

1 Tuesday, 14 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: I haven't forgotten that one of your  
5 number has a medical appointment tomorrow, and I am very  
6 grateful to hear that the lady has said that 4.30 would  
7 do, but I do not want to push it too hard, and I will  
8 bear it in mind.

9 What I am going to ask you is this: even half  
10 an hour makes a difference to the progress of the  
11 inquest. Would it cause any of you serious trouble if  
12 I decide that we are getting into difficulties if I said  
13 9.30? All right.

14 I don't propose to do it unless I have to. I might  
15 want to do it tomorrow because of the short day. I know  
16 full well that to ask a jury to sit for six hours is  
17 a very considerable strain and it's not a good idea, but  
18 if we need to catch up a bit, I may on occasion ask you  
19 to come in at 9.30 just to claw back an extra half hour.  
20 You can then look very hard at any counsel who you think  
21 is taking his time.

22 MR HOUGH: Mr Esposito, please.

23 CHIEF INSPECTOR VINCENT ESPOSITO (sworn)

24 SIR MICHAEL WRIGHT: Thank you, Mr Esposito. Please sit  
25 down.

1 A. Thank you, sir.

2 Questions from MR HOUGH

3 MR HOUGH: Is your name Vincent Esposito?

4 A. Yes, sir.

5 Q. Could you give your rank to the court?

6 A. Chief Inspector, sir.

7 Q. My name is Jonathan Hough and I will ask you questions  
8 first on behalf of the Coroner, then you will be asked  
9 questions by each of the interested persons.

10 You, I think, have been known in quite a lot of the  
11 documents and in the past as Trojan 80 but you are not  
12 obviously seeking anonymity here?

13 A. No, sir.

14 Q. You were Commander Dick's tactical adviser on  
15 22 July 2005?

16 A. That's correct, sir, yes.

17 Q. You made two main witness statements, one very shortly  
18 after events on 25 July 2005?

19 A. That's correct, yes.

20 Q. And another one very recently dated, I think,  
21 23 September 2008, where you have dealt with a couple of  
22 particular things which have cropped up in recent times?

23 A. That's correct, sir, yes.

24 Q. You were also, I think, interviewed by the IPCC in 2005?

25 A. Yes, I was, sir.

- 1 Q. But you did not, I think, give evidence at the Health  
2 and Safety trial?
- 3 A. No.
- 4 Q. If you have the statements that you made to hand, please  
5 have them out. It will speed things up and there is no  
6 difficulty with you looking at them.
- 7 A. Thank you, sir.
- 8 Q. Going through your career background, I think you joined  
9 the Metropolitan Police in 1980?
- 10 A. That's correct, yes.
- 11 Q. You have been an authorised firearms officer since 1983?
- 12 A. Around 1983, yes.
- 13 Q. Did you join CO19, the firearms branch, the specialist  
14 firearms branch, in 1995?
- 15 A. Yes, I did, sir.
- 16 Q. Did you become a senior tactical adviser in 2002?
- 17 A. Yes, I did, yes.
- 18 Q. So having joined initially as a tactical adviser, you  
19 were then promoted to a senior tactical adviser?
- 20 A. It's a natural progression as a result of the work that  
21 you do, sir.
- 22 Q. While in CO19, have you been an armed response vehicle  
23 officer?
- 24 A. I was an inspector in charge of the armed response  
25 vehicle reliefs.

- 1 Q. Have you also been a tactical adviser in operations  
2 involving armed response vehicles?
- 3 A. Yes, I have, sir.
- 4 Q. Have you been a specialist firearms officer on the  
5 ground yourself?
- 6 A. Yes, I have been trained as a -- I did the specialist  
7 firearms officers' course.
- 8 Q. Have you been a tactical adviser in many specialist  
9 firearms officer operations?
- 10 A. In a great number of operations, sir.
- 11 Q. We have heard about, by evidence, the level of training  
12 and marksmanship you have to achieve to pass those  
13 courses, and you have achieved those and passed those  
14 courses, I think?
- 15 A. Yes, sir.
- 16 Q. I think you have also been a firearms instructor for  
17 training other specialist firearms officers?
- 18 A. Yes, I was in charge of specialist firearms training for  
19 some time. The officers are actually on the ground now.
- 20 Q. Are you currently in charge of training senior officers  
21 to play the role of Silver and Gold Commanders in  
22 firearms operations?
- 23 A. At the beginning of this year, I was selected to  
24 undertake the Gold firearms and the Silver firearms  
25 training on behalf of the Met.

- 1 Q. Have you also been involved in developing the  
2 Metropolitan Police's tactics and training for dealing  
3 with suicide terrorists?
- 4 A. Yes, yes, I have.
- 5 Q. We have heard of those referred to as Kratos and  
6 Clydesdale and I'll touch on those in a few moments.
- 7 A. Yes, sir.
- 8 Q. In the course of that, I think you have written quite  
9 a number of the presentation documents used for training  
10 other officers?
- 11 A. Yes, I have, sir.
- 12 Q. Can I then turn to that topic by way of background,  
13 Kratos and Clydesdale, and it's really dealt with in  
14 your witness statement of last month.
- 15 A. Yes, sir.
- 16 Q. Is this right: after September 11th 2001 the  
17 Metropolitan Police began working on responses for  
18 dealing with suicide terrorism in this country?
- 19 A. Yes.
- 20 Q. I think a working group was set up under then  
21 DAC Barbara Wilding?
- 22 A. Yes, it was DAC Barbara Wilding. There are a number of  
23 other officers and I was chosen and selected to  
24 represent 19 and to develop the tactics.
- 25 Q. I think over time three policies were developed;

- 1           Kratos Person or Kratos People was one of them?
- 2    A.   Yes, sir.
- 3    Q.   Was that for dealing with spontaneous calls from members  
4           of the public about suspicions?
- 5    A.   Yes, it was purely for spontaneous pieces of  
6           intelligence emerging so that there was a filtering  
7           system at that time and a response.
- 8    Q.   Filtering in terms of?
- 9    A.   A command, a command filtering system and a tactical  
10           response.
- 11   Q.   So if you get a lot of calls, deciding which ones merit  
12           a particular response?
- 13   A.   Yes.
- 14   Q.   Second policy, Kratos Vehicle?
- 15   A.   Yes, that was specific tactics in relation to vehicle  
16           borne improvised explosive devices.
- 17   Q.   You needed something separate for that because vehicles  
18           require special methods of interception and so on?
- 19   A.   Yes, that's correct.
- 20   Q.   Thirdly, Clydesdale?
- 21   A.   Operation Clydesdale was developed so that in the events  
22           of a threat emerging, where there already existed  
23           an operation, this operation could be overlaid to deal  
24           with that.
- 25   Q.   You said if there was already an operation, this

1 operation could be overlaid; what kind of operations are  
2 you talking about already existing?

3 A. A major event, really, something like  
4 Trooping the Colour, something like that sort of event.

5 Q. So you have got a major event which you might be dealing  
6 with in public order terms, and you then receive  
7 information --

8 A. And then specific intelligence around suicide terrorism,  
9 that this operation could be implemented.

10 Q. You get from intelligence, from any number of sources,  
11 that somebody might be planning a suicide attack on  
12 an event that you know about?

13 A. Yes.

14 Q. Those were the three policies, and obviously as we have  
15 heard, nothing like dealing with failed suicide bombers  
16 and the manhunt for them?

17 A. No, sir, that would have been just a normal policing  
18 firearms response operation counter-terrorist  
19 operation --

20 SIR MICHAEL WRIGHT: Mr Esposito, I am not sure how easily  
21 the jury are hearing you. You tend to talk towards  
22 Mr Hough.

23 A. I am sorry, sir.

24 SIR MICHAEL WRIGHT: Not at all. Just bear in mind that  
25 your voice has to go across the room.

- 1 MR HOUGH: Now, I think you yourself developed and started  
2 delivering presentations to teams of specialist firearms  
3 officers in early 2002?
- 4 A. That's correct, yes.
- 5 Q. So in the early stages of the development of these  
6 policies?
- 7 A. Yes.
- 8 Q. You participated, I think, in a training day for ACPO  
9 rank officers, including Commander Dick, in late 2002?
- 10 A. That's correct, sir, yes.
- 11 Q. We have heard from her about an early group of officers  
12 being trained up to play the DSO role?
- 13 A. Yes, there were a small group of ACPO officers selected  
14 at that time to perform that role, sir.
- 15 Q. We will turn to that role in a second. I think later in  
16 October 2002, you acted as the tactical adviser to a DSO  
17 in an exercise designed to try out Operation Clydesdale  
18 tactics?
- 19 A. That's correct, sir, yes.
- 20 Q. Was that a tabletop or live time exercise?
- 21 A. It was a live time exercise involving CO19 firearms,  
22 involving surveillance, involving command, that was run  
23 from a command centre at Scotland Yard.
- 24 SIR MICHAEL WRIGHT: A live time exercise means you actually  
25 did it on the ground.



- 1 A. Yes, sir.
- 2 SIR MICHAEL WRIGHT: In the actual place, as to where  
3 an event might have taken --
- 4 A. Yes, sir.
- 5 SIR MICHAEL WRIGHT: As a matter of interest, where was it?
- 6 MR HOUGH: You don't need to answer questions like that.
- 7 SIR MICHAEL WRIGHT: All right, don't worry.
- 8 A. Thank you, sir.
- 9 MR HOUGH: In 2003, did you organise a series of further  
10 exercises?
- 11 A. Yes, I did, sir.
- 12 Q. Then in July 2003, did you prepare and deliver a series  
13 of presentations to officers of the ACPO ranks and to  
14 chief firearms officers, instructors, rather, from  
15 forces across the country?
- 16 A. Yes. As a result of what we had developed within the  
17 Metropolitan Police, we wanted to share that knowledge  
18 with the rest of the firearms community and the command  
19 community across the country.
- 20 Q. I think that the MPS's training documents were in fact  
21 used across the country?
- 22 A. That's correct, sir, yes.
- 23 Q. I think you finally gave further tactical presentations  
24 in around June 2005; is that right?
- 25 A. It was a continuous rolling programme, especially to the

1 specialist firearms officers, to the ARV officers, that  
2 as things developed, the presentations changed over the  
3 time and those changed presentations were then delivered  
4 to all the firearms officers.

5 Q. I'm not going to ask you about all the detail of those  
6 because some of it of course is highly sensitive. In  
7 broad terms, did those presentations include matters  
8 such as the nature of the explosive devices you would be  
9 looking at?

10 A. Yes, they did, sir.

11 Q. How to detect a suicide bomber, profiles developed from  
12 other countries and so on?

13 A. It was information that we had gleaned from around the  
14 world that we brought back to aid our own understanding.

15 Q. How an unarmed officer should react if he suspects that  
16 somebody might be a suicide bomber?

17 A. Yes, sir.

18 Q. Command structures under these three different tactics?

19 A. Yes.

20 Q. Methods of intercepting people, on foot, in vehicles,  
21 et cetera?

22 A. Yes, sir.

23 Q. I'm not going into the details of the tactics, but this  
24 we have heard: we have heard that under both Kratos and  
25 Clydesdale, there is only a positive indication under

1           those tactics that a critical shot, fatal shot, should  
2           be administered if a suspect is positively identified  
3           and is believed to be carrying a device; is that right?

4   A.   That's correct, and it has to be a single decision from  
5           the designated senior officer.

6   Q.   So that's under Kratos and Clydesdale?

7   A.   It's under Clydesdale, sir.  There isn't any critical  
8           shot decisions under Kratos People.

9   Q.   I think you may be asked about that again, because  
10          I think in some of the training documents under  
11          Kratos People there was actually reference to critical  
12          shots.  But in any event, under those tactics, under  
13          what your officers had been trained, a critical shot was  
14          only suggested --

15  A.   Yes, sir.

16  Q.   -- if you were dealing with a positively identified  
17          suspect who was believed to be carrying a device?

18  A.   Yes, sir.

19  Q.   Otherwise, is this right, officers were to fall back on  
20          their normal training as firearms officers?

21  A.   For most operations, especially around Kratos People, it  
22          was always around the conventional firearms responses.  
23          Thereafter, once the command structure came into place,  
24          and a DSO was designated, then a decision could be made  
25          based on the intelligence that was existing at that

1           time. If I can go back to what I said previously, that  
2           if a designated senior officer was in place in relation  
3           to the spontaneous events of a Kratos People, then that  
4           designated senior officer could give an authorisation  
5           for a critical shot if it was in those circumstances.

6   Q. So the same criteria apply --

7   A. Yes, sir.

8   Q. -- whichever tactic --

9   A. Yes, sir. I do apologise.

10   SIR MICHAEL WRIGHT: So the fact that a DSO has been  
11           appointed, does that give any indication as to what the  
12           likely outcome is going to be?

13   A. Absolutely not, sir. The designated senior officer is  
14           there for a function and that's a command  
15           decision-making function, and all the specialist  
16           firearms officers, all the ARV officers, know that they  
17           are there as a decision-maker, because without that  
18           officer being there, there can be no independent  
19           decision -- there can be no actual decision that  
20           a critical shot will be taken.

21   SIR MICHAEL WRIGHT: Right.

22   MR HOUGH: Now, were your officers also in the course of  
23           this training warned that if they did believe somebody  
24           was carrying a device, they were not to fire their  
25           weapons at the central body mass, the torso?

- 1 A. That was information that we had obtained as a result of  
2 experiences in other countries, that if a person is  
3 carrying a body-borne device, then any rounds fired into  
4 that is likely to detonate their device.
- 5 Q. Now, Operation Clydesdale, I think had specific code  
6 words?
- 7 A. Yes, sir.
- 8 Q. To suggest that a particular response should be given in  
9 certain circumstances?
- 10 A. Yes, sir.
- 11 Q. So is this right, that one of those code words dealt  
12 with the situation where there was intelligence that  
13 a particular person was a bomber and had a device?
- 14 A. Yes, sir.
- 15 Q. And that code word indicated that the officers should  
16 fire a critical shot?
- 17 A. In Clydesdale, yes, sir.
- 18 Q. But there were no such code words for Kratos?
- 19 A. Not for Kratos People, no.
- 20 Q. Not for Kratos People; and perhaps you can tell us the  
21 reason for them existing in Clydesdale and not in the  
22 other?
- 23 A. The reasons that code words were put in was to aid the  
24 decision-making process so that there could be no  
25 misunderstanding of the officers on the ground exactly

1           what was being asked of them. In a fast-moving  
2           situation, if you are talking a free speech on the  
3           radio, there can be a possibility of misunderstanding.  
4           So these code words were put in to make sure that the  
5           officers understood what was being asked of them. They  
6           would be code words and some free speech, just to make  
7           sure.

8   Q.   Just to be clear on this, why in Clydesdale and not in  
9       Kratos Person?

10  A.   Because Kratos Person was a spontaneous and the  
11       responding officers wouldn't be trained to that level,  
12       most likely. It would likely be ARVs that would be  
13       responding to Kratos People as a spontaneous response.

14  SIR MICHAEL WRIGHT: I see, yes, because you have had no  
15       time to pre-plan the deployment of specialist officers?

16  A.   Exactly, sir.

17  MR HOUGH: We have heard that specialist firearms officers  
18       take time to collect their equipment, be briefed and  
19       taken down to a particular location.

20  A.   Kratos People was all to do with fast-moving pieces of  
21       intelligence coming in from the public, and the command  
22       and the response to that.

23  Q.   The DSO position, looking back historically, I think the  
24       position of DSO had first been developed in public order  
25       situations?

- 1 A. The concept had been, as a separate decision-maker, to  
2 consider the information and the decision-making over  
3 a specific set of circumstances. So it had been public  
4 order and that had been in response to the use of baton  
5 rounds or rubber bullets.
- 6 Q. That would be a senior officer who would have the final  
7 responsibility for using that particular round?
- 8 A. Yes, sir.
- 9 Q. That particular equipment, yes. Then it was decided to  
10 adapt that, use the same title for Clydesdale  
11 situations?
- 12 A. Yes, because the principle was that somebody needed to  
13 concentrate on the decision-making around the pieces of  
14 intelligence that were coming in, so that that's what  
15 they could concentrate on.
- 16 Q. So the idea was for the DSO to be able to focus, using  
17 the intelligence they are getting, on that extremely  
18 important decision of how to deal with the presentation  
19 of the suicide terrorist?
- 20 A. Yes, that's correct, sir.
- 21 Q. We have heard from others, and I am sure you would  
22 agree, that on 21 and 22 July you were dealing with  
23 something entirely new?
- 24 A. It was really quite unprecedented, sir, yes.
- 25 Q. Failed suicide bombers?

- 1 A. Absolutely.
- 2 Q. In a sense, it had one element in common with Kratos,  
3 because it was fast-moving?
- 4 A. It was a fast-moving -- it was a manhunt, yes, sir.
- 5 Q. But on the other hand it had some elements in common  
6 with Clydesdale because it was intelligence led?
- 7 A. No, it had nothing to do with Clydesdale whatsoever,  
8 sir.
- 9 SIR MICHAEL WRIGHT: It was about as far removed from  
10 Clydesdale as it could possibly be?
- 11 A. Absolutely, sir. It was a policing operation. It was  
12 a firearms policing and counter-terrorist operation to  
13 find the failed bombers of 21 July, and I personally  
14 wouldn't akin it to Clydesdale or Kratos.
- 15 MR HOUGH: So your officers were expected to use their  
16 ordinary firearms training to deal with whatever  
17 situation would present itself?
- 18 A. They always are, yes, but with the background knowledge  
19 of exactly what they were dealing with, because they  
20 were dealing with people responsible of trying to commit  
21 suicide terrorism.
- 22 SIR MICHAEL WRIGHT: Would it be fair to put the essential  
23 difference in this way: certainly with Clydesdale, you  
24 had, as you say, a preconceived, a forecast situation.
- 25 A. Yes, sir.



1 SIR MICHAEL WRIGHT: So you knew what you were going to have  
2 to deal with.

3 A. Yes.

4 SIR MICHAEL WRIGHT: With Kratos, although it was  
5 spontaneous, you were reacting to an understood  
6 situation.

7 A. Yes.

8 SIR MICHAEL WRIGHT: Based on the information you had got.

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Here, it was totally different because  
11 what you were having to do was, as you described it  
12 earlier, a manhunt.

13 A. Yes.

14 SIR MICHAEL WRIGHT: You were looking for people who you  
15 didn't know where they were or what they might be doing?

16 A. When we came on duty on the 21st and the 22nd, we had  
17 absolutely no idea what was going to happen, where the  
18 intelligence would lead us, so it had to be  
19 an intelligence-led firearms-supported operation.

20 SIR MICHAEL WRIGHT: Would you consider that Kratos or  
21 Clydesdale had anything to do with this at all?

22 A. The only response it had was the separate response that  
23 was being organised from information room that was being  
24 run by Commander Carter and another tactical adviser.  
25 That had to run simultaneously because if intelligence

1 started to come up, there would obviously be calls from  
2 members of the public coming in on the 999 system, so  
3 there had to be a response to deal with that. The  
4 response in the information room was the response  
5 organised.

6 SIR MICHAEL WRIGHT: That information had to be fed to the  
7 DSO eventually?

8 A. That DSO in the information room, yes.

9 SIR MICHAEL WRIGHT: And in due course would be fed in to  
10 any decision-making process once a suicide bomber had,  
11 as it was thought, been identified?

12 A. Obviously if a piece of information came in from  
13 a member of the public that Commander Carter started to  
14 act on, and he thought it would have implications for  
15 the operations that Commander Dick was -- then they  
16 would communicate with each other, the tactical adviser  
17 downstairs would be communicating with me, so I would  
18 know what they were doing and they would know what we  
19 were doing.

20 SIR MICHAEL WRIGHT: Thank you.

21 MR HOUGH: So the main operation that we are hearing about  
22 is run from the 16th floor room under Commander Dick  
23 and, as you are telling us, that's not governed by  
24 Kratos or Clydesdale?

25 A. No, sir.

1 Q. But then separately in the building, you have the  
2 information room with Commander Carter, and they will  
3 hear if a member of the public says that they suspect  
4 there is a suicide bomber on Oxford Street, while  
5 colleagues in the 16th floor room are dealing with  
6 Scotia and Portnall roads?

7 A. Yes, sir.

8 Q. Now, although you have told us that Kratos and  
9 Clydesdale had no application to these situations, would  
10 you expect specialist firearms officers, if they heard  
11 reference to a DSO or any discussion of a critical shot,  
12 would you expect them to think back to their Kratos and  
13 Clydesdale training?

14 A. Specialist firearms officers are highly trained. They  
15 are very professional people. They always consider  
16 everything. Whenever they are deploying, if they  
17 deploy, then they will consider everything. If they  
18 have had training in Kratos and Clydesdale, then those  
19 tactics may migrate when they deploy, but they will deal  
20 with the situation as it is faced before them. They  
21 won't predesignate something in their head to say:  
22 because a designated senior officer is present or  
23 because we are dealing with this, this is what I am  
24 dealing with. They will respond to the threat that is  
25 faced before them.

- 1 Q. Moving on from that to July 2005. I think that you  
2 yourself returned from annual leave around the middle of  
3 July 2005?
- 4 A. Yes, I did, sir.
- 5 Q. On 21 July 2005, were you on duty as a tactical adviser  
6 at Lemman Street?
- 7 A. Yes, I was.
- 8 Q. We visited that, it's the CO19 base near Tower Hill?
- 9 A. That's correct, yes.
- 10 Q. Is this right, on that day you worked on the preparation  
11 of a tactical options document for the operation that  
12 was by then underway to find the failed bombers?
- 13 A. Yes, we had been contacted at Lemman Street by  
14 Superintendent Boutcher, who had asked for 24-hour  
15 firearms cover for an operation that was emerging at  
16 that time. He told us about the failed bombings, so  
17 between myself and Andrew, we prepared a document that  
18 could deal with all contingencies that may arise at that  
19 time.
- 20 Q. At that time, I don't think it was known whether the  
21 strategy to be followed would be a media appeal or  
22 a series of covert operations against particular  
23 addresses or anything else?
- 24 A. We had absolutely no idea, sir, no.
- 25 Q. Looking at the way you prepared this document with

1 Andrew, is this right, during the course of the  
2 afternoon you communicated with each other by email?

3 A. Yes.

4 Q. You put together the document, drawing on other  
5 documents that you had over time?

6 A. As -- directly after the bombings on 7 July, that we had  
7 started to prepare responses. We started to look at  
8 tactics, as we had been doing over the years coming, and  
9 so we had a number of documents already in place. These  
10 documents were used as the base documents for this  
11 tactical advice document.

12 Q. So there was a certain amount of cutting and pasting?

13 A. I wouldn't call it cutting and pasting; I would call it  
14 using documents because they were relevant.

15 Q. I am just talking about the physical means rather than  
16 demeaning the process. That document in its final form  
17 dealt with a number of different situations?

18 A. It was intended to deal with a whole range of things  
19 that could possibly emerge from ordinary suicide  
20 terrorist tactics -- ordinary terrorist tactics to  
21 suicide terrorist tactics.

22 Q. It dealt with premises and vehicles?

23 A. Yes, premises, vehicles, people.

24 Q. We have got an extract from that at tab 42 of the jury  
25 bundle. You are seeing it on screen at the moment.

1           It's been redacted. Do you recognise that as part of  
2           the document you wrote?

3   A. Yes, I do, sir.

4   Q. If we turn the page, we see the remaining options (b) to  
5       (i), having seen (a) on the previous page?

6   A. Yes, sir.

7   Q. All those options existed for one particular situation?

8   A. This, the document was intended to be a base document,  
9       a discussion document for any emerging intelligence that  
10       could actually happen. I could have actually written  
11       about 20 or 30 options at this particular time. If you  
12       will see, the (a), (b) and (c) are stop options, and  
13       each one, there is two for covert, for tactical support  
14       teams and one for specialist firearms officers. It's  
15       written in that way because that is the configuration  
16       that the officers used at that time. The tactical  
17       support teams could either be in plain clothes or they  
18       could be a mixture of plain clothes and uniform, and  
19       that then reflects in it.

20           The remaining six options, there is two for each  
21       discipline, if you could call it: two for specialist  
22       firearms officers, two for armed response vehicles and  
23       two for tactical support teams, and the intention of  
24       this was to headline to the police command that both  
25       were able to use covert or overt resources.

- 1           It was a base document, a discussion document, sir.
- 2   Q.   So summarising this, you have a document which has
- 3       a number of different sections?
- 4   A.   Sir.
- 5   Q.   Section 10 is the one that deals with suicide terrorists
- 6       specifically outside the premises, so spontaneous or
- 7       pre-planned?
- 8   A.   Yes, sir. Or elsewhere.
- 9   Q.   Or elsewhere?
- 10  A.   Absolutely anywhere. It was intended for, as it says
- 11       just above 10, "Vehicle or Foot". That could be
- 12       a suicide terrorist who comes out on foot, or a suicide
- 13       terrorist that comes out on foot and then gets in
- 14       a vehicle.
- 15  Q.   Then you set out under this particular section a menu of
- 16       options for the senior officers. The first three are
- 17       stop options; the next six are contain and challenge
- 18       options; and you are using as part of those options the
- 19       three parts of C019, armed response vehicles?
- 20  A.   Yes, sir.
- 21  Q.   Which, as we have heard, are often overt?
- 22  A.   Armed response vehicles are nearly always overt, sir.
- 23  SIR MICHAEL WRIGHT: You can recognise them? They are
- 24       recognisable?
- 25  A.   Absolutely, sir.

1 MR HOUGH: So in all those options you have to be aware, the  
2 senior officers have to be aware that it will be  
3 an overt situation?

4 A. Yes. That was part of the discussions, to say that if  
5 you are using armed response vehicles, then they are  
6 highly trained officers, they are very competent  
7 officers, but they are an overt response; and if this is  
8 a covert operation, then we have to consider very  
9 carefully how we deploy them.

10 SIR MICHAEL WRIGHT: Forgive me, Mr Hough, just before we  
11 get too far away from it, we have not forgotten.

12 Looking at your heading for section 10 of this  
13 document?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: You explained to us that essentially  
16 the situation you were having to deal with on the 21st  
17 and 22nd was neither Clydesdale nor Kratos?

18 A. No, sir.

19 SIR MICHAEL WRIGHT: But you do use the title "Kratos" in  
20 the title of that section. Would you like to comment on  
21 that?

22 A. Whether or not it had been downstairs using the armed  
23 response vehicles from Commander Carter doing  
24 a spontaneous Kratos, as a result of the intelligence  
25 developing, then the armed response vehicles would use



1           these tactics and these were the options available. It  
2           was just a headline document. So whether or not it  
3           would be for this or for the spontaneous issues  
4           downstairs, it is just headline. If it's spontaneous,  
5           it's downstairs. If it would then become pre-planned,  
6           it could be us --

7   SIR MICHAEL WRIGHT: By downstairs, you mean information  
8           coming in.

9   A. I apologise, information room.

10   SIR MICHAEL WRIGHT: In the information room.

11   A. Yes, sir.

12   SIR MICHAEL WRIGHT: Information coming in from the general  
13           public?

14   A. Yes.

15   SIR MICHAEL WRIGHT: The development of what we have heard  
16           called either Vivace or Theseus 2 was the product of  
17           intelligence?

18   A. Yes, sir.

19   SIR MICHAEL WRIGHT: That's the difference? Does it make  
20           a difference?

21   A. Absolutely, because the operation,  
22           Operation Theseus/Vivace, it was an intelligence-led  
23           developing operation that Commander Boutcher was  
24           running, and pieces of information would be coming in  
25           all the time.

1           Spontaneous would be just a call from the member of  
2           the public: "I have seen a person walking down the  
3           street that I believe is a suicide terrorist".

4   SIR MICHAEL WRIGHT: And that is a true Kratos situation.

5   A. And that was very relevant because there were an awful  
6           number of calls like that at that time, because members  
7           of the public were obviously concerned with what was  
8           going on at that time.

9   SIR MICHAEL WRIGHT: That was the result of 7/7?

10   A. Yes.

11   SIR MICHAEL WRIGHT: Thank you.

12   MR HOUGH: This distinction between spontaneous and  
13           pre-planned operations is one that pervades the firearms  
14           manuals, the firearms authorisation documents and so on?

15   A. Yes, it does, sir.

16   Q. As we have heard from others, CO19 divided into three  
17           parts: the ARV officers, then slightly more highly  
18           trained -- I know we are dealing with all of them being  
19           very highly trained -- slightly more highly trained than  
20           the Tactical Support Team officers?

21   A. Yes.

22   Q. And at the top the specialist firearms officers. We  
23           have heard ARV officers almost always overt; Tactical  
24           Support Team officers can be either?

25   A. Yes.

- 1 Q. Covert or overt. SFOs normally covert?
- 2 A. Normally covert. They can be overt if it's necessary.
- 3 Q. So your options involve the use of those different teams
- 4 individually or in combination?
- 5 A. Yes, sir.
- 6 Q. Under that document, and we have not looked at this
- 7 part, because parts of it are sensitive, you dealt with
- 8 the advantages and disadvantages of using each
- 9 particular option?
- 10 A. Yes, sir.
- 11 Q. We have heard, I think, that the document was presented
- 12 first to Mr Boutcher at about quarter to midnight by
- 13 Andrew?
- 14 A. As I understand.
- 15 Q. It was ultimately presented to other senior officers as
- 16 well?
- 17 A. Yes.
- 18 Q. After you had produced that document, I think you
- 19 finished your duty at about 11 o'clock on the evening of
- 20 the 21st?
- 21 A. That's correct, sir, yes.
- 22 Q. When did you return to New Scotland Yard?
- 23 A. At 6 o'clock, approximately 6 o'clock the following
- 24 morning.
- 25 Q. Were you to take over as the oncall CO19 tactical

- 1           adviser from Andrew, who had held that role overnight?
- 2    A.   I had arranged the previous night, as we had been  
3           aligning resources that particular night, as who was  
4           going to do what because we had to arrange for 24-hour  
5           tactical advice cover for this operation, 24-hour  
6           tactical advice cover for other operations, and for the  
7           spontaneous Kratos response.
- 8    Q.   As we have heard from Andrew, part of the job of the  
9           tactical adviser on call is not just to provide tactical  
10          advice to senior officers; it's also to make sure that  
11          there are firearms resources for operations as they are  
12          required?
- 13   A.   That's correct, sir, yes.
- 14   Q.   In the period between when you finished duty and when  
15          you returned to New Scotland Yard, I think you made and  
16          received a few calls; is that right?
- 17   A.   Yes, I did.
- 18   Q.   We have heard about these. It's tab 45 of the jury  
19          bundle. If it can be brought up on screen it might  
20          assist you. If you go down this to 5 o'clock in the  
21          morning?
- 22   A.   That's correct.
- 23   Q.   Your name is coloured in a sort of light green where it  
24          appears. Do you see a call there made by Andrew to you  
25          but only lasting nine seconds?

- 1 A. What would be normal on the mornings is if we had  
2 arranged the night before to provide 24-hour cover for  
3 an operation, that the officer that had gone to bed or  
4 gone home wouldn't know how that operation had  
5 developed, so it's very usual, the first thing you do is  
6 phone up your colleague who is going to take over to  
7 say: what is the state of the operation; what is  
8 happening; do I still have to come on to duty; has it  
9 finished; or what do you want me to do? So that was the  
10 purpose of those small couple of calls.
- 11 Q. Nine seconds suggests either a very, very brief call or  
12 a phone message?
- 13 A. What actually happens is at that time I had very bad  
14 reception in my bedroom, so what used to happen, it used  
15 to ring, I used to answer it, I couldn't talk so I had  
16 to go down into the kitchen. So then the conversations  
17 carried on down there.
- 18 Q. I think you get down to the kitchen, if this sheet is  
19 right, at 4 minutes past 5?
- 20 A. Something like that, yes, sir.
- 21 Q. You call Andrew back in a call lasting a minute and  
22 a half or so?
- 23 A. Yes.
- 24 Q. In the course of that call, what did he tell you?
- 25 A. I really can't remember now. It was just telling me

1           about that operation, about what was happening, state of  
2           play.

3       Q.   Can you recall now, and I'm not going to ask you about  
4           the details of the call, because we understand that you  
5           can't remember those, can you remember whether he was  
6           talking in terms of an overt operation with a media  
7           appeal or a covert operation looking at particular  
8           addresses?

9       A.   I can't remember the exact details. I just can't.  
10          I know certain things happened after that, and I know  
11          I know some things certain, but at that particular time  
12          I couldn't tell you exactly what I knew.

13      Q.   Later on at 5.58, we see you making a call to Andrew  
14          which just lasts 15 seconds?

15      A.   That's probably a call to him to let me into the secure  
16          operations room that was on the 16th floor.

17      Q.   So that gives us a time for your arrival. Then we have  
18          you making a call at 20 past 6 to somebody not known.  
19          Do you have any recollection of what that call might  
20          have been?

21      A.   That was a call to the tactical adviser that was  
22          running, advising Mr Carter downstairs.

23      Q.   Would that be Inspector ZAJ as we know him?

24      A.   No, that was the officer that was taking over from him,  
25          which I think was Chief Inspector Rush.

