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 2 (10.08 am)
 3 (In the presence of the jury)
 4 THE CORONER: Good morning, members of the jury.
 5 Yes.
 6 MR O'CONNOR: Madam, the first witness this morning is
 7 Mr Holt, who of course took part in the interview with
 8 DS Levoir, from whom we heard yesterday.
 9 May I just mention, I know you are aware of this,
 10 that we are temporarily without the function of being
 11 able to put documents up on screen. We don't think that
 12 is going to be a problem, at least as far as Mr Holt's
 13 evidence is concerned. Almost all of the documents we
 14 might have referred him to are in the jury bundle so we
 15 can all refer him to hard copies, as can he. Thank you.
 16 Can we call Mr Holt, please.
 17 MR JOLYON HOLT (sworn)
 18 Questions from MR O'CONNOR
 19 MS HILL: Thank you, do take a seat.
 20 Can you give us your full name, please?
 21 **A. It is Jolyon Holt.**
 22 Q. Mr Holt, I think you joined the Metropolitan Police
 23 Service in 2003.
 24 **A. That's correct, yes.**
 25 Q. As a uniformed constable?

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1 **A. Yes.**
 2 Q. Did there come a time where you became a detective
 3 constable?
 4 **A. A trainee detective constable and then a detective**
 5 **constable.**
 6 Q. Roughly what year?
 7 **A. 2009? Approximately.**
 8 Q. We are going to be asking you about events in 2014, when
 9 you were a member, were you not, of the major
 10 investigation team 7?
 11 **A. That's correct, yes.**
 12 Q. The jury have heard all about the way in which those
 13 teams work. So it would be right then that you had been
 14 a detective constable by that stage for something in the
 15 order of five years?
 16 **A. Yes.**
 17 Q. How long had you been on that major investigation team
 18 by 2014?
 19 **A. I believe, best recollection, I joined the MIT team in**
 20 **January 2010, but I am not certain.**
 21 Q. No.
 22 Are you still a police officer?
 23 **A. No, I am not.**
 24 Q. When did you cease to be?
 25 **A. Again, best recollection, June or July 2017.**

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1 Q. Thank you.
 2 As I say, the questions this morning will be focused
 3 on one event, one day in fact, in June 2014, some time
 4 ago now. Do you in fact have a clear memory of events
 5 that day or not?
 6 **A. I wouldn't say a clear memory, no.**
 7 Q. You do have a witness statement that you made I think in
 8 2017; is that right?
 9 **A. That's correct, yes.**
 10 Q. So do refer to that if you need to and in fact I am
 11 likely to ask you some questions about the contents of
 12 that statement.
 13 Mr Holt, as you know, your colleague, or your then
 14 colleague back in 2014, DS Levoir gave evidence to the
 15 jury yesterday. She explained all about the fact that
 16 the major investigation team was on HAT support duty
 17 during the week in question, back in 2014. She
 18 explained how on that particular day a group of officers
 19 from that team, including you and her, went to Barking
 20 to assist them with their investigation. She described
 21 how you and her were allocated the task of
 22 reinterviewing Stephen Port and the jury yesterday heard
 23 the audio feed of that interview and they also have the
 24 transcript and I took DS Levoir to a number of parts of
 25 the transcript and asked her about it. So we hope that

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<p>1 we will just be able to ask you really quite a small 2 number of questions about what happened. It will not be 3 necessary to take you through the whole sequence of 4 events as well. Do you understand?</p> <p>5 A. Yes.</p> <p>6 Q. The first couple of questions I want to ask you are 7 about the preparation that you undertook at Barking for 8 the interview, before you actually then sat in the room 9 and interviewed Stephen Port. You knew didn't you that 10 Stephen Port had been interviewed the day before, by 11 a borough officer, DC Desai?</p> <p>12 A. That's right, yes.</p> <p>13 Q. Let me just read a passage from your witness statement, 14 please, about the briefing and the instructions you 15 received. I am looking at page 2 of your witness 16 statement and the second paragraph on that page.</p> <p>17 It reads as follows:</p> <p>18 "We arrived at Fresh Wharf police station [that is 19 in Barking] and I can recall that acting DI McCarthy was 20 sat in the CID room. We were made aware that Mr Port 21 had been arrested on suspicion of theft and perverting 22 the course of justice with the backdrop of 23 an unexplained death. He provided all the support team 24 officers with an overview of the investigation and one 25 of the requests was that a further interview would take</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. I am going to read another paragraph, not the next 2 paragraph but one after it, it reads as follows: 3 "I was tasked with DC Levoir to conduct the 4 interview. DC Levoir is a tier 5 trained interviewer 5 and I am tier 2 trained. I would imagine we were tasked 6 to conduct the interview as two experienced, trained and 7 well-regarded interviewing officers. Prior to the 8 interview we looked at the CRIS, the interview summary 9 prepared by the borough officers following the interview 10 the previous evening and we completed some additional 11 background checks."</p> <p>12 What background checks did you complete?</p> <p>13 A. It would be fairly standard practice for me to have 14 a look on the PNC, to look at previous convictions or 15 arrests. It would be one of those. It looks -- I don't 16 think I have mentioned a CAD there. Again we would 17 probably look at the original call into the police, 18 probably something like that, the written transcript 19 rather than the tape on an occasion like this. Yes, so 20 we would look over the police indices, the background 21 checks and further background checks.</p> <p>22 Q. The borough investigation was already aware of there 23 being a previous allegation that had been made against 24 Stephen Port that was recorded on the PNC. It was 25 an allegation of rape, involving drugs. Do you recall</p> <p style="text-align: center;">Page 7</p>
<p>1 place. Acting DI McCarthy was conscious that the level 2 of interviewing experience he had at his disposal was 3 limited. We were told that Mr Port had been interviewed 4 the previous evening and during the interview he changed 5 his account. We were tasked to conduct a further 6 interview to ensure that a detailed account was 7 obtained."</p> <p>8 The first question I wanted to ask you is why you 9 were asked to conduct, as it were, a further, what we 10 described yesterday as a no challenge interview to 11 obtain Mr Port's account, when in fact an interview like 12 that had happened the day before. And whether it has 13 anything to do with your reference in that paragraph to 14 DI McCarthy being conscious that the level of the 15 interviewing experience he had at his disposal was 16 limited?</p> <p>17 A. Yes, I remember A/DI McCarthy saying that he was 18 concerned that he didn't have an experienced 19 interviewing officer, in order to ensure that he had 20 that detailed first account.</p> <p>21 Q. Is what you mean that he was concerned that the 22 interview the day before may not have been as good as it 23 could have been and he wanted you to do a similar 24 exercise?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 6</p>	<p>1 now that you were told about that or that you had looked 2 at the PNC in relation to that allegation?</p> <p>3 A. I don't recall how I became aware of that information, 4 I would have seen it on PNC had I done the check. 5 Equally, I could have been told about that. I don't 6 recall the specifics of how I came to that knowledge.</p> <p>7 Q. Given the circumstances of the case and, as you put it 8 in your witness statement, the backdrop of the 9 unexplained death, this was clearly potentially 10 a significant piece of information, was it not?</p> <p>11 A. It certainly was. I would agree with that, yes.</p> <p>12 Q. You have mentioned doing checks on the PNC and the CAD. 13 May you also have done checks on the PND?</p> <p>14 A. No, I wouldn't have done checks on the PND. I don't 15 believe I had access to the PND.</p> <p>16 Q. Help us, is it something -- we have heard about access 17 to the PND, but it is possible to commission searches on 18 the PND?</p> <p>19 A. Yes. So yes, I would have had -- a PND check could have 20 been requested.</p> <p>21 Q. But you don't think you did?</p> <p>22 A. I don't believe I did, no.</p> <p>23 Q. Would it have been normal in that situation for you to 24 have undertaken that type of check or to have 25 commissioned that type of check?</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 A. I wouldn't say it would be normal practice, not 2 necessarily an everyday occurrence to go to that detail 3 in someone's background at that particular time or stage 4 of our involvement.</p> <p>5 Q. I want to ask you now about a passage in the interview, 6 so if you can go to the larger bundle in front of you, 7 and for the jury bundle it is tab 34. If we can turn 8 within this transcript to page 54, please. You have had 9 a chance to read through the transcript before coming to 10 give evidence today, Mr Holt, is that right?</p> <p>11 A. I have read this interview transcript before, yes.</p> <p>12 Q. I want to look at a passage which starts about halfway 13 down page 54 and goes over the page, on to page 55. It 14 starts with you saying, "There is a comment here, 15 Stephen ..."</p> <p>16 Can you see that?</p> <p>17 A. Yes.</p> <p>18 Q. You appear to be referring in fact to the summary that 19 you had of the interview that had been conducted the day 20 before. That is where the comment was. You are asking 21 him to recall some previous experience, it says: 22 "It says here you said you didn't assault or kill 23 Anthony and the reason you didn't leave him in the bed 24 is that it would look suspicious just like last time." 25 That is what it said on the summary, if you recall,</p> <p style="text-align: center;">Page 9</p>	<p>1 had seen him while this happened and accused of being 2 arrested and he had said to them, no I wasn't arrested. 3 Are you familiar with that passage?</p> <p>4 A. Yes.</p> <p>5 Q. You responded by saying, well, that was not what I was 6 expecting you to talk about and asked him have you been 7 arrested? He says no, I wasn't arrested on that 8 occasion, and you direct him towards another incident 9 when he was arrested and then he starts talking about 10 the rape allegation on New Year's Eve?</p> <p>11 A. Yes.</p> <p>12 Q. When Stephen Port talked about that incident, at Barking 13 station, it must have been apparent to you, apart from 14 the fact that you didn't know anything about it, that it 15 was potentially significant in the context of this 16 investigation?</p> <p>17 A. I remember it taking me by surprise, yes.</p> <p>18 Q. Because it took you by surprise, it must have been 19 obvious to you that it was at least possible that this 20 incident wasn't known to the borough investigators 21 either?</p> <p>22 A. I suppose that would be the case, yes.</p> <p>23 Q. Because if they had known about it, they would probably 24 have told you about it before the interview, would they 25 not?</p> <p style="text-align: center;">Page 11</p>
<p>1 Mr Holt. 2 You were expecting -- you understood that to be 3 a reference, did you not, to the allegation that was on 4 the PNC?</p> <p>5 A. Yes, I did.</p> <p>6 Q. Which you had researched and you were aware of?</p> <p>7 A. Yes. Just to clarify, when I say researched, I still 8 don't -- and I don't -- I didn't then, I didn't know too 9 much detail about that incident, but that was what I was 10 referring to here, yes.</p> <p>11 Q. Yes. But in fact, Mr Port answered by making reference 12 to a different situation or a different event, did he 13 not?</p> <p>14 A. Yes, he did.</p> <p>15 Q. The jury have seen this, but just looking at it again, 16 he starts talking about an event at a station with 17 a friend who was quite unwell, he says he just looked 18 like he had taken something, refers to getting him 19 a medic and then the police dragging Mr Port to 20 a corner, five officers, the other individual involved, 21 we have ciphered his name, X3. Stephen Port made 22 reference to the fact that that individual's phone 23 seemed to be missing or that he said he was looking for 24 his phone. X3 said he seemed a little bit -- he didn't 25 know what he was doing in Barking, and that colleagues</p> <p style="text-align: center;">Page 10</p>	<p>1 A. I would have expected so, yes.</p> <p>2 Q. What did you do about this new piece of information 3 which Stephen Port had made you and DC Levoir aware of?</p> <p>4 A. So I didn't go on to ask many questions around it, as 5 I have seen from having read through the interview. My 6 recollection at the time was, because it had surprised 7 me, I wanted to find out more information about it 8 before asking any further questions around it.</p> <p>9 Q. Yes. We can see that it was fairly near to the end of 10 the interview that this disclosure took place. I asked 11 DC Levoir yesterday whether she considered pausing the 12 interview to allow you to go and make some checks on 13 this new issue. It is obvious that that didn't happen. 14 Is that something that you considered?</p> <p>15 A. I think at the time we had -- you know, we have our 16 topics that we wanted to question during this particular 17 interview and we probably wouldn't have wanted to pause 18 it at that stage with Mr Port talking to us, before we 19 had covered off the topic which I then moved straight on 20 to.</p> <p>21 Q. You didn't pause the interview. When the interview had 22 finished, did you then take some steps relating to this 23 new information?</p> <p>24 A. I can't recall exactly how things happened after the 25 interview, but I would be amazed if it wasn't in some</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 way passed over in a debrief of the interview. I don't</p> <p>2 recall what steps I may have personally taken in</p> <p>3 relation to that information.</p> <p>4 Q. We know that your supervisor that day was a man called</p> <p>5 DS Reeves -- I think it is a man, did you mention it to</p> <p>6 him?</p> <p>7 A. Again, I have no direct recollection of how that</p> <p>8 information may have been passed over. But I have, you</p> <p>9 know, I cannot believe for one moment it wasn't passed</p> <p>10 up the line.</p> <p>11 Q. Would it have been appropriate for you or DC Levoir to</p> <p>12 actually have undertaken some further checks to work out</p> <p>13 more about this, whatever it was Stephen Port was</p> <p>14 talking about?</p> <p>15 A. We may have chosen to take some steps ourselves</p> <p>16 directly, yes.</p> <p>17 Q. There is actually no evidence that you did, Mr Holt. Is</p> <p>18 that something --</p> <p>19 A. And I have no recollection of what I may have or may not</p> <p>20 have done.</p> <p>21 Q. Is that something you think you ought to have done, even</p> <p>22 though you cannot remember exactly what happened?</p> <p>23 A. Certainly if I didn't do it myself, then it is something</p> <p>24 that should be passed over, yes.</p> <p>25 Q. What we know at least happened was that DC Levoir's</p> <p style="text-align: center;">Page 13</p>	<p>1 preparing a typed summary of this interview?</p> <p>2 A. I have a very vague recollection following the interview</p> <p>3 of going back to the same room where we had received the</p> <p>4 original briefing from DI McCarthy, it was where the</p> <p>5 detectives from MIT were congregating to, yes, debrief</p> <p>6 our work that we had carried out.</p> <p>7 DC Levoir was -- I believe was typing up notes from</p> <p>8 that interview into a summary. I don't know what</p> <p>9 happened to those notes. I cannot pass any more</p> <p>10 information into whether they were handed over, but</p> <p>11 a form of verbal debrief was also provided to certainly</p> <p>12 DS Reeves and I would have -- DI McCarthy may have well</p> <p>13 been involved in that, but I am not 100 per cent certain</p> <p>14 if we briefed DS Reeves and DS Reeves briefed</p> <p>15 DI McCarthy or it was all together.</p> <p>16 Q. Do you think that you either did or would have made</p> <p>17 express reference to this new piece of information that</p> <p>18 you had discovered in that briefing, whoever it was to?</p> <p>19 A. I would have thought so, yes.</p> <p>20 Q. I take it from your answer you don't have a clear memory</p> <p>21 one way or the other?</p> <p>22 A. I don't.</p> <p>23 Q. No. We have seen a note that DI McCarthy wrote later in</p> <p>24 the day, we think, saying that he had had the manuscript</p> <p>25 notes and that he was due to receive a typed version</p> <p style="text-align: center;">Page 15</p>
<p>1 manuscript notes of the interview were passed to</p> <p>2 Inspector McCarthy at the borough. Would you have</p> <p>3 expected something more to have happened relating to</p> <p>4 this incident, this new piece of information, for</p> <p>5 example you actually speaking to DI McCarthy or making</p> <p>6 the check yourself or, for example, making sure that</p> <p>7 this new piece of information appeared on the HAT</p> <p>8 return?</p> <p>9 A. Yes, so I mean I would expect the interview to have been</p> <p>10 passed over by obviously the notes that I am aware that</p> <p>11 were passed over were in original handwritten notes that</p> <p>12 were made during the interview and they are meant to be</p> <p>13 as close as can be to contemporaneous notes.</p> <p>14 I would then expect an interview summary to have</p> <p>15 been prepared and, yes, any important actions to be</p> <p>16 highlighted.</p> <p>17 Q. Just to be clear, this new information would have been</p> <p>18 one of those actions?</p> <p>19 A. I would certainly expect so, yes.</p> <p>20 Q. When you say highlighted, do you mean for example a set</p> <p>21 of bullet points in the document saying you must do</p> <p>22 this?</p> <p>23 A. We would be perfectly entitled to prepare bullet points</p> <p>24 such as that, actions that we think are highly relevant.</p> <p>25 Q. Do you have any memory now of what happened regarding</p> <p style="text-align: center;">Page 14</p>	<p>1 over the weekend or something to that effect. Does that</p> <p>2 ring any bells with you, that sequence of events?</p> <p>3 A. I don't know how that played out, I am afraid.</p> <p>4 Q. We know that it was, of course, DC Levoir who made the</p> <p>5 manuscript notes during the interview, because you were</p> <p>6 asking the questions, would it have followed that it was</p> <p>7 her job to type up the notes and prepare the summary?</p> <p>8 A. It would, yes, and sometimes that would be done with</p> <p>9 part of involvement from the lead interviewing officer,</p> <p>10 myself, as well, so we may have sat down together. The</p> <p>11 bulk of the typing would likely have been done by the</p> <p>12 second officer because they are their notes, so they</p> <p>13 would have then gone on to write the summary.</p> <p>14 Q. Do you have any more memories that you can help us with</p> <p>15 relating to what happened about typing that summary up</p> <p>16 or how it may or may not have been passed to Inspector</p> <p>17 McCarthy?</p> <p>18 A. I am afraid not.</p> <p>19 MR O'CONNOR: Thank you, those are all my questions.</p> <p>20 Questions from MS HILL</p> <p>21 MS HILL: Good morning, I ask questions for the families of</p> <p>22 those who were murdered by Stephen Port, save for</p> <p>23 Daniel Whitworth's partner.</p> <p>24 Just a few questions for you.</p> <p>25 Can I ask to have brought up, in fact, no I can't,</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 sorry, does the witness have a hard copy bundle in front 2 of him? 3 We might be able to now, okay. 4 It is the witness's MG14 response at IPC000417. It 5 is internal page 3, please. 6 I think we can bring it up, it is internal page 3. 7 Could we scroll down the bottom of internal page 3 and 8 the top of page 4, side by side if possible. Just 9 scrolling in on that, is this right, that you have 10 summarised here, officer, in your account, the lines of 11 enquiry that you believe were triggered by the interview 12 you carried out with your colleague. You say this: 13 "Our interview identified a number of lines of 14 enquiry, we gathered detail around his contact with 15 Mr Walgate, his use of computers, telephones and social 16 media. We obtained account details and passwords for 17 his mobile phone, email, Facebook and along with alias 18 names he used on dating sites, and information regarding 19 two previous incidents with police, one of which we had 20 not been aware of prior to interview. 21 "We identified that Port used his laptop to access 22 dating websites and this would have highlighted 23 an important line of enquiry. We ensured he provided 24 a detailed account of his background, lifestyle, 25 movements whereabouts and involvement with Mr Walgate,</p> <p style="text-align: center;">Page 17</p>	<p>1 a circle, I think on two occasions, are in two key 2 places in the notes. One is alongside the Facebook 3 social media part and one is about the previous 4 incidents. 5 Is it your recollection that across all of those 6 lines of enquiry or across all of those issues, the 7 suggestion that Port had been involved in two previous 8 incidents and his social media or internet use were 9 particularly important. 10 A. I have a clear recollection that that second incident 11 was, yes, I remember when that came about during 12 interview, because it was a striking moment of the 13 interview for me. 14 Q. And his internet history was also significant? 15 A. Of course, yes. 16 Q. Can I ask you, please, to look further down in this 17 document, IPC000417, internal page 4, just to test your 18 memory a little bit please, if we can, officer. This is 19 an account that you gave on 26 June 2017, okay, so it is 20 an account several years ago. 21 If we look, please, in the penultimate paragraph on 22 internal page 4, you describe the process at the end of 23 the interview and you say this: 24 "Our supervisor [do you see that] subsequently 25 provided the HAT advice and a copy of our interview</p> <p style="text-align: center;">Page 19</p>
<p>1 which were all lines of enquiries to be considered. He 2 provided fine detail of the drugs that were taken and 3 paraphernalia that was used, all of which could assist 4 in the recovery of evidence and identification of 5 forensic submissions to the lab." 6 Is this right, that you go on to say: 7 "I would have expected all of these lines of 8 enquiries to have considered and investigated as 9 appropriate to see if anything Port had said could be 10 proven wrong. Then, if required, a further interview 11 could be conducted and a challenge phase implemented." 12 Is that a summary of what you say effectively you 13 handed back after the interview? 14 A. They are all lines of enquiries that identified, which 15 could be identified from our interview, yes. 16 Q. I don't need to bring them up but we have seen 17 DC Levoir's handwritten notes, we look at them quite 18 closely yesterday. If you take it from me that she had 19 marked with a little cross in a circle, or a little 20 asterisk, a few things in the notes. Does that sound 21 familiar to you or do you not remember looking at them? 22 A. I have seen them more recently. At the time, I may or 23 may not have seen them but I know what you are referring 24 to through recently having seen the notes. 25 Q. Those little notes, the star and then a cross in</p> <p style="text-align: center;">Page 18</p>	<p>1 notes to A/DI McCarthy." 2 Do you see that? 3 A. I can see that, yes. 4 Q. In June 2017, is this fair, your recollection was that 5 what was handed over was a copy of the notes and that is 6 the handwritten notes only, isn't it? 7 A. That is what I have made reference to there, I have 8 called them interview notes. I haven't said a summary. 9 Q. I think you haven't suggested that there were 10 handwritten notes and the typed summary, have you, you 11 have just mentioned the notes? 12 A. I have not made reference to a summary, just the notes. 13 Q. Just to be clear, I don't know if you can help confirm 14 this with the jury, but is it your understanding that 15 Stephen Port was not in fact interviewed again until the 16 end of 2015, after all four young men had died, is that 17 your understanding? 18 A. I am aware of that now. Yes. 19 MS HILL: Thank you very much. 20 Questions from MR DAVIES 21 MR DAVIES: Thank you madam. 22 I am asking questions on behalf of A/DI McCarthy and 23 others. 24 Could we go back to exactly the same paragraph, 25 please, on screen. IPC000417, page 4, penultimate</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 paragraph. Starting, "Following the interview ..."</p> <p>2 Is this right, this statement is dated 26 June 2017?</p> <p>3 A. Yes.</p> <p>4 Q. Three years after, almost exactly, the events you are</p> <p>5 describing?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have any other written note whatsoever of your</p> <p>8 interview beyond the manuscript note prepared by</p> <p>9 DC Levoir?</p> <p>10 A. I didn't -- I can't recall where I may have taken any</p> <p>11 original note from, I didn't have any personal notes,</p> <p>12 no.</p> <p>13 Q. No.</p> <p>14 Looking at this paragraph in isolation:</p> <p>15 "Following the interview we informed our supervisor</p> <p>16 ..."</p> <p>17 That is DS Reeves, is it?</p> <p>18 A. That's right, yes.</p> <p>19 Q. "... that Mr Port had chosen to answer our questions and</p> <p>20 had provided the detailed account consistent with his</p> <p>21 latter part of his previous interview."</p> <p>22 Pausing there, what you are remembering is speaking</p> <p>23 to your supervisor, DS Reeves, rather than a memory of</p> <p>24 speaking to A/DI McCarthy?</p> <p>25 A. That is what I have written there, yes.</p> <p style="text-align: center;">Page 21</p>	<p>1 A/DI McCarthy was, and we were all, if you imagine,</p> <p>2 almost a room like this with computers, we would have</p> <p>3 been at different computer screens, A/DI McCarthy would</p> <p>4 have been at his desk within that same office</p> <p>5 environment, we could have been within earshot or out of</p> <p>6 earshot of any debrief or -- I don't recall even if we</p> <p>7 all sat around together to have a full team debrief.</p> <p>8 I don't recall that.</p> <p>9 Q. What you have remembered, three years on, is effectively</p> <p>10 briefing DS Reeves that Mr Port had essentially provided</p> <p>11 a consistent account with his DC Desai interview, in</p> <p>12 terms of the narrative of events. That is what your</p> <p>13 statement appears to say?</p> <p>14 A. It does appear to say that, yes.</p> <p>15 Q. It doesn't expressly refer to this new intelligence</p> <p>16 relating to the incident he had raised relating to</p> <p>17 Barking railway station. It doesn't refer to that, does</p> <p>18 it?</p> <p>19 A. It doesn't refer to that, no.</p> <p>20 MR DAVIES: Thank you.</p> <p>21 Questions from MR SKELTON</p> <p>22 MR SKELTON: Mr Holt, I ask questions on behalf of the</p> <p>23 Metropolitan Police. May I clarify: were your</p> <p>24 instructions in this interview to get a detailed account</p> <p>25 from Stephen Port?</p> <p style="text-align: center;">Page 23</p>
<p>1 Q. You then said this:</p> <p>2 "Our supervisor subsequently ..."</p> <p>3 Do we interpret that to mean subsequent to your</p> <p>4 conversation with him, yes?</p> <p>5 A. That is how I interpret that, yes.</p> <p>6 Q. "... provided the HAT advice dated 27 June 2014 and</p> <p>7 a copy of our interview notes to A/DI McCarthy."</p> <p>8 You have just covered that with my learned friend</p> <p>9 Ms Hill:</p> <p>10 "We then withdrew from the investigation having been</p> <p>11 involved for approximately four hours."</p> <p>12 Does that mean, effectively, you went back to base</p> <p>13 in Putney at the end of the four hours?</p> <p>14 A. Yes, I would envisage that is what we did.</p> <p>15 Q. There is no reference here, or anywhere else in the</p> <p>16 statement, is there, to you having seen DC Levoir typing</p> <p>17 up any separate note of this interview?</p> <p>18 A. There is no reference there, no.</p> <p>19 Q. All you have referred to is handing over the manuscript</p> <p>20 interview note?</p> <p>21 A. That is all I have made reference to, yes.</p> <p>22 Q. Were you present when DS Reeves briefed A/DI McCarthy?</p> <p>23 A. I was -- again, I sort of touched on it earlier, I don't</p> <p>24 recall exactly how the debrief in this particular</p> <p>25 situation occurred. I was in the same room</p> <p style="text-align: center;">Page 22</p>	<p>1 A. Yes, they were.</p> <p>2 Q. And not to challenge him at that stage?</p> <p>3 A. The guidelines of the interview were to further</p> <p>4 interview him and get a detailed account to get him to</p> <p>5 commit to -- obviously he had provided two accounts and</p> <p>6 it was to say, give us your final truthful account, no</p> <p>7 lies, what is it that you have to say to us, so say what</p> <p>8 you have to say to us. So, yes, a final account.</p> <p>9 Q. You said I think that you have some recollection that</p> <p>10 DC Levoir typed up her summary while you were both still</p> <p>11 at the borough?</p> <p>12 A. Yes, what I remember is DC Levoir was certainly at</p> <p>13 a computer typing. I don't remember whether that was</p> <p>14 the summary that she was typing there and then. That</p> <p>15 would be usual practice. I don't know what it was that,</p> <p>16 you know, I have no direct clear recollection of what</p> <p>17 she may have been typing up.</p> <p>18 Q. Yesterday she described what she thought the summary</p> <p>19 would have contained and in effect she said it would</p> <p>20 have been a typed version of the handwritten notes,</p> <p>21 which I think you have seen, but with some highlighting.</p> <p>22 In fact it is the same as the handwritten notes but with</p> <p>23 highlighting; do you remember? Do you know that she</p> <p>24 gave that evidence yesterday or are you hearing that for</p> <p>25 the first time?</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 A. No, I am aware that she gave that in her evidence 2 yesterday. 3 Q. In fact the difference between a summary and the notes 4 themselves would have been merely the highlighting? 5 A. I think that would depend on how thorough your 6 contemporaneous notes were. 7 I certainly, if I was the second interviewing 8 officer wouldn't have been able to write as much as Judy 9 had written next to while I was asking the questions, so 10 my interview summary would have been probably more 11 detailed than my notes, because I wouldn't have such 12 detailed notes during the interview. 13 Q. You have read the interview transcript and you have read 14 her notes, I think? 15 A. Yes. 16 Q. Is it fair to say that her interview notes represent the 17 significant sections of Mr Port's evidence to you? 18 A. Yes -- yes. 19 Q. They are comprehensive? 20 A. Yes. 21 Q. Within the manuscript note, the handwritten note at 22 least, she has highlighted at least three issues. One 23 is certain passwords to get on to Port's account, the 24 fact he was having communications on Facebook for 25 example. The other is some intelligence about the two</p> <p style="text-align: center;">Page 25</p>	<p>1 access individually and you may or may not have access 2 to some or others. In MIT teams we would have 3 an intelligence unit who would have access across the 4 board there and between that intelligence unit we would 5 certainly have access to all of them. 6 Q. If after your interview the borough came to suspect that 7 Port was responsible for Anthony's murder, would you 8 have expected those basic intelligence checks about 9 Mr Port to have been conducted by them? 10 A. Yes. 11 Q. Likewise, if they suspected him of murder, would you 12 have expected them to have checked his laptop and phone 13 using the various passwords that you had elicited during 14 your interview? 15 A. Yes. 16 MR SKELTON: Thank you. 17 MR O'CONNOR: I don't have any questions, madam. 18 THE CORONER: I don't have any questions either. No? 19 Thank you very much. 20 Could you just wait, Mr Holt. Is there a question 21 coming? 22 No, thank you. Just checking. 23 MR O'CONNOR: Thank you, madam, may we now move straight on 24 to calling DI Eugene McCarthy. 25 THE CORONER: Yes.</p> <p style="text-align: center;">Page 27</p>
<p>1 incidents which you have been asked about, one in New 2 Year's Eve 2012/2013 and the other more recently in 3 2014. You have seen she has asterisked those? 4 A. I have seen that, yes. 5 Q. Would you have expected her to have highlighted those in 6 her summary as matters of some significance? 7 A. I would have expected so, yes. 8 Q. Would you have expected the recipients of her notes, 9 whether the manuscript note which has asterisks on, or 10 the typed summary to have picked up the significance of 11 those matters? 12 A. Yes. 13 Q. I think it is an easy thing, isn't it, for intelligence 14 checks to be done on any suspect? 15 A. Yes. There are different levels of intelligence checks 16 that can be requested, so you would ask for a certain 17 level of intelligence check to be carried out on 18 someone. 19 Q. I think Ms Levoir referred to them as the sort of 20 intelligence indices yesterday, so there are various 21 different ones, including the PNC and the PND? 22 A. Yes. 23 Q. If you yourself do not have access to them, you can ask 24 someone else? 25 A. Yes, there are several different sources that you can</p> <p style="text-align: center;">Page 26</p>	<p>1 MR EUGENE MCCARTHY (sworn) 2 A. Eugene McCarthy, I am an ex detective inspector from the 3 Metropolitan Police, having left in February 2020. 4 Questions from MR O'CONNOR 5 MR O'CONNOR: Thank you, do take a seat, please. 6 A. Thank you. 7 Q. Mr McCarthy, you have told us that you are no longer in 8 the Metropolitan Police Service. I think it is right to 9 say that you joined the Metropolitan Police Service, was 10 it around about 1990? 11 A. I did, February 1990. 12 Q. As a uniformed constable? 13 A. That's correct, yes. 14 Q. You became a detective constable three or four years 15 later? 16 A. Yes, I think I transferred to CID duties in about 1995, 17 and then became a substantive detective, roughly in 18 2010, I believe. 19 Q. 2010? 20 At some point you were promoted to detective 21 sergeant? 22 A. Yes, I believe that was around 2009, I was promoted to 23 detective sergeant and went from the team I was working 24 on to Barking and Dagenham borough. 25 Q. These dates don't matter hugely, Mr McCarthy, but</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 I thought you just said that you became a substantive 2 detective constable in 2010. Sorry, what was that -- 3 A. Sorry, 2000. So it would have been 2009, then 4 I completed my sergeant. 5 Q. And became a detective sergeant. 6 A. Apologies. 7 Q. Please don't worry. 8 Obviously the questions we have to ask you are all 9 to do with your work at Barking and Dagenham borough -- 10 A. Yes. 11 Q. -- in 2014 or thereabouts. How long had you been 12 working in that borough in 2014? 13 A. I believe I transferred to Barking and Dagenham in 14 2009 -- so five years. 15 Q. Four or five years, something of that order, by 2014. 16 We don't need to go through in great detail 17 everything that you had done before you went to Barking 18 and Dagenham, Mr McCarthy, but I did want to ask you 19 about one thing you mentioned in your witness statement, 20 which is that one of the roles you had fulfilled before 21 you went to Barking actually involved working on what 22 the jury have heard is a major investigation team. 23 A. Yes, I did. 24 Q. Could you tell us a little bit about that. 25 A. It was a major investigation team, not known by that</p> <p style="text-align: center;">Page 29</p>	<p>1 A. Yes, sir. 2 Q. You in fact led that investigation for quite some time 3 as the senior investigating officer, didn't you? 4 A. Yes, I did, from about 25 June 2014. 5 Q. Yes. I am going to come and ask you about that in 6 a moment. You were not the SIO right at the start on 7 the day his body was discovered, but you were appointed 8 to that role next week? 9 A. I was, yes. 10 Q. Then you carried on performing that role for many months 11 afterwards; is that right? 12 A. Yes, I did, I was the detective or acting detective 13 inspector overseeing the CID, but as a hands-on role in 14 the investigation, no, not throughout, but I was aware 15 of it. 16 Q. All right. We will come to look at the scope of your 17 role as it developed as we go through the chronology and 18 of course the jury are by now quite familiar with the 19 stages of the investigation and we will go through those 20 with you. 21 I have been asking all the witnesses, Mr McCarthy, 22 whether they actually have a very clear memory of what 23 happened, it is now seven years ago. May I ask the same 24 question to you. Do you remember those events? 25 A. I would like to think I have a very good recollection of</p> <p style="text-align: center;">Page 31</p>
<p>1 name at the time, I believe, but that was mainly to do 2 with child abuse investigation, and child deaths within 3 the family. 4 Q. Was that when you were a detective constable or 5 detective sergeant? 6 A. It was, yes. I believe I was there from about 2005, 7 roughly, till 2009. 8 Q. The jury have heard all about major investigation teams, 9 also sometimes known as homicide command and the role 10 that they fulfilled in relation to HAT duties. 11 A. Hmm. 12 Q. Obviously I am going to come on and ask you some 13 questions about that. 14 A. Yes. 15 Q. Just to be clear, the major investigation team you 16 worked on, between about 2005 and 2009, was that a team 17 that fulfilled HAT duties or not? 18 A. No, it wasn't, sir. 19 Q. Was that because it was very focused on child cases? 20 A. Yes, and -- yes, it was focused mainly -- it was under 21 the child protection remit structure at that point, yes. 22 Q. All right. 23 As I have said, and you know, you are here to answer 24 questions about your involvement in the borough 25 investigation into the death of Anthony Walgate.</p> <p style="text-align: center;">Page 30</p>	<p>1 it, because I made quite a lot of notes at the time and 2 it is, for one reason or another, with everything that 3 has happened subsequently, with various investigations, 4 I would have reviewed a lot of documentation, so, yes, 5 I would like to think I have a good recollection of what 6 happened at the time. 7 Q. All right. As you say, there are lots of documents. 8 I am afraid we will have to look at quite a number of 9 them and you have also made some witness statements, so 10 if it would help at any stage for you to look at either 11 your witness statement or a particular document, then do 12 please say so and we will make sure that you are shown 13 it. 14 A. Okay, thank you. 15 Q. I will ask you about the detail of the events, but 16 before I do that, I just want to ask a few more general 17 questions just to provide a bit of context. 18 No one will be surprised that the first thing I want 19 to do is show you the diagram or organogram that the 20 jury have been looking at of Barking and Dagenham 21 police, just to see where you slotted in to that 22 hierarchy. 23 It is in jury bundle A at tab 4, I think, and we can 24 bring it up on screen, it is INQ41. 25 Can you see that there, Mr McCarthy?</p> <p style="text-align: center;">Page 32</p>

