

Friday, 26 September 2008

1

2 (10.00 am)

3

(In the presence of the jury)

4

DEPUTY ASSISTANT COMMISSIONER JOHN McDOWALL (continued)

5

Questions from THE CORONER

6

SIR MICHAEL WRIGHT: Before you start, Mr Perry, I have

7

a couple of questions that the jury would like answered,

8

when Mr McDowall comes up.

9

Good morning, Mr McDowall.

10

A. Good morning, sir.

11

SIR MICHAEL WRIGHT: I think this first question you may not

12

know the answer to, but it will become clear as the

13

evidence develops. Frank was the person keeping watch

14

from the van outside Scotia Road; was he on his own in

15

the van?

16

A. I believe he was, yes, sir.

17

SIR MICHAEL WRIGHT: Did he have a back-up? In other words,

18

a deputy, or would he be -- go on.

19

A. No, he didn't, but it -- if obviously he felt he was

20

going to be away from his position for any length of

21

time, the option may have existed to replace him with

22

another member of the surveillance team, although

23

clearly that carries some risk in itself in terms of the

24

activity around the van.

25

SIR MICHAEL WRIGHT: People moving about in the road, yes.

1 A. They may draw attention to themselves, yes, sir.

2 SIR MICHAEL WRIGHT: The second question you may be able to
3 deal with: you were focusing on a block of flats which
4 included number 21 at Scotia Road.

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: Were you able to take any steps to
7 verify -- I suspect I know what the answer is -- who was
8 living in each flat?

9 A. The intelligence unit here would have been looking to
10 research who was shown as living on the voters'
11 register.

12 SIR MICHAEL WRIGHT: The voters' register would be the only
13 source you had, would it?

14 A. I would imagine it would be, yes. I can't think of
15 anything at the moment that might have assisted in other
16 regards, but that would have been the obvious one, sir.

17 SIR MICHAEL WRIGHT: Whether of course anybody like Mr Osman
18 would have been registered on the voters' register is
19 another matter.

20 A. Well, that's entirely true, yes sir.

21 SIR MICHAEL WRIGHT: Thank you, Mr Perry.

22 Questions from MR PERRY

23 MR PERRY: Thank you, sir.

24 Mr McDowall, counsel are supposed to introduce
25 themselves before they ask questions, but you and

1 I don't need to be introduced, because I represent you.
2 For the benefit of others, I am David Perry, I represent
3 you as well as others as interested parties in these
4 proceedings.

5 The first thing I am going to do, Mr McDowall, if
6 I may, please, through you, is ask you about certain
7 entries in your red book, and we saw some of the pages
8 yesterday which have been put into the jury bundle at
9 divider 38. I am going to ask the ladies and gentlemen
10 not to turn it up, because to make it easier, I am going
11 to produce the relevant pages as a single document, and
12 I'm going to ask if they could be handed out, please.

13 It may just be easier to follow. Thank you. (Handed).

14 SIR MICHAEL WRIGHT: Are these simply reprints of the three
15 pages that have gone in or is it the whole of the red
16 book?

17 MR PERRY: It's the relevant part of the red book, sir, and
18 it includes the two pages that have gone in, but the
19 purpose of the exercise is to put those two pages in
20 context and show what Mr McDowall was doing during the
21 course of the morning.

22 SIR MICHAEL WRIGHT: Do you want the jury to insert this
23 into the jury bundle?

24 MR PERRY: Sir, yes.

25 SIR MICHAEL WRIGHT: Under the same divider?

1 MR PERRY: The same divider, 38, but what I will ask at the
2 moment, ladies and gentlemen, is to make it easier, if
3 you just keep it handy, because we may be looking at
4 other things in the jury bundle and it will be easier
5 rather than keeping a finger in one page.

6 Also, just so you know, if you want to mark it at
7 all as we go through to assist your recollection, feel
8 free to mark it because it's your copy.

9 Mr McDowall, by way of introduction, just before we
10 turn to that, may we just remind everyone of your
11 position at the time and your particular
12 responsibilities? We know you were a commander in the
13 Anti-Terrorist Branch, that's S013, but you also held
14 the post of deputy to the national co-ordinator of
15 terrorist investigations?

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

17 Q. The national co-ordinator, that was Deputy Assistant
18 Commissioner Peter Clarke?

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

20 Q. And you are now the Deputy Assistant Commissioner, and
21 you now hold the post of national co-ordinator of
22 terrorist investigations?

23 A. That is correct, sir, yes.

24 Q. May we just explore that a moment, Mr McDowall, just to
25 explain it, so it comes to life just a little bit.

1 There is no formal national police force for England and
2 Wales, police forces are organised on a regional basis
3 and each police force has operational independence?

4 A. That's correct, yes.

5 Q. The Metropolitan Police is principally responsible for
6 policing the 32 boroughs that make up the Greater London
7 area, but, so far as terrorist investigations are
8 concerned, there is a dedicated anti-terrorist squad in
9 the Metropolitan Police, but not in other police forces?

10 A. It's currently the case that there are three other
11 dedicated units, one in Leeds, one in Manchester, and
12 one in Birmingham, but in 2005, there was no such other
13 unit. The sole responsibility rested with the
14 Anti-Terrorist Branch at New Scotland Yard.

15 Q. That explains, and the Anti-Terrorist Branch would go to
16 other parts of England and Wales, Scotland of course
17 being a separate jurisdiction, the Anti-Terrorist Branch
18 would go to other areas of England and Wales to lend
19 their expertise and assistance, and that explains what
20 you were doing up in West Yorkshire overseeing the
21 investigation into the bombings on 7 July?

22 A. That is correct, yes, sir.

23 Q. Just before we turn to the extracts from your red book,
24 as it's called, do you have the original with you,
25 Mr McDowall?

- 1 A. Yes, I have.
- 2 Q. Could someone just hold it up so we can see the pages
3 from which this has come? That's your red book, and
4 just to give us an idea, that's a book you have in which
5 you can make notes when you are in meetings or for the
6 purposes of jogging your memory, preparing an aide
7 memoire, things of that nature?
- 8 A. That's correct, sir, yes.
- 9 Q. We have now seen where these notes come from, and we
10 have typed copies and I am just going to turn to the
11 typed copies if I may, please, and I think you have
12 a typed copy of the same document from which we are
13 working?
- 14 A. Yes.
- 15 Q. If we could just look at this, the first page is the
16 bottom right-hand corner we have 1848, and taking it
17 from the top, we have Theseus (round II), because
18 Theseus was the original 7 July investigation, and this
19 is round II because of the events that had taken place
20 on 21 July?
- 21 A. Yes, sir, that's right, it indicates that even at that
22 early time, it was or it appeared likely that this was
23 either connected or a copycat of the attack on the 7th.
- 24 Q. Just so we know, if people want to mark this, they
25 should feel free to do so, we are talking here on this

1 first page, this is 21 July, and these first entries
2 were made during the afternoon of the 21 July following
3 your return from West Yorkshire to New Scotland Yard?

4 A. That's correct, yes.

5 Q. And we see there the details of each of the attempted
6 suicide bombings, 12.36, that's the time at the Oval,
7 some details about the explosion, Warren Street, the
8 tube station, Shepherd's Bush, the tube station, again
9 details, and then Hackney Road, which was the attempted
10 detonation on the bus?

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

12 Q. And the times of those, Warren Street was 12.49, that's
13 not in your note, but if anyone wants to make a note,
14 Shepherd's Bush 12.43 and Hackney Road 13.11.

15 Again if people want to make a note, Osman was
16 subsequently or was linked to the Shepherd's Bush
17 attempted detonation, so that was --

18 A. That's correct.

19 Q. -- his link. We see various details there. Then just
20 following it down the page, we see a reference to
21 "Keith Pearce", he was a police officer who was
22 co-ordinating the scene. Then DI, that's Detective
23 Inspector, each scene. Going across the page, question,
24 Oval, CBRN, that's what you told us about yesterday,
25 that's chemical, biological, radiological or nuclear?

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

2 Q. Because of the suspicious readings that you had had at
3 the Oval. Then there is a reference to the hospital,
4 that's the University College Hospital, there had been
5 a report that someone had entered the hospital in
6 suspicious circumstances and it was thought that it
7 might have been one of the bombers?

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

9 Q. Or attempted bombers.

10 SIR MICHAEL WRIGHT: Mr Perry, could I ask Mr McDowall this:
11 the question marks that appear, they reflect actual
12 question marks in your notebook, do they?

13 A. Yes, they do, sir.

14 SIR MICHAEL WRIGHT: Or is it that the transcriber can't
15 read your writing?

16 A. No, no, I hope very much that we have managed to resolve
17 that issue. These are question marks that I have noted
18 because it's a doubt. So for example --

19 SIR MICHAEL WRIGHT: I understand, that's your actual
20 notation, a question mark in the book?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: Thank you.

23 MR PERRY: Mr McDowall, just while we are on that, we have
24 typed these for the purposes of these proceedings, but
25 of course in your book it's your manuscript, but with

1 all due respect to you, Mr McDowall, I did not want to
2 plough through your manuscript and it's easier for us to
3 follow.

4 A. Yes.

5 Q. Just following it down, I will not take it in
6 unnecessary detail, but we have CCTV Theseus 2, and just
7 above the "CCTV" there is a dash just across the page,
8 that's divided the upper section of the page from the
9 lower section, so it looks as though this is something
10 that's going on slightly later than the earlier entries,
11 and we have Theseus 2 as the heading, and then fifth
12 floor briefing room, 6 pm.

13 This is a reference to the meeting that's going to
14 take place later, it's not actually an entry made at
15 6 pm, I think?

16 A. That's correct, yes.

17 Q. Because the 6 pm meeting, just to remind everyone, that
18 was the briefing that you gave at New Scotland Yard to
19 the 100 detectives, they were assembled, you gave
20 a briefing in relation to the events and they were to be
21 used in the investigation.

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

23 Q. Then there is a reference to witnesses, because
24 obviously one of the anxieties is to obtain as much
25 information as possible from witnesses. There is

1 a reference to intel cell. Is that intelligence cell?

2 A. Yes, it is, sir.

3 Q. And is this about establishing an intelligence cell to
4 obtain as much information as possible?

5 A. Yes, that's correct, it would have been in connection
6 with that, and the name to the right would have been
7 an individual identified to perform a role within it.

8 Q. Then we have Greg at Paddington. Do you know what that
9 is a reference to?

10 A. Yes, I believe that is DCI Purser, Greg Purser, who was
11 despatched to Paddington. Paddington Green is the
12 police station where terrorist suspects are customarily
13 taken, and as I think I have already mentioned it takes
14 some setting up and some management from a practised
15 point of view, so that was the purpose of him going
16 there.

17 Q. We have expos and exhibit. Expos, is that explosives?

18 A. That's the explosives officers, sir.

19 Q. So you are seeking expert officers who have an expertise
20 in explosives and you are talking about exhibits because
21 clearly there are going to be lots of exhibits coming
22 into the investigation.

23 Then there is the urgent CCTV -- S013, that's S013
24 obtaining CCTV footage to further the investigation so
25 far as they are able to?

- 1 A. That's correct, and in this case obviously that is
2 prioritised CCTV, that which obviously we feel may be
3 more valuable than other CCTV capture. Part of the
4 reason for the briefing at 6 o'clock with the 100
5 officers from the specialist crime directorate was for
6 me to not only just explain where we were and what was
7 going on, but also to personally try and convey the
8 importance of the task that was being allocated to them,
9 just in case they felt there was some mundane nature to
10 it and that obviously was far from the case.
- 11 Q. Yes. Thank you for that. Then just at the bottom of
12 that page, we have "pris team, arrow, UCH", that's
13 University College Hospital. Is that another reference
14 to the suspect or the person who was believed to be
15 a suspect who was at University College Hospital?
- 16 A. Yes, it is that's a contingency for the event that the
17 search for the suspect at UCH was successful we would
18 need to then process that prisoner in our customary way.
- 19 Q. And University College Hospital of course, people
20 probably know this, but that's very close to
21 Warren Street?
- 22 A. Yes, it is.
- 23 Q. Just going over the page, 1849. This is still 21 July,
24 if anyone wants to make a note on it, I'll indicate when
25 we go into the 22nd. We have at the top of the page

1 "expo update". May I just ask you, to the right of
2 that, there is a mark, a sort of tick. What does that
3 signify, Mr McDowall?

4 A. Could I just refer to my original? I have the typed --

5 Q. Yes, of course.

6 A. (Pause). I think that that will refer to me sort of
7 making a mental note or ticking off, if you like, things
8 that I have sort of been pondering about. I think it's
9 no more than that.

10 Q. Yes, we will see as we go through this, in the original
11 there are ticks against various entries, and you say
12 that's because you have been pondering matters, and we
13 see here from the update in relation to the explosives,
14 there are further details from Shepherd's Bush, also
15 from Hackney, and we need not go into it in detail, but
16 we have the type of materials involved, the fact that
17 they were viable devices, just looking down this entry,
18 the batteries, the booster charges, HMTD and TATP, they
19 are the references to the chemicals about which you told
20 us yesterday.

21 A. Yes.

22 Q. Then there is the reference to the car at Luton railway
23 station, a flare, First Sport black rucksack.

24 Shepherd's Bush, 12.43, that's the time of the bombing
25 making it's entry there. Just going across the page,

1 CAD 4504, just so everyone knows, just explain the CAD
2 reference, please, Mr McDowall?

3 A. That is a unique identifying number, each 999 call or
4 entry on to the Computer Aided Despatch system, which is
5 what CAD stands for, has a unique identifying number,
6 and that is a reference to that specific unique entry.
7 I would imagine it relates to the Shepherd's Bush scene.

8 Q. So we can note if we want to CAD, Computer Aided
9 Despatch, and that's just giving the message, in effect,
10 an unique reference number so that it's logged on to
11 a computer system.

12 Then we have further details as we go down the
13 page --

14 A. Sorry, Mr Perry, could I just amplify that answer? Once
15 that entry has been made, it then generally becomes the
16 running incident log on the system as well. So all the
17 activity relating to that scene would be probably
18 encapsulated under that CAD entry number. If I could
19 just that looking at these ticks, I think that what
20 those ticks signify is that I have ticked off things
21 that I think bear a similarity to the previous attack
22 a fortnight earlier. So the presence of a rucksack,
23 water bottles, and a yellow brown sludge, et cetera,
24 those are things that I have ticked because I am almost
25 mentally saying to myself, "This looks similar, looks

1 remarkably like something we have seen before".

2 Q. Yes. Just while we are on that, Mr McDowall, because
3 the purpose of what I am trying to do is to give a feel
4 for what is going on and what you are involved in, just
5 so we can get some idea of that. Just so people
6 understand, when you are involved in an operation like
7 this, you have to bear in mind that you might eventually
8 be involved in bringing a criminal prosecution against
9 the perpetrators or alleged perpetrators of serious
10 criminal offences. And it's necessary to ensure that
11 from the very outset, all the documentation and all the
12 materials coming into the investigation room are
13 properly documented so that everyone knows their
14 original source, so that when you get to court, no-one
15 can say: "Well, where did this come from?" and you are
16 not in a position to prove it?

17 A. That's correct, we have to find everything and obviously
18 that's a hugely important thing for us to do, we
19 certainly don't want others to find it or allege that we
20 missed things later. We don't know at that time the
21 relevance of much that we are finding or looking at but
22 we have to assume that it may have a later relevance.
23 It's customarily the case in an anti-terrorist
24 investigation that vast volumes of material are
25 acquired, because it's simply impossible at that time to

1 make an assessment or a judgment about what might be
2 relevant or useful to a prosecution or to further the
3 understanding of what's happened later on down the line.

4 But everything that is then found, as you say,
5 requires to be evidenced in the sense that we need to
6 catalogue it, a person has to be identified who has
7 found it, and there has to be a chain of continuity for
8 that evidence so that later on the integrity of those
9 exhibits is not challenged in a court.

10 Q. Yes. Then we go over the page, if we may, please, we
11 have just got details there, more details of the
12 bombing. Then going over the page to page 1850 using
13 the page numbers in the bottom right-hand corner, this
14 is still 21 July, we have the Oval, the time, and then
15 the Computer Aided Despatch number. So far as the Oval
16 is concerned, exactly the same as Shepherd's Bush. Then
17 Warren Street, the time again of the incident, Computer
18 Aided Despatch, the details were the same. That's where
19 you have established that there is a pattern between
20 these four attacks and also a pattern linking back into
21 the 7 July attacks?

22 A. Yes, and the significance of the word "pepper" with
23 a question mark, clearly at the outset of any of these
24 sorts of incidents, there is a degree of confusion and
25 a huge requirement to try to create some order out of

1 chaos. Someone has clearly mentioned the presence of
2 pepper or a piperine substance, and my recollection is
3 that that would have a resonance with the devices that
4 were constructed for the 7 July.

5 So again, it's a possibility, no more than that,
6 potentially very significant, but again one of a number
7 of possibilities, as you have already mentioned, the
8 chemical biological threat which of course is everyone's
9 worst nightmare has emerged at some point here as well.

10 Q. Then failed, is that suicide bomber at Oval?

11 A. Yes, that's correct.

12 Q. Dash, good witness. Was there a witness in relation to
13 the incident at the Oval?

14 A. There was, as I believe an off-duty fire officer who has
15 since been decorated for gallantry, who confronted the
16 bomber at the Oval and tried to talk him out from
17 attempting to re-detonate, or a second attempt at
18 detonating his device. He was in the same carriage, and
19 while he was doing this, he also managed to evacuate
20 that carriage, taking other people to safety.

21 Q. I am going to deal with that, because it has a certain
22 relevance, when we come to the 6.50 am meeting on the
23 morning of the 22 July, because I think by that time,
24 and I'll deal with it in a little more detail later, but
25 you were later to obtain the CCTV, the closed-circuit

1 television footage from the Oval, and I think there was
2 also some from Stockwell underground station as well by
3 the time of the 6.50 am meeting?

4 A. That's correct. And the Oval footage in particular
5 shows quite clearly a partial detonation.

6 Q. Yes. If we may, please, Mr McDowall, just moving on to
7 page 1851, and again this is the 21 July, and here we
8 have a note at the top of the page: "6.15 pm meeting,
9 21 July", and we have the reference to "scene", so this
10 is after you have addressed the 100 detectives, and then
11 there is a meeting where there is a discussion about the
12 scenes, and I needn't deal with that in any detail.

13 Then we drop down the page to the bulk of material,
14 question mark, "explo", I just want to deal with entries
15 halfway down the page, because we have "sterile" -- is
16 that "vehicles"?

17 A. Yes, it is, yes.

18 Q. So you need sterile vehicles in case you are arresting
19 people to put them into sterile vehicles because you
20 might want to carry out a scientific test to see whether
21 they have explosives residue on them. You have sterile
22 cells, again for the purposes of conducting scientific
23 tests to make sure there is no contamination. Then DP
24 and Belgravia on standby. Could you explain the
25 reference to DP?

- 1 A. Yes, DP is the appellation given to Paddington Green
2 police station.
- 3 Q. Because police stations for the purposes of police
4 communications, they are usually given letters, so
5 police officers can just say "let us go to DP" and what
6 they really mean is Paddington Green?
- 7 A. Absolutely, and also it's used as an identifier, so
8 a police officer, if they serve at Paddington Green
9 police station, will have "DP" and a number on their
10 shoulder.
- 11 Q. So Paddington Green and Belgravia are on standby.
12 Belgravia is another police station another Victoria.
- 13 I just want to ask you about the next two entries,
14 if I may, please. There is a reference to ops room, and
15 then there is surveillance and SO19. Just dealing with
16 ops room first of all, is this you in effect making the
17 decision as to the operations room which, as we know,
18 was to be on the 16th floor at New Scotland Yard?
- 19 A. I think that this represents a checklist of all the
20 things that need to be done. It would either be that
21 I have identified it then or it's something that we need
22 to get on and do fairly urgently. I think these are the
23 sort of early urgent things that we are now trying to do
24 at around sort of 6.30 in the evening.
- 25 Q. Just on that, you have already told us, and I am not

1 going to go back into it, but just to put my questions
2 in context, you have told us that there were two other
3 possible locations, the GT suite, you couldn't recall
4 what GT stood for, and Central 3000. But you had
5 decided that the operations room on the 16th floor was
6 the most appropriate venue for this particular
7 operation.

8 May I just ask you about another room at New
9 Scotland Yard, and we are going to be hearing some
10 evidence about this, but just so we have it in mind at
11 this early stage, was there also what was known as a D19
12 pod on the second floor of New Scotland Yard?

13 A. Yes, there was. I am not sure if it's D19 or D9 but in
14 any event that pod existed in the information room on
15 the second floor, the information room is where all 999
16 calls are received, and where there is a degree of
17 control for London from the policing sense, from the
18 uniform branch, and that pod is, as one might suppose
19 from the word, literally a sort of a desk or a set of
20 desks which allows for some immediate control in the
21 event of a Kratos People operation or something like
22 that. But a very small facility, and clearly of no use
23 really for running the sort of operation that we would
24 be confronted by.

25 Q. Yes, and just to give some relevance to this so we can

1 understand why we need to know these things, that was
2 where -- we are going to hear evidence from
3 a Commander Carter?

4 A. Yes.

5 Q. And just so we know, that's where Commander Carter was
6 located, in this pod on the second floor, and he worked
7 there on this particular day as the spontaneous Kratos
8 on-call DSO or designated senior officer?

9 A. That's correct, yes.

10 Q. May I just ask you about the other matter, surveillance
11 and SO19, and just before I do, Mr McDowall, for
12 everyone's information, certain parts of this document
13 have just been edited or redacted or blanked out, that's
14 because there are certain irrelevant matters on this
15 which are significant matters so far as the public
16 interest is concerned, and it's not necessary to see
17 them, for us to go into them. Where we see blanks,
18 that's the explanation for that.

19 A. That's correct, yes.

20 Q. May I just ask you, you have here surveillance and SO19,
21 and Mr Hilliard was asking you questions about this on
22 Wednesday, now, I think. Surveillance and SO19, what
23 was being discussed at this point about surveillance and
24 SO19?

25 A. At this point, the discussion was whether we yet knew

1 what type of policing operation we would be running,
2 whether it is a reactive and possibly overt operation,
3 whether it is potentially a covert and proactive
4 operation, but it would have been an early discussion
5 about the specialist units within the police service
6 that we might expect to be calling upon.

7 Q. Just so we are clear about it, is this at this stage
8 a deployment, or is it an inquiry as to what is
9 available?

10 A. It isn't a deployment because at this stage there wasn't
11 anything to deploy to, the scenes were under our control
12 and were being forensically and minutely analysed, but
13 neither of those units would have been required for that
14 activity.

15 Q. Just going down very quickly, we have -- tell us what
16 BIU is?

17 A. It's the branch intelligence unit.

18 Q. Then we have the reinvigoration of the hotline, S012 to
19 DP Paddington Green, ports and embarkation points are
20 being looked at, then there is reference to a cordon at
21 Warren Street, that I think was related to the
22 University College Hospital incident, and also
23 Downing Street, and then you have notes of teams, the
24 number of detectives and detective sergeants and
25 a reference to video grab and witness centres.

1 If we go over the page to 1852, again this is still
2 21 July, resources ops room, quick scenes.

3 I need not go into that, Mr McDowall, I am going to
4 go on to 1853, again we are still on 21 July. We have
5 got S013, McFarlane Road. I just want to ask you to
6 check the original of this, Mr McDowall, because
7 although we have tried to do our best to be accurate, it
8 may in fact be 50B McFarlane Road, I just want you to
9 confirm. The significance of this, did one of the
10 bombers, making his way off from the Shepherd's Bush
11 scene, actually run through someone's house in
12 McFarlane Road and a caller coming to the police to say
13 that someone had been seen running through the premises
14 and that was the purpose of this entry?

15 A. I do apologise, it is 50B McFarlane Road, it is
16 an address that I have noted looking at the original.

17 Q. So we can change that on our copies, just to correct it.

18 We have there FS/FH. Are they other police station
19 designations?

20 A. Yes, it's Shepherd's Bush and Hammersmith.

21 Q. So they are the local stations that are effectively
22 being told "you had better investigate this"?

23 A. Yes, they are local to McFarlane Road.

24 Q. Another reference to University College Hospital, then
25 in the middle of the page, "'Ultimately' weapons, TIPU

1 two weeks time". Could you explain that for us, please,
2 very briefly?

3 A. Yes, at that time it was an ongoing Anti-Terrorist
4 Branch investigation concerning an individual who was
5 attempting to buy a very considerable amount of very
6 heavy weaponry, including surface to air missiles, and
7 obviously since that was a major source of concern, it
8 was an operation that we were also trying to manage at
9 the time. This has obviously either been mentioned or
10 it has come to my mind and again it's a sort of mental
11 check note to consider whether anything we have seen has
12 any kind of linkage to this operation and this
13 individual. This individual is currently serving a term
14 of imprisonment.

15 Q. Because your position as deputy national co-ordinator,
16 and you have already told us that Deputy Assistant
17 Commissioner Clarke had actually gone on leave on this
18 date, so you had stepped into his shoes as the national
19 co-ordinator, you are seeing this at a very high level,
20 trying to see whether there are links to other terrorist
21 operations that are being conducted in England and
22 Wales, and also trying to co-ordinate the investigation
23 into these particular attempted explosions?

24 A. That's correct, there was at the time a fair amount
25 going on, which is, I think, borne out by the fact that

1 after July, August/September time, there were three
2 highly significant operations conducted which resulted
3 in arrests, and this one ultimately concerning this
4 individual known as TIPU was one of those three that was
5 concluded at that time, but it was on the boil and there
6 were a number of other threats out on the horizon, and
7 a number of other operations we were trying to manage as
8 well.

9 Q. So if we just go over the page, because I just want to
10 deal with something on page 1854, because you have been
11 asked questions, Mr McDowall, about the position that
12 confronted you in your role as, in effect, the senior
13 officer for anti-terrorist organisations, the dilemma
14 that you had as to whether to go public, or whether to
15 meant a covert operation.

16 Do we see on page 1854 the advantages and
17 disadvantages which are being set out of an overt appeal
18 to the media as opposed to a covert operation?

19 A. Yes, that's correct.

20 Q. I do not want to go into it in any detail, but --
21 because we can see what's on this page -- I am bound to
22 say, Mr McDowall, I don't really understand your pluses
23 and minuses, we can see plus and minuses, because it
24 seems to me that the minuses might actually be the
25 advantages rather than the disadvantages.

1 A. You are absolutely right. As I have said, there was
2 a lot going on. But they are an attempt at listing some
3 of those pluses and minuses. But you are absolutely
4 right, sir.

5 Q. I thought perhaps you might have your own system.

6 A. No.

7 Q. We can see, can't we, under the minus sign, which I hope
8 are advantages, "Public safety, public reassurance,
9 quick ID, 1 to 4", I think that should be ID rather than
10 IS "bomb factories, identify bomb factories, and
11 witnesses."

12 Then we have the disadvantages, erroneous
13 identification, that's members of the public calling in
14 saying "I know this person", the fact that the bombers
15 might flee, evidence might be destroyed, evidence
16 destruction, hoaxes, resilience, that's whether you have
17 the resources to cope with all the information coming in
18 creating public fear, and then there is the community
19 backlash. You have "not public", and I will not go
20 through those.