1 Q. I see. I think we can have that sheet off screen now.

2 SIR MICHAEL WRIGHT: Before you do, I noticed that I suspect  
3 my copy of this document has been used to go on the  
4 screen, because I recognise my writing on it, in  
5 particular the "orange team leader" at 5.07, and also  
6 it's disappeared at the moment, but there was a call  
7 inserted, you will remember. I am sure I'm accurate but  
8 I think everybody had better make sure that they know  
9 where that has come from.

10 MR HOUGH: If we expand the screen, that's a reference to  
11 the call from Alan to Inspector ZAJ and we heard  
12 evidence about that.

13 SIR MICHAEL WRIGHT: It's got on to the screen, that's all.  
14 It isn't, I think, the original document.

15 MR HOUGH: No, but they are both correct annotations.

16 SIR MICHAEL WRIGHT: I am glad to hear it. I am afraid I'm  
17 going to go on doing this: the one at 6.20 was you to  
18 the tactical adviser who had taken over from ZAJ.

19 A. Yes.

20 SIR MICHAEL WRIGHT: We don't need to know his name, just  
21 tactical adviser?

22 A. Yes.

23 SIR MICHAEL WRIGHT: Thank you.

24 MR HOUGH: Now, you are arriving at just before 6 o'clock.

25 A. Sir.

- 1 Q. You have said that you were making that call to get into  
2 the secure area?
- 3 A. It could have been to get into that secure area; it  
4 could have been where are you in the building, because  
5 it's a very large building; it was just to make contact  
6 so that we could get together.
- 7 Q. Where did you get together?
- 8 A. In the control room on the 16th floor.
- 9 Q. Once you had got there, what kind of briefing did Andrew  
10 give you?
- 11 A. He took me through the log that we had started -- that  
12 he had started to prepare the night before, and  
13 basically took me through all the information, where all  
14 the teams were, what the deployments were, those issues.
- 15 Q. That log is at tab 41 of the jury bundle. I don't know  
16 if you have either the jury bundle or a copy of the log  
17 there?
- 18 A. I have a copy of the log here, sir.
- 19 Q. It's coming up on screen. If you can go to page 5 of  
20 that, please. If you look at the screen, we know it's  
21 Andrew's handwriting down to the end of the first half  
22 of this page; is it your handwriting from there on?
- 23 A. It's from "22/7/2005 0600", that's my handwriting, sir.
- 24 Q. You are there recording that you assumed responsibility  
25 as tactical adviser for Operation Vivace, the resources



- 1           for that operation?
- 2    A.   Yes.
- 3    Q.   There you record Chief Inspector Rush, the person we
- 4           have just heard about, as the tactical adviser for
- 5           Mr Carter?
- 6    A.   That's correct, sir, yes.
- 7    Q.   You record that the orange team is with Inspector ZAJ,
- 8           who is to be relieved by Chief Inspector Terry?
- 9    A.   That's correct.
- 10   Q.   Were you told where the orange team was?
- 11   A.   I knew that they were at Scotland Yard, sir, yes.
- 12   Q.   Did you know where in Scotland Yard they were?
- 13   A.   At that time, no, but I gathered there isn't many places
- 14           that a team can hold in Scotland Yard, so it would
- 15           probably have been in the canteen.
- 16   SIR MICHAEL WRIGHT:  In the canteen?
- 17   A.   Probably, sir, yes.
- 18   SIR MICHAEL WRIGHT:  Most likely place, anyway.
- 19   A.   Yes, sir.
- 20   MR HOUGH:  Then you record that the black team with their
- 21           tactical adviser Trojan 84 is to come on duty at
- 22           7 o'clock?
- 23   A.   That's correct, sir.
- 24   Q.   You would have understood that to be Leman Street?
- 25   A.   Yes, sir.

- 1 Q. Then tactical support teams and armed response vehicle  
2 to be the spontaneous response?
- 3 A. Yes. That would be from information room with  
4 Commander Carter and the tac adviser.
- 5 Q. Were you made aware at that stage, when you first came  
6 in and received your briefing from Andrew, what was  
7 intended for those two teams, the orange and the black?
- 8 A. My understanding was that they were going to come on  
9 duty and they were going to support this operation.
- 10 Q. Any specifics about where they might be going to support  
11 the operation?
- 12 A. Not at that time, sir, no.
- 13 Q. I think we have heard actually that the black team,  
14 although referred to repeatedly as the black team, was  
15 a combination of parts of the black and green teams?
- 16 A. That's correct, sir, yes.
- 17 Q. You don't record in this document, and Andrew hasn't  
18 recorded previously, who the Silver Commanders were to  
19 be to lead those two teams. Was that something that was  
20 mentioned to you at that stage?
- 21 A. No, it wasn't. I understood that there were Silver  
22 Commanders within the building, but I wasn't aware that  
23 there were to be any deployments at that time.
- 24 Q. Were you told who those Silver Commanders, as it were,  
25 on duty and available were?

- 1 A. I knew that the deputy SIO was Angie Scott, and there  
2 were other trained officers within that building.
- 3 Q. We will move up the page. We see Andrew has recorded  
4 much earlier that morning, about 2.30, that DI Scott was  
5 the night duty Silver Commander and DI Neil Smith was to  
6 be the early turn Silver Commander?
- 7 A. That's what's written there, sir, yes.
- 8 Q. Did you understand those to be oncall Silver Commanders,  
9 should they be required for these two teams?
- 10 A. That's my understanding, sir, yes.
- 11 Q. If we go back down the page, now, this is the  
12 information you received before the meeting with  
13 Commander McDowall; we have also heard that you make the  
14 call at 6.20 to Mr Rush, I think?
- 15 A. Yes.
- 16 Q. So again, that's before the meeting with  
17 Commander McDowall?
- 18 A. Yes, sir.
- 19 Q. Then we see further down the page, you timing it at  
20 6.48, a meeting in the 15th floor conference room with  
21 commanders McDowall, Allison, Carter and others?
- 22 A. That second entry is an entry that refers to two  
23 meetings, and the 6.48 timing is a time that I wrote;  
24 whether it's the time that I first got to the first  
25 meeting or a time that I recorded at that meeting,

1 I don't know.

2 Q. When you went to the meeting, where was it taking place?

3 A. In Commander McDowall's office on the 15th floor.

4 Q. Because we have heard that it, as it were, started in  
5 that office and then moved to a wider audience in the  
6 conference room?

7 A. Yes.

8 Q. So you were there for the first part of that?

9 A. Yes.

10 Q. Was the meeting already underway, were people already  
11 there and talking when you arrived?

12 A. There were people there. There were people talking.  
13 I don't know what state the meeting was at at that time.

14 Q. You went there, I think, with Andrew?

15 A. Yes.

16 Q. There you record:  
17 "Informed to halt the overt strategy".

18 So before this meeting took place, were you aware  
19 whether the overt strategy of a media appeal rather than  
20 covert surveillance supported by firearms at particular  
21 addresses, whether that overt strategy was still being  
22 used?

23 A. I knew that there was some developing intelligence  
24 around some addresses at that time. And I knew that  
25 some work was being done at those addresses. But

1           whether or not -- I don't know what was in Mr McDowall's  
2           mind prior to me coming to that meeting.

3   Q.   In your most recent witness statement, it's the last  
4           paragraph, you say:

5                   "After meeting with Commander McDowall [that's this  
6           meeting] I understood that a public appeal would not be  
7           made that morning, but rather it would be a covert  
8           operation involving the deployment of surveillance and  
9           armed support to particular addresses arising from  
10          intelligence that had arisen overnight."

11   A.   That's the summary of my thoughts at that time, sir,  
12          yes.

13   Q.   So you had heard something about developing intelligence  
14          before the meeting, but you weren't aware that the overt  
15          strategy had been called off until this meeting?

16   A.   No.

17   Q.   The intelligence you did become aware of beforehand, who  
18          told you about that?

19   A.   I can't remember exactly who told me, but I was aware of  
20          an address, and I was aware of other emerging  
21          intelligence in relation to other addresses.

22   Q.   Now -- go on?

23   A.   Sorry.

24   Q.   It's all right.

25   A.   Being in the control room at 1600, I may have heard it

1 from -- Andrew may have told me, I may have heard it  
2 from somebody else in there, it may have been written up  
3 on a board. I don't know now, but I know that there  
4 were addresses being researched and work being done  
5 around addresses.

6 Q. Andrew has given evidence that he certainly wasn't aware  
7 of moving to a covert strategy or focusing on specific  
8 addresses until this meeting?

9 A. No, I did know before that.

10 Q. Before this meeting, were you told of any decision that  
11 the orange team which was at Scotland Yard was being  
12 kept there, deliberately kept in a central location, so  
13 that it might go to any number of possible locations?

14 A. That would be the normal thing to do. That would be the  
15 sensible thing to do. I am aware of one address in one  
16 side of London and I am aware of intelligence in  
17 relation to other addresses; it just wouldn't make sense  
18 to me to send them to one location if there was a lot of  
19 other pieces of information emerging at that time.

20 Q. Might that depend on whether you have one address or two  
21 addresses or three addresses when the decision is first  
22 made about deployment?

23 A. At that time, that particular team, orange team, had  
24 been a standby team for a number of operations  
25 previously to that. There was nothing unusual for this,

1           for them to be taken to a central location and say:  
2           right, hold here, please, because there is a lot of  
3           things developing, we don't know what we are going to do  
4           with you yet, until everything firms up, then we will  
5           send you out to a location when we know what's  
6           happening.

7    Q.   Were you aware whether anybody had actually sat down and  
8           made that decision before 7 o'clock that morning?

9    A.   I didn't believe that there were any deployments at that  
10           time.

11   Q.   So is the answer no?

12   A.   Yes, sir.

13   Q.   Going on down the note, after you have been informed  
14           that the overt strategy was to be halted, the  
15           intelligence was detailed, so more information provided  
16           about the intelligence?

17   A.   Yes, I think that relates to the main briefing.

18   Q.   I see.

19   A.   Because at that main briefing, we were actually told  
20           about four possible addresses, four possible vehicles,  
21           which then made sense to me to say at that time: I have  
22           got one team, I need to hold them at a central location.

23   Q.   And those addresses as far as you recall, obviously  
24           Scotia and Portnall?

25   A.   Yes.

1 Q. Blair House and Corfe House?

2 A. Corfe House.

3 Q. Moving on, Silver for orange, DI Merrick Rose, who will  
4 brief orange at New Scotland Yard?

5 A. That's correct. At that meeting the Silvers are  
6 actually nominated for specific addresses.

7 Q. We heard from Mr Rose yesterday about how they were  
8 nominated, him being selected and Mr Purser coming  
9 forward.

10 If we can turn the page, please, on screen:

11 "Black to New Scotland Yard for briefing with  
12 Silver".

13 Is that indicating that the black team was going to  
14 come from Lemman Street to New Scotland Yard to be  
15 briefed by Mr Purser?

16 A. I think that's actually a separate entry. It may be  
17 made at a separate time. I can't remember now. It  
18 could have been one entry; it could have been separate;  
19 I could have made that one when I got back to the  
20 control room. It makes sense that I would make it back  
21 to the control room, because I wouldn't know who the  
22 surveillance team leaders were while I was in that  
23 meeting.

24 Q. Then you record:

25 "As soon as all teams briefed, both out to support



1           surveillance teams."

2    A.   Yes.

3    Q.   You record the tactical advisers for each team?

4    A.   Yes, sir.

5    Q.   I think that can come off screen for the moment.

6           At that time, when you had just come out of that  
7           meeting, where did you expect the black team to go from  
8           New Scotland Yard?

9    A.   In relation to what, sir?

10   Q.   You have got the black team coming into New Scotland  
11       Yard to be briefed; where did you expect them to go from  
12       there; did you know where they would be going from  
13       there?

14   A.   I knew that they had to come in. I knew that they had  
15       to be briefed. I made a phone call to their tactical  
16       adviser so that they could arrange to pick up the  
17       Silver.

18   Q.   Did you know where they would be going, whether to  
19       a particular police station, to a holding point,  
20       anything like that?

21   A.   No.

22   Q.   Did you know about the Territorial Army Centre at all?

23   A.   At that time, I don't know if I was aware of it at that  
24       time, but it would be a normal thing to do, that the  
25       teams would go to a holding area -- that the teams would

1 go to a briefing area and then that team would assess  
2 where they should go to be close to the address that  
3 they need to cover.

4 Q. We shall hear that you gave the directions to the  
5 tactical adviser with the team, so I am obviously just  
6 exploring what you knew at this stage. You knew that  
7 they were going to be deployed to Scotia Road?

8 A. Yes, sir.

9 Q. But you didn't know which police station they would be  
10 going to?

11 A. In relation to?

12 Q. In relation to Scotia Road, near Scotia Road.

13 A. They may not go to a police station. As it happens,  
14 they went to Nightingale Lane for a briefing, which is  
15 a briefing area which is commonly used by firearms  
16 officers for briefings, because it's a safe location.

17 SIR MICHAEL WRIGHT: Is that a decision that is left to the  
18 Silver?

19 A. It normally is, sir. My instructions to the tactical  
20 adviser on the ground is to say: right, this is your  
21 role, this is your function; you are to support  
22 surveillance teams at Scotia Road, you need to pick up  
23 your Silver and you need to give them a briefing. So  
24 they will go to a suitable location to do that briefing.

25 SIR MICHAEL WRIGHT: It's up to Silver and the team leader,

- 1 I suppose, as to where they go?
- 2 A. Yes, sir, and once they have done that, they then report  
3 back to me to say: right, we are done, we are briefed,  
4 we are ready to go.
- 5 MR HOUGH: When you come out of this meeting, have you been  
6 informed by Mr McDowall and others of the strategy  
7 that's to be followed at these addresses?
- 8 A. I was aware of the strategy, yes.
- 9 Q. What was that strategy as you recall it?
- 10 A. That CO19 would stop all known subjects coming out of  
11 the buildings.
- 12 Q. Out of the buildings or out of the addresses?
- 13 A. Well, out of the addresses, because I knew that  
14 Portnall Road was a flat, and I knew that Scotia Road  
15 was a multi-occupancy building.
- 16 Q. Did you know that at the time of the meeting with  
17 Mr McDowall?
- 18 A. I think I did, yes.
- 19 Q. Did you discuss in that meeting or raise any questions  
20 about how the strategy was to be followed, given that  
21 you were dealing with a block with a communal entrance?
- 22 A. It would be normal practice that surveillance controls  
23 the addresses. Firearms team would locate at a location  
24 that would remain covert because that is of ultimate  
25 importance here. As the subject is coming out of the

- 1 addresses, if it's identified, then firearms will latch  
2 on to the back of that, and do an interception as and  
3 when it was instructed by the designated senior officer.  
4 So that's where they would locate.
- 5 Q. Was there any discussion at that meeting about who would  
6 make the identification and who would ask the SFO team  
7 to intercept a particular person?
- 8 A. The person responsible for the identification is the  
9 surveillance team. The person who is responsible for  
10 the decision-making is the DSO.
- 11 Q. Was that discussed in the meeting, or is that just  
12 something that you have concluded based on your  
13 extensive experience after the --
- 14 A. I don't know whether that was discussed at the meeting.  
15 There was an awful lot of stuff discussed at the meeting  
16 and after, and it's very difficult to say what was  
17 discussed exactly when, because ...
- 18 Q. But you think, is this right, that you were aware of the  
19 fact that Scotia Road was a communal block while at that  
20 meeting?
- 21 A. Yes.
- 22 Q. Or when coming out of it?
- 23 A. (Witness nods).
- 24 Q. From the meeting, where did you go?
- 25 A. I went back to the control room.

- 1 Q. On the 16th floor?
- 2 A. Yes. I may have had some meetings with some other  
3 people, at other times, because I know I spoke to  
4 an awful lot of people that morning, but I have no  
5 recollection; and I know that I then went back to the  
6 control room to start aligning resources, to start  
7 organising things, making phone calls and getting some  
8 support in the control room.
- 9 Q. I think you made a call to Trojan 84, the tactical  
10 adviser --
- 11 A. That's correct.
- 12 Q. -- for the black team at 7 minutes past 8?
- 13 A. Yes, I made an awful lot of calls that morning, some on  
14 my mobile phone, an awful lot on the landline that was  
15 there, because most of the time I was sitting at the  
16 desk and it was far easier to use that landline.
- 17 Q. You, I think, have produced your mobile phone records to  
18 the IPCC?
- 19 A. Yes.
- 20 Q. They show that there was a call at 7 minutes past 8 made  
21 by you on your mobile to Trojan 84 lasting three  
22 minutes?
- 23 A. Yes.
- 24 Q. Can you tell us where you were when you were making that  
25 call and what was the subject of the call?

- 1 A. I would have been in the control room and it would have  
2 been about the meeting, what they were to do, where they  
3 were to go, what the strategy was, about the  
4 intelligence, and the fact that they now needed to come  
5 to Scotland Yard to pick up their Silver.
- 6 Q. So those instructions are given at 7 minutes past 8 and  
7 you were in the control room at 7 minutes past 8?
- 8 A. To the best of my knowledge, sir, yes.
- 9 Q. I think he called you back for a very, very short call  
10 at about 16 minutes past 8; do you recall what that call  
11 was about? We can show on the screen a statement in  
12 which he makes reference to that statement, if you would  
13 like?
- 14 A. I thought you were talking about the call at 7.15, sir.
- 15 Q. No, at the moment I am talking about one rather later.
- 16 A. Sorry. I totally misunderstood you. I thought you were  
17 referring to the 508 call at 7.15.
- 18 Q. Let us get these two calls separate, then.
- 19 A. Sorry.
- 20 Q. Quarter past 7, there is a call from you to Trojan 84?
- 21 A. Yes.
- 22 Q. Lasting five minutes?
- 23 A. Yes, sir.
- 24 Q. What was said in that call?
- 25 A. What we just talked about, about what they were doing,

1 to come -- had to come and pick up their Silver, all  
2 those issues.

3 SIR MICHAEL WRIGHT: That was instructions about the  
4 deployment generally?

5 A. Yes, sir.

6 MR HOUGH: So they are given the instructions about the  
7 deployment at 7.15.

8 Then at 7 minutes past 8, you are out of the meeting  
9 with Mr McDowall, you are back into the control room; is  
10 that right?

11 A. Yes, sir.

12 Q. There is another call from you to Trojan 84?

13 A. 8.07, yes, sir.

14 Q. At 7 minutes past 8 lasting three minutes?

15 A. Yes.

16 Q. Recalling those two calls, and I know it can be hard to  
17 separate things at this distance of time, can you recall  
18 what that call was about?

19 A. No, I can't, sir. No, I really can't.

20 Q. That's fine.

21 A. I made so many calls that morning, some on the landline,  
22 some on a mobile phone. The details of that call I just  
23 can't remember.

24 Q. So you have given them their instructions at 7.15; the  
25 meeting with Mr McDowall in the main control room, does

1           that continue after you have given your instructions?

2    A.  Sorry, could you ...

3    Q.  Let us go back to taking it in order.  You have arrived

4           at New Scotland Yard at 6 o'clock; you have had your

5           instructions, briefing from Andrew?

6    A.  Yes, sir.

7    Q.  You have gone to Mr McDowall's office and from there to

8           the conference room?

9    A.  Yes, sir.

10   Q.  You have made the call at 7.15?

11   A.  Yes, sir.

12   Q.  -- to Trojan 84 to give the instructions on the

13           deployment?

14   A.  That's correct, yes.

15   Q.  At some point after that you go to the control room?

16   A.  (Witness nods)

17   Q.  Around what time would that have been?

18   A.  It must have been after that meeting, so 7.00, 7.20.

19           After that meeting finished, I spoke to some people, and

20           then just went down to the control room to carry on

21           about the business.

22   Q.  While you were in the control room, do you recall

23           a meeting taking place in the forward intelligence cell?

24   A.  Yes, I do.  I think that was a meeting called by the

25           DSO, Commander Dick.



- 1 Q. Were you present in that meeting?
- 2 A. Yes, there were a number of officers present.
- 3 Q. Were you present throughout that meeting?
- 4 A. Yes. Yes, I recall it was a fairly short, sharp  
5 meeting.
- 6 Q. In the course of that meeting, what did Commander Dick  
7 say about the strategy to be followed?
- 8 A. I don't know, I can't remember her exact words, but she  
9 outlined what the strategy was, or what the operational  
10 intention was; and that was for the stopping of people  
11 coming out of the premises, who would do the stopping,  
12 done on her orders, and her decisions.
- 13 Q. Did she say anything about the fact that it was  
14 a communal block and that Mr McDowall's strategy might  
15 have to be adapted because of that fact?
- 16 A. I can't remember, but I do remember the fact that --  
17 what our role was in this, because it was quite clear,  
18 and she made that quite clear. I can only assume that  
19 she knew at that time that it was a communal block,  
20 because I did.
- 21 Q. Was there any discussion at that time about the fact  
22 that people had already come out of the block?
- 23 A. That is a recollection, but the details of it I don't  
24 know, sir.
- 25 Q. Was there any discussion as far as you can recall -- you

1           may not because it's a detail -- about what had been  
2           done with those people, I think two people, and why?

3   A.   No, I don't, sir.

4   Q.   Were you aware in the course of that meeting or  
5           afterwards about an S013 arrest team under  
6           a Mr Dingemans being sent to Leman Street?

7   A.   I knew that there was an arrest team because that is  
8           always a normal process, that if you have a firearms  
9           team out operating on the ground, whatever happens, if  
10          they did an interception, if they did a stop, if they  
11          deployed, then the person that had been detained would  
12          be handed over to investigators. I believe that was one  
13          of their functions.

14   Q.   So typically you would have a C019 team to detain  
15          somebody, using firearms?

16   A.   Yes, sir.

17   Q.   Then once that person's been detained, they are then  
18          seen by the arrest team, who are investigators, who  
19          actually talk to them and gather intelligence from them?

20   A.   Yes, that's correct, sir.

21   Q.   What information did Commander Dick give you about what  
22          the C019 team would be doing, and when they might be  
23          wanted at Scotia Road?

24   A.   I believe she wanted them there as soon as possible,  
25          once they had been properly briefed and properly

1           organised. So that would have been normal, that  
2           Commander Dick would accept that the teams have to be  
3           briefed, they have to be organised properly, and they  
4           have to get into place. There is a need for speed, but  
5           you need to do it properly and you need to do it in  
6           an organised way, and I am sure Commander Dick accepted  
7           that.

8   Q. We have heard that this meeting took place some time  
9       shortly after 8 o'clock. At that time, did you know  
10      where Trojan 84 and the black team were?

11   A. They were either at Lemn Street on their way to  
12       Nightingale Lane or at Nightingale Lane. I can't  
13       remember where. I would have been in constant contact  
14       with Trojan 84 because that was my role and he would  
15       have been phoning me. Whether that was these phone  
16       calls, I don't know. But they would have been on the  
17       landline as well, because I would have not only been  
18       contacting him, I would have been contacting the other  
19       teams that were dealing with Portnall Road.

20   Q. When did you first become aware that they were going to  
21       Nightingale Lane to receive their briefing?

22   A. Again I don't know, but it was nothing unusual to me  
23       that they would be going to a location for a briefing  
24       that would be south of London. Lemn Street is north of  
25       London. If they are going to have a deployment in

- 1 South London, then they would want to come to a briefing  
2 location closer to their point of deployment.
- 3 Q. Were you involved in the decision about where their  
4 holding area might be, where they might wait for their  
5 instructions after they had been briefed and sent out?
- 6 A. I was aware of the TA Centre there, and I was aware of  
7 some phone calls that -- I made some phone calls and  
8 spoke to Trojan 84. Whether or not I told him about  
9 that, I may have discussed it with him, but then...
- 10 Q. Is this right, in this early period in the control room,  
11 you are communicating with Trojan 84, you are receiving  
12 information about his location?
- 13 A. Yes, sir.
- 14 Q. You are also receiving and imparting information about  
15 where they are going to brief, where they are going to  
16 hold up, when they might be expected there?
- 17 A. Yes, sir. That would be the normal course of events.
- 18 Q. Now, can we just have a plan of the control room on  
19 screen? It's tab 20 of the jury bundle. We have heard  
20 from others about where you positioned yourself in this  
21 room, but just to hear it from the horse's mouth, where  
22 do you recall sitting or standing in the period between,  
23 say, 8 o'clock and 9.30?
- 24 A. Around about between where A3 and A4 is on the back row  
25 of the operations room.

- 1 Q. Were you normally sitting or standing?
- 2 A. Both. If I was on the phone, I would be sitting. If  
3 I was writing I would be sitting. If I was looking at  
4 my computer I would have been sitting. But then I did  
5 walk around the room and speak to other officers.
- 6 Q. We have heard from others that Commander Dick was  
7 normally standing with a number of other senior officers  
8 around her?
- 9 A. Yes.
- 10 Q. Where were they?
- 11 A. At what time, sir?
- 12 Q. Just generally, which area were they standing in or were  
13 they just everywhere?
- 14 A. It depends what was happening.
- 15 Q. We will come to particular moments. What was the  
16 atmosphere and the general noise level in the room?
- 17 A. There were a lot of people in the room.
- 18 Q. Roughly what number during this period?
- 19 A. I have got absolutely no idea, sir. But it was  
20 a working environment. There were people talking, there  
21 were people on the phone, there were people calling to  
22 each other to get things done. It was a normal  
23 operation room managing a crime in action.
- 24 Q. Did you sometimes have to call to be heard across the  
25 room?

- 1 A. No more than I do normally, sir, no.
- 2 Q. You said you compared it to a crime in action?
- 3 A. Yes.
- 4 Q. Would the atmosphere in a crime in action operations  
5 room be rather different from what, say, a surveillance  
6 officer would be used to in a lifestyle surveillance  
7 operation?
- 8 A. Absolutely, sir. Well, it really depends on what stage  
9 it's at. If it's a quiet time, then it's normally  
10 quiet. If there is a lot going on, then there is a lot  
11 of people speaking, but if you are dealing just with  
12 a very slow-time intelligence-gathering operation, where  
13 there is just one or two people in the room, then it  
14 naturally will be very quiet. But this was a perfectly  
15 normal environment for me to work in, sir.
- 16 Q. You have told us about the DSO role in general terms,  
17 and you have told us about how in public order  
18 situations and in Operation Clydesdale situations, the  
19 DSO was really required for that final decision about  
20 what to do when presented with the particular threat?
- 21 A. Not only at the final time but throughout, options and  
22 choices and decisions based on advice that was given.
- 23 Q. Were you under the impression that Commander Dick was  
24 limiting her role to a specific aspect of the operation,  
25 or was she just in charge of the whole business of the

- 1 operations room?
- 2 A. To my mind, the DSO is there to deal with the arrest  
3 function of people who were identified. The  
4 investigation of this is being dealt with by somebody  
5 totally separate.
- 6 Q. Who would that be?
- 7 A. In this, I think it was Superintendent Boutcher.
- 8 Q. Your role was as the tactical adviser to the DSO?
- 9 A. Yes, sir.
- 10 Q. That, I think, would involve providing expert firearms  
11 advice?
- 12 A. Providing advice about what options are available, what  
13 resources are available and the capabilities of those  
14 resources.
- 15 Q. You also, I think, had the function as part of that of  
16 communicating with the firearms team through their  
17 tactical adviser on the ground?
- 18 A. Yes. I advised the designated senior officer on what is  
19 available. The officers on the ground, that would have  
20 been Trojan 84 and the other tactical advisers, and then  
21 other tactical advisers for operations to come, offer  
22 specific advice to the on-the-ground Silver and link in  
23 with me.
- 24 Q. What was your method of communicating with Trojan 84,  
25 the tactical adviser to the black team?

- 1 A. By phone, sir.
- 2 Q. Landline or mobile?
- 3 A. By both.
- 4 Q. You were asked in your interview by the IPCC whether you  
5 had a direct telephone link to Trojan 84, and you said:  
6 "No, I had a mobile phone link to him."  
7 For those who are following it, it's page 301. Do  
8 you recall saying that?
- 9 A. No, I don't. But if I obviously did say it --
- 10 Q. Did you prefer mobile over landline?
- 11 A. It depends where I was in the room. Landline is  
12 normally a better -- you can speak to somebody a little  
13 better, but you are limited if you use a landline by the  
14 length of the wire attached to the desk, that if you  
15 need to move around, sometimes it's better by mobile  
16 phone.
- 17 Q. In that period when you are first in the control room  
18 after 8 o'clock, in fact between 8 o'clock and  
19 9 o'clock, four people came out of the block at  
20 Scotia Road. Were you aware of each and every one of  
21 those coming out?
- 22 A. No, I wasn't, sir.
- 23 Q. Were you aware of any of them coming out?
- 24 A. I knew that people came out, but unless they had been  
25 identified as people that would require an intervention,



- 1           then it wouldn't be my role.
- 2    Q.   If people are coming out and decisions are being made  
3           about them in the control room, is that something that  
4           you would have been aware of simply by being in the  
5           control room?
- 6    A.   My function is to offer tactical advice.  Yes, I am part  
7           of that team because I am close to the designated senior  
8           officer and I am close to the SIO, Mr Boutcher, but  
9           decisions as to who is stopped is -- that's not my  
10          function.  I am there to offer advice on how they could  
11          be stopped.
- 12   Q.   Who was making those decisions?
- 13   A.   In relation to?
- 14   Q.   Who was to be stopped.
- 15   A.   Either the designated senior officer and -- together  
16          with the SIO.
- 17   Q.   Do you recall her making those decisions about the  
18          people who came out between 8 o'clock and 9 o'clock?
- 19   A.   No, no, I don't, sir.
- 20   Q.   Now, Trojan 84 has made a witness statement in which he  
21          has said that you told him that some people had come out  
22          of the address and had been eliminated?
- 23   A.   Yes, sir.
- 24   Q.   Is that something others in the control room told you?
- 25   A.   As I said, I was aware that people had come out, but

- 1           they weren't a job for C019, therefore they had been  
2           eliminated, so I just passed that information on to  
3           Trojan 84.
- 4   Q.   Did you assume that they had been eliminated by  
5           Commander Dick or by somebody else?
- 6   A.   They were just not the subjects that we were looking for  
7           that morning.
- 8   Q.   Did you know who had eliminated them?
- 9   A.   No, I didn't, sir, no.
- 10  Q.   Did a time come when you had some concerns passed to you  
11           by a Silver firearms liaison officer whom we are calling  
12           Nick?
- 13  A.   Mm.
- 14  Q.   What were those concerns?
- 15  A.   Sorry?
- 16  Q.   I thought you were indicating yes.
- 17  A.   No, no.
- 18  Q.   Do you have any recollection of a conversation with  
19           a Silver firearms liaison officer, quite a junior  
20           officer, we are calling Nick?
- 21  A.   Erm --
- 22  Q.   He was also seated in the back row?
- 23  A.   I had a lot of conversations with a lot of people about  
24           a lot of things.
- 25  Q.   The evidence he gives is about a relatively important

1 conversation, so I am going to just tell you about what  
2 his evidence was so that it might jog your memory.

3 A. Thank you, sir.

4 Q. He says that he came over to your seat at about 8.30 and  
5 passed on to you three concerns from the red  
6 surveillance team leader. First of all, a concern that  
7 the specialist firearms officer team was too far away;  
8 secondly, that a concern that the buses in the area were  
9 still running and that a suspect might be able to get on  
10 to the transport system; and thirdly, a concern that  
11 because this was a communal door, there was confusion on  
12 the ground about what to do with people who were coming  
13 out who were not believed to be the suspects, the  
14 subjects.

15 Do you recall that conversation at all?

16 A. I recall it now because I have been told about it.  
17 I don't actually remember the specific conversation, but  
18 I remember -- I know that the issues are issues that  
19 have been discussed.

20 Q. Were they issues that were being discussed around that  
21 time, 8.30 in the morning on that day?

22 A. The bus stop issue was one that Commander Dick had made  
23 a decision about, that they weren't going to be stopped,  
24 and that is her decision.

25 Q. What time was that decision, as far as you recall?

1 A. I really don't know, sir. The issue of who was going to  
2 do the stops was clear to me, and it's my understanding  
3 that it was clear to everybody else in the room that if  
4 it was an identified subject, then it would be C019 that  
5 did the stop. If it was not one of the subjects, then  
6 it would be an unarmed officer or another resource that  
7 would do that stop.

8 Q. Nick has told us that you gave three responses, and I'll  
9 take you through them to see if you remember these  
10 either being responses you gave or being the kind of  
11 responses you would have given, given what you knew.

12 First of all he says that you told him that in  
13 response to the concern about the team being too far  
14 away, that the Territorial Army Centre was being receded.  
15 Do you recall either saying that or knowing that?

16 A. That's my understanding, because I know now that it was,  
17 and I probably knew it at that time, because I know now  
18 that Trojan 84 had instructed the team leader to  
19 research that. Whether that had originally come from me  
20 down to him and then back, I don't know. But again,  
21 that's normal process, that if somebody says that  
22 a location is suitable, then we can't take that on face  
23 value. The firearms team actually have to go down and  
24 look at it to see if it is suitable for a holding area  
25 for a number of reasons.

