

1 Monday, 6 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

5 MR HILLIARD: Sir, just before we make a start this morning,
6 if we can just get page 375 in the documents up on the
7 screen, you will remember, sir, that this is part of
8 Alan's notes that we looked at on Friday. I think there
9 was a query from the jury as to whether the notes had
10 been written in March of 2004. Obviously if they had
11 been, that would have been before the event. So that's
12 unlikely.

13 SIR MICHAEL WRIGHT: Yes.

14 MR HILLIARD: But 14/03/04, we are having difficulty making
15 out the word there but it's 14 March 2004, and it
16 relates to, we think, an inquiry concerning
17 Portnall Road at that time.

18 So we will get to the bottom of it and provide the
19 information. But he has not dated notes for a 2005
20 incident in 2004, for obvious reasons; obviously not.

21 SIR MICHAEL WRIGHT: It relates to some previous inquiry?

22 MR HILLIARD: Yes.

23 SIR MICHAEL WRIGHT: We will find out in due course, we can
24 clear it up. As you say, it's unlikely to have been the
25 actual date of those notes.

1 MR HILLIARD: Sir, the next witness is Deputy Assistant
2 Commissioner Dick, please.

3 DEPUTY ASSISTANT COMMISSIONER CRESSIDA DICK (sworn)

4 SIR MICHAEL WRIGHT: Thank you. Would you sit down, please.

5 A. Sir, might I be allowed to stand? I think I would feel
6 slightly more comfortable.

7 SIR MICHAEL WRIGHT: Certainly. I didn't think anybody
8 would want to stand for too long.

9 A. I would certainly like to start.

10 SIR MICHAEL WRIGHT: That's perfectly all right.

11 Questions from MR HILLIARD

12 MR HILLIARD: Your name is Cressida Dick; is that right?

13 A. Yes, it is, sir.

14 Q. My name is Nicholas Hilliard and I will be asking you
15 questions first of all on behalf of the Coroner and then
16 after that, as you know, you will be asked questions by
17 others.

18 A. Thank you.

19 Q. I will come on in a moment or two to various documents
20 that you can have with you whilst you give your
21 evidence. I will come on to that in a minute, and there
22 will be no difficulty about that, so have no anxiety
23 there.

24 A. Thank you very much, sir.

25 Q. I want to start, please, with a bit of background. You

- 1 have been a Metropolitan Police officer since when?
- 2 A. I joined the Metropolitan Police in 1983.
- 3 Q. After school and university?
- 4 A. Yes, that's right, sir.
- 5 Q. Your present rank, please?
- 6 A. I am now a Deputy Assistant Commissioner in the
7 Metropolitan Police.
- 8 Q. You have held that rank since when?
- 9 A. Since April last year, 2007.
- 10 Q. At the time that we are principally concerned with, you
11 were a commander; is that right?
- 12 A. Yes, I was, sir.
- 13 Q. I just want to go back through, so we can follow how you
14 got to that point, not in great detail but just the
15 milestones, if we could have those. Did you start off
16 as a probationary officer; is that what it's called?
- 17 A. Yes, I was a probationer at West End Central.
- 18 Q. When was that?
- 19 A. Between 1984 and 1986.
- 20 Q. If you need to look at a document, we will come on to
21 the documents later, but by all means you look at
22 whatever you need to.
- 23 A. Thank you.
- 24 Q. After that, did you become a uniformed sergeant?
- 25 A. Yes, I was a sergeant in South West London in Battersea

- 1 initially and then in Kingston.
- 2 Q. And the years for that?
- 3 A. 1984 to 1987, roughly.
- 4 Q. In due course did you become an inspector?
- 5 A. Yes, I was, I was an inspector in Peckham in southeast
6 London, after that, for about four years.
- 7 Q. After inspector, were you promoted to Chief Inspector,
8 and did you do that job at somewhere called Bramshill
9 Police Staff College?
- 10 A. Yes, I did, Bramshill is the national police college,
11 and I was seconded there to train other officers.
- 12 Q. Whenabouts was that?
- 13 A. Well, I was there for two years from 1993 to 1995.
- 14 SIR MICHAEL WRIGHT: So you were on the teaching staff at
15 Bramshill?
- 16 A. I was on the teaching staff; yes, I was, sir.
- 17 MR HILLIARD: You say "seconded", does that mean you were no
18 longer technically a Metropolitan Police officer?
- 19 A. No, I was a Metropolitan Police Officer and I indeed
20 very occasionally carried out sort of on the weekends
21 Metropolitan Police duties.
- 22 Q. Can you just help us for those who don't know the
23 detail, what actually goes, I don't mean the courses but
24 who is at Bramshill and being taught for what purposes?
25 Do you understand what I am getting at?

- 1 A. Yes, I do, sir. There are a number of different courses
2 delivered, mostly to British police officers but
3 sometimes to people from abroad. The courses include
4 those for people who have been selected for very fast
5 promotion, and for the most senior officers, and I was
6 actually delivering training mostly to younger officers
7 who had been selected for fast promotion.
- 8 Q. So that's up until 1995?
- 9 A. Yes, sir.
- 10 Q. Did you then go to Thames Valley?
- 11 A. Yes, I did, sir.
- 12 Q. Now as a superintendent; is that right?
- 13 A. Yes, I was the Superintendent Operations in a city
14 called Oxford, so I was in charge of all operational
15 policing for that city.
- 16 SIR MICHAEL WRIGHT: Did that actually involve a transfer to
17 Thames Valley Police?
- 18 A. Yes, I became a Thames Valley officer at that time.
- 19 MR HILLIARD: In 1995?
- 20 A. Yes, I did.
- 21 Q. How did you stay with the Thames Valley Police for?
- 22 A. Until 2000.
- 23 Q. Did you then do what's called a command course yourself?
- 24 A. Yes, I did. I spent two years as Superintendent
25 Operations and then three years as Area Commander at

1 Oxford, so I was in charge of all the aspects of
2 policing in Oxford, and I was then selected for a course
3 called the strategic command course which you have to
4 undertake if you are going to become a chief police
5 officer.

6 Q. Right. That's one of those officers who -- we heard
7 about this right at the beginning -- have something
8 called ACPO rank?

9 A. Exactly, sir, yes.

10 Q. Association of Chief Police Officers, so if you are
11 going to join that and have one of those ranks, you have
12 to do the course that you did in 2000?

13 A. Yes, that's right, sir.

14 Q. Then until 2001, did you spend time at university again
15 on a career break doing a postgraduate degree?

16 A. Yes, I took a very short career break, less than a year,
17 and did a postgraduate degree in criminology, sir.

18 Q. So there we are in 2001, and did you return after that
19 to the Metropolitan Police?

20 A. Yes, I applied and was selected for a job in the
21 Metropolitan Police, as a commander.

22 SIR MICHAEL WRIGHT: I am curious to know, you had
23 transferred to Thames Valley in order to do the Oxford
24 job.

25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: Then you went back to Bramshill briefly
2 for a relatively short time to do the command course?
- 3 A. Indeed, a matter of a few months.
- 4 SIR MICHAEL WRIGHT: Then you went to university.
- 5 A. Yes.
- 6 SIR MICHAEL WRIGHT: When you come back, do you have to
7 simply, as it were, apply in the open market to go back
8 into the Met, or do you have some sort of, I don't say
9 back door, but because of your experience, did you have
10 an easy run, were they looking for you particularly?
- 11 A. I don't think they were, sir. I had to apply along with
12 a number of other candidates, all of whom had been
13 through the command course. Some were from the Met,
14 some, like me, were from other forces.
- 15 SIR MICHAEL WRIGHT: So it was an open market exercise?
- 16 A. An open market with the Police Authority. It may be
17 that my London experience attracted them in some way,
18 but I don't know.
- 19 MR HILLIARD: In your time as a commander, so from 2001 up
20 until July of 2005, just looking at that period, can you
21 help us as to, maybe there was only one, in which case
22 tell us about that, but if there were a number, can you
23 help us with the sort of responsibilities that you had
24 as a commander in the Metropolitan Police?
- 25 A. Yes. My first job, I was commander for the Diversity

1 Directorate, so I was responsible for our response to
2 the Stephen Lawrence Inquiry, implementing the
3 recommendations across London. I was also responsible
4 for the reinvestigation of a number of very high profile
5 and sensitive hate crime cases, I was responsible for
6 domestic violence policy, and I also did oncall
7 responsibilities. So that was for the first 18 months
8 or so.

9 During that time, of course, we had the
10 September 11th attacks, and I became involved in that
11 operation as well.

12 Q. Can you just help with this, so it's not lost: oncall
13 responsibilities, just so we understand, what are those?

14 A. At any one time, 24 hours a day, there will be some
15 senior officers at commander level on call. My initial
16 responsibilities were oncall for a department called
17 Territorial Policing, so that is essentially all the
18 uniform and detective officers working on boroughs, such
19 as the Borough of Southwark; any major incidents,
20 critical incidents, it was my job to get involved and
21 make sure they were dealt with appropriately. So that
22 was my first oncall responsibility.

23 Q. The sort of jobs you have been telling us about so far,
24 those take us through the first bit of your time as
25 a commander, are there others after that?

- 1 A. Yes, I then became the commander in the Specialist Crime
2 Directorate, so that is the directorate that deals with
3 all the most serious crime apart from terrorism. I went
4 there in 2003.
- 5 Q. What sort of things would those be, just so we have
6 an idea?
- 7 A. The range that Specialist Crime Directorate covers is
8 homicide, child abuse, serious fraud, and the elements
9 that I was responsible for, which were organised crime,
10 gun crime, kidnap and hostage, again for the whole of
11 London.
- 12 Q. What sort of period does that responsibility take us up
13 to?
- 14 A. That takes us from 2003 through the events of 2005 up to
15 my promotion into my current role.
- 16 Q. Right. So just picking up the last bit of that, does it
17 follow that by the time of the events we are concerned
18 with, you had had a large amount of what I think is
19 called command experience so far as firearms operations
20 were concerned?
- 21 A. Yes, I think that would be fair to say, sir, yes, I had.
22 I first became involved as a Silver Commander in Peckham
23 in the early 90s, late 80s. I then regularly performed
24 the Silver Commander role in Oxford for five years,
25 I was on call every other week to do that. Then when

1 I became a commander in the Met, I undertook some Silver
2 and some Gold responsibilities.

3 Q. Just so that we have some idea of what that actually
4 means in practice, just take three situations that
5 perhaps we have all read about, even if we are not
6 familiar with them. Suppose, for example, the police
7 have information that some men are going to do a robbery
8 with firearms. Or suppose the police want to arrest
9 someone who they know has access to firearms. Or
10 suppose somebody has been kidnapped and is being held
11 hostage by people with firearms and you want to get them
12 released. I just want to make sure we really understand
13 what you were doing. Are those the kind of situations,
14 or is that way off, that you would be involved with?

15 A. Early on in my service, I am glad to say, those were
16 relatively rare events for me to be involved with, but
17 certainly, yes, I was. Between 2003 and being promoted
18 to my current role, I was dealing with those kinds of
19 operation as the ACPO officer responsible for them on
20 a literally daily basis. I was in charge of the
21 Flying Squad, who deal with robbery, I was in charge of
22 the kidnap unit that deal with kidnaps with hostages,
23 usually involving firearms.

24 So I would have an overview at least, I wouldn't be
25 the Silver Commander and I probably wouldn't be the

1 Gold Commander, but I would have an overview, I would
2 have to set the standards and make sure things were
3 being done properly, on perhaps 900 operations a year.

4 Q. So the jury understand, the sort of examples I have been
5 giving, those are crossing your desk on a daily basis?

6 A. Yes, several times a day. And because they are very
7 high risk, by definition, they were things that took up
8 a lot of my time.

9 Q. So we understand about your particular expertise, are
10 they crossing every commander in the
11 Metropolitan Police's desk on a daily basis, do you see
12 what I mean, or is it specific to you? Not only to you
13 but to you and a small number of others?

14 A. I think I probably had the highest volume under my
15 command, by far, of the most high risk and complex
16 firearms operations.

17 Q. Right.

18 A. There are other commanders who, for example, would be in
19 charge of protecting VIPs. There is a commander who
20 works to me now who does that. It's a different kind of
21 a role, but he is looking at firearms operations every
22 day, but they are rather different to the ones we are
23 talking about here, which are very dynamic and
24 unpredictable and fast-moving.

25 Q. The next topic, and I wonder if you can just help us

1 about your training and experience so far as this was
2 concerned, designated senior officer, and we have heard
3 a bit about that, and a bit about the Kratos and
4 Clydesdale, but it's all new to us, so don't take too
5 much for granted.

6 Can you just help us with your training and
7 experience in that area by the time we are concerned
8 with?

9 A. Yes. I was also very fortunate to have become a very
10 experienced, I think, public order commander in terms of
11 football, demonstrations, protests, big public events,
12 and there is a role called Designated Senior Officer in
13 Public Order, which is a person who could, under certain
14 very limited circumstances, authorise the use of baton
15 rounds. It's thankfully incredibly rare.

16 So I had done that training.

17 Q. So if things got out of control and there is a violence
18 problem?

19 A. Yes, and there is a genuine threat to people's lives.

20 SIR MICHAEL WRIGHT: Are baton rounds what are sometimes
21 popularly called rubber bullets?

22 A. Very similar. I am not an expert, but very similar.

23 MR HILLIARD: So that's what that's about.

24 A. Sorry. They had designed a role called designated
25 senior officer in that arena. When my senior colleagues

1 sat down to think about the threat posed by suicide
2 bombers, immediately after 9/11, they began to think
3 that there might be a role -- a slightly similar role
4 for a very senior officer to take responsibility for
5 very high risk decisions. I was one of the first four
6 that was selected for that role in 2002, I think.

7 Q. Being selected for that role then meant what? Once you
8 had been identified and chosen, were you then specially
9 trained or what was the position?

10 A. I think all four of us who were selected were
11 experienced firearms commanders and experienced
12 commanders in a wide variety of different situations.
13 Obviously in 2001/2, the Metropolitan Police together
14 with other police forces around the world, was still
15 trying to sort of come to terms with what had happened
16 and work out what was best in terms of how to approach
17 this, what the policy should be.

18 The initial training that we did in 2002 was just
19 the four of us, some firearms tactical advisers, and
20 some people who had been researching suicide bombing,
21 Mr Swain and others, giving us a kind of high level of
22 awareness of how suicide bombers carried out or might
23 carry out their crimes, and explaining to us the
24 developing policy of Kratos and Clydesdale.

25 Q. So then those policies, Kratos and Clydesdale, were

1 formulated and developed, weren't they?

2 A. Yes, they were, sir.

3 Q. Had you worked, thereafter, as a DSO, designated senior
4 officer?

5 A. Yes. We had, again, an oncall system, so the four of us
6 who had had that initial awareness training first of
7 all, I think we stayed in touch and we stayed in touch
8 with the people developing the policies and we had
9 a number of other events after that. But every three or
10 four weeks, I cannot remember, we would be on call for
11 the whole of the Met, should there be a spontaneous
12 incident in which somebody called in to the police and
13 said, "I have seen somebody who is behaving suspiciously
14 and this leads me to believe that they are a suicide
15 bomber".

16 So I did that quite regularly. I was only, as far
17 as I can remember, required on two occasions to attend
18 information room, which was where these operations were
19 run from, and there was a particular pod in information
20 room, I am not sure if you have heard about this
21 already, sir, called D09; one had to go there and take
22 command. I was called twice to do that.

23 I also did some Clydesdale work. In particular
24 I did the Clydesdale planning with a tactical adviser,
25 Mr Esposito, for a party conference outside London,

1 political party conference.

2 Q. We have the distinction I think in mind and you have
3 made it again, but Clydesdale is where you may have
4 advance notice that there may be an attack on this kind
5 on a big event, a national event, something of that
6 kind, as opposed to a member of the public just ringing
7 in and saying, "I think there is a suicide bomber at
8 a station"?

9 A. Yes, I think that's exactly the difference. The big
10 event that we all know is going to happen, which might
11 be attacked, and then some specific intelligence comes
12 in to suggest that it is going to be attacked, that
13 would be a Clydesdale operation.

14 SIR MICHAEL WRIGHT: I am interested to know one aspect of
15 this. You told us that you and three others, presumably
16 all commanders and that time, or more or less
17 commanders --

18 A. That's correct, sir.

19 SIR MICHAEL WRIGHT: -- were selected after 9/11, and then
20 you worked with, I know you mentioned Mr Swain who we
21 have heard about and will hear from later, who was
22 training in the area. You four were what you might call
23 the front line officers from the point of view of
24 actually using the policies, if and when the need arose.
25 Did you also contribute to the development of those

1 policies?

2 A. Yes, we did, sir. I can't remember for how long there
3 were just the four of us. Certainly perhaps in 2003
4 other ACPO officers became DSOs, but we four did
5 contribute. I mean, there was another person involved
6 called Mr Bradbury, so Mr Bradbury, Mr Swain and I think
7 Mr Esposito were the three sort of key people working to
8 Ms Wilding in developing --

9 SIR MICHAEL WRIGHT: That is Barbara Wilding, who became
10 Chief Constable of South Wales.

11 A. Yes, indeed. So they were working together with her to
12 develop the policy, to develop the training, develop the
13 exercising, and although we were, as you say, the people
14 who would have to do it on the day, not of course, you
15 know, front line in the same way as my firearms officer
16 colleagues are, but nevertheless we would have to take
17 on the operation, we felt it was important to give our
18 ideas and contribute to the policy development.

19 SIR MICHAEL WRIGHT: From perhaps the practical point of
20 view.

21 A. What would work, yes, sir.

22 SIR MICHAEL WRIGHT: Thank you.

23 MR HILLIARD: Were exercises conducted over time, so, as it
24 were, not real life events but did those happen on
25 occasions?

- 1 A. Yes. There were a number of training events which
2 I went to, and there were a couple of exercises, one you
3 may possibly have heard about, sir, called Tavistock.
4 I was not actually present during Tavistock but
5 I contributed to its design and I contributed to the
6 debrief afterwards and the further policy development
7 from that.
- 8 Q. We have heard about something, Operation CATTO,
9 an exercise that took place earlier in July. Were you
10 anything to do with that?
- 11 A. Until very recently, sir, I had never heard of
12 Operation CATTO. But I was -- I have now heard of it,
13 and I was aware that in the week before 21 July there
14 was an exercise running, and I was very interested to
15 hear how it went, and one of my
16 Detective Superintendents was the SIO in the exercise,
17 so he told me about it before and told me a little bit
18 about it afterwards.
- 19 SIR MICHAEL WRIGHT: Mr Connell?
- 20 A. No, that was Mr South. Mr Connell was certainly there,
21 sir, I know that.
- 22 SIR MICHAEL WRIGHT: Thank you.
- 23 MR HILLIARD: I am going to move on, then, to the events of
24 the 21st and in particular the 22nd July, and go
25 through, if we can, please, your involvement in those.

1 But I just want to start by asking you a question
2 which has been asked of other witnesses, because any
3 light you can throw on it we can have in mind as we go
4 along.

5 What went wrong?

6 A. Well, sir, you have started with the 21 July. I would
7 start with two weeks before that. I think one thing
8 that clearly went wrong was that we, as a nation, did
9 not manage to prevent those attacks on 7 July or indeed
10 Hussain Osman's and others' attempts on the 21st.

11 Going on from that, I think Mr de Menezes was the
12 victim of some terrible and extraordinary circumstances
13 the day afterwards. He was extraordinarily unfortunate
14 to live in the same block as Hussain Osman had been, he
15 was desperately unfortunate to look very like
16 Hussain Osman. There are some things that happened, for
17 example, the fact that the first surveillance officer
18 was indisposed and only able to get a relatively short
19 glance. Mr de Menezes waited only a very short time at
20 the bus stop, so as I understand it -- I didn't know
21 that at the time but as I understand it -- therefore
22 a surveillance officer again would not have a great
23 ability to look at him properly. Some of the things
24 that Mr de Menezes did in all innocence, the way he
25 behaved, the way he came off the bus and on the bus,

1 contributed to our assessment -- my assessment of him as
2 a bomber from the day before, and someone who might be
3 intent on causing an explosion today.

4 Finally, the thing I would say last is he had the
5 great misfortune of entering the same tube station that
6 three of the bombers had entered the day before. So
7 lots of things happened, any one of those you might
8 describe as went wrong. If you ask me whether I think
9 anybody did anything wrong or unreasonable on the
10 operation, I don't think they did.

11 Q. All right. We will look at some of the details as we go
12 along.

13 A. It's a tragedy, it's an awful tragedy.

14 Q. As I said to you, like others, there is no difficulty in
15 you having available to you notes and documents that you
16 have made, and some of them but not all of them we are
17 going to provide to the jury. I am sure you understand,
18 not all of them, because otherwise we will spend all our
19 time looking at what witnesses have said on other
20 occasions and then we never concentrate on what they can
21 tell us now so that's why we don't hand everything out.
22 I will come on to the documents in a moment.

23 I don't know, there has certainly, we hope,
24 an opportunity been made available, and there is no
25 difficulty about it -- have you had an opportunity to

1 see a transcript of these proceedings if you had wanted
2 to so far?

3 A. I was certainly aware that I had that opportunity, sir.
4 I have in the main chosen not to, although on the advice
5 of counsel I have looked at the evidence of one witness,
6 but I haven't been following daily, again on the advice
7 of counsel.

8 Q. As you appreciate, there is no difficulty about that at
9 all, it's been made quite plain that witnesses may do
10 that, that they are entitled to do that, so if you want
11 to refer to something that you know has been said, again
12 absolutely no difficulty about that.

13 A. Thank you very much, sir.

14 Q. Categories of documents. First of all, I think you
15 made, is this right, some rough notes in a hardback
16 book, it might have been a red book, I don't know?

17 A. I did, it was a red book and I have it here, sir, if
18 I might be allowed to get it out.

19 Q. Yes.

20 A. I have all my sort of originals here.

21 Q. If you just look, just to make sure we have these right
22 before we hand them out, there is a jury bundle, a white
23 file, I think, that should be nearby.

24 A. Yes, thank you.

25 Q. If you look behind divider 46, does that have in it

1 a typed copy, some irrelevant parts have a black line
2 through them, of what were the rough notes in your red
3 book?

4 A. Yes.

5 Q. All right. I am going to ask that we just hand those
6 out first of all. We will do them one by one.

7 We will look at all these, members of the jury, but
8 to go behind divider 46, please, in your files.

9 (Handed).

10 SIR MICHAEL WRIGHT: Is this copy red book of designated
11 senior officer N132?

12 MR HILLIARD: That's it, yes.

13 SIR MICHAEL WRIGHT: Somebody has very kindly put it in my
14 bundle.

15 MR HILLIARD: Just two pages, that's it.

16 The next document you -- I don't think, it wouldn't
17 matter if you have, I don't think you will have the
18 original of. If you could look behind divider 47, you
19 may recognise it straightaway.

20 A. I do actually have that original, sir, I have kept that
21 in my safe ever since.

22 Q. Thank you very much, excellent. If you have the
23 original?

24 A. That one (indicated).

25 Q. Good. Now, what I think we have there, is this right,

1 is the log or the record of events on the 22nd made by
2 what's called your loggist, I will come on to what that
3 is in a minute, who was I think first of all somebody
4 called Detective Constable Cremin, and then
5 Detective Sergeant Renew; is that right?

6 A. Yes, that's right, sir.

7 Q. Can you just explain to us, what's a loggist and why do
8 you have one or why did you have one then?

9 A. When I am -- and many of my colleagues would be the
10 same, when one is in charge of a fast-moving operation,
11 it is very difficult indeed to write as you go. It's
12 important to keep a record, for a number of reasons.
13 Firstly, it's very handy to have, for example, names and
14 addresses and phone numbers and things you need to refer
15 back to, vehicle registrations, quickly to hand.

16 Secondly when, as one frequently does at the end of
17 a day, you are handing over to a colleague, you can use
18 this note to brief them or brief other people. Thirdly,
19 of course, it provides a record for the future.

20 So it gives a contemporaneous note, a note at the
21 time, which I would never have been able to write.

22 Q. All right. Thank you very much indeed. We will hand
23 that out, please, to go behind divider 47. (Handed).

24 SIR MICHAEL WRIGHT: This is document D82, is it?

25 MR HILLIARD: That's right, sir.

- 1 SIR MICHAEL WRIGHT: I have that as well. I think this is
2 a big document, it might be sensible to put it in the
3 bundle straightaway, behind 47. (Pause).
- 4 MR HILLIARD: The last document, and again we are going to
5 be handing out a typed copy, and could you just check
6 that behind divider 48 that we have a typed copy of your
7 decision log there?
- 8 A. Yes, I have, sir.
- 9 Q. Do you have the original handwritten?
- 10 A. Yes, I do, sir, it's in two books like that (indicated).
- 11 Q. Right. Can you just explain to us, then, what is your
12 decision log and what's the general format of it? Just
13 before we hand it out.
- 14 A. The decision log is designed to record significant
15 decisions during an operation, and to provide a record
16 of those decisions for the future. The general format
17 that we use in the Metropolitan Police is we write the
18 decision at the top, and then the reason why, the
19 explanation why we decided to do that when there might
20 have been another choice, underneath.
- 21 We use these logs in a variety of different
22 situations, so in serious crime investigation you will
23 find that the SIO will keep a decision log --
- 24 Q. That's the senior investigating officer?
- 25 A. Senior investigating officer, yes, I am sorry, sir, in

1 this sort of format. So I at that time was regularly
2 writing in decision logs like this.

3 Q. Right. If we can hand those out. (Handed). We may be
4 one short of those, for the moment. There are five,
5 I think. There is another one on its way.

6 SIR MICHAEL WRIGHT: Do you write these yourselves? Do you
7 write these decision logs up yourself?

8 A. Yes, I think there has only been one occasion when
9 I have asked someone else to sort of draft them for me,
10 and then for me to sign. On that occasion, I took the
11 officer with me and asked him to write my decisions as
12 I made them. It didn't work very well --

13 SIR MICHAEL WRIGHT: As far as this one is concerned, this
14 is all your work?

15 A. Absolutely, and my practice is always to write my own in
16 my own handwriting and sign them myself and I may or may
17 not be able to write them at exactly the time I made the
18 decision.

19 SIR MICHAEL WRIGHT: That's what I was going to ask you.
20 Just glancing through the log, it's plain that where
21 a time has been recorded for your actually writing the
22 log, it's been later the same day; that evening, in
23 fact.

24 A. Indeed, sir, I had on the 22nd quite a long day, and
25 I had my loggist's log which he had been noting all the

- 1 time and she had been noting all the time.
- 2 MR HILLIARD: That's the one we have just looked at?
- 3 A. That is the one that has been handed our previously to
- 4 the jury, and then in the evening, I settled down to
- 5 write up my decisions for the first part of that day.
- 6 That took me through until the early hours of the
- 7 morning, and then I wrote up the rest of the log the
- 8 following day.
- 9 SIR MICHAEL WRIGHT: Thank you. We can see in fact most of
- 10 them, not absolutely all of them, you have actually
- 11 recorded at the time of writing?
- 12 A. Yes, that's certainly the practice, and where I have
- 13 missed it, it's just an error.
- 14 MR HILLIARD: But the original of what we have now is
- 15 handwritten, isn't it?
- 16 A. Yes, it is, sir.
- 17 Q. In addition, and I don't know whether you have this with
- 18 you but you are more than welcome to have it if you
- 19 would like it, I think you made some tapes, is this
- 20 right, three or four days or so after the 22nd, in which
- 21 you just provided your recollection of events; is that
- 22 right, and those tapes were then transcribed?
- 23 A. That's right, sir.
- 24 Q. Do you have those with you?
- 25 A. I haven't, no.

- 1 Q. If you want them with you at any time, you have only to
2 ask.
- 3 A. Thank you.
- 4 Q. Then lastly, you gave evidence in the Health and Safety
5 trial that we have heard about; is that right?
- 6 A. Yes, I did indeed, sir.
- 7 Q. I think, if my records are right, on the 18th, 19th,
8 22nd and part of the 23rd October of last year; is that
9 right?
- 10 A. Yes, sir, that's right.
- 11 Q. I don't know whether you have it there but a transcript
12 of that is available if we need to look at it. All
13 right?
- 14 A. Thank you.
- 15 Q. I think in fairness to you we should say now the Coroner
16 told the jury this when he opened the case to them, but
17 is this right: the jury indicated that in reaching their
18 verdict, which was one of guilty, as you know, is this
19 right, they indicated that they attached no personal
20 culpability to you?
- 21 A. Yes, sir, I can't remember the exact words, but I am
22 sure you are right.
- 23 SIR MICHAEL WRIGHT: Or words to that effect.
- 24 A. Thank you. Yes, sir.
- 25 MR HILLIARD: Inevitably, you appreciate we are going to

1 have to go through notwithstanding and look at your
2 actions on this day, but it's obviously right that we
3 have that in mind.

4 A. Of course.

5 Q. When you heard about the events of the 21 July, so
6 that's the fortunately failed bombings, is this right,
7 that you were working at home on a particular task that
8 you had to do, nothing to do with these circumstances at
9 all?