21 What's going on here, Mr McDowall, so we understand
22 it, this is in effect a balancing exercise, trying to
23 resolve what is the best way to proceed with this
24 investigation?

25 A. That's correct. To any decision like this there are

1 clearly advantages and disadvantages, and you have to
2 come to a decision at the end of the day having tried to
3 take into account everything you can. And I recall this
4 process taking some considerable time and involving
5 quite a lot of discussion.

6 Q. I just want to ask you, because we know that originally
7 it was thought that there would be an appeal to the
8 media, and you had to catch the print run of the
9 newspapers by 4.30 am. We know that in fact what
10 happened with the developing intelligence was that there
11 was a covert operation. I just want to ask you about
12 the advantages of a covert operation, if I may, just
13 using this page, where you have enumerated or identified
14 certain advantages and disadvantages.

15 Are the advantages of a covert operation first of
16 all you are seeking to minimise alarm to the public?

17 A. Yes.

18 Q. Secondly, you are seeking to maximise the flow of your
19 own intelligence and use it in a focused manner?

20 A. Yes, that's correct.

21 Q. Also a covert operation carries less of a risk of
22 precipitating a further attack?

23 A. Yes, that was believed to be the case, yes.

24 Q. And a covert operation provides the best opportunity to
25 arrest in what is hoped to be safe circumstances?

- 1 A. Yes, that's correct.
- 2 Q. And that's because you hope that you won't alert the
3 suspects?
- 4 A. That's correct, yes.
- 5 Q. Now, when you have a covert operation, I am going to ask
6 you about this in a moment, just to foreshadow where we
7 are going with this, if a covert operation is
8 compromised, in other words if a covert operation
9 becomes known to the public, what sort of risk does that
10 create to the success of the operation and public
11 safety?
- 12 A. It creates a very, very substantial risk, because things
13 very rapidly spin out of our control, and typically in
14 this day and age, and certainly in 2005, as I think we
15 all saw, the insatiable appetite of the media channels
16 and their rapid deployment, their response to scenes,
17 I think they monitor quite carefully the police
18 frequencies that they can. There are all sorts of
19 potential public safety issues involved in that kind of
20 loss of control, and our then operational tactics and
21 what we can try and achieve usually becomes
22 significantly diminished.
- 23 Q. I'll come on in due course to ask some specific
24 questions about the Scotia Road premises and the
25 particular challenges that that address presented in

1 a moment, if I may. Just going on through this, on
2 page 1854, there is nothing more I need to ask you about
3 in any detail, we just see various other matters that
4 you are noting.

5 Then going on to page 1855, again for the purposes
6 of the note, this is 21 July, and we have 10 pm, and in
7 the top right-hand corner "Alan Brown". Was that
8 Assistant Commissioner Brown?

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

10 Q. Just so everyone knows, and we can put the structure in
11 place, Assistant Commissioner Brown, he was known as
12 London Gold?

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

14 Q. So what Assistant Commissioner Brown is concerned with
15 is he is at yet another level overseeing London, and he
16 has communication links with the Government and also
17 Transport for London, the London Ambulance Service, so
18 he is co-ordinating the information that gets circulated
19 to Government and other emergency services?

20 A. That's correct, and he would have had responsibility for
21 the deployment of uniformed officers.

22 Q. So there are discussions with Mr Brown at 10 pm, then
23 there are various other notes that you made. May I just
24 ask you just about one of them, please, in the middle
25 the page, S019 resilience, I hope everyone can see that

1 in the middle of the page?

2 A. Yes.

3 Q. May I just ask you this: this word resilience, what are
4 you intending to convey by that?

5 A. At this point we are thinking about two things,
6 essentially, the numbers of specialist officers who are
7 firearms trained who may be available to us,
8 specifically also because of the holiday period that we
9 were in at the time; and also the resilience of the
10 officers themselves who had been working very long
11 hours, and obviously that carries risks in their
12 deployment with it.

13 Q. Were there SO19 forces outside the Metropolitan Police
14 area? Did other police forces have specialist firearms
15 teams?

16 A. There are specialist firearms teams in most forces, but
17 they are not trained to the same standard generally.
18 They are also fairly small entities, and their primary
19 responsibility is to respond to whatever armed
20 criminality is occurring in the force area that they are
21 in.

22 Q. Thank you very much for that, Mr McDowall. Then we have
23 Operation Newton. Was that another terrorist
24 investigation that was going on at the time?

25 A. No, it's another protocol, it concerns another type of

1 terrorist attack and that's a sort of aide memoire to
2 me, I suppose, a note of mine that perhaps we need to
3 think about this and how well we are positioned to
4 respond to that type of attack, should it occur.

5 Q. Then we have the entry which I just want to ask you
6 about, please, "Separate Kratos commander for SO12, DSO
7 role". This is the designated senior officer role.

8 A. Yes.

9 Q. The thinking was that there would be a role for
10 a designated senior officer in this investigation?

11 A. Yes, at that point clearly we were already thinking that
12 this might be a requirement and it might be
13 an appropriate thing to arrange.

14 Q. You told us yesterday or the day before, Mr McDowall,
15 you personally were not responsible for appointing
16 Cressida Dick, then Commander Cressida Dick, so the same
17 rank as you so far as the police service is concerned,
18 but when you learned that she was appointed you said
19 that you were very pleased.

20 May I just ask you this: did she have experience as
21 a designated senior officer?

22 A. She had experience as a designated senior officer.

23 I think she had undergone some significant involvement
24 in training and possibly even programme planning, but
25 also her background was from the Specialist Crime

1 Directorate at the time, so she had significant
2 experience of covert proactive operations, specifically
3 matters such as armed robbery and kidnap.

4 Q. And just finishing 1855, just for our curiosity so that
5 we can put it to one side, the bottom of the page:

6 "Police are seeking a man in connection with" this
7 was the type of formula you were thinking of using when
8 you went to the media. Then we have a reference to
9 "Metbats" will you please tell us what Metbats are so we
10 can put that out of the way?

11 A. Yes, I don't know who came up with that name, it's
12 an internal briefing system that is on the intranet for
13 the police service in London.

14 Q. The intranet, that's the internal police service
15 electronic message system?

16 A. Well, it's like the internet but internal, yes.

17 Q. Going over the page, 1856, again the 21 July, the time
18 on that page, there is 10 am but that was looking
19 forward to the 22nd as to the time at which a public
20 statement might be made following the appeal to the
21 media. So it's not the time of the entry.

22 Then 1857, I just want to deal with this, if I may,
23 because there may be some significant points here.
24 1857, we have now moved in to the 22 July, if anyone
25 wants to note this, and this is 4.20. Just to put this

1 in context, Mr McDowall, in case we need our memories
2 jogged, you had gone off duty at 2 am with a view to
3 coming back at 4 am to decide whether to continue with
4 the plan to make an appeal to the media, and you had
5 come back on duty at 4, about 4 o'clock, I think you had
6 stayed in a hotel close to Scotland Yard which is
7 customary when police officers are involved in working
8 long hours. You had come back from the hotel, and
9 I think your own loggist, Mr Forteath, a Detective
10 Inspector, he then left, or you said he should go and
11 get some rest and he left between 4 and 6. So between 4
12 and 6 you are making your own notes?

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

14 Q. This is 4.20, and we see various details about Osman at
15 the top of the page, and the reference to "fizzing
16 again" because I think it was feared that the bomb had
17 become unstable. Then there is a reference to Abdi
18 Samad Omar, if the ladies and gentlemen of the jury want
19 to make a note, he was not in fact a bomber but at this
20 point suspected to be one; is that right?

21 A. Yes.

22 Q. So Omar was a suspect in relation to the Warren Street
23 bombing but wasn't in fact a bomber. Then there is
24 a reference to Scotia Road, SW2, and the reference to
25 the training camp, which was Operation Ragstone, and you

1 were asked about this, about the training camp. This
2 was an allegation, that later led to a prosecution, that
3 it was a training camp for those intent on carrying out
4 terrorist operations?

5 A. That's correct, yes.

6 Q. The important point I want to ask you about,
7 Mr McDowall, is in the middle of the page, which is the
8 address Pownall Road, question mark, question mark.

9 May I just ask you about that?

10 A. Yes, that's an address obviously that's been mentioned
11 in the course of that 4.20 am update or briefing, but
12 the double question marks I think are -- or they signify
13 that either I am not sure I have heard it correctly, or
14 that we are not sure that that is how you spell it or,
15 you know, it's something like Pownall Road, I believe.

16 Q. That's what I was going to ask you about, because we
17 will see when Portnall Road first appears in this book,
18 but certainly at 4.20 there is no reference to the
19 Portnall Road address?

20 A. No, there is obviously a suggestion there is another
21 address, but there is a lack of clarity about how it's
22 spelt or how it's pronounced or whether it's actually
23 noted correctly.

24 Q. Yes.

25 A. Sorry, that's why the double question marks.

- 1 Q. Yes. We will see in a moment, and I will not take it
2 out of turn, that the first entry in your note of the
3 Portnall Road address appears at sometime after 5.15.
4 You remember Mr Hilliard was asking you questions the
5 other day and in our timeline we have it at 4.45 am as
6 that, as coming onstream at that time?
- 7 A. Yes.
- 8 Q. Sorry, 5.45. I do not want to mislead anyone. Does
9 that sound about right, 5.45 for the Portnall Road being
10 a firm address?
- 11 A. Yes, I think it's around that time, anyway, and
12 obviously firmed up as being Portnall Road, if indeed
13 this was the one and the same address.
- 14 Q. Yes. If we just go on to page 1858, Mr McDowall, just
15 looking at this, this is still 22 July, you have been
16 asked about the reference to the ripped up
17 correspondence in the bomb bag relating to Girma.
18 I just want to ask you, dropping down about a third of
19 the way down the page, after the reference to the blue
20 Golf motor car, and this person Girma, Girma just so we
21 are clear about that, he too -- it's a male -- was not
22 actually a bomber involved in this incident but he was
23 someone who it was alleged had given support to the
24 bombers?
- 25 A. That's correct.

1 Q. We see the address, again in the early hours, of flat
2 40, Blair House, which we saw when we all went on the
3 view on Tuesday of this week.

4 Then there is further details about Omar, not in
5 fact one of the bombers, and then details about
6 Operation Ragstone, the whitewater rafting.

7 Then we go down to the decision in relation to the
8 prisoners. Just so we can see, and the purpose of
9 dealing with this is to show the importance of a covert
10 operation, part of the plan was to show photographs to
11 people who were detained in Woodhill Prison, which is
12 a prison near Milton Keynes, which is a category A,
13 which means it houses some of the most serious
14 prisoners, Woodhill Prison up near Milton Keynes, you
15 are going to go in there and show some prisoners some
16 photographs to see whether they are willing to say "yes,
17 that is so-and-so"?

18 A. Yes.

19 Q. A decision was taken to do that at Woodhill. There is
20 also a reference to Belmarsh. That actually was carried
21 out at Woodhill. If we just drop down to, after the
22 Gold firearms strategy entry, we see 5.15 am, lockdown
23 Woodhill, result of photo showing. Was that then in
24 effect closing the prison to ensure that no-one could
25 pass on any information about the enquiries that were

1 being made?

2 A. Yes, that's correct, and it is a decision of some
3 importance really because it sounds easy, but actually
4 it isn't an easy thing to do, and in doing so one runs
5 the risk of creating significant disorder in the prison,
6 but it was felt that it was the appropriate thing to do,
7 given the importance of remaining covert.

8 Q. So that explains that. This, of course, is the time,
9 just before 5 am, that the decision is taken to go
10 covert, and to deviate from the original plan to go to
11 the media.

12 May I ask you about the entry that you have been
13 asked many times about now, and I hope to deal with it
14 crisply in this way: the Gold firearms strategy in
15 respect of premises, may I ask you this: strategy, when
16 we are talking about strategy and tactics, strategy is
17 really the plan and tactics is the implementation of the
18 plan?

19 A. Yes, the strategy is the plan, it's the objective that
20 you are trying to achieve, the aim of the whole
21 operation, and the tactics are, as you say, a means to
22 achieve it.

23 Q. I suppose in one sense, the plan here was to arrest
24 those who were believed to be responsible for the failed
25 attacks, and preserve public safety?

- 1 A. That's correct, yes, sir.
- 2 Q. We have: "In respect of premises" in the plural, and
3 that appears to make sense because you have "Silver to
4 be identified, each plot to liaise"?
- 5 A. Yes.
- 6 Q. Now, of course, if Portnall Road didn't come onstream or
7 wasn't firmed up as an address until 5.45, it would
8 follow that at this stage you have the Scotia Road
9 address, you certainly have Blair House mentioned on
10 this page, with the possibility of the other address,
11 Pownall Road, as you have recorded that, that you will
12 have to deal with in due course?
- 13 A. That's correct, yes.
- 14 Q. Then with control, challenge, stop, you have told us
15 about that, but just so we are clear about it, control
16 is not cordoning off the premises and preventing people
17 from leaving, it's having it under surveillance?
- 18 A. Yes, it's having it under surveillance and having the
19 opportunity to make decisions about what we then do.
- 20 Q. Then W stands for "with", with SO19 the Specialist
21 Firearms Officers, recce, reconnaissance, and that's
22 a driveby that's usually done when the firearms officers
23 arrive, but of course we know in this case that
24 Scotia Road was a cul-de-sac and it didn't lend itself
25 to a driveby reconnaissance?

- 1 A. That's correct, yes.
- 2 Q. May I just ask you, the very end of this, you have
3 a plus sign which I assume means a plus in these
4 circumstances, Mr McDowall, but you will tell us
5 "update, accord to developing int" is that update
6 according to developing intelligence?
- 7 A. Yes, it is and a plus is definitely a plus here, is
8 shorthand for "and".
- 9 Q. This is -- in effect the plan is put in place, but there
10 needs to be flexibility because of the developing
11 intelligence?
- 12 A. Yes.
- 13 Q. The "Consult Commander Carter" there, he's the person
14 that I mentioned earlier who's in the pod on the second
15 floor, who is the on duty DSO for spontaneous incidents?
- 16 A. That's correct.
- 17 Q. And of course the "update according to developing
18 intelligence", that is why you put in place a command
19 structure, because it is those involved in conducting
20 the operation who need the flexibility?
- 21 A. Yes, that's correct, sir, yes.
- 22 Q. To develop it according to the intelligence as it comes
23 in?
- 24 A. That's absolutely right, yes.
- 25 Q. Now, if we just go on, because I am just going to go on,

1 and the purpose of this exercise, Mr McDowall, is lest
2 it be suggested that you sat back and put your feet up
3 on your desk and didn't do anything for the rest of the
4 morning, shall we see what you were doing.

5 Let me ask you this: from the time that you came
6 back on after your two hours' rest at the local hotel,
7 for the rest of 22 July, was there a moment of
8 inactivity on your part?

9 A. No, there wasn't, sir, not a single moment.

10 Q. When did you finish duty on the 22nd?

11 A. I don't actually recall, sir. I do know that over
12 a period of a month I think I went home once for a few
13 hours and that was to sleep --

14 Q. Are you still happily married, Mr McDowall?

15 A. Just about, sir, although sadly I do not have my health
16 and I don't know whether that's anything to do with it.

17 Q. Let us see where we get to, Mr McDowall, because we have
18 5.15 am, tac advisers present. So these are the
19 specialist firearms advisers who have an expertise and
20 their specific role is to advise senior officers as to
21 the use of firearms and whether a particular operation
22 is feasible?

23 A. That's correct, and to provide tactical advice as things
24 unfold, as the intelligence is developed and as things
25 are altered to cater for that development.

1 Q. I just want to ask you this, because you have not
2 actually put the names of the people present at this
3 meeting, but you have said in evidence it might be
4 Andrew, who was one of the night duty tac advisers,
5 that's just short for tactical advisers. Can I ask you:
6 can you recall, there was also an individual called
7 Martin Rush who was present at New Scotland Yard that
8 night?

9 A. Yes, he was.

10 Q. Was he another tactical adviser?

11 A. Yes, he was.

12 Q. We know that there was also on duty Inspector ZAJ, as we
13 know him. You know the identity of Inspector ZAJ. He
14 was also on duty.

15 Could it have been Martin Rush who was present at
16 that meeting rather than Andrew?

17 A. Yes, it may have been, I simply haven't noted who it
18 was, and it is possible.

19 Q. You said in evidence that Chief Inspector Esposito, just
20 so everyone knows, that's Trojan 80, who was the adviser
21 to Cressida Dick, the tac adviser who was present with
22 her throughout the operation, you said that he might
23 have been present. We are going to hear evidence he
24 didn't in fact come on until 6 am that morning. So if
25 that's right, it looks as though it couldn't have been

1 him?

2 A. Yes, although I understand that he, although officially
3 coming on at 6 am, was here somewhat earlier than that.
4 But I don't know how much earlier.

5 Q. Thank you very much for that, Mr McDowall. Just so we
6 put this in context, there is the first reference to
7 Portnall Road, and this is sometime after 5.15 am,
8 because these notes don't necessarily relate to the tac
9 advisers' meeting; is that right?

10 A. No, they don't, no.

11 Q. If we just pause for a moment, because I'll just deal
12 with the reference to "Corfe House" on this page. That
13 appears as though, for reasons which will become clear,
14 that if we put a line above the Corfe House entry, that
15 that is the break in your red book between events before
16 the 6.40 and 6.50 meetings that took place that morning,
17 and I am just going to come on to those now.

18 For these purposes, if the ladies and gentlemen of
19 the jury would like to have the jury bundle available,
20 or the little bundle of documents that we have, it's
21 divider 1, page 2. Do you have that in front of you as
22 well, Mr McDowall?

23 A. Yes, sir.

24 Q. Thank you very much. If we just see where we are, this
25 is the timeline coming through the morning of the

1 22 July, it is of course subject to evidence being
2 given, but this is just to assist us. We see
3 approximately 5.45 "information relating to the second
4 possible address at 61A Portnall Road". 6.04 the red
5 surveillance team arrives at the Scotia Road area. 6.05
6 there is one of the surveillance Detective Inspectors
7 arrives and he is briefed by a detective sergeant. Then
8 we know that there is an entry that should go in really,
9 6.20, the finding of the car around Scotia Road. What
10 I am concentrating on, Commander McDowall, is the 6.40
11 and 6.50 meetings first of all for these purposes.

12 The 6.40 meeting, that is actually in your office,
13 as we see on the timeline, and that is with senior
14 officers from S013, that's anti-terrorist, and C019,
15 that's the firearms; and it includes Commanders Allison
16 and Carter, Andrew, the night duty tac adviser, Chief
17 Inspector Esposito, Trojan 80, the person who stood next
18 to Cressida Dick, and Detective Chief Inspector Scott,
19 that's Angela Scott, we have heard about here, Detective
20 Inspector Pat Mellody and Detective Inspector Rose.

21 There is then a meeting that takes place at 6.50
22 when you address, as it says in the timeline, a wider
23 audience. I just want to concentrate on that meeting,
24 if I may, Mr McDowall.

25 The 6.50 meeting is one, as we can see from the

1 timeline, that at 7.10 Detective Superintendent Boutcher
2 joined and at 7.15 Commander Dick joined?

3 A. Yes.

4 Q. I just want to ask you about conversations you had at
5 this meeting, if you can recall them, with Commander
6 Cressida Dick. To put it in context, can you recall
7 that the meeting was addressed by colleagues from the
8 bomb data centre?

9 A. Yes, I think they were present, yes.

10 Q. Just explain to us, please, if only for my benefit, what
11 is the bomb data centre?

12 A. Its a small office within the counter-terrorism command
13 or the Anti-Terrorist Branch as it was then, that is
14 charged with the responsibility for being as up-to-date
15 as possible with any type of device, any type of
16 explosion, any terrorist attack, methodologies, and so
17 on that relate to obviously improvised explosive devices
18 in the main, from round the world, from any incident
19 anywhere, and their expertise is then to brief and to
20 provide briefing information about whether a particular
21 attack has been known before, whether there are
22 similarities with other types of devices, whether there
23 are specific dangers or cautions to be, to put in place
24 as a result of what they know, and so on and so forth,
25 if that explains enough.

- 1 Q. Thank you very much, that's very helpful. Did your
2 colleagues from the bomb data centre show some of the
3 video from the closed-circuit television footage that
4 had been retrieved from the tube system the day before?
- 5 A. I believe they did, yes.
- 6 Q. I just want to ask you: can you recall that they had
7 some from Stockwell tube station as well as from the
8 Oval?
- 9 A. I can't remember but I believe that may have happened.
10 At that point, I did have a loggist and I don't know
11 whether he, on return, has made a note of that
12 presentation or not.
- 13 Q. Well --
- 14 A. There was certainly showing of footage from the system.
- 15 Q. But the point I am going to ask you about, Mr McDowall,
16 it's really this: it was known by this time that at
17 least one of the would-be bombers had entered the
18 transport system at Stockwell.
- 19 A. That's correct, yes.
- 20 Q. Can you also recall that there was a discussion
21 concerning the likely response of a person who had
22 failed to detonate a suicide bomb?
- 23 A. Yes, I do.
- 24 Q. Because I suppose for obvious reasons it's rather
25 unusual to be investigating failed suicide bombers?

- 1 A. Yes.
- 2 Q. And so far as you were concerned, was the position
3 confronting you one that the police had ever previously
4 experienced?
- 5 A. No, it wasn't. It certainly wasn't in this country,
6 I don't know whether it has happened elsewhere. I know
7 that people have been intercepted or have given
8 themselves up in the course of transiting to conduct
9 a suicide operation, but having actually tried to
10 conduct, to complete their operation and failed, no, it
11 was a unique circumstance.
- 12 Q. Can you recall saying something to the effect -- and
13 this was to Cressida Dick, because you had a discussion
14 with her as the meeting broke up to make sure that she
15 was fully in the picture -- along the lines that it was
16 possible that the failed bombers would want to continue
17 their mission and that, if so, they would have to have
18 access to more explosives, so the concern was that there
19 was a bomb factory somewhere?
- 20 A. Yes, I do recall that.
- 21 Q. Equally there was a possibility that the bombers might
22 go to ground or flee abroad?
- 23 A. Yes.
- 24 Q. So it's clear, I am putting to you that there was
25 a conversation along these lines with Cressida Dick,

1 that these were the possibilities that everyone was
2 looking at, and in fact we know that Osman did in fact
3 flee abroad, I think that night he was spending the time
4 in Brighton, he eventually came back to London, then got
5 the Eurostar, went off to Rome where he was eventually
6 arrested, expedited, brought back by legal process to
7 this country, and eventually prosecuted.

8 I just want to ask you this: in the discussion with
9 Cressida Dick, I just want to ask you, can you recall
10 telling Commander Dick, that Alan -- just so we refresh
11 our memories, Alan was the S012 operations co-ordinator
12 and yesterday in questions to Mr Mansfield you answered
13 that you tasked him with getting the surveillance teams
14 up and running -- can you remember saying to
15 Cressida Dick that Alan had told you that a surveillance
16 team had already been deployed to Scotia Road?

17 A. Yes, I believe I did say that.

18 Q. If that's right, it means that you of course were being
19 kept informed of the developments as they were
20 unfolding?

21 A. Yes.

22 Q. Then I just want to ask you this: do you also -- and I'm
23 putting to you, again in the conversation with
24 Cressida Dick -- recall a conversation along the lines
25 that the specialist firearms officers coming on at 7 am

1 were to be kitted and briefed in support of the
2 operation?

3 A. Yes.

4 Q. Because if you were having this conversation with
5 Cressida Dick, then you would be informed of the fact
6 that the fresh teams coming on at 7 am were to be kitted
7 and briefed in support of the operation?

8 A. That's correct, yes.

9 Q. Now, of course at this time, Mr McDowall, the two
10 addresses were merely the starting point for this
11 investigation?

12 A. That's correct, yes.

13 Q. Because it was of course possible that the terrorists
14 had many, many addresses, not just these, as we will
15 learn in due course they did in fact have several
16 addresses and it was also possible that they had many,
17 many identities as we will learn in due course these
18 particular terrorists did.

19 A. That's absolutely right, sir, yes.

20 Q. Depending upon the developing intelligence picture the
21 investigation might have moved away from these
22 addresses?

23 A. Yes, as I recall there were six of very significant
24 interest by sort of 9 o'clock time, and I think, as
25 I said I believe yesterday or the day before, that by

1 the end of the day I understand there were 23 that we
2 were concerned about in one shape or form.

3 Q. Now, Mr McDowall, that's not to say that these were
4 important addresses, but of course there is always the
5 possibility that a terrorist might appear in another
6 part of London?

7 A. Yes, absolutely.

8 Q. Or it might be a member of the public calls the police
9 and says that there is something suspicious going on and
10 it's believed to be a terrorist incident?

11 A. Absolutely right, we were at that time experiencing, as
12 I think I have also said before, a spike in the number
13 of calls we were receiving, some of them hoaxes and some
14 of them extremely well-intentioned.

15 Q. We know for example one of the unfortunate facts of this
16 case is Brixton station was closed as a result of
17 a terrorist alert that proved to be unsubstantiated at
18 the time when the surveillance follow was being
19 conducted of Mr de Menezes.

20 But at the end of this meeting, you had had this
21 discussion at the 6.50 meeting that Cressida Dick had
22 joined at 7.15. Can you recall that Cressida Dick made
23 it clear that she was in complete agreement with the
24 plan, the strategy?

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

- 1 Q. And, so far as you were concerned, you had put the
2 command structure in place, and it was then for the
3 senior officers to implement the plan?
- 4 A. That's correct, sir, yes.
- 5 Q. Now, you said to us yesterday that you had -- you would
6 expect to be consulted if there was a significant change
7 to the plan. May I just explore that to see what you
8 meant by a significant change, just so we understand it.
9 I suppose a significant change might be -- and we will
10 see this in a moment in your red book -- if the
11 designated senior officer thought that it was time to
12 effect a dynamic entry?
- 13 A. That's correct, yes.
- 14 Q. Just explain to us what a dynamic entry is. That's
15 police parlance for what?
- 16 A. A dynamic entry is where a decision is made to enter
17 premises, I suppose the best word to use is dynamically,
18 with force and with rapidity in order to gain an element
19 of surprise. In July, certainly, dynamic entry as far
20 as I recall at least in the very early days, was ruled
21 out as a tactic, precisely for the reasons that we have
22 already covered, in other words the possible presence of
23 other explosives or people who may have had devices to
24 hand or weaponry, and it was just felt to be an unsafe
25 tactic, but that's effectively what it means.

1 Q. Thank you very much, Mr .

2 McDowall, I just want to pick up now, just going
3 back to the red book or our extracts from that, and deal
4 with the remaining entries very, very quickly, because
5 if we pick it up at page 1859 again, we ought to make
6 a mental note that there is a divide on this page, and
7 in the middle of the page it's really the divide between
8 the meetings that were taking place, 6.40, 6.50, then we
9 come on to Corfe House which appears to have come
10 onstream, we will look at this later, at about 8.15.

