

<p>1 Monday, 25 October 2021 2 MR ANDREW EWING (sworn)2 3 Questions from MR O'CONNOR2 4 Questions from MS HILL45 5 Questions from DR VAN DELLEN61 6 Questions from MS DOBBIN62 7 Questions from MR SKELTON64 8 Further questions from MR O'CONNOR70 9 MR MARK RICHARDS (recalled)74 10 Questions from MR O'CONNOR75 11 Statement of MR GLEN ALDWINCKLE (read)117 12 Questions from MR O'CONNOR (continued)134 13 Statement of X3 (read)142 14 Questions from MR O'CONNOR (continued)153 15 Questions from MS HILL155 16 Questions from MR DAVIES176 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 1</p>	<p>1 the moment, it is going to come up on the screen and 2 I think this one is fine for you to look on the screen. 3 In due course I may ask you to look at some documents. 4 For the screen it is INQ41, please. 5 Mr Ewing, this is a document that we have all been 6 familiar with, I don't know if you have had a chance to 7 see it before you came here, don't worry if not, it is 8 a very basic diagram of Barking and Dagenham police in 9 2014/2015. 10 You see the table and we have worked our way up the 11 various ranks. Do we see you there at the top as the 12 borough commander? 13 A. Yes, that's correct. 14 Q. In fact, it says there that you were in post until 15 December 2014. I think you just said that it was 16 literally at the end of the year that you left that 17 post; is that right? 18 A. Yes, I left on 31 December 2014 and started at the 19 borough of Tower Hamlets on 1 January 2015. 20 Q. Right, so the jury will remember the chronology that 21 they have already been given, they are going to come to 22 hear about the later deaths but the significance of you 23 leaving at that date means that you were in post, of 24 course, when Anthony Walgate's body was discovered in 25 June 2014, yes?</p> <p style="text-align: center;">Page 3</p>
<p>1 (10.01 am) 2 (In the presence of the jury) 3 THE CORONER: Good morning, members of the jury. 4 MR O'CONNOR: Madam, may we please call Mr Andrew Ewing. 5 MR ANDREW EWING (sworn) 6 Questions from MR O'CONNOR 7 MR O'CONNOR: Thank you, Mr Ewing, do take your mask off and 8 take a seat. 9 A. Good morning. 10 Q. Could you give us your full name, please? 11 A. My name is Andrew Ewing. 12 Q. Mr Ewing, you are a retired senior police officer? 13 A. I am a retired chief superintendent, and I have been 14 retired for nearly six years. 15 Q. The note I had was that you retired in February 2016; is 16 that right? 17 A. That's correct. 18 Q. Of relevance for our purposes, Mr Ewing, you were in the 19 rank of chief superintendent and holding the post of 20 borough commander for Barking and Dagenham police 21 between June 2012 and January 2015. 22 A. That's correct, from 1 June 2012 to the beginning of 23 January, 1 January 2015. 24 Q. If we could have a look, as has become our practice, at 25 tab 4 within the jury bundle. Mr Ewing, don't worry for</p> <p style="text-align: center;">Page 2</p>	<p>1 A. That's correct. 2 Q. That issue is going to cover most of my questions this 3 morning. You were also in post later in the year in 4 August and September when Gabriel Kovari and then 5 Daniel Whitworth's bodies were found? 6 A. That is also correct. 7 Q. But you were not in post the year after, in September of 8 the year after, when Jack Taylor's body was found? 9 A. No, indeed, that's the case. 10 Q. Thank you. 11 We can put that bundle away now, members of the 12 jury. 13 As I said, I am going to ask you, Mr Ewing, 14 particularly about some of the events that took place 15 during the investigation into Anthony Walgate's death 16 and your involvement in those matters. Before I do, 17 I would just like to ask you some more general questions 18 on the subject of resources, which is something the jury 19 have heard evidence about from a number of witnesses 20 now. 21 Perhaps I can introduce this by going to a passage 22 from the report which has been prepared for these 23 proceedings by retired Chief Superintendent Mackay. Can 24 we have on screen, please, INQ6, internal pages 6 to 7. 25 This was a passage of this report which was shown to</p> <p style="text-align: center;">Page 4</p>

<p>1 DI Kirk last week, Mr Ewing. Let me just read out 2 paragraph 30 of this report and then I will ask you some 3 questions about it. It says this: 4 "It is also important to put these investigations 5 into the context of the national policing picture in 6 2014 and 2015. The impact of the 2010 spending review, 7 which saw a £2.2 billion reduction in central police 8 funding between 2010/11 and 2015/16 was starting to bite 9 with a significant reduction in both police officers and 10 police staff, which generally meant an increased 11 workload and reduction in morale across the board. 12 Officers from the MPS will be better placed to address 13 the detail of how this impacted at a local level. 14 Additionally, there were significant changes to police 15 pensions implemented in 2015, which had a significant 16 impact upon morale. A combination of these external 17 factors resulted in a lot of pressure being felt within 18 the police service. The expectation to deliver 19 a service that was seeing demand increase and the 20 resourcing and financial support decrease coupled with 21 the more complex crime types and less rewards (in 22 respect of pensions) had a big impact on officers." 23 Just a general question to start with. Is this 24 something that you recognise, were pressures like this 25 being felt in Barking in 2014?</p> <p style="text-align: center;">Page 5</p>	<p>1 policing model, which is how we were going to continue 2 to deliver policing in Barking, despite the significant 3 pressures on cost and the reduction in staff that would 4 be available to me as the borough commander. 5 Q. Two other very practical matters that DI Kirk and others 6 have raised. 7 First of all, in consequence of the move from four 8 teams to three, there was an alteration to shift 9 patterns, which amongst other things meant that there 10 was no handover time between one shift finishing its 11 work and the second shift starting, and also 12 an increased requirement to work at weekends. 13 Secondly, DI Kirk referred to a reduction in the 14 budgeting for overtime. 15 Again, were those matters you were aware of in 2014? 16 A. They were matters that I was aware of but I can't really 17 speak in any detail about shift patterns that officers 18 were working, because that really wasn't something I was 19 aware of day to day but I did understand that the 20 officers had had their shift patterns changed. That was 21 not necessarily favourable in terms of home and 22 work-life balance and, indeed, there were significant 23 pressures to reduce all sorts of expenditure, including 24 overtime. I think about 80 per cent of my budget at the 25 time, which was around £30 million, was taken up with</p> <p style="text-align: center;">Page 7</p>
<p>1 A. Broadly speaking, that is an accurate reflection of the 2 pressures that officers were under. Clearly issues 3 around morale could be very local and indeed that was 4 a significant part of my role, was to make sure that 5 policing continued to be delivered despite the external 6 pressures and context. 7 Q. We have heard a number of particular ways in which these 8 types of pressures were being felt. 9 First, we have heard that there were simply cuts to 10 staff and that, for example, there were simply fewer 11 officers in the CID department in 2014 than there had 12 been two or three years earlier, and in fact a reduction 13 in the number of CID teams from four down to three. 14 DI Kirk referred to that as a more-for-less 15 situation. Is that something you recognise? 16 A. It is something I recognise and I have referenced the 17 statement of expectation which was issued to me in 18 February 2014 of that year, and it specifically talked 19 about delivering policing at a minimum cost. So I do 20 recognise the comments that have been made and also the 21 pressure on resources and the desire to deliver policing 22 and to actually continue the service despite those 23 financial pressures. And indeed on the day that Anthony 24 was discovered I had a meeting at 9.00 that day to 25 discuss our implementation of what was called the local</p> <p style="text-align: center;">Page 6</p>	<p>1 officer and staff costs, so it was a significant part of 2 the money that I had to spend on policing on the 3 borough. 4 Q. Then, lastly, this may or may not have been tied to 5 this, the Government cuts and so on, but one of the 6 recurring features of the evidence that the jury have 7 heard is about the lack of officers in substantive 8 ranks. For example, we have heard from your immediate 9 junior officer, Mr Hamer, who was a temporary rather 10 than a substantive superintendent. I have already 11 mentioned DI Kirk, who was at that time a substantive 12 DI, a temporary detective chief inspector, and we have 13 heard from other officers, including for example 14 DI McCarthy, who was not a substantive DI, he was 15 an acting DI at the time, and there are others that one 16 could name. 17 It seems to have been a feature that there was 18 a lack of substantive ranks throughout the CID 19 department at Barking. Is that something you were aware 20 of at the time and can you explain it? 21 A. Yes, and a significant part of my role was to deliver 22 policing at minimum cost but also develop my staff, the 23 people that worked for me, in a way which meant in the 24 future they would be able to fulfil more substantive 25 ranks.</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 In essence the organisation had to save hundreds of 2 millions of pounds each year, and the only way to do 3 that was to reduce, in the very short term, the number 4 of supervisory ranks. So therefore the normal promotion 5 processes were not actually being run in order to put 6 people into substantive ranks, which means that they 7 were there permanently and therefore I had to find 8 a solution in order that those critical supervisory 9 roles were filled and the only way to do that was to 10 invite people who were performing in existing ranks to 11 step up to the next rank, so that those roles were 12 covered. There was no line of people or qualified staff 13 who had already passed promotion boards to be available 14 to step into substantive ranks at that time.</p> <p>15 Q. Drawing these strands together if we can, please, 16 Mr Ewing then: we have the cuts; we have reduction in 17 numbers; we have altered shift patterns, less overtime, 18 less handover; more people acting up. 19 You have described being aware of all of those 20 matters to a greater or lesser extent. While you were 21 in Barking in 2014, was it your judgment that these 22 matters, in combination, were actually interfering with 23 the ability of your organisation to do its work, and in 24 particular of course we are focusing on whether the CID 25 department was actually able to investigate these</p> <p style="text-align: center;">Page 9</p>	<p>1 know that Anthony's body was found early in the morning 2 on 19 June. You have looked back, have you not, at the 3 record of your diary for that day. Let's have it on 4 screen if we can, please, it is MPS 577. Perhaps we can 5 just enlarge it a little bit so we have a better chance 6 of reading the detail. Thank you. 7 We don't need to go into the fine detail of this, 8 Mr Ewing, and you have already mentioned that you had 9 a meeting about the policing plan, but it appears that 10 you had a day of meetings -- do we see is the first 11 meeting there 9.00 at New Scotland Yard, is that right? 12 A. That's correct, that meeting was with the assistant 13 commissioner, who was newly appointed in the rank and 14 role, and also the deputy assistant commissioner, 15 Mark Simmons. The purpose of that meeting was really to 16 assess where I had taken the borough to in terms of the 17 rationalisation that we have just talked about, in terms 18 of moving officers over to a different shift pattern, 19 how that was costed, what the impact on resources was at 20 that particular time and whether I had enough resources 21 in the right place. 22 So the meeting required me to have an in depth 23 understanding of what the threats, pressures and risks 24 that all of my staff were under in order to make sure 25 that we continued to deliver policing at that particular</p> <p style="text-align: center;">Page 11</p>
<p>1 matters, to use an overused phrase, was it fit for 2 purpose at the time that you were in charge? 3 A. Generally speaking it was fit for purpose. At the end 4 of the financial year 2013/2014 the borough had been 5 recognised as most improved in terms of crime reduction 6 and in terms of what we call detections, so the number 7 of people brought to justice for offences that had been 8 committed. We had also increased the satisfaction of 9 victims of crime to near the top of the Metropolitan 10 Police, and, indeed, at the end of that financial year 11 the borough was awarded two prizes for being the top and 12 most improved borough in London at that time.</p> <p>13 Part of the reason for leading the borough in that 14 way was to ensure that people felt rewarded for the hard 15 work and the pressure that they were under in order to 16 produce results.</p> <p>17 And, ultimately, all of us were focused on 18 protecting vulnerable people as best we could at the 19 time, which was what we had set out to do across the 20 board, particularly in terms of domestic violence, where 21 there were vulnerable victims.</p> <p>22 Q. Thank you, Mr Ewing. 23 I am going to move on to ask you some questions 24 about the Walgate investigation. As the jury have 25 heard, and you have already referred to, in fact, we</p> <p style="text-align: center;">Page 10</p>	<p>1 time, and in an effective way. So it is a meeting that 2 I had spent many days preparing for.</p> <p>3 Q. All right, and just casting our eyes down, that would 4 have required you to be in central London at 9.00 in the 5 morning? 6 A. Indeed. 7 Q. Then you seemed to have a series of meetings as the day 8 progressed. At least one of them -- well, we seem to 9 see a meeting in Barking and then perhaps a meeting back 10 at New Scotland Yard and then another meeting is 11 Barking, is that right? 12 A. Yes. Yes. 13 Q. So a bit of travel as well. In fact the last meeting 14 looks like it might have been in this building? 15 A. I think it probably was, yes. 16 Q. The particular reason, as you have probably realised, 17 Mr Ewing, for looking at this diary is, because you seem 18 to have had some involvement in the very, very early 19 stages of the investigation into Anthony's death before 20 9.00 in the morning? 21 A. Yes. Yes, I had. 22 Q. Can we then call up another document, which the jury 23 have seen but not for a couple of weeks now, and that is 24 MPS576. That is the cover of a daybook of yours? 25 A. It is.</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 Q. Just in a few sentences describe what that daybook was 2 and how you used to use it?</p> <p>3 A. This was an informal or formal notebook in which I would 4 make notes about meetings, about issues on the borough 5 or any risks that I felt were emerging and this document 6 was kept contemporaneously at the time, so if I had 7 received a phone call or I was making notes from 8 an email, this is the one place that I would make notes 9 about incidents or matters during my working day.</p> <p>10 Q. Did you take it with you everywhere you went?</p> <p>11 A. I did.</p> <p>12 Q. Including home in the evenings?</p> <p>13 A. This book was really important to me and it was 14 important that I was able to access it, it had important 15 information in it which I could often refer back to, but 16 also it is important if I was called during the night or 17 at weekends, or if I was on call, then I would make 18 notes in this particular document book to ensure that 19 I had an accurate reflection of what had taken place.</p> <p>20 Q. If we could go on to the second page, please. We see 21 here the beginning of an entry which in fact goes on to 22 the next page as well, which is headed "Thursday: 23 19 June 2014". We will read it through in a moment but 24 we will see, won't we, that this does appear to be 25 a record you made of a phone conversation about the very</p> <p style="text-align: center;">Page 13</p>	<p>1 dead, but a forensic medical examiner was called to 2 certify death.</p> <p>3 In any event, the next entry says: 4 "T-shirt = footprint."</p> <p>5 The jury have heard something about a concern that 6 was raised at the scene that Anthony's body may have 7 a footprint on its torso.</p> <p>8 "Blood, lip. 9 "Bag, (no possessions). 10 "No ID. 11 "Caller: traced not spoken to, early riser." 12 What do you think that refers to, Mr Ewing?</p> <p>13 A. Given the passage of time, I am unsure exactly what 14 I meant by that but it would suggest that the person 15 that had called about finding Anthony had been traced 16 but not spoken to because they were either not on scene 17 or they were elsewhere due to being up early.</p> <p>18 Q. Of course we now know who that person was, it was 19 Stephen Port. As a matter of fact, we know that 20 Stephen Port was spoken to and a statement was taken 21 from him at 7.50 in the morning. So that is where we 22 get the timing from, it does appear that this call is 23 before that time.</p> <p>24 The next entry seems to read: 25 "Caller previous sex assault."</p> <p style="text-align: center;">Page 15</p>
<p>1 early stages of the discovery of Anthony Walgate's body?</p> <p>2 A. Yes, it is.</p> <p>3 Q. We will be able to see, as we go through, that it looks 4 as though this conversation was before 8.00 in the 5 morning. We will explain that as we get to it. If that 6 is right, do you think it is possible that you may have 7 taken a call that early in the morning on that day?</p> <p>8 A. It is entirely possible that I received a call early in 9 the morning. Unfortunately I can't help with what time 10 it was or where I was called or who may have called me. 11 It may well have been -- in any event it would have been 12 before 9.00, because that was when my meeting started 13 with the assistant commissioner, but this entry was made 14 before 9.00 on the morning of 19 June 2014.</p> <p>15 Q. Let's just read it through together. Correct me if 16 I get anything wrong. 17 "Male = white = early 20s, found slumped against 18 wall entrance to flats. 19 "LAS certify." 20 Do you think that might be a reference to 21 certification of death?</p> <p>22 A. That entry recognises that the London Ambulance Service 23 had certified life extinct.</p> <p>24 Q. Yes. In fact, as the jury have heard, that didn't 25 happen. LAS were there and had a view that Anthony was</p> <p style="text-align: center;">Page 14</p>	<p>1 Is that right?</p> <p>2 A. That's correct.</p> <p>3 Q. Are you able to give us any further information around 4 that entry?</p> <p>5 A. Unfortunately, given the passage of time, I can't expand 6 on what that entry might mean.</p> <p>7 Q. We will come back to that. Moving on, it says: 8 "Scene managed -- CSM." 9 A. That indicates that the crime scene where Anthony had 10 been found was being managed by a crime scene manager, 11 so "CSM" stood for crime scene manager.</p> <p>12 Q. And the jury have in fact heard evidence from 13 Ms Kynaston, who was the crime scene manager at the 14 scene. 15 Then you have written: 16 "2/3 cops; CCTV = defective." 17 What is the next word, is it "prominence"?</p> <p>18 A. I believe it says "Prominence = courtyard".</p> <p>19 Q. Yes. Then "Flash search/no scene", is it?</p> <p>20 A. That's correct.</p> <p>21 Q. What does that imply?</p> <p>22 A. That implies that there has been a brief search of the 23 area surrounding where the deceased has been found and 24 there is no indication from that brief search that 25 actually it is clear where the scene of the deceased</p> <p style="text-align: center;">Page 16</p>

<p>1 passing is or was, so that is a summary of what I meant</p> <p>2 by that.</p> <p>3 Q. Then if we could go over the page, or just scroll it</p> <p>4 down to the next page, please, it says:</p> <p>5 "No info re length of time or death ..."</p> <p>6 Which is perhaps self explanatory.</p> <p>7 Then you have put in brackets "(Critical)" and then,</p> <p>8 "Gold = superintendent MH".</p> <p>9 Which presumably is a reference to Mr Hamer?</p> <p>10 A. That refers to Temporary Superintendent Mike Hamer, who</p> <p>11 was my deputy at the time.</p> <p>12 Q. Then what is the next entry? Is that a reference to,</p> <p>13 "silver" there?</p> <p>14 A. It appears that I have written "silver" twice. That is</p> <p>15 then followed by "= bronze community" and below that</p> <p>16 "(DI) = (HAT car)."</p> <p>17 Q. That last entry indicating you were aware of some</p> <p>18 involvement of the HAT car, and of course the jury have</p> <p>19 heard all about that too.</p> <p>20 Just taking a step back, before I ask you one or two</p> <p>21 more detailed questions then, Mr Ewing, of course with</p> <p>22 this length in time, it is understandable that you don't</p> <p>23 have a detailed memory of receiving this phone call, but</p> <p>24 just help us with this, would it in the normal course of</p> <p>25 your work as borough commander, would it have been out</p> <p style="text-align: center;">Page 17</p>	<p>1 a critical incident is important that I know about that,</p> <p>2 because my role was essentially making sure that senior</p> <p>3 partners knew what was actually happening with something</p> <p>4 of this nature and that they could be reassured that our</p> <p>5 response was appropriate and on the right level and in</p> <p>6 the right way.</p> <p>7 Q. You have in fairness already said you cannot remember</p> <p>8 who provided you with this briefing. Is there anything</p> <p>9 you can say that might help us, for example who you</p> <p>10 would have expected to have briefed you, for example we</p> <p>11 have heard that Inspector Learmonth was the duty</p> <p>12 inspector for the borough; we have heard also there was</p> <p>13 a HAT car on the scene. Was there a protocol that one</p> <p>14 or other of those ranks should have been briefed you or</p> <p>15 for that matter anyone else?</p> <p>16 A. No, there was no firm protocol about who would brief me.</p> <p>17 There were numerous pressures on both Mike Hamer and</p> <p>18 myself, who was my deputy. It is quite conceivable that</p> <p>19 he might have been engaged in something else, we had 30</p> <p>20 cells on site at Fresh Wharf at the time, I think there</p> <p>21 probably still are 30 cells there, and that made</p> <p>22 a demand on both superintending ranks, both myself and</p> <p>23 Mike. MIT could quite easily have been attending</p> <p>24 something else and one of my staff officers or a support</p> <p>25 officer in the office outside our offices could well</p> <p style="text-align: center;">Page 19</p>
<p>1 of the ordinary for you to be briefed about an incident</p> <p>2 like this at an early stage?</p> <p>3 A. It wouldn't have been out of the ordinary. The borough</p> <p>4 culture at the time reflected the document that I have</p> <p>5 already talked about, which I know we have not talked</p> <p>6 about yet, but the statement of expectation is</p> <p>7 particularly prescriptive about the level of oversight</p> <p>8 and expectation of understanding that the borough</p> <p>9 commander would have, and I would expect to have been</p> <p>10 told about this, that is why I have recorded the</p> <p>11 information that I have.</p> <p>12 Q. I mean we mentioned in passing the word "(Critical)" in</p> <p>13 brackets there. We have heard evidence that this was</p> <p>14 declared in the Met terminology a critical incident.</p> <p>15 Would that have had an influence on whether you were</p> <p>16 briefed about it or would perhaps you have been expected</p> <p>17 to be briefed about it even if it wasn't a critical</p> <p>18 incident?</p> <p>19 A. With the passage of time I can't really point to any</p> <p>20 other situations where I was told about things that were</p> <p>21 not critical, but the definition of a critical incident</p> <p>22 is important, because it reflects whether there might be</p> <p>23 a doubt or there might be some question about confidence</p> <p>24 in the police, either by the victims or the families or</p> <p>25 the wider community. So the fact that it was declared</p> <p style="text-align: center;">Page 18</p>	<p>1 have spoken and relayed those facts to me, which I would</p> <p>2 have recorded.</p> <p>3 In order to be at a meeting at 9.00 in Scotland Yard</p> <p>4 in central London, I would have gone to Scotland Yard</p> <p>5 first in order to prepare for that meeting and be there</p> <p>6 in good time.</p> <p>7 Q. If we can go back to the page before the one we are</p> <p>8 looking at, please, I said I would come back to that</p> <p>9 reference about two-thirds of the way down the page to</p> <p>10 the caller. You indicated that appeared to be</p> <p>11 a reference to the person who had called LAS, the caller</p> <p>12 having previous sex assault. That was a matter of</p> <p>13 obvious significance, wasn't it?</p> <p>14 A. Yes, indeed it was.</p> <p>15 Q. Apart from anything else, it is something that someone</p> <p>16 thought important enough to mention to you?</p> <p>17 A. Yes, it was.</p> <p>18 Q. We know that the police on the scene were conducting or</p> <p>19 at least were commissioning intelligence checks relating</p> <p>20 to Stephen Port and his address in an attempt to find</p> <p>21 out the identity and the address of the caller, and it</p> <p>22 is at least possible that it was as a result of those</p> <p>23 checks that they found out not only his address but also</p> <p>24 this previous allegation of sexual assault which was on</p> <p>25 the Police National Computer.</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 Would you have expected to be told all of that</p> <p>2 detail about how they had found it at the time or is it</p> <p>3 more likely that you were just told of the existence of</p> <p>4 the allegation?</p> <p>5 A. It is more likely that I was told about the existence of</p> <p>6 that particular allegation.</p> <p>7 Q. It is perhaps obvious, isn't it, that that information</p> <p>8 being known, it should have been recorded in a way that</p> <p>9 it was accessible to the police officers conducting the</p> <p>10 investigation from that moment?</p> <p>11 A. Yes.</p> <p>12 Q. As the jury have heard, other than this reference in</p> <p>13 your daybook, looking through all the documentation that</p> <p>14 we have, including the CRIS, in fact there is no further</p> <p>15 reference to this piece of intelligence until the</p> <p>16 Wednesday of the next week, so almost a week later, when</p> <p>17 further checks were done and this incident came to</p> <p>18 light. That shouldn't have happened, should it?</p> <p>19 A. I can't comment on where the information came from.</p> <p>20 I can't remember who told me. Where that person got the</p> <p>21 information from, I don't know. That information should</p> <p>22 have been included in any assessment of the situation at</p> <p>23 the very early stage -- if that information was made</p> <p>24 available to me, then it should have been readily</p> <p>25 available to others.</p> <p style="text-align: center;">Page 21</p>	<p>1 to?</p> <p>2 A. Yes, that's correct.</p> <p>3 Q. Therefore, one of its values was that information could</p> <p>4 be stored there in a way that wasn't siloed, as it were,</p> <p>5 and that any officer coming to the case could use that</p> <p>6 as their resource to understand the investigation? Were</p> <p>7 you aware of --</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. Coming back to my question, wasn't your understanding of</p> <p>10 the CRIS system sufficient to know that a piece of</p> <p>11 important intelligence like this ought to have been</p> <p>12 entered on the CRIS system rather than, to use your</p> <p>13 examples, a policy book or a notebook, which wouldn't</p> <p>14 have been available to all the investigating officers?</p> <p>15 A. I think it is a question of timing. If your question is</p> <p>16 about whether it should have been on the CRIS at the</p> <p>17 time I was told, then that's really what I am not sure</p> <p>18 about. If it should have been put on at some point,</p> <p>19 later, after the initial discovery of Anthony, then it</p> <p>20 should have been on the CRIS at some point. The point</p> <p>21 I am not clear about is at what point that information</p> <p>22 should have gone on to the CRIS system.</p> <p>23 Q. I see, I see. Well, then let me put it this way.</p> <p>24 Exactly when it should have gone on, as you say, maybe</p> <p>25 something you are not -- you don't feel confident to</p> <p style="text-align: center;">Page 23</p>
<p>1 Q. It should have been entered on the CRIS, shouldn't it?</p> <p>2 A. I transferred from Hertfordshire Police, so I was</p> <p>3 unfamiliar with the CRIS system in June 2012. I can't</p> <p>4 comment on where information should have been recorded.</p> <p>5 I wasn't familiar with the CRIS system.</p> <p>6 Q. That might seem a surprising observation to make,</p> <p>7 Mr Ewing. You were the borough commander of Barking and</p> <p>8 Dagenham police, yes?</p> <p>9 A. Yes, that's correct, yes.</p> <p>10 Q. We have seen the chart, so we understand that you had</p> <p>11 a very senior managerial role. But at the same time, we</p> <p>12 have heard an awful lot about the CRIS system and the</p> <p>13 way in which it was used. Is it really the case that</p> <p>14 you were running the borough without any understanding</p> <p>15 of the CRIS system?</p> <p>16 A. I knew what the CRIS system was for and I knew that</p> <p>17 there were elements of a crime that would be recorded on</p> <p>18 there. But it is equally conceivable that that</p> <p>19 information was recorded in somebody's policy book or in</p> <p>20 somebody's pocket book or in some other place, is what</p> <p>21 I am referring to.</p> <p>22 Q. Were you aware and did your knowledge and understanding</p> <p>23 of the CRIS system extend to understanding that it was</p> <p>24 a computerised system that all of the officers who were</p> <p>25 investigating a particular incident would have access</p> <p style="text-align: center;">Page 22</p>	<p>1 answer but certainly it should have gone on that day,</p> <p>2 and very certainly a long time before a week later. Do</p> <p>3 you agree with that?</p> <p>4 A. I agree it should have gone on the CRIS system but</p> <p>5 I can't speculate or suggest when that should have taken</p> <p>6 place, but it should have gone on the CRIS system.</p> <p>7 Q. All right.</p> <p>8 Lastly, we don't need to call it back up for this</p> <p>9 purpose, but you will recall that just at the end of</p> <p>10 your notes you referred to the presence of a HAT car.</p> <p>11 Do you think you had any understanding at the time of</p> <p>12 the question of primacy and whether HAT were or were not</p> <p>13 going to take primacy for this incident?</p> <p>14 A. At the time, I didn't have an understanding of who was</p> <p>15 going to take primacy, at that very early stage that</p> <p>16 I made that entry into my daybook.</p> <p>17 Q. Then let's move forward in the sequence. Perhaps before</p> <p>18 I do that I should say this. These notes then refer to</p> <p>19 a time some time before 8.00. You have told us that you</p> <p>20 had a busy day, and we have seen your diary. Do you</p> <p>21 think you had any more involvement in this case, either</p> <p>22 later that day or indeed for the rest of that week and</p> <p>23 into the next week?</p> <p>24 A. I can't recall about any later involvement that</p> <p>25 particular day or the day after without referring to</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 notes or -- I have no independent recollection.</p> <p>2 Q. No, and we certainly haven't seen any documentary</p> <p>3 material to suggest you had any involvement in this case</p> <p>4 until the middle of the week after.</p> <p>5 The jury, again, have heard evidence about</p> <p>6 a discussion, to use a neutral term -- we might even</p> <p>7 call it a dispute -- about the question of primacy, in</p> <p>8 the following week, in particular on the Thursday and</p> <p>9 the Friday of the following week, and I know you have</p> <p>10 looked back at some of the documents relating to that</p> <p>11 episode, haven't you?</p> <p>12 A. That's correct.</p> <p>13 Q. We don't need to go into the whole chronology of the</p> <p>14 various discussions that took place between DI Kirk and</p> <p>15 his opposite number in HAT and so on. We can go</p> <p>16 straight, I think, to the final request, which was made</p> <p>17 by DI Kirk in an email that you were copied in on.</p> <p>18 For the jury, it is jury bundle, tab 30. For the</p> <p>19 screen, it is IPC753, please.</p> <p>20 Mr Ewing, there is a copy of the jury bundle there.</p> <p>21 If you want to look at it --</p> <p>22 A. Thank you.</p> <p>23 Q. -- but as long as you are happy on screen, it is</p> <p>24 probably easier to do it that way.</p> <p>25 As you fairly say, Mr Ewing, you don't have a lot of</p> <p style="text-align: center;">Page 25</p>	<p>1 have any memory of that?</p> <p>2 A. The only thing I can recall is that I spoke to him that</p> <p>3 evening on the telephone and it was a substantial</p> <p>4 conversation which, by the best of my recollection,</p> <p>5 lasted for approximately half an hour. I really cannot</p> <p>6 remember whether I was still at work or whether I was at</p> <p>7 home when I made the call, but I can categorically say</p> <p>8 that I spoke to him that particular evening, on the</p> <p>9 Thursday evening of that particular day that this email</p> <p>10 refers to.</p> <p>11 Q. Just to get our bearings, you were a chief</p> <p>12 superintendent, Mr Sweeney was a superintendent, so you</p> <p>13 were one rank above him in the hierarchy. One assumes</p> <p>14 from this email that you were asking Mr Sweeney to take</p> <p>15 primacy of this case?</p> <p>16 A. I can't recall the detail of the conversation.</p> <p>17 Unfortunately I have no record of that conversation.</p> <p>18 I felt that the issue was really around risk to the</p> <p>19 organisation and the emerging facts of this particular</p> <p>20 matter and that the crucial issue was to have a trained</p> <p>21 and accredited senior investigating officer lead the</p> <p>22 enquiry. The question of primacy was a part of that</p> <p>23 discussion but unfortunately I can't remember whether</p> <p>24 that was the main focus or what detail we went into</p> <p>25 about that.</p> <p style="text-align: center;">Page 27</p>
<p>1 independent memory of all these events. Have you much</p> <p>2 more recently in preparation for giving evidence today</p> <p>3 had another look at this email?</p> <p>4 A. I have.</p> <p>5 Q. We can see, can't we, that it is an email from DI Kirk,</p> <p>6 acting DCI Kirk as he then was, addressed to</p> <p>7 John Sweeney, who was a superintendent in SC&O1, or HAT,</p> <p>8 is that right?</p> <p>9 A. That's correct.</p> <p>10 Q. We see that there are a number of people copied into the</p> <p>11 email, including Superintendent Hamer, your number 2,</p> <p>12 and indeed yourself, yes?</p> <p>13 A. That's correct.</p> <p>14 Q. The jury have looked at this document many times,</p> <p>15 Mr Ewing, and you have kindly indicated that you have</p> <p>16 refreshed your memory of it, so I am not going to read</p> <p>17 it all out.</p> <p>18 Let's just look first of all at the first line where</p> <p>19 Mr Kirk says to Mr Sweeney:</p> <p>20 "Following your conversation with Mr Ewing tonight,</p> <p>21 and my conversations with Chris Jones, I just wanted to</p> <p>22 update you with the action we are taking in relation to</p> <p>23 the unexplained death of Anthony Walgate."</p> <p>24 It appears from the first line of the email that you</p> <p>25 had spoken earlier that evening to Mr Sweeney. Do you</p> <p style="text-align: center;">Page 26</p>	<p>1 The main focus, as I say, for me was to ensure that</p> <p>2 a properly trained and accredited senior leader reviewed</p> <p>3 all of the evidence on this matter and that was broadly</p> <p>4 speaking the conversation that we had. Then I spoke to</p> <p>5 Tony Kirk, the acting detective chief inspector, after</p> <p>6 that conversation, which is when this email was authored</p> <p>7 by DCI Kirk.</p> <p>8 Q. I just want to pick you up on a word you used in the</p> <p>9 course of that answer. You said that you thought it was</p> <p>10 important -- the jury are familiar with what a PIP3</p> <p>11 investigator is and is not. They have heard the very</p> <p>12 important evidence that there were no PIP3 investigators</p> <p>13 on the borough. The word you used was you thought it</p> <p>14 was important for a PIP3 investigator to review the</p> <p>15 investigation.</p> <p>16 You were, in the course of your answer,</p> <p>17 distinguishing I think that issue from the question of</p> <p>18 primacy. Tell us if you cannot remember this level of</p> <p>19 detail, but do you think you may have simply been</p> <p>20 inviting Mr Sweeney to provide someone to do, as it</p> <p>21 were, a once-off review of the investigation, which is</p> <p>22 something a bit different to what we can see Mr Kirk is</p> <p>23 asking in his email, which is for an SIO -- the third</p> <p>24 paragraph down -- to take ownership of the</p> <p>25 investigation. Is that a distinction you think that may</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 have existed?</p> <p>2 A. This intervention that I had made was unprecedented.</p> <p>3 I never had a conversation like this prior to speaking</p> <p>4 to Mr Sweeney, or after speaking to Mr Sweeney. I can't</p> <p>5 really in any great detail refer to the distinction</p> <p>6 between the two. I acutely understood the pressures</p> <p>7 that were on the murder investigation teams and</p> <p>8 I acutely understood the pressures that were on the</p> <p>9 borough.</p> <p>10 The different between unexplained and suspicious, in</p> <p>11 order to determine primacy, didn't seem to be moving</p> <p>12 this issue on. That is one of the reasons that I would</p> <p>13 have had a conversation about a senior investigating</p> <p>14 officer being accredited to look at and lead on this</p> <p>15 matter.</p> <p>16 Q. You have moved on to the next question I was going to</p> <p>17 ask, which is this. We are sitting here now looking at</p> <p>18 this sequence of events and we see a long email from</p> <p>19 Mr Kirk, a senior officer, making a strong request,</p> <p>20 saying they don't have the right level of training on</p> <p>21 the borough. We can see, five paragraphs down, making</p> <p>22 the statement that he believed this unexplained death to</p> <p>23 be, "On the balance of probabilities a homicide", he</p> <p>24 doesn't go so far as to say murder, but on the balance</p> <p>25 of probabilities he says that Anthony had died at the</p> <p style="text-align: center;">Page 29</p>	<p>1 and also his view as to the probability that this was</p> <p>2 a homicide case. You said that this sort of thing</p> <p>3 didn't happen every day -- in fact you have said it was</p> <p>4 unprecedented. My question to you is, given those</p> <p>5 matters, either did you think at the time, if you can</p> <p>6 remember, or do you think now, that it was surprising</p> <p>7 that primacy was not accepted by homicide command?</p> <p>8 A. I really cannot recall what I thought at the time around</p> <p>9 the issue of primacy. It is something I have thought</p> <p>10 about a lot over recent months, but I really cannot</p> <p>11 remember what my response was the following day or what</p> <p>12 then happened as a result of the conversation I had had</p> <p>13 with Mr Sweeney and then the email that DCI Kirk has</p> <p>14 sent and then subsequently on the Friday when subsequent</p> <p>15 enquiries were made and another interview took place.</p> <p>16 Q. That was your view at the time. Are you able to give us</p> <p>17 a view now, from your perspective as you sit here now,</p> <p>18 whether you think it was surprising?</p> <p>19 A. I can't really answer whether I was surprised or not,</p> <p>20 because I have seen a number of different emails, I have</p> <p>21 seen a response as to why primacy wasn't accepted.</p> <p>22 I can't speak for what other people meant by that. I am</p> <p>23 not able to put myself in a position to say what</p> <p>24 I thought at that particular time about whether primacy</p> <p>25 should have been taken the following day or not.</p> <p style="text-align: center;">Page 31</p>
<p>1 hands of another.</p> <p>2 We heard you, an even more senior officer, had</p> <p>3 already spoken to SC&O1. How unusual was this</p> <p>4 situation? Is this something that happened frequently</p> <p>5 or, as I think you are going to say, is it really very</p> <p>6 unusual?</p> <p>7 A. To the best of my recollection, this situation was</p> <p>8 unprecedented. I don't recall a situation where</p> <p>9 I actually spoke to a senior -- another senior officer</p> <p>10 in the murder investigation team in order to have this</p> <p>11 sort of conversation, which unfortunately I can't</p> <p>12 remember the detail of.</p> <p>13 Q. Given that it was so unusual, and given the strength of</p> <p>14 opinion that was expressed in Mr Kirk's email, and from</p> <p>15 what you can remember what you said to Mr Sweeney on the</p> <p>16 phone, did you think then, or perhaps do you think now,</p> <p>17 it was surprising that the decision in the end was that</p> <p>18 primacy would not be taken over for this case?</p> <p>19 A. Sorry, there is a number of questions in there. I am</p> <p>20 not really sure -- could you rephrase the question,</p> <p>21 please?</p> <p>22 Q. We have seen a very strong view expressed by Mr Kirk to</p> <p>23 Mr Sweeney, yes?</p> <p>24 A. Yes.</p> <p>25 Q. Both in terms of the unavailability of trained officers</p> <p style="text-align: center;">Page 30</p>	<p>1 Q. You mention the reply. Let's just bring it up on</p> <p>2 screen. We need to be careful about our terminology, it</p> <p>3 is a response to Mr Kirk's email. It might not be quite</p> <p>4 right to call it a reply.</p> <p>5 For the jury, it is tab 32 in the bundle.</p> <p>6 For the screen, it is MPS544.</p> <p>7 Again, this is another document the jury have looked</p> <p>8 at in some detail and I imagine it is another one that</p> <p>9 you looked at in preparation for coming today?</p> <p>10 A. It is.</p> <p>11 Q. We can see, can't we, that it wasn't sent to you.</p> <p>12 A. No, the first I saw -- or the first occasion on which</p> <p>13 I actually saw this email was probably about three or</p> <p>14 four months ago, it was certainly some considerable time</p> <p>15 after it was first authored.</p> <p>16 Q. It wasn't in fact sent to Mr Kirk or Mr Hamer, or it</p> <p>17 appears, at least as far as the circulation is</p> <p>18 concerned, anyone on the borough?</p> <p>19 A. No.</p> <p>20 Q. That is why I hesitated to call it a response.</p> <p>21 We do see, just towards the bottom of this page --</p> <p>22 yes, if you look at the screen, just the penultimate</p> <p>23 paragraph that we can see, starting, "DI</p> <p>24 Eugene McCarthy", Mr Sweeney refers to the fact that he</p> <p>25 has spoken to the BOCU superintendent. That would be</p> <p style="text-align: center;">Page 32</p>