10 A. Yes, that's right, sir. Perhaps I might just explain?

11 Q. Yes.

12 A. As I mentioned before, at that time I was in the
13 Specialist Crime Directorate so my responsibility was
14 for non-terrorist crime in general. After the earlier
15 bombings, I did not become involved in that
16 investigation in any significant way. So my job was to
17 keep running the Specialist Crime Directorate to ensure
18 that we were supplying officers effectively to the
19 bombing investigation, and I also was assisting
20 a colleague who was dealing with the victim
21 identification and family liaison, and the casualty
22 bureau because that was a role I had undertaken in the
23 tsunami for 12 weeks earlier that year, so I understood
24 that job quite well.

25 I wasn't directly involved in the counter-terrorism

1 operations except inasmuch as I was lending my staff and
2 my teams on a daily basis to assist with firearms
3 operations.

4 On the 21st, I was working on a completely different
5 case, I had a meeting the following day which was very
6 important.

7 Q. Yes. Nonetheless did you come into New Scotland Yard
8 later on the 21st when you heard about what had
9 happened?

10 A. Yes, I did, I was paged from my office. I waited for --
11 it was all very confused to start with, I waited about
12 20 minutes to see what had happened and then I drove to
13 London, and came into New Scotland Yard in the late
14 afternoon.

15 Q. We will come on to the details of the particular job
16 that you had on the 22nd, but I just want to know how
17 did that come about? When was the first you knew that
18 you were going to be required on the 22nd and what that
19 was all about?

20 A. Yes. Well, on the afternoon of the 21st, when I came
21 in, I went to see my boss and said: how can I help, and
22 it seemed as though most of the roles had already been
23 assigned and people were getting on with coping with
24 this second set of attacks. So I busied myself going
25 round to see my colleagues to see whether there was

1 anything I could do to assist any of them, including
2 Commander Carter, who was the designated senior officer
3 in information room, had quite a long conversation with
4 him --

5 Q. Just so we understand, the designated senior officer in
6 information room, was he there, as it were, simply if
7 somebody did ring in to Scotland Yard with a sort of
8 potential suicide bomber query, if I can put it that
9 way?

10 A. Yes, absolutely, and as I am sure many if not all of us
11 will remember, people in London at that time were very
12 alert and indeed very frightened, some people, and so we
13 were getting a massive increase in the number of those
14 calls. I think there was something like 800 in that
15 month. Each one of those needed to be dealt with. So
16 Commander Carter was sitting there full-time dealing
17 with these calls as they came in.

18 Q. Obviously you want the public to be alert, but it brings
19 with it consequences?

20 A. Absolutely, yes, sir.

21 Q. All right. So that's Commander Carter, who's performing
22 that role, yes, and just bring us up to date with how it
23 is you get your job?

24 A. Well, later on in the evening, I had offered some
25 assistance to Commander Carter, for example we had

1 discussed whether he might be better located in a room
2 called Central 3000, which was the kidnap room, and
3 I regarded as a room I knew very well, and I had said to
4 him --

5 Q. Is that where you would run -- if somebody has been
6 kidnapped, you were telling us this was something you
7 were involved with, somebody has been kidnapped and you
8 are trying to get them back, is that the room that you
9 would be running an operation like that from?

10 A. Absolutely, sir, it was used for primarily kidnap
11 operations so I had been in there tens and tens and tens
12 of times, sometimes for other operations but rather
13 rarely, and it had certain kit and a set-up which was
14 very good for that sort of kidnap operation, and I was
15 discussing with Mr Carter and others whether he might be
16 better placed there, obviously that would mean I would
17 need to find somewhere else for kidnap operations but
18 I was quite happy to offer it up to him. We decided it
19 wasn't appropriate for various reasons I won't trouble
20 you with now. But we talked about his need for better
21 intelligence than that that he was currently getting at
22 that time. I said: at the very least, if you don't have
23 the room, you can have the teams that work to support me
24 in my kidnap operations, intelligence officers, people
25 who are particularly skilled in fast time, fast-moving

1 operations, if you need them. He thought not quite
2 right now, that would need to go up through the
3 counter-terrorism command. It was the sort of
4 conversation: how can I assist?

5 Q. Right.

6 A. I then went from the Yard, met with some colleagues, had
7 an orange juice, went home, on the way I had a few calls
8 about: well, actually we think we could use your
9 resources, your teams, and I said fine, you know, they
10 are yours. I went to bed, I got home, went to bed, and
11 I was woken up -- I am afraid I don't have my telephone
12 records, I can't tell you precisely the time but I was
13 woken in the early hours, 1.30, something like that, by
14 my colleague Commander Armand.

15 Q. Pause there for a moment. What did he have to say?

16 A. He paged me in the first instance, so I telephoned him
17 back, and he was quite to the point and he said, "Cress,
18 we need you or we would like you to come in, please in
19 the morning to do the DSO role". I said, "Fine, can you
20 tell Gold that I haven't done the oncall DSO for about
21 18 months", because I was doing so much oncall for other
22 issues, my boss had decided it wasn't a good idea for me
23 to try to do both, "but as long as Gold is comfortable
24 I am perfectly happy to come and do the role".

25 Q. So we are clear, DSO role for what?

- 1 A. Well, at that stage, I said exactly that to Mr Armand,
2 and he said, well I am not quite sure how it's going to
3 work out but I think we may be going to publish some
4 photographs later on in the morning and that will
5 inevitably lead to lots more calls, many more calls, and
6 we may need you for that.
- 7 Q. So that would be photographs of, as it were, the
8 particular people who had tried to explode bombs on the
9 21st?
- 10 A. Yes.
- 11 Q. So there would be Commander Carter with his sort of
12 general DSO role for possible suicide bombings, and then
13 you -- if people were ringing in and saying "I think the
14 person in this particular bit of film is here, there or
15 wherever, and about to do something of that kind", then
16 you would become involved?
- 17 A. To be honest, I am not sure that anyone, and certainly
18 not Mr Armand, was quite clear how our roles would
19 divide up. What he did know, because you know, one
20 would know this, as soon as you put photographs out of
21 suspects in a crime such as this, that tends to again
22 further heighten public awareness, and you get lots and
23 lots of calls coming in. So there was a view that we
24 might need another DSO, precisely what that person was
25 going to do I don't think was quite clear when Mr Armand

- 1 rang me.
- 2 Q. Did he say what time you would be required?
- 3 A. Well, initially he said 5 o'clock, and then there was
4 a voice in the background who said, "No, no, we don't
5 need her until 7 am". So I said, "Right, 7 am, where
6 shall I go?" and he said, "Come to the 16th floor,
7 that's where the ops room is", something like that.
- 8 Q. So your understanding at that time was, leave aside what
9 time you decided to get in for your own purposes, but
10 that you would be required on the 16th floor at
11 7 o'clock the next morning?
- 12 A. Yes, sir, that's right.
- 13 Q. Did you in fact get in a bit ahead of that?
- 14 A. Yes, I did. I was in Scotland Yard sometime after
15 5 o'clock, and a good time before 6 o'clock, I am not
16 sure when.
- 17 Q. What did you do when you had obviously got in early?
- 18 A. Well, I went to my office, and I sat quietly looking
19 through some documents, I looked through the firearms
20 command training, couple of notes from that, I used to
21 deliver firearms command training to other colleagues,
22 so I looked at some of that. I looked at bits of the
23 firearms manual, I looked at --
- 24 Q. Just help with the firearms manual?
- 25 A. I am sorry. The Association of Chief Police Officers,

1 ACPO, have a manual on the police use of firearms. It's
2 quite a lengthy document but there are some parts of it
3 which are particularly pertinent.

4 Q. What would it do, set out procedures and best practice
5 and that kind --

6 A. It's guidance. It's guidance to police officers whether
7 they are firearms officers or firearms commanders, as to
8 how operations might run and what tactics might be used.
9 So I looked at that. I looked at the policies as they
10 then were for Clydesdale and Kratos People, which was
11 a specific policy, and I glanced at some legal advices
12 that we had had as part of some of the exercising. And
13 I looked at some PowerPoint presentations, some
14 presentations that had been given me for being a DSO.

15 Q. So just bringing yourself back up to speed in that
16 period before 7 o'clock?

17 A. Yes, that's right, sir.

18 Q. Did you then go to the 16th floor for the 7 o'clock
19 meeting on the 16th floor as you thought?

20 A. Yes, I did, sir. It wasn't entirely clear to me who
21 would meet me and who would brief me. I knew colleagues
22 would have been working into and through the night, but
23 I didn't know who I was supposed to be speaking to, so
24 I went to the 16th floor and as you come out of the lift
25 you go to the reception area and I said, just before

1 7 o'clock, "I'm here for the operation this morning, do
2 you know where the briefing is?" I was directed into
3 the operations room on the 16th floor, where I met the
4 colleagues who had been running operations room during
5 the night.

6 Q. Right. Any sign of Mr McDowall?

7 A. Not at that stage, no.

8 Q. All right. We will come on to that. Was Alan one of
9 the people you saw, do you remember, shortly before 7 or
10 at 7 on the 16th floor, a witness we have heard from?

11 A. Yes, he was. The two key people I can remember were
12 Alan and Mr Baker, Noel Baker.

13 Q. Is that Detective Chief Inspector Noel Baker?

14 A. Yes.

15 Q. Right. Did you have any conversation with either or
16 both of them?

17 A. Yes, I did. They didn't know where the briefing was,
18 but they said since I was here, why didn't they show me
19 around what was happening in the room, and they told me
20 a little of what had apparently gone on in the night.
21 It was very brief.

22 Q. That's the room, is it, that -- if you have the jury
23 bundle there, just have a look at the plan. We might
24 look at the photographs later but just so we all know,
25 it's come up on the screen. Forward intelligence cell,

1 do you see, just to the right of the room?

2 A. Yes, so the room I was in is all on the left.

3 Q. Yes, the one that says "Operations Room", can you see

4 that?

5 A. I am so sorry.

6 Q. No, no --

7 A. I still can't see operations room but that's definitely

8 the room with the big 11 at the top. There we are, yes.

9 Thank you.

10 Q. So they say, well, as you are here -- we can take that

11 off the screen for now -- they are just explaining to

12 you what they have there and what's going on?

13 A. Yes.

14 Q. Can you remember the sense of what or anything that they

15 said to you?

16 A. It was very brief, in terms of what had happened, they

17 said that some CCTV footage had been recovered from the

18 scene of, I think, one of the bombings, and -- no, I am

19 sorry, the CCTV footage had been recovered, I didn't

20 know of how many scenes at that stage of the bombings,

21 but that also some correspondence had been recovered,

22 which had led to the identification in the first

23 instance of two possible premises, 21 Scotia Road and

24 61A Portnall Road. And there were, I think at that

25 stage, two possible suspects identified firstly from the

1 correspondence and then that had been checked, the
2 pictures had been checked and they looked like people in
3 the CCTV footage, and these people were linked with
4 these two premises, and they told me that there was some
5 surveillance at the premises.

6 Q. Having said that, did you learn where the meeting was in
7 fact going on?

8 A. Yes, I got a telephone call from my colleague
9 Commander Allison at about 10 past 7 and he said: I am
10 terribly sorry Cress, you are supposed to be on the 15th
11 floor, and it was him that had sent me to the wrong
12 place in the early hours of the morning. I say the
13 wrong place; clearly, it had changed.

14 Q. A different place, yes?

15 A. Yes.

16 Q. So did you then make your way to the 15th floor?

17 A. Yes, I did.

18 Q. If we just have a look, documents pages 61 and 62 will
19 come up on the screen. We will come back to this page,
20 if we go on to 62, there is you and you have just
21 explained why that is, there is you at the end of the
22 list and 7.15?

23 A. That's my writing, yes.

24 Q. And that's your writing, all right. If we go back to
25 the page ahead, so chaired by Commander McDowall,

1 15th floor conference room, and you can see various
2 names there which we have gone through before on that
3 page.

4 Then if we just look over the next page at 62, can
5 you remember, were they all there at the time you got
6 there? Or had some people gone by 7.15? I don't know,
7 can you remember?

8 A. I don't think they were all there. It certainly was
9 a meeting in which people came and went. I had the
10 feeling that it might have been going on for, you know,
11 some time before I was there. If I might ask to just
12 scroll back to the page before. For example, Mr Hayman
13 was not there when I arrived, but he came in during the
14 meeting, so I imagine from this therefore he must have
15 been there, gone out and come back perhaps.

16 Q. Just remind us again, it is a long time ago, Mr Hayman
17 was?

18 A. Mr Hayman was the Assistant Commissioner in charge of
19 specialist operations, so he was Mr McDowall's boss's
20 boss, Mr Clarke's boss.

21 Q. Right, we heard from Mr Clarke.

22 A. Indeed. Certainly there were a number of people there,
23 Mr Prunty was definitely there.

24 Q. Don't worry too much, I don't think much will turn on
25 it, but it was really just the point that not everybody

- 1 is there, as it were, all the time?
- 2 A. No.
- 3 Q. Then so far as what was said in that meeting is
- 4 concerned, if we look -- you tell us, but your red book
- 5 entry that we have typed up behind our divider 46 looks
- 6 as if this might be a note that you took in the meeting,
- 7 or is it a mixture of things?
- 8 A. No, I think it is a note that I took in the meeting,
- 9 sir, but I also asked very early on in the meeting that
- 10 the exact intelligence that we currently had should be
- 11 given to me in a written format.
- 12 Q. Did that happen?
- 13 A. That happened, and I have what I regard as the original
- 14 of that here. So that was handed to me.
- 15 Q. Handed to you by who?
- 16 A. Can I just check?
- 17 Q. Of course.
- 18 A. That was handed to me at 9 am by DCI Pat Mellody.
- 19 Q. Right.
- 20 A. And at that time, I thought he had in fact written this,
- 21 which would not be unusual at all. I think in fact it
- 22 may have been Mr Forteath who wrote it up. This is
- 23 exactly what I was being told at the earlier meeting.
- 24 Q. We will distribute that later, and if we could just get
- 25 a page number. If we get page 55 up on the screen.

1 Your copy has --

2 MR HORWELL: 1548.

3 MR HILLIARD: I am very grateful. If 1548 comes up, there
4 we are, have you written "Handed to me 9 am", is that
5 you writing that?

6 A. Yes, that's me writing that at that time. That is my
7 practice during operations; whenever anybody gives me
8 a piece of paper, I try to write the time I got it,
9 because six months later or a year later you won't
10 remember.

11 Q. That's you saying that that's been handed to you at
12 9 o'clock in the morning on the 22nd by Mr Mellody?

13 A. That's right.

14 Q. So we have that on the screen, do you want to just read
15 that for us, and not too quickly, so we make sure we
16 take it in?

17 A. Thank you. Well, it's titled "Update by
18 Commander McDowall at 6.50 am on 22 July 2005."

19 Then there is just one paragraph, which reads:

20 "Correspondence recovered from Shepherd's Bush
21 included an identity card for the South Bank club WW
22 section", which, perhaps I could just pause there, sir,
23 WW means to those of us in the Met, whiskey whiskey,
24 which means Wandsworth essentially, so it's a South Bank
25 club somewhere in the area that the Wandsworth police

1 cover. I think it's actually down the Wandsworth Road:

2 " ... enquiries early hours of this morning
3 identified two members linked to the ID card namely,
4 Hussain Osman and Abdi Samad Omar."

5 Do tell me if I'm going too slowly or too fast.

6 Q. That's just right, just so we make sure that we know
7 what was there.

8 A. "The photo from the ID card of Osman is a good likeness
9 of the Shepherd's Bush suspect. The photograph of Omar
10 is a good likeness for the Warrant Street" which should
11 be Warren Street "bombing suspect. Enquiries at the
12 club [I think is the South Bank club] show Osman's
13 address as 21 Scotia Road, SW2. Omar generated a hit on
14 Operation Ragstone (MPSB) [which means
15 Metropolitan Police Special Branch] which relates to
16 intelligence that 15 Asian males in combat gear were at
17 Baybrown Farm, Stool End, Langdale, along with four
18 vehicles. One vehicle is a black Nissan Primera, index
19 VRM [which means vehicle registration mark, the
20 numberplate, essentially] P579 UBB, registered keeper
21 Abdi Samid [with an I] Omar. Other vehicles included
22 a white Ford transit, a Leyland Daf and a blue Golf VRM,
23 L199 FPA, registered to Yeshiem Girma from 40
24 Blair House, Stockwell Gardens Estate, SW9. Shredded
25 correspondence from Shepherd's Bush has been reassembled

1 and shows correspondence relating to jobseeker allowance
2 for the Stockwell DHSS in the name Elias Girma Eyassu,
3 who is linked to Operation Anomalous."

4 SIR MICHAEL WRIGHT: Can you remind us what operation that
5 was?

6 A. Well, I didn't know at the time, sir. I now know that
7 it was an operation in relation to people who were said
8 to be wishing to travel abroad to conduct Jihad, so they
9 were going to leave this country to go and either train
10 or fight in the Middle East, I think in Afghanistan, but
11 I can't be certain of that:

12 "Omar's address last known 14.3.2004" --

13 MR HILLIARD: Just pausing, that's a date that we had before
14 you came in this morning occasion to look at and queried
15 what the significance of 14.3.04 is, but that tells us
16 that Mr Omar's address was last shown as at, is this
17 right, 14 March 2004 as 61A, it says here, Portland Road
18 W9?

19 A. Yes, but I am afraid I didn't know then and I am not
20 sure now where the 14.3.2004 comes from.

21 Q. We just saw a reference to 14.3.04 in somebody's note
22 and there was a question as to what the significance of
23 the date was, but I think you have just answered the
24 question for us by looking at this document?

25 A. Yes. It may be many things, but it might be driving

1 licence or it might be when they came into contact with
2 the police last, if at all. Something like that.

3 Q. Right. All right?

4 A. "There now exists a few hours to pursue covert
5 opportunities, however, there may be a need to go overt
6 if there is no progress. The primary aim today is to
7 direct all resources to locating these persons. The
8 black Primera has been located through a street search
9 and is parked in the vicinity of Scotia Road. The
10 latest DSS address Girma is 60 Corfe (pos [which I think
11 means possibly] Corfu) House, Dorset Road, SW8."

12 SIR MICHAEL WRIGHT: Which is also in the Stockwell area?

13 A. Yes, very much so, sir, Blair House is visible almost
14 from, probably is visible from the tube station, 30,
15 40 yards away, and Corfe House is about, well, less than
16 half a mile, I would say, sir, from the tube station.

17 MR HILLIARD: Can you just spell this out for us, we are all
18 sure we have the significance, do you see six lines up
19 from the bottom this:

20 "There now exists a few hours to pursue covert
21 opportunities, however, there may be a need to go overt
22 if there is no progress."

23 Can you just translate that for us, just so we have
24 the sense of that?

25 A. Yes, I think that's probably shorthand in a sense, sort

1 of police speak, if I can put it that way. The need to
2 go overt would be referring to the publication of the
3 photographs from the CCTV which had been recovered.
4 Clearly if you do publish the photographs, that gives
5 an opportunity for people who know the suspects, if they
6 are so minded, to ring in and say, "I know who that
7 person is". There is clearly also a public safety
8 interest in publishing the photographs. That said, the
9 covert investigations, where you have not published the
10 photographs --

11 Q. So that's the secret, the undercover ones, as it were?

12 A. Exactly, might allow you to find the people more
13 effectively and of course if you go overt, they know,
14 the suspects know, almost certainly, that you know who
15 they are or you know what they look like, at the very
16 least, and the consequences of that could be that they
17 might --

18 Q. Take different steps to make it harder for you to find
19 them and so on?

20 A. They might panic, they might create another explosion,
21 they might become much harder to find. There is often,
22 in the early hours of serious crime investigation,
23 a question as to whether it is appropriate to publish
24 the photographs.

25 The other question of course is always one of a sort

1 of legal point, that in publishing the photograph of
2 a suspect, you are in some sense saying to the public
3 this is the person who has done that, and that can
4 prejudice a further investigation.

5 SIR MICHAEL WRIGHT: You might compromise your evidence?

6 A. And you could, yes, absolutely, compromise the evidence
7 or even the trial, yes. So it's a balanced decision.

8 MR HILLIARD: All right. So the point was being made that
9 there were a few hours to pursue covert, as it were --
10 not obvious, secret, as it were -- opportunities;
11 however there may be a need to go overt if there is no
12 progress on those?

13 A. Yes. One of the reasons I say it's shorthand is because
14 actually once you go overt, publish the photographs,
15 that doesn't bring all the covert operations to a stop.
16 They carry on, it's just you are doing them in
17 a different context, a different environment and
18 atmosphere.

19 Q. All right. So that note really, is this right, serves
20 to bring you up to speed with what's known; is that
21 right?

22 A. Yes.

23 Q. Just in terms of --

24 A. That's right, yes.

25 Q. -- the information that's available?

1 A. Yes, yes.

2 Q. And then, if we go to the copy of your red book, all
3 right, the typed copy we have, and just so we know what
4 we have here, is this a note of, as it were, other
5 topics and no doubt some will overlap in that meeting,
6 or is this partly that and partly other things?

7 A. I think it would perhaps be important to say, sir, that
8 this was not a briefing in the sort of classic sense of,
9 supposing I was planning to police an event in a few
10 months' time, the New Year's Eve celebrations, and I am
11 planning for months and months and months and I have
12 a series of planning meetings and I have a series of
13 briefings and those briefings are extremely structured,
14 they have been thought about for a long time, and they
15 follow a particular format, usually.

16 This was clearly one of several meetings and
17 briefings that had been going on and off perhaps almost
18 continuously involving Mr McDowall since he had arrived
19 in London.

20 So it didn't follow the classic format, and as
21 I said, people were coming and going, which you wouldn't
22 normally have. But I wrote some notes for myself,
23 knowing also that I was going to get the intelligence
24 brief.

25 Q. Right. You have referred, is this right, first of all,

1 to some people who are there at the meeting; correct?

2 A. Yes, I have, sir.

3 Q. And given 7.10 am and 22.7, so time and date?

4 A. Yes, yes, that's John McDowall, Tim White, John Prunty,
5 Chris Allison and Ian Carter. Silver: Merrick Rose,
6 John Terry and Trojan 80 which I think we know is
7 Mr Esposito.

8 Q. Is Silver there, is that Mr Purser?

9 A. Yes. That's Mr Purser. I think he was there very
10 briefly, and at that stage I did not know what his role
11 was precisely, just somebody in the room.

12 Q. Then --

13 A. I am not sure when he left.

14 Q. JMC and AH, is that Mr McDowall and Mr Hayman?

15 A. Yes, that's when those two talking, Mr Hayman came into
16 the room.

17 Q. Right. We don't need the detail of this, because --
18 this is some details about a device or devices; is that
19 right?

20 A. Yes. At some stage during the meeting, some colleagues
21 arrived from the bomb data centre. I am afraid I never
22 knew their names. These are people who are expert in
23 the construction of bombs and devices, and they had been
24 talking to the explosives officers, they had been
25 looking in their databases, and they had begun to get

1 some understanding of how the devices that had failed to
2 explode the day before worked. And they told us that
3 they believed that it involved a 9-volt battery, two
4 wires coming together, and a peroxide based explosive,
5 and they used the phrase HMTD, which at that time
6 actually meant nothing to me, but I had heard of
7 peroxide based explosive.

8 Q. You had better tell us, because maybe to some of us it
9 means nothing. HMTD or is that a difficult one?

10 A. It is difficult, we just always call it that. It's
11 a chemical name. I could get it for you very quickly,
12 sir.

13 Q. No, don't worry. Just so we know what it is. Alright.

14 A. They also said that, which I did know, that peroxide
15 based explosives are very sensitive to shock, to heat,
16 to electric charge, so if you bang them or you heat them
17 up, or you put an electric charge near them, they may
18 just explode. They are very volatile.

19 Q. So there was some information from them. I don't know,
20 was it in this meeting I think you actually saw some of
21 the CCTV film; is that right?

22 A. Yes, later on in the meeting.

23 Q. Still in this meeting but later on?

24 A. Yes, I did. I saw one of the bombers from the 21st,
25 I am afraid I can't remember his name, and I wouldn't

1 have known it then obviously, going in to the Stockwell
2 tube, and he was on the stairs, on the escalator, he was
3 on the telephone, I saw him go into tube and then the
4 people who had recovered the CCTV had spliced -- or
5 a bit later down the time, where he was at the Oval
6 tube, and there was some very chilling footage of him
7 attempting to explode his device, and I think it's
8 footage which has now been seen a number of times, but
9 of course that was just literally the morning after, and
10 there is a very brave man who tries to persuade him --
11 appears to be trying to persuade him to not do anything
12 further once it has not gone off, and then the suspect
13 runs off and he's followed up the platform by a number
14 of people. So I had seen that.

15 Q. Then four headings, but three of them filled in. Who is
16 speaking here, can you remember? If you can't, then say
17 so.

18 A. Well, I can't, I am afraid, sir. I can't be sure
19 whether this is Mr McDowall speaking or it's my
20 questions to Mr McDowall. I often do, as somebody is
21 talking, I'll write down three things I want to ask
22 them, and I just can't be sure, I am afraid, I can't
23 remember what -- how this went.

24 Q. Right. "Can't let them run". What's that a reference
25 to?

1 A. Well, again, this is police speak, Mr McDowall outlined
2 what he intended, and I use that phrase quite often,
3 very often, in fact in the type of work I normally do.
4 I remember saying to Mr Prunty, who was one of the
5 senior investigating officers, you know, "What would you
6 ideally like us to do in this operation this morning",
7 and he said I think with possibly a sort of wry grin,
8 "Well, ideally I would like you to follow, find these
9 people and follow them, and get them to take you to
10 wherever the bomb factory is", and I said, "John, you
11 know we can't let them run".

12 SIR MICHAEL WRIGHT: That was presumably an officer speaking
13 from the anti-terrorist point of view rather than what
14 I might call a general policing point of view.

15 A. I am sure sir, he knew full well that the idea one might
16 follow somebody like this around all of London and
17 goodness knows where else for days. Letting them run
18 was something we used to talk about a lot on the
19 Flying Squad and similar operations, which means you
20 know this person is a suspect but at the moment it is
21 safe to simply follow them so that they will lead you to
22 further intelligence, further evidence, further
23 suspects, and a question I would often ask is: what are
24 we going to do with this person, can we let him run?
25 Yes we can, because we know, for example, he is not

1 going to buy the firearm until tomorrow, so he doesn't
2 pose a threat until tomorrow, we can let him run. I am
3 sure Mr Prunty didn't expect that I would say: yes, of
4 course, we will trail him around.

5 SIR MICHAEL WRIGHT: He didn't really think it was a serious
6 suggestion?

7 A. No, I understood what he was saying, which is, you know,
8 there was potential for a bomb factory and it would be
9 great to know where it is for all the obvious reasons,
10 but I knew that, and obviously Mr McDowall agreed, we
11 can't let them run.

12 MR HILLIARD: Right. Next:

13 "Ideally intercept some distance away".

14 Do we need to know -- you told us that Mr McDowall
15 had outlined what he intended. Perhaps you need to tell
16 us that before you answer point 2.

17 A. Well, overall, obviously, he wanted to keep London safe,
18 protect London from further attacks, and he wanted us to
19 find and arrest the suspects from the day before as
20 quickly as we could.

21 He discussed that if we did locate actual premises
22 that they were actually in, then we might move to
23 a containment and call-out tactic, but that if people
24 were leaving premises, in this case 21 Scotia Road and
25 61A Portnall Road, the ideal would be to intercept some

1 distance away in order not to alert whoever remained in
2 the premises.

3 Q. Did he say how at this stage this plan was going to be
4 put into effect in terms of you say you had these two
5 particular addresses, Scotia Road and Portnall Road,
6 what was the plan?

7 A. Well, I already knew that we had surveillance teams or
8 I thought I knew that, I had been told that we had
9 surveillance teams at those addresses.

10 Q. Right.

11 A. And Mr McDowall, I think during that conversation, but
12 certainly later on I had another quick chat with him
13 where he said: now, are you sure you understand, he told
14 me that he had already asked for, you know, the
15 surveillance teams to be deployed, he had asked for
16 firearms teams, that firearms teams were coming on at
17 7 o'clock, ie before, a little bit before we were now
18 talking, and his plan was to control the premises with
19 surveillance and then if people came out clearly if they
20 were the suspect, to arrest them again ideally some
21 distance away and if other people came out of these
22 places, then they might provide -- they might either be
23 suspects themselves or they might provide
24 an intelligence opportunity, so he wanted them stopped,
25 again some distance away from the premises.

1 I entirely understood the concept, if you like, it
2 would be something I was very used to doing. You set up
3 observation points, you have a surveillance team, they
4 control people away from a place, you get a good feel
5 for what's going on in there, gathering intelligence all
6 the time, all the time trying to get a better picture of
7 what's going on in the premises and what is happening
8 generally, so in order to inform where are the suspects.

9 Q. Who would be doing, as you understood it, according to
10 his strategy, the intercepting or the arresting if
11 a suspect had come out?

12 A. Well, I don't -- I -- if a suspect came out, he was very
13 clear that we are talking about S019 doing --

14 Q. We will look at your document.

15 A. Sorry.

16 Q. A suspect --

17 A. If a suspect came out, then S019, the teams that were
18 being allocated at 7 o'clock in the first instance,
19 would be doing the interception. I don't think he was
20 specific about who should intercept non-suspects.

21 Q. Right.

22 A. One could imagine a scenario in which some people might
23 argue that should be an unarmed stop. I don't think he
24 said. But this was to be performed, you know, when the
25 operation was running by the specialist firearms

1 officers, the most highly trained covert officers in
2 SO19.

