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1 (10.33 am)
 2 (In the presence of the jury)
 3 THE CORONER: Good morning, members of the jury. We are
 4 going to adjust the windows during the course of the day
 5 as we see fit. It was a bit windy earlier on, so we
 6 have shut some of them, but let us know if you want more
 7 open or more closed and we will sort things out.
 8 Yes.
 9 MR O'CONNOR: Madam, we are resuming the evidence of
 10 DI Kirk, I think we had reached Ms Dobbin to ask
 11 questions.
 12 THE CORONER: Yes.
 13 MR ANTHONY KIRK (continued)
 14 Questions from MS DOBBIN
 15 MS DOBBIN: Mr Kirk, I ask questions on behalf of some of
 16 the officers from Barking. I wonder if I could begin,
 17 please, with your witness statement, that is document
 18 HAL8, paragraph 21.
 19 Could I ask for that to be highlighted.
 20 Mr Kirk, what you said there was that the officers
 21 involved in the investigation were and are hard working,
 22 dedicated and competent, struggling with a massive
 23 workload.
 24 Thank you, that can be taken down.
 25 Can I start with Mr Parish and Mr O'Donnell. Does

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1 the observation that you made there apply to them?
 2 **A. Yes, it does.**
 3 Q. Did you hear their apologies, whenever they gave
 4 evidence?
 5 **A. One of them I did, the other I read.**
 6 Q. What I want to ask you about, please, Mr Kirk, is the
 7 environment within which they were working at that time.
 8 You have made a very detailed statement about that,
 9 haven't you?
 10 **A. Yes.**
 11 Q. You, in particular in one of your statements, set out at
 12 length the effect that what austerity measures had on
 13 Barking at that time, correct?
 14 **A. Yes.**
 15 Q. Broadly speaking, what you described was a reduction in
 16 budget and a reduction in officers, yes?
 17 **A. Yes.**
 18 Q. From your perspective, the particular effect that the
 19 reduction in detective inspectors had as well, is that
 20 right?
 21 **A. Yes, and detective sergeants.**
 22 Q. Yes, that is exactly what I wanted to ask you about,
 23 because if we just focus on the CID office, it is right,
 24 isn't it, that that CID office went from having four
 25 sergeants in it to having three, yes?

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1 **A. Yes.**
 2 Q. In fact, if we could bring up your statement again,
 3 HAL8, paragraph 18, thank you. Again, if we could
 4 highlight the start of that paragraph -- that the impact
 5 in reducing the teams down from four to three couldn't
 6 be understated, because it increased the number of
 7 officers in broad terms that each sergeant had to
 8 supervise. Is that right?
 9 **A. Yes. And, more importantly, the crimes that they had to**
 10 **supervise.**
 11 Q. The other aspect of that increased supervision, and we
 12 have seen that here, is the extent to which each team
 13 was also reliant on trainee detective constables as
 14 well, is that something that you know about?
 15 **A. Yes, for several years now, since before this time, the**
 16 **Met -- I am not sure about nationally -- has really**
 17 **struggled to recruit detectives.**
 18 Q. What Mr O'Donnell described, and Mr Parish, was that in
 19 their team they only had one full-time confirmed
 20 detective constable, two trainees and a part-time
 21 detective constable. Would that have been typical of
 22 the position at that time?
 23 **A. Yes.**
 24 Q. In terms of the knock-on effect that that had on someone
 25 in Mr O'Donnell's position, he explained that this meant

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<p>1 that he, in the period we are concerned with, allocated 2 278 cases to his team, so in other words he had 278 3 cases in his team that he was supervising. But, also, 4 that he retained 70 cases himself as the investigator, 5 because he didn't feel that he could delegate them. 6 Again, is that something within your experience, 7 Mr Kirk? 8 A. Yes. 9 Q. That is not sustainable, is it, in terms of the workload 10 of a detective sergeant? 11 A. No. 12 Q. Questions were put to you also about Mr McCarthy. What 13 you said -- and in particular about his standing back 14 from the investigation into Mr Walgate's death. You 15 said that it was unusual for a detective inspector to 16 investigate because they were so busy; is that correct? 17 A. It is not really their role. They have other things 18 that need to be dealt with, managing the teams, the 19 staff, the performance, in some cases the budgets, to 20 investigate. To manage investigations is unusual, 21 because it is not really their role on borough. 22 Q. In terms of how busy Mr McCarthy was, you may have 23 forgotten this but in August 2014 Mr McCarthy became 24 responsible for the community safety unit. Do you 25 recollect that?</p> <p style="text-align: center;">Page 5</p>	<p>1 toxicology and the post mortem were pending is much more 2 understandable, isn't it? 3 A. Yes, it is a decision for DI McCarthy to make, based on 4 what he knew and who he allocated it to and how he felt 5 that that would progress. 6 Q. I understand. 7 One of the things you have also said in your 8 statement was one of the effects of the austerity 9 measures was that the shift pattern changed and that one 10 of the effects of that was that there was no longer any 11 overlap at all between shifts; is that right? 12 A. Yes, that's correct. Normally -- the cuts and we had 13 faced and the austerity cuts from 2010 had taken effect; 14 there was very little overtime or budgets to pay 15 overtime, so that two-hour overlap period was very 16 important. So if a team came in in the morning and 17 started dealing with prisoners, you could rarely deal 18 with prisoners in a late hour shift, so they would have 19 the opportunity of a two-hour overlap period for the 20 late turn team coming on to take over that work and 21 carry it on but when you don't have the overlap period 22 and you cannot pay the overtime for officers to stay on 23 or for officers to come in early, it makes it much more 24 difficult. 25 To put things into context, in 2009/2010 I was</p> <p style="text-align: center;">Page 7</p>
<p>1 A. I do, yes. It was a decision that I was very reluctant 2 to make but really had no choice. The only other 3 substantive detective inspector that we had had been 4 sent on a secondment and had had significant periods of 5 leave and the community safety unit was a vitally 6 important part of my portfolio, the risk it carried. 7 Eugene was very experienced, having worked in it for 8 several years he understood the complexities of it and 9 it was the only decision really I could make for him to 10 take it over. It wasn't an ideal situation at all, but 11 I had no choice. 12 Q. When you talk about it, about risk, it was so high risk 13 because the levels of domestic violence were so high in 14 Barking, as I understand it, is that right? 15 A. Yes. 16 Q. That also meant that at the same time, then, he became 17 overall responsible for some 60 to 70 staff, is that 18 right? 19 A. Somewhere in that region, yes. 20 Q. Again, I understand from your evidence yesterday that 21 Mr McCarthy proved extremely effective in that role in 22 the CSU and in improving its overall performance? 23 A. He did, yes. 24 Q. Again, seen in that context, Mr Kirk, his decision to, 25 as it were, stand back from the investigation whilst the</p> <p style="text-align: center;">Page 6</p>	<p>1 responsible for just the CID office at Barking and 2 Dagenham. For about 20 detectives and my budget for 3 that unit alone was 110,000 for a year, for overtime. 4 At this time, for my whole portfolio of 120 plus 5 officers, it was 40,000, roughly. So the cuts were 6 significant and the shift pattern meant that overtime 7 was needed to function effectively, and it wasn't 8 available. 9 Q. Just looking at it in human being terms, Mr Kirk, 10 presumably that means that officers lose the opportunity 11 to talk about cases or to exchange information with each 12 other in the course of conversation and instead you 13 become much more dependent on things being recorded or 14 written in a CRIS? 15 A. Yes, and you also use up the good will of the officers 16 to come in early and stay late without getting paid, of 17 which Eugene, or DI McCarthy definitely did and as did 18 many -- most of the other staff, because we did all we 19 could to make it work. 20 Q. Last question, please, Mr Kirk. You were asked 21 a question about the culture of the major investigation 22 team and this idea that they wouldn't take a case over 23 unless it was murder, but the issue was how did you 24 prove or demonstrate that it was murder in the first 25 place.</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 Do you remember that question?</p> <p>2 A. I thought we had demonstrated it, but not to their</p> <p>3 standard.</p> <p>4 Q. I just wondered if you would agree with me that there</p> <p>5 are going to be cases where it is very obvious it is</p> <p>6 murder and MIT will take it over, but it is cases where</p> <p>7 it is much less clear cut that might require all the</p> <p>8 more experience and skill that they could bring to bear</p> <p>9 on an investigation?</p> <p>10 A. Yes.</p> <p>11 MS DOBBIN: Thank you, those are all my questions.</p> <p>12 Questions from MR SKELTON</p> <p>13 MR SKELTON: Mr Kirk, I ask questions on behalf of the</p> <p>14 Metropolitan Police.</p> <p>15 Can I ask you first of all to look at your second</p> <p>16 statement, which is at HAL8, page 9, please,</p> <p>17 paragraph 25. Could you have paragraph 25 in its</p> <p>18 totality, please, so -- thank you -- so it goes on to</p> <p>19 the next page.</p> <p>20 You were asked about this by Ms Hill on behalf of</p> <p>21 the families yesterday. I think you say towards the end</p> <p>22 of that page:</p> <p>23 "Very substantial resources were available to SC&O1</p> <p>24 and MIT that were not available to borough."</p> <p>25 Then you go on to list a number things which you say</p> <p style="text-align: center;">Page 9</p>	<p>1 a lab means you get back some form of storage device</p> <p>2 with the contents of that laptop on it.</p> <p>3 They don't give you the contents and break it down</p> <p>4 and view it. That is a specialist skill that the MIT</p> <p>5 teams have and can take weeks and months to do on modern</p> <p>6 devices that hold terabytes of data, so it is that sort</p> <p>7 of thing --</p> <p>8 Q. Mr Kirk, not one item on this list was unavailable to</p> <p>9 the borough.</p> <p>10 A. Yes, but you also have to pay for it and borough didn't</p> <p>11 have the opportunity or the resources to pay.</p> <p>12 Q. Which one of those items when you were investigating</p> <p>13 Anthony's death did your detectives ask for and not</p> <p>14 receive?</p> <p>15 A. I don't know.</p> <p>16 Q. Well, the answer is none. So not one of the things that</p> <p>17 you say was unavailable to you you ever asked for and</p> <p>18 all of them were available. Correct?</p> <p>19 A. They were available but they are very difficult to</p> <p>20 utilise and you need specialist officers to work with</p> <p>21 them.</p> <p>22 So, for instance, a POLSA team, a search team, will</p> <p>23 need specially trained exhibits officers dedicated to</p> <p>24 work with them. When you have four people on an early</p> <p>25 turn dealing with several prisoners and this, it becomes</p> <p style="text-align: center;">Page 11</p>
<p>1 were not available. As I understand it, you said in</p> <p>2 response to Ms Hill yesterday in fact all of those</p> <p>3 things are available to the borough, but they are not as</p> <p>4 readily available as they are to the MIT?</p> <p>5 A. Yes.</p> <p>6 Q. This statement is in fact incorrect, isn't it?</p> <p>7 A. No.</p> <p>8 So, for instance, every murder that a MIT team</p> <p>9 investigates has an allocated crime scene manager or --</p> <p>10 they keep the job, so we have regular forensic strategy</p> <p>11 meetings with them. So they will go to the scene, if</p> <p>12 they don't hand it over, they will go to the special</p> <p>13 post mortem, forensic post mortem, they will then keep</p> <p>14 the job, they will attend the office meetings we have</p> <p>15 daily that will take place until the job is handed</p> <p>16 over -- or, sorry, until the job is dealt with and they</p> <p>17 keep it right the way through to court and they deal</p> <p>18 with the submissions, they deal with the --</p> <p>19 Q. Sorry, Mr Kirk, that's a different point, isn't it?</p> <p>20 A. No, it is not a different point, because I don't -- on</p> <p>21 borough, the officers, and I didn't have a dedicated CSM</p> <p>22 to retain ownership of the job. There is nobody to</p> <p>23 advise. There is one borough forensic manager, they are</p> <p>24 not a crime scene manager and they basically authorise</p> <p>25 the submissions. Submitting a laptop for examination to</p> <p style="text-align: center;">Page 10</p>	<p>1 very difficult to manage.</p> <p>2 Q. But it is irrelevant, as far as Anthony's death is</p> <p>3 concerned, because none of the things were requested</p> <p>4 that were not given.</p> <p>5 A. The idea -- that is the reason the MIT team was asked to</p> <p>6 take it on.</p> <p>7 Q. What, so they would realise things were needed that you</p> <p>8 didn't realise were needed, is that what you are saying?</p> <p>9 A. No, they have more access to these specialist services.</p> <p>10 Q. As far as database is concerned, I think the database</p> <p>11 which the jury have seen is called CRIS, and they have</p> <p>12 been taken through all the -- or many of the entries</p> <p>13 that were added during the June period. It is designed</p> <p>14 I think to record the evolution of an investigation and</p> <p>15 to record actions and their completion, is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. So too I think is the investigator's decision log, which</p> <p>18 records the investigator's decisions about the</p> <p>19 investigation and the outcome and, again, shows the</p> <p>20 evolution of the investigation. Is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Did anyone in the detective team, Mr McCarthy,</p> <p>23 Mr O'Donnell, Mr Parish, ever come to you and say, "The</p> <p>24 actions in this investigation, the things we are being</p> <p>25 asked to do, are so complicated or so numerous that we</p> <p style="text-align: center;">Page 12</p>

<p>1 require a HOLMES database"?</p> <p>2 A. No.</p> <p>3 Q. As far as the key actions that the jury have heard about</p> <p>4 are concerned, such as searching for a PND intelligence</p> <p>5 or analysing the laptop, do you have any answer for why</p> <p>6 they may not have been completed?</p> <p>7 A. No.</p> <p>8 Q. It appears to be human error?</p> <p>9 A. Okay.</p> <p>10 Q. It does, doesn't it?</p> <p>11 A. I don't know why they were not checked.</p> <p>12 Q. Can I ask you to look again at your email from 26 June,</p> <p>13 please, it is in the bundle under tab 30, it is IPC753.</p> <p>14 I don't want to take you through this again, because the</p> <p>15 jury have seen it many times and you have been asked</p> <p>16 about it in detail, but it is right, isn't it, that in</p> <p>17 that email you say that the investigation of Anthony's</p> <p>18 death is becoming increasingly complex?</p> <p>19 A. Yes.</p> <p>20 Q. From your perspective, was his death a serious</p> <p>21 investigation?</p> <p>22 A. Yes.</p> <p>23 Q. Just looking at your statement again, the second</p> <p>24 statement that you have put in, can I ask you to look at</p> <p>25 paragraph 13, which is on page 5. It is HAL8, page 5.</p> <p style="text-align: center;">Page 13</p>	<p>1 a detective, a trainee detective, a police constable.</p> <p>2 And the role of the sergeant, whether that be detective</p> <p>3 or otherwise, is to supervise those crimes and ensure</p> <p>4 that they are progressed and if, for whatever reason,</p> <p>5 officers are not available, that they are allocated to</p> <p>6 another officer. Things like that.</p> <p>7 In certain cases, if it is serious or complex, a DS</p> <p>8 will oversee the investigation or will investigate it.</p> <p>9 They may well ask for their team to complete actions and</p> <p>10 the detective inspector has the overall responsibility</p> <p>11 to manage the unit to make sure it is staffed, to make</p> <p>12 sure there are people there to deal with the daily work</p> <p>13 that comes in and to make sure that cases are progressed</p> <p>14 and that if there are staffing issues or other issues,</p> <p>15 that they are dealt with and looked into and reviewed.</p> <p>16 Q. You accepted I think just now that Anthony's</p> <p>17 investigation was serious and complex. I think you said</p> <p>18 yesterday that was really, essentially, the reason why</p> <p>19 you allocated an inspector to oversee it?</p> <p>20 A. Yes, it was very rare, it was only the second time I had</p> <p>21 had to do that with an investigation.</p> <p>22 Q. The job of the inspector in that case is to ensure that</p> <p>23 actions are completed, isn't it?</p> <p>24 A. Yes.</p> <p>25 Q. Were you surprised, therefore, to find that DI McCarthy,</p> <p style="text-align: center;">Page 15</p>
<p>1 Paragraph 13 at the bottom. Could you just read out the</p> <p>2 first few lines going into the first line on the next</p> <p>3 page, please.</p> <p>4 Paragraph 13, starting, "I had overall</p> <p>5 responsibility ..."</p> <p>6 Could you read it out loud so the jury can hear it?</p> <p>7 A. Sorry, you would like me to read that paragraph?</p> <p>8 Q. Just the first few lines, going on to the second page,</p> <p>9 page 6.</p> <p>10 A. "I had overall responsibility for all of the above but</p> <p>11 not directly investigate or supervise any of their</p> <p>12 workload. This was not my role and was not feasible,</p> <p>13 that was the role of the DS or, in serious and complex</p> <p>14 cases, the DI."</p> <p>15 Q. What in your view is responsibility so far as</p> <p>16 supervision of workload is concerned?</p> <p>17 A. Sorry, can you -- I am not sure what --</p> <p>18 Q. In your statement you say the direct investigation and</p> <p>19 supervision of the workload was not your responsibility,</p> <p>20 but you say that it was the role of the DS or in serious</p> <p>21 and complex cases ...</p> <p>22 What is the role of supervision of workload, what</p> <p>23 does that actually entail?</p> <p>24 A. So probably 90 plus per cent of all the crimes are</p> <p>25 investigated by a constable rank, whether that be</p> <p style="text-align: center;">Page 14</p>	<p>1 who you had allocated, unusually, to supervise this</p> <p>2 investigation, stepped back almost immediately?</p> <p>3 A. Yes.</p> <p>4 Q. One of the reasons for that is because he removed the</p> <p>5 supervisory expertise that he would have brought to it.</p> <p>6 A. I didn't know what level of supervision he still</p> <p>7 retained over it.</p> <p>8 Q. Well, almost none, it seems.</p> <p>9 A. If that is what you have heard.</p> <p>10 Q. Again, are you disappointed to hear that, if you</p> <p>11 allocate a special, senior detective to an investigation</p> <p>12 and he stops supervising almost immediately, does that</p> <p>13 disappoint you as his manager?</p> <p>14 A. Now knowing the outcomes, most definitely, as I think</p> <p>15 everybody is. Yes.</p> <p>16 Q. Is it fair to say that at whatever level the</p> <p>17 investigation was being supervised, whether it is at DCI</p> <p>18 level, DI level or DS level, checking that actions are</p> <p>19 completed would have been a basic fundamental part of</p> <p>20 its supervision?</p> <p>21 A. Yes.</p> <p>22 Q. The reason for that is that if that doesn't take place,</p> <p>23 errors are made?</p> <p>24 A. Yes.</p> <p>25 MR SKELTON: Thank you.</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 Questions from MR ATCHLEY</p> <p>2 MR ATCHLEY: I appear to represent you and only you.</p> <p>3 Can we just deal with one matter that has just been</p> <p>4 asked of you, to get it out of the way. Can we have on</p> <p>5 the screen paragraph 25 of your second statement, HAL8.</p> <p>6 Could we enlarge it as we did before, covering the two</p> <p>7 pages? Thank you very much.</p> <p>8 You were asked whether any of these were available</p> <p>9 to borough and as far as you were concerned had any of</p> <p>10 them been used. Do you remember that a few seconds ago?</p> <p>11 A. Yes.</p> <p>12 Q. Good.</p> <p>13 As far as Operation Lilford was concerned, can we</p> <p>14 just look at that list and see which they used -- they</p> <p>15 being a MIT team investigating this matter, yes.</p> <p>16 A. Yes.</p> <p>17 Q. Full forensic search of Mr Port's flat?</p> <p>18 A. We did that, I believe, from reading the disclosure --</p> <p>19 Q. Did Lilford not do it with officers in suits and so on</p> <p>20 and so forth?</p> <p>21 A. They, I am sure, went back and did it again.</p> <p>22 Q. Yes. Forensic fingerprinting, the same?</p> <p>23 A. Yes.</p> <p>24 Q. Laptop viewed by MPS digital lab, again, done?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 17</p>	<p>1 you have had access to that, full fingerprinting of the</p> <p>2 flat and so forth?</p> <p>3 A. Again, via the crime scene manager.</p> <p>4 Q. Trained exhibit officers, do you have trained exhibit</p> <p>5 officers?</p> <p>6 A. So there are different levels of training, so we had</p> <p>7 basic trained exhibits officers, there are advanced</p> <p>8 exhibits and there is then a separate section, as</p> <p>9 I understand it, for forensic post mortems, which we</p> <p>10 didn't have.</p> <p>11 Q. Thank you. Operation Lilford, who did investigate these</p> <p>12 four matters, had and probably used all of them, yes?</p> <p>13 A. Yes.</p> <p>14 Q. If MIT had taken it, would they have had access to all</p> <p>15 these?</p> <p>16 A. Yes.</p> <p>17 Q. Easy access?</p> <p>18 A. Yes.</p> <p>19 Q. Thank you.</p> <p>20 You were asked a few questions about your role and</p> <p>21 it was suggested to you at one point that as a DCI you</p> <p>22 should have reviewed this case. I want to ask you about</p> <p>23 two topics, please.</p> <p>24 The first is your real role in simple terms, as</p> <p>25 there seems to be some confusion as to what your job</p> <p style="text-align: center;">Page 19</p>
<p>1 Q. As you have said, do you have resources on borough to go</p> <p>2 through reams and reams and reams, as there were in</p> <p>3 Mr Port's case, of pornography, emails, whatever it may</p> <p>4 be?</p> <p>5 A. Not with the workload that they carried, no.</p> <p>6 Q. Expert evidence re GHB, such as Dr Simon Elliott. Who</p> <p>7 employed Dr Simon Elliott?</p> <p>8 A. I am assuming the Met Police did. That would have been</p> <p>9 arranged through the crime scene managers, they arrange</p> <p>10 for expert witnesses.</p> <p>11 Q. As we have heard, or will hear, specialist search</p> <p>12 officers to fingerprint search properties, public area,</p> <p>13 drains, bins, et cetera, it is right, isn't it, that</p> <p>14 they did that?</p> <p>15 A. Yes.</p> <p>16 Q. Open water search, they did that, looking for the</p> <p>17 telephones, didn't they?</p> <p>18 A. Yes.</p> <p>19 Q. Did you have that facility available to you?</p> <p>20 A. It is not easy to organise or to facilitate.</p> <p>21 Q. Could you pay for it on the budget that you were on at</p> <p>22 that time?</p> <p>23 A. It would have been very difficult. We would have had to</p> <p>24 ask and try and secure funding.</p> <p>25 Q. Full fingerprinting, including the suicide note. Would</p> <p style="text-align: center;">Page 18</p>	<p>1 actually was.</p> <p>2 Let's deal with your job first of all. Were you</p> <p>3 an investigator or a manager?</p> <p>4 A. I was a manager. Part of the senior leadership team.</p> <p>5 Q. Yes, and you were described being asked to become, by</p> <p>6 the then chief superintendent, an acting DCI in the role</p> <p>7 of CID manager, is that what the job was called?</p> <p>8 A. Crime manager, yes.</p> <p>9 Q. Crime manager. Thank you.</p> <p>10 As such, you had some 120 people underneath you?</p> <p>11 A. Yes.</p> <p>12 Q. If we look at the helpful little diagram that shows you</p> <p>13 on top of seven or eight other officers, that is</p> <p>14 missing, as you said yesterday, somewhere in the region</p> <p>15 of 110 people?</p> <p>16 A. Yes.</p> <p>17 Q. All of whom are doing their own crimes?</p> <p>18 A. Yes.</p> <p>19 Q. You covered, as we heard yesterday, a very wide variety</p> <p>20 of policing in those 13 teams that you had underneath</p> <p>21 you. They are set out at your statement, and you have</p> <p>22 been taken to it, page -- forgive me, it is page 4 of</p> <p>23 HAL0008. Can we just go to that, please, and to page 4.</p> <p>24 Just to run through them again, serious acquisitive</p> <p>25 crime. What does that involve?</p> <p style="text-align: center;">Page 20</p>

