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1
                                         Wednesday, 1 October 2008
     (10.00 am)
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 3
                     (In the absence of the jury)
 4
     SIR MICHAEL WRIGHT: Yes, Mr Stern?
 5
     MR STERN: Sir, may I just mention one matter briefly in
 6
         relation to questioning of Andrew on Monday? Can I say
 7
         first of all, I am acutely aware of the time constraints
 8
         that we are under, and I am acutely aware of the
 9
         difficulties that places on you. Let me say that
10
         straightaway.
11
             I am concerned, though, about a couple of points
12
         that, sir, were raised by you which, if I may say so,
13
         with great respect, are not entirely accurate factually.
         They come at page 181. Sir, it's a very short point.
14
         I know Mr Hilliard will have the page.
15
16
             Sir, you indicated to the jury through me,
17
         obviously, that C2 and C12 were not even there at the
18
         early stage. The second matter is that their
         involvement did not start until they got to Stockwell
19
20
         station.
2.1
             Now, the significance of that, playing back, if
2.2
         I may, Mr Mansfield's cross-examination or questioning,
         perhaps I should say, is his assertion as I started the
23
         questions of Andrew, was this:
24
25
             "So it's clear to you why I am asking these
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questions, what I am wanting to demonstrate is that had
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 2
         an orange team with all the right structures actually
 3
         gone to Scotia Road at a much earlier time and been
         there at 9.34, it's a possibility..."
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 5
             You know what he said thereafter: that it wouldn't
 6
         have happened. That is an assertion that is not
 7
         accepted and it's important that that fact is not set
         out as a fact before the jury at this stage. That is
 8
         the matter that I was trying to deal with. I am sorry
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10
         if I didn't explain it properly on Monday.
11
     SIR MICHAEL WRIGHT: Yes. I remind you that at, I think it
12
         was the second pre-inquest review, the one that
         I presided over the first time, I hoped I had made it
13
         clear that while I was perfectly amenable to everybody
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15
         asking questions of an opinionative nature to those
16
         senior police officers who might be reasonably regarded
17
         as specialists or experts in their field, I didn't
         expect, as it were, the rank and file to be asked to
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         offer their views about everybody. I appreciate about
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2.0
         Andrew. That's the first point.
2.1
             The second point, of course, is that the firearms
         officers, for reasons which I am quite sure are
22
         absolutely sensible and admirable, have elected to be
23
24
         separately represented as to the two groups. That's
25
         fine but it merely means that the interests that are to
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- 1 be protected by each group are different, and in your
- 2 case, to be blunt, in my view are much narrower because
- 3 of the limits on their personal involvement.
- 4 MR STERN: I completely understand that, but may I say first
- 5 of all that this cause, as you told the jury at the
- 6 outset --
- 7 SIR MICHAEL WRIGHT: Forgive me one moment, just thinking
- 8 about what you said to me a moment ago, I understand the
- 9 point you are making about whether or not a team, some
- 10 team, could have intervened at Scotia Road long before
- 11 anything else had developed. But that, surely, is to
- 12 be -- first of all it's questions into which the senior
- officers, the planners, are interested. I am not
- 14 decrying C2 and C12's personal qualities, but they were
- 15 effectively the front line soldiers.
- 16 MR STERN: You are absolutely right, sir, but let me say
- 17 that straightaway, and I take your point entirely that
- on a very narrow interpretation, I do not have a brief
- 19 to ask the questions beyond those that you have set out.
- 20 But this is, of course, an inquisitorial nature inquest,
- 21 and you can be assured that Ms Leek and I will not
- 22 duplicate questions because we have obviously discussed
- 23 matters and ensure that we don't do that.
- 24 There are certain things at which she is abundantly
- 25 more talented than me in dealing with, which is most of

- 1 the case, but in relation to the small part of firearms
- 2 tactics, I have obviously the ear of those officers who
- 3 were present at the scene.
- Now, it's important that somebody, and I don't mind
- 5 who it is, but somebody deals with these issues. Sir,
- 6 you took up the very issue that you curtailed my
- 7 questioning on, and asked Andrew at the end that very
- 8 matter because you wanted to deal --
- 9 SIR MICHAEL WRIGHT: That's because at the end of the day,
- 10 what questions are and are not asked are a matter for
- 11 me.
- 12 MR STERN: I appreciate that.
- 13 SIR MICHAEL WRIGHT: I was dealing with other people's
- interests at that stage. Mr Stern, let us not labour
- 15 this.
- 16 MR STERN: No, I do not want to do that at all.
- 17 SIR MICHAEL WRIGHT: I am wholly unrepentant.
- 18 $\,$ MR STERN: Without wishing to be discourteous it may be --
- 19 SIR MICHAEL WRIGHT: If I have distressed you by curtailing
- 20 your cross-examination, I apologise. That doesn't mean
- 21 to say I will not do it again, not necessarily with you.
- 22 MR STERN: It isn't the first time and it won't be the last,
- I am absolutely sure.
- I do want to address this particular issue because
- 25 it comes to this, and if I can just explain in

- 1 a sentence what it is. The essential element is this:
- 2 that the only viable stopping place of Mr de Menezes, as
- 3 it turned out, it would seem, was between him getting
- 4 off the bus at Stockwell and going into the tube.
- 5 SIR MICHAEL WRIGHT: I doubt that very much.
- 6 MR STERN: Well, that is what I was going to deal with, with
- 7 Andrew, who is an independent firearms tactical adviser.
- 8 SIR MICHAEL WRIGHT: I don't think you need to be too
- 9 worried. You are certainly going to have Mr Tillbrook
- 10 and Mr Swain to deal with this.
- 11 MR STERN: Neither of them are firearms officers.
- 12 SIR MICHAEL WRIGHT: One is a training --
- 13 MR STERN: Neither of them are specialist firearms officers.
- 14 SIR MICHAEL WRIGHT: Forgive me, we have somebody, I may
- 15 have forgotten the name --
- 16 MR STERN: They deal with the training, that's absolutely
- 17 right but they are not tactical advisers, and that is
- 18 precisely why I wanted to deal with it through Andrew.
- 19 SIR MICHAEL WRIGHT: Do you want to have him back?
- 20 $\,$ MR STERN: T84 and obviously T80 --
- 21 SIR MICHAEL WRIGHT: Yes, they are also tactical firearms
- 22 officers.
- 23 MR STERN: They are, but they are witnesses of fact and that
- is why I wanted to deal with it through Andrew.
- 25 SIR MICHAEL WRIGHT: So I thought was Andrew.

- 1 MR STERN: Mr Mansfield expanded it and I reacted to that.
- 2 I just mention that.
- 3 SIR MICHAEL WRIGHT: Does anybody else want to make any
- 4 observations about this before I ask Mr Hilliard?
- 5 Mr Hilliard.
- 6 MR HILLIARD: Sir, I was going to say this: there is a short
- 7 point to this which is that what you indicated, looking
- 8 at the transcript, was that Mr Stern's questions should
- 9 be directed towards the interests of those individuals
- 10 who he represents; and you said that there were plenty
- 11 of others to deal with this question of intervention at
- 12 the different stages. As you have indicated, C2 and C12
- are separately represented from the other firearms
- officers, and on the face of it there have to be some
- 15 consequences that flow from that. Neither Ms Leek nor
- 16 Mr Perry sought to deal with this topic and they perhaps
- 17 wouldn't have faced the same hurdle that Mr Stern did.
- 18 SIR MICHAEL WRIGHT: I think that's right. Thank you,
- 19 Mr Hilliard.
- 20 As I have just indicated to Mr Stern, who has raised
- 21 his objection with, if I may say so, his usual courtesy,
- 22 it seems to me that the questions that he was asking of
- 23 Andrew, insofar as they related to C2 and C12, was not
- 24 dissimilar to counsel acting for two private soldiers in
- 25 the trenches in 1916 to offer criticism of

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1 General Haig's plan of attack, which for those who have
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- 2 read Siegfried Sassoon will know did for them.
- 3 I adhere entirely to the view I expressed to
- 4 Mr Stern. I remind myself and everybody else here that
- 5 what questions are and are not to be asked by individual
- 6 counsel in relation to the interests of the interested
- 7 parties whom they represent are a matter for me and
- 8 I will seek, so far as I can, to ask people to confine
- 9 themselves to the issues that they have to relate to,
- 10 that they have to deal with. I don't doubt, as this
- 11 inquest goes on, that I shall be in conflict with
- 12 counsel -- I hope not too often or not too crossly -- on
- the same issue again and again. But as long as the
- 14 controversy is dealt with in the amicable way that
- 15 Mr Stern and I have dealt with it, I don't really think
- I shall have any complaints and I hope he has not
- 17 either.
- 18 MR STERN: None at all, sir.
- 19 SIR MICHAEL WRIGHT: Very well, can we have the jury back?
- 20 MR HILLIARD: Please. Thank you. (Pause)
- 21 (In the presence of the jury)
- 22 SIR MICHAEL WRIGHT: Good morning, ladies and gentlemen.
- 23 Sorry to keep you waiting. There was a matter of law
- 24 that I had to discuss with counsel. As I told you at
- 25 the outset, I might be sending you out for matters like

- 1 that. The main reason is that so counsel and I can
- 2 address each other freely without too much eavesdropping
- 3 from the interested ranks of the jury box. However, we
- 4 are ready to go on now.
- 5 Yes, Mr Hough.
- 6 MR HOUGH: The witness today is Mr Boutcher.
- 7 DETECTIVE CHIEF SUPERINTENDENT JON BOUTCHER (sworn)
- 8 SIR MICHAEL WRIGHT: Thank you, Mr Boutcher. Please sit
- 9 down.
- 10 A. Thank you, sir.
- 11 Questions from MR HOUGH
- 12 MR HOUGH: Could you give your name and rank to the court,
- 13 please.
- 14 A. Yes, sir, it's Jon Boutcher, Detective Chief
- Superintendent attached to the Counter-Terrorism Command
- 16 at Scotland Yard.
- 17 Q. My name is Jonathan Hough. I'll ask you questions first
- on behalf of the Coroner and then you will be asked
- 19 questions by interested persons.
- 20 A. Good morning, sir.
- 21 Q. In July 2005, what rank did you hold?
- 22 A. I was Detective Superintendent, sir.
- 23 Q. Were you then in the SO13 Anti-Terrorist Branch?
- 24 A. That's correct, sir, yes, I was.
- 25 Q. Had you been working in that branch since November of

- 2003?
- 2 A. Yes, sir.
- 3 Q. I think you were actually on secondment but it was
- 4 a rather long secondment?
- 5 A. No, it was a placement there, sir.
- 6 Q. I think you had previously been posted, is this right,
- 7 in the National Crime Squad?
- 8 A. That's correct, sir, yes.
- 9 Q. And in the Flying Squad?
- 10 A. Yes, sir.
- 11 Q. Part of the Serious Crime Directorate which deals with
- 12 armed robberies and similar offences?
- 13 A. Serious and organised crime, yes, sir.
- 14 Q. In those postings had you been trained as a firearms
- 15 officer?
- 16 A. I had on the National Crime Squad and the Flying Squad,
- 17 yes, sir.
- 18 Q. Had you performed the role of Silver Commander many
- 19 times?
- 20 A. I had, sir, yes.
- 21 Q. Both in a control room and on the ground?
- 22 A. Yes, sir.
- 23 SIR MICHAEL WRIGHT: To what level had you been trained as
- 24 a firearms officer, Mr Boutcher, specialist firearms
- 25 officer?

- 1 A. It's slightly different on the National Crime Squad,
- 2 sir. We deal with armed interventions. So not the
- 3 level of specialist firearms officer, but dealing with
- 4 MP5s, machine guns, automatic handguns, and to do armed
- 5 interventions, arrests, if you like crime in action type
- 6 of style of arrests.
- 7 SIR MICHAEL WRIGHT: Thank you.
- 8 MR HOUGH: After the attacks on 7 July 2005, I think you
- 9 were appointed as senior investigating officer for the
- 10 proactive investigation?
- 11 A. That's correct, yes, sir.
- 12 Q. Does that mean you were in general managerial
- 13 responsibility of the operation to find those
- 14 responsible?
- 15 A. Yes, that's correct, sir. My responsibility was to
- 16 identify and locate those responsible for the attacks on
- 17 7/7 and 21/7.
- 18 Q. Now, we will get to the detail of how you were
- 19 appointed, but is this right, from 21 July you performed
- 20 the same role in respect of the attempted attacks on
- 21 that day?
- 22 A. I did, sir, yes.
- 23 Q. So is this right, on the 21st you had both those
- 24 responsibilities?
- 25 A. Yes, sir. If I could just expand on that. Colleagues

- were appointed, senior investigating officer roles for
- 2 the 7 July attacks dealing with the reactive
- 3 investigation, the collection of evidence from the
- 4 scenes, which was obviously an enormous responsibility
- 5 and investigation. And my responsibility from 7 July
- 6 was to deal with the key and high priority leads to
- 7 identify those responsible for the event, and similarly
- 8 with 21 July.
- 9 Q. Yes. We have heard about at least one of the people
- 10 appointed in the reactive investigation, that is to say
- 11 finding evidence at the scene and communicating that
- 12 evidence to those at Scotland Yard?
- 13 A. Yes.
- 14 Q. I think you made three significant records of what went
- on on 21 and 22 July, and if I can just go through them.
- 16 First of all, in time, there is your red book, and we
- 17 have heard about that kind of document, sketchy
- 18 handwritten notes made by you of things that you were
- doing or had to do?
- 20 A. Yes, sir.
- 21 Q. I think you have got your red book with you?
- 22 A. I have, sir, yes.
- 23 Q. Second in time, I think you made a tape recording on the
- evening of 23 July, which has been transcribed?
- 25 A. That's correct, sir, yes.

- 1 Q. That focused on events on the 21st and 22nd?
- 2 A. Yes, it did, sir.
- 3 Q. Then third in time, there is an electronic running log
- 4 of the operation, the relevant section of which was,
- 5 I think, completed by you on 2 August 2005?
- 6 A. If I could just explain that, sir, there is
- 7 an electronic log. It was finalised on 2 August when
- 8 I signed the original as it being completed, but it was
- 9 a document that existed from the 21st, and I'm adding to
- 10 it throughout that period.
- 11 SIR MICHAEL WRIGHT: Yes. Was it exclusive to you or was it
- being contributed to by other officers?
- 13 A. No, sir, the document has a reference section for those
- 14 who are inputting a particular part of the document. So
- it identifies --
- 16 SIR MICHAEL WRIGHT: So it's a composite effort?
- 17 A. Yes, sir.
- 18 MR HOUGH: When I need to show you elements of -- to entries
- 19 in those different records, I will ask them to be put on
- 20 screen.
- 21 A. Certainly.
- 22 Q. That's for speed. So that in case others want to direct
- 23 the jury to hard copies, and because they are important
- documents, we are going to have them handed to the jury
- 25 now. These will all go into tab 44 of the bundle, and

- 1 first of all into tab 44 if you put in what's being
- 2 handed to you first, which is the transcript of the tape
- 3 recording. (Handed)
- 4 Just to be clear on this, Mr Boutcher, when the jury
- 5 come to look at this, it's dated at the bottom
- 6 16 November 2005. I think that's just the date you
- 7 authenticated the transcript?
- 8 A. That would be correct, sir, yes.
- 9 Q. You actually made the recording just a couple of days
- 10 after the events?
- 11 A. The following day, sir, yes.
- 12 Q. The next thing I am asking to be handed up is a copy of
- 13 the log, and the jury will be able to see the pages of
- 14 that because each page has the word "secret" at the top.
- 15 (Handed)
- 16 That goes into tab 44 immediately after the
- 17 transcript. Then finally, a smaller document, a set of
- handwritten notes with the word "Vivace" on the top. If
- 19 that can go in as the third part of tab 44, and that's
- 20 the entry from your red book that you were jotting on
- 21 the day?
- 22 A. Yes, sir. (Handed)
- 23 Q. As I say, I'll have entries put up on screen so that the
- jury don't need to flick through those while we are
- 25 going along, but what I will ask you to have to hand is

- 1 a statement which you made, I think, on
- 2 16 November 2005.
- 3 A. Yes, sir.
- 4 Q. Do you have that there with you?
- 5 A. Yes, sir.
- 6 Q. Can I begin with the period from 7 July to 21 July? Is
- 7 this right, over that period, you were pursuing leads
- 8 from the investigation into the 7 July bombings?
- 9 A. Yes, sir.
- 10 Q. In the course of that, I think you sometimes had to
- 11 deploy both firearms teams and surveillance teams?
- 12 A. Yes, sir, that's correct.
- 13 Q. And also other assets, some of which may be secret?
- 14 A. That's correct, sir, yes.
- 15 Q. I think that also involved working with a range of
- 16 agencies both within and outside the
- 17 Metropolitan Police?
- 18 A. Yes, sir.
- 19 Q. Over that period, were you initially using a suite in
- New Scotland Yard called the C3000 suite?
- 21 A. Not continually, sir, for part of the period, for part
- of the operation, we did use that suite, but not
- 23 continually.
- 24 Q. Did a time come when you stopped using that suite?
- 25 A. We used it, sir, if I could explain, to resolve

- 1 a particular line of inquiry at some premises in London,
- 2 to control them with armed surveillance and a specialist
- 3 firearms team at that location.
- 4 Q. Did a time come when you decided to use the 16th floor
- 5 operations room?
- 6 A. For future deployments, yes, sir.
- 7 Q. Did you perform an exercise to test the suitability of
- 8 that room?
- 9 A. If I can explain again, sir, between the periods of the
- 10 7th and the 21st, I convened a number of stakeholders
- 11 together, both from within the Metropolitan Police and
- 12 outside, partner agencies, to test interoperability,
- radio communications, chain of command. And an exercise
- 14 was devised and it was run on my behalf or following my
- 15 request by Superintendent Connell from Special Branch
- and it was run on 15 July.
- 17 Q. Was that operation called Operation CATTO, C-A-T-T-O?
- 18 A. I believe it was, sir, yes.
- 19 Q. Was that exercise both to test the interrelation between
- 20 the police and other agencies, other
- 21 intelligence-gathering agencies?
- 22 A. Other intelligence-gathering agencies and other partner
- agencies working in terrorism as well, sir.
- 24 Q. In the course of that, did you also test such matters as
- 25 the use of the 16th floor room and also the connection

- of the DSO, designated senior officer position, with
- 2 other agencies?
- 3 A. I wasn't there on the date, on the 15th, sir. I would
- 4 need to look at documents to establish that, I am
- 5 afraid.
- 6 Q. Are you aware, did that exercise throw up any
- 7 difficulties?
- 8 A. I have subsequently read a debriefing document, and some
- 9 issues were identified from that with regards to, you
- 10 know, learning and improving, sir, certainly.
- 11 Q. Did it throw up any concerns about the 16th floor room?
- 12 A. I think we are always looking to improve, sir, so there
- 13 were some issues in the document which I would need to
- look at to refresh my memory, but I think there were
- 15 some issues identified, yes.
- 16 Q. Could we have D07797 on screen, please.
- 17 Do you recognise this as one of the debrief
- 18 documents?
- 19 A. I do, sir, yes.
- 20 Q. I am just going to read from the section "Operations
- 21 Room":
- 22 "It was generally agreed that the increased number
- of personnel coupled with the numerous
- 24 visitors/observers added to the already chaotic initial
- 25 environment. The increased sound level generated by

- 1 this and the radio traffic, see comms, also contributed
- 2 to the sometimes confusing picture. It was also
- 3 mentioned that by perhaps grouping agency units together
- 4 per subject, it would have been easier to quickly
- 5 establish a clearer picture."
- 6 Then there is a discussion about assigning
- 7 designated seats and so on.
- 8 A. Yes, sir.
- 9 Q. Can you explain what that concern related to?
- 10 A. I wasn't there at the time, sir. That was Mr Connell.
- 11 It was some three years ago. Superintendent Connell was
- 12 responsible for the debrief document, the learning
- 13 document, and he was there on the events of 21 and
- 14 22 July to ensure that any best practice that had been
- identified could be adopted for the operation we
- 16 conducted on the 21st.
- 17 Q. So any concern like that had been identified and was
- 18 being taken into account on the 21st and 22nd?
- 19 A. Through Mr Connell, sir, yes.
- 20 Q. I think that can be taken off screen now.
- 21 Now, moving on to 21 July, were you in New Scotland
- 22 Yard when information was coming in about the attempted
- 23 bombings?
- 24 A. I was, sir, yes.
- 25 Q. I won't give you the times of all of them, but the first

- 1 we know is timed at 12.36 and the last at 11 minutes
- past 1 in the afternoon?
- 3 A. Yes, sir.
- 4 Q. Did you immediately note similarities with the 7/7
- 5 bombings?
- 6 A. I did, sir, yes.
- 7 Q. What were those similarities, the obvious ones?
- 8 A. The obvious ones, because the locations, transport,
- 9 infrastructure being attacked and the actual devices,
- 10 hydrogen peroxide devices which we had only seen
- 11 previously on 7 July.
- 12 Q. During the afternoon, in your statement -- I am at
- 13 paragraph 7 -- you say that you were tasked by
- 14 Commander McDowall to "prepare a proactive capability as
- a contingency should those responsible be identified"?
- 16 A. That's correct, sir, yes.
- 17 Q. Can you expand on the meaning of that, what were you to
- 18 do?
- 19 A. That was for me to prepare and continge a proactive
- 20 capability which involved such things as surveillance,
- 21 as a firearms response, as a control room capability
- 22 being staffed, technical support assets so that we could
- 23 try to deploy sensitive means to obtain intelligence,
- and to have a command structure for that.
- 25 Q. Could we have on screen, please, document page 240.

- 1 Now, this is the first page, relevant page, of your red
- 2 book?
- 3 A. Yes, sir.
- 4 Q. We see at the top of that the various locations of the
- 5 attempted bombings being noted?
- 6 A. Yes, sir.
- 7 Q. Then towards the bottom, do we see the words "things to
- 8 do" just above the word "McDale" or "McDaid"?
- 9 A. Oh, yes, sir, sorry.
- 10 Q. "Things to do". Then underneath that, do you see the
- acronyms, "SCD11"?
- 12 A. Yes, sir.
- 13 Q. Is that a division of the Serious Crime Directorate?
- 14 A. That's the surveillance element, sir.
- 15 Q. Then SO19?
- 16 A. Yes, sir.
- 17 Q. So SCD11 is another source of surveillance teams other
- than SO12 Special Branch?
- 19 A. Yes, sir, that's correct.
- 20 $\,$ Q. So are you there recording that you need to do something
- 21 about having sufficient resources of SCD11, surveillance
- teams, and CO19 firearms teams?
- 23 A. Yes, sir, and next to that is Joe Connell, the
- 24 superintendent that I asked to assist me in arranging
- those assets.

- 1 Q. That can come off screen now. Roughly what time of the
- 2 day did you have the discussion with
- 3 Superintendent Connell?
- 4 A. It was some three years ago now. I couldn't be precise,
- I am afraid, sir, but during the evening I think I spoke
- to him on a number of occasions.
- 7 Q. Did you also speak to somebody separate in the CO19
- 8 firearms division?
- 9 A. I did, sir, yes.
- 10 Q. Who was that? Well, in fairness, I should tell you he
- 11 has been anonymised so if you don't know his anonymous
- 12 name, I can give you a prompt.
- 13 A. I believe I do. Perhaps you could prompt me, sir.
- 14 Q. He may be Inspector ZAJ?
- 15 A. Yes, sir. Yes.
- 16 Q. Was he the oncall CO19 tactical adviser at the time you
- 17 spoke to him?
- 18 A. Yes, sir, he was.
- 19 Q. And therefore responsible for arranging resources?
- 20 A. Yes, sir.
- 21 Q. Did you see him in the CO19 reserve room?
- 22 A. No, sir. I contacted the reserve room at CO19 and he
- 23 attended Scotland Yard.
- 24 Q. What did you ask of him?
- 25 A. Obviously I basically explained the situation and that

- 1 we would require a firearms capability, both overnight
- 2 and as an emergency contingency and for the following
- 3 day, and indeed for the longer term for the likely
- 4 deployments over a period of time from that point.
- 5 Q. So we have you speaking to Superintendent Connell to
- 6 arrange surveillance, and Inspector ZAJ to arrange
- 7 firearms cover?
- 8 A. That's correct, sir, yes.
- 9 Q. And all on a contingency basis?
- 10 A. Yes, sir.
- 11 Q. Did you also ask for the operations room to be opened
- 12 and staffed?
- 13 A. I did, sir, yes.
- 14 Q. Perhaps we can have page 231 of the documents on screen.
- 15 This is another page from your red book, I think.
- 16 It's part of the tape transcript. At the very
- 17 bottom of the page, do you see these words:
- 18 "I similarly had a conversation with
- 19 Superintendent Connell. Superintendent Connell also
- 20 undertook to open the 16th floor operations room of
- 21 SO12."
- 22 A. Yes, sir, that's correct.
- 23 Q. So did you arrange the opening of that room through
- 24 Superintendent Connell?
- 25 A. I did, sir, yes.

- 1 Q. Now, again, if that can be taken off screen, and on the
- 2 screen perhaps page 242. This is a page from your red
- 3 book. Towards the bottom of that page, do we see the
- 4 words:
- 5 "Six teams, four times SCD11 teams, two times S012".
- 6 A. That's correct, sir. As I said, the SCD11 is the
- 7 surveillance element from the Serious Crime Directorate,
- 8 and the two SO12 teams are surveillance teams and that's
- 9 for the next morning, so we have got six surveillance
- 10 teams available from the next day.
- 11 Q. From what time the next day?
- 12 A. 7 am, sir.
- 13 Q. So those are the surveillance resources you will have
- from 7 am on 22 July?
- 15 A. Yes, sir.
- 16 Q. Then two lines down:
- 17 "2/3 SO12".
- What does that mean?
- 19 A. That was -- I was told by Mr Connell we had sort of two
- 20 to three SO12 in numbers, surveillance teams available
- 21 to cover the overnight contingency.
- 22 Q. So we have you during the afternoon and evening
- 23 arranging cover for surveillance, and two to three teams
- 24 overnight, six teams coming onstream in the morning?
- 25 A. That's correct, sir, yes.

- 1 Q. Then a few lines down, "S019". What does that refer to?
- 2 A. Again, the requirement to contact SO19 to arrange
- 3 coverage as well, sir.
- 4 Q. Then "ops room" with a tick by that. Is that
- 5 a reference to opening the operations room?
- 6 A. I believe so, sir, yes.
- 7 Q. Again that can be taken off screen. Did you also make
- 8 contact with the technical support unit of the
- 9 Serious Crime Directorate to ensure that they prepared
- 10 any assets they might have?
- 11 A. Yes, it was to make contact with a detective inspector
- again for the nights, and a detective inspector for the
- day shift to enable us to deploy again sensitive
- 14 techniques to obtain intelligence.
- 15 Q. Inspector ZAJ, did you expect that he would remain at
- 16 Scotland Yard for a period of time, or did you expect
- 17 him to leave at some particular point?
- 18 A. From my recollection, sir, following speaking to
- 19 Inspector ZAJ, a further tactical adviser, who -- I know
- 20 Inspector ZAJ and a further tactical adviser who
- 21 I believe is Andrew.
- 22 Q. Andrew, yes?
- 23 A. Andrew came to Scotland Yard to be the senior tactical
- 24 adviser in the operations room for that night shift.
- 25 Q. So as far as you knew, at the time, it was going to be

- 1 ZAJ, then Andrew responsible for arranging the resources
- which you knew you needed?
- 3 A. I think, sir, my understanding was that I had spoken to
- 4 Inspector ZAJ and his senior officer, the Chief
- 5 Inspector Andrew, then came to speak to me because of
- 6 the seriousness, to actually be the specific point of
- 7 contact for arranging the firearms overnight.
- 8 Q. I'll try to do this without showing you a record for
- 9 fear of breaching anonymity of one witness.
- 10 Did you establish that afternoon and evening the
- 11 need for a structure of senior investigating officer and
- 12 deputy?
- 13 A. Yes, sir.
- 14 Q. Who was going to be the senior investigating officer?
- 15 A. It would have been myself, sir.
- 16 Q. Who was going to be your deputy?
- 17 A. DCI Angie Scott, sir.
- 18 Q. Did you speak with her and make that agreement?
- 19 A. Yes, sir.
- 20 Q. Can I now move to a series of meetings to put things in
- 21 a context of time. We have heard about a meeting at
- 22 5.05 in the late afternoon of the 21st when four
- 23 explosives officers gave a detailed briefing about the
- 24 nature of the devices that had been found?
- 25 A. Yes, sir.

- 1 Q. Do you recall being present for that meeting?
- 2 A. Approximately 5 pm, sir, yes.
- 3 Q. We have also heard about a meeting at which
- 4 an operational overview was given, that meeting at 6.15.
- 5 A. I have no record of that in my statement, sir, I can
- 6 see.
- 7 Q. Well, perhaps we can have on the screen page 853 of the
- 8 exhibits. This that you will be seeing in a moment is
- 9 a page from a log kept by Mr Forteath, who was the staff
- officer for Mr McDowall. Zero in on the 6.15 time:
- "Full meeting and a conference call to
- 12 West Yorkshire."
- 13 Then record of various people making contributions
- 14 to the meeting. Just before halfway down the set of
- 15 bullet points:
- "DCS Boutcher, SO11, TSU, SO19 briefed".
- 17 A. That's helpful, yes, sir, I was at that meeting.
- 18 Q. By that time, does that record you saying that those
- 19 three divisions had received some form of briefing about
- 20 what was needed of them?
- 21 A. I think some form of update as to what the situation was
- 22 at that time, sir, yes.
- 23 Q. Can we next have page 232 of the documents, please.
- 24 This is another page of the transcript of your tape
- 25 recording. Right at the top of the page, do you see

- 1 these paragraphs:
- 2 "Later on that evening I spoke to Andrew, explaining
- 3 the detail of what I was aware. I discussed the
- 4 firearms authority for which I was applying with him and
- 5 also with Detective Chief Superintendent Tim White, who
- 6 would be the authorising officer ..."
- 7 Then:
- 8 "At 11.50 pm on Thursday 21 July ... Mr White
- 9 authorised upon my application to him for the deployment
- of SFO SO19 teams, with regards to the intention to
- 11 locate and identify the people who were responsible for
- 12 the attacks, as produced from the images of the CCTV
- 13 footage."
- 14 So does that record you discussing with both Andrew
- and with Mr White the need for a contingent
- 16 authorisation for the use of firearms by CO19 officers?
- 17 A. Yes, sir, it does.
- 18 Q. Andrew, in the operational policy \log -- I can show it
- on screen if I need to -- puts a time of a discussion
- with you at about 9.50 that evening. Is that something
- 21 you recall?
- 22 A. I spoke to Andrew through that period, sir. The timing
- I am afraid now I probably can't help you with.
- 24 Q. Moving on to another meeting, 10.10 that evening, one we
- 25 have heard about many times, that was another meeting of

- 1 the command team. Do you recall being present at that
- 2 one?
- 3 A. Yes, sir, I do. Approximately 10 pm, I have.
- 4 Q. Was that a general review of the investigation?
- 5 A. Yes, sir.
- 6 Q. Was anything said at that meeting about the possibility
- 7 of a media appeal?
- 8 A. Yes, it was discussed, yes.
- 9 Q. At that stage, did that seem to be finding favour with
- 10 the command team?
- 11 A. Yes, sir, for the following morning, because of the
- 12 public safety responsibility we have.
- 13 Q. I am at paragraph 10 of your statement now. Was
- 14 an instruction given to
- 15 Detective Superintendent Macbrayne who was responsible,
- I think, for forensics at that meeting?
- 17 A. It was, sir, yes.
- 18 Q. What was that instruction?
- 19 A. It was to establish the contents of the bags or of any
- 20 clothing discarded by the attackers as a priority and
- 21 that followed from our learning from 7 July when each of
- the bombers had carried forms of identification.
- 23 Q. Just pursuing that point through, were you aware of any
- 24 difficulties or delays that occurred in examining the
- 25 rucksack from the Shepherd's Bush attack to which

- 1 Mr Osman was linked?
- 2 A. At that time, no, sir.
- 3 Q. Did you later become aware of such difficulties?
- 4 A. Recently, sir, yes.
- 5 Q. Can you say what they were or would you rather not?
- 6 A. It wouldn't be for me to say, I don't think, sir.
- 7 Q. I see. Now, at the time of the 10.10 meeting, is this
- 8 right, a CCTV trawl was underway; the MPS was fervently
- 9 looking through the CCTV footage in various places to
- 10 try to find good images of the suspects?
- 11 A. That's correct, sir.
- 12 Q. Is this right, at that time, at the time of that
- 13 meeting, there were two good images?
- 14 A. There were, sir, yes.
- 15 Q. From which sites were they?
- 16 A. They were from the Oval and from the bus attack, sir.
- 17 Q. So not Mr Osman, not Shepherd's Bush?
- 18 A. Not at that time, sir, no.
- 19 Q. Was anything decided at that meeting about firearms
- 20 authorisation?
- 21 A. It was shortly after that meeting, sir, that I certainly
- 22 approached Mr White and obtained the authority for the
- 23 firearms.
- 24 Q. We have heard that he gave oral authority just before
- 25 midnight?