3 Q. Right. Is this right, as you understood it,
4 a surveillance team was already at Scotia Road?

5 A. Yes. I think I was told by Alan that the red team were
6 there, and the -- I may be wrong -- blue team were at
7 Portnall, and that was reiterated in this meeting.

8 Q. Just go through your note. "Open phone durations to
9 upstairs." Then it looks as though there is an arrow in
10 the original.

11 A. I am terribly sorry, I think I owe you an apology
12 because I think I have seen this typed copy before but
13 I think there must be a typographical error which I have
14 not spotted before. Where it says "open phone", I do
15 have dreadful handwriting, this actually says
16 "downstairs to upstairs", and then there is an arrow.
17 So it's not durations. It's "downstairs to upstairs".

18 Q. Is this telephone links, I don't know, within New
19 Scotland Yard or is it something different?

20 A. Well, this was in our discussion about the command
21 structure, the need, it was absolutely imperative that
22 Mr Carter, who was downstairs in information room, and
23 I upstairs on the 16th floor -- so he is literally on
24 the ground floor, I am on the 16th floor -- should keep
25 in touch with a dedicated phone link. I can explain why

1 if you like, sir, but it may be too much detail.

2 Q. No, it is just as we have the document, we just need

3 to --

4 SIR MICHAEL WRIGHT: It would be probably a good idea if you

5 altered the "durations" to "downstairs", so you don't

6 forget. Thank you.

7 MR HILLIARD: All right.

8 Then the next section, "Gold DSO", we know about

9 Gold, we know about DSO. We know what they mean is all

10 I am saying. "SIO", senior investigating officer?

11 A. Yes.

12 Q. "SB ops land" SB Special Branch?

13 A. Special Branch.

14 Q. That could either be observation points I suppose or

15 operations, might depend how you have written it?

16 A. Absolutely, could be either. Normally with a small P it

17 would mean "operations". If I was writing "OP", as in

18 observation point, post, it would be a capital P.

19 Q. The team was going to watch from a particular place,

20 yes.

21 A. I am afraid I just can't remember. I am sorry.

22 Q. All right. Then "security service", that's a --

23 A. I am sorry, sir. Another typographical error and

24 I really do apologise because I have looked at this

25 document before.

1 Q. Don't worry?

2 A. This makes sense now. Gold, DSO, SIO, SB, which is
3 Special Branch as you say, ops, as you suggested,
4 co-ord, it's not land at all, it's co-ord. So it's
5 a role in the structure, in the command structure as we
6 would call it.

7 SIR MICHAEL WRIGHT: Do you mean "co-ord", co-ordination?

8 A. Yes, except I neglected to put the dash, sir. Short for
9 co-ordinator.

10 MR HILLIARD: Then "security service", that's a reference to
11 one of the intelligence services; is that right?

12 A. Yes, that's right, sir.

13 Q. Then: "Fast time intel from service"?

14 A. Yes, "intel" is a word I use a lot for intelligence.

15 Q. Does "fast time intel from service" simply mean getting
16 information quickly from them?

17 A. Yes, it means that we had a conversation about the flow
18 of information from the security service into us, and
19 the well-established need for when they had life at risk
20 information, fast information, had to come to us
21 quickly.

22 SIR MICHAEL WRIGHT: I don't suppose there is anybody here
23 who doesn't know it but perhaps just to make sure, by
24 security services, that's a generic description for MI5
25 and MI6.

- 1 A. Yes, this particular one I think relates to MI5 and they
2 are our sort of key partner in this. More usually, if
3 we are having communication with MI6 we will often do
4 that through MI5 because they have the intelligence lead
5 for counter-terrorism operations here, so this refers to
6 the security service MI5.
- 7 MR HILLIARD: If there is more to it that we need to know,
8 tell us, but essentially these are just jottings about
9 roles and functions?
- 10 A. Absolutely.
- 11 Q. Do we need more than that?
- 12 A. No, I don't think so, sir.
- 13 Q. Then there is an irrelevant part we don't need to worry
14 about, and then "intelligence" and then SCD7", just tell
15 us what that is? They are doing fast time actions for
16 surveillance team, just explain what that's about,
17 please?
- 18 A. Yes, you may remember I mentioned that the night before
19 I had had a conversation initially with Mr Carter and
20 then in fact with Mr Armand offering up my intelligence
21 officers. SCD7 was a unit that worked to me, Specialist
22 Crime Directorate number 7, that included the
23 Flying Squad who deal with armed robbery, the kidnap
24 unit and a number of other units. They had some
25 particularly skilled intelligence officers who were

- 1 very, very good at working in fast environments.
- 2 Whereas perhaps in contrast, I am not saying they
- 3 weren't good, but the SO12 intelligence people were more
- 4 used to slower time operations. My people would be used
- 5 to something where we have a hostage and every minute
- 6 counts, and so they would -- they had been bolted on to
- 7 support the counter-terrorism operation overnight,
- 8 because I had offered that.
- 9 Q. Can you help us, again very briefly, "vertical line
- 10 fusion, any fast time", just as we have it, what is that
- 11 about?
- 12 A. Fusion I think is the fusion cell which you may have
- 13 heard about already, it's an intelligence cell that was
- 14 supporting the operations involving perhaps amongst
- 15 others Special Branch and the Anti-Terrorist Branch, and
- 16 "any fast time" I think is me just thinking fast time
- 17 intelligence is going to be very important here, so it
- 18 was on my mind.
- 19 Q. Vertical line simply means you've drawn a vertical line?
- 20 A. Yes, I can show you, sir.
- 21 Q. We don't need to see it, that's fine.
- 22 A. There is a line off to the right from "intel" to "SCD7"
- 23 and then there is a line down to fusion vertically.
- 24 Q. Then just top two lines on the next address, because
- 25 there's then a big section of information that we have

- 1 seen already and we don't need to trouble with, just the
2 first two lines? So both "ops room" and then "BIU".
- 3 A. I think it may in fact be back ops room to BIU.
- 4 Q. Someone has changed both to "back"?
- 5 A. I couldn't be certain. I don't think it makes
6 an enormous amount of difference.
- 7 Q. No.
- 8 A. Ops room into the BIU, which was another intelligence
9 unit. I can show you a chart which might, later on
10 perhaps, make this a bit clearer. There were a number
11 of other intelligence units coming together from across
12 the Met and of course intelligence agencies and this was
13 just showing there is a link between those two
14 functions, the ops room that I was working in and the
15 intelligence unit.
- 16 Q. Does the next line, we have an irrelevant part blanked
17 out, relate to certain activity that was going on in
18 relation to three addresses?
- 19 A. Yes. There is a name of a person who was going to be
20 asked to make sure that we had OPs on three addresses.
- 21 Q. That's OPs, is it?
- 22 A. Yes.
- 23 Q. So that's observation points?
- 24 A. Yes.
- 25 Q. We have heard about one observation point which was

1 a van that was parked in Scotia Road, but you might
2 also, is this right, try and find, as it were, something
3 a bit more permanent than a van to observe from?

4 A. Yes.

5 Q. So that's what that's about?

6 A. Absolutely, you would, sir, it's standard practice if at
7 all possible, something I don't think had been achieved
8 during the night, needed to be achieved really quite
9 quickly.

10 SIR MICHAEL WRIGHT: This is trying to find a nearby house
11 or something like that?

12 A. Yes, sir, a house in which officers might be able to
13 observe, perhaps have a camera, and as you can imagine
14 I am sure it's not as straightforward as all that to set
15 up an OP, you have to locate an address that is a safe
16 place to do it from, so you have to do some research,
17 and you then have absolutely to go and visit the
18 occupants, a senior officer has to go and visit the
19 occupants and make sure that they fully understand what
20 is being asked of them and the implications. Of course
21 some people would not want that to happen at all for
22 very understandable reasons. So it's not something you
23 can do in a second; it takes some time to set up these
24 points.

25 MR HILLIARD: Then there is a large section of information

1 that is really repeated in the note.

2 A. Yes.

3 SIR MICHAEL WRIGHT: I was wondering, Mr Hilliard, the OP

4 activity was to be on three addresses but we only have

5 two recorded. Can you remember the third?

6 A. That was Corfe, Corfe was the one that we were being

7 told about, although Blair was mentioned, Corfe was the

8 one of most interest at that stage.

9 MR HILLIARD: Then if we just look at the first part, we can

10 see reference to Scotia and Portnall Road and then S012

11 team, do you see?

12 A. I do.

13 Q. What was that indicating?

14 A. The bracket actually in my book is slightly higher up,

15 so the bracket on your right-hand side covers both

16 21 Scotia and 61A Portnall Road and it indicates to the

17 right of that, S012 team, so S012 team present.

18 I think.

19 Q. So that's the surveillance team. Then Aethra, is that

20 just another operation name?

21 A. It is.

22 Q. Just because someone will ask?

23 A. Its exactly right, it's what part of this operation was

24 initially called.

25 Q. Then I want to go to, if we keep going down, do you see

1 "Osman/Omar", just below those, then "Silver", that's
2 Mr Purser, in fact, isn't it, do you see down towards
3 the bottom?

4 A. Yes.

5 Q. "Holding at N Lane"?

6 A. Yes.

7 Q. Is that N for Nightingale Lane?

8 A. Yes.

9 Q. Then "Merrick Rose", who we heard about, "holding at
10 Harrow Road", do you see that?

11 A. Yes.

12 Q. Can you explain to us please what that's about?

13 A. We have now gone on a little, sir, and I can't be sure
14 whether we are still in the first meeting or not. But
15 these certainly were two police premises that I was very
16 familiar with, Nightingale Lane and Harrow Road, which
17 would be Harrow Road police station, and relatively
18 nearby to the two addresses, Scotia Road and
19 Portnall Road, so this would be where the Silvers either
20 were going to hold or if I wrote it a bit later on,
21 already were holding. I am afraid I can't help you.

22 Q. All right. What time did you actually acquire
23 a loggist, meaning you didn't have to -- do you see what
24 I mean?

25 A. Well, I asked very early on for my colleague, before the

1 briefing I rang my colleague Bob Cummings who I worked
2 with very closely, had the office next door to mine and
3 I asked him to come in to assist me. As soon as he
4 arrived I said to him: Bob, I really need a loggist, and
5 that was just after 8 o'clock I think, and he went off
6 to do a number of things but one of them was to find me
7 a loggist. I rang him a couple of times later to say:
8 where is my loggist? My loggist arrived just after
9 9.30, I think.

10 Q. All right.

11 SIR MICHAEL WRIGHT: Would that be a convenient moment?

12 MR HILLIARD: I'll just ask one question.

13 SIR MICHAEL WRIGHT: If we are leaving the document.

14 MR HILLIARD: So we can complete this bit.

15 You have mentioned telephoning Mr Cummings,
16 Bob Cummings?

17 A. Yes.

18 Q. Was he a Detective Superintendent?

19 A. Yes, he was, he was one of my SCD7 superintendents, and
20 he in particular was responsible for the Flying Squad,
21 so the whole of the Flying Squad was under him. He was
22 an immensely experienced officer, he was Gold for nearly
23 all the Flying Squad operations, and --

24 Q. Many of what, their firearms operations, he would be
25 Gold Commander for those?

1 A. Yes. Most Flying Squad operations were are firearms
2 operations, and Bob would be the Gold, he would be
3 running those, so on any one day he might have three or
4 four jobs running. Some of them are protracted, they
5 take place over weeks and weeks and I am sure you have
6 heard about the specialist firearms officers, the covert
7 SFOs, they would be the units deployed on most of the
8 Flying Squad operations. So Bob would be very familiar
9 with their working. He also used to cover kidnap for
10 me, so --

11 Q. So you knew him very well?

12 A. I had immense confidence in him, still do, as someone
13 who knew a lot about running operations not dissimilar
14 from this.

15 Q. We will come back to it if we need to after the break,
16 but in a word, is that why you called him specially in
17 that day to help?

18 A. Yes. One of the things one learns doing a lot of sort
19 of sudden big operations is that you always do need some
20 support, and I knew that he would be a good person to be
21 alongside me to advise me, to challenge me if necessary,
22 to put me right, and he was very, very busy during the
23 day doing all sorts of things on my behalf.

24 MR HILLIARD: Thank you.

25 SIR MICHAEL WRIGHT: Yes. Ten to, ladies and gentlemen.

1 (11.43 am)

2 (A short break)

3 (11.53 am)

4 (In the presence of the jury)

5 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

6 MR HILLIARD: We had just been looking at your typed red
7 book entry, and a reference to OPs or observation points
8 on three addresses, but surveillance teams had gone to
9 two; is that right?

10 A. Yes, that's right, sir.

11 Q. Scotia Road and Portnall Road?

12 A. Yes, sir.

13 Q. Is this right: inevitably some prioritising has to be
14 done?

15 A. Yes, absolutely. I am sure you have had the sort of
16 scene set, the picture of what was going on in London at
17 that time, and you will remember as well. So I won't go
18 through that. But suffice to say that, you know, the
19 whole of the Metropolitan Police was stretched, and
20 there were a number of different things going on.

21 Clearly at this point it's extremely important to try to
22 find these bombers as quickly as possible. We can't do
23 everything we would like to do, because we don't have
24 the numbers of people, the kit, the everything else that
25 in the ideal world you would have, so you can just magic

1 it up like on the television. You have to make
2 decisions as to which place or which person is most
3 likely to give you the best intelligence and allow you
4 to build so that you can arrest these people as quickly
5 as possible.

6 Some resources, in particular, are scarce.
7 Specialist firearms officers particularly so.
8 Surveillance teams, you have a limited number. To put
9 on OPs, which only takes a few people, may be slightly
10 easier than actually assigning a surveillance team. So
11 I would find it perfectly normal to get a surveillance
12 team there as quickly as possible, start getting the OPs
13 up and running and any premises that you felt were
14 perhaps at this time slightly lower priority, if you
15 don't have a surveillance team to send, then just try
16 and get an OP on as quickly as you can.

17 Q. I appreciate I am asking you about a time earlier than
18 you actually came on duty, although you may have been in
19 your office reading up, so we all understand that, all
20 right. Did anybody ever say to you at the time that
21 a standby firearms team had been kept back at either
22 Leman Street or New Scotland Yard because there were two
23 addresses that needed firearms teams, and there was only
24 one team? Did anybody say that to you at the time?

25 A. I really can't be sure, sir, I don't know when I first

1 heard that. I think it may have been once I started
2 discussing the availability of firearms teams in general
3 with Mr Esposito, which was immediately --

4 SIR MICHAEL WRIGHT: Forgive me, Mr Hilliard, there were
5 actually two parts to that question.

6 A. I am sorry, sir.

7 SIR MICHAEL WRIGHT: It's not your fault.

8 First of all, do you remember when you became aware
9 that there was only one firearms team available? That
10 was the orange team, before 7 o'clock, anyway.

11 A. No, sir, I mean, I knew that when I was there, what
12 I came to realise was the black team were being briefed
13 and were going to get kitted and were going to go out.

14 SIR MICHAEL WRIGHT: They had only just come on duty.

15 A. I realise that.

16 SIR MICHAEL WRIGHT: We have been told inevitably the time
17 it takes to deploy a firearms team, it might well be
18 an hour and a half or so before they could even get
19 going.

20 A. Yes. I knew that there were teams coming on at
21 7 o'clock, I knew about the name, the black team and
22 I knew about the orange team, and when I was discussing
23 in the corridor with Mr McDowall I think it was after
24 the main meeting, he told me about the red surveillance
25 team, the other surveillance team, the black team and

1 the orange team. I am not sure when I knew that the
2 orange team had been on during the night.

3 SIR MICHAEL WRIGHT: I follow.

4 The second part of Mr Hilliard's question was: was
5 it ever suggested to you or were you ever told, and if
6 so when, that a decision had been taken to hold either
7 team, in fact, but certainly the orange team which was
8 then on duty before you came on, had been taken to hold
9 it at New Scotland Yard really as it were, to await
10 developments to see which was the most likely place to
11 send in?

12 A. No, sir, I think I knew initially or I thought that both
13 black and orange were at Lemman Street. I soon came to
14 know that orange had been on duty for much longer, and
15 were therefore subject to briefing more likely, you
16 know, to be available more quickly than black, but I did
17 not know that they were at New Scotland Yard.

18 SIR MICHAEL WRIGHT: So you didn't even know they were
19 there?

20 A. No, I knew they were -- when I came to know that they
21 had been on, I knew that -- well, I thought they were at
22 Lemman Street, which is another Central London place.

23 SIR MICHAEL WRIGHT: Do you remember ever being told that
24 there had been a decision to hold them at New Scotland
25 Yard because of the possibility of having to make a late

1 decision as to which address they should be sent to as
2 a matter of priority?

3 A. At that time, sir, I simply can't remember. I knew
4 about them, I can't remember being told they had been
5 moved for that purpose. If they were moved for that
6 purpose, I would regard it as an absolutely appropriate
7 decision.

8 SIR MICHAEL WRIGHT: Oh, yes, I am not suggesting it isn't.
9 What we are interested in is whether that decision was
10 taken and if so, whether you were told about it.

11 A. I don't know how the orange team came to be at New
12 Scotland Yard. As I say, if I was to put myself in
13 Mr McDowall's shoes in the night and I had one team,
14 I would think it was a good decision to move them even
15 more centrally.

16 SIR MICHAEL WRIGHT: What we are interested in is whether
17 that was a decision that was ever taken.

18 MR HILLIARD: We are not debating the merits of it, the
19 question is: do you remember ever being told it?
20 I think the answer is no.

21 A. I can't be sure, sir, no.

22 Q. Have you ever seen any record of that being written down
23 as being a decision that was made? Can you show us
24 anything that says, "Orange team held back for the
25 reason the Coroner has given", have you seen any record

- 1 to that effect?
- 2 A. No, sir, I haven't. Of course, that doesn't mean it
3 wasn't made as a decision.
- 4 SIR MICHAEL WRIGHT: It's only your involvement we are
5 interested in at this stage.
- 6 A. Yes.
- 7 MR HILLIARD: If that was the reason that no firearms team
8 had gone to Scotia Road, all right, before 7 o'clock --
- 9 A. Yes.
- 10 Q. -- there would be no reason, would there, why the
11 surveillance team at Scotia Road, and we know there was
12 one there shortly after 6 o'clock, why they shouldn't
13 know that, particularly if they were asking where
14 firearms were. No reason why someone wouldn't be able
15 to say to them, well, they are being held back in case
16 they are needed at the two addresses? There is nothing
17 secret about that, is there?
- 18 A. If I understand your question right, no, there is
19 nothing secret about it. As I say, if you only have one
20 team, you have the whole of London to worry about, you
21 have several addresses, two in particular, one north,
22 one south, you would put your firearms team in Central
23 London and you would hope that anybody who might need to
24 know that fact would get to know it.
- 25 Q. So if surveillance team at 6 at Scotia Road are saying

1 "where is our firearms support?" if the reason was the
2 team had been held back in case they were needed at two
3 addresses, there would be no harm in somebody saying:
4 well, actually, I am afraid New Scotland Yard, they are
5 not going to be any nearer than that. There would be no
6 reason why you would not tell them that?

7 A. No, you would say to them: they are at New Scotland Yard
8 and if you need them, they can be with you in a minute
9 of minutes.

10 SIR MICHAEL WRIGHT: You see, the background for all this,
11 as I am sure you know, and I am just trying to remember
12 the exact wording, is that the strategy that
13 Commander McDowall had set out at about quarter past 4,
14 ten to 5 that morning -- somebody will remind me.

15 MR HILLIARD: Five to five.

16 SIR MICHAEL WRIGHT: -- was that a surveillance team, backed
17 up by a specialist firearms team, should be sent to
18 Scotia Road and I think the wording was "as soon as
19 possible"; am I correct?

20 MR HILLIARD: It might have been "practicable".

21 SIR MICHAEL WRIGHT: Or practicable. That's why we are
22 interested, you see, about this point about what had
23 happened to the orange team and what had happened to the
24 black team.

25 Anyway, you have given us your answer, you are not

1 aware of any change in that strategy?

2 A. No, sir, I am not, but I wouldn't expect Mr McDowall --
3 I didn't know, for example, what time the information
4 became available and I wouldn't have asked that. It's
5 not particularly relevant to me.

6 SIR MICHAEL WRIGHT: Don't misunderstand the thrust of the
7 questions, Ms Dick, we are not suggesting that you were,
8 you didn't actually get involved in any of this until
9 just after 7 o'clock.

10 A. Yes.

11 SIR MICHAEL WRIGHT: What we are interested in is whether
12 anybody had told you that there had been a change in
13 that strategy or whether you had seen any written record
14 of such a decision. As I understand it, your answer is
15 no.

16 A. That's right. I had a conversation with Mr McDowall
17 which told me about black and orange, I then spoke to
18 Mr Esposito about where are the firearms teams, can
19 I brief them, and I got the impression that they were
20 not at Scotland Yard at that stage.

21 SIR MICHAEL WRIGHT: Your impression was they were still at
22 Leman Street?

23 A. I think that's what I assumed because that's where they
24 belong, if you like, that's where they live, but that
25 was an assumption, I didn't know. I just knew they

1 weren't available to me to brief at that particular
2 moment.

3 SIR MICHAEL WRIGHT: Thank you.

4 MR HILLIARD: After the briefing with Mr McDowall, where did
5 you go after that? I call it the briefing, you have
6 told us that really it wasn't the usual sort, but after
7 the meeting, the one we've seen, where did you go then?

8 A. I walked with Mr Esposito back up to the 16th floor
9 operations room. As I say, on the way I asked him about
10 the location of the Silvers and the firearms teams, and
11 he said something like, you know, "They are getting
12 kitted, they are getting briefed, they are on their way,
13 they are not available to you here now" and I thought,
14 well, I am not going to bring them to the Yard and delay
15 them further, if they are not here, so I left that, and
16 thought, well, I'll speak to my Silvers as soon as I can
17 on the telephone, and we went back into the 16th floor
18 operations room.

19 SIR MICHAEL WRIGHT: This was now, what, about 7.30?

20 A. Something like that, sir, again I can't be certain, half
21 past seven, quarter to eight.

22 SIR MICHAEL WRIGHT: If he was saying, "They are getting
23 kitted, they are getting briefed", I know I am asking
24 you to make an assumption, presumably he was talking
25 about the black team which had just come on duty?

- 1 A. I mean, clearly now we know, that would be right,
2 I don't know what Mr Esposito knew at the time.
- 3 SIR MICHAEL WRIGHT: That would make sense?
- 4 A. Absolutely, that would make sense, absolutely, sir,
5 although of course the orange team would need their
6 specific briefing for Portnall Road.
- 7 SIR MICHAEL WRIGHT: We understand that. The point was
8 that, as we now know they were at Scotland Yard, they
9 were already kitted?
- 10 A. Yes, exactly.
- 11 SIR MICHAEL WRIGHT: That's the point.
- 12 A. Absolutely.
- 13 MR HILLIARD: So you go back, did you say, to the 16th floor
14 information room?
- 15 A. Operations room.
- 16 Q. Forgive me, operations room. I just want you to help us
17 with this: if we now look at your log of decisions that
18 you have made, we have got, as you know, the typed copy
19 of that, it's behind divider 48.
- 20 A. Yes, sir.
- 21 Q. This says "decision 8", but just see why I am starting
22 with this one, unless there is a typing error, if you go
23 back to decision 7, that says "decision made, 8.15" but
24 does it in the original?
- 25 A. Sorry, sir. Excuse me. (Pause).

- 1 Q. Decision 8 says "entry out of sequence". (Pause).
- 2 A. Yes, so decision 8 refers to an earlier time than
3 decision 7.
- 4 Q. Just so we understand, we can see this is written at
5 11.30 in the evening on the 22nd. So what you are
6 trying to do, obviously within a relatively short time
7 of these events, when as you said you have got your
8 loggist's log there, you are going back and just
9 thinking over your decision process, is that right, in
10 the course of the day? Perhaps inevitably, as it were,
11 some way through the process, is this right, you think:
12 hang on a minute, there was a decision I made earlier,
13 I'll write that one next, is that right, when you are
14 just reconstructing the process?
- 15 A. Yes, exactly right, sir. The point about a book like
16 this is that you have to write it in order, so it's very
17 important you don't tear pages out or anything like
18 that, you just write one after the next after the next,
19 and there is a duplicate, so there is a white sheet and
20 a blue sheet, a duplicate. Sometimes when one is
21 recalling things, especially if you don't have any other
22 loggist's notes, for example, you think -- you write
23 a decision, remembering what you were thinking then,
24 what you decided, why you decided it, and then you
25 remember, mm, there is something before that which was

- 1 perhaps very important as well, so I must put that in.
- 2 You don't then go back --
- 3 SIR MICHAEL WRIGHT: You can't change the order of the
- 4 sheet?
- 5 A. Exactly. Sometimes I say, "Entry out of sequence" and
- 6 that is what it means.
- 7 MR HILLIARD: That's why I am starting with, it might look
- 8 strange, decision 8.
- 9 A. Yes.
- 10 Q. It says: "Decision made 7.15 am", I think that's
- 11 probably the earliest time that you give. In fact, you
- 12 may not have had that, the list of people at the
- 13 McDowall meeting available to you and your time of
- 14 arrival there, it's probably made a bit after that,
- 15 isn't it, for what it's worth?
- 16 A. Yes. This is a decision which outlines the kinds of
- 17 things that I knew I had to work within the law and the
- 18 guidance and the policy, it is my practice generally and
- 19 particularly in firearms operations to think about those
- 20 before and during, as much as I can, and also to write
- 21 them down afterwards when I am writing up the decision.
- 22 Q. This is an early decision, isn't it, this is very early
- 23 on indeed?
- 24 A. Yes.
- 25 Q. You are just reminding yourself: "The framework in which

1 I am operating is" and we will just do these briefly:

2 "Article 2 ECHR -- right to life."

3 Just explain that to us?

4 A. This is the most significant, I suppose, of the human
5 rights, the absolute right to life, and it's the article
6 that refers to it is number 2.

7 Q. Right, in the European Convention?

8 A. Yes.

9 Q. Then "Section 3, Criminal Law Act", I am not suggesting
10 for a minute you give it, and you and I will not do
11 a legal class, but just tell us what's the area that's
12 concerned with?

13 A. That's essentially concerned with the use of force, the
14 use of force by police officers and others.

15 Q. When the law says it's permissible?

16 A. When the law says it's permissible.

17 Q. Section 117 of the Police and Criminal Evidence Act?

18 A. Similar, I would say, use of force.

19 Q. Health and Safety at Work Act, does that relate to
20 duties that you owe to the public and to --

21 A. Exactly, sir, and to people who work for us, people who
22 come to our premises.

23 Q. Then the ACPO manual on the police use of firearms, you
24 have mentioned that?

25 A. I have mentioned already, sir.

- 1 Q. Metropolitan Police?
- 2 A. Police use of firearms.
- 3 Q. Police use of firearms, standard operating procedures.
- 4 That really means what it says, does it?
- 5 A. Yes, it does.
- 6 Q. Code of practice on the police use of firearms, again
- 7 that's self-explanatory?
- 8 A. Sir, yes, this is a fairly short document which the ACPO
- 9 manual kind of fits into.
- 10 Q. Then: "CO19 firearms tactical options in terrorism
- 11 operations".
- 12 What was that?
- 13 A. That I think was a document that I saw with Mr Esposito.
- 14 Q. Is that the one we have heard about, that he had been
- 15 compiling together with Andrew, I think?
- 16 A. Yes, and I didn't see that until I went back into the
- 17 16th floor operations room.
- 18 Q. We have a little bit of that, but you have one of the
- 19 authors with you, as it were, Mr Esposito?
- 20 A. Oh yes, yes, I have.
- 21 Q. Then you explain your reason, it's important to be clear
- 22 about legal and policy framework, and then as you have
- 23 told us, you say you have refamiliarised yourself with
- 24 those relevant materials; correct?
- 25 A. Yes, that's correct, sir, but I must point out that

1 clearly I hadn't, in relation to the firearms tactical
2 options until I saw it a bit later on.

3 Q. All right. Anyway, as I say, in any event, you had got
4 the author available?

5 A. Absolutely, I had, yes.

6 Q. If we can just go back to decision 1, you have explained
7 that you are DSO for Kratos operations this morning in
8 relation to two premises; yes? You give them there?

9 A. I do, sir.

10 Q. Then you explain how you have come to be appointed; is
11 that right?

12 A. Yes, sir, that's right.

13 Q. And something about your experience?

14 A. Perhaps I might just add for clarity, in the decision:

15 "I am DSO for Kratos operations for these two
16 premises [as you have said] and the operations to
17 contain and arrest suspects for the attempted bombings
18 yesterday in London who are believed to reside at these
19 addresses."

20 So I knew that I was the DSO for not just those two
21 addresses but potentially other addresses and arresting
22 suspects, containing and arresting suspects, wherever
23 they may be.

24 Q. At this time, second paragraph, the reasons, you are
25 talking about just two premises, aren't you? If we go

1 on below, you say --

2 A. Yes.

3 Q. -- it would be impractical to have two DSOs?

4 A. Yes.

5 Q. So it's not one DSO at each of two premises, it's just
6 you, isn't it?

7 A. We had two DSOs available at the first briefing and
8 there was a long conversation, some people felt that if
9 you were particularly interested in two premises, then
10 you might have a DSO for each. I thought that was
11 unwise. We only had one room, one tac adviser, there
12 were bound to be interlinked operations and lots of
13 other operations being run potentially from that room
14 during the coming day. So I said I felt that there
15 should be one DSO for everything supporting Mr McDowall,
16 including those two premises, in the proactive covert
17 operation --

18 SIR MICHAEL WRIGHT: And that of course was the hunt for the
19 two identified people, who had been identified on the
20 CCTV.