11 Then we have a reference to Alfred Hitchcock at the
12 bottom, community, that's Commander Alfred Hitchcock, he
13 is a commander in the Metropolitan Police.

14 A. Yes, he was at the time, he is now also a Deputy
15 Assistant Commissioner.

16 Q. Then going over the page, this is still 22 July, of
17 course by this time you have your loggist, we will hear
18 from him in due course about all the other meetings that
19 you were in on 22 July, but just following it through,
20 we have 9.30, Gold investigation planning meeting, then
21 9.35, Kennington tube, smoking rucksack, and then --

22 A. Sorry, that's a reference to a potentially -- what was
23 felt to be another device, with smoke coming from it.
24 As it turned out it wasn't. Can I just refer back to
25 1859 again? It's just the mention of Elias Girma. You

1 will see there operation, or Op Anomalous, it should be,
2 not "anamolous", that's just to highlight the fact that
3 yet again that was another ongoing anti-terrorist
4 investigation which again had to be considered, thought
5 through, to see whether those concerned or subject of
6 that had any part in this. It was, if you like, another
7 piece of what was becoming a sort of fairly substantial
8 jigsaw potentially.

9 Q. Yes. If people want to make a note, Mr Girma was
10 eventually arrested on 1 August, but Corfe House, the
11 address that we see there in Dorset Road which we saw
12 the other day is just along from Stockwell tube station,
13 if you stay on the number 2 bus going down the South
14 Lambeth Road, it's on your right. That was actually
15 an address linked to him that was in fact entered on
16 22 July. So that operation led to the address being
17 entered on that very day. I think that was because some
18 people from the actual address had been arrested and
19 they gave information as to the fact he was not there
20 and the police were able to enter the premises.

21 A. Yes, but I think that was also another firearms
22 operation conducted to enter it.

23 Q. Yes. Then we come on to 9.30 am on 22 July, at 1860.
24 I am not going to deal with anything in relation to
25 that. I think the next page actually may not have

1 a page number but in the original bundles it's 1860A,
2 but I am not sure if the bundles that -- thank you very
3 much, it has gone up on the screen. If anyone wants to
4 put 1860A on it ... But this is 11 am, arrangement for
5 overt, 10 times -- what is that?

6 A. Detective sergeants.

7 Q. "Plus 8/10"?

8 A. Yes.

9 Q. Was this contemplating the possibility of going overt
10 again?

11 A. It was, it was just some early thinking about what we
12 would need to initially deal with the, what we were
13 anticipating would be a huge inflow of information or
14 intelligence, so we were talking there about teams of --
15 or 10 teams led by a detective sergeant, each with 8 to
16 10 detective constables, so again we were thinking about
17 trying to, from somewhere, raise another hundred or so
18 officers.

19 Q. If we go on to the next page, because we will see here
20 how the situation developed, just to give us an overview
21 of matters, if we may, please, Mr McDowall, we see
22 1.20 pm, firearms Gold strategy, this is still 22 July,
23 "Portnall, covert compromise, roll on now, overt entry".

24 Was that because people had come from the actual
25 Portnall address and been arrested and again that meant

1 that there had to be an entry effected that day and
2 an entry was effected because by arresting the people
3 you had gained intelligence that you could enter and
4 make the premises safe?

5 A. Yes, it would be impossible to retain the covert nature
6 and in fact at that point there was little point in
7 doing so, so it was a matter of getting on with it and
8 entering.

9 Q. Then we have a reference to Scotia, distant containment
10 and call-out, or close containment and call-out. Can
11 I ask you to explain that?

12 A. Yes, it was further thinking about how to deal with the
13 address at Scotia Road, a containment is where the
14 premises is surrounded and you go overt using some
15 amplification and actually call people out of the
16 premises. Obviously it is a tactic, it's a tactic that
17 comes with significant risks potentially, not least of
18 the type we have discussed over the last couple of days,
19 of people, suspects taking exception to that call-out
20 and perhaps pointing weaponry and so on.

21 Q. Also in this case, one of the challenging aspects of
22 Scotia Road was that of course because it's part of
23 a block, there is the safety of the other residents of
24 that block?

25 A. Yes, there is, and a distant containment and call-out

1 becomes very difficult, simply because you have
2 difficulty getting close up to the premises you are
3 concerned with.

4 SIR MICHAEL WRIGHT: Mr Perry, I do not want to be
5 difficult, but bearing in mind that this is after six
6 minutes past 10, where are we going with all of this?

7 MR PERRY: Sir, I am going to take it quite shortly, because
8 questions were asked yesterday about evacuating the
9 premises, and we will see in a moment that was in fact
10 considered and it remained challenging during the course
11 of the 22nd, and it's to identify the difficulty that
12 this operation presented to the police.

13 SIR MICHAEL WRIGHT: Very well.

14 MR PERRY: Sir, I am very conscious of the time and I do not
15 want to take up time unnecessarily but in fairness to
16 Mr McDowall, given the way that he was cross-examined,
17 perhaps he might just deal with this.

18 Page 1860B, we have "Dynamic. Phone-in? No.
19 Covert tech attack."

20 I will not go into details but these were
21 considerations of how you might use technical facilities
22 to find out who was in the premises.

23 Then there is a reference to "dynamic". I think
24 that was excluded as a possibility, and if we go over
25 the page to 1860C, still on 22 July, Portnall was now

1 clear, that's 3.10 pm, that's Merrick Rose there, he was
2 the Silver at Portnall to brief IAG.

3 Just explain IAG?

4 A. It's the advisory group made up of civilians who are
5 generally community figures who then cascade those
6 briefings.

7 Q. Then we have a reference to ACSO at 6.10 pm, that's the
8 Assistant Commissioner Special Operations, and
9 references to that.

10 If we go over to 1860D, still the 22 July, so you
11 are still there at 9.20 pm in the evening, we have
12 Scotia Road, and there is a reference to the nine flats,
13 public safety in the context of recent events, officer
14 safety, and down below the halfway page, there is
15 a reference to Madrid.

16 Was it the case that at this stage there was some
17 thinking being given to evacuating all the other flats,
18 and seeing whether you could gain entry to the premises
19 with the other flats evacuated?

20 A. Yes, that's correct, and the tactical advice at that
21 time was, as you will see under the word "Madrid" that
22 entry of any form wasn't a good idea and the
23 difficulties of a call-out were that if you needed to
24 get up close to the property because it was a flat, then
25 being outside or near to the front door wasn't a good

1 idea either.

2 Q. Then 1860E, we are now going into the 23 July, if that's
3 any assistance, there is a reference to:

4 "Stoke Newington, bus bomber, firearms meeting,
5 Scotia Road, arrow, will be out, no plans, 08.45."

6 May I ask you, the reference to no plans, can you
7 explain that?

8 A. I don't recall what precisely that related to, it would
9 have related either to the fact that we didn't have
10 detailed plans of the flat itself or the premises, 21,
11 we had not been able to obtain those, which obviously
12 would have given us an additional problem in how to deal
13 with it, with the premises. It may have been that we
14 still hadn't managed to identify a plan to gain access
15 to enter those premises.

16 Q. Then we see there on that page, just towards the bottom,
17 "Scotia - call out neighbours or not." That's when you
18 were thinking about getting the people who lived in the
19 block away from it. Then that was decided, it was
20 decided not to take that course, and then a strategy was
21 agreed with, is that Jon Boutcher?

22 A. Yes, it is.

23 Q. Who of course was the person who had been appointed
24 Silver in relation to the overall investigation.

25 Now, I am not going to deal with any more of that,

1 Mr McDowall, there are some other pages, some of them do
2 not have very much on them and some are blank where
3 matters have been taken off but people have it for
4 reference. So I will put that to one side and in due
5 course I will ask if that could be inserted behind
6 divider 38 but it need not be done now.

7 SIR MICHAEL WRIGHT: If you have not already, ladies and
8 gentlemen, put it in behind that divider, so it's not
9 lost, behind 38.

10 MR PERRY: May I ask you, ladies and gentlemen, just to
11 insert it behind divider 38, it's been holepunched
12 I believe. I am sorry it's also been stapled which may
13 make it a little unwieldy.

14 Mr McDowall, may I ask you how you are doing?
15 I have about another five or ten minutes, can you manage
16 that?

17 A. That's fine, sir.

18 Q. Just these few final matters: can you remember, in the
19 course of the 22nd, that's Friday the 22nd, you did meet
20 with senior officers, Detective Superintendent Boutcher
21 and Cressida Dick, and you did agree with the way that
22 they had conducted and were conducting the operation?

23 A. Yes, I did.

24 Q. Of course, the plan that you had set was directed at the
25 premises identified in the intelligence, so in other

1 words it's 21 Scotia Road the flat, rather than
2 Scotia Road the block?

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

4 Q. If the plan is directed to the premises identified in
5 the intelligence link, does it follow that the people to
6 be stopped are really obviously the suspects or people
7 you might believe to be the suspects, first of all; is
8 that the first category?

9 A. Yes, sir.

10 Q. Then anyone from the actual premises 21 itself?

11 A. Yes, that's correct.

12 Q. And then you told us yesterday about a person who might
13 provide intelligence, I suppose what you are really
14 looking for is someone who couldn't possibly be
15 connected with the terrorist. How you decide that in
16 this day and age I am not entirely sure, but that's
17 a professional judgment left to the officers on the
18 ground?

19 A. Yes, it is, sir.

20 Q. So there are matters for the professional judgment of
21 officers implementing the plan, and were you satisfied
22 that the team that you had in place was a competent,
23 experienced team properly able to conduct this
24 operation?

25 A. Yes, I most certainly was, sir.

1 Q. I just want to deal with this topic, Mr McDowall, very
2 briefly, and the topic is this: the degree of
3 identification you need before an armed intervention is
4 authorised. So this is an armed intervention, in other
5 words arresting, stopping and detaining and arresting
6 someone?

7 A. Yes.

8 Q. When police officers doing that are armed with firearms.
9 Could the matter be expressed in this way, I am going to
10 ask for your assistance, first of all when you are
11 deciding whether to carry out an armed intervention and
12 whether it's authorised, is it going to depend on the
13 situation and the particular risks involved?

14 A. Yes, it is.

15 Q. Let me just see whether you agree with this,
16 Mr McDowall, because of course if you are not limited by
17 time and other constraints, given the risks and the
18 nature of an armed intervention, inevitably you will
19 seek a very high level of identification, if you have
20 the time on your hands and no other constraints, very
21 high level of identification. The difficulty arises,
22 doesn't it, if you believe that the person that you are
23 following is the subject and you believe that they pose
24 a very high risk to public safety?

25 A. That's correct.

- 1 Q. Because then you have to make a judgment as to whether
2 to intervene, and with a lower certainty of
3 identification?
- 4 A. That's correct, yes.
- 5 Q. Because if you think that someone is going into the
6 transport system and they are going to cause hundreds of
7 casualties, you may have to make a judgment, balancing
8 the risks, to make your armed intervention, I am not
9 talking about a critical shot now, I am talking about
10 an armed intervention?
- 11 A. Yes, it's a judgment about whether what you have is
12 sufficient to mount that operation or not.
- 13 Q. So all in all, would it be fair to say this: there is no
14 golden rule, it depends on what is happening and the
15 risks presented at a particular time?
- 16 A. That's correct, yes, sir.
- 17 Q. Of course, the difficulty comes in balancing the risk,
18 does it not?
- 19 A. It does, yes.
- 20 Q. I am just going to ask you about, trying to focus now on
21 Scotia Road, what you have at Scotia Road, we have
22 already mentioned the cul-de-sac, it was a busy
23 residential area as we have seen, and of course the
24 roads and the pavements are overlooked on all sides, we
25 have seen that from the photographs and the plans.

1 Now, what would be the risks? You have been asked
2 about a police car in Roupell Road stopping someone as
3 they come across the park. What is the risk of carrying
4 out an intervention in an area which is overlooked by
5 all the residential premises?

6 A. Well, there are potentially considerable risks because
7 you don't know who knows who, what exactly the lines of
8 sight are, and whether that activity by police will be
9 easily observed or not. There is also of course the
10 risk of others, it's a conventional anti-surveillance
11 technique to have a third eye, which is to say that you
12 have another individual who is either positioned in
13 premises or on foot or in a vehicle, whose role it is
14 specifically to look out for police activity and then
15 alert the principal subject of that surveillance.

16 So interventions of any nature close to those
17 premises are going to carry a considerable risk, I would
18 suggest.

19 Q. I suppose whether you make an intervention at any point
20 will also depend upon what information you have as to
21 the likelihood of the person under surveillance being
22 a subject?

23 A. Yes. It will be a judgment that's required at the time.

24 Q. If the evidence we are going to hear in this case is
25 going to be that Frank, who was in the van, who

1 unfortunately was relieving himself into a milk bottle
2 at the time, passed on information to say: he's worth
3 a second look?

4 A. Yes.

5 Q. Would you expect in those circumstances for any
6 intervention to take place on the base of: he's worth
7 a second look?

8 A. No, I would have expected someone to have conducted
9 a second look.

10 MR PERRY: Mr McDowall, I am extremely grateful and you will
11 be very pleased to know that that's the end of my
12 questioning, thank you very much.

13 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr Hilliard, how
14 long will you need?

15 MR HILLIARD: Five minutes or less.

16 SIR MICHAEL WRIGHT: Can you stick five minutes,
17 Mr McDowall?

18 A. Yes, sir.

19 Further questions from MR HILLIARD

20 MR HILLIARD: Mr McDowall, can you help about this, I am
21 looking at page 1858, now, behind our divider 38. It's
22 the page of your red book that's been typed up that has
23 your Gold firearms strategy on it.

24 A. Yes, sir.

25 Q. You see it there, "control, challenge, stopped"; yes?

- 1 A. Yes, sir.
- 2 Q. Can you help about this: so far as control is concerned,
3 you have told us about control by surveillance; yes?
- 4 A. Yes, yes.
- 5 Q. Did the fact that you envisaged that there would be
6 a firearms capability there, was that any part of the
7 control section of the strategy?
- 8 A. At that time, no, I don't think that referred to that,
9 it was simply about the initial important issue, if you
10 like, was to acquire control of those premises so that
11 we had knowledge of who was coming in and out and so on.
- 12 Q. All right. Then you were asked about what might have
13 been done differently, do you remember, and you gave us
14 an example, you said well, perhaps the firearms team
15 could have arrived more quickly. Do you remember saying
16 that?
- 17 A. Yes.
- 18 Q. You told us that you had hoped that firearms would be in
19 place, a firearms team so far as Scotia Road was
20 concerned, at 7 in the morning or, if not 7 in the
21 morning, shortly thereafter; do you remember saying
22 that?
- 23 A. Yes, sir.
- 24 Q. Can you just help us, if you had known, for example,
25 shortly before that, say at about quarter to 7 in the

1 morning, that that wasn't going to happen, would you
2 have tried to do something about that?

3 A. Yes, I would have wanted to have known when it was going
4 to happen and obviously my initial instruction was to
5 ensure that it happened as quickly as it could be done.

6 Q. Is this right, that on the face of it, their absence
7 obviously affected the implementation of your strategy,
8 which was that SO19 would be doing the challenging and
9 stopping of people?

10 A. Yes. In the case that that was going to be
11 a requirement, then clearly that challenge would have
12 had to have fallen to others, either an armed response
13 vehicle as we have discussed, or indeed even the
14 surveillance officers themselves.

15 Q. If you had made inquiry, and it really hadn't been
16 possible to expedite the arrival of the firearms team
17 and you had known that, I just want to understand: would
18 it have been open to you to suggest that one of what we
19 heard the armed response vehicles, the ARVs, the teams
20 that are on a sort of 12-minute notice, as it were,
21 would it have been open to you to have suggested that
22 a team of those officers had gone to the vicinity?

23 A. It would have been open or indeed the advice I was
24 receiving from the tactical firearms advisers, it may
25 have been that they might have advised it, but as I also

1 said, I believe, those teams were very close by anyway,
2 because Lambeth is a borough that has a dedicated armed
3 response vehicle, as I understand it, 24/7. But they
4 are a very different capability in the sense that they
5 are significantly overt, the officers wear blue overalls
6 generally, they are three officers to the vehicle, there
7 are more aerials on the roof, it's a high powered car
8 and if you are a criminal of any note, or I would
9 suggest even a terrorist of any note, you may well know
10 that that is that specific capability.

11 Q. Mr Perry was just asking you about a conversation
12 shortly after 7 o'clock in the morning when
13 Commander Dick was present, I think you may not have
14 recollected this, but if we can just work on the basis
15 of a conversation shortly after 7 o'clock in the
16 morning, when there is reference to a team coming on at
17 7 am, a firearms team coming on at 7 am, kitting up and
18 deploying, all right?

19 A. Yes.

20 Q. We will hear that the briefing of the S019 team
21 concluded at about quarter past 9 in the morning; all
22 right?

23 A. Yes.

24 Q. Can you just help with this, and if you can't, say so,
25 but if you can try and put yourself in the position,

1 back at 7 o'clock or thereabouts on the 22nd. If you
2 had known that a 7 o'clock team coming on was going to
3 be kitted up and deployed, would you have had a view at
4 that time about how long it would be before they had
5 been briefed and could get to the scene, just from your
6 general experience?

7 A. I would have expected that they would have been briefed
8 and to the scene probably in an hour and a half, hour
9 and three-quarters, I guess.

10 Q. So --

11 A. But, of course, sorry, I was just going to say that the
12 variables in that are how many people there are to be
13 kitted and how long the briefing takes and so on.

14 Q. In their absence, just so we understand, what was the
15 firearms cover then that was available?

16 A. The firearms cover was the standby team that was at New
17 Scotland Yard, plus the ARVs that were on duty
18 specifically to that borough, but also on neighbouring
19 boroughs as well, and indeed the surveillance teams that
20 had an armed capability with them.

21 Q. Lastly, can you just help with this: the strategy you
22 said, didn't change over time not after the shooting
23 either, at Scotia Road and Portnall Road; do you
24 remember telling us that?

25 A. Yes.

1 Q. Just so we understand, were firearms teams deployed and
2 in the vicinity of each address?

3 A. Sorry, which addresses are you referring to?

4 Q. Portnall Road and Scotia Road?

5 A. Yes.

6 Q. You were asked about the fact that your strategy didn't
7 change over time, even after the shooting. At each
8 address, after the shooting, were there in fact firearms
9 teams deployed and in the vicinity?

10 A. Yes.

11 MR HILLIARD: All right, thank you very much indeed,

12 Mr McDowall.

13 Further questions from THE CORONER

14 SIR MICHAEL WRIGHT: I have a couple of points, please,

15 Mr McDowall.

16 First of all, you said a little time ago that one of
17 the considerations about calling in, for example,
18 an ARV, because the firearms unit, CO19 units, weren't
19 going to get there at the time that you wanted them,
20 that that would increase the risk of police activity
21 being observed, particularly if there was a lookout?

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: But it seems to me that you had to some

24 extent incurred that risk already by deploying the

25 surveillance team close to Scotia Road itself, had you

1 not?

2 A. Yes, but in the case of the surveillance team, the
3 surveillance officers are trained to try to retain the
4 covertness of their daily activity, and they don't have
5 any kind of marking or livery or --

6 SIR MICHAEL WRIGHT: You mean they go around looking
7 deliberately scruffy, do they?

8 A. They do, sir, yes, and they take pride in remaining as
9 anonymous and as unobserved as possible, it's part of
10 their daily role, sir.

11 SIR MICHAEL WRIGHT: Yes, while an ARV for reasons you have
12 given, is pretty recognisable.

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: The other thing I wanted to ask you is
15 this: Mr McDowall, what Mr Perry asked you was this, and
16 I hope, now I have it, I can read it to you, he said:
17 "If you have time on your hands and no other
18 constraints, very high level of identification, then you
19 would require a very high level of identification before
20 armed intervention"?

21 A. Yes, sir.

22 SIR MICHAEL WRIGHT: The difficulty arises, doesn't it, said
23 Mr Perry, if you believe that the person that you are
24 following is the subject and you believe that they pose
25 a very high risk of public safety, and you said "that's

1 right", because then you have to make a judgment as to
2 whether to intervene and with a lower certainty of
3 identification.

4 I just want to explore with you how far you think
5 that should go. Are you putting, or are you suggesting
6 that if in any particular circumstance an officer,
7 an armed officer thinks that a suspected suicide bomber
8 presents a particularly and exceptionally high level of
9 danger -- and I stress suspected -- without a positive
10 identification, are you suggesting that a lower level of
11 identification than positive is acceptable?

12 A. No, sir, what I was trying to convey was one always
13 tries to get the best possible image or, in the time
14 available, in order to make the decision about whether
15 to run the operation or not. It was more that, and
16 that's a judgment that one has to make before one even
17 sets out or embarks on an operation, because clearly
18 that is going to affect the likelihood of a successful
19 outcome or not.

20 So there is a moveable starting point, I would
21 suggest, which is a judgment call, about whether the
22 operation is viable in the first place. But it's often
23 the case that either in crime terms or in terrorism,
24 that the decision has to be made because you don't
25 necessarily have the ideal imagery or the ideal

1 photograph or whatever.

2 SIR MICHAEL WRIGHT: Yes. But you don't intend to suggest,
3 then, and I want to understand this, you are not
4 suggesting that at any time you would contemplate
5 an armed officer taking a critical shot on the basis of
6 a less than positive identification?

7 A. No, that's correct, sir.

8 SIR MICHAEL WRIGHT: Thank you. Mr Perry, do you want to
9 ask anything about that?

10 MR PERRY: No, sir, only that I ought to make it clear that
11 my question was not premised on a critical shot, it was
12 premised on --

13 SIR MICHAEL WRIGHT: Armed intervention.

14 MR PERRY: -- armed intervention when there is a very, very
15 high risk to public safety.

16 SIR MICHAEL WRIGHT: I wanted to see how far Mr McDowall
17 would go.

18 MR MANSFIELD: I am so sorry to delay matters.

19 SIR MICHAEL WRIGHT: Certainly, Mr Mansfield.

20 MR MANSFIELD: It is actually this very point that you have
21 raised and Mr Perry has raised, I am afraid it goes back
22 to questions that I put to Mr McDowall before which may
23 have been misunderstood but it was based entirely on
24 what Mr McDowall said at the Health and Safety trial on
25 this very issue. It's page 156. I put it to him.

1 SIR MICHAEL WRIGHT: Page 156 of the trial transcript?

2 MR MANSFIELD: Of the transcript of that particular day that
3 he gave, I can give the day. Because he gave evidence
4 very early in the trial.

5 MR STERN: Day 2, if I can assist.

6 MR MANSFIELD: The date on Day 2 was 2 October.

7 SIR MICHAEL WRIGHT: Just give us the reference again, will
8 you?

9 MR MANSFIELD: Yes, it's page 156, Day 2, in fact he's
10 being, and I put it to Mr McDowall, I think he will
11 remember, that it was Mr Thwaites who was defending the
12 commissioner, who asked him these questions. The reason
13 I raise it is it will come up with other witnesses, this
14 very same point. May I just read so the jury can follow
15 it, it's at line 6 in my copy, page 156, Mr Thwaites
16 puts this question to Mr McDowall:

17 "Question: Was it in your opinion necessary to have
18 a positive identification of a suspect before C019
19 carried out an armed intervention?

20 "Answer: Yes, it was.

21 "Question: Why?

22 "Answer: Because any use of C019 carries with it
23 inherently risks. The drawing of a firearm when there
24 is no need for the drawing of a firearm is to be
25 avoided.

1 "Question: Why?

2 "Answer: Simply because of the impact potentially
3 on public safety, the safety of everyone, including the
4 officers.

5 "Question: Are you referring to risk when you say
6 'impact on the public and the officers'?

7 "Answer: Yes, yes.

8 "Question: The risk being that whenever a gun is
9 drawn, someone could be injured or killed?

10 "Answer: Yes, that's right.

11 "Question: Whatever the circumstances?

12 "Answer: Yes."

13 Then I also refer to the fact that they carried
14 loaded firearms. In fact that is repeated again at
15 a later section.

16 SIR MICHAEL WRIGHT: Let me ask Mr McDowall.

17 You have just read that passage, do you still
18 subscribe to those views?

19 A. Yes, I am somewhat confused, sir, because you asked me
20 whether it was necessary to have a positive
21 identification for a critical shot, I believed.

22 SIR MICHAEL WRIGHT: I took the argument a stage further
23 because Mr Perry had asked you about armed intervention.

24 A. Yes.

25 SIR MICHAEL WRIGHT: The question is: it all depends where

1 armed intervention starts and where it ends, and
2 I wanted to ask you, and you have given me the answer,
3 whether you go so far as to deal with the position that
4 you would expect before a critical shot could be taken?

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: You have answered me that in those
7 circumstances you would have to have a positive
8 identification; is that right?

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

10 SIR MICHAEL WRIGHT: Very well. Thank you very much indeed.
11 You have been very patient, and I hope you have not been
12 too uncomfortable while you have had to sit there and
13 answer all these questions. We are very grateful,
14 Mr McDowall.

15 A. Sir, I would like to thank you again for the facilities
16 you have afforded me, sir.

17 SIR MICHAEL WRIGHT: Not at all, thank you very much.

18 We will break off for ten minutes while the
19 videolink is dismantled.

20 (The witness withdrew)

21 (11.57 am)

22 (A short break)

23 (12.10 pm)

24 (In the presence of the jury)

25 SIR MICHAEL WRIGHT: Yes, Mr Hough.

1 MR HOUGH: The next witness is Chief Superintendent White.

2 CHIEF SUPERINTENDENT TIMOTHY WHITE (sworn)

3 Questions from MR HOUGH

4 SIR MICHAEL WRIGHT: Please sit down, Mr White.

5 A. Thank you, sir. Timothy White, sir, Commander attached
6 to the counter-terrorism command, sir.

7 SIR MICHAEL WRIGHT: Thank you.

8 MR HOUGH: Mr White, just to announce myself, my name is
9 Jonathan Hough and I am asking questions first on behalf
10 of the Coroner and then there will be others asking you
11 questions.

12 If at any time during your evidence you were asked
13 about a witness who is given a codename or a pseudonym
14 and you have to think about who that person might be,
15 a cribsheet can be provided to you.

16 A. Thank you.

17 Q. To deal with background, at the time of the events we
18 are considering, I think you were a Detective Chief
19 Superintendent in S013, the Anti-Terrorist Branch?

20 A. That's correct, sir, yes, I was the OCU Commander.

21 Q. OCU Commander, can you explain that abbreviation?

22 A. Its Operational Command Unit, I was the officer in
23 charge of S013 in respect of its daily business and
24 management.