- 1 A. Yes, sir, I believe it was 11.50.
- 2 Q. And that authority was later written up?
- 3 A. Yes, sir.
- 4 Q. He has told us that the authority contains your
- 5 reasoning but signed off by him?
- 6 A. That's correct, sir, yes.
- 7 Q. I am at paragraph 11 of your statement now. Did you
- 8 give DCI Scott any instruction about arranging firearms
- 9 cover?
- 10 A. I asked DCI Scott to identify the Silver firearms
- 11 commanders for potential deployment for the morning,
- 12 sir.
- 13 Q. So for potential deployment because no specific address
- or operation had been identified by this stage?
- 15 A. That's correct, sir.
- 16 Q. Perhaps the jury could look in tab 40 of the jury bundle
- 17 at page 31 of that. I don't know if the jury bundle can
- be made available to the witness.
- 19 A. There is a jury bundle here, sir.
- 20 Q. Good. I don't know if it's been updated, if tab 40 has
- 21 the firearms authority in it.
- 22 A. Yes, sir, it's here.
- 23 Q. Good. Now, I am not asking for this to be put on screen
- in case a redaction has not been made. Page 31 in the
- 25 bottom right-hand corner, please. I'll read out the

- 1 entry:
- 2 "DCI Scott tasked to identify and brief Silver
- 3 Commander for deployment with SFO standby team who will
- 4 remain at base awaiting intelligence developments."
- 5 A. Yes, sir.
- 6 Q. Now, you have said that the task for DCI Scott was to
- 7 identify Silver Commanders for possible deployment?
- 8 A. That's correct, sir, yes.
- 9 Q. The reference here is to "brief Silver Commander for
- 10 deployment with SFO standby team". Had a standby team
- 11 been identified by this stage?
- 12 A. This document, sir, if I put this in context, this is --
- 13 I wrote this document after the meeting with Mr White.
- I think I went off shortly after 2.30 and this is the
- 15 document I was doing before I went off. That entry is
- 16 for DCI Scott, as I have already explained, to arrange
- 17 the Silver Commanders for the teams in the morning. By
- brief, it's to make sure that -- and however she did it,
- 19 to make sure that they were aware that they were
- 20 a contingency for the morning teams, of which we had
- 21 two.
- 22 SIR MICHAEL WRIGHT: This is in fact your document, is it?
- 23 A. I wrote this, yes, sir.
- 24 MR HOUGH: Mr White confirmed that Mr Boutcher --
- 25 SIR MICHAEL WRIGHT: You are quite right, he did, yes.

- 1 MR HOUGH: I think in fact this page has been redacted, so
- 2 page 31 of the jury bundle can now be put on screen.
- 3 It's the middle part of the page, "DCI Scott tasked".
- 4 Then does it go on to say:
- 5 "Surveillance teams from SCD11 [which you have
- 6 spoken about] and SO12 also mustered as contingency and
- 7 teams allocated to day and night cover under the
- 8 direction of..."
- 9 Then an officer from SO12?
- 10 A. Yes, sir.
- 11 Q. So is that recording what had been done by the time you
- 12 left to set up the resources for deployment of, first of
- all, firearms teams and secondly surveillance teams?
- 14 A. Yes, sir.
- 15 Q. Was the purpose of having a standby team and having
- 16 Silver Commanders briefed to allow for a specialist
- 17 firearms officers team to be sent at short notice?
- 18 A. This document, sir, as I say, was what I was doing
- over -- well, until I left at 2.30. So this covers the,
- 20 if you like, arrangements I have made for the morning,
- 21 but I had put in place a contingency overnight with
- 22 surveillance and with the senior tactical adviser,
- 23 Andrew, in the operations room, and a single team
- 24 existed on standby in a Central London location, as
- 25 I understood it.

- 1 Q. I don't think we need to be mysterious about that,
- because it's been discussed before; that was the base at
- 3 Leman Street; is that right?
- 4 A. My understanding was, sir, yes.
- 5 Q. I think that can be taken off screen for the moment.
- I am now at paragraph 12 of your statement. Did you
- 7 discuss the firearms strategy with Mr McDowall?
- 8 A. Yes, sir.
- 9 Q. Did you also discuss it with Mr White?
- 10 A. Yes, sir, I did.
- 11 Q. What was the conclusion of those discussions?
- 12 A. In effect, if we identified that suspects were at
- 13 a given premises, inside a specific location, we would
- 14 be likely to adopt a negotiation, a containment and
- 15 negotiation strategy at that location.
- 16 Q. As opposed to?
- 17 A. As opposed to -- that would, if you like, that tries to
- 18 articulate where we finally identified where our bombers
- 19 are, and I can explain as the operation continued, we
- 20 did on occasion identify where our bombers were, as
- 21 opposed to watching, learning, listening to try to find
- 22 out where they had in fact gone after the events of the
- 23 21st, through surveillance and various other techniques
- 24 to try to locate them.
- 25 Q. Can we have page 205 on screen, please. This is a page

- from your running log?
- 2 A. Yes, sir.
- 3 Q. It's about halfway down the page:
- 4 "DCS White authorised the firearms deployment."
- 5 We know, and then you are recording this:
- 6 "Should intelligence develop and suspects be located
- 7 and identified within premises, this would be
- 8 a containment and negotiation strategy. The tactical
- 9 option of a rapid entry is not likely under the
- 10 circumstances of this investigation. Upon being
- identified and located, subjects shown in any CCTV
- imagery will be arrested at the earliest and safest
- opportunity. There will be no evidence-gathering
- 14 process. Public safety dictates the need to urgently
- 15 arrest these men."
- 16 A. Absolutely, yes, sir.
- 17 Q. Does that accurately record the tenor of your
- 18 discussions with Mr McDowall?
- 19 A. Yes, sir.
- 20 Q. That can be taken off screen now. In the course of this
- 21 evening, did Andrew make any recommendation to you about
- the use of specific ammunition?
- 23 A. He did, sir, yes.
- 24 Q. Which ammunition was that?
- 25 A. That was a particular round of ammunition used by the

- sky marshals that specifically has a far better stopping
- 2 capability and because of the energy in the round, it
- 3 tends to stop in what it hits, so it won't go through
- 4 a human being and then have an effect on a passing
- 5 person or somebody standing next to the person that's
- 6 shot with it.
- 7 Q. Did you mention this to Mr White when applying for the
- 8 firearms authorisation?
- 9 A. I did, sir, yes.
- 10 Q. We know that Andrew later wrote up the rationale for the
- 11 use of that ammunition?
- 12 A. Yes, I believe he did, yes, sir.
- 13 Q. Can I now move on to decisions taken after that
- 14 10 o'clock meeting. Did you have a discussion with
- 15 Mr McDowall and Mr White at any stage about the need for
- 16 a designated senior officer specific to this operation?
- 17 A. I did, sir, yes.
- 18 Q. Did that lead to a further meeting with commanders
- 19 Carter and Allison in a nearby hotel at about 1.15 on
- the morning of the 22nd?
- 21 A. That's correct, sir, yes.
- 22 Q. Can we please have on screen page 232 of the documents.
- 23 Again this is part of your tape recording from a day or
- so after the events?
- 25 A. Yes, sir.

- 1 Q. At the very bottom of the page, do we see this:
- 2 "In the early hours of the morning, approximately
- 3 1.15 am, Andrew, DCI Scott and myself went and spoke to
- 4 Commander Carter and Allison with regards to the rather
- 5 unique position of requiring a DSO in the pre-planned
- 6 operation we were preparing. The circumstances we
- 7 currently face are outside the conventional and well
- 8 rehearsed operations, generic operations Kratos and
- 9 Clydesdale, which deal with suicide attacks and
- 10 pre-planned public events, to address the threat of
- 11 a suicide attacker. The position of having four failed
- 12 suicide bombers in London, proactive investigation to
- 13 seek out these suicide bombers, could clearly lead to
- 14 a position of locating, controlling and attempting to
- secure and arrest a suicide bomber. This clearly
- 16 required the contingency of a DSO within the operations
- 17 room to be conscious of the developing intelligence
- should the scenario emerge and be able to step in and
- 19 take control should a DSO be required to make decisions
- 20 with regards to a critical shot. Then a decision was
- 21 taken that evening that a DSO would be appointed to the
- 22 ops room and Commander Cressida Dick was to attend New
- 23 Scotland Yard at 7 am."
- 24 A. That's correct, sir, yes.
- 25 Q. Perhaps that can be taken off screen again for the

- 1 moment. So were you on that evening thinking that this
- was a scenario which didn't neatly fit into either
- 3 Operation Kratos, spontaneous events, or Operation
- 4 Clydesdale, pre-planned events?
- 5 A. Yeah, precisely, sir, yes.
- 6 Q. What did that lead you to conclude about the need for
- 7 a DSO?
- 8 A. As a contingency we might be confronted through the
- 9 operations room with a subject who was one of the failed
- 10 suicide bombers, and we may require the DSO capability
- 11 to manage the firearms option to address the threat of
- 12 a suicide bomber.
- 13 Q. Does that record accurately that Commander Dick was
- warned immediately to attend New Scotland Yard at 7 am?
- 15 A. She was telephoned at the end of the meeting, sir, yes.
- 16 Q. I think just to fill in what you were doing after 10 pm,
- just to show that you weren't sitting idle, you were
- dealing with quite a number of matters after that time,
- 19 weren't you?
- 20 A. Yes, sir.
- 21 Q. Information, I think, was coming in from the various
- 22 scenes of the attempted attacks, and did you have to
- 23 deal with that information?
- 24 A. During that period, sir, I was making sure that we had
- 25 the relevant people in place; the ops room staff, the

- ops room co-ordinator and deputy for the evening, that
- 2 they understood what Andrew's role was; the firearms
- 3 authority took some time to put together; and generally
- 4 just to make sure there was a clear understanding of
- 5 what was in place overnight; and the intelligence feeds
- and in fact briefing and informing the thirst for
- 7 knowledge from partner agencies, intelligence agencies
- 8 were significant, so they understood exactly where we
- 9 were and the up-to-date position as far as the police
- 10 were concerned.
- 11 Q. Did you occupy an important position in relation to the
- 12 question of co-ordinating the Metropolitan Police with
- 13 other agencies?
- 14 A. Certainly with regards to the intelligence agencies and
- what we knew and when we knew it, yes, sir.
- 16 Q. Did you also have a discussion with Andrew over this
- period about the use of CO19 outside the area for which
- 18 the Metropolitan Police is responsible for policing?
- 19 A. I did, sir, yes.
- 20 Q. What was his advice about deploying CO19, his people,
- 21 outside the MPS area?
- 22 A. He was against that, sir. He thought that we needed to
- 23 keep what we had, firearms capability, within London.
- 24 Q. Did you make any plans for deployment of anybody outside
- of London?

- 1 A. Because of, we didn't know the scale of this, we had had
- 2 the attacks on the 7th and the 21st, my assessment was
- 3 London was going through a unique period, and I was
- 4 trying to make contingency for further attacks
- 5 potentially elsewhere, so I did seek to make measures,
- 6 put measures in place for firearms capabilities outside
- 7 London including military assets, sir.
- 8 Q. When the jury is taken to various pages in your notes,
- 9 they may see the words "fly teams". Can you explain
- 10 what those were?
- 11 A. That was something that that evening we discussed
- 12 putting together effectively. We came to the conclusion
- of two teams with specialisms within the team to be able
- 14 to go anywhere in the country to, if you like, start
- 15 a proper co-ordination facility if there was an attack
- in Birmingham or Manchester, to assist local police
- forces with regards to the learning we had had in
- 18 London. That would include intelligence functions,
- 19 command functions, the learning we had had from 7/7, so
- 20 that there was an ability to put people around the
- 21 country very quickly.
- 22 Q. Was that something else you were doing that evening
- after the 10 pm meeting?
- 24 A. Yes, it was, sir.
- 25 Q. Could we next have page 206 of the documents on screen.

- 1 This is part of your log, again, and it's the top of the
- 2 page:
- 3 "Detective Superintendent Mick Taylor of SO13
- 4 intelligence head to ensure operations room and
- 5 Commander Carter ..."
- 6 He was the oncall DSO, we have heard?
- 7 A. Yes, sir.
- 8 Q. "... receive all intelligence available to service
- 9 Mr Carter's role. All intelligence relevant to the GT
- 10 DSO ..."
- 11 GT is the place he was, I think?
- 12 A. That's another location in Scotland Yard, sir, yes.
- 13 Q. "... known to the SO12 operations room will be passed
- immediately."
- 15 A. And that, I think, sir, was from my recollection from
- 16 the meeting I had with Mr Carter at the hotel to make
- 17 sure there was also an intelligence flow to him.
- 18 Q. So as well as dealing with the appointment of
- 19 Commander Dick, were you also ensuring that intelligence
- 20 that you got on the 16th floor permeated down to him in
- 21 this other location?
- 22 A. Any relevant intelligence that there was a line of
- 23 communication to ensure that he got that, sir, yes.
- 24 Q. Did you also consult with Andrew to arrange for
- 25 explosives officers to attend at Leman Street where the

- firearms officers were?
- 2 A. Yes, sir, Andrew had said to me he would want our
- 3 explosives officers to give some information and
- 4 awareness and expertise about the devices and I think
- 5 the effect of firearms on the devices, to properly
- 6 inform these firearms teams that morning at 7 o'clock.
- 7 Q. Sorry, perhaps we can have that document back on screen.
- 8 Is that recorded in the second paragraph of that page?
- 9 A. Yes, it is, sir.
- 10 Q. Then in the third paragraph:
- 11 "Commander McDowall as Gold Commander will liaise
- 12 with relevant DSO to ensure that fast-time intelligence
- 13 is being passed without delay and the command structure
- 14 remains fit for purpose."
- Now, relevant DSO there, is that Mr Carter,
- 16 Commander Dick or somebody else?
- 17 A. I believe that from my recollection was actually
- 18 Commander Carter.
- 19 SIR MICHAEL WRIGHT: He being the oncall DSO?
- 20 A. Yes, sir, in GT, yes.
- 21 SIR MICHAEL WRIGHT: He wasn't specifically allocated to
- 22 this operation; he was there as the DSO to deal with any
- 23 problems that arose during the night?
- 24 A. Yes, sir. If I can expand, Operation Kratos, there was
- 25 a model in place where for spontaneous calls from

- 1 a member of the public or as a result of police officers
- 2 in uniform being called to something and having
- 3 concerns, there was a model in place, a structure, where
- a DSO would be in a communications centre effectively to
- 5 manage that risk. That role was performed that day on
- 6 the 21st by Mr Carter, and I believe the next day as
- 7 well, sir.
- 8 MR HOUGH: Then just going down the page to finish the
- 9 entries here, you record that Andrew, the night team
- 10 tactical adviser, will record firearms options in a log,
- and we have seen that log.
- 12 Then you write this:
- 13 "Chief Inspector Noel Baker, ops co-ordinator, night
- 14 duty, informed 0300..."
- 15 Is that the time or a place?
- 16 A. I think that's me, sir, because of doing the firearms
- log, that must be the time I actually left approximately
- 18 having finished writing up the firearms authority.
- 19 Q. "... informed [at 3 o'clock] to contact me regarding any
- 20 developments and informed of RH hotel..."
- 21 That's a nearby hotel?
- 22 A. It is, sir, yeah.
- 23 Q. "... where I would be staying."
- 24 A. I put that, sir, because I had stayed there previously
- 25 because of the recent attacks and my role, and the

- 1 mobile phone signal was partial, so I was concerned, so
- I wanted them to know what hotel I was in, and it went
- 3 on the board in the ops room as well, what hotel I was
- 4 staying in.
- 5 Q. Thank you very much. That document can be taken off
- 6 now.
- 7 Can we draw some threads together. At around 2.30,
- 8 3 o'clock, you were going off duty to snatch a very
- 9 short period of sleep?
- 10 A. I went home to get some clothes actually first, sir, and
- 11 then came back to the hotel and rested.
- 12 Q. By that stage you have a firearms team on standby at
- 13 Leman Street?
- 14 A. Yes, sir.
- 15 Q. That's the orange team, I think?
- 16 A. It was, sir, yes.
- 17 Q. DCI Scott, you have instructed to identify Silver
- 18 Commanders and give them an update?
- 19 A. To make sure they understand they are in place for the
- 20 morning, sir.
- 21 Q. Did you know, by the time that you left, who those
- 22 Silver Commanders were that she had identified?
- 23 A. I didn't, sir, no.
- 24 Q. Were you aware whether there was anybody on duty
- 25 overnight who would perform a Silver Commander role if

- 1 that was required, somebody was required to go out with
- 2 the firearms team while you were away?
- 3 A. If there would have been, and we had it subsequently in
- 4 the investigation, somebody phone up to say, one of the
- 5 bombers is at a given address and a relative or friend
- 6 or something of that nature or a source to the police,
- 7 if that had happened, there were people there who could
- 8 do that role. Particularly, and I had discussed it with
- 9 him briefly, DCI Mellody, who like myself is
- 10 an ex-Flying Squad officer, who has performed the role
- 11 of Silver quite a lot, and overnight, obviously this is
- 12 subsequent to the events, I know that Alan, who is the
- 13 deputy ops room co-ordinator, he was the Silver for the
- 14 surveillance team that went out during the evening.
- 15 Q. So if information had come in that a bomber was in
- 16 a specific place --
- 17 A. Yes, sir.
- 18 $\,$ Q. -- and the desire had been to send out the orange team
- 19 while you were absent?
- 20 A. Yes, sir.
- 21 Q. First of all, who at New Scotland Yard would have made
- the decision to send out that team?
- 23 A. Well, the ops co-ordinator is in charge of arranging and
- 24 facilitating the command and control of the ops room, so
- 25 he would be -- which is when Andrew was situated and

- where the surveillance is managed and run from, they
- 2 report into that command room -- so the ops
- 3 co-ordinator, who is the DCI, Mr Baker, would have been
- 4 responsible for that.
- 5 Q. So if a 999 call had come in or some intelligence had
- 6 come in, that would have been routed to Mr Baker and he
- 7 would have made the decision to send out the orange
- 8 team?
- 9 A. Again, sir, what I would say overnight there, you had
- 10 Mr Macbrayne, who is a senior investigating officer,
- 11 superintendent; you have Mr Mellody, who is a senior
- 12 investigating officer; you have Mr Baker. I am sure
- 13 there would have been a collection of expertise and
- 14 views, but Mr Baker was in charge of actually managing
- those specialisms that go out on the ground.
- 16 Q. He had, over that period of time, a number of people,
- 17 notably Mr Mellody, who could have gone out with the
- 18 team, had that been wanted?
- 19 A. Yeah, and indeed, sir, the deputy, and this is looking
- 20 at it now, the deputy ops room co-ordinator was in fact
- 21 the Silver Commander for the firearms teams, Alan
- 22 performed that role.
- 23 Q. I think you said he was Silver for the surveillance
- 24 teams?
- 25 A. Sorry, he was Silver for the surveillance, but he could

- 1 have performed the role of Silver. That's an example
- of, he performed that role of Silver that night. And
- 3 what had been put in place, I don't know if it's been
- 4 fully explained, there was the SO13 sort of operational
- 5 room which co-ordinated a lot of the assets and the
- 6 staffing, and they were able to call people in, and
- 7 a lot of people were staying in local hotels in very,
- 8 very few minutes, 10, 15, 20 minutes people could have
- 9 been at Scotland Yard. And I think effectively that's
- 10 what happened with regards to some of the events in the
- 11 evening.
- 12 Q. The SO13 operational room you have just referred to, is
- that different from the 16th floor?
- 14 A. Yes, it is, sir. It's on the 15th floor and it's more
- 15 knowing what officers have what particular skills
- 16 because you have to have certain training, specialisms
- 17 to perform certain roles, so they would be, if you like,
- 18 the co-ordination centre for those people being
- 19 allocated to certain requirements that I might have or
- other colleagues.
- 21 Q. So you went off duty at sometime between 2.30 and
- 22 3 o'clock?
- 23 A. Yes, sir.
- 24 Q. Paragraphs 16 and 17 of your statement, did you receive
- a call to your hotel while you were there?

- 1 A. I did, sir, yes.
- 2 Q. What time was that call?
- 3 A. I believe around about 6 am from recollection, sir.
- 4 Q. Who was that from?
- 5 A. I am trying to find it in my statement at the moment.
- 6 That was Mr Forteath, sir.
- 7 Q. Did you return to New Scotland Yard having received that
- 8 call?
- 9 A. I did, sir, yes.
- 10 Q. When did you arrive?
- 11 A. 7.10 in the morning, sir, I arrived on to the 15th
- 12 floor.
- 13 Q. By that time, I think a number of developments had
- 14 occurred?
- 15 A. Yes, sir.
- 16 Q. First of all, the gym card we know had been found, and
- 17 that that had communicated Osman's name, photograph and
- 18 the Scotia Road address?
- 19 A. Yes, sir.
- 20 Q. I think also the gym had been visited and a name and
- 21 photograph of Mr Omar had been identified?
- 22 A. That's correct, sir, yes.
- 23 Q. Had Osman's photograph been compared with CCTV footage
- 24 which had now been obtained of the Shepherd's Bush
- attempted bomber?

- 1 A. Yes, sir, that's correct.
- 2 Q. What was the conclusion of that comparison?
- 3 A. That there was a likeness, sir.
- 4 Q. Was Omar's photo compared with any of the other
- 5 suspects?
- 6 A. Warren Street, sir, yes, attacker, and similarly there
- 7 was assessed to be a likeness.
- 8 Q. By this stage, you are back at 7.10, I think the
- 9 Portnall Road address had been identified from DSS
- 10 records as being linked to Omar?
- 11 A. Yes, sir.
- 12 Q. The Nissan Primera car, had that been identified also?
- 13 A. Yes, sir.
- 14 O. How had that been identified?
- 15 A. My understanding from then establishing the facts is
- 16 that a surveillance team had done a trawl of the area
- 17 and had found the vehicle in close proximity to the
- 18 Scotia Road address.
- 19 Q. Before they had done the trawl, I think the car had been
- 20 found through some driving records as being linked to
- 21 Mr Omar?
- 22 A. It had been found through an intelligence database as
- linked to Mr Omar, yes, sir.
- 24 Q. Now, can we now look at page 234 on screen? This is
- another page from the transcript of your tape. You, in

- 1 the first two main paragraphs on the page, describe your
- 2 return to New Scotland Yard and then the third
- 3 paragraph, does that summarise the events that we have
- 4 just gone through which had happened overnight and which
- 5 you were informed of on your return?
- 6 A. Yes, sir, it does, yes.
- 7 Q. Then the next paragraph, do you note that the CCTV
- 8 footage trawl had identified images of all four
- 9 attackers by that stage?
- 10 A. It had, sir, yes.
- 11 Q. Again that can be taken off screen now. I'm at
- 12 paragraph 17 of your statement. In the last sentence of
- 13 that, you say that a CO19 team were at that stage to be
- 14 deployed to Scotia Road to provide an armed intervention
- 15 capability?
- 16 A. Both Scotia Road and Portnall Road actually, sir, yes.
- 17 Q. Had teams been allocated to each of those two addresses
- 18 by the time that you arrived?
- 19 A. They had, sir, and Silver Commanders appointed and
- 20 tactical firearms advisers appointed, sir.
- 21 Q. I think the black team, or a team primarily composed of
- 22 the black team, had been identified for the Scotia Road
- 23 address?
- 24 A. That's correct, sir, yes.
- 25 Q. And the orange team for the Portnall Road address?

- 1 A. That's correct, sir, yes.
- 2 Q. Who was to be the Silver for the Scotia Road address?
- 3 A. Scotia Road was Chief Inspector Purser, sir.
- 4 Q. And for Portnall Road?
- 5 A. Was Detective Inspector Merrick Rose, sir.
- 6 Q. When you arrived, did you attend a meeting?
- 7 SIR MICHAEL WRIGHT: I think I have just had a question from
- 8 the jury, which I think has just this minute been
- 9 answered. Presumably those officers, Mr Purser and
- 10 Mr Rose, had been identified by Chief Inspector Scott?
- 11 A. I am not sure of the provenance of that, sir. When
- 12 I arrived in the meeting at 7.10, it was quite apparent
- to me and I spoke to people immediately afterwards to
- 14 establish the position that Mr Purser had been allocated
- to Scotia and Mr Rose to Portnall.
- 16 SIR MICHAEL WRIGHT: Whether that was Chief Inspector
- 17 Scott's doing or somebody else, you don't know?
- 18 A. Subsequently, I believe that Mr Rose was called out when
- 19 we had the one address, and I believe Mr Purser was
- 20 called in slightly earlier but he was one of the
- officers, I think, to come in anyway at 7 am, but he
- 22 would have to account for that, sir.
- 23 SIR MICHAEL WRIGHT: Very well.
- 24 MR HOUGH: We heard yesterday about precisely when Mr Rose
- 25 was called in, and saw some documents about that.

- 1 You arrive at 7.10. Did you attend a meeting
- 2 involving Mr McDowall at that point?
- 3 A. I did, sir, yeah. I came into the meeting at 7.10 that
- 4 was concluding, really, I think.
- 5 Q. That was a meeting which I think had started at about
- 6 6.50 in the SO13 conference room?
- 7 A. Yes.
- 8 Q. As a result of that meeting, did you give any
- 9 instruction to DCI Scott?
- 10 A. I can't find that bit in my statement, sir.
- 11 Q. Perhaps I can prompt you with a document, page 255,
- 12 please.
- 13 A. Thank you, sir.
- 14 Q. The last two sentences on that page, perhaps you can
- interpret your hieroglyphics?
- 16 A. I don't think even I can do that, sir. I think it's
- just to make sure that the intelligence that we had got
- 18 has -- that Silver Commanders are aware of the updated
- 19 position, and one of the things I certainly did after
- 20 the meeting, following on from my conversations with
- 21 Andrew the night before, was to ensure that the best
- 22 images that had been made available during the evening
- 23 were being issued to the firearms officers and, indeed,
- those best images through the surveillance manager, who
- I don't believe has a pseudonym, for the early turn?

- 1 May I say the name? An inspector.
- 2 Q. Let us leave it at that for the sake of caution.
- 3 A. I ensured that the early turn surveillance teams also
- 4 had been given the best photographs that were available
- from the CCTV trawl.
- 6 Q. Yes. You can't say what the word to the left of -- is
- 7 there a word "Angie" there?
- 8 A. Yes, it does appear to be, sir.
- 9 Q. I am wondering whether that referred to an instruction
- 10 to DCI Scott?
- 11 A. That may look like "full research Andy, intelligence to
- 12 Silver", ie to make sure -- this was some three years
- ago, sir, so forgive me -- that everything that we knew
- 14 at that time was collected together and that those
- 15 Silver Commanders who were going out were aware of the
- information as it stood at that time.
- 17 Q. Can we have the previous page on screen, 254. These are
- 18 the entries in your red book when you come back, and we
- 19 see 22.7.05?
- 20 A. Yes, sir.
- 21 Q. Can you just read for us the first few sentences on that
- 22 page?
- 23 A. From the 22/7, sir?
- 24 Q. Yes.
- 25 A. "Any person out of the address is a challenge and" --

- "... is a challenge and detain to Paddington.
- 2 Support team SO13 to bolt on..."
- 3 Which is to effectively be arrest teams is my
- 4 assessment of that, sir.
- 5 Q. Pausing there, did you do anything about arranging
- 6 a SO13 support team?
- 7 A. Again, I believe I asked, but it is a long time ago,
- 8 I believe I asked Angie Scott to arrange that, sir.
- 9 Q. She has given evidence that you asked her to arrange
- 10 that and she spoke to a DS Dingemans about arranging
- 11 that?
- 12 A. Right, sir.
- 13 Q. Then going on, the next line, please?
- 14 A. "Briefing document photos, SCD11 and SO19".
- 15 And these items are ticked.
- 16 Q. So that's a to do?
- 17 A. Yes, sir.
- 18 Q. Providing a briefing document and photographs to
- 19 surveillance and firearms teams?
- 20 A. Yes, sir.
- 21 Q. Then the next line, please?
- 22 A. "S013 support teams to each address".
- 23 Which would refer to the entry or the remark you
- 24 made, sir, about Angie Scott and arranging Mr Dingemans
- and a team also to support the address of Portnall Road,

- 1 of course.
- 2 Q. Then the next line, please?
- 3 A. "Expo [which is the explosives officers] to link with
- 4 SO19".
- 5 And that fits in with Andrew's request to have
- 6 explosives officers brief the firearms teams that he had
- 7 requested the evening before.
- 8 Q. I don't think we need the next line but what are the few
- 9 lines after that?
- 10 A. "Take subjects away from the address and establish
- 11 the" --
- 12 Q. Arrest situation?
- 13 A. "... the arrest situation regarding the premises and the
- subjects".
- 15 Q. Perhaps we can take that off.
- 16 A. That may be "current situation", actually, sir, "the
- 17 current situation".
- 18 Q. I think it is, sorry. That was my incorrect prompt. So
- just drawing that together, when you returned, and you
- 20 were in the meeting, was there any discussion in your
- 21 presence of the strategy?
- 22 A. Not in my presence, sir. What I established after the
- 23 meeting, sir, I certainly arrived as it was concluding,
- 24 was what the strategy was. Then I actually sought to
- 25 obtain from Mr Mellody, from recollection, who was in

- 1 charge of the intelligence effectively overnight, what
- 2 had occurred and he explained to me what had happened.
- 3 Then as you have explained, I was speaking to DCI Scott
- 4 to make sure that we had what we needed and also the
- 5 inspector in charge of the surveillance to reassure
- 6 myself that they had the appropriate photographs, the
- 7 most up-to-date ones, and if they were any emerging ones
- 8 that obviously something was in place for them to
- 9 receive those. And I would have been then appraised
- 10 also during that period and found out about the
- 11 strategy.
- 12 Q. Who told you about the strategy?
- 13 A. I don't specifically recall, sir, now. I think it was
- 14 Mr Mellody. It may even have been Mr McDowall.
- 15 Q. In that document we see a reference to dealing with
- 16 suspects and we also see a reference to the SO13 support
- 17 team as a bolt-on?
- 18 A. Yes, sir.
- 19 $\,$ Q. As you understood it at the time, from what you were
- 20 told by whoever, what was the strategy for dealing with
- 21 suspects?
- 22 A. Suspects, there was no evidence-gathering process as we
- 23 had discussed the evening before, and any suspects would
- 24 be arrested, controlled by surveillance, until we were
- 25 able to get firearms officers to arrest them, the SFO

- 1 firearms officers, the specialist firearms officer
- 2 teams.
- 3 Q. By controlled by surveillance, do you just mean followed
- 4 and watched?
- 5 A. Yeah, and in all the operations I have conducted, the
- 6 surveillance team will secure surveillance control of
- 7 a subject, and then at an appropriate point when safe to
- 8 do so and it's managed locally on the ground in normal
- 9 circumstances, the subject is arrested.
- 10 Q. That's subjects. What was the role of the SO13 support
- 11 team to be?
- 12 A. They had something of a dual role, because they would
- have been then the arrest officers to go forward. In
- 14 circumstances such as this the SO19 officers effectively
- 15 detain the subject. And then the SO13 officers would go
- 16 forward to take the responsibility for those subjects
- and if you like, that prisoner handling process through
- 18 to the police station at Paddington.
- 19 Equally, they were responsible here as a contingency
- 20 for any intelligence gathering and potentially stopping
- of other people that could have occurred, if any
- 22 opportunities presented themselves.
- 23 Q. Potentially stopping other people?
- 24 A. Yes, sir.
- 25 Q. What kind of people?