1 Q. He has also told us that you indicated that the bus  
2 stop, at least a bus stop, had in fact been suspended?

3 A. No, because I knew Commander Dick had not suspended the  
4 bus stops.

5 Q. So you think he is wrong about that?

6 A. (Witness nods)

7 Q. Then thirdly, he says that you indicated that C019 would  
8 stop everyone coming from the addresses?

9 A. No, that's -- no. C019 were only ever to stop  
10 identified subjects.

11 Q. He's also given evidence that you checked each answer  
12 with Commander Dick, who is actually standing nearby.  
13 Any recollection of that?

14 A. Absolutely none, because if I had checked it with her,  
15 she would have said, "No, that's not the case".

16 Q. I think you had a loggist called Callum, who commenced  
17 his log -- Callum is obviously a pseudonym -- at 20 to 9  
18 that morning?

19 A. When I first got into the control room, I knew that we  
20 had a number of addresses, I knew that we had a number  
21 of firearms teams and that was then going to develop  
22 during the day. I needed some support in there. What  
23 I wanted was an officer to make phone calls, jot things  
24 down, do whatever I asked them to do so that I could  
25 concentrate on giving tactical advice. He made

1 a written record of that. I wouldn't call it a log,  
2 sir.

3 Q. I see. His written record, I think, starts at page 349  
4 of the documents, and there is a copy for the jury which  
5 will be handed out and which can go in, I think, tab 56  
6 of the jury bundle. (Handed). While he was making this  
7 record, was Callum normally near you?

8 A. Callum was normally sat next to me at the back row, and  
9 that's probably where he remained all day.

10 Q. Even when you were standing up and moving around?

11 A. Yes.

12 SIR MICHAEL WRIGHT: Another divider?

13 MR HOUGH: Divider 56, I think, is the next one.

14 Going through those entries, he has recorded at 8.40  
15 "composite black and green team deploying", he says  
16 there "Larkhall Lane"?

17 A. That's a mistake, I think he means Nightingale Lane.

18 Q. Then 8.45:

19 "Stated intention. Any identified subject from  
20 Scotia Road address to be detained or [it is probably]  
21 anybody going to the known vehicle Nissan Primera ..."

22 That's the Primera we have heard about is associated  
23 with one of the suspects?

24 A. Yes. What that would be is that his note of that and my  
25 talking to him and me saying to him: okay, we need to

1 get that out to the units on the ground. Whether he did  
2 it at that time or not, this is just his notes.

3 Q. So his note of you saying that any identified subject is  
4 going to be detained?

5 A. Yes.

6 Q. Moving down the page, 8.50:

7 "Stated intention as above to Trojan 84".

8 A. Yes, and that would either have been him calling  
9 Trojan 84 or me calling Trojan 84 and him just making  
10 a record of it, the fact that that's what I have told  
11 them.

12 Q. Passing on the intention set out?

13 A. Yes.

14 Q. Then 8.52:

15 "SO19 team to deploy to TA Centre, local area to  
16 Scotia Road".

17 Do you recall what was being discussed at that time?

18 A. That would have been to deploy to a closer holding area.

19 Q. So --

20 A. Because at the early part of the day, if you are running  
21 this operation when it's very quiet, you could probably  
22 hold at Nightingale Lane, and then still get to  
23 a location within a specified time. As traffic then  
24 starts to build up and it gets busier, then you need to  
25 come to closer holding locations.

- 1 Q. Are you saying that an actual decision was taken that  
2 morning initially to hold at Nightingale Lane when the  
3 roads between there and Scotia Road would have been  
4 quieter, or do you think that would just be sensible  
5 practice?
- 6 A. It's sensible practice. It may have been a decision  
7 made by Trojan 84 and the team leader, but it wasn't  
8 a decision that was weighed by me. But it is sensible,  
9 normal practice and that's what would normally go on.
- 10 Q. You don't know if in fact they had decided to hold at  
11 Nightingale Lane, or if they had just decided to get to  
12 the TA Centre as soon as they could?
- 13 A. No, sir.
- 14 Q. Going down, 8.54, reference to Trojan 80; that must be  
15 a mistake?
- 16 A. It refers to explosives officer, sir.
- 17 Q. Yes. I think the reason for this mistake is that  
18 somebody has seen "expo" and thought "Espo", the first  
19 letters of your name?
- 20 A. Yes. No, sir, its ATO, armaments technical officer.
- 21 SIR MICHAEL WRIGHT: What should be there, in fact, "Espo"?
- 22 A. No, it's "ATO", sir.
- 23 MR HOUGH: "Expo" in the place where "TJ80" is.  
24 "Deployed to DR"?
- 25 A. Harrow Road, sir. That was in relation to the



1 Portnall Road address.

2 Q. Then 8.56:

3 "Bus stop at Scotia Road suspended."

4 A. Yes, sir.

5 Q. Can you help us with this? Do you have any idea why

6 Callum might have written this?

7 A. No, I have read this since and it's just incorrect, sir.

8 Q. Going down the page, another reference to an explosives

9 officer at 9 o'clock now to go to Nightingale Lane?

10 A. Sir, yes.

11 Q. Then 9.04, "SO11 controls", now, that is --

12 A. Again, it's a mistake. I think he meant SO12. It's

13 just another group that did surveillance, sir.

14 Q. I suppose it could be SCD11, which is the other

15 surveillance branch?

16 A. Now it is. I think at that time they were SO11.

17 I think they have changed their name as a lot of other

18 people did.

19 Q. It's in any event a reference to other surveillance

20 officer controls to make contact with Silvers to discuss

21 control of the front doors of both addresses?

22 A. Yes, that will be normal practice that the tactical

23 advisers on the ground, that would be both Trojan 84 and

24 the one at Portnall Road, would link in with their

25 surveillance controllers, tell them where they are, tell

1           them what they are doing, so that if anything happened,  
2           any eventualities, then they could make contact and  
3           could deploy. It's just good practice, sir.

4   Q.   Can we turn over the page, please. An entry for 9.06:

5           "Any persons from either known address, covert stop  
6           in manner to status ie female with children or male with  
7           rucksack. All stops to be conducted with S019."

8           Can you interpret that for us?

9   A.   I think that Callum is just making reference here to if  
10          a subject comes out of the known address, that we may  
11          stop women and children or we would stop women and  
12          children in a different way than we would stop a known  
13          subject. If they had come out of the actual address,  
14          then they would still be subjects and still have to be  
15          dealt with in an appropriate way.

16   Q.   Just to be clear on this before we break, you say here:

17          "All stops to be conducted with S019".

18   A.   That's from subject addresses, sir.

19   Q.   So how would it be known that somebody had come out of  
20          21 Scotia Road?

21   A.   It wouldn't, sir.

22   Q.   So how do you decide who stops a woman with a child?

23   A.   That would be designated senior officer, I would -- for  
24          Scotia Road, because as we couldn't tell who was  
25          actually going to come out of the front door of the

1 actual premises, there was only control of the communal  
2 at that time, then the decision would be the designated  
3 senior officer and it would probably be just identified  
4 subjects. Whether or not this reference is made more to  
5 Portnall Road than to Scotia Road, I don't know, sir.

6 Q. It says "either known address", doesn't it?

7 A. Yes, but it's just a brief entry in relation to the way  
8 that CO19 would normally do stops, that they would be  
9 proportionate to the risk and proportionate to the type  
10 of person that they were dealing with.

11 Q. We heard Commander Dick refer to a high risk stop; is  
12 that something you are familiar with?

13 A. It's -- all armed stops are high risk, sir. It depends  
14 on what you are dealing with and the intelligence that  
15 you are dealing with at that time.

16 Q. Is this right, as far as you were concerned, anybody  
17 thought to come out of the specific address --

18 A. Yes.

19 Q. -- was to be stopped using SFO firearms officers?

20 A. Yes, sir.

21 Q. But the DSO would decide whether any particular person  
22 merited a stop at all?

23 A. Yes. The DSO would make any decision anyway,  
24 irrespective of whether or not it was a known subject or  
25 not. She was the decision-maker on that morning.

1 MR HOUGH: Perhaps that would be a convenient moment.

2 SIR MICHAEL WRIGHT: I have one question I can deal with  
3 now, and it's my fault, I should have explained to you  
4 this morning. Have we seen the last of Owen? The  
5 answer is no, you haven't. The position is that his  
6 counsel who was here yesterday had an unbreakable  
7 professional obligation today and for that reason and  
8 also so we could get on with Mr Esposito, we have put  
9 Owen back, but he will be back, possibly later this  
10 week.

11 There is another question which I'll deal with at  
12 the end of this witness. Quarter to.

13 (11.35 am)

14 (A short break)

15 (11.45 am)

16 (In the presence of the jury)

17 SIR MICHAEL WRIGHT: Yes.

18 MR HOUGH: Mr Esposito, we know that Mr de Menezes leaves  
19 Scotia Road at 9.34. We know that he boards a bus about  
20 five minutes after that. When did you first become  
21 aware that he had been picked up by the surveillance  
22 team and was under surveillance?

23 A. I don't know exactly the time or exactly the place, but  
24 it was before he got on the bus at Tulse Hill.

25 Q. How were you first aware that he was under surveillance?

1           What method of communication?

2   A.   Again, I can't say, it was just what was going on in the  
3        room at that time; whether it was from the surveillance  
4        monitor or whether it was from the speaker, I don't  
5        know, sir.

6   Q.   When you first heard about him, so before he gets on the  
7        bus, what information did you have about this man?

8   A.   In respect of?

9   Q.   You said that some information was coming into the  
10       control room, you don't know from what source,  
11       precisely, you got it; what did you hear about him by  
12       way of description or identification or anything?

13  A.   Again this is my reconstruction because I have obviously  
14       read things, but at that time it was just a subject out  
15       of an address.  What the actual words were, I don't  
16       know.  I know since there have been various descriptions  
17       at the time and I just formed an opinion at that time or  
18       noticed that a person was out of the address.

19  Q.   In your statement, and we can have it on screen if  
20       necessary, you say this:

21                "At approximately 9.34, I became aware as a result  
22       of information circulated in the control room that  
23       a person had just left the front door of 21 Scotia Road  
24       and was a possible identification for the subject  
25       Hussain Osman."

- 1 A. Yes.
- 2 Q. First of all, did you hear that about him being  
3 a possible identification for the subject?
- 4 A. Again, information, a subject out. How that was  
5 actually communicated, I don't know. It may have just  
6 been the surveillance monitor saying: we are following  
7 a subject, subject out; and then I am listening to the  
8 surveillance commentary.
- 9 Q. Obviously only tell me what you can remember but I do  
10 have to press this a little. In that early period  
11 before he gets on the bus, do you recall it being said  
12 in the control room that he was a possible  
13 identification for Osman?
- 14 A. At that early stage, I can't remember, sir.
- 15 Q. When you have heard that a man's come out, what did you  
16 do?
- 17 A. I can't remember now if I actually got on the phone to  
18 Trojan 84; it would have been something I normally did;  
19 whether or not that would have been landline or mobile,  
20 again, I don't know.
- 21 Q. In your statement you say that after this had happened,  
22 you took up position in front of the surveillance pod  
23 standing directly next to Commander Dick. Do you now  
24 recall moving from your seat?
- 25 A. That original statement, it's almost like a precis of

1           what happened, because I know now that I didn't stand up  
2           until right at the end. I was originally sitting down.

3   Q.   In one of the seats we have looked at?

4   A.   Yes, and that is sort of like a condensed statement  
5           based on the fact that a subject came out and ...

6   Q.   Was Commander Dick made aware of him coming out in that  
7           early stage?

8   A.   She was in the room, I assume so, sir, yes. Whether or  
9           not it was there, whether or not it was actually as he  
10          approached the bus or whether or not it was when he was  
11          on the bus, again I don't know.

12   Q.   I put this to you so that you have had it put by me  
13          first. In your interview with the IPCC you were asked  
14          on page 304:

15                "In your witness statement you say that about 9.34  
16                you became aware of a person leaving Scotia Road. Was  
17                Commander Dick made aware of that development?

18                "Answer: As far as I am aware, yes."

19   A.   She was in the same room as I, listening to the  
20          commentary. I can't be precise, sir, no.

21   Q.   She has told us that she didn't become aware of him  
22          probably until he was on the bus?

23   A.   Very possible, sir.

24   Q.   During that early period, was anything said about the  
25          man's description in the control room?

- 1 A. Again from actual memory, I can't remember. Again, as  
2 obviously reading the transcripts, reading what's  
3 happened, I am now aware of it, especially as the --  
4 been through the Health and Safety trial as well, so  
5 I am aware of all the different descriptions. But I can  
6 only say of the opinion that I formed at that time.
- 7 Q. Can we have page 351 of the documents on screen. If you  
8 want to follow it, it's the log of Callum, which was  
9 handed to you, page 3 in the top left. Right at the  
10 bottom of that page, do we see 9.42:
- 11 "Male from Scotia Road, information unconfirmed as  
12 at 9.42."
- 13 SIR MICHAEL WRIGHT: We haven't got it up yet, Mr Hough.
- 14 MR HOUGH: Page 351 of the documents.
- 15 SIR MICHAEL WRIGHT: That's it.
- 16 MR HOUGH: "Male from Scotia Road, information unconfirmed  
17 as at 9.42. IC1 male from address. May or may not be  
18 subject now on bus."
- 19 A. Callum would have been sitting there, listening to  
20 what's coming over the surveillance monitors, listening  
21 to the speech in the room, and it's just his notes, his  
22 recollection of what is happening, sir. I actually  
23 didn't make a note of any of this, so I have to go on  
24 what's written here as a refreshment of my memory.
- 25 Q. Simply putting it to you because he's writing it down



1 next to you.

2 A. Yes.

3 Q. Then 9.44, over the page, he's recording this:

4 "Can we get bus route suspended Scotia Road [arrow]  
5 from TJ80."

6 Again, do you recall saying anything like that or  
7 hearing anything like that?

8 A. No, I have no recollection. I have read this, I have  
9 read it a number of times since, and I don't know why  
10 that's written there.

11 Q. So you don't think you asked whether the bus route could  
12 be suspended on or near Scotia Road?

13 A. Because I am sure that we had had conversations previous  
14 to this that they weren't going to be suspended, so it  
15 wouldn't make sense to me that I would make this comment  
16 now: can we get them suspended; when the decision had  
17 already been taken by Commander Dick not to suspend  
18 them.

19 Q. A call was made by Trojan 84 from his mobile to you at  
20 9.44. Do you have any recollection of that call?

21 A. I actually made a number of calls to Trojan 84 during  
22 this period, some by landline and on his mobile phone,  
23 he called me.

24 Q. Over this period, there is at least one call during this  
25 period where Mr de Menezes is first on the bus. Can you

1           remember what's passing between you and Trojan 84 over  
2           this period?

3   A.   No, I can't, sir.

4   Q.   Do you know where Trojan 84 and the firearms teams were  
5           at that stage?

6   A.   It's my understanding that they were at the TA Centre,  
7           sir.

8   Q.   So you thought at that time they were at the TA Centre,  
9           that's what was passing back to you?

10  A.   Yes, sir.

11  Q.   Now, 9.44:

12           "North African male seen from address on to bus from  
13           Scotia Road address from surveillance team."

14           Do you recall a reference to a North African male at  
15           around this time?

16  A.   Yes, it's written there, and whether that's an actual  
17           memory or a reconstruction, but it's -- it was said and  
18           it's been said by a lot of people that it was said, so  
19           yes, I have to accept that.

20  Q.   Do you yourself have any independent recollection of  
21           descriptions being given in the control room over this  
22           period?

23  A.   I know that -- that I, during a conversation that I had  
24           with Trojan 84, at some time along this, I passed that  
25           description on to Trojan 84 --

- 1 Q. North African male?
- 2 A. Well, North African male with the descriptions, because  
3 it would normally be that I would contact them to say:  
4 where are you, what's happening, are you aware of what's  
5 going on.
- 6 Q. Were they receiving information about identification  
7 directly from the surveillance teams at this time?
- 8 A. They would be listening to the surveillance channel in  
9 exactly the same way as we were. They had direct access  
10 to exactly the same communications, all the words that  
11 are said by the surveillance officers in their vehicles.
- 12 Q. But you were passing some of the information on just to  
13 be on the safe side?
- 14 A. Because we need to discuss tactics, options, what they  
15 are doing.
- 16 Q. Then 9.45, another description noted by Callum, "IC2";  
17 that's, I think, dark skinned European?
- 18 A. Mm.
- 19 Q. "denims, African-looking male now in Tulse Hill area,  
20 surveillance team currently following".
- 21 A. Sir, yes.
- 22 Q. Then an entry I do need to ask you about at 9.46:  
23 "Not ident male as above discounted, surveillance  
24 team to withdraw to their original positions".  
25 Did you hear anything like this said in the control

1 room?

2 A. Again, yes. Since that time, that I know some people or  
3 some officers have said that I said something like,  
4 "They don't think it's him", or something like that. My  
5 only sources of intelligence at that time are what's  
6 coming over the surveillance monitor, or if I'm on the  
7 phone to Trojan 84, what's being said by Trojan 84.  
8 So ...

9 Q. Now, just to follow that up, Trojan 84 can only know  
10 about identification --

11 SIR MICHAEL WRIGHT: Forgive me, Mr Hough, just reading back  
12 your answer, what is the position? Do you remember  
13 somebody saying, "It's not him"?

14 A. At that time, I formed the opinion, as a result of  
15 what's going on, that they don't think it's him.

16 SIR MICHAEL WRIGHT: So one way or another, words don't  
17 matter --

18 A. Yes.

19 SIR MICHAEL WRIGHT: -- you had got that into your mind that  
20 they were now saying it's not him.

21 A. Yes, at that time.

22 MR HOUGH: What I was going to ask you about was the way you  
23 got that impression and then about the impression  
24 itself.  
25 You are either getting that impression or any

- 1 impression about identification from the surveillance  
2 teams directly, from their chatter?
- 3 A. That's the only sources of intelligence, that at that  
4 time is the surveillance chatter, what's coming on over  
5 there, either what I am listening to in the control room  
6 or if I'm on the phone to Trojan 84, what he's listening  
7 to and what I'm listening to on his phone and what he is  
8 saying to me.
- 9 Q. His source is also the surveillance chatter?
- 10 A. It's the same source.
- 11 Q. So any impression that you form is either based directly  
12 on what you hear from the surveillance teams or  
13 indirectly what's said by them, heard by Trojan 84 and  
14 passed on to you?
- 15 A. Yes, sir.
- 16 Q. Based upon that information, you tell us that you formed  
17 the impression that this was not, this man being  
18 followed, was not the suspect Osman?
- 19 A. At that time, yes.
- 20 Q. With what degree of certainty?
- 21 A. I have no degree of certainty, because I am not there.  
22 All I can do is, if a decision is being made between  
23 a command team or advisers, then everybody will chip in  
24 to that initial decision-making; and if I hear  
25 something, then it's incumbent on me to say to the DSO

1           or whoever is the decision-maker at that time what  
2           I have heard, just to make sure that they've heard it;  
3           and then a decision can be made as to what course of  
4           action is taken.

5   Q.   Was an instruction given in the control room for the  
6           surveillance team to withdraw to their original  
7           positions?

8   A.   I don't know, sir.

9   Q.   I only ask because it's written here.

10  A.   No.  No.  No.

11  Q.   You don't recall any such instruction being given?

12  A.   No.

13  Q.   Were you aware whether the surveillance team -- and by  
14           this stage it's probably the grey team -- did withdraw  
15           to their original positions?

16  A.   I have got no idea, sir.

17  Q.   In terms of time, we know that Mr de Menezes gets off  
18           the bus at Brixton around 9.48 or 9.49.  At that stage,  
19           so when he's getting off the bus at Brixton, were you  
20           aware of any further communications about what he was  
21           doing and who he might be?

22  A.   Again, listening to the surveillance at that time and  
23           since that I know that he got off the bus, waited and  
24           then got back on the bus, which to me indicated  
25           a certain course of action --

- 1 SIR MICHAEL WRIGHT: Don't be oblique. What do you mean?
- 2 A. Sorry. For me that was what we would consider to be  
3 typical anti-surveillance operations, that if somebody  
4 thought they were being followed, what they would do is  
5 get off a mode of transport, just wait, look around, see  
6 who also got off that mode of transport, and then get  
7 back on another one.
- 8 MR HOUGH: And see who got on with them?
- 9 A. Yes.
- 10 Q. In fact in your statement you say that you thought he  
11 was conducting a form of anti-surveillance by getting on  
12 and off the bus?
- 13 A. Yes, sir.
- 14 Q. In your interview you said that this behaviour added to  
15 your considerations. How did it do that?
- 16 A. Well, if somebody behaves like that, especially at that  
17 time, I think at that time I started to form the  
18 opinion, I suppose from what was coming over the radio,  
19 that this was our subject Nettle Tip.
- 20 Q. Was that impression, that it was now Nettle Tip, was  
21 that based just on what you are hearing over the radio  
22 or is it a combination of that and the fact that he's  
23 doing something which you identify as anti-surveillance  
24 tactics?
- 25 A. Again, my only sources of information are what's coming

1 over the radio. But if I'm told over the radio that  
2 they think it's him or it's possible Nettle Tip, that,  
3 put together with that behaviour, adds to the picture  
4 that is being painted of the person that's being  
5 followed by surveillance.

6 Q. At Brixton, what was being said about him over the radio  
7 as far as you can remember?

8 A. I can't remember the details now, but I just remember  
9 off the bus, because I thought it strange that he got  
10 off the bus, and then I think the phrase "recip", which  
11 means a reciprocal movement of going back on to the bus.  
12 But the exact words, I can't be sure of. But it just  
13 seemed to me strange. Why would a person get off the  
14 bus and then wait and then get back on the bus.

15 Q. You can't recall at this time what was being said about  
16 identification or facial description or anything like  
17 that?

18 A. No. Throughout, I have got very little memory of the  
19 actual words used. It's just the opinion that I formed  
20 in my head as a result of what was coming over the  
21 radio.

22 Q. 9.52, we see Callum recording:

23 "Possible Nettle Tip outside Brixton tube."

24 I am missing the last word.

25 "On bus. Station. Very jumpy. Probable ident. No



1 bags visible".

2 Do you think those kinds of things were being said  
3 in the control room or can you just not remember?

4 A. As with me, his only source of intelligence would have  
5 been what was coming over the radio. He wouldn't write  
6 things -- I don't believe that he would have written  
7 things down that weren't actually said, because they are  
8 his source of intelligence.

9 SIR MICHAEL WRIGHT: Forgive my interrupting, can I just  
10 see, this is the Cougar system that you were using?

11 A. The Cougar system, sir, yes.

12 SIR MICHAEL WRIGHT: I would like your help about two  
13 things. This is when the follow was being carried out.  
14 We have heard that there are either five or six cars in  
15 the firearms team.

16 A. Sir, yes.

17 SIR MICHAEL WRIGHT: The Silver Commander -- no, start  
18 again. There is the command car --

19 A. Control car.

20 SIR MICHAEL WRIGHT: Who would be in that?

21 A. In the control car would be Silver, the tactical adviser  
22 Trojan 84, and one specialist firearms officer who was  
23 the driver.

24 SIR MICHAEL WRIGHT: Not necessarily the team leader.

25 A. Not the team leader, no.

1 SIR MICHAEL WRIGHT: And of course the driver.

2 A. Yes.

3 SIR MICHAEL WRIGHT: Where would the team leader be?

4 A. I know that the team leader was in Trojan Bravo. I know  
5 that now as a result of reading --

6 SIR MICHAEL WRIGHT: That was a different car?

7 A. Yes.

8 SIR MICHAEL WRIGHT: As to the radio communications, can  
9 I get this clear: can each surveillance officer, subject  
10 to blank spots and so forth, hear what every other  
11 surveillance officer is saying.

12 A. Unless their radio has gone down. Every surveillance  
13 officer has a radio, which they have got direct access  
14 to what everybody else is saying and they can talk, it's  
15 exactly the same way as we would be speaking in here,  
16 anybody can speak at any time and everybody can hear  
17 what's being said.

18 SIR MICHAEL WRIGHT: That includes --

19 A. The firearms officer.

20 SIR MICHAEL WRIGHT: The team leader, the tactical adviser  
21 out on the road and the Silver Commander?

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: You in the control room can hear what  
24 each surveillance officer is saying?

25 A. Yes, sir, unless there is a communications breakdown or

- 1 unless they are in a black spot.
- 2 Q. It is total communication?
- 3 A. Yes, sir.
- 4 SIR MICHAEL WRIGHT: The firearms team, can the firearms  
5 team leader hear what each surveillance officer is  
6 saying?
- 7 A. There is a radio in every vehicle, which comes over  
8 a loudspeaker --
- 9 SIR MICHAEL WRIGHT: All on the same net?
- 10 A. All on the same net. Everybody hears what everybody  
11 else is saying.
- 12 MR HOUGH: At this point when you formed the impression that  
13 it is probably your man, where are the firearms team as  
14 far as you know?
- 15 A. Exactly where they were, I don't know, sir.
- 16 Q. Last we heard about them, which was earlier on when he  
17 was coming out, they were at the TA Centre as far as you  
18 knew?
- 19 A. Yes, probably still at the Territorial Army Centre but  
20 I really don't know, sir. That instruction is, they may  
21 have moved out at that time, I don't know, it depends  
22 where in the time, because I don't know what times any  
23 phone calls were made, what instructions, when they  
24 moved off. That's their responsibility.
- 25 Q. Let me try to jog your memory in this way: you form

1 an impression that he is not the man around 9.46; you  
2 form that he is the man around 9.52?

3 A. Yes, sir.

4 Q. Between those two times, we will hear that Mr Dingemans  
5 is sent out to perform a stop. Between those times, so  
6 when you are forming those two impressions and when  
7 Mr Dingemans is being sent out, where did you think the  
8 firearms team were? Following along or waiting at the  
9 TA Centre?

10 A. Probably waiting at the TA Centre, sir, because there  
11 was no need for them to deploy at that time, if it was  
12 not identical.

13 Q. So had you not given any instruction or indication to  
14 them to move at that time?

15 A. I can't be precise about the timings, but along  
16 a continuum, roughly no, sir.

17 Q. So now it's 9.52, you have formed the impression that  
18 it's probably your man. Again, what kind of certainty  
19 are you attaching to that identification?

20 A. I can't say now. At that time it was building for me.

21 Q. Did you pass on to others in the control room the view  
22 that it was probably your man or that your certainty was  
23 building?

24 A. No, because everybody is listening to exactly the same  
25 as I am, and everybody forms their own opinion based on

- 1           what they hear.
- 2    Q.   So you are not a separate source of information about
- 3           identification to the others in the control room?
- 4    A.   Absolutely not, sir.
- 5    Q.   Did any of the surveillance officers in your hearing say
- 6           that this was probably Nettle Tip?
- 7    A.   It's my recollection that's exactly what was said.
- 8    Q.   By a surveillance officer or by Pat?
- 9    A.   Again I can't be sure who said, but it was probable.
- 10   Q.   We have heard from others that Mr Boutcher and/or
- 11           Commander Dick asked the surveillance teams through
- 12           their monitor to give either a percentage or a 1 out of
- 13           10 score about identification and certainty.  First of
- 14           all, do you recall anything like that happening?
- 15   A.   I remember that conversation, but I wasn't party to that
- 16           because I am concentrating on other things at that time.
- 17   Q.   Did that conversation take place before or after you
- 18           formed the view that it was probably Nettle Tip?
- 19   A.   Again, I can't say.
- 20   Q.   Can you recall the response that Pat gave on behalf of
- 21           the surveillance teams?
- 22   A.   No.
- 23   SIR MICHAEL WRIGHT:  One of the factors, as I understand it,
- 24           that led to your belief that it was probable was what
- 25           you have described as the possible anti-surveillance

1           tactic about getting off the bus and on again.

2    A.   That's part of it, sir, but --

3    SIR MICHAEL WRIGHT:  I know.  Did you know at the time that

4           Brixton station was closed?

5    A.   No, I didn't.

6    MR HOUGH:  We see further down a note at 9.56 that the

7           location of the bus is at Stockwell Road, and then if we

8           can turn the page, please, do we see there a note at

9           10.02:

10                 "Stockwell Road appears he may be getting off the

11            bus, located on top deck".

12   A.   That's correct, sir.

13   Q.   Do you recall information coming in from the scene that

14           the surveillance officers were seeing the subject

15           getting up on the top deck, thought possibly getting off

16           the bus?

17   A.   Yes, sir.

18   Q.   When that happened, what was the reaction in the control

19           room?

20   A.   Cressida -- the DSO was asking me around what tactics

21           were available, what we could do, what were the issues.

22   Q.   At this time, in fact at 9.59, Trojan 84 makes a call to

23           you which lasts for nine minutes?

24   A.   That's correct.

25   Q.   Do you recall that call, that long call?

1 A. It had been part of a pre-agreement that if we were  
2 following a subject to keep an open line, so that any  
3 decisions made by the DSO could be directly relayed to  
4 the teams. There was a landline phone call a little  
5 before that where I spoke to Trojan 84, because that's  
6 what we were going to do, keep an open phone line.  
7 Originally made that phone call, I spoke to him, and he  
8 started to give me some information about where they  
9 were and what they were doing. But at that time, the  
10 surveillance was still giving information, so Trojan 84  
11 wanted to speak to the surveillance controller. So he  
12 cut me off and said, "I'll phone you back when I have  
13 established control and contact with the surveillance  
14 team leader". So that's what that long phone call was,  
15 that he then phoned me back and said, "I am now with you  
16 again".

17 SIR MICHAEL WRIGHT: So it's not really a nine-minute phone  
18 call. It's just that the line was open?

19 A. That was a nine-minute phone call from that time because  
20 we kept the phone call open for --

21 SIR MICHAEL WRIGHT: That's what I mean. You weren't  
22 talking for the whole --

23 A. Absolutely not, no.

24 SIR MICHAEL WRIGHT: You just kept the line open?

25 A. We were just feeding information through to each other.

1 MR HOUGH: Is this right: you have a landline, open line  
2 call to him --

3 A. Initially, yes.

4 Q. Then that breaks off?

5 A. Yes.

6 Q. He calls back at 9.59 and you retain the open line after  
7 that?

8 A. Yes.

9 Q. At this time, when he's calling you back, what were his  
10 teams doing then?

11 A. At that time, they were following, after Stockwell --  
12 sorry, after Brixton tube, they were following up,  
13 catching up with the bus.

14 Q. Was that because of an instruction you gave or something  
15 they decided, having heard what the surveillance teams  
16 were saying?

17 A. I don't know, sir, but it's normal that if you are  
18 following a subject then you will keep a reasonable  
19 distance behind until an order is given to do  
20 an interception or whatever, to ensure that the  
21 operation remains covert.

22 Q. We have heard you saying that 9.44 or thereabouts, they  
23 are at the TA Centre; 9.52, before you form your  
24 impression that it's probably your man, they are  
25 probably still at the TA Centre but you can't be



- 1           certain?
- 2    A.  I have no record of time, sir.  I actually don't know,  
3           putting time and distance, I actually couldn't say --  
4           this is a reconstruction, and where exactly they were  
5           and what times these were made; the only absolute really  
6           is the mobile phone record, so ...
- 7    Q.  When you formed your impression that it was probably  
8           him, Brixton, after that, do you recall giving any  
9           instruction to the firearms team through Trojan 84?
- 10   A.  Only as a result of the order given by the DSO --
- 11   Q.  Do you recall giving them, I can put it this way: you  
12           don't recall then giving them an instruction to start  
13           following up the road towards Stockwell tube?
- 14   A.  It was very likely that, as part of this conversation,  
15           because it would be normal things that we do: are you  
16           hearing this; we think it's probably our man; you need  
17           to get there; get the team in place.
- 18   Q.  You don't recall the instruction being given but you  
19           think it might well have been given?
- 20   A.  Yes.  It would be normal practice to do that.
- 21   Q.  So is this fair: they probably started the follow, as  
22           far as you can recall, when you started to form the  
23           impression that it was probably your man?
- 24   A.  I can't say exactly when they started to follow, because  
25           they are listening to exactly the same things as me.

- 1           They will also take decisions that if they think the  
2 intelligence is developing, then it might not  
3 necessarily be waiting for an order from me, they would  
4 take it on their own initiative to do that.
- 5 Q. Now, man is getting off the bus; what decision, if any,  
6 does Commander Dick make as a result of that?
- 7 A. Again the actual decisions, and the actual words used  
8 I can't now be 100 per cent sure, but she wanted, stop  
9 the man, to do an armed interception.
- 10 Q. Did she say anything about not letting the man  
11 underground?
- 12 A. I think that was a second order that she gave.
- 13 Q. Do you recall her using the phrase "at all costs" in  
14 relation to either stopping him or not letting him get  
15 underground?
- 16 A. That's not my recollection, no.
- 17 Q. Was there any consideration at this point about possibly  
18 letting the man get on to the tube, letting him go off  
19 under surveillance without conducting an armed  
20 interception?
- 21 A. Absolutely none, sir.
- 22 Q. Wasn't even discussed?
- 23 A. I was not party to any of those discussion, if they  
24 were, but it would be inconceivable to me that that's  
25 what would have been discussed, based on the

1 intelligence and the background of this and previous  
2 operations.