<p>1 A. I probably need my glasses -- that is better.</p> <p>2 Q. We are making it bigger on the screen.</p> <p>3 You can see that towards the bottom of the page, the</p> <p>4 right-hand side shows the uniformed branch of the police</p> <p>5 and the left-hand side shows CID?</p> <p>6 A. Yes.</p> <p>7 Q. Just to be clear, this is not intended, of course, to</p> <p>8 show every single person in the police at the time, we</p> <p>9 are focusing on people who were involved in these</p> <p>10 investigations and just trying to get some sense of the</p> <p>11 rank structure and the hierarchy.</p> <p>12 We can see at the bottom, on the left, people like</p> <p>13 DC Desai and DC Parish, who the jury have heard from.</p> <p>14 Above them DS O'Donnell, again who has given</p> <p>15 evidence already.</p> <p>16 It is above DS O'Donnell, is it not, that we see</p> <p>17 your name; there are two acting detective inspectors,</p> <p>18 you and a man called Mr Schamberger?</p> <p>19 A. That's correct, yes.</p> <p>20 Q. Above you, we see a man called T/DCI -- does that stand</p> <p>21 for temporary?</p> <p>22 A. Yes, temporary detective chief inspector.</p> <p>23 Q. Tony Kirk?</p> <p>24 A. Yes.</p> <p>25 Q. What was his role?</p> <p style="text-align: center;">Page 33</p>	<p>1 Q. Thank you.</p> <p>2 We can take that down now. We saw there that in</p> <p>3 June 2014 you were not a substantive detective</p> <p>4 inspector, you were an acting detective inspector.</p> <p>5 A. That's correct, yes.</p> <p>6 Q. Can you tell us something about the significance of the</p> <p>7 "acting" part of that title?</p> <p>8 A. I think by that stage I had completed my inspector's</p> <p>9 exam some years previously, so I had -- my intention was</p> <p>10 to go for the next rank and in around 2013, I believe</p> <p>11 around November 2013, there were vacancies for detective</p> <p>12 inspectors on the borough and I was selected to perform</p> <p>13 the role of acting detective inspector covering the CID</p> <p>14 and our case progression unit. At the same time, from</p> <p>15 memory, there was another acting detective inspector as</p> <p>16 well, put in place for a different area of the CID.</p> <p>17 Q. Was that Mr Schamberger who we saw?</p> <p>18 A. Not that I am aware of at that stage, it was another</p> <p>19 officer called Lee Osborne, but I probably didn't know</p> <p>20 Rolf Schamberger at that stage.</p> <p>21 Q. Let's not complicate matters. As far as you were</p> <p>22 concerned, you had been performing that role I think you</p> <p>23 said since the back end of 2013, so six or seven months</p> <p>24 action something like that?</p> <p>25 A. That's correct, yes.</p> <p style="text-align: center;">Page 35</p>
<p>1 A. He would have overseen the whole CID, so CID would have</p> <p>2 comprised of your CID team, community safety unit,</p> <p>3 a serious acquisitive crime unit. He would have</p> <p>4 overseen the whole CID response --</p> <p>5 Q. He was the man who -- we will hear from him about the</p> <p>6 details of his responsibilities -- was responsible for</p> <p>7 running the whole of the CID department?</p> <p>8 A. Yes.</p> <p>9 Q. Is it right that he was also your supervisor, your line</p> <p>10 manager?</p> <p>11 A. He was, yes. Yes, he was.</p> <p>12 Q. We can see that if we go higher than Mr Kirk in the</p> <p>13 hierarchy, we come to officers who were responsible both</p> <p>14 for the uniformed branch and the CID?</p> <p>15 A. That's correct, yes.</p> <p>16 Q. Directly above Mr Kirk, we see, do we not, Temporary</p> <p>17 Superintendent Mike Hamer; there is also another name,</p> <p>18 Mr Wilson, but it was Mike Hamer who was occupying that</p> <p>19 role, as we can see in July 2014, in fact he was just</p> <p>20 leaving around that time, but it was he who was involved</p> <p>21 in the early stages of the Walgate investigation. Is</p> <p>22 that right?</p> <p>23 A. That's correct, he was, yes.</p> <p>24 Q. Above him, Mr Ewing, the borough commander?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 34</p>	<p>1 Q. You have explained that it was part of the progression</p> <p>2 towards being appointed to a substantive detective</p> <p>3 inspector role?</p> <p>4 A. Not part of the progression, because you didn't need to</p> <p>5 actually complete the role of an acting detective</p> <p>6 inspector to get the substantive rank, but it does give</p> <p>7 you that experience of an area of management above</p> <p>8 a detective sergeant. So it wasn't necessarily I had to</p> <p>9 have that to get the next rank, but it gave me</p> <p>10 experience to -- of what the next rank would be and to</p> <p>11 see if it was for me or not for me.</p> <p>12 Q. All right. You have mentioned the fact that as part of</p> <p>13 that progression you had taken some or all, is it, of</p> <p>14 your inspector's exams?</p> <p>15 A. Yes, I believe I completed the inspector's exam possibly</p> <p>16 in 2011 and that's got a five-year lifespan, if you</p> <p>17 wish.</p> <p>18 Q. I see.</p> <p>19 A. That subsequently expired and I took it again a couple</p> <p>20 of years later, so ...</p> <p>21 Q. Another element of training which the jury have heard</p> <p>22 something about is what we have heard described as the</p> <p>23 PIP system of training.</p> <p>24 A. Yes.</p> <p>25 Q. You were qualified as PIP2 at this time?</p> <p style="text-align: center;">Page 36</p>

<p>1 A. That's correct, yes.</p> <p>2 Q. Just explain to the jury what the significance of that</p> <p>3 is?</p> <p>4 A. I suppose, along with -- all detectives, substantive</p> <p>5 detectives, should be trained to PIP level 2 and that</p> <p>6 sort of gives you training on how to investigate serious</p> <p>7 violent offences and an overview of how to deal with</p> <p>8 exhibits, just general CID work.</p> <p>9 Whereas PIP level 1 would be geared towards maybe</p> <p>10 a lot of your uniformed colleagues, where they wouldn't</p> <p>11 deal with the more violent offences, say, so --</p> <p>12 Q. Yes, and what about PIP level 3, which of course you did</p> <p>13 not have but it was one up from you?</p> <p>14 A. It was. Once you were promoted to a detective</p> <p>15 inspector, you would have then gone on to complete a PIP</p> <p>16 level 3 course, which, although in later years I did get</p> <p>17 promoted to inspector, I never did the actual PIP level</p> <p>18 3 course.</p> <p>19 Q. In summary, is it right that the PIP3 qualification is</p> <p>20 what qualifies someone to lead a major investigation?</p> <p>21 A. Yes. In the case of a deceased body, yes.</p> <p>22 I would describe an investigation as I say,</p> <p>23 a violent robbery, that was be a major investigation but</p> <p>24 you didn't need PIP3 for that type --</p> <p>25 Q. So PIP3, leading a homicide investigation?</p> <p style="text-align: center;">Page 37</p>	<p>1 sufficient resources and officers to go and do those</p> <p>2 enquiries.</p> <p>3 Once done, I would have collated and then briefed up</p> <p>4 to my management team, which would be Mr Kirk and</p> <p>5 beyond.</p> <p>6 Q. Is it accurate to say that an SIO performs a strategic</p> <p>7 role in an investigation?</p> <p>8 A. Yes, and in this particular investigation -- yes,</p> <p>9 a strategic role. At the beginning, all those actions</p> <p>10 ideally would be drawn up by a detective sergeant, but</p> <p>11 because really I wasn't substantive, I still had one</p> <p>12 foot in my DS role and my mindset, so that is probably</p> <p>13 why I did push out actions but, yes, my role as a DI</p> <p>14 would be the strategic oversight.</p> <p>15 Q. You have to decide, as you have said, on lines of</p> <p>16 investigation and the types of action that the officers</p> <p>17 below you should undertake. It is then for them to go</p> <p>18 away and do it, and presumably then at some stage you</p> <p>19 then review the whole case and decide what further needs</p> <p>20 to be done, but it is not for you to actually do those</p> <p>21 tasks, it is your job to take a longer view?</p> <p>22 A. Yes, it's to get people to go out to do those tasks.</p> <p>23 Q. That is as far as delegating down is concerned. What</p> <p>24 about communicating upwards in the chain, is that also</p> <p>25 part of your role?</p> <p style="text-align: center;">Page 39</p>
<p>1 A. Yes.</p> <p>2 Q. But PIP2, enough to lead an investigation into, your</p> <p>3 example, a violent robbery?</p> <p>4 A. Yes or an offence of GBH, where somebody has got</p> <p>5 injuries, yes.</p> <p>6 Q. The third area I want to cover briefly, and we will of</p> <p>7 course come back to it when we look at the chronology,</p> <p>8 is your role as the SIO. As we have said, you were</p> <p>9 appointed as the senior investigation officer a few days</p> <p>10 after Anthony's body was found, and we will look exactly</p> <p>11 at that.</p> <p>12 What was your role, in particular with regard to the</p> <p>13 people below you in that hierarchy and the people above</p> <p>14 you in it, as SIO?</p> <p>15 A. Sorry, so on the day I took over as --</p> <p>16 Q. Yes. In that first period, let's say.</p> <p>17 A. Are we talking the 25th onwards or pre the 25th?</p> <p>18 Q. No, I don't want to ask you about pre the 25th, but once</p> <p>19 you were appointed -- we will come to look at the</p> <p>20 detail, but I just want to help the jury get</p> <p>21 an understanding of, in general terms, what it is that</p> <p>22 a SIO does.</p> <p>23 A. Well first of all I would have taken the investigation,</p> <p>24 I would have reviewed and then I would have outlined</p> <p>25 lines of enquiry and ensured I had tried to get</p> <p style="text-align: center;">Page 38</p>	<p>1 A. It is, yes, because I would be the go to person by the</p> <p>2 senior management team to find out what is happening</p> <p>3 with this enquiry, and I would either -- and probably</p> <p>4 did -- provide a verbal briefing along with a documented</p> <p>5 briefing.</p> <p>6 Q. We saw on that chart that it was DCI Kirk who was above</p> <p>7 you in the chain. Tell us a little more about your</p> <p>8 working relationship with him during this period. For</p> <p>9 example, he has said in a witness statement that he</p> <p>10 would have held almost daily meetings with his DIs, by</p> <p>11 which I assume he means to include you, does that give</p> <p>12 us a sense of your working relationship with Mr Kirk?</p> <p>13 A. I have known Mr Kirk for many years and I would have</p> <p>14 been on personal name basis with him, and it would have</p> <p>15 been -- we would have had conversations. I can't -- if</p> <p>16 you are talking about a formal daily meeting between me</p> <p>17 and Mr Kirk, no, but there were formal meetings every</p> <p>18 day, we call them Pacesetter meetings, where the borough</p> <p>19 would review what was happening. They occurred at 9.30,</p> <p>20 15.30 and I think 2000 hours.</p> <p>21 I can't say Mr Kirk is wrong, as a formal sit down</p> <p>22 one to one taking notes, directing me to do stuff,</p> <p>23 I would say no, but there would have been conversations</p> <p>24 because we were all on the same floor.</p> <p>25 Q. Certainly plenty of opportunity for you to, for example,</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 seek his advice if you needed it?</p> <p>2 A. Yes, he was very approachable.</p> <p>3 Q. And for him to enquire about how the investigation was</p> <p>4 going if he wanted to ask you that?</p> <p>5 A. Absolutely, yes.</p> <p>6 Q. The last of the general matters I wanted to touch on is</p> <p>7 the question of resources, and you did refer to it when</p> <p>8 you described part of your role as SIO to try and get</p> <p>9 the resources to undertake the investigation.</p> <p>10 The jury have heard some evidence about this from</p> <p>11 DS O'Donnell, who, while he was explaining his actions</p> <p>12 in this case, gave us the context of Barking CID being</p> <p>13 extremely busy at this time. He used a couple of turns</p> <p>14 of phrase, he described it being like spinning plates,</p> <p>15 rushing from one spinning plate to another, just hoping</p> <p>16 that none of them fell to the ground and he also used</p> <p>17 the phrase "holding on by your fingernails".</p> <p>18 Can you give us an idea -- I don't want to talk</p> <p>19 specifics at this point, but can you help us with just</p> <p>20 how pressed resources were at the time?</p> <p>21 A. Yes, we were a very busy borough. Resources -- if</p> <p>22 I look at people resources, and numbers, we probably had</p> <p>23 our allocated number of staff but we didn't probably</p> <p>24 have our allocated number of trained staff, and I would</p> <p>25 include myself in that, and Mr Kirk.</p> <p style="text-align: center;">Page 41</p>	<p>1 people there and it was a full office, you could say,</p> <p>2 but also it wasn't necessarily trained to what you want</p> <p>3 and resources wise, I believe around that time they had</p> <p>4 undergone a three-week shift pattern, and that had</p> <p>5 a substantive impact on who would have been about, what</p> <p>6 days people worked, et cetera. There was a lot of stuff</p> <p>7 to play into the question of resources, I feel.</p> <p>8 You know ...</p> <p>9 Q. Again, I am going to come back to the specifics of all</p> <p>10 of this, but just help the jury with what impact the</p> <p>11 strains on resources that you have just described were?</p> <p>12 A. Yes.</p> <p>13 Q. Did it, in your experience, and, please, I am not asking</p> <p>14 you about this case, we will come to the details of this</p> <p>15 case, but in general terms, on the one hand, was it</p> <p>16 simply that you all felt that you were working hard,</p> <p>17 perhaps too hard, and you could do with more help, or</p> <p>18 were you actually feeling on a day-to-day basis that it</p> <p>19 wasn't possible to undertake investigations as they</p> <p>20 ought to be investigated, because of a lack of</p> <p>21 resources?</p> <p>22 A. Sometimes I am a difficult person to answer a question</p> <p>23 like that, because I will go the extra mile and I push</p> <p>24 a team and I expect to be pushed on the question of</p> <p>25 resources, but it was busy and I think a CID team could</p> <p style="text-align: center;">Page 43</p>
<p>1 The fact that I was a temporary and there was two</p> <p>2 other temporary detective inspectors, would mean, yes,</p> <p>3 you had persons on seats but you didn't have the</p> <p>4 requisite training on seats and once I moved up to</p> <p>5 acting detective inspector, I vacated a sergeant space,</p> <p>6 so a detective would have moved into that as an acting</p> <p>7 detective sergeant.</p> <p>8 I certainly recall around that time, and certainly</p> <p>9 2014 there was a shortage of certainly experience on not</p> <p>10 just Barking and Dagenham but all boroughs, where there</p> <p>11 was a lack of experience around experienced detectives,</p> <p>12 experienced detective sergeants and across the Met,</p> <p>13 because I believe there was -- they call them a COG</p> <p>14 report, and I believe there was one where the</p> <p>15 Metropolitan Police were short of 5,000/6,000</p> <p>16 substantive detectives. So, yes, if I look at the sheet</p> <p>17 number 4, where you showed me where you had these staff,</p> <p>18 yes, we did have staff, that is fair to say, but did we</p> <p>19 have like Mr O'Donnell's CID team, ideally, that should</p> <p>20 have been a sergeant and the rest of his staff all</p> <p>21 substantive detective constables but there would have</p> <p>22 been police constables, police constables on attachment</p> <p>23 from uniform. Sometimes you needed to bulk up with</p> <p>24 attachments to -- so yes.</p> <p>25 Certainly my memory is that there were numbers of</p> <p style="text-align: center;">Page 42</p>	<p>1 come in and next minute they have got three or four</p> <p>2 prisoners and that is where we would have to pull in</p> <p>3 people from other teams.</p> <p>4 That was a regular occurrence. So if you are</p> <p>5 pulling in someone from a different team, that means</p> <p>6 their workloads are not being done. So it is fair to</p> <p>7 say it was, yes, spinning plates but if there was</p> <p>8 an issue, it could be raised. If it was raised and it</p> <p>9 wasn't unusual -- it would be brought up at Pacesetters.</p> <p>10 To give you an example, we could have a high risk</p> <p>11 domestic abuse offender outstanding and we would get the</p> <p>12 uniform team, they could do the enquiries to arrest that</p> <p>13 person. Whereby -- you know, so it was a good working</p> <p>14 relationship on the borough, we felt, between uniform,</p> <p>15 CID and amongst the CID teams.</p> <p>16 Q. Yes, all right. As I say, I am going to come back to</p> <p>17 the question of resources as we go through the</p> <p>18 chronology, but I want to now turn and go through the</p> <p>19 events in sequence.</p> <p>20 The jury have heard evidence about the discovery of</p> <p>21 Anthony's body, early in the morning on Thursday,</p> <p>22 19 June. It is a week or so ago now, but they heard</p> <p>23 evidence from various people who were at the scene. You</p> <p>24 didn't go to the scene, did you?</p> <p>25 A. I didn't, no.</p> <p style="text-align: center;">Page 44</p>

<p>1 Q. In fact, as you have already said, we will come to see 2 that you were appointed as the SIO on the Wednesday of 3 the following week, that is the 25th? 4 A. That's correct, yes. 5 Q. If we just track back to the week before, you were in 6 the office on Thursday, the 19th? 7 A. I was, yes. 8 Q. But in fact you then went away, I think it was on leave, 9 on the Friday and over the weekend, so you didn't have 10 anything to do with the case between the Thursday and 11 then the Wednesday of the following week, is that 12 accurate? 13 A. That's correct, yes. 14 Q. As we will see, and I am going to show you just one or 15 two references, on that day, on the Thursday the 19th, 16 you were in the office and you did perform some tasks 17 relating to this case? 18 A. I did, yes. 19 Q. That were, shall we say, administrative in the sense 20 that you didn't actually get involved in undertaking any 21 investigative steps? 22 A. I didn't, no. 23 Q. Could we go, please to, tab 13 in the jury bundle. It 24 is IPC537 for the screen. 25 The jury may remember, as I say, it was a week or so</p> <p style="text-align: center;">Page 45</p>	<p>1 A. That's correct, yes. 2 Q. I don't want to look at detail of these notes now, but 3 can you explain to us how it came about that you 4 received a handover from DI Delaney? 5 A. My memory that morning is that I would have commenced 6 duty at say 7.00 am, and you have a duty DI for the day, 7 and that duty DI went to the scene to conduct that 8 investigation. I remained back at the police station, 9 conducting, for want of a better word, your business as 10 usual, I would have gone over all of the overnight 11 crimes, what resources we had, ensured any persons in 12 custody, we had teams allocated to deal with that. 13 I was aware from the 9.30 Pacesetter meeting who was 14 at the scene, and I probably knew that Mr Delaney was 15 the night duty DI. My recollection of this is that 16 I got a phone call from John. 17 Now, a night duty cluster DI, you start at 7.00 pm 18 at night, till 7.00 am the following morning and you 19 cover, at that time I think it was nine boroughs on east 20 London, and it was quite a difficult job. I did it many 21 times but anyway, Mr Delaney, I believe, phoned me and 22 wanted a point of contact where he could just give 23 details and send over his synopsis, which he did in 24 an email, and as he spoke to me I took these notes. 25 So it was for collection -- I was a point of</p> <p style="text-align: center;">Page 47</p>
<p>1 ago now -- Mr McCarthy, it is a different bundle. You 2 can put that bundle away now, I don't think we will be 3 looking at it again. That is the small bundle. What we 4 have now is the larger bundle. 5 A. Yes. 6 Q. It is tab 13 in that bundle. 7 A. Okay, sir, yes. 8 Q. Do you have it? 9 A. Yes. 10 Q. The jury heard from Inspector Learmonth, who was the 11 borough duty inspector, the uniformed inspector, who 12 went to the scene almost as soon as his officers were 13 called to it by the ambulance service. He explained 14 that one of the standard protocols at the scene of 15 an unexplained death was to call for the borough CID 16 inspector or, at night, the cluster DI. Is that right? 17 I think that was a man called Mr Delaney; is that 18 right? 19 A. That's correct, DI John Delaney. 20 Q. We haven't heard from him, we are not going to, but we 21 know from others that he was at the scene, yes. 22 Looking at this document, is it right, we see at the 23 top it says, "A/DI McCarthy handover from DI Delaney on 24 19 June". 25 That is that Thursday.</p> <p style="text-align: center;">Page 46</p>	<p>1 contact, really, I was collecting any documentation 2 coming, I had a long desk, I would say anybody leave it 3 there. So really this is me taking details from John, 4 he went over what was discussed at the scene and hence 5 why these notes from Mr Delaney. 6 Q. Thank you. 7 We heard from Inspector Learmonth that DI Delaney 8 was not a Barking officer, was he? 9 A. No, he wasn't, no. 10 Q. He was not going to be having any further role in 11 investigating this case? 12 A. Well, not that I was aware of. I don't know what was 13 discussed at the scene with major investigation team, 14 but as far as I know -- 15 Q. I think we know he didn't. So it makes sense that he 16 wanted, as it were, to download everything that he knew 17 and found out about the case while he was doing that 18 overnight duty to the officers who would be 19 investigating. You have explained you didn't meet him, 20 you just had a phone call with him, so that is what gave 21 rise to the notes that we see here. 22 We know also that you did some work on the CRIS that 23 day. I don't want to go to it now, we will go to it in 24 due course, but it is right that you set some actions to 25 be performed. Is that right?</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 A. I did. My -- as a detective sergeant, and as an acting 2 DI, I would have always first ... incidents of this 3 nature, and even other complicated serious crimes, 4 I would have opened what we call action review pages. 5 So a uniformed officer, a PC, I believe PC Benson, 6 created the CRIS report and then I would have gone in, 7 looked what was on it and created what I call action, 8 decision and review screens, where I would have captured 9 the information and the whole purpose of that is like 10 when Mr Delaney sent on his email, I would have cut and 11 pasted that into the CRIS to ensure that an electronic 12 record that didn't get lost, didn't get paperwork 13 missing, but electronic records.</p> <p>14 Q. Yes, and that was one of the values of the CRIS, it is 15 a central resource that everyone can see relating to the 16 investigation?</p> <p>17 A. Absolutely, yes.</p> <p>18 Q. One of the matters you would have become aware of that 19 day was that a decision had been made, in fact by the 20 HAT officers who attended, that there was to be 21 a special post mortem in this case?</p> <p>22 A. That's correct, yes.</p> <p>23 Q. At some point you presumably became aware that it was 24 going to take place on the next day Friday, 20 June?</p> <p>25 A. I was, yes.</p> <p style="text-align: center;">Page 49</p>	<p>1 a minute.</p> <p>2 A. From memory, I don't recall allocating Mr O'Donnell to 3 go to the briefing. But it is likely it would have 4 fallen to him, because he would have been early turn the 5 next day. So he mightn't have been who made that 6 decision, I am not too sure. I might have contributed 7 to say, look, Mr O'Donnell's team is early turn.</p> <p>8 Q. Sure.</p> <p>9 In any event, you were working on the case on the 10 Thursday, you knew there was going to be a post mortem. 11 We have heard it is standard for there to be a briefing 12 of this nature, and so you took it on yourself to draft 13 this document. Is that right?</p> <p>14 A. Well, that is the reason I drafted the document. 15 I wouldn't say it is necessarily standard and this is 16 what I took from my time on the child protection team, 17 when I did go over to post mortems. It was good 18 practice to outline a bit of the information for the 19 pathologist, although I would have been aware that the 20 crime scene manager who attended the scene and the major 21 investigation team would have been attending, it was 22 always to me good practice to give a briefing of -- to 23 a pathologist. 24 Rather than turning up and giving a verbal briefing, 25 therefore, we don't know what has been said, so to me it</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. Perhaps we can just have a quick look at tab 16 of the 2 jury bundle, for the screen it is IPC526. You drafted, 3 did you not, a briefing for that post mortem.</p> <p>4 A. Yes.</p> <p>5 Q. You knew you weren't going to attend. Would you have 6 attended if you hadn't been on leave the next day?</p> <p>7 A. No, because that would have been down to the SIO at that 8 time. Had I been the SIO, I would have attended but 9 I am aware -- I am certainly aware of occasions where 10 a DI might be able to attend, but in the first instance, 11 if I was dealing with the job, my instinct would be yes, 12 I am attending, but I am certainly aware of instances 13 that is not always a given. So there will be occasions 14 when a detective inspector cannot attend and then that 15 is delegated down to a sergeant.</p> <p>16 Q. We know that Mr O'Donnell, who wasn't on duty on the 17 Thursday, came back on the Friday to find that he had 18 been appointed as the officer in the case in this case, 19 and that he was going to the post mortem. Was it you 20 who allocated the case to him or would that have been 21 something for Mr Kirk, or tell us?</p> <p>22 A. It wasn't me who allocated him. It may have been 23 a case -- sorry, sir, can I just come back to this 24 document for a moment?</p> <p>25 Q. Yes, I am going to ask you a bit more about it in</p> <p style="text-align: center;">Page 50</p>	<p>1 was my mindset to document. And it is also a document 2 that the persons going can refer to if they have got any 3 questions from the pathologist.</p> <p>4 Q. As we have heard, you then at the end of that day, you 5 then went off and didn't have any involvement in the 6 case until the middle of the week after?</p> <p>7 A. That's correct, I finished up on the Thursday and came 8 back to work on the Wednesday.</p> <p>9 Q. Can you, if you can, just give us a snapshot of what you 10 understood about this case as you left the building on 11 at the end of the day on the Thursday.</p> <p>12 Perhaps I can ask a more precise question. In your 13 mind at that stage, was it an unexplained death, was it 14 a suspicious death, where would you classify it?</p> <p>15 A. In my mind it was an unexplained death. They are the 16 notes that I took from Mr Delaney when I recorded notes 17 and they are in those notes that we just looked at. So 18 to my mind it was an unexplained death, which is not 19 unusual, because once a special post mortem will take 20 place, then the level of suspicion can either go upwards 21 or come downwards.</p> <p>22 Q. Yes.</p> <p>23 A. In my mind, leaving it, I didn't think I was leaving -- 24 well, it was an unexplained death as I left.</p> <p>25 Q. An unexplained death which required further</p> <p style="text-align: center;">Page 52</p>

<p>1 investigation?</p> <p>2 A. Absolutely, yes.</p> <p>3 Q. All right.</p> <p>4 I am going to move forward then to the middle of</p> <p>5 next week when you were back on duty, Wednesday,</p> <p>6 25 June. You have referred already to these Pacesetter</p> <p>7 meetings, which, as you have explained, are regular</p> <p>8 meetings, in fact they happen more than once a day, as</p> <p>9 a way of the borough senior leadership just</p> <p>10 understanding what is going on below them on</p> <p>11 a day-to-day basis, is that right?</p> <p>12 A. Yes, and to raise any issues of the day and to direct</p> <p>13 staff or support staff or allocate resources but yes, it</p> <p>14 was an overview of what was happening that day.</p> <p>15 Q. I think you refer in one of your witness statements to</p> <p>16 it, I think you say in fact it was after the Pacesetter</p> <p>17 meeting on that morning, on the Wednesday, that you were</p> <p>18 asked by Mr Kirk and Mr Hamer to take over the running</p> <p>19 of this case. Is that right?</p> <p>20 A. Well, I was never actually, "Take over this case", it</p> <p>21 was after the meeting ended and I recall Mr Hamer and</p> <p>22 Mr Kirk, asked me to remain and a brief chat and, "Could</p> <p>23 you have a look at this investigation from the weekend?"</p> <p>24 Referring back to this, and I did have knowledge,</p> <p>25 I accept, and said, "Could you review, just to see what</p> <p style="text-align: center;">Page 53</p>	<p>1 A. It is, yes.</p> <p>2 Q. We see you have filled in the front page, that is your</p> <p>3 writing?</p> <p>4 A. It is, yes.</p> <p>5 Q. You have, towards the left, said, under SIO, you have</p> <p>6 put your own name?</p> <p>7 A. I did, yes.</p> <p>8 Q. In fact it looks, if we look towards the bottom on the</p> <p>9 right, it looks like you opened it perhaps a day or two</p> <p>10 later than the Wednesday.</p> <p>11 A. Yes --</p> <p>12 Q. I just want to ask you, Mr McCarthy, you have said that</p> <p>13 you were asked to review the case on the Wednesday</p> <p>14 morning. That is not the same as being the SIO, but you</p> <p>15 seem at some point to have become or obtained that</p> <p>16 status of being the SIO, hence the log, hence what is</p> <p>17 written here.</p> <p>18 Can you just explain to us -- we will go through the</p> <p>19 chronology -- how that happened, how you went from</p> <p>20 someone who was asked to review it to someone who was,</p> <p>21 as it were, the SIO?</p> <p>22 A. It is not unusual to be asked to review a crime or</p> <p>23 an investigation from Pacesetters, it would have been</p> <p>24 something pretty standard, I would have thought. On</p> <p>25 this particular day I was asked to review it. I then</p> <p style="text-align: center;">Page 55</p>
<p>1 actions have been done, what has not been done?"</p> <p>2 And that is when I think the meeting, although it</p> <p>3 started at 9.30, it would have maybe ended 10.30 that</p> <p>4 particular day, I am pretty sure of that, so it would</p> <p>5 have been after that I would have then went, retrieved</p> <p>6 what paperwork was available and then conducted a review</p> <p>7 of that.</p> <p>8 Q. Just can we have a look at tab -- I am going to go to</p> <p>9 tab 49 in the bundle, which I think maybe there is</p> <p>10 a second volume of this larger bundle that the jury</p> <p>11 have, I think we may be into the second volume. If you</p> <p>12 run out of tabs, that is the explanation. Sorry, I can</p> <p>13 never remember where the second one starts.</p> <p>14 It is in the second one.</p> <p>15 Do you have that?</p> <p>16 A. I do not have a 49.</p> <p>17 Q. It might be in one of the boxes either on the floor to</p> <p>18 your right or left -- I think someone is going to help</p> <p>19 you.</p> <p>20 A. Thank you very much.</p> <p>21 Q. At tab 49. For the screen it is IPC449, we will ask</p> <p>22 you -- I am going to ask you about some detail within</p> <p>23 this document in due course, but I just want to show you</p> <p>24 it. It is a decision log, we can see that. A decision</p> <p>25 log is a document for an SIO to use; is that right?</p> <p style="text-align: center;">Page 54</p>	<p>1 returned to the CID office, retrieved what documentation</p> <p>2 was available. I can't remember if I got it from</p> <p>3 Mr O'Donnell or the other officers who was on duty, but</p> <p>4 I retrieved a bundle of the documentation, reviewed the</p> <p>5 CRIS report.</p> <p>6 It was then upon that review that I identified other</p> <p>7 lines of enquiry, so it was that day really I fell into</p> <p>8 the role -- not by accident, but certainly I reviewed</p> <p>9 it, I have got to kick on with the inquiry, so I would</p> <p>10 have taken that role.</p> <p>11 Q. As you say, what fell out of your review, if you like,</p> <p>12 were some investigative steps?</p> <p>13 A. Yes.</p> <p>14 Q. I want to ask you just about two of them.</p> <p>15 First of all, we have heard how it was on that day</p> <p>16 that officers who were with China Dunning in Anthony's</p> <p>17 flat, or room, were asked to show her a photograph of</p> <p>18 Stephen Port.</p> <p>19 A. That's correct, yes.</p> <p>20 Q. Was that something that happened because of your review</p> <p>21 and a decision that you made?</p> <p>22 A. It was, yes. Yes.</p> <p>23 Q. Tell the jury how that happened, in a few sentences.</p> <p>24 A. I had a look at the documentation and then I had a look</p> <p>25 at the CRIS report from memory, and following my going</p> <p style="text-align: center;">Page 56</p>