25 Q. You were managing the branch on a daily basis at the

- 1 time, and just to give us an idea, I think about 400
2 officers in the branch at that time?
- 3 A. That's correct, there were a lot of seconded staff from
4 national police forces to assist with the 7/7 bombings,
5 so at the time significantly higher than those numbers
6 but a lot were seconded.
- 7 Q. Just so there is no uncertainty about this, I think you
8 gave evidence at the Health and Safety trial?
- 9 A. Sir, I did, yes.
- 10 Q. You were I think on duty on both 7 July and
11 21 July 2005.
- 12 A. That's correct.
- 13 Q. On 21 July you were at New Scotland Yard when
14 information was breaking about the bombings?
- 15 A. That's correct, yes.
- 16 Q. Or the attempted bombings. I think after that you went
17 to the reserve where you were co-ordinating the S013
18 response?
- 19 A. I was indeed, sir, that's correct.
- 20 Q. Then I think during the late evening of that day,
21 21 July, you met with Detective Superintendent Boutcher,
22 who was the Senior Investigating Officer for proactive
23 investigations?
- 24 A. That's correct, yes, sir.
- 25 Q. I think you also met in that late evening with somebody

- 1 we may hear from later today who has been given the name
2 Andrew, who was the night duty CO19, that's firearms
3 branch, tactical adviser?
- 4 A. Yes, sir, he was the senior tactical adviser, that's
5 correct.
- 6 Q. It seems, just to fill in the picture, that they had
7 a meeting with each other and somebody we have also
8 heard of, Inspector ZAJ, I think you know who he is?
- 9 A. I do, yes.
- 10 Q. At ten to ten that evening?
- 11 A. That's correct.
- 12 Q. Taking it through in time, there was a command team
13 meeting under Mr McDowall at ten past ten that evening?
- 14 A. That's correct, yes.
- 15 Q. I think you were present at that meeting?
- 16 A. That's correct, yes.
- 17 Q. So we have now got through to ten past ten on 21 July,
18 and at that time, as we know, the strategy which was at
19 least under consideration was an overt strategy, a media
20 appeal?
- 21 A. That's correct, sir, yes.
- 22 Q. In the course of that meeting at ten past ten there was,
23 I think, discussion of the need for a DSO to be
24 appointed specifically for this operation?
- 25 A. That's correct, yes.

- 1 Q. And there was also I think discussion of the need for
2 a firearms authority for CO19 firearms officers?
- 3 A. That's correct, sir, yes.
- 4 Q. This is where you come in, you provided the firearms
5 authority?
- 6 A. I did, sir, yes.
- 7 Q. Just to give us background on what a firearms authority
8 is, if a pre-planned firearms operation is to be
9 mounted, an authority needs to be provided in writing
10 from a nominated officer?
- 11 A. That's correct, sir, yes.
- 12 Q. Before firearms can be used by CO19 teams?
- 13 A. I wouldn't say before they are used because obviously
14 very often in police operations, the application may
15 come at a later stage but certainly the discussion and
16 the verbal authority must come first before any
17 deployment.
- 18 Q. That will only be issued to specified officers who will
19 be authorised firearms officers?
- 20 A. That's correct, yes.
- 21 Q. The officer giving authority must be of a specific rank?
- 22 A. They must be a substantive superintendent or above.
- 23 Q. So you were one rank in fact above?
- 24 A. That's correct, yes.
- 25 Q. And the criteria for issuing the authority, I am sure

1 these are very familiar to you, but they are in
2 a publicly available part of the ACPO firearms manual,
3 I will read it out and ask you if you agree with this:

4 "The officer must have reason to believe that
5 authorised firearms officers may have to protect
6 themselves against a person who is in possession of
7 a firearm, has immediate access to a firearm, or is
8 otherwise so dangerous that the use of a firearm may be
9 necessary".

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

11 Q. And the authority, as you just mentioned, can be given
12 orally but it must be documented later?

13 A. Correct, yes.

14 Q. Is this right, an authority can be given on
15 a contingency basis for an operation which is running or
16 about to run where it's thought that firearms might be
17 needed?

18 A. That's correct, yes.

19 Q. I think on the day in question, you gave the firearms
20 authority at just about ten to midnight?

21 A. That's correct, sir, yes, 23.50.

22 Q. I think you then filled in a form at a later stage, and
23 that was on 22 July.

24 A. That's correct, yes.

25 Q. Can I hand you a copy of that form, and also I am going

1 to ask for the jury to have it in front of them.

2 (Handed). Members of the jury, this will be going into
3 your jury bundle but if you keep it separate for the
4 moment so you can flick through it as we go. If you
5 want it on screen, it starts at D25.

6 The information contained in this, some of it seems
7 to have been acquired after 23.50 on 21 July; is that
8 right?

9 A. That could well be the case, yes. Obviously the author
10 of the form is Detective Superintendent Boutcher, and
11 I did receive the form on the 22nd.

12 Q. In fact, I think it's the case that he fills in what we
13 see are the typed sections, you countersign it, and you
14 add some manuscript additions?

15 A. That's correct, yes.

16 Q. So Detective Superintendent Boutcher was the applicant,
17 he was applying for the authority --

18 A. He was, sir, yes.

19 Q. -- for his operation, and then you sign it off, and you
20 add some pages, and we will go to those. So first page,
21 we see there is the criteria that we have just gone
22 through, then further down the page, Jon Boutcher being
23 the requesting officer, and then a definitions section,
24 just deal with this quickly, there is a distinction
25 there between spontaneous incidents and pre-planned

1 operations?

2 A. Yes.

3 Q. Now, we have been hearing about a distinction of
4 a similar kind between Operation Kratos for spontaneous
5 suicide bomber incidents, and Operation Clydesdale for
6 pre-planned events. Now, we have been talking about
7 things like State occasions.

8 The distinction we see here on this page, is that
9 the same distinction as applies between Operation Kratos
10 and Operation Clydesdale?

11 A. It's similar, yes, obviously I was dealing with the
12 pre-planned because of the structure around this
13 operation.

14 Q. Going down to intelligence, this is a section where
15 Mr Boutcher has filled in the incidents where the bombs
16 were discovered, and the fact that the suspects have
17 decamped from each scene?

18 A. That's correct.

19 Q. Over the page, D26, intelligence evaluation:

20 "Not known that the subjects were possessing
21 firearms."

22 Point 2, it's recorded that CCTV trawls are being
23 undertaken and a forensic examination is being carried
24 out at this stage?

25 A. That's correct.

- 1 Q. Further down, history of the suspect, simply the
2 information that it appears that each is ready to commit
3 suicide effectively?
- 4 A. That's correct, yes.
- 5 Q. And then point 4, intelligence about the suspects, again
6 no specific information about the particular suspects
7 recorded there, at that stage simply known that each had
8 attempted to detonate a device in a rucksack?
- 9 A. That's correct, yes.
- 10 Q. Over the page, again a section at number 5, intelligence
11 to support suspects' willingness to resort to the use of
12 firearms. Again it's not quite the situation you are
13 dealing with, so you simply, it's been recorded that the
14 subjects are willing to sacrifice their own lives and
15 may resort to other means.
- 16 Then point 6, information regarding the lifestyle of
17 the suspect, again acknowledging that not much known
18 about them at that stage?
- 19 A. Correct. I think I should make clear that going back to
20 the criteria at that stage of course what was in my mind
21 on the application was bullet point 3 at the top of the
22 page, he is otherwise so dangerous that the officers'
23 use of firearm may be necessary.
- 24 Q. Yes. Then the next section, previous convictions, not
25 really relevant; similarly point 8, not really relevant;

1 and then we see various sections for community impact
2 assessment which don't really apply here.

3 Then similarly, over the page. Then page 30 on the
4 screen, bottom right, for you it's point 12, Human
5 Rights Act?

6 A. Yes.

7 Q. Is that a section where you insert some of the legal
8 duties, as you understand them to be?

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

10 Q. And you set out the legal duty for using force in
11 self-defence?

12 A. That's correct, yes.

13 Q. You set out the legal duty for police operations to
14 minimise risks to life under Article 2 of the Human
15 Rights Convention?

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

17 Q. And you record that those legal duties will be
18 communicated to firearms officers in the briefing?

19 A. That's correct, yes.

20 Q. Or rather, Detective Superintendent Boutcher records
21 them and you countersign them?

22 A. Yes.

23 Q. Then at 13, not relevant because we are not dealing with
24 suspects with firearms.

25 Then 14, this was I think what you were dealing with

1 earlier, back to the criteria, we heard that one of the
2 criteria was that the suspect should be so dangerous
3 that firearms were required, and details are given for
4 why that's the case, and attempts to detonate devices on
5 the public transport system?

6 A. That's correct, sir.

7 Q. The next page we need to take a little more slowly. Can
8 we not have the next page on screen, please. Can we
9 deal with this --

10 SIR MICHAEL WRIGHT: Mr Hough, do you have a spare copy of
11 this for me? I do not have one for my copy of the jury
12 bundle.

13 MR HOUGH: The reason it's not going on screen is that it's
14 not clear whether the copy scanned has had the name of
15 a anonymous witness redacted.

16 SIR MICHAEL WRIGHT: The copy you have just given me does.

17 MR HOUGH: It may not, actually, but we will deal with that.

18 SIR MICHAEL WRIGHT: All right.

19 MR HOUGH: So this is a section 15 "other operational
20 issues", and you go through a number of paragraphs here,
21 and we will go through them in turn.

22 It is recorded by Detective Superintendent Boutcher
23 that he has consulted with the CO19 tactical adviser
24 Andrew as to authorisation; yes?

25 A. Correct, yes.

- 1 Q. He also records that the armed officers will remain
2 authorised for use of firearms until all the subjects
3 are detained?
- 4 A. That's correct, sir, yes.
- 5 Q. And then he says this:
6 "Following the incidents, I contacted the S019
7 reserve to forewarn them, forewarn the oncall tactical
8 adviser, that in anticipation of police enquiries,
9 a fast time search for suspects from CCTV and other
10 investigative lines were expected."
11 That's said to be contingency planning?
- 12 A. That's correct, sir, yes.
- 13 Q. Then next, a paragraph expecting further intelligence
14 feeds and sightings to come in.
- 15 A. That's correct, yes.
- 16 Q. Then next paragraph, it's recorded that the intelligence
17 will be collated in the Special Branch operations room
18 on a computer database called the CLIIO?
- 19 A. That's correct, sir, yes.
- 20 Q. That will be provided to the firearms branch tactical
21 adviser?
- 22 A. That's correct, sir.
- 23 Q. Then as a result of this, it's noted that the firearms
24 authorisation, so this firearms authorisation, won't be
25 continually updated, it will simply remain in force?

- 1 A. That's correct. There was a log being kept of all
2 developments in the control room.
- 3 Q. Then at the end of the day, at the end of each day,
4 Detective Superintendent Boutcher says that he will
5 consult the tactical adviser as to the continued
6 suitability of the authorisation?
- 7 A. Correct.
- 8 Q. Then it's recorded that the trawl, the CCTV trawl, has
9 taken place, and that the stills have been found and we
10 have heard about that already?
- 11 A. That's correct, sir, yes.
- 12 Q. Next paragraph, it is said that the authority is
13 provided on the basis that the operations room, that's
14 the 16th floor operations room, is open to serve this
15 dynamic investigation?
- 16 A. That's correct, sir, yes.
- 17 Q. And Detective Superintendent Boutcher says that he will
18 take the role of SIO, Senior Investigating Officer?
- 19 A. That's correct.
- 20 Q. And it's noted there the various branches of the
21 Metropolitan Police which will be represented in that
22 operations room?
- 23 A. That's correct, yes.
- 24 Q. Then next paragraph, DCI Scott, that's DCI Angela Scott,
25 I think?

1 A. That's correct, yes.

2 Q. Is tasked to identify and brief the Silver Commander for
3 deployment with the specialist firearms officer standby
4 team, and then surveillance teams from Special Branch
5 and the Specialist Crime Directorate, 11 --

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

7 Q. -- mustered as a contingency.

8 Then next, Andrew, DCI Angela Scott and Detective
9 Superintendent Boutcher recorded there as having
10 consulted with Commanders Allison and Carter regarding
11 the need for a specific oncall Kratos DSO for this
12 operation?

13 A. That's correct, yes.

14 Q. And we have heard about the meetings in which those
15 people consulted and it be suggested that there should
16 be a specific designated senior officer for this
17 operation?

18 A. That's correct.

19 Q. Then it said this:

20 "Andrew explained the vulnerability of not
21 allocating such a role, and after consideration,
22 Commander Cressida Dick was nominated."

23 I think there either has been or certainly will be
24 evidence that Commander Dick was nominated a little
25 after the firearms authorisation was given?

- 1 A. That's correct, sir, yes.
- 2 Q. It's also recorded that she had been warned to attend
3 the S013 conference room for 7 am, and again we will
4 hear that she was warned at sometime between 1 o'clock
5 and 1.30 that morning to attend at 7 am?
- 6 A. I believe that's the case, yes sir.
- 7 Q. The next paragraph:
8 "I have requested that expo officers", explosives
9 officers; correct?
- 10 A. That's correct, sir, yes.
- 11 Q. "... be warned to liaise with Chief Inspector Esposito"?
- 12 A. That's correct.
- 13 Q. "Trojan 80, the day shift, C019 tactical adviser, to
14 familiarise the firearms teams with the devices from the
15 scenes."
- 16 So that's setting up an arrangement for explosives
17 officers to brief the firearms officers?
- 18 A. That's correct, sir, yes.
- 19 Q. DCI Pat Mellody, he's responsible for intelligence,
20 I think?
- 21 A. That was correct at the time, yes.
- 22 Q. Is to identify a briefing officer for the 7 am C019
23 briefing for Leman Street?
- 24 A. That's correct, sir.
- 25 Q. No deployment will occur without officers being shown

1 the suspects' photographs, it's also recorded as
2 an important strand?

3 A. It is indeed, yes, it's documented there.

4 Q. Then Commander McDowall as Gold Commander will liaise
5 with the relevant DSOs in order that all fast time
6 developments are passed without delays to the DSOs and
7 the command structure remains fit for purpose. Is that
8 recording Commander McDowall's continued involvement in
9 the operation --

10 A. It is, indeed, yes.

11 Q. -- communicating to the DSOs?

12 A. That's correct.

13 Q. Final paragraph on the page: Andrew, the tactical
14 adviser, remaining as night duty tactical adviser will
15 record all firearms options within his tactical advice,
16 that document to be the organic record of all firearms
17 records and developments.

18 Can you help us with that. The document being
19 referred to there, is that the log that Andrew was
20 keeping which we will hear about later, or is that
21 a tactical options advice document which we will also
22 hear about?

23 A. As I understand it, sir, the firearms officer who was in
24 the control room would make a record of all issues on
25 the one log, so there was a firearms log from the senior

1 tactical adviser being regularly updated in the control
2 room.

3 Q. Then we can show up page 32, please. I am asked not to,
4 I understand there is a difficulty there. If you look
5 at the next page, can you see that you have signed off
6 this authority sheet, recorded that your verbal
7 authority was given at ten to midnight?

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

9 Q. Then next page I think can be shown on screen, page 33.
10 This is what you have written on the 22 July:

11 "At the time of granting this authority, Detective
12 Superintendent Boutcher personally briefed me in respect
13 of the application. Although not part of the
14 application, I also took into account the tragic events
15 of 7 July 2005 when over 50 innocent members of the
16 public were murdered. There is no evidence at this
17 stage that these individuals are any less committed to
18 acts of mass murder. The evidence to date suggests that
19 detonations did occur but the device failed to fully
20 detonate".

21 A. That's correct, sir.

22 Q. Can you recall when you wrote those words?

23 A. I wrote that on the morning of the 22nd, yes.

24 Q. There is another entry written by you:

25 "This authority will remain in place whilst the

1 suspects remain outstanding. It would not be practical
2 to authorise each sighting or intelligence development.
3 I am satisfied that the appropriate structure is in
4 place to ensure every development will be properly
5 managed" --

6 SIR MICHAEL WRIGHT: Every deployment, I think.

7 A. Every deployment, yes.

8 MR HOUGH: I am sorry:

9 "... every deployment will be properly managed under
10 the direction of the S013 Senior Investigating
11 Officer/the S019 or C019 tactical adviser".

12 A. Correct, yes.

13 Q. "Furthermore, myself or Commander McDowall, the Gold
14 Commander, will be consulted in the event of any
15 significant developments."

16 We will not go over to the next page, I think we can
17 go on to the next page actually:

18 "Each day information room supervisor is apprised of
19 any developing locations in respect of this authority?"

20 A. "As addresses are eliminated, information room are
21 informed."

22 Q. Thank you:

23 "This authority will remain subject of continual
24 review with all the decisions being recorded by both the
25 C019 tactical adviser and S013 Senior Investigating

- 1 Officer".
- 2 A. That's correct, yes.
- 3 Q. That obviously written separately also on 22 July. Can
- 4 you remember at what stage on the day you wrote that?
- 5 A. I believe in the afternoon.
- 6 Q. Thank you very much. To bring these together,
- 7 authorisation was given at 23.50, at a time when stills
- 8 of the bombers had been located as part of the CCTV
- 9 trawl?
- 10 A. That's correct, at that stage, certainly it's some,
- 11 I can't say all, but certainly some, yes.
- 12 Q. At that stage I think the command team had some
- 13 knowledge of the explosive devices involved?
- 14 A. That's correct.
- 15 Q. And therefore they suspected there may be some
- 16 connection with the 7/7 bombers?
- 17 A. Absolutely, yes.
- 18 Q. But the authorisation I think was given before addresses
- 19 and names had been focused upon?
- 20 A. That's correct, yes.
- 21 Q. Because they came to light after Mr McDowall left at
- 22 2 am to catch his couple of hours of sleep?
- 23 A. Correct, I actually left at 2 am, at the same time as
- 24 Mr McDowall, and this authority was very much to support
- 25 the very much fast-moving and developing investigation.

- 1 Q. As you have said, it was contingent, didn't require any
2 particular firearms team to be issued with firearms, it
3 was to allow for firearms to be issued as required by
4 Detective Superintendent Boutcher?
- 5 A. That's correct, sir.
- 6 Q. Moving on, you have said that you left at the same time
7 as Mr McDowall, I think you also went to a hotel to
8 catch some short period of sleep?
- 9 A. That is correct, yes, sir.
- 10 Q. You were back at New Scotland Yard later that morning?
- 11 A. Yeah, I think just after 6 am, I believe.
- 12 Q. You weren't, I think, involved in the operation tracking
13 Mr de Menezes?
- 14 A. I was not, no.
- 15 Q. I think at the time that he was under surveillance, you
16 were in another meeting?
- 17 A. I was in a Gold group meeting, that's correct, sir, yes.
- 18 Q. Can we have on screen document D161, please. This is
19 not something that the jury will have seen before, but
20 it's a document you will certainly be aware of. It's
21 a page from the log kept by Commander Dick's loggist.
22 I am not going to go through all of that log, that will
23 happen at a later stage but it's just to raise one point
24 with you.
- 25 Commander Dick's loggist has recorded:

1 "Ring Tim White. May be going to arrest one of the
2 suspects now"?

3 A. That's correct, yes.

4 Q. It's an entry at 9.56. Can you give an explanation why
5 Commander Dick may have been thinking of telephoning you
6 at ten to ten that morning?

7 A. Sir, I think I can give two explanation, obviously
8 Commander Dick can give the answer, but the two reasons
9 I believe are that firstly as the authorising officer,
10 I had a discussion to say anybody arrested would be
11 removed from the authority, so that may have been on her
12 mind.

13 Secondly, and possibly more likely, is the fact that
14 I was the person who represented S013, the Gold group
15 that was sitting probably three times a day in order to
16 monitor all policing issues for London, and if there had
17 have been arrests, that's obviously a significant issue
18 update for that forum, as I was there to represent the
19 investigation. So two possible reasons.

20 Q. I think in fairness to you, you were asked about that at
21 the criminal trial, were you not?

22 A. Yes, I was.

23 Q. And I think you focused on the first of those two
24 reasons?

25 A. I did.

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

2 SIR MICHAEL WRIGHT: Thank you. Mr Mansfield?

3 Questions from MR MANSFIELD

4 MR MANSFIELD: Yes, thank you.

5 Commander, my name is Michael Mansfield, you
6 probably know that anyway?

7 A. Sir.

8 Q. I have a few questions on behalf of the de Menezes
9 family. I am sorry I am rather to the extreme left, as
10 they say; physically anyway.

11 Sir, I wonder if it's possible, because it's easier
12 for the jury, that the page that I think has not gone on
13 screen, which has paragraph 15 on it, other operational
14 issues, is that available to be put up? May I just
15 check, perhaps the jury do have it. You do. Sir, you
16 have it.

17 SIR MICHAEL WRIGHT: I hope so.

18 MR MANSFIELD: Commander, you have it.

19 A. I do, sir, yes.

20 Q. I will want to ask you some questions about that page,
21 so keep that open for the moment. Also may I say
22 I appreciate there is a lapse of time here and it's
23 difficult always to remember everything that occurred so
24 long ago.

25 I want to start by asking you this: before the

1 firearms authority was granted by you at 11.50, were you
2 aware from Andrew, who the jury may hear from later
3 today, that he had already set about at least
4 identifying firearms resources that might be required
5 for an operation flowing out of the attempted bombings?

6 A. I must say that I would have expected him to have been
7 doing that as contingency, yes.

8 Q. You would expect that, yes, I understand that. In other
9 words, a lot was said yesterday about hindsight. In
10 fact, your job that day was not hindsight but foresight,
11 in other words anticipating what realistically could
12 happen?

13 A. That's correct, yes.

14 Q. One of the things that obviously he, Andrew, and he can
15 deal with this as well, one of the options that was
16 being considered, the most obvious one, is to identify
17 those people responsible so far as it could be, and
18 arrest them; that's a fairly obvious --

19 A. There is not so much Andrew's job, the job of the
20 investigation is to identify those responsible as
21 quickly as possible and detain them.

22 Q. Yes. That's the overall objective, and the word,
23 although it has not been highlighted, in this document,
24 you mention it a number of times, and we can see it on
25 earlier pages if we need to, it comes in paragraph 4,

1 and it comes in a later paragraph, 13, so the jury can
2 see that is clearly a well-stated objective and a rather
3 obvious one.

4 When you come to, as it were, authorising the use of
5 firearms by any assembled or identified resources, you
6 have to, as you have recently stated, have a structure
7 in place that will support that deployment; that's
8 obvious, isn't it?

9 A. Sir, that's correct, yes.

10 Q. Now, the model you were working on, if I can put it that
11 way, actually was primarily aimed at assembling
12 resources at 7 am in the morning because that's the time
13 at which the DSO was going to come in; correct?

14 A. That's the time the DSO was warned to attend, but I must
15 say that the model we were working on is very much
16 a recognised policing model in a covert operation, which
17 has been used and tried and tested over many years.

18 Q. There is nothing particularly novel or unusual other
19 than obviously suicide bombing hasn't occurred in London
20 before the 7th, but the model of deployment is a tried
21 and tested one?

22 A. That's correct, although the addition of a DSO is not
23 a regular occurrence.

24 Q. Right, I will come back to that in a moment, if I may,
25 that is the role of a DSO here. But if we can just look

1 at paragraph 15 in this document, it's really going
2 through the structure that is needed. Before 7 o'clock,
3 you and Andrew, and possibly others in New Scotland
4 Yard, had to anticipate with foresight that you would
5 have to have availability in case something happened
6 before 7 o'clock; is that reasonable?

7 A. That is reasonable, sir, yes.

8 Q. If we look in the middle of the page, we will see the
9 beginnings of that anticipation. Now, I am just going
10 to go through this sentence, DCI Scott, in a little more
11 detail. DCI Scott, because we have heard so many names,
12 so many positions, was the deputy to Boutcher as
13 investigating officers; is that right?

14 A. I believe that's correct, yes.

15 Q. In other words investigating --

16 A. The proactive response.

17 Q. -- proactive response, it's another sort of parlance
18 but what it really means is they are following through
19 as many investigations as they think are proper in
20 relation to Theseus 2, which is in fact the attempted
21 bombings that day. That's what it comes to.

22 A. That's correct.

23 Q. So she's the deputy and she was tasked by whom?

24 A. She would have been tasked by I believe Mr Boutcher.

25 Q. Mr Boutcher, right, to identify and brief a Silver

1 Commander for deployment with the Specialist Firearms
2 Officers standby team. Again, I am going to take it in
3 stages. If a standby team is going to be deployed
4 between the time you authorise and 7 in the morning, or
5 even later than 7 because clearly the model starting at
6 7 doesn't mean to say they will be ready for action at
7 7, it means they will be ready for action an hour and
8 a half or two hours later, doesn't it?

9 A. That could be the case, yes.

10 Q. Realistically, I'll not try to be unrealistic about it.
11 So there is a gap of time. So we are dealing with that
12 gap of time. The Silver Commander which would have to
13 be in readiness, now, to go with them, can you help: who
14 did she, as it were, identify and brief?

15 A. Sir, I can't give a precise answer. What I can say,
16 they were a number of senior officers on duty at
17 Scotland Yard throughout the night who were very capable
18 of fulfilling that role if required. I think the
19 important thing to stress as well is that the authority
20 I granted was to support investigation and plan for what
21 may develop later on. I did feel also at the time of
22 granting this that, at the time of granting it, it was
23 unlikely that much would happen during the night because
24 no photographs had been released, and therefore,
25 although armed response was available, there would be

1 significant time before they were deployed.

2 Q. That's perfectly understandable and I'll come on to the
3 fact the photographs were discovered and further
4 developments and how much you knew about that.

5 But just at the moment, therefore, the question
6 I asked was: can you help as to who at this quite
7 important time -- namely sometime after 11.50 -- was
8 approached by or identified by DCI Scott as the Silver
9 Commander for a standby team?

10 A. Sir, I can't give you a name, but I can tell you there
11 were a number of senior offices available --

12 Q. So you don't know who it was?

13 A. I don't know who it was at that stage.

14 Q. But there were plenty of available people?

15 A. Absolutely, yes.

16 Q. Absolutely, right.

17 A. Yes.

18 Q. Now, the standby team, and I am not necessarily
19 expecting you to know exactly who was identified, but
20 a team was identified, wasn't it?

21 A. I understand that's correct, yes.

22 Q. And it's known as the orange team?

23 A. I believe that's correct, yes.

24 Q. I am not going to go through the detail because Andrew
25 can deal with the detail of the orange team.

1 "Identified to be on standby, and remain at base
2 awaiting intelligence developments". Now, awaiting at
3 base for a standby team would be Leman Street; yes?

4 A. That's correct, yes.

5 Q. Where we all went the other day. I am going to pause
6 there for a moment. You go off duty at 2 o'clock, and
7 we will hear from a loggist that the first information
8 about a gym card came through to New Scotland Yard at
9 2.15, 15 minutes after you left?

10 A. I believe that's the case, yes.

11 Q. Right. Now, of course I am not suggesting that your
12 short rest should be disturbed, but is that an important
13 development that you would expect to be told about when
14 you were next available?