3 Q. We heard yesterday about a note that an assistant to  
4 Mr Whiddett of S012 made. I am sure you were aware of  
5 this, that there was a management discussion at this  
6 point in proceedings, and Commander Dick said something  
7 to the effect that the man could run on to the tube  
8 because he wasn't carrying anything, or that she raised  
9 it as a topic for discussion or that somebody in the  
10 management group did; and that then the note suggests  
11 that she was persuaded otherwise by another senior  
12 officer, but Mr Whiddett's assistant says that was  
13 probably wrong.

14 Do you remember anything like any of those  
15 discussions?

16 A. I have absolutely no recollection of that at all, sir.

17 Q. Now, 10.02, a further note in Callum's log:

18 "Stockwell Road junction with Clapham Road, subject  
19 off bus".

20 Do you recall in the control room it now coming  
21 through that the man had actually got off the bus?

22 A. Yes, I do.

23 Q. Was it also reported in the control room that he was  
24 walking towards the tube?

25 A. Yes, it was, sir.

- 1 Q. We have heard from a man I was telling you about  
2 earlier, Nick, that there was an almost palpable intake  
3 of breath in the control room at this point, a real  
4 concern. Do you recall that kind of reaction?
- 5 A. No. My job here at this moment is to wait for the  
6 designated senior officer to give an order what needed  
7 to be done, what she wants to be done.
- 8 Q. She's given that order, and to stop the man, armed  
9 intervention, you have an open line to Trojan 84?
- 10 A. Yes.
- 11 Q. What do you say to him?
- 12 A. I relay that decision down to Trojan 84 down the phone.
- 13 Q. Did he tell you at that point where the six cars  
14 containing the specialist firearms officers were?
- 15 A. No. Because he doesn't need to.
- 16 Q. You give him the instruction, but he doesn't need to  
17 tell you where they are?
- 18 A. No. If I can expand on that, the role of Trojan 84 is  
19 to manage the firearms teams on the ground. What I need  
20 to know is are they in a position, are they ready to go.  
21 How those vehicles are configured is a responsibility of  
22 Trojan 84 and the team leader on the ground.
- 23 Q. When you -- sorry?
- 24 A. It wouldn't be possible for me -- for him to keep  
25 relaying to me where all the position of the six

- 1 vehicles are.
- 2 Q. I appreciate that, but when you have actually relayed  
3 the instruction, does he then tell you where they are?
- 4 A. He says they are in Stockwell -- he says that they are  
5 there at Stockwell.
- 6 Q. This is quite important, so we will take it in stages.
- 7 A. I understand there was a delay because Trojan 84, when  
8 I was speaking to him on the phone and the order comes  
9 in from the DSO, the person to be stopped going down the  
10 tube, Trojan 84 informs me, "We are in position". What  
11 then happened was that -- sorry, my understanding of  
12 what happened was that the surveillance people said,  
13 "The person is now getting off the bus". It's at that  
14 point, and this again is my understanding, that  
15 Trojan 84 realises that there is another bus across the  
16 other side of the junction, and the subject is actually  
17 getting off of that bus, which puts them about 50 or  
18 60 yards behind that bus.
- 19 Q. Okay, let us take that in stages. You relay the  
20 instruction from Commander Dick?
- 21 A. Yes.
- 22 Q. What you hear -- forget for the moment what you have  
23 heard later -- from him is him saying that they are at  
24 Stockwell?
- 25 A. As that is relayed to me, and I relay it to him, he just

1           says something like, "We are not in a position to do  
2           it". At that moment it's a very fast-moving situation,  
3           so I just turn to the DSO and I say, "They are not in  
4           a position to do it".

5   Q. But he didn't say how far away they were, or when they  
6       might be in a position to do it?

7   A. No, I just naturally assumed that they are then making  
8       their way immediately towards that location, because  
9       that's what they would do, that's what their training  
10       says that they do; they then go forward to the  
11       interception. However, I am still waiting for the order  
12       from the DSO as to what they want CO19 to do.

13   Q. Sorry, we will have to go back to the sequence --

14   A. I don't think I am explaining myself very well here.

15   Q. It's fine. It's understood. We just need to get it  
16       from you clearly.

17                There is an initial communication from the  
18       surveillance officers that a man is getting up and may  
19       be getting off the bus?

20   A. Yes.

21   Q. At that stage, does the designated senior officer give  
22       any kind of order?

23   A. I can't remember exactly when the order was given,  
24       exactly when he was on the bus, when he was off the bus,  
25       I can't exactly remember the time, because I don't know

1           where he is and I am not listening to that.

2   Q.   Fine.  A time comes when she gives an order?

3   A.   Yes, sir.

4   Q.   You relay that order to Trojan 84?

5   A.   Yes.

6   Q.   Is it at that point that he tells you that they are not

7           in position?

8   A.   I believe so, yes.

9   Q.   So she has given the order by the time he tells you they

10          are not in position?

11  A.   It's my understanding that -- at that time it's still

12          a mobile follow.  The person gets off the bus but the

13          armed response vehicles still have to be a reasonable

14          distance behind that vehicle to maintain the integrity

15          of the operation.  It's because we don't know if the bus

16          is going on, we don't know if it's going to Central

17          London, we don't know what the bus is going to do and we

18          don't know what the subject is going to do at that

19          stage.  So it's right and proper that the firearms team

20          maintain a reasonable distance from that vehicle in

21          order to maintain the integrity of that operation.

22  SIR MICHAEL WRIGHT:  Sorry, didn't you know where a number 2

23          bus was going?

24  A.   Personally I didn't, sir.

25  SIR MICHAEL WRIGHT:  All right.

- 1 A. The route generally, but there is no indication, the  
2 route travels all the way, as I understand now, right to  
3 Central London.
- 4 SIR MICHAEL WRIGHT: You didn't know that at the time?
- 5 A. No. No, I didn't, sir.
- 6 SIR MICHAEL WRIGHT: I see.
- 7 MR HOUGH: Is this right, there was a concern that having  
8 six vehicles, either roughly or actually in convoy,  
9 filled with three or four or between two and four men  
10 looking up for it and ready and possibly with equipment  
11 at the ready, might alert somebody?
- 12 A. That's why they have to stand a reasonable distance  
13 behind. Because if they get too close to the bus and  
14 a person doesn't get off, looks out the back window,  
15 sees the vehicle, that's why the distance has to be  
16 maintained.
- 17 Q. Going back to the sequence of events, that is why they  
18 might have to be a distance back. Going back to the  
19 sequence of events, the order is given. After the order  
20 is given, you pass it on?
- 21 A. Yes, sir.
- 22 Q. After you pass it on, you are told, "We are not in  
23 position to perform the stop"?
- 24 A. Sir.
- 25 Q. Okay. But at that point, you didn't know precisely how



1 far back they were. You may be able to make deductions  
2 from your general practice but you didn't know?

3 A. Mm.

4 Q. We have heard that the surveillance monitor passed on  
5 an offer from the grey team leader for the surveillance  
6 officers to stop the man; is that something you heard?

7 A. Yes, sir.

8 Q. What decision was made following that offer?

9 A. I remember having a discussion with the DSO about what  
10 was the most appropriate resource. Now, bearing in mind  
11 this is a very quick conversation, this is a very  
12 headline conversation, because it's happening very, very  
13 quickly. At that time, I know that CO19 are moving  
14 forward. The decision that the DSO has to make at that  
15 time is what resource does she want to conduct this  
16 stop, and I advise her on the capabilities of the  
17 resources at that particular point.

18 Q. What did you advise her to do?

19 A. I advised her against S012 to do that interception.

20 Q. So you advised her that she should wait for the CO19  
21 officers, even though they weren't in position?

22 A. They are following the bus, they are a reasonable  
23 distance behind the bus. The thought processes going on  
24 in my mind at that time, what are we actually asking  
25 these officers to do. We are asking them to conduct

1 an armed interception, in probably the most difficult  
2 circumstances imaginable. A stop to an S012 officer is  
3 a containment and challenge. A stop to an S019 officer  
4 is an intervention, and there is a world of difference  
5 between what we are asking them to do.

6 We are asking S012 officers to contain and challenge  
7 a person who we believed at that time to be a suicide  
8 terrorist in an extreme threat scenario. So I have to  
9 advise the DSO what's the best resource at that time.

10 Q. In giving that advice, you are balancing on the one hand  
11 the fact that the S012 team are saying that they are  
12 there and they are offering to do it, against the fact  
13 that they are not as highly trained and as you say, this  
14 is an entirely different kind of challenge from what  
15 they are used to?

16 A. Yes, it's just not a simple choice of them or them,  
17 because there is far more to it than that. This is not  
18 something that they do on a day-to-day basis. S019  
19 train for this. They are highly skilled. They are  
20 highly able officers. S012 officers are reactively  
21 firearms trained, so therefore the tactic that they will  
22 use at that particular time will be totally different to  
23 that used by C019.

24 SIR MICHAEL WRIGHT: When you gave that advice, by that  
25 time, what was your view as to the probability of this

- 1           being a suicide bomber?
- 2    A.   I believed it was Nettle Tip, without a shadow of  
3           a doubt, at that time.  That's why I made that decision.  
4           That's why I gave that advice to the DSO.
- 5    MR HOUGH:  What did the DSO decide to do?
- 6    A.   Almost immediately that we were having this  
7           conversation, I was informed on the -- because I still  
8           had the open phone to my ear, that CO19 were there, and  
9           almost simultaneously I said it, CO19 deployed on the  
10          directions of the DSO.
- 11   Q.   We have heard from some of the other officers in the  
12          room that Commander Dick actually gave the order for  
13          SO12 officers to perform the stop.  Do you recall her  
14          doing so?
- 15   A.   Because I had the open phone to Trojan 84 and I was  
16          looking at the DSO out of one eye, listening to  
17          Trojan 84 on the phone, I actually didn't hear that.
- 18   Q.   So you say that almost simultaneously you receive word  
19          from Trojan 84.  What did he say?
- 20   A.   He said -- the exact words again -- "We are here, we are  
21          there".
- 22   Q.   No more detail than that?
- 23   A.   It was very, very quick, it was almost instantaneous, it  
24          didn't need to be any more than that.
- 25   Q.   What response did you make following that?

1 A. I just informed the DSO, "They are there"; she said,  
2 "CO19 do", and then I informed Trojan 84.

3 Q. In your statement, again we can have it on screen if it  
4 helps you, the third page of your statement, the one you  
5 gave in 2005, third page, you say about halfway down the  
6 page:

7 "At that moment, as I received information that the  
8 subject was entering the Underground station, Trojan 84  
9 reported to me that they were able to go to state red  
10 and were able to conduct the intercept and arrest.  
11 I requested that the control relay to all surveillance  
12 officers not to intercept. I quickly discussed options  
13 with Commander Dick to the effect of what now? The  
14 decision was that as the subject was in the station, not  
15 to allow to leave, to arrest before he gets on a train  
16 and leaves the station."

17 A. That section there is my precis of what probably  
18 took space -- in a few seconds. So it's trying to  
19 describe the speed of the decision-making; it's trying  
20 to describe what was happening in a chronological order  
21 that made sense in the statement.

22 Q. What that statement does suggest is that when this  
23 conversation is taking place, when you have just heard  
24 from Trojan 84 that his team are there, and when you are  
25 discussing options with Commander Dick, at that point

1 the statement suggests that the subject was very near or  
2 into the Underground station. Does that accord with  
3 your recollection?

4 A. I can't be exactly sure of where they were at that time.  
5 I didn't know if it was outside the tube station,  
6 entering the tube station, in the tube station. It was  
7 just in that area.

8 Q. What the statement also says is that the decision was  
9 that CO19 should stop the subject before he got on the  
10 train, which suggests that it might be in the station.  
11 Again, does that --

12 A. It could possibly be, sir, yes.

13 Q. So when this discussion was taking place, was it  
14 thought, was it something in your mind that this might  
15 have to be a stop within the tube station?

16 A. When the DSO asks for a decision to intercept, the team  
17 will then go forward from that point and conduct the  
18 interception. If the order is given with them  
19 sufficient time to conduct it outside, then that's where  
20 they will conduct it. If the time gap then continues  
21 and they have to do it on the escalator, then they will  
22 do it on the escalator. If it then continues and goes  
23 further down, they will do it where they are able, based  
24 on the time they are given to deploy.

25 Q. But at this time that the decision was being made, and

1 I appreciate it was very quick, it was a consideration  
2 that you had in your mind that this stop might take  
3 place at any point either outside or inside the tube  
4 station?

5 A. It's -- when you order an interception, you can't pick  
6 the location that you want to do that interception, and  
7 it would be wrong to pick that location, because what is  
8 an ideal location one second can be an absolute terrible  
9 location for an interception the next, because it  
10 changes that quickly. One second a road can be empty,  
11 the next it can be full of people, especially at a tube  
12 station. So you can't pick the location. So I am  
13 comfortable and I am satisfied that if an order is given  
14 for C019 to do the interception, then the team leader,  
15 given the time frame that they are allowed to do it in,  
16 will deploy in the circumstances most appropriate.

17 Q. It may be suggested, so I'll put this suggestion to you,  
18 that when you were giving advice to reject S012's offer  
19 to do the stop, to use C019 instead and giving advice to  
20 Commander Dick on the options when Trojan 84 has said  
21 his team are there, that you should have been checking  
22 at that point precisely where they were because their  
23 precise position might affect the judgment of whether to  
24 use them rather than S012. What would be your response  
25 to that suggestion?

1 A. It wouldn't have affected my judgment as to which  
2 resource to use, and based on the information that I had  
3 and the resources that I had there at the time, it  
4 wouldn't have changed the decision where they actually  
5 did it. CO19 were the most appropriate resource to do  
6 it at that time. They were the most highly trained,  
7 they were the most highly able, and when you say about  
8 tactical options that I discussed with Cressida Dick at  
9 that time, it was about: they can do the interception;  
10 that's the option, an interception. There isn't a wide  
11 range of options that we discussed. It wasn't a cold,  
12 calm, collected conversation. It was as quick as that.  
13 "CO19 can do an interception". That's what I talk about  
14 tactics. That's just a way of describing it in the cold  
15 light of day in the statement.

16 Q. If CO19 had been five minutes away, stuck behind  
17 a jack-knifed trailer, so no chance of getting there,  
18 would your advice about using SO12 have been different?

19 A. Possibly. Yes, probably, because -- but the advice in  
20 relation to that, what I would have to say to the DSO  
21 is: if you use this resource, this is what it's going to  
22 look like, this is what their intervention or  
23 interception will look like, and it will be  
24 a containment and challenge; and based on the  
25 information and based on the intelligence that you have

1 at that time, then the DSO will make that decision. But  
2 the decision is that to be made by the DSO.

3 Q. But it's right, then, that your advice is to a certain  
4 extent affected by your knowledge of where the firearms  
5 teams are and whether they will be in a position to make  
6 the intervention in practice?

7 A. In a fast-moving situation like this, yes, there is two  
8 options. You can either hand control over to the team  
9 leader and say, "Do the interception when you think it's  
10 right to do it", or you can then say, "No, I want to try  
11 to manage those resources because I know intelligence,  
12 I know things that are going on, and I want to try to  
13 steer it in a particular direction".

14 Q. Which of those options did you take here?

15 A. It's not up for me to take that decision --

16 Q. The control room, I mean?

17 A. The interception was managed by and controlled by the  
18 DSO.

19 Q. Now, we have heard evidence again from this chap Nick  
20 that the surveillance monitor said that the suspect was  
21 going down the escalators before the order was given to  
22 CO19 to perform the stop. Do you recall that?

23 A. As I said, I have absolutely no idea where the subject  
24 was in relation to time or distance at that time.

25 Q. When the order was given?



1 A. Yes.

2 Q. And when the advice was given, presumably?

3 A. (Witness nods)

4 Q. Now, the order has been given, and I think very shortly  
5 after that communications were lost?

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

7 SIR MICHAEL WRIGHT: You knew that would happen, of course.

8 A. Absolutely. We knew that we had no communications in  
9 the Underground at that time.

10 MR HOUGH: You obviously didn't know that you would  
11 necessarily lose communications, because if they managed  
12 the interception above ground, then you wouldn't lose  
13 communications --

14 A. Sorry --

15 SIR MICHAEL WRIGHT: -- if they went down the escalator?

16 A. It was generally known that the Cougar radio did not  
17 work underground at that time.

18 MR HOUGH: Did the time come some minutes after that that  
19 you were notified that somebody had been shot?

20 A. I kept the open phone line with Trojan 84 and it was  
21 Trojan 84 that informed me on the radio that subject had  
22 been shot.

23 Q. Can we finally deal with a couple of logs? Can we go  
24 back to the operational policy log, page 6 this time.  
25 Do you see the passage beginning "Review of Tactics",

1 right at the bottom of the page?

2 A. Sir, yes.

3 Q. Is that again your handwriting?

4 A. It is, yes, sir.

5 Q. I am going to read through it but before I do, is this  
6 right, this is something you wrote up at 10.40, 20 to  
7 11, on that morning, so about 35 minutes after the  
8 shooting?

9 A. Yes. It was -- because of the fast-moving nature of it,  
10 and because of the fact that I had been giving advice to  
11 Cressida Dick, I didn't have a chance to even record  
12 what my thought processes were. So I just wanted to  
13 make a note of it at that time where everything was  
14 immediately fresh in my mind. It's quite a short note  
15 but it was just what I was thinking at that time.

16 Q. Let us just run through it quickly:

17 "Subject seen leaving the address followed on to  
18 a number 2 bus [the registration number given].  
19 Nettle Tip seen top deck outside Brixton tube, seen to  
20 be jumpy, made phone call and text messages. Subject  
21 still under control towards Oval tube..."

22 Which was, I think, further up the bus route?

23 A. Yes, sir.

24 Q. "Informed on the stairs."

25 That's the information coming through that he is

1 getting up and going down the stairs.

2 "Decision by the DSO not to let the subject on the  
3 tube for risk of explosive devices. Subject enters the  
4 tube followed by C019 and surveillance. C019 given  
5 authority to intercept and arrest the subject who..."

6 A. I think it's "follow", sir.

7 Q. "surveillance". Perhaps you can help us with the next  
8 word?

9 A. "... down the tube, communications lost."

10 Q. Then "rationale" underlined. "previous underground  
11 devices"?

12 A. "positive".

13 Q. "Positive identification of subject by surveillance as  
14 Nettle Tip."

15 So you are there recording that first of all the  
16 decisions were informed by the fact that devices had  
17 been used underground in the past?

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

19 Q. Secondly, the decision was informed by the fact that the  
20 person had been positively identified as Nettle Tip?

21 A. They were my immediate memories immediately afterwards  
22 headlined in this note.

23 Q. Then also part of the rationale:

24 "Subject made phone calls and text messages seen to  
25 be made. Subject seemed to be nervous. No bags seen

1 but still posed a threat, body devices..."

2 Is that "et cetera"?

3 A. Et cetera. That is because the generic intelligence  
4 that we had at that time was around body-borne devices,  
5 small concealable devices, although it had then  
6 developed on to rucksacks. But all the information we  
7 had had up to that time was around body-borne devices.

8 Q. "The risk to the public uppermost in my mind. This was  
9 an identified suicide terrorist who posed an immediate  
10 and imminent threat to the public."

11 Then:

12 "The contingency for non-compliance has been  
13 discussed and explained that if the officers perceive  
14 a threat from the subject which could be  
15 life-threatening to police and public."

16 That's a sentence that says:

17 "... if the officers perceive a threat from the  
18 subject which could be life-threatening to police and  
19 public".

20 The end of that sentence has been missed out. Can  
21 you supply it for us?

22 A. It's around the training, it's around what normally  
23 happens in ordinary firearms operations and in as well  
24 as this, that they will take whatever action that they  
25 feel is appropriate at that time to minimise that risk

1 to themselves and the public.

2 Q. We have heard, and I can show up on screen, probably  
3 it's best if I do, page 211 of the documents files.

4 (Pause)

5 We have heard from Mr Boutcher, both on his  
6 recollection and from his log, that you indicated after  
7 the event that this had not been a Kratos situation?

8 A. That's correct, sir.

9 Q. Do you recall saying that to him?

10 A. Yes. Well, because it wasn't.

11 Q. He also recorded and remembers you saying that the  
12 specialist firearms officers will have acted in response  
13 to non-compliance?

14 A. They would have reacted to what they saw in front of  
15 them at that time.

16 Q. Now, there is a reference, as we have seen in the  
17 operational policy log in the entry we have just been  
18 looking at, to "non-compliance".

19 SIR MICHAEL WRIGHT: There is your document, Mr Hough.

20 MR HOUGH: "Contingency for non-compliance has been  
21 discussed and explained."

22 A. Yes.

23 Q. When the order was given, you were clear in your mind  
24 that this was not an order to carry out a critical shot?

25 A. Absolutely, sir.

1 Q. It was an order to perform an armed interception which  
2 might result in shots being fired?

3 A. Yes, sir.

4 Q. From your point of view, as one of the architects or  
5 certainly one of the book writers on Kratos, there had  
6 not been an order for a critical shot, just  
7 an interception?

8 A. Yes, sir.

9 Q. In those circumstances, and against that background,  
10 would you have expected the specialist firearms officers  
11 to administer a critical shot if the subject did nothing  
12 to suggest non-compliance?

13 A. The firearms officers can only act on what happens in  
14 front of them at any particular time. I am not there,  
15 and I can't say what happened or what didn't happen.  
16 I can only talk from my point of view. Firearms  
17 officers throughout their training are taught to react  
18 to the threat that is posed in front of them at any  
19 particular time. So their response would have been as  
20 a result of what happened in front of them at that time.

21 Q. I don't know if we can get Mr Boutcher's log up,  
22 page 211, yet. It's tab 44 of the jury bundle, if it  
23 helps. There is quite a lot of material under there.

24 (Pause)

25 Page 211, if you flick on, is page 10. This written

1 by Mr Boutcher:

2 "I spoke to Chief Inspector Esposito, S019 tactical  
3 adviser, to clarify the position regarding the  
4 intervention of the subject. Chief Inspector Esposito  
5 stated that the S019 officers were conducting  
6 an orthodox armed intervention and the officers'  
7 instructions were clear. The officers will have  
8 challenged the subject and his responses will have  
9 resulted in the officers' actions."

10 Is that what you said to Mr Boutcher shortly after  
11 this event?

12 A. I can't remember saying it, but that looks an awful lot  
13 like something I would have said, because that directly  
14 reflects the training that the officers have.

15 Q. So would you have expected the officers to challenge the  
16 subject ordinarily?

17 A. They can only -- they will issue a challenge dependent  
18 on what is in front of them at that time. I can't say  
19 whether I would have expected it or wouldn't have  
20 expected it. In some circumstances a challenge will be  
21 appropriate. In other circumstances a challenge will be  
22 wholly inappropriate. So it's actually not as clear as  
23 that. The decision for a challenge rests with the  
24 officers at the point of interception.

25 Q. I'm only asking you because it appears in the log and it

1 is suggested by the log of Mr Boutcher that you said  
2 that the officers, you would have expected to have  
3 challenged the subject.

4 A. I can't speak for the officers, and all I can say is  
5 that it is the training, states that a challenge will  
6 only be given if it's appropriate at that point of  
7 interception. I can't say more than that, sir.

8 MR HOUGH: Thank you very much, those are my questions.

9 SIR MICHAEL WRIGHT: A couple of things, please.

10 Questions from THE CORONER

11 SIR MICHAEL WRIGHT: As I understand you, when you gave your  
12 advice against S012 doing the stop, you were  
13 perfectly -- you would be perfectly willing, as  
14 I understand it, to have seen C019 carry out  
15 an interception or an intervention at any point prior to  
16 the subject getting on the train? If they thought it  
17 was appropriate?

18 A. Yes, sir. That's what they are trained to do. Their  
19 training allows them to conduct interceptions in the  
20 street, in buildings, in vehicles, in trains, in any  
21 mode of transport. That's what the training allows. So  
22 if as a result of the order for an interception to be  
23 given, the circumstances then took them into any one of  
24 those environments, then they are capable of conducting  
25 an interception at that point, and I am satisfied with



1           that level of training.

2   SIR MICHAEL WRIGHT:  So you would not have regarded it as  
3           an insuperable difficulty if, by the time they came to  
4           be in a position to make a stop, they were down the  
5           escalators?

6   A.  The threat never changes.  The threat they were dealing  
7           with at that time was a suicide terrorist.  What changes  
8           is the circumstances and the location of that  
9           interception.

10  SIR MICHAEL WRIGHT:  That's what I am trying to get at, you  
11           see.  Or on the --

12  A.  It adds difficulties, sir, it adds difficulties, but the  
13           training of the officers is such that it allows them to  
14           overcome those difficulties.  But because of the nature  
15           of the operation, once an order is given, you don't know  
16           where that is going to take you, you don't know what's  
17           going to happen, so it's essential that the officers  
18           conducting that interception are flexible in the way  
19           that they do it.

20  SIR MICHAEL WRIGHT:  Is it an additional hazardous factor  
21           that, if they have gone down the escalators, you will  
22           have lost contact with them?

23  A.  Yes, sir.  It's a result of the equipment that we had at  
24           that time.

25  SIR MICHAEL WRIGHT:  In those circumstances, of course, you

1           have to leave it to the individual officers to decide  
2           what is --

3   A.   Once the order has been given, we always have to leave  
4           it to the individual officers to decide.

5   SIR MICHAEL WRIGHT:   Okay.

6           The second thing I am asked to ask you, and this is  
7           a convenient moment to do it: you and Andrew prepared  
8           the tactical options document the previous day?

9   A.   Sir, yes.

10   SIR MICHAEL WRIGHT:   And you have told us that you gave it  
11           to Mr McDowall and, I think, to Superintendent Boutcher?

12   A.   Yes, sir.

13   SIR MICHAEL WRIGHT:   Was it discussed at the 7.15 meeting?

14   A.   I can't remember whether this document was discussed in  
15           the 7.15 meeting, but I know I discussed it at length  
16           with the DSO.

17   SIR MICHAEL WRIGHT:   Was it ever intended to be discussed at  
18           the briefing of SO19 in Nightingale Lane?

19   A.   What would have been -- no, this document would've been  
20           discussed there.   What the tactical adviser --

21   SIR MICHAEL WRIGHT:   Would or would not?

22   A.   Would not, sir.   What the tactical adviser on the ground  
23           would be doing with the Silver on the ground would be  
24           talking about what is their option and what is their  
25           intention at that time.   Their intention was to provide

1 mobile armed support to surveillance at Scotia Road as  
2 well as at Portnall Road. So as a result of that,  
3 various options could have arisen.

4 SIR MICHAEL WRIGHT: But the basic document, the tactical  
5 options document, that was a matter for discussion  
6 between you and the senior officers?

7 A. But it's also there for the tac advisers on the ground  
8 and the Silvers on the ground to make initial reference  
9 to because, had the operation developed into something  
10 else, had it developed into a static operation around  
11 premises, then all the options for that are contained in  
12 this document.

13 SIR MICHAEL WRIGHT: Thank you.

14 I have a request, which I suspect you will say you  
15 can't answer because I think it's probably a request for  
16 an explosives officer.

17 The request is this: we have heard several times  
18 about body borne devices; at what point will the jury be  
19 shown a sample?

20 I think we might be able to produce photographs.

21 MR HOUGH: Probably a question for me rather than for the  
22 witness. An explosives officer will be called, and  
23 photographs and descriptions of devices will be  
24 provided.

25 SIR MICHAEL WRIGHT: Thank you. I think that's the best

1 answer you are going to get, I don't think you are going  
2 to see samples. Thank you.

3 Now, five minutes, Mr Mansfield, or would you rather  
4 start at five to 2?

5 MR MANSFIELD: May I do something mildly unusual, which is  
6 ask the question so he has plenty of time to think about  
7 it over lunch?

8 SIR MICHAEL WRIGHT: Yes.

9 Questions from MR MANSFIELD

10 MR MANSFIELD: Good morning. I am Michael Mansfield,  
11 I represent the family of Jean Charles de Menezes.

12 You may be expecting this question because I ask it  
13 of the senior officers and you are perhaps the most  
14 senior tactical adviser that we have seen.

15 The question is this, but may I frame it in this  
16 context: you have presumably reflected over what  
17 happened that day over quite a few years now since it  
18 happened; is that right?

19 A. Absolutely, sir, yes.

20 Q. And you have read a lot of material relating to this  
21 whole exercise?

22 A. Yes, sir.

23 Q. Have you read the evidence that was given at the Health  
24 and Safety trial?

25 A. I have read some of it, sir, yes.

1 Q. And you are aware of the verdict in that trial?

2 A. Yes, sir.

3 Q. And you are aware of some of the materials that have  
4 been put before this jury, if you have followed these  
5 proceedings?

6 A. Only some, sir, yes.

7 Q. Which bits, may I ask?

8 A. I read the transcript of the DSO, and I read the  
9 transcript of Andrew.

10 MR MANSFIELD: In that context, the question is this: do you  
11 consider that anything went wrong that day? All right,  
12 that's the question.

13 SIR MICHAEL WRIGHT: And you don't want an answer at the  
14 moment?

15 MR MANSFIELD: No, because he has plenty of time to think,  
16 and it's over lunch. Thank you.

17 SIR MICHAEL WRIGHT: The only thing I would say to you,  
18 Mr Esposito, and I'm sure you will appreciate this, you  
19 have lunch to think it over but the answer of course  
20 must be yours.

21 A. It's a very short answer, sir.

22 SIR MICHAEL WRIGHT: You can give it and Mr Mansfield can  
23 think it over, over lunch.

24 A. The short answer, sir, is that for me it actually gets  
25 taken back to 7 July when the bombings happened, then



1           concerned, there was no firearms decision that was  
2           erroneous in any shape or form, that you are responsible  
3           for?

4   A.   Not in my view, no, sir.

5   Q.   No, not in your view. Obviously I'm only going to ask  
6           you about those matters that relate to your  
7           responsibility as opposed to obviously others, and you  
8           follow that, I am sure.

9           So the issue as far as you are concerned, then,  
10          looking back on it all, was identification. Now, I am  
11          going to take it in stages -- or rather  
12          misidentification as it turned out.

13          You told the jury that you thought this individual  
14          had been positively identified as Nettle Tip and you  
15          used this phrase, "without a shadow of a doubt", or  
16          "beyond a shadow of a doubt", just before lunch, do you  
17          remember?

18   A.   I was in the control room throughout that period, and my  
19          sources of intelligence were what was coming through  
20          from the surveillance. From the time that the subject,  
21          who was identified to me as Nettle Tip, went throughout  
22          that journey, getting on and off the bus at Brixton,  
23          right through the second part of the journey, up until  
24          he got off the bus at Stockwell, all the information  
25          that I was getting through from the surveillance led me

1           to believe that that was Nettle Tip.

2    Q.   Yes, a positive identification?

3    A.   Absolutely, sir.

4    Q.   Beyond a shadow of a doubt?

5    A.   For me, sir, yes.

6    Q.   For you, yes. The information you are getting, you say,  
7           comes from surveillance officers?

8    A.   That's the only source of information I have, sir.

9    Q.   Did you ever look at the surveillance log, the running  
10          log? The jury have seen it many times, I am not asking  
11          for it to be brought up. Did you see the running log  
12          that was there on the screen in the ops room?

13   A.   No, sir.

14   Q.   You never did?

15   A.   I knew it was there but I never looked at it, sir.

16   Q.   Any reason why you didn't look at it?

17   A.   Because I had an awful lot to do. I was on the phone to  
18          Trojan 84; I was trying to advise the DSO; I was  
19          listening to the surveillance channel. I did not have  
20          time to look up and look at that monitor.

21   Q.   Right. You know now, of course, that had you looked at  
22          it, you would have seen that this was an unidentified  
23          individual throughout; you know that now, do you?

24   A.   I understand that's what was written on that screen,  
25          sir, but I don't believe that to be the case.



1 Q. No. Well, let us be frank, we --

2 SIR MICHAEL WRIGHT: What do you mean by that last answer:

3 "... I did not understand that to be the case."

4 A. Because of the information that I was getting from the

5 surveillance commentary, that it was possibly identical

6 with, all of those issues, that for me is not

7 an unidentified subject.

8 SIR MICHAEL WRIGHT: If you had looked up and seen "U/I" on

9 the surveillance log, your response or your reaction to

10 that was: well, I don't agree?

11 A. If I had seen it at that time --

12 SIR MICHAEL WRIGHT: That would have been your reaction,

13 "I don't agree"?

14 A. Possibly. It could have been something that was just

15 written by the surveillance loggist as a note, I don't

16 know, sir.

17 MR MANSFIELD: You see, the learned Coroner's question does

18 have a bearing on this, doesn't it, because: are you

19 forming an opinion of your own without really taking on

20 board what is actually being said and seen? In other

21 words, just forming an overall impression: he gets off

22 the bus, he is looking a bit dodgy, that kind of thing.