<p>1 Mr Hamer, would it?</p> <p>2 A. That's correct.</p> <p>3 Q. There is no mention of anyone speaking to you, but do</p> <p>4 you remember, in fact, having anything to do with this</p> <p>5 issue after speaking to Mr Sweeney the night before and</p> <p>6 no doubt seeing Mr Kirk's email?</p> <p>7 A. No, I have no recollection of that. In fact the only</p> <p>8 time that I actually heard that Temporary Superintendent</p> <p>9 Mike Hamer and John Sweeney had actually spoken was</p> <p>10 I think last week when Mike Hamer made mention of that.</p> <p>11 I had no idea that they had actually spoken.</p> <p>12 Q. As I say, we don't need to go through all the detail of</p> <p>13 this email, because we have been through it several</p> <p>14 times before, but perhaps if we can just go to the</p> <p>15 second page, please. We have seen within this email</p> <p>16 that the solution to this issue that Mr Sweeney proposed</p> <p>17 was not an immediate yes or an immediate no, but rather</p> <p>18 a process of undertaking further actions providing</p> <p>19 further support with a view to making a decision at some</p> <p>20 point in the future. That's right, isn't it?</p> <p>21 A. Yes.</p> <p>22 Q. The email ends with Mr Sweeney saying that primacy will</p> <p>23 be regularly reviewed as the investigations undertaken</p> <p>24 produce results.</p> <p>25 You have already said, in fact, that this whole</p> <p style="text-align: center;">Page 33</p>	<p>1 that. Can we have on screen, please, MPS779. This is</p> <p>2 an email that you seem to have sent over the weekend.</p> <p>3 We know that Mr Sweeney's email was on Friday, 27 June,</p> <p>4 and then you sent this email on the 29th, so that would</p> <p>5 have been on the Sunday, at 5.00 in the afternoon. You</p> <p>6 sent the email to someone called Mr Wilson, who the jury</p> <p>7 will hear more about in due course. It is right, isn't</p> <p>8 it, he was the incoming successor to Mr Hamer?</p> <p>9 A. Yes, that's correct. I think he arrived on 10 July.</p> <p>10 Q. So you were obviously already in touch with him, even</p> <p>11 though he hadn't quite started his work at the borough</p> <p>12 yet?</p> <p>13 A. Yes, I was.</p> <p>14 Q. I think we can see from the bottom of the page, working</p> <p>15 up, that DI McCarthy, who the jury have heard from,</p> <p>16 forwarded to you and others the latest version of his</p> <p>17 current situation report about this case on the Sunday?</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. Then you forwarded that to Mr Wilson, whose first name</p> <p>20 was Sean, yes?</p> <p>21 A. That's right.</p> <p>22 Q. And have suggested to him that he should read and digest</p> <p>23 it, and then you make the following points:</p> <p>24 "In essence -- I am really unhappy about this as</p> <p>25 a system of work.</p> <p style="text-align: center;">Page 35</p>
<p>1 episode was a very unusual or unprecedented one.</p> <p>2 A. Yes.</p> <p>3 Q. Perhaps it is obvious but this type of solution to</p> <p>4 a primacy dispute, was that something that you had known</p> <p>5 before or in fact since?</p> <p>6 A. Not to my recollection, no.</p> <p>7 Q. I think it is clear from the answers you have already</p> <p>8 given, but is it right that at the time you don't</p> <p>9 remember hearing anything about what was going to happen</p> <p>10 about primacy after seeing Mr Kirk's email?</p> <p>11 A. No, I didn't. I don't recall hearing any discussion</p> <p>12 about primacy after this particular email.</p> <p>13 Q. Would you have expected to be involved in that matter,</p> <p>14 having been copied into Mr Kirk's email, or did you just</p> <p>15 assume it was being dealt with by others?</p> <p>16 A. Well, I believe that I was copied into an email later</p> <p>17 that day as a result of an update from Temporary</p> <p>18 Superintendent Hamer, which reflected some of the</p> <p>19 material that is in that email.</p> <p>20 Q. Yes. Which indicated that primacy was going to remain</p> <p>21 with the borough with support from HAT; is that right?</p> <p>22 A. I would have to look at the email, but I don't have any</p> <p>23 reason to doubt that that is the case.</p> <p>24 Q. Yes, we may come back to that email. I actually want to</p> <p>25 show you another email from a couple of days later than</p> <p style="text-align: center;">Page 34</p>	<p>1 "I think the concept of advice is flawed and would</p> <p>2 not stand scrutiny.</p> <p>3 "My position on this is that we push for a PIP3</p> <p>4 accredited SIO whenever there is any possibility of</p> <p>5 a homicide -- not just ask for advice! We do not have</p> <p>6 such detectives on borough."</p> <p>7 It appears that you are there expressing some fairly</p> <p>8 trenchant views about the unsatisfactory situation</p> <p>9 regarding HAT not taking primacy in this case; is that</p> <p>10 a fair summary or not?</p> <p>11 A. I have tried to recollect sending this email. I don't</p> <p>12 recall why I sent it on that particular occasion.</p> <p>13 I don't understand -- sorry, I can't remember what I was</p> <p>14 doing that particular day which caused me to put this</p> <p>15 particular email together, in order to provide any</p> <p>16 detail about that particular time when I sent that</p> <p>17 email.</p> <p>18 Q. Well, we know it was a long time ago. But these are</p> <p>19 your words that you have written. It does appear, does</p> <p>20 it not, that there is some criticism directed at the</p> <p>21 arrangements involving HAT with regard to this case?</p> <p>22 A. I accept that I wrote that email and I accept that it</p> <p>23 would appear that I was critical of that particular</p> <p>24 arrangement. All I can do is provide some degree of</p> <p>25 context. My policing background was entirely in public</p> <p style="text-align: center;">Page 36</p>

<p>1 order, firearms policing, which had very definitive 2 levels of command. We used tactical advisers who would 3 advise on particular tactics. I was trained for over 4 15 years in all of these disciplines and I understood 5 and my tactical advisers understood, what we meant by 6 the use of terminology or particular tactics. 7 Broadly speaking, this reflects a view that asking 8 for advice needs to be given when there is an equality 9 of knowledge between two parties. So the point, broadly 10 speaking, around this sort of issue is that if I ask for 11 advice, the person giving me the advice needs to 12 understand that I understand the particular advice, and 13 also that is finite and deliverable by the particular 14 person who is being given the advice. 15 Q. The jury have heard from one or two of the witnesses, 16 I think it was Sergeant O'Donnell who said that 17 sometimes one had a fairly odd conversation with HAT in 18 these circumstances where they were refusing to take on 19 a case because it wasn't shown to be a homicide, and the 20 borough were saying we need to investigate to see 21 whether it is a homicide and we need your special skills 22 to help us get to that point. To which the answer is, 23 well, until you can prove it is a homicide we are not 24 taking it on and the borough say, well, that is what we 25 are asking you to help us with.</p> <p style="text-align: center;">Page 37</p>	<p>1 jury bundle A. For the screen, it is IPC63, page 5, 2 please. 3 It is the paragraph under "Primacy dispute" that 4 I want to look at. Thank you. 5 This is a policy document, Mr Ewing, it is actually 6 dated November 2014, but the evidence we have had is 7 that the policies that are contained in it were actually 8 in operation at the time we are talking about in June. 9 You see the heading "Primacy dispute", the sentence 10 after that reads: 11 "Any issues regarding investigation primacy will be 12 dealt with by the on-call SC&O1 superintendent who will 13 meet with the BOCU OCU superintendent to consider the 14 issues." 15 That is, more or less, what we have just been 16 talking about, Mr Sweeney and in fact Mr Hamer with 17 a bit of assistance from you and also Mr Kirk. 18 Then the next sentence reads: 19 "The final decision as to primacy for a disputed 20 investigation will be made by the on-call ACPO or on 21 weekends by the on-call crime commander." 22 That envisages another escalation, so an even more 23 senior officer from the -- sorry, I have just forgotten 24 what "ACPO" stands for ... Association of Chief Police 25 Officers.</p> <p style="text-align: center;">Page 39</p>
<p>1 There seems to be at least a flavour of that problem 2 in your email, where you talk about needing or pushing 3 for a PIP3 SIO "whenever [in your words] there is any 4 possibility of a homicide". 5 Is that a fair -- 6 A. That is correct. As my understanding was at the time, 7 if a senior investigating officer was deployed, 8 unfortunately, to somebody's passing, they start off 9 developing a hypothesis about what may have happened to 10 that particular person and then develop a number of 11 actions to work towards either fulfilling or disproving 12 that particular hypothesis, or moving on to something 13 else. As my understanding, as I believe at the time 14 was, that that was not something that somebody at 15 a lower level of accreditation was capable of doing. 16 In order to get to a position where we understood 17 whether we were dealing with an unexplained death or 18 a suspicious death, we needed to be able to develop that 19 hypothesis and understand what may have happened to the 20 deceased person. 21 Q. Thank you. 22 Before we leave the question of primacy, I just want 23 to take you back to another document, please, and so 24 I go back to the jury bundle A, so the small jury 25 bundle. We will bring it up on screen. It is tab 20 in</p> <p style="text-align: center;">Page 38</p>	<p>1 A. Yes. 2 Q. Within the Met it would be someone at commissioner level 3 or commander level? 4 A. Commander level and above. 5 Q. Commander level and above, would determine a dispute 6 which hadn't been resolved by a discussion at 7 superintendent level? 8 A. That's correct. 9 Q. In layman's terms, sort of an appeal, a last decision. 10 There is no suggestion of that having happened in this 11 case. Do you remember whether it was considered or 12 whether you were involved in any discussions about that? 13 A. I don't remember being involved in any discussion around 14 that, and I don't ever remember seeing this particular 15 policy page. I cannot help with whether this was 16 something that we were referring to at the time, 17 unfortunately. 18 Q. The situation is simply this, we see, as we have said, 19 a strong view expressed by the borough. You have 20 described the situation as unprecedented. Primacy was 21 not then taken. Which raises the question of whether 22 any consideration was given to pursuing the matter to 23 the final level, but is it right you cannot help us with 24 that? 25 A. Unfortunately, I can't help with that.</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 Q. Thank you, we can take that down. 2 That is all I wanted to ask you about this primacy 3 question, Mr Ewing. 4 As I indicated at the start, you then were in post 5 for another six months or so, through to the end of 6 2014. 7 A. That's correct. 8 Q. During that time, as the jury have heard, 9 an investigation continued into Anthony Walgate's death 10 and, as the jury will hear, there were certain 11 investigations into the deaths of Gabriel Kovari and 12 Daniel Whitworth. We haven't found any more documents 13 which link you to any of those matters. 14 Do you have any memory of being involved in any of 15 those matters in the six months before you left that 16 post? 17 A. I have no recollection of either of those particular 18 incidents. I believe that I was on annual leave I think 19 when the first one occurred. And then I was actually on 20 weekend leave, I think, on the second occasion. 21 Q. Yes, so we have seen your diary and I am not going to 22 bring them up, those were the dates on which the bodies 23 of Gabriel and Daniel were found, but, broader than 24 that, no memory that you have of any subsequent 25 involvement in any of those investigations?</p> <p style="text-align: center;">Page 41</p>	<p>1 Q. For example, the third bullet point refers to 2 neighbourhood policing, the fourth refers to uniform 3 borough tasking team. Then it is the next one I wanted 4 to ask you about the requirement is: 5 "To deliver local investigative capability to 6 investigate both violent and volume crime, including 7 a proactive team and forensic conversion unit and the 8 capability to maximise the opportunities from CCTV and 9 financial investigation." 10 Is that where we see within this document the 11 requirement to operate an effective functional CID 12 organisation within the borough? 13 A. Yes, it is. 14 Q. Over the last two or even a little bit more than 15 two weeks now, Mr Ewing, the jury have heard evidence of 16 what might be described as serious failings in the way 17 in which Anthony's death was investigated by the CID in 18 Barking in 2014. 19 Some of those matters might be described as ground 20 level, investigating officers failing to undertake 21 actions that they have been tasked with to conduct 22 intelligence searches and so on. There is at least one 23 more failing, or apparent failing, of a more systemic 24 nature and it is that that I wanted to ask you about. 25 We have heard that when the toxicology results came</p> <p style="text-align: center;">Page 43</p>
<p>1 A. No, I have thought very long and hard but unfortunately 2 I don't have any recollection of those particular 3 incidents at this time. 4 Q. Lastly, Mr Ewing, you have mentioned a couple of times 5 what you describe as the requirement, which was 6 essentially your job description, what it was that you 7 as the borough commander were expected to achieve. Is 8 that a fair summary? 9 A. Sorry, the statement of expectation. 10 Q. Sorry, I called it a requirement. The statement of 11 expectations. Can we have it on screen, please, it is 12 MPSS575. 13 Yes, so it is not easy to read but this is the 14 document we are discussing? 15 A. Yes, that's correct. 16 Q. I just wanted to take you to one part of it and if you 17 want, after I have asked you these questions, to go back 18 to any others, please feel free to, but it is three or 19 four pages long, is it not. On this page we see there 20 are certain requirements under the heading of "Service 21 delivery", yes? 22 A. Yes. 23 Q. It goes through the various spheres of the police force 24 in Barking, doesn't it? 25 A. Yes.</p> <p style="text-align: center;">Page 42</p>	<p>1 back on the samples that had been taken at the post 2 mortem DI McCarthy, who was supervising the case at the 3 time, made a decision that the case should be referred 4 back to the HAT team, do you follow? 5 A. Yes. 6 Q. We have seen that written up in the documents. 7 Then the evidence that the jury has heard is that he 8 instructed DS O'Donnell to complete some preparatory 9 work and then make that referral. DS O'Donnell thought 10 that perhaps he was just supposed to be doing the 11 preparatory work and then DI McCarthy would make the 12 referral. In fact, neither of them made the referral, 13 nor did either of them realise that the other one hadn't 14 done it. Eventually, after several months had passed, 15 DS O'Donnell closed the investigation down without, as 16 it seems, any input or objection from DI McCarthy. The 17 HAT referral never took place and was never mentioned 18 again. 19 Is it fair to say that that sequence of events is 20 evidence of in fact a dysfunctional organisation and not 21 one which complies with that requirement? 22 A. That is particular -- that particular information is the 23 first time I have heard that information. I don't 24 recollect that information at the time. It has not been 25 part of evidence or material that I can remember that</p> <p style="text-align: center;">Page 44</p>

<p>1 I have been supplied with to date in preparing for the 2 inquest. 3 And the reason that that didn't take place, I can't 4 comment on. 5 Q. You obviously weren't involved in the recommendation or 6 undertaking those tasks at the time, but we can all 7 reflect, remember that organogram, you were at the top 8 of the tree, Mr Ewing. We see here the requirement 9 being placed on you to ensure that what one might 10 describe as a functional effective CID unit was in 11 place. That failing, or apparent failing, together with 12 others, does suggest, doesn't it, that there wasn't 13 a functioning CID unit in place at the time? 14 A. Well, I accept they are errors that were made but I am 15 struggling to see how that is a systemic failure which 16 was part of my responsibility and statement of 17 expectation. 18 MR O'CONNOR: Thank you, Mr Ewing, those are all my 19 questions. 20 Questions from MS HILL 21 MS HILL: Good morning. 22 A. Good morning. 23 Q. As I think you know I ask questions on behalf of the 24 families of those who were murdered by Stephen Port, 25 save for the partner of Daniel Whitworth who has his own</p> <p style="text-align: center;">Page 45</p>	<p>1 Just help me, please, to make sure I have understood 2 this correctly. Are we agreed that your notebook entry 3 here, forgive me if I have this wrong, reflects you 4 having this information before your 9.00 meeting at 5 Scotland Yard? 6 A. Yes, that's correct. 7 Q. So the information you were given here, and I appreciate 8 we are just looking at four words in the middle, please, 9 MPS576, internal page 2, "caller previous sex assault". 10 Can we bring that up, please, I don't see it on my 11 screen here, it is not coming up here. 12 Thank you. 13 The words that you have written there, "Caller 14 previous sex assault", must mean, mustn't it, that 15 somebody had done a check of the Police National 16 Computer or indeed of some other intelligence database 17 to generate that information prior to 9.00? 18 A. I can't say whether that was the case. The information 19 may have come from some other source and I can't 20 definitively say where that information came from. 21 Q. But certainly somebody had the information that the 22 caller, Mr Port, had previous of some sort in relation 23 to sexual assault. That must be right, mustn't it? 24 A. Yes, that is correct. 25 Q. You just cannot help with where that information came</p> <p style="text-align: center;">Page 47</p>
<p>1 lawyer. 2 Can I bring back up, please, the statement of 3 expectations we have just looked at, it is MPS575, 4 internal page 1. It has been broadly put to you, as you 5 have agreed from the organogram, that you are the most 6 senior officer from the borough from whom we are going 7 to hear. I think that is right, isn't it? 8 A. Yes, that's correct. 9 Q. The context of your statement of expectations could not 10 make that clearer, because it says in the very first 11 line you are the senior leader of policing in the 12 borough, correct? 13 A. Yes. 14 Q. Third paragraph down, you are accountable for the 15 management of critical incidents, of which the death of 16 Anthony Walgate was one, correct? 17 A. That's correct. 18 Q. And that your leadership, the final subparagraph here, 19 should have been visible, intrusive and supportive. Is 20 that right? 21 A. Yes, that's correct. 22 Q. Take that down, please. 23 Can I ask you some questions, please, about your 24 daybook entry, and bring that up, please, it is MPS576, 25 internal page 2.</p> <p style="text-align: center;">Page 46</p>	<p>1 from but it was known within those briefing you? 2 A. Yes, I can't definitively say exactly where that 3 information came from. 4 Q. It is fair to assume, I think, isn't it, that the person 5 briefing you was somebody from either the borough, more 6 likely the borough, or from the MIT or HAT team but more 7 likely the borough, is that right? 8 A. Again, I am really sorry but I can't remember who told 9 me that information and it is beyond me to remember who 10 actually told me that information, whether they were 11 from the borough or they were from other -- some other 12 particular unit that may have attended the scene. 13 Q. Can I just bring up please INQ4, internal page 70. This 14 is what we understand the Police National Computer shows 15 about the incident that you may have been briefed about. 16 The victim has made an allegation that: 17 "D/P, his partner [that's Mr Port] had given him 18 poppers (drugs) and had non-consensual anal sex with 19 him." 20 Do any of those details ring a bell with you? 21 A. No, they don't. 22 Q. Our understanding is it was that previous that you were 23 being briefed about. Does that help you at all? 24 A. That is possible but I am in no way able to say whether 25 that information that is in front of me now is the</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 information that the person who spoke to me gave me when 2 I wrote what I wrote on the morning of 19 June. 3 Q. Bring up, please, 127, internal page 41. 4 This is a police manual. I appreciate it may not be 5 something specifically across your radar, but this is 6 a principle of investigation around people who report 7 the finding of a body. This is drawn from the murder 8 investigation manual and it makes clear at the top of 9 41: 10 "The significance of information provided by 11 a person reporting a suspicious death must not be 12 underestimated, because a person reporting a murder may 13 be a significant witness or the offender." 14 Are you familiar with that principle? 15 A. I am not familiar with this particular document but, 16 yes, I am familiar with that particular principle. 17 Q. Just taking a step back, it is a matter of common sense, 18 isn't it, that a person who reports the finding of 19 a dead body may well be a very significant witness or 20 may well be the offender? 21 A. I don't feel able to comment on whether that is a matter 22 of common sense, I was a police officer for a long time 23 and it is six years since I retired so please forgive me 24 but I don't wish to comment on whether that is common 25 sense or not.</p> <p style="text-align: center;">Page 49</p>	<p>1 there is any possibility of a homicide, not just ask for 2 advice, because you don't have the right level of 3 detectives on the borough. Is that what you have said? 4 A. Yes, that's correct. 5 Q. A fair reading of this email is that you were indicating 6 an unsafe system of work, weren't you? It was a system 7 of work about which, you were "really unhappy"? 8 A. I really am unable to actually recall sending this 9 email. As I have indicated earlier, I have tried to 10 paint a context of my background and why this is the -- 11 this is what I had written, but at that particular time 12 I can't remember writing this email or what led me to 13 write this particular email on that particular day. 14 Q. Were you not putting this on Mr Wilson's radar before he 15 started work, weren't you saying to him, "Look, there is 16 this dubious or unsafe system of work that we are 17 currently involved in", isn't that what you were doing 18 with this email? 19 A. What I was saying was that -- again from recollection 20 and from what I have seen subsequently is that there was 21 a clear issue about determining where primacy may lay 22 and in order to unlock that, it would be appropriate to 23 have an accredited SIO in the chain of command to 24 understand where the investigation had progressed to. 25 Q. This was an unprecedented situation, I think you have</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. I think you agreed to my learned friend that the 2 information about the previous sex assault should have 3 been put on the CRIS at some point; is that right? 4 A. Yes, I do agree. 5 Q. Does it not follow from that principle of investigation 6 that information that the person finding the dead body 7 had previous should have been put on the CRIS as soon as 8 possible? 9 A. Unfortunately I can't comment on that particular matter 10 in isolation. 11 Q. Can I ask you some questions, please, about the email 12 that we find at MPS779. 13 In that email, you have said that on 29 June, if 14 I have understood the position of this email correctly, 15 to somebody who is coming in to replace Mr Hamer, is 16 that right? 17 A. Yes, that's correct. 18 Q. That you are really unhappy about this as a system of 19 work, that is what you have said? 20 A. Yes. 21 Q. You said you think the concept of advice is flawed and 22 would not stand scrutiny, yes? 23 A. Yes. 24 Q. And that you think the position is that you, as 25 a borough, should push for a PIP3 investigator whenever</p> <p style="text-align: center;">Page 50</p>	<p>1 said that. This sort of dispute hadn't happened before, 2 is that right? 3 A. It was unprecedented and in that sense that a week after 4 the event there was still some dispute about the 5 primacy, I don't remember another occasion when that was 6 taken place or had taken place. 7 Q. One of the reasons you felt the MIT team should be 8 involved, I think you have said this morning, was to 9 help develop particular hypotheses around what may have 10 happened to Mr Walgate. I think that is right, 11 isn't it? 12 A. That's correct. 13 Q. Generally you understood the difference between what the 14 MIT team could do and what the borough could do, because 15 that is why you were pushing for them to become involved 16 with their expertise. Isn't that fair? 17 A. It was essentially around the accreditation of the 18 senior investigating officer. 19 Q. And you knew that that level of accreditation and 20 expertise was not available on the borough? 21 A. I did, yes. 22 Q. You said in evidence, just this morning -- I hope I have 23 my note of your evidence correctly -- you felt there 24 were issues around risk to the organisation because of 25 the emerging facts about Mr Walgate. Is that what you</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

1 said this morning?
 2 **A. I felt that the incident had a risk to the organisation**
 3 **and indeed that was implicit in the fact that the**
 4 **incident itself, the finding of Anthony, had been**
 5 **classed as a critical incident by the first senior**
 6 **officer, the duty inspector who actually attended the**
 7 **scene, which indicated to me that there could be**
 8 **a question of confidence from the police response, from**
 9 **either the family, the victim's family or a distinct**
 10 **community.**
 11 Q. Doesn't it follow that the risk to the organisation is
 12 not the only risk, but if there is in fact an unsafe
 13 system of work, there are risks to other members of the
 14 public, aren't there?
 15 **A. Potentially, yes.**
 16 Q. Here, from what you have described around the level of
 17 accreditation, you appear to agree that the borough
 18 level of accreditation, and skills, was different to the
 19 MIT team?
 20 **A. That's correct.**
 21 Q. And the borough level of resources was different to the
 22 MIT team?
 23 **A. I am sorry, could you be more specific about the type of**
 24 **resources or --**
 25 Q. So the borough CID has a range of issues to investigate.

