

<p>1 Tuesday, 2 November 2021 2 MR STUART DENLEY (sworn)2 3 Questions from MR O'CONNOR2 4 Questions from MR STOATE77 5 Questions from DR VAN DELLEN93 6 Questions from MR DAVIES94 7 Questions from MR SKELTON107 8 Further questions from MR O'CONNOR114 9 Questions from THE JURY116 10 MR CLIFF LYONS (sworn)121 11 Questions from MR O'CONNOR121 12 Questions from MR STOATE180 13 Questions from DR VAN DELLEN195 14 Questions from MR DAVIES197 15 Questions from MR SKELTON216 16 Questions from THE CORONER225 17 Questions from THE JURY227 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 1</p>	<p>1 Q. How long have you been doing that job? 2 A. Approximately two years. 3 Q. In 2014, which is the time we are going to be focusing 4 on this morning, I think it is right to say you were 5 an acting detective sergeant? 6 A. Yes. 7 Q. At that time you were posted to one of the major 8 investigation teams within homicide command; is that 9 right? 10 A. That's correct. 11 Q. How long had you been working in homicide command as at 12 late 2014? 13 A. Approximately seven years, but not always as an acting 14 detective sergeant. 15 Q. No, so you were a substantive detective constable. Had 16 you been a substantive detective constable then for all 17 of those seven years? 18 A. Yes. 19 Q. For how long by September 2014 had you been acting 20 detective sergeant? 21 A. I was engaged in acting up roles periodically, it wasn't 22 consistent, it was as and when required in the absence 23 of substantive detective sergeants. 24 Approximately for nine months, I would suggest. 25 Q. All right, so not completely new to it?</p> <p style="text-align: center;">Page 3</p>
<p>1 (10.00 am) 2 (In the presence of the jury) 3 THE CORONER: Good morning members of the jury. It gets 4 colder and colder, we are told that somebody is coming 5 to mend the heating. 6 I was just saying it gets colder and colder but we 7 are hoping somebody will come and mend the heating soon, 8 but let me know if you are uncomfortably cold, won't 9 you? 10 Thank you. 11 Yes, good morning. 12 MR O'CONNOR: Madam, may we please call Detective Sergeant 13 Denley. 14 MR STUART DENLEY (sworn) 15 Questions from MR O'CONNOR 16 MR O'CONNOR: Thank you, do please take a seat. 17 A. Thank you. 18 Q. Can you give us your full name, please? 19 A. Yes, my name is Stuart Denley. 20 Q. Mr Denley, you are a detective sergeant in the 21 Metropolitan Police? 22 A. I am. 23 Q. What is your current posting? 24 A. I am a detective sergeant within child abuse 25 investigation command at Brixton police station.</p> <p style="text-align: center;">Page 2</p>	<p>1 A. No. 2 Q. The jury have heard over the last few weeks quite a lot 3 about the structure of the Metropolitan Police, 4 including the rather different structures on the one 5 hand of the borough policing, and on the other hand of 6 homicide command and the major investigation teams. 7 Let's just look, if we can, in jury bundle A. 8 Sergeant, you should have two white bundles in front 9 of you, it is going to be the smaller of the two 10 I think. 11 A. Yes. 12 Q. If we turn to tab 3, for the screen it is INQ40. 13 DS Denley, you may or may not have seen this document 14 before, but it is a diagram, a table which has been 15 created specifically for these proceedings. It is not 16 intended, of course, to capture everyone either in the 17 whole of homicide command or even within the teams that 18 are represented there. It just identifies the 19 individuals whose names we are going to come across. 20 A. Okay. 21 Q. You can see, about halfway down that sheet, there are 22 boxes representing different major investigation teams. 23 We see your name in the box headed "MIT", so major 24 investigation team, "13". Is that the team you were 25 serving on at the time?</p> <p style="text-align: center;">Page 4</p>

<p>1 A. Yes, it was.</p> <p>2 Q. In fact, is that the team you had been on for the seven</p> <p>3 years you mentioned?</p> <p>4 A. No, I think I joined MIT13 around 2011, maybe 2012.</p> <p>5 Q. All right. Just looking in that box, the jury have</p> <p>6 heard that each of these major investigation teams was</p> <p>7 headed by an officer of detective chief inspector rank.</p> <p>8 We see here a reference to DCI Cliff Lyons. Was he the</p> <p>9 leader of that team in September 2014?</p> <p>10 A. Yes, he was. Yes.</p> <p>11 Q. The jury will be hearing from him this afternoon.</p> <p>12 Thank you, we can put that away. Just last question</p> <p>13 then about that team, where was that team based in</p> <p>14 September 2014?</p> <p>15 A. It was based at Lewisham police station.</p> <p>16 Q. Thank you.</p> <p>17 Before we get into the detail of your evidence, just</p> <p>18 to understand a few of the headlines, the jury have</p> <p>19 heard that Daniel Whitworth's body was discovered here</p> <p>20 in Barking on Saturday, 20 September 2014. You were not</p> <p>21 involved on that day, were you?</p> <p>22 A. No, I was not.</p> <p>23 Q. Is it right that, really, your central involvement in</p> <p>24 this case covered two days after that Saturday, first of</p> <p>25 all the next day, Sunday, the 21st, and we will hear</p> <p style="text-align: center;">Page 5</p>	<p>1 reasonably clear with me. Obviously, seven plus years</p> <p>2 ago is a long time. I cannot remember everything</p> <p>3 clearly, but I will try my best. I have also relied on</p> <p>4 my two HAT return reports in order to complete my two</p> <p>5 statements.</p> <p>6 Q. If during the time we are asking you questions today the</p> <p>7 fact is you simply cannot remember something, you will</p> <p>8 of course tell us?</p> <p>9 A. Of course. Yes, absolutely.</p> <p>10 Q. Let's start then with what took place on the first of</p> <p>11 those two days I mentioned, Sunday, 21 September.</p> <p>12 Is it right that you were on duty at your base in</p> <p>13 Lewisham?</p> <p>14 A. Yes, I was, that's correct.</p> <p>15 Q. The jury have heard all about the shift patterns of the</p> <p>16 Metropolitan Police. I think it is the case that you</p> <p>17 were working on an early turn that day?</p> <p>18 A. Yes, I was. Yes.</p> <p>19 Q. Would that have involved starting at something around</p> <p>20 7.00 in the morning and working through to mid</p> <p>21 afternoon?</p> <p>22 A. Yes.</p> <p>23 Q. Again the jury have heard how the regular work of</p> <p>24 a major investigation team would involve investigating</p> <p>25 homicides, but, on occasions, regularly, any particular</p> <p style="text-align: center;">Page 7</p>
<p>1 that you gave advice to the borough investigators on</p> <p>2 that day. Is that right?</p> <p>3 A. Correct, yes.</p> <p>4 Q. You drafted a HAT return or report which the jury saw</p> <p>5 briefly yesterday and we will look at in more detail</p> <p>6 this morning. Do you remember that?</p> <p>7 A. Yes, I remember it very clearly.</p> <p>8 Q. Will we also hear that you attended the special post</p> <p>9 mortem relating to Daniel Whitworth two days after that</p> <p>10 Sunday, so on Tuesday, 23 September?</p> <p>11 A. Yes, I did, that's correct.</p> <p>12 Q. There may be one or two small points around the edges</p> <p>13 but really, was your main involvement in this case on</p> <p>14 those two days?</p> <p>15 A. Yes, it was.</p> <p>16 Q. Those days are now over seven years ago, DS Denley. As</p> <p>17 I mentioned, we have some of the documents that you</p> <p>18 prepared at the time and we will be looking at those.</p> <p>19 You also prepared a witness statement, I think two</p> <p>20 witness statements, about this time last year. Do you</p> <p>21 in fact have an independent memory of those events seven</p> <p>22 years ago or are you really reliant on the</p> <p>23 contemporaneous documents to remind you of what was</p> <p>24 going on?</p> <p>25 A. I do have a fair recollection of events. They remain</p> <p style="text-align: center;">Page 6</p>	<p>1 major investigation team would be covering what was</p> <p>2 known as HAT car duties. Was it the case that your</p> <p>3 team, MIT13, was on HAT car duty that weekend?</p> <p>4 A. Yes, it is correct. We would be what is called as on</p> <p>5 call, so we would provide 24-hour support across one</p> <p>6 area of London, possibly more.</p> <p>7 Q. What were you actually doing on that Sunday morning</p> <p>8 before you had any involvement? In this case were you</p> <p>9 simply in the police station waiting to see if anyone</p> <p>10 needed your assistance?</p> <p>11 A. Yes, if we are not required, if the phone doesn't ring,</p> <p>12 then we are able to complete our normal tasks, admin, in</p> <p>13 relation to enquiries, ongoing investigations, so it was</p> <p>14 a fairly routine day, until the phone rang.</p> <p>15 Q. We will come to find out more about what happened, but</p> <p>16 you were not on your own in Lewisham police station</p> <p>17 though, there would have been others ready to go with</p> <p>18 you if you had been called to a scene.</p> <p>19 A. Yes, absolutely. So the whole team is on duty. There</p> <p>20 would only be myself and two of my colleagues who would</p> <p>21 be actually staffing the HAT car on the day. Clearly</p> <p>22 not all of the team would be required.</p> <p>23 Q. But you knew from the start of your shift that that was</p> <p>24 something you would be doing if necessary?</p> <p>25 A. Yes, it is clearly rota-ed and everybody knows what is</p> <p style="text-align: center;">Page 8</p>

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<p>1 required of them.</p> <p>2 Q. Was DCI Lyons on duty at Lewisham with the rest of the</p> <p>3 team?</p> <p>4 A. I don't recall him being at Lewisham at the very</p> <p>5 beginning. I remember speaking with him over the</p> <p>6 telephone, predominantly. I can't actually recall him</p> <p>7 being physically at Lewisham.</p> <p>8 Q. We can ask him --</p> <p>9 A. Of course.</p> <p>10 Q. -- but the evidence is you were able to communicate with</p> <p>11 him during the day?</p> <p>12 A. Absolutely, and it was quite commonplace really for the</p> <p>13 senior members of team not necessarily to be in the</p> <p>14 office all of the time. It was really not required.</p> <p>15 Q. Just so there is no mystery about this, we will hear all</p> <p>16 about what you did that day in relation to the</p> <p>17 Daniel Whitworth case, but is it right that you didn't</p> <p>18 in fact go to Barking that day?</p> <p>19 A. Yes, that's correct, I did not come to Barking.</p> <p>20 Q. Did you in fact stay in Lewisham in the police station</p> <p>21 for the whole of that shift?</p> <p>22 A. Yes, I did.</p> <p>23 Q. Let's look, DS Denley, at the HAT report that you</p> <p>24 prepared on that day.</p> <p>25 As you mentioned, there was another one that you</p> <p style="text-align: center;">Page 9</p>	<p>1 Barking officers?</p> <p>2 A. Absolutely, yes.</p> <p>3 Q. While we are looking at the timings, if we can go over</p> <p>4 to the last page of the document, please, so it is</p> <p>5 page 5, we can see here there is a time at the very end</p> <p>6 of this report. You have your name there and in fact</p> <p>7 there is the name of DCI Lyons underneath it. Both of</p> <p>8 them have a time of 3.00, 15.00, next to them. Just</p> <p>9 above that, there is a sort of a record of the number of</p> <p>10 hours that officers have spent. Next to the DS, I think</p> <p>11 it is, that is you, the number 7 is written, which would</p> <p>12 equate -- perhaps it is a little bit ...</p> <p>13 It would certainly fit broadly with you having</p> <p>14 worked on the case from let's say about 8.00 in the</p> <p>15 morning until about 3.00 in the afternoon?</p> <p>16 A. It does.</p> <p>17 Q. Is that right then, for the nearly the whole of your</p> <p>18 shift you were engaged with this case?</p> <p>19 A. Yes, I wasn't dealing with anything else.</p> <p>20 Q. We can probably go back to the first page, but just to</p> <p>21 get a sense then of who you spoke to during the day, and</p> <p>22 we will come on to look at the detail of what you spoke</p> <p>23 about, who was it, do you recall, who contacted you and</p> <p>24 who you then spoke to from Barking?</p> <p>25 A. Throughout the course -- initially I was contacted by DS</p> <p style="text-align: center;">Page 11</p>
<p>1 prepared following the post mortem a couple of days</p> <p>2 later.</p> <p>3 A. Yes.</p> <p>4 Q. For the jury bundle, it is tab 26 of the larger bundle.</p> <p>5 DS Denley, it is entirely up to you, you may have your</p> <p>6 own copy of this document. It will be in that large</p> <p>7 white file and it will also come up on screen, so you</p> <p>8 can take your pick.</p> <p>9 A. I prefer the screen, thank you.</p> <p>10 Q. For the screen, it is IPC11.</p> <p>11 This format of document is one that the jury are</p> <p>12 reasonable familiar with, because we have looked at them</p> <p>13 in another investigation. Just to get our bearings in</p> <p>14 terms of the timing, and the date for that matter, along</p> <p>15 the very top line, underneath the heading, HAT case</p> <p>16 report, first of all we see MIT team 13 -- we have</p> <p>17 established that was your team -- the date, that's</p> <p>18 Sunday, 21 September, the "E" stands for "early turn"?</p> <p>19 A. It does.</p> <p>20 Q. You have written "advice" to indicate you provided</p> <p>21 advice rather than attending.</p> <p>22 The timings, a couple of lines down:</p> <p>23 "Time requested: 7.45. Time responded: 7.50."</p> <p>24 The exact times don't matter, but does that give us</p> <p>25 a clue as to when you were first contacted by the</p> <p style="text-align: center;">Page 10</p>	<p>1 Debbie Turrell, and that was my point of communication</p> <p>2 throughout the whole day. I didn't speak to anybody</p> <p>3 else from the borough side of the police at all during</p> <p>4 that day, it was just the one person.</p> <p>5 Q. All right. You have already said that at your end you</p> <p>6 were able to speak to DCI Lyons during the day?</p> <p>7 A. Yes, I was, yes.</p> <p>8 Q. Was that just once or on a series of occasions?</p> <p>9 A. No, I remember phoning him several times. I cannot</p> <p>10 recall how many.</p> <p>11 Q. Right. Another person who seems to be involved was</p> <p>12 a crime scene manager, Mr Foster. We will come perhaps</p> <p>13 in detail to ask about him, but is that someone you</p> <p>14 contacted during the day or who contacted you?</p> <p>15 A. No, it would have been myself who contacted the CSM,</p> <p>16 Mr Foster, in relation to requesting the special post</p> <p>17 mortem examination of Daniel Whitworth.</p> <p>18 Q. All right. Then was there anyone else, were there any</p> <p>19 other for example members of your team who were working</p> <p>20 on this case or was it really just you with advice from</p> <p>21 DCI Lyons?</p> <p>22 A. Yes, it was just me. The two other of my team who were</p> <p>23 staffing the HAT car were able to carry on with their</p> <p>24 routine day, because it was an advice over the</p> <p>25 telephone. Clearly only one person can be involved in</p> <p style="text-align: center;">Page 12</p>

<p>1 that, so it was just me.</p> <p>2 Q. Okay. You have mentioned that it was DS Turrell from</p> <p>3 Barking who was actually your sole point of contact.</p> <p>4 It follows then it was her who initially rang you up</p> <p>5 and asked you for advice?</p> <p>6 A. Yes.</p> <p>7 Q. We infer from the report that that call must have taken</p> <p>8 place some time before 8.00 in the morning.</p> <p>9 A. Hmm.</p> <p>10 Q. What was it in broad terms that she asked for advice</p> <p>11 about?</p> <p>12 A. Initially she asked for some advice regarding the</p> <p>13 clothing of a deceased male that was in a mortuary, and</p> <p>14 I was asked: do I need to seize the clothing? As in</p> <p>15 does DS Turrell need to seize the clothing? That was</p> <p>16 the initial question.</p> <p>17 Q. Take us forward in the story. What did you say in</p> <p>18 response to that?</p> <p>19 A. I said, yes, absolutely, clearly if you have a man,</p> <p>20 a young man, deceased in the mortuary, we would want to</p> <p>21 try and understand as much as we can and secure as much</p> <p>22 evidence as possible, so yes, of course, seize the</p> <p>23 clothing, it could be -- it is highly likely to be of</p> <p>24 significant forensic value.</p> <p>25 Q. Just to be clear, the Barking police had not found this</p> <p style="text-align: center;">Page 13</p>	<p>1 there. But of course that was not the professional</p> <p>2 thing to do. I wanted to know more. And we, as a team,</p> <p>3 MIT13, led by DCI Cliff Lyons, we took pride in the fact</p> <p>4 that there was no such thing as just a phone call. We</p> <p>5 would, once we were contacted, once MIT, the HAT car</p> <p>6 were contacted that was it, regardless of whether the</p> <p>7 borough officers wanted our advice, our contact, our</p> <p>8 assistance or whatever it might be, they were going to</p> <p>9 get it anyway, because we are there to perform</p> <p>10 a function, we are a professional team, professional</p> <p>11 command and we would not just say, "Yes, seize the</p> <p>12 clothing, goodbye", and then allow me to get on with the</p> <p>13 rest of my day, which probably would have been helpful</p> <p>14 at the time. But more helpful is of course to do the</p> <p>15 job thoroughly and professionally and bring about the</p> <p>16 best result.</p> <p>17 Q. You have explained a process of finding out more about</p> <p>18 the circumstances of Daniel's body being discovered.</p> <p>19 Was that in part through speaking to DS Turrell and</p> <p>20 asking her questions?</p> <p>21 A. Yes, absolutely, yes.</p> <p>22 Q. Were you also provided with some of the records that had</p> <p>23 been made the previous day, the Merlin record, the CAD</p> <p>24 and so on?</p> <p>25 A. Exactly, because I was curious to know more, I wanted to</p> <p style="text-align: center;">Page 15</p>
<p>1 man in the mortuary.</p> <p>2 A. Well --</p> <p>3 Q. Did DS Turrell explain how he had come to be in the</p> <p>4 mortuary?</p> <p>5 A. Yes. It took a little while for me to draw the</p> <p>6 information out. I think initially it is fair to say</p> <p>7 that the kind of theme of the initial contact over the</p> <p>8 telephone was that DS Turrell said words to the effect</p> <p>9 of:</p> <p>10 "It is nothing to worry about, I don't need much</p> <p>11 from you, just one simple piece of advice, nothing to</p> <p>12 worry about, we have got this body, we are not really</p> <p>13 sure what has happened, he was found deceased in</p> <p>14 a graveyard. I have been asked by my DI to contact you</p> <p>15 and ask the question about the clothing and forensic</p> <p>16 value and whether we should seize it."</p> <p>17 So, of course, then that made me very interested to</p> <p>18 think, well, what -- tell me more, what have you got?</p> <p>19 And then gradually it became apparent that there was</p> <p>20 a suicide note, gradually then I managed to extract the</p> <p>21 information, the content of the suicide note and was</p> <p>22 trying to draw all of the information out.</p> <p>23 Of course it would have been very easy for me to</p> <p>24 have answered the one simple question and said, okay,</p> <p>25 well good luck, hope that is everything, and left it</p> <p style="text-align: center;">Page 14</p>	<p>1 see the documentation for itself, because sometimes</p> <p>2 trying to extract information or what I would consider</p> <p>3 relevant information from a colleague can be difficult,</p> <p>4 particularly over the telephone. And another officer's</p> <p>5 focus, what they believe is important, might not be the</p> <p>6 same as me. So I requested to have the full contents of</p> <p>7 the suicide note emailed to me, I believe. The CADs,</p> <p>8 the computer aided dispatch records and the Merlin</p> <p>9 reports and the night duty OB, which is a summary of</p> <p>10 what has gone on overnight.</p> <p>11 Q. The jury have dipped in and out of those documents over</p> <p>12 the last day or two, so they are broadly familiar with</p> <p>13 those documents, DS Denley.</p> <p>14 Having undertaken this exercise of informing</p> <p>15 yourself about the case, certainly you suggest in your</p> <p>16 witness statement that you had some concerns about the</p> <p>17 picture that was developing?</p> <p>18 A. I did, yes.</p> <p>19 Q. Is that right?</p> <p>20 A. Yes.</p> <p>21 Q. What I would like to do is just look at what you say in</p> <p>22 your witness statement. We will call it up on screen,</p> <p>23 you are welcome to look at your own version of it. It</p> <p>24 is paragraph 11, so can we have, please, on screen</p> <p>25 MPS590, starting at page 2.</p> <p style="text-align: center;">Page 16</p>

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<p>1 Sergeant Denley, I am just going to read through 2 this section and then ask you some questions about it, 3 all right? 4 What you say, starting at paragraph 11 is: 5 "When DS Turrell first contacted me she initially 6 wanted advice as to whether borough CID should retain 7 the clothing of the deceased for forensic assessment 8 [that is as you have described today]. I advised her 9 that the clothing would be of significant forensic 10 value. I was concerned about a number of features of 11 case, so I asked DS Turrell for further information and 12 reviewed the documents set out above [those are the 13 documents you have just told us about]. Based on what 14 I was told and what I read, concerned about the 15 following features in particular. (i) the fact that two 16 young men had been found in the same graveyard in 17 similar positions in a short period of time. (ii) 18 Mr Whitworth was found wrapped in a bedsheet, sitting on 19 dining table place mat with a little bottle of liquid 20 hanging out of his pocket and his hand down the front of 21 his jeans. These circumstances were odd and I did 22 consider the possibility that the scene had been staged. 23 (iii) the suicide note referred to him [I think that's 24 Daniel or at least the author of the note] moving 25 Gabriel Kovari's body. I thought there was</p> <p style="text-align: center;">Page 17</p>	<p>1 A. No, obviously, simple, common language really, in that 2 the scene could have been presented in that way, or 3 manufactured, put across in that particular manner to 4 make it seem something that possibly it may not have 5 been genuinely. 6 Q. You don't mention in these points anything about, as it 7 were, the content of the suicide note. You do mention 8 in the third point the fact that the note implies that 9 Daniel had moved Gabriel Kovari's body, because he says 10 that Gabriel had died somewhere other than the graveyard 11 but was there anything about the note itself that you 12 also found odd, perhaps the fact that it didn't contain 13 any names or the fact that it had been found in the 14 plastic sleeve, or were those not matters that crossed 15 your mind at the time? 16 A. No, absolutely they were. Everything crossed my mind. 17 What I have listed in my statement is the three main 18 things that struck me from the outset but, clearly, upon 19 closer examination of the suicide note and particularly 20 the language within it, would it have possibly been 21 signed off as "Daniel PW", if you were writing to your 22 family, there was nothing really specific, nothing 23 overly heartfelt or anything to do with any one member 24 of the family, nothing particularly personal. And, yes, 25 the plastic sleeve held in his hand, the whole</p> <p style="text-align: center;">Page 19</p>
<p>1 a possibility that Mr Whitworth would not have had the 2 physical ability to do this. This was not based on any 3 knowledge of Mr Whitworth's strength specifically, but 4 the strength required for anyone to move an adult male 5 body." 6 You have set out there some concerns you say you 7 had. Were those concerns that you in fact had on that 8 day as you were growing to understand the events of the 9 day before? 10 A. Yes. It was a shame that we, as a MIT team, the HAT car 11 were not contacted sooner, because I think it would be 12 hugely beneficial to have been able to attend the scene 13 and see it with my own eyes. I was not afforded the 14 opportunity to see any photographs of Daniel, or 15 Gabriel Kovari, but certainly from the information that 16 I received from Debbie Turrell over the telephone it 17 just sounded odd. Two young men in the same position, 18 you know, it's coincidence, but, hmm, I was not 19 satisfied to chalk it up as a mere coincidence. 20 Q. Let me ask you about what you say in the second 21 paragraph there, you say you did consider the 22 possibility that the scene had been staged. Is that 23 a term of art, a staged scene, is it something that has 24 a particular meaning in policing or just the obvious 25 meaning?</p> <p style="text-align: center;">Page 18</p>	<p>1 circumstances described to me seemed odd. 2 Q. Tell us then, obviously you cannot remember the fine 3 detail, but tell us whether, and if so how, you raised 4 your concerns with DS Turrell? 5 A. I think it is quite clear, I was pretty much on and off 6 the telephone with her throughout the course of day. 7 I can't recall how long I spent actually talking with 8 her or how many times, but it was a period of to and fro 9 phonecalls. We were in communication throughout the 10 whole of my shift and I made it quite clear that 11 I wasn't satisfied with what we had, that there was 12 clearly further work that needed to be done, that 13 I wasn't happy with it, that I had considerations that 14 it may not be as we see. 15 Clearly it was presented in a way that could lead us 16 to think that it was one set of circumstances, but we 17 needed to investigate a lot further and within that 18 investigating, we needed to keep a very open mind as to 19 what may have happened. 20 Q. You weren't sitting in the same room as her -- 21 A. No. 22 Q. -- just on the phone. But did you get a sense of how 23 your advice was being received by DS Turrell? 24 A. Yes. She appeared to fully understand and be in 25 agreement that we couldn't just let it lie as it was.</p> <p style="text-align: center;">Page 20</p>