<p>1 A. It is all allegations of robbery, burglary, theft from 2 person. 3 Q. Right. So that is number 1. 4 Number 2, community safety, what does that mean in 5 real terms? 6 A. It is all domestic abuse and hate crime and all the 7 referral process in relation to what we call the MARAC, 8 which is the multi-agency risk assessment conference, 9 that deals with vulnerable victims and domestic abuse. 10 Q. Domestic violence, sadly, in Barking is not only very 11 high, it is the highest in the Metropolitan Police, 12 isn't it? 13 A. At the time it was the highest, per thousand of the 14 population, in the country. 15 Q. In the country? 16 A. Yes. 17 Q. So was that team pretty busy? 18 A. Yes. 19 Q. Main CID office, what does that mean? 20 A. That -- they dealt with basically everything else from 21 serious assaults, investigations such as this, when they 22 arose, fraud, but they would also deal with -- they 23 would be the people that would be called out to 24 an incident and then -- so for instance high-risk 25 missing people, they would deal with until they were</p> <p style="text-align: center;">Page 21</p>	<p>1 Q. -- in Barking? What is the street crime like? 2 A. It is not good. We were performing very well, we had 3 reduced robbery and we were detecting a lot of 4 burglaries -- 5 Q. What was it like in 2014? 6 A. Yes, it was very busy. It was -- as I said earlier or 7 yesterday, the numbers, the volumes of crimes that we 8 had as a borough were not higher than surrounding 9 boroughs, but the officers we had were a lot less, 10 meaning that each officer had just as many or more 11 investigations. 12 Q. Yes, let's deal with that. Because of the geographical 13 location of Barking and the size of it, is the number of 14 officers that are appointed to you -- or you are allowed 15 to have -- smaller than central London boroughs for 16 example? 17 A. Most definitely, yes. 18 Q. Is your crime rate -- let's take for example street 19 crime, in 2014 is it right that street crime in Barking 20 was one of the highest in the Met? 21 A. We had, before I took over, we had significant 22 increases, which were some of the highest, if I remember 23 rightly. 24 Q. Some of the highest in the Met. So you have a small 25 budget, because of your size, but a large number of</p> <p style="text-align: center;">Page 23</p>
<p>1 either downgraded or found. 2 Q. Right. Who would deal with shoplifters and things like 3 that? 4 A. It depends, if there was a prisoner, which most of the 5 time there was, the case progression unit would deal 6 with that. 7 Q. Can we move on to them then, number (d), case 8 progression unit, what do they do, please? 9 A. They were purely there to deal with prisoners, of which 10 there were lots. We were a 30-cell custody site, so 11 they would deal with prisoners that had arrested by 12 uniformed officers, so the uniformed officers could get 13 back out on patrol. 14 Q. How many prisoners a day are we talking about in 15 Barking? 16 A. I can't recall, it would very so much. Sometimes they 17 could come in in the morning and end up with 10 18 prisoners, sometimes it might only have a couple, but 19 then they would trickle in during the day. It really 20 would depend. 21 Q. Thank you. All dealing with the, as it were, the bottom 22 end of crime, if I can call it that? 23 A. What we would call volume crime. 24 Q. Volume crime. And was it volume -- 25 A. Yes.</p> <p style="text-align: center;">Page 22</p>	<p>1 street crimes? 2 A. Yes. 3 Q. And the largest number of domestic violence crimes? 4 A. Per -- yes, per -- in relation to the population. 5 Q. Can we go on to the fifth, number (e), multi-agency 6 safeguarding, what is that? 7 A. So every time a police officer comes across a child in 8 whatever they are dealing with, whether that be a crime 9 or whether they are at the scene of a domestic violence 10 case that they are called to, they have to create 11 a report, because that child has come to the notice of 12 the police. That could be that they are not at school 13 when they should be. Any time they come to the notice 14 of the police they put a report on and the MAS, as we 15 called it, worked within the local authority building 16 and they worked with children's services, another 17 partner agency, to manage those notices and make sure 18 they were -- 19 Q. Let me give you an example. If a child was in a house 20 where there was domestic violence, is that the sort of 21 child that would be looked after? 22 A. They would be -- yes, so the -- it is recorded on 23 a system called Merlin and the Merlin would be completed 24 by the officers that attended the report of the domestic 25 abuse and they would -- that report would go to the MAS</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 and then they would all share information between them 2 and build up a picture. 3 Q. Next one, child sexual exploitation, probably speaks for 4 itself, but can you help us with that? 5 A. Yes, this was, as I said yesterday, was a new area of 6 work for the police and I took this on myself. So I was 7 the local -- I was the SPoC within the local authority 8 for it, I chaired the sub group of the local 9 safeguarding children board in relation to CSE. I also 10 chaired the meeting that dealt with all the CSE 11 referrals. 12 Q. Dealing with that, give us an idea of what the number of 13 referrals were in comparison to the rest of London? 14 A. We -- because when this was introduced I worked quickly 15 to set the units up, I knew it was an issue on Barking 16 and Dagenham, we had some of the highest referral 17 numbers in the Met, when the process or when the units 18 were first set up, I can't remember the numbers. 19 Q. The highest domestic violence, highest child sexual 20 exploitation and highest street crime, yes? 21 A. The street crime is probably not highest by volume, but 22 we had significant increases. 23 Q. Thank you for correcting me. 24 Crime management unit, what does that do? 25 A. It was an administration function of the CRIS system.</p> <p style="text-align: center;">Page 25</p>	<p>1 Q. Yes. 2 Adult safeguarding officer? 3 A. Yes, this is a very specialised area of investigation, 4 so I was lucky enough to have a very good detective 5 constable who was familiar with the area and very 6 experienced and she managed these investigations. 7 I line managed her directly, because it was a bit of 8 a standalone area of work. 9 Q. Thank you. 10 Public protection unit, finally. 11 A. So this is a unit that manages some 150 offenders that 12 are either on what we call the sex offenders' register, 13 which means they have license conditions as part of 14 their sentence, or violent offenders, which have 15 conditions and they have to do the visits depending on 16 the grading of the offender and then deal with their 17 conditions and monitoring. 18 It is quite a high-risk area of business. 19 Q. Thank you. Thank you very much. 20 Paragraph 13 then, please, let's just look at that, 21 it is still on the page: 22 "I have overall responsibility for all of the above 23 ..." 24 Then this: 25 "... but did not directly investigate or supervise</p> <p style="text-align: center;">Page 27</p>
<p>1 Because it is used as the Home Office crime counting 2 system as well everything has to be correctly recorded, 3 so that the Home Office have accurate data. 4 Q. Thank you, criminal justice unit? 5 A. This unit is police staff -- I think there used to be 6 one police officer in it, and they are the liaison 7 between the Crown Prosecution Service and the officers 8 that have charged somebody to make sure the case is 9 built fully and submitted to the Crown Prosecution 10 Service. They don't exist anymore, really, in the same 11 format. 12 Q. Thank you. 13 Crime squad proactive unit, robbery task force, 14 burglary task force, gangs unit. Again, help us with 15 that. 16 A. So we would have an element of proactive capability on 17 the borough and, depending on the priorities at the 18 time, would be with the unit -- the unit would adapt to 19 that and it was around 12 officers and 2 sergeants and 20 they would do -- whether that was just undercover 21 patrols, proactive work, search warrants, and that kind 22 of work -- 23 Q. Proactive, in other words going out to seek crime and 24 stop it? 25 A. Yes.</p> <p style="text-align: center;">Page 26</p>	<p>1 any of their workload." 2 What do you mean by that, please? 3 A. The role of the detective sergeants and inspectors was 4 to supervise. There was no direction in the policy, 5 certainly for this type of investigation and for many 6 others, for the DCI to conduct reviews or supervise on 7 the borough. That is not what you do on a MIT team, it 8 is very different. 9 Q. We will come to the MIT team in a moment. 10 Can you tell us in your own words what your job was, 11 please? 12 A. It was -- it had been part of the leadership team, it 13 was making sure the borough dealt with all the issues it 14 faced and if you were on call, it didn't matter whether 15 it was my portfolio or not, you were the one that was on 16 call to deal with it and we were doing one or two late 17 turns a week and one weekend in four I think was on 18 call. So we would deal with anything that happened 19 regardless of where it sat, as well as managing the 20 units that were within our portfolio. 21 Q. Did you, you personally, investigate any of them? 22 A. No. 23 Q. Was it your job to investigate any of them? 24 A. No. 25 Q. Would you have had time to investigate any of them?</p> <p style="text-align: center;">Page 28</p>

<p>1 A. No.</p> <p>2 Q. Why and how did you become involved in Mr Walgate's</p> <p>3 case, please, could you explain that to the jury?</p> <p>4 A. I can't remember the conversations but just from piecing</p> <p>5 together some of the disclosure, it would have been</p> <p>6 raised at the Pacesetter meeting in the morning and it</p> <p>7 was probably at that point that Mr Hamer and myself,</p> <p>8 with the new information that had come to light, thought</p> <p>9 that it needed specialist investigation --</p> <p>10 Q. Thank you.</p> <p>11 A. -- and that is when we spoke to Mr McCarthy.</p> <p>12 Q. Was it because during the Pacesetter meeting it appeared</p> <p>13 very serious to you that you thought it warranted your</p> <p>14 attention?</p> <p>15 A. Yes.</p> <p>16 Q. Were you, in effect, seeking to ensure that it was</p> <p>17 resourced?</p> <p>18 A. Yes.</p> <p>19 Q. How did you go about that? What did you do, and by</p> <p>20 that, what action did you yourself take to try and</p> <p>21 ensure that it was resourced? Firstly, how much did you</p> <p>22 know about it?</p> <p>23 A. I knew what was in the briefing notes and what would</p> <p>24 have been brought to the Pacesetter meeting.</p> <p>25 Q. You read that but you didn't investigate it, as it were?</p> <p style="text-align: center;">Page 29</p>	<p>1 A. Yes.</p> <p>2 Q. And what answer did you get?</p> <p>3 A. "You will never prove murder."</p> <p>4 Q. Thank you.</p> <p>5 We then go to your two emails, 753 and 752. I don't</p> <p>6 need to go to those yet, but in relation to 752, that</p> <p>7 was your first email. Basically filling in those around</p> <p>8 you with what the job was about, is that a fair summary?</p> <p>9 A. Yes, Mr Hamer had set it out clearly in his email at</p> <p>10 8.05 that morning what he expected to be completed that</p> <p>11 day, so at the end of that day, or their working day,</p> <p>12 not mine, I sent that email as an update.</p> <p>13 Q. Right. 3 hours and 21 minutes later, you send 753. If</p> <p>14 we could have email IPC753 up on the screen again. The</p> <p>15 jury have seen much of it, but I make no apology for</p> <p>16 that, it is very important.</p> <p>17 Help us with this. You have sought to resource</p> <p>18 this, you have appointed DI McCarthy. You have sent</p> <p>19 your email setting out what it is all about. You have</p> <p>20 spoken to Jones, and had a knock back as far as MIT is</p> <p>21 concerned. Then, three and a half hours later, you</p> <p>22 write this. What caused you please to write this email</p> <p>23 within a few hours of your first one?</p> <p>24 A. The result of the first email -- sorry, the first</p> <p>25 interview of Port, where he changed his account --</p> <p style="text-align: center;">Page 31</p>
<p>1 A. No, my information from cases like this always come via</p> <p>2 the briefing. Because that is what the briefing notes</p> <p>3 are for, or the situation reports.</p> <p>4 Q. Basing your judgment on those reports, you then sought</p> <p>5 to resource it, is that correct?</p> <p>6 A. Yes. Mr Hamer and I were of the same view that the MIT</p> <p>7 team should take it, so we asked Eugene to review it and</p> <p>8 progress it.</p> <p>9 Q. Right. Did he come back to you that MIT was not going</p> <p>10 to take it?</p> <p>11 A. Yes.</p> <p>12 Q. Did you do anything then yourself?</p> <p>13 A. I phoned DCI Jones.</p> <p>14 Q. Is that the normal procedure?</p> <p>15 A. I think once you have made the representation at the</p> <p>16 level that DI McCarthy did, the official escalation</p> <p>17 process is to go to superintendent level --</p> <p>18 Q. Right.</p> <p>19 A. -- and for it to be decided at that level, and if it</p> <p>20 cannot be decided at that level, then at the level</p> <p>21 above, commander, ACPO level.</p> <p>22 Q. First of all, did you think it was worth talking to</p> <p>23 Mr Jones?</p> <p>24 A. Yes, definitely.</p> <p>25 Q. And you did?</p> <p style="text-align: center;">Page 30</p>	<p>1 Q. Thank you. He was being interviewed -- sorry.</p> <p>2 A. -- in relation to meeting Mr Walgate.</p> <p>3 Q. He was being interviewed in those three and a half</p> <p>4 hours, not the full time but in between those two</p> <p>5 emails, wasn't he?</p> <p>6 A. Yes.</p> <p>7 Q. Where is your office, are you shut away somewhere in the</p> <p>8 dark?</p> <p>9 A. No, my office is just along the corridor from the main</p> <p>10 CID office and it is above the custody suite.</p> <p>11 Q. Are you approachable?</p> <p>12 A. I prided myself on being very approachable.</p> <p>13 Q. Do you have an open door policy?</p> <p>14 A. Yes.</p> <p>15 Q. How did you find out so quickly that Port had made these</p> <p>16 admissions, if I can call them that, or varied his</p> <p>17 version?</p> <p>18 A. I don't recall specifically, but the officers walk past</p> <p>19 my office to get to their office from the custody suite,</p> <p>20 but also late turn and weekends was sort of the main</p> <p>21 opportunity, because there weren't the meetings taking</p> <p>22 place all the time, to actually go and walk the floor,</p> <p>23 as we called it, and see the teams, because a large</p> <p>24 majority of my staff were based at Fresh Wharf.</p> <p>25 Q. You are able to actually just walk out of your door and</p> <p style="text-align: center;">Page 32</p>

<p>1 see them and talk to them?</p> <p>2 A. Yes.</p> <p>3 Q. Did you do that?</p> <p>4 A. Yes.</p> <p>5 Q. As a result of doing that in this particular case, did</p> <p>6 you send the email at 753?</p> <p>7 A. Yes.</p> <p>8 Q. Can we look, please, at the seventh paragraph down, it</p> <p>9 might help if that could be slightly inflated.</p> <p>10 Thank you.</p> <p>11 You wrote this:</p> <p>12 "Anthony Walgate appears to be organised and</p> <p>13 experienced in his activities and has a group of friends</p> <p>14 who are obviously concerned at the manner in which he</p> <p>15 has died, as I am sure so are his parents and family."</p> <p>16 Then you wrote this:</p> <p>17 "I feel we as an organisation have a duty to his</p> <p>18 friends and family to get to the bottom of his death in</p> <p>19 what are increasingly suspicious circumstances."</p> <p>20 Did you mean all that?</p> <p>21 A. Yes.</p> <p>22 Q. Was that your attitude at 21.53 on 26 June?</p> <p>23 A. It was and it had been for a day or so.</p> <p>24 Q. Can we just look to the top of the page. It is right,</p> <p>25 isn't it, that you are the most junior officer of those</p> <p style="text-align: center;">Page 33</p>	<p>1 A. I hoped that the superintendent and the MIT team would</p> <p>2 accept my rationale and take on the investigation.</p> <p>3 Q. Did that happen?</p> <p>4 A. No.</p> <p>5 Q. As far as you were aware, at the time, did any of those</p> <p>6 people above you, Ewing, Hamer or Jones or Sweeney,</p> <p>7 respond in any way whatsoever?</p> <p>8 A. No.</p> <p>9 Q. Did you feel, as an acting DCI, you were in a position</p> <p>10 to push it further yourself at that time?</p> <p>11 A. No.</p> <p>12 Q. With the benefit of hindsight, do you wish you had done</p> <p>13 so?</p> <p>14 A. Yes.</p> <p>15 Q. Can I just bring -- thank you -- in essence, did your</p> <p>16 role in the Anthony Walgate matter end there or did it</p> <p>17 end when you went on to appoint Eugene McCarthy as the</p> <p>18 DI?</p> <p>19 A. DI McCarthy had already been asked to take ownership of</p> <p>20 the case the previous day.</p> <p>21 Q. Yes.</p> <p>22 A. My active involvement ended, unless I was either asked</p> <p>23 or contacted by anybody, whether that be officers below,</p> <p>24 above, family, partners ...</p> <p>25 Q. You had set in train the protocol for primacy, hoping</p> <p style="text-align: center;">Page 35</p>
<p>1 that this email was sent to?</p> <p>2 A. Excluding DI McCarthy.</p> <p>3 Q. Thank you, my apologies, yes.</p> <p>4 You have John Sweeney, Chris Jones, Mike Hamer,</p> <p>5 Andy Ewing, all above you?</p> <p>6 A. Yes.</p> <p>7 Q. And Eugene McCarthy, the DI in the case?</p> <p>8 A. Yes.</p> <p>9 Q. What was your purpose, what were you trying to achieve</p> <p>10 when you drafted and sent this email to those senior</p> <p>11 people?</p> <p>12 A. It was effectively following the escalation process and</p> <p>13 to lay out my reasons and rationale as to why</p> <p>14 Mr Walgate's death should have been investigated by the</p> <p>15 major investigation team.</p> <p>16 Q. Thank you.</p> <p>17 Is it called an issue of primacy?</p> <p>18 A. Yes.</p> <p>19 Q. Is there a set procedure for primacy?</p> <p>20 A. Yes.</p> <p>21 Q. Were you going through that procedure?</p> <p>22 A. Yes.</p> <p>23 Q. Once you, in your rank, and acting in your rank, had</p> <p>24 sent it to those, all of whom were above you, what were</p> <p>25 you hoping or expecting to happen?</p> <p style="text-align: center;">Page 34</p>	<p>1 that they would listen to your fairly plain-speaking</p> <p>2 email, yes?</p> <p>3 A. Yes.</p> <p>4 Q. You had appointed a man who was firstly the most</p> <p>5 experienced DI you had?</p> <p>6 A. Yes.</p> <p>7 Q. Experienced officer in the position of acting DI that</p> <p>8 you had?</p> <p>9 A. Yes.</p> <p>10 Q. Did you have any other DIs?</p> <p>11 A. I had two other acting DIs, but Eugene was the most</p> <p>12 experienced, especially in this area of work.</p> <p>13 Q. How long had you known him?</p> <p>14 A. Since about 2000?</p> <p>15 Q. He had been in the job longer than you, hadn't he?</p> <p>16 A. He had, yes.</p> <p>17 Q. He had been a DS longer than you had?</p> <p>18 A. Yes, he was a substantive detective constable when</p> <p>19 I first joined the CID.</p> <p>20 Q. Right. Did you trust him?</p> <p>21 A. Yes.</p> <p>22 Q. Did you think when you appointed him as the DI in the</p> <p>23 case, albeit acting, that he was the best person you had</p> <p>24 available to do that job?</p> <p>25 A. Yes, it is another decision I didn't take lightly.</p> <p style="text-align: center;">Page 36</p>

