

1 Monday, 29 September 2008.

2 (10.00 am)

3 (In the presence of the jury)

4 SIR MICHAEL WRIGHT: Yes, Mr Hough.

5 Housekeeping

6 MR HOUGH: Sir, before we start, the jury had asked for two
7 things which we are now able to provide. One is
8 a diagram showing where all the different legal
9 representatives are, and one is a very simplified
10 diagram of the control structure in the format that they
11 had asked for.

12 SIR MICHAEL WRIGHT: Thank you very much.

13 MR HOUGH: I think both were going to be put at the very
14 front of the jury bundle. (Handed)

15 SIR MICHAEL WRIGHT: That's one of the best places to put
16 them. (Pause)

17 MR HOUGH: Sir, just while the command structure document is
18 being handed out, a couple of caveats. This is a very
19 simplified document and it may be that something more
20 complex will be provided at a later stage. It omits
21 certain people who don't fall neatly into the Gold,
22 Silver, Bronze command structure, like the tactical
23 advisers, but we see there at the very top Mr McDowall,
24 from whom we have heard; Commander Dick, the DSO, and
25 that term has been discussed by the witnesses;

1 Mr Boutcher, from whom we will hear later in the week,
2 Silver Commander in the command room.

3 Then immediately below, divided into two,
4 Scotia Road and Portnall Road. That is not to deny that
5 there were other addresses. There obviously were other
6 addresses, but those are two about which we have been
7 hearing, specific operations on this day. It is showing
8 the Silver Commander on the ground for each of those
9 operations.

10 Then for Scotia Road the different teams of
11 surveillance officers, firearms officers, and the S013
12 arrest team, immediately below. Again, there would
13 obviously have been similar officers for the
14 Portnall Road address, but they are not shown because
15 that would only confuse and they are not really of
16 relevance to this inquest.

17 SIR MICHAEL WRIGHT: The jury note also asked for the
18 Bronzes. I don't think we have ever heard who any
19 Bronze commander was.

20 MR HOUGH: We have not put any Bronzes in because we have
21 not yet heard evidence about that. It's fair to say
22 that immediately below the Silver Commander come the
23 team leaders of the surveillance team, the firearms team
24 and Mr Dingemans in respect of their different teams.

25 SIR MICHAEL WRIGHT: Are we safe in assuming, subject to

1 confirmation, that the Bronze commanders were the team
2 leaders?

3 MR HOUGH: Certainly the head of the two firearms teams has
4 been described in places as the Bronze commander for the
5 firearms teams.

6 SIR MICHAEL WRIGHT: That's officer Ralph?

7 MR HOUGH: Yes, that is officer Ralph.

8 SIR MICHAEL WRIGHT: Thank you.

9 MR HOUGH: Thank you.

10 SIR MICHAEL WRIGHT: Yes, Mr Hilliard. We are interposing
11 a witness at this point.

12 MR HILLIARD: We are. As we all know, we are in the middle
13 of Andrew's evidence but the position is this: that
14 Mr Peter Clarke is only really available now. We will
15 call him please at this stage and we will come back to
16 Andrew later.

17 SIR MICHAEL WRIGHT: Fine.

18 MR PETER CLARKE (sworn)

19 SIR MICHAEL WRIGHT: Thank you, Mr Clarke, please sit down.

20 A. Thank you.

21 Questions from MR HILLIARD

22 MR HILLIARD: Is your name Peter Clarke?

23 A. It is.

24 Q. My name is Nicholas Hilliard and I will ask you some
25 questions first of all on behalf of the Coroner and then

1 there may be other questions.

2 I think you first became a police officer, is this
3 right, in 1977?

4 A. In October 1977, that's right, sir.

5 Q. Have you now retired?

6 A. Yes, I retired from the Metropolitan Police earlier this
7 year.

8 Q. In what rank did you retire?

9 A. I retired from the position of Assistant Commissioner
10 Specialist Operations.

11 Q. Right. Since May or starting in May of 2002, were you
12 head of the Anti-Terrorist Branch?

13 A. Yes, I was.

14 Q. Known then by the details SO13; is that right?

15 A. That's right.

16 Q. Did you hold that position in July of 2005?

17 A. Yes, I did.

18 Q. In that capacity, were you responsible for the conduct
19 of all investigations into suspected terrorist activity
20 in London?

21 A. In that capacity, yes.

22 Q. In another capacity, is this right, on behalf of the
23 Association of Chief Police Officers, something that we
24 have heard shortened to ACPO --

25 A. Yes.

1 Q. -- on their behalf, were you national co-ordinator of
2 terrorist investigations?

3 A. Yes, I was.

4 Q. Can you help us; what did that mean, then, beyond
5 London?

6 A. What that meant was that it was my responsibility to
7 lead and co-ordinate every terrorist investigation
8 throughout England and Wales, with the agreement of the
9 Scottish authorities to work with the Scottish
10 authorities, and also to lead the response to attacks
11 against British interests overseas.

12 Q. We are just going to deal, if we may, with you, with
13 some of the background to the events that we are
14 specifically concerned with on 21/22 July, but I want to
15 go back, please, to 7 July of 2005, and if you have got
16 a witness statement you made there on 1 December 2005,
17 there is absolutely no difficulty about your having that
18 with you.

19 A. Thank you.

20 Q. We have heard that on the 7th, four bombs were detonated
21 on the public transport system in London; correct?

22 A. That's right.

23 Q. Three explosions on the tube at about 8.50 in the
24 morning?

25 A. There were.

- 1 Q. Then about an hour later, an explosion on a bus as it
2 travelled through Tavistock Square?
- 3 A. That's right.
- 4 Q. Sadly, many people killed and many people injured?
- 5 A. 52 members of the public were killed and some 700 were
6 injured, and of those 700, many dozens, if not in the
7 hundreds, suffered severe injuries, such as amputations
8 of limbs.
- 9 Q. Is this right, I am turning to the second page of your
10 statement, and we have heard a little bit about this
11 already, that enquiries led the investigation into all
12 of this to focus on the activities of a group of men who
13 travelled together from Luton to King's Cross station on
14 the morning of 7 July?
- 15 A. That's right.
- 16 Q. Within a few days, was it established that each of those
17 men had died at the various scenes of the explosions,
18 and had been concerned in the manufacture of the bombs
19 in West Yorkshire?
- 20 A. Yes, it was.
- 21 Q. I just want to look, please, at some of the consequences
22 of those events, so we can try and get some kind of
23 feel, or recollection for what the atmosphere was like
24 at that time. All right?
- 25 A. Yes.

1 Q. I am going, if it helps you, to the third page of your
2 statement in the copy I have got. So far as the threat
3 to this country is concerned from terrorism, is that
4 threat graded at different levels?

5 A. Yes, it is. There are a number of levels at which it's
6 graded according to the intelligence picture of the
7 likelihood of an attack.

8 Q. Following the attacks on 7 July, was the threat level,
9 so far as the threat posed to the United Kingdom from
10 international terrorism was concerned, was that raised
11 to level 1, the critical level?

12 A. Yes, it was raised to level 1. This is something that
13 had never happened before and --

14 Q. Never?

15 A. Never.

16 Q. What's the definition, please, of critical level?

17 A. The definition is that available intelligence and recent
18 events indicate that terrorists with an established
19 capability are actively planning to attack the target
20 within a matter of days, and that's defined as up to two
21 weeks. An attack is expected imminently.

22 Q. That was the assessment, as it were, of the risk to the
23 United Kingdom generally; is that right?

24 A. Yes, that's the assessment which comes from the Joint
25 Terrorism Analysis Centre and is the basis upon which

1 these things are determined in this country.

2 Q. Was there a specific threat for the rail and underground
3 network threat level?

4 A. Yes, that was at the next level down. That was defined
5 as severe general.

6 Q. So at the top is critical --

7 A. And then severe general.

8 Q. -- and below that is severe general, and just --

9 SIR MICHAEL WRIGHT: Why was it lower for the transport
10 system, Mr Clarke? Was it because it was thought that
11 lightning wouldn't strike twice?

12 A. I don't think so, sir. This is something which has
13 always slightly puzzled me: that there is an ability to
14 differentiate between the general threat and for
15 specific sectors. There are threats assigned to a whole
16 range of sectors, and on this occasion those who were
17 assessing the intelligence decided it should be at that
18 level, but I can't answer specifically --

19 SIR MICHAEL WRIGHT: You don't really know why?

20 A. No.

21 SIR MICHAEL WRIGHT: Very well.

22 MR HILLIARD: Nonetheless, although it's one down, just so
23 we understand what "severe general" is, can you just
24 tell us?

25 A. Yes. The definition of that is that available

1 intelligence and recent events indicate that terrorists
2 have an established capability and current intent to
3 mount an attack on the target or targets of this nature.
4 It is assessed that an attack is a priority for the
5 terrorists and is likely to be mounted.

6 Q. Is a change in the level of threat communicated
7 throughout the Metropolitan Police in some way?

8 A. Yes, it is. For a number of years there has been
9 a generic operation described as Operation Rainbow,
10 which is the means by which intelligence is filtered out
11 and briefed out to those who need to know within the
12 Metropolitan Police at whatever level, all the way from
13 patrolling officers right through the entire
14 organisation.

15 Q. Was this increase in the threat level, then,
16 communicated, as it were, from the top down or the
17 bottom up, whichever -- would it have gone to every
18 police officer?

19 A. Yes, it would have done.

20 Q. So far as this particular briefing was concerned,
21 following the increase in the threat levels, did the
22 information that went out to all police officers include
23 an outline of the events on 7 July?

24 A. Yes.

25 Q. Something about the method of the attacks?

- 1 A. Yes.
- 2 Q. Examples of suspicious activity?
- 3 A. Yes.
- 4 Q. Something about authorisations under section 44 of the
5 Terrorism Act, is this right, and that's a section of
6 an Act of Parliament that allows police officers to stop
7 and search people and vehicles to prevent terrorism?
- 8 A. That's right. That authorisation, the extent of that
9 authorisation is put on the briefing notes.
- 10 Q. Some information about officer safety, so steps that
11 they might take to, as it were, protect themselves?
- 12 A. Yes.
- 13 Q. And particular areas to be patrolled and the thinking
14 behind that?
- 15 A. Yes, absolutely.
- 16 Q. Was the point made that transport systems, including the
17 London Underground, might still be targeted?
- 18 A. Yes, it was.
- 19 Q. Was there any particular information provided about
20 suicide bombers?
- 21 A. There was. There was reference made on the briefing
22 notes to the existence of Operation Kratos, and the fact
23 that this was being regarded as a contingency within the
24 police service, and there were also instructions given
25 out about what officers should do should they come

1 across a suspected suicide bomber.

2 Q. So that we have, in addition, some idea of the
3 consequences so far as the police were concerned, was
4 there an increase in the scale and intensity of police
5 activity following the events on 7 July?

6 A. Yes, there was, it was massive, and in my experience
7 unprecedented.

8 Q. You have helpfully in your witness statement given some
9 examples of that, just so that we have got some means of
10 trying to understand that. The first example you give
11 is some information about policing duties; is that
12 right?

13 A. Yes, this is the number of person days' duty performed
14 by officers.

15 Q. Is this right: that in the week before the attacks on
16 7 July, the number of officer days where police officers
17 were used over and above normal policing duties, so in
18 the week before 7 July, across the capital, was that
19 6,916 days, so just short of 7,000 days?

20 A. That's right, and that in itself was an elevated level
21 of extra duty because there were events connected to the
22 G8, and I think there was a pop concert, very large pop
23 concert going on in London, and various other sorts of
24 things that normally happen in the capital city.

25 Q. Then in the week from 7 to 14 July, did those just short

- 1 of 7,000 days rise to 12,673 days?
- 2 A. Yes, they did.
- 3 Q. Then if we can just look at -- we spoke about section 44
- 4 of the Terrorism Act 2000, so that power for police
- 5 officers to search people and vehicles to prevent
- 6 terrorism. On 8 July, so the day following, was the use
- 7 of that power -- which I think has to be authorised by
- 8 the Home Secretary; is that right?
- 9 A. Yes, it does, on application by an assistant
- 10 commissioner.
- 11 Q. Did the Home Secretary authorise the use of that power
- 12 for the whole of the Metropolitan Police District?
- 13 A. Yes.
- 14 Q. If we just look at the figures for May and June of 2005,
- 15 were the numbers of people stopped 1,295, and 861
- 16 respectively in those two months?
- 17 A. Yes, that's right.
- 18 Q. What did the figure go up to in July?
- 19 A. In July 2005 the records show that over 4,750 people
- 20 were stopped, using section 44.
- 21 Q. 4,750?
- 22 A. Yes.
- 23 Q. Right. In addition, if we can just look at calls from
- 24 the public, who provide information about possible
- 25 terrorist threats, is this right, that between 23 June

- 1 and 7 July of 2005 there were two calls of that nature;
2 is that right?
- 3 A. That's correct.
- 4 Q. In the two weeks after the bombings, 104 such calls?
- 5 A. That's right.
- 6 Q. Then I am going to page 7 of your statement, if it
7 helps. Reports about suspect objects such as parcels,
8 bags, boxes and vehicles, in the two weeks leading up to
9 7 July, is this right, 215 reports; two weeks after,
10 2,406?
- 11 A. That's correct.
- 12 Q. So a huge increase?
- 13 A. Somewhere well over 1,000 per cent.
- 14 Q. I am sure nobody is suggesting you discourage anything
15 like that; on the contrary, I'm sure that's what you
16 want the public to do?
- 17 A. We actively encourage the public to report anything
18 suspicious.
- 19 Q. Then similarly, so far as the anti-terrorist hotline is
20 concerned, is this right, that between 7 July and
21 21 July, more than 3,900 calls received by that hotline?
- 22 A. That's absolutely right.
- 23 Q. Was that a vast increase in the number of calls that
24 went to it?
- 25 A. That was a huge increase, such that we had to completely

1 reconfigure the way in which we received and dealt with
2 those calls.

3 Q. Going to the top of the last page of your statement,
4 where you say this:

5 "The summary of all this [and what we have done is
6 only a summary, but you say] is that the period between
7 7 July 2005 and 21 July 2005 was one of unprecedented
8 intensity in terms of policing activity, investigation,
9 expectation and fear of further attacks."

10 Is that your view?

11 A. That was my view, it is my view, and if anything, that's
12 an understatement of the atmosphere in which we were
13 working at that time.

14 Q. You go on to say this:

15 "Although the police service had been alive to the
16 threat of suicide bombings for some time, we had of
17 course not had to deal with the reality of this
18 particular threat until July 2005."

19 That's correct?

20 A. That's correct, in this country.

21 Q. Yes. You say that a key part of your preparations had
22 been to study the phenomenon in other parts of the
23 world?

24 A. Yes.

25 Q. You say this:

1 "I know that when pondering the appropriate tactics
2 to be deployed in dealing with this threat, the events
3 in Madrid in 2004 were at the forefront of our minds."

4 Now, we have heard a little bit about that, but can
5 you just explain that for us, please?

6 A. Yes, I can. On 11 March 2004, in Madrid, the railway
7 system was attacked with, I think, ten devices, some --
8 in the region of 200 people were killed and 1,800
9 injured by those bombs, which were not suicide bombs.
10 They were remotely detonated.

11 In the days and weeks that followed, there were
12 further attacks upon the Spanish railway system which
13 weren't successful, and then eventually, as a result of
14 investigations by the Spanish authorities, attention was
15 drawn to an apartment in a place called Legan, a suburb
16 of Madrid. What happened there was that the people
17 inside, suspects became aware of the presence of the
18 police outside. The police surrounded the premises,
19 tried to encourage those inside to come out.
20 Eventually -- I should say before that they were
21 concerned that those inside might come out carrying
22 explosives.

23 Eventually, negotiations got absolutely nowhere,
24 there were exchanges of gunfire, and the Spanish police
25 decided to make an entry. That's to try to prevent

1 those people coming out and to mitigate obviously threat
2 to anybody else.

3 As they made that entry, those inside detonated
4 their explosives, killing not only themselves but also
5 the lead Spanish police officer and injuring 10 or 11 of
6 his colleagues. So that was weighing in our mind, that
7 here was an example of terrorists having been cornered
8 who were prepared to take their own lives and the lives
9 of others in order to prevent arrest.

10 Q. Then I just want to go back to one thing. You were just
11 indicating about the Operation Rainbow briefing, and
12 that that had some information about how to deal with
13 suspected suicide bombers. I suspect you haven't got
14 the copy of that with you any more because you have
15 provided it to us?

16 A. I think you have it, sir.

17 Q. We do. (Pause)

18 Can you just have those, and I think I have opened
19 the right document at the right place. (Handed)

20 I may not have done.

21 A. Yes.

22 Q. Yes?

23 A. This is the section about Operation Kratos.

24 Q. That is right, and is that the section you have in mind
25 when you say that it has information about how to deal

1 with suspected suicide bombers?

2 A. It gives awareness of the different types of device that
3 could be used by --

4 Q. Can I pause for a moment? What I want people to
5 understand is the level of detail we have got. I am not
6 asking you to read the whole thing out, but could you
7 just summarise for us the headings in the document? So
8 you say first of all:

9 "Awareness of the different types of device".

10 A. Yes, and there were a series of photographs then of
11 different types of actual devices that have been used by
12 suicide bombers.

13 Q. Right.

14 A. Then it goes through possible behavioural
15 characteristics of people who are involved in suicide
16 bombing.

17 Q. Can you give us examples of the sort of things that are
18 there?

19 A. It talks about sweating, mumbling, possibly praying,
20 recently clean-shaven, looking anxious, wearing bulky
21 clothing not in keeping with the weather or event,
22 holding something in the hand or in a clenched fist; and
23 says you could look for a wire or toggle protruding from
24 an overtly carried bag. It makes the point:

25 "The above list is based upon information obtained

1 from colleagues in the Middle East and may not
2 necessarily reflect the behaviour of an individual here
3 in the United Kingdom."

4 Q. Any other just general headings? Bit about devices, bit
5 about signs to look for?

6 A. Tells you how you might come to know about it, either
7 from a member of the public informing or perhaps
8 a report from the security industry or from
9 an individual's own actions. Then it says that:

10 "The officer must decide whether the suspect is
11 either carrying explosives or possibly has explosives
12 secreted upon themselves."

13 Then it goes through a list of options, what to do,
14 where it's essential to actually make some sort of
15 contact with the person that you suspect may be
16 a suicide bomber. The first thing it says is:

17 "Request firearms assistance and bomb disposal."

18 Q. So we understand, this is really directed, as it were,
19 to the police officer who suddenly finds themselves
20 completely unexpectedly confronted with this type of
21 situation?

22 A. Yes.

23 Q. It's not dealing with the situation where the firearms
24 officers specialist team and all that kind of thing have
25 been brought in to deal with a possible incident of this

1 kind?

2 A. No, because there would be more detail available because
3 of the briefing that was given.

4 Q. Absolutely. I just wanted to understand the level at
5 which this document is pitched?

6 A. This is really aimed at the patrolling officer.

7 MR HILLIARD: Thank you very much indeed.

8 SIR MICHAEL WRIGHT: Mr Mansfield.

9 Questions from MR MANSFIELD

10 MR MANSFIELD: Good morning, Officer. My name is
11 Michael Mansfield and I represent the family of
12 Jean Charles de Menezes.

13 I appreciate it's going back a little time and if
14 some of the questions I ask may be difficult to
15 remember, then obviously please say so.

16 The first point I want to ask you about is this:
17 that you actually weren't in London at the time of the
18 incident we are dealing with, you were away; is that
19 right?

20 A. That's right.

21 Q. Right. Now, Mr McDowall, you obviously know, he was the
22 Gold Commander, and for these purposes, since the jury
23 have just been given a structural analysis, simple form,
24 perhaps you can just have it in front of you as well.
25 Is there a spare copy for the witness? Members of the

1 jury, you will find this sheet you have just been given,
2 I think, in the front of your folders.

3 We are all just getting used to this diagram, I am
4 sure you are very familiar with it yourself, but there
5 are just one or two points arising out of this. The
6 first question I have is this: had you been, as it were,
7 at the Yard, New Scotland Yard, during the 21st into the
8 22nd, would Commander John McDowall still have been the
9 Gold Commander, or would you have done that job?

10 A. It's difficult to say but in every likelihood it would
11 have been Commander McDowall.

12 Q. Fine. The first stage question on that is that as the
13 Gold Commander, he was Gold Commander of what
14 particularly, as far as you would understand it?

15 A. Well, I can't answer that without looking at the
16 relevant operational documents.

17 Q. All right.

18 A. Because there were other Golds obviously appointed with
19 broader responsibilities.

20 Q. That takes me into an allied question. In fact,
21 Mr McDowall, of course, although it's a highly pressured
22 situation, as you have described, he isn't acting alone,
23 is he; he has quite a lot of other senior officer
24 support; correct?

25 A. Yes.

1 Q. I am sorry, it may seem obvious but I am asking you this
2 because of questions that were put to him. So how
3 many -- and if you don't know the answer, I can
4 obviously do some of it with you -- other Golds in
5 London would there have been besides Mr McDowall?
6 A. I don't know, and I would rather not speculate.
7 Q. All right, if you don't know.
8 A. It would certainly be -- Assistant Commissioner Brown
9 was the Gold for London, is the terminology that was
10 used. But I have no doubt at all that there would be
11 Gold Commanders carrying out other functions.
12 Q. All right, perhaps that will do for the moment. There
13 would be other Gold Commanders in London, and the Gold
14 for London would be dealing with resources to, as it
15 were, dealing with -- for example, I just deal with
16 one -- transport, that kind of thing, public transport.
17 He, Mr Brown, would be having responsibility for that?
18 A. He would probably have overall responsibility for that,
19 yes.
20 Q. All right. The other Gold Commanders in London, so
21 I don't ask you to spell out how many or who they were,
22 they would have other responsibilities?
23 A. Yes.
24 Q. Within London. I mean, can you give us an idea, if you
25 don't know the precise number, what are we dealing with,

1 another, besides Mr McDowall, three or four?

2 A. It might not be that many. There might well be Gold
3 Commanders to do with public order, which is deployment
4 of all those extra resources that we have talked about,
5 but without seeing the structure, I do not want to
6 speculate --

7 Q. I perfectly understand. So we can certainly, as it
8 were, draw a line, left or right, other Gold Commanders,
9 but you don't know the number?

10 A. No.

11 Q. Now, just dealing with his role, appreciating you didn't
12 know precisely what his brief was, but the Gold
13 Commander has below him, as we see -- and I leave to one
14 side the DSO for the moment -- the normal, what's called
15 the ACPO structure, the Association of Chief Police
16 Officers structure which is in fact superimposed in
17 a sense on the normal, as it were, rank structure of the
18 police. Below the Gold would be a Silver, and we see
19 that in the control room, and there is somebody's name,
20 Mr Boutcher, written there. You see that?

21 A. Yes.

22 Q. The significance of having an officer known as the
23 Silver Commander is so that the Gold Commander can
24 delegate to the Silver for the purposes of implementing
25 what the Gold Commander decides; is that right?

1 A. Generally speaking, that's the role of Silver, to
2 implement Gold's strategy, yes.

3 Q. Gold has also a further -- have you ever been a Gold or
4 Silver, sorry?

5 A. In various situations, yes.

6 Q. That's why I am asking you this. So there is a Silver
7 there in general terms to implement what the Gold says,
8 and the Gold has a further responsibility to ensure that
9 what strategy or decisions he is making are carried out;
10 he does have that responsibility, doesn't he?

11 A. That is written into the ACPO firearms manual -- there
12 are various manuals -- that Gold obviously has
13 an overall responsibility to ensure that the strategy as
14 set is carried out.

15 At the same time, if you are dealing with a very,
16 very complex situation, multiple incidents, you have to
17 rely obviously upon reports back as well.

18 Q. I appreciate that.

19 A. And there is a degree of exception reporting here, so if
20 something other than what you have set in your strategy,
21 some significant departure occurs, you would expect
22 a report back.

23 Q. Like resources not being deployed as they should have
24 been. You would expect a report back on that, wouldn't
25 you?

- 1 A. It depends how great the deviation from what was
2 reasonable expectation is.
- 3 Q. The substantial deviation being that they have not been
4 sent as soon as possible?
- 5 A. That's something I can't comment on in these
6 circumstances.
- 7 Q. Needless to say, if you are going to set a strategy --
8 busy though you may be, I am only dealing with the
9 kernel of this -- if you are setting a strategy,
10 a firearms strategy which you would agree is
11 an extremely important strategy to be set, given the
12 circumstances of the 7th to the 22nd; you agree?
- 13 A. Yes, of course.
- 14 Q. I am sorry to have to do it in this way. You don't need
15 hindsight in order to, as it were, discern that, do you;
16 it's a very obvious statement?
- 17 A. You don't need hindsight to say that it's an important
18 issue, no.
- 19 Q. All right. When you set the strategy, as a Gold, you
20 have to be sure that you have got a Silver in place
21 who -- because you can't run around all the time, as you
22 have pointed out, making sure it's followed through --
23 will implement the policy; correct?
- 24 A. Yes.
- 25 Q. Right. Just so it's seen why I am asking the question,

1 if the Silver -- and we see his name there -- is
2 actually not in New Scotland Yard and has gone away at
3 that time for a well-earned rest, is it normal that you
4 have someone else in his place, a deputy, who takes over
5 that role while he has a sleep?

6 A. Not necessarily. It depends upon the timeframe for the
7 operation.

8 Q. Sorry?

9 A. It depends upon the timeframe in which it's envisaged
10 the operation will be delivered.

11 Q. Straightaway?

12 SIR MICHAEL WRIGHT: Is that what you are putting?

13 MR MANSFIELD: Yes. Straightaway was the timeframe or as
14 soon as possible.

15 A. Again, you are asking me something I do not have
16 knowledge of. I don't know how far away Mr Boutcher was
17 away. I don't know where he was at the time.

18 Q. Neither do I. I am just dealing with the situation.
19 One way or another, you need a Silver if you are going
20 to implement a policy as soon as possible. You do need
21 one there, don't you?

22 A. Not necessarily. It doesn't necessarily follow that
23 person has to be physically present.

24 Q. They could do it over the phone, I suppose, is that what
25 you are saying?

1 A. It could be over the phone or it could be others who
2 will be implementing the key aspects while the Silver
3 Commander makes their way to wherever.

4 Q. I understand that, of course. The DSO I'll come back to
5 in a moment because it's part of the Kratos/Clydesdale
6 development. So that's concerning the senior
7 management. Bronze, we have not got to, other than they
8 may be team leaders on the ground, so I don't go right
9 down the whole structure there.

10 Besides the Silver below the Gold Commander, and
11 other Gold Commanders, of course there are other senior
12 officers at New Scotland Yard at this time, as it were,
13 to support Mr McDowall, aren't there?

14 A. I am sure there might well have been, I don't know,
15 I wasn't there.

16 Q. All right. I am just dealing with it in principle. You
17 were Mr McDowall's -- well, I don't suppose you would be
18 called a line manager, but you were his senior, were you
19 not?

20 A. Yes.

21 Q. That's why I am asking you, you were his senior at this
22 time. Now, in addition to the Golds, as it were, you
23 would have the ACSO, the Assistant Commissioner Special
24 Operations, which I believe was the post you held at
25 latter stages; is that right?

- 1 A. Before I retired I held that post; not at this time.
- 2 Q. Not at this time, but there was somebody who held that
- 3 post at that time, and his name was Andy Hayman?
- 4 A. That's right.
- 5 Q. We know -- maybe you don't, but he was there at New
- 6 Scotland Yard and he did attend various meetings. Now,
- 7 what was his -- since you held the role itself, what
- 8 would have been the role of the Assistant Commissioner
- 9 Special Operations, then?
- 10 A. Well, obviously he has overall responsibility for
- 11 everything that's happening within his department,
- 12 specialist operations.
- 13 Q. Kindly explain to the jury, so we know Mr McDowall isn't
- 14 having to bear the burden of dealing with everything,
- 15 what is Mr Hayman doing?
- 16 A. I don't know what Mr Hayman was doing at that time.
- 17 Q. Sorry, I put it badly. What would have been his
- 18 responsibility as opposed to what he actually did?
- 19 A. Mr Hayman was the officer in charge of the whole of
- 20 specialist operations, which is a department which
- 21 includes not only the counter-terrorism aspect of the
- 22 Metropolitan Police's work but also other areas of work
- 23 as well, such as protection and security and so on. So
- 24 he had wider responsibilities.
- 25 SIR MICHAEL WRIGHT: Does that answer tell us anything about

1 his degree of personal involvement in what was happening
2 on the evening of the 21st and the morning of the 22nd?

