

<p>1 Wednesday, 20 October 2021 2 MR STUART REEVES (sworn)2 3 Questions from MS COLLIER2 4 Questions from MR STOATE30 5 Questions from MS DOBBIN44 6 Questions from MR MORLEY52 7 Questions from MR BERRY55 8 Questions from THE CORONER62 9 MR MIKE HAMER (sworn)65 10 Questions from MS COLLIER65 11 Questions from MS HILL94 12 Questions from MS DOBBIN107 13 Questions from MR MORLEY112 14 Questions from MR SKELTON114 15 MR ANTHONY KIRK (affirmed)122 16 Questions from MR O'CONNOR122 17 Questions from MS HILL185 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 1</p>	<p>1 one on your right and underneath. 2 It should say on the front. 3 A. Yes. 4 Q. If you look behind tab 3, please, which for the screen 5 is INQ40. 6 A. Yes. 7 Q. This is an organogram, as I have said, of SC&O1 officers 8 involved in the investigations with which these inquests 9 are concerned. Could you look on the far left-hand 10 side, and you will see there MIT 7. 11 A. Yes. 12 Q. You are the detective sergeant in that grouping. Then 13 there are four detective constables who were with you, 14 I believe, on 27 June 2014, would that be right? 15 A. That's correct. I think there is one missing off there. 16 Q. There may be another one. 17 Then can we look just above the blue boxes, and we 18 see Detective Superintendent John Sweeney. 19 A. Yes. 20 Q. He would be your line manager, supervisor, is that 21 right? There would probably be -- he is a couple of 22 ranks above you, so you would expect there to be 23 an inspector and a chief inspector -- 24 A. That's correct. 25 Q. -- but for the purposes of your deployment on this date,</p> <p style="text-align: center;">Page 3</p>
<p>1 (10.01 am) 2 (In the presence of the jury) 3 THE CORONER: Good morning, members of the jury. 4 Yes, Ms Collier. 5 MS COLLIER: May we call Mr Stuart Reeves. 6 MR STUART REEVES (sworn) 7 A. Ex Detective Sergeant Stuart Reeves, formerly attached 8 to MIT 7, which was based at Putney, madam. 9 Questions from MS COLLIER 10 MS COLLIER: Thank you, Mr Reeves. Do take off your mask 11 and have a seat. 12 You have given us your full name and you have said 13 that you used to be a detective attached to MIT 7. You 14 are currently a member of the police staff with the 15 Metropolitan Police; is that right? 16 A. That's correct, yes. 17 Q. Having retired as a detective sergeant in 2020? 18 A. That's correct, yes. 19 Q. After how many years' service? 20 A. 30 years' service. 21 Q. As you have said, in June 2014 you were a detective 22 sergeant working within SC&O1, attached to MIT 7. Can 23 I ask you, please, to look at an organogram, with which 24 the jury will be very familiar. You have a number of 25 bundles there, it is in bundle A, which I think is the</p> <p style="text-align: center;">Page 2</p>	<p>1 the detective inspector who was supervising you was in 2 fact from MIT 22. Is that right? 3 A. That's correct, yes. 4 Q. We see him there, in the box second from the right, 5 DI Andrew Kelly? 6 A. That's correct, yes. 7 Q. But your directions that day came, initially, from 8 Detective Superintendent John Sweeney? 9 A. Well, it would have come through our senior management 10 team as well. They would have okayed it, because 11 I wouldn't have -- I wouldn't have thought Mr Sweeney 12 would have known what day-to-day working we had on that 13 day. He wouldn't have had insight into that, without 14 speaking to our line management first. 15 Q. Yes. What Detective Superintendent Sweeney wanted was 16 for some MIT officers to assist the Barking borough 17 officers and, having discovered that MIT -- well, MIT 18 22, we heard from DI Andrew Kelly that he didn't have 19 any of his own team available, which is why your team, 20 which was the on-call support team, was deployed? 21 A. Yes, that's correct, yes. 22 Q. We have heard that MIT 20 was based in Barking and also 23 MIT 22, but your team, MIT 7, based in Putney over in 24 south-west London? 25 A. That's correct, yes.</p> <p style="text-align: center;">Page 4</p>

<p>1 Q. As I have said, you are here to give evidence about your 2 involvement in the investigation into the death of 3 Anthony Walgate, and it was just on 27 June that you had 4 an involvement? 5 A. That's correct, yes. 6 Q. Do you have any independent recollection of what 7 happened on that day, the actions you took? 8 A. I know that we attended Fresh Wharf. I have looked at 9 the documentation that I have been given, my memory on 10 it is vague but I have provided my statement from the 11 documentation that I was given. 12 Q. Mr Reeves, certainly I will take you to that 13 documentation, and also you have your statement, 14 I assume in the blue bundle there? 15 A. Yes. 16 Q. Do please feel free to refer to it if you wish. 17 A. Thank you. 18 Q. Friday, 27 June fell within a week, as we have said, in 19 which MIT 7 were the on-call support. We have heard 20 that MIT 20 were on rest days Friday, Saturday and 21 Sunday. 22 A. Yes. 23 Q. So you were deployed on that morning to attend Fresh 24 Wharf patrol in Barking, along with a number of DCs, and 25 we have seen some of them and you think there may be one</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. Mr McCarthy? 2 A. Yes. 3 Q. But also to your own line management? 4 A. To Mr Kelly, but I can't recall speaking to Mr Kelly 5 but -- 6 Q. Okay, I am just trying to get a general idea of who you 7 would be feeding back the product of your officers' 8 investigations to on that day, would it be in the form 9 of the HAT return that you completed? 10 A. Yes, it would be the HAT return, ma'am. 11 Q. Would you also be feeding back directly to Mr McCarthy? 12 A. If something came up that was pertinent, then yes, 13 I would feed back to Mr McCarthy. 14 Q. You said that you didn't speak to Mr Kelly, does that 15 mean that you didn't speak to him at all that day? 16 A. I can't recall speaking to him, ma'am. I assume I would 17 have done, but that is just an assumption. 18 Q. I see. 19 A. I have no physical memory of speaking to him. 20 Q. You would expect to be speaking to him because you and 21 he were part of the same team that was there to assist 22 the Barking borough? 23 A. Yes, that's correct, ma'am. 24 Q. You have said that you would be tasking the DCs in terms 25 of setting, allocating them to carry out different</p> <p style="text-align: center;">Page 7</p>
<p>1 more who also went with you? 2 A. Yes, that's correct. 3 Q. You, as the sergeant, would be supervising the detective 4 constables in their work in Fresh Wharf, is that right? 5 A. Yes, I would be supervising their deployments. The 6 investigating officer would be asking for tasks to be 7 completed and I would be making sure that those were 8 completed. 9 Q. Can I ask you then about the line management structure 10 there, where we have DI Kelly, MIT 22, yourself in 11 MIT 7, and then you have just referred to another 12 officer, I believe, who would be providing the tasks, or 13 identifying the tasks? 14 A. Yes, that's correct. 15 Q. Who would that be, would that be someone from the 16 Barking borough? 17 A. Yes, I believe that was A/DI McCarthy. 18 Q. Yes, okay. 19 In those circumstances, as you have said, you would 20 be tasking the DCs in line with what you had been told 21 were the actions to be carried out, is that right? 22 A. Yes, ma'am, yes. 23 Q. In terms of ensuring, as you have said, that those tasks 24 were completed, to whom would you be reporting back? 25 A. The IO, ma'am.</p> <p style="text-align: center;">Page 6</p>	<p>1 investigative actions. They would then report back to 2 you at the end of the day? 3 A. They would either report back to me or straight to the 4 IO, ma'am. 5 Q. You need to write the HAT return, don't you, so isn't it 6 important that they feed back what they have done to 7 you? 8 A. They would feed back to me as well, yes. 9 Q. Would you expect them to draw to your attention anything 10 significant arising out of the work that they had done? 11 A. Yes, ma'am, yes. 12 Q. Just by way of example, one of the things that was to 13 take place that day was a search of Port's flat. 14 Supposing the MIT detectives who were undertaking that 15 search found a mobile phone, would you expect them to 16 draw that to your attention? 17 A. Yes. 18 Q. Would you expect them to provide you with a premises 19 search record? 20 A. No, they wouldn't provide me with the premises search 21 record, that would be provided to the borough. 22 Q. Likewise, if the detective constables who interviewed 23 Mr Port considered that he had said anything significant 24 in interview, would you expect them to report that back 25 to you?</p> <p style="text-align: center;">Page 8</p>

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<p>1 A. I would expect them to give me a summary of what had 2 occurred, any relevant points, but, again, that would be 3 directed to the borough as well, ma'am. 4 Q. I have no doubt it would be directed to the borough -- 5 A. Yes. 6 Q. -- but, again, as the person who needs to then complete 7 the HAT return at the end of the day, presumably you 8 would absolutely need to understand if anything 9 significant had come out of the interview? 10 A. Yes, ma'am, yes. 11 Q. Because the purpose of that report, and we will come to 12 have a look at it later, was to capture, was it not, 13 what had been done on the investigation that day and 14 then provide some advice to the borough as to the next 15 steps? 16 A. That's correct, ma'am, yes. 17 Q. The context of your team's involvement was that Barking 18 were investigating Mr Walgate's death and had wanted 19 SC&O1 to take ownership, but rather than assuming 20 primacy, Mr Sweeney had made the decision that he would 21 put some MIT officers at the borough's disposal to 22 assist with the investigation. I appreciate that maybe 23 your memory now is not necessarily very strong, but 24 would you have been aware of that background to your 25 deployment?</p> <p style="text-align: center;">Page 9</p>	<p>1 He then sets out and he identifies or records that 2 he has tasked yourself and Mr Kelly and the DCs and 3 identifies a list of tasks. Then he says at the bottom: 4 "The above measures are to ensure that nothing is 5 missed and that the investigation has sufficient 6 expertise to undertake the tasks. As the tasks are 7 completed, it will hopefully shed light [overleaf] on 8 the circumstances of the as-yet unexplained death." 9 Then he goes on to say that if he considers that it 10 points to a homicide more than a drug overdose, he will 11 make the decision for SC&O1 to take on the 12 investigation. 13 Is it clear from this that, as far as Mr Sweeney is 14 concerned, MIT 7's task with the assistance of Mr Kelly, 15 is to make sure that nothing is missed, so that he can 16 then review his decision on primacy? 17 A. Yes, ma'am, those were his words. 18 Q. In particular, it is the expertise of the homicide 19 command detectives that are required so that they can 20 clear the ground for him and he is in a better position 21 to make a decision rather than just being informed of 22 something at 9.00 pm and having to take a decision on 23 primacy at that stage. Is that right? 24 A. Yes, that is what it states, ma'am, yes. 25 Q. I appreciate, Mr Reeves, that this email was sent by</p> <p style="text-align: center;">Page 11</p>
<p>1 A. Well, I would have known that primacy for the 2 investigation was with borough and that we were 3 assisting, so, yes, I would have had that knowledge. 4 Q. Can I ask you to look at jury bundle B/1. 5 I think you can put A away. I don't think we will 6 be needing it anymore. 7 B/1 is I think the bigger one in front of you, at 8 tab 32, please, and for the screen it is MPS544. 9 This is an email which, if you ignore the FYI at the 10 top and go to the initial email, is from Mr Sweeney on 11 27 June to Mr Kelly and to yourself -- or rather it is 12 actually to Neil Basu and Michael Duthie, but it is 13 copied to yourself and Mr Kelly. 14 This email, Mr Sweeney says that -- if we look at 15 about the second half of the page, he outlines first of 16 all in the email what the investigation is about, so 17 a brief summary. Then he says that he was informed of 18 the above last night at 9.00 pm and the local DCI 19 "wanted me to take on the investigation", the local DCI 20 being Mr Kirk. He says: 21 "I have not taken that decision, but I have made 22 what I consider a pragmatic decision to ensure that we 23 clear the ground in front of us at present and then 24 decide where that leaves us, and I will then be able to 25 make a proper assessment."</p> <p style="text-align: center;">Page 10</p>	<p>1 Mr Sweeney at 10.43 in morning of the 27th, so actually 2 at that point you would already be in Barking, wouldn't 3 you, having been deployed at around 10.00 am that 4 morning? 5 A. Yes, I believe we would have been in Fresh Wharf some 6 time around about 10.30. 7 Q. Would you have received that email whilst you were there 8 or would those tasks have been communicated in 9 a different way to you? 10 A. The task would have been communicated by the 11 investigating officer. I don't know when -- it is 12 familiar to me, this email, but I don't know when I saw 13 it. 14 Q. No, but obviously it would be necessary for -- if 15 Mr Sweeney's wish to be in a position of making a sort 16 of more considered assessment on primacy, if he wants 17 that to take place then it is important that his 18 instructions are communicated to you? 19 A. Yes, ma'am, that's correct, but I don't know when 20 I would have logged on to the computer to see that email 21 at Fresh Wharf. 22 Q. No, I understand, that is why I am saying it is 23 presumably communicated to you orally? 24 A. Yes, ma'am, yes. 25 Q. Looking, again, at the list which --</p> <p style="text-align: center;">Page 12</p>

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<p>1 A. Sorry, are you saying it was communicated to me orally 2 by Mr Sweeney? 3 Q. No, no. 4 A. Okay. 5 Q. I am asking you if you remember, but I think your 6 evidence is you cannot remember -- can you remember who 7 told you what to do, who told you those tasks? 8 A. It would have been the IO at the briefing, ma'am. 9 Q. He would have explained to you, would he not, that it 10 was against the backdrop of Barking wanting SC&O1 to 11 take over primacy? 12 A. I don't remember a conversation in regards to them 13 wanting us to take primacy, all I remember is that they 14 had primacy and we were assisted. 15 Q. Can you look, please, at the page before, so that is the 16 MP5544, 1, so it is the first page of this email. 17 There are, as I have said, a list of investigatory 18 steps that Mr Sweeney has set out and they are. 19 Interviewing Mr Port. 20 Dealing with the crime scene. 21 Family liaison strategy. 22 Tracing the victim's missing phone. 23 Reviewing the enquiries already undertaken. 24 Do you see those in the list there? 25 A. Yes, I do, ma'am, yes.</p> <p style="text-align: center;">Page 13</p>	<p>1 your bundle. 2 You will have to ignore the covering email and then 3 turn over the page. The reference is IPC753, page 2. 4 I am showing that to you for you to look through and it 5 is dated 26 June. 6 Do you think that would be something you would have 7 read in preparation for your role on the 27th? 8 A. If it had been made available to me, yes, I can only 9 assume that I would have read it. But I can't recall. 10 Q. You cannot recall. 11 In the briefing that Mr McCarthy gave you -- sorry, 12 let me actually turn to page 10 of that report. Under 13 intelligence, at line 11, we see, regarding Mr Port, 14 there is a previous allegation of a crime against 15 Mr Port: 16 "... subsequently NFA -- that he had unconsensual 17 anal sex with a male after making him take 'poppers'. 18 "Currently awaiting full details." 19 Is that something that you can recall being briefed 20 about by Mr McCarthy? 21 A. I can't recall being briefed about that, ma'am. 22 Q. As a significant part of the background, is it something 23 you would expect to have been briefed on? 24 A. Yes, ma'am, yes. 25 Q. If Mr McCarthy, having prepared the current situation</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. That day, MIT 7 did indeed interview Mr Port? 2 A. That's correct, ma'am, yes. 3 Q. And deal with the crime scene, in that there was 4 a search carried out? 5 A. That's correct, yes. 6 Q. Feed into the family liaison strategy? 7 A. That's correct. 8 Q. And then, as far as tracing the victim's missing phone 9 is concerned, the search was carried out, so that would 10 be one aspect of that? 11 A. That's correct, ma'am. 12 Q. Then perhaps we will come back to look at that with your 13 HAT advice later. 14 Then in terms of reviewing the enquiries already 15 undertaken, is that something that you knew about? You 16 have said in your witness statement that nobody asked 17 you to review anything? 18 A. No, ma'am, I wasn't tasked with reviewing the enquiries. 19 Q. Then you received a briefing, you said, from 20 Mr McCarthy. That document can come down. 21 A. That's correct, yes. 22 Q. Can I ask, Mr Reeves, what documents, if any, did you 23 read in preparation for the support role that day? I am 24 thinking in particular -- I will show it to you -- of 25 the current situation report, which is behind tab 30 in</p> <p style="text-align: center;">Page 14</p>	<p>1 report, was briefing you, you would expect, presumably, 2 that he would cover the matters set out in that current 3 situation report, because that is the purpose of the 4 reports, to provide a synopsis of where the 5 investigation has got to? 6 A. That could have been the case, ma'am, but as I say, I've 7 got no memory of the contents of that briefing. 8 Q. Can I ask you this then. Understanding that you cannot 9 recall whether you were told that, can I ask you now, 10 noting that it was suspected that Mr Walgate had died of 11 an overdose and that he had been engaged as an escort by 12 Port, do you think that this piece of information is 13 significant to the investigation? 14 A. Yes, ma'am, it is. 15 Q. As a significant piece of information, that is something 16 that is likely to have been brought to your attention 17 before -- as you started work that day? I appreciate 18 that you don't remember whether it was or it wasn't, but 19 does that seem a reasonable proposition? 20 A. Yes, that's a reasonable proposition, ma'am, yes. 21 Q. One of the -- 22 A. Sorry, are you -- sorry, are you saying that was new 23 information to the enquiry when I read it? 24 Q. No, I am saying that that was what was known to the 25 enquiry when you sort of joined, so to speak, on the</p> <p style="text-align: center;">Page 16</p>

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<p>1 27th --</p> <p>2 A. All right, yes.</p> <p>3 Q. -- that was information that was known then --</p> <p>4 A. Yes.</p> <p>5 Q. -- and I am suggesting it is likely to have been</p> <p>6 communicated to you as part of your briefing?</p> <p>7 A. Yes, ma'am, yes.</p> <p>8 Q. Then you tasked DC -- well, you tell us, is it you who</p> <p>9 tasked DCs Holt and Levoir to conduct the interview of</p> <p>10 Port?</p> <p>11 A. I would have been their supervising officer, ma'am.</p> <p>12 I don't recall specifically tasking them but it would</p> <p>13 have been me that tasked them, yes.</p> <p>14 Q. Are you saying, Mr Reeves, the fact that they did --</p> <p>15 although you don't have a memory of it, the fact that</p> <p>16 they did carry out the interview and the fact that you</p> <p>17 were the supervisor, means that you must have tasked</p> <p>18 them to do it?</p> <p>19 A. Yes, ma'am, yes.</p> <p>20 Q. Detective Constables Holt and Levoir have given evidence</p> <p>21 and they said that they were told to obtain a full</p> <p>22 account from Port, because they anticipated that there</p> <p>23 would be a further interview later. It may be that you</p> <p>24 are not going to remember this, but is that what you</p> <p>25 understood?</p> <p style="text-align: center;">Page 17</p>	<p>1 a summary to have gone on there like that, yes.</p> <p>2 Q. DC Levoir prepared some handwritten notes. Can I ask</p> <p>3 you first of all, would it be usual to prepare</p> <p>4 an interview summary whilst waiting for the transcript</p> <p>5 to be prepared?</p> <p>6 A. Yes, that would be the usual process.</p> <p>7 Q. Do you know, did DC Levoir prepare a summary?</p> <p>8 A. I don't know, ma'am.</p> <p>9 Q. It would, however, be her responsibility as the</p> <p>10 interviewing officer to do so, is that right?</p> <p>11 It couldn't be done by anyone else, could it?</p> <p>12 A. No, it could have been done by DC Holt, I presume.</p> <p>13 Q. Yes, sorry, I should have said, it would have to have</p> <p>14 been done by either DC Holt or DC Levoir?</p> <p>15 A. Yes, that's correct, ma'am, yes.</p> <p>16 Q. As the interviewing DCs' supervisor, and the person who</p> <p>17 was going to draft the HAT return at the end of MIT 7's</p> <p>18 deployment, did you read DC Levoir's handwritten notes</p> <p>19 of the interview?</p> <p>20 A. I don't recall reading the handwritten notes, ma'am, no.</p> <p>21 Q. Given that the purpose of this interview was to obtain</p> <p>22 a full account from Port, it was plain that there would</p> <p>23 need to be a review, wouldn't there, of the interview,</p> <p>24 in order that follow-up actions be identified?</p> <p>25 A. Yes. The interviews would have been reviewed by the</p> <p style="text-align: center;">Page 19</p>
<p>1 A. Yes, I understood that they were required to interview</p> <p>2 Port to obtain an account, ma'am, yes.</p> <p>3 Q. Following the interview, from the officers, interviewing</p> <p>4 officers, we have heard there was a debrief to yourself</p> <p>5 and that Mr McCarthy may have been there. Can you help</p> <p>6 us with that? What do you recall about following the</p> <p>7 interview?</p> <p>8 A. Ma'am, I do not recall the debrief. I can only -- all</p> <p>9 I can do is rely on the HAT return that a summary was</p> <p>10 provided to me and I relayed that on the HAT advice.</p> <p>11 Q. Yes, can we look at the HAT return, which is behind</p> <p>12 tab 36, and the reference is IPC45.</p> <p>13 At point 1 there, under the additional support --</p> <p>14 sorry, I should say this part of the form is where you</p> <p>15 set out what has been undertaken that day. Is that</p> <p>16 correct?</p> <p>17 A. That's correct, ma'am, yes, that is what the --</p> <p>18 Q. At point 1, you refer to the additional interview and,</p> <p>19 as you have said, you have written a sentence or two</p> <p>20 about that interview. So about what Port had informed</p> <p>21 officers. Can we assume then that the interviewing</p> <p>22 officers must have debriefed you in order for you to put</p> <p>23 that on the HAT return?</p> <p>24 A. Ma'am, there must have been some sort of communication</p> <p>25 between myself and the interviewing officers for</p> <p style="text-align: center;">Page 18</p>	<p>1 investigating officer, ma'am.</p> <p>2 Q. But your purpose, as -- when I say "your", I don't mean</p> <p>3 personally, but the MIT 7 team's purpose was to assist</p> <p>4 the borough officers with the expertise that homicide</p> <p>5 command detectives could bring to what might be</p> <p>6 a homicide investigation. Wouldn't it be important for</p> <p>7 MIT officers to review what was said by Port in the</p> <p>8 interview, to identify follow-up actions?</p> <p>9 A. I don't think that the officers would have known what</p> <p>10 actions were already in place and had been raised to</p> <p>11 raise further actions.</p> <p>12 Q. Wasn't that the purpose of Mr Sweeney's instruction, to</p> <p>13 review the investigation, to make sure nothing was</p> <p>14 missed? Weren't they supposed to be in a position to be</p> <p>15 able to provide assistance to the borough officers,</p> <p>16 wasn't that the whole point?</p> <p>17 A. It was to complete the tasks that were set, ma'am.</p> <p>18 Q. Well, that is taking, if you don't mind me saying so,</p> <p>19 Mr Reeves, a rather narrow view of what you were asked</p> <p>20 to do that day. Because, as we have seen from</p> <p>21 Mr Sweeney's email, what he needed was to understand</p> <p>22 where the investigation had reached, to make sure that</p> <p>23 nothing was missed. That was the responsibility of the</p> <p>24 MIT 7 officers, wasn't it? That was the reason why you</p> <p>25 were deployed there?</p> <p style="text-align: center;">Page 20</p>

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<p>1 A. Ma'am, the reason for us being deployed there was to 2 assist the investigation officer with the task set and 3 it would have been to provide the HAT advice for those 4 tasks, ma'am.</p> <p>5 Q. Well, wouldn't part of the advice that would be provided 6 be advice on what follow-up actions needed to take place 7 after the interview that the MIT 7 officers conducted, 8 isn't that part of the advice?</p> <p>9 A. No, ma'am. It wasn't part of my advice, ma'am.</p> <p>10 Q. No, but shouldn't it have been part of your advice?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Why shouldn't it be part of your advice, if the borough 13 officers need the expertise of the HAT team to help them 14 understand whether or not this death was suspicious?</p> <p>15 A. Ma'am, the interview summaries would have been provided 16 to the investigating officer, for them to review against 17 the backdrop of the whole investigation. I don't think 18 my officers or myself had the full knowledge of the 19 investigation in its totality, it had been running for 20 six, seven days by the time we were involved, ma'am.</p> <p>21 Q. Can I ask you to look at one part of the interview, 22 which is at tab 34, IPC137. Page 54, please. 23 In the first interview DC Desai had asked why Port 24 hadn't left Anthony in the bed rather than taking him 25 outside before calling the ambulance and Port had</p> <p style="text-align: center;">Page 21</p>	<p>1 order to investigate, and here he has volunteered 2 information about an incident which he has connected in 3 his head to Anthony and has suggested appeared 4 suspicious, hasn't he?</p> <p>5 A. Yes, I don't know whether the officers would have known 6 if that information had already been in the 7 investigation itself or whether that was new though, 8 ma'am.</p> <p>9 Q. They told us that they thought it was new because they 10 had prepared for the interview, as you would expect, and 11 that is why DC Holt was surprised, because he wasn't 12 expecting this piece of information. Would you agree 13 that this new piece of information into the 14 investigation would need to be followed up?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. As to following up, one obvious way of following it up 17 would be to conduct intelligence checks, wouldn't it?</p> <p>18 A. Yes, it would be, ma'am, yes.</p> <p>19 Q. Can I ask you now -- the interview can be taken down -- 20 please to look at the advice you provided, which is at 21 tab 36. It is IPC45. 22 Firstly I have a question about the timings because 23 it says on the front page, date and time, 27/6/14, 24 1300 hours. 25 Do you have that?</p> <p style="text-align: center;">Page 23</p>
<p>1 replied that it would look suspicious, just like last 2 time. DC Holt and DC Levoir on the 27th, in their 3 interview, asked Port about this statement and we see 4 that in the middle of the page where DC Holt says, 5 "There is a comment here, Stephen ..." 6 Then he asks Port to say what he meant by that. 7 What Port then went on to do is he told the 8 interviewing officers about an incident at Barking 9 station. Can you look -- it doesn't particularly matter 10 at this point what he says -- over the page to page 55 11 and then DC Holt, in response to being told about the 12 occasion at Barking station where Port had contact with 13 the police with a very unwell young man, says: 14 "That is not what I was expecting you to talk about 15 though." 16 DC Holt, when he gave evidence, said he had been 17 surprised about that. Would you have expected either 18 him or DC Levoir to explain to you or to inform you in 19 their debrief as to this piece of information that had 20 emerged from the interview?</p> <p>21 A. If they deemed it of significance, which it looks like 22 it is, yes, I would have thought they would have 23 informed me in regards to that.</p> <p>24 Q. Because Port is the suspect in the case, you need to 25 find out as much information about him as you can in</p> <p style="text-align: center;">Page 22</p>	<p>1 A. 1300 hours?</p> <p>2 Q. It is on the right-hand side.</p> <p>3 A. Yes, yes.</p> <p>4 Q. Then overleaf, at the bottom, the date and time is 5 1530 hours. I just wanted to understand why these two 6 times were different.</p> <p>7 A. 15.30 would have been the timing of the HAT return. 8 And the only reason for 1300 hours being there would 9 be, I assume, that some advice had been given prior to 10 that, ma'am.</p> <p>11 Q. But either way, whether the advice was delivered at 1.00 12 or during the course of the day, it would be captured on 13 this HAT return. Is that right?</p> <p>14 A. That's correct, ma'am.</p> <p>15 Q. In the update section -- sorry, on the first page, 16 which -- sorry, excuse me -- you have set out a couple 17 of lines about the interview, but you have not mentioned 18 that Port referred to a previous incident, despite 19 accepting that that was significant. 20 Do you think that it should have been there?</p> <p>21 A. If I had been made aware of it, ma'am, then I may well 22 have put it there but if I had have been made aware of 23 that, then certainly the IO would have been made aware 24 of it at the same time. But, yes, if I had have been 25 made aware of it, then I think it would have been</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 something that ...</p> <p>2 Q. One way or another, it ought to have been on this HAT</p> <p>3 return, don't you think, because the DCs -- who</p> <p>4 considered it significant and who understood it to be</p> <p>5 new information into the investigation -- ought to have</p> <p>6 communicated it to you and that ought to have been put</p> <p>7 on the HAT return?</p> <p>8 A. Ma'am, if it had been communicated to me.</p> <p>9 Q. I think you cannot really -- you don't have a great</p> <p>10 recollection of what actually happened that day, would</p> <p>11 that be right?</p> <p>12 A. That's correct, ma'am.</p> <p>13 Q. Either they didn't communicate it to you or they did and</p> <p>14 you didn't put it on the return? Are those really the</p> <p>15 possibilities?</p> <p>16 A. Yes, ma'am, but the summary was passed to DI McCarthy,</p> <p>17 already, which contained some of that information.</p> <p>18 Q. Yes, I understand, I mean it was there in the interview,</p> <p>19 at some point there would be an interview transcript,</p> <p>20 but this document is to assist Barking in knowing what</p> <p>21 to do next and also to assist HAT, to assist Mr Sweeney,</p> <p>22 in any further assessment that he might want to</p> <p>23 undertake. Isn't that right?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. You have put in the advice section, if we turn over the</p> <p style="text-align: center;">Page 25</p>	<p>1 looking for on the computer?</p> <p>2 A. Ma'am, there would be a strategy in regards to digital</p> <p>3 devices, which would be adopted and all of the digital</p> <p>4 devices would have gone through that same strategy.</p> <p>5 Q. Where do we see the strategy though, what is the</p> <p>6 strategy?</p> <p>7 A. I didn't write a strategy, ma'am, that would be for the</p> <p>8 investigating officer.</p> <p>9 Q. If you have asked or suggested or advised that the</p> <p>10 laptop computer was submitted for download, surely it</p> <p>11 cannot be just look at everything on there, just in case</p> <p>12 there is something of relevance? Aren't you</p> <p>13 suggesting --</p> <p>14 A. If you are going to download, ma'am, you would look</p> <p>15 through it all.</p> <p>16 Q. In order to look through it all, you would nevertheless</p> <p>17 want to target your search, wouldn't you, for</p> <p>18 efficiency's sake if nothing else, to where you thought</p> <p>19 relevant evidence might be found?</p> <p>20 A. Yes, ma'am, you would be looking through photographs,</p> <p>21 previous emails, previous searches on search engines,</p> <p>22 and the -- as you would look through a download, then</p> <p>23 that would take you to different areas within the</p> <p>24 computer to look at.</p> <p>25 Q. Wouldn't it be helpful to identify for the Barking</p> <p style="text-align: center;">Page 27</p>
<p>1 page, so that is IPC45, 2:</p> <p>2 "Ensure that the victim's clothing and bag is</p> <p>3 searched in an attempt to locate the missing mobile</p> <p>4 phone."</p> <p>5 During the interview, Port had been asked about the</p> <p>6 phone and in a nutshell had said he had no idea where it</p> <p>7 was and he hadn't touched it. Did you identify this</p> <p>8 action because he had said that in interview and</p> <p>9 therefore the next thing to do was to double check</p> <p>10 whether the phone was in Anthony's clothing and bag?</p> <p>11 A. I don't recall knowing that from the interview, but it</p> <p>12 would have been an action that I would have advised</p> <p>13 anyway, because when you are bagging up clothing in</p> <p>14 bags, you need to make sure that things have been listed</p> <p>15 properly, and correctly.</p> <p>16 So I would have put that sort of action on there</p> <p>17 anyway.</p> <p>18 Q. Then the next one I want to ask you about is:</p> <p>19 "Ensure suspect's phone and laptop computer are</p> <p>20 submitted for download."</p> <p>21 You have not included any advice there on what to</p> <p>22 search for. So what, for example, keywords, time</p> <p>23 parameters, areas of interest. It doesn't really</p> <p>24 provide any specific guidance, does it, to the Barking</p> <p>25 officers as to how they should, or what they should be</p> <p style="text-align: center;">Page 26</p>	<p>1 officers what you have just said, for example search</p> <p>2 history and maybe some dates?</p> <p>3 A. Well, I would have thought that would be obvious, ma'am.</p> <p>4 Q. If it is obvious, why not just put it on the HAT advice?</p> <p>5 A. The advice isn't there. That piece of extra advice</p> <p>6 isn't there, ma'am, but the importance of it was there</p> <p>7 on the HAT return to ensure suspect's phone and laptop</p> <p>8 computer were submitted for downloads.</p> <p>9 Q. Turning then to one other of your advices, you say</p> <p>10 there, "Intel being conducted by MIT 7 officers". So at</p> <p>11 the time of drafting this, which I presume would be</p> <p>12 before 3.30, does that indicate that MIT 7 officers were</p> <p>13 doing intelligence checks?</p> <p>14 A. Yes, it does suggest that, yes.</p> <p>15 Q. Can you remember what those intelligence checks were or</p> <p>16 who was doing them?</p> <p>17 A. I don't, ma'am, no.</p> <p>18 Q. Were you doing them?</p> <p>19 A. I wasn't doing them, no.</p> <p>20 Q. Does that mean one of your DCs would have been tasked to</p> <p>21 do them?</p> <p>22 A. It could have been one of the DCs were tasked to do some</p> <p>23 intel checks, it could have been that our intel unit at</p> <p>24 Putney had been asked to do some intel checks. I never</p> <p>25 requested, that I recall, any intel checks to be done.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 Q. Nevertheless you have put on the HAT return that intel 2 is being conducted, so you must have been aware at that 3 point that an intel check, even if you can't remember 4 now, you must have been aware at that point -- 5 A. I must have been aware at that point, because it is on 6 the advice, ma'am. 7 Q. Would you agree that it would be of the utmost 8 importance that any available intelligence on Port be 9 obtained? 10 A. It would be what, sorry? 11 Q. It would be extremely important for intelligence on 12 Port, the suspect, to be obtained? 13 A. Yes, ma'am. It would have been. 14 This -- Mr Port wasn't new to the investigation, 15 a warrant had already been obtained. 16 Q. That's right, but nonetheless, he -- ongoing 17 intelligence checks, well, first of all you would need 18 to know whether or not intelligence checks had been 19 completed at an earlier stage in the investigation, 20 wouldn't you? 21 A. Yes, ma'am, if you were reviewing the intel checks that 22 had already been done, you would want to know what had 23 already been completed. 24 Q. Presumably, seeing as it says "intel being conducted by 25 MIT 7 officers", that review had already been undertaken</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. Could we bring up on screen, please, MPS438, it is in 2 the jury bundle at tab 33. I don't know whether you 3 have seen this before? 4 A. Yes, I have seen that, yes. 5 Q. This is called an examination report. This is a search 6 record, is it? 7 A. No, that is the scene of crime officer's examination 8 report. It is not a crime scene log. 9 Q. These are things that are going to be submitted by the 10 scenes of crime officers, but recording what was found 11 as part of the search, is that right? 12 A. Not -- it records what has been found, but I don't think 13 it would state what is going to be submitted. 14 Q. Okay. Can we look over the page, can we go to page 2. 15 Can you see at the top it says, "Examination report" and 16 it says, "Venue: 62 Cooke Street, IG11", in the top 17 corner. 18 I should say, for everyone's benefit, the copies we 19 have are very poor, so we are all doing our best and 20 I don't know if you can help us but we can see it says 21 "Venue: 62 Cooke Street", it stands to reason this is 22 where these items were recovered from, doesn't it? 23 A. Yes, that's correct. 24 Q. Looking halfway down the page, BSG/1 in the box on the 25 side, do you see that?</p> <p style="text-align: center;">Page 31</p>
<p>1 and further checks were being carried out? 2 A. I've got no knowledge whether a review of the intel 3 checks had been completed, ma'am. 4 Q. We have not seen any product of that, but certainly 5 going by this HAT return, there ought to have been some 6 product, oughtn't there? 7 A. Yes, ma'am, unless it was someone asking for some intel 8 checks and it had been verbally provided and there 9 wasn't any written, ie vehicle checks ... 10 As I say, I haven't got a memory of requesting any 11 intel and I don't know what intel was being done. 12 MS COLLIER: Thank you, I have no further questions. 13 Thank you. 14 Questions from MR STOATE 15 MR STOATE: Good morning, Mr Reeves, I am asking questions 16 on behalf of the bereaved families, save for the partner 17 of Mr Whitworth who has his own lawyer. Some of the 18 families are here with me in court today and others are 19 watching online. 20 I don't have long, so I will be brief, please. 21 The tasks carried out by MIT 7 on 27 June 2014 22 included -- I'm looking at your statement -- to assist 23 with a forensic search of Port's home address of 24 62 Cooke Street? 25 A. That's correct, yes.</p> <p style="text-align: center;">Page 30</p>	<p>1 A. Yes. 2 Q. Hard to read but my understanding is it says (i), next 3 to BSG/1, (1): 4 "Pair of navy underpants, 'Born for porn', found in 5 a bin in the hallway." 6 A. Yes. 7 Q. Yes? 8 Down towards the bottom, BSG/8, bottom of the same 9 page, BSG/8, it is very faint on our document, I can see 10 members of the jury probably squinting at this, so I am 11 doing my best here, BSG/8 (2): 12 "Folders containing pornographic images found under 13 the bed." 14 A. Sorry, where is that? 15 Q. BSG/8, it is four lines up from the bottom? 16 A. Yes, okay. 17 Q. Two folders of pornography. Yes? 18 Pausing there, I think as part of the advice that 19 you gave, I am looking at paragraph 9, subparagraph 4, 20 you don't have to bring it up, of your statement, part 21 of the advice you gave was to review the pornographic 22 material found at the scene to identify any additional 23 offences. 24 A. That's correct, ma'am, yes. 25 Q. Did that get done?</p> <p style="text-align: center;">Page 32</p>

