 deploy baton rounds.

3 Q. They never in fact were deployed, were they?

4 A. They never were, sir, no.

5 Q. Just on the role of designated senior officer, you have
6 told us that in the Notting Hill context, I'm talking
7 about Carnival first of all, that when the designated
8 senior officer at Carnival was involved, that the
9 position was that a decision would have to be taken as
10 to whether or not to use baton rounds, and that would
11 have to go up to the Commissioner, and then it would
12 come back down to the DSO and it would then be for the
13 DSO to deploy it?

14 A. Yes, sir.

15 Q. Depending of course on the situation that then
16 confronted the DSO?

17 A. Yes, sir.

18 Q. Because if circumstances had changed, given that you
19 have got to be flexible and nimble on your feet, you
20 change the strategy or the tactic?

21 A. Yes, sir.

22 Q. So it isn't the case, is it, that the DSO at Carnival
23 has irrevocably committed himself to a particular course
24 of conduct?

25 A. Once the DSO has authority from the Commissioner, it's

1 then back to the DSO to decide whether or not to deploy
2 the tactic, yes, sir.

3 Q. So the question is this: the DSO hasn't committed
4 himself irrevocably to a particular course of conduct?

5 A. At what point, sir?

6 Q. At any point. When he's got authority, he still has to
7 weigh up the options, doesn't he?

8 A. Yes, sir.

9 Q. Any police officer in any situation is going to weigh up
10 all the circumstances to decide on the best policing
11 option in the circumstances that confronts him or her?

12 A. That's what should happen, yes, sir.

13 Q. And that's what would happen with any DSO, isn't it?

14 A. That's what should happen with a DSO, sir, yes.

15 Q. And a DSO in a Kratos situation is not simply concerned
16 with ordering a critical shot?

17 A. My understanding, sir, is that is -- well, no, I mean,
18 the options are: use a critical shot or not use
19 a critical shot, but the whole reason for the DSO is to
20 make that yes or no decision around a critical shot.

21 Q. But if the DSO decides that a critical shot is not
22 necessary, all options remain open, don't they?

23 A. Yes, sir, in which case the DSO should be handing
24 control back to either Gold or Silver to carry on in
25 a conventional manner. That's my understanding of the

- 1 policy.
- 2 Q. That's your understanding of the policy, but if Mr Swain
3 says you are wrong about that, you will defer to him?
- 4 A. Well, that was my understanding as a result of the
5 training that I had and the policy that I read, sir.
- 6 Q. Just so we understand it, the half day training and the
7 document that you were given and read over the period?
- 8 A. And the full day training that was given subsequent to
9 this incident, sir.
- 10 Q. And let us just see where we are, because if the DSO is
11 in the best position to manage the operation, and is in
12 the best position to decide which tactical option to put
13 into effect, and the DSO decides to put into effect
14 certain tactical options other than a critical shot, and
15 they were the best options in the circumstances, there
16 would be no possible criticism of the DSO, would there,
17 in those circumstances?
- 18 A. No, sir, and indeed the Kratos policy has changed to
19 allow the DSO a range of different options subsequent to
20 this incident, but before this incident took place and
21 at the time of this incident, the two options were the
22 DSO would order a critical shot or the DSO would hand
23 back control of the operation to another officer to deal
24 with the matter in a conventional way.
- 25 Q. We have to be a little bit careful, though, don't we,

1 because the event with which we are concerned was not
2 a Kratos situation?

3 A. Well, I understand there is much debate about that, but
4 I cannot see --

5 SIR MICHAEL WRIGHT: I think you may take it that every
6 officer that we have heard from who was involved in this
7 tragic affair, either in the control room or on the
8 ground, everybody has said that they did not regard this
9 as either a Kratos or a Clydesdale situation.

10 A. Well, I would -- despite the weight of evidence, sir,
11 I would disagree. I would say that in a situation where
12 a suspect becomes somebody who is believed to be
13 a suicide bomber with a bomb, that that then becomes
14 a Kratos situation. You do not have a DSO unless you
15 have a Kratos situation.

16 MR PERRY: I am very sorry, Mr Paddick, I didn't mean to
17 speak over you.

18 Lets get it right, then. You, who have never
19 performed the role of DSO, you who had been on a half
20 day awareness course prior to this incident, you
21 disagree with every single witness who has given
22 evidence in this case as to the characterisation of the
23 operation with which we are concerned?

24 A. Yes, that's it, sir, yes.

25 Q. That's what it comes down to. But you accept that

- 1 Mr Swain is an expert and has more expertise than you?
- 2 A. Yes, I do, sir, yes.
- 3 Q. So if he comes and says the same thing as every other
4 officer, would that shift your point of view,
5 Mr Paddick?
- 6 A. Sir, all I can say is, from what I understand, the
7 detailed understanding I have of the policy, you only
8 have a DSO if you have or you should only have a DSO in
9 charge if you have a Kratos situation.
- 10 Q. Well, let us have a look at this, Mr Paddick. In this
11 case, there was a search for four suspected suicide
12 bombers who had failed in their endeavours to commit
13 murder on the transport system of this city on
14 21 July 2005. That's the background, isn't it?
- 15 Now, it's clearly acceptable, isn't it, for the
16 police in those circumstances to appoint a designated
17 senior officer? It's clearly acceptable, isn't it, for
18 them to do that, for a senior officer to decide to do
19 that?
- 20 A. Yes.
- 21 Q. And it's clearly acceptable, once a DSO is appointed,
22 for the DSO to take charge of the operation, clearly
23 acceptable, isn't it?
- 24 A. No, sir.
- 25 Q. It's not acceptable?

1 A. No, sir. My understanding, and again it might be useful
2 to speak to Commander Carter about this who was
3 performing the parallel role for spontaneous Kratos
4 situations, that the DSO deals exclusively with the
5 scenario which, if and when it develops, you have
6 somebody who is believed to be a suspected suicide
7 bomber with a bomb where the decision to be made is
8 whether to give a critical shot or not.

9 Other than that, the DSO should not, in my
10 understanding of the policy, play a role in terms of
11 running a conventional operation which this was until it
12 was decided this could be a suicide bomber with a bomb.

13 Q. Well, let us see how dogmatic we can be about this,
14 Mr Paddick. If it is the case that it's acceptable to
15 appoint a DSO and if the DSO by taking charge of the
16 operation can manage it effectively and properly, what's
17 wrong with that?

18 A. It undermines completely the policy.

19 Q. What policy?

20 A. The Kratos policy, which is --

21 Q. This isn't a Kratos situation, so relying on the policy,
22 what is wrong with a police officer doing his job?

23 A. Sir, you say it isn't and I say it is, so let us make
24 that clear to start off with. Then if we go on to the
25 fact that I understand, from reading the transcripts,

1 that Cressida Dick believed that she was being called
2 in, in the role of designated senior officer. If she is
3 performing the role of designated senior officer --

4 SIR MICHAEL WRIGHT: That's not right. The evidence that we
5 have heard from, as he was, Mr McDowall and
6 Cressida Dick and the other senior officers, is that
7 although they did not think this was either a Kratos or
8 a Clydesdale situation, because of the unprecedented
9 nature of the problem that they were dealing with,
10 namely something they had never thought about before,
11 failed bomb attacks, which had resulted in four
12 terrorists effectively on the loose in London, and they
13 were having to conduct -- one or two witnesses have
14 described it as a conventional manhunt, because of the
15 extraordinary circumstances, it was thought sensible to
16 have a DSO to fulfil, if you like, a control function in
17 those very unusual circumstances, not because it was
18 thought to be either a Kratos or a Clydesdale situation.

19 Do you follow the difference?

20 A. I do, sir, but what I would say was Kratos policy was to
21 cover a situation where unexpectedly a suspect is
22 identified who is suspected to be a suicide bomber with
23 a bomb. And my understanding, if I was appointed DSO in
24 these circumstances, was that I would be on standby with
25 other people running the operation, and unless and until

1 we got to a point where it's decided: this could be
2 a suicide bomber, we need a DSO to make a critical shot
3 or not decision. Now, that would be my understanding.

4 SIR MICHAEL WRIGHT: Are you really saying, does it come to
5 this, that your view is that if the announcement is made
6 that so-and-so has been appointed a DSO, in the context
7 not of public order but of a suicide bomber operation or
8 any terrorist operation involving bombs, this
9 effectively automatically means it's either Kratos or
10 Clydesdale?

11 A. My understanding is the only role for a DSO is if it is
12 decided, at some point during an operation, that it
13 becomes a Kratos situation, and indeed Commander Carter
14 would be sitting downstairs waiting for calls from
15 members of the public, doing absolutely nothing in terms
16 of controlling the overall operation, but as and when,
17 and only when, it is identified as potentially a suicide
18 bomber with a bomb, it then becomes a Kratos situation,
19 where you need the DSO to make that decision.

20 MR PERRY: Does it really come to this, Mr Paddick, and tell
21 me if I have it wrong: if it's written in the policy,
22 you are going to follow it, come what may? Is that what
23 it comes to so far as you are concerned?

24 A. When you are talking about taking critical shots that
25 could result in the instant death of an individual, yes,

1 I would stick to the policy, sir.

2 Q. Suppose by not sticking to the policy, you have the
3 flexibility to make sure the investigation is carried
4 out effectively and efficiently, you would still stick
5 to the policy?

6 A. Sir, what I would say is if I identified that the
7 operation wasn't running effectively because of lack of
8 leadership or whatever it was, then I would make
9 representations to Gold to ensure that that happened,
10 rather than as DSO taking on those responsibilities
11 myself.

12 Q. No, no, no, don't worry about complaints about lack of
13 leadership, we have not had any of those in this case.
14 As far as you are concerned, even if, by having a DSO,
15 the operation could be run effectively and efficiently
16 you would say: it's not written in the policy, we can't
17 have that?

18 A. What I would say, sir, is that as DSO I need to
19 concentrate solely on that life or death decision and
20 I should therefore not be involving myself in other
21 matters other than that decision.

22 SIR MICHAEL WRIGHT: Did you appreciate that the decision to
23 nominate a DSO and very shortly afterwards identifying
24 Cressida Dick as the DSO was taken, if my recollection
25 is right, at somewhere between 1 and 2 o'clock in the

1 morning of the 23rd.

2 MR PERRY: That's right. 21st.

3 A. By Commander Armand, sir.

4 SIR MICHAEL WRIGHT: At that stage the rucksack had not been
5 found, nobody had identified any individual as even
6 a potential terrorist bomber, nobody knew how the
7 operation was going to develop. Bit odd, isn't it, to
8 appoint a DSO on the basis that you say a DSO is to be
9 appointed when they have barely got the operation going,
10 and they don't even know what they are going to run
11 into?

12 A. No, sir, because if you look at the scenario that you
13 are in a manhunt situation for four people who have
14 attempted a bombing, when you go through the "what if"
15 scenarios, it doesn't take you very long to realise that
16 you could get into a situation where officers are
17 confronted with one of the suspects who is believed to
18 be a suicide bomber with a bomb, and at that point you
19 need the DSO to step in and take control of that
20 situation. Indeed --

21 MR PERRY: Well, what's Commander Carter doing?

22 A. Commander Carter is -- the decision was made, and it was
23 Commander Allison who was Gold overall for the uniform
24 operation downstairs, who actually suggested that if
25 there was a manhunt operation, a covert surveillance

1 operation going to be conducted upstairs, that there
2 should be, in addition to Commander Carter dealing with
3 phone calls from the public saying that they believed
4 that this person was a suicide bomber, that it would be
5 advantageous to have a DSO on standby also with the
6 covert operation. So that if that scenario did play
7 out, which was likely in all the circumstances, there
8 would be a DSO there on standby ready to take over at
9 that point.

10 Q. Well, I am not going to go round the houses, it's not on
11 standby, she is in the operations room, called in to
12 perform the role of DSO, but I just want to make sure
13 that no-one's got any misunderstanding about this. When
14 you have just given that long explanation of what
15 happened, where have you got all that from? You weren't
16 involved in these events. You have just been explaining
17 about who was doing what and why.

18 A. Yes.

19 Q. Where is all that from?

20 A. I have carefully researched what happened, I have
21 read --

22 Q. You have researched it, where?

23 A. I have read the IPCC report.

24 Q. Yes, have you bothered to read the evidence given by all
25 the witnesses in this case before you came to give

- 1 evidence as an expert?
- 2 A. I have read the evidence of Commander McDowall, the
3 evidence of Commander Dick, and I have read the evidence
4 of Mr Purser.
- 5 Q. What about all the other evidence that's relevant to
6 this question?
- 7 A. I haven't read it in full, sir, but I have been kept
8 aware of, I have made myself aware of --
- 9 Q. Who's kept you aware of it?
- 10 A. I have, sir, looking at the transcripts available on the
11 website.
- 12 Q. But it's a very important matter, isn't it, to volunteer
13 to come and give evidence in an inquest as important as
14 this, it's a very important matter, isn't it?
- 15 A. Yes, sir.
- 16 Q. And you are talking about these matters of policy and
17 what senior officers should and should not do, and you
18 have read the evidence given by three witnesses before
19 coming here?
- 20 A. Yes, sir.
- 21 Q. Do you think that's acceptable?
- 22 A. Yes, I do, sir.
- 23 Q. Did you speak to Cressida Dick about events in the
24 control room?
- 25 A. No, sir.

- 1 Q. Have you spoken to anyone who was in the control room?
- 2 A. No, sir.
- 3 Q. Have you spoken to anyone who was involved in this
- 4 operation, firearms officers or surveillance officers?
- 5 A. No, sir.
- 6 Q. The operation was unique, wasn't it?
- 7 A. Yes, sir.
- 8 Q. And your experience at the Notting Hill Carnival, you
- 9 gave evidence-in-chief that you were involved in
- 10 decision-making, just so we get this clear, you were
- 11 a loggist, weren't you?
- 12 A. On that particular occasion. On the other six
- 13 occasions, I was a Subsector Commander.
- 14 Q. Yes, but the time that you had exposure to a DSO, you
- 15 were a loggist, weren't you?
- 16 A. Yes, sir.
- 17 Q. On one occasion?
- 18 A. Yes, sir.
- 19 Q. We have had loggists in this case, Mr Cremin, for one.
- 20 You stand there, setting out the decisions and the
- 21 rationale for the decisions that the senior officer is
- 22 making; that's right, isn't it?
- 23 A. I don't understand the question.
- 24 Q. You are speaking into -- you told us that very vivid
- 25 image --

- 1 A. Yes, yes.
- 2 Q. Of having the tape recorder in your glove and you say:
- 3 "The senior officer has made decision number 1, it is as
- 4 follows. The rationale for the decision is as follows."
- 5 That's what you do as a loggist.
- 6 A. Yes, sir.
- 7 Q. You are not actually involved in the decision-making
- 8 yourself, are you?
- 9 A. No, sir.
- 10 Q. So your experience at Notting Hill Carnival was
- 11 recording decisions and the rationale rather than being
- 12 involved in any decisions and you did it on one
- 13 occasion?
- 14 A. Yes, sir.
- 15 Q. While you were at Notting Hill Carnival, just so we
- 16 know, you weren't exclusively dealing with Carnival,
- 17 were you? Because over this period, this was when you
- 18 were working as a Chief Inspector in the planning unit
- 19 of the personnel department, 1989 to 1990?
- 20 A. Yes, sir.
- 21 Q. Back office?
- 22 A. Yes, sir.
- 23 Q. When you were a staff officer to the
- 24 Assistant Commissioner, over the same period, 1991 to
- 25 1992?