<p>1 I knew how busy DI McCarthy was, and I always hated 2 adding to anybody's workload, because I knew everybody 3 was very busy, but I felt this case justified that. 4 Q. Thank you. 5 Unless anyone came and knocked on your door or 6 emailed you or whatever to say, "We need X, Y or Z", 7 your role really ended there, did it not? 8 A. Yes, there is no review process documented for this type 9 of thing. 10 Q. Thank you. 11 Can we compare your role as a DSI with that of a DSI 12 in MIT. Is it the same or is it different? 13 A. No, it's vastly different. 14 Q. Vastly? 15 A. Although you are the same rank, the jobs are totally 16 different. 17 Q. You have been in SC&O1 now for five years. Tell the 18 jury, please, what the difference is? 19 A. As an SIO or as a DCI that is the SIO role on a MIT 20 team, you have one team to manage which has four 21 detective sergeants and around 20 investigators and two 22 or three police staff. And that is it. You don't 23 have -- the volume of investigations you have are 24 somewhere between, as I have said, it could be as low as 25 2 or up to 12, and that is really all you have to</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. But as an investigator -- 2 A. But I wouldn't take ownership of anything, no. I would 3 be there to advise if needed. 4 Q. Thank you. 5 Resources, we have heard a lot about it. Let's 6 examine that briefly. A number of witnesses have 7 explained their workload. Are they making it up? 8 A. No. 9 Q. Let's look, please, at INQ00006. It is the coroner's 10 expert's report, carried out by Detective Superintendent 11 Mackay. Could we go to pages 6 into 7, paragraph 30. 12 If we could overlap it, that would be very helpful. 13 Thank you very much. 14 Looking at that, Chief Superintendent Mackay's 15 report. The jury will be hearing from her later, I have 16 no doubt. 17 This is what she says about the resourcing issue, 18 "Policing context", she refers to it as: 19 "It is also important to put these investigations 20 into the context of the national policing picture in 21 2014 and 2015. The impact of the 2010 spending review 22 which saw a £2.2 billion reduction in central policing 23 funding between 2010/11 and 2015/16, was starting to 24 bite with a significant reduction in both police 25 officers and police staff, which generally meant</p> <p style="text-align: center;">Page 39</p>
<p>1 manage. People have to apply, experienced detectives 2 have to apply to join the MIT teams, so you don't have 3 the issues of recruitment, because when you get short on 4 staff you can recruit. Admittedly that doesn't mean 5 that you are always at full strength, and I know at the 6 time they were not -- 7 Q. If I can cut across you, in essence you have a good 8 resource of highly experienced officers who are all 9 qualified higher than anyone who was on borough? 10 A. Yes but, more importantly, they have the time and space 11 to do the work that they do. 12 Q. Yes, you have said somewhere between 2 and 10, or 13 thereabouts, we have heard some slightly higher figures. 14 It is probably an impossible question to answer, but 15 looking at the 13 teams that we went through that you 16 had, how many cases have been -- being done and dealt 17 with at any one time by those 120 people below you? 18 A. That would be in the thousands, I would imagine. 19 Q. Thousands? 20 A. I don't know the number, it is a constant churn of work. 21 Q. Were you in a position to look at any of them as 22 an investigator? 23 A. I would if I was ever asked. So there were certain 24 cases that were brought to my attention that needed 25 advice or looking at or reallocating --</p> <p style="text-align: center;">Page 38</p>	<p>1 an increased workload and reduction in morale across the 2 board. Officers from the MPS [she is not from the MPS] 3 will be better placed to address the detail of how this 4 impacted at local level." 5 In 2014, were you feeling -- by "you" I mean 6 borough -- the impact of that £2.2 billion reduction or 7 not? 8 A. Yes, definitely. 9 Q. Do you know who ordered those cuts? 10 A. I am assuming it was a Government decision. 11 Q. Right. 12 Help us, please, and you have done already, help us 13 please how you saw them impacting on Barking in 2014? 14 What was the effect of those £2.2 billion of cuts on 15 your borough? 16 A. The effect was implemented by the introduction of the 17 local policing model, which was effectively a way to 18 reduce the number of staff and to increase -- so we had 19 to -- there was a saying which was, "More for less", 20 basically. Which meant that the overtime budgets were 21 slashed, the supervision was slashed, all the way up, 22 especially in my portfolios and then, on top of that, 23 the performance pressures started to come from the 24 Mayor's office. And the senior leadership of the Met at 25 the time had a very stringent performance regime, then</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 what was the Crimefighters, as we called it, I am not</p> <p>2 sure it has been mentioned yet? But very briefly, every</p> <p>3 month there was a policing Crimefighters pack which</p> <p>4 every borough would be sent and it basically ranked</p> <p>5 every borough, all 32 boroughs, in their performance in</p> <p>6 vast areas of policing. A majority of those areas were</p> <p>7 in my portfolio, because it was around crime reduction</p> <p>8 detection.</p> <p>9 Q. Is that another job you had to do?</p> <p>10 A. So yes, so there was a policing -- a Met Crimefighters,</p> <p>11 where we had to go through the pack of circa 40 slides,</p> <p>12 plus --</p> <p>13 Q. We don't need to go into the details, thank you, but was</p> <p>14 the effect of that, as you have touched upon, was the</p> <p>15 effect of all the performance tracing(?) issues that you</p> <p>16 were being expected to -- higher performance with less</p> <p>17 men and less money?</p> <p>18 A. Yes.</p> <p>19 Q. Did that have an effect on the officers in Barking and</p> <p>20 the officers in this case?</p> <p>21 A. I have no doubt, but they always remained positive. You</p> <p>22 know, there were times when people were overwhelmed,</p> <p>23 I had many officers in tears in my office. It wasn't</p> <p>24 uncommon, people were stressed, overworked, the shift</p> <p>25 pattern had big implications, but it was all imposed on</p> <p style="text-align: center;">Page 41</p>	<p>1 Questions from THE JURY</p> <p>2 THE CORONER: Mr Kirk, why do you think a PND check was done</p> <p>3 on Anthony but not on Port?</p> <p>4 A. From memory yesterday I saw that the emails were</p> <p>5 circulated on the 19th, which was probably very, very</p> <p>6 early on in the initial investigation, before Port had</p> <p>7 been identified as being as involved as he was. I think</p> <p>8 that is probably why.</p> <p>9 THE CORONER: I think you have probably covered this</p> <p>10 question, but I will ask it. Would it be fair to say</p> <p>11 that your role in 2014 was a lot of work for someone in</p> <p>12 your position and in fact you needed additional DCI or</p> <p>13 T/DCI to help with the different departments.</p> <p>14 A. Yes, or more DIs would have been helpful.</p> <p>15 THE CORONER: Was there a good working relationship between</p> <p>16 the borough teams and the MIT/HAT teams?</p> <p>17 A. Generally, yes. We had had our fair share of</p> <p>18 investigations that they had taken on and we had never</p> <p>19 had any issues. They had taken on cases that were not</p> <p>20 murders because of the complexity.</p> <p>21 THE CORONER: Do you feel you could have challenged the MIT</p> <p>22 further to take primacy of the case, for example</p> <p>23 communicated this to the borough commander or a higher</p> <p>24 rank.</p> <p>25 A. Andy Ewing was my borough commander. He was the chief</p> <p style="text-align: center;">Page 43</p>
<p>1 us. As a borough we didn't have any ability to change</p> <p>2 it.</p> <p>3 Q. Did you agree that that is the sort of atmosphere that</p> <p>4 errors and made and mistakes occur?</p> <p>5 A. Yes.</p> <p>6 Q. Thank you.</p> <p>7 Is there anything else you wish to say in relation</p> <p>8 to these matters?</p> <p>9 A. No. Other than obviously, as I have said, with</p> <p>10 hindsight I would have definitely taken steps to change</p> <p>11 the course of events, no two ways about it but,</p> <p>12 unfortunately, looking back at the time, it wasn't</p> <p>13 something that anybody that sat here, I can see, foresaw</p> <p>14 and everybody would have done something if they could</p> <p>15 have done.</p> <p>16 MR ATCHLEY: Thank you.</p> <p>17 You are returning in, I think it is 10 days' time,</p> <p>18 to assist in relation to the other three young men's</p> <p>19 deaths, so we shall be seeing you again but that</p> <p>20 completes, as far as I am concerned for now. Thank you</p> <p>21 officer.</p> <p>22 MR O'CONNOR: Madam, I just have a couple of questions.</p> <p>23 THE CORONER: There are some questions from the jury, shall</p> <p>24 I ask those first?</p> <p>25 MR O'CONNOR: Yes.</p> <p style="text-align: center;">Page 42</p>	<p>1 superintendent.</p> <p>2 Mike Hamer was my direct line manager as temporary</p> <p>3 superintendent. So really as high as I could go. The</p> <p>4 next stage was for them to raise it to their managers,</p> <p>5 which were commander level.</p> <p>6 THE CORONER: Once the MIT team had said they were not</p> <p>7 taking primacy of the case, was the attitude of the</p> <p>8 borough that you were not going to carry on</p> <p>9 investigating this as a potential murder?</p> <p>10 A. Not at all. Not at all.</p> <p>11 THE CORONER: Do you think that if the MIT or HAT had</p> <p>12 stepped in, that might have prevented further deaths.</p> <p>13 A. Yes.</p> <p>14 Questions from THE CORONER</p> <p>15 THE CORONER: Just a question from me.</p> <p>16 Clearly you have dealt with an awful lot of issues</p> <p>17 that you had and responsibilities that there were, both</p> <p>18 for you and individual officers, clearly prioritising</p> <p>19 cases was going to be inevitable, wasn't it?</p> <p>20 A. Yes.</p> <p>21 THE CORONER: Where would an unexplained death fall within</p> <p>22 the prioritisation?</p> <p>23 A. Well, the fact that I asked a DI to investigate it meant</p> <p>24 that it sat quite highly.</p> <p>25 THE CORONER: Thank you.</p> <p style="text-align: center;">Page 44</p>

<p>1 Further questions from MR O'CONNOR</p> <p>2 MR O'CONNOR: Mr Kirk, just questions on two areas, please.</p> <p>3 The first, you will recall you were taken within</p> <p>4 your statement -- we don't need to have it back up --</p> <p>5 there was a list, wasn't there, of tasks, types of</p> <p>6 specialist enquiry, if you like?</p> <p>7 A. Yes.</p> <p>8 Q. You were making the point in your statement that they</p> <p>9 were, I think where we ended up, certainly more</p> <p>10 available, more accessible to the MIT teams than they</p> <p>11 were to the borough --</p> <p>12 A. Yes.</p> <p>13 Q. -- and you explained why you gave that view.</p> <p>14 I don't want to go back to all of them but just one</p> <p>15 of them related to downloading from laptops, do you</p> <p>16 remember?</p> <p>17 A. Yes.</p> <p>18 Q. I think the words you used were that you didn't have the</p> <p>19 resources to review reams and reams, as you put it, of</p> <p>20 material downloaded from laptops?</p> <p>21 A. It is a huge task and there were people that could do</p> <p>22 it, but to do that in addition to the workloads that</p> <p>23 they had was very, very difficult.</p> <p>24 Q. Just to be clear about your evidence on this. First of</p> <p>25 all, of course, in this case, that question never arose</p> <p style="text-align: center;">Page 45</p>	<p>1 Yes, now, just to locate ourselves, we see from the</p> <p>2 top that this is an email you sent on 22 September.</p> <p>3 A. Yes.</p> <p>4 Q. Do you remember, this is the one where you were talking</p> <p>5 about GHB. Of course this was an email you sent, as we</p> <p>6 can in fact see from the subject line, as part of the</p> <p>7 response to the discovery of Daniel Whitworth's body.</p> <p>8 A. Yes.</p> <p>9 Q. Is that right?</p> <p>10 I don't want to ask you about the content of this</p> <p>11 email, because we will be coming back to it and as the</p> <p>12 jury have heard you are going to be coming back to give</p> <p>13 evidence, so this is one of the things we can explore</p> <p>14 with you when that happens. Just for today's purposes,</p> <p>15 I wanted to just get the chronology straight and the</p> <p>16 timing right. Daniel Whitworth's body was discovered,</p> <p>17 wasn't it, on Saturday, 20 September?</p> <p>18 A. Yes.</p> <p>19 Q. This was an email you sent on the Monday following the</p> <p>20 discovery of his body?</p> <p>21 A. Yes.</p> <p>22 Q. Again, just to be clear about this, as the jury have</p> <p>23 heard, Daniel's body was discovered with what appeared</p> <p>24 to be a suicide note, yes?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 47</p>
<p>1 because the laptop wasn't submitted for download, was</p> <p>2 it?</p> <p>3 A. As I understand now, no, it wasn't.</p> <p>4 Q. You are not saying, are you, that borough investigators</p> <p>5 would never send laptops or other devices off to be</p> <p>6 downloaded because they were not able to review the</p> <p>7 contents.</p> <p>8 A. No, not at all.</p> <p>9 Q. We have heard it said it was a basic investigative step?</p> <p>10 A. I think it is quite clear it should have been sent off</p> <p>11 and wasn't.</p> <p>12 Q. Do you agree it was a basic investigative step?</p> <p>13 A. Yes.</p> <p>14 Q. When the results came back, there might be reams and</p> <p>15 reams of material, or there might not?</p> <p>16 A. Yes.</p> <p>17 Q. Presumably the investigators at that stage would see</p> <p>18 what was there and take a view as to whether they could</p> <p>19 look at it or whether they needed to ask for help</p> <p>20 looking at it?</p> <p>21 A. Yes.</p> <p>22 Q. Thank you.</p> <p>23 The other area relates to a document that you were</p> <p>24 taken to by Ms Hill. I wonder if we could have it back</p> <p>25 on screen, please. It is IPC210.</p> <p style="text-align: center;">Page 46</p>	<p>1 Q. Which mentioned "G" as a drug that was involved in his</p> <p>2 death and also the death of the other man he referred</p> <p>3 to.</p> <p>4 In that case, unlike Anthony's, the involvement of</p> <p>5 the drug G, or GHB, was known from the start, because of</p> <p>6 what was written on the suicide note?</p> <p>7 A. Yes.</p> <p>8 Q. That is why, within two days of the discovery of the</p> <p>9 body, you were sending an email about GHB in his case?</p> <p>10 A. Yes.</p> <p>11 Q. The point I wanted to come to was that you were asked</p> <p>12 about the timing of you linking Anthony's death to GHB.</p> <p>13 A. Yes.</p> <p>14 Q. We see this was 22 September. Let me ask, if we can</p> <p>15 have back on screen, please, IPC257.</p> <p>16 We know the jury have heard -- it is a date we have</p> <p>17 referred to a number of times, that Denise Stanworth,</p> <p>18 the toxicologist in the Walgate case, her report was</p> <p>19 dated 10 September?</p> <p>20 A. Yes.</p> <p>21 Q. This, as the jury have seen before, is an email that</p> <p>22 DI McCarthy sent, having read that report, yes?</p> <p>23 A. Yes.</p> <p>24 Q. He sent it to other members of his team, Sergeant</p> <p>25 O'Donnell and DC Parish, in particular. But you were</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 copied in on it?</p> <p>2 A. Yes.</p> <p>3 Q. That is dated 16 September, so a few days before</p> <p>4 Daniel's body was discovered?</p> <p>5 A. Yes.</p> <p>6 Q. I haven't seen in the documents anything to suggest that</p> <p>7 you were aware of the toxicology results in Anthony's</p> <p>8 case before you received this email. I appreciate it is</p> <p>9 a long time ago but, doing the best you can, do you</p> <p>10 think it is probably the case that it was this email</p> <p>11 that first alerted you to the connection of GHB with</p> <p>12 Anthony's death?</p> <p>13 A. I don't -- I can't recall, but it is likely, I would</p> <p>14 have suspected, from looking at the documents, yes,</p> <p>15 I cannot pinpoint when I knew GHB was involved.</p> <p>16 Q. No. Let me just help you a little bit further explore</p> <p>17 it. We have seen from the CRIS report, and I think we</p> <p>18 will hear from Ms Stanworth when she comes to give</p> <p>19 evidence, in fact today, that slightly earlier, during</p> <p>20 August, there had been sort of informal discussions</p> <p>21 between her and the officers and she had alerted them to</p> <p>22 the fact that there was some issue about GHB, although</p> <p>23 at that stage nothing in detail.</p> <p>24 A. Right.</p> <p>25 Q. But, as you have told us many times, you were not</p> <p style="text-align: center;">Page 49</p>	<p>1 Q. Please do take a seat, Ms Stanworth, thank you.</p> <p>2 Ms Stanworth, you were a forensic scientist, now</p> <p>3 retired?</p> <p>4 A. That's correct.</p> <p>5 Q. When did you retire?</p> <p>6 A. I retired at the end of April 2019.</p> <p>7 Q. Can you tell the jury what qualifications you hold to be</p> <p>8 a forensic scientist.</p> <p>9 A. I have a bachelor's of science honours degree in</p> <p>10 physiology and biochemistry. I worked for more than</p> <p>11 16 years for the Home Office Forensic Science Service,</p> <p>12 when it existed. For them I was authorised analyst</p> <p>13 under section 16, I think it was, of the Road Traffic</p> <p>14 Offenders Act. My job with the Home Office Forensic</p> <p>15 Science Service was to analyse body samples, body fluids</p> <p>16 for the presence of alcohol, drugs and poisons.</p> <p>17 I then moved to a company called Forensic Alliance,</p> <p>18 where my job was very similar. And I was there from --</p> <p>19 sorry, I will just have to check the dates.</p> <p>20 Q. Please do.</p> <p>21 A. It was 1998, when I joined Forensic Alliance. They then</p> <p>22 became LGC Forensics and I believe they are now Eurofins</p> <p>23 Forensic Services. And I left -- sorry, I retired from</p> <p>24 that company in 2019.</p> <p>25 Q. It was that company that you were working for in 2014?</p> <p style="text-align: center;">Page 51</p>
<p>1 involved in the investigation of this case. You were</p> <p>2 not looking at the CRIS, were you?</p> <p>3 A. No.</p> <p>4 Q. This is the first time we know you knew that there was</p> <p>5 a link between Anthony's death and GHB, and as we see</p> <p>6 from the date, that was less than a week before Daniel's</p> <p>7 death and less than a week before you sent that email</p> <p>8 that we looked at where you made the remark about GHB?</p> <p>9 A. Yes.</p> <p>10 MR O'CONNOR: As I say, we will come back to the contents of</p> <p>11 that email when you return to give evidence.</p> <p>12 Thank you very much, DI Kirk.</p> <p>13 THE CORONER: Thank you very much, Mr Kirk.</p> <p>14 Members of the jury, we will take a short break</p> <p>15 there now, please.</p> <p>16 (11.41 am)</p> <p>17 (A short adjournment)</p> <p>18 (12.02 pm)</p> <p>19 (In the presence of the jury)</p> <p>20 THE CORONER: Yes.</p> <p>21 MS COLLIER: May we call Denise Stanworth, madam.</p> <p>22 MS DENISE STANWORTH (sworn)</p> <p>23 Questions from MS COLLIER</p> <p>24 MS COLLIER: Can you give your full name, please?</p> <p>25 A. My name is Denise Stanworth.</p> <p style="text-align: center;">Page 50</p>	<p>1 A. That's right, in 2014 they were LGC Forensics.</p> <p>2 Q. As you know, you are here to give evidence about two</p> <p>3 toxicology reports that you prepared in 2014, upon the</p> <p>4 instruction of Barking borough police.</p> <p>5 Those reports contain your toxicology analysis of</p> <p>6 samples taken from the body of Anthony Walgate at the</p> <p>7 special post mortem conducted by Dr Biedrzycki, and from</p> <p>8 the body of Daniel Whitworth at his special post mortem.</p> <p>9 Just so that you are aware, the jury has heard</p> <p>10 evidence in connection with Anthony Walgate only and is</p> <p>11 yet to hear evidence as regards Daniel Whitworth, but</p> <p>12 rather than calling you to give evidence twice I will be</p> <p>13 asking you questions today about each of those two</p> <p>14 reports that you prepared.</p> <p>15 A. Okay.</p> <p>16 Q. I will be taking you through those reports in a little</p> <p>17 more detail later on, but before I do so some general</p> <p>18 questions, please.</p> <p>19 You have explained that, as a forensic scientist,</p> <p>20 your specialism is in the analysis of body fluids and</p> <p>21 other materials for the presence of alcohol, drugs and</p> <p>22 poisons.</p> <p>23 A. That's correct.</p> <p>24 Q. Can you explain to the jury what a forensic scientist</p> <p>25 with that particular specialism actually does?</p> <p style="text-align: center;">Page 52</p>

<p>1 A. I was generally asked to analyse blood and urine samples 2 for alcohol and a range of drugs. The drugs were drugs 3 of abuse, prescription medicines, solvents, but also on 4 occasion we have to analyse organs from human tissue, 5 and also I -- part of my job was to look for noxious 6 substances in other materials as well, so that is a sort 7 of side issue, side specialism. 8 Q. In the cases that we will be talking about, you were 9 asked by the police to analyse, as I have said, samples 10 from Anthony and from Daniel in order to look for 11 a range of substances. We will come to look at those 12 a bit later. 13 In cases such as these, where the analysis is 14 commissioned by the police, who is it who decides which 15 substances should be tested for, is it yourself or is it 16 the police? 17 A. It is usually -- it can be an agreement between the 18 forensic scientist and the police. At the end of the 19 day, it is the police that have the final say in what is 20 done, but sometimes they do ask us for advice and they 21 generally give an aim of the analysis and we can 22 sometimes advise them what is the best way of addressing 23 the questions that they need to answer. 24 Q. At this stage, I would like to ask you about two 25 substances in particular. I want to ask you about them</p> <p style="text-align: center;">Page 53</p>	<p>1 detected. 2 Q. Not commonly? 3 A. Detected. 4 Q. And GBL? 5 A. GBL -- it is related to GHB. It is a precursor, 6 something that GHB could be made from. 7 GBL does break down in the body to form GHB, so they 8 are very closely related, structurally, as a chemical. 9 Q. Can I come back to something you said in relation to GHB 10 and sexual assault. You said that it has been 11 speculated about that GHB is implicated in sexual 12 assault cases but I think you said that it is not often 13 detected, is that right? 14 A. That's correct, yes. 15 Q. Can you explain why that is? 16 A. Because most of the samples we get from complainants in 17 sexual assault cases, the samples are taken some time 18 after the incident and GHB is actually eliminated from 19 the body very quickly, and so it can become undetectable 20 in body fluids quite quickly after it has been taken. 21 Q. Is what you are saying that it may or may not have been 22 used in a range of sexual assault cases, it is just 23 that, unless a sample is taken sufficiently quickly, it 24 is impossible to say? 25 A. That's correct, yes.</p> <p style="text-align: center;">Page 55</p>
<p>1 in general terms, rather than in relation to either 2 Anthony's case or Daniel's case. 3 The first of those is GHB. 4 The second is GBL. 5 Could you explain to the jury, please, what GHB is? 6 A. GHB, it is an anaesthetic drug with sedative properties 7 and it was originally developed as a pre-medication 8 prior to surgery. It gained popularity as a drug of 9 abuse back in the 1980s, when it was used in gymnasiums 10 and amongst bodybuilders with the thought that it would 11 enhance muscle growth. 12 It also became popular a little bit later on in the 13 1990s in the dance and club scene as a recreational 14 drug. It has been implicated in date rape incidents as 15 well. 16 Q. Can I ask what you mean by "implicated in date rape 17 incidents"? 18 A. There is a lot of information in the media speculating 19 about the use of GHB in sexual assaults where drugs have 20 been used to overpower the victim or to render the 21 victim asleep or unable to make decisions. GHB has been 22 speculated about as used very commonly. I think in my 23 35-year career I have possibly only come across GHB used 24 in sexual assaults on one occasion. 25 There is no doubt it is used, but it is not commonly</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. Can I come on to ask you then about the physiological 2 effects of taking GHB. I understand from your report 3 that the physiological effects depend upon the size of 4 the dose that is taken; is that right? 5 A. That's correct, yes. It has some similarities to 6 alcohol. In low dose it produces euphoria, it lowers 7 social inhibitions, makes people more social and 8 friendly and it is reported to increase libido. 9 Q. Then in medium -- sorry, have you finished explaining 10 what -- 11 A. Libido, yes. 12 Q. Then in medium doses? 13 A. At medium doses that euphoria will give way to sedation, 14 which may lead to unrouseable sleep. It has been 15 reported that GHB can also produce nausea and vomiting 16 and dizziness, amnesia and visual disturbances as well. 17 Q. You mentioned unrouseable sleep as one of the effects of 18 a medium-sized dose of GHB. May I ask, is it right then 19 that the person would be living but sleeping? 20 A. That's right, yes. 21 Q. When you say "unrouseable sleep", it means that someone 22 cannot wake them but at some stage when the effects wear 23 off they will awake, is that correct? 24 A. That's correct, yes. 25 Q. How long might a person -- I appreciate that it would</p> <p style="text-align: center;">Page 56</p>