15 A. As the authorising officer?

16 Q. Yes.

17 A. Its something that I would certainly be aware of when
18 I returned to duty, yes.

19 Q. I am coming on to the returned to duty. Meanwhile,
20 sorry, while you are away from New Scotland Yard, you
21 probably now know that the Gold Commander, Mr McDowall,
22 who we have just seen, outlined a strategy. Now,
23 obviously you would not have known that at 4.55, but the
24 points I want to raise with you is this: first of all,
25 had you been at New Scotland Yard, would you have

- 1 expected to be told about the strategy?
- 2 A. The truth is if I had been at Scotland Yard, I would
3 probably have been part of that meeting, yes.
- 4 Q. Sorry, these are rather obvious questions but so it's
5 understood why I am asking, I do not want you to think
6 it's all in a vacuum. The issue I want to raise and
7 I have raised with Mr McDowall is the implementation of
8 a strategy. That is quite an important aspect, isn't
9 it?
- 10 A. Yes, I mean obviously I have been dealing with the
11 authorisation.
- 12 Q. I know.
- 13 A. Mr McDowall is dealing with what's above it, as the
14 strategy.
- 15 Q. Yes, I appreciate. What I want to ask you is: once the
16 Gold outlines a strategy, and part of the strategy is
17 "I want a firearms team to go to the scene as soon as
18 possible", right?
- 19 A. Yes.
- 20 Q. I want to ask you this question, it's not criticism of
21 you, please understand, absolutely none: what should
22 happen after 4.55, when the Gold has set that strategy
23 for a firearms team?
- 24 A. If Mr McDowall has asked for a team, if that's what you
25 are telling me, if he has asked from a team to be

- 1 deployed, they should start to prepare to be deployed.
- 2 Q. Who is responsible in the first instance for making sure
- 3 that Mr McDowall's instructions, as it were, or strategy
- 4 are carried out?
- 5 A. Well, at that time, the control, the operations room was
- 6 open, and the tactical adviser would be aware of it, and
- 7 the resources would start to be positioned accordingly.
- 8 Q. Yes, I am going to put it to you, so it makes it
- 9 a little easier. Is it not right that the structure --
- 10 and the jury have asked a question about structure --
- 11 the Gold, whatever rank he is, says "this is what I want
- 12 done" and then he delegates, effectively --
- 13 A. That's correct, yes.
- 14 Q. -- implementation of it to another officer, who is
- 15 defined as Silver?
- 16 A. That's correct, yes.
- 17 Q. Right, so there has to be a Silver at New Scotland Yard
- 18 picking up on this strategy, "got to get firearms to
- 19 Scotia Road", to make sure it happens; that's how it
- 20 should happen, isn't it?
- 21 A. There is also a tactical adviser to communicate the
- 22 teams as well.
- 23 Q. Exactly. So it's fairly straightforward, the Silver,
- 24 whoever that was, do you know who the Silver was now?
- 25 It may be too long ago.

- 1 A. I don't know, but can I just emphasise the point, when
2 you say "to Scotia Road", I mean, it was a covert
3 operation, you would not want SO19 going to Scotia Road.
- 4 Q. No, no, I appreciate. If he wants an SFO and the
5 standby team that you have is an SFO team?
- 6 A. Yes.
- 7 Q. I appreciate you don't want them all rolling up in
8 marked cars or whatever, but in fact the availability
9 runs to not only unmarked cars for the orange team, but
10 also motorcycles, doesn't it?
- 11 A. That could well be the case, yes, but the important
12 point is that their place, whenever they are asked for,
13 is a distance behind surveillance.
- 14 Q. I appreciate that.
- 15 When you have put SFO, that is a specialist firearms
16 officer, isn't it?
- 17 A. That's correct, sir, yes.
- 18 Q. And very often they are operating for obvious reasons in
19 covert vehicles?
- 20 A. They are indeed, yes.
- 21 Q. Right, so the Silver, whoever that was, and we await to
22 see who it was, who should have been implementing this,
23 would really immediately talk to the tac adviser or the
24 tactical adviser at New Scotland Yard who's Andrew and
25 say: "Look, Andrew, you know that orange team, get them

1 down to a nearby position, and in fact first of all do
2 have a reconnaissance of the location". That's how it
3 should work, isn't it?

4 A. Well, first and foremost, if Mr McDowall has asked for
5 that, the preparation should start, and as I said
6 before, there were a number of people who could fulfil
7 the role of Silver. I can't give you a name. Once,
8 Mr McDowall, if you are telling me has asked for that,
9 the preparations should start, yes.

10 Q. If Angela Scott has done her job, and identified
11 a Silver to go with the SFOs, then the Silver in New
12 Scotland Yard who has the job of implementing it all,
13 speaks to the Silver who has been identified to go with
14 the standby team, and you begin the whole process at
15 about five to half past five in the morning. That's
16 what should have happened, isn't it?

17 A. If you are saying to me that the surveillance -- if you
18 are saying to me that the armed team were requested at
19 that time, preparation would have started. As to the
20 timing of it, I wasn't there, but it does take a long
21 time for SO19 SFO team to prepare, unlike other teams.

22 Q. Right, well, the response times we have heard is for
23 a team to be, as it were, brought in, briefed, who are
24 not on standby, kitted up and all the rest of it,
25 an hour and a half to an hour and three-quarters?

- 1 A. That's probably fair, yes.
- 2 Q. For a team on standby, it's a much shorter time, isn't
3 it; they are actually there already?
- 4 A. It still takes a fair time.
- 5 Q. I accept that. Being realistic about it, it might take
6 a standby team -- and let's try and put a reasonable
7 time on it -- even an hour to get themselves actually
8 ready, even though they are at base?
- 9 A. Yeah, you are saying it would take them at least
10 an hour, yes.
- 11 Q. Of course if they are at New Scotland Yard, they are
12 very ready, aren't they?
- 13 A. Well, obviously as in closer.
- 14 Q. Yes. Did you know that there was, when you came back at
15 6 o'clock, did you know that the standby team,
16 apparently, had been brought to New Scotland Yard?
- 17 A. I didn't know that, sir, and I think it's important to
18 say that actually what you are saying, we were in the
19 very, very early phases of a significant investigation.
20 There was a lot happening and you are focusing on one
21 area, which I understand, but the preparation was taking
22 place, there was a lot taking place.
- 23 Q. We will understand the preparation wasn't taking place,
24 you see, because the standby team were never sent
25 anywhere near Scotia Road; did you know that?

- 1 A. At that time, I certainly know they weren't there at the
2 time you are referring to.
- 3 Q. I appreciate, of course, I can't deal with all the
4 strands of a massive investigation, and of course you
5 are a very experienced officer, aren't you --
- 6 A. I am, sir, yes.
- 7 Q. -- if I may say so, and you are very familiar with
8 terrorist operations, aren't you?
- 9 A. I have been in the terrorist command for four and a half
10 years, nearly five years.
- 11 Q. All right. The terrorist command over the years,
12 unfortunately, has had to contend with bombing
13 situations in London during the Irish period, PIRA and
14 IRA, hasn't it?
- 15 A. It has indeed, yes.
- 16 Q. And the possibility of pub bombings, bombings on tubes
17 and all the rest of it?
- 18 A. That's correct, yes.
- 19 Q. And what officers are trained to do is obviously be
20 prepared for working under extreme pressure; is that
21 fair?
- 22 A. Yes, and officers in July were working incredibly hard
23 as well, correct, yes.
- 24 Q. I am not doubting that for one moment, we have heard
25 a lot of detail yesterday about all the various things

1 going on, but of course all the various things going on
2 are in fact the responsibility of different officers,
3 there are a lot of senior officers at New Scotland Yard
4 with different functions, aren't there?

5 A. That's correct, and in the events and you know sadly
6 it's impossible to recreate the operating environment in
7 London for July 05, which you are now asking me to try
8 to do. That's not possible. There were a lot of senior
9 officers there and a lot of people taking different
10 responsibilities.

11 Q. Going on, on that page, just before lunch, I just want
12 to raise the question, the application or rather the
13 possibility of the position of DSO coming into this,
14 now, you were asked at the beginning, and it's on the
15 first sheet, of the distinction between spontaneous and
16 pre-planned. Now, they are somewhat circuitous
17 definitions because authorised pre-planned is everything
18 other than a spontaneous, isn't it, effectively?

19 A. Yes.

20 Q. So the pre-planned there isn't linked to a public event,
21 it's being relating to the planning of the operation?

22 A. The pre-planned is a relation to supporting what's very
23 much an ongoing investigation.

24 Q. Yes, and that's very common or was very common,
25 something you had done or had to do many times?

1 A. That's correct, yes.

2 MR MANSFIELD: Sir, would that be an appropriate moment?

3 SIR MICHAEL WRIGHT: Certainly.

4 MR HOUGH: Sir, before we rise, I don't know how much longer

5 Mr Mansfield and others have, the next witness after

6 this is an anonymous witness, and there will have to be

7 a break of 20 to 30 minutes. I don't know what approach

8 you prefer to adopt.

9 SIR MICHAEL WRIGHT: And there is another anonymous witness

10 after him.

11 MR HOUGH: I think we are unlikely to get to that witness

12 today. 20 to 30 minutes.

13 SIR MICHAEL WRIGHT: I will pass your request on to

14 Mr Mansfield.

15 How are we getting on?

16 MR MANSFIELD: I am getting on very well, thank you.

17 SIR MICHAEL WRIGHT: I meant as far as time was concerned.

18 MR MANSFIELD: That as well. I think 20 minutes, possibly

19 30.

20 SIR MICHAEL WRIGHT: What about everybody else? Mr Gibbs?

21 MR GIBBS: I doubt I shall have any questions.

22 SIR MICHAEL WRIGHT: Very well. Mr Stern?

23 MR STERN: Likewise me.

24 MS LEEK: I may have a few.

25 SIR MICHAEL WRIGHT: I daresay, but what are we talking

1 about?

2 MS LEEK: No more than five to ten minutes.

3 SIR MICHAEL WRIGHT: Mr Horwell?

4 MR HORWELL: Minutes, if any, sir.

5 SIR MICHAEL WRIGHT: Even so, Mr Hough, I don't know where
6 we get to.

7 MR HOUGH: I have been overoptimistic, sir.

8 SIR MICHAEL WRIGHT: Don't worry, I will ask Mr Knapp
9 whether we can get rid of this screen. I assume we
10 don't need the videolink screens now. I have had the
11 pleasure of watching you and Mr Mansfield in close up
12 and glorious technicolour, but I don't think we need it
13 now.

14 MR HOUGH: I don't think there are any other witnesses
15 expected at this stage.

16 SIR MICHAEL WRIGHT: Before I forget, I think I ought to
17 warn you all that because we have not finished our
18 complete list of witnesses for this week, again it would
19 be very sensible if you kept next Friday clear if we are
20 going to keep up.

21 (1.05 pm)

22 (The short adjournment)

23 (2.00 pm)

24 (In the presence of the jury)

25 SIR MICHAEL WRIGHT: Before we start, ladies and gentlemen,

1 I am very anxious to get as much done as we can this
2 week. I see some sympathetic nods, if nothing else.
3 Would it cause any of you any serious trouble, we are
4 going to have a break this afternoon anyway while the
5 screens are put up for the anonymous witnesses, if we
6 sat on until, say, 5 o'clock? Is that all right? Thank
7 you.

8 Yes, Mr Mansfield.

9 MR MANSFIELD: Yes.

10 SIR MICHAEL WRIGHT: Because of what you asked me,
11 Mr Mansfield, it's to finish this witness, no more than
12 that. You asked me how long I was going to sit,
13 privately.

14 MR MANSFIELD: I did, yes.

15 SIR MICHAEL WRIGHT: I told you it will be to finish this
16 witness, and that's what it is, but I fear that may take
17 until five o'clock.

18 MR HOUGH: Sir, it's this witness and the next.

19 SIR MICHAEL WRIGHT: Yes.

20 MR MANSFIELD: Sir, I am afraid I have a personal
21 commitment, I may not be able to be here much after
22 3.30. I hope no-one will take that as any disrespect.

23 SIR MICHAEL WRIGHT: We will not take it amiss, at least
24 I won't. I can't speak for your colleagues.

25 MR MANSFIELD: Yes.

1 Commander, can I just go back to the page we were
2 on, namely with paragraph 15 in the firearms authority
3 headed "Other Operational Issues", and we had got
4 halfway down to beyond the standby team to the
5 possibility of a DSO being put in place.

6 Just a few questions about that.

7 The paragraph dealing with that shows Andrew,
8 yourself and also Angela Scott, the deputy to Boutcher
9 in the investigation, and then two other commanders,
10 Allison and Carter, both of whom have been mentioned
11 before. In fact, they are both possible DSOs, and in
12 particular Carter was acting as a DSO that night, taking
13 hot calls and so on; is that right?

14 A. That's correct, but I wasn't present at that meeting.

15 Q. No, I am not suggesting you were present at it, although
16 you have got yourself as consulting with the others, and
17 I am not making any particular point other than: can you
18 help as to what the concern for clarification was? Do
19 you see, it's in that paragraph? I will read it slowly:

20 "Andrew, Scott and myself consulted with Chris
21 Allison, who is certainly of DSO capability,
22 Commander Ian Carter, who was acting as a DSO, regarding
23 the need for clarification."

24 Were you part of that consultation?

25 A. No. Sir, I wasn't, no.

- 1 Q. If you weren't, I am just going to --
- 2 SIR MICHAEL WRIGHT: Mr Mansfield, Commander, could you pull
3 that microphone just a bit closer to yourself? I am not
4 sure how well you are being picked up.
- 5 A. Certainly.
- 6 SIR MICHAEL WRIGHT: Thank you.
- 7 MR MANSFIELD: So I am bracketing you, as it were, as not
8 being present so I can't ask you more about that.
- 9 So the explanation for the vulnerability of not
10 allocating, again I can't ask you about that either,
11 because you are not party to that?
- 12 A. I am not party to that, no.
- 13 Q. Then I leave it. If we come to the bottom of the page,
14 it's the final question on this document:
- 15 "Andrew remains night duty. Will record all
16 firearms options."
- 17 Now, you described this when asked by my learned
18 friend Mr Hough before lunch as equivalent to a running
19 log?
- 20 A. That's correct, sir, yes.
- 21 Q. So you would -- we are going to see this later and I am
22 not asking for it now -- expect the log certainly to
23 record the various developments, for example a strategy
24 decision that has implications or impact for firearms?
- 25 A. Can you give more clarity in what you mean by -- what

- 1 decision?
- 2 Q. The decision. The 4.55 one, which was effectively
3 a strategy for containing visually 21 Scotia, challenge
4 and stop and the use of S019 SFO officers to be
5 available to do any stops and so on, that decision, all
6 right?
- 7 A. (Witness nods).
- 8 Q. That involves the use of an SFO unit and therefore you
9 would expect his document to have at least some
10 reference to that at that time?
- 11 A. I think I have to say I would suspect it to be
12 communicated to the key stakeholders in the operation.
13 If Mr McDowall or somebody else has documented it, so be
14 it.
- 15 Q. Yes. I am dealing with Andrew. He is the night --
16 well, is he, as far as you remember, the senior firearms
17 tactical adviser at New Scotland Yard that night?
- 18 A. At night, he was, yes, before I left he certainly was.
- 19 Q. We have heard other names, one in fact earlier today, of
20 other firearms officers, a Mr Rush. Does that name mean
21 anything to you?
- 22 A. It does, yes, I know the officer.
- 23 Q. Was he there that night as well?
- 24 A. Not who I dealt with personally that evening.
- 25 Q. The question was that Andrew is a key person in this

- 1 because he's a tactical adviser and has a direct link to
2 S019 in their base, doesn't he?
- 3 A. He does, yes.
- 4 Q. So therefore the log he's keeping should certainly
5 record any request being made to him to get the standby
6 team on the road? I'm putting it in the vernacular.
- 7 A. Certainly the strategy that you refer to should be
8 recorded, yes.
- 9 Q. Yes, by --
- 10 A. I am not saying necessarily in that log. As long as
11 it's recorded.
- 12 Q. Yes, I am not suggesting it wasn't recorded, we have all
13 seen it. Mr McDowall did. But the document you
14 describe "will be organic record of all firearms options
15 and developments". Well, one of them would have been at
16 5 am, after McDowall gives the strategy, one of them
17 ought to have been him saying "Well, I have been asked
18 to consider deploying S019 to support S012, that's the
19 Special Branch, down at Scotia Road, these are the
20 tactics, these are the people available", all that ought
21 to be in the log?
- 22 A. Sir, that's a matter of opinion. As long as it's
23 recorded, I think that's the important bit. As to where
24 it is, it's for others to judge.
- 25 Q. Yes, Mr McDowall's private notes are not the same as

1 this organic record of all firearms, the duty of the
2 tactical adviser overnight, is it?

3 A. Two separate logs, correct.

4 Q. All right, well, I am not going to go further on that
5 particular point now.

6 So I have not any other questions on that document,
7 but I am sorry, I should have given notice of another
8 document, it's in the document bundle.

9 SIR MICHAEL WRIGHT: Can this go in the document bundle
10 under the next tab?

11 MR HOUGH: Sir, what I was proposing was that we have it in
12 tab 38, members of the jury, the documents from
13 Mr McDowall, which I think has been put in. Tab 39
14 I was going to suggest for the photographs which
15 Mr Mansfield put to DAC McDowall, they are not yet
16 available but will be put in over the weekend, and then
17 this document, the firearms authorisation, go in at
18 tab 40.

19 SIR MICHAEL WRIGHT: Thank you. There you are, ladies and
20 gentlemen.

21 MR MANSFIELD: The next document, the jury I am afraid don't
22 have it, and I am not asking necessarily at this moment
23 that they have it, but could it be brought up on screen?

24 It's D481 at page 59. Commander, it will come up on
25 screen, you will not have it in the bundle. Sorry,

- 1 other way around, document 59. Now, that's a list of
2 people present at an earlier meeting on the 21st, at
3 10 am. I am not going through that list, but it's just
4 to get the flavour. These are lists kept by a loggist
5 for Commander McDowall.
- 6 A. 10 pm.
- 7 Q. Sorry, yes, 10 pm. I do not want to ask you about that
8 meeting, particularly. I do want to ask you about the
9 next one that he's recorded. This loggist has recorded
10 the next one, it's document 61. You will see the date
11 at the top, the 22nd. The time is 7 am. The location
12 is a conference room on the 15th floor. The
13 Commander McDowall, the last witness, is chairing it,
14 and the subject is operational review?
- 15 A. Mm.
- 16 Q. I want to go through the names with you first of all.
17 The commander himself, McDowall, the Gold Commander is
18 there?
- 19 A. Yes.
- 20 Q. The ACSO, in other words the Assistant Commissioner of
21 Special Operations, Andrew Hayman, he is there?
- 22 A. Yes.
- 23 Q. And then that's you, isn't it?
- 24 A. That is correct, yes, sir.
- 25 Q. Then Mr Mellody, who we have heard is Special Branch,

- 1 particularly with intelligence responsibilities?
- 2 A. That's correct.
- 3 Q. Martin Lewin, what was his responsibility?
- 4 A. He was a Chief Inspector operational support at the
- 5 Anti-Terrorist Branch.
- 6 Q. The next one, Mr Prunty, I think it should read, S013,
- 7 his responsibility?
- 8 A. He was acting as the Senior Investigating Officer for
- 9 the 7/7 July bombings, and at that stage of course we
- 10 did not know that they weren't linked.
- 11 Q. I appreciate. Next we have Angela Scott again, who is
- 12 the deputy to Mr Boutcher, and then we have Andrew, who
- 13 we have heard a lot about, a tactical adviser, who was
- 14 at New Scotland Yard. Then "Phil Halson", is it?
- 15 A. Phil Howarth, I believe, a detective sergeant from S013.
- 16 Q. I will not trouble you with his responsibilities. There
- 17 is a Keith Weston, pic 2, and similarly another officer
- 18 linked to pic 2. Perhaps you just ought to indicate
- 19 what that is.
- 20 A. They were in a support function to assist the
- 21 investigation, they weren't part of the S015 command.
- 22 Q. Alright, I don't take time. The next officer we have
- 23 heard, John Macbrayne, S013, he, like Mellody, had
- 24 an intelligence function, did he not?
- 25 A. John Macbrayne is a Detective Superintendent, he has not

1 an intelligence background, he is a Senior Investigating
2 Officer from S015.

3 Q. His particular responsibility was in fact pursuing the
4 forensic examination of scenes and so on?

5 A. He at the time, sorry, I should say, was head of
6 forensics for S013.

7 Q. So if we write "Head of Forensics", scientific, as you
8 call it, investigation.

9 The next one is redacted but we in fact now know who
10 this is, it's Inspector Esposito?

11 A. Yes.

12 Q. Trojan 80, and he is another tactical adviser, I am
13 sorry to keep repeating, it's a lot of detail. He came
14 on to take over from Andrew, did you know that?

15 A. I understand that's the case, yes.

16 Q. Mr Rose at the bottom, he is a DSO assigned -- I am so
17 sorry, a Silver assigned to go to Portnall Road?

18 A. I understand that's correct, yes.

19 Q. So there is one Silver there. If we turn over just
20 a few more names, Ian Carter, of course he is the DSO
21 taking the hotline Kratos calls; is that right?

22 A. Sorry, can you say that again, please?

23 Q. Yes, Ian Carter, is he the commander who was effectively
24 acting as an in-house DSO taking calls related to
25 suicide bombing?

- 1 A. Correct, yes.
- 2 Q. Just elliptically called Kratos there?
- 3 A. Yes.
- 4 Q. Another commander we have already referred to?
- 5 A. Yes.
- 6 Q. Remind us, what's his particular responsibility?
- 7 A. He was actually in charge of the Borough of Westminster,
8 COW, City of Westminster, he is in charge of Central
9 London policing.
- 10 Q. Thank you. The next is a name we know, it's now been
11 unredacted, and that's Mr Greg Purser, Silver, allocated
12 for Scotia Road?
- 13 A. I understand that's correct, yes.
- 14 Q. Then we have Mr Taylor, I don't know --
- 15 A. He is Detective Superintendent SO13.
- 16 Q. Particular responsibilities?
- 17 A. He's a Senior Investigating Officer, I cannot give you
18 the details of his precise role for that meeting.
- 19 Q. Very well. Finally with a slightly later time,
20 Cressida Dick and we heard she arrived a bit later and
21 was given a separate briefing?
- 22 A. That's correct, yes.
- 23 Q. First of all, do you remember this meeting?
- 24 A. Sir, I haven't refreshed my memory from any notes of
25 this meeting, at all. I remember being there but there

- 1 was obviously a lot being discussed.
- 2 Q. I appreciate that, and what I want to ask you is this:
- 3 do you recall being told at that meeting what the
- 4 strategy was by Mr McDowall? Because you weren't there
- 5 at 4.55, I have already told you what he had decided at
- 6 4.55. Did he tell you that again at 7 o'clock?
- 7 A. From my recollection, I do remember obviously discussing
- 8 the way forward from there, yes.
- 9 Q. The way forward?
- 10 A. Yes.
- 11 Q. Now, in order for there to be a way forward, one has to
- 12 know where one has been, as it were, or where you are at
- 13 that point at 7 o'clock. Did anyone at that meeting
- 14 say: well, the way forward is undoubtedly with, for
- 15 example, the Silvers that are coming on, and the team,
- 16 the black team that's coming on at 7, onstream at
- 17 Leman Street and getting kitted up and all the rest of
- 18 it, did anyone say: ah, but wait a minute, we haven't
- 19 got anybody down there at the moment?
- 20 A. No, that tactical detail wouldn't have been discussed in
- 21 that forum.
- 22 Q. Wait a minute. It's not a minor detail, Mr White, is
- 23 it?
- 24 A. I didn't say minor, I said tactical.
- 25 Q. These are really, well, can I call them the creme de la

- 1 creme, they are all here in the one room, they need to
2 know whether in fact the strategy was being carried out,
3 wouldn't they?
- 4 A. The discussion would clearly be around we weren't
5 seeking media photograph releases at that stage.
- 6 Q. Yes?
- 7 A. And it would be, obviously people know what roles and
8 responsibilities they have, but there would be a lot of
9 other issues around policing London also being
10 discussed.
- 11 Q. There is another address, Portnall Road and possibly
12 another six coming onstream, so there is a lot to think
13 about, I appreciate that, and if I can put it this way,
14 it was a pretty hot address, wasn't it?
- 15 A. I think, Mr Mansfield, in fairness, you have the benefit
16 of three years' hindsight. Of course there was two
17 addresses, and you know, they were firearms teams placed
18 to respond during the day.
- 19 Q. Mr White, I am not doing this from the benefit of
20 hindsight of three years or two years or one year. This
21 was accepted by Mr McDowall as a priority premise?
- 22 A. Absolutely, yes. There were two addresses at that
23 stage, from my recollection, not just the one.
- 24 Q. Yes, there were two addresses, but in relation to either
25 of those addresses you would need to know if you are

1 going to progress a strategy, you need to know at this
2 very important meeting dealing with a myriad of issues,
3 how things are going in order to develop them, wouldn't
4 you?

5 A. I don't agree with that, no.

6 Q. You don't?

7 A. I don't agree with that.

8 Q. Why not?

9 A. Because I have been involved in a huge number of
10 firearms operations and if you ask me the detail of
11 where people are at various times, I wouldn't honestly
12 know, others are charged with that responsibility.

13 Q. You have given a firearms authority, haven't you,
14 Mr White?

15 A. Absolutely, yes.

16 Q. You need to be kept up to date with obviously how that's
17 being deployed if at all?

18 A. That's not correct. I have given the authority for
19 officers to be armed to respond to the attempted
20 bombings on the 21st of the 7th. I don't need to be
21 kept up to detail with every minor detail you are now
22 referring to as to where people are at various times of
23 the day, that's not my role.

24 Q. It's not I want to know, are they having their breakfast
25 or whatever, the question is important I suggest at

1 7 o'clock: is Scotia Road covered by firearms at the
2 moment? It's a very simple question, isn't it?

3 A. I understand your question, it's not the detail that
4 I would have gone into personally.

5 SIR MICHAEL WRIGHT: Would it be a matter that would
6 necessarily concern you?

7 A. At that stage, sir, if it had been raised in the
8 meeting, and discussed, I don't recall it, but
9 personally from authorising the firearms, I wouldn't be
10 personally concerned as to where each team was at that
11 time.

12 SIR MICHAEL WRIGHT: You had given the authority --

13 A. That's correct, yes.

14 SIR MICHAEL WRIGHT: -- for other people to use if they
15 wanted to.

16 A. That's correct, yes.

17 SIR MICHAEL WRIGHT: Is that the end of it, as far as you
18 are concerned?

19 A. On the grounds that the structure is there to manage any
20 future deployments, because it was an open-ended
21 authority because of the amount of demands on the
22 Metropolitan Police during July, and what I haven't
23 explained is my role at the time was one of representing
24 the command at, you know, regular Gold meetings
25 throughout the day for wider policing issues.

1 SIR MICHAEL WRIGHT: You had to report back to the Gold
2 meetings as to what was going on.

3 A. Absolutely, yes. I should say, sir, that at the time,
4 and I appreciate the question, from my recollection, the
5 Anti-Terrorist Branch at the time were controlling over
6 30 crime scenes in Central London as a result of 7/7
7 bombings and the 21/7 bombings but mainly around the 7/7
8 bombings so a lot of other issues going on in Central
9 London at the time for the police to manage, but that
10 was very much my role.

11 MR MANSFIELD: I understand that, and the question
12 originally was: who would you expect or would you expect
13 someone at this meeting, not necessarily you, someone at
14 this meeting to indicate, well, we haven't got anybody
15 at Scotia Road, it's uncovered? If they leave now, if
16 any of the potential bombers leave Scotia Road at
17 7 o'clock, there is no-one there to stop them. Did
18 anybody raise that?