- 1 A. Yes, sir.
- 2 Q. Back office?
- 3 A. Yes, except when I was with the Assistant Commissioner,
4 he allowed me virtually every weekend to go out and be
5 involved in public order situations, mainly at Wembley
6 arena but it was practically every weekend.
- 7 Q. How many suicide bombers were there at Wembley arena?
8 There weren't any. It's not the same situation, is it?
- 9 A. No, sir.
- 10 Q. Over the same period at Notting Hill, 1993, you were in
11 charge of the South Eastern London Territorial Support
12 group?
- 13 A. Yes, sir.
- 14 Q. And then at Brixton police station, in charge of
15 personnel and training?
- 16 A. Except for six months when I was in charge of all
17 operational policing at Brixton, sir.
- 18 Q. Yes. And so far as you have told us, you have told us
19 about the Gold Commander, you have given evidence about
20 the Gold Commander should have ensured that the strategy
21 was implemented?
- 22 A. Yes, sir.
- 23 Q. Now, may we just get this clear, just if I can maybe
24 deal with this. You are not suggesting, are you, that
25 the role of Gold Commander firearms is to micromanage

- 1 any firearms operation?
- 2 A. No, sir.
- 3 Q. Because the whole point of having the Gold, Silver,
4 Bronze structure is to have a command structure in
5 place, for Gold to set the strategy and for Silver to
6 implement the tactics?
- 7 A. Yes, sir.
- 8 Q. And Gold would only need to be consulted if there was to
9 be a change to the strategy?
- 10 A. Under Gold, Silver, Bronze, sir, Gold retains overall
11 responsibility for the operation no matter what the
12 roles of the other people are.
- 13 SIR MICHAEL WRIGHT: You mean for every minor decision that
14 has to be taken?
- 15 A. No, sir, but in terms of whether the operation is going
16 to be successful or not, it is Gold's responsibility.
- 17 MR PERRY: Yes. Sir, would that be a convenient moment?
- 18 SIR MICHAEL WRIGHT: Very well. 2 o'clock, please, ladies
19 and gentlemen.
- 20 (1.00 pm)
- 21 (The short adjournment)
- 22 (2.00 pm)
- 23 (In the presence of the jury)
- 24 SIR MICHAEL WRIGHT: Mr Perry, give me an idea how much
25 longer you have.

1 MR PERRY: Sir, I hope about 10 or 15 minutes.

2 SIR MICHAEL WRIGHT: Yes. I am bound to say I think it
3 might be helpful to everybody if the temperature were
4 not allowed to rise too high.

5 MR PERRY: I am very sorry if people think that. I would be
6 very distressed if I thought that people thought I was
7 being nasty.

8 SIR MICHAEL WRIGHT: Mr Paddick, there are a couple of
9 things I want your help about, please. The first is
10 a question from the jury.

11 While we are still thinking about DSOs, in your
12 view, given the nature of the operation that was being
13 conducted on the 22nd, and I don't mean, as you
14 appreciate, only Scotia Road, but there was certainly
15 originally one other address and then possibly two more.
16 In your view, how many DSOs should there have been on
17 this operation and what would their roles have been?

18 A. It's difficult to say, DSOs are in short supply and you
19 have to compromise on these things, you have to be
20 flexible is I think a phrase that's been used today.
21 The difficulty you have is, with potentially two
22 addresses with the potential for suspected suicide
23 bombers coming out of the two premises, potentially at
24 the same time, then it might be advisable to have two
25 DSOs, one for each premises. Of course when you get to

1 four premises or even more premises, then you are going
2 to run out of DSOs.

3 In an ideal situation you would have one DSO for
4 each premises so that they could take control of that
5 situation were a suspended suicide bomber to emerge.

6 SIR MICHAEL WRIGHT: You say ideal, is it realistic?

7 A. Probably not realistic.

8 SIR MICHAEL WRIGHT: The other thing is, Mr Perry, and
9 actually me as well, were -- I think speaking for
10 myself -- a little puzzled just before the court rose
11 about what you were saying about the interrelationship
12 between Clydesdale and Kratos on the one hand and the
13 situation that was presented in this case on the other.
14 If you want to expand on that, I would be very grateful
15 if you would.

16 A. Indeed. Of course, I am not suggesting that the
17 operation on the 22nd was a Kratos operation or even
18 a Clydesdale operation. A Clydesdale operation is where
19 you have, it was envisaged, a ceremonial event, like
20 Trooping the Colour, and you would have a DSO, and you
21 would have intelligence that that was going to be
22 attacked.

23 The operation that was being conducted, the
24 surveillance operation, again was not a Kratos
25 operation. It becomes a Kratos situation if it's -- if

1 the people running that operation decide that they
2 believe that the person that they have now identified is
3 a suspected suicide bomber with a bomb. Then it
4 switches into a Kratos situation, and that's when the
5 DSO should take over the scenario. So the whole thing
6 is not --

7 SIR MICHAEL WRIGHT: You mean without anybody saying
8 anything?

9 A. No, no, what would happen is the Silver probably who is
10 running the operation at that stage would come -- you
11 know, on the basis of the intelligence coming in, would
12 form the impression: yes, I believe this is a suicide
13 bomber with a bomb, I am therefore going to hand control
14 of this situation over to the DSO.

15 SIR MICHAEL WRIGHT: And declare what he's doing?

16 A. And declare, well, I think by doing it, it would be --
17 by handing it over it would be saying, "I believe this
18 is now a Kratos situation and the DSO therefore should
19 be in charge of it".

20 SIR MICHAEL WRIGHT: Would you envisage in those
21 circumstances that everybody on the ground, the forward
22 Silvers, the tactical advisers, the team leaders and so
23 forth, would all be notified that the circumstances had
24 changed in that way?

25 A. They would know because there is a change of control.

- 1 The DSO is now in command as opposed to the Silver being
2 in command.
- 3 SIR MICHAEL WRIGHT: But they would have to be told that,
4 obviously?
- 5 A. But they would have to be told that.
- 6 SIR MICHAEL WRIGHT: I see, thank you.
- 7 MR PERRY: With all the delay that that involves?
- 8 A. Sorry, I don't understand, what delay?
- 9 Q. Well, "Oh, we have got a man here, we believe he is
10 suspected to be a suicide bomber, oh, I am now handing
11 over to you, the DSO"; that's what you are saying?
- 12 A. Yes.
- 13 Q. You say what would happen or what you think would happen
14 would that that would be Silver?
- 15 A. It would probably be -- well, it would be the person who
16 is in the control room at the time of most senior level.
17 So if Gold was there, Gold would make that decision. If
18 Silver was the only one in the room, then Silver would
19 make that decision.
- 20 Q. And then everyone on the ground has to be told as well?
- 21 A. Well, as I say, I think by the nature of the fact that
22 the DSO is now in control as opposed to Silver being in
23 control, people would know we are moving into a Kratos
24 situation.
- 25 Q. They would only know if you told them?

- 1 A. Because they would know that the person who is now
2 giving the orders is not Silver but now the DSO.
- 3 Q. How would they know that?
- 4 A. Because it would be communicated over the radio.
- 5 Q. What would?
- 6 A. Well, I guess it would be communicated to them.
- 7 Q. What would?
- 8 A. That this was now a Kratos situation.
- 9 Q. That would be communicated, so you have two decisions
10 that you have to put in here, one to get the DSO
11 involved and the other to communicate that it's now
12 a Kratos situation; that's what you are saying?
- 13 A. No. No, what I am saying is, if you get to a situation
14 as would happen on the second floor on the same day,
15 that the officer running the operation decides that this
16 is now a suicide bomber with a bomb, that person would
17 then hand over control of the operation to the DSO.
- 18 Now, the DSO would then presumably make people aware
19 that the situation or the scenario had changed and that
20 the DSO was now in charge.
- 21 Q. Yes, and --
- 22 A. And it could all be done instantaneously.
- 23 Q. That could be done instantaneously? How would it be
24 done instantaneously?
- 25 A. Because as we have heard in evidence-in-chief, the lines

1 of communication between the control room and the armed
2 officers, surveillance officers and so forth. I mean,
3 everybody is there, the lines of communication are
4 there, and it could be easily and almost instantaneously
5 be communicated to everybody. So whether it's from the
6 tactical adviser by mobile phone to the Silver firearms
7 on the ground, whether it was via the Cougar sets that
8 are in the control room to the surveillance officers,
9 people could within a very short space of time be told.

10 Q. So this has to go on while the suicide bomber, or the
11 person believed to be or suspected to be the suicide
12 bomber, is going about his or her business?

13 A. Yes, sir.

14 Q. Thank you. You have said all of that on the basis of
15 your expertise, but as we know, you have never been
16 involved in a Kratos situation, have you?

17 A. No, sir.

18 Q. Nor a DSO?

19 A. No, sir.

20 Q. Could I just ask you, please, on the topic of the narrow
21 and specific role of a DSO and also another topic that
22 I would like to deal with, please may we have your
23 statement, paragraph 12, up on the screen so everyone
24 can follow.

25 If we just zoom in on that for the moment. May we

1 just follow this. This was the statement, so everyone
2 knows, you made on 14 July this year. You say this:

3 "The people who were considered suitable for
4 becoming DSOs had to be of a senior level as they had to
5 be relied on to make split second life or death
6 decisions and had to be accountable for those decisions.
7 It was not necessary to have experience in firearms, and
8 I was never trained as a firearms officer. It would
9 have been impractical to only train former firearms
10 officers to become DSOs as there were very few, if any,
11 Commanders or DACs who had any experience of being
12 specialist trained firearms officers. Furthermore, the
13 skills needed to be a DSO and/or a Gold Commander were
14 more about decision-making and strategy than experience
15 or skill in using firearms."

16 So far so good, you have effectively said all of
17 that. What I want to ask you about is first of all the
18 next sentence, please:

19 "The role required somebody who had to make the
20 judgment as to whether to shoot or not shoot and to
21 think through 'what if' scenarios and make decisions.
22 For instance, they would have to consider whether to
23 attempt negotiation or an armed entry."

24 So that that's "what if" scenarios and make
25 decisions other than ordering a critical shot?

1 A. Yes, because I am talking about the role of DSO and/or
2 a Gold Commander.

3 Q. But here, if you are a DSO and/or a Gold Commander you
4 are accepting then that a whole range of options are
5 available to you?

6 A. No, sir, I am not, I'm talking about the role of a DSO,
7 full stop, and the role of a Gold Commander, full stop.
8 The example I have given there is an example of what
9 would be required of a Gold firearms commander, not one
10 required of a DSO.

11 SIR MICHAEL WRIGHT: So you are ringfencing a DSO.

12 A. I am ringfencing it, sir.

13 SIR MICHAEL WRIGHT: He or she have only one function?

14 A. That is my understanding of the policy. And bearing in
15 mind -- and I think Cressida Dick said this in
16 evidence-in-chief -- that the role of DSO was developed
17 from the Notting Hill baton round scenario. And in that
18 scenario it's absolutely clear that other people run the
19 operation until you get to the point where you need the
20 critical decision to be made, and then it's handed over
21 to the DSO.

22 MR PERRY: Well, everyone can see what you have written
23 there.

24 May I just ask you about the tailpiece of this
25 paragraph, the final three lines:

1 "Subsequent to Stockwell I received Gold firearms
2 commander training. The Gold firearms commander would
3 always have a firearms trained tactical adviser working
4 alongside them who would be able to advise them."

5 Do you stand by that?

6 A. Yes, sir, in relation to a Gold firearms commander, yes.

7 Q. Before you made this statement, did you read the ACPO
8 firearms manual?

9 A. I have read it in the past, but I didn't immediately
10 before making this statement, sir, no.

11 Q. Because it would be very important if you are giving
12 evidence here to get it right, wouldn't it?

13 A. Well, sir, I have made every endeavour to get it right
14 and --

15 Q. The ACPO firearms manual is available on the ACPO
16 website, isn't it?

17 A. I am not sure whether it is in its entirety, sir, no.

18 Q. The bit I am going to ask you about is, because I'm
19 going to ask if we can keep that on the screen, please,
20 and if we can have the ACPO manual, paragraph 5.4,
21 page 269. Documents page 269. You had read this, had
22 you, when you were a police officer?

23 A. Yes.

24 Q. You didn't read it before you made your statement?

25 A. No, sir.

1 Q. Even though you were dealing with matters relating to
2 firearms?

3 A. Yes, sir.

4 Q. Shall we just look at 5.4:

5 "While the need for tactical advice will always
6 exist at the level of Silver Commander as a priority,
7 Gold Commanders may wish to seek the advice of
8 a tactical adviser concerning the potential operational
9 effect of setting tactical parameters."

10 It's quite different from your statement, isn't it?

11 A. My understanding and my training, sir, in the
12 Metropolitan Police, is that as a Gold Commander of
13 a firearms situation you should have a tactical adviser
14 with you. But I appreciate that is different from what
15 it says in the ACPO manual.

16 SIR MICHAEL WRIGHT: What that paragraph is doing is drawing
17 a distinction between the function of the
18 Silver Commander and the Gold Commander, isn't it?

19 A. It is, yes.

20 SIR MICHAEL WRIGHT: Because the Silver Commander is
21 actually on the ground.

22 A. Yes.

23 SIR MICHAEL WRIGHT: He needs the tactical adviser there to
24 deal with the practicalities of deploying firearms
25 officers?

- 1 A. Yes, sir, but again as I think we have heard in
2 evidence-in-chief before, it's also important when you
3 are setting strategy as a Gold Commander to know what is
4 possible and what isn't possible, and it's extremely
5 helpful to have an experienced firearms officer to
6 advise you on that when you are setting strategy.
- 7 SIR MICHAEL WRIGHT: Yes.
- 8 MR PERRY: But when it comes to Kratos, you stick to the
9 black letter of the policy; when it comes to ACPO, it's
10 what you say it is? Is that right?
- 11 A. No, sir, I think I have explained that whilst it says
12 here that it's sort of optional for a Gold Commander to
13 seek the advice of a tactical adviser, my experience in
14 the Metropolitan Police is, I have always been told it
15 is right and it is appropriate to seek the advice of
16 a tactical adviser when setting strategy as
17 a Gold Commander.
- 18 Q. Well, who's always told you that?
- 19 A. In the training that I have been given, including the
20 training that I fairly recently had, the Gold Commander
21 training.
- 22 Q. When did you last have Gold Commander training?
- 23 A. It's in the CV. Let me just have a look. Between 22
24 and 24 February 2006.
- 25 Q. That was the Kratos training?

- 1 A. No, that was the Gold firearms training.
- 2 Q. So far as that's concerned, did you say, "Well, I have
3 read the ACPO manual, that's not what that says"?
- 4 A. No, because the Metropolitan Police is separate from
5 ACPO, and on a number of policies Metropolitan Police
6 policy deviates from what ACPO policy is.
- 7 Q. Shall we look at what the Metropolitan Police says,
8 then, because that's page 1951 of the documents at the
9 top. Shall we just look at this? So that was ACPO. We
10 are now looking at the Metropolitan Police and it's
11 exactly the same, isn't it:
- 12 "The Gold Commander may need a suitable support
13 structure to support the strategic command, for example
14 one or more of the following ..."
- 15 It's a tactical adviser. There is no difference, is
16 there? It's a discretion on the part of Gold but you
17 have got to do it if you are Silver in accordance with
18 the policy?
- 19 A. Well, as I say, the instruction I was given during that
20 training that I received in 2006 was, particularly
21 bearing in mind lack of experience of commanding, you
22 know, not being a trained firearms officer myself, that
23 it was always advisable to have a tactical adviser.
- 24 Q. When you said this morning you had been Gold in firearms
25 operations, how many?

