

1 Wednesday, 8 October 2008

2 (10.00 am)

3 (In the presence of the jury)

4 DEPUTY ASSISTANT COMMISSIONER CRESSIDA DICK (continued)

5 SIR MICHAEL WRIGHT: I am assuming, Mr Mansfield, your  
6 position is the same as last night, you have nearly  
7 finished?

8 MR MANSFIELD: Yes, five minutes.

9 SIR MICHAEL WRIGHT: Very well. Could I ask everybody else,  
10 I don't say bids, but could I have estimates? The  
11 reason I'm asking is that if there is any chance of  
12 concluding Commissioner Dick reasonably early, we will  
13 line up a couple more witnesses.

14 MR GIBBS: Ten minutes.

15 MR STERN: Maybe 20.

16 SIR MICHAEL WRIGHT: Yes, Mr Horwell?

17 MR HORWELL: 10 to 15 minutes maximum.

18 SIR MICHAEL WRIGHT: Ms Leek?

19 MS LEEK: Sir, I am unlikely to have any questions.

20 SIR MICHAEL WRIGHT: Thank you, I am relying on Mr King.

21 MR PERRY: Sir, I hope I can do it in about an hour.

22 SIR MICHAEL WRIGHT: So in fact it is a reasonable  
23 expectation that Commissioner Dick will be finished  
24 before lunch. Thank you.

25 Can I also make it clear for the press that the

1 contents of the interlocutory application that was made  
2 after the jury left last night, that was in closed court  
3 and may not be reported.

4 Yes, now, good morning, Commissioner. Now,  
5 Mr Mansfield.

6 Questions from MR MANSFIELD (continued)

7 MR MANSFIELD: Good morning, Commissioner.

8 Just a couple of points, there is one I meant to put  
9 to you yesterday, going through my notes I realised  
10 I had not picked up on it, to put to you.

11 This is to do with identification, I am sorry to go  
12 back a couple of steps, and I am dealing with the 9.52  
13 period on to just gone 10 o'clock when identification,  
14 you say, is being firmed up. So it's that period, all  
15 right?

16 A. Yes, sir.

17 Q. Did you know then that surveillance officers, I leave  
18 out of account for the moment firearms officers, whom  
19 you were taxing with this question of identifications,  
20 did not all have copies of either CCTV or the gym card  
21 photograph?

22 A. No, I did not know that, sir.

23 Q. You now know that?

24 A. I do, sir.

25 Q. The question I ask you is: has the policy in the main

1 changed on that score?

2 A. I don't believe it has, sir, no.

3 Q. It links to the next question that I did want to ask you  
4 today: you were promoted last year to Commissioner rank.  
5 Do you now attend the management board?

6 A. I am a deputy to an Assistant Commissioner, and he is  
7 a full-time member, if he is not available I always go  
8 to the management board meetings, yes.

9 Q. That's what I thought you might say, and it's in the  
10 light of that that I want to ask you this question: in  
11 the wake of the shooting itself, there were a number of  
12 reviews and examinations and so on, and I am not asking  
13 you about those, that's in 2005. You are promoted after  
14 that, and then there was the trial last year and  
15 a verdict last year, and the question is this: since the  
16 verdict last year, sitting as you occasionally do  
17 attending the management board, has there been any  
18 internal overview in the light of the verdict last year  
19 by the Met?

20 A. What I can say, sir, is there has been a continuous  
21 overview of the implications for us in policing of what  
22 happened in the Stockwell operation, and also all the  
23 other events in July of 2005, and that has gone on  
24 continuously, including since obviously the trial  
25 verdict. There have been an enormous number of changes

1 and improvements in the Met since 2005 as a result, as  
2 I say, of all the events then and things that have  
3 happened since.

4 Q. I'm doing this in a real sense of construction for the  
5 future and obviously for the learned Coroner. Is there  
6 a document, is there a report which contains the  
7 overview and the recommendations and the implementation  
8 so that it can be known exactly what has changed since?  
9 Do you follow what I am asking?

10 A. Yes, I do.

11 Q. Is there such a document?

12 A. There are certainly documents like that. I am not sure  
13 whether there is a complete comprehensive one, as you  
14 know there have been several, several reports. I am  
15 sure such evidence could be made available through the  
16 statement form, if it was appropriate.

17 SIR MICHAEL WRIGHT: I am just wondering how far we are  
18 going, Mr Mansfield?

19 MR MANSFIELD: I am only going as far as is necessary,  
20 because obviously I don't need to know whether, nor does  
21 the Coroner, but the public might like to know not  
22 a question of whether wallpaper has changed but whether  
23 substantial issues, which I can identify in relation to  
24 communications, in relation to implementation of Gold  
25 policy, I can go through all the headings if you wish

1 but these are all relevant both to the trial last year  
2 and to this case, and it is vital to know whether the  
3 Metropolitan Police have in fact taken on board and  
4 changed things or not.

5 You do follow?

6 A. I absolutely understand that, sir, and what I can say  
7 is, as I said, there have been an enormous number of  
8 changes, we are always trying to improve, there is more  
9 to do, and there are documents within the Met which --

10 Q. Would you be kind enough to identify -- well, can I put  
11 it this way to start with: is there a management board  
12 report or review that could be obtained for the learned  
13 Coroner before the end of the inquest?

14 A. I am sure, if the learned Coroner wants a report, that  
15 could be made available. I am not sure right now --

16 SIR MICHAEL WRIGHT: I want to see where we are going,  
17 Mr Mansfield. If I understand what you are talking  
18 about, such a document would exist for my purposes but  
19 not for the jury's.

20 MR MANSFIELD: Oh, yes, I am making that very clear.

21 SIR MICHAEL WRIGHT: I know. Is this the right time and  
22 right place to ventilate this matter?

23 MR MANSFIELD: Yes, it is, because in the first place  
24 I appreciate you are the person who's conducting the  
25 examination, we are not.

1           I give but an example: if before the end of the  
2           inquest it became clear that major areas that I have  
3           traversed yesterday and others are going to traverse  
4           obviously with other witnesses have not been addressed,  
5           and I don't know whether they have or they haven't, then  
6           these are matters that clearly reflect upon what  
7           happened on the day as well as what's going to happen in  
8           the future.

9           We have heard now from more than one witness that it  
10          could all happen again, and if I may say so, that is  
11          disturbing, and plainly one can't ever have a situation  
12          in which it can never happen again, it's minimising the  
13          risks.

14          Therefore it reflects upon an attitude of mind at  
15          the time as well as since, and I would submit even if we  
16          don't get to see it, although I would ask if we could  
17          have access to it, certainly you should, before the end  
18          of the inquest so that at the time of the verdict of  
19          this jury, you are in a very strong position to deal  
20          with -- and I am not predicating any verdict by this  
21          jury or the form of the verdict of this jury -- but you  
22          will then be in a position to act, rather prepared than  
23          not and it's not a difficult exercise to ask.

24        SIR MICHAEL WRIGHT: Isn't that something for me? While the  
25          inquest is sitting, and if anybody wants me to consider

1           any of these matters, that's a different matter but  
2           surely it ought not to be ventilated in front of the  
3           jury.

4   MR MANSFIELD: I am not suggesting that the repercussions of  
5           whatever has been decided or not decided are ventilated  
6           in front of the jury. They may or may not be necessary,  
7           because if a review has taken place and if a review has  
8           in fact highlighted or not highlighted, then that may be  
9           important because it may mean somebody has examined  
10          something, for example, for all I know there may be  
11          other documents, we have seen during this inquest how  
12          documents have suddenly come to light. There may be  
13          other documentation, contemporary documentation that  
14          an internal review has thrown up --

15   SIR MICHAEL WRIGHT: I think Mr Horwell would assure us that  
16          there are not.

17   MR HORWELL: Sir, yes, I really do not believe this is the  
18          appropriate stage to raise these issues. There will,  
19          before this inquest is closed, be made available to you  
20          a summary of the changes that have been introduced  
21          following these tragic events, and following what  
22          Mr Mansfield has said, it would have been a much more  
23          serious reply for any police officer to have said:  
24          "These tragic events could never happen again".

25                 The Metropolitan Police Force, as has been said on

1           many occasions, has conducted many investigations,  
2           inquiries, following this event, and as this witness has  
3           just said, many changes have been introduced. This is  
4           not, I would respectfully submit, a matter to be  
5           canvassed at this stage before the jury. You will be  
6           made aware before the evidence concludes of what those  
7           changes and enquiries have been.

8   SIR MICHAEL WRIGHT: Yes.

9   MR HORWELL: That is the important factor here, not what  
10          this witness has to say or not to say about these  
11          changes.

12   SIR MICHAEL WRIGHT: Thank you, Mr Horwell. Mr Mansfield,  
13          I really do not think we ought to go on down this route.

14   MR MANSFIELD: It was merely to identify a document, that is  
15          all.

16   SIR MICHAEL WRIGHT: Well, Mr Horwell has told me that he is  
17          going to provide me with the details of what --

18   MR MANSFIELD: I wonder if that is going to happen, because  
19          that's the first we have heard of that, if that could be  
20          done in sufficient time for all of us to see.

21   SIR MICHAEL WRIGHT: You may discuss it with Mr Horwell.

22                Ladies and gentlemen, may I make it absolutely  
23          plain, you remember when I opened this case to you  
24          I told you that what we were concerned about were the  
25          causes, the when, where and in broad terms how



1 Mr de Menezes died, and that we were not concerned with  
2 what may have happened afterwards.

3 You have just heard the discussion between myself  
4 and Mr Mansfield. I have the power, if I think it  
5 appropriate, to write what's called a rule 43 letter to  
6 the relevant authorities after this inquest is over, if  
7 I decide that that is something that should be done.  
8 That letter or the contents of that letter will  
9 eventually be published. Our interest here stops once  
10 we have got to the point at which Mr de Menezes was  
11 killed, and possibly the immediate surrounding  
12 circumstances, but no further than that.

13 Yes, Mr Mansfield, do you have any more?

14 MR MANSFIELD: Sorry, no.

15 SIR MICHAEL WRIGHT: Thank you very much. Yes, batting  
16 order, please? Mr Gibbs?

17 MR GIBBS: Sir, may I ask some questions about surveillance?

18 SIR MICHAEL WRIGHT: Yes.

19 Questions from MR GIBBS

20 MR GIBBS: Ma'am, I represent the red and grey surveillance  
21 teams.

22 A. Good morning, sir.

23 Q. You won't hear from me any suggestion that I or anyone  
24 else could have done your job better than you did that  
25 day.

1           Can I just try to simplify the lines of  
2           communication that you had? The surveillance teams, red  
3           and grey, at Scotia Road would have been talking to each  
4           other on their Cougar radios?

5   A. Yes, sir, that's right.

6   Q. And Pat, the surveillance monitor, was able to listen in  
7           on that talk?

8   A. Yes, that's right, sir.

9   Q. And he was then able to bring the contents of that into  
10          the operations room where you were?

11   A. Yes, sir, that's right.

12   Q. He was also, were you aware of this, talking at various  
13          times on a mobile telephone to members of the  
14          surveillance team, probably the team leader, James?

15   A. Yes, that's right, sir, yes.

16   Q. Do you remember an officer, Mr Johnston, being present  
17          in the room and being in fact positioned between you and  
18          Pat, and on occasions transmitting Pat's information  
19          onward to you?

20   A. I am sure that happened on occasion, sir. Mr Johnston,  
21          like me -- although he is not very like me, as you may  
22          remember, he is an unmissable character in any room --  
23          he and I were both standing for much of the time, so we  
24          moved around, but certainly there would have been and  
25          there were times when he was repeating to me what Pat

1           was saying, yes, and of course the other surveillance  
2           monitor at other times.

3   Q.   There were three people sitting in the surveillance  
4           monitors' chairs?

5   A.   I think for the majority of the day there were three,  
6           yes, sir.

7   Q.   So this wasn't the only location from which you had  
8           potentially surveillance information?

9   A.   Certainly not, sir.  It may not be material but later on  
10          in the day I was getting information from other  
11          locations and other OPs, not even through the  
12          surveillance monitors but by different routes.

13  Q.   Then the specialist firearms officers who had been at  
14          Nightingale Lane and were later, we know, involved in  
15          the follow of Mr de Menezes, they would have been in  
16          unmarked cars?

17  A.   They, I think, were all in unmarked cars, yes.

18  Q.   And they would have had available to them a different  
19          channel called the 75 channel to speak to one another?

20  A.   Yes, we referred to that colloquially as the  
21          back-to-back.

22  Q.   The back-to-back?

23  A.   They would be just able to talk to each other on that  
24          channel.  When I say they were all in vehicles, I am  
25          talking about the black officers in the follow.  Of

1 course, we do have other means of getting around but  
2 those people were all in covert vehicles, cars.

3 SIR MICHAEL WRIGHT: When you say speak to one another,  
4 I appreciate the members of the firearms team would  
5 speak to each other through the back-to-back.

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: Would they also be in communication  
8 with the surveillance officers?

9 A. They would be in communication, frequently that would be  
10 by mobile phone. I think, but I would need to check  
11 this, that they were able to cut in on the radio but  
12 maybe they -- it may be that they weren't and they would  
13 have to telephone the people in the surveillance  
14 vehicles --

15 SIR MICHAEL WRIGHT: Would it be basically limited to --

16 A. I am sorry, sir. I think they could have used the radio  
17 to speak to the surveillance vehicles, but bear in mind  
18 they have their other radio and they didn't want to --

19 SIR MICHAEL WRIGHT: You don't want to clog the radio up  
20 with too many communications.

21 A. Absolutely, so the practice would be to leave the  
22 surveillance teams to speak to each other on the radio,  
23 listen to that, and then telephone them if necessary.

24 SIR MICHAEL WRIGHT: Would that be limited to leader to  
25 leader, team leader to team leader, or would they be

- 1           able to ring individuals?
- 2    A.   They would be able to ring other people but of course,  
3           and in a nice, slow, sort of three-day sort of easy  
4           going, if I can put it that way, operation, there is no  
5           problem with that.  When you are moving fast, you really  
6           don't want everybody ringing everybody to try to find  
7           out what's going on when people all have their own jobs  
8           to do and the people they know to speak to.  So that's  
9           why we have a structure with a and team leader, and it's  
10          normally team leader to team leader.
- 11  MR GIBBS:  Returning to us as simple a picture as we can  
12          have of the lines of information coming in to you, we  
13          have Mr Purser and his tactical adviser, Trojan 84, and  
14          they are in a vehicle together?
- 15  A.   They are in a vehicle together, together with a driver.
- 16  Q.   And Mr Purser has an open line, a telephone line, to you  
17          directly?
- 18  A.   Yes, from Brixton onwards.
- 19  Q.   And Trojan 84, the tactical adviser, has an open line to  
20          your tactical adviser, that's Mr Esposito, in the  
21          control room?
- 22  A.   Exactly, sir.
- 23  Q.   So that's two more lines in to the control room.  Now,  
24          you had set up a structure, am I right, where you had  
25          available to you a number of other feeds, for instance,

- 1           you have told us the surveillance from other addresses?
- 2    A.   Yes, sir.
- 3    Q.   You had a system whereby, through the forward
- 4           intelligence cell in the next door room you could have
- 5           fed to you information from the security services?
- 6    A.   Yes, sir.
- 7    Q.   Perhaps from telephone companies?
- 8    A.   Potentially, yes.  Not necessarily through the forward
- 9           intelligence cell but yes.  Yes.
- 10   Q.   Right.  Perhaps from forensic experts who might be
- 11           examining the scenes from the day before?
- 12   A.   Certainly, sir.
- 13   Q.   Or from police informants who would be providing
- 14           intelligence --
- 15   A.   Certainly, sir.
- 16   Q.   -- to one of the officers in there?
- 17   A.   Yes, sir, and you don't need me to but I could go on.
- 18   Q.   Yes.
- 19   A.   Many other sources of information coming in.
- 20   Q.   Having said that there were all those potential sources
- 21           of information that you had set up, may we then just
- 22           focus on the three which perhaps apply here, and they
- 23           are: Pat, the surveillance monitor, bringing in the
- 24           surveillance feed; Mr Esposito bringing in whatever is
- 25           being said to him by Trojan 84; and yourself getting

- 1 a feed directly from Mr Purser?
- 2 A. Yes, sir.
- 3 Q. You were trying to take account of all of those sources  
4 of information as the situation developed?
- 5 A. Yes, sir. Yes, sir, although it's probably important to  
6 say in relation to Trojan 84, Mr Esposito would only  
7 tell me things that he thought I needed to know from  
8 Trojan 84.
- 9 Q. Yes.
- 10 A. And I think it's probably important to recognise that  
11 the conversation between those two I would not have sort  
12 of full access to. There would be times when  
13 Mr Esposito would be telling Trojan 84 what was  
14 required, what our information was, and there would be  
15 other times when he would be saying what's happening on  
16 the ground, where the firearms team are. I wouldn't  
17 have access to all that conversation, clearly.
- 18 Q. So here is my question: there appears to have been  
19 a period when you thought, from what you were being  
20 told, that the man on the bus was definitely not the  
21 suspect; is that right?
- 22 A. There was a period when I was being told that the  
23 surveillance team thought this was not the suspect.
- 24 Q. All right. If it turns out that no member in fact of  
25 the surveillance team ever made a negative

1 identification, ever said "this is not the suspect" and  
2 that the lowest that any member of a surveillance team  
3 put it was that he couldn't confirm that it was the  
4 subject, then where must that "definitely not" have come  
5 to you from?

6 A. Well, when I answered your last question, I didn't say  
7 "definitely not".

8 Q. No, all right: "not".

9 A. They thought it wasn't. Okay, "not". So if nobody on  
10 the ground, if I can put it that way, said "not" but  
11 I was told "not", if that's your question.

12 Q. Yes?

13 A. Then clearly, I think, Pat may have misinterpreted when  
14 he was assessing what they were saying, or I think  
15 that's my most likely source. It's possible that it  
16 came from Mr Esposito, but I would, I think, have  
17 checked that with Pat at the time, and it's possible  
18 that it came from Silver. My memory is that we all were  
19 of the understanding that it was not. I could have  
20 misheard, of course, but I do remember that all of those  
21 characters and Mr Boutcher thought it was not, thought  
22 the surveillance team thought he was not.

23 Q. If it turns out that Pat didn't say that or didn't think  
24 that he was being told that it was not the suspect, then  
25 can you help us with where in those circumstances the



- 1 information must have come from?
- 2 A. So we have two ifs.
- 3 Q. Yes.
- 4 A. It's most likely, if as you say nobody said "not", Pat  
5 didn't say "not", it's most likely that it's one of the  
6 other people that I have mentioned. It's not impossible  
7 that it's Mr Johnston, because he was the senior person  
8 from SO12 working with the room and working with the  
9 surveillance team.
- 10 Q. I see. Thank you. Now, you told us yesterday, and  
11 I think the day before, that later in the follow  
12 Mr Purser had said to you -- correct my words -- that  
13 they were sure it was him, and I think you used the word  
14 that they were certain it was him?
- 15 A. Yes, sir.
- 16 Q. On two different occasions?
- 17 A. Yes, sir. Sure it was him, quite early on in my part of  
18 the follow, if I can put it that way. So from Brixton  
19 onwards, fairly early on, I got him on the telephone and  
20 he said "they are sure".
- 21 Q. So he said that to you on the telephone?
- 22 A. He did, but I was still wanting to confirm at that  
23 stage, but beginning to move the firearms team if this  
24 is a good identification then we will have to arrest  
25 him, so you know, dependent on if it remains as a good

1 identification. Later he said certain.

2 Q. Do you remember whereabouts in the follow it was that he  
3 said to you that they were certain?

4 A. Quite late on. Certainly as the bus is on  
5 Stockwell Road, approaching towards that junction where  
6 the bus turns right.

7 Q. Was that again to you on the telephone personally?

8 A. Yes.

9 Q. Could you tell from what Mr Purser was saying to you  
10 whereabouts he and Trojan 84 actually were?

11 A. At that stage, I did not know exactly where he was.  
12 Earlier on I had asked him about the locations of the  
13 firearms team and he had said "I don't know, I am a long  
14 way back", or something like that. In my mind's eye, he  
15 might easily have made up the ground or he might not.  
16 I couldn't be sure where he was. What I did know was  
17 that he was limping to the surveillance channel and  
18 I could hear the chatter in the background.

19 Q. The person who was specifically listening to the  
20 surveillance channel, am I right, in terms of the lines  
21 of communication to you, was Pat the surveillance  
22 monitor?

23 A. I think I said when I started giving my evidence that  
24 Pat obviously was doing a number of different tasks,  
25 within the control room his -- he was the person

1 listening to the surveillance channel, certainly, but in  
2 that control vehicle that Mr Purser and Trojan 84 were  
3 in is the surveillance channel, and all Silver  
4 Commanders listen to the surveillance channel whenever  
5 there is a follow going on very, very carefully. That's  
6 part of the job.

7 Q. In fact, the Silver Commander on the ground, at whatever  
8 distance he is from the other members of his team, has  
9 the Cougar radio for the surveillance channel, am  
10 I right?

11 A. Yes, sir.

12 Q. Does he also have what you have called the back-to-back  
13 firearms radio?

14 A. Yes, sir.

15 Q. So he has both those feeds, and then he has a mobile  
16 telephone link to you?

17 A. Yes, sir.

18 Q. And his tactical adviser has a mobile telephone link to  
19 Mr Esposito?

20 A. Yes, sir.

21 MR GIBBS: Thank you very much.

22 Questions from THE CORONER

23 SIR MICHAEL WRIGHT: Just one moment, if you will, Mr Stern.

24 What is slightly puzzling me, I think you have  
25 answered it but I would like to check I have it right,

1           it may be puzzling the jury.

2           Mr Purser was always with the firearms team?

3   A. Yes, sir, the Silver Commander, as we ran things then  
4       and as we run things now, sits in a firearms vehicle  
5       which has a specialist firearms officer driver,  
6       a tactical adviser, and him in this instance, and that  
7       vehicle is kitted, if you like, in exactly the same way  
8       as any other firearms vehicle.

9   SIR MICHAEL WRIGHT: It's just where he physically was, he  
10       was with the firearms team?

11   A. Yes, sir, although I have made it clear that I didn't  
12       know, and I wouldn't expect to know, precisely the  
13       locations of all of them at any one time. But the  
14       Silver role is to be near to the firearms team in  
15       general terms.

16   SIR MICHAEL WRIGHT: The firearms team were never, never had  
17       Mr de Menezes in view before they entered the station?

18   A. No, sir. I now know that.

19   SIR MICHAEL WRIGHT: That's right, we know that now.

20   A. Yes.

21   SIR MICHAEL WRIGHT: So that if Mr Purser was telling you  
22       "they are certain it's him", that could only have been  
23       as a result of what he was hearing from the surveillance  
24       officer or one or other the surveillance officers.

25   A. Absolutely right, sir, yes.

1 Q. You did say to us that you had not read the evidence  
2 that has been given on the previous days in this  
3 inquest?

4 A. I said I had been directed to one witness, I am very  
5 happy to say who that is, if you like. I have read  
6 Andrew's evidence.

7 SIR MICHAEL WRIGHT: It's not Andrew I'm thinking about, but  
8 it's Superintendent Johnston, who was standing quite  
9 near where you were.

10 A. No, sir.

11 SIR MICHAEL WRIGHT: What I have in mind is that  
12 Mr Johnston's evidence was that -- the effect of it is  
13 that as far as he was concerned, he never heard anybody  
14 from the surveillance team say anything more than that  
15 they thought it was him.

16 Which voice did you hear that said: "They are  
17 certain it's him", was that Mr Purser?

18 A. That was Mr Purser.

19 SIR MICHAEL WRIGHT: I see, very well.

20 A. But, as my log, I think, also shows, the phrase "they  
21 think it's him" was said twice. My evidence is that  
22 that was said by Pat and the second time with  
23 a considerable degree --

24 SIR MICHAEL WRIGHT: I have found Mr Johnston's actual  
25 words. What he said was, his recollection -- I will

1 just go a little further back:

2 "Trojan 80, who would be talking to, I think [this  
3 is Superintendent Johnston speaking] a firearms officer,  
4 [and that would plainly be right], when he said 'it's  
5 not him', Pat said 'they still think it's him' speaking  
6 in a calm and measured way."

7 What Mr Johnston then said as a summary:

8 "I never heard anyone say more than 'it could be'."

9 Do you follow?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Your recollection is that the voice you  
12 heard saying, "They're certain it's him" was Mr Purser?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: Speaking to you on the radio or on  
15 telephone?

16 A. Telephone, sir.

17 SIR MICHAEL WRIGHT: On telephone.

18 A. Yes, sir.

19 Pat said "they think it's him" twice and the second  
20 time he said it, he said it with some urgency, as we are  
21 getting towards the tube station, Pat said, when I got  
22 no reply to the percentage question, he said "they think  
23 it's him" with a certain amount of emphasis and urgency.

24 SIR MICHAEL WRIGHT: Thank you, Mr Stern.

25 Questions from MR STERN

- 1 MR STERN: Not at all, very helpful, if I may say so,  
2 because I represent C2 and C12 and I want to just take  
3 up, if I may, some of the questions asked by my learned  
4 friend Mr Gibbs and by the learned Coroner about  
5 communication, because it is quite important that we  
6 have this clear in our minds.
- 7 We have heard about the Cougar radio, the  
8 surveillance radio, the surveillance officers using that  
9 radio and speak amongst themselves on that radio and  
10 that is transmitted to the operations room into the  
11 earpiece of Pat?
- 12 A. Yes, sir.
- 13 Q. That is also heard, as we have just heard, by the  
14 firearms cars?
- 15 A. Yes, sir.
- 16 Q. The firearms officers have this back-to-back or 75  
17 radio, where they can discuss matters amongst  
18 themselves?
- 19 A. Yes, sir, and no-one else can.
- 20 Q. That's the important point I wanted to adduce because  
21 I don't think we have heard that yet. That radio is not  
22 heard by the surveillance officers?
- 23 A. No, sir.
- 24 Q. And it is not heard by the operations room?
- 25 A. No, sir, but I think it would clearly need to be checked

1           whether it was, but it would have been listened to  
2           undoubtedly by the command vehicle as well.

3   Q.   I have included the command vehicle as a firearms  
4           vehicle, because in the command vehicle, by which you  
5           mean Silver?

6   A.   Yes, sir.

7   Q.   Mr Purser?

8   A.   Yes, sir.

9   Q.   Trojan 84?

10  A.   Yes, sir.

11  Q.   And a driver?

12  A.   Yes, sir.

13  Q.   And there were, as we will hear in due course, six  
14           vehicles -- I have five fingers but I meant six -- five  
15           firearms vehicles and, as you have said, the command  
16           vehicle.

17           Now, the firearms officers would not hear what is  
18           being spoken about in the operations room?

19  A.   No, sir, I think there is no way for them to hear it  
20           directly, and the only information they will get from  
21           the operations room is through 84, the tac adviser --

22  Q.   I am coming on to that stage next, if I may. I want to  
23           take it in bite size pieces, if I may.

24           84 who is in the command vehicle with Silver and  
25           a driver, is on the mobile telephone to Trojan 80 in the



- 1 operations room?
- 2 A. Yes, sir, that's right, and --
- 3 Q. At certain stages?
- 4 A. Trojan 80 is Mr Esposito.
- 5 Q. Sorry, Trojan 80, Mr Esposito, who is standing near or  
6 next to you?
- 7 A. Yes.
- 8 Q. And near or next to Pat?
- 9 A. Yes, sir.
- 10 Q. Trojan 80 does not speak to any of the individual  
11 firearms officers?
- 12 A. He could.
- 13 Q. I am sure he could.
- 14 A. I don't remember him doing so. It would not be unusual  
15 for him to speak to the firearms team leader, but  
16 I remember him, I remember him now speaking to 84.
- 17 Q. Sorry, I phrased that badly, perhaps you are right. He  
18 could have spoken to the tactical adviser, Trojan 84, or  
19 the team leader, but he wouldn't speak to anyone else?
- 20 A. Unusual.
- 21 Q. And it would be extremely unusual, I think we have  
22 already heard this, for there to be any discussion by  
23 the firearms officers over the Cougar radio?
- 24 A. Yes, sir.
- 25 Q. So the firearms officers rely on the control room, the

- 1 operations room, who have the overview of all the  
2 identification, intelligence and information that comes  
3 into that room?
- 4 A. Yes, they do, sir.
- 5 Q. The firearms officers do not make an identification of  
6 a suspect?
- 7 A. No, sir, the identification is made by the surveillance  
8 team in normal circumstances and clearly here.
- 9 Q. Although they may have seen a photograph of the suspect  
10 in this case, it's obvious that they don't have  
11 sufficient time in order to make an identification or  
12 indeed the training, and therefore they will act upon  
13 what it is that the surveillance officers direct them  
14 to?
- 15 A. Are we talking about this specific --
- 16 Q. This sort of operation, a MASTS operation?
- 17 A. Certainly they would, I think, rely on the surveillance  
18 officers' skilled training and the time that they have  
19 been looking on the person, but clearly, not here but  
20 one can imagine circumstances where they might think  
21 "I don't think this is the person", but I am not  
22 suggesting that here, of course.
- 23 Q. Now, orders that you give go via 80, 84, and then are  
24 dispersed to the team?
- 25 A. Yes. But in parallel, I am talking to Silver, and I am

1 giving Silver the command.