19 A. Not to my recollection. As I said, you said to me
20 earlier that there was a team at Scotland Yard, we had
21 two addresses, we know from previous events that the
22 targeted times had been 0851 in the morning, they had
23 been after midday at lunchtime, so you know, personally
24 the fact teams were available for deployment from
25 Central London I would have personally been comfortable

- 1 with.
- 2 Q. Would you?
- 3 A. At the time you are talking about.
- 4 Q. Would you? As you have given that answer, I just want
5 to pursue that. You are comfortable with a team at New
6 Scotland Yard when a bomber leaves Scotia Road, if they
7 did, at 7 o'clock, let us suppose, it could have been
8 earlier?
- 9 A. I didn't say that, did I?
- 10 Q. What are you saying?
- 11 A. I am saying that at 7 o'clock, the fact that teams were
12 at Scotland Yard and we had more than one address, yes,
13 I accept that was, from my point of view, acceptable.
- 14 Q. It wasn't to Mr McDowall, did you know that?
- 15 A. No, I didn't know, no.
- 16 Q. You didn't?
- 17 A. No.
- 18 Q. You see, what he was saying was, "I want a team down
19 there as soon as possible" and for some reason, a team
20 gets to New Scotland Yard but is never deployed down to
21 Scotia Road and there is no team there until about 9.30,
22 that is a four hour gap. That's acceptable, is it,
23 Mr White?
- 24 A. No, what I am saying is at 7 am if they are preparing to
25 deploy, I think that's acceptable.

- 1 Q. Acceptable for what?
- 2 A. Because we had two addresses, we still have a lot of
3 intelligence we are working through from the night and
4 what I am saying is I wouldn't personally expect a team
5 to be sitting in Scotia Road, Portnall Road or anybody
6 else at 7 am, available for deployment I am saying.
- 7 Q. This is an operational review meeting and I daresay it
8 has a lot of operations to consider over London, all
9 right, I understand the context. And the operational
10 review is considering a strategy set at 5 to 5 which was
11 get a firearms team to Scotia Road, whatever you think
12 about other addresses, Mr White, get a team down to
13 Scotia Road to support the surveillance.
- 14 Did you know that was the strategy?
- 15 A. Well, I am aware of it now, yes, absolutely.
- 16 Q. Were you aware of it then?
- 17 A. I was aware of those two addresses, yes --
- 18 Q. Were you aware of the strategy?
- 19 A. I was aware of the strategy, yes.
- 20 Q. Right.
- 21 A. Yes.
- 22 Q. Were you aware at 7 o'clock that the strategy for
23 Scotia Road was not being implemented?
- 24 A. No, I don't recall being aware of that, no.
- 25 Q. No?

- 1 A. Because people were charged with different
2 responsibilities, were dealing with different events and
3 investigation.
- 4 Q. I want to try to pin a bit of responsibility here. Who
5 had the responsibility at that meeting for updating
6 Commander McDowall who says he didn't know about the
7 fact they weren't there, who had the responsibility for
8 telling him?
- 9 A. That would come from overnight update from senior
10 management of S013.
- 11 Q. Who?
- 12 A. There were a number of senior managers all briefing in
13 different aspects of what was very early stages of the
14 investigation.
- 15 Q. This aspect, who had responsibility to brief him?
- 16 A. I can't give you a name.
- 17 Q. I think you could give me a rank, couldn't you? The
18 person who should be doing it is the person who has
19 responsibility for implementing it. Who is that?
- 20 A. I can't give you a name.
- 21 Q. No, it's the Silver, isn't it?
- 22 A. Mr Mansfield, you are making assumptions. There was
23 a lot of activity going on during the night.
- 24 Q. Yes, I appreciate that, Mr White. I am really trying to
25 stick to the point.

- 1 A. I appreciate you are and I am trying to give you a clear
2 answer, that a lot was being arranged in the night and
3 people were doing their utmost to ensure that the
4 control room was running, and that the resources were
5 being moved to the areas where they were required.
- 6 Q. Yes, I appreciate the answer, now I am going to deal
7 with the specific. The person responsible for
8 implementing Gold strategy is the Silver, who should
9 have been appointed or been there in New Scotland Yard
10 to ensure that what Commander McDowall wanted done was
11 done; you agreed that earlier, yes?
- 12 A. Silver has a key role to play in any armed operation,
13 yes, I agree that, sir.
- 14 Q. I am sorry, the question was, it's not just a key role,
15 Silver has the role in New Scotland Yard at 5 o'clock in
16 the morning of implementing Gold's strategy; correct?
- 17 A. The control room had a Silver, had various posts in the
18 control room who are there to implement the strategy,
19 yes.
- 20 Q. No, sorry. I am sorry. Silver has to be appointed,
21 it's part of the ACPO well-known command structure,
22 which you have to ensure is in place for a firearms
23 authority --
- 24 A. Yes.
- 25 Q. -- is Gold Silver Bronze, isn't it?

- 1 A. I agree.
- 2 Q. Right. I am sorry to go on about it, I do not want
3 general answers about: oh, we had a lot of officers.
4 A Silver officer should have been appointed at 5 o'clock
5 to ensure that the strategy was implemented; correct?
- 6 A. Mr Mansfield, it's not a yes or no answer. I am sorry.
7 You are trying to make me give a yes or no answer. The
8 control room had a number of senior staff in there to
9 allocate the resources as the intelligence developed and
10 that's exactly what they did.
- 11 Q. Right, who was implementing Gold policy?
- 12 A. Through the control room.
- 13 Q. Who?
- 14 A. There are a number of people in the control room.
- 15 Q. If you look down the list of people there, I know there
16 are a number of people and we can go on obviously and
17 I am not going to for hours you just saying there is
18 a load of people. The people who actually turn up at
19 this meeting do not include any Silver responsible for
20 implementing that policy?
- 21 A. Mr Mansfield, at the conclusion of that meeting, people
22 would leave to go to their various roles and that
23 strategy would be being implemented.
- 24 Q. Well, we know it wasn't, so don't worry about that for
25 the moment, Mr White, we know it was not implemented, do

1 you follow, there wasn't a firearms team there until
2 9.30. Are you clear?

3 A. I accept what you say.

4 Q. Well, you know that, don't you?

5 A. I do know that now, yes.

6 Q. You know that now?

7 A. Yes.

8 Q. Yes. A few years, if I may say so, Mr White, and I am
9 sorry to persist about this particular matter. Just go
10 down the list, and it goes back to the previous page,
11 please. What I am going to put to you is: Mr Boutcher,
12 who was in fact made Silver, he's not there, is he?

13 A. He is not on that list, no.

14 Q. The reason, and it's no criticism, is that he had gone
15 off at 2.30 in the morning and he didn't come back until
16 7.10, so he is not there to implement Gold policy, is
17 he?

18 A. If you say so.

19 Q. Well, it's not contentious, he just wasn't there?

20 A. He is not at that meeting but there were people there
21 who left that meeting to go and implement that strategy.

22 Q. No, I am dealing with before 7 o'clock, do follow, not
23 afterwards.

24 Now, he is not there, and he can't have been
25 implementing Gold policy because he was at a hotel. Do

1 you follow, Mr White?

2 A. I understand, yes.

3 Q. Right. Who took his place to make sure the McDowall
4 policy was in place? And it's important because you
5 need a firearms team to get this down there to sort out
6 the location, so people get stopped and they don't get
7 on buses and tubes and get shot dead; do you follow?

8 A. Mr Mansfield, I do follow. There were people in that
9 room who would leave there and implement that strategy.
10 There was a tactical adviser there, there was a Silver
11 Commander there and people --

12 MR HOUGH: Sir, I am sorry to interject, can the current
13 page be taken off screen for the moment, please.

14 MR MANSFIELD: Right. I think I can make the point anyway.

15 MR HOUGH: There was a name on screen that shouldn't have
16 been there.

17 SIR MICHAEL WRIGHT: Thank you. I think you can probably
18 make the point without it, can't you, Mr Mansfield?

19 MR MANSFIELD: Yes, I can.

20 The position is never mind who left the meeting,
21 there was no-one at the meeting, in fact there wasn't
22 any Silver appointed to implement this policy between
23 5 o'clock and 7 o'clock; did you know that?

24 A. Mr Mansfield, I didn't return to work until after 6 am,
25 I wasn't there at 5 am.

1 Q. I appreciate that. The only other people at this
2 meeting, other than the Silvers who have just come on to
3 go to locations, and we have been through those --

4 SIR MICHAEL WRIGHT: That's Purser and Rose.

5 MR MANSFIELD: There are no other Silvers, apparently, we
6 have been through the list, I don't ask for it on
7 screen, the only other people who might have had
8 an input and said: wait a minute, we are really running
9 behind here is in fact, well the key person is Andrew,
10 because he is the night tactical adviser with the
11 firearms team, he has been on all night, hasn't he?

12 A. That's correct. Mr Mansfield, when you say we are
13 running behind here, I go back to what I said to you
14 before, I appreciate Mr McDowall had instructed a team
15 to deploy and that should have been happening, as you
16 say, at a time when they are available to deploy with
17 their relevant kit, but at the time you are talking, at
18 7 am in the morning, I mean, we honestly believed that
19 the rush hour would be from 7, 7.30 in the morning, the
20 previous day's attacks had been at lunchtime. You are
21 now trying to say that we were being too slow.

22 Q. Oh, absolutely, because I make it very clear, you had no
23 idea whether they had come out much earlier than they
24 did the day before or much later, and anyway it wasn't
25 about necessarily just stopping a suicide bomber, it was

1 ensuring they didn't escape. You did appreciate that?

2 A. Absolutely I appreciate that, yes.

3 Q. Right. So you are not working on: well, are they going
4 to bomb it later or earlier, you are working on the
5 basis: are we going to get to them before they get away?

6 A. I am working on the basis that I know, because I was
7 there throughout the events in July, that the
8 Metropolitan Police officers involved in the
9 investigation, supporting the investigation to the best
10 of their ability, ensure they delivered their
11 responsibilities, that's what I am work on.

12 Q. Yes, I follow that.

13 In fact, it appears you don't have any express
14 recollection of what was discussed; is that fair?

15 A. No, I would have to refresh my memory from the notes
16 from that meeting, which I haven't done, sir.

17 Q. I will not ask you questions on the back of something
18 that you have not refreshed your memory on.

19 Have you ever seen any notes of this meeting?

20 A. If there are notes, it would be, I believe, Mr Forteath
21 or a loggist's record of it.

22 Q. Have you ever seen them?

23 A. I don't recall this.

24 Q. You don't recall?

25 A. No.

1 Q. Would you just bear with me for one moment, please?
2 (Pause). I am not going to ask for it to be put on
3 screen. There is, in fact, in the loggist's notes which
4 I have in front of me, in relation to 7 o'clock meeting,
5 there is almost nothing recorded. And in Mr McDowall's
6 own notes, again, very scant.

7 You see, one of the problems in this operation is
8 that records are pretty scant, aren't they?

9 A. That's --

10 SIR MICHAEL WRIGHT: That's probably an expression of
11 opinion, isn't it, Mr Mansfield?

12 MR MANSFIELD: Yes, it's not mine, as it happens, alone,
13 others have come to that conclusion.

14 Are you aware of that?

15 A. My answer was to be, sir, actually that's an opinion.
16 I feel that a lot of documentation was created. There
17 was a huge amount of activity, Mr Mansfield, I said to
18 you earlier today it's not possible in this environment
19 to recreate the operational atmosphere in London during
20 July 05. I believe records were kept at every
21 opportunity that people were able to do it.

22 Q. I do appreciate when you are under pressure, I am not
23 expecting you to walk around with a notebook writing
24 everything down "I am walking along the corridor",
25 whatever. You have a loggist here whose main and

1 principal function was to record main decisions and
2 discussions?

3 A. Significant decisions, yes.

4 Q. Yes.

5 A. And that meeting was probably an update from overnight
6 to update the senior management team and others as to
7 what had happened in the hours whilst they had been
8 asleep.

9 MR MANSFIELD: Thank you.

10 SIR MICHAEL WRIGHT: Yes, Mr Gibbs.

11 MR GIBBS: No questions, thank you, sir.

12 MR STERN: No, thank you, sir.

13 SIR MICHAEL WRIGHT: Ms Leek?

14 Questions from MS LEEK

15 MS LEEK: Mr White, I ask questions on behalf of the
16 separately represented CO19 officers, including Andrew,
17 Inspector ZAJ and Trojan 84. I think you know who those
18 witnesses are.

19 A. I do, yes.

20 Q. Just so that the jury understand, there is no
21 requirement at the stage of an authorisation for
22 firearms for you to know the precise whereabouts of the
23 various resources?

24 A. That's correct, yes.

25 Q. The role of the tactical adviser, Andrew, here, was

- 1 simply to advise you as to the likely need for firearms
2 in this situation?
- 3 A. Absolutely correct, yes.
- 4 Q. He was not part of the command structure?
- 5 A. He was tactical adviser, that's correct.
- 6 Q. I think it's important that the jury understand that the
7 tactical adviser does not form part of the structure and
8 that, in fact, Gold and Silver have their own tactical
9 advisers in more complex firearms situations?
- 10 A. That's correct, and perhaps I can give an example,
11 because I have authorised hundreds of firearms
12 operations in recent years, and it was the advice of
13 Andrew when this was an open-ended authority and
14 I discussed it with him, because that's an unusual
15 authority to give and that was a role he played giving
16 me the advice on that.
- 17 Q. The granting of an authority does not presuppose
18 deployment at a particular time to a particular place?
- 19 A. That's correct.
- 20 Q. Because plans may change and do change rapidly and at
21 any time?
- 22 A. They were indeed, and I think it's right to say that
23 from my recollection, sir, during July, just the
24 Anti-Terrorist Branch we did have something in the
25 region of 25 to 30 armed operations happening in Central

- 1 London at various times.
- 2 Q. And nor does an authority authorise armed intervention?
- 3 A. That's correct.
- 4 Q. By armed intervention, we might mean anything from
- 5 standing saying: "Armed police, stand still" to taking
- 6 a critical shot?
- 7 A. Correct, yes.
- 8 Q. Those are extremes at both ends of the use of firearms
- 9 officers?
- 10 A. Yes.
- 11 Q. And nor does granting authority authorise the use of
- 12 force itself?
- 13 A. That's correct.
- 14 Q. Armed response vehicles have their own standing
- 15 authority, they not?
- 16 A. They do, they have a separate authority signed I believe
- 17 by an assistant commissioner.
- 18 Q. That means they are able to self-authorise in situations
- 19 where they perceive an imminent threat of serious
- 20 danger?
- 21 A. Correct, yes.
- 22 Q. The authorisation that you granted would cover the use
- 23 of tactical support teams as well as specialist firearms
- 24 officer teams because they don't have standing
- 25 authority?

- 1 A. That's correct, my authority was in respect of the
2 investigation from the previous -- in fact from that
3 day, from the 21 July, until such times all those
4 responsible were detained.
- 5 Q. So I think it's fair to say that your role here, without
6 wanting to do it down in any way, so far as the command
7 of the firearms operation was concerned, was actually
8 very limited?
- 9 A. Correct, yes.
- 10 Q. It was simply to authorise the use of firearms?
- 11 A. Correct, yes.
- 12 Q. You have been asked about what officers should record
13 and where they should record it. This may be obvious,
14 but presumably that is entirely dependent on who knew
15 what and what they were asked to do?
- 16 A. That's a fair comment, yes, but obviously the control
17 room operations room was co-ordinating the deployment.
- 18 Q. Absolutely, but if a tactical adviser at any one point
19 in the night or early morning hasn't been told what
20 a strategy is, he can't be expected to write it down?
- 21 A. If that's the case, yes.
- 22 MS LEEK: Thank you.
- 23 SIR MICHAEL WRIGHT: Thank you. Mr Perry?
- 24 Questions from MR PERRY
- 25 MR PERRY: Sir, just a couple of matters, if I may.

1 Mr White, just so you know, I am David Perry and
2 I represent Mr McDowall, Commander Dick, Chief Inspector
3 Esposito, Trojan 80, and Detective Chief Inspector
4 Purser, who was the Silver at Scotia Road.

5 Mr White, you have been asked some questions about
6 Mr McDowall's strategy and his intentions. May I just
7 tell you what Mr McDowall actually did say to us, and
8 you can see whether you agree with it?

9 Mr McDowall, giving evidence yesterday, said that
10 there would be quite serious dangers in deploying
11 officers without a briefing from Silver Commanders and
12 without a briefing from their team leaders. That's
13 Day 4, page 169, line 13 for the record.

14 Mr White, may I just ask you: first of all, you
15 understand what Mr McDowall is saying there?

16 A. Yeah, I agree, yes.

17 Q. Do you agree with it?

18 A. I do agree, yes.

19 Q. The point Mr McDowall was making was that if you are
20 going to be deploying firearms, you need the briefing
21 from the Silvers and their own team leaders and of
22 course we know that the Silvers, Mr Purser for
23 Scotia Road and Mr Merrick Rose for Pownall Road --
24 sorry, Portnall; Pownall was an error that had been
25 made, Portnall -- the Silvers were present at the 6.50

1 or in the notes it's sometimes referred to as the 7 am
2 meeting on the 22nd?

3 A. Yes, and obviously very important that they got the
4 update intelligence picture.

5 Q. What Mr McDowall also went on to say, having said,
6 emphasised the importance of deployment with briefings,
7 he says:

8 "It would be entirely appropriate to bring the
9 orange team from Leman Street to New Scotland Yard to be
10 on standby until the teams coming on duty at 7 o'clock
11 had kitted up and been briefed."

12 First of all, do you agree with that?

13 A. I do, yes.

14 Q. Now, the orange team, just so, in case some of these
15 details are a little difficult to keep in mind all the
16 time, but the orange team was the team that had been at
17 Leman Street on standby during the night; is that right?

18 A. I understand that's the case, yes.

19 Q. Now, there was also a grey team which had been on duty
20 for about 23 hours and had been stood down for a few
21 hours' rest at 4.15 am. Were you aware of that?

22 A. I am, yes.

23 Q. Because they had been on duty for getting on for over
24 20 hours, they were stood down to go to a hotel with
25 a view to coming back on duty at 10 am, so that they

1 would only have about five or six hours sleep. The
2 orange team therefore being the only team on standby was
3 moved to New Scotland Yard to cover both addresses,
4 Scotia and Portnall.

5 Now, what Mr McDowall said about that was that:

6 "At Scotland Yard, they would be closer both to
7 Scotia Road and Portnall Road than if they remained at
8 Leman Street."

9 And he said in answer to that: "Yes, that's true."

10 Then he was asked this question I hope in fact it
11 wouldn't just be appropriate, that's appropriate to
12 bring them to New Scotland Yard, it would be eminently
13 sensible to have them at New Scotland Yard and
14 Commander McDowall said: yes, that's correct.

15 Is that your position?

16 A. Absolutely, and I think I alluded to it earlier on today
17 when the location of the SFO team, which is a very
18 valuable and a fairly short resource, was to be in the
19 best place to respond to the developing intelligence.

20 Q. Yes. Suppose you had sent the firearms team down to
21 Scotia Road and someone had come out of Portnall Road.
22 What would have been the problem then?

23 A. Absolutely, obviously in the wrong place.

24 Q. But it's not just Scotia Road and Portnall Road, is it,
25 it's the possibility of intelligence coming from

1 anywhere from the 32 boroughs that make up the
2 Metropolitan Police District?

3 A. Sir, that's correct, and I think it's also important to
4 point out that for the month of July saw our highest
5 level of contact with the public for incoming
6 information because of the concerns and the fears from
7 the events of 7 July and 21 July, so there was a lot
8 happening in developing intelligence at the time.

9 Q. Mr White, you have been asked about the meeting. So far
10 as you are concerned, you of course carry a heavy
11 responsibility, having authorised the availability of
12 firearms to Metropolitan Police officers, and you have
13 to keep that under review and people have to report back
14 to you if there are significant developments, you have
15 been asked about the 9.56 reference to calling you
16 because it was thought that there might be an arrest of
17 one of the suspects.

18 As far as you were concerned at this meeting at
19 6.50 am, on the 22nd, were you satisfied that a command
20 structure was properly and appropriately in place?

21 A. I was, sir, yes.

22 Q. With all your experience of firearms operations, are you
23 satisfied that at that time both addresses were
24 appropriately covered by the location of a firearms team
25 equidistant between the addresses available to respond

1 to any future developments.

2 A. I was, yes.

3 MR PERRY: Thank you very much, Mr White.

4 SIR MICHAEL WRIGHT: Mr Horwell?

5 MR HORWELL: No, thank you, sir.

6 SIR MICHAEL WRIGHT: Mr Hough?

7 MR HOUGH: Nothing more from me.

8 Questions from THE CORONER

9 SIR MICHAEL WRIGHT: A couple of minor matters, Mr White.

10 How many people in an SFO team? Is it a fixed
11 figure or just an average?

12 A. No, they certainly all consist of more than ten
13 officers, there are people better qualified than I am,
14 but you will see an inspector, a sergeant, and probably
15 ten other officers in that team as well, so probably
16 I would say somewhere between 10 and 15 you would see in
17 most SFO teams.

18 SIR MICHAEL WRIGHT: Thank you. When the orange team, as we
19 have been told about, were either at Lemn Street or
20 later at New Scotland Yard, on standby, what condition
21 are they in? By which I mean, are they kitted up have
22 they drawn their weapons, are they ready to go.

23 A. If they were at New Scotland Yard, sir, they would in my
24 judgment be ready for deployment after briefing because
25 they have obviously taken their weapons from their base.

1 SIR MICHAEL WRIGHT: They would have had their weapons and
2 their ammunition and all they would need was a briefing.

3 A. Yes.

4 SIR MICHAEL WRIGHT: What about if they were on standby at
5 Leman Street?

6 A. I am afraid I am probably not best qualified --

7 SIR MICHAEL WRIGHT: If you are not, don't bother.

8 A. As to whether they were actually with their weapons on
9 them, I can't comment but obviously there is a chance
10 they were.

11 SIR MICHAEL WRIGHT: You have just confirmed this, there was
12 certainly two teams there, on that night, although the
13 grey team were being given probably, as Mr Mansfield
14 said, a well-deserved few hours break. If they were
15 going to go to a hotel, would they have had had to have
16 handed their weapons in?

17 A. Certainly, yes, sir, they would have had to go back to
18 an authorised armoury which would be somewhere in
19 Central London.

20 SIR MICHAEL WRIGHT: So they would effectively be certainly
21 not available for immediate call, because they would
22 have to come out and get kitted up and briefed again?

23 A. Certainly, sir, yes, and I think that the important bit
24 about an SFO team, because of the amount of equipment
25 they do carry, it does take a fair time for them to

1 deploy.

2 SIR MICHAEL WRIGHT: We have heard about that.

3 Mr Mansfield, I am not sure whether he was talking about
4 these two, I think he suggested, I may have
5 misunderstood him, that there was a third team. Was
6 there?

7 A. Sir, I am probably not the best person to ask that as to
8 where they were at the time.

9 SIR MICHAEL WRIGHT: Who should we ask?

10 A. I think probably that question should be asked to the
11 tactical adviser, Andrew, or the tactical adviser who
12 then took over from him later in the day.

13 SIR MICHAEL WRIGHT: Mr Esposito.

14 A. Yes.

15 SIR MICHAEL WRIGHT: Thank you. Yes, thank you very much
16 indeed.

17 A. Thank you, sir.

18 (The witness withdrew)

19 MR HOUGH: Sir, may this witness be released?

20 SIR MICHAEL WRIGHT: Yes. As far as I am concerned, any
21 witness who has given evidence, unless anybody wants him
22 or her to stay, can be released.

23 MR HOUGH: And the lawyers kept in court.

24 SIR MICHAEL WRIGHT: Ladies and gentlemen, you are going to
25 have a break, I don't know how long it will be because

1 what I am determined to do is bring you back here as
2 soon as possible while the screens go up. Would you
3 like to withdraw, please.

4 (In the absence of the jury)

5 SIR MICHAEL WRIGHT: Ladies and gentlemen, what I have asked
6 you to stay back for is simply to remind you that even
7 at this early stage, and I did hope I would not have to
8 do this yet, we have taken up one spare day, and indeed
9 we have lost a witness who is going to have to go over
10 until next week. What I am going to ask, please, and
11 I'm going to reinforce this from time to time, is please
12 to ask everybody to use the greatest possible economy in
13 questioning all these witnesses. Please, please no long
14 runs up to the wicket.

15 I have already said something in the course of the
16 PIRs about the amount of opinions that are going to be
17 ventilated, and I'm going to try to keep some sort of
18 check on that.

19 Can I ask you all to remember that my experience
20 over many, many years has been that police officers are
21 second only to lawyers in their ability to deliver long,
22 convoluted and complicated answers to equally long,
23 convoluted and complicated questions.

24 Can I ask you all, please, to exercise a certain
25 amount of constraint and restraint and hopefully,

1 then DAC Clarke.

2 SIR MICHAEL WRIGHT: You have until 5 o'clock. It may be
3 a question of going out of order.

4 MR HOUGH: There may be a concern about going out of order
5 with that witness, given that he may be subject to some
6 criticisms which the police counsel may wish to respond
7 to.

8 Monday we will have the remainder of Andrew,
9 DAC Clarke and we hope also to fit in Inspector ZAJ, and
10 if we can --

11 SIR MICHAEL WRIGHT: Then we will have caught up.

12 MR HOUGH: -- have DI Forteath on standby in case we can
13 start him on Monday. That may be overoptimistic.
14 Tuesday we propose to proceed as per the existing
15 timetable, that is partly because that day is difficult
16 for some counsel and witnesses have been chosen
17 carefully for that day.

18 Wednesday we propose to remove the existing
19 witnesses and to call Mr Boutcher, and we have spoken to
20 the MPS representatives about his availability and he
21 should be available to start on Wednesday. We
22 anticipate he will continue through until, for some of
23 Thursday, we would hope to get --

24 SIR MICHAEL WRIGHT: Boutcher is starting on?

25 MR HOUGH: Starting Wednesday, continuing on to Thursday.

1 Then Detective Superintendent Johnston, warned also for
2 Thursday. Then to sit on Friday next week, and to hope
3 to call Detective Inspector Whiddett, Owen, Alan and
4 Bernard, or as many of those as can be called, who had
5 been scheduled for Wednesday.

6 That will leave us with Mr Lewindon, and Mr Cremin,
7 over. We propose to take Mr Cremin immediately after
8 DAC Dick on Wednesday the 8th and fit Mr Lewindon in
9 where we can as the weeks go by.

10 Now, that's a quick proposal which others will be
11 able to take some instructions on. If there are any
12 insuperable difficulties with counsel making particular
13 days, then we can be told, or if there are difficulties
14 with witnesses making particular days. Obviously there
15 are difficulties about us asking people to give time
16 estimates for how long they will be with witnesses, both
17 because they don't know what other counsel will deal
18 with with a particular witness and also because it is
19 very difficult for us to work on the longest time
20 estimate from everybody for every particular witness.