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1 The MIT team can focus on homicides, correct, generally?
 2 **A. Yes, that's correct.**
 3 Q. Generally they are experts in that field and can draw on
 4 different types of resources and specialism more easily
 5 than the borough. Would you agree that?
 6 **A. Well, I would agree that there are different levels of**
 7 **resourcing but in addition to that, it is also about the**
 8 **particular demands. So, although there may be**
 9 **a significant number of resources, there might be**
 10 **significant demands and ordinarily a homicide**
 11 **investigation takes a much greater amount of time and**
 12 **effort and resource, compared to perhaps the levels of**
 13 **or the types of crime that the CID we were dealing with**
 14 **generally, such as volume crime or assaults or lower**
 15 **levels of assaults, so there is a significant difference**
 16 **between the two.**
 17 Q. After the sending of this email on the 29th, is it your
 18 evidence that, really, the death of Anthony Walgate and
 19 investigation into it did not really cross your desk
 20 again?
 21 **A. I don't remember having any further conversations or**
 22 **meetings or involvement in the investigation into**
 23 **Anthony's passing after this particular email on**
 24 **29 June.**
 25 Q. This unprecedented situation that you were involved in

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1 did involve, didn't it, a case that raised the
 2 possibility of homicide?
 3 **A. Yes.**
 4 Q. Can I ask you this then, on behalf of the families that
 5 I represent, this unique unprecedented case in which you
 6 were involved, if this did not cross your radar again,
 7 how is that -- to quote the expectations document --
 8 visible, intrusive and supportive leadership? How is it
 9 that you were unaware of what was happening in this
 10 investigation?
 11 **A. I am unable to say what involvement I had afterwards.**
 12 **I have no independent recollection of what I did or said**
 13 **after that, unfortunately.**
 14 Q. Mr Kirk was questioned last week and counsel for the
 15 coroner put to him that serious mistakes were made in
 16 the borough investigation and identified four issues --
 17 I will just put these to you.
 18 That no PND checks were carried out on Mr Port,
 19 despite the fact the action had been raised to that
 20 effect and despite the fact Mr Port himself had raised
 21 the issue of his own background.
 22 Secondly, the laptop was not downloaded or analysed,
 23 despite express advice to that effect.
 24 Thirdly, there was no follow-up interview.
 25 Fourthly, on receipt of the toxicology the decision

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1 to refer to the HAT team was never actioned.
 2 Those did amount to serious mistakes on the borough
 3 and I would add to that that, in addition, there was
 4 a failure to take advice about the use of GHB, about the
 5 chemsex scene and there was a failure to listen to the
 6 friends and family of Anthony Walgate.
 7 Do you accept those failings on behalf of the
 8 borough?
 9 **A. I wasn't aware that those things hadn't been done until**
 10 **I was told in preparation for this inquest. So I can't**
 11 **comment on that and it is -- you know, I have been**
 12 **retired for nearly six years, I am not a police officer**
 13 **anymore and I don't feel able to comment on that at this**
 14 **particular time.**
 15 Q. Bring up, please, MPS718, internal page 6,
 16 paragraph 22.1. The jury may hear, scroll in, please,
 17 on the last five lines of this paragraph, on this page.
 18 The jury may hear from DAC Cundy:
 19 "Considered as a whole, the approach of local
 20 policing (and specialist investigators) should have been
 21 better and could have led to the earlier arrest of
 22 Mr Port on suspicion of murder."
 23 To the extent that that passage focuses on local
 24 policing, the borough and those for whom you are
 25 responsible, do you accept that?

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<p>1 A. Sorry, which part of the paragraph are we referring to?</p> <p>2 Q. I will just read it again, what we anticipate is going</p> <p>3 to be said:</p> <p>4 "The approach of local policing should have been</p> <p>5 better ... and could have led to the earlier arrest of</p> <p>6 Mr Port on suspicion of murder."</p> <p>7 So the approach of local policing should have been</p> <p>8 better and could have led to his earlier arrest. You</p> <p>9 are the most senior person we are going to hear from</p> <p>10 within the borough. Do you accept that as well?</p> <p>11 A. Sorry, I do accept the approach for the local policing</p> <p>12 could have been better. And the second part of the</p> <p>13 question is?</p> <p>14 Q. Do you accept what he says, that had the approach been</p> <p>15 better this could have led to the earlier arrest of</p> <p>16 Mr Port on suspicion of murder. Do you accept that part</p> <p>17 of what he says or not?</p> <p>18 A. Yes, I do accept that.</p> <p>19 Q. Just over the page, please, internal page 7,</p> <p>20 paragraph 2. Under that heading:</p> <p>21 "More effective direction/leadership, support for</p> <p>22 investigators and resourcing of the original</p> <p>23 investigations could have identified and pursued other</p> <p>24 lines of enquiry."</p> <p>25 Do you accept that?</p> <p style="text-align: center;">Page 57</p>	<p>1 you:</p> <p>2 "Local officers did not appear to have the</p> <p>3 willingness or confidence to challenge the views and</p> <p>4 advice from the homicide and serious crime command, or</p> <p>5 other specialists or escalate their concerns further.</p> <p>6 Meaning specialist advice involvement did not always</p> <p>7 occur when it could or should have."</p> <p>8 Do you accept that on behalf of the borough?</p> <p>9 A. I don't accept that, because I did actually get involved</p> <p>10 in this. My recollection is that the passing -- that</p> <p>11 Anthony was discovered, that the homicide assessment</p> <p>12 team actually went to the scene. A properly accredited</p> <p>13 senior investigating officer from the murder</p> <p>14 investigation team actually went to the scene of this</p> <p>15 particular crime.</p> <p>16 Subsequently, there was a discussion with the murder</p> <p>17 investigation team, an arrest was made. There was</p> <p>18 a summary provided by DCI Kirk. Once that initial</p> <p>19 investigation and interview of Mr Port had taken place,</p> <p>20 there was a subsequent conversation between Tony Kirk,</p> <p>21 the DCI and myself. I then spoke to the detective</p> <p>22 superintendent on the murder investigation team, which</p> <p>23 I had never done before and never did after this</p> <p>24 particular event.</p> <p>25 And then a formal request was made by DCI Kirk for</p> <p style="text-align: center;">Page 59</p>
<p>1 A. Unfortunately, I am not clear what that paragraph is</p> <p>2 referring to, whether it is referring to local policing</p> <p>3 or the major investigation team.</p> <p>4 Q. What I suggest to you is that within the borough there</p> <p>5 were failures of leadership, failures to direct and</p> <p>6 support the investigators and failures to resource the</p> <p>7 borough-led investigation.</p> <p>8 Do you accept that or not?</p> <p>9 A. I'm sorry, that is not my understanding of that</p> <p>10 paragraph as it has been put in front of me. And the</p> <p>11 point I would make is that the support that we were</p> <p>12 given on the borough by the major investigation or the</p> <p>13 murder investigation team was directly determined by</p> <p>14 a senior investigating officer and Detective</p> <p>15 Superintendent Sweeney.</p> <p>16 So in terms of that part of the leadership and</p> <p>17 direction and the resourcing, that was not something</p> <p>18 that was in my gift or indeed the gift of any of the</p> <p>19 borough senior officers at the time.</p> <p>20 Q. Go to internal page 8, please, paragraph 3.</p> <p>21 Under this heading the suggestion is made that the</p> <p>22 interactions between the two parts of the</p> <p>23 Metropolitan Police about which we are hearing, between</p> <p>24 the borough and the specialist team, on occasions did</p> <p>25 not meet MPS expectations. This part is perhaps for</p> <p style="text-align: center;">Page 58</p>	<p>1 a number of options and a number of things to happen.</p> <p>2 As a consequence of that, the murder investigation</p> <p>3 team did provide support the following day and indeed,</p> <p>4 as I understand it from emails I have seen since,</p> <p>5 a properly accredited PIP3 level investigator was</p> <p>6 actually sent to the borough.</p> <p>7 I also believe, from what I have seen subsequently,</p> <p>8 that formally and properly trained and accredited</p> <p>9 interviewers were deployed in order to interview</p> <p>10 Mr Port. That decision, in order to use those</p> <p>11 particular officers with those particular types of</p> <p>12 training, was a decision for the SIO and Detective</p> <p>13 Superintendent Sweeney.</p> <p>14 Q. All of that answer that you have just given takes us up</p> <p>15 to the interviews of Mr Port on 27 June I think; isn't</p> <p>16 that right?</p> <p>17 A. That's correct.</p> <p>18 Q. After 29 June, when you sent the email that we have just</p> <p>19 looked at to Mr Wilson, I think it cannot be the case,</p> <p>20 did it, that you knew anything more about what was</p> <p>21 happening?</p> <p>22 A. What I am saying is I can't remember, so I may well have</p> <p>23 had a conversation, I may well have had a discussion</p> <p>24 about it, but, unfortunately, I really cannot recall it.</p> <p>25 I have looked in my daybook, there is no reference to</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 Anthony's passing or any subsequent investigation, so 2 I cannot speculate as to whether I had no involvement or 3 any other involvement. 4 Q. Is there anything else you would like to say to the 5 families that I represent, some of whom sit here and the 6 rest of whom watch remotely? 7 A. I would like to extend my deepest sympathies to them as 8 a member of the public, which I now am and have been for 9 the last nearly six years, so I extend my deepest 10 condolences to them. 11 MS HILL: Thank you. 12 Questions from DR VAN DELLEN 13 DR VAN DELLEN: Mr Ewing, I ask questions on behalf of 14 Ricky Waumsley, the partner of Daniel Whitworth who died 15 while you were still borough commander in Barking and 16 Dagenham. 17 My learned friend Ms Hill a few moments ago for the 18 families, for the other families, listed a string of 19 investigative failures into Anthony's death. Do you, as 20 the most senior visitor on borough at the time, accept 21 any personal responsibility for those string of 22 failures? 23 A. Having reflected on this over many years and obviously 24 looked at the material that I have available to me, 25 I believe that the actions that I took at the time were</p> <p style="text-align: center;">Page 61</p>	<p>1 investigator had actually been sent to the borough, and 2 I take it that you think that that happened on 27 June. 3 Is that right? 4 A. I do not have a recollection of that at this particular 5 time. Subsequently I have seen an email authored by my 6 deputy, Mike Hamer, where he indicates that a PIP 7 level 3 investigator, DI Andrew Kelly, was dispatched to 8 the borough, which I took to mean that he was attending 9 the borough when I subsequently saw that email more 10 recently. 11 Q. It is our understanding from the evidence that has been 12 given thus far that it was only an officer of sergeant 13 rank who was actually dispatched to the borough to 14 assist on 27 June, so I assume that that wasn't your 15 understanding at the time and indeed wasn't your 16 understanding -- 17 A. It most definitely wasn't my understanding -- sorry, 18 I didn't mean to cut across you. 19 Q. No, no, please finish. 20 A. That was definitely not my understanding or most 21 definitely not my understanding of what was going to 22 happen as a result of the email that I saw. 23 Unfortunately, I can't remember what Mr Sweeney and 24 I agreed or talked about in the half an hour 25 conversation we had on the Thursday evening.</p> <p style="text-align: center;">Page 63</p>
<p>1 appropriate and in line with what was expected of me at 2 that particular time and in order to fulfil those 3 responsibilities I did what was required, particularly 4 from what I knew at the time. 5 DR VAN DELLEN: No further questions, thank you. 6 MR O'CONNOR: Madam, I know Ms Dobbin has some questions for 7 this witness. I just mention the fact that we have been 8 going for an hour and a half, perhaps we should think 9 about a break either before or after she asks her 10 questions. 11 THE CORONER: Yes. 12 Ms Dobbin, how long are you likely to be? 13 DR VAN DELLEN: I just have one question. 14 THE CORONER: We will have that question now. 15 Questions from MS DOBBIN 16 MS DOBBIN: Mr Ewing, I ask questions on behalf of some of 17 the Barking officers. I just wanted to ask you about 18 the conversation you had with Mr Sweeney on 26 June. 19 I think from your evidence what you had anticipated 20 was that a PIP level 3 officer would review all of the 21 evidence which had been gathered to date in the 22 investigation; is that correct? 23 A. That is correct. 24 Q. It also appears from your evidence that it is your 25 understanding that, in fact, that PIP level 3</p> <p style="text-align: center;">Page 62</p>	<p>1 MS DOBBIN: That is all my questions, thank you, Mr Ewing. 2 Questions from MR SKELTON 3 MR SKELTON: Mr Ewing, I ask questions on behalf of the 4 Metropolitan Police. 5 Can I just ask you first of all about the overall 6 function of the MIT, as far as the borough is concerned. 7 Is it fair to say that homicide investigation is 8 specialist work? 9 A. Yes, it is. 10 Q. And necessarily therefore a limited resource within the 11 MPS, the Metropolitan Police? 12 A. Yes, it is. 13 Q. And so, like all other limited resources, it has to be 14 deployed carefully? 15 A. Yes, that's correct. 16 Q. From your perspective, commanding a large borough, is it 17 usually the case that homicides are obvious, stabbings, 18 shootings, stranglings and so on and perhaps a minority 19 are less obvious? 20 A. Yes, that is a fair assessment. A very, very small 21 minority would be unclear. 22 Q. That the reason there was a sort of policy between 23 boroughs and MITs was that there may be cases where 24 there was going to be difficulty working out if 25 a particular death was a homicide and there needed to be</p> <p style="text-align: center;">Page 64</p>

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<p>1 a structure for resolving who took over the</p> <p>2 investigation by escalating the matters up the food</p> <p>3 chain within the MPS?</p> <p>4 A. Yes, there would need to be a policy in order to make</p> <p>5 sure that that tension, if it were a tension, was</p> <p>6 reconciled and resolved quickly and efficiently.</p> <p>7 Q. I think you are very familiar with it, because you were</p> <p>8 involved in it, but Mr Sweeney on behalf of the MIT, in</p> <p>9 this case, took the decision that primacy should remain</p> <p>10 with Barking borough?</p> <p>11 A. Sorry, at what point?</p> <p>12 Q. Early on, there was a discussion between the 19th and</p> <p>13 the 26th about who should take primacy and, ultimately,</p> <p>14 that led to an escalation within the MIT ranks and</p> <p>15 indeed to yourself as the borough commander, which led</p> <p>16 to Mr Sweeney taking a decision that primacy would</p> <p>17 remain with the borough?</p> <p>18 A. I can't comment on what decision Mr Sweeney made. All</p> <p>19 I can say is, obviously, what is already known is that</p> <p>20 the primacy did not move over to the murder</p> <p>21 investigation team.</p> <p>22 Q. I think you were aware after Mr Kirk's email that</p> <p>23 Mr Sweeney reviewed matters and took the decision that</p> <p>24 he would allow his resources to be deployed into the</p> <p>25 borough but would not be taking over primacy. You were</p> <p style="text-align: center;">Page 65</p>	<p>1 Q. That doesn't necessarily follow, does it, that the</p> <p>2 system is wrong, just because the wrong decision may be</p> <p>3 made?</p> <p>4 A. No, that is the case.</p> <p>5 Q. Indeed, had the borough detective team gone back to</p> <p>6 Mr Sweeney, or indeed Mr Jones's MIT team in September</p> <p>7 or October 2014, and they had taken primacy, then</p> <p>8 matters may have been different?</p> <p>9 A. Yes, that is conceivable.</p> <p>10 Q. You were asked at the start of your evidence about</p> <p>11 budgetary pressures. Do you agree that budgetary</p> <p>12 pressures shouldn't always be used to excuse making</p> <p>13 basic policing mistakes?</p> <p>14 A. I don't see that there is any correlation between the</p> <p>15 two. Clearly it was a difficult time for everybody at</p> <p>16 that time and the challenges continue and remain. My</p> <p>17 job was to lead the borough through that. I can't</p> <p>18 comment on whether an error that somebody has made is</p> <p>19 a direct consequence of limited resourcing or</p> <p>20 an inability to provide funds or resourcing or financial</p> <p>21 support to a particular investigation.</p> <p>22 Q. You may be aware that over the last few weeks the jury</p> <p>23 have heard from the detectives in CID who investigated</p> <p>24 Anthony's death in June 2014. And they have accepted</p> <p>25 that specialist skills or resources, or experience, were</p> <p style="text-align: center;">Page 67</p>
<p>1 probably aware of that at the time?</p> <p>2 A. I certainly knew that we had got murder investigation</p> <p>3 team resources on the borough on the Thursday and it</p> <p>4 would appear from the email that I have seen from</p> <p>5 Mike Hamer subsequently, which I didn't have</p> <p>6 an independent recollection of, that something other</p> <p>7 than an immediate acceptance of primacy had taken place</p> <p>8 on that particular Friday, which I think is the day you</p> <p>9 are referring to.</p> <p>10 Q. I think everyone knows in retrospect that the decision</p> <p>11 made by Mr Sweeney around the end of June was a mistake,</p> <p>12 it was wrong, in the sense that Anthony had in fact been</p> <p>13 murdered and his death wasn't investigated as a homicide</p> <p>14 for at least another year. That is correct, although he</p> <p>15 didn't know it at the time.</p> <p>16 A. Sorry, the question?</p> <p>17 Q. Mr Sweeney made the wrong call in retrospect, because</p> <p>18 Anthony had in fact been murdered.</p> <p>19 A. Well, it is clearly the case that Anthony was murdered</p> <p>20 but I can't comment on what Mr Sweeney did or didn't do.</p> <p>21 Q. No, and you are not being asked to sort of evaluate</p> <p>22 Mr Sweeney's decision making but the system was there</p> <p>23 for him to make that decision, which in fact he made the</p> <p>24 wrong decision, but we know that now in retrospect?</p> <p>25 A. Yes, that's correct.</p> <p style="text-align: center;">Page 66</p>	<p>1 not needed in order to initiate basic intelligence</p> <p>2 checks and send off Port's laptop for analysis. Were</p> <p>3 you aware of those facts?</p> <p>4 A. I am aware of those particular facts, yes.</p> <p>5 Q. I think it has also been accepted that not doing those</p> <p>6 basic actions were mistakes, they were mistakes that</p> <p>7 were made at the time?</p> <p>8 A. Yes, they were.</p> <p>9 Q. Chris Jones, who gave evidence early on in the inquest,</p> <p>10 told the jury that his team would have taken primacy if</p> <p>11 the results of those checks had been available at the</p> <p>12 time?</p> <p>13 A. Yes. I understand that, yes.</p> <p>14 Q. From your perspective, do you think it is fair to say</p> <p>15 that the real reason that Port was not arrested for</p> <p>16 murder at the time in 2014 is because basic</p> <p>17 investigative steps were not taken?</p> <p>18 A. What I can't do is put the chronology in the right</p> <p>19 order. So he was arrested I think just over a week</p> <p>20 after Anthony was found, but I don't believe that was on</p> <p>21 suspicion of murder and I don't know whether those</p> <p>22 checks should have been done in that time. I don't know</p> <p>23 the chronology of the advice that was given to the</p> <p>24 officers on the borough in order for those things to be</p> <p>25 done prior to his arrest.</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 Q. Well, the actions were all raised in June 2014 and those 2 actions were not completed in 2014, and had they been 3 completed, the MIT would have taken over, just to fill 4 you in the picture? 5 A. Okay, thank you. 6 Q. Does that alter your view about whether you can express 7 an opinion about this? 8 A. Not really, because I don't really understand the detail 9 of -- it certainly wasn't something that I was 10 understanding about the particular actions that hadn't 11 been done. It wouldn't have been appropriate for me, 12 for instance, to check that somebody had actually 13 submitted a laptop for analysis. That was something 14 which I would have expected somebody in my chain of 15 command to have ensured was done. 16 Q. It wasn't your job, as the borough commander, overseeing 17 the entire policing in the borough, to supervise 18 individual CID investigations? 19 A. Not individual actions, no, it wasn't. 20 Q. These inquests are not investigating the overall 21 functioning of CID in 2014/15. But you were asked, 22 however, whether the particular failings that occurred 23 in respect of Anthony's investigation were indicative of 24 institutional or systemic problems. Could you clarify 25 your view on that, please?</p> <p style="text-align: center;">Page 69</p>	<p>1 screen MPS778. 2 Mr Ewing, you will recall that I took you to 3 DCI Kirk's email and we went through that together. 4 Then we looked at Mr Sweeney's email and we established 5 that you had never seen that. I think I asked you 6 whether in fact you ever heard any more about this 7 matter, having spoken to Mr Sweeney that night and seen 8 DCI Kirk's email later on. You said, well, you had seen 9 an email the next day from Mr Hamer updating you and in 10 fact you have referred to this more than once in 11 answering other questions. 12 Just, as I say, for completeness and in fairness, is 13 this the email that you had in mind? 14 A. Yes, that is my understanding of the email that I have 15 referred to. 16 Q. We see it is an email from Mr Hamer on the 27th, just 17 before 7.00, so that is the Friday evening? 18 A. Yes, that's correct. 19 Q. He is emailing you and copying in Mr McCarthy and 20 Mr Kirby -- another DI on the borough, is that right? 21 We haven't heard much about him. 22 A. Martin Kirby I believe was the chief inspector 23 responsible for partnership arrangements. 24 Q. Thank you. 25 He is obviously updating you all on a number of</p> <p style="text-align: center;">Page 71</p>
<p>1 A. I don't believe that they were systemic failings. There 2 were errors made and I can't comment on the individual 3 officers and what errors they made at the time because 4 I was not directly supervising, but I don't accept that 5 this was a systemic or systematic failure. From my 6 position, as far as I was concerned, a senior 7 investigating officer had gone to the scene. 8 The homicide assessment team, which my understanding 9 at the time was their function was to assess whether 10 there could be any possibility that this was a homicide, 11 had gone to the team. All of those things were in 12 place. There had been advice asked. Clearly there had 13 to have been some input from an SIO, or indeed Detective 14 Superintendent Sweeney, in determining the type of 15 resources that were then deployed to the borough to 16 assist us. 17 So I can't accept that it was a systematic failure 18 of the borough on this particular occasion. 19 Q. From your perspective, were CID in the borough capable 20 of investigating crimes effectively in 2014? 21 A. Yes. 22 MR SKELTON: Thank you. 23 Further questions from MR O'CONNOR 24 MR O'CONNOR: Mr Ewing, there is just one final matter 25 I want to come back to with you. If we could have up on</p> <p style="text-align: center;">Page 70</p>	<p>1 matters, only one of which relates to Anthony's death. 2 That is why the rest of it has been blocked out, but in 3 terms of the Anthony Walgate unexplained death, he said, 4 "I spoke with John Sweeney this morning", which 5 correlates does it not with Mr Sweeney's email? 6 A. Yes, that's correct. 7 Q. He says: 8 "The BOCU retain ownership (Eugene is SIO) but we 9 have been well supported all day by the MIT. They 10 dispatched a DI (PIP3) and DS with team to conduct 11 interview and oversee both CCTV enquiries and forensic 12 examination of the subject's flat." 13 You have mentioned in the course of giving an answer 14 earlier that passage, I think, and your understanding 15 that MIT had, in those words, dispatched a DI and DS 16 with a team to the borough? 17 A. Yes, that's correct. 18 Q. In fact the evidence that the jury has heard is that the 19 DI in question, DI Kelly, although he was physically 20 located in his office in Barking, didn't attend Fresh 21 Wharf or come with the team to undertake any of those 22 tasks. Is that something that surprises you, given this 23 email and your understanding of it? 24 A. I am very surprised by that. It is clearly a long time 25 ago and that information is -- that is the first I have</p> <p style="text-align: center;">Page 72</p>

