

<p>1 Monday, 11 October 2021 2 Statement of MR STEPHEN PORT (read)2 3 Statement of MS NIKKI CROSS (read)5 4 MR CHRISTOPHER JONES (sworn)11 5 Questions from MR O'CONNOR11 6 Questions from MS HILL131 7 Questions from DR VAN DELLEN140 8 Questions from MS DOBBIN146 9 Questions from MR MORLEY156 10 Questions from MR SKELTON160 11 Further questions from MR O'CONNOR173 12 Questions from THE CORONER179 13 Questions from THE JURY180 14 Further questions from DR VAN DELLEN185 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 1</p>	<p>1 19 June 2014. 2 "On Wednesday, 18 June 2014, at about 8.30 pm, 3 I left my ground floor flat to go to work at Stagecoach 4 bus company West Ham. I worked the 9.00 pm top 3.45 am 5 shift. I arrived home at about 4.00 am. As 6 I approached my front communal door to the block, I saw 7 a male lying on the floor. His head was lying towards 8 the door with his body curved, he was lying on his right 9 side with his left arm sticking up with his elbow bent, 10 forearm back towards his body. I could not get into my 11 door. I tried to rouse him by slapping his face. He 12 didn't wake up but he made a gurgling noise. I lifted 13 him by putting my hands under his armpits and sat him 14 upright. He was still in the way so I lifted him and 15 put him against the wall by the postbox. He still 16 didn't wake up. It was still dark and he had a hoody on 17 which was covering most of his face. After I had moved 18 him to the seated position by the wall on the floor. 19 "I called 999 and told the ambulance operator that 20 there was a young boy. It looks like he had a seizure. 21 The ambulance operator asked me if he had a pulse. 22 I told them I didn't know. I gave the location, I saw 23 the flashing lights coming and went indoors. I did not 24 wait to see the ambulance crew or the police. I called 25 999 using my phone number ... I went to bed and fell</p> <p style="text-align: center;">Page 3</p>
<p>1 2 (10.00 am) 3 (In the presence of the jury) 4 THE CORONER: Good morning, members of the jury, welcome 5 back. 6 Yes, Mr O'Connor. 7 MR O'CONNOR: Madam, we are going to start this morning with 8 reading two pieces of evidence. 9 First, the statement that Mr Port, Stephen Port, 10 gave at the scene. 11 Then, secondly, a witness statement from DC 12 "Nikki Cross. Ms Collier is going to deal with those 13 two matters. 14 THE CORONER: Thank you. 15 Statement of MR STEPHEN PORT (read) 16 MS COLLIER: Members of the jury, as Mr O'Connor said, I am 17 going to start by reading you the witness statement that 18 was made by Port on the morning of 19 June 2014. That 19 statement is contained within your jury bundle. It is 20 bundle B/1, tab 8. 21 For the screen the reference is IPC304. 22 This is what the statement reads: 23 "I make this statement in relation to a male I found 24 laying by my front door, the entrance to 59 to 62 25 Cooke Street, Barking, at about 4.00 am on Thursday,</p> <p style="text-align: center;">Page 2</p>	<p>1 asleep. 2 "The male that was lying on the floor by my entrance 3 door, I would describe him as a white male. He looked 4 young, probably early 20s, he was slim build, he was 5 lying down, but I would say he was about 5 foot 10. He 6 was dressed in a dark-coloured hoody and dark-coloured 7 jeans or trousers. I could see his mouth and his lip 8 was up and I could see his teeth, it is hard to explain, 9 just his upper lip on the left side was up and I think 10 he was wearing a brace, but I could not be 100 per cent 11 sure of this. I have been asked by DC Young as to the 12 location I left the man at and I had shown him that 13 I initially lifted him up against the railings to the 14 right of the front door. I then carried him to just in 15 front of the mailboxes and lent him against the wall 16 facing the block opposite my block." 17 We do have available the handwritten statement which 18 shows the time at which Port's witness statement was 19 taken. The reference for that, please, for the screen, 20 is INQ4, page 46. 21 That is the beginning of the statement. Then, if we 22 go over the page to page 27, please. Down at the 23 bottom, members of the jury, if you look on your screen, 24 you will see it says, "Statement taken by" and there is 25 the name of the officer that took the statement, and</p> <p style="text-align: center;">Page 4</p>

<p>1 then the time and the place that the statement was made. 2 Which we see as being 07.50 hours, 62 Cooke Street. 3 Thank you, that can be taken down. 4 Statement of MS NIKKI CROSS (read) 5 MS COLLIER: The next statement is a statement made by 6 DC Nikki Cross. The statement is signed and dated 7 14 September 2020. It is supported by a statement of 8 truth, in which DC Cross confirms that the content of 9 her signed statements are true to the best of her 10 knowledge and belief and that she makes it knowing that 11 as her statement is tendered in evidence, she will be 12 liable to prosecution if she has wilfully stated 13 anything in it which she knows to be false or does not 14 believe to be true. 15 This is what her statement says: 16 "I, Nikki Cross, of the Metropolitan Police Service, 17 New Scotland Yard, Victoria Embankment, London SW1A 2JL 18 say, I am a detective constable, DC, serving with the 19 Metropolitan Police Service, the MPS. In 2014, I was 20 working in the serious crime command, SC&O1, on homicide 21 command, major investigation team 20, MIT 20, based at 22 Hertford House, Hertford Road, Barking, IG11 8BL. 23 "Each MIT is on a HAT duty rota. The HAT on duty 24 operates the HAT car. The role of the HAT car is to 25 assist in the investigation and reporting of homicide</p> <p style="text-align: center;">Page 5</p>	<p>1 cluster detective inspector, Acting Superintendent 2 Karl Robinson, Inspector Learmonth, who I believe was 3 the duty officer, Barking and Dagenham borough CID and 4 uniformed officers. I was aware that the London 5 Ambulance Service paramedic K351 was also on scene. We 6 were briefed on the circumstances for our call out by 7 Inspector Learmonth and Detective Inspector 8 John Delaney. I believe a tent had been erected over 9 the collapsed male, deceased, as I do not remember 10 seeing the male in the street. I was aware that 11 detective sergeant Callaghan had conducted our senior 12 officer, Detective Chief Inspector Chris Jones, and that 13 he was making his way to the scene. 14 After being informed of the circumstances, I liaised 15 with the uniformed officers who were conducting 16 fast-track house-to-house enquiries in the block 17 opposite to where the deceased in the tent was situated. 18 I wanted to ensure that the officers understood their 19 role. I made sure that the officers were recording the 20 premise numbers they had attended and details of all 21 occupants present. I also wanted to know if any 22 witnesses had been located. At this time no witnesses 23 had been located. I recorded the number of the flats 24 the officers attended. I then rejoined my colleagues. 25 I was aware that crime scene manager, or CSM, Alan Tribe</p> <p style="text-align: center;">Page 7</p>
<p>1 and unexplained deaths referred to the HAT by borough 2 officers. The HAT car will attend and provide initial 3 support and guidance to the borough officers in case of 4 homicide, fatal fires, self immolation, fatal shootings, 5 child death, unexplained deaths, work-related deaths, 6 complex or suspicious suicides, critical incidents and 7 high-risk missing persons. The HAT car will attend all 8 homicides, attempted homicides, self-immolation 9 incidents and work-related deaths where corporate 10 manslaughter has occurred or is suspected. 11 "On 19 June 2014 I was on night duty homicide 12 assessment team, or HAT, car duties, in company with 13 Detective Sergeant Adam Callaghan and Detective 14 Constable Ed Priestley. At 05.00 hours on 19 June 2014 15 we received a call from SC&O1 reserve informing us that 16 at 4.18 hours, London Ambulance Service had requested 17 police attendance as they had attended a call to outside 18 47 Cooke Street, Barking, in which a male had been found 19 deceased in a public place. I believe that Detective 20 Sergeant Callaghan took the call on the HAT phone. We 21 made our way to the location at Cooke Street, Barking. 22 The scene was a short distance from Hertford House and 23 we arrived at approximately 5.20 hours, 20 minutes after 24 receiving the initial call for the HAT car to attend. 25 "Already on scene were DI John Delaney, the on-call</p> <p style="text-align: center;">Page 6</p>	<p>1 had been requested to attend the scene, along with 2 photographer Andy Goddard. From liaising with borough 3 officers I was aware that local enquiries were being 4 carried out to establish the identity of the person who 5 called the ambulance after finding the male in the 6 street. I was informed that this male was 7 Mr Stephen Port, the occupant of number 62 Cooke Street. 8 DC Malcolm Young from Barking and Dagenham CID attended 9 his address and a statement was taken from Port. I was 10 later informed that a statement was also taken from the 11 London Ambulance Service paramedic. I was aware that 12 CSM Tribe had arrived at the location and had entered 13 the crime scene tent to assess the collapsed male. As 14 an advanced trained exhibits officer I was waiting to 15 hear if I was required to assist the crime scene 16 manager. I was aware that the early turn CSM, 17 Cheryl Kynaston, was on her way to the scene. I was 18 also aware that Dr Munro had arrived at the scene and 19 had pronounced life extinct at 07.51 hours. I saw that 20 DCI Jones had arrived at the scene and was speaking with 21 the cluster detective inspector John Delaney, Inspector 22 Learmonth and borough officers. As a result of the 23 early turn HAT car arriving on scene, DC 24 Anthony Davidson was deployed as the exhibits officer to 25 exist CSM Kynaston. I was present when DCI Jones</p> <p style="text-align: center;">Page 8</p>

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<p>1 provided Barking and Dagenham borough officers with 2 advice as to the way forward with this investigation. 3 The advice that was given was recorded. The advice 4 was (1) to have a special post mortem, (2) to survey the 5 team for CCTV to trace the route taken by Anthony, (3) 6 to continue local enquiries for witnesses, (4) to 7 conduct intelligence regarding Mr Walgate to locate and 8 trace his next of kin, (5) for the scene to remain open 9 until the results of the special post mortem and (6) 10 that the investigation was to remain with Barking and 11 Dagenham borough with support from SC&O1 officers. 12 "I cannot be precise as to the time that Detective 13 Sergeant Callaghan, DC Priestley, DCI Jones and I left 14 the scene, returning to our office at Hertford House. 15 On arrival back in the office, the HAT car completes 16 a homicide assessment team report called a HAT return. 17 This document details any calls the HAT car received 18 during the shift and the advice and action taken as 19 a result of the call or calls. On this particular tour 20 of duty, CAD1209 of 19 June 2014, the discovery of 21 Mr Walgate's body, was the only call received by HAT for 22 our attendance and advice. I typed the HAT return 23 document with the assistance of DCI Jones, DS Callaghan 24 and DC Priestley. The document details the brief 25 circumstances of the incident, including any suspect</p> <p style="text-align: center;">Page 9</p>	<p>1 CAD] of 19 June 2014, the HAT return dated 19 June 2014, 2 the crime report or CRIS. 3 "In providing this statement I have considered all 4 material available to me and can confirm that I do not 5 hold any further material, either physically or 6 electronically, that refers to these matters." 7 MR O'CONNOR: Madam, may we now please call 8 Christopher Jones. 9 MR CHRISTOPHER JONES (sworn) 10 A. Christopher Jones. 11 Questions from MR O'CONNOR 12 MR O'CONNOR: You said your name is Christopher Jones. 13 A. Yes. 14 Q. You were an officer in the Metropolitan Police? 15 A. Yes. 16 Q. I know that you are now retired, what were your years of 17 service? 18 A. 1991 to 2021. 19 Q. 2021? 20 A. Yes. 21 Q. So you retired earlier this year? 22 A. Yes, I did. 23 Q. We know that in 2014, which is the period we are going 24 to be discussing in morning, you were a detective chief 25 inspector, is that right?</p> <p style="text-align: center;">Page 11</p>
<p>1 details where appropriate, within the section titled 2 'Brief details' I recorded who attended the scene and 3 what they did. 4 "There is a section on the document titled 'Record 5 of advice given'. In this part of the document I typed 6 the record of advice given by DCI Jones to the borough 7 officers at the scene. 8 "Under the titles 'Suspects, phones and risk 9 reduction measures in place', I recorded 'N/A'. At the 10 time of writing the report, the incident was being 11 investigated as an unexplained death and no suspects 12 were identified. There were no phones requiring urgent 13 download and no risk reduction measures put in place at 14 that time. 15 "Once this document was complete I send it to 16 a number of people. I remember it was sent to homicide 17 superintendent, DCI Jones, borough officers. You can 18 see the entry at 13.51 hours on 19 June 2014 on the CRIS 19 associated with the incident, and sent to other people 20 but I am unable to remember who they were. 21 "After the end of the shift I had no further dealing 22 with this investigation. 23 "The following documents which I have considered in 24 preparing this statement should be read together with my 25 statement. Computer aided dispatch report [that is the</p> <p style="text-align: center;">Page 10</p>	<p>1 A. Yes, that's correct. 2 Q. What was the role that you were performing at that time? 3 A. Between I believe October 2012 and October 2017 I was 4 appointed detective chief inspector running MIT 20, so 5 that's Major Investigation Team 20, within the homicide 6 command, or within the major crime command, as a senior 7 investigating officer. 8 Q. I see. I am going to come back and ask you some more 9 questions about your role and the team that you led in 10 a few minutes. 11 You say that was a job you did between 2012 and 12 2017. 13 A. Yes, that's correct. 14 Q. Then, between 2017 and 2021, in very brief summary, 15 I think you were promoted and do tell us what other jobs 16 you had with the Met? 17 A. I was not immediately promoted, from 2017 for I think 18 a year or so I managed the online child sexual abuse 19 exploitation command. And then, following that, I moved 20 to counter terrorism and then finishing my career as 21 national counter terrorism policing at headquarters. 22 Q. At some point, we don't need the details, you were 23 promoted to superintendent? 24 A. I was temporarily promoted but, yes, that is where 25 I finished my service.</p> <p style="text-align: center;">Page 12</p>

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<p>1 Q. Right.</p> <p>2 Coming back to your work in homicide command, which</p> <p>3 as I said will be the focus of your evidence today.</p> <p>4 Again, without going into too much detail, can you give</p> <p>5 us an idea of what relevant experience in that sort of</p> <p>6 work you had prior to that period between 2012 and 2017,</p> <p>7 when you served in homicide command?</p> <p>8 A. So joining homicide command, October 2012, between that</p> <p>9 date and 2014, I was -- I would likely have been</p> <p>10 responsible for somewhere in the region of between 15</p> <p>11 and perhaps 20 homicides, as a senior investigating</p> <p>12 officer, but perhaps more importantly, that doesn't</p> <p>13 account for the calls that we deal with regularly from</p> <p>14 borough for support and advice in relation to incidents</p> <p>15 that they manage from quite clear homicides, to</p> <p>16 unexplained death with suspicious circumstances, to</p> <p>17 serious assault.</p> <p>18 So that would also equate for a significant amount</p> <p>19 of the work that I would have done in that period.</p> <p>20 Q. That is the period 2012 to 2014?</p> <p>21 A. Yes.</p> <p>22 Q. I just wanted to ask you about the period before that --</p> <p>23 A. Oh sorry.</p> <p>24 Q. Don't worry, it is all very helpful. You said you</p> <p>25 joined the police, I think in the 1990s?</p> <p style="text-align: center;">Page 13</p>	<p>1 period of time we are going to be looking at is about</p> <p>2 a week, is it not?</p> <p>3 A. That's correct.</p> <p>4 Q. Your first involvement, as in fact we have just heard</p> <p>5 from the witness statement of DC Cross, was when you</p> <p>6 attended the scene where Anthony's body was found on the</p> <p>7 early morning of Thursday, 19 June?</p> <p>8 A. Correct.</p> <p>9 Q. Then we will trace the events through, but we will hear,</p> <p>10 won't we, that your last involvement was on the</p> <p>11 Thursday, 26 June, possibly that evening -- we will talk</p> <p>12 about what happened on the Friday -- but after that, is</p> <p>13 it right that you had no further involvement in this</p> <p>14 case?</p> <p>15 A. Yes, that's correct.</p> <p>16 Q. That is the period of time that we are going to be</p> <p>17 focusing on?</p> <p>18 A. Yes.</p> <p>19 Q. Before we come to that detail, let me, as I said</p> <p>20 I would, ask you a few more questions about homicide</p> <p>21 command and the team that you were running.</p> <p>22 The jury have heard now from a few witnesses about</p> <p>23 the distinction between the borough police on the one</p> <p>24 hand and the specialist homicide investigators on the</p> <p>25 other. It was those specialist investigators of whom</p> <p style="text-align: center;">Page 15</p>
<p>1 A. Yes.</p> <p>2 Q. Before you took up that role in 2012 --</p> <p>3 A. Okay.</p> <p>4 Q. -- just in very brief summary, did you have experience</p> <p>5 of dealing with homicides and suspected homicides?</p> <p>6 A. No, not before 2012. I was -- before 2012, a number of</p> <p>7 years in Trident gang command, so dealing with major</p> <p>8 crime but more focused on drug and firearm offences.</p> <p>9 Q. 2012 was something of a departure for you then, working</p> <p>10 on the homicide command?</p> <p>11 A. Yes.</p> <p>12 Q. But, as you have said, you had been doing that job for</p> <p>13 a couple of years before June 2014, which is the time we</p> <p>14 are going to focus on?</p> <p>15 A. Yes.</p> <p>16 Q. The answer you gave a few moments ago, that it was very</p> <p>17 much the work that you had been doing for those two</p> <p>18 years or so, dealing with unexplained deaths, suspicious</p> <p>19 deaths and so on?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. The questions I am going to ask you this morning all</p> <p>22 focus on a period of time in June 2014, as I am sure you</p> <p>23 know, and they relate to your involvement in the initial</p> <p>24 investigation into the death of Anthony Walgate.</p> <p>25 Just so the jury have the time period in mind, the</p> <p style="text-align: center;">Page 14</p>	<p>1 you were one, was it not?</p> <p>2 A. Yes.</p> <p>3 Q. Perhaps we can do this by going to one of the jury</p> <p>4 bundles.</p> <p>5 Before I take you to that, there is something else</p> <p>6 I should have asked you.</p> <p>7 I can see you have the two jury bundles in front of</p> <p>8 you and I can see you also have a blue file, which</p> <p>9 I assume is some documents you were looking at in</p> <p>10 preparation for your evidence, is that right?</p> <p>11 A. Not those particular documents, but I have looked at</p> <p>12 documents in preparation, yes.</p> <p>13 Q. I know that you made a witness statement helpfully for</p> <p>14 the inquests about a year ago, in fact it is dated</p> <p>15 1 October 2020.</p> <p>16 A. Yes.</p> <p>17 Q. Do you have a copy of that statement in front of you?</p> <p>18 You may or may not.</p> <p>19 A. I don't ...</p> <p>20 Q. Mr Jones, let me just say this --</p> <p>21 A. Yes, I do, sir.</p> <p>22 Q. Preparing that statement was an opportunity for you to</p> <p>23 put down what you remembered about these incidents at</p> <p>24 that time.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 16</p>

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<p>1 Q. I am probably going to refer you once or twice to the 2 contents of this statement as we go. 3 If there comes a time when you want to refresh your 4 memory from the contents of this statement, then please 5 just say so. If you have a copy there, you can look at 6 it, otherwise we can call it up on the screen and we can 7 look at it there. 8 A. Thank you. 9 Q. Do you actually have, sitting here now, a memory in your 10 mind of those events that took place over a week or so 11 seven years ago? 12 A. So yes, the answer is I do remember some events. 13 I think it is important to perhaps just add that I was 14 never -- I have not been asked to recount or consider 15 some of the more detailed parts of that week until 16 I think probably August last year. So over six years 17 had passed before I was asked to sort of consider in 18 greater detail some of those events -- 19 Q. Yes. 20 A. -- but yes, I do have a recollection of events in 21 June 2014. 22 Q. Yes. 23 There will be some questions about detail, and 24 obviously you will make it clear what you can remember 25 and what understandably you cannot now remember.</p> <p style="text-align: center;">Page 17</p>	<p>1 I say, simplified and all we are seeing here are those 2 names that we might come across in the next few weeks, 3 not just in relation to Anthony's death but some of the 4 later evidence we will hear as well. 5 A. Understood. 6 Q. One easy way of making that point is we see in the lower 7 boxes, there are five lower boxes with different MIT 8 teams, numbered MIT teams, yes? 9 A. Yes. 10 Q. There were far more teams than that, were there not? 11 A. Yes, there were, there were 18 teams in total. 12 Q. 18? 13 A. 18, in June 2014. 14 Q. We only see the teams that are relevant to the evidence 15 the jury is hearing. 16 A. Understood. 17 Q. In the middle is MIT team 20, which was the team that 18 you were heading at the time? 19 A. Yes. 20 Q. We see your name at the top, and then we see, going 21 down, some other names, that as I say we will hear two 22 detective inspectors, two detective sergeants and then 23 a number of detective constables. 24 How many people were in your team at the time, if 25 you remember?</p> <p style="text-align: center;">Page 19</p>
<p>1 Yes, I just want to get that clear, but now you have 2 your blue file but also on the table you have two white 3 files. Those are two volumes of the jurors' bundles. 4 The larger one contains documents relating to Anthony's 5 case, but it is the smaller one I want you to pick up, 6 please, which is what the jury know as jury bundle A, 7 the generic bundle. If you can turn to tab 3 in the 8 bundle, please, and for the screen, it is INQ40. 9 Inspector Jones, you will find that quite a few 10 documents we look at in the bundle but they will also be 11 there on the screen in front of you, and so it is 12 a matter for you as to whether you find it easier to 13 look at the page or the screen. 14 I don't know if you have seen this document before, 15 Inspector Jones? 16 A. No. 17 Q. All right. I hope it is quite apparent what it is. It 18 is a diagram of the structure of the department known as 19 SC&O1, the special cases investigation division of the 20 Metropolitan Police back in 2014. It is a very 21 simplified diagram. I am sure if we try to do a diagram 22 which showed everyone involved there would be far too 23 many people to get on a page, yes? 24 A. Yes. 25 Q. It is important for the jury to realise that this is, as</p> <p style="text-align: center;">Page 18</p>	<p>1 A. So there should have been myself, two detective 2 inspectors, four detective sergeants, one of whom would 3 have been an office manager, so permanently an 4 internal -- working within the building internally and 5 then I believe 20 detective constables, although 6 invariably we were often ... we were never at capacity 7 of having 20, so there would normally be fluctuating 8 between 17 and 18, that was just the natural churn of 9 people being recruited and leaving for other posts. 10 Q. Again, not only do we not have all of the teams on this 11 diagram but in fact even when we look at your team, 12 there were more people in it than are shown on this 13 diagram? 14 A. That's correct. 15 Q. These are just the names we may find of relevance to the 16 evidence. 17 We are hearing evidence about that part of the job, 18 of a team like yours, known as HAT, homicide assessment 19 team, but that was not actually the main job that your 20 team did, was it? 21 A. No. 22 Q. Just in a few sentences tell us about the normal work 23 that your team did. 24 A. So as a major investigation team within the homicide 25 command we were, I suppose, predominantly there to</p> <p style="text-align: center;">Page 20</p>