- 1 A. Well, if there was a decision taken that somebody wasn't
- 2 connected with or wasn't believed to be a suspect, and
- 3 as a contingency we thought there was an opportunity to
- 4 speak to people and we certainly didn't want to
- 5 compromise the operation and we didn't want to conduct
- 6 a firearms stop on the street on somebody, to have a
- 7 more discreet response, then they could perform that
- 8 role.
- 9 $\,$ Q. At the time of that meeting, was there any discussion
- 10 about the nature of the premises at Portnall Road or
- 11 Scotia Road?
- 12 A. Not from my recollection, sir, no.
- 13 Q. Was there any discussion at that meeting, the tail end
- 14 of it there that you were there for or with the person
- 15 you spoke to about the strategy, about where
- 16 surveillance and firearms teams physically were?
- 17 A. At that stage, sir, I was quite aware that the Silver
- 18 firearms commanders were there. I came into the end of
- 19 that meeting and Mr Rose and Mr Purser were there, so
- I was quite aware that the firearms teams would have
- 21 been at Scotland Yard, my assumption, or locally waiting
- 22 to be briefed by those Silver firearms officers.
- 23 Q. Because you don't send out an SFO team without its
- 24 Silver Commander?
- 25 A. Without that appropriate control vehicle with the Silver

- 1 Commander, yes, sir.
- 2 Q. And without the Silver Commander having briefed?
- 3 A. Yes, sir.
- 4 Q. Did you know anything about the surveillance teams,
- 5 where they might be?
- 6 A. I became aware that the surveillance teams had been
- deployed, sir, and were watching the addresses.
- 8 Q. The time that you were at the meeting, were you
- 9 surprised at all that there was a surveillance team,
- 10 certainly at Scotia Road, but no firearms team there?
- 11 A. Not when I arrived, sir, no. There is an inevitable
- 12 period in an initial deployment where the firearms team
- will be slower in deploying than the surveillance team.
- 14 The surveillance team are put out there for the eyes,
- 15 the watching, learning, understanding of what's
- 16 happening at an address, and they can control people
- from the address, and by control, forgive me, sir,
- 18 I mean surveill people.
- 19 Then the firearms team, especially when this is the
- 20 first morning, will be briefed. They have a tactical
- 21 briefing. They have a Silver Commander's briefing and
- 22 then they would deploy to an area that is secreted and
- 23 discreet away, so as not to compromise their existence
- 24 locally and join in any activity where anybody is
- 25 controlled from the address, surveilled from the address

- 1 and conduct an arrest.
- 2 Q. Was there any discussion at that meeting of when the
- 3 firearms team might get there or what might be done in
- 4 the meantime about stopping people coming out of the
- 5 premises?
- 6 A. No, sir, I came to the meeting at the end of the
- 7 meeting. It was literally concluding, so unfortunately
- 8 I can't give any information about that. What I was
- 9 then doing was trying to establish what the position
- 10 was, if you can appreciate, and subsequently I did go
- into the ops room and we had a meeting in there.
- 12 $\,$ Q. Now, you are in the -- attending the end of the meeting
- at 7.10. What do you do over the next hour?
- 14 A. I have explained some of it, sir, to make sure the
- 15 photographs, and if you like, there was a bit of a list
- 16 from Andrew with regards to what he required for the
- deployments to make sure that he was happy things were
- in place, to make sure the surveillance manager was
- 19 happy and things had been done as he would wish.
- 20 Then from a -- from experience of operations, and
- 21 certainly recently, I was very focused on a particular
- 22 element of intelligence that has been exceedingly
- fruitful, to make sure that we were exploiting those
- 24 opportunities and that they were in place, both within
- 25 my organisation and partner organisations, and then

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1 having done those various things I went into the

- 2 operations room.
- 3 Q. During that period, were you also trying to ensure that
- 4 intelligence leads coming in from the various
- 5 investigations would get to the operations room?
- 6 A. Yeah. At the time there existed SO12, Special Branch,
- 7 and SO13, the Anti-Terrorist Branch, and you will see
- 8 references, and it can be quite confusing, to SCD, which
- 9 is the Serious Crime Directorate which is another part
- of the Metropolitan Police that has its own
- intelligence-gathering capability, to deal with,
- 12 I explained hopefully, organised crime. And all had
- a part to play in this to provide some value to
- 14 identifying those responsible. But the important thing
- is that they all channel that information into one
- 16 place, and that it's prioritised in the right way so
- 17 that the ops room receives it as quickly as possible.
- 18 So I was trying to make sure that all of that was
- 19 focused into the operations room and that that had been
- 20 put in place; and that, forgive me, sir, also we have
- 21 some other agencies we work with, to make sure that they
- 22 were fully briefed, understood what we were doing, where
- 23 we were going, they had been updated; and that they were
- 24 also, and that was one thing I did before I went into
- 25 the operations main room, they were tasked around adding

- 1 value to the investigation with regards to the
- 2 intelligence they can provide.
- ${\tt Q.}$ After doing all those things following the meeting that
- 4 you joined at 7.10, what time did you arrive in the
- 5 operations room?
- 6 A. I did -- I would have swiped in. I did ask that the
- 7 swipe records were kept. I haven't got a recollection
- 8 but if the swipe records are available, we would be able
- 9 to see, sir, but I am imagining around about anywhere
- 10 between 7.30 and 8 o'clock. That's the best I could say
- 11 now, sir.
- 12 MR HOUGH: Sir, would that be a convenient moment for
- 13 a ten-minute break?
- 14 SIR MICHAEL WRIGHT: You must be psychic. Ten minutes,
- 15 ladies and gentlemen.
- 16 (11.30 am)
- 17 (A short break)
- 18 (11.40 am)
- 19 (In the presence of the jury)
- 20 SIR MICHAEL WRIGHT: Yes, Mr Hough.
- 21 MR HOUGH: Mr Boutcher, so you are into the operations room
- 22 some time between 7.30 and 8 o'clock. Did a time come
- 23 when you attended a meeting in the forward intelligence
- 24 cell?
- 25 A. It did, sir, yes.

- 1 Q. What time was that?
- 2 A. I believe it was 8.15, sir.
- 3 Q. Can we have tab 20 of the jury bundle open and on
- 4 screen. This is a plan of the room which I think you
- 5 have probably seen before. Before we zoom in on
- anything, the words "intelligence cell", that's the area
- 7 where the meeting is taking place?
- 8 A. Sorry, just orientating myself on this. Yes, sir,
- 9 sorry, yes.
- 10 Q. That's an overhead view. Looking in your statement, if
- 11 you need some assistance, who was present at that
- 12 meeting?
- 13 A. From my statement, I have Mr Connell,
- 14 Superintendent Connell; Superintendent Johnston, who was
- 15 the day shift ops room co-ordinator, who took the role
- 16 from Mr Baker; Detective Chief Inspector Mellody; DI
- 17 Southworth, who was a DI dealing with intelligence;
- 18 members of the forward intelligence cell themselves; the
- staffing people present there; myself; Commander Dick;
- 20 and I am sure that Mr Esposito, the firearms day senior
- 21 tactical adviser was there.
- 22 Q. Did Commander Dick at that meeting explain anything
- about how she proposed to implement Mr McDowall's
- 24 strategy?
- 25 A. She did. She explained that firstly that she was in

- 1 charge of the operations room, as the commander, to make
- 2 it very clear that she was taking the responsibility for
- 3 the room. Then she set out the Gold strategy of
- 4 Mr McDowall.
- 5 SIR MICHAEL WRIGHT: Could you explain this to me,
- 6 Mr Boutcher: Commander Dick now had made it plain that
- 7 she was in command of the operations room.
- 8 A. Yes, sir.
- 9 SIR MICHAEL WRIGHT: What was then going on was the
- 10 operation, as far as we are concerned, to contain and
- 11 control the possible presence of suicide bombers at
- 12 Scotia Road?
- 13 A. If I may, sir, you have Portnall Road and Scotia Road --
- 14 SIR MICHAEL WRIGHT: I know, but I have left Portnall Road
- 15 because we are not particularly concerned with it.
- 16 Scotia Road.
- 17 A. Yes.
- 18 SIR MICHAEL WRIGHT: Go on.
- 19 A. As it was at that stage, there was a surveillance team
- 20 at Scotia Road.
- 21 SIR MICHAEL WRIGHT: That's right.
- 22 A. And it would have been a case of identifying anybody
- 23 going from that address who was a possible suicide
- 24 bomber.
- 25 SIR MICHAEL WRIGHT: You appreciate we have all this in the

- 1 sense that we understand that. That was the operation
- 2 that was then going to be controlled from this control
- 3 room?
- 4 A. That's correct, sir, yes.
- 5 SIR MICHAEL WRIGHT: What I want to be clear about is:
- I know that you were the SIO for proactive
- 7 investigations.
- 8 A. Sir.
- 9 SIR MICHAEL WRIGHT: What, if anything, was your function in
- 10 relation to this specific operation?
- 11 A. Well, for instance, if I may, sir, I may have
- 12 established the fact through the enquiries that we
- 13 didn't need to be at this address, and I would have
- instructed Commander Dick: I need the firearms
- 15 capability at that address now, at this address. The
- information is emerging, it's developing, and through
- 17 a myriad of different sources, which is what I expected
- 18 to occur, we now need to move because we are tracking
- 19 the people responsible from the events on the 21st
- 20 through various means. So I had been responsible for
- 21 actually directing where people were going, and
- 22 Commander Dick was responsible for managing the arrest
- and the nature of arrest of those individuals.
- 24 SIR MICHAEL WRIGHT: If it was required.
- 25 A. If it was required, sir, yes.

- 1 SIR MICHAEL WRIGHT: So your position would be, if this is
- 2 the right way of expressing it, you were the liaison
- 3 between the operation that was going on for Scotia Road
- 4 and Portnall Road if you like, I will accept that.
- 5 A. Yes, sir.
- 6 SIR MICHAEL WRIGHT: And the intelligence that was coming in
- 7 as to whether or not either of those operations was
- 8 necessarily needing to be pursued?
- 9 A. Yeah, what I was doing, sir, was making sure that -- and
- 10 there is some innovative and imaginative ways that we
- 11 can do this -- that everything was being done to track
- 12 them and make some of the decisions as to where we
- 13 needed to focus.
- So I might have taken the decision, because there
- 15 were some difficult decisions to take during this
- 16 period, that the priority needs to be actually somewhere
- 17 else, and we are simply going to move those assets away
- 18 to this address.
- 19 Then, as hopefully I have explained, Commander Dick
- 20 would, if we decided we were going to arrest people,
- 21 would be responsible for managing that, as we term it,
- 22 executive action, the arrest of those people on the
- 23 street, managing and being in control of the firearms
- 24 element and the surveillance element in effect.
- 25 SIR MICHAEL WRIGHT: Thank you. That's what I wanted to

- 1 know.
- 2 MR HOUGH: A few questions arising out of those. First of
- 3 all, we need to be clear, I think, that this is not
- 4 an operation directed at just one address or even just
- 5 two addresses?
- 6 A. No, sir. I think there is a document that Mr McDowall
- 7 provided or Mr McDowall's staff officer provided that
- 8 had four addresses on it that morning, and there were
- 9 other addresses that I became aware of very quickly, and
- 10 was focusing upon with regards to where these
- 11 individuals were, and in effect who was supporting them,
- 12 who was going to provide them with clothing, travel
- documents; was it going to be a case that they had
- 14 simply fled, or were they -- which was my main
- 15 concern -- reorganising somewhere to come back and
- 16 attack London, especially conscious of what we had
- 17 learned from 7 July, and that a bomb factory existed
- 18 there that had more than sufficient materials, component
- 19 parts and mixture to make additional devices.
- 20 So the focus was to find people as quickly as
- 21 possible.
- 22 Q. I will not take us back to Mr Forteath's log because we
- 23 have looked at it umpteen times, but by 8.15, four
- 24 addresses noted in that, Scotia Road, Portnall Road,
- 25 Blair House, Corfe House?

- 1 A. Yes, I believe that's correct, sir.
- 2 Q. You were responsible not just for co-ordinating the
- 3 operations against Scotia and Portnall, but as you have
- 4 said, also identifying if resources needed to be moved
- from them to other addresses or new resources brought
- 6 onstream and sent to those addresses?
- 7 A. That's correct, yes, sir.
- 8 Q. Another area arising out of the learned Coroner's
- 9 questions, Commander Dick we know was appointed as DSO,
- 10 and we know that that's in textbook terms anyway, a role
- 11 which is required where a suspected suicide bomber is
- 12 confronted, actually confronted?
- 13 A. That's correct, sir.
- 14 Q. Were there any discussions between you and
- 15 Commander Dick when you arrived at the operations room
- about the respective roles the two of you would play?
- 17 A. Yes, there was, sir. Obviously this was a new
- 18 challenge. The DSO function that existed for Kratos
- 19 People, Kratos Vehicle and Clydesdale, as I think you
- 20 mentioned, this situation sat outside of that. Those
- 21 were part of my thoughts and decision-making the evening
- 22 before to get contingency for a DSO, and Commander Dick
- and I discussed and decided that she would manage the
- 24 operations room executive action, if I can term it that,
- 25 the arrest, because she was the senior officer and

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because of the possibility that there may be
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- 2 a requirement for that DSO element in the
- 3 decision-making process; but it was something that we
- 4 devised that morning because it was new to us. It
- 5 really was new to us.
- 6 Q. As far as you were concerned about how you would
- 7 interact, was she just going to stand back until there
- 8 was a confrontation with the suspected bomber or was she
- 9 going to play a more active part before that?
- 10 A. No, not at all, sir, forgive me, she would have played
- and did play a very active part. I was there to liaise
- 12 with her, inform her, advise her as a Silver Commander,
- 13 and in effect had there not been the suicide element, if
- 14 this had been criminals that weren't considered
- 15 a suicide threat, that role would have been performed by
- 16 me, because this was something new that we had not faced
- 17 before.
- 18 So the evening before, before we had considered the
- 19 DSO element, I would in fact have performed that role,
- and only potentially in as a school of thought, had we
- 21 had information to suggest there was definitely going to
- 22 be a suicide attack by that individual, would you
- introduce the DSO element.
- We made the decision, though, for ease and
- 25 simplicity of understanding that Commander Dick would

- 1 control the room as the senior officer and would manage
- 2 all of the arrest functions. What she would do is
- 3 enable the firearms Silver Commanders at the front end
- 4 to arrest people coming from the address if she saw it
- 5 as something they could manage, and she was happy with
- 6 that; if it was a potential suicide bomber that was
- 7 identified as a similarity to somebody the day before,
- 8 then she would manage that herself from the control
- 9 room. But she would make those decisions. She might
- 10 pass that responsibility to the Silver Commander for
- 11 those that weren't likely bombers but she would still
- 12 make that decision.
- 13 Q. The intention was that she would have on the scene both
- the firearms team and the SO13 arrest team under
- 15 DS Dingemans?
- 16 A. They would be there ultimately, yeah, yes, absolutely,
- 17 sir.
- 18 Q. Dingemans says that he was instructed, I think, by
- DCI Scott, to liaise with Mr Purser, the Silver
- 20 Commander --
- 21 A. Yes, sir.
- 22 Q. -- at the scene, and so he went from New Scotland Yard
- to Nightingale Lane?
- 24 A. Okay, I don't know that, sir.
- 25 Q. Was that something you were controlling at the time or

- 1 was that something that simply followed from the
- 2 instructions you were giving to DCI Scott?
- 3 A. That would follow from the instructions, sir, that those
- 4 people, then, they have been given a specific role and
- 5 they would be expected to fulfil that and go and meet at
- 6 an agreed location.
- 7 Q. At around the time of the 8.15 meeting in the forward
- 8 intelligence cell, you and Commander Dick there, was it
- 9 realised at that time that the entrance to the
- 10 Scotia Road premises was communal for several flats?
- 11 A. I have to say my recollection, either shortly before
- 12 that meeting or immediately afterwards, and I don't know
- 13 which, I am afraid, sir, now, some time since, we became
- 14 aware it was a communal door.
- 15 Q. Were any decisions made by Commander Dick or yourself as
- 16 a result of that information coming in?
- 17 A. Well, again, if I can explain, people had been, in my
- 18 view rightly, allowed to leave the communal door.
- 19 I think the communal door services nine flats at that
- 20 location.
- 21 Q. That's correct.
- 22 A. On the basis that our information and our strategy was
- 23 to stop people coming from 21 Scotia Road, obviously to
- 24 arrest those who may have a likeliness to the bombers
- 25 from the day before, and to stop any other people away

- 1 from the address when safe to do so and to serve that as
- 2 an intelligence opportunity about what may be at that
- 3 address.
- Because we have got the communal door, we took the
- 5 position that, if anybody came from that address who was
- 6 a likeness to one of the bombers, obviously and rightly
- 7 they would be surveilled by the surveillance team and
- 8 then arrested by the firearms team.
- 9 As the morning developed, my expectation and hope
- 10 was we would get control of the front door or the flat
- 11 at 21 Scotia Road, and by control, sir, I mean have
- 12 a clear understanding of when people left that flat
- 13 within that block.
- 14 Q. We don't need to go into quite how you would have done
- 15 that --
- 16 A. No, sir --
- 17 Q. -- but by technical means, I think.
- 18 A. -- but in effect that would have then allowed us to stop
- other people going from that address. Coming from the
- 20 communal door, rightly, in my view, people weren't being
- 21 stopped. We became aware of that, and Commander Dick
- 22 agreed with the decision, we discussed it, and we
- 23 allowed that to continue.
- Q. You were asked about this at the trial, the Health and
- 25 Safety trial last year, and it's page 163 for those

- following, who have that transcript, of 3 October. You
- 2 said there:
- 3 "I had a conversation with Commander Dick either
- 4 shortly before or shortly after [that's the 8.10
- 5 meeting] and the decision was taken that we wouldn't
- stop people coming from the communal door unless there
- 7 was a likeness or the surveillance team believed they
- 8 were the suspects from the imagery on the 21st."
- 9 A. Yes, sir.
- 10 Q. Now, the decision, you say, was taken "that we wouldn't
- 11 stop people coming from the communal door" either
- 12 shortly before or shortly after the meeting. Would you
- 13 accept that in fact people had come out and had not been
- 14 stopped before that decision was taken?
- 15 A. Absolutely, sir. What I think I became aware of, that
- 16 people were leaving the block and hadn't been stopped,
- so I think that precipitated the question: why hadn't
- 18 they been stopped; and then there was the understanding
- 19 that because it was a communal door.
- In effect then myself and Commander Dick had that
- 21 discussion and agreed that the best way to remain
- 22 covert, to find out enough about the address, just one
- of the first addresses we had identified, was not to
- 24 stop people that may be from the other eight flats
- 25 coming from the address; and again, the learning we have

- and subsequently in this investigation, key addresses
- 2 that we went to in blocks, and we may become aware of
- 3 Curtis House in this inquiry, there were two flats
- 4 within Curtis House, which is where the bomb factory was
- for the attacks of 21 July in the one block.
- 6 So you have to be very cautious about who you stop.
- 7 You really do need to get a better understanding of what
- 8 linkages may be there. So the decision was taken by
- 9 Commander Dick then, rightly in my view, to enable
- 10 people to leave unless they were a likeness to the
- 11 suspect.
- 12 Q. Before that decision had been taken, it was happening on
- 13 the ground?
- 14 A. Yes, sir.
- 15 Q. Was that happening on the ground, ie people not being
- stopped, because of a decision which had been made or
- just because of a judgment call made by the surveillance
- 18 officers on the ground?
- 19 A. I don't know because I wasn't part of that process, sir.
- 20 My sense is it was probably a judgment call and rightly
- 21 so by the surveillance team.
- 22 SIR MICHAEL WRIGHT: I think we can work it out, because
- this meeting in the forward cell was about 8.10, 8.15.
- 24 A. Yes, sir, 8.15, sir, I believe.
- 25 SIR MICHAEL WRIGHT: My recollection is from what we heard

- 1 yesterday that some half dozen people left the house,
- left the communal door, my recollection, between 6.30
- 3 and about 7.15.
- 4 MR HOUGH: I think it's -- no, I think that's wrong.
- 5 I think there were a number of people who left --
- a couple of people I think left before 8.15 and then
- four left between 8.15 and 9.34.
- 8 SIR MICHAEL WRIGHT: Sorry, I got my times wrong.
- 9 $\,$ MR HOUGH: I am seeing nods. So only a couple before the
- 10 meeting, but I think four after the meeting.
- 11 SIR MICHAEL WRIGHT: The point is the same. Even if it was
- 12 only a couple, those first two presumably were allowed
- to go as a result of a judgment call, as Mr Hough put
- it, by the officers on the ground.
- 15 A. Yes, sir, I think so.
- 16 SIR MICHAEL WRIGHT: Yes.
- 17 MR HOUGH: Now, after that meeting, was anything done to
- 18 make everybody in the operations room aware of
- 19 Mr McDowall's strategy?
- 20 A. Yes, sir, there was -- what we did in the meeting was
- 21 make sure that everyone understood it who was there, and
- then Commander Dick went to speak to the Silver
- 23 Commanders, who are the control element for what happens
- 24 out at each address, control vehicle, to speak to them
- 25 personally, and I believe it was Mr Johnston, who is the

- ops co-ordinator, Superintendent Johnston, wrote on
- 2 the -- there is a number of white boards in the
- 3 operations room, wrote on one of the white boards the
- 4 details of the strategy.
- 5 Q. Can you remember what he wrote?
- 6 A. I did make a note of it, sir.
- 7 Q. It may be helped by page 236 in your tape transcript, if
- 8 that's put on screen. It's the second main paragraph:
- 9 "Following the meeting, Commander Dick provided the
- 10 aims and objectives to the operation. These aims and
- 11 objectives were recorded by Superintendent Johnston.
- 12 Those aims were in effect to ensure public safety, to
- control the addresses, where possible taking people away
- 14 from the addresses and detaining them as an intelligence
- capture and to arrest the suspects from the addresses
- 16 and secure and search any identified premises."
- 17 A. Yes.
- 18 Q. Breaking that down, "taking people away from the
- 19 addresses and detaining them as an intelligence
- 20 capture", is that using the SO13 arrest team?
- 21 A. That would be Commander Dick's decision, but
- 22 potentially, sir, yes, and I believe in the decision
- log, it may be because of my recording in the decision
- log I think might have come from the white board, there
- 25 might be a more accurate, almost word for word if my

- 1 recollection is correct, record of what was taken from
- 2 the white board.
- 3 Q. If we look, then, at page 208, please, on the page, if
- 4 that's a more accurate record, top of the page, on the
- 5 previous page it just says:
- 6 "The aims of the deployments are as given by Gold
- 7 Commander McDowall to control, challenge and arrest the
- 8 suspects as identified from the CCTV imagery. At the
- 9 addresses linked to the suspects, persons identified as
- 10 emerging from those venues but not the subjects were to
- 11 be controlled [so watched] going from the address. At
- 12 a safe distance those persons of interest will be
- detained in order that an intelligence capture could
- 14 occur, regarding the occupiers of the addresses. This
- 15 process will serve to eliminate what may be historical
- 16 addresses and to establish the connectivity of the
- 17 suspects to these locations."
- Then you write:
- 19 "At this time the priority was to ensure each
- 20 address was under proper control, establishing that each
- 21 front door is fully viewed to establish the movement of
- 22 and assist with the identification of occupiers."
- 23 Then you talk about other technical assets which
- 24 aren't of relevance to us.
- 25 A. Yes, sir, I do actually believe, and it's just my memory

- 1 now because of the time, that there was an entry that
- 2 numbered, in a numbered forum. Forgive me. (Pause)
- I think it's at 1300, sir. That it's actually
- 4 written in the decision log. Mr Johnston may be able to
- 5 assist you, but I think that was what he wrote on the
- 6 board, exactly.
- 7 Q. 1300? Ah, I see, yes, page 13 of the log or page 240 in
- 8 the bottom right.
- 9 A. I may be confused by that, sir, but I have recollection
- 10 now that might have been what was on the board, but
- 11 Mr Johnston could assist you with that, I think.
- 12 Q. We will ask him. But we there see the numbered points:
- "Ensure public safety, control addresses".
- 14 That's surveillance control?
- 15 A. Yes, sir.
- 16 Q. "Where possible take people away from addresses and
- 17 detain".
- 18 A. Yes, sir.
- 19 Q. So that's people other than the suspects?
- 20 A. Yes, sir, yes.
- 21 Q. "Arrest suspects".
- Then three names, Nettle Tip which was Osman?
- 23 A. That's correct, sir.
- 24 Q. Regal Wave which was Omar?
- 25 A. Yes, sir.

- 1 O. Then:
- 2 "5. Secure and search identified addresses".
- 3 A. Yes, sir.
- 4 Q. Obviously when that became practicable?
- 5 A. Yes, sir.
- 6 Q. So something like that is written in --
- 7 A. Yes.
- 8 Q. -- the ops room by Mr Johnston. We can ask him about
- 9 that. A couple of other questions about the ops room:
- 10 how many people roughly were present in the ops room in
- 11 the period from 8 o'clock to 10 o'clock?
- 12 A. I would estimate around about a dozen, 15 -- a dozen,
- 13 15. Again swipe records may help with that. I don't
- 14 know if they have been captured.
- 15 Q. We have seen photographs of the operations room and
- I don't ask them to be brought up yet. What was the
- 17 atmosphere in the room and what was the noise level?
- 18 A. The atmosphere was the first morning of the operation,
- 19 what happened the day before, it was very energetic,
- very focused. Noise level as I would have expected;
- 21 people are talking, communicating, clarifying issues.
- 22 Noise level certainly wasn't quiet but it wasn't noisy,
- 23 or you know, too noisy that people couldn't understand
- or couldn't carry out their functions; energetic,
- 25 I would say, sir.

- 1 SIR MICHAEL WRIGHT: How did it compare with the noise
- 2 levels generated in Operation CATTO, which would have
- 3 been a week earlier.
- 4 A. Sadly, sir, I wasn't -- because of what I was doing on
- 5 7/7 --
- 6 SIR MICHAEL WRIGHT: You can't answer that question.
- 7 A. No. What might be helpful as a comparison is that
- 8 subsequently we have conducted some additional training,
- 9 and it's part of a surveillance training programme that
- 10 we have introduced for this sort of incident over
- 11 a three-day scenario, and the control room plays a main
- 12 function in that. Very similar levels of energy and
- 13 communication, I noticed, were replicated in the recent
- 14 training programmes where people really do need to
- 15 communicate very clearly what's happening in a fast time
- 16 environment. Certainly not quiet.
- 17 SIR MICHAEL WRIGHT: Certainly what?
- 18 A. Not quiet.
- 19 SIR MICHAEL WRIGHT: Well, I asked you. You couldn't answer
- 20 my question -- well, can you identify someone fairly
- 21 senior who was both present in Operation CATTO and was
- 22 present in the operations room during this period?
- 23 A. That would be Mr Connell, sir.
- 24 SIR MICHAEL WRIGHT: Mr Connell?
- 25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: All right.
- 2 MR HOUGH: Now, can we have tab 20 of the jury bundle, the
- 3 plan back on screen, please.
- 4 Focus in, please, on the operations room. Now, just
- 5 to remind ourselves of how this room was laid out, you
- 6 have the straight desk of surveillance team monitors?
- 7 A. Yes, sir.
- 8 Q. Then a horseshoe-shaped configuration of desks behind
- 9 them?
- 10 A. Yes, sir.
- 11 Q. And some big screens in front of them?
- 12 A. That's correct, sir.
- 13 Q. So screens both immediately in front of each one and
- larger screens above?
- 15 A. Yes, sir, terminals on the desk in effect, and there is
- 16 sort of TV screens above the front end, if you like, at
- 17 the top of the overhead.
- 18 Q. What was showing, if anything, on the higher and larger
- 19 screens?
- 20 A. There is an ability to show things like the surveillance
- 21 monitors log. I can't recall if that was being shown at
- 22 the time. You can actually put CCTV imagery and things
- 23 of that nature on there. News bulletins. I can't
- 24 actually recall at that time, I am afraid, sir.
- 25 Q. During the period from 8 o'clock to 10 o'clock were you

- 1 standing or sitting in any particular place or were you
- 2 moving around?
- 3 A. I was generally, where it actually is written
- 4 "operations room", sir, I was generally in that area
- 5 between the front and back rows of desks, the straight
- for a row and the back row, and situated more towards, as you
- 7 look at the screen, the right-hand side where the words
- 8 "operations room" are written.
- 9 Q. We have heard that the surveillance monitor for
- 10 Scotia Road, who was called Pat, or has been given the
- 11 name Pat, was seated on the left of those straight desks
- 12 where we can see S1?
- 13 A. Yes, sir, that's correct.
- 14 Q. Does that accord with your recollection?
- 15 A. Yes, sir.
- 16 Q. Between 8.15 and 9.34, as we have heard, a number of
- 17 people, I think it's four people, came out of the
- 18 communal entrance of the block at Scotia Road?
- 19 A. Right, sir, yes.
- 20 Q. Were any decisions taken by Commander Dick about those
- 21 four people?
- 22 A. No, sir, as I say, the timing I am afraid I can't be
- 23 exact on, but people were allowed to leave the communal
- door if they weren't known to come from 21 or not
- 25 a likeness of one of the suspects.

- 1 Q. Was that an as a result of a positive decision
- 2 Commander Dick was making or was it just being allowed
- 3 to happen without thought or consideration?
- 4 A. There had been the discussion around it, sir, which
- 5 I hope I have explained, so from that point forward, and
- 6 it was a decision that had already certainly been taken
- 7 because I became aware of people leaving the communal
- 8 door, rightly, by the surveillance team, and from that
- 9 point forward with Commander Dick's agreement, because
- she could have changed that, people were rightly allowed
- 11 to leave.
- 12 Q. Who was forming an assessment of whether the information
- from the surveillance monitors indicated that the people
- were a good likeness to the suspects or not?
- 15 A. The surveillance monitors have got headphones on, to
- 16 understand your question, sir. They listen to the
- 17 surveillance channel and if anything of interest occurs
- 18 they would communicate that immediately to those in the
- 19 room, Commander Dick in this case is the most important
- 20 person, and myself, as to any -- anything that they want
- 21 us to be aware of, he, in this case, would speak to us
- 22 about.
- 23 Q. So Pat would swivel round and speak to one of you and
- say: somebody has come out, they look like this.
- 25 A. Yes, and as the operation occurred, and we had many

- 1 surveillance teams out, each one would turn round and
- 2 say: this is now a significant development.
- 3 Q. During this period from the end of the meeting to when
- 4 Mr de Menezes comes out of Scotia Road, was there any
- 5 discussion of stopping bus routes in the area?
- 6 A. I don't personally recall that, sir, I am afraid, no.
- 7 Q. Another point, over this period, were you made aware of
- 8 any concerns or problems being identified by the
- 9 surveillance teams on the ground and passed to their
- 10 monitors?
- 11 A. Not at this time, sir. I mean, just if I can explain
- 12 the structure, the surveillance team would speak to the
- monitors or in fact the gentleman I referred to earlier,
- 14 the surveillance inspector who was there, who I have
- 15 spoken to about making sure the images were there, I am
- 16 sure it was him, obviously it was a long time ago, he is
- 17 responsible with the monitor for making sure the
- 18 surveillance team's needs are met. They communicate
- 19 with them repeatedly, so anything would have been
- 20 brought to our attention that they couldn't deal with or
- 21 that was something they felt needed to go further up the
- 22 chain of command.
- 23 Q. Was anything brought to your attention in that way?
- 24 A. No, sir.
- 25 Q. 9.34, Mr de Menezes comes out of the communal door.