<p>1 A. I don't know, ma'am.</p> <p>2 Q. Who were you tasking that job to?</p> <p>3 A. That wasn't a task, it was advice, ma'am.</p> <p>4 Q. Who were you advising undertake that task?</p> <p>5 A. The IO.</p> <p>6 Q. Very good.</p> <p>7 Two folders of pornographic material. Can you help</p> <p>8 us at all with what was in that?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Just below that then, BSG/09. This might be a reference</p> <p>11 that members of the jury might be familiar with by now,</p> <p>12 this is the black Toshiba laptop and charger, can you</p> <p>13 see that, very faint, I appreciate that, on the copy we</p> <p>14 have, the black Toshiba laptop, yes?</p> <p>15 A. Yes.</p> <p>16 Q. Thank you. We know that advice from you, from your</p> <p>17 team, part of the HAT advice, was to:</p> <p>18 "Ensure that the suspect's phone and laptop are</p> <p>19 submitted for download."</p> <p>20 A. That's correct, ma'am, yes.</p> <p>21 Q. People live on their electronic devices, don't they?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Their lives are on there?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. Presumably this was a vitally important step to see what</p> <p style="text-align: center;">Page 33</p>	<p>1 downloaded and analysed more quickly than that?</p> <p>2 A. No, that wouldn't be correct, ma'am.</p> <p>3 Q. Tell us your experience then, please.</p> <p>4 How long would it take?</p> <p>5 A. The -- well, the laptop would either go on an urgent</p> <p>6 submission, but that would be stipulated in regards to</p> <p>7 certain criteria, national security, I can't remember</p> <p>8 them all, threats to life. If that criteria wasn't met,</p> <p>9 then it would go up on a standard request --</p> <p>10 Q. Just pausing there, just pausing there. I just asked</p> <p>11 you about the urgent request.</p> <p>12 A. Yes.</p> <p>13 Q. We have heard lots about the principle "think murder</p> <p>14 until you know otherwise", any suspicion and all the</p> <p>15 rest of it, yes, a potential homicide enquiry, could</p> <p>16 that warrant an urgent submission of a laptop?</p> <p>17 A. No, we wouldn't get all of our laptops through on</p> <p>18 an urgent, ma'am.</p> <p>19 Q. You wouldn't get them all through, but I am asking</p> <p>20 a potential homicide enquiry, would that justify the</p> <p>21 urgent submission of a laptop or not?</p> <p>22 A. No, ma'am, I don't think that would.</p> <p>23 Q. How long would an urgent laptop come back then, assuming</p> <p>24 the criteria by which you have said, how long would that</p> <p>25 take?</p> <p style="text-align: center;">Page 35</p>
<p>1 kind of man Mr Port was?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Mr Richards, on the first substantive day of evidence,</p> <p>4 told the court that when this laptop -- this BSG/09 --</p> <p>5 was eventually downloaded and analysed much later as</p> <p>6 part of Operation Lilford, quoting from the transcript:</p> <p>7 "Most of that we can recover. With Stephen's laptop</p> <p>8 it was what we call complete. It had not attempted to</p> <p>9 be deleted. So it was all on there."</p> <p>10 Were you aware of that?</p> <p>11 A. I was not aware of that.</p> <p>12 Q. Aware of that now, his internet history, messages to</p> <p>13 others, and so forth, yes?</p> <p>14 A. His what, sorry.</p> <p>15 Q. His internet history?</p> <p>16 A. Oh right, I would expect that to be on there.</p> <p>17 Q. Can I ask you briefly, please, about the MIT, the MIT</p> <p>18 team's experience of getting a laptop analysis done,</p> <p>19 download or analysis, yes? The court heard from</p> <p>20 DC Parish, one of the borough officers, that it could</p> <p>21 take several weeks for the borough to submit a laptop</p> <p>22 and get it back again.</p> <p>23 A. Okay.</p> <p>24 Q. It must follow, mustn't it, that the MIT team in a more</p> <p>25 urgent case, could have a laptop such as this one</p> <p style="text-align: center;">Page 34</p>	<p>1 A. I don't know, ma'am, that would be down to how quick the</p> <p>2 lab could turn it round.</p> <p>3 Q. The standard, how long would that be?</p> <p>4 A. Weeks, ma'am.</p> <p>5 Q. Several weeks?</p> <p>6 A. Depends how busy the lab was and what urgent ones they</p> <p>7 have got in and what their workload is. I presume,</p> <p>8 ma'am.</p> <p>9 Q. Do you and your officers have any power, any ability, to</p> <p>10 ask for certain submissions to be prioritised or does it</p> <p>11 just go into the system and that is that?</p> <p>12 A. It would just go into the system, ma'am.</p> <p>13 Q. Your HAT advice, you have just been asked a little bit</p> <p>14 about this, included the phrase. "Intel being conducted</p> <p>15 by MIT 7 officers". Just briefly asking about that,</p> <p>16 that would have included obviously, wouldn't it,</p> <p>17 a search of the PND, the Police National Database, any</p> <p>18 search of intel should have included that, shouldn't it?</p> <p>19 A. It would depend on what they had been requested to do.</p> <p>20 If it was a vehicle check, then it would just be</p> <p>21 a vehicle check on PNC. If it was --</p> <p>22 Q. Mr Reeves --</p> <p>23 A. If it was a full profile of a subject, then there is</p> <p>24 a pro forma that would have been used with all the areas</p> <p>25 of police indices on and they would have gone through</p> <p style="text-align: center;">Page 36</p>

9 (Pages 33 to 36)

<p>1 those.</p> <p>2 From memory, I don't know whether PND would have</p> <p>3 formed part of that template but I presume it would have</p> <p>4 done.</p> <p>5 Q. Right.</p> <p>6 Checking the PND on a suspect is a basic step, isn't</p> <p>7 it, Mr Reeves?</p> <p>8 A. It is a check that you can make, ma'am, yes.</p> <p>9 Q. It is a basic check, isn't it, and a key check?</p> <p>10 A. It is a check that you can make, ma'am. It is one that</p> <p>11 you would have to do individually and you would go</p> <p>12 through that template if you were doing a full research</p> <p>13 profile.</p> <p>14 Q. It is not difficult to do, is it, Mr Reeves, it is</p> <p>15 a basic check?</p> <p>16 A. No. No it is -- well any check is easy to do, so,</p> <p>17 yes --</p> <p>18 Q. Potentially, and in this case we have seen, a very</p> <p>19 important check, yes?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Thank you.</p> <p>22 Your advice included that the family liaison</p> <p>23 officer -- looking at paragraph 9(7) of your witness</p> <p>24 statement -- consider obtaining witness statements from</p> <p>25 Mr Walgate's closest friends. Yes?</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. Very good.</p> <p>2 Here we are in east, yes?</p> <p>3 A. Sorry? Yes.</p> <p>4 Q. DC Levoir was asked whether they were from the "spare"</p> <p>5 team. Is that a phrase you recognise?</p> <p>6 A. On-call support team, ma'am.</p> <p>7 Q. On-call support, sometimes called the spare, or not in</p> <p>8 your experience?</p> <p>9 A. No, I would always refer to it as on-call support.</p> <p>10 Q. "The second or on-call support team has no</p> <p>11 responsibility for call outs to incidents, but is</p> <p>12 a reserve squad of officers on duty and ready for</p> <p>13 deployment where additional resources are required."</p> <p>14 A. Yes, that's correct.</p> <p>15 Q. They deploy at the behest of the on-call superintendent?</p> <p>16 A. That's correct.</p> <p>17 Q. Then this, see if you agree with this view, please:</p> <p>18 "Historically, this requirement for a spare team was</p> <p>19 not welcomed by officers. They viewed it as a chore, in</p> <p>20 that they would often have to travel large distances</p> <p>21 across London for relatively menial tasks in support of</p> <p>22 investigations for which they will have no further</p> <p>23 involvement, thus, inevitably, they have no real</p> <p>24 ownership of what they are deployed to."</p> <p>25 Do you have any comments on that view?</p> <p style="text-align: center;">Page 39</p>
<p>1 A. That's correct, ma'am.</p> <p>2 Q. Victimology, gaining a full understanding of who</p> <p>3 a potential victim was, is very important, isn't it?</p> <p>4 A. Yes, that's correct, ma'am.</p> <p>5 Q. In undertaking that task, it is vitally important, isn't</p> <p>6 it, to listen to the family and friends of a potential</p> <p>7 victim?</p> <p>8 A. Yes, it would be, ma'am, yes.</p> <p>9 Q. They can provide evidence which supports or which</p> <p>10 challenges a hypothesis about how someone died; can't</p> <p>11 they?</p> <p>12 A. Yes, that's correct, ma'am.</p> <p>13 Q. The interview of Mr Port by officers in your MIT 7 team,</p> <p>14 I'm sorry for going so quickly, as you know we have got</p> <p>15 a very short time -- in asking about this interview,</p> <p>16 I am going to put to you a view that was put in evidence</p> <p>17 to Ms Levoir when she gave evidence, yes. I don't want</p> <p>18 it on screen but, ma'am, for the record it is FAM6,</p> <p>19 page 4, paragraph 25. The two officers who attended to</p> <p>20 interview Mr Port were not just from a different team to</p> <p>21 the one originally consulted, so MIT 20. You are in MIT</p> <p>22 7, aren't you? But from a different base, you are from</p> <p>23 MIT 7 Putney, that would usually cover west London?</p> <p>24 A. Yes, we would usually cover west and I think central</p> <p>25 north as well.</p> <p style="text-align: center;">Page 38</p>	<p>1 A. That is not my view, ma'am, and it is not the view of</p> <p>2 any officer that I have either supervised or above me,</p> <p>3 no.</p> <p>4 Q. Let's put ourselves on 27 June 2014. Putney to Barking.</p> <p>5 17 or 18 miles, something like that, across London?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. How long did that drive take?</p> <p>8 A. On a Friday morning, probably an hour and a half.</p> <p>9 Q. Rush hour or not, any recollection of that?</p> <p>10 A. Well, it would have been around rush hour, about that</p> <p>11 time.</p> <p>12 Q. Yes. Did you and your officers view this as a menial</p> <p>13 job?</p> <p>14 A. No, not at all, ma'am.</p> <p>15 Q. Was it that mindset that was behind what the jury may</p> <p>16 hear, described as a surprising decision by two</p> <p>17 experienced and trained officers, interviewers, not to</p> <p>18 schedule a further and challenging interview with</p> <p>19 Mr Port?</p> <p>20 A. No, it wouldn't be -- they wouldn't have that attitude</p> <p>21 to being deployed anywhere in London, ma'am, not under</p> <p>22 my experience of knowing them.</p> <p>23 Q. Your officers had just obtained an account from Mr Port</p> <p>24 on the 27th, yes?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 Q. They sat in with him, they saw his demeanour, his eye 2 contact, any shifts in his chair, all that sort of 3 stuff? 4 A. I assume so, ma'am, yes. 5 Q. Why would they not arrange or not be expected to arrange 6 a follow-up interview with Mr Port? 7 A. Well, the primacy remained with borough. MIT 20 were 8 the advising MIT team. Once the further enquiries were 9 complete, and further evidence had been obtained, and 10 the necessity for a further interview had been assessed 11 and requested, then it could have been another officer 12 that would have done that. It wouldn't necessarily have 13 been those officers. 14 Q. They now have an understanding of the case, haven't 15 they, having interviewed Mr Port and put questions to 16 him? 17 A. Yes, but their interview is available. 18 Q. They have also seen his demeanour throughout the 19 interview. If it is not going to be them arranging or 20 conducting the follow-up interview, what about 21 a briefing, summary or a note about that to the officers 22 who might well be going on to do that further interview? 23 A. Yes, that is something that if you were tasked with the 24 interview, then you would want to know what was said 25 before and you may well obtain some sort of briefing</p> <p style="text-align: center;">Page 41</p>	<p>1 investigative steps should be properly recorded? 2 A. Yes, ma'am, that is correct and you would expect 3 a transcript to be -- a full transcript to be produced. 4 Q. No challenge was put to Mr Port in that interview. 5 Mr McCarthy, I don't know if you saw or read his 6 evidence? 7 A. I read his evidence yesterday evening. 8 Q. Yes. Do you recall him describing the interview by DCs 9 Holt and Levoir as effectively a second first account 10 from Mr Port? 11 A. I don't recall that exact point, but I am sure it is in 12 there. 13 Q. No challenge put to Mr Port in that interview, yes? 14 A. I am sure if there had been the opportunities for 15 a challenge, then they would have put a challenge in but 16 you would have waited for the lines of enquiry and the 17 actions to be completed so that you had the evidence to 18 make those challenges. 19 Q. No further interview arranged, no further involvement by 20 your team, is that right? 21 A. That's correct, ma'am, yes. 22 Q. Mr Reeves, this was at best a half job, wasn't it, of 23 which your team took no ownership? 24 A. No, that is not correct, ma'am, we were requested to 25 deploy and assist the borough with certain steps of the</p> <p style="text-align: center;">Page 43</p>
<p>1 from those officers. 2 Q. Did that happen? Did your officers produce such 3 a briefing for anyone else? 4 A. Well, a summary was provided. 5 Q. The summary, or a handwritten note? You say there was 6 a summary provided? 7 A. Yes, that is in my HAT return. 8 Q. Anything that talked about his demeanour, his eye 9 contact, anything like that? 10 A. No, ma'am. 11 Q. Are you aware that Mr Port was not in fact interviewed 12 again until after three more young men had died as part 13 of Operation Lilford? 14 A. No, I was not aware of that. 15 Q. In terms of the typed interview summary, Ms Levoir -- 16 I don't know whether you have seen her evidence or read 17 her evidence? 18 A. I have read her evidence, ma'am. 19 Q. You will know then won't you that repeatedly when asked 20 she said that "From memory", "As best I can recall", 21 "From memory ... [those types of phrases] I typed 22 an interview summary out". Yes? 23 A. Yes, ma'am. 24 Q. It may be an obvious point, police systems shouldn't 25 work from memory, should they? Significant</p> <p style="text-align: center;">Page 42</p>	<p>1 investigation, which we did, and further advice was 2 provided. 3 If -- 4 Q. Sorry, Mr Reeves, I didn't mean to cut you off. 5 A. If we had have been required to do more, I am sure we 6 would have been told. We are a disciplined service and 7 we would have re-attended and done whatever we could 8 have. 9 MR STOATE: Thank you, ma'am. 10 Questions from MS DOBBIN 11 MS DOBBIN: Mr Reeves, I ask questions on behalf of some of 12 the Barking officers. Could I please have MPS544 up on 13 the screen, please. 14 Mr Reeves, this is the email that you have already 15 seen which appoints you and Mr Kelly to go to Barking 16 and it sets out the list of tasks that you were to 17 undertake, including, as Ms Collier took you to, the 18 task of reviewing the enquiries that had already been 19 undertaken, yes? 20 A. Yes, ma'am. 21 Q. It goes over the page to make clear that part of 22 Mr Sweeney's rationale for sending you there was so that 23 he could come to a consideration as to whether the 24 circumstances pointed towards homicide rather than 25 an overdose at that stage of the investigation, yes?</p> <p style="text-align: center;">Page 44</p>

<p>1 A. Yes, I can see that.</p> <p>2 Q. You said in evidence earlier that you were familiar with</p> <p>3 this email.</p> <p>4 A. Yes, I recognise the email. It was part of my witness</p> <p>5 pack. I believe I have seen it before but I couldn't</p> <p>6 tell you whether -- that day or what time I saw it.</p> <p>7 Q. Because you also said to Ms Collier that you were not</p> <p>8 tasked with reviewing this investigation, whereas on the</p> <p>9 face of this email, you were in fact tasked with</p> <p>10 reviewing it, weren't you?</p> <p>11 A. Ma'am, I wouldn't have been reviewing it. The review</p> <p>12 would have been undertaken between the IO and the DI</p> <p>13 from the MIT team, if there was a review of the whole</p> <p>14 investigation, we were tasked to go and complete certain</p> <p>15 actions and that is what we undertook.</p> <p>16 Q. Can we go back to the first page, please, of the email.</p> <p>17 It does say, if we look at the list of your tasks, it</p> <p>18 includes reviewing the enquiries already undertaken, and</p> <p>19 then goes on, as I have already said, to say, "The above</p> <p>20 measures are there to ensure nothing is missed and that</p> <p>21 the investigation has sufficient expertise to undertake</p> <p>22 the tasks".</p> <p>23 Are we to understand that when you went to Barking</p> <p>24 on that day you didn't understand that it was any part</p> <p>25 of your role to take any part in reviewing the enquiries</p> <p style="text-align: center;">Page 45</p>	<p>1 Barking to review the enquiries already undertaken?</p> <p>2 A. Yes, I can see it written there, ma'am, but as I say,</p> <p>3 I can't say when I saw this email, and I cannot recall</p> <p>4 being tasked to review the entire inquiry, ma'am.</p> <p>5 Q. All right, so, again, are we to take it that you didn't</p> <p>6 understand that that was any part of your task?</p> <p>7 A. No, I didn't, ma'am.</p> <p>8 Q. Does it follow that you didn't understand that part of</p> <p>9 your tasking, or your appointment, was so that</p> <p>10 Mr Sweeney could be sure that nothing had been missed,</p> <p>11 and that the investigation had all of the expertise that</p> <p>12 it needed?</p> <p>13 A. As I say, I can only repeat that we were asked to</p> <p>14 attend, to assist with those tasks. That is what we</p> <p>15 did, ma'am. And I provided my advice in relation to the</p> <p>16 tasks that we had completed.</p> <p>17 That is as far as my understanding of it was.</p> <p>18 Q. If you had understood that that was part of your task,</p> <p>19 it would have had a really important bearing, wouldn't</p> <p>20 it, on the information that you had passed up in your</p> <p>21 advice to Mr Sweeney and other officers, wouldn't it?</p> <p>22 A. As I say, if there was a full review going on, that</p> <p>23 wouldn't -- that would be by the investigating officer</p> <p>24 and probably the DI from the team.</p> <p>25 Q. I am not going to go back over all of that --</p> <p style="text-align: center;">Page 47</p>
<p>1 that had already been undertaken?</p> <p>2 A. I can't recall anyone asking me to review the entire</p> <p>3 enquiry from start to finish.</p> <p>4 Q. Sorry, I didn't mean to cut across you.</p> <p>5 Does that mean that you were not familiar, you had</p> <p>6 not seen this email on the day that you went to Barking?</p> <p>7 A. As I say, I don't know when I saw this email. It would</p> <p>8 have been after the briefing. If I had have logged on</p> <p>9 to a computer, I may well have seen this email. At that</p> <p>10 point, I would have seen it, yes, ma'am, but we had</p> <p>11 already been tasked by then.</p> <p>12 Q. If Mr Sweeney was appointing you specifically for the</p> <p>13 purpose of ensuring that nothing was missed and that the</p> <p>14 investigation had sufficient expertise, wasn't that</p> <p>15 fundamental to your role on that day?</p> <p>16 A. If there was a review taking place, then I would have</p> <p>17 expected that to have been conducted between the</p> <p>18 investigating officer and a detective inspector, not</p> <p>19 a DS that has been brought in to undertake those tasks</p> <p>20 and to see that they are completed and to review the</p> <p>21 whole investigation. This had already been going</p> <p>22 through DCIs, DIs and other DSS.</p> <p>23 Q. Isn't it clear from the face of this email, Mr Reeves,</p> <p>24 that what Mr Sweeney envisages quite simply is that you</p> <p>25 and Mr Kelly are going to go, as he says in terms, to</p> <p style="text-align: center;">Page 46</p>	<p>1 A. Yes.</p> <p>2 Q. -- but if you had known that Mr Sweeney was relying on</p> <p>3 you and Mr Kelly to provide information, so that he</p> <p>4 could be sure that nothing had been missed, that would</p> <p>5 have had a really important bearing, wouldn't it, on the</p> <p>6 sort of information that you would have been passing</p> <p>7 back to Mr Sweeney?</p> <p>8 A. It could have done, ma'am, if that was the case.</p> <p>9 Q. So you would have been passing back, for example, if</p> <p>10 there had been significant developments on that day,</p> <p>11 wouldn't you?</p> <p>12 A. That's correct, ma'am, and I did in regards to my HAT</p> <p>13 return.</p> <p>14 Q. All right, are we to take it again, Mr Reeves, that your</p> <p>15 HAT return represents, as it were, everything</p> <p>16 significant and important that you thought needed to be</p> <p>17 communicated back on that day?</p> <p>18 A. What I was aware of, ma'am, yes.</p> <p>19 Q. All right, and if we go to that advice, please, which is</p> <p>20 MPS544 and we have already looked at this -- I do</p> <p>21 apologise, I am looking at the wrong document.</p> <p>22 Forgive me, it is IPC45. We have already looked at</p> <p>23 this, but barely any information is conveyed about the</p> <p>24 second interview with Mr Port. Do you agree with me?</p> <p>25 It is at paragraph 1.</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 A. It is a brief summary, ma'am, yes.</p> <p>2 Q. Again, as I understand your evidence, Mr Reeves, what</p> <p>3 you have said is that had it been brought to your</p> <p>4 attention that Mr Port had said in interview anything</p> <p>5 about a second incident that he had been involved in,</p> <p>6 had that been brought to your attention, you would have</p> <p>7 included that in this summary?</p> <p>8 A. Yes, ma'am, I think I would have included it in that</p> <p>9 summary.</p> <p>10 Q. Again, we must work on the basis that that information</p> <p>11 was not brought to your attention on the day that the</p> <p>12 interviews took place?</p> <p>13 A. I can't recall that information being brought to my</p> <p>14 attention, ma'am.</p> <p>15 Q. You have also mentioned that you thought, or you think</p> <p>16 that there was a summary of the interviews, is that</p> <p>17 correct?</p> <p>18 A. I believe so, it is in my HAT return that the interview</p> <p>19 summary was passed to DI McCarthy.</p> <p>20 Q. Again, if there was such a summary, and it contained</p> <p>21 this information, surely it would have found a place in</p> <p>22 this HAT advice?</p> <p>23 A. Well, the contents of the summary would have been passed</p> <p>24 to DI McCarthy.</p> <p>25 Q. Yes.</p> <p style="text-align: center;">Page 49</p>	<p>1 have had the information that I had been provided with</p> <p>2 and if the officers had told me that they supplied that,</p> <p>3 then I would put that there.</p> <p>4 Q. Isn't it much more likely that what the HAT return is</p> <p>5 referring to is actually just the handwritten notes?</p> <p>6 A. Not that I am aware of, ma'am. It could have been. But</p> <p>7 in my HAT return, I have put "summary".</p> <p>8 Q. Mr McCarthy would have had no reason to write in his</p> <p>9 current situation report that the notes were going to be</p> <p>10 provided over the weekend, would he, unless that was the</p> <p>11 case?</p> <p>12 A. No, ma'am.</p> <p>13 Q. If we look at the timings, the interview ended, we know</p> <p>14 this from the record of the interview, at 14.55 hours,</p> <p>15 and we know that you prepared your advice at 3.30. Yes?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. That is just not enough time, is it, for a typed-up</p> <p>18 summary of the interview to have been prepared or any</p> <p>19 action notes to have been set out?</p> <p>20 A. Ma'am, but I can only say what my advice was and that</p> <p>21 was the information that I had at that point in time.</p> <p>22 Q. I don't want to go back to what it says in your HAT</p> <p>23 return about the intelligence, but it is clear, isn't</p> <p>24 it, it says, "Intelligence being conducted by MIT 7"?</p> <p>25 A. Yes, ma'am.</p> <p style="text-align: center;">Page 51</p>
<p>1 A. If I had have seen that summary, and I would have read</p> <p>2 that, then I would have -- I think I would have provided</p> <p>3 more detail in there, but I was provided the details</p> <p>4 that are there on my HAT return and that is what I have</p> <p>5 noted, ma'am.</p> <p>6 Q. So if there was such a summary, can we take it that you</p> <p>7 would have read it?</p> <p>8 A. If I had have been provided with it, ma'am, but I can't</p> <p>9 recall being provided with it.</p> <p>10 Q. Why wouldn't you have been provided with it?</p> <p>11 A. Because it was passed to DI McCarthy.</p> <p>12 Q. Can we, please, look at MPS780, page 10.</p> <p>13 This is the record or the current situation report</p> <p>14 that Mr McCarthy prepared after you had left. If we</p> <p>15 look at interview summary, Mr Stephen Port, interviewed</p> <p>16 by Holt and Levoir, what he has said and recorded is:</p> <p>17 "At this time only a handwritten account is</p> <p>18 available of the notes. The interviewing officers will</p> <p>19 provide a full update over the weekend."</p> <p>20 Thank you, that can be taken down.</p> <p>21 That seems consistent with your HAT return, insofar</p> <p>22 as your HAT return doesn't contain any detail about the</p> <p>23 interviews, that no summary had been prepared on that</p> <p>24 day. Do you agree?</p> <p>25 A. No, ma'am. My HAT return would have been -- it would</p> <p style="text-align: center;">Page 50</p>	<p>1 Q. It doesn't say, "Will be conducted in the future", it</p> <p>2 sounds as though the intelligence checks were being</p> <p>3 conducted at the time you wrote your advice?</p> <p>4 A. That is what it says, ma'am, yes.</p> <p>5 Q. Can you just help me with this. By 27 June, in terms of</p> <p>6 all of the information that was coming together: there</p> <p>7 had been a special post mortem; that Port had been</p> <p>8 previously arrested for unconsensual sex was known</p> <p>9 about; the content of his interview with DC Desai was</p> <p>10 known about and that he had been shown to be a liar in</p> <p>11 terms of his contact with Anthony, that account pointed</p> <p>12 to the fact that Anthony had been in his flat for around</p> <p>13 three days, across the course of three days; and there</p> <p>14 was then the second interview that contained, or which</p> <p>15 referred to the second other incident.</p> <p>16 Can you help us with who, if anyone at all in MIT,</p> <p>17 might have reviewed the position holistically on</p> <p>18 27 June? Do you know if anyone did that?</p> <p>19 A. I don't know if anyone did that, ma'am.</p> <p>20 MS DOBBIN: Thank you, Mr Reeves. Those are all my</p> <p>21 questions.</p> <p>22 Questions from MR MORLEY</p> <p>23 MR MORLEY: Good morning, Mr Reeves, my name is</p> <p>24 Stephen Morley and I ask questions on behalf of</p> <p>25 Mr Sweeney.</p> <p style="text-align: center;">Page 52</p>