23 Is that how you were building it up?

24 A. No, sir. My sources of information are the speech that

25 is coming over the surveillance channel, when I am being

- 1 (inaudible - coughing) by the surveillance monitor. As  
2 I said, I can't remember the exact details of the words,  
3 but from the words that were used, that was my  
4 impression, that was my belief.
- 5 Q. I want to put it starkly, you see. Is it now being  
6 suggested by those in the operations room if  
7 surveillance officers come here and say they never did  
8 positively identify, they never used any words that  
9 could be misconstrued in that way; are you suggesting  
10 they are lying?
- 11 A. That's not for me to say, sir.
- 12 Q. Well, there aren't too many options here, do you follow?
- 13 A. Yes, I do, sir.
- 14 Q. I'm only going in on this to start with, because this is  
15 the thing that you say has gone wrong; this is the only  
16 thing that you can put your finger on has gone wrong is  
17 identification?
- 18 A. I can only reiterate the opinion that I formed when  
19 I was in that control room, sir.
- 20 Q. When you were asked by the IPCC about where you formed  
21 that from, you weren't able to tell them, were you,  
22 exactly where you had got it from?
- 23 A. My only sources of intelligence were what was coming  
24 over the surveillance monitor, what was being said.
- 25 Q. Yes.

1 A. I can't now remember what I said to the IPCC in my  
2 interview. It will be written down there, sir.

3 Q. Oh yes, it certainly is. You can't remember what you  
4 told them, but what I want to ask you at this stage is  
5 whether you recall and ever recalled from whom you  
6 obtained that information?

7 A. My only source of information was the surveillance team,  
8 sir.

9 Q. What you said, and you can have it up if you like, to  
10 the IPCC -- it's exhibit page 305 -- you say in your  
11 statement, you were informed by -- it's at the bottom of  
12 the page:

13 "... that this was a positive identification?

14 "Answer: Yes.

15 "Question: Who informed you?

16 "Answer: I can't say for certain, as I said it's  
17 information that I received over the open phone ... over  
18 the open mike saying positive identification or whatever  
19 the words exactly were, I can't be sure whatever the  
20 exact words."

21 A. I was being asked there who informed me and I said  
22 I don't know which surveillance officer it was, because  
23 I am sitting in the control room and standing in the  
24 control room and the surveillance officers are on the  
25 ground. All I am hearing on the radio is a series of

1           voices, all I am hearing is the surveillance monitor  
2           reiterating what's being said on the surveillance  
3           channel.

4   Q.   You are not able now, of course, to say what the words  
5           were that informed your opinion?

6   A.   It's three and a half years ago, sir. I have tried very  
7           hard to remember those exact words but I just can't  
8           remember the exact details of the exact words.

9   Q.   I want to suggest to you clearly there really wasn't any  
10          information on which you could base a positive  
11          identification. The highest it ever got was "possibly  
12          Nettle Tip". Now, just as this is one of the --

13   SIR MICHAEL WRIGHT: Well, "possibly identical with".

14   MR MANSFIELD: Sorry, "possibly identical with". That's the  
15          highest it ever got.

16                 Now, just reflect on that for a moment. Do you  
17          think you just may have got it wrong?

18   A.   At that time in those circumstances, that's the opinion  
19          I formed.

20   Q.   I am going to move on. Perhaps I ought to clarify. So  
21          you are not prepared to accept that you may have got it  
22          wrong; is that right?

23   A.   I made those decisions based on the information that  
24          I had, I gave the advice based on the information that  
25          I had, and at that time I believed that subject to be

- 1           Nettle Tip, sir.
- 2    Q.   Yes.  It's an easy question.  Is the answer in your case  
3           that you do not believe you got it wrong?
- 4    A.   My answer is that I have to base what I say on the  
5           information that I am given.  I believe what I did was  
6           right.  I believe what I said was correct.  If it  
7           subsequently transpires that something is not the same,  
8           well, then I can only base what I do on the information  
9           that I have at that time.
- 10   Q.   Yes, I appreciate that, and I'm suggesting the  
11          information that you had at that time would not have led  
12          you to a positive identification?
- 13   A.   For me, sir, it was positive.
- 14   Q.   Well, let me just pass on another stage.  If, when he  
15          got off the bus at Stockwell, the state of play that you  
16          had understood was that it was no higher than possibly  
17          identical with, do you follow, that was the state of  
18          play, if you had known that?
- 19   A.   Hypothetically.
- 20   Q.   Yes, well, I am not suggesting it's a hypothesis, but  
21          I am just going to put it to you, since you don't accept  
22          that was your belief.  If your belief had been possibly  
23          identical with, would you have advised the involvement  
24          of SO or CO19?
- 25   A.   "possibly identical with" suggests that that subject

1 getting off that bus is possibly identical with a person  
2 that we believed to be a suicide terrorist. If we look  
3 at the threat and risk that's faced by the officers that  
4 are then intending to go and deal with that person, in  
5 those circumstances, it doesn't change. I have to  
6 advise based on the facts that officers are going to go  
7 and deal with a person who is intent on committing mass  
8 murder, who only 24 hours previously had attempted to  
9 commit mass murder on the transport system. I have  
10 thought about this long and hard, and because for me  
11 it's a key issue, and I don't believe it would have made  
12 any difference to those circumstances, because for me  
13 the threat was always there, sir.

14 Q. Yes, I just want to get, so the jury can be clear about  
15 the levels of threat and so on and how you envisage it.  
16 If in fact therefore it had been possibly identical  
17 with, that too would have provided a basis for saying,  
18 advising, would it, that S019 become involved?

19 A. I advised based on the tactics that are available and --

20 Q. Please answer the question. We will come to tactics and  
21 what you have advised and what you didn't advise. I'll  
22 come to that.

23 If you had believed that it was possibly identical  
24 with, would you have advised the involvement and  
25 engagement of S019?

- 1 A. It wouldn't have changed my decision, sir.
- 2 Q. Right. That's perfectly understandable because, of  
3 course, as a firearms officer, the real object of the  
4 exercise that day was to prevent somebody who was  
5 a bomber the day before and had been identified as being  
6 a bomber the day before, or even possibly a bomber from  
7 the day before, getting anywhere near the transport  
8 system; correct?
- 9 A. The intention was to safely arrest them.
- 10 Q. Yes, before they got anywhere near the transport system;  
11 correct?
- 12 A. The intention was to arrest the subjects. The chances  
13 of them getting on a transport system increases the  
14 threat and increases the risk because of what had  
15 happened before. But I don't believe that that was  
16 an operational priority at that time. It comes into the  
17 consideration. But the decisions are made based on the  
18 threat and risk, the advice is given in relation to  
19 that, and if a subject comes near an transport system  
20 because of what had happened previously, the day before,  
21 then it alters the decision-making process.
- 22 Q. Well, that's what I want to deal with. Because what  
23 I want to suggest to you at this stage, so it's entirely  
24 clear, is that you -- and I put it to you as the senior  
25 tactical adviser -- along with Commander Dick failed to

1           plan a tactic to prevent, as far as humanly possible,  
2           an identified or possible suspect from engaging with the  
3           transport system. Now, do you understand the point I am  
4           putting to you?

5   A. I understand it, sir.

6   Q. Right. I just pause for a moment. (Pause)

7   SIR MICHAEL WRIGHT: No, carry on, I'll deal with these  
8           later.

9   MR MANSFIELD: Yes.

10           Before I develop with you, because I'm going to go  
11           through with you what were obvious things to have done,  
12           not with hindsight but at the time, and I suggest they  
13           were your responsibility along with Commander Dick.

14           Do you follow?

15   A. I am the tactical adviser. Commander Dick is the  
16           decision-maker, sir.

17   Q. I want to get clear, before we get into what could have  
18           happened, I want to deal with you with some general  
19           points at the beginning. In other words, what SO19 are  
20           trained to do and the difference between various  
21           operations.

22           For these purposes could we have your tactical  
23           document, please, back up? It's tab 42. We have seen  
24           it before. This is a section of it which you had  
25           prepared the night before. It's a generic document.



- 1 A. That's correct, sir.
- 2 Q. As has been pointed out to you already by the learned  
3 Coroner, as you will see, "interception outside the  
4 stronghold/premises or elsewhere of suicide terrorists".  
5 So we are dealing with in this section, or you are,  
6 suicide terrorists?
- 7 A. Yes, sir.
- 8 Q. It's obvious. Then in brackets you have "spontaneous or  
9 pre-planned Kratos"?
- 10 A. Sir.
- 11 Q. Is what is written here directed at those situations,  
12 covered generically by the term Kratos?
- 13 A. It could be, sir, yes.
- 14 Q. No; is it or not? Not could be; is it?
- 15 A. In relation to stops of subjects or in relation to this  
16 operation, sir?
- 17 Q. No, I am asking the questions. Is this section, 10, all  
18 right, is this tailored to Kratos operations?
- 19 A. No, it's not, sir.
- 20 Q. It's not. It doesn't say that it's intended for  
21 anything broader, does it?
- 22 A. This document was intended as a discussion document at  
23 the outset. It was prepared the day before when we were  
24 asked by Superintendent Boutcher to prepare a firearms  
25 response, a 24-hour firearms response, to an operation

1 that was emerging that day. As that information was  
2 emerging, we had absolutely no idea as to what we might  
3 then be facing the day before. So this document, with  
4 all these, with the non-suicide terrorist options, with  
5 these terrorist options, were intended to cover any  
6 eventuality, both for the Operation Theseus and also, if  
7 necessary, for the spontaneous Kratos operation coming  
8 out of the information room downstairs.

9 Q. I'm not going through all 34 pages. I am dealing with  
10 this section which has already been highlighted, which,  
11 if I may say so, seems to be covering precisely the  
12 situation that you might face -- you might face:  
13 interception, the need to intercept, outside premises or  
14 elsewhere, a suicide terrorist. All right?

15 A. This would follow, sir, from mobile armed support to  
16 surveillance. It's not a tactic by itself. It's  
17 a tactic to either stop people or conduct containment  
18 and challenges, as a result of something happening.

19 Q. Oh yes. Now, all of that wasn't totally unpredictable.  
20 Let us go back to 9/11. From 9/11 onwards, one of the  
21 most obvious threats that the Metropolitan Police might  
22 have to face-- and this was considered on tabletop  
23 exercises and all the rest of it -- was a suicide bomber  
24 on foot, wasn't it?

25 A. Yes, sir.

1 Q. Right. So it's not, as is so often -- and you have said  
2 it yourself -- so, as it were, unpredictable that you  
3 had not foreseen the possibility of a footborne suicide  
4 bomber; that had been something that had been  
5 anticipated, hadn't it?

6 A. It's always something that is considered because it's  
7 happened elsewhere in the world. So it could transfer  
8 and did transfer to us. So as a tactical adviser, what  
9 I had to do was consider possible tactics within the  
10 resources that we had in order to provide a response for  
11 the police commanders. This document and this paragraph  
12 is a headline for that.

13 Q. Yes, so I am going to come to what you discussed,  
14 because you said it was discussed, in particular with  
15 Commander Dick. Of course, in this section, we can see  
16 that in fact there are express references, just at the  
17 bottom paragraph:

18 "Options 10(a) ... suggests proposed tactical  
19 deployments to deal with a suspected suicide bomber on  
20 foot."

21 All right?

22 A. Yes.

23 Q. Just going on with this, I want to ask you, when you set  
24 out the options which we can see at the bottom of that  
25 page and on the next page, first of all there is

- 1 a section the jury don't have but all I am going to  
2 say -- do it in this way: of the nine options here, six  
3 of them, in other words those from (d) onwards on the  
4 next page, when you, as it were, added comments for the  
5 benefit of the senior officers, they either hadn't had  
6 any training in any of them or they only had very  
7 limited training in all of those, that is (d) onwards?
- 8 A. Are you talking about the containment and challenge?
- 9 Q. Yes.
- 10 A. What that section referred to is that the containment  
11 and challenge is tactics that are done almost on a daily  
12 basis by --
- 13 Q. Can I just deal with it in this context. I will have to  
14 get it up on screen. We can go through each one. For  
15 the benefit of those discussing the document, you have  
16 added advantages and disadvantages for each one, haven't  
17 you?
- 18 A. Yes, I have, sir.
- 19 Q. From the (d) onwards, one of the things you have added  
20 is that the tactic hasn't been practised?
- 21 A. It hadn't been practised in relation to the challenges  
22 of suicide terrorists. Containment and challenge is  
23 something that is done all the time. At that time --  
24 you have to consider the threat and the risk, and the  
25 issues faced by armed officers at that time were in the

1 developmental stage.

2 Q. Yes. So when this was discussed, the only three that in  
3 fact had been, as it were, practised were the first  
4 three, all of them stops; do you follow?

5 A. I follow what you are saying, sir, but containment and  
6 challenge is something that CO19 do all the time.

7 Q. Well, I have to come to that in a moment, as to the  
8 difference, and what was going on this day and of course  
9 what was in the minds of firearms officers is another  
10 matter.

11 I want, first of all, in the context of this  
12 document, what is involved in a stop, first of all,  
13 whoever does it? Or are there differences?

14 A. There are differences. It depends on the level of  
15 training.

16 Q. Can I go straight to the obvious one, since CO19 SFO  
17 officers are involved here: a stop by plain clothes CO19  
18 SFO officers in covert armed response vehicles. What  
19 does a stop by them actually mean and involve on the  
20 ground?

21 A. It means getting themselves at the point of deployment  
22 between the threat and the public in order to protect  
23 the public. Now, an actual stop can be either  
24 a containment and challenge, fairly close, or an actual  
25 armed interception. And the containment and challenge,

1 the distance of that will depend on the threat and risk  
2 that is faced at that time.

3 Q. So let us take it stage by stage, because this may  
4 affect what firearms officers thought they were doing.  
5 You do appreciate this, do you?

6 A. Yes, sir.

7 Q. Right, because they are being trained by you and others  
8 in these tactics; correct?

9 A. Yes, sir.

10 Q. So if they hear the word "stop", what are they going to  
11 interpret it to mean, one of these three?

12 A. SFO officers will interpret a stop as an armed  
13 interception at that point.

14 Q. Right, now, an armed interception at that point, what  
15 does that mean?

16 A. To an SFO officer, there is a difference between  
17 an interception and an intervention.

18 Q. Right, what is it?

19 A. If I can explain, an interception is where firearms  
20 officers deploy against an indirect threat, and that  
21 would be a person walking down the street just carrying  
22 a firearm, they have a firearm in their pocket; they are  
23 a threat because they possess an illegal firearm, but  
24 they are not posing a direct threat to anybody else. So  
25 that would be an interception.

1 Q. Can I take it in stages. How would they do that? These  
2 words have been interchangeable up until this minute.

3 A. Yes.

4 Q. If an officer is doing -- S019 are doing an armed  
5 interception on an indirect threat, what actually do  
6 they do? I am sorry, the members of jury would like to  
7 know. Do they come up in front of you and point  
8 a weapon at you or do they say something? What do they  
9 do?

10 A. It depends on the threat that's faced at the time. The  
11 officers have to fall back on their training and I can't  
12 say what an individual officer will do at that time in  
13 a particular set of circumstances, because it's only  
14 them that can pick, almost, the most appropriate level  
15 of force, the most appropriate place to do it, the  
16 most -- whether or not they are going to issue  
17 a challenge, once they know the threat is facing them at  
18 that time.

19 Q. Yes.

20 A. So an order to stop will depend on what threat is faced  
21 and what level of training they have. Now, an SFO  
22 officer can do everything because that's the level of  
23 training that they have. They can do a stop, they can  
24 do an intervention, they can do an interception, they  
25 can do a stop and challenge, because of the level of

1 training that they have.

2 Q. I am just going through it with you now, to see whether  
3 in fact what you have in mind is what the firearms  
4 officers will say they had in mind. Do you see?

5 Now, a stop, according to you, at least there is two  
6 concepts: an interception which you define as being  
7 intercepting when there is an indirect threat, and it  
8 will be up to the officer how he deals with it; is that  
9 fair?

10 A. Yes.

11 Q. So it might involve him saying, "Hey stop", or it might  
12 involve him just pulling a weapon. It might involve a  
13 whole range of options.

14 A. There is one thing, issue, here, if we are talking about  
15 it in relation to this, everything that we do here has  
16 to be based against the threat and risk that was being  
17 faced at that time and it's really not a matter of going  
18 up to a person and saying, "Hey, stop", because we are  
19 not dealing with a firearms threat here. What we are  
20 dealing with are deadly and determined people who  
21 intended to commit mass murder. It's not a normal  
22 firearms operation, there is a lot more to it than that,  
23 and that's why if an order to stop is given, it's to  
24 an SFO officer a challenge. It's to an SFO officer  
25 a stop, and they will either issue a challenge --



1 Q. Wait a minute. Is it a challenge or not?

2 A. They will either issue a challenge or they will either  
3 confront the person depending on the circumstances that  
4 exist at that point and only they, only they, can make  
5 that determination.

6 Q. Oh yes, we will have to come to that obviously. But  
7 these are trained officers, and these are words that you  
8 are using in your document; so stop so far, I have dealt  
9 with interception insofar as you can define it; what's  
10 the difference between that and an intervention?

11 A. An intervention is where there is a direct threat. If  
12 we akin it to a firearms operation, it would be almost  
13 like a bank robbery, where a guard is being threatened  
14 by an officer, where a firearm is actually being pointed  
15 at a person.

16 That is being a direct threat to another person.

17 Q. Right.

18 A. Now -- sorry.

19 SIR MICHAEL WRIGHT: Go on, you are going to be asked to  
20 tell us what an intervention is.

21 MR MANSFIELD: That was the question and I think you have  
22 just answered it.

23 SIR MICHAEL WRIGHT: I am not sure, what does it involve  
24 doing?

25 A. Again, it's interposing themselves, that's the firearms

1 officers in this situation, between the threat and the  
2 public, and --

3 MR MANSFIELD: So on this day, was this an interception or  
4 an intervention?

5 A. If CO19 had been doing it, it would have been  
6 an intervention, because the threat and risk that was  
7 faced at that time was dealing with -- now, this is me  
8 talking here based on this tactical advice document.  
9 What the officers faced down on the Underground station,  
10 only they can answer, because only they can relate the  
11 threat that was posed to them.

12 Q. I am going to ask you questions, because you, as it  
13 were, advised sending them down. I'll come to that  
14 decision, plainly.

15 As far as you are concerned, therefore, these  
16 officers were intervening because of a direct threat; is  
17 that right?

18 A. That was the perception. That was the knowledge. The  
19 person who had got off that bus was, we believed to be  
20 Nettle Tip, and that person was a suicide terrorist.

21 Q. Do you think there is a risk here that what happened on  
22 this day, and I am going to suggest you added to this  
23 risk by what you have said to the officers in charge of  
24 teams; at the moment he gets off the bus, he is  
25 virtually dead. You have identified him as a terrorist

1 from the day before, and therefore the level of risk is  
2 so high that he is never going to come out of the tube  
3 alive. Do you think that's possible?

4 A. I wholeheartedly disagree with you, sir. The SFO  
5 officers are probably the most highly trained officers  
6 that there are in the country, firearms officers --

7 Q. And restrained, are they?

8 A. They are very restrained. They consider what they are  
9 doing, they knew what they were dealing with on that  
10 morning, they knew that they were dealing with suicide  
11 terrorist and they knew what the order was that they  
12 were to undertake, and that was an interception,  
13 an armed interception at that point.

14 Q. Or intervention?

15 A. Or intervention.

16 Q. Well, which?

17 A. Only those officers can determine it at that point. The  
18 order was given to stop. Officers will deploy, and when  
19 they deploy, they will see the threat that faces them at  
20 that point. I am standing in the control room. I am  
21 saying to them "stop". They know what that means,  
22 because of their training, because of their expertise,  
23 because they carry out stops, they carry out containment  
24 and challenges, they carry out interventions almost on  
25 a daily basis.

1 Q. At the moment I am dealing with the term "stop" as you  
2 have put it in here, that is the tab 42 tac document;  
3 and we have dealt with interception as you defined it;  
4 intervention as you have defined it; then of course all  
5 the other options, (d) onwards, are contain and  
6 challenge.

7 Can you explain, as you have not used the word  
8 "stop" there, but the same unit could be involved, it's  
9 the last one:

10 "Contain and challenge by plain clothes SFOs in  
11 covert ARVs."

12 What's the difference there?

13 A. The intention of these last six options were -- the  
14 tactics developed there because of the threat that is  
15 faced is to contain and challenge. Now, in normal  
16 firearms operations, it's always identify, locate,  
17 contain. But because of the threat that's faced around  
18 the risk of explosives, around suicide terrorisms, there  
19 is an issue about how far we need to be away in order to  
20 ensure the safety of officers, ensure the safety of the  
21 public.

22 So the contain and challenge in this, as opposed to  
23 a normal firearms operation, means that we have to  
24 consider the distances that officers may have to  
25 initially issue that challenge from.

- 1 Q. Now, the word has been used, and by others besides  
2 yourself about this operation, that in fact what was  
3 being ordered was a conventional arrest. Is that what  
4 you thought was being ordered?
- 5 A. By conventional arrest, do you mean using conventional  
6 tactics, yes.
- 7 Q. What are conventional tactics?
- 8 A. Normal firearms tactics.
- 9 Q. Yes, what are they?
- 10 A. It depends on the threat that is there at the time.  
11 There are hundreds of tactics. Normal conventional  
12 tactics are firearms tactics, it's what's written in the  
13 ACPO manual, it's what's written in this document, they  
14 are all normal tactics --
- 15 Q. What are the normal tactics in this case, would you have  
16 expected to be adopted?
- 17 A. Either a containment and challenge, an intervention or  
18 an interception, depending upon the threat and risk that  
19 is faced by the officers at that time.
- 20 Q. I will go through those so that we know when the  
21 firearms officers come exactly how they work.
- 22 So depending upon the threat that they face, it's  
23 either going to be an interception because it's  
24 an indirect threat, or an interception because they  
25 perceive a direct threat, or it's going to be contain

1 and challenge?

2 A. I can't stipulate what tactics those officers will --

3 Q. No, no.

4 A. They are tactics that are available to them.

5 SIR MICHAEL WRIGHT: Those are the choices?

6 A. They are the choices, sorry. Absolutely.

7 That if you say to a firearms officer, if you say to  
8 an SFO officer, "Stop that person", then they will  
9 deploy, they will assess the situation, they will assess  
10 the threat and risk, and they will deploy the tactic  
11 most appropriate in those circumstances.

12 MR MANSFIELD: Now, the reason I want to go through these  
13 is, if they are going to assess a threat which requires  
14 interception, it's the indirect version, they don't  
15 actually see a weapon but they, what? On the indirect?

16 A. Sorry, I don't quite understand.

17 Q. How are they going to make a judgment that this is  
18 an intercept case?

19 A. They can only work on what happens in front of them.

20 This is one of the challenges, and one of the issues  
21 that has been discussed right from the outset in  
22 relation to suicide terrorism, and it's something that  
23 is discussed around the world, that for normal firearms  
24 operation, you can see a threat, you can see a person  
25 pointing a gun at you. If you are dealing with suicide

1 terrorism, whether it be in this country or anywhere  
2 else, that threat isn't immediately available.

3 Q. Right --

4 A. Isn't immediately viewable. So the officers have to  
5 assess --

6 SIR MICHAEL WRIGHT: Not visible?

7 A. Not visible, sir, sorry. They have to assess what's in  
8 front of them.

9 MR MANSFIELD: I want to examine this with you, as to how  
10 the policy has been developed to deal with this  
11 situation.

12 You are aware that other countries have a very  
13 different approach to this dilemma or difficulty, aren't  
14 you?

15 A. There are -- I can't speak for what other approaches  
16 other countries have. I am aware of what they do,  
17 because I have researched it, but what they choose to --  
18 responses they choose to develop --

19 Q. In Israel where they have been dealing with this sort of  
20 threat for some time, they have very different rules of  
21 engagement, don't they?

22 A. It's a very different society, sir.

23 Q. The answer is yes, they do?

24 A. Yes, sir.

25 Q. One of the rules of engagement that they have is that

- 1           you don't shoot someone dead unless you have some way of  
2           detecting the presence of a bomb?
- 3   A.   I couldn't even begin to answer that, sir, because  
4           I just don't know.
- 5   Q.   You don't know?
- 6   A.   No.   Not to that level.
- 7   Q.   Who has done the research under Barbara Wilding in  
8           relation to this?
- 9   A.   There are a number of people that were involved.  My  
10           involvement in this was in relation to  
11           Metropolitan Police tactics in relation to the response  
12           to suicide terrorists.
- 13  Q.   Well, if you are going to train people to respond to  
14           something they can't see, how are they going to make  
15           a judgment?  I put it in this context: you are not  
16           suggesting that firearms officers shoot somebody just in  
17           case they are a suicide bomber, are you.
- 18  A.   That would be ridiculous, sir, no.
- 19  Q.   It would be ridiculous, and therefore you have to train  
20           people to carefully identify the threat, if they can --
- 21  A.   Yes.
- 22  Q.   -- of what they are facing?
- 23  A.   That is the essence of the training.  That's the essence  
24           of the training that we give to specialist firearms  
25           officers, that we give to ARV officers, that we give to



1 TST officers. It's about assessment of the threat at  
2 the point that they deploy.

3 Q. Now, I want to distinguish here so it's clear. There is  
4 a situation that you have developed calling it  
5 Clydesdale, in which of course there is intelligence.  
6 It may be wrong but there is intelligence that somebody  
7 is not only a suicide bomber, but is actually intent on  
8 carrying it out because they have the device with them,  
9 are you following?

10 A. This wasn't a Clydesdale operation, sir.

11 Q. I appreciate that, and we will find out later what the  
12 officers thought about it. I want to distinguish  
13 a situation in which you have intelligence that the  
14 person is a suicide bomber, and they have the means of  
15 carrying it out with them, in other words they have  
16 a bomb with them, either in a rucksack or in a suicide  
17 vest or however it's carried; and in those circumstances  
18 under Clydesdale, a DSO may give an order for a critical  
19 shot. Even though the officer on the ground may not  
20 have seen it, he still has to assess it, but it can be  
21 given by the DSO?

22 A. That is an option under those circumstances. The DSO  
23 can make that decision based on the information that  
24 they have at that time.

25 Q. You have made very clear that this isn't a Clydesdale

1 operation, and therefore it wasn't one in which any of  
2 the officers could have been expected to be told by  
3 anyone in that sense that they could deliver a critical  
4 shot?

5 A. This wasn't a Clydesdale.

6 Q. Now, as far as, and I know the word unfortunately is  
7 used generically, people-borne, and I leave vehicles out  
8 of it for the moment, although there was a vehicle,  
9 people-borne exercises prior to July 2005, was a DSO  
10 involved in those exercises? That is people-borne as  
11 opposed to Clydesdale?

12 A. I don't know what exercise you are talking about, sir.

13 Q. All the training, all the exercises, tabletop and  
14 otherwise, all the legal advices that were being  
15 obtained about the legality and so on, did any of that,  
16 that is people-borne Kratos, I want to know what your  
17 understanding was prior to July 2005, did that involve  
18 a DSO or not?

19 A. My understanding of person-borne Kratos was in relation  
20 to spontaneous emerging intelligence. Person-borne at  
21 that time was to deal with pieces of intelligence that  
22 would come into a control room. There was an assessment  
23 of that information, and then the designated senior  
24 officer who had been contacted would make  
25 a determination as to the most appropriate tactic.

- 1 Q. You think that your understanding was, and we have a lot  
2 of documentation, that a DSO was in fact involved in  
3 both operations?
- 4 A. That they were on the morning of the 22nd, because we  
5 had Commander Carter dealing with the --
- 6 Q. No, no, I will come to the operation, but before the  
7 operation on this day, so this, you see, I am asking you  
8 as to whether a firearms officer, knowing that a DSO is  
9 involved, would automatically understand that a DSO is  
10 in a position on a Kratos operation?
- 11 A. No, absolutely not. The DSO function there is to decide  
12 the tactics. All the firearms officers on that morning  
13 knew that a DSO was involved, but they knew it wasn't  
14 a Kratos operation, they knew this was  
15 an intelligence-gathering operation, a manhunt for the  
16 people who had been involved on 21 July.
- 17 Now, this operation could have taken us absolutely  
18 anywhere, and eventually it did. On the days to come  
19 after that, there was operations all over London. So  
20 the mere fact that a DSO is involved wouldn't suggest to  
21 the officers that this is a Kratos; in fact exactly the  
22 opposite.
- 23 Q. If any of them suggested that they did think it was a  
24 Kratos, that's a misunderstanding by them, is it?
- 25 A. I can't say what the officers were thinking. All I can

1 say is what the training was, and what the intention of  
2 the operation was.

3 SIR MICHAEL WRIGHT: All you can say is that by July 2005  
4 the fact that a DSO had been appointed did not  
5 necessarily mean that this was a Kratos operation?

6 A. Yes, sir.

7 MR MANSFIELD: Would you expect in a briefing that those  
8 doing the briefing would make sure that the firearms  
9 officers would be aware that the appointment of a DSO  
10 did not mean it was necessarily Kratos or Clydesdale?  
11 Would you expect them to know that, to be told that?

12 A. The briefing should give the officers the required  
13 information in order for them to go out and do their  
14 job.

15 Q. Yes, and you appreciate that of course facing a threat  
16 depends upon a number of things, not only what you think  
17 you see, but also what you have been told and informed,  
18 doesn't it?

19 A. Yes, sir.

20 Q. In fact, it's what's called a mindset. You don't  
21 suddenly come on to the scene without prior information,  
22 and what you have been given in a briefing is extremely  
23 important, isn't it?

24 A. Absolutely, sir.

25 Q. Yes. First of all, did you discover that day, that is

1           the 22nd, how many shots had been fired?

2    A.   I don't know if it was on the 22nd or the 23rd, sir, no.

3    Q.   All right.

4    A.   But --

5    Q.   In that time period?

6    A.   Yes.

7    Q.   Some time on the 22nd or 23rd, you discovered how many

8           shots were fired?

9    A.   (Witness nods).

10   Q.   How many did you discover had been fired?

11   A.   I actually -- I actually don't know the number, sir.

12           That's the honest truth. At this time I couldn't tell

13           you the number that had been fired.

14   Q.   Do you still not know the number that had been fired?

15   A.   In honesty, no, I don't, sir.

16   Q.   I want to put to you that it's a rather shockingly large

17           number. Nine shots were fired. I want to ask you your

18           reaction, as you didn't know the number before I put it

19           to you. Are you shocked by that number?

20   A.   That point you are going to have to raise with the

21           officers, sir --

22   Q.   No, are you shocked by the number of shots fired by

23           highly trained restrained officers?

24   A.   No, I am not, because I don't know what they were facing

25           there at the time. I don't know what the threat was at

1           the time --

2   SIR MICHAEL WRIGHT: Or what they thought.

3   A. Or what they thought the threat was at the time.

4           I can't put myself in the minds of those officers and

5           therefore I can't make a determination as to how many

6           shots would be or wouldn't be appropriate. That is

7           a question that only those officers can answer.

8   MR MANSFIELD: They are part of the training where

9           a critical shot is ordered, and I am not suggesting

10          that's what happened here, it wasn't ordered, and you

11          are saying it's not Kratos or Clydesdale; but where it's

12          ordered, the training suggests that one shot to the

13          brain stem, that's the whole point of it, with the

14          ammunition that had been issued, hollow tip, that day,

15          is enough to incapacitate. Were you aware of that?

16   A. That's absolutely wrong, sir.

17   Q. I see. What's wrong about it?

18   A. There is a confusion around what the tactic is, there is

19          a confusion around what the weapon is, there is

20          a confusion around what the round is.

21   SIR MICHAEL WRIGHT: The ammunition?

22   A. I apologise, sir, the ammunition. And those words are

23          written for a totally separate set of circumstances.

24   MR MANSFIELD: Oh yes, the delivery of the critical shot.

25          But what happened here was the delivery of a critical

1 shot. You do know that, don't you?

2 A. What happened here is that the officers faced a threat,  
3 the officers perceived a threat, and the officers took  
4 action which they believed was appropriate in the  
5 circumstances.

6 I have already said I can't put myself in the minds  
7 of those officers. Only they can answer that because  
8 I don't know that threat, sir.

9 Q. Yes. I am not suggesting that Commander Dick ordered  
10 a critical shot. What I am dealing with is the training  
11 situation where a critical shot is ordered and  
12 delivered; they are not trained to deliver nine of them,  
13 they are trained on the basis that one is perfectly  
14 sufficient?

15 A. No, they are not, sir.

16 Q. I see. So what are they told about the delivery of  
17 a critical shot with this kind of ammunition?

18 A. I may have to stray into tactical issues here, which  
19 I don't think I can answer in relation to weapons,  
20 ammunitions and tactics. But all I can say is that the  
21 officers must -- I am being very careful of my words  
22 here, sir, so I don't reveal anything -- that the  
23 officers can only deploy in accordance with the  
24 circumstances that they face. They can only fire the  
25 number of rounds in accordance with the circumstances

1           that they face at that particular time.

2   SIR MICHAEL WRIGHT:  Can I ask you, I'll try and be helpful

3           anyway:  you are familiar with the characteristics and

4           purpose of the low grain ammunition that we have been

5           talking about?

6   A.  I am aware of the round that was --

7   SIR MICHAEL WRIGHT:  You are aware of what it is intended to

8           do?