<p>1 Q. I see.</p> <p>2 A. There was certainly never any discord between the two of</p> <p>3 us, no disagreement. Sometimes when I have given advice</p> <p>4 to officers over the phone they become a bit -- not</p> <p>5 necessarily defensive but concerned that what I am</p> <p>6 suggesting or requesting might entail an awful lot of</p> <p>7 work, further resources that may be required, which is</p> <p>8 why I offered repeatedly to attend, to go. Me and my</p> <p>9 two colleagues, if not more of my team, could attend and</p> <p>10 provide additional resourcing to the initial</p> <p>11 investigation.</p> <p>12 So, for example, if I said take a witness statement</p> <p>13 from witness A and there was nobody to do that, then</p> <p>14 potentially me and my team could have helped.</p> <p>15 Q. I asked about the reception of your advice simply</p> <p>16 because you mentioned that when DS Turrell initially</p> <p>17 rang you she was asking a very short closed question and</p> <p>18 you had expanded the brief, as it were, but you didn't</p> <p>19 get the sense she was resistant to you giving that</p> <p>20 broader advice?</p> <p>21 A. Not at all, no.</p> <p>22 Q. Then you mention that you offered actually to attend --</p> <p>23 obviously there wasn't a scene anymore for you to go and</p> <p>24 see, was there?</p> <p>25 A. Unfortunately not.</p> <p style="text-align: center;">Page 21</p>	<p>1 The only thing that I didn't actually write myself,</p> <p>2 I think, is at the very bottom of the document, entitled</p> <p>3 "Borough updates of work so far".</p> <p>4 Q. We will come to that, but that is taken from an email</p> <p>5 you received from Debbie Turrell at the end of the day?</p> <p>6 A. Correct, but everything else is my own work.</p> <p>7 Q. All right. I am not going to go through that, what you</p> <p>8 have described as the brief details of the incident,</p> <p>9 because it is really just a record of information the</p> <p>10 jury have already heard about.</p> <p>11 It is towards the bottom of the second page, isn't</p> <p>12 it, where we get to a description of the advice that you</p> <p>13 provided and a record of the advice.</p> <p>14 A. Yes.</p> <p>15 Q. We see -- I am now looking about three lines up from the</p> <p>16 bottom of the page, there is a heading "Initial advice</p> <p>17 given". I think we will come to see that you then</p> <p>18 explain that, as you already have to us, following the</p> <p>19 initial advice you then gave rather broader advice.</p> <p>20 A. Yes.</p> <p>21 Q. The initial advice given, just focusing on these two</p> <p>22 bullet points, first of all:</p> <p>23 "Have the next of kin for Whitworth look at the</p> <p>24 handwriting of the suicide note and ascertain if it is</p> <p>25 that of Daniel."</p> <p style="text-align: center;">Page 23</p>
<p>1 Q. But you were offering resources from your team to assist</p> <p>2 with the actions?</p> <p>3 A. Yes, I was. Yes.</p> <p>4 Q. What was the response that was received?</p> <p>5 A. I was told, "No, thank you, we have it under control,</p> <p>6 everything is fine, we don't need you".</p> <p>7 Q. Let's just have a look at the document, so we need to go</p> <p>8 back to, in the bundle, it is tab 26. For the screen,</p> <p>9 it is IPC11.</p> <p>10 There is a section headed "Brief details of the</p> <p>11 incident", which in fact goes throughout this first</p> <p>12 page, we can see there is a description of the scene,</p> <p>13 the content of the note is set out verbatim, and then if</p> <p>14 we go over, scroll down, please, to the next page, we</p> <p>15 see reference to life being pronounced extinct, CID</p> <p>16 attending, Barbara Denham, the lady who found the body,</p> <p>17 and so on.</p> <p>18 Did you write that? The reason I am asking is we</p> <p>19 may look at CSM Foster's report later on and that</p> <p>20 initial description seems to be almost word for word the</p> <p>21 same. We have heard a little bit of evidence about</p> <p>22 people cutting and pasting, no criticism. I just wanted</p> <p>23 to know whether that was something you had actually</p> <p>24 written or that you had taken from another document?</p> <p>25 A. No, everything written -- well, I created this document.</p> <p style="text-align: center;">Page 22</p>	<p>1 Secondly:</p> <p>2 "Look into circumstances of the death, finding of</p> <p>3 Gabriel, and check that there are no unanswered</p> <p>4 questions."</p> <p>5 That is the last word.</p> <p>6 Let me then just ask you about those two points,</p> <p>7 starting with the handwriting. We have seen that you</p> <p>8 set out in this document the words of the so-called</p> <p>9 suicide note. Had you in fact seen a copy of the note</p> <p>10 itself in manuscript?</p> <p>11 A. No, I had not. It was only information received on</p> <p>12 an email typed.</p> <p>13 Q. Well, we have seen that the note was emailed as a PDF,</p> <p>14 so that one could see the manuscript to other people.</p> <p>15 My question to you is: did you receive an email of the</p> <p>16 handwritten version or the typed version?</p> <p>17 A. Typed.</p> <p>18 Q. You had not actually seen the handwriting yourself?</p> <p>19 A. No, I had not.</p> <p>20 Q. But your advice here is that efforts should be made to</p> <p>21 try and verify the handwriting.</p> <p>22 Was your advice to Debbie Turrell on that day as</p> <p>23 simple as what we see here, namely "have the next of kin</p> <p>24 look at the handwriting" or did you discuss in more</p> <p>25 detail with Debbie Turrell how she should go about that,</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 and so on?</p> <p>2 A. No, my recollection is that it is pretty much as simple</p> <p>3 as I have written here. I don't recall giving any</p> <p>4 specifics about how they should go about completing</p> <p>5 these actions.</p> <p>6 Q. What I have in mind, for example, is what we know</p> <p>7 happened later that morning, after you had spoken to</p> <p>8 her, is that a small sample of the note, only a couple</p> <p>9 of lines or so, maybe a bit more than that, was sent</p> <p>10 through to Daniel's family. Was the question of whether</p> <p>11 all, some, how much of the note should be sent for these</p> <p>12 purposes, was that something you discussed with</p> <p>13 Debbie Turrell?</p> <p>14 A. It wasn't anything I discussed with Debbie. My advice</p> <p>15 is that the handwriting of the note should be shown to</p> <p>16 the next of kin, the family, not a small extract of the</p> <p>17 note should be sent as a PDF on an email to the family.</p> <p>18 Q. It wasn't something that you discussed. I think that is</p> <p>19 clear from what you say?</p> <p>20 A. Correct.</p> <p>21 Q. But if you had been asked, "Shall we just send a small</p> <p>22 part?" What would you have said?</p> <p>23 A. I would have said no, absolutely not.</p> <p>24 Q. What about the concern that the note would be very</p> <p>25 distressing for the family to see and that one could, as</p> <p style="text-align: center;">Page 25</p>	<p>1 I do recall being surprised how quickly they had managed</p> <p>2 to action my request to have the family look at the</p> <p>3 handwriting.</p> <p>4 Q. Again, this may be something that you simply cannot</p> <p>5 remember, but did Debbie Turrell say, "We will just do</p> <p>6 it by email", so --</p> <p>7 A. No, she did not.</p> <p>8 Q. Did it become apparent to you during the day that that</p> <p>9 is how it had happened?</p> <p>10 A. No. It did not become apparent.</p> <p>11 Q. If it had, would you have challenged that and said it</p> <p>12 needed to be done a different way?</p> <p>13 A. I believe I would.</p> <p>14 Q. We heard yesterday, in fact it was Dr Swift, who was</p> <p>15 asked about his own advice about checking this</p> <p>16 handwriting and he volunteered the information that in</p> <p>17 this day and age, with people using texts and social</p> <p>18 media and so on, so much, that in his view at least</p> <p>19 people didn't recognise each other's handwriting in the</p> <p>20 way that perhaps once they did, he said he wasn't even</p> <p>21 sure that his own family would know what his handwriting</p> <p>22 would look like.</p> <p>23 Leaving Dr Swift's views to one side, did you have</p> <p>24 any concern about, just in general terms, whether</p> <p>25 Daniel's family were actually well placed to know</p> <p style="text-align: center;">Page 27</p>
<p>1 it were, help them in their distress by only showing</p> <p>2 selected parts or a part of the note?</p> <p>3 A. Yes, absolutely. Of course there is always</p> <p>4 considerations about the welfare of families, and</p> <p>5 welfare of everybody concerned. I think we could</p> <p>6 address that with possibly some minor redactions, but</p> <p>7 also attending the family address in person in order to</p> <p>8 manage emotions and potentially then open up further</p> <p>9 investigative enquiries surrounding the note itself.</p> <p>10 Obviously there would be a lot of questions, which we</p> <p>11 would -- a police officer, whomever, would be able to</p> <p>12 answer and one question leads to another, but with just</p> <p>13 one email, my opinion is that that is quite a limited</p> <p>14 investigative option.</p> <p>15 Q. I think it is -- I mean, this is clearly something that</p> <p>16 needed to be done quickly --</p> <p>17 A. Yes.</p> <p>18 Q. -- and it was the very first piece of advice you gave.</p> <p>19 So really, were you anticipating that this was an action</p> <p>20 that would be taken that day?</p> <p>21 A. I wanted it to be done that day. My consideration was</p> <p>22 that they were in Barking and the family were not too</p> <p>23 far away, in Gravesend I believe. It may have been</p> <p>24 possible for somebody to jump in a police car and come</p> <p>25 over the bridge and do it in person, and I remember,</p> <p style="text-align: center;">Page 26</p>	<p>1 whether this was Daniel's writing or not?</p> <p>2 A. I think there is a couple of things really. What I have</p> <p>3 used in language, "Next of kin", it was designed to be</p> <p>4 a relatively broad term. Next of kind doesn't</p> <p>5 necessarily mean a direct one family member. In my</p> <p>6 opinion, my understanding is that it can be anybody</p> <p>7 potentially, including a long-term partner or spouse,</p> <p>8 children, a designated neighbour, a friend, whomever.</p> <p>9 I avoided using terminology to sort of "closest family</p> <p>10 and friends", because I didn't want the content of the</p> <p>11 note to be compromised and potentially spread outside</p> <p>12 the investigation, which could potentially undermine</p> <p>13 anything in the future.</p> <p>14 Sorry, what was the question again, please?</p> <p>15 Q. I think you have answered it, but the question was</p> <p>16 whether you had in mind the risk that the family might</p> <p>17 themselves not really know what Daniel's handwriting</p> <p>18 might look like?</p> <p>19 A. Absolutely, and another key thing really I suppose is</p> <p>20 that it is not necessarily just handwriting. It is if</p> <p>21 you are presented with at least the larger proportion of</p> <p>22 the note, the language that was used and things like</p> <p>23 "BTW", is that something that Daniel would have written</p> <p>24 at the time? I touched on earlier, would he perhaps</p> <p>25 have signed the note off as Daniel PW, yes, there were</p> <p style="text-align: center;">Page 28</p>

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<p>1 things within the note that possibly would have</p> <p>2 identified a difference in terminology and language,</p> <p>3 grammar, anything really that would be different to how</p> <p>4 Daniel would normally communicate.</p> <p>5 Q. Just help us though, Sergeant Denley, we understand that</p> <p>6 you were having ongoing conversations with DS Turrell,</p> <p>7 but all we have a hard record of is this note, by which</p> <p>8 I mean your note. What you have written here is:</p> <p>9 "Have the next of kin look at the handwriting and</p> <p>10 ascertain if it is that of Daniel."</p> <p>11 You didn't say anything there about asking them to</p> <p>12 look at the content and think about whether the content</p> <p>13 of the note is the sort of thing that Daniel would have</p> <p>14 written. Help us, is that, do you think, something that</p> <p>15 you discussed with DS Turrell and that you haven't</p> <p>16 written down or is it maybe something you are thinking</p> <p>17 of now but wasn't passed to DS Turrell at the time?</p> <p>18 A. I don't recall specifically having the conversation with</p> <p>19 Debbie Turrell about the details of the grammar and</p> <p>20 language. However, clearly if a family member, a next</p> <p>21 of kin, a spouse, whatever, were to be shown the</p> <p>22 majority of that letter/note, asked to look at the</p> <p>23 handwriting, it would give them a full picture of</p> <p>24 everything, so, yes, I agree I have not specified</p> <p>25 language, commas, you know, whatever, but if they were</p> <p style="text-align: center;">Page 29</p>	<p>1 Let me just ask you about the second of those bullet</p> <p>2 points we looked at within your initial advice. You</p> <p>3 refer to the circumstances of the death, the finding of</p> <p>4 Gabriel, and check there are no unanswered questions.</p> <p>5 That is a pretty broad piece of advice, was it intended</p> <p>6 as a sort of catch all or did you have any particular</p> <p>7 unanswered questions in mind and, if so, did you discuss</p> <p>8 them with Debbie Turrell?</p> <p>9 A. At this point, I don't consider -- I don't recall that</p> <p>10 I had known enough about the finding and the death of</p> <p>11 Gabriel Kovari to be able to list a number of specific</p> <p>12 actions that would help at that very moment, but clearly</p> <p>13 I wanted the investigating team to be starting to dig</p> <p>14 out some information and to just be a bit curious</p> <p>15 themselves, and to satisfy themselves, and therefore me,</p> <p>16 that there was -- that we were confident that everything</p> <p>17 had been done correctly.</p> <p>18 Q. Thank you. Let's move on to the next page, please.</p> <p>19 You have described to us already how there was that</p> <p>20 sequence of, as it were, development in your</p> <p>21 understanding of the case and therefore your advice.</p> <p>22 That is reflected here, as we said, because you say</p> <p>23 there was initial advice, the two bullet points we have</p> <p>24 just looked at. Then what you describe in your</p> <p>25 document -- let's just read out the next two paragraphs:</p> <p style="text-align: center;">Page 31</p>
<p>1 to be shown the larger portion of the note, my</p> <p>2 understanding would be that it would give them a better</p> <p>3 opportunity to understand if it was in fact written by</p> <p>4 Daniel.</p> <p>5 Q. Is this part of the case, the need to show the note to</p> <p>6 the family, something that you discussed with DCI Lyons?</p> <p>7 A. Yes, it was.</p> <p>8 Q. Before you gave the advice?</p> <p>9 A. As I recall, yes.</p> <p>10 Q. I take it then that the advice you gave was informed by</p> <p>11 your discussions with DCI Lyons?</p> <p>12 A. Yes, it was, yes.</p> <p>13 Q. Did either you or he contemplate commissioning expert</p> <p>14 advice on the handwriting?</p> <p>15 A. No, not at the time.</p> <p>16 I think, from recollection, the consideration was</p> <p>17 that this was to be more of a fast-time action that</p> <p>18 could be achieved there and then on the day during this</p> <p>19 present shift, so that we could get an early steer as to</p> <p>20 what we were looking at. By that I mean, of course, if</p> <p>21 immediately it was returned that definitively, no, this</p> <p>22 is not written by Daniel, then that would completely --</p> <p>23 well, potentially, completely change things.</p> <p>24 Q. That is all I want to ask you for the moment anyway</p> <p>25 about the handwriting.</p> <p style="text-align: center;">Page 30</p>	<p>1 "However, when the full circumstances and content of</p> <p>2 the suicide note were known, I gave further advice which</p> <p>3 focused on finding further information regarding the</p> <p>4 death of Gabriel. Based on the information available at</p> <p>5 this time, it seems that this matter is</p> <p>6 a manslaughter-suicide and there is no evidence at this</p> <p>7 stage to suggest any third party involvement. However,</p> <p>8 it is necessary to investigate and establish the full</p> <p>9 facts before confirming this is the situation. To move</p> <p>10 the body of Gabriel post mortem would take some strength</p> <p>11 and Whitworth may not have been physically able to do</p> <p>12 this. The crux of my advice is to gather all known</p> <p>13 information regarding Gabriel, his death and the finding</p> <p>14 of his body. This would include speaking to the</p> <p>15 officers that attended and, in particular, DS Sweetman,</p> <p>16 who appears to have dealt with the incident. The</p> <p>17 coroner's officer should be spoken to and a copy of the</p> <p>18 coroner's report should be obtained."</p> <p>19 DS Denley, that part of your advice would seem,</p> <p>20 would it not, to be focused on the death of</p> <p>21 Gabriel Kovari and the circumstances surrounding that,</p> <p>22 yes?</p> <p>23 A. Yes.</p> <p>24 Q. Are you in fact driving there at the question of wanting</p> <p>25 to understand whether, in fact, Gabriel had been killed</p> <p style="text-align: center;">Page 32</p>

<p>1 by Daniel as suggested in the note or not? You don't 2 set it out in those terms, but is that something really 3 that underlies the advice you are giving? 4 A. Yes, absolutely. I think from that point onwards it 5 would be almost impossible for me to separate the two 6 deaths. My opinion, my belief at the time, and still 7 now, is that they should have been looked at in tandem 8 from that point. Because clearly if something about the 9 death of Gabriel was concerning, unaccounted for, it 10 would put -- it would sort of cast doubt on the 11 circumstances of the death of Daniel. So the two should 12 be investigated. 13 Can I just say at this point, the purpose of my 14 document that I have created here is for advice. So it 15 is not designed to be an exhaustive list of actions that 16 the borough should carry out and it isn't in fact me 17 telling them how to carry out those actions, so the 18 handwriting, it is not my job to tell them specifically 19 how to go about that investigative action. 20 If they want specific advice, I can give that no 21 problem, but it is general advice and what I have tried 22 to do here is to identify things that may not be so 23 obvious to the borough investigators. So they were 24 clearly focused on the death of Daniel, correctly, and 25 that should always be focused upon, that was why I was</p> <p style="text-align: center;">Page 33</p>	<p>1 siting and obtaining call data and so on. It is right, 2 isn't it, that that type of information could be 3 obtained whether you have the handset or not, as long as 4 you have the phone number, you can make the relevant 5 enquiries? 6 A. Correct, yes. 7 Q. So those are two distinct lines of enquiry, find the 8 handset, but the phone work, as you describe it, is not 9 dependent on finding the handset? 10 A. That's right. 11 Q. Just focusing on the second, the phone work, you 12 describe a purpose of giving a location for Daniel and 13 Gabriel and you refer to 28 August. What was in your 14 mind when you suggested that those enquiries should take 15 place? 16 A. Well, my understanding and my thought process at the 17 time was that if it were the case that Daniel had killed 18 Gabriel, inadvertently or otherwise, they would have had 19 to have been together. 20 So obviously the cell siting, the location of the 21 two handsets at the time, if we were to believe things 22 as presented at the scene, that Daniel had killed -- 23 apologies, Daniel had killed Gabriel, their phones in 24 theory would have had to have been in the same place at 25 the same time on or around the 28th. Clearly, if on the</p> <p style="text-align: center;">Page 35</p>
<p>1 contacted. However, they hadn't -- it didn't seem to me 2 on that morning that they had quite seen the 3 significance of Gabriel's death in tandem with Daniel's. 4 Q. Let me ask you, following on from that, about some of 5 the actions. The jury have heard what you say about it 6 not being an exhaustive list, but you set out below on 7 this page a list of suggested actions, haven't you? 8 A. Yes, I have. 9 Q. If we look towards the bottom of the page, there is 10 a heading "Phones", do you see that? 11 A. Yes. 12 Q. There you recommend a few things. First of all you say 13 that Daniel Whitworth's handset should be located. We 14 have heard that there were some efforts to find that 15 handset. Of course it is referred to in the note, but 16 you know it was never found. That is not the limit of 17 the advice you give there, is it, because you also go on 18 to say: 19 "Phone work could potentially give a loose location 20 that both Daniel and Gabriel were in at the same time on 21 or around 28 August 2014 and help to locate the venue 22 where Gabriel died. Phone data could also identify 23 associates." 24 The jury have heard a little bit about the 25 investigative techniques relating to phones and cell</p> <p style="text-align: center;">Page 34</p>	<p>1 28th Gabriel's phone was in Barking but Daniel's was in 2 Wembley, it would have cast doubt on the authenticity of 3 the note. 4 Q. So that is what lies behind that suggested action? 5 A. Also, as I have suggested, that if we were thinking 6 possibly Gabriel hadn't died in the graveyard, it would 7 potentially identify a scene. So if the two handsets 8 were located roughly in, I don't know, High Street, 9 Dagenham, potentially with a bit of further work, some 10 intelligence work, we may be able to identify a friend, 11 an associate, a family member who lives in or around the 12 area. That could potentially be a scene, further 13 victims, further witness, suspects just a potential 14 goldmine of evidence and information. 15 Q. I am not going to go through all of these actions but 16 let me ask you about at least one other, and that is -- 17 do you see the heading at the top of this list, 18 "Witnesses". You refer to three individuals there. 19 I want to ask about the last of them. You say: 20 "An interview of Daniel Whitworth's current partner 21 Ricky Waumsley [haven't spelled his name quite right] 22 should be considered re knowledge of Daniel's 23 friends/lovers, locations attended and social media 24 usage (including Grindr and other such sites)." 25 I suppose you could have added that Ricky Waumsley</p> <p style="text-align: center;">Page 36</p>