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<p>1 investigate the crimes that were allocated to us. And 2 invariably they were homicides or, as murder, 3 manslaughter, that would have been the majority of 4 investigations owned by my team in June 2014. 5 Q. Yes, and just to be clear, in case the jury are 6 wondering, the jury heard evidence last week from 7 Inspector Mark Richards, who told us he was a member of 8 a different team, he told us something about their work. 9 They were probably conducting very much the same sort of 10 work as your team, would that be right? 11 A. Absolutely. I think it is fair to say that across each 12 team it was a fairly similar workload in terms of the 13 types of investigations that we were all dealing with. 14 Q. Obviously the particular evidence that Mr Richards gave 15 about Operation Lilford, that was all long in the future 16 in 2014, but just in terms of the general day-to-day 17 work, it was similar? 18 A. Yes, I agree. 19 Q. Then there was this particular role, that each of these 20 teams undertook from time to time, which was the HAT 21 work. 22 A. Yes. 23 Q. Tell us about that? 24 A. The HAT work, or the homicide assessment team was -- 25 I believe -- created to provide that 24-hour response,</p> <p style="text-align: center;">Page 21</p>	<p>1 time, what was known as a HAT car, which were some 2 designated officers? 3 A. Yes. 4 Q. Perhaps they were not always sitting in the car, but 5 they were ready if necessary to go to any scene if 6 needed to advise about one of these types of cases? 7 A. Yes, and that HAT car ran across a 24-hour period in 8 shifts of 7.00 am to 3.00 pm, 3.00 pm to 11.00 pm and 9 then 11.00 pm to 7.00 am again. And that vehicle would 10 be staffed, as you say, perhaps not always sitting in 11 the vehicle, but with a detective sergeant and two 12 detective constables, ready to respond within, you know, 13 the ambition is always to be on scene within the hour. 14 Q. That is two or three officers ready to go, and as we 15 will hear, other members of the team might also assist, 16 depending on the nature of the event, during that period 17 that that team was undertaking that HAT role. Is that 18 right? 19 A. Yes, there would always be a minimum strength for the 20 team. I don't recall what that was at the time but, you 21 are correct, there would be additional officers who 22 would be working what I would call perhaps an 8 to 4 or 23 10 to 6 type shift and available. 24 Q. How long was it, again we don't need necessarily to be 25 precise but the period of time for which one of these</p> <p style="text-align: center;">Page 23</p>
<p>1 seven days a week, to particular type of crime. And 2 that was -- you heard earlier this morning from 3 Nikki Cross's statement, that was: homicide; murder; 4 manslaughter; infanticide; death in the workplace, where 5 culpability could be played out within a court of law; 6 linked series rape or sexual offences; mass disaster; 7 critical incidents, that might -- 8 Q. We will have a look at the list in a minute. 9 A. Okay. 10 Q. What was the nature of the role you were performing and 11 how did it work on a day-to-day basis? 12 A. It was very much to have a set of resources available to 13 respond to local policing when they felt that they were 14 dealing with an incident that required the input of 15 a major investigation team and those are the types of 16 incidents that I have just alluded to, but they would -- 17 they were at any given period there would be one team in 18 each geographic area of the Metropolitan Police 19 districts, so one in east London, one in west London, 20 and one in south, west covering north as well. In 21 essence they would provide that resilience and that 22 response to the type of incident that I have just 23 described. 24 Q. Yes, and as we have heard, again, from DC Cross's 25 statement, there was, is this right, at any particular</p> <p style="text-align: center;">Page 22</p>	<p>1 teams, your team, would have been tasked with doing that 2 HAT duty? 3 A. It is a seven-day responsibility, so it is a week 4 responsibility and then the responsibility would 5 transfer to another team. 6 Q. Then it would come round to you again in a month or so's 7 time? 8 A. It is every six weeks. 9 Q. I did say we would have a quick look at that list which 10 the jury have actually heard more than once about, the 11 types of cases for which you were responsible. Just 12 quickly, perhaps we can look, it is in the same bundle, 13 so jury bundle A, and it is tab 20, and for the screen, 14 it is IPC63, please. 15 I actually want to take you to a later page of this 16 document, Mr Jones, but just let's look briefly at the 17 front page, it is a Met Police policy document, is it 18 not? 19 A. It is, sir. 20 Q. It is titled "Homicide and unexplained death policy, 21 roles and responsibilities". 22 It is in fact, if you go a couple of lines down we 23 can see it is dated November 2014, so after the events 24 we are talking about, but the evidence we have heard is 25 that in fact, although this document was dated that</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 time, it reflects a practice that was probably in place 2 earlier, but of course if -- 3 A. I agree. 4 Q. -- you don't think that is right when we come to ask you 5 questions you will say so. 6 If we then go to page 5 of the document, please, do 7 we see there at the top of the page, Mr Jones, 8 a statement: 9 "HAT cars [we know what they are] will attend [that 10 is in bold] ..." 11 Then there is a series of types of cases and the 12 bottom one is perhaps the one we are interested in, 13 "Unexplained deaths which have suspicious 14 circumstances", yes? 15 A. Yes. 16 Q. Was that the category that the discovery of Anthony's 17 body fell into in that early morning? 18 A. Yes. 19 Q. That is why the HAT car went there that morning? 20 A. Yes. 21 Q. Then if we just look further down on that page, we see 22 the heading "Primacy dispute". Primacy, there will be 23 some more questions I ask you about the primacy, but 24 just to translate that word, does it really mean 25 an issue about who has charge of an investigation, as</p> <p style="text-align: center;">Page 25</p>	<p>1 A. In essence the assistant chief police officers, which 2 would normally be a rank of commander and above within 3 the Metropolitan Police. 4 Q. So someone who is senior to the superintendent? 5 A. Absolutely, yes. 6 Q. Then it says this: 7 "SC&O1 will undertake the following reactive 8 investigations." 9 Then there is a series of bullet points starting 10 with, "All murder, manslaughter and infanticide 11 offences", yes? 12 A. Yes, sir. 13 Q. Then a series of other offences, a bit like that list 14 you were giving us in your evidence a moment ago, but we 15 don't really need to worry too much about rapes and 16 other cases because, really, we are focusing on homicide 17 cases, are we not? 18 A. Yes. 19 Q. Just looking at the very bottom of those bullet points, 20 it says: 21 "Other critical incidents which due to their serious 22 nature, complexity or organisational risk, or may 23 require HOLMES 2 support." 24 The jury have heard a little bit about HOLMES, 25 that's the quite sophisticated database that was</p> <p style="text-align: center;">Page 27</p>
<p>1 between the borough and the specialist -- 2 A. Who is responsible, sir. 3 Q. Yes. 4 If there is a dispute, and we read on: 5 "... any issues regarding investigation primacy will 6 be dealt with by the on-call SC&O1 superintendent." 7 That is your boss, is that right? 8 A. Yes. 9 Q. I didn't actually take you to it, we will not go back to 10 it, but on that organogram, there were one or two names 11 above you and we will be hearing more -- his name is on 12 that list, someone called Detective Superintendent 13 Sweeney, was he one of the superintendents above you at 14 the time? 15 A. Yes, that's correct. 16 Q. It says here that the SC&O1 superintendent will meet 17 the -- we then get into a double acronym, the BOCU OCU 18 superintendent, does that essentially mean 19 a superintendent from the borough? 20 A. Yes, that does. 21 Q. To consider the issues. 22 Then it says: 23 "The final issue as to primacy for a disputed 24 investigation will be made by the on-call ACPO ..." 25 What does ACPO stand for?</p> <p style="text-align: center;">Page 26</p>	<p>1 available to your teams but not to the borough police 2 teams, is that right? 3 A. Yes. 4 Q. This is quite a slightly different criterion here, it is 5 not about what type of offence it is, it is suggesting 6 that even if it is not that type of offence, there may 7 be particular cases where your specialist resources are 8 needed, is that right? 9 A. Yes, I think that would be fair. 10 Q. In fact, if we just go up to the paragraph above primacy 11 dispute, do we see "ACPO direction"? It says: 12 "ACPO [so that is the senior officer above the 13 superintendent] can task SC&O1 to deal with cases deemed 14 to be beyond the capability and capacity of BOCU [that 15 is the borough] or other units." 16 Is that picking up on the same theme, Mr Jones? 17 A. Yes, I think that captures that piece. 18 Q. The idea that even if it is not one of this list of 19 offences, which we know you are required to investigate, 20 there may be other circumstances where a lack of 21 resource means that you will investigate anyway, is that 22 really -- 23 A. I think it is fair to say that that bottom bullet point, 24 together with the ACPO direction, means that if a -- if 25 deemed fit, that ACPO could direct the homicide command</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 to deal with other matters.</p> <p>2 Q. Yes.</p> <p>3 I am going to come in just a moment to ask you about</p> <p>4 what you remember of the scene and what you did there,</p> <p>5 but just before we do and before we leave this document,</p> <p>6 could we go back to the first page of this document,</p> <p>7 please.</p> <p>8 We see here and the jury have looked at this page,</p> <p>9 at least once, possibly more than once, there are, we</p> <p>10 see, a series of paragraphs directed at different people</p> <p>11 who might attend a scene like this, so the uniformed</p> <p>12 supervisor, a duty officer, that was Inspector Learmonth</p> <p>13 who gave evidence at the end of last week, and then</p> <p>14 another subtitle of borough CID officer, who is someone</p> <p>15 different again.</p> <p>16 To be fair to you, Mr Jones, none of those are</p> <p>17 people of the role that you were performing, were they?</p> <p>18 A. No, they weren't.</p> <p>19 Q. Let's just look, if you will, at the paragraph headed</p> <p>20 "Borough CID officers". The first sentence requires</p> <p>21 a borough CID officer to attend a scene like this. Then</p> <p>22 there is this sentence, which I will read out:</p> <p>23 "If there is the slightest doubt, then the event</p> <p>24 will be dealt with as a suspicious death."</p> <p>25 That, as I say, is a requirement aimed at a borough</p> <p style="text-align: center;">Page 29</p>	<p>1 call to the LAS was made at 4.05 in the morning.</p> <p>2 We heard Mr Neil, the ambulance technician, his</p> <p>3 evidence, he said he arrived about 10 minutes later,</p> <p>4 I think it was 4.14 in fact.</p> <p>5 The borough officers, two detective constables,</p> <p>6 Benson and Middlemiss and then the duty officer,</p> <p>7 Inspector Learmonth, their evidence was that they</p> <p>8 arrived at about 4.30 in the morning.</p> <p>9 We heard in DC Cross's statement, didn't we, she</p> <p>10 referred to that call that was made from the ambulance</p> <p>11 service requesting their attendance, so between about</p> <p>12 4.15 and 4.30 in the morning.</p> <p>13 Then we have just heard DC Cross's statement saying</p> <p>14 that the HAT car, containing DS Callaghan and her,</p> <p>15 arrived at 5.20 in the morning. Those are the sort of</p> <p>16 timings that we need to have in mind.</p> <p>17 Shifting the spotlight to you, you were not on duty</p> <p>18 overnight?</p> <p>19 A. No, sir.</p> <p>20 Q. I think it is clear from your statement that you,</p> <p>21 unsurprisingly perhaps if you were not on duty, were at</p> <p>22 home in the early hours of that morning?</p> <p>23 A. Yes.</p> <p>24 Q. Can you help us, and please let me emphasise I am not</p> <p>25 asking for a precise time -- I don't think anyone thinks</p> <p style="text-align: center;">Page 31</p>
<p>1 CID officer. You were not a borough CID officer.</p> <p>2 A. That's correct.</p> <p>3 Q. Is that approach, namely that on attending a scene if</p> <p>4 there is the slightest doubt, then you will deal with</p> <p>5 an event as a suspicious death, is that an approach that</p> <p>6 you followed or not?</p> <p>7 A. I think that sentence is about ensuring that caution and</p> <p>8 care is taken in determining whether a death may be</p> <p>9 suspicious or not and what it is saying to an officer,</p> <p>10 a borough CID officer, that, you know, if in doubt,</p> <p>11 actually treat it as suspicious and ensure that the</p> <p>12 appropriate response is subsequently made.</p> <p>13 Q. There are other policy documents which say much the same</p> <p>14 thing, if in doubt think murder, for example.</p> <p>15 In general terms, is that an approach which was just</p> <p>16 as applicable to you as to the borough CID officer?</p> <p>17 A. Absolutely.</p> <p>18 Q. Thank you.</p> <p>19 That is all I wanted to ask you about that document,</p> <p>20 and, as I said, I am going to come to ask you now about</p> <p>21 the events of the morning of 19 June.</p> <p>22 Just to remind the jury of the evidence they heard</p> <p>23 last week, in fact some of it has come up in DC Cross's</p> <p>24 statement, but just to sort of locate ourselves in terms</p> <p>25 of the timings. We heard evidence last week that that</p> <p style="text-align: center;">Page 30</p>	<p>1 it matters precisely when you arrived, but can you help</p> <p>2 us with a rough idea of when you arrived. I think it is</p> <p>3 clear you didn't arrive as early as DS Callaghan but can</p> <p>4 you give us a rough idea of how long after them you</p> <p>5 arrived at the scene?</p> <p>6 A. I recall getting a phone call from DS Callaghan, and</p> <p>7 I know I was already travelling to work. I was driving</p> <p>8 to work.</p> <p>9 So I think -- so I wouldn't have received the call</p> <p>10 at home and responded to that call to go to Barking. So</p> <p>11 I think I -- bearing in mind that the scene of where</p> <p>12 I was asked to go was in the immediate vicinity of where</p> <p>13 my workplace was, it is likely -- it could be perhaps</p> <p>14 8.00 arriving, but maybe it could be some time after</p> <p>15 that. It depends on the time I was due to start work</p> <p>16 and I note what time I was still at the scene from CSM</p> <p>17 Kynaston, but the exact time I arrived at the scene,</p> <p>18 I would say perhaps not earlier than 8.00, but could</p> <p>19 have been some time later.</p> <p>20 Q. Yes, one of the things you say in your statement,</p> <p>21 Mr Jones, is that you think that when you arrived life</p> <p>22 had already been pronounced extinct?</p> <p>23 A. Yes.</p> <p>24 Q. If that is right, then the time of 8.00 sounds about</p> <p>25 right, because we know that life was pronounced extinct</p> <p style="text-align: center;">Page 32</p>

<p>1 by Dr Munro about 7.50 in morning, so that is another 2 way of timing --</p> <p>3 A. I could have arrived a little bit later, sir, but yes, 4 you are right in the chronology.</p> <p>5 Q. Another thing you said, of course we he heard your team 6 was, as it happened, based in Barking, so is that where 7 you would otherwise have been going that morning?</p> <p>8 A. Yes, I would have.</p> <p>9 Q. It wasn't much of a detour for you to go to the scene?</p> <p>10 A. No.</p> <p>11 Q. Would you normally have attended a scene like this?</p> <p>12 A. So, whether I would have normally attended the scene, 13 I would have expected at least somebody of the rank of 14 DI, PIP3, SIO trained to attend the scene. Certainly in 15 the circumstances that we were faced with to provide 16 oversight and advice and to really support the borough 17 in those initial decisions, certainly, around -- we will 18 talk about special post mortems, et cetera, but, yes, 19 I am not -- I think in truth, I was called by the DS 20 because he probably knew I was in the vicinity and 21 driving past.</p> <p>22 Q. Fine. The fact that you were there wasn't unusual?</p> <p>23 A. No, not at all.</p> <p>24 Q. It didn't mark this case out as being anything special?</p> <p>25 A. No, I would expect that sort of response.</p> <p style="text-align: center;">Page 33</p>	<p>1 Q. -- this is specialised training which some people of 2 a certain rank may have but other people of the same 3 rank won't have. Is that right?</p> <p>4 A. Yes, and just to illustrate that, within my team, I was 5 a PIP3, as were both my DIs, so we all held the same PIP 6 accreditation for investigating major crime.</p> <p>7 Q. You have mentioned and given us a helpful idea of the 8 types of crime that the different PIP levels are 9 focusing on, but here we are looking at, let's say, 10 a suspicious death. It is right, isn't it, that it is 11 PIP3 that would be recognised as the level that was 12 required to investigate a suspicious death. Is that 13 right or not?</p> <p>14 A. If we mean by "suspicious death" homicide, then yes, 15 that is correct, sir.</p> <p>16 Q. Right.</p> <p>17 You arrived, let's say at about 8.00, that is the 18 best we can do. What do you do when you arrived?</p> <p>19 A. I likely would have taken a form of briefing from the 20 officers on scene.</p> <p>21 Q. Yes.</p> <p>22 A. Again, this is the detail that is very difficult to 23 recall, but this is what I believe would have happened, 24 is that is likely to have been DS Callaghan, who was the 25 senior HAT officer on scene, likely to have spoken to</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. Either you or one of the other officers, if you were not 2 available, would have attended?</p> <p>3 A. Yes.</p> <p>4 Q. You mentioned another bit of Met jargon, Mr Jones, PIP3. 5 I think that may be the first time the jury have heard 6 that term. Can you tell us what it means, please?</p> <p>7 A. It is a national accreditation for the investigation of 8 crime and it stands for Professionalising Investigation 9 Programme. And it has a number of different levels, 10 from 1 -- I think PIP4 is the only one ... 1 to 4, and 11 it signifies, I suppose, the level of or the type of 12 criminality that a person may have been trained to deal 13 with.</p> <p>14 So PIP1 being what I would call volume crime. 15 PIP2 being serious and complex crime. 16 PIP3 being major crime.</p> <p>17 And PIP4, and please forgive me, but kind of a more 18 strategic oversight over major crime. I may have 19 explained PIP4 a little bit inaccurately, but certainly 20 that is the accreditation process.</p> <p>21 Q. Just to zero in on a couple points there, Mr Jones. 22 First of all, these levels of training are just 23 that, it is not the case for example that simply by 24 being promoted to a certain rank you become a PIP4 --</p> <p>25 A. No.</p> <p style="text-align: center;">Page 34</p>	<p>1 the senior borough CID officer, a DI on scene, and would 2 have undoubtedly then spoke with crime scene manager 3 Kynaston, who was already on scene.</p> <p>4 Q. I am going to ask you about some of the things you may 5 or may not have been told about in that briefing.</p> <p>6 A. Okay.</p> <p>7 Q. Please, as you have already indicated, if it is 8 something you simply don't remember do explain that.</p> <p>9 First of all, do you think you were or would have 10 been briefed about the content, the circumstances, of 11 the call made to the ambulance service at 4.00 that 12 morning?</p> <p>13 A. Yes, I think to an extent.</p> <p>14 Q. If you had arrived at 8.00 or thereabouts, and certainly 15 you were there for a little while after that, were you 16 not, you would have been on the scene when the witness 17 statement from Mr Port, Stephen Port, that we have just 18 heard read out was taken -- obviously in his flat --</p> <p>19 A. Yes.</p> <p>20 Q. -- so at the scene, by DC Young.</p> <p>21 Do you think you were told about contents of that 22 statement?</p> <p>23 A. So I don't recall whether I read the statement at the 24 scene, but certainly the contents of the statement 25 doesn't seem unfamiliar to me and it is possible I could</p> <p style="text-align: center;">Page 36</p>

<p>1 have read it at the scene but certainly I would have --</p> <p>2 I believe that I understood the account that had been</p> <p>3 given in that statement.</p> <p>4 Q. Again, if you did arrive at about 8.00, you have</p> <p>5 indicated in fact in your statement that you believe</p> <p>6 that life had already been pronounced extinct when you</p> <p>7 arrived, were you briefed, do you think, about</p> <p>8 Dr Munro's conclusions, having invested and having</p> <p>9 looked at Anthony's body?</p> <p>10 A. No, I wasn't briefed -- well, no, I wasn't briefed</p> <p>11 around Dr Munro's conclusions, apart from life had been</p> <p>12 pronounced extinct.</p> <p>13 Q. The jury have seen a sheet which he filled in at the</p> <p>14 scene and he explained that he left a copy with the</p> <p>15 police. Do you think you were shown a copy of that?</p> <p>16 A. No, I wasn't.</p> <p>17 Q. Would you like to have a look at it or is it something</p> <p>18 you have already considered?</p> <p>19 A. Sir, I am happy to look at it, but I know --</p> <p>20 Q. Let's have a very quick look at it, it is in the jury</p> <p>21 bundle. So the larger of the two jury bundles, and it</p> <p>22 is behind tab 10 in that bundle. For the screen, it is</p> <p>23 IPC530.</p> <p>24 Mr Jones, I don't know whether you have been shown</p> <p>25 a copy of this in preparing for your evidence, but does</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. My question is directed to whether you were either</p> <p>2 briefed or asked about when Anthony may have died?</p> <p>3 A. No, I wasn't asked or briefed about that.</p> <p>4 Q. Again, you will have to help us, Mr Jones, we perhaps</p> <p>5 have watched too much television and we are too familiar</p> <p>6 with drama programmes with police arriving at the scene</p> <p>7 of a body and wanting to know when that person had died,</p> <p>8 but wouldn't that have been an obvious or important</p> <p>9 matter for you to investigate at the scene?</p> <p>10 A. So I think the account from -- the account that</p> <p>11 I understood when I arrived at the scene was Anthony had</p> <p>12 been or had shown signs of life. This is the account</p> <p>13 that is provided by Port himself, in terms that he was</p> <p>14 gurgling and then LAS had been called. Outside of that,</p> <p>15 I don't believe any views were expressed to me around</p> <p>16 a time of death.</p> <p>17 Q. Well, you are right, Mr Jones, that is exactly right.</p> <p>18 Stephen Port had said that Anthony was gurgling, at very</p> <p>19 much the time that he called the ambulance, so shortly</p> <p>20 after 4.00 in the morning, yes?</p> <p>21 If you had seen this form, which is still up on the</p> <p>22 screen, if you look towards the bottom, you would see</p> <p>23 there is a line saying, "Cold stiffness of small joints</p> <p>24 finger".</p> <p>25 Which Dr Munro explained, fairly obviously, is</p> <p style="text-align: center;">Page 39</p>
<p>1 it jog any memories, do you think you might have seen</p> <p>2 this at the scene?</p> <p>3 A. I didn't see this at the scene, sir.</p> <p>4 Q. It seems a little surprising that if a police doctor has</p> <p>5 attended this scene, filled in this form and left it</p> <p>6 with the police, that you, as the detective chief</p> <p>7 inspector coming to make decisions at the scene, wasn't</p> <p>8 shown that document.</p> <p>9 A. I think I would say I would have been briefed on the</p> <p>10 circumstances of what officers had been found, had been</p> <p>11 faced with, and that would have included life pronounced</p> <p>12 extinct and any pertinent information that would have</p> <p>13 come out of that phase, or part of the initial response.</p> <p>14 Q. Pertinent information would include the time of death.</p> <p>15 Do you think that is something that you either were</p> <p>16 briefed about or asked about?</p> <p>17 A. The time of death, apart from life pronounced extinct,</p> <p>18 which I think it is fair to say is not -- I think life</p> <p>19 was -- Anthony was deceased before life pronounced</p> <p>20 extinct at 7.50, is that a fair point --</p> <p>21 Q. There is the fact of death and then the time of death.</p> <p>22 A. Yes.</p> <p>23 Q. Certainly there is no doubt that Dr Munro had confirmed</p> <p>24 that Anthony was dead.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 38</p>	<p>1 a reference to rigor mortis, and Dr Munro also said that</p> <p>2 his view was that Anthony had been dead when he examined</p> <p>3 him at 8.00, for up to eight hours. Although he</p> <p>4 couldn't be sure, I am paraphrasing, he thought that he</p> <p>5 probably would have said that to police at the scene.</p> <p>6 That is quite an important inconsistency, isn't it,</p> <p>7 between Stephen Port saying that Anthony was gurgling at</p> <p>8 4.00 in the morning and a doctor saying he had been dead</p> <p>9 for up eight hours, so let's say at least midnight?</p> <p>10 A. I think it is a really important inconsistency. The</p> <p>11 part I would just perhaps go back to the form, I am</p> <p>12 just -- sorry, the point on stiffness of joints, I think</p> <p>13 you made a connection to time of death there. I don't</p> <p>14 think that is a fair connection to make. I do</p> <p>15 absolutely accept what a doctor can say --</p> <p>16 Q. Let's not get sucked into the detail, inspector. Is</p> <p>17 this something you agree that should have been</p> <p>18 considered at the scene?</p> <p>19 A. I absolutely agree. Look, if that information was</p> <p>20 available, at the scene, then it should absolutely have</p> <p>21 been communicated.</p> <p>22 Q. You should have asked for it.</p> <p>23 A. I am not sure Dr Munro was still at the scene when</p> <p>24 I arrived.</p> <p>25 Q. Dr Munro said that he had spoken to other police</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 officers. Did you ask them whether, if he had left, 2 Dr Munro had told them his views as to when Anthony had 3 died? 4 A. I think the role of the HAT car when we attend these 5 scenes, not just the SIO, I was predominantly focused 6 with CSM Kynaston. I – personally ... there is a limit 7 to what I personally can achieve, but I absolutely agree 8 that one of the roles, one of the fundamental roles of 9 the officers employed to the HAT car is to debrief and 10 pull out that pertinent information that may be 11 available on scene. 12 What I cannot do is speculate why this information, 13 if it was available, wasn't drawn in and pulled out 14 together. Certainly from my perspective the information 15 wasn't given to me and I know that, in the time I was on 16 the scene, I was, having had those initial briefing, it 17 wasn't given and then my time was spent with CSM 18 Kynaston. 19 Q. We heard from DC Cross's statement that the ambulance 20 paramedic or technician was still on scene at least when 21 she arrived, I don't know if he was still there when you 22 were there. Do you remember that? 23 A. Remember what, sorry? 24 Q. Do you remember DC Cross's statement that Mr Neil was 25 still there and indeed a statement was taken from him on</p> <p style="text-align: center;">Page 41</p>	<p>1 Q. If Stephen Port was saying he was still alive four hours 2 ago, and if the doctor was saying he has been dead for 3 eight hours and if the paramedic was saying he was very 4 cold when I examined him only a few minutes after 5 Stephen Port called, these are things that the HAT 6 officers should have made themselves aware of? 7 A. In dealing with the LAS statement, I think, and now 8 having had an opportunity to read it in preparation for 9 these proceedings, I think it lacks clarity around 10 giving rise of concern to potentially a time of death. 11 Because you saying he was cold, you are immediately 12 equating that to he had been dead for some time. 13 I don't think it is fair and appreciate that the 14 training that the LAS may have had, I don't think it is 15 fair that that may have been immediately translated to 16 he had been dead sometimes and perhaps, and it is 17 a perhaps, that may have impacted that communication 18 piece, and understanding the relevance of that 19 statement. 20 Q. I want to move on in a minute, Mr Jones, we have a lot 21 of ground to cover, but I think you accept that you and 22 your team were not aware at the scene -- 23 A. We were not aware. 24 Q. -- of what Mr Neil was saying or of what Dr Munro was 25 saying?</p> <p style="text-align: center;">Page 43</p>
<p>1 the scene, is that something you were aware of? 2 A. Whether the statement was taken? 3 Q. Yes. 4 A. I certainly don't recall a statement being taken. And 5 certainly, when I arrived, I don't recall LAS being on 6 scene, sir. 7 Q. In his statement, Mr Neil said that, when he examined 8 Anthony's body, some 10 or 15 minutes after the call by 9 Stephen Port, Anthony's body was, to use his words, 10 "Extremely cold". That would have raised very similar 11 questions to the possibility of rigor mortis, would it 12 not? 13 A. I think perhaps dealing with both those points, I don't 14 think it is fair to assume that officers attending the 15 scene would understand or could interpret the 16 temperature of a body or rigor mortis and equate that to 17 a time of death, if that is what you are asking. 18 Q. Mr Jones, let me put it to you, whether or not they can 19 interpret these medical symptoms or findings, and 20 I think this is something you have already agreed with, 21 one thing the HAT officers should have done, including 22 you, is to have hoovered up all the intelligence that 23 was available at the scene to enable them, and you, to 24 understand what was going on? 25 A. I mean that is one of our roles, yes.</p> <p style="text-align: center;">Page 42</p>	<p>1 A. No, we were not aware. 2 Q. I think you accept that if you had known, it would have 3 been important information to you? 4 A. It is important information. 5 Q. You or your team may or may not have understood the 6 implications of what they were saying but it is 7 something you would have wanted to consider? 8 A. Sir, I think it is fair to say I didn't -- that was not 9 communicated to me, it is not a case of me not 10 understanding it. I think the point is that was not 11 communicated to me. I can't speculate around if it had 12 been communicated to any other members of my team, but 13 certainly not myself. 14 Q. It should have come to your attention, shouldn't it? 15 A. It should have, sir. 16 MR SKELTON: Madam, I am sorry to interrupt Mr O'Connor's 17 questions, may I make the observation that Dr Munro's 18 account that he mentioned the time of death, which was 19 more than four hours, possibly up to or greater than 20 eight, is not recorded in his own notes, it is not 21 recorded in Ms Kynaston's notes, it is not recorded in 22 any of the officers' accounts that attended the scene, 23 either from the borough or in terms of the MIT or HAT 24 car. So I think just to be fair to the witness, it may 25 be that Mr O'Connor needs to put to him that it is not</p> <p style="text-align: center;">Page 44</p>

<p>1 necessarily the case that Dr Munro in fact says what he 2 remembers.</p> <p>3 MR O'CONNOR: I am grateful.</p> <p>4 Just let's be clear, I have shown you the note, 5 which we know was available at the scene and I think you 6 have said you didn't see that?</p> <p>7 A. No, sir.</p> <p>8 Q. Nor were you made aware of what Dr Munro had written 9 about rigor mortis?</p> <p>10 A. That's correct.</p> <p>11 Q. Do you agree that you should have been made aware of 12 those matters?</p> <p>13 A. Yes. I agree but I think the point I am trying to make, 14 and I am sorry to go over old ground, but I think there 15 is an interpretation piece here that has come across in 16 perhaps the doctor's evidence, that a mention of rigor 17 mortis and stiffness in joints should immediately 18 highlight a concern around time of death.</p> <p>19 I am saying that I don't think it is a fair 20 assumption to make that officers, irrespective of where 21 they come from, would have the requisite knowledge to 22 interpret a stiffness of joint in terms of a time of 23 death. That is the point I think is important.</p> <p>24 Q. All right. I don't want to go back to that but just to 25 complete the picture, as Mr Skelton has rightly said,</p> <p style="text-align: center;">Page 45</p>	<p>1 A. No, I don't think that is fair. I said unexplained.</p> <p>2 Q. All right. Just give me a moment. (Pause)</p> <p>3 Let's have up paragraph 25 of your statement, 4 please. It is MPS636, page 5, please.</p> <p>5 I will read that paragraph out, Mr Jones, and then 6 ask you about it. You said:</p> <p>7 "Whilst it was clear that the circumstances 8 surrounding Anthony Walgate's death required further 9 investigation, it was my decision at this time to 10 declare the death be treated as unexplained. Had I felt 11 any information known to me suggested the death of 12 Mr Walgate was a homicide, I would have declared the 13 death as suspicious and referred the investigation to 14 the on-call detective superintendent for further 15 consideration."</p> <p>16 First of all, the second part of that paragraph 17 sounds a little bit like the paragraph from the roles 18 and responsibilities document we were looking at, "If 19 there is the slightest doubt, treat the case as 20 suspicious".</p> <p>21 A. Yes.</p> <p>22 Q. It is not in exactly the same words, but is it 23 expressing the same approach?</p> <p>24 A. It does. It does express the same approach.</p> <p>25 Q. What you seem to be saying in this paragraph is that you</p> <p style="text-align: center;">Page 47</p>
<p>1 that other factor, the question of whether Dr Munro 2 actually said at the scene something like, "He has been 3 dead for up to eight hours", that is not something that 4 is written down. When Dr Munro came to the jury and 5 spoke to the jury, he said he thought he had said that 6 or words to that effect. They will have to make their 7 own minds up about that in due course, but you were not 8 aware of him saying anything along those lines?</p> <p>9 A. I don't believe I even spoke to Dr Munro, I don't 10 believe he was still on scene when I arrived, sir.</p> <p>11 Q. If he had said that to one of your colleagues before he 12 left, if -- that is, as I say something the jury will 13 have to consider -- he had said that, then I think you 14 have agreed that that is something that should have been 15 brought to your attention?</p> <p>16 A. I would agree with that, if it had been said to one of 17 my colleagues.</p> <p>18 Q. All right.</p> <p>19 I want to move on to the question of the conclusions 20 you drew at the scene, Mr Jones.</p> <p>21 In summary, I am going to summarise what you say in 22 your statement and you tell me if there is any problem 23 with it.</p> <p>24 First of all, you concluded that Anthony's death was 25 unexplained but not suspicious. Is that fair?</p> <p style="text-align: center;">Page 46</p>	<p>1 classified the death as unexplained --</p> <p>2 A. Yes.</p> <p>3 Q. -- if you had been aware of any information suggesting 4 that the death was a homicide, you would have done 5 something different and classified it as suspicious?</p> <p>6 A. Yes.</p> <p>7 Q. Which is how I reached my summary of you saying it was 8 unexplained but not suspicious?</p> <p>9 A. I think the point I am trying to make is determining the 10 death of Anthony being unexplained at that point in time 11 is merely that it is unexplained.</p> <p>12 So I don't think you can then categorise it as 13 "unexplained non-suspicious", I think it is very much 14 unexplained and requires further investigation.</p> <p>15 Q. Right, but you were not classifying it for all time as 16 a non-suspicious death.</p> <p>17 A. Yes, I think that is the point.</p> <p>18 Q. But I think what we take from that paragraph, and you 19 tell me if I am wrong, is that when you were at the 20 scene, you had not identified anything about the death 21 that was suspicious?</p> <p>22 A. Whilst at the scene, I would agree with your point.</p> <p>23 Q. Because what you say is, if you had found anything that 24 was suspicious, you would have classified it as 25 suspicious and then you say you would have referred the</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 investigation to the on call detective superintendent.</p> <p>2 Does that mean that you would have considered taking</p> <p>3 over the case, as it were, as an MIT investigation?</p> <p>4 A. I think it is probably helpful for me to explain what</p> <p>5 I mean by "suspicious", because I think there may be</p> <p>6 a number of different definitions or views. When I term</p> <p>7 suspicious, I mean fundamentally a homicide,</p> <p>8 something -- a murder, a manslaughter, that would mean</p> <p>9 primacy transferred to the homicide command. That is</p> <p>10 what I mean in suspicious, sir.</p> <p>11 Q. Right. Let me just ask you about two or three factors</p> <p>12 relating to what you saw or perhaps what you were or</p> <p>13 were not made aware of at the scene, which might have</p> <p>14 led to you considering that this case was in fact</p> <p>15 suspicious on that morning.</p> <p>16 First of all, just a few questions around the body</p> <p>17 itself and the possessions which Anthony did or didn't</p> <p>18 have on him. You went to look at the body, you went</p> <p>19 into the tent with Ms Kynaston?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. You went in there in order to give your professional</p> <p>22 view about what it did or didn't tell you?</p> <p>23 A. I think it is incredibly important, ultimately I will be</p> <p>24 giving advice to somebody, and, you know, I wanted to</p> <p>25 ensure that I give advice on what I know, what</p> <p style="text-align: center;">Page 49</p>	<p>1 my arrival, bearing in mind this was probably close to</p> <p>2 some time after 9.00, but that is kind of my</p> <p>3 recollection.</p> <p>4 Q. I think, in that case, Mr Jones, let's just look</p> <p>5 together, briefly, if you go to the smaller bundle, the</p> <p>6 one with the policy documents in it, if you look at</p> <p>7 tab 11, these are the photographs, which will not come</p> <p>8 up on the screen. It may be easiest if you go to the</p> <p>9 third page, so it is the smaller bundle, tab 11, the</p> <p>10 jury will look as well, if you go to tab 11, and the</p> <p>11 third page there, that is a picture taken inside the</p> <p>12 tent that morning, and I think certainly the evidence</p> <p>13 that the jury have heard so far is that Anthony's body</p> <p>14 had not been moved when that photograph was taken.</p> <p>15 One can see a picture of someone who is, as it were,</p> <p>16 sitting. One can see why the word "propped up" might be</p> <p>17 used.</p> <p>18 First of all, does that accord -- perhaps you are</p> <p>19 saying you do not have a memory of seeing his body that</p> <p>20 morning?</p> <p>21 A. I have to say, I don't recall seeing Anthony in that</p> <p>22 position when I arrived. As I mentioned, as I have</p> <p>23 written in my statement, I -- my recollection is that he</p> <p>24 was laid on his back. I am not sure I can help you any</p> <p>25 further, sir.</p> <p style="text-align: center;">Page 51</p>
<p>1 I observe. So the point of going into the tent and</p> <p>2 viewing Anthony's body in situ was to be able to form my</p> <p>3 own opinion and not rely on others.</p> <p>4 Q. Several of the witnesses, one or two of the witnesses</p> <p>5 who have already given evidence, have in different ways</p> <p>6 suggested that they found something odd or unusual just</p> <p>7 about the way in which Anthony's body was located. They</p> <p>8 have used words like it was "propped up". In fact</p> <p>9 I think the doctor said "propped up". The doctor also</p> <p>10 said that someone who died of a seizure would have just</p> <p>11 been lying flat on the pavement and not in that sitting</p> <p>12 position against the wall.</p> <p>13 I am not going to take them back to it, but the jury</p> <p>14 have all seen photographs of the way in which Anthony's</p> <p>15 body was found.</p> <p>16 To you, was there anything that struck you as odd or</p> <p>17 suspicious about the way Anthony's body presented</p> <p>18 itself?</p> <p>19 A. It is difficult because, from recollection, and it is</p> <p>20 vague and I may have got this wrong, but I felt from</p> <p>21 recollection that when I arrived on scene Anthony wasn't</p> <p>22 propped up, but was more laying on his back. Now, that</p> <p>23 is a recollection and that clearly may be wrong but that</p> <p>24 is what I recollected. Now, the question I would ask,</p> <p>25 I don't know if Anthony's body had been moved prior to</p> <p style="text-align: center;">Page 50</p>	<p>1 Q. I don't think you can, we have not heard any evidence at</p> <p>2 all about his body being moved in that period.</p> <p>3 A. I think my point being the CSMs ... and two CSMs had</p> <p>4 been there prior to my arrival, so I don't know whether</p> <p>5 any movement had taken place with the crime scene</p> <p>6 managers.</p> <p>7 Q. To be fair to you, Mr Jones, I am not saying it hadn't</p> <p>8 happened and there are some things that we will never --</p> <p>9 something like this, as detailed as this, we will look</p> <p>10 to see if we can get to the bottom of that. We may or</p> <p>11 may not, but I am certainly not sticking you out on</p> <p>12 this.</p> <p>13 A. No, no.</p> <p>14 Q. It is possible but we perhaps cannot, standing here now,</p> <p>15 be sure whether it had been moved or not.</p> <p>16 Let me ask you another question about the body. Did</p> <p>17 you notice that on the trousers Anthony was wearing the</p> <p>18 flies were undone. Was that something that you noticed?</p> <p>19 A. I don't recall.</p> <p>20 Q. What about the fact that he didn't have a phone on him</p> <p>21 or amongst his possessions?</p> <p>22 A. So I mean, again, it is very difficult to recall thought</p> <p>23 processes from back in 2014. What I can say is, having</p> <p>24 subsequently looked at the notes from CSM Kynaston, it</p> <p>25 is clear that she notes that he doesn't have a phone or</p> <p style="text-align: center;">Page 52</p>