<p>1 off duty on the 19th, there was an entry on a CRIS 2 report -- I haven't looked at the page yet, but there is 3 an entry on the CRIS report to say that Mrs Dunning has 4 contacted police, I think she attended Hendon police 5 station, and gave some information about Mr Walgate 6 meeting a client in the Barking area.</p> <p>7 I read it at the time that -- I don't know if it is 8 still there, but it is -- but I read it at the time that 9 Mr Walgate had forwarded an image of his client to 10 Ms Dunning.</p> <p>11 At that point, and this would have been maybe gone 12 midday, it could have been early afternoon, I then 13 directed two officers, T/DC Jodie Parish(?) and 14 a T/DC Rob Bellamy to attend Ms Dunning's address as 15 a matter of urgency to retrieve that photograph. Once 16 they attended they phoned back and said no, she has not 17 got a photograph but she saw an image and said she could 18 identify him, he is very distinctive.</p> <p>19 Once I heard that and added to the information of 20 what was in her account, the postcode in Barking, 21 et cetera, and she said the person was very distinctive, 22 probably a natural policeman thing to do, I was aware 23 Mr Port had given a statement, no reason to disbelieve 24 he was lying at that stage. I have asked an officer, 25 check the custody image and see if so and so has</p> <p style="text-align: center;">Page 57</p>	<p>1 A. Yes, I didn't know the whole -- that he had actually 2 been with him. I was aware, obviously Ms Dunning said 3 this is the client that Mr Walgate --</p> <p>4 Q. Evidence to indicate that or to suggest it?</p> <p>5 A. Yes.</p> <p>6 Q. I want to ask you about one other action and then 7 perhaps we may have a break.</p> <p>8 Can I ask you now, in fact, to look at the CRIS, 9 please. It is in the large bundle, it is in the first 10 bundle, Mr McCarthy, behind tab 2 of that bundle, as the 11 jury know. If we can go to page 116, please. For the 12 screen, it is IPC35, page 116.</p> <p>13 Give me a moment. Yes.</p> <p>14 You referred, Mr McCarthy, to having set up some 15 action screens on the CRIS. This is one of those 16 screens, is it not?</p> <p>17 A. It is.</p> <p>18 Q. The jury have heard something about these screens and 19 the fact that they allow someone like you to order 20 an action to be taken, to identify who it is who is 21 supposed to do it and then, of course, it allows 22 an entry to be made about what has happened and whether 23 the action has in fact been completed or not.</p> <p>24 This was one of the actions that you ordered on that 25 day we are talking about, 25 June, and we can see that</p> <p style="text-align: center;">Page 59</p>
<p>1 a record or a photograph, and when you looked at the 2 photograph, well, to me -- I can't remember, but I think 3 it was distinctive because I think he had a hairpiece 4 on.</p> <p>5 It was just -- it is a thing that policemen do, 6 police officers, you put two and two together and you go 7 with your instinct and that is when we got someone to 8 send an image of our custody imaging system, I didn't 9 have access to it, of the image that the police 10 photograph, to Ms Dunning and then she made a positive 11 identification of, "That is the image or the person 12 I saw on the image that Mr Walgate showed to me". And 13 she said she was 97 per cent certain it was the same 14 person.</p> <p>15 Q. That, of course, is a very important moment in the 16 investigation, isn't it?</p> <p>17 A. Sorry, sir?</p> <p>18 Q. That is a very important moment in the investigation?</p> <p>19 A. It is, yes, because, at that point I then realised, well 20 the first -- the account given in the statement clearly 21 didn't tie up with the circumstances.</p> <p>22 Q. Not only at that stage do you have evidence that 23 Stephen Port had lied to the police, but you have 24 evidence that he had in fact been with Anthony several 25 days before Anthony's death?</p> <p style="text-align: center;">Page 58</p>	<p>1 you are instructing Mr O'Donnell and then the text 2 reads:</p> <p>3 "VIW 2 [that is just a way of identifying who you 4 are talking about on the system, isn't it] 5 Mr Stephen Port."</p> <p>6 A. Yes, initially he was entered as a witness on the CRIS 7 report, so witness number 2 he would have appeared as.</p> <p>8 Q. That is, as it were, his unique designation within the 9 CRIS?</p> <p>10 A. That's correct, yes.</p> <p>11 Q. It says he has contacted LAS, informing them of the 12 location of the deceased. What you are instructing 13 Mr O'Donnell to do is conduct intel research, PNC, IIP, 14 et cetera?</p> <p>15 A. Hmm.</p> <p>16 Q. The jury have heard about the PNC, the Police National 17 Computer, and they have also heard something a little 18 less about the IIP, which, if memory serves, stands for 19 integrated intelligence platform. The way you have 20 worded this, you clearly were expecting not just checks 21 to be conducted on the PNC and IIP but other checks as 22 well, is that a fair reading of this instruction?</p> <p>23 A. It is, yes. I mean if you look at the previous 24 action 8, where I have requested the same research on 25 Mr Walgate. I have written down task the local</p> <p style="text-align: center;">Page 60</p>

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<p>1 intelligence team --</p> <p>2 Q. Just for the screen let's go to 114, please. What you</p> <p>3 have written there, checks on Mr Walgate are, "To</p> <p>4 include IIP/PNC/open source et cetera".</p> <p>5 Let me ask you a direct question, Mr McCarthy, the</p> <p>6 jury have also heard about something called the Police</p> <p>7 National Database, which we have heard described as one</p> <p>8 of the basic intelligence sources that the police use.</p> <p>9 A. Yes.</p> <p>10 Q. Were you expecting searches to be conducted on the</p> <p>11 Police National Database in respect of Mr Port?</p> <p>12 A. Yes, I would, if it was passed to the local intelligence</p> <p>13 team.</p> <p>14 When that came in, PND, I am not saying everybody</p> <p>15 was fully au fait with it. I am looking now back seven</p> <p>16 years ago. Can I remember, was PND in my mind? I was</p> <p>17 aware of other intelligence checks. I didn't state that</p> <p>18 specifically, but had our local intelligence team who</p> <p>19 also attended the Pacesetter meetings been tasked, well</p> <p>20 then yes, that was also part of the package?</p> <p>21 Q. Let's just go back if we can in the bundle to tab 13, to</p> <p>22 the notes that you made when you were having your</p> <p>23 handover from Mr Delaney the week before. For the</p> <p>24 screen, it is IPC537. If we can go to page 6 within</p> <p>25 that document, at the top, there is a reference to</p> <p style="text-align: center;">Page 61</p>	<p>1 Anthony Walgate. You say to include IIP, PNC, open</p> <p>2 source. You don't mention PND, even though we have just</p> <p>3 seen the DCI had instructed that PND checks should take</p> <p>4 place.</p> <p>5 A. It is a fair point. I didn't -- why I didn't add that</p> <p>6 particular three letters to this, I can never know.</p> <p>7 But, as I said, when I put down the term "Task the local</p> <p>8 intelligence" our team of dedicated officers,</p> <p>9 an available resource, that would have been part of</p> <p>10 their remit to do that.</p> <p>11 Q. Is it in fact just the case that if you are instructing</p> <p>12 an officer to conduct intelligence checks, you would</p> <p>13 have expected them to have made checks on the PND,</p> <p>14 because it was just one of those basic databases that</p> <p>15 checks were routinely made on?</p> <p>16 A. Yes, I would have expected checks, yes.</p> <p>17 Q. You have talked about the intelligence staff but this</p> <p>18 action, can we now go back to page 116, please. This</p> <p>19 action is addressed to Mr O'Donnell?</p> <p>20 A. It is, yes.</p> <p>21 Q. I think the jury have heard more than once now, he</p> <p>22 himself might have been able to conduct, for example,</p> <p>23 checks on the PNC -- in fact we know that he did.</p> <p>24 A. Yes.</p> <p>25 Q. There were other checks, including the PND, that we have</p> <p style="text-align: center;">Page 63</p>
<p>1 "DCI", would that be the deceased, Anthony.</p> <p>2 A. No, detective chief inspector.</p> <p>3 Q. All right, so "DCI, request full intel", and then</p> <p>4 underneath, what does it say underneath?</p> <p>5 A. It says PND checks.</p> <p>6 Q. So the detective chief inspector, that would be probably</p> <p>7 Mr Jones, the HAT inspector on the scene, would it --</p> <p>8 I am not sure there were any other DCIs?</p> <p>9 A. No, just him.</p> <p>10 Q. Your record there is that he has requested full intel,</p> <p>11 including PND checks?</p> <p>12 A. Yes, as far as I am aware on Mr Walgate.</p> <p>13 Q. All right. This is a reference to checks that were to</p> <p>14 be conducted on Mr Walgate, is it?</p> <p>15 A. Yes.</p> <p>16 Q. Just going back then, if we can, I'm sorry, to go back</p> <p>17 to tab 2, and if we can go -- it is IPC35. Let's just</p> <p>18 first of all look at page 114. Were you aware that</p> <p>19 those PND checks had been conducted on Mr Walgate by the</p> <p>20 time you issued this action a week later?</p> <p>21 A. Sorry, what page?</p> <p>22 Q. We are looking at page 114.</p> <p>23 A. Okay.</p> <p>24 Q. You brought this up, Mr McCarthy, you referred to the</p> <p>25 action you had made in relation to checks relating to</p> <p style="text-align: center;">Page 62</p>	<p>1 heard he would have needed to ask someone else to do on</p> <p>2 his behalf. But that was a very straightforward matter,</p> <p>3 wasn't it?</p> <p>4 A. Yes, and the fact that an action -- you will see a vast</p> <p>5 majority of those actions were allocated to</p> <p>6 DS O'Donnell. That didn't mean he had to do them. He</p> <p>7 was -- he did become the overall officer in charge of</p> <p>8 the investigation. It was for him to put them out to</p> <p>9 the resources that could get them done for him. And in</p> <p>10 relation to, you know, I think this did happen when the</p> <p>11 major investigation team came out on the 27th, they took</p> <p>12 away the intel action.</p> <p>13 Q. We will come to that. We know Mr O'Donnell did check</p> <p>14 the PNC that afternoon, and the jury have seen</p> <p>15 screen-shots or print offs of him checking the PNC and</p> <p>16 discovering the allegation, the New Year's Eve</p> <p>17 allegation relating to Mr Port. Are you familiar with</p> <p>18 that, do you remember that?</p> <p>19 A. I am familiar that there was a previous allegation and</p> <p>20 I have entered it, the brief details of that, into my</p> <p>21 briefing up documents and onto the CRIS report, so yes,</p> <p>22 I am aware.</p> <p>23 Q. In fact, if we can go to tab 19 in the bundle, and for</p> <p>24 the screen it is MPS562, this is the first draft, is it</p> <p>25 not, Mr McCarthy, of the current situation report, your</p> <p style="text-align: center;">Page 64</p>

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<p>1 document that you created and then updated as the 2 investigation progressed? 3 A. That's correct, yes. 4 Q. If we turn to page 4 of this document, first of all at 5 the bottom, we see it is dated 25 June, so it is the day 6 we are talking about, yes? 7 A. Hmm, yes. 8 Q. Then further up the page, under the heading 9 "Intelligence", we see that you have entered: 10 "Stephen Port, of note is that there is a previous 11 allegation of crime against Mr Port, subsequently NFA, 12 that he had unconsensual anal sex with a male after 13 making him take poppers." 14 A. That's correct, yes. 15 Q. We have seen the PNC printout which gave those short 16 details. That must have been a significant discovery? 17 A. Yes. It is an allegation of a sexual assault, with 18 drugs I accept. From memory, it happened two years, 19 thereabouts, maybe less, previously. In relation to the 20 particular case at that time, it was information to be 21 aware of. Was it a smoking gun as such to say he has 22 murdered someone? It was certainly investigate -- 23 information that I was aware of and of importance enough 24 and would have had the -- as the investigation 25 progressed would have found the basis for maybe a bad</p> <p style="text-align: center;">Page 65</p>	<p>1 relevant, there is no doubt about it, they are relevant, 2 and this one here was, you know, in the context of the 3 investigation, did it change anything in particular 4 about what we knew at that time? That Mr Walgate was 5 deceased, we had a special post mortem briefing from the 6 major investigation team, no injuries, no signs of 7 assault and no cause of death. It is information that 8 is there and as the enquiry progressed it might raise. 9 It could got to the point where we would initiate steps 10 to go back and see the victim of this crime. 11 Q. At the very least, Mr McCarthy, and knowing about that 12 intelligence, would it not have made it all the more 13 important to ensure that you had a full picture from 14 police intelligence databases of everything that they 15 contained about Stephen Port? 16 A. Yes. And -- but the question about PND, although 17 Mr O'Donnell provided you have said the intel or the PNC 18 check, et cetera, my understanding of PND at that time 19 was that not many people -- you are talking low single 20 figures -- had licences to access that system on the 21 borough but, yes, going forward, I accept, yes -- 22 Q. Mr McCarthy, you should have, at that stage, ensured -- 23 I'm not saying you should have done this yourself, but 24 you should have ensured, either through Mr O'Donnell or 25 others, that full intelligence checks were conducted</p> <p style="text-align: center;">Page 67</p>
<p>1 character application in court. Yes, it is certainly 2 relevant information. 3 Q. You have, in the course of a day, Mr Port going from the 4 man who called the ambulance service because he found 5 the body on the way home from work, to Stephen Port, the 6 man who in fact appears to have been a client of 7 Anthony Walgate? 8 A. That's correct, yes. 9 Q. Who in fact lied to the police? 10 A. He did. 11 Q. Now you find that he had a previous allegation of rape 12 involving drugs? 13 A. I do. 14 Q. No one is suggesting, Mr McCarthy, that that is case 15 closed, but this is a powerful basis to make further 16 enquiries, is it not? 17 A. It is, yes. 18 And as I said, it is information that is to be aware 19 of by the investigation team, but many of the people 20 that get arrested by police will have previous 21 allegations. Having moved on from Barking and Dagenham, 22 I went on to what were called the Metropolitan Police 23 Sapphire team, that was primarily engaged in the 24 investigation of serious sexual offences. A lot of 25 persons will have previous convictions, they are</p> <p style="text-align: center;">Page 66</p>	<p>1 relating to Stephen Port? 2 A. It is a fair point, but the thing is, an investigation, 3 as you can see on that crime report, I have listed 38 4 actions. Some will be higher than others. You cannot 5 prioritise everything. My recollection on that 6 particular date, if DS O'Donnell was about, our whole 7 thing was to getting to the stage of getting Mr Port 8 into the police station. Once the major investigation 9 team came out to assist, the very essence of their 10 attendance is that will take off you stuff that you 11 haven't, couldn't or maybe not got around to doing, 12 hence that action went to them. 13 So I'm not saying it is an action that would have 14 never ever have been carried out, certainly not, I would 15 never say that. But I am saying you have to prioritise 16 and some will come up and some will come down and that 17 is the nature of an investigation from a shoplifter 18 straight through to a murder, you know. 19 Q. Mr Murray, this was not a shoplifting case, was it? 20 A. I am not suggesting that and the context which I said 21 that, sir, is that as police officers you will approach 22 an investigation and from the most basic investigation 23 lines of enquiry will prioritise over others. On this 24 particular one, DS O'Donnell would have done, as you 25 said, he has got the PNC check and this IIP check. On</p> <p style="text-align: center;">Page 68</p>

<p>1 a borough, we are not used to, certainly Barking and 2 Dagenham, we wouldn't be used to cross-border different 3 police forces. Our suspects would have come from the 4 one borough, really, and hence IIP would cover all the 5 information in the Metropolitan Police.</p> <p>6 Q. Mr McCarthy, I don't want to interrupt you but let me 7 push you on this one more time and then we will have 8 a break.</p> <p>9 You had already instructed Mr O'Donnell to conduct 10 intelligence checks relating to Mr Port, yes?</p> <p>11 A. Indeed.</p> <p>12 Q. You knew that the first check he had done, or at least 13 one of the early checks he had done, had showed 14 a previous allegation against Mr Port?</p> <p>15 A. Indeed.</p> <p>16 Q. That made it all the more important that you required of 17 Mr O'Donnell that he undertook, himself or through 18 others, a full set of checks, which after all is all 19 that you had instructed him to do on one view in the 20 first place, yes?</p> <p>21 A. And it was instructed through others.</p> <p>22 Q. Mr McCarthy, this was not, was it, about resources. You 23 have said yourself that it perhaps wouldn't have been 24 you or Mr O'Donnell who conducted the PND check. All we 25 are talking about is instructing someone with access to</p> <p style="text-align: center;">Page 69</p>	<p>1 You have given some evidence in response to that. I am 2 not going to ask you any more about that, we will of 3 course come back to the question of PND checks at later 4 stages in the chronology, including the 27th, which 5 I know you want to raise in relation to the HAT report 6 of that date.</p> <p>7 Let's move on though, because it is right, isn't it, 8 that as a result of these various developments on the 9 25th, we have mentioned China Dunning identifying 10 Stephen Port and no doubt the PNC report as well, you 11 reached the view that you would make a request to the 12 HAT team to take over the case from the borough, is that 13 right?</p> <p>14 A. Not to take over straight away. What I did do, once 15 I found out that information, I would have likely 16 discussed it, possibly with Mr Kirk if he was about, but 17 my intention, I did put a phone call into the major 18 investigation team, because I felt they had provided 19 advice and normally on the 19th, I should say, and 20 certainly on the 20th, after the special post mortem, 21 and you go back to that team, should you require any 22 assistance or further development, so at that point 23 I tried to contact and let them know that there was, to 24 me, a significant development --</p> <p>25 Q. Yes, let me read you -- I am going to go to that</p> <p style="text-align: center;">Page 71</p>
<p>1 the PND to undertake this check. It should have been 2 done?</p> <p>3 A. It should have been done and it was instructed to 4 others.</p> <p>5 Now, sir, I know you pushed on Mr O'Donnell should 6 have done it. It was instructed, when the major 7 investigation team came out, the PND, you could look at 8 it as a next level of checks which is above what we 9 already had. It was instructed. The major 10 investigation team took that action on the -- the major 11 investigation team, the HAT advice provided on the 27th 12 said all intel checks are being taken away by then.</p> <p>13 Q. Mr McCarthy, I am going to suggest we have a break now 14 and we will come back to this afterwards. Thank you.</p> <p>15 THE CORONER: Yes, we will take a break until 12.00. 16 (11.45 am)</p> <p>17 (A short adjournment)</p> <p>18 (11.59 am)</p> <p>19 (In the presence of the jury)</p> <p>20 MR O'CONNOR: Mr McCarthy, we were on Wednesday, 25 June, do 21 you remember?</p> <p>22 A. Yes, sir.</p> <p>23 Q. We had looked at the PNC report, which Detective 24 Sergeant O'Donnell had found. I was asking you about 25 whether a PND check should have been made on that day.</p> <p style="text-align: center;">Page 70</p>	<p>1 document in just a moment -- a passage from one of the 2 witness statements you prepared and see if it reflects 3 your views at the time. You said this, on the evening 4 of the 25th:</p> <p>5 "It was my view that the investigation had reached 6 such a stage that the MIT should have taken it over. 7 Although at this stage we had no direct evidence that 8 demonstrated that Mr Port had murdered Mr Walgate, we 9 all, including Barking and Dagenham senior leadership 10 team, felt it needed the level of expertise that the MIT 11 would bring."</p> <p>12 Was that, in summary, the view you reached on that 13 evening?</p> <p>14 A. Yes, I would have put a phone call through and I would 15 have called out the homicide assessment team, again they 16 attended the police station. And then, throughout the 17 evening, it was our view that this was a significant 18 development that warranted major investigation team to 19 take ownership.</p> <p>20 Q. Yes. Let's look then, it is tab 20 in the bundle and 21 for the screen it is MPS752.</p> <p>22 This is a record of a conversation you had that 23 evening. The detective you spoke to was a detective 24 named Syria Hussain, it would seem, and we don't need to 25 read it all, if we just look towards the bottom, last</p> <p style="text-align: center;">Page 72</p>

<p>1 five or six lines, Syria Hussain is informing her DI, 2 Mr Hughes: 3 "It transpired that he [that's you] wanted to know 4 if we would take the job from them now and carry on 5 investigating as it had now become suspicious." 6 Was that a point you think you made to her? 7 A. Absolutely not. I would have never insisted speaking to 8 a DC on an ad hoc telephone call to take over 9 an investigation of this sort. She wouldn't be in the 10 position to make that decision. That would have been 11 a decision for any of her senior leadership team, I -- 12 Q. We will see, Mr McCarthy, that is a point she goes on to 13 make. The question I wanted to ask you was whether you 14 had told her that you thought that this was now 15 a suspicious case? 16 A. Would I have mentioned the word "suspicious"? I was 17 still dealing with it as an unexplained -- I can't 18 recall using that word. What I concentrated on was that 19 there was a significant development and my 20 recollection -- I have made no notes of this 21 conversation, my recollection is that it would likely go 22 back to the murder investigation team, with that 23 development. 24 Q. Mr McCarthy, this is an email that Syria Hussain wrote, 25 it would appear within a few minutes of your</p> <p style="text-align: center;">Page 73</p>	<p>1 A. Yes. At most I would have suggested that it could or 2 a likelihood that it will go back to the major 3 investigation team. I was not expecting her -- that is 4 the equivalent of me saying to one of my officers, 5 "DC Parish, take over this investigation". It really 6 wouldn't happen and I understand her position, she 7 picked up the phone on the office at a particular time 8 and I spoke to her and -- but I wouldn't have expected 9 her to take that at that time. There was too much 10 happened to take it -- 11 Q. Is it possible that she misunderstood what you were 12 asking her? 13 A. Possible and that is her recollection, but I don't have 14 any notes of that but I know myself I wouldn't have 15 expected a -- it doesn't work that way. 16 Q. Mr McCarthy, we know that the next day, in fact the next 17 two days, there were a series of exchanges at a higher 18 level than you between the people you described as the 19 senior leadership team at Barking and senior officers 20 within the murder investigation teams, or that 21 structure, SC&O1, about whether primacy was going to be 22 taken over or not? 23 A. That's correct, yes. 24 Q. I am going to go through some of those matters now but 25 we all need to bear in mind that some of the other</p> <p style="text-align: center;">Page 75</p>
<p>1 conversation. She at any rate seems to have taken from 2 it your view that the case was now a suspicious case. 3 A. She may have taken that view, I don't know. She also 4 said I went on so much she couldn't remember my name and 5 also there are other bits on it where -- I'm not saying 6 she has got her recollection wrong, but judging by the 7 review I conducted, the records I kept, the knowledge of 8 the system and I think I referred to this in my 9 statement to the IOPC, I didn't -- I don't blame Syria 10 for anything, I appreciate she was, if you wish to use 11 the word, unfortunate she picked up the phone in 12 an office. That is not how a handover would go. 13 And after my conversation with her we decided to 14 call out the homicide assessment team to start the 15 process. 16 Q. We will come to that, but just looking at those last few 17 lines, we have dealt with the question of whether this 18 was now a suspicious case or not, but does it appear 19 that one way or another you indicated to her that you 20 wanted MIT to take it over, whether it was a decision 21 you were expecting her to take or not. She said that 22 that would be a decision for her superiors, which, as 23 you have said today, you well understood and the matter 24 was left that you would address -- the matter would be 25 taken further the next day?</p> <p style="text-align: center;">Page 74</p>	<p>1 people who were actually involved in those emails or 2 discussions are coming to give evidence, so we don't 3 need to go through it all with you in great detail. 4 Let's start, if we may, by looking at a document 5 I don't think the jury have looked at before, which is 6 tab 24 in the jury bundle, it is IPC751. 7 This is, is it not, an email from Mr Hamer to you 8 and also Tony Kirk, early in the morning, or at least at 9 8.05 in the morning, the next day, 26 June. 10 A. That's correct. 11 Q. If we look at the second substantive paragraph, he is 12 saying: 13 "As discussed with Eugene [that is you I take it] 14 I feel that this case should now be taken on by Chris 15 and team." 16 Would that be Chris Jones, the DCI, head of MIT 20? 17 A. Yes, Mr Jones, yes. 18 Q. Mr Hamer says: 19 "We have a deceased with some bruising and a witness 20 who is lying." 21 He goes on: 22 "The matter will be forced if and when we arrest the 23 caller on suspicion of murder in any event." 24 He then describes how the matter is to be addressed. 25 He says:</p> <p style="text-align: center;">Page 76</p>