3 A. It doesn't sir, because I simply don't know because
4 I wasn't there.

5 SIR MICHAEL WRIGHT: He might have been fully occupied with
6 something else.

7 A. He might well have been, I don't know. He would have to
8 be asked himself, sir.

9 MR MANSFIELD: If he is occupied with something else, within
10 special -- I mean, special operations includes what's
11 happening on the night, as well as a lot of others, as
12 you've just said.

13 A. Yes.

14 Q. So the jury have the picture. Will he have a deputy?
15 Would he have had a deputy?

16 A. There was another deputy assistant commissioner within
17 specialist operations, but I don't know what she was
18 doing at that particular time.

19 Q. You have obviously got a memory of a particular person.
20 Who was it at that time?

21 A. I think at that time it was Deputy Assistant
22 Commissioner Suzanna Becks.

23 Q. Right. Now, in addition to, therefore, that structure,
24 that is special operations structure, and the Golds with
25 different responsibility, we also have a group of

1 officers coming back into the diagram the jury have in
2 front of them that are categorised as designated senior
3 officers. Now, I want to deal with that, if you would
4 not mind, with you a little bit but only a little if you
5 don't remember.

6 The DSOs at that time arose in a very specific
7 context, didn't they?

8 A. They were part of the operation which had been devised
9 to deal with the threat of suicide bombing.

10 Q. Yes. But they were only a part of that, weren't they?

11 A. As far as I recall, yes.

12 Q. So it's clear in terms of the distinction that was being
13 made -- whether it was a sensible distinction we will
14 come to later but not with you -- the distinction was on
15 a pre-planned exercise -- by which I mean or they meant
16 an operation that was geared to a pre-planned event like
17 a public event -- then it was desirable to have
18 a designated senior officer in relation to that
19 pre-planned event because you had time to deal with it
20 and have someone in place. That's the thinking; yes?

21 A. That was the thinking in the pre-set operation. We are
22 in slightly different territory here. There had never
23 ever been a situation where the police service had had
24 to effectively mount a manhunt for multiple suicide
25 bombers and I think you will find that, looking at the

1 Rainbow note, that actually there had been a DSO put in
2 place almost on a contingency basis for the whole of the
3 Metropolitan Police since 7 July.

4 Q. I am coming to that.

5 A. Fine, but this is the point I am making: that although
6 there might be situations within the strict words of the
7 plan which said when a DSO might be appointed, I don't
8 know, you will have to ask either Commander McDowall or
9 Commander Dick, what the thinking was behind appointing
10 a DSO on this day, but it may have been a contingency in
11 case something developed.

12 Q. Yes, that's fully understood.

13 But in fact, so far as the thinking had been up to
14 that day, DSOs were to be appointed for pre-planned
15 events; that had been the theoretical thinking?

16 A. I am not sure if it's right to say up to that day.

17 SIR MICHAEL WRIGHT: I am not sure that's right. My
18 recollection is that I think Mr McDowall told us that
19 not long before the events of July, there had been, as
20 it were, a duty DSO on call at Scotland Yard 24 hours
21 a day.

22 MR MANSFIELD: Well, I am coming to that, if I may.

23 SIR MICHAEL WRIGHT: Is my memory playing me tricks?

24 MR MANSFIELD: No. As far as what happened on this day,
25 I want to submit, but perhaps not through this officer,

1 was quite different to all the very many documents we
2 have been provided with.

3 SIR MICHAEL WRIGHT: Yes, that's understood.

4 MR MANSFIELD: So the theoretical distinction was that.

5 However, on this occasion, there were a number of DSOs
6 at New Scotland Yard, and if you don't know how many
7 there were, then I am certainly not going to ask you.

8 I have identified at least three others than the one
9 on the diagram Cressida Dick. I am going to mention
10 their names so it's clear: Allison, Carter and Baker.

11 SIR MICHAEL WRIGHT: Both commanders, I think.

12 MR MANSFIELD: Two of them are commanders, that's Allison
13 and Carter, and Baker was not a commander, I don't
14 think, at the time, although I'll be corrected if I have
15 got his rank wrong.

16 So those are the three, and when we get to a witness
17 later today, you will see where the third one comes
18 from.

19 So there were three DSOs, all with slightly
20 different responsibilities.

21 Were you aware of that?

22 A. No, because I wasn't there.

23 Q. All right.

24 SIR MICHAEL WRIGHT: There must be a limit to this,

25 Mr Mansfield. Poor Mr Clarke wasn't there. I think you

1 were on holiday.

2 A. I wouldn't describe it as holiday, sir.

3 SIR MICHAEL WRIGHT: All right, but you weren't in the Yard
4 at all.

5 A. No, I wasn't.

6 MR MANSFIELD: I can't deal with you in terms -- you are the
7 officer in overall charge on the -- up to and including
8 but just before Mr McDowall takes over on that day,
9 because he is in Leeds, so that's why I am asking you
10 the question.

11 It may be I can't ask you these questions either,
12 and I am not going to waste time if you can't, but
13 I want to ask you a little bit about the development of
14 Kratos and Clydesdale. Were you involved in that at
15 all?

16 A. No, I was aware of it being developed over a number of
17 years, but I was never involved in its actual
18 development and I was certainly never a DSO.

19 Q. Then I'll leave those questions, save this: do you know
20 the management board at New Scotland Yard.

21 A. Yes.

22 Q. Were they involved?

23 A. They would certainly have been aware of it.

24 Q. Yes, I am sorry, being aware is slightly different.

25 Were they involved in the development of this particular

1 policy? The reason I'm asking you it is it's the
2 delivery of a critical shot without warning, you see,
3 that's the real issue here. Do you know whether the
4 management board were concerned with the development of
5 it?

6 A. I know that the policy was being developed by Deputy
7 Assistant Commissioner Barbara Wilding, who worked to
8 Assistant Commissioner Sir David Veness, so obviously he
9 would have had an awareness. Beyond that I can't say
10 who was briefed on the detail of it at any particular
11 time or who authorised it.

12 Q. Right. I am going to move to another topic, since you
13 have been asked about pressure of events and so on,
14 unprecedented. In fact, it's not entirely
15 unprecedented, what happened; suicide certainly, but
16 multiple bombings in London were not unknown, were they?

17 A. There had been a series on the 7th, and of course in
18 previous terrorist campaigns there had been bombings but
19 of an entirely different nature.

20 Q. I am going to deal with one just quickly if you are able
21 to help: in 1973, it was four years before your first
22 appointment, there were four car bombs in London, way
23 back then, weren't there.

24 A. Yes.

25 Q. I am certainly not going to go through all the rest.

1 After that, which was a PIRA exercise or operation, or
2 however it's to be called, there were lorry bombs, bag
3 bombs, litter bins were closed, letter boxes were
4 closed, a whole range of bombs in London, weren't there?

5 A. There were.

6 Q. Therefore the resilience of the police, and for that
7 matter the London public, to deal with this had been
8 building up over a long period of time, hadn't it?

9 A. I think there is a danger here, sir, of comparing chalk
10 and cheese. That Irish terrorist campaign was of
11 an entirely different nature to the campaign that we
12 have been facing in this country for the past six, seven
13 years. There are some fundamental differences which
14 demand different responses, different structures, and
15 a different mindset to the prevention and detection of
16 the attacks.

17 Q. The two that I have left out of that sequence of course
18 are two very well-known pub bombings where people died?

19 A. In the Irish campaign?

20 Q. Yes.

21 A. Yes.

22 Q. Right. I want to ask you about one other aspect of
23 this, and that is hollow point ammunition. Were you
24 aware of that?

25 A. No, I wasn't.

1 Q. You had nothing to do with it?

2 A. No.

3 Q. So --

4 SIR MICHAEL WRIGHT: Can I interrupt a moment?

5 MR MANSFIELD: Certainly, yes.

6 SIR MICHAEL WRIGHT: Can you tell us, we have heard about

7 the management board, I think for the first time; who

8 were on the management board?

9 A. The management board is obviously led by the

10 commissioner, there is the deputy commissioner, then

11 four assistant commissioners.

12 SIR MICHAEL WRIGHT: That's the three top levels, in other

13 words.

14 A. The three top levels of the sworn officers, as it were.

15 Then there is the director of resources, and the

16 director of information, and the director of public

17 affairs, and I have no doubt left somebody else out and

18 I apologise to them.

19 SIR MICHAEL WRIGHT: Top management, in other words.

20 A. Top management, it's the board, the board of directors

21 of the Metropolitan Police.

22 SIR MICHAEL WRIGHT: Thank you.

23 MR MANSFIELD: Well, I leave the question of the ammunition,

24 since you played no part in that.

25 Finally this: would it be fair to say that there is,

1 in fact, although a heavy responsibility on the police,
2 an even greater responsibility in times of very great
3 pressure and very great fear for the exercise of very
4 great care; do you agree?

5 A. There is always the responsibility on the police to
6 exercise very great care. Obviously at a time like this
7 there needs to be an incredible focus upon trying to
8 keep the public safe, and that was what everybody was
9 straining to do throughout that period.

10 Q. And not panic and not take knee-jerk reactions to
11 anything, so far as is humanly possible?

12 A. Of course.

13 MR MANSFIELD: Thank you.

14 SIR MICHAEL WRIGHT: Thank you. Mr Gibbs?

15 MR GIBBS: No questions from me, thank you, sir.

16 SIR MICHAEL WRIGHT: Thank you very much. Mr Stern?

17 MR STERN: No, thank you, sir.

18 SIR MICHAEL WRIGHT: Thank you. Ms Leek?

19 MS LEEK: No, thank you, sir.

20 SIR MICHAEL WRIGHT: Mr Perry?

21 Questions from MR PERRY

22 MR PERRY: I ask questions on behalf of Mr McDowall, amongst
23 others. My name is David Perry, thank you.

24 I just have one or two questions, if I may, please.

25 Just so we all understand, you went on leave on 21 July,

1 I think?

2 A. Yes, I left London early in the morning of the 21st.

3 Q. But I think it's -- I do not want to go into details,

4 Mr Clarke, as you have said it wasn't a holiday, but

5 I think it was just for that day?

6 A. Perhaps it's easiest if I do explain why I went.

7 SIR MICHAEL WRIGHT: You don't have to if you don't want to.

8 A. I think it's probably important in case there is ever

9 a suggestion made that things were at a height and

10 I left the post or that the situation in London couldn't

11 have been as bad as we were saying it was because I felt

12 fit to leave.

13 If I may take just a moment to explain. On the

14 morning of 7 July, my 16-year old son was going through

15 King's Cross, and he found -- he was trying to get

16 a train to go to Cambridge and he had come up the

17 Underground and found he couldn't get on to the

18 concourse of the station. He phoned me at home and

19 said: what should I do, there appears to be smoke and

20 people running and things happening. I hadn't heard by

21 that stage, it was just before 9 o'clock, that this was

22 a terrorist attack, but from what he was telling me

23 I had my suspicions about what it could be. So I gave

24 him the instruction to get away from there as quickly as

25 possible and in fact we then, my wife and I then told

1 him to get on a bus to get away.

2 And later that morning, obviously I was by then on
3 my way to Scotland Yard, I heard what had happened, what
4 was happening, the telephone system went down so
5 I couldn't contact him, and it transpired then of course
6 the bus had blown up in the vicinity of King's Cross,
7 been blown up shortly thereafter and we were not able to
8 contact him for some while. For me I was in the centre
9 of things so perhaps it wasn't so difficult, but for my
10 wife it was extraordinarily difficult.

11 Our holiday had been due to begin a day or two after
12 that. I told my family to go away on holiday and
13 obviously I wouldn't be able to join them. So they went
14 but by about 20 July, I could tell that my wife was very
15 anxious and possibly suffering a little bit of delayed
16 shock from what had happened on the 7th. The
17 investigation into the 7th seemed to be at a stage where
18 I could possibly leave just for a day or two just to try
19 to join her and reassure her or whatever, and so that's
20 what I did on the morning of 21 July.

21 Then I got to the other end, then of course I was
22 told what had happened in London, and so I spoke with
23 Mr Hayman and others, decided I wouldn't immediately
24 return, but of course when the events of the 22nd
25 unfolded, I got the first flight back and got to

1 Scotland Yard at 7.20 on the evening of the 22nd.

2 Q. Thank you very much, first of all, Mr Clarke, for that.

3 So you are away effectively on the 21st until the
4 evening of the 22nd?

5 A. Sadly, yes.

6 SIR MICHAEL WRIGHT: Thank you for that.

7 MR PERRY: I just want to ask you this, Mr Clarke, because
8 you were just asked questions about the previous
9 campaigns that there have been against London, the
10 Provisional IRA campaigns back in the 1970s and coming
11 through into the 1990s; and you said that there were
12 fundamental differences between the threat that was
13 faced in the course of those campaigns and the threat
14 that has been faced over the past few years, and is
15 still faced by Londoners and the Metropolitan Police.

16 Could you just explain what you perceive to be the
17 fundamental differences?

18 A. During the Irish campaign, despite the appalling
19 atrocities that were committed, the loss of life was
20 comparatively restricted, and it was restricted because
21 the terrorists used warnings, they certainly didn't
22 indulge in suicide attacks, and of course we have seen
23 the return of what are termed prisoners as being the key
24 part of the peace process in Northern Ireland; and
25 cynically the view is that they looked to restrict

1 casualties as a means of maintaining some sort of
2 traction in a political process.

3 Apart from that, the campaign, of course, was
4 domestic, very much contained within these shores, with
5 a few exceptions.

6 By contrast, the threat that we have seen from the
7 Islamist groupings is global in its origins and every
8 investigation seems to take us across the world. We
9 have seen the use of suicide as a regular feature, both
10 here and overseas, and quite apart -- there have been no
11 warnings given, and there has been no determination or
12 wish to restrict casualties. On the contrary,
13 investigation after investigation, we have seen that the
14 ambition of the terrorists is simply to kill as many
15 people as possible.

16 So those fundamental differences have led to
17 a difference in the way in which we need to approach the
18 possibility of attack and the way in which
19 investigations are structured and delivered against the
20 terrorist threat.

21 MR PERRY: Thank you very much.

22 SIR MICHAEL WRIGHT: My recollection is that although it
23 didn't always work, with the Provisional IRA bombing
24 campaigns, there was a level of communication so that
25 warnings could be given?

1 A. There were -- various code words were used by the
2 terrorists to try to authenticate their warnings. Now,
3 very often these warnings were misleading or late, and
4 were little help. But there were occasions when those
5 warnings certainly did enable areas to be evacuated and
6 lives saved.

7 SIR MICHAEL WRIGHT: Thank you.

8 MR PERRY: Mr Clarke, those are all the questions that
9 I have. Thank you very much indeed.

10 SIR MICHAEL WRIGHT: Thank you, Mr Perry. Mr King?

11 MR KING: Nothing from me, thank you, sir.

12 SIR MICHAEL WRIGHT: Thank you very much.

13 Questions from MR HORWELL

14 MR HORWELL: Mr Clarke, Richard Horwell on behalf of the
15 Commissioner.

16 You have set out in your statement a large number of
17 statistics and facts that relate to the period of
18 July 2005. You have been asked about some of them.
19 I am only going to introduce a few more. There comes
20 a limit to the ability of anyone to take in and digest
21 facts of this kind. One example you give at page -- if
22 you use the page numbers at the top, 5 of 8, our page 7
23 of your statement -- about a third of the way down you
24 talk of the single largest commitment that the Met had
25 on 28 July:

1 "... when, in response to intelligence, some 4,100
2 Metropolitan Police officers were deployed with only
3 12 hours notice to provide a specific response in
4 Central London and around the London railway and tube
5 stations."

6 A. Yes.

7 Q. So in assessing the ability of the Metropolitan Police
8 Service to move rapidly, on that day just over 4,000
9 police officers were deployed with only 12 hours'
10 notice, because of specific intelligence received?

11 A. That's correct.

12 SIR MICHAEL WRIGHT: If my figures are right, that's about
13 a quarter of the entire Metropolitan Police staff?

14 A. A little less, sir, I think. They were running at over
15 30,000 at that time.

16 SIR MICHAEL WRIGHT: I beg your pardon, I have 15,000 in
17 mind. It was 30,000 was the strength at that time?

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

19 SIR MICHAEL WRIGHT: In that case about an eighth. Very
20 well.

21 MR HORWELL: You have described that as being the largest
22 operation of its kind, in other words hardly any notice,
23 and the movement of such a large number of police
24 officers, the largest operation of its kind in recent
25 memory?

- 1 A. That's correct.
- 2 Q. As an example of the extraordinary threat that London
3 faced at this time, on the next page, page 6 of 8, you
4 describe at the bottom New Scotland Yard and Parliament
5 being completely locked down for over an hour and
6 a half, and that meant no-one could enter
7 New Scotland Yard or Parliament and no-one could leave?
- 8 A. That's absolutely right. In fact it included
9 Buckingham Palace as well.
- 10 Q. On which day was that. On the 7th?
- 11 A. No, this was on 12 July, the following week. This is
12 the day on which the bomb factory had been discovered in
13 Leeds, the bomb car had been discovered at Luton,
14 firearm had been discovered and so on. It was one of
15 these days when things moved incredibly quickly and the
16 CCTV from the Luton station cameras suggested that there
17 might possibly be a fifth bomber associated with these
18 attacks who we had not been able to trace.
- 19 SIR MICHAEL WRIGHT: Was that connected with the bomb that
20 was found at Wormwood Scrubs?
- 21 A. No, sir, this was after 7 July.
- 22 SIR MICHAEL WRIGHT: It had already been found by then?
- 23 A. No, the one at Wormwood Scrubs was found a day or two
24 after 21 July.
- 25 SIR MICHAEL WRIGHT: Sorry, yes.

1 MR HORWELL: On the 23rd, we will hear, in fact.

2 SIR MICHAEL WRIGHT: I beg your pardon, that one hadn't
3 actually happened then. Thank you.

4 MR HORWELL: You described the locking down of
5 New Scotland Yard, Parliament and now as we have heard,
6 Buckingham Palace, as something which in your experience
7 had never happened before?

8 A. It was completely unprecedented, as was some of the
9 decision-making having to be made at that time about
10 whether to warn the public about the possibility of
11 a further suicide bomber on the loose or not to.
12 I remember those as being some of the most difficult
13 decisions that one had ever confronted. If you warned
14 the public you could cause unnecessary panic; if you
15 don't and something terrible happened, the obvious
16 question is: why didn't you warn the public. That's the
17 sort of pressure we were working under day in, day out
18 at that time. 12 July is but one example.

19 Q. You set out in your statement the fact that there was,
20 in your view, a tangible air of tension and expectation
21 of further attacks?

22 A. Yes, indeed.

23 Q. London was gripped by fear, was it not, of further
24 attacks on the public transport system?

25 A. Yes, it was. There was a strange atmosphere. Like most

1 of my colleagues, I didn't go home very much in that
2 period after 7 July, and one could sense it in the
3 evenings, walking around or going out, there is a sense
4 in the air that this has happened, could it happen
5 again, is it likely to happen again; expectation,
6 particularly within police circles when the threat level
7 had been raised to critical, in other words that the
8 assessment was an attack was imminent.

9 Q. You have been asked by Mr Mansfield about the earlier
10 terrorist atrocities, committed by the IRA?

11 A. Yes.

12 Q. You have described any comparison between those
13 atrocities and those committed in July of 2005 as being
14 like chalk and cheese?

15 A. Chalk and cheese, yes; in terms of the approach that we
16 have to take when intelligence is received that there is
17 likely to be a threat, then we have to, I think, apply
18 an entirely different set of criteria with the new
19 threat than with the Irish threat. We have to give
20 ourselves the opportunity to gather evidence at a much
21 earlier stage of terrorist plotting; it means we have to
22 work more closely with the security service and make
23 sure as far as possible that every piece of evidence can
24 potentially be used as evidence in a court of law.

25 Q. Can I just seek, if I may, to identify one of the

1 enormous differences between the two types of terrorism,
2 and that is the fact that the IRA did not have a habit
3 of blowing themselves up unless by accident?

4 A. Only by accident, sir, yes.

5 Q. What that meant was that, if IRA terrorists had been
6 linked to a building, for example, that building, if the
7 police wished, could easily be contained?

8 A. Well, we had examples of that here. Obviously the
9 Balcombe Street siege is an example of that, where
10 terrorists could be contained and negotiated with and
11 their eventual surrender achieved.

12 Q. But containment of premises in circumstances such as
13 these would rarely be an option; would you agree?

14 A. Well, recent experience, not only in Madrid but also in
15 the Netherlands in October 2003, shows us that the
16 current groupings of terrorists when cornered tend to
17 either fight back or to kill themselves and try to kill
18 others in the process.

19 Q. Therefore special care is required?

20 A. Special care is required and is absolutely essential.

21 Very often the terrorists are not alerted to the
22 presence of the authorities because that could prompt
23 them --

24 SIR MICHAEL WRIGHT: If I have understood you rightly, it's
25 not only special care; it is an entirely different

1 approach.

2 A. It is a different approach, sir, yes.

3 MR HORWELL: Thank you. That is all I ask.

4 SIR MICHAEL WRIGHT: Thank you, Mr Horwell.

5 MR HILLIARD: Thank you very much, Mr Clarke.

6 SIR MICHAEL WRIGHT: Thank you very much, Mr Clarke. You,
7 like all other witnesses, are entirely free to go.

8 A. Thank you, sir. I am grateful to you for making the
9 arrangements for me to be here today.

10 SIR MICHAEL WRIGHT: Not at all.

11 (The witness withdrew)

12 MR HILLIARD: Sir, we are now going to revert to Andrew, and
13 we will just need a break to deal with the screens at
14 the back.

15 SIR MICHAEL WRIGHT: Yes. Whoever sent me the question,
16 it's a perfectly proper question, but it's not for this
17 witness. I'll ask my counsel to deal with it in due
18 course.

19 (11.15 am)

20 (A short break)

21 (11.35 am)

22 (In the presence of the jury)

23 SIR MICHAEL WRIGHT: Before Mr Andrew comes in, so that
24 nobody is curious as to what the question was, the
25 member of the jury has asked whether it could be said

1 that the element of surprise could be gained in
2 Scotia Road by comparison with what happened in Madrid,
3 because the circumstances were different in Madrid
4 because of the outburst of fire, the surprise element
5 had been lost. That is the point. I will put the
6 question in the file and anybody who wants to raise it
7 can do so.

8 MR MANSFIELD: Sir, I am very grateful.

9 SIR MICHAEL WRIGHT: It plainly wasn't a matter for
10 Mr Clarke.

11 MR MANSFIELD: No, and I think we would all appreciate if at
12 the stage which you feel appropriate, the jury note is
13 read out in full so everybody knows exactly what it
14 says.

15 SIR MICHAEL WRIGHT: I will not read out the ones that I am
16 not going to allow.

17 MR MANSFIELD: I am not going to spend time about that at
18 the moment.

19 SIR MICHAEL WRIGHT: All right. Let us see how we get on,
20 Mr Mansfield.

21 MR HOUGH: Now we are back to Andrew.

22 CODENAME "ANDREW" (continued)

23 Questions from MR HOUGH (continued)

24 MR HOUGH: Sir, as a result of documents received today,
25 there are a few additional questions I have to put to

1 Andrew, with your leave.

2 SIR MICHAEL WRIGHT: Yes.

3 MR HOUGH: Andrew, you were asked on Friday, I asked you on

4 Friday about what you were doing between 5 o'clock and

5 7 o'clock, and I put to you specifically a note

6 Mr McDowall had made that he was seeing a tactical

7 adviser at 5.15, and I put to you his recollection that

8 that was you.

9 A. Yes, sir.

10 Q. You said that you didn't believe it was you?

11 A. Didn't recollect it being me, sir.

12 Q. You also said that, as far as you could deduce or

13 recall, you were in the 16th floor operations room for

14 much of the period between 5 o'clock and when there was

15 the more general meeting at about 6.40?

16 A. There or thereabouts, sir, yes.

17 Q. This morning we have had disclosed to us a statement and

18 an exhibit from Mr Rose, who was the Silver Commander

19 appointed for Portnall Road, so the other address?

20 A. Yes, sir.

21 Q. It's only fair that I put this to you so that you have

22 the opportunity to deal with what he says as well. He

23 says in his statement that he attended Mr McDowall's

24 office at 5.30, and at that time present were

25 Mr McDowall, Mr Mellody, who was the DCI responsible for

1 intelligence, and an S019 tactical adviser he believed
2 to be you.

3 To be clear, that's the first point made in his
4 statement. The next point -- I am going to deal with
5 all of these and then ask you if any of them jogs your
6 memory -- he says specifically at 5.40 a question was
7 asked in Mr McDowall's office: what if only one suspect
8 came out of one of the premises. He says:

9 "This was immediately followed up by the tactical
10 adviser..."

11 Then he gives your name:

12 "... saying that if a suspect came out of the
13 address wearing gloves and/or carrying a rucksack, it is
14 possible that he is preparing for another attack and
15 ready to die for the cause. Should he fail to do as he
16 is told, he is likely to be shot."

17 Then Mr Rose said nobody present denied that
18 possibility. Then he says that at 5.45 the information
19 came through that Abdi Omar had lived at the
20 Portnall Road address since March 2004, and at about the
21 same time, so 5.45, Mr Esposito, Trojan 80, attended
22 Mr McDowall's office and was briefed by you, and that
23 Mr Esposito then left.

24 So that's a few different stages where he is putting
25 you in Mr McDowall's office and describing particular

1 conversations.

2 I should also say to you in fairness that Mr Rose
3 made a contemporaneous note of the conversation at 5.40
4 about gloves and rucksacks and so on, and he actually
5 names you in that contemporaneous note as having been
6 there and involved in that conversation.

7 Now, having heard all of that, does any of that jog
8 your memory or cause you to change your evidence?

9 A. No, sir, I do not recall and I do not have a note in my
10 log of being present at a meeting with Mr McDowall at or
11 about that time.

12 Q. Do you remember at any time a conversation of that kind
13 taking place about gloves and rucksacks and so on, and
14 you giving an answer of that kind?

15 A. The words used would be entirely consistent with the
16 advice that was contained in the tactical advice note,
17 but again, sir, I don't recall using those words at that
18 time.

19 Q. Just to be crystal clear, do you think that it wasn't
20 you and that Mr Rose has made a mistake?

21 A. I was the tactical adviser for that operation, sir. If
22 Mr Rose believes I was there, then I was the person that
23 was there, but I do not recall being there.

24 MR HOUGH: Thank you very much. Others may want to go into
25 those in more detail, but I thought it fair that you

1 should have the opportunity to deal with it straight
2 off.

3 SIR MICHAEL WRIGHT: Thank you. Mr Mansfield.

4 Questions from MR MANSFIELD

5 MR MANSFIELD: Good morning, Andrew. My name is
6 Michael Mansfield and I represent the family of
7 Jean Charles de Menezes.

8 I am afraid I have a little to ask you obviously
9 because of your presence that night and your particular
10 role.

11 Can I ask you to look at the policy document. The
12 jury have it in their bundle as exhibit 41 or tab 41,
13 sorry, to be more precise. Tab 41. I would ask you to
14 have it as well. It's page 7678. May the officer have
15 it, or perhaps it will be brought up on screen.

16 I am going to go slowly because I appreciate there
17 are different redactions in different copies of this.

18 Andrew, I wonder if you would be kind enough just to
19 turn --

20 SIR MICHAEL WRIGHT: You want it open at 7678, don't you?

21 MR MANSFIELD: Yes, that's the first page the jury have. If
22 I just pause, because sometimes things don't get ...
23 tab 41, that's where I am told it has been put in the
24 jury bundle.

25 Can I just ask generally, do the jury have tab 41

1 all right?