<p>1 wallet but he does have a bank card, does have an Oyster 2 card, does have a passport and he does have other 3 personal effects in his possession.</p> <p>4 I think my point in that is that would not suggest 5 any -- and certainly the scene as it presented and as it 6 developed, didn't support or suggest Anthony had been 7 the victim of any theft or assault.</p> <p>8 So your point on he didn't have a phone, I don't 9 think the significance of that would have been high on 10 the basis he did have all his other personal effects and 11 certainly items such as an Oyster card, such as a bank 12 card. I would also probably caution around making 13 an assumption he had a phone, on that basis, because we 14 run a risk of perhaps then opening up a line of enquiry 15 at that point in time -- now, I do fully appreciate that 16 time will show us that he did have a phone. But at that 17 point in time I think we need to be careful and caution 18 of opening up lines of enquiry that would use resources 19 on that point that fundamentally could not be supported 20 by anything that was seen at the scene.</p> <p>21 Q. You mention Ms Kynaston's notes, the jury saw them on 22 Friday, I am not going to go back to them, unless we 23 need to, but you are right, she did mention the fact 24 that a phone and a wallet was missing from Anthony's 25 possessions?</p> <p style="text-align: center;">Page 53</p>	<p>1 suspicious, to you the lack of a phone didn't meet that 2 test?</p> <p>3 A. I think, so the answer to that is no, but equally let's 4 not -- the concern around why I had been called to the 5 scene originally, around a potential footprint to the 6 body, yes, that had dissipated somewhat in so much as we 7 couldn't see it, but that still existed, for me, as 8 a concern and was one of the overriding factors why 9 I asked/requested authority for a special post mortem.</p> <p>10 So I think my point is that the lack of a phone 11 didn't -- on what I have told you -- immediately jump 12 out check, but I had remained focused on this piece of 13 information that appeared to have dissipated somewhat, 14 but I was still left feeling a little uncomfortable.</p> <p>15 Q. Yes, all right.</p> <p>16 I have asked you quite a few questions about this -- 17 shall we call it the time of death issue. I don't want 18 to get back into all the evidence about what you did 19 know, what you didn't know, who said what at the scene, 20 because I think we have been through that, but can 21 I just put it to you in this way. If you had been made 22 aware of there being an inconsistency between what the 23 caller, Stephen Port, had said about Anthony gurgling 24 shortly after 4.00 in the morning, on the one hand, and 25 information from the ambulance man, Dr Munro,</p> <p style="text-align: center;">Page 55</p>
<p>1 A. I think she noted that he didn't have a phone or wallet, 2 I think that is fundamentally different to missing.</p> <p>3 Q. She said, we will see from the notes, that she was with 4 you when she looked at those matters, yes?</p> <p>5 A. Yes, I think there had been an earlier examination, 6 an earlier -- I am sure that the passport was found much 7 earlier in the morning. Or the passport was recovered 8 much earlier in the day, but I do accept, I think it is 9 shown at 9.25 walk through with DCI Jones and then 10 a number of entries underneath it, I believe.</p> <p>11 Q. She says, when she gave evidence, that she thought that 12 was something to her that was a bit odd, the lack of 13 a phone. Your evidence is perhaps that it didn't strike 14 you in the same way?</p> <p>15 A. I can say CSM Kynaston didn't express her concern with 16 myself and I think for the reasons I have described, the 17 lack of a phone on its own -- sorry, the lack of a phone 18 combined with the other points I have made, probably 19 reduces the significance of one not being there. There 20 was no suggestion that Anthony had been the victim of 21 a robbery or a theft and certainly other personal 22 effects were still in his possession.</p> <p>23 Q. Even though, as we saw in the policy document, what you 24 are looking for is just a slight doubt or just any 25 information suggesting that the case might be</p> <p style="text-align: center;">Page 54</p>	<p>1 suggesting, not definitively stating but suggesting that 2 that couldn't have been right. If you had been aware of 3 information like that, would that have altered your 4 view, going back to paragraph 25 of your statement, 5 would that have been something that led you to decide, 6 "Actually I am going to treat this as a suspicious 7 death, I am going to ring the detective superintendent"?</p> <p>8 A. I think, if a view had been expressed that the time of 9 death had been prior or significantly prior to what is 10 being presented by Stephen Port, then that would be 11 incredibly important, or would be important. It would 12 certainly rise -- it would raise the profile of 13 Stephen Port on 19 June.</p> <p>14 Would that have impacted the decision making? It is 15 obviously hypothetical, sir, because it didn't happen 16 and not understanding the strength that the doctor or 17 the LAS -- I think it would be important to seek 18 an expert view. I would -- I think the special post 19 mortem is the place where that view should be properly 20 considered or requested.</p> <p>21 I feel that the death would have continued -- only 22 on the basis that people can be wrong in when they feel 23 that somebody still lives, actually I am afraid deceased 24 people do make noises after, certainly when they are 25 moved. My point is I think care would have to be taken</p> <p style="text-align: center;">Page 56</p>

<p>1 in just jumping to conclusions. I think it is likely,</p> <p>2 and this is after six years, that the death would have</p> <p>3 remained unexplained but the profile of Stephen Port in</p> <p>4 the enquiry would have been raised and I think specific</p> <p>5 particular questions around time of death could have</p> <p>6 then been taken into that special post mortem process.</p> <p>7 Q. Then, lastly, sticking with Stephen Port, the jury have</p> <p>8 heard evidence that there was an awareness, apparently</p> <p>9 because of checks that were being run on Stephen Port</p> <p>10 for the purposes of finding out his address, checks on</p> <p>11 the Police National Computer, there was an awareness</p> <p>12 that morning that Stephen Port, the caller, had a record</p> <p>13 of a previous allegation being made against him for</p> <p>14 sexual assault, for rape.</p> <p>15 Is that something that you were told that morning?</p> <p>16 A. No, sir.</p> <p>17 Q. Is that something that you should have been told that</p> <p>18 morning?</p> <p>19 A. If we take the hypothetical piece away and deal with</p> <p>20 what I am dealing with --</p> <p>21 Q. I don't want to interrupt you, Mr Jones, but I think</p> <p>22 I have asked a fairly simple question.</p> <p>23 A. No, no, you have.</p> <p>24 Q. We know from documentation that we have seen that that</p> <p>25 fact was known to officers that morning. Should you</p> <p style="text-align: center;">Page 57</p>	<p>1 death, and had there been information available as you</p> <p>2 have described, that, again, I have already said due to</p> <p>3 time of death, the profile of Stephen Port would have</p> <p>4 raised at that point in time, so any information in</p> <p>5 relation to Stephen Port would have then been important,</p> <p>6 sir.</p> <p>7 Q. Moving on and I want to be fair to you, Mr Jones,</p> <p>8 because we have looked at that paragraph 25 and the</p> <p>9 decision making unexplained -- no decision then to say</p> <p>10 it is suspicious, but, as you have fairly said, that was</p> <p>11 not the end of the matter because you also ordered, or</p> <p>12 instructed, that there should be a special post mortem</p> <p>13 in this case. The jury have heard a little bit about</p> <p>14 a special post mortem, the fact that it is a forensic</p> <p>15 exercise.</p> <p>16 Can you explain to them, both why you decided to</p> <p>17 order a special post mortem and what you expected or</p> <p>18 thought might emerge from it?</p> <p>19 A. I think the overriding factor was probably that we had</p> <p>20 been called to the death of Anthony, the original</p> <p>21 officer had described seeing a footprint, and it is</p> <p>22 accepted that by the time I viewed Anthony with CSM, and</p> <p>23 I think even before that, the CSM, we couldn't find any</p> <p>24 sign of that footprint, so that -- whilst that had</p> <p>25 dissipated, whilst it wasn't there any longer, you know,</p> <p style="text-align: center;">Page 59</p>
<p>1 have been told about it?</p> <p>2 A. I think it would have been helpful to have been told,</p> <p>3 but my point being the importance of that piece of</p> <p>4 information would have arguably been more important with</p> <p>5 if we had known the time of death was a concern and</p> <p>6 Port's account was questioned. The importance of that</p> <p>7 information if we didn't know that is still, I think,</p> <p>8 important but actually, I am still -- I am dealing with</p> <p>9 Anthony, who is deceased in the street, but the concerns</p> <p>10 were more around a physical assault, so I think my</p> <p>11 concern would have been more focused on why this death</p> <p>12 was suspicious at that time and the reason why the death</p> <p>13 was suspicious at that time was because of the</p> <p>14 suggestion of the footprint to the body.</p> <p>15 So I think I am trying to answer your question --</p> <p>16 Q. Yes.</p> <p>17 A. -- in two different stages.</p> <p>18 Q. In that case let me ask you a slightly different</p> <p>19 question.</p> <p>20 Taking those two factors together, the inconsistency</p> <p>21 over the time of death, combined with the information</p> <p>22 about Stephen Port and his record on the Police National</p> <p>23 Computer, taking those two together, those are both</p> <p>24 together very important matters, are they not?</p> <p>25 A. Yes. I would agree, had we had concerns around time of</p> <p style="text-align: center;">Page 58</p>	<p>1 my concern is I felt it was just not the right</p> <p>2 environment, not the right place to say, "There is no</p> <p>3 suggestion of a footprint, there is no sign of assault".</p> <p>4 I felt caution -- it would be from a caution position to</p> <p>5 request, and it is a request, for a special post mortem.</p> <p>6 There were other factors that built into that,</p> <p>7 I think there were just too many unknowns, this was</p> <p>8 a young man deceased in the street. I just didn't feel</p> <p>9 comfortable with that. I appreciated there was no</p> <p>10 other -- there were no calls to any disturbance that</p> <p>11 evening, there were no other witnesses outside of</p> <p>12 Stephen Port at that point, but I just didn't feel</p> <p>13 comfortable that, having been called there by an officer</p> <p>14 who had seen a footprint that we then subsequently</p> <p>15 couldn't see, that that would have been right to not</p> <p>16 take the approach of a special post mortem.</p> <p>17 Q. All right.</p> <p>18 Let us look, please, together at the HAT advice that</p> <p>19 was produced in writing that morning. I think we have</p> <p>20 probably covered most of what it contains, but just so</p> <p>21 the jury can see it. DC Cross mentioned typing it up in</p> <p>22 her statement, didn't she?</p> <p>23 Members of the jury, it is at tab 12 of jury bundle</p> <p>24 B/1.</p> <p>25 Mr Jones, the large bundle you have.</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 For the screen, it is IPC524.</p> <p>2 The jury will become familiar with seeing documents</p> <p>3 like this. There were a few of them in the bundles. It</p> <p>4 is right, isn't it, Mr Jones, that documents like this,</p> <p>5 sometimes the headers vary slightly, but there was</p> <p>6 a practice, was there not, of HAT teams like yours</p> <p>7 summarising the advice that they may well have given</p> <p>8 orally to the team in documents like this, so that there</p> <p>9 was a record of what you had done and what advice you</p> <p>10 had given?</p> <p>11 A. Yes.</p> <p>12 Q. We will see that these documents were looked at by the</p> <p>13 borough, obviously, and recorded in the files, yes?</p> <p>14 A. Yes.</p> <p>15 Q. I think we heard DC Cross saying they were actually</p> <p>16 entered -- the jury will be familiar with the CRIS, the</p> <p>17 contents of these notes are entered on the CRIS as well?</p> <p>18 A. I don't know what local practices would have been.</p> <p>19 Q. All right, well just to look at this document, so we see</p> <p>20 what it contains.</p> <p>21 First of all, we can see at the top we see</p> <p>22 confirmation of those timings, the HAT car was requested</p> <p>23 at 5.00 and attended at 5.20.</p> <p>24 If we go to the very end of the document -- sorry,</p> <p>25 if we could go over to the last page, we see it is</p> <p style="text-align: center;">Page 61</p>	<p>1 So my point being the HAT report sometimes echoes or</p> <p>2 reinforces activities that are already in place. So</p> <p>3 when Nikki Cross talks about me issuing these</p> <p>4 instructions, I think that makes it feel like I am</p> <p>5 holding some sort of audience. The reality is these</p> <p>6 kind of -- what I would call fast-track actions would</p> <p>7 have been presented by the officers or confirmed that</p> <p>8 they were already taking place by the officers when they</p> <p>9 attend, and would have been reinforced or supported by</p> <p>10 myself on my arrival.</p> <p>11 Q. Help us, one thing that we do see, and let's go to the</p> <p>12 second page of this document, please, we see at the top</p> <p>13 there reference to you having attended and your advice.</p> <p>14 We read that in light of what you have just said about</p> <p>15 it being a dialogue and some of these matters already</p> <p>16 perhaps being in train but the first line, "Special post</p> <p>17 mortem advice", that is what you have already mentioned.</p> <p>18 Did you explain to the borough officers what was in</p> <p>19 your mind about the need for a special post mortem?</p> <p>20 A. I don't recall the conversations with borough, but I am</p> <p>21 fairly certain that I would have explained the reason</p> <p>22 why I felt the special post mortem was appropriate, yes.</p> <p>23 Q. Another matter that you had to consider, and it is sort</p> <p>24 of built into that paragraph 25 of your statement that</p> <p>25 we looked at, was who should lead this investigation.</p> <p style="text-align: center;">Page 63</p>
<p>1 signed off in your name, Mr Jones, and the time on</p> <p>2 19 June is given at 8.30. So that is only half an hour</p> <p>3 or so after you say you arrived at the scene.</p> <p>4 Are we to take that as the time perhaps at which you</p> <p>5 gave the oral advice at the scene or is it the time when</p> <p>6 this document, having been typed up, was sent through or</p> <p>7 is it so long ago that you really cannot remember?</p> <p>8 A. Clearly I was still at the scene at 9.25, as we see from</p> <p>9 CSM Kynaston's notes. I have to say, I don't recall</p> <p>10 being back in the office with DC Cross writing that.</p> <p>11 I have absolutely no issues with the HAT return.</p> <p>12 I don't recall that piece of going back to the office,</p> <p>13 I think in all likelihood I would have remained at the</p> <p>14 scene and DC Cross may have gone back to the office to</p> <p>15 start developing the HAT return.</p> <p>16 Q. Right.</p> <p>17 A. I think it is also fair to say that the advice that was</p> <p>18 given by myself and it would have echoed advice already</p> <p>19 provided by the HAT car, and actually, you know, the</p> <p>20 borough officers were already progressing a number of</p> <p>21 these lines -- these are experienced officers and would</p> <p>22 understand what is important and, you know, it is fair,</p> <p>23 when you reflect on the CAD, you will see that</p> <p>24 Stephen Port was identified very early on by local</p> <p>25 officers.</p> <p style="text-align: center;">Page 62</p>	<p>1 We see at the bottom of this, the box at the top of the</p> <p>2 page, the last line "This matter remains with KG ..."</p> <p>3 We know that that stands for Barking, so this matter</p> <p>4 remains with Barking borough, "... with support from</p> <p>5 SC&O1 officers", yes?</p> <p>6 A. Sorry, where am I looking?</p> <p>7 Q. The box at the top of the page, which starts with your</p> <p>8 name, the last line.</p> <p>9 A. Yes, I am with you.</p> <p>10 Q. In fact, if we go down to the next box, just a little</p> <p>11 bit below what we can see on screen, there is the</p> <p>12 prompt, "What management GRIP and support is there?" Do</p> <p>13 you see that?</p> <p>14 A. Yes.</p> <p>15 Q. The same statement:</p> <p>16 "This matter is dealt with by KG borough with</p> <p>17 support from SC&O1 officers."</p> <p>18 A. Yes.</p> <p>19 Q. The decision is reflected there that primacy would</p> <p>20 remain with Barking but that you would provide, from</p> <p>21 your team, support?</p> <p>22 A. Yes, sir.</p> <p>23 Q. One of the ways in which your team would support the</p> <p>24 borough would be by assisting at the post mortem?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 Q. We know -- I want to move on and just ask you -- before 2 I do, sorry, both of those statements we have just 3 looked at are fairly general, they simply say Barking to 4 carry on, will support them ... 5 Did you have in your mind at the time the 6 circumstances in which you might stop supporting them or 7 how far the support might go or not? 8 A. Look, I can't recall whether I thought that or not. 9 I am not sure I do think -- well, once I am dealing with 10 a matter, and perhaps providing some support, I am not 11 thinking at that point, "When will I withdraw this 12 support?" I don't think -- 13 Q. You would have kept the matter under review? 14 A. I think that is fair, yes. 15 Q. Would it have been your decision at some point in the 16 future to say, "Okay, we have supported them, now we 17 don't need to give them any support any more" or would 18 it have been a matter for someone else to decide? 19 A. I think the resources within my control, so within MIT 20 20 I think within essence it is up to me how I manage 21 those resources, so there are competing priorities and 22 it would have been -- the resources that I supported 23 Barking with at that point in time, there would have 24 been competing investigations, so it is always a balance 25 of, you know, how many people can we spare to support</p> <p style="text-align: center;">Page 65</p>	<p>1 Q. Might you have attended otherwise, would it be the sort 2 of thing that someone of your rank would have attended 3 or not? 4 A. No, I think the reality being it would have been one of 5 my DIs, if available, or certainly one of our DSs. 6 Q. Yes, and it was one of your DSs, who you sent, Detective 7 Sergeant Southon, who attended the post mortem? 8 A. Yes, he did attend. 9 Q. As I say, you were not there so I don't want to ask you 10 a lot of questions about this, the jury will be hearing 11 tomorrow in fact from the pathologist and also DS 12 Southon. But we heard from Ms Kynaston, who was also at 13 the post mortem, about quite how valuable these special 14 post mortems can be and how important it is to record 15 the views of a pathologist that he or she gives at 16 a special post mortem. Is that something you would 17 agree with in your experience? 18 A. At the risk of -- so it was an unexplained death and 19 I think there is a need to explain the death of Anthony, 20 to be able to provide that explanation. A special post 21 mortem is an environment where we can really try and 22 understand what happened to Anthony, so yes. 23 Q. She made the particular point that it is often the case, 24 and in fact it was the case here, that one starts with 25 the post mortem but because there is then a need to</p> <p style="text-align: center;">Page 67</p>
<p>1 Barking? And it is -- I think it is always within my 2 gift to try and find some people to support and 3 sometimes difficult decisions need to be made and when 4 I talk about competing priorities is we would have 5 probably been investigating around 16 live homicide 6 enquiries at the time, in different stages of complexity 7 and history, from historic offences through to unsolved 8 cases through to cases that are awaiting trial. So all 9 of those would require a resource to keep those being 10 progressed and at the same time, within quite a small 11 team, trying to find some additional resources to help 12 Barking and Dagenham -- or Barking -- with supporting 13 the investigation that they had as well. 14 Q. I am going to suggest that we stop for a break in a few 15 minutes but before we do, I want to just ask you a few 16 questions about the special post mortem. 17 It happened the next day, so Thursday, 19 June has 18 been our focus so far. We will come on to hear that the 19 post mortem took place the next day, on the Friday. The 20 jury are going to hear from several witnesses who were 21 actually there. I hasten to add you were not there, 22 were you? 23 A. So I was on leave, the 20th, 21st and 22nd. 24 Q. So not there? 25 A. Not there.</p> <p style="text-align: center;">Page 66</p>	<p>1 undertake toxicology tests and so on, the final report 2 from the pathologist doesn't come for possibly months 3 after the post mortem? 4 A. Yes. 5 Q. And all they do in the meantime is say it is unexplained 6 or we are investigating further. So actually writing 7 down and taking a note of views that the pathologist 8 expresses orally at the post mortem is very important? 9 A. Yes. 10 Q. Is that your experience too? 11 A. Yes. Yes. 12 Q. Given what we know about this issue about the time of 13 death, is that something you would have expected DS 14 Southon to ask the pathologist -- who after all was the 15 expert in these matters -- to consider at the post 16 mortem? 17 A. I think the information within the post mortem briefing, 18 which was I think compiled by the borough, would present 19 the pertinent -- or should present the pertinent 20 relevant information to the pathologist to consider. So 21 I am not sure why it would -- why then it falls to the 22 DS to then raise. I think it is the facts are the facts 23 and it is for the pathologist to comment on. 24 Q. May I just ask, you described sending DS Southon to the 25 special post mortem as one of the ways in which you were</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 supporting the borough investigation, yes?</p> <p>2 A. So DS Southon was present at the post mortem. I'm</p> <p>3 sorry, I don't recall sending him myself. I think that</p> <p>4 is not right because I don't know when the post mortem</p> <p>5 was arranged. But I think the point is -- the point</p> <p>6 that you make: could the time of death be raised by any</p> <p>7 person at that post mortem? The answer is yes.</p> <p>8 Q. Yes, and I accept the point it may not have been you who</p> <p>9 decided that it should be DS Southon who went to the</p> <p>10 post mortem, but you described a presence from your team</p> <p>11 at that post mortem as being something that you would</p> <p>12 support, so it would amount as support to the borough?</p> <p>13 A. Yes.</p> <p>14 Q. I presume what you mean by that is that they, as</p> <p>15 specialist homicide detectives, would add value to that</p> <p>16 process?</p> <p>17 A. Yes, I don't think we are simply a bystander by any</p> <p>18 stretch of the imagination, our presence should be</p> <p>19 always looking to add some value and, as you say, you</p> <p>20 know, the experience -- perhaps not expertise, because</p> <p>21 I think the expertise is very much with the pathology</p> <p>22 ... but certainly experience from homicide command, that</p> <p>23 is the purpose of us being at the post mortem, to</p> <p>24 understand and process the results that are coming</p> <p>25 through or the comments from the pathologist.</p> <p style="text-align: center;">Page 69</p>	<p>1 due to being moved while still alive."</p> <p>2 A. Yes.</p> <p>3 Q. What about that, an important factor?</p> <p>4 A. Important and perhaps even more important, more</p> <p>5 significant, had time of death been -- the question</p> <p>6 around the time of death being perhaps unearthed</p> <p>7 insomuch as Anthony was deceased earlier. I think what</p> <p>8 I am -- sorry, what I am trying to say is, if</p> <p>9 Stephen Port's initial account of finding Anthony alive</p> <p>10 and moving him is questioned at that point, ie it is</p> <p>11 unreliable, then actually the bruising under the arms in</p> <p>12 life becomes more significant.</p> <p>13 Q. Whether that is understood or not, and whether it should</p> <p>14 have been understood or not, this is something we can</p> <p>15 see from the top of the page which formed part of the</p> <p>16 pathologist debrief -- do you see that, the heading</p> <p>17 "Debrief"?</p> <p>18 A. Yes.</p> <p>19 Q. I think you agree with me, it is one of those things</p> <p>20 which certainly needs to be made a note of to inform the</p> <p>21 investigation?</p> <p>22 A. I agree, sir.</p> <p>23 Q. The presence of bruising on a dead body is going to be</p> <p>24 significant?</p> <p>25 A. I agree, yes.</p> <p style="text-align: center;">Page 71</p>
<p>1 Q. You and your team were experts in homicide</p> <p>2 investigations, the borough police were not?</p> <p>3 A. Expert --</p> <p>4 Q. Specialists?</p> <p>5 A. Specialists. Thank you, sir.</p> <p>6 Q. Let's look, if we may, at Ms Kynaston's notes of the</p> <p>7 post mortem. It is tab 6 in the large bundle, and, for</p> <p>8 the screen, MPS1098. I just want to draw your attention</p> <p>9 to two matters that she noted, Mr Jones.</p> <p>10 First of all, at the very bottom of page 9 of the</p> <p>11 document, the last line or so, she refers to the</p> <p>12 clothing, Anthony's clothing, and she says, "Noted pants</p> <p>13 ..." She explained what she meant here was pants inside</p> <p>14 out and back to front.</p> <p>15 A. Yes, sir.</p> <p>16 Q. Tell us, do you think that is a potentially significant</p> <p>17 feature of the case?</p> <p>18 A. Yes.</p> <p>19 Q. Turning over, please, to page 11, on the notes of</p> <p>20 Ms Kynaston, can you see about six or seven lines down,</p> <p>21 two lines that start, "No sign ..."</p> <p>22 Can you see that?</p> <p>23 A. Yes, I can.</p> <p>24 Q. What it reads is:</p> <p>25 "No sign assault but bruising under arms, possibly</p> <p style="text-align: center;">Page 70</p>	<p>1 Q. I just wanted to ask you finally, before we have</p> <p>2 a break, a few questions about DS Southon's notes of the</p> <p>3 post mortem. We need to go on to tab 18 in the bundle.</p> <p>4 For the screen, it is IPC525.</p> <p>5 This is another, Mr Jones, a similar document, isn't</p> <p>6 it? It is entitled "Continued advice" but, as I said,</p> <p>7 other than the titles perhaps these are written</p> <p>8 documents containing a written record of advice and so</p> <p>9 on --</p> <p>10 A. Yes.</p> <p>11 Q. -- from HAT.</p> <p>12 If we go over to the second page, we see</p> <p>13 Mr Southon's record of the post mortem.</p> <p>14 First of all, there is no mention of the inside-out</p> <p>15 pants, and their being back to front?</p> <p>16 A. No, sir.</p> <p>17 Q. There should have been, shouldn't there?</p> <p>18 A. Yes.</p> <p>19 Q. Secondly, we see just above the subtitle "Further</p> <p>20 advice":</p> <p>21 "No sign of assault or restraint."</p> <p>22 That is at best incomplete, is it not?</p> <p>23 A. I think at best incomplete. I take it you are referring</p> <p>24 to the bruising under the arms?</p> <p>25 Q. Yes.</p> <p style="text-align: center;">Page 72</p>