21 A. Exactly, sir.

22 SIR MICHAEL WRIGHT: Does it follow from that that at this
23 time at any rate there was no operation being mounted or
24 indeed contemplated at that stage in relation to
25 Corfe House?

1 A. No, sir, we had discussed the OPs at Corfe House.

2 SIR MICHAEL WRIGHT: I know, but by this time there was
3 an operation being set up, because surveillance teams
4 were being sent both to Scotia Road and to
5 Portnall Road.

6 A. Yes.

7 SIR MICHAEL WRIGHT: We have not heard anything about
8 a surveillance team going to Corfe House. Do you know
9 whether there was one?

10 A. No, I don't think there was at all, or certainly there
11 was not at that time in the day, sir, no. Mr McDowall
12 had prioritised Scotia Road and Portnall Road as the
13 places for the surveillance and firearms teams, but
14 there were OPs to be set up there.

15 SIR MICHAEL WRIGHT: I appreciate that and indeed there were
16 other addresses?

17 A. Absolutely, there were, sir.

18 SIR MICHAEL WRIGHT: At this stage at any rate, we are still
19 talking about just these two.

20 A. That's right, sir, and perhaps I might add the DSO
21 downstairs, Mr Carter, and me responsible for these
22 operations.

23 MR HILLIARD: If we turn to your second decision, that just
24 sets the structure out and you have told us a bit about
25 that; yes?

1 A. Yes, I have, sir, it's very similar to what is in my red
2 book now we have clarified that.

3 Q. Thank you. Your third decision is, we can see, the
4 strategy you have agreed with Commander McDowall is
5 that:

6 "Safety of all must be paramount.

7 "We seek to arrest any of the subjects near or at
8 the addresses. The premises should be made safe (and
9 cleared) as soon as practicable.

10 "If possible this should be done before release of
11 photographs and other publicity."

12 Yes?

13 A. Yes, sir. I should have mentioned earlier on that he
14 was very concerned about the premises and wanting to
15 make them safe, any premises we did know about, as soon
16 as we reasonably could.

17 Q. If we look at the middle paragraph of your reasons:

18 "We can not [in capitals] therefore allow them to
19 travel far even under surveillance if sighted as
20 I cannot guarantee we will not have a surveillance loss
21 which could be catastrophic. However decision is to
22 attempt to arrest some distance away should that be
23 possible in order not to alert any person remaining in
24 address. I am considering the risk that persons inside
25 premises may already have or when triggered begin to

1 create 'booby traps' or other explosives."

2 A. Yes, sir.

3 Q. That was a matter -- and we have heard about that

4 already -- that you had well in mind; is that right?

5 A. I absolutely did. Perhaps I should explain, sir,

6 "triggered" means alerted really, so if we did an arrest

7 just outside the front door, that could be a trigger for

8 booby trapping the premises or creating an explosion.

9 I perhaps should just double check that, sir, it may say

10 explosion.

11 SIR MICHAEL WRIGHT: Your thinking would be they have to get

12 out of direct sight of the premises or out of any likely

13 third eye observation?

14 A. Exactly, sir.

15 SIR MICHAEL WRIGHT: Subject to that, once you have got

16 outside the immediate risk area, stop them as soon as

17 possible?

18 A. Yes, sir, and of course if we were forced to for some

19 reason, you know, posed an enormous threat in the

20 premises or just outside the premises, and if I was

21 forced to, I would of course you know, arrest somebody

22 there, but I wanted it to do it elsewhere because you

23 don't know who you have left behind inside and what they

24 might do.

25 MR HILLIARD: Thank you.

1 Your decision 4:

2 "Urgently require control of premises and to get
3 properly briefed surveillance and CO19 SFO teams to each
4 premises. Require" this is OPs as in observation
5 points; is that right?

6 A. Yes, sir.

7 Q. "... on each address and armed surveillance control and
8 capacity to respond".

9 A. Sir.

10 Q. Then:

11 "Reason.

12 "Am informed that we have surveillance teams at both
13 premises but need OPs and SFO back-up. Intervention can
14 only be by SFO team. We need best info possible about
15 movements from addresses."

16 Then there is just a reference to Mr Cummings and
17 you have already told us about that.

18 A. Yes.

19 Q. So this decision, according to the log itself, made at
20 about 8 o'clock or so; yes?

21 A. Yes, sir, I think it was during the meeting that we had
22 in the forward intelligence cell.

23 Q. That's a meeting -- we will come on to that -- that you
24 had when you come back from the meeting with

25 Mr McDowall, is it, you went to a meeting in the forward

- 1 intelligence cell?
- 2 A. Fairly quickly after that, yes.
- 3 Q. Just tell us, who is at that meeting? We know where it
4 is, it's the little room next to the --
- 5 A. It is, it's a little room, we chose that room for
6 obvious reasons, it's just next, so it's handy by, you
7 can pop back in if you need to during the meeting. This
8 particular control room does not have a formal meeting
9 room attached to it so it's the best place when it was
10 quiet, which it was at that point, for the people who
11 were going to run the operation from the operations room
12 to have a get together, and there were a number of
13 things we discussed there, it was pretty brisk meeting
14 for obvious reasons but there were a number of things
15 that we discussed there that I can tell you about if you
16 like, sir.
- 17 Q. It may be that we will look at some of them. You say
18 this was a decision made during that meeting; is that
19 right?
- 20 A. That's right. We knew we had some surveillance cover
21 but I was concerned that we should have the OPs up and
22 running, the SFO teams needed to get there, and we
23 actually talked also about having more surveillance
24 cover so that we could double up the teams.
- 25 Q. When you say "double up the teams" you mean, what, have

1 more than one, so two teams at these particular
2 premises?

3 A. Yes. Obviously when somebody comes out, if they are
4 followed away from the premises, you lose some part or
5 all of your team, it's always good practice if you can
6 to obviously have some resilience amongst the
7 surveillance teams for that purpose.

8 Q. By resilience you mean?

9 A. So that if one group get taken away, you don't have
10 nobody there, just at the vital moment.

11 Q. Right. If we turn to decision (5) again made at the
12 same time, so this would be another decision of this
13 meeting in the forward intelligence cell, would it?

14 A. Yes, sir.

15 Q. So you need some dedicated telephone links from you to
16 Silvers:

17 "... so that during Kratos decision making can
18 guarantee will be able to speak continuously."

19 Just explain to us, what does that mean?

20 A. I anticipated that we might come into a situation where
21 very fast decisions would be needed to be made by me, as
22 the DSO, I would need to speak to my Silver on the
23 ground, I am sure you have had the command structure
24 described before.

25 Q. Yes.

- 1 A. And at that time, the only way to be sure that I would
2 be able to speak to him would be to have a dedicated
3 phone, a phone line between Silver in the case Portnall,
4 Silver Scotia and me, so I asked for a member of staff
5 to sit there to do that.
- 6 Q. So we are absolutely clear the sort of thing you have in
7 mind, we have heard that, for obvious reasons, with
8 a suicide bomber who has a device that is going to be
9 let off, it may be necessary for there to be an order
10 that a critical shot be taken. That's something, is
11 this right, that would be given by the DSO?
- 12 A. That's one of many commands that might be given by
13 a DSO.
- 14 Q. Is that the sort of thing you had in mind?
- 15 A. Indeed.
- 16 Q. Whilst it was such that it was very important that you
17 had good contact with your Silvers?
- 18 A. It's a possibility, certainly, sir, yes.
- 19 Q. Then from your room to Mr Carter, you have told us about
20 that. Then from intel, so intelligence to Silvers, and
21 policy to Silvers from the ops room and you. So that's,
22 as it were, making sure that Silvers know what they need
23 to know; correct?
- 24 A. Yes, so it's not the fast time command decisions, it's
25 the general updating of the Silvers and indeed their tac

1 advisers, with any significant intelligence and my
2 policy.

3 Q. Then decision 6, again made at 8 o'clock, so again this
4 would appear to be a decision you have made in this same
5 meeting; is that right?

6 A. Yes, sir, it is.

7 Q. That you are going to use the ops room on the 16th
8 floor, and no doubt there are ways in which it might
9 have been better but you felt it was the best you had
10 got, is that what it comes to?

11 A. I absolutely thought, as at the time and as the day went
12 on, that there were things that could be improved about
13 it, that is true of any room you are in. I equally felt
14 that it was absolutely the right room to be commanding
15 this operation from. There are other rooms, and I am
16 very familiar with all the others. I can describe the
17 advantages and disadvantages now or at some later stage.
18 I was quite content that this was the right place to be.

19 Q. Right. Decision 7. In fact, forgive me, if we just go
20 to 10, you will see the time of decision 10, according
21 to our typed version, is 8 o'clock in the morning.
22 That's obviously preceding some of these 8.15s that we
23 have been looking at.

24 A. Yes.

25 Q. Is that right or frankly is the 15 minutes difference

1 really impossible to tie down now? Are these all pretty
2 early decisions?

3 A. They are very early decisions, it is possible that the
4 15 minutes is hard to tie down. I mean, if I wrote it
5 then like that, it's because I thought it was before the
6 other ones.

7 Q. As we have done a few 8.15s, we will just stick with
8 those, but if you are telling us it's round about the
9 same time --

10 A. Absolutely, yes.

11 Q. All right. Then 7, it's Mr Cummings, who you have told
12 us about, to review. Now, we have heard about
13 authorities that were given for firearms to be carried
14 and for surveillance, directed surveillance to take
15 place?

16 A. Yes.

17 Q. And effectively what this comes to is you are just
18 asking him to look at those and make sure that you have
19 got permission to do what you think is needed; is that
20 right, in short form?

21 A. Exactly right, sir. Something I would always do at the
22 beginning of an operation when I was taking it on, and
23 no-one better to do it than Mr Cummings, who would be
24 writing such authorities on a daily or several times
25 a day basis.

1 Q. All right. Then decision 8, that's one we looked at.

2 SIR MICHAEL WRIGHT: Pause for one moment, please,

3 Mr Hilliard, at 7. I would just like to enlarge on this

4 a little bit. You told us that you were particularly

5 keen to have Bob Cummings there because of course you

6 knew him very well.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: He was one of your senior officers --

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: -- in SCD.

11 A. Yes.

12 SIR MICHAEL WRIGHT: I think I have this right, the SCD wing

13 of the Yard contains within it the Flying Squad?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: Do I have this right, your view about

16 this, there may be arguments about this, I don't know,

17 was that if you were going to have to embark on

18 a manhunt around London for two or even four failed

19 suicide bombers, the Flying Squad or certainly its

20 senior officers, had more experience in that sort of

21 task than perhaps you thought Special Branch had? You

22 said they tended to work on a slower timescale.

23 A. Yes, that's right, sir. It's hard to remember back

24 then, so much has changed since then, and if you were to

25 go to SO15, which includes what was Special Branch now,

1 you would find people who are very used to working in
2 a a fast time manhunt mode. There were less of them
3 then in the Special Branch although there were some,
4 undoubtedly, in Special Branch and the anti-terrorism
5 command who had previously worked in what I thought of
6 as my world.

7 But somebody like Mr Cummings would be engaged on
8 manhunt type activity or at least the skills that were
9 required for it, all the time, and more so perhaps than
10 some of the colleagues in S012, yes.

11 SIR MICHAEL WRIGHT: In fact, both red and grey who went to
12 Scotia Road were both Special Branch teams.

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: The night before you had offered your
15 SCD I think 11 teams who were the surveillance teams
16 from your department?

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: Were any of them actually deployed?

19 A. Very quickly later on in the morning, yes, sir.

20 SIR MICHAEL WRIGHT: They were, thank you.

21 A. In relation to that, I suppose on the one hand, as with
22 everything, there is a balance. The S012 surveillance
23 teams were very experienced in dealing with terrorism
24 matters and terrorism offences, so they had those
25 special skills, they were very used to working with the

1 intelligence agencies which my people were less so, but
2 they were perhaps slightly less used to working in the
3 manhunt scenario.

4 SIR MICHAEL WRIGHT: A question I have to ask you, and
5 I think it's fair to do it now: when you were looking
6 through the ACPO manual on firearms, between 5 and 7,
7 I think I understand what the question means, were you
8 anticipating in preparing yourself for a role in this
9 operation?

10 A. Yes, sir, I was.

11 SIR MICHAEL WRIGHT: You were expecting, as you have told
12 us, some role.

13 A. Some -- I didn't know perhaps whether I might be the
14 DSO, designated senior officer downstairs where in fact
15 Mr Carter ended up, and that was logical because he had
16 been there all the day before, and that would be the
17 person who would be taking the calls from the members of
18 the public saying, "I am very suspicious, there is
19 somebody here who looks like a suicide bomber", I wasn't
20 sure when I was reading my documents whether I was going
21 to do that role or the manhunt. Either way, I wanted to
22 prepare myself for the operations.

23 SIR MICHAEL WRIGHT: Either way, firearms might be involved?

24 A. Yes, sir, absolutely, either way firearms very likely to
25 be involved.

- 1 MR HILLIARD: Decision 8 we have looked at, that was one of
2 the out of order ones. If we go to decision 9, time,
3 8.15:
4 "My Silvers Mr Rose" and that's Mr Purser, isn't it?
5 A. It is.
6 Q. "... are to ensure teams fully briefed -- surveillance,
7 firearms, arrest and others such as LAS", London
8 Ambulance Service?
9 A. Yes, sir.
10 Q. Explo, explosives?
11 A. And arrest refers to arrest teams.
12 Q. Yes, "also to liaise with local officers where
13 necessary."
14 You explain that it's not practical for you to do
15 that personally as you need to stay in the ops room with
16 the overview; correct?
17 A. Yes, sir. Overview is the word I used then. What
18 I meant was, I have at least two and possibly later more
19 operations, I need to stay in the operations room,
20 I couldn't easily without delaying things enormously sit
21 down and brief those colleagues, and I delegated that
22 role to my Silvers to do part of their job was to ensure
23 people were briefed and co-ordinated.
24 Q. Decision 10, you can see that again the time of this
25 decision made at 8 am, and if we just look down to the

1 bottom, three lines up from the bottom, I'll ask you to
2 explain in a minute how you knew this, but just so we
3 have this in mind:

4 "Am aware that the premises at Scotia Road we only
5 have communal front door under visual control and cannot
6 do the prems front door in any way."

7 I'll come back to the detail of that in a minute.

8 Just this: did there come a time when you learned
9 that 21 Scotia Road was not, for example, a separate
10 house, if I can put it that way, but was one of a number
11 of flats in a block that had a communal front door?

12 A. Yes, I did, sir, yes.

13 Q. You have to come to how you knew that in a minute.

14 I just want to look at this decision, and just ask you
15 this at the start: when you say "if surveillance are
16 sure person has left the premises", because this may
17 save us a bit of time in the long run, what -- don't
18 worry, I am going to go through it all -- do you mean by
19 the premises there? Do you mean the block of flats or
20 number 21, whether or not you were in a position to know
21 that at that time? Do you see the question?

22 A. I do. I mean, I mean the premises. In this case, the
23 flat, 61A Portnall Road, not 61 Portnall Road, he might
24 have come out of the other flat; the flat.

25 Q. Not B or C if that was divided.

1 If we can then just look at this with that in mind.

2 I am going to read, but if I get any wrong, just say:

3 "If surveillance are sure person has left the
4 premises, whatever their appearance/description, other
5 than apparent subject", who does that mean?

6 A. Suspect.

7 Q. Right. Attempted bomber?

8 A. Attempted bomber, yes, thank you.

9 Q. "... will be followed away from address covertly, and
10 detained by armed officers, then handed to S013", that's
11 the anti-terrorist squad arrest teams?

12 A. Yes, sir.

13 Q. So this is under the heading "Policy"?

14 A. Yes, and armed officers is underlined because that was
15 my decision, as I said, I am not sure what Mr McDowall's
16 view of that was. It's something that would be my
17 decision, it's a tactical decision, and I was here
18 developing his overall strategy into a series of
19 tactical plans.

20 Q. Right.

21 A. And I made the decision that anybody who came from the
22 same premises, the same flat, would be stopped by armed
23 officers.

24 Q. We will see what, where the armed officers come from
25 a little further down, won't we, when we look at your

1 number 4. If we carry on, as you say, you have
2 developed it to that extent.

3 "2. If what appears to be subject leaves premises,
4 we are in Kratos situation. Again they are to be
5 arrested away from prems."

6 "3. In either case, Kratos DSO to be informed
7 immediately."

8 Just tell us, Kratos DSO is who --

9 A. That's me.

10 Q. "In scenario 1 (where not believed to be the subject [so
11 attempted bomber]) operation will be under control of
12 Silver at scene.

13 "In 2 [and 2, that's where someone who appears to be
14 attempted bomber] I will make decision as to when and
15 how intervention to be carried out:

16 "4. Any arrests/interventions", so this means
17 whether it be a suspect or someone interest who has come
18 from the premises?

19 A. Yes, that's right, sir.

20 Q. "... will be carried out by CO19 not SO12 officers:

21 "5. Above conveyed by me and discussed with
22 Silvers. Tac adviser agreed and speaks to tac advisers
23 with Silvers."

24 So that's the firearms tactical advisers who were
25 with them, yours and theirs?

1 A. Yes, so I had Mr Esposito with me, each of them had
2 a tac adviser with them, I spoke to each of them, he
3 spoke to the two tac advisers.

4 Q. Right.

5 A. It might help, sir, if I just explain, there is quite
6 a lot of information in that log. When I spoke to
7 Mr Rose, who was the tac adviser for Portnall, he was --

8 Q. Silver?

9 A. Sorry. When I spoke to Merrick Rose, who was the
10 Silver, I am sorry, for Portnall, he was initially not
11 convinced that this was the right plan. He felt that we
12 should only arrest people who we knew were suspects,
13 thought we knew were suspects. He felt that to
14 intervene with anybody else from the flat could alert
15 the people inside, which might include the suspect, and
16 thereby cause booby trapping, a Madrid type situation as
17 we were describing it on the morning. We had quite
18 a long conversation, my tac adviser had a long
19 conversation with his, he came round to the idea that
20 people who had come from the flat could be detained, but
21 we always knew that that would have some possible
22 consequences.

23 Q. Right. Thank you. If we just look at your reasons
24 section:

25 "Wherever possible we do not want to alert those in

1 premises of any arrests/interventions. This will reduce
2 risk of escape/booby trapping and alerting of other
3 suspects elsewhere. We need clear distinction between
4 those thought to be subjects and those not. However
5 given nature of risks I believe anyone coming from
6 premises", again just pausing in the case of Scotia Road
7 that means 21?

8 A. Yes, in the case of all the premises we dealt with
9 during the day, it's the flat, they were all flats.

10 Q. We want to be clear exactly about that?

11 A. Thank you.

12 Q. "... I believe anyone coming from premises (except,
13 I have said, perhaps lone child) should be detained by
14 armed officers as may be armed themselves. C019 are
15 trained for Kratos."

16 12, that's S012, is it?

17 A. Yes.

18 Q. "12 teams do not have armed training beyond
19 self-defence. C019 have been issued with high powered
20 weapons and ammunition suitable for such an intervention
21 with possible suicide bombers."

22 So it's training and equipment that means C019 are
23 the people to intervene and not S012?

24 A. Absolutely, sir, it would be very, very rare indeed for
25 S012 to intervene. In my experience in the last sort of

1 eight years that I have been in the Met, I only know of
2 one occasion where an S012 team has intervened.

3 Q. Right. Then you say:

4 "Whatever the scenario it is vital there is good
5 communication between OP", observation point?

6 A. Success.

7 Q. "Surveillance"?

8 A. Yes, sir.

9 Q. Firearms/commanders/tac advisers?

10 A. Yes, sir.

11 Q. "Am aware that [at] the premises at Scotia Road, we only
12 have communal front door under visual control and cannot
13 do the prems front door in any way."

14 What were you saying there, and how did you know
15 that?

16 A. What I was saying was at that time, the surveillance
17 team did not have an ability to see the front door of
18 the flat, 21, but clearly a high priority for me was
19 to -- this doesn't say that, but to explain it -- get
20 intelligence or a method of gathering intelligence which
21 would alert me to somebody coming out of that flat door.

22 Q. Without going into the details, what you are talking
23 about there, and you have said it yourself, is: do
24 I have a way of getting some information, as you say,
25 about the front door of those premises. I am not going

1 to ask you to spell out how you do it, but that's the
2 possibility in that answer you have just adverted to
3 that later on you might have had a technical means or
4 something of that sort of knowing if that was happening?

5 A. Yes, sir, I mean, there are a number of possibilities
6 and number of methods, some of which aren't sensitive,
7 and aren't secret, for example it isn't unusual for
8 a surveillance officer to take a walk through the block.
9 Having now seen Scotia Road as I have, I think that, you
10 know, wasn't going to be happening often given the
11 nature of the block but it's not unusual for
12 a surveillance officer to walk through a block, it's not
13 unusual for you to be able to see into a block from the
14 outside and initially I didn't know what exactly it
15 looked like, so somebody might -- an OP might have been
16 able to see in.

17 Sometimes people ring in and say, you know, my
18 brother is in there, I think he has done this yesterday,
19 he is coming out at -- this might sound slightly
20 far-fetched to you but in other scenarios, it's not, he
21 is coming out at 10 o'clock because he is going to sign
22 on, perhaps, and he will be wearing this and carrying
23 this bag. As far as I was concerned, that would be, you
24 know, pretty sure this person has come from that flat,
25 it matched the description, carrying the bag, we knew he

1 was coming out at 10 o'clock, so there was lots of
2 possibilities and this was a general decision which
3 stood for the rest of the day, including when we went on
4 to operations at Corfe House, it's a general decision.

5 Q. But how was it then you knew about this communal front
6 door?

7 A. I can't tell you exactly when, sir, but certainly after
8 the McDowall meeting, and I think probably before I went
9 into the forward intelligence cell meeting, I looked up
10 on the monitor on the wall, the surveillance monitors
11 sitting at the front of the control room you showed me
12 earlier on keep a typed log which they can project up on
13 to the wall, and I noticed that there were two --
14 I can't remember the exact words, but two people, males
15 or females, I am sure they would have been described as,
16 had come out of the block. Well, it didn't say the
17 block but had come out. And I said: well, what have we
18 done with those people, have they been stopped, why
19 haven't they been stopped and they said -- "they"
20 being -- sorry, the surveillance monitor and the --
21 I can't remember whether it was him or the surveillance
22 co-ordinator, said: they haven't been stopped because
23 it's a communal front door and it's a block of flats
24 with a number of flats in it and we don't know which
25 flat this person has come from. I thought perfectly

1 sensible, not to follow someone who might come from
2 anywhere in that block.

3 Q. That is how you learned that; is that right?

4 A. That's how I learned that it was a communal door.

5 SIR MICHAEL WRIGHT: Can I follow that up a moment?

6 I appreciate what you are saying, but if you didn't know
7 which flat they had come from, how did you know they had
8 not come from 21?

9 A. That is a risk, sir, that is a risk. If you have
10 a block -- I didn't at that stage immediately know
11 whether this was a small block or a large block. Corfe
12 house and Blair house have about 60 flats in them.

13 SIR MICHAEL WRIGHT: This was quite small?

14 A. This was actually quite small. Nevertheless it's
15 a block of flats, there is -- two, three, four people
16 per flat, a lot of people are going to be coming out
17 probably at that time in the morning. If you take your
18 surveillance officers and ask them to follow everybody
19 who comes out of block, you are very, very soon going to
20 end up with no surveillance officers. You are going to
21 risk stopping people who know absolutely nothing about
22 number 21, aren't able to provide you with good
23 intelligence, and I had, you know, I felt that that was
24 going to sort of lose us our resources very quickly.

25 SIR MICHAEL WRIGHT: It did mean, of course, that your

1 surveillance officers inevitably had to make a judgment
2 as to whether an individual emerging from the communal
3 front door should or should not attract attention?

4 A. Yes, that's right, sir, yes.

5 SIR MICHAEL WRIGHT: I suggested to the jury when I opened
6 this case, and I hope I wasn't suggesting too much, that
7 it is probable that whoever those five or six people
8 were or the two that had originally gone out, were of
9 such a nature, such a description and appearance, that
10 they simply would have been dismissed as possible
11 suspects.

12 As you say, a child obviously would not be regarded
13 as a possible suspect because your surveillance officers
14 had the photographs?

15 A. I see what you mean, sir, yes.

16 SIR MICHAEL WRIGHT: A woman not apparently of Middle
17 Eastern appearance would presumably be dismissed as
18 a possible suspect, and so on.

19 A. You would have no idea which flat the person might have
20 come from, if it looks like it might be the suspect,
21 what appears to be the suspect leaving the premises, my
22 point 2, that's one to alert us to and follow.

23 SIR MICHAEL WRIGHT: To that extent, and I don't think to
24 that extent anybody is criticising you, because of the
25 fact that it was a block of flats and not a single

1 premises, Commander McDowall's original strategy which
2 required everybody coming out of the premises in the
3 loose sense, and not premises in the very focused sense
4 of number 21, had had to be modified?

5 A. Yes, I --

6 MR HILLIARD: It slightly depends. If what he is talking
7 about is number 21, you are talking about the same
8 thing, as I understand it?

9 A. He, I am sure, wanted people stopped from the same flat.

10 SIR MICHAEL WRIGHT: From 21?

11 A. From the same premises. He may or may not have known,
12 I don't know, whether or not it was communal at that
13 stage, probably didn't.

14 SIR MICHAEL WRIGHT: I don't think he did.

15 A. So he wanted people stopped from those premises. As
16 I have said -- stop me, sir, if this is not helpful --
17 but if you think of Corfe House, there are 60 flats.
18 Nobody would dream of trying to stop everybody coming
19 out of there in the early morning.

20 SIR MICHAEL WRIGHT: That's right, but his strategy was
21 directed at that stage --

22 A. At number 21 Scotia Road, yes.

23 SIR MICHAEL WRIGHT: So premises equals 21?

24 A. Yes, and it's possibly therefore a refinement of the
25 strategy, given the circumstances we then found

1 ourselves in, which is completely sort of normal. We
2 are very often dealing with communal front doors.

3 SIR MICHAEL WRIGHT: Now that I have destroyed Mr Hilliard's
4 concentration, can I ask another question?

5 The strategy, the policy that you were there laying
6 down, and we actually see -- we will come to it in
7 a minute, I am not asking you to do it at the moment --
8 we see an illustration of it a couple of decisions
9 further on.

10 Presumably in order to achieve the policy that you
11 were laying down, the CO19 firearms squad must have been
12 somewhere pretty close?

13 A. No, sir. This is me saying what the policy is.

14 SIR MICHAEL WRIGHT: Yes?

15 A. And it's a policy decision for the day, which stands for
16 the day, that's how I sort of make decisions.

17 SIR MICHAEL WRIGHT: Let me go back a bit. If a suspect or
18 a possible suspect leaves the premises, you let them get
19 away from the premises so you don't get anybody spotting
20 them, but then they have to be stopped as soon as
21 possible?

22 A. I see what you mean, sir, sorry.

23 SIR MICHAEL WRIGHT: That's why I asked you this question.
24 Because your policy was that CO19 were to do the stops,
25 then the CO19 team has to be somewhere fairly close?

1 A. Yes, when they arrive -- and obviously at 8 o'clock
2 I knew that black was still kitting up and briefing --
3 they need to be fairly nearby, absolutely, yes.

4 SIR MICHAEL WRIGHT: Not two miles away?

5 A. If there is a good holding point -- and I think there
6 was, I subsequently discovered -- if there was a good
7 holding point closer than two miles, that obviously
8 would be better.

9 SIR MICHAEL WRIGHT: You are thinking of the TA Centre?

10 A. Yes. But it may be that you do, in certain
11 circumstances -- and at this stage I am only beginning
12 to familiarise myself with the various locations -- it
13 may be you might feel you had to have them some distance
14 away, certainly.

15 SIR MICHAEL WRIGHT: The closer the better?

16 A. Yes, absolutely. But when I heard they were going to
17 Nightingale Lane to brief, I thought: that's good,
18 because that's pretty nearby, if someone needs them on
19 the hurry-up, they can get there.

20 SIR MICHAEL WRIGHT: That, I think we have been told, is two
21 miles away.

22 A. Right. But that's my point, it's pretty nearby, it's
23 better than briefing at the Yard, it's better than
24 briefing at Lemn Street, they're available when you
25 need them, and if you are doing a surveillance, then you

- 1 shout, they can come.
- 2 MR HILLIARD: While we are on that, you have I think
- 3 described the TA Centre as an exceptionally good
- 4 location; is that right?
- 5 A. I think I have, sir, at some stage, yes.
- 6 Q. Do you agree that's what it is, on the face of it? If
- 7 you are talking about Scotia Road for a point for the
- 8 team, looking at the photographs and bearing in mind the
- 9 nature of the place, it is, isn't it, an exceptionally
- 10 good location?
- 11 A. It's certainly nearby, very nearby, and it is a place
- 12 that has been used previously for police teams to wait.
- 13 Q. Firearms teams?
- 14 A. Firearms teams and other teams. It has actually quite
- 15 often in the past been used by lots of different police
- 16 teams. It is -- I now know but I didn't know then --
- 17 overlooked by some other places, and of course the
- 18 presence of ARVs, even covert ARVs or other vehicles,
- 19 might alert someone nearby. But it's certainly --
- 20 Q. I thought this was not going to be controversial.
- 21 A. Sorry.
- 22 Q. I think you have described it before as an exceptionally
- 23 good location?
- 24 A. I have. I have. I have.
- 25 Q. Do you still agree with that or not?