<p>1 depend upon the individual and upon the size of the dose</p> <p>2 and their particular chemistry, I would imagine, but how</p> <p>3 long might an individual sleep for, as someone who has</p> <p>4 had a medium-sized dose?</p> <p>5 A. I can't really say, but it can be up to an hour or</p> <p>6 several hours, depending, it just depends on the dose.</p> <p>7 Q. It isn't the length of the sleep that is significant, it</p> <p>8 is the fact that it is impossible to wake them, is that</p> <p>9 right, in terms of the effect?</p> <p>10 A. It is reported, yes, that it does induce sleep that is</p> <p>11 unrouseable, that you cannot wake someone up when they</p> <p>12 are in that deep state, yes.</p> <p>13 Q. Moving on then to a large dose of GHB, what are the</p> <p>14 effects there?</p> <p>15 A. The -- it becomes -- the drug can cause anaesthesia.</p> <p>16 Q. What does that mean?</p> <p>17 A. It means the person cannot feel anything, that they are</p> <p>18 asleep, well, apparently asleep, and that can lead to</p> <p>19 unconsciousness, coma, it is a depressive drug GHB, so</p> <p>20 that means that it will depress the centres in the brain</p> <p>21 that control breathing and heart rate, so it can lead to</p> <p>22 respiratory depression.</p> <p>23 Q. Sorry to interrupt you, but you say it can lead to</p> <p>24 respiratory depression. What does that mean?</p> <p>25 A. It means a person's breathing becomes shallower and</p> <p style="text-align: center;">Page 57</p>	<p>1 Q. Then a medium to large dose?</p> <p>2 A. More than a teaspoon, I would guess. I do believe there</p> <p>3 is really quite a small margin between a dose that would</p> <p>4 bring about the euphoria and the desired recreational</p> <p>5 effects and those that produce the undesired effects of</p> <p>6 falling asleep and becoming unrouseable.</p> <p>7 Q. A small margin, so you mean the difference between</p> <p>8 a recreational dose that leads to euphoria and a dose</p> <p>9 that causes unconsciousness is very small?</p> <p>10 A. I believe so. This is from the reading of the</p> <p>11 literature. I believe that people who use GHB regularly</p> <p>12 do measure their doses quite carefully.</p> <p>13 Q. Thank you.</p> <p>14 Can I move on then to look at the analysis that you</p> <p>15 performed in Anthony's case. The sequence of events was</p> <p>16 that the special post mortem took place on 19 June, at</p> <p>17 which samples were taken from Anthony, including urine</p> <p>18 and blood samples. They were sent to you and we see</p> <p>19 from your report that you received them on 17 July 2014.</p> <p>20 We will come to look at this and I will ask you some</p> <p>21 questions, but you had obtained some preliminary results</p> <p>22 by 13 August, mid August. Then the date of your final</p> <p>23 report was 10 September. From the date of receipt then,</p> <p>24 which was on 17 July, it took roughly a month for the</p> <p>25 preliminary result to be obtained, and then a further</p> <p style="text-align: center;">Page 59</p>
<p>1 slower and eventually can stop. So it can lead to coma</p> <p>2 and death.</p> <p>3 Q. Is it possible to recover from the effects of larger</p> <p>4 doses. You said it can lead to coma and death, is it</p> <p>5 possible to recover, if you are in a coma state?</p> <p>6 A. I suppose it is possible. I am not really sure. I know</p> <p>7 individuals have received emergency treatment and have</p> <p>8 recovered.</p> <p>9 Q. Again, please do say if this is something -- if these</p> <p>10 are questions which you are not able to answer, do say.</p> <p>11 How long might someone who had ingested a larger dose be</p> <p>12 alive but in a coma before dying? Or is that something</p> <p>13 that you are unable to answer?</p> <p>14 A. I am unable to answer that.</p> <p>15 Q. Ms Stanworth, you have spoken about doses, we have</p> <p>16 spoken about small, medium and large doses.</p> <p>17 Are you able to help the jury with what is a low</p> <p>18 dose, a medium dose and a larger dose? So by reference</p> <p>19 to a unit that we might understand such as a teaspoon or</p> <p>20 something like that?</p> <p>21 A. Well, a teaspoon of GHB powder dissolved in a drink has</p> <p>22 been reported as a sort of standard recreational dose.</p> <p>23 Q. So would that be a low dose then?</p> <p>24 A. Just enough to produce the effects that are desired,</p> <p>25 I suppose a low to a medium dose.</p> <p style="text-align: center;">Page 58</p>	<p>1 four weeks for the final results.</p> <p>2 May I ask, if results were needed more quickly than</p> <p>3 that, because the matter was urgent, for example there</p> <p>4 might be a suspect being held in custody and there would</p> <p>5 be limits upon the time that that person could be held</p> <p>6 there, is there a process for fast tracking your</p> <p>7 analysis so that the toxicology results are obtained</p> <p>8 more swiftly?</p> <p>9 A. There is. The police can request that the tests are</p> <p>10 carried out urgently. We have a fast-track service</p> <p>11 which we charge extra -- quite a bit extra -- in order</p> <p>12 to do that, because fast tracking something through the</p> <p>13 testing is quite disruptive to the laboratory.</p> <p>14 Q. Are you able to give us an idea of how long a fast-track</p> <p>15 result might be obtained?</p> <p>16 A. It is usually done by negotiation with the customer,</p> <p>17 just to see how quickly it is that it is required,</p> <p>18 because it is quite disruptive to our work at the</p> <p>19 laboratory. But it is possible to get at least some</p> <p>20 tests done within a few days.</p> <p>21 Q. I am going to ask you to look at a document in the</p> <p>22 bundle. It will also appear on the screen, so if it is</p> <p>23 easier do, please, use the screen.</p> <p>24 Can we look, please, at tab 2, it is the CRIS, tab 2</p> <p>25 in the jury bundle B/1.</p> <p style="text-align: center;">Page 60</p>

<p>1 If you want to look at it in the bundle, I think it 2 is the one that is right there in front of you. It says 3 B, it's the big one, no, on the left, that one. 4 I think it should be that one, tab 2, and it is 5 IPC35, at page 91. 6 Do you have it? It is tab 2. Sorry, it is my 7 fault, it is tab 2 and then page 91 within that tab. 8 Do you have page 91? 9 A. I do, yes. 10 Q. I want to show you the entry that is there on the top of 11 page 91, which is on 13 August. This document here is 12 the police crime report, so it is a log, if you like, of 13 the investigation into Anthony's death. This is 14 an entry that is made by Detective Sergeant O'Donnell on 15 13 August 2014. 16 We see on that page -- the text starts midway 17 through the entry that he has made, but what I want to 18 direct you to is the toxicology screening results part 19 of the entry. Do you see that in the middle of the 20 page? 21 A. Yes, I do. 22 Q. Firstly, can I ask -- sorry, I should say, it appears 23 therefore that DS O'Donnell has received screening 24 results from yourself by this date, because he has made 25 an entry about them?</p> <p style="text-align: center;">Page 61</p>	<p>1 Q. Is this what happened in this case then? 2 A. That's correct, yes. 3 Q. What results did you get at the screening stage? 4 A. The presence of citalopram, diphenhydramine and 5 chlorphenamine. 6 Q. Then you also sorry -- sorry, I interrupted. 7 A. That was the medicines screen, the third one that we do. 8 The common drugs of abuse test that we run, all 9 those were negative. 10 Then in this case, because GHB was inferred, there 11 was a further screening test on the urine to see if GHB 12 was present or not. And it came back with the presence 13 of GHB. At that stage, then, I had to go on and do 14 further work relating to GHB analysis. 15 Q. Then, finally I think, poppers was something that you 16 had been asked about, can you explain what the results 17 were as far as that is concerned? 18 A. We didn't find anything that was related to poppers. 19 These are alkyl nitrites which are very volatile. They 20 are sniffed, basically. 21 Q. What does that mean in terms of the likelihood of 22 detecting if somebody has ingested poppers? 23 A. Because they are inhaled, they are very volatile, so 24 they are excreted by the body or they are breathed out 25 very quickly, the components.</p> <p style="text-align: center;">Page 63</p>
<p>1 A. Yes. 2 Q. Can you explain first of all what are screening results, 3 is that a term that you would recognise? 4 These I think are your provisional screening 5 results? 6 A. Yes, it is -- the first drugs, the citalopram, 7 diphenhydramine and chlorphenamine, they are 8 an antidepressant and two antihistamines, they were 9 picked up on screening tests on the blood. 10 Q. In order that the jury understand the process, is there 11 a preliminary screen and then another test, how does it 12 work? 13 A. Right, okay. 14 When we get a sample in the laboratory, most of the 15 samples we send for alcohol. 16 So the first test that we do is a test for alcohol. 17 Then we put it through another test, which detects 18 a number of commonly used drugs of abuse. 19 And then the third test is a screen for medicines or 20 more medicinal compounds, which these fall into the 21 category. 22 So on a lot of our cases we would do initially those 23 three tests and then we would wait and see what the 24 results were for those screening tests, before carrying 25 on with more testing.</p> <p style="text-align: center;">Page 62</p>	<p>1 Q. You wouldn't expect to pick up poppers on the test? 2 A. No, not really. No. 3 Q. You mentioned that GHB was picked up on the urine 4 screen, and you said you needed to do more work on that. 5 Can you explain, having picked it up on the urine why 6 did you need to do more work on the blood? 7 A. Because analysis of urine is a good way of telling you 8 what is actually there, but the levels in urine are not 9 very useful for determining how much a person has taken 10 of that particular drug. So any screening on the urine, 11 we would then go back to the blood sample and measure 12 the level of that drug in the blood. And then that is 13 easier to interpret than urine analysis. 14 Q. Tell me if I am right -- if I am not, please correct me. 15 Is it right then that at this stage of the 16 investigation, with these preliminary results, you know 17 what substances have been detected in Anthony's body, 18 but you are not yet clear on the concentration of those 19 substances. Is that right? 20 A. That's correct, yes. 21 Q. I think you said that in order to provide a meaningful 22 commentary, you would need to have an understanding of 23 the concentrations? 24 A. That's correct, yes. 25 Q. Can we look then at the final report that you prepared</p> <p style="text-align: center;">Page 64</p>

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<p>1 in relation to Anthony.</p> <p>2 The CRIS can come off the screen, thank you.</p> <p>3 IPC326, and in the bundle, Ms Stanworth, it is</p> <p>4 behind tab 41. Do you have that?</p> <p>5 A. I have, yes.</p> <p>6 Q. On the screen we see the first page of your report, and</p> <p>7 we should note that the date is 10 September 2014. But</p> <p>8 then can we turn over the page, please. Then under the</p> <p>9 heading "Receipt of items", can you explain what it was</p> <p>10 that you received from the police on 17 July?</p> <p>11 A. Yes, these were samples taken from the post mortem</p> <p>12 examination of Anthony Walgate. They were two blood</p> <p>13 samples, one was preserved and the second blood sample</p> <p>14 was not preserved. There was a preserved urine sample</p> <p>15 and a vitreous humour sample. Vitreous humour is the</p> <p>16 fluid in the eye.</p> <p>17 Q. I think it is right to say that of those samples, it was</p> <p>18 only the preserved blood and urine which you examined.</p> <p>19 Is that correct?</p> <p>20 A. That's correct, yes.</p> <p>21 Q. Then, underneath the samples that were taken at the post</p> <p>22 mortem, we see from Cooke Road, Barking there is a brown</p> <p>23 bottle containing liquid.</p> <p>24 I just want very quickly to look at a document on</p> <p>25 the screen, IPC306, which is a witness statement from</p> <p style="text-align: center;">Page 65</p>	<p>1 I think in this particular case it was the charging code</p> <p>2 that allowed for wider analysis or a wider screening.</p> <p>3 And it is one where we, I think we traditionally gave</p> <p>4 them an estimate of the work that we were proposing to</p> <p>5 do, so there is an element of the scientist advising the</p> <p>6 police under these particular circumstances on what is</p> <p>7 on what is best to do to answer that particular question</p> <p>8 of what has contributed to his death.</p> <p>9 Q. Then can we look at the results. So we need to look at</p> <p>10 page 4, please. Again, I am looking at the blood first</p> <p>11 of all, please.</p> <p>12 You analysed the blood sample for the presence of</p> <p>13 alcohol and a range of those drugs. Can you explain to</p> <p>14 the jury what you have recorded there under "Blood"?</p> <p>15 A. Yes, alcohol was detected at a low concentration and</p> <p>16 that is below 10 milligrams per 100 millilitres. GHB</p> <p>17 was detected in the blood 100 milligrams per litre.</p> <p>18 That means it was off scale.</p> <p>19 Q. Alcohol you have explained about. GHB greater than</p> <p>20 200 milligrams. Then there were a range of other</p> <p>21 substances. Were they significant at all in terms of</p> <p>22 your analysis of what may have contributed to Anthony's</p> <p>23 death?</p> <p>24 A. Not of great significance, because they were all in post</p> <p>25 mortem samples roughly consistent with therapeutic</p> <p style="text-align: center;">Page 67</p>
<p>1 DC David Parish, dated 23 June 2014. We see here that</p> <p>2 he has examined the contents of the holdall that was</p> <p>3 found with Anthony and he opened the holdall and took</p> <p>4 out the items.</p> <p>5 Do we see DGP17, which is five down, "One brown</p> <p>6 bottle containing fluid"?</p> <p>7 A. Yes, I see that.</p> <p>8 Q. So although this bottle is described as being from</p> <p>9 Cooke Street, it was not from Port's flat but from the</p> <p>10 holdall that was found with Anthony.</p> <p>11 Could we go back to the report then, which is</p> <p>12 IPC326, page 2. What were you asked to do with regards</p> <p>13 to the blood and urine samples -- we will leave the</p> <p>14 bottle for the moment, but let's deal first with the</p> <p>15 blood and urine samples.</p> <p>16 A. I was asked to analyse the items from Mr Walgate for</p> <p>17 alcohol and any substances that might have contributed</p> <p>18 to his death.</p> <p>19 Q. You analysed the blood sample for the presence of</p> <p>20 alcohol and a range of drugs. Did you at this stage</p> <p>21 choose which drugs to test for then?</p> <p>22 A. We have a standard panel of drugs that we analyse for</p> <p>23 and so I did choose, yes, and I am just thinking, the</p> <p>24 police do determine to some extent what we do by the</p> <p>25 code -- the charging code that they authorise and</p> <p style="text-align: center;">Page 66</p>	<p>1 usage. The diphenhydramine and chlorphenamine, the</p> <p>2 histamines have a slight sedative effects, so it is</p> <p>3 possible they could slightly enhance the effect of other</p> <p>4 depressant drugs such as GHB.</p> <p>5 Q. Looking at the urine then, do we see again there is the</p> <p>6 presence of alcohol and also GHB, greater than</p> <p>7 200 milligrams per litre?</p> <p>8 A. Yes, alcohol was present at a concentration of</p> <p>9 14 milligrams per 100 millilitres and the GHB</p> <p>10 concentration was greater than 200 milligrams.</p> <p>11 Q. Earlier in your evidence you explained that the bloods</p> <p>12 were the samples that were most useful to you, is that</p> <p>13 the case looking at these results, are they the results</p> <p>14 that you would be relying upon for your commentary and</p> <p>15 analysis, the blood test results?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. Can I look then at the GHB result, greater than</p> <p>18 200 milligrams per litre. We spoke earlier about low,</p> <p>19 medium or high dose. I think I missed what you said</p> <p>20 earlier about the level of this dose. What does this</p> <p>21 mean?</p> <p>22 A. The level greater than 200 milligrams per litre in the</p> <p>23 blood is high and it is within the range of</p> <p>24 concentrations that are published in the scientific</p> <p>25 literature in cases where people have died from GHB</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 overdose.</p> <p>2 Q. Did you regard that as a possible cause of Anthony's</p> <p>3 death?</p> <p>4 A. Sorry, it could provide a toxicological explanation for</p> <p>5 his death, yes.</p> <p>6 Q. You say in your report that, as GHB -- sorry, you say in</p> <p>7 your report:</p> <p>8 "The drug is [that is GHB] is quickly eliminated</p> <p>9 from the bloodstream, having a half life of between 15</p> <p>10 minutes and 1 hour."</p> <p>11 I think this probably relates to something you were</p> <p>12 saying earlier about the rapidity with which it moves</p> <p>13 out of the body, is that correct? Can you explain why</p> <p>14 you have put this in your report?</p> <p>15 A. That's correct, because GHB is eliminated very quickly,</p> <p>16 the half life is actually the time it takes for the</p> <p>17 blood level to drop by half, and that is reported to be</p> <p>18 between something like 15 minutes and an hour.</p> <p>19 So the blood level could come down very, very</p> <p>20 quickly, if someone is lying unconscious but still</p> <p>21 alive, perhaps for several hours, so it could affect the</p> <p>22 blood level that is measured at the post mortem.</p> <p>23 Q. Knowing that, that the half life is between 15 minutes</p> <p>24 and 1 hour, and coupling that with the levels of GHB</p> <p>25 that you found in Anthony's blood, what does that tell</p> <p style="text-align: center;">Page 69</p>	<p>1 was only 0.8 of a millilitre in volume. We analysed the</p> <p>2 liquid for volatile substances, solvents and other</p> <p>3 volatiles, such as alkyl nitrites and we actually</p> <p>4 detected the presence of a substance called gamma</p> <p>5 butyrolactone, which is known as GBL.</p> <p>6 So there was GBL in the liquid, together with</p> <p>7 another solvent called tetrahydrofuran, but we didn't</p> <p>8 find any of the constituents of poppers, such as amyl</p> <p>9 nitrite or isopropyl nitrites or any related substance</p> <p>10 of poppers. They were not detected.</p> <p>11 Q. No poppers in the brown bottle but GBL?</p> <p>12 A. GBL, yes.</p> <p>13 Q. Could you look at page 8 then, which is where you set</p> <p>14 out your conclusions.</p> <p>15 You had been asked to analyse the samples from</p> <p>16 Anthony's body for any substances that may have caused</p> <p>17 or contributed to his death. Looking at your</p> <p>18 conclusions then, what did your analysis tell you?</p> <p>19 A. Firstly, that GHB was detected in Mr Walgate's blood and</p> <p>20 urine at high concentrations, which could provide</p> <p>21 a toxicological explanation for death.</p> <p>22 Q. Then you were also asked to analyse the liquid in the</p> <p>23 brown bottle and to comment on whether or not such</p> <p>24 a substance could potentially cause death.</p> <p>25 You have said that it is GBL that was in the brown</p> <p style="text-align: center;">Page 71</p>
<p>1 you about the amount of GHB, the size of the dose that</p> <p>2 he may have taken?</p> <p>3 A. Because the level in the blood is very high, he must</p> <p>4 have taken a large dose.</p> <p>5 Q. You say in your report, and I think you have also</p> <p>6 explained in evidence, that GHB is a depressant of the</p> <p>7 central nervous system. You have told us that the</p> <p>8 depressant effects will be enhanced by alcohol. Your</p> <p>9 tests have shown that there was a low concentration of</p> <p>10 alcohol in Anthony's blood. Would the levels that you</p> <p>11 have detected of alcohol nevertheless have been capable</p> <p>12 of impacting or intensifying the effects of the GHB?</p> <p>13 A. I think at that level it would have minimal effect, the</p> <p>14 alcohol, it was less than 10 milligrams per</p> <p>15 100 millilitres, so I wouldn't expect at that point for</p> <p>16 it to be exerting much of an effect, but, again, alcohol</p> <p>17 is eliminated fairly quickly, so if Mr Walgate had been</p> <p>18 unconscious for several hours, then that alcohol level</p> <p>19 could have been higher at an earlier time, at which time</p> <p>20 it might have reacted with the GHB.</p> <p>21 Q. Turning then from the blood samples to the brown bottle,</p> <p>22 you tested the liquid in that bottle that was found in</p> <p>23 Anthony's holdall. What did you discover?</p> <p>24 A. The brown bottle, it only had a very small amount of</p> <p>25 liquid in it. It was a clear colourless liquid and it</p> <p style="text-align: center;">Page 70</p>	<p>1 bottle, what can you say about that?</p> <p>2 A. Well, GBL is broken down to GHB, so it degrades in the</p> <p>3 body to GHB. So although we found GHB in Mr Walgate's</p> <p>4 body, I can't tell whether he originally took GHB or</p> <p>5 whether it was GBL that he originally took.</p> <p>6 Q. But, in either case, the physiological effects would be</p> <p>7 the same?</p> <p>8 A. They would, yes.</p> <p>9 Q. Thank you.</p> <p>10 Ms Stanworth, I am going to turn now to the second</p> <p>11 of the two reports that you prepared. It will come up</p> <p>12 on screen, alternatively I may ask if someone to help</p> <p>13 you with another bundle, because it is to be found in</p> <p>14 jury bundle C, tab 43. The reference for the screen is</p> <p>15 IPC327.</p> <p>16 A. It doesn't matter, I've got it in here.</p> <p>17 Q. Thank you.</p> <p>18 Members of the jury, we will come back to look at</p> <p>19 this when you hear evidence about Daniel Whitworth's</p> <p>20 death and the investigation which followed, but, as</p> <p>21 I have said, Ms Stanworth is with us only on one</p> <p>22 occasion, so I am going to be asking her questions about</p> <p>23 it now.</p> <p>24 Ms Stanworth, again in order that we understand the</p> <p>25 chronology for your work, Daniel's body was found in</p> <p style="text-align: center;">Page 72</p>