<p>1 "I need you both to be pleasantly demanding of Chris 2 [that's Chris Jones we take it], who in all fairness has 3 been really helpful in the past. We will need a face to 4 face." 5 He refers in the next paragraph to having spoken to 6 the boss, would that be Mr Ewing? 7 A. Yes, it would be Chief Superintendent Ewing. 8 Q. He asks to you update your document and then at the end 9 he says: 10 "In sum, aims for today ..." 11 The first bullet point: 12 "SC&O1 ownership." 13 In other words MIT to take over the case? 14 A. That's correct. 15 Q. He also refers to the caller being arrested and the 16 scene secured and we will come to talk about those. 17 He referred at the beginning of that email to 18 a discussion with you, you may not remember the detail 19 now but do you remember having a discussion with 20 Mr Hamer? 21 A. I don't offhand. I would have went off duty the night 22 before, having sent on my briefing update, my current 23 situation report. 24 My recollections coming in the next morning, and it 25 would have been likely I would have met Mr Hamer.</p> <p style="text-align: center;">Page 77</p>	<p>1 What do you say about that? Certainly it would 2 appear from Mr Hamer's email that your role in that 3 meeting would have been to ask Mr Jones to take over 4 primacy of the case. 5 A. Absolutely. In the notes of the meeting that I made, 6 I am not too sure what document reference it is, 7 I discussed -- although I have not written down, "Will 8 you take the investigation?" The very fact that we were 9 there seeking advice and going by what I raised 10 previously earlier with Syria Hussain and the homicide 11 assessment team that came out the previous evening, and 12 Mr Hamer's briefing, yes, I was there to discuss: would 13 they accept the job? 14 Q. Just let me interrupt you for a moment, Mr McCarthy, 15 because you mentioned some notes. It may help if we 16 look at them. It is in the second bundle, so the second 17 jury bundle, tab 50. For the screen it is IPC536, 18 please. 19 Do you have that? 20 A. Sorry, what number, sir. 21 Q. Tab 50, it should be in the second volume of the large 22 bundle. You were looking at it previously. 23 A. Okay. 24 Q. Can you see that? Or is it actually in the first 25 bundle? No, second. Tab 50.</p> <p style="text-align: center;">Page 79</p>
<p>1 Mr Hamer was very -- he took an active interest in CID 2 and his work, so it would have been likely he came in to 3 have a look. He would always come in to have a look at 4 our night duty occurrence book to see what was 5 happening. So, yes, I don't recall this particular 6 email, when it was sent -- 7 Q. Let's put it this way, Mr McCarthy, looking at that 8 email now, does that chime with what recollection you 9 have of the discussions and the plan for the day? 10 A. It would, yes. 11 Q. Mr Hamer referred in that email to needing a face to 12 face. Later that day, there was indeed a face-to-face 13 meeting between you and DCI Chris Jones, was there not? 14 A. There was. DCI Jones and I believe DI Haines, and 15 DC Parish came along with me to the meeting. 16 Q. We have heard some evidence about that meeting and there 17 are some documents relating to it too, and a number of 18 matters were discussed, including investigative strategy 19 and so on? 20 A. Yes. 21 Q. For now at least, I just want to ask you about the 22 question of primacy, as the jury have heard it called. 23 Mr Jones's recollection was that there was really 24 either no discussion about primacy or at least no 25 disagreement about primacy.</p> <p style="text-align: center;">Page 78</p>	<p>1 A. Okay, sir, yes. 2 Q. Just after your decision log. 3 A. Yes. 4 Q. I think this is actually some form of daybook, 5 Mr McCarthy. We see at the bottom right-hand corner of 6 this front page that it is your review notes that you 7 made on the 25th, but then also do you see at the bottom 8 there, "Meeting with MIT on 26 June"? 9 A. That's it, yes. 10 Q. If we turn within the document to page 37, this would 11 appear to be the notes you made at the meeting, simply 12 because everything that comes before it looks like your 13 review? 14 A. And I will apologise for they -- they are more of 15 a doodle -- 16 Q. I am sure we have all made scrapper notes than this, 17 Mr McCarthy, but the line that we asked Mr Jones about, 18 in the middle of the page, it looks like what you have 19 written there is, "Still not a homicide"? 20 A. Yes, and that would have been in response to "Will you 21 accept primacy?" And that is the comment that sticks in 22 my mind, "Still not a homicide", and that was the 23 reasoning why. 24 My recollection going to that meeting wasn't the 25 handed over, "It's a homicide, take it", it needed other</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 support and was in the murder -- or the major 2 investigation team's terms of reference, it was 3 a critical incident and it needed to me, with the number 4 of enquiries, a HOLMES system to operate on. 5 Q. Mr O'Donnell gave us some evidence when he was answering 6 questions, I think from the jury, about what might be 7 described as a bit of a Catch-22 situation, with the MIT 8 teams. I will read out what he said, he said: 9 "Sometimes you can have quite a strange conversation 10 with someone from homicide command, where they would 11 say, 'But you cannot prove it is murder', but then that 12 is what the investigation is for. You cannot prove it 13 is murder until you investigate it." 14 Are those comments relevant to your conversations 15 with DCI Jones on that day? 16 A. It is a fair assessment and the fact that I have written 17 down it is still not a homicide would come in tune with 18 that. 19 Q. Were you frustrated on that day, at that time about the 20 answers you were getting? 21 A. Not frustrated. I wasn't surprised. That is probably 22 the best thing I can say. 23 What I have written -- and I discussed the issue of 24 homicide and the taking of intimate samples, and they 25 said, "No, because it is not a homicide". I wasn't</p> <p style="text-align: center;">Page 81</p>	<p>1 to. 2 Q. As you say, there is a process of escalation, if you 3 like, and that is what then happened. 4 If we look at tab 30 in the bundle, please, so that 5 will be back to the first part of your bundle. For the 6 screen it is IPC753, you have said that you spoke to 7 Tony Kirk after your meeting with DCI Jones and perhaps, 8 at least in part as a result of that conversation -- we 9 know there were other conversations going on at around 10 the same time -- this is an email that Tony Kirk sent to 11 John Sweeney, who was the duty superintendent of the MIT 12 teams at that time. Now the jury have seen this before 13 and they will see it again, because Mr Kirk is coming to 14 give evidence. So I don't want to go through it with 15 you in detail but let's just note, first of all, the 16 time, it was sent late on in the evening of the 26th, 17 the Thursday, yes? 18 A. It was, yes. 19 Q. Although it wasn't addressed to you, you were copied in 20 on it? 21 A. I was indeed, yes. 22 Q. Two points within the email, please. 23 First of all, do you see about four or five 24 paragraphs down there is a paragraph which starts, "This 25 investigations concerns the death ..." Do you see that?</p> <p style="text-align: center;">Page 83</p>
<p>1 frustrated, because I know there is a process to go 2 through and I wasn't surprised that there was an initial 3 knock back, because there was two or three or four 4 previous initial knock backs, they have attended the 5 scene, they have attended the special post mortem where 6 there was information that I wasn't aware of, but 7 subsequently have become aware of. Ms Hussain, 8 DC Hussain's telephone call, I am not saying that was 9 a -- it wasn't a question of handover, when I called up 10 the homicide assessment team the evening before and 11 their advice was to speak to the team tomorrow. 12 So this is the fifth one. I wasn't surprised, but 13 I appreciate there is a process to go through and 14 I didn't come away there frustrated. I hope you can see 15 I accept -- I am pretty level. Some people would call 16 me boring, but I don't get knocked back like that and 17 I know the process to go through. So when I did come 18 away, I did make my notes, I did record my decision 19 making and I have relayed that to Mr Kirk. 20 So I could not say to the major investigating team 21 to take the investigation. I can only suggest. They 22 have got the decision making powers to accept or not to 23 accept. Once it has not been accepted by them, I have 24 then got to go through my rank structure and then the 25 next level of discussion comes in, which I wasn't party</p> <p style="text-align: center;">Page 82</p>	<p>1 A. Yes. 2 Q. What he says is: 3 "It concerns death of a young and what appears fit 4 and healthy male and, on the balance of probabilities, 5 at the hands of another. I appreciate a murder charge 6 may not be the final outcome but the investigation is 7 becoming increasingly complex." 8 Mr Kirk is expressing the view there that on the 9 balance of probabilities this case is a homicide, even 10 if not a murder. So it may for example be 11 a manslaughter case. Is that a view you shared on the 12 evening of Thursday, 26 June? 13 A. I don't think I had input to that paragraph. This is 14 something which Mr Kirk has drafted. What the input 15 I would have had was to submit my current situation 16 report to Mr Kirk, which had the first interview account 17 of Mr Port whilst he was in custody, where he has 18 changed his version of events. So what did I think? 19 I think something had happened. Did I know it was going 20 to be a murder? At that time, no, there was lines of 21 enquiry but I did feel it should have been with the 22 major investigation team. 23 Q. All right. Of course we can ask Mr Kirk more about what 24 he meant. 25 A. Absolutely.</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 Q. The second point relates to the two paragraphs 2 immediately above that one and exactly what it is that 3 Mr Kirk is asking Mr Sweeney for. What we see is that 4 he says: 5 "The request from [we know that KG stand for 6 Barking] is for SC&O1 to provide an SIO to take 7 ownership of this investigation for the following 8 reasons. At Barking we have no trained SIOs and even at 9 DI and DCI level, we only have PIP level 2 trained 10 officers." 11 It is clear, isn't it, that Mr Kirk is not asking 12 for some help around the edges of this investigation, if 13 you like, some extra resources, he is saying that SC&O1 14 need to take over the investigation and as part of that, 15 provide an SIO with a level of training that wasn't 16 available in Barking. Is that a correct reading and was 17 that your understanding of what he was asking for? 18 A. Yes, that I agree totally with that. And, as I said, as 19 I stated earlier, I am PIP level 2, as were all the 20 other -- and everybody else in acting and temporary 21 roles -- and, you know, additionally I felt it needed 22 a HOLMES system that would cross reference everything. 23 So they were the reasons, yes. 24 Q. Without being too personal about it, what he was saying 25 is that you didn't have the level of training to conduct</p> <p style="text-align: center;">Page 85</p>	<p>1 A. Yes, sir. 2 Q. We will hear perhaps from Mr Kirk and others about how 3 Mr Sweeney perhaps orally conveyed his message to them. 4 Did you see this email either at the time or 5 subsequently within those few days or weeks? 6 A. No. This is the first time I have seen this particular 7 email. 8 Q. Sitting here now? 9 A. Yes. 10 Q. All right. 11 Well, let's look at it, because it explains the 12 decision that Mr Sweeney made. You know of course that 13 he decided that MIT would not take over the 14 investigation on the 27th. You must have known that? 15 A. Yes. 16 Q. If you look towards the bottom of this page, about 17 halfway down, you see he says: 18 "I was informed of the above last night at 9.00 pm, 19 the local DCI wanted me to take on the investigation." 20 A. Yes. 21 Q. He says: 22 "I have not taken that decision, but have made what 23 I consider a pragmatic decision to ensure that we clear 24 the ground in front of us at present and then decide 25 where that leaves us. I will then be able to make</p> <p style="text-align: center;">Page 87</p>
<p>1 this investigation and to be fair, he is also saying in 2 fact there wasn't anyone on the borough who had that 3 level of training? 4 A. No, and I fully accept that I didn't have the requisite 5 courses and I was a detective of 20/22 years' 6 experience, whatever it was at that time, but it was my 7 new role and management and managing at that level. So 8 on a number of levels I was performing the role of DI, 9 but it was a new role and certainly, to oversee this 10 type of enquiry, I didn't have the training. 11 Q. Right. We will ask more about that email when Mr Kirk 12 comes to give evidence, but for these purposes can I you 13 to turn over in the bundle, to tab 32. For the screen, 14 it is MPS544. 15 There was a response to that email from Mr Sweeney, 16 we may hear that there was conversations going on in the 17 background overnight, but there was a response that came 18 by email the next morning. We are now on 27 June, do 19 you see that? 20 A. Yes. 21 Q. Now, you are not copied into this email? 22 A. No. 23 Q. In fact I described it as a response. That is probably 24 inaccurate, because this is an internal email within the 25 SC&O1 team, do you see that?</p> <p style="text-align: center;">Page 86</p>	<p>1 a proper assessment." 2 He then in the next part indicates that he is 3 sending some extra resources to Barking and of course 4 you were aware of that, we will come on to the fact that 5 those officers came along the next day? 6 A. Yes, sir. 7 Q. Then just picking up, at the bottom of the page, in 8 terms of the decision that he was making, he says: 9 "The above measures are to ensure that nothing is 10 missed and that the investigation has sufficient 11 expertise to undertake the tasks. As these tasks are 12 completed, it will hopefully shed light on [going over 13 the page] the circumstances of the as-yet unexplained 14 death of Anthony Walgate. Should I consider that it 15 points to a homicide more than a drug overdose, or that 16 the investigation at that stage is beyond the 17 capabilities or capacities of the BOCU, I will make the 18 decision for SC&O1 to take the investigation on and 19 relieve the BOCU of any investigative role. To relieve 20 the BOCU at this early stage is not my preferred 21 option." 22 He then gives some reasons, including the third one, 23 "The death has not been established as a murder". 24 Then, finally, this: 25 "Primacy will be regularly reviewed as the</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 investigations undertaken produce results." 2 What I want to ask you, Mr McCarthy, is although in 3 one sense a binary decision has been made, he has 4 decided that the MIT teams will not come and take over 5 from you on that day, he seems to be describing 6 an ongoing process whereby they will come and help in 7 the first instance, the SC&O1 will keep an eye on how 8 the investigation goes. As he said at the end there, 9 "Primacy will be regularly reviewed as the 10 investigations undertaken produce results". 11 There will then be some point in the future, if we 12 can just go back to the first page: 13 "Once [to use Mr Sweeney's words] the ground has 14 been cleared ..." 15 I'm looking at sort of the middle paragraph, he then 16 says: 17 "We will see where that leaves us, I will then be 18 able to make a proper assessment." 19 He seems to anticipate some sort of forward-looking 20 process. 21 Did you understand any of that at this time? 22 A. No, once Mr Port was bailed from custody on the 27th, 23 the afternoon of the 27th, that was the end of the major 24 investigation team involvement. I know Mr Kelly -- 25 I can't recall ever meeting him but Mr Kelly was</p> <p style="text-align: center;">Page 89</p>	<p>1 kept that role? Yes, I would. If they wanted the 2 ongoing review process, because I would be the best to 3 provide that oversight. 4 Q. But you didn't know about this plan, so you weren't able 5 to take any part in it? 6 A. No, I wasn't informed of that. 7 Q. I want to move on. 8 We have been talking about the primacy debate over 9 Thursday and Friday -- 10 A. Yes, sir. 11 Q. -- but, as we have mentioned, there were of course 12 developments in the investigation that took place over 13 those two days. 14 Just focusing first on the Thursday, during that 15 day, in fact we saw this heralded in the Hamer email, 16 didn't we, Stephen Port was arrested and a search 17 warrant was executed at his property? 18 A. Yes. 19 Q. We have heard from DC Desai about how he went to the 20 Magistrates' Court to obtain a search warrant and he 21 explained how in fact he had been given a more or less 22 complete warrant application by you when he came into 23 work -- 24 A. He was, yes. 25 Q. -- and went off to the Magistrates' Court with it.</p> <p style="text-align: center;">Page 91</p>
<p>1 allocated and it was left with that the investigation 2 remains with ourselves. There was no structure in place 3 going forward that, "Okay, we are going to come back in 4 a month's time and see where you are at". That was not 5 discussed. 6 Q. Were you ever contacted by someone in Mr Sweeney's 7 office, for example, or anyone from SC&O1, saying, 8 right, we need to have another review, we need to see 9 where we are, Mr Sweeney still needs to clear the ground 10 so that he can make a proper assessment as to where this 11 case lies. Was there anything like that? 12 A. There wasn't, no. 13 Q. If you had known that it was this particular arrangement 14 that Mr Sweeney had in mind, would you have gone back to 15 MIT and tried to make that procedure work in the period 16 after 27 June? 17 A. If the structure was put in place to say they wanted to 18 speak to the detective inspector overseeing it or 19 involved at that time, well then yes, I would have kept 20 that role ongoing beyond the point of the 27th and I -- 21 you know, the facility is there on the CRIS report to 22 schedule in a meeting, however long you want ahead, that 23 everybody is reminded of it. 24 So if that is -- you know, if I was aware and they 25 were saying we are going to speak to ... would I have</p> <p style="text-align: center;">Page 90</p>	<p>1 Can we just have a look at that, please. It is at 2 tab 23 in the bundle. For the screen it is IPC48. 3 Mr McCarthy, I think you explained in your witness 4 statement that you didn't draft this document, it was 5 another officer but you did, as it were, review his work 6 and possibly make some changes, final changes, before it 7 was finished and given to Mr Desai. Is that right? 8 A. Yes, on the 25th, prior to going off duty, I would have 9 tasked an officer who was working a later shift, 10 informing them we were going to get a section 8 PACE 11 warrant, I believe, to go and search the premise and 12 I wanted him to draft it up. I would have come into the 13 work the following morning, I am guessing maybe 6.30/7, 14 knowing I would have to crack on with stuff, reviewed 15 the document he produced and then I had to really do 16 some significant changes -- but not unrealistic changes, 17 just to give as much information on the warrant 18 information as possible to allow the Magistrate to make 19 an informed decision around as to whether or not to 20 grant the warrant. 21 Q. I want really only to ask about one passage within this 22 document. Can we go to page 4, please. Page 4, at the 23 bottom, right hand ... 24 At the very top there, this is the last two 25 paragraphs of a lengthy box where you are describing to</p> <p style="text-align: center;">Page 92</p>

<p>1 the Magistrates the background to the investigation, 2 yes? 3 It is the last paragraph I want to draw your 4 attention to, it reads: 5 "The pathologist [obviously at the post mortem] 6 noted that the deceased had 'a heavy brain and heavy 7 lungs' indicating drug use. Mr Port was arrested on 8 31 December 2014 for rape of a male over 16. It was 9 alleged that Mr Port gave his partner drugs and had 10 non-consensual anal sex. No further action was taken as 11 the victim was unwilling to substantiate the 12 allegation." 13 Do you remember now whether that was a paragraph you 14 drafted or you saw that the other officer had drafted? 15 A. It was likely I drafted it. 16 Q. What is striking about that paragraph is the connection 17 made there between, on the one hand, the pathology as it 18 were interim indication that this might be a drugs 19 death, because of the heavy brain and lungs, on the one 20 hand, and that PNC allegation relating to Mr Port on the 21 other. 22 A. Yes. 23 Q. That was deliberate, I take it? 24 A. I can't say -- I am looking at it now, was I making 25 a connection? No. My whole ethos in drafting this and</p> <p style="text-align: center;">Page 93</p>	<p>1 the next page, you have actually deliberately repeated 2 that information and put it next to the detail about 3 Mr Port being arrested in 2014 in respect of the 4 allegation of rape connected with giving his partner 5 drugs. 6 A. Yes. 7 Q. It is clear, isn't it, you are suggesting that there is 8 a suspicion in this case that Mr Port may have given 9 Anthony drugs in just the same way as the allegation was 10 in the earlier situation? That is a fair reading of 11 that paragraph, isn't it? 12 A. It is a fair reading, but it is an unconscious -- 13 I didn't -- I really cannot recall. Had I been making 14 that connection to the Magistrate, I would have expanded 15 on that. I would have not given a throwaway three/four 16 lines, I would have -- if I was making that connection, 17 judging by everything else that is in this warrant or in 18 the warrant information, and what I have outlined, 19 I would have expanded on that. And I am aware the way 20 it looks, but it is not something I was consciously 21 aware I was making -- 22 Q. Just to be clear, Mr McCarthy, I am not making any 23 criticism. The way it looks is that you are 24 investigating the case and that you have seen a possible 25 connection between those two things and you are drawing</p> <p style="text-align: center;">Page 95</p>
<p>1 outlining everything is to give sufficient information 2 to the Magistrate to grant the warrant and part of that 3 is to include as much information because it is not 4 unusual to go and get a warrant and be asked questions 5 about previous conviction history, sometimes you will go 6 and ask you what colour is the front door. They want to 7 know you were doing research into the job, et cetera. 8 So I am not making any -- to me, I am looking at it 9 now: am I making a connection? To me it is just I am 10 putting the information that is elsewhere on the 11 investigation onto a document, to give the Magistrate 12 every bit of information and to stop questions from the 13 Magistrate, in the nicest possible sense, so the warrant 14 will be granted. 15 Q. Mr McCarthy, this is not the most important point I have 16 to take you to, so I don't want to spend too much time 17 on it, but if you go back to the page before, please. 18 A. Yes. 19 Q. That's right, we see, don't we, about four paragraphs 20 down in that box, there is a paragraph that starts, "On 21 Friday, 20/6 ..." 22 A. Yes. 23 Q. You have set out there a description of the post mortem, 24 including the finding of the heavy brain and lungs 25 indicating drug use, yes. Then so if we go on back to</p> <p style="text-align: center;">Page 94</p>	<p>1 it to the Magistrate's attention. There is no reason to 2 worry about that now, is there? 3 A. No, I accept that is the way it looks and it is full 4 disclosure to the Magistrate. 5 Q. All right. Just to continue in the chronology, we 6 know -- we have heard from DC Desai, that the warrant 7 was granted, it was executed, officers went to Mr Port's 8 property, and they arrested him at the same time. Do 9 you remember that? 10 A. I do, yes. 11 Q. Of course we heard from DC Desai that he conducted 12 an interview of Stephen Port later that afternoon/into 13 the evening? 14 A. He did, yes. 15 Q. If we can look at a different document on screen, 16 please, I don't think it is in the bundle, IPC743, 17 page 23. 18 These are the review screens, or it is one of the 19 review screens on the CRIS. Just for the chronology, we 20 can see, can we not, this is the Thursday evening in 21 fact at 9.44 in the evening, so quite late. Do we see 22 this is DC Desai's summary of his interview, which 23 I think we may have expanded it -- yes, we do see there, 24 entered by you, so you uploaded onto the CRIS the 25 summary that DC Desai created that night after he had</p> <p style="text-align: center;">Page 96</p>

<p>1 finished the interview. Yes?</p> <p>2 A. That's correct, yes. I would have likely have gotten</p> <p>3 a Word document emailed to me by DC Desai and I would</p> <p>4 have -- that evening I believe I would have been putting</p> <p>5 on all of those action review screens, so this would</p> <p>6 have been part of the admin process.</p> <p>7 Q. Thank you, we are finished with that document.</p> <p>8 Going on to the next day, of course we are now at</p> <p>9 the time overnight, the exchange of emails between</p> <p>10 Mr Kirk on the 26th and then the email from Mr Sweeney</p> <p>11 coming in next morning which you didn't see, but we know</p> <p>12 that as part of his decision, he decided to send</p> <p>13 DI Kelly -- not DI Kelly, DI Kelly was tasked, as we</p> <p>14 have heard from him, to speak to you over the phone, and</p> <p>15 then we have heard that DS Reeves and the other members</p> <p>16 of the Putney MIT team came to assist?</p> <p>17 A. That's correct.</p> <p>18 Q. We have heard now from both DC, as she then was, Levoir,</p> <p>19 and Mr Holt about the task they performed, which was</p> <p>20 performing another interview of Stephen Port.</p> <p>21 I think they both gave evidence that when that team</p> <p>22 arrived from Putney you gave them all a briefing about</p> <p>23 the case, is that right? Do you remember that?</p> <p>24 A. Yes, it would have been not a written briefing per se,</p> <p>25 I would have told them where we were at, what we had</p> <p style="text-align: center;">Page 97</p>	<p>1 interview. And I wasn't expecting anybody else to go</p> <p>2 over with that, so no, I wouldn't ...</p> <p>3 Q. Can you help us then, why was it necessary -- nothing</p> <p>4 had changed, DC Desai had obtained a full account from</p> <p>5 Stephen Port, the enquiries hadn't yet taken place to</p> <p>6 enable Stephen Port to be properly challenged. So then</p> <p>7 why were Mr Holt and DS Levoir asked to conduct another</p> <p>8 interview?</p> <p>9 A. Well, I mean ...</p> <p>10 It would have been probably to go over any of the</p> <p>11 stuff that he has raised in the initial interview that</p> <p>12 wasn't challenged, you know? There was new information</p> <p>13 from DC Desai's account that needed to be challenged.</p> <p>14 It could have been gone over to establish bad character</p> <p>15 evidence. They were the trained officers, I provided</p> <p>16 them with the pre-interview briefing, the areas we</p> <p>17 wished to be covered and also the summary from DC Desai.</p> <p>18 So I would have expected them to go and do that task.</p> <p>19 Q. Their understanding, certainly on the evidence they have</p> <p>20 given, was that they were told by you that this was to</p> <p>21 be -- I may not have the language right -- a no</p> <p>22 challenge interview?</p> <p>23 A. It is not something I would have said, "Do not</p> <p>24 challenge", because we have DC Desai's account. We need</p> <p>25 to go back into and interview him again. We had</p> <p style="text-align: center;">Page 99</p>
<p>1 done, the suspect was in custody, he has been</p> <p>2 interviewed once, he has changed his account a number of</p> <p>3 times.</p> <p>4 So yes, I would have given them an overview of the</p> <p>5 investigation, what actions were needed outstanding and</p> <p>6 what they took away from us to do.</p> <p>7 Q. The evidence we heard from both Mr Holt and DS Levoir</p> <p>8 was that the reason you explained to them that you</p> <p>9 wanted them to conduct another interview of</p> <p>10 Stephen Port, and that you wanted it to be an account</p> <p>11 interview, as it were, we use the term no challenge,</p> <p>12 because you were concerned that DC Desai wasn't highly</p> <p>13 trained and you wanted to make sure that you had a full</p> <p>14 and proper first stage interview, as it were, with</p> <p>15 Stephen Port. Is that right, do you think?</p> <p>16 A. Can I just say, I would never have said that about</p> <p>17 DC Desai. He is a very capable officer and I think he</p> <p>18 did a very capable interview.</p> <p>19 Q. Yes.</p> <p>20 A. I wouldn't have -- I know myself, DC Desai started his</p> <p>21 interview with Mr Port where he started sticking to his</p> <p>22 statement that he did nothing, eventually gets three</p> <p>23 separate accounts to admit that he had engaged in sexual</p> <p>24 activity with the victim at the address, so</p> <p>25 DC Desai's -- I wouldn't have said that was a poor</p> <p style="text-align: center;">Page 98</p>	<p>1 DC Desai's account.</p> <p>2 Q. All right, well, whatever the story was before the</p> <p>3 interview, we know they conducted it.</p> <p>4 Do you remember speaking to either or both of those</p> <p>5 two officers about the interview after they had</p> <p>6 completed it?</p> <p>7 A. It would have been brief in nature. I seem to recall</p> <p>8 them in the office, but my main point of contact would</p> <p>9 have been DS Reeves, who was overseeing the interview</p> <p>10 process. And I would have spoken with Mr Kelly, who was</p> <p>11 overseeing the MIT team. But I can't remember actually</p> <p>12 a discussion with them, but from what I took from them,</p> <p>13 I updated on -- when I say them, it would include</p> <p>14 DS Reeves, I have included what was on the murder</p> <p>15 investigation team advice into my situation report.</p> <p>16 Their account from the interview.</p> <p>17 Q. Perhaps it doesn't matter whether you spoke to the</p> <p>18 officers or DS Reeves, but from whatever source orally</p> <p>19 what were you told about the content, the outcome of</p> <p>20 that interview on that afternoon?</p> <p>21 A. I probably need to refer to my current situation report.</p> <p>22 Q. Well, we will go to that, we will go to that.</p> <p>23 A. Just to get the exact wording.</p> <p>24 Q. Let's look at it, it is tab 37 in the bundle. For the</p> <p>25 screen it is MPS780. I am not going to bring it up,</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 Mr McCarthy, but you can check the last page, this is</p> <p>2 the 27th version. So this is the version you drafted</p> <p>3 later that day?</p> <p>4 A. Yes.</p> <p>5 Q. If we go to page 10, please --</p> <p>6 A. That's it.</p> <p>7 Q. It says, doesn't it:</p> <p>8 "At this time only a handwritten account is</p> <p>9 available of notes ..."</p> <p>10 Do you see where I am reading from?</p> <p>11 A. Yes, sir.</p> <p>12 Q. "... the interviewing officers will provide a full</p> <p>13 update over the weekend."</p> <p>14 I am going to come back and ask you about that</p> <p>15 section of it, but my question was about what you were</p> <p>16 told about the content of the interview. What this</p> <p>17 document reads is:</p> <p>18 "The suspect again provided a full account and</p> <p>19 clarified details of his first account. He denied the</p> <p>20 allegation of theft of a phone and believed that it may</p> <p>21 be with the deceased's clothing."</p> <p>22 A. That is what I would have been provided with and that is</p> <p>23 what is outlined on the HAT team report at the end of</p> <p>24 the interview account.</p> <p>25 Q. We know, and we have heard some evidence about it and</p> <p style="text-align: center;">Page 101</p>	<p>1 strange, he mentioned this incident in his interview, we</p> <p>2 didn't know anything about that".</p> <p>3 You are still the senior investigating officer, are</p> <p>4 you not?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Mr Port is in custody, yes?</p> <p>7 A. Yes.</p> <p>8 Q. You are not going to rely on the MIT team, who are on</p> <p>9 their way back to Barking, you are going to commission</p> <p>10 those searches yourself, aren't you?</p> <p>11 A. No, sir, because from an interview, if you are the</p> <p>12 interviewing officer, you have to raise the actions, you</p> <p>13 have got to raise them to the DS. If they came to</p> <p>14 you -- look, yes, as you said yourself, we are going to</p> <p>15 disappear off to Putney and they have raise that action</p> <p>16 to me and alerted me to it and the importance of it,</p> <p>17 yes, I would have raised actions. But if they have not</p> <p>18 disclosed it to me and they have not written it to me</p> <p>19 and highlighted --</p> <p>20 Q. Sorry, we may be at cross wires, Mr McCarthy. I am</p> <p>21 putting to you that if they had raised it with you -- of</p> <p>22 course if you didn't know about it, there is nothing you</p> <p>23 can do, but if they, as the interviewing officers, had</p> <p>24 raised it with you as something that had come up during</p> <p>25 the interview before they then left to go back to</p> <p style="text-align: center;">Page 103</p>
<p>1 I will ask you about it, in the course of his interview,</p> <p>2 Stephen Port referred to what we have described as the</p> <p>3 Barking station incident, the underlying factual account</p> <p>4 of what was there to be found on the PND search.</p> <p>5 Did anyone, whether it was the interviewing officers</p> <p>6 or DS Reeves, draw that to your attention orally on the</p> <p>7 day?</p> <p>8 A. No, and had it been, I can only refer to my record</p> <p>9 keeping at the time, I would have updated -- if they</p> <p>10 gave an expanded account, you can see from that document</p> <p>11 I have cut and pasted DC Desai's whole interview account</p> <p>12 on here. Had they given an expanded account or lines of</p> <p>13 enquiry, it would have gone onto that.</p> <p>14 Q. If they had said, "It is a bit odd, Stephen Port</p> <p>15 referred to some incident at Barking station, which</p> <p>16 sounds like it involved another young man and drugs".</p> <p>17 You wouldn't have put it on this document, you would</p> <p>18 have done some intelligence searches, wouldn't you?</p> <p>19 A. Well, if they have raised it and they have identified it</p> <p>20 in interview, they have got to take the action from the</p> <p>21 interview and develop it and go via DS Reeves. If they</p> <p>22 have not raised it to me, I don't know about it.</p> <p>23 Q. Assume they had raised it with you, Mr McCarthy, assume</p> <p>24 that one way or another, before they left to go back to</p> <p>25 Putney, someone said to you, "By the way, it was a bit</p> <p style="text-align: center;">Page 102</p>	<p>1 Putney, you would have taken it forward -- you still had</p> <p>2 primacy for the investigation, you wouldn't have just</p> <p>3 assumed that they were going to do something, would you?</p> <p>4 A. No, but you would have had to identify the incident and,</p> <p>5 you know, they have taken the action from that to</p> <p>6 conduct the intel from the interview as well as the</p> <p>7 intel around Mr Port.</p> <p>8 Q. Right, well, let's come back to that, I want to ask you</p> <p>9 about a couple of other things before we deal with that.</p> <p>10 First of all, let's just deal with this question of</p> <p>11 notes. We have read your report, which said you had</p> <p>12 a handwritten account, which we have seen, but not</p> <p>13 a typed summary?</p> <p>14 A. That's correct.</p> <p>15 Q. That is your understanding, that is your memory, is it?</p> <p>16 A. It is, yes.</p> <p>17 Q. Did you ever get a typed summary?</p> <p>18 A. I didn't and if I had a typed summary, it would have</p> <p>19 been smack bang in the middle of this document.</p> <p>20 Q. Did you chase for it, do you remember?</p> <p>21 A. I didn't chase for it, but I am aware there is an entry</p> <p>22 on the CRIS report on 13 August, which DS O'Donnell is</p> <p>23 chasing the officers for a precis of the interview. So</p> <p>24 three weeks later he is still chasing it.</p> <p>25 Q. Right, well we may come back and have a look at that.</p> <p style="text-align: center;">Page 104</p>

<p>1 You have mentioned it more than once, Mr McCarthy, 2 and in fairness let's just deal with this question of 3 intelligence. Can we go, please, to tab 36 in the 4 bundle. 5 A. Yes. 6 Q. For the screen, it is IPC45. 7 A. Yes, sir. 8 Q. This is the HAT return you were given I think by 9 DS Reeves that afternoon? 10 A. Yes, and at paragraph 1 he has the synopsis of the 11 interview that he provided. 12 Q. Yes, nothing there about Barking or an incident at the 13 station? 14 A. No, sir. 15 Q. If we turn over the page, the jury are familiar both 16 with this document and other HAT reports. It is in the 17 usual form, is it not, and there is a list of actions 18 that have been advised, yes? 19 A. Yes. 20 Q. For example, if we look at the second one: 21 "Ensure victim's clothing and bag is searched in 22 an attempt to locate the missing mobile phone." 23 That is an action they are advising you to take? 24 A. Yes, and I believe DC Parish conducted that. 25 Q. I think it is the next one that you have been referring</p> <p style="text-align: center;">Page 105</p>	<p>1 I didn't -- I don't recall going into them and drawing 2 up actions from them and going by the account provided 3 by DS Reeves, and from the officers to DS Reeves, I am 4 looking at -- well, what is in those notes? He is not 5 said anything different, so that would be for the 6 officer in the case to review as the case progressed. 7 Q. We know, because it has been remarked on more than once, 8 that the passage in DC Levoir's notes which referred to 9 the Barking incident has an asterisk next to it, or 10 a couple of little crosses. Do you remember, as you 11 cast your eyes through, reading that and being struck 12 this seemed to be a different incident that he was 13 referring to? 14 A. I don't recall seeing it and it is only when I heard 15 about the asterisk, probably yesterday, in evidence, to 16 be honest an asterisk, what does it mean? We work on -- 17 the police, the way investigations work, you are 18 a disciplined organisation, you give direction. My way 19 of working was to give out these 38 actions on the CRIS 20 report for people to action. I actioned some of them 21 myself. We don't work on -- we shouldn't work on, and 22 I would like to think the Met Police doesn't work on for 23 somebody to get a set of notes and to interpret what 24 an asterisk is beside a comment. You have to raise it, 25 you have got a responsibility to raise it.</p> <p style="text-align: center;">Page 107</p>
<p>1 to, it says: 2 "Intel being conducted by MIT 7 officers." 3 What do you understand that to mean? 4 A. Well, they will have taken away the necessary action 5 that was raised on the CRIS report, conduct intel 6 research on Mr Port, because, as I said, without 7 repeating myself from earlier, investigative actions 8 will be given out to other teams, so they have -- to me, 9 they have taken away the whole intel research package 10 from us. 11 Q. The words you used, Mr McCarthy, was, "They will have 12 done that". Is this something you remember discussing 13 with DS Reeves? 14 A. No, I don't. And if I look at that advice, it is pretty 15 generic. So I don't specifically remember the nuts and 16 bolts of that information, the BTP incident, but intel. 17 Q. You were given DC Levoir's manuscript notes? 18 A. I was, yes. 19 Q. Which the jury have seen. They are legible. 20 A. Much better than mine. 21 Q. And, let's say, 10 or so pages long. Did you read them? 22 A. I can't recall. I probably would have scanned through 23 them. I wouldn't have read them in detail. To me, I've 24 got the briefing from DS Reeves, so notes are notes for 25 the individual, although very legible, I accept,</p> <p style="text-align: center;">Page 106</p>	<p>1 Q. You are talking about proper ways of working. It might 2 be thought that you, having tasked the specialist 3 officers with interviewing Mr Port that day, a proper 4 way of working would have included you sitting down and 5 reading carefully those 10 or so pages of notes to 6 understand what he had said? 7 A. That is a fair assessment. And all I could say in my 8 defence is you have got -- you know, I've got a DS, 9 officers who brief the DS about what occurred in 10 interview, the detective sergeant outlining on the HAT 11 advice what he has received in interview, and the DS 12 speaking to me, the same thing. 13 So I have had the account from them, sitting down 14 speaking through their notes, it is not something 15 I would necessarily do, as an OIC moving on the case, 16 maybe, but even Mr Kelly, who was deployed by Mr Yeats 17 to oversee the investigation strategies and the 18 interviewing strategies, has admitted that he would work 19 from the record of taped interview and from that he 20 would draw actions. So, yes, I would work from notes 21 and I would work from ... 22 Would I have sat down, honestly, looking back and 23 sat down with these officers saying, go through these, 24 what does that asterisk mean? No, I wouldn't. 25 Q. Well, we know you didn't, because if you had you would</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 have seen the reference to the Barking station incident?</p> <p>2 A. Yes, and had it been raised with me to ask me to sit</p> <p>3 down and go through the interview -- you can see, yes,</p> <p>4 I didn't do it, but had it been raised to me, I am open</p> <p>5 to suggestions, I walk around the office, it is open</p> <p>6 plan, I would have happily done it, but I am -- if I've</p> <p>7 got two accounts to say this is the account from</p> <p>8 interview, I can't go back in the fine-grain detail to</p> <p>9 see listen to the tapes, listen to the discs, it</p> <p>10 wouldn't have happened.</p> <p>11 Q. Had --</p> <p>12 A. If I could say --</p> <p>13 Q. Sorry, let me ask the question. At this stage of course</p> <p>14 Mr Port is still down in the cells --</p> <p>15 A. He is, yes.</p> <p>16 Q. -- and there is a bail decision to be made?</p> <p>17 A. There is, yes.</p> <p>18 Q. Is that not an extra reason why you should have looked</p> <p>19 and to see exactly what he had said to the officers,</p> <p>20 before a decision was made as to whether to bail him or</p> <p>21 not?</p> <p>22 A. At that stage, no. I wouldn't have reviewed the</p> <p>23 interview notes, I wouldn't have sat down with the</p> <p>24 officers. I would have expected the officers, if</p> <p>25 anybody is to sit down and go through notes, I would</p> <p style="text-align: center;">Page 109</p>	<p>1 that process was overtaken by the uniformed custody</p> <p>2 staff and it is an admin procedure that he was bailed on</p> <p>3 both offences. For me, or for the investigation team,</p> <p>4 to no further action him on the theft of a phone,</p> <p>5 I would have had to have made a physical entry saying,</p> <p>6 "This offence is no longer being investigated".</p> <p>7 To me, it is an issue for the custody what they</p> <p>8 bailed on?</p> <p>9 Q. It was a decision that was taken by the uniformed staff</p> <p>10 in the custody suite and you were not involved in it?</p> <p>11 A. Yes, and I would have overseen the vast majority of the</p> <p>12 offender management and bail management on the borough,</p> <p>13 so I am quite au fait with that and 100 per cent happy</p> <p>14 that we never had -- I never, had a discussion --</p> <p>15 knowing there was no further action, everything, he</p> <p>16 should have been bailed on that.</p> <p>17 Q. Mr McCarthy, just in a few minutes before lunch I want</p> <p>18 to ask you about one further matter. To do it, can we</p> <p>19 go back to your CSR, please, at tab 37 and for the</p> <p>20 screen it is MPS780.</p> <p>21 If we can go to page 11 of it, please. We heard</p> <p>22 from DI Kelly about this angle, that as part of what</p> <p>23 happened that day he contacted someone called</p> <p>24 Bob Hodgson, who was someone he knew who was within the</p> <p>25 LGBT community and informed him of the case. You have</p> <p style="text-align: center;">Page 111</p>
<p>1 have expected the officers to sit down with Detective</p> <p>2 Sergeant Reeves. It is like you are saying, if we go</p> <p>3 past that rank structure, it is asking me to sit down</p> <p>4 with Chief Superintendent Ewing and go through stuff,</p> <p>5 you are bypassing stuff.</p> <p>6 I would have expected the officers in that</p> <p>7 interview, yes they have raised points, very good</p> <p>8 points, but you have got to raise that to the sergeant.</p> <p>9 He is overseeing that process and Mr Kelly is overseeing</p> <p>10 the major investigation team process, so I can't do</p> <p>11 everything.</p> <p>12 Q. Let me just ask you one more question about the bail.</p> <p>13 We know he was bailed that afternoon?</p> <p>14 A. He was, yes.</p> <p>15 Q. Whereas he was arrested for perverting the court of</p> <p>16 justice and theft of the phone --</p> <p>17 A. He was, yes.</p> <p>18 Q. -- he was bailed only for perverting the course of</p> <p>19 justice.</p> <p>20 A. Yes.</p> <p>21 Q. Do you know why that was?</p> <p>22 A. I don't. And I was aware of that being an issue for</p> <p>23 this enquiry. He was never no further actioned for</p> <p>24 theft of the phone. I wrote up -- when I say, I made</p> <p>25 a decision on his custody record authorising bail. Then</p> <p style="text-align: center;">Page 110</p>	<p>1 recorded it there and in fact if we go over to the next</p> <p>2 page, you have recorded the very -- I think presumably</p> <p>3 it was an email that Mr Kelly sent to Bob Hodgson.</p> <p>4 A. Yes.</p> <p>5 Q. Mr McCarthy, you were involved in the Barking and</p> <p>6 Dagenham police borough outreach to the LGBT community,</p> <p>7 were you not?</p> <p>8 A. I was, yes.</p> <p>9 Q. Were you an LGBT liaison officer?</p> <p>10 A. I wasn't. Some years previously -- I was the LGBT</p> <p>11 coordinator.</p> <p>12 Q. I don't want to get caught up in terminology, and I hope</p> <p>13 no one else does, but you certainly, let's say in</p> <p>14 2012/2013/2014, you had a role to play in the borough in</p> <p>15 relation to the police's work with that community?</p> <p>16 A. I am not 100 per cent sure on the dates, but it would</p> <p>17 have been 2012/2013 -- I don't think it went into 2014</p> <p>18 but ...</p> <p>19 Q. Just tell us, in a few sentence, what your work</p> <p>20 involved?</p> <p>21 A. Casting my mind back, there was a previous detective</p> <p>22 sergeant who held the role before me and she needed</p> <p>23 someone to take it over, she was leaving. I have then</p> <p>24 taken it on, I have gone to a number of meetings, maybe</p> <p>25 three or four meetings between 2012/2013 with an LGBT</p> <p style="text-align: center;">Page 112</p>