- 1 A. I think it's not a good place to brief; it's a good
2 place to be in a good position to move out and go in
3 either direction or several directions easily, yes.
- 4 Q. If you just look at our, if you go to jury bundle,
5 divider 13, map there. I will just give you a minute to
6 get your bearings. If you turn it on it's side its
7 easier. Do you have Scotia Road? It is on screen.
- 8 A. I am peering down.
- 9 Q. Do you have Scotia Road all right?
- 10 A. Just help me. Thank you. Yes, I am with you.
- 11 Q. If you come down from Scotia Road on to Tulse Hill, you
12 have only to look at this map, and "TA Cen" is
13 an obvious building there?
- 14 A. Upper Tulse Hill, yes.
- 15 Q. There it is. Just so we are clear because I don't think
16 we have spelled it out, but "TA", Territorial Army?
- 17 A. Yes.
- 18 Q. That's effectively the sort of reserve army, isn't it?
19 If we are short and need numbers up, that's a short way
20 of putting it, isn't it? Just so we understand.
- 21 A. Territorial Army, yes.
- 22 Q. So on the face of it, a building that the police, as it
23 were, could be expect to be able to trust and indeed, as
24 you say, have used before; yes?
- 25 A. Under normal circumstances. I wouldn't just -- if I had

- 1 known there was a TA Centre, if I had gone to the map
2 and said -- which it wasn't my job, but if it was my job
3 to say "right, where do I want this team to go", I would
4 have spotted the TA Centre and I would have thought:
5 this is potentially a good place but I would want some
6 further work done to see whether it is good or not,
7 further research to be done.
- 8 Q. In your case, you would have known: actually we have
9 used it before?
- 10 A. I didn't know that, then, sir, no. I am sorry.
- 11 Q. Firearms teams had used it before, had they?
- 12 A. I think so, sir, yes. That's what I've subsequently
13 been told. Again, I didn't know that then.
- 14 SIR MICHAEL WRIGHT: This would be something for Silver to
15 decide, would it not?
- 16 A. This would be Silver together with the tac advisers,
17 mine and his.
- 18 MR HILLIARD: As you said, it only really requires the
19 briefest look at a map, doesn't it, to see "TA Cen" for
20 TA Centre and to think: that's a possible holding place?
- 21 A. Yes, sir.
- 22 Q. Did you ever look at a map like this or not? Just so we
23 understand.
- 24 A. I looked at the Geographia, sir.
- 25 Q. Would that have had the TA Centre marked?

- 1 A. I think it does have the TA Centre marked, yes.
- 2 MR HILLIARD: I don't think there is much point going on.
- 3 Given the time, we might stop there.
- 4 SIR MICHAEL WRIGHT: Yes, very well.
- 5 2 o'clock, ladies and gentlemen.
- 6 (1.00 pm)
- 7 (The short adjournment)
- 8 (2.00 pm)
- 9 (In the presence of the jury)
- 10 MR HILLIARD: We were just looking at the locations of the
- 11 firearms team, do you remember, at the TA Centre and
- 12 Nightingale Lane?
- 13 A. Yes, sir.
- 14 Q. So we understand, the reason that you want the firearms
- 15 team, if there is an appropriate location that is
- 16 nearby, is this right, is so that they can take
- 17 advantage of any opportunity that there is in the course
- 18 of the surveillance to effect a stop or to make
- 19 a challenge?
- 20 A. Yes, sir.
- 21 Q. It's just obvious, isn't it?
- 22 A. Once there is an identification been made and assuming
- 23 one can keep the stop, the challenge covert, then you
- 24 want them in a position to be able to do that.
- 25 Q. To be able to do it?

- 1 A. Yes.
- 2 Q. And to give an example, you thought, I think, that there
3 was a very small window of opportunity after
4 Mr de Menezes had got off the bus at Stockwell and
5 before he had gone into the station, you thought that
6 there might be an opportunity at that stage to challenge
7 him; correct?
- 8 A. Yes, I did, sir, as you say, a small opportunity.
- 9 Q. Yes. At the time, is this right, you thought that that
10 was a very much less risky place to effect a challenge
11 than actually inside the tube; that's what you thought
12 at the time?
- 13 A. At the time I thought that, sir, yes.
- 14 Q. But of course, at that time, the firearms team weren't
15 there to do it, were they?
- 16 A. No, they weren't, sir, and of course none of us knew
17 where Mr de Menezes would get off the bus. None of us
18 knew where any person coming out of that premises might
19 go or what mode of transport they might use, where they
20 were intended to head, if you like.
- 21 Q. Now, can we go to decision 11, you say:
22 "I have asked for comprehensive profiles of each of
23 premises and subjects to be provided as soon as
24 possible."
25 Yes?

- 1 A. Yes, sir.
- 2 Q. You give the reason for that:
- 3 "This is fundamental for planning and interventions
4 and making safe/clearing the premises."?
- 5 A. Yes, sir. Particularly relevant for the premises, as we
6 have said -- as I have said, I am sorry -- very
7 conscious of the potential dangers within the premises,
8 but also Mr McDowall's desire for us, if possible, to
9 move forward so that we could make those premises safe.
10 Therefore, for the Silver and the firearms team, it's
11 important frequently in planning to have a good
12 understanding of the layout of the block, what hazards
13 there may be, utilities, that sort of thing. Not always
14 very easily obtained but it's important to know it, if
15 you can.
- 16 Q. Where it says "fundamental to planning for
17 interventions", does that mean so far as the arrests or
18 challenges or stops are concerned?
- 19 A. I'm afraid I used the term rather sort of
20 interchangeably there, that's a sort of cover-all for
21 arresting someone in any sort of circumstances,
22 intervention.
- 23 Q. That's dealing with people rather than places?
- 24 A. Yes. I mean, it's a very obvious point.
- 25 Q. Yes.

- 1 A. But the more one knows about the individuals, the easier
2 it is.
- 3 Q. Yes.
- 4 A. And it was set out on an operation like this, of course
5 none of us had ever dealt with anything quite like this,
6 but on any operation you would simply have a photograph
7 or a photograph and a name. You don't know how those
8 two link. You don't know how they're linked to the
9 premises, you don't know whether it's a pseudonym, you
10 don't know what the person is going to do next, you
11 don't know who their family or associates are, you want
12 to build this up as quickly as you can via a variety of
13 different methods.
- 14 Q. I think there was an unaccountable delay in obtaining
15 that; is that right?
- 16 A. I am not sure what you mean, sir.
- 17 Q. I am looking perhaps at something quite different.
18 I was looking at the log of Detective Constable Cremin,
19 do you have that, for us it has page 166 at the bottom.
20 You are asking for it at 8.30. At the bottom of our
21 page 166, 11.20, looks a bit testy but perhaps it isn't:
22 "Request from DCI Mellody, written profiles of
23 occupants and subjects premises originally requested
24 three hours ago".
- 25 A. I am very sorry, sir, my numbering in the one I have

- 1 brought is different.
- 2 Q. Try 154. It's on screen.
- 3 A. Thank you. Yes. Not testy, just a note. But I did not
4 have the level of detail of information at that stage
5 that I wanted. I reminded him that I needed it.
6 Clearly what I need is sometimes different from what the
7 Silvers need, and Silvers have explosives officers with
8 them, they have the local borough perhaps, they have all
9 sorts of other information. They may get the map or the
10 plan or the information ahead of me, and that's fine,
11 that's good if they do, in fact, they need it more than
12 I do.
- 13 Q. You said it was fundamental to planning for
14 interventions and so on, and you still didn't have it
15 three hours later; is that right?
- 16 A. No; that is right.
- 17 Q. Thank you.
- 18 A. Your word was "unaccountable delay". I am not --
19 nowadays it would be slightly different. Back then
20 I would not have, you know, I wasn't saying this is
21 outrageous or, you know, things take time, particularly
22 if you are talking about getting things from the local
23 fire brigade or the local authority which you often do
24 in order to have a proper picture of a premises.
- 25 Q. It was just the fact that someone had put requested

- 1 three hours ago, because normally when we express
2 ourselves we say, "Could I have this, I asked three
3 hours ago", we mean --
- 4 A. I hadn't made a note earlier on, I don't think, and I'm
5 reminding myself and then it is three hours since
6 I asked.
- 7 Q. All right. Decision 12, please.
- 8 A. Yes, sir.
- 9 Q. The decision, should anyone attempt to drive away in the
10 identified vehicles, so those are at two addresses,
11 aren't they?
- 12 A. Yes.
- 13 Q. "They will be intercepted and arrested by S019"; is that
14 right?
- 15 A. Yes, sir.
- 16 Q. You have considered whether the vehicles could be
17 covertly disabled?
- 18 A. Yes, sir.
- 19 Q. The feasibility of that was to be assessed; is that
20 right?
- 21 A. Yes, that's right. And possibly the significance, the
22 significant point in this was, should anyone attempt to
23 drive away, I am sure the court are very well aware of
24 this, but we do have to use only reasonable and
25 necessary and minimal amounts of force, and if you are

1 intending to stop a vehicle and arrest it with SO19
2 officers, that's a very high level of force.

3 SIR MICHAEL WRIGHT: Of force?

4 A. Of force to use, just by definition. So it's the sort
5 of thing I would want to make a note of. I am not just
6 saying the suspect, I am saying anybody driving that
7 vehicle, and could be of course that it might turn out
8 to be someone completely innocent who has been stopped
9 by SO19 in a very powerful, forceful manner.

10 MR HILLIARD: Right.

11 SIR MICHAEL WRIGHT: One sensible suggestion was the
12 possibility that the vehicles might have been disabled.

13 A. Absolutely, sir.

14 SIR MICHAEL WRIGHT: Of course you had to get to them first.

15 A. When you have vehicles that you are interested in, in
16 this sort of operation, you always consider and I did
17 consider is there a way in which we can stop that
18 vehicle from moving, both those vehicles from moving.
19 Sometimes one can do that covertly and sometimes, as
20 I think in this instance, we couldn't.

21 SIR MICHAEL WRIGHT: Not without being seen, anyway.

22 A. Absolutely.

23 MR HILLIARD: Then one out of order, if we just look at your
24 decision 20, this is simply about the desirability of
25 recording significant decisions, isn't it?

1 A. Yes. This is something, number 20, that I discussed
2 principally with Mr Esposito immediately after the
3 forward intelligence cell meeting. It might be
4 important to say that we were bringing together people
5 to work in that operations room who had never worked
6 together before to do a job that none of us had ever
7 done before and one which quite clearly might be very
8 high risk and very important. So I was discussing with
9 Mr Esposito how would we best keep logs in this
10 environment. I knew how I did it in the other room,
11 I was more familiar with working in, who is going to
12 keep what log here. You will be aware that there were
13 a number of different notes and a number of different
14 sets of material kept by various different people.

15 Q. So with that one out of order. Can we go back to number
16 13, please, so 60 Corfe House, Dorset Road, will attempt
17 to obtain OP, observation point, post?

18 A. Yes.

19 Q. And some control?

20 A. Yes.

21 Q. "Unable at this time to provide full response there"?

22 A. Yes.

23 Q. And you indicate in the reason that you haven't got
24 surveillance/SFO capability to cover this address as
25 well, and you go on to say that you have asked the

1 senior investigating officer for a priority order, and
2 that at this stage you will continue with full
3 operations at the first two addresses where planning has
4 begun, and that's Scotia and Portnall, isn't it?

5 A. That's right, sir, we were given the two priorities of
6 Portnall and Scotia to start with, Corfe and Blair were
7 mentioned. Sometime not very much later on, towards
8 9 o'clock or 9.15, it was apparent that there was more
9 interest in Corfe, and I was asked whether I could
10 undertake a similar sort of operation there now, and
11 I said no, but to Mr Boutcher, you know, in relation to
12 this: you are in charge, you tell me what the priority
13 is, I am working to you here and I am setting up at
14 these other two places, if you want me to move the
15 resources I have there, I may be able to. If you want
16 me to bring on other resources when they are ready and
17 rested, I was certainly planning to do that and we can
18 go to Corfe later. His view was just let us try and get
19 some control at Corfe, keep an eye on it, build up
20 a picture, work out what's going on and then when we get
21 the new resources, which we did in the middle of the
22 morning, I am sorry, they became available in the middle
23 of the morning, we were not able to deploy them until
24 lunchtime, we moved on to Corfe House.

25 SIR MICHAEL WRIGHT: By 9.15, which is when this decision

1 was made, you may not know the answer, in which case we
2 can ask Mr Rose when the time comes, do you know whether
3 the orange firearms team had then got to Portnall Road,
4 or somewhere in the vicinity?

5 A. I don't know, sir. I think they were going to wait at
6 Harrow Road police station.

7 SIR MICHAEL WRIGHT: That was their holding point?

8 A. That was their holding point. I don't know when they
9 were sort of deployed to anywhere further forward than
10 Harrow Road. I know that when we came to arrest people
11 who had come out of Portnall Road later on and no doubt
12 we may come to this at some stage, the officers actually
13 deployed from Harrow Road, so it may be that --

14 SIR MICHAEL WRIGHT: You don't know what the distances were?

15 A. I can't tell you now, sir, I can't remember, I remember
16 thinking Harrow Road is fine but I can't remember what
17 the distance was and I don't know what time they got
18 there.

19 MR HILLIARD: 14 was a decision about Silvers working up
20 plans for the safest way to clear the premises, isn't
21 it, and we can see the detail there?

22 A. Yes, that's right. We had agreed with Mr McDowall, we
23 are likely to do, if we come to address the premises, we
24 will be doing a containment and call-out as the
25 preferred option, we will then want to clear the

1 premises and both those tasks require except in
2 an emergency, some quite detailed work between the
3 people on the ground that I have named in that log. Not
4 sensible for me to be working up the detail of those,
5 but of course I was going to agree the plans before they
6 implemented them.

7 Q. If we look at your decision 15, we can see that it
8 begins, doesn't it, "Man on bus followed by grey team
9 from Scotia Road"; yes?

10 A. Yes, sir.

11 Q. Decision made, 9.52. I am going to come back to that.
12 I just wanted to look at an out of order one, although
13 perhaps not out of order so far as this is concerned.
14 If you go on to 32, please. Can you see:

15 "Decision not to divert buses around any of the
16 premises."

17 You just go back into a little bit of the history
18 here, even though this is a decision made at 11.10.
19 Before we deal with Mr de Menezes and the bus, I just
20 want to have this in mind by way of background. Can you
21 see the decision:

22 "Not to divert buses around any of the premises".

23 A. Yes, sir.

24 Q. Then you say:

25 "This is something I considered earlier on."

1 So that's before this decision at 11.10; correct?

2 A. Yes, sir.

3 Q. "It was suggested as an option by DCI Angie Scott. The
4 issue was raised as the premises at Scotia Road were
5 identified early on to be 'near' a bus stop. I have
6 been unable to ascertain how far away. But clearly it
7 is likely that a person come coming out of premises
8 might walk directly to the bus stop making it more
9 difficult for surveillance and in particular
10 intervention at an early stage. But to stop the buses
11 and divert them will draw attention to the area and
12 potentially alert suspects. I decided then", so that's
13 meaning back earlier, "and again (after the police
14 shooting at Stockwell) (where the man came from prems
15 and got on bus) that will not do so because of risks.
16 To be kept under review."

17 You have given your reasons for the decision, as it
18 were, at this time and earlier, so we don't need those
19 again. That had been raised, is this right, is it
20 before Mr de Menezes had come out at 9.34 by DCI Scott?

21 A. Yes, sir. As a suggestion specifically in relation to
22 the bus stop that was being raised and more generally,
23 so a decision I made then, I looked at again at 11.10,
24 for obvious reasons, and decided to stick with my
25 earlier decision.

- 1 Q. When she had raised it first of all, so we understand,
2 was it something she raised and immediately, as it were,
3 you say no or is it a topic that once raised will be
4 considered for some time before you made your decision
5 "no"? Do you see what I mean, is it: question raised,
6 answer no, or: question raised and then, as it were,
7 people giving a view or considering it, discussing it?
8 What is it?
- 9 A. I certainly discussed it at that time when first raised
10 with DCI Scott, I discussed it with Silver for
11 Scotia Road, and I discussed it with my SIO,
12 Mr Boutcher. So there was some discussion. But my
13 decision and I think it should have been my decision,
14 it's a finely balanced one. If you choose to close one
15 bus stop, you may -- you know, the nearest one -- allow
16 obviously a little more time. If you choose to close
17 lots of bus stops, firstly I don't think that was really
18 in my gift, the government were saying London is going
19 to keep on running. If I had tried to close the
20 transport system at around Scotia Road, Portnall,
21 wherever else I might go next, I would have been
22 bringing London to a halt so that would have been a big,
23 big decision. But just to close one, in my view ...
- 24 Q. Could you have closed one?
- 25 A. I could. Not necessarily incredibly quickly.

1 Q. Just so we understand?

2 A. Not something that the police officers on the scene can
3 do, but it is something that a call to the bus company
4 may allow a diversion fairly quickly, and may allow
5 a stop actually to be sort of physically closed.

6 One thing is for sure, it draws great attention to
7 what is going on around there and this was a time when,
8 you know, we all will probably remember that there were
9 lots of terrorist alerts and cordons being put up and
10 people associated changes like this with the terrorism
11 operations.

12 Q. Do you know whether enquiries were made or were you
13 aware of them being made of bus companies at all in the
14 discussion period?

15 A. I was not aware at the time, sir, this is obviously
16 something which has subsequently been put to me, but
17 I was not aware at the time.

18 Q. Anyway, you say your decision was not to stop or suspend
19 the buses?

20 A. That's right, sir.

21 Q. So if we can go, please, to your decision 15, we have
22 looked at the first sentence of that:

23 "Decision: Man on bus followed by grey team from
24 Scotia Road. Continue to follow to try to confirm
25 whether subject or not and to give intel about what

1 wearing, carrying et cetera for Kratos decisions.

2 "No approach by S012:

3 "Reason:

4 "Man on bus initially not thought by surveillance
5 team to be subject now thought to be so. Need to verify
6 this as much as possible visually and maintain
7 surveillance whilst trying to gain intelligence to
8 inform decisions."

9 So that's on, as it were, the continuing to follow
10 part, then your other decision:

11 "No approach by S012."

12 You give your reason for that:

13 "S012 not trained for Kratos intervention (or any
14 intervention)".

15 A. Sir.

16 Q. Now, just taking the first stages of this, you know,
17 I think, that the best time we can put on it is that
18 it's 9.34 when Mr de Menezes left the communal door, all
19 right? Can you just help us with when you first became
20 aware of him?

21 A. Yes. I can, sir, and on reflection, looking back, you
22 know, I did not have the loggist when I first became
23 aware of him, at least I don't think I did, and
24 I certainly didn't ask the loggist to write anything,
25 but I look back and think it would be clearer if I had

1 written something down when I first became aware of him.
2 Now, I cannot tell you what time that was. I can only
3 tell you, as it were, the sequence.

4 I first became aware of this man, who of course we
5 now know subsequently was in fact Mr de Menezes, when he
6 was on the bus. I didn't know then exactly where on the
7 bus, but I now realise that this must have been between
8 the bus stop that he got on at, which is not the one in
9 the last log, and the Brixton tube. But I can't tell
10 you exactly where or when that was.

11 Q. Just so we don't lose it, you think he is definitely on
12 a bus, you think, by the first time he comes to your
13 attention?

14 A. Yes.

15 SIR MICHAEL WRIGHT: You will forgive me for stating the
16 obvious: you were not told apparently when he actually
17 left the house or the building?

18 A. I certainly can't remember that, sir, I never remembered
19 that, the tape that I made shortly afterwards does not
20 tell me that, I don't remember anything before he is now
21 on the bus.

22 SIR MICHAEL WRIGHT: Nor do you have any recollection of
23 having any description or reference to him walking down
24 Scotia Road and along Marnfield Crescent?

25 A. No, sir.

1 SIR MICHAEL WRIGHT: Or Upper Tulse Hill or indeed waiting
2 at the bus stop?

3 A. No, sir.

4 SIR MICHAEL WRIGHT: Thank you.

5 MR HILLIARD: Doing your best now, and if you need to look
6 at anything, obviously do, what is it that's first said
7 that draws your attention to Mr de Menezes, as we now
8 know him to be?

9 A. Well, I was told there is a man on the bus, he had
10 briefly been thought to be a possible suspect but was
11 now no longer thought to be one. So I was told he is
12 not thought to be the subject and he is on the bus.

13 Q. So at first thought to be, and now not thought to be?

14 A. By the time I know about it, not thought to be, had very
15 briefly been thought to be.

16 Q. Is it the other way round in your note? "Man on bus
17 initially not thought to be and now thought to be"?

18 A. Yes, this is moving on one. We are further ahead now.

19 Q. All right, so it's back even before this?

20 A. Yes, absolutely.

21 Q. So you heard that somebody was thought to be what?

22 A. I was told there is somebody on the bus that they want
23 to stop, he is not thought to be one of our subjects,
24 but very briefly he had earlier on been thought to be
25 a subject. Now they don't think he is a subject and

1 they want to stop him. And I then spoke to -- I said
2 something like, "Well, why are we still following him,
3 if he is not a suspect?" I spoke very briefly to Silver
4 and to Mr Boutcher, and they said, look, we have
5 deployed the firearms -- excuse me, we have deployed the
6 surveillance team thus far, he has come from the same
7 block, we have got an opportunity, he is a long way away
8 from the premises, the surveillance team are with him,
9 we would like to talk to him discreetly and gain
10 whatever intelligence we can from him. I said, well,
11 all right then, carry on. But this is all before this
12 decision.

13 Q. Right. So you say that they can do that. Did you
14 understand who would be doing the speaking to him?

15 A. I can't remember.

16 Q. Not literally who, but which team?

17 A. I don't think I knew precisely who was going to do that
18 at that time. I now know that Mr Dingemans was deployed
19 to talk to him.

20 Q. Right.

21 A. And that makes perfect sense, I can see why, he is
22 an unarmed officer, he is going to talk to this person
23 who is not thought to be a suspect.

24 Q. So then you say, have we moved on by the time we see
25 decision 15?

- 1 A. We have.
- 2 Q. Can you take us on a bit then?
- 3 A. Yes. My loggist arrived in the room some time after
4 9.30 and I spent some time trying to brief him about
5 what I needed and indeed what was going on and obviously
6 I was dealing with other things as well, I had another
7 operation I was planning for further things during the
8 day. We then get to --
- 9 Q. Is that to do with this or a different operation?
- 10 A. Generally, I mean I had had -- I was in charge of these
11 operations, I knew these operations would run, I thought
12 I knew, for days and weeks. It's not like a quick -- it
13 was never going to be a few hours and we have finished,
14 I know how these kinds of things go. So I am looking
15 with my advisers, with other people like
16 Commander Allison, how are we going to set up the room
17 so that it will work, how do we set up the command
18 structure, how do we manage our resourcing? Where are
19 we going to get more firearms teams from?
- 20 Q. Is that for the other operation? You said I had another
21 operation, that's all?
- 22 A. At this stage --
- 23 Q. Do you mean apart from this one?
- 24 A. No, entirely -- the manhunt operation, the manhunt
25 operation is going to take days or weeks.

1 Q. Right.

2 A. When you first walk into any operation, your first job
3 is to try to pin down: what are we doing now, be able to
4 respond to anything that happens, and then also though
5 to put in place structures, systems, command processes
6 that will last for possibly days and weeks.

7 So I was talking to Mr Esposito about what is the
8 availability of further firearms teams, how are we going
9 to keep back a team if possible for threats to life,
10 kidnaps and things, for the rest of London. We can
11 bring people in from other forces. Those kinds of
12 conversations about surveillance teams likewise, how are
13 we going to mix and match them, we don't want to exhaust
14 them. I was simply trying to say I am dealing with lots
15 of planning for the longer term as well as the here and
16 now.

17 Q. Right. So can you just tell us how then this next part
18 fits in?

19 A. Yes.

20 Q. So someone thought to be first of all, then not thought
21 to be, and then you tell us we come on to this part?

22 A. Yes, so this is at 9.52 and I have taken that time quite
23 clearly from my loggist's log, from Mr Cremin's log.

24 I was told by the surveillance monitor that there is
25 a guy, as he called it, a man, outside the tube station,

1 and he said "Nettle Tip", and I said to my loggist
2 Nettle Tip is the code word for Osman, something like
3 that, so he wrote down "Osman". The monitor told me
4 that grey team, grey surveillance team, had control on
5 this person.

6 So I am standing in the control room, this is the
7 next thing I know about this person, and I am being told
8 that they think it's Nettle Tip, Osman. I have a couple
9 of --

10 Q. Where is this man, so we understand, at the time now you
11 are telling us, he is now outside the tube station; is
12 that right?

13 A. Yes.

14 Q. Right. Which tube station is that?

15 A. This is Brixton tube station.

16 Q. Right. Did you know that he was the man who had been
17 spoken about earlier?

18 A. Yes, I did.

19 Q. As you understood it, had he been followed from the bus?

20 A. No --

21 Q. If he is outside the --

22 A. I am not sure if he was on the bus or off the bus at
23 that stage.

24 SIR MICHAEL WRIGHT: Are we still around 9.52 or
25 thereabouts?

- 1 A. Yes, I am at 9.52. He is at the tube station.
- 2 MR HILLIARD: Does it help you just on this particular bit,
3 maybe we have to go between notes, to look at
4 Mr Cremin's log at all? Shall we look at it in case it
5 does? Very first page of that.
- 6 A. Thank you. It is helpful. But I am still not
7 absolutely certain when I was told they think it's
8 Osman, whether he was on the bus or he was just getting
9 off, you know, just about to get off the bus or off the
10 bus.
- 11 Q. 160. I am just going to leave the first four lines, we
12 are going back too far in time for those. Here we are,
13 9.52, so Mr Cremin has put a time down and, as you say,
14 you have taken that time in your decision log when you
15 said 9.52?
- 16 A. Yes.
- 17 Q. There we see it, don't we?
- 18 A. Yes.
- 19 Q. "Guy O/S [outside] tube station" and you have told us
20 that's Brixton?
- 21 A. Yes.
- 22 Q. "Osman, grey have", what's that?
- 23 A. Control. I think there is a word probably I think it's
24 tube crossed out. You might have to ask Mr Cremin.
- 25 Q. All right:

1 "Grey have control on him. What doing at tube
2 station? Very jumpy."

3 Would that be a question that you had asked?

4 A. Yes.

5 Q. "Establish ID and hold."

6 Who would be saying that, can you help?

7 A. This is where I have -- I am being told, I have got some
8 options, I could either try as soon as they have said
9 they think it's Osman, to turn to Mr Esposito and say:
10 I would like this person stopped straightaway, I would
11 like a challenge straightaway; or I can seek to gain
12 further information about his identity and what he is
13 doing, and I made the decision that I wanted them to
14 carry on with the surveillance and try to gain as much
15 intelligence as possible, either to confirm further who
16 he was, or perhaps they might then say no, it's
17 definitely not him, and also to tell me about what he is
18 doing.

19 Q. Hold means?

20 A. It means hold off, that's an instruction to S012 to just
21 keep with him and hold off.

22 Q. Right. Then it says:

23 "It is him, the man off bus."

24 Do you see that?

25 A. Yes, I do.

1 Q. Who is speaking there, is that somebody at the other
2 end?

3 A. No, I think this is Pat, the surveillance monitor
4 reporting.

5 Q. "It is him, the man off bus."
6 Then:
7 "They think it is him and he is very, very jumpy."
8 Again is that reported by Pat?

9 A. Yes, that's right.

10 Q. What I want to know is this: are you confident, please,
11 that what is being reported goes to the question of
12 whether or not the man who was Mr de Menezes was thought
13 to be Mr Osman, or whether the man outside the tube
14 station was the man who had come off the bus? Do you
15 follow the difference? What I want to know is: are you
16 sure that what was being confirmed wasn't, yes, the man
17 at the tube station, it is him, the man who got off the
18 bus. Do you follow, that that is not a positive link
19 that is being reported back? Do you follow the
20 difference between that on the one hand and it being
21 reported to you: oh, yes, Mr de Menezes is, as we know,
22 quite mistakenly being confirmed to be Mr Osman? Do you
23 follow, it's obviously a vital distinction, isn't it?
24 If what is being confirmed is that, hang on, the person
25 off the bus or getting back on it is the guy who was on

1 it; that's of much less significance, isn't it, than
2 a confirmation that he is believed to be Mr Osman? You
3 follow?

4 A. Yes, I do. I regarded that, I understood that to be
5 a -- obviously it's coming through Pat, Pat is
6 listening, I regarded it, understood it to be a further
7 confirmation, as I did the next line:

8 "They think it is him and he is very, very jumpy."

9 Q. There are a number of questions, aren't there, as to
10 whether the man who is being observed off the bus is the
11 man who was on the bus? That is a first question, isn't
12 it? Is it the same guy who was on the bus or is it
13 someone else, as it were, outside Brixton tube station
14 who has not come from Scotia Road at all?