1 A. From memory, just the one.

2 Q. When?

3 A. That would have been in about 1999.

4 MR PERRY: Yes. Thank you very much indeed.

5 SIR MICHAEL WRIGHT: Thank you.

6 MR MANSFIELD: Sir, may I just raise one matter only.

7 SIR MICHAEL WRIGHT: Yes.

8 MR MANSFIELD: Before lunch, Mr Perry put to this witness,
9 and I'm not sure whether he meant it to include issues
10 raised by the family, that there were no leadership
11 issues here. There plainly are, so far as the family
12 are concerned. They may not be for him.

13 SIR MICHAEL WRIGHT: Do you want to take it any further with
14 the witness or are you just making the point?

15 MR MANSFIELD: It's for Mr Perry, I don't know, that's what
16 he put and plainly that has not been the position for
17 the family.

18 SIR MICHAEL WRIGHT: Very well. There you are, Mr Perry,
19 that's the challenge. Do you want to enlarge on what
20 you have already said?

21 MR PERRY: No. Mr Mansfield has made that point, thank you.

22 SIR MICHAEL WRIGHT: Yes. Mr King?

23 MR KING: Nothing, thank you.

24 SIR MICHAEL WRIGHT: Mr Horwell?

25 MR HORWELL: No, thank you.

1 Further questions from MR HILLIARD

2 MR HILLIARD: Just to make sure that the point you were
3 explaining just when we began after lunch that I have
4 got that. On the question of Kratos situation or not,
5 I just want to -- do I have it right that what you were
6 saying was that simply searching for someone who had
7 tried to, as it were, suicide bomb the day before, on
8 those facts alone, that would not count as a Kratos
9 situation, have I understood it right, but that if it
10 was believed that a suicide bomber with a bomb had been
11 identified, that it would become a Kratos situation at
12 that stage? I just want to know, have I got it right?

13 A. Yes. I would say that clearly the containment of the
14 premises that were under suspicion involved, and it was
15 even -- and it was in John McDowall's strategy, not only
16 to stop and talk to -- stop and detain suspects, but
17 also to stop and detain other people who may have
18 intelligence, may have information. So that operation
19 would be going on. It's only when this critical shot
20 question comes in as to: are we getting close to
21 a situation where a critical shot decision would have to
22 be made, that's when you declare it a Kratos situation,
23 and the DSO takes over.

24 Q. Have I understood it right, what you are saying is that
25 that requires someone to be identified as a suicide

1 bomber believed to have a bomb?

2 A. Yes, indeed, sir, yes.

3 MR HILLIARD: Yes, thank you very much indeed.

4 Questions from THE CORONER

5 SIR MICHAEL WRIGHT: Obviously cases will differ, but I have
6 a mental picture which you would probably say is
7 exaggerated, is that you may have an operation that runs
8 for days on end following a suspected suicide bombing,
9 all being managed by the Gold and Silver Commanders, and
10 a senior officer -- Commander rank or thereabouts, or
11 Superintendent anyway, possibly Commander -- who has
12 been designated as the DSO, and he or she are going to
13 be sitting in the operations room for two or three days
14 waiting for something to do?

15 A. And indeed that was the situation for the DSO who was
16 downstairs on the second floor just simply sitting and
17 waiting for a scenario to develop whereby --

18 SIR MICHAEL WRIGHT: Forgive me, that's waiting for
19 something to happen. That's the oncall DSO who is
20 there, as you say, to pick up anything that may come
21 into Scotland Yard in the course of the day.

22 A. Yes.

23 SIR MICHAEL WRIGHT: The picture I am putting to you is,
24 take this very one, if nobody had emerged from
25 Scotia Road for three days, I mean, I find a bit

1 difficult to contemplate the idea of a senior officer
2 sitting effectively twiddling his thumbs in the control
3 room for the three days waiting for that to happen.

4 The operation, nevertheless, has already started.

5 Do you follow?

6 A. I do, sir.

7 SIR MICHAEL WRIGHT: It just sounds a bit, well, like
8 wasteful of high-powered police officers, apart from
9 anything else.

10 A. I understand what you are saying. My argument would be
11 that this is such a fundamental decision, this critical
12 shot decision, that the DSO needs to be not involved in
13 any other aspect of the operation, so that they are
14 absolutely clear and focused on that decision. Now, it
15 could be that they can get on with other work whilst
16 they are there, but in terms of engagement with that
17 operation, my understanding is that should only be when
18 you move into the Kratos phase, if you like, of the
19 operation.

20 SIR MICHAEL WRIGHT: It would be, in order to be clear and
21 focused, they would surely need to know of every nuance
22 and development in the course of the operation from its
23 very beginning?

24 A. The more intelligence that they had, the more
25 information they had to enable them to make the right

1 decision at the end of the day, the better.

2 SIR MICHAEL WRIGHT: Well, that's effectively --

3 A. Then we are into the ideal versus practical. Is it

4 practical to have somebody sat there for days on end

5 twiddling their thumbs, as you say?

6 SIR MICHAEL WRIGHT: You see, in fact here Cressida Dick, as

7 we know, effectively took charge of the operation from

8 8 o'clock that morning, and so of course as you also

9 appreciate, she never authorised a critical shot.

10 A. I understand that, sir.

11 SIR MICHAEL WRIGHT: And nobody has suggested that she did.

12 A. No, sir.

13 SIR MICHAEL WRIGHT: But had that situation ever arisen, she

14 would at least then have had a complete development of

15 the operation in her mind, because she would have been

16 there not only watching it but controlling it as well.

17 A. I understand that, sir, but she could also have equally

18 a firm grasp of it if she was observing it rather than

19 actually being the decision-maker. Indeed, in her

20 evidence-in-chief, she talks about her role being the

21 interpretation of Mr McDowall's Gold strategy and

22 implementing it, which is quite clearly the role of

23 Silver.

24 SIR MICHAEL WRIGHT: I understand.

25 A. Not the DSO.

1 SIR MICHAEL WRIGHT: Yes, I understand the point you make.

2 Thank you.

3 Yes, thank you very much, Mr Paddick. You are free
4 to stay or go as you wish.

5 A. Thank you.

6 (The witness withdrew)

7 MR HOUGH: Sir, the next witness is DAC Hitchcock.

8 DEPUTY ASSISTANT COMMISSIONER ALFRED HITCHCOCK (sworn)

9 SIR MICHAEL WRIGHT: Thank you, Mr Hitchcock, please sit
10 down.

11 A. Thank you.

12 Questions from MR HOUGH

13 MR HOUGH: Is your rather memorable name Alfred Hitchcock?

14 A. Yes, I should probably explain, it was in fact my
15 father's and grandfather's name, so I am not any
16 relation to the director.

17 Q. Thank you.

18 A. But I am Alfred Hitchcock, that's correct.

19 SIR MICHAEL WRIGHT: Not a bad name for a policeman.

20 A. Thank you.

21 MR HOUGH: I think you are now of the rank Deputy Assistant
22 Commissioner?

23 A. I am.

24 Q. In the Metropolitan Police?

25 A. That's correct.

- 1 Q. In July 2005, the time that we are considering, you held
2 the rank, I think, of Commander?
- 3 A. I was a Commander, yes.
- 4 Q. Specifically, were you something called the Link
5 Commander with responsibility for the policing of
6 northeast London?
- 7 A. Yes, that's correct.
- 8 Q. Specifically after the bomb attacks on the transport
9 system on 7 July 2005, what was your role?
- 10 A. I was Bronze community, which in effect meant that I was
11 responsible for that piece of the overall policing
12 following those bombings relating to community
13 reassurance, putting in place across the 32 London
14 boroughs plans to reassure communities across London.
- 15 Q. In the couple of days following the failed bomb attacks
16 on 21 July, did you continue to perform that role or did
17 your role change?
- 18 A. No, I kept that role throughout the whole of July and
19 into August.
- 20 Q. You are being called, I think you understand, to deal
21 with a conversation which we have just heard from
22 Mr Paddick about this morning?
- 23 A. I understand, sir.
- 24 Q. First of all dealing with the date, 22 July, a date to
25 stick in the mind, were you on duty at New Scotland Yard

1 that day?

2 A. I was indeed, yes, as the -- in that same role, Bronze
3 community.

4 Q. I think you were working to Mr Paddick at that time?

5 A. I should probably explain, Mr Paddick was the
6 Deputy Assistant Commissioner, so he was my line
7 manager, but in the capacity which you are describing,
8 the Gold at that time was Assistant Commissioner
9 Alan Brown. So my direction for what tasks I should
10 perform was to that Gold for the overall policing
11 operation, so that was AC Brown.

12 Q. We have heard of him as Gold London?

13 A. That's correct, I was operating under his role in this
14 circumstance.

15 Q. Mr Paddick recalls a conversation with you in the
16 corridor around the doorway to his office at midday or
17 around midday on that day, Friday, 22 July. He has told
18 us that at that time you informed him that
19 Commander Dick's order that morning was to this effect:
20 "arrest him", that's the suspect, "but whatever you do,
21 don't let him get on the tube"; I think he said "go on
22 the tube" this morning, but to the same effect.

23 First of all, do you have any recollection of any
24 conversation like that?

25 A. No, I had a number of conversations with DAC Paddick

1 during that day. I have no recollection of that
2 conversation or of me using those words.

3 Q. By midday on Friday, 22 July had you spoken to
4 Commander Dick about events which had taken place
5 earlier that morning?

6 A. Yes, I had. I had a conversation with Commander Dick
7 late morning, towards lunchtime-ish, I think, before the
8 Gold group at 12.30, and it was what I would describe as
9 a corridor conversation, a very brief conversation with
10 Commander Dick, outside of the operations room on the
11 16th floor. I had asked her very brief questions around
12 whether there is an identification of the person who had
13 been shot by police officers. She was not able to give
14 me any information at that time. The reason I wanted
15 that information is because, if the person had been
16 identified, as well as looking at community impact for
17 the Stockwell area, I would also have looked at the
18 community impact for the heritage of the person who was
19 deceased, and that would have given me an understanding
20 of which communities needed additional resourcing.

21 She was unable to give me any of that information at
22 that time, and so I simply asked her a question about
23 her welfare, and then we parted company, but it was
24 a very brief conversation.

25 Q. In the course of that conversation, did you speak to her

1 at all about the specific orders which she had given?

2 A. I did not speak to her about specific orders, and
3 I should probably say I have never spoken -- even to
4 today, I have never spoken to her about what commands or
5 what instructions she gave on that day.

6 Q. In the latter part of that morning, or indeed at any
7 time that day, did you speak to anybody other than
8 Commander Dick about the orders which she had given?

9 A. No.

10 Q. So taking account of all of that, do you think that the
11 conversation which Mr Paddick records, and the comment
12 he attributes to you, do you think that took place at
13 all?

14 A. No.

15 MR HOUGH: Thank you very much.

16 SIR MICHAEL WRIGHT: Mr Mansfield?

17 Questions from MR MANSFIELD

18 MR MANSFIELD: Yes, good afternoon, my name is
19 Michael Mansfield, I represent the family.

20 Just two things, really. The first is in relation
21 to what you do remember speaking about, namely finding
22 out the details of the person shot, so I presume you
23 followed that through, did you?

24 A. I am not sure I understand the question, in that I asked
25 Commander Dick, was there any identification at that

1 stage, and she was not able to say that there was, so
2 I -- at that stage I did not follow that through at that
3 time. I found I was briefed later in the day of the
4 identity of the person.

5 Q. When were you briefed on the 22nd?

6 A. On the 22nd I was in a briefing just after 4 o'clock,
7 given by AC Brown, where I was first given the name,
8 albeit that a formal identification and a positive
9 identification had not been made at that time.

10 Q. What were you being told at 4 o'clock in that meeting
11 about the person who had been shot?

12 A. I was given the name and the possible nationality of
13 that person.

14 Q. Were you told about documents?

15 A. I am not sure what you mean, sir. What sort of
16 documents?

17 Q. How did they know what the name was? Were you told
18 that?

19 A. No, I wasn't told that within the briefing I was given.
20 Or I certainly didn't make a note of that.

21 Q. Did you follow it up, since you were concerned, you say,
22 with Dick about the wider community impact; did you
23 follow that up?

24 A. What happened after that meeting with Assistant
25 Commissioner Brown where I was given that information

1 was that he asked me to draw up a document which would
2 give him a -- some ideas of what might be the community
3 impact and what might be the issues, should that
4 identification be formalised.

5 Q. Did you do that?

6 A. I did.

7 Q. When was it formalised?

8 A. I wasn't present when it was formalised. I understand
9 it might have been the following morning.

10 Q. Well, did you consider community work on the back of
11 when it was formalised?

12 A. No, by the time it was formalised on the Saturday
13 morning, Mr Paddick had taken over that role, because
14 I had been working a number of hours and had been given
15 that weekend off.

16 Q. Just going back to Mr Paddick for a moment, you were
17 first asked about this conversation, is this right, this
18 year?

19 A. Yeah.

20 Q. It's not a complaint, you understand.

21 A. No, no, I understand that.

22 Q. You made a statement about it in September this year?

23 A. I did.

24 Q. So you were having to think back to the time as to
25 whether there had been a conversation?

- 1 A. That's correct.
- 2 Q. You are not saying you didn't speak to Commander Dick.
3 Plainly you did speak to her?
- 4 A. I did speak to Commander Dick on more than one occasion
5 that day.
- 6 Q. You see, it's the words that I suggest you used to
7 Mr Paddick at that time, then
8 a Deputy Assistant Commissioner, "arrest him, but
9 whatever you do, don't let him get on the tube". Just
10 pausing, words similar to that, not identical but
11 similar, were in fact used; all right? Now, was there
12 not some conversation or talk at the Yard about how it
13 was that this man had got shot? Was there talk about
14 that?
- 15 A. There may have been talk about that, sir. I did not get
16 engaged in that talk during that time.
- 17 Q. Did you know Commander Dick at this time?
- 18 A. Yes, I did know Commander Dick.
- 19 Q. Relatively well?
- 20 A. No, I know her as a colleague, I would not -- I have
21 never socialised with her. I don't know her that well
22 but I know her to talk to, and ... yeah.
- 23 Q. You see, it was certainly dawning on the police by the
24 afternoon of the 22nd that this might not be
25 a terrorist, it was an innocent man.

1 A. Yes.

2 Q. That's a fair comment, isn't it?

3 A. That is correct. That was my understanding later in the
4 afternoon.

5 Q. All right, so the question would be: how did it come
6 about? What orders were they given? That would be fair
7 questions, wouldn't it, for people to be asking?

8 A. Yes.

9 Q. Are you quite sure you didn't ask or it didn't come up
10 in conversation with Dick about what orders were given?

11 A. I'm absolutely certain of it.

12 MR MANSFIELD: All right, I can't take it further. Thank
13 you.

14 Questions from THE CORONER

15 SIR MICHAEL WRIGHT: Would you have appreciated, once the
16 belief began to take root that an innocent man had been
17 shot, did you appreciate that there was likely to be, at
18 the very least, a series of fairly probing enquiries
19 about that?

20 A. I was very much aware of that, sir, yes.

21 SIR MICHAEL WRIGHT: In such circumstances, would you have
22 ever thought it proper of you to ask of any of the
23 principal characters involved in the tragedy what they
24 had or had not done?

25 A. No, I would have thought it probably inappropriate to

1 Constable of the Civil Nuclear Constabulary in
2 June 2008.

3 "I have been asked to make a statement by the
4 Coroner to the inquest into the death of Jean Charles
5 de Menezes further to paragraph 27 of the statement made
6 by Brian Paddick."

7 He then goes through his background as a police
8 officer, and says that he joined the Metropolitan Police
9 Service as a Commander in Territorial Policing in 2003.
10 He says that during his time as a police officer with
11 the MPS, he received DSO awareness training (knowledge
12 sharing and scenario training). Then he deals with his
13 further career moves from 2006.