<p>1 Did you hear that, Mr Reeves?</p> <p>2 A. Yes.</p> <p>3 Q. I just want to ask you some questions about the email</p> <p>4 that Mr Sweeney sent that we have been looking at. It</p> <p>5 is MPS544. I just want to ask you, please a couple of</p> <p>6 questions about the response to that email. Could we</p> <p>7 just have it up on the screen, please, MPS544. The</p> <p>8 first thing I want to look at with you, please, is</p> <p>9 precisely who it is sent to. It is sent to two more</p> <p>10 senior officers, isn't it?</p> <p>11 A. That's correct, ma'am, yes.</p> <p>12 Q. It is sent to Mr Duthie, who is the head of homicide</p> <p>13 command at the time, is that right?</p> <p>14 A. That's correct.</p> <p>15 Q. It is also sent to Mr Basu, who I think was then more</p> <p>16 senior, he has been described as an ACPO officer?</p> <p>17 A. Yes, that's correct, ma'am.</p> <p>18 Q. The email is then copied into two more junior officers,</p> <p>19 more junior than Mr Sweeney, and that is yourself and</p> <p>20 DI Kelly?</p> <p>21 A. That's correct, ma'am.</p> <p>22 Q. The email, in broad terms, sets out a plan, doesn't it?</p> <p>23 A. Yes, it does.</p> <p>24 Q. You have been taken through some of the tasks that are</p> <p>25 set out in the email?</p> <p style="text-align: center;">Page 53</p>	<p>1 a HAT car -- but, no, I wouldn't have challenged him on</p> <p>2 it, ma'am.</p> <p>3 Q. Three other people were sent a copy of that email, apart</p> <p>4 from yourself, and we can see that at the top it was</p> <p>5 then forwarded on to two others.</p> <p>6 Were you aware of anyone replying, sending emails</p> <p>7 around, challenging or querying any of the decisions</p> <p>8 that had been made by Mr Sweeney?</p> <p>9 A. No, not that I recall, ma'am.</p> <p>10 Q. Did it seem to you really to be a sensible plan and then</p> <p>11 you got on with the tasks that you were allocated?</p> <p>12 A. Yes, we -- as I say, we would have already been</p> <p>13 allocated them, because we would have attended the</p> <p>14 briefing and work would have begun.</p> <p>15 MR MORLEY: Mr Reeves, thank you very much.</p> <p>16 Questions from MR BERRY</p> <p>17 MR BERRY: Mr Reeves, I ask questions on behalf of the</p> <p>18 Metropolitan Police. Did you select the members of the</p> <p>19 MIT 7 team who were to attend Fresh Wharf?</p> <p>20 A. No, they would have been the officers that were on duty</p> <p>21 that day, because we were support, we would have been</p> <p>22 split up into early turn and late turn.</p> <p>23 Q. Did you understand that DC Levoir was being deployed</p> <p>24 because she had tier 5 interview adviser training?</p> <p>25 A. No, ma'am.</p> <p style="text-align: center;">Page 55</p>
<p>1 A. Yes.</p> <p>2 Q. Looking at the tasks, and the plan generally, was this</p> <p>3 all perfectly normal for you, this sort of work?</p> <p>4 A. Yes, the tasking if we are investigating and we have</p> <p>5 primacy, then these sort of actions would come through</p> <p>6 our SIO, yes.</p> <p>7 Q. You are not sure when you received the email?</p> <p>8 A. No.</p> <p>9 Q. You think that you obviously were at Fresh Wharf that</p> <p>10 morning by, I think you said, about 10.00?</p> <p>11 A. Yes, it would have been 10.00/10.30, something like</p> <p>12 that.</p> <p>13 Q. You had received a briefing and it is likely that you</p> <p>14 picked up that email some time later that day?</p> <p>15 A. It would have been some time later.</p> <p>16 Q. Whenever it was that you saw it, did it cause you any</p> <p>17 concern? Did you raise any objections?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Did you contact Mr Sweeney and challenge him on any of</p> <p>20 the decisions that were set out in that email?</p> <p>21 A. No, I didn't, ma'am.</p> <p>22 Q. Did you speak to Mr Sweeney at any time about any of</p> <p>23 this?</p> <p>24 A. I don't think I have ever spoken to -- well, I might</p> <p>25 have updated him on HAT returns beforehand, when we were</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. You have explained that you understood that DCs Holt and</p> <p>2 Levoir were being asked by Mr McCarthy to obtain</p> <p>3 an account from Port, yes?</p> <p>4 A. That's correct, ma'am, yes.</p> <p>5 Q. Mr McCarthy said yesterday, in summary, that he was</p> <p>6 happy with DC Desai's interview of the previous day and</p> <p>7 that he thought that DCs Holt and Levoir would be</p> <p>8 probing Port's earlier account to DC Desai.</p> <p>9 We know that DC Desai's interview ended at 7.30 on</p> <p>10 26 June. As far as you were aware, had anything new</p> <p>11 come into the investigation between 7.30 on 26 June and</p> <p>12 your team's arrival at Fresh Wharf?</p> <p>13 A. No, not that I was aware of.</p> <p>14 Q. Was there anything for DCs Holt and Levoir to challenge</p> <p>15 Port on?</p> <p>16 A. No, there wouldn't be.</p> <p>17 Q. If Mr McCarthy had been in any way dissatisfied with DCs</p> <p>18 Holt and Levoir's interview with Port, was it open to</p> <p>19 him to have Port in for another interview at any stage?</p> <p>20 A. Yes, it would have been, ma'am.</p> <p>21 Q. The HAT return, in terms of the actions advised on the</p> <p>22 HAT return, am I right that this is advice you were</p> <p>23 giving, it is not something you can mandate the borough</p> <p>24 team to do?</p> <p>25 A. That's correct, it is advice, ma'am.</p> <p style="text-align: center;">Page 56</p>

<p>1 Q. Did you include the actions that the jury have seen 2 listed there because you considered them to be 3 important? 4 A. That's correct, ma'am. 5 Q. Were you expecting that they would be done? 6 A. I would have thought that they would have been 7 considered and a rationale for not doing something would 8 have been made, if something wasn't being done. 9 Q. "Ensure suspect's phone and laptop computer are 10 submitted for download." 11 Is that a fairly basic piece of advice? 12 A. Yes, that is standard policing, ma'am. 13 Q. Is it a fairly straightforward task to submit that for 14 download? 15 A. Yes, it is, ma'am. 16 Q. Whether from your very presence at Fresh Wharf or from 17 Mr Sweeney's email that you said you cannot remember 18 exactly when you read it, you understood, didn't you, 19 that borough had primacy and the homicide command were 20 there to assist with the investigation? 21 A. That's correct, ma'am, yes. 22 Q. If you had learnt during the course of 27 June anything 23 that made you think actually homicide command should be 24 taking primacy, what would you have done? 25 A. I would have informed DI Kelly.</p> <p style="text-align: center;">Page 57</p>	<p>1 A. Yes, ma'am, because I would have directed for the 2 interview to have been conducted. 3 Q. How -- 4 A. I would want to know what was in that interview and what 5 actions would arise from it. 6 Q. How important is that, as an investigator, to know what 7 has been said in the interview? 8 A. It is basic detective work, ma'am. 9 Q. The HAT return -- I will not ask for it to be called up, 10 but under point 1 that deals with interviews, it says, 11 "Full interview summary passed to DI McCarthy", yes? 12 A. Yes. 13 Q. Now, whether that is handwritten notes or a typed 14 document, whether it is handed over in person or sent by 15 email, would you expect DI McCarthy or someone in his 16 team to have read what he was given? 17 A. Yes, ma'am. 18 Q. On the HAT return, you advised a number of actions, 19 which you said you would expect would have been 20 completed. After those had been completed, or some of 21 them had been completed, would you have expected Port to 22 have been brought in for a further interview to be 23 challenged on his earlier accounts? 24 A. The investigation, to my understanding, was ongoing, so 25 yes, once further evidence is available, then if the</p> <p style="text-align: center;">Page 59</p>
<p>1 Q. Would there have been any difficulty with you doing 2 that? 3 A. No, ma'am. 4 Q. The interview notes, in your 30 years of policing have 5 you been in a situation where you have been the 6 investigating officer for a case but another officer has 7 interviewed the suspect? 8 A. Yes, very often. 9 Q. In those circumstances, what would you expect to get 10 back from the interviewer? 11 A. A summary and possibly -- well, notes and a summary; 12 ma'am. 13 Q. Would you, as the investigator, then go through the 14 notes and the summary? 15 A. I would look at the notes and the summary but I would 16 rely on the transcript, ma'am. 17 Q. So you would also get a transcript so that you could see 18 exactly what had been said? 19 A. Yes, ma'am. 20 Q. Would you expect the interviewer to be setting out 21 actions for the investigation arising from the 22 interview? 23 A. No, ma'am. 24 Q. Would you think that that was your responsibility as the 25 person actually with charge of the investigation?</p> <p style="text-align: center;">Page 58</p>	<p>1 evidence points in a different direction, then you would 2 look to either further arrest or invite them in for 3 a further interview. 4 Q. Is that simply part of the standard pattern of a police 5 investigation? 6 A. Yes, that's correct. 7 Q. Was it for DCs Holt and Levoir who were there with you 8 attending for one day to schedule a further interview 9 with Mr Port, as my learned friend Mr Stoate -- 10 A. Sorry? 11 Q. Was it for DCs Holt and Levoir to schedule a further 12 interview with Mr Port? 13 A. No, because he wouldn't know when the results of the 14 enquiries were -- would have been available. 15 Q. You have been asked about the guidance given on the 16 laptop download. Is it right that a laptop, or indeed 17 a phone, is sent to a digital forensic lab who use 18 specialist software to download it? 19 A. Yes, that's correct. 20 Q. When asked whether you should have specified a number of 21 different things, you said you thought that it would be 22 obvious. Would it have been obvious that material on 23 Anthony Walgate was to be searched for, given that he 24 was the deceased? 25 A. Yes, that's correct, ma'am.</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 Q. Would it have been obvious that material, internet 2 browser history, et cetera, over the last 10 days, would 3 have been the focus, given when Anthony had died? 4 A. Yes, ma'am. 5 Q. Intelligence. Sitting here now, are you able to say 6 what the intel checks on the HAT return referred to? 7 A. No, I can't, ma'am. 8 Q. The premise of all the questions you have been asked, 9 and indeed the assertions made by Mr McCarthy about 10 these intel checks, is that they were intel checks on 11 Port, but do you know if that was actually the case? 12 A. No, I don't, ma'am. 13 Q. In an investigation, is intel being harvested on 14 a number of different aspects of the case, not just the 15 suspect? 16 A. Yes, it can be, ma'am, yes. 17 Q. Do you recall the borough ever chasing you or your team 18 saying, "Those intel checks in the HAT return, we 19 haven't had them back, where is the update?" 20 A. No, ma'am. 21 Q. Finally this, the spare team, as it has been called -- 22 although you don't agree with that description -- the 23 suggestion underlying those questions might be that 24 because you were the on-call support team, because you 25 had to drive from Putney to Barking, that you didn't do</p> <p style="text-align: center;">Page 61</p>	<p>1 just oral? 2 A. I can't recall, ma'am. I think it would have been 3 an oral briefing. 4 THE CORONER: Did you write down the tasks that you were 5 given? 6 A. I can't recall writing down the task, but it would have 7 been a natural thing that I would have done. 8 THE CORONER: Because we have a list in the email that is at 9 our tab 32, which includes the task of reviewing the 10 enquiries already undertaken. 11 A. Yes, ma'am. 12 THE CORONER: But you have said that was not a task that you 13 understood you were to complete on this day? 14 A. I don't recall that being tasked out, ma'am. 15 THE CORONER: And it wasn't done? 16 A. Not that I recall, ma'am. 17 THE CORONER: You were there from 10.30 to 3.30? 18 A. Yes, ma'am. 19 THE CORONER: We know what Mr Levoir and Mr Holt were doing. 20 A. Yes. 21 THE CORONER: What were you doing throughout that time? 22 A. I have a recollection that I was -- at one point I was 23 on a housing estate, as I say, it is a brief memory, so 24 I could have been assisting with some of the CCTV 25 enquiries to look for opportunities, ma'am.</p> <p style="text-align: center;">Page 63</p>
<p>1 a proper job. 2 Is that right, Mr Reeves? 3 A. No, we would be deployed across the country on 4 enquiries, which would be far further than Barking. 5 I have been deployed throughout the world to conduct 6 investigations, I don't think a trip to Barking would 7 have that effect on my team. They wouldn't have thought 8 that. 9 Q. Did you do your job on that day to the best of your 10 abilities? 11 A. Yes, ma'am. 12 Q. From what you saw of your team's work, were they doing 13 their jobs to the best of their abilities? 14 A. Yes, ma'am. 15 MR BERRY: Thank you, I have no further questions. 16 MS COLLIER: Nothing further from me, thank you, ma'am. 17 Questions from THE CORONER 18 THE CORONER: Mr Reeves, can I just ask you one or two 19 questions, please. 20 You told us when you arrived at about 10.00 or 21 10.30, you were briefed. 22 A. Yes, ma'am. 23 THE CORONER: By? 24 A. DI McCarthy it would have been. 25 THE CORONER: Were there written briefing notes or was it</p> <p style="text-align: center;">Page 62</p>	<p>1 THE CORONER: Anything else that you can remember doing? 2 A. Not that I recall, ma'am. 3 THE CORONER: Just these two final points. Did you know 4 that Mr Port had already been arrested -- I'm so sorry, 5 interviewed? 6 A. I think I would have been aware, ma'am, yes. 7 THE CORONER: Right. Did you know anything about what he 8 had said in that interview? 9 A. Not that I recall, ma'am. 10 THE CORONER: Right. You said you would tend to get 11 a transcript of the interview? 12 A. Yes. 13 THE CORONER: How long would that take, in your experience? 14 A. Well, in my experience, you could get it done quite 15 quickly, through one of the typists. 16 THE CORONER: So hours or a day or what? 17 A. A day. 18 THE CORONER: Thank you. 19 Yes, thank you, Mr Reeves. 20 A. Thank you. 21 MS COLLIER: Might that be a convenient moment for a break? 22 THE CORONER: Yes, we will have a break at that stage as 23 well. We will take until 11.50. 24 (11.32 am) 25 (A short adjournment)</p> <p style="text-align: center;">Page 64</p>

<p>1 (11.51 am)</p> <p>2 (In the presence of the jury)</p> <p>3 THE CORONER: Yes.</p> <p>4 MS COLLIER: Can I call Mr Hamer, please.</p> <p>5 MR MIKE HAMER (sworn)</p> <p>6 A. Superintendent Mike Hamer, in charge of investigations,</p> <p>7 currently within Hackney and Tower Hamlets boroughs.</p> <p>8 Questions from MS COLLIER</p> <p>9 MS COLLIER: Mr Hamer, do please take a seat.</p> <p>10 You have told us that you are currently</p> <p>11 a superintendent, still in the Met Police?</p> <p>12 A. Correct.</p> <p>13 Q. You joined the Met in 1992, I think, is that right?</p> <p>14 A. That's correct, ma'am.</p> <p>15 Q. And moved through the ranks until in 2010 you were</p> <p>16 promoted to chief inspector. That is, I think, when you</p> <p>17 are posted to the London borough of Barking and</p> <p>18 Dagenham?</p> <p>19 A. That's correct.</p> <p>20 Q. In June 2014, which is when I am going to be asking you</p> <p>21 questions about, you were temporary superintendent at</p> <p>22 the borough. Is that right?</p> <p>23 A. Correct.</p> <p>24 Q. The jury have heard about this but if you could explain</p> <p>25 in your own words what "temporary" signifies.</p> <p style="text-align: center;">Page 65</p>	<p>1 Q. Before we leave the organogram, it says on the</p> <p>2 organogram that Chief Superintendent Andy Ewing is the</p> <p>3 borough commander and it was you who was at that time,</p> <p>4 in June 2014, the deputy borough commander?</p> <p>5 A. That's correct.</p> <p>6 Q. You can put the organogram away now, thank you.</p> <p>7 Before I move to questions about your involvement in</p> <p>8 the investigation into the death of Anthony Walgate,</p> <p>9 I would like you to explain one other matter for the</p> <p>10 jury, because we may hear about it.</p> <p>11 Could you explain the terms "gold, silver and bronze</p> <p>12 command", can you explain what they signify in</p> <p>13 operational policing context?</p> <p>14 A. The role of gold is to set strategy, ensure that</p> <p>15 resourcing is in place, to set some of the direction and</p> <p>16 involve as appropriate sort of senior partners to engage</p> <p>17 in whatever it is you are gold for.</p> <p>18 It is to provide the strategic oversight for the</p> <p>19 delivery of an operation.</p> <p>20 Q. Thank you.</p> <p>21 The jury have heard how Anthony's body was</p> <p>22 discovered in the early morning of 19 June and Inspector</p> <p>23 Learmonth declared it a critical incident.</p> <p>24 I think you were aware of it by at least 8.00 am, if</p> <p>25 not earlier, would that be right?</p> <p style="text-align: center;">Page 67</p>
<p>1 A. So, back in autumn of 2012, I was asked by the borough</p> <p>2 commander, Chief Superintendent Ewing, if I would take</p> <p>3 on the role of a temporary promotion, initially for</p> <p>4 three months, as the -- as my predecessor had left. The</p> <p>5 3 months ultimately became 21 months.</p> <p>6 Q. Could you look, please, at bundle A. I am going to take</p> <p>7 you to the organogram. It is behind tab 4 and it is</p> <p>8 INQ41.</p> <p>9 A. Yes, I have that.</p> <p>10 Q. You have mentioned the borough commander there, that is</p> <p>11 at the top, Chief Superintendent Andy Ewing?</p> <p>12 A. That's correct, ma'am.</p> <p>13 Q. And then, directly underneath him is yourself, Temporary</p> <p>14 Superintendent Mike Hamer, and it says "Until</p> <p>15 July 2014"?</p> <p>16 A. That's correct.</p> <p>17 Q. Do you remember your last day, was it literally 30 June</p> <p>18 or --</p> <p>19 A. I recall I had a wider responsibility to perform night</p> <p>20 duty on 7 July. Preceding that was the weekend and</p> <p>21 preceding that, which I think was the week commencing</p> <p>22 the 30th, I think I was handing over -- I had passed on</p> <p>23 my responsibilities as the temporary superintendent.</p> <p>24 Q. Who did you pass them on to?</p> <p>25 A. The incoming was Superintendent Sean Wilson.</p> <p style="text-align: center;">Page 66</p>	<p>1 A. Correct.</p> <p>2 Q. Then you chaired a meeting on the morning of the 19th at</p> <p>3 9.30 am, a meeting that is known as a Pacesetter</p> <p>4 meeting. Do you remember that?</p> <p>5 A. From the documents I have been provided, yes.</p> <p>6 Q. I should have asked you, do you have an independent</p> <p>7 recollection of your involvement with this investigation</p> <p>8 or are you heavily reliant upon the documents?</p> <p>9 A. I am heavily reliant on the documents. I have had no</p> <p>10 cause to review my role in this until this juncture.</p> <p>11 Q. Do you nevertheless have some independent recall; do you</p> <p>12 know?</p> <p>13 A. Very limited.</p> <p>14 Q. You have bundles there in front of you, B/1 and B/2,</p> <p>15 could you look at B/1, please, behind tab 11.</p> <p>16 A. B, volume 1, is that?</p> <p>17 Q. Yes, probably the bigger one, yes.</p> <p>18 For the screen, it is HAL7.</p> <p>19 You mentioned from the documents that you were</p> <p>20 aware, you chaired the Pacesetter meeting, these are the</p> <p>21 minutes of that Pacesetter meeting on the 19th and we</p> <p>22 see the first critical incident was the discovery of</p> <p>23 Anthony's body, described here as an unexplained death.</p> <p>24 I wanted to ask you, in the right-hand column --</p> <p>25 firstly, I should ask: what is a Pacesetter meeting?</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 A. A Pacesetter meeting was a meeting that I regularly 2 chaired, if it wasn't me it would be another member of 3 the senior management team and it was a review of the 4 threat, risk and harm within the borough, within the 5 preceding period. It was an opportunity to get 6 representatives from all the different teams on the 7 borough to bring those issues of threat, risk and harm, 8 so that I could align resources to those. 9 Q. It is a way of prioritising the resources available to 10 you? 11 A. Correct. 12 Q. On the right-hand side, under the right-hand column it 13 says "Actions". Then there are a number of actions 14 there and gold group meeting is the last one, "To be 15 held tomorrow", does that mean -- I think that you were 16 gold for this incident, is that right? 17 A. Correct. 18 Q. Is that a meeting that you at this stage intended to 19 hold the following day? 20 A. Based on the information I had at this time, yes, the 21 intention was to hold a gold group the following day. 22 Q. Can you do a similar exercise, can you explain what 23 a gold group is for? 24 A. So a gold group is designed to add broader value to 25 an investigation.</p> <p style="text-align: center;">Page 69</p>	<p>1 A. We often used the term "a critical friend" when we refer 2 to independent advisers. They are members of the 3 community, it might be a distinct community, if the 4 issue affects a distinct community, and we would draw 5 them in to get a broader perspective. 6 Q. In the context of this investigation, not necessarily at 7 this stage, but at some point, it might therefore be 8 possible to engage with the LGBT community through 9 a gold group meeting, is that correct? 10 A. That would have been possible. 11 Q. Could you look, please, at tab 14 in the bundle, which 12 is IPC142. 13 It is the email of 19 June, rather than the follow 14 on at the top on the 20th, is your email of 19 June, 15 sent some time later that day. 16 Here you say of the unexplained death: 17 "In summary the circumstances of the death are now 18 less suspicious, albeit still unexplained." 19 What reason did you have for coming to that 20 assessment? 21 A. Again, I am referring to my notes, because I don't 22 recall. But I was receiving information from those who 23 had been at the scene that the bruising, again, I have 24 seen reference to a shoe print and a cut to the lip. 25 The feeling was that they were now explained through the</p> <p style="text-align: center;">Page 71</p>
<p>1 Q. And "broader value", in this instance -- 2 A. So one of the things, I think later in this document 3 I commissioned a community impact assessment, to 4 understand what is the depth of the feeling, how is the 5 potential consequence to the community, the family, so 6 that was one of the things that was tasked out, but the 7 gold group would provide a senior oversight, the 8 threshold for gold group is quite high. It would 9 normally be a significant serious incident and it would 10 enable both the police from across the teams and 11 partners, community advisers to get round a table, to 12 discuss the incident and the most effective response to 13 it. 14 Q. You mentioned community advisers there. You can take 15 the minutes down, thank you. 16 You mentioned community advisers there, we have 17 heard about the independent advisory group, would that 18 be one such community partner in this context? 19 A. Yes, ma'am. We had an independent advisory group. We 20 had a safer neighbourhood board, and we also had 21 partners within the local authority, who we regularly 22 involved in discussions such as those. 23 Q. Could you explain for the jury what the independent 24 advisory group was and what it might bring to a gold 25 group meeting?</p> <p style="text-align: center;">Page 70</p>	<p>1 process of investigation at the scene. 2 Q. It's hypostasis rather than a footprint? 3 A. Correct. 4 Q. It says underneath, "A special pm [that is to say post 5 mortem] is arranged for noon". 6 Then, final line of the email: 7 "... assess the need for a gold group following the 8 outcome of the [post mortem]." 9 It is right, isn't it, that the gold group in fact 10 didn't take place. What was the reason for that? 11 A. That's correct, ma'am, so, again, just to recap on the 12 gold group, the threshold is high, it is not there just 13 to rubber stamp an investigation that is already in 14 place. I was satisfied the investigation was in place. 15 It was an unexplained death. The suspicions that had 16 arisen from the initial investigation and scene 17 attendance had dissipated somewhat. Therefore I felt 18 there was no need to call the gold group in those 19 circumstances. 20 Q. I want to come to ask you some questions then about the 21 period of the 25th to the 27th. Before I do, were you 22 involved in the investigation in the intervening period 23 between the 20th and the 25th? 24 A. Ma'am, I have had access to my duty records for that 25 time. They show that: I was off on the 20th; off on the</p> <p style="text-align: center;">Page 72</p>

<p>1 21st, which I believe was a Saturday; I was in on the 2 Sunday; and in for the following week. 3 My role was far broader than this investigation. 4 I was responsible for borough policing in all its forms. 5 But I -- as far as I was aware, there was an active 6 investigation underway. 7 Q. On 25 June, the jury has heard that Acting Detective 8 Inspector McCarthy rang HAT twice to ask if HAT would 9 become involved again in the investigation. The reason 10 for his call was that on that afternoon, China Dunning 11 had been shown a photo of Port and she had told them 12 that she thought it was the same man who had engaged 13 Anthony as an escort, so the police knew that he had 14 lied to them. 15 The way the matter was left, between HAT and 16 A/DI McCarthy, following the second call, was that he 17 would speak to his DCI, DCI Kirk and then perhaps come 18 back to HAT in the morning. That is the backdrop to 19 an email that Detective Inspector McCarthy sent to both 20 you and DCI Kirk on the 25th. If we can look at that, 21 please. It is behind tab 24. 22 IPC751. 23 Sorry, I have given you the wrong reference. Sorry, 24 thank you, it is the bottom of the page. 25 Mr McCarthy sent the current situation review that</p> <p style="text-align: center;">Page 73</p>	<p>1 Q. We don't need to go to the situation report, unless you 2 would like to. But tell me this, Mr Hamer, it contains 3 information under the heading "Intelligence" about 4 a previous allegation that had been made against Port, 5 where he had been accused of rape by his partner, his 6 partner saying that he had fed him poppers and anally 7 raped him. Can we assume that you were aware of that, 8 were you aware of that previous allegation? 9 A. I have no recollection, but I have seen documents that 10 suggest that I saw the document where it was mentioned. 11 Q. So you cannot remember it now, but it seems likely that 12 it would have been part of your knowledge at the time? 13 A. It seems likely. 14 Q. Did you know -- again, it may be that you won't be able 15 to answer this -- anything else, do you think, about 16 that previous allegation, any more details or would you 17 only know the summary that was in the current situation 18 report? 19 A. Ma'am, in my capacity, I would have only known the 20 overarching detail. 21 Q. Sorry, just the summary rather than -- 22 A. The summary. 23 Q. Yes. 24 Did you at any stage in your involvement have sight 25 of the CRIS record which was associated with that</p> <p style="text-align: center;">Page 75</p>
<p>1 evening, having had those two conversations with HAT. 2 Looking up at the email above, which is one sent by you 3 the following day, it appears that, "As discussed with 4 Eugene ..." You will have had a discussion then with 5 A/DI McCarthy. 6 Can I ask first of all, was it after you received 7 the email the night before, do you think that seems 8 likely? 9 A. I have no recollection. 10 From the documents I have seen I believe that the 11 discussion took place on the 25th, between myself, 12 Mr Kirk and Mr McCarthy following the Pacesetter 13 meeting, where I asked for an investigative review of 14 what had happened in that week. 15 I believe that led to Mr McCarthy's CSR, situation 16 report, and, from that, my email. 17 Q. So the discussion that you had with -- so that 18 I understand it, the discussion that you had with 19 A/DI McCarthy was before he compiled the situation 20 report, rather than after? He did that in response to 21 a meeting with you; is that right? 22 A. I believe so. 23 Q. Would you have read the situation report as well as 24 having had the discussion with him; do you think? 25 A. It was sent to me, I probably would have read it.</p> <p style="text-align: center;">Page 74</p>	<p>1 intelligence? Let me show it to you. It is the smaller 2 bundle, B/2, at tab 56. The relevant page is page 10. 3 That is IPC23, page 10. 4 A. I wouldn't have cause to look at the CRIS report, the 5 record of the investigation, in detail in my role. 6 Q. Okay, but can I ask you to look at it now then, and just 7 look at paragraph 2, so that you are aware for the 8 purposes of these questions what the further detail in 9 the CRIS report set out. 10 It is just -- it is paragraph 2, explaining that the 11 police had received a call from the victim and the 12 account given by X1: 13 "His partner Port had given him poppers, had anal 14 sex with him against his will, kept plying him with 15 poppers and alcohol each time he refused to have sex 16 with him, until he was unable to say no." 17 At your conversation with A/DI McCarthy, and I think 18 you said that Mr Kirk was present as well at that 19 conversation on the 25th, is that right? 20 A. I believe I have seen reference to that. 21 Q. Yes. 22 Did Mr McCarthy tell you that he thought that SC&O1 23 should have primacy? 24 A. I don't recall at that particular meeting. 25 Q. As a meeting, did you agree as a group that SC&O1 should</p> <p style="text-align: center;">Page 76</p>