<p>1 A. I think what I would say: should the bruising under arms 2 be included? Yes. 3 Is it immediately a sign of an assault? I think 4 just think they are bruising. 5 Q. You were DS Southon's boss? 6 A. Yes. 7 Q. We are of course going to ask him about this document, 8 but speaking as his boss should he have included those 9 findings at the post mortem in his report? 10 A. Yes. 11 Q. Did you in fact ever know that there was bruising on 12 Anthony's body? 13 A. I found out about the bruising and the underpants, 14 I think in October last year. 15 Q. After the break I am going to be asking you about the 16 decisions you made in the days that followed the post 17 mortem. Should you have known then that there was 18 bruising on Anthony's body? 19 A. Yes, sir. 20 Q. If we just look at the words in block capitals at the 21 bottom of the page: 22 "There is nothing to suggest that the victim has 23 been assaulted." 24 He had bruising, didn't he? 25 A. Yes, but I think it is important for me to just go back</p> <p style="text-align: center;">Page 73</p>	<p>1 in December of that year, so I am just focusing on what 2 people did and didn't know in June. 3 MR SKELTON: It is in Ms Kynaston's note, sorry, "No sign of 4 assault", just to point that out. The handwritten 5 notes. 6 MR O'CONNOR: All right, let's go back to them, it is tab 6, 7 I think it was. 8 It is in fact the passage we have been to, so 9 MPS1098, page 11. 10 To be fair, Mr Jones, I have already taken you to 11 that passage. It is those two lines: 12 "No sign assault, but bruising under arms, possibly 13 due to being moved whilst still alive." 14 A. I think that is the point I was trying to make, is 15 absolutely accept the presence and significance of 16 bruising under the arms. Whether they equate to 17 an assault or injuries that should be noted, I think 18 that is the point I am making, sir. 19 Q. You are agreeing that bruising should have been noted? 20 A. Yes, sir. 21 Q. It is one thing to say, "No sign of assault, but there 22 is bruising", but if one simply says, "No sign of 23 assault" one is missing something very important from 24 the picture? 25 A. Yes, sir.</p> <p style="text-align: center;">Page 75</p>
<p>1 to the point I meant, I think bruising under the arms -- 2 they are injuries. Whether they are signs of assault is 3 I think speculative, but that doesn't -- please, I am 4 not trying to downplay the significance and importance 5 of the bruising, and yes, they should have been in the 6 report. 7 Q. The bruising may have suggested that Anthony had been 8 assaulted? 9 A. They are important, sir. 10 Q. Here your officer is telling you and the borough in 11 block capitals, "There is nothing to suggest that the 12 victim has been assaulted". That was wrong, wasn't it? 13 A. Yes. 14 Q. Then the next words -- 15 MR SKELTON: Madam, I'm sorry to interrupt Mr O'Connor 16 again. 17 It may be worth putting the pathologist's 18 conclusions about that issue as well, because obviously 19 Ms Kynaston is reporting what he found and we have the 20 post mortem report at a subsequent date which actually 21 states very clearly, "No signs of assault". 22 MR O'CONNOR: Well, I am just at the moment asking questions 23 about what was said at the post mortem and what was then 24 relayed on to officers at the time immediately following 25 the post mortem. The report became available</p> <p style="text-align: center;">Page 74</p>	<p>1 Q. Thank you. 2 Finally, just my question about those block 3 capitals. I am afraid we will have to go back to the 4 screen to IPC525, page 2, and it is tab 18 in the bundle 5 for those who are using that: 6 "This investigation remains with KG [that is 7 Barking] and SC&O1 involvement is complete." 8 Was that a decision that DS Southon was entitled to 9 take? 10 A. So, again, I wasn't working over these three days, but 11 having now reflected on this HAT return, I can see it is 12 signed off by DI Ken Hughes, who is an SIO, PIP3. 13 I would imagine that DS Southon would have sought some 14 advice/support in coming to that conclusion. 15 Q. All right, well, as you said very fairly, Mr Jones, you 16 were not either at the post mortem or working over those 17 few days, so I am not going to ask you any more 18 questions about that document. 19 A. Thank you. 20 MR O'CONNOR: Madam, would that be an appropriate moment for 21 a short break? 22 THE CORONER: Yes. 23 There are a number of questions from the jury but we 24 will deal with those in due course. 25 We will take a break, thank you.</p> <p style="text-align: center;">Page 76</p>

<p>1 MR O'CONNOR: Can we say 12.05, madam?</p> <p>2 THE CORONER: Yes, 12.05.</p> <p>3 (11.50 am)</p> <p>4 (A short adjournment)</p> <p>5 (12.05 pm)</p> <p>6 (In the presence of the jury)</p> <p>7 MR O'CONNOR: Mr Jones, before the break I had spent some</p> <p>8 time asking you about the events on that Thursday,</p> <p>9 19 June. Then we spoke briefly about the post mortem on</p> <p>10 the Friday, and you indicated that you were in fact off</p> <p>11 that day and I think you said you were off over the</p> <p>12 weekend as well.</p> <p>13 I want to move quite rapidly, very rapidly, through</p> <p>14 those next few days and probably spend most of the time</p> <p>15 for the rest of the morning asking you questions about</p> <p>16 what happened on the Thursday, 26 June.</p> <p>17 Just to fill the gap, the jury will hear in due</p> <p>18 course that over the weekend and early in the following</p> <p>19 week the borough detectives conducted various</p> <p>20 investigations and the jury will hear about this in</p> <p>21 particular from DS O'Donnell and DC Parish, both borough</p> <p>22 officers.</p> <p>23 The jury will hear that the investigation became</p> <p>24 aware, over that time, in fact starting on the evening</p> <p>25 of Thursday 17th, that Anthony sometimes worked as</p> <p style="text-align: center;">Page 77</p>	<p>1 large jury bundle. For the screen it is MPS752. This</p> <p>2 is a record of the conversation, and in fact if we see</p> <p>3 from the top, it is an email from Syria Hussain, she was</p> <p>4 a detective constable on your team, Mr Jones?</p> <p>5 A. Yes, that's correct, sir, yes.</p> <p>6 Q. Addressed to Ken Hughes, one of your inspectors?</p> <p>7 A. Yes.</p> <p>8 Q. Also copied to Detective Sergeant Southon but not you,</p> <p>9 so perhaps that is why you didn't know about it at the</p> <p>10 time?</p> <p>11 A. Yes.</p> <p>12 Q. Just casting our eyes down, I am not going to read it</p> <p>13 all out but Ms Hussain describes how a governor --</p> <p>14 again, we hear about it in the television, does it mean</p> <p>15 a chief inspector or inspector or does it simply mean</p> <p>16 someone in charge?</p> <p>17 A. Inspector -- inspector and/or above.</p> <p>18 Q. Governor, called, but unhelpfully not his name but we</p> <p>19 know from the context it was Inspector McCarthy, from</p> <p>20 Barking -- sorry:</p> <p>21 "a governor called from Barker and Dagenham borough</p> <p>22 in relation to the HAT call we attended whilst on HAT</p> <p>23 last week."</p> <p>24 She explains the circumstances of the investigation</p> <p>25 that I have just gone through with you and then, picking</p> <p style="text-align: center;">Page 79</p>
<p>1 an escort and that he had in fact made an arrangement to</p> <p>2 go to Barking on Tuesday, the 17th, two days before his</p> <p>3 body was found, to meet a man called Joe Dean, that was</p> <p>4 the name, wasn't it, Mr Jones, of the individual who</p> <p>5 made that arrangement over the internet to meet Anthony</p> <p>6 on that evening?</p> <p>7 A. Yes.</p> <p>8 Q. Then on Wednesday, 25 June, an important step forward</p> <p>9 was made by the borough detectives, because they</p> <p>10 obtained evidence that in fact Joe Dean, who had made</p> <p>11 the arrangement to meet Anthony, was Stephen Port.</p> <p>12 That's right, isn't it, Mr Jones?</p> <p>13 A. Yes, that is how I understand it.</p> <p>14 Q. At that stage the investigation was being led by a man</p> <p>15 called Detective Inspector McCarthy from the borough and</p> <p>16 the jury will hear evidence from him also about these</p> <p>17 matters.</p> <p>18 It was on the afternoon of Wednesday, 25 June that</p> <p>19 DI McCarthy contacted your team and you may -- perhaps</p> <p>20 probably were not aware of this at the time, Mr Jones,</p> <p>21 but are you aware now that on the afternoon of Wednesday</p> <p>22 the 25th, Mr McCarthy, Inspector McCarthy contacted your</p> <p>23 team by telephone?</p> <p>24 A. I am aware now, sir, yes.</p> <p>25 Q. Perhaps we can have a brief look. It is tab 20 in the</p> <p style="text-align: center;">Page 78</p>	<p>1 it up about 10 lines from the bottom, she says:</p> <p>2 "I asked what they wanted to know because I was</p> <p>3 getting confused, because if they thought the witness</p> <p>4 [Stephen Port] was lying and they had evidence to</p> <p>5 suggest his account was not correct, then I told them</p> <p>6 that they should be looking to make arrest enquiries</p> <p>7 securing his address least for outstanding victim phone,</p> <p>8 and any phones he has, computer/laptops et cetera (he</p> <p>9 understood this and agreed). But it transpired that he</p> <p>10 wanted to know if he would take the job from them now</p> <p>11 and carry on the investigating, as it had now become</p> <p>12 suspicious. I told him that I couldn't make that</p> <p>13 decision and ultimately that would be the bosses. He</p> <p>14 said he would speak to his DCI and perhaps get back in</p> <p>15 touch tomorrow."</p> <p>16 Then she says:</p> <p>17 "He went on so much that I forgot his name."</p> <p>18 But, as I say, we know it was Inspector McCarthy.</p> <p>19 To be clear, Mr Jones, that was not something you</p> <p>20 knew about at the time?</p> <p>21 A. No, sir.</p> <p>22 Q. But if we go on to the next day, you attended a meeting,</p> <p>23 did you not, at the base of Barking and Dagenham CID?</p> <p>24 A. No, the meeting was at the homicide command.</p> <p>25 Q. I think we see records of it being at Freshwater patrol</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 base?</p> <p>2 A. No, the meeting was in my office in the homicide</p> <p>3 command.</p> <p>4 Q. The meeting was with DI McCarthy?</p> <p>5 A. DI McCarthy and DI Haines.</p> <p>6 Q. All right, well I think we are talking about the same</p> <p>7 meeting?</p> <p>8 A. I am sure we are.</p> <p>9 Q. We may see different records about where it happened,</p> <p>10 but I very much doubt that will be important at the end</p> <p>11 of the day.</p> <p>12 As far as the substance of the meeting is concerned,</p> <p>13 let's look if we may at the record of the meeting that</p> <p>14 was produced by your team. To do that we need to go to</p> <p>15 tab 27 in the large bundle and for the screen it is</p> <p>16 IPC46.</p> <p>17 Another one of these documents that we are becoming</p> <p>18 familiar with.</p> <p>19 We see there there is a reference in the top</p> <p>20 paragraph to this development, or a reference to</p> <p>21 Stephen Port and the statement that he gave. Is that</p> <p>22 right?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Then the third paragraph of the main text, there is</p> <p>25 a reference to the meeting we have just mentioned, at</p> <p style="text-align: center;">Page 81</p>	<p>1 the borough officers had become aware of and it was</p> <p>2 a part of the investigation and we can see something</p> <p>3 that they were raising with you?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. Then, I am not going to read out the rest of that page,</p> <p>6 but in summary, is it right that there was a discussion</p> <p>7 between the borough officers and you about the</p> <p>8 development relating to Stephen Port and the fact that</p> <p>9 he was Joe Dean who had made this arrangement and</p> <p>10 a practical discussion about how to go about obtaining</p> <p>11 a warrant for his arrest, discussions around searches of</p> <p>12 his property that would take place, and so progressing</p> <p>13 the investigation in light of that development?</p> <p>14 A. I think the warrant was -- I understand it, was already</p> <p>15 in existence, had been obtained. I think the point of</p> <p>16 DI McCarthy coming back to us is, yes, the investigation</p> <p>17 had progressed and he had concerns, or he had a view</p> <p>18 that he had developed to the point where he wanted to</p> <p>19 take further advice and I have no doubt that part of</p> <p>20 that advice was to understand whether, as a homicide</p> <p>21 command, we would then accept primacy for it, but the</p> <p>22 point of the meeting was to, I suppose, reaffirm the</p> <p>23 direction of the investigation that he had -- that he</p> <p>24 had considered and to advise accordingly.</p> <p>25 Q. You mention the question of primacy, Mr Jones, and</p> <p style="text-align: center;">Page 83</p>
<p>1 11.30 in morning. A, that stands for "acting", so it's</p> <p>2 Acting DI McCarthy from Barking, and yourself, DCI Jones</p> <p>3 and DI Haines from Major Investigation Team 20, yes?</p> <p>4 A. Yes.</p> <p>5 Q. Then there were various updates given about the</p> <p>6 investigation that we see recorded there; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Then if we can go over the page, please, at the top we</p> <p>9 see a reference to the post mortem being inconclusive</p> <p>10 and waiting for toxicology. The phone, the victim's</p> <p>11 mobile phone is still outstanding. Then there is</p> <p>12 a reference, which I will read out:</p> <p>13 "There is a previous allegation against Port in 2012</p> <p>14 that he had unconsensual anal sex with a male after</p> <p>15 making him take poppers. No further action was taken in</p> <p>16 this case, as the victim, in this case the partner of</p> <p>17 Port, failed to support any investigation."</p> <p>18 That is a reference, is it not, to the PNC record</p> <p>19 that we have already discussed?</p> <p>20 A. What it is a reference to I don't know but I completely</p> <p>21 agree it is the allegation that we had previously</p> <p>22 discussed.</p> <p>23 Q. Yes, all right, and just so the jury understand, we will</p> <p>24 hear evidence that by this stage, so we are now on the</p> <p>25 Thursday of the following week, that is a matter that</p> <p style="text-align: center;">Page 82</p>	<p>1 perhaps we can just go to the next page of this</p> <p>2 document, so it is the last page -- that's right.</p> <p>3 Perhaps the fourth little paragraph there, you see</p> <p>4 there is a reference to, "Borough retain responsibility</p> <p>5 for this unexplained death investigation".</p> <p>6 That is all that this document says about the issue</p> <p>7 of primacy, I think.</p> <p>8 I have shown you the email from which we can see</p> <p>9 that DI McCarthy had raised the question of MIT taking</p> <p>10 over this investigation the afternoon before with</p> <p>11 DC Hussain. Do you have a memory of him raising the</p> <p>12 question directly at the meeting and asking you to take</p> <p>13 over the investigation?</p> <p>14 A. No, I don't have a particular memory of a particular</p> <p>15 conversation. I think the meeting was really -- I call</p> <p>16 it uncontentious. Everybody in agreement. So I have no</p> <p>17 doubt that at some point myself and/or DI Haines would</p> <p>18 have perhaps confirmed the view that we wouldn't be</p> <p>19 taking primacy, so I think the point I am making is that</p> <p>20 line in the HAT return would not be -- would not have</p> <p>21 come out of the blue to DI McCarthy and he would have</p> <p>22 had that understanding from the meeting that we had.</p> <p>23 Whether he raised -- certainly there is no</p> <p>24 disagreement on primacy, but it is likely that one would</p> <p>25 follow the other, that he would have presented the</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 facts, we would have considered it and broadly made --</p> <p>2 I could have made a statement that would have</p> <p>3 underpinned that.</p> <p>4 Q. It may be a bit surprising, given what he said to</p> <p>5 DC Hussain the afternoon before, if he hadn't raised it</p> <p>6 with you at the meeting?</p> <p>7 A. I am not sure in what terms he raised it but I think --</p> <p>8 I absolutely accept that in coming back to us he is</p> <p>9 bringing to us an investigation that in his eyes has</p> <p>10 developed and he is looking for not just the advice but</p> <p>11 arguably a view on primacy. One would have been given,</p> <p>12 we certainly wouldn't have just sent a document through</p> <p>13 without having a discussion. The point I make, I really</p> <p>14 cannot -- it is not just recall but I know there wasn't</p> <p>15 a -- there wasn't a discussion where DI McCarthy felt we</p> <p>16 had declined his request. There was no request "Can you</p> <p>17 please take this enquiry?" It was a case of, "Can we</p> <p>18 just consider where we are?"</p> <p>19 Q. Of course the jury are going to hear from DI McCarthy --</p> <p>20 A. Of course.</p> <p>21 Q. -- and it may be that he has a slightly different</p> <p>22 recollection of that meeting to you and in particular as</p> <p>23 to quite how much he was pressing his request for you to</p> <p>24 take over.</p> <p>25 You have given your memory.</p> <p style="text-align: center;">Page 85</p>	<p>1 A. Yes, sir.</p> <p>2 Q. Then, perhaps before I ask you questions about this, we</p> <p>3 can just call up on screen, those of you who have that</p> <p>4 page open leave it open, one other document and what it</p> <p>5 is what we think are -- at any rate we will ask him</p> <p>6 about it -- Inspector McCarthy's notes of the same</p> <p>7 meeting.</p> <p>8 If we can go, please, on the screen, to IPC536, and</p> <p>9 you can see this is the first page. We see just in the</p> <p>10 bottom right-hand corner, can you see that, he notes</p> <p>11 that this lengthy document contains notes of a meeting</p> <p>12 with MIT on 26 June.</p> <p>13 Can you see that right at the bottom?</p> <p>14 A. I see the box, I am just trying to, I suppose, interpret</p> <p>15 it in relation to the document.</p> <p>16 Q. Just look at the last two or three lines:</p> <p>17 "Notes of meeting with MIT on 26 June 2014."</p> <p>18 A. Yes.</p> <p>19 Q. As I say, we will have to ask Mr McCarthy about this,</p> <p>20 but you will have gone by that time, so I need to ask</p> <p>21 you about it now.</p> <p>22 A. Fine.</p> <p>23 Q. Then if we turn to page 37 of this document, these do</p> <p>24 appear to be his notes of the meeting. I am not going</p> <p>25 to ask you to decipher very much of it, but can you see</p> <p style="text-align: center;">Page 87</p>
<p>1 A. I think just in answer to that, there was no pressing of</p> <p>2 any request and I am absolutely certain on that. If</p> <p>3 there was a pressing on a request, for me that is</p> <p>4 a dispute around primacy and, as you will see, as we</p> <p>5 will come to, I am sure, that any time there is</p> <p>6 a dispute, I will take the appropriate action and refer</p> <p>7 it on to on-call superintendent.</p> <p>8 Q. Let's just look, I want to show you a couple of other</p> <p>9 references, just to put some context to this, Mr Jones.</p> <p>10 First of all, this is in the jury bundle at tab 2,</p> <p>11 it is the CRIS, the very long document, so it is</p> <p>12 actually page 137 of the CRIS.</p> <p>13 For the screen, it is IPC35, page 137. If we can</p> <p>14 zoom in, I suppose it is the middle of the page, really,</p> <p>15 we will hear from Mr McCarthy about this, Mr Jones, but</p> <p>16 this appears to be the record that was made at the</p> <p>17 borough of this same meeting. We see there there is</p> <p>18 a numbered list of points. Above that, we see first of</p> <p>19 all the fact that details of the investigation were</p> <p>20 relayed, along with the current status of the enquiry,</p> <p>21 as we have discussed, and then this:</p> <p>22 "This matter does not fall within the MIT remit at</p> <p>23 this time as there is no evidence of a homicide,</p> <p>24 notwithstanding the account provided by Mr Port."</p> <p>25 Yes?</p> <p style="text-align: center;">Page 86</p>	<p>1 in the middle there what looks like, "Still not</p> <p>2 a homicide"?</p> <p>3 You will agree that there is at least a relationship</p> <p>4 between what seems to have been written there and what</p> <p>5 we have read in the CRIS:</p> <p>6 "This matter does not fall within the MIT remit at</p> <p>7 this time as there is no evidence of a homicide,</p> <p>8 notwithstanding the account provided by Mr Port."</p> <p>9 You see those two? You didn't make either of those</p> <p>10 two notes but you see both of them?</p> <p>11 A. Absolutely, sir.</p> <p>12 Q. Let me ask you this. What appears at least from these</p> <p>13 notes is that the test you were applying at the time as</p> <p>14 to whether or not MIT should take primacy was whether it</p> <p>15 had been established that this case was in fact</p> <p>16 a homicide, and that, unless it had been established</p> <p>17 that the case was a homicide, it wasn't within your</p> <p>18 terms of remit and you wouldn't take the case. Is that</p> <p>19 right?</p> <p>20 A. I think the HAT car and attending homicide or</p> <p>21 unexplained death in suspicious circumstances is not --</p> <p>22 not all homicides are clear. Some homicides we attend</p> <p>23 are very obvious, some may not be so obvious. I think</p> <p>24 I wouldn't -- I personally wouldn't set the bar as to</p> <p>25 what I took on on primacy piece as a definitive</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 homicide. I think that is what I am trying to explain</p> <p>2 to you, sir.</p> <p>3 I think there is unexplained death and there is</p> <p>4 homicide at one end potentially and perhaps</p> <p>5 non-suspicious at the other end. In the middle sits</p> <p>6 this unexplained death piece, which requires</p> <p>7 investigation to determine whether indeed it is</p> <p>8 non-suspicious or arguably suspicious.</p> <p>9 I think my view on the day, and it is still my view,</p> <p>10 is it hadn't crossed that threshold for the matter under</p> <p>11 investigation to transfer in primacy. And when we talk</p> <p>12 about a threshold, it is very difficult six years after,</p> <p>13 but I think it is one certainly I was exercising the</p> <p>14 expectations of the command and my seniors, and I think</p> <p>15 we will talk about that in some time.</p> <p>16 Q. We will come to that in a minute.</p> <p>17 A. Certainly.</p> <p>18 Q. Let me ask you perhaps a similar question but from</p> <p>19 a different angle. Before the break we were looking at</p> <p>20 your actions on Thursday the 19th, at the scene.</p> <p>21 A. Yes.</p> <p>22 Q. We looked at that paragraph of your statement about the</p> <p>23 test you were applying there.</p> <p>24 What you said was, if you had seen anything that</p> <p>25 made you think it was a suspicious death, you would have</p> <p style="text-align: center;">Page 89</p>	<p>1 Q. You see the problem is, if the threshold is that it</p> <p>2 needs to be shown to be a homicide, then there is</p> <p>3 a risk, is there not that if the specialist team don't</p> <p>4 get involved, it never will be shown to be a homicide?</p> <p>5 A. I accept your point. I don't -- what I am trying to say</p> <p>6 is I don't feel that the bar I applied -- which I feel</p> <p>7 is consistent across the organisation at the time -- as</p> <p>8 it has to be a definite homicide. It is incredibly</p> <p>9 difficult to remember my thought process at the time,</p> <p>10 six years -- I mean I wasn't asked for six years, so it</p> <p>11 is challenging to give you ... to articulate what I was</p> <p>12 thinking at that point in time around the pieces of</p> <p>13 information that you now put to me.</p> <p>14 What I can say is I think the pieces of information</p> <p>15 should be looked at individually, objectively, and</p> <p>16 collectively, but on the information I knew, I didn't</p> <p>17 feel that it crossed that threshold.</p> <p>18 Q. Even with the further information that was available</p> <p>19 about Stephen Port, about him having arranged to meet</p> <p>20 Anthony two days earlier, the previous allegations. All</p> <p>21 of that, it still was not a case that was for you?</p> <p>22 A. But I don't want us to get lost. When there is</p> <p>23 an unexplained death, absolutely there needs to be</p> <p>24 an investigation and certainly the conduct of</p> <p>25 Stephen Port absolutely needed investigating. I have</p> <p style="text-align: center;">Page 91</p>
<p>1 phoned the duty superintendent and so on. You agreed</p> <p>2 that that was a similar approach to the line in the</p> <p>3 policy document about if there is the slightest</p> <p>4 suspicion, investigate as murder.</p> <p>5 Things have moved on by this stage. By the time you</p> <p>6 are sitting across the table from DI McCarthy there is</p> <p>7 evidence that Stephen Port had not only found the body</p> <p>8 on the Thursday morning, but that he had actually</p> <p>9 arranged to meet Anthony two days earlier and that he</p> <p>10 had withheld that information. There is also, by this</p> <p>11 stage on any view, evidence that that same man,</p> <p>12 Stephen Port, had had a previous allegation of rape.</p> <p>13 Both those matters were known to you by then. Don't</p> <p>14 those matters amount to a reason to classify this case</p> <p>15 as suspicious and therefore for HAT to take primacy?</p> <p>16 A. I think both -- all the matters that you have just</p> <p>17 mentioned are really important. I think I would</p> <p>18 completely agree that the investigation had developed</p> <p>19 and I could -- I think it is right and proper that</p> <p>20 DI McCarthy brought it back to the MIT. The conduct of</p> <p>21 Stephen Port was concerning, but it was still my view</p> <p>22 that on the information I knew from the scene, from the</p> <p>23 post mortem, that we were still -- the matter didn't</p> <p>24 cross that threshold for the transfer of primacy to the</p> <p>25 homicide command.</p> <p style="text-align: center;">Page 90</p>	<p>1 mentioned previously, and that is to determine whether</p> <p>2 the death is non-suspicious or perhaps suspicious. So</p> <p>3 I am not one minute advocating that the investigation</p> <p>4 should cease at that point.</p> <p>5 Q. Mr Jones, you are aware, I am sure, of concerns that</p> <p>6 have been expressed by Anthony's family and others that</p> <p>7 because Anthony was a young gay man, perhaps because his</p> <p>8 death appeared to have involved drugs, his death wasn't</p> <p>9 investigated as fully as other deaths might have been.</p> <p>10 You are aware of those concerns?</p> <p>11 A. I am -- those concerns haven't specifically been brought</p> <p>12 to me, but I think it is fair to say in the round -- not</p> <p>13 at the time, certainly not at the time.</p> <p>14 Q. I should have made clear, not at the time.</p> <p>15 A. Sorry, yes.</p> <p>16 Q. Let me ask you a question. Just going back to that</p> <p>17 meeting, and what seems at least to have been</p> <p>18 an exchange between you and DI McCarthy where he did on</p> <p>19 one level or another, ask you, as he had asked</p> <p>20 Ms Hussain the day before, to take over the case, and</p> <p>21 was met by a refusal, "Sorry, it is still not</p> <p>22 a homicide". Is it possible that there was something</p> <p>23 about this case, the fact that Anthony was young, he was</p> <p>24 gay, he was working as an escort, drugs, something that</p> <p>25 made you think that it just didn't warrant the</p> <p style="text-align: center;">Page 92</p>