14 Then he says this:

15 "During July 2005 I was a Commander in the MPS with
16 Territorial Policing. As mentioned above, I had
17 received DSO awareness training prior to July 2005 and
18 I was therefore one of a number of MPS ACPO officers
19 asked to fulfil the role of oncall ACPO DSO. Following
20 the suicide bombings on 7 July 2005, I was on the list
21 of DSOs to cover spontaneous suicide bomber incidents.
22 Following the Stockwell incident, I believe I was asked
23 to fulfil the role of DSO in relation to the proactive
24 operation to track down the attempted suicide bombers of
25 21 July 2005.

1 "As part of this role, I believe I was given
2 photographs of the suspected bombers. However, I cannot
3 remember exactly when these photographs were passed to
4 me, but probably on 23 July 2005.

5 "In relation to my alleged conversation with
6 Brian Paddick [pausing there, this was the conversation
7 about photographs which everyone will recall] I cannot
8 remember in any detail this conversation, but it is
9 possible that this conversation did take place. In
10 relation to the photographs, I think the photographs
11 were of head/shoulder shots and were professionally
12 taken as opposed to surveillance or CCTV shots.

13 "However, I would need to review photographs to pick
14 out the ones that I had on 23 July 2005, if I can
15 remember them in any detail.

16 "I currently live some distance from London and
17 therefore I have not had the opportunity to attend New
18 Scotland Yard to review any photographs. Should this
19 issue require my further attention, then subject to
20 other commitments, I will attend New Scotland Yard to
21 review any photographs. However, I am not sure my
22 memory will be sufficiently good to pick out the exact
23 photographs I had on 23 July 2005."

24 That is his statement, and obviously the jury will
25 be hearing more evidence about the transmission of

1 photographs from an appropriate witness later this week
2 or early next week.

3 SIR MICHAEL WRIGHT: Thank you.

4 MR HOUGH: The next live witness is Stephen Costello.

5 CHIEF INSPECTOR STEPHEN COSTELLO (sworn)

6 SIR MICHAEL WRIGHT: Thank you, Mr Costello, please sit
7 down.

8 Questions from MR HOUGH

9 MR HOUGH: Is your name Stephen Costello?

10 A. It is, yes.

11 Q. I will be asking you questions first on behalf of the
12 Coroner. Then you may well be asked questions by
13 others.

14 In 2005, did you hold a rank in the
15 Metropolitan Police as Chief Inspector Operations
16 (Support) for CO19?

17 A. I did, yes.

18 Q. In that rank, did you act in the role of post-incident
19 manager in relation to the shooting at Stockwell?

20 A. Yes, I did.

21 Q. Very briefly, in general terms rather than specific to
22 this incident, can you explain what a post-incident
23 manager does?

24 A. We normally have two post-incident senior officers. One
25 will go to the scene to assist with the scene, and one

- 1 post-incident manager will remain back at the
2 post-incident location to manage the interaction between
3 the investigation side and the welfare of the officers,
4 so my role was to facilitate the investigation and to
5 look after the welfare of all the officers concerned.
- 6 Q. As I have indicated already, you were within C019, the
7 firearms branch?
- 8 A. I was, yes.
- 9 Q. As we will hear from you very shortly, there was
10 a separate post-incident manager dealing with the
11 officers from Special Branch, S012?
- 12 A. Yes, I believe they did have one, yes.
- 13 Q. In your capacity as post-incident manager, did you keep
14 a running log entitled "Incident Command and Decision
15 Log"?
- 16 A. Yes, I did.
- 17 Q. Perhaps I can hand you a copy of that. (Handed).
18 I don't know if you have your original conveniently to
19 hand, but there is a copy for you.
- 20 A. Thank you.
- 21 Q. Did you also make a witness statement on 30 August 2005?
- 22 A. I did, yes.
- 23 Q. Do you have a copy of that to hand?
- 24 A. I have a copy of that to hand, yes.
- 25 Q. Keep it to hand, because there is no problem about you

1 referring to that to refresh your memory, but you may
2 find that the log does quite a bit of the memory
3 refreshing for you.

4 I'll take you to the log and we can show pages on
5 screen as we go along, not putting it into the jury
6 bundle because it's not one of the absolutely central
7 documents.

8 On 22 July 2005, in the morning, were you on duty at
9 Lemman Street, which we have heard is a base location for
10 CO19?

11 A. I was, yes.

12 Q. Did you receive instructions to act as post-incident
13 manager very shortly after the shooting?

14 A. Yes, I did. At approximately 10.15,
15 Superintendent Moore informed me that there had been
16 a shooting at Stockwell station, and asked me or
17 directed me to perform the post-incident manager post at
18 Lemman Street.

19 Q. Perhaps we can have page 1213 of the documents on
20 screen, and just see where you started the log. Is this
21 your handwriting noting the start date and time of the
22 log as 22 July, 10.15 am?

23 A. It is, yes.

24 Q. If we can move over two pages, please, to 1215, we see
25 for each entry a time on the left and a narrative in the

- 1 centre column?
- 2 A. That's correct, yes.
- 3 Q. Is this all again your handwriting?
- 4 A. It is, yes.
- 5 Q. When were you writing up these entries?
- 6 A. This was done after I had spoken to whoever it was that
- 7 I was speaking to, either very -- immediately
- 8 afterwards, not -- it wasn't contemporaneous as I was
- 9 speaking to them; either immediately afterwards or very
- 10 shortly after that while the matter was still fresh.
- 11 Q. If we see an entry there, "approx 10.15", and then the
- 12 second entry, 10.48, that suggests to us, does it, that
- 13 the first entry was written up certainly before the
- 14 events taking place in the second entry took place?
- 15 A. That's correct, yes.
- 16 Q. If we can begin, then, with the 10.15 entry, to help
- 17 refresh your memory, I think it says there that you
- 18 received a phone call from Superintendent Moore about
- 19 the shooting; directed to perform PIM, post-incident
- 20 manager, role; and to direct Chief Inspector Davison
- 21 actually to go to the scene at Stockwell; correct?
- 22 A. That's correct, yes.
- 23 Q. Then you requested a police sergeant to contact
- 24 Chief Inspector Davison at another police premises?
- 25 A. That's Delta Romeo, it's part of Paddington division.

1 Q. You went to a control room TJ99. That's a room rather
2 than a person. We have seen TJs referring to people
3 elsewhere.

4 A. Trojan 99 is just the call sign of the Leman Street
5 base.

6 SIR MICHAEL WRIGHT: It's the actual station?

7 A. It's the actual station.

8 MR HOUGH: Then it says this, where you received a call:
9 "Mobile, poor signal, from Trojan 84, senior CO19 on
10 scene".

11 A. That's correct, yes.

12 Q. Do you there record a brief outline of the incident
13 which he gave you actually in quotation marks?

14 A. Yes, that's correct.

15 Q. Perhaps you can read out what you have in quotation
16 marks, please?

17 A. Yes.

18 "Trojan 84 briefed me that he and his team had been
19 supporting an S013 counter-terrorist investigation with
20 surveillance officers, involving a suspect followed from
21 an address on to a bus and then to Stockwell tube. The
22 suspect had got into the tube with a surveillance team
23 and a specialist firearms officer team had been
24 deployed. The suspect had been pointed out and had
25 launched himself at officers. SFO team officers

1 intervened and had shot the suspect in the head. He
2 then requested that a senior officer be deployed to the
3 scene and I advised him that Chief Inspector Davison was
4 en route."

5 Q. Pausing there, did he tell you where he had got his
6 information from for that summary?

7 A. Not at that time.

8 Q. Did you later discover where he had got that rubric
9 from?

10 A. Yes, I subsequently spoke to Trojan 84 again and
11 confirmed that the information had been obtained from
12 the two principal officers.

13 Q. Charlie 2 and Charlie 12?

14 A. Charlie 2 and Charlie 12.

15 Q. Then next entry is at 10.48, and it records you speaking
16 to DPS, Directorate of Professional Standards?

17 A. That's correct, yes.

18 Q. They are performing the investigation into what
19 happened?

20 A. They are, yes, and I was advised who the senior
21 investigating officer was to be at that time.

22 Q. That's DCI Evans whom we heard from yesterday?

23 A. That's correct.

24 Q. Then it says this:

25 "Directed by Detective Superintendent Wolfenden not

- 1 to allow IPCC access to scene".
- 2 A. That's correct.
- 3 Q. Then in your statement I think you indicate what reason
4 was given for that?
- 5 A. Yes. This was at the request of the Commissioner, and
6 I have noted that the Prime Minister had been consulted,
7 that's my recollection at the time that I wrote this
8 note, and I passed that information to Trojan 1, who was
9 making his way to the scene.
- 10 Q. In your statement you say that the reason for that was
11 that, as you were told, this was being investigated as
12 part of a larger terrorism investigation?
- 13 A. That's correct, yes. This was still an ongoing
14 counter-terrorist investigation.
- 15 Q. After that do you record a conversation with a Detective
16 Chief Inspector in Special Branch about his team
17 returning to their base?
- 18 A. That's correct, yes.
- 19 Q. That's the team that was involved in these events?
- 20 A. Yes, it is.
- 21 Q. Can you remember the name of the Detective Chief
22 Inspector now?
- 23 A. My recollection is it was DCI Edser.
- 24 Q. Then if we can move over the page, please, it says there
25 that you advised him that they should return to HD,

- 1 Leman Street?
- 2 A. Yes, that's the divisional code for Leman Street.
- 3 Q. For post-incident procedure?
- 4 A. That's correct, yes.
- 5 Q. Why did you suggest to him that they should come to
- 6 Leman Street specifically?
- 7 A. That would facilitate the investigation. It would mean
- 8 that everybody involved in it was at a single location,
- 9 I could look after their interests, and it would
- 10 certainly help the DPS investigators who would not have
- 11 to split their resources between two locations.
- 12 Q. Then do you record that you were contacted on your
- 13 mobile phone by Detective Inspector Szerezla of the DPS
- 14 to indicate that he would be attending Leman Street with
- 15 a forensic exhibit team?
- 16 A. That's correct, yes.
- 17 Q. What would be the purpose of such a team?
- 18 A. He would start the investigation at Leman Street and
- 19 part of that investigation would be seizure of forensic
- 20 exhibits, would be the firearms used, any clothing, and
- 21 liaison with the officers involved.
- 22 Q. Then do you record, timed at 11 o'clock that morning,
- 23 further contact from Mr Evans indicating he's now on his
- 24 way to the scene at Stockwell?
- 25 A. Yes.

- 1 Q. And you providing him with the information you had
2 received from Trojan 84?
- 3 A. That's correct, yes, that was on the mobile phone. The
4 reception wasn't good, and we were actually cut off
5 during that conversation.
- 6 Q. Then timed 11.27, do you record by that point that the
7 principal officers were at Leman Street?
- 8 A. That's correct, yes.
- 9 Q. By the principal officers do you again mean Charlie 2
10 and Charlie 12?
- 11 A. Charlie 2 and Charlie 12 and other members of that team.
- 12 Q. Thank you. Then do you record this:
13 "Spoken to by me, appeared okay, v concerned
14 regarding blood on their skin and clothes".
- 15 A. That's correct, yes. I inquired as to their welfare.
16 They appeared okay, but were concerned that they had
17 obviously blood on their skin and clothing, and
18 I received a request to allow them to change and shower
19 at that time.
- 20 Q. That was a request from their Federation representative?
- 21 A. That was, yes.
- 22 Q. I think you agreed to that, provided of course that the
23 clothing and weapons were bagged up by an officer not
24 involved in the incident?
- 25 A. That's correct, yes. I was keen to maintain the

1 forensic integrity in relation to their clothing and
2 weapons.

3 Q. Moving down to 11.51, at that time you record I think
4 the forensic medical examiner arriving at Lemay Street
5 and being there with the Federation representative?

6 A. That's correct, yes.

7 Q. Then you briefing them about examination of the
8 officers?

9 A. That's correct, yes.

10 Q. Do you then record the examiner's role as being to check
11 for defensive and offensive injuries on the officers
12 involved?

13 A. That's correct, yes.

14 Q. Then you note this:

15 "Examination not to consider fitness for notes
16 unless from his [that's the examiner's] observations he
17 considered officer unfit to do so and that making notes,
18 would further harm officer's health or make notes
19 unreliable."

20 A. That's correct, yes.

21 Q. And the examiner confirming he understood.

22 Can you briefly explain the reference to considering
23 whether officers were fit to make notes?

24 A. Yes, the standard policy and procedures is that the FME
25 is called to examine officers and the examination is not

1 in relation to their fitness to write their notes; it is
2 purely around whether they have any injuries and to
3 document those injuries.

4 Q. Physical fitness?

5 A. Physical fitness, but obviously during that examination,
6 if the doctor forms a professional opinion that it would
7 be unsafe for that officer to make notes at that time,
8 it would be right that he would make comment on that.

9 Q. The entry for 12 minutes past midday, we can summarise.
10 I think you record there having a further discussion
11 with Mr Szerezla of the DPS; yes?

12 A. That's correct, yes.

13 Q. You record that the DPS were going to be seizing the
14 clothing and weapons of the principal firearms officers
15 involved?

16 A. That's correct, yes.

17 Q. Then there was a discussion, I think, also of whether
18 the DPS should, in addition, seize the clothing and
19 weapons of the Special Branch surveillance officers?

20 A. That's correct, yes.

21 Q. What decision was taken on that?

22 A. I questioned that on the basis that we knew which
23 officers had actually fired shots on that day, and what
24 was the rationale behind requesting the clothing and
25 weapons of other officers who had not shot on that day,

1 it's not standard practice to do so. And I agreed that
2 I would discuss that further if necessary with the
3 Special Branch post-incident manager on his arrival at
4 Leman Street.

5 Q. Then moving down the page, an entry at 12.35,
6 a conversation with the Federation representative. Then
7 at 12.45, this: does this record you giving an address
8 to the firearms team who had been involved in the
9 incident?

10 A. Yes, the SFO team were back at Leman Street and I just
11 introduced myself and explained my role to them.

12 Q. What do you record there telling them about the process
13 that they were about to commence?

14 A. I explained to them that my role was to look after their
15 welfare and to facilitate the investigation, that this
16 was likely to be a long process, and they should take
17 the opportunity to have some refreshments and that they
18 should not at that stage speak in detail regarding the
19 incident. My concern there was that this was an ongoing
20 terrorist investigation, and I did not want them making
21 phone calls out of the base or speaking to other people
22 not involved because that makes it very difficult to
23 retain that information centrally, and obviously I did
24 not want the rumours spreading either.

25 Q. Perhaps we can move over the page, 12.55 records you

- 1 introducing Mr Szerezla of the DPS to the firearms team;
2 yes?
- 3 A. That's correct, yes, I introduced
4 Detective Inspector Szerezla and he explained how he
5 proposed to deal with that investigation and the role of
6 his team.
- 7 Q. Then there is a record of you speaking to Mr Purser at
8 1.15 in the afternoon?
- 9 A. That's correct, yes. He had also come to the -- to
10 Leman Street as part of the post-incident process.
11 I asked him if he required to see the forensic medical
12 examiner. He declined. I checked with his welfare and
13 provided him with office accommodation.
- 14 Q. Moving on to 1.30, we need to have a little look at this
15 entry. Was Trojan 84, the tactical adviser, now back at
16 Leman Street as well?
- 17 A. That's correct, yes.
- 18 Q. You record there him providing you with more information
19 about the incident that had taken place?
- 20 A. That's correct, yes.
- 21 Q. Perhaps you can just run through what you have recorded
22 there.
- 23 A. Yes. I spoke to Trojan 84. He stated that he had been
24 provided with a briefing regarding the incident --
25 provided me with a briefing in that they had attended

1 Nightingale Lane earlier that morning with the team for
2 a full briefing from Silver, who was DCI Purser, which
3 included intelligence in relation to the premises at
4 Scotia Road. The team briefing also included the
5 possibility of intercepting a subject away from the
6 address, stated that the male had left the address and
7 was followed by -- initially by a surveillance team, and
8 it had been decided at that time not to use S019.