2 Q. Yes, and as we have heard, Silver, he has the Cougar  
3 radio, so he can listen to surveillance?

4 A. Yes.

5 Q. And he also has the 75, so he can hear the firearms  
6 discussions?

7 A. Yes, sir.

8 Q. As well as obviously a mobile phone. And 80 to 84 are  
9 speaking on a mobile phone, I think you have agreed?

10 A. Yes.

11 Q. I want to just look at the issue of identification now,  
12 please, but just very briefly. It's clear that, when  
13 people say things in a heated and fast-moving incident,  
14 it's not always easy to recall exactly what they said?

15 A. No, sir.

16 Q. I want to ask you not so much about the exact words that  
17 were used but about your feeling at the end of all the  
18 discussion about identification, and before it was you  
19 ordered C019 to actually carry out the stop.

20 I think you have said before that you went to great  
21 lengths to check and re-check the identification?

22 A. Yes, sir. In my decision log it says "I have checked  
23 and re-checked", that's certainly a phrase I would stand  
24 by.

25 Q. You put it this way in your statement, and for anybody

1 who wishes the page number -- I don't ask for it to be  
2 brought up -- it's at page 1527, paragraph 70, you said:

3 "Shortly after that [this is after you have been  
4 told about the man had been originally identified and  
5 then not] I was told that the person on the bus had been  
6 identified as Nettle Tip. I was told this by the  
7 officer monitoring the Scotia Road surveillance team.  
8 He said 'the man on the bus has been identified as  
9 Nettle Tip'."

10 Now, this was a statement that you made in  
11 November 2005?

12 A. Yes, sir.

13 Q. So I want to take you back to that period in 2005,  
14 because obviously there has been a considerable amount  
15 of discussion by you in the intervening years and you  
16 have learnt a lot since then; but did that reflect your  
17 feeling at the end of the period of time before C019  
18 were in fact sent out, that you were of the view that  
19 this individual who was being followed had been  
20 identified as Nettle Tip?

21 A. I was in no doubt he had been identified as Nettle Tip.  
22 I always knew the surveillance team of course could make  
23 a mistake, that's something that can happen. But I was  
24 in no doubt he had been identified.

25 Q. The way you put it in your interview to the IPCC, the

1 Independent Police Complaints Commission, again in 2005,  
2 the question was put:

3 "If ever it was possible 100 per cent identification  
4 that that was Nettle Tip, you still wouldn't have made  
5 any different decision?"

6 That was put to you, it is page 462, again I don't  
7 ask for it to go up unless anybody wants it:

8 "No, I wouldn't ... and equally by the time he was  
9 getting off the bus and heading towards the tube if  
10 there had been in my mind more uncertainty about the  
11 identification I would still have deployed the firearms  
12 team but I want to stress there was not uncertainty in  
13 my mind, I believed that they had identified this man."

14 A. Yes, sir.

15 Q. Was that not only your state of mind but the state of  
16 mind of Trojan 80?

17 A. Yes, sir.

18 Q. Well, did Trojan 80 -- I am getting a slight look --

19 SIR MICHAEL WRIGHT: I was only thinking of the standard  
20 response to that question, that "I can't answer for  
21 Trojan 80's state of mind"?

22 A. Thank you, sir.

23 MR STERN: I think in this case that would not be a standard  
24 answer, because as I understand it, you were discussing  
25 matters with him, I was going to say intimately but what

1 I mean is closely, were you not?

2 A. I was, sir. I can't tell you what was in his mind at  
3 that time, of course.

4 Q. No.

5 A. But I should also say it's not actually his job to  
6 assess whether this person has been identified or not,  
7 that is my job, on the basis of everything I am being  
8 told: do I have a sufficient identification?

9 Q. Yes.

10 A. But I was in no doubt then or in the minutes and hours  
11 afterwards that he had a similar impression to me, this  
12 person had been identified.

13 Q. No doubt Trojan 80, who, as you have told us, is one of  
14 the most experienced tactical advisers in the  
15 Metropolitan Police, would have made it pretty clear to  
16 you if he had thought otherwise?

17 A. I think he probably would, sir, yes.

18 Q. You have told us that Silver was of that view because he  
19 told you that he had heard that the identification was  
20 certain, and those are not exact words but that was  
21 effectively what he was telling you?

22 A. My understanding was also that Silver was in no doubt.

23 Q. And I wonder if we could just have up, it is in the jury  
24 bundle, on the screen document page 168, please. Thank  
25 you very much. It seems as if --

1 SIR MICHAEL WRIGHT: Sorry, Mr Stern, remind us what the  
2 document is, please.

3 MR STERN: Yes, this is the log, and I think by now it may  
4 be -- I have forgotten the rank of the loggist, is it  
5 DS Renew?

6 A. I think we have moved on to Detective Sergeant Renew.

7 SIR MICHAEL WRIGHT: It's Commissioner Dick's own log, it's  
8 the log kept by her loggist.

9 MR STERN: Exactly, it was Mr Cremin, it has now moved on to  
10 Ms Renew.

11 We can see 11.45: "Discussion re: response of O/S",  
12 does that mean outstanding?

13 A. Outstanding, sir.

14 Q. "... suspects when one member taken out".

15 A. Yes, sir.

16 Q. "Each scene treat separately", et cetera.

17 So 11.45 that morning on 22 July, were you still of  
18 the view that the person who had, to use a rather  
19 unfortunate phrase, taken out was a member of  
20 a terrorist organisation?

21 A. Yes, I was, sir, but I think years of experience has  
22 taught me to have an open mind about exactly who this  
23 person would turn out to be in terms of, you know, their  
24 identity and that kind of -- I don't mean their  
25 identification but their identity.

1           So the reason I say that is because we, you know, we  
2           know someone has been shot, our understanding is this is  
3           this person, but at the back of our minds, we need to be  
4           aware that there could be other suspects or indeed it is  
5           not that suspect that has been shot, but yes, that is  
6           absolutely our understanding at that time.

7   Q.   You wouldn't be discussing the response of the  
8           outstanding suspects if you didn't think that you had  
9           a suspect in your sight --

10  A.   Certainly not, sir.

11  Q.   -- earlier on?

12  A.   Certainly not, sir.

13  Q.   So I just want to finish in relation to identification  
14           and ask you this, because you were there and sometimes  
15           one has a feeling of the atmosphere rather than just the  
16           words, was there any atmosphere or feeling that there  
17           was dissension in relation to the identification that  
18           you had yourself heard?

19  A.   No, there was not, sir.

20  Q.   I want to move on to the traffic light system, please.  
21           Green, have I understood this correctly: specialist  
22           firearms officers are in vehicles which, as we know, are  
23           covert; in other words, they don't have a police marking  
24           on them?

25  A.   Yes, sir.



- 1 Q. And they keep a distance from the suspect?
- 2 A. Yes, sir, they are usually well back.
- 3 Q. And it may be obvious but perhaps we can spell it out,  
4 because it doesn't then damage the operation?
- 5 A. It doesn't damage the operation. It's fair to say that  
6 firstly during the surveillance operation they are not  
7 needed up there; secondly, we do our best to make them  
8 as covert as possible, but they are not as covert as the  
9 surveillance officers for a variety of reasons, and they  
10 are not trained to the same level of surveillance  
11 standards as the surveillance officers. Therefore, they  
12 may be more likely to show out, as we would say, than  
13 the surveillance officers. So we keep them back you  
14 know, a reasonable distance away. That could be, if you  
15 are on a motorway, you could be a couple of miles  
16 behind, three or four miles behind.
- 17 Q. But not in the instance that we are talking about here?
- 18 A. No, sir. Well, you would want them relatively up close.
- 19 Q. Relatively up close, but of course behind the  
20 surveillance cars and/or officers?
- 21 A. Yes, sir.
- 22 Q. Second is amber?
- 23 A. Yes, sir.
- 24 Q. Now, amber results in action?
- 25 A. Yes, sir.

- 1 Q. CO19 then start to move forward to take charge of the  
2 operation?
- 3 A. Yes, sir, the firearms team leader is then in control.
- 4 Q. Well, once amber has been ordered?
- 5 A. Yes, sir.
- 6 Q. It is literally an order "amber"?
- 7 A. Yes, sir.
- 8 Q. "State amber"?
- 9 A. Yes, sir.
- 10 Q. So everybody knows what it is and everybody knows what  
11 the consequence is?
- 12 A. Yes, sir, although I think it is the case that it is not  
13 always called, in fact.
- 14 Q. That may be the case.
- 15 A. But everybody would understand it.
- 16 Q. Yes. As you would rightly say, there is a transfer then  
17 between the command over to the firearms team?
- 18 A. Yes, sir, the surveillance team become aware that the  
19 firearms team are moving up, that the firearms team  
20 leader is in charge, and the firearms team leader makes  
21 the decision as to where and when is the appropriate  
22 place to make the arrest.
- 23 Q. So once we have gone to amber, the firearms team or the  
24 firearms team leader, in fact, makes the decision --
- 25 A. Yes, sir.

- 1 Q. -- when to call state red?
- 2 A. Exactly, sir.
- 3 Q. And that is they make the decision when to intervene at  
4 the safest place?
- 5 A. Exactly, sir.
- 6 Q. Now, in this case, for example, I think as Mr Mansfield  
7 said yesterday, so far as amber is concerned, it would  
8 involve CO19 coming up behind the bus, say for example,  
9 that Mr de Menezes was on, that sort of thing?
- 10 A. Yes, of course it depends when it -- I said it was not  
11 called, my understanding is it was not called, so it  
12 depends when it's called, where they come up to.
- 13 Q. Well, as I understand it, you considered the options  
14 when he got back on the bus after it left Brixton?
- 15 A. Yes, sir. I was not in any position to call amber at  
16 that stage.
- 17 Q. No, no, I am not dealing with the specific. But what  
18 would happen if amber had been called is that that's  
19 what they would have done, is got up behind the bus  
20 maybe in front of the bus so that as soon as he got off  
21 that bus, they could have gone to red; yes?
- 22 A. It would be a matter for them on the basis of their  
23 understanding of what's going on where they positioned  
24 themselves. But it would be up close.
- 25 Q. Now, the firearms officers, as we know, were at

- 1           Leman Street and then at Nightingale Lane?
- 2    A.   Black team, yes, sir.
- 3    Q.   I'm only talking about the black team.  In fact the
- 4           other team they were with, I think it was a mixed team
- 5           although we have not heard the colour of that team was
- 6           green?
- 7    A.   Yes, sir.
- 8    Q.   The firearms officers have their briefing at
- 9           Nightingale Lane?
- 10   A.   Yes, sir.
- 11   Q.   Then at about 9.15 they go to the
- 12           Territorial Army Centre?
- 13   A.   I know that now, sir, I didn't know that at the time.
- 14   Q.   Did you know that they were going to the
- 15           Territorial Army Centre?
- 16   A.   I knew that the Territorial Army Centre had been
- 17           researched, I knew the intention was for them to insert,
- 18           is the word we would use, in there, they would not all
- 19           arrive at once, so I knew they were intending to go
- 20           there.
- 21   Q.   They would not all arrive at once, they would stagger
- 22           their journey in the vehicles leaving from
- 23           Nightingale Lane to the Territorial Army Centre?
- 24   A.   Yes, sir, as I said, they are not entirely covert and
- 25           the more of them you have together, the obvious it is

1           what is happening to anybody who knows about these  
2           things.

3   Q.   It's been asserted on a number of occasions that the  
4           firearms officers were not present at Scotia Road at  
5           about that time. We have not heard any evidence about  
6           it yet. I want to ask you: do you know where the  
7           firearms officers were at 9.30?

8   A.   I certainly didn't know at the time, sir. I have  
9           obviously been exposed to statements and material since.

10   Q.   All right. If I were to suggest that in fact at least  
11           one car was at the Territorial Army Centre by 9.30,  
12           would that have made any difference to your  
13           decision-making had you known that?

14   A.   No, sir.

15   SIR MICHAEL WRIGHT: Well, no, it couldn't do, because the  
16           first you heard about Mr de Menezes was when he was  
17           already on the bus.

18   MR STERN: Yes, that's why --

19   A.   Yes, sir.

20   SIR MICHAEL WRIGHT: That's the next question.

21   MR STERN: I was assuming two assumptions: first of all that  
22           they were there, and we will hear evidence about that in  
23           due course, rather than assertions; and secondly, we  
24           obviously have heard from you that you didn't know where  
25           they were and you didn't know about Mr de Menezes, so

1           it's a double assumption.

2           Had you known that there was a firearms team there  
3           and had you been aware of Mr de Menezes, would that have  
4           made a difference?

5   A. My understanding is someone who is worth a look.

6   Q. Yes?

7   A. I didn't know that at that time, but somebody -- worth  
8           a second look. I wouldn't, I think, move a firearms  
9           team or a member of the firearms team under those  
10          circumstances, I think I would keep them tight at that  
11          stage and see what happens next.

12   Q. I think we can take it from what you have already told  
13          us that you would not ask the firearms officers to  
14          intervene whilst he was on a bus?

15   A. No, sir, I mean, if I was -- I think I said in answer to  
16          a jury question -- if I felt that I had to, because of  
17          the imminent danger, then of course. But it is not  
18          a tactical option that is, as it were, generally advised  
19          for reasons that are very obvious to everybody,  
20          difficult to stay covert, confined environment,  
21          difficult operating environment. So no, I wouldn't.  
22          And I wouldn't have asked a firearms team to intercept  
23          somebody worth a look.

24   Q. What about on the two minutes that he was off the bus  
25          before he got back on the bus at Brixton?

- 1 A. Well, I know that area quite well. At that time in the  
2 morning, whatever's going on in London, I have  
3 subsequently heard -- I didn't know that then, that the  
4 tube was closed, but whatever's going on in London,  
5 a normal day, today, about now or an hour before now,  
6 that is a very busy area indeed.
- 7 Q. The jury have seen the CCTV picture of it, and I won't  
8 ask you more about that.
- 9 A. For me, a very, very difficult area to ask a firearms  
10 team to operate in, but of course your question also has  
11 the elements of, I suppose, what did I think at that  
12 stage of the identification, and I did not have  
13 sufficient to ask for an interception. So there is two  
14 grounds at Brixton for not having the firearms team  
15 there.
- 16 Q. Then Mr de Menezes gets back on the bus and you have  
17 already told us about the bus so I need not trouble you  
18 there. Does it come to this, that the only viable  
19 option was really that period on the pavement between  
20 him getting off the number 2 bus near Stockwell tube  
21 station and Stockwell tube station itself?
- 22 A. I think I have said a number of times, sir, in my view  
23 challenging somebody who's suspected of being a suicide  
24 bomber is a very difficult thing to do and particularly  
25 so in the environment that London presents, where you

1 are going to find it very difficult to get distance  
2 and/or cover.

3 In those circumstances, all the places that you have  
4 just taken me through are difficult places to ask  
5 a firearms team to operate, and even with good  
6 identification it's going to be a risky thing to do for  
7 them, for the person that they are talking to, and  
8 challenging, and for the members of the public.

9 As this unfolded, as I said, that was a place that  
10 I thought might be better than some of the other  
11 environments around there, and that we had just come  
12 from.

13 Q. I think you can take it that everybody recognises that  
14 trying to intervene with a suicide bomber is extremely  
15 challenging and requires a great deal of courage,  
16 I think you can take it that everybody understands that.  
17 Can I ask, please, that there is shown to you some CCTV,  
18 MB2, camera 12, please. I'm going to ask that this is  
19 stopped at various locations, the times of which I have  
20 given to the operator. So I hope that, if I don't call  
21 them out, he does.

22 I wonder if I could just -- thank you. We can see  
23 there is Ivor outside Stockwell tube, and we can see  
24 that looks to be 10.02.04. In, fact this particular  
25 piece of film starts at 10.02 so we are about four



1 seconds into it, and I wonder if we could run to  
2 10.02.32, please.

3 Video footage shown

4 Thank you. Well, there is Mr de Menezes, as we can  
5 see, crossing the road having got off the bus, walking  
6 towards Stockwell tube station, and as we can see not  
7 yet in the vicinity of the hall, the entrance to the  
8 tube.

9 SIR MICHAEL WRIGHT: The entrance is at the extreme right of  
10 the picture, I think.

11 MR STERN: Thank you very much, sir, I think it is. I think  
12 it's a fruit stall there, and it's beyond that and a bit  
13 further on.

14 The next stop please is just the next second. Thank  
15 you. It's not that clear but it is just one more  
16 second. Now, just pausing there, there we can see is  
17 the Stockwell Road?

18 A. Yes, sir.

19 Q. Which is directly opposite Stockwell tube station?

20 A. Yes, sir.

21 Q. I don't know how many people are familiar with the area  
22 or not, but if anybody wants to look, there is in fact  
23 a photograph in the jury bundle, in divider 22, 34F. In  
24 my copy -- could you leave the film up, I do not want  
25 the photo up. Thank you. That's why I was referring to

1 the jury bundle, so we can have it in a separate source,  
2 as it were. It's divider 22.

3 A. Sorry, my mistake.

4 Q. Not at all, it's my mistake, I am sorry. Divider 22,  
5 and page 34F, they were not marked very clearly on mine.  
6 Does everybody have it? It's the one with the bus just  
7 turning right out of Stockwell Road. Thank you.

8 We can see Stockwell Road just on the left and the  
9 traffic lights on the far left of that photograph; yes?

10 A. Mine aren't actually marked, sir, apologies. You can  
11 see the front of the bus, the number 2? I am with you.

12 Q. The number 2, thank you very much. We can see  
13 Stockwell Road and Stockwell station on the right?

14 A. Yes, sir.

15 Q. We can see the sign there, it's literally a few seconds'  
16 walk, isn't it, really? It's just over the road?

17 A. Yes, sir.

18 Q. If we go back, please, to the screen, we can see that  
19 line of traffic at Stockwell Road and sticking out just  
20 a little bit is a vehicle that Mr Mansfield drew your  
21 attention to yesterday as being the covert armed  
22 response vehicle.

23 SIR MICHAEL WRIGHT: The first one.

24 MR STERN: It is Alpha, it is the first vehicle.

25 We will move on a little because it gets clearer.

1           Pause for a moment. So that vehicle with those three  
2           firearms officers in is literally opposite Stockwell  
3           station before Mr de Menezes gets to the station?

4   A. Yes, sir.

5   Q. One thing is absolutely obvious, that these officers are  
6           at present still on green? They were never given amber,  
7           were they, and if they were red, you can be absolutely  
8           sure they would not be sitting there, they would be  
9           across that road in 10 seconds, wouldn't they?

10   A. Yes, sir, I think -- I can't say what was in their  
11           heads, but I know what I had said which was, as I said,  
12           way back up the road: if this is a good identification  
13           we will need to arrest him. I had started talking about  
14           detention, interception, arrest, so I was making it  
15           clear through 80 that we would be heading for an arrest  
16           if the identification firmed up. I think it's pretty  
17           much as Mr de Menezes starts to come off the bus, I am  
18           ordering that arrest. But I absolutely accept no amber  
19           was called.

20   Q. Because firearms officers do actually operate on not  
21           maybes and ifs, because you can't in an operation as  
22           high risk as this, can you?

23   A. They can't deploy until they have a definite, certainly,  
24           absolutely.

25   Q. If we just move it on one second, that is a clearer

- 1 picture and you can see the vehicle there, and you can  
2 see there is a fairly short line of traffic. It may  
3 well be that the other vehicles and I think we will see,  
4 it's likely that the other vehicles were all in that  
5 short queue?
- 6 A. Yes, sir. This is -- sorry, sir.
- 7 Q. No, please.
- 8 A. This is at a time when I am being told the firearms  
9 teams are not in position, still making ground.
- 10 Q. Can I make it clear, I am not asking questions to  
11 criticise you, that's not the purpose. We have had  
12 assertions on a number of occasions that the firearms  
13 officers were not there at the beginning, not there at  
14 the end. In other words it wasn't a MASTS operation, it  
15 was a half mast. So I just want to deal with the  
16 position of where the firearms officers were in both  
17 those, on both those occasions; do you see?
- 18 A. Yes, sir.
- 19 Q. We are going to see in a moment -- I think my learned  
20 friend Mr Mansfield described them as stuck in traffic,  
21 which is a somewhat quaint notion, because I don't think  
22 SFOs would get stuck in traffic especially bearing in  
23 mind the fact that the road on the opposite side is  
24 completely clear, is it not?
- 25 A. Yes, sir, I think that's a reasonable interpretation of

1           how they operate. They do of course get slowed down by  
2           heavy traffic on occasions, but they can make progress  
3           very effectively in this sort of situation.

4   Q. Yes. Well, they would have no qualms about going on the  
5           other side of the road or not obeying the red traffic  
6           like or whatever?

7   A. No, sir, they would do that.

8   SIR MICHAEL WRIGHT: Do they have what I believe is  
9           colloquially known as "blues and twos"?

10   A. They do, sir.

11   MR STERN: Just looking at that traffic for a moment, it  
12           seems reasonable to infer, do you agree, that they may  
13           have been sitting in that traffic for a minute or so, at  
14           least the lead car?

15   A. Are you taking that from the timing, sir?

16   Q. I am looking at the traffic and the lights are not green  
17           for very long, are they, we can see not that many cars  
18           get through when they turn. We will see in a moment.

19   A. Right.

20   Q. Could we please now go to 10.03.02. We will see what  
21           happens here. Firearms vehicle, Alpha vehicle, moves  
22           out, but just pulls in a little, and you can see the  
23           lights have changed, so it's just the traffic starts to  
24           move over the line. Yes?

25   A. Yes, sir.

- 1 Q. So they re-join the slow moving traffic, that's what it  
2 appears?
- 3 A. I am not sure what's happening next, sir.
- 4 SIR MICHAEL WRIGHT: Well, they are cutting back in front of  
5 the vehicle that they had been behind.
- 6 A. I genuinely can't remember, I know I have seen this  
7 video before, I can't remember whether they just sit  
8 there quietly or whether they then cut inside and ...
- 9 MR STERN: Unfortunately the film doesn't follow too much  
10 but you will see the traffic starts to move and now they  
11 have, they are still remaining covert, as it were?
- 12 A. I can't tell that, sir, but I absolutely accept it, yes.
- 13 Q. But they have moved a little further forward.  
14 Could we please go to 10.04.08. So the camera goes  
15 off. We will start to see a number of surveillance  
16 officers moving towards the station. (Pause). Thank you  
17 very much. Now, we will see the firearms officers  
18 coming into view for the first time running quite fast  
19 as I am sure you will recall having seen it?
- 20 A. Yes.
- 21 Q. So from the vehicle being in the queue at about  
22 10.02.34 -- I have to say straightaway these are not  
23 necessarily the exact times but we can work out the time  
24 difference?
- 25 A. Yes, sir.

1 Q. Until the firearms officers are actually in view is  
2 about one and a half minutes, let us not quibble about  
3 seconds; yes?

4 A. Yes, sir.

5 Q. Now, having seen that now, and looked at it in that way,  
6 had they been given an order at the time at which they  
7 were at the lights or even earlier, it seems, does it  
8 not, that they could have intervened?

9 A. If they had gone red at the lights, you mean, gone to  
10 state red?

11 Q. Yes. Rather than the lights, yes.

12 A. Sorry. Yes, sir, I think undoubtedly. The -- I think  
13 the issue is -- several issues, but one of the issues is  
14 obviously the firearms team leader and Trojan 84 need to  
15 be comfortable about where their people are and what  
16 they can do, and I am sure I don't need to say this, but  
17 it is not like a -- it's not like a military parade or  
18 a choreographed event, this is always when you are  
19 dealing with armed support to surveillance it is  
20 a constantly changing scenario.

21 If, obviously, one knows that an armed robbery  
22 suspect is going to be outside the tube station at 10.04  
23 then all the firearms officers are in the perfect  
24 position, but one doesn't know that when one is doing  
25 this sort of operation, so the choreography is

1           different.

2   SIR MICHAEL WRIGHT: I think if I understood what Mr Stern

3           was putting to you in your answer, certainly the lead

4           car, the one we have seen manoeuvring in the traffic,

5           if state red had been called when that car was at that

6           point, I think what's being suggested to you, that the

7           officers in that car had bailed out straightaway, or

8           everybody except the driver, anyway, had bailed out

9           straightaway, they might have been able to intercept

10          Mr de Menezes when he was still on the concourse.

11   A. Yes, sir.

12   SIR MICHAEL WRIGHT: That's really what you are putting?

13   MR STERN: That is and I am sorry to do it blow by blow.

14   A. I accept that, sir.

15   SIR MICHAEL WRIGHT: You think that is right. There were

16          certain limitations. We only know about one car, we

17          don't know where the others are.

18   A. Not from this, sir.

19   MR STERN: I can't give evidence about it, but there will be

20          evidence. I'm going to give a little bit of evidence

21          about it in a moment or at least show something that

22          I think will make it a little clearer, just in a moment.

23   SIR MICHAEL WRIGHT: We have seen the video, Mr Stern, the

24          other officers were there very close behind these

25          officers.



1 MR STERN: I am just going to clarify the time, but you are  
2 absolutely right, sir, that is the point.

3 We can see C2, C6 and C12, and they are from two  
4 different vehicles, if I may just predict what the  
5 evidence will be about that.

6 Could you please run this on to, just noting the  
7 time, 10.04.08, to 10.04.30. (Pause). Thank you.

8 Now, if my mathematics are correct, there are  
9 something like 11 firearms officers within 22 seconds --

10 SIR MICHAEL WRIGHT: Of each other.

11 MR STERN: Within 22 seconds of each other, thank you, yes.

12 So from 10.04 to 10.30, 11 firearms officers in 22  
13 seconds have managed to get into the station. Now,  
14 I can tell you, I anticipate the evidence will be that  
15 those 11 firearms officers come from five different  
16 vehicles, all right?

17 A. Yes, sir.

18 Q. We will have to hear the evidence but that is why it may  
19 be likely that the vehicles were all pretty near each  
20 other?

21 A. Yes, sir.

22 Q. If we play it on just to the end, we will see there is  
23 a couple more firearms officers coming in. (Pause). In  
24 fact, I should just add this in fairness to Ralph, Ralph  
25 does go in, but you can't see it on this particular

1 camera. I'll just give everybody the reference, if they  
2 want it. It is MB1, camera 60. I don't ask for it to  
3 be shown but you will see Ralph coming in.

4 SIR MICHAEL WRIGHT: We see him, if my recollection is  
5 right, on the concourse, actually in the station.

6 MR STERN: Mr Hough is nodding and I take everything he says  
7 as accurate.

8 SIR MICHAEL WRIGHT: That's my recollection. He was  
9 actually the back marker of the firearms team.

10 MR STERN: Yes, and the team leader, as the jury will hear.

11 So there were about 13 firearms officers or so  
12 within 38 seconds into the station. Thank you for that.

13 Can I just try and help you with one other matter,  
14 as to the timing of when this happened. Sir, I have  
15 gone over my 20 minutes.

16 SIR MICHAEL WRIGHT: No, I am only looking for a time to  
17 give the loggist a break.

18 MR STERN: I shall not be much longer.

19 Now, you have told us that you spoke to Silver  
20 I think briefly when there was a negative  
21 identification. I put it just generally: negative  
22 identification?

23 A. Yes, sir.

24 Q. You agreed with him that there would be a stop of  
25 Mr de Menezes and in fact I think you didn't realise at

1 the time but you later discovered that that was  
2 Mr Dingemans from SO13?

3 A. Yes, sir.

4 Q. When there was a positive identification, you set up  
5 an open phone line with Silver?

6 A. Yes, sir.

7 Q. I want to see if I can help a little bit with as to what  
8 time that actually was when that open line started. We  
9 have had the benefit of certain phone records, I can't  
10 pretend that they are always going to be complete. But  
11 we have compiled a little list of Silver's calls,  
12 Mr Purser's calls between 9.30 and 10.15. I wonder if,  
13 sir, with your leave, I will just provide everyone with  
14 a copy of these. (Handed). Mr Perry has a copy already.  
15 Everyone has had this material, I should say, we have  
16 just collated it into a smaller little schedule.

17 If there are any errors in it, it's Mr Singh's  
18 schedule, otherwise it's mine. (Pause). I am sure you  
19 are familiar with these in any event; I am sure you have  
20 gone through them. This is just a list, really, of  
21 calls made by DCI Purser, who is the Silver, who as we  
22 know is in the control vehicle with Trojan 84 and the  
23 driver; yes?

24 A. Yes, sir.

25 Q. These are the calls that are made by him on his mobile

1 phone between 9.30 and 10.15. There is one at 9.41,  
2 I can perhaps not trouble you with that one. There is  
3 one at 9.48.50, when he speaks to Mr Dingemans?

4 A. Yes, sir.

5 Q. Does that seem to be the likely time at which he is  
6 instructing or ordering Mr Dingemans to go forward and  
7 carry out this stop of Mr de Menezes?

8 A. It does seem likely, sir, I should also say that we were  
9 having this three-way conversation at that stage,  
10 Mr Purser, Mr Boutcher and me, about what they wanted to  
11 do. They wanted to send Mr Dingemans, I didn't know it  
12 was him, an unarmed crew, to stop this person. So --

13 Q. It's not really that that I am focusing on, I am just  
14 trying to assist you with timing, really.

15 A. The only thing I was going to say, sir, and this may be  
16 relevant to timing, was that we had that conversation,  
17 Mr Boutcher, I don't think he rang Mr Dingemans himself,  
18 I think he got Ms Scott to ring Mr Dingemans, but that  
19 is certainly, I would imagine there would very likely  
20 have been a parallel tasking, if you like, the control  
21 room want Dingemans to go, Silver wants Dingemans to go,  
22 so either one of them may have called Mr Dingemans  
23 slightly before the time.