2 SIR MICHAEL WRIGHT: They should have it on the screen as
3 well.

4 MR MANSFIELD: Right. Because you have it in your bundles,
5 members of the jury, it may be easier as well to follow
6 it in the hard copy, because you may want to make notes,
7 you may not; it's a matter entirely for you. As
8 I understand it, the page numbers that you, the members
9 of the jury, have are not the same as ours, one set, but
10 you do have numbering at the top of each page, numbered
11 1, 2, 3. So I will endeavour to use that numbering so
12 you know which page I am dealing with.

13 Do you have it?

14 A. I only have it on the screen, sir.

15 Q. Would you like a hard copy?

16 A. Yes, please.

17 Q. I understand that's it. I have not looked through to
18 check it. It's just been handed to me. (Handed)

19 Could you look through and make sure that the page 1
20 at the top, this is the operational policy log, all
21 right?

22 A. Yes, sir.

23 Q. I am going to do this in stages, beginning with the
24 point that you have made again today that essentially
25 you were the main firearms tactical adviser for the S013

1 operation that was being conducted from
2 New Scotland Yard?

3 A. Until 6 am, sir, on the 22nd, yes.

4 Q. That's when TJ80, or Inspector Esposito, took over,
5 roughly speaking.

6 A. Yes, sir.

7 Q. I am going slowly, because of the importance here.
8 I apologise for this.

9 Your position at New Scotland Yard in that role
10 began, of course, the night before; is that right?

11 A. Afternoon before, sir.

12 Q. Sorry, 21st, because we can see on the first page that
13 we are now looking at, that there are entries at
14 2 o'clock in the afternoon of the 21st, and 5 o'clock
15 and so on?

16 A. Yes, sir.

17 Q. Would your position as the main tactical firearms
18 adviser have been known to the operations room of S013?

19 A. Maybe not at 2 o'clock, sir, because at that stage we
20 were just being asked to get resources together.

21 Q. Right, but by what -- I'll zoom on to save a bit of
22 time.

23 A. By 10.10, sir.

24 Q. We will see in fact there are entries which you have
25 already dealt with, and I am not going through the

1 detail of each entry, but we can see there are entries
2 in relation to 10.10 because they are timed on these
3 sheets.

4 We can see 8.45 and so on. So I just want to -- so
5 certainly by the evening, late evening of the 21st, you
6 would have been known as the main tactical firearms
7 adviser, and you would have been where in the building?

8 A. New Scotland Yard, sir.

9 Q. Sorry, in the building?

10 A. Anywhere within that building, but predominantly around
11 the 15th and 16th floors.

12 Q. Right. Plainly by that time, 10.10, key figures in SO13
13 would know about your presence, in particular the
14 Senior Investigating Officer, Mr Boutcher, he would know
15 because you are meeting with him?

16 A. Yes, sir.

17 Q. His assistant, the Deputy Investigating Officer, Angela
18 Scott, she would know about you?

19 A. I am not sure at what point she would be aware of me but
20 I do have a note of her name in my log, sir.

21 Q. I am coming to that. So that's your role and where you
22 are. You described to the jury on Friday the sort of
23 thing you have to do, so I am not going back over that.
24 What I want to do, therefore, is to come to a position
25 straightaway, a critical position: we know that the

1 strategic decision of what to do once the photographs
2 were found was noted to have been taken at 4.55 in the
3 morning?

4 A. Sir.

5 Q. You now know that?

6 A. Yes, sir.

7 Q. I am going to split the night in events before and
8 events after, do you follow, so it's easier to follow?

9 A. Before what time, sir?

10 Q. 4.55 am. Before 4.55 am, we can see on the first three
11 pages that you had spent some considerable time ensuring
12 that there was a standby 24-hour SO19 or SFO team
13 available; correct?

14 A. Correct, sir.

15 Q. That's the orange team. If we turn to page 3 in this
16 policy document, to save me going through all of the
17 detail, there is, if you like, the package that was on
18 offer that night, of what it comprised, and we can run
19 our eyes down the list and I don't go through the list.

20 However, I do want to ask you this, and if it's
21 a question for sensitive reasons you don't want to
22 answer, I'll go slowly: were there armoured vehicles
23 available for the orange team overnight?

24 A. In the SO19 fleet, there are armoured vehicles, yes,
25 sir.

1 Q. Yes. I want to be precise, and if you can't
2 remember ... were there any available? So for example
3 if the orange team were called out before 4.55, that
4 night, during those night hours, would they have had
5 available to them an armoured vehicle?

6 A. I can't recall but they were on the fleet.

7 Q. They were on the fleet, and unless it's sensitive,
8 roughly how many are there available? Or you don't want
9 to answer?

10 A. I really don't know, sir, at that time.

11 Q. All right, there are armoured vehicles. Sir, I am going
12 slowly in case the questions are too specific.

13 SIR MICHAEL WRIGHT: Just so we don't get confused, when you
14 talk about armoured vehicles, are we talking about ARVs?

15 A. No, sir, these are ballistically protected vehicles.

16 SIR MICHAEL WRIGHT: ARVs, armed response vehicles, are just
17 cars carrying armed officers.

18 A. Yeah, they are just patrolling cars.

19 SIR MICHAEL WRIGHT: What's an armoured vehicle?

20 A. An armoured vehicle is a vehicle which is ballistically
21 protected to protect the officers inside from gunfire.

22 SIR MICHAEL WRIGHT: Thank you. I just didn't want to get
23 confused between the two.

24 MR MANSFIELD: That was going to be my next question.

25 I do not want to know how it's obviously protected

1 or recognised or anything of that nature. Your belief
2 is there would have been armed vehicles?

3 A. Armoured.

4 Q. So sorry, armoured vehicles.

5 Just looking down the composition, it's plain that
6 you have a rifle team available because in case it's
7 needed to do a distant challenge, as opposed to a close
8 quarters intervention?

9 A. Correct, sir.

10 Q. Now, I appreciate you said on Friday this area is
11 sensitive, so I am going to tread slowly, but we see
12 there, and there has not been much made of it in the
13 past or said about it, there is a motorcycle option,
14 isn't there?

15 A. Yes, sir.

16 Q. There was a motorcycle option overnight available. Does
17 it mean, first of all, that the riders would have to be
18 taken from the people that are listed above, or are they
19 specifically trained to ride motorcycles?

20 A. They would come from the covert armed response vehicle
21 teams listed above but they were trained to ride
22 a motorbike.

23 Q. I see so, it would have been, so if we are talking
24 about -- well, perhaps I should ask you, it could have
25 been a sergeant or it could have been one of the PCs,

1 could it?

2 A. It could, sir.

3 Q. When they are sent, are we dealing with more than one

4 motorcycle?

5 A. Yes, sir.

6 Q. Roughly how many?

7 A. It would depend on the particular tactics, but

8 I believe, if I can just refer to another entry, we were

9 looking at one sergeant and three PCs, so that could be

10 two motorbikes or it could be four, because the tactics

11 could be worked either with a pillion or a rider or just

12 riders on their own.

13 Q. Oh, I see. So two motorcycles with between two to four

14 riders?

15 A. Yes, sir.

16 Q. Do I have that right?

17 SIR MICHAEL WRIGHT: Do I have this right, they would come

18 out of the eight PCs in the armed response vehicle team.

19 A. During the night shift, sir, yes.

20 SIR MICHAEL WRIGHT: This is what this entry is talking

21 about?

22 A. Yes, sir. Whether it was exactly a sergeant and three,

23 as the previous entry shows, would depend on the

24 officers that were on duty and available with those

25 skills.

1 SIR MICHAEL WRIGHT: It doesn't mean an overall increase in
2 the size of the available resources?

3 A. No, sir. That followed in the morning.

4 SIR MICHAEL WRIGHT: Yes.

5 MR MANSFIELD: I haven't got to the morning yet, so we are
6 dealing with the pre-4.55 situation, just as
7 an indication of the time of night.

8 So two motorcycles with between two to four
9 personnel?

10 A. Yes, sir.

11 Q. Right. And available. If an armoured vehicle was going
12 to be used, would you then have to take some of the SFO
13 personnel, or are they separately manned?

14 A. The armoured vehicle is not a patrolling vehicle. It's
15 a vehicle that's held in readiness in case it's required
16 for a particular situation. In answer to your question,
17 I could either have used the SFOs if that's what was
18 required or I could have gone to the ARV pool where
19 there would be officers there who were similarly
20 trained.

21 Q. The ARV pool, the jury have heard about armed response
22 vehicles that are marked with uniformed officers
23 patrolling London 24 hours, different, obviously, levels
24 of support depending upon the time of night.

25 The ARV pool, would you have had a list of people

1 available and then you contact them and say come and do
2 the armoured vehicle; how would it work in fact?

3 A. They patrol London 24 hours a day. They are managed by
4 their own inspector and sergeants and through their own
5 control room, and so if I needed them I could get that
6 through the control room.

7 Q. Through the control room at Leman Street?

8 A. Yes, sir.

9 Q. Which is also known, I am sorry, because of
10 hieroglyphics and general acronyms, it's HD, is it?

11 A. Yes, sir.

12 Q. There is, would this be fair, a relative diversity of
13 resource available to you before 4.55 linked to the
14 orange team?

15 A. Yes, sir.

16 Q. Now, in addition to the team and its allied resources,
17 of course you have to have a structure that goes with
18 it, you described it on Friday, and I want to go through
19 some of the personnel that have been identified. One of
20 them I just put to the last witness.

21 Perhaps the most -- one of the most important
22 positions which you had determined the night before is
23 an overnight, if I can call him that, DSO.

24 You will find it on the same page. It's obviously
25 a little bit later in the entry. It's a 2.30 am entry,

1 so it's before 4.55. You will see there:
2 "24-hour response DSO."
3 Do you see that?
4 A. I do, sir.
5 Q. This is your writing?
6 A. Yes, sir.
7 Q. It's Commander Baker?
8 A. Correct, sir.
9 SIR MICHAEL WRIGHT: Did you say 2.30?
10 A. 12.30.
11 MR MANSFIELD: I am so sorry, I have gone through it. My
12 fault. 12.30 am, so it's earlier than that.
13 Now, there are -- as we saw on Friday, the loggist
14 for Commander McDowall made a list of people who turned
15 up to a meeting at 7.00 in the morning, right, so the
16 context, the jury may remember.
17 On that list, there were two Bakers, one S012 and
18 one S013, with obviously different forenames. Was this
19 one either of those two?
20 A. I don't know that answer. This Commander Baker was the
21 night duty DSO. Whether he was at the meeting in the
22 morning, I don't know, sir.
23 Q. Well, I can't answer that. All right. There are two
24 first names, I don't know whether this will help,
25 because I am wanting to find out who this person is

1 because we don't have any statement from him. There are
2 two. One is called Noel and the other one is called
3 Martin. Does that help?

4 A. Neither of those names, sir.

5 Q. Neither of those? They are the two that turned up for
6 the 7 o'clock meeting. Now, do you know the first name
7 of this one?

8 A. The Commander Baker that I know in the
9 Metropolitan Police at that time was a Commander Andrew
10 Baker.

11 Q. Andrew Baker, and he's attached to, sorry, you may have
12 just said, SO?

13 A. Don't know, sir.

14 Q. You don't know?

15 A. He is an ACPO ranking commander in the
16 Metropolitan Police.

17 Q. So it's clear to you why I am asking these questions,
18 what I am wanting to demonstrate is that had an orange
19 team with all the right structures actually gone to
20 Scotia Road at a much earlier time and been there at
21 9.34, it's a possibility -- I suggest a strong one --
22 that what happened could have been avoided, do you
23 follow? That's why I am doing this.

24 A. I understand your question, sir.

25 Q. I just want to follow this person through, therefore,

1 this DSO. Am I right in supposing that he is available
2 in order to be the DSO if the orange team are called
3 out, or is he there for some other reason?

4 A. He was the 24-hour response, he was the one who was
5 downstairs dealing with the 999 calls to persons seen
6 with bags acting suspiciously, and he was the designated
7 senior officer for that function. He wasn't the DSO
8 assigned to this operation.

9 Q. Well, before 4.55, we know the DSO that was, and we know
10 the time that she was going, as the dedicated one, which
11 you have further down as item 5; do you see that, on the
12 same page?

13 A. Yes, sir.

14 Q. So if it wasn't going to be Commander Andrew Baker,
15 because he is dealing with people ringing up and it's
16 spontaneous and all that, then Commander Dick wasn't
17 going to come on until 7 o'clock, roughly speaking. So
18 who was going to be available to be the dedicated
19 officer should the orange team be required -- because
20 they are on standby -- to go out?

21 A. Commander Baker could well have been used for that
22 purpose, but that wasn't the function that he was there
23 to perform, sir.

24 Q. I understand that. So do we put it in this way,
25 therefore, that had you been asked to send the orange

1 team out without Commander Dick having arrived, you
2 could have used Commander Baker?

3 A. Would have been an option, sir.

4 Q. We also know, and I asked the last witness this, there
5 were other DSOs at New Scotland Yard. Now, it's
6 possible I have got it wrong. DSO Ian Carter, did you
7 know him?

8 A. Yes, sir.

9 Q. I thought he was dealing with the spontaneous calls
10 coming in?

11 A. From 7 am, sir.

12 Q. Are you sure?

13 A. That's the note in my book, sir.

14 Q. He wasn't doing it overnight?

15 A. I don't believe he was, sir. I have Commander Baker
16 doing that overnight.

17 Q. Right. Because we have been informed, and through
18 statements -- so the jury know -- obviously materials
19 that have been provided, that ZAJ thought that he was
20 the tactical adviser to Carter overnight.

21 A. I think Mr Carter was working during the evening on the
22 late shift and was then coming back on to take on this
23 responsibility during the morning.

24 Q. Can we, with your help -- that's very helpful. So
25 Mr Carter was doing the job up until when?

1 A. I don't know, sir, I haven't got a note of when he was
2 there, but I believe from Inspector ZAJ that that was
3 who he was working to.

4 Q. That's what I had been led to believe. I am just trying
5 to fit in who's around to do the job.

6 A. I believe Commander Baker was there during the night.

7 Q. I leave what Mr Carter says for the moment about where
8 he was. You would not have called on Carter because you
9 believed he wasn't doing that job during the night. But
10 what about another DSO called Allison? Was he there
11 during the night?

12 A. I met with Commander Allison and I met with
13 Commander Carter at about 1.15 in the morning in
14 a nearby hotel to discuss the DSO issue for this
15 operation.

16 Q. So being in a hotel doesn't mean to say that they are
17 not on call, as it were. When you met them at 1.15, and
18 we know that because there is an entry in your book,
19 sorry, in your policy log, to that effect, so when you
20 met them, were they on call or were they not?

21 A. I don't know, sir.

22 Q. Well, you must have known where they were obviously to
23 go and meet them; that's obvious, isn't it?

24 A. I could take from the fact we were in a hotel that they
25 were off duty, sir. What my answer is, I don't know

1 what their status was for being on duty.

2 Q. All right. Well, the actual entry is on page 4.

3 SIR MICHAEL WRIGHT: I don't know -- in the circumstances

4 that existed that night, when, as everybody knew, they

5 might well be dealing with suicide bomber situation.

6 A. Yes, sir.

7 SIR MICHAEL WRIGHT: I don't know how much distinction there

8 is between on and off duty.

9 A. Quite possibly, sir. The hotel is close to

10 Scotland Yard and it's somewhere that you could easily

11 be called from. Asked the question about whether they

12 were on or off duty, I can't answer, sir.

13 SIR MICHAEL WRIGHT: All right.

14 MR MANSFIELD: It may not matter a great deal.

15 You see your entry says "Superintendent Boutcher".

16 Was he in the hotel?

17 A. He was with me at that meeting, sir.

18 Q. Right. So what you are saying is that -- what your

19 recollection is, is that Commander Baker, the overnight

20 DSO, this is Andrew Baker, wasn't at the meeting because

21 he was fielding or possibly being available to field

22 calls in New Scotland Yard?

23 A. Yes, sir.

24 Q. So that's the position. All right. So, sorry, I have

25 taken some time, but we have the possibility of a DSO

1 that could have gone with the orange team.

2 Now, we also know that by 2.35, which we have on
3 page 5 --

4 A. Sorry, sir, may I just interrupt you, I beg your pardon.
5 The DSO, sir, would not go with the orange team.

6 Q. That's my mistake, if I said that. The DSO would remain
7 at New Scotland Yard, and obviously we will come to what
8 function a DSO would have?

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

10 Q. But the person who would go is the Silver in relation to
11 the operation. Now, the jury have a diagram this
12 morning which is in the front of their bundles. So
13 again, just to keep a finger or an eye on where we are
14 going, this is the position much later in the day, but
15 you would need, below the Silver Commander in the
16 control room, a location Silver Commander and his name
17 is set out. That's for later.

18 So we are dealing now with the Silver for
19 deployment, the Silver who goes with them.

20 You have, just going back to the policy log, someone
21 identified for that role. We see it, at the entry of
22 2.35, two hours after the entry in relation to Andrew
23 Baker. Do you see that on page 5?

24 A. I do, sir.

25 Q. Now, DI Angie Scott, ND, night duty, Silver?

1 A. Yes, sir.

2 Q. Then there is a name underneath for early turn Silver.

3 Where was Angela Scott at that time?

4 A. I don't know, sir.

5 Q. Because was one of the problems that night that there

6 was an element of chaos or not?

7 A. I didn't think there was, sir, no.

8 Q. All right, fine. I just want to check.

9 So you don't know where she was. Did she know that

10 she was the night duty Silver?

11 A. I don't know who provided me with the answer to question

12 2, which was I needed some ground commanders. I cannot

13 now state, my records don't show, unfortunately, who

14 provided that detail.

15 Q. May I understand it, you don't go to her and say: look,

16 you are the night duty Silver; you don't do that?

17 A. No, sir, that's a Gold Command responsibility.

18 Q. It's a Gold Command responsibility, so Mr McDowall would

19 have to do that, would he?

20 A. It would be the Gold Command responsibility to appoint

21 the Silvers and to ensure their effectiveness.

22 Q. Yes, so it would be his responsibility to make sure that

23 there was, I am going to call them a location Silver,

24 somebody who goes to the location with the team, as

25 opposed to a central Silver, who stays back at

1 New Scotland Yard.

2 You see, the reason I ask you is that by 2.35 in the
3 morning, and if we look at our little plan that's been
4 provided today, neither the Silver at New Scotland Yard,
5 which was Boutcher, nor Angela Scott, his deputy, were
6 there. Did you know that?

7 A. I don't recall that, sir, no.

8 Q. You see, if something suddenly cropped up, you would
9 need to know -- leaving aside Mr Boutcher, you might not
10 need to know where Mr Boutcher was -- but you would
11 certainly need to know where the Silver who had been
12 identified for this was, wouldn't you?

13 A. Yes, sir.

14 Q. You don't now presumably remember, and I'm going on what
15 she says, she said she had left by then, and she didn't
16 come back until 6 o'clock in the morning. I don't know,
17 she's presumably gone to a local hotel, it might be
18 possible to call her up, but you would need to know
19 where she was?

20 A. As long as I could contact her, sir, I think that's the
21 point.

22 Q. It's more than that. She needs to know that she is the
23 night duty officer?

24 A. Yes, sir.

25 Q. The firearms authority, you were aware, were you, that

1 that had been done, plainly?

2 A. It had been granted at 11.50 pm on the 21st.

3 Q. I would like one page of the firearms authority to be
4 put up on screen, please. It's tab 40 in the jury
5 bundle, and I am not asking you to have a hard copy
6 unless you want it because it's just one page. The page
7 I would like up on screen is the seventh page. That is
8 the handwritten numbering at the bottom right-hand
9 corner. Seventh page.

10 Just while it's coming up, you not only knew about
11 it, but would you have actually discussed it with
12 anybody or knew the terms of it? Because some of it was
13 signed later. Would you have seen any document in
14 relation to this?

15 A. The armed -- which record are we talking about?

16 Q. We are talking about the senior officers firearms
17 authority. Would you have seen what had been written or
18 anything that had been written in relation to this,
19 11.50 the night before?

20 A. Not if it was written after the events.

21 Q. If it had been written before, you would have seen it?

22 A. Possibly, sir, if Mr White had shown me the document.

23 Q. 31 is another numbering. Thank you.

24 Now, this is, it says, paragraph 15 in fact of the
25 document:

1 "Other Operational Issues."

2 You are named at the top, you see that:

3 "This is a dynamic situation. I have consulted with
4 Andrew."

5 I am not going through the whole of that, but there
6 is a part of it, just below halfway, you will see there
7 is a paragraph:

8 "DCI Scott ..."

9 Now, that's the same one, isn't it?

10 A. Yes, sir.

11 Q. "... tasked [we will learn by Mr Boutcher, who's the
12 Silver at New Scotland Yard] to identify and brief
13 Silver Commander for deployment with SFO standby
14 team ..."

15 Did you know that she had been tasked to identify
16 a location Silver, somebody who's going to go on
17 deployment?

18 A. I don't believe I knew that, sir.

19 Q. Now, either she's appointed herself, which is why
20 somebody tells you, well, it's Scott, or she has not and
21 there is confusion. That's why I am asking you the
22 question, you see. Who is the Silver who's going to go
23 with the standby team?

24 A. My understanding from my log entry at 2.35 was that
25 would be -- I have her as DI Scott, sir.

1 Q. DI Scott, all right. You weren't, as far as you can
2 remember, aware of that entry or that part of the
3 authority that had been granted at 11.50?

4 A. Somebody will have been tasked to identify the Silver,
5 but I wasn't aware who that was.

6 Q. All right.

7 SIR MICHAEL WRIGHT: It doesn't deal with the point that
8 Mr Mansfield is making, just this: of course at 2.35 in
9 the morning, the evidence about the photograph and the
10 gym card hadn't come to light, and there was no
11 deployment immediately planned.

12 A. No, sir.

13 SIR MICHAEL WRIGHT: It didn't happen for another couple of
14 hours, just after 4 o'clock in the morning. Would there
15 have been other officers available to serve as Silver if
16 something urgent had come up at half past two?

17 A. I can only say possibly to that answer, sir, because
18 I don't know who those officers are.

19 SIR MICHAEL WRIGHT: Very well.

20 MR MANSFIELD: I think it was Mr White who said not exactly
21 there was no shortage of Silvers but there were Silvers
22 available at New Scotland Yard, but he didn't know the
23 numbers.

24 So I leave it blank for the moment. You thought it
25 was Angela Scott. So we have got the possibility of

1 a DSO in Mr Baker, the possibility of a Silver in Scott,
2 and then one more appointment and that is ZAJ.

3 Now, ZAJ was going to be, I think you have put it as
4 the inspector for this orange team?

5 A. Yes, sir.

6 Q. I just want to be clear: is he leading the team or is he
7 the tactical adviser for the team on the spot going with
8 them?

9 A. He had two roles on that day, sir. The first role was
10 to act as the tactical adviser to the DSO dealing with
11 the 24-hour response. That was number one role. The
12 other role based on the numbers in the risk management,
13 was that he would go out as the inspector in charge of
14 the orange team on to the ground. So he would then act
15 as the on-the-ground tactical adviser to the
16 on-the-ground --

17 SIR MICHAEL WRIGHT: Have we found the Bronze?

18 A. -- Silver commander. No, sir, he is not a Bronze.

19 MR MANSFIELD: If I can interpose, and please say if I have
20 misunderstood, that the Bronze in an orange team that
21 goes out would in fact be the sergeant in charge of the
22 team?

23 A. Yes, sir.

24 Q. We can see there was going to be a police sergeant team
25 leader. You see it on page 3, under the orange team,

1 page 3 of your policy log. Sorry, I am not asking you
2 to look at that. So if anybody wants to write it in,
3 therefore, there is a potential putative Bronze. The
4 police sergeant is a Bronze.

5 So slowly we work our way towards the structure
6 that's -- I'm just getting in place what is available at
7 4.55.

8 Now, where are they prior to 4 o'clock in the
9 morning, 4.55? Where are they actually situated, the
10 orange team?

11 A. The orange team, sir, are holding at Leman Street.

12 Q. They are not in a hotel. They are in Leman Street. We
13 have all been there or at least been outside it. Would
14 they be all kitted up with cars available?

15 A. Yes, sir.

16 Q. Right. So that part of the --

17 SIR MICHAEL WRIGHT: Arms booked out?

18 A. By after 11.50, once the authority had been granted,
19 more than likely, sir, yes, that's what I would expect.

20 MR MANSFIELD: So they are sitting there, ready to go short
21 of obviously knowing where to go, having a briefing and
22 all the rest of it.

23 A. Yes, sir.

24 Q. So their response time is going to be much quicker than,
25 let us say, compared to the 7 o'clock lot that are

1 coming on, that's black and the rest, who have to get
2 kitted up and then have in their case two briefings, one
3 at Leman Street and one somewhere else, so their
4 response time, orange, is going to be quicker?

5 A. Yes, sir.

6 Q. So again I know it's a hypothetical, but presumably with
7 your experience you would have some idea, assuming
8 a briefing, what would be the response time -- I am
9 going to take to the vicinity, not to Scotia Road, to
10 the vicinity of Scotia Road -- that night would be for
11 that orange team? Roughly speaking? An hour?

12 SIR MICHAEL WRIGHT: Once they have had the call?

13 MR MANSFIELD: Yes.

14 A. The call would come in, we would contact the team, they
15 may well have been resting and asleep during the night,
16 so maybe 15, 20 minutes to wake them up, get themselves
17 into their cars, get to wherever it was for the briefing
18 and then out, so I would say somewhere in the region of
19 an hour and a half minimum.

20 Q. Right. So we can just pencil that in, hour and a half.
21 Because we know for the black team coming on at 7, it
22 was very much longer because it was 7, 8, 9 and they
23 were not in the vicinity of Scotia Road for nearly two
24 and a half hours from call-out; do you follow?

25 A. I do, sir.

1 Q. That seems to be a reasonable difference. One and
2 a half if you are on standby, two and a half if you are
3 not?

4 A. Yes, sir.

5 Q. These times may be important when we get to a bit later.
6 Also in the lead-up, you have got together this team and
7 identified potentials for leadership, as it were, can
8 I put it that way, but you are also providing with TJ80
9 the leadership of SO13 with a tactical options document
10 which was referred to on Friday?

11 A. We did, sir.

12 Q. Now, that's 34 pages long, wasn't it?

13 A. Yes, sir.

14 Q. It goes into a fair amount of detail of what is
15 available to the senior command, in terms of resources?

16 A. Sir.

17 Q. And secondly how they might be deployed?

18 A. That's correct, sir.

19 Q. What it doesn't do, and with permission I am going to
20 ask you a little bit about tactics, it doesn't go down
21 to the tactical level, does it?

22 A. It outlines in general terms tactics for dealing with
23 two types of scenarios.

24 Q. Yes, all right, I'll come to those if I may. Anyway,
25 that document has gone in. In the first instance it

1 went to Mr McDowall, the Silver, the
2 Senior Investigating Officer at New Scotland Yard?

3 A. It went to Mr Boutcher, sir.

4 Q. Now, did you go through it with him or did you just say:
5 here you are, have a look at this; or how did it work?

6 A. I gave it to him at 11.45 and briefly explained its
7 contents, because it is a 34-page document, sir.

8 Q. Yes, and you briefly explained it. Did he ever come
9 back to you and say: look, this is really interesting
10 stuff, the thing is we might need X, Y or Z, and what's
11 around and all that; did he ever come back and discuss
12 it with you?

13 A. Not that I recall, sir.

14 Q. In fact, did anybody of the senior command team ever
15 come back and discuss that document?

16 A. Not that I recall, sir.

17 Q. Right. So we move on. So now we know exactly what was
18 in place and what possibly could have been put into
19 place. Along comes a decision, a strategic decision.
20 Now, you have made your position clear about it, you
21 were unaware of it, and I leave that for the moment.
22 I want to put you back in the position of dealing with
23 what should have happened, not with hindsight but with,
24 you know, the structures that are in place.
25 Do you follow?

1 A. I do, sir.

2 Q. If a Gold Commander, top of that little pyramid that the
3 jury have, is going to set a strategy, would you expect,
4 first of all, before he sets the strategy, that he might
5 just have a word with you about a much more specific
6 request than the generic tactical document of 34 pages
7 by coming to you and saying, look -- it's a bit of
8 a long lead-up -- but: these are the premises, we have
9 identified two premises, with the possibility of at
10 least two suspected bombers being related to them, can
11 we deal with it, and what's available.