<p>1 himself might have some valuable information to provide 2 about where Daniel was on that critical date, 27 to 3 28 August?</p> <p>4 A. Yes, absolutely, locations attended, you know, 5 associates, friends, lovers, it is a catch all for 6 Mr Waumsley in theory could know an awful lot of 7 information about Daniel and his whereabouts.</p> <p>8 Q. We know now that Ricky Waumsley had been Daniel's 9 partner for four years. Were you aware of that at the 10 time or not?</p> <p>11 A. I think I was, yes.</p> <p>12 Q. Did it seem to you at the time that Ricky Waumsley was 13 potentially a very important witness who could assist 14 the police investigation?</p> <p>15 A. Yes.</p> <p>16 Q. Do you think that was a view you would have expressed to 17 Debbie Turrell on the phone or can you not now remember?</p> <p>18 A. I can't recall, sorry.</p> <p>19 Q. No, well, as I said at the beginning, no one expects you 20 to remember everything about things that happened seven 21 years ago. If we could go to page 5 in that document, 22 please. In fact, it would be easier if we started off 23 by going to page 4. You mentioned at the start, 24 DS Denley, that there was a section at the end of this 25 note that you hadn't written. Do we see there is</p> <p style="text-align: center;">Page 37</p>	<p>1 update since yesterday. The death of Daniel remains no 2 suspicious, but unexplained. He [that is Ricky] is 3 concerned that the police are withholding info from him 4 and will not inform him of the content of the suicide 5 note. I have informed Ricky that he is not the next of 6 kin and Daniel's father is being kept updated."</p> <p>7 We will hear both from Debbie Turrell and 8 Ricky Waumsley in due course, but when you read that, it 9 might have occurred to you, perhaps should have occurred 10 to you, that Ricky Waumsley was being distanced from the 11 borough investigation. Is that something that you 12 thought at the time, do you think?</p> <p>13 A. I considered that I had obviously tasked the borough 14 officers to get an account from Ricky Waumsley. How 15 they choose to treat their potential witnesses and deal 16 with their investigation is a matter for themselves.</p> <p>17 Q. It is not -- I'm just looking at the penultimate 18 paragraph, you see there that he is not being shown the 19 suicide note. Did that, in light of everything that you 20 have said about the importance of obtaining information 21 from the next of kin, who you describe that as being 22 a broad term. Were you concerned that the police seemed 23 to be approaching this on a very narrow basis and not, 24 putting it bluntly, asking him the right questions?</p> <p>25 A. At the time, I wasn't concerned. I think it is</p> <p style="text-align: center;">Page 39</p>
<p>1 a passage headed "Conclusion" which I am going to ask 2 you about in a minute. That I think is the end of the 3 section that contains your advice.</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. I think it is right to say that perhaps after you had 6 written that, or at least towards the end of the day, 7 Debbie Turrell emailed you with some updates, some 8 investigative updates and you cut and pasted what she 9 had sent in this section which follows, saying borough 10 updates from work so far?</p> <p>11 A. That's right, I did.</p> <p>12 Q. No doubt for completeness and to help everyone 13 understand how the investigation was going?</p> <p>14 A. Yes.</p> <p>15 Q. Then if we go over to page 5, yes, there is a paragraph 16 starting at 1148 hours. Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. This is Debbie Turrell informing you: 19 "At 1148 hours [on that Sunday] Ricky Waumsley rang, 20 the partner of Daniel Whitworth, he confirmed he had 21 been partners with Daniel for four years [so in fact 22 that information was there]. Daniel has been a chef for 23 ISS headquarters in South Quay for the last two months. 24 Ricky wanted an update, and I [that means 25 Debbie Turrell] have advised him there is no further</p> <p style="text-align: center;">Page 38</p>	<p>1 difficult to remember everything, but I think at the 2 time my thought process was that I had already been 3 informed that the handwriting on the note had been 4 positively identified as that of Daniel. So whilst the 5 information from Ricky Waumsley would still be very 6 interesting, very helpful, and particularly relevant, if 7 they -- if the borough team had chosen not to obtain 8 that from Mr Waumsley immediately, that is their 9 decision.</p> <p>10 Q. All right. We leapt ahead, because we looked at that 11 section in the document which talked about interviewing 12 Ricky Waumsley.</p> <p>13 Let's just go back to page 3, please, which is where 14 we had reached. I read out the top two paragraphs, 15 where you were expressing the need to get to the bottom 16 of Gabriel Kovari's death. You will recall when 17 I started asking you questions we looked at paragraph 11 18 of your witness statement, which referred, amongst other 19 things, to your concerns about the possibility that 20 Daniel's -- the site where his body was discovered might 21 have been what you described as a staged scene.</p> <p>22 A. Hmm.</p> <p>23 Q. Sitting on the dining mat, the bedsheet and so on. That 24 doesn't seem to be conveyed in this note, why not?</p> <p>25 A. Because I had spent the course of sort of seven hours</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 discussing the matter with Debbie Turrell and I had 2 expressed that I was concerned and I think that is 3 demonstrated through the fact that I was concerned 4 enough to spend my whole shift trying to further the 5 matter, and I didn't let it lie. I clearly consulted 6 DCI Lyons on a number of occasions and we decided that 7 we would take this further, to a special post mortem, 8 because we were not satisfied with anything of the 9 finding of Daniel Whitworth.</p> <p>10 Q. Just let me press on you little on that though, 11 DS Denley, because of course you say you had expressed 12 these concerns to DS Turrell, she knew about your 13 concerns about it being a staged scene and so on. But 14 this document was going to be circulated more widely 15 than just DS Turrell, wasn't it?</p> <p>16 A. Yes.</p> <p>17 Q. Part of its purpose is to serve as a record of your 18 views about the case --</p> <p>19 A. Hmm.</p> <p>20 Q. -- so wasn't it important for you at least to flag up 21 not just that enquiries needed to be made into the 22 circumstances of Gabriel's death, which you have told us 23 is something you were concerned Barking may not have 24 fully focused on, but that you did have these concerns 25 about the possibility that the scene where Daniel's body</p> <p style="text-align: center;">Page 41</p>	<p>1 Q. As far as media is concerned, you have put: 2 "Prepare if asked holding lines." 3 In other words sort of a press release or whatever 4 it is that the borough will say to the press if they are 5 asked?</p> <p>6 A. Yes.</p> <p>7 Q. Then you have written this: 8 "Appeals not necessary." 9 Does that mean witness appeals are not necessary?</p> <p>10 A. Yes --</p> <p>11 Q. Let me ask you about that. We have spent an hour or so 12 talking amongst other things about your concerns about 13 the scene where Daniel was found, the possibility that 14 it was staged. If it had been staged, staged in Barking 15 churchyard in the middle of the town, the jury have been 16 there, why on earth would it not be a good idea to 17 appeal for witnesses?</p> <p>18 A. What I am suggesting here is that at the time of writing 19 a witness appeal is not required. It is not to say that 20 in the future witness appeals may be beneficial, they 21 may be required, but it would be common practice for us 22 as the police investigators to try and establish as much 23 as possible independently before going out for a witness 24 appeal, because the witness appeal opens the floodgates, 25 it invites an awful lot of information from a lot of</p> <p style="text-align: center;">Page 43</p>
<p>1 was found might have been a staged scene?</p> <p>2 A. I think what I was thinking at the time was that clearly 3 I was aware that DS Turrell had previously been -- 4 I believe she had told me at the beginning of the 5 telephone conversation she had been on a MIT team 6 herself. I was dealing with an experienced officer with 7 more service than myself. She was a substantive 8 detective sergeant. I clearly described the 9 circumstances of the finding of Daniel and the note and 10 that I was not satisfied that we could rest with this 11 potential hypothesis of manslaughter-suicide.</p> <p>12 The circulation of the HAT report that I have 13 created would be going to, you are right, a number of 14 officers much more senior than myself, much more 15 experienced, so it is not necessary -- or I deemed it 16 not necessary for me to particularly say this could be 17 staged, because if I thought it, if any of my colleagues 18 thought it, then my more experienced senior 19 investigating officers would be able to make that 20 assessment for themselves.</p> <p>21 Q. Let's move on -- thank you for that -- can we look at 22 page 4 of the note, please.</p> <p>23 I want to pick up. Do you see there was a heading 24 there "Media appeals"?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 42</p>	<p>1 sources, some of it unhelpful and potentially the broad 2 sort of depth of the weight of that information that we 3 would have to process could potentially distract us, the 4 police, from the core of the investigation that I am 5 trying to get to the bottom of directing officers with 6 my HAT report.</p> <p>7 Q. One understands about the perhaps undesirability of 8 receiving lots of chaff and being distracted and so on, 9 but surely in a situation like this, where something 10 that you describe as being really odd has happened in 11 the middle of a busy town, there is a need to ask for 12 witnesses as quickly as possible, before they forget?</p> <p>13 A. My recollection of my work on the murder command was 14 that we would never complete a witness appeal at that 15 very, very early stage of the investigation. It was 16 just -- in my experience, it was just not the done 17 thing.</p> <p>18 Q. All right. Okay, well you have explained that.</p> <p>19 Let's move down the page, please. I mentioned the 20 conclusion section. Let's just look at that. I am 21 going to read it out and then ask you a couple of 22 questions arising from it. You said: 23 "I have consulted DCI Lyons ... it has been agreed 24 that Barking borough hold primacy for the investigation 25 so far. A special [post mortem] of Daniel Whitworth is</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 to be conducted and we will await the results of that.</p> <p>2 DS Turrell has been provided with the south HAT car</p> <p>3 phone number [that's your contact number] and asked to</p> <p>4 remain in contact with any updates, specifically details</p> <p>5 of the special PM.</p> <p>6 "We remain on call for assistance and advice.</p> <p>7 "SC&O1 officers will attend the special [post</p> <p>8 mortem] ..."</p> <p>9 You were one of those officers, were you not?</p> <p>10 A. Yes, I was.</p> <p>11 Q. I want to ask you about two things there.</p> <p>12 First of all, the decision to hold the special post</p> <p>13 mortem. Is it right that wasn't your decision but</p> <p>14 a decision taken by DCI Lyons?</p> <p>15 A. Yes. I would not be able to decide upon and authorise</p> <p>16 a special post mortem, there needs to be a certain</p> <p>17 amount of checks and balances in place but a special</p> <p>18 forensic examination would entail a lot of resources and</p> <p>19 therefore expense, so it would always have to be</p> <p>20 authorised by the DCI.</p> <p>21 Q. Did you have an understanding -- we can ask him about</p> <p>22 this, but briefly did you have an understanding through</p> <p>23 your discussions with him of why he decided there should</p> <p>24 be a special post mortem in this case?</p> <p>25 A. Yes, I did. Although it is not for me to authorise,</p> <p style="text-align: center;">Page 45</p>	<p>1 Now we come to this issue again in the</p> <p>2 Daniel Whitworth case, you understand?</p> <p>3 A. Yes, I understand.</p> <p>4 Q. Just to be clear, first of all, it is clear from the</p> <p>5 evidence we have already heard that the actual decision</p> <p>6 about whether SC&O1 should take primacy in a particular</p> <p>7 case was certainly not a decision for you to take, was</p> <p>8 it?</p> <p>9 A. No, it wasn't, and it would never be.</p> <p>10 Q. Having said that, you have described being engaged in</p> <p>11 this case for the whole of your shift, and speaking to</p> <p>12 your superior DCI Lyons about it and the question of</p> <p>13 whether a particular case is one that SC&O1 ought to be</p> <p>14 thinking about taking over is certainly a matter that</p> <p>15 you would consider and pass your views on up to your</p> <p>16 superiors, isn't it?</p> <p>17 A. Yes, my role would be to gather the information, and</p> <p>18 obviously try to provide advice and assistance to the</p> <p>19 local officers, but, like I say, my sole purpose in</p> <p>20 relation to primacy is to gather the information and</p> <p>21 push it up the chain of command for the decision makers</p> <p>22 to possibly have the best information in front of them</p> <p>23 to in order -- rather to enable them to make the best</p> <p>24 decision.</p> <p>25 Q. We know that the matters you were investigating that</p> <p style="text-align: center;">Page 47</p>
<p>1 I would have my own opinion and, you know, I have</p> <p>2 consulted my superior and we would have discussed it but</p> <p>3 it would certainly always, always be a DCI's decision.</p> <p>4 Q. Tell us, did you agree with it, did you think it was</p> <p>5 appropriate in this case?</p> <p>6 A. Completely, yes.</p> <p>7 Q. And why?</p> <p>8 A. Because we had no -- at that time I was of the view that</p> <p>9 we had no firm evidence or even reliable information to</p> <p>10 determine what had actually happened. I wasn't</p> <p>11 comfortable, I wasn't satisfied with the circumstances</p> <p>12 of Daniel's finding or his death. The special post</p> <p>13 mortem would provide a wealth of investigative and</p> <p>14 forensic opportunities and it would also allow us to try</p> <p>15 and either incorporate or eliminate the possibility of</p> <p>16 any third party involvement.</p> <p>17 Q. Well, as I say, we will hear more from DCI Lyons about</p> <p>18 that decision in due course today.</p> <p>19 The second matter I want to address with you is the</p> <p>20 question of primacy, which is referred to there in that</p> <p>21 concluding paragraph, isn't it?</p> <p>22 A. Yes, it is, yes.</p> <p>23 Q. The jury have heard a fair amount on the question of</p> <p>24 primacy and SC&O1 taking or not taking primacy in the</p> <p>25 Anthony Walgate case.</p> <p style="text-align: center;">Page 46</p>	<p>1 morning covered two deaths, Gabriel's death and Daniel's</p> <p>2 death, yes?</p> <p>3 A. Yes.</p> <p>4 Q. You have expressed the view, in the course of giving</p> <p>5 evidence, that your view at the time was really they</p> <p>6 were inextricably linked -- you didn't use those words,</p> <p>7 but you said they needed to be investigated together?</p> <p>8 A. Correct.</p> <p>9 Q. I am not going to ask you about whether HAT should have</p> <p>10 taken over the investigation in terms of Daniel's death,</p> <p>11 because we have already heard a lot of evidence about</p> <p>12 how, in the context of the Anthony Walgate investigation</p> <p>13 that a death which is "unexplained", where there is not</p> <p>14 actually clear evidence of homicide, is not one that, at</p> <p>15 least in those days, the murder investigation team would</p> <p>16 take over. Do you understand?</p> <p>17 A. Yes.</p> <p>18 Q. The questions I want to ask you are whether, in light of</p> <p>19 what happened with Gabriel, a decision should have been</p> <p>20 made for HAT to take over the investigation of the case.</p> <p>21 Let's perhaps do this by going back to the first page of</p> <p>22 this document.</p> <p>23 Do you see where it says "Victim details" on the</p> <p>24 left in red?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 Q. Just above that line, there is a line that says 2 "Offences", and you have entered here, "Possible 3 manslaughter/suicide", clearly the possible manslaughter 4 is reference to the Gabriel Kovari's death and the 5 suicide to Daniel Whitworth, that was your understanding 6 at the time, you have told us about your concerns. 7 Just focusing then on the first of those two 8 offences, manslaughter is a homicide offence? 9 A. Yes. 10 Q. Manslaughter is an offence that your team investigated? 11 A. On occasion, yes. 12 Q. Why then, if you have clear evidence of manslaughter in 13 terms of the note saying "I took the life of my friend", 14 why then did that not indicate that here was a case that 15 needed to be investigated by your team? 16 A. The issue of primacy is not really anything that I can 17 help with. I really, sincerely, want to be able to help 18 anybody with anything that I can but if I may explain. 19 In my seven and a bit years on the murder command, 20 I was never involved in any discussions, contemplations, 21 around primacy. I was certainly never a decision maker, 22 it was always DCI/superintendent level. I have no 23 experience of the threshold, what the decision-making 24 process would be, so I am concerned that if I continue 25 to discuss the matter of threshold, that I may just be</p> <p style="text-align: center;">Page 49</p>	<p>1 Q. Given the indication in the note that Gabriel's death 2 had been at the hands of another, isn't that something 3 that it was for your team or another of the murder 4 investigation teams to investigate? 5 A. That wouldn't be a decision that I would be able to 6 make. 7 Q. I am not going to press you any further on that, 8 DS Denley. We will address those matters with 9 DCI Lyons. 10 In any event, as we see from note, the position was 11 left on that day that primacy would be left with the 12 borough, with assistance being provided by your team. 13 Is that the position? 14 A. That is right yes, that's correct. 15 Q. I am going to come on, in a moment, to deal with the 16 days that follow, but before we do that, in fact we are 17 still at your witness statement. Could we go to 18 paragraph 17 of your witness statement. The first 19 sentence reads: 20 "I note that I did not record in my HAT advice 21 document that Daniel Whitworth's clothing or the 22 bedsheet he was found wrapped in would be of forensic 23 value and should be submitted for forensic analysis." 24 We go sort of full circle, don't we, because that 25 was the initial question that you were asked by</p> <p style="text-align: center;">Page 51</p>
<p>1 speculating, potentially giving wrong information, 2 because I simply have no experience of the 3 decision-making process. 4 Q. Well, let me just press you. We understand that, 5 DS Denley, but let me just press you a little bit. Can 6 we look at your witness statement, MPS590, page 3, it's 7 at the bottom of that page, paragraph 15, so if we can 8 expand the bottom, or possibly we can scroll up, because 9 we will need to go to the next page. You say this: 10 "I discussed the issue of primacy for the 11 investigation, ie whether SC&O1 should assume primacy or 12 whether it should remain with the borough, with 13 DCI Lyons. I do not recall the exact details of this 14 conversation. However, there was no clear evidence that 15 this was a homicide and it was not unusual in those 16 circumstances for the local borough to retain primacy 17 for the investigation." 18 Just pausing there, there was clear evidence of 19 a homicide, there was clear evidence that Gabriel had 20 been killed, on the face of it by Daniel, wasn't there? 21 A. I think for it to be considered clear evidence, it would 22 have to be believed that the suicide note was genuine 23 and that everything about it, the whole circumstances, 24 was as presented and we weren't able to accept that at 25 the time.</p> <p style="text-align: center;">Page 50</p>	<p>1 Debbie Turrell that morning about the clothing? 2 A. Yes. 3 Q. I am not going to read all of this paragraph out, but 4 you explain why those matters had not been included in 5 the advice, because you say you assumed that 6 Debbie Turrell would have understood what you intended. 7 Is that right? 8 A. But I did record that the clothing of Gabriel Kovari 9 should be sourced and highlighted that as a potential 10 forensic opportunity and then, of course, the same would 11 be true for Daniel Whitworth's clothing. 12 Q. I want to move away from what you actually recorded on 13 note to what you advised Deborah during the course of 14 the day. 15 Did you advise her -- I am now asking you about 16 Daniel's effects -- first of all that the clothing and 17 the bedsheet should be retained? 18 A. Yes. 19 Q. Did you advise her that the clothing and the bedsheet 20 should be submitted for forensic analysis? 21 A. Yes. 22 Q. Just to be clear, that is advice you gave her on that 23 day, that Sunday, 21st? 24 A. That is my recollection, yes. 25 Q. What was the basis of the advice that you gave on that</p> <p style="text-align: center;">Page 52</p>

<p>1 day then, that both the clothing and the bedsheet should 2 be submitted for forensic analysis? What was the 3 purpose of it? 4 A. The purpose of the submission for forensic examination? 5 Q. Yes. 6 A. That would be to attempt to identify people or places 7 that Daniel had come into contact with. When I was 8 talking initially with Debbie Turrell, it was clear that 9 the clothing of Daniel should be seized, it should be 10 submitted, because also, it is a very routine police 11 investigative action, so for example on a much lower 12 level scale, a road rage incident where a cyclist and 13 a motorist are engaged in some sort of argument, the 14 windscreen -- sorry, the wing mirror gets kicked off by 15 the cyclist and one party spits at the other. If we are 16 able to seize and retain one item of clothing, we could 17 submit that for analysis and try and identify 18 a potential suspect. 19 So for lower-level offences such as that we would 20 seize clothing. So for something like this, a serious 21 and unexplained death of a young apparently fit and 22 healthy male, the analysis of the clothing, of course we 23 would do it. It is, to turn a phrase, day 1 stuff. 24 Q. To use your phrase, day 1, you would have expected the 25 officers, maybe not on that very day but shortly after,</p> <p style="text-align: center;">Page 53</p>	<p>1 Can we look at internal page 4, please. We see 2 here, officer, a list of the police officers and others 3 present at the post mortem? 4 A. Yes. 5 Q. This is of course a list made by Dr Swift. For what it 6 is worth, he has got your name at the beginning, and 7 next to it he has written "IO", which no doubt stands 8 for "investigating officer". 9 A. Hmm. 10 Q. We see a list of others below that. All with their job 11 title, as it were, except A/DI, that is acting detective 12 inspector, Rolf Schamberger, who was from Barking 13 borough, who was there but doesn't have any sort of job 14 description next to his name. 15 One might infer from that document that Dr Swift 16 understood that you were, shall we say to use a neutral 17 term, leading the investigation at that time. Tell us, 18 first, were you? What to your memory was said to 19 Dr Swift about who was leading the investigation? 20 A. No, I was not leading the investigation. I cannot 21 recall specifically what was said to Dr Swift. We would 22 have introduced ourselves and potentially, you know, 23 which command, which area of the policing service we 24 were from. But, no, I don't specifically recall giving 25 an indication to Dr Swift about exactly who was who and</p> <p style="text-align: center;">Page 55</p>
<p>1 the day or two that followed, to have submitted both the 2 catalogue and also the sheet for forensic analysis? 3 A. Yes. 4 Q. I am going to move on now in the chronology. We are 5 going to hear some evidence about events on the Monday, 6 22 September. I think the jury have already seen there 7 was a gold group that took place on that day, and we 8 will hear that there were some discussions about primacy 9 that took place. You don't refer to any of those 10 matters in your witness statement. As far as you can 11 recall, were you involved in this case at all on that 12 day? Were you in fact on duty that day? 13 A. Which day, sorry? 14 Q. I am asking you about the Monday, so the day between the 15 day we have just been discussing -- we will come on to 16 talk about the Tuesday with the post mortem -- 17 A. I believe I was on duty, but I don't recall ever being 18 contacted on that day. 19 Q. Let's go on then to the next day, the Tuesday, the 23rd, 20 and in particular that was the day that you attended 21 Queen's Hospital to be present at the post mortem? 22 A. Yes, it was, yes. 23 Q. Let's quickly look, if we can, at Dr Swift's record of 24 that post mortem, so it is at tab 44 in the bundle. For 25 the screen, it is IPC331.</p> <p style="text-align: center;">Page 54</p>	<p>1 who was doing what. 2 Q. To be fair, it is not something that Dr Swift needed to 3 know, really, is it? 4 A. No, and he himself has said obviously that he got the 5 names and information from his office. He didn't 6 personally record them. He didn't take those down at 7 the time. 8 Q. We have heard from him, and indeed it is consistent with 9 what we have heard about another special post mortem, 10 that there were discussions between the police officers 11 present and Dr Swift, both at the briefing and the 12 strategy discussions before the post mortem, perhaps 13 during the examination itself and then at the debrief 14 afterwards. 15 Do you have a memory of those events and being 16 present at that post mortem? 17 A. Yes, I do remember, yes. 18 Q. Is it possible that Dr Swift may have obtained the 19 impression that you were leading the impression because 20 you were quite vocal in the questions that you asked? 21 A. Yes, that is entirely possible, yes. 22 Q. We have heard all about the post mortem itself from 23 Dr Swift, and I am not going to ask you detailed 24 questions about what took place. But I am going to ask 25 you a few questions about the HAT report document that</p> <p style="text-align: center;">Page 56</p>

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<p>1 you prepared straight afterwards.</p> <p>2 Can we have a look at that, please, it is tab 45 in</p> <p>3 the bundle. For the screen, it is IPC42. Here is</p> <p>4 another of these HAT documents, DS Denley. It is headed</p> <p>5 "Continued advice/guidance note", is there any magic in</p> <p>6 that term?</p> <p>7 A. No, the purpose of this document really is slightly</p> <p>8 different to my initial advice. My initial advice is to</p> <p>9 try and assist the local officers, as I have already</p> <p>10 described, it serves as more of a briefing to them,</p> <p>11 although clearly it is communicated within the homicide</p> <p>12 command up high, outside of the command, right to</p> <p>13 management board level.</p> <p>14 This second advice that I have completed after the</p> <p>15 special post mortem serves more as a briefing internally</p> <p>16 to SC&O1 about the findings of the special post mortem</p> <p>17 in relation to a death that we have advised on and</p> <p>18 attended the special post mortem. So you will probably</p> <p>19 notice that the content of it and the structure is</p> <p>20 different.</p> <p>21 Q. Well, I was wondering if you were going to say that,</p> <p>22 because that is a point you make in your witness</p> <p>23 statement, DS Denley, about this note serving, shall we</p> <p>24 say, an internal purpose. But that is not really</p> <p>25 consistent with the title. You are not advising or</p> <p style="text-align: center;">Page 57</p>	<p>1 to the neck with the pinpoint marks around the eyes,</p> <p>2 could also be as a result of the deceased taking</p> <p>3 an overdose and fitting, yes?</p> <p>4 A. Yes, correct.</p> <p>5 Q. You have then moved on to a different type of bruising,</p> <p>6 which again we have heard from Dr Swift about, that is</p> <p>7 the bruises under Daniel's arms and his armpits and you</p> <p>8 have recorded what Dr Swift appears to have told you and</p> <p>9 he certainly said he would have told you about those</p> <p>10 bruises being consistent with Daniel being manhandled</p> <p>11 and we heard some evidence about the fact that the</p> <p>12 bruises would have been caused if somebody had carried</p> <p>13 or moved Daniel. You have written, "... either pre-or</p> <p>14 post mortem". I asked Dr Swift about the fact that he</p> <p>15 had written something a bit different in his report, in</p> <p>16 which he said, "Likely to have been before Daniel's</p> <p>17 death", all right.</p> <p>18 I want to focus on two or three paragraphs down,</p> <p>19 where you go on to say:</p> <p>20 "There was discussion around how the injuries could</p> <p>21 have been caused and it is possible that the bruising</p> <p>22 under his arms, armpits, throat [so you are referring</p> <p>23 here to both sets of bruising, are you not] could have</p> <p>24 been sustained some time before death and during sexual</p> <p>25 acts."</p> <p style="text-align: center;">Page 59</p>
<p>1 offering guidance to your superiors within SC&O1, are</p> <p>2 you?</p> <p>3 A. Not specifically. Obviously this report will also be</p> <p>4 communicated with the borough and their seniors, but,</p> <p>5 yes, this is just a standard template and the practice</p> <p>6 was that this is pretty much the way that we completed</p> <p>7 these documents at that time.</p> <p>8 Q. Yes. Well, in any event, we see that what is within</p> <p>9 this document is a record of at least some of the things</p> <p>10 that took place at the post mortem.</p> <p>11 A. Yes.</p> <p>12 Q. We read out yesterday when we were hearing evidence from</p> <p>13 Dr Swift the passage at the bottom of this page, and</p> <p>14 going over to the next, about the bruising. You have</p> <p>15 referred in the paragraph starting, "The</p> <p>16 pathologist ..." to some bruising that was found around</p> <p>17 Daniel's neck, and some associated pinpoint bleeding</p> <p>18 around the eyes. Do you see that? You have referred to</p> <p>19 the fact that this can be consistent with strangulation</p> <p>20 but there no other evidence to support this, no injuries</p> <p>21 to bones in the throat or the voicebox.</p> <p>22 That is something which Dr Swift explained to us</p> <p>23 yesterday.</p> <p>24 Then you have referred to something else which</p> <p>25 Dr Swift told us which is that those injuries, that is</p> <p style="text-align: center;">Page 58</p>	<p>1 You referred to the deceased's suicide note having</p> <p>2 suggested that he had essential with a male the night of</p> <p>3 his death:</p> <p>4 "He clearly led a double life his partner knew</p> <p>5 nothing of."</p> <p>6 That paragraph recorded a discussion which you had</p> <p>7 had with whom?</p> <p>8 A. I recall being in the debrief. Dr Swift was present for</p> <p>9 the beginning of the debrief, but my recollection was</p> <p>10 that after Dr Swift had given us his information, if you</p> <p>11 like, we, as the police family, further discussed what</p> <p>12 could potentially have happened.</p> <p>13 Q. So Dr Swift had said, "Well the throat, might have been</p> <p>14 caused by strangulation but initially it doesn't look</p> <p>15 like it because there is no damage to the bones; the</p> <p>16 bruising on his shoulders and arms consistent with being</p> <p>17 manhandled ..."</p> <p>18 A. Could be consistent, yes.</p> <p>19 Q. Yes, and then you have had a discussion between what you</p> <p>20 call the police family, you have come up with</p> <p>21 a completely new theory:</p> <p>22 "Well, this could have been during [and I used this</p> <p>23 term yesterday, I think it is a fair summary] 'rough</p> <p>24 sex'."</p> <p>25 Did you ask Dr Swift whether he agreed with that</p> <p style="text-align: center;">Page 60</p>

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<p>1 hypothesis?</p> <p>2 A. No. I don't recall that I did discuss it with Dr Swift.</p> <p>3 I recall being in the debriefing and having this</p> <p>4 discussion with my colleagues. The reason we were</p> <p>5 discussing potential outcomes and possibilities is</p> <p>6 because we had not been given anything conclusive from</p> <p>7 the post mortem.</p> <p>8 So the throat injuries could be strangulation, but</p> <p>9 then again it could be because of fitting. The</p> <p>10 manhandling could have been pre or post mortem.</p> <p>11 Dr Swift didn't -- wasn't able -- I did ask him: are you</p> <p>12 able to give any indication of time for the injuries</p> <p>13 under the arms? And he said no.</p> <p>14 So my understanding, my feeling, and my</p> <p>15 interpretation of what we, collectively, had been told,</p> <p>16 it didn't point towards or take us away from anything</p> <p>17 particular. The information given as a result of the</p> <p>18 special post mortem hadn't actually changed anything for</p> <p>19 the course of the investigation, so we were left in the</p> <p>20 room with no answers, we didn't have any more</p> <p>21 information we had than at the beginning of the special</p> <p>22 post mortem. So, as a result, we were almost sort of</p> <p>23 hypothetically saying "anything is possible", we have</p> <p>24 got nothing to say one thing is more likely than the</p> <p>25 other.</p> <p style="text-align: center;">Page 61</p>	<p>1 Q. DS Denley, you have just been present at</p> <p>2 an investigation where a skilled expert pathologist has</p> <p>3 identified two different sets of bruising and has given</p> <p>4 possible explanations for each, yes?</p> <p>5 A. Yes.</p> <p>6 Q. That is what had happened, isn't it? You, completely</p> <p>7 understandably, were thinking about other possible</p> <p>8 explanations. But my simple question to you is if you</p> <p>9 had come up with another theory, it would have been</p> <p>10 appropriate, either at the time or in the hours or days</p> <p>11 that followed, for you to contact Dr Swift and simply</p> <p>12 ask him, "Is this possible? You have done the post</p> <p>13 mortem, here is another theory, do you agree with it or</p> <p>14 not?"</p> <p>15 Because, as we heard from Dr Swift, if you had done</p> <p>16 that, he would have said, "No, I don't think that is</p> <p>17 a very likely explanation".</p> <p>18 A. But we hadn't had -- we hadn't pinned our hopes or our</p> <p>19 investigation thoughts upon this hypothesis of it being</p> <p>20 caused in a sexual encounter. Dr Swift told us that the</p> <p>21 injuries could be consistent with manhandling and not</p> <p>22 that they were. We were not told that they were pre or</p> <p>23 post mortem. We were not told that possibly they could</p> <p>24 be immediately or very soon after death, to give us any</p> <p>25 steer whatsoever. So of course this is completely wide</p> <p style="text-align: center;">Page 63</p>
<p>1 So the reason I have recorded about sex is because</p> <p>2 that was referenced in the suicide note, that he had had</p> <p>3 sex the night before. But of course that is just one of</p> <p>4 possibly a million other potential explanations.</p> <p>5 Q. But, DS Denley, of course it is part of your role to try</p> <p>6 and think of other explanations for these injuries and</p> <p>7 to try and understand what may have happened prior to</p> <p>8 Daniel's death.</p> <p>9 A. Yes.</p> <p>10 Q. No one is suggesting it wasn't an appropriate line of</p> <p>11 thinking. But once you had started down that line, it</p> <p>12 would have been appropriate, wouldn't it, for you to ask</p> <p>13 Dr Swift whether he thought that that was a reasonable</p> <p>14 explanation for these injuries?</p> <p>15 A. As I recall, Dr Swift spoke to us briefly in the</p> <p>16 debrief. The special post mortems are carried out quite</p> <p>17 rapidly. They are not a quick operation, clearly they</p> <p>18 last in excess of a couple of hours, but at the</p> <p>19 conclusion, once the pathologist has given the</p> <p>20 information and there is nothing more to give, they</p> <p>21 quite quickly want to be away and carry on with their</p> <p>22 further work.</p> <p>23 This left me and my colleagues discussing the case</p> <p>24 in general and Dr Swift was outside of the conversation,</p> <p>25 he may well have even left at this point.</p> <p style="text-align: center;">Page 62</p>	<p>1 open. We have no understanding of who, what, where,</p> <p>2 when, how. So just because I have noted that, as one</p> <p>3 potential explanation, we have discussed a sexual</p> <p>4 encounter, we wouldn't necessarily, in my opinion, speak</p> <p>5 to Dr Swift about every other possible encounter or</p> <p>6 explanation.</p> <p>7 Q. I don't want to spend time going on about this too much,</p> <p>8 DS Denley, but no one is putting to you the possibility</p> <p>9 of you speaking to Dr Swift about, to use your words,</p> <p>10 every other possible explanation. He has given you two</p> <p>11 explanations, you have come up with a third -- still in</p> <p>12 the same room, still in the same building -- before you</p> <p>13 draft this note.</p> <p>14 My simple question is wouldn't it have been</p> <p>15 appropriate -- are you actually saying that it would</p> <p>16 have been bad practice to have contacted Dr Swift and</p> <p>17 asked for his views on this alternative explanation that</p> <p>18 you had come up with?</p> <p>19 A. It certainly wouldn't have been bad practice, no.</p> <p>20 Q. Let me move on then.</p> <p>21 You knew that you hadn't run that hypothesis past</p> <p>22 Dr Swift, didn't you?</p> <p>23 A. Yes.</p> <p>24 Q. Yet, when you wrote your note, you didn't make it clear</p> <p>25 that in contrast to the earlier explanations which had</p> <p style="text-align: center;">Page 64</p>