9 Some time later the surveillance team decided this
10 was the suspect and called for specialist firearms
11 officer support. It was reported that the suspect
12 appeared jumpy and furtive, and they were informed that
13 he was not to be allowed to get into the tube. However,
14 at that time the SFO team were not able to get there in
15 time. On arrival at Stockwell tube, the suspect had
16 already gone into the station --

17 Q. Can we just pause there, it's on the next page for those
18 who are following it. On arrival at Stockwell tube,
19 yes?

20 A. And SFO officers, specialist firearms officers deployed
21 into the station, down the escalators into the hall
22 leading to the platforms. They were met there by
23 a surveillance officer who --

24 Q. Indicated, I think?

25 A. -- indicated the platform and the train. Officers went

1 with this officer and on to the train. Immediately the
2 suspect was pointed out, he launched himself at the
3 officer. Specialist firearms officers had gotten in
4 between and shot the suspect in the head. Officers --

5 Q. I think you call him B12 there but he is Charlie 12?

6 A. Charlie 12 shot a couple of times and officer Charlie 2
7 shot five or six times. Trojan 84 also added that the
8 briefing had included that the subject had access to
9 weapons and was involved in terrorist bombing of
10 21 July. During surveillance, instructions received
11 that the subject was not to be allowed to be lost in the
12 entered tube and that radio communications were poor.
13 He had the -- confirmed that this information that he
14 had provided me had come from Charlie 2 and Charlie 12.

15 Q. Thank you very much. Was that an accurate and complete
16 record of what he told you at that time?

17 A. That was, yes.

18 Q. At 2.20, 1421, do you record passing that information on
19 to Mr Szerezla of the DPS?

20 A. I did, yes.

21 Q. Then I think there is a discussion at 4.08 with
22 Mr Szerezla about an ammunition audit for Charlie 12,
23 and you also record an independent officer unloading the
24 guns involved?

25 A. That's correct, yes. The officer was advised to go to

1 hospital for tests and the weapon needed to be dealt
2 with before he left.

3 Q. That's Charlie 2.

4 Now, we are about to move on to the question of
5 making up of notes. As a post-incident manager, you
6 would have been aware of the advice which ACPO
7 promulgated on the making up of notes at that time?

8 A. At that time, yes.

9 Q. I think it's only fair to show that on screen so that
10 everybody knows what was the guidance at the time.

11 Page 318 of the documents, please. It's 2.56 to 2.60.

12 Do you recognise these entries?

13 A. Yes.

14 Q. In chapter 6, I think, of the ACPO manual?

15 A. That's correct, yes.

16 Q. Now, summarising each of these, 2.56, the guidance is
17 that officers should get away from the scene at an early
18 stage, so as to provide those involved with a period of
19 reorientation and to allow for the preparation of
20 a summary of events; yes?

21 A. That's correct, yes.

22 Q. Then 2.57:

23 "Initial notes (e.g. a pocket notebook, incident log
24 pages...) should be made as soon as practicable..."

25 That phrase, "initial notes", is I think something

1 that appears in your log as we come through it later?

2 A. That's correct, yes.

3 Q. "... should be made as soon as practicable, subject to

4 any individual legal advice received to the contrary."

5 Yes?

6 A. That's correct.

7 Q. The entry in those notes to be timed, dated and signed?

8 A. That's correct, yes.

9 Q. Then 2.58, does the guidance record that if there is any

10 suggestion that an officer is unfit to make notes, that

11 should be verified by a professional examination of the

12 officer?

13 A. That's correct, yes.

14 Q. That's something that you have alluded to a few moments

15 ago?

16 A. Yes, that's correct, yes.

17 Q. 2.59:

18 "If officers have been involved in the same

19 incident, they may confer when preparing notes. Notes

20 should consist of an individual officer's recollection

21 of events. Where notes have been made after conferring,

22 or the incident has been discussed, the officers should

23 endorse their notes to that effect (highlighting issues

24 discussed, and with whom). Any other documents/sources

25 referred to when compiling notes should also be

1 highlighted."

2 A. That's correct, yes.

3 Q. Was that the guidance under which you, your colleagues
4 and the officers were operating in relation to
5 conferring between themselves?

6 A. That's correct, yes, that was the guidance at the time.

7 Q. Then 2.60:

8 "Officers may nevertheless wish to be mindful that
9 any discussion could at a later date be portrayed in
10 cross-examination as a rehearsal or manipulation of the
11 evidence."

12 We have heard from one or two officers that they had
13 that in mind?

14 A. That's correct.

15 Q. Then 2.61:

16 "It is acknowledged that the effects of stress upon
17 people's focus and memories may well affect
18 an individual's initial perception of events and their
19 constituent details. Where recollections change, this
20 can be dealt with by clarification in further notes
21 and/or later, formal statements."

22 Yes?

23 A. Yes.

24 Q. 2.62:

25 "Formal statements should not normally be required

1 immediately but, providing initial notes are made, can
2 be left until witnesses ... have overcome any initial
3 shock of the incident and are able to better recollect
4 their experience at the time."

5 A. That's correct, yes, and normally have a period of rest.

6 Q. So if we have that off screen, that was the guidance
7 that was valid at the time; yes?

8 A. That's correct, yes.

9 Q. There have been very recent changes to the ACPO
10 guidance, but that obviously wasn't something which
11 affected the officers you were dealing with in
12 July 2005?

13 A. No, sir, it was not.

14 Q. With that as background, can we go back to the entry at
15 5.30, 1730, and do you record something there about
16 where the specialist firearms officers were and what
17 they were doing at that stage?

18 A. Specialist firearms officers at that time were liaising
19 with the Federation representative and the legal adviser
20 who had attended the station. And I was made aware by
21 the Federation representative that they had been advised
22 not to make notes at this time by their legal
23 representative.

24 Q. Pausing there, you use that phrase "principal officers"
25 there, "had been advised not to make notes at this

- 1 time". By "principal officers" do you mean just
2 Charlie 2 and Charlie 12, or all the SFOs involved in
3 these events?
- 4 A. My recollection is we are talking about Charlie 2 and
5 Charlie 12 here.
- 6 Q. Okay. Go on, please. What else do you record in that
7 entry?
- 8 A. This conversation was taking the(?) place of
9 Superintendent Manns, and --
- 10 Q. He is from CO19?
- 11 A. He is from CO19, he was my line manager. Federation rep
12 stated that that should not affect the initial notes by
13 the remainder of the team, and I agreed to speak to the
14 DPS to appraise them and seek their views, and if
15 required by DPS to make formal requests for initial
16 notes from all involved which would include Charlie 2
17 and Charlie 12.
- 18 Q. So the suggestion at that stage was that the rest of the
19 team would prepare initial notes in the form of a pocket
20 book or something like that?
- 21 A. Probably an evidence in action book.
- 22 Q. Yes. But Charlie 2 and Charlie 12 wouldn't be writing
23 anything at that stage?
- 24 A. That's correct.
- 25 Q. Then 1743, I think, do you record speaking to

- 1 DI Szerezla and informing him of exactly that?
- 2 A. I do, I spoke to him and advised that the principal
3 officers had been advised by the legal adviser not to
4 make initial notes and he agreed that that would be fine
5 after he had consulted the SIO, Mr Evans.
- 6 Q. Then at 6 minutes past 6 did you address the SFO team
7 again, this time in the company of Superintendent Manns,
8 your line manager, and a Federation representative?
- 9 A. That's correct, yes. I advised them that the principal
10 officers had been advised by their legal representative
11 not to make notes at this time which included the
12 Special Branch officers and that they should complete
13 their notes. Query was raised by other --
- 14 Q. Pausing before you get to the query. You say including
15 Special Branch officers. What do you mean by that, that
16 some Special Branch officers had also been advised not
17 to make notes at that time?
- 18 A. That's correct, yes, yes.
- 19 Q. Which Special Branch officers?
- 20 A. I am not aware of which, who they were. I didn't make
21 a note of that. But there are clearly officers who were
22 present with Charlie 2 and Charlie 12 when the shots
23 were fired.
- 24 Q. In the carriage?
- 25 A. In the carriage.

- 1 Q. Yes. Then a query was raised and you were just going to
2 tell us about that?
- 3 A. Yes, the other SFO team members requested whether they
4 should -- could have legal advice as they had all been
5 at the scene in the immediate, or close proximity, and
6 it was agreed that they could have access and should
7 have access to the Federation solicitors, and that they
8 would return at a later -- after that consultation -- to
9 complete full notes, obviously subject to what advice
10 they were given by their legal representative.
- 11 Q. Then an entry at 6.15, by this stage, 6.15, had the team
12 spoken to the Federation solicitor?
- 13 A. They had, yes.
- 14 Q. What decision were you told about what they were going
15 to do at that stage?
- 16 A. That they would complete their initial notes.
- 17 SIR MICHAEL WRIGHT: Are you drawing a distinction there
18 between initial and something later?
- 19 A. Yes, these are initial notes as opposed to a full
20 evidential statement.
- 21 SIR MICHAEL WRIGHT: Right. What should the initial notes
22 contain?
- 23 MR HOUGH: Can we show an example?
- 24 SIR MICHAEL WRIGHT: Yes, please.
- 25 MR HOUGH: D721, please.

1 SIR MICHAEL WRIGHT: That looks like a police officer's
2 notebook.

3 MR HOUGH: This is Charlie 11's evidence in action book. We
4 don't need to go through it because we have heard from
5 Charlie 11 in person, but we see there a brief summary
6 of what occurred and, at the bottom, a date stamp,
7 "1847, Friday, 22 July, SO19".

8 SIR MICHAEL WRIGHT: Thank you. It's a brief summary.

9 A. It's a brief summary. It doesn't go into any great
10 detail at that time.

11 MR HOUGH: We can have that off screen because, as I say, we
12 have heard from that officer.

13 So the rest of the team at that stage, 6.15 on the
14 22nd, went off to complete evidence in action books like
15 that?

16 A. That's correct, yes.

17 Q. Charlie 2 and Charlie 12 didn't?

18 A. That's correct.

19 Q. Were instructions then given for them to return to
20 Lemman Street, the entire team, except for the officers
21 most directly involved who were to attend a bit earlier
22 than the rest of the team?

23 A. The instruction was that they were to return at noon the
24 following day, after a period of rest. The
25 post-incident trauma support system had kicked in which

1 requires them to go to occupational health to have tests
2 such as hearing, which had kicked in the next morning,
3 so there were some officers who had appointments to go
4 there before coming in.

5 Q. So some officers who needed tests like hearing tests
6 because gunshots had gone off in their presence have got
7 an appointment there early in the following morning, the
8 Saturday?

9 A. That's correct, yes.

10 Q. But the team as a whole has to congregate at
11 Lemman Street at midday on the Saturday the 23rd?

12 A. That's correct, yes.

13 Q. So in summary, the delay for Charlie 2 and Charlie 12
14 producing their notes at all and the period of delay in
15 making up the full statements to the next day, that was
16 based upon the procedure we have seen followed through
17 and legal advice that they had properly received?

18 A. That's correct, yes.

19 Q. So not -- any delays that occurred weren't due to the
20 post-incident procedures as such?

21 A. No.

22 Q. I think you did various administrative tasks later that
23 evening, but as we have seen, the evidence in action
24 books were completed quite quickly. We saw a time stamp
25 of 1847 from one of them?

- 1 A. That's correct, yes.
- 2 Q. Then 23 July, did you return for duty at about 10.45 on
3 the Saturday morning?
- 4 A. I did, yes.
- 5 Q. Perhaps we can have the next page up; pre-empted as
6 ever. Do you record there at about an hour after you
7 arrived receiving a briefing by Superintendent Manns?
- 8 A. That's correct, yes, regarding --
- 9 Q. What did he tell you?
- 10 A. -- overnight developments. Advised myself and the
11 Federation representatives and Charlie 1 that the
12 subject shot was not in fact one of the terrorist
13 suspects, and that tac advice had been given to the DSO
14 as the surveillance progressed. He agreed to advise and
15 inform the principal officers first, that would be
16 Charlie 2 and Charlie 12, and then would advise the SFO
17 team and the Special Branch team.
- 18 Q. Then Charlie 2 and Charlie 12, I think, told about that
19 at 12.10, so very shortly after you were told?
- 20 A. That's correct, yes.
- 21 Q. Then 12.33, do you record a conversation with someone
22 called Mr Edser?
- 23 A. That's correct, yes, the surveillance team were still at
24 their own base --
- 25 Q. Pausing there, what was Mr Edser's job?

- 1 A. He was -- I suppose he was the post-incident manager for
2 the Special Branch surveillance team.
- 3 Q. Yes.
- 4 SIR MICHAEL WRIGHT: Your opposite number.
- 5 A. My opposite number at Special Branch, yes.
- 6 MR HOUGH: Go on. What did he tell you?
- 7 A. I appraised him of what I had been told previously by
8 Superintendent Manns and advised and requested really
9 that it would be useful for his officers to address --
10 to attend Leman Street in relation to their note-taking,
11 which he agreed to do, subject to his officers' wishes.
12 He also informed me that some of his officers were still
13 at our occupational health headquarters having similar
14 tests to the SFO team.
- 15 Q. At this stage -- we have heard at a previous stage why
16 you might have wanted Special Branch officers coming to
17 Leman Street -- why did you suggest that his officers
18 should come to Leman Street?
- 19 A. Once again, the DPS were coming to Leman Street to carry
20 on with the post-incident investigation, and it made
21 sense to have everybody involved at the one location.
- 22 Q. So the Directorate of Professional Standards were going
23 to be there, so have everybody in the one place?
- 24 A. Yes.
- 25 Q. Then an entry at 2.12, does that record you giving

- 1 information which you now knew about the person who had
2 been shot to the entire SFO team?
- 3 A. Yes, sir, that's correct. I briefed them as to the
4 information that was provided to me by
5 Superintendent Manns.
- 6 Q. Did they then begin to prepare detailed notes?
- 7 A. They did, yes.
- 8 Q. Did they prepare those in statement form?
- 9 A. They did, yes.
- 10 Q. Were you present throughout the time that they were
11 doing that?
- 12 A. No, I was not.
- 13 Q. Did you come in and out occasionally?
- 14 A. Occasionally, yes, I did.
- 15 Q. While they were in there, preparing those notes, who
16 else was in the room with them?
- 17 A. I have no recollection who was in the room. My
18 recollection is that they would have been there, just
19 the team on their own, but I have no note whether the
20 Federation representative was there or whether the legal
21 adviser was there.
- 22 Q. Would it be normal for such people to be there?
- 23 A. The norm would be for the team to get on and write their
24 evidence themselves.
- 25 Q. Had the team received any advice to your knowledge or in

- 1 your presence about what to do, what procedure to
2 follow?
- 3 A. No, I certainly didn't advise them. These are
4 experienced officers, and I didn't feel it necessary to
5 give them advice as to how they should be writing their
6 statement or what they should be including. Also
7 bearing in mind they had also been advised by their
8 legal representative.
- 9 Q. We have heard from a number of them that this procedure
10 took quite a number of hours, only finished very late
11 that night?
- 12 A. That's correct, yes.
- 13 Q. That's your recollection as well, is it?
- 14 A. It is, yes.
- 15 Q. During this procedure, we have a record of you, just
16 before 4 o'clock, giving a further briefing to Mr Edser;
17 is that right?
- 18 A. That's correct, yes.
- 19 Q. Did the Special Branch officers in fact come to
20 Leman Street?
- 21 A. They did, yes.
- 22 Q. Were they at any stage put together with the specialist
23 firearms officers?
- 24 A. I don't believe they were. I believe they made their
25 notes separately, but as a group themselves.