<p>1 heard that he never actually came to the borough.</p> <p>2 Q. Then, just to finish off, we see there is a reference to</p> <p>3 various items having been seized, including a computer.</p> <p>4 Mr Hamer refers to extending Mr Port's custody time.</p> <p>5 That is a formality involved in someone being in</p> <p>6 detention, is that right?</p> <p>7 A. It is not a formality, it is a question of making sure</p> <p>8 that the investigation is being conducted diligently and</p> <p>9 expeditiously and that there is ample grounds to detain</p> <p>10 somebody for a further 12 hours.</p> <p>11 Q. I didn't mean to say it was a step that was taken</p> <p>12 lightly, but it is a formal step that is taken by</p> <p>13 someone of superintendent rank?</p> <p>14 A. Yes, indeed.</p> <p>15 Q. Then he refers to the fact that Mr Port had been bailed</p> <p>16 pending forensic results and also the toxicology</p> <p>17 results. There is a reference to a fuller briefing</p> <p>18 update, which is going to come to you and in fact, did</p> <p>19 we see that that was emailed by Mr McCarthy on the</p> <p>20 Sunday in the other email we looked at?</p> <p>21 A. Yes.</p> <p>22 Q. And there is a reference to Mr Sweeney being on call.</p> <p>23 That is the email that you had in mind?</p> <p>24 A. It is indeed.</p> <p>25 MR O'CONNOR: Thank you.</p> <p style="text-align: center;">Page 73</p>	<p>1 Questions from MR O'CONNOR</p> <p>2 MR O'CONNOR: DI Richards, you gave evidence at the start of</p> <p>3 these inquests and you gave some helpful description of</p> <p>4 what Operation Lilford was and some of its general</p> <p>5 findings, in particular relating to Stephen Port. Do</p> <p>6 you recall that?</p> <p>7 A. Yes, I do.</p> <p>8 Q. I am sure I mentioned at the time that the intention was</p> <p>9 that you would come back at various stages during these</p> <p>10 inquests to provide further information about what it</p> <p>11 was that Operation Lilford discovered, on those</p> <p>12 occasions focusing on evidence obtained by</p> <p>13 Operation Lilford in relation to each of the deceased?</p> <p>14 A. That's correct, yes.</p> <p>15 Q. This, now we have reached the end, or almost the end of</p> <p>16 the section of evidence relating to the investigation</p> <p>17 into Anthony Walgate, you are now here to do the first</p> <p>18 of those sessions. I am going to ask you a series of</p> <p>19 questions relating to what it was that Operation Lilford</p> <p>20 was able to establish and, to some extent, what it</p> <p>21 wasn't able to establish, focusing in on the</p> <p>22 circumstances of Anthony Walgate's death.</p> <p>23 A. Yes.</p> <p>24 Q. As before, I am going to be referring, not entirely but</p> <p>25 in large part to the witness statement that you</p> <p style="text-align: center;">Page 75</p>
<p>1 Thank you very much.</p> <p>2 MR SKELTON: Madam, before the witness goes, may I just</p> <p>3 correct something? I am afraid in discussing the</p> <p>4 evidence of Mr Sweeney with this witness, I described</p> <p>5 his actions as a mistake. What I actually meant to say,</p> <p>6 of course, was that in fact it is known that the</p> <p>7 decision he made was the wrong decision in retrospect</p> <p>8 not to open a murder investigation, not that he himself</p> <p>9 is mistaken. In fact Chris Jones's evidence, as you may</p> <p>10 know, Mr Ewing, was to the effect that that was the</p> <p>11 right decision based on the facts at the time, but I am</p> <p>12 sorry for asking a misleading question on that earlier.</p> <p>13 THE CORONER: Thank you for that clarification.</p> <p>14 Thank you, Mr Ewing.</p> <p>15 We will take a break now until just after 12.00 pm.</p> <p>16 (11.45 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 MR O'CONNOR: Thank you, madam, may we please recall</p> <p>22 DI Richards.</p> <p>23 MR MARK RICHARDS (recalled)</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 74</p>	<p>1 prepared, which contains a lot of detail, so do please</p> <p>2 feel free to have that open in front of you, and we will</p> <p>3 go through it.</p> <p>4 The first matter I want to ask you about is a matter</p> <p>5 in fact that you touched on when you gave evidence</p> <p>6 before and the jury have heard quite a lot of evidence</p> <p>7 about, which is the work that was done on Stephen Port's</p> <p>8 computer. Also, I am going to ask you about the work</p> <p>9 that was done on Anthony Walgate's computer.</p> <p>10 The jury of course have heard evidence about the</p> <p>11 question of the borough sending off Stephen Port's</p> <p>12 computer for download or, rather, the lack of a decision</p> <p>13 to do that at an early stage, and they have heard that</p> <p>14 it was done in early 2015.</p> <p>15 Is it right that Operation Lilford conducted its own</p> <p>16 analysis, both of Stephen Port's computer and also of</p> <p>17 Anthony Walgate's computer?</p> <p>18 A. Yes, that's correct, we resubmitted both of them.</p> <p>19 Q. I remember you gave evidence previously about that</p> <p>20 process, resubmitting them and then conducting really</p> <p>21 quite comprehensive analysis on what there was to be</p> <p>22 found in those computers?</p> <p>23 A. That's correct, yes.</p> <p>24 Q. I remember we looked at some of the detailed schedules</p> <p>25 that were prepared showing line by line entries</p> <p style="text-align: center;">Page 76</p>

<p>1 relating, for example, to Stephen Port's internet search 2 history. 3 A. Yes. 4 Q. Is it fair to say that in terms of what you recovered 5 those two computers, one might describe the sort of key 6 matters that that material related to as being. 7 First of all, as we have said, Stephen Port's 8 computer usage. 9 Secondly, some of the communications between 10 Anthony Walgate and Stephen Port? 11 A. Yes. 12 Q. That in fact you, as it were, were able to piece 13 together some of those communications, some from 14 Anthony's computer and some from Stephen Port's? 15 A. Yes. 16 Q. Then, thirdly, again there was some material to be found 17 on Anthony Walgate's computer relating to communications 18 between him and his friends? 19 A. Yes, that's correct. 20 Q. As far as the first two of those matters were concerned, 21 that is Stephen Port's computer usage and the 22 communications between Stephen Port and Anthony Walgate, 23 those are both matters covered in the very lengthy 24 schedules prepared by Lilford investigators, are they 25 not?</p> <p style="text-align: center;">Page 77</p>	<p>1 about the search history, reference to the initial 2 message sent by Stephen Port to Anthony and also, as we 3 have heard, to a number of other individuals? 4 A. That's correct, yes. 5 Q. Then if we go on to the third page, please, do we see 6 towards the bottom of the page a reference to a response 7 that was received by Stephen Port from Anthony? 8 A. Yes, that's correct. 9 Q. Just to be clear, even collating the material that you 10 were able to extract both from Stephen Port's computer 11 and from Anthony's computer, were you able to create 12 a complete account, as it were, of the communications 13 between the two of them? 14 A. With computers you could never say it was complete, 15 because computers will delete their own contents at 16 times, but it is fair to say we recovered everything 17 that was available to us and I am -- for want of 18 a better phrase -- fairly happy that we have got the 19 whole picture. 20 Q. From the computer based -- 21 A. Yes, that's correct. 22 Q. But, in any event, at the bottom of that page, we see 23 the response. 24 If we then go on to the next page we see more 25 internet history from Stephen Port.</p> <p style="text-align: center;">Page 79</p>
<p>1 A. They are, yes. 2 Q. Some of which we looked at when you gave evidence 3 before, they are in the jury bundle. If you can turn, 4 please, to tab 58 in -- this is the second volume of 5 jury bundle B. I am going to bring it up on screen, 6 DI Richards, so this may be sufficient for your 7 purposes. It is INQ45. 8 This is a document we have looked at several times 9 during the course of the evidence. Are you familiar 10 with it, DI Richards? 11 A. Yes, I am. 12 Q. This is a document that we, that is the inquest team, 13 have prepared as a summary of the material to be found 14 in the Lilford schedules. It relates, does it not, both 15 to the internet searching undertaken by Stephen Port -- 16 A. Yes. 17 Q. -- and also to the communications between Stephen Port 18 and Anthony Walgate in the days before Anthony Walgate's 19 death? 20 A. Yes, I believe so. 21 Q. Just going through it quickly, we see on the first page, 22 information about Stephen Port's internet search 23 history. 24 If we can go over to the second page, we see, 25 towards the bottom, as well as there being more detail</p> <p style="text-align: center;">Page 78</p>	<p>1 Then, finally, the last page, which is very short, 2 just final references to the searches. 3 A. Yes. 4 Q. As far as those two computers are concerned, does it 5 appear to you this chronology captures at least the key 6 material relating to those few days? 7 A. Yes, it does. 8 Q. Just going back though to the question of communications 9 between Stephen Port and Anthony Walgate, although we 10 see Stephen Port sending an email or a message to 11 Anthony and him responding, and we of course know as 12 a matter of fact from other evidence that Anthony then 13 went to Barking, we don't see messages between them 14 arranging to go at that particular time, or how that 15 came about. Is that material that is obtained in other 16 evidence from Operation Lilford or not? 17 A. We didn't actually recover the direct conversation 18 between Anthony and Stephen after the initial meeting, 19 but through the evidence of one of Anthony's friends, we 20 could see that Anthony had communicated and had 21 confirmed that booking and was telling his friends that 22 he had the overnight booking. 23 Q. China Dunning and others gave evidence to the jury about 24 that. We know that happened, but it was actually found 25 on either of those computers?</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 A. No.</p> <p>2 Q. That deals with the question of Stephen Port's computer</p> <p>3 usage, and what there was to be found of the</p> <p>4 communications between Stephen Port and Anthony Walgate.</p> <p>5 The third matter that I mentioned was Anthony's</p> <p>6 communications with others. You have mentioned the</p> <p>7 evidence you were able to obtain from some of those</p> <p>8 others, for example China Dunning, but there was, wasn't</p> <p>9 there, some material to be found on Anthony's computer</p> <p>10 showing some communications with Ellie Green?</p> <p>11 A. Yes, that's correct. Some of his iMessages from his</p> <p>12 Apple phone were also duplicated on to his computer.</p> <p>13 Q. This is something the jury have seen before, but just so</p> <p>14 they can now understand where it comes from, it is in</p> <p>15 jury bundle, tab 57 and, for the screen, it is IPC737.</p> <p>16 Is this the material you were just describing,</p> <p>17 DI Richards?</p> <p>18 A. Yes, it is.</p> <p>19 Q. It is not the easiest of documents to read because the</p> <p>20 way in which the schedule is set out, we see on one side</p> <p>21 of the page, the messages going from Anthony to Ellie,</p> <p>22 and then one has to go over to other side of the page,</p> <p>23 where one sees the other half of the conversation, as it</p> <p>24 were?</p> <p>25 A. That's correct, yes.</p> <p style="text-align: center;">Page 81</p>	<p>1 traditional billing if you like, this person calls this</p> <p>2 number at this time for this length. They will also</p> <p>3 provide you with the reverse billing, as in this number</p> <p>4 received a call from this call at this time for this</p> <p>5 length. It will also detail in the same way text</p> <p>6 messages sent both ways, traditional text message, SMS</p> <p>7 messages, not iMessages, WhatsApp, things like that.</p> <p>8 But it will also provide cell site data, so at that</p> <p>9 time that the call was commenced and when it concluded,</p> <p>10 it will tell you where that phone was.</p> <p>11 Similarly with text messages it will tell you where</p> <p>12 the phone was for that period as well.</p> <p>13 Q. Just looking at paragraph 111 of your statement, the</p> <p>14 information that was provided as a result of these</p> <p>15 enquiries, did it generate some evidence about exactly</p> <p>16 when Anthony went to Barking on the evening of 17 June?</p> <p>17 A. Yes, that's correct. From Anthony's cell site we can</p> <p>18 tell when his phone was at home, the journey he took</p> <p>19 that evening and where his journey ultimately led him</p> <p>20 to.</p> <p>21 Q. Is it as simple as he makes the journey, his phone is</p> <p>22 switching, connecting from one mast to another, to</p> <p>23 another and one can just see from the data where he is</p> <p>24 moving?</p> <p>25 A. Yes, essentially the mobile phone is a tracking device</p> <p style="text-align: center;">Page 83</p>
<p>1 Q. What we see here, is it not, is a conversation in fact</p> <p>2 on 17 June, so the day on which Anthony went to Barking,</p> <p>3 towards the end of the afternoon, about 5.00, where he</p> <p>4 is providing Ellie with information about where he is</p> <p>5 going and who he is going to see?</p> <p>6 A. That's correct, yes.</p> <p>7 Q. The jury may recall that we read a statement from</p> <p>8 Ellie Green which explains that?</p> <p>9 A. Yes.</p> <p>10 Q. Thank you.</p> <p>11 That is all I wanted to ask you about the computer</p> <p>12 downloads. I want to go on to ask you some questions</p> <p>13 about Anthony's movements. To do that I am going to ask</p> <p>14 you some questions about a section of your witness</p> <p>15 statement starting at paragraph 1.07.</p> <p>16 Is it right to say that the borough investigation,</p> <p>17 when they were investigating Anthony's death, applied</p> <p>18 for some telephone data to be obtained?</p> <p>19 A. Yes, they did, yes.</p> <p>20 Q. Did that include what we -- remember we touched on last</p> <p>21 time what is known as cell siting data?</p> <p>22 A. Yes, call data and cell site data.</p> <p>23 Q. Just remind the jury what those two terms mean?</p> <p>24 A. When you contact a telephone provider, O2, EE, whoever</p> <p>25 the provider may be, they will provide you with the</p> <p style="text-align: center;">Page 82</p>	<p>1 and it follows the masts along his route, within</p> <p>2 a general area. In central London it is a lot more</p> <p>3 detailed, a lot more people, a lot more masts.</p> <p>4 Q. On the basis of that data, what was the time period of</p> <p>5 his journey from central London to Barking?</p> <p>6 A. We believe from his phone leaving his home and cell</p> <p>7 masts at about 9.43 pm that evening and his ultimate</p> <p>8 journey generally following public transport routes that</p> <p>9 he arrived at Barking station at 10.11(?) that evening.</p> <p>10 That is from the telephone evidence. Then from using</p> <p>11 his Oyster card to exit the station at 10.13 pm.</p> <p>12 Q. So that would seem to be consistent with the two types</p> <p>13 of evidence marrying up, the cell siting has him at</p> <p>14 Barking at 10.10 or 10.11, the Oyster card shows him</p> <p>15 leaving the station at 10.13?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. I wanted to ask you just another question about all of</p> <p>18 these timings, perhaps I will just call it up on screen,</p> <p>19 because it is a single page but it is in the CRIS, so if</p> <p>20 we can have, please, for the screen, IPC35, page 69.</p> <p>21 You may remember this, DI Richards, we looked at this</p> <p>22 earlier. This entry records a statement made to police</p> <p>23 very early in the investigation by Ellie Green -- in</p> <p>24 fact on the evening of the 19th when she went to Golders</p> <p>25 Green police station with China Dunning. She said that</p> <p style="text-align: center;">Page 84</p>

<p>1 she had, to use her words, perhaps we could zoom in on 2 the middle of the page: 3 "She happened to ring Anthony at 22.10 hours on 4 17 June and he informed her he was working and couldn't 5 talk. They agreed to talk in the morning." 6 That would seem to be -- from the other evidence you 7 have just mentioned -- very much around the time that 8 Anthony was leaving Barking station or arriving at 9 Barking station. Was the phone data that you 10 mentioned -- did that phone data show you, or evidence 11 of that call that she was talking about? 12 A. Yes, it provided evidence of the call but I believe -- 13 I can only surmise that when China was relaying this 14 information she was being generic with the time or 15 an estimate. It was actually just before 10.00 pm, but 16 that call did take place and it is registered in the 17 call data -- 18 Q. Okay, so it would seem likely then, just as he was 19 approaching Barking, rather than after he had arrived? 20 A. Yes, some time on that journey, yes. 21 Q. Thank you. 22 Thank you, we can take that down. We have Anthony 23 arriving at Barking, based on the cell site and the 24 Oyster card. Do we know from any other evidence what 25 happened at Barking station? We -- let me ask you this.</p> <p style="text-align: center;">Page 85</p>	<p>1 A. Yes, but the borough officers at the time made the 2 enquiries with the station and the forecourt's camera 3 that would have covered the exit and out on to the 4 secrete wasn't working at that stage. By the time 5 Operation Lilford was involved, that material wouldn't 6 have been available to us, due to the time period that 7 had passed. 8 Q. Right. 9 Moving on though, you have already indicated that 10 the cell siting data establishes that Anthony went from 11 Barking to 62 Cooke Street, or at least to a mast which 12 would have been appropriate for someone in 13 62 Cooke Street, is a fair way of putting it? 14 A. Yes, that's correct. 15 Q. Just tell us again, roughly what time does that evidence 16 indicate that he arrived at Cooke Street? 17 A. 10.22 pm. 18 Q. Perhaps we had better just go back a stage and clear up 19 the type of evidence that is obtained through this 20 mobile phone. 21 Clearly if someone makes a call or sends a text 22 message, then there will be cell siting data relating to 23 that call or text message. If a phone is switched on 24 but not used, so not making a call, not receiving 25 a call, not sending a text message, is there still cell</p> <p style="text-align: center;">Page 87</p>
<p>1 Leaving aside Anthony's case for a moment, did 2 Operation Lilford obtain other evidence about 3 Stephen Port's practice in terms of meeting people who 4 he had asked to come and see him? 5 A. Yes, from a number of enquiries during Operation Lilford 6 the pattern emerged that Stephen would arrange to meet 7 people at Barking train station and would usually give 8 KFC, Kentucky Fried Chicken, as a landmark and then 9 would either walk to meet them or collect them in his 10 car from there and then go back to Cooke Street. 11 Q. Is there any evidence that you were able to obtain about 12 whether that was is what happened with Anthony on that 13 evening? 14 A. No. We know that Anthony was at Barking train station 15 and we know that a short time later, approximately 16 10.22, bearing in mind he left the tube station at 17 10.13, his phone was then connecting to a mast that 18 covered 62 Cooke Street. So it works time wise with the 19 distance to travel. 20 Q. We know he went from one to the other, but in short we 21 don't know whether Stephen Port was there to meet him at 22 the station or whether he met him at the flat? 23 A. That's correct, yes. 24 Q. Was there an attempt to obtain CCTV material which 25 perhaps would have shown what happened at the station?</p> <p style="text-align: center;">Page 86</p>	<p>1 siting data that's available on the searches that you 2 have described? 3 A. Yes, but not what we know as active user data, so mobile 4 phones, whether it be an Apple or an Android will have 5 data sessions. So your phone, within your pocket, 6 within your bag, wherever it may be. It will be 7 checking for your email, it will be updating apps in the 8 background, social media, things like that, so the phone 9 will generally, unless it is in a tube tunnel or 10 wherever, still be contacting with the mast and still be 11 having data movement between the two. 12 But you cannot say whether that is just computer 13 generated by your phone or whether it is actually user 14 active data. 15 So we would never use that data to determine that 16 physically a human being is making that communication. 17 Q. But it does require the phone to be on? 18 A. It does require the phone to be switched on, yes. 19 Q. So we have Anthony's phone transmitting or using that 20 particular mast at 10.22. 21 A. That's correct, yes. 22 Q. Was there then evidence of phone remaining in 23 62 Cooke Street or at least remaining and transmitting 24 to that mast for a period of time after? 25 A. Yes, it did.</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 Anthony's phone was connected to the same mast which 2 covers 62 Cooke Street until 4.58 am. 3 Q. Inferences one can draw from that, first of all the 4 phone was switched on until then? 5 A. That's correct, yes. 6 Q. Secondly, the phone didn't move, at least so much that 7 it linked up to another mast? 8 A. Yes. 9 Q. Then what happened at 4.58, according to the data? 10 A. At 4.58 Anthony's phone leaves the network. So that 11 could either be because it is physically switched off by 12 somebody, the battery has died, so the phone powers down 13 itself or somebody turns it into aeroplane mode, so it 14 loses connectivity, so you could still use the phone but 15 it is not connected to the network. 16 Q. Was there any data, cell siting or otherwise, relating 17 to the phone that was able to be recovered after 4.58 on 18 the morning of 18 June? 19 A. No. Anthony's phone never reconnected with the network. 20 Q. You mentioned when you came to give evidence the first 21 time the searches that were undertaken, physical 22 searches. Let's just focus in on this now. Were 23 searches undertaken amongst other things to try and find 24 Anthony's phone? 25 A. Yes, extensive searches were conducted for any property</p> <p style="text-align: center;">Page 89</p>	<p>1 away from the question of phones. They both relate to 2 evidence the jury have heard in the last couple of 3 weeks. 4 First of all, there was some mention of text 5 messages received in the few days after Anthony's death 6 from Ellie Green -- Sorry, received by Ellie Green from 7 Anthony's phone. The jury may recall the evidence was 8 that in fact these were duplicates of messages that she 9 had received before his death. 10 Did Operation Lilford look to reconsider the 11 question of whether those messages could have indicated 12 in any way the phone being used after Anthony's death? 13 A. Yes, we did. The phone -- categorically the phone never 14 reconnected to the mast, so it was never switched on 15 again and messages resent. The only explanation we can 16 get from service providers is sometimes when you send 17 a message and it is not instantly deliverable, it may 18 try and send it as a text message, it may try and store 19 it to send later as an iMessage or whatever network you 20 are on. The only explanation we can come to is that the 21 messages were attempted, the messages were sent and it 22 was either they were not received or the network didn't 23 send them and then they were duplicated later. But the 24 only thing we can say is categorically the phone was not 25 switched back on, it did not reconnect and a human did</p> <p style="text-align: center;">Page 91</p>
<p>1 relating to all of the victims. 2 Q. We have heard about searches that were conducted by the 3 borough investigation but just to be clear, even over 4 a year later, Operation Lilford conducted further 5 searches, amongst other things, to try and find that 6 phone? 7 A. Absolutely, yes. 8 Q. Was it ever found? 9 A. Unfortunately not. 10 Q. We heard some evidence at the end of last week from 11 Anthony's family about the suggestion that attempts 12 could or should have been made to trace Anthony's phone. 13 What can you say about that to help us? 14 A. To trace a mobile telephone it has to be switched on. 15 It has to have power in it and be switched on and you 16 cannot communicate with a mobile phone if it is switched 17 off. 18 The borough officers did submit telephone 19 applications to the data providers, which is the data 20 that we used for Operation Lilford, as well as they did; 21 that showed that the phone left the network at 4.58 am. 22 As I have just said, it never reconnected with the mast, 23 never reconnected with any network. Therefore it was 24 not available to be live traced. 25 Q. I want to ask you about two other matters before I move</p> <p style="text-align: center;">Page 90</p>	<p>1 not send those text messages at the later stage. 2 Q. Thank you. 3 The other matter I wanted to ask you about was the 4 evidence we heard on Friday relating to text messages 5 received by Anthony's father -- 6 A. Yes. 7 Q. -- Thomas Walgate, which the family were concerned about 8 when they were received, I think it was in August, so 9 a month or so after Anthony died. 10 There was no suggestion that those messages had been 11 sent by Anthony's phone, but there was a concern that 12 whoever it was sent them must have seen Anthony's phone, 13 because of the use of the numbers and so on. 14 Is that something that also you looked into? 15 A. Yes, that was looked into. That was looked into, 16 initially by the local officers and by local officers in 17 Hull and by Operation Lilford. By the time 18 Operation Lilford was involved, that telephone number 19 that had sent those messages to his father was no longer 20 connected. It was a pre-pay pay as you go phone that 21 was unregistered. We never established who sent those 22 messages. However, we did establish that it could not 23 have been Stephen Port. 24 Q. Thank you. 25 I am going to move on and ask you questions about</p> <p style="text-align: center;">Page 92</p>