9   A.  Yes, sir.

10  SIR MICHAEL WRIGHT:  We are told, we have been told several

11          times, that if you have an identified risk of a suicide

12          bomb and an imminent explosion, the training is, and the

13          requirement is, not for a torso shot which may not be

14          effective as you have explained to us already, but

15          a head shot, and that that head shot is intended,

16          I think the expression is, a brain stem shot.  Right?

17  A.  Sir, yes.

18  SIR MICHAEL WRIGHT:  That is, as you have told us, intended

19          to totally incapacitate the person?

20  A.  That's the intention of it.

21  SIR MICHAEL WRIGHT:  Now, I know you are not a doctor, but

22          if in fact the first shot is successful, and does

23          actually destroy the brain stem, what is likely to

24          happen to the recipient of that shot?

25  A.  That they would be unable to detonate a device.



- 1 SIR MICHAEL WRIGHT: They would be dead, wouldn't they?
- 2 A. They would be dead, sir, yes.
- 3 SIR MICHAEL WRIGHT: Let us not beat about the bush.
- 4 A. Yes, sir.
- 5 SIR MICHAEL WRIGHT: The first shot that does its job,  
6 namely incapacitates, will kill?
- 7 A. If it achieves that, yes, sir.
- 8 SIR MICHAEL WRIGHT: It will kill.
- 9 A. Yes, sir.
- 10 MR MANSFIELD: Just again back to the tactical document  
11 for a moment, you have indicated resources here, but  
12 I want to ask you about one resource which isn't  
13 mentioned on this particular document that I suggest was  
14 available, at least according to other evidence.  
15 Besides obviously vehicles like cars, whether they  
16 are covert or overt, and obviously as it has got on the  
17 next page, armoured vehicles are available as well or at  
18 least one?
- 19 A. Sir, yes.
- 20 Q. Was an armoured vehicle available that night?
- 21 A. The armoured vehicles are there 24 hours a day should  
22 they be needed.
- 23 Q. We can include those in the range of options. Something  
24 that is not mentioned here are motorcycles?
- 25 A. Yes, sir.

- 1 Q. They were available, weren't they?
- 2 A. Yes, sir.
- 3 Q. They are extremely useful for -- can I just go through  
4 it. A motorcycle might carry one or two people; is that  
5 right?
- 6 A. Yes.
- 7 Q. So you could have -- I ask you this: how many  
8 motorcycles might be attached to a team if you wanted to  
9 use them?
- 10 A. If I wanted to, any number could be attached.
- 11 Q. Any number could be. So you take the officers out of  
12 a car and put them on a motorcycle?
- 13 A. Yes, sir.
- 14 Q. That's how it works?
- 15 A. Yes, sir.
- 16 Q. So all the SFO officers are trained to drive a car and  
17 ride motorcycles?
- 18 A. No, sir.
- 19 Q. So some of them are?
- 20 A. Yes, sir.
- 21 Q. You can put them on -- and those officers who in fact,  
22 as it were, then switch to riding a motorcycle or being  
23 carried on a motorcycle, take their arms with them?
- 24 A. That's correct, sir, yes.
- 25 Q. Because that's the whole point of the exercise?

- 1 A. Yes, sir.
- 2 Q. In a situation in an inner London area, on a mobile  
3 armed support, having motorcycles available to weave  
4 their way through the traffic is extraordinarily useful,  
5 isn't it?
- 6 A. Yes, sir.
- 7 Q. How many were put on duty for Scotia Road?
- 8 A. There initially were two, sir.
- 9 Q. Two motorcycles?
- 10 A. Yes, sir.
- 11 Q. When you say initially, do you mean before they got to  
12 Nightingale Lane or after they got to Nightingale Lane  
13 or after everything had finished?
- 14 A. At Nightingale Lane there were two, sir.
- 15 Q. There were two. What this means, does it not, in  
16 practical terms, is that if in fact the cars can't get  
17 somewhere quickly enough, the motorcycles can be ordered  
18 ahead, is that right?
- 19 A. They are a means of delivery, sir.
- 20 Q. They are a means of delivery, so that if in fact,  
21 therefore, the position was that by the time he got off  
22 at Brixton, as you thought but you didn't know, you  
23 thought that the S019 officers were at the TA Centre,  
24 one of the quickest ways of getting people ahead to the  
25 bus that he's on is on motorcycles?

- 1 A. That's correct, sir.
- 2 Q. Whose decision would that be to use them to go ahead?
- 3 A. It would probably be the team leader's, sir, and the  
4 tactical advisers on the ground.
- 5 Q. But of course you are aware of it, so you are able to,  
6 as it were, put your pennorth in on this one and say  
7 either to Commander Dick or to the Silver, Mr Purser, or  
8 to Trojan 84: look, I think as it's still, you know,  
9 part of the rush hour, 9.30, there is still heavy  
10 traffic in London, although it's probably throughout the  
11 day, but it's a busy period, isn't it, 9.30?
- 12 A. Yes, sir.
- 13 Q. Did you consider saying to Trojan 84, "I think we will  
14 have the motorcycles on this job as he's already on  
15 a bus"?
- 16 A. The motorcycles were there at the briefing. On  
17 deployment to the Territorial Army Centre and now this  
18 is my recollection and my reconstruction, as times have  
19 developed, because of the equipment that we had at that  
20 time, they were not able to get any of the  
21 communications, because of the fact --
- 22 SIR MICHAEL WRIGHT: Back to radios again?
- 23 A. -- because of the fact that they were on motorbikes.  
24 Therefore they weren't aware of the follows, and they  
25 never took any part in any of the follows at any time.

- 1 MR MANSFIELD: I just want to examine this. The question  
2 actually was: did you ask Trojan 84 on the ground, now  
3 you are -- on the assumption that you made that they  
4 were back at the Territorial Army Centre, he is on  
5 a bus, he is off a bus and he is getting back on a bus.  
6 Did you say, first of all, to Trojan 84, "Get those  
7 motorcycles on the road"?
- 8 A. The decision in relation to --
- 9 Q. I am sorry to intervene. You give very long answers.  
10 I'm trying to be patient. Did you ask Trojan 84 to send  
11 the motorcycles in?
- 12 A. No, because that's not my decision.
- 13 Q. I appreciate that. I am not suggesting it is your  
14 decision. It is merely did you ask Trojan --
- 15 A. I said no, because it's not my decision.
- 16 SIR MICHAEL WRIGHT: Could he have done it?
- 17 A. Yes, he could have.
- 18 SIR MICHAEL WRIGHT: If he was down the road somewhere in  
19 the car, could he have contacted them?
- 20 A. Trojan 84?
- 21 SIR MICHAEL WRIGHT: Yes.
- 22 A. At that briefing he could have done.
- 23 SIR MICHAEL WRIGHT: No, once he was out on the road  
24 conducting --
- 25 A. No, I'm sorry, he couldn't. They had totally lost

1           communications, sir.

2       SIR MICHAEL WRIGHT: They had lost contact. It had crossed  
3           my mind, actually, Mr Mansfield. Officers carrying  
4           firearms on a motorcycle are likely to compromise the  
5           covert nature of the follow.

6       MR MANSFIELD: I was coming to that, because I don't think  
7           this is the Wild West, and going down on a  
8           Harley-Davidson with a machine gun on the handle bars.

9           I have hopefully assumed, it's a perfectly  
10          legitimate point, that those on motorcycles have their  
11          weapons secreted; is that right?

12       A. Yes, sir.

13       Q. I'm not going to ask for tactical reasons where they put  
14          them.

15          Just going back a fraction: when was it discovered  
16          that it was impossible to make contact with the  
17          motorcycles?

18       A. Not until after.

19       Q. After what?

20       A. I didn't become aware of this until quite some time  
21          afterwards, because what then happened, because they had  
22          lost communications, I then re-deployed them after that  
23          event.

24       Q. You see, even at the smallest detail, that's really  
25          something that went wrong, isn't it?

- 1 A. Communications break down all the time, sir, so if  
2 communications failure -- the communications failed.
- 3 Q. It's no use --
- 4 SIR MICHAEL WRIGHT: I thought you meant they weren't even  
5 equipped with relevant radios.
- 6 A. No, they had hand-held Cougars, sir, which the range is  
7 probably very, very --
- 8 SIR MICHAEL WRIGHT: Then you are telling me they just don't  
9 have the necessary communication facilities?
- 10 A. At that time they didn't have the necessary facilities.
- 11 MR MANSFIELD: I want to be clear, because you see, if they  
12 are present at the briefing at Nightingale Lane; yes.
- 13 A. Yes.
- 14 Q. I don't know whether you -- perhaps you know it now, not  
15 every member of the team got to the TA Centre; do you  
16 know that? They didn't all end up at the TA centre.  
17 Some did, some didn't?
- 18 A. Yes, that's correct, sir.
- 19 Q. So at the point at which he is on and off a bus in  
20 Brixton, where were the motorcycles?
- 21 A. I don't know, sir. They had been totally lost  
22 communications with.
- 23 Q. They had not been sent off into the ether, had they?
- 24 SIR MICHAEL WRIGHT: Well, they probably finished up at some  
25 stage at the TA Centre not knowing what was going on.

- 1 A. Yes.
- 2 MR MANSFIELD: Is that right? Do you know that?
- 3 A. They actually ended up at Stockwell because they had  
4 managed -- they had stopped, put a phone call in, and  
5 I am assuming this, and then managed to find out where  
6 the rest of the team had gone and caught up. And it was  
7 at that point that I contacted them and said -- and re-  
8 deployed them.
- 9 SIR MICHAEL WRIGHT: But they were not able to contribute  
10 anything to the follow?
- 11 A. Absolutely none, sir.
- 12 MR MANSFIELD: But of course, it is all very well to say  
13 now: I am sorry about this, the Cougar didn't work, they  
14 are out of range or whatever the problem was that day,  
15 just re-deployed them.
- 16 Of course they could have played a very vital part  
17 in this exercise, couldn't they?
- 18 A. They could have done, sir, yes, had they been able to  
19 contact.
- 20 Q. The vital part they could have played, are we to  
21 understand there are two motorcycles?
- 22 A. On that operation, yes.
- 23 Q. If there are more, please say. Were there three?
- 24 A. No.
- 25 Q. Just two?



- 1 A. Two.
- 2 Q. Two, with two people on each.
- 3 A. No, with one person on each, sir.
- 4 Q. They would have been able to get to the Stockwell tube  
5 station long before the cars, wouldn't they, if they had  
6 been in contact?
- 7 A. That's it. If they had been in contact then they would  
8 have been.
- 9 Q. That's the point I am trying to make. Obviously you  
10 didn't know he was going to get off at Stockwell, but  
11 they could have been within very easy range of the bus  
12 wherever it stopped, were it necessary?
- 13 A. Again, I can't really answer that, because I didn't know  
14 about the communications, I didn't know where they were,  
15 I didn't know how they were going to travel. Yes, of  
16 course they could, because they are motorcycles and  
17 motorcycles get through traffic reasonably quickly.
- 18 Q. I just want to move to the firearms teams themselves and  
19 the exercise that was being conducted with them. You do  
20 appreciate that if a DSO in New Scotland Yard removed  
21 from the scene is going to be given the responsibility  
22 of taking all the decisions, that DSO has to be provided  
23 with the best possible information?
- 24 A. Yes, sir.
- 25 Q. Up to date information?

- 1 A. Yes, sir.
- 2 Q. In a fast-time crime in action which police are having  
3 to deal with, unfortunately, quite regularly?
- 4 A. Yes, sir.
- 5 Q. If a decision is based on -- sorry, if the decision that  
6 we are concerned with is who is going to do the arrest,  
7 then you have to know who is available to do the arrest,  
8 don't you?
- 9 A. The DSO will make a decision on what resource that they  
10 want to do -- it's CO19, the DSO will say to me: I want  
11 CO19 to do the intervention. I will then call up  
12 Trojan 84 and the team leader and they will deploy the  
13 units. The units they have on the ground.
- 14 Q. Yes. I think it was put to you before in a slightly  
15 different way but I want to deal with this. Plainly if  
16 you don't have an SO19 team there because they are stuck  
17 back at the Territorial Army Centre because the gates  
18 have been locked and they can't get there, the officer  
19 in charge needs to know that they are unavailable;  
20 correct?
- 21 A. I am feeding information all the time to the DSO.
- 22 Q. Just answer the question. The DSO needs to know they  
23 are unavailable; yes?
- 24 A. She needs to know where they are, sir, yes.
- 25 Q. So do you?

- 1 A. I give an instruction to, and I apologise for giving  
2 long answers, but I just think it's important that I get  
3 these points out, that I give instructions to Trojan 84  
4 and -- who then gives instructions to the team leader.  
5 I don't know where those units are all the time. I say  
6 to Trojan 84: brief. So they pick Nightingale Lane.  
7 I then say to them: right, your area of responsibility  
8 is Scotia Road. They will then move their units forward  
9 to Scotia Road, and report back to me when they are  
10 there, when they are in position.
- 11 Q. We have understood all of that and that is very  
12 straightforward. I have given you time to explain it,  
13 we understand that. Once the mobile armed support is  
14 supposed to be going -- when does mobile armed support  
15 for surveillance begin?
- 16 A. At the beginning of the operation, sir.
- 17 Q. When's that?
- 18 A. When the operation commences.
- 19 Q. Yes, when is that in this case?
- 20 A. Mobile armed support to surveillance can be at any time.  
21 At the briefing, they are still providing mobile armed  
22 support to surveillance.
- 23 Q. When does it begin in this case?
- 24 A. Support to surveillance, mobile armed support to  
25 surveillance is not a definitive time or definitive

1 distance. The support can be applied either very close  
2 or far away.

3 SIR MICHAEL WRIGHT: Well, they wouldn't be in a position to  
4 exercise it or use it until they were briefed?

5 A. No. Once they have been briefed, sir, then -- but even  
6 while they are briefing, if something happens and the  
7 team leader has contacted the surveillance, then they  
8 are there in a position, albeit slightly far away, to  
9 provide that support should it be necessary.

10 SIR MICHAEL WRIGHT: Once they have been briefed, they are  
11 ready to go and they are available from then on?

12 A. Yes, sir.

13 MR MANSFIELD: So once you have, on what you say is  
14 an indication that this is possibly identical with, in  
15 other words there is -- somebody has left the premises  
16 who's possibly identical; yes? You are aware of that,  
17 somebody leaving?

18 A. (Witness nods).

19 Q. Cressida Dick was aware of somebody leaving, wasn't she?

20 A. I don't know when she was aware that somebody was  
21 leaving, because she forms that in her own mind. I was  
22 told earlier on that when the person was getting on the  
23 bus.

24 Q. That's what you were told, but in fact if she had been,  
25 as it were -- I am going to put a scenario to you. Pat

1 the surveillance officer waves or speaks loudly to the  
2 group of senior officers including you and including  
3 Mr Boutcher and including Cressida Dick, that somebody  
4 has come out, then she would know pretty soon, wouldn't  
5 she?

6 A. Only she can answer that, sir.

7 Q. Did you see that happen?

8 A. I personally didn't but I wasn't paying attention.  
9 There was an awful lot of things going on in the room.  
10 I don't see what everybody's doing.

11 Q. Did you see anybody come out at any stage? Were you  
12 ever informed that anybody had come out?

13 A. I was aware that people had come out of the address,  
14 yes, sir.

15 Q. At the time that it happened?

16 A. Whether or not it was at the time that it happened or  
17 whether or not it was afterwards, I don't know now, sir.

18 Q. When this person came out and you were made aware pretty  
19 soon afterwards, 9.34, somewhere around there, you were  
20 aware that he had come out and he was possibly  
21 identical; is that fair?

22 A. At some time along that line, yes, sir.

23 Q. So you would want mobile armed support to really be on  
24 their way at this stage, would you not?

25 A. They have to maintain a safe distance.

- 1 Q. Yes?
- 2 A. However long that distance is, it depends on the  
3 circumstances, but once a person is identified, then  
4 they will start to make ground.
- 5 Q. Yes. Did it cross your mind that perhaps this person  
6 shouldn't be allowed to get on a bus?
- 7 A. That's a decision for the DSO, sir.
- 8 Q. No, did it cross your mind, given that the threshold you  
9 have described includes a possible identical with, as  
10 well as positive identification? Did it cross your mind  
11 that this person should be stopped from getting on  
12 a bus?
- 13 A. I can only answer -- I can't remember it crossing my  
14 mind, sir.
- 15 Q. No, so the answer is, and I'll have to deal with the  
16 beginning in a little more detail, but I am just for the  
17 moment dealing with 9.34 onwards, it didn't occur to you  
18 then that he would have to be stopped from getting on  
19 a bus. Did it occur to you then that you ought to at  
20 least inform Trojan 84 that he ought to start making  
21 some preparations to stop this individual now he's on  
22 a bus?
- 23 A. I made phone calls to Trojan 84 throughout that journey.  
24 When those phone calls were, I made some by landline and  
25 some were done on the mobile phone, and at some time

1 along that, we talked about tactics, we talked about  
2 following the subject, we talked about --

3 Q. Did you say to Trojan 84 -- never mind the general chat,  
4 and we will come back to what else you may have said --  
5 did you say to Trojan 84: on your bike or in the car,  
6 whatever the phrase is.

7 A. I believe at some time during that I probably would  
8 have. It's a normal thing for me to say, "Are you  
9 getting this, are you receiving this, start following".

10 Q. You have said so many times: this would have happened,  
11 that would have happened. We have absolutely no record,  
12 of course, of exactly what did happen, and you don't  
13 have any memory of saying to Trojan 84, "You had better  
14 get moving"?

15 A. I had a number of conversations with him about the  
16 subjects, but exactly what I was talking about and  
17 exactly what we were describing and exactly what the  
18 details of the conversation were, I don't know, but all  
19 I can say is it would be normal practice for me to say  
20 this is happening, let us --

21 SIR MICHAEL WRIGHT: What we really need to know,  
22 Mr Esposito, is this: plainly at some stage C019 got  
23 into a follow. We know that because we know they  
24 finished up at Stockwell. I think what we really need  
25 to know is: when were they started? And where was

1           Jean Charles de Menezes at that time?

2    A.   I don't know, sir.  That's the honest answer.  I don't

3           know at what time they were started and I don't know --

4    SIR MICHAEL WRIGHT:  Who started them?  You, I would have

5           thought?

6    A.   It would probably have been me.

7    SIR MICHAEL WRIGHT:  Very well.

8    MR MANSFIELD:  Well, it would probably have been you, but

9           maybe it wasn't?

10   A.   If the team leader is listening and he hears the same as

11          I do on the radio --

12   SIR MICHAEL WRIGHT:  What, that he is on a bus?

13   A.   That he is on a bus, that it's probably identical with

14          or that's our subject, then they are very likely to take

15          it on their own initiative and commence the follow.

16   MR MANSFIELD:  You would need to know about it?

17   A.   Yes.

18   Q.   So when was it?

19   A.   I have said, I don't know, because we made a series of

20          phone calls along that timeline, but I can't equate it

21          to a time, sir.

22   Q.   What I want to suggest is actually from the moment he

23          got off the bus in Brixton and got back on again, you

24          didn't actually know where the firearms teams were in

25          any detail at all, did you?



- 1 A. No, that's not correct, because I had the phone line  
2 with Trojan 84, that he was giving me various reports  
3 about where they were, he was giving me various reports  
4 about the position they were in the road. I said  
5 earlier that there was a series of phone calls.
- 6 Q. Yes?
- 7 A. And at some time Trojan 84 needed to speak to  
8 surveillance, so he put the phone down on me in order to  
9 speak to surveillance. And then he called me back. So  
10 in that position, in that continuum there, I had no  
11 communications with them. It may have been for  
12 a minute, it may have been for two minutes, I don't  
13 know.
- 14 Q. Do you think on reflection it would have been better,  
15 had you got not a picture on the wall of exactly where  
16 every officer was, but a much clearer picture when it  
17 comes to Stockwell exactly where the firearms, at least  
18 the lead vehicle was, in other words how possible it was  
19 going to be for them to carry out any orders? Do you  
20 think on reflection it would have actually improved your  
21 position?
- 22 A. My personal view is I actually don't think it would have  
23 added anything, sir.
- 24 Q. I see. Have you seen the compilation in this case?
- 25 A. Yes, I have, sir.

1 Q. I really don't want to waste time showing it again. The  
2 jury have seen it very recently. You will appreciate,  
3 of course, there was a significant delay between in fact  
4 the officers getting out of their cars and eventually  
5 getting into the -- that's the firearms officers -- tube  
6 station, wasn't there?

7 A. I have seen the compilation, but I actually can't  
8 comment on the timings because I don't know, sir.

9 SIR MICHAEL WRIGHT: In fairness to Mr Esposito,  
10 Mr Mansfield, because he couldn't see it at the time,  
11 it's really a question for 84, isn't it, or whoever, or  
12 Silver, or whoever it was who said "CO19 are there".

13 MR MANSFIELD: Yes. May I just follow that through.

14 A. Sir.

15 Q. Certainly Trojan 84 will have to answer some questions  
16 about how he was saying he was ready, and I will put to  
17 you what he is saying about this in a moment. What he  
18 is saying so far about all of this.

19 On the one hand you have them telling you that they  
20 are not in a position, all right? Just in that glimpse  
21 of time, were you ever standing at a window saying very  
22 loudly, "What do you mean you are not there? Get  
23 there", or words to that effect; did you ever say that?

24 A. Obviously I have read statements that somebody had said  
25 that about me, that I said that to Trojan 84, but that's

1           actually not my recollection. I had various  
2           conversations with Trojan 84, and we did have  
3           conversations about where they were, what they were  
4           doing, but when exactly that was I don't know.

5    Q. There is a lot, I suggest, you don't know. When, as the  
6           learned Coroner put to you, it's Trojan 84 that may be  
7           misinforming you, when he said, having said he wasn't  
8           able, he suddenly says he is able, did you say: well,  
9           exactly where are you? A moment ago you weren't able to  
10          do it --

11   SIR MICHAEL WRIGHT: Can't he leave it to him to make his  
12          own mind up? He ought to know.

13   MR MANSFIELD: It's very important, I want to suggest to the  
14          officer that where you are having to take -- can  
15          I preface it in this way. A DSO in the  
16          Notting Hill Carnival public order situation is on the  
17          ground.

18   A. Yes, sir.

19   Q. In other words that's where the concept all begins. You  
20          have somebody who has a hands-on position, intelligence  
21          coming from elsewhere but also actually on the ground  
22          collating everything and taking decisions about baton  
23          rounds or not baton rounds or whatever; that's how it  
24          started?

25   A. That was the original concept with public order.

- 1 Q. So now if you are going to have the concept of a DSO in  
2 a central place away from it, it is extremely important,  
3 I suggest, that you as the tac adviser are able to say  
4 to her, "They are absolutely in a position to do this  
5 because I have identified where they are"? Do you  
6 follow?
- 7 A. Yes, sir. But the concept is entirely different. The  
8 concept for a designated senior officer in a public  
9 order is around the use of baton rounds.
- 10 SIR MICHAEL WRIGHT: Don't worry about that. It's a  
11 different situation. Mr Mansfield is on about what  
12 happens when the DSO is remote. What I am bothered  
13 about, because it seems to me that Mr Mansfield will  
14 want to deal with it, is how he is supposed to find out;  
15 he can't cross-examine him over the radio.
- 16 MR MANSFIELD: I think he just says, "Where are you now?"  
17 That's an easy question, isn't it, Officer? You  
18 could have just said, "Where are you now?" and if they  
19 had said to you, as I will come to in a moment, "None of  
20 us are out of our cars and we're actually on the other  
21 side of the lights and he's already gone in the tube  
22 station", that might have given you a rather different  
23 picture?
- 24 A. I don't know where they were in relation to the subject.  
25 I was waiting for an order from the DSO to deploy CO19,

1           and I had an open phone line with Trojan 84 ready to  
2           deploy them once that order had been given.

3   Q.   Right, now, this area in this particular time capsule,  
4           I want to ask you carefully about.  What were the  
5           options that you were presenting Commander Dick with as  
6           a tactical adviser?

7   A.   The options at the scene, as time reduces, once a person  
8           gets off the bus in those circumstances, the options are  
9           very limited.  When you say what options was I giving  
10          her, it's not a big discussion, it's just headline  
11          words: what we can do here, the interception, because  
12          that's about the only tactic that is available.

13  Q.   Was it?  Think about it very carefully --

14  A.   Can you do a distance containment and challenge in those  
15          circumstances?  What does that look like?  Picture that  
16          outside Stockwell tube station, of a person getting off  
17          a bus, officers deploying, and then at a distance  
18          challenging that person.

19  Q.   Did you put that to Commander Dick?

20  A.   I apologise for giving a long answer again here, but  
21          base that against the threat and risk that they were  
22          dealing with at that time.

23  Q.   Yes, we just need to know: did you tell Commander Dick  
24          that.  Because we have heard from her about what was  
25          discussed.  Did you put that to her?

- 1 A. Again I can't remember the words, exact words that  
2 I used, but probably said something like C019  
3 interception or something like that, or C019 would do  
4 it, they'd stop them, an interception.
- 5 Q. Or did you say, "Wait and allow him on the tube", as  
6 another option?
- 7 A. Absolutely not, sir.
- 8 Q. Absolutely not?
- 9 A. Absolutely not. A firearms option always is to say that  
10 if you wait, well, it's always an option, to wait, and  
11 that's one for the DSO to understand, and if you wait,  
12 the result here would have been to let them on the tube.
- 13 Q. Did you put that option to her?
- 14 A. It wouldn't have been one that would come to mind, sir.
- 15 Q. Wouldn't it?
- 16 A. No.
- 17 Q. Are you quite sure? "Let him run"?
- 18 A. No, absolutely not, sir.
- 19 Q. All right. Use the other words, "Wait and allow him on  
20 the tube"?
- 21 A. Absolutely not, sir.
- 22 Q. Look at page 60 of your statement, please. This is  
23 a statement that you made, the jury don't have it but so  
24 they may be reminded, a few days later, the 25th. You  
25 can see it's on the front page, 25 July. Could we go to

1 the top of the page. There is a sentence that has  
2 already been referred to:

3 "I was informed by surveillance that this was  
4 a positive identification for the subject  
5 Hussain Osman ..."

6 You kept a open line with Trojan 84, discussing what  
7 was happening and so on:

8 "I was told the subject believed to be Hussain Osman  
9 was now standing up on the deck of the bus and making  
10 his way to the exit of the bus. This would take him  
11 directly to Stockwell tube. I asked Commander Dick for  
12 a decision because in a matter of seconds this person,  
13 a potential identified suicide bomber, would be into the  
14 tube [station]. I said that the options had not  
15 changed, either wait and allow on the tube or intercept  
16 and challenge."

17 Now, did you say that?

18 A. What I said to Commander Dick at that time was that the  
19 options were to intercept and challenge; if you wait he  
20 will be allowed to go on the tube.

21 Q. I asked you very particularly just before and you said  
22 no, you said no only minutes ago?

23 A. To wait and allow to get on the tube was never  
24 an option, it was never the intention, it was never  
25 anything that was discussed. That was not my intention

1           because that just was never an option.

2   Q.   Just look at page 59.  I want to suggest to you this was  
3           an option being considered by somebody such that  
4           somebody else overheard it.  Now, in the middle of the  
5           page, 59:

6           "... Trojan 84 by phone ... kept a constant open  
7           line".

8           It was after he has left at 9.34, get your bearings  
9           on this page, somebody has left at 9.34, possible  
10          identification for the subject Osman.  As we go down the  
11          page, you contact Trojan 84 by phone, kept a constant  
12          open line:

13          "He was relaying his position to me and I was  
14          relaying the information and intelligence.  He was at  
15          that time making ground to join the surveillance.  
16          I dynamically discussed the options with Commander Dick,  
17          which were at that time do nothing and continue to  
18          follow or conduct an interception."

19   A.   What that means, sir, is to wait.  It is always  
20          an option for either a police commander or a DSO to wait  
21          to either get a more appropriate intervention position  
22          or because, at that particular time, there aren't any  
23          appropriate tactics to deal with that.  So --

24   Q.   Go back to page 60.  What on earth are you doing  
25          bringing it up when he is outside Stockwell tube station



1 as an option to her, and it is "I said" and it is your  
2 words, do you follow, that sentence?

3 A. Yes, sir.

4 Q. "I said that the options had not changed, either wait  
5 and allow on the tube..."

6 What on earth are you saying that to her for?

7 A. I didn't say that to her, sir, wait and allow on the  
8 tube. That wasn't my intention. If that's what's  
9 written there, then it's obviously my statement but that  
10 wasn't the tactical advice I gave her. The intention of  
11 these, this sentence, was if you wait, you will allow  
12 them on the tube. It was never discussed. It was never  
13 an option.

14 Q. She would not need to be told that, would she: if you  
15 wait, he might get on the tube. She wouldn't need to be  
16 told that by you, would she?

17 A. That was obvious, sir.

18 Q. No. She would only need to be told that if you were  
19 saying as a tactical adviser this was an option in this  
20 case?

21 A. I never gave that to Commander Dick as an option. Why  
22 would I want a person who I believed to be a suicide  
23 terrorist to go down on the tube? It just doesn't make  
24 sense.

25 Q. No, I am not allowed to make comments so I will not make

1           comments on that.

2           Now, in relation to this part of the operation, he's  
3           got off the bus. Have you read the statements of the  
4           key figures with whom you had contact that day, that is  
5           particularly Trojan 84 and the firearms team below  
6           Trojan 84? Have you read the statements in this case?

7   A. No I haven't, sir.

8   Q. I will put one or two things to you to see if you are  
9           aware of them even if you have not read the statements.

10           The first point is this: that in relation to all the  
11           cars and all the firearms officers, none of them had  
12           left their vehicles before Jean Charles de Menezes  
13           entered the tube station. Did you know that before  
14           today?

15   A. I can't answer that, sir.

16   Q. I'm only asking you whether you knew it before today?

17   A. Yes, I did know it --

18   Q. Right. When did you first know?

19   A. During the course of the Health and Safety trial, during  
20           the course of this inquiry.

21   Q. Right. That's the first point. Secondly, that the  
22           decision finally to send in S019 was only taken once  
23           Jean Charles de Menezes had gone through the barriers  
24           and was going down the escalator. Did you know that?

25   A. I can't say, because I don't know where the subject was.

1 At the time I don't know. I didn't know. Because I was  
2 in the control room and things were developing down on  
3 the ground.

4 Q. So we just have a synopsis. You don't know where the  
5 firearms team is, except they say it's possible. You  
6 don't know where the target is. You don't know that  
7 they are in fact the other side of the lights, that's  
8 the firearms team, and actually not in a position to  
9 stop him entering the tube station. You don't know any  
10 of that, do you?

11 A. The role of the firearms team and the role of the  
12 firearms team leader and tactical adviser is to manage  
13 it on the ground. What they needed to tell me is either  
14 they are in a position or they are not, if that is the  
15 decision to be taken by the DSO. Once I know that, the  
16 DSO then makes a decision and the teams then deploy.

17 Q. I want to put something to you in relation to Trojan 84.  
18 Did you have more contact with him than anyone else?

19 A. I was dealing with Trojan 84 and the tactical adviser  
20 for Portnall Road, sir.

21 Q. Of course it comes back to the question of whether he  
22 ever said he was in a position to intercept. Did he say  
23 that, Trojan 84? Did he ever tell you he was in  
24 a position?

25 A. My understanding of the conversation and my memory of it

1           was they said: we are here or we are there or words to  
2           that effect which is --

3    Q.   Did he say he was in a position to intercept or  
4           intervene, whatever word we use, did he say that to you?

5    A.   I can't remember the exact words that he used, but I am  
6           sitting in the control room, I have got an open phone  
7           line, I have to rely on what I am being told and then  
8           I relay that to the designated senior officer who then  
9           makes the decision around the deployment.

10   Q.   Did he say, "We can do it"?

11   A.   He says: we are here, we are there --

12   Q.   I am sorry, I am going to press you on this, because I'm  
13           going to suggest, on the basis of what he is saying so  
14           far, that he is not saying to you he is in a position to  
15           do it; he is just following orders that are suddenly  
16           coming across to get on with it. Do I make myself  
17           clear?

18   A.   Yes, he is following orders. He is following orders  
19           exactly. They will not deploy until the order is given,  
20           so wherever they are at the point of the order given,  
21           that's when they will deploy from.

22   Q.   You know the traffic light system?

23   A.   Yes, sir.

24   Q.   Were you aware of any of the states having been ordered,  
25           green, amber or red?

1 A. I know that state red was called.

2 Q. When?

3 A. I understand it was called by Ralph.

4 Q. Yes?

5 A. But I don't know when that was called. It was called  
6 after the decision from the DSO for C019 to do the  
7 interception and my relaying that order to Trojan 84.

8 Q. I am going to read directly from what Trojan 84 says  
9 about this important section, and it's page 335, so  
10 could we have it up on the screen and perhaps before the  
11 break, I'll deal with this passage. At the top of this  
12 page he is dealing with the fact that at this point,  
13 this is just at Stockwell Road heading towards the  
14 junction with the A3:

15 "I contacted Trojan 80 and retained an open line on  
16 the mobile. As we approached the junction, we were  
17 behind a number 2 bus. The VRM was not our bus.  
18 I could see a number 2 bus across the main Stockwell  
19 tube junction. The registration number was unclear. At  
20 this point I heard that the subject had got off the bus  
21 and was heading towards the tube. I received the  
22 instruction from Trojan 80 that they wanted the subject  
23 intercepted."