12 You would expect that before he sets a strategy?

13 A. He may seek to do that. It's not a requirement of the
14 Gold Commander to seek tactical advice but he may seek
15 to do that.

16 Q. He would have to do it at some stage, wouldn't he?

17 A. I think it's for the Silver Commander to discuss with
18 the tactical adviser the actual options that are
19 available to achieve the plan.

20 Q. That's the second stage. I will move to that. The
21 Silver at 4.55 was Mr Boutcher?

22 A. I believed it was Angie Scott, sir.

23 SIR MICHAEL WRIGHT: You are talking about the ground Silver
24 Commander, not the control room Silver Commander.

25 MR MANSFIELD: I am talking about the control Silver.

1 A. I beg your pardon.

2 Q. I know it's a little confusing. The control Silver is
3 going to be implementing Gold strategy?

4 A. No, sir. No, sir.

5 Q. Oh, I see. Who is implementing the Gold strategy, then?

6 A. Right. The Gold strategy is implemented by the firearms
7 Silver Commander, who would have been Angie Scott, sir.

8 SIR MICHAEL WRIGHT: That's the Silver Commander with the
9 team?

10 A. Yes, sir.

11 SIR MICHAEL WRIGHT: Yes.

12 MR MANSFIELD: All right. So we bypass the Silver in the
13 control room, and go straight to the Silver who's going
14 to go with the standby team.

15 A. Yes, sir.

16 Q. Or could go with the standby team. So we are back to
17 the same problem in this sense, that before you set your
18 strategy, if you are not going to be, as it were,
19 personally coming to you and saying: have we got the
20 resources and can we do X, Y and Z; you would absolutely
21 make sure that the Silver who's going to go with any
22 standby team is in place to implement the policy?

23 A. It is the Silver Commander's function to implement the
24 strategy set by the Gold Commander.

25 Q. Yes, but I am trying to do this in a realistic way.

1 I am Commander McDowall. I am sitting in my office with
2 two intelligence officers. I set a strategy. How do
3 I communicate the strategy and to whom?

4 A. Silver Commander, sir.

5 Q. Exactly, so doesn't it mean that I have to have contact
6 with the Silver deployment commander?

7 A. Yes, sir.

8 Q. Right. Well, she's still somewhere else other than
9 New Scotland Yard, so we will await developments on that
10 front. Now in addition to, if you are going to set
11 a strategy, and I hope this is not again looking with
12 hindsight, you would want to know, wouldn't you, as fast
13 as possible, as you are going along -- and I am not
14 expecting it to be done in separate stages, it all
15 happens at the same time -- aren't you wanting to know
16 as much about the location of these two addresses as
17 possible?

18 A. The development of the plan, sir, sits with the Silver
19 Commander. If I'm going to set a strategy, then I guess
20 I would need to know something about the premises to
21 know if the strategy was achievable.

22 Q. Right. You would need to know something about the
23 premises, and -- I'm going to concentrate on Scotia Road
24 because that's what the jury are here to determine, the
25 events from Scotia Road. It may not be a question for

- 1 you, I understand it's more intelligence at
2 New Scotland Yard, it really wasn't difficult at 4.55 or
3 4 o'clock in the morning or 4.15, whenever they
4 discovered the address, to very quickly find out where
5 the address is in London, a map of the roads and
6 possibly, you know, whether it's a block of flats or
7 a house. That doesn't take more than a few minutes to
8 discover, does it?
- 9 A. The systems exist. The time may be another matter, sir,
10 but the systems exist to do that.
- 11 Q. The systems exist to do that. Yes, thank you. Assuming
12 the chain of command that you have described, so that
13 Angela Scott, as you understood it, the deputed Silver,
14 would it then be her responsibility to come to you and
15 say, as the main tactical adviser: look, the
16 commander -- or however she referred to, or John or
17 whatever -- wants a deployment as soon as possible to
18 Scotia Road of two kinds; one is a watching one, that's
19 SO12; and two is a stopping one if there are suspects
20 coming out who are the subject of the operation, which
21 is CO19. She would come to you; yes?
- 22 A. Yes, sir.
- 23 Q. Right. What you appear to be saying is that no-one came
24 to you and did that; is that right?
- 25 A. Correct, sir.

1 Q. In the many months and years that have gone by, have you
2 ever discovered or has anybody told you why nobody came
3 to you?

4 A. No, sir, I only realised the 5.15 meeting, I think,
5 round about the time of the Health and Safety trial. Up
6 until that time I was unaware of this meeting or this
7 issue.

8 Q. In fact, the jury probably are aware, you gave evidence
9 in that trial, so that's why you know about the 5.15
10 meeting. Are you assiduous about your policy log and
11 noting up various developments?

12 A. Sorry, sir, it may be my lack of knowledge but
13 "assiduous"?

14 Q. Sorry, just keen on doing it?

15 A. Yes. Sorry.

16 Q. It's my fault, I'll try and resist being too verbose or
17 whatever. It's my fault. So you do that keenly and we
18 can see all the entries. We know from Friday there is
19 no entry here, that is on the policy log, relating to
20 anyone coming to you and saying "we need a deployment".

21 Had you been approached, as you said on Friday,
22 without hesitation, you would have been prepared to send
23 the orange team to what was a prime address?

24 A. After a briefing and after the various command
25 structures were in place, yes, sir.

1 Q. Right. Now --

2 SIR MICHAEL WRIGHT: Sorry, can I interrupt you there?

3 Forgive me. I think we have this perfectly clear. So

4 far as the team itself was concerned, it would have been

5 ready to go, really taking an hour and a half for

6 briefing, it would have been ready to leave Leman Street

7 and go to wherever it was wanted within an hour and

8 a half.

9 A. Sir, leaving Leman Street probably within 20 to 25

10 minutes.

11 SIR MICHAEL WRIGHT: Going for its briefing and then on to

12 wherever it was wanted?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: The only thing, as I understand it,

15 that may have been lacking, depending on some of the

16 investigations that we yet have to make, is whether

17 there was a Silver Commander.

18 A. Yes, sir.

19 SIR MICHAEL WRIGHT: That's all.

20 A. That's all, and I would have advised that also if we

21 were going to go out on this operation, that there was

22 a designated senior officer available as well.

23 SIR MICHAEL WRIGHT: Of which there were available

24 candidates to be DSO.

25 A. Yes, sir.

1 SIR MICHAEL WRIGHT: So that there was nothing to stop the
2 orange team deploying, as you say, 20 minutes after
3 5 o'clock in the morning?

4 A. No, sir.

5 SIR MICHAEL WRIGHT: But for that.

6 A. But for that, sir.

7 SIR MICHAEL WRIGHT: Thank you.

8 MR MANSFIELD: Now, can I just put the DSO to one side for
9 the moment, obviously an important position.

10 The position was that the decision involved
11 intelligence gathering rather than anything else. It
12 didn't exclude the arrest of a suspect, obviously, but
13 one of its other objects was intelligence gathering, the
14 actual decision that Mr McDowall says he took and you
15 knew nothing about on the night?

16 A. Intelligence gathering would have been a key strand of
17 this operation.

18 Q. That's entirely understandable. Of course, once you
19 have an operation that isn't just go and get them but
20 actually let us find out if they are there, because of
21 course they may not have been there and now of course we
22 know they were not there?

23 A. Sir.

24 Q. Had something known as a footprint address ever been
25 described to you in this way; in other words amongst

1 detectives, this isn't an address that bombers would
2 necessarily go back to, because of course they have left
3 their footprints all over it, and if they have left
4 their rucksacks as well with their addresses in it, they
5 might not go back. Did anybody discuss that with you?

6 A. No, I understand the terminology, but that wasn't
7 discussed.

8 Q. All right. So one of the main things, if you are going
9 to have intelligence gathering and C019, there are three
10 groups of officers that need to get down there; there is
11 S012 to do the surveillance?

12 A. A surveillance team, yes, sir.

13 Q. That's not your responsibility, I appreciate. An S013
14 team who are going to do the stops in relation to people
15 who are not suspects?

16 A. Yes, sir.

17 Q. Because you don't use C019 for that?

18 A. I would suggest not, sir.

19 Q. Then you have C019. So that's three groups have to get
20 down there as soon as is humanly possible, subject to
21 all the things that have to go on.

22 Now, of course, you also had a tactical adviser
23 available to go; that is ZAJ himself?

24 A. That's correct, sir.

25 Q. So again, to follow up the learned Coroner's point, they

1 could go with Scott and ZAJ, subject to everything else,
2 within an hour and a half. I want to ask you this: the
3 other thing that the commander at 4.55 had said,
4 reconnaissance, because obviously if you are going to
5 mount an operation involving three groups of people, and
6 you don't want to compromise the covert nature, which it
7 now is, of the operation, you certainly don't want
8 a whole load of different officers trampling over the
9 same ground, do you?

10 A. That's correct, sir.

11 Q. With the risk of what is called blue on blue, that the
12 firearms team mistakenly think one of the other teams,
13 if they don't know them, is a potential suspect?

14 A. That is a hazard, sir, yes.

15 Q. That's a hazard, yes, that's understandable, so that's
16 why it's got to be co-ordinated.

17 Now, on the reconnaissance aspect of this, if the
18 orange team therefore had been -- you had been notified
19 and you had sent the orange team out with Scott, ZAJ and
20 a DSO back at the Yard, would they have sent an advance
21 party down to have a look at it discreetly, the whole
22 area around Scotia Road, or would they have just gone to
23 a nearby place and then sent somebody? How would it
24 work?

25 A. I think it would depend on the purpose of the

1 reconnaissance. What I would call a recce. It would
2 either be to find somewhere suitable to hold up and get
3 a general feel for the area, or it would be to go and
4 look at a specific set of premises. There are two types
5 of recce that could be undertaken.

6 Q. I am going to be specific. This was known, at the
7 central control room, as number 21 Scotia Road, and it
8 is said that people at the centre did not realise that
9 in fact it was a block of flats and that there was only
10 one door for the whole block for some long time, in fact
11 well past 7.15, before anyone at the centre realised.

12 So it's looking at a specific address. What kind of
13 reconnaissance would be required there?

14 A. In that case, sir, before my officers would go out, they
15 would pull off maps and plans so we understood the area
16 we were going to go into. If we were going to go out
17 and undertake this armed, as this would, we needed to
18 make sure we had the authority in place to run this as
19 an armed operation. So we had a standing authority.
20 That's one thing. We would now want to go out and do
21 this specifically armed, and to that effect I would then
22 want to discuss with the Silver various contingencies of
23 what if, and that's around what if we are compromised at
24 the door, what if we are shot at in the area, what do
25 you want us to do. Those were the types of questions

1 that I would have asked in relation to that.

2 Q. It goes without saying, none of this ever happened?

3 A. To the best of my knowledge, no, sir.

4 Q. We now know no reconnaissance of any kind appears to
5 have happened in time for the CO19 group, at least, that
6 eventually turned up around about or at least were
7 approaching the scene at 9.34.

8 Now, a further question, and again it's
9 hypothetical, if you can't answer please say so, but
10 I base it on an answer you gave in the Health and
11 Safety. You did in fact walk round the area before that
12 trial last year, didn't you?

13 A. I did, sir, yes.

14 Q. In the light of that, and, sorry, I ought to ask you:
15 what were you, as it were, looking for when you walked
16 round the area.

17 A. That came to me as a result of a request from the
18 Metropolitan Police solicitors just to have a look round
19 the area and to get a feel for it.

20 Q. Right. I am not going to ask you to do it from memory,
21 but we have several plans in the jury bundle.

22 A. Sorry, sir, may I just correct an answer I gave there.
23 It wasn't the Metropolitan Police solicitors; it's the
24 solicitors representing the Metropolitan Police. I beg
25 your pardon.

1 Q. You were giving evidence in fact for the prosecution
2 during the case?

3 A. I was called as a prosecution witness.

4 Q. But the defence had asked you to go down and look at the
5 area?

6 A. That's correct, sir.

7 Q. They don't ask you just to go down and look at the area;
8 they must have been looking -- they wanted you to
9 presumably look at it from a point of view?

10 A. Probably from a firearms tactical adviser's point of
11 view, yes, sir.

12 Q. You were the main one on the night.

13 SIR MICHAEL WRIGHT: Only down to 6 o'clock.

14 MR MANSFIELD: Yes, only down to 6 o'clock, sorry.

15 This is the period, of course, getting someone down
16 there before 6 o'clock so I'll come to continuity in
17 a moment.

18 Could you kindly look at tab 14, please, of the jury
19 bundle? That has a plan, close-up. I don't know
20 whether you just need a moment to familiarise yourself
21 with these roads. They are slightly enlarged and not
22 accurate other than in terms of where they are. Can
23 I follow it through? If you come out of the block,
24 which we all know about, which is roughly by the "K" in
25 "ECK", do you see that?

1 A. Yes, sir, I do, sir.

2 Q. I hope the jury can follow because they have been there.

3 If you walk away, you can actually, if you are going to

4 leave this little complex of roads, there is only one

5 way out, isn't there?

6 A. By car, sir.

7 Q. And by foot?

8 A. Three others.

9 Q. I'll come to the three, I think you mean. By car -- all

10 right, we will take that first of all. By car you would

11 have to come out of Scotia Road, round into Marnfield

12 Crescent, where it says "field Crescent", that part and

13 then you turn left or right into Upper Tulse Hill?

14 A. Correct, sir.

15 Q. So that's one exit by car. Since we are dealing with

16 a car, plainly by 6.20 you are still at

17 New Scotland Yard but you are handing over to TJ80; were

18 you made aware during that handover period that a car

19 had been seen or found that was a really rather

20 important car?

21 A. No, sir.

22 Q. You weren't. Now, just concentrate on the car aspect of

23 this. Do you have within the general tactical options

24 that you provided at 11.45 to Mr Boutcher, are there

25 tactics to deal with a car carrying potential suicide

1 bombers?

2 A. Yes, sir.

3 Q. Right. I do not want to know what they are, other than

4 you had tactics to cover that, which means you have

5 obviously got to have resources to cover it?

6 A. Correct, sir.

7 Q. Did the orange team have those resources?

8 A. Yes, sir.

9 Q. Now, just concentrating on the car, when you did the

10 walk, were you aware that a car was a potential risk in

11 this case?

12 A. A car would always be a potential risk because that's

13 how somebody could leave this area, sir.

14 Q. All right. Then, are there places near to Scotia Road

15 but not so near that it comprises any covert operation

16 at Scotia Road, Madrid style or any other style, and

17 where there would be -- there is always going to be

18 a risk to the public in London, because there is very

19 few places where you can do a stop and there isn't some

20 risk. But was there in your view a place where a car

21 could have been stopped without compromising any covert

22 surveillance?

23 A. If you are asking me could we have stopped a car in

24 Upper Tulse Hill.

25 Q. Yes?

1 A. Is that a question?

2 Q. That is the question.

3 A. Then that's going to be a subject of a decision that's

4 made at that particular time. Because to say we can

5 definitely stop a car at location A or location B may be

6 fine at the time that decision is made, so for instance,

7 could we have stopped a car in Upper Tulse Hill Road at

8 4 am, 5 am, quite possible; but at 9 am when there's

9 more people around, there's schools and those things; so

10 it's not a case of sitting here and going we can

11 definitely do there; that's got to be an on-the-ground

12 decision made by those commanders based on threat, based

13 on risk.

14 SIR MICHAEL WRIGHT: And in the light of all the other

15 circumstances at the time.

16 A. Absolutely correct, sir.

17 SIR MICHAEL WRIGHT: Such as the weight of traffic and so

18 forth.

19 A. Traffic, people that are moving around. You will always

20 seek to put an intervention of the type I think I am

21 being asked to discuss in the safest possible area, and

22 centrally you can't do that; that has to be done on the

23 ground.

24 MR MANSFIELD: Fully understood. So who will be the person,

25 I assume you are going to say it's Silver, the Silver

1 deployment.

2 A. Silver in conjunction with the tactical adviser would

3 arrive at a suitable plan and tactics to do that on the

4 ground.

5 Q. The reason I am going about it this way is of course

6 because there are so many variables that can occur at

7 the last moment, they choose another car or they go in

8 a different direction, or there's a bus right behind,

9 all those variables, presumably there would have to have

10 been some discussion during the briefing about the

11 possibility of a car being used, about the possible

12 places where it could be stopped subject to all the

13 variables?

14 A. No, sir.

15 Q. No discussion?

16 A. You wouldn't be able to discuss where you could stop

17 that vehicle until you had actually been to the vicinity

18 and done your own reconnaissance --

19 Q. Oh --

20 A. And subject to -- sorry to cut you short, sir -- also

21 subject to having a surveillance team to follow the car

22 to enable you the opportunity to stop it safely.

23 Q. Right. So I am still concentrating on the car, I have

24 assumed for these purposes that somebody has done

25 a reconnaissance, we know in fact that had not happened,

1 but they do a reconnaissance, the men who have got their
2 fingers on the trigger, in other words the men who have
3 to go out with the guns; surely they would -- subject to
4 the reconnaissance -- have to had some discussion of the
5 area so they know what's impossible, at least they can
6 exclude certain areas and include others subject to
7 variables?

8 A. After the briefing and having arrived at the location to
9 do that particular recce, but it might not be known at
10 the time of the briefing, sir.

11 Q. All right. So far as this potential car, as there was
12 one, is concerned, therefore, there is a possibility,
13 you have the resources to do it and the tactics to do
14 it.

15 I want to move to the person on foot who leaves
16 Scotia Road?

17 A. Yes, sir.

18 Q. Did you also look at that aspect of the matter?

19 A. I did, sir.

20 Q. Somebody coming out by "K", walking round Scotia, comes
21 into Marnfield Crescent. I have already dealt with it
22 with another witness, but I am sure you can confirm it.
23 I'll stick to the map at the moment. There are three
24 ways of getting on to Upper Tulse Hill once you have
25 come out of Scotia Road and into Marnfield Crescent,

- 1 right?
- 2 A. Four if you include the road, sir.
- 3 Q. Three of them are footpaths across the green fenced
- 4 area?
- 5 A. Through the park, yes, sir.
- 6 Q. As we look at it, so again there is one by the "M" in
- 7 "Marnfield", there is another that crosses straight
- 8 across, and then there is another that comes across near
- 9 the "CR" of crescent? Those are the three places?
- 10 A. As I recall, sir, yes.
- 11 Q. Then obviously you walk around the road itself. That's
- 12 the four ways a pedestrian could come out.
- 13 Now, it may be that your answer is exactly the same
- 14 as it was in relation to a vehicle. First of all, did
- 15 you have the capability with the orange team to stop
- 16 a person on foot who is a potential suicide bomber?
- 17 A. Yes, sir.
- 18 Q. And you had the tactics?
- 19 A. Yes, sir.
- 20 Q. Could that, and I'm going to put a rider on this bit, if
- 21 the object of the exercise is to stop the pedestrian as
- 22 opposed to a car, stop the pedestrian potential suicide
- 23 bomber getting on a bus, let alone an Underground train,
- 24 but away from Scotia Road, did you look at that as you
- 25 walked round the roads?

- 1 A. I noted where the bus stops were, but I don't think
2 I looked at it from that point of view, sir.
- 3 Q. Are you happy to look at it from that point of view now,
4 or do you feel not in a position to do it?
- 5 A. I'll do my best, sir.
- 6 Q. Because clearly what was in Commander McDowall's mind,
7 from what he has said, was that this should happen,
8 namely safely away from Scotia Road, and plainly by the
9 time Commander Dick came on, real anxiety that this
10 person shouldn't get on a bus because of what happened
11 the day before. Do you follow?
- 12 A. Of course, sir.
- 13 Q. The bus stops you may not recall now but I am only going
14 to concentrate on two groups, there is a group very
15 close to one of the pedestrian exits. So if you can
16 remember the central footpath from, say, "R" in
17 "Marnfield", coming across the green area, that comes
18 out by a bus stop?
- 19 A. I recall.
- 20 Q. Then there is another one on the opposite side of the
21 road, so you recall that, and there is a bus shelter and
22 so on there. If you come out of Marnfield and turn left
23 up Upper Tulse Hill, and round into Tulse Hill itself,
24 we have all seen there's a bus stop there. That's the
25 number 2?

1 A. Yes, sir.

2 Q. Right. Now, had you wanted to stop a pedestrian without
3 alerting those in Scotia Road or those overlooking the
4 area who might be friends with those in Scotia Road,
5 were there places where this could have been achieved in
6 order to prevent such a person getting on a bus?

7 A. It would be -- referring to my previous answer, sir, it
8 would be subject to the location, the people, and
9 everything else that's going on. But I should also add
10 that that decision to arrest can only be done once it's
11 been identified that that is the person we want to stop,
12 and once the control command has come from
13 New Scotland Yard, because that's where this operation
14 in relation to a suicide bomber was being controlled
15 from.

16 Q. I am going to take this -- I am sorry about the detail
17 but I think you will appreciate the difficulties here.

18 First of all -- I have to go back a stage further.
19 First of all, you have a person coming out who is
20 positively identified as one of the people from the day
21 before, so positive identification. Now, if that person
22 is going to be dealt with, the person who falls into
23 that category, definitely one of those from the day
24 before, who is in control of dealing with that person?
25 Is it the Silver in New Scotland Yard, the DSO in

- 1 New Scotland Yard, or the Silver on the ground?
- 2 A. DSO at New Scotland Yard, sir.
- 3 Q. So the DSO at New Scotland Yard, having got the
- 4 information, would say what?
- 5 A. Would then give a command as to how they want that
- 6 person dealt with.
- 7 Q. Yes, I am sorry, I am going to have to go into how --
- 8 I'm putting myself in the place of a firearms officer.
- 9 What am I going to be told?
- 10 A. You could be told a number of different things. One
- 11 could be to stop the individual, one could be to
- 12 challenge the individual, and the third could be to
- 13 shoot the individual.
- 14 Q. Now, those are three possible -- this is for
- 15 an identified bomber, do you appreciate?
- 16 A. I do appreciate.
- 17 Q. In fact so the jury can follow, the tactical document
- 18 that you provided Mr Boutcher with the night before,
- 19 11.45, many of the options -- and in fact so you
- 20 remember, it's option number 10, sorry, it's number 10
- 21 but a series of options -- are predicated upon
- 22 a positive identification, aren't they?
- 23 A. On identification that that is the person that we want
- 24 to stop who is a suspect.
- 25 Q. Yes?

- 1 A. Not a positive bomber.
- 2 Q. No, I appreciate that. But a positive identification
3 that it's the subject of the observation relating to the
4 day before?
- 5 A. Yes, sir.
- 6 Q. All right, I understand that distinction. Now, if the
7 DSO who's not on location, and can I ask you this in
8 general terms, is it ideal that the person who's giving
9 a rather vital command isn't the officer on the spot?
- 10 A. No, sir, it's not ideal. In this scenario, the best
11 placed person to give that command is the designated
12 senior officer because he or she will be in possession
13 of all the information that's coming into the operation.
14 That won't be available to the person on the ground. So
15 in my opinion, and these -- this was the training, that
16 in these situations the DSO at New Scotland Yard would
17 make that call.
- 18 Q. Well, I see the thinking there. But if you are going
19 to, as it were, delegate or attribute the responsibility
20 for the decision to someone at New Scotland Yard, then
21 they have to be in a position to give -- first of all to
22 receive very clear information, and give very clear
23 commands?
- 24 A. Absolutely correct, sir.
- 25 Q. Now, in relation to, again, this positively identified

1 suspect from the day before scenario, and you may only
2 have seconds to take a decision, and that's very clear,
3 isn't it?

4 A. Possibly, sir, yes.

5 Q. I mean, firearms officers, and you yourself, you do
6 training of firearms officers as you said on Friday,
7 have to be trained very carefully, don't they?

8 A. They do, indeed, sir.

9 Q. There are manuals and all sorts of things. I am not
10 going through those. They are trained very carefully.
11 They have to be in control of themselves, don't they?

12 A. Very much. That's a quality that you would look for.

13 Q. Whereas I and others in the room may find it very
14 difficult in a pressured situation, as far as is humanly
15 possible, these officers have a very high level of
16 training and response?

17 A. They do, sir.

18 Q. But because -- I think police call in parlance fast time
19 happening, and it may happen very quickly, was there at
20 that time -- whether it's called a code word or any
21 other word I am not really interested -- was there
22 a very clear command that all firearms officers would
23 understand in relation to a positively identified
24 suspect from the day before?

25 A. No, sir.

- 1 Q. There wasn't?
- 2 A. No, sir.
- 3 Q. So you see, in your tactical options document, and you
4 can have it up if you wish but I'm going to try to do it
5 without the document for the moment, there are two major
6 categories under number 10 where you are dealing with
7 a footborne person?
- 8 A. Yes, sir.
- 9 Q. The first three of those options, which I am not reading
10 out, the first three of those are all concerned with
11 what you called in the document "stop"?
- 12 A. That's correct, sir.
- 13 Q. The rest of the options under number 10, in other words
14 another six, because there are nine options, they are
15 all "challenge" options, aren't they?
- 16 A. That's correct, sir.
- 17 Q. So you have made a distinction in your tactical
18 operations document between a stop order and a challenge
19 order?
- 20 A. Yes, sir.
- 21 Q. Which is precisely what you have just done when you said
22 that the DSO at the centre point would be saying "stop"
23 or "challenge" or possibly both or "shoot"?
- 24 A. Correct, sir.
- 25 Q. Is that what the firearms officers would be expecting to

1 hear, "stop", "challenge" or "shoot"?

2 A. Certainly they would be expecting to hear the latter,
3 which is to shoot. That would be a fairly clear
4 command. I don't think there would be any ambiguity
5 around that. The stop or challenge may just be: I want
6 this person stopped; and then it would be for the
7 officers on the ground to determine safely the best
8 tactic to implement. Again, it would be very difficult
9 sitting remotely at Scotland Yard to dictate
10 a particular tactic that should be employed on the
11 ground. You have to rely on your advisers and your
12 commanders to apply the correct tactic to the correct
13 situation.

14 SIR MICHAEL WRIGHT: I am not sure that these are
15 necessarily in the right order; challenge might be
16 a lower level than stop, I don't know, maybe not, but
17 what is meant by challenge?

18 A. Challenge would be where you have the luxury of
19 distance, and you can then call to the individual and
20 get the person stopped in that way. So you have got
21 distance and you can call across and stop them safely.

22 SIR MICHAEL WRIGHT: Backed up if necessary by the
23 production of a weapon.

24 A. Absolutely backed up by the production of a weapon. The
25 stop option may be where you don't have that luxury

1 because there is too much going on, too many people
2 around and you need to intervene between the public and
3 the person to protect the public, so that would be
4 a stop option.

5 SIR MICHAEL WRIGHT: Does that involve if necessary getting
6 physically close to the --

7 A. It could involve getting physical and getting physically
8 close, sir, yes.

9 SIR MICHAEL WRIGHT: And if necessary using force to stop.

10 A. Absolutely, sir.

11 SIR MICHAEL WRIGHT: Are you familiar with the phrase "hard
12 stop"?

13 A. Yes, sir.

14 SIR MICHAEL WRIGHT: What does it mean?

15 A. It's a slang expression used for vehicle stops where you
16 would cause the vehicle to stop harshly, hardly, in
17 order to --

18 SIR MICHAEL WRIGHT: You mean like running into it if
19 necessary.

20 A. We don't have that as a tactic, sir, but it would be
21 that kind of thing.

22 SIR MICHAEL WRIGHT: I see, but it might involve that?

23 A. Yes, probably the better word to use is enforced stop.

24 SIR MICHAEL WRIGHT: Thank you.

25 MR MANSFIELD: The learned Coroner has asked it because a

1 number of officers say they anticipated a hard stop.

2 So if the command is "stop", and over to you how you
3 do it, that isn't synonymous with "critical shot" or
4 "shoot"?

5 A. No, sir.

6 Q. Nobody could possibly make that confusion?

7 A. I would certainly hope not, sir, no.

8 Q. Because officers have been trained to respond to these
9 different orders?

10 A. Yes, sir. If the command was given to stop that person,
11 then that person would be stopped, and then after that
12 person stopped, you then react to the threat that that
13 person presents and that may then lead to somebody being
14 shot.

15 Q. I follow that, and again it all takes place fairly
16 quickly, I appreciate. But the challenge from
17 a distance, is that when, if I can trespass a little
18 bit, you would be using a rifle from some vehicle?