<p>1 a slightly different topic, which relates to the 2 movements of Stephen Port. This is a passage of your 3 witness statement which starts at paragraph 118. 4 We have just been talking about the cell site data 5 related to Anthony Walgate's phone, which was obtained 6 by the borough and therefore which enabled you, when you 7 became involved over a year later, to have some fairly 8 close evidence, clear evidence, about Anthony's 9 movements. 10 Was there similar data obtained by the borough 11 relating to Stephen Port? 12 A. No. There were never any submissions made to network 13 providers for data for Stephen Port's telephone during 14 that period and by the time Operation Lilford became 15 involved that data was unavailable to us. 16 Q. Because you gave evidence previously that typically that 17 data is only available for a year? 18 A. That's correct, yes. 19 Q. So you taking over in October 2015, it simply was not 20 possible -- even though you knew Stephen Port's phone 21 number -- to go back to June 2014 and get that cell 22 siting call data? 23 A. That's correct, yes. 24 Q. That being unavailable, was it possible for you at least 25 to obtain some evidence or draw some inferences about</p> <p style="text-align: center;">Page 93</p>	<p>1 Q. It may be that we focus more on contents when we were 2 looking at the chronology more than the timings, just to 3 have the timings in mind. Is it right that we know he 4 was at home for an hour or so very early in the morning 5 on 17 June, in the early hours? 6 A. Yes, he was. 7 Q. That of course is the day when Anthony came to Barking 8 later on that day, in the evening. 9 A. Yes. 10 Q. Was there in fact any internet usage that would enable 11 you to be sure that Stephen Port was at home on the 12 evening, later on in the evening of the 17th or early in 13 the morning of the 18th? 14 A. Yes, yes, computer usage, yes. 15 Q. Was it early that day or later that day? I'm looking at 16 paragraph 121 of your statement. It appears to be in 17 fact at the end of the day on the 18th when you were 18 confident that Stephen Port was at home? 19 A. Yes, on 18 June it is not until 10.56 pm that we can 20 definitively say that Stephen was at home using his 21 laptop. 22 Q. The jury may remember the various accounts, I think it 23 is fair to say, that Stephen Port gave in interview. 24 His final account was that he had been at work and 25 came back from work at about 10.00 or so sort of</p> <p style="text-align: center;">Page 95</p>
<p>1 Stephen Port's movements in the period 17, 18, 19 June, 2 around the time that Anthony was in Cooke Street and 3 around the time he died? 4 A. Yes, we could from a number of different things, but 5 predominantly from Stephen's internet usage, his 6 computer usage from within his home address on his own 7 laptop. 8 Q. We know we can move laptops around, but was there a way 9 of you being confident with certain computer usage that 10 he was actually using it in his flat? 11 A. Yes, without being too technical. When your laptop 12 generally uses wi-fi, unless it has its own SIM it will 13 connect to your router within your house, which is 14 connected to your account. Without getting into the 15 finer details, you can tell when a computer is using its 16 wi-fi within its home address. 17 Q. There were, weren't there, some periods of time then 18 when you were able to be confident that Stephen Port was 19 at home in those few days? 20 A. Ye, absolutely. 21 Q. In fact, those periods of type, more or less tally with 22 the computer usage on that chronology that we have seen 23 of him searching the internet for drug rape porn and so 24 on? 25 A. Yes.</p> <p style="text-align: center;">Page 94</p>	<p>1 depending on his account, surprised or worried to see 2 Anthony still there? 3 A. Yes. 4 Q. And the internet use that was found sort of correlates 5 broadly speaking to that period of time? 6 A. That's correct, yes. 7 Q. Between about 11.00 at night and 1.30 in the morning? 8 A. That's correct. 9 Q. Then we know about the events of 19 June, of 10 Stephen Port's involvement in those, the very early 11 morning and so on. I am just looking at paragraph 122. 12 What do we see from the internet usage, starting early 13 on the morning of 19 June? 14 A. Yes, Stephen's laptop was logged off from the internet 15 at 2.57 am, so just into 19 June. And then there was no 16 further use by Port at all until 23 June. 17 Q. Given his previous internet usage, not to use it at all 18 for four days or so, was that unusual? 19 A. Very. Very. 20 Q. That is as much as one can say about his movements based 21 on the computer evidence. 22 I mentioned Stephen Port's interviews and of course 23 one of the features of those was, as we have said, his 24 references to his shifts at work, going to and from 25 work, sometimes one shift, sometimes another and</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 sometimes working all night to clean out the kitchens. 2 Did Operation Lilford make enquiries with the bus 3 garage where Stephen Port worked? 4 A. Yes, we did. 5 Q. Were you aware whether the borough had made any 6 investigations along those lines? 7 A. Yes, they didn't. 8 Q. They did not. 9 A. They did not. 10 Q. You were making those enquiries for the first time, 11 a year and a quarter or a year and a half after those 12 events, of Anthony's death? 13 A. Yes. 14 Q. Did you receive a statement from Stephen Port's line 15 manager, who was his line manager in June 2014? 16 A. Yes, his line manager at the time was a man called 17 Stanley Worthington and Stanley provided a statement to 18 us outlining an event which he couldn't place for a date 19 and a time exactly, but he knows it was about three 20 years ago from the time that we got involved. 21 Q. I am going to bring this up on screen, just so the jury 22 can see it, can we have on screen, please, MPS573, 23 page 25. 24 Do we see there in paragraph 123 of your statement 25 in italics, is that an extract from Mr Worthington's</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. There are clearly many features there that are very 2 similar indeed to the morning of 19 June. 3 Mr Worthington's estimate of how long ago it was would 4 be quite seriously out? 5 A. Yes. 6 Q. Because he is talking about three years ago, whereas in 7 fact it was just a year and three or four months, but, 8 as an investigator, is it unusual for people to make 9 mistakes of that order? 10 A. It is. Time is very hard, along with height and age and 11 things like that, but the simple fact that the detail 12 within it, if Mr Worthington was recalling just a phone 13 call from Stephen, it wouldn't really have added much. 14 With the detail he provided back to us, it is clearly 15 significant. 16 Q. It would appear, and tell me whether you would think 17 I am going too far or not, but it would appear from this 18 account is what Mr Worthington may well have been 19 remembering is a call that Stephen Port made to him on 20 the morning of 19 June, before 6.00, when he was due to 21 be working a shift starting at 6.00, explaining why he 22 couldn't come that morning. Obviously before he had 23 spoken -- after he had called the ambulance but before 24 the police had managed to speak to him, in fact probably 25 during time when they were knocking on his door but he</p> <p style="text-align: center;">Page 99</p>
<p>1 statement? 2 A. Yes, it is. 3 Q. I will read it out. He said this: 4 "I recall getting a phone call from Stephen, it 5 would have been about three years ago." 6 Just pausing there, the jury can see this statement 7 was dated November 2015: 8 "His mobile number is ..." 9 He gives the number ending in 105: 10 "... Stephen told me that he was leaving for work. 11 He was due to start at 6.00 in the morning, so it would 12 have been very early he called me. He told me that he 13 had tried to get out of his flat and the external door 14 was blocked by a young boy in the way. Stephen said 15 that he had moved him out of the way but said that 16 something wasn't right. He couldn't leave him there. 17 He said that he called an ambulance. They had arrived 18 and found the person was dead. He has then said he had 19 tried to leave and come to work when he was stopped by 20 the police." 21 What did you make of that statement? 22 A. Mr Worthington has told us that freely. It is certainly 23 a situation that he clearly recalled and with the detail 24 that he has added with the estimation on time from him, 25 it fitted with the Anthony Walgate death.</p> <p style="text-align: center;">Page 98</p>	<p>1 wasn't answering. Perhaps for that reason he didn't 2 want to leave the flat and he is ringing Mr Worthington 3 to tell him that he is not coming and give an account 4 which is close to but not perhaps precisely on the 5 truth? 6 A. I believe so, yes. 7 Q. I don't suppose it was you who went to the bus garage, 8 but are you aware of any difficulty when the officers 9 who did go went to the garage of identifying 10 Stephen Port's line manager, the right person to speak 11 to -- was there any problem with that? 12 A. No, none at all. 13 Q. No reason to think it was difficult? 14 A. No. 15 Q. Thank you. We can take that down now. 16 Sticking with Stephen Port, I just want to ask you 17 some questions about his telephone usage. This picks up 18 at paragraph 29 of your statement. We were just talking 19 about 19 June, and what may have been Stephen Port's 20 conversation with Stanley Worthington that morning. 21 If we go forward to the next week, we know that 22 Stephen Port was arrested on Thursday, the 26th. 23 A. Yes. 24 Q. When he was arrested his mobile phone was seized. 25 A. Yes, it was.</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 Q. That was a Samsung Pocket Neo phone, in fact with the 2 number ending in "4105" that Mr Worthington has 3 mentioned in the course of that statement? 4 A. Yes, it was. 5 Q. Was Operation Lilford able to make some enquiries about 6 that handset or in fact was it done by the borough? 7 A. The handset or the number? 8 Q. Well, tell me one and then the other. 9 A. So Mr Port had had that number for a considerable time. 10 That was effectively the number he had used for quite 11 a significant period. And subsequently after it was 12 seized by the original investigation, along with the 13 handset, the Samsung Pocket Neo, he continued to use 14 that telephone number afterwards. 15 Operation Lilford discovered that the handset was 16 activated for the very first time on 19 June 2014. 17 Q. Yes. 18 A. That was the day that Anthony was obviously found 19 deceased. 20 Q. Yes. 21 A. So it would appear that on the afternoon of Anthony's 22 death Stephen had changed his handset to this new one 23 that he was arrested with some time later on the 26th. 24 Q. We touched on this when you gave evidence before, 25 a pattern of Stephen Port changing his phone behaviour,</p> <p style="text-align: center;">Page 101</p>	<p>1 changed the number again, in fact back at that stage to 2 the number ending 4105 that he had been using prior to 3 Anthony's death? 4 A. That's correct, yes. 5 Q. That is all I wanted to ask you about phones. 6 I want to move to a different topic all together, 7 which is the question of Anthony's drug use. 8 Of course the jury heard a fair amount of evidence 9 from Anthony's friends and family, China Dunning, 10 Kiera Brennan, his mother Sarah Sak, about what they 11 understood to be Anthony's drug use prior to his death 12 and in particular their account was of relatively 13 limited drug use, and they all agreed that their 14 understanding was that Anthony had not taken GHB prior 15 to going to Stephen Port's flat. 16 A. Yes. 17 Q. You may recall that while China Dunning was giving 18 evidence mention was made of tests done on hair samples 19 taken from Anthony's body. Were the tests done as part 20 of the Operation Lilford investigation? 21 A. Yes, that's correct. 22 Q. The suggestion was made, and in fact I think the witness 23 statement from the scientist involved, a man called 24 Dr Cirimele was brought up, that those tests on 25 Anthony's hair samples showed that he had in fact taken</p> <p style="text-align: center;">Page 103</p>
<p>1 if I can put it that way, at the time of these 2 individual deaths. So that was the point relating to 3 that phone activated for the first time on 19 June. 4 When Stephen Port was released, we saw some emails 5 about that this morning, him being released on bail on 6 the Friday evening. He was not given back his phone, 7 was he? 8 A. No, the local police retained it. 9 Q. In fact was the phone still held by the police when you 10 took over investigation? 11 A. Yes, it was. 12 Q. What did Stephen Port do by way of a new phone having 13 been released from custody but needing a phone? Looking 14 at paragraph 35 of your witness statement. 15 A. Yes, he received a new phone number which had previously 16 belonged to his father but his father loaned it to his 17 son because Stephen had indicated to his family that he 18 had been mugged, robbed in the street and he had had his 19 phone taken from him. 20 Q. Yes, and he carried on using that phone and, is it 21 right, we will come back to this perhaps in due course, 22 but that Stephen Port then changed his number following 23 Gabriel Kovari's death? 24 A. Yes, he did, yes. 25 Q. Then again following Daniel Whitworth's death, he</p> <p style="text-align: center;">Page 102</p>	<p>1 GHB prior to his death, do you recall that? 2 A. Yes. 3 Q. Just to be clear, DI Richards, I don't want to get into 4 this subject in any detail now, but let me ask you this. 5 Do you agree that during the course of the Old Bailey 6 trial serious doubts were raised about the reliability 7 of that hair sample evidence? 8 A. Yes. Enough doubt was raised for the judge, 9 Mr Justice Openshaw, to make mention of it during his 10 summing up, which is his recount/review of his evidence 11 to the jury. 12 Q. Just to be clear, so there is no mystery about this, we 13 are making some further enquiries to try and obtain 14 transcripts of exactly what was and wasn't said at the 15 trial, so the jury will be in best possible position to 16 understand how much or how far that evidence leads them. 17 In due course we will come back it that issue, as I say, 18 in the course of further evidence. 19 Sticking for a moment with the issue of drugs 20 related to Anthony, can I just ask you about 21 paragraph 132 of your statement. The jury have heard 22 about the search of Anthony's bedroom and they will 23 recall it took the borough police a couple of attempts 24 to get in, because there wasn't a key and so on but they 25 did eventually get in, I think over the weekend after --</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 actually it may have been later. I think it may have 2 been the Wednesday. 3 In any event, let's not worry about the date. 4 Fairly shortly after Anthony's death Anthony's room was 5 searched and a small bottle was found? 6 A. Yes. 7 Q. Were the contents of that bottle sent for analysis? 8 A. Yes, Operation Lilford, we sent them for analysis. 9 Q. What was found in them? 10 A. It was amyl nitrite, which is essentially poppers. 11 Q. We have heard a fair amount of evidence about Anthony's 12 use of poppers, have we not? 13 A. Yes. 14 Q. New topic, sticking with the question of drugs but now 15 switching focus to Stephen Port. Clearly a very large 16 part of your investigation amounted to evidence of 17 Stephen Port's use of drugs, yes? 18 A. Yes. 19 Q. We know, because you have told us, that his flat was 20 subject to very intensive forensic search by 21 Operation Lilford officers in October 2015 or so, when 22 your investigation started? 23 A. That's correct. 24 Q. Did you actually find in his flat any physical evidence 25 of drugs, in particular GHB?</p> <p style="text-align: center;">Page 105</p>	<p>1 therefore its forensic content wouldn't have been -- it 2 wouldn't have been able to provide evidence that wasn't 3 questionable because it hadn't been packaged securely, 4 therefore it could have been contaminated. 5 Q. Thank you. 6 Let me ask you about something else again, which is 7 the results of the DNA analysis conducted in relation to 8 Anthony. For this we need to go to paragraph 82 of your 9 statement. We have heard, haven't we from Dr Biedrzycki 10 and the other individuals who were present at the post 11 mortem that, particularly because it was a special post 12 mortem, certain swabs were taken from Anthony's body, 13 which could then be used for DNA testing? 14 A. Yes, that's correct. 15 Q. They have been referred to as sex swabs; have they not? 16 A. Yes. 17 Q. Taken from those parts of Anthony's body? 18 A. That's correct, yes. 19 Q. Did Operation Lilford conduct DNA analysis of those 20 swabs? 21 A. Yes, we did. 22 Q. What did they show? 23 A. The swabs from the sex swabs, as they are generally 24 known, all contained a full DNA profile of Stephen Port. 25 Q. We will come in the other investigations to see more of</p> <p style="text-align: center;">Page 107</p>
<p>1 A. Absolutely no drugs at all. 2 Q. Is there anything more you can say about that, any 3 inference you draw, any conclusions? 4 A. Only that no drugs at all were found in Stephen's flat. 5 Q. Yes, all right. 6 Let me move on to questions about paragraph 80 of 7 your witness statement. We have talked about the small 8 bottle that was found in Anthony's flat. Of course 9 there was another bottle that related to the 10 investigation into Anthony, and that was the bottle that 11 was found on his person -- I think it was in his bag. 12 We have heard the evidence about the contents of that 13 bottle being analysed and it contained I think GBL, the 14 substance which converts into GHB in the body. 15 A. Yes. 16 Q. Were any tests conducted by Operation Lilford -- any 17 fingerprint tests conducted on that bottle? 18 A. Yes, they were. 19 Q. It is paragraph 80 I think of your statement. You might 20 just want to have a quick look at that. 21 A. Yes, that bottle was not sent initially because -- 22 sorry, this is the bottle of GBL with Anthony's body? 23 Q. Yes. 24 A. It was not examined for fingerprints because the initial 25 discovery, the bottle was not packaged securely, so</p> <p style="text-align: center;">Page 106</p>	<p>1 the DNA results. We will see then, and I am sure the 2 jury are probably familiar with hearing about the 3 different levels of confidence that DNA results can 4 provide. 5 A. Yes. 6 Q. Would it be fair to say that what you have just 7 indicated, that full DNA of Stephen Port was found, is 8 the highest level of confidence? 9 A. Yes, that's correct: it is complete. 10 Q. I want to now just come to a very important question -- 11 well, an issue of importance for the jury I am sure, and 12 that is the time of Anthony's death. We know from 13 evidence that you have mentioned today and that we have 14 been hearing that Anthony was still alive at some time 15 around 10.20 on the evening of 17 June. 16 A. Yes. 17 Q. Because not long before that he had spoken to 18 Ellie Green and he had got off the train at Barking 19 train station. He had used his Oyster card and then one 20 way or another he had moved from Barking to 21 62 Cooke Street? 22 A. Yes. 23 Q. Sweeping forward, we know that he was dead at about 4.20 24 in the morning on 19 June, when he was found by the LAS 25 technician. Of course he was not certified dead until</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 some time later, but there was no question but that he 2 was dead when he was first found by the people who 3 attended the scene on that morning. 4 That gives as you bracket of about a day and a half, 5 between very late on the Tuesday evening and very early 6 on the Thursday morning, yes? 7 A. Yes. 8 Q. I asked Dr Biedrzycki whether he, as a pathologist, 9 could give us any evidence which narrowed the timing of 10 when it was that Anthony died. His answer, in summary, 11 was that he couldn't and that all of the sort of science 12 that was available to him simply was not able to give 13 any more precise timing than that Anthony died at some 14 point within that bracket. 15 Obviously, DI Richards, you are not a scientist, so 16 I don't ask that question of you, but, as the jury have 17 heard, you have available to you all sorts of other 18 forms of evidence, forensic, witness evidence, so let me 19 ask you this. On the basis of all that other evidence 20 that Operation Lilford was able to obtain, is there 21 anything there which would enable, or which would 22 provide a basis for concluding that Anthony died at any 23 particular time or period of time within that bracket? 24 A. No. Not at all. None whatsoever. 25 Q. Just to be clear, I am sure it is something that you</p> <p style="text-align: center;">Page 109</p>	<p>1 able to say in that regard. Do you recall? 2 A. I do, yes. 3 Q. I don't have the exact words, but one of the things you 4 said during that time was that he couldn't have done it 5 by car because he didn't have a car? 6 A. That's correct, yes. 7 Q. The jury though have heard some evidence and perhaps we 8 can just call up on the screen IPC45. The jury have 9 heard evidence that Stephen Port did have a car in 10 June 2014. 11 A. Yes. 12 Q. This is just one of the many document that mentions it. 13 This is the HAT return on the Friday, 27 June, and if we 14 look at item 3 down, there we can see reference to MIT 15 officers having located Port's vehicle, which is 16 a Peugeot, searched and photographed it? 17 A. Yes. 18 Q. Just in case there is any confusion about this, how does 19 that square with what you said previously about the fact 20 that Port couldn't have moved the other bodies using 21 a car because he didn't have one? 22 A. Yes, he had one at the time of Anthony's body -- excuse 23 me, Anthony's death, but obviously we know that Anthony 24 was just outside the front door. 25 On 16 July 2014, so shortly after Anthony's death,</p> <p style="text-align: center;">Page 111</p>
<p>1 have sought to obtain evidence of? 2 A. Absolutely, with any enquiry of that nature you try and 3 establish the last time a physical position could be 4 held that somebody was alive and then you could work 5 forward from there. And the last we know, as has been 6 described, when Anthony left the tube station we know 7 that physically his Oyster card was tapped out, we know 8 that his phone moved to 62 Cooke Street area a short 9 time afterwards. From that point onwards there is no 10 digital footprint so to speak, no physical footprint to 11 prove that Anthony was alive or dead until such time as 12 he was found. 13 Q. Thank you. 14 Let me just ask you two short points, before perhaps 15 we break for lunch, and they both, one way or another, 16 relate to the evidence you gave on the last occasion. 17 First of all, you will recall that you were asked 18 questions previously about how Stephen Port may have 19 moved, not Anthony's body -- we know that he put 20 Anthony's body immediately outside his flat, but the 21 bodies of the other victims, we know that they were 22 moved across to the graveyard, in the various places the 23 jury have seen. 24 You were asked how he may have achieved that and you 25 gave various answers about what you were and were not</p> <p style="text-align: center;">Page 110</p>	<p>1 that car was effectively repossessed or handed back to 2 the finance company. British Car Auctions came and 3 collected it from Cooke Street and it no longer belonged 4 to Stephen. 5 Q. By the time of Gabriel's death and then obviously 6 Daniel's and Jack's, Stephen Port didn't have a car? 7 A. That's correct, yes. 8 Q. Hence your answer about not being able to use a car to 9 move their bodies -- or his car anyway? 10 A. Yes, extensive enquiries to see if he had a car, if he 11 had hired a car, loaned a car, borrowed a car, and 12 nothing at all. We couldn't find any vehicle at all and 13 this one, as I say, was repossessed or handed back on 14 16 July. 15 Q. Then lastly, at least perhaps before lunch, a question 16 asked by the jury after that evidence that you gave on 17 the last occasion, again, perhaps relating to the 18 evidence you gave about Stephen Port moving the bodies 19 to the locations in the graveyard that the jury have 20 seen. The question from a member of the jury was 21 whether there was any conclusion on why Stephen Port put 22 three of the victims in the exact same area after their 23 death? 24 A. No, in essence. The third -- with Gabriel Kovari and 25 Whitworth, with the link with the suicide notes as we</p> <p style="text-align: center;">Page 112</p>

28 (Pages 109 to 112)

<p>1 will hear, that made sense, I would suggest from the</p> <p>2 wording in the suicide note to put them together. Other</p> <p>3 than that, no.</p> <p>4 MR O'CONNOR: Thank you.</p> <p>5 Madam, I am just about to go on to a topic which</p> <p>6 I am afraid is going to take a little time. So perhaps</p> <p>7 this might be a convenient moment to break off for</p> <p>8 lunch.</p> <p>9 THE CORONER: Yes, we will break off now, members of the</p> <p>10 jury, until 1.50. Thank you.</p> <p>11 (12.56 pm)</p> <p>12 (The Luncheon Adjournment)</p> <p>13 (1.50 pm)</p> <p>14 (In the presence of the jury)</p> <p>15 THE CORONER: Yes.</p> <p>16 MR O'CONNOR: DI Richards, let me start if I may by just</p> <p>17 picking up one loose end from your evidence this</p> <p>18 morning. Can you look at paragraph 115 of your</p> <p>19 statement.</p> <p>20 You will recall I was asking you questions about the</p> <p>21 searches, the checks that had been done on Anthony's</p> <p>22 phone, phone data, cell siting and so on?</p> <p>23 A. Yes.</p> <p>24 Q. You gave us a time at which Anthony's phone became</p> <p>25 disconnected from the network, never to reconnect with</p> <p style="text-align: center;">Page 113</p>	<p>1 A. Yes.</p> <p>2 Q. The jury may also remember that the need to obtain</p> <p>3 a statement from Mr Aldwinckle was one of the actions</p> <p>4 recommended by HAT?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. And the fact of a statement being obtained from him was</p> <p>7 referred to in one of the HAT updates as a development</p> <p>8 in the investigation. In fact, Mr Aldwinckle's</p> <p>9 statement that he gave, I think on Friday, 27 June, is</p> <p>10 in the jury bundle at tab 31. The jury will remember</p> <p>11 that I read it to them as part of the evidence a week or</p> <p>12 so ago.</p> <p>13 It is right, isn't it, that Operation Lilford saw</p> <p>14 Mr Aldwinckle again?</p> <p>15 A. Yes, we did.</p> <p>16 Q. Yes. In fact, very close to the beginning of the</p> <p>17 investigation?</p> <p>18 A. Yes.</p> <p>19 Q. He provided a further statement to Operation Lilford?</p> <p>20 A. He did, yes.</p> <p>21 Q. I am going to read that statement in a moment but just</p> <p>22 to give us the date, the statement is dated</p> <p>23 20 October 2015. It refers to interviews that had</p> <p>24 happened a day or so before that, so I think the</p> <p>25 operative start date for Operation Lilford was</p> <p style="text-align: center;">Page 115</p>
<p>1 it. What time was that?</p> <p>2 A. Excuse me, 4.58 am.</p> <p>3 Q. I think in the course of your evidence this morning,</p> <p>4 I must say I missed it. You did give us that time, but</p> <p>5 you also on another occasion said 3.58 and members of</p> <p>6 the jury have asked what happened in the hour between</p> <p>7 3.58 and 4.58. Just to be clear, there is one time when</p> <p>8 the phone disconnected from the network and that time</p> <p>9 is, once more for effect?</p> <p>10 A. Yes, I don't recall that. It must have been a mistake.</p> <p>11 Q. The correct time is 4.58?</p> <p>12 A. Yes, it is indeed, yes. 4.58.</p> <p>13 Q. Thank you.</p> <p>14 Let me move to another subject altogether, and that</p> <p>15 relates to Stephen Port's flatmate, a man who goes by or</p> <p>16 used to go by perhaps more than one name, but we have</p> <p>17 known as Glen Aldwinckle.</p> <p>18 A. That's correct.</p> <p>19 Q. The jury will remember the evidence about Mr Aldwinckle</p> <p>20 coming home from a night shift on the morning of</p> <p>21 19 June. The evidence from the police officers about</p> <p>22 how he approached the cordon, asked to be let through,</p> <p>23 and how in the end it was him who led police officers to</p> <p>24 the flat and let them in and that was how they first</p> <p>25 managed to make contact with Stephen Port?</p> <p style="text-align: center;">Page 114</p>	<p>1 15 October, off the top of my head -- well, perhaps you</p> <p>2 can tell us?</p> <p>3 A. It is the 15th or 16th.</p> <p>4 Q. In any event, there or thereabouts.</p> <p>5 A. The 15th.</p> <p>6 Q. This was a statement which you obtained really within</p> <p>7 a few days of Operation Lilford commencing?</p> <p>8 A. That's correct, yes.</p> <p>9 Q. What I am going to do, DI Richards, is read the</p> <p>10 statement, it will take me a little while, because it is</p> <p>11 a few pages long. Then I will ask you some questions</p> <p>12 about it. Just before we start, the last thing I was</p> <p>13 going to do by way of introduction is to ask you whether</p> <p>14 you agree with this, just so we get clear in our minds,</p> <p>15 as well as being Stephen Port's flatmate, is it right</p> <p>16 that Glen Aldwinckle was going out with or had used to</p> <p>17 go out with a girlfriend who was the sister of one of</p> <p>18 Stephen Port's boyfriends, X10?</p> <p>19 A. Yes.</p> <p>20 Q. As we will hear from this statement, I think he said in</p> <p>21 the statement I read to the jury that that was the</p> <p>22 connection through which he had first met Stephen Port</p> <p>23 and how he came to be staying with him in the first</p> <p>24 place?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 116</p>

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<p>1 Q. I am going to read almost all of this statement. As 2 I say, it is dated 20 October. It is supported by the 3 statement of truth that I have mentioned with other 4 statements of this type. 5 Statement of MR GLEN ALDWINCKLE (read) 6 MR O'CONNOR: It starts with a reference to the interviews 7 which have taken place and also to the fact that 8 Mr Aldwinckle was known by at least another name. I am 9 not going to read those passages but I will start 10 towards the bottom of the first page. He says this: 11 "In my statement I will be referring to Stephen Port 12 and X10. X10 is the brother of one of my 13 ex-girlfriends,[then he gives the name of ex 14 girlfriend]. I met X10's sister and X10 through their 15 mother, shopping regularly at my previous workplace 16 called Shoezone. I was with X10's sister for four 17 years, between 2011 and March 2015. I have known X10 18 for approximately four and a half years and he is like 19 a brother to me. X10 is about five foot nine inches 20 tall, mousy brown hair when I last saw him. He wears 21 glasses and is very skinny. He is very gentle and 22 wouldn't hurt anybody. He is 23 years old, he comes 23 across very open and is happy to tell people he is gay 24 and tell you all about himself. X10 is not working at 25 the moment. We are still friends and keep in contact,</p> <p style="text-align: center;">Page 117</p>	<p>1 good friend named X12, he lives in Dagenham, X12 is five 2 foot six inches, medium build, black hair. Stephen 3 works at a bus depot as a chef in a kitchen, he told me 4 earned around £1,300 a month, I think this is in East 5 Ham, I think he gets the Jubilee line from West Ham to 6 East Ham to get work. 7 "The last time I saw him was when he passed me in 8 Barking. He didn't see me. He was with another young 9 man. This was when I was at my doctor's in Barking. 10 Stephen has a telephone number [then he gives the 4105 11 number]. I previously lived with Stephen at 12 62 Cooke Street, Barking. When I moved out of that 13 address I lived with my ex girlfriend. When I split up 14 with my girlfriend, I lived with my close friend [he 15 gives her name] in Tilbury." 16 He explains how he had to move out of that address, 17 he says: 18 "I left there and went to live with my aunt. 19 I lived with Stephen for about five months between 20 10 March and around August 2014." 21 Then there is an indication that that is a rough 22 guess: 23 "I think I moved out around 24 August. I would 24 describe the flat at 62 Cooke Street as you walk in the 25 front door there is a bathroom and a cupboard off the</p> <p style="text-align: center;">Page 119</p>
<p>1 even though X10's sister and I have split up. I have 2 not seen X10 since his sister and I have split up, about 3 six months ago. I speak to X10 through Facebook and the 4 last time we communicated was on Thursday, 15 October. 5 He asked me how I was doing [then he gives X10's 6 telephone number]. 7 "I met Stephen through X10, as I was at that time 8 living with X10's sister and X10 at their house. X10's 9 sister decided she wanted some time apart so I had to 10 move out. X10 said I could stay with his boyfriend 11 Stephen, as he had a sofa available to sleep on and 12 I could stay as long as I wanted. I would describe 13 Stephen as very tall, about six foot, 10 inches, blond 14 hair combed to the side, stocky build. Stephen is quite 15 a big bloke and uses weights to work out. He is age 41, 16 as I have seen identification that said he was born in 17 1974, but he told X10 previously he was 30. I think he 18 told X10 he was younger to be with younger men. If X10 19 would have known his age, I don't think he would have 20 been with him. 21 "I know Stephen likes younger men. His ex-boyfriend 22 was only 19 and another boy he brought back was only 20 23 and X10 is only 22. Stephen is gay and I have never 24 seen him with females. He has some females as friends 25 but does not look at females as partners. He has a very</p> <p style="text-align: center;">Page 118</p>	<p>1 hallway on the right-hand side. After that there is 2 a bedroom on the right-hand side on and, lastly, 3 opposite the front door at the end of the hallway there 4 is a front room and kitchen. He has a back entrance 5 door out of the front room as the flat is located on the 6 ground floor as part of a block. It is kept quite tidy, 7 as I would often clean, polish and Hoover while Stephen 8 was at work. 9 "I would keep my stuff in the storage cupboard, but 10 I also had some stuff in his wardrobe. I would only 11 have access to his bedroom when he was there. I was 12 paying £288 per month through housing benefits paid to 13 him. Whilst I was living with Stephen, I had 14 an accident and my knee was injured and I am now 15 awaiting a knee operation. This led to me leaving my 16 job. 17 "At the start, Stephen, when I was living with him, 18 it was fine. It was only later on, approx in the middle 19 of the period living with him, that we started to fall 20 out. I never had a problem with Stephen until I found 21 out he was using drugs. I have previously seen Stephen 22 take drugs in front of me and he passed out. I am not 23 sure what the side effects were as he said he had a 24 headache and said it was painkillers and took some 25 liquid that he mixed with milk. I think Stephen came</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 home with it when he finished work. He took it out of 2 his black leather jacket he always wears and put it into 3 some milk and swallowed it and sat down. On that 4 occasion Stephen drank the liquid. Only he and I were 5 at the flat. Stephen took the drink and went into his 6 bedroom and passed out I checked him 20 minutes later in 7 his room, as I wanted to use his house phone to ring 8 X10's sister. When I called into the room I couldn't 9 get a response, so I assumed he was asleep. I would 10 describe the bottle as blue in colour and small. The 11 size of a Vicks VapoRub bottle, maybe a little smaller 12 and it had a black lid. You could see the liquid inside 13 the bottle and I had never seen a bottle like that 14 before, I think he kept it in his bedroom in the drawer 15 next to his bed. As I had asked to use his nail 16 clippers one day and he said these were in the top 17 drawer next to his bed. When I looked in the drawer 18 I discovered approximately seven other bottles the same 19 size and shape as the one containing this liquid. 20 I think these were empty. 21 "He also keeps it in his fridge, I have also seen 22 him keep it in an eyedrops bottle. He would hide it 23 anywhere he could. I believe this to be illegal drugs, 24 but I don't know why else he would decide to hide it. 25 He has never told me what it was. Stephen said you</p> <p style="text-align: center;">Page 121</p>	<p>1 when I was staying with Stephen. I had seen Stephen 2 take the liquid on a few occasions but he has never told 3 me what this was. He normally has the bottle about half 4 full, as he told me any more of it could give somebody 5 an overdose. He usually takes half a bottle and pays 6 about £40 each time. I think he gets it from one of his 7 friends in East Ham, Dagenham area. Stephen never told 8 me who he was going to meet, but he would come back and 9 keep it in the fridge. I think the person who gets it 10 from is in his telephone under the sign [then there's 11 a question mark] or just a blank contact entry. I have 12 seen him flicking through his phone, when I saw the 13 question mark and blank entry I said to him you need to 14 change that, but he said, 'Don't worry, I know who that 15 name is'. I just thought this was strange, as why else 16 would you have that by someone's name. All other people 17 in the contact list had a name by them. I think Stephen 18 would ring or text that number and collect his stuff up 19 after work and bring it home. 20 "Another day he came home from work, he got changed 21 and went out again, as he said he was going to pick 22 something up. He was gone a few hours, and returned. 23 X10 would be coming over, so I would give them some 24 space for the evening and stay at either X10's sister or 25 my brother's. I tried to look round the flat whilst</p> <p style="text-align: center;">Page 123</p>
<p>1 could take it with water or an alcohol drink. He once 2 asked me if I wanted some, but I said I don't touch 3 drugs. I then watched Stephen open the cap and swallow 4 the contents of the liquid inside the cap, one gulp and 5 it was gone. It took about an hour to take effect, when 6 I noticed him becoming groggy and sleepy. His speech 7 was also slurred and he acted different to usual. He 8 started falling asleep on the sofa. I recommended he 9 should go for a lie down when he said didn't feel very 10 well and felt sick. He then went into his bedroom and 11 about 10 to 20 minutes after I knocked on his door as 12 I wanted my jacket as I was popping to the shop, I got 13 no answer so I collected my jacket out of the cupboard 14 and he was just lying on his bed. I didn't bother him 15 again that night. The next morning I woke up as I was 16 babysitting for my brother that day and by that time 17 Stephen had already left for work. He returned for work 18 later that day and went back to bed. I think he woke up 19 at about 8.30 pm. I went to babysit for my brother and 20 was staying at his that night to give him and X10 some 21 space. By the time I left Stephen seemed normal to me 22 again. I believed this was on a Wednesday, as X10 was 23 coming on the Thursday night. 24 "This was the same week he asked me to give the 25 drugs to X10. It was around the middle of the period</p> <p style="text-align: center;">Page 122</p>	<p>1 I was there so I could say to X10 what Stephen was like, 2 but I couldn't find anything else. 3 "Stephen also takes Viagra to help him with 4 partners, I have seen he takes little white tablets 5 slightly smaller than a paracetamol, which he kept in 6 a little blue safe in his bedroom. They are in a long 7 tablet sleeve, similar to women's contraceptive pills, 8 and there were six tablets in the sleeve. These were 9 not prescribed drugs, as kept things like paracetamol 10 and Nurofen in the kitchen next to the fridge. I had 11 seen Stephen take one of the white tablets after he had 12 taken the Viagra before he slept with X10. I knew that 13 X10 was on his way to the flat. I asked Stephen why he 14 needed these and he said this was the medication he 15 needed to take and confirmed it was Viagra. He didn't 16 tell me what the white tablet was for but I asked him 17 why he kept it in the bedroom. He said so that it 18 doesn't get mixed up with the medication in the kitchen. 19 "This occurred before I had seen him offer X10 the 20 liquid. 21 "On another occasion, when X10 was coming to visit 22 Stephen, X10 confided in me without Stephen knowing. 23 X10 had already been asked by Stephen to take some of 24 the liquid and X10 didn't want to. He said Stephen had 25 already asked him to try something new, to take some of</p> <p style="text-align: center;">Page 124</p>