<p>1 involvement of your specialist team and that it should 2 just be left with the borough. Is that possible?</p> <p>3 A. No, sir, that is not possible.</p> <p>4 Q. I mean might it be thought that if the body of let's say 5 a middle-aged woman, a wife and mother, was found on the 6 street, and then evidence became available that the 7 person who discovered her body had been withholding part 8 of the story and had previous allegations against him, 9 that a different decision would have been taken?</p> <p>10 A. No, it is really important that, as an SIO, 11 I investigate fairly, without bias and apply the 12 expectations of the command. At no point is anybody 13 suggesting the death of Anthony Walgate shouldn't be 14 investigated. The issue is perhaps who by. 15 I understand that that is an issue, sir, but I cannot 16 accept for one minute that there is any bias in the 17 approach to the investigation into the death of 18 Anthony Walgate.</p> <p>19 Q. I hope you understand, Mr Jones, I am not suggesting 20 that you were deliberately setting out to neuter this 21 investigation or that you were biased perhaps in the way 22 that some people use that word. I just want you to 23 think about whether, looking back, there was just 24 perhaps some sense that this case wasn't really 25 important enough --</p> <p style="text-align: center;">Page 93</p>	<p>1 or just before lunchtime on the Thursday.</p> <p>2 A. It did, sir.</p> <p>3 Q. Presumably it lasted an hour or so? You probably don't 4 remember.</p> <p>5 A. Definitely.</p> <p>6 Q. The question of primacy didn't end there, did it?</p> <p>7 A. No, it didn't.</p> <p>8 Q. You describe in your statement that you had a telephone 9 call later on in the day with another person who will 10 come to give evidence, that is Detective Chief Inspector 11 Kirk?</p> <p>12 A. That's correct.</p> <p>13 Q. He, as we will hear, was the head of the CID unit at 14 Barking and Dagenham police?</p> <p>15 A. Yes.</p> <p>16 Q. He, during that conversation, made another request to 17 you to take over the case. Is that right?</p> <p>18 A. Yes, he did. That is fair.</p> <p>19 Q. Can you, in a few sentences, expand on that 20 conversation?</p> <p>21 A. DCI Kirk rang me. It was probably within an hour, maybe 22 a little bit longer of -- look, I think it is fair to 23 say that Mr McCarthy went back, spoke to DCI Kirk, and 24 then what probably followed in a fairly succinct 25 chronology is that DCI Kirk rang me and explained he had</p> <p style="text-align: center;">Page 95</p>
<p>1 A. No, sir.</p> <p>2 Q. -- to investigate?</p> <p>3 A. No, sir, I think you are probably alluding to 4 unconscious bias, so I know that is going to be a line 5 of questions today. I think the point is I have 6 reflected on that, I have challenged myself and I have 7 asked those similar questions that you are asking now 8 and, you know, I am absolutely content that that does 9 not exist in the way I approach any investigation.</p> <p>10 Q. So when we look at -- it has gone from the screen now 11 but when we think of that meeting, the discussion 12 between you and Inspector McCarthy, still not 13 a homicide, you were in your view just applying 14 departmental policy and there is no more than that to 15 it?</p> <p>16 A. I was applying the information I knew, and bringing 17 a decision-making logic to that point. And ending up 18 with the decision on primacy at that point in time. 19 I think a separate matter is: what did the new 20 information tell, inform the investigation, and how did 21 that then shape the subsequent sort of actions that were 22 taken around arrest and search?</p> <p>23 Q. All right. Mr Jones, I am going to leave that point 24 there and move on a little bit in the chronology. 25 We saw that that meeting took place about lunchtime</p> <p style="text-align: center;">Page 94</p>	<p>1 challenges with resources, resourcing the investigation, 2 and which I felt was the real force behind the phone 3 call, but it is also fair to say that he did mention 4 that he had concerns that it may be a homicide, but 5 I think it is really important that what I took from it 6 is his concerns were around resourcing.</p> <p>7 Q. All right.</p> <p>8 A. I outlined my position, it was a really --</p> <p>9 Q. What was your position?</p> <p>10 A. Around primacy.</p> <p>11 Q. The same as you had previously --</p> <p>12 A. Nothing had changed around primacy. I mean it was 13 a really professional discussion. It was certainly not 14 an argument or a heated -- and I think there were two 15 points to take from the meeting.</p> <p>16 Q. Sorry, the conversation?</p> <p>17 A. Sorry, the conversation, apologies. There were two 18 points to take from it. 19 (1) was requests for resourcing. 20 And (2) a request for primacy to be reconsidered. 21 The resourcing piece --</p> <p>22 Q. Before we come to that, what did you tell him to do?</p> <p>23 A. If he could raise the matters with the on-call detective 24 superintendent, John Sweeney.</p> <p>25 Q. All right.</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 A. Can I just say, sorry, that sounds very blunt, "Can you 2 just raise it ..." I would have provided him the 3 telephone number, et cetera, it was not a case of please 4 go away and ... but that is the protocol.</p> <p>5 Q. I cut you off, but we will come to the content of the 6 meeting in a minute and, again, we will not look back at 7 it, but we recall looking at that roles and 8 responsibilities document at the beginning of your 9 evidence, which, do you remember, I took you to the 10 section on primacy disputes?</p> <p>11 A. Yes.</p> <p>12 Q. In essence, what that document says is that if there is 13 a dispute, it needs to be escalated to the 14 superintendent.</p> <p>15 A. Yes.</p> <p>16 Q. So all you were really saying to Mr Kirk is this needs 17 to be dealt with by Mr Sweeney and that is, after all, 18 what the policy said?</p> <p>19 A. Considered by, yes.</p> <p>20 Q. The next stage of the story is an exchange of emails -- 21 or perhaps it is wrong to call it an exchange of emails, 22 there were two emails we need to look at, don't we?</p> <p>23 A. Yes.</p> <p>24 Q. One was sent by DCI Kirk later that day?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. In there is no secret about this and we don't need to 2 take time looking at sort of all the emails, if it is 3 clear what happened.</p> <p>4 A. Okay.</p> <p>5 Q. As you say, later on that evening you would have seen 6 the email from DCI Kirk and I think you would have 7 spoken to Mr Sweeney about it?</p> <p>8 A. Yes.</p> <p>9 Q. But the next day, which is a Friday, the 27th, you were 10 off.</p> <p>11 A. Yes.</p> <p>12 Q. You may have -- I think in that same email late in the 13 evening on the Thursday you said you might be able to 14 speak to someone about this issue. Whether you did or 15 not --</p> <p>16 A. I think it is quite important, so on receipt of 17 Mr Kirk's email -- so I think firstly the chronology is 18 really important. Mr Kirk phoned me, we had that 19 discussion as I have described. I had a conversation 20 with John Sweeney that followed and outlined the 21 resourcing challenge and the concern around primacy and 22 to expect a phone call from Mr Kirk.</p> <p>23 What I would say is the resourcing piece was no 24 longer within my gift to support the borough, on the 25 basis that my team were going to be off Friday, Saturday</p> <p style="text-align: center;">Page 99</p>
<p>1 Q. Then there was another email from Mr Sweeney the next 2 morning. I am going to go to those emails, but I want, 3 before I do that, I think it is important that we all 4 understand just how much you did or didn't have 5 involvement in that process.</p> <p>6 We have established you were at work on the Thursday 7 afternoon?</p> <p>8 A. Yes.</p> <p>9 Q. I think it is right to say you were working -- I don't 10 know where you were working, either in your office or at 11 home, into that evening, yes?</p> <p>12 A. I was at work until the afternoon. I would have likely 13 finished work, possibly 5.00ish, I really don't know. 14 The point -- I think the point on the emails, and 15 probably something that is helpful to clear up, is that 16 I have said in my statement it is likely I didn't see 17 the emails till the 30th.</p> <p>18 What I subsequently know now, having seen another 19 email, is that I would have seen at least the email of 20 Mr Kirk on the evening. Whether -- I wouldn't say I was 21 working from home, sir. I unfortunately had 22 a BlackBerry mobile phone at the time and probably like 23 most officers just infrequently just check their emails, 24 would have seen that email arrive and then, I am sure we 25 are going to go on to discuss it some more.</p> <p style="text-align: center;">Page 98</p>	<p>1 and Sunday and it was important just listening to 2 Mr Kirk on the telephone that we, as a command, provided 3 some additional support that could be picked up through 4 Friday and onwards. So it was a two-pronged request. 5 Firstly, a request for resources to support the 6 borough, which John could effectively grant -- I wasn't 7 in a position anymore to grant that.</p> <p>8 And, secondly, just to perhaps bring to his 9 attention that he could expect representation around 10 primacy from the borough.</p> <p>11 Q. All right, that is very helpful.</p> <p>12 With that context, let's look at the email.</p> <p>13 In fact what I am going to do is show you and the 14 jury both emails. We will look at them and then I am 15 going to ask you some questions about them.</p> <p>16 A. Certainly, sir.</p> <p>17 Q. Can we start with the email from DCI Kirk.</p> <p>18 For the jury it is tab 30 in your bundles, 30, and 19 for the screen it is IPC753.</p> <p>20 As you say, Mr Jones, this is clearly the final 21 point in the developing story that started with 22 Mr McCarthy ringing Ms Hussain the night before, then 23 the meeting, then DCI Kirk speaking to you and you 24 saying, "Right, you have to speak to Sweeney about this 25 or draw it to his attention".</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 We see an email then from Tony Kirk to 2 Superintendent John Sweeney, your boss, yes? 3 A. Yes. 4 Q. We see you are one of the people copied in? 5 A. Yes. 6 Q. All right. 7 The email reads as follows: 8 "Sir, following your conversation with Mr Ewing 9 tonight ..." 10 It looks as though your boss, Mr Sweeney, had in 11 fact also spoken to Mr Ewing, who was the chief 12 superintendent, the head of the borough police. 13 A. Yes. 14 Q. We will find out more about that: 15 "... and my conversations with Chris Jones [you have 16 said you had spoken to DCI Kirk] I just wanted to update 17 you with the action we are taking tonight in relation to 18 the unexplained death of Anthony Walgate. 19 "I also understand that you have agreed to review 20 the matter in the morning. 21 "The request from Barking borough is for SC&O1 22 [that's homicide command] to provide an SIO ..." 23 Senior investigating officer? 24 A. I think DCI Kirk would have been PIP3 investigating 25 officer.</p> <p style="text-align: center;">Page 101</p>	<p>1 sinister angle to the events. We appreciate the support 2 and advice that we have been provided with thus far but 3 we feel this matter requires a trained SIO to take 4 responsibility. The borough will continue to support 5 the investigation where possible." 6 Then he refers to what is happening with regards to 7 Stephen Port, who at this point is in custody and also 8 at the scene and so on: 9 "If you need anything further, please let me know. 10 DI McCarthy will continue to manage the investigation 11 tomorrow ..." 12 He refers to some paperwork that he attached. 13 That is the first of the two emails. I am going to 14 come back and ask you some questions about it, but just 15 so we have the context, I am going to just look secondly 16 now at the email that was sent the next morning by 17 Mr Sweeney. 18 For that purpose, it is tab 32 in the bundle and it 19 is MPS544 for the screen, please. 20 We can ignore the very top of the subject line. 21 Well, let's look at it, in fact. 22 What we see here, if we look at the lower subject 23 line in the smaller type, we see, do we not, that this 24 was an email sent by Mr Sweeney to his colleagues, or 25 rather his superior Neil Basu and Michael Duthie, they</p> <p style="text-align: center;">Page 103</p>
<p>1 Q. We have heard about PIP3, yes: 2 "... to take ownership of this investigation for the 3 following reasons. At Barking we have no trained SIOs 4 and even at DI and DCI level we only have PIP level 2 5 trained officers. 6 "This investigation concerns the death of a young 7 and what appears fit and healthy male and, on the 8 balance of probabilities, at the hands of another. 9 I appreciate a murder charge may not be the final 10 outcome but the investigation is becoming increasingly 11 complex. 12 "Due to the salacious nature of the activity, this 13 is highly likely to attract media attention and with 14 that a risk to the organisation. 15 "Anthony Walgate appears to be organised and 16 experienced in his activities and has a group of friends 17 who are obviously concerned at the manner in which he 18 has died, as I am sure so are his parents and family. 19 I feel we as an organisation have a duty to his friends 20 and family to get to the bottom of his death in what are 21 increasingly suspicious circumstances. 22 "The suspect (Stephen Port) has previous for plying 23 another male with drugs and raping him. This added to 24 the fact that Walgate charges £800 for a night and that 25 Port has no means to pay this fee would also give a more</p> <p style="text-align: center;">Page 102</p>	<p>1 were senior officers to him, were they not, within MIT? 2 A. Certainly Mr Duthie -- Mr Duthie in SC&O1 and then 3 Mr Basu above him, sitting at ACPO. 4 Q. That is the email and it is sent 10.43 the next day, 5 Friday, 27 June, yes? 6 A. Yes. 7 Q. Then we see, I took over, but slightly later that 8 morning he seems to have as it were copied in another 9 colleague from SC&O1, Mr Wratten and also you, yes? Or 10 forwarded would be a better way of putting it, forwarded 11 the email to you for your information? 12 A. Yes, sir. 13 Q. We note, do we not, that at least as far as we can see 14 from this document, this email was not sent to the 15 borough. 16 A. I would agree, yes, sir. 17 Q. At least as far as this document is concerned, it does 18 not seem -- they were not amongst the people copied in? 19 A. Correct. 20 Q. Mr Sweeney's email reads as follows: 21 "At the bottom of this email are the initial details 22 on the HAT return on the unexplained death of 23 Anthony Walgate in which MIT 20 [that's your team] and 24 DCI Chris Jones have assisted Barking borough, death 25 occurred on 19 June 2014.</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 "The deceased was found by a man, Mr Stephen Port, 2 returning home to the block of flats and claimed to have 3 found the deceased by the doorway to the flats. He 4 called an ambulance and returned to his flat. A special 5 post mortem was held in relation to the death which was 6 inconclusive at this stage. There were no physical 7 injuries present that would have caused his death. Due 8 to the fact that some organs were enlarged the 9 pathologist suspected that he may have died from a drug 10 overdose. We await toxicology to determine whether this 11 is the case. 12 "The case remained one that the BOCU [the borough] 13 had primacy for, but with the support and assistance 14 from SC&O1 and MIT 20. In the last few days it has been 15 established that Mr Stephen Port was a client of the 16 deceased, who was a sex worker. There may be reasons 17 why he did not tell the police at the time, such as he 18 did not want a deceased sex worker in his flat. 19 However, the facts need to be established. The BOCU 20 have a prisoner in custody and the flat is now 21 a potential crime scene. Mr Port has been arrested on 22 one occasion in the past for alleged non-consensual 23 sexual activity ..." 24 It says here with a sex worker, but I think we know 25 that is not accurate it was his partner:</p> <p style="text-align: center;">Page 105</p>	<p>1 capabilities or capacity of the borough, I will make the 2 decision for SC&O1 to take the investigation on and 3 relieve the borough of any investigative role. 4 "To relieve the borough at this early stage is not 5 my preferred opinion or option as from experience it 6 will just delay the process of getting on with the 7 investigation at a critical stage, some of the borough 8 knowledge of the investigation will not be available to 9 a new team of investigators; the death has not been 10 established as a murder. SC&O1 taking primacy now would 11 leave family members believing that it is a murder and 12 it is sometimes difficult to get them to accept it is 13 not if that is the outcome. 14 "Primacy will be regularly reviewed as the 15 investigations undertaken produce results." 16 That is quite a lengthy explanation of the decision 17 that Superintendent Sweeney took on that Friday morning. 18 With those two emails in mind, I want to go back, 19 first of all, Mr Jones, and ask you some questions about 20 the first one, Mr Kirk's email which you certainly say 21 you saw that evening that he sent it. 22 A. Yes. 23 Q. First of all, we see there, do we not, that Mr Kirk has 24 referred to a number of matters pointing towards there 25 being suspicion relating to Stephen Port, and that not</p> <p style="text-align: center;">Page 107</p>
<p>1 "... but was never charged. 2 "I was informed of the above last night at 9.00 pm 3 [that was the email from Mr Kirk] and the local DCI 4 wanted me to take on the investigation. I have not 5 taken that decision, but have made what I consider 6 a pragmatic decision to ensure that we clear the ground 7 in front of us at present and then decide where that 8 leaves us. I will then be able to make a proper 9 assessment. In the meantime I have appointed Detective 10 Inspector Andrew Kelly [from a different MIT team] to 11 attend Barking with DS Stuart Reeves and some other 12 detective constables ..." 13 Then he sets out some actions that they were 14 intended to complete the next day, is that right? 15 He goes on: 16 "DI Eugene McCarthy is the contact at Barking. 17 I have also spoken to the borough superintendent, he is 18 aware of what is to take place. The above measures are 19 to ensure that nothing is missed and that the 20 investigation has sufficient expertise to undertake the 21 tasks. As these tasks are completed it will hopefully 22 shed light on the circumstances of the as-yet 23 unexplained death of Anthony Walgate. Should I consider 24 that it points to a homicide more than a drug overdose 25 or that the investigation at that stage is beyond the</p> <p style="text-align: center;">Page 106</p>	<p>1 only the matters we have looked at before, like his 2 withheld account of having arranged to meet Anthony and 3 the record of the previous allegation made against him, 4 but also the question of the fee that had been arranged, 5 combined with the fact that Mr Port didn't seem to be 6 able to pay that money. 7 Again, looking at it now, do those matters not seem 8 to you to suggest that this was at this stage 9 a suspicious death? 10 A. I think context is important, so when DCI Kirk sent that 11 email I was no longer working. And this is not 12 because -- I just want to give -- how I would have been 13 able to read that email is on a BlackBerry handset, 14 a small BlackBerry handset. So the point is I -- 15 unlikely I would have read it in full or in its fullest 16 context until the Monday, and I think that was perhaps 17 just explained in my statement, but I would have 18 certainly got the tone and gist of that email and I felt 19 that the email reflected in some way the conversation 20 that I had had with DCI Kirk earlier in the day, but 21 I do feel, I do feel, it had been broadened out in terms 22 of this is a homicide, and certainly that is not the 23 flavour -- it was certainly not with such strength did 24 DCI Kirk mention that in the earlier conversation. 25 Q. Strength is the right word, Mr Jones. He says, and</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 let's have it back on screen, please, IPC753, he says 2 that "On the balance of probabilities, Anthony died at 3 the hands of another". I would suggest the inference is 4 obvious, he means: on the balance of probabilities 5 Stephen Port killed Anthony Walgate. That is a strong 6 statement, isn't it? 7 A. It is absolutely a strong statement and one that clearly 8 was considered by Mr Sweeney. 9 Q. Is it from your experience, and I appreciate you are not 10 the decision maker, as Mr Sweeney was about primacy and 11 so on. But in your experience over four or five years 12 working in MIT -- tell us, how normal is it, how common 13 is it that a borough police officer will say, "Probably 14 this is a homicide"? 15 A. Look, I really couldn't -- I would be speculating. 16 Q. Did it stand out? 17 A. Yes, it did stand out, sir. That is why I think it was 18 important that Mr Sweeney had sight of it at the 19 earliest opportunity, as soon as somebody had raised 20 concerns around primacy and was in essence challenging 21 the decision, done in a professional way, that is why 22 I raised it with Detective Superintendent Sweeney for 23 early consultation and consideration. I mean I don't 24 know why that didn't land or what happened between that 25 point and 9.00 at night.</p> <p style="text-align: center;">Page 109</p>	<p>1 is something rather more sophisticated than that, isn't 2 it? 3 What he says is: 4 "Well, I am not going to make a decision right now, 5 I want you to carry on doing some investigations and you 6 will be supported by that. We will see how it goes and 7 then I will be able to make a decision in due course." 8 Is that right? 9 A. Look, I can't answer on behalf of Mr Sweeney -- 10 Q. You cannot answer on behalf of Mr Sweeney, but you did 11 see this email. 12 A. I did see the email. 13 Q. You said you may not have seen this until you came back 14 on work on the Monday, but at the latest you saw it 15 then? 16 A. Yes. 17 Q. It is right, isn't it, that what he is saying is just 18 that, that he is not going to take a decision now, he 19 will let certain other steps happen and then he will 20 make a decision? 21 A. I think that is accurate but in essence there was 22 a decision at the moment to not relieve the borough of 23 the investigation, so that is a decision at that point 24 in time -- 25 Q. Yes.</p> <p style="text-align: center;">Page 111</p>
<p>1 But that is my position. 2 Q. Third point, just about the Kirk email, you mentioned 3 when we were discussing before we looked at the email, 4 the point about resources? 5 A. Yes. 6 Q. That does come across very clearly from the email, 7 doesn't it? 8 A. Yes, it does, sir. 9 Q. Would you agree with me, in making his point about 10 resources, Mr Kirk is not asking for more assistance 11 from SC&O1 of the type that you had been providing for 12 a week or so, help with the post mortem and an officer 13 to do this or an officer to do that. He is asking -- he 14 is making the point that they don't have a PIP3 trained 15 person to lead this investigation and for that reason, 16 for that resources-based reason, he wants your 17 organisation to take over the whole investigation. He 18 doesn't just want a bit more help, he wants you to take 19 it over. Is that fair? 20 A. It is fair. He definitely outlined an SIO as 21 an important aspect, an important resource that he would 22 like and that application was made to Mr Sweeney. 23 Q. Then turning to Mr Sweeney's email, the answer that 24 Mr Sweeney gives is not a no, is it? He doesn't say, 25 "It is not a homicide, we are not dealing with this", it</p> <p style="text-align: center;">Page 110</p>	<p>1 A. -- but he would support it and a number of statements 2 are made around review and resourcing that followed, 3 yes. 4 Q. For example, he says, once certain matters have taken 5 place, he would clear the ground, "I will then be able 6 to make a proper assessment". 7 When you saw the email on the Monday morning, did 8 you understand that you were going to be part of that 9 process of clearing the ground and helping Mr Sweeney 10 make a proper assessment? 11 A. No, I think -- clearing the ground, you know, this is 12 Friday morning, Stephen Port is in custody. We weren't 13 on next until Monday, so clearly he identifies officers 14 within the email that I would anticipate would help 15 clear the ground. Whatever you read into that, what 16 does clearing the ground mean? It is not within my gift 17 to tell you what that means, but I think he does set out 18 some lines of enquiry and he does identify the 19 resources. 20 So if you are talking about responsibility, it is 21 clear others were given the responsibility on the Friday 22 to continue to support the investigation. 23 Q. It is right, isn't it, that from your knowledge, and we 24 have all seen some documents and we can ask other 25 witnesses, but at least as far as you are concerned,</p> <p style="text-align: center;">Page 112</p>

<p>1 after that day, the Friday, there was no more contact 2 between the borough and SC&O1 or Mr Sweeney, was there? 3 A. That is how I understand it now, sir. 4 Q. I am going to come on to one last topic in a moment but 5 before I do, just to finish off my questions about your 6 exchanges with the borough, and in particular let's say 7 DCI Kirk and the decisions that were taken in that day 8 or so. You have made it very clear and I am sure the 9 jury have been helped by your explanation of the various 10 decision that were taken not to take over the operation 11 from the borough. In your decision not to take over the 12 investigation, do you think that you told the borough 13 officers, or do you think they may have understood from 14 what you said, that they didn't need to investigate this 15 case anymore as a possible homicide? 16 A. No, I mean quite simply, no. Clearly the investigation 17 was ongoing and was in full flow on Friday, and I was no 18 longer part of the investigation but, certainly, any 19 involvement I had was absolutely categorically no, that 20 wasn't the impression that we created. It certainly was 21 not in the instruction that we gave. This was 22 an unexplained death. In my mind -- I appreciate what 23 time has now shown, and I have said it previously, 24 an unexplained death needs explaining, that needs 25 investigation.</p> <p style="text-align: center;">Page 113</p>	<p>1 although I did give further resources through the 2 Thursday into the afternoon, it certainly wasn't within 3 my gift to give them across Friday, Saturday, Sunday 4 because my team were off. So that is why I spoke to 5 Mr Sweeney. 6 But certainly nobody ever created the impression 7 around this is not a homicide, don't investigate it as 8 such. That just is just not correct. 9 MR O'CONNOR: Thank you. 10 Madam, it is 1.00. I have just one more set of 11 questions, it will take me more than 5 minutes but 12 I hope not more than say 10 or 15. I am bearing in mind 13 the jury had a slightly late break. Perhaps may we 14 carry on just and I will try ... 15 THE CORONER: Just carry on for (Inaudible) at this stage, 16 thank you. 17 MR O'CONNOR: Mr Jones, I have asked you, and you have 18 agreed, that at least as far as your knowledge is 19 concerned, after that Thursday, Friday at the end of 20 that week the case never came back to you or, as far as 21 you know, to anyone else in homicide command for review 22 by the borough. Is that right? 23 A. So after -- 24 Q. Sorry, by your organisation? 25 A. So after the Thursday -- so after the Thursday, not the</p> <p style="text-align: center;">Page 115</p>
<p>1 Q. One has in mind the fact that you are the homicide 2 specialist team, we have in mind the fact that you 3 appear to have said words to the effect, "This is still 4 not a homicide". Do you think that the borough officers 5 might have taken from that, well, if the MIT are telling 6 us it is not a homicide, we don't need to investigate 7 that matter? 8 A. I am not sure we ever said it is not a homicide, I think 9 it's that play on words around whether we took primacy 10 for an investigation. I am not sure I have ever 11 explicitly said, "This is not a homicide". Why would we 12 do that? The death of Anthony needed explaining and it 13 required an investigation. That is not something that 14 we would have said. 15 Q. You have said more than once that as far as you were 16 concerned it was being investigated by the borough, the 17 only question was what support you gave them or whether 18 you were actually going to take it over? 19 A. Look, when I left, I suppose on the Thursday evening, on 20 the 26th, it was clear that I had escalated it to 21 Mr Sweeney for a primacy piece, but certainly, also, and 22 I take your point around Mr Kirk's request for an SIO, 23 but actually I think it was more than that, they did 24 want further resources around detective constables into 25 that sort of weekend piece. It was not within my gift,</p> <p style="text-align: center;">Page 114</p>	<p>1 Thursday/Friday, after the Thursday, there was never any 2 request to me, and as far as I am aware, MIT 20, to 3 review the investigation going on. 4 Q. Yes, right, thank you. I don't think that was my best 5 question. 6 What I want to do though, in the last few minutes, 7 is to ask you some questions which are hypothetical. 8 I want to take you to some documents and ask you 9 whether, had you been asked about them, had the borough 10 come back to you and said, "Look, what about this 11 information? What about this evidence?" What you would 12 have said. 13 I appreciate it is hypothetical, but it is going to 14 assist the jury in trying to understand -- 15 A. Of course. 16 Q. -- all the difficult questions they are going to have to 17 address in this case, and they will understand that this 18 is a different sort of question I am asking you. I am 19 not asking you what happened. I am asking you what 20 might have happened, but this is evidence that I am sure 21 will assist the jury and they will be grateful if you 22 can assist. 23 There are three sort of areas I want to ask you 24 about in this connection. 25 First is the information about the drug which was</p> <p style="text-align: center;">Page 116</p>