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<p>1 come from Dr Swift, this explanation is one that you and 2 your colleagues in the police family had discussed 3 without any input from Dr Swift. Do you think that is 4 something you should have made clear in this note? 5 A. I suppose with the benefit of hindsight I could have 6 made that clearer, yes. 7 Q. Not clearer, DS Denley. This paragraph simply carries 8 straight on by saying there was discussion around how 9 the injuries could have been caused and so on. There is 10 no indication whatsoever, is there, that this part of 11 the discussion did not include Dr Swift? 12 A. I think on most of the other entries within this 13 document, I have said, "Dr Swift stated ..." and, 14 "Dr Swift was not able to give a cause ..." and then 15 there was discussion. I didn't specifically include the 16 fact that Dr Swift was there and present and engaged in 17 this further discussion. 18 So, yes, I stick with it, that I could have made it 19 clearer, but I in no way suggested that Dr Swift was 20 involved in this discussion. 21 Q. Just take a moment, DS Denley, because you have been 22 answering questions for an hour and a half, and the jury 23 will want to understand this point. 24 Are you actually saying that someone reading this 25 document would have understood that that paragraph</p> <p style="text-align: center;">Page 65</p>	<p>1 Q. Right, I mean -- let me move on. 2 Can we go, please, back to Dr Swift's report, so it 3 is tab 44. 4 For the screen, it is IPC331, and can we go to 5 page 10, please. 6 I want to look at paragraph 8, which is a paragraph 7 we spent some time looking at yesterday. I am sure you 8 have looked at before giving evidence, DS Denley, this 9 is a record in Dr Swift's final report of 10 recommendations that he made at the time of the post 11 mortem. You understand? 12 A. Hmm. 13 Q. What he describes there is, to use his words: 14 "It was strongly recommended that further 15 examination of the bedsheet within which Daniel was 16 apparently wrapped be examined and also positive 17 confirmation made of the handwriting." 18 I just want to focus on the question of the 19 bedsheet. From what you have said, Dr Swift's 20 recommendation, strong recommendation in his words, in 21 fact reflected advice that you had given on the Sunday, 22 namely that the bedsheet should be sent off for 23 examination. 24 A. Correct, yes. 25 Q. So you clearly agreed with the advice he was giving?</p> <p style="text-align: center;">Page 67</p>
<p>1 reflected a discussion which didn't include Dr Swift; is 2 that what you are saying? 3 A. That isn't what I am saying. 4 Q. Do you agree it is misleading? 5 A. I wouldn't say it is misleading. I think with the 6 benefit of hindsight I could have made it clearer as to 7 who was actually present and involved in that discussion 8 at the time. But, of course, this is the benefit of 9 hindsight and at the time, with this report and my 10 previous HAT report, I received no indication that there 11 was insufficient or misleading information, I was not 12 asked to clarify anything, there has been no suggestion 13 that my reports were incorrect. It is only that, now, 14 seven years down the line, with a lot further scrutiny, 15 that questions have been raised and I completely 16 understand that, I agree that is -- with this whole 17 process. But the point I am trying to make is at the 18 time both of these reports were sent, as I have already 19 said, very, very, very high up within the organisation, 20 Met Police, and nobody has asked or criticised. 21 So -- 22 Q. That may be because no one understood before these 23 matters were looked at, DS Denley, that this paragraph 24 did not reflect Dr Swift's advice. Is that possible? 25 A. Possible, yes.</p> <p style="text-align: center;">Page 66</p>	<p>1 A. Yes. 2 Q. In your experience, is it frequently the case that 3 pathologists like Dr Swift make recommendations about 4 forensic opportunities at special post mortems? 5 A. In my experience there is -- obviously every pathologist 6 is different, Dr Swift takes a very keen and active 7 interest and part in further lines of enquiry and trying 8 to assist. Some other pathologists are not quite the 9 same. But, yes, it is certainly not uncommon for 10 pathologists to recommend or ask that things are 11 considered. 12 Q. When they do, is it fair to say that those 13 representations need to be taken seriously? 14 A. I would suggest so, yes, because clearly Dr Swift is 15 a very well-qualified man, very well experienced and we, 16 as the police, are effectively employing him with the 17 Crown's resources to help us with this investigation. 18 I have said already that one of the purposes of the 19 special post mortem is to identify further forensic and 20 investigative opportunities and clearly the bedsheet, 21 the clothing, that is a huge opportunity. 22 So yes. 23 Q. I am not going to bring it back on the screen, because 24 we have looked at it, but there is no record in your HAT 25 return of those recommendations that we are looking at</p> <p style="text-align: center;">Page 68</p>

<p>1 now. Is that something you think you ought to have 2 included in your report?</p> <p>3 A. No, I don't. The reason for that is because, during the 4 debrief process I can recall that it was -- we were all 5 roughly stood in a circle, me, the crime scene manager, 6 Dr Swift and Rolf Schamberger. Rolf Schamberger, 7 I recollect, was taking notes and the investigative 8 actions were for him and his team to follow through.</p> <p>9 Q. All right. I want to ask you about two more matters, 10 and I hope I can ask you about them fairly briefly.</p> <p>11 First of all, the crime scene manager. I mentioned 12 right at the start of my questions that on the Sunday, 13 you were involved in discussions with crime scene 14 manager Foster, yes?</p> <p>15 A. Yes.</p> <p>16 Q. The jury have seen that at the special post mortem 17 a different member of that department, Mr Gallagher, 18 attended the post mortem?</p> <p>19 A. That's correct.</p> <p>20 Q. You said when I asked you that it was you who had 21 contacted Mr Foster on the Sunday. I think we have 22 heard before that the crime scene managers are 23 a resource who work with SC&O1; is that right?</p> <p>24 A. Yes, that's right.</p> <p>25 Q. It is for you to bring them on board, as it were, it is</p> <p style="text-align: center;">Page 69</p>	<p>1 Q. Tell us what they did?</p> <p>2 A. As I said, I -- after the special post mortem my 3 involvement with the case was very limited, but in the 4 purpose of preparation for this inquest I have become 5 aware from the crime report that on 25 September 2014 6 there were a couple of entries on the crime report 7 stating that the entries are made by 8 A/DI Rolf Schamberger, so I assume it was him that had 9 made the contact, but it could have been an officer on 10 his team. He had been in contact with the CSM, the 11 crime scene manager, in relation to forensic 12 opportunities of Gabriel Kovari and his clothing and 13 there were no further actions or opportunities 14 available.</p> <p>15 There was no mention of Daniel Whitworth.</p> <p>16 And there was also discussion -- another entry on 17 the same date in relation to the CSM being contacted 18 about authority to submit toxicology samples to the lab 19 for analysis.</p> <p>20 Q. Right. What doesn't seem to have happened is a forensic 21 strategy meeting, where the CSM and the investigators 22 would have sat down and actually talked through how they 23 might progress the case from a forensic angle. Is that 24 something that -- let me ask you it this way.</p> <p>25 Whose responsibility would it have been to have</p> <p style="text-align: center;">Page 71</p>
<p>1 not something the borough can do?</p> <p>2 A. Yes, the borough would not have access to a crime scene 3 manager.</p> <p>4 That is part of the reason why the HAT car is 5 called, obviously for early advice and assistance but 6 also it potentially opens a lot of other resourcing 7 opportunities for the borough. CSM included.</p> <p>8 Q. The clue is in the name, crime scene managers have 9 a role to play on the scene --</p> <p>10 A. Hmm.</p> <p>11 Q. -- and we heard in the Anthony Walgate investigation 12 that that is exactly what Ms Kynaston did, she went to 13 the scene and performed some actions there.</p> <p>14 It is also right, isn't it, that crime scene 15 managers have a role to play as the investigation 16 progresses, for example setting a forensic strategy and 17 undertaking forensic actions following, for example, 18 a special post mortem?</p> <p>19 A. Yes, absolutely.</p> <p>20 Q. Was it, now focusing on this case, CSM Gallagher having 21 been present at the special post mortem, was it your 22 expectation that he or his team would have had a role to 23 play going forward in the investigation into 24 Daniel Whitworth's death?</p> <p>25 A. Yes, absolutely the case, and I am aware that they did.</p> <p style="text-align: center;">Page 70</p>	<p>1 arranged such a meeting? Would it have been you, 2 because the CSMs sort of sit with SC&O1, would it have 3 been the CSMs themselves or would it have been the 4 borough investigators?</p> <p>5 A. It is difficult to say. There is no one answer. Once 6 the crime scene managers are involved with the borough, 7 the line of communication is open. So, for example, if 8 the forensic report, toxicology or a special post mortem 9 report had been received, it would go to the CSM, who 10 would then forward it on to the borough. They would 11 obviously be in contact.</p> <p>12 The equivalent on a borough of a CSM is the borough 13 forensic manager and he or she would be available and 14 required to give the authority to submit exhibits to 15 a laboratory for forensic analysis, because clearly 16 there is a high cost involved, so they would clearly 17 want to set the strategy so that the exhibits with the 18 highest potential forensic evidence would be submitted 19 first and it would be scaled down.</p> <p>20 So the borough: could potentially contact their own 21 borough forensic manager, who would be on site, on their 22 borough somewhere; could potentially contact the CSM 23 direct, because they would have their contact details; 24 they could potentially contact me or the rest of my team 25 to ask for assistance in setting a forensic strategy.</p> <p style="text-align: center;">Page 72</p>

<p>1 So there are a number of different ways that that</p> <p>2 could have happened.</p> <p>3 Q. We will see in a minute that your involvement in this</p> <p>4 case was almost at an end. You had very little to do</p> <p>5 with this case after the day of the post mortem.</p> <p>6 Was it the case that unless you took the initiative</p> <p>7 that forensic strategy meeting and those other forensic</p> <p>8 investigations couldn't happen or, in fact, could those</p> <p>9 other people involved have driven it forward themselves</p> <p>10 without your involvement?</p> <p>11 A. Absolutely, yes. It didn't require my involvement or</p> <p>12 the team's involvement. Clearly this was a borough</p> <p>13 investigation at that time, and they had been afforded</p> <p>14 the opportunity. So, yes, other individuals could have</p> <p>15 driven that forward.</p> <p>16 Q. Can we have back up on screen, please, IPC42, and go to</p> <p>17 page 2. This is your second HAT return. It is tab 45</p> <p>18 for those using the bundle.</p> <p>19 The last paragraph is one which is perhaps familiar</p> <p>20 to us in its substance, DS Denley.</p> <p>21 You say:</p> <p>22 "Primacy for the investigation remains with the</p> <p>23 borough but SC&O1, MIT13 [your team] remain a point of</p> <p>24 contact for them for assistance and advice.</p> <p>25 A/DI Schamberger is aware of this and agrees</p> <p style="text-align: center;">Page 73</p>	<p>1 to remove the suspense can we now scroll down to see the</p> <p>2 body of the email?</p> <p>3 Mr Schamberger said:</p> <p>4 "Quick question, as far as you are concerned is</p> <p>5 there any benefit to holding on to Daniel Whitworth's</p> <p>6 body, following the special post mortem, or can this now</p> <p>7 be released?"</p> <p>8 This is two days after the post mortem. Were you</p> <p>9 surprised to be asked whether the body could be released</p> <p>10 that soon after the post mortem?</p> <p>11 A. I don't think "surprised" would possibly be the right</p> <p>12 word. Anything is possible and clearly families are</p> <p>13 very keen to have the body released and I completely</p> <p>14 understand that, it is part of the grieving process.</p> <p>15 However, from an investigative point of view, my</p> <p>16 view was that it was -- it would be way too early. So,</p> <p>17 yes.</p> <p>18 Q. Yes, and then we need to scroll back up to see your</p> <p>19 response, Mr Denley. So that is it:</p> <p>20 "Hi Rolf, in short it is best not to release the</p> <p>21 body to the family, as there are still not enough</p> <p>22 answers for all concerned to be satisfied regarding the</p> <p>23 cause of death. My advice is await the results of the</p> <p>24 toxicology. If it turns out to be an unlawful killing</p> <p>25 of some kind, there is potential for more work to be</p> <p style="text-align: center;">Page 75</p>
<p>1 with/understands the rationale."</p> <p>2 What were you expecting might happen as far as your</p> <p>3 involvement, MIT13's involvement, in this investigation</p> <p>4 after that day, after the end of the post mortem?</p> <p>5 A. I don't recall having any expectation, because the</p> <p>6 circumstances and the level of contact differs between</p> <p>7 every investigation. Sometimes we have a lot of contact</p> <p>8 with the borough, they are very active and contact us</p> <p>9 and ask lots of questions. Often there is just nothing,</p> <p>10 we don't hear anything after that event. Also, bearing</p> <p>11 in mind that we would potentially be still performing</p> <p>12 our on-call duties, so they wouldn't necessarily have my</p> <p>13 contact telephone number, it would be of the HAT car, so</p> <p>14 they could potentially speak with one of my colleagues</p> <p>15 and I may not be aware of it.</p> <p>16 So I don't recall having any clear expectations</p> <p>17 about what would happen next.</p> <p>18 Q. We know that Mr Schamberger did contact you later that</p> <p>19 week. Can we have on screen, please, IPC246. This is</p> <p>20 a chain of emails. I think we need to go to the second</p> <p>21 page, please. Right at the bottom, literally, do we see</p> <p>22 "Hi Stuart", so can we perhaps zoom in on that.</p> <p>23 It is an email from Mr Schamberger to you, on</p> <p>24 25 September, so I think that will be the Thursday of</p> <p>25 that week, after the post mortem on the Tuesday. Just</p> <p style="text-align: center;">Page 74</p>	<p>1 done. Also, if it is an unlawful killing and a suspect</p> <p>2 is identified, or if the coroner is not happy for some</p> <p>3 reason, there will be a second post mortem carried out."</p> <p>4 Then you explain it will be a difficult message for</p> <p>5 the family for the reasons you have given.</p> <p>6 You used the words "unlawful killing" twice there.</p> <p>7 Was it still very much in your mind at that time that</p> <p>8 that was a possible conclusion of this investigation?</p> <p>9 A. Absolutely. At the time anything -- it was still wide</p> <p>10 open in my mind. I had no clear answers as to what had</p> <p>11 happened to Daniel or Gabriel, and all of the basic</p> <p>12 questions, who, what, where, when and how, had not been</p> <p>13 answered, so anything was possible at that time, in my</p> <p>14 mind.</p> <p>15 Q. We know that the toxicology report became available in</p> <p>16 November of that year, 2014, and that Dr Swift's final</p> <p>17 report was not in fact drafted until April of the year</p> <p>18 after, 2015. Did you see either of those two documents?</p> <p>19 A. I did not.</p> <p>20 Q. As far as you can recall, is that email that we have</p> <p>21 just looked at, was that your last involvement in this</p> <p>22 case?</p> <p>23 A. That was my recollection, that that was the last contact</p> <p>24 I had had.</p> <p>25 MR O'CONNOR: Thank you very much, DS Denley, those are the</p> <p style="text-align: center;">Page 76</p>

<p>1 questions I wanted to ask you.</p> <p>2 Madam, this might be a convenient moment for</p> <p>3 a break.</p> <p>4 THE CORONER: Yes. We will take a 15-minute break, members</p> <p>5 of the jury.</p> <p>6 (11.40 am)</p> <p>7 (A short adjournment)</p> <p>8 (11.57 am)</p> <p>9 (In the presence of the jury)</p> <p>10 THE CORONER: Yes, we have closed all the windows that we</p> <p>11 can possibly close.</p> <p>12 Yes.</p> <p>13 Questions from MR STOATE</p> <p>14 MR STOATE: Thank you, madam. I am asking questions on</p> <p>15 behalf of the families of those who died. You will</p> <p>16 understand I don't have very long, so I am just going to</p> <p>17 pick up on a few issues of concern to them.</p> <p>18 First of all, the handwriting in the note found on</p> <p>19 Daniel's body.</p> <p>20 At 10.52, on 21 September 2014, DC Adeyemo-Phillips</p> <p>21 of Barking CID sent an email to Adam Whitworth, Daniel's</p> <p>22 dad, attaching a fragment of the handwriting in the note</p> <p>23 found on Daniel's body. You are aware of that?</p> <p>24 A. I am now, yes. I wasn't at the time.</p> <p>25 Q. Could we have on screen, please, IPC629, internal</p> <p style="text-align: center;">Page 77</p>	<p>1 Q. We can see, can't we, if you look about halfway down the</p> <p>2 paragraph beginning, "Part of the suicide note ..."</p> <p>3 A. I can see that.</p> <p>4 Q. "Part of the suicide note has been scanned to</p> <p>5 Adam Whitworth, the father of Daniel Whitworth deceased.</p> <p>6 At 1102 hours today Adam has confirmed the handwriting</p> <p>7 to be that of his son's."</p> <p>8 Yes?</p> <p>9 On the face of this document then, and there may be</p> <p>10 questions about the provenance of this document later,</p> <p>11 but on the face of this document, a matter of 10 minutes</p> <p>12 later, between DC Adeyemo-Phillips's email and this note</p> <p>13 saying 11.02. You said you were surprised by how</p> <p>14 quickly Daniel's writing had apparently been verified.</p> <p>15 Did you know it was a matter of apparently 10 minutes?</p> <p>16 A. No, I did not.</p> <p>17 Q. Does that strike you as a rather short time in which to</p> <p>18 get clarity on that? Clarification on that,</p> <p>19 verification on that?</p> <p>20 A. I suggest possibly it could take longer but, if for</p> <p>21 example somebody were to view something that they knew</p> <p>22 immediately was that person's handwriting or whatever,</p> <p>23 then potentially they could make an identification quite</p> <p>24 quickly, I would imagine.</p> <p>25 Q. Yes, so if it is obvious. If it is for example: is that</p> <p style="text-align: center;">Page 79</p>
<p>1 page 3. There is the email. Internal page 3, can you</p> <p>2 see there -- have you seen that before?</p> <p>3 A. Only yesterday.</p> <p>4 Q. That is the fragment of the handwriting email by</p> <p>5 DC Adeyemo-Phillips to Mr Whitworth, yes?</p> <p>6 A. Apparently so, yes.</p> <p>7 Q. Can I ask you a basic question. That is not a lot to go</p> <p>8 on, is it?</p> <p>9 A. In my opinion, no.</p> <p>10 Q. By 1102 hours, it had apparently been -- I use the word</p> <p>11 advisedly -- apparently been confirmed that it was</p> <p>12 Daniel's handwriting. Are you aware of that?</p> <p>13 A. Yes.</p> <p>14 Q. Can we have on screen, please, IPC628, page 1. This is</p> <p>15 DC Turrell's, or what purports on its face to be</p> <p>16 an ongoing enquiries note or log relating to the death</p> <p>17 of Daniel Whitworth, can you see that?</p> <p>18 A. Yes, I can.</p> <p>19 Q. Have you seen this before?</p> <p>20 A. Yes, I have.</p> <p>21 Q. Had you seen it at the time?</p> <p>22 A. No.</p> <p>23 Q. This is something that has been drawn to your attention</p> <p>24 in preparation for these inquests?</p> <p>25 A. Correct, yes.</p> <p style="text-align: center;">Page 78</p>	<p>1 your signature? Yes, that is mine. It could be</p> <p>2 instant, couldn't it?</p> <p>3 A. Yes.</p> <p>4 Q. But if there was doubt, it could take significantly</p> <p>5 longer. Is that fair?</p> <p>6 A. I agree, yes.</p> <p>7 Q. I don't know whether you know this, Adam Whitworth,</p> <p>8 Daniel's dad, does not accept the characterisation in</p> <p>9 that document there that he verified the handwriting as</p> <p>10 Daniel's. Do you understand that?</p> <p>11 A. I understand.</p> <p>12 Q. In his statement back in April 2017, Mr Whitworth says:</p> <p>13 "They [the police] wanted us to confirm whether it</p> <p>14 was Daniel's handwriting but I was unable to do this, as</p> <p>15 I was unsure."</p> <p>16 Yes?</p> <p>17 In her April 2017 statement, Mandy Pearson, Adam's</p> <p>18 partner, from whom the jury is going to hear again,</p> <p>19 said, "We told the police we were unable to make</p> <p>20 a judgment on whether the handwriting belonged to Daniel</p> <p>21 based on what they provided us". So that fragment.</p> <p>22 Mr Waumsley, who is here today, Daniel's partner, in</p> <p>23 his April 2017 statement said he had been forwarded</p> <p>24 an email by Mandy Pearson, not the police and said,</p> <p>25 "I couldn't confirm 100 per cent whether it was his</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 handwriting and I told Mandy and the police that 2 I didn't know". 3 I don't know whether you know all that, but am 4 I putting that to you for the first time? 5 A. I only heard this yesterday. 6 Q. Mr Whitworth was asked the question in the immediate 7 aftermath of the news of the apparent suicide of his 8 son. He was a grieving father. You would understand 9 that, wouldn't you? 10 A. Absolutely, yes. I completely understand. 11 Q. DC Adeyemo-Phillips, the officer who sent the email and 12 made the call to Mr Whitworth gave evidence yesterday. 13 I hope I am fairly summarising it, she was asked, as you 14 can imagine, a lot of questions about that conversation, 15 but it came to this: 16 "I asked one question of Mr Whitworth. That 17 question was: is that Daniel's handwriting?" 18 Okay? 19 A. Hmm. 20 Q. Can I just confirm with you your impression and your 21 understanding of what was important. The content of 22 a note like that could be just as important as the 23 handwriting on the face of it, would you agree? 24 A. Yes, I agree. 25 Q. Does the note sound like Daniel? Not just does it look</p> <p style="text-align: center;">Page 81</p>	<p>1 things like: would he have signed it Daniel PW? That is 2 a basic question to ask, isn't it, it is a pretty 3 obvious question to ask, if you don't mind me saying? 4 A. Yes, I would agree with that. 5 Q. Even as "a fast-time action", so you have told us you 6 wanted that note clarified that day, the handwriting at 7 least, even as a fast-time action there was, I suggest, 8 very clearly a better way to get the family's view on 9 that note, wasn't there? 10 A. As opposed to what was actually carried out, yes, 11 agreed. Yes. 12 Q. You said in your evidence you wanted to be, in relation 13 to a slightly different question, you said you wanted 14 the officers to be "a bit curious themselves". 15 A. That would be my expectation of any of my colleagues 16 within the police service, yes. 17 Q. You understand the phrase, do you, "professional 18 curiosity"? 19 A. I am aware and understand that phrase, yes. 20 Q. Do you think you were entitled to expect that of the 21 borough officers, the other members of the police family 22 involved in this investigation? 23 A. Yes. I think I was. Yes. 24 Q. Do you think that professional curiosity might have 25 extended to the content and the handwriting of this</p> <p style="text-align: center;">Page 83</p>
<p>1 like his writing, does it sound like that is something 2 he would have written? That is the kind of think you 3 really want to know, isn't it? 4 A. Correct. 5 Q. When they were later shown the note, the full note, some 6 time later, Mandy Pearson -- this is statement she made 7 this year, for the purposes of this inquest, FAM9, 8 paragraph 3: 9 "We were extremely concerned about content of the 10 note, which we said to the police was impersonal and 11 contained nothing that told us Daniel was the author." 12 All right, so that is the view of his stepmum. 13 It sounded to me like you had formed a similar view 14 potentially upon receiving the contents of the note by 15 email yourself? 16 A. I was cautious. I didn't -- I didn't want to accept the 17 note on face value. And, of course, when something is 18 written, it is always open to interpretation, so it was 19 a definite consideration, yes. 20 Q. Just thinking about its content, even if it was his 21 handwriting, let's just say, just an example, he could 22 have been forced to write it under some kind of duress, 23 couldn't he? 24 A. Potentially, yes. 25 Q. You were questioning things and you told us this morning</p> <p style="text-align: center;">Page 82</p>	<p>1 note, over and above what you know was in fact done? 2 A. It is difficult for me to comment on other people's 3 actions and work, but from my own standards I would 4 expect maybe something -- let's put it this way, I would 5 have done it differently. 6 Q. That was my next question, had you been tasked with, had 7 you thought I will do this myself, you wouldn't have 8 gone about it that way, would you? 9 A. No, within any kind of aspect of police work or any 10 other occupation, clearly there is always more than one 11 option. There is always several different ways of 12 conducting the same thing, be it obtaining a witness 13 account, suspect interview, whatever. 14 Q. Yes, there are several different ways. Some of them 15 obviously better than others; is that fair? 16 A. Yes. 17 Q. Another issue, please. This is the taking of primacy. 18 I ask these questions in the knowledge of your caveat 19 this is ultimately not a decision for you. I want to 20 ask about your role in it. 21 Can we bring up, please, IPC11. This is your HAT 22 advice, the HAT case report, of 21 September, in which 23 you have copied and pasted the text of the note found on 24 Daniel's body, yes? 25 A. Yes.</p> <p style="text-align: center;">Page 84</p>