19 A. No, sir. It could be, sorry, but more likely you are
20 just looking to get some distance between yourself and
21 the person you are stopping, because the geography of
22 the land allows you to do that. There's not many people
23 around, it's a quiet road, you could choose the option
24 of putting distance between yourself and the subject and
25 stop them. It wouldn't necessarily involve a rifle.

1 Q. I appreciate again it's as long as a piece of string and
2 so forth, but what kind of distance? Any distance would
3 be all right?

4 A. There were distances that were advised as minimum safety
5 distances in relation to this, and I am not sure where
6 that sits by way of sensitivity for disclosure.

7 Q. It's been mentioned in the Health and Safety.

8 Well, sir, I know what the distance was that was
9 mentioned in the trial, and it's certainly in the public
10 domain. All right. I am not going to take time on it.

11 SIR MICHAEL WRIGHT: It is a sufficient distance,
12 presumably, to allow an officer to be safe without being
13 behind a barrier of some kind, if a bomb goes off.

14 A. They would still need to be behind a barrier, sir,
15 because that would be their training, but it is a
16 distance that has been given to us by people who have
17 done various tests that was felt to be safe if you were
18 in a particular type of vehicle or environment.

19 MR MANSFIELD: Now, of course --

20 MR HORWELL: I am sorry. (Pause)

21 MR MANSFIELD: There may have been a misunderstanding.

22 The figure that's been -- there are a number of
23 figures but between 40 metres and 50 metres, because if
24 the person, I am only dealing at the moment with
25 a category of positively identified person from the day

1 before, suspect. If the person is carrying something on
2 this day, as well, and if the risk is he might detonate
3 it, if it's overt and all the rest of it, then the
4 officers have to be safe themselves from the blast of
5 whatever bomb it is?

6 A. Yes, sir.

7 Q. The distance that has been estimated is between 40 and
8 50 metres?

9 A. It is in a certain type of vehicle, yes.

10 Q. All right. Because the question I was coming to, and
11 I will just squeeze this in before lunch, does it make
12 any difference if you have an armoured
13 anti-ballistically shielded vehicle down there?

14 A. It would make a difference in distance but this is not
15 a discreet vehicle.

16 Q. No, I appreciate that. There are places here where
17 a discreet vehicle, sorry, where a non-discreet vehicle
18 could be parked, for example the TA Centre?

19 A. That was identified as a suitable holding area for all
20 the SO19 resources, yes.

21 SIR MICHAEL WRIGHT: You are talking about an ordinary
22 vehicle now, are you, by non-discreet?

23 MR MANSFIELD: No, because the officer said an armoured
24 vehicle is not discreet, so therefore a non-discreet --

25 SIR MICHAEL WRIGHT: I am not sure how you are spelling

1 "discreet".

2 MR MANSFIELD: Both senses of the term, probably.

3 Anyway, the TA Centre was an obvious place from
4 a police point of view to have held a vehicle that is
5 obviously a police vehicle?

6 A. Yes, sir.

7 MR MANSFIELD: Sir, would that be a convenient moment?

8 SIR MICHAEL WRIGHT: Yes, certainly. Now, how are we going
9 to let Andrew get out? Probably out of the door before
10 anybody moves. (Pause)

11 Yes, thank you very much, 2 o'clock.

12 (1.00 pm)

13 (The short adjournment)

14 (2.00 pm)

15 (In the presence of the jury)

16 SIR MICHAEL WRIGHT: Can I ask everybody just to check to
17 see that there is no-one here who shouldn't be here, and
18 then we can get Andrew back in. Right. (Pause)

19 Thank you. Mr Horwell, it occurred to me that when
20 Mr Mansfield was asking this witness about effectively
21 section 10 of the tactical options document, there is
22 going to be quite a lot being said about that. First of
23 all, would there be any difficulty about putting that
24 page into the jury bundle?

25 MR HORWELL: No.

1 SIR MICHAEL WRIGHT: Very well. In due course, we will.

2 Thank you.

3 MR HOUGH: Just to check, this is the page with the nine
4 options on, but no more than that.

5 SIR MICHAEL WRIGHT: That was the page that Mr Mansfield was
6 cross-examining on.

7 MR HOUGH: Yes.

8 MR MANSFIELD: Yes, thank you, sir.

9 Good afternoon. I just want to complete the various
10 stages. We were, just before lunch, dealing with
11 a situation in which a positively identified suspect
12 from the previous day was subject to a CO19
13 intervention. That's what we were dealing with.

14 I want to move to the next category of person. If
15 somebody emerged or emerges from some premises and there
16 is no positive identification but we are in, therefore,
17 a grey area where, as happened here, you get something
18 like, "He's worth a second look", which is what Frank
19 was saying, or, "Could be, I am not sure, might be", all
20 that kind of thing.

21 Now, have you got tactics to deal with that
22 situation, a possible suspect from the day before?

23 A. I believe that's what option 10 was also trying to
24 address, was the possible suspect.

25 SIR MICHAEL WRIGHT: Could you remind us of the wording?

1 A. I do not have the document in front of me.

2 SIR MICHAEL WRIGHT: Mr Mansfield has.

3 MR MANSFIELD: This is where it may be, I am afraid,

4 important to have the document. I have obviously got

5 a copy. And the page, I am very grateful, there is

6 a hard copy coming to you.

7 SIR MICHAEL WRIGHT: Can we get it on the screen? I don't

8 think we can, actually. It's not been scanned in.

9 MR MANSFIELD: I am wondering if -- I understand a document

10 can be put on screen, unless there is objection. It's

11 pages 12 and 13. I am not dealing with the full version

12 but the redacted version for the moment. Can I just

13 check, page 12, if you could turn to page 12.

14 A. Yes, sir, I have got that.

15 Q. At the moment, we have not got the top half because it

16 may not be relevant, but we have the bottom half which

17 is headed "Vehicle or Foot". Do you have that?

18 A. Yes, sir.

19 Q. Could that be enlarged so the jury could read it?

20 SIR MICHAEL WRIGHT: It's on the screen.

21 MR MANSFIELD: Perhaps it can't. I'll just wait and see if

22 it can be calibrated to a larger ... (Pause)

23 Is it possible that everyone can read it all right?

24 I'll read, if I may, this, because the jury haven't seen

25 this before. As you have referred to it, attempting to

1 resolve it. It's headed "Vehicle or Foot" so this is
2 section 10:

3 "Interception outside the stronghold/Premises or
4 elsewhere of Suicide Terrorists (spontaneous or
5 Pre-planned Kratos)".

6 Can I just pause. When the word "pre-planned
7 Kratos" is used, is that meant to be referring to
8 Clydesdale or is it referring to any pre-planned armed
9 operation?

10 A. The circumstances of this day, and this investigation,
11 did not lend itself to Clydesdale. Nor did it lend
12 itself to spontaneous Kratos. So what we had to do in
13 devising this document was try to envisage a situation
14 where there is a pre-planned investigation and draw bits
15 in to give us the best chance to resolve it. That's
16 what we meant by "pre-planned Kratos".

17 Q. That's what you meant. Right. That's understood.

18 "In all these options it is presumed that a suspect
19 has been identified..."

20 I want to pause there, because of course this is
21 what's led to this document or at least reference to it.

22 Everything we are going to read within the section
23 is predicated on an identification; in other words
24 everything in here, in section 10, depends on there
25 being a positive identification?

1 A. Of a suspect.

2 Q. Of a suspect?

3 A. Suspect, not a confirmed bomber, sir. Suspect.

4 Q. A positive identification of a suspect?

5 A. Yes, sir.

6 Q. I am going to pause, because the reason we are getting

7 into this a little bit, and I'll go through the rest now

8 the jury have seen it, I am moving -- as I said at the

9 start of this afternoon -- from a positive

10 identification of a suspect from the previous day to

11 somebody saying, "This might be one of the people from

12 the previous day".

13 A. Yes, sir.

14 Q. That's not a positive identification of someone from the

15 previous day; it's just saying could be?

16 A. I would still say that's an identification of a suspect.

17 Q. Well, I'll have to come back to what you said at the

18 Health and Safety, and there may be misunderstandings

19 here on this point. What you are meaning when you have

20 put "has been identified", you mean, you know,

21 a positive identification as well as other grades below

22 that, "could be" and so on?

23 A. The words say:

24 "In all these options it is presumed that a suspect

25 has been identified..."

1 SIR MICHAEL WRIGHT: That means positively identified,
2 doesn't it?

3 A. Identified as a suspect, sir. Not as a confirmed bomber
4 but as a suspect.

5 MR MANSFIELD: I am sorry, it is not your fault at all.
6 There are several stages. Obviously, "That's the man
7 from the day before", positive ID.

8 A. Yes.

9 Q. Sorry, I am using vernacular, positive identification.
10 Then of course that doesn't mean to say you go into
11 critical shot mode, because you still have to assess
12 whether the man you have identified from the day before
13 is posing an imminent threat that day?

14 A. Yes, sir.

15 Q. So there are two stages to that. Then there is
16 something less than that where somebody is saying: I am
17 not sure whether that is somebody from the day before,
18 never mind whether he is posing a threat today, I am not
19 even sure whether he is somebody from the day before; do
20 you follow? "I am not sure he is a suspect", right?

21 A. Sorry, "I am not sure he is a suspect"?

22 Q. Yes. What Frank was saying, and the jury will hear from
23 Frank, the man in the van, if I can put it that way,
24 outside the premises, his first reaction, because he
25 couldn't film it for various reasons, he said to the

1 others listening, "He's worth a second look"; you know,
2 it's worth having another look at this man, could be,
3 might not be. Right, so that's not a positive
4 identification of a suspect from the day before; it's
5 merely a could-be identification from the day before?

6 A. No, I do take your point. Yes.

7 Q. Now, I am taking it slowly because maybe there have been
8 lots of misunderstandings here, but what you have set
9 out, this is what's been called the generic document
10 given to Mr Boutcher at 11.45; yes?

11 A. Correct.

12 Q. So this isn't tailor-made for this particular operation
13 at Scotia Road because you didn't know at 11.45 what was
14 going to happen?

15 A. No, sir.

16 Q. So you have drafted lots of possible contingency plans,
17 which is all fine. Coming back to the sentence:

18 "In all these options it is presumed that a suspect
19 has been identified..."

20 This means, does it not, positively identified
21 rather than it could be the person?

22 A. I think we could just be playing with words here, sir,
23 because I don't -- somebody coming out of a premises who
24 you are not sure, would need then to be surveyed to try
25 to establish whether he is or he isn't a suspect.

1 Q. I appreciate, the big question here of course is: who is
2 in control of that exercise, the second category, how
3 it's carried out and so on; do you follow? You were
4 asked, and I am sorry, it's the only passage of your
5 evidence I really want to ask you about, when you gave
6 evidence at the Health and Safety trial, you were asked
7 these precise questions there, weren't you?

8 A. Could you read them back to me, sir?

9 Q. I certainly will. There is one page, and so if anybody
10 is wishing to follow in their own copies, I alerted
11 those who are operating the machine of the date. It is
12 15 October last year at page 101, and at this stage you
13 are being cross-examined by those who represent the
14 Commissioner.

15 I think that's right, anyway, certainly after
16 in-chief.

17 This will be brought up. You see there is
18 a question, line 2. This is the section, and in
19 fairness to you I'll just go through it with you,
20 because the questions will become familiar:

21 "Is the deployment of CO19 to carry out an armed
22 intervention something that should be authorised on the
23 basis only of a person being worth a second look ..."

24 That comes from Frank, do you follow?

25 A. Yes, sir.

1 Q. " ... that being the level of identification that has
2 been established? He's come out of the premises,
3 someone's had a quick look at him, can't make a decision
4 whether he is a suspect or not, says: he may be worth
5 a second look. Is that a basis upon which you would
6 approve of an armed intervention by C019?

7 "Answer: It's not something that I would advise on
8 just those facts alone, no.

9 "Question: What's the minimum that you are usually
10 looking for?

11 "Answer: Again [is your answer], safeguard the
12 public, then you are looking to identify, you are then
13 looking to locate and you are then looking to contain.
14 So in the context of this, we would be looking to
15 confirm the identity of the person that we are dealing
16 with.

17 "Question: So is it fair to say that C019 armed
18 intervention is usually predicated on a positive
19 identification?

20 "Answer: Yes ..."

21 Then there are just a couple more questions:

22 "Question: And are there human rights issues if you
23 confront people with guns when they are not carrying
24 anything and don't represent a threat?

25 "Answer: Human rights issues, use of force issues,

1 public safety issues.

2 "Question: Have you studied the circumstances of
3 the departure of Mr de Menezes on the 22nd July from
4 Scotia Road?

5 "Answer: I am aware of them ...

6 "Question: And in your view, as a tactical adviser,
7 what could have been done differently, if anything?

8 "Answer: It comes back to identify, locate,
9 contain. It would be very unwise to deploy C019
10 officers, any armed officers, until such time as
11 identity had been confirmed. So the context of: let the
12 surveillance unfold, confirm the identity of the person,
13 let us locate them and then we will implement the plan
14 to contain that person and deal with that person."

15 Now, it does go on a bit, but does that give you
16 a full resume?

17 A. Yes.

18 Q. What you appear to be saying, is this fair, a year ago
19 was: for C019 to intervene, that doesn't mean to say
20 shoot, but to intervene, there has to be a positive
21 identification?

22 A. Of the suspect.

23 Q. Yes.

24 A. Yes, sir.

25 Q. Not "he's worth a second look"?

1 A. Not at that time, no, sir.

2 Q. I appreciate things may have moved on and it's difficult
3 to see things as they were then in 2005. So, going back
4 to the document, if we may, could we have it on screen,
5 that is your tactical options document, section 10, that
6 sentence:

7 "In all these options it is presumed that a suspect
8 has been identified..."

9 What you meant then, is this right, is positively
10 identified?

11 A. The suspect, yes, sir.

12 Q. Right. I continue reading so now the jury have the
13 document in front of them:

14 "... and is being covertly followed or kept under
15 observation by CCTV or other means. If there is
16 intelligence [and this bit is in italics or slightly
17 bolder type] to suggest that the suspect is:

18 "1. Suicide bomber and

19 "2. Is carrying an explosive device with the means
20 of detonating it.

21 "The use of conventional tactics must be carefully
22 considered and risk assessed prior to use. Any overt
23 deployment in cases of person borne suicide devices is
24 likely to endanger the lives of the public and the
25 officers deployed."

1 Then again in italic writing:

2 "In all these options there exists a real
3 possibility that should the subject be non-compliant
4 with the commands of the officers initiating the
5 interception then an immediate critical shot may be
6 taken in order to protect the public and the officers
7 engaged in that interception.

8 "The options 10(a) to (i) suggest proposed tactical
9 deployments to deal with a suspected suicide bomber on
10 foot. Some of the deployments are more viable because
11 they use more highly trained officers with the most
12 appropriate weaponry. All the options must be
13 dynamically risk assessed by the tactical adviser
14 together with the Silver. Protocols for use and
15 additional resource commitment will be required for
16 a 24-hour response."

17 Now, that's the introduction, and the options of
18 which there are nine, and you can -- the one at the
19 bottom here, of the page, (a):

20 "Stop by dedicated plain clothes CO19 ..."

21 That's tactical support, is it not, TST?

22 A. Tactical support team.

23 Q. "... officers in 2 x covert armed response vehicles",
24 C ARVs as they are sometimes called.

25 So that's the first one. Over the page, and if you

1 remember before lunch I indicated that this is the group
2 that's split into two, the first three are all stop. So
3 the next one, (b):

4 "Stop by dedicated plain clothes clothed or uniform
5 CO19 TST officers in 2 x covert ARVs and [here comes the
6 armoured vehicle point that I was mentioning] ...

7 "(c) Stop by plain clothes CO19 SFO officers in
8 covert armed response vehicles."

9 So that's a reference to the specialised team?

10 A. Yes, sir.

11 Q. (d), and here we have different wording:

12 "Contain and challenge from marked CO19 [armed
13 response vehicles].

14 "(e) CO19 SFO contain and challenge from marked
15 armoured vehicles."

16 SIR MICHAEL WRIGHT: Armoured, not just ARVs?

17 A. Armoured, sir, ballistically protected vehicles.

18 MR MANSFIELD: Is there a difference, I am sorry, just to
19 ask quickly as we are going through, the previous
20 reference to armoured, that's a marked vehicle, is it,
21 as well?

22 A. They are all marked vehicles.

23 Q. "(f) Contain and challenge by uniformed CO19 ARV
24 officers in covert ARVs."

25 So you have an unmarked car but with uniformed ARV:

1 "(g) Contain and challenge by uniformed CO19 TST
2 [the Tactical Support Team] officers in covert [armed
3 response vehicles].

4 "(h) Contain and challenge by plain clothes CO19
5 [tactical support again] in covert ARVs."

6 The last one:

7 "(i) Contain and challenge by plain clothes CO19
8 [the specialist firearms team] in covert ARVs."

9 Sorry, I have just gone through the nine that you
10 have put there. Although we don't have it here, and I'm
11 not going through it, you went on in some detail under
12 each of those headings to discuss the advantages and
13 disadvantages of each one?

14 A. Yes, sir.

15 Q. So the person reading would know what's available and
16 what the advantages and disadvantages are, including
17 whether there has been training in any of these?

18 A. Correct, sir.

19 Q. Right. Now, the question from which this has all arisen
20 was: if a surveillance officer says, "The man's worth
21 a second look but I am not sure", who deals with it?

22 A. Decision for the designated senior officer who's
23 managing that particular situation, sir.

24 Q. Right. And the problem we are facing here is, and
25 I would submit it's likely to be the most common

1 problem, you are not sure, but in case somebody is,
2 well, first of all it's rather obvious, you can't go
3 round shooting members of the public in case they are
4 bombers, can you?

5 A. No, sir.

6 Q. So there has to be a much more, as it were, considered
7 tactic than that, and I am not suggesting that is one of
8 your tactics, so what the DSO who you understood was
9 going to be in control because that's what you discussed
10 earlier in the night --

11 A. Yes, sir.

12 Q. -- would have to decide was: can we afford to let
13 a person who might be a bomber but we are really not
14 sure get on to a bus?

15 A. Get anywhere, sir.

16 Q. Or get anywhere, yes, fair enough. Now, if the tactical
17 options generic document that we have got here is really
18 predicated, in other words based on only a positive
19 identification, what is a DSO meant to do? Use C019 in
20 a non-positive identification with conventional tactics,
21 or use someone else? How does this work?

22 A. Perhaps I should best try and answer that by reference
23 to page 10, I think it is, sir.

24 Q. Oh, right. Probably a page we have not ... could you
25 just --

1 A. I beg your pardon, it's page 9.

2 Q. Yes, I think I have the same page. Is it the heading

3 "Suicide suspect tactical options"?

4 A. Yes, sir.

5 Q. Is there any objection to that going on the screen?

6 It's easier for the jury if they have it?

7 SIR MICHAEL WRIGHT: Very well.

8 MR MANSFIELD: Could that be very kindly just put on screen,

9 if you have a copy of it.

10 SIR MICHAEL WRIGHT: Yes, this is a redacted copy.

11 MR MANSFIELD: Again I am going to read it so the jury have

12 it, because it's not that easy to read. It's headed:

13 "Suicide suspect tactical options.

14 "In all the following options the risk of detonation

15 of explosive material by a suicide suspect following

16 confrontation by police must be seriously considered in

17 light of the experiences of the police in Madrid when

18 they confronted suicide criminals.

19 "Operation Kratos options are only relevant to

20 a suspect who is on foot or in a vehicle. A suspect who

21 is located in a premise needs very careful consideration

22 of tactical options for the reasons outlined above.

23 "However to aid discussions and decision-making the

24 following options are put forward for consideration."

25 Now, that's what you wanted to refer to?

1 A. Yes, sir. This document at the time was never put
2 forward as a definitive answer to any of the problems
3 that we might encounter. It was merely put forward to
4 help discussions and decision-making with regards to the
5 various options. When you look at the options (a) to
6 (i) --
7 Q. They are all redacted.
8 A. No, just the headings.
9 Q. I see, sorry.
10 A. They are by no means exhaustive because within that,
11 taking as a for instance option (e), we could also have
12 had other officers doing that same piece of work from
13 that same vehicle.
14 Q. Sorry, we are back on to the nine options, are we?
15 A. Yes, sir.
16 Q. Right, sorry, so could we have that page back up.
17 SIR MICHAEL WRIGHT: It's up.
18 MR MANSFIELD: Right.
19 On that one, (e), yes, you could have had officers?
20 A. From the different CO19 disciplines doing, implementing
21 that option. So when this document was created, what we
22 were looking at were options (a), (b) and (c) being stop
23 options implemented in the main by covert officers. So
24 not officers in uniform, but in the main covert.
25 Options (d) to (i) were options that could be

1 implemented by all the various officers that we have,
2 ARV officers, TST officers and SFO officers, and there
3 is two options of each.

4 So we are just trying to give a broadbrush idea by
5 way of a discussion document to say, "We can do all
6 these things", and to be fair more, because we could
7 have added on with, as I say, ARV officers doing stops
8 from marked armoured vehicles as well. So there is
9 a whole range of different options. We were just trying
10 to put something forward to the officer, senior officer,
11 to give an idea of what we could do. It wasn't
12 a definitive document.

13 Q. Yes, that's perfectly understood and in fact you could
14 do no more than you did, and there is no criticism of
15 that at all. What I am trying to confront and deal with
16 here is the reality of a situation which might occur
17 very often, in other words you have information,
18 intelligence, in this case a surveillance officer
19 saying, "He might be the man from yesterday". Of course
20 it could be a member of the public saying, "She might be
21 a suicide bomber", so it's in that bracket. You are not
22 sure. If a DSO had said, "I want CO19 to deal with
23 a might be, a possible", you had tactics to deal with
24 that?

25 A. Yes.

- 1 Q. I am sorry to go slowly because I know it seems obvious,
2 but perhaps the obvious hasn't come to ground, as it
3 were. Right, so you have got tactics to deal with that.
4 Clearly you can't, as I have just said, go in and shoot
5 the person, so you have to do something less than that,
6 because they may be an innocent member of the public, as
7 you pointed out to Health and Safety?
- 8 A. Correct, sir.
- 9 Q. You are aware, aren't you, and I think probably most
10 police officers are aware, unfortunately in the past
11 mistakes have happened, haven't they?
- 12 A. They have, sir.
- 13 Q. People have been mistaken for somebody else, and been
14 shot?
- 15 A. Yes, sir.
- 16 Q. Right. So one has to be really very careful here.
17 I really don't want to trespass on what is highly
18 sensitive, but does the tactic that CO19, if they have
19 been asked to do it, were there, to, as it were,
20 intervene with a possible suspect from the day before,
21 obviously involved some form of challenge.
- 22 A. Yes, sir.
- 23 Q. That form of challenge would either be from a distance
24 and cover, or if you had no option, from close quarters?
- 25 A. Correct, sir.

- 1 Q. Would the actual people we have on the ground in this
2 case, in other words the DSO who had to deal with it in
3 the end was called Cressida Dick, would she know about
4 those tactics and options, or is only firearms qualified
5 people?
- 6 A. No, she would know about those options.
- 7 Q. I suppose it goes without saying, therefore, Mr Purser,
8 who was the location Silver, he is actually on the spot,
9 he would certainly know about those?
- 10 A. He would know those and he's got a tactical adviser with
11 him to help make those decisions.
- 12 Q. Right, and that's another Trojan officer, 84. That's
13 just shooting on a bit. Right?
- 14 A. Yes, sir.
- 15 Q. All right. So that's taken a little time. So you have
16 that position. Now, if the person coming out, and we
17 know there were six odd people, other people, coming
18 out, don't fit into: that's somebody from the day before
19 or that could be somebody from the day before, but it's
20 somebody else who you might want intelligence from; then
21 of course it's not CO19's responsibility at all?
- 22 A. I would suggest not, sir, no.
- 23 Q. The decision to intervene with somebody who might
24 provide information about the inside of the block and
25 all the rest of it, is that going to be made by the DSO?

1 A. I think it would depend on the briefing that the DSO had
2 had about their particular role, but the actual
3 intervention, or the stop of that person is probably
4 a better word, would not be done by armed officers.

5 Q. I appreciate -- and I know this isn't quite your field,
6 it's another group of officers who would have to do it.
7 I'll leave that for the moment for somebody else to deal
8 with.

9 Of course the armed officers, if they had been in
10 place, let us say the orange team, it is essential they
11 know where the surveillance officers are, isn't it?

12 A. Yes, they would need to know where the surveillance
13 officers were, yes.

14 Q. I don't mean, oh, they are in -- you know, it's no use
15 you being told, "Well, they are around and about", you
16 have to know exactly where they are and in what
17 vehicles, if they are in vehicles, or if they are on
18 foot or whatever they are on. You need to know all
19 that?

20 A. You would need to know the location of the surveillance
21 officers so that you could support them if that was
22 required.

23 Q. Because this operation, at its inception, was armed
24 support, mobile armed support for surveillance; that's
25 how it started out?

1 A. So I understand, sir, yes.

2 Q. I appreciate you weren't privy to that and you have made
3 your position clear. Right.

4 Now, I want to move on again hopefully
5 chronologically in relation to the night. If you had
6 been told, and you had got your orange team down there
7 with all the support you have indicated, let us say by
8 6.30 because you said hour and a half for them, bit
9 shorter, after the decision, I want to ask you about
10 this situation: the orange team only had a couple of
11 hours to go from 5 o'clock, decision at 5 o'clock, they
12 are going off at 7?

13 A. Yes, sir.

14 Q. But you have got them down there. They have done
15 a reconnaissance or recce. They are all in position
16 supporting the red surveillance team. Minutes are
17 ticking away and we are coming up to 7 o'clock. Was it
18 possible for you to have kept the orange team there, if
19 you had wanted to, until relieved by the black team, as
20 it turned out, at around 9.30?

21 A. Yes, sir.

22 Q. Right. However, we can go a stage further because even
23 if somebody came along and said: oh, I don't like that
24 idea because they have been on duty and are a bit tired,
25 you know, whatever, you had other options, didn't you?

- 1 A. Yes, sir.
- 2 Q. Firstly, you had the grey team at a hotel. You would
3 not want to drag them out but if you had to, you could?
- 4 A. I wouldn't have done that, sir.
- 5 Q. All right. Forget the grey team, then.
- 6 SIR MICHAEL WRIGHT: This is a question of orange having to
7 do some overtime.
- 8 A. They had already done some overtime --
- 9 SIR MICHAEL WRIGHT: Yes, I know, but you would have kept
10 them there.
- 11 A. They were without doubt the best resource. The grey
12 team would have had an hour and a half sleep, would have
13 probably been completely disorientated, so the orange
14 team would have been my choice.
- 15 MR MANSFIELD: Right, well, we will cross off grey. I just
16 want to follow through two other resources. If you
17 needed it, you had Tactical Support Teams.
- 18 A. No, sir.
- 19 Q. None at all?
- 20 A. They didn't come on duty until 7 am.
- 21 Q. I wanted to ask you about that. I am sorry, it means
22 going back to your policy document; was it 7 or was it
23 6?
- 24 A. 7, sir.
- 25 Q. They have given two different times. Could you look at

1 page 1 of your policy document? TST1, you mentioned it
2 on Friday, now released to return 7 am. That's only one
3 of the teams, isn't it?

4 A. I am not sure what the composition of the second team
5 was at that time. It may well be that TST1 was made up
6 from both teams.

7 Q. I see, so I can't take it any further than that. You
8 are not able to say whether there was a TST available
9 a bit earlier than 7?

10 A. No, there would have been a TST2 but they may have been
11 doing other duties, and bearing in mind that at 6.30,
12 TST1 had been warned to come back for a particular duty
13 at 7 am.

14 Q. What I am getting to here is of course once you have got
15 an SFO team down there, and you would ask orange to just
16 stay on, this speeds the whole process up for the black
17 team, doesn't it?

18 A. It could speed it up or it could mean they don't
19 actually have to rush because there is already a team
20 there covering the job, so to speak.