24 Q. Let me just help you, what I am showing here is that  
25 Mr Purser's phone was in use as we can see, the last

- 1 call he made before 10 o'clock is 9.58.43, and then he  
2 doesn't make another call until 10.14. So does it  
3 follow that your open line took place after that call  
4 from Mr Purser to Mr Dingemans at 9.58.43?
- 5 A. No, sir, I don't think it does, because obviously  
6 I understand his phone was being used, I made an initial  
7 call, I am using both my phone and I think it's Nick's  
8 phone. So I didn't mean to suggest, if I did  
9 I apologise, that from the first moment I spoke to him  
10 it was continuously open from 9.52.
- 11 Q. That's my error, I had understood that.
- 12 A. But I had a line to him and certainly from  
13 Stockwell Road onwards, we were continuously speaking on  
14 the same line.
- 15 Q. Can we assume that Mr Dingemans was called off after you  
16 got positive identification?
- 17 A. Certainly after. How long after I don't know. There  
18 could easily be a time delay.
- 19 Q. You obviously cannot answer that, I appreciate that.
- 20 A. The more pressing or I think the equally pressing just  
21 to get the firearms team there as to call off the  
22 unarmed people.
- 23 Q. That call at 9.58.43 lasts 35 seconds, so obviously that  
24 phone is engaged until 9.59.18. Does it seem likely  
25 that that is the time at which you started an open line

1 with Silver?

2 A. The continuous open line, yes, sir.

3 Q. Yes. Just again to help you, if I can, I think at the  
4 same time as you have this open line, Trojan 80 and  
5 Trojan 84 start an open line?

6 A. Yes, sir. Again, I don't know whether it was  
7 interrupted and I don't know when it started or  
8 finished, but they are talking continuously.

9 Q. If it helps we may well hear that Trojan 84 got on the  
10 phone to Trojan 80 at 9.59.36 and was then on for  
11 9 minutes and 14 seconds, if that helps. We will come  
12 back to that, obviously not with you.

13 I want to just ask you, please, about a passage in  
14 your statement at page 1532. For anybody who wishes to  
15 see it, it's there on the screen, and it's paragraph 87.  
16 You say you didn't use a Clydesdale code word or any  
17 other code word for a critical shot. Let me say that's  
18 not something I am going to be suggesting you did do,  
19 let me make that clear.

20 But it moves on:

21 "I had said that he should not be allowed to enter  
22 the tube system because I believed he posed an immediate  
23 threat to the public. I was fully aware that if  
24 challenged, if he behaved in a way which made the  
25 officers feel that they were subject to an immediate

1 threat, then he might be killed very quickly. The risk  
2 was inherent in any challenge to somebody who was  
3 identified as a suicide killer and the risk was clearly  
4 increased by picture that both I and the firearms  
5 officers shared, that he was wearing clothes which did  
6 not preclude the carrying of a device, that he was  
7 nervous, agitated and jumpy, that he was sending several  
8 text messages and making phone calls."

9 Does it come to this: when you ordered an armed  
10 intervention, you were satisfied that the suspect  
11 represented a real and immediate threat or potential  
12 threat to the lives of the public, and someone who could  
13 potentially cause an explosion and was potentially  
14 intent on causing that explosion?

15 A. Yes, sir.

16 MR STERN: Thank you very much.

17 SIR MICHAEL WRIGHT: Before we start Ms Leek, we will take  
18 ten minutes, please. Twenty to.

19 (11.30 am)

20 (A short break)

21 (11.40 am)

22 (In the presence of the jury)

23 SIR MICHAEL WRIGHT: Yes. Who is next, Ms Leek?

24 MS LEEK: No questions, thank you.

25 SIR MICHAEL WRIGHT: Mr King?

1 MR KING: No.

2 SIR MICHAEL WRIGHT: Mr Horwell, please.

3 Questions from MR HORWELL

4 MR HORWELL: My name is Richard Horwell, I appear on behalf  
5 of the Commissioner.

6 A. Good morning, sir.

7 Q. My interests obviously overlap considerably with those  
8 of Mr Perry's, I only have a few questions to ask you of  
9 this morning.

10 Mr Mansfield yesterday said with a considerable  
11 degree of sarcasm: "The Met really isn't quite as  
12 incompetent as not telling you where the nearest bus  
13 stop is", you may remember --

14 A. I do, sir.

15 Q. -- that question. You have devoted much of your adult  
16 life to the Metropolitan Police Service; is that right?

17 A. Yes, sir, 25 years.

18 Q. Describing the Met as an extremely incompetent  
19 organisation, have you ever seen any evidence to support  
20 that suggestion?

21 A. No, sir, I think it's an extremely competent  
22 organisation, particularly in crisis.

23 Q. Has it been an organisation which you have been proud to  
24 serve for the last 25 years?

25 A. Very.



- 1 Q. On 22 July, in your opinion, were the proper command  
2 structures in place?
- 3 A. Yes, sir, I absolutely think the proper command  
4 structures were in place. I said before it was  
5 an unprecedented challenge, and we had to design some of  
6 those structures on the day, but those designs have  
7 stood the test of time and examination and  
8 re-examination since. What we designed that day is very  
9 much how we would operate today, and we have exercised  
10 that, I have exercised that and examined it from all  
11 angles, many, many, many times.
- 12 Q. Those that were at the front of this investigation,  
13 those that were making the decisions and had  
14 responsibilities within the operations room, the jury  
15 have only seen some so far, they will see others as the  
16 days pass, but in your opinion were the officers under  
17 your command experienced and competent to do the  
18 difficult job that was set for them that day?
- 19 A. Yes, sir. I had the people I needed to do the job.
- 20 Q. Can I come to an issue about which we have heard a great  
21 deal of evidence, the orange firearms team. Could I ask  
22 you to look, please, and the jury too, page 5 of the  
23 maps brochure. If you haven't got one in front of you,  
24 you will be given one. Thank you. (Handed).
- 25 A. Thank you, sir.

- 1 Q. On page 5, we have the various addresses that were of  
2 interest that morning. We can see where Portnall Road  
3 is located and where Scotia Road is located, north and  
4 south of the Thames.
- 5 A. Yes, sir.
- 6 Q. Anyone with eyesight as poor as mine will have to strain  
7 considerably, but if we look at this plan, we can see  
8 almost between those addresses first of all Hyde Park,  
9 which is easy to see?
- 10 A. Yes, sir.
- 11 Q. And then to the right and just below St James's Park?
- 12 A. Yes, sir.
- 13 Q. And New Scotland Yard is just below St James's Park;  
14 yes?
- 15 A. Yes, sir, it's about 50 to 75 yards south of  
16 St James's Park.
- 17 Q. So if we look just below the area marked as  
18 St James's Park?
- 19 A. Yes, sir.
- 20 Q. We know that New Scotland Yard is located there. I am  
21 not for one moment suggesting it was equidistant between  
22 those two addresses but it's somewhere in between, as we  
23 can see from this plan?
- 24 A. Yes, sir.
- 25 Q. We know as a fact that the overnight duty firearms team

1 had been moved to New Scotland Yard during the early  
2 hours of that morning, and we are trying to discover  
3 whether anyone decided to keep them at that central  
4 location to cover not only London but the two addresses;  
5 so that's one enquiry that is being made during the  
6 course of this inquest.

7 Can I ask you, it's a hypothetical question but they  
8 are inevitable in circumstances such as this, was that  
9 location for the one firearms team that was on duty that  
10 night one with which you would have approved if asked up  
11 until the black team came on duty at 7 o'clock?

12 A. Absolutely, sir, for two reasons. As you point out, it  
13 is almost equidistant for two addresses, either of which  
14 it was possible we could be called to, and might need to  
15 deploy an SFO team to.

16 Secondly, as I understand it, there was one SFO team  
17 on in the night for London, and if we expanded this map  
18 right out, we would see that New Scotland Yard is very  
19 central in Central London, so it's a good location, it's  
20 a good place also for people to rest up, and it has good  
21 communications, it's a very sensible place to put one  
22 firearms team.

23 Q. And keeping orange at New Scotland Yard, was that in  
24 your opinion compliant with Mr McDowall's strategy?

25 A. Absolutely. The strategy itself was designed to support

1           surveillance teams in follows and when you have only got  
2           one firearms team, if you think one address is much more  
3           obvious than the other, you probably would put that  
4           firearms team to the much more obvious address, but if  
5           you think they are both of interest, you wouldn't.

6    Q.   Even though Mr McDowall had asked for a firearms team to  
7           be sent to each of the two addresses as soon as was  
8           reasonably practicable, do you agree that until there  
9           were two teams, it was sensible policing to keep the one  
10          team at a location somewhere in between the two  
11          addresses?

12   A.   Very sensible, sir.

13   Q.   We will have to wait to see if such a decision had in  
14          fact ever been made, but the facts so far established,  
15          if you had been asked for your opinion on the morning of  
16          the 22nd, then you would have been content with orange  
17          remaining at New Scotland Yard until the black team came  
18          on duty at 7; is that right?

19   A.   I would, sir, although I would always of course ask: "Do  
20          we have any other SFO team? Where could we get another  
21          SFO team from?" and I would go through that  
22          decision-making, and if it was not rational to pull  
23          people out of bed or to call people in, then I would  
24          stay with that one team. I mean, by call people in  
25          I mean bring them in from home early when they may have

1           been late off in the night. It is all, as I am sure you  
2           have discovered quite a complex series of decisions but  
3           if that was not practical to find another team, not in  
4           the best interests of the whole operation or the safety  
5           of the public, then I have got one team, that's what  
6           I would do.

7   Q. Thank you.

8   SIR MICHAEL WRIGHT: You can call people in early, can you?

9   A. You can, sir, yes.

10   SIR MICHAEL WRIGHT: It may not be very popular but you can  
11       do it.

12   A. You can, sir. There are obvious limitations on that.  
13       They need their rest period, some of them may live  
14       a long way away, and sometimes therefore when you call  
15       people, they arrive in ones and twos and dribs and drabs  
16       and you actually need a whole team before you can go.  
17       Yes, you could do that.

18   SIR MICHAEL WRIGHT: I understand that. Also, of course, if  
19       I have understood this correctly, when you are  
20       considering how you are to make best use of your  
21       available resources, you also have tactical support  
22       teams.

23   A. Yes, sir.

24   SIR MICHAEL WRIGHT: They are not SFOs but they are firearms  
25       officers?

- 1 A. Yes, sir.
- 2 SIR MICHAEL WRIGHT: And you have armed response vehicles.
- 3 A. Yes, sir.
- 4 SIR MICHAEL WRIGHT: Who are also firearms but not  
5 specialist firearms officers.
- 6 A. Yes, sir, and this sort of balancing, where do we need,  
7 where is the highest priority, goes on all day every  
8 day, obviously not in these extreme circumstances but  
9 this is what the tactical advisers and the commanders  
10 are doing.
- 11 MR HORWELL: Can I just deal with that matter raised by the  
12 Coroner?
- 13 Is there a general expectation that police officers  
14 will live within about an hour of the police station or  
15 the location in which they are posted to work?
- 16 A. In what I might call the old days, sir, there was  
17 a very, very strict rule. For general police officers  
18 now, some of them do live further away. I believe for  
19 many of the specialisms and certainly obviously people  
20 who are on call, there is an expectation that they will  
21 be nearer by, but I can't speak for SFOs.
- 22 SIR MICHAEL WRIGHT: The days of the section house I think  
23 are long gone, I think.
- 24 A. They are, sir, sadly.
- 25 SIR MICHAEL WRIGHT: Some say sadly, yes.

- 1 MR HORWELL: We know that the strategy was set at 4.55 that  
2 morning.
- 3 A. Yes, sir.
- 4 Q. And we know that black team were due on duty at 7.
- 5 A. Yes, sir.
- 6 Q. In your opinion, at 5 o'clock in the morning, was there  
7 any realistic possibility of getting black team in any  
8 earlier bearing in mind they have to wake up, prepare,  
9 and travel in to work?
- 10 A. If you call them in, they will come as quickly as they  
11 possibly can, and as I said, some will arrive much  
12 earlier than others. To get them all there and sort of  
13 effectively mustered for the preliminary briefing and  
14 kitting, I doubt very much whether you would get them  
15 there in that form much before 7 o'clock, if before  
16 7 o'clock.
- 17 Q. The whole process can't start until they are all  
18 together as a team; is that right?
- 19 A. Yes.
- 20 Q. Can I move to another issue, please, the time at which  
21 you called out CO19 to intervene on this morning. You  
22 decided to call them out because of the information that  
23 was then coming through to you?
- 24 A. Yes, sir.
- 25 Q. That this was Nettle Tip?

- 1 A. Yes, sir.
- 2 Q. And the time at which you called C019 out was not  
3 dependent upon their location?
- 4 A. No, sir.
- 5 Q. This is something that I put to Mr Boutcher and I'm  
6 going to put it to you as well to seek your answer, and  
7 it's of course a hypothetical again, but if C019 had  
8 been inside the TA Centre at 6 am that morning, you  
9 would not have called them out any earlier, would you?
- 10 A. No, sir.
- 11 Q. And you would not have done anything differently that  
12 day?
- 13 SIR MICHAEL WRIGHT: Yes, I understand that answer, but as  
14 I asked just before the short break, that was very  
15 largely governed by the first moment at which the  
16 commissioner knew that Mr de Menezes was out and that he  
17 was on the bus, that's really the point.
- 18 MR HORWELL: Yes, but I must base the question on that  
19 detail.
- 20 A. Yes, I agree, sir.
- 21 Q. And it would have been wrong, wouldn't it, to have  
22 called out C019 unless and until you had a reasonable  
23 suspicion that this was Nettle Tip, Osman?
- 24 A. Yes, sir.
- 25 Q. To call out C019 on the basis of a report that someone



1           was worth a second look is not something you would then  
2           or ever have done; is that right?

3    A.   I don't think I would, on that basis, sir, and I do  
4           understand there are different gradations and it is  
5           a judgment call, you could of course, but if you do, and  
6           it turns out not to be the person, you have now got your  
7           vehicles potentially compromised away from where you  
8           want them, nobody ready to deal if someone else comes  
9           out, so it's a judgment but on the basis of worth  
10          a second look.  If I had known that, I wouldn't have  
11          called them out.

12   Q.   You can't have firearms cars going in and out of the  
13          TA Centre all day long?

14   A.   No.

15   Q.   In view of the critical importance of this remaining  
16          a covert investigation?

17   A.   No, sir.  I mean, as I said in answer to a previous  
18          question, I didn't know that they were precisely at the  
19          TA Centre or how many of them were there.  If I had,  
20          I would have been even more keen not to send them out on  
21          what could be a wild goose chase because it's so close  
22          to Scotia Road.

23   Q.   Thank you.  21 Scotia Road.  It's been suggested that  
24          the discovery that this was a block of flats and not  
25          a single dwelling must have been a surprise or

1 an important development. So I ask you this: is it  
2 unusual in London to discover that an address is in fact  
3 an apartment within a block of apartments?

4 A. No, sir, on the contrary, it's very usual. I think if  
5 we simply look at the exhibit that you took me to  
6 before --

7 Q. Page 5?

8 A. Yes. You have a number of premises there,  
9 21 Scotia Road, 40 Blair House, 60 Corfe House, 61A  
10 Portnall Road and I am not certain but it looks like  
11 flat 16 Bodmin Furtheracre, are all buildings with more  
12 than one premises in them; some of them many. That  
13 actually is perfectly normal in London, and indeed is  
14 our, you know, it's very normal in our operating  
15 environment, we are absolutely used to the idea that  
16 people may live in communal blocks. If we were working  
17 in Wiltshire, we might have a different view, but London  
18 is full of blocks, so that's not a surprise.

19 Q. You said yesterday on at least two occasions that you  
20 would have hated to think what Mr Mansfield would have  
21 been putting to you in cross-examination if certain  
22 different decisions had been made?

23 A. Yes, sir.

24 Q. I just want to examine that point with you now, and  
25 explore what you meant. Again, inevitably, we have to

- 1           become involved with hypotheticals. But, for example,  
2           if the bombers had been at 21 Scotia Road and you had  
3           alerted them to your presence by, for example,  
4           suspending a bus stop or stopping those who had left the  
5           block too close to it, and the block had been destroyed  
6           by the detonation of any explosives within it, killing  
7           however many innocent people there may have been in the  
8           block at the time, post Madrid you would have been  
9           accused of incompetence and complicity in that tragedy?
- 10    A. Yes, sir, I think as I said yesterday the bus stop is  
11           a judgment call. If the judgment call was the way you  
12           had described and had resulted in what happened, I would  
13           be criticised in that way, and people would say,  
14           probably, because this is sometimes what happens in  
15           hindsight, it was incredibly obvious that what did  
16           happen was going to happen if you did that.
- 17    Q. Can I take another example. If you had ordered S012  
18           surveillance officers to make the stop, and perhaps  
19           because of inexperience and lack of training they had  
20           shot Mr de Menezes when he was on the station concourse,  
21           you would have been accused of incompetence in using  
22           officers who were lacking both training and experience  
23           in that difficult task?
- 24    A. Yes, sir.
- 25    Q. To follow the answer that you gave yesterday, would you

1           then have expected cross-examination along these lines:  
2           you used wholly unsuitable police officers to make the  
3           most difficult intervention imaginable when the trained  
4           experts were just 76 seconds behind?

5   A.   Yes, sir.

6   Q.   Is that what you had in mind?

7   A.   Something very like that, sir.

8   Q.   And of course, if this man had been a suicide bomber  
9           whom you had let run on the Underground system and he  
10          had murdered and let us take the numbers from 7 July,  
11          anywhere between 6 and 26 people and injuring goodness  
12          knows how many others, the accusations of incompetence  
13          would no doubt have continued to this day?

14  A.   Yes, sir.

15  Q.   Now, it's probably the case that not many sane people  
16          would have wanted your responsibilities on 22 July. Was  
17          your attitude that day to run from responsibility or was  
18          it to do whatever you could to protect London?

19  A.   Not to run, sir. That morning I suppose I could have  
20          said "I'm not free, I don't feel quite ready for this".  
21          I wouldn't dream of doing that, I am a commander then,  
22          I am in a senior rank, I am paid relatively a lot of  
23          money to take responsibility, and that's what I try to  
24          do. Also, I believe that I was very well prepared,  
25          relatively speaking, for what I had to face. Even now,

1 I feel that even more. I had experience of many  
2 firearms operations, I have been involved in the  
3 development of Kratos from the beginning, I had trained  
4 a lot, I understood about covert operations, and I had  
5 been involved in a lot of threat to life situations.  
6 Not all my commander colleagues perhaps would say the  
7 same. I felt very comfortable in that environment as it  
8 turned out. But I will always seek to take  
9 responsibility for what I am expected to do, and then to  
10 take responsibility for the decisions that I have made.  
11 I have sought to do that.

12 Q. Just so that we know how you approach such a difficult  
13 and demanding task, do you spend each moment worrying  
14 about what you might be asked in cross-examination in  
15 two or three years' time, or do you meet your  
16 responsibilities with a clear head and rely on judgment  
17 and experience?

18 A. I certainly don't spend time worrying about the  
19 questions I might be asked. I don't, as it were, look  
20 down, you know, over a potential precipice. I have the  
21 ability, I think, to remain very calm in the face of  
22 complex or difficult demanding situations. I have been  
23 a hostage negotiator for 20 years, it's extremely  
24 important not to show or even feel anxiety or nerves in  
25 that sort of situation, and just to focus on what needs

1 to be done, as best you can, with your people, and  
2 that's what I tried to do.

3 MR HORWELL: Deputy Assistant Commissioner Dick, thank you,  
4 that's all I ask.

5 SIR MICHAEL WRIGHT: Thank you, Mr Horwell. Mr Perry.

6 Questions from MR PERRY

7 MR PERRY: Deputy Assistant Commissioner Dick, I have  
8 a series of questions for you. May I just explain  
9 before I ask the questions what the purpose of them is.  
10 The purpose of the questions I am going to ask you is,  
11 first of all, to clarify some of the facts and issues  
12 that we have been discussing over the past two days; and  
13 secondly, I want to explore some of the points that have  
14 been put to you by others, so those are the two  
15 purposes.

16 I hope, but I can't guarantee, that I will finish by  
17 the lunchtime adjournment.

18 I'm going to try, so far as I can as well, to take  
19 things in chronological sequence so that we can better  
20 understand how they fit into the overall picture, and  
21 I hope by doing it in that way we can avoid any  
22 confusion.

23 First of all, then, under the general topic of your  
24 training, may I just ask you something about your  
25 selection for training as a designated senior officer,

1           and just to put the questions in context, you were  
2           selected in about 2002 as one of the four senior  
3           officers trained to act as a designated senior officer?

4   A.   Yes, sir.

5   Q.   That was part of the Metropolitan Police Force's  
6           response to the risk of terrorism following the events  
7           of September 11 in the United States?

8   A.   Yes, sir.

9   Q.   2001.

10           That was in addition to your experience as a Gold  
11           firearms officer; is that correct?

12   A.   Yes, sir.

13   Q.   So you had your Gold firearms officer experience, and  
14           you have just mentioned about your 20 years as a hostage  
15           negotiator experience; this is building upon all the  
16           experience you had in all these other armed operations,  
17           to give you a dedicated experience for dealing with  
18           potential suicide terrorists?

19   A.   Yes, sir.

20   Q.   May I just ask you about some of these other operations  
21           with which you have been involved?

22   A.   Yes, sir.

23   Q.   And the significance of asking you about this, just so  
24           everyone can see what the point is, is to see what  
25           information you have about the deployment of forces on

1 the ground, if I can describe it in that way.

2 The Gold, Silver and Bronze model of a command  
3 structure is in fact based on the military, isn't it?

4 A. Yes, I think it is.

5 Q. I think --

6 A. My understanding is it was developed in the sort of  
7 mid-80s in the police, that's when we took it over, but  
8 very much, very similar to military models, certainly.

9 Q. The basis of the model is that you have a commander who  
10 has an overview, and tactical decisions will be taken by  
11 those on the ground in conjunction with the commander?

12 A. That's the normal model, yes, sir.

13 Q. What I wanted to ask you is: some of these firearms  
14 operations and these kidnap operations, what I think  
15 have been referred to during the course of evidence  
16 as -- I think they have been described at any rate as  
17 fast crime situations or crime in action situations?

18 A. Yes, sir.

19 Q. Is it right, Deputy Assistant Commissioner Dick, that  
20 sometimes these are being done with police forces  
21 abroad?

22 A. Yes, sir, we do do that.

23 Q. Do you yourself do that?

24 A. Yes, I have been involved in many of those.

25 Q. So what happens is police forces in overseas territories



1 seek the assistance of the Metropolitan Police through  
2 New Scotland Yard?

3 A. Yes, they sometimes do, either to do work on their  
4 behalf in London or occasionally to deploy people to  
5 assist them in an advisory role.

6 Q. You have done that yourself?

7 A. Yes, sir.

8 Q. And have you sometimes run operations from New Scotland  
9 Yard in conjunction with overseas police forces and  
10 agencies?

11 A. Yes, sir.

12 SIR MICHAEL WRIGHT: You mean really long range operations  
13 from your point of view?

14 A. Yes, sir, the world is getting smaller in the world of  
15 kidnap. It's not at all unusual to have the hostage in  
16 one country, the demand coming in in another, the  
17 kidnapers' gang might be in another country, so we have  
18 to work in a co-ordinated manner.

19 MR PERRY: Just to bring it to life slightly, have you been  
20 involved in securing the release of hostages in -- give  
21 us an example of the sort of countries that have been  
22 involved in these operations.

23 A. I have been involved from London in operations in Iraq,  
24 Afghanistan, Colombia, Jamaica, maybe others.

25 Q. That's the sort of thing. What you are doing is now,

1           presumably it's not going to be very helpful if you have  
2           a map of downtown Kingston in Jamaica or somewhere in  
3           Colombia or somewhere in Kabul. You are relying on the  
4           people on the ground to do various things and you are  
5           providing your expertise to give assistance?

6   A. Yes, sir.

7   Q. May I just ask you this: we know there was on call on  
8           21 July the on-duty DSO. I just want to ask you this,  
9           because I don't think this has been covered: was there  
10          always an on-duty DSO, designated senior officer, on duty  
11          24 hours?

12  A. Not necessarily on duty, but there was one nominated to  
13          be on call, so every week we have a list of the  
14          different people who are on call for different  
15          responsibilities, that list would always contain: "The  
16          DSO for this week is Cressida Dick" or whoever.

17  Q. Just so there is no confusion about it, the on-call duty  
18          DSO would usually be located in the DI9 pod. We have  
19          heard about that on the second floor, which was part of  
20          the old command centre at New Scotland Yard into which  
21          all the 999 calls would come?

22  A. Yes, that's where they would go to take on the DSO role.

23  Q. Yes, and again just so we are clear about this, you have  
24          told us that on this particular day, when you were in  
25          the operations room, you had an open line or made sure

1           there was an open line with the on-duty DSO,  
2           Commander Carter, to make sure that you and he could  
3           pass on any information if necessary?

4   A.   Yes, sir, I recognise that the phrase "open line" may  
5           have caused some confusion here and there. To be clear,  
6           what I said was "I need to be able to speak to Mr Carter  
7           immediately, make sure there is a telephone link from  
8           the one to the other which will always be kept clear"  
9           and I have a person who can take messages from Mr Carter  
10          if I am busy dealing with something else, or send  
11          a message to Mr Carter if I am busy dealing with  
12          something else.

13   Q.   Effectively when we talk about an open line, are we to  
14          understand it in our own heads as a dedicated phone  
15          link, not necessarily with someone holding it to their  
16          ear?

17   A.   Dedicated would be a better way of describing it,  
18          certainly.

19   SIR MICHAEL WRIGHT: You can pick it up and get straight  
20          through?

21   A.   Yes, and my -- I know I am jumping ahead now --  
22          intention was that at the critical moments at any of the  
23          follows or any of the interventions or any of the  
24          containment and call-outs we might be going to do during  
25          that day, I would be, as you said, on the telephone

1           which is dedicated speaking to my Silver.

2   MR PERRY: I will come on to deal with that in a little more  
3           detail when we come on to Mr Purser and your dedicated  
4           line to him in a moment.

5           I just want to ask you this: just so we get the  
6           picture with Commander Carter in the DI9 room on the  
7           second floor, part of the old command centre, the  
8           position was that if the public or a police officer for  
9           that matter, it didn't have to be the public, because  
10          this was for police officers as well to call in with  
11          information that a suspected suicide bomber was about to  
12          detonate a bomb then it would be for that DSO,  
13          designated senior officer, to co-ordinate the response.

14   A. Yes, sir.

15   Q. Now, the response that would be available would be one  
16          of the three firearms units of which we have heard,  
17          specialist firearms officers if there was a team  
18          available?

19   A. Yes, sir.

20   Q. An armed response vehicle or a tactical support team; is  
21          that right?

22   A. Yes, in essence that's right, sir, yes.

23   Q. I just want to ask you about ARVs, so we fill in a bit  
24          of the detail about those. First of all, they are not  
25          covert?

1 A. No, they are very obvious. I think the court would  
2 recognise an ARV when it comes by, not necessarily as  
3 an armed vehicle, but it's very clearly a police  
4 vehicle.

5 Q. The only reason I ask you that is because certain  
6 questions were asked yesterday when it was put to you  
7 about covert ARVs, and I think to be precise it's covert  
8 SFO vehicles, specialist firearms officer vehicles, but  
9 the ARVs, when we talk about ARVs, these are the cars in  
10 constant circulation through the traffic streams of  
11 London, able to respond at very short notice to crisis  
12 situations?

13 A. Exactly, sir, yes.

14 Q. May I just ask you, because London has 32 boroughs, the  
15 Met cover 32 boroughs.

16 I suppose the question is this: do you take  
17 a decision as to where it's going to be most likely to  
18 be helpful to have these cars circulating?

19 A. There was then and there is now a general cover across  
20 London, and they work out of particular bases, and they  
21 patrol particular boroughs or multiple boroughs. Some  
22 boroughs like Lambeth have a dedicated ARV all the time,  
23 including at the night, because it's a big borough with  
24 a lot of people and, sadly, a high rate of gun crime.

25 So some boroughs have a dedicated ARV, and in

1           addition, if, for example, we had a series of gun crime  
2           murders in a particular part of London, we might be able  
3           to ensure that there is greater ARV cover for that area  
4           than there would normally be. So there is a great deal  
5           of flexibility in it, but the essence of course is to  
6           ensure that we have the ability to respond to whatever  
7           might happen in a crisis as quickly as possible.

8       Q. Thank you very much for that. I was just going to ask  
9           you this as a follow up question.

10                So we understand it, the ARV in Lambeth at this  
11           time, there was actually an ARV base in Lambeth?

12   A. Yes, also a base in Lambeth, yes.

13   Q. So it wasn't based at Leman Street, which was the other  
14           location that we have heard about for firearms teams,  
15           there was a dedicated ARV base in Lambeth?

16   A. Yes, sir, and I think I am right in saying that there  
17           was a TST team based at Lambeth at this time.

18   Q. That was going to be my next point. You effectively  
19           have two back-ups to cover a crisis situation in Lambeth  
20           at this time because you have the ARV with its base in  
21           Lambeth even though it's circulating, and you have the  
22           tactical support?

23   A. Yes, sir.

24   Q. I now want to move on, if I may, please, Deputy  
25           Assistant Commissioner Dick, to the way that events

1 unfolded on 22 July and just pick up a few points as we  
2 go through by way of clarification.