<p>1 have primacy?</p> <p>2 A. I think at that meeting I had asked for the summary that</p> <p>3 Eugene McCarthy later provided on the 25th. So the</p> <p>4 meeting was to ask for that review, that document, that</p> <p>5 CSR.</p> <p>6 Q. I see, so at that point you hadn't formed a view</p> <p>7 yourself --</p> <p>8 A. I didn't have enough information at that point.</p> <p>9 Q. Can we go back, then, to tab 24 in bundle B/1. Which is</p> <p>10 IPC751. This is your email of Thursday, 26 June, at</p> <p>11 8.00 am. Perhaps that explains the first line of your</p> <p>12 email, that the enquiry has certainly moved on with some</p> <p>13 good work.</p> <p>14 Is that your comment, having read the current</p> <p>15 situation report?</p> <p>16 A. That's correct, and I think Tony Kirk had also sent out</p> <p>17 an email providing a sort of high-level summary as well.</p> <p>18 So I think this email was based on a combination of the</p> <p>19 two.</p> <p>20 Q. Then you say:</p> <p>21 "As discussed with Eugene, I feel this case should</p> <p>22 now be taken on by Chris and team."</p> <p>23 Did you have a further conversation with</p> <p>24 A/DI McCarthy that morning then?</p> <p>25 A. I can't recall having a conversation but, for me, the</p> <p style="text-align: center;">Page 77</p>	<p>1 answers you may not -- do you know if you would have</p> <p>2 kept abreast of the investigation during the day?</p> <p>3 A. Not a blow-by-blow account, no. What I was satisfied</p> <p>4 about was that my aims for the day, in terms of the</p> <p>5 action, the arrest and the preservation of the scene,</p> <p>6 had been discharged. I was also made aware that</p> <p>7 conversations had taken place with the murder team, the</p> <p>8 MIT.</p> <p>9 Q. You had said in your 8.05 in the morning email that the</p> <p>10 borough commander had asked plenty of questions and</p> <p>11 asked to be updated at the end of the day.</p> <p>12 Can I take you to an email behind tab 26, which is</p> <p>13 IPC752. This is not an email that you wrote, it is</p> <p>14 Temporary Detective Chief Inspector Tony Kirk's email,</p> <p>15 but it is to you and to the borough commander, Chief</p> <p>16 Superintendent Andy Ewing.</p> <p>17 I would like to ask you a couple of questions about</p> <p>18 this email.</p> <p>19 Firstly, if you look at the paragraph that comes</p> <p>20 underneath the list of actions, what T/DCI Kirk says is:</p> <p>21 "I tasked Eugene with contacting SC&O1 again to give</p> <p>22 them an update, obtain advice and assistance. Eugene</p> <p>23 met with them today, as they were unavailable yesterday</p> <p>24 afternoon, and they agreed with our course of action."</p> <p>25 This seems to be somewhat inconsistent with your</p> <p style="text-align: center;">Page 79</p>
<p>1 reports that I had read enabled me to form that</p> <p>2 impression.</p> <p>3 Q. Why did you think that the case should be taken on by</p> <p>4 SC&O1 at that stage?</p> <p>5 A. I felt that this was still an unexplained death, it</p> <p>6 didn't point to murder but that the circumstances were</p> <p>7 coming -- were becoming increasingly complex.</p> <p>8 Q. That was therefore the reason for your instruction to</p> <p>9 A/DI McCarthy that at the meeting with DCI Jones he</p> <p>10 should try and get SC&O1 to take primacy, yes?</p> <p>11 A. I felt that we needed to move the investigation along,</p> <p>12 yes.</p> <p>13 Q. Not just that the investigation needed to be moved</p> <p>14 along, but that it was the HAT team that should be</p> <p>15 moving it along?</p> <p>16 A. Given the complexity, I felt that the HAT team needed</p> <p>17 ownership.</p> <p>18 Q. Although that was your sort of instruction, as it were,</p> <p>19 for the borough, it transpired that at that meeting it</p> <p>20 was decided that primacy would remain with the borough.</p> <p>21 Can I pick up with you the chronology for later that</p> <p>22 evening. During the day, that is to say the 26th, Port</p> <p>23 had been arrested and he was interviewed by DC Desai in</p> <p>24 the early evening.</p> <p>25 Can you recall -- I appreciate from your earlier</p> <p style="text-align: center;">Page 78</p>	<p>1 email of that morning, when you had directed Mr McCarthy</p> <p>2 to be pleasantly demanding and had set an aim of SC&O1</p> <p>3 ownership.</p> <p>4 Do you agree that this email here is inconsistent</p> <p>5 with what you had asked to be done?</p> <p>6 A. I was -- we were pushing for the murder team to take it</p> <p>7 on. Those discussions had taken place. This email</p> <p>8 suggested those conversations had taken place but the</p> <p>9 outcome was not a change of ownership.</p> <p>10 Q. Yes, but here Mr Kirk is suggesting that what should</p> <p>11 happen is that SC&O1 are given an update and obtain</p> <p>12 advice and assistance. He hasn't suggested that SC&O1</p> <p>13 take ownership, or be required to take ownership.</p> <p>14 A. There is a -- I believe there is an email later, and</p> <p>15 I don't know whether that is in receipt of further</p> <p>16 information that DCI Kirk then sends across directly</p> <p>17 asking the question --</p> <p>18 Q. Yes.</p> <p>19 A. -- so this may have been a building block to that.</p> <p>20 Q. I understand, yes. We will look at that email.</p> <p>21 A. I was not aware of all the information, just the broader</p> <p>22 points.</p> <p>23 Q. Can I ask you, in this email it says:</p> <p>24 "Although there is nothing to suggest that Walgate</p> <p>25 was murdered at this time, his phone was missing."</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 Is that an assessment that you agreed with, that 2 there was nothing to suggest that Anthony had been 3 murdered? 4 A. I hadn't formed that impression myself and none of the 5 information I had had suggested that. This was referred 6 to as an unexplained death. That was the matter being 7 investigated. 8 Q. Can I take you back to your 8.05 email, which is behind 9 tab 24, IPC751. You say there: 10 "The matter will be forced if and when we arrest the 11 caller on suspicion of murder in any event." 12 Do I take it from your most recent answer that you 13 didn't think at 8.05 that there was enough evidence to 14 suspect murder? 15 A. That's correct, that is why I probably used the word 16 "if". 17 Q. Yes. Then go back to tab 26, which is IPC752. I want 18 to ask you about one of the line of enquiries which are 19 listed in Mr Kirk's email. It is the line that says: 20 "Research on PORT." 21 Can you interpret this for us? I understand that 22 this is not your email, but, when you received it, what 23 would you have understood that to mean, "Research on 24 PORT"? 25 A. Ma'am, I didn't immerse myself in the investigative</p> <p style="text-align: center;">Page 81</p>	<p>1 I would like to ask you about. The email is sent at 2 21.53, to Mr Sweeney, who is the superintendent at 3 SC&O1. 4 A. I believe so. 5 Q. What Mr Kirk says is: 6 "The request from Barking borough is for SC&O1 to 7 provide an SIO to take ownership of this investigation." 8 Then he gives some reasons for that request. 9 One of the reasons that he gives is that the level 10 of training that the officers that were available to the 11 borough had was only PIP level 2 trained and that he was 12 therefore looking for more experienced officers from 13 SC&O1. Is that right? 14 A. Correct. 15 Q. Did you agree at this point, that is to say at 9.50 on 16 Thursday, the 26th -- did you agree with this, that 17 SC&O1 really ought to be taking over the investigation? 18 A. Correct. 19 Q. What were your reasons there? We see Mr Kirk's reasons 20 but -- 21 A. I believe that I would have had a conversation with 22 Tony Kirk, probably with the borough commander as well, 23 and what DCI Kirk has represented in this email would 24 have been the view that we shared, but just set out in 25 writing, formally, that request to the murder team.</p> <p style="text-align: center;">Page 83</p>
<p>1 detail, I am not aware of what discussions were going on 2 that would further explain what "Research on PORT" 3 meant, what the parameters would be. So I can't 4 comment. 5 Q. Might it have included intelligence searches for 6 example? Would that be something that would fall under 7 the heading "Research on PORT"? 8 A. I think definitely that, but much more than that 9 I couldn't offer. 10 Q. Yes. 11 Then you have said that you wouldn't immerse 12 yourself in the detail, which is understood given your 13 role as deputy borough commander. Who would you be 14 expecting to be progressing that line of enquiry, for 15 example, research on Port, intelligence checks? 16 A. It would be for the senior investigating officer to 17 allocate those tasks -- 18 Q. That would be Mr McCarthy's responsibility to either 19 carry them out or allocate them to others to carry out? 20 A. Correct. 21 Q. You mentioned a moment ago, Mr Hamer, a further email 22 sent by Mr Kirk. 23 Can I take you to that then, which is behind tab 30. 24 IPC753. The jury has seen this email lots of times but 25 there are a number of statements in the email that</p> <p style="text-align: center;">Page 82</p>	<p>1 Q. Yes. 2 DCI Kirk, as part of this formal request to SC&O1, 3 has set out a little bit of background about the case. 4 He says: 5 "The investigations concern the death of a young and 6 what appears fit and healthy male and on the balance of 7 probabilities, at the hands of another." 8 Did you agree -- I imagine that you will say yes 9 because you said you shared the view, but I will ask you 10 anyway. Did you agree with the way this was expressed, 11 that it seemed more likely than not at this stage that 12 Port was responsible for Anthony's death? 13 A. So DCI Kirk would have had more information than me but 14 yes. 15 Q. Then, further down the email, DCI Kirk says: 16 "The suspect has previous for plying another male 17 with drugs and raping him." 18 That was the allegation that we looked at earlier. 19 Would you have expected the officers, the senior 20 investigating officer and those he -- Mr McCarthy, 21 rather, and those that he was working with, to have 22 provided you with the CRIS report or not? 23 A. Me personally? 24 Q. Yes. 25 A. Like I say, I didn't read the CRIS report.</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 Q. I'm sorry, maybe my question is unclear. Would you have 2 expected them to have looked at the CRIS and fed that 3 information into whatever material you would be seeing? 4 A. Yes. In the overview material that I was provided, yes. 5 Q. So more detail is what I am suggesting ought to have 6 been provided to you; do you agree? 7 A. Sorry, can you repeat the question? 8 Q. More detail from the CRIS ought to have been provided in 9 the overview, in the situation report? 10 A. No, I don't agree with that, ma'am. 11 Q. Okay. 12 Turning then to 27 June, can we have briefly on 13 screen MPS778. 14 This is an email looking -- again ignoring the 15 forwarding email, looking at the one that you had sent 16 on 27 June at 18.58. The first bullet point concerns 17 the Walgate unexplained death and you say there that you 18 spoke with John Sweeney this morning. 19 We can take that down now. I just wanted to show 20 you that in order to remind you it seems likely then 21 that you had a conversation with Mr Sweeney on the 22 morning of Friday, 27th. Does that seem right to you? 23 A. I have no recollection of the conversation, but from 24 that email it is suggestive that I spoke to John Sweeney 25 that morning, yes.</p> <p style="text-align: center;">Page 85</p>	<p>1 conversation, but is it likely that that is what you 2 said to Mr Sweeney? 3 A. I can't recall. I don't think -- the conversation I had 4 was not the -- we had asked formally through DCI Kirk's 5 email for review of ownership and I believe that we were 6 given a written answer to that, by Mr Sweeney. 7 Q. Can I take you to tab 32 in the bundle, which is MPS544. 8 Here there is an email from John Sweeney on 27 June 9 at 10.43. You said that you had received a written 10 response. I don't know if this was what was -- I know 11 that you will have reviewed the documents. Was this 12 what you had in mind, do you think, when you said there 13 was a written response from Mr Sweeney? 14 A. Correct. 15 Q. However, I think it is probably not quite right to 16 describe it as a response, because if you look at the 17 email, it was sent by Mr Sweeney to Neil Basu, who was 18 an ACPO ranked officer. Michael Duthie, and then copied 19 to DI Kelly, who was on the MIT team and DS Reeves, also 20 on the MIT team. Certainly this email at least wasn't 21 sent to any of the Barking officers; is that right? 22 A. Yes. 23 Q. We don't have any similar email which is sent to the 24 Barking officers. 25 As far as the evidence in these inquests are</p> <p style="text-align: center;">Page 87</p>
<p>1 Q. Right. Does it seem likely that the conversation that 2 Mr Sweeney had with you was in response to the email 3 that we have just looked at from DCI Kirk sent the night 4 before, saying, "Please can we have SC&O1 provide an SIO 5 for this investigation"? 6 A. I don't recall the conversation or any of its content. 7 I know that Mr Ewing had spoken with John Sweeney the 8 previous evening. 9 Q. Yes. 10 A. I wasn't aware of the content of that conversation or 11 the conversation I had with Mr Sweeney. 12 Q. Does it nevertheless seem likely, Mr Hamer, that the 13 borough having sent an email, as you say, a formal 14 request, that when Mr Sweeney -- when you spoke to 15 Mr Sweeney that morning he was discussing with you that 16 formal request? 17 A. Potentially, as well as the support that his team are to 18 provide that day. 19 Q. At any event, you and he would have been talking about 20 the Anthony Walgate investigation that morning? 21 A. We wouldn't have discussed anything else. 22 Q. Given what you have said earlier, that it was the 23 considered view of the senior management team that SC&O1 24 ought to take primacy for this investigation, 25 I appreciate you have said you cannot remember the</p> <p style="text-align: center;">Page 86</p>	<p>1 concerned, we don't have any written response from 2 Mr Sweeney to Barking, which is another reason why I am 3 suggesting to you that the conversation that you had 4 with him is likely to be the response, the oral 5 response, that he made to the request he communicated to 6 you. Does that seem right? 7 A. That is possible. 8 Q. Can I ask again, if that was the case, do you think that 9 what you would have been saying to Mr Sweeney is, "Look, 10 we need a trained SIO, experienced in homicide, that is 11 really what we need"? 12 A. Mr Sweeney has -- had communicated that that wasn't his 13 decision, as the superintendent on the MIT command at 14 the time, with reference to his seniors. The question 15 of ownership, I read from that email -- I cannot comment 16 on the recollection from the verbal conversation we 17 had -- but was not a no, it was a not yet, but the 18 matter would remain under review. 19 Q. That is certainly what the email says, that the matter 20 would remain under review. What I want to know is, do 21 you think that -- it seems likely, doesn't it, that that 22 is what he would have said to you, that the matter is 23 under review; we are not going to assume primacy at the 24 moment but we will keep the matter under review. Does 25 that seem sensible?</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 A. It does.</p> <p>2 Q. We have seen in this email that we have just looked</p> <p>3 at -- Mr Sweeney's email, we don't need to pull it up</p> <p>4 again -- he has set out his reasoning for his team,</p> <p>5 hasn't he, he has set out his decision and he set out</p> <p>6 his reasoning for his team, so that they understand what</p> <p>7 his expectations are and what his decision is at that</p> <p>8 time. Do you agree?</p> <p>9 A. Is that the bit in short sentences, interviewing</p> <p>10 Mr Port, dealing with the crime scene?</p> <p>11 Q. Sorry, I meant the email as a whole is a record, if you</p> <p>12 like, of Mr Sweeney's decision about primacy in the</p> <p>13 Walgate investigation at that time?</p> <p>14 A. Correct.</p> <p>15 Q. He sent it to MIT officers, so that they understand what</p> <p>16 his thinking is and what his expectations are. Is that</p> <p>17 right?</p> <p>18 A. That's correct, ma'am.</p> <p>19 Q. We don't have an equivalent email from you. Do you</p> <p>20 think that it might have been helpful to send an email</p> <p>21 to DCI Kirk and to DI McCarthy setting out what your</p> <p>22 understanding of the agreement with Mr Sweeney was?</p> <p>23 A. I can't recall whether Mr Kirk was given a written</p> <p>24 decision back from his request on our behalf.</p> <p>25 Q. If he was, we don't have one --</p> <p style="text-align: center;">Page 89</p>	<p>1 A. Correct.</p> <p>2 Q. You tell him that the BOCU retain ownership, but you</p> <p>3 don't express any opinion about that outcome. Does that</p> <p>4 mean that you were satisfied with Mr Sweeney's decision?</p> <p>5 A. The matter had been set out by Mr Kirk. Mr Sweeney had</p> <p>6 provided a response. I don't know whether that was to</p> <p>7 Mr Kirk. And the response was not yet, the matter would</p> <p>8 be reviewed and the investigation was ongoing.</p> <p>9 Q. Does that mean that you were satisfied with his</p> <p>10 decision?</p> <p>11 A. I think we had set out our case in writing, why we felt</p> <p>12 they should take it on and the answer was "not at this</p> <p>13 time".</p> <p>14 Q. I am asking about your attitude to that outcome. Were</p> <p>15 you satisfied with it?</p> <p>16 A. We were asking for the murder team to take it on.</p> <p>17 The ownership, the accreditation of the PIP3</p> <p>18 investigator, that was not forthcoming. But the matter</p> <p>19 had been looked into by the decision makers within the</p> <p>20 murder command, John Sweeney and others.</p> <p>21 Q. I am sorry to ask you again, but does that mean you were</p> <p>22 satisfied with that outcome?</p> <p>23 A. We needed to move on with the investigation. It is not</p> <p>24 the answer we wanted.</p> <p>25 Q. If it was not the answer you wanted, you could have</p> <p style="text-align: center;">Page 91</p>
<p>1 A. Yes.</p> <p>2 Q. -- but my question to you is, you have had the</p> <p>3 conversation with Mr Sweeney, would it have been helpful</p> <p>4 for your team, do you think, to have set out for them</p> <p>5 what that conversation covered and what his decision</p> <p>6 was?</p> <p>7 A. In the absence of anything else, I can see that it would</p> <p>8 have been, yes. I simply don't know what was</p> <p>9 communicated to others by others.</p> <p>10 Q. No, that of course I understand, but in terms of what</p> <p>11 was communicated to you, particularly given that you</p> <p>12 were about to depart from the borough, I am suggesting</p> <p>13 that it would have been a useful thing to do for those</p> <p>14 who might pick up the investigation to understand what</p> <p>15 Mr Sweeney's decision on primacy was on the 27th?</p> <p>16 A. But I think the right to reply was really to DCI Kirk,</p> <p>17 who had sent the email setting out the reasons.</p> <p>18 Q. Could we look again at MPS778.</p> <p>19 A. Sorry, which tab is that?</p> <p>20 Q. Sorry, I should have said, it is not a tab but it comes</p> <p>21 up on the screen.</p> <p>22 This is the email that you sent to the borough</p> <p>23 commander, Chief Superintendent Andy Ewing, on the</p> <p>24 evening of Friday, the 27th. It is essentially</p> <p>25 an update and a handover; is that right?</p> <p style="text-align: center;">Page 90</p>	<p>1 escalated it to an ACPO officer, could you not? That</p> <p>2 was an option that was available to you?</p> <p>3 A. I am not sure whether the borough commander at the time,</p> <p>4 Mr Ewing, did that. Certainly the ACPO command were</p> <p>5 copied into the decision.</p> <p>6 Q. But you personally, I am saying if you were not</p> <p>7 satisfied with that outcome, then you could have</p> <p>8 escalated it to ACPO level?</p> <p>9 A. That could have been done.</p> <p>10 Q. Why didn't you do that?</p> <p>11 A. I felt that the investigation was ongoing, Mr Sweeney</p> <p>12 had set out that they would continue to support, and</p> <p>13 additionally support over the weekend, the investigation</p> <p>14 and that the matter was open to review should those</p> <p>15 investigation leads shine another light. So the matter</p> <p>16 could always be revisited?</p> <p>17 Q. I understand.</p> <p>18 Could you look, please, at MPS779, which will come</p> <p>19 up on the screen only. This is an email from the</p> <p>20 borough commander to Sean Wilson, who you said I think</p> <p>21 at the beginning of your evidence was the incoming</p> <p>22 superintendent, your replacement in other words?</p> <p>23 A. Correct.</p> <p>24 Q. If you take a moment to read the email, Mr Ewing seems</p> <p>25 to be expressing frustration here about the system of</p> <p style="text-align: center;">Page 92</p>

<p>1 HAT advice. I wanted to ask you, did you share that 2 frustration? 3 A. So I have only seen this email in recent weeks and it 4 was directed to my successor. What I don't know is what 5 Mr Ewing did with this, given that he was unhappy and 6 what he did to escalate or otherwise. 7 Q. Yes, I wasn't asking about what happened. 8 I was asking: did you share the sentiment that is 9 expressed there? That Mr Ewing says, "I am really 10 unhappy about this as a system of work". What about 11 you, were you really unhappy about it as a system of 12 work? 13 A. I was disappointed that the murder team hadn't taken the 14 investigation on. 15 Q. What about Mr Ewing's thought that "the concept of 16 advice is flawed"? Did you think that too? 17 A. I don't know on what basis he said "flawed". There was 18 an avenue open for us to provide the detail to the MIT 19 team to make an informed decision around ownership, 20 provision of support and the appointment of an SIO 21 accredited. Those were taken into account on the back 22 of DCI Kirk's email and the answer was not for 23 ownership. 24 So the concept of advice is flawed is Mr Ewing's 25 words, and I don't know quite what he is referring to.</p> <p style="text-align: center;">Page 93</p>	<p>1 I had been doing that role for 21 months. 2 Q. Was it your sense that there was a pattern on the 3 borough of quite a few people in temporary or acting 4 roles? 5 A. That is correct at the time. Not only me but some of my 6 senior colleagues. 7 Q. Can I have brought up, please, MPS000743, internal 8 page 1, which is the 19 June email that you have been 9 taken to already. The email you sent there had a list 10 of bullet points about essentially what was going on as 11 at just before 8.00 am on the 19th. The final bullet 12 point says this: 13 "Initial media lines agreed and being 14 shared/tweeted. This includes a witness appeal." 15 Just pausing there, you may or may not be able to 16 help with this, but is this right, that the witness 17 appeal that took place at that point did not name 18 Anthony Walgate? 19 A. I have no recollection of that. 20 Q. His mother's recollection, if I can help you with that, 21 and she will say if asked in front of the jury, that he 22 was not named until quite a bit later on in the 23 investigation. Would that fit with what you would 24 expect? 25 A. We would only release the name of anybody once they had</p> <p style="text-align: center;">Page 95</p>
<p>1 Q. Were you happy with the advice that MIT provided that 2 you saw over the course of the Walgate investigation? 3 A. I wasn't aware of all of the advice, the detail, but 4 I am aware of the position of the MIT in terms of 5 supporting but not taking ownership of. 6 Sorry, could you just repeat the question? 7 Q. I was wanting to know if you thought that the advice 8 that was provided by MIT was satisfactory? 9 A. So on the emails and the question as to ownership, 10 ma'am, I felt that it had been supported with rationale 11 and that it was open to continual review. 12 So notwithstanding the fact that it wasn't what we 13 were asking for necessarily, there was -- the matter had 14 been reviewed. 15 MS COLLIER: Thank you, I have no further questions. 16 Questions from MS HILL 17 MS HILL: Good afternoon, I ask questions on behalf of the 18 families of those who were murdered by Stephen Port, 19 save for Daniel Whitworth's partner who has his own 20 lawyer. 21 You indicated that you were a temporary 22 superintendent at the time of these events. I am not 23 sure if you indicated when you started acting in that 24 position. Can you just clarify that? 25 A. I think it was the autumn of 2012, so by this time,</p> <p style="text-align: center;">Page 94</p>	<p>1 been formally identified. 2 Q. So a witness appeal that was in train within a matter of 3 hours of a body being found was much more likely along 4 the lines of any witnesses who can help with the 5 unexplained presence of this unknown man, if you like, 6 that is the sort of thing it would include, is that 7 right? 8 A. That's correct, ma'am. 9 Q. You were asked some questions about another document. 10 Can I bring up, please, IPC000142, which is an email 11 a few hours later, where you were dealing with the marks 12 or apparent injuries on Anthony's body. Do you see that 13 part of the email? 14 In the middle of the page it says: 15 "In summary, the circumstances of the death are now 16 less suspicious, albeit still unexplained. The visible 17 marks or apparent injuries on the body are accounted 18 for." 19 Do you see that? 20 A. Yes. 21 Q. It is fair to assume, I think, isn't it, that you were 22 largely relying on what you had been told by other about 23 that? 24 A. Yes. 25 Q. You would expect, I think, looking at this email, would</p> <p style="text-align: center;">Page 96</p>