<p>1 this liquid with the drink and that he would not taste 2 it. I told X10 to say no and that he was 22 years old 3 and that he could say no. X10 said he didn't want to 4 disappoint Stephen, so I said I was going to talk to 5 Stephen but X10 didn't want this as Stephen would then 6 know that he had told me. X10 wanted to keep the 7 conversation secret from Stephen. X10 had said to me he 8 had tried it but didn't like it. X10 said he had looked 9 for the liquid in the bedroom but couldn't find it. 10 I said to him you are not doing it, otherwise I am going 11 to tell his father, as his dad would go mad. X10 12 decided he wouldn't do it.</p> <p>13 "I went out that night to my brother's and gave him 14 some space. I returned around 10.30 pm later that night 15 and they were arguing. I realised the argument was 16 about X10 refusing to take the liquid. Stephen was 17 laughing at X10, and he said to him, 'You don't have to 18 do it' but said they could have some fun. I remember 19 him saying it wouldn't hurt him. When Stephen went to 20 bed I asked X10 if he was okay and he said Stephen was 21 trying to get him to take the liquid and because he had 22 said no, the argument had started. In the morning I got 23 up and went out to the doctors and when I returned they 24 were still arguing about the same thing. X10 told him 25 he wasn't taking it and said if you give me that he will</p> <p style="text-align: center;">Page 125</p>	<p>1 and poured it down the sink and turned the tap on. The 2 liquid in the bottle was clear, like water, and didn't 3 smell of anything. Stephen became angry at that and 4 said I had just wasted £40. He didn't tell me what the 5 bottle contained. The bottle was about half full, as it 6 would make X10 drowsy so he wouldn't know what he was 7 doing. I said to him he was sick. Stephen said that if 8 I didn't, I could leave the flat, so I said I would 9 gladly do so. This was the reason I moved out and 10 I left a week later.</p> <p>11 "Before I left Stephen asked me to stay but he 12 I refused, by this time X10 had broken up with Stephen, 13 as I had told X10 what Stephen had wanted me to do. 14 I left the address to stay with X10's sister and X10 at 15 their house and told X10 everything. A few days after 16 I returned to Stephen's flat with X10 and his brother, 17 and X10's sister to collect the remaining belongings and 18 they helped me move out. In my opinion, Stephen was 19 trying to intimidate X10 into taking the liquid as X10 20 didn't want to take it.</p> <p>21 "Whilst I was living there, Stephen and X10 were 22 together as partners. I don't know of any other 23 partners of Stephen, although there was an occasion when 24 someone would come over to the flat. I am not sure of 25 the young man's name, he was in stockings and suspenders</p> <p style="text-align: center;">Page 127</p>
<p>1 tell his father. Stephen walked out and I didn't see 2 him till the evening.</p> <p>3 "X10 would sometimes stay at the flat up to a week 4 on two. While Stephen and X10 wanted to be with each 5 other I would either leave the flat so stay elsewhere or 6 be in the front room with my headphones on.</p> <p>7 "On another occasion, about two weeks after they had 8 been arguing, I was there and I was sat in the living 9 room watching TV with my headphones on. I think it was 10 on a Friday night, because X10 would often come up on 11 a Friday. I heard Stephen ask X10 what he thought about 12 doing drugs. X10 said he hadn't done drugs, because he 13 wasn't that type of person. I said to X10, 'Don't you 14 be doing drugs' and threatened if I found out you had 15 I would tell his father. He agreed and said he wouldn't 16 be doing it. A few days later Stephen came up to me and 17 asked if I could make myself conversation for him and 18 X10 to have some time together. I agreed and said 19 I would stay with X10's sister.</p> <p>20 "Before I left Stephen asked me to give X10 a little 21 drink out of a little bottle. I asked what it was and 22 Stephen said it was something that would make X10 happy. 23 I said I thought it was drugs and he had a smile on his 24 face. I said I wasn't going to do that and I wouldn't 25 drug my girlfriend's brother. I opened up the bottle</p> <p style="text-align: center;">Page 126</p>	<p>1 under his jacket. He was about five foot, nine inches 2 to five foot, ten inches tall. A white guy with tanned 3 skin, long black wavy hair swept to the side. 4 Approximately 19 to 20 years old, with a thin build.</p> <p>5 "I only saw he was wearing a long black jacket and 6 X10 later told me he was wearing the stockings and 7 suspenders underneath. Stephen and X10 were at the flat 8 and they all went into the bedroom. As far as I am 9 aware they all slept together. Prior to the boy 10 arriving Stephen told me there was somebody on their way 11 and if I could let them in. The guy must have known 12 where to go, as I let the guy into the flat when he 13 pressed the buzzer to be let into the block. I opened 14 the door to the flat and he just walked straight in and 15 went straight to the bedroom.</p> <p>16 "We didn't really say anything to each other but 17 I thought he was English.</p> <p>18 "I have previously given a statement to police about 19 a death outside the flat at 62 Cooke Street, during the 20 period I was living there. On the night of the incident 21 I left the flat around 7.30 pm the night before, as 22 I was working for Tesco's at the distribution centre in 23 Dolphin Way, Purfleet loading the trucks. I would get 24 the 287 bus to Rainham and then 372 to Lakeside. 25 I usually get another bus or I would walk the rest of</p> <p style="text-align: center;">Page 128</p>

<p>1 the way on foot.</p> <p>2 "I finished work around 6.00 am and returned home.</p> <p>3 When I got to the flat, the police had cordoned off the</p> <p>4 area and there was a white tent outside the block.</p> <p>5 I tried to go through and an officer stopped me. I said</p> <p>6 I wanted to go home and that I live at number 62. I was</p> <p>7 told I couldn't go through and that a young man had</p> <p>8 passed away, but he wouldn't give me a name. I was told</p> <p>9 he had short hair and piercings and about five nine</p> <p>10 inches tall. I honestly thought it was X10, as X10 was</p> <p>11 supposed to be there that night. I provided the name of</p> <p>12 X10 to the officer but he confirmed the person had ID on</p> <p>13 him, so this confirmed that it wasn't him.</p> <p>14 "Officers asked whether I knew the person living at</p> <p>15 62 and I said his name was Stephen. I was told the</p> <p>16 person who placed the call for an ambulance around</p> <p>17 4.00 am and they were trying to get hold of him.</p> <p>18 I continued to let officers into the flat and Stephen</p> <p>19 was in bed asleep. They interviewed Stephen as</p> <p>20 I showered and made coffee, as I had just finished work.</p> <p>21 They asked Stephen why he had placed him up there and</p> <p>22 left him. Why had he not waited for the ambulance.</p> <p>23 Stephen told the officers he tried to arouse him by</p> <p>24 slapping his face. Stephen told them that he had only</p> <p>25 just come home from work. Stephen does not come home</p> <p style="text-align: center;">Page 129</p>	<p>1 offering the drugs to X10, I saw a completely different</p> <p>2 side to Stephen.</p> <p>3 "Stephen had another friend, named X12, who would</p> <p>4 come round every Wednesday and help Stephen with his</p> <p>5 laptop and watch films with him. He would come round</p> <p>6 about 8.30 and still until midnight, they would</p> <p>7 sometimes watch male porn movies together. Sometimes</p> <p>8 when Stephen would be paid they would go to the bedroom.</p> <p>9 During a period when Stephen and X10 were not together</p> <p>10 Stephen got back with his ex-boyfriend X1. I don't know</p> <p>11 X1's surname. X10 confirmed that Stephen had cheated on</p> <p>12 him with X1, which was another reason they broke up.</p> <p>13 "Stephen would use the internet and on one occasion</p> <p>14 he tried to sell X10 on a male escort site. It all</p> <p>15 started when explicit pictures were put on a website so</p> <p>16 other men could look at. Other men would get in touch</p> <p>17 with Stephen when it would be arranged for them to meet</p> <p>18 X10 for £180 to £200. Stephen got a phone call one day</p> <p>19 and he said I've got to go and meet a client. Stephen</p> <p>20 said someone for X10. When I asked X10 what he was on</p> <p>21 about, he said Stephen wanted to sell him. I said he</p> <p>22 wasn't doing that. X10 told me to go and that he would</p> <p>23 be all right. I refused to go and said I would call his</p> <p>24 father. Stephen then came back with the guy and I told</p> <p>25 the guy he could fuck off. Stephen said he went to the</p> <p style="text-align: center;">Page 131</p>
<p>1 from work at that time of the night, as the only shifts</p> <p>2 he worked were 6.00 am to 2.00 pm or 2.00 pm to</p> <p>3 10.00 pm, as the cafe is not open outside these times.</p> <p>4 Stephen said he found him outside like that.</p> <p>5 "A couple of weeks later the officers came round and</p> <p>6 seized his phone and laptop. He got arrested, but</p> <p>7 I later found out he got NFAd for it, as that is what</p> <p>8 Stephen told X10 and I found out through him. I thought</p> <p>9 Stephen knew something about that and he wasn't telling</p> <p>10 the truth. I didn't talk to Stephen about the incident,</p> <p>11 as I had given the police a statement. He asked me</p> <p>12 about my statement and I told him I couldn't as it was</p> <p>13 confidential and I could get into trouble. He didn't</p> <p>14 say anything to me about the incident, I could speculate</p> <p>15 he was probably out clubbing him and Stephen probably</p> <p>16 gave him something and he probably had an allergic</p> <p>17 reaction to it. Stephen was the only one at the flat</p> <p>18 when I left and he said to me he was having a quiet</p> <p>19 night in. This incident was before all the issues X10</p> <p>20 was having with Stephen.</p> <p>21 "Following this, I became weary of Stephen. At the</p> <p>22 beginning, when I got told Stephen was NFAd I thought</p> <p>23 there cannot have been anything wrong, so I didn't put</p> <p>24 two and two together at the time. The rest of the time</p> <p>25 with X10 they appeared fine together. When I saw him</p> <p style="text-align: center;">Page 130</p>	<p>1 train station to meet him and was gone about 10 minutes.</p> <p>2 I tried to talk X10 out of it. I didn't really see the</p> <p>3 guy, as he was standing outside the flat. I would</p> <p>4 describe him as fat, short, grey hair, aged in 40s.</p> <p>5 "Stephen said to me that this was his flat and he</p> <p>6 could have anyone he wanted there. I said you could</p> <p>7 have who you want but you are not selling X10. So</p> <p>8 I shut the door in the guy's face. I threatened to tell</p> <p>9 X10's father. Stephen then went outside and said to guy</p> <p>10 he had better leave. I then went out that night and</p> <p>11 when I came back, both X10 and Stephen were in bed.</p> <p>12 This occurred about four to five weeks before I moved</p> <p>13 out of the flat. I felt this was against X10's will, as</p> <p>14 he didn't really want to it and would never do that sort</p> <p>15 of thing. Stephen was always the superior one in the</p> <p>16 relationship with X10. X10 confided in me that Stephen</p> <p>17 tried to bribe him with £20 to drink the liquid, but X10</p> <p>18 said he wouldn't do it as the rest of his family are</p> <p>19 against taking drugs.</p> <p>20 "When I last saw Stephen he had a black Samsung</p> <p>21 mobile phone, a little bigger than an Apple iPhone 6.</p> <p>22 This was a new phone, as his other phone was seized when</p> <p>23 he got arrested. He cancelled the SIM on the seized</p> <p>24 phone and got a replacement SIM for his new one.</p> <p>25 I think he bought it at the Bright House store. Stephen</p> <p style="text-align: center;">Page 132</p>

<p>1 had a red Toyota sporty coloured car previously, low and 2 quite posh. He then swapped it for a Peugeot as it was 3 costing too much.</p> <p>4 "Stephen also owned a black laptop with some of the 5 keys missing. This was the one confiscated by the 6 police. He then bought a new laptop, another black one, 7 this he bought from Bright House store at the same time 8 as buying the phone. He would use the laptop every 9 night. He would sit in the lounge and email friends and 10 using the internet, I think he had a Yahoo account. He 11 would let me use it to Skype and MSN. I had my own 12 login on his laptop, he had a separate login when you 13 turned the laptop on, so I couldn't enter his files. 14 X10 tried once to get into Stephen's account, but he 15 wasn't able.</p> <p>16 "I knew Stephen had a blue dildo and another 17 arse-shaped toy, white and yellow in colour, which you 18 put your penis in. It was quite fat and round in shape. 19 He once left them on the bed after a session between X10 20 and Stephen. Stephen asked if I wanted to join him and 21 X10 one day, but I refused and said I was straight and 22 that I was in a relationship at the time.</p> <p>23 "I can confirm I had never heard of the names 24 Daniel Whitworth, Tony Walgate, Jack Taylor or 25 Gabriel Kovari. I didn't say in touch with Stephen</p> <p style="text-align: center;">Page 133</p>	<p>1 from this statement the first statement he gave was on 2 27 June. Is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And then, just to recall what Mr Aldwinckle said in his 5 second statement, he describes living with Stephen Port 6 for five months between 10 March and around August 2014, 7 so in other words the period that he describes in the 8 statement I have just read straddles the period or 9 rather it includes a period before he gave this 10 statement and also a period after it?</p> <p>11 A. Yes.</p> <p>12 Q. One other point to note from the second statement is 13 that when Mr Aldwinckle, in his second statement that he 14 gave to Lilford, described the day when Anthony's body 15 was found, going through the cordon, making the officers 16 cups of coffee and so on, he said, didn't he, "This 17 incident [that is Anthony's death] was before all the 18 issues X10 was having with Stephen"?</p> <p>19 A. Yes.</p> <p>20 Q. At least on the basis of what Mr Aldwinckle said in his 21 second statement, would it follow that what 22 Mr Aldwinckle said in his second statement about Stephen 23 trying to make X10 take drugs, all those issues would 24 appear, at least on Mr Aldwinckle's account, to postdate 25 Anthony's death?</p> <p style="text-align: center;">Page 135</p>
<p>1 after I moved out, apart from when I had any mail to 2 collect from the flat. There are some clothes and 3 personal items in the flat that I still want to collect, 4 but I haven't ever managed to arrange this."</p> <p>5 Questions from MR O'CONNOR (continued)</p> <p>6 MR O'CONNOR: Inspector, amongst other things, a much longer 7 statement than Mr Aldwinckle had given the borough 8 investigators?</p> <p>9 A. That's correct.</p> <p>10 Q. I don't know if you have a jury bundle there, but just 11 to be clear, it should be bundle B, a large file, 12 possibly the one on top of that box, I am not sure.</p> <p>13 If we all look, just at tab 31. Just to remind 14 ourselves, I am not going to go back through this 15 statement as the jury have already had it read them, but 16 only two pages there. If we look at the second page, 17 towards the bottom, I think you will agree there are 18 many discrepancies between the account that I have just 19 read and the account that Mr Aldwinckle gave to the 20 police in June 2014, but one obvious one, if you look at 21 the bottom of the second page:</p> <p>22 "I have never seen Stephen take drugs and have never 23 seen any drugs in his flat."</p> <p>24 A. Yes.</p> <p>25 Q. Just to get some dates clear in our mind, as we can see</p> <p style="text-align: center;">Page 134</p>	<p>1 A. Yes.</p> <p>2 The evidence in his second statement does say that, 3 yes.</p> <p>4 Q. I can see you are hesitating. I just wanted to take you 5 to those points but, having said all of that, there is 6 a very, very marked difference, isn't there, between 7 those two accounts.</p> <p>8 A. Yes, Mr Aldwinckle gave a couple of other statements as 9 well, trying to outline the chronology of when he stayed 10 and what happened when. Mr Aldwinckle was not used as 11 a witness during the criminal trial.</p> <p>12 Q. I am going to leave that there.</p> <p>13 There are two other matters I want to ask you about, 14 one slightly shorter and one slightly longer.</p> <p>15 The first relates to financial enquiries.</p> <p>16 A. Yes.</p> <p>17 Q. The jury are familiar, very familiar, with the evidence 18 relating to the payment that Anthony had arranged with 19 Stephen Port. We get it, do we not, from the evidence 20 of China Dunning, Kiera Brennan, who had all been told 21 that this was a job that Anthony was going to be paid 22 £800 for?</p> <p>23 A. That's correct, yes.</p> <p>24 Q. The jury will also remember that when Stephen Port was 25 asked about this in his interviews he gave a number of</p> <p style="text-align: center;">Page 136</p>

<p>1 different answers, but what it all boiled down to was he</p> <p>2 said that at some point or another it had just been</p> <p>3 agreed between him and Anthony that there wouldn't be</p> <p>4 any payment?</p> <p>5 A. That's correct.</p> <p>6 Q. Did Operation Lilford conduct some financial enquiries,</p> <p>7 in fact into the financial affairs of both Stephen Port</p> <p>8 and Anthony Walgate?</p> <p>9 A. Yes, we did, yes.</p> <p>10 Q. What was the purpose of those enquiries?</p> <p>11 A. The purpose was twofold really.</p> <p>12 (1) to establish whether Stephen Port was in</p> <p>13 a position to pay £800 for a night of sex with</p> <p>14 an escort.</p> <p>15 Then, secondly, to establish whether Mr Walgate was</p> <p>16 likely to be in a position to decline the £800, having</p> <p>17 already agreed for that fee.</p> <p>18 Q. Without going into the detail, was it necessary for</p> <p>19 Operation Lilford to obtain court orders to access the</p> <p>20 bank statements of both the two individuals?</p> <p>21 A. Yes, we have to do that, yes.</p> <p>22 Q. Are you aware whether the borough police investigation</p> <p>23 had conducted similar searches or not?</p> <p>24 A. I don't believe they had.</p> <p>25 Q. Right. In fact, Inspector, you set out the results of</p> <p style="text-align: center;">Page 137</p>	<p>1 A. Yes.</p> <p>2 Q. Also a current account, that was a little over £1,000</p> <p>3 overdrawn?</p> <p>4 A. Yes.</p> <p>5 Q. Can I ask you a question, I perhaps should have asked</p> <p>6 you earlier, these of course were enquiries that you</p> <p>7 made in 2015, after the start of Operation Lilford?</p> <p>8 A. Yes.</p> <p>9 Q. Do they relate back to an earlier period?</p> <p>10 A. Yes, in the final column on the right, these were the</p> <p>11 balances from all of his financially held accounts at</p> <p>12 almost midnight on 19 June, so the night in question.</p> <p>13 Q. As we see, we can see that, as you say, on the</p> <p>14 right-hand column, it's a snapshot of Stephen Port's</p> <p>15 financial situation as at midnight on 19 June?</p> <p>16 A. Yes.</p> <p>17 Q. The net position being, leaving aside the mortgage, that</p> <p>18 in terms of cash in hand or not, the answer is that</p> <p>19 Stephen Port had a sort of overdraft of nearly £1,500,</p> <p>20 as it were, bringing together those different accounts?</p> <p>21 A. Yes.</p> <p>22 Q. Then, as you say, if we do the similar exercise with</p> <p>23 Anthony Walgate, we see there, three lines, three</p> <p>24 different accounts, none of which had very much money in</p> <p>25 them?</p> <p style="text-align: center;">Page 139</p>
<p>1 these enquiries that you made in quite a helpful way in</p> <p>2 tables in your statement. Perhaps we can have it up on</p> <p>3 screen. It is MPS573, internal page 28, please. If we</p> <p>4 can just have the tables shown, please.</p> <p>5 Do these tables set out the results of these</p> <p>6 enquiries that Operation Lilford made?</p> <p>7 A. They do, and there is one line that is over the page,</p> <p>8 which is quite important.</p> <p>9 Q. Right.</p> <p>10 Which relates to Anthony Walgate?</p> <p>11 A. It does, yes.</p> <p>12 Q. Let's look at Stephen Port's affairs first.</p> <p>13 The enquiries that you conducted then, did they</p> <p>14 suggest that his mortgage was overdrawn to something</p> <p>15 over £22,000, or at least he still owed £22,000?</p> <p>16 A. Yes, that is better -- he had nearly a £23,000 mortgage.</p> <p>17 Q. That perhaps we can leave to one side, because that is</p> <p>18 not sort of, as it were, everyday expenditure?</p> <p>19 A. Yes.</p> <p>20 Q. But then if we do look at other lines on this table</p> <p>21 which do relate to day-to-day financial matters, he</p> <p>22 appears to have had a cash ISA which was in credit to</p> <p>23 the tune of £6.41.</p> <p>24 A. That's correct.</p> <p>25 Q. But then a credit card on which he owed £496 or so?</p> <p style="text-align: center;">Page 138</p>	<p>1 A. No, that's correct.</p> <p>2 Q. Then if we go to the next page, please, that a -- there</p> <p>3 is a fourth account, if we go to the next page, £24,</p> <p>4 giving him a total of £37.21?</p> <p>5 A. Yes.</p> <p>6 Q. Going back to those two questions that the operation was</p> <p>7 asking itself, first of all let's take them in turn,</p> <p>8 whether Stephen Port could afford to pay £800, the</p> <p>9 answer seemed to be?</p> <p>10 A. Highly unlikely, no.</p> <p>11 Q. Then the second question, as to whether Anthony's</p> <p>12 financial situation suggested he would be in a mood to</p> <p>13 turn down or to decline payment. Again?</p> <p>14 A. Again highly unlikely that he would turn it down.</p> <p>15 Q. Yes, thank you very much.</p> <p>16 There is just one more matter, in paragraph 143 of</p> <p>17 your statement, it is not mentioned in the table, but</p> <p>18 Anthony Walgate had quite a hefty monthly rent to pay,</p> <p>19 is that right?</p> <p>20 A. Yes, he had rent of £625 per month to pay, which was</p> <p>21 funded by his student loans and some of his family would</p> <p>22 put cash into his account.</p> <p>23 Q. That monthly outgoing was another reason why he would be</p> <p>24 unlikely to refuse --</p> <p>25 A. Yes, that was a monthly rent.</p> <p style="text-align: center;">Page 140</p>

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<p>1 Q. That is that issue, we can take that down now.</p> <p>2 That just leaves the last issue I want to raise with</p> <p>3 you, which relates to the evidence that you obtained</p> <p>4 from a man who we have known as X3.</p> <p>5 Just to set the context for this, perhaps we can go</p> <p>6 in the jury bundle to tab 38. We can have it on screen,</p> <p>7 it is IPC82. This is a document the jury are familiar</p> <p>8 with, it is the BTP intelligence report, is it not?</p> <p>9 A. Yes, it is.</p> <p>10 Q. We have heard a lot of evidence about PND checks and the</p> <p>11 fact that the PND checks were not done on the borough?</p> <p>12 A. That's correct.</p> <p>13 Q. Do you recall how this document or at least the</p> <p>14 information that is contained in this document came to</p> <p>15 the attention of Operation Lilford?</p> <p>16 A. Yes, when we took primacy for the job, we effectively</p> <p>17 have to start from zero again, so we don't know what has</p> <p>18 gone before, so we instructed a full intelligence</p> <p>19 package on Stephen Port be commenced and this is one of</p> <p>20 the items that was discovered.</p> <p>21 Q. As I say, we don't need to go through this document in</p> <p>22 any detail but perhaps we can just note towards the</p> <p>23 bottom of the first page, it relates, does it not, to</p> <p>24 an incident on 4 June 2014?</p> <p>25 A. Yes, it does.</p> <p style="text-align: center;">Page 141</p>	<p>1 by the name of Stephen Port, and I will describe</p> <p>2 an incident that occurred whilst at his flat, situated</p> <p>3 somewhere in the Barking area. I am a 24 year old,</p> <p>4 currently living at home with my parent. My parents are</p> <p>5 unaware of my contact with the police and the making of</p> <p>6 this statement and I do not wish them to be informed.</p> <p>7 "I do not drink alcohol. Neither do I use drugs,</p> <p>8 any drugs. During this statement I will refer to two</p> <p>9 people, the first being Stephen Port, a white male in</p> <p>10 his 30s or 40s and also Stephen's friend, who is a white</p> <p>11 male aged in his 20s. The incident I refer to took</p> <p>12 place inside Stephen's flat, a ground floor flat</p> <p>13 situated in a three-floor apartment block in Barking.</p> <p>14 I don't know the flat number, nor do I know the name of</p> <p>15 the road the flat is situated on.</p> <p>16 "In 2014 I went onto a gay website called Fitlads.</p> <p>17 I am attracted to both genders and I was curious about</p> <p>18 the gay scene and wanted to meet gay people. I found</p> <p>19 however that most people on the website just wanted to</p> <p>20 meet up for sex, as most of the messages I received were</p> <p>21 from people just wanting sex. But that wasn't something</p> <p>22 I was looking for. When Stephen Port messaged me, he</p> <p>23 seemed like a nice guy. We chatted for a few days</p> <p>24 online, maybe a week, and I got the feeling he wasn't</p> <p>25 simply looking for sex, so that is why I agreed to meet</p> <p style="text-align: center;">Page 143</p>
<p>1 Q. So about a fortnight, a little bit more than that, from</p> <p>2 when Anthony or at least around at that time that</p> <p>3 Anthony went to Barking and then he died?</p> <p>4 A. Yes.</p> <p>5 Q. Just scrolling over to the next page, please, there are</p> <p>6 familiar entries relating to the incident at Barking</p> <p>7 train station, the police being called and an individual</p> <p>8 who is described there as male 2, and then ciphered as</p> <p>9 X3, and we see the paragraph starting:</p> <p>10 "On arrival X3 was extremely ill being sick, very</p> <p>11 disorientated ..."</p> <p>12 A. Yes.</p> <p>13 Q. Having seen this report then, what steps did</p> <p>14 Operation Lilford take?</p> <p>15 A. We created an enquiry that X3 would be visited by</p> <p>16 officers from Operation Lilford to obtain a fuller</p> <p>17 account, and evidential account of what occurred on that</p> <p>18 day.</p> <p>19 Statement of X3 (read)</p> <p>20 MR O'CONNOR: I am going to read a statement that he in fact</p> <p>21 provided in April 2016. It is supported by the same</p> <p>22 statement as truth as we have referred to in other cases</p> <p>23 and I am going to read it all, so that the jury hear</p> <p>24 what it was that X3 had to say. It says:</p> <p>25 "This statement will detail my contact with a male</p> <p style="text-align: center;">Page 142</p>	<p>1 him. I introduced myself to him as [then there is</p> <p>2 a name which we haven't revealed] and we exchanged phone</p> <p>3 numbers and texted each other. He sent me his address</p> <p>4 and told me it was close to Barking station. Whilst</p> <p>5 I was home from university after completing my exams,</p> <p>6 Stephen and I decided to meet up. I cannot remember the</p> <p>7 exact date when we met, but I think it was some time in</p> <p>8 May or early June 2014.</p> <p>9 "I went to Barking train station and I called him</p> <p>10 because I couldn't find his address. He came round and</p> <p>11 picked me up in his car, it was a two-door car but</p> <p>12 I can't remember the make, model or the colour. He</p> <p>13 parked the car in the car park to his apartment block</p> <p>14 and we went into his flat. Although I had been feeling</p> <p>15 nervous initially, I felt reassured because Stephen</p> <p>16 didn't lock the doors or anything and it was still</p> <p>17 daylight, I think it was about 1 or 2 pm. We sat and</p> <p>18 chatted for a while and watched TV, Stephen was fairly</p> <p>19 quiet. He said he was 28, but he looked about 30.</p> <p>20 Stephen offered me some food and something to drink, but</p> <p>21 I declined. Nothing out of the ordinary happened on</p> <p>22 that occasion. About two or three weeks later I visited</p> <p>23 Stephen again, nothing out of the ordinary happened on</p> <p>24 that occasion. On the third occasion we met, I met</p> <p>25 Stephen's boyfriend or friend at the flat. He seemed</p> <p style="text-align: center;">Page 144</p>