24 Pause there. You agree that much; yes?

25 A. Yes, sir.

1 Q. "I put this over the radio. I also heard the DCI S019  
2 officer say that they wanted us to intercept the  
3 subject."

4 Is that the Silver?

5 SIR MICHAEL WRIGHT: That's Mr Purser.

6 MR MANSFIELD: Yes.

7 Is that right?

8 A. That's what's written there, sir, yes.

9 Q. He is saying the same:

10 "I then heard Trojan 80 say that the subject must  
11 not be allowed to get on the tube."

12 Did you say that?

13 A. I relayed the words that were said to me from -- it  
14 sounds like something I said. I was relaying the  
15 directions of the DSO at that stage.

16 Q. Yes, these words are very important. I want to put to  
17 you why I suggest they are important, is that firearms  
18 officers understood because he must not be allowed to  
19 get on the tube, that you had intelligence that he in  
20 fact had a bomb, he was an immediate threat?

21 A. That's not the case, sir.

22 Q. No, I know it isn't. We will just go on:

23 "I then put over the radio that they want us to stop  
24 the subject getting on the tube. I put this instruction  
25 over the radio and confirmed that Ralph had heard me.

1 I heard Ralph say state red over the radio ..."

2 Do you see that?

3 A. Yes, sir.

4 Q. That's actually how it went, isn't it?

5 A. That's Trojan 84's statement, again I can't comment on  
6 that, sir.

7 Q. Because it involves you directly: is that how you  
8 remember it?

9 A. I remember the order: stop him, stop him going down the  
10 tube, stop him, he must not be allowed to get on the  
11 tube; that's actually not my recollection of the wording  
12 in exact words, but it was around about.

13 MR MANSFIELD: Sir, I see the time.

14 SIR MICHAEL WRIGHT: I was going to say, is that  
15 a convenient moment?

16 MR MANSFIELD: Yes, it is.

17 SIR MICHAEL WRIGHT: I have one simple question and I think  
18 you know the answer.

19 Calls into the control room, radio traffic, at the  
20 time anyway, were not being recorded, were they?

21 A. No, sir.

22 SIR MICHAEL WRIGHT: I thought not. Thank you. Twenty to.

23 (3.32 pm)

24 (A short break)

25

1 (3.43 pm)

2 (In the presence of the jury)

3 SIR MICHAEL WRIGHT: Mr Mansfield, you have had an hour and  
4 a half, how are you getting on?

5 MR MANSFIELD: I have kept to all the time estimates so far.  
6 I think I am going to overrun this one as it's only 15  
7 minutes to go. I am endeavouring to do it as quickly as  
8 possible but you will see he is a key figure.

9 SIR MICHAEL WRIGHT: I appreciate that, but I am very  
10 anxious, I really am.

11 MR MANSFIELD: I appreciate that. I apologise to the jury  
12 if we sit a bit late and have to sit a bit early  
13 tomorrow.

14 SIR MICHAEL WRIGHT: It did seem to me that quite a lot of  
15 stuff earlier this afternoon was not being wholly  
16 productive.

17 MR MANSFIELD: It's a matter for the jury, obviously.

18 SIR MICHAEL WRIGHT: Yes, indeed.

19 MR MANSFIELD: I am just dealing with what was actually said  
20 between you and Trojan 84, and I have dealt with what he  
21 says in his statement.

22 Can I just finish this off by asking for 362, this  
23 is the statement of the team leader Ralph, as to what he  
24 did at this particular juncture. Towards the bottom  
25 there is a sentence:



1            "We followed the bus to the area of Stockwell Road  
2            near the Underground station during which I had  
3            confirmation over the radio that the suspect was  
4            definitely our man. He was nervous and twitchy. The  
5            number 2 bus came to a stop outside the National  
6            Westminster bank and the NatWest corner of the junction  
7            with Clapham Road, Stockwell Road and left on foot,  
8            walked back towards the Underground station, entrance in  
9            Clapham Road, and entered."

10            So you will see from there he is still in the car  
11            listening:

12            "Trojan 84 came on the radio and said, 'He's to be  
13            stopped getting on the tube'. I asked for confirmation  
14            and it was repeated by Trojan 84. I then went on to the  
15            main working channel and informed everyone that we were  
16            now at 'state red, state red' which indicates that S019  
17            have taken control of the operation and that an armed  
18            intervention was imminent."

19            You see all that.

20            A. Sir.

21            Q. So the suggestion I'm making to you clearly before the  
22            break is that what has happened here is that very late  
23            in the day, the firearms team are told to do it. They  
24            are not asked: are you in a position; they are told to  
25            do it. They go to state red when he has already gone

1           into the tube station; do you see that?

2    A.  Sir.

3    Q.  Is that what happened?

4    A.  This is the team leader's statement.  It reflects what

5           Trojan 84 was saying to him, which reflects what I was

6           saying to Trojan 84.  Where anybody was in that

7           continuum, again, I don't know.  I am waiting for the

8           order from the DSO, and the order was given for them to

9           stop him getting on the tube, to stop him going down.

10          I relayed that order to Trojan 84.  But where they were

11          again, I can't say.

12   Q.  I appreciate that.  You see, I am going to suggest that

13          what happened here was that that firearms officer,

14          page 363, as a result of how it was being handled in the

15          control room, was left in no doubt -- it's at the top of

16          the page -- that this man was a suicide bomber and

17          a real possibility that he was in possession of

18          an explosive device.  Do you see all that?

19   A.  Yes, sir.

20   Q.  Right.

21   A.  That takes the background and the threat and risk of

22          what we were dealing with at that time.  If that officer

23          formed that opinion, then that officer can tell us about

24          it, but we were dealing with a potential suicide bomber,

25          we were dealing with suicide bombers who had failed the

- 1           day before, so I would suggest that that is, will be in  
2           his mind that we were dealing with a suicide bomber.
- 3    Q.   The care that has to be taken in this situation,  
4           difficult though it is, is that just because somebody  
5           was a suicide or may have been a suicide bomber the day  
6           before doesn't entitle anyone to shoot him, does it?
- 7    A.   No, the officers that deploy will assess the threat and  
8           risk at that point.
- 9    Q.   Right, I just want to ask you this: how does someone  
10           discern if there is -- can I go through this. He was  
11           not carrying a rucksack, was he?
- 12   A.   Not to my knowledge, sir, no.
- 13   Q.   He wasn't carrying any kind of bag, was he?
- 14   A.   Not to my knowledge, no, sir.
- 15   Q.   He wasn't seen to be constantly referring to his hand  
16           other than with a mobile phone when he got off the bus,  
17           wasn't seen to be carrying anything else, was he?
- 18   A.   I can't answer that, sir, because I am sitting in the  
19           control room. All the information I have is what's  
20           coming over the surveillance.
- 21   Q.   What are officers trained to look for where there is no  
22           bag, no toggle, nothing in the hand? What are they  
23           trained to look for in order to assess that this is not  
24           only the suicide bomber from the day before, but  
25           somebody who's posing an invisible threat because you

1 can't see it on that day?

2 A. The threat that was faced at the time, each individual  
3 officer will have to answer that themselves.

4 Q. What are they trained to look for?

5 A. There are a number of things that officers are trained  
6 to look for in any firearms operation: how the person is  
7 behaving, what they are doing, what the threat is faced  
8 at that time, and they will respond to that. There  
9 isn't any list, there isn't any issues, there is  
10 a number of headline things that have been evolved from  
11 studies around the world, but each individual officer  
12 will have to assess the situation as they see it at that  
13 time.

14 Q. Yes, I appreciate that, and that -- I am sorry, it may  
15 have taken longer this afternoon because your answers  
16 are constantly very long ones. The question I have said  
17 for the second, third time: what are the sort of things  
18 that the officer who can't see a rucksack, can't see a  
19 toggle, can't see anything in the hand, how is he going  
20 to say this is a suicide bomber today?

21 A. I can't answer that. Only the officer can answer that.

22 Q. I will leave it then. You can't answer that.

23 I just want to deal with the question of  
24 non-compliance. How does this come into it at all as  
25 you have put it in your policy log?

- 1 A. In exactly the same way as a normal plain firearms  
2 operation, if a person -- if the firearms officer is  
3 facing a threat of a suicide terrorist, and that person  
4 fails to comply with what the officer does and that  
5 officer perceives an imminent immediate risk to their  
6 life and the lives of the public, then the officer will  
7 take an action which is proportionate to that threat; in  
8 other words they may take the decision to fire their  
9 weapon.
- 10 Q. I follow that. What is it that officer is going to use  
11 as a threshold for a critical shot at very close  
12 quarters nine times, what is going to trigger that? Do  
13 you follow?
- 14 A. Again, I can't answer that, sir. I can't answer what  
15 an individual officer's threshold is for when they may  
16 or may not fire a weapon. Only the individual officer  
17 can answer that threshold question.
- 18 Q. I see, so you can't answer that one either?
- 19 A. No.
- 20 Q. Were you expecting that in fact this covert operation  
21 would entail officers rushing on to a tube carriage and  
22 shouting, "Armed police", with the real risk they would  
23 all get blown up if he was who you thought he was?
- 24 A. At the start of the day anything is possible, sir. We  
25 don't know how it's going to unfold.

- 1 Q. No, I appreciate, but they are running down the  
2 escalator, we know that, to catch up; are they being  
3 trained that if they are going to, in an enclosed  
4 environment, tackle a suicide bomber who they are  
5 convinced is a suicide bomber, are they going to shout  
6 "Armed police"?
- 7 A. I have said earlier, and I hate to keep repeating  
8 myself, but only the officer at that point can decide  
9 whether or not they issue a challenge, whether or not  
10 they decide to fire their weapon. Only that officer at  
11 that point can do it.
- 12 Q. What amounts to non-compliance, then, since you  
13 discussed it in the log? You see it's on page 7 of your  
14 policy log:
- 15 "Contingency for non-compliance has been discussed".  
16 So what has been discussed as being non-compliant?
- 17 A. Each set of circumstances will depend on what the  
18 officer is faced with at that time. This is an issue  
19 that is discussed with the DSOs, is discussed with  
20 police commanders, so that they are aware that even  
21 though we are dealing with a normal firearms operation,  
22 because of the threat and the risk that is faced, it may  
23 well end up to be a police shooting because of the  
24 threat and risk that is faced.
- 25 But only the officer can say what they consider to

- 1           be non-compliance at that time.
- 2    Q.   Does it amount to this: that there is hardly any room  
3           for manoeuvre and once the man is identified, he is  
4           dead?
- 5    A.   Absolutely not, sir.
- 6    Q.   Then what is the room for manoeuvre that is discussed?
- 7    A.   The room is what the officers perceive at that time,  
8           because they are facing the threat, they have been  
9           briefed on the risk, they have been briefed on the  
10          threat; and when they face it, they will make the  
11          individual decision based on what they see.
- 12   Q.   I will end on this, but are they taught: well, tell him  
13          to stop, and if he doesn't, he gets shot; tell him to  
14          stop what he is doing, give some instruction so we know  
15          whether he is not complying; or is it just go up to him  
16          and if he doesn't look as though he is complying, we  
17          shoot him? Do you follow why I am anxious to determine  
18          what the threshold is?
- 19   A.   Yes, I do, but there isn't a threshold.
- 20   Q.   There isn't?
- 21   A.   There isn't a threshold. It's the individual officer's  
22          decision.
- 23   Q.   So it's really almost a matter of chance as to whether  
24          someone lives or dies?
- 25   A.   It's not a matter of chance at all. It's the officers

1           are highly trained, the officers will face the threat,  
2           the officers will respond in a proportionate way to that  
3           threat.

4    Q.   I have already dealt with what actually occurred in  
5           terms of the number of shots. I want to go back in  
6           time, if I may, to a situation right at the beginning  
7           where I suggest none of this need have happened if this  
8           had been a properly planned operation; do you follow?

9    A.   Sir, yes.

10   Q.   Now, when you come on -- you can use the log or the jury  
11           can use either Mr Callum's log -- use your policy log to  
12           begin with, starting at, and I am not going through all  
13           the entries again. I just want to pick up various  
14           points.

15            You are on at 6 o'clock, we can see that on page 5.  
16            First of all, on the 6 o'clock entry, it's perfectly  
17            clear that you were unaware of what Mr McDowall's  
18            overnight strategy was; is that right?

19   A.   No, I was aware of the strategy, sir.

20   Q.   Where is it noted that you were aware of what  
21           Mr McDowall had set as the strategy overnight?

22   A.   Sorry, at that time I was handing over from Andrew, and  
23           at that time we were discussing resources, and at that  
24           time we were supporting an operation.

25   Q.   What operation?



- 1 A. There were developing intelligence around addresses, we  
2 had one central team at Scotland Yard, and that team was  
3 there to respond to any developing intelligence around  
4 Operation Theseus.
- 5 Q. That's what you thought. Did you know what McDowall's  
6 strategy was at 4.55?
- 7 A. It was to control addresses. It was to deploy firearms  
8 teams to the addresses as soon as it was practical to do  
9 so.
- 10 Q. Right, so you did know that. You knew that McDowall at  
11 5 to 5 had mentioned addresses. Now, where did you get  
12 that from?
- 13 A. I said earlier, I don't know where I got that  
14 information from, but I knew, when I came on duty I knew  
15 when I handed over that there was an address at  
16 Scotia Road and there was a developing intelligence  
17 around other addresses, at the 6.48 meeting or the  
18 meeting at the time --
- 19 Q. I am going to stop you there, otherwise I won't finish  
20 by 5 o'clock. We will come to the 7 o'clock meeting.  
21 At 6 o'clock you knew that McDowall had set a strategy  
22 which involved containing and challenging and so on?
- 23 A. My understanding of the strategy at that time was the  
24 intelligence-gathering operation to control addresses as  
25 a start time for this operation, as a start for this

- 1 operation.
- 2 Q. Did you know that in fact he had said as soon as
- 3 possible and in fact an officer in a control position in
- 4 the operations room had asked for the orange team to go
- 5 to Scotia Road as soon as possible; did you know that?
- 6 A. I know it now, sir, but at that time I was never asked
- 7 to deploy any teams out to Scotia Road, and it wasn't my
- 8 understanding that any teams would be deployed out there
- 9 at that time.
- 10 Q. I see. Where did you get that understanding from?
- 11 A. Well, we had one team --
- 12 Q. Where did you get the understanding from?
- 13 A. Because there hadn't been any deployments.
- 14 Q. Right, so you knew at 6 o'clock that there hadn't been
- 15 a deployment, but you didn't know that one had been
- 16 asked for; you have only learnt that later; correct?
- 17 A. Sir.
- 18 Q. Did you ask, as the senior tactical adviser: well, why
- 19 hasn't the orange team been sent out?
- 20 A. No, because I didn't -- I didn't know that there was any
- 21 expectations that any firearms teams would be sent out
- 22 to any of these addresses.
- 23 Q. Very well. Were you aware that a DSO had been
- 24 identified for the orange team overnight?
- 25 A. A DSO had been identified for the operation overnight.

1 Q. Yes, I don't mean the 24-hour one, but a specific DSO to  
2 take charge of the orange team should they be deployed.  
3 Did you know that?

4 A. A DSO had been appointed for Operation Theseus to come  
5 on at 7 o'clock in the morning.

6 Q. No, no, no, overnight. I will put the DSO name just to  
7 speed it up: Andrew Baker?

8 A. I don't know, sir.

9 Q. You don't know, right.

10 A. My understanding was that the overnight DSO was  
11 Commander Carter.

12 Q. Yes, he does the 24-hour job, I am dealing with the  
13 specific possibility of a team going out. All right?  
14 Andrew Baker, DSO identified, Silvers have been  
15 identified if not spoken to as possible Silvers on  
16 deployment; did you know that?

17 A. I don't think Mr Baker was a DSO overnight, sir.

18 Q. All right, that's what we have been told. So you don't  
19 think he was a DSO, I am not suggesting he was sitting  
20 in New Scotland Yard, but he had been identified?

21 A. My understanding was that it was Commander Carter was  
22 the overnight DSO.

23 Q. He is for the 24-hour response. All right? Kratos  
24 response in the room below, on the floor below. Do you  
25 follow?

- 1 A. I don't know of any DSO appointed before Commander Dick  
2 for the Theseus operation and Commander Carter for the  
3 24-hour operation.
- 4 Q. Right. So I'll just move it on. So at 6 o'clock, you  
5 know that in fact nobody's actually been deployed, you  
6 don't know of any earlier decision that they should be  
7 deployed and then we get to the 7 o'clock meeting?
- 8 A. Again at the risk of giving a long answer, it wouldn't  
9 make sense to me to deploy a team out to Scotia Road  
10 when there is a number of operations developing at that  
11 time. There was, as I found out later and I knew this  
12 intelligence was developing, there was a number of  
13 addresses --
- 14 Q. Did you take that decision not to deploy because there  
15 are a number of addresses?
- 16 A. No.
- 17 Q. Right. Did anyone else take that decision?
- 18 A. That's not my decision --
- 19 Q. Did anyone else take that decision?
- 20 A. I don't know, sir.
- 21 Q. Thank you. Now, if you would just kindly answer the  
22 questions, we can get through it. So you don't take the  
23 decision, you don't know anyone else took the decision,  
24 now we are at 7 o'clock.
- 25 A. Sir.

- 1 Q. At 7 o'clock, there are two addresses that are being  
2 prioritised?
- 3 A. Yes, sir.
- 4 Q. There are two teams to go to the two addresses?
- 5 A. Yes, sir.
- 6 Q. One team's going to take a little bit longer than the  
7 other; correct?
- 8 A. One team's at Scotland Yard, one team's at Leman Street,  
9 yes, sir.
- 10 Q. One is kitted up and the other isn't?
- 11 A. Yes, sir.
- 12 Q. Was any discussion about -- well, I had better put this  
13 to you: did you know that there was a surveillance team  
14 already in place at Scotia Road but not at  
15 Portnall Road?
- 16 A. I knew there was a surveillance team at Scotia Road.  
17 I wasn't sure at Portnall Road at that time.
- 18 Q. Well, you didn't know that there was one at  
19 Portnall Road, so you were aware that there had been  
20 within the time from the strategy decision at 4.55 some  
21 prioritisation because a red team were down at  
22 Scotia Road; you knew that?
- 23 A. I was at that meeting with Commander McDowall, the SIO,  
24 and no addresses were prioritised to me, sir.
- 25 Q. Was there any discussion at the 7 o'clock meeting,

- 1 "Look, we have got a red team down there without any  
2 support"?
- 3 A. These are not my decisions to make, sir. These are  
4 decisions --
- 5 Q. Please answer the question, was there any discussion?
- 6 A. Not to my knowledge, sir.
- 7 Q. Thank you. Do you have problems about listening to the  
8 question?
- 9 A. Absolutely none, sir.
- 10 Q. Then it will just be much quicker and I'm going to, I am  
11 afraid, intervene in order to get it done. There was no  
12 discussion about getting someone down to cover the red  
13 team. Now, just moving on from that. At that time, did  
14 you, as the tac adviser, make any suggestion about  
15 getting a firearms team down to Scotia Road as soon as  
16 possible?
- 17 A. No, sir.
- 18 Q. Why not?
- 19 A. Because I had two teams at that time, one team coming on  
20 at 7 o'clock and one team at Scotland Yard. Neither  
21 addresses were prioritised, so one team was allocated to  
22 go to Scotia Road, one team was allocated to go to  
23 Portnall Road.
- 24 Q. Well, I suggest to you it had already been prioritised,  
25 the red team were at Scotia Road and were worried about

- 1 the fact that they didn't have firearms cover; did you  
2 know that?
- 3 A. No. That's a question that only either the SIO or the  
4 DSO can answer. I am their tactical adviser, sir.  
5 I don't make decisions of that nature. I don't  
6 prioritise addresses.
- 7 Q. Right. It must have occurred to you as a tactical  
8 adviser that if in fact it's going to be the black team  
9 going to Scotia Road, they are not going to get there  
10 for quite a while?
- 11 A. No, that's right, sir.
- 12 Q. Yes; how long, roughly?
- 13 A. Couple of hours.
- 14 Q. Couple of hours, so it must have occurred to you that if  
15 someone comes out of Scotia Road where there has been  
16 a red team since 6 o'clock, which is an extra hour,  
17 that's a whole three-hour period, there is no firearms  
18 cover?
- 19 A. The decisions around --
- 20 Q. Sorry, did that occur to you?
- 21 A. Yes, it did, but --
- 22 Q. Right. What did you do about it?
- 23 A. I have to expand on it, because again, these aren't my  
24 decisions to make. I'm at a meeting with --
- 25 Q. Sorry, I am going to interrupt. I didn't suggest it was

- 1           your decision. I asked you whether it occurred to you  
2           that there was no firearms back-up for a period of three  
3           hours?
- 4    A.   If surveillance are down there, there is no firearms  
5           back-up from the SFO. However, there are other measures  
6           that are in place.
- 7    Q.   Are they? Right, I want to examine what other measures  
8           are in place for Scotia Road between 6 o'clock and  
9           9 o'clock, which is two hours you estimated from 7,  
10          roughly speaking. What are the other measures that are  
11          in place should someone come out of Scotia Road?
- 12   A.   The first resources that are available are --
- 13   Q.   What measures were in place?
- 14   A.   24-hour DSO from downstairs with armed response vehicles  
15          and the tactical adviser downstairs. There is the  
16          surveillance team -- there are the firearms teams who  
17          are briefing who make contact with the surveillance  
18          officers. All these things are in place. All these  
19          things can be sent out.
- 20   Q.   Just can I deal with that first of all? Armed response  
21          vehicles. Was there any provision to have two ARVs on  
22          standby for Scotia Road in case somebody came out?
- 23   A.   No, sir.
- 24   Q.   Why not?
- 25   A.   Because this was a covert operation. I know that the



- 1 armed response vehicles are patrolling 24 hours a day,  
2 and there is a number of them in South London. Some  
3 actually particularly deployed to Lambeth, which is in  
4 this area. They had had a briefing the day before.  
5 They are aware of the failed bombings --
- 6 Q. Were they aware of Scotia Road?
- 7 A. No, sir, and I wouldn't have informed them about  
8 Scotia Road.
- 9 Q. And it would take an armed response vehicle, even if one  
10 had been called up and was available, more than five  
11 minutes to get there, wouldn't it?
- 12 A. Yes.
- 13 Q. Thank you.
- 14 A. Well, it depends where they were, sir.
- 15 Q. Of course, but you are not wanting an armed response  
16 vehicle in the area to compromise it, so assuming it's  
17 more than five minutes, that will do for the moment, but  
18 there is no standby for them; were the TST who came on  
19 at 7, were they on standby?
- 20 A. Yes, sir.
- 21 Q. To go to Scotia Road?
- 22 A. No, sir, they are on standby for the 24-hour response.
- 23 Q. So they are going to take more than five minutes to get  
24 there?
- 25 A. Yes, sir.

- 1 Q. Thank you. What else do we have in place that's going  
2 to take less than five minutes to get there?
- 3 A. They are the armed resources that are available 24 hours  
4 a day.
- 5 Q. Please listen to the question. What else is in place  
6 that will take less than five minutes to get there?
- 7 A. The only other response is the S012 surveillance  
8 officers themselves.
- 9 Q. Right. Were you aware that that is precisely what  
10 Derek, in charge of the S012 officers outside  
11 Scotia Road, was wondering whether he would have to do?  
12 Did you know that?
- 13 A. It is a possibility. At that time I didn't know, I now  
14 know.
- 15 Q. I suggest all this came about because after 7 o'clock,  
16 never mind before 7, after 7 I want to ask you this  
17 carefully, please listen to the question. Did you sit  
18 down with Cressida Dick and discuss what was possible at  
19 Scotia Road?
- 20 A. I had conversations with the DSO, Commander Dick, in  
21 relation to the mobile armed support to surveillance,  
22 what firearms resources were available, and the tactics  
23 that would develop through the day.
- 24 Q. I will ask the question again: did you sit down with  
25 Cressida Dick and work out with her what was tactically

1 possible at Scotia Road.

2 A. Not in exact detail, no.

3 Q. No, in any detail?

4 A. No, because what we were supplying there --

5 Q. In any detail? In any detail?

6 A. Not specifically in relation to Scotia Road because we

7 weren't being asked to provide anything at that time.

8 There was no expectation at that time, sir.

9 Q. Oh, Mr Esposito, please think. Are you really saying --

10 think about this -- that there was no expectation after

11 7 o'clock for there to be armed support accessible in

12 case someone came out of that block?

13 A. The firearms teams had to be briefed. There has to be

14 a start point at somewhere in the operation. Whilst

15 that start point is being put in place, it's

16 a contingency and there always are contingencies, and

17 it's a very usual occurrence that whilst the teams are

18 briefing, whilst the teams are getting prepared, before

19 they can go out, in that interim period then that

20 response is provided by ARVs, it's provided by TSTs if

21 they are available and it's provided by the armed

22 surveillance officers themselves.

23 Q. I want to suggest to you that is literally off the map,

24 it couldn't have happened and that's where it all went

25 wrong. There was nobody there to intervene at an early

1 stage. Would you look at page 7 of the maps diagram  
2 brochure, please. (Pause)

3 Could we also bear in mind your policy log. Your  
4 policy log does not record any strategy of any kind,  
5 does it?

6 A. In --

7 Q. In relation to Scotia Road, never mind Portnall.

8 A. Not at that time. It does later on.

9 Q. Yes. Before 9.34 your policy log does not reveal that  
10 there is any strategy for Scotia Road so far as you are  
11 concerned?

12 A. Tactics?

13 Q. Strategy.

14 A. The strategy for Scotia Road was --

15 Q. No, please understand. The question was: your policy  
16 log does not reveal any record of the strategy?

17 A. I have not made notes of the strategy set by Mr McDowall  
18 in this log.

19 Q. No, we move on, you haven't got it for McDowall; where  
20 is the strategy set out in the log by Commander Dick in  
21 relation to Scotia Road?

22 A. I haven't recorded that. That was verbal conversations  
23 between myself and Commander Dick.

24 Q. I have no doubt it was. She didn't do it through  
25 thought transference. She obviously spoke to you. Why

- 1 is it not written up in your policy log?
- 2 A. Because I didn't see the need for it at that time,  
3 because what we were provided here was support to  
4 surveillance, and then whatever happened at that  
5 address, that I would be speaking to Commander Dick in  
6 relation to tactical options to stop or intervene  
7 a subject.
- 8 Q. You discussed that with her, did you? Did you? Did you  
9 discuss --
- 10 A. I talked about options in relation to Scotia Road;  
11 I talked about options in relation to where subjects  
12 might be going; I talked about options for both this and  
13 the other addresses.
- 14 Q. Right, this one I am going to concentrate on to save  
15 time. Did you discuss the tactic that was necessary to  
16 prevent a subject, possible or identified, getting on  
17 a bus?
- 18 A. No, I didn't.
- 19 Q. You didn't. Why not?
- 20 A. Two things. First of all, the subject has to be  
21 identified, he has to be followed, and then the officers  
22 have to be in a position to intercept, so whatever  
23 happens, the plan that was put in place to control the  
24 premises with surveillance, to have firearms officers  
25 supporting them from a covert location, was to me

- 1           appropriate for this location.
- 2    Q.   Did you say to Commander Dick: this is an impossible  
3           situation, we can't stop anybody getting on a bus?
- 4    A.   No, I didn't.
- 5    Q.   Right.  So did you discuss with Commander Dick, either  
6           with a map like this or whatever's available in New  
7           Scotland Yard, that it will be a matter for the  
8           particular team, the black team, to work out exactly  
9           where they are going to do the stop, but the one thing  
10          we must do is ensure that they understand they have to  
11          be in a position covertly to stop the person getting on  
12          a bus?
- 13   A.   No.  No, I never said that.
- 14   Q.   No, I know.  My suggestion is that that is precisely the  
15          core of the matter, because of what had happened the day  
16          before.  Is it not the core of the matter?
- 17   A.   Not to me, sir, no.
- 18   Q.   I see.  You really weren't concerned about the  
19          possibility that somebody might get on a bus?
- 20   A.   We have to deal with the practicalities of this, and  
21          again I am going to be accused of giving a long answer,  
22          but the tactics available within this location are  
23          limited because of the threat that you are dealing with,  
24          and because of the risk that you are dealing with.
- 25   Q.   Are they more limited than dealing with it on a bus or

- 1 in a tube train?
- 2 A. There are equal challenges for both.
- 3 Q. Well, I would like to know, you see, the extent to which
- 4 all of this was discussed with Dick in the two hours or
- 5 the one hour -- we will restrict it to that. She is
- 6 appointed as DSO during the 8 o'clock meeting; did you
- 7 know that? She was appointed as DSO in the 8 o'clock
- 8 meeting?
- 9 A. I don't know when she was appointed.
- 10 Q. You don't know when she was appointed?
- 11 A. I know that she was --
- 12 Q. She was asked to be the DSO but in fact her role was
- 13 mapped out in the 8 o'clock meeting?
- 14 A. My understanding was that when I attended the meetings
- 15 at, which is shown in the log, that she was the DSO.
- 16 Q. In whatever hour was available there, and I suggest
- 17 certainly 8 to 9, did you sit down and say: well, there
- 18 is a challenge here but we can do it and this is how we
- 19 can do it, and I will make sure Trojan 84 knows that we
- 20 need to stop somebody before they get on a bus?
- 21 A. No.
- 22 Q. Did you even know where the bus stops were?
- 23 A. I knew there were bus stops there, it depends on what
- 24 time in the morning. I was aware --
- 25 Q. Before he comes out at 9.34, there have already been

1 five people out?

2 A. I was aware that there were bus stops there, yes.

3 Q. Where?

4 A. I knew that there was one in Tulse Hill, and I knew  
5 there were other bus stops about because of the  
6 discussions that had been going on before that, but  
7 exactly where, I don't know, sir.

8 Q. We have been over the point before. Were you aware on  
9 the question of buses that actually the surveillance  
10 monitor and one other had already been on to the bus  
11 company and they thought that they had got them stopped?  
12 Did you know that?

13 A. I had absolutely no idea of that, sir, no.

14 Q. If there was a decision by Commander Dick that any  
15 stopping of the buses might compromise the operation,  
16 this is rather serious if somebody in the operations  
17 room is doing completely the opposite, isn't it?

18 A. I can't answer questions on what other people would or  
19 wouldn't do.

20 Q. Can you explain how the loggist who comes on -- and you  
21 have already seen it, I don't ask it to come up -- has  
22 indicated that the buses were suspended?

23 A. I can't explain that, sir.

24 Q. Can you explain how the loggist in fact never comes up  
25 with a positive identification, as opposed to what you



1           are saying; your loggist?

2   A. My recollection, and my thoughts on that, that it was  
3       a positive identification.

4   Q. I mean, when you read the log, and you see that the bus,  
5       according to that log, was suspended and there is no  
6       positive identification, did that cause you to question  
7       your own recollection of events?

8   A. No. My recollection of events are as I remember them,  
9       sir.

10   Q. All right. Just dealing with this plan of the area, you  
11       are not saying, are you, that it would have been -- had  
12       you got people there in time -- not possible to do  
13       a proper controlled stop before anyone got to the bus if  
14       they were possible identical with?

15   A. In relation to this whole location, again I am going to  
16       give a long answer, sir, and I do apologise, but  
17       whatever tactic that we deploy has to be based against  
18       the threat and risk that exists at that time. Now, at  
19       this location, because it has the space, the option that  
20       would likely be chosen, whether it be a distance  
21       containment and challenge, or an intervention by SFO  
22       officers, would be extremely loud, extremely noisy,  
23       extremely impactive on this whole area.

24                Think of that if you are a terrorist within that  
25       block of Scotia Road, which we believed --

1 Q. Are you saying it would have been impossible to do  
2 a stop in this area?

3 A. No, of course we could have done it, sir, but it would  
4 have been -- what would be the results of taking action  
5 at that time, and the result of taking action at that  
6 time would be highly likely to be a compromise of the  
7 operation.

8 Q. If you didn't take action and it was a suicide bomber or  
9 a possible suicide bomber, you were prepared to run that  
10 risk, were you?

11 A. That's not my decision to make, sir. I advise on the  
12 tactics. The DSO decides what tactic they want in what  
13 circumstances and when.

14 Q. Could we have, please -- the jury have it as a decision  
15 log in their own bundle, of Commander Dick and it's  
16 decision 3, please.

17 Her decision log, decision 3. Tab 48 in the jury's  
18 bundle. I just want to ask you whether you were aware,  
19 because it's not in your policy log, this is her policy,  
20 as it were, set out in her decision log written up later  
21 at 11 o'clock on the 22nd:

22 "Strategy I have agreed ... we seek to arrest any of  
23 the subjects near or at the addresses."

24 Did you know that?

25 A. I didn't know that at the time. My understanding of it,

1           it was just arrest the subjects. I didn't know at that  
2           time it was near or at the address.