<p>1 later discovered to have been involved, GHB. 2 Secondly, about another report of a previous 3 incident involving Stephen Port. 4 Finally, about the downloads from his computer. 5 A. Okay. 6 Q. Right, so as far as the drug is concerned, can we go, 7 please, in the jury bundle, to tab 41. For the screen, 8 it is IPC326. 9 This, inspector, it says witness statement, which it 10 is, but it is a report, it is the form in which the 11 report from the toxicologist in this case came through, 12 her name is Denise Stanworth, and the jury will hear 13 evidence from her. We can see it is dated 14 10 September 2014, so several months after your last 15 involvement in this case. 16 A. Okay. 17 Q. We are not going to go through the report in detail, as 18 I say we will hear from Ms Stanworth in due course, but 19 if we could just look briefly, please, first of all at 20 page 4 of the document. At the top of that page, I am 21 sure you have seen documents like this before, Mr Jones, 22 we see the results of the analysis of Anthony's blood 23 and we see on the second line down that there is 24 a positive reading for GHB of greater than 25 200 milligrams per litre. The jury will hear lots about</p> <p style="text-align: center;">Page 117</p>	<p>1 building piece that the scientist relates it to. My 2 knowledge of it in date rape, et cetera, I think would 3 have been limited at best. 4 Q. If the borough had sent this through to you and your 5 team, and said, "Look, we have got the toxicology 6 results back, here is Ms Stanworth's report, it says he 7 was poisoned with GHB", what do you think you would have 8 done? 9 A. So I think when you have little or no knowledge on 10 a subject, the best thing is to go and find somebody 11 with knowledge on it. I think I probably would have 12 reached out to get some sort of understanding on what 13 the impact of GHB and perhaps even -- even, it is all 14 about interpreting the results in a proper way. The 15 levels within Anthony's body -- I mean I couldn't even 16 give you a comment on whether -- I note they are shown 17 as "greater than", I don't know whether that is high and 18 is that, you know, an amount that would raise real 19 concern. I think that is the point you would need 20 an expert opinion on, to try and inform you. 21 Q. Is it fair to say, in light of the answer you have 22 given, Mr Jones, that if you had been sent this through 23 and the borough had said what do you think of all this, 24 you would have said we need to find out more about this? 25 A. Yes, I think that is a fair point, yes.</p> <p style="text-align: center;">Page 119</p>
<p>1 the significance of that, but in essence the conclusions 2 reached by the toxicologist and the pathologist when he 3 was aware of this was that Anthony had been killed, 4 essentially poisoned, by that amount of GHB. All right. 5 Then, if we can look at the next page, page 5, we 6 see underneath where the heading "Gamma hydroxybutyrate 7 (GHB)" is given, just a paragraph from Stanworth, she 8 says: 9 "GHB is an anaesthetic drug, with primarily sedative 10 properties, originally developed as a pre-medication 11 prior to surgery. It gained popularity in the 1980s 12 among bodybuilders for its ability to stimulate muscle 13 development. More recently it gained popularity as a 14 recreational drug, particularly on the dance and club 15 scene, and has also been implicated in date rape 16 incidents. GBL is a related substance that is rapidly 17 converted to GHB in the body. I am therefore unable to 18 say whether GHB or GBL was the substance originally 19 taken by Mr Walgate." 20 This is the document that was sent through by 21 Ms Stanworth to the borough police in September 2014. 22 Were you aware of GHB at the time? 23 A. I had heard of GHB in 2014. I probably -- having read 24 this document in recent days, I probably at or around 25 that time would have associated it more with the body</p> <p style="text-align: center;">Page 118</p>	<p>1 Q. Would you have noted the fact that the toxicologist says 2 this is amongst other things used as a date rape drug? 3 A. It is relevant, isn't it? It is relevant. Then I think 4 you look at -- you are looking for that expert advice 5 around interpreting the actual levels and quantities 6 within Anthony, if possible. 7 Q. What about if the borough had also said to you that in 8 the meantime they had obtained evidence from Anthony's 9 friends and family, that they were confident that 10 Anthony wouldn't have taken GHB willingly when he went 11 to meet Stephen Port? 12 A. Yes, that is relevant. To a point. 13 I think, you know, the accuracy of that has to be -- 14 caution around the accuracy of that but, you know, you 15 would take people on face value, unless there was 16 information to suggest otherwise, but it is of relevance 17 and, yes, it would have been a factor. 18 Q. Would that also have led to further enquiries? 19 A. In terms of what, sorry. 20 Q. I don't know, would you have made further enquiries 21 about what the family say about Anthony wanting or not 22 wanting to take that drug? 23 A. I think the point to not -- to try and address the 24 hypothetical question of the lab report, I think that 25 would have raised further opportunities to ask questions</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 and probably just take a moment in time to understand,</p> <p>2 because obviously I haven't had any involvement in this</p> <p>3 case between 26 June and when this lab report would have</p> <p>4 come in, so I would have needed to understand, you know,</p> <p>5 how the investigation had progressed.</p> <p>6 The point you make is, potentially further enquiries</p> <p>7 would be made but it would be a case of understanding</p> <p>8 what point the investigation had got to, and really if</p> <p>9 there were other important factors along the way that</p> <p>10 I needed to appreciate.</p> <p>11 Q. Second thing, I said there was a second issue about</p> <p>12 a previous report relating to Stephen Port. Can I ask</p> <p>13 you to turn, members of the jury, to tab 38 in your</p> <p>14 bundle, please. For the screen, it is IPC82.</p> <p>15 Again the jury, we have heard some evidence,</p> <p>16 Mr Jones, about the PNC report of Mr Port having had the</p> <p>17 allegation about rape back in 2012, yes?</p> <p>18 You don't know whether it is PNC, but you are aware</p> <p>19 of the allegation?</p> <p>20 A. Thank you, sorry.</p> <p>21 Q. This is a separate report, which the jury will hear more</p> <p>22 about but because you are here now I am asking you about</p> <p>23 it now.</p> <p>24 A. Fine.</p> <p>25 Q. As far as we know, this matter was never something the</p> <p style="text-align: center;">Page 121</p>	<p>1 he brought X3 back to the station in order to get him</p> <p>2 home safely and he was going through his bag in order to</p> <p>3 find his phone.</p> <p>4 If the borough officers had sent you this report at</p> <p>5 any stage of the investigation would that have raised</p> <p>6 queries in your mind?</p> <p>7 A. I think it is very impactful.</p> <p>8 Q. Why?</p> <p>9 A. I think there are elements to it that are strikingly</p> <p>10 similar to what, by the 26th, what I knew in relation to</p> <p>11 Stephen Port's interactions with Anthony. The meeting</p> <p>12 on the internet, the use of drugs, the suggestion -- and</p> <p>13 it is only a suggestion -- of an involuntary</p> <p>14 administration, and it is a very, I think, vague</p> <p>15 suggestion that doesn't the second male suggest that he</p> <p>16 hasn't taken anything, is that fair?</p> <p>17 The missing mobile phone from Anthony, and then</p> <p>18 looking for a phone. So I think there are a number of</p> <p>19 factors in there that raise serious concern.</p> <p>20 Q. If you had been aware of this report, let's say on the</p> <p>21 26th, that that meeting with DI McCarthy, might that</p> <p>22 have made a difference as to whether you took over</p> <p>23 primacy on that day?</p> <p>24 A. Yes.</p> <p>25 Q. It would have made a difference? You think you would</p> <p style="text-align: center;">Page 123</p>
<p>1 borough officers were aware of but I want to ask you</p> <p>2 what reaction you would have had they become aware of it</p> <p>3 and had they asked you about it, all right?</p> <p>4 What it is is an intelligence report prepared by the</p> <p>5 British Transport Police, as we can see. If we look</p> <p>6 towards the bottom of the page, we can see that it</p> <p>7 relates to an incident at Barking railway station on</p> <p>8 4 June 2014. So that is about two weeks or so before</p> <p>9 Anthony's body was found. It is an incident between, we</p> <p>10 see male 1, that is Stephen Port, at the bottom, if we</p> <p>11 go over the page we see male 2, his name has been</p> <p>12 redacted, but he is referred to as X3, do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Then we see -- it is very brief, but we see a report</p> <p>15 that members of staff had reported that Port was going</p> <p>16 through another male's bag and had assaulted him. X3</p> <p>17 was extremely ill, being sick. Port stated they were</p> <p>18 acquaintances who had met on the internet, been for</p> <p>19 a drive and then he seems to have said that he had found</p> <p>20 male 2 under the influence outside his house and then he</p> <p>21 seems to have said that Port later stated he had taken</p> <p>22 meph, "Port stated that X3 has possibly taken meph or</p> <p>23 G".</p> <p>24 In other words GHB.</p> <p>25 Then there seems to be an issue of Port saying that</p> <p style="text-align: center;">Page 122</p>	<p>1 have taken over primacy?</p> <p>2 A. Yes, I think so, sir. I believe so.</p> <p>3 Q. Would you have gone to see this person, X3, and taken</p> <p>4 a statement from them?</p> <p>5 A. I think I would have -- it would have followed</p> <p>6 a particular path. I think in its infancy, ie as it is</p> <p>7 new and developing, I would have probably looked to</p> <p>8 speak to the officers involved, but I think ultimately,</p> <p>9 at the right time in the enquiry I would have spoken to</p> <p>10 the second male on this report, yes.</p> <p>11 Q. Just so there is no mystery about it, that is simply</p> <p>12 because of the extra suspicion attaching to Stephen Port</p> <p>13 as a result of this piece of intelligence?</p> <p>14 A. Yes.</p> <p>15 Q. Finally, I want to ask you about evidence relating to</p> <p>16 Stephen Port's computer, we are still in the</p> <p>17 hypothetical. Going back in the timeline, we know that</p> <p>18 Stephen Port was arrested on the 26th, and at the same</p> <p>19 time searches were made of his flat, 62 Cooke Street?</p> <p>20 A. Yes.</p> <p>21 Q. And we know that at the time of those searches, his</p> <p>22 computer was seized, yes?</p> <p>23 I want very quickly -- there are two documents to</p> <p>24 look at, the first one is the HAT advice from Friday,</p> <p>25 27 June, so it is at tab 36 in the bundle.</p> <p style="text-align: center;">Page 124</p>

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<p>1 I haven't taken to you this before, Mr Jones, 2 because you said you were not working that day and we 3 will hear it was actually officers from a different team 4 who were working that day, but just so we can see in the 5 chronology, for the screen it is IPC45, if we go to the 6 second page, and the tasks that are set, about five or 7 six lines down in that second box, under heading "Record 8 advice", do we see: 9 "Ensure suspect's phone and laptop computer are 10 submitted for download." 11 Do you see that? 12 A. Yes. 13 Q. That is a reference, is it not, amongst other things to 14 Stephen Port's computer which had been seized the day 15 before, submitted for download? 16 It is not a piece of advice that your team gave, but 17 as it happens is it a piece of advice you think is 18 appropriate? 19 A. Yes, I think it would follow -- it would follow, the 20 advice, the previous advice was to execute the search 21 warrant, then consider where you were around a forensic 22 strategy. I mean it would follow, naturally follow 23 then, it is a review of the exhibits, what do you do 24 with the exhibits? Look, you have a laptop and a phone 25 there could be material on it. Submit them for download</p> <p style="text-align: center;">Page 125</p>	<p>1 activity that happens in the weeks, days prior to 2 Anthony's death could have greater value. Have 3 I explained that? 4 Q. Yes, you have, and it makes sense. 5 The jury will hear that, in fact, Stephen Port's 6 computer was not submitted for download for 10 months 7 after it was seized. 8 And when it was, one of the borough officers, 9 DC Parish, looked at what had been downloaded, he 10 reviewed its content and prepared a very short report 11 which didn't go into any detail about Stephen Port's 12 activity around the time of his meeting with Anthony and 13 Anthony's death. 14 The jury will hear from DC Parish about that. 15 Since then, as we heard from Inspector Richards, the 16 computer has been fully downloaded and looked at and is 17 available for us to see. Following the approach that 18 you just outlined of focusing on the contents of his 19 computer in relation to that short time period around 20 the time Stephen Port made contact with Anthony, met 21 him, we have prepared, just to focus our attention, 22 a document which summarises the content of his computer 23 in that time period. 24 Members of the jury, it is actually in the second of 25 the B volumes, it is the very last document in B/2, it</p> <p style="text-align: center;">Page 127</p>
<p>1 at the Met Police. 2 Q. The process would be, you send them off to the 3 specialists who literally retrieve the contents and then 4 the investigators, the detectives, look at what is there 5 and decide if it is important or not? 6 A. Yes, it's because computers contain so much information, 7 you would normally try to give the digital laboratory 8 an understanding of what you are dealing with, so that 9 you could perhaps just target or make the search 10 parameters that much clearer, but, you know, that would 11 be -- yes, I mean fairly -- 12 Q. In this case, where one is interested in Stephen Port's 13 possible involvement in Anthony Walgate's death, the 14 parameters are perhaps very obvious? 15 A. Yes. 16 Q. What are they? 17 A. Drugs, I think by this point, drugs. 18 Q. But in terms of timing, one would be looking, would one 19 not, not at everything -- 20 A. The closer the proximity of an activity or -- it is 21 perhaps more impactful to the event itself. 22 Q. Right. 23 A. So whilst activities that Stephen Port did on his 24 computer months ago, whilst they are still of relevance, 25 I would suggest the value that then can be attached to</p> <p style="text-align: center;">Page 126</p>	<p>1 is tab 58. For the screen, it is INQ45. 2 A. Sorry, sir, tab what, sorry? 3 I can use the screen. 4 Q. If we can go to the second page, please, before you do, 5 I'm sorry, if we look on the first page, we can see the 6 dates -- Thursday, 12 June, then Friday, 13 June, which 7 as we will hear is the day on which Stephen Port first 8 initiated contact with Anthony. 9 If we can go over to the second page, please, 10 Mr Jones, you see the last entry there, so 11.00 at 11 night, 23.19, we see the message that Stephen Port sent 12 to Anthony, and in fact several others: 13 "Hi, are you free to come to Barking Tuesday night 14 for an overnight? Please send some pics." 15 Do you see that? 16 A. Yes. 17 Q. Would this have been one of those times when you want to 18 focus and see what else Stephen Port had been up to on 19 his computer at that time? 20 A. Yes. 21 Q. If we go back then the first page, we see what he had 22 been doing on his computer earlier that day. We see 23 there is a time period 12.33, so lunchtime, through to 24 10.00 at night, a summary of what Stephen Port had been 25 doing before he sent that message.</p> <p style="text-align: center;">Page 128</p>

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<p>1 We see that he had been looking at porn videos 2 relating to sleeping pills, sleeping and drugs, date 3 rape drug porn viewing continues all the way until 4 23.19, which is when he sent the message. 5 We see his Google searches during that time, "Boys 6 being fucked on G", "Boys being fucked on drugs porn 7 videos", "Boys being fucked on G", "Boys drug fucked on 8 drug porn videos", "Gay boys drug fucked porn videos", 9 "Gay boys drug fucked sleeping gay porn". 10 The significance of those is perhaps obvious? 11 A. Yes. 12 Q. Moving on, we see the next day the Saturday, if we can 13 go over to page 3, please, we see late that night, 14 between 10.30 or so and midnight, Port viewed more 15 similar material on the internet. 16 More Google searches, "Unconscious boys raped 17 videos", "Gay unconscious boys raped videos", "Gay 18 unconscious boys date drug raped videos", "Gay 19 unconscious", "Unconscious teen boys drug rape videos" 20 and so on? 21 A. Yes. 22 Q. The next day, the Sunday, as we will hear, the day that 23 Anthony gets back or replies to Stephen Port's email, 24 and the recovery of the material is such we don't have 25 the full conversations between them on the message they</p> <p style="text-align: center;">Page 129</p>	<p>1 A. Yes. 2 MR O'CONNOR: Thank you, Mr Jones, those are all the 3 questions I have for you. 4 Madam, I am afraid I trespassed slightly over the 5 time limit, but those are all the questions I have more 6 Mr Jones. 7 THE CORONER: Thank you. 8 Members of the jury, we will take a break now until, 9 I will say 2.10. 10 (1.23 pm) 11 (The Luncheon Adjournment) 12 (2.10 pm) 13 (In the presence of the jury) 14 THE CORONER: Yes, Ms Hill. 15 Questions from MS HILL 16 MS HILL: DCI Jones, as I think you know, I ask questions on 17 behalf of the families of all of those young men who 18 were murdered, save from the partner of 19 Daniel Whitworth, who has his own separate 20 representation. 21 DCI Jones, counsel for the coroner has taken you 22 through the chronology very, very carefully so I only 23 have a few questions for you. 24 You were asked quite a few questions about the 25 scene, and your initial attendance at the scene and what</p> <p style="text-align: center;">Page 131</p>
<p>1 were using, but we see that Anthony sends a message to 2 Stephen Port at 11.00 at night or at least that is when 3 Stephen Port received it, "Hey, if you Google 'ryan018 4 Xtube' my profile will come up". 5 We see that almost straight away, at the bottom of 6 that page, that's what Stephen Port did having received 7 that email, he looked at Anthony's profile called 8 ryan018. 9 Then if we go over the page, as soon as he had 10 received that message and looked at Anthony's website or 11 entry, again, he goes back to searching porn with Google 12 or with tags like "Date rape drug", "Date rape porn 13 videos" and a search at 12.17, "Boys being drug raped, 14 unconscious porn videos". Then, finally, lower down the 15 page, early in the morning on Tuesday, 17 June, we will 16 hear that it was later in that day that Anthony went to 17 Barking and met Stephen Port, more searches of a similar 18 character and we can see for ourselves the references to 19 "Gay frat party", "drug raped boy" ... and so on. 20 In light of what you said, Mr Jones, it is clear 21 that this would have been extremely important evidence 22 for any investigation into Anthony's death? 23 A. Yes. 24 Q. If you had become aware of this material, would you have 25 taken over the investigation?</p> <p style="text-align: center;">Page 130</p>	<p>1 you did or didn't regard as relevant. Just to be clear, 2 the position of the families is there was plenty of 3 evidence at the scene of Anthony's death that rendered 4 it highly suspicious, not least the position in which he 5 was found, which was not consistent with someone having 6 had a seizure, and the evidence that should have been 7 available about the likely time of his death. 8 I don't propose to ask you detailed questions about 9 that, because you have already gone through that in some 10 detail but I just wanted to make clear that it is the 11 family's position that primacy for this investigation 12 should have been accepted in accordance with the views 13 that the jury may here of the coroner's expert. 14 You accepted in evidence that the pieces of 15 information that the learned counsel put to you towards 16 the end of your questioning that was significant were 17 the British Transport Police intelligence about Mr Port 18 and the information about the computer. If I understood 19 your evidence correctly, you accepted that both of those 20 bits of information, had you known them at the time, 21 would have led you to think that primacy should have 22 been accepted. Is that right? 23 A. Yes, that's correct. 24 Q. On behalf of the families, what I suggest to you is that 25 the information that was received on 26 June, perhaps we</p> <p style="text-align: center;">Page 132</p>

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<p>1 can ask you to look again, please at the jury bundle at 2 tab 30, it is IPC000753, if we could bring that up. 3 This was an email to the homicide command making 4 clear, wasn't it, that the borough's position was that 5 on the balance of probabilities Anthony had been 6 murdered, implicitly by Port, is that right? 7 A. That was an email to Mr Sweeney, yes. 8 Q. Within that email, very succinctly, a series of reasons 9 were given for those concerns around, for example, 10 Anthony's own background, what his friends and family 11 were saying, the suspicion around the arrangements in 12 relation to money and things of that nature. There was 13 plenty available to the borough at that point that was 14 leading them to believe that this was a homicide case, 15 isn't that right? 16 A. Yes, I think that is a fair point. 17 Q. I suggest to you on behalf of the families that there 18 was enough information that was available on 26 June and 19 that primacy should have been accepted at that point; do 20 you understand what I am suggesting? 21 A. I understand what you are suggesting, yes. 22 Q. Is there anything else that you would like to say about 23 that? 24 A. Only to the point of I think my decision around primacy 25 on the 26th has been discussed. It was within the</p> <p style="text-align: center;">Page 133</p>	<p>1 and at the foot of that page, the account of Anthony 2 being warm and gurgling, it goes over the page it had 3 been contradicted in the view here by the paramedic, but 4 he, over the page, please, at 14, Port himself had 5 referred in the second interview, hadn't he, to two of 6 the previous incidents. You are aware of that? 7 A. No, I haven't seen the interviews and, as I said, I was 8 not part of the investigation at that point. 9 Q. We can take that down, but would you take from me that 10 in the interview on the 27th, so that is the day after 11 the 26th, there were significant inconsistencies that 12 further cast doubt over Port's account, or can you not 13 comment on that? 14 A. No, I cannot comment on it. It is not that I doubt you, 15 but I can't comment on it because I haven't had the 16 opportunity to see/read the material and again it was 17 past the point I was involved in the investigation. 18 Q. If we work on the basis, on the hypothetical basis then, 19 that primacy -- let's just say was accepted by your 20 team, on or around 26 June, around that time, it is 21 right, isn't it, that that would have been 22 a fundamentally different sort of investigation than the 23 borough were able to do on their own? 24 A. Hypothetically, if we are talking about how a MIT team 25 investigates an allegation of crime, then there would be</p> <p style="text-align: center;">Page 135</p>
<p>1 meeting with DI Haines and DI McCarthy. The subsequent 2 decision on primacy, in essence the escalation to the 3 on-call superintendent, again, I think is clear in the 4 response that followed on the morning of Friday, the 5 27th. 6 I think for absolute clarity it is important to 7 understand that my involvement in this case, in essence, 8 effectively ended probably late afternoon on the 26th. 9 I wasn't on duty at 9.00 or 10.00 in the evening, but 10 I do accept checking my BlackBerry for emails, hence 11 I did forward one on. But that is my position. 12 Q. I understand, I think, as you know, you are here for all 13 sorts of reasons to try and give an overview of the 14 decision making, even if it was not directly by you, so 15 that is why I ask you those questions. 16 A. No, that is fine. 17 Q. Can I ask to have brought up, please, INQ00060013, and 18 scroll please to paragraph 53. This is just a summary 19 that has been prepared of the inconsistencies that arose 20 on 27 June in Mr Port's second interview. There were 21 a series of factors that arose that were inconsistent 22 with accounts he had previously given. 23 For example, there were inconsistencies around his 24 time of work, around Anthony's movements in the 25 property, conflicting accounts about their phone contact</p> <p style="text-align: center;">Page 134</p>	<p>1 similarities but, yes, fundamentally, there probably is 2 a different approach. 3 Q. Broadly, we are going to hear from other witnesses, that 4 the MIT team have a large amount of resources available 5 to them that the borough don't have. Isn't that fair? 6 A. I have to say that I can't fully accept that. Look, so 7 I can't comment on the resources of the borough, that 8 would be wrong, I just don't have an understanding. 9 What I can comment on is -- and I don't -- can I just 10 firstly say, I don't think resourcing within MIT 20 11 impacted my response to Anthony Walgate. What I am 12 saying, and I think it is important to point out, is my 13 resources, and we have described them as 2 DIs, 4 DSS, 14 20 DCs, but in truth that number of DCs would have been 15 likely around 17. Four of them would have been 16 allocated to internal positions managing the HOLMES, so 17 that only leaves a dozen, 13, when you take out leave, 18 et cetera, I am managing 16 homicide with probably 19 something in the region of 10 DCs. So it is about 20 prioritisation, it is about managing demand. 21 So I think the notion that the homicide command is 22 awash with resources is probably inaccurate but, yes. 23 Q. Your team is the specialist homicide investigation team 24 within the Metropolitan Police? 25 A. Yes, one of the teams, absolutely.</p> <p style="text-align: center;">Page 136</p>

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<p>1 Q. I meant the command generally, that is where the 2 specialism sits in investigating homicide, isn't it?</p> <p>3 A. Yes.</p> <p>4 Q. If one is looking for example at the ability to obtain 5 evidence from devices, to obtain rapid and detailed 6 communications data, to get quicker responses on 7 forensics and things like that, the difference between 8 a borough-led investigation and a homicide command 9 investigation is real, isn't it?</p> <p>10 A. I think in certain areas, yes. But if we focus on 11 communications data, we are reliant on the 12 communications provider to pass that information, so 13 that cannot be accelerated, irrespective of who is 14 applying for it. When you look at the digital 15 submission, for example the work that was required on 16 the laptop, that -- again, I -- it appears a fairly 17 basic fundamental application for work to be done. That 18 is not in my mind anything -- there is nothing 19 specialist required to deal with that, that is bread and 20 butter policing.</p> <p>21 Q. I understand. Forgive me, there are certainly certain 22 lines of enquiry that we know the borough can carry out. 23 We know, for example, that the borough did seize the 24 computer and look at it and we will hear later on that 25 the borough did do some phone work in relation to some</p> <p style="text-align: center;">Page 137</p>	<p>1 homicide command, yes.</p> <p>2 Q. If the homicide command had commenced an investigation 3 of that kind at some point in late June 2014, it is more 4 likely than not, isn't it, that Port would have been 5 arrested, charged and remanded in custody before the end 6 of August 2014?</p> <p>7 A. Look, I can't answer that, and the reason I cannot 8 answer it is I have not been privy to the evidence that 9 was used to -- I just cannot answer that, sorry.</p> <p>10 Q. From your own experience, can you just help us with 11 this, that if somebody is charged with murder, just so 12 the jury can understand this, if someone is charged with 13 murder, they are quite likely to be remanded in custody, 14 not always but quite likely, is that right?</p> <p>15 A. Yes.</p> <p>16 Q. It is quite likely, again not always, that if they are 17 remanded in custody, what that means is that they stay 18 in custody until their trial?</p> <p>19 A. I think that is a fair point, yes.</p> <p>20 Q. Can you also help with this, from your experience, that 21 in the case of somebody like Mr Port, you may or may not 22 be able to help with this, but if somebody like Mr Port 23 was arrested and then released, that there is the 24 possibility that they might see the fact that they had 25 been arrested and brought in and then released as what</p> <p style="text-align: center;">Page 139</p>
<p>1 of the deceased. But, as a broad proposition, the 2 homicide command can do things in much more detail and 3 with much more specialism than the borough can, that 4 must be right?</p> <p>5 A. Look, we have individuals trained, so we have advanced 6 exhibits officers and we do have probably a better 7 access to crime scene managers who can perhaps support 8 the submission of forensic items to the laboratory.</p> <p>9 What we can't do, we cannot fundamentally speed up 10 a process. A submission of a digital item for download 11 is a submission of a digital item, and whether -- 12 forgive me, it is too long since I did it -- whether 13 there is something that can be expedited or meets 14 a threshold for expedition, I can't tell you now, but in 15 truth we are all submitting exhibits to the same 16 individuals, who will process those exhibits. Does the 17 homicide command get preferential treatment? I think 18 potentially in certain areas, but not always.</p> <p>19 Q. We will hear some further evidence about that, it is 20 just at a general event level you must accept, surely, 21 that the nature of a homicide investigation carried out 22 by the homicide command has different resources 23 available to it and different specialisms. I think that 24 is something you must --</p> <p>25 A. Of course, there are different specialisms within the</p> <p style="text-align: center;">Page 138</p>	<p>1 might be described as a near miss, that they might 2 modify their behaviour, even if they were not then 3 charged. Is that something that you have come across?</p> <p>4 A. I can't comment on that. It is not anything I have come 5 across, so couldn't comment.</p> <p>6 MS HILL: Thank you very much.</p> <p>7 Questions from DR VAN DELLEN</p> <p>8 DR VAN DELLEN: Detective chief inspector, I ask questions 9 on behalf of Ricky Waumsley, the partner of 10 Daniel Whitworth. My learned friend Mr O'Connor was 11 asking you some questions about your team, MIT 20, and 12 your evidence was that there were 18 teams in total 13 within homicide command, and in your team, MIT 20, there 14 should have been yourself, two detective inspectors, 15 four detective sergeants, one of whom in fairness to you 16 is an office manager, 20 detective constables, although 17 in fairness to you, you said that was 17 to 18 because 18 of churn. You said that the role of MIT 20, your team, 19 was to investigate crimes allocated to us, do you 20 remember that evidence that you gave?</p> <p>21 A. Yes, I do.</p> <p>22 Q. You were also taken by my learned friend to a document 23 which was a meeting -- effectively a meeting between 24 you, one of your detective inspectors, DI Haines, and 25 Acting Detective Inspector McCarthy from Barking and</p> <p style="text-align: center;">Page 140</p>

<p>1 Dagenham borough where Acting Detective Inspector 2 McCarthy is coming to you and having a meeting with you 3 to request that your team, MIT 20 -- or homicide command 4 takes over the investigation. Do you remember being 5 asked questions about that from -- 6 A. I remember being asked those questions. 7 Q. It is a trite point, but Acting Detective Inspector 8 McCarthy, from the borough, is junior in rank to you, 9 who was a detective chief inspector. That's correct, 10 isn't it? 11 A. Yes. 12 Q. The decision about whether the investigation is taken 13 over or not is a decision, effectively, that homicide 14 command make, rather than the borough. You would agree 15 with that, wouldn't you? 16 A. Yes. I would. 17 Q. When you say that the role of MIT 20 is to investigate 18 crimes allocated to us, in fact you are the ones 19 deciding whether to investigate the crimes or not, 20 aren't you? 21 A. Yes, I -- look, I see your point. I think for absolute 22 clarity, the person who will authorise the command, 23 SC&OI, taking on an investigation will be the on-call 24 superintendent. And they will then be responsible for 25 allocating and the point I am trying to make is it is</p> <p style="text-align: center;">Page 141</p>	<p>1 remember in what -- exactly what part I said that, sir. 2 Q. I am going to ask for a document to be brought up on 3 screen. You will have seen it before, it is IPC753. 4 This is the email from Tony Kirk in the borough to your 5 superior, John Sweeney, copied to you, Chris Jones. In 6 it he says, "At KG ..." So the fourth paragraph down: 7 "At KG [in other words in Barking and Dagenham] we 8 have no trained SIOs ..." 9 SIOs are senior investigating officers; is that 10 right? 11 A. Yes. 12 Q. That is the officer that would be in charge of 13 an investigation? 14 A. Yes. 15 Q. The officer from Barking and Dagenham says: 16 "At KG we have no trained SIOs and even at DI and 17 DCI level [detective inspector and detective chief 18 inspector level] we only have PIP level 2 trained 19 officers." 20 Do you see that? 21 A. Yes, I do. 22 Q. Would you accept that Barking and Dagenham didn't have 23 experienced officers? 24 A. I -- so there is no reason to doubt what is written in 25 that email, and I don't doubt it, but I think there is</p> <p style="text-align: center;">Page 143</p>
<p>1 irrespective of what team has supported a particular 2 enquiry, through HAT support, it doesn't naturally 3 follow that they would be the team that then is 4 allocated that investigation to progress further. There 5 is a real capacity/demand piece at play, which the 6 on-call superintendent would be sighted upon across the 7 command. So, yes. 8 Q. You have anticipated my next question -- 9 A. Sorry. 10 Q. -- which is the on-call detective superintendent is the 11 on-call detective superintendent from homicide command, 12 isn't that right? 13 A. Yes. 14 Q. So it is not a borough decision, it is a homicide 15 command decision? 16 A. That initial decision on primacy, yes. 17 Q. You were also taken by my learned friend Mr O'Connor to 18 a document which was a summary of the HAT advice to the 19 borough, do you remember that document -- I can call it 20 up on the screen? 21 A. Yes. No, that is all right. 22 Q. As part of your answer you said the borough had 23 experienced officers. Do you remember that evidence 24 that you gave? 25 A. I don't have a problem in accepting that. I can't</p> <p style="text-align: center;">Page 142</p>	<p>1 a difference to be drawn between PIP3 and experienced 2 officers. So PIP2 are qualified, as I said, serious and 3 complex crime, so I -- just because somebody is not 4 PIP3, doesn't mean that they necessarily are 5 inexperienced. That is the only point I would make. 6 Q. I am going to ask for another document to be shown to 7 you. This is a document you will not have seen before. 8 It is INQ41. My apologies, it is a little bit small on 9 the screen. Just to orientate you, this is a diagram of 10 the Barking and Dagenham officers. At the top is Chief 11 Superintendent Andy Ewing, on the top left of the 12 screen, do you see that? 13 A. Yes, I do. 14 Q. Then underneath that is T/superintendent. What does the 15 "T" stand for? 16 A. Temporary. 17 Q. So the superintendent was temporary. 18 Below that we have on the left TDCI Tony Kirk, that 19 is Temporary Detective Chief Inspector Tony Kirk. 20 Then below that we have ADI. That is acting 21 detective inspector; is that right? 22 A. Yes, correct. 23 Q. We have on the left Acting Detective Inspector 24 Eugene McCarthy and Acting Detective Inspector 25 Rolf Schamberger which the jury will hear more about in</p> <p style="text-align: center;">Page 144</p>