<p>1 you, that any questions about the significance of</p> <p>2 visible marks or apparent injuries on the body would be</p> <p>3 discussed at the special pm that was happening the</p> <p>4 following day?</p> <p>5 A. That's correct, ma'am.</p> <p>6 Q. Can I ask you to look at another document, please,</p> <p>7 IPC000751. That is the email I think we have moved on</p> <p>8 a little bit further in time now to 26 June, if that</p> <p>9 helps you, at 8.05. At that point the email that you</p> <p>10 send includes the phrase that you have already been</p> <p>11 asked about, I think:</p> <p>12 "The matter will be forced if and when we arrest the</p> <p>13 caller on suspicion of murder in any event."</p> <p>14 Do you see that phrase?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. A couple of points on that, please.</p> <p>17 The "we" phrase, or word, it is right, isn't it, as</p> <p>18 we heard from Mr McCarthy yesterday, that the borough or</p> <p>19 the MIT can arrest somebody for murder?</p> <p>20 A. That's correct, ma'am.</p> <p>21 Q. You have explained to the jury already, just in terms of</p> <p>22 your mindset at this point in time, that you were</p> <p>23 pushing the MIT to take this case on, that is</p> <p>24 effectively what you have said, because it was</p> <p>25 an increasingly complex case. Is that right?</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. You were aware though by that point that Port had on the</p> <p>2 face of it lied to police, because of the conflict</p> <p>3 between what he had said to the ambulance service and</p> <p>4 what he had said in his statement to the police, is that</p> <p>5 right?</p> <p>6 A. That's correct, and I refer to that in this email,</p> <p>7 "A witness who was lying".</p> <p>8 Q. Were you aware at that point that his friend</p> <p>9 China Dunning had been in touch with the police and</p> <p>10 talked about the circumstances in which it was now</p> <p>11 thought that Joe Dean was Port?</p> <p>12 A. I don't recall that detail.</p> <p>13 Q. But it was known by police, I think, on 19 June, so that</p> <p>14 is the 21.24 entry on the CRIS on page 27 -- it was</p> <p>15 known I think there was a suspicion that Port and</p> <p>16 Joe Dean were the same person?</p> <p>17 A. I believe so, but I have no recollection.</p> <p>18 Q. That entry makes clear that Ms Dunning had reported to</p> <p>19 the police that for safety reasons Anthony had given his</p> <p>20 details to her about the meeting and had talked about</p> <p>21 the cost of £800 and so on. That was known to the</p> <p>22 police, wasn't it?</p> <p>23 A. I believe so.</p> <p>24 Q. It was therefore known to the police at the time you</p> <p>25 sent this email that there was a suggestion, or at least</p> <p style="text-align: center;">Page 99</p>
<p>1 A. That's correct.</p> <p>2 Q. From your email at 8.05 on the 26th, the phrase, "If and</p> <p>3 when we arrest the caller [that is Port] on suspicion of</p> <p>4 murder ..." Just pausing there, is one of some</p> <p>5 significance to the families. The reason I am asking</p> <p>6 you questions about it is because it is their firm view</p> <p>7 that Port should have been arrested for murder, because</p> <p>8 then he would not have been able to, if remanded in</p> <p>9 custody, to murder Gabriel, Daniel and Jack, so that is</p> <p>10 why I ask you questions about this phrase.</p> <p>11 When you said if and when we arrest the caller on</p> <p>12 suspicion of murder, it must be right that you had</p> <p>13 arrest for murder as a possibility in your mind?</p> <p>14 A. Yes, I didn't have all the facts but if there were</p> <p>15 grounds to arrest for murder, I expected that to happen.</p> <p>16 Q. To your credit, as far as I am aware, you are one of the</p> <p>17 few officers that appears to have enunciated that</p> <p>18 possibility, so that is why I ask you these questions.</p> <p>19 But sending that email on the morning of 26 June is</p> <p>20 before Port was interviewed, correct?</p> <p>21 A. Yes, he was interviewed in custody following his arrest.</p> <p>22 Q. So the information that you had in your mind at that</p> <p>23 point could not have included the account he gave in</p> <p>24 interview?</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 98</p>	<p>1 evidence to suggest, that Port had been the last person</p> <p>2 to be with Mr Walgate when he was alive?</p> <p>3 A. I don't recall having that information.</p> <p>4 Q. All right.</p> <p>5 It is fair to say, isn't it I think on the timing,</p> <p>6 that if you look at the next email on this day, which is</p> <p>7 sent in the evening, IPC000753, internal page 1, that</p> <p>8 the phrase:</p> <p>9 "The investigations concern the death of a young and</p> <p>10 what appears a fit and healthy man on the balance of</p> <p>11 probabilities, at the hands of another."</p> <p>12 Do you see that phrase?</p> <p>13 A. Yes.</p> <p>14 Q. I think again a view you shared, that view did have the</p> <p>15 benefit of Port's first interview, didn't it? It is my</p> <p>16 understanding, if it helps you on the timing, if you</p> <p>17 look at the end of this email, just to anchor it for</p> <p>18 you, we have put Port into his sleep period, if you see</p> <p>19 the bottom of that email. My note is that the interview</p> <p>20 with officer Desai finished at 7.30 pm. He had then</p> <p>21 been put into his sleep period in custody, do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. So by the time of this email, the police were aware of</p> <p>25 the account he had given officer Desai in interview.</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 Does that make sense to you?</p> <p>2 A. Yes, it does, yes.</p> <p>3 Q. You are aware, aren't you, I think, that in changing his</p> <p>4 account, Port had described moving a dead body or</p> <p>5 a close to dead body; that is what he had eventually</p> <p>6 said, isn't it?</p> <p>7 A. I don't recall.</p> <p>8 Q. Just can I bring up one document for your comment,</p> <p>9 please. It is IPC000138, 0030. It is not a document we</p> <p>10 have looked at before, but it is just part of the</p> <p>11 judge's comments in sentencing Port for perverting the</p> <p>12 course of justice and the judge said this to him, at the</p> <p>13 foot of 0030:</p> <p>14 "One can understand that he might panic discovering</p> <p>15 the body in his flat, but surely everyone knows that in</p> <p>16 those circumstances whatever sort of panic you have, you</p> <p>17 don't go moving the body and pretending it is nothing to</p> <p>18 do with you, which is what he did. Everybody knows the</p> <p>19 police have got to investigate and see what happened and</p> <p>20 the law has to take its course and he made a serious</p> <p>21 effort to thwart that."</p> <p>22 Over the page, his barrister tries to mitigate for</p> <p>23 him. Then the judge says this:</p> <p>24 "No, but he knew very well that this was criminal</p> <p>25 activity. Moving the body and pretending it was nothing</p> <p style="text-align: center;">Page 101</p>	<p>1 A. Yes.</p> <p>2 Q. Then do you see a list of numbered points that are made</p> <p>3 1, 2, 3 and 4:</p> <p>4 "Of note [says the analyst] the above occurred</p> <p>5 two weeks before the murder, as it was then understood</p> <p>6 to be of Walgate. They met via the internet. Port is</p> <p>7 claimed to have found X3 outside his house. Contrary to</p> <p>8 what X3 claimed. He possibly had GHB his system. Port</p> <p>9 was seen trying to find X3's phone."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Those are all factors that render X3's experience very</p> <p>13 similar to Anthony Walgate's, aren't they?</p> <p>14 A. This just wasn't known to me at the time.</p> <p>15 Q. No, but if it had been known to you, that would ring</p> <p>16 significant bells, wouldn't it?</p> <p>17 A. You are asking a hypothetical question?</p> <p>18 Q. Yes, we understand it was not known to you, forgive me,</p> <p>19 I should have made that clear. We all understand,</p> <p>20 I think, that the PNC was not searched. There is</p> <p>21 obviously disagreement as to whose responsibility that</p> <p>22 was.</p> <p>23 A. I think this would have been significant for the</p> <p>24 investigation, yes.</p> <p>25 Q. Partly because of the similarities of X3's experience</p> <p style="text-align: center;">Page 103</p>
<p>1 to do with him and then giving the police a completely</p> <p>2 false story."</p> <p>3 Were you aware that that is what Port had said in</p> <p>4 his interview?</p> <p>5 A. I wasn't aware of the interview content, other than he</p> <p>6 had admitted or it was disclosed that he had lied.</p> <p>7 About what I cannot recall.</p> <p>8 Q. I see.</p> <p>9 I think it follows from your evidence -- we can take</p> <p>10 that down -- and it follows from what we have heard</p> <p>11 already, that you were not aware of the details of the</p> <p>12 British Transport Police allegation from Barking station</p> <p>13 a few days before Anthony's body was found. Is that</p> <p>14 right?</p> <p>15 A. That's correct.</p> <p>16 Q. Can I have brought up, please, another document, I am</p> <p>17 not sure we have looked at before, it is MPS000465.</p> <p>18 Just to navigate this document, this is a PND result</p> <p>19 that was done later, I think at the time of</p> <p>20 Operation Lilford.</p> <p>21 If we look, please, within internal page 2 of 4, in</p> <p>22 reporting on the British Transport Police incident, the</p> <p>23 intelligence analysis said -- forgive me, it is internal</p> <p>24 page 3. Do you see within this page, we see on 4 June,</p> <p>25 do you see that?</p> <p style="text-align: center;">Page 102</p>	<p>1 with that of Anthony?</p> <p>2 A. Correct.</p> <p>3 Q. I don't think you were aware, having answered the</p> <p>4 questions from Ms Collier, of the detail of X1's</p> <p>5 account, were you, you were not taken to the CRIS and</p> <p>6 what that recorded about X1?</p> <p>7 A. That's correct.</p> <p>8 Q. It must be right in terms of chronology that you weren't</p> <p>9 aware of the contents of the laptop, because that had</p> <p>10 just been seized?</p> <p>11 A. Correct.</p> <p>12 Q. But you know now what that laptop showed, I think</p> <p>13 broadly, do you?</p> <p>14 A. I -- the gist. About contact, about subject matter, but</p> <p>15 really I just read that recently, very recently.</p> <p>16 Q. Just if the jury can turn up the document in their</p> <p>17 bundle, I think it is at tab 58. Just perhaps bring up</p> <p>18 on screen the summary that is at tab 58 of the jury</p> <p>19 bundle, it is INQ00045. To be clear, the internet</p> <p>20 history of Mr Port did show the contact with Anthony,</p> <p>21 but also showed from the browsing history, around the</p> <p>22 time of his contact with Anthony, significant entries</p> <p>23 indicating his fetish for watching young men being</p> <p>24 drugged, unconscious and then raped. Do you see that?</p> <p>25 A. Yes, I can see that.</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 Q. Again, had you known of that, that would have been 2 significant information, wouldn't it? 3 A. Hypothetical, but yes, had I known that at the time, 4 that would have been significant. 5 Q. Just taking that down, if Mr Port had been interviewed 6 again, if he had, and if in being interviewed again he 7 had given yet further inconsistent accounts and further 8 what appeared to be lies, that would also have been 9 significant, wouldn't it? 10 A. It would all had to have been considered, yes. 11 Q. All of those factors would have made the case even more 12 complex, wouldn't they? 13 A. Correct. 14 Q. So would have made the basis for the MIT team accepting 15 it even stronger? 16 A. Correct. 17 Q. And made the possibility of Port being arrested for 18 murder greater? 19 A. Correct. 20 Q. Final question, please, can I bring up your 27 June 21 email. MPS000778, internal page 1. This I think is 22 where you summarise, you say, "Still here at 23 6.58 pm ..." 24 Do you see that email? 25 A. Yes.</p> <p style="text-align: center;">Page 105</p>	<p>1 Questions from MS DOBBIN 2 MS DOBBIN: Mr Hamer, I ask questions on behalf of some of 3 the Barking officers. It appears from the evidence that 4 at 8.05 am on 26 June you regarded the investigation 5 into Anthony's death to be sufficiently complex to 6 warrant MIT taking it over at that stage; is that right? 7 A. Sorry, 8.05 in the morning. 8 Q. Yes, that was your email of 26 June, it is document 751, 9 if that assists you. 10 A. Yes. 11 Q. It is right, isn't it, that you thought it was 12 sufficiently complicated for three reasons. 13 First, that it was an unexplained death. 14 Second, that Anthony was deceased with bruising. 15 Third, that you had a lying witness. 16 Is that right? 17 A. Yes. Could I see the email on my screen again? 18 Q. Of course, I am so sorry, it is IPC751. 19 A. Thank you. 20 Q. You saw that before. 21 A. Yes. 22 Q. It appears to record your rationale as to why it should 23 be taken on at paragraph 2. I think that you also said 24 in your evidence that it was also obviously because at 25 this stage it was an unexplained death.</p> <p style="text-align: center;">Page 107</p>
<p>1 Q. You summarise what has happened in relation to the 2 Anthony case. You broadly I think are handing over 3 an overview of what has happened but in describing 4 search, is this right, you say this: 5 "Various items have been seized, inc [including] 6 computer." 7 Do you see that. 8 A. Yes. 9 Q. That is the one thing you thought was important from the 10 search to mention, isn't it? 11 A. Yes. 12 MS HILL: Thank you. 13 14 MS COLLIER: Looking at the clock, perhaps it is a good idea 15 to break for lunch? 16 THE CORONER: Yes, we will break for lunch at that point, 17 thank you. 18 All right, members of the jury, we will start again 19 at 1.50 again, please. 20 Thank you. 21 (12.58 pm) 22 (The Luncheon Adjournment) 23 (1.50 pm) 24 (In the presence of the jury) 25 THE CORONER: Yes, Ms Dobbin.</p> <p style="text-align: center;">Page 106</p>	<p>1 A. Yes. 2 Q. Yes. 3 I think it is also right that by around 10.00 pm in 4 the evening of the same day, that it had become more 5 complex as a result of the interview of Port. Do you 6 agree? 7 A. Although I wasn't aware of the content of the interview. 8 Q. Can I just check that with you? Could we look at 9 document 753, please and I think the jury have it at 10 tab 30. 11 That is the email to you, and we can see the time, 12 it's just before 10.00 pm. Do you also see that it has 13 the current situation report attached to it? 14 A. Yes. 15 Q. And that it is version 2? 16 A. Yes. 17 Q. I think that the jury have that document immediately 18 behind this one, so if we look at page 2 of the same 19 document, we can see that, and if we go on, please, to 20 page 7, it sets out the detailed summary that had been 21 prepared of the interview that was carried out by 22 DC Desai, do you see that? 23 A. Yes, I do. 24 Q. If we carry on, we can see that it goes on for a number 25 of pages, until page 10, please, of that document.</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 Presumably, Mr Hamer, you would have read the current 2 situation report, in order to be able to take this issue 3 further? 4 A. Certainly I remember he lied in interview, which is 5 I think the gist. The detail I don't recall. 6 Q. So it was another complicating factor that evening? 7 A. Yes. 8 Q. In other words, the rationale for MIT taking this 9 investigation over on 26 June had increased -- 10 A. Yes. 11 Q. -- by the time it reached 10.00 pm that evening? 12 Can I just ask you about your understanding about 13 what was going to happen on 27 June. It seems from your 14 answers, and from an email I will take you to if we need 15 to, that you had understood that a detective inspector 16 from MIT was going to be dispatched to Barking in order 17 to assist with the work that MIT were going to do on the 18 27th? 19 A. I certainly understood that the MIT team would be 20 supporting the investigation through the provision of 21 staff, yes. 22 Q. Can I just ask you to look at MPS778. This is the email 23 we have already seen a few times, Mr Hamer. But you can 24 see that on the second line, and this is obviously 25 almost at 7.00 on 27 June, you said they dispatched a DI</p> <p style="text-align: center;">Page 109</p>	<p>1 borough? 2 A. Yes, I can't comment on what the MIT -- what the 3 strength of that review was by the MIT. I have seen 4 an email subsequently, that was after this event, and 5 actually much more recently, from Mr Sweeney that sets 6 out some of that reasoning, but I was not privy to that 7 at the time. 8 Q. Just to be clear, and so that we don't get this 9 confused, are you talking about the email where he sets 10 out the tasks that he wanted the MIT team to do? 11 A. Yes, which I wasn't privy to at the time. So my 12 recollection is that on receipt of the email from 13 DCI Kirk, there would have been a review. I would have 14 spoken to Sweeney about that. Mr Ewing had spoken to 15 Mr Sweeney that evening, on the 26th, and as a result of 16 that, they had sent further officers to help support the 17 investigation on the 27th. 18 Q. Again, just to be clear, did you understand that the 19 purpose of such a review was to determine or to consider 20 primacy on 27 June by MIT? 21 A. That is what Tony Kirk had requested, was a review and 22 a taking of ownership by the MIT team. 23 Q. In terms of the review that you understood was going to 24 happen, was it for that purpose? 25 A. Yes.</p> <p style="text-align: center;">Page 111</p>
<p>1 PIP3 and DS with the team to conduct the interviews, and 2 it goes on? 3 A. Yes. 4 Q. Does it follow from that that that is what you had 5 understood to have taken place on 27 June? 6 A. I'm commenting in my email, so, yes, that would have 7 been as I understood it to be. 8 Q. I think as well, it seems from your evidence as though 9 you understood that there had been some sort of review 10 of the investigation on the 27th as well? 11 A. By? 12 Q. By the MIT team. 13 A. On receipt of DCI Kirk's email, yes. 14 Q. Can I just ask you this because -- can I just check 15 which email that you are referring to when you say that? 16 A. So DCI Kirk sent an email on the 26th in the evening 17 asking for ownership. 18 Q. Yes. 19 A. The upshot of this is that I have had a conversation 20 with Mr Sweeney that I don't recall and they are 21 providing some MIT response to a borough-led 22 investigation. 23 Q. Yes. What I am trying to understand is whether you 24 understood that there would be some sort of review as 25 part of what the MIT team were going to do on the</p> <p style="text-align: center;">Page 110</p>	<p>1 Q. In order that a decision could be made? 2 A. Yes. 3 MS DOBBIN: Thank you very much, Mr Hamer. 4 Questions from MR MORLEY 5 MR MORLEY: Good afternoon, my name is Stephen Morley and 6 I ask questions on behalf of Mr Sweeney today. 7 Mr Hamer, I want to ask you, please, about the 8 telephone call that has been drawn to your attention. 9 If I could ask, please, for MPS778 to be brought up 10 again. You have just been looking at it but it would 11 help if we had it on the screen. 12 That is the record really of you having spoken to 13 Mr Sweeney that morning, yes? 14 A. Yes. 15 Q. You have been asked by Ms Collier, counsel to the 16 inquest, whether it would be sensible to assume certain 17 things about what was discussed during that telephone 18 conversation. I just want to explore with you what if 19 anything you can remember about that conversation. 20 First of all, did you make any notes of it? 21 A. No, I didn't. I have no recollection of the 22 conversation or the content at all. 23 Q. At all? 24 A. At all. 25 Q. Do you remember where you were?</p> <p style="text-align: center;">Page 112</p>

<p>1 A. No.</p> <p>2 Q. Do you remember whether you called Mr Sweeney or he</p> <p>3 called you?</p> <p>4 A. No.</p> <p>5 Q. Any idea how long the conversation was?</p> <p>6 A. I have no recollection of it at all.</p> <p>7 Q. Nothing at all?</p> <p>8 All right, two other things, please, just about this</p> <p>9 email.</p> <p>10 The first is you will see that you were reporting,</p> <p>11 "We have been well supported all day by MIT". That was</p> <p>12 your view, was it, at the time of the support that had</p> <p>13 been given to you that day by the officers from MIT?</p> <p>14 A. From the information I had, yes.</p> <p>15 Q. Lastly, at the bottom there, you are sending this email</p> <p>16 to Mr Ewing, aren't you?</p> <p>17 A. Yes.</p> <p>18 Q. You are informing him in the last line that Mr Sweeney</p> <p>19 is effectively available if Mr Ewing wants to speak to</p> <p>20 him about any of this?</p> <p>21 A. Correct.</p> <p>22 Q. You, yourself, didn't speak to Mr Sweeney again?</p> <p>23 A. No.</p> <p>24 Q. You didn't speak to any other senior officers, for</p> <p>25 example Mr Sweeney's seniors?</p> <p style="text-align: center;">Page 113</p>	<p>1 that he could be arrested for murder at that time?</p> <p>2 A. I didn't have any reason or information to think that</p> <p>3 those grounds had now been met.</p> <p>4 Q. You were involved during the course of the 26th as the</p> <p>5 day went on, in the question of primacy. I think, in</p> <p>6 essence, DCI Kirk thought that the MIT team should take</p> <p>7 over primacy?</p> <p>8 A. Correct.</p> <p>9 Q. Was it your view that your team were incapable of</p> <p>10 fulfilling the actions to investigate Anthony's death?</p> <p>11 A. No, I didn't have that view. I had had discussions with</p> <p>12 DCI Kirk but an increasingly complex investigation</p> <p>13 requires, probably, if it develops further, a greater</p> <p>14 and more experienced resource that goes into it, but at</p> <p>15 this particular time I didn't think that we didn't have</p> <p>16 the staff. It was really about the SIO accredited lead</p> <p>17 for the investigation, the PIP3.</p> <p>18 Q. Was it the position, as it was left after Superintendent</p> <p>19 Sweeney's decision, that if the investigation reached</p> <p>20 the point where it became suspicious of homicide, they</p> <p>21 would take it over?</p> <p>22 A. His decisions certainly left that open, yes, it was</p> <p>23 subject to review, depending on circumstances as they</p> <p>24 evolved.</p> <p>25 Q. As at the 27th, I think you have already been asked</p> <p style="text-align: center;">Page 115</p>
<p>1 A. No.</p> <p>2 MR MORLEY: Mr Hamer, thank you very much.</p> <p>3 Questions from MR SKELTON</p> <p>4 MR SKELTON: Mr Hamer, I ask questions on behalf of the</p> <p>5 Metropolitan Police.</p> <p>6 First, can I just take you back to the morning of</p> <p>7 26 June, and your email, which I can have on screen,</p> <p>8 please, at IPC751.</p> <p>9 To be clear, at the time when you wrote this email,</p> <p>10 before Port had been interviewed, you were of the view</p> <p>11 that there wasn't sufficient evidence to arrest him for</p> <p>12 murder. Is that correct?</p> <p>13 A. I didn't know whether there was sufficient. I said</p> <p>14 "if".</p> <p>15 Q. Did the position remain the same the next day, after he</p> <p>16 had been interviewed, notwithstanding the fact that he</p> <p>17 had lied there was still insufficient evidence to arrest</p> <p>18 him?</p> <p>19 A. Can you repeat the question?</p> <p>20 Q. The next day, after he had been interviewed -- he was</p> <p>21 interviewed that evening by DC Desai, one of the borough</p> <p>22 detectives.</p> <p>23 A. Yes.</p> <p>24 Q. After that interview, it became apparent he had lied in</p> <p>25 his first account to the police. Were you of the view</p> <p style="text-align: center;">Page 114</p>	<p>1 about this and I will not go over it again in detail,</p> <p>2 the homicide command sent a team of six DCs and</p> <p>3 a sergeant into the borough to help?</p> <p>4 A. They sent officers, yes.</p> <p>5 Q. So there was DS Reeves and then a team of people and</p> <p>6 they did a variety of jobs, including reinterviewing</p> <p>7 Port. Were you aware of that?</p> <p>8 If you weren't, please say?</p> <p>9 A. I was aware, I wasn't aware again of the detail, but</p> <p>10 aware that they had sent support, yes.</p> <p>11 Q. Were you copied in or did you ever see the HAT return</p> <p>12 that they produced on the 27th?</p> <p>13 A. I don't recall, ma'am.</p> <p>14 Q. Would you have expected your detectives to have</p> <p>15 fulfilled the advice that HAT had given them?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. You wrote an email on the evening -- I think it was on</p> <p>18 screen. Can I have it back on screen, please, MPS778.</p> <p>19 You have been asked about this a few times. I just</p> <p>20 wanted to explore the central paragraph, please, if that</p> <p>21 can be expanded. Thank you.</p> <p>22 First of all, you had had liaison with Mr Sweeney,</p> <p>23 and I think you said you cannot remember the detail of</p> <p>24 that conversation. You summarise what has happened,</p> <p>25 which is primacy remains on borough with support, which</p> <p style="text-align: center;">Page 116</p>

<p>1 is satisfactory it seems, from the MIT. 2 You go on to say: 3 "Various items have been seized, including the 4 computer. I extended his custody time by six hours 5 along the way." 6 This is Port, I presume, you are referring to here? 7 A. I believe so. 8 Q. "He has been bailed pending ... forensic results and 9 that of ... toxicology." 10 Just trying to understand what you are saying here, 11 Port is bailed pending forensic results and toxicology. 12 Those forensic results and toxicology are to do with 13 Port and his involvement with Anthony; is that correct? 14 A. They would be to do with items seized during the course 15 of the investigation and the -- I am assuming the 16 samples taken at the SPM. The special post mortem. 17 Q. This is to do with Anthony's death, isn't it, it is not 18 to do with perverting the course of justice? 19 A. This is to do with the matters for which he had been 20 arrested, which is perverting the course of justice. 21 Q. Why would you be doing toxicology in furtherance of 22 perverting the course of justice? 23 A. So my role -- I wasn't the investigating officer. You 24 will see in this email that Anthony's unexplained death 25 was one of several big issues that I was briefing the</p> <p style="text-align: center;">Page 117</p>	<p>1 recollection, that those investigations were in 2 furtherance of Anthony's death? 3 A. It is to do with the matter for which he had been 4 arrested, which was perverting the course -- I can't 5 comment about the particulars, the investigative 6 particulars. 7 Q. After the borough team left, did you consider that 8 Anthony's death may still have been a homicide? 9 A. It was being treated as an unexplained death, with some 10 suspicious circumstances around it. 11 Q. Was that your view? 12 A. Yes. 13 Q. Was it your view that the unexplained death required 14 continuing investigation? 15 A. Absolutely. 16 Q. Did you allocate additional resources to allow that to 17 happen? 18 A. At what point? 19 Q. Any point. 20 A. So I was reliant on decisions being made around 21 allocation of officers to tasks, flexing detectives to 22 support the borough-held investigation, as well as 23 taking into account the support we did have from the 24 homicide assessment team, for those decisions to be 25 looked at, reviewed by the SIO, Eugene McCarthy, and</p> <p style="text-align: center;">Page 119</p>
<p>1 borough commander on, so I didn't have the details of 2 the investigation. What that meant in detail, what 3 particular aspects of forensics, what aspects of 4 toxicology. 5 Q. I appreciate it is difficult to put yourself back into 6 the position of what you were thinking precisely when 7 you wrote this email, but it seems obvious, doesn't it, 8 that although he is arrested and bailed for perverting 9 the course of justice, the forensics and toxicology are 10 to do with Anthony's unexplained death. 11 A. Well, this suggests that they had something to do with 12 the perverting the course of justice matter for which he 13 had been arrested, because he hadn't been arrested for 14 murder at this point, so I -- it is not only can I not 15 put myself back in time, but I can't put myself back in 16 other people's position with the knowledge that they had 17 around the investigative detail. 18 Q. It may be that I am asking the same question, but I will 19 have another go. 20 It is the case, isn't it, I think that there were no 21 forensic enquiries or toxicological enquiries that 22 needed to be done in respect of the perverting the 23 course of justice charge? 24 A. I can't answer that, because I don't know the answer. 25 Q. Isn't it obvious, even sitting here without a great</p> <p style="text-align: center;">Page 118</p>	<p>1 then DCI Tony Kirk. 2 In the absence of being told that there were 3 particular issues, I assumed that there was enough 4 investigative resource to deal with the matter in hand. 5 Q. Your detective team, including DCI Kirk and DI McCarthy, 6 never came back to you and said, "We need some more 7 resources here, we are struggling"? 8 A. I don't recall that. 9 Q. Given the nature of the investigation, so it is 10 an unexplained death with suspicious circumstances, does 11 it surprise you that DI McCarthy stopped supervising the 12 investigation at the end of June and left it to 13 DS O'Donnell? 14 A. At what point, until what day? 15 Q. The end of June. It appears the last entry in his 16 logbook I think is on 30 June and the last entries in 17 the CRIS are about the 27th. 18 A. I was away from oversight of this particular operation 19 from that time. So I can't comment on what my successor 20 may have done. 21 Q. I am not asking you to comment about what your successor 22 may have done but as the superintendent, leaving the 23 borough at this point in Anthony's investigation, are 24 you surprised that the detective inspector stopped 25 supervising it at the end of June?</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 A. Not necessarily, not necessarily. Unexplained deaths 2 can be investigated or overseen by an investigating 3 officer at the role of detective sergeant level. They 4 can be undertaken by those of detective inspector, so 5 not necessarily in this case. 6 Q. Notwithstanding Mr Kirk's view that you were looking at 7 a potential homicide on the balance of probabilities, 8 a view which I think you concurred with at the time? 9 A. A death possibly involving another person, yes. 10 Q. It was still appropriate for that to be investigated by 11 a detective sergeant, who didn't have high 12 qualifications in terms of complex deaths? 13 A. It would have been a surprising decision to have -- 14 going back to your original question, to have changed 15 ownership of the investigation perhaps on the 30th. 16 Q. Are you aware that none of the borough officers went 17 back to Mr Sweeney after June to ask for him to review 18 the ongoing investigation results? 19 A. I have no information to that effect, no. 20 Q. If there had been significant developments in the 21 investigation, would you have expected that to happen? 22 A. Yes, and I think Mr Sweeney in his email made it clear 23 that it would be open to review if there were 24 developments. 25 Q. As far as you were concerned, the last contact you had</p> <p style="text-align: center;">Page 121</p>	<p>1 a probationer in or about 1998? 2 A. Yes, that's correct. 3 Q. You then joined CID about a couple of years later? 4 A. Yes, I did. 5 Q. I think you said towards the end of your two-year 6 probation? 7 A. Yes. 8 Q. At that stage you had been posted to Tower Hamlets 9 borough; is that right? 10 A. Yes. 11 Q. You went on and carried on working there and then 12 subsequently at Newham borough until 2009? 13 A. I left Tower Hamlets on promotion to detective sergeant 14 at Newham. 15 Q. So you then worked at Newham until 2009? 16 A. Yes. 17 Q. As you say, during that period you were promoted to 18 detective sergeant. 19 A. Yes. 20 Q. Then, in 2009, is it right that you moved to Barking and 21 Dagenham on promotion to detective inspector? 22 A. Yes, that's correct. 23 Q. Then you remained in Barking and Dagenham until 2014, 24 which, as you know, is the time that we are concerned 25 with today?</p> <p style="text-align: center;">Page 123</p>
<p>1 had with him, he was making himself fully available, 2 wasn't he? 3 A. To review the circumstances and make the decisions, yes. 4 Q. Well, the email that you actually wrote, he said he is 5 available at the moment to provide assistance, and 6 indeed the MIT were available 24/7 as a resource to 7 borough detectives, is that correct? 8 A. Correct. 9 MR SKELTON: Thank you. 10 MS COLLIER: The next witness then is -- sorry, I have no 11 further questions. 12 THE CORONER: Thank you very much indeed. 13 A. Thank you. 14 MR O'CONNOR: Madam, may we now please call Mr Tony Kirk. 15 MR ANTHONY KIRK (affirmed) 16 Questions from MR O'CONNOR 17 MR O'CONNOR: Do take a seat, please. 18 Can you give us your full name, please? 19 A. Yes, it is Anthony Kirk. 20 Q. I think it is right to say that you are an inspector in 21 the Metropolitan Police Service? 22 A. A detective inspector, yes. 23 Q. Detective inspector, yes. 24 Just to go through your career history a little, 25 DI Kirk, you joined the Metropolitan Police I think as</p> <p style="text-align: center;">Page 122</p>	<p>1 A. Yes, I actually left in 2016. But yes. 2 Q. You were still there in 2014 and you left two years 3 later? 4 A. Yes. 5 Q. In 2014, you were still a substantive detective 6 inspector? 7 A. Yes. 8 Q. Is that right? 9 But as we have heard, you were in fact fulfilling 10 the role of -- I am going to try and get this right, it 11 was temporary detective chief inspector, is that right? 12 A. It was either acting or temporary, it changed, but it 13 didn't really make much difference to the role. 14 Q. That is reassuring, because I was pretty sure I had seen 15 both. 16 A. Yes. 17 Q. Since you have mentioned it, let's be clear about this, 18 if we have seen either, it doesn't make any difference? 19 A. No. 20 Q. The jury are now familiar, we have heard it from other 21 witnesses and we will see in a minute it was a fairly 22 common thing in Barking at the time, that officers of 23 one substantive rank were in fact doing a job the rank 24 above? 25 A. Yes, that's correct.</p> <p style="text-align: center;">Page 124</p>

31 (Pages 121 to 124)

<p>1 Q. We can call it acting, we can call it temporary, it 2 means the same thing?</p> <p>3 A. Yes.</p> <p>4 Q. In terms of your role, I am going to come and show you 5 the diagram in a minute but you were, in 2014, the head 6 of the -- I know that it is more complicated than this, 7 we are going to come to it, but can we call it generally 8 at the moment the head of the CID department in Barking 9 and Dagenham, and you had been since the summer of 2013?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. As I say, let's do what we have done with most of the 12 witnesses and just quickly look at the organogram in 13 jury bundle A. Mr Kirk, you should have a copy of jury 14 bundle A in front of you. It will also come up on 15 screen, so if you would rather just look at it on 16 screen, that is fine. It is tab 4 in the bundle. 17 For the screen it is INQ41. 18 We have all looked at this a number of times. 19 Mr Kirk, it may be this is the first time you have seen 20 it. Is it the first time you have seen it?</p> <p>21 A. Yes.</p> <p>22 Q. Well, it is a very simplified diagram. It doesn't 23 attempt to capture all of the people working at Barking 24 and Dagenham, nor all of the various different 25 departments -- I am going to ask you something about</p> <p style="text-align: center;">Page 125</p>	<p>1 Q. Thank you.</p> <p>2 You said you left Barking and Dagenham in 2016. Can 3 you tell us what role you left to perform?</p> <p>4 A. I left to become a detective inspector on one of the 5 major investigation teams, on what is now Specialist 6 Crime North but was SC&O1.</p> <p>7 Q. Thank you. Without getting into the detail, the jury 8 have heard a lot about these major investigation teams 9 who perform the HAT duties.</p> <p>10 A. Yes.</p> <p>11 Q. Broadly speaking, is that the role you went to perform?</p> <p>12 A. Yes.</p> <p>13 Q. Is that what you still do?</p> <p>14 A. Yes.</p> <p>15 Q. DI Kirk, I am going to ask you in a moment some quite 16 detailed questions about things that went on in 2014. 17 It is right to say, I think, that unlike some of the 18 officers who the jury have heard from, who were asked to 19 remember what had happened much closer to the events, 20 you are in a similar position to Superintendent Hamer in 21 that you were not asked about all these matters until 22 much closer to today than that?</p> <p>23 A. That's right.</p> <p>24 Q. That is reflected, isn't it, I think in the fact that 25 you have made two witness statements for these</p> <p style="text-align: center;">Page 127</p>
<p>1 those in a moment. Very generally speaking, do you see 2 on the right hand side of the page are certain officers 3 who were involved in this case who were in the uniformed 4 branch and on the left-hand side we see officers who 5 were in what I have described as CID. Yes?</p> <p>6 A. Yes, that is obviously a very small section of my 7 portfolio.</p> <p>8 Q. It is a very small section and I am going to ask you 9 about the full range of your duties. It is simply to 10 help the jury understand, as far as the witnesses are 11 concerned, that they are hearing and hearing about, how 12 they relate to each other in terms of rank and 13 organisation and so on?</p> <p>14 A. Yes, that's correct.</p> <p>15 Q. What we do see from this diagram is that we see you 16 there identified as T/DCI Tony Kirk and you, if you 17 like, sit at head of that left-hand branch, directly 18 above DI McCarthy, who we have heard from, and he is 19 above others, from whom we have also heard.</p> <p>20 A. Yes.</p> <p>21 Q. Then above you we have two ranks who, as it were, led 22 both the uniform and the non-uniform branches, 23 immediately above you Superintendent Hamer, who we have 24 just heard from and above him Mr Ewing?</p> <p>25 A. Yes, that's correct.</p> <p style="text-align: center;">Page 126</p>	<p>1 proceedings --</p> <p>2 A. Yes.</p> <p>3 Q. -- one dated 2020 and one dated 2021?</p> <p>4 A. Yes.</p> <p>5 Q. Does that reflect the time that you were asked to 6 remember everything that had happened and give 7 an account of it?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. Let me ask you then whether you do in fact have 10 an independent memory of events back then or not?</p> <p>11 A. Certain aspects, some of it reinforced by the 12 documentation I have seen as part of the disclosure.</p> <p>13 Q. As you say, there are quite a number of documents and 14 inevitably I am going to have to show you quite a few of 15 them. But we do understand the situation. We have 16 reminded ourselves that these events took place over 17 seven years ago, so of course if you simply cannot 18 remember something, then you will tell us.</p> <p>19 A. Yes.</p> <p>20 Q. Just the last introductory point, just to make it clear 21 to the jury, and I know you understand this, I am going 22 to ask you now about your involvement in the 23 investigation into Anthony Walgate's death.</p> <p>24 A. Yes.</p> <p>25 Q. It is right, isn't it, that you are going to come back</p> <p style="text-align: center;">Page 128</p>