3    Q.   So when did you first discover that that's what she was  
4           wanting to achieve?

5    A.   I am not sure if that exactly is what she was wanting to  
6           achieve.

7    Q.   Well, she has told us what she was intending to achieve.  
8           May I just describe it to you since you don't appear to  
9           know. Firstly, she didn't want to compromise the  
10           operation by doing it so close to the address that  
11           somebody would spot it, but she didn't want to do it so  
12           far away that there was any prospect of somebody  
13           obviously risking the public safety, in particular  
14           obviously by getting on buses and trains. All right?

15   A.   Yes, sir.

16   Q.   If you just cast your eye down, you will see the second  
17           paragraph under the reasons:

18                 "We can not therefore allow them to travel far even  
19           under surveillance if sighted ..."

20                 Do you see that?

21   A.   Yes, sir.

22   Q.   Did you know that? Did you know she had decided that?

23   A.   I have since read that, but at that time I didn't know  
24           that's what she had written.

25   Q.   You see, how are you going to give her advice if you

- 1           don't know what she's decided?
- 2   A.   Because she asks me for advice, and I'm by her side all  
3       the time, and whatever she asks me is the options and  
4       the advice that I give her, based on the circumstances  
5       that exist at that time.
- 6   Q.   So does it come to this: that as far as this plan 7 and  
7       the area is concerned, she never in fact asked you for  
8       advice about how to stop somebody, or whether it would  
9       be possible to stop somebody getting on to a bus?
- 10  A.   I can't remember the decision -- I can't remember the  
11       exact conversations about whether or not it would be  
12       impossible to stop somebody getting on a bus. I can  
13       remember conversations about doing interceptions at this  
14       location. But the exact details of them, again ...
- 15  Q.   You see, what is supposed to happen is that you have  
16       done your generic tac document, and what you are  
17       supposed to do, even if you don't do it at the time, is  
18       write up at some point a list of the options that you  
19       have presented to the DSO so that it can be seen what  
20       she has been offered, as it were, and what she may have  
21       rejected. That's very common practice, isn't it?
- 22  A.   It's common practice for a static operation, and the  
23       advice that goes on before an operation. But when  
24       an operation is underway, when an operation is dynamic,  
25       you just don't have the time to do that because of all

1 the things that have to be done. That's why there is  
2 the verbal conversations between myself and the DSO in  
3 relation to what's achievable and what we want to do.

4 Q. Yes, I appreciate, you can't do it at the time. You  
5 just do it later on that night when you in fact come to  
6 write up your recollections, as you have put it, at the  
7 end of the policy log this particular day? That's when  
8 you do it, isn't it?

9 A. No.

10 Q. I see.

11 A. You don't.

12 Q. You appreciate now, possibly not then, that getting from  
13 Scotia Road to one of the nearest bus stops, well,  
14 perhaps you didn't know how long it would take, did you?

15 A. I had maps there, I knew it could only take a minute,  
16 but that's -- at that time, again I have to reiterate,  
17 that the first person has to be identified, then the  
18 decision has to be made by the designated senior  
19 officer.

20 Q. Yes?

21 A. Then as a result of that decision, action will be taken  
22 and I dynamically discuss options with her.

23 Q. Yes, I have been through all of that and what has not  
24 been discussed. In order, therefore, in that timeframe  
25 to get a firearms team or firearms intervention into

- 1 place, they have to be within -- as they were at  
2 Portnall Road -- a couple of minutes, don't they?
- 3 A. They have to be in a position, yes.
- 4 Q. Thank you. Now, I want to ask you this, finally, in  
5 relation to how it would differ if S012 did it, do you  
6 follow, that you were saying earlier on it would have  
7 been quite different. What's different about an S012  
8 intervention as opposed it a C019 intervention?
- 9 A. S012 aren't trained for interventions. The only  
10 intervention-trained officers are C019 specialist  
11 firearms officers.
- 12 Q. All right. Intervention in the sense of putting  
13 themselves between the threat and the public, whether  
14 it's intervention or interception, only S019 can do  
15 that?
- 16 A. At Scotia Road, if S012 had been deployed, it would have  
17 been a distance containment and challenge.
- 18 Q. Right. Just so the jury know, what would be, when S012  
19 do it at Scotia Road, involved in them doing it, when  
20 you say distance containment and challenge?
- 21 A. Without going into too much tactical detail, it's just  
22 something that's extremely noisy, that they would put  
23 themselves at a distance from the potential subject, and  
24 deploy and try and contain that subject at a distance.
- 25 Q. Right. On the assumption, of course, some of them are

1           static and can't do that, obviously the better thing at  
2           Scotia Road is to have firearms officers do it because  
3           they are in back-up vehicles and so on?

4   A.   Yes.

5   Q.   That's obvious. I want to move back to Stockwell  
6           itself. We have seen the compilation video. If S012  
7           had not been countermanded -- and of course you didn't  
8           hear the decision, so you have said, that they should be  
9           sent in to do it -- if they had actually done it, what  
10          would have been how they would have done it? Can you  
11          help us?

12  A.   Probably in the same way, that they would have assessed  
13          the threat, drawn their weapons, and challenged that  
14          person at a distance.

15  Q.   You see, one of the situations the jury have seen is  
16          that Jean Charles de Menezes goes into the tube station,  
17          picks up a Metro, goes through the barriers, down the  
18          escalator, and you have seen as well that the  
19          surveillance officers, the first few, are very close by,  
20          aren't they?

21  A.   Yes, I have seen the video, sir.

22  Q.   If in that situation, since he has gone through the  
23          barriers, S012 had done a surprise challenge, in other  
24          words they had come up behind and obviously an officer  
25          from in front as well, that would have achieved first of

- 1 all an element of surprise, wouldn't it?
- 2 A. That's not their tactics and it's not their training,  
3 sir. That's not what they would have done.
- 4 Q. Okay, well, just tell us what they would have done  
5 insofar as their training?
- 6 A. They would have stood off and they would have challenged  
7 the person.
- 8 Q. Well, on the escalator or down at the bottom?
- 9 A. Wherever, in exactly the same way as the SFO officers at  
10 the point that they deployed, they would deploy  
11 according to their training and that is their training.
- 12 Q. I want to suggest to you, if the S012 officers, of which  
13 there were three on the escalator at one point, had in  
14 fact done a surprise challenge at that point --
- 15 A. That they wouldn't have done a surprise challenge, sir,  
16 because that is not their training, that is  
17 an intervention and they are not trained to do that.
- 18 Q. What is the difference, can you just explain, between  
19 what they are trained to do and an intervention?
- 20 A. I explained intervention and interception before. That  
21 the level of --
- 22 Q. I just want the difference between the two so we can  
23 weigh up --
- 24 A. A specialist firearms officer will be able to deploy  
25 covertly close to that subject. They will be able to



1 put themselves in that position close so that they are  
2 between the threat and the public, whereas opposed to  
3 an S012 officer who would have to stand off and  
4 challenge that subject.

5 Q. When we are talking about distances and stand off for  
6 S012, what are we talking about?

7 A. Only the officer can assess that at that time.

8 Q. When the officer who is assessing it at the time says he  
9 is in a position to do it, as they did, they offered to  
10 do this stop, first of all, did you know they had  
11 offered?

12 A. Yes, I did.

13 SIR MICHAEL WRIGHT: Yes, he said so.

14 MR MANSFIELD: So you knew they had offered. They had made  
15 an assessment that they could do it?

16 A. Yes.

17 Q. Right, and in retrospect, had they done it, because we  
18 now know the firearms officers were on the other side of  
19 the road, had they done it, in a situation not on a tube  
20 train, the result, I suggest, would have been very  
21 different, wouldn't it?

22 A. That's hindsight, sir. At the time I made that  
23 decision, I am thinking about what the threat is. I'm  
24 thinking about the skills of the SFO officers, I am  
25 thinking about the skills of the S012 officers. All the

1 issues that that person they are dealing with, that  
2 person they are going to stop, is believed to be  
3 a suicide terrorist, what is the best resource to do  
4 that, and for me at that time it was CO19.

5 Q. Yes. In hindsight, we will do it in hindsight on this  
6 one. Now you know where the firearms officers actually  
7 were, it would have been better to let the SO12 officers  
8 do it, wouldn't it?

9 A. No, sir.

10 MR MANSFIELD: Thank you, I have no further questions.

11 SIR MICHAEL WRIGHT: Can I dispose of one or two questions.

12 I am not sure you will be able to do much with any of  
13 this.

14 Further questions from THE CORONER

15 SIR MICHAEL WRIGHT: We have had a series of CCTV street  
16 recordings of the bus. Couldn't a similar one be  
17 produced for at least one car of the firearms teams?

18 I think the short answer to that is that we did. There  
19 was a shot of the firearms team, in fact as it was  
20 approaching Stockwell station but subject to Mr Hough,  
21 I don't think we have any more.

22 MR HOUGH: I will stand ready to be corrected from behind if  
23 I am wrong, but I think one of the fixed cameras that  
24 was in fact panning round caught some of the -- caught,  
25 I think, a couple of the firearms cars coming round.

1 SIR MICHAEL WRIGHT: Outside Stockwell station.

2 MR HOUGH: Yes.

3 SIR MICHAEL WRIGHT: That is the only one that we have got.

4 MR HOUGH: Yes, there was debate at the Health and Safety  
5 trial about whether a camera earlier on the route might  
6 have been showing a firearms car, but I don't think it  
7 was ever resolved.

8 SIR MICHAEL WRIGHT: Okay. The second one again I think is  
9 probably not for you, Mr Esposito, but I'm going to tell  
10 you what it is. I hope it's not a sexist enquiry. Why  
11 are women stopped differently from men, in other words  
12 not being stopped, as they are still capable of suicide  
13 bombings. You may say -- I will finish it, if you say  
14 it's nothing for you, that's all right. Could it be  
15 possible that the four failed bombers of the previous  
16 day had been replaced? I think that is a comment. I  
17 don't suppose it's anything -- you are a firearms  
18 officer. Nothing to do with you.

19 This one is, but I am not sure how you are going to  
20 deal with it. How is it possible that the senior  
21 tactical adviser to the DSO either does not know or  
22 cannot remember so much? That's one question.

23 A. Because there is an awful lot going on in that morning,  
24 that the details that I have been asked are about words  
25 spoken, were about times, were about distances; and

1           those times, distances and words spoken, I never made  
2           any record of, and I never paid attention to. I was  
3           responsible for the tactical advice to the DSO, where  
4           the team was and those issues.

5   SIR MICHAEL WRIGHT: Thank you.

6           The second half of this question undoubtedly is not  
7           for you but I will read it so counsel know what the  
8           question is. Was the "possibly identical with" more  
9           about image likeness, or more about perceived  
10          anti-surveillance body language and normal usage of  
11          mobile phone facility?

12          Again, I think you'd say that's not a matter for  
13          you?

14   A. I can't answer that, sir.

15   SIR MICHAEL WRIGHT: Very well.

16          This again is not for you, but I will tell you what  
17          it is. Why are police officers allowed to write  
18          statements some time after the event, using just notes  
19          made? Does this not leave things open for collaboration  
20          and misinterpretation? Then there is a comment that the  
21          public are always asked to write statements immediately  
22          after the event. Is that a matter that you can deal  
23          with?

24   A. No, sir.

25   SIR MICHAEL WRIGHT: However, counsel now know what the

1 questions are.

2 Thank you, Mr Mansfield. Not a bad effort, if I may  
3 say so. Mr Gibbs.

4 Questions from MR GIBBS

5 MR GIBBS: Thank you.

6 Mr Esposito, I represent the red and grey  
7 surveillance teams.

8 Now, you have just been asked questions about what  
9 the surveillance officers would have done at Stockwell  
10 tube if they had been -- if their offer to intervene had  
11 been taken up. Do I understand you to say that you can  
12 tell us what they would have done?

13 A. No, I can't. I can only answer about what the training  
14 would be and what I would expect and that was my advice  
15 to the DSO.

16 Q. You will probably know because you have told us that you  
17 have looked at the evidence from the Health and Safety  
18 trial and read some parts of other people's witness  
19 statements; have I got that right?

20 A. Some, sir, yes.

21 Q. That the surveillance officer, Ivor, who was in the  
22 concourse at Stockwell tube later downstairs in the  
23 carriage grabbed Mr de Menezes and immobilised him?

24 A. Yes, sir.

25 Q. When you imagined the position in the concourse upstairs

- 1           and the surveillance officer -- it was that same  
2           surveillance officer's offer to intervene, did you  
3           envisage that sort of intervention?
- 4   A.   No, I didn't, sir.
- 5   Q.   But as to what was going through Ivor's mind, you don't  
6           purport to say that you can tell this jury that?
- 7   A.   Absolutely none, sir.
- 8   Q.   Can I go back to the first half of the follow of what  
9           was a possible suspect. Do I understand you to say  
10          that, in the control room, you understood that there had  
11          been a negative identification of the man?
- 12   A.   My comment in relation to, "They don't think it's him"  
13          was from the information that I was getting off of the  
14          radio, so yes, sir.
- 15   Q.   Yes is the answer?
- 16   A.   (Witness nods).
- 17   Q.   You had picked up that negative identification from  
18          where, do you say?
- 19   A.   It could have only come from the surveillance monitor or  
20          the speaker.
- 21   Q.   Was that a negative identification beyond a shadow of  
22          a doubt?
- 23   A.   No, sir, it's just that they don't think it's him. It  
24          was discussion between myself, the DSO, just to make  
25          sure that everybody was hearing, or what I thought

1 I heard, and I just wanted to make sure that they heard  
2 what I heard as well.

3 Q. How negative would that negative identification have had  
4 to have been to your mind for it to result in either  
5 a standing down of the surveillance officers and  
6 a sending of them back to Scotia Road, or a decision to  
7 use unarmed officers to approach the man?

8 A. I don't know. Based on the information the DSO will  
9 make a decision, and that decision can only really be  
10 answered by the DSO. I am there listening, but she is  
11 interpreting the information and making the decisions  
12 based on that information.

13 Q. From whom does she have advice as to her armed options?

14 A. That's from me, sir.

15 Q. So may I go back to the question: how negative would any  
16 negative identification have to be, of the man being  
17 followed, for advice to be given to -- let us  
18 concentrate on the second half -- approach him with  
19 unarmed officers?

20 A. At that time they would have to think that that person  
21 wasn't one of the suicide terrorists.

22 Q. Yes, because if there was any risk that he might be, do  
23 I have this right, if there is any risk that he might be  
24 --

25 A. It would be a firearms officer's intervention.

- 1 Q. You would have to use an armed officer?
- 2 A. Yes, sir.
- 3 SIR MICHAEL WRIGHT: Of course Sergeant Dingemans and the  
4 SO13 team were unarmed?
- 5 A. Yes, sir.
- 6 MR GIBBS: So the negative identification in the first half  
7 of the follow that you picked up, you think must have  
8 come either from something you overheard on the  
9 surveillance radio or something that Pat, the  
10 surveillance monitor, said?
- 11 A. Yes, sir.
- 12 Q. Was his log being screened?
- 13 A. I don't know, sir. There were logs up there, I am not  
14 sure which log he was referring to.
- 15 Q. The only reason I ask is that I think you, on another  
16 occasion, said that at one point you asked for the font  
17 size to be changed?
- 18 A. Yes. Sitting at the back, I remember asking, because it  
19 was coming up in small writing, for one of the logs for  
20 them to change the font size just so that we could see  
21 it.
- 22 Q. So that from your position at the back of the room you  
23 were able to read it?
- 24 A. Yes, sir.
- 25 Q. Was it changed?



1 A. Yes, I believe it was.

2 Q. In the second half of the follow, you have told us that  
3 there was -- it was your impression that a positive  
4 identification had been made?

5 A. That's the impression I formed, yes, sir.

6 Q. You got that from where?

7 A. From the same sources, from the surveillance.

8 Q. So either from the radio that you were listening to?

9 A. Yes, sir.

10 Q. Or from Pat, the monitor?

11 A. Yes.

12 Q. Whereabouts during the follow, or when was it that you  
13 got that positive identification?

14 A. I don't -- I really don't want to appear that I don't  
15 know, but I can't say exactly when it was. It was just  
16 as a result of the surveillance conversation coming on,  
17 the chatter that was coming over, a series of things  
18 said that made me then think, this is the subject.

19 Q. What were the words that made you think that?

20 A. "possibly identical with", again, "they think it's him",  
21 or whatever, I don't know.

22 Q. "possibly identical with", we will hear, was said.  
23 "they think it's him" may well have been something that  
24 Pat passed on to the room. Where did your positive  
25 identification come from?

- 1 A. From all of that, if it says "possibly identical with"  
2 or "probably identical with", they think it's him. If  
3 somebody says, "They think it's him", then to me it's  
4 that subject. It's my level of belief.
- 5 Q. It may be as simple as this, then, is it, that if you  
6 heard the words from Pat or from somebody else, "They  
7 think it's him", that for you constituted a positive  
8 identification?
- 9 A. That, along with everything else that was going on, yes,  
10 sir.
- 11 Q. The other things were?
- 12 A. What I perceived to be anti-surveillance, all the other  
13 issues, texting of the mobile phone -- which now we know  
14 not to be the case -- but all of that built up a picture  
15 in my mind as to what was happening.
- 16 Q. Because, as other witnesses have told us when I have  
17 asked them, there is a distinction, isn't there, between  
18 what a surveillance officer over a radio may say about  
19 what he is seeing, what somebody looks like, what that  
20 person is doing, which direction he is moving in, what  
21 he is wearing, all of those pieces of raw data?
- 22 A. Yes, sir.
- 23 Q. And on the other hand the conclusions which may be drawn  
24 in the control room from that raw data --
- 25 A. Yes, sir.

- 1 Q. -- and from the raw data that's being received from the  
2 other sources available to the control room?
- 3 A. Yes, sir.
- 4 Q. So that it is the job of someone in the control room to  
5 reach conclusions based upon data and to give orders  
6 based upon those conclusions?
- 7 A. That's the DSO, sir.
- 8 Q. So your "possible identical with" and "they think it's  
9 him", you put together with -- don't let me put words  
10 into your mouth but just see if I have got it right --  
11 the fact that he had got on and off a bus?
- 12 A. Yes, sir.
- 13 Q. The fact that he had got -- I beg your pardon, the other  
14 way around, the fact that he had got off and then back  
15 on to a bus?
- 16 A. Yes, sir.
- 17 Q. The fact that he was making a telephone call or text  
18 messages?
- 19 A. All of those issues, yes, sir.
- 20 Q. That he had been seen looking over his shoulder earlier;  
21 do you remember that?
- 22 A. There was an awful lot said during that follow.
- 23 Q. Descriptions of how he was behaving, whether he was  
24 nervous or not?
- 25 A. Yes, sir.

- 1 Q. Did all of that factor in for you?
- 2 A. Yes, sir. Yes. I make a determination -- not  
3 a determination, I form an opinion based on what I am  
4 told, what I hear.
- 5 Q. Just so that we understand, obviously you have got to  
6 a state of opinion which you describe as "beyond  
7 a shadow of a doubt" or "without a shadow of a doubt"?
- 8 A. No, I believed the subject to be Nettle Tip at that  
9 time. I am not sure whether I used that phrase.
- 10 Q. I don't attempt to contradict that. I am just  
11 interested in how you got there, that's all, because you  
12 have obviously said that what went wrong here was  
13 misidentification?
- 14 A. Yes, sir.
- 15 Q. And I represent the red and grey surveillance teams.
- 16 A. I understand that, sir, yes.
- 17 Q. Could I ask you to look -- in fact it may be easiest to  
18 do it on screen -- at tab 20, a diagram of the room you  
19 were in. If we have just the left-hand side. Is Pat at  
20 S1?
- 21 A. I believe so, sir, yes.
- 22 Q. In C3 and C1, have we got Nick and Owen?
- 23 A. As I understand, yes, sir.
- 24 Q. You are between A3 and A4?
- 25 A. Yeah, there were some extra chairs there at that time

- 1           and some extra terminals.
- 2    Q.   That's what I am just going to ask you about. I'm going  
3           to ask that that stays on screen but that you do indeed  
4           take out the jury bundle which you will find in front of  
5           you and go to tab 21. Anyone else who wants to follow  
6           should do the same. In tab 21 we have some photographs,  
7           and the photograph I would like you to turn to, please,  
8           is 33C.
- 9    A.   Yes, sir.
- 10   Q.   The photographer is standing, looking at our diagram of  
11          the room, somewhere behind where, roughly where C2 is  
12          marked, isn't he?
- 13   A.   Yes, just to one side.
- 14   Q.   Can we see in fact that C2, the chair and the desk has  
15          been moved across and tacked along beside where A4 is in  
16          our diagram so that there are four chairs along the back  
17          and the monitors in front of C2 are now in the back row.  
18          Do you see what I am saying?
- 19   A.   Yes, sir.
- 20   Q.   If we turn to 33A, the first photograph there, which is  
21          looking back across the room from the other direction,  
22          we can see that the --
- 23   SIR MICHAEL WRIGHT: Sorry, 33 which?
- 24   MR GIBBS: 33A, sir.
- 25                 We can see down the far end of the room that the

1 chairs and monitors for C3 and C1 are where they are  
2 shown, but indeed C2 and its desk is in the back row?  
3 Do you see what I am saying?

4 A. Yes. Well, I think I do, sir.

5 Q. It's just that the diagram may not be quite the same as  
6 the photographs.

7 A. My understanding is the back row table was a little bit  
8 longer than that, went a little bit over to the  
9 right-hand side of the --

10 Q. Longer than the one that's shown in the diagram?

11 A. Yes, sir.

12 Q. And like the one that's shown in the photograph?

13 A. Yes.

14 Q. So that if we had to choose between the two as to how it  
15 was on that day, it would be the photograph?

16 A. It's the photograph as opposed to this diagram.

17 Q. If we go back to 33C, were you in the chair closest to  
18 the photographer with the blue file on the table, or  
19 further along?

20 A. The next one along, but there were more chairs than  
21 that, because Callum was sitting next to me.

22 Q. Callum on your right or left?

23 A. I can't remember, sir.

24 Q. What are the monitors on the desk in front of the end  
25 chair?

- 1 A. I think they are camera monitors, sir. I think they are  
2 camera monitors, I don't know.
- 3 Q. As for the other people in the room, and I am looking at  
4 the diagram again, we know that Commander Dick and  
5 Mr Boutcher and others were in the area in front of C3  
6 and C1 for part of the time at least; am I right about  
7 that?
- 8 A. Yes, they did stand up and ...
- 9 Q. We know that Brian, who had been at A2, came forward and  
10 knelt down beside Pat at S1; do you remember that?
- 11 A. S1, yes.
- 12 Q. We know that there was another surveillance monitor who  
13 was a man called Harrison who was at S2; do you remember  
14 that?
- 15 A. No, I don't, sir.
- 16 Q. We know that a senior officer called Mr Johnston was  
17 standing for at least part of the time roughly behind S2  
18 in the gap between the two banks of desks; do you  
19 remember that?
- 20 A. I know Mr Johnston was in the room but where he was  
21 standing, I don't know.
- 22 Q. Were the other seats filled?
- 23 A. My recollection is that most of the seats were filled,  
24 sir.
- 25 Q. Were there other people standing?

- 1 A. During the course of the day there was some people  
2 standing, some people sitting, people were moving around  
3 all the time.
- 4 Q. What were they doing?
- 5 A. Their various functions, as I understand.
- 6 Q. During the half hour of the follow, what were they  
7 doing?
- 8 A. Listening to the surveillance monitor, talking on the  
9 radio, talking on mobile phones, and undertaking their  
10 roles.
- 11 Q. Having just reminded you where people were, and what  
12 they were doing, could you just be clear for me whether  
13 you say that from your seat there you were able to hear  
14 what was being said on the surveillance radio coming  
15 from Pat's desk?
- 16 A. Initially I was sitting here. I did get up and I did  
17 walk around and I did end up walking around standing  
18 directly next to the DSO.
- 19 Q. Yes, you told us, I think, earlier today -- let me just  
20 get your words exactly right -- that you didn't stand up  
21 until right at the end. What do you mean by "right at  
22 the end"?
- 23 A. When I had the open phone line with Trojan 84 at the  
24 end, just before that I went up and stood next to the  
25 DSO.



- 1 Q. Thank you. Now, you told us that you had had an open  
2 telephone line with Trojan 84 for much of the follow?
- 3 A. It was a series of phone calls, there was a mobile phone  
4 call and there were landline phone calls to Trojan 84.
- 5 Q. We know from your mobile telephone billing, I think,  
6 that you made a telephone call to Trojan 84 on your  
7 mobile telephone which began at 9.59.
- 8 A. I think he called me, sir.
- 9 Q. He called you, I beg your pardon, yes, thank you very  
10 much. So you were on your mobile telephone at that  
11 time?
- 12 A. Yes, sir.
- 13 Q. Up until then, had you been on your landline?
- 14 A. I think I made a phone call to Trojan 84 a little bit  
15 earlier. I would have to look at my phone record now,  
16 sir, but I had been on the landline as well, so I had  
17 been seated.
- 18 Q. So was the moment when you stood up and went up by the  
19 DSO the moment at 9.59, when you were on the mobile  
20 telephone to Trojan 84?
- 21 A. It must have been before that, sir, but exactly when  
22 again I don't know, it was in that period.
- 23 Q. A number of witnesses have described what they heard  
24 Pat, the surveillance monitor, say. Of course he had  
25 headphones on, didn't he?

- 1 A. As I understand, yes.
- 2 Q. Was that so that he could hear the surveillance channel?
- 3 A. Yes, sir. He had headphones on and he was listening to
- 4 the surveillance channel, yes.
- 5 Q. Did you understand why it was, in terms of the
- 6 audibility of the channel, that he had put the
- 7 headphones on?
- 8 A. So he could concentrate on what was being said, I would
- 9 imagine.
- 10 Q. Yes. I am not going to repeat what all the other
- 11 witnesses have said about it, but more than one
- 12 remembers him using words like, "They think it's him".
- 13 Do you remember him using words like that?
- 14 A. Yes, sir.
- 15 Q. Could anything that you said have contributed to the
- 16 building impression of a positive identification, do you
- 17 think, Mr Esposito?
- 18 A. I don't think so because I don't think I said a lot
- 19 about that. I was either on the phone to Trojan 84,
- 20 talking to the DSO, and I was really concentrating on
- 21 what the tactical options were. I may have said some
- 22 things, I don't know now, I can't remember now.
- 23 Q. Trojan 84 is going to come and give evidence, obviously,
- 24 and he's represented in this room and not by myself.
- 25 But do you remember passing any information to him about

- 1 the identification?
- 2 A. I remember having discussion with him about what the  
3 person was wearing, and generally what was happening.  
4 I was trying to relay to him information that was in the  
5 room and it was a discussion because he would have been  
6 listening to exactly the same thing.
- 7 Q. Yes, because he would have had the surveillance channel  
8 on in the car that he was in, wouldn't he?
- 9 A. Yes, sir.
- 10 Q. Would he also have had the 75 channel, which was the  
11 firearms radio?
- 12 A. Yes.
- 13 Q. Would he also have had a mobile telephone to speak to  
14 you and to others?
- 15 A. Yes, sir.
- 16 Q. Would Mr Purser, the Silver on the ground, also have  
17 been in that car?
- 18 A. Yes, sir.
- 19 Q. Would he have also been, did you understand this, on the  
20 telephone to Commander Dick?
- 21 A. That's my understanding, yes, sir.
- 22 Q. Did you say to Trojan 84, do you think, at any stage,  
23 that the man being followed was identical with our man?
- 24 A. I don't remember saying that to Trojan 84.
- 25 Q. One of the things you said earlier on today, I think,

1           was that there is a possibility with these radios of  
2           misunderstandings developing. Do you agree with that?

3    A. There are often communication failures, yes. Sometimes  
4           the radio goes through spots that you can't hear.

5    Q. There was a reference in a log which we looked at today,  
6           I think it was Callum's log, at 9.41 I think was the  
7           entry. Perhaps we could bring it up on screen so  
8           I don't quote it wrong:

9                    "As of 9.41 comms with surveillance team", does it  
10           say?

11   A. Yes, sir.

12   Q. What was that about?

13   A. I think that's referring to, if that call sign is  
14           correct, that would be with the orange team because  
15           that's their call sign.

16   SIR MICHAEL WRIGHT: What, TJ802?

17   A. Trojan 802 is a generic call sign for orange team.

18   SIR MICHAEL WRIGHT: Very well.

19   MR GIBBS: We looked at a note yesterday when a witness  
20           called Owen was giving evidence, and he had a note, if  
21           Tom's got it, it could come up on screen. There is one  
22           reference in here, in the middle of the page. I just  
23           wanted to ask you about that. I wonder whether it might  
24           be the same thing.

25                    Do you see:

- 1                   "VE why no comms..."
- 2    A.  Yes, sir.
- 3    Q.  "... me [that I suppose must be Owen] should be able to
- 4           talk to each other (confirmed when Trojan Bravo asked
- 5           permission) not answered."
- 6           Do you remember what that was about?  Was there
- 7           a problem with the communications?
- 8    A.  No, I don't remember that, sir.
- 9    Q.  You don't remember asking Owen, "Why are there no
- 10           comms"?
- 11   A.  Whether or not I was referring to has it gone quiet,
- 12           I don't know.  I actually can't really remember that,
- 13           sir.
- 14   Q.  If you had been asking such a question, must it have
- 15           been as a result of something that was being said to
- 16           you?
- 17   A.  If I asked that question, it could either have been
- 18           something said to me or something I was hearing or not
- 19           hearing.
- 20   SIR MICHAEL WRIGHT:  Or not hearing, yes.
- 21   MR GIBBS:  Do you remember anyone, for instance Trojan 84,
- 22           having a problem with the communications?
- 23   A.  No, sir.
- 24   Q.  We can see that it's confirmed when Trojan Bravo, would
- 25           that be one of the firearms cars?

- 1 A. Yes, it would be, sir.
- 2 Q. Asked permission?
- 3 A. Yes, sir.
- 4 Q. That would mean that he was actually speaking on to the  
5 surveillance radio?
- 6 A. If you are asking for permission, it means because  
7 an active follow is going on, and somebody else who is  
8 not a surveillance officer wants to talk, you ask for  
9 permission to talk on the radio before you just butt in,  
10 because there may be something important being said.
- 11 Q. Thank you. Finally this, just to make sure I have  
12 understood it: here are three simple words, all of which  
13 might describe levels of identification, and they are  
14 "possible", "probable", and "positive". If they are  
15 being used about a man who is suspected of being the  
16 person who tried to murder a lot of people the day  
17 before, without warning, would any of those three levels  
18 of identification require in your view an armed stop to  
19 take place?
- 20 A. Yes, sir.
- 21 SIR MICHAEL WRIGHT: Which of the three?
- 22 A. It would have only be if it was clearly a negative. If  
23 there was any threat or risk --
- 24 SIR MICHAEL WRIGHT: Let us try again. Mr Gibbs has given  
25 you three, possible, probable and positive. In the

- 1 context of what we are talking about --
- 2 A. If that then, although the decision is the DSO's, to me  
3 if I was making that decision, then they would all  
4 require an armed stop.
- 5 MR GIBBS: Sir, that was what I meant by the question.  
6 I think we have spent a certain amount of time, you see,  
7 examining possible and probable and positive, but unless  
8 I have misunderstood it, would I be right in thinking  
9 that even if everyone only thought it was a possible,  
10 but a possible mass murderer, then it would have to be  
11 an armed intervention to approach him?
- 12 A. It would depend on the information that you had and the  
13 background, but in short, yes, sir, if you felt that  
14 there was a threat from that person, then an appropriate  
15 response would be a firearms response.
- 16 SIR MICHAEL WRIGHT: An armed stop means an SFO stop, CO19  
17 stop?
- 18 A. CO19 or whatever resources are there, sir, but an armed  
19 stop.
- 20 MR GIBBS: Now, Ivor was in the concourse, as we have heard  
21 and he was, we may hear, offering or asking whether the  
22 control room would like him to attempt to intervene.  
23 Your view was against that?
- 24 A. Yes, sir.
- 25 Q. Because?

1 A. Because of the threat and risk that existed at that  
2 time.

3 Q. But the offer?

4 A. It was a very brave one, sir, but ... it's an offer  
5 that's considered and only the DSO can make the decision  
6 as to which resource they want to use. I'll offer  
7 advice on it based on what I know about their training,  
8 what I know about the circumstances, and the threat.

9 Q. But there is a word for the offer, isn't there, and it's  
10 the word you have just used?

11 A. Brave.

12 MR GIBBS: Thank you.

13 SIR MICHAEL WRIGHT: Thank you, Mr Gibbs.

14 Well, that will, I think, do for today. I am afraid  
15 you will have to come back tomorrow.

16 A. Thank you, sir.

17 SIR MICHAEL WRIGHT: I have a question which I am not going  
18 to put. I will explain why, because it asks for this  
19 witness's opinion about another person's state of mind  
20 and he can't do that, but I will leave it out for any  
21 counsel who wish to see it. Can't very well ask for  
22 what Trojan 84 thought.

23 Can I ask you to be back reasonably bright eyed and  
24 bushy tailed at 9.30 tomorrow morning and we will go on  
25 then. Thank you all very much.



1 (5.10 pm)  
2 (The court adjourned until 9.30 am on  
3 Wednesday, 15 October 2008)  
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