15 A. Well, that could be a question, but when I am being told
16 by a surveillance monitor, he is been talking to me
17 before and I have then spoken to Silver, for me it was
18 the man who had been on the bus, is now thought to be
19 Osman, and then he gets off the bus. Then at the bottom
20 of the page, sir, if I may say, because it is still
21 relevant to that decision, "Don't want your people going
22 up to this man".

23 Q. "That will be SO19", I think is how that ends?

24 A. Yes.

25 Q. You are listening to Pat at this stage; is that right?

- 1 A. Yes, sir.
- 2 Q. There comes a time, and I don't know if it's now, when
3 I think you are able also, is this right, to hear some
4 of the talk between the surveillance team?
- 5 A. Yes, I was talking to Pat, Mr Boutcher was nearby,
6 Mr Esposito was nearby, and immediately I tried to speak
7 to my Silver, Mr Purser. At that stage, talking to
8 Mr Silver, (sic) got the open line, as planned, and
9 I can hear surveillance chatter we would call it in the
10 background.
- 11 Q. Just so we understand, what is that, just snatches of
12 talk or a clear narrative, so we have some idea?
- 13 A. It's very much snatches of talk. Easier to understand,
14 sir, if you are in the vehicle itself, easier still to
15 understand if you are a trained surveillance officer or
16 used to listening to surveillance.
- 17 Q. Is it safe for you, as it were, at one remove, hearing
18 snatches, is that the kind of thing that it's safe for
19 you to put any reliance or or not?
- 20 A. To the extent that I am used to listening to
21 surveillance commentaries, yes, but I am -- you know,
22 I did not have the open line in order to listen to the
23 surveillance commentary, I had the open line to talk to
24 my Silver, and I was only getting snatches from that.
25 So to that extent I wouldn't put -- I wouldn't be able

1 to say, well I had a complete picture of what they were
2 saying or what was going on.

3 Q. As you understand it, then, at that stage, you are being
4 told, are you, that they believe it is Osman or
5 Nettle Tip?

6 A. Essentially, yes. And I then did speak to Silver.

7 Q. Right.

8 A. And he confirmed his understanding was that they were
9 sure it was him. Again, that's, I understand that's
10 removed but that's what his understanding was.

11 Q. You say that was his understanding; as far as you were
12 concerned at that moment, was that a positive
13 identification of one, as it were, without room for
14 doubt?

15 A. No, sir, I did have room for doubt, I would have room
16 for doubt at that stage. There is a very small time
17 period between them first saying it's him and this
18 confirmation from Mr Purser, and although Mr Esposito is
19 standing next to me and he is on the phone to the
20 firearms teams and the firearms teams are, I assume,
21 moving, think they will be starting to move because this
22 is, you know, an identification, I was still in
23 an intelligence gathering phase.

24 Q. We heard from one witness, is this right, that nowadays
25 there is a system of reporting by surveillance officers,

- 1 there is a positive identification, a possible
2 identification or someone's been eliminated?
- 3 A. Yes.
- 4 Q. Is that how it works now?
- 5 A. It's a very, very new system.
- 6 Q. Yes?
- 7 A. Just being in effect trialled I think in the
8 Metropolitan Police, but those are the three categories
9 that are now being trialled.
- 10 Q. Presumably that avoids questions because for us if we
11 see written down for the sake of argument, "I think it
12 is someone", it may mean that's, as it were, my firm
13 expression of belief or it may mean "I think" as opposed
14 to I am not certain that it's someone, it may look
15 ambiguous on the page?
- 16 A. If it's written down, certainly it can be
17 misinterpreted, usually when it's spoken it's a little
18 clearer where the emphasis is.
- 19 Q. Yes, right, so what did you do next? You thought it was
20 him, as it were, but the possibility that it wasn't
21 still existed in your mind? Is that putting it --
- 22 A. That's right.
- 23 Q. Right. You choose your own words.
- 24 A. Yes.
- 25 Q. Yes, so what happens now?

1 A. I am asking for more information about exactly where,
2 where is he now, and he's back, he's got back on to
3 a bus. Initially I did not understand that it was the
4 same bus, I just knew he was on a bus. But I then
5 realised he had got off a bus, got back on to the same
6 bus, which struck me as slightly strange. And that was
7 the first time actually that I was told: "it's the
8 number 2" and I was given the registration mark for the
9 bus.

10 SIR MICHAEL WRIGHT: It looks as though you are at the top
11 of page 161 on the log.

12 A. Yes, sir.

13 MR HILLIARD: Do you have that?

14 A. I have, thank you.

15 Q. So 9.56, still on bus, there is the registration of the
16 bus and the route. It says here:

17 "Stockwell Road up on map."

18 Can you just explain that for us?

19 A. Yes. Well, I knew the bus was on the Stockwell Road,
20 I know that area very well, I know the route that the
21 number 2 takes.

22 Q. Just dwelling on that, this area going up the Stockwell
23 Road towards the tube, we don't need to go into how, but
24 it's an area that you know well?

25 A. I know it very well and I travel and travelled then

1 often on the number 2, so I do know it well. I wasn't
2 absolutely certain that he was on the Stockwell Road
3 until I was told Sydney Road but I thought he would be
4 and I wanted to see, so I think this is me speaking
5 "Stockwell Road, get it on the map, please".

6 SIR MICHAEL WRIGHT: There is a reference there to up on
7 map.

8 MR HILLIARD: That's what I am really interested in.

9 A. Yes.

10 Q. What does that mean?

11 A. It's either me asking for the Stockwell Road to be
12 projected up on a screen which could happen in some
13 control rooms, or it's me saying, you know, get the
14 Stockwell Road on the Geographia, and I actually can't
15 remember, sir -- I can't remember whether there was
16 a map projected up or not.

17 SIR MICHAEL WRIGHT: You said originally some time ago that
18 you looked at the Geographia. What's that, the A to Z?

19 A. The sort of big A to Z.

20 SIR MICHAEL WRIGHT: So that was available?

21 A. That was available and I looked at that, I remember
22 looking at that.

23 SIR MICHAEL WRIGHT: That's something Mr Mansfield will be
24 pleased to hear.

25 A. I confirmed where the Sydney Road was, and then I was

1 really confident I knew where this bus was going.

2 SIR MICHAEL WRIGHT: Can you remember, it may not matter

3 much if you can't, you had a Geographia, which is one of

4 the big ones, a big volume, do you know whether there

5 was a facility in that control room to project the

6 relevant map on the wall or on to a screen?

7 A. There most certainly is now, sir, I simply can't

8 remember whether that facility did exist back then,

9 I just can't remember.

10 MR HILLIARD: We are going to see a reference to it, but if

11 you go to section 11 and the map that's got 23C in it,

12 so we can see where Sydney Road is. Just above

13 "Stockwell" bottom left on that, can you see it's the

14 road above it that's running to the right of

15 Stockwell Road as we look at it?

16 A. Yes, sir.

17 Q. While we have the map open, a little bit further up on

18 the left, we can see Stockwell tube is marked and

19 Stockwell Road and then South Lambeth Road we can see?

20 A. That's right, sir, yes.

21 SIR MICHAEL WRIGHT: This in fact I think is probably

22 a projection of the A to Z, it looks pretty familiar.

23 A. Yes, sir.

24 MR HILLIARD: If we just stay with 161, so the loggist's

25 note, there is this:

1 "Are you moving your firearms team. Yes."

2 Do you see that?

3 A. Yes, sir.

4 Q. What's that about, please?

5 A. That was me confirming with Mr Esposito, I think, that
6 the firearms team were definitely moving in our
7 direction, in the right direction, if you like, towards
8 this person on the bus.

9 Q. Then there is a reference to:

10 "Number 2 route Sydney Road going north."

11 We just looked at Sydney Road:

12 "Ring Tim White, maybe going to arrest one of the
13 suspects now".

14 Just in a sentence or two, what's that about?

15 A. I may come back to this, I think there was some speech
16 before then but not all captured by the loggist, the
17 loggist is unable to capture all --

18 Q. Do you want to do that. I don't want to get you out of
19 turn. There is a bit of speech before that, then we
20 will come back to that.

21 A. When Mr Purser said they are sure it's him, I said:
22 right, we will carry on with the surveillance, firearms
23 team should be moving or something like that, and I then
24 started to make it clear that if we did believe it was
25 Nettle Tip, then we would be going to arrest him at the

1 safest possible opportunity. Sorry, at the first safe
2 opportunity is a better way of putting that.

3 So both Mr Esposito and Mr Purser were aware of
4 that. It certainly wouldn't surprise either of them.
5 I don't know how much they were listening to everything
6 going on, but certainly Mr Esposito right next to me was
7 very well aware that would be the way my thinking was
8 going, and as you probably know, it's his job to keep
9 proposing options to me and keep checking my thinking.

10 Q. Then do we come to the "Ring Tim White"?

11 A. Yes.

12 Q. Tell us who he was?

13 A. Tim White was the Detective Chief Superintendent White,
14 Detective Chief Superintendent in the anti-terrorist
15 command. He was sitting amongst many other
16 responsibilities on what we call the Gold group and it
17 would be very relevant to him if we were going to arrest
18 one of the suspects. He would want to know at an early
19 stage.

20 Q. That's what that is?

21 A. It's an aside, really, I asked someone to ring him and
22 let him know so that he would be aware, not taken by
23 surprise, could start sending the right resources to
24 support the arrest in terms of forensics and that sort
25 of thing.

1 Q. Next, do you see: "Silver still holding
2 Nightingale Lane"?

3 A. Yes.

4 Q. An earlier question and answer, are you moving your
5 team, firearms team, answer yes, and here we have
6 "Silver still holding Nightingale Lane"?

7 A. Yes. I am not sure who said that. I asked, when
8 I briefed DC Cremin, I asked him to write down the
9 things he thought were important and in particular if he
10 thought I was making any decisions, but to write down
11 information from wherever it came from, that he thought
12 might be important.

13 I asked him if he could remember to write my name
14 against something either where it was a decision or you
15 know, he wanted to note that it was me that was
16 speaking. I don't know who said this. I don't doubt
17 for one second that somebody did say that around about
18 that time, but when I have read it in the log, I have
19 thought well I would be surprised actually if Silver was
20 still holding at that Nightingale Lane, I would have
21 thought he would be on the move.

22 Q. Or I suppose you may simply have been receiving
23 contradictory information?

24 A. Quite possible, it's very fast-moving, snippets coming
25 in from all sorts of different directions.

1 SIR MICHAEL WRIGHT: Because this was information about
2 Mr Purser and the firearms team, would I be right in
3 supposing that it probably came to you through
4 Mr Esposito?

5 A. Quite possibly, sir, yes, quite possibly.

6 SIR MICHAEL WRIGHT: Rather than Pat?

7 A. Rather than?

8 SIR MICHAEL WRIGHT: Pat.

9 A. I don't think that would come from Pat.

10 SIR MICHAEL WRIGHT: Because he was the surveillance.

11 A. Yes, no, that's right.

12 MR HILLIARD: It looks as if before Silver, and I don't have
13 the original here so I can't help, something looks as if
14 it may have come out.

15 A. Oh yes.

16 Q. Just make sure, would you --

17 A. I see what you mean.

18 Q. -- lest that sheds any light in any direction?

19 A. Ah, you are quite right, sir, it's Silver's name which
20 of course now doesn't need to be erased because it says
21 Greg Pursell, actually, Mr Cremin has written down "Greg
22 Pursell", then he has put "Silver".

23 Q. So "Greg Pursell Silver still holding Nightingale Lane"?

24 A. Yes, sir.

25 Q. Right. Then looking at Mr Cremin's note:

- 1 "Still Stockwell Road on bus travelling north."
- 2 Do you see that?
- 3 A. Yes, sir.
- 4 Q. Then there is a time, 9.59?
- 5 A. Yes, sir.
- 6 Q. "Denim clothing. Bus is almost at Dorset Road. Top
7 deck heading down the stairs."
- 8 I just want to look at one more entry here:
- 9 "Guy has been on phone sending text messages."
- 10 Do you see that?
- 11 A. Yes, sir.
- 12 Q. That's at 01, perhaps we can go to the end of the page.
13 Then your initials --
- 14 SIR MICHAEL WRIGHT: That's 10.01?
- 15 A. Yes, sir.
- 16 MR HILLIARD: Your initials: "CD. If good ident, can't let
17 him down the tube."
- 18 Yes?
- 19 A. Yes, sir.
- 20 Q. So should we understand, if you have said there "if good
21 ident", what's that, if good identification?
- 22 A. Yes, sir.
- 23 Q. Does that mean you were, as it were, still entertaining
24 a doubt at that stage?
- 25 A. No, I don't think it does, sir, by this stage I believe

1 that the firearms team -- sorry, that the surveillance
2 team, excuse me, believe that this is Nettle Tip.
3 Again, there is perhaps some things that have happened
4 that Mr Cremin has not been able to note, and that's not
5 unexpected. So in this time, around about this time,
6 going back up, I have asked -- I asked a question about
7 what's he carrying, what's he wearing, I get the answer
8 there, "denim clothing". I made the comment, well, it's
9 almost at Dorset Road, the bus is almost at Dorset Road,
10 I know the area, and I know that it's perhaps half
11 a mile further on. So I don't know at this stage what
12 this person is going to do. They are on a number 2 bus.
13 They are perhaps going to get off at the next stop or
14 the next stop or they may be going to travel right the
15 way into town, into Victoria or up into the north of
16 town, but one of the things I was thinking of, he might
17 be going to Dorset Road.

18 I had already been considering the possibility,
19 together with Mr Esposito, of an intervention on the
20 bus, which was not an option that either of us favoured.
21 I could imagine that I might have to do that at some
22 stage but I did not want to do that. So I was looking
23 for the safest opportunity for him to be challenged and
24 in my mind's eye that was going to be when he was off
25 the bus, depending of course on what happened in the

1 interim.

2 So in this, I mean, it's very quick, it's only a few
3 minutes, but in this time there are lots of
4 conversations going on, I am talking to Mr Esposito,
5 I am talking to Silver, I am getting some information
6 from Pat, and Mr Boutcher I think just after I asked for
7 a percentage, asked for a one to ten in terms of the
8 identification.

9 Q. Right, just pause a moment. So you ask for
10 a percentage?

11 A. Yes.

12 Q. And Mr Boutcher asks for a 1 to 10?

13 A. Yes, sir.

14 Q. Of the identification?

15 A. Yes, sir.

16 Q. What response do you get?

17 A. Well, I never got a reply.

18 SIR MICHAEL WRIGHT: Forgive me. For you to ask the
19 question you asked, percentage, Mr Boutcher asking
20 really the same thing, 1 to 10?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: May we infer that as far as you were
23 concerned at any rate, we know what Mr Boutcher says
24 about this, you were short of a positive identification?

25 A. I wanted to know what percentage they gave. It's a very

1 common question to ask. Extremely unlikely and in such
2 a fast-moving thing, quite unlikely I think to get
3 100 per cent, they don't perhaps, you know, this team
4 haven't had very long looking at this person and they
5 have not seen him before, they don't know him. But if,
6 whatever answer I had got would have informed my
7 decision-making, and at any time I was aware that,
8 although they had said these things to me, and I have --
9 we may come to this, I got some more confirmation in
10 a second, they could change their minds, they could get
11 a different view.

12 So in terms of the modern way of the trialling the
13 new system, was it at that stage positive I don't think
14 that I could describe it as that.

15 But I did believe that they believed it to be him.
16 I wanted to know what percentage --

17 SIR MICHAEL WRIGHT: What their percentage of confidence
18 was?

19 A. Yes, sir.

20 SIR MICHAEL WRIGHT: A question I have been asked to ask you
21 is this: when you heard he was on the bus, did you
22 contemplate the possibility that he might be going to
23 detonate on the bus --

24 A. Erm --

25 SIR MICHAEL WRIGHT: -- if it was in fact Osman?

1 A. I did. When I mentioned that I thought I could be
2 forced into a position where I might have to do
3 an interception, I was thinking then I may get more
4 information which makes me more concerned about this
5 person and his behaviour. So I already knew that he was
6 nervous. I am sorry, the word that Mr Cremin wrote down
7 was: he is very, very jumpy. I had asked what he was
8 carrying, I subsequently was told that he was nervous,
9 and I think the phrase "agitated" was used, so at this
10 stage I am sort of building a picture. But it did occur
11 to me that I might get information which suggested he
12 poses an immediate imminent threat to the people on the
13 bus. But I did not have that back at sort of 9.56.

14 SIR MICHAEL WRIGHT: You knew, did you, that for at least
15 a substantial part of the journey down the hill towards
16 Brixton and thereafter, there were surveillance officers
17 or a surveillance officer on the bus?

18 A. I didn't know that, sir, no, not at the time. I mean,
19 I knew that when I was first told that, you know, they
20 seemed to be confident of the follow, if you like. If
21 there has been a surveillance loss, as we call it, so
22 they are uncertain whether they have been watching the
23 same person all the time, they will always say so.

24 SIR MICHAEL WRIGHT: I was thinking really of the question
25 of any information that might lead you to think he was

1 going to detonate, you didn't get any such information?

2 A. I got the information about him being nervous and jumpy
3 and agitated, so at that point, my natural assumption
4 would be there is someone on the bus with him.

5 SIR MICHAEL WRIGHT: I think what lies behind the question
6 is whether or not you ever seriously contemplated trying
7 to intervene, make an intervention, on the bus?

8 A. I did, but not between Brixton and Stockwell. I was
9 thinking if this goes on and I get further information
10 coming in, I might have to think about doing this either
11 on the bus or you know, putting firearms officers on the
12 bus stops, those sorts of things. But I had not got to
13 that stage, I think is probably the answer in terms of
14 my picture of what he was likely to do. I must stress,
15 sir, this is very fast-moving; from Brixton to
16 Sydney Road is a matter of a very few minutes.

17 SIR MICHAEL WRIGHT: Thank you.

18 MR HILLIARD: Right. So the "if good ident, can't let him
19 down the tube", you are expressing that that way
20 because, as far as you were concerned at that time, the
21 view could change as quickly as it had already?

22 A. It's always possible that surveillance team may change
23 their view, yes, that's right. This is me definitely
24 speaking and I'm speaking to, I think, Silver, but the
25 way we had set things up, I have got Mr Esposito right

1 next to me, so he is talking to Trojan 84, who is
2 sitting next to Mr Purser, and this is what I am saying,
3 we have now been told, he is sending text messages, he
4 is heading off the bus, and I am saying if he is heading
5 off the bus towards Stockwell tube station, I want the
6 interception before then, as long as it is still a good
7 identification.

8 Mr Purser said to me, "They are certain it's him".

9 Q. They are certain it's him?

10 A. Yes. I think I should also add, I never got an answer
11 to the specific question of what is the percentage or
12 what is the 1 to 10, but Pat again said at that stage,
13 "They think it's him", and he said it with some urgency,
14 "They think it's him", so you know, my level of
15 confidence, as you put it, sir, has gone up again twice,
16 two more notches because of that.

17 Q. Do you have any idea, I just want to know, does anybody
18 tell you how many people have been observing him for how
19 long and in what condition? Do you get any information
20 like that or not?

21 A. I am afraid I didn't in this instance, sir, no.

22 Q. Do you sometimes?

23 A. Not in a fast-moving dynamic operation like this, no.

24 We work to a system whereby there is a surveillance
25 monitor, so he is listening in, making some sense of it.

1 There is also a team leader for the surveillance, and he
2 will be assessing and making some -- something of it as
3 well, or she, I think in this case it was a he. And you
4 know, they will be constantly thinking about this, but
5 I would not be told and Silver would not know whether
6 there is one surveillance officer on the bus or two,
7 where they are, how long they have been able to look at
8 the person for. This is a difficult thing to capture.

9 Q. The team leader of course is having to assess all sorts
10 of differing views that come in from a team, and it may
11 mean it would be quite misleading for those to be
12 represented as a single view. Do you see what I mean?
13 People may well have different levels of certainty.

14 A. I do. I do see what you mean. I think normally the
15 team leader, firstly they will, generally they will know
16 who on their team is particularly skilful and these are
17 all experienced surveillance officers, but it is the
18 case that although they would all be better at
19 identifying people than you or I, some of them will be
20 better than others and the team leader will know that,
21 and will try often, if the issue at stake is
22 identification, and deploy the person on the team or the
23 people on the team who are best at doing this, and they
24 will be making an assessment of the overall views, but
25 it's a difficult job, I understand that entirely, you

1 are bringing together perhaps several different people
2 have had a bit of a look and you have to make
3 an assessment from that.

4 By that, I mean, both the surveillance monitor and
5 also the team leader.

6 SIR MICHAEL WRIGHT: You tell me it was Mr Purser who said
7 "they are certain it's him"?

8 A. Yes, sir.

9 SIR MICHAEL WRIGHT: Were you surprised to hear Mr Purser
10 say that?

11 A. No, sir, I wasn't, he was listening to the surveillance
12 radios in his car, so he heard --

13 SIR MICHAEL WRIGHT: That's what I wanted to know.

14 A. I am sorry, that's the chatter I was talking about when
15 I was talking to him on the telephone.

16 SIR MICHAEL WRIGHT: Purser at any rate a Silver in one of
17 the firearms cars --

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: -- would be overhearing the
20 interchanges between the various surveillance officers.

21 A. He would, I mean, of course again it's a busy
22 environment, different conversations going on, him and
23 his tac adviser, tac adviser/driver, telephone calls.

24 SIR MICHAEL WRIGHT: I just want to be sure that he had
25 a source of information, that's all.

- 1 A. Yes, he has a radio in his car.
- 2 MR HILLIARD: Is it the same or a different source of
3 information to Pat? Are those two extra confirmations
4 or are they in fact one at different levels? Do you see
5 the question: Are they actually getting their
6 information from anywhere different?
- 7 A. They are getting -- no, I think they are getting their
8 information precisely the same from the same radio
9 channel, Pat of course may also be speaking on the
10 telephone to a member of the surveillance team,
11 potentially, the tac adviser is also speaking to
12 a member of the surveillance team so there could be some
13 differences but in terms of the radio channel, they are
14 both listening to the surveillance as it is going on on
15 the radio channel.
- 16 SIR MICHAEL WRIGHT: Where do you reckon Mr de Menezes was
17 when you heard that expression from Purser? Still on
18 the bus?
- 19 A. The first time when he said they are sure it's him was
20 quite early on, after Brixton but fairly early on.
- 21 SIR MICHAEL WRIGHT: So he was on the bus?
- 22 A. Yes. Then the second time "certain it's him", I am not
23 sure, sir, maybe as he was coming down the stairs,
24 something like that.
- 25 SIR MICHAEL WRIGHT: Just about to get off the bus.

1 "Reason.

2 "The man is believed to be suspect for one of
3 yesterday's suicide bomb attempts. He is described as
4 very jumpy and agitated. He has been on phone and
5 sending text messages. This is (Stockwell) the tube
6 entrance where one of the suspects entered the system
7 yesterday. I have checked and re-checked the
8 identification and team state they believe him to be
9 subject. If he were to enter the tube system I would
10 have no contact/comms ... "

11 Communications?

12 A. Yes, sir.

13 Q. "... with surveillance teams, could not provide SFO
14 support and believe I cannot take the risk that he may
15 be able to detonate bomb. However, he is not carrying
16 anything", then it's continued over, isn't it?

17 A. Yes, sir.

18 Q. "No wires visible. He is wearing denims and cannot rule
19 out has secreted explosives/weapons but this is not
20 a Kratos deployment per se in that there is not
21 intelligence stating that he is carrying explosives.

22 "I am aware of the risks of a challenge and also
23 aware of the numbers of members of public likely to be
24 in station. This is far from ideal location for
25 interception but I simply do not think it right to allow

1 such a subject to travel on the tube thereby:

2 "1. Potentially endangering the public immediately;

3 or:

4 "2. Potentially escaping detention and endangering
5 public in future. S012 closer but not
6 equipped/trained".

7 A. Yes, sir.

8 Q. All right?

9 A. Yes.

10 Q. If we can just go back a page, then, so to the one that
11 has decision 16 on it, when you say "I have checked and
12 re-checked the identification and team state they
13 believe him to be subject", what's that about? What's
14 that a reference to?

15 A. That's a reference to my conversations with Pat and
16 Silver. So at no time did I speak directly to the
17 surveillance team. I wouldn't expect to in
18 a fast-moving operation like this. So that's me
19 checking and re-checking through Pat and Mr Purser.

20 Q. I think you have seen, haven't you, the surveillance
21 running log that was being kept?

22 A. Erm --

23 Q. By that, I mean the one that was at New Scotland Yard?

24 A. Yes, sir. I have seen it subsequently, yes.

25 Q. We will get a copy up. It's page 447. We have looked

- 1 at this before.
- 2 A. Yes, sir.
- 3 Q. This is what Pat is typing; is that right? The
4 surveillance monitor.
- 5 A. Certainly part of Pat's job is to type during
6 a surveillance operation.
- 7 Q. When you spoke earlier -- I think you did -- of seeing
8 something up on a wall, would that have been this or was
9 this just on a screen?
- 10 A. I am sorry, I meant screen.
- 11 Q. So we can forget about wall, as it were?
- 12 A. Yes, one projection up in the air, that's where I saw,
13 a long time earlier, the two people had come out and
14 therefore I worked out communal door, I saw it on that
15 screen, and that's where his logs were projected.
- 16 Q. So if you look at what we have on the screen at the
17 moment, do you see 9.34, UI and so on, male, this is
18 what you are saying is going up on a screen on the wall?
- 19 A. Well, I don't know whether it was, sir, I can't say
20 that, I didn't look up on the wall during this extremely
21 important part of the operation. I am focused, I am
22 talking to Mr Esposito, talking to Mr Purser, talking to
23 Pat, working out what's going on. I am not -- I didn't
24 look up, so I don't know what was written at the time.
- 25 Q. No, don't worry about what was written at the time for

1 the moment, but do you mean that had you looked, you
2 would have been able to see it on the wall? That's what
3 I am getting at. Or do you not remember?

4 A. I think for both Portnall and Scotia Road there was
5 a running log up on the wall. What I am saying is
6 I don't know when these entries were made and I didn't
7 look at it during the operation.

8 SIR MICHAEL WRIGHT: I understood them to be going on to the
9 computerised typewriter, on to the keyboard as and when
10 Pat got them.

11 A. They may well have been, and certainly sir during, you
12 know, the more normal operation would be run in such
13 a room where perhaps there is three or four very
14 significant things happen during the day, the person
15 would type it at that point. My view, however, is that
16 Pat had more important things to be dealing with than
17 typing this. So Pat had a very difficult job. Pat was
18 listening to the surveillance team, trying to make sense
19 of it, passing it to me, answering questions from me and
20 Mr Boutcher, talking to the surveillance team leader on
21 the phone. It's a very, very pivotal and difficult
22 role. Not the highest of his priorities, I think, would
23 be typing this at the time.

24 SIR MICHAEL WRIGHT: Forgive me, if he is going to keep it
25 at all, he cannot allow much delay in keeping it up, can

1 he?

2 MR HILLIARD: It's called the running log, isn't it? If you

3 simply write it two hours later ...

4 A. Yes, I'm not suggesting for one second he is writing it

5 two hours later, I am just saying I didn't see it at the

6 time, I saw it subsequently, and you know, it's

7 obviously a matter for Pat when he was writing these

8 things.

9 SIR MICHAEL WRIGHT: Each monitor has a screen like this in

10 front of him.

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: We can see the photographs if you like,

13 there is one on the desk in front of him. Then we are

14 told that there are screens actually high up on the

15 wall.

16 A. That's right, sir.

17 SIR MICHAEL WRIGHT: It is true that the only witness who

18 has talked about it can't remember whether the screens

19 were activated or not. Can you?

20 A. I am quite sure they were earlier on in the day, yes.

21 SIR MICHAEL WRIGHT: And that in fact what we see in this

22 surveillance running log is what should be coming up on

23 the screens at some point?

24 A. Absolutely, as it is typed, it would be up on the

25 screen.

1 SIR MICHAEL WRIGHT: Thank you, that's why it's helpful.

2 MR HILLIARD: Divider 21 in the bundle, we have some
3 photographs of the control room.

4 I cannot tell you exactly, I am sure we can find
5 out, when it was these pictures were taken, and you will
6 know straightaway, or you may, whether what we are
7 looking at is different in significant ways. Can you
8 show us whereabouts, if it was coming up on the wall,
9 and there are more pictures than that one. There are
10 four of them, I think, if you want to turn through it
11 may help you.

12 SIR MICHAEL WRIGHT: I think you are looking at the wrong
13 wall at the moment.

14 MR HILLIARD: I am not looking at any wall, I am saying look
15 at all four pictures and all four walls and find a wall,
16 even if the screen isn't still there, if it's changed,
17 so we know where we are looking.

18 SIR MICHAEL WRIGHT: The one that is on our screen is 33B,
19 which may be one of the helpful ones.

20 A. Sir, I think this is a photograph taken a bit later on,
21 when the room has been as it were, spruced up quite
22 a bit. But essentially the screens that I am referring
23 to are visible in the one as you say, sir, 33B.

24 SIR MICHAEL WRIGHT: They are the ones just under the
25 ceiling.

1 A. Exactly, so on the extreme top left of the picture, the
2 surveillance monitors sit in these three chairs just
3 coming back towards the centre of the screen, they type
4 in front of them, you can see the keyboard for the
5 person on the left, and then the log I think it was
6 visible certainly at the beginning of the day on the
7 screen on the wall, as you said, sir, near the very top
8 left of the picture.