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<p>1 at a later stage of these proceedings to help the jury 2 with some other matters relating to the investigations 3 into the other deaths?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. Mr Kirk, in the statements you have provided, it is 6 clear that there are important matters that you can help 7 the jury with in two regards, to try and understand your 8 actions and to put them into context and indeed to put 9 into context the evidence they have heard from other 10 officers as well.</p> <p>11 The first of those is to get a much better 12 understanding of the role that you were performing and 13 the wide range of your duties, and, as I indicated, just 14 seeing you on that organogram, sitting at the top of 15 that tree, I am sure doesn't capture the full range of 16 what you had to do at that time. That is the first 17 point.</p> <p>18 The second point, which is not unconnected, is the 19 whole question of the resources that were available to 20 the borough at the time and in particular to the team 21 that you were leading and the challenges that were being 22 faced in that regard by you and indeed your officers.</p> <p>23 Taking them in that order, we will of course come 24 back to some of these points when I ask you more 25 detailed questions. Just to start with, can I first of</p> <p style="text-align: center;">Page 129</p>	<p>1 Another unit was the community safety unit, which 2 deals with all hate crime and domestic abuse and the 3 various referral processes such as a MARAC that go with 4 that. There were, again, performance challenges around 5 detecting the domestic abuse crimes, whether they be 6 violence or otherwise, and all the hate crimes as well.</p> <p>7 And then we have what we call the main CID office 8 which dealt with all other major crime, from fraud to 9 serious assaults. And they would also deal with high 10 risk missing people, until they were either found or 11 downgraded.</p> <p>12 Then the fourth unit was what we call the case 13 progression unit, which was a unit of staff that were 14 either just getting into investigation work or they were 15 PCs that had been posted into the unit to deal with the, 16 what we call the volume crime prisoners, that were then 17 generally arrested by uniformed colleagues on the 18 borough, so that they could be -- they could bring the 19 prisoner in and then get back out on the streets as 20 quickly as possible.</p> <p>21 Q. Just pausing there a minute, DI Kirk, of course the jury 22 have heard from DI McCarthy and Sergeant O'Donnell about 23 their enquiries and for that matter DC Parish. Which of 24 the units you have just mentioned were they working in 25 at the time?</p> <p style="text-align: center;">Page 131</p>
<p>1 all ask you to give us, and really give the jury, 2 an overview of the role that you were performing in 3 2014.</p> <p>4 A. Yes, so as the what would be called the crime manager, 5 which is a detective chief inspector rank on borough -- 6 which is very different to a detective chief inspector 7 on a major investigation team, which has the SIO 8 title -- I would have been responsible for what would 9 now really be called safeguarding and investigation. 10 And within that portfolio, I would be responsible for 11 all investigations that were investigated by my 12 departments and there were several.</p> <p>13 So the serious acquisitive crime unit would 14 investigate all robbery, commercial and personal 15 robbery, theft person -- can I refer to my statement, is 16 that okay?</p> <p>17 Q. Yes, of course.</p> <p>18 A. And that was -- they would also deal with all burglary, 19 including residential and commercial. The significance 20 of those two or three crime types is that they feature 21 in the MOPAC -- what we called the MOPAC 7, which was 22 a target set by the Mayor for London at the time, that 23 the Met had to achieve in relation to reducing those 24 crime types and detecting them. So there was a lot of 25 emphasis on those crime times.</p> <p style="text-align: center;">Page 130</p>	<p>1 A. So they were the main CID office.</p> <p>2 Q. That is one of the four units that you have so far 3 described that you were in charge of?</p> <p>4 A. Yes.</p> <p>5 Q. I know that you have listed a number of others in your 6 statement, quite a long list, shall I quickly go through 7 them and we can talk about them each in turn briefly?</p> <p>8 A. Okay.</p> <p>9 Q. There is the multi-agency safeguarding hub?</p> <p>10 A. Yes, they deal with all the referrals for vulnerable 11 adults and children coming to notice of any police or 12 any other partnership agency.</p> <p>13 Q. Yes, there is the child sexual exploitation unit?</p> <p>14 A. Yes, this was relatively new to policing and I was the 15 borough lead for it in the local authority as well as 16 for the borough police. So there was a lot of work to 17 set that up and deal with all referrals for child sexual 18 exploitation.</p> <p>19 Q. The missing persons unit?</p> <p>20 A. Yes, dedicated as it says to locate all low-/medium-risk 21 missing people.</p> <p>22 Q. The youth offending team?</p> <p>23 A. Again, we worked within or alongside local authority and 24 probation to manage youth offenders that had been given 25 non-custodial outcomes at court.</p> <p style="text-align: center;">Page 132</p>

<p>1 Q. Give as you idea, DI Kirk, as we go through all these 2 different sub organisations, as it were, were these each 3 little discrete teams with different officers or did 4 some of them work across more than one? 5 A. No, these are completely different teams with different 6 officers. 7 Q. All right. 8 The next one I think is the crime management unit? 9 A. Yes, this unit administered the Crime Reporting 10 Information System, CRIS as it has been called. That 11 was five or six officers, because it is also used to – 12 for not only intelligence but also statistical purposes, 13 so it needs to be administered and everything recorded 14 correctly. 15 Q. The criminal justice unit? 16 A. This doesn't exist anymore with the technology that has 17 changed now, but it used to be at the time where police 18 staff that would be the liaison between the CPS, the 19 Crown Prosecution Service, and the officers who prepared 20 cases for court. 21 Q. The crime squad, and you have also described it as the 22 proactive unit? 23 A. Yes, I can't remember what it would have been called at 24 the time and sometimes they run in tandem, but we 25 generally had a gangs unit and then an element of</p> <p style="text-align: center;">Page 133</p>	<p>1 A. It was three teams of around four, with a DS in charge 2 of each and then Eugene McCarthy, the A/DI leading that 3 unit. 4 Q. About 15, a bit less than 15? 5 A. Yes. 6 Q. And as we will see, you clearly had some involvement in 7 their work, we will see what involvement that was. But 8 would it be fair to say that in the general run of 9 things your job was to manage all these different units, 10 rather than to get involved in the particular work they 11 were doing? 12 A. Yes, that's correct. 13 Also, I had a large role in the partnership work 14 that went on with the various groups within the 15 partnership, such as the safeguarding adults board, the 16 safeguarding children's board and they had various sub 17 groups, some of which I chaired, some of which 18 I attended – well, most of those I attended, which all 19 required – 20 Q. That has certainly given the jury a flavour of your 21 role, DI Kirk. If others want to ask you more questions 22 about it, I am sure they will. 23 Let me move to the second of those high-level 24 issues, if you like, which is about the resources that 25 were available to your team, or teams.</p> <p style="text-align: center;">Page 135</p>
<p>1 proactivity, which was -- depending on what the 2 priorities were, but generally the crime squad where it 3 would be officers who conducted the proactive work. 4 Q. The adult safeguarding officer, it sounds like that was 5 not a unit that was just a person? 6 A. That was one person, yes, who was experienced in 7 investigating crimes against vulnerable adults by people 8 known to them. 9 Q. Lastly, on your list, the public protection unit? 10 A. Yes, this we called it the jigsaw unit but it basically 11 was a team of about five or six people that would 12 monitor and manage offenders on the -- well, sex 13 offender's register and other violent offenders that had 14 reporting restrictions -- recording. 15 Q. That is a list of 13 different units -- obviously they 16 varied in size, we have just mentioned one of them was 17 only one person. Is it right then that you had line 18 management responsibility for all of those sub units? 19 A. Yes. 20 Q. I am sure you cannot give us a precise number, but can 21 you give us an idea of how many people that involved? 22 A. It was around 125 people. 23 Q. One of which was the main CID office? 24 A. Yes. 25 Q. How many people there, roughly?</p> <p style="text-align: center;">Page 134</p>	<p>1 The jury have heard some evidence about this 2 already, from officers who were serving in those units. 3 The theme is it was very busy? 4 A. Yes. 5 Q. That is not meant to understate the problems. 6 I think it was DS O'Donnell who described his work 7 as like spinning plates and he also referred to hanging 8 on by his fingernails. There have been other references 9 like that from other witnesses. 10 Can you just give us a summary, if you like, 11 identify some themes, try and help the jury put this 12 into connection, the type of resources challenges that 13 you were facing in 2014? 14 A. Yes, so the borough itself, because it wasn't a large 15 volume crime borough, it didn't have the same level of 16 resources as some of the inner London boroughs, but it 17 had lots of social and economic issues around some of 18 the crime types that were quite difficult and complex. 19 It had the highest number of domestic abuse victims per 20 thousand of the population in the UK, the highest number 21 of residential burglaries in England and various other 22 associated issues that were quite complex to deal with, 23 but didn't necessarily make the numbers that some of the 24 bigger boroughs had. 25 This really became an issue in around 2012, so when</p> <p style="text-align: center;">Page 136</p>

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<p>1 I arrived in the borough in 2009 I was the seventh 2 substantive DI on the borough and there were two 3 detective chief inspectors, a superintendent and a chief 4 superintendent. 5 Soon after one of the chief -- detective chief 6 inspectors retired and then we went down to one 7 detective chief inspector and six detective chief 8 inspectors. Then after the 2010 cuts, 2.2 billion was 9 taken from the policing budget nationally -- we had to 10 make big cuts and as people know, our -- a majority of 11 our outgoing expense is people. So we were -- the 12 boroughs had to conform with what was called the local 13 policing model and centrally each borough was shaped, 14 effectively with the number of officers they could have, 15 the number of departments, the officers in each 16 department, the shift pattern that they would work to. 17 So, for example, the four units that I mentioned 18 first, the serious acquisitive crime, the CPU, the main 19 office and the CSU, were all initially four teams, which 20 means they had four detective sergeants, one for each 21 team, and each unit had one detective inspector and then 22 the other two detective inspectors were in charge of the 23 safeguarding side of things, the miss pers and the 24 multi-agency safeguarding et cetera. But that when the 25 local policing model started, we went down to three DI</p> <p style="text-align: center;">Page 137</p>	<p>1 Q. Just pause there. What you are describing, is it right 2 then that the detail you are giving us now about the 3 reduced number of teams, the knock-on effects in terms 4 of working more weekends, having less flexibility within 5 the working day, less time for handovers, more pressure. 6 Is that, do you think, the detail and the context behind 7 what someone like Sergeant O'Donnell says it was feeling 8 like spinning plates? The working pressure? 9 A. Yes, everybody, the spinning plates comment was 10 regularly used at all levels. It was relentless. 11 Q. It is not as simple a matter as just saying, "We haven't 12 got enough staff", it is at least as much about how they 13 were being expected to work? 14 A. Yes, we couldn't recruit more. It wasn't necessarily 15 a case of vacancies, although for every person acting up 16 in a role it left a vacancy at the constable level, 17 because it would act as back filling. 18 Although we had the numbers we were given, the 19 numbers we were allowed weren't enough. 20 Q. All right, well I hope that has given the jury 21 an introduction at any rate to that type of pressure and 22 the evidence you can give to them about what lay behind 23 the resource challenges. 24 I am going to move on and ask you some more detailed 25 questions about your involvement in this particular</p> <p style="text-align: center;">Page 139</p>
<p>1 posts. It wasn't a case that we could recruit more, we 2 had three posts, that was it. One DCI post. 3 So to do that, to make it three teams per unit, they 4 had to change the shift pattern, which meant that 5 whereas the previous shift pattern was 8.00 till 4.00 6 for an early shift and then 2.00 till 10.00 for a late 7 shift and because you have four teams you would 8 generally have a spare team on and also you had 9 a two-hour overlap in the day. With the new shift 10 pattern they started at 7.00 in the morning and finished 11 at 3.00 and the late shift would start at 3.00 and 12 finish at 11.00, so you didn't get any overlap period 13 and you also had no spare days. 14 Which meant that when you came in on duty you were 15 either straight into prisoners if there were any that 16 needed dealing with. You had to have a very quick 17 handover, because there was overlap in the shift pattern 18 to allow a handover and there was no money for overtime 19 for people to stay. 20 So it made the working conditions very, very 21 difficult. Supervisors had effectively 25 per cent more 22 supervision to do, because there were less of them and 23 the units were smaller, but the crime and the pressures 24 on the performance went up, against the staff numbers 25 going down.</p> <p style="text-align: center;">Page 138</p>	<p>1 investigation. The starting point, I think, is to say 2 that we know that Anthony's body was found on the 3 morning of Thursday, 19 June of that year. 4 I am not aware of any documents which show that you 5 were involved in the case in fact at any point until the 6 middle of the next week. I am sure you can't remember 7 now, but is that also your understanding from whatever 8 it is you can remember and also looking at the 9 documents? 10 A. Yes, I have looked at my duties and I was on but 11 unfortunately because of the time, our calendar which 12 I use for everything was not available, because of the 13 time passed but I don't recall the initial briefing. My 14 first recollection before reading the disclosure was my 15 telephone conversation with DCI Jones. 16 Q. We can go back just a little bit, can't we, because we 17 heard from DI McCarthy. He explained that he was on 18 duty on that Thursday and then he was off for the Friday 19 and the weekend, and early the week after. But he came 20 back on the Wednesday and his evidence was, I am not 21 sure whether he said he attended the Pacesetter meeting 22 at the beginning of the day, that the jury have heard 23 was a routine thing, but, in any event, whether he was 24 there or not after the meeting, you and I think after 25 the meeting, I think you and possibly Superintendent</p> <p style="text-align: center;">Page 140</p>

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<p>1 Hamer as well approached him and as it were tasked him 2 with undertaking a review of this case. 3 Can you give us some explanation as to why on that 4 day you asked DI McCarthy to do that? 5 A. Because that investigation would sit within the main CID 6 office and he was the detective inspector for the main 7 office. 8 Q. Again, if you cannot say, please explain that, but we 9 know that DS O'Donnell had been allocated the case, he 10 was the OIC, he had gone to the post mortem on the 11 Friday. He gave some evidence about how he had been on 12 duty, he had set a strategy, he had made some entries on 13 the CRIS. We have certainly been told that 14 an unexplained death can be investigated or at least 15 under the protocols at the time could be investigated by 16 a DS. 17 What was it about the case which led you on that 18 Wednesday morning to ask DI McCarthy to undertake 19 a review of it? 20 A. I can't remember specifically, but from the disclosure 21 I have read I think it was a changing picture throughout 22 that week and I think at that point we knew that Port 23 had lied about his -- or lied in his initial account and 24 that, for me, was the reason for requesting the review, 25 but I can't remember specifics but it --</p> <p style="text-align: center;">Page 141</p>	<p>1 A. Yes. 2 Q. We have heard a lot of evidence about all of that. In 3 particular, we have heard how on that day, the 25th, 4 there were these investigative steps and it did become 5 apparent that Stephen Port had lied, or at least it 6 appeared that that is what had happened because one of 7 Anthony's friends recognised the picture of 8 Stephen Port. 9 Also, on that day, the PNC record relating to 10 Stephen Port came to the attention of these 11 investigators, that was the allegation of rape that had 12 been made against Stephen Port some years earlier. 13 You are familiar with that, I am sure? 14 A. Yes. 15 Q. That is what happened on that Wednesday, and we have 16 heard some evidence from Superintendent Hamer this 17 morning about how he became aware of it. 18 Have you been in court listening to Superintendent 19 Hamer's evidence? 20 A. Yes. 21 Q. Let me just say that I am glad you have said that, 22 because it means we can take these questions more 23 quickly and of course that was entirely appropriate for 24 you to sit and listen to his evidence in court. 25 Let's come on then to what happened in that day or</p> <p style="text-align: center;">Page 143</p>
<p>1 Q. We are clearly pushing against the bounds of your 2 memory. The evidence that the jury has heard in fact is 3 that matter became clear later on in that day, because 4 of some investigative steps that DI McCarthy himself 5 initiated. I don't want to press you on it because it 6 is obviously difficult for you to remember. 7 What I really want to get to is it looks as though 8 there was some reason for you to think that it needed 9 a DI's input at that point, and that DS O'Donnell needed 10 that assistance, would that be fair to say? 11 A. Yes. I mean I have seen the request for the -- for 12 DI McCarthy to conduct the review. The specifics of 13 what brought that about, I can't remember -- 14 Q. Let me put the question a different way. It wasn't 15 routine, was it, for someone like DI McCarthy to conduct 16 a review of every case that someone like DS O'Donnell 17 was doing? 18 A. It wouldn't have been routine. 19 Q. There would have been some reason to ask him to do it? 20 A. Yes. 21 Q. But, entirely understandably, you cannot remember it now 22 and we have not seen a document recording it. 23 In any event, we know that he did conduct that 24 review and he took over the running of the case in 25 effect for the next three days.</p> <p style="text-align: center;">Page 142</p>	<p>1 so about the question of primacy. I am going to take 2 you through the chronology in much the same way that 3 Superintendent Hamer was questioned about it, so that 4 the jury can understand that dialogue from your point of 5 view. All right? 6 A. Yes. 7 Q. We could start by going, please -- I am going to be 8 guiding the jury to some references in the bundle, 9 DI Kirk, but, as before, the documents will come up on 10 screen as well. 11 You are quite at liberty either to go to the bundle 12 references or to wait for them to come up on screen. 13 For the bundle, it is tab 20, please, and for the 14 screen it is MPS752. This is not a document you saw at 15 the time, I don't know whether you have seen it since, 16 but it is just to fill in the chronology. The jury have 17 heard that as a result of those investigative 18 developments on Wednesday, 25th, DI McCarthy contacted 19 HAT and spoke to someone called Syria Hussain. We can 20 see towards the bottom of the page that, in effect, 21 DI McCarthy was making a request that the HAT team take 22 over primacy of the case and he was told that that 23 wasn't a decision for Syria Hussain to take. It would 24 be for her seniors. 25 Then three lines up from the bottom:</p> <p style="text-align: center;">Page 144</p>

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<p>1 "He [that is DI McCarthy] said he would speak to his 2 DCI and perhaps get back in touch tomorrow morning." 3 That DCI was you, is that right? 4 A. Yes. 5 Q. Although you -- I am sure you didn't see this email at 6 the time, that leads us into your involvement in the 7 case. 8 Let's look now, please, at tab 24. For the screen, 9 it is IPC751. If we can look at the bottom half of that 10 page, please. 11 As Superintendent Hamer was asked about the sequence 12 of events that evening, the Wednesday evening, and from 13 his memory, there was another one of those Pacesetter 14 meetings and in or around that time he made a request 15 that Mr McCarthy produce the report that we have all 16 seen and that is what led to, as we see here, just 17 before 8.00 that evening, DI McCarthy sending the report 18 that we are all familiar with to Mr Hamer, but also to 19 you. 20 Do you remember the events that evening, do you 21 remember receiving this document? 22 A. No, I am not sure if I would have received it that night 23 or the following day. 24 Q. Do you remember discussing the case at all with either 25 Superintendent Hamer or DI McCarthy?</p> <p style="text-align: center;">Page 145</p>	<p>1 A. Yes. 2 Q. It is very clear what Superintendent Hamer hopes to 3 achieve that day. He set it out in bullet points at the 4 bottom of the email, SC&O1 ownership, caller arrested, 5 scene secured? 6 A. Yes. 7 Q. As we know, without wanting to spoil the story, 2 and 3 8 were achieved and 1 was not? 9 A. Yes. 10 Q. Do you remember receiving this email or perhaps speaking 11 to Mr Hamer about it or not? 12 A. No. 13 Q. As you have said, you were on duty this day, the 14 Thursday, but not until later on in the day? 15 A. Yes. 16 Q. The jury have heard about the different turns or shifts. 17 A. Yes, so I was the late turn SLT cover. 18 Q. You wouldn't have come into the office until 1.00 in the 19 afternoon? 20 A. Around that time. 21 Q. You would have been due to stay until what time? 22 A. 11.00. 23 Q. All right. You do have a memory, I think, we see from 24 your -- no, sorry, let's get the sequence right. You 25 were at home then for the morning?</p> <p style="text-align: center;">Page 147</p>
<p>1 A. Not specifically. Obviously I did. I remember -- well, 2 I remember having a phone call with DI McCarthy the 3 following morning. 4 Q. All right. 5 A. I was the late cover, so I was still at home, due to 6 start work at 1.00 -- sorry, yes, 1.00. 7 Q. We will come on to that. 8 The context being you had asked him to have a look 9 at the case on the Wednesday morning -- 10 A. Yes. 11 Q. -- and, as a result, quite a lot had happened. Do you 12 think you knew much about the case when you asked him to 13 look at it or would it have been reasonably fresh to 14 you? 15 A. All the information I would have had would have come 16 from the briefing notes and the HAT returns and the 17 overnight, what we call the OB or the SCOC return. 18 Q. I see. 19 In any event, that was the evening of the Wednesday. 20 Could we now have a look at the email on the top of 21 this page, please. Again, this is a document we have 22 looked at with Superintendent Hamer and I am sure you 23 have reviewed it in advance of coming here today. 24 It is an email from Mr Hamer to DI McCarthy and you, 25 setting out a plan for the day, is it not?</p> <p style="text-align: center;">Page 146</p>	<p>1 A. Yes. 2 Q. But we know that during that morning there was a meeting 3 between DI McCarthy and DCI Jones? 4 A. Yes. 5 Q. We see from this email, that we are still looking at, 6 that Superintendent Hamer had anticipated the need for 7 a face to face, as he put it, and that seems to be what 8 happened. Let's put it up on screen, we don't need to 9 go to it in bundle, but IPC536, page 37, please. These 10 were DI McCarthy's notes of the meeting, the jury will 11 remember what he has confirmed to us he wrote during 12 that meeting, "Still not a homicide", which sums up at 13 least from a primacy point of view the effect of that 14 meeting. 15 He asked, as Superintendent Hamer had instructed him 16 to, DCI Jones to take over the case in the light of 17 everything that had happened, the answer was no, it was 18 still not a homicide. 19 A. That's correct. 20 Q. Do you think that is something that DI McCarthy fed back 21 to you at the time or is it something you became aware 22 of subsequently? 23 A. I don't specifically remember the details of the call, 24 but I believe he called me, because I then phoned 25 DCI Jones.</p> <p style="text-align: center;">Page 148</p>

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<p>1 Q. Yes, and that indeed was DI McCarthy's evidence that he 2 appreciated at the time that he wasn't going to get any 3 further speaking to DCI Jones about it, it needed to be 4 escalated.</p> <p>5 A. Yes.</p> <p>6 Q. That was going to be done by speaking to you and you 7 speaking to DCI Jones?</p> <p>8 A. Yes.</p> <p>9 Q. Tell us what you remember of that conversation?</p> <p>10 A. I am not sure why, it is one of things that sticks in my 11 mind, I think it was more to do with the contents of the 12 call and I was at home and I called him and he explained 13 that he had spoken to DI McCarthy, and that as far as he 14 was concerned, it wasn't suspicious. The words he used 15 were, "You will never prove a murder" --</p> <p>16 Q. Sorry to interrupt you. I can hear you, but could you 17 just sit a little closer to the microphones? Because we 18 know some of people listening to these proceedings 19 remotely sometimes struggle to pick up what is being 20 said and I'm just conscious you are sitting quite a long 21 way away from the microphone, so perhaps just sit 22 a little closer and keep your voice up.</p> <p>23 Just tell us again what you remember DCI Jones 24 saying to you.</p> <p>25 A. I don't remember all of the conversation, but the part</p> <p style="text-align: center;">Page 149</p>	<p>1 needed to be investigated to see if it was a murder, but 2 the people you were asking to do that job for you were 3 saying, well, we will not take it on until you can show 4 us it is a murder?</p> <p>5 A. Yes.</p> <p>6 Q. As you have said then, you were due to go into work at 7 1.00. So is it right the phone call you remember would 8 have happened when you were still at home?</p> <p>9 A. The phone call was at 1.00 -- actually if I was 10 finishing at 11.00 my start time would have been 3.00, 11 but I can't remember what time I went in, but I think 12 I went in after the phone call with DCI Jones.</p> <p>13 Q. We know that it was during that afternoon that 14 Stephen Port was arrested at his flat --</p> <p>15 A. Yes.</p> <p>16 Q. -- taken back to the police station and then interviewed 17 late afternoon/early evening by DC Desai.</p> <p>18 A. Yes.</p> <p>19 Q. That is what was happening at the time. 20 When you went into the office, would you have spoken 21 to people or updated yourself on what was going on 22 relating to this case?</p> <p>23 A. Yes, the main CID office was down the corridor. I would 24 have spoken and got a bit more information, 25 confirmation, that Port was arrested, for example, and</p> <p style="text-align: center;">Page 151</p>
<p>1 that I remember was he didn't consider it to be 2 suspicious and said that you would never prove a murder, 3 of which I said, "Well, you will not if you don't 4 investigate it". It was that level of conversation.</p> <p>5 Q. Just stepping aside from the chronology a moment. We 6 have heard more than once about this issue. Let me read 7 to you what Sergeant O'Donnell said about it. He said: 8 "Sometimes you can have quite a strange conversation 9 with someone from homicide command, where they would say 10 that you cannot prove it is murder, but then that is 11 what the investigation is for, you cannot prove it is 12 murder until you investigate it."</p> <p>13 It sounds like your conversation with DCI Jones went 14 along similar lines?</p> <p>15 A. Yes. Yes.</p> <p>16 Q. Is that something you have come across before or since?</p> <p>17 A. Thankfully not very often. It is not often that this 18 scenario happens. It is normally either quite obvious 19 that it is a homicide that should be dealt with by them 20 or very quickly after a post mortem or some enquiries 21 that are carried out soon after that it is not homicide 22 and then -- so this type of investigation is quite rare.</p> <p>23 Q. Is it fair to put it this way, we will come to see your 24 email in a moment, but you were at least beginning to 25 feel at this point that this was a complicated case that</p> <p style="text-align: center;">Page 150</p>	<p>1 then that led me to provide an update to Mr Hamer, to 2 his 8.00 email.</p> <p>3 Q. Presumably you would have, amongst other things, relayed 4 the content of your conversation with DCI Jones?</p> <p>5 A. It is likely, yes. I don't remember a conversation but 6 it is likely.</p> <p>7 Q. All right. 8 Let's look, going forward, please, in the jury 9 bundle it is tab 26, and for the screen it is IPC752. 10 This is an email the jury have looked at earlier today. 11 On that Thursday, by this time it is 6.30 in 12 evening, and you are updating Andy Ewing, the borough 13 commander, yes?</p> <p>14 A. Yes.</p> <p>15 Q. And Superintendent Hamer, who we have heard from today?</p> <p>16 A. Yes.</p> <p>17 Q. As I say, we have looked at this document and you are 18 really just bringing them both up to speed on the case 19 and what is happening in it, is that right?</p> <p>20 A. Yes, that's right.</p> <p>21 Q. Let me just ask you about two or three points in there. 22 First of all, in the middle of the page, can we just 23 have a look at that list of actions, please. 24 You say: 25 "The initial HAT advice was quite sparse, as the</p> <p style="text-align: center;">Page 152</p>

<p>1 above information [that's the issue around Stephen Port 2 lying] was unknown at the time it was prepared, but we 3 progressed it along with 1a lot of other enquiries that 4 were generated as a result of the above information." 5 Then there is a list and as was drawn to the 6 attention of Superintendent Hamer, fourth down, 7 "Research on PORT"? 8 A. Yes. 9 Q. Is it right, DI Kirk, that perhaps your main source of 10 information for this document would have been the report 11 that DI McCarthy prepared? 12 A. Yes, it is. 13 Q. No doubt with whatever else you had gleaned from 14 conversations and so on? 15 A. Yes. 16 Q. Let's quickly look back at that, please. We will come 17 back to this email, but can we go in the bundle to 18 tab 19 and on the screen to MPS562. 19 If we look at internal page 4. The second paragraph 20 down is headed "intelligence" and there is a reference 21 there, isn't there, to the intelligence that had been 22 gleaned from Police National Computer about the 23 allegation involving Stephen Port of rape on New Year's 24 Eve 2012, involving the allegation of unconsensual anal 25 sex with a male after making him take poppers, yes?</p> <p style="text-align: center;">Page 153</p>	<p>1 I think one of the most basic intelligence tools 2 available to the police. Is that a fair description in 3 your experience? 4 A. I have never personally used it. It is relatively new 5 in policing terms. I think it only came in less than 6 two years before this happened. There were only 7 a matter of a few hundred trained officers, it was 8 a three-day course to be trained on it, and the people 9 trained would normally be in intelligence role. 10 Q. We have heard that it may well have been that the 11 officers investigating the case couldn't themselves have 12 conducted the check, but we have also seen that other 13 officers in this same office quite easily commissioned 14 Police National Database checks. 15 A. Yes. 16 Q. Is it fair to say it may not be that individual officers 17 could conduct them, but it did remain one of the most 18 basic checks -- something they could commission, is that 19 fair? 20 A. Yes. 21 Q. Let's just go back then to that email you sent on that 22 evening. 23 It is tab 26 in the bundle, please, and for the 24 screen IPC752. 25 I have asked you about that action. Dropping down</p> <p style="text-align: center;">Page 155</p>
<p>1 A. Yes. 2 Q. Do you think that that is at least part of what you were 3 referring to about the action when you say you had 4 completed various actions, including research on Port? 5 Yes? 6 A. Yes. 7 Q. Given the circumstances of the case, given what was 8 known about Anthony's death and the growing suspicions 9 relating to Stephen Port, do you think that full 10 intelligence checks should have been undertaken on 11 Stephen Port? 12 A. Yes, they should. 13 Q. Do you think that those checks should have included 14 checks on the Police National Database? 15 A. Yes. 16 Q. Is it fair to say that even if there was any doubt about 17 the matter, as soon as it became apparent that there was 18 this previous allegation relating to Stephen Port on the 19 Police National Computer, that would just have 20 underlined the need to make sure that full intelligence 21 searches had been conducted, so that you -- that is the 22 investigating team -- knew everything there was to know 23 about this man? 24 A. Yes. 25 Q. The Police National Database has been referred to as</p> <p style="text-align: center;">Page 154</p>	<p>1 the page, can we just look at -- perhaps let's just look 2 at the bottom half of the page, please. 3 You refer about halfway through that large paragraph 4 to the section 8 warrant, which obviously led to 5 arresting Port and searching his premises, yes? 6 A. Yes. 7 Q. Then you say this: 8 "I tasked Eugene with contacting SC&O1 again to give 9 them an update, obtain advice and assistance. Eugene 10 met with them today as they were unavailable yesterday 11 afternoon and they agreed with our course of action. 12 They also supplied officers to assist with coordinated 13 house to house, which are being done as I type." 14 There is no reference there either to the request 15 that Inspector McCarthy had made, both the night before 16 and during that day, for SC&O1 to take primacy, nor any 17 reference to your conversation with DCI Jones. Why do 18 you think that is not included? 19 A. I don't know. It -- everybody was of the same view, 20 that this should have been passed to a major 21 investigation team. 22 Q. Is it possible that you might have updated Mr Hamer or 23 Mr Ewing separately about those matters? 24 A. Definitely. I have a recollection of speaking to 25 Mr Ewing when I got to work on the 26th.</p> <p style="text-align: center;">Page 156</p>