3 You told us about receiving the call from  
4 Commander Armand about 1.30 am, and you say initially  
5 paged, then you called him. You were asked to take on  
6 the role of DSO, and of course we are at the moment, at  
7 this time in the morning on the 22nd, concerned with the  
8 overt strategy, namely the strategy envisaged by  
9 Commander McDowall that there would be an appeal to the  
10 media?

11 A. Yes, sir, I am not sure of the exact timings but  
12 certainly I understand that was the strategy at that  
13 point.

14 Q. May we just look at what the original thinking was by  
15 reference to the small bundle of documents which has  
16 grown, but it's divider 41, page 7680, if anyone prefers  
17 to see it on the screen. It's part of the specialist  
18 firearms operations operational policy log for Theseus 2  
19 or Vivace, as it was sometimes called.

20 Page D7680 is page 3 of the log. We can see the  
21 entry that was being made by Andrew at 12.30, he told us  
22 that he was making this entry between about 12.30 and  
23 1.10 am in the morning. If we drop down to number 5,  
24 which is the only important point for these purposes, we  
25 see:

1           "The dedicated DSO for proactive operation required  
2           once pictures released".

3           So that was what was being envisaged. If we pick it  
4           up on page 4 of the log, which is actually I am afraid  
5           four pages further on, but it has a 4 in the top  
6           right-hand corner, we can see, picking up 5 again, this  
7           is the entry made at 2 am:

8           "5. Commander Dick -- Operation Theseus DSO in  
9           1600", that's the reference to the operations room in  
10          1600, and we can see here this explains why you reported  
11          to 1600 at 0700 hours rather than going to  
12          Commander McDowall's office or the conference room on  
13          the 15th floor. Then we have Commander Carter as the  
14          24-hour response DSO.

15          So that's the position as it was when you received  
16          the telephone call.

17          Moving on, we can put that bundle to one side for  
18          the moment, it was just to fill in some of the gaps.  
19          You actually came in to familiarise yourself with some  
20          of the documents available to you, the firearms manuals,  
21          various policies and legal advices, and you went to the  
22          operations room on the 16th floor, you come in sometime  
23          between 5 and 6, and then before 7 you go to the  
24          operations room on the 16th floor.

25          May I just ask you a few questions about that to



1           again try to fill in some of the detail. You have told  
2           us that when you were in the operations room on the  
3           16th floor you met Alan?

4   A. Yes, sir.

5   Q. Who was working there, and you had a conversation with  
6           him, and he told you something of what was going on?

7   A. Yes, sir.

8   Q. We know that by this time or around about this time, the  
9           red surveillance team was at Scotia Road. Now, the  
10          question I want to ask you is this: at this time was the  
11          operations room then up and running?

12   A. Yes, sir.

13   Q. Because you were asked questions about support for  
14          surveillance teams?

15   A. Yes, sir.

16   Q. Before the orange team is deployed to Portnall or before  
17          the black team is deployed to Scotia. I suppose, if we  
18          wanted to, we could say it doesn't matter about whether  
19          the firearms teams got there at 7 or 8 because they are  
20          there at 6.05 at Scotia, and I suppose someone might  
21          say: well, suppose they had a crisis at 6.05 or 6.10.  
22          If there had been a need for firearms support, would  
23          that have been a matter for the surveillance team to  
24          contact the operations room and would support have been  
25          provided?

1 A. Yes, sir. The operations room had a number of staff, it  
2 had the communications, it had, when I was in there,  
3 Alan, who I think then was a Detective Inspector,  
4 Mr Noel Baker, Chief Inspector, was there, I knew him  
5 from a long time ago, and the expectation quite clearly  
6 would be that if the surveillance team needed anything,  
7 including firearms support, that they could ring into  
8 the control room or call up on the radio into the  
9 control room and the senior officers in there would  
10 decide what is the best support to give them now.

11 Q. Just finally on this aspect, at this time when you were  
12 in the room, were any concerns expressed to you about  
13 support for surveillance?

14 A. No, sir.

15 Q. May I then move on to the meeting at 7.15 in the  
16 conference room on the 15th floor at New Scotland Yard.  
17 May I for this purpose invite your attention, please, to  
18 the bundle of documents, divider 46, which is the typed  
19 note from your red book. We have heard a good deal  
20 about this meeting chaired by Mr McDowall and you have  
21 given a very clear picture of how it was developing and  
22 people were joining, people were leaving as they were  
23 given their various roles.

24 But the point I want to draw attention to here so we  
25 can all focus on it is this, please: from your notes,

1 the first page of your notes, page 56 at the bottom, we  
2 can see that Silver was present, Mr Purser, you have  
3 said he was present very briefly, and also Merrick Rose  
4 who was to be the Silver at Portnall.

5 A. Yes, sir.

6 Q. So they were present. I just want to ask you this, and  
7 this is really the significance: we know that the  
8 firearms teams would not be deployed without their  
9 Silvers?

10 A. The SFO teams, absolutely, sir, yes.

11 Q. And Mr McDowall would know that?

12 A. Yes, sir, they never deploy without their Silver.

13 Q. But if you had the Silvers present at this meeting with  
14 Mr McDowall, it would have been obvious to him that the  
15 firearms teams had not been deployed?

16 A. Yes, sir.

17 Q. It goes further than that, because at the end of the  
18 meeting, can you recall you had a conversation with  
19 Commander McDowall in which he said that fresh teams  
20 were coming on at 7 am and that they were to be kitted  
21 and briefed in support of the operation?

22 A. Yes, sir.

23 Q. We can put that away now, although I am just going to  
24 ask you this, still consistent with what was going on at  
25 this time: was it also the case at this time, 7.15 or

1           thereabouts on the morning of Friday the 22nd, that the  
2           addresses that you were considering were considered to  
3           be the starting point of what was potentially going to  
4           be a very long operation indeed?

5    A.   Yes, sir.  We had obviously never faced anything like  
6           this before, and we were therefore having to imagine the  
7           response of a failed suicide bomber because that wasn't  
8           something which had happened in the Western world  
9           before.  We had to look forward and think about that.

10           I am sorry, sir, could you repeat the question?

11   Q.   It was that this was going to be potentially a long  
12           operation that was going to go on for a considerable  
13           amount of time?

14   A.   Yes, sir.  The people that I was working with that  
15           morning who were at the 7.15 meeting were all people  
16           with a huge and an exceptionally huge, unusually amongst  
17           senior officers in the Met, experience of trying to find  
18           criminals, serious criminals, who perhaps wanted to  
19           evade, almost certainly wanted to evade capture, and we  
20           all anticipated that this would be a very long and  
21           complex job, and in fact when the bombers were arrested  
22           as quickly as they were, we were all obviously immensely  
23           relieved but also quite surprised at how quickly we had  
24           been able to achieve that.

25   Q.   Just picking up one point that you said there, that

1 no-one in the Western world had ever confronted this  
2 problem before, because you were being asked questions,  
3 I think, yesterday about what had happened following the  
4 tragic events in the United States in September of 2001  
5 where efforts had been made by the Metropolitan Police  
6 to find out how the Israeli police force dealt with this  
7 type of suicide bombing situation, and also Sri Lanka,  
8 I think Israel and Sri Lanka being the two jurisdictions  
9 which have the greatest experience of dealing with  
10 suicide bombing.

11 Now, so far as you are aware, had there ever been  
12 any information that had been gathered from Israel and  
13 Sri Lanka about failed suicide bombers? Not those who  
14 had given up, but those who had failed to detonate and  
15 escaped.

16 A. Certainly information about people who had given up, as  
17 you say, changed their mind, limited, but that had  
18 happened. I can't remember what -- I can't remember  
19 what my information was then. My understanding is that  
20 we had only been informed of one such incident where  
21 someone had failed to detonate, and that was in Israel.  
22 So an extremely rare occurrence, and I mean, the very  
23 term suicide bomber, by definition you don't, I think,  
24 anticipate having to arrest a suicide bomber.

25 Q. The one incident that you mentioned, was that the

1 incident that involved two young men from this  
2 jurisdiction who had travelled out to Israel?

3 A. Yes, sir.

4 Q. Moving on, then, again trying to keep it in sequence, if  
5 we can. After the meeting in the 15th floor conference  
6 room you made your way to room 1600. If we pick up the  
7 room at divider 20 of our bundle of documents, please,  
8 because I am not sure, unless I have missed it, whether  
9 you were actually asked to give us -- other people have  
10 been asked where you were, but I would just like to have  
11 your assistance, please, if you could tell us broadly  
12 speaking, I know we are talking about a lengthy period  
13 of time, and you might not be able to say where you were  
14 at all times. First of all if I ask you whereabouts do  
15 you think you were generally, and then I am going to ask  
16 you to indicate where you were between about 9.30 and  
17 10.10?

18 A. Yes, sir. How do I indicate? Do I tell you?

19 Q. If you tell us by reference, a little cursor might come  
20 up and assist you as well, but I am afraid I have no  
21 control over that. Here it is, it is just coming to the  
22 rescue.

23 A. So if we go over to the right-hand side of the room,  
24 where there is a chair marked C3, I can't now remember  
25 whether it was C3 or C1 is where Nick was sitting, Nick

1           being the person with the telephone to Silver. One of  
2           those desks had been allocated to me when I first walked  
3           in, but I am not sure if I ever actually sat down at it.  
4           It's not my practice in a control room where I am in  
5           charge to sit quietly away, you know, writing. If  
6           I need to have a meeting, if I need to do something  
7           privately, I would go out to the ante-room.

8           So I was walking around most of the time, and I was  
9           particularly over in this area between C3 and these  
10          screens and windows further up. So you have screens  
11          above windows. I am sorry, just over to the left. So  
12          this sort of area between C3, C2, S6 and the window.

13 Q. So in that, it's probably too grand to call it  
14          a corridor, but in the area between S6 and C2?

15 A. That was where I generally was.

16 Q. S4, sorry. My eyes are worse than Mr Horwell's.

17 A. Sorry, it is S4, yes.

18 Q. Thank you.

19 A. If I was not in that general area, it was either because  
20          I was speaking to somebody specifically, so for example  
21          over to the left where you have an extension marked in  
22          front of some back row desks. There was a colleague,  
23          and I am afraid -- I know -- I don't know whether he has  
24          a pseudonym, it probably doesn't matter. There was  
25          a colleague sitting there who I needed to speak to about

1 the CLIO records. So I went over to talk to him, and  
2 I spoke to several of the staff as they came in. And of  
3 course I was near Pat on some occasions in the front  
4 row.

5 Q. May I just, so we have it entirely clear, in the period  
6 between 9.30 and 10.10, are we to understand that you  
7 were in the same area walking around or standing and  
8 walking rather than sitting?

9 A. Yes. My memory when I was first briefing Mr Cremin, my  
10 new loggist, was that I was over to the left, to the  
11 left of S1, somewhere around there. I was then quite  
12 near Pat. The Geographia that I referred to was on that  
13 front row of desks, so I looked at that on the front row  
14 of desks, but as the follow continued, I was with  
15 Mr Esposito, Mr Boutcher, and maybe others, in that area  
16 that I first told you about between C3, S4, the window  
17 and that area there.

18 Q. Thank you very much, that's very comprehensive.

19 If we go over to divider 21, and just look at the  
20 first photograph you can be proved right. I am not  
21 saying it was there at the time but certainly when this  
22 photograph was taken, what looks like an A to Z of some  
23 sort or Geographia was on the table in front of what, by  
24 reference to the plan, would have been Pat's chair,  
25 that's 33A.



1           If you go over to divider 21 and the very first  
2           photograph that we have, at 33A?

3   A.   Yes, sir.

4   Q.   Is that it?

5   A.   Yes, sir.

6   Q.   Thank you very much.   So that's there.

7           Now, secondly, secondly, I want to ask you this  
8           very, very quickly: the number of people in the room.

9   A.   Yes, sir.

10  Q.   If we take it from 9.30 to 10.10, just an approximation?

11  A.   I think there were 15, I mean, it could have been 20  
12       people but I don't think it was as many as that.

13       Certainly the most of the seats were full, people  
14       sitting in them and in addition there were a number of  
15       people who were not people who, like me, ever actually  
16       sat down.   And also during that period, I think it  
17       started as less but people like Mr Cummings came in,  
18       I am not sure whether Ms Scott or Mr Mellody came in at  
19       that stage, I think Ms Scott came in during the time  
20       period you are talking about.

21  Q.   Thank you.

22  A.   But total less than 20, certainly.

23  Q.   Thank you very much.   I want to please deal with  
24       communications, so we have it clear.   Now, the Cougar  
25       radios, you don't actually use those?

1 A. Not in this operation, no, sir.

2 Q. You didn't in this operation?

3 A. Yes, sir.

4 Q. They are the encrypted radios with the messages coming  
5 across to the monitors from the teams on the ground?

6 A. Yes, sir.

7 Q. Then you have landlines, and just so everyone knows,  
8 I think some of the telephone records from the landlines  
9 are no longer available from this room, we can't  
10 reconstruct that, but you had landlines available?

11 A. Yes, sir.

12 Q. And you also had mobile telephones?

13 A. Yes, sir.

14 Q. You have told us about Nick's telephone on the desk,  
15 which you asked him to keep open as a designated line,  
16 the hotline through to Silver?

17 A. Silver and his tac, yes.

18 Q. And his tac, and also you have your mobile telephone,  
19 and that is really to make sure that if you are on one  
20 designated line you have another line so you can be  
21 speaking to several people at the same time?

22 A. Yes, sir.

23 Q. I just want to ask you one other thing and I am not  
24 going to ask anyone to turn it up but it's your decision  
25 log, divider 48, decision 8. It's when you explained

1           yesterday or the day before about the legal framework in  
2           which you were operating and you referred to Article 2  
3           of the European Convention on Human Rights.

4           I do not want to go into this in any detail, but  
5           just so there is no misunderstanding, Article 2 of the  
6           European Convention on Human Rights, so that's the  
7           international treaty which the United Kingdom is a party  
8           to which guarantees basic minimum rights, guarantees the  
9           right to life, and you described it as absolute?

10          A. Yes, sir.

11          Q. Of course, it's absolute in the sense that a government  
12           may not derogate from Article 2?

13          A. Yes, sir.

14          Q. But Article 2, just so we are clear, permits the use of  
15           lethal force in certain circumstances?

16          A. Yes, sir.

17          Q. So if an individual, a citizen in the street, has to act  
18           in lawful self-defence, Article 2 permits that?

19          A. Yes, sir.

20          Q. And similarly, if a police officer, or for that matter,  
21           a soldier reasonably decides that he must use lethal  
22           force to save his own life or the life of others, that  
23           would be entirely consistent with Article 2?

24          A. Yes, sir.

25          Q. Thank you. I just want to ask a few questions about the

1 other officers, Mr Cummings first of all,  
2 a Detective Superintendent, you rang him to assist you,  
3 and you have told us that you and he worked together on  
4 the Flying Squad on a number of firearms operations, and  
5 the thing I want to ask you about is this: you said that  
6 he would challenge you if necessary. What do you mean  
7 by "he would challenge me if necessary", what are we to  
8 understand by that?

9 A. Mr Cummings had worked with me a lot, he knew that if he  
10 thought I was going off track, if he thought I was  
11 making a poor decision, he would be absolutely at  
12 liberty to say to me, "Cress, I don't think this is  
13 right". That is the way I work, and he knew that very  
14 well. Other colleagues might not have known that quite  
15 as well because they didn't know me as well. My  
16 practice is to encourage me to challenge me if they  
17 think I am wrong. But we are a hierarchical  
18 organisation and sometimes people don't feel so able to,  
19 and I therefore felt he was somebody I could rely on to  
20 pull me up if I was going wrong.

21 Q. Was that the specific reason that you asked for  
22 Mr Cummings to be assigned to this operation?

23 A. It was one of the specific reasons. The other one  
24 I think learned Coroner explored with me, was that he  
25 had huge expertise in these type of operations, not

1 suicide bombers but this type of operation, and he was  
2 a Gold Commander on three or four operations every day,  
3 and signing authorities, working with covert, tactics,  
4 all the time. Truly I believe, you know, he is not the  
5 only one but an expert in that area and therefore highly  
6 skilled to advise me or challenge me.

7 Q. Thank you very much. I just want to ask you very  
8 briefly about maps and plans, is the heading of these  
9 few questions.

10 If you had had a detailed plan of Scotia Road, do  
11 you think it would have made any difference whatsoever  
12 to the sequence of events with which we are concerned?

13 A. No, sir.

14 Q. If you had had a floor plan of 21 Scotia Road or for  
15 that matter a floor plan of 61A Portnall Road, do you  
16 think it would have made any difference to the sequence  
17 of events with which we are concerned?

18 A. No, sir.

19 Q. I now want to move on to ask you about bus routes and  
20 diverting buses. You have made it very clear this was  
21 a decision taken by you not to stop or divert or suspend  
22 any bus routes?

23 A. Yes, sir.

24 Q. If you decided not to suspend the bus stops or divert  
25 buses, was it necessary then to know where each bus stop

1 was? If you decide not to, do you need to know where  
2 they are?

3 A. No, sir. As an operation goes on, one expects to learn  
4 more and more about an area, in all sorts of ways, but  
5 the straight answer to your question is no.

6 Q. May we just look at the maps brochure, which is the big  
7 glossy bundle, and go to page 8 just to see what we are  
8 talking about, because I hope you can get your bearings,  
9 Deputy Assistant Commissioner, but we see in the central  
10 grid 21 Scotia Road, and the questions which have been  
11 put to you, you know the questions that were put about  
12 Derek saying "We have these bus stops up on Upper Tulse  
13 Hill", which is actually the 201 route, not the number 2  
14 route. We see them there just south of Marnfield, if we  
15 take the top of this plan to be north, just south, two  
16 right together.

17 A. Yes, sir.

18 Q. If you had suspended those, where does it end? Where  
19 does the logic of suspending bus stops end? If you took  
20 a decision to suspend those, is there any reason why you  
21 don't suspend those in Roupell, Christchurch Road,  
22 Streatham Hill or even, for that matter, the railway  
23 station at Tulse Hill? Where does it end?

24 A. Yes, sir. If you are concerned that somebody may get on  
25 a bus before you can do something, there are in fact

- 1 a number of bus stops very close by, I quite agree, sir.
- 2 Q. Let us, I hope, being as realistic as possible about  
3 this, let us just see and address and grapple with this  
4 question that's been put to you. Suppose you had  
5 suspended the two bus stops, the 201 route at the top of  
6 Marnfield Road.
- 7 A. Yes, sir.
- 8 Q. Would that have had any effect whatsoever on the  
9 sequence of events in this case?
- 10 A. Absolutely not, sir.
- 11 Q. In fact, just so it's clear, the bus stop to which  
12 Mr de Menezes unfortunately went was the one on  
13 Tulse Hill round the corner, the number 2. Yes?
- 14 A. Yes, sir.
- 15 Q. You say that decision, the decision you made, was finely  
16 balanced. Does that reflect that in the end you are  
17 trying to weigh up advantages, pros and cons, and come  
18 to what you consider to be a rational decision?
- 19 A. Yes, sir. And in all the decisions that I made that day  
20 and indeed in similar operations, there are always pros  
21 and cons, and it is a matter of judgment and experience  
22 as to what is the best thing to do.
- 23 Q. Then I just want to come on, please, to the question of  
24 identification and deciding to conduct an armed  
25 intervention, and I just want to deal with a point

1           that's been put to you, to see in fact how realistic it  
2           is.

3           The point that I want to address is the suggestion  
4           that's been made to you, as the senior officer in  
5           command of this operation, that the main prime window of  
6           opportunity, was the way it was put to you, the main  
7           prime window of opportunity was before Mr de Menezes  
8           reached the first bus stop. So I want to now  
9           investigate how realistic that is.

10          I want to put to you a sequence of events which may  
11          be established by the evidence rather than assertions of  
12          what may or may not be or what we might not have heard.  
13          Suppose this is established by the evidence, because I'm  
14          going to put to you what is contained in some of the  
15          surveillance officer statements.

16          At 9.33 Frank, who was in a vehicle in Scotia Road,  
17          saw a male leave the communal door. He could not  
18          confirm whether or not he was either of the subjects,  
19          but he said it would be worth somebody else having  
20          a look. You see, what's been put and what's been said  
21          is having a second look, but in his statement, he said  
22          it would be worth somebody else having a look.

23          Just so we get this clear, Frank, we know, and there  
24          will be evidence about this, was communicating in  
25          Airwave. Now, the significance of communicating in



1 Airwave to the red team was that that information would  
2 be only shared between the red team; is that right?

3 A. You have got me there, sir, I did not know that Airwave  
4 was being used in that way at that time. But certainly  
5 if he was communicating in Airwave, that would be  
6 exactly right, yes.

7 Q. If he is communicating by Airwave there has to be a bit  
8 of delay because someone has to pass it over the Cougar  
9 channel up to Pat.

10 Now, if we get Pat's surveillance log because I'm  
11 going to show that a juror's question yesterday was  
12 actually yesterday, rather than being misconceived,  
13 absolutely spot on. If we look at Pat's surveillance  
14 log at page 447 -- if we could have that up on the  
15 screen, please -- of the documents.

16 Pat's surveillance log has 9.34, unidentified male.  
17 Those letters and designations there, they indicate that  
18 he is of North African appearance?

19 A. Yes, sir.

20 Q. That's effectively North African appearance, male,  
21 fattish male stubbled, 5.10 PIW [possibly identical  
22 with] Nettle Tip in jeans out of communal door."

23 Can we just bear that entry in mind and see where we  
24 go.

25 A. Sir, could I just correct one thing?

1 Q. Yes.

2 A. The letters at the beginning U/I, IC6/IC2 means to me  
3 unidentified, as you said, Middle Eastern stroke,  
4 meaning or, dark skinned European. IC2 is a dark  
5 skinned European.

6 Q. Thank you. If we just bear that entry in mind, because  
7 the next surveillance officer actually to see the person  
8 who had left was Edward, who says that the person looked  
9 North African, but he made no identification, and this  
10 was at 9.36.

11 The point I am getting at is this -- it's really the  
12 point that you were making about you have to look at  
13 these with care, and we will see that when we come on to  
14 deal with the juror's question in a moment -- is at 9.34  
15 there is no "possibly identical with". I am just going  
16 to run through the sequence to see whether you did in  
17 fact have this main prime window of opportunity.

18 So Edward as the subject is walking towards  
19 Tulsa Hill at 9.36, makes no identification, and the  
20 first person to say "possibly identical with Nettle Tip"  
21 was James at about 9.39, at around the time that the  
22 subject was about to or had in fact got on the number 2  
23 bus.

24 So with that sequence in mind, no identification  
25 until he is at the number 2 bus stop or actually on the

1 bus, would you consider a main prime window of  
2 opportunity to conduct an armed intervention of somebody  
3 who was worth somebody else having a look at?

4 A. Absolutely not, sir. It would be not even a matter of  
5 judgment, it would be an extraordinary thing to do.  
6 Firstly, you undoubtedly will blow, as we would say, the  
7 covert nature of the operation. Secondly, and much more  
8 importantly, you would be subjecting what may be a very  
9 innocent member of the public to a completely  
10 unnecessary armed challenge on the basis of almost no  
11 information. And at best you are going to end up with  
12 a non-covert operation with all the implications of that  
13 at Scotia Road and a very, very upset traumatised  
14 perhaps member of the public. That would be best,  
15 I think, so I wouldn't do it.

16 Q. I ought to make it clear that the information from James  
17 was not conveyed to the control room until Mr de Menezes  
18 was in fact on the number 2 at 9.41.

19 A. Yes, sir.

20 Q. I am going to follow this through to deal with the  
21 juror's question to show how it was actually not  
22 misconceived, as was suggested yesterday. If we follow  
23 it on, James -- this may be the evidence I am just  
24 putting to you what is in their statement -- decided he  
25 could not discount the individual and directed the team

1 to continue the surveillance, to allow a decision to be  
2 made as to whether or not it was Nettle Tip. This is at  
3 about 9.43 to 9.45 as the bus is heading towards  
4 Brixton.

5 Now, the next significant piece of information we  
6 need to bear in mind is Ivor, who got onto the number 2,  
7 saying he could not possibly positively identify the man  
8 at Nettle Tip. Couldn't identify him as Nettle Tip.  
9 And that is as the bus is going towards Brixton.

10 I now want to move on to the involvement of  
11 Detective Sergeant Dingemans, because when he is being  
12 put into operation -- you don't know it was  
13 Detective Sergeant Dingemans -- you believed at that  
14 time that the subject had been discounted as Nettle Tip?

15 A. Yes, sir.

16 Q. And you had agreed that the surveillance follow could  
17 continue, there could be a stop and there would be  
18 intelligence gathering purposes.

19 May I just ask you, you said that he was to make  
20 discreet inquiries, because we are going to hear that he  
21 had the blues and twos on, that's the blue lights and  
22 the horns and everything.

23 A. Yes, sir.

24 Q. Just explain discreetly, because I don't think you were  
25 intending to say that he would be discreet using his

1 blues and twos.

2 A. No, sir.

3 Q. What does discreet or discretion signify in this area?

4 A. Well, I would not -- I did not actually task  
5 Mr Dingemans, but I agreed an unarmed stop of him with  
6 him, and that was intended to gain further information  
7 about the block, and potentially about people who lived  
8 in the block and perhaps about the people who lived at  
9 21.

10 I would not imagine that that would be remotely  
11 overt in terms of making it clear to everybody around  
12 what was going on, although of course Mr Dingemans might  
13 use blues and twos to make progress to get near to catch  
14 up with the bus if that's what he needed to do. I would  
15 anticipate that he would get behind the bus, wait for  
16 the person to get off the bus, wherever that was, and  
17 speak to this person. And if it was possible, and it  
18 would depend on how things went, but if it was possible,  
19 not even begin to make it clear to this person that we  
20 are engaged in a counter-terrorism operation. So very  
21 discreet.

22 Q. That's the point, it's leading back to the existence of  
23 a covert counter-terrorism operation at Scotia Road?

24 A. Yes, sir.

25 Q. I want to deal very briefly with the bus arriving at

1           Brixton, and it arises from the juror's question  
2           yesterday because the juror's question was linked to  
3           Pat's log and whether the subject got on the same number  
4           2 bus at a different stop. What was said about the  
5           question was that it was misconceived and wrong --

6   SIR MICHAEL WRIGHT: You want the log back up again, do you?

7   MR PERRY: Yes, please, because we will see that the juror's  
8           question was absolutely right.

9           Page 447 of Pat's log, shall we look at what is said  
10          about the bus, if we look at the bottom of the page:

11          "9.48. Unidentified male off bus and on foot  
12          towards further bus stop."

13          Then if we go over the page:

14          "Unidentified male awaits at bus stop."

15          Then 9.52:

16          "Unidentified male back on to same bus."

17          So it looks from Pat's log that the subject goes to  
18          the bus at a different stop.

19   SIR MICHAEL WRIGHT: But that's wrong.

20   MR PERRY: I know that's wrong, so that's the point. The  
21          point that was being asked, as I understood it, was to  
22          clarify this, but it shows that we have to look at this  
23          log with a certain degree of care because it's not  
24          actually reflecting everything that's being conveyed  
25          back to the operations room or everything that is going

1           on accurately.

2    A.   It could never reflect everything that's coming back to  
3           the operations room.

4    SIR MICHAEL WRIGHT:  No, he couldn't keep up.

5    A.   No, sir.

6    SIR MICHAEL WRIGHT:  Whether it's a mistake by whoever the  
7           transmitter was, presumably the team leader, James, or  
8           whether it was Pat misunderstanding what he was being  
9           told is a matter of speculation, quite plainly the log  
10          is wrong.

11   MR PERRY:  Yes.  If I just ask you, because of course we are  
12          still at a stage where, as we know from Mr Stern's  
13          questions, at least some of the firearms officers were  
14          in fact at the TA Centre.

15   A.   Yes, sir.

16   Q.   But of course at this stage, when the number 2 bus is at  
17          Brixton and you are calling on  
18          Detective Sergeant Dingemans, the view is, this is not  
19          the subject?

20   A.   Yes, sir.

21   Q.   This is not Nettle Tip.

22   SIR MICHAEL WRIGHT:  And it was Mr Purser who actually  
23          instructed Sergeant Dingemans, wasn't it?

24   A.   I will take your word for it, sir.  I don't know whether  
25          it was Mr Purser or Ms Scott.

1 SIR MICHAEL WRIGHT: We have got to Brixton, Mr Perry.

2 MR PERRY: Yes, I am very sorry, sir, I think I have 15 or  
3 20 minutes left.

4 SIR MICHAEL WRIGHT: That's all right. As I say, we have  
5 got to Brixton, so we might as well have lunch. Five  
6 past 2.

7 (1.05 pm)

8 (The short adjournment)

9 (2.05 pm)

10 (In the presence of the jury)

11 SIR MICHAEL WRIGHT: Yes, Mr Perry.

12 MR PERRY: Thank you very much, sir.

13 Deputy Assistant Commissioner Dick, we had arrived  
14 through Brixton and I had gone through the sequence of  
15 events and I want to pick it up round about Brixton, and  
16 if people want to bear in mind that it looks as though  
17 from the evidence that we are talking about a period of  
18 something in the region of four minutes at Brixton, and  
19 the four minutes are approximately 9.48 am to 9.52 am,  
20 that's without being too precise.

21 Now, another fact that I want to just put into this  
22 background before I ask you a question is, we have just  
23 heard that the call from Mr Purser, the Silver at  
24 Scotia Road, to Mr Dingemans is timed at 9.48. So if  
25 Silver is putting in the call to Mr Dingemans to do the



1           discreet stop, it's round about the time the bus is  
2           coming into Brixton or arriving at Brixton. If those  
3           times are right, the telephone call we know is right,  
4           that's on record.