21 SIR MICHAEL WRIGHT: Indeed.

22 MR HOUGH: That's housekeeping in relation to the timetable.

23 A couple of other matters. We were asked yesterday by
24 the jury to provide a diagram of the command structure.

25 SIR MICHAEL WRIGHT: Yes.

1 MR HOUGH: Mr Hilliard and I are concerned that this should
2 be, at least at this stage, a simple document.
3 Something more complicated can be produced later. One
4 that was produced at the criminal trial was, to our
5 minds anyway, rather complicated and perhaps confusing
6 at this stage in the exercise. So we will ask others to
7 put their minds to that over the weekend.

8 Also, something that arose today with Mr White,
9 there are obviously concerns about different versions of
10 documents, some of which have not been fully redacted.

11 SIR MICHAEL WRIGHT: Yes.

12 MR HOUGH: If any concerns of that kind are brought to light
13 with us beforehand, we can do our best to avoid things
14 going on screen or to the jury.

15 SIR MICHAEL WRIGHT: That's important, to keep any such
16 document off the screen before it finds its way on to
17 the website. Very well.

18 MR HOUGH: Those are my comments, sir.

19 SIR MICHAEL WRIGHT: Thank you very much. I imagine you all
20 want to digest that, so we will rise now and as soon as
21 the screens are ready, we will all come back.

22 (3.00 pm)

23 (A short break)

24 (3.15 pm)

25 (In the absence of the jury)

1 MR HOUGH: Sir, I asked that you be brought in before the
2 jury for this reason: we are about to have our first
3 anonymous witness and I wanted to check and for all
4 persons in this room to check that they and everybody
5 else that they recognise in the room should be here.

6 SIR MICHAEL WRIGHT: Yes. Self-check, please. (Pause).
7 Including the interpreter, of course, and the family.

8 MR HOUGH: If there are any objections, similarly, to any
9 person who has been seen, then I would ask for those to
10 be made now.

11 SIR MICHAEL WRIGHT: Thank you.

12 MR HOUGH: Then perhaps the jury and the witness be brought
13 in, in the appropriate way.

14 SIR MICHAEL WRIGHT: Check the screens are off at the other
15 end and in the annex.

16 (Pause)

17 (In the presence of the jury)

18 SIR MICHAEL WRIGHT: In fact, Mr Hough, is the interpreter
19 in here or still in the booth outside?

20 MR HOUGH: I believe the interpreter is still in the booth.

21 SIR MICHAEL WRIGHT: That's all right, I would assume that
22 will work. Yes, very well. And the witness?

23 CODENAME "ANDREW" (sworn)

24 SIR MICHAEL WRIGHT: Thank you, please sit down.

25 Questions from MR HOUGH

- 1 MR HOUGH: My name is Jonathan Hough and I will ask you
2 questions first on behalf of the Coroner, then you will
3 be asked questions by others.
- 4 A. Yes, sir.
- 5 Q. You didn't announce your name like the other police
6 officers we have heard from so far because you have been
7 granted anonymity by application of legal principles by
8 the Coroner, and you have been given the name "Andrew",
9 I think?
- 10 A. Correct, sir.
- 11 Q. And you were also given the same name for the criminal
12 trial last year?
- 13 A. That is correct, sir.
- 14 Q. And you gave evidence during the course of that trial?
- 15 A. I did, sir.
- 16 Q. Certainly in 2005 you were in the CO19 firearms branch
17 of the Metropolitan Police?
- 18 A. I was, sir.
- 19 Q. You were of Chief Inspector substantive rank but I think
20 you were an acting superintendent at the time?
- 21 A. On that day, sir, yes.
- 22 Q. You have also been referred to by others and in some
23 documents as a senior tactical adviser at the time?
- 24 A. Senior firearms tactical adviser, yes, sir.
- 25 Q. You had yourself at that time been qualified as

- 1 a specialist firearms officer for a period of ten years
2 or more?
- 3 A. That's correct, sir.
- 4 Q. You had been involved in the training of other officers?
- 5 A. Correct, sir.
- 6 Q. And I think you had also been involved in training
7 officers in the Kratos and Clydesdale strategies?
- 8 A. I had not, sir.
- 9 Q. You had not at that time?
- 10 A. No, sir.
- 11 Q. Have you since?
- 12 A. No, sir.
- 13 Q. Were you aware of those strategies at that time?
- 14 A. Yes, sir.
- 15 Q. Can we move on to the date of 21 July, on that day
16 I think you were acting superintendent for operations
17 for CO19 firearms branch?
- 18 A. I was on that day, sir.
- 19 Q. As I have said, you have been referred to as a duty
20 tactical adviser. Can you explain, because we have not
21 actually heard from anybody within CO19 yet, what the
22 function of a tactical adviser is, very briefly, and to
23 what extent he's part of the command structure as
24 a whole?
- 25 A. The tactical adviser's role is to advise the command

1 team, principally the Silver Commander, around tactical
2 options and tactics that can be implemented to resolve
3 a particular problem where the use of firearms are
4 required.

5 Q. Was it also your function to ensure that sufficient
6 resources were in place for operations that were ongoing
7 at that time?

8 A. In regard to this particular operation, that would have
9 been one of my functions.

10 Q. Was it also one of your functions, and we have heard
11 about this very briefly, to keep an ongoing log of
12 decisions you were making and resources that you were
13 aware of?

14 A. Yes, sir.

15 Q. Physically, was that log a section in a ring-binder that
16 you would have with you?

17 A. Yes, sir.

18 Q. Perhaps we can have handed out to the jury a section of
19 that, and if we can have it on screen, it starts at
20 D7678. Perhaps I can hand a copy to you as well.

21 (Handed).

22 Before we go through that, can I deal with some
23 matters of background? There are, I think, at any given
24 time a limited number of specialist firearms officer
25 teams available to the Metropolitan Police?

- 1 A. Correct, sir.
- 2 Q. Certainly in 2005 those teams were designated by
3 colours?
- 4 A. Correct, sir.
- 5 Q. We just heard from the last witness that the numbers in
6 a team would vary but would certainly be more than ten;
7 is that right?
- 8 A. The establishment at that time was one sergeant in
9 charge of the team, and up to 12 Constables on that
10 team, and there were six teams.
- 11 Q. But it's fair to say that all six teams wouldn't be on
12 duty at any one time?
- 13 A. On certain days, yes, most days no.
- 14 Q. If they were on duty, would they work in a shift
15 pattern, or how would it work?
- 16 A. There was a shift rota at that time. Would you like me
17 to explain that?
- 18 Q. Yes, please.
- 19 A. One of the teams would be rostered to work from 7 am to
20 3 pm, that would be known as the early 1 team. There
21 would be a second and third team, early 2 team and early
22 3 team, they were rostered to work from 8 am to 4 pm.
23 There would be one team always training in that week.
24 There would be another team rostered to work a late
25 turn, 3 pm to 11 pm and then the sixth team may either

- 1 be off or, depending on the day of the week, covering
2 a spare shift.
- 3 Q. Thank you. Was there any movement of officers between
4 the different teams?
- 5 A. Regularly, sir.
- 6 Q. Were multiple teams sometimes used for one operation or
7 even one site?
- 8 A. Correct, sir.
- 9 Q. Now, I think it was the black team which was deployed to
10 Stockwell underground station in the incident that we
11 are dealing with?
- 12 A. A combination of black and another colour team, sir.
- 13 Q. Just to be clear to everybody, what was the other colour
14 which also --
- 15 A. I cannot recall that detail, sir.
- 16 Q. We will come to that. We have also heard about the
17 orange team. Is it right that that was a team of
18 Specialist Firearms Officers who were on standby
19 overnight in the shift from 3 pm on the 21st July to
20 8 am on the 22nd July?
- 21 A. Correct, sir, that would have been the late turn team
22 rostered for the 21st, who I then kept on duty.
- 23 Q. We will see where they went. Then another team that we
24 I think have heard of, the grey team I think had been on
25 duty on 21 July?

- 1 A. Yes, they had commenced sometime in the morning on the
2 21st.
- 3 Q. I think that they had actually worked straight through
4 until 2.15 am on the 22nd?
- 5 A. That is correct, I think they worked until 2.15, I don't
6 think they got off shift until about 4 am.
- 7 Q. From there, they were sent to a hotel to get some sleep;
8 correct?
- 9 A. That's correct, sir.
- 10 Q. And due to return to duty at 10 am?
- 11 A. 10 am, sir, yes.
- 12 Q. Is it right that that team actually took over from the
13 other team, black and partly another colour, at
14 Scotia Road after the shooting?
- 15 A. I don't know, sir.
- 16 Q. Again we may be able to show that on some documents.
17 The other teams due to come on duty at 7 am, do you know
18 what colours they included?
- 19 A. The next day, that would have been certainly black team.
- 20 Q. Any others?
- 21 A. There was a TST, a tactical support team, they were also
22 coming on duty at 7 am. But it's quite probable that
23 the other colour teams would have come on shift at
24 around that time as well because of the events of the
25 21st.

- 1 Q. Tactical Support Team, just so that everybody is clear,
2 they are officers also within CO19 but not quite of the
3 elite training level of SFOs; is that right?
- 4 A. Not quite at the same training standards as the SFOs.
- 5 Q. Still highly trained officers?
- 6 A. Very highly trained, sir.
- 7 Q. Can we start with the log and look, please, at a page
8 entitled "operational policy log" and it has a 1 in the
9 top right-hand corner, D7678. This is the start of the
10 log you were keeping during the 21 July?
- 11 A. Yes, that's correct, sir.
- 12 Q. The first entry we see, you noting at 2 pm, we see your
13 name and then 2 pm?
- 14 A. That's correct, sir.
- 15 Q. And then above that, the four explosions noted, and
16 a record of the resources available at that time. The
17 black team?
- 18 A. Black team.
- 19 Q. This is 2 pm on 21 July so on shift at that time, as for
20 Kratos response, spontaneous suspected suicide bombers?
- 21 A. Correct, sir.
- 22 Q. TST, tactical support teams, as we have heard about, as
23 mobile support?
- 24 A. Correct, sir.
- 25 Q. And then blue and grey teams for pre-planned operations

- 1 to provide options for commanders for those operations?
- 2 A. Correct, sir.
- 3 Q. You are also recording that Inspector ZAJ would be
- 4 responsible for Kratos People operations, so spontaneous
- 5 suicide bomber operations?
- 6 A. He would be the adviser to the senior officer there.
- 7 Q. And you recorded as liaison to the Anti-Terrorist
- 8 Branch?
- 9 A. That's correct, sir.
- 10 Q. Moving down the page, this is at 5 pm, you record that
- 11 additional resources had now come onstream and had been
- 12 deployed. The orange team available for pre-planned
- 13 operations?
- 14 A. That's correct, sir.
- 15 Q. Black remaining for spontaneous information about
- 16 suicide bombers?
- 17 A. Correct, sir.
- 18 Q. Tactical Support Team to provide uniform patrols and
- 19 both you and Inspector ZAJ performing the roles you had
- 20 been performing three hours previously?
- 21 A. That's correct.
- 22 Q. At this time you are recording the resources available?
- 23 A. Yes, sir.
- 24 Q. Then at 6.30, next entry, you say "First one now
- 25 released and to return 7 am Friday" so Friday is the

- 1 22nd. Is first one a reference to the black team?
- 2 A. No, sir, that's TST1.
- 3 SIR MICHAEL WRIGHT: Is that two separate TSTs then?
- 4 A. At that time, sir, there were two TST teams, and there
- 5 was TST1.
- 6 SIR MICHAEL WRIGHT: Do I have this right, then, there were
- 7 in fact three, as at 2 o'clock in the afternoon, teams
- 8 of SFO officers; is that right? That's to say black,
- 9 blue and grey.
- 10 A. Yes, sir, blue team that week were training and grey
- 11 team were out on another operation, but all those
- 12 resources were available to me to be recalled to support
- 13 this anti-terrorist operation.
- 14 SIR MICHAEL WRIGHT: Blue and grey had in fact fixed jobs to
- 15 do, one was training and one was allocated to
- 16 an operation.
- 17 A. Yes, sir.
- 18 SIR MICHAEL WRIGHT: But they could have been called in in
- 19 an emergency.
- 20 A. Yes, sir.
- 21 SIR MICHAEL WRIGHT: I see, thank you.
- 22 MR HOUGH: The next entry, I think, starts at the end of
- 23 this page, in four from Inspector ZAJ and runs on to the
- 24 next page where we see your name at the bottom.
- 25 A. That's correct, sir.

- 1 Q. Can you help us as to when that entry was made?
- 2 A. That entry was made at 8 pm.
- 3 Q. So we can see the 8 slightly cut off at the bottom
4 right-hand corner of page 2. It looks like an 8R?
- 5 A. 8 pm, sir.
- 6 Q. Just running through that, it recorded that
7 Inspector ZAJ had attended the Anti-Terrorist Branch
8 meeting and had provided information to you?
- 9 A. Yes, sir.
- 10 Q. Do you know what time was the meeting that he had
11 attended?
- 12 A. No, sir.
- 13 Q. We know he had certainly been at one at 5.15 that
14 evening, and he may also have been at one around 6 pm.
- 15 A. I didn't know the time, sir.
- 16 Q. Yes. You then record that:
17 "One SFO team was required for pre-planned/Kratos
18 option, 24 hours a day until further notice".
19 So that was recording that you needed one as
20 a contingency?
- 21 A. Yes, sir.
- 22 Q. No specific site or operation at that point?
- 23 A. No, sir.
- 24 Q. You are recording again "four suspects all decamped",
25 that's the four bomber suspects who had left the scenes?

- 1 A. Yes, sir.
- 2 Q. And "outstanding", so not caught.
- 3 "Arrangements in place for SFO cover as shown over.
- 4 Orange team will provide ND", that's night duty,
- 5 I think?
- 6 A. Yes, sir.
- 7 Q. "... cover although slightly reduced on what will follow
- 8 at 7 am on 22 July 05 due to lack of intelligence of
- 9 suspects at this time and resources available".
- 10 A. That's correct, sir.
- 11 Q. When you say "slightly reduced on what will follow at
- 12 7 am", perhaps can you just explain what you mean by
- 13 that?
- 14 A. During the afternoon, I had worked with Trojan 80 to
- 15 look at how we were best going to resource this
- 16 requirement and it was felt that we needed an ideal
- 17 number of officers to give us maximum flexibility to
- 18 sort any problems that may come out during the
- 19 afternoon. Orange team at that time did not have the
- 20 full numbers that we would have available to us at 7 am,
- 21 and based on sort of a risk assessment and my sort of
- 22 management of the numbers that were needed, I was happy
- 23 to go with orange team on those numbers.
- 24 Q. So orange team not at full strength but you were happy
- 25 with them as they were?

- 1 A. Not at full strength for the ideal numbers that we would
2 like to use on this operation.
- 3 Q. Over the page, the page we have on screen, in fact,
4 "model from 0700 hours is" and this is the plan of
5 resources which you expected to be in place from
6 7 o'clock the next morning?
- 7 A. That's correct, sir.
- 8 Q. "Chief Inspector as a strategic tactical adviser to the
9 Anti-Terrorist Branch and for Kratos operations"?
- 10 A. Correct, sir.
- 11 Q. Who was that to be?
- 12 A. That in the morning was to be Trojan 80.
- 13 Q. So Mr Esposito, he actually has not claimed anonymity in
14 this?
- 15 A. Mr Esposito, sir.
- 16 Q. Inspector in charge of specialist firearms officer team,
17 was that to be the Silver Commander?
- 18 A. No, sir, that was to be the inspector who would act as
19 the tactical adviser on the ground to the nominated
20 Silver Commander.
- 21 Q. So he was going to be the same as the tactical adviser,
22 that follows the little "and" sign?
- 23 A. Yes, sir.
- 24 Q. I think that was to be Trojan 84; is that right?
- 25 A. On that day, yes, sir.

1 Q. Then:
2 "Police sergeant plus 9 for three times covert
3 armed response vehicles and control car driver"?
4 A. That's correct, sir.
5 Q. Is that a team of SFOs?
6 A. Yes, sir.
7 Q. Then two rifle officers for a covert armed response
8 vehicle?
9 A. Yes, sir.
10 Q. And then this:
11 "One police sergeant and three police constables for
12 a Kratos motorcycle option."
13 Can you just explain what that was?
14 A. That's fairly sensitive tactics, sir, and I don't know
15 whether that should be discussed here.
16 Q. I see. Perhaps I can deal with it to this extent: did
17 you expect there to be the motorcycle team available
18 from 7 o'clock?
19 A. Yes, sir.
20 Q. Thank you.
21 SIR MICHAEL WRIGHT: So if I am counting up correctly,
22 that's 9 plus 2 plus 1 plus 3.
23 MR HOUGH: I don't think Andrew has indicated that they were
24 all part of the same team.
25 SIR MICHAEL WRIGHT: That is what I was wondering.

1 A. No, this would be made up from a number of teams,
2 possibly two teams, to give us this resilience.

3 SIR MICHAEL WRIGHT: This is what you have been describing
4 as a multiple team?

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: I understand. "Sergeant plus 9" would
7 be the black team, I imagine?

8 A. Possibly, sir, depending if they had that number of
9 officers available.

10 SIR MICHAEL WRIGHT: If they were up to strength?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: I see.

13 MR HOUGH: Then you say:

14 "Requirement therefore is 1-1-2-15", and that's the
15 numbers of different ranks.

16 A. Yes, sir.

17 Q. "... for each 12-hour shift" and then "parade at HD"?

18 A. Leman Street.

19 Q. At 7 am and 7 pm, that's when they are to arrive --

20 A. Yes, sir.

21 Q. -- for two different shifts, "deployments during shift
22 as required"?

23 A. Correct, sir.

24 Q. Then you give a rationale where you explain about the
25 suspects being intent on killing themselves, and in

1 copycat attacks, that's the connection with the 7/7
2 bombings noted?

3 A. Yes, sir.

4 Q. Failed for whatever reasons, survived a partial
5 detonation, subjects at large.

6 Then you go on to say:

7 "MPS has contingency plan for dealing with suicide
8 killers, Op Kratos, which requires deployment of armed
9 officers. The model outlined above provides officers
10 and resources with flexibility to deal with the subject
11 on foot, in a vehicle or if absolutely necessary in
12 premises, both for challenge and critical shot options"?

13 A. Correct, sir.

14 Q. We have heard that there were in fact two MPS strategies
15 for dealing with suicide bombers, one Operation Kratos
16 for spontaneous, and two Clydesdale for a pre-planned
17 event?

18 A. Yes, sir.

19 Q. Were you here using the phrase "Operation Kratos" to
20 refer to those two cumulatively?

21 A. Yes, sir.

22 Q. Then over onto the next page, page 3, is this a log
23 entry made at 8.45 pm at the top of the page?

24 A. That's correct, sir.

25 Q. Do you there record the strength of the orange team at

1 that time?

2 A. Yes, sir.

3 Q. We can see what it involved. Then you talk about the

4 Kratos motorcycle team and I'll not go into further

5 detail about that.

6 SIR MICHAEL WRIGHT: Again, do I have this right, if this is

7 the orange team, is this the one that was going to go

8 off?

9 A. No, sir, this was the one that was going to stay on

10 through the night.

11 SIR MICHAEL WRIGHT: Through to the 22nd.

12 A. Yes, sir.

13 SIR MICHAEL WRIGHT: We have heard that the CO19 has varying

14 levels of commitment, called upon to do a number of

15 tasks, varying from day to day throughout the year. As

16 far as this particular night was concerned, was this

17 a routine day or an exceptional day?

18 A. In the sense of the events that had happened in

19 London --

20 SIR MICHAEL WRIGHT: I didn't mean that, I meant the extent

21 of the commitment.

22 A. I think on that day, the commitments that we had were

23 fairly standard.

24 SIR MICHAEL WRIGHT: Standard?

25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: Yes, thank you.
- 2 MR HOUGH: I wonder if the operator could just pull this
3 page down so the last line is not showing. Thank you.
- 4 Next entry:
- 5 "See separate document re: authority to use
6 different 9mm rounds."
- 7 A. Yes.
- 8 Q. Does this refer to an authorisation that you wrote up
9 for using a specific type of ammunition?
- 10 A. Yes, it does, sir.
- 11 Q. I'll deal with this quickly because I don't think there
12 is an enormous issue about it. Is this right, you were
13 authorising the use of, by the firearms teams, 9mm
14 hollow point 124-grain ammunition?
- 15 A. Yes, sir, for handguns only.
- 16 Q. Is this right: the reason for authorising that type of
17 ammunition is that the round expends more energy to the
18 subject immediately on impact, and is therefore more
19 likely to incapacitate immediately?
- 20 A. One of the reasons, sir, yes.
- 21 Q. And I think scientific studies have been performed and
22 established that?
- 23 A. Correct, sir.
- 24 Q. If we move over to the next page, we see a two-page
25 document in which you provided a rationale for that?

1 A. Yes, I did, sir.

2 Q. I am being asked that this document not be shown on
3 screen for the moment. So I will keep it off screen at
4 the moment and the jury and the witness should be able
5 to deal with it.

6 Now, this authorisation was given by you, and it was
7 later approved by a senior officer, Mr Manns; is that
8 right?

9 A. Yes, sir.

10 Q. Just going through that authorisation, is it right to
11 say that you recorded the facts that you had at the
12 time, and we will deal with the time that you wrote it
13 up?

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

15 Q. You recorded that there were four males carrying black
16 rucksacks which you understood at that time had exploded
17 or at least a charge of some kind had exploded in them?

18 A. Correct, sir.

19 Q. And then the four male suspects, possibly injured, were
20 at large, and that intelligence and experience indicated
21 that such people might carry out their objective and
22 detonate their device at a later stage?

23 A. That's correct, sir.

24 Q. That the Metropolitan Police had devised tactics
25 involving both Kratos and Clydesdale for dealing with

- 1 such people?
- 2 A. Yes, sir.
- 3 Q. And that in those circumstances, it was essential that,
- 4 if a critical shot had to be administered, then it would
- 5 have to be a brain stem shot and it would have to
- 6 immediately incapacitate the subject?
- 7 A. That's correct, sir.
- 8 Q. Because only one shot might be able to be fired before
- 9 the bomber was able to attempt to detonate his device,
- 10 it was important to choose an appropriate round?
- 11 A. It was, sir.
- 12 Q. The current issue Glock SLP handgun bullet was not
- 13 regarded as the most effective round and the 124-grain
- 14 hollow point bullet was recorded as more effective?
- 15 A. It was, sir.
- 16 Q. May I move on now to the next entry on page 3 for you
- 17 and for the jury, this is the 22 July, an entry I think
- 18 you made at 12.30, half past midnight?
- 19 A. I started that entry at 12.30, sir, and I believe
- 20 I concluded it at ten past 1.
- 21 Q. I see. So the entry that we see on page 3 and page 4,
- 22 it's all part of the same entry?
- 23 A. Yes, sir.
- 24 Q. With the start time noted at the start and the end time
- 25 at the end?

- 1 A. Yes, sir.
- 2 Q. You note there that you had had a meeting with the night
3 duty Senior Investigating Officer, Detective
4 Superintendent Boutcher, at 9.50 pm?
- 5 A. Yes, sir.
- 6 Q. You had discussed with him Operation Kratos, the
7 strategy we have been talking about, and the fact that
8 that necessitated a separate designated senior officer
9 for the operation?
- 10 A. Yes, sir.
- 11 Q. That a 24-hour response designated senior officer was in
12 place and that was Commander Baker, I think, recorded
13 here?
- 14 A. That's right, sir.
- 15 Q. Then there was a meeting at ten past 10, and we have
16 heard about that meeting already, a command team
17 meeting, at which a number of issues for CO19 arose?
- 18 A. Yes, sir.
- 19 Q. Did you note those issues and number them?
- 20 A. I did, sir.
- 21 Q. Did you then tick off those points as they were
22 resolved?
- 23 A. Those are not my ticks, sir, those belong to
24 Mr Esposito.
- 25 Q. Do you think that those ticks indicated that those

1 issues had been resolved at the time that he made the
2 ticks?

3 A. That's exactly what they were, sir.

4 Q. Number 1, 24 hour capability required, that's
5 self-explanatory; similarly number 2, firearms ground
6 commander required; number 3, photos of subjects
7 required, that's photos of the suspected bombers?

8 A. Yes, sir.

9 Q. Number 4, a briefing note required, is that to brief the
10 firearms teams?

11 A. Yes, sir.

12 Q. Number 5, a dedicated DSO for the proactive operation
13 would be required once pictures had been released. Is
14 that a reflection of the fact that, at that time,
15 an overt strategy was still being contemplated?

16 A. Yes, it was, sir.

17 Q. Point 6, request from Commander McDowall to support OMPD
18 deployment. "OMPD", please?

19 A. Outside Metropolitan Police District.

20 Q. Point 7, an explosives presentation was needed for the
21 SFO teams, that's explosives officers, to tell them
22 about the type of devices they might confront?

23 A. Correct, sir.

24 Q. Point 8, Armed Op and authority for sudden deployment
25 required?

- 1 A. Yes, sir.
- 2 Q. Explain what that is, it may be obvious?
- 3 A. No, that was so -- the specialist firearms officer teams
4 cannot deploy unless they have a specific authority
5 granted by an appropriate senior officer, and so I was
6 keen, in order to not have this operation stall, that
7 that authority was a standing authority and in place.
- 8 Q. Is that the authority we have heard that Mr White gave?
- 9 A. Granted by Mr White, sir, at 11.50 in the evening.
- 10 Q. I will not deal with the next line. Then moving on to
11 page 4, you record there: "Tac advice note given to
12 Superintendent Boutcher, and the number above that, does
13 that indicate that you gave the tactical advice note to
14 him at quarter to midnight?
- 15 A. Yes, sir.
- 16 Q. And options, is that briefly explained or briefing?
- 17 A. No, "briefly".
- 18 Q. I will deal with that document with you in a few
19 moments. Then there is a reference, and this by you,
20 "answers to the issues". Now, issue 1, was the 24-hour
21 capability, firearms capacity, and you are recording
22 that that had been addressed and personnel were in
23 place?
- 24 A. That's correct, sir.
- 25 Q. So that's recording that there were enough firearms

- 1 officers for the purposes of the operations that were
2 being discussed by Commander McDowall at that time?
- 3 A. At that time all that was required was one SFO team in
4 case, and we had put arrangements in place to have that
5 through the night and then starting the next morning.
- 6 Q. Point 8 you say had been addressed, and that's the
7 authority from Mr White?
- 8 A. Correct, sir.
- 9 Q. And then point 9 we don't need to deal with. Then you
10 say:
- 11 "Other answers await."
- 12 So that's the other points needed to be addressed?
- 13 A. Yes, sir.
- 14 Q. Then did you make a further entry starting at 2 am?
- 15 A. Yes, sir.
- 16 Q. If we turn over the page, did you finish that at
17 2.15 am?
- 18 A. 2.15 am, yes, sir.
- 19 Q. Did you record there that you had had a meeting at 1.15
20 in the morning with Commanders Allison and Carter and
21 Detective Superintendent Boutcher?
- 22 A. Yes, sir.
- 23 Q. The members of the jury have already heard about these
24 people, but Commanders Allison and Carter were
25 themselves DSOs; is that right?