<p>1 Barking on 20 September 2014 and then the special post 2 mortem was held on 23 September. 3 You received samples from Barking police on the 4 29th? 5 A. That's correct, yes. 6 Q. Then I think I am right in saying that there were some 7 preliminary results available on around about mid 8 November, and then your report is dated 21 November. 9 I am going to do a similar exercise with this report as 10 I did with the report into Anthony's toxicology report. 11 Could you look at page 2 of the report, please, 12 under the heading "Receipt of items", and explain what 13 were the samples you received from the police on this 14 occasion? 15 A. On this occasion we received a preserved blood sample, 16 a preserved urine sample, vitreous humour -- again the 17 eye fluid -- and the stomach contents which were all 18 taken at Daniel Whitworth's post mortem examination. 19 Q. The vitreous humour was not examined by you, I believe? 20 A. It wasn't, no. 21 Q. As far as the stomach contents are concerned, I think it 22 was noted that they appeared to contain food and 23 therefore not examined further, is that right? 24 A. That's right, yes. 25 Q. Therefore, it is the blood and the urine samples which</p> <p style="text-align: center;">Page 73</p>	<p>1 in fact have I understood your evidence correctly that 2 it was significantly greater than that? 3 A. Well, it was off scale, so it was not possible to give 4 an accurate figure on something that has gone off the 5 top of the scale, but I was able to just extrapolate 6 a little bit and just see that it was quite a bit 7 higher, possibly nearer to 400 than to 200. 8 Q. Thank you, that is useful. 9 For the other substances, mephedrone 0.17 milligrams 10 per litre. 11 Firstly, can you explain what mephedrone is and then 12 can you interpret for the jury the levels of this 13 substance that were detected? 14 A. Mephedrone is a drug of abuse. It has stimulant 15 properties and it is related to a substance called 16 cathinone, which is found in something called the Khat 17 plant, K-H-A-T. It is a stimulant drug and it is 18 commonly known as "meow meow" or "M-CAT". So it is 19 quite widely used as a stimulant. 20 The level, it is difficult to actually put some kind 21 of interpretation on levels of drugs that are only 22 abused, but it is a sort of recreational level. It is 23 a level we see quite often, so I will put it down as 24 a recreational dose. 25 Q. I am not sure if I am going to pronounce this correctly,</p> <p style="text-align: center;">Page 75</p>
<p>1 you tested for the presence of drugs and alcohol? 2 A. It is, yes. 3 Q. Again, was it as you have explained, your standard 4 package of substances that you tested for? 5 A. It was, yes. Drugs of abuse and medication, yes, common 6 medicines. 7 Q. Looking first of all then at the results from the 8 testing you did on the blood samples, it is at the 9 bottom of page 3 in your report. 10 Alcohol, you have described it as a low 11 concentration detected. 12 Then GHB, 254 milligrams per litre? 13 A. That's correct, yes. 14 Q. Can you explain what level of dose that is? 15 A. That is a high level of GHB in the blood. 16 Q. It is more in fact than was detected in the blood of 17 Mr Walgate? 18 A. No, it is not higher. Mr Walgate's was -- I couldn't 19 accurately determine how much was there, but it was 20 greater than 200 and it was actually much greater than 21 200 in Mr Walgate's case. This is -- 22 THE CORONER: Did you say much greater than 200? 23 A. It was, yes, significantly greater than 200. 24 MS COLLIER: I see, so where with Anthony's case it says 25 "Greater than 200 milligrams per litre" in your report,</p> <p style="text-align: center;">Page 74</p>	<p>1 but diphenhydramine? 2 A. Diphenhydramine, yes. 3 Q. Again, can you explain what that is and what you 4 analysed as regards the levels? 5 A. Diphenhydramine is an antihistamine drug and it has got 6 sedative properties too. It is actually sold over the 7 counter I believe as a sleep inducing drug, in 8 a preparation called Nytol. 9 The concentration there is just therapeutic, it is 10 a typical therapeutic level. 11 Q. When you say therapeutic level, that means -- you have 12 said it might be found in Nytol, does that mean that 13 someone -- obviously you cannot say, but it is 14 consistent with somebody taking Nytol to help them 15 sleep, for example? 16 A. It might be. I can't really say. 17 Q. I appreciate -- yes, I phrased the question badly. I am 18 trying to understand what you mean by "therapeutic 19 level"? 20 A. It is a concentration that you find in the person's 21 blood when they have taken a recommended therapeutic 22 dose of the drug. So that would be what is recommended 23 on the packet. 24 This is actually perhaps slightly higher than what 25 you might expect from a recent consumption of</p> <p style="text-align: center;">Page 76</p>

<p>1 a therapeutic dose, but diphenhydramine does undergo 2 something we call post mortem redistribution. This is 3 just a movement of drugs after death, such that the post 4 mortem levels are actually higher than you would find in 5 a clinical sample with the same dose.</p> <p>6 Q. Looking then at the four substances, leaving out 7 caffeine and nicotine, looking at the four substances 8 that were detected, alcohol, GHB, mephedrone and 9 diphenhydramine. Noting that you were asked to provide 10 an opinion about what might have caused Daniel's death. 11 What were your conclusions as regards the substances 12 that you detected?</p> <p>13 A. I concluded that a high concentration of GHB was 14 detected that could provide a toxicological explanation 15 for death.</p> <p>16 Q. Thank you. I want to come to a slightly different 17 topic, that of the analysis of hair. Before I ask you 18 any questions, may I check, is this an area of 19 specialism that your expertise covers or not?</p> <p>20 A. No, it isn't. Hair analysis for drugs is a specialist 21 area of toxicology and it is not my area of expertise.</p> <p>22 MS COLLIER: Thank you. Then I will ask no further 23 questions. Thank you.</p> <p>24 THE CORONER: Yes, Ms Hill, are you happy to start? 25 MS HILL: Happy to start, thank you.</p> <p style="text-align: center;">Page 77</p>	<p>1 Q. Is it right that GHB had been known for being involved 2 in date rape issues or incidents for quite some time 3 before you wrote this statement?</p> <p>4 A. Yes, it has, yes. Yes, it has been -- yes, date rape 5 incidents go back a number of years, quite a long time 6 and GHB has been implicated and we have done a lot of 7 analysis of GHB, and, as I said before, very rarely 8 found it.</p> <p>9 Q. Can I just see if I can help you any further on this. 10 Is it your understanding that GHB was banned in 2003, 11 does that sound about right?</p> <p>12 A. Sorry, banned what do you mean by banned?</p> <p>13 Q. Forgive me, it was made a prohibited illegal drug in 14 2003, does that sound right, a controlled drug?</p> <p>15 A. It is a controlled drug, it is a class C, but I am not 16 sure what year it became controlled.</p> <p>17 Q. I don't know if you can help with this or not, but there 18 is some press reporting suggesting that the reason it 19 was made a controlled drug is because of its use in date 20 rape incidents. Can you help with that or not?</p> <p>21 A. No, I can't, sorry.</p> <p>22 Q. But certainly you can say several years prior to 2014 it 23 was known as a date rape drug?</p> <p>24 A. It was, yes.</p> <p>25 Q. You have indicated that one of the reasons, if I have</p> <p style="text-align: center;">Page 79</p>
<p>1 Questions from MS HILL</p> <p>2 MS HILL: Good afternoon, I ask questions on behalf the 3 bereaved families of those who were murdered by 4 Stephen Port, save for Daniel Whitworth's partner who 5 has his own lawyer. The family of Anthony Walgate and 6 Jack Taylor sit here in court and others are watching 7 remotely.</p> <p>8 Just a few questions please about some of the 9 context that you have given in your witness statement, 10 about GHB. Can I have brought up, please, IPC000326, 11 internal page 5, where I think, Ms Stanworth, you give 12 some narrative about GHB and its history. Do you see 13 that?</p> <p>14 A. I do, yes.</p> <p>15 Q. I think in fairness this is a fairly standard paragraph 16 that we see replicated in the Daniel Whitworth report; 17 is that right?</p> <p>18 A. That's correct, yes.</p> <p>19 Q. You indicate here that GHB gained popularity in the 20 1980s among bodybuilders, more recently became popular 21 as a recreational drug on the dance and club scene and 22 also been implicated in date rape incidents.</p> <p>23 This is a statement that you are writing in 24 September 2014, correct?</p> <p>25 A. That is correct, yes.</p> <p style="text-align: center;">Page 78</p>	<p>1 understood it correctly, Ms Stanworth, why it might not 2 be detected regularly is because it is quickly expelled 3 from the body. Is that right?</p> <p>4 A. It is right, yes.</p> <p>5 Q. Was there also a period of time when it wasn't routinely 6 tested for by toxicological analysis? Some time before 7 these incidents, I think, was there a period of time 8 when it was not routinely tested for?</p> <p>9 A. It was, going back, going back quite a few years now it 10 wasn't regularly tested for and in certain cases, it 11 didn't form part of the standard panel for routine 12 screening, but GHB is part of the panel that we would 13 always test for in any kind of sexual assault case.</p> <p>14 Q. In your evidence when you were talking about the doses 15 of GHB, I think you said that there is quite a small 16 margin between the euphoria dose, if you like, and the 17 dangerous dose. Is that right?</p> <p>18 A. I believe there is, yes.</p> <p>19 Q. When we heard from the pathologist in this case, he said 20 that was one of the reasons GHB was notorious, is that 21 a description you would use for it?</p> <p>22 A. "Notorious" in what way, sorry?</p> <p>23 Q. Notorious I think because of the risk that a small dose 24 is euphoric but a slightly higher dose is dangerous. Is 25 that something you would share as a description or not?</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 A. I think it is acknowledged. Certainly one of the 2 websites that give general information on drugs of abuse 3 does warn that there is a small margin between 4 euphoria -- between a desired effect and something that 5 would cause drowsiness and unconsciousness, yes. 6 Q. Just a few questions, if I can, about the timings and 7 the process that you followed in this case. 8 I think you gave some evidence that it is possible 9 to get some results within a matter of days, is that 10 right? 11 A. It is if the case is fast tracked and is classified as 12 urgent. 13 Q. You seem to indicate, if I can summarise it in this way, 14 a process of negotiation between whoever the customer is 15 and the lab as to how urgently they think the case needs 16 to be dealt with and what you can perform in a certain 17 period of time, is that fair? 18 A. There is if they contact us to say they want the results 19 urgently, yes. When it first came, it wasn't urgent. 20 It wasn't flagged up as urgent originally, on receipt. 21 Q. Can I have brought up, please, an email from you, and it 22 is INQ000004, internal 209. The email here is, I think, 23 from 13 August, do you see that? 24 A. Yes. 25 Q. I think that is the date, isn't it, where, if I have</p> <p style="text-align: center;">Page 81</p>	<p>1 Do you see that? 2 A. Yes. 3 Q. On 1 September? 4 A. I see that, yes. 5 Q. That is I think what led to your report being produced 6 on 10 September; is that right? 7 A. That is right. I was under pressure to get this case 8 done as quickly as possible and I tried, I tried to get 9 it through quickly, so, yes, I was pushing it through, 10 and I got the report in less time than our normal 11 turnaround time at that time. 12 Q. The email that you received on 1 September says, "I have 13 the coroner raising concerns", do you see that? 14 A. Yes, I see that. 15 Q. Is this fair, that what was suggested to you on the 1st 16 was that the coroner was raising concerns about the time 17 taken to get results and that is why you pushed it 18 through? Or can you not remember? 19 A. I don't know if that is the reason why I pushed it 20 through. I was -- I had -- I had had several exchanges 21 with the customer about getting it through as quickly as 22 possible, so I was just progressing it as fast as 23 I could. 24 Q. Just in terms of the dates, finally, in relation to 25 Daniel Whitworth's case, if I have understood it</p> <p style="text-align: center;">Page 83</p>
<p>1 understood it correctly, the initial screening results 2 came back in relation to Anthony? 3 A. I just have to look at my timeline. 4 Q. Because we have seen that I think on the CRIS for him. 5 A. Yes, I know I was contacted to see if we could progress 6 the case more quickly. And I do recognise the email. 7 Q. I think we can marry this up with the CRIS report that 8 you were taken to, which shows a note of the toxicology 9 screening results going on the CRIS at just after 9.00 10 that evening but it looks like that is after your email 11 after 2.45 in the afternoon, is that correct? 12 A. That's correct, yes. 13 Q. You indicate in the email, just looking at it now, that 14 you have the screening results back, that you need to do 15 further work to get what you call confirmations? 16 A. Yes. 17 Q. And you need authorisation for that; do you see that? 18 A. Yes, I do. 19 Q. You say: 20 "I have the screening results back, unfortunately 21 I will not be able to get the confirmations done 22 urgently without authorisation." 23 If I have understood the email chain correctly, we 24 follow it up on 1 September, there is then an email 25 simply saying, "Is there a further update on this?"</p> <p style="text-align: center;">Page 82</p>	<p>1 correctly, you received the samples I think you have 2 agreed on 29 September and your report, your full 3 report, was produced on 21 November. Is that right? 4 A. That's right, yes. 5 MS HILL: Thank you, those are all my questions. 6 THE CORONER: Yes, we will break off there now for lunch. 7 Until 2.05, members of the jury. 8 (1.03 pm) 9 (The Luncheon Adjournment) 10 (2.05 pm) 11 (In the presence of the jury) 12 THE CORONER: Yes. 13 MS COLLIER: Questions from Ms Dobbin. 14 Questions from MS DOBBIN 15 MS DOBBIN: Ms Stanworth, I ask questions on behalf of some 16 of the Barking officers. Just a couple of things, 17 please. 18 What you explain in your statement from 2014 was 19 that GHB was known at that time to be a drug of 20 pleasure, and that it had been used in that way for some 21 time. Is that right? 22 A. Well, it is known to be a drug of abuse. Yes, I suppose 23 it could be classed as a drug of pleasure. 24 A recreational drug. 25 Q. It may just be the way I am describing it. What you</p> <p style="text-align: center;">Page 84</p>

<p>1 said in your statement was:</p> <p>2 "It gained popularity in the 1980 among bodybuilders</p> <p>3 for its ability to stimulate muscle development. More</p> <p>4 recently it gained popularity as a recreational drug,</p> <p>5 particularly on the dance and club scene."</p> <p>6 You then go on to mention date rape as well.</p> <p>7 Then you then go on to say it is also known as</p> <p>8 "liquid ecstasy" as well. So it is really in that</p> <p>9 context that I meant that it could be used or misused,</p> <p>10 but in the sense of giving people pleasure, do you</p> <p>11 understand what I mean?</p> <p>12 A. I do, yes.</p> <p>13 Q. Then what you have gone on to say in the course of your</p> <p>14 evidence was that in 2014 there was information to</p> <p>15 suggest that it could be used as a date rape drug as</p> <p>16 well, correct?</p> <p>17 A. Correct, yes.</p> <p>18 Q. And that you had only come across it, in terms of your</p> <p>19 professional career, once in that context?</p> <p>20 A. I think it probably was only the once.</p> <p>21 Q. And that other than that, any information about it was</p> <p>22 anecdotal in nature, so in other words it came from</p> <p>23 newspaper reporting, I think you said?</p> <p>24 A. Yes, there are published literature reviews about cases</p> <p>25 in which date rape drugs have been used in sexual</p> <p style="text-align: center;">Page 85</p>	<p>1 Q. You explained that the level of the drug found in</p> <p>2 Anthony's system was at a high level. The fact that it</p> <p>3 was found at a high level doesn't tell you anything</p> <p>4 about the circumstances in which a drug is used, does</p> <p>5 it?</p> <p>6 A. No.</p> <p>7 Q. I think it is very common, isn't it, for people to have</p> <p>8 high levels of drugs in their system that they have</p> <p>9 taken themselves and sadly died from. Do you agree?</p> <p>10 A. Yes, that is true, yes.</p> <p>11 Q. The reason why that happens, I mean it is for a variety</p> <p>12 of reasons, but it might be because the individual</p> <p>13 doesn't know what drug they are taking, correct?</p> <p>14 A. That's correct, yes.</p> <p>15 Q. If they are inexperienced, they may have no idea as to</p> <p>16 how much of a drug they can safely use, is that also</p> <p>17 right?</p> <p>18 A. That is true, yes.</p> <p>19 Q. And if they are experienced, they may in fact increase</p> <p>20 a dose without realising that it is dangerous, because</p> <p>21 they want the drug to have a greater effect on them,</p> <p>22 particularly if they have become acclimatised to it, is</p> <p>23 that right?</p> <p>24 A. I suspect so, yes.</p> <p>25 Q. Just in terms of the timing of your report, could I ask,</p> <p style="text-align: center;">Page 87</p>
<p>1 assaults. And just data collections from other</p> <p>2 scientists, but there are papers, scientific papers,</p> <p>3 that do show that GHB has been used in other instances.</p> <p>4 Q. Mrs Stanworth, do you mean those sort of scientific</p> <p>5 periodicals or bulletins that scientists such as</p> <p>6 yourself get on a periodic basis?</p> <p>7 A. No, it is a published scientific paper, I believe there</p> <p>8 is at least one, it's a survey of drugs used in sexual</p> <p>9 assaults and GHB was one that was mentioned.</p> <p>10 Q. I think what you are suggesting is that there was one</p> <p>11 paper prior to 2014 which referred to it?</p> <p>12 A. I cannot remember how many papers, but I have -- there</p> <p>13 is one specifically that I do remember from many years</p> <p>14 ago, yes.</p> <p>15 Q. All right.</p> <p>16 In terms of its use as a date rape drug, can you</p> <p>17 recall -- it may be too long now -- in 2014, whether</p> <p>18 that was a date rape drug used on women and men or any</p> <p>19 information about the context within which it was used</p> <p>20 as a date rape drug?</p> <p>21 A. Well, I know it has been used on men as well.</p> <p>22 Q. Is that since 2014 or before then?</p> <p>23 A. I actually can't remember.</p> <p>24 Q. I am not surprised, I will not push you on that.</p> <p>25 A. It is such a long time ago.</p> <p style="text-align: center;">Page 86</p>	<p>1 please, that we just look at a document about this, this</p> <p>2 is IPC78, page 19.</p> <p>3 This may not mean very much to you, in fact I doubt</p> <p>4 it means anything to you at all, Ms Stanworth, but we</p> <p>5 can see that this is a FLO log entry from August 2014.</p> <p>6 And we can see it says:</p> <p>7 "I spoke with Brad Jones, the borough forensic</p> <p>8 manager, about the circumstances surrounding this case</p> <p>9 and the wait for results. I stated that I had spoken to</p> <p>10 the lab and they needed confirmation from him that these</p> <p>11 tests can be fast tracked. He agreed with this."</p> <p>12 If we read on, it goes on to say the lab technician</p> <p>13 is Denise Stanworth. Do you see that?</p> <p>14 A. Yes, I can see that.</p> <p>15 Q. If we go on, please, to page 21 of that document, we can</p> <p>16 see from that entry that this officer said that he had</p> <p>17 a conversation with Brad today, unfortunately they</p> <p>18 cannot be marked at urgent as it will not be authorised.</p> <p>19 The deadline date is kept as 2 October.</p> <p>20 I think it is right, Ms Stanworth, that the original</p> <p>21 date the results were going to come back was 2 October;</p> <p>22 do you recollect that?</p> <p>23 A. I do know that -- sorry, I will have to look back</p> <p>24 through some of my paperwork to check the dates. I know</p> <p>25 the original target date was a date in October, because,</p> <p style="text-align: center;">Page 88</p>