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<p>1 engagement group, I believe set up by the council 2 here -- and I would have sort of really, they would have 3 been asking: what is the police response to various 4 issues? I would have encouraged if any issues were 5 raised, like LGBT community not -- they were afraid to 6 report crimes, I would put forward that you can do third 7 party reporting on behalf of people. I would take back 8 incidents to relook at and reinvestigate.</p> <p>9 And if we had, like, I have done it a few times, 10 an area-wide operation, you draw up a number of tasks, 11 and I would get victims who have been victims of hate 12 crime, I would get officers to phone them back, like the 13 liaison officers.</p> <p>14 Q. The jury will hear in due course from two witness, one 15 a police officer, or former police officer called 16 Carroll Weeden, was she someone you worked with in this 17 area, do you remember?</p> <p>18 A. Yes, Carroll came forward with -- they call it the 19 Barking and Dagenham hate crime initiative, and 20 I supported her on that.</p> <p>21 Q. The jury will also hear from a gentleman named 22 Ryan Edwards, who was the chair of the Barking and 23 Dagenham LGBT network -- not a police officer. Do you 24 remember working with him?</p> <p>25 A. Yes, I have met Ryan on a few occasions, yes.</p> <p style="text-align: center;">Page 113</p>	<p>1 fait with, I am not on it and it is not something 2 I would have picked up, but there are other areas of the 3 Barking and Dagenham that deal with engagement and where 4 that could have been raised is if you have had a gold 5 group, you would have had a member of the IAG present 6 and could have raised that, but it is not something 7 I would have necessarily identified at that point.</p> <p>8 MR O'CONNOR: Thank you, Mr McCarthy. 9 Would that be a convenient moment, madam?</p> <p>10 THE CORONER: Members of the jury, we will take a slightly 11 shorter lunch break today if you don't mind. Be back 12 for 1.50, please. 13 (1.01 pm) 14 (The Luncheon Adjournment) 15 (1.50 pm) 16 (In the presence of the jury)</p> <p>17 THE CORONER: Yes.</p> <p>18 MR O'CONNOR: Mr McCarthy, before we broke for lunch I was 19 asking you questions about the events of those three 20 days, the Wednesday, Thursday and Friday, when you 21 became involved in this case properly and you were asked 22 to review the case after the Pacesetter meeting on the 23 Wednesday morning, through the rest of that day, the 24 Thursday and the Friday, both in terms of the primacy 25 discussions and also the investigative developments that</p> <p style="text-align: center;">Page 115</p>
<p>1 Q. The jury will hear more about this from those witnesses 2 and others, the question I wanted to ask you, with your 3 knowledge then of the police's engagement with the LGBT 4 community, what did you understand to be the purpose of 5 this email that DI Kelly was sending to Bob Hodgson?</p> <p>6 A. I think this was more along the lines of -- because at 7 the time, I believe it is more along the lines that ... 8 I am trying to get my words here.</p> <p>9 It was alleged that Mr Walgate was a sex worker and 10 I think he was putting a message out there in case there 11 was fear among the community. So I think that was the 12 general gist of it and looking at Mr Kelly, that was 13 raised by Mr Yeats -- hands up, it is not something 14 I would have actually thought of doing.</p> <p>15 Q. I wanted to ask you just one last question. We may hear 16 in due course that the Barking and Dagenham LGBT 17 network, the organisation run by Ryan Edwards, had 18 a Facebook page which they had sort of discussed with 19 the police.</p> <p>20 Were you aware of that Facebook page and did it 21 occur to you, either before or after the email to 22 Bob Hodgson, that that might be another means of 23 engaging with the LGBT community about this incident?</p> <p>24 A. By that stage, I had actually gone from that role, maybe 25 a year previously. Facebook is not something I am au</p> <p style="text-align: center;">Page 114</p>	<p>1 took place over those few days. They were a busy few 2 days for you and your team; were they not?</p> <p>3 A. They were, yes.</p> <p>4 Q. We now move on, and you were back in the office the 5 following week. The HAT team having gone back to Putney 6 on the Friday evening, you were left in the office the 7 next week. I want to look at the events that then took 8 place after that time.</p> <p>9 Before we do, just to be clear, is it right to say 10 that, from that time going forward, you were still 11 investigating an unexplained death, still considering 12 a potential homicide in Anthony Walgate's case?</p> <p>13 A. Yes, it was never discounted, it was classified as 14 an unexplained death which we were investigating.</p> <p>15 Q. It wouldn't be right, for example, to say that just 16 because HAT had refused -- and as you have explained, 17 repeatedly refused -- to take on the investigation, 18 somehow that meant that you were not investigating the 19 circumstances of Anthony's death?</p> <p>20 A. No, we would have kept investigating it to an end point, 21 yes.</p> <p>22 Q. Let's look at that, and I think the starting point is to 23 go back to the HAT return from the Friday, the 27th, so 24 can we go to tab 36 in the bundle, please, and it is 25 IPC45 for the screen.</p> <p style="text-align: center;">Page 116</p>

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<p>1 Page 2, we have already looked at this box -- sorry, 2 do you have it there, it is tab 36? 3 A. Yes. 4 Q. Yes? 5 We have already looked at this box, we are already 6 familiar with the style of these documents. These are 7 a list of actions that HAT are advising? 8 A. Yes. 9 Q. We have talked about intel which rather unusually 10 describes something which HAT appear to be doing, but 11 the other list of things are things they have advised 12 that you and your team do, yes? 13 A. Yes. 14 Q. We have mentioned the victim's clothing, below the intel 15 there is reference to reviewing the pornographic 16 material. Then, below that, an action that we have 17 looked at before and I am sure you have thought about, 18 "Ensure suspect's phone and laptop computer are 19 submitted for download". 20 A. Yes, sir. 21 Q. Very basic question. Here is a list of actions that HAT 22 are advising. How do you, as the SIO, go about ensuring 23 that your team undertake these actions? 24 A. Up to that date I added the actions to the action 25 screens. In relation to these, I don't think I added --</p> <p style="text-align: center;">Page 117</p>	<p>1 when I was in the Metropolitan Police it was 2 a disciplined organisation so instructions, not 3 everything would be on a crime report to give 4 instructions. So there would be verbal and there would 5 be also ... email is an acceptable format to actually 6 issue an instruction and hand in the document. 7 Q. As a matter of fact, Mr McCarthy, we know that 8 Stephen Port's phone and laptop were not submitted for 9 download during this phase of the investigation. 10 A. No. 11 Q. You were expecting that to happen because you gave 12 Mr O'Donnell this HAT return and assumed he would do it? 13 A. Yes. 14 Q. Had you put it down as an action on the CRIS, you would 15 have been able to check more easily whether he had done 16 it? 17 A. If I had have gone in physically and checked, yes. 18 Q. You would have checked, wouldn't you? 19 A. Not necessarily, because I didn't conduct a full review 20 after that. Any of the actions on the CRIS report don't 21 come back to me to check that they have been done, they 22 would have been down to DS O'Donnell. 23 Q. Let's look at that meeting you mentioned. We need to go 24 back to your decision log, so it is tab 49, so it is the 25 second volume of the large bundle. For the screen, it</p> <p style="text-align: center;">Page 119</p>
<p>1 actually added them to the action screens, but I would 2 have handed that document along or emailed that document 3 along with my current situation report that outlined 4 those actions to Mr O'Donnell. And I believe I had 5 a meeting on 30 June, which would have been the Monday. 6 From memory, it would have been a brief meeting but 7 would have discussed the actions going forward, should 8 be completed and the -- and I was allowing -- not 9 allowing, but allocating other resources to assist to 10 get those done. 11 Q. I am going to ask about that meeting in just a moment 12 but, as you say, we have looked at the CRIS and we have 13 seen that in the week before, you had entered a whole 14 series of individual actions onto the CRIS. You I think 15 agreed with me when I said that that was a very 16 effective way of undertaking the investigation -- 17 A. It is. 18 Q. -- because everyone knows what is to be done, who is to 19 do it and someone like you can go back to the CRIS and 20 see whether it has been done, what the result was, and 21 so on? 22 A. Yes. 23 Q. If you just email something to someone or give them this 24 HAT return, it is not as effective, is it? 25 A. I would have to disagree. I mean, we are -- I say we,</p> <p style="text-align: center;">Page 118</p>	<p>1 is IPC449, and can we have the last page, please, which 2 is page 24. 3 Just before I ask you about this, Mr McCarthy, it is 4 indeed the last page of your decision log? 5 A. It is, yes. 6 Q. No more decisions for the rest of the investigation? 7 A. No, not that I saw fit to open a decision log or 8 continue on with it. I think on that day the 9 investigation passed to DS O'Donnell to proceed with. 10 Q. That is what I was going to ask you, no more actions on 11 the CRIS, no more decisions in your decision log. Were 12 you still running this investigation? 13 A. No, I was -- an unexplained death on borough was for 14 a detective sergeant to run. I would have had overview 15 of the whole CID office and within two, three weeks of 16 this incident I had inherited the whole community safety 17 unit. So for me to do a detailed oversight of this 18 investigation wasn't possible, because we were returning 19 many other investigations but I was giving the oversight 20 and it was left, if anything needed doing, to come back, 21 if there was any blockers in relation to getting any 22 actions done, they would have naturally come back to me 23 and then I would have kickstarted the process. 24 Q. So you did still have oversight of this investigation? 25 A. It is fair to say I was the DI in overall charge of</p> <p style="text-align: center;">Page 120</p>

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<p>1 DS O'Donnell, so ultimate oversight, yes, would be me</p> <p>2 but not, as I said, not in the fine detail of ...</p> <p>3 Q. Can you show us any document in this bundle, or anywhere</p> <p>4 else, where it is written down:</p> <p>5 "I was providing a strategic role in this</p> <p>6 investigation, I was the SIO. From now on I am not,</p> <p>7 DS O'Donnell, this is your investigation."</p> <p>8 A. Well, if you go to the CRIS report --</p> <p>9 Q. Yes?</p> <p>10 A. -- in order for -- I don't know what document it is, but</p> <p>11 I could find it --</p> <p>12 Q. Describe the entry you are looking for and we will see</p> <p>13 if we can help you.</p> <p>14 A. There is a box on that where you tick if you are the</p> <p>15 senior investigation officer and that enables to you</p> <p>16 result all the actions that come into you and I believe</p> <p>17 the supervision and that box was ticked around this</p> <p>18 time, within a week of that.</p> <p>19 Q. Well, we will come back to that --</p> <p>20 A. In fairness to DS O'Donnell, I can't say I have had</p> <p>21 a formal handover, saying, "This is where we are at,</p> <p>22 et cetera". A debrief, for want of a better word. That</p> <p>23 may occur on a major investigation team, because I know</p> <p>24 they have got books like this to cover the debrief</p> <p>25 process, but that is not something that would have been</p> <p style="text-align: center;">Page 121</p>	<p>1 examination in my mind. And the exhibits from the post</p> <p>2 mortem crime scene and what was recovered, to me that</p> <p>3 covered everything.</p> <p>4 Q. The wording underneath:</p> <p>5 "Further meeting to be held with investigation team</p> <p>6 on 1 July."</p> <p>7 That would seem to be the next day. Did that</p> <p>8 meeting happen, Mr McCarthy?</p> <p>9 A. Well, I would say no. I am wondering -- I can't realise</p> <p>10 why I have put that date. I may have penciled in</p> <p>11 a meeting for the following week. But in that meantime,</p> <p>12 I had gotten -- it is like I had gotten assurances from</p> <p>13 DS Turrell that the FLO strategy had been complete. So</p> <p>14 it may have been the case that the need for that meeting</p> <p>15 wasn't required, but no other meeting between the three</p> <p>16 supervisors formally like this took place.</p> <p>17 Q. We are not aware of any more investigation meetings at</p> <p>18 all in this --</p> <p>19 A. Sorry, sir?</p> <p>20 Q. We don't see in the records any records of any further</p> <p>21 investigation meetings?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. Unless I am specifically asked, unless I am specifically</p> <p>25 said can I have a review of this investigation ...</p> <p style="text-align: center;">Page 123</p>
<p>1 used on a borough.</p> <p>2 Q. Of course we will see that you did have some further</p> <p>3 involvement in this investigation?</p> <p>4 A. I did, yes. When information came into my realm,</p> <p>5 I actioned some of it.</p> <p>6 Q. We will come to that.</p> <p>7 We were looking at this page and, as you say, here</p> <p>8 is a meeting on 30 June, so that is the Monday of the</p> <p>9 next week. You, DS Turrell and DS O'Donnell, and we see</p> <p>10 the points you make, you say:</p> <p>11 "Actions to be completed on the CRIS, make use of</p> <p>12 CPU officers."</p> <p>13 That is other officers in the CID department, yes?</p> <p>14 A. That was a team of about -- from memory, maybe 8 to 12</p> <p>15 officers. I imagine single figures, so the idea --</p> <p>16 although I had shown DS O'Donnell all the actions on the</p> <p>17 CRIS, they could have been -- could/should be allocated</p> <p>18 out to those other officers.</p> <p>19 Q. Then DS Turrell is to look at the FLO strategy.</p> <p>20 Then the last entry, number 4:</p> <p>21 "Forensics exhibits to be submitted."</p> <p>22 Was that an indication that, amongst other things,</p> <p>23 the computer should be submitted for download?</p> <p>24 A. Yes, although I have not made specific mention of the</p> <p>25 computer, an examination of a computer is a forensic</p> <p style="text-align: center;">Page 122</p>	<p>1 Now, we did work in the same office and we would</p> <p>2 probably comment, chat, but there was no formal meeting</p> <p>3 and no formal meeting requested for me to oversee or</p> <p>4 review. The next thing I really remember, coming into</p> <p>5 this, is when I was cc'd into a copy of the toxicology</p> <p>6 report --</p> <p>7 Q. Don't worry about that, Mr McCarthy, I am going to ask</p> <p>8 you about that.</p> <p>9 Just to be clear, from this point on at any rate,</p> <p>10 you don't have a meeting, unless someone asks you to</p> <p>11 have a meeting?</p> <p>12 A. That's correct, yes.</p> <p>13 Q. Let's just go back to tab 37, please. This is the</p> <p>14 Friday evening CSR. So it is MPS780. Let's go to</p> <p>15 page 10. Do you see that?</p> <p>16 A. I do, sir, yes.</p> <p>17 Q. Just above the word "Intelligence", the second paragraph</p> <p>18 there, you talk about MIT advice having been received,</p> <p>19 the scene been examined, exhibits being seized. You</p> <p>20 then say this:</p> <p>21 "A forensic strategy meeting will be held week</p> <p>22 commencing 30 June."</p> <p>23 That is obviously the next week. Did the forensic</p> <p>24 strategy meeting happen?</p> <p>25 A. I believe it did. This is a term I would use,</p> <p style="text-align: center;">Page 124</p>

<p>1 a forensic strategy meeting, but, basically, if any 2 exhibits have to be submitted for examination, be it 3 a computer, be it samples from the scene or any post 4 mortem, I can't decide it gets submitted, an officer 5 can't, it has to be discussed with our borough forensics 6 manager or the crime scene manager. 7 That discussion had to have taken place, be it 8 a telephone conversation -- but they worked on the same 9 floor as us, because exhibits, when they are submitted, 10 are put on what we call -- what we did call a lab form, 11 which is then emailed through to the borough forensics 12 manager who reviews, assesses and says, "Yes, we will go 13 with this examination/No, we will not do this". 14 That meeting -- the fact that the exhibits were 15 examined indicates that that discussion was held. 16 Q. McCarthy, let's just be clear about this, let's look 17 above. You describe in the same document a forensic 18 strategy meeting as involving the BFM/CSM, the crime 19 scene manager, regarding submission of exhibits. The 20 crime scene manager was Ms Kynaston, was she not? 21 A. That's right, yes. 22 Q. She has given evidence that there was no meeting that 23 she was involved with? 24 A. Yes, I believe so, yes. 25 Q. So there was not a forensic strategy meeting, was there?</p> <p style="text-align: center;">Page 125</p>	<p>1 report is running the investigation, and I would have 2 done so as a detective sergeant and I have shown, I have 3 instances where I would have gone to the scenes of 4 unexplained deaths, completed a decision log and then 5 back to the detective sergeant to complete. 6 Were the results to suggest it raises a level of 7 suspicion, then I could come back into it but as regards 8 the day-to-day overseeing this, no, I wouldn't have. 9 But I can't escape, I was the detective inspector 10 covering the CID, but also covering roughly a total of 11 60/70 officers dealing with high-risk domestics, 12 domestic abuse, investigations, other high-risk crimes. 13 I wouldn't have the -- I wouldn't have had the 14 capacity to do this and check that every action has been 15 done. 16 It is a different process on a murder investigation 17 team where if something is on the HOLMES system, it is 18 a totally different process but not on borough. 19 Q. Let's just be blunt about this, Mr McCarthy. We can use 20 the language that we choose. What we saw earlier, the 21 week before, was you supervising, setting actions, 22 running this investigation. 23 A. Yes. 24 Q. What we are now looking at is a situation where you 25 didn't do anything of the sort, did you?</p> <p style="text-align: center;">Page 127</p>
<p>1 A. No. 2 Reading her evidence, and this is where I am wrong, 3 I believed at that time, because of my previous 4 experience that if exhibits from a special post mortem 5 had to be submitted, they had to be authorised by the 6 crime scene manager attending but her evidence, no, that 7 is not the case, exhibits from the special post mortem 8 could be submitted or authorised for submission by the 9 borough forensics manager. And the fact that they were 10 submitted indicated that that discussion took place. 11 Q. What about interviews, Mr McCarthy? We have heard a lot 12 now from DC Desai, DS, as she now is, Levoir, Mr Holt, 13 all of them have told us that they conducted those 14 initial interviews in the expectation that there would 15 then be a period of investigation followed by challenge 16 interviews. 17 We see nothing in either this document or the 18 30 June meeting notes, or indeed anywhere else, about 19 you as SIO making any plans for any interviews or any 20 challenge interviews of Mr Port taking place at all. 21 Why not? 22 A. Well, that was a decision for DS O'Donnell, and as 23 I said, on the -- at that time, unexplained deaths were 24 investigated by a detective sergeant. Indeed, I have 25 done -- whoever is going to complete the coroner's</p> <p style="text-align: center;">Page 126</p>	<p>1 A. No, what you are looking at is that I have completed the 2 CRIS report to, I believe, an acceptable standard. 3 I have listed the actions. I have -- 4 Q. I am just going to interrupt you, Mr McCarthy. That's 5 what you did the week before. But this week you didn't 6 set any more actions, did you? 7 A. No. 8 Q. And you didn't set any plans for -- 9 A. That why the actions have to be completed. They have to 10 be resulted. 11 Q. There were further actions to be set, were there not, 12 Mr McCarthy? 13 A. In due course, I am sure, but -- 14 Q. No, Mr McCarthy, what about the actions on the 27 June 15 HAT return? You have just told us that you didn't set 16 those actions on the CRIS. 17 A. No, not on the CRIS but they are on the HAT advice and 18 they were on my update. It couldn't be clearer saying 19 computer was going to be submitted. I have done the 20 handover to the officers and, you know, yes, I didn't 21 put them on CRIS. There is no instructions in the 22 Met Police that a HAT advice has got to be put on CRIS. 23 Ideally I would have liked to put that on, I don't know 24 why I didn't. But I am comfortable in the briefing that 25 I gave to DS O'Donnell that the HAT advice outlining the</p> <p style="text-align: center;">Page 128</p>

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<p>1 actions to be conducted, my situation report and</p> <p>2 additionally he has got entries in the CRIS report</p> <p>3 before my involvement around the forensic strategy,</p> <p>4 around the submission of samples, and, I believe, the</p> <p>5 examination of Mr Walgate's computer.</p> <p>6 So to me, in the mind of the investigation team,</p> <p>7 yes, I have not put an action on a CRIS saying go and do</p> <p>8 this. But I am comfortable in myself and my own</p> <p>9 handover that I have relayed that information and that</p> <p>10 was part of the considerations before my involvement,</p> <p>11 ie submission of Mr Walgate's laptop and submission of</p> <p>12 samples from the special post mortem.</p> <p>13 Q. All right.</p> <p>14 Mr McCarthy, the words you chose to use in your</p> <p>15 witness statement when you described your overall</p> <p>16 involvement in this case were that you "supervised</p> <p>17 a diligent investigation".</p> <p>18 Looking at what did and more importantly did not</p> <p>19 happen following that initial surge of activity, no</p> <p>20 further interviews, the lack of actions on the CRIS,</p> <p>21 what we know about the lack of the download, this was</p> <p>22 not a diligent investigation, was it?</p> <p>23 A. Well, up to my point here, it was.</p> <p>24 Q. Three days?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 129</p>	<p>1 Q. Let's look at that, Mr McCarthy. Turn to page 42 in the</p> <p>2 bundle. For the screen, it is IPC257.</p> <p>3 THE CORONER: Do you mean tab 42?</p> <p>4 MR O'CONNOR: Yes, sorry, tab 42.</p> <p>5 Mr McCarthy, I know you are familiar with this</p> <p>6 document, because you have referred to it more than once</p> <p>7 and the jury have also seen it. Let's summarise it. As</p> <p>8 you say, we know that Denise Stanworth's report became</p> <p>9 available on about 10 September, and we see your email</p> <p>10 is dated the 16th, so a few days afterwards.</p> <p>11 The first line, you say:</p> <p>12 "In relation to the suspicious death of</p> <p>13 Mr Walgate ..."</p> <p>14 That is how you viewed it at the time, is it?</p> <p>15 A. Well, I have looked at that word and it is the wrong</p> <p>16 word and I can only say this is the first real look</p> <p>17 I have had of that job, so, upon my finishing on</p> <p>18 30 June, so two or three months later, I have not been</p> <p>19 au fait, so it is a word I have used and what I would</p> <p>20 say, it is at 4.41 in the morning. I would have been</p> <p>21 doing cluster DI that night, it could have been my</p> <p>22 second night. If it was my first, I would have been up</p> <p>23 since 7.00 in morning, so I am not really thinking about</p> <p>24 the nuts and bolts of a word, unexplained/suspicious,</p> <p>25 I was getting across the point to -- it should have been</p> <p style="text-align: center;">Page 131</p>
<p>1 Q. Thereafter it was not a diligent investigation, was it?</p> <p>2 A. Somebody else will have to make that decision, but from</p> <p>3 my point, what I was describing in my statement to the</p> <p>4 IOPC, yes, up to my point, the actions were raised, the</p> <p>5 officers were tasked. I was not informed that the</p> <p>6 computer wasn't submitted. I was not informed or</p> <p>7 approached to say, "Look, we can't get this computer</p> <p>8 examined" or any rationale for not doing so.</p> <p>9 Had I been, I would have taken my action, but to my</p> <p>10 dealings to that point, yes, it was diligent. What was</p> <p>11 not subsequently done, if I am not aware of and not been</p> <p>12 informed, I -- I am a bit stuck, what could I do?</p> <p>13 Q. You could have made it your business to find out what</p> <p>14 was going on?</p> <p>15 A. But it wouldn't have been on my radar to say, "I must go</p> <p>16 back and check this crime". Bear in mind we worked in</p> <p>17 an open-plan office like this. There were</p> <p>18 conversations, they could have been saying: can you have</p> <p>19 a look at this? Had I done so, given my record of what</p> <p>20 I did do, had I been asked or had there been issues,</p> <p>21 I would have addressed them and as it came, and as</p> <p>22 I appreciate you said we will get on to the toxicology</p> <p>23 report, when that came to me, via being cc'd into</p> <p>24 an email. Rather than ignore it, I have reviewed it and</p> <p>25 sent out some actions on it.</p> <p style="text-align: center;">Page 130</p>	<p>1 unexplained.</p> <p>2 Q. It was suspicious, wasn't it?</p> <p>3 A. I suppose the suspicious once you prove somebody's</p> <p>4 involvement in the death.</p> <p>5 Q. Mr Kirk, I know you didn't say you had talked to him</p> <p>6 about this but Mr Kirk said he thought it was probably</p> <p>7 a homicide. Is that really very different from saying</p> <p>8 it is suspicious?</p> <p>9 A. It is all to do with terminology, and a lot of the</p> <p>10 terminology from the major investigation team was if it</p> <p>11 is unexplained or suspicious -- even Ms Mackay in her</p> <p>12 report said there was no guidance as to which, but we</p> <p>13 were dealing with an unexplained death and, yes,</p> <p>14 I suspected Mr Port had something to do with it.</p> <p>15 Q. Let me ask you a straight question, Mr McCarthy: are you</p> <p>16 nervous about agreeing that this was a suspicious death</p> <p>17 at the time, because if it was then you should have had</p> <p>18 more involvement, more oversight of the investigation</p> <p>19 than in fact you did?</p> <p>20 A. Had it been assessed as suspicious at that time, it</p> <p>21 would have made no difference whatsoever to myself,</p> <p>22 because then the murder -- or the major investigation</p> <p>23 team would have been involved again. So we still needed</p> <p>24 to try and prove what had happened, so to me, had it</p> <p>25 been suspicious, it wouldn't have caused any issue for</p> <p style="text-align: center;">Page 132</p>

<p>1 me, because then that would have increased the levels of 2 investigation, oversight, yes, I would have been called 3 back into it. 4 Q. Well, that is exactly what was on the table at this 5 time, was it not, because let's summarise this email 6 together, Mr McCarthy. 7 You were drawing the attention of Martin O'Donnell 8 and David Parish to the toxicology report, yes? 9 A. Yes. 10 Q. You say that you were open to discussion, but you 11 thought that this information, the toxicology result, 12 should be sent back to the MIT for them to provide 13 further advice, yes? 14 A. Yes. 15 Q. Is that right? 16 A. That's correct, yes. 17 Q. You set out two paths, looking halfway down, you say: 18 "They should just be able to give a heads up as to 19 any other enquiries to be conducted in light of the 20 findings and any other relevant information, or should 21 we be able to complete a coroner's report?" 22 Are you describing two possibilities, one that the 23 HAT return will say you need to carry on investigating 24 this as a suspicious/unexplained death, or, no, there is 25 nothing more to look at, it can now go to the coroner --</p> <p style="text-align: center;">Page 133</p>	<p>1 would have been relevant for them to view in light of 2 their special PM and everything, yes. 3 Q. The jury have been through and looked at various 4 documents as to what happened next, and I am sure you 5 have too. 6 What we know is that not very much happened for 7 a few weeks -- just looking at the top of the document, 8 so on the screen, if we remove the enlargement, we can 9 see that you then just forwarded the same email to 10 Eugene McCarthy on 6 October. Do you see that? 11 A. Yes, forwarded to DS O'Donnell. 12 Q. I'm sorry, forwarded to Mr O'Donnell, presumably to 13 chase him because nothing had happened? 14 A. That would have been likely. I could have been clearing 15 my mailbox and seeing this and sent it on. 16 Q. Then, ten days after that, if we turn over into the next 17 tab of the bundle, so tab 43, and we have up on screen 18 IPC269, we see that Mr O'Donnell sent you an updated 19 version of your CSR. 20 A. He did, yes. 21 Q. He just said: 22 "Eugene, apologies for the delay ..." 23 He described that he was thinking of waiting for the 24 pathologist report, but in any event he is then sending 25 you a further version of the CSR?</p> <p style="text-align: center;">Page 135</p>
<p>1 those are the two possibilities yes? 2 A. Yes. 3 Q. Then you describe how you are going to get there in the 4 actions and you ask Martin/Dave, in your words: 5 "Could you try and get the referral done as soon as 6 possible?" 7 Then you explain that you want your current 8 situation report, which we have been looking at 9 throughout, to be updated in order that that can go to 10 them, yes? 11 A. That's correct, yes. 12 Q. You say: 13 "Either let me do it, if you tell me what has 14 happened, or you can do it and then it can be forwarded 15 to the MIT." 16 That is a summary of what you are asking them in 17 that -- 18 A. That's correct, yes. 19 Q. There is no doubt, is there, Mr McCarthy, that you 20 thought it necessary in what you described in the 21 document as a suspicious death, although you may not 22 think that is an appropriate term now, it was necessary 23 for this case to go back to the HAT team? 24 A. Yes, to get an assessment of what the toxicology meant, 25 I read the statement -- I am a lay person but I think it</p> <p style="text-align: center;">Page 134</p>	<p>1 A. That's correct. 2 Q. If we look on the CRIS, so that is tab 2 of the bundle, 3 if we go to page 92, please, for the screen it is IPC35, 4 page 92. Do you see there, Mr McCarthy, that on 5 18 September, so shortly after that first email of 6 yours, Mr O'Donnell put an entry on the CRIS saying: 7 "File to be passed to MIT HAT for advice." 8 A. Yes, sir. 9 Q. Then, if we go over to page 94, please, at the top 10 there, there is an entry on 30 October, so this is now 11 after he has sent you the file, and in the top paragraph 12 he says: 13 "An updated report has been passed to DI McCarthy by 14 me for submission to SC&O1 SIO for review and comment." 15 His evidence was, having sent you that report, 16 updated as you had requested, he was expecting you to 17 send it on to HAT for the requested advice. Did you 18 send it to them? 19 A. I didn't, because that was down to DS O'Donnell to send. 20 If -- I wasn't -- I had viewed that CRIS entry. I was 21 never copied in to say that that was what we were 22 thinking, he has never sent me a memo, and we are also 23 sitting in the same office, so he has not said to me to 24 submit. 25 In relation to the emails that we have just seen,</p> <p style="text-align: center;">Page 136</p>