- 1 A. I believe so, yes.
- 2 Q. And Detective Superintendent Boutcher, the Senior
3 Investigating Officer of the operation?
- 4 A. Yes, sir.
- 5 Q. And at this meeting you addressed points 5 and 6 which
6 were the requirement of a DSO and the outside
7 Metropolitan Police area deployment?
- 8 A. That's correct, sir.
- 9 Q. It's really the first of these that we are primarily
10 concerned with. Did you record there that
11 Commander Dick would be the DSO for the particular
12 operation that we are concerned with?
- 13 A. That was decided by the commanders that that would be
14 the most appropriate person.
- 15 Q. It says "in 1600", is that the 16th floor control room?
- 16 A. Correct, sir.
- 17 Q. At 7 o'clock, that's her time to come on duty?
- 18 A. Correct, sir.
- 19 Q. Then Commander Carter, as the general 24-hour DSO for
20 responding to spontaneous sightings of suicide bombers?
- 21 A. That's correct, sir.
- 22 Q. And another room is referred to and he's to come on duty
23 at 7 o'clock as well?
- 24 A. Yes, sir.
- 25 Q. Then you record:

1 "Both need support staff around them, Chief
2 Inspector Esposito for 1600", that's the 16th floor
3 room, and then you refer to another supervisor for the
4 other room?

5 A. Yes, sir.

6 Q. Then at the bottom of the page, do you record that:

7 "Two subject photos were to be released which
8 presented the potential for two simultaneous deployment
9 of SFO teams".

10 A. Yes, sir.

11 Q. That's again at the time, is it, that -- perhaps I can
12 put the question in a different way. At that time, were
13 you aware that the strategy was to be an overt or covert
14 one, a public appeal or a covert --

15 A. Public appeal, sir.

16 Q. You were there contemplating the possible need for two
17 SFO teams to be deployed to different places at the same
18 time?

19 A. Yes, sir.

20 SIR MICHAEL WRIGHT: Does that mean that the two subject
21 photos were photos of two different people?

22 A. I believe so, yes.

23 MR HOUGH: So they might be in two places therefore and need
24 two SFO teams?

25 A. That's correct, sir.

- 1 Q. You record there "grey team was just nearing the
2 finish", that's the finish of their shift?
- 3 A. Yes, sir.
- 4 Q. "After AOP"?
- 5 A. Armed operation.
- 6 Q. "To recover at", and that's a place?
- 7 A. It's to cover a mach 10, that's a machine gun, sir.
- 8 Q. "Team to bed down in hotel and be recalled to wake at
9 10 am unless required sooner"?
- 10 A. Yes, sir.
- 11 Q. So that's providing the grey team on standby from 10 am
12 the following morning?
- 13 A. Yes, sir.
- 14 Q. Then the number 7, you are dealing with number 7 in the
15 list of points that you had set yourself to deal with,
16 that's the requirement for explosives officers to brief
17 the SFO teams?
- 18 A. Yes, sir.
- 19 Q. Then that notes that the explosives officers were to be
20 at Lemau Street at 7.30, and make contact through
21 Mr Esposito?
- 22 A. That's correct, sir.
- 23 Q. That's when they were expected to be at Lemau Street to
24 deliver any briefing they were involved with?
- 25 A. Yes, sir.

- 1 Q. Then the next entry is timed, I think, at 2.35 in the
2 morning?
- 3 A. Yes, sir.
- 4 Q. And you are there recording the answer to point 2,
5 a firearms ground commander?
- 6 A. Yes, sir.
- 7 Q. You write there:
8 "DI", this is Angela Scott, is that night duty
9 Silver?
- 10 A. Night duty Silver, sir.
- 11 Q. DI Neil Smith?
- 12 A. Early turn.
- 13 Q. Early turn Silver.
14 When was the break between those two people or were
15 they overlapping?
- 16 A. I couldn't tell you the exact time but it would be in
17 the morning, 7 o'clock, 6 o'clock time.
- 18 Q. So we all understand, night duty Silver, what was to be
19 her function, was she to be Silver for a particular
20 operation or for any operation for which she was
21 required?
- 22 A. She was to go out and support the firearms team, orange
23 team, if they got deployed.
- 24 Q. Then do you record that you personally visited the 16th
25 floor operations room?

- 1 A. Yes, sir.
- 2 Q. And why did you make that visit?
- 3 A. I wanted to check that in order to have effective
4 command and control that the relevant senior officers
5 had somewhere to sit such that communications would be
6 facilitated.
- 7 Q. Did you there record where they might be able to sit?
- 8 A. I did, sir.
- 9 Q. Then you recorded that a briefing officer for
10 Leman Street at 7 am would be provided from Special
11 Branch?
- 12 A. That's correct, sir.
- 13 Q. So did you expect at that stage that the briefing
14 officer would be at Leman Street from 7 am?
- 15 A. For 7 am, yes, sir.
- 16 Q. Is it right that in the period after you made that note,
17 that was the time at which you wrote up your rationale
18 for the use of hollow point ammunition?
- 19 A. It is.
- 20 Q. How long roughly did that take you?
- 21 A. It took me about an hour, sir.
- 22 Q. The jury have heard that at 4.55 am Mr McDowall made his
23 decision to launch an operation against Scotia Road and
24 another address.
- 25 A. Sir.

- 1 Q. We have heard that for him that was changing the
2 strategy from an overt strategy, public appeal, to
3 a covert strategy, of covert control, containment and
4 challenge?
- 5 A. So I understand, sir.
- 6 Q. Was that something you were made aware of at 5 am or
7 shortly afterwards?
- 8 A. No, sir.
- 9 Q. Can you recall now when you were first made aware of
10 that change of strategy?
- 11 A. I believe I became aware of that change of strategy at
12 about 6.40 in the morning.
- 13 Q. We will come to that meeting at 6.40 in a few moments.
14 Now, Mr McDowall has told us that DCI Purser was
15 identified as Silver Commander for the Scotia Road
16 address over a period of 30 to 60 minutes after 5 am.
17 For everywhere's note, that's Day 4, page 14.
- 18 Were you aware that Mr Purser was to come on duty
19 from about 6.30?
- 20 A. No, sir.
- 21 Q. Mr McDowall had set a strategy which required an SFO
22 team at Scotia Road.
- 23 A. As I understand now, sir.
- 24 Q. How quickly would you normally expect to have been
25 informed of that strategy?

- 1 A. I would expect to have been informed of that strategy at
2 some point after that, once the tactical plan was going
3 to be developed.
- 4 Q. How long roughly?
- 5 A. I don't know if I can put a time on it, sir, but it
6 would be fairly soon.
- 7 SIR MICHAEL WRIGHT: I think in fairness Mr Hough ought to
8 add to the question that Mr McDowall has told us that he
9 wanted it done as soon as reasonably possible. Under
10 that sort of impetus, how long?
- 11 A. I would expect to be told as soon as possible after he
12 set the strategy, then, sir.
- 13 SIR MICHAEL WRIGHT: Yes, that's telling you, very well.
- 14 MR HOUGH: The next point is this: Mr McDowall wrote in
15 a decision log, or a red book, that he saw tactical
16 advisers at 5.15 am.
- 17 I know you were one tactical adviser, there were
18 a number of others in New Scotland Yard at the same
19 time. He has given evidence that he thinks that one of
20 the people he saw at 5.15 was you. Did you see him at
21 5.15?
- 22 A. I have no note or recollection of meeting Mr McDowall at
23 that time, sir.
- 24 Q. Are you able to say that you were doing anything else at
25 5.15?

- 1 A. No, sir, I have no note of doing anything else at 5.15.
- 2 Q. Based on the notes you have, can you make any deduction
3 about what you might have been doing over that period of
4 time?
- 5 A. Somewhere in and around the central 1600 control room
6 would be my best guess.
- 7 Q. To your knowledge, in the period from 5 o'clock to 6.40
8 when you became aware of the change in strategy, to your
9 knowledge was there any discussion going on about
10 arrangements being made to deploy an SFO team to
11 Scotia Road?
- 12 A. Not to my knowledge, sir, no.
- 13 Q. Would you have expected to be involved in any such
14 discussions if they were taking place?
- 15 A. Yes, sir.
- 16 Q. At 5 o'clock in the morning, if a decision had been made
17 to deploy a firearms team actually to Scotia Road, who
18 would have made the decision, and who would that person
19 have informed?
- 20 A. That would have been a Silver Commander's decision to
21 implement Gold's strategy and I would have been expected
22 to have been informed because I was managing the C019
23 resources.
- 24 Q. Mr McDowall told us that after 5 am he expected a DCI in
25 Special Branch referred to as Alan, I don't know if you

1 know who that person is?

2 A. No, sir.

3 Q. A DCI in Special Branch, to make arrangements for
4 firearms and surveillance cover at Scotia Road, so not
5 only the surveillance cover from S012 but also the
6 firearms cover. It's only fair to you that I ask you to
7 deal with this: Alan has said in a statement that at
8 5.05 am he made a telephone call to Inspector ZAJ,
9 another C019 firearms officer who was acting as tactical
10 adviser to Commander Carter to ask for a C019 team
11 actually to be sent to Scotia Road.

12 Is that a conversation you either knew about or have
13 any comment to make about?

14 A. I am not aware of that conversation, sir.

15 Q. Would you expect that to be a natural or expected
16 channel of communication to get an SFO team deployed?

17 A. In the circumstances of this operation, unusual, because
18 I was the tactical adviser for the operation and not
19 Inspector ZAJ.

20 SIR MICHAEL WRIGHT: You would have expected the request to
21 come to you?

22 A. Yes, sir.

23 MR HOUGH: Mr McDowall said that it would not have been
24 realistic to send a firearms team to Scotia Road or to
25 be briefed without their Silver Commander; is that

1 right?

2 A. Absolutely correct, sir.

3 Q. Obviously Mr Purser had not been identified at this
4 time.

5 At 5 o'clock, if a firearms team had been requested
6 for Scotia Road, what would you have gone about doing?

7 A. Speaking to Inspector ZAJ because he was the nominated
8 inspector to be in charge of that team, and then called
9 the orange team out from their holding area at
10 Leman Street.

11 Q. Would their Silver have been DCI Scott?

12 A. During the night, sir, yes.

13 SIR MICHAEL WRIGHT: They would have had two hours left of
14 what you might call their rostered duty?

15 A. Yes, sir.

16 SIR MICHAEL WRIGHT: Would that have caused you any
17 hesitation?

18 A. None whatsoever, sir.

19 MR HOUGH: We have heard that they might have been getting
20 to the end of their shift and that a decision might have
21 been made at the time that they were either too late in
22 their shift or that deploying them would leave the MPS
23 with limited resources.

24 Would you personally have been concerned about those
25 two points?

1 A. No, I think they are both very valid points at 5 am in
2 the morning, if that's the time we are talking about,
3 the team would have been on duty for the best part of
4 14 hours, albeit during the night resting, although
5 knowing that there is a suicide bomber at large whether
6 you would sleep, remains to be seen. There was two
7 hours to go before other teams were due to come on, so
8 they would be considerations, but in the context of what
9 had happened on the 21st, and the fact that I had a team
10 available, then I would not have had any hesitation in
11 deploying them.

12 Q. Did you hear either at that time or later in the morning
13 anybody in the senior command saying that a decision was
14 positively taken not to deploy the orange team, either
15 because of tiredness or because that would leave the MPS
16 without resources to deploy to other scenes?

17 A. No, I didn't, and sorry, I didn't pick up on the second
18 point of your question. It wouldn't leave the MPS with
19 a specialist firearms team if they were deployed but
20 I think at this time this was the single most important
21 thing in the Metropolitan Police to be resolved.

22 Q. Can we move down the page, 22 July 2005, 6 am. This is
23 an entry written by and signed by Mr Esposito, not by
24 you?

25 A. Yes, sir.

1 Q. He records there:

2 "I assume responsibility as tactical adviser for
3 Operation Vivace."

4 Is that another word for Operation Theseus 2, the
5 operation to pursue the failed suicide bombers?

6 A. Yes, I believe when I started and when Mr Esposito
7 started the following afternoon it was called
8 Operation Vivace, at some point during that day it
9 changed its name.

10 Q. There is a hyphen resources, is he there reflecting the
11 responsibility support co-ordinating firearms resources?

12 A. Yes, he is.

13 Q. Does he record this:

14 "Chief Inspector Rush to provide tactical advice for
15 spontaneous calls".

16 A. Yes, sir.

17 Q. The orange team with Inspector ZAJ, who was to be
18 relieved by Chief Inspector Terry, at 7 am?

19 A. Yes, sir.

20 Q. What does that refer to, the 7 am, in relation to the
21 orange team?

22 A. That's when they were going to be, the Inspector and the
23 Chief Inspector were going to swap over.

24 Q. Then black team with Trojan 84 as their tactical
25 adviser, to come on duty at 7 o'clock at Leman Street?

- 1 A. Correct, sir.
- 2 Q. And then the Tactical Support Team and armed response
3 vehicles to be for spontaneous response?
- 4 A. Yes, sir.
- 5 Q. So were those the resources that Mr Esposito thought
6 that he had in place at 6 o'clock?
- 7 A. Yes, sir.
- 8 Q. Moving on to 6.40 am, a meeting was held by
9 Commander McDowall, and we have heard about that
10 meeting. Were you present at that meeting?
- 11 A. Yes, sir.
- 12 Q. So although Mr Esposito had come on duty at 6 o'clock,
13 you had stayed to update him?
- 14 A. The handover process would probably have taken 20 to 30
15 minutes and so I just naturally followed through to this
16 meeting when it was announced.
- 17 Q. Was this the meeting when you first discovered that the
18 strategy had moved from an overt one, media appeal, to
19 a covert one, deployment to these two addresses?
- 20 A. Yes, sir.
- 21 Q. Can we turn over the page, please, Mr Esposito records
22 that the black team was to be brought to New Scotland
23 Yard for briefing with Silver?
- 24 A. That's correct, sir.
- 25 Q. So that's contemplating that the black team would come

- 1 from Lemman Street to New Scotland Yard?
- 2 A. Yes, sir.
- 3 Q. Are you aware that what in fact happened was that the
4 mountain came to Mohammed, that Silver came to
5 Lemman Street?
- 6 A. I believe Silver went to --
- 7 Q. Silver went to Nightingale Lane being picked up on the
8 way, I am sorry.
- 9 A. Yes, sir.
- 10 Q. Then it goes on:
- 11 "As soon as all teams briefed, both out to support
12 surveillance teams."
- 13 Then the orange team to Portnall Road, and Trojan 84
14 and the black team to Scotia Road?
- 15 A. Yes.
- 16 Q. So was the orange team in fact sent to Portnall Road?
- 17 A. Indeed they were, sir, yes.
- 18 Q. So they didn't go off duty?
- 19 A. No, sir.
- 20 Q. At what time did they go to Portnall Road?
- 21 A. I don't know, sir.
- 22 Q. Were you aware at that meeting of anybody saying that
23 the orange team should not be sent to Portnall Road
24 because they were too tired?
- 25 A. No, sir.

1 Q. When did you finally come off duty yourself?

2 A. I would have left shortly after those meetings, content
3 that Mr Esposito knew everything that was going on, and
4 I have gone back to the office at Leman Street.

5 Q. One other thing, perhaps I can -- I don't know if it can
6 be shown on screen, D7695. I don't think there are any
7 problems with this document going on screen.

8 (Pause). Perhaps I can hand a copy to you.

9 (Handed). While that is being brought up on screen.
10 I will hand a copy to the operator as well. This
11 document is entitled "Briefing Note Theseus 2" dated
12 22 July 2005, and just so that you understand it's
13 provenance, it comes from the ring-binder which later
14 became a lever-arch file, containing the operational log
15 that you were keeping.

16 This briefing note here, if you turn on, two pages,
17 turn on one page beyond there, please, do you see
18 information about Osman, Omar and the Nissan Primera?
19 I think Omar may come in the following pages but Osman
20 on the first page. Omar there. And Nissan Primera
21 associated with Omar. Do you see that?

22 A. Where is the Nissan Primera, please?

23 Q. If you look under Abdi Samad Omar, vehicle and then
24 registration number, black Nissan Primera?

25 SIR MICHAEL WRIGHT: You have defeated me as well, Mr Hough.

- 1 MR HOUGH: If you look at the document on screen, sir.
- 2 A. Yes, I do see that, sir.
- 3 SIR MICHAEL WRIGHT: Thank you, yes, I see.
- 4 MR HOUGH: This briefing note, as I say, comes from the
- 5 operational policy file, dated 22 July, contains details
- 6 of those two suspects and the Nissan Primera.
- 7 Were you ever shown this briefing note yourself?
- 8 A. No, sir.
- 9 Q. We have heard you describe entries in the operational
- 10 log about the need for a briefing document?
- 11 A. Yes.
- 12 Q. Is that what this is?
- 13 A. Can I just say, sir, that the second page, the
- 14 handwritten page in this, is actually from the S019 log,
- 15 not from the Special Branch briefing note, because the
- 16 first entry there is a note of my meeting that
- 17 I attended with Commander McDowall. That doesn't bear
- 18 any relevance to the briefing note.
- 19 Q. I think either this document or the log was out of
- 20 order. I think it may be this document. This note that
- 21 you are looking at at the moment, is this an S012
- 22 document, Special Branch, or a C019 firearms document?
- 23 A. This is an S012 briefing document dated 22 July.
- 24 Q. Did you see it on 22 July?
- 25 A. Not before I went off shift, sir, no.

- 1 Q. Are you aware who this document might have been given
2 to?
- 3 A. No, sir.
- 4 Q. I'll not take you any further through that document and
5 perhaps it can be removed from the document camera.
6 Very briefly, the tactical options document you
7 presented to Mr Boutcher shortly before midnight?
- 8 A. Yes, sir.
- 9 Q. This I think had been written by you and Chief Inspector
10 Esposito on 21 July?
- 11 A. Yes, sir.
- 12 Q. It was a detailed document?
- 13 A. It was, sir.
- 14 Q. It's a sensitive secret document?
- 15 A. So I understand, sir.
- 16 Q. So I shall take it very carefully. One of the topics
17 you considered, inevitably, was the interception of
18 a suicide terrorist, both outside premises and in other
19 circumstances?
- 20 A. Yes, sir.
- 21 Q. Did you record in that document that conventional
22 tactics might have to be reconsidered if there was
23 intelligence to suggest that a suspect was both
24 a suicide bomber and carrying a device and with the
25 means of detonating it?

- 1 A. Yes, sir.
- 2 Q. Did you say that in all the options for responding to
3 those particular circumstances, it might be required
4 that officers take a critical, that is to say fatal,
5 shot?
- 6 A. Yes, sir.
- 7 Q. To protect the public and the officers involved?
- 8 A. Public safety being paramount, sir.
- 9 Q. In the document, did you actually use phraseology along
10 the lines of, "reconsidering or rethinking conventional
11 tactics"?
- 12 A. May I see the document, sir, please?
- 13 Q. I don't know if there is going to be a concern about it.
14 (Handed). I am not going to ask for this to go on to
15 the screen for obvious reasons.
- 16 It is page 12 in the bottom right-hand corner.
- 17 A. Would you ask your question again, sir, please?
- 18 Q. Yes. Do you refer there to use of conventional tactics
19 having to be carefully considered and risk assessed?
- 20 A. Yes, sir.
- 21 Q. Did you then consider the possibility of using different
22 tactics, non-conventional tactics?
- 23 A. Yes, sir.
- 24 Q. Now, we will hear that DCI Purser's briefing referred to
25 firearms officers using unconventional tactics. To your

1 knowledge, would you have expected this document to go
2 to the Silver Commanders?

3 A. Yes, sir.

4 Q. Is it right to say that, following the passage that we
5 have just looked at, you set out a number of options for
6 responding to that particular situation, each of those
7 options having different advantages and disadvantages?

8 A. Yes, sir.

9 Q. I will not go through those in any detail with you, but
10 is it right to say that some of them involved the use of
11 CO19 Specialist Firearms Officers in covert vehicles as
12 we had here?

13 A. Yes, sir.

14 Q. That was the choice made in this case?

15 A. Yes, sir.

16 Q. If others after me ask about other options, we are aware
17 that some of the information is sensitive and so don't
18 hesitate to say. Other options I think involved the use
19 of armed response vehicles?

20 A. Yes, sir.

21 Q. We have heard they would be vehicles which patrol London
22 which have an expected response time and are normally
23 obvious as police vehicles?

24 A. Marked police vehicles, sir.

25 Q. Just a couple of topics, finally: you appreciate,

1 I think, that one of the issues for this inquest to
2 consider is whether a firearms team could or should have
3 been sent to Scotia Road at an earlier stage than they
4 were?

5 A. Yes, sir.

6 Q. As far as you know, and others may know what was being
7 done elsewhere, of course, but as far as you know, what
8 was being done between 5 o'clock, when the McDowall
9 strategy was set, and 6.40 when the black team was
10 ordered to come to New Scotland Yard or certainly to be
11 deployed with Silver, what was done in that period to
12 arrange for a firearms team to deploy to Scotia Road?

13 A. I don't believe there was a requirement for a firearms
14 team to deploy to Scotia Road, sir.

15 Q. Please say if you can't answer this question, but do you
16 think on the basis of what you know that anything else
17 should have been done over that two hour period to
18 arrange such a deployment?

19 A. If such a deployment was required, then it would require
20 a Silver Commander, and it would require the firearms
21 team, of which I could facilitate.

22 Q. And it would have required a communication to you?

23 A. Yes, sir.

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

25 SIR MICHAEL WRIGHT: Thank you. Now, in the absence of

1 Mr Mansfield, how do we want to proceed, if we can?

2 MR HOUGH: I don't think we can, I think we can have our
3 weekend.

4 SIR MICHAEL WRIGHT: You have got off a little more lightly
5 than I thought you might have been going to. Yes,
6 Mr Horwell?

7 MR HORWELL: Can I mention one matter to you in the absence
8 of the jury.

9 SIR MICHAEL WRIGHT: Yes. Mr Perry?

10 MR PERRY: May I mention one matter, sir, I am sure it was
11 by a slip of the tongue. Mr Hough has requested the
12 witness about the orange team and the suggestion
13 possibly being made that they were too tired to be
14 deployed.

15 SIR MICHAEL WRIGHT: That was a question rather than
16 a suggestion, I think. All right.

17 MR PERRY: Lest it be misunderstood, no-one has ever
18 suggested that the orange team should not be deployed,
19 because it was the orange team that were moved to
20 New Scotland Yard. It was the grey team that had been
21 on duty for getting on for over 20 hours and were sent
22 off to the hotel until 10 am with the intention they
23 would come back on duty and it was the grey team that
24 were being rested, but the orange team were always on
25 standby and on duty when they were moved up from

1 Leman Street to New Scotland Yard, arriving at New
2 Scotland Yard around 6 o'clock.

3 MR HOUGH: I certainly wasn't suggesting that anybody in
4 these proceedings had so far said that. I think there
5 may have been that suggestion in the course of the
6 criminal trial. But in any event, Mr Perry has now made
7 the point abundantly clear.

8 SIR MICHAEL WRIGHT: No, but it inspires me to ask Andrew
9 one question, it's based on the question Mr Hough has
10 asked you: between 5, when the strategy was set, and
11 I think 6.30, just after, when you were just about to go
12 off, how many teams were available?

13 A. Two, sir.

14 SIR MICHAEL WRIGHT: Orange and grey?

15 A. Yes, sir, grey was a combined team, but two teams.

16 SIR MICHAEL WRIGHT: Yes, how they were made up doesn't
17 matter, it's two teams, with the expectation that the
18 black would be coming on, certainly booking in by about
19 7 o'clock in the morning.

20 A. Yes, sir.

21 SIR MICHAEL WRIGHT: Thank you. They obviously for reasons
22 we have been told, even if they had been detailed off
23 for a job straightaway, they would not likely to have
24 been ready to go out until about half past 8.

25 A. Black team, sir, is this?

1 SIR MICHAEL WRIGHT: Yes, if they came on at 7.

2 A. Between 8 and 8.30.

3 SIR MICHAEL WRIGHT: Thank you very much. That will do for
4 today.

5 Ladies and gentlemen, thank you very much. You have
6 had a heavy old week and I am afraid I think I can tell
7 you now we will need you next Friday, so as I say, you
8 can plan in advance. Would you like to go off, now,
9 please, and be back at 10 o'clock on Monday morning.
10 I hope you enjoy your weekend. Do remember all that
11 I have been warning you about talking to people.

12 (In the absence of the jury)

13 Housekeeping

14 SIR MICHAEL WRIGHT: Mr Hough, can this go into the jury
15 bundle in due course? I am just putting mine in first.
16 This is what we have just been looking at. This is the
17 operations log.

18 MR HOUGH: I think there are two things which probably need
19 redaction before it can go in.

20 SIR MICHAEL WRIGHT: I am a little troubled that there are
21 one or two bits that have not been redacted, I noticed
22 a quick reaction between you and Mr Horwell.

23 MR HOUGH: Everyone has been doing their best and it may be
24 something that Mr Horwell wants to raise now, I know he
25 wanted to raise something.

1 SIR MICHAEL WRIGHT: This will in due course go in at 41.

2 MR HOUGH: In due course, it will, yes.

3 SIR MICHAEL WRIGHT: Mr Horwell.

4 MR HORWELL: Only this, sir, to remind you that Mr Clarke,
5 who will be giving evidence on Monday, is only available
6 for the Monday, and what I am going to ask everyone to
7 consider over the weekend, that unless a complete
8 guarantee can be given that he will finish if he follows
9 this witness, I would ask that we interpose him and
10 start with Mr Clarke on Monday morning.

11 No-one likes interposing witnesses, but with the
12 weekend break it's not as --

13 SIR MICHAEL WRIGHT: Mr Andrew might be a bit fed up.

14 MR HORWELL: I am sure, but he can be here Tuesday if
15 required.

16 SIR MICHAEL WRIGHT: Yes, I am sure we appreciate that. We
17 will certainly think about it over the weekend.

18 MR HOUGH: Sir, I would obviously be a little dismayed if we
19 had not finished Mr Clarke and Andrew by the end of
20 Monday.

21 SIR MICHAEL WRIGHT: I think so. But I am sure everyone
22 knows and if not, they should now take note of the fact
23 that Mr Clarke is only available Monday, and can't come
24 back, as far as I know.

25 MR HOUGH: We are happy to have him interposed to avoid any

1 inconvenience.

2 MR HORWELL: Thank you.

3 SIR MICHAEL WRIGHT: To avoid the risk.

4 MR HOUGH: I am sure that given his eminence, Andrew doesn't
5 have any problem with that either.

6 SIR MICHAEL WRIGHT: Andrew appears to be non-committal on
7 that.

8 A. I'm in your hands, sir.

9 SIR MICHAEL WRIGHT: All right. Very well. Thank you all
10 very much. 10 o'clock Monday.

11 (4.25 pm)

12 (The court adjourned until 10.00 am on
13 Monday, 29 September 2008)

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