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<p>1 due course, but would you agree that it is noticeable</p> <p>2 that at all three of those levels, superintendent, DCI</p> <p>3 and DI, they were either temporary or acting. That's</p> <p>4 correct, isn't it?</p> <p>5 A. Yes, I can see that, yes.</p> <p>6 Q. Do you agree that that would mean that even if they were</p> <p>7 PIP2 trained, these were not officers that were</p> <p>8 experienced in the borough of acting at the rank in</p> <p>9 which they were placed?</p> <p>10 A. I don't think that is a question I can answer, I am</p> <p>11 afraid.</p> <p>12 Q. Do you agree that there was a missed opportunity from</p> <p>13 homicide command to take over the investigation when</p> <p>14 Acting Detective Inspector Kirk met you?</p> <p>15 A. Acting Detective Inspector -- sorry, DCI Kirk, Acting</p> <p>16 DCI?</p> <p>17 Q. Acting Detective Inspector Kirk?</p> <p>18 A. No, Acting Detective --</p> <p>19 MR O'CONNOR: I was going to say I think there is</p> <p>20 a confusion, there is Acting Detective Inspector</p> <p>21 McCarthy, who did meet Mr Jones and Temporary Detective</p> <p>22 Chief Inspector Kirk, who spoke to him on the phone.</p> <p>23 DR VAN DELLEN: I am most grateful to my learned friend.</p> <p>24 I will withdraw the question and reask the question.</p> <p>25 You had a meeting with an acting detective inspector</p> <p style="text-align: center;">Page 145</p>	<p>1 Q. Are you saying that they didn't raise that with you or</p> <p>2 draw that to your attention before you met the Barking</p> <p>3 officers the next day?</p> <p>4 A. No. No. And I would anticipate that Syria sent that</p> <p>5 email to Mr Hughes, Mr Southon, because of their</p> <p>6 involvement on the 20th and the HAT return that was</p> <p>7 produced with both their names on it.</p> <p>8 The recollection I have of the 26th is I think it</p> <p>9 was Mr Haines stating to me that Barking and Dagenham,</p> <p>10 Mr McCarthy was coming to that meeting, so, no, I wasn't</p> <p>11 aware of the email or the contents that had gone to</p> <p>12 Mr Hughes or Mr Southon on the 25th.</p> <p>13 Q. All right, just picking up then that meeting on 26 June,</p> <p>14 it is clear, isn't it, from the record of advice that</p> <p>15 the Barking officers laid everything out in front of you</p> <p>16 in terms of the developments that had taken place since</p> <p>17 the special post mortem?</p> <p>18 A. I think what was known -- I think clearly we have</p> <p>19 discussed the post mortem and the results of the post</p> <p>20 mortem as I knew them, which were consistent also with,</p> <p>21 it would appear, the results of the post mortem as known</p> <p>22 to Mr McCarthy, which were not full, so I accept the</p> <p>23 information I knew was what I knew, but clearly it</p> <p>24 wasn't all the information available.</p> <p>25 Q. No, but that is not what I am asking you. I mean we can</p> <p style="text-align: center;">Page 147</p>
<p>1 from Barking and Dagenham borough. Do you agree that</p> <p>2 was a missed opportunity for the investigation to be</p> <p>3 taken over by homicide command?</p> <p>4 A. I made my decision based on the information known to me</p> <p>5 and I think that information -- that decision stands.</p> <p>6 DR VAN DELLEN: No further questions, thank you.</p> <p>7 Questions from MS DOBBIN</p> <p>8 MS DOBBIN: Mr Jones, I represent some of the Barking</p> <p>9 officers, including Acting Detective Inspector McCarthy,</p> <p>10 to whom reference has been made.</p> <p>11 I just wanted to go back, if I may, over some of the</p> <p>12 events which you were involved in.</p> <p>13 First of all, it is quite clear, isn't it, from the</p> <p>14 25 June email that we saw from Syria Hussain that Acting</p> <p>15 Detective Inspector McCarthy had indeed been in touch</p> <p>16 with MIT, raising the issue of primacy and making</p> <p>17 representations that a MIT team ought to take over the</p> <p>18 investigation into Anthony's death.</p> <p>19 A. I would agree, although I have only recently -- I say</p> <p>20 "recently", only in the last year, seen that email.</p> <p>21 Q. That is what I wanted to ask you about, because we can</p> <p>22 see that Syria Hussain sent on that email to members of</p> <p>23 your team -- I think it was Mr Hughes and Mr Southon,</p> <p>24 did you note that?</p> <p>25 A. Yes, I have noted that.</p> <p style="text-align: center;">Page 146</p>	<p>1 look at this and perhaps it is sensible to go to tab 27</p> <p>2 of the jury bundle. That is IPC46, please.</p> <p>3 This records, doesn't it, what was discussed at the</p> <p>4 meeting?</p> <p>5 A. Yes, it summarises it, yes.</p> <p>6 Q. We have already seen -- I don't want to go through this</p> <p>7 again -- but it demonstrates that you had been updated</p> <p>8 about the information about the link between Anthony and</p> <p>9 Port. You were updated about Port's background and some</p> <p>10 of the intelligence that was available about him,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. It goes beyond that, doesn't it, because what the</p> <p>14 borough were asking your advice about were the offences</p> <p>15 that they should arrest Stephen Port for, correct?</p> <p>16 A. I think -- well, I believe that the warrant, the</p> <p>17 offences and the warrant were already firmly in the mind</p> <p>18 of Mr McCarthy prior to the meeting and indeed the</p> <p>19 warrant had been obtained. So, yes, I agree DI McCarthy</p> <p>20 brought that to the meeting, "This is my thought</p> <p>21 process, these are my views" and they were discussed,</p> <p>22 the merits of that, and clearly we agreed that that was</p> <p>23 an appropriate way forward, yes.</p> <p>24 Q. We pick that up, don't we, at page 2. We can see,</p> <p>25 I think it's the fourth paragraph down:</p> <p style="text-align: center;">Page 148</p>

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<p>1 "A section 8 warrant has been obtained by borough 2 for Stephen Port's address, looking for the victim's 3 mobile phone under the Theft Act and for any evidence in 4 relation to perverting the course of justice." 5 Yes? 6 A. Yes. 7 Q. If we look a couple of paragraphs below that: 8 "Execution of the warrant to search the premises for 9 the victim's mobile phone for any evidence related to 10 Port for perverting the course of justice is the best 11 course of action. Port should be arrested and 12 interviewed on suspicion of these offences and 13 an account obtained from him." 14 A. Yes. 15 Q. I mean, you were being asked for your advice as to 16 whether or not that was an appropriate course of action 17 at this point in time? 18 A. Yes, that's correct. 19 Q. You agreed that that was the right course? 20 A. Yes. 21 Q. Again, it is clear, isn't it, from the CRIS record that 22 was put to you that there was discussion about primacy 23 at this meeting, and that you took a decision that this 24 should remain with the borough officers, correct? 25 A. I think, as I said earlier, undoubtedly DI McCarthy</p> <p style="text-align: center;">Page 149</p>	<p>1 purpose of the meeting was obviously to look for that 2 advice and at the same time make sure that the MIT team 3 had an understanding of where the investigation had got 4 to, so that that continued piece around primacy could be 5 considered. 6 Q. You, the specialists, were of the view that this didn't 7 lie within your responsibilities because there was no 8 evidence of a homicide? 9 A. Ultimately, that is -- that was the decision, yes. 10 Q. I am not quite sure what room there was for argument or 11 debate. They did everything they could, didn't they, to 12 give you the information that you needed to make that 13 decision? 14 A. I don't think it is a case of argument or debate. 15 I think it is about professional discussion. I will 16 have taken a view and if that view is not agreed with, 17 there is a protocol to be followed around challenging 18 that view. And I think it followed that protocol fairly 19 swiftly and succinctly and was escalated. I don't think 20 that there needs to be argument or debate. It would be 21 unhealthy and not helpful. 22 Q. Yes. That is exactly what happened, as you say, here. 23 DCI Kirk, your equivalent officer within the borough, 24 got in touch with you to set forward his views about why 25 you should take on this investigation. Yes?</p> <p style="text-align: center;">Page 151</p>
<p>1 brought the investigation back to the MIT team because 2 it had progressed and he clearly did have concerns 3 around where primacy should sit. What I was at pains to 4 perhaps say earlier, there wasn't a heated or debated 5 discussion around primacy. Undoubtedly myself with 6 and/or Mr Haines would have expressed a view around 7 primacy, which was, from my recollection, accepted, 8 there was no debate or any conjecture or any raising of 9 concerns at that point. Had there been, I would have 10 effectively done what I did an hour and a half later and 11 escalated that to the on-call superintendent. 12 Q. Can I just ask you a bit more about that then? 13 A. Certainly. 14 Q. You are the specialists, Mr Jones, yes? 15 A. Yes. 16 Q. These officers are coming to you with all of the 17 features about this investigation that was giving rise 18 to concern, yes? Do you agree? 19 A. I agree that they were bringing a summary of where the 20 investigation had got to, yes. 21 Q. They were asking you, we know this because it is 22 recorded, whether or not or what your views were, about 23 where or where responsibility should lie for this 24 investigation? 25 A. Yes, I think I have already said that I think that the</p> <p style="text-align: center;">Page 150</p>	<p>1 A. Yes. 2 Q. Okay. 3 One of the things that you said in your evidence, 4 but I just wanted to check that I understood what you 5 meant, was that you said that you never gave the 6 impression, "This is not a homicide, don't investigate 7 it". 8 A. I think -- 9 Q. What did you mean by that? 10 A. It is not a case of not remembering that. I think the 11 context around that was the question was around had we 12 created an impression that all the borough were dealing 13 with was perverting the course of justice, and to not 14 investigate any other potential offences. 15 My point on that was that the death of 16 Anthony Walgate continued to be unexplained and required 17 investigation to establish whether indeed it was 18 non-suspicious or if evidence could be found to suggest 19 that it was suspicious. That is all that that point was 20 trying to make. 21 It was certainly we were not and we did not create 22 the impression with the borough that all they were 23 dealing with was perverting the course of justice and 24 they should have remained open minded. 25 Q. What are you saying then, are you saying that you accept</p> <p style="text-align: center;">Page 152</p>

<p>1 that there were grounds for suspicion at that time and 2 that they were to continue to approach the case on that 3 basis? 4 A. No, I have said -- it was an unexplained death and if 5 you look at the policy, the 2013 policy, it specifically 6 says, "An unexplained death needs investigation to 7 determine whether it is non-suspicious or indeed it 8 could be suspicious". My point being is I didn't feel 9 that the evidence was there to transfer primacy at that 10 point in time and going back to the original point on 11 why you asked this question, it was my original answer, 12 my previous answer, was in relation to, had I created 13 the impression with the borough that all they were 14 investigating was perverting the course of justice, and 15 the answer is, categorically no. 16 Q. One of the things that we see from the later emails, and 17 I think we can pick this up at tab 32, please, of the 18 jury bundle. It is MPS544. This is the email that you 19 have seen that you were copied in to. It sets out 20 support that was going to be provided to the borough and 21 if we go down, it says, about five paragraphs down: 22 "I have appointed Detective Inspector Kelly to 23 attend Barking with DS Stuart Reeves and as many DCs 24 from the support team that are required ..." 25 Can you just help, what did you understand that</p> <p style="text-align: center;">Page 153</p>	<p>1 scene. 2 Are you able to help with any of the other actions 3 that officers were going to assist with? 4 A. Well -- 5 Q. From your knowledge or ... 6 A. I know that on the afternoon/early evening of the 26th 7 a number of officers were used for local enquiries. 8 Q. You mean the house-to-house enquiries? 9 A. Yes. That is probably the extent of my understanding. 10 Q. That is fine, I just wanted to check. 11 Then you were asked, I am just going to ask if we 12 can go to the jury bundle at tab 36, that is IPC45, 13 please, if we look at page 2 of that, please. You have 14 already seen this. You were asked, you might recall, 15 about the intelligence from 14 June, when Port was found 16 at the tube station with another man and the question 17 was asked if borough officers had brought that to your 18 attention, what difference might it have made. Do you 19 recollect? 20 A. Yes, I -- yes. 21 Q. If we look at the record of advice given here, it 22 says -- this is the fourth one down: 23 "Intel being conducted by MIT 7 officers." 24 Then: 25 "Borough enquiries to continue about the use of the</p> <p style="text-align: center;">Page 155</p>
<p>1 those officers would be doing to assist? 2 A. So by this time, I was no longer part of the 3 investigation. So -- and I don't recall what I thought 4 about that particular email. 5 Q. I mean, if you were copied into it, would you not have 6 some ideas as to what those officers might be being 7 provided for or helping with? 8 A. It is not my email, but I think it is quite clear what 9 the -- what is being sought to achieve in the email. 10 Q. Can you just help me with what you think these officers 11 might have been helping with or what they might have 12 been -- 13 A. So, it is about five paragraphs down and it starts, "In 14 the meantime I have appointed DI Andy Kelly ..." and 15 then under that there are a number of lines of enquiry. 16 Q. But I am trying to understand what it is anticipated 17 that these officers would actually be helping with or 18 doing? 19 A. I am sorry, I cannot answer that question. It is not my 20 email. 21 Q. In terms of the other actions that it is said that 22 assistance would be given with, I think you probably 23 know from the other evidence in this case that two 24 officers did assist with interviewing Mr Port, and 25 I think some officers may have helped with the crime</p> <p style="text-align: center;">Page 154</p>	<p>1 victim's phone." 2 Do you know anything about any intelligence checks 3 that were carried out by other MIT teams in this case? 4 A. So this would have been the day after I finished 5 involvement in the investigation, so I wouldn't have had 6 any insight or involvement into that HAT report. 7 Q. I just wanted to check whether or not you knew anything 8 about that. 9 A. Sorry. 10 MS DOBBIN: Thank you very much. 11 Questions from MR MORLEY 12 MR MORLEY: Good afternoon, Mr James, my name is Morley, 13 Stephen Morley, and I am the representative for 14 Mr Sweeney. I just have questions please on two 15 documents that we have already looked at. 16 Could I have the first one on screen, please, it is 17 IPC63, tab 20 in jury bundle A, if that helps anybody. 18 It is the homicide and unexplained death policy that we 19 looked at earlier on with Mr O'Connor. 20 Could we look at the last page, please, page 5. It 21 is just in relation to some references here to 22 particular types of officers. The first is ACPO 23 officers. You were asked briefly about this. ACPO, 24 that stands for the Association of Chief Police 25 Officers, doesn't it?</p> <p style="text-align: center;">Page 156</p>

<p>1 A. I think I said acting, didn't I?</p> <p>2 Q. You did. I think in the Met that means anyone above the</p> <p>3 rank of chief superintendent, so commander and above, is</p> <p>4 that right?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Thank you.</p> <p>7 We will see here the underlined section that deals</p> <p>8 first of all with some actions that ACPO officers can</p> <p>9 undertake, because of their rank they have the power to</p> <p>10 direct SC&O1 to take on any particular task. Is that</p> <p>11 what that says, in terms?</p> <p>12 A. Yes.</p> <p>13 Q. There is a reference slightly below that, under the</p> <p>14 primacy dispute section that we have been looking at as</p> <p>15 well. That is in relation to where there is a dispute.</p> <p>16 That sets out, doesn't it, in that first small paragraph</p> <p>17 there, what should happen when there is a dispute about</p> <p>18 primacy.</p> <p>19 A. Yes.</p> <p>20 Q. What that seems to say, we have looked at already, is in</p> <p>21 the first instance it will be dealt with by the on-call</p> <p>22 superintendent, there is no dispute here that the</p> <p>23 relevant on-call superintendent at that particular time</p> <p>24 was Mr Sweeney, yes?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 157</p>	<p>1 A. I see the point that you make. Yes.</p> <p>2 Q. He is effectively saying, "I am not going to make</p> <p>3 a decision yet, but what I am going to do is devote some</p> <p>4 resources to this", that Ms Dobbin has been looking at,</p> <p>5 and his words were, "So that we can clear the ground in</p> <p>6 front of us and perhaps make another assessment in due</p> <p>7 course". That is what he seems to be saying?</p> <p>8 A. I don't want to get drawn too much on interpretation of</p> <p>9 a sentence, but I do see your point, but it is not my</p> <p>10 email. I don't think I can go any further than that.</p> <p>11 Q. Understood.</p> <p>12 Then you will see a little bit further down towards</p> <p>13 the bottom of the page, he makes reference to having</p> <p>14 spoken to the BOCU superintendent, again Mr Ewing, we</p> <p>15 have mentioned already, so he has spoken to the</p> <p>16 superintendent on borough, he has typed up this email.</p> <p>17 The last thing I want you to look at, please, is who</p> <p>18 it has been sent to. Help me with that, you have dealt</p> <p>19 with it earlier on, but very briefly. It is sent to two</p> <p>20 named individuals in the first instance on 27 June 2014,</p> <p>21 and all I want to do, please, is just ask you to confirm</p> <p>22 who they were.</p> <p>23 So we have got Neil Basu, SCO12. Who is that</p> <p>24 officer?</p> <p>25 A. Not wishing to -- I am not sure what rank he held, but</p> <p style="text-align: center;">Page 159</p>
<p>1 Q. Who will meet with the BOCU superintendent, the borough</p> <p>2 superintendent, and. At the time that was Chief</p> <p>3 Superintendent Ewing, wasn't it?</p> <p>4 A. As I understand it, yes.</p> <p>5 Q. Yes, so it was for the superintendent and the chief</p> <p>6 superintendent in the first instance to discuss it, if</p> <p>7 I am reading this correctly, but then there is</p> <p>8 a reference to ACPO officers, who effectively make the</p> <p>9 final decision if there is any dispute?</p> <p>10 A. Yes.</p> <p>11 Q. Is that how you understood the position at the time?</p> <p>12 A. Yes, I believe so, yes.</p> <p>13 Q. Thank you.</p> <p>14 Could we then turn, please, to the second document</p> <p>15 I would like you to look at. That is Mr Sweeney's</p> <p>16 email. It is MPS544, tab 32 in jury bundle B, if that</p> <p>17 helps anybody. On page 1, it is the same section we</p> <p>18 were looking at just now, please, with Ms Dobbin, and it</p> <p>19 is about the fifth paragraph down where it starts with,</p> <p>20 "I was informed ..." Those lines that Mr O'Connor took</p> <p>21 you through earlier on really set out that Mr Sweeney's</p> <p>22 not really making a decision at that time, albeit you</p> <p>23 made it clear that your view was his decision was he was</p> <p>24 not making a decision, but that is what he is doing,</p> <p>25 isn't it?</p> <p style="text-align: center;">Page 158</p>	<p>1 it would have been ACPO, as we have discussed, commander</p> <p>2 and/or above.</p> <p>3 Q. An ACPO officer of some description?</p> <p>4 A. Yes.</p> <p>5 Q. The other gentleman it is being sent to, Michael Duthie,</p> <p>6 who is he?</p> <p>7 A. Head of homicide command.</p> <p>8 Q. Is he a chief superintendent?</p> <p>9 A. Yes.</p> <p>10 Q. He's the boss of homicide command?</p> <p>11 A. Yes.</p> <p>12 Q. Whatever this email says or doesn't say, whatever</p> <p>13 decisions were being made or not being made, it is sent</p> <p>14 to an ACPO officer and the head of homicide command?</p> <p>15 A. Yes.</p> <p>16 MR MORLEY: Mr Jones, thank you very much. That is all</p> <p>17 I wanted to clarify with you.</p> <p>18 Questions from MR SKELTON</p> <p>19 MR SKELTON: Mr Jones, I ask questions on behalf of the</p> <p>20 Metropolitan Police.</p> <p>21 Can I take you back, please, just to ask you</p> <p>22 a simple question about your experience as a detective.</p> <p>23 Roughly how many homicides would you have been involved</p> <p>24 in investigating by June 2014?</p> <p>25 A. Potentially anywhere -- 15 to maybe potentially 20.</p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

<p>1 Q. As an SIO?</p> <p>2 A. Yes.</p> <p>3 Q. You have sought to explain the way in which, from your</p> <p>4 perspective, deaths might be classified by specialist</p> <p>5 detectives such as yourself. I think you have described</p> <p>6 2001 end is the non-suspicious death, which ordinarily</p> <p>7 would remain with a borough detective team?</p> <p>8 A. Yes.</p> <p>9 Q. At the other end is the suspicious death, by which</p> <p>10 I think you mean suspicious of potential homicide, which</p> <p>11 goes to homicide command?</p> <p>12 A. Yes.</p> <p>13 Q. Then in between is the deaths that you don't know are</p> <p>14 either suspicious or non-suspicious, they are</p> <p>15 unexplained and they require investigation?</p> <p>16 A. Yes.</p> <p>17 Q. Investigation will ordinarily stay with borough, but</p> <p>18 with assistance as necessary from homicide command?</p> <p>19 A. Yes.</p> <p>20 Q. May I take you now to the scene that you attended on</p> <p>21 Thursday, 19 June 2014.</p> <p>22 By the time you were on scene, had Mr Port been</p> <p>23 interviewed or undergone a preliminary interview with</p> <p>24 officers, do you recall?</p> <p>25 A. Looking at the chronology of witness statements, and</p> <p style="text-align: center;">Page 161</p>	<p>1 Q. You took the decision, I think in consultation with</p> <p>2 Ms Kynaston, that a special post mortem was required to</p> <p>3 find out how Anthony had died.</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. In fact, I think it proved not to be possible to</p> <p>6 determine that definitively, because it appeared that</p> <p>7 toxicological analysis was needed?</p> <p>8 A. Yes, although I do feel that the special post mortem</p> <p>9 went some way from confirming the -- that the original</p> <p>10 concern of a footprint to the chest wasn't present and</p> <p>11 wasn't the cause of death.</p> <p>12 Q. Was one of the purposes of the special post mortem to</p> <p>13 ascertain whether there was any evidence of assault?</p> <p>14 A. Yes.</p> <p>15 Q. As far as you were concerned, was such evidence</p> <p>16 forthcoming?</p> <p>17 A. No, as far as I was concerned there was no evidence of</p> <p>18 assault.</p> <p>19 Q. Ms Kynaston noted that there was no evidence of assault</p> <p>20 but there was bruising under the arms, possibly due to</p> <p>21 being moved whilst still alive. Were you aware of that?</p> <p>22 A. No, sir.</p> <p>23 Q. Had you been aware of it, bearing in mind Mr Port's</p> <p>24 account about moving Anthony's body, would that have</p> <p>25 made you suspicious?</p> <p style="text-align: center;">Page 163</p>
<p>1 I think Stephen Port's statement is shown as 7.50 am --</p> <p>2 whether that is the start or the finish of the</p> <p>3 statement, I would say, so he would have been spoken to</p> <p>4 either prior to my arrival or that would -- that process</p> <p>5 would have concluded whilst I was there.</p> <p>6 Just trying to piece together kind of the timeframe</p> <p>7 of when I would have arrived.</p> <p>8 Q. By around 7.57, I think Ms Kynaston makes a note some</p> <p>9 time after that that Stephen Port had informed the</p> <p>10 police that he returned home at about 4.00 am, found</p> <p>11 a male collapsed outside the communal doorway and he</p> <p>12 moved him to the storage area and called the ambulance</p> <p>13 service.</p> <p>14 Would that have been something you would have been</p> <p>15 told about?</p> <p>16 A. Yes.</p> <p>17 Q. In the circumstances where Anthony was found propped up,</p> <p>18 and you have a witness telling you that they had found</p> <p>19 him and propped him up, would you consider that to be</p> <p>20 suspicious in any way?</p> <p>21 A. I wouldn't describe it as suspicious. It is -- it is</p> <p>22 a significant witness, because there is a witness who</p> <p>23 has laid hands on a deceased -- well, a now deceased</p> <p>24 individual and has provided an account but I wouldn't</p> <p>25 call that account on its own suspicious.</p> <p style="text-align: center;">Page 162</p>	<p>1 A. I think it -- so it is consistent with the account that</p> <p>2 we have been provided and consistent with the account as</p> <p>3 I understood it at that point in time.</p> <p>4 So it wouldn't -- it wouldn't raise concern at that</p> <p>5 point on the basis that it was consistent with the</p> <p>6 witness's account.</p> <p>7 Q. Scrolling forward a few days to Thursday, 26 June, as</p> <p>8 I understand your evidence, in summary you are saying</p> <p>9 that in your judgment, balancing all of the information</p> <p>10 available to you at the time, and your judgment as</p> <p>11 an experienced homicide detective, the circumstances</p> <p>12 were not suspicious of homicide?</p> <p>13 A. That is exactly right. I would probably go one step</p> <p>14 further. As SIOs, you rely on experience, knowledge,</p> <p>15 expertise of others, so much like CSM Kynaston at the</p> <p>16 scene, and part of that process of coming to making what</p> <p>17 I would call good decisions are listening to people who</p> <p>18 can provide that sort of view, so to know that</p> <p>19 DI Haines, who is a vastly experienced officer, was also</p> <p>20 content with the direction and the decision on primacy,</p> <p>21 just provided that -- and, by the way, I am the decision</p> <p>22 maker, so there is no getting away from that, but it is</p> <p>23 helpful to understand that you are not making a decision</p> <p>24 which is contrary to the view of other experienced</p> <p>25 specialists that we have discussed, and that wasn't the</p> <p style="text-align: center;">Page 164</p>

41 (Pages 161 to 164)