- 1 That's been fixed in time.
- 2 A. Yes, sir.
- 3 Q. Perhaps we can have the timeline at page 3 of tab 1 of
- 4 the jury bundle on screen, so that we can help ourselves
- 5 with the timings. This is agreed timings. Were you
- 6 notified by Pat when Mr de Menezes came out of the
- 7 communal entrance and was identified by Frank and the
- 8 other surveillance officers as being of a particular
- 9 description?
- 10 A. Pat told us when at 9.34 somebody came out of the
- 11 address who was a possible, I think, at that stage.
- 12 Yes, sir.
- 13 Q. I think over the next five or six minutes, while he
- 14 walked to the bus stop, he was observed by various
- 15 surveillance officers?
- 16 A. That's from the timeline, that's correct, sir, yes.
- 17 Q. Their entries were going into the log and I am not going
- 18 to take you to those entries, because we can deal with
- 19 those with the officers, but we know that at 9.39 he
- 20 boards the bus on Tulse Hill. 9.47, he gets off the bus
- 21 at Brixton and then a couple of minutes later he
- reboards at Brixton. So that's the timeframe.
- 23 A. Yes, sir.
- 24 Q. Before I ask you a couple of questions.
- 25 A. Yes, sir.

- 1 Q. Did a time come when you gave an order in relation to
- 2 this man? I am at paragraph 28 of your statement, if
- 3 that helps.
- 4 A. Thank you, sir. Yeah, what occurred was that at first
- 5 there was at some level, and subsequently I have heard
- 6 additional information, at some level, a belief that
- 7 this gentleman was worth a second look or it could be
- 8 the suspect. Then it became apparent that he wasn't,
- 9 was not believed to be the suspect, and the surveillance
- 10 team had followed him on to a bus, as I understood it.
- 11 So there was, if you like, an opportunity that
- 12 somebody who had come from that address and had got on
- 13 to a bus, now not believed to be the suspect, was
- 14 travelling well away from the address. So I asked Chief
- 15 Inspector Scott to arrange for DS Dingemans, who was the
- 16 SO13 detective sergeant, if you like, the bolt-on phrase
- 17 that I used to support the firearms element, to be
- 18 tasked to stop that individual, using relevant theatre
- 19 and disguise not to reveal the police operation, of
- 20 course, to see if we could find out a little bit about
- 21 the address but in a discreet way, not to show out that
- 22 we were looking at the address in any way, shape or
- 23 form.
- 24 Q. So by the time that you gave that order, the feeling in
- 25 the control room was that from the information you were

- 1 receiving, this was not one of your suspects?
- 2 A. Yes, sir.
- 3 Q. With what degree of certainty did you and others in the
- 4 control room hold that belief?
- 5 A. That it wasn't the suspect, sir?
- 6 Q. Yes.
- 7 A. Absolutely that it wasn't, and that's indicative of the
- 8 fact that Dingemans was asked to go to stop him.
- 9 Q. Now, Dingemans himself says, certainly in a statement,
- 10 and we will hear from him in due course, that the order
- 11 actually came through the Silver Commander, Mr Purser?
- 12 A. Right, sir.
- 13 Q. Is that something you know anything about?
- 14 A. What I am aware of is that Commander Dick is in the room
- and she is speaking to Mr Purser, so as the decision is
- being made and myself and Commander Dick were talking,
- 17 completely joined up during this process and agreeing
- 18 these decisions, she would have been speaking to
- 19 Mr Purser who would have obviously had, as he is the
- 20 Silver Commander, communication with the different
- 21 groups on the ground.
- 22 Q. Just to pinpoint the timing, we know that Mr Purser
- called Mr Dingemans at just before 9.49?
- 24 A. Right, sir.
- 25 Q. So that, at about the time that Mr de Menezes is going

- 1 up to reboard the bus in Brixton?
- 2 A. Right, sir.
- 3 Q. If that was the time of the order, and if your order was
- 4 given maybe a minute or two before that --
- 5 A. Yes, sir.
- 6 Q. -- then the order would have been given around the time
- 7 that the bus was coming towards Brixton?
- 8 A. I see that, sir, yes.
- 9 Q. Okay. Did a time later come when you countermanded the
- 10 order to Mr Dingemans?
- 11 A. Yes, it did, sir.
- 12 Q. Roughly how long after the first order was the new order
- 13 given?
- 14 A. It's very difficult now to say, sir. The surveillance
- 15 log may assist, but what happened was Pat, the monitor,
- informed me or informed the room in effect, that they
- 17 did now believe the subject to be Hussain Osman.
- 18 Q. With what degree of certainty or confidence did he say
- 19 that?
- 20 A. Well, I tried to establish something that we have used
- 21 previously in another surveillance environment I have
- 22 been in on a scale of 1 to 10 of what that likeness was,
- just to see how strong the likeness was viewed to be,
- 24 which Pat did very much try to establish, but was unable
- 25 to do so. And it's very difficult when you are doing

- 1 surveillance to be able to communicate sometimes. If
- 2 I can explain, the person with sight of the suspect may
- 3 not be able to talk, so we weren't able to establish by
- 4 that means.
- 5 But Pat was saying then that it was believed to be
- 6 him, it was him.
- 7 Q. Did you ask this question about the 1 to 10 scale of
- 8 identification, did you ask that before or after you
- gave the new order to Mr Dingemans?
- 10 A. I actually think I was focused on asking that question
- 11 to establish the likeness, and then I cancelled
- 12 Dingemans, from my recollection, sir.
- 13 Q. Certainly the surveillance officers at the scene are
- 14 likely to say that when they got that question, they
- said it's an impossible question to answer. Is that
- 16 a sentiment that got through to you?
- 17 A. Not at the time, sir, I have heard it subsequently, but
- 18 having run -- and I have no criticism of the
- 19 surveillance whatsoever, they have a very challenging
- job, and there are slight variances on how different
- 21 surveillance units work, but on the National Crime Squad
- 22 and certainly when we were working on the Flying Squad,
- 23 it was that type of -- to give people a bit of clarity
- about certainly in an early stage of an operation when
- 25 the subject has not been seen before, the likeness on

- 1 a scale is something that we have used elsewhere.
- 2 Q. Now, you have said you have made an order to --
- 3 SIR MICHAEL WRIGHT: Sorry, could you just pause there one
- 4 minute. Your recollection is that Pat, on this occasion
- 5 was saying, the words you used, "it was believed to be
- 6 him, it was him".
- 7 A. Yes, sir.
- 8 SIR MICHAEL WRIGHT: What did you take that to mean, so far
- 9 as the level of identification was concerned?
- 10 A. In my experience, sir, although Pat was saying that, the
- 11 first morning of an operation, the subject has not been
- 12 seen before, and I know the enormous challenges there
- 13 are in identification, I took that to be a good likeness
- 14 because it's really difficult to absolutely identify
- somebody from a lot of experience of making mistakes
- through surveillance teams and that being positive,
- 17 positive, sir.
- 18 SIR MICHAEL WRIGHT: Do I understand you correctly to say
- 19 that you would not have regarded that phraseology as
- 20 a positive identification?
- 21 A. A strong likeness, sir, on the first morning of
- 22 an operation, absolutely correct, sir.
- 23 SIR MICHAEL WRIGHT: Not a positive identification.
- 24 A. Not positive.
- 25 SIR MICHAEL WRIGHT: Thank you.

- 1 MR HOUGH: So we have heard that you gave an order to
- 2 countermand Mr Dingemans; was that order given with
- 3 the intention of then giving another order to somebody
- 4 else.
- 5 A. Yes, that was to cancel Dingemans and then I said that
- 6 the SO19 team, the firearms team should now be moved up
- 7 to support the surveillance in anticipation of
- 8 an arrest.
- 9 Q. Can I just show you two pages of the surveillance
- 10 running log, the one you have been talking about, on the
- 11 screen. It's page 447 of the documents, please. This,
- 12 as you see, is the surveillance running log,
- 13 a print-out. Just for everybody's benefit, I think that
- 14 the times here are the time that the entry is made?
- 15 A. Right, sir.
- 16 $\,$ Q. That may be a minute or two after the thing happens and
- 17 the information comes in.
- 18 A. Yes, sir.
- 19 Q. 9.34, unidentified IC6 or IC2, are they ethnic
- 20 descriptives?
- 21 A. They are, sir, yes.
- 22 Q. What are they, just for everybody's benefit?
- 23 A. A few years ago, I would have been able to tell you,
- sir; now my memory fades from my surveillance.
- 25 Q. We may hear that from others. "Male, fattish face,

- stubbled, 5-foot 10". "PIW"?
- 2 A. My interpretation of that, but the person who wrote this
- 3 needs to give that interpretation as to what they meant,
- 4 but would be "person ident with". Or "possible ident
- 5 with", actually, it could be.
- 6 Q. I think the explanation which may be given is "possible
- 7 ident with". "NT", is that Nettle Tip?
- 8 A. Yes, sir, I believe so.
- 9 Q. "... in jeans out of communal door". Then 9.39,
- "Unidentified male on to bus".
- 11 A. Yes, sir.
- 12 Q. Then further information about the bus. 9.48,
- "Unidentified male of bus". That probably means "out of
- 14 bus"?
- 15 A. Yes.
- 16 Q. "And on foot towards further bus stop"?
- 17 A. Yes, sir.
- 18 Q. Over the page, please:
- "Unidentified male waiting at bus stop".
- 20 That's him in Brixton?
- 21 A. Yes, sir.
- 22 Q. 9.52, "Unidentified male back on to same bus". 9.54,
- 23 "Believed unidentified male using mobile phone, possibly
- 24 texting, on the bus". Yes?
- 25 A. Yes, sir.

- 1 Q. Then 9.56 and 57, some further entries about the route
- of the bus. Then 10 o'clock:
- "Unidentified male on top deck but appears heading
- 4 down".
- 5 10.03, "Unidentified male off the bus".
- 6 10.05, "Unidentified male running on to escalators".
- 7 A. Yes, sir.
- 8 Q. It's an obvious point so it's one that I will put to
- 9 you. The running log coming up on the screen in front
- of you, always referred to the subject of the
- 11 surveillance, Mr de Menezes, as "unidentified male"?
- 12 A. Can I go back to the last page, please, sir, if I may.
- 13 Yes, I agree with that. It's -- I notice it's the reds,
- 14 and then the grey seem to take the commentary, if you
- like, in the log from 9.39. PIW is the key, and it has
- 16 to be the loggist and the person who made that remark
- 17 who will have to give the evidence about that, sir.
- 18 Q. That was at a very early stage when he was just out of
- 19 the door. We know that after that, the information that
- 20 you certainly say you received was that he was regarded
- 21 as not the suspect?
- 22 A. Yes, sir.
- 23 Q. Then later, the additional information comes through
- 24 that you have described that caused you to call off
- 25 Mr Dingemans?

- 1 A. Yes, sir.
- 2 Q. But throughout, even in that later stage, he is referred
- 3 to as "unidentified male"?
- 4 A. I haven't seen that log before, sir, but that doesn't
- 5 correlate with what we were told in the ops room.
- 6 Q. Were you looking at what was coming up on screen while
- 7 you were giving the orders in the ops room?
- 8 A. No, sir, I was talking directly to Pat, directly to Pat.
- 9 Q. Thank you very much, I think that can come off screen.
- 10 Now --
- 11 A. Sorry, sir, forgive me. That was the running log from
- 12 the ops room, not the surveillance log obviously.
- 13 Q. Not the log kept by the teams?
- 14 A. Right, okay.
- 15 Q. Yes. That's from the ops room. Each of the
- 16 surveillance teams, grey and red, had a handwritten log
- 17 which was separate from that?
- 18 A. They should do, yes, sir.
- 19 Q. Again, we will deal with all those in due course but
- I will not swamp you with documents at this stage, just
- 21 because that's something that's coming into your room,
- 22 that's why I am taking you to it and giving you the
- 23 opportunity to comment on it.
- 24 Can I move on to the time after Mr Dingemans has
- 25 been cancelled. Over this time, is this right,

- 1 Commander Dick had an open telephone line to Silver?
- 2 A. Yes, sir.
- 3 Q. And that's Mr Purser?
- 4 A. It is, sir, yes.
- 5 Q. With the firearms teams?
- 6 A. Yes, sir.
- 7 Q. Mr Esposito, her tactical adviser, had an open telephone
- 8 line to Trojan 84?
- 9 A. He was in direct contact with, yes, the tactical leader
- in the vehicle, sir, yes.
- 11 Q. So tactical adviser with Silver?
- 12 A. Yes, sir.
- 13 Q. So two lines of communication direct by phone?
- 14 A. That was my understanding, sir.
- 15 Q. At this point, so from 9.55 to the time of the shooting,
- 16 where were you and Commander Dick standing in the
- 17 operations room?
- 18 A. May I show you on the screen, sir?
- 19 Q. Of course, tab 20, please. (Pause)
- 20 A. Thank you. Commander Dick, as you look at the
- 21 right-hand side of the plan, I think it's shown as
- 22 Charlie 2, Charlie 1 and Charlie 3. Charlie 3 is where
- 23 the sort of surveillance managers are, surveillance
- 24 co-ordinators both for the Special Branch element and
- 25 the Serious Crime Directorate element. And

- 1 Commander Dick was standing, I would say, on the side
- 2 between those row of desks opposite C2 and towards S4
- 3 with the phone on that sort of desk in that area.
- 4 Q. So just behind the words we can see "Aquarius PC"?
- 5 A. More towards the right. The phone she was using was on
- the desks that you see that serviced chairs C1 and C2.
- 7 It was one of the phones sort of in that area.
- 8 Q. Can a cursor be put on the screen, please?
- 9 A. Thank you.
- 10 Q. Can you just direct the operator.
- 11 A. If the cursor moves sort of basically to the right and
- 12 slightly down now, yeah, around about there, standing
- 13 with a phone on that desk.
- 14 Q. Can a mark be put there?
- 15 A. In that area, certainly. All the time it was ago. But
- 16 certainly around that area.
- 17 Q. Where were you at this time?
- 18 A. I was standing again between Pat, I was more over
- 19 towards the S1 chair, if you like, and turning round and
- 20 speaking to both Commander Dick and certainly where the
- 21 marker is there, perhaps a little bit to the right of
- 22 there I was, maybe a little bit further. About there,
- 23 I would suggest. And Mr Esposito --
- 24 Q. Can we just put a mark there? Thank you very much.
- 25 A. And Mr Esposito was seated at one of the, either at A3

- or is that A6, chairs, they are the sort of areas that
- 2 the firearms --
- 3 Q. I think it's A4.
- 4 A. Is it? Forgive me.
- 5 Q. Immediately below the words "operations room"?
- 6 A. Yes, sir, that sort of area was where the firearms
- 7 managers were.
- 8 Q. We know that Mr de Menezes gets off --
- 9 SIR MICHAEL WRIGHT: Do you want that marked?
- 10 MR HOUGH: It would be as well, yes.
- 11 SIR MICHAEL WRIGHT: You think he was sitting there, do you?
- 12 A. Mr Esposito was sitting down, he may have stood up from
- 13 time to time, but he is on the seat side of those desks
- 14 and he has a seat. Commander Dick was standing on the
- 15 phone, as you can see there is no chairs there, sir, and
- 16 I was standing moving between --
- 17 SIR MICHAEL WRIGHT: I have got that. We have marked that.
- 18 It's only where Mr Esposito was.
- 19 A. He was sitting down.
- 20 SIR MICHAEL WRIGHT: In A4?
- 21 A. Either A4 or A3, I think A4. But at times he would
- 22 stand, sir, as well, I have to say.
- 23 SIR MICHAEL WRIGHT: Thank you.
- 24 MR HOUGH: We know that Mr de Menezes gets off the bus at
- 25 10 am. Was that relayed to the control room through the

- 1 surveillance monitor?
- 2 A. Yes, sir, I think there was an indication that he was
- 3 standing up, so that, if you like, signalled the fact he
- 4 was about to get off the bus.
- 5 Q. Was it known in the control room at that time whether he
- 6 was carrying anything?
- 7 A. I have to refer to my notes, sir. I don't believe so at
- 8 that stage, no.
- 9 Q. Could we have page 237 on screen, please.
- 10 A. I found a note in my statement, actually, sir.
- 11 Q. I see. I don't think we need the document on screen,
- 12 then.
- 13 A. I have the note that:
- "The subject remained on the London Transport bus
- 15 travelling towards Stockwell tube station. Pat
- 16 indicated that the subject was apparently texting, using
- 17 his mobile phone, and was described as being nervous,
- but he was not in possession of a bag."
- 19 Q. Thank you. He is getting up to get off the bus?
- 20 A. Yes, sir.
- 21 Q. That information comes through. Was any order given in
- 22 reaction to that?
- 23 A. I think I have explained that I turned to instruct the
- 24 SO19, Mr Esposito, to get the SO19 officers to move
- 25 forward for an arrest when safe to do so. But I heard

- 1 Commander Dick instructing the SO19 officers to move
- 2 forward literally at the same time. And she was, as
- 3 I have explained, on a telephone speaking directly to
- 4 Detective Chief Inspector Purser, who is the Silver
- 5 Commander in the control vehicle at that location for
- 6 the Scotia Road address.
- 7 Q. What response was given to those orders coming through?
- 8 A. I can't say what was said to Commander Dick because she
- 9 is on the telephone speaking directly to the --
- 10 Q. What does Mr Esposito say to you?
- 11 A. Mr Esposito said that they weren't in a position at that
- 12 stage to take control of the subject.
- 13 Q. Does Commander Dick take any action in response to
- 14 whatever information she is getting?
- 15 A. Well, the subject left the bus, sir, and started to walk
- 16 towards the Underground station. I informed
- 17 Commander Dick that she could instruct the Special
- 18 Branch surveillance team, the SO12 team as it's referred
- 19 to, to detain the subject, mindful of SO12 officers are
- 20 not trained in armed intervention, so it's not a tactic
- they are trained to do, arrest someone at gunpoint.
- They carry weapons for their self-protection. But in my
- judgment, it was the right thing to do, it was
- 24 proportionate and a reasonable option, balanced against
- 25 the subject getting into the Underground network, if

- 1 indeed he was going to go into the Underground station,
- 2 because he is walking towards it, he could obviously
- 3 have walked past it, and potentially being lost to us
- 4 from surveillance because of the challenges of following
- 5 someone on the Underground system.
- 6 SIR MICHAEL WRIGHT: We have been told that another reason
- 7 why SO12 officers, Special Branch officers, would not be
- 8 asked to carry out arrests is because it might
- 9 compromise their covert status. I don't know how
- important that would have been in this situation.
- 11 A. In this case, sir, it's an option of last resort for me,
- 12 because indeed, and we have to be conscious of
- 13 legislation and our responsibilities, we should use the
- 14 officers who are trained to conduct tactics such as
- 15 these to do them.
- 16 SIR MICHAEL WRIGHT: I understand that was a major
- 17 consideration. What I wanted to know was whether the
- 18 loss of covert status was also important.
- 19 A. In this case, proportionately, sir, not at all. That
- 20 would have been something that I would have seen as
- 21 a very small issue.
- 22 SIR MICHAEL WRIGHT: Thank you.
- 23 MR HOUGH: The jury may hear that certain officers on the
- 24 surveillance teams will say that they communicated and
- 25 actually positively suggested that they might take some

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1 action. Is that something that got through to you at
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- 2 that time?
- 3 A. No, sir, but it's quite possible that they were saying
- 4 that to the surveillance monitor because as I have
- 5 explained, he's got the headphones on and the
- 6 surveillance channel isn't being broadcast in the ops
- 7 room, but that's quite feasible.
- 8 O. So that's the decision that's been taken about SO12
- 9 officers. What comes through next to the control room?
- 10 A. Commander Dick does actually instruct the SO12 officers
- 11 to stop the subject, and Pat did, the monitor did relay
- 12 that. I heard him relay that to them. I have to say
- 13 Commander Dick was completely clear and calm in the
- 14 decision-making and the instructions she gave.
- 15 It was very clear, it was to conduct using SO12
- an armed intervention and arrest. But almost
- immediately, and it was literally immediately, sir,
- I recall this well, we were then told that the SO19 team
- 19 were now in a position to arrest the subject. So if
- 20 I can explain, they are clearly making ground in their
- 21 vehicles to catch up with the surveillance and the
- 22 surveillance control of the individual who's now stepped
- 23 off the bus and is walking towards the Underground
- 24 station, so they are making that progress, and then we
- 25 got the information that they were in a position to do

- 1 it.
- 2 Q. May I pause you there. You said almost immediately, and
- 3 I know this may be an impossible question, like the 1 to
- 4 10 scale or things like that. Can you say roughly, 10
- 5 seconds, 20 seconds, a minute?
- 6 A. It certainly wasn't a minute, sir, I think it was
- 7 a matter of seconds, I would have said a matter of
- 8 seconds but it's very difficult to say exactly.
- 9 Q. So going back to that, you said that at this point the
- 10 information came through that CO19 are now in a position
- 11 to make an intervention; what order was given in
- 12 response to that information coming through?
- 13 A. Well, again rightly, because the team that are trained
- 14 to conduct that activity are there, Commander Dick
- instructed DCI Purser on the telephone that SO19
- officers would now conduct that arrest.
- 17 Q. Just pausing there, we have asked this of your deputy,
- DCI Scott, as well: can you remember the precise words
- she used in giving her order to CO19?
- 20 A. I don't know if, sir, in the other logs that you have of
- 21 mine whether I have recorded that, but I do recall she
- said to stop the subject before he got on to the
- 23 Underground system, but I don't know if I have made
- 24 a note of -- and I very rarely make notes of exact
- 25 speech, relying on recording devices rather than memory.

- 1 Q. I'll come to that note in just a second. I will deal
- 2 with a couple of other questions first. That order, was
- 3 that given before or after it was known that
- 4 Mr de Menezes had passed the barriers and was going down
- 5 the escalator?
- 6 A. It's very difficult in the operations room, sir. You
- 7 have no visual understanding of where the subjects are.
- 8 My belief, my expectation was that the subject was
- 9 walking towards the Underground station and as the
- 10 events emerged and the information was given that SO19
- 11 were in a position -- and I know Stockwell, sir, I used
- 12 to work at Brixton, I know the Underground station very
- 13 well -- that he would be arrested literally immediately
- 14 outside or in the hallway area, it was quite a wide open
- 15 expanse area, of the Underground station.
- 16 Q. Did the information in fact later come through that he's
- got through the barriers before CO19 have arrived?
- 18 A. There is the delay waiting which normally happens when
- 19 you instruct for an arrest to occur, there is normally
- 20 a delay while that takes place, is communicated and the
- 21 officers on the ground perform that tasking. The next
- 22 thing we are aware of, and we are told by Pat, is that
- 23 the subject was descending the escalator, still under
- 24 the control of the surveillance officers.
- 25 Q. At that stage, I think you lose radio and telephone

- 1 communication?
- 2 A. Yeah. Unfortunately because of the Underground station,
- 3 at the time our radios weren't -- didn't enable us to
- 4 listen to what happened when they went into the
- 5 Underground station.
- 6 SIR MICHAEL WRIGHT: Does it follow from that that as Pat
- 7 was saying that he was still under the control of the
- 8 surveillance officers, that means that however far
- 9 behind they were, SO19 hadn't yet got to him, as it
- 10 were?
- 11 A. My expectation, sir, was that he was going to be
- 12 arrested in the entrance to the Underground station.
- 13 SIR MICHAEL WRIGHT: Upstairs.
- 14 A. Absolutely, sir, upstairs, ground level, as you walk in,
- it's quite a wide open area as you enter.
- 16 SIR MICHAEL WRIGHT: From what you were told just then, by
- 17 this time he was going down the escalators, still under
- 18 the control of the surveillance officers.
- 19 A. Clearly, sir, yes.
- 20 SIR MICHAEL WRIGHT: The inference from that would be that
- 21 CO19 hadn't yet got to him.
- 22 A. They hadn't yet -- that catching-up process, yes, sir.
- 23 MR HOUGH: Can we have page 211 on screen. This is part of
- 24 your operational log.
- 25 I am going to read a section and then ask a couple

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- 1 of questions about it:
- 2 "Commander Cressida Dick instructed DCI Purser that
- 3 the subject should be detained before entering the tube
- 4 system. No communications were then heard due to the
- 5 effects of officers being underground. 10.15 hours,
- I was informed that the subject had been shot by SO19."
- 7 Pausing there, these two paragraphs, can you recall
- 8 when you entered these into your log?
- 9 A. I can't, sir. What I did ask again to be done, and
- I don't know if it has been achieved, the log obviously,
- it's an electronic log, can be captured, because it's
- 12 a living document as you enter on to it, and I asked
- 13 that that be done after the event. The log was
- 14 finalised by me at the end of the operation. This was
- 15 begun that day. When exactly I made that entry
- 16 hopefully can be verified electronically but certainly
- 17 very quickly, you know, shortly afterwards.
- 18 Q. You asked about a record you made about the words of
- 19 Commander Dick or at least the summary of what she said,
- 20 and do we see there the record --
- 21 A. Yes, sir.
- 22 Q. -- made at some point of those words?
- 23 A. Yeah.
- 24 Q. Going on:
- 25 "GT [that's the other room in New Scotland Yard]

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1 were informed, ambulance called, and DCI Purser to

- 2 attend scene."
- 3 Then this:
- 4 "I spoke to Chief Inspector Esposito, SO19 tactical
- 5 adviser, to clarify the position regarding the
- 6 intervention of the subject. Chief Inspector Esposito
- 7 stated that the SO19 officers were conducting
- 8 an orthodox armed intervention and the officers'
- 9 instructions were clear. The officers will have
- 10 challenged the subject and his responses will have
- 11 resulted in the officers' actions. This was not
- 12 a Kratos incident."
- 13 A. Yes, sir.
- 14 Q. Those words of Chief Inspector Esposito that are
- 15 recorded there, were they spoken before or after he had
- heard from anybody at the scene?
- 17 A. Literally immediately that I had been informed that the
- subject had been shot, sir, I said to Mr Esposito for
- 19 clarification because it was -- the events as I have
- 20 described them are how they occurred; that clearly this
- 21 was not a Kratos; this was an instruction to detain,
- 22 arrest somebody. And then whatever event occurred on
- the Underground I cannot obviously give testimony for,
- 24 but the instructions to the officers were clearly to
- 25 detain that subject, not a Kratos, and because of the

- 1 unique circumstances of what we were facing and the role
- of the DSO, I sought clarification of that with
- 3 Mr Esposito and he agreed.
- 4 Q. So you are recording there, is this right, that no order
- 5 was given from the control room for a critical shot to
- 6 be taken?
- 7 A. That's correct, sir.
- 8 Q. From the orders you heard, could any of those have been
- 9 misinterpreted by those on the ground as requiring
- 10 a critical shot?
- 11 A. No, sir, absolutely not. Commander Dick was very clear,
- 12 and it was to detain the subject.
- 13 Q. We have heard about you then being informed. We have
- 14 seen in the log you were then informed of the -- of what
- 15 had happened.
- 16 A. Yes.
- 17 Q. I think you then stayed on in the operations room to
- 18 manage and continue the investigation?
- 19 A. I remained running the operations room then until it
- 20 ceased to operate when we had arrested the relevant
- 21 people involved, I think around 1 or 2 August, sir. It
- 22 remained open 24 hours until the end of -- the
- resolution of arresting those responsible for 21/7.
- 24 Q. Without going through all the different addresses you
- 25 had to deal with and all the different actions you had

- 1 to take, can you tell the jury briefly what the results
- of the investigation were?
- 3 A. We conducted numerous armed arrests and armed call-outs
- 4 and entries to addresses. Records will reflect them.
- 5 Certainly considerable numbers. We arrested some 30
- 6 people, 16 of which, from the arrests from the control
- 7 room, were convicted for their responsibility either in
- 8 conducting the attacks 21/7 or aiding and abetting those
- 9 who conducted the attacks on 21/7, and that came through
- 10 the operations room.
- 11 Q. Did you ultimately arrest all those who were seen on the
- 12 CCTV as the suspects?
- 13 A. We did, sir, yes.
- 14 Q. Were any lives, either officers or theirs or third
- parties, lost in the operation other than that of
- 16 Mr de Menezes?
- 17 A. Other than the tragic death of Mr de Menezes, no, sir.
- 18 MR HOUGH: Thank you very much, those are my questions.
- 19 SIR MICHAEL WRIGHT: Yes, Mr Mansfield.
- 20 Questions from MR MANSFIELD
- 21 MR MANSFIELD: Mr Boutcher, good morning, my name is
- 22 Michael Mansfield and I represent the family of
- Jean Charles de Menezes.
- 24 A. Good morning, sir.
- 25 Q. Can I just before lunch deal with one thing since you

- 1 have been asked about events afterwards. One of the
- 2 things that must have been foremost in your mind once
- 3 you realised somebody had been shot dead was: who was
- 4 that person.
- 5 A. Yes, sir.
- 6 Q. Because this is right up your street, if I may put it
- 7 that way?
- 8 A. Yes, sir.
- 9 Q. Because you are looking at leads and so on and you might
- 10 want to know whether the person shot was in fact one of
- 11 the people you were looking for or may have been. So
- 12 did you fast-track that inquiry?
- 13 A. I spoke to Mr Purser, sir, at the time, who was the
- 14 Silver Commander at that location, and then subsequently
- 15 there was a DI who is a Detective Inspector from SO13,
- 16 who was Mr Pover, and through him I was seeking that
- information, sir.
- 18 Q. Yes. The reason I want to ask you this is that: were
- 19 you aware that Jean Charles de Menezes had a wallet on
- 20 him.
- 21 A. Later on that day, I was, sir, yes.
- 22 Q. Were you aware that the wallet was discovered very
- 23 shortly after he had been shot? It was on a tube train
- 24 seat nearby, 10.40 am in the morning. Did you know
- 25 that?

- 1 A. No, sir, I didn't get that information.
- 2 Q. You didn't get that information?
- 3 A. No, sir.
- 4 Q. Should you have been given that information?
- 5 A. Well, sir, because of the event that had occurred, the
- 6 event was then being managed by officers locally and the
- 7 complaints procedure occurs. I would have hoped to have
- 8 received as much information as I could as soon as
- 9 I could, but I didn't get that, and I think they are
- 10 dealing with the scene and the event that's occurred.
- 11 Q. I want to just follow through, because it may reflect on
- 12 what happened before, you see. You talk about the
- 13 complaints procedure. In fact the complaints procedure
- 14 didn't begin straight away, did it? It was precluded
- 15 from doing so?
- 16 A. I don't know the details of that, I am afraid, sir.
- 17 Q. You know it was precluded, don't you?
- 18 A. I don't know the detail of that at all, sir, I can't
- 19 give that testimony, I am sorry.
- 20 Q. I'm not asking for the detail. You know it was
- 21 precluded from entering into its investigation?
- 22 A. The police complaints procedure, I don't know that at
- 23 all, sir, no, I am sorry.
- 24 Q. You don't?
- 25 A. No.