<p>1 looking through the file, it would appear that our 2 turnaround times at that particular time were very long. 3 They were of the order of 12 weeks, so a date would have 4 been set 12 weeks from submission, and I know I was able 5 to bring it forward to September, rather than October. 6 Q. Yes, I was going to say, Ms Stanworth, I think you said 7 that you remembered speaking to one of the officers 8 about speeding up the results? 9 A. Yes, I have -- I am just looking through my case file, 10 because this is where I kept a record of conversations 11 that I have had. (Pause) 12 I spoke to someone on 5 August to say, "The 13 screening results were not yet known, will make as 14 urgent, but need an urgent authorisation from the Met to 15 push these on ..." 16 Q. Yes. 17 A. "... he will look into getting urgent authorisation." 18 Q. Yes, and I think that is what we have seen was refused 19 and I think just to finish this off, Ms Stanworth, as 20 you have already said, the results came rather more 21 quickly because you were able, yourself, to produce the 22 results in a shorter timeframe, correct? 23 A. That's correct, yes. 24 MS DOBBIN: Thank you, Ms Stanworth. 25</p> <p style="text-align: center;">Page 89</p>	<p>1 you, you also say: 2 "At lower doses GHB is reported to produce euphoria, 3 to lower social inhibitions and to increase libido." 4 Yes? 5 A. Yes. 6 Q. Was your understanding at the time that GHB was used by 7 some people as part of consensual sexual activity? 8 A. Yes. 9 Q. Then a third and different type of use, you say: 10 "GHB has also been implicated in date rape 11 incidents." 12 A. That's correct, yes. 13 Q. You have told us this morning and again this afternoon 14 that you had only come across a single case where GHB 15 had been detected in a sexual assault scenario? 16 A. That's correct, yes. 17 Q. That means GHB has only been scientifically detected in 18 one case, in your experience, at least, as opposed to 19 being mentioned as a possibility? 20 A. In my -- yes, in my experience, in my laboratory, I can 21 only remember one, there may have been others -- 22 Q. Yes. 23 A. -- but there have been others in this country that we 24 know about through published scientific data. 25 Q. Does that perhaps explain why you have used the word</p> <p style="text-align: center;">Page 91</p>
<p>1 Questions from MR BERRY 2 MR BERRY: Good afternoon, Ms Stanworth, I am asking 3 questions on behalf of the Metropolitan Police. 4 In producing your forensic reports, do you try and 5 set out your expert analysis and the underlying science 6 to assist an investigation and ultimately a court? 7 A. I do, yes. 8 Q. The information that you set out in the report 9 concerning Anthony, about GHB, was more or less the same 10 as what was set out in your report with respect to 11 Daniel, Daniel Whitworth. Would it be fair to say -- 12 I don't mean this pejoratively -- it is standard text 13 that you use? 14 A. It is standard text. It has become even more 15 standardised in recent years as well. 16 Q. Thank you. 17 In your report about Anthony you say under the 18 heading "GHB" that there are a number of different uses. 19 It seems to me there were three uses that are set out 20 there. 21 First, the proper use, in anaesthesia, is that 22 right? 23 A. It was originally an anaesthetic drug, yes. 24 Q. Second, what you call the recreational use and in 25 addition to what my learned friend Ms Dobbin just put to</p> <p style="text-align: center;">Page 90</p>	<p>1 "implicated" rather than perhaps "established" or 2 "confirmed"? 3 A. Yes, I used the word "Implicated" because the media make 4 a great deal of the use of GHB in sexual assaults, 5 whereas in actual fact, from a scientific point of view, 6 we are only detecting it in very few of those cases. 7 Q. And you can only deal in your reports with the science, 8 can't you? 9 A. Yes, that's correct. 10 Q. You do not mention cases where GHB has been deliberately 11 used to kill somebody by giving them an overdose. Were 12 you aware of any such incident? 13 A. I have -- no, I am not aware of GHB being used to kill 14 someone, no. 15 Q. Thank you. 16 At the time of your report, does it follow then that 17 in cases where GHB has been associated with death, that 18 had been cases of accidental overdose? 19 A. As far as I am aware, yes. I also dealt with one -- 20 a case of suicide as well, using GHB. 21 Q. Thank you. 22 Does the small variation between the dose that 23 causes a desired euphoric effect and a dose that causes 24 death mean that GHB is dangerous because of the risk of 25 accidental overdose?</p> <p style="text-align: center;">Page 92</p>

<p>1 A. It could be -- yes, it is viewed as quite dangerous, 2 quite a dangerous drug, particularly if mixed with other 3 sedative and depressants. So it is reported that it 4 needs to be measured quite carefully by people who use 5 it. 6 Q. The tipping point is a very fine one? 7 A. I believe so. 8 Q. A different topic, poppers. You probably don't know, 9 but in the evidence the jury has heard there has been 10 reference to a previous incident involving Port in which 11 he is said to have given his partner alcohol and poppers 12 and then had non-consensual sex with him. This has been 13 described in questions as giving his partner drugs or 14 plying him with drugs. I just want to ask you about the 15 difference between poppers and GHB. 16 It is right to say poppers are a drug, aren't they? 17 A. Yes, "poppers" is a sort of collective name for a number 18 of substances that are very closely related. 19 Q. Thank you. But they are not a controlled drug, are 20 they? 21 A. I don't think so. 22 Q. They weren't at the time? 23 A. Amyl nitrite is a drug that used to be used for angina, 24 it used to be sniffed by someone with heart pain. 25 Q. It is not a drug that is unlawful or prohibited under</p> <p style="text-align: center;">Page 93</p>	<p>1 A. Yes, they act in different ways. 2 MR BERRY: Thank you, I have no further questions. 3 Further questions from MS COLLIER 4 MS COLLIER: Ms Stanworth, I want to return to your evidence 5 where you said that you only came across GHB being used 6 as a date rape drug once in your career. 7 I think, if I understood your evidence correctly, 8 you mentioned that as a counterbalance to the suggestion 9 that you say is in the media, that GHB is frequently 10 used as a date rape drug. Is that correct, have 11 I understood what you were saying? 12 A. That's correct, yes. 13 I mean I can't say it is not used frequently but the 14 evidence in the scientific community is we are only 15 detecting it very infrequently. 16 Q. Might one explanation for that be that, as you have 17 explained, it is eliminated from the body swiftly and 18 therefore, unless the samples are taken very soon after 19 the assault, it may not be detected? 20 A. That's correct, yes. Most samples come to us, they are 21 usually taken at least 24 hours after the alleged 22 incident, so we are talking about quite a long time 23 after they might have been administered. So it is not 24 surprising if they are used that we are not detecting 25 it.</p> <p style="text-align: center;">Page 95</p>
<p>1 the Misuse of Drugs Act, is it? 2 A. I am not sure about that. 3 Q. In any event, poppers are very different to GHB, aren't 4 they? 5 A. Yes, they are different. 6 Q. So, unlike GHB, poppers are inhaled as a vapour, and as 7 you have said, they have a short-lived effect, lasting 8 a matter of a few minutes, is that right? 9 A. Yes, they are -- they are short acting, yes. 10 Q. Unlike GHB, poppers do not have the purpose or the 11 effect of rendering someone unconscious, do they? 12 A. They are not sedative -- they don't have a sedative 13 effect. They do have -- they do have an effect on 14 muscle. Whether that would lead to sedation, no, 15 I don't think so, it is not a recognised effect. 16 Q. The recognised effect is relaxing the muscles, the 17 recognised effect is not rendering someone unconscious 18 or incapacitating them, is it? 19 A. No, that is correct. Yes. 20 Q. But those are the recognised effects of GHB in 21 a sufficient dose? 22 A. Yes, GHB is recognised as a depressant of the central 23 nervous system. 24 Q. The two drugs, poppers and GHB, they are very different, 25 are they?</p> <p style="text-align: center;">Page 94</p>	<p>1 MS COLLIER: Thank you, I have nothing further. 2 THE CORONER: Yes, there are three questions from the jury. 3 Questions from THE JURY 4 THE CORONER: The first is: can GHB be absorbed through the 5 skin in its liquid form and then be detected in blood or 6 urine? 7 A. I don't know. It is possible that it could be. But 8 I don't know the answer to that. 9 THE CORONER: Secondly: if someone was to take one teaspoon 10 of GHB two days in a row, would that lead to it being 11 classed as a high dose and in that case induce 12 a coma-like state? 13 A. No, because it is eliminated very quickly, so the levels 14 would have dropped after the first dose by the time the 15 second dose was taken. 16 THE CORONER: Then, thirdly: would GHB last longer in the 17 body if the person has passed away? Does the 18 elimination stop after death? 19 A. Yes it does. When someone dies, that is it. All the 20 processes in the body, the blood stops circulating and 21 all the metabolism stops and the drug elimination stops 22 as well. 23 THE CORONER: So Anthony's levels might have been higher 24 while he was living -- 25 A. It could have been, if he had been unconscious for</p> <p style="text-align: center;">Page 96</p>

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<p>1 a while, yes.</p> <p>2 THE CORONER: Thank you very much.</p> <p>3 Thank you very much, Ms Stanworth.</p> <p>4 A. Thank you.</p> <p>5 MS COLLIER: May we call Andrew Held, please.</p> <p>6 MR ANDREW HELD (affirmed)</p> <p>7 Questions from MS COLLIER</p> <p>8 MS COLLIER: Good afternoon, Mr Held. Do sit down.</p> <p>9 Can you give the court your full name, please?</p> <p>10 A. Yes, my name is Andrew Held.</p> <p>11 Q. Mr Held, at the moment you are a solicitor, employed by</p> <p>12 the CPS, where I believe you have been since 2004?</p> <p>13 A. That is correct.</p> <p>14 Q. You are a senior crown prosecutor?</p> <p>15 A. That is correct.</p> <p>16 Q. When did you become a senior crown prosecutor?</p> <p>17 A. In -- I believe it was in 2006.</p> <p>18 Q. You are currently working in the extradition unit?</p> <p>19 A. That's correct.</p> <p>20 Q. But from February 2013 until April 2015 you were working</p> <p>21 in the homicide and complex case unit; is that right?</p> <p>22 A. Yes, I mean it is known as the homicide unit, or the</p> <p>23 homicide team.</p> <p>24 Q. The homicide team.</p> <p>25 Can you explain what the homicide team is?</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. -- is that right? Do feel free to refer to the witness</p> <p>2 statement, if you wish, when giving your evidence.</p> <p>3 Before I come to ask you about the advice that you</p> <p>4 gave, can I ask you to explain some words of terminology</p> <p>5 first of all. It may be there are other words of</p> <p>6 terminology that pop up during the course of evidence</p> <p>7 that I will ask you to explain as well.</p> <p>8 Firstly then, the jury have heard about the</p> <p>9 document, the MG3.</p> <p>10 A. Yes.</p> <p>11 Q. From your point of view, as a prosecutor, can you</p> <p>12 explain what the MG3 is?</p> <p>13 A. The MG3 is a report submitted to a prosecutor by the</p> <p>14 police, seeking pre-charge advice. The bulk of the</p> <p>15 report is compiled by the officer in charge, sometimes</p> <p>16 called the officer in the case, or OIC, but there is</p> <p>17 also a section in which the police decision maker,</p> <p>18 usually a sergeant, applies the evidential and public</p> <p>19 interest tests, and after -- and if that decision maker</p> <p>20 believes that the relevant tests have been satisfied, he</p> <p>21 will authorise a submission to the CPS.</p> <p>22 Q. Then is it right then that, as part of the form, there</p> <p>23 is a section that you as the prosecutor would complete</p> <p>24 in which you insert your advice?</p> <p>25 A. Yes. We also call the advice given by a prosecutor</p> <p style="text-align: center;">Page 99</p>
<p>1 A. Certainly. It is a specialised unit, which at the time</p> <p>2 that I worked in it was part of CPS London. It is now</p> <p>3 a part of CPS London North, because CPS London got split</p> <p>4 into two.</p> <p>5 Q. Perhaps -- sorry to interrupt you, but focusing on 2014,</p> <p>6 because that is --</p> <p>7 A. Yes, it is a unit which deals with all London's murder</p> <p>8 and manslaughter cases.</p> <p>9 In addition, road traffic fatality cases are dealt</p> <p>10 with there, such as causing death by dangerous driving.</p> <p>11 And, when I was there, certain attempted murders were</p> <p>12 also dealt with, particularly those involving firearms.</p> <p>13 Q. Thank you.</p> <p>14 As you know, you are here to give evidence about the</p> <p>15 case of Anthony Walgate, because you were the prosecutor</p> <p>16 who provided advice on charge in 2014 to 2015.</p> <p>17 A. That's correct.</p> <p>18 Q. Can I ask you, first of all, do you have an independent</p> <p>19 recollection of your dealings with this case?</p> <p>20 A. I remember very little of the circumstances surrounding</p> <p>21 my giving of my pre-charge advice. That is because it</p> <p>22 was a long time ago, around six and three-quarter years</p> <p>23 ago, and I imagine the work took me less than one day.</p> <p>24 Q. You have a witness statement there, I think, with you --</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 98</p>	<p>1 an MG3 as well.</p> <p>2 Q. You mentioned this a moment ago, you used the word</p> <p>3 "pre-charge advice".</p> <p>4 A. Yes.</p> <p>5 Q. What is pre-charge advice?</p> <p>6 A. Pre-charge advice is given by prosecutors in respect of</p> <p>7 more serious offences. The police are allowed to</p> <p>8 authorise charge themselves in respect of less serious</p> <p>9 offences.</p> <p>10 Essentially a prosecutor, having reviewed a case, if</p> <p>11 he decides that the relevant tests are passed, will give</p> <p>12 authority for the suspect to be charged with</p> <p>13 a particular criminal offence.</p> <p>14 Q. Then "charging decision". Again, is that something that</p> <p>15 perhaps is maybe obvious but can you explain when you</p> <p>16 make a charging decision, what is it that you do?</p> <p>17 A. What happens is that the police -- you are asking from</p> <p>18 the perspective of a prosecutor?</p> <p>19 Q. A prosecutor, yes.</p> <p>20 A. What happens is the police make a submission to the</p> <p>21 Crown Prosecution Service seeking pre-charge advice.</p> <p>22 They will submit a report, the MG3, to which you have</p> <p>23 already referred, and they will submit items of evidence</p> <p>24 as well. And the prosecutor will then review the</p> <p>25 material and make -- he will do one of three things --</p> <p style="text-align: center;">Page 100</p>

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<p>1 he or she, that is. Either he will authorise a charge, 2 say -- if the evidence is insufficient, the prosecutor 3 will advise that no further action is taken or, if the 4 prosecutor thinks that, although there is insufficient 5 evidence that the case could be improved, he or she will 6 give the police an action plan -- you know, a list of 7 actions designed to build or improve the case.</p> <p>8 Q. The action plan that you refer to, we will come on to 9 talk about that perhaps in relation to this specific 10 case.</p> <p>11 The procedure you have just summarised, is that the 12 one that was followed in this case?</p> <p>13 A. Yes. In this case I was asked to make a charging 14 decision. The police proposed a charge of perverting 15 the course of justice. So I considered the material 16 that was submitted to me and I read the MG3 report and, 17 yes, I decided that it was possible to authorise 18 a charge of perverting the course of justice.</p> <p>19 Q. Thank you.</p> <p>20 As I said, we will come and look at the detail of 21 that decision in due course.</p> <p>22 I want to ask a few more questions about the role of 23 the CPS and the police, because you have said in your 24 statement, at paragraph 8, that there is a clear 25 division of roles between the police and the CPS?</p> <p style="text-align: center;">Page 101</p>	<p>1 function is to give pre-charge advice in relation to 2 more serious cases.</p> <p>3 Q. Thank you, Mr Held.</p> <p>4 I would like to bring up on screen, please, 5 a witness statement of Detective Inspector Liz Differ, 6 which is MPS581.</p> <p>7 This is the witness statement of a detective 8 inspector within the Metropolitan Police. She has 9 provided her statement explaining the relationship 10 between the police and the CPS --</p> <p>11 A. Yes.</p> <p>12 Q. -- from her perspective as a police officer. I wondered 13 if I could ask you to comment on certain aspects of her 14 statement, please.</p> <p>15 Looking there at the first page of her statement, 16 she explains that she has structured it in four 17 sections.</p> <p>18 The first section deals with policy documents and 19 guidance documents.</p> <p>20 If we could look then down at the bottom, at the -- 21 at A, the Director of Public Prosecutions' guidance on 22 charging, and then if the screen could be scrolled so 23 that we can see the documents to F, if possible.</p> <p>24 If you can take a moment to look at those policy 25 documents. Can you confirm, if it is your view, that</p> <p style="text-align: center;">Page 103</p>
<p>1 A. Yes.</p> <p>2 Q. Are you able to summarise for the jury in one or two 3 sentences the division as you see it?</p> <p>4 A. I can.</p> <p>5 The police are the investigators. Their role is to 6 make enquiries and to make certain decisions regarding 7 the investigation, whether to start an investigation or 8 end an investigation. They also decide what the scope 9 of the investigation is.</p> <p>10 Q. What does that mean, scope?</p> <p>11 A. Well, it is not defined, it is not defined -- it is used 12 in the code for crown prosecutors, which is an important 13 document, which I imagine you will be asking me 14 questions about.</p> <p>15 But it is not defined, I take it as meaning the type 16 of criminality to be investigated.</p> <p>17 Q. Thank you. Sorry, I interrupted you.</p> <p>18 Had you finished on the role of the police, as 19 investigators?</p> <p>20 A. Yes, and the -- it is very clear, the code for crown 21 prosecutors is very clear that prosecutors do not lead 22 investigations. I believe the wording used is that 23 they -- prosecutors do not direct the police. So that 24 is the role of the police, they are investigators. 25 The role of the CPS is to advise and the key</p> <p style="text-align: center;">Page 102</p>	<p>1 these, as a collection, contain the formal guidance as 2 to the separate functions of the police and the CPS?</p> <p>3 A. Well, not all of them deal with the separate functions 4 of the CPS and the police. I would say that the two 5 documents that deal with this issue are the -- are A, 6 that is the director's guidance on charging, and B, the 7 code for crown prosecutors, to which I have already 8 referred.</p> <p>9 The other documents deal with slightly different 10 things.</p> <p>11 Q. Would it be right to say, as it says in 12 Inspector Differ's statement that the other documents 13 deal with other aspects of the relationship between the 14 police and the CPS?</p> <p>15 A. Yes. I mean to a certain extent C and D also involve 16 the division of responsibility -- they both relate to 17 disclosure and the prosecutors and police officers, 18 especially disclosure officers, do have different roles.</p> <p>19 Q. Thank you. Can we move then to section 3 of her 20 statement.</p> <p>21 A. Yes.</p> <p>22 Q. Sorry, I have just realised my copy doesn't have 23 numbers. Page 3.</p> <p>24 The charging process, she explains at paragraph 14 25 that the police may charge certain offences -- there are</p> <p style="text-align: center;">Page 104</p>

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<p>1 a small number which the police have authority to 2 charge, and would it be fair to say that they are the 3 least serious offences? 4 A. Yes, it would be fair to say that. 5 Q. In any other case the charging decision will be made by 6 CPS prosecutors, following the referral by the police as 7 you have described earlier in your evidence? 8 A. That is correct. 9 Q. Then, moving down to paragraph 20, Inspector Differ says 10 that if the case is referred to the CPS, which it is in 11 the majority of cases, the prosecutor will consider the 12 case in accordance with the code for crown prosecutors 13 and there she sets out three options. Do those options 14 that she has set out there reflect the three options 15 that you described earlier on? 16 A. They do. 17 Q. Moving to "Chapter 4 -- Operational arrangements", which 18 is on page 5, in paragraph 22, (i), (ii) and (iii), 19 Inspector Differ sets out -- she is quoting I think from 20 the guidance on charging. What she is pointing out is 21 that the police have a duty to investigate offences and 22 assess the evidence before charging, and then, if there 23 is sufficient evidence, refer on to the CPS, to the 24 prosecutor. Is that a fair summary of those bullet 25 points?</p> <p style="text-align: center;">Page 105</p>	<p>1 Inspector Differ's statement. 2 I would like to ask you for your comments on what 3 she says here: 4 "CPS advice on appropriate subjects will often 5 affect police operations, but the decision on how to 6 implement the CPS advice, if it is accepted, is a matter 7 entirely for the police." 8 Does that reflect the division that you described 9 earlier, with the police being investigators and the CPS 10 being advisers? 11 A. Yes. Yes, that is the essential division. 12 Q. At paragraph 30 she says that advice from the CPS 13 concerning police operational matters should be limited 14 in certain ways. Could you comment on whether you agree 15 with her opinion there? 16 A. At paragraph 30? 17 Q. Yes, please. (Pause) 18 A. Yes, I agree with that. 19 Q. Then, at paragraph 31, she identifies a number of 20 matters that the CPS should not be advising the police 21 on. 22 Again, firstly, can I ask you to look at those 23 bullet points and to confirm whether or not you agree 24 with that. (Pause) 25 A. I agree with that.</p> <p style="text-align: center;">Page 107</p>
<p>1 A. Yes, that is a fair summary. 2 Q. Then it is the prosecutor's duty, she sets out in (iv), 3 to assess the evidence that the police have provided. 4 Then, at (v), "Early investigative advice", is this 5 what you were referring to earlier when you were talking 6 about the advice that was required in this case or is it 7 different? 8 A. No, I was asked to make a final charging decision. It 9 wasn't early investigative advice. 10 Q. Can you explain then the difference between early 11 investigative advice and final charging decision? 12 A. Yes, an early investigative advice is sometimes sought 13 in more serious cases. In my experience, it is often 14 sought in cases where the police are investigating 15 serious sexual offences. And, as the name suggests, it 16 is sought early in the investigation and, in essence, 17 the police are asking the prosecutor for assistance in 18 identifying lines of enquiry and evidence that could be 19 used to build the case. 20 Q. That is distinct from the pre-charge advice that you 21 were asked to provide. 22 A. I mean, yes, it was the -- I was asked to make a final 23 charging decision. It was not early investigative 24 advice. 25 Q. Thank you. Can we turn then to paragraph 29 of</p> <p style="text-align: center;">Page 106</p>	<p>1 Q. Then I want to ask you, in relation to the first bullet 2 point there, "Operational matters", you said earlier 3 that the scope of the investigation is a matter for the 4 police? 5 A. Yes. 6 Q. Would that fall under the heading "Operational matters"? 7 A. I am not entirely certain what she means by operational 8 matters, because she hasn't defined it. It could 9 encompass many things. 10 Q. Is it right though that in a situation where the CPS is 11 asked to provide a final charging decision, it would not 12 be appropriate for the CPS to suggest further 13 investigation of different offences? Is that correct or 14 is that not right? 15 A. Well, sometimes prosecutors do authorise a different 16 charge to the one suggested, but very often it is of 17 a similar nature. For example -- for example, sometimes 18 in the context of a domestic incident in a house, the 19 police will propose a charge of affray but that is often 20 not the most appropriate charge and the prosecutor might 21 suggest a similar type of offence such as -- well, 22 usually some kind of offence against the person, rather 23 than a public order offence. 24 Q. In that situation, what has happened is that the 25 prosecutor has been provided with the evidence in</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 support of the charge that the police are suggesting --</p> <p>2 A. Yes.</p> <p>3 Q. -- and what the prosecutor decides in that scenario is</p> <p>4 that, actually, the evidence supports a slightly</p> <p>5 different charge?</p> <p>6 A. That is very common, I would say, because the</p> <p>7 responsibility for selection of the charge lies with the</p> <p>8 prosecutor and it is not unusual to select a slightly</p> <p>9 different charge to the one proposed.</p> <p>10 Q. Based on the evidence that has been provided by the</p> <p>11 police?</p> <p>12 A. Correct.</p> <p>13 Q. We can take the statement down, thank you.</p> <p>14 I want to turn now to the case of Anthony Walgate</p> <p>15 that you dealt with.</p> <p>16 A. Yes.</p> <p>17 Q. DC Parish, the jury has heard, submitted the MG3 to the</p> <p>18 CPS unit that dealt with Barking cases in around</p> <p>19 October 2014, requesting charging advice. That was</p> <p>20 prior to your involvement?</p> <p>21 A. That is correct.</p> <p>22 Q. I appreciate that the MG3 didn't come to you until some</p> <p>23 time later, but what was the charge that the police were</p> <p>24 looking for advice upon?</p> <p>25 A. They were looking for advice on a charge of perverting</p> <p style="text-align: center;">Page 109</p>	<p>1 Dagenham police.</p> <p>2 Q. I understand it wasn't your decision --</p> <p>3 A. Yes.</p> <p>4 Q. -- and it may be, therefore, that you are unable to help</p> <p>5 us with this, but did you know why it needed to go to</p> <p>6 the homicide unit, this case? Or why it was thought</p> <p>7 that that was appropriate?</p> <p>8 A. My colleague from the unit that assists Barking and</p> <p>9 Dagenham police requested that the case be transferred</p> <p>10 to the homicide unit, owing to its sensitivity and the</p> <p>11 fact that there was a fatality involved.</p> <p>12 Q. So although the police were not looking to charge Port</p> <p>13 with a homicide offence, is it because the context for</p> <p>14 the offence of perverting the course of justice involved</p> <p>15 the death of Anthony it had to go to the homicide unit?</p> <p>16 A. I wouldn't use the words "had to", because I don't</p> <p>17 know -- I am not aware of what the criteria applied were</p> <p>18 at that time. Ie what kind of cases had to go to the</p> <p>19 homicide team. It may be that it wasn't essential that</p> <p>20 this case was dealt with in the homicide unit.</p> <p>21 Q. In any event, the person who contacted your line manager</p> <p>22 thought that, as it involved a death, it was better</p> <p>23 dealt with by the homicide unit.</p> <p>24 A. That's right.</p> <p>25 Q. How did the MG3 for the case of Port come to you</p> <p style="text-align: center;">Page 111</p>
<p>1 the course of justice.</p> <p>2 Q. That is, it might be thought, a technical legal label,</p> <p>3 it is the correct name of the offence. In</p> <p>4 straightforward language, what was Port being accused</p> <p>5 of?</p> <p>6 A. He was accused of, or rather suspected of, diverting</p> <p>7 a police operation -- you know, by making a false</p> <p>8 statement.</p> <p>9 Q. He had lied to the police, hadn't he, it was suspected,</p> <p>10 and, as a result of that, resources had been applied to</p> <p>11 investigate?</p> <p>12 A. That is correct. That was the analysis, or that is the</p> <p>13 analysis contained in the police MG3.</p> <p>14 Q. We don't need to go through the whole email chain,</p> <p>15 because the jury have seen it, but in summary, that</p> <p>16 initial submission having been made in October 2014, the</p> <p>17 CPS responded a month later explaining that in fact this</p> <p>18 MG3 would need to go to the homicide unit, which is</p> <p>19 where you were working.</p> <p>20 A. Yes.</p> <p>21 Q. Why did it need to go to the homicide unit?</p> <p>22 A. That wasn't a decision that I made. That was a decision</p> <p>23 made by my then manager, in response to a request made</p> <p>24 by the prosecutor who was given the case originally --</p> <p>25 the prosecutor in the unit that advises Barking and</p> <p style="text-align: center;">Page 110</p>	<p>1 specifically then?</p> <p>2 A. The case was allocated to me by my manager,</p> <p>3 Robert Davis. I think that would have been in -- at</p> <p>4 some point in December 2014.</p> <p>5 Q. Could we have on the screen IPC165, please. This is</p> <p>6 an email chain, so if we could go to page 3, please.</p> <p>7 A. Yes.</p> <p>8 Q. We see at the bottom, 2 December, an email from yourself</p> <p>9 to the officer in the case, DC Parish?</p> <p>10 A. Yes.</p> <p>11 Q. Introducing -- I think you described in your witness</p> <p>12 statement as introducing yourself. Here you say that</p> <p>13 you need the post mortem and the toxicology report in</p> <p>14 order to advise.</p> <p>15 A. Yes, these had already been requested by Mr Davis, my</p> <p>16 then manager, but I agreed with his view that obtaining</p> <p>17 the full post mortem report would be sensible, given the</p> <p>18 context.</p> <p>19 Q. Moving up then to the top of the document. If we can</p> <p>20 scroll up, please.</p> <p>21 By 2 January 2015 DC Parish has obtained the</p> <p>22 outstanding documents and in this email do we see that</p> <p>23 he sent you the MG3 and a number of attachments of</p> <p>24 supporting documentation, including the post mortem for</p> <p>25 example?</p> <p style="text-align: center;">Page 112</p>