9 MR HILLIARD: Now --

10 A. Sorry, that's a useful thing to have, it wasn't a system
11 I was particularly familiar with, it was very useful to
12 be able to walk into a room, what's going on, quickly
13 look there, you don't have to bother people and ask
14 people, it's shown.

15 Q. Just looking at 9.34, 9.39, 9.48, 9.50, 52, 54, 10 and
16 03 and 05. You can see that. What is referred to is
17 U/I male, unidentified male?

18 A. Yes, sir.

19 Q. That's not what you say you heard?

20 A. No, I mean, I am sure this is not a direct sort of
21 trans -- he is not transcribing, as it were, what they
22 are saying, he is not writing down precisely the words
23 they are saying, after all, he is only writing a few
24 quite rightly every few minutes, but the nub of the
25 issue is, when I saw this log afterwards I was very

1 surprised because as I say, I had through these other
2 people, checked and re-checked and I was given a high
3 degree of reassurance that the surveillance team thought
4 it was him.

5 I would have expected, I think, for something other
6 than "unident male" to be written on the screen.

7 SIR MICHAEL WRIGHT: Presumably Pat, as it was Pat, this is
8 the surveillance monitor's running log, is it not?

9 A. It is, sir, yes.

10 SIR MICHAEL WRIGHT: He appears to have put in every
11 reference to the movement of the subject of your
12 surveillance or their surveillance, he has put the
13 mnemonic, if you like, U/I, which I take it may mean
14 "unidentified".

15 A. Absolutely, sir.

16 SIR MICHAEL WRIGHT: So something must have been said to him
17 which led him to conclude that that was the proper
18 description. Admittedly it's an unfair question of you
19 because we will have to ask him. Would you not accept
20 that that must be so?

21 A. Could I just scroll back and look at the previous page,
22 sir?

23 SIR MICHAEL WRIGHT: Yes, go back to the previous page. He
24 comes out, you will see, at 9.34.

25 A. I suppose the only difference is the PIW-NT.

1 SIR MICHAEL WRIGHT: Possibly identical with.

2 A. Yes, and I think NT is Nettle Tip. From thereon in,
3 I absolutely agree with you, sir, he has written
4 "unidentified male" and I can't say why that is.

5 SIR MICHAEL WRIGHT: Would you have not expected that if at
6 some point one of the surveillance officers had said
7 "I am certain it's him" that Pat would or possibly
8 should have recorded that fact, because that would be
9 an upgrade as far as identification is concerned?

10 A. He has a lot of messages coming in. As I say, he said
11 to me very definitely no response to the 1 to 10, he
12 said to me, "they think it's him", therefore with that
13 sort of emphasise, "they think it's him", rather
14 urgently, I would agree with you, sir. That's why I was
15 surprised when I read the log, it doesn't give any
16 indication of the picture that I was being given.

17 SIR MICHAEL WRIGHT: Very well.

18 MR HILLIARD: Given the different reports that were made to
19 you at different times, do you remember, "It might be
20 him", "It isn't him" and so on, did you consider the
21 possibility that there may have been any
22 miscommunication or misunderstood communication between
23 the teams and the control room? Is that something you
24 take into account?

25 A. I think the first thing to say is that in any operation

1 like this, identification is extremely important for
2 reasons which are sadly only too apparent to us here.
3 So it's always important for the commander to find out
4 who is this person, is it the person we think it is, and
5 if, possible to allow time for the surveillance team to
6 find that out. And it's always in a fast-moving
7 situation, you know, you are getting, as I said,
8 snippets of information and a picture may change.

9 I didn't think specifically there may be
10 a miscommunication, but I certainly recognise that
11 different people, you know, could have different views,
12 different people would have different glances at
13 different times, I do understand that.

14 Q. Because you did have a background of "It's not him", "It
15 might be him" and so on?

16 A. Of course assume, "It's not him", "It's him" is not
17 unusual in my sphere of working, and if you do have
18 uncertainty, and time is on your side, so you don't
19 think there is any imminent threat, you always seek to
20 get a greater level of identification. Unfortunately on
21 this occasion time turned out not to be on our side.

22 Q. Just if we turn over the page, thank you very much,
23 to -- sorry, I am leaving that now and going back to
24 decision 16, the second part of it. Do you remember
25 I just asked you about the first part of that? At the

1 top of this page:

2 "He is wearing denims and cannot rule out has
3 secreted explosives/weapons but this is not a Kratos
4 deployment per se [so in itself] in that there is not
5 intelligence stating that he is carrying explosives."

6 I just want to jump ahead a little bit just at this
7 point and then we will pick up the sequence.

8 Move away from the situation. Had you, in
9 a situation, been going to order that a critical shot --
10 so a fatal, lethal shot -- was deployed, do you give
11 a code word if you are operating under Kratos?

12 A. Kratos was a phrase which was often used as a cover all
13 for the Kratos People operation and the Clydesdale
14 operation.

15 Q. And Clydesdale, yes?

16 A. Kratos People, so this isn't the, you may remember, big
17 event for New Year's Eve, this is someone has called up
18 from the street and said, "I am worried about this
19 person" either a member of the public or the police, and
20 Kratos, at that time there was no code word.

21 Q. Right, you will see why I am asking this when we come to
22 another document. So first of all there wasn't a code
23 word you would have had to have used to order a critical
24 shot?

25 A. No, sir.

1 Q. Secondly, did you ever use any such code word on this
2 day?

3 A. No, I did not sir.

4 Q. Thirdly, can you help:

5 "... this is not a Kratos deployment ... in that
6 there is not intelligence stating that he is carrying
7 explosives", can you just help us how that fits, what we
8 are looking at there?

9 A. I regret it's slightly clumsily put, the second half --
10 well, perhaps all of it, but certainly the second half
11 of the sentence. But what I am saying there is, I am
12 assessing the situation, I have somebody who they
13 believe -- the surveillance team believe is the person
14 who has attempted the bombings yesterday. If it's that
15 person, then they are, you know, by definition somebody
16 who poses potentially a great threat.

17 In addition, I have been told that he's nervous, he
18 is agitated, he is sending text messages, he is on the
19 bus, he is off the bus, he is on the bus, so I am
20 getting a picture of somebody who not only is identified
21 as the person from the day before but also is behaving
22 in a way which, albeit all things that an innocent
23 person might do, adds to the picture to me of somebody
24 who poses a threat. A very significant threat, perhaps,
25 I can't be sure what threat he poses. I do not have

1 intelligence from the security service or one of my
2 officers saying, "We think we know what this person is
3 going to do", you know, an informant has just told us or
4 whatever it might be. I do not have that. So I am not
5 sure what threat he actually poses right now absolutely
6 immediately, but I am sure that they think it's the man
7 from yesterday.

8 So that's when I am saying I haven't got any
9 intelligence, I mean I haven't got any other information
10 beyond what I have been told.

11 Q. What I am getting at is this: would you have had to have
12 believed that he was carrying explosives and that there
13 was an imminent danger of, as it were, those being
14 detonated before you could have done something which you
15 didn't in fact, as I understand it, do?

16 A. Absolutely, sir.

17 Q. Namely order a critical shot?

18 A. Yes, sir, absolutely. I would need to be absolutely
19 satisfied that this person posed a dreadful imminent
20 threat to members of the public before I would order
21 a critical shot.

22 Q. And you are not saying that you were satisfied about
23 that, or that you acted in that way?

24 A. No, I am saying that I believed he had to be challenged.

25 Q. Yes?

1 A. And that if at all possible the challenge had to be
2 before he went on to the tube system, for the reasons
3 that I have outlined there.

4 Q. I am talking about Kratos and critical shot and I just
5 want us all to be clear that you are not saying that you
6 were operating, as it were, under that regime that you
7 had ordered a critical shot or anything of that kind?

8 A. Absolutely not. I was asking for a, what you might call
9 conventional, albeit aware of all the risks, challenge
10 from the firearms officers.

11 Q. Right. Perhaps if we just have a look at 17 and 18.

12 SIR MICHAEL WRIGHT: Perhaps before you go on to that, there
13 is one thing I would like to ask you about on 16, back
14 the previous page, please:

15 "If he were to enter the tube system, I would have
16 no contact/comms with surveillance team, could not
17 provide SFO support".

18 Was that a reference to the fact that SFO hadn't got
19 there yet, or was it a communications problem, or both?

20 A. No, it's not a reference to the fact that they had not
21 got there, it is a reference to the fact that as soon
22 as, at that time, it's different now, at that time as
23 soon as the surveillance teams went down into the tube
24 you lost communications, and therefore it's very
25 difficult for the firearms team to provide support. It

1 may not be impossible, but it's extremely difficult, and
2 clearly, as you infer, sir, they need to get on to the
3 same tube, but the other point of course is that if
4 somebody gets on to a tube, and maybe I will come back
5 to this later on, but you know that they are going to
6 travel quite quickly across London.

7 SIR MICHAEL WRIGHT: It's a communications problem?

8 A. The firearms officers are in cars, and they are going to
9 take a very long time to catch up with a tube train and
10 you don't know whether he has changed trains, you can't
11 communicate with the surveillance team, you lose him,
12 potentially he might pop up in Barnet or wherever.

13 MR HILLIARD: If we can just look at 17 and 18 and then
14 perhaps go back to Mr Cremin's notes. Are you all right
15 with decision 17:

16 "Subject must be arrested (if necessary by S012
17 although this is far less preferable than C019)."

18 And we see the reason for that here:

19 "See previous decision: subject has entered tube
20 entrance. S012 still with him but C019 not there yet.
21 I am convinced he must be prevented from entering the
22 system and if 19 not there then will allow S012 to
23 attempt to arrest (despite lack of training and
24 equipment)."

25 Then decision 18, over the page:

1 "CO19 to arrest if possible in Underground station
2 before enters tube train."

3 Reason:

4 "Am informed CO19 are up with SO12. Subject has
5 gone down escalator. Environment not good for
6 intervention clearly as crowded, no comms but still
7 convinced he must be detained and not allowed to travel
8 on tube for public safety reasons:

9 "I still have open phone link with Silver."

10 Is that Greg Purser?

11 A. Yes, it is, yes.

12 Q. Then if we can just go to page 162 of Mr Cremin's note,
13 we will just run through it, and then I will ask you
14 about the sequence:

15 "19 can see bus. CD: is he carrying anything? No.
16 Off bus. Down the tube. Must be challenged before
17 getting down the tube. Stockwell tube. No stop without
18 19. Down escalator to the tube. Not carrying anything.
19 CD: stop him. 10.05: 12 to do it. Going into tube.
20 State red 19. SO19 doing stop, do not let surveillance
21 intervene."

22 Now, when we were dealing with the narrative, you
23 had last told us about, I think, the time when it was
24 thought he was getting up and was going to be leaving
25 the bus?

- 1 A. Yes.
- 2 Q. Do you remember?
- 3 A. Yes, sir.
- 4 Q. Can you pick the narrative up again from there as you
5 understood it?
- 6 A. Yes. Well, I don't know precisely where the firearms
7 team are, I know they are making their way, I am getting
8 encouraging nods from Mr Esposito, I know he is on the
9 phone to Trojan 84, them to make their way as quickly as
10 possible.
- 11 Q. Let me pause you there, if I may, in the narrative.
12 Presumably all somebody needs to do is actually ask
13 them, just where are you at the moment, because if one
14 has a map and one, do you see what I mean, it shouldn't
15 be too difficult just to have in your mind's eye, just
16 as you had in your mind's eye, a picture of where
17 Mr de Menezes was, just to have in your mind's eye
18 a picture of where CO19 are?
- 19 A. It does sound very simple, sir.
- 20 Q. I'm not saying simple, but sensible perhaps?
- 21 A. The answer you may get in any fluid, dynamic, mobile,
22 you know, armed assistance to surveillance operation is
23 you have three or four or five different cars in
24 different places with, you know, different challenges
25 ahead of them in terms of traffic, traffic lights, they

1 are not necessarily by any means all in a sort of
2 convoy; they may be, but they may well not be. Asking,
3 "Where are you? Where are you? Where are you? Where
4 are you", takes very valuable time. I did ask Mr Purser
5 earlier on where are the firearms team, and he said,
6 "I don't know exactly, I am a long way behind" so
7 I think the control vehicle, which often can happen, had
8 got behind at least some of the firearms vehicles.

9 Q. That might explain, might it, the earlier passage we saw
10 about: "are you moving your team, firearms team, yes,
11 and then him still holding at Nightingale Lane" do you
12 see what I mean? Maybe he stayed there a bit longer
13 than they did, hence he is behind when you speak to him
14 later. That would explain everything?

15 A. I don't think they quite all left from Nightingale Lane
16 and that isn't uncommon either, they are all in slightly
17 different places sometimes when they start rolling.
18 They are all going to try to make their way as quickly
19 as possible to catch up with the surveillance team on
20 the bus. But firearms teams are always, if you and they
21 will forgive me, they are always tail end Charlies, they
22 are always at the back end of the convoy until such time
23 as they are required to be at the front of the convey
24 and it is not always exactly clear where they are, we
25 have to move up through the surveillance.

- 1 Q. I absolutely follow that, but there is a difference
2 between them being at the back of the convoy and moving
3 up through the surveillance, and having to catch up?
4 There is obviously a difference, isn't there? If they
5 are late, as it were, on the scene and they are not just
6 having to move through surveillance but actually play
7 catch-up, it's quite different from a movement through
8 a surveillance team?
- 9 A. It is, but what I would argue, sir, and many people I'm
10 sure will be coming to give evidence who are better
11 qualified than me to talk about this, but in actual fact
12 it is not the case that the firearms team in a normal
13 mobile support to the surveillance are immediately
14 behind them. They are not. They are always some
15 distance away. That's how, if you like, it works. And
16 they are used to having to make ground very quickly, and
17 move up to the convoy and then through the convoy.
- 18 SIR MICHAEL WRIGHT: Including breaking the traffic
19 regulations if necessary?
- 20 A. I have observed that, certainly, sir, they do do that,
21 and I have regularly or many times been out in the back
22 of a firearms vehicle in this situation. They are
23 a long way back off and they are used to that. I am
24 sorry, sir.
- 25 MR HILLIARD: You were just taking us through the narrative,

1 and do you remember you had just said that you had asked
2 Mr Purser where they were and he had said to you,
3 I think you said he was a long way back.

4 A. Yes, sir.

5 Q. We were just going through the narrative, all right? So
6 can you help us with what happens after? So Mr Purser
7 said -- you have asked where are they, he said "I'm a
8 long way back"; so he doesn't know?

9 A. He doesn't know exactly but Mr Esposito is on the phone
10 to them, they are making their way as quickly as they
11 can.

12 SIR MICHAEL WRIGHT: That is presumably the entry "19 can
13 see bus".

14 A. They get to that point where I'm told, which reassures
15 me, 19 can see the bus, I think: great, they are not far
16 behind.

17 MR HILLIARD: Presumably you don't know, it would follow
18 from what you said, you don't know how many 19 can see
19 the bus, so whether it's one or the whole team you still
20 won't know.

21 A. I won't know precisely and I would say in this sort of
22 situation it is impossible, it's impossible for
23 certainly someone in the control room probably Silver
24 and maybe even the firearms team leader to know
25 precisely where all his team are in this situation.

1 There are nice -- that's the wrong way of putting it.

2 There are times when they are in a tight bunch but there
3 are lots of times when they are not.

4 Q. So 19 can see the bus, you learn that, do you?

5 A. Yes, I do, sir, yes.

6 Q. Do you mind just take us on, if you would, through the
7 sequence as you were doing?

8 A. Again I am not 100 per cent sure that the sequence is
9 exactly right.

10 Q. You mean here? Take us through as you remember it.

11 A. I just think, you know, if I was to turn to any of the
12 learned counsel here and see what they have written
13 down, some people would have some things in slightly
14 different orders, but I do remember at this sort of
15 stage asking the question: is he carrying anything,
16 which is obviously an important thing to know, and I was
17 told no. So in terms of, I described sort of not going
18 up and down in the scale of understanding the threat he
19 might pose, the fact that he is not carrying anything is
20 you know, a positive bit of information but of course
21 I'm aware that people frequently in other countries have
22 concealed devices under their clothing or in small
23 places.

24 So it's an important bit of information but it
25 doesn't immediately make me think that he doesn't pose

1 any threat, far from it.

2 The entry at 10.03 says "off the bus", so I think
3 the commentary is that the man that I thought was
4 Nettle Tip was off the bus. I am again repeating, and
5 I have been talking about this for the previous sort of
6 few minutes, if he gets off the bus, I want him stopped.
7 When he gets off the bus, I want him to be arrested.
8 I use various different phrases like that: interception,
9 intervention, detain, arrest, stop, challenge, I am
10 using lots of different words and you will see some of
11 them in here.

12 At this point I realise before he is -- you know,
13 I am told he is going down towards the tube, I realise
14 that it's extremely likely, earlier on, that he will
15 when he comes down the stairs of the bus I think he
16 could be going to Stockwell tube, I know this area and
17 that's what's concerned me. Again I say he must be
18 challenged before getting down the tube, which I don't
19 think in either instance means specifically, you know,
20 a particular place on the tube or I don't think at 10.03
21 he was on the platform or had gone down the escalators
22 or anything like that, it's just someone saying he is
23 going down the tube.

24 Q. Is this right, that you had envisaged or had thought at
25 that time that the best place for a challenge to take

1 place was in the little bit before he got off the bus
2 and before he went into the tube?

3 A. I had certainly anticipated --

4 SIR MICHAEL WRIGHT: You mean in the open street?

5 A. In the open street between the bus stop, there was
6 a split second when I wasn't sure it was the bus stop
7 immediately before or after Stockwell tube for a split
8 second but either way I knew there was an open area
9 which I thought there is never a good place in London to
10 challenge someone who might be carrying a suicide bomb,
11 but that was a better place than on the bus, and indeed
12 a better place in my mind than once someone had
13 entered the tube system.

14 SIR MICHAEL WRIGHT: If there is a series of choices, you
15 have first of all the space which the jury have seen
16 because we have been there and we have seen it on the
17 video, there is the about maybe 30 seconds walking space
18 between the number 2 bus stop and the exterior of
19 Stockwell station.

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: Fairly wide open space, would you
22 agree?

23 A. Yes, sir.

24 SIR MICHAEL WRIGHT: Then of course there is the concourse
25 itself, ground level concourse?

1 A. Yes, sir.

2 SIR MICHAEL WRIGHT: That I suppose is not as preferable
3 from your point of view as the street outside.

4 A. Probably not, sir, because it's a confined space. That
5 said, the area immediately around the tube station in my
6 experience is often very busy and of course this is one
7 of the things that the firearms team leader would have
8 to be considering in choosing a best place.

9 SIR MICHAEL WRIGHT: Would it be feasible?

10 A. To do a challenge in the --

11 SIR MICHAEL WRIGHT: In the concourse?

12 A. I think it certainly would be feasible, sir, yes.

13 SIR MICHAEL WRIGHT: The next stage is, I don't suppose it
14 would be hardly possible, going down the escalator he's
15 actually on the move, would it?

16 A. I can't imagine that, sir, I can't envisage that, but
17 forgive me, I think it's a question better put to
18 a firearms officers than it is to me, it's detailed
19 tactical --

20 SIR MICHAEL WRIGHT: You had to weigh up the options that
21 you actually had at that moment.

22 A. Yes.

23 SIR MICHAEL WRIGHT: In any case, as soon as you start going
24 down the escalator, you get communications difficulties.

25 A. You do, yes.

1 SIR MICHAEL WRIGHT: After that really it becomes very
2 difficult.

3 A. Exactly, and without labouring the point, sir, I'm very
4 familiar with these fast-moving situations and I know,
5 I didn't know where he was going to get off the bus.
6 When I realised he was getting off the bus there
7 I thought there might be an opportunity, a good
8 opportunity, it is still not very safe, unlikely to be
9 much cover, you can't get much distance, it would have
10 to be probably quite a close stop, so it's not great at
11 all for this sort of challenge but for me, if it could
12 be achieved, it would be better than in the concourse or
13 as you say, most definitely at that time I thought going
14 down the escalator or into the tube was not good.

15 You can't possibly, when you are in command of this
16 or when you are a firearms team leader, plot precisely
17 where the person is going to go when he gets off the
18 bus. You don't know he is going into the tube, and you
19 are talking about split seconds at this stage.

20 SIR MICHAEL WRIGHT: Very well.

21 MR HILLIARD: As it happens, the surveillance team were up
22 with him, weren't they, at the time when he had got off
23 the bus, and would, but for the information you got
24 about CO19, if you had ordered them to do the stop and
25 it follows they, if they had done it as you had ordered

1 would have been doing it above ground?

2 A. Yes, sir. My understanding was that when I asked S012
3 to do it, because I was told by Mr Esposito that S019
4 were not in a position to do it, he was most definitely
5 above ground, had just entered into the tube station --

6 SIR MICHAEL WRIGHT: And because it appears in your decision
7 log, and they, S012, were with him?

8 A. Absolutely, sir. I mean, of course again I didn't know
9 how many people precisely where they were, but I knew
10 that they were -- somebody was there and they were
11 offering to do the stop. I heard that.

12 SIR MICHAEL WRIGHT: We saw from the video that some of them
13 were actually ahead of him.

14 A. Right, sir.

15 SIR MICHAEL WRIGHT: There was at least one standing by the
16 entrance to the station, it may have been two.

17 A. I didn't know that at the time, of course. I didn't
18 even know whether those particular officers were armed.
19 I think I now discovered that they were. And you would
20 expect a considerable proportion of the surveillance
21 team to be armed. If they are offering to do the stop,
22 I am assuming they are offering to do an armed stop, and
23 they are in a position to try that.

24 I should say, sir, that this is not an obvious or
25 straightforward decision to ask the surveillance team to

- 1 do that.
- 2 SIR MICHAEL WRIGHT: I think we are clear about that.
- 3 A. It's very much a last resort, and quite probably
4 something that, you know, I would know that my tac
5 adviser would not advise unless it was very much a last
6 resort.
- 7 MR HILLIARD: You had, we can see from Mr Cremin's notes,
8 made it plain that the challenge had to be before he had
9 got down the tube; correct?
- 10 A. Yes, that was, to use the language in the manual, the
11 parameter I had put on it.
- 12 Q. So it was no use, was it, you knowing that S019 were
13 there unless they were going to be able to do the stop
14 before he got down the tube, because if they couldn't do
15 that, you would have S012 do it?
- 16 A. Yes, sir. Literally as soon as I asked for 12 to do it,
17 the words had just come out of my mouth, Mr Esposito
18 says "19 are there".
- 19 Q. You must have assumed from that that 19 were there and
20 in a position to effect a stop above ground?
- 21 A. I did. And in these sorts of operations, you have very
22 experienced expert people involved, Mr Esposito is
23 probably as expert, if not more expert, than anyone else
24 I could have had at my side. He tells me they are there
25 and he is indicating, you know, they can be used,

1 I believe him.

2 SIR MICHAEL WRIGHT: Mr Esposito had to go on what he was
3 being told.

4 A. Absolutely, I believe him, and similar to I believe the
5 surveillance team when they say they think it's him.
6 You know, they are experts and you trust them.

7 SIR MICHAEL WRIGHT: I want to ask you a generality for
8 a moment.

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: In order for the firearms squad,
11 a firearms squad -- let us talk about generalities for
12 a moment, a suspected suicide bomber.

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: In order for a firearms team to be in
15 a position to detain/arrest/neutralise if necessary
16 a suspected suicide bomber, how must they be disposed in
17 relation to that? I don't mean ill or well. I mean how
18 must they be disposed physically in relation to the
19 suspect? You follow what I mean?

20 A. I do. You are taking me slightly out of my area of real
21 expertise.

22 SIR MICHAEL WRIGHT: Nevertheless.

23 A. But they would want to try to get between the person and
24 the people that the person currently threatens if they
25 can. They also want to be in a place where there is,

1 you know, the least possible threat to everybody around.
2 And they would be looking, if they could, for cover but
3 I have already said that's unlikely to be here. They
4 are looking for distance, if that's possible, because
5 then it's safer; if the bomb explodes, the further away
6 you all are the better. But they will get between the
7 threat and the public, and they would want to be around
8 the suspect in order to contain the suspect.

9 SIR MICHAEL WRIGHT: You are gesturing with your hands
10 rather what I expected.

11 A. Sorry, sir.

12 SIR MICHAEL WRIGHT: Quite all right. You are indicating
13 a sort of surrounding operation.

14 A. Yes, the moment of challenge is designed assuming the
15 person is not, you know, not carrying a bomb or if they
16 are, not actually inclined to detonate the bomb that
17 they are carrying, the moment of challenge is designed
18 to ensure that they don't, you know, get away easily and
19 that they are able to see the challenge and hear the
20 challenge and be aware of the challenge from all sides.
21 I think that's the essence of it.

22 SIR MICHAEL WRIGHT: Yes, that's very helpful. Bringing it
23 down to particulars, one of the things you would have
24 wished at any rate, possibly expected, if they are ready
25 to intervene, is that some of them at least would be

1 between the suspect and the tube station?

2 A. Obviously I wanted the intervention if possible before
3 the tube station, yes.

4 SIR MICHAEL WRIGHT: That's what I mean.

5 A. Yes.

6 SIR MICHAEL WRIGHT: We must wait to hear what the evidence
7 is going to be about this, but if it be the case that
8 when Mr de Menezes went through the barrier, picked up
9 his newspaper, and started to descend the escalator, the
10 nearest CO19 officer was about a minute, possibly 70
11 seconds, but about a minute behind him. In other words,
12 put it the other way around. The first firearms officer
13 vaulted over the barriers about a minute after
14 Mr de Menezes had been through and had started down the
15 escalators.

16 If you had known that, would you have thought that
17 they were in a position to do the stop?

18 A. You are asking me, sir, to think about something which
19 is sort of very precise, which is why I am thinking hard
20 because it's very different from the situation that
21 I was in. But if I knew -- knew -- that somebody was
22 a minute behind somebody else, and I never would in this
23 situation, that's not a piece of information that
24 I would get, but if I did know that, and the person they
25 were behind, and I wanted them to arrest that person,

1 was already going down the escalators, then I would not
2 expect them to be able to get there in time before the
3 tube left.

4 Now, I think I know what you are going to take me to
5 next, sir.

6 SIR MICHAEL WRIGHT: You tell me.

7 A. Well, it was not my understanding when Mr Esposito said
8 "they are there" that Mr de Menezes was already on the
9 escalators.

10 SIR MICHAEL WRIGHT: I appreciate that. That is apparently
11 what the log says.

12 A. The log says somebody is -- the log says lots of things,
13 it says, you know, "down the tube", higher up it says
14 "down escalator to the tube", but my understanding most
15 definitely was that he was still in the concourse
16 area --

17 SIR MICHAEL WRIGHT: I am actually not worrying too much
18 what the log says because we have the video, we have
19 seen the video, as I am sure you have, too.

20 A. I have looked at the video, yes, sir.

21 SIR MICHAEL WRIGHT: Then you will know the basis upon which
22 I am putting these questions to you, that in fact by the
23 time the first firearms officer came over the
24 barricades, the gates, Mr de Menezes was already on his
25 way down the escalator.

- 1 A. Yes, I know that, sir. I don't know the minute.
- 2 SIR MICHAEL WRIGHT: The time gap, we are told -- we must
3 wait and see. We are told that the time gap is
4 a minute.
- 5 A. Right, sir.
- 6 SIR MICHAEL WRIGHT: Very well, take it on from there
7 Mr Hilliard.
- 8 MR HILLIARD: Does it come to this: if you had known in fact
9 that S019 couldn't stop him before he went down the
10 tube, you would have stuck with S012 doing the above
11 ground challenge?
- 12 A. Yes, sir, I think I would. But you must understand
13 this, this is a flowing, moving situation, and as soon
14 as I had asked for 19, I was fully aware that he was
15 headed down the escalators. But at the time I asked for
16 12, he was in the concourse, as soon as I said that,
17 words out of my mouth, I am told that 19 are in
18 a position, I said 19 to do it, I thought he was still
19 upstairs, and obviously I didn't know precisely where 19
20 were.
- 21 Q. We can see, we have looked at this already and you have
22 told us you used a number of words, but this is perhaps
23 the one to concentrate on at the moment: 10.04 do you
24 see: "Stop him"?
- 25 A. Yes, sir.

1 Q. Can you explain what you meant by that?

2 A. I had used lots of words rather interchangeably, "stop"
3 is a phrase which in the police we all use all the time
4 to mean to detain either to talk to somebody or to
5 arrest them. We talk about doing the stop, putting in
6 the stop, stop him. It means simply that. Challenge
7 him, arrest him, and I did ask for him to be stopped.
8 Of course, I'm not speaking -- as I know you know, I'm
9 not speaking direct to the firearms team, or any of the
10 firearms officers. Not to the team leader or the
11 firearms officers. I'm speaking to Mr Esposito and
12 Mr Purser. That would be the normal way of
13 communicating, through these other two people.

14 So Mr Esposito passes the information to his
15 colleague, who he knows well, and speaks to him in the
16 language that they use, and I think he did -- I think he
17 did also use the word "stop", and I am talking to
18 Mr Purser, and I have said, and Mr Esposito, I have said
19 "stop him".