<p>1 Q. "I am sorry to everyone, mainly my family but I can't go 2 on anymore. I took the life of my friend 3 Gabriel Klein." 4 The circumstances of Daniel's death and the contents 5 of this note raised many unanswered questions; didn't 6 it? 7 A. Yes. 8 Q. According to the face of this note, Daniel Whitworth, 9 Daniel PW, was potentially responsible for death of 10 another person, wasn't he? 11 A. If the note were to be believed, then yes, potentially, 12 yes. 13 Q. "I took the life of my friend Gabriel Klein." 14 It is there, isn't it, on its face? 15 A. Yes. 16 Q. If the note was true on its face, then Gabriel's death, 17 the Gabriel he mentions, was clearly a homicide, wasn't 18 it, I took the life of? 19 A. If the note were to be true and the facts within the 20 note were to be true, then, yes, potentially, yes. 21 Q. Either a murder or a manslaughter, but clearly 22 a homicide? 23 A. I suppose, yes, but just because somebody dies, it 24 doesn't automatically mean that it is a manslaughter or 25 a murder.</p> <p style="text-align: center;">Page 85</p>	<p>1 answers or indications to direct us in any particular 2 way at that time. 3 Q. Mr O'Connor, the coroner's barrister, took you to your 4 HAT advice of the 23rd, in which where it said 5 "Offences" you had written "Possible manslaughter", and 6 you answered some questions about that. Do you recall 7 that? 8 A. Yes. 9 Q. Could we have MPS1099, it is actually the jury's tab 40. 10 Can you see this is Mr Gallagher, you were asked 11 some questions about CSM Gallagher's log -- sorry, about 12 his role, not his log. This is his log here. Have you 13 seen this before? 14 A. Yes, I have, yes. 15 Q. Can you see, roughly halfway down, "Incident/offences: 16 possible manslaughter and suicide"? 17 A. Yes, I can see that, yes. 18 Q. There is that phrase again, isn't it? 19 Did you discuss that phrase, did you discuss the 20 possibility of it being manslaughter with the crime 21 scene manager, Mr Gallagher? 22 A. As I recall, I had very little conversation with the 23 crime scene manager. He would have been given a copy of 24 my HAT return and pretty much the information from my 25 report would be what he goes on.</p> <p style="text-align: center;">Page 87</p>
<p>1 Q. Of course. 2 A. But generally, it pretty much opens that gate, yes. 3 Q. You turn up on a scene, Mr Denley, I am not trying to 4 trick you here. You turn up to a scene, you have 5 a deceased person, and he has a note on it and he says, 6 "I took the life of someone else and I have taken my own 7 life as a consequence of that". If that is true, he has 8 killed someone else, that is what he is saying, you are 9 going to want to examine that, aren't you, but on its 10 face it is a homicide? 11 A. In simple terms on its face, yes. 12 Q. Permit me the simple terms question for now. 13 A. No, that's fine. 14 Q. If the note wasn't true, then that raises suspicions 15 doesn't it about both deaths? 16 A. Yes. 17 Q. It is at the very least rather strange, isn't it, why 18 there is an apparent confession to a death that turns 19 out not to be true? 20 A. Yes. 21 Q. There are real suspicions, aren't there, about the 22 possibilities that may have led to that death, is that 23 fair? 24 A. Yes, absolutely. As I said previously, there was 25 nothing -- nothing had been established. We had no firm</p> <p style="text-align: center;">Page 86</p>	<p>1 Q. You seem, Mr Denley, reluctant to help us in detail 2 about the primacy decision, for the reasons you have 3 given. 4 A. For the reasons I have given. I don't wish to be 5 unhelpful. I am here, I am trying my best to help 6 people understand, but I don't want to give false 7 information and speak about something I have no general 8 or specific experience of. 9 Q. You did discuss primacy with DCI Lyons? 10 A. Yes. 11 Q. Did you put forward any view about who should have 12 retained or taken primacy, about this or these deaths, 13 to DCI Lyons? 14 A. No. My job was to present the facts and give Mr Lyons, 15 or whoever, the opportunity to make that decision 16 independently for themselves. 17 Q. Can we take it from that that DCI Lyons didn't ask you 18 for your view? 19 A. I don't recall being asked my view. 20 Q. I hope these questions are not unfair, Mr Denley. You 21 are a sergeant, he is a chief inspector, obviously the 22 decision lies above you, but one might not think it 23 unreasonable to say, "You have been on scene, you have 24 had conversations, hours of them [you tell us] with 25 DS Turrell; what is your view? What do you think,</p> <p style="text-align: center;">Page 88</p>

<p>1 Stuart? What should we do here?"</p> <p>2 A. No, that is not how it worked or works.</p> <p>3 My input, as I have said, would be to get the</p> <p>4 information, gather the facts, and give a briefing to my</p> <p>5 superiors and allow them the opportunity to make</p> <p>6 a decision for themselves. My opinion would count for</p> <p>7 nothing. I was an acting detective sergeant and clearly</p> <p>8 the decision makers were much higher up than myself. As</p> <p>9 I have said, I would never be afforded the opportunity</p> <p>10 or even expected to have any decision-making function.</p> <p>11 Q. Do you think you did everything you could to help</p> <p>12 DCI Lyons make that decision?</p> <p>13 A. I believe so, yes. I have tried to get as much</p> <p>14 information on the day and progress things as much as</p> <p>15 possible. I have offered further assistance, I have</p> <p>16 tried to gather as much factual content, with a view to</p> <p>17 providing that to Mr Lyons.</p> <p>18 Q. If I may say, Mr Denley, the impression you seek to give</p> <p>19 in your evidence is that you are a professional officer</p> <p>20 and a member of a professional team, is that fair?</p> <p>21 A. Yes, that is fair, yes.</p> <p>22 Q. Being a professional, I suggest, means taking</p> <p>23 responsibility if things have gone wrong, doesn't it?</p> <p>24 A. If I have done something wrong, then I would take full</p> <p>25 responsibility for that. Part of being professional and</p> <p style="text-align: center;">Page 89</p>	<p>1 being left in the hands of Barking and Dagenham borough,</p> <p>2 mustn't you?</p> <p>3 A. In 2014, it wasn't uncommon for this type of</p> <p>4 investigation to remain with borough pending further</p> <p>5 information, as I have just described.</p> <p>6 Q. Is that the evidence you want to give about that, is it?</p> <p>7 That is it?</p> <p>8 A. It is, yes.</p> <p>9 Q. Finally this then, the coroner. Can I have IPC246,</p> <p>10 internal page 2. Mr O'Connor just took you to some of</p> <p>11 this, this is your email correspondence with Acting</p> <p>12 Detective Inspector Schamberger. Your email, it is the</p> <p>13 second half of the page, and Mr O'Connor read it out to</p> <p>14 you, mentions the coroner, yes?</p> <p>15 A. Yes.</p> <p>16 Q. Generally, is this right, the coroner, a coroner, is</p> <p>17 only involved in a case, or becomes involved in a case,</p> <p>18 where the police are confident that no one is going to</p> <p>19 be charged with involvement in a person's death?</p> <p>20 A. No, my understanding was that the coroner is involved</p> <p>21 from the earliest -- an early stage, if there is</p> <p>22 an ongoing police investigation then an inquest could be</p> <p>23 opened and then adjourned pending the result of</p> <p>24 a criminal investigation and potential trial. But there</p> <p>25 is a coroner's officer assigned, acting on behalf of the</p> <p style="text-align: center;">Page 91</p>
<p>1 part of a team is working together and certainly within</p> <p>2 the police service it still remains that it is</p> <p>3 a discipline service, there is a rank structure and</p> <p>4 a hierarchy that we respect. With my superiors of</p> <p>5 detective inspector or chief inspector or above, I refer</p> <p>6 to them as "sir" or "ma'am".</p> <p>7 This is -- the chain of command still exists and it</p> <p>8 is very significant.</p> <p>9 Q. Can I ask you this then. I suspect you will tell us you</p> <p>10 didn't express a view, given what you have just said.</p> <p>11 Putting yourself back at this time and your discussion</p> <p>12 with DCI Lyons, when you left that discussion, were you</p> <p>13 surprised that SC&O1, homicide command, had left the</p> <p>14 investigation of a possible homicide and suicide in the</p> <p>15 hands of Barking and Dagenham borough?</p> <p>16 A. I would say I was certainly not surprised. It wasn't</p> <p>17 uncommon for unexplained deaths to remain with borough</p> <p>18 investigators until such time as, number 1, the special</p> <p>19 post mortem had been completed and, number two,</p> <p>20 potential further enquiries completed and, number 3,</p> <p>21 a further discussion around primacy.</p> <p>22 Q. Mr Denley, your team's role was specifically to</p> <p>23 investigate possible homicides. This was a possible</p> <p>24 homicide. You must surely have been at least somewhat</p> <p>25 surprised that a homicide and suicide on their face were</p> <p style="text-align: center;">Page 90</p>	<p>1 coroner from the outset.</p> <p>2 Q. With so many unanswered questions at this stage, why</p> <p>3 were you discussing the involvement of a coroner?</p> <p>4 A. Because I think at the time I was still of the mindset</p> <p>5 that, potentially, anything is possible, so I was not</p> <p>6 ruling in or ruling out the coroner or a second PM or</p> <p>7 anything, in fact. I was keeping a complete open mind.</p> <p>8 Q. This email is four days later, four days after your</p> <p>9 initial HAT advice, the 25th. Your evidence is this, is</p> <p>10 it, you had not ruled out the possibility that someone</p> <p>11 was going to be charged with involvement in these</p> <p>12 deaths?</p> <p>13 A. As, again, like I say, at that time, my -- I believe</p> <p>14 that my thinking was that still anything is possible.</p> <p>15 I wasn't satisfied. Clearly further investigation was</p> <p>16 required. And that investigation could lead to any</p> <p>17 possible outcome. So it was so early, with so little</p> <p>18 conclusive information, I was not prepared to be</p> <p>19 specific about the most likely outcome. Anything is</p> <p>20 possible.</p> <p>21 Q. This was in response to a question about the body being</p> <p>22 released. Daniel's body being released. Were you</p> <p>23 confident that the borough was still in fact</p> <p>24 investigating a possible crime or crimes at the time you</p> <p>25 sent your email?</p> <p style="text-align: center;">Page 92</p>

<p>1 A. My understanding at the time was that the borough were 2 leading the investigation and were continuing. I had 3 not had any specific contact from borough officers, so 4 there was nothing that I knew that would change my view 5 or opinion that it was still an ongoing and open 6 investigation.</p> <p>7 MR STOATE: Thank you, ma'am. 8 Questions from DR VAN DELLEN 9 DR VAN DELLEN: Detective Sergeant Denley, I ask questions 10 on behalf of Ricky Waumsley, Daniel Whitworth's partner, 11 who sits to your left, together with the Taylor family. 12 I don't have many questions for you. 13 My learned friend Mr O'Connor Queen's Counsel, 14 counsel to the inquest, asked you before the adjournment 15 about the utility and benefit and potential benefit of 16 approaching Mr Waumsley, approaching Ricky, for 17 information about what Daniel was doing at the time of 18 Gabriel's death. Do you remember being asked those 19 questions? 20 A. Yes, I do, yes. 21 Q. In fact, Ricky gave evidence at the Bailey on that exact 22 issue and the evidence that he gave is that, at the 23 time, he was at a pub in Gravesend -- Daniel was at 24 a pub in Gravesend with Ricky and another third party -- 25 I will not mention -- who could corroborate that they</p> <p style="text-align: center;">Page 93</p>	<p>1 somebody else, and that is what I gave. 2 Q. The whole premise for calling MIT, the on-call HAT, is 3 that you will add expertise to the borough 4 investigation. That is the whole point, isn't it? 5 A. Yes, that is why HAT exists. That is the purpose of the 6 call. 7 Q. In relation to your duties, in relation to the Whitworth 8 and Kovari investigations, have you been following the 9 evidence of borough officers at these inquests? 10 A. The only evidence I have seen was as of yesterday and 11 I witnessed Dr Swift giving evidence and some of 12 DC Adeyemo-Phillips, but that is it in total. 13 Q. So a number of them -- certainly those that I represent 14 with Ms Dobbin Queen's Counsel -- have recognised they 15 made mistakes in the performance of their duties, did 16 you know that? 17 A. No, I wasn't aware specifically of that, but I have been 18 aware in general terms that there has been some 19 criticism leveled. 20 Q. Do you recognise any mistakes in your own performance of 21 duties, detective sergeant? 22 A. I don't think that I do. 23 I will say that clearly, with the benefit of 24 hindsight, and with the particular scrutiny of the 25 inquest and the run up to it, clearly there are things</p> <p style="text-align: center;">Page 95</p>
<p>1 were there. If that information had been known to you 2 at the time of your involvement with looking into 3 Daniel's death, would that information have been highly 4 significant? 5 A. Yes, it would. 6 DR VAN DELLEN: Thank you, madam, no further questions. 7 Questions from MR DAVIES 8 MR DAVIES: Detective sergeant, I am asking questions on 9 behalf of a number of borough CID officers, including 10 A/DI Ben Schamberger and DS Turrell. 11 You have said that policing is a ranked service and 12 of course it is. But sometimes it is not a question of 13 rank but role and specialisation, isn't it? 14 A. Yes. Yes, it can be. 15 Q. Your role, in relation to being called by DS Turrell, 16 was to give advice in your capacity as a specialist MIT 17 detective sergeant? 18 A. As I said at the outset, the reason DS Turrell said that 19 she had contacted me was specifically as to whether to 20 retain Daniel Whitworth's clothing for forensic 21 analysis. 22 Q. Yes. 23 A. Obviously I was charged as responsible for the HAT 24 car/HAT team that morning, so, yes, she was calling 25 upon, if you like, my expertise, on instruction of</p> <p style="text-align: center;">Page 94</p>	<p>1 that people could argue that may have been -- it could 2 have been possible to make things clearer, but 3 ultimately, my message is that I understand that there 4 is frustration, upset and disappointment, and I am 5 sincerely sorry, but personally I feel that on the day 6 and continually I did the best that I could have done 7 under the circumstances. It would have been very easy 8 for me to answer one question over the telephone and 9 leave it, but I chose to become more involved and 10 I tried to help. I tried to -- well, I did successfully 11 get the special post mortem arranged and happening and 12 ultimately opened up some, if not many, other 13 investigative and forensic opportunities. 14 Q. But you don't recognise any mistakes that you made? 15 A. No, not specific mistakes, no. 16 Q. I see. 17 Can you help with this. The purpose of a HAT return 18 is pretty basic, isn't it? It should be a comprehensive 19 record of the advice you have given, so that somebody 20 picking it up, whether it is a fellow MIT officer or the 21 CSM or the borough detectives, will know from the HAT 22 return itself what advice you have given? Day 1 23 policing, to use your phrase, isn't it? 24 A. Like I said, the purpose of the HAT return is to give 25 advice. It is not designed to be an exhaustive,</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 comprehensive list of action by action and how those 2 actions should be carried out. I made it quite clear 3 that I have had detailed conversations over the 4 telephone during the course of the day and myself and 5 MIT13 left it with an open-door policy that we were 6 there for further advice, assistance, whatever was 7 necessary.</p> <p>8 Q. It is meant to be a self-contained record of the 9 specialist advice you have given, so that others will 10 (a) know it and (b) know whether your advice has been 11 carried out. I think you are accepting you have not 12 included in the HAT returns all the advice you claim you 13 gave over the telephone.</p> <p>14 A. No. I am happy to say that I did not include everything 15 in the report that I said over the telephone, but that 16 doesn't -- in my mind, it necessarily constitute 17 a mistake.</p> <p>18 Q. How will somebody picking up the document know the 19 advice you have given if it is not in the document?</p> <p>20 A. Well, the advice was given. The document is there, in 21 general terms. And, yes, I have already accepted that 22 things have not been included, and I have given the 23 specific reasons for that. If there were further 24 questions, I could have been asked but also I would just 25 like to say, again, that throughout the course of this</p> <p style="text-align: center;">Page 97</p>	<p>1 A. Like I said previously, I was engaged in this case and 2 the advice generally for the period of my shift, but 3 I cannot recall how many times I spoke with DS Turrell 4 over the telephone or for how long. Clearly it was a to 5 and fro of telephone conversations but for me to say 6 that I was liaising with her for seven hours would be 7 wholly incorrect.</p> <p>8 Q. Did you make notes of these conversations?</p> <p>9 A. I can't recall.</p> <p>10 Q. Paragraph 13 of the same document, please, page 3. You 11 have set out the concerns you had, and I will come back 12 to that, about the overall circumstances, but: 13 "In light of my concerns, I provided detailed advice 14 to DS Turrell over the course of the day, which is 15 recorded in the HAT advice document, including advice on 16 witnesses, suspects, intel, CCTV, forensics and phones." 17 You seem to be saying in this witness statement, 18 detective sergeant, that, insofar as you provided 19 advice, it is to be found in the HAT document. But it 20 is not all there, is it?</p> <p>21 A. In general terms, the themes that were discussed are 22 included.</p> <p>23 Q. Can we look at the first HAT document again, please, 24 IPC11, page 2, divider 26. Because you are saying to 25 the court today that you advised Detective Sergeant</p> <p style="text-align: center;">Page 99</p>
<p>1 whole process over the last seven years nobody has 2 criticised or asked for additional information. At the 3 time I was aware that it was reasonably -- well, not 4 terribly uncommon for HAT reports to be sort of 5 supervised and sent to the upper echelons of the Met and 6 for them to be sent down with feedback, "This is 7 rubbish, you haven't included that, what about this? Do 8 that, go back, write it again".</p> <p>9 Q. How are they supposed to know what you haven't included? 10 They are not psychic, detective sergeant.</p> <p>11 A. Yes, I accept that.</p> <p>12 Q. Could we go to your witness statement, please, the first 13 one, MPS590. Paragraph 8. 14 You chose on 21 September 2014 not to attend Barking 15 police station. That was your decision, wasn't it? The 16 decision whether to attend lies with the HAT.</p> <p>17 A. Correct, yes.</p> <p>18 Q. The views of the borough do not dictate or prevent 19 attendance?</p> <p>20 A. Yes.</p> <p>21 Q. You didn't consider it necessary. 22 But you were advising Detective Sergeant Turrell, 23 you say, pretty much consistently over the phone for 24 seven hours that day. Didn't there come a point where 25 physical attendance would have been advantageous?</p> <p style="text-align: center;">Page 98</p>	<p>1 Turrell not simply to seize the clothing in relation to 2 Mr Whitworth, but to send it off for examination. 3 Whereas in the HAT return, and it is about 4 three-quarters of the way down, you simply say: 5 "DS Debbie Turrell phoned on the instruction of 6 DI Bowles for advice regarding the need to seize the 7 clothing from Daniel Whitworth and investigate the 8 possibility of toxicology for Gabriel Kovari." 9 It doesn't say anywhere in the HAT return that you 10 advised her not just to seize it but to send it and the 11 bedsheet off for forensic examination. That is 12 something you have said today. 13 Seizing it is one thing. Deciding it qualifies to 14 be sent for forensic examination is another. That is 15 true, isn't it?</p> <p>16 A. Yes. They are two separate things, but of course they 17 are --</p> <p>18 Q. Deciding what is sent for examination is a subsequent 19 decision, isn't it, when more information is known?</p> <p>20 A. Yes. Subject to a forensic strategy meeting or 21 discussion.</p> <p>22 Q. Of which there had been none on the 21st and it would 23 have followed with the crime scene manager, so did 24 you -- are you still maintaining that you told Detective 25 Sergeant Turrell on the 21st to send all of these items</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 of clothing off for examination? Is that what you are</p> <p>2 claiming?</p> <p>3 A. I said specifically that the clothing should be seized</p> <p>4 because it would be of significant forensic value and</p> <p>5 that it should be submitted for examination.</p> <p>6 Q. Where is that recorded in your HAT advice, the second</p> <p>7 part?</p> <p>8 A. The second part is not.</p> <p>9 Q. No.</p> <p>10 A. I obviously had these conversations with DS Turrell and</p> <p>11 as I have explained previously, I thought that it was</p> <p>12 a very obvious point and we had already discussed it.</p> <p>13 Q. In neither of your HAT returns is the recommendation to</p> <p>14 send the bedsheet off for forensic examination</p> <p>15 reflected, detective sergeant, in neither of them. Why</p> <p>16 is that?</p> <p>17 A. I can't recall.</p> <p>18 Q. You said in relation to questions from Mr O'Connor, you</p> <p>19 seemed to accept that you may have been the vocal</p> <p>20 officer in terms of the conduct of the special post</p> <p>21 mortem.</p> <p>22 A. At times, yes.</p> <p>23 Q. The handwriting, just one document, I don't want to</p> <p>24 repeat the whole exercise -- you have been through it --</p> <p>25 but at 10.29 on the 21st, IPC195, please, Trainee</p> <p style="text-align: center;">Page 101</p>	<p>1 Q. You were the specialist. You gave the advice through</p> <p>2 the next of kin, on the day after the discovery of</p> <p>3 a young man to, in your words, ascertain if it is that</p> <p>4 of Daniel. Was that whole piece of advice not</p> <p>5 fundamentally a mistake, given the importance of what</p> <p>6 may result from it?</p> <p>7 A. Sorry, I don't think I understand the question. Could</p> <p>8 you just ask that again?</p> <p>9 Q. Was it not a mistake to be asking the family to</p> <p>10 ascertain whether the suicide note was in someone's</p> <p>11 handwriting, just as a forensic decision, rather than</p> <p>12 comparing it with other handwriting?</p> <p>13 A. I think, from the immediate response and trying to</p> <p>14 ascertain information very quickly, it was the right</p> <p>15 thing to do. It was what DCI Lyons agreed, and it was</p> <p>16 deemed to be the quickest way that we could try and</p> <p>17 identify whether we were in any way satisfied with the</p> <p>18 suicide note and handwriting and the content.</p> <p>19 Q. All right, special post mortem. You have been asked</p> <p>20 a lot of questions about the debrief, the end of it, and</p> <p>21 so on and so forth. What did you do at the end of the</p> <p>22 special post mortem to ensure that for the investigation</p> <p>23 as a whole there was a clearly defined common set of</p> <p>24 actions that had to be taken to progress these</p> <p>25 investigations? A clearly defined set of written</p> <p style="text-align: center;">Page 103</p>
<p>1 Detective Constable Adeyemo-Phillips says at the end of</p> <p>2 this email, "... and the copy of the suicide note has</p> <p>3 been attached". And there is a PDF with the file name</p> <p>4 "Suicide note for Daniel Whitworth".</p> <p>5 So you were sent that at 10.29. We know from the</p> <p>6 HAT return that you have recorded:</p> <p>7 "Have the next of kin for Whitworth look at the</p> <p>8 handwriting of the suicide note and ascertain if it is</p> <p>9 that of Daniel."</p> <p>10 That is done at 10.52, with an answer by 11.02.</p> <p>11 Would you have acted simply on a typed copy of</p> <p>12 a manuscript suicide note to give that advice?</p> <p>13 A. I don't recall being sent this email. I don't recall</p> <p>14 seeing the handwriting. I was under the impression and</p> <p>15 recalled that I had been sent a typed copy of it.</p> <p>16 Q. Why would you have made do with a typed copy of it?</p> <p>17 A. I can't recall my thought process at the time, but I am</p> <p>18 thinking that obviously the handwriting of Daniel was</p> <p>19 completely unknown to me, and possibly the wording and</p> <p>20 just the general content, trying to establish the facts</p> <p>21 or the information within it to try and open up other</p> <p>22 kind of investigative opportunities or thought processes</p> <p>23 would be achieved by looking at the typed document, but</p> <p>24 I cannot recall my thought process at the time and I am</p> <p>25 sorry but I don't recall receiving this email.</p> <p style="text-align: center;">Page 102</p>	<p>1 actions following the post mortem?</p> <p>2 A. As I have documented, I had a discussion with</p> <p>3 Rolf Schamberger. We had both been present and listened</p> <p>4 to everything throughout the special post mortem and</p> <p>5 also heard recommendations from Dr Swift. The focus of</p> <p>6 the investigation had not changed since my initial</p> <p>7 contact on the Sunday morning. The general themes of --</p> <p>8 I haven't got it in front of me, but as I have recorded,</p> <p>9 words to the effect of, "The investigation is still</p> <p>10 focused on CCTV, witnesses, phones ..." that kind of</p> <p>11 thing.</p> <p>12 Having had my discussion, it was clear, as I have</p> <p>13 also documented, that ID I Schamberger was clear on the</p> <p>14 investigation and it remaining with borough after my</p> <p>15 consultation with Mr Lyons. And I am also -- I can</p> <p>16 recall at the debrief, actions were being discussed and</p> <p>17 particularly when Dr Swift was making his</p> <p>18 recommendations and speaking to the both of us. If</p> <p>19 my -- I am fairly sure my recollection is accurate, that</p> <p>20 A/DI Schamberger had his notebook out and was making</p> <p>21 notes. I spoke with him after the debrief from the</p> <p>22 pathologist, and asked him the question, you know,</p> <p>23 "Everything okay? Do you understand? Any questions?"</p> <p>24 And there was nothing.</p> <p>25 Q. What about the crime scene manager's notes of the</p> <p style="text-align: center;">Page 104</p>

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<p>1 debrief; did you look at those?</p> <p>2 A. I did not.</p> <p>3 Q. Do you know there are not any?</p> <p>4 A. Pardon?</p> <p>5 Q. Do you know there aren't any?</p> <p>6 A. Having listened to the evidence yesterday, I believe it</p> <p>7 was brought out that there was no notes made by the CSM</p> <p>8 about the debrief discussion.</p> <p>9 Q. So where is your record, your record, of the actions to</p> <p>10 be taken after the special post mortem?</p> <p>11 A. I did not make a list or record the actions that were</p> <p>12 required, because it was -- at that time it was not my</p> <p>13 investigation. Actions were being directed and they</p> <p>14 were being recorded by another officer.</p> <p>15 Q. Right. I am going to speed up and be quicker.</p> <p>16 What would it have taken for SC&O1 to accept primacy</p> <p>17 following the special post mortem? What more was</p> <p>18 needed?</p> <p>19 A. It is difficult for me to answer that question. As</p> <p>20 I have said previously, I have not had any significant</p> <p>21 dealings with discussions regarding primacy and the idea</p> <p>22 of understanding the threshold as to what would</p> <p>23 potentially make it an SC&O1 investigation, as opposed</p> <p>24 to a borough investigation. So anything that</p> <p>25 I potentially could answer would be sheer speculation --</p> <p style="text-align: center;">Page 105</p>	<p>1 assist in making the decision.</p> <p>2 Q. You say nothing had changed. In fact, Dr Swift had</p> <p>3 given you further grounds to treat this as a suspicious</p> <p>4 death, hadn't he, in the course of the special post</p> <p>5 mortem?</p> <p>6 A. That was not my understanding.</p> <p>7 Q. In any event, the supposed suicide note was identifying,</p> <p>8 as has been developed, somebody claiming to be</p> <p>9 responsible for a homicide, a manslaughter. Wasn't that</p> <p>10 justification in itself for SC&O1 to take the job on?</p> <p>11 A. Unfortunately it is not for me to answer these</p> <p>12 questions. I don't -- it is not that I am the decision</p> <p>13 maker. I reported the facts, as I had them, and I was</p> <p>14 not involved in the decision-making process.</p> <p>15 I am sorry. If I could help, I would.</p> <p>16 Questions from MR SKELTON</p> <p>17 MR SKELTON: Mr Denley, I ask questions on behalf of the</p> <p>18 Metropolitan Police. Can I take you back to</p> <p>19 21 September 2014, please. I think you said earlier</p> <p>20 that one of the principles governing HAT advice is that</p> <p>21 you don't record or advise on things that are obvious;</p> <p>22 is that correct?</p> <p>23 A. Yes, correct.</p> <p>24 Q. You said earlier that you spoke to DS Turrell several</p> <p>25 times that day; is that correct?</p> <p style="text-align: center;">Page 107</p>
<p>1 Q. Detective sergeant, you had worked on the team for</p> <p>2 a while. You started your evidence telling the jury how</p> <p>3 professional the team was. You know exactly the sort of</p> <p>4 jobs that MIT take on. This should have been a MIT</p> <p>5 case, shouldn't it?</p> <p>6 A. It wasn't my decision to make I am afraid.</p> <p>7 Q. IPC42, please. Final entry, page 2:</p> <p>8 "Primacy for the investigation remains with borough,</p> <p>9 but SC&O1 MIT13 remain a point of contact for them for</p> <p>10 assistance and advice. A/DI Schamberger is aware of</p> <p>11 this/understands the rationale."</p> <p>12 Who had explained the rationale to him?</p> <p>13 A. Sorry, who would have explained?</p> <p>14 Q. Yes, you?</p> <p>15 A. It would have been me, having had the conversation with</p> <p>16 DCI Lyons.</p> <p>17 Q. So you did understand the rationale yourself, the</p> <p>18 supposed rationale?</p> <p>19 A. The rationale that I am referring to is that nothing --</p> <p>20 as I said earlier, nothing had changed, or at least in</p> <p>21 our view we had no further information after the special</p> <p>22 post mortem, as opposed to what we had when we went in.</p> <p>23 So it was general that nothing had changed and there</p> <p>24 would still need to be some further information,</p> <p>25 evidence, something, one specific thing, that might</p> <p style="text-align: center;">Page 106</p>	<p>1 A. Yes, it is, yes.</p> <p>2 Q. Was one of the things that she was asking about,</p> <p>3 specifically, whether she should seize Daniel's clothing</p> <p>4 for forensic examination?</p> <p>5 A. Yes, that was the primary reason that she called.</p> <p>6 Q. Was there any misapprehension on DS Turrell's part about</p> <p>7 the purpose of seizing that clothing?</p> <p>8 A. Not that I am aware of.</p> <p>9 Q. Was it obvious that that is what she was proposing to do</p> <p>10 with the clothing, in other words have it analysed?</p> <p>11 A. Yes.</p> <p>12 Q. Is that the reason why you didn't record the detail of</p> <p>13 the advice you had given in the HAT return?</p> <p>14 A. It is.</p> <p>15 Q. As far as the second HAT return goes, that relates to</p> <p>16 the special post mortem, principally?</p> <p>17 A. Yes.</p> <p>18 Q. You have said I think that DI Schamberger was there and</p> <p>19 you understood that he was the investigating officer in</p> <p>20 respect of Daniel's death; is that correct?</p> <p>21 A. Yes, that's correct.</p> <p>22 Q. And CSM Neil Gallagher was also there and he was taking</p> <p>23 notes?</p> <p>24 A. He was.</p> <p>25 Q. Within his notes and the jury have already seen this but</p> <p style="text-align: center;">Page 108</p>