<p>1 A. That's correct.</p> <p>2 Q. Can I ask you a little bit about timing, please,</p> <p>3 Mr Held, because it has taken from end of October 2014</p> <p>4 until 2 January 2015 to get to you. Then I believe your</p> <p>5 advice on charge was on 14 January; is that right?</p> <p>6 A. 14th or the 15th, I think.</p> <p>7 Q. This was a perverting the course of justice charge</p> <p>8 submitted by the borough police. What if the case was</p> <p>9 a murder case and the MG3 was being submitted by the</p> <p>10 major investigation team with a request for urgent</p> <p>11 advice. Is it possible to obtain advice on charging</p> <p>12 more quickly?</p> <p>13 A. Yes, there is a type of test called the threshold test,</p> <p>14 details of which are set out in a document called the</p> <p>15 code for crown prosecutors, which I have already</p> <p>16 referred to.</p> <p>17 I think it is fair to describe it as a test that is</p> <p>18 used in emergency situations where there is a very</p> <p>19 significant bail risk, a flight risk. So very often</p> <p>20 murders are charged on this threshold test and it is</p> <p>21 a lower evidential standard.</p> <p>22 Q. To try and unpack that a bit, you have said that in</p> <p>23 murder cases it is often used, the threshold test. When</p> <p>24 you say the threshold test, you mean that is the test</p> <p>25 that is applied to decide whether or not to charge the</p> <p style="text-align: center;">Page 113</p>	<p>1 contained in the Bail Act, is the likelihood of failing</p> <p>2 to surrender.</p> <p>3 So that essentially means fleeing.</p> <p>4 Q. I am going to attempt to summarise this, and I have no</p> <p>5 doubt that you will refine and correct me if I get it</p> <p>6 wrong, but does it come to this, that if you have</p> <p>7 a suspect in police custody, and it is suspected that</p> <p>8 that person has committed a serious criminal offence,</p> <p>9 such as murder --</p> <p>10 A. Yes.</p> <p>11 Q. -- it is possible to get advice from the CPS on whether</p> <p>12 to charge that person with murder --</p> <p>13 A. Yes.</p> <p>14 Q. -- and the standard that the CPS, the test that the CPS</p> <p>15 will be slightly lower than would --</p> <p>16 A. Yes. the reason --</p> <p>17 Q. Sorry, may I just finish?</p> <p>18 A. Apologies.</p> <p>19 Q. Slightly lower than if there is not this risk that the</p> <p>20 person who is currently detained may flee abroad?</p> <p>21 Is that right so far?</p> <p>22 A. Yes.</p> <p>23 Q. The purpose of applying the slightly lower test is in</p> <p>24 order that if the prosecutor is satisfied that that</p> <p>25 lower test is met, then the prosecutor will authorise</p> <p style="text-align: center;">Page 115</p>
<p>1 suspect?</p> <p>2 A. That's right. It is a lower standard. The evidential</p> <p>3 standard is reasonable suspicion, but one element of the</p> <p>4 test is that you must be able to apply the usual test,</p> <p>5 which is called the full code test, within a reasonable</p> <p>6 period of time.</p> <p>7 So --</p> <p>8 Q. You said that the reason for applying a slightly lower</p> <p>9 standard before advising on charge, advising that</p> <p>10 a suspect should be charged, is because of a flight</p> <p>11 risk, I think is what you said.</p> <p>12 A. Yes, so --</p> <p>13 Q. Can you explain to the jury what you mean by that?</p> <p>14 A. By that I mean if a suspect knows that he is likely to</p> <p>15 be charged with a very serious criminal offence, such as</p> <p>16 murder, there is a very serious risk of the individual</p> <p>17 fleeing, possibly abroad. Certainly I have encountered</p> <p>18 cases where people, knowing that they might be charged</p> <p>19 with murder, have fled abroad.</p> <p>20 Q. How does obtaining a decision on charge help mitigate</p> <p>21 that risk of flight?</p> <p>22 A. Ah, one of the criteria is that there have to be grounds</p> <p>23 for a remand in custody.</p> <p>24 Q. That means the charged person can be kept in prison?</p> <p>25 A. Yes, and one of the criteria for a remand in custody,</p> <p style="text-align: center;">Page 114</p>	<p>1 a charge; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. Then that enables the suspect to be remanded in custody</p> <p>4 and therefore they cannot escape abroad?</p> <p>5 A. Yes.</p> <p>6 Q. To return to my original question, if the case is</p> <p>7 a murder case and the MG3 is submitted by the major</p> <p>8 investigation team with a request for urgent advice, it</p> <p>9 is possible to obtain advice on charging more quickly</p> <p>10 and that is where the threshold test comes in. Is that</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. Thank you.</p> <p>14 I am going to move on then to ask you whether you</p> <p>15 had -- sorry, having received the MG3 and the evidence</p> <p>16 which Detective Constable Parish had sent with the MG3,</p> <p>17 did you have any conversation with DC Parish or not?</p> <p>18 Can you remember, it may be that you can't?</p> <p>19 A. I had a conversation with an officer, I believe it was</p> <p>20 Detective Constable Parish, certainly that would have</p> <p>21 been standard procedure. When giving pre-charge advice,</p> <p>22 it is normal to have a telephone conversation with the</p> <p>23 officer in charge at the very least, sometimes</p> <p>24 a face-to-face meeting.</p> <p>25 Q. Are you able to recall the content of that conversation?</p> <p style="text-align: center;">Page 116</p>

<p>1 A. Unfortunately I have very little recollection of the 2 content of the conversation. I have a vague 3 recollection of asking some questions about the extent 4 of the involvement of the Metropolitan Police major 5 investigation teams, and these are teams that 6 investigate murders and other very serious offences. 7 Q. Why did you want to speak about that? 8 A. I think probably -- I thought because of the fact that 9 the case involved a fatality, I felt that there needed 10 to be some oversight from one of the major investigation 11 teams and indeed there was, to some extent. 12 Q. Once you understood that, were you happy to move on to 13 look at the advice that -- look and prepare your own 14 charging advice, look at the case and prepare your 15 charging advice? 16 A. I do not have a specific recollection, but I imagine 17 that I was. 18 Q. Could you look in the bundles in front of you, that are 19 on the desk in front of you, the one that is on the left 20 on the top, behind tab 44, should be the MG3. That is 21 IPC22. 22 A. Is this bundle B? 23 Q. Yes. 24 A. Oh, it is on the screen. 25 Q. It is a matter for you whether you prefer the screen or</p> <p style="text-align: center;">Page 117</p>	<p>1 a criminal offence. The suspect cannot be charged with 2 murder or manslaughter as there is no evidence that he 3 killed the deceased. There is also no evidence that he 4 administered a noxious substance." 5 The police had submitted this to you asking if Port 6 could be charged with perverting the course of justice. 7 Why, therefore, were you referring to murder or 8 manslaughter there? 9 A. I think -- my recollection of the circumstances is 10 minimal but I think what I was trying to do was just 11 indicate that there had been some consideration of 12 alternatives, other possibilities. I wanted to show 13 that I was not shutting my eyes to other possibilities. 14 Q. Also, you have referred to a noxious substance. Again 15 why did you refer to administered a noxious substance? 16 Is that a separate criminal offence? 17 A. Yes, there is a separate criminal offence of 18 administering a noxious substance, yes. 19 Q. Why did you consider that might be relevant in the 20 context of this case? 21 A. Because I may have thought that was a possibility that 22 needed a little bit of thought. 23 Q. Your conclusion on that was that there was no evidence 24 that that is something with which Port could be charged? 25 A. That was my conclusion, yes.</p> <p style="text-align: center;">Page 119</p>
<p>1 the bundle. It is tab 44 if you prefer the bundle. 2 A. I will look at the hard copy. 3 I have it. 4 Q. Thank you. 5 Could we look at page 3, please. At the top, there, 6 underneath "Charging decision and advice", you have set 7 out what you were asked to advise upon, that is to say 8 whether the suspect is charged with perverting the 9 course of justice or some other criminal offence. 10 Then you go on to set out what you have read in 11 order to prepare your advice, you list it there. Also, 12 you refer to the CPS guidance that you need to apply 13 when making your decision. 14 A. Yes. 15 Q. Then you set out in brief the facts. I take it that 16 those are facts that you had inferred from the facts set 17 out by DC Parish in his part of the MG3 form? 18 A. Yes, I believe that I was trying to summarise the 19 content of the police MG3, I think I was trying to make 20 my summary as concise as possible, because sometimes 21 lawyers who are prosecuting quite busy lists in court 22 need to absorb information very quickly, so being 23 concise is important, in my view. 24 Q. Then you go on to say: 25 "I must determine whether he can be charged with</p> <p style="text-align: center;">Page 118</p>	<p>1 Q. Then, having mentioned and dismissed two further more 2 minor offences, you come to the offence of perverting 3 the course of justice. I think we know the answer to 4 this, but if you can outline what the conclusions were 5 on whether Port could be charged with that? 6 A. Yes, I considered a charge of perverting the course of 7 justice. I decided that there was enough evidence to 8 provide a realistic prospect of conviction. That is the 9 first part of the full code test, the evidential test. 10 And having decided that there was enough evidence, 11 I then applied the public interest test and I thought 12 that prosecution would be in the public interest. 13 Q. I don't think we need to go into the two parts of the 14 test in too much detail, suffice to say when prosecutors 15 are deciding whether or not to advise that a person is 16 charged with a particular offence, that they need to 17 look first of all at is there sufficient evidence for, 18 as you have said, a realistic prospect that that person 19 would be convicted. 20 Then, secondly, there is a further consideration, 21 whether or not it is in the public interest to continue? 22 A. Yes, there are two parts to the full code test. 23 Q. If both of those tests are met in your opinion -- indeed 24 in this case they were, so could we look then at page 6. 25 Can you explain what this part is, this part of the</p> <p style="text-align: center;">Page 120</p>

<p>1 document is?</p> <p>2 A. That is the charge that I authorised, a charge of</p> <p>3 perverting the course of justice.</p> <p>4 Q. What happens then, once you have authorised the charge</p> <p>5 of perverting the course of justice?</p> <p>6 A. After the charge has been authorised, the police</p> <p>7 formally charge the suspect and if he is on bail, as</p> <p>8 Stephen Port was, he will receive a court date.</p> <p>9 Q. Once you had sent off your MG3 back to the police, did</p> <p>10 you have any further involvement with this case?</p> <p>11 A. No. That was the extent of my involvement, giving the</p> <p>12 pre-charge advice.</p> <p>13 MS COLLIER: Mr Held, I have no further questions.</p> <p>14 Thank you very much.</p> <p>15 Questions from MS HILL</p> <p>16 MS HILL: Good afternoon, I ask questions on behalf of the</p> <p>17 families of all four of Stephen Port's victims, save for</p> <p>18 the partner of Daniel Whitworth who has his own lawyer.</p> <p>19 Can I try and ask you some questions, first of all,</p> <p>20 please, just to clarify exactly what information you</p> <p>21 were provided with.</p> <p>22 Can I do that, please, by bringing up on screen</p> <p>23 IPC000022, internal page 3, just to see if we can</p> <p>24 understand exactly what you were given.</p> <p>25 Is this right, if we look at the top of that note</p> <p style="text-align: center;">Page 121</p>	<p>1 Q. I think we can just illustrate it with one email</p> <p>2 perhaps, IPC000158, internal page 1, please.</p> <p>3 We can see that you are being sent information by</p> <p>4 Mr Parish, by DC Parish and we can see -- this is not</p> <p>5 coming I think direct to you, but it eventually I am</p> <p>6 assuming makes its way to you.</p> <p>7 Do you see, for example, "Aldwinckle" MG11, that is</p> <p>8 one of witness statements, I think?</p> <p>9 A. Yes, that was something that was provided to me, the</p> <p>10 statement of Aldwinckle.</p> <p>11 Q. Sorry, have I brought up the wrong reference?</p> <p>12 A. I believe so.</p> <p>13 Q. Forgive me, it is 148. Do we see a series of</p> <p>14 attachments, of which on the left-hand side is</p> <p>15 Aldwinckle MG11 statement?</p> <p>16 A. Yes.</p> <p>17 Q. I think there were other MG11 statements sent to you,</p> <p>18 but I think we know that the Port MG11 is just one, does</p> <p>19 that sound right?</p> <p>20 A. I would need to check, but you are probably right.</p> <p>21 Q. You have talked about the full pathology report, and</p> <p>22 then just to try and understand this a little bit</p> <p>23 further, your understanding from the police part of the</p> <p>24 MG3, I think, was that Mr Port had been interviewed</p> <p>25 twice, is that right?</p> <p style="text-align: center;">Page 123</p>
<p>1 that you have provided, you summarise what you have</p> <p>2 considered, do you see that?</p> <p>3 A. Yes, I was provided with more documentation than that.</p> <p>4 Q. I think we also have the emails that come to you from</p> <p>5 Mr Parish. I would just like to try and piece them</p> <p>6 together, if I may. The MG3, we know, is this document</p> <p>7 itself, is that right?</p> <p>8 A. Yes, the police report is the MG3, although the</p> <p>9 pre-charge advice given by a prosecutor is also called</p> <p>10 an MG3.</p> <p>11 Q. I think what you mean by this is you have considered the</p> <p>12 police half of it, that must be right?</p> <p>13 A. That is exactly right.</p> <p>14 Q. Just to help the jury, MG11s, when we see reference to</p> <p>15 a MG11, just help us with what that stands for?</p> <p>16 A. That means witness statement.</p> <p>17 Q. In fact I think we can tell from some other emails from</p> <p>18 Mr Parish that there were a series of witness statements</p> <p>19 that you were sent, including one I think from Mr Port</p> <p>20 and some from other witnesses, is that right?</p> <p>21 A. Yes, I was sent some other witness statements, yes.</p> <p>22 Q. Just to be clear, where it says the MG11s of Port,</p> <p>23 I think Mr Port has only given one MG11. Does that make</p> <p>24 sense?</p> <p>25 A. Yes, that might be a typo.</p> <p style="text-align: center;">Page 122</p>	<p>1 A. Yes, he was interviewed twice.</p> <p>2 Q. If you look within the police part of the MG3, begins,</p> <p>3 please, at IPC000022, internal page 10, there was</p> <p>4 a summary given to you in the MG3 of the 26 June</p> <p>5 interview, do you see that?</p> <p>6 A. I see it.</p> <p>7 Q. It goes on over several pages, because it is quite</p> <p>8 a detailed summary of what he said in interview, is that</p> <p>9 right?</p> <p>10 A. Yes, there is a detailed summary of the first interview,</p> <p>11 the one conducted on 26 June.</p> <p>12 Q. I think that is a copy of the summary that DC Desai</p> <p>13 made, but perhaps that matters not for your purposes.</p> <p>14 For the second interview, is this right, if we look</p> <p>15 at the foot of internal page 13; is this right, look at</p> <p>16 the very bottom of internal page 13 of the MG3, what you</p> <p>17 were sent for the second interview was an MG15?</p> <p>18 A. Yes, that is correct.</p> <p>19 Q. Just so we are clear, we can see that by bringing up</p> <p>20 IPC000137. And MG15 is the transcript of an interview,</p> <p>21 isn't it?</p> <p>22 A. That's correct.</p> <p>23 Q. We can see, just scrolling on the top right, the jury</p> <p>24 have that code.</p> <p>25 For the second interview, you were sent all</p> <p style="text-align: center;">Page 124</p>