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<p>1 like a nice guy. We all watched TV together. I got the 2 sense that Stephen and the other man were in 3 a relationship together, although not something 4 I thought was very serious. At that point in time, 5 I felt that Stephen was safe and trustworthy but 6 I didn't find him attractive.</p> <p>7 "On the fourth occasion I went to Stephen's flat, 8 I think Stephen was drinking vodka to make him more 9 relaxed and less nervous. He offered me some Coca Cola. 10 Stephen insisted that I should drink alcohol, I told him 11 it wasn't for me and I wouldn't even try it. He went 12 and got me a Coke and told me there was no alcohol in 13 it, but when I sipped it I knew there was something else 14 in it, as it didn't taste like normal Coke, it felt 15 harsh, burning my throat. I went to the toilet and when 16 I came out Stephen appeared nervous and stuttering. 17 I cannot remember if I asked him again if he had mixed 18 something in with my Coke. Stephen and I then started 19 watching TV. He put on a porn movie showing young men 20 having sex. We started touching and kissing and we 21 masturbated ourselves, Stephen asked me to stay me the 22 night, but I went home.</p> <p>23 "At the time I was okay about what happened, but 24 looking back on it now I wonder if he actually put 25 something into my drink. At the time I didn't feel any</p> <p style="text-align: center;">Page 145</p>	<p>1 seconds and that they were not dangerous. Stephen said 2 the poppers were really strong. He gave me a small 3 black bottle with a lid or something, I held the bottle 4 and inhaled it when I felt a rush. I was really 5 relaxed. Stephen continued to massage me and I fell 6 asleep. I am not sure how long I was out for, maybe 7 five or six hours, it was at least for a few hours. 8 When I woke up I was lying on my side on top of his bed, 9 I felt fine but a bit disorientated. I wondered what 10 time it was, as I was still feeling tired. Stephen 11 opened the door and brought me a cup of something in 12 a white plastic disposable cup. He came towards me and 13 said it was water or something to wake me up. I was 14 thirsty. The cup was half full and the contents looked 15 clear. I can't remember if it was water, as it didn't 16 taste of anything. After I had the glasses of clear 17 tasteless fluid I was knocked out.</p> <p>18 "The next thing I remember I awoke and was laying on 19 the floor. I found myself naked and I recall that my 20 penis was erect. I don't know why I was aroused and 21 I began screaming and shouting, I felt I was out of my 22 mind, I felt like I didn't know who I was, who he was, 23 where I was or what time it was. I wasn't in any pain 24 but I was very disorientated. Stephen came into the 25 room, he was holding me up. I was asking him how I got</p> <p style="text-align: center;">Page 147</p>
<p>1 different in myself. Although he was pressuring me to 2 drink alcohol that day he didn't get angry or force me 3 in any way.</p> <p>4 "The fifth occasion that I met with Stephen Port was 5 some time during late May or early June 2014, although 6 I can't remember the exact date."</p> <p>7 Breaking off there for a moment, DI Richards, does 8 it become clear from the rest of what I am about to read 9 that this is in fact the occasion on 4 June that led to 10 the BTP incident?</p> <p>11 A. Yes, absolutely.</p> <p>12 Q. This is the fifth occasion. X3 says:</p> <p>13 "I went to Stephen's flat. Stephen's boyfriend's 14 brother-in-law was there. Although I cannot remember 15 his name. He said his wife had kicked him out and that 16 he was staying in Stephen's flat, he was straight. 17 After some time in the living room, Stephen and I went 18 into the bedroom. I was very tired. I was initially 19 sitting on the bed but then lay down on the bed. I had 20 taken off my shirt and whatever else I was wearing on my 21 bottom half, but kept my underwear on. Stephen, who was 22 fully clothed, was giving me a massage. I had not eaten 23 or drunk anything up until that point. Stephen then 24 gave me poppers. Although I had not used poppers 25 before, I was aware that their effect lasted for a few</p> <p style="text-align: center;">Page 146</p>	<p>1 there. I kept repeating that I had to go home, that my 2 parents were going to kill me. I was asking him if it 3 was the next day or morning. Stephen helped dress me 4 and put my shoes and coat on as I could barely dress 5 myself. Stephen continued to hold me up, because I was 6 physically unable to walk. He gave me my bag to put 7 over my shoulder. We left the flat. I couldn't walk 8 and Stephen helped to hold me up. I felt weak and 9 disorientated. It was dark outside. We left the 10 building and walked to the station. I felt as though 11 I was going to collapse. People were looking at me. 12 I saw a pub in the main street and I remember shouting, 13 but I don't know what I was shouting. We crossed the 14 road and Stephen sat me down on the public seating area 15 opposite Barking station. I slowly realised where 16 I was. Stephen took me across to the station, I was 17 still shouting and people were still looking at me. 18 I was all over the place.</p> <p>19 "Stephen was going through my bag. I presumed he 20 was looking for my address. Station staff came and 21 I think fainted, I collapsed. The police were called 22 and I was sat on a chair. When the police arrived they 23 spoke to him separately. The officers asked me about 24 medication, drink and drugs. I was starting to regain 25 my awareness. I was worried about giving the police my</p> <p style="text-align: center;">Page 148</p>

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<p>1 name and address, because I didn't want them to contact 2 my family. I puked up and felt a little better 3 afterwards. 4 "When the ambulance arrived they took my blood 5 pressure and pricked my finger to do a simple blood 6 test. They wanted me to go to hospital, but I refused 7 as I was worried as I had missed so many calls from my 8 mum. I told them I was fine, I don't think I told them 9 how I met Stephen, so he must have told the police that 10 we had met online. The officers were telling me to be 11 careful about people I met online. I told the officers 12 I knew Stephen. I told the officers not to arrest 13 Stephen, he had taken me to the station and I felt that 14 he had been trying to help me. I got on the train by 15 myself. I felt I could manage to get home alone. I was 16 still in a bit of a state. A passenger asked if I was 17 okay, I was really worried what my parents would say. 18 When I got home my parents were at home. My mum went 19 mad. I didn't sleep that night, I kept questioning 20 myself and worrying, what the hell did he do? What did 21 he give me? I researched the effect of poppers, Stephen 22 had told me they were really strong and would last 23 a couple of hours, but I knew they had only lasted a few 24 seconds. I rang him so many times, I left messages and 25 sent text messages, but he wasn't answering his phone.</p> <p style="text-align: center;">Page 149</p>	<p>1 After a short time, Stephen's brother-in-law went to 2 work. I brought up the incident with Stephen and went 3 mad at him. Saying that he could have killed me. He 4 didn't answer. I changed my approach. Told him I was 5 grateful he had taken me to the station on the day of 6 the incident. Stephen told me he had given me something 7 to drink. I asked him what it was but he didn't answer. 8 I recorded part of this conversation on a Nokia mobile 9 phone. I kept the recording for a couple months, but it 10 brought back memories so I deleted it. It was like 11 I was keeping holding onto him. It was not like it was 12 any sort of confession, it was just a conversation. 13 "If Stephen had confessed, I think I would have gone 14 to the police. Since deleting the recording I have lost 15 that phone. He did say he was sorry, but didn't take 16 any responsibility. He did mention something about him 17 and an ex-boyfriend using mephedrone to increase his sex 18 drive and that it kept him going for hours, but that was 19 about it. Following the incident I know I wasn't raped, 20 because I felt I knew my body and would know if someone 21 or something would penetrate me. Because I needed to 22 know what happened I returned to Stephen's flat again at 23 the time of his birthday, having arrived a boy named X1 24 was there, about the same age as me. I told him that 25 I had had enough and needed answers or I would go to the</p> <p style="text-align: center;">Page 151</p>
<p>1 I was asking what the hell did he give me, what 2 happened. 3 "Eventually Stephen did text me, he wasn't truthful. 4 He kept saying it was nothing, like it was something 5 petty and insignificant. He kept saying that it wasn't 6 a class A drug or anything, I think he said it was 7 a class C drug. 8 "Even now I don't know what happened. I was angry 9 and kept texting. I wanted answers but he wasn't 10 answering any of my questions. I was texting, 'You know 11 what happened, you were there, what happened?' 12 Stephen's brother-in-law responded to one of my texts. 13 Apparently Stephen had loaned him the phone. Via text 14 he said that Stephen had given something to his, 15 Stephen's, boyfriend and the boyfriend had also puked up 16 just like me. I asked him what happened when I was 17 asleep, but he said that he and Stephen just watched TV 18 and he didn't want to bother me. After about two weeks 19 to a month later, so possibly in July, I still wanted 20 answers. I was frustrated that Stephen hadn't replied 21 to my calls or texts so I just turned up at Stephen's 22 flat. I knew I couldn't trust him and I didn't want to 23 give him a chance to hide something. My intention was 24 to look in his fridge. When I arrived Stephen was there 25 with his brother-in-law, so I felt safe enough to go in.</p> <p style="text-align: center;">Page 150</p>	<p>1 police. X1 was hungover and wasn't saying much. I sat 2 with him and Stephen but did not get the answers 3 I needed. So thought that I had to forget it. I never 4 returned to the flat after this occasion. 5 "I did make contact a final time via Facebook. 6 I asked questions but then blocked him. I unblocked him 7 to see if he had answered, but he hadn't. I felt 8 Stephen Port was just a fake person and meeting him 9 completely put me off meeting anyone else online, as 10 I was aware of the dangers it posed. I am convinced 11 I was drugged by Stephen Port on the occasion I have 12 described, as there is no other explanation that left me 13 in the state I found myself in, having been given the 14 drink by him. I never consented to take anything given 15 by him other the poppers. I am also deeply concerned 16 that having awoken from my unconsciousness I was naked 17 and was sexually aroused with my penis erect. I did not 18 take off my underwear and did not consent anyone else to 19 remove it. It has taken some time to provide this 20 statement to the police, as I am really fearful that my 21 details are not revealed so they are reported on in the 22 media. My sexuality is very private and I don't want 23 anyone to know of my involvement in this case. As, if 24 it were, I would never have agreed to assist the police 25 in this case."</p> <p style="text-align: center;">Page 152</p>

<p>1 Questions from MR O'CONNOR (continued)</p> <p>2 MR O'CONNOR: DI Richards, just to pick up on two small</p> <p>3 points of chronology, I asked you as we went that the</p> <p>4 incident that X3 describes there is clearly the same</p> <p>5 incident as we know took place on 4 June, so that gives</p> <p>6 us one date?</p> <p>7 A. Yes.</p> <p>8 Q. In his statement, X3 describes texting, trying to get in</p> <p>9 touch with Stephen Port after that, and then he says,</p> <p>10 "After about two weeks to a month later, so possibly</p> <p>11 in July ..." Him going back, and that was the occasion</p> <p>12 when he said that he recorded part of the conversation</p> <p>13 on his phone?</p> <p>14 A. That's correct.</p> <p>15 Q. Then, finally, there was one other occasion, he said he</p> <p>16 went back to Stephen's flat at the time of</p> <p>17 Stephen Port's birthday. We don't necessarily all need</p> <p>18 to look this up but there is a chronology in the jury</p> <p>19 bundle which suggests that Stephen Port's birthday is in</p> <p>20 February, so would that likely have been February 2015?</p> <p>21 A. Yes.</p> <p>22 Q. Yes.</p> <p>23 Let me just ask you this then, DI Richards. At the</p> <p>24 end of that statement X3 mentioned his concern about his</p> <p>25 confidentiality and not wanting anyone to know what had</p> <p style="text-align: center;">Page 153</p>	<p>1 place in the legal system for his identity to be</p> <p>2 protected. Once he was assured and reassured of the</p> <p>3 fact that his true name would not be revealed during the</p> <p>4 court case, he made the statement to us and signed it.</p> <p>5 MR O'CONNOR: Thank you very much, DI Richards. Those are</p> <p>6 all my questions for you.</p> <p>7 Questions from MS HILL</p> <p>8 MS HILL: Good afternoon. As you know, I ask questions on</p> <p>9 of behalf the families of those murdered by</p> <p>10 Stephen Port, save for the partner of Daniel Whitworth,</p> <p>11 who is represented by Dr van Dellen.</p> <p>12 Can I just pick up some issues around X3, please,</p> <p>13 while we are on that topic.</p> <p>14 The jury have seen several times the British</p> <p>15 Transport Police report with the reference, I think,</p> <p>16 that begins BDRR and ends 8884, but I think it is right,</p> <p>17 isn't it, that before you got to that, there was</p> <p>18 an intelligence overview that referred to that report,</p> <p>19 is that right?</p> <p>20 A. There are two -- if I am understanding your question</p> <p>21 correctly, there are two reports within the PND, one of</p> <p>22 them relates to the incident and the second one is the</p> <p>23 incident. Is that what you mean?</p> <p>24 Q. It may be, but perhaps you could just help me by looking</p> <p>25 at a separate document, different to the BTP report</p> <p style="text-align: center;">Page 155</p>
<p>1 happened or for his name to be mentioned in public.</p> <p>2 A. Yes.</p> <p>3 Q. Entirely understandably.</p> <p>4 A. Absolutely.</p> <p>5 Q. Are you able to help us with the question of whether if</p> <p>6 police officers had gone to see X3 at the end of June or</p> <p>7 July 2014, had they seen the BTP intelligence report, do</p> <p>8 you think that X3 at that stage would have provided them</p> <p>9 with an account along the lines of the account I have</p> <p>10 just read?</p> <p>11 A. What I can say is that X3 -- we found the PND report</p> <p>12 from the British Transport incident. The day after</p> <p>13 that, excuse me, X3 had himself rung into our incident</p> <p>14 room to report that incident to us. So we were aware of</p> <p>15 it for 24 hours and putting the wheels in motion for</p> <p>16 someone to see him. He himself rang in to volunteer the</p> <p>17 information. Officers from Operation Lilford went to</p> <p>18 see him and he gave us the account, the story, on that</p> <p>19 day, complete. He was very apprehensive about making</p> <p>20 an official statement, about making it in his real name</p> <p>21 and about signing it but he relayed the information to</p> <p>22 the officers.</p> <p>23 He was visited a couple of times afterwards and he</p> <p>24 made the statement on the understanding, with assurances</p> <p>25 for us, that there were measures that could be put in</p> <p style="text-align: center;">Page 154</p>	<p>1 itself. Can I bring up, please, a research document,</p> <p>2 MPS000465. Just so that I can try and understand the</p> <p>3 piecing together here, and it may be that you can help.</p> <p>4 This is a research document provided to Operation</p> <p>5 Lilford. If you look, please, on page 1 of this, it</p> <p>6 says -- there's a little sort of contents section, do we</p> <p>7 see where it says serious crime analysis section and</p> <p>8 a list of topics?</p> <p>9 A. Yes.</p> <p>10 Q. Broadly it searches both PND and open sources?</p> <p>11 A. Yes.</p> <p>12 Q. Yes.</p> <p>13 Then if I understand it correctly, you go over the</p> <p>14 page and at the foot of page 2, there is a side heading</p> <p>15 "PND searches"?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. Then just to anchor it, if you carry on to page 3, there</p> <p>18 is another section that then picks up the open source</p> <p>19 searches at the bottom of that page?</p> <p>20 A. Yes.</p> <p>21 Q. We don't need to be troubled for our purposes, the open</p> <p>22 source searches look at lots of different types of</p> <p>23 information around addresses and billing of shipping</p> <p>24 addresses and things like that. But the PND searches</p> <p>25 that were carried out, at the foot of page 2, on</p> <p style="text-align: center;">Page 156</p>

<p>1 22 October 2015, so just after the start of</p> <p>2 Operation Lilford, do you see that?</p> <p>3 A. That's correct, yes.</p> <p>4 Q. Then over the page, what is pulled up is the information</p> <p>5 held by the BTP and there is a record that has that</p> <p>6 reference, BDRR and then it ends with 884, do you see</p> <p>7 that?</p> <p>8 A. I see the reference number, yes. Then the detail</p> <p>9 underneath it, yes.</p> <p>10 Q. In fairness, I think what happens in this intelligence</p> <p>11 report is you get the summary of what the BTP</p> <p>12 intelligence report says, that begins on 4 June, and</p> <p>13 then you get some analysis of it where it says "of</p> <p>14 note", is that right?</p> <p>15 A. No. No, I don't agree with that.</p> <p>16 Q. The 4 June heading where it says, "At approximately</p> <p>17 9.33 pm", that is a summary of what we then see on the</p> <p>18 report ending 884, isn't that right?</p> <p>19 A. Yes, that's correct.</p> <p>20 Q. Where there is the section "of note", I am just trying</p> <p>21 to understand this document, has that been written on by</p> <p>22 an intelligence analysis person? Where it says:</p> <p>23 "Of note, the above occurred two weeks before the</p> <p>24 murder of Walgate ..."</p> <p>25 That is piece of analysis being carried out by</p> <p style="text-align: center;">Page 157</p>	<p>1 A. That's correct.</p> <p>2 Q. There are a series of cross references given there?</p> <p>3 A. Yes.</p> <p>4 Q. The one that is notable it says here:</p> <p>5 "Of note is the one ending 002/13, X1's allegation</p> <p>6 that Port gave him poppers and alcohol, before having</p> <p>7 anal sex with him against his will."</p> <p>8 A. Yes.</p> <p>9 Q. The pattern was that there were other occasions</p> <p>10 involving Port and X1 that had come to the attention of</p> <p>11 the police?</p> <p>12 A. There were -- yes, there were other occasions the police</p> <p>13 had been called or notified, yes.</p> <p>14 Q. The statement that has just been read out from X3, could</p> <p>15 I just understand the chronology of that a little bit</p> <p>16 more, please. You said in your evidence that he himself</p> <p>17 had rung in to report it, just give us the date of that,</p> <p>18 would you?</p> <p>19 A. We found it on the 22nd, he rang in on 23 October, just</p> <p>20 after Operation Lilford had commenced.</p> <p>21 Q. Just while we are looking at this document before</p> <p>22 I leave it please, where there was mention of the empty</p> <p>23 BTP record, do you see that in the middle?</p> <p>24 A. Yes.</p> <p>25 Q. It says here:</p> <p style="text-align: center;">Page 159</p>
<p>1 somebody; is that right?</p> <p>2 A. I can't -- I could not answer that truthfully. I don't</p> <p>3 know.</p> <p>4 Q. Help us with this then. Going further down the PND</p> <p>5 summary, there is reference to a further empty BTP</p> <p>6 record, which I think we now understand relates to the</p> <p>7 same incident, is that right?</p> <p>8 A. Yes, so it is created twice essentially to cross</p> <p>9 reference, but it is the same. It contains no detail,</p> <p>10 it is just the names, et cetera.</p> <p>11 Q. The PND record also goes on to say, doesn't it, you see</p> <p>12 the heading or the side passage that begins "Several Met</p> <p>13 records", do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Broadly, there were other things on the police records</p> <p>16 about Mr Port?</p> <p>17 A. Yes, what that would have been was it is picking up the</p> <p>18 Metropolitan Police reports as well, because it covers</p> <p>19 the whole country.</p> <p>20 Q. What it is referring to is a series of occasions between</p> <p>21 Mr Port and X1 that had come to the attention of the</p> <p>22 police?</p> <p>23 A. Yes.</p> <p>24 Q. It says sometimes he was the suspect, sometimes he was</p> <p>25 the victim?</p> <p style="text-align: center;">Page 158</p>	<p>1 "It is possible that BTP's SPoC ..."</p> <p>2 A. Single point of contact.</p> <p>3 Q. "... may be able to provide further information about</p> <p>4 what this relates to."</p> <p>5 That is a link, is it, that exists between the BTP</p> <p>6 and the Metropolitan Police? Or indeed other police</p> <p>7 forces?</p> <p>8 A. Every police force has a single point of contact,</p> <p>9 otherwise you would find requests for intelligence</p> <p>10 coming into any officer and it needs to be recorded and</p> <p>11 a conduit to that information.</p> <p>12 Q. I think, for completeness, is this right, that</p> <p>13 Operation Lilford obtained I think two witness</p> <p>14 statements from BTP officers, as well as a statement</p> <p>15 from X3?</p> <p>16 A. Yes, that's correct.</p> <p>17 Q. For reference, please, it is IPC400, a statement from</p> <p>18 5 December 2015. A PC Green, is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. And then IPC399, an officer whose second name is Owers,</p> <p>21 on 3 December 2015.</p> <p>22 A. Yes, Owers is a police officer, Green is a police</p> <p>23 community support officer.</p> <p>24 Q. Forgive me, but these statements provided further</p> <p>25 context to the incident at Barking train station?</p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

<p>1 A. They were the two officers there, yes.</p> <p>2 Q. They made clear, didn't they, that members of the public</p> <p>3 were concerned, if you just look, please, at the foot of</p> <p>4 IPC400, please that, the male, now understood to be</p> <p>5 Mr Port, there was a concern that that person was trying</p> <p>6 to steal X3's phone.</p> <p>7 A. Yes.</p> <p>8 Q. It is fair to say, isn't it, that when spoken to and</p> <p>9 giving a statement, the allegations that X3 made,</p> <p>10 perhaps we can just bring up, please, IPC390, internal</p> <p>11 page 6, went quite a bit further than what was</p> <p>12 immediately obvious from the BTP intelligence report,</p> <p>13 because that raised questions about drugs but his own</p> <p>14 statement made very clear that he believed something</p> <p>15 sexual had happened, is that right?</p> <p>16 Putting it neutrally like that, we can read the</p> <p>17 words:</p> <p>18 "I am deeply concerned that having awoken I was</p> <p>19 naked and was sexually aroused. I did not take off my</p> <p>20 underwear and did not consent ..."</p> <p>21 But he was making some suggestion of something</p> <p>22 sexual having happened, wasn't he?</p> <p>23 A. He was saying exactly that, he was saying that he was</p> <p>24 sexually aroused. He had no idea of what had happened</p> <p>25 while he was unconscious.</p> <p style="text-align: center;">Page 161</p>	<p>1 A. Yes, that's correct.</p> <p>2 Q. We can go back, please, to internal page 2, having</p> <p>3 looked at that group of offences around Anthony, so</p> <p>4 Mr Port was prosecuted for murder, manslaughter and</p> <p>5 drugging Anthony?</p> <p>6 A. Yes.</p> <p>7 Q. We see at the top of internal page 2, count 3 is where</p> <p>8 the X3 count appears and that is for the offence of</p> <p>9 administering a substance with intent, is that right?</p> <p>10 A. That's correct, yes.</p> <p>11 Q. As you have indicated, the jury can read under the</p> <p>12 particulars of the offence the date is given on or about</p> <p>13 4 June and, as you have indicated, the specific that is</p> <p>14 put to Mr Port here is that the intentional giving of X3</p> <p>15 of the drugs was so as to enable him to engage in sexual</p> <p>16 activity that involved X3, is that right?</p> <p>17 A. That's correct, yes.</p> <p>18 Q. Then just going back in the chronology, is this right,</p> <p>19 if we look, please, at count 1 and count 2, that those</p> <p>20 counts against Mr Port, so again these are further acts</p> <p>21 that have taken place prior to Anthony's death, related</p> <p>22 to X2?</p> <p>23 A. Yes.</p> <p>24 Q. Just so we can look at the indictment, X2, the evidence</p> <p>25 of X2 did justify a rape count, did it not?</p> <p style="text-align: center;">Page 163</p>
<p>1 Q. In fairness perhaps we can just help the jury understand</p> <p>2 what happened in relation to that. Because of the</p> <p>3 uncertainty, is this right, that when Mr Port was</p> <p>4 prosecuted the allegation against him in relation to X3</p> <p>5 focused on the drugging, not anything sexual?</p> <p>6 A. Drugging with sexual intent.</p> <p>7 Q. I think it might help the jury to understand how that</p> <p>8 was put. Can we bring up, please, the indictment</p> <p>9 against Mr Port? It is MPS659, please, internal page 2.</p> <p>10 The jury perhaps haven't seen this document before,</p> <p>11 perhaps if you can just work backwards and go, please,</p> <p>12 to the foot of internal page 2. Do we see that there is</p> <p>13 therefore on the indictment, count 4 and count 5 relate</p> <p>14 to Anthony Walgate?</p> <p>15 A. Yes.</p> <p>16 Q. Going over the page, please, to count 6, that also</p> <p>17 relates to Anthony?</p> <p>18 A. Yes.</p> <p>19 Q. Very familiar territory I know for you, perhaps not for</p> <p>20 the jury, but is this right, that each of these counts</p> <p>21 reflects an incident, a criminal act, it is said Mr Port</p> <p>22 has done?</p> <p>23 A. Yes, that's correct.</p> <p>24 Q. The way that the indictment is structured is broadly</p> <p>25 chronological?</p> <p style="text-align: center;">Page 162</p>	<p>1 A. Yes, it did, yes.</p> <p>2 Q. We see again at count 1, the same offence, administering</p> <p>3 of a substance with intent of drugging him?</p> <p>4 A. Yes.</p> <p>5 Q. X2 was somebody who came forward to the police when</p> <p>6 information was known about Mr Port's arrest; is that</p> <p>7 right?</p> <p>8 A. Yes, he did. He read it in the media.</p> <p>9 Q. Bring up, please, MPS511, internal page 4. Scroll in on</p> <p>10 the bottom part of that page, please. X2 says, halfway</p> <p>11 down the page:</p> <p>12 "I have been asked why I have now reported the</p> <p>13 incident. I saw a news article in the media about</p> <p>14 Stephen and also because I knew Anthony. It was</p> <p>15 a coincidence that I knew Anthony, as he used to live</p> <p>16 nearby in a halls of residence, I knew him before these</p> <p>17 events took place. It was a couple of months ago I saw</p> <p>18 Anthony's name on a news site and I clicked on the</p> <p>19 story. I then learned that Stephen had been arrested</p> <p>20 and that Anthony was one of the victims. That shocked</p> <p>21 me a lot.</p> <p>22 "Because of this I felt like I had to say something</p> <p>23 in case I was the only person who he had done it to who</p> <p>24 was still alive."</p> <p>25 Pausing there, perhaps an astonishing coincident, is</p> <p style="text-align: center;">Page 164</p>

41 (Pages 161 to 164)

<p>1 it not, that this person who alleged he had been raped 2 by Port also knew Anthony? 3 A. Absolutely, yes. 4 Q. Just to be clear, this person alleged -- we haven't read 5 the statement in, foot of page 2 of that document, 6 please, MPS511, internal page 2, alleged that he had 7 been drugged by having something put in a glass of wine, 8 I believe? 9 A. Yes. 10 Q. Then, internal page 3, please, gave a very graphic 11 account of being penetrated by Port against his will? 12 A. Yes. 13 Q. Just to complete the chronology if I may and I hope you 14 can help me with some dates, we have heard quite a bit 15 about X1, all right? 16 A. Yes. 17 Q. The date of the allegation in relation to X1 was 18 31 December 2012? 19 A. Yes. 20 Q. That person, however, did not feature in the trial. 21 A. That's correct. 22 Q. Just to understand the chronology here, if we were to 23 just go back, please, if we can, to the indictment, 24 bring up, please, MPS659, the date of that allegation in 25 relation to this person, had it been in the trial, would</p> <p style="text-align: center;">Page 165</p>	<p>1 Mr Aldwinckle that has just been read in, if I have 2 understood it correctly, perhaps we can just bring up 3 IPC812, internal page 8. He gives a range of accounts 4 about X10, but one of them is about Port trying to sell 5 X10 on a male escort site. 6 A. Yes. 7 Q. The witness, Mr Aldwinckle, felt this was against X10's 8 will, do you see that, as he didn't really want to do it 9 and would never do that sort of thing? 10 A. Yes. 11 Q. He estimated that this particular incident took place 12 about four to five weeks before I moved out of the flat; 13 is that right? 14 A. Yes. 15 Q. If we bring up, please, 812, internal page 3, he says he 16 moved out -- top of the page -- around 24 August 2014? 17 A. Yes, that is what he says, yes. 18 Q. Do you see that at the top of the page. 19 On that basis -- do I have the wrong reference here? 20 It is 812, internal page 3, please. The top of page he 21 says he moved out around 24 August? 22 A. Yes. 23 Q. On that basis, although it is notoriously difficult to 24 get dates and times right, four to five weeks before 25 24 August, is some time in early July 2014, isn't it?</p> <p style="text-align: center;">Page 167</p>
<p>1 have featured between count 2 and count 3, 2 chronologically it comes at the end of 2012 -- 3 A. And before -- 4 Q. -- before the BTP incident in June? 5 A. Yes. 6 Q. Although X1 did not feature in the trial for the reasons 7 we have heard, is the net result that there were at 8 least three people making allegations that Mr Port had 9 drugged them against their will before Anthony's death? 10 A. Three people had had incidents with Mr Port before 11 Anthony's death. Yes, I mean X3 had not actually made 12 a report as such but, yes, in essence what you are 13 saying is correct. 14 Q. Perhaps to put it another way, based on what we now 15 know, there were at least three incidents where someone 16 was saying, prior to Anthony's death, in fact on this 17 date, irrespective of when I reported it, on this date 18 Port has drugged me? 19 A. That is a better way, yes. 20 Q. Two of them were saying Port has had some kind of sexual 21 activity with me against my will and X3 was making some 22 allegation of that nature, is that fair? 23 A. Yes, that's correct. 24 Q. Just to try and understand the dates a little further, 25 doing the best we can with the evidence from</p> <p style="text-align: center;">Page 166</p>	<p>1 A. Yes. 2 Q. So, again, notwithstanding that X10 and Mr Aldwinckle's 3 account about X10 didn't feature in the trial, there is 4 some evidence here of something involving Mr Port trying 5 to sell his partner X10 on a male escort website between 6 the deaths of Anthony and Gabriel, is that right? 7 A. Yes, that's correct. 8 Q. A few questions, please, about the laptop. When you 9 gave evidence on the last occasion about this, you were 10 clear, I think, that the laptop was, as you have said 11 again today, complete. There had been no attempt by 12 Mr Port to delete material from the laptop; is that 13 right? 14 A. That's correct. 15 Q. Just in terms of the scale of what you found, I am sure 16 the jury will remember your evidence that you said -- 17 page 26 from 6 October -- we often said we don't know 18 how he had as much time as he did, it was absolutely 19 incessant, it was all day, every day, line after line of 20 communication, hundreds of thousands of different people 21 online, constant messaging. An unprecedented amount of 22 material? 23 A. Yes, it was huge. 24 Q. The jury have seen within the jury bundle the chronology 25 if his internet history that is set out. Just so I can</p> <p style="text-align: center;">Page 168</p>