5           I just want to ask you this: at this stage, 9.48 to  
6           9.52, that four minute period, we will hear that some of  
7           the specialist firearms officers were present in their  
8           cars at the TA Centre, so they had actually arrived,  
9           some more of the cars had arrived at the TA Centre near  
10          Scotia Road at that time.

11          So the question is this: up until 9.48 through to  
12          9.52, was there any reason to pull the S019 officers in  
13          their cars out of position supporting the reds at  
14          Scotia Road?

15         A. No, sir.

16         Q. If you had pulled them out of position on the basis that  
17          there was a non-identification, so just in case it turns  
18          into a positive, what would then be the risk so far as  
19          Scotia Road is concerned?

20         A. You leave it without any SFO cover.

21         Q. Of course, as a matter of practical reality, there are  
22          going to be times when it will not have firearms cover  
23          because once the specialist firearms teams are up at  
24          Stockwell, there is no cover at Scotia Road?

25         A. No, sir, and I think for some --

1 SIR MICHAEL WRIGHT: It's my fault, I am sure, Mr Perry,  
2 I am not sure I am following that answer.  
3 Up to 9.48 or up to 9.52, nothing had happened that  
4 would have called for SFO cover anywhere else, not that  
5 I can think of anyway.  
6 MR PERRY: Yes.  
7 SIR MICHAEL WRIGHT: Scotia Road was under surveillance.  
8 MR PERRY: Yes.  
9 SIR MICHAEL WRIGHT: And this is one of the arguments,  
10 somebody had emerged, who at any rate attracted  
11 interest, if nothing else; yes?  
12 MR PERRY: Yes.  
13 SIR MICHAEL WRIGHT: If you pulled your team forward to deal  
14 with that one person you would still actually be  
15 covering Scotia Road because that's where he had come  
16 from.  
17 MR PERRY: No, I am talking about the person who is now at  
18 Brixton.  
19 SIR MICHAEL WRIGHT: I beg your pardon.  
20 MR PERRY: If you pull the team out of position up to  
21 Brixton --  
22 SIR MICHAEL WRIGHT: Going back to Brixton, I understand.  
23 MR PERRY: Yes.  
24 Just concentrating at the moment, because one of the  
25 criticisms, as everyone is aware and you are aware and

1           it's been put to you, is the events at Stockwell, the  
2           team should have been there in position?

3    A.   Yes, sir.

4    Q.   So I am trying to explore how realistic that is.

5    A.   Yes, sir.

6    Q.   The point I was seeking to make,  
7           Deputy Assistant Commissioner, was this, and you have  
8           already said that there would have been times when  
9           Scotia Road is not supported by specialist firearms  
10          teams, for example, when they are at Stockwell, but also  
11          after Stockwell when this shooting takes place, they  
12          have to be stood down immediately, don't they?

13   A.   Yes, sir, they do.

14   Q.   Because once there has been a discharge of a firearm,  
15          the team involved have to be taken off the front line?

16   A.   Certainly, sir.

17   Q.   And they have to go through certain procedures, filling  
18          in forms, making statements, because every dischargeable  
19          weapon has to be explained and there has to be  
20          a detailed investigation?

21   A.   Yes, sir, taken most seriously and they would be taken  
22          away from their task with immediate effect.

23   Q.   Would it be fair, does it really come to this --

24   SIR MICHAEL WRIGHT:  It's literally as severe as that, is  
25          it?

- 1 A. After a shooting, sir, absolutely. The only  
2 circumstances in which one would countenance them  
3 carrying on, and I have, as I said, been in the control  
4 room when we had to carry on with a firearms team for  
5 another 15 or 20 minutes, is when other people's lives  
6 are still very clearly at risk. So they might --
- 7 SIR MICHAEL WRIGHT: If a gun battle was going on?
- 8 A. Exactly, sir, but in all other circumstances they would  
9 be stood down and go into quite lengthy and proper  
10 procedures.
- 11 MR PERRY: So when the black and the greens, or the green  
12 and the blacks were stood down after the shooting,  
13 that's when the greys had to be called in.
- 14 A. Yes, sir.
- 15 Q. They had to be kitted and briefed?
- 16 A. Yes, sir.
- 17 Q. So there was a period of an hour and a half --
- 18 A. Yes, sir, I can't remember, I don't know whether it's  
19 important, I can probably find it but I can't remember  
20 how long it took for greys to get there. I understand  
21 now, I don't remember knowing that then, that we managed  
22 to get a couple of armed officers there ahead of the  
23 greys. But --
- 24 SIR MICHAEL WRIGHT: That was hole plugging, wasn't it?
- 25 A. Yes, sir.

- 1 SIR MICHAEL WRIGHT: You didn't have to stand the greens  
2 down, did you?
- 3 MR PERRY: They are part of the blacks because it was  
4 a joint team?
- 5 A. It's a mixed team, sir.
- 6 Q. It's green and blacks?
- 7 A. Confusingly, yes.
- 8 Q. I find it easier to remember if I call it green and  
9 blacks, but that's just my own system.
- 10 The point really is this serious one: whenever you  
11 pull the team out of position from Scotia Road?
- 12 A. For whatever reason.
- 13 Q. For whatever reason, you have made a decision that your  
14 resources should be deployed somewhere, which means that  
15 some other area is not being covered?
- 16 A. Absolutely, sir.
- 17 Q. That's always going to be the case?
- 18 A. Always the case, wherever, but certainly very obviously  
19 in these circumstances.
- 20 Q. You said the TA Centre was a good holding position,  
21 I think you said extremely good but not good for  
22 a briefing, my question is: why was it not good for  
23 a briefing?
- 24 A. As compared with Nightingale Lane, you have the ability  
25 at Nightingale Lane to have police communications to

1 print things off, to look at intelligence systems, to  
2 brief potentially a whole group of people together, not  
3 all of whom need to get to the forward point, if you  
4 like, so if you are seeking to brief lots and lots of  
5 people you would not want to do that right next to or  
6 very near your address.

7 But the essential thing is about communications, and  
8 the facilities for, you know, resting and that sort of  
9 thing, some people will not need to go straight out,  
10 necessarily, after a briefing.

11 Q. Yes, I think we are also going to hear that the  
12 TA Centre was not secure for weapons left in vehicles  
13 while a briefing took place?

14 A. Well, that would be very likely, yes, I understand that,  
15 sir. I hadn't thought of that, yes.

16 Q. Just moving on, then, we have the subject at Brixton, we  
17 have some of the S019s at the TA Centre, and then  
18 sometime later -- so this would be shortly after Brixton  
19 or around that time, so we are talking about 9.52,  
20 something around that period -- the information you  
21 receive is that: "It's him and they think it's him, he  
22 is very jumpy" is what you said you were told?

23 A. Yes, sir.

24 Q. Now, can you recall that you were asked some questions  
25 a couple of days ago now whether it was possible that

1           the "it's him" was a reference to the fact that the man  
2           now under surveillance was the man who had previously  
3           been under surveillance? So in other words not "it's  
4           him, it's Nettle Tip" but "it's him, it's the  
5           unidentified male we have been following."

6           Is there any scope for any possible misunderstanding  
7           about this?

8    A. Not in my mind, sir, and I was there. I understood the  
9           question. If you read the log, reading the log could be  
10          read either way but absolutely not in my mind.

11   Q. Let us put in some of the other details just to see how  
12          realistic this is. You ask for a percentage?

13   A. I did, subsequent to this, sir.

14   Q. Yes, subsequent to this?

15   A. Yes.

16   Q. What I am wondering is how realistic is it, if you are  
17          just talking about the man who is on the bus and then  
18          the Gold Commander comes on, or you come on, the DSO  
19          comes on saying: what's the percentage and Mr Boutcher  
20          says: what do you give us out of 1 to 10, would you be  
21          doing that in relation to the person who has got off the  
22          bus?

23   A. No, sir.

24   Q. You don't think you would. Then Mr Purser said that  
25          they were sure --

1 SIR MICHAEL WRIGHT: Certain.

2 MR PERRY: And later said they were certain.

3 A. Yes, sir.

4 Q. That was quite late on as the bus was on the  
5 Stockwell Road?

6 A. Yes, sir.

7 Q. So far as the events thereafter are concerned,  
8 Mr Dingemans was then stood down?

9 A. Yes, sir.

10 Q. We have not heard about this evidence up to now but I'm  
11 going to put something to you about a conversation with  
12 Mr Purser, who asked if you wanted the subject to run,  
13 because he might lead you to other people; you can't  
14 remember it?

15 A. I can't remember that now, sir, obviously that was  
16 a topic of conversation, right back at 7.15 am. I don't  
17 remember that interchange.

18 Q. I just put it to you because it may be we will hear  
19 evidence about that later. I now want to ask you just  
20 a very few questions, if I may --

21 SIR MICHAEL WRIGHT: Yes, at 7.15 it wasn't Mr Purser  
22 either, was it, it was the counter-intelligence.

23 A. No, sir, it was me asking the SIO, Mr Prunty.

24 SIR MICHAEL WRIGHT: Who had the wry smile and said --

25 A. Ideally.



- 1 SIR MICHAEL WRIGHT: -- ideally I would like you to lead me  
2 to a bomb factory. That is not the conversation  
3 Mr Perry is talking about.
- 4 MR PERRY: This is in the period as the bus is in  
5 Stockwell Road and Mr Dingemans is called off, Mr Purser  
6 speaking to you on the dedicated telephone line saying,  
7 "Do you want the subject to run because he might lead us  
8 to other people" and you said no, that was something  
9 that was too risky.
- 10 A. I can't remember precisely that, sir, but I certainly at  
11 this stage did not want the subject to run, to use that  
12 word.
- 13 Q. Yes, "run" meaning to be allowed to continue under  
14 surveillance in the hope that he might lead to further  
15 intelligence?
- 16 A. Absolutely, sir.
- 17 SIR MICHAEL WRIGHT: That, as I understand it, was always  
18 your view, from the outset?
- 19 A. Yes, I did not want him to be allowed to roam around  
20 London potentially with the benefit of taking us to  
21 other suspects or to premises, bomb factories, I didn't  
22 think that was safe, so I always wanted him, as soon as  
23 we knew it was him, to be stopped in a safe place away  
24 from the premises.
- 25 SIR MICHAEL WRIGHT: So the answer is yes.

1 A. Yes, sir, sorry.

2 SIR MICHAEL WRIGHT: It was never your intention to,  
3 otherwise than to stop him as soon as you safely could.

4 A. Absolutely, sir, but I can understand why somebody might  
5 suggest that, even at that stage I can understand that  
6 as a potential. I don't remember the interchange, I am  
7 sorry, sir.

8 MR PERRY: Thank you very much.

9 The next thing I want to ask you about now is to  
10 focus on this topic, which is the question of  
11 identification and the decision to conduct an armed  
12 intervention?

13 A. Yes, sir.

14 Q. We have heard evidence in this case about positive  
15 identifications, identifications that aren't positive,  
16 and I want to explore whether that's actually a very  
17 helpful way of looking at it at all.

18 So the first question I put to you,  
19 Deputy Assistant Commissioner, is this: what degree of  
20 identification do you in fact need before you yourself  
21 are prepared to authorise an armed intervention?

22 A. It depends on the circumstances, sir.

23 Q. That's what I want to explore with you. So the first  
24 stage, my question is this: is there in fact a golden  
25 rule?

1 A. No, certainly not.

2 Q. When you say it depends on the circumstances, what are  
3 you balancing?

4 A. It is all about what is safest for all concerned, and  
5 that can be quite a quite range of people, the person  
6 you are following quite clearly, the public, the  
7 officers and possibly public in the future. There is --  
8 I am trying to think how best to put it. If you know --  
9 and I said something like this yesterday or the day  
10 before, I think -- that this person does not pose  
11 a great risk at the moment because, for example, you  
12 have good information that they are going to collect  
13 their firearm at 6 o'clock, and it's now 3 o'clock, you  
14 may feel very well that you have a very good reason to  
15 wait and firm up your identification as far as you  
16 possibly can before you arrest him, if you feel you have  
17 that time.

18 But if you don't have time, for whatever reason, and  
19 you believe that this person could pose a great risk,  
20 then the level of identification that you might think  
21 was required, you might think, "I actually do have to do  
22 something here even though I am not completely certain  
23 of the identification or indeed his intention". So  
24 those are the kinds of things that one would be thinking  
25 about always with safety as the most important element.

- 1 Q. Just on that, and I will not take too much longer over  
2 this, because you made it clear, but in this particular  
3 case, just bringing that now to this particular case,  
4 the way you have put it is that you believed that the  
5 surveillance team believed the subject to be Nettle Tip,  
6 that was the code word for Osman?
- 7 A. I did, sir.
- 8 Q. Now, on the basis that you believed that they believed  
9 the subject to be Nettle Tip, Osman, did you believe in  
10 those circumstances that he posed a great risk to the  
11 public of London?
- 12 A. I did, sir. I was confident about the identification.  
13 I believed he posed a great risk, a great threat.  
14 I couldn't be certain what that threat was.
- 15 Q. These are decisions that are being taken in the course  
16 of a fast-moving incident over seconds?
- 17 A. Absolutely, sir.
- 18 Q. You have said that this was an unprecedented operation.  
19 Just compare it to your earlier operations in which you  
20 had been involved, I don't know whether you can rank  
21 them a league or how much more difficult is this type of  
22 operation from anything you had had to do before?
- 23 A. The one -- no, there are probably two big differences.  
24 The first one is clearly the -- and I keep using this  
25 word, and I am sorry, because it's a slightly police

1 word -- the threat, the risk that is posed to everybody  
2 by suicide bombers and by bombs is just so much greater  
3 than the risk posed by the type of criminals that I am  
4 normally engaged in trying to prevent from their  
5 actions.

6 So that's the first big difference. The second --  
7 and therefore one has to be, you know, conscious of  
8 that, the explosive risk, at all points.

9 The second big difference, I suppose, is that  
10 because it was unprecedented, we were bringing together  
11 in very quick time groups of people who had not all  
12 worked together on something like this before. So we  
13 were all going back to our tried and tested basic  
14 principles and the policies and working up something  
15 that would work, and as I think I have said before, what  
16 we worked up in a matter of minutes that morning is how  
17 essentially we work today.

18 Q. I now want to ask you about events at Stockwell,  
19 Deputy Assistant Commissioner.

20 SIR MICHAEL WRIGHT: Forgive me, Mr Perry, if I may.

21 Thinking about what you just said --

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: -- you had an identification; yes?

24 A. Yes, sir.

25 SIR MICHAEL WRIGHT: In reality, of course, you could never

1           be assured as a matter of total certainty whether he was  
2           or he was not a suicide bomber.

3    A.    Certainly not, no, sir.

4    SIR MICHAEL WRIGHT:  If you sent your officers in and he was  
5           a suicide bomber, ready to detonate his bomb --

6    A.    Yes, sir.

7    SIR MICHAEL WRIGHT:  -- I think it follows as night follows  
8           day that you would obviously be putting him at great  
9           risk.

10   A.    Yes, sir.

11   SIR MICHAEL WRIGHT:  Not only of blowing himself up.

12   A.    I am sorry, I was just trying to remember what the  
13           beginning part was.

14   SIR MICHAEL WRIGHT:  I am sorry, I will do it again.  If you  
15           sent your officers in and he was a suicide bomber, you  
16           would be putting him at great risk and your officers?

17   A.    Yes, sir.

18   SIR MICHAEL WRIGHT:  In reality, if he was a suicide bomber,  
19           and you sent your officers in down the Underground, the  
20           probabilities are that they might not come out alive.

21   A.    Yes, sir, quite possible.

22   SIR MICHAEL WRIGHT:  If he was a suicide bomber and you let  
23           him go, you have already said in detail you would be  
24           putting an unspecified number of people at risk.

25   A.    Yes, sir.

1 SIR MICHAEL WRIGHT: If he was not a suicide bomber, and you  
2 sent your officers in, then the same thing arises, you  
3 put him at risk.

4 A. I put him at risk but I suppose the hope is that this is  
5 someone who will respond in such a way -- I mean,  
6 obviously you hope that nobody is going to die --

7 SIR MICHAEL WRIGHT: Or get hurt.

8 A. Or get hurt, absolutely. And as I have said I think  
9 twice, I did not order a critical shot but I was fully  
10 aware of the risk that I was putting my officers and  
11 indeed that person to. Some -- it may be that even  
12 a suicide bomber when challenged by armed police may not  
13 detonate their bomb, and so that is why the challenge  
14 should be done, but I have said before I was asking  
15 an enormous amount of my officers.

16 SIR MICHAEL WRIGHT: In the circumstances of that morning --

17 A. Yes, sir.

18 SIR MICHAEL WRIGHT: -- was to do nothing ever feasible?

19 A. No, sir.

20 MR PERRY: Thank you very much, sir, thank you.

21 May I just ask you these questions about events at  
22 Stockwell, or I suppose more accurately events in the  
23 operations room while events were going on at Stockwell.

24 At the time the subject got off the number 2 near  
25 the tube station, what was the atmosphere in the control

- 1 room at that stage?
- 2 A. Very calm, people listening, concentrating, making  
3 decisions, very focused.
- 4 Q. And you were asked if you had been distracted by the  
5 arrival of Mr Cremin at some stage. We know he arrived  
6 sometime before 9.52 because that's the first time of  
7 his entry. What would have happened when he arrived?  
8 You told us that you would have had a conversation with  
9 him. What in fact would have happened?
- 10 A. I had never worked with Mr Cremin before in this mode,  
11 although I knew him, and I didn't know whether he had  
12 been a loggist before, he certainly hadn't been for me,  
13 it's quite a personal thing, so I spoke to him about  
14 what was happening, what we were intending to do, and  
15 what my requirement of him was, and the requirement of  
16 him was to write things he thought were significant, he  
17 wouldn't be able to write it all, to keep with me at all  
18 stages unless I asked him not to, which didn't happen,  
19 and if there was a significant decision to try to note  
20 that.
- 21 Q. How long are we talking about you having a conversation  
22 with --
- 23 A. A couple of minutes.
- 24 Q. Thank you. You asked about your decision to order S012,  
25 the surveillance officers to do the stop, and you were



1           asked whether if you had known that C019 were a minute  
2           or so behind, you would have stuck with your decision to  
3           use S012.

4   A.   Yes, sir.

5   Q.   So that's what I am focusing on at the moment.

6           If you had in fact known that there were only two  
7           S012 officers at the tube station at the time that  
8           Mr de Menezes went into the tube station, would you have  
9           considered a stop by two of those officers to be  
10          feasible or safe?

11   A.   No, sir.  As you know, I had grave concerns about S012  
12          being used at all.  Two is less good than more than  
13          that.  So they are a last resort.  At the moment when  
14          I asked them to do the task, it was because I was being  
15          told S019 were not available, and if I had at that stage  
16          been told: "By the way, there is only two", I would have  
17          thought it was an even more difficult task, but I did  
18          want a challenge to be put in.

19   Q.   The two I am speaking of, for everyone else's note, but  
20          not yours, it appears as though it's Ivor and Ken who  
21          are the first two there.

22          I just want to ask you these questions.  You were  
23          asked whether you felt whether you were misled by  
24          Mr Esposito, he of course was in contact with Trojan 84.  
25          Now you have been through this process, heard all these

1           questions, do you in fact consider you were misled by  
2           anyone in the operations room?

3   A.   No, I don't.  It's a strong word, "misled".  I was not  
4           misled.

5   SIR MICHAEL WRIGHT:  Or given a wrong impression, if you  
6           like.  As you say, it's a strong word.

7   A.   As I think I have said, when I was told "they are there"  
8           I thought they were in a position to do an intervention,  
9           and they were unable to do an intervention before they  
10          went down into the tube train.  I don't think I can say  
11          much more about it than that, sir.

12   SIR MICHAEL WRIGHT:  Just take it one stage further.  We  
13          know what Mr Boutcher thinks about it because he has  
14          told us and we know what Mr Johnston thinks about it.  
15          Having seen that reconstruction, it's not  
16          a reconstruction, I don't know what you call it,  
17          compilation, I think is the right word --

18   A.   Yes, sir.

19   SIR MICHAEL WRIGHT:  -- on the video, and you now actually  
20          appreciate what the time gap was between Mr de Menezes  
21          going into the station and the firearms officers coming  
22          in, would you agree with those officers who say: well,  
23          as a matter of fact, as it turns out, CO19 were not in  
24          a position to make the stop.

25   A.   They were not in a position to make the stop in the

1 place that we wanted them to make it, yes, sir.

2 SIR MICHAEL WRIGHT: Upstairs.

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: In the concourse.

5 A. I think that's clear from the video.

6 MR PERRY: Just one matter on the traffic light system,  
7 please: green, amber, red. Just to explain this and  
8 make sure it's in context, the traffic light system is  
9 used, green means surveillance is in progress.

10 A. Yes, sir.

11 Q. Amber is an alert that an arrest is going to take place,  
12 and red is announced immediately before the arrest?

13 A. Essentially, sir, yes.

14 Q. I have tried to summarise and reduce it to its  
15 essentials.

16 SIR MICHAEL WRIGHT: Who would order amber?

17 MR PERRY: That was going to be my next question. Thank you  
18 very much, sir. Fools seldom differ, I suppose, or  
19 whatever it is. Great minds think alike; that's the one  
20 I was thinking of.

21 SIR MICHAEL WRIGHT: Flattery will get you anywhere. Let us  
22 go back to the question: who orders amber?

23 A. Well, on this occasion no-one ordered amber. This is  
24 something that I feel in retrospect I could have  
25 discussed before with my Silver Commander, and I hadn't.

1 I think firstly, in many operations amber never gets  
2 called. Secondly, however, you do need to be clear  
3 about who is likely to call it. My considered opinion  
4 now is that it should be the DSO that calls the amber,  
5 that's me.

6 SIR MICHAEL WRIGHT: It should have been you. You say now.

7 A. I do, sir.

8 SIR MICHAEL WRIGHT: What was the general view at the time?

9 A. I don't think we had a -- I don't think we had worked  
10 that through, sir. And I know that when I was  
11 interviewed I said: "Well, probably Silver" but the more  
12 I have thought about it, and the more we have talked  
13 about it, the more we have exercised, I think now it's  
14 for the DSO and I think if anybody should have called it  
15 then, it was me.

16 MR PERRY: There have to be two follow-up questions,  
17 inevitably, because it wasn't called and you are saying  
18 you should have called it.

19 A. Yes, sir.

20 Q. First of all, would it have made any difference had it  
21 been called in your opinion?

22 A. Not in my opinion, no, sir. No.

23 Q. You are pre-empting my second question, which is explain  
24 why, please, if that's the case?

25 A. In effect I went from green to red, and that was because

1 of the very small time that we are talking about, and  
2 I had to be satisfied of the identification and the  
3 threat before I called the intervention, and that time  
4 and red, you know, inevitably became extremely close  
5 together. My view, I don't think calling an amber would  
6 have made any difference.

7 SIR MICHAEL WRIGHT: You told us that the responsibility for  
8 calling red is the team leader's?

9 A. Absolutely, sir, yes.

10 SIR MICHAEL WRIGHT: Presumably the significance of calling  
11 amber would be that the team leader, once he heard it,  
12 would know that the next call was going to be down to  
13 him?

14 A. Yes, sir.

15 SIR MICHAEL WRIGHT: To red, in other words?

16 A. Yes, sir.

17 SIR MICHAEL WRIGHT: In this case, and as you say in many  
18 other cases, the situation goes straight from green to  
19 red?

20 A. Well, I --

21 SIR MICHAEL WRIGHT: Or can do.

22 A. I think it's not uncommon for things to move this  
23 quickly.

24 SIR MICHAEL WRIGHT: So that it is still always open to the  
25 team leader, presumably because it's his job to call

1 red, to do so if he thinks the situation requires it.

2 A. I am sorry, sir, I didn't make myself clear. The red is  
3 always called by the team leader. I didn't call red.  
4 I understand he did. And that's his job. What I was  
5 saying was the point at which I had sufficient to ask  
6 for the intervention was very close to the time when he  
7 needed to call his red. When I say it isn't always  
8 used, it isn't, because we -- I wouldn't want you to get  
9 the impression that this is cast in concrete, the only  
10 way these things can work. In actual fact, it isn't  
11 that uncommon for people to sort of talk in English as  
12 opposed to in the code words. So my English was  
13 starting from: "If this is a good identification we are  
14 going to have to arrest him" right through to "stop  
15 him", and that's English.

16 SIR MICHAEL WRIGHT: Effectively, as you say, when you said  
17 "stop him" that was for practical purposes very much the  
18 same thing as the team leader saying "state red"?

19 A. Not quite, sir, no, because again the team leader would  
20 have to assess where -- you know, he now knows  
21 "I definitely want this person stopped, and I think he  
22 could have known that before that because of some of the  
23 other things that had been said. But he still needs to  
24 say: is this safe, is it right, can I?

25 SIR MICHAEL WRIGHT: It's his decision.

1 A. Yes, sir, absolutely, if he thinks this is the wrong  
2 place to be doing this, he won't do it.

3 SIR MICHAEL WRIGHT: He won't call it.

4 MR PERRY: And we are getting very close to the end of my  
5 questions, you will be pleased to know, but just these,  
6 the welfare visits to the firearms officers at  
7 Lemman Street. The first question is why did you think  
8 it was necessary to visit those officers for welfare  
9 purposes at Lemman Street?

10 A. Because I knew they had been through a very, very  
11 challenging and difficult operation, unprecedented as  
12 I keep saying, I knew that they would be very shocked by  
13 what had happened, I knew that they would know that the  
14 processes that have quite properly followed in terms of  
15 investigation and court hearings such as this would be  
16 coming for them and there is a difficult time ahead.  
17 And I felt that I was the person that had, in some  
18 sense, put them in that position and I wanted to wish  
19 them well. I did not in fact meet any of the other  
20 firearms officers except the team leader Ralph on the  
21 pavement outside.

22 Q. I just want to ask you these questions about blame,  
23 blaming other people. When you were giving evidence,  
24 were you in any sense seeking to blame Mr de Menezes for  
25 what had occurred?

1 A. Absolutely not, sir. If I gave a hint of that  
2 impression, then I regret that. Certainly not.

3 Q. Were you trying to suggest that any of your junior  
4 officers were to blame for what had occurred?

5 A. Certainly not.

6 Q. Does someone in fact have to be blamed for this  
7 terrible, terrible tragedy in your view?

8 A. I don't think so.

9 SIR MICHAEL WRIGHT: Well, it wouldn't be a matter for this  
10 jury to consider anyway, Mr Perry.

11 MR PERRY: But you have given your evidence,  
12 Deputy Assistant Commissioner, when you were asked about  
13 what went wrong, and we know from what we have been told  
14 by the Coroner in this case, when you gave evidence, the  
15 jury at the Old Bailey, the Central Criminal Court,  
16 expressly stated that they attached no personal  
17 culpability to you at all, and you know that?

18 A. I do, sir, and one of the things that I thought when  
19 I was told that was that if my colleagues had had the  
20 opportunity as I had to give evidence, they might very  
21 well have got the same rider from the jury, is my  
22 feeling --

23 MR MANSFIELD: Sir, I am very concerned about this line of  
24 questioning, I have resisted pointing out the  
25 differences because a lot of witnesses were not called



1           in front of the other jury that are now being called and  
2           for this witness to pass comment on how they might be  
3           received is well beyond the boundaries.

4   SIR MICHAEL WRIGHT: I think Mr Perry led the witness into  
5           it. It doesn't help us, Mr Perry.

6   MR PERRY: I am just going to ask this, please,  
7           Deputy Assistant Commissioner, because two points have  
8           been made, you have been accused of a dereliction of  
9           duty and it's also been suggested that it's  
10          disturbing --

11   SIR MICHAEL WRIGHT: Mr Perry, I am sorry, this is not  
12          an accusatorial process, it's an inquisitorial process,  
13          nobody is accusing anybody of anything, we are trying to  
14          get at the truth.

15   MR PERRY: And I am, sir, and these questions have been put  
16          to this officer, it was put in terms yesterday that she  
17          had been guilty of a dereliction of duty.

18   SIR MICHAEL WRIGHT: Maybe I should have interrupted  
19          Mr Mansfield at that point.

20   MR PERRY: Well, sir, I haven't interrupted at all, because  
21          I do want there to be an inquisitorial process and for  
22          all these facts to be investigated, so I have not  
23          interrupted.

24   SIR MICHAEL WRIGHT: Very well.

25   MR PERRY: If I may just ask this: it's also been put that

1           it's disturbing that this could happen again, and you  
2           have said that you are constantly trying to improve, you  
3           are trying to learn the lessons, and it's about trying  
4           to minimise, always about trying to minimise the risk.

5           I just want to ask you this: can the  
6           Metropolitan Police or any police force in the world  
7           ever guarantee the safety of its citizens, those they  
8           arrest or those who are the intended victims of crime  
9           and terrorism?

10          A.   Sadly we can't guarantee that, sir.

11          MR PERRY: Deputy Assistant Commissioner, thank you very  
12                  much indeed.

13          SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr Hilliard?

14                  Further questions from MR HILLIARD

15          MR HILLIARD: If it had been a choice between two S012  
16                  officers and letting someone you thought was a suicide  
17                  bomber down the tube, what would you have done, let him  
18                  go or ask the two S012 officers to make the  
19                  intervention?