- 1 Q. Over on to the next page, there is an entry just before
2 9.30, 2127?
- 3 A. That's correct, yes.
- 4 Q. Does that record you addressing specialist firearms
5 officers apart from the principal officers, so again
6 Charlie 2 and Charlie 12, about the completion of their
7 notes?
- 8 A. That's correct, yes. The officers had -- either had or
9 were in the final stages of completing their notes and
10 I merely addressed them at what was to be the end of
11 that working day, and thanked them for their efforts on
12 that day. Also obviously remind them in relation to the
13 occupational health welfare support system that was in
14 place.
- 15 Q. Then do you also record speaking to Charlie 2 and
16 Charlie 12 separately and individually to the same
17 effect?
- 18 A. Yes, I did, and I advised those officers during that
19 meeting that I was taking them off operational duties
20 and confirmed that neither of them had any immediate
21 welfare or other needs at that time before going off
22 duty.
- 23 Q. Your log ends at midnight on that Saturday, confirms you
24 went off duty, and there are no other entries in the log
25 that we have?

1 A. That's correct, I went off at midnight after having
2 collected statements that had been made by the officers,
3 and obviously providing DPS with copies of those.

4 Q. Was that the conclusion of your role as post-incident
5 manager?

6 A. That was the conclusion of my role as post-incident
7 manager on the day. Obviously I maintained that role in
8 relation to liaising with the Independent Police
9 Complaints Commission, and requests for further
10 information from them over the next number of months.

11 MR HOUGH: Thank you very much. Those are my questions.

12 SIR MICHAEL WRIGHT: Would that be a convenient moment to
13 break off?

14 MR MANSFIELD: Yes, sir.

15 SIR MICHAEL WRIGHT: Twenty-five to, please, ladies and
16 gentlemen.

17 (3.26 pm)

18 (A short break)

19 (3.38 pm)

20 (In the presence of the jury)

21 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.

22 Questions from MR MANSFIELD

23 MR MANSFIELD: Good afternoon, Mr Costello. My name is
24 Michael Mansfield. I represent the family of
25 Jean Charles de Menezes, and I appreciate this is --

1 your statement is fairly detailed. It's about events
2 that took place now some time ago, so I am going to try
3 and do it in a rather sort of general way to help, and
4 I'll try and keep it in chronological order.

5 First of all, on the 22nd, all right?

6 A. Yes, sir.

7 Q. The only account that you were being given came via
8 TJ84, firstly in a telephone call at 10.15; yes?

9 A. That's correct, sir, yes.

10 Q. I want to ask you about: are you sure at that time it
11 was TJ84?

12 A. Yes, sir, I am certain it was TJ84.

13 Q. The reason is I have asked him about these things,
14 that's why I have to ask you. You are certain it was
15 him. The jury have heard what you noted down that he
16 told you at that time. Now, in addition to that, you
17 spoke to him again on the 22nd; if you need the page,
18 it's 858, the third page at the bottom. I am not asking
19 you to go over the detail of that. The jury have heard
20 what you have said.

21 Obviously this again was clearly TJ84 telling you,
22 but the important point here was that he was telling
23 you, was he, that all the information he had imparted to
24 you, both in the telephone call and in that
25 conversation, had come from C2 and C12?

- 1 A. Some of the information would have been in his own
2 domain. He was clearly present at the briefing. He was
3 clearly present (sic) as to what the briefing contained.
4 The aspect of what he briefed me that came from the
5 principal officers was what actually happened in the
6 tube carriage.
- 7 Q. Just dealing with the 22nd, could we have back up again,
8 please, the manual of guidance, page 318. Under "The
9 Making of Notes", we have seen these a bit earlier,
10 I just want to ... what appears to have happened is that
11 on the 22nd, no-one -- I am concentrating on firearms,
12 all right, because you are firearms more than
13 surveillance or Special Branch -- in the firearms team
14 made a detailed record of the background, lead-up and
15 actual events that happened in the carriage; is that
16 right? I am trying to put it globally. Or can't you
17 help?
- 18 A. On the 22nd?
- 19 Q. On the 22nd.
- 20 A. No, sir, the officers made initial brief notes on the
21 22nd.
- 22 Q. Right. That of course we can see may be initial notes,
23 may be very brief; one appreciates that.
- 24 Your purpose in being there, is it to interview the
25 officers as part of the post-incident investigation?

- 1 A. No, sir, my role is not an investigative role. My role
2 is to facilitate the investigation with either the IPCC
3 as it is now or as it was then, the Directorate of
4 Professional Standards, and obviously to ensure, to
5 maintain the officers' welfare. The dual role. It's
6 not an investigative role.
- 7 Q. So why would the surveillance officers need to come to
8 Leman Street? You have indicated it's so you can have
9 them all under the same roof. But I mean, did you have
10 dealings with the surveillance officers?
- 11 A. It's accepted and agreed practice that everybody
12 involved in that incident would come to the one
13 post-incident location. That facilitates the
14 investigation. That means that you haven't got to have
15 two separate teams going to two separate locations and
16 then having to confer remotely.
- 17 Q. You can have the same team going to two separate
18 locations?
- 19 A. You could do, sir, but the standard practice is that
20 everybody involved in that incident comes to the one
21 location, and that's what I was working to.
- 22 Q. I'll just continue. There is no detailed record being
23 made by S019 officers on the 22nd, the very day it
24 happened, whether you call it a note or a statement or
25 anything; nothing like that is put on paper on the 22nd?

- 1 A. No, sir.
- 2 Q. But they are in fact all present at Lemau Street on the
3 22nd, and you speak to them at one point, this is the
4 SO19 officers, all right?
- 5 A. Yes, sir.
- 6 Q. Did you tell them not to confer between themselves?
- 7 A. No, sir. My advice to them was not to speak outside of
8 CO19, not to discuss this with other people.
- 9 Q. Right. So you have no idea whether the CO19 officers on
10 the 22nd, before any detailed account is put on paper,
11 actually talked amongst themselves about what had
12 happened?
- 13 A. That's correct, sir. I was not with either the
14 Special Branch surveillance team or the SFO officers for
15 that whole period at Lemau Street. That was not my
16 role.
- 17 Q. Well, who was -- I leave out surveillance for the moment
18 because you are firearms, and we have another officer
19 coming for surveillance -- monitoring what firearms
20 officers were saying to each other? Or was no-one?
- 21 A. I certainly wasn't and I don't believe anybody else
22 would have been, so there is no requirement to monitor
23 what they are saying to each other.
- 24 Q. So they have, as it were, an opportunity that day
25 without anybody monitoring of conferring amongst

1 themselves about what they recollect or they don't
2 recollect; that's plain, they have that opportunity?

3 A. Well, they do have that opportunity, yes, sir.

4 Q. Yes. Now, overnight, we come into the 23rd, and I just
5 want this to stay on screen because on the 23rd the
6 officers arrive back, CO19 officers arrive back at
7 Leman Street around -- I'm not going to pin you to
8 a time. We have heard from Trojan 84 it was around
9 11 o'clock, but around the midday period they are back
10 at Leman Street; is that fair?

11 A. That's correct, yes.

12 Q. Before any detailed record has been made, you notify
13 them that in fact the person who's been shot essentially
14 is not a terrorist but a member of the public?

15 A. That's correct, sir.

16 Q. Now, you have got a time for that. After you have
17 imparted that information, where do the firearms
18 officers go?

19 A. I have no recollection of where they went immediately,
20 I know where they went to make their notes.

21 Q. Where did they go to make their notes?

22 A. To the briefing room.

23 Q. When did they do that? When did they go to the briefing
24 room to make their notes?

25 SIR MICHAEL WRIGHT: On the 23rd.

- 1 MR MANSFIELD: I mean on the 23rd.
- 2 A. That would have been sometime after I had briefed
3 Charlie 2 and 12, after 12.10.
- 4 Q. Right. Who goes with them to the briefing room?
- 5 A. Sorry, sir, 1412 was when I spoke to the SFO team and
6 appraised them of what I had told the principal
7 officers. They would have gone to that briefing room as
8 a team. I certainly did not, and it's not my role to
9 supervise them whilst they make their notes.
- 10 Q. I'm not suggesting certain things are your role; I am
11 just trying to get at what's gone on here in the
12 post-incident procedure. So that before the information
13 is told to the team by you at 2.12, officers who have
14 got there at 12 have already had a further two hours, if
15 they wanted to, to talk together over what had happened?
- 16 A. They are entitled to talk together, sir.
- 17 Q. Yes, I am not suggesting they are not.
- 18 A. They may well have done, sir, yes.
- 19 Q. They may well have done?
- 20 A. Yes.
- 21 Q. Because you realise now, do you not -- it's not
22 a criticism of you, please understand -- that of course
23 there has been reflection on whether this is
24 a satisfactory practice of conferring and all the rest
25 of it. There has been reservations about that, haven't

- 1 there?
- 2 A. Yes, sir, it's not my remit any more but I'm aware that
- 3 ACPO have reconsidered. But they have not prevented
- 4 officers from conferring even in their latest guidance.
- 5 Q. No, no, it's under different conditions. So just
- 6 continuing with what happened on the 23rd, after you
- 7 tell them at 2.12, some stage after that, they all go to
- 8 the briefing room to make their notes in the form of
- 9 statements; yes?
- 10 A. That's correct, yes. Full detailed evidential
- 11 statements.
- 12 Q. We were told of a procedure that was adopted, and I want
- 13 to know whether you can help, but as a precursor to
- 14 this, do you see 2.59 there, "Making of Notes":
- 15 "If officers have been involved in the same
- 16 incident ..."
- 17 You see that one?
- 18 A. That's correct, yes. Yes.
- 19 Q. "... they may confer... should consist of an individual
- 20 officer's recollection of events. Where notes have been
- 21 made after conferring, or the incident has been
- 22 discussed, the officers should endorse their notes to
- 23 that effect (highlighting [do you see that] issues
- 24 discussed, and with whom)."
- 25 A. That's correct, sir, yes.

- 1 Q. First of all who should be supervising the
2 notes/statements all being made on the 23rd in the
3 briefing room?
- 4 A. There are -- nobody is required to supervise those
5 officers making their original notes.
- 6 Q. Because one of the procedures we have been told because
7 of questions I asked, again, Trojan 84 much earlier in
8 the inquest, was that it was a staged process. Things
9 were discussed before they ever put pen to paper,
10 between the officers. Have you ever seen any record of
11 exactly how these statements were taken?
- 12 A. No, sir, I have not.
- 13 Q. Does anyone have any responsibility for, as it were,
14 ensuring that if there is discussion that the procedures
15 set out even at the time in 2.59 are in fact adhered to?
- 16 A. They are -- these are experienced officers. The writing
17 of notes of this is no different from writing notes for
18 any other incident. If you confer, then you should
19 admit that you have conferred, who you have conferred
20 with and what you have discussed. That's standard
21 evidence writing for any incident, irrespective of
22 whether that's a firearms incident or arresting
23 a shoplifter or dealing with football violence.
- 24 Q. Of course. What I want to put to you is that a lot of
25 the statements have standard paragraphs in them, almost

1 in the same words. For example, to do with perceptual
2 distortion. Did you know that?

3 A. No, sir.

4 SIR MICHAEL WRIGHT: These ACPO guidelines about the making
5 of notes, I know it's in a little book, isn't it?

6 A. It's a very large book, sir.

7 SIR MICHAEL WRIGHT: Is it something that's distributed to
8 every officer?

9 A. I am not sure whether -- it's not distributed to every
10 officer but the ACPO guidelines are gone through as part
11 of their training.

12 SIR MICHAEL WRIGHT: All right, part of the basic training?

13 A. Part of their basic training. And the writing of
14 evidential notes is clearly covered when they join the
15 job, initial training.

16 SIR MICHAEL WRIGHT: To take it at its very basic level, the
17 permission to confer, which we find in 2.59, qualified
18 by the requirement that the notes must nevertheless be
19 the individual officer's recollection?

20 A. That's standard note-taking policy.

21 SIR MICHAEL WRIGHT: And training?

22 A. And training.

23 SIR MICHAEL WRIGHT: From basic training when they first
24 join the force.

25 A. Upwards. Yes.

- 1 SIR MICHAEL WRIGHT: I see.
- 2 MR MANSFIELD: You see, the position now is it is impossible
3 to tell, because there is no record and no suggestion in
4 the statement, which bits have been discussed and
5 agreed -- if they were -- at all; do you follow what
6 I am putting to you?
- 7 A. I don't, sir.
- 8 Q. There are parts of statements that are in identical
9 wording, and TJ84 indicated, and others have agreed,
10 that these matters were discussed before pen was put to
11 paper. The problem now is we can't identify which bits
12 were discussed, what was agreed, even according to 2.59;
13 do you follow?
- 14 A. I can't answer the question, sir, it's not --
- 15 Q. You can't answer?
- 16 A. No.
- 17 Q. And the short answer is, I think from what you are
18 saying --
- 19 SIR MICHAEL WRIGHT: I think one of the difficulties, as
20 Mr Mansfield is making the point, is that 2.59 doesn't
21 require it, and there is no provision for anybody, as it
22 were, to sit in and supervise this procedure in order to
23 do what he is suggesting should be done, namely, if you
24 like, keep a sort of overview of how the statements are
25 prepared?

- 1 A. That's correct, sir, and the latest guidance doesn't
2 include that requirement either.
- 3 MR MANSFIELD: Yes, I'll come to a matter of the latest. In
4 fact, 2.59 does require a record being kept, doesn't it,
5 of issues discussed and with whom?
- 6 A. That's correct, sir, yes, it does.
- 7 Q. Yes.
- 8 A. That's for the individual officers to include within
9 their notes.
- 10 Q. Of course, but no individual officer has made it clear
11 which issues were discussed and were agreed. All right?
- 12 A. I will accept that that's the case, sir, yes. It's not
13 my remit to supervise them and ensure that they do.
- 14 SIR MICHAEL WRIGHT: You don't know anything about that
15 because you don't review the notes afterwards,
16 I suppose?
- 17 A. No, I don't.
- 18 MR MANSFIELD: Who does review the notes afterwards?
- 19 A. That's for the IPCC on this occasion to --
- 20 Q. No, normally. We know about the IPCC, I am treading
21 carefully, they were not involved at this particular
22 point. Now, so far as you are concerned and your
23 knowledge of normal practice, who would review the notes
24 or statements made by individual firearms officers?
- 25 A. That would be the Directorate of Professional Standards.

- 1 Q. Right. Was that done --
- 2 A. Not on the day, sir.
- 3 Q. No, all right. Was that done in this case?
- 4 A. At what time, sir? At some stage they would have
- 5 reviewed those statements because there would have been
- 6 supplementary statements requested, as I know.
- 7 SIR MICHAEL WRIGHT: So somebody in the DPS would have
- 8 looked at it?
- 9 A. And subsequently the IPCC.
- 10 SIR MICHAEL WRIGHT: Just go back a stage, forgetting about
- 11 DPS or anything of that kind, simply in ordinary routine
- 12 police work, after an officer has either completed his
- 13 notes or made a statement, according to the evidence
- 14 that he's in a position to give, is that reviewed?
- 15 A. That would, under normal circumstances, following
- 16 an arrest, either be reviewed by the custody officer or
- 17 the CPS prior to making a decision to prosecute or not.
- 18 SIR MICHAEL WRIGHT: It would eventually go to be considered
- 19 by the Crown Prosecution Service.
- 20 A. Yes.
- 21 SIR MICHAEL WRIGHT: Here of course we have a different
- 22 situation because there has been a police incident,
- 23 there has been an incident, and in this context the
- 24 Department of Professional Standards was having to make
- 25 an investigation?