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<p>1 67 pages, is that right?</p> <p>2 A. I was given a different transcript, which was 64 pages</p> <p>3 long, but I am sure they work the same.</p> <p>4 Q. You were not given the same as you were for the first</p> <p>5 interview, correct? You weren't given a summary, you</p> <p>6 were just given the transcript?</p> <p>7 A. No, the second interview wasn't summarised in the</p> <p>8 report.</p> <p>9 Q. You have explained in your witness statement, please can</p> <p>10 I bring up MOJ000005, internal page 4, paragraph 17.</p> <p>11 I think you have listed there in fairness all the</p> <p>12 witness statements you were involved with, but when you</p> <p>13 describe what you were sent, at 17 there, you say,</p> <p>14 "A summary of the interview, all the witness statements</p> <p>15 ..."</p> <p>16 Then you say the Police National Computer record for</p> <p>17 Stephen Port. That was also something I think sent to</p> <p>18 by the police, is; that right?</p> <p>19 A. I was sent that, yes.</p> <p>20 Q. If I have married up your exhibits correctly, and I am</p> <p>21 very happy to be corrected if I will wrong, can I bring</p> <p>22 up please MOJ000004, internal page 1, please.</p> <p>23 This is the PNC check you were sent by the police,</p> <p>24 is that right, because it is your exhibit?</p> <p>25 A. Yes, the court defence and probation print. I was sent</p> <p style="text-align: center;">Page 125</p>	<p>1 the one that I was sent is the first one that you put up</p> <p>2 on the screen. The court probation and -- yes, the</p> <p>3 court probation and defence print.</p> <p>4 Q. I am sure we can clarify this if need be, but we have</p> <p>5 asked specifically about your exhibit AH4, all right.</p> <p>6 Our understanding is that AH4 is MOJ000004, so this</p> <p>7 document, just perhaps bring this up again, please,</p> <p>8 MOJ000004, is the one that has come from I think the CPS</p> <p>9 file. Is that not right? This is the one you have</p> <p>10 provided to us.</p> <p>11 A. Yes, I believe we provided this one, yes.</p> <p>12 Q. We have specifically asked for the full set of AH4, and</p> <p>13 if I'm wrong about this I am sure I will be told, but it</p> <p>14 does include the PNC check that is limited as it is, is</p> <p>15 that right?</p> <p>16 A. I believe this is the only PNC print that was provided</p> <p>17 with this version.</p> <p>18 Q. Does it follow, just so I can understand this, that when</p> <p>19 you were considering Mr Port generally, you didn't</p> <p>20 understand anything about that previous arrest of him</p> <p>21 that I have just shown you the details of?</p> <p>22 A. I cannot recall that. I am aware that there is at the</p> <p>23 end of Port's second interview, there is a reference to</p> <p>24 his arrest, but I -- it may be that I wasn't given the</p> <p>25 details that are in that second document that you put up</p> <p style="text-align: center;">Page 127</p>
<p>1 that.</p> <p>2 Q. If we turn over the page to the second page, this is the</p> <p>3 print for Mr Port that has no reprimands, warnings or</p> <p>4 cautions, is that right, that is what you were told?</p> <p>5 A. I received this document, yes.</p> <p>6 Q. I think that the jury have that in their bundle and that</p> <p>7 is the one that you provided to us. Can I just show you</p> <p>8 a different one app it may or may not be that you can</p> <p>9 help. If you look at, please, a different PNC print for</p> <p>10 Mr Port -- just bear with me a second.</p> <p>11 I think it is INQ000004, please. This is, I am sure</p> <p>12 you will recognise it, a different sort of piece of</p> <p>13 documentation, do I have the wrong one?</p> <p>14 A. I think it is the wrong document.</p> <p>15 Q. INQ000004, internal page 67, please.</p> <p>16 This is a different kind of printout. If we just go</p> <p>17 back up to go through that, you will see at the end of</p> <p>18 this document, at internal 70, there is some different</p> <p>19 information from the Police National Computer, that says</p> <p>20 this, it is not a conviction but it is an arrest. The</p> <p>21 victim has made an allegation that DP, his partner, had</p> <p>22 given him poppers (drugs) and had non-consensual anal</p> <p>23 sex with him. I think that is not the PNC printout you</p> <p>24 were sent; is that right?</p> <p>25 A. I would need to check, but to the best of my knowledge</p> <p style="text-align: center;">Page 126</p>	<p>1 on the screen.</p> <p>2 Q. It seems obvious from the material that you were given</p> <p>3 that you weren't sent any further details about that</p> <p>4 incident.</p> <p>5 A. Well, certainly there is nothing about it in the MG3,</p> <p>6 the report.</p> <p>7 Q. You were not sent, for example, the extract from the</p> <p>8 CRIS about the person that had made that allegation?</p> <p>9 I think that is clear from the paperwork.</p> <p>10 A. I think that is the case. I mean I would need to double</p> <p>11 check, but it is unlikely that I was sent that, given</p> <p>12 that there is nothing about it in the MG3 report.</p> <p>13 Q. If you want to just have a very quick look at it to see</p> <p>14 if it refreshes your memory, feel free to do so, it is</p> <p>15 IPC000023, please.</p> <p>16 A. Where is that?</p> <p>17 Q. It will come up on the screen, I think. IPC000023, this</p> <p>18 is an extract from a CRIS report and just to scroll</p> <p>19 through it, go to internal page 10, please. This is</p> <p>20 a bit more detail about that incident, in relation to</p> <p>21 X1, someone called X1, who was describing being --</p> <p>22 A. I don't think I received this. As far as I am</p> <p>23 concerned, the complete list of what I was sent are</p> <p>24 those attachment to one of DC Parish's emails, that, as</p> <p>25 I understand, is the extent of what I was given.</p> <p style="text-align: center;">Page 128</p>

32 (Pages 125 to 128)

<p>1 Q. If it helps you, Mr Held, that is also my understanding. 2 I am trying to clarify the points of detail here. 3 I think it must be right, from the information that 4 we understand from the case generally, that you didn't 5 know anything about a person called X3, about another 6 person, that must be right, from the information we know 7 and I will tell you why. If you can just bring up, 8 please, IPC000082, internal page 2, we know from other 9 evidence, Mr Held, that on a different police database, 10 on the Police National Database, the PND, there was 11 another allegation in relation to someone called X3, 12 a matter of days before Anthony Walgate's death. Again, 13 the concern anyway about Mr Port being found in company 14 of somebody who appeared to be under the influence of 15 drugs. 16 You didn't know anything at all -- 17 A. Is this taken from the British Transport Police file? 18 Q. It is. 19 A. I am aware that there is a very brief reference to this 20 incident at the end of the transcript of the second 21 interview. 22 Q. Yes, forgive me, what you didn't have was anything other 23 than what Mr Port had volunteered? 24 A. No. 25 Q. I think it is right, isn't it, as a matter of chronology</p> <p style="text-align: center;">Page 129</p>	<p>1 advice you gave, but there was no suggestion you had any 2 information from Port's employer at all, I don't think? 3 A. I can't remember, I would need to check. 4 Q. The MG3 that you were given, can I just bring up, 5 please, IPC000232, internal 16, had been completed, 6 I think, on the evidence we have heard so far, by 7 a combination of T/DC Parish and DS O'Donnell. 8 The evidential criteria section I think on the 9 evidence was completed by the sergeant. So where it 10 says on the MG3, that the jury have in their bundle: 11 "Although it is not the police assertion that he was 12 responsible for the death, he nevertheless frustrated 13 the investigation and obstructed police in the extreme." 14 Those are the words of the sergeant not your words; 15 is that not right? 16 A. Yes, that is from the sergeant's review. 17 Q. The sergeant had then gone on to say, in the third 18 paragraph in that box: 19 "The defendant eventually provided an account of the 20 true circumstances." 21 It appeared here, didn't it, that the sergeant had 22 formed the view that eventually what Port had said was 23 true? 24 A. That was their assumption, yes. 25 Q. You indicate in your witness statement, paragraph 21,</p> <p style="text-align: center;">Page 131</p>
<p>1 that you didn't have information about what was found on 2 Mr Port's laptop. 3 A. No, I believe that the laptop was submitted for 4 examination in April. I think it was April 2015, so 5 after I gave my advice. 6 Q. I think if we perhaps bring up, finally on this, 7 MPS000573, internal page 25, paragraph 123, we now know, 8 Mr Held, that enquiries were made with Mr Port's 9 employer after all four young men had been murdered, but 10 it follows, I think, that you hadn't got any information 11 from his employer about what he might say, is that 12 right? 13 Just looking in the italics there, there is 14 an account given by Mr Port's employer: 15 "I recall getting a phone call from Stephen, he was 16 due to start work at 6.00, he told me he had tried to 17 get out of his flat and the external door was blocked 18 by a young boy in the way. Stephen said he had moved 19 him out of the way." 20 You didn't see anything about that account, I don't 21 think? 22 A. I can't remember. I would need to check the list of 23 exhibits -- sorry, the list of items that was sent to 24 me. 25 Q. In fairness to you, this statement is taken after the</p> <p style="text-align: center;">Page 130</p>	<p>1 please, can we just bring that up, MOJ000005, that the 2 focus of your advice was the charge proposed by the 3 police and you were having to decide whether or not that 4 the full code test, I think, whether or not to charge 5 him, is that right? 6 A. That's right. 7 Q. The full code test I think is set out in the code for 8 crown prosecutors, about which we may hear a little 9 more, can I just bring up, please, MOJ000001, internal 10 page 8, the full code test -- 11 A. Sorry, if I may interject. That is a later version, it 12 should be the 2013 version. 13 Q. Help me with whether this bit has changed. I think the 14 full code test at 4.3 indicates in the code that it 15 should be applied when all outstanding reasonable lines 16 of enquiry have been pursued. 17 Has that always, or since 2014, been the case or is 18 that something new? 19 A. I don't know, I would need to have a look at the wording 20 of the 2013 version of the code. 21 Q. Were you made aware that the laptop analysis was 22 outstanding in any of your correspondence with the 23 borough officers? 24 A. Well, I don't think, certainly in the police MG3, there 25 is no mention of the laptop.</p> <p style="text-align: center;">Page 132</p>

<p>1 Q. You have helpfully gone through with the learned 2 coroner's counsel two other different processes than the 3 one you actually were involved in. You were involved in 4 a full code, full charging decision, is that right? 5 A. That's exactly right. 6 Q. Separately to that you have explained that there is the 7 ability to give early investigative advice, which is not 8 what you were approached for, correct? 9 A. I was not approached for early investigative advice. 10 Q. Bring up, please, MPS000581, internal page 6, 11 paragraph 24. 12 This makes clear, I think from Ms Differ's 13 statement, that this is: 14 "A process by which the police may seek advice at 15 any stage [it says]. If this is done prior to 16 requesting a decision on whether or not to charge it is 17 called early investigative advice. It can be sought 18 [this is the phrase, please] in any case, but it is 19 encouraged in more complex investigations to ensure 20 an evidence-based partnered approach to the prosecution 21 is taken from the outset." 22 Although you have indicated, as perhaps is known, 23 that it is regularly used in complex sexual cases, it is 24 something that is available in any complex case? 25 A. Yes, in theory, but in my experience, it is only</p> <p style="text-align: center;">Page 133</p>	<p>1 is not met, the threshold test may be applied. The 2 seriousness or circumstances of the case must justify 3 the making of an immediate charging decision." 4 Is that right? 5 I'm sorry, I've gone too fast. 6 A. Again, this is the 2018 edition. The one I used was the 7 earlier edition, 2013. 8 Q. Help me with whether this has changed significantly. 9 Broadly, is 5.1 -- I'm sorry if I have the wrong 10 document again, 5.1, please. This is about cases that 11 are for some reason so serious that there are 12 circumstances that justify immediately charging 13 somebody, partly because of concerns about bail. 14 Is that a fair summary? 15 A. There has to be a bail risk, that is usually what 16 triggers the application of the -- of the threshold 17 test. 18 Q. Just very briefly, I don't know if the jury can see it 19 in colour, but the blue bits tell you what the 20 conditions are for triggering the threshold test, is 21 that right? 22 So there are five conditions, if I read it. The 23 first condition: 24 "Reasonable grounds to suspect the person to be 25 charged has committing the offence."</p> <p style="text-align: center;">Page 135</p>
<p>1 commonly requested in serious sex cases. 2 Q. Were you aware that in this particular case there had 3 been disagreements between the borough and the homicide 4 command as to who should take primacy for the 5 investigation? 6 A. Was I aware of that at the time? I don't recall. 7 I was aware that -- I was aware that the major 8 investigation team had been involved to some extent. 9 Q. Do you remember anything about the borough having made 10 requests on more than one occasion for the homicide 11 command to take primacy and the homicide command 12 declining that, or were you not aware of that? 13 A. I don't recall, but I think it is unlikely that I would 14 have been made aware of what was essentially a police 15 internal matter. 16 Q. The second thing I think that you were not asked to do 17 was to apply the slightly different test that you went 18 through with my learned friend Ms Collier, the threshold 19 test, which is something that we have heard can be used 20 when someone is in custody and there is a need to charge 21 them essentially there and then? 22 A. Yes. 23 Q. That is dealt with in detail within the code, MOJ000001, 24 internal page 13, please. Just very briefly, 5.1: 25 "In limited circumstances where the full code test</p> <p style="text-align: center;">Page 134</p>	<p>1 Is that right? 2 A. Yes. 3 Q. Second condition: 4 "Further evidence can be obtained to provide 5 a realistic prospect of conviction." 6 A. Yes, and that wording, "realistic prospect of 7 conviction", is taken from the evidential test, which is 8 part of the full code test. 9 Q. That is the full code, but this is a holding position 10 until the evidence is there perhaps for the full code 11 test, isn't that fair? 12 A. I think that is a fair summary, yes. 13 Q. Over the page, please, third condition: 14 "The seriousness or the circumstances of the case 15 justify the making of an immediate charging decision." 16 Is that right? 17 A. I think it has been unchanged since the 2013 edition, 18 but I would need to cross reference the two editions? 19 Q. Fourth condition, I would just like to amplify this a 20 little bit more, please: 21 "Continuing substantial grounds to object to bail, 22 in accordance with the Bail Act 1976 and in all the 23 circumstances of the case it is proper to do so." 24 A. Yes. 25 Q. Although you talked about a flight risk.</p> <p style="text-align: center;">Page 136</p>

34 (Pages 133 to 136)

<p>1 A. Yes.</p> <p>2 Q. The jury may not be as familiar with the Bail Act as</p> <p>3 perhaps you are. Just bear with me a second, please.</p> <p>4 The question is if you look at 5.9, 5.9 summarises why</p> <p>5 reasons why someone is not suitable to be bailed, even</p> <p>6 with substantial condition.</p> <p>7 Just pausing there, it says, as you have rightly</p> <p>8 indicated:</p> <p>9 "For example, a suspect who poses a serious risk of</p> <p>10 absconding."</p> <p>11 That is the flight risk you talked about, isn't it?</p> <p>12 A. Correct.</p> <p>13 Q. But before that:</p> <p>14 "A dangerous suspect who poses a serious risk of</p> <p>15 harm to a particular person or the public, or someone</p> <p>16 who it is feared will interfere with witnesses."</p> <p>17 A. The first part of that is a reference to another Bail</p> <p>18 Act ground for opposing bail, commission of further</p> <p>19 offences whilst on bail and then the interference with</p> <p>20 a witness is also a ground.</p> <p>21 Q. Just to be clear, the reasons why this threshold test</p> <p>22 can be used are not limited to those who might abscond,</p> <p>23 but are those other two categories as well. That is</p> <p>24 right, isn't it?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 137</p>	<p>1 page there are only two conditions here, it is phrased</p> <p>2 in a slightly simpler way than the most recent code:</p> <p>3 "Is there reasonable suspicion?"</p> <p>4 Then go down to the next page, please:</p> <p>5 "Can further evidence be gathered to provide</p> <p>6 a realistic prospect of conviction?"</p> <p>7 That is very similar to the two conditions we looked</p> <p>8 at before.</p> <p>9 Then just go back up, please, to the introduction to</p> <p>10 the threshold test. We can see that the introduction</p> <p>11 sets out:</p> <p>12 "It may be applied where the suspect presents</p> <p>13 a substantial bail risk, not all the evidence is</p> <p>14 available at the time when he or she must be released</p> <p>15 from custody, unless charged."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. If I have understood it correctly, the Bail Act 1976</p> <p>19 conditions that are referred to at 5.2(d) are in fact</p> <p>20 the ones we looked at in the more recent document,</p> <p>21 aren't they, they have not changed?</p> <p>22 A. Yes, that's correct.</p> <p>23 MS HILL: Thank you very much.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 139</p>
<p>1 Q. The fifth condition is it is in the public interest to</p> <p>2 charge the suspect there and then; is that right?</p> <p>3 A. Yes.</p> <p>4 MS HILL: Thank you very much.</p> <p>5 THE CORONER: I was going to propose a short break at that</p> <p>6 stage.</p> <p>7 MS COLLIER: Thank you.</p> <p>8 THE CORONER: We will take a short break, members of the</p> <p>9 jury.</p> <p>10 (3.34 pm)</p> <p>11 (A short adjournment)</p> <p>12 (3.48 pm)</p> <p>13 (In the presence of the jury)</p> <p>14 MS HILL: Mr Held, in fact I have a couple more questions</p> <p>15 for you.</p> <p>16 I have been helpfully reminded that we do have the</p> <p>17 earlier version of the code within our paperwork,</p> <p>18 I think it wasn't provided with your statement, but we</p> <p>19 can help you with it.</p> <p>20 Can I have brought up, please, MPS117, internal</p> <p>21 page 16.</p> <p>22 Do we see, if you just go up one more page, please,</p> <p>23 that the threshold test is set out in this document,</p> <p>24 which is the 2013 code. Broadly, when the threshold</p> <p>25 test may be applied, if you carry on down to the next</p> <p style="text-align: center;">Page 138</p>	<p>1 Questions from MR BERRY</p> <p>2 MR BERRY: Mr Held, I am asking questions on behalf of the</p> <p>3 Metropolitan Police. You have taken the jury through</p> <p>4 two different tests that the CPS apply, the full code</p> <p>5 test and the threshold test. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. With respect to the full code test, is it right that</p> <p>8 that test is applied at the end of an investigation?</p> <p>9 A. Usually, yes.</p> <p>10 Q. Yes. You could not authorise a homicide charge on the</p> <p>11 full code test until you had a final post mortem report,</p> <p>12 could you?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. With respect to the threshold test, you do not have to</p> <p>15 wait until the end of the investigation to apply that</p> <p>16 test, it is in effect a holding position?</p> <p>17 A. That is a fair summary.</p> <p>18 Q. You could not authorise a homicide charge on the</p> <p>19 threshold test without a preliminary cause of death,</p> <p>20 could you?</p> <p>21 A. I agree with that.</p> <p>22 Q. In this case, on 28 October DC Parish sent an MG3 to the</p> <p>23 CPS for a charging decision with respect to Port. In</p> <p>24 summary, is it right to say that the CPS was not willing</p> <p>25 to provide an advice until the full final post mortem</p> <p style="text-align: center;">Page 140</p>

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<p>1 report was available?</p> <p>2 A. It is certainly something that was specifically asked</p> <p>3 for by the CPS.</p> <p>4 Q. There is an email from you -- I don't need to bring it</p> <p>5 up -- where you say you agree with Rob's view that we</p> <p>6 will need a full post mortem and toxicology reports in</p> <p>7 order to advise on this case.</p> <p>8 A. That's correct.</p> <p>9 Q. At that stage you were being asked to consider not</p> <p>10 actually a homicide offence, but perverting the course</p> <p>11 of justice?</p> <p>12 A. That was the -- that was the proposed charge that we</p> <p>13 were asked to consider, or I was asked to consider.</p> <p>14 Q. Even when you were being asked to consider the proposed</p> <p>15 charge for perverting the course of justice, you, as the</p> <p>16 CPS lawyer, wanted to have the toxicology reports and</p> <p>17 the full post mortem before advising?</p> <p>18 A. Indeed.</p> <p>19 Q. Thank you.</p> <p>20 In cases of homicide involving the administration of</p> <p>21 drugs. Where one person is dead and the suspect is the</p> <p>22 only witness, would it be fair to say that there are</p> <p>23 challenges in proving such a case to the criminal</p> <p>24 standard?</p> <p>25 A. I think I would agree with that, yes.</p> <p style="text-align: center;">Page 141</p>	<p>1 levels of GHB in the system?</p> <p>2 A. I would need to have a look at the section of the</p> <p>3 pathologist's report that deals with that. I think</p> <p>4 there is a section in Dr Biedrzycki's statement that</p> <p>5 deals with that.</p> <p>6 MS COLLIER: The reference is IPC339. It is behind tab 45</p> <p>7 if you want to look in the bundle.</p> <p>8 A. I wouldn't say a high concentration of GHB is</p> <p>9 necessarily consistent with the administration of</p> <p>10 a noxious substance.</p> <p>11 THE CORONER: Right.</p> <p>12 A. It could be -- in my view, it could easily be consistent</p> <p>13 with administering it yourself.</p> <p>14 THE CORONER: You were not being asked to consider that as</p> <p>15 a possible charge, were you?</p> <p>16 A. No. My focus was very much on the proposed charge of</p> <p>17 perverting the course of justice. However, as others</p> <p>18 have noted, I did briefly consider other possibilities.</p> <p>19 THE CORONER: Thank you.</p> <p>20 Then the next question I think you probably can</p> <p>21 answer, but who determines whether or not a suspect is</p> <p>22 eligible for bail? There may be a number of different</p> <p>23 answers to that, depending on the stages of the</p> <p>24 proceedings reached.</p> <p>25 A. With reference to police bail?</p> <p style="text-align: center;">Page 143</p>
<p>1 Q. Is it right that you have to prove at least three</p> <p>2 things.</p> <p>3 You have to prove that the drugs were actually</p> <p>4 administered by the suspect?</p> <p>5 A. This is probably not something I can answer questions</p> <p>6 on, because I haven't ever advised on this particular</p> <p>7 type of homicide.</p> <p>8 MR BERRY: Very well, in that case I will not take those</p> <p>9 questions further. Thank you very much.</p> <p>10 I have no more questions, thank you very much.</p> <p>11 MS COLLIER: No re-examination, thank you.</p> <p>12 Questions from THE JURY</p> <p>13 THE CORONER: Mr Held, there are two questions from the</p> <p>14 jury.</p> <p>15 One relates to your advice, which we have at</p> <p>16 bundle B, divider 89, page 3. It can be put up on the</p> <p>17 screen, IPC22, page 3. It is in relation to the</p> <p>18 sentence about seven lines up in which you say:</p> <p>19 "There is also no evidence that he administered</p> <p>20 a noxious substance."</p> <p>21 Do you have that?</p> <p>22 A. Yes.</p> <p>23 THE CORONER: The question is how could you say for sure</p> <p>24 that there was no evidence of administering a noxious</p> <p>25 substance, when the toxicology report said very high</p> <p style="text-align: center;">Page 142</p>	<p>1 THE CORONER: Deal with police bail first. If a suspect is</p> <p>2 charged?</p> <p>3 A. Yes, I -- it is a police decision. I think an officer</p> <p>4 would be better placed to answer that question, but it</p> <p>5 is not -- it is a police decision, although if</p> <p>6 a prosecutor were to apply the threshold test, which</p> <p>7 I have been questioned on, that would involve the</p> <p>8 consideration of the Bail Act grounds.</p> <p>9 THE CORONER: Yes, thank you.</p> <p>10 The second question is not a question for you, so</p> <p>11 I am not going to ask you that. Thank you very much.</p> <p>12 Thank you very much, Mr Held.</p> <p>13 Is that as far as we can take matters today?</p> <p>14 MS COLLIER: Yes, madam, 10.00.</p> <p>15 THE CORONER: Thank you.</p> <p>16 Thank you, members of the jury, 10.00 tomorrow,</p> <p>17 please.</p> <p>18 (4.00 pm)</p> <p>19 (The inquests adjourned until 10.00 the following day)</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 144</p>

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