20          A.   The two S012 officers, sir.

21          Q.   Can you just help with this: it would be a perfectly  
22                  reasonable question, wouldn't it, to ask for  
23                  a percentage of certainty as to two things: one, in the  
24                  course of a surveillance follow, as to whether the  
25                  person who is being followed at a later stage is the

- 1 same person who was being followed earlier, and then if  
2 the answer is yes or it's 90 per cent sure the man we  
3 are now following is the man who came from the address,  
4 perfectly reasonable question to say: what percentage  
5 likelihood that that man is the suspect? Each of those  
6 is a reasonable question, isn't it?
- 7 A. They are reasonable, sir, but I don't think in these  
8 circumstances.
- 9 Q. Each of them as a matter of principle is a perfectly  
10 reasonable inquiry, isn't it, a percentage certainty: is  
11 the man we are now following the man we were following  
12 earlier?
- 13 A. I have never heard it asked, it's a strange way of  
14 asking: are you following the same person?
- 15 Q. So the issue comes up: we are not sure that the person  
16 we are now following is the person we were following  
17 half an hour ago. You would never say, well, how sure,  
18 give us a percentage, you wouldn't say that? Why not?
- 19 A. It's hard to imagine that being said. I think what they  
20 would -- I think what I would be told first of all is we  
21 have had a surveillance loss.
- 22 Q. No, not a loss, not sure if there has been a loss,  
23 imagine you are told there is an issue, "we are not sure  
24 at the moment"?
- 25 A. I still wouldn't ask a percentage, I don't think.

1 SIR MICHAEL WRIGHT: What would you say "are you sure"?

2 A. Yes.

3 MR HILLIARD: Thank you.

4 SIR MICHAEL WRIGHT: A well tried criminal concept.

5 MR HILLIARD: Yes.

6 Can you help us with this, who would be making the

7 decision to hold, suppose you were being asked about the

8 question of two addresses, one firearms team?

9 A. Yes, sir.

10 Q. Who would make the decision, what sort of person would

11 make a decision to hold one team at New Scotland Yard to

12 cover both addresses, just so we know, what kind of

13 person would be making a decision of that kind?

14 A. In the circumstances that we have here?

15 Q. Yes.

16 A. Yes.

17 Q. You can probably give us a name, I expect?

18 A. It would be in conjunction with the tac adviser, who

19 would know about the various teams and dispositions, and

20 it might be, having sought his advice about this, or it

21 might not, but it would be -- in these circumstances

22 I think it would be the Gold Commander, Mr McDowall.

23 SIR MICHAEL WRIGHT: Mr McDowall?

24 A. Yes, sir. That said, it is quite clear, I think, that

25 Mr McDowall had an enormous amount on his plate. It

1           seems unlikely to me that someone else would make that  
2           decision and not refer it to him. I think it would be  
3           his decision.

4   MR HILLIARD: Can you help us with this: the consequences if  
5           that happened, so imagine a team has been brought to New  
6           Scotland Yard because they might need to go to each  
7           address, so would they then get a briefing while they  
8           are waiting about both addresses? Presumably they would  
9           so you don't waste time. Then if they are told: in fact  
10          it's address A, they can go to either because you are  
11          just losing time, aren't you, otherwise?

12   A. You would certainly hope that they would be briefed  
13          about what's going on in London at the moment. But  
14          I think there is a recognition that they were the one  
15          team for London, so you know, they would have a general  
16          awareness. I am not sure whether I would be asking for  
17          very, very specific -- I don't know. I find it hard  
18          to --

19   Q. Hold on, sorry, imagine they are waiting at one place  
20          because they might have to go to two addresses, isn't  
21          the sensible thing then to brief them about both those  
22          addresses, and then if you say you are going to address  
23          A, off they go, ready briefed; if you say you are going  
24          to address B, again off they go, ready briefed.  
25          Wouldn't that be the obvious thing, if that's why in

- 1 fact no-one had gone because a central team was being  
2 held, would you not expect that central team to have  
3 been briefed about both addresses?
- 4 A. I think the difference is, sir, that the central team is  
5 on standby to deal with lots of different things,  
6 including the two addresses, and the intention --
- 7 Q. But the two addresses you know about, do you see what  
8 I mean? Anything else could happen, you obviously can't  
9 brief them because you don't know about?
- 10 A. Well, that's not quite fair, sir. Of course, they need  
11 to be told about the Kratos calls that have been coming  
12 in, they need to have an understanding of what their  
13 role is, but if they are on standby for a variety of  
14 different tasks I am not sure that they would  
15 necessarily need to be briefed about these two; I don't  
16 know.
- 17 Q. Now, TSTs, tactical support teams, do I have that right?
- 18 A. Yes, sir.
- 19 Q. You said, I think, at the Health and Safety trial, is  
20 this right, that a Tactical Support Team "I would expect  
21 to get there in 10 or 15 minutes", I think Mr Mansfield  
22 said 10 or 13, I am not criticising, but I think that is  
23 where this time came from?
- 24 A. I think I am right in saying when Mr Mansfield was  
25 talking to me, he was -- we put a number about the ARVs.

1 Q. He did both.

2 SIR MICHAEL WRIGHT: We will get there in a minute.

3 A. Sorry, sir.

4 MR HILLIARD: We will.

5 That's what you said at the trial, Tactical Support  
6 Team, you said I would expect to get there in 10 or 15  
7 minutes, do you agree with that Silver?

8 A. I would quite like to see exactly what the question was,  
9 before I commit to that. Do you mind?

10 Q. It really is what you said.

11 A. I don't doubt that for one second.

12 Q. 22 October, page 95 we can't get it on screen, have mine  
13 and see if I have it right. (Handed). Question down the  
14 bottom of the page, answer at the top. (Pause).

15 SIR MICHAEL WRIGHT: As you now have Mr Hilliard's copy,  
16 could you just read the question and the answer.

17 A. When I find it, sir.

18 SIR MICHAEL WRIGHT: Certainly. Bottom of one page and the  
19 top of the next.

20 MR HILLIARD: There is a shorter way, can you just tell us  
21 now, is that what it takes to get a TST team somewhere,  
22 10 or 15 minutes, because if the answer is yes, we don't  
23 need to go through the history.

24 A. I am afraid, sir, true to form, it's not always that  
25 time, it's not a totally straightforward answer, I mean,

1 I am true to form here in that I am giving long answers.  
2 I apologise for that.

3 Tactical Support Team are based at Lambeth. Unless  
4 they have been deployed somewhere else for an imminent  
5 threat, they will not take very long at all to get  
6 there. They could get there perhaps in much less than  
7 10 or 15 minutes, that would be what I would have in my  
8 mind, unless somebody said to me: well, actually we have  
9 just had to send them to Heathrow Airport because a bomb  
10 has gone off --

11 MR HILLIARD: Did you say 10 to 15 minutes at the trial?

12 A. I did say that, sorry.

13 MR HILLIARD: What's the difference now, then, why has it  
14 got quicker?

15 A. The question was -- do you mind.

16 Q. By all means?

17 A.

18 "Question: Had you made any enquiries to see  
19 whether that armed resource could be made available in a  
20 minute or a couple of minutes?

21 "Answer: No, I know the availability in general  
22 terms", and then I talk about the ARV?

23 "I would expect an ARV to get there very quickly  
24 indeed, a matter of minutes. The tactical support team  
25 likewise, which is a covert resource, I would expect to



1 get there in 10 or 15 minutes."

2 I stand by that, except of course if they have, as  
3 we have discussed over the last couple of days, been  
4 sent somewhere else.

5 SIR MICHAEL WRIGHT: It wasn't a specific question.

6 MR HILLIARD: So in general terms, that's it, 10 to 15  
7 minutes for the TST.

8 A. Something like that, sir.

9 Q. Matter of minutes for the ARV?

10 A. Yes, sir.

11 Q. Presumably one minute if it's at the end of the road,  
12 five minutes if it's patrolling a bit further away?

13 A. Yes, sir.

14 Q. You mentioned, I think, when you gave evidence in that  
15 trial, about the possibility of having ARVs in the  
16 immediate area, you could ask for them to be nearby?

17 A. Yes, sir.

18 Q. You didn't do that here?

19 A. No, sir.

20 Q. You said that in certain types of operations you do ask  
21 for an ARV to be nearby a particular location?

22 A. Yes, sir.

23 Q. What sort of operations would those be?

24 A. Well, as I have said, if you have a particular sort of  
25 series of crimes in an area, you would ask for an ARV to

1           pay more attention to that area.

2   Q.   Could you have asked for an ARV to have been on standby  
3           near any of these areas if you had wanted to?

4   A.   Yes, I think I could, sir, yes.

5   MR HILLIARD:   Thank you very much, I think there are some  
6           jury questions now.

7                           Further questions from THE CORONER

8   SIR MICHAEL WRIGHT:   Yes, I have been accumulating jury  
9           questions, and some of them I think have been answered  
10          as the evidence developed anyway.

11                   I just want to go through them with you, some of  
12          which I think we can deal with shortly, some that I may  
13          need you to expand.

14                   This one I think I asked you but I will do it again.

15                   When you were looking through the ACPO manual on  
16          firearms between 5 o'clock and 7 o'clock in the morning,  
17          were you anticipating preparing yourself for a role in  
18          the operation? I seem to remember I asked you that.

19   A.   You have asked me that one, sir.

20   SIR MICHAEL WRIGHT:   You might just like to summarise what  
21          your answer was.

22   A.   Goodness. I didn't know at that stage precisely what my  
23          role would be, but I had been asked to come in as  
24          a designated senior officer, so I was preparing myself  
25          for the designated senior officer role.

1 SIR MICHAEL WRIGHT: Second question: if there are many  
2 people in the control room and we have heard a bit about  
3 the numbers now, how easy would it be for someone to  
4 raise a concern with you if you happen to be on the  
5 phone to somebody else?

6 A. If it was an urgent concern, easy. If it was something  
7 that somebody thought was --

8 SIR MICHAEL WRIGHT: All right, how?

9 A. How would they do it?

10 SIR MICHAEL WRIGHT: Yes.

11 A. By grabbing hold of me, waving at me: you know, this is  
12 important. That would be a matter for them to assess  
13 how urgent, serious it was.

14 SIR MICHAEL WRIGHT: Gold, that means Mr McDowall's strategy  
15 was set on the assumption -- this one we have dealt  
16 with -- that Scotia Road is a single flat, do you think  
17 the strategy/tactics should have been modified once you  
18 realised it was a communal apartment. I think your  
19 answer was it was.

20 A. It was refined, sir, the tactical refinements were made.

21 SIR MICHAEL WRIGHT: I think this one we have dealt with as  
22 well, but I will just check. There were three other  
23 DSOs: Carter, Baker and in fact it was Mr Allison, what  
24 were their roles, but you have told us: Carter was the  
25 standby DSO.

1 A. No, I am sorry, Carter was the sort of 24-hour DSO and  
2 he was down on the ground floor at the time we are  
3 talking about.

4 SIR MICHAEL WRIGHT: Commander Baker?

5 A. Sir, I know his name has been mentioned several times.  
6 I am not convinced that Commander Baker was the DSO.

7 SIR MICHAEL WRIGHT: Very well, and Allison?

8 A. Mr Allison I think we have been through, he was at the  
9 hotel during the night, so obviously if required could  
10 have come over to assist, during -- however, he also had  
11 another job, which was to be the assistant to Mr Brown,  
12 who was in charge of the whole of London at the time, so  
13 he was advising Mr Brown on how to deal with all the  
14 multitude of things going on which were far beyond these  
15 two or five or however many premises and operations in  
16 relation to that.

17 SIR MICHAEL WRIGHT: Thank you.

18 This was a question that is asked because at one  
19 stage you said that unless you were forced into it by  
20 circumstances you didn't favour an intervention on the  
21 bus?

22 A. No, sir.

23 SIR MICHAEL WRIGHT: And you explained why. Did it occur to  
24 you, is the question, that he, the suspect, may have  
25 intended to detonate on the bus?

1 A. Yes, sir, again I think that's a question I have  
2 answered.

3 SIR MICHAEL WRIGHT: Thank you.

4 This one you certainly have answered, I think: what  
5 was the reaction in the control room when you found out  
6 that he had been shot? Did the control room people  
7 question if it was a confirmed suspect?

8 A. Right. I am not sure I have dealt with quite that  
9 second one.

10 SIR MICHAEL WRIGHT: Go ahead.

11 A. Could you say the second bit again, sorry?

12 SIR MICHAEL WRIGHT: Yes. What was the reaction of the  
13 control room to find out that he had been shot? Did  
14 they question if it was a confirmed suspect?

15 A. That's similar to another matter I have dealt with, but  
16 you are right, I have not dealt with it. I don't  
17 remember anybody questioning whether this was  
18 an identified subject. What I did say yesterday was  
19 I had an open mind about who this could end up being in  
20 terms of his links with our investigations. But I don't  
21 remember anybody questioning it.

22 SIR MICHAEL WRIGHT: Thank you. This is one you have not  
23 dealt with, actually, I did put it on one side.

24 Why do you give your suspects codenames, Nettle Tip,  
25 Regal Wave and all the rest of it, surely it is

1 suggested that this might be confusing?

2 A. I think it is absolutely our standard practice in  
3 counter-terrorism operations and has been for many, many  
4 years not to broadcast the names of suspects. Some of  
5 those operations go on for weeks and months and years,  
6 and if you refer to them by their real names, either in  
7 documentation, on the computer, or in speech, that may  
8 be something that could be either overheard, said  
9 loosely in a place where you shouldn't be talking about  
10 these things.

11 So the fewer people in an operation who know the  
12 real name of the suspect the better, because you can  
13 then have a much better chance of keeping the fact that  
14 you are running this operation covert. So it's  
15 a security issue, sir.

16 SIR MICHAEL WRIGHT: Thank you very much.

17 This one I think we undoubtedly know the answer to:  
18 was there any form of communication from the command  
19 room to the surveillance team and SO19 officers when  
20 they were down the escalator, and the answer is no.  
21 There is now, I gather?

22 A. No, sir. There is now, I understand that, I think I am  
23 right in saying the last two Underground stations that  
24 were not covered have just been covered, so what that  
25 means now is that there is very good communications, the

1           technology has come on leaps and bounds and there is  
2           very good communications on the Underground system now.

3   SIR MICHAEL WRIGHT: This is a question in fact that

4           Mr Perry dealt with you very recently but I will repeat  
5           it so you will know that the question has been asked.

6           Your decision-making framework within Article 2 of  
7           the European Convention on Human Rights, how was  
8           Jean Charles's right to life facilitated on 22 July?

9   A. By using the best trained, properly kitted and in my  
10          view properly commanded and controlled by experienced  
11          people, who had everybody's safety at the heart of the  
12          operation. In an operation like this, you would very  
13          properly be criticised, very properly, if you had used  
14          inappropriate people and had failed to apply your best  
15          possible effort to the running of the operation and what  
16          you did. The S019 firearms officers are extraordinarily  
17          professional and restrained, and I believe we did do our  
18          very best to preserve life, including the life of the  
19          person who was challenged, who turned out tragically to  
20          be an innocent person.

21   SIR MICHAEL WRIGHT: Thank you.

22          The second is really I am not sure how much you can  
23          answer this because you weren't actually there when the  
24          force was used because you were still back at  
25          Scotland Yard, but the question is: what was it about

1           Jean Charles's context that necessitated use of force  
2           other than reasonable, necessary and minimum?

3   A.   Well, in using lethal force or suggesting or giving  
4           a command which may lead to lethal force, it is very  
5           important to act reasonably and in a way that is only as  
6           much force as is necessary. That's the framework that  
7           we work in.

8   SIR MICHAEL WRIGHT: You yourself have said that you did not  
9           give an instruction to use a critical shot.

10   A.   No, sir, I did not.

11   SIR MICHAEL WRIGHT: What then happens, presumably, depends  
12           upon (a) the briefings that the firearms officers have  
13           had from their own Silver?

14   A.   Potentially, yes, sir.

15   SIR MICHAEL WRIGHT: And their training --

16   A.   Yes, sir.

17   SIR MICHAEL WRIGHT: -- as to how they are to deploy the  
18           force that they have under their command.

19   A.   And most crucially what presents in front of them when  
20           they are going in to make their challenge. At that  
21           point, as you say, I am not there, I can't see what they  
22           can see, even if it wasn't in a tube station, that would  
23           be decisions that they have to make, incredibly  
24           difficult decisions, made in a split second often on the  
25           basis of what presents to them and what they believe is



1           absolutely necessary.

2   SIR MICHAEL WRIGHT: Thank you.

3           I am not sure you have been asked this one. How do  
4   you view the appointment of a DSO, as you were, in the  
5   unusual situation of a failed suicide bombing attempt?  
6   How do you view your appointment, how do you think that  
7   informed the procedures in the ops room and the outcome  
8   of the situation between S012 and S019 at Stockwell?

9           I think what's being asked really is: do you think  
10   the information that a DSO had been appointed might have  
11   led people to assume that a specific outcome was  
12   expected?

13   A. I think it certainly would have led people to know that  
14   we could be dealing with a suicide bomber, and indeed  
15   throughout the rest of the many days that we were  
16   looking for a suicide bomber, before we had arrested all  
17   the suspects, there was a DSO present. I think that's  
18   what it would make people realise, and frankly people  
19   did need to realise that. We were facing the prospect  
20   of having to arrest suicide bombers, something we had  
21   never done before.

22   SIR MICHAEL WRIGHT: And of course everybody had to know  
23   that?

24   A. Yes, sir.

25   SIR MICHAEL WRIGHT: Slightly more detailed level: how were

1           you able to find out where the firearms teams were at  
2           any given time?

3    A.   Through Mr Esposito, who is standing next to me, was my  
4           main source.  Secondly, through my communications with  
5           my Silver Commander, whose job is to manage and  
6           co-ordinate the resources on the ground under his  
7           command, most especially the firearms.  They were my two  
8           main sources of information.

9    SIR MICHAEL WRIGHT:  I will read you the question so you can  
10           see what the implication is.

11           As the DSO for this operation, there have been too  
12           many "I don't know" responses -- I am not sure that's  
13           entirely fair but don't worry about it.  Shouldn't there  
14           have been attempts, perhaps as a result of after  
15           operation investigation, to find out where the firearms  
16           teams were?

17           I think the answer is we shall hear from the  
18           firearms teams as to where they were, but I think  
19           possibly the question is how do you know, and you have  
20           answered that question?

21    A.   I have, sir.  If I have understood the question rightly  
22           the other thing I would say is that as soon as something  
23           like this has happened, I must, as I did, withdraw from  
24           any investigation of the circumstances, I mustn't be  
25           involved in that; it would be quite wrong to be so.  So

1 as an independent investigation that is amongst other  
2 things going to establish with hindsight and lots of  
3 technology and sorts of information, precisely who  
4 appears to have been where, when. That's not my job  
5 after the operation to know that.

6 SIR MICHAEL WRIGHT: Thank you. That one we have done,  
7 I asked you about bomb disposal teams and you said there  
8 was always a bomb disposal team available in London  
9 somewhere at any time of the day.

10 A. Absolutely, sir, and we had extra -- they were very busy  
11 during that time period for obvious reasons, lots of  
12 calls to suspected bombs, and we had extra people  
13 working extra hours in order to cover London  
14 effectively.

15 SIR MICHAEL WRIGHT: Would it be right to say that it was  
16 disproportionate for the firearms officers to have fired  
17 nine or ten shots? In fact, it was nine.

18 A. I think -- I mean, I am sure that's something that you  
19 will all be considering, because proportionality is  
20 a matter to some extent of opinion, when you know about  
21 all the circumstances.

22 I'm sorry to say I don't know again, but I don't  
23 know precisely what the circumstances were that  
24 confronted the firearms officers. So I can't say at all  
25 that it was disproportionate. There may well be, there

1           very certainly could be an extremely good explanation  
2           for why, and I am not a firearms expert either, I said  
3           to you I am a firearms commander, but I am not actually  
4           and never have been somebody who pulls the trigger.

5           I don't think that's for me to explain.

6   SIR MICHAEL WRIGHT: I do not want to ask you to give  
7           medical evidence, because I am sure you don't want to,  
8           but we have heard in the case of a suicide bomber,  
9           an imminent suicide detonation, that the training is for  
10          a shot to the head or to the brain stem.

11   A. Yes, sir.

12   SIR MICHAEL WRIGHT: In order to achieve instant  
13          disablement, if you like.

14   A. Yes, sir.

15   SIR MICHAEL WRIGHT: That's likely to be a serious matter,  
16          from the point of view of the injuries suffered.

17   A. Very serious, sir.

18   SIR MICHAEL WRIGHT: Likely to be fatal.

19   A. Yes, sir. Depending on where it is.

20   SIR MICHAEL WRIGHT: If it's in the right place.

21   A. Yes, sir.

22   SIR MICHAEL WRIGHT: Given the risks of deploying firearms  
23          officers to make a stop and the risk that surveillance  
24          officers can get an identification wrong, why do  
25          firearms officers not play an integral role in

1 identification? I think put the other way, why don't  
2 they deploy together?

3 A. Yes, sir. I know there are some police forces who work  
4 in the way that the firearms officers are surveillance  
5 officers and the surveillance officers are firearms  
6 officers, so they are multiskilled people,  
7 multi-multiskilled people. Our experience is that it is  
8 impossible to perform those two functions effectively in  
9 one person, you are never good enough at all the skills.  
10 For a lot of the time, surveillance may deploy by  
11 themselves without a firearms team or they may deploy  
12 with no need for the firearms team to be anywhere near,  
13 and I think I explained earlier on there is a real  
14 problem with having a firearms team in the middle of  
15 a surveillance team because they are tremendously  
16 obvious.

17 I was out with a firearms team a few weeks ago,  
18 sitting in the back of the car, and within 10 seconds of  
19 us pulling into a sort of cul-de-sac place, someone  
20 comes out and says: who are you, you look very  
21 suspicious?

22 With the greatest of respect to my firearms  
23 colleagues, they are fairly --

24 SIR MICHAEL WRIGHT: I suppose it is a comment on their  
25 appearance, is it?

1 A. Well, you know, three very fit looking, again with  
2 respect, usually middle aged white men, sitting in  
3 a vehicle for any period of time, you know, waiting  
4 around, is quite obvious.

5 SIR MICHAEL WRIGHT: They tend to be prominent.

6 A. They are very prominent. They try to be covert but they  
7 are very prominent. The surveillance officers are much,  
8 much more covert, and they can, you know, deploy out on  
9 foot much more easily. So this is something we have  
10 debated, should they be one and the same, but we believe  
11 now absolutely not at the moment, and we believe that  
12 the system we work is safer.

13 SIR MICHAEL WRIGHT: I am not sure you have told us this:  
14 are there more surveillance teams than there are  
15 firearms teams?

16 A. I did mention this, there are, sir, I think at that time  
17 there were five counter-terrorism surveillance teams,  
18 all armed, and I think we had six specialist crime  
19 surveillance teams, all armed for their own  
20 self-protection and we did, as I said to you, use all of  
21 those, over the coming days.

22 SIR MICHAEL WRIGHT: And we have Special Branch as well.

23 A. Sorry, I have included that. So the first five are the  
24 SO12, then there is six more armed specialist crime  
25 teams, that you can and we did use, whereas, you know,

1           there is a limited number of SFOs normally configured in  
2           six teams, sometimes it's less than that depending on  
3           how many you need in the team. So it's about half the  
4           numbers, I suppose, to cut a long story short.

5   SIR MICHAEL WRIGHT: This next one, your answer may take  
6           a little time.

7           You say that suicide bombings were unprecedented but  
8           with 9/11, this is really introductory commentary, it  
9           was assumed that the United Kingdom could be next.  
10          That's fair comment, I think?

11   A. It was certainly regarded as a real possibility, yes,  
12          sir. Yes.

13   SIR MICHAEL WRIGHT: So what training -- I think it's for  
14          the ops room was made with regards to the DSO or was it  
15          effectively made up on the day? I think what you are  
16          really being asked to do is to give us some idea of the  
17          amount of training that was embarked upon as a result of  
18          9/11.

19   A. Well, there was a very big programme of research,  
20          I mentioned people travelling around the world to find  
21          out what was best practice from elsewhere, and then  
22          a number of strands of development of policies including  
23          things like technology, how could we use technology to  
24          detect a suicide bomber at that time, we had no ability  
25          to do that, and there was a whole series of training

1 exercises, and -- I'm sorry, sir, I should just correct  
2 one thing. I said at that time we had no ability to do  
3 anything like that; we didn't in this sort of  
4 circumstance would be a better way of putting it.

5 So we are looking to build up our knowledge,  
6 research, build up a whole series of capabilities  
7 including a DSO, and as a DSO I underwent a fair amount  
8 of awareness raising, I suppose, and some exercising.  
9 It's fair to say we do a great deal more of that now.  
10 And although suicide bombers were anticipated by many  
11 people, I am not sure a lot of people really thought it  
12 would come to the UK but we certainly were researching  
13 this and trying to prepare for it as a dreadful,  
14 dreadful possibility. But I stand by what I say.  
15 I don't think really anybody in the Western world was  
16 anticipating having to find a failed suicide bomber.  
17 They thought if he is a suicide bomber by the time we  
18 know about him, the atrocity will have been committed  
19 and he will be dead.

20 Looking for a failed suicide bomber was not  
21 something we had really thought about, but we did run  
22 lots of operations against terrorists from that room.  
23 People who were heading towards some form of attack  
24 planning. But at that time, I know you have heard from  
25 Mr Clarke, I don't know what he said, but at that time



1 before July 2005, we had not had any attack by a suicide  
2 bomber, as you know, and we had not had any attack from  
3 what you might now call sort of international terrorism.

4 We had been subject to an IRA campaign.

5 SIR MICHAEL WRIGHT: Which was entirely different because  
6 they weren't suicide bombers.

7 A. Yes, sir.

8 SIR MICHAEL WRIGHT: Commissioner, thank you very much  
9 indeed. I have asked the questions, and that concludes  
10 your evidence.

11 A. Thank you, sir.

12 SIR MICHAEL WRIGHT: That might be a convenient moment for  
13 a break.

14 MR HILLIARD: Could you just leave behind, do you have the  
15 original of the log that Mr Cremin --

16 A. I have.

17 MR HILLIARD: Because he is the next witness and we may find  
18 it easier to see his original records, thank you very  
19 much.

20 (The witness withdrew)

21 SIR MICHAEL WRIGHT: Thank you very much. Twenty-five past.

22 (3.18 pm)

23 (A short break)

24 (3.30 pm)

25 (In the presence of the jury)

1 SIR MICHAEL WRIGHT: Yes, Mr Hilliard.

2 MR HILLIARD: The next witness is Mr Cremin, please. We  
3 have the notes that he's going to look at in our  
4 divider 47.

5 SIR MICHAEL WRIGHT: Thank you.

6 DETECTIVE CONSTABLE PETER CREMIN (sworn)

7 SIR MICHAEL WRIGHT: Thank you, Mr Cremin, sit down as you  
8 prefer.

9 A. Thank you.

10 Questions from MR HILLIARD

11 MR HILLIARD: Is your name Peter Cremin?

12 A. That's correct, sir.

13 Q. Mr Cremin, in July of 2005 were you a Detective  
14 Constable in the Metropolitan Police?

15 A. Yes, I was.

16 Q. Do you still work in the Metropolitan Police?

17 A. I do, yes.

18 Q. Can you tell us, who were you attached to, which group,  
19 in July of 2005?

20 A. I was working on the kidnap unit which was part of the  
21 Specialist Crime Directorate.

22 Q. I am going to ask you about a log, part of which you  
23 completed. The original I think may be there in front  
24 of you.

25 A. Yes.

- 1 Q. Just so we know what your part in it was, if you look in  
2 the top right-hand corner you should have numbers in  
3 circles.
- 4 A. That's correct.
- 5 Q. If you turn through, page 6, the last time on page 6 is  
6 10.45. Do you see that?
- 7 A. That's correct, yes.
- 8 Q. If you turn over to the next page, is that somebody  
9 else's writing?
- 10 A. Yes, it is, yes.
- 11 Q. So you can just help us with the beginning through to  
12 the bottom of page 6, that's what you wrote; is that  
13 right?
- 14 A. That's correct, sir, yes.
- 15 Q. Thank you very much. Now, we heard that on 22 July 2005  
16 it was your job to act as loggist to, as she then was,  
17 Commander Dick?
- 18 A. That's correct, yes.
- 19 Q. You went, is this right, to the 16th floor of New  
20 Scotland Yard to the operations room there?
- 21 A. That's correct, yes.
- 22 Q. Do you know what sort of time it was you got there, do  
23 you have any memory?
- 24 A. My first entry is 9.52, so I would say roughly about  
25 9.45, 9.40, 9.45.

- 1 Q. That's your first timed entry, isn't it?
- 2 A. That's correct, yes.
- 3 Q. You think you got there a little bit before that?
- 4 A. That's correct.
- 5 Q. Did you introduce yourself to Commander Dick?
- 6 A. Yes, I remember walking into the room and I believe she  
7 may have been speaking to somebody, so I waited for the  
8 opportunity to introduce myself, yes.
- 9 Q. Did you talk about what was going to be required of you?
- 10 A. Yes, Commander Dick explained what she would like me to  
11 do during the operation.
- 12 Q. What was it she said she wanted you to do?
- 13 A. She wanted me to stay with her to record any decisions  
14 that she made, and basically record anything that was  
15 felt important. She asked me to stay with her, and if  
16 she didn't want me with her, she would tell me.
- 17 Q. She would tell you?
- 18 A. Yes.
- 19 Q. Was it left to you to decide what was important and  
20 worth writing down or would sometimes she tell you "make  
21 a note of that"?
- 22 A. Yes, she would tell me to make a note of that and  
23 sometimes I would write down what was being said.
- 24 Q. Without being asked?
- 25 A. Yes.