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<p>1 the first email that I sent to DS O'Donnell, I attached 2 a toxicology report, all the HAT advices and the CSR for 3 update. In his return to me he sent me an MG15, which 4 is a record of taped interview, and a CSR but not 5 signposted me to say "Please submit". It is minus the 6 most important document, which is the toxicology, so 7 a month later, yes, he sent it back to me but he has not 8 signposted me to do anything. He has not told me -- 9 then I have seen this entry here, again, I have not 10 received a memo on the CRIS system to say "do this", but 11 we were also sat in the same office.</p> <p>12 Had it been a conversation to say, "Look, 13 Mr McCarthy, will you submit the HAT advice?" Yes, 14 I would 100 per cent, but -- again it is an assumption 15 on my part, given my instruction, given DS O'Donnell had 16 carried out the instruction to update the CSR, I had no 17 reason to disbelieve that he didn't submit, but 18 I appreciate I could have been a bit more proactive and 19 saying: has it been done? And we could have had that 20 conversation, but it didn't happen.</p> <p>21 Q. What about, Mr McCarthy -- we have all been in 22 situations where two people have misunderstood what they 23 were expecting the other one to do, but, as you say, 24 yes, Mr O'Donnell might have said to you, "Could you now 25 submit it, please, or have you submitted it?" But,</p> <p style="text-align: center;">Page 137</p>	<p>1 A. Unless it has been flagged to me that DS O'Donnell had 2 ensured some of the actions had been completed or there 3 wasn't sufficient updates on the crime report, 4 I couldn't really do anything about it.</p> <p>5 Q. Mr McCarthy, you could have done something about it. 6 A. Well -- 7 Q. All of us have involvement in working in organisations. 8 You could have made sure that your instruction was 9 carried out? 10 A. That is a fair point and I accept you can always do 11 more. But I do have to taper that off, in that I was 12 covering a whole new area. I couldn't get involved in 13 the fine-grain detail of this investigation, along with 14 a number of others and I accept that this was not 15 Mr O'Donnell's only investigation, but had it been 16 raised to me, had it been raised to me that I am not 17 getting the computer done, and also this referral of the 18 toxicology report, that is the new information for the 19 murder investigation team. They have had all the 20 previous information available to them, including, as we 21 discussed earlier, the BTP report from interview, they 22 have had the MIT advices. And so yes, I was trying to 23 get a wraparound to ensure that they got sight of the 24 toxicology and that didn't happen, and I accept -- 25 I accept it is something I gave to DS O'Donnell but</p> <p style="text-align: center;">Page 139</p>
<p>1 equally, in this office that you shared, why didn't you 2 say to him: 3 "Have you sent that report in yet? Why haven't you 4 heard from MIT or HAT?"</p> <p>5 A. Well, really I suppose my follow up blank email of 6 a month later saying, you know, I have resent the 7 email -- so that -- I haven't had that conversation, but 8 by that stage my level of supervision had doubled and 9 I can't --</p> <p>10 I mean, when somebody gets an instruction, there is 11 an expectation it is done. And I am content I gave 12 an instruction to do it, but I fully accept it is 13 something that should have never really fallen through 14 the cracks.</p> <p>15 Q. Falling through the cracks is a term that has been used, 16 but this was a case of what you regarded as a suspicious 17 death --</p> <p>18 A. It was --</p> <p>19 Q. -- that needed to go back to HAT.</p> <p>20 A. Yes.</p> <p>21 Q. Why was it that, as week followed week, and as month 22 followed month, and nothing happened, no call from the 23 MIT, DCI Jones didn't turn up in your office and say, 24 "Let's talk about this", simply nothing happened, why 25 didn't you do anything about it?</p> <p style="text-align: center;">Page 138</p>	<p>1 I accept I am his supervisor and ultimately it is down 2 to me that I didn't check for him to do that.</p> <p>3 Q. It is actually worse than that, isn't it, because what 4 the jury have seen, and what we know from the CRIS, is 5 that not only was the case never referred back to HAT, 6 as you had instructed, but as week and week followed, 7 and as the months passed, in fact a decision was taken 8 to prosecute Stephen Port for perverting the course of 9 justice --</p> <p>10 A. It was, yes.</p> <p>11 Q. -- and the rest of the investigation, the unexplained 12 death investigation, was simply closed.</p> <p>13 Tell us, we have heard about the Met term of Grip in 14 this case, how was it that you as a supervising officer, 15 who had made a decision that this case was a suspicious 16 death, or unexplained death, and needed to go back to 17 MIT for further advice, how was it that in that 18 organisation that you were responsible for, not only did 19 that not happen, but in fact, in effect, the whole 20 investigation was simply closed down?</p> <p>21 A. Well, I was aware that DS O'Donnell and DC Parish 22 referred the matter to the CPS. Now, to refer 23 an investigation to the CPS, a form called an MG3 has 24 got to be completed. On borough a DI has no oversight 25 of that process. It is a matter for the officer in the</p> <p style="text-align: center;">Page 140</p>

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<p>1 case to write the report and his supervisor to submit to</p> <p>2 the CPS. Where I would become involved as a DI is if</p> <p>3 that case got rejected by the CPS or some form of</p> <p>4 appeal, then I would slip in.</p> <p>5 The difference with a major investigation team, and</p> <p>6 it was at Barking and even a Sapphire team that I did</p> <p>7 subsequently deal with, the role of a DI in that process</p> <p>8 is 100 per cent different, because in serious sexual</p> <p>9 offences, if it is to be referred to the CPS, there is</p> <p>10 an obligation on the detective inspector to review the</p> <p>11 case and authorise submission. That process is not</p> <p>12 present on borough, or for matters such as this.</p> <p>13 So it did go to the CPS, the Crown Prosecution</p> <p>14 Service, for perverting the course of justice. I was</p> <p>15 aware it was there, because I was told -- and I knew</p> <p>16 DC Parish, he had difficulty in getting a prosecutor to</p> <p>17 review and it required a CPS prosecutor from their</p> <p>18 homicide team ... I offered to get involved but before</p> <p>19 I ever did, they said no, they have got a lawyer from</p> <p>20 the homicide team. So to my mind it is with the</p> <p>21 homicide team and if there were actions to come back,</p> <p>22 you would have got an action list.</p> <p>23 Q. In all of this, did you think to mention your</p> <p>24 instruction for further advice to be obtained from MIT?</p> <p>25 A. To be perfectly honest, no, and it wasn't raised with</p> <p style="text-align: center;">Page 141</p>	<p>1 reviews conducted in order to progress the enquiries</p> <p>2 ..."</p> <p>3 And you have referred to the Walgate case there.</p> <p>4 A. Yes, sir.</p> <p>5 Q. In light of everything that you have told us today about</p> <p>6 how little you had to do with this case, is it really</p> <p>7 the case that you would regard that as being a case</p> <p>8 where you set action plans, conducted reviews in order</p> <p>9 to progress the enquiries?</p> <p>10 A. Sir, I would have to take -- I wouldn't accept I did so</p> <p>11 little with the investigation. And I think from day 1</p> <p>12 when I took this, in fact day 1 when I wasn't the</p> <p>13 officer overseeing, I have took actions and directed</p> <p>14 actions to assist the investigation from the outset.</p> <p>15 I have completed my actions, my entries, my decision</p> <p>16 logs, my updates. I haven't seen one decision log from</p> <p>17 the major investigation team. I haven't seen any</p> <p>18 briefings, apart from the HAT advices, and I would</p> <p>19 drawback to the HAT advice on the 25th, which was</p> <p>20 basically saying do nothing and wait till tomorrow</p> <p>21 morning to speak to the correct team.</p> <p>22 So I am content in my role at that particular time,</p> <p>23 in my involvement, granted in the earlier stages, where</p> <p>24 I have drawn up all these, and I accept I withdrew from</p> <p>25 my hands-on supervision, as per what was in our borough</p> <p style="text-align: center;">Page 143</p>
<p>1 me, it wasn't submitted and also, again, you could call</p> <p>2 it an assumption, but if we have the correct team</p> <p>3 looking at it within the CPS, the homicide side of their</p> <p>4 business, I had no reason to disbelieve that the MIT</p> <p>5 team wasn't sighted on what was being submitted.</p> <p>6 Q. All right, I am going to ask you about one more</p> <p>7 document, Mr McCarthy, and then that will be the end of</p> <p>8 my questions.</p> <p>9 Could we have on screen, please, MPS874. This is</p> <p>10 your performance development review. Do we see that?</p> <p>11 A. I do, yes, sir.</p> <p>12 Q. For the year, if we look at the top, April 2014 to the</p> <p>13 end of March 2015.</p> <p>14 A. Yes, sir.</p> <p>15 Q. That covers the period we have been talking about, yes?</p> <p>16 A. Yes.</p> <p>17 Q. Just in passing, before I come to the part I really want</p> <p>18 to ask you about, let's just look at page 2, please. We</p> <p>19 see there are some competencies, you see there is</p> <p>20 a little word "Investigation (1)" in white?</p> <p>21 A. That's correct, yes.</p> <p>22 Q. The first competency is "Conduct serious and complex</p> <p>23 investigation". Then one of the matters that has been</p> <p>24 entered under that:</p> <p>25 "In all of the following, action plans were set,</p> <p style="text-align: center;">Page 142</p>	<p>1 working practices at the time.</p> <p>2 And that is accepted in DAC Cundy's report later on,</p> <p>3 that there were different working practices in the</p> <p>4 investigation of deaths across the MPS.</p> <p>5 So, yes, I withdrew at a certain stage. I would</p> <p>6 like to think if I stayed on, maybe things could have</p> <p>7 changed. I don't know. In relation to this particular</p> <p>8 document -- sorry, sir, in relation to your point, if</p> <p>9 I look at those conduct -- I have set action plans and</p> <p>10 reviews. I have set strategies. I have set plans to</p> <p>11 interview the victims and witnesses, like the visit with</p> <p>12 Ms China Dunning, it was me who raised that action,</p> <p>13 so --</p> <p>14 Q. Excuse me, the request you made on that day for</p> <p>15 China Dunning to be shown a photograph, that is</p> <p>16 an action plan to complete an interview strategy in</p> <p>17 relation to a victim or witness, is it?</p> <p>18 A. Not an interview strategy, but it was an action to go</p> <p>19 and interview a witness. It mightn't have been</p> <p>20 a tape-recorded witness at that time but it did</p> <p>21 transpire into becoming an MG11 and it was her account</p> <p>22 that was highly relevant to the change of thinking in</p> <p>23 this case.</p> <p>24 Q. What about the top of the next page, "Action plans to</p> <p>25 complete interview strategies and plans in relation to</p> <p style="text-align: center;">Page 144</p>

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<p>1 suspects"? Well, we have seen what you did about</p> <p>2 interviewing Stephen Port on the Thursday and Friday.</p> <p>3 A. Yes.</p> <p>4 Q. Interviewing him twice on a no challenge basis.</p> <p>5 A. I don't accept that. I reference how DC Desai, I felt,</p> <p>6 did a very good interview. He got three separate</p> <p>7 accounts and he proved the lies that Mr Port was</p> <p>8 telling.</p> <p>9 The strategy then went to the major investigation</p> <p>10 team of interviewers, who were trained at a higher</p> <p>11 level, to go -- everything was provided, the</p> <p>12 pre-interview disclosure, the CRIS report, DC Desai's</p> <p>13 three separate accounts were provided.</p> <p>14 So, again --</p> <p>15 Q. Mr McCarthy, what about what was supposed to follow?</p> <p>16 What about the moment when the investigation had been</p> <p>17 done and Mr Port was brought back to challenge him on</p> <p>18 that account? That is something you would say that was</p> <p>19 for Mr O'Donnell, was it?</p> <p>20 A. Well, it is if he is the OIC, and this is something that</p> <p>21 a detective learns from a very early stage, from day 1,</p> <p>22 when I was a younger officer, if I got a fingerprint</p> <p>23 docket from a burglary, you would interview the suspect,</p> <p>24 you would go and get his fingerprints compared and you</p> <p>25 do a second interview.</p> <p style="text-align: center;">Page 145</p>	<p>1 initial reporting standards, effective case disposal</p> <p>2 options, improvement of MG3s and evidence gathering,</p> <p>3 Barking finished the year 3rd out of 32 in the</p> <p>4 Metropolitan Police [for that sanctions data for the</p> <p>5 financial year]."</p> <p>6 A. That's correct, yes.</p> <p>7 Q. Were you trying to improve Barking and Dagenham's</p> <p>8 statistics?</p> <p>9 A. No -- well, I suppose in effect you are, you are trying</p> <p>10 to --</p> <p>11 Q. Mr McCarthy you are being congratulated for improving</p> <p>12 the statistics, are you not?</p> <p>13 A. No, sir, you are trying to improve the statistics but</p> <p>14 figures are one thing but behind every figure is</p> <p>15 a victim. So when people go on about crime statistics,</p> <p>16 and only after figures, no, you are after to improve the</p> <p>17 lives of victims and after every crime report that is</p> <p>18 made and every detection that is made there is a victim.</p> <p>19 And certainly in the domestic abuse world, you have got</p> <p>20 more than one victim of crime, because you have kids who</p> <p>21 may have witnessed an assault. So, yes, I would have</p> <p>22 chased detections but detections held offenders to</p> <p>23 account, increased victim safety, so, yes, I was brought</p> <p>24 into the CSU to oversee that.</p> <p>25 As you can see, we were 28th out of 32 in the MPS.</p> <p style="text-align: center;">Page 147</p>
<p>1 At what stages this third interview should have</p> <p>2 taken place would be a matter for DS O'Donnell, but</p> <p>3 I would have expected it in light of the toxicology and</p> <p>4 certainly of anything that was raised in the special</p> <p>5 post mortem report in the case.</p> <p>6 Q. Let's go back to the first page. You have mentioned</p> <p>7 more than once that you were responsible and indeed</p> <p>8 became responsible for different parts of CID within</p> <p>9 Barking and Dagenham?</p> <p>10 A. Yes.</p> <p>11 Q. Let's just look at the bottom four lines, perhaps they</p> <p>12 could be enlarged. It says:</p> <p>13 "On 1 August 2014 T/DI McCarthy took responsibility</p> <p>14 for the CSU in addition to the CID & CSU."</p> <p>15 Perhaps that should be CPU?</p> <p>16 A. CPU, yes.</p> <p>17 Q. Those are the three different parts of what we have</p> <p>18 generally been describing as the CID:</p> <p>19 "At that time Barking was 28th out of 32 in the --"</p> <p>20 I think that stands for financial year to date</p> <p>21 sanctions data. Is that a ranking within the</p> <p>22 Metropolitan Police?</p> <p>23 A. It is, yes.</p> <p>24 Q. Then let's just read on:</p> <p>25 "By applying methods learned in the CID in improving</p> <p style="text-align: center;">Page 146</p>	<p>1 I am not saying the officers were failing, the officers</p> <p>2 were seriously hard working and very dedicated and that</p> <p>3 is one thing, I was nine years on Barking and Dagenham</p> <p>4 borough and the officers were very dedicated to working</p> <p>5 the whole borough and bought into living here and</p> <p>6 working here.</p> <p>7 So I -- yes, I did want to improve them but I wanted</p> <p>8 their effort to show results and the results meant</p> <p>9 improved victim safety and, more importantly, suspects</p> <p>10 were held to account.</p> <p>11 Q. Mr McCarthy, at least one element of these statistics,</p> <p>12 what underlay them, was closing cases. That was one</p> <p>13 of -- we see the reference to case disposal options?</p> <p>14 A. Yes.</p> <p>15 Q. One of the ways in which these statistics were going to</p> <p>16 be improved, and you were going to rise up the rankings,</p> <p>17 was by closing cases.</p> <p>18 If we go back though this case, what happened to it,</p> <p>19 Mr Port being charged for perverting the course of</p> <p>20 justice, we saw on the CRIS, the CRIS being closed down.</p> <p>21 That outcome fed into this, I would suggest, effort to</p> <p>22 improve the statistics.</p> <p>23 On the other hand, if the homicide investigation had</p> <p>24 carried on, if Mr Walgate's investigation had carried on</p> <p>25 as sitting on the books as an unexplained death, that</p> <p style="text-align: center;">Page 148</p>

<p>1 would not have assisted the statistics, would it?</p> <p>2 A. No, I don't think the -- a detection for perverting the</p> <p>3 course of justice, it would have been a detection, but</p> <p>4 it really wasn't a detection that was counted. At that</p> <p>5 time we had the mayor's police -- policing officers of</p> <p>6 London and they had seven or eight crime types are</p> <p>7 counted. So, yes, it was an overall detection, it</p> <p>8 wasn't the ones that were looked at actively by the</p> <p>9 mayor's office, that would have been violence with</p> <p>10 injury, serious sexual assault, so yes, it is.</p> <p>11 To me, what I have kept is a murder off the books?</p> <p>12 Never. I was -- my whole ethos has been ethical around</p> <p>13 crime figures, ethical around investigation. Never ever</p> <p>14 would it have crossed my mind to think, you know, let's</p> <p>15 downgrade this. If it is classified, it is classified,</p> <p>16 we had a very rigorous approach of classifying of crime</p> <p>17 reports and in Barking and Dagenham, and I think the</p> <p>18 borough itself was cited as good practice across the</p> <p>19 whole of the east area.</p> <p>20 MR O'CONNOR: Thank you, Mr McCarthy.</p> <p>21 A. Thank you.</p> <p>22 Questions from MS HILL</p> <p>23 MS HILL: Thank you.</p> <p>24 As I think you know, I ask questions on behalf of</p> <p>25 the families of those who were murdered by Stephen Port,</p> <p style="text-align: center;">Page 149</p>	<p>1 A. Yes, I would agree, yes.</p> <p>2 Q. Can I ask you whether you had been following the</p> <p>3 evidence that has been given already in the inquests?</p> <p>4 A. I have.</p> <p>5 Q. I don't know if you were here in court or you have</p> <p>6 watched remotely, but have you seen the evidence of</p> <p>7 T/DC Parish and DS O'Donnell?</p> <p>8 A. I have read transcripts.</p> <p>9 Q. Are you aware that they each made a significant number</p> <p>10 of admissions about things that went wrong in the</p> <p>11 investigation into Anthony's death?</p> <p>12 A. Yes, I am aware of, say for argument's sake, about the</p> <p>13 computer evidence not being submitted.</p> <p>14 Q. For example, is it your understanding that</p> <p>15 T/DC Parish -- just for the note, it is page 189 and 191</p> <p>16 of the transcript -- was very clear:</p> <p>17 "I don't remember seeing these issues about rape</p> <p>18 porn on Mr Port's laptop. They would have been there,</p> <p>19 yes, I didn't find them. That is my mistake. I didn't</p> <p>20 see them. I apologise for not seeing them. Upon</p> <p>21 reflection, I wish I had done and had I looked into it</p> <p>22 an awful lot more, I apologise for not doing so."</p> <p>23 That is one key admission that T/DC Parish has made.</p> <p>24 He and Sergeant O'Donnell were officers under your</p> <p>25 command, weren't they?</p> <p style="text-align: center;">Page 151</p>
<p>1 save for the partner of Daniel Whitworth, who has his</p> <p>2 own lawyer.</p> <p>3 When I asked questions of Sergeant O'Donnell, the</p> <p>4 first issue I explored with him was the nature of the</p> <p>5 differences, if you like, between a murder investigation</p> <p>6 and other kinds of investigation. I put to him this</p> <p>7 proposition, and I would just like to see if you agree</p> <p>8 with it or not. That, broadly, if the borough were</p> <p>9 investigating a murder or a potential murder, that was</p> <p>10 at the most serious end of the sort of cases you were</p> <p>11 dealing with on the borough, because typically they</p> <p>12 would be investigated by the MIT team. Isn't that</p> <p>13 right?</p> <p>14 A. That's correct, as I said, this was classified as</p> <p>15 a critical incident at the time. So it was known to our</p> <p>16 rank structure.</p> <p>17 Q. The thrust of your evidence today seems to be that your</p> <p>18 firm view was at various points that the MIT team should</p> <p>19 have taken over this case, or should have provided</p> <p>20 support.</p> <p>21 Would you agree with this, that if the MIT team, as</p> <p>22 we have heard, did not take over the case and it</p> <p>23 remained on the borough, that this level of</p> <p>24 investigation, or this investigation, required the most</p> <p>25 careful attention, the most careful scrutiny?</p> <p style="text-align: center;">Page 150</p>	<p>1 A. Yes, indeed.</p> <p>2 Q. Are you standing by your officers today?</p> <p>3 A. Absolutely.</p> <p>4 I would say about DC Parish, if my family or anybody</p> <p>5 with me had been victims of crime, I would be happy to</p> <p>6 have an officer of his calibre investigating. That they</p> <p>7 were very dedicated, hard working, yes.</p> <p>8 Q. Are you aware from having followed the transcripts that</p> <p>9 I put to T/DC Parish the series of actions that it was</p> <p>10 suggested could have taken place after the interview of</p> <p>11 Mr Port carried out by the MIT team, do you remember</p> <p>12 I put to him things like searching the bins, searching</p> <p>13 the finances of Mr Port, looking at social media,</p> <p>14 possibly bringing in a POLSA team, things of that</p> <p>15 nature. Just for the note, it is 192 to 195 of the</p> <p>16 transcript.</p> <p>17 He accepted a list of things that he had not done.</p> <p>18 Again, are you standing by that as a failing in this</p> <p>19 investigation?</p> <p>20 A. Without knowing the full details, but if I could touch</p> <p>21 on the searching of the bins, the search strategy --</p> <p>22 Q. No, forgive me, I put a series of things, a list of</p> <p>23 things --</p> <p>24 A. Okay?</p> <p>25 Q. -- that could have happened after the interviews, of</p> <p style="text-align: center;">Page 152</p>

1 which that was one.
 2 **A. Okay.**
 3 Q. He accepted a series of things that he did not do,
 4 broadly, I think, because he said he hadn't been told to
 5 do them?
 6 **A. Okay.**
 7 Q. Where he has made those sort of admissions, are you
 8 standing by him or not?
 9 **A. I would stand by DC Parish, because the area I was going**
 10 **to mention, the information was brought up in interview,**
 11 **yes, it was brought up in interview, but it is for the**
 12 **interviewers -- and this team, the major investigation**
 13 **team interviewers, to raise to their detective sergeant.**
 14 **Again, like the incident at Barking station but if they**
 15 **are saying there is evidence of something being disposed**
 16 **in the bins, they have got to raise that to the DS, and**
 17 **also at the same time as that interview, the MIT team on**
 18 **the 27th had accepted they were in control and running**
 19 **the strategy for the search of the premises. So much so**
 20 **that DC Groombridge who was present at the scene,**
 21 **I believe while Port was still in custody, came back and**
 22 **got an inspector's authority to search Port's vehicle.**
 23 **So, yes, they should have been liaising and**
 24 **I appreciate it is later felt it wasn't done but, you**
 25 **know --**

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1 Q. Perhaps I need to be a little bit more clear and I am
 2 sorry if it is me. My bereaved families who are
 3 watching this evidence are seeing the Metropolitan
 4 Police turning in on itself, because what they are
 5 seeing is disagreements between two different teams for
 6 example as to who is responsible for something that
 7 didn't happen.
 8 **A. Yes.**
 9 Q. But from their perspective, the organisation let them
 10 down. What I am trying to understand, and sorry if it
 11 is not very clear, is whether you are standing by the
 12 failings in the borough or whether you are trying to
 13 shift the blame to the MIT team?
 14 **A. I am not shifting blame. I am purely referring to the**
 15 **facts that I recorded, my recollection. It is not for**
 16 **me to apportion blame. It is inescapable though that,**
 17 **you know, I have read the evidence and DI Richards stood**
 18 **up here on Day 1 and said the HOLMES system would have**
 19 **cross referenced everything, it would have cross**
 20 **referenced by people looking at it, the computer would**
 21 **have cross referenced. He mentioned hundreds of**
 22 **thousands of enquiries or conversations on laptops.**
 23 **Once that was taken out of the mix, because that was**
 24 **the reason for me, that was the prime reason for me to**
 25 **go to the MIT team, they did provide resource, but they**

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1 **provided resources to go and knock on somebody's door.**
 2 **You don't have to be a police officer to do that.**
 3 **The main resource, I felt, was the application of**
 4 **the HOLMES system. Now, once they have accepted we are**
 5 **not going to use the HOLMES system and we are going to**
 6 **place it with a DI, a sergeant and a DC on borough, you**
 7 **are not going to get the same service as you had up**
 8 **here. So I am not apportioning blame and I know they**
 9 **had their own terms of reference, their own -- Mr Jones**
 10 **said he had 16 investigations ... there was thousands of**
 11 **investigations on borough.**
 12 **But, nonetheless, had it been given that particular**
 13 **resource, then I think a lot of this could have been**
 14 **cross referenced and that is where the notes provided by**
 15 **the DC who did the interview --**
 16 Q. Levoir?
 17 **A. Levoir, they would have been read, because having been**
 18 **on a murder investigation team, you have proofreaders,**
 19 **you have document readers, that would have got the**
 20 **fine-grain detail going into it.**
 21 **But, as I said, DC Parish and DS -- and this is**
 22 **probably a failing on my part and I accept this, I was**
 23 **probably in my first few months of management at that**
 24 **level, I probably wasn't as approachable as I could be,**
 25 **but that is certainly -- you learn as you go on through**

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1 **the system and you go on through your training.**
 2 **But, you know, they were hard working. They would**
 3 **have had countless other investigations. This is one**
 4 **and I really don't want this to sound insulting to any**
 5 **of the families, this is one of a number of**
 6 **investigations. Some which would have, you know -- you**
 7 **would have had life-or-death situations, high-risk miss**
 8 **pers, everything into the mix, on a regular basis.**
 9 Q. I think your evidence has been clear today, and you have
 10 just amplified that a little bit further but is it your
 11 position that had this investigation been transferred to
 12 the MIT a totally different process would have followed?
 13 I think that is what you said in answer to my learned
 14 friend; is that right?
 15 **A. It would. And, you know, by the 27th, the only**
 16 **information that was not available to the murder**
 17 **investigation team was the toxicology report, the**
 18 **details, but they were all submitted, the content of**
 19 **the -- the computers were available and the special --**
 20 **they were all ...**
 21 **So everything else around what Mr Jones said, about**
 22 **the BTP incident at Barking station. That was available**
 23 **to them. That was available on intel and it was**
 24 **available to the officers who conducted the interview.**
 25 **So admittedly, in their defence, it was available to**

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<p>1 the different sides of the organisation but, as I said,</p> <p>2 on the last day, Mr Kelly was overseeing the MIT</p> <p>3 response, I believe to review, but ...</p> <p>4 Q. Can I ask you to respond, before we look at the MIT</p> <p>5 role, to what the learned coroner's expert may say about</p> <p>6 the borough investigation. You keep answering questions</p> <p>7 about the MIT, but I would like to just bring this back</p> <p>8 if I may.</p> <p>9 A. Yes.</p> <p>10 Q. The reality is for Anthony's family and all the families</p> <p>11 at that I represent that this investigation remained on</p> <p>12 the borough, and therefore remained under the command of</p> <p>13 your officers.</p> <p>14 A. It did.</p> <p>15 Q. So I would like to see if you can, please, respond to</p> <p>16 what overall the learned coroner's expert is likely to</p> <p>17 say.</p> <p>18 Can I bring up, please, INQ000006, internal pages 18</p> <p>19 and 19, paragraph 72. I think it is right that you have</p> <p>20 the opportunity to respond to this.</p> <p>21 We are likely to hear the view, at the foot of that</p> <p>22 page, that the borough:</p> <p>23 "... investigation became disjointed ...</p> <p>24 opportunities were missed ... there was no clear action</p> <p>25 list, no clear review after the end of June 2014 ... no</p> <p style="text-align: center;">Page 157</p>	<p>1 unexplained deaths were investigated by a detective</p> <p>2 sergeant and so the responsibility there lies with the</p> <p>3 review, the review of the interviews. He has assigned</p> <p>4 himself as the SIO on the CRIS report -- I think</p> <p>5 I mentioned it earlier on. Had there been an issue</p> <p>6 around what needed to be doing, I had no idea the</p> <p>7 computer was not examined --</p> <p>8 Q. Forgive me, isn't that exactly the sort of thing you</p> <p>9 should have known about, as a key thing that you had</p> <p>10 been told to investigate by the MIT team?</p> <p>11 A. If I am not having that fine-grain oversight that I am</p> <p>12 looking at the detail, then, yes, 100 per cent, I would</p> <p>13 have been aware of it and I would have taken action.</p> <p>14 But because the process is not there for a DI to oversee</p> <p>15 those investigations, I accept it could be a matter of</p> <p>16 choice, and I did make the choice to stand back and for</p> <p>17 DS O'Donnell to investigate this. Could I have done</p> <p>18 more? If I look now, I wish, yes, I wish I did step</p> <p>19 back in and investigate more, but when the information</p> <p>20 did come to me about the toxicology, that is when</p> <p>21 I raised it, so as I said, those conversations happened.</p> <p>22 There was always the option to come and see me and say</p> <p>23 we are not doing that. Had I been told no computer is</p> <p>24 being examined, I would have done something about it,</p> <p>25 but if it is not raised to me and if it is not raised --</p> <p style="text-align: center;">Page 159</p>
<p>1 independent review of all of the evidence to ... ensure</p> <p>2 the correct focus and direction of the investigation.</p> <p>3 Had this been done, and it should have been, ...</p> <p>4 I believe not only Port's computer ... phone ... social</p> <p>5 media ... should and would have been examined, alongside</p> <p>6 establishing [Anthony's] movements ..."</p> <p>7 The officers should have discussed the case with</p> <p>8 his supervisor, and so on.</p> <p>9 Do you want to respond to the suggestion that this</p> <p>10 investigation did become disjointed and opportunities</p> <p>11 were missed?</p> <p>12 A. Can I just have a quick read down through that, is that</p> <p>13 okay, it went a bit quick for me?</p> <p>14 Am I allowed to have a read of that?</p> <p>15 Q. Of course, you do understand that is the thrust of the</p> <p>16 criticism being made, but please do read it if you have</p> <p>17 not had a chance to refresh your memory on it. (Pause)</p> <p>18 A. Again, this is the officer she has reviewed, I can't</p> <p>19 make comment, was it disjointed at the end of June?</p> <p>20 I disagree, I believed there was an action list and</p> <p>21 everything. I accept after that there was no review</p> <p>22 from an inspector, ie myself, I fully hold my hands up.</p> <p>23 All I can say in that respect is that, again, I went</p> <p>24 on, and I have told the level of supervision I took on.</p> <p>25 What it has not accounted for is that on our borough,</p> <p style="text-align: center;">Page 158</p>	<p>1 that is very, I accept, very little consolation for the</p> <p>2 families and this is me looking at it on a factual</p> <p>3 basis, and I accept that, and I apologise, I am coming</p> <p>4 across a bit cold, I don't want to do that. But if</p> <p>5 something is not raised to me and something is not</p> <p>6 an issue -- it is like I know this report said</p> <p>7 Mr O'Donnell should have come to Mr McCarthy because it</p> <p>8 was suspicious, but the guidance to do that isn't there,</p> <p>9 so that is a personal decision for him not to do that,</p> <p>10 do you know what I mean? There is no set guidance that</p> <p>11 that must be done before investigation is closed.</p> <p>12 Q. I am sure others will ask you more questions about this,</p> <p>13 but you are effectively shifting some responsibility</p> <p>14 down the chain of command, aren't you?</p> <p>15 A. No. Listen, I accept that DC Parish and DS O'Donnell</p> <p>16 did the job the best they could. I have to accept I am</p> <p>17 looking at it at DS O'Donnell(?), and if I'm honest, he</p> <p>18 has made a decision not to examine the computer, I wish</p> <p>19 he had spoken to me on it or I could have had some input</p> <p>20 on it, but he didn't.</p> <p>21 It is not a matter of shifting blame. I will accept</p> <p>22 anything that coming at me, I will be open and honest,</p> <p>23 I will accept any criticism and I will try and answer,</p> <p>24 and I hope I have tried to answer to the best of my</p> <p>25 ability. I am not shifting blame, I am just stating</p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