- 1 A. They were carrying out the initial investigation at this
2 time, sir, yes.
- 3 SIR MICHAEL WRIGHT: So although it didn't happen then and
4 there, what you are telling us is that at some point the
5 Directorate of Professional Standards investigators
6 would review these statements?
- 7 A. They would, and on the 23rd it was certainly known that
8 the IPCC were picking this investigation up. So the DPS
9 were acting on behalf of the IPCC.
- 10 SIR MICHAEL WRIGHT: Thank you.
- 11 MR MANSFIELD: So the practical effect here is that, over
12 a long period of time on the 23rd, firearms officers
13 were left to themselves to write a detailed account of
14 the background and what happened on the day.
- 15 A. That's correct, sir, that's normal practice.
- 16 Q. You indicated that even under the changed regulations or
17 at least guidance, sorry, that is being passed by ACPO,
18 can I just put to you as a matter of detail what is
19 being said now, since you have referred to it, and would
20 you agree this: as a matter of general practice officers
21 should not confer with others before making their
22 accounts, whether initial or subsequent? That's what is
23 currently being suggested, isn't it?
- 24 A. I would have to look at the totality of that advice,
25 because I think that's an excerpt, sir.

- 1 Q. It is, and I am not suggesting it's totally prohibited,
2 but the emphasis is completely different now, isn't it?
- 3 A. No, sir, it's not. I believe that the non-conferring
4 relates to that, what was going on in their mind at the
5 time that they shoot.
- 6 Q. That, of course, covers a whole load of things that
7 relate to the background and the events that have
8 occurred, doesn't it?
- 9 A. No, sir, my interpretation of that would be at the time
10 that I am required to shoot, and what's going through my
11 mind at that time, and they are still allowed to confer
12 in relation to events that lead up to that. And with
13 the proviso that they make notes of who they have
14 conferred with and what it is that they have discussed
15 and that the notes are still their individual
16 recollection, whether or not they have conferred.
- 17 Q. Do we understand that the position, as you understand
18 it, in future is almost the same as it was in the past,
19 for this -- in relation to this case, in other words
20 what happened on that occasion could happen all over
21 happen; officers might be left for 10 hours to write
22 their own accounts?
- 23 A. I believe that's the case. There is nothing in that
24 guidance, sir, that says that officers will be
25 supervised whilst they write their detailed evidential

1 accounts. Just that they should not be conferring or
2 must not confer in relation to their personal feelings
3 at that time.

4 Q. Can I just trespass on the C012 situation. How
5 familiar, or can you remember what actually happened in
6 relation to them? They came to Lemna Street. You have
7 given your explanation as to why. Were they on the
8 23rd -- you have said you don't think they were in the
9 same room -- do you know where they were on the 23rd,
10 the S012 officers?

11 A. That was a large contingent, sir. I certainly have
12 a recollection that there were a number of those
13 officers who were in the canteen at Lemna Street. Where
14 the principal officers were, I am not -- I have no
15 record of that, sir.

16 Q. All right, well, I will ask Mr Edser who deals with
17 them. Insofar as making up notes, statements, the log
18 in their case, slightly different to the firearms, are
19 you aware of what happened there?

20 A. No, sir, no.

21 MR MANSFIELD: I'll leave it for Mr Edser, thank you.

22 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?

23 MR GIBBS: No questions, thank you.

24 SIR MICHAEL WRIGHT: Yes, Mr Stern.

25 Questions from MR STERN

- 1 MR STERN: I represent C2 and C12. The post-incident
2 procedure has a considerable amount of actions to
3 undertake?
- 4 A. Yes, that's correct, sir, yes.
- 5 Q. Just looking at C2 and C12, they had to obviously have
6 their clothing removed and bagged, as we know. They had
7 to have their weapons taken from them, and the
8 ammunition had to be counted out?
- 9 A. Yes, there was a weapons and ammunition audit carried
10 out by the Directorate of Professional Standards.
- 11 Q. That will be the same of course for all of the firearms
12 officers?
- 13 A. Yes, sir. Subsequently the DPS audited all of the
14 weapons that were used on that day.
- 15 Q. They have to have hearing tests?
- 16 A. As part of the ongoing support programme, yes, they
17 would. That would kick in over the next few days to
18 week.
- 19 Q. We know that so far as C2 and C12 are concerned, they
20 had showers?
- 21 A. Yes, that's correct, yes.
- 22 Q. We know that they saw doctors in FME?
- 23 A. That's correct, sir, yes.
- 24 Q. We know they went to hospital for various tests to be
25 carried out as well?

- 1 A. That's correct, yes.
- 2 Q. I think they went to the hospital at 17 minutes past 4;
3 it's in your statement, page 859, if you want to find
4 the exact time.
- 5 A. That's correct, sir, yes.
- 6 Q. Then at 5.43 that evening, the senior investigating
7 officer agreed that C2 and C12 could not make their
8 notes at that time?
- 9 A. That's correct. Obviously they had been given legal
10 advice not to do so.
- 11 Q. Yes. They had been, as we know, on duty since 7 am?
- 12 A. Yes, sir, the whole team had been on duty since the
13 early hours of the morning.
- 14 Q. So far as the short conversations that you had with
15 Trojan 84, as I understand what you have put in your
16 notes at 10.15, and 13.30, they are your recollection of
17 what Trojan 84 recalled that C2 and C12 and/or C12 had
18 said to him?
- 19 A. That's correct, sir, yes.
- 20 Q. The one at 10.15 was obviously very, very shortly after
21 the incident itself?
- 22 A. It was, sir, yes.
- 23 Q. I mean minutes?
- 24 A. I don't actually have a note that it was at 10.15. It
25 was obviously between 10.15 and 10.48, whilst I was in

1 the control room making the initial arrangements to have
2 Mr Davison sent to the scene and Trojan 1.

3 Q. Very shortly --

4 A. Very shortly after, sir, yes.

5 Q. Did you make your notes in the log at the same time, or
6 were they all done much later on, the notes?

7 A. No, the entries were done in between the time of when
8 it's timed and the next one, so I didn't -- this wasn't
9 left until the next day to complete. It was done at the
10 time.

11 Q. Right. At that point what Trojan 84 was saying to you,
12 amongst other things, was that as the suspect was
13 pointed out, that he had launched himself at the
14 officers, the SFO officers had intervened and shot the
15 suspect in the head?

16 A. That's correct, sir, yes.

17 Q. That was the brief explanation given then. Then I think
18 you spoke to him a little later at 1330 and what he was
19 saying to you, so this is about three hours after the
20 incident, three and a half hours?

21 A. That's correct, sir, yes, back at Lemman Street.

22 Q. Yes. Was this a face-to-face meeting with him?

23 A. It was, sir, yes.

24 Q. At that meeting he went into a little more detail,
25 I think, and as you have told us, some of that was what

1 he was saying had taken place in terms of the briefing
2 and various matters like that. What he was saying to
3 you is that the surveillance officers had reported that
4 the suspect appeared jumpy and furtive?

5 A. That's my recollection, sir, yes.

6 Q. So that's what he was saying to you three and a half
7 hours after this incident?

8 A. Trojan 84, yes.

9 Q. Yes, Trojan 84?

10 A. Yes.

11 Q. Because you didn't speak to anyone else. This is what
12 he is telling you?

13 A. Yes, sir.

14 Q. Either a mixture of what he recalls or what C2 and C12
15 had told him?

16 A. Yes. Some of this is his own recollection as part of
17 that ongoing operation and some of it would have come
18 from other officers.

19 MR STERN: Thank you very much.

20 SIR MICHAEL WRIGHT: Thank you. Ms Leek?

21 Questions from MS LEEK

22 MS LEEK: Just briefly, I ask questions on behalf of the
23 rest of CO19. You have been asked about making up notes
24 and I think it was suggested by Mr Mansfield that none
25 of the officers set out in their statements the basis

1 upon which they conferred, but of course none of the
2 officers in fact was asked about that, and if we have
3 a look at page 385, this is second statement of Vic, one
4 of the officers who has given evidence in these
5 proceedings.

6 If we look at the bottom of that page:

7 "My original statement made on 23 July was made as
8 my individual recollection of events believed by me to
9 be true. It was written in a room with the other team
10 members after we had collectively gone through events
11 chronologically."

12 Is that what you meant when you said that the IPCC
13 would ask for further information if there was any issue
14 about the conferring, that sort of statement?

15 A. No. My -- what I meant was that if the statement was
16 deficient in any way when the IPCC checked it, they
17 would clearly ask for a further statement to clear up
18 any ambiguity or omissions.

19 Q. Right, so in that second statement, bearing in mind that
20 there is nothing in the first statement about the
21 conferring, that's what's happened in that statement?

22 A. I am not too sure when this statement is dated.

23 Q. 18 October 2005.

24 A. Yes, I am assuming that that's in relation to a request
25 for a further statement, yes.

1 Q. Dealing with, amongst other things, the basis for
2 conferring?

3 A. Yes.

4 MS LEEK: Thank you.

5 SIR MICHAEL WRIGHT: Thank you. Mr Perry?

6 MR PERRY: No questions, thank you.

7 SIR MICHAEL WRIGHT: Mr King.

8 Questions from MR KING

9 MR KING: Yes, thank you, sir, I represent the Independent
10 Police Complaints Commission, Mr Costello. I do not
11 want to take time with matters that the jury are not
12 directly concerned with. But there is one answer that
13 you have given that I invite you to review.

14 You said during your evidence that on 23 July it was
15 known that the IPCC were picking this investigation up,
16 I think were your words?

17 A. Yes.

18 Q. In fact are you able to confirm that it was on 25 July
19 that the matter was referred to the IPCC? That's the
20 Monday.

21 A. It is my recollection that we were told on the 23rd that
22 this matter would be investigated by the IPCC. As to
23 the actual date that you would actually physically take
24 over the investigation, no, because I had, I distinctly
25 remember, a conversation in relation to that subject.

- 1 Q. All right. I am not going to try to investigate that
2 with you because it's not something --
- 3 SIR MICHAEL WRIGHT: It could hardly have surprised you?
- 4 A. No, I was surprised on the first day when I was told
5 that they would not be.
- 6 SIR MICHAEL WRIGHT: Yes, on the face of it, you would have
7 expected the IPCC --
- 8 A. Most definitely, sir, yes.
- 9 MR KING: Thank you.
- 10 SIR MICHAEL WRIGHT: Thank you, Mr King. Mr Horwell?
- 11 MR HORWELL: No, thank you.
- 12 SIR MICHAEL WRIGHT: Mr Hough?
- 13 MR HOUGH: No, thank you.
- 14 SIR MICHAEL WRIGHT: Mr Costello, thank you very much
15 indeed. That's all for you. You are free to stay or go
16 as you wish.
- 17 (The witness withdrew)
- 18 MR HOUGH: The next witness is Mr Edser.
- 19 DETECTIVE CHIEF INSPECTOR MARTIN EDSER (affirmed)
- 20 SIR MICHAEL WRIGHT: Thank you, Mr Edser, please sit down.
- 21 A. Thank you.
- 22 Questions from MR HOUGH
- 23 MR HOUGH: Is your name Martin Edser?
- 24 A. Yes, it is.
- 25 Q. I will ask you some questions first on behalf of the

- 1 Coroner and then you may be asked questions by others.
- 2 A. Thank you.
- 3 Q. In July of 2005, were you a Detective Inspector and
- 4 an acting Detective Chief Inspector in S012
- 5 Special Branch?
- 6 A. Yes, I was, sir.
- 7 Q. Were you on duty on Friday, 22 July in the morning?
- 8 A. Yes, I was.
- 9 Q. You have made a number of statements about these events.
- 10 If you want to have any of them to hand, please do.
- 11 A. Thank you.
- 12 Q. In particular were you on duty at about 10.30 in the
- 13 morning and did you hear at that time about the shooting
- 14 incident which had taken place not very long before and
- 15 which had involved indirectly S012 surveillance
- 16 officers?
- 17 A. Yes, I was.
- 18 Q. Shortly after that, in fact I think around 12 noon that
- 19 day, were you formally appointed as the post-incident
- 20 manager for S012?
- 21 A. Yes, I was.
- 22 Q. We have heard about the role of a post-incident manager
- 23 just with the last witness, so I won't ask you about
- 24 that.
- 25 After you had been appointed, what was your first

- 1 role or task?
- 2 A. It was to ensure that my surveillance teams were safe,
3 that none of them had been injured and to confirm
4 whether or not they had been involved in the shooting
5 themselves.
- 6 Q. Where did you meet them or speak to them?
- 7 A. I arranged for them to come back to our base and that's
8 what they did.
- 9 Q. Roughly what time of that day did they arrive?
- 10 SIR MICHAEL WRIGHT: Your base being Tintagel House?
- 11 A. Tintagel House, that's correct, sir. I believe it was
12 about -- check my statement. (Pause). It was around
13 about 12.45, I believe, or thereabouts.
- 14 MR HOUGH: In your first statement, made on the following
15 day, 23 July, you say you took possession of the
16 surveillance log at about 12.35 that afternoon. There
17 is an entry in the grey team surveillance log to that
18 effect. Did you take possession of that when the team
19 had got back?
- 20 A. Yes, sir, if I can clarify, not all the team arrived
21 back at the same time so by 12.45 the whole team had
22 returned.
- 23 Q. That's helpful. So they came back bit by bit and you
24 collected the log shortly after 12.30 that day?
- 25 A. That's correct.

- 1 Q. You made an entry into the log, and that's the grey team
2 surveillance log which the jury have seen and have
3 copies of in their bundle?
- 4 A. Yes, sir.
- 5 Q. Then did you retain possession of that log until it was
6 debriefed that evening by the team acting together?
- 7 A. That's correct, sir.
- 8 Q. We have heard that that debriefing took place starting
9 at 20 to 9 that evening, and going on until 10.30?
- 10 A. That's correct.
- 11 Q. Before that debriefing of the log, you had physical
12 custody of the log?
- 13 A. That's correct, sir, yes.
- 14 Q. During the course of the debriefing of the log, were you
15 present throughout?
- 16 A. I was, yes, sir.
- 17 Q. At the end, did you take it back?
- 18 A. I did, sir.
- 19 Q. We have heard about the process of debriefing the log,
20 so I'll be relatively brief with that. This was done
21 under the supervision of the team leader, James?
- 22 A. That's correct, sir.
- 23 Q. We have seen that in the course of debriefing the log,
24 individual officers made supplementary entries, and also
25 put their initials by entries in the contemporaneous

- 1 part which they subscribed to?
- 2 A. That is correct, sir.
- 3 Q. So that's the events relating to the grey team log.
- 4 During the course of that day, the 22nd, did any of the
- 5 surveillance officers go to Lemman Street or did they
- 6 just remain at Tintagel House?
- 7 A. No, we all went to Lemman Street on the 22nd.
- 8 Q. What time did you go there?
- 9 A. (Pause). I am not sure that I have a record of the time
- 10 of us arriving at Lemman Street.
- 11 Q. Some time in the afternoon?
- 12 A. Some time in the afternoon, yes.
- 13 Q. Where physically did you debrief the log?
- 14 A. The log was debriefed at Lemman Street. Most of the
- 15 afternoon we had spent in the canteen area at
- 16 Lemman Street. To the side of that as I remember was a
- 17 small briefing type classroom where the log was
- 18 debriefed.
- 19 Q. Was that just the grey team or were the red team at
- 20 Lemman Street as well?
- 21 A. It was just the grey team.
- 22 Q. During the time that you were with the grey team at
- 23 Lemman Street, did they spend any time with the firearms
- 24 officers who had been involved in the events?
- 25 A. No to my knowledge, sir, no.