- 1 Q. So it's a mixture of both?
- 2 A. Yes, that's correct.
- 3 Q. Where we see, as we will, times on occasions in the  
4 note, where were you taking those times from?
- 5 A. In the operations room there was a large clock on the  
6 wall, and that's the time I was using.
- 7 Q. Right. So you are not taking them from your own watch  
8 or anything like that?
- 9 A. No, I don't wear a watch so that's what I was relying  
10 on.
- 11 Q. After she told you what she wanted from you, did she say  
12 something, I am just looking at the top of the page  
13 before the timed entry, did she say something about what  
14 the strategy was in the operation that you were or you  
15 had just become concerned with?
- 16 A. That's correct, she did, yes.
- 17 Q. What did she tell you?
- 18 A. That there were three suspects to be arrested, that  
19 public safety was paramount, that there was surveillance  
20 and SO19, which is the firearms, at each address and  
21 that any person coming from the address should be  
22 identified.
- 23 Q. Did you know that this was in connection with the failed  
24 bombings the day before, the 21st?
- 25 A. I did at that stage, yes.

- 1 Q. Just before we look at your entries, was this a room  
2 that you were familiar with?
- 3 A. No, I had never actually been in the control room on the  
4 16th floor. I had been in the control room that's  
5 called Central 3000, which is the one used for kidnap  
6 operations. I had been in that on a number of occasions  
7 previously.
- 8 Q. Can you help with this, it may be that it changed and  
9 it's difficult to say, but does the volume of noise in  
10 the room, can you say anything about that, the level?
- 11 A. What, at the time or throughout the whole time I was  
12 there?
- 13 Q. Did it change? Were there quiet passages, not so quiet  
14 passages, I don't know, you help us.
- 15 A. Looking back I can't think there was more quieter than  
16 others. It seemed to me like a normal control  
17 operations room during a live operation. I didn't think  
18 to myself it's really loud or whatever, I just saw it as  
19 normal.
- 20 Q. All right, thank you. So you recorded a bit about the  
21 strategy at the top of this page. Then you have a time  
22 for 9.52; correct?
- 23 A. That's correct, yes.
- 24 Q. Can you tell us what that says, the first word after  
25 9.52?

- 1 A. It says "guy outside tube station" and then I have got  
2 "Osman".
- 3 Q. Yes?
- 4 A. "Grey have control on him. What doing at tube station?"  
5 which has a question mark, and the reply is "very  
6 jumpy".
- 7 Q. Can we pause a minute "guy outside tube station, Osman",  
8 how has Osman come to be there, can you explain for us?
- 9 A. I have written "Osman" because basically it's shorter  
10 than writing Nettle Tip, and that's the reason why  
11 I picked the word "Osman".
- 12 Q. Right, and who was saying anything about -- would it be  
13 Nettle Tip that anybody was saying anything about at the  
14 time?
- 15 A. Yes, it was.
- 16 Q. Who was saying anything about Nettle Tip so we  
17 understand?
- 18 A. The information was coming from where what I believe  
19 were the people listening to the Cougar, the  
20 surveillance teams, sitting at the desks, which were in  
21 front of me.
- 22 Q. Yes?
- 23 A. That's where the information was coming from, that  
24 direction.
- 25 Q. In a statement that you made on 4 November 2005; do you

1           have a copy with you?

2    A.   Yes, I have.

3    Q.   You say this, and I don't know if this brings it back to  
4           you:

5                 "This contact was clarified as being the subject  
6           Osman as a result of a question by Commander Dick."

7                 That's what I want to really know about.  Is that  
8           how Nettle Tip or Osman happened or came to be  
9           mentioned, do you remember now?

10   A.   (Pause).  Sorry, can you ask the question again.

11   Q.   That you have your statement there?

12   A.   Yes.

13   Q.   Turn to the second page?

14   A.   Yes.

15   Q.   Do you have the passage I am talking about, it's eight  
16           lines down?

17   A.   Yes.

18   Q.   Do you see you said:

19                 "This contact was clarified as being the subject  
20           Osman as a result of a question by Commander Dick.

21                 I cannot recall who provided the information that the  
22           person was Osman".

23   A.   That's correct, yes.

24   Q.   That's really what I am asking you about, that's as you  
25           recall it or certainly recalled it much nearer the time



- 1 in November of 2005, that as a result of a question that  
2 Commander Dick asked, it was clarified that this person  
3 was Osman/Nettle Tip; is that right?
- 4 A. Yes, that's correct.
- 5 Q. We can see here:  
6 "Grey have control on him."  
7 Do you see that?
- 8 A. That's correct, yes.
- 9 Q. According to your statement, you say:  
10 "My next entry recalls a question by Commander Dick  
11 requesting information as to what the subject was  
12 doing".
- 13 A. That's correct, yes.
- 14 Q. So that's her question, is it?
- 15 A. Yes, it is.
- 16 Q. Back comes the answer?
- 17 A. "Very jumpy" is the answer.
- 18 Q. "Establish ID and hold", was that an instruction from  
19 Commander Dick?
- 20 A. Yes, it was.
- 21 Q. What did you understand that to mean?
- 22 A. I understood it to mean to confirm the identification  
23 and to hold would be to keep the person under  
24 observation.
- 25 Q. Then the next entry:

1            "It is him, the man off bus", yes?

2    A.    Correct.

3    Q.    Where did that come from?

4    A.    Again that information would have come from the person

5            or the people monitoring the surveillance radios.

6    Q.    Then: "They think it is him and he is very, very jumpy"?

7    A.    Yes, again that would come from the same people

8            monitoring the radio.

9    Q.    Right. "What carrying", who was asking that question?

10   A.    That was Commander Dick asking if the subject was

11            carrying anything.

12   Q.    And I can't make out what's the word below that?

13   A.    I have got "sur" and I haven't finished the word.

14   Q.    SUR, all right. Do you know what that was?

15   A.    I don't, sorry.

16   Q.    Then:

17            "Brixton tube (Osman)

18            "Don't want your people going up to this man that

19            will be S019"?

20   A.    Correct.

21   Q.    What are those parts about?

22   A.    The information would have come that the subject was

23            either at or in the vicinity of Brixton tube, and

24            obviously that, I put Osman in brackets to clarify who

25            they were talking about, and then an instruction from

- 1 Commander Dick that she didn't want your people, which  
2 would have been the surveillance people, going up to  
3 this man, that will be the job of S019, the firearms  
4 officers.
- 5 Q. Thank you. If you would turn the page, please, your  
6 next timed entry, 9.56; is that right?
- 7 A. That's correct, yes.
- 8 Q. "Still on bus" then a registration number and the number  
9 2 bus route; do you see that?
- 10 A. That's correct, yes.
- 11 Q. Who did that come from, who did you hear say that?
- 12 A. Again that came from the surveillance monitor the index  
13 number of the bus and that it was a route number 2 bus  
14 and the subject was still on the bus.
- 15 Q. Then this:  
16 "Stockwell Road up on map."  
17 What was happening there, please?
- 18 A. I believe that was a request that the Stockwell Road  
19 would be put up on a map in the control room.
- 20 Q. Would that go up on a wall or screen or what?
- 21 A. Yeah, there was some screens in front of the desks which  
22 you could project a -- anything onto the screens.
- 23 Q. Did that happen?
- 24 A. I can't remember, to be honest.
- 25 Q. Then a question "are you moving your team firearms team"

1           and an answer yes?

2    A.   Yes.

3    Q.   Who was asking the question and who gave the answer?

4    A.   That was Commander Dick was asking the question of the  
5        firearms team.  Now, I have written "yes".  I haven't  
6        specified who made that answer, and I don't know for  
7        definite who made that answer.

8    Q.   Then:

9                "Number 2 route Sydney Road going north."

10               Did that information come in response to a question?

11   A.   I don't know whether it came from a question or whether  
12        it was information that was being relayed by the  
13        operator on the radio, but --

14   Q.   That was information you had?

15   A.   Yes.

16   Q.   And you wrote it down?

17   A.   Yes.

18   Q.   Then we have heard about this:

19                "Ring Tim White maybe going to arrest one of the  
20        suspects now."

21               Was that something Commander Dick said?

22   A.   That's correct, yes.

23   Q.   Then Mr Purser, "Silver", this is written down, is this  
24        right or you wrote this down "still holding  
25        Nightingale Lane"?

- 1 A. That's correct, yes.
- 2 Q. Who did that information come from?
- 3 A. I don't know to be honest, I haven't recorded who it  
4 came from, I have recorded that the information was  
5 there present in the room at the time.
- 6 Q. Was there a question that, as it were, prompted the  
7 arrival of that information, do you remember, or did it  
8 just come unasked for, can you remember?
- 9 A. I don't know whether it had anything to do with the fact  
10 that there was a request from Commander Dick before that  
11 to ring Tim White, I don't know.
- 12 Q. Can you help us what would be the connection between the  
13 "might have been"?
- 14 A. There is mention about arresting one of the suspects  
15 now, and then there is a mention of Silver.
- 16 Q. You mean that might have prompted certainly interest in  
17 where Silver was, you mean, if it was --
- 18 A. It might have, yes, I don't know.
- 19 Q. But you can't really remember now?
- 20 A. No.
- 21 Q. Do you see:
- 22 "Still Stockwell Road on bus travelling north."  
23 Does that time, 9.59, relate to this entry?
- 24 A. I believe so, yes.
- 25 Q. "Denim clothing. Bus is almost at Dorset Road. Top

1 deck heading down the stairs.

2 "10.01. Guy has been on phone sending text  
3 messages."

4 Then there is a CD, isn't there, in the margin  
5 there?

6 A. Yes.

7 Q. What does that relate to, please?

8 A. Commander Dick.

9 Q. But why do her initials appear at that point?

10 A. I think she mentioned that Dorset Road was the third  
11 address.

12 Q. Yes. It appears to be, I don't know, is it in the  
13 original, her initials appear to be by the line that  
14 says "text messages"?

15 A. Yes, it does appear to be there, but it would have been  
16 referring to Dorset Road, the third address.

17 Q. You think she mentioned that, which is the next entry  
18 you have made?

19 A. Yes, that's correct.

20 Q. Then CD, and then "if good ident", next line "can't let  
21 him down the tube"?

22 A. That's correct.

23 Q. What was she saying?

24 A. If the identification was good then the subject, "can't  
25 let him go down the tube".

- 1 Q. If you would turn over, please, 10.03?
- 2 A. That's correct.
- 3 Q. "19 can see bus"?
- 4 A. Yes.
- 5 Q. Is that S019?
- 6 A. S019, yes, the firearms officers.
- 7 Q. That was the information you had?
- 8 A. Yes.
- 9 Q. Help us, is 10.03 the time you are writing this down or  
10 the time the messages come in, or such a short piece of  
11 writing, are they both the same time?
- 12 A. Both the same time. I tried to look at the clock and  
13 write or write and look at the clock at the same time so  
14 that I could be as accurate as possible with regards to  
15 the times.
- 16 Q. Then Commander Dick asked is he carrying anything, back  
17 came the answer no; is that right?
- 18 A. That's correct, yes.
- 19 Q. 10.03 was the information that he was off the bus?
- 20 A. Yeah.
- 21 Q. And same timing below, the tube?
- 22 A. That's correct.
- 23 Q. 10.04, did Commander Dick say that he must be challenged  
24 before getting down the tube?
- 25 A. That's correct, yes.

- 1 Q. And then "Stockwell tube", what's that a reference to?
- 2 A. It was to signify that he was now at Stockwell tube.
- 3 Q. "No stop without 19", who was saying that?
- 4 A. That was Commander Dick saying that no stop without the  
5 SO19, the firearms officers.
- 6 Q. Then information "down escalator to the tube", who's  
7 that referring to?
- 8 A. That's the subject that they are following had gone down  
9 the escalator to the tube.
- 10 Q. Did you receive information that he was not carrying  
11 anything?
- 12 A. That's correct.
- 13 Q. Then have you recorded 10.04 that Commander Dick was  
14 saying "stop him"?
- 15 A. That's correct, yes.
- 16 Q. Then a minute later, "12 to do it"?
- 17 A. That's correct, that's the surveillance officers from  
18 SO12.
- 19 Q. Did you know why she was saying that 12 were to do it?
- 20 A. I don't know why she said, I just recorded what she  
21 said.
- 22 Q. Do you remember anything being said about where the  
23 firearms team was at this stage?
- 24 A. No, I don't recall hearing where the firearms team were.  
25 The last thing I have recorded was that the firearms



1 team can see the bus.

2 Q. All right. Then do you see:

3 "Going into tube".

4 A. That's correct.

5 Q. Who does that refer to? If you don't know --

6 A. I don't know for definite, no.

7 Q. Then "state red 19"?

8 A. That's correct.

9 Q. Was state red called by S019?

10 A. Yes, that information has come from S019.

11 Q. Then in this note, after they have declared state red,

12 still there at 10.05 "S019 doing stop, do not let

13 surveillance intervene."

14 Who was giving those orders?

15 A. That would have been Commander Dick.

16 Q. Then if you turn over, don't need to go through all of

17 this page, but 10.06, CD, so that's Commander Dick, was

18 saying get some more, is this right, uniformed police to

19 the scene?

20 A. That's correct, yes.

21 Q. The reference to British Transport Police, and to

22 explosives officers going down to the scene?

23 A. That's correct, yes.

24 Q. Then at 10.08 you receive information that the subject

25 has been shot; do you see that?

- 1 A. Yes.
- 2 Q. Then 10.10, what's that first word?
- 3 A. "Chris just intervened tube last few minutes. S019", so  
4 the firearms.
- 5 Q. Chris, who is that, what's that about? Is it a name of  
6 somebody?
- 7 A. It's a name of somebody, yes, sorry.
- 8 Q. Anyway, "Just intervened, tube, last few minutes, S019,  
9 man has been shot, evacuation taking place"; yes?
- 10 A. Yes, that's correct.
- 11 Q. "Hand from DPS", what's that?
- 12 A. It's the Department of Professional Standards.
- 13 Q. And it's got CD by that?
- 14 A. Yes.
- 15 Q. I don't know, was that Commander Dick saying that they  
16 should be involved?
- 17 A. That is correct, yes.
- 18 Q. Then:  
19 "Followed from Scotia Road address. Expos down  
20 there on scene. Not carrying anything. SIO", senior  
21 investigating officer "not from here to do scene".
- 22 A. That's correct, yes.
- 23 Q. Was this Commander Dick speaking?
- 24 A. Yes, it was.
- 25 Q. So she was giving a summary followed from Scotia Road

- 1 address, she had said that the professional standards  
2 people should be brought in, and that the senior  
3 investigating officer to do the scene shouldn't be from  
4 here, what did she mean, her or your branch?
- 5 A. I presume from where the control room where they were.
- 6 Q. Then if we turn over, please, to page 5, you can see  
7 there is a crossed out passage at the bottom of the page  
8 but above that, can you see in the margin it says "from  
9 S019"?
- 10 A. That's correct.
- 11 Q. This is still your note; is that right?
- 12 A. It is, yes.
- 13 Q. "Followed [arrow] surveillance into station, entered  
14 tube, sat inside, confronted by S019 team, shot in head  
15 non-compliant".
- 16 A. That's correct, yes.
- 17 Q. That's what you have written down. Is this right, you  
18 are saying in the note that that has come from S019?
- 19 A. That's correct, yes.
- 20 Q. Do you remember who in S019 you got that from?
- 21 A. I don't, no, sorry.
- 22 Q. Were you told in what way there had been non-compliance?
- 23 A. No, I recorded what was said.
- 24 Q. Then, as you have already told us, your note finishes on  
25 the next page, doesn't it, at the bottom of it?

1 A. That's correct, yes.

2 Q. While you were there in the room, did you ever hear any  
3 doubts or queries expressed as to the person being  
4 followed being Nettle Tip or Osman?

5 A. I heard Commander Dick asking for the identification to  
6 be confirmed. That's what I remember most when I became  
7 aware that the subject was being followed.

8 Q. Can you remember what words she used when that's what  
9 she wanted or is that the phrase she used?

10 A. I can't remember the exact words, but I know that she  
11 did ask for the identification to be confirmed.

12 Q. Right, and what was the response?

13 A. Well, over the period of time before the person went  
14 down the tube, I certainly felt that the information  
15 that had come back was that the identification had been  
16 confirmed.

17 MR HILLIARD: Thank you very much indeed.

18 SIR MICHAEL WRIGHT: Mr Mansfield.

19 Questions from MR MANSFIELD

20 MR MANSFIELD: Yes, good afternoon, Mr Cremin, my name is  
21 Michael Mansfield, I represent the de Menezes family.

22 Just on that last point, I won't take long on it,  
23 you said you felt it had been confirmed. I think when  
24 you are saying that, you clearly don't have  
25 a recollection of hearing any particular words there?

- 1 A. I don't, no, but I know that, obviously I have worked  
2 in -- with kidnap operations previously, and I was aware  
3 that identification was important. I remember  
4 Commander Dick asking for that identification to be  
5 confirmed, and I believed that when the person got to  
6 the tube station that that identification had been  
7 confirmed.
- 8 Q. Yes, well, you were the loggist, weren't you?
- 9 A. I was, yes.
- 10 Q. That's why I am really asking if you have any clear  
11 recollection of how you came to know and who it was who  
12 was communicating that it had been confirmed. It's one  
13 thing to have a feeling, do you understand, now?
- 14 A. The information was coming from the controller who was  
15 listening to --
- 16 Q. Pat?
- 17 A. Pat. Yes.
- 18 Q. Sorry, I am cutting across there.
- 19 A. I didn't know his name or who it was.
- 20 Q. It's a code?
- 21 A. Yes. Information was coming from the person listening  
22 to the Cougar system from the surveillance team.
- 23 Q. That's your recollection?
- 24 A. Yes.
- 25 Q. I am going to leave that topic for the moment.

1           Could I ask you just to go back to, can we have it  
2           on screen or the jury have it as well anyway, it's the  
3           beginning of your notes of the period that you came on.

4           The estimate you gave us today of when you got there  
5           was about 9.40, 9.45, that's what you estimated?

6   A.   Yes, that's what I estimated, yeah.

7   Q.   Is that working backwards from the one time you have  
8           recorded which is 9.52?

9   A.   Yes, it is.

10   Q.   So five minutes odd or so before that, you were in the  
11           room?

12   A.   That's correct, yes.

13   Q.   And you have a short briefing plainly within that period  
14           of time?

15   A.   That's correct.

16   Q.   Now, I want to ask you carefully about this: it's plain  
17           from the short notes at the very top of the page that  
18           you have been through that Commander Dick does not say  
19           to you, "We have in fact had contact already with  
20           somebody who's left one of the addresses, he was briefly  
21           identified as Nettle Tip, then it was realised it wasn't  
22           him, but nevertheless he's being followed". You haven't  
23           any notes to that effect, have you?

24   A.   I haven't any notes to that effect, no. I have  
25           recorded, as you can see, with regarding arresting three

1 different suspects, public safety, surveillance and  
2 firearms at each address and identify any persons coming  
3 from the addresses.

4 Q. Yes, there is a specific reason I'm asking, I have put  
5 particular words, the jury have heard where they have  
6 come from originally. If Commander Dick had said  
7 anything about having just learnt that a man had been  
8 identified briefly coming from Scotia Road as Nettle Tip  
9 or Osman or any other name, but it was realised that it  
10 wasn't him but he's being followed, in fact you would  
11 have noted that down, wouldn't you?

12 A. Well, I suppose to be fair I just walked in in the  
13 middle of an operation that had been ongoing for some  
14 time, I was trying to take in as much information as  
15 possible, and record it. She may have said it and I may  
16 not have recorded it, I don't know, I can't recall.

17 Q. Let us just think about it, I am not talking about  
18 a minor detail here. If she had said to you, "We have  
19 actually made contact with one of the people who we  
20 think may be from that address", you would have noted  
21 that, wouldn't you?

22 A. If she had said that and said "can you note that", then  
23 yes, I would have noted it, but I didn't, and I can't  
24 say that she didn't say it.

25 Q. Was she saying --

1 SIR MICHAEL WRIGHT: Sorry, Mr Mansfield.

2 I appreciate you say you had just got there and the  
3 first few minutes you were being told more or less what  
4 it was all about?

5 A. Yes, sir.

6 SIR MICHAEL WRIGHT: Would you have logged off your own bat  
7 unless you were specifically told to, something that had  
8 happened before you arrived?

9 A. Probably not because I was trying to, if you like, come  
10 to terms with what was happening, and the information  
11 that was being given, Commander Dick said these were the  
12 lines, the strategy, these need to be recorded,  
13 I recorded those, I didn't record the briefing, the  
14 details she gave me of the briefing that she gave me  
15 with regards to the operation, I didn't record any of  
16 those details because we went straight into, if you  
17 like, the following.

18 SIR MICHAEL WRIGHT: Where you start at 9.52?

19 A. Yes.

20 MR MANSFIELD: You see, if you look, and I am not going to  
21 take a long time over this, but the last entry in the  
22 briefing was, I think this is what you are meaning "any  
23 ID persons coming out" is what it means, does it?

24 A. I would say it means identify persons coming from any of  
25 the addresses.



- 1 Q. Yes, so that's the point. Would it be fair to say that  
2 if she had said, "In fact, one of them we are onto at  
3 the moment" you would have noted that down in the  
4 briefing, wouldn't you?
- 5 A. Well, I haven't noted it down so I can't say for  
6 definite that she did or didn't say it unfortunately.
- 7 Q. The reason I'm asking you is, do you have your statement  
8 in front of you?
- 9 A. I have, yes.
- 10 Q. Or another reason I want to ask you is that when you  
11 wrote the statement, admittedly some months later in  
12 2005 --
- 13 A. That's correct.
- 14 Q. -- to be precise, 4 November, you indicate when you  
15 were asked to do the job, it seems to have taken rather  
16 a long time for you to get there to do it, but I am not  
17 going through that. Do you see the sentence:  
18 "On arrival at the operations room"?
- 19 A. Yes.
- 20 Q. "On arrival at the operations room I met and introduced  
21 myself to Commander Dick. Commander Dick briefed me on  
22 role and of what would be required of me. During the  
23 course of the briefing, I became aware that contact had  
24 been made with a possible subject of the operation by  
25 the grey surveillance team."

1           Now, when you come a little later in the statement  
2           to deal with the entry in your log at 9.52, you say in  
3           the statement -- I am shortcircuiting -- that what you  
4           wrote at 9.52 -- do you follow?

5   A.   Yeah.

6   Q.   Is what you discovered or became aware of whilst you  
7           were at the briefing. Do you want to see the passage?

8   A.   I can see what the statement is. All --

9   Q.   I will just tie it up so it's clear --

10   A.   All I can say for definite is the notes that are on my  
11           log were written at the time, we had a briefing from  
12           Commander Dick, she said these were the main priorities  
13           of the operation. I recorded those, and then at 9.52  
14           I made a note about a guy outside the tube station.  
15           I can't say for definite whether she said that somebody  
16           had already -- they had made contact already with  
17           somebody. I don't know.

18   Q.   No, I am sorry to take this further, I have moved on  
19           from whether she told you about an earlier sighting.  
20           What I am now dealing with is the 9.52 one. Can I just  
21           go over it again?

22   A.   Yeah.

23   Q.   In your statement you say:

24           "During the course of the briefing, I became aware  
25           that contact had been made with a possible subject of

1 the operation by the grey surveillance team."

2 Later in your statement you say:

3 "My first entry at 9.52 relates to the contact by  
4 the grey surveillance team as previously mentioned."

5 That's on the second page of your statement, a third  
6 of the way down:

7 "Each entry made after this in my log is made  
8 contemporaneously. My first entry at 9.52 relates to  
9 the contact by the grey surveillance team as previously  
10 mentioned."

11 So what you are writing, so that we may all follow,  
12 at 9.52 is actually a record of what you had heard  
13 during the briefing.

14 A. I don't know. What I can say is that I have recorded at  
15 the time of 9.52 that the guy was outside the tube  
16 station. I cannot say for definite whether the briefing  
17 was still going on at that stage, whether we had stopped  
18 the briefing. I don't know, I am afraid.

19 Q. That's how your statement is phrased, isn't it?

20 A. It's how it was phrased bearing in mind it was made some  
21 five or six months afterwards, it's a play onwards,  
22 I think, if you look at the record that's made, that's  
23 what I have recorded.

24 MR MANSFIELD: I am going to move on, if I may, please,  
25 to -- no, I am not going to ask you any other questions,

1           because it comes with a later loggist. Thank you very  
2           much?

3     SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?

4     MR GIBBS: No, thank you.

5     SIR MICHAEL WRIGHT: Mr Singh? Thank you. Mr Perry?

6                                 Questions from MR PERRY

7     MR PERRY: Mr Cremin, I just have one matter, please. May  
8           I just ask you to have your log in front of you, and  
9           it's page 2. We have actually got in our bundles  
10          a typed copy, I think it's on the second page of the  
11          typed copy.

12    SIR MICHAEL WRIGHT: It's on the screen.

13    MR PERRY: Do you see, we have a little bit blanked out:

14                         "Silver still holding Nightingale Lane".

15    A. Yes.

16    Q. But the bit that's blanked out, we know that underneath  
17          that it's actually on the typed copy, Greg Pursell?

18    A. That's correct, yes.

19    Q. He is actually called Greg Purser, but don't worry, it's  
20          easily done. The entry is:

21                         "Greg Pursell Silver still holding Nightingale Lane?"

22    A. That's correct, that's what I recorded.

23    Q. I just want to ask you, Mr Cremin, because what you are  
24          trying to do when you get this log we can see here  
25          between 9.52 and 9.25, that's about 35 minutes when you

- 1           are making notes; is that right?
- 2    A.   That's correct, yes.
- 3    Q.   You are trying to put down what Cressida Dick tells you
- 4           to put down and what you have heard that is significant?
- 5    A.   That's correct, yes.
- 6    Q.   You would probably be the first to accept that it may
- 7           not be 100 per cent accurate?
- 8    A.   Absolutely. I wasn't able to record everything. I did
- 9           my best to record what I thought and what I was told
- 10           were important issues or things to record.
- 11   Q.   Thank you very much for that, Mr Cremin. I have no
- 12           doubt you did do your best. Just so it's clear, you
- 13           see, the point is that Greg Purser was not holding at
- 14           Nightingale Lane at this point, he was actually at
- 15           a TA Centre near Scotia Road, so you can't shed any
- 16           light on that?
- 17   A.   I can't, no. I have written it, and I haven't made it
- 18           up, it's come from somewhere, I have recorded it, and
- 19           I don't know where he was to be honest.
- 20   MR PERRY: All right. Thank you, Mr Cremin?
- 21   SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr King?
- 22   MR KING: No, thank you.
- 23   MR HORWELL: No, thank you.
- 24   MR HILLIARD: No, thank you.
- 25   SIR MICHAEL WRIGHT: Mr Cremin, thank you very much indeed,

1 possibly shorter than you expected but thank you very  
2 much all the same.

3 (The witness withdrew)

4 MR HOUGH: So Mr Cummings next.

5 DETECTIVE SUPERINTENDENT ROBERT CUMMINGS (sworn)

6 SIR MICHAEL WRIGHT: Please sit down, Mr Cummings.

7 A. Thank you, sir.

8 Questions from MR HOUGH

9 MR HOUGH: Is your name Robert Cummings?

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

11 Q. In 2005, were you a Detective Superintendent in the  
12 Flying Squad?

13 A. I was, sir, and I still am, yes.

14 Q. We know because it's been mentioned several times that  
15 the designation for that is SCD7 or it's part of SCD7,  
16 the Serious Crime Directorate?

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

18 Q. Your experience as a firearms officer and firearms  
19 commander has slightly been trailed today by DAC Dick,  
20 but can you briefly explain what experience you have as  
21 a firearms officer and a firearms commander?

22 A. Yes. Really since 1998, so for 20 years, I have been  
23 involved with firearms operations, first of all as  
24 a firearms officer and an officer who carried firearms  
25 nearly every day on covert surveillance type operations.

1 Subsequently as a Detective Inspector, I have had  
2 commanders, Silver Commander on firearms operations,  
3 responsible for tactical decisions. Subsequently to  
4 that as a Gold Commander responsible for strategy under  
5 firearms operations, and since I think 2004 as  
6 an authorising officer which my current role also  
7 includes, which is the risk assessment and authorisation  
8 of police firearms, usually covert police firearms  
9 operations.

10 Q. We have heard about that kind of authorisation from  
11 Mr White before now.

12 You made a statement I think about the events which  
13 concern us in November of 2005, I think 22 November. Do  
14 you have a copy of that to hand?

15 A. I do, sir, yes.

16 Q. There is no difficulty with you referring to it, indeed  
17 it may help from time to time, so do have it out and to  
18 hand.