20 Q. Did you envisage, as you have told us, you weren't
21 issuing orders under Kratos or anything like that?

22 A. No, sir.

23 Q. Did you envisage that, first of all, there would be
24 a challenge to him?

25 A. Yes.

1 Q. Obviously you can stop someone by shooting them
2 straightaway, can't you?

3 A. Yes, I didn't --

4 Q. Did you envisage that there would be a challenge to him
5 before any shots were fired?

6 A. Yes, I did, sir. And I must say at this stage that
7 I fully appreciate that what I was asking the firearms
8 officers to do was a very difficult thing to do. They
9 had been listening to the same surveillance as I had,
10 they had heard more or less of that, they knew more or
11 less about the threat that this person posed, and in my
12 mind's eye, this is someone who is a bomber from
13 yesterday and therefore yesterday had the capability and
14 the intent to blow people up on the public transport
15 system. I don't know what threat he poses today, but
16 given what happened yesterday and given the behaviour,
17 he may well pose a very high level of threat.
18 I expected the officers to challenge him, but I also
19 knew absolutely full well when I made that decision
20 that, if they felt they were faced with an imminent
21 threat to themselves or the public, that this person
22 would be shot, and I also understood that that could be
23 a critical shot.

24 This was something that I had been discussing with
25 my tac adviser earlier on in the day. What's different

1 about today? And he was talking to me about the
2 tactical options document, he was talking to me about
3 the ammunition, and I did know that should an officer
4 feel that they were faced with an imminent threat, as in
5 any firearms situation, they may shoot that person if
6 they believe that it is strictly necessary and
7 I understood that the threat that they might feel would
8 be from a suicide bomb, in which case they might take
9 a critical shot if they felt that threat.

10 Q. Is "challenge him" an order that as a senior officer you
11 might give to another officer? Because on the face of
12 it, that might be a bit more specific than "stop him".
13 I understand what you have been saying about how that's
14 ordinarily understood by police officers, but when
15 applied to someone you have told us believed to be
16 a suicide bomber, in those circumstances, "stop him"
17 might take on a different meaning. Do you see? The
18 real question is: "challenge", is that an order that you
19 would ever give or is it simply not in the dictionary?

20 A. No, it is in the dictionary and I think if you look in
21 some of the documents, certainly the tactical options
22 document, it will talk about stop and challenge, and
23 they are often used interchangeably. I think
24 technically, there is a slight difference in that
25 challenge normally refers to the proper containment and

1 challenge, whereas "stop" may mean that the person has
2 to get very close, the officer has to get very close to
3 the person. But they are both in the dictionary, there
4 is no sense in which stop is an unusual word to use in
5 the circumstances.

6 SIR MICHAEL WRIGHT: Challenge might be done from
7 a distance?

8 A. Exactly, sir, yes.

9 SIR MICHAEL WRIGHT: What about "arrest", would that word be
10 used?

11 A. Yes, and I had used it earlier on and interception, and
12 intervention. In the last previous few minutes, the
13 firearms tac advisers and the firearms team will talk to
14 each other in, if you like, the language that they talk
15 to each other in, they also will use these sorts of
16 words, I'm probably not quite as precise, but I was
17 using Mr Esposito to speak to the tac advisers/team
18 leader so they knew what I meant, and I am not in any
19 doubt that he knew what I meant and Mr Purser knew what
20 I meant and they passed that on.

21 MR HILLIARD: Did you hear "state amber" or "state red" that
22 we have heard about, did you hear those called or
23 declared, whatever the right phrase is?

24 A. I didn't hear "amber" and I don't think it was called,
25 I am sure it wasn't called. I did hear "red", "19 have

1 gone to red".

2 Q. We see here 10.05 "S019 doing stop. Do not let

3 surveillance intervene".

4 A. This is me just reiterating through Pat and the

5 surveillance managers: don't let the surveillance team

6 intervene.

7 Q. Then --

8 A. For the reasons I think we understand, that 19 are there

9 and they are better equipped.

10 Q. Did it all go relatively quiet for a time?

11 A. It did, sir. Which is not to say it was noisy before.

12 Q. No.

13 A. But whenever, in a control room, and I have been here in

14 a control room in command tens and tens and tens of

15 times, maybe hundreds of times, whenever you deploy the

16 firearms team, whatever the situation, there is a moment

17 of quiet, when everybody is waiting to hear what happens

18 next, and there is always a slight delay between

19 deployment and the red and then the report back.

20 Q. Right. Can you just tell us this, before we move on

21 from there: you told us what happens once they have gone

22 to state red. At any time up until this stage, had the

23 noise level or the amount of people in the room, I mean

24 in your view, inhibited anybody there in carrying out

25 their duties as effectively as they might, as you look

1 back on it?

2 A. No, sir, in the early stages, and this includes this
3 period, the room was busy, we were getting things set
4 up, we were sorting a lot of stuff out, new people were
5 arriving, and people were concentrating, it was not in
6 my view a room in which it was difficult to work or
7 people were inhibited from working, and indeed during
8 the follow -- and I can't remember this precisely but
9 what I can tell you is I did three or four follows
10 during that day and again I have been in many, many
11 control rooms where you are following someone intending
12 to arrest them at a certain stage, if you can. During
13 the follow, generally speaking, it goes quieter. Again,
14 everybody is aware that something important is happening
15 here, and the sort of general stuff is not discussed and
16 everybody is either listening or engaged in these
17 conversations about the follow.

18 It's my practice to, you know, I can't remember
19 whether I called for quiet on this follow but I know
20 I did on one at some point during the day. If I had
21 thought it was noisy and people couldn't hear, I would
22 have called for quiet and I didn't because it wasn't.

23 But that said, I keep saying this, it's a very
24 dynamic situation, there is a lot of information flowing
25 backwards and forwards and there is quite a lot of

- 1 people in the room. So you know, I did an exercise just
2 two or three weeks ago, slightly similar or very similar
3 sort, and you know, somebody did not hear something
4 which was important. This can happen. It can't be
5 quiet. You know, people need to speak to each other,
6 need to speak on the telephone from Pat to the
7 surveillance team, me to Pat, me to Boutcher, me to
8 Esposito, Esposito to Trojan 84. If you don't have any
9 conversation, you can't get anything done.
- 10 Q. All right. So you have told us about state red. A sort
11 of hiatus after that has been declared. Then do you
12 receive information back that somebody has been shot?
- 13 A. Yes. I mean, when I say it was quiet, we didn't
14 literally just stand there and wait, I did call-outs at
15 this stage, because it's probably from me to maybe
16 little further than the back row of the jury, I called
17 across the room to the person who was in touch with the
18 downstairs control room, and I asked him to send more
19 uniforms, as I call it.
- 20 Q. Just pause, that's after you heard that somebody has
21 been shot?
- 22 A. No, this is before, get some more people to the scene
23 via information room and the local borough, so my
24 expectation then is they are creating a CAD message,
25 a computer message, to say -- downstairs they will be

1 creating a message which will say that firearms team
2 have been deployed and we need officers to get to the
3 area. I told them to make sure that the British
4 Transport Police were aware, and -- I'm sorry, sir, can
5 I just refer to the log?

6 Q. Of course, yes.

7 A. Thank you.

8 Q. It's page 4 at the top, I think, and then also your
9 decision 19, if that helps you too.

10 A. Yes, I asked for an explosives officer to get to the
11 scene immediately. I still had my open telephone line
12 from and to Mr Purser, and he told me that people were
13 being directed away already from the tube.

14 This is while both he and I -- he is at the top of
15 the tube -- are waiting to find out what has happened.
16 I said to Mr Purser: "Is everything all right upstairs"
17 and he said: "I don't know what's happening downstairs".
18 Quite properly he had stayed upstairs with the
19 communication with me.

20 He told me that he had shut -- he had asked for the
21 grilles on the station to be shut. This would be
22 a precaution in case a bomb was detonated.

23 Q. So that more people, as it were, can't go in?

24 A. Yes, I think so, sir, yes.

25 Q. If you look, four lines -- I want to correct one

1 thing -- down on this page, certainly on the one that's
2 showing on the screen but I think the jury's is correct,
3 it says TJ80?

4 A. Yes, sir.

5 Q. Quite how we get to that point we need not worry, it's
6 nothing to do with you and it's nothing to worry about,
7 but it's expos, somebody thought I think that expos was
8 a codename that had to come out, took it out but thought
9 it was a code for TJ80, which it isn't, it simply means
10 explosives officers, so what we are seeing on the screen
11 there, TJ80, that's right, isn't it?

12 A. TJ80 is clearly wrong.

13 Q. The jury actually have correct copies. If they are
14 comparing it with the screen -- they have wrong ones.
15 They can have right ones.

16 A. TJ80 is my tac adviser, he is standing next to me.

17 Q. So he is not down to the scene?

18 A. He is not at the scene at all and I didn't send him
19 there, he stays without me throughout the day.

20 SIR MICHAEL WRIGHT: That's a mistake. It's correctly set
21 out in your decision log?

22 A. It is, sir, it is quite correct sir, it says expo here.
23 I think it happens again later on.

24 MR HILLIARD: There is some new 163s, members of the jury,
25 coming round. (Handed).

1 A. Again, my apologies sir, I noticed this just last night
2 when I was reading the photocopy.

3 Q. And new 164s, because ...

4 SIR MICHAEL WRIGHT: It appears again in 164.

5 MR HILLIARD: It does, it also appears I think another time
6 down on 163.

7 A. Yes, it does.

8 Q. Six lines up from the bottom where it says:
9 "TJ80 down there on scene".

10 A. Yes, sir.

11 Q. That should be expos, shouldn't it?

12 A. I will double check but I am sure it is, "Expo
13 [singular] down there on scene".

14 Q. Thank you. There are two new pages to go in 47.
15 (Handed).

16 A. Thank you (Pause). I can only, and this is an aside,
17 sir, assume that whoever was making these thought that
18 expo was ESPO, short for -- or perhaps, I don't know.

19 Q. Yes, perhaps short for Esposito?

20 A. At that stage they were not using his name in the
21 documentation. Any way, it is in fact the explosives
22 officer.

23 Q. It is, thank you.

24 Then whether you are looking at a corrected or
25 an uncorrected page, 10.08, "Subject has been shot,

1 ambulance asap there now. BTP [British Transport
2 Police] already aware"?

3 A. That's right.

4 Q. I'm only asking you simply because it was a question
5 that the jury asked earlier, what was the reaction in
6 the room when the news was heard that someone had been
7 shot, and what was your reaction?

8 A. I think I find it hard to speak for the reaction in the
9 room, because I was concentrating a great deal on what
10 I had now to do. And I don't know whether this helps,
11 but I have been in a control room just after someone has
12 been shot, in a police operation. I have also -- and
13 I am very glad to say they did not die and there was no
14 criticism of any of the officers involved, I have also
15 exercised for this kind of scenario, if I can put it
16 that way. I don't mean to sound heartless but I have
17 exercised for the scenario in which someone has been
18 shot, and as the commander it's a horrible thing to
19 hear, but I had -- you have a job to get on with, make
20 sure the ambulance, which I had already asked for
21 earlier on, is there as quickly as possible. And
22 I don't know at this stage how seriously the person has
23 been shot, but I know that there are certain things that
24 now you know, must be done, and it's my job to get on
25 with those things. And I imagine the same may apply to

1 several other colleagues.

2 So it's what you dread hearing when you deploy the
3 firearms team. You wait, and there is a silence, and
4 I always think, you know, something like, you know,
5 I pray you will all be all right, meaning the firearms
6 officers and the people that they are challenging, and
7 I have been in this situation many, many times, when the
8 bad news came. It's a jolt but we now need to try to,
9 if it's possible, to save this person's life and to deal
10 with the scene and make sure there is a proper
11 investigation, all sorts of things that I come on to in
12 a second.

13 Q. Yes. Whilst we are on this, because it may be that you
14 want an opportunity to deal with it, in due course you
15 learned that the person who had been shot was not
16 Hussain Osman but was Mr Jean Charles de Menezes;
17 correct?

18 A. Yes, sir.

19 Q. What was your reaction when you learned that?

20 A. Well, if I can explain, later on in the day I was told
21 that there was -- I forget what the nature of the
22 documents were, I am sorry, but I could look in the log.
23 I was told around 5.30, sometime like that, that there
24 was documentation in there in a wallet which had been
25 recovered from the scene which had Mr de Menezes' name

1 and various other details. That told me that it was
2 possible that the person we had shot was Mr de Menezes,
3 a Brazilian, and possibly -- quite possibly -- nothing
4 to do with Hussain Osman. But it didn't give -- it
5 didn't make me think: we have shot an innocent man at
6 that stage because I knew that there was a lot more to
7 do to be clear who this person was, this is just
8 material found in a wallet, there is lots of reasons why
9 that might be there, I need much more identification.

10 So the time when I became aware that this was
11 clearly the wrong person, this was not Hussain Osman, it
12 was not a terrorist, it was not somebody using
13 a pseudonym, this was an unrelated innocent man, was at
14 10.30 the following morning, when I took a phone call
15 from my just ex-boss, DAC Bill Griffiths.

16 So I didn't know during the rest of the day who the
17 person was that we had shot. Until I knew otherwise,
18 I had, if you like, an open mind about whether this was
19 Hussain Osman or it was not.

20 Q. How did you feel when you learned that the next day?

21 A. Terrible. It's a terrible thing to happen, and you
22 know, from that day to this, I have thought about this
23 of course often, every day, wondered what we could have
24 done differently, if anything, did we act reasonably.
25 I set out that morning to protect the people of London,

1 and to save people and the last thing I want to do is to
2 have an innocent person shot. But you know, I ... that
3 is what happened, and as I have said earlier on,
4 I regret it deeply, it's a terrible thing to have
5 happened.

6 All firearms officers, all firearms commanders know
7 that firearms operations are high risk. You become
8 a firearms commander because you want to be. You are
9 a volunteer. I am still a firearms commander.
10 I carried on, you know, beyond there, and if I was asked
11 to go out and do the same thing -- not the same thing,
12 but if I was asked to lead one of these investigations,
13 one of these operations tomorrow, I would; it's my job.

14 Q. Can we just use the next few minutes, just very quickly
15 to go through, there are just two things that are left
16 to deal with that I want to do, one is just to briefly
17 go through, because the jury have them, just to look at
18 these last decisions but in very quick time indeed.

19 Then there are some entries in Mr Cremin's notes that we
20 will need to look. Whether we will quite manage to do
21 the Cremin note this evening or not, I don't know, but
22 we could certainly I think get to, because we will get
23 to them very quickly indeed, the end of the decision
24 log?

25 SIR MICHAEL WRIGHT: I would like to finish in-chief, if you

1 can, Mr Hilliard.

2 MR HILLIARD: Certainly.

3 So if we look, decision 19, we are not going to need
4 all the details about this, but it's something you have
5 already mentioned about further support required, and
6 British Transport Police to be informed and so on;
7 correct?

8 A. Yes, that's right, exactly what I scribed earlier on.

9 Q. Decision 20, that's an out of order one we have looked
10 at already; do you remember, about keeping records?

11 A. Yes, sir.

12 Q. Decision 21?

13 A. Ah, I am afraid we have run into a problem here, sir,
14 I think. This is in the original log you may remember
15 I made a mistake and I had two decision 19s. Have you
16 just told me that, sir?

17 Q. No, I haven't, I don't think I just knew that either.
18 I can see now I look at it, I can see there are.

19 A. That is why I think the person who has put it on the
20 screen has shown them both on the same screen.

21 Q. They are quite right to do that, that is me not
22 noticing.

23 A. It's my error when I was doing my numbering.

24 Q. No, it's my error. So there we are. Decision 19.1, as
25 it were?

1 A. Yes, you have dealt with.

2 Q. Middle of the page there is a 19.2?

3 A. Yes, sir.

4 Q. Incident at the tube to be handed over to

5 Commander Allison, and you have given the reason, we

6 don't need more than the first sentence. Inappropriate

7 for you to continue to manage it as you had been

8 involved in the decision-making and you thought the

9 proper thing to do was to hand that on to somebody else?

10 A. Yes, in the manual, in our training, it's very clear, as

11 soon as a properly briefed person can take over the

12 command, they should do so. Mr Allison was

13 relatively -- very quickly available to me on the

14 telephone, he is completely independent of this

15 decision-making, and he was quite content to ensure that

16 all the things you see at the top of the decision,

17 safe -- looking after everybody. At that stage, we

18 didn't know if a bomb might explode, managing the scene,

19 securing the witnesses, informing the IPCC and our

20 professional standards department and then ensuring the

21 welfare of the officers, getting them into what we call

22 the post-incident procedure. I gave all of that to him.

23 I couldn't relieve Mr Purser immediately, he needed to

24 stay in command until I could get a properly briefed

25 Silver to take over from him. But that is what we are

1 trained to do.

2 SIR MICHAEL WRIGHT: Did Mr Allison then take over the whole
3 operation? That's to say Scotia Road, Portnall Road and
4 the other addresses?

5 A. No, he most certainly did not, sir, he took over in
6 fairly briefly I think the management of what was going
7 on at Stockwell tube. I of course still had
8 an operation at Scotia Road, an operation at Portnall,
9 and elsewhere, building up. I then rang Assistant
10 Commissioner Brown and asked him, I think there is
11 a decision later on, whether I should stay in command of
12 these other operations, including Scotia and Portnall,
13 and he asked me to stay in command, and I stayed in
14 command until late on in the afternoon, so we did many
15 more operations. Mr Allison just dealt with the
16 Stockwell tube scenario.

17 MR HILLIARD: We don't need now to say more than decision
18 21, that's just what you told us about, isn't it,
19 speaking to Mr Brown about whether it was appropriate
20 for you to continue as DSO Kratos; do you see?

21 A. Absolutely. That's a decision that it would be wrong
22 for me to make, and I needed my big boss, if you like,
23 to make that decision.

24 Q. Then 22, just requiring new SFO team obviously for
25 Scotia Road?

1 A. That's right, sir and a new Silver.

2 Q. 23, just an example of a decision not to detain someone
3 who had been followed from Scotia Road and continued
4 surveillance on him?

5 A. That's right sir, I don't think I actually had
6 a firearms team down there at that point. So this is
7 very soon, really, after the incident.

8 Q. Right, 24, just about reviewing intelligence flows; 25,
9 TSU, I think that's the technical support unit?

10 A. Technical support unit, who had been with me during the
11 morning.

12 Q. We need not go into all the details, but just looking
13 into what opportunities there might or might not be to
14 gain intelligence in a technical way?

15 A. That's right, from -- yes, from the various premises.

16 Q. From the various premises?

17 A. And vehicles and that sort of thing.

18 Q. 26, reviewing the tactics, no change.

19 SIR MICHAEL WRIGHT: I don't know how far you want to go on
20 with this, Mr Hilliard. Ms Dick was continuing her
21 work.

22 MR HILLIARD: No, it's just as we have them, otherwise we
23 will all be looking at them at different speeds.

24 Then if we just go on and look at 29: "Review of
25 strategy and command structure with Gold (McDowall) and

1 ACSO."

2 Correct?

3 A. That's right, sir.

4 Q. And it explains, number 1:

5 "Intention to detain subjects and secure premises
6 remains."

7 To do it quickly if possible but then you explain
8 safety must come first; correct?

9 A. That's right, Mr Hayman in particular, the
10 Assistant Commissioner, was keen if he could to clear
11 the premises sooner rather than later and ideally
12 simultaneously and potentially before a press conference
13 and I was saying I don't know whether I'll be able to do
14 that, safety has to come first. There is also in there
15 the review of whether we want one DSO or more DSOs and
16 how we are going to manage these various operations and
17 we stayed with the one DSO.

18 Q. All right. Then just some entries, please, if you have
19 the last parts that we have not looked at of Mr Cremin's
20 note, do you have that?

21 A. Yes, sir.

22 Q. Again, there is an awful lot of these, and that's not
23 a criticism in any way, but again these detail, don't
24 they, and they are timed, events that go on throughout
25 the day and then Detective Sergeant Renew took over the

1 note; is that correct?

2 A. That's right, sir.

3 Q. If you just turn to page 172 --

4 SIR MICHAEL WRIGHT: Large numbers or small numbers?

5 MR HILLIARD: Not those numbers. It's going to be 172 and

6 185. 27 at the top. Do you have that all right?

7 A. Yes.

8 Q. Do you see that's 3.45?

9 A. Yes, sir.

10 Q. So we are still on the 22nd; correct?

11 A. We are.

12 Q. "CD briefs DA -- to take over DSO", that's you briefing

13 who, please?

14 A. Command Armand, so it's now 3.45, Mr Brown has made the

15 decision that he would like me to stand down as the DSO,

16 and Commander Armand to take over. In actual fact,

17 I stayed as the DSO for quite a bit longer, for reasons

18 that will become apparent perhaps. But I was briefing

19 Mr Armand about what had been going on.

20 Q. "Two addresses, Kratos commander on each"; correct?

21 A. Well, that's what it reads but it's actually a mistake.

22 Q. Right?

23 A. There was one DSO for all the operations.

24 Q. Yes. "Ian Carter, 999 issues. Kratos."

25 That's what we knew about, he was the sort of

- 1 on-call general Kratos person?
- 2 A. Yes, I think to be fair to my loggist in the line above
3 what she may have been describing was I was explaining
4 there had been this ongoing debate about whether we want
5 one or two commanders for the DSO.
- 6 Q. It makes it plain this is taking over DSO, so it is
7 really one person taking over and there is one other,
8 Mr Carter, as you say that may get there by a different
9 route?
- 10 A. Yes.
- 11 Q. Then just this, can you help: "First hour appalling, no
12 structure"?
- 13 A. Yes, sir.
- 14 Q. Can you help us with what that's about?
- 15 A. Yes. I think we will find as we go down I was talking
16 chronologically remembering what I remembered from the
17 beginning, the debate about the two or one Kratos
18 commanders, Mr Carter's role, and I made this comment to
19 Mr Armand during the first hour, you know how it is,
20 there was no structure, and I used -- I clearly used the
21 word appalling.
- 22 SIR MICHAEL WRIGHT: Is this the first hour after the
23 shooting?
- 24 A. No, no, sir, the first hour after I took over. And
25 I think what I was saying to him there was, you know,

1 this: he and I have both been involved in the early
2 stages of very big operations, and in the first stages,
3 as I said, some time ago, very important thing is to try
4 to fix your structures, your systems, your processes,
5 who is going to do what, and it is often in the early
6 stages very unstructured, slightly chaotic in some
7 respects, information keeps coming in, things change,
8 people don't necessarily -- you don't have quite the
9 right people in the right roles. So the first --
10 sometimes it's the first hour, sometimes it's the first
11 several hours, or days even, you know, getting the
12 structure is very important.

13 That's what I was saying. I did not mean to suggest
14 a critical judgment of what had gone before. That's
15 just what happens when you are setting out operations
16 like this.

17 SIR MICHAEL WRIGHT: Mr Hilliard, I am under a certain
18 amount of pressure.

19 MR HILLIARD: We will not be more than five minutes in the
20 morning.

21 SIR MICHAEL WRIGHT: Shall we leave it until then?

22 MR HILLIARD: Yes.

23 SIR MICHAEL WRIGHT: Thank you very much. One or two
24 matters I want to discuss with counsel, ladies and
25 gentlemen, so you can break off. I think we will leave

1 that until the morning. Very well, 10 o'clock tomorrow,
2 please.

3 (In the absence of the jury)

4 Discussion re: timetabling

5 SIR MICHAEL WRIGHT: As far as I am concerned, Ms Dick, you
6 can stand down. In fact you would probably like to.

7 A. Thank you very much indeed, sir. I would quite like to
8 collect my documents afterwards.

9 SIR MICHAEL WRIGHT: Yes, just sit down now.

10 A. Thank you very much.

11 SIR MICHAEL WRIGHT: Well, what I am really concerned to
12 discuss with counsel, I think probably particularly
13 Mr Horwell and Mr Perry, is what is the most economical
14 way to proceed tomorrow.

15 What I have in mind is that, unusually in
16 a situation like this, as far as I can see, there can be
17 hardly anything in issue, as it were, as a matter of
18 controversy between on the one hand Mr Perry's commander
19 clients and the MPS generally. Really I was wondering
20 what was the best way of you and Mr Perry most
21 economically dealing with the issues that you do want to
22 deal with.

23 Ordinarily Mr Perry plainly in this situation, if he
24 will forgive the expression, is the lead cross-examiner,
25 because this is his client. So ordinarily he would go

1 last. But I have in mind as a sensible apportionment of
2 labour between the two of you, is that if Mr Perry went
3 before you, Mr Horwell, you could then pick up, as it
4 were, as the long stop -- always assuming you can clear
5 your cold in time -- any aspects that you wanted to deal
6 with that he had not dealt with.

7 I leave that entirely to the pair of you to decide.

8 I don't know whether you have any views about that,

9 Mr Perry?

10 MR PERRY: Well, sir, I would be delighted --

11 SIR MICHAEL WRIGHT: You would be entitled as of right to

12 the last seat, I know.

13 MR PERRY: -- if Mr Horwell went first and I had no

14 questions whatsoever.

15 SIR MICHAEL WRIGHT: So would I.

16 MR PERRY: That may arise.

17 SIR MICHAEL WRIGHT: I don't mind which way you do it, but

18 as I said to you the other day, I want to try to achieve

19 a situation where you are not effectively repeating each

20 others' work.

21 MR PERRY: I agree.

22 SIR MICHAEL WRIGHT: If you can devise between you a way of

23 doing it, I'm very happy you can do it in whichever way

24 you think is appropriate.

25 MR PERRY: That's extremely helpful, sir. May we discuss

1 it?

2 SIR MICHAEL WRIGHT: Please do.

3 MR PERRY: I am sure it will be economical.

4 SIR MICHAEL WRIGHT: I am also assuming, although I may be
5 assuming too much, that nobody from any of the other, as
6 it were, special police interests, will have very much
7 to ask. That may be wrong. Somebody tell me if I am
8 wrong.

9 MS LEEK: Sir, there may be some questions about timing,
10 sir.

11 SIR MICHAEL WRIGHT: I see, of course, but specific
12 questions on specific aspects I am sure, but I am
13 assuming hopefully nobody is going to have anything that
14 will take a great deal of time.

15 MR STERN: Sir, you are correct, I'm not going to be a great
16 deal of time but I have some matters to explore.

17 SIR MICHAEL WRIGHT: I am not stopping you, but I am getting
18 worried. Mr Gibbs?

19 MR GIBBS: Very little about surveillance.

20 SIR MICHAEL WRIGHT: That's helpful. I rely on Mr King.
21 All right. We are going to need Friday again this week,
22 I am afraid. I know at the moment Mr Hough is grappling
23 with the timetable.

24 MR HOUGH: It may be helpful to say one or two things about
25 that. The witnesses scheduled for Thursday on the

1 timetable as published were carefully chosen so as not
2 to create difficulties for my learned friends Mr Stern
3 and I think Ms Leek as well, who can't be here on
4 Thursday. So we will try to get through as many of
5 those as we can on Thursday, on the assumption that we
6 can get through DAC Dick and Mr Cremin over the course
7 of tomorrow and Wednesday.

8 SIR MICHAEL WRIGHT: Does anybody want Mr Cremin?

9 MR MANSFIELD: Sir, to use a phrase that is commonly used,
10 it's contingent a little on the answers I get tomorrow.

11 SIR MICHAEL WRIGHT: I will keep it open, Mr Mansfield, but
12 it does occur to me, that unless anybody says he has
13 made a frightful mess about recording the log, we don't
14 need him, do we? I understand the point and I will not
15 send him away, but I would like everybody to think about
16 it.

17 MR HOUGH: As I say, it's our hope, allowing reasonable time
18 both for Mr Mansfield and for all the police parties,
19 that we can get through DAC Dick and Mr Cremin over the
20 course of two days, Tuesday and Wednesday of this week.
21 As I say, on Thursday, witnesses have been set up to fit
22 with counsel's availability, and we will get through in
23 that day as many as we can of Mr Cummings, Nick,
24 Mr Mellody and Pat, although I don't envisage we will
25 get through all four of those.

1 And then on Friday it was our hope to try to cover
2 any remaining of those, and also such of the leftover
3 witnesses from previous weeks as have to be got through,
4 that is to say Mr Rose, Brian, Bernard and Owen, leaving
5 Trojan 80 left over in any event to go into next week,
6 and then there will be an inevitable domino effect when
7 he, Silver and Trojan 84 are taken at the start of next
8 week.

9 SIR MICHAEL WRIGHT: Even if we succeed in maintaining your
10 timetable for this week, we will still be, is it, four
11 witnesses outstanding?

12 MR HOUGH: I am not going to confess it's my timetable,
13 certainly, but yes, that diagnosis is right.

14 SIR MICHAEL WRIGHT: Ladies and gentlemen, you will all have
15 seen for yourselves that once we have got through the
16 senior police officers, once we get on to the junior
17 officers, we have been planning a throughput on average
18 of about three or four a day, and that is a progress
19 that I intend to maintain. I mean what I say. I have
20 a number of weapons in my hand which includes a rather
21 stricter form of timetabling, and because of the
22 catastrophic effect if this inquest overruns the time we
23 have in this place, I really do intend to do everything
24 I possibly can to ensure that we can achieve it. I hope
25 everybody will pay due regard to that necessity. We do

1 not have the self-indulgence that we can permit
2 ourselves if we were sitting in court 47 or, for that
3 matter, at the Old Bailey. You must all, please, bear
4 it in mind.

5 Very well. 10 o'clock tomorrow morning.

6 (5.00 pm)

7 (The court adjourned until 10.00 am on

8 Tuesday, 7 October 2008)

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