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<p>1 just by way of remainder, it is at MPS1099, and it is 2 under tab 42. If we can have page 2 there, please, 3 there was a discussion just before the examination 4 started about strategy. Do you see that? 10.45? 5 A. Yes. 6 Q. You are there, Mr Schamberger is there, Dr Swift is 7 noted to be there. It includes trying to identify the 8 male the victim has described as having been with the 9 previous evening, or "something" with the previous 10 evening, "had sex with", yes, do you see that? 11 A. Yes, I can see that. 12 Q. Did you understand that DI Schamberger viewed that 13 investigative pathway to be important? 14 A. The impression I got was that Rolf Schamberger 15 completely understood and agreed with everything. There 16 was certainly never any discussion, or rather 17 disagreement or questioning or anything of the kind. 18 Q. Having had that discussion, did you feel it necessary to 19 advise him, explicitly, about the thing that he already 20 knew? 21 A. No, I did not. 22 Q. As far as the HAT return itself is concerned, 23 Mr O'Connor asked you whether it was potentially 24 misleading that you didn't say explicitly that Dr Swift 25 was not present during the discussion about the</p> <p style="text-align: center;">Page 109</p>	<p>1 the coroner is not happy for some reason, there will be 2 a second post mortem carried out." 3 As far as you were concerned, did you think that 4 DI Schamberger was under any misapprehension that 5 a potential homicide still needed to be ruled out? 6 A. No, there was nothing that I received that would 7 indicate that there was anything other than clarity that 8 we were very open minded to any particular outcome. 9 Q. The second and final paragraph, you say: 10 "This will be a difficult message for the family, 11 but as the death remains unexplained there is a need for 12 us to be cautious, follow protocol and not miss any 13 opportunities to enable us to fully understand how 14 Daniel died. However, your DCI/superintendent and the 15 coroner may have a slightly different view." 16 Did you think that the borough detective team were 17 capable of carrying out a cautious investigation of 18 Daniel's unexplained death? 19 A. I did. To further that, obviously, at the time 20 I offered support/advice, I was completely happy to 21 attend and give them further assistance and physical 22 resources, but it was declined. Again, offered 23 assistance and made it clear that the lines of 24 communication were open, but didn't hear anything. 25 So if they had have been struggling, they could have</p> <p style="text-align: center;">Page 111</p>
<p>1 potential causes of the bruising under Daniel's arms, do 2 you remember that? 3 A. I remember. 4 Q. Given that DI Schamberger was part of that discussion, 5 do you think he was in any way misled in fact by your 6 HAT return? 7 A. No, definitely not. I remember specifically having the 8 conversation and openly discussing potential hypotheses, 9 theories, suggestions as to what may have happened. 10 Q. Was the discussion about the bruising with a view to 11 trying to identify how it might have happened, so as to 12 inform further investigations? 13 A. Yes, correct. 14 Q. Can I ask you to look again at the final email that you 15 sent on 25 September. I think this is under tab 47, 16 which is IPC000263, and if we could have page 3, please. 17 Here you say: 18 "Hi Rolf [this is 25 September in the afternoon], in 19 short, it is best not to release the body to the family 20 as there are still not enough answers for all concerned 21 to be satisfied regarding the cause of death. My advice 22 is await the results of toxicology, as if it turns out 23 to be an unlawful killing of some kind, there is 24 potential for more work it to be done. Also, if it is 25 an unlawful killing and a suspect is identified or if</p> <p style="text-align: center;">Page 110</p>	<p>1 potentially should have, contacted and asked for help. 2 I would be happy to do that. 3 Q. Did you expect the basic investigation of Daniel's death 4 to have included examination of his clothing and the 5 bedsheet, which had been discussed with the borough 6 detectives on 21 September and 23 September? 7 A. I did, because, as I touched on earlier, it is 8 a relatively commonplace action for any police 9 investigation, and, clearly, because we still were very, 10 very unsure as to what had happened, when it had 11 happened, anything in general, the first port of call 12 would be looking at further enquiries whilst we wait for 13 examination results from toxicology or longer-term 14 results. 15 Q. Did you think that that investigation should have also 16 focused on attempts to identify any third parties 17 involved, including who the person was who Daniel had 18 been with the night before? 19 A. Yes, absolutely. In any investigation, missing persons 20 or unexplained death or murder/manslaughter, whatever it 21 might be, the last person to have seen the individual is 22 very important. I am aware that, before my -- before 23 I was actually contacted, I think the night before, the 24 evening before, the borough officers had made contact 25 with the on call duty detective inspector, Sam Cailes</p> <p style="text-align: center;">Page 112</p>

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<p>1 I believe, and he or she said that the primary and 2 initial action is to try and identify the person that 3 Daniel was with last night and that the superintendent 4 should be contacted to start the authorisation process 5 for telephone communications, intel work, to try and 6 further that very quickly. 7 Q. Just going back, if I may, to the final HAT return that 8 you drafted, and this is back under tab 45, IPC000042, 9 page 2, there is a paragraph third from the bottom: 10 "I discussed the matter with A/DI Schamberger and he 11 is aware that further investigation is required. His 12 current focus is on CCTV, phones, witnesses and 13 associates/partners of the deceased." 14 Were all of those things that you understood 15 DI Schamberger knew he needed to do and was capable of 16 doing? 17 A. Yes. 18 Q. Did you feel the need, as a MIT adviser, to set out all 19 of those things in detail for him if he was already 20 aware of them? 21 A. No. I saw no value in that. 22 Q. Were you available following 25 November if at any time 23 the borough detective team needed to come back for 24 further advice? 25 A. Yes, absolutely. I think I have said it before, there</p> <p style="text-align: center;">Page 113</p>	<p>1 A. Yes. 2 Q. If we can turn then, within the document, to page 4, 3 please. This is, as it were, a running record of the 4 developments in the investigation during the night, 5 between the Saturday and the Sunday, so the night before 6 you were involved. Is that right? 7 A. Yes, that's correct. 8 Q. If we look towards the bottom of this page, is this the 9 reference that you had in mind when answering a question 10 a moment ago: 11 "So I spoke ..." 12 We know this record was made by DC Slaymaker, was it 13 not: 14 "I spoke with the on-call DI Sam Cailles and the 15 following actions were agreed." 16 We don't need to look at them all, but is it number 17 two that you had in mind, he refers to starting phone 18 work, further enquiries can then be made, and then this: 19 "He [that is the person who wrote the note] alludes 20 to having had sex with a male last night and says not to 21 blame him. The identity of this male needs to be 22 established and an account taken from him." 23 Is that the reference you had in mind when you were 24 answering Mr Skelton's question? 25 A. It was, that is what I was referring to, yes.</p> <p style="text-align: center;">Page 115</p>
<p>1 was very much an open-door policy. I made it quite 2 clear that I was available for further advice, specific 3 or otherwise. 4 Q. As I understand it, you were never contacted again, is 5 that correct? 6 A. Correct. 7 MR SKELTON: Thank you. 8 Further questions from MR O'CONNOR 9 MR O'CONNOR: Just one point from me, madam. 10 DS Denley, it relates to an answer you just gave. 11 Mr Skelton asked you about the investigative line of 12 trying to understand who Daniel had been with the night 13 before his body was found and you referred to an entry 14 in the night duty occurrence book. 15 Could we just have a look at that quickly, please, 16 it is behind tab 24 in the bundle and for the screen it 17 is IPC471. 18 Just help us with this, DS Denley. When I was 19 asking you questions earlier this morning we discussed 20 the documents that you had been sent on that Sunday, 21 when you were informing yourself about the case, we 22 referred to the Merlin report, the CAD and I think you 23 did also mention that you had received some form of 24 record relating to the night duty. 25 Was this the document that you received?</p> <p style="text-align: center;">Page 114</p>	<p>1 Q. I don't want to go back to it, but I don't think we will 2 find that particular investigative line referred to in 3 your HAT report, is it something you discussed with 4 Mr Turrell during the day on that Sunday? 5 A. I was obviously aware – having been sent this document, 6 I was aware that this was an ongoing inquiry. Officers 7 had already been tasked with this. So it was something 8 that I knew was already in motion, which is why I didn't 9 include it specifically. 10 But I have alluded to it with social media, 11 telephone work, associates/lovers – I can't remember 12 the exact words I used in my report, but it is loosely 13 contained in there, because this is the specific 14 information that was given to me. 15 MR O'CONNOR: Yes, all right. Thank you very much. I don't 16 have any more questions, DS Denley. 17 Madam, do you have any questions? 18 THE CORONER: There are a number questions from the jury. 19 Some of them have been dealt with, so I will ask the 20 ones that it seems to me remain outstanding or relevant. 21 Questions from THE JURY 22 THE CORONER: Officer, were any photographs of Daniel or 23 Gabriel's scene sent to you for further analysis at any 24 stage? 25 A. They were not.</p> <p style="text-align: center;">Page 116</p>

<p>1 THE CORONER: You never had any photographs?</p> <p>2 A. No.</p> <p>3 THE CORONER: Did you ask for them?</p> <p>4 A. I did not specifically, no.</p> <p>5 THE CORONER: Do you think you should have done?</p> <p>6 A. I don't think it would have changed my assessment. No, I don't think so.</p> <p>7</p> <p>8 THE CORONER: I think you might have dealt with this, but</p> <p>9 I will ask it just in case it is not clear. Did you</p> <p>10 follow up on the borough's actions that had been tasked</p> <p>11 by you to find out whether they had been completed?</p> <p>12 A. I did not. It was not my responsibility to do that and</p> <p>13 the way that things worked back then -- I don't know if</p> <p>14 they have changed since, but the advice was given,</p> <p>15 actions were set, whatever the case may be, and it was</p> <p>16 then entrusted with the borough officers to do. If they</p> <p>17 had problems or they needed assistance, they would</p> <p>18 contact us. But in my experience at the time, it was</p> <p>19 very uncommon for us to then reach out to them to follow</p> <p>20 up.</p> <p>21 THE CORONER: I think the answer to this question is no.</p> <p>22 You didn't have Mrs Barbara Denham's statements, the</p> <p>23 lady that found both bodies?</p> <p>24 A. I did not.</p> <p>25 THE CORONER: You said that DS Turrell used to work on a MIT</p> <p style="text-align: center;">Page 117</p>	<p>1 yesterday, because you have seen some of the evidence</p> <p>2 from yesterday, that there was an email from DS Turrell</p> <p>3 saying that, effectively, that they were overworked and</p> <p>4 needed further resources but you have told us she was</p> <p>5 offered further resources and declined them.</p> <p>6 Why do you think that was? Did you know about her</p> <p>7 complaints that she was overworked and her team were</p> <p>8 overworked?</p> <p>9 A. No, nothing was communicated to me about high workloads.</p> <p>10 Obviously I am aware that at the time officers working</p> <p>11 on boroughs would have extra case load, but I did offer</p> <p>12 assistance repeatedly and it was declined. The reason</p> <p>13 for that, I didn't specifically ask and I don't actually</p> <p>14 know, but there could be a number of reasons -- pride,</p> <p>15 maybe potential fear of you looking as if you don't know</p> <p>16 what you are doing, a whole number of reasons but it</p> <p>17 would be speculation to say why that was the case on</p> <p>18 that day.</p> <p>19 THE CORONER: In relation to the handwriting, a juror makes</p> <p>20 the point that the note itself refers to the author</p> <p>21 having taken drugs, taken G and some sleeping pills.</p> <p>22 Would that have been relevant as to whether this was</p> <p>23 a clear representation of the author's handwriting or</p> <p>24 not, bearing in mind that they were under the influence?</p> <p>25 A. Yes, that is a good consideration. Potentially, yes, it</p> <p style="text-align: center;">Page 119</p>
<p>1 team as you understood it.</p> <p>2 A. That was my recollection, yes.</p> <p>3 THE CORONER: The question from the jury is: shouldn't she</p> <p>4 have known to retain the clothes and send them off for</p> <p>5 forensic analysis, without having to ask you?</p> <p>6 A. Well ...</p> <p>7 It is difficult to comment on other people's</p> <p>8 knowledge and ability, but I think I have seen in</p> <p>9 a document that DI Bowles instructed that early turn CID</p> <p>10 contact HAT -- no, apologies, contact HAT but also for</p> <p>11 her or the team to go to the mortuary to seize the</p> <p>12 clothing. So it could be argued that, yes, potentially</p> <p>13 it is -- it could have been obvious, but potentially, if</p> <p>14 somebody's doubtful, then of course it makes common</p> <p>15 sense to ask the question.</p> <p>16 THE CORONER: After seeing all the information, do you</p> <p>17 believe that Daniel's scene should have been declared</p> <p>18 a critical incident and the HAT car should have been</p> <p>19 asked to attend at the time he was found?</p> <p>20 A. I think it is regretful that the HAT car was not</p> <p>21 informed at the time. I think possibly if homicide</p> <p>22 detectives had have had the opportunity to engage from</p> <p>23 the very, very outset, it may -- it would have been</p> <p>24 beneficial.</p> <p>25 THE CORONER: We have seen, and you may have heard about it</p> <p style="text-align: center;">Page 118</p>	<p>1 could have altered it.</p> <p>2 THE CORONER: Finally, and it is tab 45 if anyone wants to</p> <p>3 turn it up, but in your HAT return, you refer to,</p> <p>4 "Daniel had clearly led a double life". What precisely</p> <p>5 did you know that led you to that statement?</p> <p>6 A. The fact that, as I understood at the time, Daniel had</p> <p>7 been reported missing and the suggestion in the suicide</p> <p>8 note that he had met up with somebody other than his</p> <p>9 partner and had sex, obviously that -- the whole sort of</p> <p>10 set of circumstances, Daniel's family and</p> <p>11 Ricky Waumsley, his partner, were not aware of that,</p> <p>12 which led me to think that there was potential for some</p> <p>13 double life that was going on.</p> <p>14 THE CORONER: Thank you very much.</p> <p>15 All right, we will break off there now for lunch</p> <p>16 until 1.55, please, members of the jury.</p> <p>17 (1.05 pm)</p> <p>18 (The Luncheon Adjournment)</p> <p>19 (1.55 pm)</p> <p>20 (In the presence of the jury)</p> <p>21 THE CORONER: Yes.</p> <p>22 MR O'CONNOR: Madam, may we please call Mr Cliff Lyons.</p> <p>23 MR CLIFF LYONS (sworn)</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 Questions from MR O'CONNOR</p> <p>2 MR O'CONNOR: Thank you, Mr Lyons. Please take a seat.</p> <p>3 A. Thank you.</p> <p>4 Q. Can you give us your full name, please?</p> <p>5 A. My name is Cliff Lyons. I am a former detective chief</p> <p>6 inspector of the Metropolitan Police Service and for the</p> <p>7 last 15 years of my service I was responsible for</p> <p>8 leading a London murder team.</p> <p>9 Q. Thank you. You say you are a former detective. You</p> <p>10 retired I think in 2017?</p> <p>11 A. Four and a half years ago, yes.</p> <p>12 Q. After 30 years of service in the Metropolitan Police?</p> <p>13 A. 30 years and two days, sir.</p> <p>14 Q. As you have said, for a large part of that time, I think</p> <p>15 between 2002 and 2017, you were a senior investigation</p> <p>16 officer on a London murder team, to use your words?</p> <p>17 A. Correct.</p> <p>18 Q. Just to be clear, there is lots of terminology flying</p> <p>19 around, when you refer to a London murder team, is that</p> <p>20 to all intents and purposes a major investigation team</p> <p>21 of the type we have been discussing --</p> <p>22 A. Yes, there are many terms, different terms, but it is</p> <p>23 the same thing, yes.</p> <p>24 Q. Thank you.</p> <p>25 Mr Lyons, I think you were listening to Sergeant</p> <p style="text-align: center;">Page 121</p>	<p>1 Q. -- but you are quite right to raise the possibility that</p> <p>2 other things may have taken place, but let me pursue</p> <p>3 that then, as I have with all of the witnesses I think,</p> <p>4 we are all very conscious that these events took place</p> <p>5 seven years ago now. Some of the witnesses who have</p> <p>6 come to give evidence to this jury were asked about</p> <p>7 those events really quite shortly afterwards and gave</p> <p>8 witness statements within a year or so. You are not one</p> <p>9 of those.</p> <p>10 You, like Sergeant Denley, only provided a witness</p> <p>11 statement about these matters last year.</p> <p>12 A. Yes, the first time I was asked big about this enquiry</p> <p>13 or anything to do with the Stephen Port investigation</p> <p>14 was six years after the event.</p> <p>15 Q. Give us just a starting indication, if you can, as to</p> <p>16 how much or little you can remember about the events of</p> <p>17 those three days without jogging your memory by looking</p> <p>18 at documents?</p> <p>19 A. I remember some of it. But I am greatly assisted by the</p> <p>20 documents that have been sent to me and I would need to</p> <p>21 rely on looking at those and the statement I that</p> <p>22 prepared.</p> <p>23 Q. As we said to Sergeant Denley, of course as we go</p> <p>24 through this, if we get to a point where you simply</p> <p>25 cannot remember something or you are conscious that</p> <p style="text-align: center;">Page 123</p>
<p>1 Denley's evidence this morning, is that right?</p> <p>2 A. Yes.</p> <p>3 Q. You know that the questions I am going to ask you will</p> <p>4 be focused on your involvement, which was in parallel to</p> <p>5 that of Mr Denley, in the investigation into the death</p> <p>6 of Daniel Whitworth and through that, Gabriel Kovari, in</p> <p>7 September 2014?</p> <p>8 A. Yes.</p> <p>9 Q. I think it is right to say that, like him, your actual</p> <p>10 involvement in these events was very limited, really</p> <p>11 limited to those same three days that I asked him about,</p> <p>12 starting with Sunday, 21 November, the day after</p> <p>13 Daniel Whitworth's body was found, and going through to</p> <p>14 23 December, the day on which the special post mortem</p> <p>15 took place?</p> <p>16 A. Quite possibly.</p> <p>17 However, because of the passage of seven years and</p> <p>18 a month, I think you are absolutely probably correct,</p> <p>19 but I wouldn't dismiss the possibility that I had been</p> <p>20 contacted subsequently after those initial two or three</p> <p>21 days' involvement, of events that I don't recall right</p> <p>22 now. I mustn't dismiss that possibility. I don't know.</p> <p>23 Q. We will certainly ask you questions based on the records</p> <p>24 that we have seen, Mr Lyons --</p> <p>25 A. Okay.</p> <p style="text-align: center;">Page 122</p>	<p>1 other things may have taken place as you said which you</p> <p>2 cannot remember, you will of course tell us that.</p> <p>3 A. The problem I have with the memory is that I dealt with</p> <p>4 many murders in my time.</p> <p>5 Q. Yes.</p> <p>6 A. Over 100 murders that I led and probably about 500 to</p> <p>7 600 deaths of human beings in my time. So although this</p> <p>8 is a horrendous case and it sticks out in some people's</p> <p>9 minds, it is not a unique experience to me. I don't</p> <p>10 mean that flippantly, I mean with the volume of murders</p> <p>11 I dealt with, there is no reason why I would</p> <p>12 specifically remember this particular case.</p> <p>13 Q. I think what you said then is you do have some memory of</p> <p>14 those events?</p> <p>15 A. Yes.</p> <p>16 Q. But not a complete memory?</p> <p>17 A. Yes.</p> <p>18 Q. Let me ask you then about, first of all, about the</p> <p>19 Sunday. We have heard in some detail from Sergeant</p> <p>20 Denley about what he was doing that day. We saw that</p> <p>21 you were the leader, the senior investigation officer,</p> <p>22 on that MIT13 team, based in Lewisham, that's right, at</p> <p>23 the time?</p> <p>24 A. Correct.</p> <p>25 Q. We heard from Sergeant Denley and we are familiar with</p> <p style="text-align: center;">Page 124</p>

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<p>1 the concept of one of those teams performing HAT duty 2 for a period of time and we know that that team was on 3 HAT duty on that day. He has told us that he was 4 working an early turn based at Lewisham police station 5 that day. Do you remember or have you been able to look 6 up what you were doing that day, by which I mean were 7 you on duty, were you in Lewisham or don't you remember? 8 A. I would be on duty, most definitely. As a senior 9 investigating officer, I am expected to be on duty. 10 Q. Yes. 11 A. So the HAT call week, homicide assistance team, is 12 a 24-hour service, seven days a week, of which I am 13 contactable any time within that 24-hour period. 14 Normally I tell my teams from 7.00 am or 6.00 am through 15 to 10.00 at night please contact me. But during the 16 night let me get some sleep, unless it is absolutely 17 crucial that I am told there and then what is going on 18 and I will get told the following day. 19 So I can't see any reason why I wouldn't be on duty 20 and it is clear to me, having listened to 21 Stuart Denley's evidence for the first time this 22 morning, that I was on duty. 23 Q. I am going to ask you in a moment about some points of 24 detail, but just in general terms, as you say, you heard 25 him describe having several conversations with you on</p> <p style="text-align: center;">Page 125</p>	<p>1 A. I think the screen will be easier for me, thank you. 2 Q. All right, the document I would like to have look at is 3 Mr Denley's first HAT return, for the jury it is behind 4 26 in the bundle. For the screen, it is IPC11. 5 We looked at this document in some detail before 6 lunch. 7 A. Sorry, is this meant to be in front of me at the moment? 8 Q. I'm sorry, I am just being given an indication it is 9 not. It is on our screens but for some reason it is not 10 on yours? 11 A. I just have a blank screen. 12 Q. Let's pause while we rectify that. (Pause) 13 A. Okay, I have it now. 14 Q. Good. 15 A. Excuse me, sorry, could it be made bigger, the text, 16 please? 17 Q. If it is possible to enlarge it slightly, that would be 18 helpful. In fact I am not going to ask you at the 19 moment anyway about any particular part of this 20 document, I just wanted to remind you of it, Mr Lyons. 21 We have gone through the detail in some detail with 22 Sergeant Denley. Can you give us an idea of your 23 involvement, if any, in the drafting of this document. 24 We know that Sergeant Denley was the one who actually 25 types it up. Would you have seen it before it was</p> <p style="text-align: center;">Page 127</p>
<p>1 the phone during the course of the day. Do you either 2 remember that or does that help you remember whether you 3 were in -- it seems unlikely you were in Lewisham police 4 station, you might be out on other duties? 5 A. I think you are relying on my account and not my 6 account. So Stuart Denley, as he recalls it, says 7 several telephone conversations. So at 7.00 in the 8 morning I would be unlikely to be in the office, unless 9 there would be a specific reason, but I do recall 10 speaking to one of my detective inspectors, 11 Nathan Eason, during the day about this case and various 12 other officers during the day about this, at Lewisham 13 police station. 14 So the telephone calls that Stuart Denley talks 15 about probably is when he called me on the telephone, 16 then I will be in conversations face to face in the 17 office and the other telephone conversations he refers 18 to is most likely when he is conducting the special post 19 mortem process. So I think it is a mixture of both. 20 Q. All right. 21 Can we have a look, please, and Mr Lyons, you will 22 have gathered, when Mr Denley was giving evidence, I am 23 going to go to a few documents. They will be in the 24 bundles in front of you and they will also come up on 25 screen, so it is a matter for you --</p> <p style="text-align: center;">Page 126</p>	<p>1 issued? We have seen for example that your name appears 2 on the bottom, what do we read into that? 3 A. So not just this example of a HAT return, any HAT return 4 is ordinarily written by the author. 5 Q. Yes. 6 A. And then submitted, without any form of edit by anybody 7 else, particularly a DCI. So that is Stuart Denley's 8 version of events. 9 Q. Right. 10 A. It is my prerogative to -- and I will look at that, as 11 will other people, look at the content of it. But it 12 isn't my work. It would be his work, as in he wrote it, 13 but in the process of writing that, he clearly has 14 spoken to me about certain issues and that will be 15 reflected in that report. 16 Q. I see. So just to be clear then, I think you have been 17 clear, this is his document and you didn't have, as it 18 were, any involvement in approving it or editing it 19 before it was sent out? 20 A. Well, to be fair to Stuart Denley, he is one of my 21 officers and anything that he does is my responsibility 22 and accountability. So I own that document, just as 23 much as he does. 24 Q. No, that is understood. I was just wanting to ask you 25 a more focused question, which is whether you had</p> <p style="text-align: center;">Page 128</p>