<p>1 case. He was fully supportive of that position.</p> <p>2 Q. Is it right to say that you had not ruled out homicide?</p> <p>3 A. I think just the very nature of describing a death as</p> <p>4 unexplained, and I have said it on a number of</p> <p>5 occasions, that it could be deemed non-suspicious or it</p> <p>6 could be deemed suspicious. My point I am trying to</p> <p>7 make is -- at no point was I sitting on an investigation</p> <p>8 that I felt was a homicide but leaving it to Barking and</p> <p>9 Dagenham to investigate.</p> <p>10 Q. What effectively you were doing, were you, was saying</p> <p>11 this was an unexplained death that requires</p> <p>12 investigation to find the explanation?</p> <p>13 A. Yes.</p> <p>14 Q. That included -- as far as the homicide command was</p> <p>15 concerned, in terms of its advice -- getting a fuller</p> <p>16 account from Stephen Port?</p> <p>17 A. Yes.</p> <p>18 Q. Which was I think taken on the afternoon/evening of the</p> <p>19 26th, which is the end of your involvement?</p> <p>20 A. Yes, sir.</p> <p>21 Q. As far as the next day is concerned, was it the case</p> <p>22 that your superintendent, Mr Sweeney, effectively agreed</p> <p>23 with you that this didn't appear to be suspicious of</p> <p>24 homicide but it was unexplained and required further</p> <p>25 investigation?</p> <p style="text-align: center;">Page 165</p>	<p>1 that borough are aware that they can come back and seek</p> <p>2 advice at any time.</p> <p>3 Q. You were asked about the intelligence that was available</p> <p>4 about Stephen Port, and in particular the British</p> <p>5 Transport Police report that had quite recently been</p> <p>6 logged. Would you have expected basic intelligence</p> <p>7 reporting to have been ascertained by the borough</p> <p>8 detectives?</p> <p>9 A. Yes.</p> <p>10 Q. Would you have expected that to have involved finding</p> <p>11 out about this incident from the database?</p> <p>12 A. Yes.</p> <p>13 Q. Would you have expected, had they found out about that</p> <p>14 incident, they would have come back to homicide command,</p> <p>15 perhaps not you but other colleagues in your area, and</p> <p>16 discussed it with you?</p> <p>17 A. Yes.</p> <p>18 Q. I think you have said that, had that taken place, as far</p> <p>19 as you were concerned, that would have led to primacy</p> <p>20 being taken over by homicide command?</p> <p>21 A. Yes.</p> <p>22 Q. Another area in which the HAT gave advice was to search</p> <p>23 Stephen Port's flat; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. One of the reasons for that was to investigate Anthony's</p> <p style="text-align: center;">Page 167</p>
<p>1 A. Yes, that is how I understand it.</p> <p>2 Q. That is why you have explained repeatedly primacy should</p> <p>3 stay with the borough.</p> <p>4 A. Yes.</p> <p>5 Q. Was it his view and your view that the homicide command</p> <p>6 should continue to provide assistance to the borough?</p> <p>7 A. Yes, and I was at pains to ensure, before I in essence</p> <p>8 broke from work for the weekend, that those arrangements</p> <p>9 were in place.</p> <p>10 Q. What kind of assistance was provided, to your knowledge?</p> <p>11 A. Well, I suppose before the conclusion of Thursday,</p> <p>12 I know my team, prior to breaking for the weekend,</p> <p>13 provided additional support for local enquiries. I know</p> <p>14 there was support at the address of Stephen Port in</p> <p>15 relation to the search, and I know there was support,</p> <p>16 further support, for a second interview of Stephen Port.</p> <p>17 There may be others that I am unsighted on, but</p> <p>18 those are the ones that I understand.</p> <p>19 Q. As far as you are concerned, by the time you ceased</p> <p>20 direct involvement, had it been left that it was open to</p> <p>21 the borough officers to come back to homicide command at</p> <p>22 any time to seek further advice?</p> <p>23 A. It is a well-trodden path and I think borough officers</p> <p>24 know that they can come back at any time and I think the</p> <p>25 events on the 25th, into the 26th, show and demonstrate</p> <p style="text-align: center;">Page 166</p>	<p>1 death and see if anything could be found in the flat</p> <p>2 that could shed light on that?</p> <p>3 A. Yes.</p> <p>4 Q. Part of that search involved seizing items from the</p> <p>5 flat, and that included Port's laptop and clothing,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Sorry, I am only asking you because if you nod it</p> <p>9 doesn't come up on the transcript.</p> <p>10 A. Sorry, yes.</p> <p>11 Q. The advice given by the HAT in respect of the laptop was</p> <p>12 to ensure that Port's laptop and indeed his phone were</p> <p>13 submitted for download?</p> <p>14 A. That's correct.</p> <p>15 Q. How important is that?</p> <p>16 A. Well, critical.</p> <p>17 Critical in terms of hindsight, but at the time it</p> <p>18 is a line of enquiry, we are trying to explain death of</p> <p>19 Anthony Walgate. Clearly we -- the whole digital piece</p> <p>20 is a wealth of information that can provide information,</p> <p>21 important information, in relation to investigations.</p> <p>22 So for the HAT to explicitly state "Ensure the</p> <p>23 laptop and phone are submitted for download" shows the</p> <p>24 significance of it.</p> <p>25 Q. Having given the advice to that effect, would you expect</p> <p style="text-align: center;">Page 168</p>

<p>1 it to have been done?</p> <p>2 A. Yes.</p> <p>3 Q. How easy would it have been?</p> <p>4 A. It is a fairly straightforward task, as I understand it</p> <p>5 in relation to the download of a phone and a laptop.</p> <p>6 I think I mentioned earlier that you would probably be</p> <p>7 asked for some sort of assistance in narrowing the</p> <p>8 parameters for the laptop. It really depends on the</p> <p>9 computer that you are asking to be downloaded and the</p> <p>10 volume of material on it, but simple browsing history</p> <p>11 searches would be fairly straightforward.</p> <p>12 Q. Would you have anticipated it being problematic in terms</p> <p>13 of resources at borough level?</p> <p>14 A. No.</p> <p>15 Q. I think you have accepted in earlier questions by</p> <p>16 Mr O'Connor that, had that laptop been checked, it would</p> <p>17 have led to homicide command taking over the</p> <p>18 investigation on the basis of Port's browser history?</p> <p>19 A. Yes.</p> <p>20 Q. Standing back, in June 2014, whose responsibility was it</p> <p>21 to find out how Anthony had died?</p> <p>22 A. The borough's. As I left it on the 26th, the</p> <p>23 responsibility remained with the borough.</p> <p>24 Q. Did Stephen Port's arrest and conviction for perverting</p> <p>25 the course of justice remove that responsibility?</p> <p style="text-align: center;">Page 169</p>	<p>1 would have followed up further lines of enquiry,</p> <p>2 including for example reinterviewing Stephen Port?</p> <p>3 A. Yes.</p> <p>4 Q. Ms Stanworth's toxicology report, which the jury have</p> <p>5 seen, was the first indication that Anthony had died</p> <p>6 from an overdose of GHB. Is that correct?</p> <p>7 A. Yes, I believe so, yes.</p> <p>8 Q. That was not available until 10 September.</p> <p>9 A. As I understand it, sir.</p> <p>10 Q. Was it from that stage that you would have had a, as it</p> <p>11 were, a weapon if this were a homicide investigation;</p> <p>12 you would have had a cause of death which you would have</p> <p>13 then needed to link with a suspect?</p> <p>14 A. Yes, I think we would have had a cause of death.</p> <p>15 I think I have discussed about understanding that cause</p> <p>16 of death, because of the perhaps knowledge around GHB,</p> <p>17 there would have been a need to get greater</p> <p>18 understanding around the use of GHB and, as you say, as</p> <p>19 a potential weapon.</p> <p>20 Q. If you cannot answer this question please don't, but</p> <p>21 from your perspective as an experienced homicide</p> <p>22 detective, do you think it is likely or unlikely that</p> <p>23 Stephen Port would have been charged with murder prior</p> <p>24 to the cause of Anthony's death being found?</p> <p>25 A. Do you know, I really cannot answer that, because I am</p> <p style="text-align: center;">Page 171</p>
<p>1 A. No, not -- and, as you heard from me earlier, not as far</p> <p>2 as I was aware, and certainly nothing around anything</p> <p>3 that we said removed the need to investigate the death</p> <p>4 of Anthony Walgate.</p> <p>5 Q. In terms of the specific level of detective on borough</p> <p>6 who should have taken responsibility for seeing through</p> <p>7 HAT's advice and finding out how Anthony had died, what</p> <p>8 level should that have been at?</p> <p>9 A. Look, I understand that DI McCarthy was the, in essence,</p> <p>10 the SIO or the person in charge of the investigation.</p> <p>11 I don't -- I am also conscious I have read material</p> <p>12 submitted for the inquest that suggests that the</p> <p>13 unexplained death, broadly speaking, should be managed</p> <p>14 by the borough and DCI. Again, I would say this:</p> <p>15 I haven't been on borough for a number of years, so</p> <p>16 I think caution in those answers but that is what I have</p> <p>17 read in preparation for the inquest.</p> <p>18 Q. Does what matters -- is it that somebody takes</p> <p>19 responsibility for ensuring that lines of enquiry are</p> <p>20 followed through and thought about?</p> <p>21 A. Absolutely. Somebody has to be responsible for</p> <p>22 an investigation.</p> <p>23 Q. Ms Hill asked you some questions about what might have</p> <p>24 happened hypothetically had homicide command taken over</p> <p>25 the investigation; it is obvious, isn't it, that you</p> <p style="text-align: center;">Page 170</p>	<p>1 not sighted on all the evidence and that has happened in</p> <p>2 interviews, I think that would be a difficult question</p> <p>3 for me to answer. I am just not sighted on the</p> <p>4 material.</p> <p>5 Q. Just using your experience from other homicides, do you</p> <p>6 usually need to know the cause of death, the mechanism</p> <p>7 of death before you can charge someone?</p> <p>8 A. Yes. Yes, I see the point of the question. You would</p> <p>9 have to evidence how somebody died before you could</p> <p>10 charge with murder.</p> <p>11 I mean there are times where a preliminary post</p> <p>12 mortem view would suffice, if somebody was in custody,</p> <p>13 but I think in a more complex death, such as</p> <p>14 a drugs-related matter, then understanding the</p> <p>15 toxicology report is clearly critical to that.</p> <p>16 Q. Going back to my original question, before the</p> <p>17 toxicology came back, do you think it is likely that</p> <p>18 Stephen Port would have been charged with murder in the</p> <p>19 absence of any knowledge of how Anthony in fact died?</p> <p>20 A. I don't see how he could have been on the basis that you</p> <p>21 would need the toxicology report, whether that could</p> <p>22 have been expedited I do not know, but I don't see how</p> <p>23 he could have been because how do we prove how somebody</p> <p>24 died without that material evidence?</p> <p>25 MR SKELTON: Thank you, Mr Jones, those are all my</p> <p style="text-align: center;">Page 172</p>

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<p>1 questions.</p> <p>2 MR O'CONNOR: Madam, I have just a few questions if I may.</p> <p>3 THE CORONER: Yes, of course.</p> <p>4 Further questions from MR O'CONNOR</p> <p>5 MR O'CONNOR: Mr Jones, as I say, just a few questions.</p> <p>6 First of all, just a small point of factual detail</p> <p>7 which I had intended to take you to when I first asked</p> <p>8 you questions this morning, but just to fill in the gap,</p> <p>9 if I may. Could we turn to tab 27, please. For the</p> <p>10 screen it is IPC46.</p> <p>11 This is the HAT return relating to the meeting that</p> <p>12 you had on 26 June.</p> <p>13 The context for this question, Mr Jones, as you may</p> <p>14 be aware, that last week the jury went on a site visit</p> <p>15 and they went to Cooke Street and also to the Abbey</p> <p>16 grounds. One of the questions the jury asked on that</p> <p>17 occasion, and I had intended is to raise with you, was</p> <p>18 whether any enquiries were made of people who lived</p> <p>19 around and about Stephen Port's flat. Obviously, as you</p> <p>20 know, when you are there, it is very obvious, isn't it,</p> <p>21 there are many properties with a view of the place where</p> <p>22 Anthony's body was found.</p> <p>23 A. Yes.</p> <p>24 Q. You have referred to this, in fact I think in answer to</p> <p>25 some questions from Ms Dobbin, and you have referred to</p> <p style="text-align: center;">Page 173</p>	<p>1 what if anything came of those enquiries.</p> <p>2 Do you actually know if anything came of those</p> <p>3 enquiries?</p> <p>4 A. I don't.</p> <p>5 Q. Okay, that was that point.</p> <p>6 Second point, you were asked by Mr Skelton about, as</p> <p>7 it were, where the position was left with the borough on</p> <p>8 the 27th, Mr Sweeney's email and so on. You were asked</p> <p>9 whether it was possible for the borough officers to come</p> <p>10 back to HAT or the homicide command to make further</p> <p>11 enquiries and your answer was, yes, that is always</p> <p>12 possible. Is that a fair summary?</p> <p>13 A. Yes, that is a fair summary.</p> <p>14 Q. In fact we have seen, haven't we, by tracing through</p> <p>15 these documents and the chronology that that is</p> <p>16 something in this case that they did on more than one</p> <p>17 occasion? Sorry, by the time of the end of that week,</p> <p>18 they had come and approached you --</p> <p>19 A. Yes, and I think that is what I was trying to describe.</p> <p>20 Q. While that is no doubt true, I just want to ask you</p> <p>21 whether, in fact, that is the whole story. To allow me</p> <p>22 to ask my question, perhaps we can go to tab 32 in the</p> <p>23 bundle. It is back to Mr Sweeney's email. For the</p> <p>24 screen, it is MPS544.</p> <p>25 We have looked at this email more than once now. We</p> <p style="text-align: center;">Page 175</p>
<p>1 local enquiries that your team assisted with on that</p> <p>2 day, on the Thursday. Is that right?</p> <p>3 A. Yes, and I think it is fair to say local enquiries were</p> <p>4 conducted on the 19th as well.</p> <p>5 Q. Yes, but if we just look, while I am asking you this</p> <p>6 these questions, it is in fact page 2 of this document,</p> <p>7 if we go towards the bottom, it is the penultimate</p> <p>8 paragraph, we see:</p> <p>9 "MIT 20 [that is as we now know your team] officers</p> <p>10 briefed and deployed to conduct ..."</p> <p>11 I assume that means house-to-house enquiries?</p> <p>12 A. Yes.</p> <p>13 Q. "... at the scene. There are 24 flats that overlook the</p> <p>14 premises. A short questionnaire has been compiled to</p> <p>15 assist in this process, along with house-to-house</p> <p>16 occupant forms.</p> <p>17 That is something that your officers assisted with</p> <p>18 on that day?</p> <p>19 A. Yes.</p> <p>20 Q. Then just to complete the point, if we go to the next</p> <p>21 page, at the very top, the first line:</p> <p>22 "At completion of house-to-house enquiries, all</p> <p>23 details and documents to be handed to ADI McCarthy."</p> <p>24 That was the point at which your officers' role</p> <p>25 ended and no doubt we can ask Mr McCarthy when he comes</p> <p style="text-align: center;">Page 174</p>	<p>1 have all seen the way in which Mr Sweeney's decision is</p> <p>2 explained and we have seen the fact that he identified</p> <p>3 certain tasks to be conducted towards the bottom of that</p> <p>4 page, and his reference to being able to make a proper</p> <p>5 assessment at some point in the future.</p> <p>6 Then, if we turn over the page, please, if we look</p> <p>7 at the very last line of the email, Mr Sweeney says</p> <p>8 this:</p> <p>9 "Primacy will be regularly reviewed as the</p> <p>10 investigations undertaken produce results."</p> <p>11 That would seem to suggest not so much an action on</p> <p>12 the part of the borough, coming and asking more</p> <p>13 questions, but rather that homicide command, Mr Sweeney</p> <p>14 and his team, will themselves readily review the</p> <p>15 investigations going forward, considering always the</p> <p>16 question of primacy. I know this was not your email,</p> <p>17 but do you accept that that is a fair reading of that</p> <p>18 sentence?</p> <p>19 A. It is really difficult, I think -- it is</p> <p>20 an interpretation of that sentence, but it is not my</p> <p>21 email, and it probably did follow a number of</p> <p>22 conversations that Mr Sweeney had with borough seniors.</p> <p>23 I think that is all I can say on it.</p> <p>24 Q. All right, well I will leave it there, but you mentioned</p> <p>25 conversations that Mr Sweeney had had -- but those were</p> <p style="text-align: center;">Page 176</p>

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<p>1 conversations prior to this email, yes?</p> <p>2 A. Yes, and certainly ones I was not privy to.</p> <p>3 Q. But at least, if it is right that what Mr Sweeney had in</p> <p>4 mind was a process of regular review by homicide command</p> <p>5 going forward, and ongoing consideration of the question</p> <p>6 of primacy, now I am asking you about facts within your</p> <p>7 knowledge: are you aware that following on from 27 June</p> <p>8 when he wrote this email, there were in fact any further</p> <p>9 reviews or reconsiderations by homicide command as to</p> <p>10 this case and primacy in it?</p> <p>11 A. I am not aware of any, sir.</p> <p>12 Q. Thank you.</p> <p>13 The last point I wanted to ask you about was one of</p> <p>14 the last series of questions that Mr Skelton took you to</p> <p>15 relating to the toxicology report. Just to get the</p> <p>16 chronology in our minds, we have the special post mortem</p> <p>17 on Friday, 20 June, yes? It is at that post mortem, is</p> <p>18 it not, that the samples would have been taken which</p> <p>19 then were sent off to Ms Stanworth for her to analyse</p> <p>20 and produce her report. Is that right.</p> <p>21 A. Yes.</p> <p>22 Q. Is that right? We saw Ms Stanworth's report,</p> <p>23 10 September, her report was dated, yes?</p> <p>24 A. Yes.</p> <p>25 Q. Mr Skelton is quite right that, at least as far as</p> <p style="text-align: center;">Page 177</p>	<p>1 quickly than a period of months?</p> <p>2 A. So I believe that is potentially possible. I think my</p> <p>3 memory doesn't serve me well inasmuch as being able to</p> <p>4 give you accurate evidence about what exactly is</p> <p>5 possible around expediting forensic or toxicology, but</p> <p>6 I think it is possible -- I am sure it is possible but,</p> <p>7 please, just a note of caution really, after I haven't</p> <p>8 been an SIO for four years, so just a note of caution</p> <p>9 there.</p> <p>10 MR O'CONNOR: All right. Thank you very much.</p> <p>11 Madam, those are all the further questions I have</p> <p>12 for Mr Jones, I know --</p> <p>13 Questions from THE CORONER</p> <p>14 THE CORONER: There are some jury questions. Before we get</p> <p>15 to those, can I just clarify one answer you gave earlier</p> <p>16 on today, Mr Jones.</p> <p>17 That is in relation to Anthony Walgate's phone. Did</p> <p>18 you know that no phone had been found on him at that</p> <p>19 time, when you were in the tent with the crime scene</p> <p>20 manager?</p> <p>21 A. I think -- so I was aware that no phone had been found.</p> <p>22 THE CORONER: Right.</p> <p>23 A. But I wasn't aware that Anthony was missing -- I wasn't</p> <p>24 aware of the information to suggest that Anthony was</p> <p>25 missing a phone. I think they are just two separate</p> <p style="text-align: center;">Page 179</p>
<p>1 formal documentation is concerned, this was the document</p> <p>2 which identified for the first time GHB as the drug</p> <p>3 which had caused Anthony's death.</p> <p>4 Two points.</p> <p>5 First of all, from your experience, is it often the</p> <p>6 case that detectives investigating an offence, or</p> <p>7 an incident like this, will have informal conversations</p> <p>8 with someone like Ms Stanworth before they get the final</p> <p>9 report where Ms Stanworth, or whoever it is, might give</p> <p>10 them an indication of what she is finding whilst she is</p> <p>11 conducting those investigations and analyses?</p> <p>12 A. It is hypothetical, it is not beyond the possibility</p> <p>13 that those conversations could take place --</p> <p>14 Q. Yes.</p> <p>15 A. -- but I have no immediate experience of that.</p> <p>16 Q. You, of course, don't know what happened in this case.</p> <p>17 A. No, absolutely.</p> <p>18 Q. The jury may hear that in fact such conversations did</p> <p>19 take place, so one shouldn't place too much weight on</p> <p>20 that date of 10 September.</p> <p>21 The second point is, of course, that period of time,</p> <p>22 20 June to 10 September, is a fairly long one. You</p> <p>23 mentioned yourself, if a case is perceived to be urgent,</p> <p>24 is it possible to make a special request to expedite</p> <p>25 toxicology results so they can be obtained rather more</p> <p style="text-align: center;">Page 178</p>	<p>1 matters.</p> <p>2 THE CORONER: All right.</p> <p>3 Questions from THE JURY</p> <p>4 THE CORONER: Some of the matters that have been asked by</p> <p>5 the jury have been dealt with and if there is a yes or</p> <p>6 no answer please give the yes or no answer if you</p> <p>7 consider you have already answered it earlier on.</p> <p>8 Why does a footprint call for a special post mortem,</p> <p>9 what other factors would have gone into that decision?</p> <p>10 A. I think the concern from the officer who first attended</p> <p>11 was there was a footprint to the torso of Anthony which</p> <p>12 may have suggested an assault, which may or may not have</p> <p>13 resulted in death.</p> <p>14 Now, I think the point is, when I arrived, and</p> <p>15 certainly when the CSM examined Anthony before I arrived</p> <p>16 and with me, we couldn't see any sign of that, but</p> <p>17 I think caution sometimes dictates that just because we</p> <p>18 cannot see it then, things happen and my caution was</p> <p>19 I would rather have a special post mortem or request</p> <p>20 a special post mortem to ensure that we were not missing</p> <p>21 any signs of assault that may have dissipated in the</p> <p>22 period of time from when it was first observed and when</p> <p>23 we were looking at Anthony.</p> <p>24 THE CORONER: Thank you.</p> <p>25 The next question is: would the knowledge of time of</p> <p style="text-align: center;">Page 180</p>

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<p>1 death have changed the way the investigation was handled</p> <p>2 in the beginning?</p> <p>3 A. I think time of death is potentially important. No,</p> <p>4 time of death is important. And I think I did answer</p> <p>5 that if time of death had been -- if there had have been</p> <p>6 a suggestion from individuals that time of death had</p> <p>7 been that much earlier, which would have brought the</p> <p>8 accuracy of Stephen Port's statement into question, then</p> <p>9 as an individual, Stephen Port's -- I think</p> <p>10 Stephen Port's profile would have raised at an earlier</p> <p>11 stage in the investigation.</p> <p>12 THE CORONER: Then the next question is how many unexplained</p> <p>13 deaths, it says, do you see every week, but you are no</p> <p>14 longer in this role -- in your role, when you were</p> <p>15 performing the role you have told us about, up to 2014?</p> <p>16 A. It is really difficult to say. I just don't know,</p> <p>17 I just couldn't give an answer. I couldn't give</p> <p>18 an accurate answer. It is not weekly. You know, but</p> <p>19 when we go into that what I would call that period of</p> <p>20 responsibility, so once every six weeks we have that HAT</p> <p>21 responsibility, we will invariably, the HAT car, which</p> <p>22 is three different shifts, an early, a late and a night</p> <p>23 shift, it is quite usual to be called out once a day to</p> <p>24 HAT calls, but they can vary from unexplained death</p> <p>25 through to serious assault where the victim may be</p> <p style="text-align: center;">Page 181</p>	<p>1 capacity, that is not -- it would have been referred to</p> <p>2 the superintendent, who would have then considered where</p> <p>3 to place that investigation.</p> <p>4 The point I tried to make earlier was, irrespective</p> <p>5 of what team, what HAT team responded to that initial</p> <p>6 call, it may be that the investigation, because of</p> <p>7 capacity, could be placed elsewhere within the command.</p> <p>8 So it didn't -- just because I may have been busy,</p> <p>9 and I don't recall exactly how, what capacity we had</p> <p>10 in June 2014, it is irrespective of that. Then, if it</p> <p>11 was a homicide, it would have been placed within the</p> <p>12 homicide command at a team that had capacity.</p> <p>13 THE CORONER: Then three further questions from a juror.</p> <p>14 Number 1, as a PIP3 trained officers, would you not</p> <p>15 be asking or enquiring about details such as possible</p> <p>16 time of death in any suspicious circumstances,</p> <p>17 especially at the special post mortem?</p> <p>18 A. I wasn't at the special post mortem. We present the</p> <p>19 facts to the pathologist. The pathologists are the</p> <p>20 experts on time of death. I know time of death is</p> <p>21 a very, very difficult subject and not many experts like</p> <p>22 to go -- maybe it is best left to an expert around time</p> <p>23 of death. I know it is a very difficult subject and is</p> <p>24 influenced by a number of environmental features around</p> <p>25 when somebody passes away.</p> <p style="text-align: center;">Page 183</p>
<p>1 critically injured and it may go the way that they lose</p> <p>2 their lives, so that would come to homicide, and then</p> <p>3 the other part would be in homicide as well.</p> <p>4 So to be able to separate and break down how many</p> <p>5 unexplained, I just don't have that answer.</p> <p>6 THE CORONER: In a six-week period you might be called out</p> <p>7 once a day to either a death or near death, does that</p> <p>8 summarise what you have just said?</p> <p>9 A. Is that for the command or for --</p> <p>10 THE CORONER: In your six-week slot you have described.</p> <p>11 A. In that one-week period that could be highly possible.</p> <p>12 THE CORONER: The next question is how many of them are in</p> <p>13 people under 30?</p> <p>14 A. Well, again, I don't think I could -- I just don't have</p> <p>15 the figures or statistics for that. I mean</p> <p>16 unfortunately in a busy metropolis like London, the age</p> <p>17 range of people who die unfortunately is across the</p> <p>18 board and not perhaps what you would expect. So</p> <p>19 I couldn't give an accurate answer.</p> <p>20 THE CORONER: The next question is could it be possible that</p> <p>21 you didn't take the case on -- I assume that means</p> <p>22 primacy -- as your team itself had too many cases and</p> <p>23 couldn't give the manpower needed to investigate?</p> <p>24 A. No, I think it's a really valid question but that is not</p> <p>25 the case. Irrespective of whether my team had immediate</p> <p style="text-align: center;">Page 182</p>	<p>1 I personally don't have the knowledge or experience</p> <p>2 to be able to provide an informed view, but it is the</p> <p>3 pathology, the post mortem is the place to raise that.</p> <p>4 THE CORONER: Next, did Mr Jones try to ascertain as much</p> <p>5 details from present officers eg -- it says DC Learmonth</p> <p>6 but he was in fact an inspector, from the CAD and from</p> <p>7 witness statements?</p> <p>8 A. My role, which hopefully I have kind of tried to</p> <p>9 describe, at the scene, was to get a brief -- I had</p> <p>10 officers whose role would be to try and gather in and</p> <p>11 provide that information of what is in the possession of</p> <p>12 officers at the scene. I can't speculate as to -- we</p> <p>13 have heard this morning around some suggestions of</p> <p>14 different times of death. I can't speculated as to why</p> <p>15 that may or may not have been communicated.</p> <p>16 Predominantly my time at the scene was then subsequently</p> <p>17 taken up with CSM Kynaston's -- and, again, we would be</p> <p>18 talking about particularly reviewing CADs. That is not</p> <p>19 something I personally would have done.</p> <p>20 THE CORONER: Finally, were you aware of Stephen Port's</p> <p>21 statement, which suggested that Anthony was alive --</p> <p>22 I think that means alive when he moved him --</p> <p>23 A. Yes.</p> <p>24 THE CORONER: -- because of the gurgling, which most</p> <p>25 definitely would be contradicting and unusual, as it is</p> <p style="text-align: center;">Page 184</p>

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1 a different account from the London Ambulance Service
 2 Mr Neil, hence suspicious?
 3 **A. I was aware of Stephen Port's account, but -- and I have**
 4 **said it previously -- the LAS account I was not aware of**
 5 **at the time, and to try and give some context, having**
 6 **read the statement subsequently, it is not clear that**
 7 **there -- a time of death is not given in there and it is**
 8 **not explicit around Anthony Walgate being deceased for**
 9 **a period of time. Not that I read it, but I am just**
 10 **trying to give some understanding that actually I don't**
 11 **think the statement from the LAS is as explicit as**
 12 **perhaps has been suggested.**
 13 THE CORONER: Thank you very much.
 14 MR O'CONNOR: Madam, I have no questions arising out of any
 15 of those matters. Looking behind me, I don't think
 16 anyone else -- I think Dr van Dellen may wish to ask
 17 a question.
 18 THE CORONER: Yes.
 19 Further questions from DR VAN DELLEN
 20 DR VAN DELLEN: Thank you.
 21 The jury have heard evidence from the LAS technician
 22 that there was hypostasis, or pooling of the blood, on
 23 Anthony's body when the LAS technician arrived. Just to
 24 be clear, were you aware of that information about the
 25 pooling of blood when you were on the scene?

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1 **A. So hypostasis is something I have an understanding of,**
 2 **but a really low level understanding of hypostasis, how**
 3 **the blood settles in the body post mortem -- after**
 4 **death, sorry.**
 5 **I certainly didn't see anything that raised any**
 6 **concerns to me, neither did -- neither were any concerns**
 7 **raised to me by CSM Kynaston, who is an incredibly**
 8 **experienced crime scene manager and would have attended**
 9 **countless more deaths, unexplained or suspicious, than**
 10 **I would have.**
 11 DR VAN DELLEN: No further questions, thank you.
 12 THE CORONER: Yes, thank you very much, Mr Jones.
 13 **A. Thank you.**
 14 **MR O'CONNOR: Madam, that concludes the evidence for today.**
 15 **Tomorrow we intend to hear from Dr Biedrzycki and**
 16 **also DS Southon, who was present at the special post**
 17 **mortem.**
 18 THE CORONER: Thank you very much.
 19 Members of the jury, that is it for today. 10.00
 20 tomorrow, please.
 21 (3.32 pm)
 22 (The inquests adjourned until 10.00 am the following day)
 23
 24
 25

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