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<p>1 be clear about this, that is only from the internet 2 browser, is that right? 3 A. The document that was brought up earlier? 4 Q. Yes. 5 A. I would have to see it again. 6 Q. All right, perhaps we can bring up, forgive me, I do not 7 have the INQ to hand, bear with me a second. I have it 8 here. If we bring up the summary, I think it is at 9 tab 53 of the jury bundle, is that right, if someone 10 could perhaps remind me -- forgive me, it is 58 and it 11 is INQ45. Tab 58 of the jury's bundle and this is just 12 the entries from 12 to 18 June. 13 My understanding is, because if you look at the 14 heading, it is a chronology of his internet history? 15 A. I see that. This is not my document but, yes, I agree 16 with what you are saying. 17 Q. It is right, isn't it, that the searches of his computer 18 went way beyond just what he had been browsing at on the 19 internet. Because access to his accounts, his Fitlads 20 account, his Sleepyboy account, things of that nature 21 were achieved? 22 A. Yes, that is within his history, yes. 23 Q. One of the points that was made at the trial was about 24 the suggestion that he had been talking about having sex 25 as if it was like having sex with a rag doll, do you</p> <p style="text-align: center;">Page 169</p>	<p>1 sent by Port to a friend, suggested at paragraph 59 that 2 that is who received that. Is that your understanding? 3 A. I would have to check our records of KMA6 to see who it 4 was sent to, but, yes, it was one of his messages sent 5 to somebody through Fitlads. 6 Q. Is it your understanding, just go back please to 7 internal page 7, paragraph 43, that the particular 8 significance of that message that Operation Lilford 9 found was that not only did it evidence this being 10 something that turned Port on, but as we see at the end 11 of paragraph 43, in the middle of it in fact, it 12 graphically illustrates that Port was well aware of the 13 effects that G could have on the human body? 14 A. Yes, absolutely. 15 Q. Can I just ask you to bring up, please, the evidence 16 that you gave in your witness statement, just to 17 summarise what you said about Port's MO, or modus 18 operandi. Internal page 4 of MPS573, please. 19 The broad MO that you describe here, paragraph 14 20 onwards, that he would meet men predominantly through 21 social media and dating apps? 22 A. Yes. 23 Q. Once inside the property, he would either put a drug in 24 a drink or put a drug in the lube that we have heard 25 about. Is that right?</p> <p style="text-align: center;">Page 171</p>
<p>1 remember that? 2 A. Yes, I do, that's correct. 3 Q. That came, perhaps you can bring up a different 4 document -- because it is not on this summary, I don't 5 criticise anybody for it, but it is a different sort of 6 material, is my understanding of it. If we bring up 7 please IPC685, internal page 7, this account, it is 8 paragraph 43 of the prosecution opening: 9 "The last young guy ..." 10 It is understood that his is 13 June, so just a few 11 days after the incident involving X3, but before 12 Anthony's death. 13 On 13 June he is saying on Fitlads: 14 "The last young guy I met just wanted to get high on 15 G, so it was like fucking a rag doll as he was so out of 16 it." 17 That is thought to refer to X1, is that right? 18 A. That's correct. 19 Q. This fits within the context of the sort of drug rape 20 pornography he was otherwise looking at? 21 A. Yes. 22 Q. I don't know if you can help with this, but it is 23 suggested in the prosecution note, if you could go, 24 please, to internal page 9, paragraph 59 at the top of 25 the page on the right-hand side, that that message was</p> <p style="text-align: center;">Page 170</p>	<p>1 A. Yes. 2 Q. That he viewed extensive drug rape pornography? 3 A. Yes. 4 Q. That he deleted or blocked social media accounts on 5 which he had met people swiftly after meeting with them? 6 A. Yes. 7 Q. Dispose of the deceased's mobile phones, and we know 8 that that had started with Anthony? 9 A. Yes. 10 Q. Changed his own mobile handset and telephone number 11 shortly after each death; is that right? 12 A. Yes. 13 Q. In relation to Anthony, can I bring up IPC86, internal 14 page 27, which is part of the report from DC Thomas. 15 You would be familiar with this, it is a very long 16 document but it is the exhaustive analysis of the 17 computer and mobile phone examination. What is said at 18 section 2.2.3, is that you see where it says Port's 19 phone, CSP/1, it goes on to say that the understanding 20 of the analysis was that Port had another phone during 21 the lead up to and the time of death of Walgate which 22 has not been recovered by police, is that right? 23 A. That's correct. 24 Q. We know, if we go back, please, into your own witness 25 statement, MPS573, internal page 6, paragraph 32, that</p> <p style="text-align: center;">Page 172</p>

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<p>1 there was a change in Mr Port on the afternoon of 2 19 June, in terms of the way he was communicating, that 3 handset was activated and used for the first time on 4 that afternoon, is that correct? 5 A. That's correct, yes. 6 Q. Can I just finally ask for some help with some dates if 7 I may, please. 8 Is this right, that Mr Port was arrested under 9 Operation Lilford on 15 October 2015? 10 A. Yes. 11 Q. Sorry, it is not meant to be a test. 12 A. Yes, that is all right. 13 Q. Is this right, that he was interviewed over several days 14 during that period of detention? 15 A. Yes. 16 Q. Just for the record, we can bring up, briefly, please, 17 IPC633. That shows him being interviewed on 15 October 18 at 8.12 pm, do we see that? 19 A. Yes. 20 Q. That is a 49-page transcript. Go over to the next 21 document, please, it is IPC635. I think he was then 22 interviewed again on the morning of the 16th? 23 A. Yes. 24 Q. Again that, is a 57-page transcript. 25 He was then interviewed again, if we bring up</p> <p style="text-align: center;">Page 173</p>	<p>1 Old Bailey for trial, the jury may not understand this, 2 he put in what is called a defence case statement, is 3 that right? 4 A. Yes, he did. 5 Q. Can we bring up, please, MPS018, internal page 2. In 6 that document, again, he answered each of the counts 7 line by line, but broadly his position was, as we see at 8 paragraphs 4 and 5 of this page. He maintained a denial 9 of all the allegations against him; is that right? 10 A. That's correct. 11 Q. He gave evidence at the trial, is this right? 12 A. Yes, he did. 13 Q. While we don't have all of the transcripts, is this 14 a fair summary, that when he was cross-examined by the 15 prosecution barrister about his role with Anthony, 16 a series of propositions were put to him that suggested 17 he was just lying repeatedly about what had happened? 18 A. Yes. 19 Q. That he had lied in his first account, he had lied in 20 his police interviews, he had lied in his defence 21 statement and he had lied again on oath at trial. Is 22 that right? 23 A. Yes. 24 Q. And terms of the jury's outcome, he was convicted, was 25 he not, on all of the allegations?</p> <p style="text-align: center;">Page 175</p>
<p>1 IPC592, on the afternoon of 17 October. Is that right? 2 A. Yes. 3 Q. Again, I don't propose to go through them in any detail, 4 is this right, in those interviews, he answered the 5 questions put to him? 6 A. Yes, he did. 7 Q. And broadly gave different accounts of some of the key 8 incidents? 9 A. That is fair, yes. 10 Q. As basic as a different account of how he had had sex 11 with Anthony? 12 A. Yes. 13 Q. If I have understood it correctly, he was then charged 14 on 18 October, is that right, with murder? 15 A. On the Sunday. 16 Q. On the Sunday? 17 A. Yes. 18 Q. He appeared in court I think on the 19th? 19 A. On the Monday, yes. 20 Q. And essentially was remanded in custody and remained as 21 such; is that right? 22 A. Yes. 23 Q. Just again, a couple more details if I may to assist the 24 jury. Having effectively given his accounts in 25 interview, is this right, that when the case went to the</p> <p style="text-align: center;">Page 174</p>	<p>1 A. No. 2 Q. Forgive me, just correct me if I am wrong, on the ones 3 about Anthony, he was convicted on? 4 A. Yes, he was. 5 Q. In terms of the account he had given generally for those 6 first few, his account was rejected? 7 A. Yes. 8 MS HILL: Thank you. 9 A. Thank you. 10 Questions from MR DAVIES 11 MR DAVIES: Good afternoon, Mr Richards, I am representing 12 various Barking officers, as you know. The evidence has 13 established that certain lines of investigation that 14 should have been followed by borough officers were not 15 and the officers have recognised that in the course of 16 the inquest. Do you accept that? 17 A. Yes. 18 Q. Without it being an exhaustive list, I think implied in 19 your evidence is an acceptance that when they had 20 control of the Anthony Walgate investigation, other 21 lines of investigation were followed that proved helpful 22 to yours subsequently? 23 A. Yes. 24 Q. Not an exhaustive list but, for example, house-to-house 25 enquiries were conducted in the early days?</p> <p style="text-align: center;">Page 176</p>

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<p>1 A. Yes.</p> <p>2 Q. And those house-to-house enquiries did not produce</p> <p>3 a single witness from Cooke Street who had seen Anthony,</p> <p>4 so to speak, left out in the street unattended --</p> <p>5 A. That's correct.</p> <p>6 Q. -- prior to the call being made by Port?</p> <p>7 A. Yes.</p> <p>8 Q. In terms of the interpretation one places on that fact</p> <p>9 alone, the jury have been there after all, they can see</p> <p>10 how busy it might be at that time of night, it does tend</p> <p>11 to indicate that Anthony had not been left outside</p> <p>12 necessarily for very long, or he would have been seen,</p> <p>13 wouldn't he?</p> <p>14 A. I couldn't comment on that.</p> <p>15 Q. Right.</p> <p>16 Appropriate CCTV work was done by the borough team?</p> <p>17 A. Yes.</p> <p>18 Q. The limitation of that was not in the effort but in the</p> <p>19 availability of recordings, for example, from the</p> <p>20 railway station?</p> <p>21 A. That is fair, yes.</p> <p>22 Q. Although the telephone work was limited, there was,</p> <p>23 nonetheless, a 60-page forensic report produced in the</p> <p>24 early days directed at Anthony's phone and cell site.</p> <p>25 If we need to see it, it is IPC446.</p> <p style="text-align: center;">Page 177</p>	<p>1 obtain a written statement addressing the merits of this</p> <p>2 point in writing?</p> <p>3 A. I think that is quite a difficult question to answer.</p> <p>4 As I have said, pathologists really won't go near time</p> <p>5 of death. It is so wide and varied due to conditions</p> <p>6 that the deceased is in at the time. So did we</p> <p>7 consciously make a decision not to? I can't actually</p> <p>8 answer that, because I don't think we would consciously</p> <p>9 ever make a decision to do.</p> <p>10 Q. Are you suggesting pathologists never address time of</p> <p>11 death?</p> <p>12 A. No --</p> <p>13 Q. There were factors here, an ear temperature of</p> <p>14 24 degrees?</p> <p>15 A. Yes.</p> <p>16 Q. Hypostasis to the abdomen?</p> <p>17 A. Yes.</p> <p>18 Q. Rigor mortis to the joints of the fingers.</p> <p>19 A. Yes.</p> <p>20 Q. This was a June night. No evidence of a cold</p> <p>21 temperature. No evidence of rain. And Anthony was in</p> <p>22 full clothing, including a T-shirt and a hoody over his</p> <p>23 head. Surely you could have addressed the merits one</p> <p>24 way or the other in a written statement?</p> <p>25 A. I have been involved in homicide for 19 years, if</p> <p style="text-align: center;">Page 179</p>
<p>1 A. I will trust you, I just don't know the page count.</p> <p>2 Q. Kevin Butler, an analyst, produced an 18-page report</p> <p>3 that was useful to the Lilford inquiry?</p> <p>4 A. Yes.</p> <p>5 Q. Although mistakes were demonstrably made, it isn't the</p> <p>6 case that, so to speak, nothing was done as part of the</p> <p>7 borough investigation. I am not suggesting you have</p> <p>8 said that or implied it, but it is not the case.</p> <p>9 Second topic, because like others there is a limit</p> <p>10 on the time I have, for good reason. We have heard from</p> <p>11 Dr Biedrzycki, the pathologist, in terms of time of</p> <p>12 death. Did you ever obtain a written statement from</p> <p>13 him, addressing the underlying science relating to time</p> <p>14 of death?</p> <p>15 A. Well, we received a full pathology report after</p> <p>16 a special post mortem, which is always completed.</p> <p>17 Pathologists are highly unlikely to go near time of</p> <p>18 death in their statement.</p> <p>19 Q. His report doesn't address time of death?</p> <p>20 A. I don't think you will find a pathologist report that</p> <p>21 does.</p> <p>22 Q. The notes of the special post mortem do not appear to</p> <p>23 reflect a discussion of time of death?</p> <p>24 A. Again, the same, I would say.</p> <p>25 Q. Was there a decision under Operation Lilford not to</p> <p style="text-align: center;">Page 178</p>	<p>1 a person has been kept in a freezer they will be cold.</p> <p>2 If they are kept in a warm room they will be warm. The</p> <p>3 outside ambient temperature has a great bearing, but</p> <p>4 therefore so does the temperature prior to deposition of</p> <p>5 the body.</p> <p>6 You ask about hypostasis, that comes and goes at</p> <p>7 different times in different deaths in different bodies.</p> <p>8 The same for rigor mortis, it comes and goes at</p> <p>9 different times in different bodies. I answered it</p> <p>10 would be really rare for a pathologist to comment on the</p> <p>11 time of death.</p> <p>12 Q. Did you ask him to?</p> <p>13 A. I have answered that, I believe.</p> <p>14 I can't say we have made a conscious decision not to</p> <p>15 ask for it, because we wouldn't.</p> <p>16 Q. On Port's account -- one of his accounts, Anthony had</p> <p>17 been inside in clothing, possibly under bedclothes</p> <p>18 before he was moved. That would tend to keep him warm,</p> <p>19 wouldn't it?</p> <p>20 A. On Port's account, yes.</p> <p>21 Q. The weather overnight, did you ever establish that.</p> <p>22 A. No, but it was a June night. I agree with that.</p> <p>23 Q. What I am getting at is not your view or my view of the</p> <p>24 science, it is why there was no expert statement to</p> <p>25 address the points I am making.</p> <p style="text-align: center;">Page 180</p>

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<p>1 A. I think I have answered that.</p> <p>2 Q. Is there anything on HOLMES, this huge specialist</p> <p>3 database, about time of death for Anthony Walgate?</p> <p>4 A. I would have to check, but I can answer the question</p> <p>5 about HOLMES being a huge specialist database. It is</p> <p>6 a database which is only as good as the material you put</p> <p>7 into it, as we all know with a database. I am not</p> <p>8 trying to avoid your question, I am just being honest as</p> <p>9 to the time of death, would we ask a pathologist to</p> <p>10 comment and make a statement.</p> <p>11 Q. I will move onto the next point --</p> <p>12 MR O'CONNOR: I'm sorry to interrupt.</p> <p>13 Madam, I notice the time, it is 3.20. I wonder if</p> <p>14 this would be a convenient time for a break?</p> <p>15 THE CORONER: Yes, it would.</p> <p>16 We will just take a 10-minute break then, members of</p> <p>17 the jury. We are going to finish this afternoon.</p> <p>18 (3.20 pm)</p> <p>19 (A short adjournment)</p> <p>20 (3.33 pm)</p> <p>21 THE CORONER: Yes, Mr Davies.</p> <p>22 MR DAVIES: Different topic, Mr Richards. Mr Aldwinckle and</p> <p>23 his second statement, which, to remind ourselves, his</p> <p>24 first statement was taken on 27 June 2014, behind our</p> <p>25 tab 31.</p> <p style="text-align: center;">Page 181</p>	<p>1 memory, how he came to be approached again.</p> <p>2 Q. It is clear from your investigation that some at least</p> <p>3 of Port's other victims, the conduct occurred before</p> <p>4 Anthony was murdered?</p> <p>5 A. Yes.</p> <p>6 Q. What is described in the various witness accounts from</p> <p>7 them is, is this right, his use of GHB for that</p> <p>8 offending, that is a reasonable inference from what is</p> <p>9 described in terms of symptoms, isn't it?</p> <p>10 A. I am not sure they knew what the drug was.</p> <p>11 Q. They may not have known, but in terms of what is</p> <p>12 described by them, it has the characteristics of that?</p> <p>13 A. Yes.</p> <p>14 Q. Yes.</p> <p>15 Similarly, in Mr Aldwinckle's October 2015 account</p> <p>16 he is describing Port's use of a drug from a bottle for</p> <p>17 which he pays £40, keeps it in the fridge. The jury has</p> <p>18 had it read to them. Again, we can't do toxicology on</p> <p>19 this, but in terms of its characteristics and what is</p> <p>20 described, it has all the characteristics of GHB,</p> <p>21 doesn't it?</p> <p>22 A. I would say so, yes.</p> <p>23 Q. When you hesitated, as Mr O'Connor put it in your</p> <p>24 answer, that in that second statement he says the</p> <p>25 problems with X10 started after the Anthony Walgate</p> <p style="text-align: center;">Page 183</p>
<p>1 His second statement, 20 October 2015, so</p> <p>2 approximately 15 months later --</p> <p>3 A. Yes.</p> <p>4 Q. -- and in the currency of your investigation.</p> <p>5 As at 27 June 2014, and Mr O'Connor has taken you to</p> <p>6 this particular discrepancy already, he says in terms,</p> <p>7 doesn't he:</p> <p>8 "I have no interest in drugs, I have never seen</p> <p>9 Stephen take drugs and I have never seen any drugs in</p> <p>10 his flat. I didn't ask him if he did use drugs as it</p> <p>11 was not my place to, it is not my business."</p> <p>12 Correct?</p> <p>13 A. Yes.</p> <p>14 Q. Whereas his statement 15 months later give a wholly</p> <p>15 different perspective, doesn't it?</p> <p>16 A. Yes.</p> <p>17 Q. If at any time he had come forward proactively with his</p> <p>18 full account, that was going to be at least potentially</p> <p>19 of value to any criminal investigation -- potentially of</p> <p>20 value, what he had to say?</p> <p>21 A. Well, it depends which version he was going to give the</p> <p>22 second time but, yes, effectively.</p> <p>23 Q. Did he come forward proactively or was he approached</p> <p>24 again by your investigation?</p> <p>25 A. I would have to check. I couldn't answer that from</p> <p style="text-align: center;">Page 182</p>	<p>1 incident, what was the basis of the hesitation?</p> <p>2 A. This is a massive enquiry and there are so many dates</p> <p>3 and trying to recall off the top of my head from memory,</p> <p>4 what came before what, it is incredibly hard.</p> <p>5 Q. On any view, however, there is evidence, isn't there,</p> <p>6 that Port was using GHB before the incident involving</p> <p>7 Anthony. That would be a reasonable inference on the</p> <p>8 whole of the evidence?</p> <p>9 A. I would agree that is a reasonable inference, I wouldn't</p> <p>10 say there is evidence to say that.</p> <p>11 Q. What he is describing in the statement involves Port's</p> <p>12 use of drugs, pages 3 to 4, Port coercing or seeking to</p> <p>13 X10 into using the drug, yes?</p> <p>14 A. Yes.</p> <p>15 Q. Port attempting to get Mr Aldwinckle to get X10 to use</p> <p>16 the drug, yes?</p> <p>17 A. Yes.</p> <p>18 Q. He says in his statement, apart from an account of</p> <p>19 selling X10, or seeking to, for sexual services. He</p> <p>20 says at page 7 of 9 of his statement, towards the</p> <p>21 bottom:</p> <p>22 "Port asked me about my statement but I told him</p> <p>23 I couldn't as it was confidential and I could get into</p> <p>24 trouble. He didn't say anything to me about the</p> <p>25 incident. I could speculate -- he was probably out</p> <p style="text-align: center;">Page 184</p>

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<p>1 clubbing with him and Stephen probably gave him 2 something and he probably had an allergic reaction to 3 it." 4 Notwithstanding that Mr Aldwinckle arrived on the 5 scene with Anthony when he was discovered, and 6 notwithstanding that he was attributing it to being 7 something possibly Port had given him, he didn't come to 8 the police? 9 A. No. Well, he spoke to the police. Whether he told the 10 truth or not, we now know different. 11 Q. Right. Is the bottom line -- he is not here to speak 12 for himself, so we allow that ... but the bottom line is 13 at the trial he was not considered sufficiently reliable 14 to call as a witness? 15 A. Yes, I would agree with that, yes. 16 Q. I am not going to press that further because we don't 17 need to. 18 The next topic is -- the obvious thing is if members 19 of the public have information and don't give it to 20 a criminal enquiry, the police cannot use it. 21 Self-evidently, if the police don't know they can't use 22 it, can they? 23 A. Say that again? 24 Q. If the police are not given information by a witness, 25 they have nothing to work with from that witness?</p> <p style="text-align: center;">Page 185</p>	<p>1 sensitivity, don't they? 2 A. Absolutely, yes. 3 Q. To go back to the original report, we can see, can't we, 4 on page 1, that this original investigation, top of the 5 page, was, on the face of it, handled by the Sapphire 6 unit. Can you say? 7 A. That is what it says, but that is not necessarily 8 ultimately where it began or where it ended. That is 9 just a screen-shot in time. But, yes, it generally 10 would have been with the allegation that was made. 11 Q. We may have had this before, but the Sapphire unit is 12 what? 13 A. The Sapphire unit at that time were there to investigate 14 allegations of sexual offences across the Met and 15 London. 16 Q. Specialist officers with specialist training to deal 17 with vulnerable witnesses? 18 A. To deal with sex offences, yes. 19 Q. Yes. 20 If we turn to page 10 of that document, please, 21 again, we can see something of the inherent 22 vulnerability of X1 in terms of this report. It sets 23 out, pages 10 and 11, the complaint, but the context, if 24 one looks at it, is of a reported sexual offence in the 25 context of an ongoing relationship, firstly?</p> <p style="text-align: center;">Page 187</p>
<p>1 A. Yes. 2 Q. If they are given misleading information, it can 3 distract the investigation from its proper conclusions? 4 A. It can do. 5 Q. The impression given on 27 June to the police by 6 a witness in a sworn statement was that he had never 7 seen any drugs in the flat? 8 A. It was. 9 Q. Yes. Just briefly, please to, illustrate something. 10 Mr Aldwinckle also referred in that October 11 statement to X1. In a sentence or two he is saying that 12 one of the reasons that Port broke up with X10 is that, 13 page 8 of 9 of the statement, first paragraph: 14 "During a period when Stephen and X10 were not 15 together, Stephen got back with his ex-boyfriend X1. 16 X10 confirmed that Stephen had cheated on him with X1, 17 which was another reason they broke up." 18 We know X1 was the person reporting Port's conduct 19 on that New Year's Eve incident, don't we? 20 A. Yes. 21 Q. Can we have up, please, it's our tab 56, IPC23. Just 22 start with page 1. 23 I am just using this to illustrate some of the 24 challenges of the enquiries involved here, because 25 certain witnesses need to be handled with real</p> <p style="text-align: center;">Page 186</p>	<p>1 A. Yes. 2 Q. The drugs used were alcohol and poppers? 3 A. Yes. 4 Q. Rather than GHB? 5 A. Yes. 6 Q. There is no evidence or suggestion of unconsciousness or 7 being raped when unconscious in this report? 8 A. I would have to see the second page, but it is around 9 that side of thing, but I don't know if those words are 10 used directly. 11 Q. It is also evident that X1 was assessed as requiring 12 admission under section 136 of the Mental Health Act? 13 A. That's correct, yes. 14 Q. Because of his presentation. Can you in a sentence tell 15 the jury what the section 136 power is? I'm sorry if I 16 am testing you. What is it? 17 A. Section 136 of the Mental Health Act is a part of the 18 Mental Health Act that allows police officers to 19 physically take someone for mental assessment for 20 a period of time, I am not sure how long it is for the 21 test, but from a public place or somewhere. So if 22 someone is presenting on the street with mental health 23 issues a police officer can intervene and invoke the 24 powers of section 136 to remove that person to a place 25 of safety, where they could be assessed for their mental</p> <p style="text-align: center;">Page 188</p>

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<p>1 state, mental wellbeing.</p> <p>2 Q. They are taken to a so-called place of safety, typically</p> <p>3 a psychiatric unit on a hospital, to be assessed in</p> <p>4 terms of their mental health?</p> <p>5 A. That sort of thing, yes.</p> <p>6 Q. This was required for his report when it first came in?</p> <p>7 A. I wouldn't say it was required for his report. The</p> <p>8 officers thought it was required, yes.</p> <p>9 Q. All right, then if we can go to page 16, please, this is</p> <p>10 New Year's Day 2013, which is the record on the CRIS of</p> <p>11 X1 withdrawing the formal complaint he has made. So</p> <p>12 a couple of days later.</p> <p>13 In order to prove rape, you have to prove, amongst</p> <p>14 other acts, you have to prove that the person did not</p> <p>15 consent, first of all?</p> <p>16 A. Yes.</p> <p>17 Q. Secondly, if they did not consent, that the person who</p> <p>18 penetrated them had no reasonable belief as to their</p> <p>19 consent?</p> <p>20 A. Yes.</p> <p>21 Q. Yes?</p> <p>22 What X1 is appearing to say here, if we could blow</p> <p>23 up the last five lines on page 16, please -- I am just</p> <p>24 using this to illustrate the complexities involved:</p> <p>25 "I wasn't comfortable with this at all, but I didn't</p> <p style="text-align: center;">Page 189</p>	<p>1 Q. Yes. There are officers trained to do that on the SOIT?</p> <p>2 A. Yes, each borough has SOIT officers who deal with taking</p> <p>3 the evidence from the victims of sexual offences. They</p> <p>4 are trained in dealing with victims of sexual offences.</p> <p>5 Q. Next and final topic, please, it leads on from the point</p> <p>6 I have just made about what would have to be proved for</p> <p>7 rape, in other words: no reasonable belief as to</p> <p>8 consent.</p> <p>9 To prove murder, following the administration of</p> <p>10 a fatal drug, you have to prove at the point at which it</p> <p>11 was given an intention to kill or -- let me finish -- to</p> <p>12 cause really serious harm?</p> <p>13 A. That's correct, yes.</p> <p>14 Q. Port here was prosecuted for four murders.</p> <p>15 A. He was.</p> <p>16 Q. Can you help as to the basis of the allegation of intent</p> <p>17 and what really serious harm was alleged by the</p> <p>18 prosecution by his action?</p> <p>19 A. Yes. For murder, as has been outlined, you have to</p> <p>20 prove the intent to kill or to cause really serious</p> <p>21 harm. The way the trial against Stephen was run was</p> <p>22 that by administering a drug like G, which interferes</p> <p>23 with the central nervous system so deeply that you are</p> <p>24 into unconsciousness to the level that you could conduct</p> <p>25 medical operations. When the person doesn't know they</p> <p style="text-align: center;">Page 191</p>
<p>1 say anything because I was scared in many ways about how</p> <p>2 he would react."</p> <p>3 Then this:</p> <p>4 "Stephen would not have known that I did not want to</p> <p>5 do the sexual acts, as I never said anything to indicate</p> <p>6 this, but I didn't."</p> <p>7 The rest of the form deals with the formal</p> <p>8 withdrawal of the complaint, but we know that, according</p> <p>9 to Mr Aldwinckle, 18 months later, June 2014 or in that</p> <p>10 period, somewhere there, X1 and Port appear to, on</p> <p>11 an on-and-off basis at least, be back in a relationship?</p> <p>12 A. Yes.</p> <p>13 Q. A witness like X1 -- that can come down now, please --</p> <p>14 really would require a specialist, wouldn't he, in terms</p> <p>15 of going back to him 18 months later in relation to</p> <p>16 a complaint he had withdrawn, and in the context of</p> <p>17 certainly on the night the complaint was made</p> <p>18 a documented issue in terms of his mental health? It</p> <p>19 needs real care a witness like that, doesn't it?</p> <p>20 A. Sorry, I couldn't hear you with the traffic noise. What</p> <p>21 was the question, sorry?</p> <p>22 Q. A witness like that, intrinsically vulnerable, requires,</p> <p>23 doesn't it, a specialist officer in terms of further</p> <p>24 evidence?</p> <p>25 A. That is fair.</p> <p style="text-align: center;">Page 190</p>	<p>1 are being administered that drug, when it is in</p> <p>2 an environment like his house rather than a hospital,</p> <p>3 Stephen has no training, he must know or foresee having</p> <p>4 used the drug and know what it does that it would</p> <p>5 interfere with the central nervous system. That was the</p> <p>6 really serious harm that it would have caused.</p> <p>7 Q. The harm he intended -- I'm not arguing with it, I'm</p> <p>8 just trying to assist our understanding, the really</p> <p>9 serious harm alleged here was the level of compromise to</p> <p>10 the central nervous system?</p> <p>11 A. Yes.</p> <p>12 Q. If he intended that and death resulted, that is murder?</p> <p>13 A. Yes.</p> <p>14 Q. Similarly, for the administering of a substance with</p> <p>15 intent charges -- we have seen one count already -- can</p> <p>16 we have MPS659 back on screen, please? We can see the</p> <p>17 wording for ourselves please, Ms Hill went to this.</p> <p>18 I am going to finish here, I am taking too long,</p> <p>19 I apologise.</p> <p>20 We can see that the question of intent is there</p> <p>21 again for the drugs charge, isn't it, "... with the</p> <p>22 intention of stupefying or overpowering"?</p> <p>23 A. Yes.</p> <p>24 Q. That can come down.</p> <p>25 Final point, proving the intent for murder, or</p> <p style="text-align: center;">Page 192</p>

48 (Pages 189 to 192)

1 proving the intent for that offence, if you only have
2 one victim and the person you are investigating is
3 saying it is an accident, is a challenging policing
4 position, isn't it?
5 **A. I would say so, yes.**
6 Q. Whereas once you have two, three, four and more victims
7 with essentially similar facts, the proposition becomes
8 rather different?
9 **A. It changes in your favour, yes.**
10 Q. Yes.
11 But where you only have one, and someone is claiming
12 it is an accident during consensual use of drugs, that
13 is a challenging question?
14 **A. It has greater difficulties, yes.**
15 MR DAVIES: Thank you, Mr Richards.
16 MR O'CONNOR: Thank you, madam. I don't have any further
17 questions for DI Richards.
18 THE CORONER: Thank you.
19 Thank you very much, Mr Richards.
20 Is that as far as we can go today?
21 MR O'CONNOR: It is.
22 That brings to us the end of the evidence on the
23 first chapter.
24 THE CORONER: That is the conclusion of the evidence in
25 relation to Mr Walgate. As you know, we are going to

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1 have a day off tomorrow and then we will embark on the
2 next two deaths on Wednesday morning at 10.00.
3 All right, we will see you then.
4 (3.56 pm)
5 (The inquests adjourned until 10.00 am on Wednesday,
6 27 October 2021)
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