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<p>1 actually been involved in drafting it --</p> <p>2 A. I didn't see it and change words before he submitted it,</p> <p>3 no.</p> <p>4 Q. No. Thank you.</p> <p>5 Let me ask you, just a general question, really, we</p> <p>6 have heard from Sergeant Denley about the conversations</p> <p>7 he had with Sergeant Turrell in Barking that morning --</p> <p>8 A. Yes.</p> <p>9 Q. -- and his developing understanding of the case, and</p> <p>10 some concerns that he had about a staged scene and the</p> <p>11 death of Gabriel Kovari, which had been linked to the</p> <p>12 death of Daniel Whitworth, and so on?</p> <p>13 A. Yes.</p> <p>14 Q. And the effect of what he was saying is that he</p> <p>15 discussed these matters with you. Of course at this</p> <p>16 distance in time one cannot be sure precisely when he</p> <p>17 spoke to you, but do you have a memory of him telling</p> <p>18 you about the case and, if so, do you have a memory of</p> <p>19 what your views about the case were during that morning?</p> <p>20 A. I have a distinct memory in that regard of the initial</p> <p>21 contact with Stuart Denley, because it is quite unusual</p> <p>22 for a borough to ring a murder team to ask them what to</p> <p>23 do with clothing, because that really is something that</p> <p>24 is well within the capabilities of a borough. They are</p> <p>25 not incapable, by any stretch of the imagination, to</p> <p style="text-align: center;">Page 129</p>	<p>1 A. That is why it is distinctly -- that conversation sticks</p> <p>2 in my mind. Why were they asking that question?</p> <p>3 Q. Before we leave the subject of the clothing, which was</p> <p>4 the subject of that initial request, we heard</p> <p>5 DS Denley's evidence this morning that he advised orally</p> <p>6 DS Turrell that morning not only to seize the clothing,</p> <p>7 which is what you have described as, to paraphrase,</p> <p>8 basic advice, but also that it should be sent off for</p> <p>9 forensic testing, that was his evidence this morning.</p> <p>10 Do you recall discussing that with him that morning?</p> <p>11 A. Well, before we came, I had a conversation with you,</p> <p>12 before I came into this court, and I said I didn't want</p> <p>13 to listen to Stuart Denley's evidence, just wanted to</p> <p>14 give my account as I recall it. It was requested that</p> <p>15 I listen to Stuart Denley's account.</p> <p>16 Q. Yes.</p> <p>17 A. So I did listen to it, as I was requested to, and</p> <p>18 I heard what you just said. I have no specific memory</p> <p>19 of that. If Stuart Denley says in his evidence that is</p> <p>20 what he told the borough, then that is what he said.</p> <p>21 But micro details like that I have no memory of.</p> <p>22 Q. No, and I think it is apparent from his evidence that he</p> <p>23 was having a lot more contact with DS Turrell that</p> <p>24 morning than he would have shared with you in the phone</p> <p>25 calls that he made --</p> <p style="text-align: center;">Page 131</p>
<p>1 know what to do with clothing.</p> <p>2 Because I had been asked that question, I asked</p> <p>3 Stuart quite detailed questions about the circumstances</p> <p>4 and further actions that I considered necessary, other</p> <p>5 than just giving advice on what to do with clothing,</p> <p>6 because that is quite simple: retain it, have coronial</p> <p>7 proceedings, destroy it, return it to the family or do</p> <p>8 nothing with it. They are the simple answers.</p> <p>9 But, as you see, that was developed quite</p> <p>10 significantly after that initial inquiry.</p> <p>11 Q. Yes.</p> <p>12 A. The fact that I had been given information that this</p> <p>13 event had taken place the day previously, that the HAT</p> <p>14 car was not deemed necessary, we were not required to go</p> <p>15 to the scene, we were not required to be involved in the</p> <p>16 removal of Daniel's body, or the interview of witnesses</p> <p>17 and that this was to be treated as a suicide, and we</p> <p>18 were not required -- just simple advice on what to do</p> <p>19 with Daniel's clothing, which is something that I would</p> <p>20 consider, having been a borough detective constable,</p> <p>21 sergeant, inspector and chief inspector, as well as my</p> <p>22 career within the homicide command, that that was very</p> <p>23 much within the capabilities of a borough to deal with</p> <p>24 and not ask.</p> <p>25 Q. That has sort of stuck in your mind, as it were?</p> <p style="text-align: center;">Page 130</p>	<p>1 A. If you take Stuart Denley's interactions with the</p> <p>2 borough, on my team I would have between 13 and 15</p> <p>3 detective constables, 3 detective sergeants and 2</p> <p>4 detective inspectors. And they will be doing various</p> <p>5 enquiries, different enquiries, which would involve</p> <p>6 interaction with me. So I can't carry out those tasks</p> <p>7 myself.</p> <p>8 So Stuart Denley, if you like, was my agent, working</p> <p>9 on this case and quite naturally he would have those</p> <p>10 conversations with -- the terminology in the police is</p> <p>11 a SPoC, a single person contact, which would have been</p> <p>12 DS Turrell. So that would be quite natural.</p> <p>13 Q. Yes.</p> <p>14 Let me ask you about a different matter, Mr Lyons,</p> <p>15 again you heard Mr Denley giving some evidence about</p> <p>16 this this morning, and that the question of the</p> <p>17 handwriting and the advice that he gave to DS Turrell to</p> <p>18 have the handwriting checked with Mr Whitworth's family.</p> <p>19 A. Yes.</p> <p>20 Q. I think I did ask him, and he said he had discussed that</p> <p>21 matter with you. Do you remember a discussion with him</p> <p>22 about that --</p> <p>23 A. Yes, I remember it differently to Stuart Denley.</p> <p>24 Q. Tell us.</p> <p>25 A. But whether I am right or whether he is right, I am not</p> <p style="text-align: center;">Page 132</p>

<p>1 going to dispute that. But from my memory --</p> <p>2 Q. No one is asking you to dispute anything, we just would</p> <p>3 like to know what your memory is.</p> <p>4 A. I need to be clear to the families what I remember and</p> <p>5 what I don't remember.</p> <p>6 Q. Of course.</p> <p>7 A. And the fact that things could be inaccurate with the</p> <p>8 passage of time.</p> <p>9 So I think it was myself that insisted that that</p> <p>10 note be checked for handwriting --</p> <p>11 Q. Yes.</p> <p>12 A. -- and that's the instruction I gave Stuart Denley.</p> <p>13 That was passed down to the borough and put on the HAT</p> <p>14 return. But whether it was me or Stuart, the objective</p> <p>15 was to get the note checked.</p> <p>16 Q. Of course you are right, Mr Lyons, we want to get as</p> <p>17 clear as possible what you remember about this, and we</p> <p>18 will all understand that memories can vary.</p> <p>19 A. Yes.</p> <p>20 Q. I just want to be clear about what you are telling us.</p> <p>21 You have a memory that the idea of checking the</p> <p>22 handwriting was one that came from you; is that right?</p> <p>23 A. Well, I was given the scenario that, if you don't want</p> <p>24 me to repeat it, stop me, of Daniel's finding in</p> <p>25 a graveyard, in a blanket, with a suicide note, with</p> <p style="text-align: center;">Page 133</p>	<p>1 and you instructed DS Denley to have that conversation</p> <p>2 or can you not remember?</p> <p>3 A. You have me at a disadvantage there. I mean I can guess</p> <p>4 if you like, but that is no good for the families, so</p> <p>5 I have given you what I can remember.</p> <p>6 Q. So it may be --</p> <p>7 A. But I own that decision to show the note. I am pretty</p> <p>8 sure it was me, but if it wasn't and it was Stuart's</p> <p>9 idea, then I agree with it.</p> <p>10 Q. Again, we entirely understand the limits of your memory</p> <p>11 but I just want to be clear, you have used the phrase,</p> <p>12 "It was me", we understand that you take responsibility</p> <p>13 for the decision --</p> <p>14 A. Yes, but I believe it was me, yes.</p> <p>15 Q. When you say that, do you mean that it was your idea or</p> <p>16 that you spoke to DS Turrell?</p> <p>17 A. Spoke to DS Turrell?</p> <p>18 Q. Yes.</p> <p>19 A. I thought we were talking about Stuart Denley?</p> <p>20 Q. No, the question I asked you was whether when you say it</p> <p>21 was me, on mean on the one hand it was your idea to have</p> <p>22 the handwriting checked and you instructed DS Denley to</p> <p>23 pass that advice through to the borough, or on the other</p> <p>24 hand whether you mean it was my idea and I spoke to the</p> <p>25 borough about it?</p> <p style="text-align: center;">Page 135</p>
<p>1 a bottle of liquid in his pocket, with a note that</p> <p>2 purported that he had killed himself. And had killed</p> <p>3 another human being, either deliberately, recklessly or</p> <p>4 inadvertently or accidentally. Whether that was true or</p> <p>5 not, I didn't know. Everybody else before me was</p> <p>6 telling me that was a suicide and perhaps</p> <p>7 a manslaughter. And I wasn't willing to accept that.</p> <p>8 Q. So that was what gave rise in your mind to the need</p> <p>9 to --</p> <p>10 A. Yes, so it developed from there. So when I am given</p> <p>11 those circumstances, in regard of the staged scene, if</p> <p>12 you like, whether Stephen Port was fortunate in that --</p> <p>13 where Daniel was found in the graveyard, let me say his</p> <p>14 cover up was aided by the fact there was another person</p> <p>15 rough sleeping in the same proximity at the time,</p> <p>16 a drunk witness. Which would make perhaps, you think</p> <p>17 there are two people in a graveyard, asleep, and one has</p> <p>18 died, but to explore that, I wanted to confirm or</p> <p>19 eliminate the possibility of third party interference,</p> <p>20 because we are a murder team and we think murder first.</p> <p>21 And the looking of the suicide note would go a great way</p> <p>22 to proving or disproving that point.</p> <p>23 Q. Yes. Just on a point of detail then, is it your memory</p> <p>24 that it was you that spoke to DS Turrell about getting</p> <p>25 the handwriting checked or rather that you had the idea</p> <p style="text-align: center;">Page 134</p>	<p>1 A. Okay, okay, so you had me at a disadvantage again, if</p> <p>2 DS Turrell did speak to me, then she would have</p> <p>3 contacted me. There is a system in the Metropolitan</p> <p>4 Police called the AWARE system, which is an email</p> <p>5 system. On that system you can look up anybody's</p> <p>6 telephone number, cellular telephone number and it is</p> <p>7 not uncommon for borough officers to call me and ask me</p> <p>8 specific advice and circumvent the HAT team, probably</p> <p>9 because I had had something to do with those teams</p> <p>10 before or they know me or for whatever reason. If that</p> <p>11 happened, I have absolutely no knowledge.</p> <p>12 As far as I recall, I spoke to Stuart Denley.</p> <p>13 Q. I see.</p> <p>14 A. I don't remember any interaction with DS Turrell. If</p> <p>15 that happened, it may well have happened but I have no</p> <p>16 memory of it.</p> <p>17 Q. All right, so doing the best you can, is a summary of</p> <p>18 what you can remember now that you think it was an idea</p> <p>19 that you had and that you probably passed on to</p> <p>20 Stuart Denley?</p> <p>21 A. I believe it was my idea.</p> <p>22 Q. Yes. Just let me ask you this further question then.</p> <p>23 You heard the questions that Stuart Denley was asked</p> <p>24 this morning about whether any thought had been given to</p> <p>25 whether the whole note or any part of it should be</p> <p style="text-align: center;">Page 136</p>

<p>1 shown, who it should be showed to, just one member of</p> <p>2 the family, or more than one, do you remember thinking</p> <p>3 this issue through in that sort of detail or was it more</p> <p>4 just a straightforward "We need to get that handwriting</p> <p>5 checked by the family"?</p> <p>6 A. My idea of showing a note to a family member objective</p> <p>7 is fairly clear: is that Daniel's handwriting or is that</p> <p>8 not Daniel's handwriting or if you don't know, say you</p> <p>9 don't know?</p> <p>10 To explore that further, stop me if I am going too</p> <p>11 far, for the very first time, the very first time today,</p> <p>12 I saw an extract of that note.</p> <p>13 Q. Yes, the small extract that was sent by email to the</p> <p>14 family.</p> <p>15 A. Yes, do you want me to talk about that or?</p> <p>16 Q. Yes, please?</p> <p>17 A. I was quite shocked when I saw that. That is not my</p> <p>18 idea at all, or my expectation of showing a note to get</p> <p>19 that handwriting and the content of that handwriting</p> <p>20 verified by a family member. Very, very short of that</p> <p>21 objective.</p> <p>22 Q. Tell us what you would have anticipated should have</p> <p>23 happened instead?</p> <p>24 A. I have heard the debate about upsetting family members,</p> <p>25 so my policy with family members, being a very</p> <p style="text-align: center;">Page 137</p>	<p>1 the line. So that is a forensic submission. So if you</p> <p>2 can look at investigative opportunities, the first</p> <p>3 investigative opportunities, this was treated as</p> <p>4 a suicide. And you have a suicide note, pertaining to</p> <p>5 be the handwriting of Daniel Whitworth. That</p> <p>6 handwriting sample, all of it, is shown to a family</p> <p>7 member and they verified, according to the information</p> <p>8 known to me and provided to me back in September 2014,</p> <p>9 that that is definitively the handwriting of Daniel.</p> <p>10 And because that has been definitively confirmed,</p> <p>11 that negates at that stage -- those two or three days</p> <p>12 that I was involved in -- that negates the forensic</p> <p>13 submission for a handwriting analysis.</p> <p>14 Q. If you had had the message fed back to you in those day</p> <p>15 or two when you were involved in this case that the</p> <p>16 family had been shown the note --</p> <p>17 A. Yes.</p> <p>18 Q. -- let's leave to one side for the moment how much of it</p> <p>19 they had been shown, but they had been shown the note</p> <p>20 and they had said words to the effect, "We just can't be</p> <p>21 sure"?</p> <p>22 A. Yes.</p> <p>23 Q. What in your view would have been the next step after</p> <p>24 that?</p> <p>25 A. Then you go to other people who may know Daniel, loved</p> <p style="text-align: center;">Page 139</p>
<p>1 experienced homicide detective, is you share everything</p> <p>2 with the families unless they say they don't want to see</p> <p>3 it. And I would go as far as post mortem photographs</p> <p>4 with that. I give a warning beforehand, via myself or</p> <p>5 my family liaison officers. They are part of the</p> <p>6 investigation and they need to know, because they are</p> <p>7 going to know in the end anyway. So the entire note</p> <p>8 should have been shown to a family member, not</p> <p>9 an extract, and it should never have been emailed.</p> <p>10 Q. It shouldn't have been emailed; what should have</p> <p>11 happened?</p> <p>12 A. It should have been shown in person, because you can</p> <p>13 look at other investigative opportunities while you are</p> <p>14 there.</p> <p>15 Q. This was a point that Sergeant Denley made --</p> <p>16 A. And I wholeheartedly agree. This is my opinion as</p> <p>17 a retired officer and the people who made those</p> <p>18 decisions, they can answer that question better as to</p> <p>19 why that was done. But that the first time today that</p> <p>20 I have seen that extract.</p> <p>21 Q. Let me ask you another point related to the handwriting</p> <p>22 that I raised with Sergeant Denley, and that is whether</p> <p>23 you thought about using a handwriting expert to check</p> <p>24 the handwriting?</p> <p>25 A. A handwriting expert is something that is further down</p> <p style="text-align: center;">Page 138</p>	<p>1 ones, you speak to them. The terminology that I think</p> <p>2 somebody spoke to Stuart Denley about next of kin, that</p> <p>3 is a broad term. The objective must be quite clear and</p> <p>4 obvious to everybody, show it to somebody who can</p> <p>5 confirm or deny that that is his handwriting.</p> <p>6 Q. Yes.</p> <p>7 A. That is a person, you can then take that further and ask</p> <p>8 to look at documents.</p> <p>9 Q. Let me just ask you about a couple of paragraphs in your</p> <p>10 witness statement, please. Can we have up on screen,</p> <p>11 please, MPS639, page 17 within that witness statement.</p> <p>12 A. Could you make that bigger, please.</p> <p>13 Q. Yes, could we enlarge the paragraphs in the middle of</p> <p>14 the page, please, 114 and 115. I will just read these</p> <p>15 paragraphs out, Mr Lyons, and then ask you about them.</p> <p>16 The heading is -- this is a question you were asked to</p> <p>17 address -- "Whether he was told that the handwriting had</p> <p>18 been confirmed?" That is whether you were told, and you</p> <p>19 have written this:</p> <p>20 "I was informed that the handwriting had been</p> <p>21 confirmed and this is recorded in the HAT advice [the</p> <p>22 point you have already made]. The whole point of my</p> <p>23 advice that the note should be shown to a family member</p> <p>24 was to establish that this was Daniel's handwriting and</p> <p>25 to assist in confirming or eliminating third party</p> <p style="text-align: center;">Page 140</p>

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<p>1 interference. If it were not his handwriting then this 2 case would have in my view fallen into the suspicious 3 category and would have been allocated to an SCD team. 4 "I was also mindful that if the handwriting was 5 confirmed this was also going to be important 6 information for the family of Gabriel at a later point 7 in the investigation." 8 Can I take you back to the last sentence of 9 paragraph 114, where you say that if, as a result of 10 this process of checking, the position had been reached 11 that this wasn't Daniel's handwriting, then you say that 12 the case would have fallen into the suspicious category 13 and would have been allocated to an SCD team. We are 14 getting used to the barrage of acronyms but when you say 15 an "SCD team", do you mean in layman's terms to the 16 murder squad to the homicide command? 17 A. Yes, SCD stands for serious crime directorate, as with 18 the Metropolitan Police policy, they are often changing 19 their names and logos but that is as I recall it, but it 20 means murder team. 21 Q. With that cleared up, can you just expand on what you 22 mean then in that last sentence of paragraph 114? 23 A. Well, it is very clear, I think. We would have taken 24 the case, in my opinion. 25 Q. Is that in a sense because if you had established that</p> <p style="text-align: center;">Page 141</p>	<p>1 if we accept is suicidal, they might write things that 2 are not right. So it was important to establish what 3 had killed him and if the suicide note was right, he had 4 taken a poison or overdosed on a particular substance, 5 we couldn't just assume that is what had happened, we 6 would have to know. For several reasons, what had 7 killed him and, if that had killed him, was it the same 8 substance that had killed Gabriel, because then that 9 would link the two of them because it cannot be assumed, 10 you would have to know what killed Daniel, you would 11 have to know what killed Gabriel, and if it was the case 12 then Gabriel's family are very entitled and very keen 13 I would think to know what had killed their loved one. 14 Q. Just exploring that a moment, if the only purpose of the 15 exercise was to understand what had killed Daniel, and 16 in particular, for example, whether he had taken the 17 drug that he said he had in the note, that much would 18 probably have been established by a routine post mortem, 19 would it not? 20 A. There was more to it than that. I was trying to 21 specifically cut down on time and answer that particular 22 question. So I would be looking at third party 23 interference, I would be looking at a specialist 24 examination of Daniel's body, which would be looking at 25 defence wounds, signs of sexual abuse, sexual</p> <p style="text-align: center;">Page 143</p>
<p>1 the handwriting wasn't Daniel's then that would have 2 thrown up all sorts of questions -- 3 A. If you look at the entire circumstances, the finding of 4 Daniel's body, it is odd, it is unusual, and that brick, 5 that central theme of this case, that handwriting 6 sample, is the major building block in this particular 7 scenario. And if that is flawed, then it would have 8 fallen, in my opinion, to a serious crime directorate 9 team. 10 Q. I want to ask you about one other matter before we leave 11 the Sunday and move on to subsequent times and that is 12 the question of the special post mortem? 13 A. Yes. 14 Q. That was a decision for you to take, to authorise that 15 special post mortem? 16 A. Yes, so before my involvement there had been a lot of 17 interaction from the borough, and they had assumed it 18 was a suicide. They had made decisions not to involve 19 an SCD team in lots of respects, and decided to go ahead 20 with a post mortem. I reviewed the information that 21 I was provided with, and I wasn't happy that a post 22 mortem should take place. We needed to know what had 23 killed Daniel, and because, if his suicide note was to 24 be accepted, 1 it was a suicide note and 2 the content 25 of the suicide note was accurate, because when someone,</p> <p style="text-align: center;">Page 142</p>	<p>1 intercourse, because he talks about having sex with 2 an individual on a previous night, so there will be 3 evidence of anal tears or any forceful sex or any sort 4 of restraint. So anything other than the assumption 5 that he has died from a noxious substance to assist in 6 whether he was killed by a third party, it just would 7 give a better understanding of what killed Daniel. 8 Q. Would it be fair to say that everything you have said 9 about the fact that the scene was odd, the fact that 10 there were questions to be answered, all fed into that 11 decision that you thought a special post mortem would -- 12 A. In regard of odd scenes, not just this case, it is my 13 experience that a lot of scenes can look odd. Although 14 this is unusual, it is not that unusual to come across 15 scenes that look suspicious and turn out to be 16 explainable. 17 In this case, Stephen Port had gone to some lengths 18 to disguise his activities. 19 Q. Yes. 20 Let me move on to a different subject, Mr Lyons. 21 I want to ask you about what we have been describing as 22 the question of primacy, and you will have heard 23 a certain amount of discussion with Sergeant Denley this 24 morning. 25 A. Yes.</p> <p style="text-align: center;">Page 144</p>

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<p>1 Q. A large part of his answers involved him saying it 2 wasn't a decision for him. 3 A. Yes. 4 Q. I think it is a fair summary to say that he was not even 5 usually involved in those sorts of discussions. 6 A. No. 7 That's not entirely accurate, but I will expand on 8 that, if you wish. 9 Q. Well, you heard me observe during the course of that 10 that the jury have heard some evidence already relating 11 to an earlier investigation about how these matters 12 work, so we all understand that the final decision on 13 whether the murder squad should take over a case is 14 a decision to be taken by the superintendent, and 15 therefore not you either. 16 A. No. 17 Q. But I hope you agree that someone of your rank would 18 have been involved in at least discussing that matter 19 with the on-call superintendent -- 20 A. Very much so. 21 Q. -- and you can help us, even if Mr Denley couldn't, on 22 the type or sort of ideas that were floating around? 23 A. Yes, I can. 24 Q. Let me try and focus my questions to you in this way. 25 First of all, there were two deaths that were</p> <p style="text-align: center;">Page 145</p>	<p>1 years ago, we can't say -- well, I couldn't say that 2 Daniel had intently, or clear evidence, as you put it, 3 I heard the word clear evidence, and it is not clear at 4 all, that Daniel had killed Gabriel, because he hadn't. 5 There was no clear evidence. 6 Who knows what someone would write in a suicide 7 note, if we accept the suicide is correct, that I killed 8 another human being, because if he killed someone 9 carelessly or accidentally or inadvertently, that not 10 manslaughter -- correct me if I am wrong but that is not 11 manslaughter. So taking all those circumstances into 12 account, and the other investigations resulting in 13 special post mortem, the other actions advising the HAT 14 return and the obvious actions for the borough or the 15 SCD to undertake, whoever undertook those actions, the 16 telephone enquiries, the forensic submissions 17 potentially, the looking at the suicide note. No 18 decisions need to be taken immediately. It may well 19 have been the case that prima facie those two or three 20 days we flagged it up on the murder team, myself and 21 Stuart Denley, to decision makers that this was possibly 22 a murder -- manslaughter-suicide. 23 So that is not hidden. That is there for everybody 24 to see. If someone wants to allocate the case to me or 25 another SCD team, I am fine with that, we will just get</p> <p style="text-align: center;">Page 147</p>
<p>1 involved here, Daniel's and Gabriel's. The questions 2 I am going to ask you -- it may not be that others ask 3 you different questions, but the questions I am going to 4 ask you are focused on the circumstances of Gabriel's 5 death for the purposes of the primacy issue, do you 6 understand? 7 A. Okay. 8 Q. As I said, we understand it ultimately wasn't your 9 decision, but we hope you can help us just with the 10 factors that were in play. 11 The question that I would like to explore is whether 12 the note that you saw, and the assertion in it -- we can 13 take that witness statement down from the screen -- that 14 whoever wrote it, we assume for these purposes, Daniel, 15 had killed another man and by the time you were involved 16 we knew that that other person was Gabriel Kovari. Why 17 that didn't amount to clear enough evidence that 18 Gabriel's death had been a homicide, which would then 19 have led to the murder team taking over the case? 20 A. So the statement you just, or question, you came out 21 with is based entirely on the accuracy of the note. 22 Q. Yes. 23 A. And we know in hindsight that the note is not accurate. 24 Daniel didn't kill himself and he didn't kill Gabriel, 25 so the note is inaccurate. So go back in time seven</p> <p style="text-align: center;">Page 146</p>	<p>1 on with it. That is fine. But that decision clearly 2 wasn't made by the on-call superintendent being fully 3 aware of the circumstances on the HAT return and with 4 speaking to me several times about the case. 5 Q. Can I just try and explore that in a little detail. 6 I would like to try and sort of clear out some 7 issues out of the way before we focus on what I think 8 the explanation you have just given is. 9 First of all, the fact that Daniel, who is the 10 person -- let's just assume, read the note and assume -- 11 read what is in the note? 12 A. Yes. 13 Q. And, as I have said, as far as the note is concerned, we 14 see someone has written it -- on the face of it 15 Daniel -- confessing to killing Gabriel? 16 A. Yes. 17 Q. The fact that Daniel is dead at this time, that is not 18 a factor, is that right? 19 A. The problem -- I think, with respect, the mistake you 20 are making and a lot of people have made in this case is 21 assuming that the note is correct. I never assumed that 22 note was correct. 23 Q. Well, let -- can you just try and stick with my 24 question? 25 A. The only person who wanted it checked out of all the</p> <p style="text-align: center;">Page 148</p>