- 1 Q. I leave that to one side for the moment. You had
- 2 fast-tracked this aspect, and I appreciate there are
- 3 lots of other aspects. It seems there are a large
- 4 number of officers dealing with different aspects. The
- 5 aspect is: who was the man who has been shot. The
- 6 wallet is sitting on a tube train seat at 10.40.
- 7 A. Right, sir.
- 8 Q. Did you know that the wallet contained a number of items
- 9 of identification?
- 10 A. Sir, I am trying to help you; I didn't know about the
- 11 wallet; I didn't know the items of identification,
- 12 therefore, in the wallet at that stage, no, sir.
- 13 SIR MICHAEL WRIGHT: Mr Mansfield, I am sure you can see
- 14 this coming. What does this have to do with the causes
- of Mr de Menezes' death?
- 16 MR MANSFIELD: Because, sir, I suggest that what didn't
- 17 happen after, where there was a wallet and it's clear
- 18 with his name, date of birth and so on, was also
- 19 replicated in relation to rucksacks -- which I am coming
- 20 to -- in relation to the bombings and identification
- 21 there.
- 22 SIR MICHAEL WRIGHT: I am being obtuse. What do you mean?
- 23 MR MANSFIELD: I want to ask this officer about other items
- 24 of identification that were not communicated to him in
- 25 relation to the 21st.

- 1 SIR MICHAEL WRIGHT: Well, I am still not sure that
- I follow. You may take it on, but at the moment I am
- 3 bothered that you are going outside the legitimate range
- 4 of what it is this jury has to inquire into.
- 5 MR MANSFIELD: I appreciate that. I am being careful. In
- fact, he has been asked just recently a large number
- of -- well, a quantity of questions about what happened
- 8 later and who was arrested.
- 9 SIR MICHAEL WRIGHT: Yes.
- 10 MR MANSFIELD: And strictly speaking, that's got really
- 11 nothing --
- 12 SIR MICHAEL WRIGHT: I thought that was simply narrative, as
- far as Mr Hough was concerned.
- 14 MR MANSFIELD: Yes, it may be but then this is simply
- 15 narrative as well. Anyway, can I restrict it to one
- 16 question?
- 17 When did you discover that the person who was shot
- 18 had identification documents in the name of Jean Charles
- 19 de Menezes?
- 20 A. There is an entry in the log, sir, that I looked at the
- 21 following day that refers to the identity of
- 22 Mr de Menezes, which I will try to seek and find for
- you. I didn't know, and if it does help, some of the
- 24 considerations we have, which may be relevant, often
- 25 people -- this was obviously a tragic death -- use

- 1 different identification documents, and in fact with one
- 2 of the bombers who is known by the name of Manfo Asiedu,
- 3 he actually took that identification from somebody in
- a flat that he moved into, so we didn't establish that
- 5 actually he wasn't that individual at all. So there are
- 6 a lot of factors and challenges for us that we face with
- 7 regards to even simple identification documents, sir.
- 8 I wasn't informed of the detail that I think you
- 9 believe I should have been shortly after this incident.
- 10 I simply didn't know that.
- 11 Q. You see, I am not asking about whether it was verified.
- 12 It was merely when did you first, as you had
- fast-tracked it, discover or when were you first
- informed that he had documents on him with his name,
- date of birth, origin and other documents, an identity
- 16 card he had on him; when did you first learn that?
- 17 A. I haven't got a record of that, sir, because that was
- 18 being dealt with by colleagues, and as I say, there is
- 19 this -- and we learn from the events in this
- 20 operation --
- 21 Q. I am sorry to intervene, I know there are problems about
- 22 identification.
- 23 A. There are, sir.
- 24 Q. That is understood. The question is a simple one. It's
- 25 not when did you verify but when did you discover that

- 1 he had documents in that name?
- 2 A. I haven't got a note of that, sir, and I certainly
- 3 wasn't told in the immediacy afterwards.
- 4 Q. The reason I have asked you those questions is really
- 5 to, as it were, examine how careful you were in relation
- 6 to matters surrounding the 21st. Do you follow?
- 7 A. I am sure I will, sir.
- 8 Q. I think you will. I won't manage to do it all before
- 9 1 o'clock. One of the things you were -- now I am going
- 10 back to before the shooting --
- 11 A. Thank you, sir.
- 12 Q. -- after the attempted bombings on the 21st, and I am
- 13 concentrating on your area of expertise, proactive,
- 14 there was an obvious route to possibly identifying the
- bombers, the attempted bombers, wasn't there?
- 16 A. Well, if you would like to help me, Mr Mansfield.
- 17 Q. I just have actually earlier on by indicating why I was
- 18 asking the other questions. Rucksacks.
- 19 A. Right, sir. There was a tasking that went out which
- I think I have referred to already to search the
- 21 rucksacks because of the learning of 7/7.
- 22 Q. Yes, I want to come to this, you see. The learning of
- 23 7/7, as you have indicated, was that the rucksacks on
- that occasion, two weeks before, contained identity
- 25 documents which actually were referring to the people

- who were the suicide bombers?
- 2 A. That's correct, sir, yes.
- 3 Q. In one case, I think the name Khan, he had documentation
- 4 relating to him in all the rucksacks or some of them?
- 5 A. A number of the scenes, sir, yes.
- 6 Q. All right, a number of the scenes. The reason -- well,
- 7 there may be many reasons, but one of the reasons why
- 8 that had happened on the 7th, you considered, was that
- 9 of course the suicide bomber may want to be remembered
- 10 and identified, and so therefore leaves, if you like,
- 11 an audit trail or at least a means of identifying, for
- 12 the reasons that he is doing the bombing in the first
- 13 place?
- 14 A. Some people have assessed that's the reason, yes, sir.
- I don't think we will ever truly know.
- 16 Q. Right. So anyway that's part of the thinking. So when
- you get to the 21st, with your particular responsibility
- for proactivity, that thought must have occurred to you
- 19 fairly early on after the bombings which occurred
- 20 midday-ish?
- 21 A. Well, when the bombings occurred midday, I was asked to
- 22 put up the proactive, you know, the resources which
- I think I have explained as well as I can, sir, and yes,
- 24 of course we have to make the scene safe, which takes
- 25 a period of time, and I am sure others can inform you

- 1 about the frustrations of actually getting access to the
- bags because of the risks of --
- 3 Q. I will cut through this, really again it's about timing.
- 4 We know there are lots of difficulties. When did you
- first task anybody with the, as it were, research to
- find whether there was any identification linked to the
- 7 scenes or the rucksacks?
- 8 A. Well, the first tasking for any of that, sir, came from
- 9 a meeting, I think, with Mr McDowall, and forgive me
- 10 because I can't recall the time but I think it's
- 11 given --
- 12 Q. Yes, the time you have given so far -- I am going to cut
- across, sorry, just to save a bit of time -- the time
- 14 you have given today, this morning, was 10.10 in the
- 15 evening?
- 16 A. Right, sir.
- 17 Q. The question I want to ask was: was that the first time
- 18 anybody was tasked to look for identification.
- 19 A. Certainly from my perspective, it was the first time
- 20 that I have made a note of that to occur, sir. I have
- 21 to say, I am sure you will appreciate, the officers
- 22 dealing with the scenes and the reality is, and I am
- 23 sure you will agree with this, making those scenes safe
- and being able to get access to those bags does take
- 25 some time, and the officers performing those functions

- 1 are the same officers that dealt with the 7/7 attacks.
- 2 So they will be looking for all of the similarities.
- 3 We were trying to establish if these were linked to
- 4 7 July, because we simply didn't know, sir. Equally, we
- 5 didn't know what was going to happen the day after even
- 6 at that stage. So that would have been an inevitable
- 7 course of action for those officers to take.
- 8 I think my note is merely a confirmation that that's
- 9 being done.
- 10 Q. So you had had a meeting a little earlier that afternoon
- at 5 o'clock with officers who were explaining what they
- 12 had found?
- 13 A. I think they were the explosives officers, sir, to try
- 14 and give us some understanding of the similarity --
- 15 Q. I understand that. Do you remember any of them as to
- 16 who they were?
- 17 A. They were the explosives officers, sir, the actual bomb
- 18 disposal experts.
- 19 Q. When they had their meeting, you can look at your notes,
- and you were present?
- 21 A. Yes, sir.
- 22 Q. Did the question of identification being found at the
- 23 scene arise at all?
- 24 A. We asked, sir, for every bit of information they could
- 25 give us.

- 1 Q. Please answer, it will be much quicker, and I am doing
- 2 this because I have read your evidence in the Health and
- 3 Safety. Please just stick to the question. Did anyone
- 4 raise the issue of identification during the 5 o'clock
- 5 meeting?
- 6 A. If you let me answer, sir, I asked and others asked for
- 7 every bit of information that those explosives officers,
- 8 who aren't detectives, could give about the devices and
- 9 the bags.
- 10 Q. What's the answer to my question?
- 11 A. I have just given it, sir.
- 12 Q. Did anyone ask about identification?
- 13 A. Sir, I have given my answer. If you want to say three
- 14 years ago, do I remember specifically saying were there
- any bank cards or driving licences or identification
- 16 documents in there, I don't recall. What we sought to
- do, as I am sure you would expect us to do, was find out
- as much as we possibly could about those devices, both
- 19 links to 7/7 and 21/7 and any other information that
- 20 would help --
- 21 SIR MICHAEL WRIGHT: I think the answer to the question then
- 22 as I interpret it is no.
- 23 A. That I can recall specifically about that, sir, I have
- 24 no record of it.
- 25 SIR MICHAEL WRIGHT: You have made the point to Mr Mansfield

- 1 that these were explosives officers.
- 2 A. They were, sir, yes.
- 3 SIR MICHAEL WRIGHT: Bomb disposal experts because you might
- 4 well have had four unexploded bombs --
- 5 A. Yes, sir.
- 6 SIR MICHAEL WRIGHT: -- they were bombs, they had not gone
- 7 off.
- 8 A. Yes, sir.
- 9 SIR MICHAEL WRIGHT: First priority, I fully understand, is
- 10 to make sure they are safe.
- 11 A. Yes, sir.
- 12 SIR MICHAEL WRIGHT: As far as the officers you were talking
- to, the explosives officers, would they have had any
- 14 responsibility, as it were, to carry out any part of
- 15 your proactive intelligence work?
- 16 A. Their responsibility, sir --
- 17 SIR MICHAEL WRIGHT: I wish you would answer the question.
- 18 A. -- the devices, sir.
- 19 SIR MICHAEL WRIGHT: Sorry?
- 20 A. Just to the devices --
- 21 SIR MICHAEL WRIGHT: As I say, the answer to my question and
- 22 Mr Mansfield's question is no.
- 23 A. Sir.
- 24 SIR MICHAEL WRIGHT: Is that right?
- 25 A. Yes, sir.

- 1 MR MANSFIELD: Sir, would that be an appropriate moment?
- 2 SIR MICHAEL WRIGHT: Thank you. 2 o'clock. Would you like
- 3 to go on, members of the jury; there is something I want
- 4 to sort out about documentation. Please carry on.
- 5 (In the absence of the jury)
- 6 SIR MICHAEL WRIGHT: I just want to be clear what the jury
- 7 have and haven't got, Mr Hough. In the course of your
- 8 examination-in-chief of this witness, you were putting
- 9 up on the screen a different set of logs, surveillance
- 10 logs.
- 11 MR HOUGH: The surveillance running log, which is the
- 12 print-out, as I understand it, from what was coming up
- on the screen as the surveillance monitors were typing
- 14 it in.
- 15 SIR MICHAEL WRIGHT: They were paginated. My bundle stops
- 16 at page 230.
- 17 MR HOUGH: They don't appear in the jury's bundles.
- 18 I wasn't proposing to put them in there at this stage
- 19 because we have surveillance monitors and the like
- 20 coming on.
- 21 SIR MICHAEL WRIGHT: I only wanted to be clear what the jury
- 22 had. I thought my bundle might have gone short.
- 23 MR HOUGH: You are absolutely right, and your bundle is up
- 24 to date.
- 25 SIR MICHAEL WRIGHT: 2 o'clock, ladies and gentlemen.

- 1 (1.00 pm)
- 2 (The short adjournment)
- 3 (2.00 pm)
- 4 (In the presence of the jury)
- 5 SIR MICHAEL WRIGHT: Mr Mansfield, just to help with the
- 6 timetabling, do you think you are going to be able to
- 7 finish this witness this afternoon?
- 8 MR MANSFIELD: Yes.
- 9 SIR MICHAEL WRIGHT: Thank you, that will be helpful.
- 10 MR MANSFIELD: Now, Mr Boutcher, I want to start this
- 11 afternoon by asking you a question which I have asked
- 12 already of Mr McDowall, and I will only ask of very
- senior officers in relation to this operation.
- 14 You gave evidence at the Health and Safety trial
- 15 last year?
- 16 A. Yes, sir.
- 17 Q. We know that you have made a statement, tape recording,
- a decision log, and so on. So it's right to say, isn't
- 19 it, you have had a lot of time to reflect on the tragic
- 20 events of the 22nd?
- 21 A. Yes.
- 22 Q. Now, the question is this: on reflection, what do you
- 23 think went wrong with the operation?
- 24 A. On reflection, sir, inevitably that's happened. I am
- 25 not sure anything did actually go wrong. Without

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apportioning blame to anybody, the way the events
 1
 2
         emerged and the identification and the efforts to arrest
 3
         Mr de Menezes, I think if they occurred today, this
         afternoon, the difference would be that we now have,
 4
 5
         that we would have recorded the firearms briefing, audio
         recorded the firearms briefing. We now have audio
 6
 7
         recording in the control room, two different types of
         recording, ambient noise recording devices. We would
 8
         have a recording of the surveillance channel, so the
 9
         activity on the surveillance channel would be recorded.
10
11
         And we have recording in the control room of the
12
         telephone lines, so the communications with the
         Silver Commander would all have been recorded.
13
14
     SIR MICHAEL WRIGHT: If you pause there a minute, I am not
15
         sure that's answering the question. I can understand
16
         that that's something that's been introduced, but that
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- 20 A. I don't think anything went wrong, sir, I don't.
- 21 I think we are not able to recapture the events to show

merely means that what has happened is much easier to

identify. What the question was is what do you think

- 22 exactly what happened because of human memory and
- 23 note-taking, but I can't see anything that we could have
- 24 done that would have changed the course of the tragedy
- of Mr de Menezes.

went wrong?

17

18

19

- 1 SIR MICHAEL WRIGHT: Very well.
- 2 MR MANSFIELD: On that basis, there is a real risk, then, it
- 3 could happen again.
- 4 A. There is, sir, yes.
- 5 Q. I am going to go through with you some areas which
- I suggest, when looked at not with hindsight but with
- 7 foresight, are areas which were predictable and which,
- 8 if had been handled quite differently, would have led to
- 9 a different result. Do you follow?
- 10 A. Yes.
- 11 Q. I just want to deal with areas where I suggest that
- 12 could happen, since you don't think anything went wrong.
- 13 It might be sensible if we work, in your case,
- 14 backwards, as it were, from the moment of the shooting.
- 15 I am going to deal with the immediate events that led up
- 16 to it in an attempt to begin to identify some of the
- things surrounding the immediate shooting. All right?
- 18 A. Yes, sir.
- 19 Q. Now, at 9.34, you had information, and you can have your
- 20 statement or any other document you wish, if you wish to
- 21 open the statement --
- 22 A. Thank you, sir.
- 23 Q. -- the place in your statement is obviously much later.
- 24 It's paragraph 28 onwards if you want to look at that.
- 25 A. Thank you, sir.

- 1 Q. All right?
- 2 A. Yes.
- 3 Q. Now, the context for this sequence of events, in
- a sense, you have already put your finger on it.
- 5 Identification is a notoriously difficult area, isn't
- 6 it?
- 7 A. Yes, sir.
- 8 Q. I wonder -- I don't know whether you can be heard all
- 9 right.
- 10 A. Sorry. Yes, sir.
- 11 Q. If you put the microphone a little closer.
- 12 So you have agreed it's a notoriously difficult
- area, and that juries in criminal trials and in other
- 14 trials but certainly in criminal ones, are warned very
- 15 carefully by the trial judge about the dangers of
- misidentification, aren't they?
- 17 A. Yes, sir.
- 18 Q. And officers such as yourself are only too well aware of
- 19 the dangers of misidentification, aren't you?
- 20 A. Yes, sir.
- 21 Q. Now, on operations such as this, the surveillance
- 22 officers themselves would be very aware of the dangers
- of misidentification?
- 24 A. Yes, sir.
- 25 Q. So would the firearms officers; is that right?

- 1 A. All officers are aware of it, sir, yes.
- 2 Q. You see, because I'm going to go straight in on an area
- 3 which is, I suggest, one of the main areas that led to
- 4 the death: he was misidentified. That's fairly clear,
- 5 isn't it?
- 6 A. Yes, sir.
- 7 Q. That's one of the things that went wrong, isn't it?
- 8 A. The identification was incorrect, sir, yes.
- 9 Q. It led to certain decisions. You have already indicated
- 10 that, in fact, it's particularly difficult when you are
- 11 dealing with a subject -- because I think that's the
- 12 term you use for the suspect -- the subject of the
- 13 surveillance is not known to those who are doing the
- 14 surveillance; that makes it a little more difficult,
- 15 doesn't it?
- 16 A. Yes, sir, the first day particularly of an operation
- 17 with the surveillance team, it's even more challenging,
- 18 obviously.
- 19 Q. Right. Now, it would not be unfair to say that if you
- 20 are going to be briefing -- and you have done briefings,
- 21 I presume?
- 22 A. I have, sir, yes.
- 23 Q. Many times, and I think you said in the Health and
- 24 Safety you had done something like, what, 200 armed
- 25 operations?

- 1 A. Around 100, probably, sir.
- 2 Q. When it comes to a briefing, one of the things the
- 3 briefing officers -- and you have put in your notes
- 4 about the need for a proper briefing, that's obvious,
- 5 isn't it? You have to have a proper briefing?
- 6 A. As good a briefing as possible, sir, yes.
- 7 Q. Yes. One of the things you need to be able to convey
- 8 every time somebody goes out if identification is going
- 9 to be the threshold for action, is care?
- 10 A. Yes, sir.
- 11 Q. Is that fair? I know it's rather obvious.
- 12 A. Care in the briefing, sir?
- 13 Q. Well, the briefing has to be careful and the officer
- doing the briefing has to say for the surveillance
- 15 officers: you are there to identify or not, we have to
- 16 take decisions based on that or not, so we need for you
- 17 to be particularly careful as we don't know this person
- and in fact we have only got one image, possibly two
- 19 from a CCTV, and some of you won't even have it with
- 20 you. Now, in those circumstances, surveillance officers
- 21 do really have to be extremely careful what they say,
- don't they?
- 23 A. They have a very difficult job, sir.
- 24 Q. They do, and I accept that, extremely difficult job.
- 25 Because often surveillance, in order to identify, takes

- place over a much longer period when it's somebody you
- 2 don't know?
- 3 A. Yes, sir, yes.
- 4 Q. Right. I appreciate it's quicker when you know the
- 5 person. Now, the firearms officers, when they are being
- 6 briefed, this was a MASTS operation, in one sense,
- 7 wasn't it?
- 8 A. Yes, sir.
- 9 Q. Just to remind the jury, that's a term, an acronym that
- 10 you use to convey to others that it's mobile armed
- 11 support for surveillance?
- 12 A. For surveillance, yes, sir.
- 13 Q. Right, so surveillance in a sense comes first. It's the
- 14 trigger, and the platform perhaps is more ready
- 15 explanation, that's the platform, the CO19 are coming in
- on the back of whatever surveillance sees, and of course
- 17 direction from a central officer.
- 18 So that the firearms, who are also being given the
- same image, have to be warned to be very careful about
- 20 what they do in relation to somebody and their
- 21 identification, don't they?
- 22 A. Yeah, they receive a set number of warnings in effect,
- 23 sir, in the briefing.
- 24 Q. Right. Of course the problem with -- and I am not
- 25 dealing with you in the actual briefings because you

- weren't there -- of course following a formula briefing
- 2 is that people don't necessarily take it on board. It's
- 3 rather like safety instructions on an aircraft. People
- 4 often don't listen to what's being said because they
- 5 think they know. So there is a problem, isn't there,
- 6 about ensuring that care is communicated and even with
- 7 professionals that it's taken on board?
- 8 A. I think if I may, sir, in this event, because of what
- 9 happened on the -- in that time in July, I think
- 10 everybody was very careful with regards to those
- 11 responsibilities.
- 12 Q. Right, well, when we get to the officers, obviously this
- is an avenue we will have to examine with the officers.
- 14 You accept all of that as a precursor for this
- 15 situation?
- 16 A. Yes, sir.
- 17 Q. Of course the other aspect of this, that the officers on
- surveillance as well as SO or CO19, is of course the
- 19 suicide bomber, can I put them in that term, may not
- 20 actually be at this address at all?
- 21 A. Absolutely, sir, yes.
- 22 Q. In fact, your personal view, I think, was that, what,
- 23 probably they won't be because it was a footprint
- 24 address?
- 25 A. I had an open mind, sir, but my expectation, my fear was

- 1 they would have gone to another address that we would
- 2 find more difficult to find to reorganise to attack us.
- 3 That was my priority.
- 4 Q. Almost, as you thought, that was right?
- 5 A. Between that and my second fear about fleeing, yes, sir.
- 6 Q. Yes, and that as well. So you would have to be making
- 7 sure that the officers who are going out on the street
- 8 are not in the mindset, "we are going to see a suicide
- 9 bomber" but in the mindset, "there might be, there might
- not, we have to be careful"; is that fair?
- 11 A. That's fair, sir, yes.
- 12 Q. So that's the second area. Did you in fact, just to get
- this as again a precondition for this sequence of events
- 14 after you really come back from the hotel through to the
- shooting itself, were you involved in any way in
- 16 advising on briefings or not?
- 17 A. On advising on them, sir, sorry?
- 18 Q. Yes, the contents of them?
- 19 A. No, I was very focused because of Andrew's request about
- 20 the photographs, to make sure, because I know the
- 21 importance of that, that the latest photographs, the
- 22 best -- and that's a living process, they may get better
- 23 CCTV imagery photographs through the period of the
- trawl, if you will, that they had the best photographs
- 25 available for the briefing, and the intelligence had

- obviously emerged in the night during my absence.
- 2 Q. I think there was one other aspect besides wanting the
- 3 best photographs available, because it stands to reason
- 4 that somebody who's going out to look for somebody they
- 5 haven't ever met before or seen before, you need to have
- 6 clearly the best images you can get of the person they
- 7 are looking for?
- 8 A. Yes, the CCTV images, that's correct, that's what I was
- 9 focused upon.
- 10 Q. I appreciate that. In addition to that, I think you
- 11 made a note in your book, or somewhere, anyway, that it
- 12 would be desirable to have an explosives officer from
- 13 SO13 attend Leman Street to give the SO19 officers
- 14 a clear idea of the kind of devices that may confront
- 15 them?
- 16 A. That was a request from Andrew, sir, yes.
- 17 Q. I am sorry, all right, from Andrew. Did that happen?
- 18 A. It was put in place, sir, because of the events as they
- occurred. I can't answer that, I am afraid. I don't
- 20 know if it did or not.
- 21 Q. So you can't help me as to whether an explosives officer
- from SO13 went to Leman Street?
- 23 A. No, I wasn't part then of the briefing, sir.
- 24 Q. I can't --
- 25 A. It was put in place. Whether it occurred or not,

- 1 I don't know.
- 2 Q. Those are some of the precursors before, and I said
- 3 I would deal with the immediate events just before the
- 4 shooting. So at 9.34 and you have the paragraph there,
- 5 Pat says words to the effect -- I mean, what does Pat
- 6 say at this point?
- 7 A. Are we going to 9.34, sir, sorry?
- 8 Q. Yes, I am going straight to the crucial period first of
- 9 all, please.
- 10 A. Could you assist me with the paragraph again? Sorry,
- 11 Mr Mansfield.
- 12 Q. Yes, the paragraphs that deal with this are on my
- page 46, and it's paragraph 27.
- 14 A. I have it, yes, thank you.
- 15 Q. I know pages and paragraphs can differ. You will see
- 16 9.34 is there. I am not expecting you now to remember
- off the top of your head what he said, but it may be
- 18 quite important, do you see, because I'm going to
- 19 suggest to you one of the other problems here, besides
- 20 the briefings which touched on with you, is of course
- 21 how information is relayed to the control room; all
- 22 right?
- 23 A. Yes, sir.
- 24 Q. We will learn that what Frank actually said is one
- thing, but what is your note of what you heard from Pat,

- the surveillance monitor?
- 2 A. I have that Pat said that a man possibly identical with
- 3 Hussain Osman had left the Scotia Road address at 9.34.
- 4 Q. Well, that actually wasn't what the person on the ground
- 5 said; did you know that?
- 6 A. No, sir, I don't hear that. There is the headset
- 7 system.
- 8 Q. I want to come straight to this point: you see, one of
- 9 the things that went wrong that particular morning
- 10 was -- and I want to come through what information you
- got and where you got it from -- that there was too much
- going on in that control room, information coming in
- 13 from different sources with different people on mobiles
- 14 and headsets, and with confused information being
- relayed; is that a fair description?
- 16 A. That's not fair at all, sir, no.
- 17 Q. You don't think so?
- 18 A. No, I disagree with that.
- 19 Q. Even looking back on it now?
- 20 A. Very much so, sir, and we had five firearms teams out
- 21 subsequently run from a control room, so I don't agree
- 22 with that.
- 23 Q. I appreciate, I am just dealing with this incident,
- I have specifically asked you what went wrong, you said
- 25 basically nothing, and I want to deal with this. Then

- 1 the first bit of information, actually what Frank will
- 2 tell this jury, Frank being in the van opposite the
- 3 door, or near the door with a view of the communal door,
- 4 at least those coming from it, was that he was worth
- 5 a second look.
- 6 Now, that wasn't conveyed to you in those terms, was
- 7 it?
- 8 A. It wasn't, sir, no.
- 9 Q. What I want to suggest to you is that if you are going
- 10 to have a system which you devised for that day whereby
- 11 a DSO a long way from the scene in New Scotland Yard is
- 12 going to have to take critical decisions about who to
- 13 follow, because either they are not a suspect but worth
- 14 following, or who to, as it were, intervene with because
- 15 they are a suspect or they are possibly a suspect, it's
- 16 all going to hinge on the reliability of identification,
- 17 isn't it?
- 18 A. The identification is obviously important, sir, yes.
- 19 Q. It's going to hinge on it to start with, isn't it?
- 20 A. As to whether we follow a person, obviously, sir, yes.
- 21 Q. The problem that day was that there was in fact at the
- 22 stage that Frank alerted the control room via Pat, that
- there was not, as it were, an audio channel; in other
- 24 words, you say to the control room "Shh", and everybody
- 25 can either hear or see exactly what the surveillance

- 1 team are saying.
- 2 Do you follow?
- 3 A. I understand your point, sir, yes.
- 4 Q. That wasn't in place, was it?
- 5 A. You can play the surveillance, sir. At that time Pat
- 6 had his headphones on, so Pat is hearing the
- 7 surveillance. But we are in operations room where we
- 8 are in two surveillance operations which I understand
- 9 your point, sir, that escalates to more, so you are not
- 10 able to do that with the different surveillance
- 11 channels.
- 12 Q. Right. What I want to suggest is, and I am not doing
- this with hindsight because you had had a little
- 14 exercise a few days before. If you have got two
- 15 exercises running in parallel or tandem, however you
- 16 want to put it, one at Scotia Road and one at
- 17 Portnall Road, you may need quite separate -- and
- 18 I don't know what you want to call them -- control units
- or control pods within New Scotland Yard so that the
- 20 same person isn't having to deal with simultaneous
- information that's coming in.
- Is that a fair point?
- 23 A. Unfortunately not from my perspective, sir, no, because
- during these operations you need to have a single person
- 25 responsible from that control function, and it might be

- 1 you need to -- one event has a significant effect on
- 2 another event. You need a single control room, sir.
- 3 Q. All right. But I think you agree that what did not
- 4 happen here was Commander Dick or you or somebody saying
- 5 to the control room in whatever language they want to
- 6 use, "Just shut up for a minute, let's us listen to
- 7 what's being said", because this is the first time -- in
- 8 fact by this stage obviously Portnall Road is being
- 9 covered --
- 10 A. Yes, sir, it was.
- 11 Q. -- at 9.34, and there doesn't appear to be, as far as
- 12 we know, crucial messages coming through from
- Portnall Road at that point. So for Dick to say, "Shut
- 14 up", so that she can have a direct link to the
- 15 information rather than it coming through either Pat or
- one of the Trojans or you or someone else. Do you
- 17 follow the point?
- 18 A. I follow your point, sir, absolutely. Pat had the
- 19 headsets on and was listening to it, as you know.
- 20 Commander Dick was then in touch with Mr Purser direct
- 21 on the telephone to get an information update from him,
- but I absolutely understand your point.
- 23 Q. The reason I am putting it to you is, as the jury will
- 24 again hear over the course of the next two to
- 25 three weeks, is that people have serious disagreements

- 1 about what was said. You do know that now?
- 2 A. I know that now, sir, yes.
- 3 Q. You may not agree with what some are saying, but on the
- 4 other hand this is one of the problems. So Pat says,
- 5 according to you, "possibly identical". Can we move on,
- 6 because the next stage is quite important.
- 7 A. Yes, sir.
- 8 Q. I think you have noted, and if you want the paragraph,
- 9 since you are following from your statement, I am moving
- 10 to the next stage, which is at 28.
- 11 A. Thank you, sir.
- 12 Q. Paragraph 28, all right?
- 13 A. Yes, thank you.
- 14 Q. If I'm going too fast, please say. This is the stage
- 15 which you described before lunch as where you are told
- in the control room that he is not believed to be Osman,
- 17 effectively?
- 18 A. Yes, sir, that's correct.
- 19 Q. This is quite important, this is a negative, and it
- 20 triggers the possibility, as happened here, of an order
- 21 via you. Now, who told you that he absolutely wasn't or
- 22 was believed to be not, or whatever the words were used?
- 23 Who told you, first of all, before we get to what words?
- 24 A. Chief Inspector Esposito, sir, who was the tactical
- 25 adviser.

- 1 Q. He is not on the ground, is he?
- 2 A. No, sir, he is listening to the monitoring, similar to
- 3 Pat.
- 4 Q. So you would want to check, since it's second-hand at
- 5 the very least and possibly third, whether that is
- 6 right?
- 7 A. Sir.
- 8 Q. There is a way of doing that, isn't there? Was a way,
- 9 sorry.
- 10 A. I am assuming that's done, sir, because we have then got
- 11 Dingemans going forward and contacting the surveillance
- 12 team to go and stop him.
- 13 Q. All right, I'll come to how this could have been handled
- 14 quite differently in a moment. So you say it's
- Trojan 80 who tells you it's not?
- 16 A. Esposito, sir, yes.
- 17 Q. Sorry, Esposito.
- 18 SIR MICHAEL WRIGHT: That's the same chap.
- 19 MR MANSFIELD: It's the same person.
- 20 A. Yes.
- 21 Q. It's just he is referred to in that way in some of the
- documents, so the jury can follow as well.
- 23 So it's Trojan 80 or Esposito who tells you that,
- and then you use the bolt-on team. Now, that's the
- 25 Dingemans team, because they are there with a dual role,

- one of which is pursue people for information or
- 2 intelligence?
- 3 A. Yes, sir.
- 4 Q. When was he deployed?
- 5 A. By "deployed", sir?
- 6 Q. Sorry. When did you ask -- I think you have given, so
- 7 I will leave times with you. You have indicated to us
- 8 that you spoke to your deputy, Angela Scott, at
- 9 an earlier time after the 7 o'clock meeting?
- 10 A. Oh, right, sir, yes.
- 11 Q. Right?
- 12 A. Yes.
- 13 Q. About the possibility, well, more than that, you spoke
- to her and she's told us what she did, she goes to
- 15 Dingemans or rings him up or whatever she does, speaks
- to Dingemans: we need a back-up bolt-on -- she didn't
- 17 use that term -- but back-up team of SO13 unarmed
- officers down there in case there are people we need to
- 19 pursue for intelligence; right?
- 20 A. She was asked to do that, yes, sir.
- 21 Q. And she did that. So somewhere after 7.15, 7.30 in the
- 22 morning, they have been effectively briefed, or
- 23 Mr Dingemans has, by Angela Scott. Now, do you know
- when that team actually got to Scotia Road?
- 25 A. I don't, sir, no.