<p>1 what is there.</p> <p>2 Q. Bring up please, MPS000718, internal page 7, please, and</p> <p>3 scroll in on number 2, please, because it is not just</p> <p>4 the learned coroner's expert, what the jury may hear</p> <p>5 from Deputy Assistant Commissioner Cundy is this, that</p> <p>6 more effective leadership, support for investigators and</p> <p>7 resourcing of the original investigations could have</p> <p>8 identified and pursued other investigative lines of</p> <p>9 enquiry.</p> <p>10 You were part of that leadership system into the</p> <p>11 investigation of Anthony's death, weren't you?</p> <p>12 A. Absolutely, and I accept my responsibility there, I was,</p> <p>13 and I took the bull by the horns on 25 June, when I was</p> <p>14 asked to review, and I kickstarted this whole -- there</p> <p>15 was nothing on 25 June known to me that wasn't known to</p> <p>16 the persons involved previously. So I have started that</p> <p>17 investigation, I have kickstarted it, and I have</p> <p>18 described what I have done. I accept the leadership --</p> <p>19 Q. Forgive me, I am not putting this question on a basis</p> <p>20 around a particular date. Overall, bearing in mind all</p> <p>21 the factors that learned counsel has put to you already</p> <p>22 from the coroner's team, going right up to the period of</p> <p>23 time when Port is charged and this investigation is</p> <p>24 closed. Overall, do you want to reflect now, with my</p> <p>25 families here watching, as to whether or not you should</p> <p style="text-align: center;">Page 161</p>	<p>1 LGBT forum and the hate crime initiative, is that right?</p> <p>2 A. That's right, yes.</p> <p>3 Q. If I understood your evidence correctly -- we can take</p> <p>4 that down now -- the thrust of your evidence today is</p> <p>5 you were primarily involved in that role in 2013; is</p> <p>6 that right?</p> <p>7 A. I believe towards the end of 2012 into 2013, and then</p> <p>8 the hate crime initiative, which was organised by PS</p> <p>9 Carroll Weeden and a PC Miles Alexander-Boxall, that</p> <p>10 occurred I believe towards autumn time of 2013.</p> <p>11 Q. Just to assist the jury, the LGBT liaison officers were</p> <p>12 in place across the Met and they were, is it your</p> <p>13 evidence, in place within the borough?</p> <p>14 A. Yes, they were. There were I believe approximately 170</p> <p>15 across the Metropolitan Police and, yes, we had probably</p> <p>16 less than half a dozen on Barking and Dagenham borough.</p> <p>17 Q. You are aware, I think, aren't you, that there were</p> <p>18 questions raised directly with you in 2013 about whether</p> <p>19 they were effective or not?</p> <p>20 A. I was, yes.</p> <p>21 Q. Can we bring up, please, just bear with me a second,</p> <p>22 forgive me I just need to find the right reference for</p> <p>23 this, but let's bring up first of all the witness</p> <p>24 statement that we received I think today -- I am not</p> <p>25 sure if I have the INQ reference for it. I think I have</p> <p style="text-align: center;">Page 163</p>
<p>1 have had more proactive leadership of this</p> <p>2 investigation?</p> <p>3 A. If I looked at it now I would say yes, I wish I did, but</p> <p>4 I would have to be honest about the time. I wish I did</p> <p>5 not step back as quick as I did on 30 June 2014, but</p> <p>6 I was probably more dealing with a process, on the</p> <p>7 processes that a detective sergeant investigates. As</p> <p>8 soon as I have come back into the picture, I have</p> <p>9 generated more actions. Could I be more proactive about</p> <p>10 that action, saying should the HAT have been supplied?</p> <p>11 I accept my responsibility there and I would genuinely</p> <p>12 apologise to the family on that, there is certainly no</p> <p>13 issues with that.</p> <p>14 But what I would say, you know, I've got to temper</p> <p>15 that, the referral to the MIT team --</p> <p>16 Q. A different topic please, now, which is your prior</p> <p>17 involvement and engagement during this investigation, or</p> <p>18 lack thereof, with the LGBT groups.</p> <p>19 Can I bring up, please, again your own PDR, your</p> <p>20 appraisal, it's MPS000872, internal page 3.</p> <p>21 Scroll in, please, in the middle of that page where</p> <p>22 we see "KG [Barking] hate crime initiative". It is</p> <p>23 a little bit hard to follow I am afraid because it is in</p> <p>24 notes and I don't criticise you for that but broadly you</p> <p>25 are mentioning aren't you in your PDR your role with the</p> <p style="text-align: center;">Page 162</p>	<p>1 actually, forgive me, it is INQ000046, that is the</p> <p>2 second witness statement of Ryan Edwards that was</p> <p>3 provided to us today. I don't know whether it is yet on</p> <p>4 Relativity and can be brought up. INQ00046, internal</p> <p>5 page 1.</p> <p>6 Look at the foot of that page, please, this person,</p> <p>7 the jury is going to hear from, has involvement in the</p> <p>8 various LGBT initiatives within Barking & Dagenham and</p> <p>9 says that the LGBT liaison officer resource in Barking &</p> <p>10 Dagenham, unlike some other areas of the Met was</p> <p>11 a voluntary resource, and goes on to say:</p> <p>12 "If it is being done in the officer's own time, why</p> <p>13 is the local LGBT+ community so undeserving?"</p> <p>14 You see that question is raised?</p> <p>15 A. Hmm.</p> <p>16 Q. Is that the way in which the LGBT officers operated in</p> <p>17 Barking and Dagenham at the time?</p> <p>18 A. Yes, I have seen a poster that I think PS Weeden</p> <p>19 provided and I think as four officers in addition to</p> <p>20 myself mentioned and it would have been in addition to</p> <p>21 their own time, there was no dedicated officer.</p> <p>22 Had he looked at the statistics in that time, in the</p> <p>23 2012/2013 crime figures, there were 21 LGBT hate crimes</p> <p>24 for the borough. Now, I am not saying -- I would never</p> <p>25 suggest they were unimportant, that is not the point,</p> <p style="text-align: center;">Page 164</p>

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<p>1 but the other issue was our domestic abuse crimes, where 2 we would have had maybe the bones of 10,000 to 12,000 3 a year.</p> <p>4 By the improvements that Mr O'Connor pointed out 5 last, when I did take over the community safety unit, it 6 wasn't just tackling crime, the community safety unit 7 covered domestic abuse and all forms of hate crime --</p> <p>8 Q. I'm sorry to interrupt, can I just bring this back to 9 the particular question I asked and perhaps do it in 10 a different way. The question I was asking you about is 11 what you were told in 2013 about the effectiveness of 12 the LGBT officers, aside from whether or not they were 13 a voluntary resource, can I bring up, please, INQ000012, 14 internal page 1, which is an email sent to you 15 in April 2013 from Ryan Edwards, from whom we will hear, 16 the chair of the LGBT network. He is in that email 17 from April 2013 talking about fruitlessly trying to 18 engage with the liaison officers, do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. He says, "I am faced with the following conclusion, this 21 is not a real resource". Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. Essentially there are a series of emails between you 24 complaining, I think I can put it that way, about this 25 not being a real resource for the Met, do you</p> <p style="text-align: center;">Page 165</p>	<p>1 we go back to detections for the community safety unit, 2 we were the highest achieving at the end of that year 3 for hate crime detection. So, again, although a figure, 4 but there is a victim behind those figures.</p> <p>5 Q. The idea of the Metropolitan Police having LGBT liaison 6 officers was not a new one particularly, was it?</p> <p>7 A. No, but it was newish to me in that role and then I have 8 to say, you know, and I don't want to go back to the 9 figures, but we have had 21 crimes reported in a year, 10 but we have four liaison officers available and myself 11 as a coordinator. I think -- I appreciate I am 12 certainly not disagreeing with Mr Edwards, I have no 13 doubt whatsoever and I take him on his word that he did 14 go in and he didn't get the required service, and 15 I would apologise for that, but we took action to 16 address that and the main action taken to address that 17 was by PS Carroll Weeden and her hate crime initiative, 18 which actually got an increase in reporting of hate 19 crime and LGBT crime.</p> <p>20 Q. The LGBT liaison officers in addition to the IAG were 21 two official routes if you like to obtaining information 22 from the LGBT community, weren't they?</p> <p>23 A. Yes.</p> <p>24 Q. I think you have accepted in your evidence today, 25 I think it is perhaps one thing you said in terms --</p> <p style="text-align: center;">Page 167</p>
<p>1 understand?</p> <p>2 A. To be honest, ma'am, this is the only email I have seen. 3 I haven't seen a series of emails. I did respond to 4 Ryan. So I don't know the series of emails referred to.</p> <p>5 Q. Have you had a chance to review his first witness 6 statement in these proceedings?</p> <p>7 A. I have, yes.</p> <p>8 Q. Are you aware in that first witness statement -- again 9 we will hear from him -- he has described the role of 10 the LGBT officers as a baseless PR exercise. What do 11 you say about that?</p> <p>12 A. I would have to disagree, and I think when Ryan raised 13 his concerns, I suppose I think he did a mystery shopper 14 event, which was going into police stations and asking 15 do you know the liaison officers and it was clear he 16 didn't get the information he required, and that was 17 an issue for the community safety, because it had not 18 been relayed. So what we did do, there was a relaunch 19 of posters, we had a dedicated phone line and 20 a dedicated email address. The reality is that these 21 officers did this in addition to their day jobs, but 22 also, around that time, officers were getting diversity 23 training. Any officer joining the community safety unit 24 got a one-week course, of which there was an LGBT input. 25 And also, when -- I am slightly going off track -- when</p> <p style="text-align: center;">Page 166</p>	<p>1 I put my hands you up but I didn't do that, you didn't 2 ask them for information, is that right?</p> <p>3 A. No and, as I said, Mr Kelly sent that and all I would 4 say, there would be an IAG member present at the gold 5 group. Why that gold group was cancelled, I don't know. 6 I wasn't part of that decision-making process.</p> <p>7 Q. Can I just put this proposition to you, and see if you 8 agree with it. You don't need to bring it up, but it is 9 IPC001053, internal 27, that during this investigation 10 into Anthony's death there is no evidence that there was 11 research, enquiries carried out or specialist sections 12 within the Metropolitan Police contacted about LGBT 13 crime, no speaking with the LGBT community groups or 14 input from the officers. Is that a fair summary of 15 things that were not done in this investigation?</p> <p>16 A. Are we talking specific to the Mr Walgate investigation 17 or overall?</p> <p>18 Q. Specifically at the moment, once the drug was found in 19 Anthony's body, GHB, or indeed at any point, was there 20 any effort to liaise with the LGBT community?</p> <p>21 A. Not prior to that. Had it been a hate crime of some 22 type, I would have said yes, we would have done those 23 enquiries. Had it been the indication that it was 24 a homophobic crime, yes, we would have done. At the 25 time Mr Kelly liaised with Mr Hodgson in sending out</p> <p style="text-align: center;">Page 168</p>

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<p>1 that email on the IAG. And then there was an oversight</p> <p>2 from, as I said, a gold group did take place,</p> <p>3 following --</p> <p>4 Q. There is no evidence, forgive me, there is no evidence</p> <p>5 of any substantive involvement from the IAG member at</p> <p>6 all?</p> <p>7 A. No.</p> <p>8 Q. No.</p> <p>9 So there is no evidence, for example -- if in fact</p> <p>10 it is right that borough officers didn't understand</p> <p>11 anything about GHB in particular, didn't know that it</p> <p>12 was linked with date rape, there is no evidence, is</p> <p>13 there, that they sought to clarify that or seek</p> <p>14 information about that from LGBT groups?</p> <p>15 A. There is not and that probably, you know, had the report</p> <p>16 and the toxicology gone back to the murder investigation</p> <p>17 team, that might have kickstarted that process. You</p> <p>18 know, it is possible -- I don't know who else that</p> <p>19 toxicology report was sent to, but certainly when that</p> <p>20 name of that drug was mentioned, it didn't register with</p> <p>21 myself.</p> <p>22 Q. We will hear more evidence about this but GHB had in</p> <p>23 fact been banned I think since 2003. But is it your</p> <p>24 evidence that you didn't know much it?</p> <p>25 A. Absolutely not. It sort of -- if I was an officer</p> <p style="text-align: center;">Page 169</p>	<p>1 knowledge of it, but -- or that community, but we</p> <p>2 didn't. And it is not -- it is not something</p> <p>3 necessarily I would have gone and sought, because</p> <p>4 without knowing the finer details, no.</p> <p>5 Q. Just finally, please, the decision to arrest Mr Port and</p> <p>6 bring him into custody is, we would suggest, a key point</p> <p>7 in the investigation, when he was interviewed and then</p> <p>8 he was released from custody, I think you'd agree that</p> <p>9 at that point he doesn't return to custody does he until</p> <p>10 the latter part of 2015?</p> <p>11 A. That's correct, yes.</p> <p>12 Q. When he is released from custody, the reality is that he</p> <p>13 is then able to murder three more young men. This is</p> <p>14 why it is a key point for the families.</p> <p>15 In terms of whether or not Mr Port should have been</p> <p>16 arrested for murder, is it your position that the</p> <p>17 borough team could ever decide that on its own or is it</p> <p>18 your position that you would only ever charge someone</p> <p>19 with murder based on the MIT team's advice. What is it?</p> <p>20 A. Are we talking about arrest or charge, ma'am?</p> <p>21 Q. Forgive me, both of those. Let's take an arrest first</p> <p>22 of all. The decision to arrest somebody for murder, is</p> <p>23 that one the borough team can do itself?</p> <p>24 A. Absolutely, and it is a decision I could make and that</p> <p>25 is a decision I decided, when I reviewed the case on</p> <p style="text-align: center;">Page 171</p>
<p>1 working up in Westminster, where there is a larger LGBT</p> <p>2 community, you would have probably had knowledge or</p> <p>3 expertise there, but where I was working, no, and that</p> <p>4 was overseen in the Met by, I think it was a DCI</p> <p>5 Faulkner's team.</p> <p>6 Q. Isn't it a general principle of investigative policing</p> <p>7 that if you come across something about which you are</p> <p>8 not familiar, you do try and seek advice and</p> <p>9 information, isn't that what you should have done?</p> <p>10 A. You do and you try and seek comment from the pathologist</p> <p>11 and from the toxicologist. Yes, and you would do.</p> <p>12 Q. Can I ask you to bring up, please, IPC001053, internal</p> <p>13 31 and just scroll in, please, on the very last two</p> <p>14 lines, I don't need the whole of it brought up, just the</p> <p>15 very last two lines, internal paragraph 89, please, just</p> <p>16 scroll in on the bottom of that page.</p> <p>17 What is being said here is that the LGBT community</p> <p>18 was fully aware of issues to do with GHB use in 2014 and</p> <p>19 2015. Does it follow from that that if advice had been</p> <p>20 sought, this investigation would have had a better</p> <p>21 understanding of the significance of the role of GHB?</p> <p>22 A. I wouldn't argue with that, no. You know, all advice is</p> <p>23 welcome and I wouldn't -- again, that would have been</p> <p>24 information that could have been coming from the</p> <p>25 toxicologist, you know, there is no doubt they did have</p> <p style="text-align: center;">Page 170</p>	<p>1 25 June, having reviewed the evidence I have looked at</p> <p>2 the special post mortem evidence, no cause of death, no</p> <p>3 injuries --</p> <p>4 Q. Forgive me, we have been over detail of that, I am just</p> <p>5 conscious of time, I don't want to go over the detail of</p> <p>6 it. Simple question, the decision to charge somebody</p> <p>7 for murder, however that not something the borough can</p> <p>8 do on its own, is that right?</p> <p>9 A. Absolutely not, you have to forward that to the CPS,</p> <p>10 I would imagine with that form MG3 would have been</p> <p>11 endorsed by the detective inspector from a major</p> <p>12 investigation team and then for a certain level of CPS</p> <p>13 lawyer to review and give an action plan. So I could</p> <p>14 never decide to charge for murder.</p> <p>15 Q. Is submitting an MG3 with the possibility of a murder</p> <p>16 charge something you could do or is that something the</p> <p>17 MIT team would be expected to do?</p> <p>18 A. I have never seen it done on a borough, because all</p> <p>19 murders by nature went through the major investigation</p> <p>20 team.</p> <p>21 Q. Thank you.</p> <p>22 A. You could submit it technically, would it get past the</p> <p>23 first hurdle? I doubt it.</p> <p>24 MS HILL: Bear with me a second, madam, please.</p> <p>25 Thank you.</p> <p style="text-align: center;">Page 172</p>

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<p>1 Questions from MR SKELTON 2 MR SKELTON: Mr McCarthy, I ask questions on behalf the 3 Metropolitan Police. Taking you back to 26 June, 4 I think you and Mr Jones were of the same mind there 5 were insufficient grounds for arresting Port for murder 6 at that stage? 7 A. Yes, I would agree. 8 Q. The advice you were given by the MIT team was: arrest 9 and interview Port, because it appears he has lied; 10 search his flat; find and interview the bystander; and 11 make further enquiries as to Anthony's habitual drug 12 use, if any? 13 A. Yes. 14 Q. All reasonable enquiries to make. 15 A. They are reasonable enquiries but, yes -- 16 Q. What is unreasonable about them? 17 A. I am not saying they are unreasonable, but I just think 18 they could have been probably a bit more proactive in 19 their involvement, if I am to be honest, because I think 20 on that day they have provided two officers to do 21 house-to-house enquiries, considered supplying 22 an officer to do an interview but then said they 23 couldn't because of operational reasons. 24 Q. Just to be clear, none of these things was beyond your 25 officers' capabilities, was it?</p> <p style="text-align: center;">Page 173</p>	<p>1 unless you would like me to -- to all of the various 2 documents, but you identified that the intelligence 3 checks needed to be done and you wrote this down in both 4 the CRIS, your own notes and the current situation 5 report of 27 June, which you drafted? 6 A. Yes. 7 Q. You are not saying, I don't think, are you, that 8 resource issues prevented your team from conducting that 9 enquiry? 10 A. No, the officers would have been capable but it is like 11 I explained earlier, actions have got -- they have to be 12 prioritised. So if we are talking about resources as 13 persons, yes, it did affect it, because the persons 14 I had were going out arresting, getting interviews. 15 Subsequently, when the major investigation team provided 16 resources, and if we talk about resources being people, 17 as opposed to a resource to me, which would have been 18 the HOLMES system -- which was not provided -- but they 19 provided people and that action was then given to that 20 MIT team to conduct. 21 Q. The simple answer, Mr McCarthy, is that this was a very 22 basic form of investigative inquiry which your team was 23 perfectly capable of doing? 24 A. It wasn't a basic investigative inquiry -- sorry, sir, 25 are you talking about the intelligence check?</p> <p style="text-align: center;">Page 175</p>
<p>1 A. No. 2 Q. In fact, all of them you started to do? 3 A. Yes. 4 Q. You interviewed Port -- or you arranged for Port to be 5 interviewed. You had his flat searched -- 6 A. Yes. 7 Q. -- and seized the exhibits. You found Mr Aldwinckle and 8 he was interviewed. And you made further enquiries as 9 to Anthony's habitual drug use with his friend 10 China Dunning and others. 11 A. That's right. 12 Q. Correct? 13 Can I ask you about resources. The jury have heard 14 evidence that there were two critical actions that would 15 have led to Port being investigated by the MIT for 16 homicide. The first is full intelligence checks on him, 17 which would have revealed information about the 2014 18 incident, a few days before Anthony's murder at Barking 19 station. 20 The second is review of Port's laptop, which would 21 have revealed his highly suspicious browser history 22 around the same time that Anthony died? 23 A. Yes, sir. 24 Q. As far as the first of those is concerned, it is 25 correct, I think, isn't it, and I will not take you --</p> <p style="text-align: center;">Page 174</p>	<p>1 Q. Yes. 2 A. Yes, I would accept that. Yes. The intelligence check 3 was done in part by DS O'Donnell, where he has done the 4 IIP and the Police National Computer checks. 5 Q. When were you first aware that all of the intelligence 6 checks had not been done? 7 A. Probably some months ago, when I was informed that a BTP 8 report was in existence. 9 Q. So this year? 10 A. Yes. 11 Q. Having noted down three times in your own records, "This 12 needs doing", you were not aware of it until years after 13 Port had been convicted for murder? 14 A. Maybe if I qualify that. I wasn't aware of the BTP 15 report. I think it would have been fair to assume if 16 the major investigation team has taken an intel product 17 away and done the checks, well then the check has been 18 done and there is no trace. 19 Q. I do understand, Mr McCarthy, that you are saying it was 20 for the MIT to do. You have said that now many, many 21 times. Can I ask you just to focus on what your team 22 were doing. When did you become aware they had not done 23 those checks? 24 A. Sir, this is the point I am trying to make. I can't be 25 sure the PND wasn't done. I have never been shown that</p> <p style="text-align: center;">Page 176</p>

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<p>1 the check wasn't done. I certainly know the information</p> <p>2 from that check wasn't relayed to us, so the options</p> <p>3 are, yes, Martin O'Donnell or his team didn't do that</p> <p>4 PND check, it has gone to the MIT. Now the MIT may have</p> <p>5 done it and didn't identify the report, or they didn't</p> <p>6 do it.</p> <p>7 What I have been informed this year is that there is</p> <p>8 a report in existence from the BTP, whether that check</p> <p>9 was or was not done I can never tell, and it would be</p> <p>10 a thing from the MIT team, if there is no new</p> <p>11 intelligence to get back to the officer in the case,</p> <p>12 they are not going to send an email if there was no new</p> <p>13 intelligence. They just probably wouldn't come back.</p> <p>14 Q. Is the short answer --</p> <p>15 THE CORONER: Sorry, Mr Skelton, the jury are asking for</p> <p>16 a short break. We will take a short break then.</p> <p>17 (3.15 pm)</p> <p>18 (A short adjournment)</p> <p>19 (3.30 pm)</p> <p>20 (In the presence of the jury)</p> <p>21 THE CORONER: Yes, Mr Skelton.</p> <p>22 MR SKELTON: Mr McCarthy, the reality is that you never</p> <p>23 checked at the time that the intelligence analysis of</p> <p>24 Mr Port had ever been done, did you?</p> <p>25 A. No, I didn't. Actions like that would have come back to</p> <p style="text-align: center;">Page 177</p>	<p>1 would authorise submission, if submission became</p> <p>2 an issue, then that is where you go to your next rank up</p> <p>3 to try and smooth that through.</p> <p>4 Q. You have mentioned in your evidence the use of the</p> <p>5 HOLMES database, which, for those that are not familiar,</p> <p>6 is a large database which is opened in major enquiries,</p> <p>7 usually murder investigations, correct?</p> <p>8 A. Yes.</p> <p>9 Q. It is used to store the comprehensive information</p> <p>10 gathered by the investigation, so that cross references</p> <p>11 can be made within the investigation in respect of</p> <p>12 different pieces of information?</p> <p>13 A. Yes, I would just add it is just not opened -- I don't</p> <p>14 believe it is just opened for murder investigations,</p> <p>15 there can be other critical incidents that fall within</p> <p>16 the murder investigation team's terms of reference. It</p> <p>17 could be a linked series of rape allegations, but there</p> <p>18 are other incidents in addition to murder enquiries that</p> <p>19 it could be opened for. I don't think it has to be just</p> <p>20 a murder inquiry.</p> <p>21 Q. Its prime use, I think, is to store information and the</p> <p>22 totality of the information obtained by the detectives?</p> <p>23 A. It is. But it is the whole process of putting it onto</p> <p>24 the HOLMES system, where you have dedicated trained</p> <p>25 officers to review the documents in detail, put it on --</p> <p style="text-align: center;">Page 179</p>
<p>1 the officer overseeing the CRIS.</p> <p>2 Q. As far as the laptop is concerned, it is a clear piece</p> <p>3 of advice in the HAT return dated 27 June. You again</p> <p>4 note it in the document you drafted on 27 June, which is</p> <p>5 the CSR, and it's also in your decision log, as</p> <p>6 Mr O'Connor, pointed out on 30 June 2014. Again, that</p> <p>7 was an easy thing to get done?</p> <p>8 A. Yes. I accept that.</p> <p>9 Q. It was for your team to have done it?</p> <p>10 A. It was, yes.</p> <p>11 Q. You did not check that it had not been done?</p> <p>12 A. No, I had given clear directions to the detective</p> <p>13 sergeant and it was for him to action that to DC Parish</p> <p>14 or AN other officer to get that done, but I had no</p> <p>15 reason to not know it wasn't done, it was never raised</p> <p>16 with me that there was some block in preventing it being</p> <p>17 done. At which point I would have come in to unblock.</p> <p>18 Q. It looks like it was simply forgotten?</p> <p>19 A. I don't know if it was forgotten about or a conscious</p> <p>20 decision made not to submit. I can't say it was</p> <p>21 forgotten about. All I do know, it was highlighted that</p> <p>22 it had to be done.</p> <p>23 Q. You are not saying, are you, that resources or</p> <p>24 experience are the problem?</p> <p>25 A. No, as I said, I think I went through the process of who</p> <p style="text-align: center;">Page 178</p>	<p>1 not being an expert in it, but Mr Richards I think gave</p> <p>2 evidence at the beginning that it cross references from</p> <p>3 a person point of view and also the computer system</p> <p>4 itself.</p> <p>5 Q. The reality is, isn't it, that you don't need HOLMES in</p> <p>6 this case to tell you that the actions that you had</p> <p>7 initiated in respect of intelligence checks and in</p> <p>8 respect of the laptop, needed to be done?</p> <p>9 A. In relation to those two issues, but if you look at the</p> <p>10 investigation as a whole, and aside from the PND check,</p> <p>11 which I have just mentioned, it seems to be accepted</p> <p>12 that in the MIT interview on the 27th, that incident is</p> <p>13 covered. That would have been picked up, cross</p> <p>14 reference. So I would look at it as a failsafe.</p> <p>15 The CRIS system, which the investigation was run on,</p> <p>16 doesn't have that facility. In fact, I thought of it at</p> <p>17 first as a halfway house to HOLMES, it is not even near</p> <p>18 that. So two totally different systems.</p> <p>19 Q. Just to go back to my question, you do not need HOLMES</p> <p>20 to ensure that actions are done at this level, do you?</p> <p>21 A. No, but you could say that about every investigation,</p> <p>22 every murder, do you actually need HOLMES? You don't</p> <p>23 but I accept you don't need HOLMES to ensure actions</p> <p>24 such as submitting a computer is done, but what you</p> <p>25 probably would have had the facility, and I don't know</p> <p style="text-align: center;">Page 180</p>

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<p>1 if it is there on HOLMES, the SIO has to sign off the</p> <p>2 actions physically on the HOLMES system to say -- or</p> <p>3 a supervisor has to sign off. So if an action is</p> <p>4 raised, "Submit a computer", that has to be signed off</p> <p>5 as submitted. If it is submitted, the result then would</p> <p>6 be tied in. It just generates a whole sequence of</p> <p>7 actions.</p> <p>8 Q. Are you saying that you needed a computer system to tell</p> <p>9 to you supervise your junior officers' work?</p> <p>10 A. No, I am saying the HOLMES system, I feel, was</p> <p>11 a resource that could have been applied to this</p> <p>12 investigation. Had it been on this investigation,</p> <p>13 issues such as the special post mortem briefing from the</p> <p>14 MIT team, such as the underwear being back to front,</p> <p>15 inside out, would have been identified. I did not know</p> <p>16 about that until I got disclosure around this case.</p> <p>17 So it would have picked up, just not a computer, but</p> <p>18 it would have picked up what was in notes form, what was</p> <p>19 not mentioned in the special post mortem briefing, the</p> <p>20 MIT advice from the post mortem briefing. So it is</p> <p>21 unfair to say if I isolate it, to say a computer, of</p> <p>22 course you don't need HOLMES to go and submit</p> <p>23 a computer, but it is that governance over all the</p> <p>24 actions and then not only that but the new actions to be</p> <p>25 developed from what we found and, as I said, the</p> <p style="text-align: center;">Page 181</p>	<p>1 You instructed the two MIT detectives to take</p> <p>2 a detailed account from Port about his involvement with</p> <p>3 Anthony over the days before he died?</p> <p>4 A. Yes, there were -- well, I provided the interview</p> <p>5 briefing, the summary of the interview, to DS Reeves, so</p> <p>6 yes, the officers were briefed, yes.</p> <p>7 Q. At that stage I think while the interview was going on,</p> <p>8 I think Port's flat was being searched and exhibits</p> <p>9 seized?</p> <p>10 A. Yes.</p> <p>11 Q. Other people were being located, so Glen Aldwinckle for</p> <p>12 example was being interviewed. China Dunning also had</p> <p>13 contact with the police but hadn't yet been interviewed</p> <p>14 and was not yet interviewed for a few days, correct?</p> <p>15 A. That's correct, yes.</p> <p>16 Q. They were not in a position, were they, to put to Port</p> <p>17 that he had killed Anthony, based on the information</p> <p>18 that your team at that point had gathered?</p> <p>19 A. No, I would have assumed they would have been only able</p> <p>20 to put the information that we knew at that stage.</p> <p>21 Q. DS Levoir recalls producing a manuscript note of her</p> <p>22 interview. I think you have seen that, haven't you?</p> <p>23 A. The handwritten notes, I have, yes.</p> <p>24 Q. Yes and also a computerised document, which was</p> <p>25 effectively, she said, in her evidence, the same as her</p> <p style="text-align: center;">Page 183</p>
<p>1 computer, Mr Richards referred to hundreds of thousands</p> <p>2 of conversations, you know, actions would have been</p> <p>3 generated.</p> <p>4 Q. Did you ever go back to MIT at any time after</p> <p>5 27 June 2014 and say, "We have got too much information</p> <p>6 here, we need you to initiate an investigation, get</p> <p>7 HOLMES started and input all of this stuff"?</p> <p>8 A. I didn't go back to them after that date, because the</p> <p>9 only thing after that date that the murder investigation</p> <p>10 team didn't have was the results of the toxicology, the</p> <p>11 results of what was on the computer.</p> <p>12 They had everything else. They had, as I said, the</p> <p>13 information of bruising on the body, the comments from</p> <p>14 the pathologist at the post mortem. They had all the</p> <p>15 other information. So no, I didn't go back. Neither</p> <p>16 was I approached as per superintendent, Detective</p> <p>17 Superintendent Yeats's -- not Yeats, sorry, Sweeney's</p> <p>18 statement, that there would be a clearing of the ground,</p> <p>19 and that MIT would come back to check on progress. No,</p> <p>20 but admittedly I didn't purposely go back either. Apart</p> <p>21 from the request that was covered earlier, about</p> <p>22 following the toxicology.</p> <p>23 Q. I will come back to the liaison in a minute, if I may.</p> <p>24 May I just firstly tie off your last involvement,</p> <p>25 really, at the end of June 2014.</p> <p style="text-align: center;">Page 182</p>	<p>1 handwritten notes but with some emboldened text. She</p> <p>2 recalls giving that over while she was still in the</p> <p>3 borough offices. Do you recall that?</p> <p>4 A. I recall -- I think I said earlier, I briefly recall</p> <p>5 them coming back from interview and with DS Reeves, and</p> <p>6 a note would have been placed in the document box, for</p> <p>7 want of a ... like an A4 box where we collate the</p> <p>8 documents.</p> <p>9 I can't recall, I am not saying she is wrong, but</p> <p>10 I can't recall ever being given a Word document of her</p> <p>11 notes or ever being sent one, because had I been --</p> <p>12 I can only look at the information I have recorded and</p> <p>13 I have updated that current situation report on the</p> <p>14 27th. Had I a computerised record of that interview,</p> <p>15 I think the word is I would have put it smack bang in</p> <p>16 the middle, where that interview should have been.</p> <p>17 The MIT advice refers again to working at the</p> <p>18 weekend and then there an entry by Martin O'Donnell on</p> <p>19 13 August on the CRIS report, saying he still is chasing</p> <p>20 up the murder investigation team for a precis of the</p> <p>21 interview.</p> <p>22 Q. You were aware that she provided her manuscript notes,</p> <p>23 but you can't remember if she provided her computerised</p> <p>24 note?</p> <p>25 A. I would have to say, I wasn't provided with -- I don't</p> <p style="text-align: center;">Page 184</p>