- 1 Q. Were you aware of any discussions taking place between
2 them and the firearms officers on that day?
- 3 A. Not to my knowledge, no, sir.
- 4 Q. Moving on to Saturday, 23 July, did you on that day take
5 possession of the red team log?
- 6 A. Yes, I did.
- 7 Q. Had that already been debriefed?
- 8 A. Yes, it had.
- 9 Q. During the course of that day, where were the members of
10 the two teams?
- 11 A. The red team I believe were at Tintagel, and the grey
12 team initially came to Tintagel House and we later went
13 to Lemn Street.
- 14 Q. What did the grey team do at Lemn Street that day,
15 given that they had already debriefed their log?
- 16 A. They had to make statements regarding the events of the
17 22nd.
- 18 Q. Did they make those statements together?
- 19 A. They -- the whole team made their statements to start
20 with together and then the principal officers went off
21 to make their statements.
- 22 Q. During the course of that day were you aware of those
23 grey team officers having any conversations with the
24 specialist firearms officers who had been involved in
25 the events on the 22nd?

1 A. I believe the principal officers conferred with the S019
2 officers.

3 Q. By the principal officers, who do you mean?

4 A. Those officers who were on the carriage or near the
5 carriage at the time of the shooting.

6 Q. Can you tell us at what time of the day that conferring
7 took place?

8 A. I believe it was around about 10 past 9 in the evening.

9 Q. In the evening?

10 A. In the evening.

11 MR HOUGH: Thank you very much. Those are my questions.

12 SIR MICHAEL WRIGHT: Thank you. Mr Mansfield.

13 Questions from MR MANSFIELD

14 MR MANSFIELD: Good afternoon, Mr Edser, I am
15 Michael Mansfield. I represent the family.

16 A. Good afternoon.

17 Q. Just a few questions. It may be easier if we have the
18 grey team log, that's what I really want to ask you
19 about, on screen. Page 457. At the bottom of that
20 page, 8.40, we are dealing with events on the 22nd in
21 the evening when there is a debrief, and we can see your
22 name appears there. All right?

23 A. Yes, sir.

24 Q. I am sure you have seen this before. It goes over the
25 page, 9.39, your name appears again. All right?

- 1 A. That's correct.
- 2 Q. At the debrief, were the surveillance officers told not
3 to write up certain things?
- 4 A. It was on the advice of the DPS SIO, only to take the --
5 SIR MICHAEL WRIGHT: Sorry, the what?
- 6 A. Sorry, the senior investigating officer from the
7 Directorate of Professional Standards.
- 8 SIR MICHAEL WRIGHT: Yes.
- 9 A. Only to take the debrief up to the point where they went
10 down on to the platform.
- 11 MR MANSFIELD: Really? That's, if I may put it to you,
12 somewhat unusual, isn't it?
- 13 A. It would be usual for the surveillance team to do their
14 full surveillance debrief. However, you could argue
15 that surveillance had finished at that point. However,
16 that was the decision of the senior investigating
17 officer from DPS.
- 18 Q. Yes. It may be, but you were there to supervise the
19 integrity of the log itself as well as obviously
20 ensuring procedures are adhered to; is that fair?
- 21 A. My role in a normal surveillance debrief, I would not
22 have been present. It would have been for James, the
23 team leader, to conduct the debrief. On this occasion,
24 for the debrief to take place, I was asked by the senior
25 investigating officer, DCI Evans, to be present during

1 the debrief to ensure that the log was not or the
2 incident was not debriefed beyond the point where they
3 went down on to the tube platform.

4 Q. So they were not to talk about what happened in the
5 carriage at all?

6 A. That's correct, sir.

7 Q. Well, are you sure that that's what you were told?

8 A. Yes, sir.

9 Q. Right. In the light of that answer, you can see --
10 sorry, I am on the next page, 227 -- there is
11 a supplementary A, and then on the next page after that,
12 supplementary B, and on the next page after that -- so
13 we are going through it fairly quickly but you may have
14 seen them before. I'll go straight the way through
15 these supplementaries until we get to a supplementary
16 which comes towards the end, 236, supplementary E.

17 This is written, I presume you know the
18 hieroglyphics in the margin, I don't want their real
19 names, but you know who they are, do you, or not?

20 A. Some of them, I recognise, yes.

21 Q. The one supplementary E at the bottom of that page,
22 supplementary to the entry at 10.03, do you have that,
23 236 it is. You can look at it on the screen or you can
24 see it in a hard copy, I don't mind which.

25 A. Yes, I have it now.

1 SIR MICHAEL WRIGHT: "I saw the subject enter Stockwell tube
2 station", the last three lines.

3 MR MANSFIELD: This is written by or endorsed, all right,
4 it's endorsed by two officers, Ivor and Ken:

5 "... saw the subject enter the tube station, take
6 a free copy of the Metro, walk towards the barriers,
7 produced a ticket, passed through the barriers, turned
8 left, descended down an escalator towards the platform 1
9 and 2 northbound."

10 In fact it just goes on -- I am not going to read it
11 all out, the jury have seen it before -- left the
12 escalator.

13 Then if you turn on to 238, the next page, it talks
14 about him in the carriage. Do you see?

15 A. Yes, sir.

16 Q. So if that was the instruction not to deal with anything
17 in the carriage, certainly those two officers hadn't
18 understood that, had they?

19 A. The discussion during the debrief did not include going
20 down onto the platform and into the carriage. However,
21 those officers in their supplementary entries clearly
22 written ...

23 SIR MICHAEL WRIGHT: The idea of a debrief, or one of the
24 ideas of a debrief, as I understand it, is that
25 supplementary notes like this, this is the opportunity

1 for them to be written in.

2 A. That's correct, sir.

3 SIR MICHAEL WRIGHT: In order to enlighten and enlarge on

4 the original contemporaneous log entries.

5 A. That's correct.

6 SIR MICHAEL WRIGHT: Which are often done in a great

7 hurry --

8 A. And certain things may well be missed, yes.

9 SIR MICHAEL WRIGHT: Was this entry, so far as you are

10 aware, actually made during the debrief?

11 A. Yes, it was.

12 SIR MICHAEL WRIGHT: I see, thank you.

13 MR MANSFIELD: So you see, what is, if I may just ask you to

14 look at it, as we are now, 238, it actually stops before

15 any shooting or firing takes place, although they are in

16 the carriage; do you see? What it doesn't do is

17 describe, and this is all taking place in the debrief on

18 the 22nd; yes?

19 A. That's correct.

20 Q. In the evening. The procedure should have been for them

21 to do a full debrief and add and make any record they

22 wished to make of everything they had seen that day.

23 That's what should have happened, isn't it?

24 A. That would have -- what would have happened in normal

25 circumstances, yes.

1 Q. Right. So you may see why I am asking you this, we have
2 seen it once before, could we have 7124. It's
3 a document, I don't think you have it. It's part of the
4 Metropolitan Police Service guidelines for surveillance
5 logs. If it can't be obtained ...

6 SIR MICHAEL WRIGHT: It's there.

7 MR MANSFIELD: Sorry, it's a 9 that looks like a 1. 7924.

8 I'm sorry about that.

9 At the bottom "Debriefing", so the jury can see what
10 it says on the debrief, this comes from
11 Metropolitan Police Service guidelines for surveillance
12 logs, 2002:

13 "Whenever practicable there must be a full debrief
14 of the log by all operatives involved in the
15 surveillance operation. The time that the debrief
16 started and the location of the debrief, must be
17 recorded on the log. In situations whereby the location
18 could compromise covert premises [I am not reading the
19 rest of that, you don't put it in] the log will be read
20 through by the nominated loggist to ensure the content
21 of the surveillance log book is accurate. In the event
22 of there being any amendments, additions or corrections
23 these should be dealt with by way of supplementary entry
24 at the end of the log. These changes should be listed
25 in chronological order using the alphabet notation as

1 per pocket book rules."

2 Then:

3 "During the debrief process the nominated loggist
4 will collect the used personal issue log books and
5 record that fact in the surveillance log."

6 That's the overall position, or was at that time?

7 A. That's correct, sir, yes.

8 Q. In fact besides a directive that they have interpreted
9 in a particular way that they should not do that, in
10 other words describe the actual incident, were you given
11 a reason as to why on the 22nd they shouldn't describe
12 the shooting itself?

13 A. I was given no particular reason, no, sir. During the
14 day I had expressed to the DPS representative at
15 Lemay Street that normal practice would be for
16 a surveillance debrief to take place. It was eventually
17 agreed late in the day that it could take place up to
18 this point.

19 SIR MICHAEL WRIGHT: After?

20 A. Up to this point. Up to that point.

21 SIR MICHAEL WRIGHT: Originally what was being suggested,
22 there should be no debrief at all?

23 A. That the officers should make their notes and statements
24 without the debrief.

25 MR MANSFIELD: Thank you.

1 SIR MICHAEL WRIGHT: Just, perhaps the jury will not
2 appreciate this and I would like your help about it, the
3 Directorate of Professional Standards is a department of
4 the Metropolitan Police, is it not?

5 A. That's correct, sir.

6 SIR MICHAEL WRIGHT: Based in New Scotland Yard?

7 A. Yes, it is. Well, it has several locations, but yes.

8 SIR MICHAEL WRIGHT: The IPCC, as its name implies, is
9 an Independent Police Complaints Commission, not a part
10 of the Metropolitan Police and not based in New Scotland
11 Yard?

12 A. That's correct.

13 SIR MICHAEL WRIGHT: Yes. Mr Gibbs?

14 Questions from MR GIBBS

15 MR GIBBS: May I just ask one or two questions? I represent
16 the red and grey surveillance teams, Mr Edser.

17 What happened here, if I am right, is that the grey
18 surveillance team, like all surveillance teams, wanted
19 to debrief their log as soon as they could while the
20 events were still fresh in their minds?

21 A. Absolutely correct, yes, sir.

22 Q. And that's what surveillance officers do, but in most
23 surveillance operations the operation doesn't end with
24 some person lying dead as a result of police gunshots in
25 a railway carriage?

- 1 A. Absolutely correct, sir.
- 2 Q. So although the surveillance officers wanted to have
3 their debrief of the log as soon as possible and to
4 record the extra things that they could remember about
5 the follow while they were all freshest in their minds,
6 you were being given instructions from elsewhere that
7 there may be other considerations which prevented that?
- 8 A. That's correct, that's my dual role as the post-incident
9 manager was to facilitate the investigation from the
10 Directorate of Professional Standards, and also to
11 ensure that the surveillance officers were able to go
12 about their normal procedures as they would, and to look
13 after their welfare.
- 14 SIR MICHAEL WRIGHT: It may be that there were tensions
15 between the two different parts of the job?
- 16 A. I would say "tensions" was a bit strong, but there was
17 an eagerness for the surveillance officers to do their
18 normal debrief, and obviously for the investigation to
19 go about their normal investigation procedures.
- 20 SIR MICHAEL WRIGHT: And the two might not fit comfortably
21 together?
- 22 A. That's right.
- 23 MR GIBBS: I think that you ended up being something like
24 the spokesman for the grey team, saying, "Well, look, we
25 want to debrief our log", and eventually getting

- 1 permission to do it but only up to a certain point?
- 2 A. That's correct. I made several requests during the day
3 to the DPS representative at Leman Street.
- 4 Q. And we have heard that it may be that certain other
5 medical considerations kick in, when people have seen
6 something very violent and frightening, about whether
7 it's a good idea to write it all down then, or wait for
8 24 hours, and different people have different views
9 about that; is that right?
- 10 A. That's absolutely correct.
- 11 Q. I don't know whether any of that, whether that thinking
12 was voiced on the day as one of the reasons why they
13 should only debrief the log up to a particular point?
- 14 A. Well, it was on the instructions of the investigating
15 officer, but obviously the surveillance officers had had
16 legal advice and Federation advice during the day, so
17 there were again probably conflicting advice on both
18 sides.
- 19 Q. Again, they could only do what they were told they could
20 do?
- 21 A. That's correct.
- 22 Q. So the log, the grey log, had been handed to you by
23 probably the team leader, James, when he came back to
24 Tintagel House after the incident?
- 25 A. I believe that's correct, yes.

- 1 Q. You then had it in your possession?
- 2 A. That's correct.
- 3 Q. You took it with you to the debrief?
- 4 A. I had it throughout the day at Leman Street, yes.
- 5 Q. So it's in your possession; and then at 8.40 in the
6 evening they are allowed to debrief the log and they sit
7 down, and you are present throughout all of that?
- 8 A. I am, yes.
- 9 Q. And it took something short of two hours, I think, and
10 the log -- we can see it -- finishes at 10.30?
- 11 A. That's correct.
- 12 Q. And it's signed off and everyone who has been there
13 signs it off?
- 14 A. That's correct.
- 15 Q. I won't trouble you with the details, but there had been
16 both additions and subtractions -- that is crossings
17 out -- made, some initialled, some not initialled,
18 during that process; at the end of which it gets passed
19 back to you?
- 20 A. That's correct.
- 21 Q. Then from 10.30 onwards it's in your possession and they
22 never get to touch it again?
- 23 A. That's absolutely correct, yes.
- 24 MR GIBBS: Thank you very much.
- 25 SIR MICHAEL WRIGHT: Thank you.

1 MR STERN: No questions, thank you.

2 SIR MICHAEL WRIGHT: Thank you, Mr Stern. Ms Leek?

3 MS LEEK: No, thank you, sir.

4 MR PERRY: No questions, thank you, sir.

5 SIR MICHAEL WRIGHT: Thank you. Mr King?

6 MR KING: No, thank you, sir.

7 Questions from THE CORONER

8 SIR MICHAEL WRIGHT: You actually got into your hands,
9 physically, the red team's log on the following day?

10 A. I did, yes.

11 SIR MICHAEL WRIGHT: By that time it had already been
12 debriefed?

13 A. It had, yes.

14 SIR MICHAEL WRIGHT: Presumably at Tintagel House?

15 A. I believe that's correct, yes.

16 SIR MICHAEL WRIGHT: So this arrangement about going down to
17 Leman Street and only partially debriefing, that didn't
18 apply to the red team's log at all?

19 A. No, that's correct.

20 SIR MICHAEL WRIGHT: Why did you get it, just because you
21 happened to be the inspector handling this?

22 A. That's correct, yeah. DPS arrived at Tintagel the
23 following day, on the 23rd, and were collecting
24 exhibits, one of them being the two logs.

25 SIR MICHAEL WRIGHT: But it was purely incidental that the

1 red team log came out as an exhibit, it didn't have to
2 be -- nobody asked you to make it subject to any special
3 conditions?

4 A. No, that's correct.

5 SIR MICHAEL WRIGHT: I understand.

6 Further questions from MR HOUGH

7 MR HOUGH: Just one question arising out of that, Mr Edser.

8 Obviously the question of the red team not dealing
9 with the shooting in their debriefing of the log
10 wouldn't arise because none of their members had been
11 involved at that stage?

12 A. Absolutely correct.

13 SIR MICHAEL WRIGHT: So the considerations of shock, fright,
14 what I believe has been described as perceptual
15 distortion, didn't apply to the red team at all?

16 A. No, that's correct.

17 SIR MICHAEL WRIGHT: Very well.

18 MR HOUGH: Thank you very much.

19 SIR MICHAEL WRIGHT: Thank you, Mr Edser.

20 A. Thank you.

21 (The witness withdrew)

22 MR HOUGH: Sir, that's all we have for the jury, but there
23 are a couple of housekeeping matters.

24 SIR MICHAEL WRIGHT: Certainly. 10 o'clock tomorrow, ladies
25 and gentlemen.

1 (4.35 pm)

2 (In the absence of the jury)

3 (4.45 pm)

4 (The court adjourned until 10.00 am on

5 Thursday, 6 November 2008)

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