- 1 Q. No. When you gave the order, is it, that the Dingemans
- 2 team go into action, did you have a clue as to where
- 3 they were?
- 4 A. Where they were, sir, no, I didn't.
- 5 Q. No. This is a little unsatisfactory, isn't it?
- 6 A. No, sir. They had been given a responsibility and
- 7 a role. My expectation is that they will be in the
- 8 vicinity of or close to the surveillance team to conduct
- 9 that task.
- 10 Q. I suggest -- it may not be your particular
- 11 responsibility, and I am not suggesting it is, to
- 12 monitor exactly where they are, but of course things can
- go wrong. They could have broken down on the way,
- 14 couldn't they?
- 15 A. Had they done that, sir, and they weren't able to comply
- 16 with their task, I would hope they would let us know and
- 17 we would get somebody else to do it.
- 18 Q. You would hope that, wouldn't you? Do you now know
- where they were at 9.34?
- 20 A. No, sir, I don't, exactly, no.
- 21 Q. When you say nothing went wrong, you have not really
- 22 apprised yourself of all the detail of this operation,
- have you?
- 24 A. No, I have, sir. I still don't see how something has
- gone wrong yet, sir.

- 1 Q. Because Dingemans was nowhere near being able at 9.34 to
- 2 intercept this person or pursue this person because he
- 3 was at Nightingale Lane still?
- 4 A. Forgive me, Mr Mansfield, how would that have made
- 5 a difference?
- 6 Q. You know where Scotia Road is, you know that area?
- 7 A. I do, sir, yes.
- 8 Q. You know where Nightingale Lane is?
- 9 A. Yes, sir, I do.
- 10 Q. You know the premises in Nightingale Lane?
- 11 A. Yes, I do.
- 12 Q. Right, and you know in the rush hour between 8 and 10 in
- the morning, 8 and 9.30 in the morning, the journey
- 14 between Nightingale Lane and Scotia Road, or the number
- 2 bus because he has got on that by then, is a difficult
- journey, isn't it?
- 17 A. I can't comment on that, sir, I am just wondering if
- 18 Dingemans -- my understanding is then, sir, the subject
- is on the bus?
- 20 Q. That's right. Well, we don't know precisely but he is
- 21 probably on the bus at that point.
- 22 A. So, sir, if the subject is probably on the bus and
- 23 Dingemans has been asked to go and support the
- 24 surveillance team to do an intelligence stop when he
- 25 gets off the bus, Dingemans goes from Nightingale --

- 1 which is within a couple of miles of Scotia Road, as
- 2 a guess, sir, I couldn't be precise -- and supports the
- 3 surveillance team to conduct that stop.
- 4 Q. The problem was, he had to do catch-up and he couldn't
- 5 catch up. Did you know that?
- 6 A. I don't think Mr de Menezes had got off the bus at that
- 7 stage. I have not seen the timeline for this, sir,
- 8 obviously, but from your point I am not quite with you,
- 9 clearly.
- 10 Q. No. All right. To return to base, as it were. You
- don't know when you make that order where that team is,
- 12 and it may not matter so much at that stage that you
- didn't know where he was, but the later, I suggest,
- does. Can we move on from sending them in.
- Now, the next stage, and again you can follow it
- 16 from your statement, is that he boards the bus again at
- 17 Brixton and now he's believed at some point to be Osman;
- 18 all right?
- 19 A. Yes, sir.
- 20 Q. What's the wording that's used now and who says it?
- 21 A. I have at 28, sir, that I was then informed that the
- 22 subject had exited Scotia Road -- forgive me, I am at
- the wrong section, we have moved on.
- 24 Q. It's a little later than that. It's when you then ask
- for a percentage?

- 1 A. Yes, sir.
- 2 SIR MICHAEL WRIGHT: 29.
- 3 A. Thank you, sir.
- 4 Pat informed me that the subject was believed to be
- 5 Hussain Osman.
- 6 MR MANSFIELD: Right. This is very important, isn't it,
- 7 this one, because as a result of that you call off
- 8 Dingemans, who hasn't actually got there anyway, and you
- 9 are asking for a percentage and so on. So we are now at
- 10 that stage.
- 11 A. Yes, that's right, sir.
- 12 Q. So the position is now switching to the firearms team,
- isn't it?
- 14 A. Yes, sir.
- 15 Q. Right. You didn't know where the Dingemans team was;
- did you know where the firearms team was?
- 17 A. Exact location of them, sir, no.
- 18 Q. Was there in the room something which I am going to
- 19 suggest was terribly simple to do, was a map on the
- 20 wall? Was there?
- 21 A. There wasn't, sir, no.
- 22 Q. It's not so difficult, is it?
- 23 A. Again, sir, with the number of deployments that we have
- in these operations, it's simple looking at this and it
- is hindsight, sir, at one address, it's not as

- 1 simplistic as you say.
- 2 Q. No, I am not suggesting it's simple. I am suggesting
- 3 it's straightforward to have on the wall -- you have two
- 4 addresses that this operation, at this point --
- 5 A. Yes, sir.
- 6 Q. -- okay, at this point, so that you actually can place
- 7 on the map, even with your eye if not something else,
- 8 and track the movements of subjects that are really
- 9 interesting, because they are suspects?
- 10 A. Yes, sir.
- 11 Q. All right? And the positions of surveillance where you
- 12 need to, and the positions of firearms where you need
- to. That really is straightforward, isn't it?
- 14 A. It is, sir. If it helps, if I want to know where the
- 15 firearms team are located at any stage, I would simply
- ask the senior tactical adviser, who would be able to
- tell me, similarly with the surveillance teams, who is
- in the room, sir.
- 19 Q. Unless you know the area very well, you happen to?
- 20 A. Yes, sir.
- 21 Q. But you can't be assured that everybody else knows the
- area very well in that control room, do you?
- 23 A. No.
- 24 Q. So you don't know where Dingemans is, you don't know
- 25 where SO19 are at the point at which, in a fast-moving,

- obviously, situation, that it's now thought that it is
- Osman. I want to ask you this carefully: Pat --
- 3 A. Yes, sir.
- 4 Q. -- told you this; right?
- 5 A. Yes, he did, sir.
- 6 Q. You are quite sure that that's what he said?
- 7 A. I am sir, yes.
- 8 Q. Do you know what he says about this?
- 9 A. I don't know the exact words he now uses, sir, no.
- 10 Q. You don't. Well, I want to put two points to you so you
- 11 know where they come from. He doesn't recall ever
- 12 saying that; do you follow?
- 13 A. I do, sir.
- 14 Q. Could you be wrong?
- 15 A. No, sir. Why would we then change from the position of
- Mr Dingemans doing the stop, sir, to the firearms
- officers doing the stop?
- 18 Q. Because I suggest everything wasn't quite as calm and
- 19 collected as you say it was.
- 20 A. Sir, I have run a number of these operations. It was
- 21 energetic, focused. There was certainly no confusion,
- 22 no doubt with regards to what Pat said at all, and
- 23 because of what he said, and then we changed the
- 24 response of the firearms team and Dingemans, with
- everybody there, it led to that chain of events.

- 1 Q. Yes. Well, I just want to read you a very short
- 2 description from Pat himself in relation to this very
- 3 stage where he's being asked by you to get a clearer
- 4 assessment of the identification:
- 5 "Although the noise level in the room did drop, it
- 6 was still such that communicating with the senior
- 7 officers was by shouting across the room."
- 8 Is that right?
- 9 A. That is absolutely incorrect, sir.
- 10 Q. I see. Could we have, please, since we have got to
- again, as it were, another crucial stage, the running
- log in the operations room, 447. Could we just have it
- 13 back on screen for a moment. You have seen it. In fact
- 14 I think you have said today that you have not seen this
- 15 before?
- 16 A. Yes, sir.
- 17 Q. Well, what is the point of this log in the operations
- 18 room?
- 19 A. It's for any significant event with regards to
- 20 a particular surveillance operation to be recorded by
- 21 the monitor.
- 22 Q. Yes, for whose benefit?
- 23 A. Well, for everybody's benefit, sir.
- 24 Q. Yes, including yourself, and including the DSO
- 25 Cressida Dick, isn't it?

- 1 A. It is, sir, but again if I can explain, I can hear Pat
- 2 quite clearly, I don't need to look at this log, I was
- 3 there communicating with Pat, standing very closely to
- 4 Cressida Dick. The log would assist me more readily
- 5 when I come in in the morning to see any significant
- 6 events that have occurred, because this isn't like
- 7 a normal surveillance log which includes everything;
- 8 this is very much just key events.
- 9 So I can look at the surveillance logs to make sure
- 10 that I am satisfied that, if you like, we have not
- 11 missed anything; there is not something there that would
- 12 be pertinent to the investigation that I know about and
- 13 others don't realise, but at the time in the ops room,
- I am not going from this log, I am listening directly to
- 15 Pat.
- 16 Q. We have a number of different people all listening to
- 17 different conversations, haven't we?
- 18 A. I can't account for other people, sir. I am listening
- 19 to Pat and I can clearly hear what he says, sir.
- 20 Q. You recognised yourself in this very critical period,
- 21 one, that identification is difficult; you were asking
- 22 for assessments; and you don't look at the log to see
- 23 whether there is any help there because of course it's
- "unidentified male" all the way through, isn't it?
- 25 A. Again, sir, with this log, this is Pat's log -- sorry,

- 1 sir, the surveillance is obviously the element at the
- front end on the ground. This isn't what was
- 3 necessarily said. It's Pat's reflection of what he can
- 4 hear.
- 5 SIR MICHAEL WRIGHT: Yes, but it's Pat who is actually
- 6 speaking directly to the surveillance team?
- 7 A. It is, sir, and if I may, to me, so at the time I am not
- 8 checking the log.
- 9 SIR MICHAEL WRIGHT: That's a different point. Pat's
- 10 recording in his surveillance running log represents
- 11 what he heard from the surveillance team.
- 12 A. It should do, sir, yes.
- 13 MR MANSFIELD: I am going to move forward. You don't look
- 14 at that. You say Pat tells you it's believed to be him,
- and according to what you said this morning, you then
- 16 ask Esposito about the firearms team moving forward; is
- 17 that right.
- 18 A. I believe so, sir, yes, that's correct.
- 19 Q. Did you know where the firearms team were then?
- 20 A. No, I didn't, sir.
- 21 Q. Did you ask Esposito when he said they weren't in
- 22 a position to move in at that point, did you say, "Well,
- where on earth are they?"
- 24 A. Can I just clarify something, sir? I do know that the
- 25 firearms team have gone to Nightingale Lane. I know

- 1 they are in the area. As to the fact where specifically
- their cars are, I don't know. I know they are there,
- 3 sir.
- 4 Q. But, you see, we have been to the area. Knowing that
- 5 they are in the area, I suggest to you, is just totally
- 6 inadequate. If you are dealing with a team that might
- 7 end up delivering a critical shot or at least some form
- 8 of armed intervention, I suggest the control room needs
- 9 to know exactly where they are if you are going to order
- 10 them into action?
- 11 A. I don't accept that, sir, at all, I really don't. The
- 12 important thing is that the team are in the locality and
- 13 then running these operations and working in London with
- 14 firearms deployments, you could be secreted anywhere,
- and for the operations room to be expected to know where
- 16 each covert armed response vehicle is -- is beyond
- 17 ambitious, sir.
- 18 Q. There is only three.
- 19 A. For the number of teams that we have, sir --
- 20 Q. No, sorry, for Scotia Road, how many mobile teams?
- 21 A. Teams, sir? You mean vehicles?
- 22 Q. Yes.
- 23 A. In the team for Scotia Road, altogether the vehicles
- 24 roughly numbered about five, I would have thought.
- 25 SIR MICHAEL WRIGHT: No, you misunderstood. How many teams?

- 1 There was the red surveillance team, the grey
- 2 surveillance team, and the black firearms team. They
- 3 were the ones involved.
- 4 A. They would each have five vehicles, sir. So my point is
- 5 that what you are asking, Mr Mansfield, is simply
- 6 unachievable.
- 7 MR MANSFIELD: I see, unachievable, but what you could have
- 8 asked, very simply, since it's unachievable, according
- 9 to you, to plot where the firearms team are, you don't
- 10 even say to Esposito: well, where are they.
- 11 A. I don't recall saying that, sir.
- 12 Q. Why not?
- 13 A. Because I knew they were going to be -- having again
- been in the operation, sir, they are going to be getting
- into a position, making ground, to get with the
- surveillance team. They might be very close to them.
- 17 Q. They might be anywhere, mightn't they, and in fact as we
- 18 will come to in a moment, you made a very serious
- 19 misassumption as to where the stop was going to take
- 20 place, didn't you?
- 21 A. I believed it would take place in the mouth of the tube
- 22 station, sir.
- 23 Q. Why did you believe that?
- 24 A. Because Esposito said they were in a position to do it,
- 25 sir.

- 1 Q. What did that convey to you? Because you didn't know
- 2 where they were?
- 3 A. No, I didn't, sir, but by that comment from Mr Esposito,
- 4 I assessed that the team were going to be in a position
- 5 to conduct the arrest, which means they are there to do
- 6 it.
- 7 Q. This is something else that went wrong; they weren't in
- 8 a position, you know that now?
- 9 A. I know that now, sir.
- 10 Q. That went wrong, didn't it?
- 11 A. Again, sir, you can't have -- the arrest team can't sit
- on top of the surveillance team. There is always going
- 13 to be a period of time, and without, you know, we
- 14 know --
- 15 SIR MICHAEL WRIGHT: The trouble is this -- sorry,
- 16 Mr Mansfield -- you accept that when Commander Dick was
- 17 told that the firearms team was in a position to make
- 18 the stop.
- 19 A. Yes, sir.
- 20 SIR MICHAEL WRIGHT: That was wrong.
- 21 A. Yes, sir.
- 22 SIR MICHAEL WRIGHT: If Commander Dick had not been given
- that information, she would not have changed her
- instructions, would she?
- 25 A. No, sir. Yes, sir.

- 1 MR MANSFIELD: You said no and yes. I am not sure which bit
- 2 you are saying it to.
- 3 If we have got to the stage at which she is being
- 4 told that the firearms team are in a position --
- 5 A. Yes, sir.
- 6 Q. -- her instructions, actually your suggestion, remember,
- 7 your suggestion has been firstly they are not in
- 8 a position, so therefore we had better use surveillance
- 9 officers?
- 10 A. That's correct, sir, yes.
- 11 Q. And an order goes out, surveillance?
- 12 A. That's correct, sir.
- 13 Q. Right? And if in fact you had been properly informed at
- 14 that point that the armed officers were not in
- a position to do anything, then the armed surveillance,
- 16 having been given the order, and they had asked if they
- 17 could do that as well. Did you know that?
- 18 A. I am aware of that subsequently, sir.
- 19 Q. They asked if they could do it. Have you seen the
- 20 compilation video that the jury have seen or film of the
- 21 sequence of events leading up to --
- 22 A. No, sir.
- 23 Q. You have not seen it. Can I very quickly put to you
- that what that compilation demonstrates very clearly is
- that the surveillance officers, Ivor and so on, Ken, are

- 1 there in the position you imagined that the armed
- 2 officers were, they were there to do the stop but they
- 3 were prevented from doing it through misinformation?
- 4 A. Yes, sir, I see that.
- 5 Q. Right. Now that went wrong, didn't it?
- 6 A. Yes, sir, I see. I agree with that.
- 7 Q. Now, I just want to do the final order that comes from
- 8 Cressida Dick, you have made very clear, was not the
- 9 delivery of a critical shot but was to detain,
- 10 effectively?
- 11 A. Yes, sir.
- 12 Q. I am sorry to ask you again, but are you able to help,
- was it the word "detain" or was it the word "stop" or
- 14 you do not know?
- 15 A. I can't recall now.
- 16 Q. Anyway a word to that effect?
- 17 A. Yes.
- 18 Q. Another problem here was, of course, what those
- 19 listening to the order may think she means?
- 20 A. Potentially, sir, yes.
- 21 Q. Potentially. Now, I just want to rewind for a moment.
- So we have firearms officers who were actually not in
- 23 a position and they have to rush over the barriers and
- 24 down the escalator and so on. Going back to their
- 25 briefing?

- 1 A. Yes, sir.
- 2 Q. You were not there, but elements of it you do know about
- 3 because you were a party to the decisions.
- 4 First of all, what they know is, from the briefing,
- 5 that a DSO is handling this whole operation?
- 6 A. Yes, they should have, sir, yes.
- 7 Q. Of course they should. Do you know whether in fact
- 8 anyone at the briefing said: although there is a DSO,
- 9 this is actually rather novel; we have not had a DSO
- 10 handle the whole operation; it doesn't mean there is
- 11 a suicide bomber, but it means that she is handling it
- 12 or he, whoever is the DSO, start to finish, not just the
- 13 critical shot. That's what they should be told?
- 14 A. I wasn't at the briefing, Mr Mansfield, so I can't help
- on that.
- 16 Q. But you appreciate the problem here, that if a firearms
- officer is told that the DSO is handling it and the DSO
- says stop, when a DSO normally, in the other, you know,
- 19 exercises before, is only employed in a Clydesdale
- 20 set-up?
- 21 A. Clydesdale and Kratos, sir.
- 22 Q. Well, not Kratos.
- 23 A. No, they are, sir.
- 24 Q. They are now, but then?
- 25 A. They were actually before as well, sir. Kratos People,

- 1 Kratos Vehicles.
- 2 Q. I appreciate Kratos sometimes gets elided into both.
- 3 I will use the term across the board. What they would
- 4 know then is that a DSO is associated with
- 5 a Kratos/Clydesdale operation?
- 6 A. They would, sir, yes.
- 7 Q. Besides that, as it were, influence on their thinking,
- 8 there is another important difference on this occasion;
- 9 that the ammunition being used and authorised was
- 10 exceptional, wasn't it?
- 11 A. It was, sir, yes.
- 12 Q. You were a party to that. When that was authorised,
- were you aware that in fact it had not in fact been
- authorised by the Home Office?
- 15 A. No, I was informed that it was approved ammunition and
- 16 it's the, forgive me, the expertise in this area, sir,
- but it's the chief officer who authorises the ammunition
- for the police force, so the chief officer for the Met
- 19 would have authorised it.
- 20 $\,$ Q. That element of whether it was authorised or whether it
- 21 was lawful, that didn't enter your thinking at all?
- 22 A. It did, because I spoke to [name redacted] about that.
- 23 That is why I clarified that --
- 24 Q. Did anybody say to you there could be a human rights
- 25 problem?

- 1 A. Absolutely not, sir, no.
- 2 Q. Because it may cause unnecessary suffering?
- 3 A. No, sir, not at all. I think I have rationalised why we
- 4 used the ammunition.
- 5 Q. I fully understand why you used the ammunition and your
- 6 reasoning. But of course that being the reasoning,
- 7 that's another powerful factor for a firearms officer,
- 8 and some of them refuse to take it. Did you know that?
- 9 A. I didn't, sir, no.
- 10 Q. It's a powerful factor that they have got a DSO on
- 11 board, controlling the whole thing?
- 12 A. Yes, sir.
- 13 Q. From about 7.15 onwards, and they are being given
- 14 specialised ammunition?
- 15 A. They are, sir.
- 16 Q. Now, in addition to that, I want to ask you about
- a number of factors before that sequence 9.34 onwards,
- and that this is the period, so it's clear to you, and
- 19 you can go backwards, I said I would go backwards in
- 20 your statement, effectively?
- 21 A. Thank you, sir.
- 22 Q. When you come back on duty at 7 in the morning?
- 23 A. Yes, sir, 7.10, sir.
- 24 Q. And you have been at a nearby hotel?
- 25 A. Yes, sir.

- 1 Q. The paragraph that I am dealing with is paragraph 16
- 2 onwards. I am sorry, the jury don't have the statement.
- 3 A. Thank you.
- 4 Q. They are just points. First of all, when you came back,
- 5 were you surprised that no-one had telephoned you at the
- 6 hotel, because you had asked to be telephoned, if there
- 7 were developments, that no-one had telephoned you at the
- 8 hotel with the information about identity which was
- 9 something which you would be interested in. Were you
- 10 surprised at that?
- 11 A. I was surprised not to be called, sir.
- 12 Q. Were you even more surprised to discover that while you
- 13 were writing out the firearms authority before you went
- 14 to the hotel, that the loggist for Mr McDowall had noted
- 15 that Scotia Road was related to a gym card found in
- 16 a rucksack?
- 17 A. Yes, sir.
- 18 Q. Because what should have happened here is you should
- 19 have been told, before you went off duty: we have got
- 20 a gym card with this address and this name.
- 21 A. Yes, sir.
- 22 Q. I asked Mr Forteath what he did with it, and he wasn't
- 23 really able to help us about what he did with it, but he
- 24 certainly didn't give it to you. If you had been told
- at, let us say, 2.20 am when you were still at New

- 1 Scotland Yard that they had a gym card, would you have
- 2 decided to stay?
- 3 A. Yes, sir.
- 4 Q. Right. Now, that's quite important, I suggest to you,
- 5 because if you had stayed, you would have fast-tracked
- 6 quite a lot of intelligence leads in relation to that
- 7 name, and so on, wouldn't you?
- 8 A. I wasn't there, sir. I believe that was done in my
- 9 absence.
- 10 Q. Yes.
- 11 A. I wasn't there.
- 12 Q. I know you weren't there.
- 13 SIR MICHAEL WRIGHT: The information didn't actually come in
- 14 until 4.20.
- 15 MR MANSFIELD: No, sir, it was Forteath who said he had the
- information at 2.15 about the card and the name.
- 17 SIR MICHAEL WRIGHT: All right. Oh yes, what they had not
- got of course was the address, until they went to the
- 19 gym.
- 20 MR MANSFIELD: So it was a card and a name, then they go to
- 21 the gym.
- 22 Again I suggest, something else that's gone wrong,
- 23 you were not told about it, and I appreciate there are
- 24 other officers.
- Were you, when you came back at 7.10, told that in

- 1 fact, or alerted to the fact that besides the gym card
- 2 there was quite a lot of correspondence in the bag that
- 3 related to the name Osman, and amongst the torn-up
- 4 correspondence were torn-up photographs?
- 5 A. I wasn't, sir, no.
- 6 Q. Mr Macbrayne, who may be dealing with this, you know him
- 7 quite as well?
- 8 A. I know Mr Macbrayne, sir.
- 9 Q. When you came back at 7.10, did you see him at all, do
- 10 you remember?
- 11 A. I am sure I did, sir.
- 12 Q. So on no occasion after you came back did he say, look,
- 13 actually -- the jury have them in their bundle and I am
- not going to put them to you because you didn't see
- 15 them. He didn't even tell you that there were other
- 16 photographs in the rucksack?
- 17 A. I didn't know about the photographs.
- 18 Q. Yes. That's something else that went wrong, because
- 19 even though it may or may not have helped, you should
- 20 have been told about that, shouldn't you?
- 21 A. The fact of the photographs I would like to have known,
- 22 sir, but I don't think it would have affected the event.
- 23 Q. That's another point. You should have been told about
- the existence of other photographs; you agree?
- 25 A. Yes, sir.

- 1 Q. Right. Next stage. In your absence, who was the
- 2 Silver, I am going to call them the in-house Silver,
- 3 I think you may understand that. You were a Silver?
- 4 A. There is a firearms command system, sir, with Gold,
- 5 Silvers and Bronzes. If you like, I am referred to
- 6 Silver in some people's explanations of the structure,
- 7 but it's sort of Silver investigation.
- 8 Q. All right, Silver investigation.
- 9 A. Yes.
- 10 Q. Really what I am after is, because Mr McDowall sets
- a strategy at 4.55, you know that now?
- 12 A. I do now, sir.
- 13 Q. Were you surprised when you got back that nobody had
- told you about that during the night?
- 15 A. That was the event, sir, that we talked about with the
- 16 card I would have stayed, I think it's all continuing,
- 17 really.
- 18 Q. Sorry, the short answer is, leave aside the card for
- 19 a moment, you should have been told about that, you
- should have been telephoned about the strategy at 4.55,
- 21 shouldn't you?
- 22 A. And the address at Scotia, yes.
- 23 Q. You should have been and that was something else that
- 24 went wrong. You weren't told?
- 25 A. I don't agree it went wrong in a way, sir. It is

- frustrating for me I didn't know until later, but it
- didn't change the events. Other police officers are
- 3 there dealing with it.
- 4 Q. I will suggest how it affected events. So that at
- 5 3 o'clock -- I am taking that time because that's when
- 6 you said in fact you left the Yard because you had been
- 7 writing up the firearms authority?
- 8 A. I have got that on the firearms --
- 9 Q. Yes, I will accept the time, that's fine. So at
- 10 3 o'clock; who is the firearms Silver at 4.55 who is
- going to implement the Gold strategy set by Mr McDowall?
- 12 A. There was no firearms Silver allocated at that stage.
- 13 I had allocated when I left Silvers for the morning.
- 14 Any emergency deployment for anything overnight, I had
- 15 had a conversation certainly with Mr Mellody, and you
- 16 have -- and I was aware of his position in the ops room.
- 17 The ops room is then run by the ops co-ordinator and the
- deputy ops co-ordinator, and the deputy ops
- 19 co-ordinator, who I think is Alan, could perform that
- 20 role and indeed did for the surveillance.
- 21 Q. Yes, I am leaving surveillance out of it for the moment,
- 22 because I'm going to suggest something else that went
- 23 wrong here, and I have already asked Mr McDowall about
- 24 this --
- 25 A. Sir.

- 1 Q. -- is that the firearms authority was asking your
- 2 deputy -- I am talking about the document, you went
- 3 through it this morning, do you remember?
- 4 A. Yes, sir.
- 5 Q. The firearms authority at 11.50 the night before?
- 6 A. Yes, sir.
- 7 Q. You wrote out, I think, a paragraph in which
- 8 Angela Scott had been tasked with the job of identifying
- 9 Silver and briefing, that's the word in there?
- 10 A. I did explain briefing as in explaining that they are
- 11 going to be the Silvers for two different teams in the
- morning.
- 13 Q. Did she go round and talk to them all and say: you could
- 14 be a Silver in the morning?
- 15 A. I don't know how she did it. I left her to arrange
- 16 that.
- 17 Q. She didn't say she did that, you see. She said she
- 18 wasn't asked to brief, so we will leave that to one --
- 19 A. By brief I do mean explain they are going to be --
- 20 because there is nothing to brief at that stage. They
- 21 are just going to be allocated.
- 22 Q. You need to alert people that they might be on the job,
- and of course it's not just the teams at 7; there is the
- overnight team that will need a Silver?
- 25 A. Well, they are not deployed, sir, so they don't need

- 1 a team. The teams are going out.
- 2 Q. We will get to deployment in one second. Do you know
- 3 now what in fact McDowall said in relation to his
- 4 strategy at 4.55?
- 5 A. I couldn't comment on that, sir.
- 6 Q. I'm not asking you for a comment. Do you know what he
- 7 said? You have come back at 7.10. Do you know what he
- 8 has already said at 4.55?
- 9 A. Not now, sir, no --
- 10 Q. What he said, I'll go to it quickly, was mobile
- 11 surveillance, effectively, with armed support, but the
- 12 way he put it was he wanted the address, controlled by
- obviously surveillance and challenge and so forth, and
- 14 he wanted back-up by a firearms team as soon as possible
- and a reconnaissance?
- 16 A. Right, sir.
- 17 Q. Do you know that?
- 18 A. I do now, sir.
- 19 Q. Well, that's something else that's wrong because the
- 20 reason I say it's important: did you realise when you
- 21 came on at 7.10 that a red team had already got to
- 22 Scotia Road at 6 o'clock in the morning and were
- 23 unsupported by a firearms team because the standby team
- had not been sent?
- 25 A. I was aware that the red team had deployed shortly after

- 1 6, but there will be that gap, sir, for the firearms
- 2 team to --
- 3 Q. The gap in this case, as you agreed during the trial
- 4 last year, and I'm putting it at its minimum, was from
- 5 6 o'clock in the morning right the way through to
- 6 9 o'clock and that's the tightest gap, three hours,
- 7 surveillance was carried out at Scotia Road with no
- 8 armed support?
- 9 You agree?
- 10 A. My understanding is that's correct, sir.
- 11 Q. Did you know that at the time?
- 12 A. At 7.10 when I came in, sir, I realised there was no
- 13 armed support there because the Silvers were there,
- I think as I have explained, so the firearms teams
- should be located with the Silvers and they have just
- 16 come out of that meeting.
- 17 Q. Yes, so you must have said to somebody, look here, this
- is not an acceptable situation and we had better get
- 19 somebody down there?
- 20 A. In the 8.15 meeting we talk about, sir, it was making
- 21 sure the firearms teams were being deployed with the
- 22 team.
- 23 Q. Yes, it's all too late, you see, because we have heard
- that to get the team kitted up, briefed and down there
- 25 takes two hours, maybe two and a half, from 7 o'clock,

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- 1 the time they come on?
- 2 A. I would expect it to take about an hour and a half from
- 3 my experience, but at 7.10 when I come on, sir, that
- 4 process is evolving. I have seen the Silvers, I have
- 5 checked the photographs and I know that is then
- 6 happening.
- 7 Q. Did you ask why the standby team haven't been asked to
- 8 go down there by anybody tasked by Mr McDowall?
- 9 A. I didn't, sir, no.
- 10 Q. Why not?
- 11 A. There was a hive of activity and my view, sir, is that
- 12 the early turn teams were going down there with the
- early turn Silvers to do a long deployment which was
- 14 what this was going to be, and that was proportionate to
- 15 what we knew about the addresses.
- 16 MR MANSFIELD: Sir, it's extremely hot, if I may say so.
- 17 I was wondering if we could have a short break for fresh
- 18 air.
- 19 SIR MICHAEL WRIGHT: By all means, we will do that. That
- 20 wouldn't be an inconvenient moment to have it, actually.
- 21 Ten minutes, ladies and gentlemen.
- 22 (3.00 pm)
- 23 (A short break)
- 24 (3.15 pm)
- 25 (In the presence of the jury)

- 1 SIR MICHAEL WRIGHT: Yes.
- 2 MR MANSFIELD: I hope it's a little bit cooler.
- 3 SIR MICHAEL WRIGHT: I am a bit worried about the lady on
- 4 the jury who suffers from the cold. Just let me know if
- 5 it's unbearable. Yes, Mr Mansfield.
- 6 MR MANSFIELD: I am dealing with a situation where you come
- 7 back from the break and you are back at New Scotland
- 8 Yard at 7.10, and I am dealing with specifically, you
- 9 may not have known of it. Did you know the standby team
- 10 overnight was called orange?
- 11 A. Subsequently, sir, not then.
- 12 Q. I'm not expecting you to know the name of it. The point
- is I have identified the minimum gap where surveillance
- 14 wasn't covered by armed support, but I want to deal with
- 15 that orange team on standby. We now know that in fact
- 16 a whole structure was in place so that they could
- deploy, by which I mean go to the location, having been
- 18 briefed?
- 19 A. Yes, sir.
- 20 Q. There is an overnight DSO in fact has been identified.
- 21 There are plenty of people who could have been the
- 22 Silvers to go with them and so on?
- 23 A. Yes.
- 24 Q. So it's all there. The question I have for you if you
- 25 can help is: who had the responsibility, as a firearms

- 1 Silver at 4.55, to implement McDowall's policy, ie get
- 2 them down there as soon as possible to support
- 3 surveillance?
- 4 A. I don't know who had taken that role, sir.
- 5 Q. Even in retrospect you can't help us which of the many
- 6 possible Silver rank officers, and we have heard about
- 7 Mellody, Macbrayne, who we have already mentioned, and
- 8 Alan is not really a firearms, but he could probably
- 9 do --
- 10 A. He could be a Silver, sir.
- 11 Q. He could be a Silver. So we have potentials but you
- don't know which one it was?
- 13 A. No, sir.
- 14 Q. Right. But you do appreciate at least this now, that
- 15 had they been briefed, because they were all kitted up
- 16 and ready?
- 17 A. Right, sir.
- 18 Q. And I don't know whether you knew this, they had
- 19 actually, one witness will say, been brought to New
- 20 Scotland Yard?
- 21 A. I learnt that very recently, sir.
- 22 Q. So if that's right, and we will await and see whether
- that is right, if the orange team are kitted up and at
- New Scotland Yard, what's needed is plainly a briefing?
- 25 A. Yes, sir.