21 Q. What would have happened if the orange had gone down,
22 done the reconnaissance and worked out the
23 possibilities, of course subject to variabilities, buses
24 and everything else, intervening, of course, the next
25 team coming on would have a lot of information already

1 assembled because it would have been assembled by the
2 tactical adviser ZAJ who had gone down with the orange
3 team who could communicate with Trojan 84 who is coming
4 on with the black: look, we have it sorted here, just
5 get down here; they need their own briefing but it
6 doesn't need to be quite as long and complicated as it
7 was in this case because they are the first lot down?

8 A. I would say that they would still need a very
9 comprehensive briefing because they are being asked to
10 potentially deal with suicide, subject of which we had
11 not had to face before, so I wouldn't seek to diminish
12 the importance of a briefing.

13 Q. Then I will work on what actually happened. They come
14 on at 7 and they don't get down there until 9.30, or
15 they don't get towards Scotia Road until 9.30, having
16 had a briefing at Nightingale Lane, 8.45 to 9.15-ish
17 What would have happened, then, when Jean Charles
18 de Menezes left the premises at 9.34, if the DSO,
19 Cressida Dick, had wanted to, she could have asked the
20 orange team on a possible suspect but not confirmed, to
21 deal with that person before they got to a bus stop?

22 A. Only once the identification had been confirmed, that
23 that was a person that we were interested in.

24 Q. Yes, all right. I think we have been through the
25 various grades. I think what you are meaning is

1 positive identification from somebody from the previous
2 day also includes somebody who might be, but obviously
3 you are dealing with a different scenario. It's not --
4 it's a long way from a critical shot situation; it is
5 a challenge from a distance to see whether -- what
6 happens with the person, if you are asked by the DSO to
7 do it; is that fair?

8 A. That's fair, sir, yes. They were looking to stop the
9 person once the identification has been confirmed, but
10 not on an it may be, or it may be not. We would have to
11 let that unfold, which is what I was trying to say at
12 the Health and Safety trial.

13 Q. All right. Then there is a real -- can I follow it
14 through as you are making that distinction. The real
15 problem about not actually even challenging is the walk
16 from the front door to the nearest bus stop, the jury
17 have seen, takes three minutes, two minutes, and four or
18 five to get round to the other one, bus stop number 2.
19 Is it the case, therefore, that really you couldn't have
20 been used, and what the DSO would have to do is to use
21 some other form of challenge if you can't come on to the
22 plot until there is a confirmed identification. Are you
23 following me?

24 A. I am not, sir. I do apologise, I am not.

25 Q. I'll go more slowly. I am trying to deal with a real

1 situation. Someone has come out of the front door. It
2 happens suddenly, you don't have a lot of warning. They
3 are there. You have to make a decision. Frank is
4 saying "Could be, worth another look", but if you are --
5 SIR MICHAEL WRIGHT: But you have only got about five
6 minutes to decide what to do, because the bus stop is at
7 the other end of the five minutes.
8 MR MANSFIELD: That's the problem, which is why it's
9 important to know about the location, as you have
10 already agreed. I am trying to, as it were, deal with
11 a reasonable way of dealing with this situation so that
12 nobody gets wrongly shot.
13 Do you follow?
14 A. I do.
15 Q. If the DSO says it could be but we can't let this person
16 -- he can't be shot because we don't know he is a
17 bomber, but on the other hand we can't let him on a bus
18 in case he is, so who's going to deal with that?
19 A. That would be a decision for the DSO based on the
20 resources that she, if you are talking about
21 Commander Dick, has there. It could either be the
22 unarmed officers or it could be the armed officers. If
23 it was based on this could be a suicide bomber, then
24 I would suggest that should be the C019 officers.
25 Q. All right. So C019 would be requested on a could be

1 basis, to use practised and trained tactics of
2 challenge?

3 A. Yes, sir.

4 Q. Which doesn't automatically mean somebody is going to
5 get shot dead because you do it in such a way that you
6 give them an opportunity to respond; is that right?

7 A. If that was possible, by virtue of the geography and the
8 time and the other people that are around --

9 SIR MICHAEL WRIGHT: If you can maintain the safety cordon
10 around the individual.

11 A. Yes, sir, it's the safety of the public that will come
12 first and then you can fit your tactics into that
13 scenario.

14 MR MANSFIELD: There is no point in having a whole tactic,
15 whether you call it Kratos or Clydesdale or any of the
16 other names, if the officer is being told, "Well, you
17 can shoot them with a critical, you know, fatal shot if
18 they don't respond", but if you are not giving them
19 an opportunity to respond, how do you make the judgment
20 then?

21 A. That would be a decision based on threat and risk by the
22 officer at the time. That's what they are trained to
23 do, sir.

24 Q. I appreciate, but what I am suggesting is the challenge
25 option, which is really the only one you are able to use

1 when it could be the person, has to have scope if they
2 are not carrying anything, they aren't clenching
3 a toggle, do you follow me, they are not sweating, then
4 really an unarmed option is a possibility, isn't it?
5 A. Not if you are dealing with someone that might be, sir.
6 Q. All right. Then if it's got to be armed officers
7 dealing with it for that risk, and I understand that,
8 then there has to be allowance for the fact by the
9 officers in their minds that this might not be a bomber?
10 A. Yes, sir.
11 Q. You have to, in those circumstances, allow space to make
12 the judgment; in other words, if you are going to issue
13 a challenge like -- I have to trespass a bit, what's the
14 challenge going to be? Stop?
15 A. It would be: "Armed police, stop, stand still, show me
16 your hands".
17 Q. I want to get, if I may, the order right, in case I'm
18 faced with the same prospect. So does it go "armed
19 police"; yes?
20 A. It would always be started with "armed police".
21 Q. Of course, the fact that somebody says "armed police"
22 isn't exactly telling you what to do --
23 SIR MICHAEL WRIGHT: Forgive me, Mr Mansfield. Let us ask
24 Andrew to give us the actual script. What is said in
25 what order?

1 A. The order would be "armed police"; probably "stand
2 still", but there is no real script that you are given
3 because the officers will have to apply their words to
4 the scenario that present themselves. It would be
5 "armed police, stop", "armed police, stand still".

6 Q. You said something about hands?

7 A. "show me your hands", because the hands in a firearms
8 situation would be what you want to see. They can't
9 shoot the gun without the use of the hands, so you would
10 want to control the hands.

11 MR MANSFIELD: Furthermore, it's rather obvious, they
12 can't -- if their hands are being shown, they can't
13 trigger a device from their pocket or something like
14 that?

15 A. It could be in their hand. That is why you would want
16 to see the hand.

17 Q. You would want to see the hand. There is nothing in the
18 hands connected to anything else?

19 A. Correct, sir.

20 Q. Whether it's a weapon or a bomb.

21 Now, "armed police, stand still, show hands".

22 Agreed, it may be a variation, depending, because the
23 person could be in some other position, I suppose.

24 In the training that is done for firearms officers,
25 is this pretty standard?

1 A. Yes, sir.

2 Q. In other words, even when it's not a suicide bomber,
3 this is the kind of thing that is said?

4 A. Correct, sir.

5 Q. So you have somebody who has a hostage in the road or
6 whatever, I don't say it's frequent, but you are very
7 commonly having to deal with situations like that?

8 A. Yes, sir.

9 Q. So that's the framework that goes on to that situation?

10 A. It is. There would be a conventional challenge tactic
11 --

12 Q. Conventional challenge tactic. Now, that obviously
13 means that you are overt, it follows, because once you
14 have shouted -- do you have any form of megaphone or...?

15 A. Not personal megaphone, they would be in the vehicles
16 but they are not personally issued.

17 Q. If this is a pre-planned operation as opposed to event,
18 it's a pre-planned operation, if you wanted to place
19 a vehicle in such a position that you could, as it were,
20 issue these sort of orders over a loudspeaker, you
21 could?

22 A. It would be difficult in this situation, because again
23 you have to be considering the safety of the public, so
24 it may not be possible to rely on distance and therefore
25 rely on the use of a vehicle, a loud hailer. You may

1 have to rely on your own voice to get the message
2 through.

3 Q. Right, and you obviously don't want to compromise the
4 operation so anybody inside Scotia Road hears it, so you
5 don't want that. All right, so we leave aside that. It
6 will have to be done probably by the human voice
7 speaking as loudly as possible?

8 A. Yes, sir.

9 Q. Now, this conventional, as it were, approach, "armed
10 police, stand still, show hands", is practised over and
11 over again by officers on training ranges and so on?

12 A. Yes, sir.

13 Q. I want to just move it one fraction on. Once somebody,
14 if you have missed them, or you have not been able to
15 intervene to challenge them before they get on a bus and
16 they get on a bus; in this case he went round the
17 corner, it's a four-minute walk; do you have tactics to
18 deal with, challenge, somebody who might be, challenge
19 and containment once they are on a bus or some other
20 vehicle?

21 A. Standard tactics.

22 Q. Standard tactics. Now, I take the bus one first of all
23 because that's what this case is about. What's the
24 standard tactics vis-a-vis a bus?

25 A. There are no standard tactics for dealing with somebody

1 on a bus. It would be your standard police training
2 that would allow you to deal with that.

3 Q. As I haven't been standardly trained, I don't know quite
4 what that would involve. I want to be specific; does it
5 involve officers getting on to the bus?

6 A. It could involve officers getting on to the bus, but it
7 could also involve containing the whole bus from the
8 outside.

9 Q. Having thought about this, if it might be, is there not
10 a risk that if you contain a whole bus from the outside,
11 the person on the bus might explode the device?

12 A. Yes, sir, that would be a consideration.

13 Q. In what circumstances, if you are able to tell us, would
14 you contain a whole bus?

15 A. If there is a number of people on that bus that you were
16 interested in, and you needed to contain the bus.

17 SIR MICHAEL WRIGHT: That's not this case. What I think he
18 really wants to know is how could you extract
19 an individual from a bus without exposing everybody else
20 on the bus to danger?

21 A. With considerable difficulty, sir.

22 SIR MICHAEL WRIGHT: I thought it might be.

23 MR MANSFIELD: I am edging towards a situation where you may
24 not have too many options left but the one thing you
25 don't want is them ending up, because they might be, in

1 the Underground system.

2 So if you can't contain a whole bus because of that
3 risk and it's very difficult to extract somebody from
4 the bus, you have to have people near enough to deal
5 with the person once they extract themselves and come
6 off the bus?

7 A. As close as they could be, yes.

8 Q. That's pretty close, isn't it?

9 A. It's going to be in support of the surveillance
10 operation, but once again, the command needs to be given
11 to put that whole stop mechanism into place. It's not
12 the officer's decision to conduct the intervention,
13 there has to be a command to do it.

14 Q. I appreciate, we have been through the command
15 situation. So the command in this case, DSO
16 Cressida Dick, would know that she's got to give
17 an order, understood by firearms officers not to be a
18 critical shot order, so it's not a Clydesdale situation,
19 but a situation in which the person can't be allowed to
20 get any further forward from, let us say, getting off
21 the bus?

22 A. I am sorry, sir, could you repeat the question.

23 Q. Yes, in other words the DSO has to decide, he's getting
24 off the bus and has to be stopped now?

25 A. If that's the DSO's decision.

1 Q. Yes. But really on the options available in this case,
2 if they have missed, not been able to stop them before
3 they get on the bus, you have to stop them when they get
4 off the bus?

5 A. If that's the decision of the DSO, sir.

6 Q. I appreciate that. We are right at the end of the
7 scenario. He has got back on a bus and he is on the
8 second route and he gets to Stockwell. If you have one
9 team present, armed surveillance, that is plainly a less
10 desirable but a possible option, isn't it?

11 A. It would be way down the list but it is an option, sir.

12 SIR MICHAEL WRIGHT: You mean no CO19?

13 MR MANSFIELD: No CO19. Because to do the exercise as he
14 gets off the bus before he gets into the Underground,
15 CO19, it may be seconds but it's seconds too much, away,
16 because they are not right there. But you do have SO12
17 right there, the jury have seen -- have you seen the
18 compilation?

19 A. No, sir.

20 Q. All right. SO12 are right there, somebody called Ivor
21 and a number of others, Ken and so on, right there.
22 It's not the best option but that is the practical
23 option at that stage, armed surveillance do it?

24 A. I wouldn't even say practical option, sir, because I
25 wouldn't want anyone in the room to think that armed

1 surveillance is everybody carrying a gun. That's not
2 the model. Armed surveillance may only be three or four
3 officers armed with a gun, and if those three or four
4 officers are not there, at the front of the surveillance
5 --

6 SIR MICHAEL WRIGHT: Assume for this purpose that one or two
7 of them were.

8 A. Okay.

9 MR MANSFIELD: Yes, in fact I was going to do better than
10 that. All the officers that are -- first, they are
11 surveillance, are all armed, all the initial ones at
12 Stockwell tube were all armed.

13 Would you agree the one situation you don't want is
14 a situation where you say "S012 to do it" and then you
15 change your mind and someone else to do it. The real
16 risk there is confusion?

17 A. I can see how confusion would arise in that, but I think
18 that's got to be taken into consideration that you would
19 always want to use your best resource. Now, S012
20 officers were not trained at that time to conduct
21 interventions of any sort. They were there purely armed
22 for their own self-defence. They were not taught to the
23 best of my knowledge intervention tactics.

24 Q. Can I just ask you this, and I appreciate you are not in
25 S012: they have a double role when they are armed; it is

1 not just to protect themselves, is it?

2 A. It's to protect the public.

3 Q. If protecting the public means intervening with somebody
4 who might be but hasn't -- and I am just putting might
5 at the moment from what they say -- might be a bomber,
6 and you haven't got CO19 in the position to do anything
7 before the person gets right into the tube, then that is
8 the best option you have, isn't it?

9 A. It might be the only option you have, yes, sir.

10 MR MANSFIELD: Thank you very much.

11 SIR MICHAEL WRIGHT: Yes.

12 Questions from MR DAVIES

13 MR DAVIES: Andrew, my name is Hugh Davies. I am asking
14 questions on behalf of the red and grey surveillance
15 teams. Sir, my Silver Commander has been called away,
16 Mr Gibbs.

17 Just a couple of areas, please. You are approaching
18 this clearly from the perspective primarily of your
19 firearms experience?

20 A. Yes, I am, sir.

21 Q. You have referred to the police jargon, I don't
22 disparage it for that, of "hard stop"?

23 A. I think that was a question put to me, sir. I don't
24 think I used the expression.

25 Q. No. It isn't an expression with a defined meaning

- 1 within training, is it?
- 2 A. No, sir.
- 3 Q. As used by dedicated firearms teams, you have indicated
- 4 it generally refers to a hard stop, an armed
- 5 intervention involving the use of vehicles?
- 6 A. Yes, sir.
- 7 Q. No doubt very often dedicated firearms teams are
- 8 deployed in vehicles for mobility and other reasons?
- 9 A. Yes, sir, they are.
- 10 Q. Of course it's a means of transporting the weapons and
- 11 so on, some very obvious reasons why vehicles will be
- 12 used?
- 13 A. Yes, sir.
- 14 Q. This is fair, though, isn't it: as more widely
- 15 understood as a term in the police, perhaps specifically
- 16 by surveillance teams, hard stop will include any
- 17 dynamic forceful armed intervention of a suspect?
- 18 A. I think the term "hard stop" is a really unfortunate
- 19 expression that's crept into police parlance, because
- 20 it's interpreted by so many people to mean so many
- 21 different things. But the example that you gave, sir,
- 22 would be one, yes.
- 23 Q. Putting it even more simply, it doesn't necessarily mean
- 24 as parlance that vehicles are involved in the dynamic
- 25 armed intervention?

1 A. Certainly my experience of the use "hard stop" is in
2 relation to the aggressive stopping of a vehicle.

3 SIR MICHAEL WRIGHT: Yes, not using vehicles but stopping of
4 a vehicle?

5 A. Yes, sir.

6 MR DAVIES: But it's also understood, isn't it, as
7 a non-specific term, or might be, to involve the dynamic
8 stop of a person on foot by armed officers?

9 A. It might be, sir.

10 Q. Hard stop in that sense.

11 A. It might be. It's an unfortunate expression that's just
12 got lost in meaning throughout the years.

13 Q. One other point: you have indicated that the use of S012
14 armed surveillance officers to conduct an armed
15 intervention would be well down the list of what was
16 desirable?

17 A. Of what was desirable, yes, sir.

18 Q. They are not specifically trained for it; correct?

19 A. That's correct, sir.

20 Q. Allowing for their general duty to protect the public,
21 would you agree that if there was an operation run, as
22 here, by a DSO, they would be entitled and should wait
23 for an order before they took that step?

24 A. Absolutely correct, sir.

25 MR DAVIES: Thank you.

1 SIR MICHAEL WRIGHT: Thank you. Yes, Mr Stern.

2 Questions from MR STERN

3 MR STERN: Andrew, my name is Ian Stern and I represent C2
4 and C12.

5 A. Good afternoon, sir.

6 Q. We have heard something of your background, Andrew,
7 I would like to just explore a little more with you, if
8 I may. It's right, I think, that you joined SO19 in
9 1994 as an inspector?

10 A. I did, sir.

11 Q. After that time, you then undertook a number of courses.
12 You became a specialist firearms officer in 1996; is
13 that right?

14 A. That's correct, sir.

15 Q. You have undertaken national hostage negotiations
16 course, post-traumatic stress disorder course, national
17 police firearms instructor course, and in fact between
18 1991 and 2001, were you responsible for all specialist
19 firearms officer training?

20 A. I was, sir.

21 Q. That is not just the initial training but also the
22 development courses that we will hear about in a moment
23 that they have to undertake?

24 A. That is correct, sir.

25 Q. I think you had also undertaken the police bodyguard

1 course, firearms tactical advisers course, and the
2 tactical commanders course and the strategic commanders
3 course?

4 A. That is correct, sir.

5 Q. Did you become, then, the specialist firearms officers
6 team tactical adviser and were responsible for the
7 provision of tactical advice for all pre-planned
8 operations?

9 A. I did, sir, yes.

10 Q. Were you also responsible for the deployment and
11 management of all of the six Metropolitan Police
12 specialist firearms officer teams?

13 A. When I was the on-call or the on-duty duty officer, then
14 yes, I was.

15 Q. In July 2003 you were promoted to Chief Inspector and
16 then became CO19 senior firearms tactical adviser?

17 A. Yes, sir, one of CO19's.

18 SIR MICHAEL WRIGHT: How many are there?

19 A. It was those holding the Chief Inspector rank at the
20 time, sir, which I believe is four.

21 SIR MICHAEL WRIGHT: Thank you.

22 MR STERN: Now, the jury have heard a little about the
23 different types of police groups who were authorised to
24 carry firearms, and they had been made aware of the fact
25 that specialist firearms officers were in fact the most

- 1 highly trained and the most skilled?
- 2 A. That is absolutely correct, sir.
- 3 Q. Perhaps with your assistance, though, we can just look
- 4 at some of the groups and see what sort of training they
- 5 had had so that the jury have it in perspective.
- 6 First of all, SO12, you have just touched on that.
- 7 Some of those SO12 officers carry firearms?
- 8 A. If they choose to. It's a voluntary thing, sir.
- 9 Q. In order to apply, do they have to be supported by their
- 10 line manager, by the officer who is superior to them?
- 11 A. Yes, that would be normal Metropolitan Police policy.
- 12 Q. Then the officer, I think, goes forward for training;
- 13 yes?
- 14 A. That's correct, sir.
- 15 Q. Is there an aptitude test for them or not?
- 16 A. Not to the best of my knowledge, sir, there is not.
- 17 Q. But they are subject to a medical test and a fitness
- 18 test?
- 19 A. As are all firearms officers, yes.
- 20 Q. They have to pass by qualifying tests, I think is it
- 21 70 per cent accuracy?
- 22 A. That's my recollection, sir, they have to shoot to
- 23 a 70 per cent standard.
- 24 Q. And they have annual testing?
- 25 A. Bi-annual testing, but it occurs every year.

1 Q. As we've just heard they're not trained --

2 SIR MICHAEL WRIGHT: You mean marksmanship testing.

3 A. Yes, sir.

4 MR STERN: They are not trained for active interventions?

5 A. No, sir, they are not.

6 Q. I wonder if we could have, please, up on the screen,

7 document page 1684?

8 SIR MICHAEL WRIGHT: Are you leaving the surveillance

9 officers, Mr Stern?

10 MR STERN: I'm.

11 SIR MICHAEL WRIGHT: Is there a limitation on the class or

12 type of weapon they are allowed to carry?

13 A. Yes, sir, they only carry the Glock handgun. That is

14 the only weapon they are trained in.

15 SIR MICHAEL WRIGHT: Sidearm?

16 A. Sidearm, yes, sir.

17 SIR MICHAEL WRIGHT: Pistol?

18 A. Pistol.

19 MR STERN: Yes, I am going to have to look on the hard copy,

20 it's a little bit small, the writing.

21 If you look at the paragraph that's almost in the

22 middle of the page that begins "Specialist firearms

23 officers", it says:

24 "Specialist firearms officers are recruited from

25 within the specialist firearms command ..."

1 That's CO19, isn't it?

2 A. Yes, sir.

3 Q. "... and they have already been trained as armed
4 response vehicle officers."

5 Then set out here is the training for armed response
6 vehicle officers, and in order to achieve that standard
7 as an armed response vehicle officer, you have to attend
8 a two-week dual weapons course utilising the MP5
9 carbine. What is that, please?

10 A. That is a shoulder-mounted single shot small rifle.

11 That's what carbine stands for, sir.

12 Q. And the Glock handgun?

13 A. Yes, sir.

14 Q. On successful completion of this course, the officers
15 then attend a three-week firearms tactics course, and
16 this provides instruction in: containment of premises;
17 weapon retention; and subject handling; less lethal
18 training, that is to say a backing gun and a taser;
19 judgment training. Judgment training in relation to
20 what, please?

21 A. Judgment training in relation to the use of force. They
22 will be presented with a scenario and you will be
23 assessing to see how they use the whole conflict
24 management model and the use of force in that scenario.

25 Q. We will come to look at the conflict management model in

- 1 a moment. Urban search, what does that cover?
- 2 A. Searching in built-up areas.
- 3 Q. Cover and movement training; emergency entry into
- 4 buildings; and casualty evacuation. Also included is
- 5 the stopping of potentially armed subjects in vehicles;
- 6 stopping of armed subjects on foot; and open country
- 7 searching for armed subjects. It also involves testing
- 8 officers' knowledge of the conflict management model,
- 9 module, and the law relevant to the use of firearms?
- 10 A. That's correct, sir.
- 11 Q. Now, on completion of that course, the ARV officers are
- 12 required to attend a further course, a two-week course.
- 13 That's a search course?
- 14 A. That's correct.
- 15 Q. Where the officers are instructed in the techniques
- 16 employed in the searching of buildings, and on
- 17 successful completion of this course, the officers are
- 18 posted to CO19.
- 19 Then they have to have continuation training three
- 20 days every six weeks with a requirement to complete at
- 21 least 13 tactical training days a year?
- 22 A. That's correct, sir.
- 23 Q. In that continuation training, if they fail any of the
- 24 accuracy shoots, what happens then?
- 25 A. They will effectively have their licence -- it's not

1 called a licence, it's called a blue card but it's
2 a licence. They effectively have that suspended until
3 such time as they can pass the qualification shoot.

4 Q. The accuracy percentage so far as ARV officers is
5 concerned, I think is 80 per cent?

6 A. I believe it's 80 per cent at that time, yes, sir.

7 Q. At that time.

8 SIR MICHAEL WRIGHT: Just go up a bit more.

9 MR STERN: Thank you.

10 If you could actually go down a little ...

11 SIR MICHAEL WRIGHT: Sorry, that's what I meant.

12 MR STERN: Thank you.

13 Now, the selection process for SFOs, that's in the
14 middle of the page. If you are an armed response
15 vehicle officer and you want to become a specialist
16 firearms officer, you then have to undergo this further
17 training that we are about to look at?

18 A. Assessment before you go on the training, sir.

19 Q. I was going to ask you about that. We can see in the
20 very first line there is a three-day selection process.
21 It's described as 40 hours duty in three days. Tell us,
22 please, about that three-day selection process?

23 A. It has changed and it has evolved over the years.

24 Q. I am interested obviously pre-2005.

25 A. That would be -- you would get the officers who are

1 undergoing assessment and you would basically put them
2 through a very lot of hours in a fairly short period of
3 time to assess the various competencies that you are
4 looking for in a specialist firearms officer, which
5 range from communications and planning, restraint,
6 self-control, emotional stability, decision-making under
7 pressure, information assimilation, that they can do
8 that. Particularly important, you are looking at team
9 work, you are looking at the ability to work well when
10 tired, how alert they are; all those areas you are
11 looking to assess them in to a much higher standard than
12 if they are an ARV officer.

13 Q. Is there a failure rate in that assessment period?

14 A. Yes, there is, a particularly high failure rate.

15 Q. Approximately what?

16 A. My estimate would be about 70 per cent.

17 SIR MICHAEL WRIGHT: 70 per cent fail.

18 A. Fail.

19 MR STERN: So about 70 per cent fail that initial assessment
20 period?

21 A. Yes, sir.

22 Q. If they get through that rigorous selection process, we
23 can see in the continuation of that paragraph, what it
24 is that they have to undergo:

25 "This process involves testing officers' knowledge

1 of the law, their physical fitness, their ability to
2 work at height and in a marine environment, shooting,
3 their ability to search on firearm operations, shooting
4 when under physical stress, vehicle stops of armed
5 subjects, planning and briefing firearm operations, and
6 their ability to deal with subjects carrying firearms.
7 As stated above, these officers are selected from ARV
8 officers."

9 What is the accuracy that is required for
10 a specialist firearms officer, please?

11 A. 90 per cent on all weapons, sir.

12 Q. Now, we can see in the following paragraph, it says:

13 "Officers that pass this process are then required
14 to attend a three week Tactical Support Team course, and
15 this course enhances the skills that ARV officers
16 already possess, also trains these officers to work with
17 firearms in plain clothes, it provides further
18 instruction to enhance their shooting skills, planning
19 and briefing, searching of buildings, providing mobile
20 armed support to surveillance, armed interception of
21 motor vehicles and pedestrians."

22 A. What I was going to say, sir, is that the route to
23 becoming an SFO was not through the TSTs at that time.

24 Q. I appreciate that. It changed, I think, sometime after
25 2005?

1 A. Yes, sir.

2 Q. "At the conclusion of this course, officers attend a one
3 week abseil course which provides instruction in
4 building abseil, fast roping and hot roping, the use of
5 the caving ladder, and how to deploy tactically into
6 building using ropes. They then attend a one week
7 shotgun course to receive instruction in the use of
8 a particular shotgun and how this gun is used in
9 relation to vehicles."

10 Then as we can see if we can go over the page,
11 please, 1685, thank you:

12 "On successful completion of these courses, the
13 officers then complete a seven week SFO course ..."

14 Is that full-time?

15 A. This is a course in one duration, yes, it's not split
16 into modules.

17 Q. "... where the skills listed at the beginning of this
18 report are taught."

19 We will go back to look at that, beginning of the
20 report:

21 "They then attend a one week maritime course where
22 these officers are instructed on deployment onto vessels
23 that may use the River Thames, and the use of boats to
24 gain access to premises alongside rivers. The final
25 course these officers attend is a one week course to

1 instruct the officers to work and use their various
2 skills in a chemical, biological, radiological and
3 nuclear environment. The officers are then fully
4 trained SFOs and are posted to their respective SFO
5 teams on operations. These officers are required to
6 attend continuation for one week in every six. The
7 minimum tactical training days that SFOs are required to
8 attend every calendar year is 25 days."

9 About five weeks?

10 A. That's correct, sir.

11 Q. So does that explain why it is that in the operation
12 that you were talking about, one of the teams would be
13 in training almost permanently. There will always be
14 one team training?

15 A. Yes, sir, there will be.

16 SIR MICHAEL WRIGHT: I hardly like to ask this, Andrew: do
17 they get a pay allowance.

18 A. They don't get any differential pay from any other
19 constable, but there is a scheme which I think is still
20 in existence that allows them and other officers who do
21 high risk jobs or jobs that are more difficult to get
22 a sort of -- it's called a special priority payment.
23 It's only been in in the last few years.

24 SIR MICHAEL WRIGHT: Thank you.

25 MR STERN: Can I ask you, why do people apply, then, to be

1 specialist firearms officers? It may be a question that
2 somebody would want to know. What are the qualities of
3 the work?