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<p>1 recall, had I been provided with them, they would have 2 been firstly with the papers. Secondly, on the record. 3 I never had been -- I don't want to say she is not 4 telling the truth ... she could be mistaken, but I don't 5 personally ever recall getting them.</p> <p>6 Q. The computerised notes?</p> <p>7 A. The computerised notes.</p> <p>8 Q. But you did have the handwritten notes?</p> <p>9 A. Absolutely, yes.</p> <p>10 Q. They are only 14-pages long, they take a matter of 10 or 11 15 minutes to read. Why didn't you read them?</p> <p>12 A. I suppose they are notes and what am I to interpret out 13 of them. We mentioned asterisk earlier on, but if you 14 look at my notes on the murder investigation team, they 15 are a bit of a mess, but they are notes and they are 16 going to provide a full summary. It is for them, notes 17 are fine, but it is the human element that is missing 18 here I feel. That the interviewing officers had the 19 live information in the interview. The process is that 20 they relay that to their sergeant and then to us, to the 21 investigation team.</p> <p>22 Q. Can I challenge you on that point, Mr McCarthy, please. 23 You had a comprehensive account of the interview. 24 It contained a vast wealth of information about Port's 25 dealings with Anthony. It contained all of Port's</p> <p style="text-align: center;">Page 185</p>	<p>1 he is to draw up actions from an interview, and he is 2 the PIP level 3 officer there on that Friday, overseeing 3 the MIT team, he would have worked from the record of 4 taped interview. Now I am not saying the notes wouldn't 5 have been looked at. Had it have been a HOLMES enquiry, 6 yes, they would, but you have DS O'Donnell chasing up 7 for the typed version of the interview and notes a week 8 later or two weeks later, sorry.</p> <p>9 So at that stage DS O'Donnell has taken over the 10 investigation because it is an unexplained death and it 11 would be for him to review, but he is clearly making 12 efforts, he is trying to get that information back from 13 the team because, all due respect, sir, I can't 14 interpret what an asterisk means.</p> <p>15 Q. The entirety of the interview, and indeed the tapes of 16 the interview, were within your possession?</p> <p>17 A. They were and they were actioned. DS O'Donnell is 18 trying to get it back, but also it is in the murder 19 investigation team's possession and, as we have heard, 20 Mr Jones said, had he known about the BTP incident, the 21 investigation would have immediately passed over to the 22 murder investigation team.</p> <p>23 Well, they had that information, but they didn't 24 relay that information to me or my team. They had that 25 information on the 27th. So the MIT team had that</p> <p style="text-align: center;">Page 187</p>
<p>1 passwords and references to his communications, his 2 laptop, his phone, Facebook, WhatsApp, and it also 3 contains mention of two incidents where he has come into 4 contact with the police.</p> <p>5 A. Yes.</p> <p>6 Q. Anyone reading that would have realised that there were 7 things here that needed following up. You didn't need 8 to be told that?</p> <p>9 A. Oh, they did need following up but that is where they 10 have taken that intelligence away from the interview and 11 it clearly states in their HAT advice they have taken 12 that intel, the research for it, they are aware of the 13 BTP incident, they are researching.</p> <p>14 Q. Why isn't it for you and your team? Primacy never 15 passed from your team to the MIT --</p> <p>16 A. No.</p> <p>17 Q. -- it always remained with you. They provided 18 resources, they provided advice, but they never took 19 things over. Why isn't it for you to actually read the 20 notes and investigate whether Port killed Anthony?</p> <p>21 A. Well, in relation to the notes, I accept I probably 22 would have had a scant through, nothing stood out to me, 23 I cannot remember reading them. The account I got was 24 from DS Reeves, that mirrors what he has and what I have 25 on my CSR. Going on from that, and as Mr Kelly says, if</p> <p style="text-align: center;">Page 186</p>	<p>1 information. Mr Kelly, I assume, has had that 2 information.</p> <p>3 Q. Mr Kelly and his team left the afternoon of the 27th and 4 they never returned, correct?</p> <p>5 A. Yes.</p> <p>6 Q. You emailed DCI Kirk that day?</p> <p>7 A. Yes.</p> <p>8 Q. You said, and I am going to quote, this is from, for 9 reference, MPS000779:</p> <p>10 "A number of officers from MIT 7 attended and 11 provided a lot of assistance in completing enquiries. 12 DI Kelly, MIT 22, is available over the weekend should 13 further assistance be required."</p> <p>14 No mention there of actually requiring further 15 assistance, and no mention in any subsequent 16 communications, certainly that I have seen, of you 17 actually going back to him and saying, "Help, we don't 18 know what to do".</p> <p>19 A. No, I didn't go back to him and say that.</p> <p>20 My next involvement, apart from the meeting on 21 30 June, was when the toxicology report came back into 22 my vision in the September, at about 4.00 am in the 23 morning, and that is when I drew up my next action.</p> <p>24 Again, I accept we didn't go back. We, as 25 a borough, didn't go back. But we weren't supported by</p> <p style="text-align: center;">Page 188</p>

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<p>1 Mr Kelly coming back to us, because in the email I have 2 seen this morning, that is what Mr Sweeney is saying, 3 they come back, they regularly check. I wasn't aware 4 that they were -- that that offer was on the plate, but 5 I accept, when I came into the information, again it was 6 to go back to the investigation.</p> <p>7 Q. They are available 24/7, aren't they?</p> <p>8 A. Absolutely. I have listed how they come out, but 9 I think you would have to agree they provide different 10 levels of information but, yes, 100 per cent they were 11 24/7.</p> <p>12 Q. So you, or in fact anybody, could have called them at 13 any stage over the subsequent few months as more 14 intelligence, more information came to light?</p> <p>15 A. Yes.</p> <p>16 Q. By the end of 2014, your team had found that Anthony had 17 died from an overdose of GHB, because the toxicology 18 came back and the post mortem results were completed. 19 What was the plan for excluding homicide?</p> <p>20 A. I wasn't aware of the -- a decision to exclude homicide. 21 I was aware that it went to the CPS for perverting the 22 course of justice. What was outlined in that report, 23 did it distance itself from a homicide, I think I have 24 covered it earlier on, a DI from borough has no 25 oversight on that process.</p> <p style="text-align: center;">Page 189</p>	<p>1 investigation with the best chance to see it through to 2 the end. I have given him the action plans and I am not 3 blaming the major investigation team, they have based 4 decisions on their response, on the information they 5 had. I have only pointed out the information they had, 6 and in some of those instances, I didn't have the 7 information that they had that probably would have 8 raised suspicion to me, ie the underwear back to front, 9 they had that information, and they had the information 10 about BTP from the interview and they took away the 11 action.</p> <p>12 I am not blaming them, there could be perfectly good 13 reasons as to why none of that information was relayed 14 and I am not commenting on any of those officers at all, 15 there could be perfectly valid information, they might 16 not be able to access PND. I don't know if it was ever 17 actually done, I haven't been shown it wasn't done.</p> <p>18 So it is really unfair for me to say I am blaming. 19 On my particular role, sir -- on my particular role, 20 I think I have fairly outlined what it was at the 21 beginning of the enquiry, and I accept with hindsight 22 I probably stepped away quicker, maybe if I look at it, 23 I wish I had maybe kept it on, maybe I could have made 24 some difference, but I didn't, I didn't keep it on and 25 I have stuck with what was in place in our borough at</p> <p style="text-align: center;">Page 191</p>
<p>1 So to me it was never discounted and you are 2 investigating it and then you are going to the CPS, who 3 have provided specialist staff to review and review the 4 evidence, and had there been a homicide generated from 5 that, I would have expected an action plan from the CPS. 6 Even to charge with a homicide, there would have been 7 a face-to-face meeting with the CPS, so it wouldn't have 8 been over the phone.</p> <p>9 Q. Can I understand this, just to try and summarise, it is 10 your sergeant's fault for not completing key actions? 11 It is the MIT's fault for not proactively taking over 12 the investigation and following up and advising you what 13 to do? And it is the CPS's fault for not advising you 14 this was a homicide? 15 What is your responsibility?</p> <p>16 A. Well, I really have not apportioned fault to anybody. 17 What I have said -- I have stated what I have recorded, 18 what I have recorded in my notes. I am not blaming the 19 CPS that they have not looked at it critical -- I don't 20 know what information they have required. The questions 21 they have asked the officer during any meeting, so I am 22 not commenting on them or blaming them for anything. 23 Likewise with DS O'Donnell, I am not blaming him 24 that he didn't do this and he didn't do that, but what 25 is clear, I have given him the actions to progress this</p> <p style="text-align: center;">Page 190</p>	<p>1 that time to deal with unexplained deaths, that it was 2 a DS who would oversee.</p> <p>3 Had there been a different policy in place to say 4 a DI would oversee. I would have done it. We were all 5 in the one office, I could have been approached at any 6 time. Again, I just go back to Mr Cundy's statement, 7 I think it is around paragraph, up in the high 200s, he 8 said there was no set process to deal with these, or 9 seek guidance with these, in that period in 2014, and 10 each borough differed. But my role was to support 11 officers, to give resource, my role at the beginning, 12 because there was probably no sergeants about -- 13 I worked out the strategy where to go and to go back to 14 the MIT team, and to sort out, raise up through our rank 15 structure, the risk, the issues, but I have no control 16 over the decisions that were made by those teams, sir.</p> <p>17 But I am not seeking to blame, and I really, I hope 18 that doesn't come out and I am not trying to excuse 19 anybody and I am not blaming, I really want to see the 20 best come out here for the families and everybody, but 21 I am not seeking to blame individual officers and by 22 seeking to blame I'm not seeking to minimise my role. 23 I think I have, from day 1, from actually the 19th to 24 the 25th, I have evidence, I have kept notes, I have 25 made decision logs. Others haven't -- I am not saying</p> <p style="text-align: center;">Page 192</p>

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<p>1 they shouldn't, but that is a decision for them. I have</p> <p>2 done my bit and I have sort of kept my actions going and</p> <p>3 I have sort of given officers direction and I have given</p> <p>4 the resources.</p> <p>5 MR SKELTON: Thank you.</p> <p>6 Questions from MR DAVIES</p> <p>7 MR DAVIES: It has been a long day and I am asking questions</p> <p>8 on your behalf, as you know.</p> <p>9 I will take it as expeditiously as I can,</p> <p>10 Mr McCarthy.</p> <p>11 Do you know what HOLMES stands for?</p> <p>12 A. I did back in the day, but I probably --</p> <p>13 Q. I will be corrected if I am wrong, it is Home Office</p> <p>14 Large Major Enquiry System?</p> <p>15 A. That is it.</p> <p>16 Q. It is just that, isn't it? It does what it says on the</p> <p>17 tin. It is a major enquiry system, a large major</p> <p>18 enquiry system. So a computerised database, run by</p> <p>19 expert officers or police staff members, that allows for</p> <p>20 the full cross referencing of all data and actions in</p> <p>21 relation to a large major enquiry?</p> <p>22 A. That's correct, sir, yes.</p> <p>23 Q. It has all sorts of searchable functions, and other</p> <p>24 functions that are simply not a part of the CRIS</p> <p>25 available on borough.</p> <p style="text-align: center;">Page 193</p>	<p>1 dates here, 1 April 2014 to 1 August 2014, you were</p> <p>2 performing the role of T/DI on the following units. CID</p> <p>3 we have understood, and you were directly responsible</p> <p>4 for the work of three detective sergeants, weren't you,</p> <p>5 and all of their cases?</p> <p>6 A. Yes.</p> <p>7 Q. We have obviously focused on one detective sergeant,</p> <p>8 DS O'Donnell, and one investigation. Across the three</p> <p>9 officers, what was the scale of your responsibility for</p> <p>10 CID in the period April to August 2014, just in headline</p> <p>11 terms?</p> <p>12 A. Well, I would have had, I believe, three DSs and their</p> <p>13 teams underneath me and then the case progression unit,</p> <p>14 I believe there was possibly two, possibly three other</p> <p>15 DSs on that team, so in effect I would have been</p> <p>16 controlling I believe five or six detective sergeants.</p> <p>17 Underneath them, they will have had a minimum of four</p> <p>18 members of staff. You had responsibility for all</p> <p>19 violent crime coming into the CID, all high-risk missing</p> <p>20 persons, all --</p> <p>21 Q. Pausing there, it is not just crime?</p> <p>22 A. Not just crime.</p> <p>23 Q. It is so-called high-risk missing persons --</p> <p>24 A. High-risk missing persons.</p> <p>25 Q. We have seen from some of the overnight records, that on</p> <p style="text-align: center;">Page 195</p>
<p>1 A. That's correct, sir, yes.</p> <p>2 Q. Introduced as a system, I think or at least conceived</p> <p>3 because of the obvious problems of paper or</p> <p>4 computer-based systems without that functionality?</p> <p>5 A. That's correct, sir, yes.</p> <p>6 Q. Starting with not tying together evidence, for example</p> <p>7 on the Peter Sutcliffe, so-called Yorkshire Ripper</p> <p>8 inquiry, going right through to the sharing of data for</p> <p>9 the Soham murders, and other enquiries where the need</p> <p>10 for a system like this in major enquiries was</p> <p>11 established. Is that right?</p> <p>12 A. That's correct, sir, yes.</p> <p>13 Q. I think you have been saying to the jury, look, while</p> <p>14 individual actions could be done by borough, the</p> <p>15 functionality of that system would have eliminated</p> <p>16 oversights and mistakes on this investigation. Is that</p> <p>17 right?</p> <p>18 A. I believe so, yes.</p> <p>19 Q. Let me try and put in context, next topic, your wider</p> <p>20 responsibilities, so that we can understand them. So</p> <p>21 MPS874, please, page 1 on the screen. Could we just</p> <p>22 scroll down to the lower half of this page, where we</p> <p>23 see, "During the reporting period ..."</p> <p>24 It just helps me with acronyms, Mr McCarthy, and it</p> <p>25 will help you I think with your duties. We have some</p> <p style="text-align: center;">Page 194</p>	<p>1 Barking alone there can sometimes be north of 10 missing</p> <p>2 persons for you to have to deal with.</p> <p>3 A. There could.</p> <p>4 Q. Some of whom would be highly vulnerable individuals,</p> <p>5 requiring immediate police action?</p> <p>6 A. Yes.</p> <p>7 In addition to that, taking away from just dealing</p> <p>8 with teams, I would have had oversight of the borough's</p> <p>9 offender management, so we could have had 200</p> <p>10 outstanding suspects -- sorry, wanted on the PNC, maybe</p> <p>11 100 suspects a week were outstanding, so I was</p> <p>12 responsible for gathering the responses for them, making</p> <p>13 sure teams have actioned. I would have also dealt with</p> <p>14 complaints, MP letters, letters from members of the</p> <p>15 public. So there was a whole range, it wasn't just the</p> <p>16 overseeing the investigation of crime, there were other</p> <p>17 roles as well.</p> <p>18 Q. Again, in a couple of sentences given the time, what</p> <p>19 does the case progression unit, the CPU do?</p> <p>20 A. They would mainly deal with high-volume prisoners, so --</p> <p>21 and investigation. So you really are talking of</p> <p>22 investigations that were of standard risk and they could</p> <p>23 range from offences like theft of petrol, straight</p> <p>24 through to lower levels of assault, whereas the CID</p> <p>25 would deal with your more serious higher levels of</p> <p style="text-align: center;">Page 196</p>

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<p>1 assault, complex fraud, complex cases.</p> <p>2 Volume wise they would have had a far greater</p> <p>3 workload, but although I would have overseen the DSs,</p> <p>4 I wouldn't have got involved in their workloads.</p> <p>5 Q. This is, to put in context, in terms of the hierarchy</p> <p>6 that you were not expected to get involved day to day as</p> <p>7 SIO on investigations were you, at this period?</p> <p>8 A. No.</p> <p>9 Q. Because your role was managerial and superintending</p> <p>10 others; is that fair?</p> <p>11 A. That's correct, sir, yes.</p> <p>12 Q. Your role increased on the face of it from 1 August</p> <p>13 until January. You remember from DS O'Donnell that he</p> <p>14 said his other duties in June, July and August meant</p> <p>15 that he had less grip than he would have liked -- could</p> <p>16 we keep that on screen, please, just for dates.</p> <p>17 So from August until January, 2014 to 2015, you took</p> <p>18 on additionally CSU, what is that?</p> <p>19 A. That is a community safety unit and although I got it</p> <p>20 1 August, I believe it might have been a week or two</p> <p>21 before that, but in reality I was seeing overseeing</p> <p>22 that. That was a team again of four detective sergeants</p> <p>23 and maybe a total of 24 staff and dealt with all</p> <p>24 domestic abuse cases and hate crime that were allocated</p> <p>25 for investigation.</p> <p style="text-align: center;">Page 197</p>	<p>1 the first week where you were directly involved with</p> <p>2 this investigation, in the absence of detective</p> <p>3 sergeants, did you populate regularly the review</p> <p>4 screens?</p> <p>5 A. I did, yes.</p> <p>6 Q. Can we just flick through these, please. For the jury,</p> <p>7 just to get a sense of it, there is not time to look at</p> <p>8 the detail, but you are putting entries on on the 19th,</p> <p>9 again on the 19th at 13.36, at 15.11. Keep going.</p> <p>10 16.45, 19.47 on the 25th, 19.49 on the 25th, and so</p> <p>11 on.</p> <p>12 Pausing there, you put the HAT returns on when you</p> <p>13 received them?</p> <p>14 A. I did, yes.</p> <p>15 Q. You put the interviews on. And the one of DS Desai at</p> <p>16 least -- next page, please.</p> <p>17 The HAT returns, this was your practice?</p> <p>18 A. It was, yes.</p> <p>19 Q. If you received an electronic version of any interview,</p> <p>20 as you did from DC Desai, you would put it straight on</p> <p>21 the CRIS and into the CSR?</p> <p>22 A. I would have done. But I have to admit I didn't put on</p> <p>23 the last HAT advice. The reason for that I don't know,</p> <p>24 but it was on the CSR.</p> <p>25 Q. Let me continue to make progress and I hope without</p> <p style="text-align: center;">Page 199</p>
<p>1 Q. What would the levels of domestic abuse cases and hate</p> <p>2 crime on Barking at this time for which you were taking</p> <p>3 responsibility?</p> <p>4 A. Well, it was probably highest across the MPS per capita</p> <p>5 and probably highest in the UK.</p> <p>6 Q. I don't want to spend too long on this, because I am</p> <p>7 sure the jury will get the point without further</p> <p>8 elaboration. For that period, August to January, when</p> <p>9 important decisions were being made in relation to the</p> <p>10 Anthony Walgate investigation, you had responsibility</p> <p>11 directly for CID, CPU and CSU?</p> <p>12 A. Yes. Which would have been an area where previously,</p> <p>13 maybe 18 months previously, three detective inspectors</p> <p>14 would have overseen those roles. So --</p> <p>15 Q. Three into one?</p> <p>16 A. Three. So in effect, I was one.</p> <p>17 Q. How many staff approximately would that be that you were</p> <p>18 responsible for?</p> <p>19 A. I would hazard a guess, possibly 60 to 70.</p> <p>20 Q. 60 to 70?</p> <p>21 A. Yes.</p> <p>22 Q. That can come down now, please, thank you.</p> <p>23 Can we go then to IPC743, very quickly. We have</p> <p>24 covered the action screens on CRIS, but just to flick</p> <p>25 through. Did you also populate on a regular basis, for</p> <p style="text-align: center;">Page 198</p>	<p>1 repetition here, but to make the point.</p> <p>2 Could we go back to this comment about the Barking</p> <p>3 railway station incident that was brought up in the MIT</p> <p>4 interview on the 27th, so INQ4, please, page 43. We are</p> <p>5 going back to the asterisked entry.</p> <p>6 Is this the full extent of the entry:</p> <p>7 "Last time helping a friend to station, he was quite</p> <p>8 unwell, taken to corner by police and questioned,</p> <p>9 searched me, said looked through bag to find his phone."</p> <p>10 That is the full extent of it, isn't it?</p> <p>11 A. That is it, yes.</p> <p>12 Q. Does that say anything about drugs?</p> <p>13 A. It doesn't, no.</p> <p>14 Q. Does it say anything about any sexual component at all</p> <p>15 to what was being reported?</p> <p>16 A. Not at all, no.</p> <p>17 Q. Was that brought to your attention?</p> <p>18 A. It wasn't, no.</p> <p>19 Q. If we can go to the now familiar HAT return, jury</p> <p>20 bundle, tab 36, please, INQ45. I want to follow through</p> <p>21 what was recorded. So tab 36, look at the HAT return</p> <p>22 first. Item 1, this is IPC45, sorry, my mistake.</p> <p>23 Thank you.</p> <p>24 Paragraph number 1, if that could be enlarged, thank</p> <p>25 you:</p> <p style="text-align: center;">Page 200</p>

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<p>1 "Additional interview with arrested suspect ... 2 Port. He has informed officers that deceased was 3 an escort that he had used and had moved him out of his 4 flat following concerns for his wellbeing. He denies 5 involvement in any criminal offences but admits to 6 moving the deceased out of his flat. Full interview 7 summary passed to DI McCarthy." 8 Any reference in this HAT return, apparently timed 9 at 15.30, to that Barking railway incident? 10 A. There is not, no. 11 Q. Do you recall it being brought up by DS Reeves? 12 A. No. 13 Q. If we then go, please, to your own entries again, and 14 I appreciate they are now familiar, but your CSR, 15 MPS780, page 10. Could we highlight the second major 16 paragraph, please, "Interview summary". It is referring 17 to that by Holt and Levoir. This is your document on 18 the day: 19 "At this time only a handwritten account of notes is 20 available. The interviewing officers will provide 21 a full update over the weekend." 22 Any ambiguity about that? 23 A. No, that is what was relayed to myself. 24 Q. "The suspect again provided a full account and 25 classified details of his first account."</p> <p style="text-align: center;">Page 201</p>	<p>1 A. Yes, I believe I would if we were to do enquiries on 2 that intel, yes. 3 Q. Tying those bits together, as far as you are concerned, 4 were you informed at all as to the striking further 5 statements by Port in that interview to the MIT officers 6 relating to Barking railway station that day? 7 A. No, only the synopsis of what I have included there and 8 that mirrors more or less what was on the HAT advice 9 from DS Reeves. 10 Q. You have already made the point that being handed 11 handwritten notes, by specialist interviewing officers 12 that you have brought in, from an hour and 45 minutes of 13 interview, without them saying to you, "What comes out 14 of this that really matters is A, B, C, D", doesn't help 15 you, does it? 16 A. No, and that is a process for them to raise up. 17 Q. Yes. 18 Next topic, we have covered that effectively your 19 last recorded decision, subject to the question of the 20 later 16 October referral back to HAT, but your last 21 recorded decision in relation to this investigation, at 22 the time, was on 30 June. By which time DS O'Donnell 23 was back. Correct? 24 A. That's correct, yes. 25 Q. Can we turn to the CRIS, please, in terms of who was SIO</p> <p style="text-align: center;">Page 203</p>
<p>1 Does that accord with what former DC Holt told us 2 earlier on, you heard that? 3 A. Yes. 4 Q. Any reference there to the Barking railway station 5 incident? 6 A. No, there is not, sir. 7 Q. Had you been told about it, would you have recorded it? 8 A. Had I been provided the summary, it would have went on 9 there. 10 Q. Going further down to paragraph 11, please, if that 11 could be highlighted, "Intelligence": 12 "At this time intel products have been requested on 13 the following persons." 14 We will not go back to the HAT return to say that 15 was, in your opinion, taken on by MIT 7? 16 A. Yes, sir. 17 Q. But (ii): 18 "Mr Stephen Port. Of note, that there is a previous 19 allegation of crime against Port -- subsequently NFA -- 20 that he had unconsensual anal sex with a male after 21 making him take poppers." 22 That obviously refers to the PNC incident. Had you 23 been told about a possible further incident from that 24 interview would you have recorded this under 25 "Intelligence"?</p> <p style="text-align: center;">Page 202</p>	<p>1 from approximately this point, or who appears to be. 2 IPC35, jury bundle 2, page 102. 3 I would like you to help us interpret this, please. 4 Page 102. Could you highlight the part from the 5 lower half of the page, starting "Case management 6 administration" in bold type, that heading, so page 102, 7 the lower half of the page, please. 8 Thank you. 9 Is that page 102? 10 A. I think that is 103, sir. 11 Q. Yes, 102, please, the lower half of 102. 12 Yes. 13 Case management administration: 14 "Is SIO same as OIC supervisor?" 15 Then it says: 16 "Current senior investigating officer DS O'Donnell, 17 this is allocated 8 July 2014." 18 Previous SIO is shown as you. 19 Then a review period. 20 Does that help us one way or the other? 21 A. This would have been in line with borough practice at 22 the time, as I said, unexplained deaths would have been 23 overseen by a detective sergeant and by him being 24 entered as the supervisor, would allow him to review it 25 where necessary and also to close and raise any actions.</p> <p style="text-align: center;">Page 204</p>

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<p>1 Q. On the face of it, it is putting him on the system from 2 8 July, as the SIO.</p> <p>3 A. That's correct, sir.</p> <p>4 Q. Did that reflect the day-to-day responsibility from 5 8 July at least for this investigation?</p> <p>6 A. It did. And, as I said, although they are not exact 7 dates of my final meeting in my decision log, which was 8 30/6, we are talking a few days, a week later, where he 9 is shown, so yes, then it would be his day-to-day 10 responsibility to oversee this.</p> <p>11 Q. So if somebody outside the investigation looked at this 12 and wanted to know who the SIO was from 8 July, who 13 would it have been?</p> <p>14 A. It would be DS O'Donnell, and his name will be shown on 15 the front of the report as well as such.</p> <p>16 Q. Next topic, thank you for that.</p> <p>17 Could we have INQ12, please. Returning to 18 Mr Ryan Edwards. You have been invited to look at 19 Mr Edwards's email out to you on 29 April 2013 at 22.46. 20 This is in response to your email, isn't it?</p> <p>21 A. That's correct.</p> <p>22 Q. Could we look at page 2 of the same document, and could 23 you highlight the email out, please, that was sent by 24 you to him at 16.28.</p> <p>25 A. That's correct, sir, yes.</p> <p style="text-align: center;">Page 205</p>	<p>1 Inspector Paul Sloan at the time, and I believe he had 2 any subsequent engagement around that.</p> <p>3 Q. Right.</p> <p>4 Finally, it has been said, in a question to you, 5 that what we are hearing at this inquest is effectively 6 parts of the Metropolitan Police Service turning in on 7 themselves, or in on itself. But in fact you have heard 8 DC Parish accept responsibility for his actions, not 9 blaming resources. DS O'Donnell, even in your case, 10 I think, you are not saying your decision making was in 11 hindsight free of error?</p> <p>12 A. Absolutely not.</p> <p>13 And, again, I will apologise and me as a person, 14 I would like to think I look back on it and say could I 15 have done better? And there are bits, yes, I could have 16 proactively gone to Martin and followed this up, but 17 I didn't.</p> <p>18 MR DAVIES: That is all I ask, thank you.</p> <p>19 Questions from THE JURY</p> <p>20 THE CORONER: Yes, Mr McCarthy, there are a number of 21 questions from the jury, some of which you have dealt 22 with, so I shall try and summarise them and deal with 23 them as briefly as I can.</p> <p>24 One is asked in these terms: can you give us some 25 idea of how many unexplained deaths the borough were</p> <p style="text-align: center;">Page 207</p>
<p>1 Q. "Hi Ryan, I hope all is well. I saw you last week 2 passing through Barking and beeped as you were driving 3 past, but you didn't see me. 4 "I have just spoken with Miles ..." 5 Who is Miles?</p> <p>6 A. That is a PC Miles Alexander-Boxall, who was one of the 7 LGBT liaison officers at the station.</p> <p>8 Q. "... and he has shown me a copy of your email. I am 9 sorry to hear that you are disappointed with the 10 engagement at this time. I know things can get lost in 11 translation/email and I am hoping I can meet you to 12 discuss any issues and areas to rectify/clarify." 13 Then you offer him a range of times and dates to 14 meet in order to do that?</p> <p>15 A. That's correct, sir, yes.</p> <p>16 Q. Can you remember whether he agreed to meet you, 17 following up on that offer?</p> <p>18 A. He didn't. I believe the issue was that he wanted the 19 officer to take part in a photograph, something like 20 that. I sent that and then I must have been coming on 21 for late shift or something like that, but then I have 22 had the subsequent email that night where he didn't want 23 to meet, didn't want to engage and then following on 24 from that, I referred this trail or this issue to our 25 local borough engagement team, who was headed by</p> <p style="text-align: center;">Page 206</p>	<p>1 dealing with in the time we are concerned with, so say 2 June to December 2014, were there any others?</p> <p>3 A. There wouldn't have been any others of this scale. This 4 obviously took on a whole raft of investigations. 5 However, it wouldn't be unusual to, looking at my PDR, 6 my yearly report, I think I have seen two or three 7 others that I personally did decision logs on. So that 8 would have been maybe another two for that year. There 9 would have been other DIs who would have been on call, 10 so there were three other DIs on the borough, they might 11 have had others.</p> <p>12 So you could be looking at unexplained -- I really 13 couldn't, if we took two each, a year, three, different 14 level because they could be unexplained at the start, 15 but as soon as the post mortem has been conducted that 16 unexplained goes away and there is a reason as to why 17 the person passed away.</p> <p>18 So then, you know, so the level of it -- but as 19 regards this type of investigation, with these number of 20 enquiries, I am not aware, but I know the subsequent 21 cases in relation to this enquiry would have taken on 22 a similar nature, but I can't remember anywhere I have 23 dealt with, apart from getting some officers to do 24 enquiries to prepare reports for the coroner and stuff 25 like that.</p> <p style="text-align: center;">Page 208</p>

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<p>1 So I couldn't give an exact estimate.</p> <p>2 THE CORONER: Simple question: why did the Levoir/Holt</p> <p>3 interview take place, if you were happy with DC Desai's</p> <p>4 interview?</p> <p>5 A. I was happy with DC Desai's, I thought it was a very</p> <p>6 good first account. But I still needed -- the detail</p> <p>7 needed to be investigated. Now I have heard the term a</p> <p>8 "no challenge". That is not a term I would have</p> <p>9 associated back then. It is not a term I would have</p> <p>10 used. It is like -- we didn't need to get another lie</p> <p>11 on tape, we had his account. It was obvious to me you</p> <p>12 were going in to investigate that account, which would</p> <p>13 have been challenged, but it is like me saying, "Go and</p> <p>14 get another first account". We had the first account</p> <p>15 and DC Desai had proven Mr Port's lies, he has gotten to</p> <p>16 the point where it was -- he did three different</p> <p>17 accounts. Now we later go and probe that account.</p> <p>18 THE CORONER: Was that the purpose, for them to probe that</p> <p>19 account?</p> <p>20 A. To probe that account, yes.</p> <p>21 THE CORONER: Why then was there no further interview in</p> <p>22 which he was challenged?</p> <p>23 A. I -- when I did come into it, sorry, after my</p> <p>24 supervision, when I stepped back, and when I came back</p> <p>25 in after the toxicology report. Admittedly, I did not</p> <p style="text-align: center;">Page 209</p>	<p>1 never stopped, and to the point, you know, where we got</p> <p>2 the special post mortem report, you know, it was</p> <p>3 an ongoing process.</p> <p>4 THE CORONER: I think all of the other topics that have been</p> <p>5 raised have been covered by questions by others.</p> <p>6 Thank you.</p> <p>7 MR O'CONNOR: Madam, I was going to ask just one question,</p> <p>8 or rather just more accurately just show Mr McCarthy one</p> <p>9 document.</p> <p>10 Further questions from MR O'CONNOR</p> <p>11 MR O'CONNOR: If we could look behind tab 2 in the large</p> <p>12 bundle, please, at the CRIS. For the screen it is</p> <p>13 IPC35, page 90 within that.</p> <p>14 Mr McCarthy, you have mentioned more than once in</p> <p>15 the course of your evidence today, Mr O'Donnell --</p> <p>16 I think the words you used were "chasing for a copy of</p> <p>17 the typed interview record", by inference from MIT 7,</p> <p>18 DC Levoir, do you recall saying that?</p> <p>19 A. I do, yes.</p> <p>20 Q. I think you mentioned it when I was asking questions,</p> <p>21 I said we would come back to that entry and we haven't.</p> <p>22 For completeness, I wanted to ask you, if you see this</p> <p>23 entry at the top, you see it is dated 13 August, it is</p> <p>24 Sergeant O'Donnell who has made the entry and it reads:</p> <p>25 "Due to the dissemination of actions and the</p> <p style="text-align: center;">Page 211</p>
<p>1 raise the prospect of another interview.</p> <p>2 THE CORONER: Should there have been another interview?</p> <p>3 A. Yes, I believe so. But at what would have been at that</p> <p>4 point possibly unlikely, because the tox, you need to</p> <p>5 compare that to the special post mortem. At that point</p> <p>6 I would have expected another interview.</p> <p>7 THE CORONER: So there should have been another interview?</p> <p>8 A. Yes, I absolutely accept that, yes.</p> <p>9 THE CORONER: In the original warrant application there was</p> <p>10 reference to three offences, in the sense that it was</p> <p>11 referred to mobile phone theft, perverting the course of</p> <p>12 justice and in fact it said an unexplained death.</p> <p>13 The question is: why did you or your team only then</p> <p>14 go on to investigate the theft of the mobile phone and</p> <p>15 the perverting the course of justice?</p> <p>16 A. Well, the unexplained death was to me always under</p> <p>17 investigation. It was always under investigation to the</p> <p>18 point where a report is done to the coroner.</p> <p>19 I outlined -- I could have gone and got a warrant and</p> <p>20 I appreciate the unexplained death is not an offence,</p> <p>21 and it is in the offence section of that. I could have</p> <p>22 gone to the coroner and just got the two -- listed the</p> <p>23 two offences, but to me that is not full disclosure and</p> <p>24 it is giving the coroner a sense of the importance and</p> <p>25 that is why I have listed that, but it never -- to me it</p> <p style="text-align: center;">Page 210</p>	<p>1 timescales that the material collected has arrived, it</p> <p>2 has been impractical to record on CR ..."</p> <p>3 Perhaps he means "on the CRIS", and then this:</p> <p>4 "That said, I will request a résumé of Port's</p> <p>5 interview to be added. He goes on to say he is</p> <p>6 currently on bail.</p> <p>7 Is it that sentence, "That said, I will request</p> <p>8 a résumé of Port's interview to be added" that you had</p> <p>9 in mind?</p> <p>10 A. Yes, sorry, yes.</p> <p>11 MR O'CONNOR: Thank you.</p> <p>12 THE CORONER: Yes, thank you.</p> <p>13 Members of the jury, that is it for today.</p> <p>14 10.00 tomorrow.</p> <p>15 (4.23 pm)</p> <p>16 (The inquests adjourned until 10.00 am the following day)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 212</p>

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