- 1 Q. Then they have to zoom down to, and it would at that
- 2 stage be, well, if the order goes out at 5 o'clock in
- 3 the morning, they could have been, the standby team, at
- 4 Scotia Road or the vicinity of it rather than obviously
- 5 the road itself, by 6.30, couldn't they?
- 6 A. Potentially, sir, but I wasn't there.
- 7 Q. Potentially, they could. I'm suggesting to you when you
- 8 look back on it, that's something that went wrong, isn't
- 9 it?
- 10 A. I wouldn't agree it went wrong, sir. I can't comment
- 11 because I wasn't there. There may have been reasons and
- 12 decisions taken but I wasn't there.
- 13 Q. You see, there is no document available indicating:
- 14 well, we won't send them down; what we have is the order
- 15 to get a team down there. We have no information as to
- 16 why they weren't sent, do you follow?
- 17 A. I do, sir.
- 18 Q. When you come back at 7.10, you plainly discuss, if you
- 19 didn't know all the details of the strategy overnight,
- 20 you have to catch up rather quickly as to what the
- 21 strategy is going to be?
- 22 A. Yes, sir.
- 23 Q. Did you know first of all exactly what Cressida Dick,
- 24 who is in a sense working alongside you, isn't she?
- 25 A. Yes, sir.

- 1 Q. Although she is taking the decisions, you have to be
- 2 there to help. Did you know what strategist decision
- 3 she had noted down?
- 4 A. In her notebook, sir?
- 5 Q. Yes.
- 6 A. No, sir.
- 7 Q. What did she tell you the strategy was in relation --
- 8 I am going to concentrate, leave aside the people who
- 9 are not suspects?
- 10 A. Yes, sir.
- 11 Q. We know there is that aspect of it. But in relation to
- 12 suspects who may or are, all right?
- 13 A. Yes, sir.
- 14 Q. What was her strategy over that?
- 15 A. It was as was put on the wall, sir, I think which
- I referred to earlier, which was in the decision log
- 17 entry.
- 18 Q. Yes, you have already mentioned that. That's the one
- 19 you think was written up by Mr Johnston on a board?
- 20 A. Yes, sir.
- 21 Q. I want to go a bit further than that, and so that we
- 22 don't waste time on it, I am going to ask for the
- document to be put before you. You don't have it there.
- 24 It is in fact Cressida Dick's decision log timed at
- 25 7.30, although she wrote it up much later on the same

- 1 day.
- 2 Could we have document 1718, please. Have you ever
- 3 seen this before?
- 4 A. No, sir.
- 5 Q. You haven't. I am going to take it slowly because
- I want to ask you whether you knew that this was what
- 7 was in her mind. The reason I am going to ask you this
- 8 is that if you didn't know about this, it's possible
- 9 that those on the ground didn't know it either. That's
- 10 why I want to ask. Do you follow?
- 11 A. I do, sir.
- 12 Q. So the --
- 13 MR PERRY: Sir, I am very sorry, to Mr Mansfield, I am very
- 14 sorry. This document which is currently on the
- 15 screen --
- 16 SIR MICHAEL WRIGHT: I was looking it up in the bundle,
- 17 actually.
- 18 MR PERRY: I am very sorry, I hope this is helpful. This
- document which is currently on the screen is
- an inaccurate version that was prepared and was not
- 21 checked by Commander Dick. The correct document is
- 22 document 419, and the decision is at page 72. It's just
- 23 that this other document caused some confusion, and
- I see Mr Hilliard agrees.
- 25 SIR MICHAEL WRIGHT: Page what?

- 1 MR PERRY: Sir, it's document 419, and it's page 72. The
- 2 document that was put on the screen was not in fact
- 3 created by --
- 4 SIR MICHAEL WRIGHT: Have a look at that one.
- 5 MR PERRY: That's the correct document which is now on the
- 6 screen.
- 7 SIR MICHAEL WRIGHT: Very well.
- 8 MR MANSFIELD: That's decision 10, I am looking for decision
- 9 3.
- 10 MR PERRY: Decision 3 is page 65.
- 11 MR MANSFIELD: Thank you very much. I'll read it off there.
- 12 I understand there may be some differences. One
- 13 document was used in the Health and Safety trial and one
- 14 wasn't.
- 15 So decision 3. I am not sure whether this one has
- the time of the decision. Could we go up a bit.
- 17 SIR MICHAEL WRIGHT: 8 o'clock.
- 18 A. 8 am, sir.
- 19 MR MANSFIELD: 8 am, right. So we have the time, this is
- 20 a decision she takes at 8 am and you are meeting her
- 21 during this period, are you not?
- 22 A. 8.15, sir, we had the meeting, do you remember in the
- forward intelligence.
- 24 Q. That's what I mean. Shortly after this, you have the
- 25 meeting. I am concentrating on suspects. If we can

- 1 read:
- 2 "Strategy I have agreed with Commander McDowall is
- 3 that..."
- 4 It's number 2:
- 5 "We seek to arrest any of the subjects..."
- 6 Can I insert "suspects" because that's really what
- 7 it's meaning, is that right?
- 8 A. Yes, sir.
- 9 Q. "... near or at the addresses."
- 10 Did you know that?
- 11 A. I have not seen this document before, sir.
- 12 Q. I appreciate that. Sorry, I am taking it slowly. Did
- you know on the morning before 9.30 or 9.34 that what
- 14 had been agreed by Cressida Dick and Commander McDowall
- who had set the Gold strategy, that the object was to
- arrest any of the suspects near or at the addresses?
- 17 A. No, sir.
- 18 Q. Well, that is rather important, isn't it?
- 19 A. Well, it's important that Commander Dick informs the
- 20 Silver Commanders which she did of the strategy, she
- 21 spoke to them directly, but I didn't know about at the
- 22 addresses, sir, no.
- 23 Q. Do you know what she told the Silvers about this?
- 24 A. No, sir. She spoke to them on the telephone. I heard
- 25 her talking to them but I did not recall the

- 1 conversation she had with them. She spoke to them after
- 2 the 8.15 meeting.
- 3 Q. Right. Did she tell you at the 8.15 meeting that --
- 4 well, from what you are saying, she didn't. So at the
- 5 8.15 meeting, 15 minutes after this decision, that was
- one of the objectives, and if you look in the reasons?
- 7 A. Yes, sir.
- 8 Q. I'll read it since you have not seen it before:
- 9 "The subjects [suspects] are believed to have made
- 10 serious attempt to detonate explosives on public
- 11 transport yesterday. I have seen a video on train of
- 12 one of these. It is believed they are at large and may
- 13 still have capacity to cause explosions. They are
- 14 clearly capable of causing mass murder and do not, or
- 15 did not yesterday, care if they die. The risks they
- 16 pose to Londoners is very considerable."
- 17 Then you see this:
- "We cannot [emphasised in capital letters] therefore
- 19 allow them to travel far even under surveillance if
- 20 sighted as I cannot guarantee we will not have
- 21 a surveillance loss which could be catastrophic."
- 22 Did you know that that was part of the reasoning for
- 23 arresting them near or at the address?
- 24 A. I have not seen that, sir, no.
- 25 Q. You can't help as to whether that -- you can read the

- 1 rest if you wish, I am not going to the rest. She is
- 2 talking about risk inside the premises and so on, and
- 3 one appreciates the Madrid context?
- 4 A. Yes, sir.
- 5 Q. The real point I want to put across to you is the core
- 6 of her strategy agreed with McDowall was arrest near or
- 7 at the address. I think there may be just another
- 8 section -- no, there isn't in that version, I'll
- 9 concentrate on that version.
- 10 So that's the first point.
- 11 SIR MICHAEL WRIGHT: It was near rather than at, as has been
- 12 spelt out in the reasons.
- 13 MR MANSFIELD: Yes, it's near rather than at.
- Because you want a safe distance away from the
- property so that you don't alert the people in it. We
- 16 have been over that ground.
- 17 A. Yes, absolutely.
- 18 Q. Right. Were you aware that in fact by the time she has
- 19 set that agreed objective, can I call it that, as well
- 20 as strategy, were you aware nobody had in fact done
- 21 a reconnaissance of the location?
- 22 A. I wasn't, sir, no.
- 23 Q. A reconnaissance is very important, isn't it?
- 24 A. Well, again, sir, that depends on the context. You
- 25 mentioned earlier, I think, that Mr McDowall had

- 1 requested one.
- 2 Q. Yes?
- 3 A. That would be discussed between Mr McDowall and the
- 4 tactical adviser, whoever was present, with regards to
- 5 the ability to do a reconnaissance in the area.
- 6 Normally, you would do that before, like a containment
- 7 and call-out, so you would really get to know the detail
- 8 (inaudible) the doors, windows, that sort of stuff.
- 9 Q. Absolutely.
- 10 A. When you know someone is at the address. My
- 11 understanding, at this stage when I came in the morning,
- 12 that it was a MASTS deployment, as you have described,
- 13 so it was to support the surveillance, so you would not
- 14 therefore be exposing the firearms officers in and
- 15 around the address doing a reconnaissance. I understand
- 16 Mr McDowall asked for it.
- 17 Q. McDowall asked for it and the problem we have here is
- 18 that Andrew, the senior tactical adviser who you have
- 19 talked about before, didn't know about this. Did you
- 20 know about that?
- 21 A. Sorry, didn't know about this document?
- 22 Q. Sorry, didn't know about the strategy which involved
- 23 sending a firearms as soon as possible with
- 24 a reconnaissance?
- 25 A. Well, I find that difficult to understand because Andrew

- was the night duty tactical adviser and I understand
- 2 Mr McDowall was in during the night, so I can't answer
- 3 that, sir.
- 4 Q. All right. Just on a question of location for a moment,
- 5 one isn't expecting the moon, as it were, in order to
- 6 say to an operations room as soon as you have an address
- 7 and an area: find out as much as we can about the area;
- 8 that's not difficult, is it?
- 9 A. The surveillance team, initially, sir, would --
- 10 Q. Even before you send anybody down there, if you are
- 11 an officer in charge of an operation being run from
- 12 an operations room, never mind a map of the whole area,
- it's pretty easy, isn't it, for the operations room to
- say: I need to know where that address is.
- 15 A. Forgive me, sir, intelligence-wise, yes, that would be
- done.
- 17 Q. It's a bit more than that. You just get a map up on the
- screen, as it were, showing you the road and the type of
- 19 facilities in the road; that's not difficult, is it?
- 20 A. It's not difficult, sir, no, I am sure that would have
- 21 been done.
- 22 Q. As I understand it, so far, nobody has suggested it was
- 23 done. Do you remember seeing anybody consulting any
- 24 kind of map or diagram -- I'll concentrate on
- 25 Scotia Road -- of Scotia Road showing the blocks and the

- 1 houses?
- 2 A. We are at odds, sir, again. For the control room to do
- 3 that, I don't think necessarily that's important. For
- 4 the firearms teams to do that before they go down there,
- 5 they might well do that, and the tactical advisers. But
- 6 with regards to the control room, I don't think it's
- 7 key.
- 8 Q. All right. You think it is not key but you think it
- 9 would be for firearms?
- 10 A. I think they would normally have a look at where they
- 11 are going to go.
- 12 Q. All right, I'll leave that for firearms. That's one
- aspect of the strategy set at 8 o'clock?
- 14 A. Yes, sir.
- 15 Q. In agreement with Mr McDowall. I want to do another
- 16 aspect of the strategy. What happens either just before
- 8 o'clock or the 8.15 meeting or just after is that the
- strategy is amended, the overall strategy is amended to
- deal with Scotia Road; in other words we are only going
- 20 to tackle, I am going to use that word, suspects, forget
- about the rest?
- 22 A. Yes, sir.
- 23 Q. Right?
- 24 A. Yes, sir.
- 25 Q. That is quite important, isn't it?

- 1 A. Well, again, sir, the strategy remained people from 21
- 2 but we didn't have control of the door. So the strategy
- 3 was still the same, I think it's possibly language, to
- 4 stop people coming out of 21 if they were non-suspects,
- 5 but we didn't have control of the front door and we were
- 6 working towards it, obviously.
- 7 Q. I understand that point. Was this amendment noted
- 8 anywhere?
- 9 A. I believed at the time it was written down by
- 10 Commander Dick but I subsequently believe now that it
- 11 wasn't.
- 12 Q. In fact it wasn't recorded anywhere, was it?
- 13 A. That's my understanding, sir, yes.
- 14 Q. Nor was it amended on the white board in the control
- 15 room?
- 16 A. I could understand that, sir. I think the strategy
- 17 remained the people from 21 and everybody was aware
- 18 there was a communal door, that I did believe that
- 19 myself or Commander Dick had made a note of that,
- I thought it was Commander Dick, but it hadn't been
- 21 done.
- 22 Q. Rather as I suggested on the other matter of this
- 23 strategy, was this change communicated to the
- 24 surveillance officers on the ground?
- 25 A. Again, sir, they had already been allowing people to

- 1 leave because of the communal door.
- 2 Q. They had already been asking what are we to do; did you
- 3 know that?
- 4 A. I didn't know that, sir, no.
- 5 Q. Who is the surveillance inspector who you have
- 6 mentioned, and if it's a name that can't be mentioned --
- 7 you said you were sure there was a surveillance
- 8 inspector, do you remember?
- 9 A. Yes, sir. For the Special Branch, teams there was
- 10 a surveillance inspector, who -- I believe I can say --
- 11 is Mr Whiddett, and then there is also a superintendent,
- 12 sir, who was Mr Connell, Superintendent Joe Connell.
- 13 Q. Can I just follow this through. We will hear that
- 14 a team leader, surveillance team leader was
- 15 communicating with the control room about concerns about
- 16 the buses, about the distance that the firearms team
- 17 were away, so they must be by this stage at
- Nightingale Lane, so we are talking about 8.45 onwards?
- 19 A. Right, sir.
- 20 Q. The distance they were away, and also of course the
- 21 question of the communal door and do they stop women and
- 22 children; do you follow, these concerns?
- 23 A. Right, sir.
- 24 Q. Did you hear about any of those?
- 25 A. No, sir, I didn't.

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- 1 Q. Did you hear about anybody saying and talking about
- 2 Mr Whiddett talking about this?
- 3 A. No, sir, I would expect them to be recorded in the ops
- 4 room. If those concerns were coming into the ops room,
- 5 what would normally happen, either the monitor or the
- 6 inspector or in this case we had a superintendent in
- 7 there as well. Or even to add to your confusion, there
- is an ops room manager in there, normally a sergeant,
- 9 that they would be recorded by one of those people as to
- 10 the fact: these are the concerns, how are we going to
- 11 address them.
- 12 Q. Yes, so there are plenty of people in the ops room who
- are in a position to record these concerns; is that
- 14 right, is that fair?
- 15 A. Yes.
- 16 Q. I just want to move on from that, because what I am
- wanting to suggest here is quite a lot of important
- 18 decisions taken at the centre are just not getting
- 19 through to the people on the ground and what the people
- on the ground are concerned about is just not getting
- 21 through to the ops room. Do you follow?
- 22 A. I understand your point, sir, yes.
- 23 Q. Can I just go back one stage to the exercise. All of
- this was anticipated in the exercise on the 15th, wasn't
- 25 it?

- 1 A. I haven't seen the document recently, sir, and I wasn't
- part of the exercise. I did read it.
- 3 SIR MICHAEL WRIGHT: Operation Catto.
- 4 A. Yes, sir.
- 5 MR MANSFIELD: As it's been introduced through you, can
- I ask for it to come back up to deal with the headings
- 7 at least. It's document 7797.
- 8 A. I have it, sir.
- 9 $\,$ Q. The operations room has already -- that section has
- 10 been, as it were, read out about confusing picture and
- 11 so on.
- 12 I am not going through that section as it's been
- 13 read. What hasn't been read is the bit below that. On
- 14 the next page, all of this has in fact been at least
- submitted by Pat, the very man who was on the
- 16 surveillance monitor desk.
- 17 SIR MICHAEL WRIGHT: You mean he wrote this report?
- 18 MR MANSFIELD: I can't say whether he wrote it, but his name
- 19 appears under the word "submitted" on the next page,
- $20\,$ $\,$ there. There could be more than one Pat but as
- 21 a codename, I doubt it, so I am assuming that that
- 22 Pat --
- 23 MR HORWELL: I assume it is, yes.
- 24 MR MANSFIELD: -- is the same one that sat on the desk.
- 25 As I say, I don't know whether he wrote it but he

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- certainly put his name to it?
- 2 A. Yes, sir.
- 3 Q. Let us assume for the moment he did write it. But in
- any event, communications, you see this next bit:
- 5 "Throughout the exercise there were a number of
- 6 problems with virtually all of the communications
- 7 systems in place. Some were easily rectified, whilst
- 8 a reliance on mobile telephones ensured the operation
- 9 continued. A basic need for new headsets and even more
- 10 radio terminals, along with audible speakers for crucial
- 11 decisions just prior to executive action were agreed
- 12 upon. Due to the distances travelled during the day and
- despite the previous reassurances, the Cougar system
- failed to deliver clear relays."
- 15 Then there is other technical failures?
- 16 A. Yes, sir.
- 17 Q. In fact on the day, this day, the operation was
- beleaguered by all sorts of malcommunication, wasn't it?
- 19 A. I don't know malcommunication. I can see those comments
- 20 there and we updated with the Airwave radio. This was
- 21 on 15 July, I believe, sir.
- 22 Q. Yes, it was?
- 23 A. The events occurred on the 21st. I don't know when this
- document was created in actual fact, either. Would you
- 25 be able to help me with that?

- 1 Q. I can't help you because we only got it this morning.
- 2 A. I am aware the document may have been created after the
- 3 events of the 22nd. I am not sure about that, though,
- 4 sir.
- 5 Q. There was due to be -- I'll just shoot on, I don't know
- 6 whether it helps -- at the end of this, just above the
- 7 word "Pat", next page, sorry, just for a moment. It
- 8 says there was going to be a fuller debrief on Tuesday,
- 9 Wednesday, 19th/20th do you see that?
- 10 A. Yes, sir.
- 11 Q. I don't know whether that helps?
- 12 A. I don't know who got this document and when to actually
- 13 act upon it. I think the best person to speak to, who
- I had asked to, because this was something I actually
- 15 put in track, if that makes sense, sir, the operation to
- 16 exercise things, is Superintendent Connell, who was in
- 17 the ops room that morning.
- 18 Q. Yes. If we can go back to an earlier page quickly,
- 19 7770, we see the list of people who at least were
- intending to be there, whether they turned up I don't
- 21 know, but the attendees will include, and there is
- 22 Allison, who's DSO potential?
- 23 A. That's correct, sir, yeah.
- 24 Q. He was on duty on the 21st, McDowall we have heard
- about, he was on duty, and Connell there,

- Detective Superintendent, was there?
- 2 A. Yes, sir.
- 3 Q. I can certainly defer any further questions in detail to
- 4 others, but if we just go to 7798 for the final heading,
- 5 on what was going wrong even during the exercise, you
- see it's headed, top of the page, "Structure":
- 7 "It quickly became apparent that the command
- 8 structure was not equipped to deal with the
- 9 ever-changing picture and that the decision-making
- 10 process in respect of responsibility was confused. This
- 11 was resolved and a clearer configuration evolved which
- 12 seemed to reduce the levels of command. It seemed that
- 13 a sole SIO [senior investigating officer] in possession
- of all the available intelligence and his tactical
- advisers from SO19 [and then military] on either side
- 16 based in the main operations room would be the best way
- of making fast-time decisions."
- 18 A. Or so it was suggested.
- 19 Q. Yes.
- 20 SIR MICHAEL WRIGHT: This is not in the jury bundle, I don't
- 21 know whether anybody wants it.
- 22 MR MANSFIELD: No I appreciate, we have only got it
- 23 ourselves today.
- 24 SIR MICHAEL WRIGHT: I am not suggesting necessarily that it
- should be.

- 1 MR MANSFIELD: Not for the moment. I think it's perhaps
- 2 more appropriate when there is somebody like Mr Connell
- 3 or possibly Mr Mellody. I don't know who will be in
- 4 a position to deal with these identified problems.
- Now, finally, this: I want to ask you about another
- 6 document which I believe, well, I don't know, I am going
- 7 to ask you if you ever saw it. That is a very important
- 8 document was provided to you at about the time of the
- 9 firearms authority. I don't know whether you remember
- 10 that or not?
- 11 A. Which document, sir, sorry?
- 12 Q. It's a tactical options document.
- 13 A. By Andrew, sir?
- 14 Q. That's right. Well, it was by two officers, and we have
- seen, and the jury have, I think, a particular page of
- 16 this, and if we could have section 10 just to give you
- some idea of it, section 10, which is behind tab 42.
- 18 A lot of it has been redacted, but this is just to, one
- 19 part of it?
- 20 A. Yes, sir.
- 21 Q. Do you remember receiving this?
- 22 A. I do, sir, yes, late on the evening, I think, of the
- 23 21st.
- 24 Q. Yes. Did you take any notice of it?
- 25 A. Well, I was doing a lot of things, sir, I certainly

- looked at it. It was a document that had been provided
- by, I think, Andrew and Esposito.
- 3 Q. If I can put it generally, it's 34 pages long. This is
- 4 just one bit of it?
- 5 A. Yes, sir.
- 6 Q. They had gone to a lot of trouble, had they not, to lay
- 7 out in generic, general terms what was available and
- 8 what tactics were available, hadn't they?
- 9 A. Yeah, I think it wasn't a definitive document but it
- 10 tried to encompass a number of firearms tactics, sir.
- 11 Q. Yes, firearms tactics and also resources, bearing in
- 12 mind training, Kratos, Clydesdale, it was embracing
- 13 everything and saying to the senior officers: look, this
- 14 is from two tactical officers, Esposito and Andrew, this
- is our combined information, wisdom and so on, of the
- 16 moment; if you need to act during the night, you now
- 17 know what's possible.
- 18 A. They did produce the document, sir, but more important
- for me, we had Esposito in the day and we had Andrew at
- 20 night, so we had the officers who -- I think it was
- 21 a joint document between the two.
- 22 Q. Yes. What I want to suggest to you, like some of the
- 23 other aspects of this, you really didn't bother with it
- very much, did you?
- 25 A. Well, I looked at the document, they discussed the

- document with me, the number of pages, sir, and what
- I was doing, I didn't go into it in any great detail
- 3 that evening, but importantly the two officers who
- 4 authored it were advising us.
- 5 Q. You see, the reason I ask you is you make no reference
- 6 to this document in any of your red book notes, decision
- 7 logs or anything else, do you?
- 8 A. I don't know, sir.
- 9 Q. Would you take it from me, you don't make any reference
- 10 to being given this generic tactical options document?
- 11 A. I accept that, sir.
- 12 Q. You make no reference to the fact that you looked at it
- 13 or gained any information from it or whatever. Was it
- a situation it just came in, is this fair, comes in: oh
- 15 yes, they are here, I don't need to read this. Was that
- 16 the situation?
- 17 A. Not quite, it's a reference document, sir, but the
- 18 people who wrote it are advising me, and this will not
- answer many of the questions that people with the skills
- and the knowledge will, who were with me in the ops
- 21 room.
- 22 Q. Dealing with that specific, those people who are with
- you, when it comes to the actual possibility of
- 24 deployment, what you need is a tailored tactical options
- for what you are then facing?

- 1 A. Potentially, sir, yes.
- 2 Q. What should happen is the senior tactical adviser on
- 3 overnight, if he knows, should then draft a series of
- 4 tailored options, for Scotia Road, this is what we can
- 5 do; and then the officer who is implementing the 4.55
- 6 policy at 5 o'clock looks through the specified tailored
- 7 options and ticks or crosses them off. That's what
- 8 should happen?
- 9 A. No, I don't agree with that, Mr Mansfield. I have not
- 10 seen a document like this before. I think it had been
- 11 sensibly prepared by Andrew and Mr Esposito. They are
- there to provide, and they are outstanding senior
- 13 tactical advisers, to provide the advice that is
- 14 required in the circumstances of whatever challenges we
- 15 have. You don't then look at this document to tick them
- 16 off.
- 17 Q. No, not this document?
- 18 A. Forgive me, sir.
- 19 Q. I have moved one stage on. This is generic. This gives
- 20 those on duty overnight some overview and you have not
- 21 seen one of these before. However, when it gets close
- 22 to the action, ie strategy, 4.55, surveillance and armed
- 23 support, down to Scotia Road or Portnall, as came on
- 24 stream?
- 25 A. Sir.

- 1 Q. Right? At that point, what I suggest would normally
- 2 happen in a firearms operation, if the tactical adviser
- 3 knows about it, is they give oral advice as to what
- 4 tactics are open and they give written advice?
- 5 A. They certainly give oral advice. In the dynamic
- 6 situations, written advice can follow much later, sir.
- 7 Q. In which obviously the senior officer is then in
- 8 a position to decide which he is going to adopt and
- 9 which he is going to reject?
- 10 A. Yes, sir. Often that's just on that verbal explanation.
- 11 Q. Then it's noted up later. Did you know that that didn't
- 12 happen on this occasion during the night?
- 13 A. I wasn't there, sir.
- 14 SIR MICHAEL WRIGHT: Thank you. Yes, Mr Gibbs.
- 15 Questions from MR GIBBS
- 16 MR GIBBS: Sir, may I ask some questions about surveillance?
- 17 I represent the red and grey surveillance teams.
- 18 A. Sir.
- 19 Q. Can I keep it very simple. We know that when the man
- 20 came out of Scotia Road, he was described at one time as
- 21 being worth a second look?
- 22 A. Yes, sir.
- 23 Q. We know that he was later described as being a possible
- or a good possible for Nettle Tip, which was the
- codename given to Hussain Osman; yes?

- 1 A. Yes, sir.
- 2 Q. Did you hear both of those things: that is the "worth
- a second look" and the "possible" or the "good possible"
- 4 in the control room?
- 5 A. No, sir. As I think I have explained, the person
- 6 listening is purely Pat to the surveillance channel.
- 7 SIR MICHAEL WRIGHT: He is using headphones.
- 8 A. He is using headphones, sir, yes.
- 9 $\,$ MR GIBBS: So you realised at some point that there was
- 10 a man who had come out at a particular time who was
- 11 being described as a possible?
- 12 A. Yes, sir.
- 13 Q. Then you later got the impression that this man was
- 14 definitely not Nettle Tip?
- 15 A. That's correct, sir, yes.
- 16 Q. You got that impression from something which Mr Esposito
- 17 said?
- 18 A. That's correct, yes.
- 19 Q. Was he in contact with anyone on the ground?
- 20 A. Yes, sir, he was.
- 21 Q. Who was that?
- 22 A. His tactical adviser on the ground, sir --
- 23 Q. Is that someone we are calling Trojan 84?
- 24 A. I believe it will be, sir, but he would have to give
- 25 that, he would have to confirm that.

- 1 Q. That person was the tactical adviser to Mr Purser?
- 2 A. That would be correct, sir, yes.
- 3 Q. Would they have been in the same car?
- 4 A. They would, sir, yes.
- 5 Q. Then later you realised, did you, that the surveillance
- 6 team were still following the man?
- 7 A. Yes, sir.
- 8 Q. And that they were still working on the basis that he
- 9 was a possible or something like that?
- 10 A. No, sir, that's not my understanding. It was that he
- 11 had come out of the address and it was possibly
- 12 Mr Osman, and then through Mr Esposito I was told it
- 13 wasn't. So through Pat, obviously it's three years ago,
- 14 but Pat must have been in agreement, otherwise he would
- 15 have said no, they are still saying it's him. You can't
- 16 use the non-armed officers.
- 17 SIR MICHAEL WRIGHT: How could Pat have a view on it? He
- 18 was merely the conduit, wasn't he?
- 19 A. No, sir, but Pat -- we are all in a very close area --
- 20 Pat became aware that Dingemans was going and Dingemans
- 21 should have been in contact and I know was with the
- 22 surveillance team leader to go and try and stop the
- person when he got off the bus.
- 24 SIR MICHAEL WRIGHT: Sorry, it may be my fault. I thought
- 25 you said, and I'm reading the script:

- 1 "It was that he had come out of the address and it
- 2 was possibly Mr Osman, and then through Mr Esposito I
- 3 was told it wasn't. So through Pat... Pat must have
- 4 been in agreement..."
- 5 How could Pat have been in agreement? He didn't
- 6 have the faintest idea.
- 7 A. If I could explain, sir, Pat is there, so if, for any
- 8 reason, the subject is then still believed to be
- 9 Mr Osman.
- 10 SIR MICHAEL WRIGHT: Pat wouldn't have a view about it one
- 11 way or the other, would he?
- 12 A. He is listening to the surveillance channel.
- 13 SIR MICHAEL WRIGHT: No, but all he is doing is he is
- 14 repeating what he is being told.
- 15 A. Yes, but I am probably making this very badly, but the
- 16 point is that I am sure Pat would have made me aware if,
- and others in the room, we had actually been told some
- 18 wrong information by Mr Esposito.
- 19 SIR MICHAEL WRIGHT: How would Pat know?
- 20 A. We are all there, sir. You can hear what's happening
- 21 quite clearly.
- 22 SIR MICHAEL WRIGHT: All right.
- 23 MR GIBBS: It may be that the best thing would be for us
- 24 simply to ask Pat.
- 25 A. I think so, sir, yes.