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<p>1 Q. I see.</p> <p>2 All right, then just further down the page, just</p> <p>3 leaving the screen as it is, we don't need to bring it</p> <p>4 back, because it has been mentioned several times</p> <p>5 already, but we can remember, can't we, that the email</p> <p>6 from Mr Hamer at the start of that day had referred to</p> <p>7 the possibility that Mr Port might be arrested for</p> <p>8 murder, "when and if" or "if and when" were the words he</p> <p>9 used. You pick up on that theme here at the bottom of</p> <p>10 the page. You say:</p> <p>11 "Although there is nothing to suggest that Walgate</p> <p>12 was murdered at this time, his phone was missing and we</p> <p>13 suspect Port has lied to us so he has been arrested for</p> <p>14 perverting the course of justice."</p> <p>15 Does that accurately convey your thinking about the</p> <p>16 case at that time?</p> <p>17 A. Yes, that is what the homicide team that DI McCarthy</p> <p>18 went to see advised. That was in the HAT return,</p> <p>19 I understand.</p> <p>20 Q. Let's just be clear -- you will know that in a minute</p> <p>21 I am going to ask you about an email you sent a few</p> <p>22 hours later, which said something quite different, but</p> <p>23 just to be clear, those words:</p> <p>24 "Although there was nothing to suggest that Walgate</p> <p>25 was murdered at this time."</p> <p style="text-align: center;">Page 157</p>	<p>1 Q. We can see the time, it is just before 10.00 that</p> <p>2 evening. You said you were on late turn, so you would</p> <p>3 have still been working your shift?</p> <p>4 A. Yes.</p> <p>5 Q. It is addressed this time not to Mr Ewing and Mr Hamer,</p> <p>6 but to Superintendent Sweeney of SC&O1?</p> <p>7 A. Yes.</p> <p>8 Q. Although, as we can see those two are copied in, and so</p> <p>9 is Mr McCarthy?</p> <p>10 A. Yes.</p> <p>11 Q. Reading from the first paragraph:</p> <p>12 "Following your [that is DS Sweeney's] conversation</p> <p>13 with Mr Ewing ..."</p> <p>14 Pausing there, had you presumably perhaps spoke to</p> <p>15 Mr Ewing and discovered that he had spoken to</p> <p>16 Superintendent Sweeney?</p> <p>17 A. Yes, as I say I don't remember the details of</p> <p>18 discussion. I have a vague recollection of Mr Ewing and</p> <p>19 I sharing the same frustration, that it wasn't being</p> <p>20 taken, despite efforts at various times and by various</p> <p>21 people --</p> <p>22 Q. All right. Just reading on, there is then a reference</p> <p>23 to "your conversations [plural] with Chris Jones". It</p> <p>24 probably doesn't matter very much, but do you think you</p> <p>25 may have spoken to him more than once?</p> <p style="text-align: center;">Page 159</p>
<p>1 Does this reflect your view or does that reflect</p> <p>2 DCI Jones's view or is it something else?</p> <p>3 A. There was nothing specific around a murder. I wasn't</p> <p>4 happy that it was a straightforward unexplained death.</p> <p>5 I thought there were suspicious elements to it. I don't</p> <p>6 think that these matters fall into a simple category.</p> <p>7 There are sliding scales, as information comes in it</p> <p>8 changes, and there has to be a tipping point. We all</p> <p>9 had reached that tipping point well before this stage,</p> <p>10 that it at least needed investigating as such.</p> <p>11 Q. It is perhaps important to say, murder is a big word to</p> <p>12 use, isn't it?</p> <p>13 A. Yes.</p> <p>14 Q. It is not one that a senior police officer would want to</p> <p>15 use unless they had good grounds to use it?</p> <p>16 A. Yes.</p> <p>17 Q. Let's go on to an email you sent several hours later.</p> <p>18 It is tab 30 in the bundle. For the screen it is</p> <p>19 IPC753.</p> <p>20 This is a document that we have all looked at really</p> <p>21 quite a lot in the last few days, but of course</p> <p>22 previously we have been looking at it with witnesses who</p> <p>23 didn't write it. But you were the person who wrote this</p> <p>24 email, Mr Kirk, were you not?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 158</p>	<p>1 A. I don't recall, I think it was just the once.</p> <p>2 Q. Maybe it is a typo.</p> <p>3 You then say this:</p> <p>4 "I just wanted to update you with action we have</p> <p>5 taken tonight in relation to the unexplained death of</p> <p>6 Anthony Walgate."</p> <p>7 In fact, Mr Kirk, there may be some updating in this</p> <p>8 email but as we read on in truth the purpose of the</p> <p>9 email was to make another written request for SC&O1 to</p> <p>10 take over the case?</p> <p>11 A. Yes.</p> <p>12 Q. We see directly two paragraphs down you say:</p> <p>13 "The request from [we know that those letters stand</p> <p>14 for Barking borough] is for SC&O1 to provide an SIO to</p> <p>15 take ownership of this investigation for the following</p> <p>16 reasons. At Barking we have no trained SIOs and even at</p> <p>17 DI and DCI level, we only have PIP level 2 trained</p> <p>18 officers."</p> <p>19 Pausing there, the jury have heard all about the</p> <p>20 difference between PIP2 and PIP3. In summary, are you</p> <p>21 saying that this investigation is simply not one that</p> <p>22 you had the capacity to undertake?</p> <p>23 A. Yes. But you were unable to get anything more than PIP</p> <p>24 level 2 working on borough. It wasn't until you worked</p> <p>25 on terrorism or homicide team that you could be trained</p> <p style="text-align: center;">Page 160</p>

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<p>1 to PIP level 3.</p> <p>2 Q. You have already told us that you were concerned about</p> <p>3 the fact this wasn't a straightforward unexplained</p> <p>4 death. Would it be fair to say you felt it required</p> <p>5 investigation by someone of PIP3 level at least?</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. Then, reading on, you say:</p> <p>8 "This investigation concerns the death of a young</p> <p>9 and what appears fit and healthy male and on the balance</p> <p>10 of probabilities, at the hands of another. I appreciate</p> <p>11 a murder charge may not be the final outcome, but the</p> <p>12 investigation is becoming increasingly complex."</p> <p>13 There is an obvious difference between that</p> <p>14 expression there and the words we were looking at a few</p> <p>15 minutes ago. Help us with that?</p> <p>16 A. Within that 3 hours and 20 minutes or so, between my</p> <p>17 earlier email, the interviews with Port had concluded.</p> <p>18 And although I don't recall being updated, as I say, my</p> <p>19 office was only down the corridor from the CID office</p> <p>20 and I would have been, I can only assume, given</p> <p>21 an update and that has again added more to my theory</p> <p>22 that this was becoming increasingly suspicious.</p> <p>23 Q. We have just explored the fact that murder is a strong</p> <p>24 word to use --</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 161</p>	<p>1 A. No.</p> <p>2 Q. As far as you can remember -- we certainly don't have</p> <p>3 an email reply to this -- can you remember ever</p> <p>4 receiving, either from Mr Sweeney or anyone else,</p> <p>5 a written or emailed reply to the email you had sent?</p> <p>6 A. No.</p> <p>7 Q. Were you surprised by that?</p> <p>8 A. Yes, because I was told that the email had been</p> <p>9 discovered and was asked exactly that question and</p> <p>10 I couldn't recall ever receiving a reply.</p> <p>11 Q. That was a year or so ago?</p> <p>12 A. Yes.</p> <p>13 Q. What about at the time, I mean again, don't say</p> <p>14 something if you cannot remember, but --</p> <p>15 A. No, I am sure I didn't get a reply. But also -- so that</p> <p>16 was sent on a Thursday evening, I was off until the</p> <p>17 following Tuesday, so -- but I don't ever remember</p> <p>18 receiving an email. No response.</p> <p>19 Q. When you --</p> <p>20 A. Or a phone call.</p> <p>21 Q. We are not -- we don't have a full understanding of how</p> <p>22 the police service works. Here are you, a temporary</p> <p>23 detective chief inspector, writing to an officer who is</p> <p>24 more senior than you, a detective superintendent, and in</p> <p>25 another unit. Would you have expected to receive</p> <p style="text-align: center;">Page 163</p>
<p>1 Q. -- and in this email, you are also cautious about using</p> <p>2 that term, are you not?</p> <p>3 A. Yes.</p> <p>4 Q. On the other hand, you do say that on the balance of</p> <p>5 probabilities Anthony died at the hands of another.</p> <p>6 A. Yes.</p> <p>7 Q. In other words, it is more likely than not that this is</p> <p>8 a homicide case?</p> <p>9 A. Yes.</p> <p>10 Q. Were those carefully chosen words that you used?</p> <p>11 A. Yes, I think they were.</p> <p>12 Reading back now -- I had forgotten I had sent this</p> <p>13 email until it was -- until I saw it in the disclosure</p> <p>14 about a year ago, and reading it, it is clearly -- yes,</p> <p>15 I was being cautious. I couldn't be sure he had been</p> <p>16 murdered, I don't think anybody could, but, like I said,</p> <p>17 there were more and more information coming to light,</p> <p>18 the more we did, that for me just meant that it was more</p> <p>19 than an unexplained death at that point.</p> <p>20 Q. We are all used to looking at email chains. We have</p> <p>21 seen a few already where we have to say let's look at</p> <p>22 the bottom email and then perhaps you move up on the</p> <p>23 page to the reply.</p> <p>24 It is quite noticeable that there is no reply to</p> <p>25 this email?</p> <p style="text-align: center;">Page 162</p>	<p>1 a reply to this email?</p> <p>2 A. It would have been nice to at least be copied in on</p> <p>3 whatever happened from this email. I was effectively</p> <p>4 following the procedure for escalating this. I knew</p> <p>5 that Mr Hamer and Mr Ewing were of the same view of me,</p> <p>6 so I took it upon myself to make those representations</p> <p>7 at superintendent level, copying them in, because it</p> <p>8 would normally be superintendents, but I felt that with</p> <p>9 the information that I had just received that evening</p> <p>10 after Port's interview, that it should be escalated</p> <p>11 there and then.</p> <p>12 And I copied them in and took it across at</p> <p>13 superintendent level to Mr Sweeney as part of the</p> <p>14 escalation process for primacy over unexplained deaths.</p> <p>15 Q. We know of course that you may not have received</p> <p>16 a response, but things did happen as a result of this</p> <p>17 email?</p> <p>18 A. Yes.</p> <p>19 Q. Let me take to that and ask you about that. It is 32 in</p> <p>20 the bundle and MPS544 for the screen.</p> <p>21 Again, another document that we have all looked at</p> <p>22 quite a bit in the last week or so, DI Kirk.</p> <p>23 I am sure you have looked at it in the last few</p> <p>24 weeks before you have come here?</p> <p>25 A. Not this email, no.</p> <p style="text-align: center;">Page 164</p>

41 (Pages 161 to 164)

<p>1 Q. All right. Well, let me ask you a different question --</p> <p>2 A. I have heard it referred to in the evidence.</p> <p>3 Q. You have heard it referred to?</p> <p>4 A. Some sections, yes.</p> <p>5 Q. Let me ask you the first question which I should have</p> <p>6 asked, which is did you see this email or have it</p> <p>7 forwarded to you or anything like that back in 2014?</p> <p>8 A. No.</p> <p>9 Q. You have heard it referred to then, and so let's look at</p> <p>10 it together. It is an email that was sent by Mr Sweeney</p> <p>11 the next morning, at 10.43, in fact, the next morning.</p> <p>12 You can see from the copy list that it wasn't sent to</p> <p>13 anyone in Barking, it was sent to other senior members</p> <p>14 of the SC&O1 team and also to Neil Basu, who we think at</p> <p>15 the time was at least one level above them?</p> <p>16 A. Yes.</p> <p>17 Q. It is clear, is it not, he starts with a couple of</p> <p>18 paragraphs talking about an update on the investigation</p> <p>19 into the unexplained death of Anthony Walgate, yes?</p> <p>20 A. Yes.</p> <p>21 Q. Then he says, you will see a paragraph starting:</p> <p>22 "I was informed of the above last night at 9.00 pm</p> <p>23 and the local DCI wanted me to take on the</p> <p>24 investigation."</p> <p>25 The context is your email that we have just been</p> <p style="text-align: center;">Page 165</p>	<p>1 over the page] on the circumstances of the as-yet</p> <p>2 unexplained death of Anthony Walgate. Should I consider</p> <p>3 that it points to a homicide more than a drug overdose,</p> <p>4 or that the investigation at that stage is beyond the</p> <p>5 capabilities or the capacity for BOCU, I will make the</p> <p>6 decision for SC&O1 to take the investigation on and</p> <p>7 relieve the BOCU of any investigative role."</p> <p>8 He then explains why he doesn't want to take the</p> <p>9 case on immediately. Then the last line there, he says:</p> <p>10 "Primacy will be regularly reviewed as the</p> <p>11 investigations undertaken produce results."</p> <p>12 In summary, DI Kirk, the way Superintendent Hamer</p> <p>13 described this was it is not a straight no, it is a not</p> <p>14 yet, maybe at some point in the future. Not just that,</p> <p>15 we see that Mr Sweeney is anticipating an ongoing</p> <p>16 process of engagement with the borough, for example that</p> <p>17 last line:</p> <p>18 "Primacy will be regularly reviewed as the</p> <p>19 investigations undertaken produce results."</p> <p>20 Were you told, either when you came back to work on</p> <p>21 Tuesday of the next week or at any stage in that period,</p> <p>22 that, as it were, there was to be a process like this of</p> <p>23 review involving SC&O1?</p> <p>24 A. I don't know what I was told, but that is unlikely. It</p> <p>25 is very rare that you have an ongoing review process</p> <p style="text-align: center;">Page 167</p>
<p>1 looking at?</p> <p>2 A. Yes.</p> <p>3 Q. There is then a couple of paragraphs, which we will need</p> <p>4 to look at, where Mr Sweeney explains what he is going</p> <p>5 to do about this request.</p> <p>6 He, first of all, starts by saying:</p> <p>7 "I have not taken that decision."</p> <p>8 In other words, he has not taken the decision to</p> <p>9 take primacy over the investigation, but he then goes</p> <p>10 on:</p> <p>11 "... but I have made what I consider a pragmatic</p> <p>12 decision to ensure that we clear the ground in front of</p> <p>13 us at present and then decide where that leaves us.</p> <p>14 I will then be able to make a proper assessment."</p> <p>15 He then refers to the fact that he has detailed or</p> <p>16 instructed other members of different MIT teams to go</p> <p>17 and assist in Barking on the next day. We have heard</p> <p>18 all about that and I think you said you were not on duty</p> <p>19 that day?</p> <p>20 A. No.</p> <p>21 Q. Picking it up at the bottom, he says:</p> <p>22 "The above measures are to ensure that nothing is</p> <p>23 missed and that the investigation has sufficient</p> <p>24 expertise to undertake the tasks. As these tasks are</p> <p>25 completed, it will hopefully shed light [if we can go</p> <p style="text-align: center;">Page 166</p>	<p>1 with SC&O1. This type of investigation is rare. It is</p> <p>2 normally dealt with by the time the forensic post mortem</p> <p>3 happens, or soon after, to decide which way the</p> <p>4 investigation or where the investigation should sit.</p> <p>5 So this ongoing -- having been on a MIT team as well</p> <p>6 for five and a half years, you are never involved for</p> <p>7 more than a week.</p> <p>8 Q. You are now bringing to this your experience postdating</p> <p>9 2014. That is not unhelpful, but just to be clear that</p> <p>10 is not experience you had in 2014.</p> <p>11 Is it fair from what you are saying that if you had</p> <p>12 been told back in 2014 something about this arrangement,</p> <p>13 that Superintendent Sweeney had said he would want to</p> <p>14 keep an eye on it for the next period of time, want to</p> <p>15 review it, there would be some sort of engagement.</p> <p>16 Would it be fair to say that you might have remembered</p> <p>17 that because it would be unusual?</p> <p>18 A. Possibly, I can't say.</p> <p>19 Q. What you can say is that you simply don't remember ever</p> <p>20 knowing anything about this?</p> <p>21 A. No.</p> <p>22 Q. If it is the case that you weren't told about this, do</p> <p>23 you think you should have been?</p> <p>24 A. Yes. If he is responding to my email, I think I should</p> <p>25 have been at least copied in.</p> <p style="text-align: center;">Page 168</p>

42 (Pages 165 to 168)

<p>1 Q. It may be that you are answering my question by 2 reference to just courtesy or professionalism, and that 3 is fair enough. But is there also an aspect of actually 4 doing the job and making sure that this investigation is 5 done properly that would have perhaps made it important 6 that you were aware of Superintendent Sweeney's 7 response? 8 A. Yes, I think if you are going to offer an ongoing review 9 aspect to the investigation, you need to tell the people 10 that are currently managing it, and I don't know of 11 anybody receiving this email on the borough. 12 Q. You were at least one of the people who were currently 13 managing the case? 14 A. Yes. 15 Q. If you had known that there was to be a process of 16 engagement, that the door wasn't closed to HAT taking 17 over the case, that there might perhaps be opportunities 18 for you to have further discussions with them about it, 19 would you have acted differently? 20 A. I don't know. Don't get me wrong, when I say that the 21 ongoing review process is uncommon. That doesn't mean 22 to say we can't ever go back to them should we receive 23 significant information that changed the status of it 24 for us. We could go back, we could call the HAT car 25 again, try and get hold of the same team, that is you</p> <p style="text-align: center;">Page 169</p>	<p>1 circumstances, as Superintendent Hamer put it, is that 2 right? 3 A. Yes. 4 Q. A death which as you came back to work on the Tuesday, 5 you had described to a senior officer four or five days 6 before as more likely than not a homicide case, yes? 7 A. Yes based on the facts we knew at the time. 8 Q. On the Thursday? 9 A. Yes, based on the briefing I had been given at the time. 10 Q. Yes, and that was the judgment you had formed? 11 A. Yes. 12 Q. That made it a very special unexplained death case, 13 didn't it? 14 A. It was unusual for us to investigate unexplained deaths 15 for that length of time. 16 Q. It is not about the length of time, DI Kirk, it is about 17 the fact that you had formed a view that this 18 unexplained death was probably a homicide. It was that 19 that made it special, wasn't it? 20 A. I don't know if "special" is the right word but, okay, 21 it was an unusual investigation that I thought the -- 22 whereas normally the DIs wouldn't investigate a crime, 23 it would be the SIO, the case officers, the detective 24 sergeants would keep it. Eugene was going to retain 25 ownership as the SIO and I was comfortable with that.</p> <p style="text-align: center;">Page 171</p>
<p>1 know, I am not saying they had said no and that was it, 2 we couldn't approach them. We could, we could approach 3 and them ask them again if anything changed significant 4 by. I don't think anything did -- only from reading the 5 disclosure that I have seen, is that anything did 6 significantly change within those few days after that. 7 Q. As you say, and we see on all the documents and we have 8 heard from all the witnesses, that one can always pick 9 up the phone to the HAT car. But on the other hand, 10 just reading Mr Sweeney's email, at least on one view, 11 he hadn't really finally answered your request, had he? 12 A. Not clearly, no. 13 Q. If you knew that he was still waiting to make 14 a decision, is it at least possible that either yourself 15 or instructed others to go back to him at some point in 16 the next week or so and asked him to review the matter? 17 A. Yes, I think DI McCarthy would have monitored any 18 changes in the information that we knew and gone back. 19 Q. I want to move on in the chronology then. You say that 20 you were off and you came back on the next Tuesday. No 21 doubt you would have discovered one way or another that 22 the case hadn't been taken over as you had requested? 23 A. Yes. 24 Q. That left your team having, at least for the moment, to 25 investigate an unexplained death with suspicious</p> <p style="text-align: center;">Page 170</p>	<p>1 Q. I want to just press you on this. You have given us 2 evidence about your career. You spent a long time in 3 borough policing, yes? 4 A. Yes. 5 Q. Is it a frequent occurrence that the borough are left 6 investigating an unexplained death that a senior 7 detective has concluded is probably a homicide? 8 A. No. 9 Q. So it was a special case, is that fair? 10 A. It is an unusual case. 11 Q. As one of the people managing that case, presumably you 12 thought it appropriate to make sure that it was properly 13 investigated and that adequate resources were allocated 14 to it? 15 A. Yes. 16 Q. What steps did you take in that regard? 17 A. It was allocated to Eugene the previous week, 18 DI McCarthy. 19 Q. Were you aware that in fact within a few days of you 20 returning to work on that Tuesday, a week or so, 21 DI McCarthy to use his words, stepped back from the 22 investigation and left it to be run by DS O'Donnell? 23 A. No. 24 Q. Shouldn't you have treated this case as a priority and 25 made yourself aware that it was being properly</p> <p style="text-align: center;">Page 172</p>

43 (Pages 169 to 172)

<p>1 investigated?</p> <p>2 A. As it was sat when I left, it was with the DI to</p> <p>3 investigate, which was unusual on borough for a DI to</p> <p>4 investigate a crime. That was where it was left and</p> <p>5 that is the last I recall of it.</p> <p>6 Q. Shouldn't you have had, let's say a meeting with</p> <p>7 DI McCarthy and said, "Look, this is an unusual or</p> <p>8 special [to use your language] case, that we have been</p> <p>9 left investigating what I think is probably a homicide",</p> <p>10 and you should have then made sure that that the matter</p> <p>11 was properly investigated on an ongoing basis by</p> <p>12 DI McCarthy?</p> <p>13 A. It was allocated to DI McCarthy and DI McCarthy had</p> <p>14 ownership as far as I was aware and concerned. Nothing</p> <p>15 had changed that I was aware of.</p> <p>16 Q. That is not the question I am asking you, DI Kirk,</p> <p>17 because, as the jury have heard, that in fact what</p> <p>18 happened very shortly after is DI McCarthy, as I say, to</p> <p>19 use his language, stepped back from the case. What I am</p> <p>20 asking you is: shouldn't you have ensured that that</p> <p>21 didn't happen?</p> <p>22 A. I wasn't aware that it had happened.</p> <p>23 Q. I know.</p> <p>24 Shouldn't you have ensured that this matter was</p> <p>25 properly investigated and that DI McCarthy did not step</p> <p style="text-align: center;">Page 173</p>	<p>1 great, but it wasn't realistic.</p> <p>2 Q. DI Kirk, what you are saying now is not exactly in tune</p> <p>3 with the way you described this part of the chronology</p> <p>4 in your witness statement, so I want to bring that up on</p> <p>5 screen and just ask you about it. Can we have HAL8,</p> <p>6 please, page 12.</p> <p>7 Let's just zoom in on paragraph 35, please, so the</p> <p>8 middle of the page.</p> <p>9 This statement, I think it is dated 2021. What you</p> <p>10 say here, DI Kirk, is:</p> <p>11 "After Port's arrest and SC&O1 advising it was not</p> <p>12 suspicious, Port was dealt with for lesser offences.</p> <p>13 The matter was dealt with, as far as I was concerned."</p> <p>14 A. Yes.</p> <p>15 Q. Is that in fact the approach you took to this case at</p> <p>16 the time?</p> <p>17 A. No, it was left with Detective Inspector McCarthy to</p> <p>18 proceed. The investigation went on. I didn't review</p> <p>19 it. There is no policy or procedure for me to review</p> <p>20 unexplained deaths within the -- what was very confusing</p> <p>21 guidance at the time, but there was no review process.</p> <p>22 It wasn't realistic for me to review with the workload</p> <p>23 that I had, I didn't review it, I would be -- I would</p> <p>24 have understood that the investigation had taken place,</p> <p>25 it had gone to the Crown Prosecution Service, he had</p> <p style="text-align: center;">Page 175</p>
<p>1 back from it?</p> <p>2 A. As I said, the week before it had been allocated to</p> <p>3 DI McCarthy and I wasn't aware anything had changed.</p> <p>4 Q. Is there a possibility that once you understood that the</p> <p>5 MIT team had decided not to take the case, you then</p> <p>6 regarded it as a case which didn't need any special</p> <p>7 treatment?</p> <p>8 A. No, it was being investigated and overseen by</p> <p>9 DI McCarthy. That was an unusual set of circumstances</p> <p>10 in itself, which, for your categorising it as special,</p> <p>11 yes, it is a special investigation if a DI on borough</p> <p>12 has to oversee it, because each DI has -- is responsible</p> <p>13 for hundreds of crimes, or is responsible for thousands</p> <p>14 of crimes, as well as all the other safeguarding issues</p> <p>15 that were not necessarily crimes that still needed</p> <p>16 dealing with. So it was left with a DI overseeing it,</p> <p>17 which is unusual, because they are very busy, but it</p> <p>18 warranted it, that is how it was left. I wasn't aware</p> <p>19 that he had stepped away as quickly, but on the borough</p> <p>20 where everything was relentless, you never went for</p> <p>21 a day or two without some kind of critical incident.</p> <p>22 There were over 200 deaths that came to the notice of</p> <p>23 the police on the borough a year, roughly. It is not --</p> <p>24 the ability to be able to come back in and review the</p> <p>25 week or the previous fortnight's work would have been</p> <p style="text-align: center;">Page 174</p>	<p>1 been charged and convicted.</p> <p>2 Q. What you say there, DI Kirk, is that you had received</p> <p>3 advice, or the borough had received advice, from SC&O1</p> <p>4 by reason of their refusing to take on the case, that</p> <p>5 Anthony's death was not suspicious. Is that really what</p> <p>6 you understood to be the position of what MIT were</p> <p>7 telling you at the time?</p> <p>8 A. MIT did say that it wasn't suspicious. If it was, they</p> <p>9 would have taken it.</p> <p>10 Q. You go on to say that Port was dealt with for lesser</p> <p>11 offences and that the matter was dealt with as far as</p> <p>12 you were concerned?</p> <p>13 A. Yes.</p> <p>14 Q. What about the ongoing investigation into Anthony's</p> <p>15 death?</p> <p>16 A. So the criminal offences had been dealt with and the</p> <p>17 coroner's report, as I understood it, would have been</p> <p>18 processed or dealt with by DS O'Donnell --</p> <p>19 Q. As far as you were concerned --</p> <p>20 A. -- go back and review these processes.</p> <p>21 Q. I'm sorry.</p> <p>22 As far as you were concerned, because HAT on that</p> <p>23 day had said they were not going to take the case on,</p> <p>24 there was no longer anything for your team to</p> <p>25 investigate as a suspicious or possibly suspicious</p> <p style="text-align: center;">Page 176</p>

44 (Pages 173 to 176)

<p>1 unexplained death?</p> <p>2 A. No, that is not what I am saying at all. I said it was</p> <p>3 left with a detective inspector to oversee, which is</p> <p>4 very unusual, because of its circumstances.</p> <p>5 And the investigation continued. I did not review</p> <p>6 it. I was not in a position to review it. I wouldn't</p> <p>7 review it. I wasn't required to review it under any of</p> <p>8 the policies or procedures that I was aware of.</p> <p>9 It continued, you have to take into context that</p> <p>10 there are constant incidents and issues happening and</p> <p>11 so, yes, we are here with the benefit of hindsight</p> <p>12 looking back at one incident, but I don't return to work</p> <p>13 on the Tuesday and think: what was that we were dealing</p> <p>14 with last week? You are straight into a huge number of</p> <p>15 emails and then incidents that have happened since that</p> <p>16 time.</p> <p>17 Q. Mr Kirk, thank you, we can take that down.</p> <p>18 I don't want to press this any more than I need to,</p> <p>19 but let's just be clear about this. On the Thursday</p> <p>20 evening, you wrote an email to a senior officer,</p> <p>21 a detective superintendent in SC&O1, saying that here</p> <p>22 was a case being investigated by your team which was</p> <p>23 probably a homicide.</p> <p>24 A. I didn't say "probably".</p> <p>25 Q. You said more likely than not at the hands of another,</p> <p style="text-align: center;">Page 177</p>	<p>1 Q. We have heard all about all of the other stresses that</p> <p>2 your team were under and all the other demands on your</p> <p>3 time, but shouldn't you in the unusual, the special,</p> <p>4 circumstances of that case have ensured that this</p> <p>5 investigation was given a high level of priority within</p> <p>6 your team?</p> <p>7 A. Yes, I did, a week before when I asked DI McCarthy to</p> <p>8 oversee it. That is as much as I could do. I couldn't</p> <p>9 do any more. There was nothing more in my gift in</p> <p>10 relation to that investigation that I could have done.</p> <p>11 I didn't have any more officers. I didn't have any more</p> <p>12 detective inspectors. Eugene was the most experienced</p> <p>13 detective that I had responsibility for, so that is why</p> <p>14 Eugene was asked it, that is why he was put in charge of</p> <p>15 the main office. That is why he was given the</p> <p>16 opportunity to act up.</p> <p>17 I had already taken those steps that you are talking</p> <p>18 about the previous week when we asked him to review it,</p> <p>19 because at that point we were not happy that it was</p> <p>20 a straightforward unexplained death. He was given the</p> <p>21 task and I wouldn't expect to say to anybody you need to</p> <p>22 keep this until it is finished, he is an experienced</p> <p>23 officer, he would deal with it as he saw fit.</p> <p>24 Q. In fact, when you came back on the Tuesday, you did</p> <p>25 nothing about this case, is that right?</p> <p style="text-align: center;">Page 179</p>
<p>1 yes?</p> <p>2 A. Yes.</p> <p>3 Q. Which means probably a homicide, yes?</p> <p>4 A. It is -- I think you are splitting detail, but I didn't</p> <p>5 know what had happened, I wasn't comfortable with the</p> <p>6 circumstances, I think it needed a major investigation</p> <p>7 team to take it on.</p> <p>8 Q. You come back to work the next week, you discover that</p> <p>9 they are not going to take it on. Didn't you, as the</p> <p>10 leader of that team, need to make sure that it was</p> <p>11 properly investigated?</p> <p>12 A. I had already taken those steps the previous week, by</p> <p>13 asking Eugene McCarthy the DI to review and oversee it</p> <p>14 as the SIO.</p> <p>15 Q. Had you instructed DI McCarthy that he must remain as</p> <p>16 the SIO with active control of that investigation?</p> <p>17 A. No.</p> <p>18 Q. Did you take steps to instruct him, given all the</p> <p>19 circumstances of the case, that he must carry on</p> <p>20 investigating the case, leading the other two officers?</p> <p>21 A. No, that is not the direction I would give. I would ask</p> <p>22 him to take ownership at the point he felt he could step</p> <p>23 away, because, as I said, the workload was relentless.</p> <p>24 He would have done that. He was a very experienced and</p> <p>25 capable officer.</p> <p style="text-align: center;">Page 178</p>	<p>1 A. No. There was --</p> <p>2 Q. In fact at any stage going forward, you didn't do</p> <p>3 anything more about this case?</p> <p>4 A. No.</p> <p>5 Q. To use the words you used in your statement, the matter</p> <p>6 was dealt with?</p> <p>7 A. Well, some time afterwards -- the investigation was</p> <p>8 progressing, there was no steps for me to take in the</p> <p>9 meantime, as I had left it, DI McCarthy was overseeing</p> <p>10 it with his team. There were no steps for me to take.</p> <p>11 If I had have been approached for any assistance that</p> <p>12 was needed or if I had been approached by any members of</p> <p>13 the family, coroner, partners with any interest in it,</p> <p>14 I would have then looked back and dealt with what</p> <p>15 I needed to deal with. If I had been asked by officers</p> <p>16 that felt out of their depth, approached for more</p> <p>17 resources, I would have dealt with it, I would have</p> <p>18 either caused further reviews, I would updated myself</p> <p>19 with what had gone on. I never heard anything from</p> <p>20 anybody in relation to that investigation until much,</p> <p>21 much later on.</p> <p>22 Q. DI Kirk, finally, I just want to ask you a slightly</p> <p>23 different sort of question.</p> <p>24 The jury have now heard evidence over two weeks or</p> <p>25 so that serious mistakes were made in the course of the</p> <p style="text-align: center;">Page 180</p>

45 (Pages 177 to 180)

1 borough investigation, your team's investigation, into
 2 Anthony Walgate's death. That is something they are
 3 going to have to reflect on at the end of these
 4 hearings.
 5 I am just going to identify four issues that have
 6 emerged in the evidence and then I am going to ask
 7 you about them.
 8 First of all, we have already mentioned the fact
 9 that no PND checks were made on Stephen Port, despite
 10 the fact that an action was raised requiring
 11 intelligence checks to be done. Despite, as we have
 12 seen, the fact that the PNC checks raised other
 13 intelligence and despite the fact that Stephen Port
 14 himself mentioned the incident which was in fact there
 15 to be found on the PND.
 16 Stephen Port's computer was not downloaded and
 17 analysed during the criminal phase of the investigation,
 18 despite express advice from HAT to do so.
 19 Stephen Port was interviewed twice at the outset of
 20 the investigation to establish his account, but there
 21 was never a follow-up interview to challenge him.
 22 Following the toxicology report becoming available
 23 dealing with Anthony's death, a decision by DI McCarthy
 24 that the case should be referred back to HAT for further
 25 advice was never actioned. In fact, the unexplained