4 A. I think someone wants to be a specialist firearms
5 officer because they want to be the best they can be in
6 their chosen career, if they choose to be a firearms
7 officer. For me, there probably is no more demanding or
8 rewarding work than firearms and being a specialist
9 firearms officer. We are certainly not looking for
10 officers who are gung ho, for want of a better
11 expression. We are looking for calm, professional and
12 emotionally mature men and women to undertake this role.

13 Q. The result of all that selection and the extremely
14 careful process that's undertaken means that I think
15 there are in the region of about 80 specialist firearms
16 officers in the Metropolitan Police?

17 A. I think there may be a few more than that, but at any
18 one time on operations there will only be 80. There
19 will be other specialist firearms officers who will be
20 located in delivering training, who could be used on
21 operations such as they were during this
22 Operation Theseus.

23 SIR MICHAEL WRIGHT: Are these officers regarded, or do you
24 think they regard themselves as an elite within the
25 Metropolitan Police Service?

1 A. I don't like the word elite, sir.

2 SIR MICHAEL WRIGHT: I didn't think you would. That's why
3 I asked.

4 A. No, I think it smacks of things that they are not.
5 These are just professional police officers who happen
6 to carry a firearm for their living. I don't think they
7 would class themselves as elite because that tends to
8 put them above other officers.

9 SIR MICHAEL WRIGHT: You don't think they have that view.

10 A. I don't believe they have that view, sir.

11 MR STERN: Could we look back at page 1683, please, which is
12 the beginning of the report and somewhat oddly I am
13 going to end at the beginning of it, because it sets out
14 there the profile of a specialist firearms officer and
15 the breadth and depth that is required of the skills
16 that they need in order to qualify and fulfil the
17 processes that you have just told us about.

18 We can see:

19 "A specialist firearms officer is a firearms officer
20 who is attached to the specialist firearms command,
21 trained in the following tactics and additional skills
22 to allow them to perform this role, their core skills
23 that they all need to be proficient in."

24 We can see looking through them that there are
25 a considerable number of them. Advanced close quarter

1 shooting skills. That's in uniform and plain clothes?

2 A. Yes, sir.

3 Q. "Rapid and low light shooting skills, including the use

4 of respirators". Just tell us about that?

5 A. Officers may be required to wear -- just the respirator

6 question?

7 Q. Yes.

8 A. May be required to wear respirators when working in

9 a CS-filled environment such as where their breathing

10 would be affected if they weren't, so it's enabling them

11 to work in a tactical environment where CS is used, they

12 are trained to shoot in respirators.

13 Q. "Close quarter combat, use of firearms when deployed

14 covertly, vehicle interception and intervention,

15 pedestrian interception and intervention, hostage

16 rescue, dynamic entry into premises."

17 I think we have heard about that. That is

18 essentially breaking into premises very quickly, I know

19 that's rather a layman's way of looking at it, but

20 that's what it comes to?

21 A. It's a fast entry into premises.

22 Q. "Dynamic entry into premises for hostage rescue".

23 The one above, evidence recovery?

24 A. Yes, sir.

25 Q. "Use of ladders for building entry, coach and train

1 interventions for rescuing hostages, building abseiling,
2 fast rope and use of ropes to gain access to buildings,
3 planning and briefing of firearm operations, siege
4 management, mobile aim support to surveillance, foot
5 surveillance, method of entry into buildings, covert
6 reconnaissance skills."

7 We can see "Kratos deployment" at the bottom there?

8 A. Yes, sir.

9 Q. We can see they are also trained -- as unfortunately
10 they need to these days -- to work in chemical,
11 biological, radiological and nuclear environments?

12 A. Yes, sir.

13 Q. We can see the following other optional, if you like,
14 further training modules, just below that:

15 "Personal protection, explosive method of entry,
16 rifle officers, distraction techniques, firearms
17 instructor, close quarter combat instructors, abseil
18 instructors, maritime instructors, use of motorcycles."

19 Every officer is trained to use a series of guns
20 that we can see there. Just help us, please, with
21 those. You told us about the Glock handgun and the MP5.

22 A. The H&K G36 is similarly a carbine but it's slightly
23 bigger than the MP5. It fires a different kind of
24 round. The G3 is again a step up from the G36. It's
25 a single shot rifle which again fires a different sort

- 1 of round; and then the shotgun, the baton gun which is
2 now known as the AEP, and the taser.
- 3 Q. Now, I think annually specialist firearms officers are
4 used on between about 600 and 1,000 operations a year?
- 5 A. That's correct, sir.
- 6 Q. Will they be the most dangerous areas?
- 7 A. They could be the most dangerous areas. ARV officers
8 also deal with some of the most dangerous areas as well,
9 but they all deal with those spontaneously. Specialist
10 firearms officers generally are deployed on pre-planned
11 or pre-authorised operations.
- 12 Q. Do they regularly face the prospect of criminals or
13 others with weapons?
- 14 A. Yes, they do, sir.
- 15 Q. It's right to say, isn't it, that the specialist
16 firearms officers up to 2005, despite that large number
17 of operations, actually have fired very few shots?
- 18 A. They have -- I couldn't be specific as to number but
19 very few shots, sir.
- 20 Q. Well, I think between 2001 and the end of 2005, there
21 were five firearms operations in which shots were fired,
22 and at the same time five individuals were hit by
23 specialist firearms bullets, and unfortunately there
24 were four fatalities caused by those bullets?
- 25 A. That may well be correct, sir. I haven't got the

- 1 figures.
- 2 Q. I think you yourself, despite your lengthy experience,
3 have never actually fired a shot?
- 4 A. I have been very fortunate in never having to, sir.
- 5 Q. Would you agree there is a culture of restraint within
6 the specialist firearms office?
- 7 A. A considerable culture of restraint, sir.
- 8 Q. The document that we looked at just a few moments ago
9 when Mr Mansfield was asking you questions, the firearms
10 tactical options document, I think that was a document
11 that was actually prepared on 21 July 2005?
- 12 A. It was, sir. It was prepared by myself and Trojan 80 to
13 try to facilitate this operation.
- 14 Q. So in other words, the day before the incident that the
15 jury are concerned with?
- 16 A. This document was put together following the bombings.
17 It was put together in the afternoon after the bombings,
18 not before them but after them.
- 19 Q. The incident this jury are concerned with took place on
20 22 July.
- 21 A. Sorry, I beg your pardon.
- 22 Q. That's all right. So this document that you prepared
23 with Trojan 80, as you say, on 21 July, it was
24 a discussion document, I think you told Mr Mansfield?
- 25 A. Yes, sir.

1 Q. So does it follow that this was a document that in fact
2 had not been disseminated to others at that time?

3 A. No, it hadn't, sir.

4 Q. I'll leave it, then. Can I ask you, please, about the
5 equipment that a specialist firearms officer will need,
6 or at least consider as to whether or not he should take
7 with him in preparation for an operation.

8 First of all, lightweight body armour that's covert.
9 Can you just tell the jury about that, what that is? It
10 may speak for itself but nevertheless a little
11 explanation might be helpful.

12 A. It's a vest worn over the shoulders and done up round
13 the sides which protects the officers against a certain
14 calibre of bullet, but it's covert, what it says; it's
15 a slim-fitting piece of armour that wouldn't show
16 underneath your clothing.

17 Q. So the fact that it is covert, can we take it it is worn
18 underneath the clothing?

19 A. Yes, sir.

20 Q. Obviously the Glock 17. Now, do specialist firearms
21 officers have their own weapon?

22 A. Yes, sir, they do.

23 Q. So it would be one specifically for the particular
24 officer, whether he be left or right-handed?

25 A. Yes, sir.

- 1 Q. And geared to his use?
- 2 A. Geared to the individual's use and maybe their eyesight
3 as well.
- 4 Q. Of course on 22 July, one of the things that they would
5 have had to have done would be to unload the Glock, the
6 handgun, and reload it with hollow point ammunition?
- 7 A. That's correct, sir.
- 8 Q. That had been authorised for this operation?
- 9 A. That's correct, sir.
- 10 Q. It is ammunition, I think, that had not been used by
11 specialist firearms officers in a land-based operation
12 before?
- 13 A. That's correct, sir.
- 14 Q. There is the MP5 carbine, G36, the weapons that you have
15 told us about, the possibility of taking a rifle,
16 a taser. Can you help us with a taser?
- 17 A. A taser is in essence an electric stun gun. It's a less
18 than lethal piece of technology.
- 19 Q. Then in addition to which there would be stun grenades,
20 or distraction grenades, and smoke grenades?
- 21 A. Yes, sir.
- 22 Q. A Glock shotgun possibly?
- 23 A. Not a Glock shotgun, maybe a Benelli shotgun.
- 24 Q. A Hatton gun?
- 25 A. That is the gun that was referred to for use of

1 disabling hinges and vehicle tyres.

2 SIR MICHAEL WRIGHT: That's the shotgun?

3 MR STERN: It's a short-barrelled shotgun, thank you, sir.

4 A ballistic shield?

5 A. Varying sizes, one long, almost floor to chest height,

6 and one much smaller.

7 Q. What sort of shield is that?

8 A. That's a hard rigid shield similar to this type of

9 construction (indicated) that would protect the officers

10 again up to a certain calibre of bullet.

11 Q. Then of course they have to take a radio?

12 A. Yes, sir.

13 Q. And batteries in case the batteries run out?

14 A. Yes, sir.

15 Q. First aid kit?

16 A. Yes, sir.

17 Q. What is that for?

18 A. That's so that in the event of them having to shoot

19 somebody or somebody being injured as a result of

20 a taser or being subject to normal force, that they

21 could apply first aid to them at that time.

22 Q. Are officers taught first aid techniques in order to

23 provide some assistance to a suspect who has in fact

24 been shot?

25 A. They are, sir.

- 1 Q. A ladder?
- 2 A. I think that's a collapsible ladder, but yes, sir.
- 3 Q. Yes, I didn't think on the roof. Then we have overt
- 4 body armour?
- 5 A. Overt body armour that's again body armour that's worn
- 6 over the top of the clothes, but is much thicker and has
- 7 a much greater ballistic protection.
- 8 SIR MICHAEL WRIGHT: It's pretty obvious that it is armour
- 9 too, I imagine.
- 10 A. Yes, sir.
- 11 MR STERN: I think we have seen certain MPs with them. Is
- 12 it bullet proof?
- 13 A. Yes.
- 14 Q. So it's a different one. Helmet?
- 15 A. Ballistic helmet, yes, sir.
- 16 Q. Respirator?
- 17 A. Yes, sir.
- 18 Q. And door-opening equipment?
- 19 A. Yes, sir.
- 20 Q. So the specialist firearms officer has to go to the
- 21 police station and at the time of the briefing or maybe
- 22 before the briefing, decide what sort of items they will
- 23 need to take?
- 24 A. Yes, when they first parade for duty, one of the things
- 25 they would be looking to find out is what are they going

1 to be doing or potentially doing that day and then they
2 would equip accordingly.

3 Q. Because they won't know what it is they're going to do
4 until they arrive.

5 A. Correct, sir.

6 Q. It's not a democracy, it's a police force, so in other
7 words --

8 SIR MICHAEL WRIGHT: They don't actually make their own
9 selection, Mr Andrew, or do they?

10 A. No, sir, it's issued equipment, Metropolitan Police
11 issued equipment.

12 SIR MICHAEL WRIGHT: Presumably either the team leader will
13 decide what he thinks they ought to take.

14 A. There will be certain standard equipment that will go
15 out on all operations and over and above that, it will
16 be operational specific equipment.

17 MR STERN: Can I turn, please, to something else now? The
18 ACPO manual. Mr Mansfield mentioned it. Could you just
19 help the jury with what the ACPO manual is.

20 A. Its correct title is the Association of Chief Police
21 Officers manual, ACPO manual on guidance on the police
22 use of firearms, and it's basically a guidance manual
23 that is issued nationally to advise officers,
24 commanders, and everybody on how police weapons should
25 be used in police operations.

1 Q. I wonder if we could have up on the screen, please,
2 document page 258.

3 SIR MICHAEL WRIGHT: Mr Stern, as we have just got it up,
4 I wonder if we could have ten minutes' break. I think
5 the LiveNote writer is getting a bit weary. Let us say
6 3.40, please, ladies and gentlemen.

7 (3.30 pm)

8 (A short break)

9 (3.40 pm)

10

11 (In the presence of the jury)

12 SIR MICHAEL WRIGHT: I just want to express some concern at
13 our rate of progress. I would like to remind everybody
14 that the witnesses being called at this stage are
15 essentially witnesses of fact, and that the expert
16 witnesses on training and matters of that kind such as
17 Mr Swain and Mr Tillbrook will come later in the
18 proceedings. I make it plain I will finish this witness
19 tonight, come what may.

20 Yes, Mr Stern.

21 MR STERN: I am just waiting for the witness to return.

22 SIR MICHAEL WRIGHT: Sorry.

23 MR STERN: I could be a lot quicker without him, but it's
24 probably best to wait. (Pause)

25 Andrew, I wonder if you could switch on your

1 microphone and if we could have, please, document 258
2 up.

3 This is the manual that you were just telling the
4 jury about. It's broken down into chapters, and as we
5 can see, it deals with various aspects of law and
6 various aspects of duties and responsibilities of the
7 firearms officer. Bearing in mind the time constraints,
8 I am going to move on, please, to page 262 and look at
9 the bottom of the page at paragraph 1.7.

10 We can see just above 1.7 is the subheading
11 "A Conflict Management Model". I think that's what you
12 were referring to just a moment or two ago?

13 A. Yes, sir.

14 Q. "In any conflict situation, a decision-making process is
15 necessary [this is 1.6] to ensure that the conflict is
16 dealt with in a logical and progressive manner. The
17 conflict management model set out below is one way of
18 providing such a logical progression. None of the
19 stages of the model should be seen as the sole
20 responsibility of the police.

21 "Information and intelligence received leads to
22 a threat assessment. Then, following consideration of
23 the relevant powers and policy, the appropriate tactical
24 options are chosen to manage the threat and resolve the
25 conflict. The cyclic nature of the model allows for

1 constant reassessment of the situation for appropriate
2 action to be taken on the basis of the most up to date
3 information available."

4 I think over the page, there is a diagrammatic form
5 of that.

6 Could we go, please, to page 270, paragraph 5.6.
7 This relates to a question you were asked, I think by
8 Mr Mansfield, under the subheading "Intelligence":

9 "It is the responsibility of the Silver Commander in
10 consideration of the conflict management model to
11 maximise the level of intelligence gathered within
12 operational constraints, and this will better inform
13 their decision-making process and allow for a more
14 reliable threat assessment on which to base a tactical
15 plan and its continual review. It should be remembered
16 that in spontaneous incidents all the information may
17 not be immediately available."

18 Is there anything there with which you disagree?

19 A. No, sir.

20 Q. Page 278, please. This just deals with a summary.

21 Under "Circumstances when weapons may be fired":

22 "You may open fire against a person only when
23 absolutely necessary after traditional methods have
24 tried and failed, or must, by the very nature of the
25 circumstances, be unlikely to succeed if tried."

1 Can I ask you to pause there. Are traditional or
2 conventional methods likely to succeed in the face of
3 a suicide bomb?

4 A. You would have to consider them, along the conflict
5 management model, but the chances are that if you are
6 dealing with a definite confirmed suicide bomber, then
7 they may not.

8 Q. "To sum up, a police officer should not decide to open
9 fire unless that officer is satisfied that nothing short
10 of opening fire could protect the officer or another
11 person from imminent danger to life or serious injury."

12 Now, all officers know, if I can summarise various
13 other aspects of this document, all firearms officers
14 know that if they fire shots and the suspect dies, there
15 will be an investigation by the Independent Police
16 Complaints Commission and indeed a review by the Crown
17 Prosecution Service as the learned Coroner, I think,
18 indicated when he opened the case to the jury?

19 A. Yes, sir.

20 Q. Of course, that all takes some time, and as we have
21 heard, in this case I think the IPCC commenced
22 investigations in July 2005, and the Crown Prosecution
23 Service made their decision by July 2006 that no
24 individual would face criminal prosecution. So it's
25 that sort of stress that an officer has to face after

1 any incident as well?

2 A. Absolutely correct, sir.

3 Q. 292, please, just very briefly without, again if I can
4 summarise it to save a little time, is it the fact that
5 research has shown that the accuracy of shots fired
6 under training conditions is generally greater than in
7 operational circumstances?

8 A. Yes, sir, that's true.

9 Q. Looking at 6.1, please, if we may:

10 "When it is considered necessary to open fire on
11 a subject, using conventional ammunition, police
12 officers need to shoot to stop an imminent threat to
13 life. The imminence of any threat should be judged, in
14 respect to the potential for loss of life, with due
15 regard to legislation and consideration of necessity,
16 reasonableness and proportionality. Research has
17 indicated that only shots hitting the central nervous
18 system (which is largely located in the central body
19 mass) are likely to be effective in achieving rapid
20 incapacitation. Shots which strike other parts of the
21 body cannot be depended upon to achieve this."

22 So ordinarily the shots fired by a firearms officer
23 will be to this area, the central nervous area?

24 A. Yes, it would be to the largest target area that they
25 can see.

1 Q. That is where?

2 A. That is the upper torso, torso area.

3 Q. If we could look, please, at page 38 in the document
4 bundle.

5 This is part of your decision document to provide
6 officers on the operation on 22 July with 9mm 124-grain
7 hollow point ammunition; is that right?

8 A. That's right, sir.

9 Q. If we look halfway down, we can see your reason for it.
10 It says:

11 "Intelligence and experience indicates that suicide
12 bombers when confronted by police may carry out their
13 objective and detonate their device, killing themselves,
14 irrespective of whether they have reached their target
15 or not."

16 Then there is a reference to Madrid:

17 "In developing a plan to combat suicide killers, the
18 MPS have devised tactics involving the challenge and/or
19 shooting dead where absolutely necessary by armed
20 officers of persons reasonably believed to be such
21 persons. These tactics are contained within a plan
22 called Kratos and Clydesdale."

23 These are, of course, extreme circumstances calling
24 for extreme measures?

25 A. Yes, sir.

1 Q. "Where a suicide killer is to be shot dead, then medical
2 advice has indicated that a brain stem shot will be the
3 only way to immediately incapacitate the suspect,
4 thereby preventing them from initiating a device they
5 have on them, which they may be able to do if a shot is
6 not immediately fatal."

7 So that, I think, is the training for specialist
8 firearms officers in the circumstances that are set out
9 in that document?

10 A. It is, sir, yes.

11 Q. I would like your help with one other matter, please, in
12 relation to specialist firearms officers going forward
13 and actually going to arrest somebody?

14 A. Yes, sir.

15 Q. We know that there is a command structure. We have
16 heard about that. I want to ask you, please, about
17 something called the traffic light system, and could you
18 just help us very briefly with what that is?

19 A. The traffic light system is a system that's used
20 primarily in vehicle surveillance operations, where you
21 run through a system of traffic lights; you will have
22 what's known as state red, state amber and state green.
23 When a surveillance team and a firearms team are working
24 together on a surveillance operation, you would use that
25 system then. State green will indicate at the beginning

1 of the operation that you are just running in a normal
2 surveillance mode, just conducting regular surveillance
3 with the surveillance officers doing the surveillance,
4 and the firearms officers following behind.

5 When there is enough evidence to suggest that
6 an arrest should be made, the Silver Commander will
7 announce that the operation is now at state amber. That
8 is then an indication for the firearms team to start
9 moving through the surveillance convoy to get into
10 a position to make the arrest.

11 Once the team are in the right position, then the
12 firearms team leader, the Bronze commander, will then
13 issue a command of state red, and that means that
14 a situation has arisen that they can now put an arrest
15 in as soon as possible.

16 SIR MICHAEL WRIGHT: It doesn't tell you anything about what
17 sort of arrest?

18 A. No, sir, it's just a system of command and control to
19 get you into a position.

20 SIR MICHAEL WRIGHT: Thank you.

21 MR STERN: So the position is this: that until Silver gives
22 the order that the operation is moving to amber, he
23 retains or she retains the priority over what should
24 happen and what should be done.

25 A. Yes, sir, the officers would not act independently until

1 the command is given.

2 Q. Once that order is given by Silver, it then moves to the
3 firearms team?

4 A. Correct, sir.

5 Q. In order for the leader to decide when would be the best
6 time for the intervention of the suspect?

7 A. Correct, sir.

8 Q. Right. Just going back to the manual for one last time,
9 please, page 293, and we can see it's a very short
10 paragraph at 8.3, "Aims":

11 "The aim of most operations involving authorised
12 firearms officers is to identify, locate, contain and
13 neutralise the threat posed."

14 So those are the four aspects that every firearms
15 officer is taught; is that right? Identify the threat,
16 locate the threat, and then contain it and neutralise
17 the threat posed; is that right?

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

19 Q. Let me just put this to you. Mr Mansfield said:

20 "So it's clear to you why I am asking these
21 questions, what I am wanting to demonstrate is that had
22 an orange team with all the right structures actually
23 gone to Scotia Road at a much earlier time and been
24 there at [9.44] it's a possibility -- I suggest a strong
25 one -- that what happened could have been avoided, do

1 you follow?"

2 That was the question, I think, that he put to you.

3 MR MANSFIELD: It's 34.

4 MR STERN: You said 44, but if you meant 34 that's very
5 helpful.

6 MR MANSFIELD: Sorry.

7 MR STERN: Thank you.

8 We have heard that the firearms officers, on what
9 Mr Mansfield has told us, were in the vicinity of
10 Scotia Road at about 9.30; all right?

11 A. Yes, sir.

12 Q. It may be that we will hear evidence that they were at
13 the Territorial Army Centre a few minutes before that.

14 Are you aware of the position of the
15 Territorial Army Centre or would you like me to show you
16 the map?

17 A. No, I am aware of its location on the map.

18 Q. Can we just, before we look at the various time aspects,
19 deal with it in this way: do you agree that containing
20 and neutralising the threat of a suicide bomber on the
21 London Underground tube carriage is a less than ideal
22 location?

23 A. Yes, I would agree with that, sir.

24 Q. It is extremely challenging location for even specialist
25 firearms officers?

- 1 A. It is a challenging environment. It does, I guess, by
2 virtue of you are down the Underground, assist you in
3 locating and containing because there aren't many places
4 to go within it, but the environment itself is very
5 challenging.
- 6 Q. Yes, I mean, there is no cover for a start?
- 7 A. Very little cover down an Underground station, sir.
- 8 Q. Of course, very little time, bearing in mind the
9 circumstances of an individual getting on a train that
10 may be departing any moment?
- 11 A. Yes.
- 12 Q. There is, as we will hear, in addition to that problem,
13 a communication problem because radios I think at that
14 time were not working underground?
- 15 A. That's correct, sir.
- 16 Q. Would your opinion be the same in relation to a threat
17 of a suicide bomber on a London double decker bus?
- 18 A. That would still be a risky operation, depending on
19 where that bus was located, how many people were on the
20 bus. The only difference I could seek to draw is that
21 the radios would work.
- 22 Q. Yes, but still would you agree, a very high risk
23 location to stop a suicide bomber?
- 24 A. I think anywhere in London presents that particular
25 problem, sir.

1 Q. Well, I appreciate that, but bearing in mind the
2 circumstances of this case, an individual on a fairly
3 crowded bus at about between 9.30 and 10 o'clock in the
4 morning, that would be far from ideal; do you agree?

5 A. Very far from ideal, sir, yes.

6 Q. Now, in those circumstances, then there are four,
7 potentially four possible occasions when an individual
8 in this case could have been contained by CO19. First
9 of all, prior to him emerging from the property.
10 Perhaps we can deal with that quite quickly.

11 SIR MICHAEL WRIGHT: Mr Stern, we have been through all
12 this. We really have.

13 MR STERN: If I may say so, with respect, Mr Mansfield has
14 dealt with it in one particular way, and I wish to, if
15 I may --

16 SIR MICHAEL WRIGHT: I would have thought the answers were
17 self-evident, but please continue.

18 MR STERN: The arrest of an individual within that block of
19 flats at number 21, would that be a place which would be
20 possible at that time in the morning?

21 A. No, sir.

22 Q. All right. The next stage, then, is between about 9.34
23 and 9.39, when Mr de Menezes walked from Scotia Road and
24 got to the bus stop and got on the bus. That's the
25 second stage. Can I just ask you about that, please?

1 We were -- a scenario was put to you, I think, by
2 Mr Mansfield in relation to what the state of
3 identification was.

4 If the evidence is this, that was transmitted over
5 the radio, "It would be worth somebody else having
6 a look", would you consider that sufficient for C019 to
7 step?

8 SIR MICHAEL WRIGHT: I am sorry, Mr Stern, I do not want to
9 be difficult about this, but how does any of this relate
10 to the involvement of C2 and C12 in this matter? They
11 were not even there.

12 MR STERN: Well, sir, it may be that the evidence will be
13 that they were.

14 SIR MICHAEL WRIGHT: What, at Scotia Road?

15 MR STERN: At the Territorial -- well, certainly not both --

16 SIR MICHAEL WRIGHT: They were never deployed to Scotia Road
17 and they were never directed to intervene at
18 Scotia Road.

19 MR STERN: That's precisely the point.

20 SIR MICHAEL WRIGHT: That may be, but because of that, why
21 is any of this relevant to their involvement, which
22 didn't start until they got to Stockwell station?

23 MR STERN: The point is this, sir, that they were at the
24 Territorial, or at least one of them was at the
25 Territorial Army Centre, and if it is said that they

1 should have acted in a different way, the point is at
2 which point they were deployed.

3 SIR MICHAEL WRIGHT: I don't think anybody is suggesting
4 they should have acted in a different way from the rest
5 of the team who were under the directions of the team
6 leader. There could be no personal involvement of C2
7 and C12 as to anything that did or did not happen at
8 Scotia Road, is the point I am trying to make, but
9 I really don't see what issue relating to those two
10 individuals this cross-examination goes to.

11 MR STERN: Well, it goes to the points that were made by
12 Mr Mansfield that maybe will not be told by others,
13 which is the suitability of an orange team, which were
14 not present at that time, and whether or not C019 would
15 be generally criticised in relation to it. That is it.

16 SIR MICHAEL WRIGHT: I do not want to get difficult,
17 Mr Stern, but I suspect that Mr Mansfield's
18 cross-examination on that area was not directed in any
19 way at C2 or C12.

20 MR MANSFIELD: Sir, that's true.

21 MR STERN: Well, I merely wanted to put this in relation to
22 those various stages, and I have got very little left of
23 those various stages, but, sir, it is the fact that this
24 officer was the senior tactical firearms officer, and it
25 is perhaps helpful for the jury in looking to decide

1 whether or not the points that are made --

2 SIR MICHAEL WRIGHT: I am sure you understand what I am

3 putting to you.

4 MR STERN: No, I understand completely, sir, but the point

5 is various matters have been put and I want to, if

6 I can, assist the jury in having a look at whether or

7 not the propositions of --

8 SIR MICHAEL WRIGHT: Insofar as you appear for an interested

9 person, your questions should be directed to the

10 interests of those persons and not indulging in a genre

11 view of the evidence of the police operations as

12 a whole. Now, I have made my point clear. I do not

13 want to stop you, but I do expect to have some restraint

14 observed with this cross-examination.

15 MR STERN: Well, I hope I have, sir. I have asked very few

16 questions in this case, and I just want to deal with the

17 firearms policy that's been dealt with in a way that may

18 not be entirely accurate.

19 SIR MICHAEL WRIGHT: You have heard Mr Mansfield say that

20 none of his cross-examination was directed to C2 and

21 C12. That in my view should be enough.

22 MR STERN: It may be that others will deal with it, then.

23 SIR MICHAEL WRIGHT: There are plenty of others to deal with

24 it.

25 MR STERN: Then I will not carry on with those stages. That

1 is the end of my cross-examination.

2 SIR MICHAEL WRIGHT: Yes, Mr Perry.

3 Questions from MR PERRY

4 MR PERRY: Thank you very much, sir.

5 Andrew, I represent Mr McDowall and Commander Dick,
6 and Chief Inspector Esposito, and also Detective Chief
7 Inspector Purser, and my name is David Perry.

8 A. Good afternoon, sir.

9 Q. May I just ask you a very few questions about the
10 specialist firearms teams with which we are directly
11 concerned in this case, just to see where we are.