19 Taking you back to the 22 July, in the early  
20 morning, did you receive a call at home that morning?

21 A. I did, sir, yes, I received a call from commander at the  
22 time, now DAC Cressida Dick.

23 Q. What was she saying?

24 A. She basically asked me to assist her at Scotland Yard  
25 with an operation that had been running as a result of

- 1 the incidents on the previous day.
- 2 Q. Did she tell you anything specifically about the  
3 operation at that point?
- 4 A. No, she didn't.
- 5 Q. In broad terms, what did you understand your role to be?
- 6 A. In broad terms, I understood that I was being asked to  
7 go and assist her, and I understood that I was probably  
8 being chosen because I had some experience of firearms  
9 operations.
- 10 SIR MICHAEL WRIGHT: And also we understood from her you had  
11 done a number of major operations with her?
- 12 A. I had, sir, yes, particularly kidnap type operations.
- 13 SIR MICHAEL WRIGHT: What they call crime in action.
- 14 A. Crimes in action, sir, yes.
- 15 MR HOUGH: She gave evidence that she expected you not only  
16 to provide her with assistance but also to set her  
17 straight if necessary, to challenge her decisions; is  
18 that something you also understood you had to do?
- 19 A. Yes, she did invite me to do that, sir, yes.
- 20 Q. What time did you get to New Scotland Yard that morning?
- 21 A. I believe it was around 7, 7.30.
- 22 Q. It's right at the bottom of your first page?
- 23 A. 7.30 am, that's correct.
- 24 Q. Where did you go when you got there?
- 25 A. I went to the operations room on the 16th floor of



1 Scotland Yard.

2 Q. When you got there, what was going on there?

3 A. There was a meeting taking place, there was a number of  
4 people there, some of whom I knew, Commander Dick was  
5 there, Superintendent Jon Boutcher, who I also knew, was  
6 there, DI Kevin Southworth and the superintendent from  
7 Special Branch at the time, Mr Johnston, who I hadn't  
8 met previously.

9 Q. This meeting, was it taking place in the main operations  
10 room or another room next door?

11 A. There was a room at the back of the main operations room  
12 which I gathered was an intelligence cell. As I say,  
13 I had never been in this room before. The meeting was  
14 taking place in there.

15 Q. Was the meeting far advanced by the time you got in?

16 A. It's difficult to recall exactly at what stage the  
17 meeting was at.

18 Q. What information did you receive during the meeting?

19 A. Well, I understood that two suspects had been identified  
20 and two addresses had been identified relating to the  
21 two suspects. The identification had come from  
22 an identity card, I think it was a squash club, from  
23 something that had been found at one of the crime scenes  
24 the previous day where there was an unexploded bomb and  
25 I understood that two suspects had been identified

1 relating to one address, which was Scotia Road, and that  
2 one suspect related to a different address, which was  
3 Portnall Road.

4 I also understood that surveillance teams had been  
5 deployed, I think to both addresses, and at a very early  
6 stage of that briefing, I was despatched to secure  
7 resources to actually put staff into what we call OPs,  
8 observation points.

9 Q. Before we get to that, before you leave the meeting, and  
10 I appreciate that it's obviously continuing after you  
11 had gone, so you maybe can't help us with what happens  
12 after you go, but while you are in the meeting, was  
13 anything said about the strategic aims which the  
14 operation was pursuing?

15 A. For the short time that I was in the room, I don't  
16 recall a conversation about the strategic aims.

17 Q. Also while you were there, was anything said about where  
18 any firearms support was?

19 A. No, I don't recall anything being mentioned as to where  
20 they were.

21 Q. You were going on to say that you were sent out to carry  
22 out certain tasks, you referred to observation points,  
23 what specifically were you asked to do about those?

24 A. I was asked to secure staff to man observation points  
25 for the two addresses, and this was obviously to enable

1           officers to observe those addresses, to assist the  
2           surveillance team from an off street position.

3    Q.   At that stage, when you were sent off to find  
4           observation teams, what did you know about the nature of  
5           the premises at Scotia Road, the block?

6    A.   I am not sure if I was aware of it at that stage or  
7           whether through my own research I became aware that it  
8           was a block of flats with a communal door.

9    Q.   When you went off to identify staff to man observation  
10          points, did you have any other tasks to perform?

11   A.   Commander Dick had also requested a loggist.

12   Q.   So you were sent off to sort that out?

13   A.   Correct, yes.

14   Q.   Where did you go physically in the building to perform  
15          those various tasks?

16   A.   From recollection I went to Central 3000, which is  
17          another control room, which is located also at  
18          Scotland Yard in a different block on the fourth floor.

19   Q.   What time was it that you returned to the operations  
20          room on the 16th floor?

21   A.   It was around 10 am.

22   Q.   When you arrived back in the room, roughly how many  
23          people were there?

24   A.   Difficult to remember, sir, how many.  Quite a few  
25          people.  I would be cautious as to trying to estimate

- 1           the numbers.
- 2    Q.   What was the atmosphere in the room?
- 3    A.   The atmosphere was lively, a certain amount of tension
- 4           I would say.
- 5    Q.   Did you appreciate when you went in what was going on in
- 6           the room at that point?
- 7    A.   I didn't immediately approach Commander Dick because
- 8           I could see that she was busy, I learnt from somebody
- 9           else, I can't remember who, that a man who had been
- 10          identified as the suspect was actually on a bus and was
- 11          being followed.
- 12   Q.   Can we put up the map, jury bundle, tab 20, on the
- 13          screen. Can we focus in on the operations room. We see
- 14          on the left of the page, I think, the door from which
- 15          you enter?
- 16   A.   Could you just point that out to me, the door is ...
- 17   Q.   If we see over on the left that whole area?
- 18   A.   Yes.
- 19   Q.   So this is the overview, I can show you some photographs
- 20          if they help, but when you entered the room, where did
- 21          you position yourself?
- 22   A.   I think initially I stood round -- I think it's L1, just
- 23          while I assessed -- probably on the inside of L1, so
- 24          between L1 and 51.
- 25   Q.   I think it's S1, the front row of desks where the Cougar

- 1 sets are. Where was Commander Dick at this stage?
- 2 A. She was over near C3, probably between -- I can't  
3 indicate it, but it's S4, between S4 and C3, in that  
4 kind of area there. That's where I eventually joined  
5 her after initially assessing what was the current  
6 situation.
- 7 Q. You said that there was a man being followed. Did you  
8 hear anything about where the man was other than on  
9 a bus which you already mentioned?
- 10 A. By the time I was appraised of the situation, he was  
11 approaching Stockwell tube station.
- 12 Q. Did you discover whether he was under surveillance?
- 13 A. Yes, I believe he was under surveillance, I did discover  
14 that he was, yes.
- 15 Q. At that point, were you aware what the other senior  
16 officers in the room were planning or intending for this  
17 man?
- 18 A. Do you mean the officers other than Cressida Dick?
- 19 Q. Well, either her or any of the other senior officers,  
20 other than yourself, I am counting you as a senior  
21 officer.
- 22 A. At the stage when he was still on the bus, probably not,  
23 but some stage after that he started to get off the bus.
- 24 Q. Okay, let us take that in stages, then. The bus arrives  
25 near Stockwell tube station at a bus stop?

- 1 A. That's correct, sir, yes.
- 2 Q. What do you hear at this point in the room?
- 3 A. If I could just consult my statement.
- 4 Q. Of course, yes. I think you will find it on the third  
5 page of your statement, towards the bottom, about ten  
6 lines up:
- 7 "As the bus arrived at Stockwell station ..."
- 8 A. There was concern that the suspect should not be allowed  
9 to enter the tube station.
- 10 Q. Who was expressing that concern?
- 11 A. Well, I think everybody -- everybody was but  
12 particularly Cressida Dick as she was in charge of the  
13 operation.
- 14 SIR MICHAEL WRIGHT: To your knowledge, did the fact that it  
15 was Stockwell have any significance?
- 16 A. Yes, it did, sir, yes, because we were aware and I was  
17 aware that Stockwell tube station had featured on the  
18 previous day's mission.
- 19 SIR MICHAEL WRIGHT: The attempted bombings?
- 20 A. Correct, yes.
- 21 MR HOUGH: Did any information come in at that point about  
22 the firearms teams?
- 23 A. Well, Cressida Dick actually instructed that the man  
24 should be stopped before he got into the tube station,  
25 and she directed that that should be S019 that did that.

1           We established via Chief Inspector Esposito that the  
2           firearms team were not in a position to effect that stop  
3           at that time.

4   Q.   Pause there.  Mr Esposito tells you this much, that they  
5           are not in a position to effect a stop.  Does he say  
6           where they are?

7   A.   No, he doesn't, sir.

8   Q.   What's the response of Cressida Dick and others in the  
9           room to that information?

10  A.   Well, we were obviously concerned that the man shouldn't  
11           be allowed to enter the tube station.  There were  
12           firearms officers from the surveillance team who were  
13           present, albeit everybody was aware that they had not  
14           had sufficient training to carry out armed  
15           interventions, and it really was a live risk assessment  
16           as to whether they should be permitted to carry out the  
17           intervention knowing that the alternative was the  
18           possibility of this man getting onto the tube station.

19  Q.   Were you involved in that decision?

20  A.   I was, yes, I was involved in the discussion, yes.

21  Q.   So at this stage where are you standing?

22  A.   I was standing, as I indicated, towards the right-hand  
23           side where Cressida Dick had been standing.

24  Q.   So you have now moved from closer to the door to near  
25           where Commander Dick is?

- 1 A. That's right, yes.
- 2 Q. And you were involved with the discussion as to what  
3 should be done because the firearms team aren't there,  
4 but you had surveillance officers on hand?
- 5 A. That's correct, yes.
- 6 Q. Was there any discussion of how many surveillance  
7 officers were on hand?
- 8 A. No, I don't think there was.
- 9 Q. How long did this discussion take?
- 10 A. It was instant, it was very, very fast time.
- 11 Q. What decision was made?
- 12 A. The decision was made that the surveillance officers  
13 should actually effect the intervention.
- 14 Q. And that was the order given?
- 15 A. It was, yes.
- 16 Q. What happened next?
- 17 A. Well, virtually as that order was given, very, very  
18 quickly afterwards Chief Inspector Esposito then  
19 indicated that the firearms team were actually now in  
20 a position to effect the intervention.
- 21 Q. Any more information than that from him about where they  
22 were?
- 23 A. No.
- 24 Q. How did Commander Dick react to that information?
- 25 A. She reacted by cancelling the previous direction that



1 the surveillance officers should carry out the stop, and  
2 directed that the firearms officers should do it.

3 Q. Can you remember as best you can what precise words she  
4 used in giving her order to the firearms team, obviously  
5 via the various channels of communication we have heard  
6 about?

7 A. My recollection is that the word "stop" was used, but  
8 I -- I haven't made a note of -- certainly the direction  
9 was clear that he should be stopped and detained.

10 Q. There is one account which says that -- from one  
11 witness -- the words "at all costs", that he mustn't be  
12 allowed to get on the tube at all costs were used. Was  
13 that a phrase that you heard used in your presence?

14 A. I didn't hear those words, sir, no.

15 Q. After that order was given, were communications lost?

16 A. They were, sir, yes.

17 Q. How long after the order were communications lost?

18 A. Very quickly. Very quickly indeed.

19 Q. Was anything more heard about the position of the man  
20 between when the order was given and when communications  
21 were lost?

22 A. No, sir.

23 Q. Some time later, some minutes later, was information  
24 received in the control room that the man had in fact  
25 been shot?

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

2 Q. During the period you were in the room, and these fast  
3 time decisions and orders were being made and given,  
4 what was Commander Dick's mood and demeanour?

5 A. She was extremely calm, sir, totally in control.

6 Q. What was the noise level in the room?

7 A. Well, there was some activity in the room but it was  
8 nothing that I would consider to be excessive.  
9 Certainly having been in many control room situations,  
10 more towards kidnaps, but as we discussed before, live  
11 crimes in action, it is -- it was not unusual to have  
12 that amount of activity going on in the room. So  
13 I certainly didn't consider it to be excessive.

14 MR HOUGH: Thank you very much. If you will wait there,  
15 others will ask you questions.

16 SIR MICHAEL WRIGHT: Mr Mansfield.

17 Questions from MR MANSFIELD

18 MR MANSFIELD: Good afternoon, my name is Michael Mansfield,  
19 I represent the de Menezes family.

20 Just on the last point then, as far as you are  
21 concerned, no-one had to shout to make themselves heard,  
22 anything like that?

23 A. I don't recall hearing any shouting, sir.

24 Q. No, or for example an inability really to hear the  
25 speakers relaying surveillance commentary?

- 1 A. Not something that I was aware of, sir, no.
- 2 Q. I'm not going to spend time on that for the moment. Can  
3 I just ask you one or two questions. Firstly in  
4 relation to the observation posts that you were  
5 intending to establish and the fact that you were  
6 obtaining copies of CCTV images, and presumably also  
7 copies of a gym card photograph?
- 8 A. I don't remember if I did, sir.
- 9 Q. The question really on the back of it is: would you have  
10 expected, once it was set up, that's an observation fix  
11 off-street, as it were, the people who staffed the  
12 observation point to have copies of CCTV images or gym  
13 cards with them?
- 14 A. I would expect them to have images to refer to when  
15 making identifications, sir, yes.
- 16 Q. I know it sounds very simple but there is a reason.  
17 I'm going to move on, you can have your statement in  
18 front of you, it's my page 56, I don't know whether your  
19 pages are the same, bottom right-hand corner, it's  
20 really the period, because you are out of the operations  
21 room for a fair time, but when you come back in you were  
22 aware that a man on a bus had been identified.
- 23 Can you now help any further as first of all from  
24 whom you learnt that?
- 25 A. I don't remember that, sir, no. No.

- 1 Q. Or how it was expressed or anything?
- 2 A. I think I seem to remember there was obviously activity  
3 going on, Cressida Dick was obviously very busy with  
4 Mr Boutcher, Mr Esposito, I didn't feel it was my  
5 position at that stage to interfere, so I probably asked  
6 somebody who was involved in one of the other less  
7 significant roles, shall we say, as to what the current  
8 situation was, but I can't remember who that person was.
- 9 Q. Right. Just moving it forward, I think having been  
10 yourself in charge of a number of firearms operations  
11 and very experienced at that, you would agree with the  
12 basic tenet, would you not, that if you are going to be  
13 in charge, whether you are called Gold or whatever the  
14 rank that is being attributed to this, in order to take  
15 critical decisions in a fast time situation you really  
16 had to have the best possible information that is  
17 available?
- 18 A. Yes, sir, that's certainly -- I would agree with that,  
19 yes.
- 20 Q. So you need in a control room removed from the scene,  
21 which this one was, and I am sure you have been in this  
22 situation yourself where you are removed from the scene,  
23 great care has to be taken to ascertain as carefully as  
24 possible where the various actors, I am using that word  
25 generally, are on the stage. In other words, the target

- 1           and the people who are following the target and the  
2           people who may be asked to intercept the target, you  
3           need to know where they are as carefully as possible if  
4           you are going to take a critical decision; would that be  
5           fair?
- 6   A.   Certainly the location of the target, what the target is  
7           doing, what the current intelligence picture was, and  
8           I would also want to know the vicinity of the officers  
9           who were to take intervention action.
- 10   Q.   Particularly if you have a very -- can I continue it  
11           on -- small window of opportunity because it's  
12           fast-moving and you don't know quite where the person is  
13           going to go but you have to get in there quickly, do you  
14           follow?
- 15   A.   Yes, sir.
- 16   Q.   You really need to know that the person who is going to  
17           get in there quickly, you need to know exactly where  
18           they are because in fact a matter of 30 seconds can mean  
19           the difference between life and death, can't it?
- 20   A.   Yes, sir, the proximity of the officers that are taking  
21           the intervention is important, particularly the higher  
22           the level of risk as it progresses, you also have to  
23           consider other factors, though, sir, particularly  
24           whether to actually get them too close might compromise  
25           the operation and therefore actually raise the risk from

1 the level it already is.

2 Q. Yes, that's understood. I think the officers in this  
3 case, I think you are aware, you do say, that they are  
4 in covert vehicles, aren't they, the specialist firearms  
5 officers?

6 A. Yes, sir.

7 Q. On this particular occasion. I am going to ask you  
8 this, first of all, and if you don't know the answer I'm  
9 sure you will say so. Do you have an understanding of  
10 what the word "stop" means? It's a fairly obvious word,  
11 but what does it mean to you as a firearms officer?

12 A. Well, my interpretation on the day was stop and detain.

13 Q. Yes, what would your interpretation be on another day,  
14 then, is there another interpretation?

15 A. Well, to prevent the person from continuing with their  
16 movement, to stop, as in stop and search, to --

17 Q. I am coming to this, how much do you know about -- I'm  
18 going to call it generically Kratos documentation?

19 A. I am not familiar with the documentation.

20 Q. I just want to put a distinction that appears on some of  
21 the documentation that was available that night. There  
22 seems to be a category of action called a "stop", and  
23 then there is another category called "contain and  
24 challenge". Do you know what the difference is, if  
25 there is one?

1 A. I don't, sir, I am not familiar with the Kratos --  
2 SIR MICHAEL WRIGHT: You are not Kratos or Clydesdale  
3 trained?  
4 A. I am not, sir, no.  
5 MR MANSFIELD: As far as you are concerned anyway on the  
6 day, the meaning of "stop" was stop and detain?  
7 A. I felt that it was absolutely clear and unambiguous as  
8 to what was being asked for.  
9 Q. This has sometimes been described in this case, the  
10 context of this case, as leading to an expectation by  
11 those who order it that it would be a conventional armed  
12 arrest.  
13 What is your understanding of a conventional armed  
14 arrest; in other words, an arrest by armed officers?  
15 A. It would be where a suspect is challenged by officers  
16 who produce firearms and made to surrender.  
17 Q. And made to surrender, all right, I just want to go  
18 through that.  
19 SIR MICHAEL WRIGHT: That is something with which you as  
20 an SCD officer were particularly familiar with?  
21 A. Sir, obviously I have only directed those kinds of stops  
22 but actually I have taken part in them myself in my  
23 younger days, yes.  
24 MR MANSFIELD: I know it's splitting up a fast moving  
25 situation, but what would you expect firearms officers

- 1 to do? It may differ on different occasions but in  
2 general terms what would be expected? They shout out  
3 something as a form of challenge?
- 4 A. Usually the command will be "armed police" or "stop,  
5 armed police".
- 6 Q. And of course the person may be in all sorts of  
7 different positions, and what would follow, and they  
8 would have their weapons obviously out, would they?
- 9 A. They would, sir, yes.
- 10 Q. Is there a particular tactic that is involved beyond  
11 that if you are going to arrest somebody?
- 12 A. Well, obviously what you hope for is that the person  
13 does surrender and they would then be isolated from the  
14 firearm, be told to put the firearm on the ground, walk  
15 away from it, but of course I am talking about  
16 a firearms operation as opposed to this type of  
17 situation which we are discussing.
- 18 Q. I have asked this of another officer, that is why I am  
19 asking you what you expected. He also added that you  
20 might ask somebody to put their hands in front of them  
21 so you can see what's in their hands or not?
- 22 A. Yes, that would be commonplace.
- 23 Q. Therefore the ability to in fact do all this will depend  
24 on the circumstances, won't it? In other words, do  
25 a challenge, shout your whatever it is, "armed police



1 stop" and then hands on the front and so on, depends on  
2 the circumstances, doesn't it?

3 A. Yes, I mean, every challenge and every situation would  
4 be different, sir, yes.

5 Q. And managing to interpret the reaction of the person  
6 concerned is even more difficult, isn't it?

7 A. It would be difficult, sir, yes.

8 MR MANSFIELD: Thank you.

9 SIR MICHAEL WRIGHT: Are there variations on this? Would  
10 you sometimes ask that the suspect lie down?

11 A. Yes, sir, that's quite possible, more often than not, as  
12 I say, they will be asked to show their hands. If they  
13 haven't got a firearm in their hands they would be asked  
14 to show their hands. If they have a firearm on them  
15 they would be asked to put it on the ground, walk away  
16 from it and then the usual position would be that they  
17 would be asked to get on the ground themselves, put  
18 their hands behind their back and then they would be put  
19 in their handcuffs.

20 SIR MICHAEL WRIGHT: So they can't use their hands as long  
21 as they keep them in your sight.

22 A. Yes, sir.

23 SIR MICHAEL WRIGHT: Thank you. Who wants to go first,  
24 Mr Gibbs?

25 MR GIBBS: No questions.

1 SIR MICHAEL WRIGHT: Mr Singh?

2 MR SINGH: No questions, thank you.

3 SIR MICHAEL WRIGHT: Mr Perry.

4 Questions from MR PERRY

5 MR PERRY: Mr Cummings, I have just one matter I want to  
6 deal with you, please. I ought to say I'm David Perry,  
7 I represent Cressida Dick.

8 Mr Cummings, you have been asked questions about if  
9 you are going to be in charge of the critical decisions  
10 you want the best possible information, particularly in  
11 a control room removed from the scene, and you would  
12 need to ascertain where the various actors -- conjuring  
13 up the image of a stage with people coming on scene and  
14 off scene and the actors here were put to you as the  
15 target, the officers following the target and the  
16 officers following the officers who were following the  
17 target, because here we have the target, surveillance,  
18 and the SO19.

19 I am just going to ask you how realistic it is to  
20 keep abreast of information other than the target,  
21 that's the topic I'm on, whether you can actually  
22 accumulate all this information. Because what you said  
23 was you have certainly got to have information in  
24 relation to the target. I just want to see about others  
25 and I just want to see how it works.

- 1           In this case, we have a grey team of about 12  
2           people. Is it feasible for the officer in charge to  
3           say: I want to know where Jack, Harry, Ivor, Tim, James,  
4           Ken, Adam, Lawrence, Malcolm, Graham and H11 are before  
5           I take a decision?
- 6   A.   That's the surveillance team leader's job, sir,  
7           I wouldn't expect the commander of the operation to even  
8           want to know at the time of the operation.
- 9   Q.   If the commander is being told: I am round the corner  
10          from the tube station, it's a distraction, isn't it?
- 11   A.   Yes, we have a team leader whose specific job it is to  
12          know exactly where all of their surveillance operatives  
13          are, what the commander of the operation needs to know  
14          is that the person is under control and where, what he  
15          or she is doing, what the current intelligence picture  
16          is.
- 17   SIR MICHAEL WRIGHT: It would be the team leader's job  
18          presumably to keep the Silver in the picture as to where  
19          his team, broadly speaking, were?
- 20   A.   Even the Silver wouldn't need to know exactly where all  
21          of the people are, that would be the surveillance team  
22          leader's job to manage that.
- 23   MR PERRY: The same goes for the S019 officers who are on  
24          the stage that we have had put in our minds behind the  
25          surveillance people, again the control room just needs

1 to know that they can give an order and they will be in  
2 a position to do what they have been asked to do.

3 A. As a commanding officer myself in that situation,  
4 I would want to know that as the risk is escalating, or  
5 may be escalating, I would want to know that the team  
6 would be in a position to respond to it. I wouldn't  
7 need to know exactly where they were, I certainly  
8 wouldn't ask every -- you know, expect to be updated  
9 every couple of minutes, unless of course I was told  
10 they were nowhere near where they should be, in which  
11 case I would want to know that they were making  
12 progress.

13 Q. Take a situation like this, where we have a firearms  
14 team with six cars and we are going to hear evidence  
15 that some came from the Clapham direction while some  
16 came from the Stockwell Road direction. If you were  
17 being told or you had to wait to know where every single  
18 car and every single occupant of the car was as they got  
19 out of the cars --

20 A. I wouldn't want to know that information, sir. Much as  
21 I have explained with where each individual surveillance  
22 operative is, that sort of detail would be  
23 a distraction, I would expect other people to know that  
24 type of information and if there was a problem, I would  
25 expect somebody to bring it to my attention.

1 MR PERRY: That's all I seek to ask you, thank you very  
2 much.

3 SIR MICHAEL WRIGHT: On that, Mr Cummings, in your division  
4 do you use the traffic light system?

5 A. We do, sir, yes, but it isn't used on every single case,  
6 but I have been on operations where it is used.

7 SIR MICHAEL WRIGHT: So you are familiar with the meaning of  
8 the stages, green, amber and red?

9 A. That's correct, yes.

10 SIR MICHAEL WRIGHT: You will tell us if it's the same for  
11 your department, we have heard that it is for the team  
12 leader to declare state red?

13 A. The firearms team leader, sir, yes, that would be right.

14 SIR MICHAEL WRIGHT: He will do that when he assesses in all  
15 the circumstances that are going on that his team are  
16 then in the position to make the intervention?

17 A. That would be correct, sir, the way that it would  
18 normally work would be the Silver or Gold would weigh up  
19 the risk, would weigh up the available evidence, would  
20 then make a call as to at what stage there should be  
21 an armed intervention and the co-ordination of that  
22 armed intervention would then be passed to the firearms  
23 team leader whose responsibility it will then be to  
24 actually carry out that intervention in the safest  
25 possible circumstances.

1 SIR MICHAEL WRIGHT: It's for the team leader to decide when  
2 it is feasible to do it?

3 A. That's correct, yes.

4 SIR MICHAEL WRIGHT: That's when he declares state red.

5 A. That's correct.

6 SIR MICHAEL WRIGHT: Thank you. Mr King?

7 MR KING: Nothing, thank you, sir.

8 SIR MICHAEL WRIGHT: Mr Horwell.

9 Questions from MR HORWELL

10 MR HORWELL: My name is Richard Horwell, I appear on behalf  
11 of the Commissioner. I have two or three questions for  
12 you.

13 You have told us that Commander Dick made it clear  
14 that you were to challenge her if you disagreed with any  
15 of her decisions or wished to question them?

16 A. She did, sir, yes.

17 Q. And the fact that you did not challenge her or question  
18 her, can we take as certain, Mr Cummings, that you  
19 agreed with the decisions that she made?

20 A. You can, sir, yes.

21 Q. I just want to ask you about two of them, please. We  
22 have heard a great deal and I am not going to go through  
23 the detail with you, of the particular issue asking  
24 surveillance officers first to stop this man and then  
25 the decision finally to ask the firearms teams to stop

1 this man whom we obviously now know as Mr de Menezes.

2 You have said in the past that at the moment the  
3 decision was made to use the surveillance officers to  
4 intervene, and these are your words, virtually  
5 simultaneously the firearms tactical adviser interrupted  
6 and said the firearms officers were now present?

7 A. Correct, sir.

8 Q. And were able to carry out the intervention themselves.

9 You have gone on to say that Commander Dick then ordered  
10 the firearms officers to intervene?

11 A. (Witness nods).

12 Q. Now, that is a decision with which you agreed?

13 A. Correct, sir, yes.

14 Q. Because of the training and experience of the firearms  
15 officers?

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

17 Q. The other matter is this: we all understand that it  
18 would have been preferable to have stopped Mr de Menezes  
19 in the concourse of the station?

20 A. Yes, sir, it would have been, yes.

21 Q. And you have said in the past that preferably it would  
22 have been better to stop him either there or outside the  
23 station. But you have also added this, and I want to  
24 ask you whether you maintain this view today: to have  
25 arrested Mr de Menezes on the tube in your opinion was

1           safer to than to allow him to carry on in the tube?

2   A. Absolutely.

3   Q. Can you just explain that, please?

4   A. Yes. Placed in the context of what this operation was  
5       all about, we are investigating an incident the previous  
6       day where people had tried to blow up people on tubes,  
7       two weeks earlier the suicide bombers had been  
8       successful in doing exactly that and tragically killed  
9       over 50 people. So for me to allow somebody who was  
10      a suspect, and albeit now that we know tragically that  
11      he was the wrong person, but with the information that  
12      we had at the time to allow the person to continue on  
13      the tube and risk that happening again was a completely  
14      unacceptable risk.

15   Q. And therefore you agreed with that decision as well?

16   A. And you know, this is all about risk assessment, armed  
17      intervention, of course we would have preferred to have  
18      intervened before the tube, but if you actually weigh  
19      the two up, you have to accept the situation that you  
20      are left with, the alternative to allow the person to  
21      continue is not an acceptable option.

22   MR HORWELL: Mr Cummings, thank you, that's all I ask.

23   SIR MICHAEL WRIGHT: Thank you. Mr Hough?

24   MR HOUGH: Nothing further from me, thank you, sir.

25   SIR MICHAEL WRIGHT: Thank you very much. I hope you



1           weren't too close by when Commander Dick was talking  
2           about you because I think your ears would have been  
3           burning.

4   A.   Thank you, sir, I can only imagine.

5                               (The witness withdrew)

6   SIR MICHAEL WRIGHT: Any outstanding matters? No. In that  
7           case, please, ladies and gentlemen, 10 o'clock tomorrow  
8           morning.

9   (4.50 pm)

10                           (The court adjourned until 10.00 am on  
11                           Thursday, 9 October 2008)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

	INDEX	
		PAGE
1		
2		
2		
3	DEPUTY ASSISTANT COMMISSIONER .....	1
4	CRESSIDA DICK (continued)	
5		
6	Questions from MR MANSFIELD (continued) ...	2
7		
8	Questions from MR GIBBS .....	9
9		
10	Questions from THE CORONER .....	19
11		
12	Questions from MR STERN .....	22
13		
14	Questions from MR HORWELL .....	56
15		
16	Questions from MR PERRY .....	70
17		
18	Further questions from MR HILLIARD .....	130
19		
20	Further questions from THE CORONER .....	138
21		
22	DETECTIVE CONSTABLE PETER CREMIN .....	154
23	(sworn)	
24		
25	Questions from MR HILLIARD .....	154

1

2           Questions from MR MANSFIELD ..... 172

3

4           Questions from MR PERRY ..... 180

5

6   DETECTIVE SUPERINTENDENT ROBERT ..... 182

7           CUMMINGS (sworn)

8

9           Questions from MR HOUGH ..... 182

10

11          Questions from MR MANSFIELD ..... 194

12

13          Questions from MR PERRY ..... 202

14

15          Questions from MR HORWELL ..... 206

16

17

18

19

20

21

22

23

24

25