- 1 Q. And he will know, won't he?
- 2 A. Yes, sir, I agree.
- 3 Q. As you described it, unless I have got it wrong, he has
- 4 his headphones on and he is not listening to what
- 5 Mr Esposito is saying?
- 6 A. No, sir, but I am standing right in the middle, I think
- 7 I have shown you where I am, and it was my belief that
- 8 Pat was aware.
- 9 Q. I see. You had the advantage of knowing both what Pat
- 10 was saying and what Mr Esposito was saying?
- 11 A. I would agree with that, sir, yes.
- 12 Q. Then at some later time you ask for a percentage
- identification. You ask Pat to pass that message on?
- 14 A. I did, sir, yes.
- 15 Q. You asked more than once?
- 16 A. A couple of times, I think, sir, maybe even three.
- 17 Q. But you were never given a percentage?
- 18 A. No, and I understand that's very difficult.
- 19 Q. Then you believed from what Pat said to you that this
- was Osman?
- 21 A. Yes, sir.
- 22 Q. Did he say words to the effect of "they think it's him"?
- 23 A. My recollection is, sir, and it is three years ago, Pat
- 24 said, "They are saying it's him", but I think I have
- 25 already explained, I was somewhat cautious because of

- 1 the first morning of an operation and how difficult that
- 2 would be.
- 3 Q. Could you just explain in surveillance terms what the
- 4 significance of it being the first morning is?
- 5 A. Well, people have got to orientate their way around the
- 6 actual location, very challenging in that area anyway
- 7 for the surveillance team because of compromise. It's
- 8 an area where police officers are often identified in
- 9 plain clothes, both armed response vehicles and
- 10 surveillance teams, so it's particularly difficult in
- 11 that area to remain covert for a long period of time.
- 12 Additionally for the surveillance team, it's the
- 13 first morning of an operation, it's not something they
- 14 have been doing for many days so they become familiar
- 15 with the people involved who they are following. That
- 16 first identification is really challenging, and I think
- that sums it up, sir, really, very difficult.
- 18 Q. You took all that into account?
- 19 A. Yes, sir.
- 20 Q. But your impression was, if I have understood your
- 21 evidence right, from what Pat said, and I think you told
- 22 the learned Coroner this before lunch, that you were
- 23 getting the impression that this was a good likeness?
- 24 A. There are three terms we now use, "positive", "possible"
- and "negative", and I would have summed it now as

- 1 a possible. That was my personal view.
- 2 Q. Can I ask you what your understanding of the plan was?
- 3 Was the plan that, if someone came out and was
- 4 definitely not one of the subjects, then he or she might
- 5 be stopped and spoken to by Mr Dingemans' team?
- 6 A. Subject to Commander Dick's instructions, sir.
- 7 Q. Of course. And that if somebody came out and he was
- 8 definitely one of the subjects, if he was definitely one
- 9 of the suicide bombers, then he would be stopped by the
- 10 serious(sic) firearms officer team?
- 11 A. Can I just say, a likeness or above, at that stage to
- 12 say definitely, I think is extremely ambitious.
- 13 Q. Thank you. That in fact was my third question. If
- 14 someone came out who was a possible or a likeness for
- a man who the day before had tried to murder a lot of
- 16 people on the Underground system, would he have been
- 17 stopped by an SFO team?
- 18 A. Yes, sir, he would.
- 19 Q. In terms of information which is coming into the control
- 20 room, am I right in thinking that there is an important
- 21 distinction to be drawn between the raw information from
- 22 those who are on the ground, and conclusions which may
- 23 be drawn from that information?
- 24 A. I think I follow, sir, yes.
- 25 Q. So that a surveillance officer on the ground may

- describe what a person is wearing or what he looks like,
- or what he is doing, and the control room may draw
- 3 conclusions from that description?
- 4 A. That's possible, sir.
- 5 Q. In drawing conclusions, the control room will have
- 6 access to other sources of information?
- 7 A. Yes, sir.
- 8 Q. It may be from more than one surveillance team?
- 9 A. Yes, indeed, sir.
- 10 Q. It may be from technical support in the forward
- intelligence cell in the next door room?
- 12 A. Yes, sir.
- 13 Q. It may be from other officers or intelligence which has
- 14 already been received?
- 15 A. From various sources, sir.
- 16 Q. So there is a distinction to be drawn between those who
- 17 provide raw information and those who draw conclusions
- 18 from it?
- 19 A. Yes, sir.
- 20 MR GIBBS: Thank you very much.
- 21 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs. Mr Stern.
- 22 Questions from MR STERN
- 23 MR STERN: Mr Boutcher, I think you had an opportunity of
- 24 seeing the London Underground CCTV clips of the
- 25 terrorists of 21 July?

- 1 A. I have seen those, sir, yes.
- 2 Q. They were caught on CCTV on their way to wreak the
- 3 devastation and death to those on the Underground?
- 4 A. Yes, sir.
- 5 Q. Looking at those clips, were there any clues in their
- 6 behaviour in those individuals that they were to act in
- 7 the way that they intended?
- 8 A. None whatsoever, sir, in fact the opposite.
- 9 Q. What do you mean, the opposite?
- 10 $\,$ A. They all seemed very relaxed. The only information I
- 11 had ever previously read about suicide operatives was
- 12 signals like sweating a lot, nervous, but those four men
- seemed very relaxed as they walked to conduct those
- 14 atrocities.
- 15 Q. Was there any way of distinguishing those four
- 16 individuals from the normal members of the public who
- 17 were using the London Transport system perfectly
- 18 legitimately that day?
- 19 A. Absolutely none whatsoever, sir, no.
- 20 MR STERN: Thank you.
- 21 SIR MICHAEL WRIGHT: Thank you. Ms Leek.
- 22 MS LEEK: Sir, before I ask questions, I wonder if my
- learned friend, Mr Mansfield, might identify those
- 24 operatives whom he says refused to take the ammunition
- 25 with them on the day, because he put to this officer

- that some of the officers refused to take that
- 2 ammunition, and so far as I am aware, none of the
- 3 officers did in fact refuse.
- 4 SIR MICHAEL WRIGHT: Can you help?
- 5 MR MANSFIELD: Yes, we are doing a trawl. I have been asked
- 6 to do that. I distinctly remember one officer, Delta 4
- 7 we've come up with at the moment, but I will --
- 8 SIR MICHAEL WRIGHT: You have heard the request. No doubt
- 9 it can be dealt with in due course. Yes, Ms Leek.
- 10 Questions from MS LEEK
- 11 MS LEEK: Thank you, sir.
- 12 Mr Boutcher, I ask questions on behalf of CO19
- officers who are separately represented, including
- 14 Andrew, Inspector ZAJ and Trojan 84, and the remaining
- 15 CO19 officers on the ground who are not represented by
- 16 Mr Stern.
- 17 I just have a few questions for you. As
- 18 I understand it, you don't have an independent log of
- 19 timings or a contemporaneous log of timings of matters
- that were happening between 9.30 and 10 o'clock?
- 21 A. No, I don't.
- 22 Q. Neither were you on the phone to any of the officers on
- the ground, Silver and Trojan 84?
- 24 A. That's correct.
- 25 Q. So you are unable to say exactly where they were when

- 1 orders were given to get behind the bus and when orders
- 2 were given to stop Mr de Menezes getting on the tube?
- 3 A. That's correct, yes.
- 4 Q. That evidence will have to come from other people?
- 5 A. Indeed, yes.
- 6 Q. Because certain timings have been put to you, and I want
- 7 to get it absolutely straight: those aren't your
- 8 recollections of timings; we have to listen to what
- 9 other people say about that?
- 10 A. Yes, that's correct.
- 11 Q. As far as briefings are concerned, you have said that
- 12 you didn't think that the various suspects would be
- 13 likely to be at the addresses that had been ascertained?
- 14 A. It was my view that it was unlikely that they would be
- 15 at obvious addresses.
- 16 Q. You would accept, however, that it's extremely important
- 17 that officers on the ground are told that these
- individuals may well be at the addresses?
- 19 A. I absolutely agree. There are three levels in my
- 20 thinking: firstly that they would have gone to
- 21 an address that we would find challenging to identify;
- 22 secondly, to reorganise and attack us; secondly(sic),
- 23 that they may simply have fled out of panic because
- their aims had not been achieved; or thirdly, indeed
- 25 they could, there was a possibility that they could have

- been back to, if you like, known address, footprint
- 2 addresses, to wait for some sort of police activity and
- 3 to do an atrocity there.
- 4 SIR MICHAEL WRIGHT: That's the Madrid scenario, isn't it,
- 5 or something very like it?
- 6 A. Not quite, sir. Madrid they were found through
- 7 enquiries and compromised, and then they actually seemed
- 8 to change their intentions. The indications of Madrid
- 9 were that they were going to conduct further attacks
- 10 because of the materials that were found there, but then
- 11 decided to conduct that suicide bombing as the police
- 12 entered.
- 13 MS LEEK: So what we are saying is that it is in fact
- 14 extremely important that officers on the ground,
- 15 particularly in a novel situation as this was, are fully
- 16 prepared for what they might have to confront.
- 17 A. That's absolutely correct, and have a very full briefing
- 18 with regards to everything that's known.
- 19 Q. It's also important for them to be told that they have
- 20 to trust the information that's come in from the control
- 21 room, from the command team?
- 22 A. Yes.
- 23 Q. Because they will not be in possession of the totality
- of the information?
- 25 A. No, I mean, they listen to the surveillance channels

- obviously but yes, that's fair.
- 2 Q. That's particularly important of course for the firearms
- 3 officers, that they are told: you have to trust what's
- 4 coming from on high.
- 5 A. Yes, we tell them everything that they need to know,
- 6 certainly.
- 7 Q. As far as identification is concerned, various questions
- 8 have been asked about identifying Osman, identifying the
- 9 man. In fact he was being referred to by a codename
- 10 over these surveillance channels; is that right?
- 11 A. Yeah, the codename was Nettle Tip.
- 12 Q. And the codename for one of the other suspects was Omar?
- 13 A. No, that's the name, ma'am.
- 14 Q. Sorry, it was Regal Wave. Of course the other suspect,
- Omar, the codename was Regal Wave?
- 16 A. That's correct.
- 17 Q. So individual officers then had to translate what they
- 18 were hearing into which suspect it was?
- 19 A. Yes, that's correct.
- 20 Q. You were also asked about the number of vehicles that
- 21 were available in the vicinity. Did you know at any
- 22 stage how many vehicles were around?
- 23 A. I had had a discussion with Andrew and effectively there
- 24 are six SFO teams that -- or that had been made into
- 25 four.

- 1 Q. I want to stop you when you talk about six SFO teams.
- 2 Are you talking about teams or are you talking about
- 3 vehicles?
- 4 A. I am talking about teams, the coloured teams, and they
- 5 had enhanced those teams into four teams with annual
- leave and because of the threats we faced, Andrew and
- 7 I believe Mr Esposito had presented four teams able to
- 8 deal with the challenges that obviously we faced.
- 9 Q. But as far as vehicles were concerned, were you aware of
- 10 the number of vehicles that deployed to the vicinity of
- 11 Scotia Road? If not, say so.
- 12 A. My understanding, there would be around four, five
- 13 vehicles in that team.
- 14 Q. We will hear from somebody who did know exactly how
- 15 many. You were not, as I understand it, privy to
- 16 conversations between Trojan 80 and Trojan 84 as to the
- 17 precise location of where the vehicles were?
- 18 A. No, and I didn't need to be.
- 19 SIR MICHAEL WRIGHT: Can I just interrupt you a moment,
- 20 Ms Leek, there is a couple of questions: one I think we
- 21 have been told the answer to but I'll confirm it.
- 22 Once the surveillance or the firearms teams for that
- 23 matter had gone down the escalator, they were out of
- 24 communication?
- 25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: There was no radio or mobile telephone
- 2 link that could be established?
- 3 A. Nothing worked at the time, sir, we have addressed that
- 4 now but nothing at the time.
- 5 SIR MICHAEL WRIGHT: That's what I thought.
- 6 The other one is, and this I would be interested to
- 7 know the answer to, why did the suspects Osman and Omar,
- 8 why did they have codenames?
- 9 A. It's an inherited system with regards to the
- 10 counter-terrorism operations to try to make sure we
- 11 don't reveal the identity of the people we are looking
- 12 at because of lossage of documents so we try and avoid
- names on things so it really comes --
- 14 SIR MICHAEL WRIGHT: Also presumably so the public shouldn't
- 15 hear what their names are.
- 16 A. No, of course, any attempt to sort of get into our
- 17 communications systems, all that sort of thing.
- 18 SIR MICHAEL WRIGHT: Yes. It's a question of
- 19 confidentiality.
- 20 A. Security, sir, really.
- 21 SIR MICHAEL WRIGHT: Security in the first initial stages
- 22 and if there is subsequently an arrest and trial, if
- their real names had been bandied about in the press,
- 24 that might have compromised that as well.
- 25 A. And associates, because sometimes we have operations

- 1 where we will split things off so it is easier to have
- 2 code names.
- 3 SIR MICHAEL WRIGHT: And associates might know then who is
- 4 being pursued. Very well. Yes.
- 5 MS LEEK: Just picking up from that, Officer, is it because
- 6 despite the fact that some of the channels are
- 7 encrypted, the capability of terrorists to hack into
- 8 encrypted systems is not entirely known.
- 9 A. No, that's fair.
- 10 MS LEEK: Thank you.
- 11 SIR MICHAEL WRIGHT: Thank you. Now, Mr Perry, how much are
- 12 you going to need?
- 13 MR PERRY: Sir, I think I can finish in about ten minutes,
- I hope, ten or 15 minutes. I have actually got, famous
- last words, only nine points, but I hope it doesn't
- 16 expand.
- 17 SIR MICHAEL WRIGHT: How much do you have, Mr Horwell?
- 18 MR HORWELL: This is the principal interest, principal
- 19 witness whose interests I represent.
- 20 SIR MICHAEL WRIGHT: Don't misunderstand me.
- 21 MR HORWELL: I know. I would anticipate certainly an hour,
- and possibly at most an hour and a half.
- 23 SIR MICHAEL WRIGHT: I don't know how you are going to do it
- 24 other than by telepathy at the moment, but I ask that
- 25 you and Mr Perry, because your interests are extremely

- 1 close, try not to overlap each other.
- 2 MR HORWELL: There is no doubt that that will not happen,
- 3 and if Mr Perry cross-examines tonight and I start
- 4 tomorrow morning, it will not happen.
- 5 SIR MICHAEL WRIGHT: Right. Is that a threat or a promise!
- 6 MR HORWELL: Both.
- 7 SIR MICHAEL WRIGHT: Mr Perry, nine points.
- 8 MR PERRY: Thank you very much, sir. Apologies to
- 9 Mr Horwell if I trespass on his points, but I know he
- 10 will do them very well, much better than I.
- 11 Questions from MR PERRY
- 12 MR PERRY: Mr Boutcher, I am David Perry and I represent
- 13 Commander McDowall, Cressida Dick, Chief Inspector
- 14 Esposito and Detective Chief Inspector Purser. I have
- nine points, as you probably know. I hope I can count
- 16 properly.
- 17 Let us start, anyway. The first thing I want to
- just explore with you very, very briefly, Mr Boutcher,
- 19 is the question of stopping or diverting public
- 20 transport and in particular in this case the buses in
- 21 the Tulse Hill area. May I please just ask you to have,
- 22 and for us all to have on the screen, page 94 of the
- documents which we don't have in hard copy. We will
- 24 have it in due course, but it's something that I showed
- 25 to Detective Chief Inspector Angela Scott yesterday.

```
It's from Cressida Dick's decision log and it's decision
 1
 2
         32.
 3
             I just want to ask you about this. There are going
         to be two points but before I come on to them, just see
 4
 5
         the decision. It's out of order because Cressida Dick,
         as we can see from the bottom of this document, says the
 6
 7
         decision is made at 11.10 am on the 22nd but it's
         written at 8 pm on the 23rd.
 8
 9
             In the reasoning it says:
10
             "This is something I considered earlier on. It was
11
         suggested as an option by DCI Angie Scott. The issue
12
         was raised as the premises at Scotia Road were
         identified early on to be 'near' a bus stop. I have
13
         been unable to ascertain how far away. But clearly it
14
15
         is likely that a person coming out of the premises might
16
         walk directly to the bus stop making it more difficult
         for surveillance and, in particular intervention at
17
18
         an early stage. But to stop the buses and divert them
19
         will draw attention to the area and potentially alert
20
         suspects. I decided then and again after the police
```

24 The two things I want to ask you are these: first of 25 all, can you recall the discussion about this sometime

be kept under review."

shooting at Stockwell where the man came from premises

and got on bus that will not do so because of risk. To

21

22

- 1 around about 8.30?
- 2 A. I don't recall it now, sir, I am afraid.
- 3 Q. You don't recall it. Thank you very much for that,
- 4 Mr Boutcher. I just want to ask you this, and this is
- 5 the second point. By the way, this is still in my first
- 6 point of the nine points. I do not want to lose my
- 7 points.
- 8 The second aspect of this is this: you of course
- 9 remained in the operations room throughout until
- 10 1 August?
- 11 A. That's correct.
- 12 Q. When as you told us this morning the operation was
- 13 successfully concluded with the arrest not only of the
- 14 four suspects but also of those who had been responsible
- for aiding and abetting them in their activities?
- 16 A. Yes, sir.
- 17 Q. We see from this decision it's to be kept under review.
- 18 Was there ever at any stage a decision to stop or divert
- 19 buses either at the Scotia Road address or at the
- 20 Portnall Road address or any other address?
- 21 A. No. I agree with the decision. I don't recall being
- 22 part of it because it would have potentially led to
- 23 compromise. Our activity was already being tracked by
- 24 the media. If we start stopping bus stops and bus
- 25 routes everywhere we were operating, it would be soon

- 1 quite clear to everybody where we were. So we never did
- 2 that.
- 3 Q. Would you agree with this, Mr Boutcher: that this type
- 4 of decision, this type of tactical decision is
- 5 a difficult decision requiring the exercise of judgment
- on the part of the senior officer?
- 7 A. Without doubt, sir, bearing in mind the history of the
- 8 7th and the 21st and the nature of the attacks. But
- 9 it's the proportionate and right decision, I think is
- 10 not to stop the bus stops.
- 11 Q. Thank you. The second point I want to go on to, and
- 12 I hope I can deal with this very briefly so we don't
- have to look at any documents. You were asked about the
- 14 briefing of firearms officers. May I just put the
- 15 question I am going to ask you in context. You were
- asked the question as to whether specialist firearms
- officers have to be in the mindset that they might be or
- 18 might not be required to confront a suicide bomber?
- 19 A. Yes, sir.
- 20 Q. I am just going to ask these questions in relation to
- 21 briefings. Would it in your opinion be important that
- 22 any risks that a firearms officer, whether specialist or
- 23 otherwise, is going to confront are explained honestly
- and openly?
- 25 A. Absolutely, sir, yes.

- 1 Q. Presumably the reason for that -- well, let me ask you.
- 2 What is the reason for explaining honestly and openly
- 3 the risks that they might be expected to confront?
- 4 A. They are the officers who have the ultimate
- 5 responsibility in dealing with these high risk arrests.
- 6 They need to be aware of all the facts, whatever history
- 7 has occurred, whatever learning may have occurred, so
- 8 that they can have a clear understanding of what type of
- 9 operation and deployment they are going to be involved
- in. And care and time has to be taken to do that. You
- 11 would not want to put the firearms team out unless it
- 12 was an emergency, and we knew that we had, for instance,
- one of the suicide bombers in an address now, without
- 14 proper structured and careful briefing.
- 15 Q. Again, what goes into the briefing, that's a question of
- 16 balance on the part of the briefing officer, trying to
- 17 get the right balance?
- 18 A. It is, sir, yes.
- 19 Q. Because what you don't want to do is to say, "Well, you
- 20 are definitely not going to confront a suicide bomber",
- 21 because that might affect them, or that "You are
- 22 definitely going to confront", because that might affect
- them, but to get the balance right between the two?
- 24 A. You have to have an even tone and give them the facts,
- 25 with an even tone.

- 1 Q. Thank you. The third point, this is just a very short
- 2 question, I hope. You have told us that you have been
- involved in many, many operations?
- 4 A. Sir.
- 5 Q. I think you have described them as, what I think you
- 6 have said, crime in action situations?
- 7 A. Yes.
- 8 Q. That's the sort of thing where someone is kidnapped,
- 9 lives are at stake, operations are run from New Scotland
- 10 Yard to try to release kidnap victims; not only in this
- 11 country but, as I understand it, the operations run from
- 12 New Scotland Yard operate in all countries across the
- 13 world where Scotland Yard is called in to assist police
- 14 forces around the world?
- 15 A. Yeah, both with regard to the Metropolitan Police and
- 16 the National Crime Squad, sir.
- 17 Q. You are running an operation in effect from London?
- 18 A. Yes, sir.
- 19 Q. Telling people in other countries what to do in order to
- 20 save lives?
- 21 A. And in many countries sometimes, sir. In the
- 22 counter-terrorism aspect that we do now, they are
- 23 co-ordinated with a number of different countries who we
- 24 have found to be our -- very much to be our new partners
- and friends in recent years.

- 1 Q. Using all your background experience, how difficult
- 2 would you assess for this operation on 21 and
- 3 22 July 2005 to be?
- 4 A. It was immensely difficult because we had not faced it
- 5 before, even though the Metropolitan Police had planned
- for suicide operations, with Kratos People and Vehicle
- 7 and Clydesdale, this had not been anticipated that we
- 8 would be looking for failed suicide attackers. What
- 9 I think we managed to achieve was have the best possible
- 10 people to deal with it there at the time, and in effect
- 11 the model that we adopted that did successfully arrest
- 12 those people responsible is what now serves as, if you
- 13 like, the standing operating procedure, the model; with
- 14 some amendments and finessing, but principally it's the
- 15 model that we now adopt to deal with that sort of
- 16 operation.
- 17 Q. Thank you. The fourth point: you were asked about Pat,
- and you were told something about what Pat may or may
- not say. We have yet to hear from Pat.
- 20 A. Yes, sir.
- 21 Q. You were told about what Pat may or may not say, to do
- 22 with shouting across the room?
- 23 A. Yes.
- 24 Q. The operations room. You said absolutely not?
- 25 A. Unequivocally not, sir.

- 1 $\,$ Q. May I just ask you this -- we heard yesterday from
- 2 Angie Scott, so I can tell you what she actually said.
- 3 A. Yes, sir.
- 4 Q. She said that she was standing just a few feet away from
- 5 Pat. How many feet away from Pat were you?
- 6 A. I was actually between Pat and Cressida Dick, moving
- 7 between the two, so when I needed to speak to Pat
- 8 I would simply step towards him, but even without that
- 9 I could hear him very clearly.
- 10 Q. Just tell us, Mr Boutcher, because the explanation you
- 11 have given us is very vivid, but just tell us in
- 12 distance terms?
- 13 A. Two or three feet, sir.
- 14 Q. Was Angie Scott closer to Pat than you were?
- 15 A. I can't recall now, sir.
- 16 Q. How far was Cressida Dick from you? Give us it in feet.
- 17 A. Again two or three feet the other way, sir.
- 18 Q. The fifth point I want to ask you about is the gym card,
- 19 because it was put to you that if you had known that the
- 20 gym card with an address had been found, would you have
- 21 stayed? Would you have stayed at New Scotland Yard?
- 22 A. Sir.
- 23 Q. Yes. Well, we have to be very careful about this.
- A gym card with an address wasn't found, you see.
- 25 A. Right, sir.

- 1 Q. A gym card was found that had no address on it, and that
- 2 was at 2.15. Now, how long had you been on duty by
- 3 2.15?
- 4 A. I was probably on -- I'm normally on at 7 am each
- 5 morning, so probably, almost certainly from 7 am the
- 6 morning before.
- 7 Q. So we are getting on for 20 hours?
- 8 A. Yes, sir.
- 9 Q. If you had been told that a gym card had been found but
- 10 in fact it was being researched as quickly as possible
- 11 and efforts were being made to contact the owners of the
- 12 gym club to find out the details of the individual whose
- name appeared on the gym card, if you had known all that
- was going on, would you have stayed or would you have
- 15 taken your rest?
- 16 A. If I had known all that, sir, it was all in hand,
- 17 I would have gone.
- 18 Q. The sixth point -- we are getting there -- the standby
- 19 team, the orange specialist firearms team, you were
- 20 asked questions about that. It was put to you, as
- 21 though it was something that could easily be done, "let
- us get this orange team down to Scotia Road".
- 23 Let me just ask you this: if the orange team had
- gone down to Scotia Road, who would have been covering
- 25 Portnall Road?

- 1 A. There would have been no team covering Portnall Road.
- 2 Q. Who would have been covering Corfe House?
- 3 A. Again, no team, sir.
- 4 Q. Who would have been covering Blair House?
- 5 A. No team, sir.
- 6 Q. Who would have been covering the rest of London?
- 7 A. They were the only available team, sir; that was it.
- 8 Nobody.
- 9 Q. So far as you were concerned, would it have been
- 10 a sensible decision to send the orange team to
- 11 Scotia Road on the basis of the intelligence that you
- 12 then had, with the possibility of further intelligence
- developments through the morning?
- 14 A. I think I've previously made my view very clear, sir,
- that conscious of Mr McDowall's strategy, I think
- 16 I would have done effectively what happened: the Silvers
- 17 coming on at 7 o'clock, the tactical advisers coming on
- 18 at 7 o'clock, so that you have got two teams that can
- 19 exist for a significant amount of time, because the
- 20 deployments are going to go on for many days and I am
- 21 aware of that very likelihood. So that's the position
- 22 I would have taken.
- 23 Q. Yes, and one thing you were not reminded of, but I will
- 24 remind you of it now, is that Mr McDowall had said that
- 25 his strategy was to be flexible and adaptable depending

- 1 upon intelligence as it was updated.
- 2 Do you consider that what was done on the morning of
- 3 22 July was consistent with Mr McDowall's strategy?
- 4 A. I do, sir. Everybody has clearly been working to ensure
- 5 that the coverage was put at the addresses. There seems
- 6 some gap in information, I'm quite confident I'd have
- 7 spoken to Mr McDowall, informed him those firearms teams
- 8 are going to go down from 7 o'clock, and that would have
- 9 been a proportionate response to the information we had.
- 10 Q. The seventh point, you have been asked about
- 11 Operation Catto. May we just have page 7797 up on the
- 12 screen, please? It's just one thing I wanted to ask you
- about. Do you see under "Communications"?
- 14 A. Yes, sir.
- 15 Q. It's only this, so that we have an understanding, it's
- the final sentence of that paragraph:
- 17 "An opinion that Airwave would be the answer to this
- 18 problem was muted ..."
- 19 This is a reference to Airwave, and it says:
- 20 "It remains both an untested system in this arena
- and some way off in the mid-term (18 months)."
- 22 Could you just explain to us, please, what Airwave
- 23 radio is?
- 24 A. Airwave radio is a new national system, so in effect we
- 25 can communicate. Under the old Cougar system we had to

- 1 have local encryption; with this system we can hear
- 2 communications from teams in Birmingham, Manchester,
- 3 wherever. We are able to use it on the Underground
- 4 system almost wholly now, it's only a couple of stations
- 5 we can't. It's far more clear than Cougar system. All
- 6 the surveillance teams now have it. And they have
- 7 separate operating channels in which to operate on as
- 8 well. So it's a far better system than the Cougar
- 9 system.
- 10 Q. Did some of the teams working on the 22nd actually have
- 11 Airwave?
- 12 A. Not to my knowledge, sir, no. None of them.
- 13 Q. Thank you very much for that, Mr Boutcher.
- 14 The eighth point, the tactical options document.
- 15 I am not going to look at it with you, but you have told
- 16 us it was written by Chief Inspector Andrew and Chief
- 17 Inspector Esposito, and you described them as
- 18 outstanding tactical advisers.
- 19 My question is this: were there any more experienced
- 20 tactical advisers than those two gentlemen in the
- 21 Metropolitan Police?
- 22 A. No, sir, I have worked with them for a number of years
- on previous operations and they are quite simply the
- 24 best that we have.
- 25 Q. The ninth and final point: you were telling us a few

- 1 minutes ago, in answer to my learned friend Ms Leek,
- 2 about suspects going back to footprint addresses knowing
- 3 that the police will go there. I just want to explore
- 4 that, because it was suggested that that was a Madrid
- 5 type situation and you said "no"?
- 6 A. Not quite.
- 7 Q. I just want to understand what this is, because the
- 8 Madrid situation, the distinction with the Madrid
- 9 situation is there the police, through investigation and
- 10 surveillance, came upon an address?
- 11 A. That's correct, sir.
- 12 Q. But the suspects hadn't left any footprint that they
- would be at that address, it was just dogged police work
- that led the police to those particular premises?
- 15 A. Yes, sir, they didn't expect the police to be there, to
- 16 find those premises.
- 17 Q. But the point that you are making, if I have understood
- it correctly -- and tell me if I've got it wrong -- is
- 19 where terrorists have failed to set off bombs but they
- 20 have left information as to where they might be found,
- 21 the risk is that they know that the police will be onto
- them and that the game might be up, and therefore they
- 23 might be planning an atrocity against police officers
- 24 because they know that the police are likely to --
- 25 A. At some point arrive.

- 1 Q. -- at some point or other turn up at these addresses,
- 2 the footprint addresses?
- 3 A. That's exactly the point, sir. This is a whole new
- 4 challenge for us in policing, that we have never seen
- 5 before, completely different from the experiences we've
- 6 had in terrorism before with the Irish threat, and you
- 7 literally have to try and forecast and continge for
- 8 everything. But for me there was a chance that these
- 9 people will have simply gone back somewhere to wait for
- 10 us.
- 11 MR PERRY: Thank you very much, indeed.
- 12 SIR MICHAEL WRIGHT: I am not sure that I follow that
- 13 because it seemed to me that there were two different
- things. Your initial reaction which you told Mr Perry
- about and also Mr -- I am not sure. Your original view
- 16 was that it was unlikely that any of the four would have
- gone back to any of the footprint addresses, simply for
- 18 the ordinary banal reason that they would not want to be
- 19 caught.
- 20 A. Yes, sir. There is three levels of thinking.
- 21 SIR MICHAEL WRIGHT: As you say, the second level, if you
- like, is: well, that might be wrong, they might have
- gone back to the footprint addresses deliberately in
- order to give them the opportunity for another atrocity.
- 25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: That's really the --
- 2 A. When the police arrived there.
- 3 SIR MICHAEL WRIGHT: Very well, thank you.
- 4 That's it, Mr Perry?
- 5 MR PERRY: Thank you very much, sir.
- 6 SIR MICHAEL WRIGHT: Well, nine and a half, I suppose.
- 7 Would that be a convenient moment? All right.
- 8 MR HILLIARD: Sir, after the jury have gone, can I mention
- 9 timing?
- 10 SIR MICHAEL WRIGHT: Yes, please, I was thinking about that.
- 11 Ladies and gentlemen, we will let you go and would
- 12 you like to be back, please, at 10 o'clock tomorrow.
- 13 Thank you.
- 14 (In the absence of the jury)
- 15 Discussion re: timetabling
- 16 MR HILLIARD: It's only to say that, tomorrow, at the minute
- on the list appears Mr Boutcher to finish and Mr Horwell
- has indicated that he will be between an hour and
- an hour and a half. Then there is Mr Johnston, who is
- on the list to come. Plainly we are going to need more
- 21 than that to fill the day, so it's really just to
- 22 indicate that we are going to try to see if Mr Whiddett
- and Mr Lewindon are available tomorrow, which will then
- 24 give us a full day tomorrow.
- 25 Then, given that we are sitting Friday, in fact we

- will not be so far off track after all.
- 2 SIR MICHAEL WRIGHT: You have about another four to pick up.
- 3 MR HILLIARD: I think what will happen is that by the end of
- 4 Friday we will be Inspector ZAJ and Inspector Rose
- 5 adrift. That's a lot better than it looked at some
- 6 stages.
- 7 SIR MICHAEL WRIGHT: All right. Can I simply pick up what
- 8 I raised with Mr Horwell and Mr Perry: I would be
- 9 grateful if certainly those representing the various
- 10 police interests could bear in mind that, because their
- 11 interests are -- not entirely but to some extent --
- 12 identical or at least similar, to try between yourselves
- 13 to distribute the burden of cross-examination, simply so
- that overlapping can be avoided.
- 15 The one thing I do want to avoid is people asking
- 16 the same questions over and over again from what is, for
- 17 practical purposes, the same point of view.
- 18 MR HILLIARD: Plainly that has obviously not happened today
- 19 at all.
- 20 SIR MICHAEL WRIGHT: I would be most grateful to everybody
- 21 if you could bear that in mind.
- 22 MR HILLIARD: Yes.
- 23 SIR MICHAEL WRIGHT: Thank you very much. 10 o'clock
- 24 tomorrow.
- 25 (4.30 pm)

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