12 First of all, the black team, just so we get the
13 overall structure in our minds, came on duty at 7 am on
14 22 July, and were kitted and briefed and deployed to
15 Scotia Road?

16 A. Yes, sir.

17 Q. So that's one team, just keeping that in mind. Second,
18 we have heard about the orange team which was the duty,
19 the night duty standby team, and that was the team
20 eventually deployed to Portnall Road. Just to remind
21 everyone, that's London W9, north of the Harrow Road up
22 near Queens Park?

23 A. That I believe is correct, sir.

24 Q. We have also heard about a third team. I just want to
25 plot each of these teams and what happens to them. We

1 have also heard of a third team, the grey team, which we
2 have heard was in a hotel between about 4 am and 10 am
3 on 22 July?

4 A. Yes. I had sent that team to the hotel at about 2.15 to
5 get some rest with a view to coming back on shift at
6 10 am.

7 Q. Yes. I think although they had finished an operation at
8 2.15, in fact they were not sent to the hotel until
9 about 4 am. Can you recall that?

10 A. That's the time they would have booked off, yes, sir.

11 Q. I will take it in stages then. May I just concentrate
12 on each team in turn so we get an overview to try to
13 keep in our minds the essential deployment of the
14 particular teams and try and make sense of it.

15 So we have the black team, the fresh team, coming on
16 at 7 am, and just so everyone is clear, is that what's
17 known as the early turn shift?

18 A. Yes, sir.

19 Q. Are there three shifts during the day: there is the
20 early turn shift from 7 am until 3 pm, and then late
21 turn 3 pm until 11 pm, and then night duty?

22 A. The night shift, the night duty, is not applicable to
23 the specialist firearms officers teams. They work
24 between 7 am and 11 pm is their rostered duty.
25 Invariably they work outside of that, but we have no

1 on-duty night duty team.

2 Q. So they can be held on standby overnight in case
3 something arises, and when you were answering questions
4 about the black team, and the fact that they came on
5 duty, you were asked about whether they had members of
6 another team, and you couldn't remember the colour of
7 the other team; was that the green team?

8 A. I still don't know, sir.

9 Q. Very well. But anyway, there were some other members
10 from another team. Now, the black team were the team
11 that, having come on at 7 am, were kitted and briefed
12 and deployed to Scotia Road. Just following the story
13 through so we know what happened to them, once there had
14 been the shooting incident, they had to be stood down
15 shortly after 10 o'clock because when there has been
16 an incident like this, everything freezes, the team
17 involved has to be stood down because there has to be
18 an investigation. It was the black team that had to be
19 replaced by the grey team?

20 A. Sir, you are asking me questions about things I wasn't
21 on duty for.

22 Q. Okay, I'll stick to the orange then. I am just trying
23 to -- so that we make sense of it, and keep it in our
24 minds. Let us deal with the orange because that's when
25 you were on duty. The orange team had come on duty on

1 21 July at 3 pm, and they were on the 3 pm to the 11 pm
2 shift, which is the late turn shift, but you decided to
3 retain them on duty overnight as the night duty standby
4 team?

5 A. I did, sir, yes.

6 Q. So they were at Lemn Street during the course of the
7 night, or in hotels near Lemn Street. Can you recall
8 sometime after 4 am they were moved up to
9 New Scotland Yard?

10 A. I don't recall that happening, sir.

11 Q. May I just ask you this: we know, from other evidence in
12 this case, that by 5.45 am at the latest it became known
13 that there were two potential addresses and possibly
14 more to come onstream, that were of interest to the
15 police.

16 May I just ask you this: if the orange team had been
17 sent to Scotia Road, which team would you have had to
18 cover Portnall Road.

19 A. I wouldn't have had a team on duty to cover
20 Portnall Road, sir.

21 Q. So if you had sent them to Scotia Road and there had
22 been an incident at Portnall Road, there would not have
23 been a team to cover it?

24 A. No, sir.

25 Q. So the orange team, if this is the evidence, were kept

1 at New Scotland Yard and then the orange team actually
2 do deploy off to Portnall, don't they, as the black team
3 goes down to Scotia?

4 A. So I understand, sir.

5 Q. You know, because I think it's by the time that you
6 were -- at a time when you were on duty, that the orange
7 team actually stayed on duty until midnight of the 22nd
8 going on to the 23rd, so in effect a total of 33 hours
9 on duty?

10 A. I am not sure that they didn't even stay on beyond that,
11 sir.

12 Q. So more than 33 hours. Just so everyone is clear about
13 how we get to 33 hours, that's nine hours on duty from
14 3 pm to midnight on the 21st/22nd, and 24 hours from
15 midnight on the 22nd going through to the 23rd. That's
16 how I get to 33. You think it might have been even more
17 than that?

18 A. I think more than that, sir, yes.

19 Q. I just want to ask you something about the grey team,
20 because you told us about why you wouldn't have used
21 them yourself, or you would have advised senior officers
22 from using them. The grey team, they had been the late
23 turn shift -- sorry, the early turn shift, 7 am to 3 pm
24 on 21 July; is that correct?

25 A. That's correct, sir.

- 1 Q. So they would have been coming on before the orange
2 team. In fact, what happened with the grey team,
3 although they were due to go off duty at 3 pm on
4 21 July, they were in fact involved in two incidents
5 which lasted from the moment they went on to duty in the
6 early morning until 4 am on 22 July, or 2.15 and then by
7 the time they got off, 4 am. Is that right?
- 8 A. That's correct, sir.
- 9 Q. So they had been working 21 hours by the time they are
10 stood down to be rested at 0400 or by the time they get
11 off duty at 0400, that's 4 am on the 22nd. Then they
12 are sent to the hotel and they are the team that come
13 back on at 10 am or shortly thereafter to replace the
14 black team that's stood down following the incident at
15 Stockwell tube?
- 16 A. I had certainly sent them to the hotel after some
17 21 hours on duty, yes, sir.
- 18 Q. Just this, finally, if I may, please, Mr Andrew:
19 a question may arise in someone's mind, well, you have
20 got an orange team, why not split it? Would you ever
21 advise the officers in the command team to split a team?
- 22 A. No, sir, the numbers of officers I had on duty that
23 night were just enough to cater with one scenario. To
24 try to split them between two addresses would have been
25 extremely dangerous and I would not have recommended it.

- 1 Q. So if you wouldn't split them, and you had sent one team
2 down to Scotia Road, would you have had cover for any
3 other possible incident anywhere in London?
- 4 A. Only through use of the armed response vehicles which
5 were patrolling London at that time, sir.
- 6 MR PERRY: Thank you very much indeed.
- 7 SIR MICHAEL WRIGHT: Who actually went to Portnall Road?
8 You may not know because you may have been off duty,
9 I don't know.
- 10 A. I believe it was orange team, sir.
- 11 MR PERRY: So it was the orange team that went there.
- 12 SIR MICHAEL WRIGHT: Yes, they simply stayed on and went to
13 Portnall Road.
- 14 MR PERRY: Yes, and they were the team that came off at
15 midnight or possibly later. Thank you very much indeed.
- 16 SIR MICHAEL WRIGHT: Yes, Mr Horwell.
- 17 Questions from MR HORWELL
- 18 MR HORWELL: My name is Richard Horwell. I appear on behalf
19 of the Commissioner.
- 20 A. Good afternoon, sir.
- 21 Q. I just have a few questions to ask you.
22 It perhaps became clear over the two and more hours
23 of questioning from Mr Mansfield that stopping a suspect
24 can be a very difficult issue?
- 25 A. And dangerous, sir.

1 Q. You have been asked about guidelines and, as is so often
2 said about guidelines, that is what they are and no
3 more?

4 A. They are not to be ignored but they are guidelines.

5 Q. Of course. Would you accept that the best judge of what
6 to do in any situation is the trained police officer on
7 the ground?

8 A. Together with their advisers and commanders.

9 Q. Of course, together with the command structure that is
10 above them?

11 A. Yes, sir.

12 Q. The tactical options document about which you have been
13 asked a number of questions, do you still have it?

14 A. I do, sir.

15 Q. Page 12, please. If that could be put up on the screen
16 for the jury.

17 SIR MICHAEL WRIGHT: Yes. It's pages 12 and 13, isn't it?

18 MR HORWELL: Yes. Page 12, could we start with.

19 Now, you have been asked many questions about the
20 commencement of paragraph 10, and as to whether it
21 applies only to a positive identification or anything
22 less than that. If we actually look at the words that
23 are used, Mr Andrew:

24 "In all [of] these options it is presumed that
25 a suspect has been identified and is being covertly

1 followed or kept under observation by CCTV or other
2 means. If there is intelligence to suggest that the
3 suspect is.

4 "1. Suicide bomber and

5 "2. Is carrying an explosive device ..."

6 Does this apply only to positive identifications, or
7 to possible identifications? I'm simply asking you.

8 A. No, I think this is written in a way to deal with
9 someone that's a possible suspect who may be a suicide
10 bomber. We are not trying to say they are; it's they
11 could possibly be and therefore these options are
12 viable.

13 Q. CO19 are asked to stop or arrest persons who may be
14 a bomber, who may be a terrorist, or to bring it to more
15 commonplace events, may be a bank robber on many
16 occasions, aren't they?

17 A. Many occasions, sir, yes.

18 Q. There is no golden rule as to the level of
19 identification that is required before CO19 is ordered
20 to stop or arrest a suspect, is there?

21 A. Correct, sir.

22 Q. It's a matter, again, for the judgment or the discretion
23 of the command officers?

24 A. Yes, sir.

25 Q. The tactical options document that you and Esposito

1 wrote on 21 July, you have made it clear to the jury
2 that it wasn't intended to answer every conceivable
3 problem that might emerge; it contained very general
4 guidance, didn't it, and no more.

5 A. It was exactly that, sir; it was a generic discussion
6 document to help later discussions around options and
7 what to do if a certain situation occurred.

8 Q. But nothing new or in any sense of a dramatic nature in
9 it, to an experienced investigator?

10 A. No, sir.

11 Q. Mr Mansfield put, at one stage, to you that people are
12 shot when mistakes are made as to identification, and
13 you agreed.

14 A. That could happen, sir, yes.

15 Q. It's a statement with which you cannot disagree,
16 Mr Andrew. But are you aware of the last occasion on
17 which a police officer of the Metropolitan Police
18 Service shot someone because of a mistake made by
19 identification?

20 A. Top of my head, sir, no.

21 SIR MICHAEL WRIGHT: Well, I think you have narrowed it
22 a bit, because I can think of at least one that was not
23 involved with the Metropolitan Police Service.

24 MR HORWELL: We are going to hear from Mr Tillbrook, who
25 will be producing statistics. I thought I should raise

1 it with this witness now, because the principle has been
2 put forward in a very general basis, and Mr Andrew,
3 whatever the statistics may be -- and we will discover
4 them from Mr Tillbrook in due course -- it is
5 an extremely rare event; would you not agree?

6 A. I would agree, sir.

7 SIR MICHAEL WRIGHT: And you can of course only speak about
8 the Met.

9 A. The Metropolitan Police, sir.

10 MR HORWELL: You have been asked about whether or not any
11 fixed or formal plan would ever have been possible in
12 an operation such as this, and you have essentially said
13 no, have you not, Mr Andrew? Because there are so many
14 variables concerned. With a man leaving these
15 premises -- you have been to the scene, so I can ask you
16 about it -- with a man leaving these premises it would
17 very much depend on when he was identified as a possible
18 suspect?

19 A. Absolutely correct, sir.

20 Q. Therefore any rigid formal plan to arrest anyone coming
21 from this multiple occupancy building, for example on
22 the green by Marnfield Crescent, you would never expect
23 such a plan to be made, would you?

24 A. Not at that location, sir, no.

25 Q. It's extremely near to the premises?

- 1 A. Correct, sir.
- 2 Q. Mr McDowall had asked that suspects were to be taken --
- 3 and these were his words -- "some distance away from the
- 4 premises before they were stopped"?
- 5 A. That would make a great deal of sense, sir.
- 6 Q. To emphasise the point, the importance of keeping this
- 7 operation covert was vital; do you not agree?
- 8 A. Absolutely vital, I think this was day one, a few hours
- 9 in.
- 10 MR HORWELL: Mr Andrew, thank you. That's all I ask.
- 11 SIR MICHAEL WRIGHT: Thank you very much. Ms Leek?
- 12 Questions from MS LEEK
- 13 MS LEEK: Sir, Andrew, you know who I am and I think you
- 14 know that I also represent another 15 officers from
- 15 CO19.
- 16 A. I do, ma'am.
- 17 Q. I am going to pick up just where Mr Horwell left off,
- 18 briefly. In ordering an intervention at any stage,
- 19 a number of elements have to be balanced against each
- 20 other, do they not?
- 21 A. Threat and risk being the main ones.
- 22 Q. So one has to look at the extent to which somebody has
- 23 been identified: is it just a possible, is it a maybe,
- 24 is it a definite, that's number 1?
- 25 A. Correct.

- 1 Q. The level of risk, do we know what he's got on him; do
2 we know what he might have on him; if he is carrying
3 a rucksack that might make a difference?
- 4 A. Correct.
- 5 Q. Number 3, remaining covert and blowing the cover of the
6 whole operation?
- 7 A. I would say that's very vital in this particular
8 operation.
- 9 Q. Thereby potentially endangering the lives of police
10 officers and members of the public if others decide to
11 detonate?
- 12 A. Correct.
- 13 Q. The role of the tactical adviser in this scenario, as we
14 have heard, is not to make decisions or order
15 deployment, but simply to provide advice?
- 16 A. Yes, the tactical adviser's role is to provide advice
17 that's reliable.
- 18 Q. The responsibility for the use of the advice, as we have
19 heard, lies with the commander?
- 20 A. That is correct.
- 21 Q. That is because the commander is the one with
22 an overview of the intelligence, the identification, the
23 availability, and the location of resources?
- 24 A. And in this case the threat.
- 25 Q. Quite. That is set out on page 269, documents page 269,

1 which is chapter 3, paragraph 5.5 of the manual, as
2 follows:

3 "The advisers do not make any decisions or take
4 independent action. The responsibility for the validity
5 and reliability of the advice lies with the adviser, but
6 the responsibility for the use of the advice lies with
7 the commander."

8 At the point at which you provided your tactical
9 advice document, you weren't aware of the two potential
10 locations and the difficulties that they presented?

11 A. Not at 11.45, no.

12 Q. I think I am right in saying that at no stage were you
13 asked to provide further tactical advice based on
14 anything that became known after that stage?

15 A. Not to the best of my knowledge.

16 Q. I am going to cover briefly the aims of operations, just
17 picking up from where Mr Stern left off: identify,
18 locate, contain and neutralise the threat posed. These
19 are four words which are drummed into firearms officers
20 from day one of their training?

21 A. They are, and if I may add, the overriding one is the
22 safeguard of the public and then you would seek to apply
23 those.

24 Q. In fact, safeguarding the public comes before that,
25 that's really an umbrella, and these are tactical --

1 these are aspects of tactics?

2 A. Yes, they are, ma'am.

3 Q. In some cases, identify and locate fall to firearms
4 officers to perform and in some cases to surveillance
5 officers?

6 A. In some cases.

7 Q. And firearms officers are entirely used to deploying to
8 scenarios where they don't know what they are going to
9 confront, whether somebody has been identified, and what
10 that person's reaction may be?

11 A. That does occur on occasions, yes.

12 Q. Any Silver firearms commander, and any tactical adviser
13 with that Silver firearms commander, will know that this
14 is a bog standard part of firearms officer training?

15 A. You say a bog standard part, it is a part.

16 SIR MICHAEL WRIGHT: That's an unfortunate expression.

17 MS LEEK: To use the vernacular.

18 As for the contain part of that mantra, that will
19 very often just be a matter of saying "armed police,
20 stand still"?

21 A. It could just be a visual containment backed up by those
22 words, yes.

23 Q. The final part is to ensure that no continuing threat
24 exists, to neutralise the threat?

25 A. Yes, you have to neutralise the threat such that it no

1 longer presents itself.

2 Q. We have heard in answer to questions from Mr Stern that
3 ordinarily firearms officers are trained to fire at the
4 torso?

5 A. Ordinarily, yes.

6 Q. That is the largest body mass?

7 A. It is.

8 Q. That's because, is it not, at the point at which
9 a firearms officer perceives an imminent risk of threat
10 to himself or another, he can't take the risk of that
11 threat being carried out?

12 A. That's correct.

13 Q. Because there is a great discrepancy between operational
14 accuracy and training accuracy, he has to aim for where
15 he is most likely to hit?

16 A. He would need to aim for the maximum target area, yes.

17 Q. That's why, to answer any potential Hollywood type
18 question that might be asked, firearms officers are not
19 trained to shoot at arms and legs?

20 A. No. That has a very limited chance of either hitting
21 the person or of incapacitating them such that they
22 don't present a threat.

23 Q. The only difference in a case where there is a suspected
24 suicide bomber are these: one, you need to ensure
25 immediate incapacitation in case that person is still

1 able to detonate a bomb?

2 A. Absolutely correct.

3 Q. Two, if you aim at the torso, there is a risk of

4 detonating any bomb that the bomber may have concealed

5 about his person?

6 A. That is also correct.

7 SIR MICHAEL WRIGHT: That is why in the limited case of

8 suicide bombers, the shot recommended is, I think,

9 called a brain stem shot.

10 A. The brain stem shot, sir, yes.

11 SIR MICHAEL WRIGHT: Which is effectively a shot to the

12 head.

13 A. Yes.

14 MS LEEK: Quite, sir.

15 That is in order to ensure, so far as is possible,

16 immediate incapacitation?

17 A. Immediate incapacitation of the threat, sir.

18 Q. In essence that is the difference between Kratos type

19 scenarios, to use the umbrella term, and ordinary

20 conventional firearms deployment?

21 A. Yes, it is.

22 Q. As far as deployment is concerned, the word "deployment"

23 has been used in court to mean a wide range of things so

24 far. Now, it is not the case, is it, that firearms

25 officers would only be deployed, ie got ready, where

1 there was a positive identification?

2 A. No, the deployment would -- the ACPO manual definition

3 of deployment is that the officers are deployed on

4 a task with their weapons, so leaving Leman Street to go

5 for a briefing, you could argue is deployed.

6 Q. Effectively they are on standby in order to react to

7 a particular event?

8 A. I would use the term --

9 SIR MICHAEL WRIGHT: Not necessarily. They may just be

10 called out, may they not, for any purpose that the

11 command structure requires?

12 A. It could be for any task and the word "deployed",

13 I think, has a very wide meaning.

14 MS LEEK: Moving on to the 21st and 22nd, you have said that

15 your involvement started when you were contacted by

16 Mr Boutcher at 2 o'clock on the 21st.

17 A. 2 o'clock, yes.

18 Q. You were tasked to assemble C019 resources at that

19 stage?

20 A. I was and I did.

21 Q. You and Inspector ZAJ were both on duty through the

22 night, both at New Scotland Yard?

23 A. We were, yes.

24 Q. I think you were aware that he was at New Scotland Yard

25 the whole time that you were?

- 1 A. Yes, he was dealing with a different aspect of the
2 operation to myself.
- 3 Q. You were both trained tactical advisers?
- 4 A. We are.
- 5 Q. But you had distinct and different roles on the night?
- 6 A. Completely different roles on the night, sir.
- 7 Q. Explain again for the jury so they understand exactly
8 what the position was. What were your differing roles
9 on the night?
- 10 A. My role on the night was to act as the firearms tactical
11 adviser to the Operation Theseus command team, and to be
12 used as the conduit to get the firearms teams out if
13 that was required. Inspector ZAJ's role was to support
14 the 24-hour designated senior officer that was dealing
15 with the 999 calls coming into Scotland Yard. He was to
16 provide tactical advice to that officer, and he was also
17 to go with the orange team if I had to send them out.
- 18 Q. Prior to 6 o'clock in the morning, it remains your
19 recollection, as I understand it, that you were not told
20 of a change to a covert strategy?
- 21 A. That is my recollection.
- 22 Q. Nor were you told of any requirement to deploy to or to
23 the vicinity of Scotia Road or indeed Portnall Road?
- 24 A. No, sir.
- 25 Q. If any order had been given to deploy to either of those

1 locations or to their vicinities, would you expect to
2 have known about it?

3 A. I would have expected to have known about it, yes.

4 SIR MICHAEL WRIGHT: Before 6 o'clock.

5 MS LEEK: Yes.

6 It remains your recollection that you weren't at
7 a meeting with Commander McDowall when he set out the
8 strategy?

9 A. That's my recollection.

10 Q. When we hear about a requirement to deploy to
11 Scotia Road, of course the firearms teams would not be
12 deployed to the address, they would be deployed to
13 somewhere close; is that right?

14 A. Depending on the task that was allocated.

15 Q. That task would have to be allocated by the Silver
16 Commander?

17 A. Yes.

18 Q. But I think it's right that you would not necessarily
19 expect to be told if orange team were simply brought to
20 New Scotland Yard to be on standby?

21 A. I would expect to know that because I would be managing
22 that resource, so I would like to know where they were.

23 Q. But in this case you weren't told?

24 A. I wasn't aware.

25 Q. I just want to bring up page 7678, the document

1 page 7678, an entry at 2 o'clock. Now, I think you were
2 asked about that entry, and the entry above "S013
3 liaison", it was suggested to you, I think by Mr Hough,
4 that that said "Kratos People". Does that say "Kratos
5 desk" as opposed to "Kratos People"?

6 A. Kratos desk.

7 Q. Right. I just wanted to make sure we got that right.

8 SIR MICHAEL WRIGHT: What does that mean?

9 A. That would be the desk where the designated senior
10 officer would sit at information rooms.

11 SIR MICHAEL WRIGHT: I follow.

12 MS LEEK: So there is no suggestion, just so we are sure, of
13 a Kratos People scenario there at that point?

14 SIR MICHAEL WRIGHT: The only distinction is between Kratos
15 People and Kratos Vehicle, isn't it? One relates to
16 people, one relates to vehicles. There is nothing more
17 to it than that.

18 MS LEEK: There is nothing more to it, sir, but it was put
19 that it said "Kratos People" and I just wanted to
20 correct that.

21 As far as the timing of writing up the rationale for
22 authorisation of hollow point bullets is concerned, can
23 you give specific times between which you wrote up that
24 document?

25 A. I believe that was from about 2.38 to about 4.29 in the

- 1 morning, based on the file properties of that document.
- 2 Q. When you say based on the file properties, does that
- 3 mean that you have since been to the computer on which
- 4 you wrote that up?
- 5 A. I have kept the file on to which I wrote that document.
- 6 Q. You have looked at the times at which you began and
- 7 ended that document?
- 8 A. I did. I have.
- 9 Q. As far as deployment of one or two teams was concerned,
- 10 would it be Silver who made that decision based on the
- 11 advice of a tactical adviser?
- 12 A. I think that would be determined by the overall aim of
- 13 the operation and then the tactical plan and then, yes,
- 14 that would be supported by advice.
- 15 Q. It wouldn't be a matter for tactical advisers, you or
- 16 anybody else, to make the decision as to who was going
- 17 where?
- 18 A. We would advise who should be used where, based on our
- 19 knowledge of their time on duty, skills, capabilities,
- 20 but that decision would ultimately be a Silver
- 21 Commander's decision.
- 22 Q. Who would decide which of two addresses was a priority
- 23 at any one point?
- 24 A. Probably the investigating officer.
- 25 Q. By the investigating officer, do we understand you to

1 mean Mr Boutcher?

2 A. I would suggest Mr Boutcher, he was the
3 Senior Investigating Officer.

4 MS LEEK: Thank you, sir.

5 SIR MICHAEL WRIGHT: Thank you, Ms Leek.

6 Questions from MR HOUGH

7 MR HOUGH: Very, very few.

8 Andrew, first of all, were you made aware at any
9 stage on 21st or 22nd July that one of the addresses,
10 Scotia or Portnall, was a priority over the other one?

11 A. No, I wasn't, sir.

12 Q. If a command, the command team had decided that one of
13 the addresses were the priority, would you expect the
14 first available firearms team to be sent to the priority
15 address?

16 A. Absolutely, sir, yes.

17 MR HOUGH: Thank you very much. Thank you for your
18 patience.

19 SIR MICHAEL WRIGHT: I have a couple for you, if I may.

20 Questions from THE CORONER

21 SIR MICHAEL WRIGHT: One is not entirely flippant. You have
22 described for Mr Stern the exceedingly demanding
23 training that specialist firearms officers have to
24 undergo.

25 How many women are there in the division or the

1 command?

2 A. Specialist firearms officers have, I believe, or at that
3 time I believe had two out of the 70-odd that we had.

4 SIR MICHAEL WRIGHT: And now?

5 A. I am not sure, sir. I have since retired.

6 SIR MICHAEL WRIGHT: So you have. Very well. Two of them
7 stuck it anyway and survived the training.

8 A. They are very good officers, sir.

9 SIR MICHAEL WRIGHT: The other question I would like to ask:
10 I am trying to pull together some of the answers you
11 gave to Mr Mansfield.

12 If the surveillance team at Scotia Road had had with
13 them a firearms unit, at state green, in other words
14 backing them up, and what emerged from Scotia Road was
15 a person who was no more than a possible suspect, so
16 that to use the phraseology in the tactical department,
17 no immediate intelligence other than a recognition or
18 a suggested identification to suggest that he was
19 a suicide bomber, and no actual intelligence to suggest
20 that he was at that time carrying an explosive device.

21 Now, that would -- your view, as I understood it to
22 Mr Mansfield, was that there might well be a call for
23 control and containment of such a person?

24 A. If that was the direction from the senior officer.

25 SIR MICHAEL WRIGHT: That's right, I appreciate that. It

1 would depend of course upon the senior officer deciding
2 that that was what he or she wanted to do?

3 A. Yes, sir.

4 SIR MICHAEL WRIGHT: If that decision had been taken at the
5 time when the suspect, I use that expression loosely,
6 the possible person had emerged from Scotia Road, was
7 a CO19 unit trained and equipped with the technology or
8 the techniques to carry out such a containment?

9 A. Yes, sir.

10 SIR MICHAEL WRIGHT: Indeed, as I understand you, they would
11 be, of all the units in the Metropolitan Police, the
12 most qualified to carry out even a low level containment
13 and control of that kind?

14 A. They would be without doubt the best resource to use,
15 sir.

16 SIR MICHAEL WRIGHT: Right. It is not something that would
17 ordinarily have been expected to involve an armed
18 intervention in the full sense?

19 A. It would have depended upon the tactics and the
20 circumstances.

21 SIR MICHAEL WRIGHT: It might.

22 A. It might, sir.

23 SIR MICHAEL WRIGHT: As I understood you, also, an SO12
24 surveillance team, some of whom may well have been armed
25 and in fact in this particular case we know they were,

1 they could also have carried out such a containment, but
2 in your view they would not be so well qualified to do
3 it?

4 A. I am not sure their training extends to that level of
5 tactical training, and to answer the other question,
6 sir, they would be the lowest unit available on that day
7 to use for that particular scenario.

8 SIR MICHAEL WRIGHT: Thank you very much. That's all
9 I wanted to know.

10 Thank you. 10 o'clock tomorrow, ladies and
11 gentlemen.

12 Mr Hough, could pages 12 and 13 of the firearms
13 tactical options document be copied and made available
14 to the jury?

15 MR HOUGH: Yes. They will go into tab 42. Tab 41, I think,
16 will have the operational policy log.

17 SIR MICHAEL WRIGHT: I think that's already in it.

18 MR HOUGH: Good. In relation to witnesses for tomorrow,
19 I think I should say so that the lawyers can hear me,
20 that the plan at the moment is to call tomorrow
21 DI Forteath followed by DCI Scott.

22 SIR MICHAEL WRIGHT: So we know, DI Forteath was?

23 MR HOUGH: The loggist for Mr McDowall. And DCI Scott,
24 about whom we have heard today; then Brian, and if we
25 have time after him, Mr Lewindon.

1 SIR MICHAEL WRIGHT: Thank you. 10 o'clock tomorrow
2 morning, ladies and gentlemen.

3 (The witness withdrew)

4 (4.45 pm)

5 (The court adjourned until 10.00 am on
6 Tuesday, 30 September 2008)

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