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1 death aspect of the case was simply dropped, without any
 2 further review or advice.
 3 These matters took place during your leadership of
 4 that team. What is your reaction to them?
 5 **A. They should have been done.**
 6 Q. Do you think that there were any steps that you could or
 7 should have taken that would have made a difference?
 8 **A. Obviously, with hindsight, yes, I would have definitely**
 9 **done something. As anybody that is sat at this desk**
 10 **I am sure would have done the same, if we could have**
 11 **changed the course of events, we would have done. That**
 12 **is why we do what we do.**
 13 **But without the benefit of hindsight, looking back**
 14 **at the role I did and the role we all did, I personally**
 15 **wouldn't have had cause, because, as I said, I was never**
 16 **asked, I remember Eugene's email, with the toxicology**
 17 **report, he put everything in that email that I would**
 18 **have expected to see asking for it to go back to the HAT**
 19 **car, for the review to be updated. It left me with**
 20 **nothing that I needed to ask.**
 21 **You have to -- when you are dealing with that number**
 22 **of staff, you have to take what you are told will**
 23 **happen, whether they are actions that are set on a crime**
 24 **report or whether it was review document or an email**
 25 **confirming what is going to happen or take place, it**

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1 **takes place. If -- as I said before, if I had have ever**
 2 **been spoken to earlier by anybody who had any concerns**
 3 **that it wasn't being dealt with properly, whether that**
 4 **be senior officers above me asking for an update or**
 5 **officers below me that said they were struggling, they**
 6 **didn't know what to do or they needed more resources,**
 7 **then I would have had cause to go and review it and then**
 8 **it may have changed the circumstances as they are now,**
 9 **I don't know.**
 10 **But I wasn't and so at the time, as I said, without**
 11 **the benefit of hindsight, I couldn't have -- I wouldn't**
 12 **have been able to or been in a position to do any more**
 13 **than was done.**
 14 Q. We have seen that a word the Met like to use is Grip,
 15 DI Kirk. Looking back on these events, do you think you
 16 had enough Grip on your team?
 17 **A. Yes. My team were performing fantastically in a lot of**
 18 **areas that were very important to the senior leaders and**
 19 **the MOPAC and Mayor's office, so we, you know, received**
 20 **awards for MOPAC for crime reduction and solving**
 21 **domestic abuse cases, which I have no doubt DI McCarthy**
 22 **was responsible for preventing several domestic**
 23 **homicides. I don't doubt that, because the numbers we**
 24 **achieved were brilliant, they were performing so well in**
 25 **so many areas, the only areas that were really focused**

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1 **upon by the organisation.**
 2 **So the Grip, yes, we wouldn't have been awarded the**
 3 **awards and given the recognition that we were given if**
 4 **we weren't. I am not saying this investigation was**
 5 **dealt with appropriately, it clearly wasn't, but the**
 6 **Grip and the putting the people in place to deal with it**
 7 **was done. Once I had done that, that is -- I couldn't**
 8 **do anymore, unless I had have been asked to do something**
 9 **more, then in which case I would have done.**
 10 Q. The jury have heard evidence from Kiera Brennan, one of
 11 Anthony's friends, and she said this:
 12 "I don't think the police were homophobic, but when
 13 they found out that Anthony was an escort they wrote him
 14 off. I think they just didn't try. They thought it was
 15 a young boy shagging people for money. That was the
 16 impression I got."
 17 DI Kirk, do you think that if this investigation had
 18 been into the unexplained death of let's say
 19 a middle-aged mother rather than a young student,
 20 engaged in escort work, do you think the investigation,
 21 the unexplained death investigation, would have just
 22 tailed off in the way that it did?
 23 **A. I don't think it had any impact. I knew those details**
 24 **at the time I sent the email to Mr Sweeney asking for**
 25 **the MIT team to take it on. I knew that and it didn't**

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<p>1 change what we were doing or what we wanted to achieve.</p> <p>2 MR O'CONNOR: Thank you very much, Mr Kirk, those are my</p> <p>3 questions.</p> <p>4 Madam, I wonder if we might have a break.</p> <p>5 THE CORONER: That is a convenient time for a short break.</p> <p>6 We will take our 15-minute break, members of the</p> <p>7 jury.</p> <p>8 (3.40 pm)</p> <p>9 (A short adjournment)</p> <p>10 (3.58 pm)</p> <p>11 (In the presence of the jury)</p> <p>12 THE CORONER: Members of the jury, I am acutely aware of how</p> <p>13 hot it is getting in here. I am reassured that they</p> <p>14 turn the heat off in the building at 10.30 in the</p> <p>15 morning, but it doesn't feel like that.</p> <p>16 We have taken the liberty of opening some windows</p> <p>17 and we will see if that helps.</p> <p>18 Yes, Ms Hill.</p> <p>19 Questions from MS HILL</p> <p>20 MS HILL: Good afternoon, I ask questions, as I think you</p> <p>21 know, on behalf of the bereaved families, save for the</p> <p>22 partner of Daniel Whitworth, who has his own lawyer.</p> <p>23 And several of the families you will see are here in</p> <p>24 court and some are watching, both upstairs and remotely.</p> <p>25 You were another officer in a temporary or acting</p> <p style="text-align: center;">Page 185</p>	<p>1 can I bring up, please, your own witness statement at</p> <p>2 HAL000008, internal page 9. Apart from the fact that</p> <p>3 you considered that Anthony had on the balance of</p> <p>4 probabilities died at the hands of another, you were</p> <p>5 well aware of the different resources available to a MIT</p> <p>6 investigation, weren't you?</p> <p>7 A. Broadly speaking. Not in detail, I had never worked on</p> <p>8 one at the time.</p> <p>9 Q. Paragraph 25 of your witness statement sets out as</p> <p>10 a matter of fact, does it not, what different resources</p> <p>11 the MIT team would have had available to them that you</p> <p>12 say were not available on the borough. Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. So.</p> <p>15 "Full forensic search of Port's flat.</p> <p>16 "Forensic fingerprint specialists.</p> <p>17 "Laptop viewed by ... digital lab.</p> <p>18 "Expert evidence ... GHB.</p> <p>19 "Specialist search officers to search the areas.</p> <p>20 "Open water search teams.</p> <p>21 "Full fingerprinting.</p> <p>22 "Trained exhibits officers."</p> <p>23 Some points of detail, I think we have heard some</p> <p>24 evidence that POLSA officers are available on the</p> <p>25 borough to help with searches, do you know about that?</p> <p style="text-align: center;">Page 187</p>
<p>1 role, is that right?</p> <p>2 A. Yes.</p> <p>3 Q. That was part of a pattern on the borough, was it not?</p> <p>4 A. It was, yes.</p> <p>5 Q. Your email of 26 June, can we bring up, please,</p> <p>6 IPC000753, internal page 1, where you concluded in your</p> <p>7 view, carefully chosen words as you have had explored</p> <p>8 with you already, that, on the balance of probabilities,</p> <p>9 Anthony had died at the hands of another. Do you see</p> <p>10 that in the middle of this page?</p> <p>11 A. Yes.</p> <p>12 Q. Let me be clear, the family's position is that you were</p> <p>13 correct in that assessment, but I would just like to</p> <p>14 explore some of the underlying reasoning that you had,</p> <p>15 if that is all right?</p> <p>16 A. Yes.</p> <p>17 Q. The email makes clear does it not, if you go further</p> <p>18 down the page, that you were requesting -- forgive me,</p> <p>19 it is further up the page -- the request from KG borough</p> <p>20 is for SC&O1, do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. You were asking for more support for this investigation</p> <p>23 because of its complexity; is that right?</p> <p>24 A. Yes, it is.</p> <p>25 Q. I am not sure we heard this evidence in any detail but</p> <p style="text-align: center;">Page 186</p>	<p>1 A. Yes, a lot of these services are available. They are</p> <p>2 not as easy to access as they are if you are on SC&O1.</p> <p>3 Q. I am sorry, it is a little hard to hear, could you speak</p> <p>4 up a bit, please?</p> <p>5 A. Yes, a lot of the services are -- you can utilise them</p> <p>6 on borough, but it is very difficult to obtain their</p> <p>7 services. It is much easier on SC&O1, and that is still</p> <p>8 the case now.</p> <p>9 Q. We know, don't we, that laptop examination was something</p> <p>10 available on borough but is it your view that there were</p> <p>11 benefits to having the laptop examined by the MIT team?</p> <p>12 A. The investigation as a whole I felt should have been</p> <p>13 taken on, because it is not individual pieces, it is</p> <p>14 tying it all together and not missing the bits that are</p> <p>15 important, the small pieces of information that we found</p> <p>16 that were not picked up on. The MIT team capability and</p> <p>17 the MIR and the HOLMES system brings it all together and</p> <p>18 ties it to stop those getting missed.</p> <p>19 Q. In fact, you go on at paragraph 26 of your witness</p> <p>20 statement, if we could go down, please, to indicate that</p> <p>21 as well as physical resources it was the training,</p> <p>22 qualifications and experience of the MIT team that you</p> <p>23 were particularly keen to secure. Is that right?</p> <p>24 A. Yes.</p> <p>25 Q. You have talked about the difference PIP levels already,</p> <p style="text-align: center;">Page 188</p>

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<p>1 and how the PIP3 course is not available on borough, and 2 over the page you explain that the MIT team, 3 paragraph 29, had access to further specialist 4 resources, the dedicated CPS homicide team, and you set 5 out at 30, really, I can perhaps just summarise it in 6 this way, the number of people available on a MIT team, 7 the responsibility you understand that they have for 8 between 2 and 12 homicide investigations a year, and 9 I think, just to go back, please, paragraph 27, you are 10 speaking from a position where you now work on a busy 11 homicide team, is that right? 12 A. Yes, it is. 13 Q. You say at the beginning of paragraph 27, within 14 specialist crime previously being SCD1 or SC&O1. 15 Just going back to paragraph 30, you are aware that 16 the whole team, you say at the end of this paragraph, 17 can focus on new investigations, which is why the Met 18 homicide teams are so good at their job. 19 It seems that your view -- I hope I can summarise 20 this fairly -- is that they would have been able to 21 bring a holistic level of expertise to this 22 investigation that you felt was not available on the 23 borough, is that fair? 24 A. Yes. 25 Q. I am going to go back, please, to your email at</p> <p style="text-align: center;">Page 189</p>	<p>1 is within their bundle, I think it is at tab 22A -- 2 just bear with me a second -- tab 22A, please of the 3 jury's bundle, and it is INQ000004, internal page 70. 4 That is the briefest of summaries of the allegation 5 involving X1, but that was sufficient, was it, 6 an allegation that Port had given poppers and "had 7 nonconsensual anal sex with [the complainant]". That 8 was enough for you to think this was significant and 9 important information; is that right? 10 A. Yes. 11 Q. I think we know, don't we, as a matter of record, that 12 there was no PND check done in relation to Port, is that 13 right? 14 A. Yes, that is what I understand, yes. 15 Q. I think you were perhaps listening to the evidence 16 earlier today; is that right? 17 A. Yes. 18 Q. Just bring it up briefly, but MPS000465, internal 19 page 3, please, we see within that page of the PND 20 intelligence report a list of the similarities between 21 the allegation at Barking station in early June 2014 and 22 the issues in relation to Mr Walgate. Do you see that? 23 1, 2, 3 and 4? 24 A. Yes. 25 Q. If you had had even that very brief summary of the issue</p> <p style="text-align: center;">Page 191</p>
<p>1 IPC000753. In the middle of that email we see 2 reference, don't we, to the suspect "has previous", do 3 you see that? 4 A. Yes. 5 Q. I am sure the jury are understanding that means 6 a previous involvement with the police, not a conviction 7 but a previous arrest, for plying another male with 8 drugs and raping him, do you see that? 9 A. Yes. 10 Q. Is it fair to assume, officer that you knew about that 11 incident but that you had not read the detail of it on 12 the CRIS? 13 A. I hadn't read the CRIS report. The information I had 14 had was from DI McCarthy's current situation report and 15 the HAT returns. 16 Q. Is it fair to say that really what you knew was the 17 outline of the issue that one would see on the PNC 18 check, but not much more than that? 19 A. Yes. 20 Q. Is it therefore right to say that those details alone 21 were sufficient for you to consider that relevant and 22 significant information? 23 A. Yes, I think for this decision-making process, knowing 24 much more detail than that wasn't necessarily required. 25 Q. That is because, perhaps if the jury can turn it up, it</p> <p style="text-align: center;">Page 190</p>	<p>1 at Barking station in early June, that would also have 2 been highly significant to you, wouldn't it? 3 A. Yes, I would have added it to my rationale for the 4 reason that it should be taken on by a MIT team. 5 Q. It must follow -- just trying to break that down, 6 officer -- must it, that if there had been an allegation 7 in December 2012, essentially of drug-induced rape, and 8 then another allegation of something rather difficult 9 involving Mr Port and drugs from a matter of days before 10 Anthony's death, that would arguably have been even more 11 relevant. Is that right? 12 A. Yes. 13 Q. Are you now aware that when X3 was spoken to, the 14 account X3 gave went significantly further than what the 15 British Transport Police report said, because he made 16 clear, just bring up please, if I may, IPC000390, 17 internal page 6, scrolling down to the final but one 18 paragraph, please, he made clear when spoken to by the 19 police that not only had he been drugged but he felt 20 there had been a sexual assault of some nature while he 21 had been unconscious through drugs, do you see that? 22 A. Yes. 23 Q. It must follow, mustn't it, officer, if you had been 24 made aware of that information, by either a witness 25 account being taken from him or some further details</p> <p style="text-align: center;">Page 192</p>

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<p>1 being gathered from him informally, that would have 2 informed your request for the MIT team to take this 3 over? 4 A. It would have added to my grounds for them to take it, 5 yes. 6 Q. Even what was on the PND, which dealt with the drugs 7 element of this incident, that would have been 8 significantly important on its own, wouldn't it? 9 A. I think so, yes. 10 Q. Are you aware from all of the evidence you have been 11 shown in this case, or information you gathered, that 12 a PND check was in fact done in relation to Anthony, but 13 not Port? 14 A. I wasn't aware, no. 15 Q. Can I have brought up, please, IPC000139, internal 16 page 2. I am hoping that that will be an email at 8.49 17 on the 19th, do you see that? 18 A. Yes. 19 Q. That is an email that is sent then within hours of 20 Anthony's body being found: 21 "We have had a suspicious death this morning, 22 unfortunately I am not PND trained. I am the only one 23 in our intel unit." 24 So a request for a PND check on Anthony, do you see 25 that?</p> <p style="text-align: center;">Page 193</p>	<p>1 Q. You have been asked a lot of questions by learned 2 coroner's counsel about the failings in the borough 3 investigation. I don't propose to go through those in 4 any detail. But it is right, isn't it, that there has 5 been a list of issues identified in the evidence so far 6 that happened essentially on your watch; isn't that 7 fair? 8 A. Yes. 9 Q. Can I ask you to comment, please, on this proposition, 10 we don't need to bring it up, but for the learned 11 coroner's note, it is INQ000006, internal page 18, that 12 the investigation on the borough became disjointed and 13 opportunities were missed because there was no clear 14 action list, no clear review after the end of June 2014 15 and no independent review of all the evidence to ensure 16 the correct focus and direction of the investigation. 17 Do you accept that? 18 A. Yes. 19 Q. You were asked questions about the mindset of this 20 investigation and whether or not Anthony's status and 21 role in life made any difference. Learned counsel for 22 the coroner put the account of China Dunning to you. 23 The jury is going to hear evidence from Sarah Sak, 24 Anthony's mum, and she is going to say words to this 25 effect:</p> <p style="text-align: center;">Page 195</p>
<p>1 A. Yes. 2 Q. There was then some discussion with the Humberside 3 police about whether they could provide the information, 4 if you go back to internal page 1, please, you will see 5 the reply comes back at 9.16 from Humberside, 6 essentially saying, "We cannot help you, you will need 7 to contact someone else". Then Mr Schamberger within 8 the borough is approached, do you see that at 10.12? In 9 the middle of that page? 10 A. Yes. 11 Q. He is asked to do it, and then at the top of the page, 12 10.22, he says he will do it, do you see that? 13 A. Yes. 14 Q. Then just for the record, please, but I don't want the 15 details, just the very top two lines, please, of 16 IPC000141, just so that we can understand the timings 17 here, just scroll in on the top two lines, please, of 18 IPC000141. We can see that the results of the PND check 19 on Anthony were received at 12.03 on 19 June. 20 Do you see that? 21 A. Yes. 22 Q. It must follow, mustn't it, that the borough had the 23 capability to do a PND check on Port within a similar 24 timescale? 25 A. Yes.</p> <p style="text-align: center;">Page 194</p>	<p>1 "It was as if being part of the gay community and 2 being involved in chemsex explained Anthony's death. 3 I feel like if it was a female found out in dead in the 4 same circumstances the police would have investigated it 5 more." 6 She is watching upstairs, do you want to answer that 7 suggestion and belief from her? 8 A. My response is as it was to the previous question: it is 9 not the case. We wouldn't have made the efforts to get 10 the MIT team to take it over, I clearly knew that during 11 my email of the evening of the 26th. It didn't change 12 anything that we did or wanted to achieve. 13 Q. I think you have accepted the proposition that the jury 14 may hear from the learned coroner's expert that there 15 really was a disjointed investigation, with 16 opportunities missed and essentially the borough 17 investigation entirely stalling at the end of June 2014. 18 Isn't that really what happened? 19 A. Looking back now, over the papers I have seen, there are 20 unanswered questions, yes. 21 Q. We can look back now, and of course we are having to do 22 that, but as a matter of fact we can see from the 23 documents, that is pretty much what happened at the end 24 of June, isn't it? 25 A. Yes.</p> <p style="text-align: center;">Page 196</p>

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1 Q. You are saying it is all down to Mr McCarthy, is that
 2 right?
 3 **A. That is not what I am saying at all.**
 4 Q. Are you accepting responsibility for the borough
 5 investigation stalling at the end of June?
 6 **A. No. The matter was allocated to DI McCarthy. He was**
 7 **overseeing it as the SIO and had passed to officers to**
 8 **continue the investigation. The DI would not be in**
 9 **a position to go out and gather the evidence, download**
 10 **the laptop, they would set the actions and they should**
 11 **be carried out. I think we can all -- in**
 12 **a rank-structured organisation we have to accept that**
 13 **when we set actions that we trust they are done. Any**
 14 **set appropriate actions that would have progressed the**
 15 **investigation.**
 16 Q. You are effectively saying, I think, that this special
 17 unusual case was allocated to a DI and that was enough.
 18 Is that what you are saying?
 19 **A. It was a rare set of circumstances for a DI to be asked**
 20 **to review and to oversee an investigation.**
 21 Q. That is because this was a particularly unusual and
 22 special case, wasn't it?
 23 **A. Yes.**
 24 Q. At any point -- sorry, excuse me -- just bear with me
 25 a moment, forgive me.

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1 Your position, I think, is that allocating this to
 2 a DI was unusual, because normally an unexplained death
 3 would be investigated by somebody even more junior, is
 4 that right?
 5 **A. It quite often wouldn't make it to the CID, it would be**
 6 **dealt with by uniformed colleagues. Most of them were.**
 7 Q. The point I am making to you though is that this
 8 particular case was a case that you had thought should
 9 be looked at by the MIT team. It was particularly rare
 10 and unusual and so you should have had a higher level of
 11 oversight yourself, shouldn't you?
 12 **A. No, I put in place processes to ensure that it had**
 13 **a higher level of attention by allocating it to**
 14 **a detective inspector to progress. I was not in**
 15 **a position, nor was I required to review unexplained**
 16 **deaths investigations or the deaths as per the procedure**
 17 **and policy that were in place at the time, albeit they**
 18 **are very confusing.**
 19 Q. You were part of a leadership within the borough,
 20 weren't you?
 21 **A. Yes.**
 22 Q. A significant part of that, and the jury may hear -- can
 23 I have brought up, please, MPS000718, internal page 7,
 24 from DAC Cundy, paragraph 2 of that statement:
 25 "... more effective direction and leadership and

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1 support for the original investigations could have
 2 identified and pursued other lines of enquiry."
 3 You were part of that leadership, weren't you?
 4 **A. Yes.**
 5 Q. Is it not the case that you should have had more
 6 effective leadership of the team beneath you?
 7 **A. To be blunt, I should have had more officers and more**
 8 **experienced officers.**
 9 Q. I see.
 10 So, just to be clear, it is either the
 11 responsibility of the inspector beneath you or of the
 12 Metropolitan Police for not giving you enough officers,
 13 is that right?
 14 **A. I think we all accept with hindsight more could have**
 15 **been done and each individual could have played a part**
 16 **in changing the process, but at the time, with the**
 17 **resources I had available and the work that I had to do,**
 18 **managing the risk that I had to manage, I did what**
 19 **I could possibly do at the time, which was to allocate**
 20 **a rare resource on this borough, where you have only got**
 21 **three, who is overseeing three units, which two years**
 22 **previous would have had one DI for each unit. So to**
 23 **allocate a DI to take on an investigation and oversee**
 24 **an investigation was so rare, because they were so busy,**
 25 **as were we all. We should never have had three DIs on**

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1 **that borough, especially as none were substantive.**
 2 Q. Putting aside the question then of your own role, I have
 3 put to you that you should have been more proactive in
 4 your leadership.
 5 As a matter of record, I think though your evidence
 6 is that you were never approached by the team led by
 7 Mr McCarthy about the laptop, is that right?
 8 **A. Not Port's laptop, no.**
 9 Q. You were never asked for example to help prioritise
 10 analysis of a laptop or anything like that?
 11 **A. No.**
 12 Q. You were never approached to contact the MIT team again
 13 to arrange another interview with Mr Port, for example?
 14 **A. No, I was aware DI McCarthy had requested that and**
 15 **I thought it was a suitable request to be made. He had**
 16 **copied me in on the email and everything in that email**
 17 **seemed like the right course of action.**
 18 Q. You were never asked to facilitate any fast track
 19 toxicology results; is that right?
 20 **A. No.**
 21 Q. When there was a decision later on that the MIT team
 22 should be involved again, there was no real follow up
 23 when that didn't happen, isn't that right?
 24 **A. I am aware of that now, yes.**
 25 Q. There is no real sense of urgency or priority at all, is

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<p>1 there?</p> <p>2 A. From who?</p> <p>3 Q. From your team and your leadership?</p> <p>4 A. They were dealing with many other things and they were</p> <p>5 progressing this. Things were missed, I am not saying</p> <p>6 they weren't. I allocated all the resource I could</p> <p>7 afford to allocate to it. I had nobody else.</p> <p>8 Q. Your evidence I think is at no time did the MIT team</p> <p>9 proactively come to you either; is that right?</p> <p>10 A. They didn't, no.</p> <p>11 Q. So Anthony's investigation just stalls, doesn't it, the</p> <p>12 ball is dropped between all of you, isn't that what</p> <p>13 happened?</p> <p>14 A. I am aware that it stalled from reading the disclosure</p> <p>15 and watching some of the evidence that I have seen, yes.</p> <p>16 Q. All right.</p> <p>17 I have one further question, if I may, which comes</p> <p>18 from a later period of time, but I want to just use</p> <p>19 a particular document to ask you some questions about</p> <p>20 the Anthony investigation. Can I ask you, please, to</p> <p>21 look at IPC000210, internal page 1.</p> <p>22 In fairness, this is a document dated 22 September,</p> <p>23 so it is an email that is much later in the chronology,</p> <p>24 it is not an email that takes place immediately after</p> <p>25 Anthony's death, it comes much later on and in fact by</p> <p style="text-align: center;">Page 201</p>	<p>1 on the borough in -- at this level, so it seemed</p> <p>2 a sensible precaution to take, that -- and I don't think</p> <p>3 a gold group had taken place at that point, I can't</p> <p>4 remember, it might have done.</p> <p>5 Q. I am sure we will come to the gold group element in due</p> <p>6 course.</p> <p>7 The partnership you are talking about, is that the</p> <p>8 safeguarding partnership?</p> <p>9 A. It is the local authority, but the wider partnership, so</p> <p>10 it includes health, it includes adult social services</p> <p>11 and various other aspects.</p> <p>12 So I just thought it -- we need to be mindful that,</p> <p>13 for instance, if you get one or two deaths from LSD for</p> <p>14 instance, it comes out in the media and people are aware</p> <p>15 that there could be a bad batch. I didn't know enough</p> <p>16 about GHB, but it seemed to be being spoken about and</p> <p>17 involved in these incidents, so I just thought we need</p> <p>18 to make the partners aware, if it had not already been</p> <p>19 done.</p> <p>20 Q. I think there did come a time, didn't there, when you</p> <p>21 were aware that Anthony's death alone involved GHB,</p> <p>22 isn't that right?</p> <p>23 A. Yes.</p> <p>24 Q. You didn't, as far as I can see from the paperwork, see</p> <p>25 fit to try and get more information from these partners</p> <p style="text-align: center;">Page 203</p>
<p>1 this point both Gabriel Kovari has been murdered on</p> <p>2 18 August and Daniel Whitworth on 20 September.</p> <p>3 But you are involved in an email exchange and you,</p> <p>4 I think, if I have read it correctly, suggest this, to</p> <p>5 somebody called Martin on the borough:</p> <p>6 "Can you pick up with partners the whole GHB issue."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. You go on to say:</p> <p>10 "Although none of the people who have died have been</p> <p>11 residents of Barking or surrounding boroughs ..."</p> <p>12 Because that was true of all three young men</p> <p>13 I think, wasn't it?</p> <p>14 A. As I understand it, yes.</p> <p>15 Q. "... it is something that adult social care and</p> <p>16 substance misuse workers will need to be aware of."</p> <p>17 Is this really you suggesting that those who work in</p> <p>18 the community in Barking be aware of the risk of GHB</p> <p>19 use, because it appeared to be implicated in several</p> <p>20 deaths?</p> <p>21 A. Basically, yes. "Dan" is Dan Hales, he was -- he ran</p> <p>22 the drug and alcohol team for the borough. And the --</p> <p>23 Martin Kirby, Acting Chief Inspector Kirby was the</p> <p>24 partnership chief inspector, so he liaised with partners</p> <p>25 at that level and GHB hadn't really featured in anything</p> <p style="text-align: center;">Page 202</p>	<p>1 at the time of Anthony's death. Is that right?</p> <p>2 A. No, I don't know at what point GHB was linked to</p> <p>3 Mr Walgate's death.</p> <p>4 Q. I see, that is what I was trying to ask you about.</p> <p>5 Is the result of this email that there were some</p> <p>6 people within the borough who might have known a bit</p> <p>7 more about GHB that could have been approached, because</p> <p>8 that is what you were trying to do, partly, with this</p> <p>9 email, weren't you?</p> <p>10 A. Yes, I just wanted people to be aware that not really</p> <p>11 knowing what was going on, this was the morning</p> <p>12 I arrived for work, having found out that we had two</p> <p>13 unfortunate deaths that were possibly linked, and</p> <p>14 obviously GHB had been mentioned in those, so it was</p> <p>15 a very quick -- we need to start making sure that the</p> <p>16 partners are aware of a possible issue. I didn't know</p> <p>17 what that was but it just felt like the right thing to</p> <p>18 do.</p> <p>19 Q. But whatever your own position, trying to get more</p> <p>20 information about GHB is something that the team led by</p> <p>21 Mr McCarthy could have done? If they were not sure what</p> <p>22 GHB meant?</p> <p>23 A. I think we had heard of it as a drug. I had heard of it</p> <p>24 in the same way as I had heard of rohypnol as a date</p> <p>25 rape drug. I didn't know much about it. I didn't know</p> <p style="text-align: center;">Page 204</p>

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<p>1 how fatal it could be and I didn't know to what level,</p> <p>2 but I don't know if that information would have</p> <p>3 changed -- knowing that it was taken recreationally,</p> <p>4 I don't know if that would have changed my thought</p> <p>5 process.</p> <p>6 Q. I see. I think I heard you say, and sorry if I got this</p> <p>7 wrong, you did know of it, like rohypnol, as a date rape</p> <p>8 drug, is that right?</p> <p>9 A. I had heard about it on I think one of the investigation</p> <p>10 courses mentioned as another date rape type drug.</p> <p>11 I wasn't aware that it was taken recreationally.</p> <p>12 Q. Rohypnol is another one of those well-known date rape</p> <p>13 drugs, isn't it?</p> <p>14 A. Yes.</p> <p>15 Q. I think we will hear tomorrow GHB had been banned since</p> <p>16 2003, so had been in existence and known about as a date</p> <p>17 rape drug for some time. Is that fair?</p> <p>18 A. I don't know. Yes -- I don't know when it was banned</p> <p>19 but again, it wouldn't have really -- I don't think we</p> <p>20 were ... I don't think it would have changed any</p> <p>21 decision making around initially just to know that it</p> <p>22 was GHB, we didn't know what the drug was, if it was</p> <p>23 a recreational drug that was taken voluntarily, as</p> <p>24 opposed to a drug that you would never take but could</p> <p>25 kill you. And then obviously that could change things.</p> <p style="text-align: center;">Page 205</p>	<p>1 The next witness after Mr Kirk isn't coming in until</p> <p>2 later in the morning, so we don't want you to have</p> <p>3 a bigger break than you actually need. 10.30 tomorrow.</p> <p>4 Thank you very much.</p> <p>5 (4.27 pm)</p> <p>6 (The inquests adjourned until 10.30 am the following day)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</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 207</p>
<p>1 Q. Just a final question from me, a fair reading of the X3</p> <p>2 evidence is that Mr Port had said at the transport</p> <p>3 police exchanges that X3 may have taken G. You knew he</p> <p>4 was somebody who had previously been arrested for</p> <p>5 drug-induced rape. What I would suggest to you is on</p> <p>6 the toxicology results coming back for Anthony and</p> <p>7 showing GHB, that should have been another red flag that</p> <p>8 this was another possible date rape case. Do you see</p> <p>9 what I am putting to you?</p> <p>10 A. I do, yes.</p> <p>11 Q. That would have, in my suggestion to you, made it look</p> <p>12 all the more like what had happened to X3 and what had</p> <p>13 happened to X1, with the different feature that Anthony</p> <p>14 appeared to have died. Do you understand?</p> <p>15 A. I understand, but I didn't know about the full details</p> <p>16 of those two cases at the time I was looking at and</p> <p>17 asking the MIT team to take over the death of</p> <p>18 Mr Walgate.</p> <p>19 MS HILL: I understand, thank you. Bear with me a second.</p> <p>20 Thank you.</p> <p>21 THE CORONER: Mr Kirk, we are going to break off there now</p> <p>22 for today, but there will be some more questions for you</p> <p>23 tomorrow morning.</p> <p>24 Members of the jury, I am going to say 10.30 for</p> <p>25 tomorrow morning, please.</p> <p style="text-align: center;">Page 206</p>	

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