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<p>1 people that went before me was me. No one had said,</p> <p>2 "Stop the bus, let's look at this note" before that.</p> <p>3 Everyone assumed that note is correct, and it isn't.</p> <p>4 Q. We all know that now.</p> <p>5 Let's just try and take it in stages. Is it the</p> <p>6 case or is it not that the fact that the person who</p> <p>7 apparently, noting the concern about whether the note is</p> <p>8 accurate, but who had apparently killed Gabriel Kovari</p> <p>9 was dead, was that a factor or not that would have</p> <p>10 influenced whether the death of Gabriel was investigated</p> <p>11 by the murder investigation team?</p> <p>12 A. That is a factor that is reported in the HAT return, it</p> <p>13 must be obvious to everybody who has read the HAT</p> <p>14 return. It is information that is there and subject to</p> <p>15 discussion and written documents.</p> <p>16 Q. Mr Lyons, we are trying to understand through you the</p> <p>17 considerations that took place in 2014 about whether the</p> <p>18 HAT team should investigate a death or not. What I am</p> <p>19 trying to understand is, if you have a case where on the</p> <p>20 face of it someone has been killed, there is</p> <p>21 a homicide --</p> <p>22 A. Yes.</p> <p>23 Q. -- but part of the facts are that the person who appears</p> <p>24 to have killed that person is now dead themselves, does</p> <p>25 that mean that the homicide command wouldn't investigate</p> <p style="text-align: center;">Page 149</p>	<p>1 Q. So --</p> <p>2 A. But the person making the decision around that on would</p> <p>3 consider the entire circumstances and choose whether to</p> <p>4 reject or accept the guidelines, due to the amount of</p> <p>5 work that had already been undertaken and what</p> <p>6 potentially could be undertaken. But those thought</p> <p>7 processes and decision-making processes, I am not trying</p> <p>8 to duck the question, would have been made by</p> <p>9 John Sweeney, who was the detective superintendent on</p> <p>10 call on that particular occasion.</p> <p>11 Q. You have leapt ahead a bit, but let's pick up where you</p> <p>12 have taken us. I think I understood you to say that in</p> <p>13 the normal course, a manslaughter-suicide, your term, it</p> <p>14 is what we see on the HAT return, we understand what you</p> <p>15 mean by that, would and should have been investigated by</p> <p>16 the murder investigation team?</p> <p>17 A. I didn't say should. I said that is the guidelines and</p> <p>18 I said the decision maker would look at the other</p> <p>19 circumstances that had already occurred, what had</p> <p>20 already been investigated and what could be done and it</p> <p>21 might make a decision, resource wise, to keep the case</p> <p>22 with the borough.</p> <p>23 Q. Let's just step away from this case for a moment.</p> <p>24 A. So it is not a "should", I never said should.</p> <p>25 Q. Let's just step away interest this case for a moment and</p> <p style="text-align: center;">Page 151</p>
<p>1 that death?</p> <p>2 A. Right, so you are asking me to answer a question of the</p> <p>3 rationale and decision-making process of</p> <p>4 a superintendent?</p> <p>5 Q. Can you help us with that or not?</p> <p>6 A. The superintendent makes a decision and I am, if you</p> <p>7 like, told what to do. Take the case or don't take the</p> <p>8 case, it is simple as that.</p> <p>9 Q. Mr Lyons, you were a chief inspector of long standing in</p> <p>10 the murder team?</p> <p>11 A. Yes.</p> <p>12 Q. Did you ever yourself perform the role of on-call</p> <p>13 superintendent?</p> <p>14 A. I did, yes.</p> <p>15 Q. So you sometimes had to make those decisions yourself?</p> <p>16 A. Yes.</p> <p>17 Q. Well, combining your long experience on the HAT team and</p> <p>18 your experience at that level above, can you answer my</p> <p>19 question, which is, starting with, if the apparent</p> <p>20 killer is themselves dead, is that a factor that has any</p> <p>21 influence on whether the MIT team would take the case?</p> <p>22 A. So the guidelines would say, to cut to the chase, the</p> <p>23 guidelines would say that with a manslaughter-suicide,</p> <p>24 that a major investigation team would ordinarily take</p> <p>25 the case. They are the guidelines.</p> <p style="text-align: center;">Page 150</p>	<p>1 think of another example. Imagine that the HAT team</p> <p>2 were called to the site, a car park let's say, where</p> <p>3 they found someone who committed suicide by putting the</p> <p>4 exhaust pipe into their car, right?</p> <p>5 A. Yes.</p> <p>6 Q. It is a man, he has a suicide note in his hand and in</p> <p>7 that note he says, "I have accidentally killed my</p> <p>8 children, I can't go on anymore". You find his address,</p> <p>9 and you find out, at very much the same time, that there</p> <p>10 is a report that there are two dead children in that</p> <p>11 house.</p> <p>12 A. Right.</p> <p>13 Q. There you have perhaps a manslaughter-suicide, all</p> <p>14 right?</p> <p>15 Would you at that stage in your experience say,</p> <p>16 well, we are not taking this case, we need to find out</p> <p>17 more what actually happened?</p> <p>18 A. I think they are different scenarios and that is 15</p> <p>19 seconds' worth of information, but on 15 seconds' worth</p> <p>20 of information I would say we should take that case.</p> <p>21 Q. Sorry?</p> <p>22 A. I would say we should take that case.</p> <p>23 Q. Let's go back to this case then, a manslaughter-suicide?</p> <p>24 A. Yes.</p> <p>25 Q. Your involvement on that Sunday, did you think that</p> <p style="text-align: center;">Page 152</p>

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<p>1 homicide command should have taken that case?</p> <p>2 A. I think my involvement was more than the Sunday, was it</p> <p>3 two or three days?</p> <p>4 Q. It was, but I am asking you about your understanding on</p> <p>5 the Sunday, tell me if it was different as the days went</p> <p>6 on?</p> <p>7 A. My understanding had changed Monday, because a view on</p> <p>8 the Sunday could change on the Monday or the Tuesday.</p> <p>9 Q. Let's ask this question. Was there ever a time on those</p> <p>10 three days where you thought that homicide command ought</p> <p>11 to be taking over this case?</p> <p>12 A. I recognised -- and wasn't hiding from the fact and</p> <p>13 wanted it included in the HAT return as a title on the</p> <p>14 top left-hand corner, flagged up, this was possibly</p> <p>15 a manslaughter-suicide. I was aware of that. But</p> <p>16 I didn't make the decision in regard of primacy.</p> <p>17 Q. We know you didn't make the decision.</p> <p>18 A. That is the best I can do, because I don't know what</p> <p>19 Cliff Lyons was thinking seven years, one month ago,</p> <p>20 I only know what I know now.</p> <p>21 Q. Yes.</p> <p>22 A. And, unfortunately, there has been bleeding of</p> <p>23 information to me that I know a lot more information</p> <p>24 about this case. So because I know all that</p> <p>25 information, all this time later, that influences the</p> <p style="text-align: center;">Page 153</p>	<p>1 an answer, you want me to answer for somebody else's</p> <p>2 decision.</p> <p>3 Q. I don't, and I am --</p> <p>4 A. It is somebody else's decision, it is not mine.</p> <p>5 Q. We understand that somebody else was there to take the</p> <p>6 decision on this occasion. What we are asking you is to</p> <p>7 help us with the practice of the organisation that you</p> <p>8 were a part of for 17 years.</p> <p>9 A. Right, so the practice is quite simple, it is that the</p> <p>10 serious crime directorate teams are strictly controlled</p> <p>11 about what cases they take and what they don't take.</p> <p>12 Every week, or every two weeks, I would have</p> <p>13 a one-to-one meeting or a group meeting with my MIT</p> <p>14 manager, the major investigation team manager, that is</p> <p>15 the rank of superintendent.</p> <p>16 And he would say what cases have you got going to</p> <p>17 court? How many cases have you got outstanding? What</p> <p>18 other issues have you got? What staffing levels have</p> <p>19 you got? And from that we would reach an agreement</p> <p>20 about what cases my team could or couldn't take.</p> <p>21 Sometimes I have been instructed not to take any new</p> <p>22 murder cases for two to three months, because of</p> <p>23 workload.</p> <p>24 So that then goes on to what is called a capacity</p> <p>25 sheet. That is replicated on the other 18 teams that</p> <p style="text-align: center;">Page 155</p>
<p>1 decision I would have made. So I am make the decision</p> <p>2 now. You are asking me a question four and a half years</p> <p>3 into retirement of what would have been done, but all</p> <p>4 I can tell you is what was done seven years, one month</p> <p>5 ago.</p> <p>6 Q. Yes, well, Mr Lyons, you are being very clear about</p> <p>7 that, and no one wants you to give answers which don't</p> <p>8 reflect your memory, no one expects you to do more than</p> <p>9 you can simply remember what happened.</p> <p>10 A. Yes.</p> <p>11 Q. But let me try and ask you a slightly different question</p> <p>12 then. I am not now asking you about what happened on</p> <p>13 that day or the day after.</p> <p>14 A. Yes.</p> <p>15 Q. I am just asking you to reflect on your experience over</p> <p>16 17 years of working in the major investigation teams.</p> <p>17 A. Hmm.</p> <p>18 Q. Is this the sort of case that you would have normally</p> <p>19 expected the murder team to take on?</p> <p>20 A. There has been cases in past that I think the murder</p> <p>21 team should have taken on and they haven't taken them</p> <p>22 on. And there has been cases where the murder team have</p> <p>23 taken cases on which I don't think we should have taken</p> <p>24 on.</p> <p>25 So, simply put, I know you want me to give you</p> <p style="text-align: center;">Page 154</p>	<p>1 circulate around London, as teams that are capable of</p> <p>2 taking murder or any type of enquiry that the</p> <p>3 Metropolitan Police wishes them to undertake. That</p> <p>4 information is then fed on to the on-call superintendent</p> <p>5 and he has a list, if you like, of runners and riders,</p> <p>6 who can take cases and at what level they can take them.</p> <p>7 Armed with that information and the twice daily</p> <p>8 conversations the on-call superintendent has with each</p> <p>9 individual SIO, he then makes the decision about</p> <p>10 workload and where cases will be allocated.</p> <p>11 So the superintendent, the on-call superintendent</p> <p>12 controls what cases are given to major investigation</p> <p>13 teams.</p> <p>14 Q. Thank you, Mr Lyons. We have already heard from other</p> <p>15 witnesses about the resources of the various major</p> <p>16 investigation teams. How many major investigation teams</p> <p>17 were, there roughly, just in one word, roughly?</p> <p>18 THE CORONER: He just said 18, didn't you?</p> <p>19 A. 18.</p> <p>20 MR O'CONNOR: 18 teams, and, as you described, it is the job</p> <p>21 of the more senior officers to allocate cases between</p> <p>22 them, is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Ultimately the decision on whether a particular case</p> <p>25 would be taken by homicide command was surely down to</p> <p style="text-align: center;">Page 156</p>

<p>1 whether it was judged to be a homicide case rather than 2 whether you actually had the resources to investigate 3 it? 4 A. No, sorry, to make it clear, which team got it would be 5 to do with the resources, not whether it went to the 6 command or not. 7 Q. Exactly, so a decision would be taken about whether the 8 case warranted investigation by the major investigation 9 unit, and then the case would be allocated according to 10 resources? 11 A. Correct. 12 Q. We come back to the question of whether this case 13 actually met the threshold for being investigated by the 14 major investigation teams? 15 A. Yes. 16 Q. The jury have seen in the Anthony Walgate investigation, 17 which I know you know nothing about, discussions between 18 the borough and the major investigation teams and the 19 borough asking the major investigation unit to take over 20 the case and being told, "Sorry, it is still not 21 a homicide we are not taking it". 22 What I want to put to you one final time is that in 23 this case, at least as far as the death of 24 Gabriel Kovari was concerned, there was clear evidence 25 of a homicide taking place. That was provided by the</p> <p style="text-align: center;">Page 157</p>	<p>1 Q. You fully expected the command to take the case? 2 A. If it wasn't his handwriting. 3 Q. What I am putting to you is actually the question of 4 whether the note was accurate or not was not to the 5 point, because even if it was not accurate, it would 6 show in fact that the case was even more suspicious? 7 A. You will have to explain that to me. 8 Q. It was the point I just made to you, but if the note 9 which said that Daniel had killed Gabriel was wrong, 10 then that would simply suggest that something even more 11 suspicious was going on in this case, as you have 12 remarked similar to the handwriting issue. 13 Does that make sense or shall I put it another way? 14 A. Yes, I think I am a bit too slow for you, yes. 15 Q. Well, if on further investigation, you showed that 16 Daniel had not killed Gabriel -- 17 A. Sorry, Daniel had not killed Gabriel? 18 Q. Yes. 19 A. That would take some time, wouldn't it? 20 Q. That would show in turn that someone had forged the 21 suicide note or that that was wrong? 22 A. Yes. 23 Q. Would that not make the case even more suspicious and 24 demand that the homicide command investigate it? 25 A. I don't know if I am -- I am not saying I am getting</p> <p style="text-align: center;">Page 159</p>
<p>1 suicide note and that should have meant that the case 2 was taken by homicide command and then a decision would 3 have to be made about which team would investigate it. 4 A. Well, I dispute clear evidence, the word "clear 5 evidence". There wasn't any clear evidence at all. 6 Because evidently he didn't kill Gabriel, so it is not 7 clear evidence. 8 Q. On that point, Mr Lyons, you are right of course, you 9 had the suicide note, and that, as you have explained, 10 demanded further investigation. But let me put to you 11 a point that was put to Mr Denley this morning. 12 Surely the result of that further investigation was 13 going to lead you to one of two places, either it would 14 confirm the fact that Daniel had killed Gabriel Kovari, 15 in which case it would be a homicide, or it would show 16 that in fact Daniel hadn't killed Gabriel Kovari, which 17 would make the whole position much more suspicious. In 18 fact, it would take you to the very place that you have 19 identified in your witness statement relating to the 20 handwriting, it would show that the note was forged. In 21 which case, as you have said, that also would be 22 a situation where homicide command would take over? 23 A. I fully expect the command to take that case if it's not 24 Daniel's handwriting, I would happily take the case 25 myself.</p> <p style="text-align: center;">Page 158</p>	<p>1 tricked, but I don't know if I'm getting confused. 2 I thought I had made it quite clear that the case would 3 go to the homicide command if it were not -- can 4 I answer in my own way then perhaps that might give you 5 your answer, because I am getting confused. 6 Q. Do answer in your own way, Mr Lyons. 7 A. If it was not Daniel's handwriting, in my view, in my 8 opinion, not that it would be my decision, but in my 9 opinion, it should go to the homicide team, number one. 10 Number 2, if the handwriting was confirmed, as it 11 was in this case, as Daniel's handwriting, then further 12 investigation as in the substance that killed Daniel was 13 the same substance that killed Gabriel, that 14 investigation was underway and toxicology takes several 15 weeks to come back with that result. 16 Now, it may well have been the view of the decision 17 maker that they had to wait for the result of that, 18 I don't know, we would have to ask them what their 19 decision-making process was. You are asking me, as 20 I saw it was asked of Stuart Denley earlier this 21 morning, several times, to account for other people's 22 decision-making processes. That is for them to answer 23 and I think it is unfair to ask witnesses who do not 24 make those decisions. 25 Q. Let me move on, Mr Lyons. You have referred more than</p> <p style="text-align: center;">Page 160</p>

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<p>1 once to a decision maker, and to the fact that, as we</p> <p>2 all understand, this wasn't your decision. The jury</p> <p>3 have heard that in principle a decision on primacy would</p> <p>4 be taken by the on-duty superintendent.</p> <p>5 A. Yes.</p> <p>6 Q. First of all, can you help us, let me put it this way,</p> <p>7 I think researches have suggested that it was actually</p> <p>8 Chief Superintendent Sweeney who was on duty at that</p> <p>9 time?</p> <p>10 A. Okay.</p> <p>11 Q. Are you aware of that or not?</p> <p>12 A. Only because I have been told it was him.</p> <p>13 Q. All right. Can you remember having any discussions with</p> <p>14 him over that weekend or is it now simply too long ago?</p> <p>15 A. Well, I know John Sweeney very well, and I had</p> <p>16 considered him a friend in the service. John Sweeney in</p> <p>17 my opinion was the most experienced superintendent in</p> <p>18 the command and probably the most experienced and</p> <p>19 dedicated homicide detective in the Metropolitan Police</p> <p>20 Service at the time. He was also the acting or the</p> <p>21 deputy chief superintendent to – Mick Duthie I believe</p> <p>22 was in charge at the time. John Sweeney was</p> <p>23 a workaholic, when John Sweeney was on call he would</p> <p>24 talk to me at least twice if not three times a day about</p> <p>25 cases and all the other SIOs. So I can never recall any</p> <p style="text-align: center;">Page 161</p>	<p>1 the 22nd. So that is the day after Mr Denley's HAT</p> <p>2 advice that we looked at.</p> <p>3 You weren't involved in this, Mr Lyons, but the jury</p> <p>4 will see that the borough superintendent, a man called</p> <p>5 Mr Wilson, on that Monday morning expressed a desire to</p> <p>6 get SC&O1, homicide command, to take over the</p> <p>7 investigation. That was something he expressed</p> <p>8 internally within the borough, all right?</p> <p>9 If we can have up on screen, please, IPC218 we can</p> <p>10 see, if we can enlarge the bottom email first, please,</p> <p>11 this is an email from Debbie Turrell to DCI Tony Kirk,</p> <p>12 at 10.50 on that Monday morning. It follows the</p> <p>13 indication from Mr Wilson that he wanted SC&O1 to take</p> <p>14 over the case.</p> <p>15 What Debbie Turrell says is:</p> <p>16 "Guv, at present the HAT South will continue as</p> <p>17 liaison as the job is remaining with borough. The SIO</p> <p>18 is DCI Cliff Lyons ..."</p> <p>19 I don't know if that is your phone number or another</p> <p>20 indicated --</p> <p>21 A. I couldn't remember my telephone number.</p> <p>22 Q. In any event I wanted to ask you this, and from what you</p> <p>23 have said, Mr Lyons, you may well not remember but it</p> <p>24 appears at any rate that morning Debbie Turrell made</p> <p>25 some enquiries about the issue of primacy. Does that</p> <p style="text-align: center;">Page 163</p>
<p>1 time that John Sweeney didn't speak to me two or three</p> <p>2 times a day over the on-call period and because this is</p> <p>3 seven years ago and John Sweeney and all the other</p> <p>4 superintendents interacted with me on a regular basis</p> <p>5 back in day, if you like, to call it that, I don't</p> <p>6 specifically remember calling to John Sweeney about this</p> <p>7 case, because I spoke to John Sweeney thousands of times</p> <p>8 over 15 years.</p> <p>9 Q. In summary then, would it be fair to say from your</p> <p>10 experience and knowledge of working with Mr Sweeney, you</p> <p>11 are very confident that you would have spoken to him</p> <p>12 over that time?</p> <p>13 A. Absolutely, I would say 100 per cent.</p> <p>14 Q. But you have no particular memory of having any</p> <p>15 discussion with him?</p> <p>16 A. No, because of the amount and volume of times I spoke to</p> <p>17 John Sweeney about cases.</p> <p>18 Q. Can I just ask you one more question which again is not</p> <p>19 from your memory, because you have said you don't have</p> <p>20 one of this particular time, but from your experience,</p> <p>21 would you imagine that the discussions you had with</p> <p>22 Mr Sweeney over this time, would have included</p> <p>23 discussions about primacy?</p> <p>24 A. Absolutely.</p> <p>25 Q. Let me move on, and ask you some questions about Monday,</p> <p style="text-align: center;">Page 162</p>	<p>1 ring any bells with you? Can you remember any</p> <p>2 involvement?</p> <p>3 A. Can I read this email or not? Do I need to read this</p> <p>4 email?</p> <p>5 Q. The rest of it is not relating to the request of</p> <p>6 primacy, so that is all we have to indicate that</p> <p>7 Debbie Turrell made some enquiries that morning.</p> <p>8 A. I will answer that in totality. Primacy was never</p> <p>9 requested, to my knowledge, of me at any stage by the</p> <p>10 borough.</p> <p>11 Q. All right. I am going to show you nonetheless just one</p> <p>12 other document and this is Mr Wilson's statement, so can</p> <p>13 we have up on screen, please, MPS591, page 4.</p> <p>14 Can we look at paragraph 5, please, so enlarge that</p> <p>15 on the screen. This is Mr Wilson's witness statement,</p> <p>16 Mr Lyons. He says:</p> <p>17 "The next day [that's Monday, the 22nd, the day we</p> <p>18 are focusing on] he received an email from Tony Kirk</p> <p>19 advising that SC&O1 were not going to take primacy for</p> <p>20 the investigation ..."</p> <p>21 That is part of the email chain we were just looking</p> <p>22 at.</p> <p>23 Mr Wilson goes on:</p> <p>24 "I recall subsequently speaking by phone to the OCU</p> <p>25 commander for SC&O1, whose name I do not recall, in</p> <p style="text-align: center;">Page 164</p>

<p>1 an attempt to have them accept primacy for the 2 investigation." 3 Just pausing there, that is clearly not you? 4 A. The OCU commander at the time would be Mick Duthie. 5 Q. Mr Duthie, so would he be one level above Mr Sweeney? 6 A. Yes. 7 Q. All right. 8 Let's just finish the paragraph: 9 "I don't recall when I had this conversation. 10 I recall the view from this officer was that although 11 there was an apparent confession to involvement in 12 Mr Kovari's death, Mr Whitworth was deceased, so there 13 were no suspects outstanding. We discussed this at 14 length, as I did not agree with this and felt 15 experienced homicide officers should investigate both 16 deaths. However, I conceded, given at the time there 17 was no clear evidence of homicide and the borough 18 retained ownership of the investigation with SC&O1 19 support, at the time the borough had primacy." 20 I don't want to ask you questions about 21 conversations you were not involved with, Mr Lyons, but 22 my question is: does that account of Mr Wilson, speaking 23 as you say to Mr Duthie, jog any memories about any 24 involvement you had on that day in other discussions 25 about primacy?</p> <p style="text-align: center;">Page 165</p>	<p>1 me about something. He wasn't an aloof character like 2 that, he would talk to me no problem at all. I don't 3 remember Mick Duthie ever talking to me about this case, 4 other than when the Stephen Port case broke, he did tell 5 me that Stephen Port was responsible for the death of 6 Daniel, and I found that quite upsetting. 7 Q. That was a year hence and we don't need to pursue that 8 point. Thank you, we can take that down. 9 Next point about the Monday, Mr Lyons. The jury 10 have heard and will hear some more evidence about this, 11 that on that day there was a gold group meeting in the 12 borough? 13 A. Which day, sir? 14 Q. The Monday, the 22nd? 15 A. Okay. 16 Q. Can we have on screen, please, IPC1043. 17 If we can enlarge the top half of it, please, 18 I think this is an email you have seen at least in the 19 last few days or week or so -- 20 A. The first time I saw this email, it was sent to me via 21 email about two and a half or three weeks ago. 22 Q. Yes, it is a simple question I have to ask you, 23 Mr Lyons, on the face of it, that is an email around the 24 lunchtime on Monday the 22nd sent to Stuart Denley and 25 to yourself, addressed as it were to you, it starts</p> <p style="text-align: center;">Page 167</p>
<p>1 A. Okay, so that is the first time I have seen this 2 document. I don't know Mr Wilson. So he certainly -- 3 is that the officer's name, Mr Wilson? 4 Q. Yes. 5 A. I don't know that officer, or what rank he is. He 6 certainly didn't have a conversation with me and it 7 would appear, just from reading this document, that he 8 superseded me and he has gone straight to the OCU 9 commander with his concerns or need for additional 10 resources and the OCU commander has turned him down. 11 For whatever reason that is, it would be between 12 Mr Wilson and OCU commander. 13 Q. Yes, that is all understood. Really the reason I was 14 asking you, the jury have seen in other situations, when 15 approaches like this were made, that then gave rise to 16 conversations within SC&O1 between more senior and more 17 junior officers. 18 A. Yes. 19 Q. Does it jog any memories of either for example Mr Duthie 20 or Mr Sweeney speaking to you about this? 21 A. Mick Duthie and I had a good relationship as well, 22 I would consider him a friend at the time and 23 Mick Duthie would talk to me on a regular basis. The 24 ordinary course of events that would go through 25 John Sweeney, but it wouldn't stop Mick Duthie calling</p> <p style="text-align: center;">Page 166</p>	<p>1 "Cliff": 2 "Superintendent Wilson is holding a gold group re 3 this matter at 4.00. Request SC&O1 attendance. Are you 4 available?" 5 A. I think further down this email it says that this gold 6 group was decided on about 7.00 in the morning on 7 22 September. 8 Q. That's right. 9 A. And it wasn't until 1.30 in the afternoon that I am 10 requested to attend via email for a matter starting at 11 4.00. I don't ever recall being invited to an email -- 12 to a gold group, and the normal course of events, 13 contacting a SIO, particularly for something so 14 pressing, and that is going ahead fairly soon would be 15 via telephone. So I am quite surprised really to see 16 this email request to me. And it probably was opened by 17 me after the event, to be quite frank, is my first 18 reaction to that email. 19 Q. But you -- 20 A. And I certainly didn't go to the gold group. 21 Q. We know you didn't go. But you cannot help us anymore 22 than you have already said about that email? 23 A. No. 24 Q. Thank you, that is all the questions I wanted to ask you 25 about that Monday.</p> <p style="text-align: center;">Page 168</p>

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<p>1 Let me turn then to ask you a few questions about</p> <p>2 the post mortem that took place on the next day, the</p> <p>3 Tuesday. To be clear, we have seen the list of</p> <p>4 attendees, you didn't go to the post mortem?</p> <p>5 A. No.</p> <p>6 Q. Did you ever go in those days as an SIO to special post</p> <p>7 mortems?</p> <p>8 A. Sometimes you would go to post mortems, but it really is</p> <p>9 not necessary, because the person who does the work is</p> <p>10 the pathologist. The pathologist is the expert and will</p> <p>11 advise you on their findings.</p> <p>12 Q. Yes.</p> <p>13 In this case, the immediate means you had of</p> <p>14 understanding what had taken place at the post mortem</p> <p>15 was through the return made by Mr Denley?</p> <p>16 A. A bit more than that, really. So I would have</p> <p>17 Stuart Denley go, I think it was Claire Hooper, if that</p> <p>18 is still her name, attend, detective constable on my</p> <p>19 team, and a crime scene manager attend. So I could have</p> <p>20 interactions with either one or all three of those. And</p> <p>21 rarely, even with a pathologist directly themselves, if</p> <p>22 the pathologist had some concerns and wanted to speak to</p> <p>23 me. And I do know this particular pathologist from</p> <p>24 previous cases.</p> <p>25 Q. Yes. Let's just have a brief look at this, at the</p> <p style="text-align: center;">Page 169</p>	<p>1 A. That is what I heard from Stuart Denley and your</p> <p>2 discussion, yes.</p> <p>3 Q. My question to you, as someone who was going to receive</p> <p>4 this notice, do you think that that should have been</p> <p>5 made clearer by Mr Denley in writing this note?</p> <p>6 A. So I looked at this, the post mortem, and I also looked</p> <p>7 at a statement written by -- because I had to rely on</p> <p>8 documents written by Dr Swift seven months after the</p> <p>9 post mortem, and what he says in relation to the post</p> <p>10 mortem. So looking at that in total, the conclusion is</p> <p>11 that the pathologist doesn't know what killed Daniel.</p> <p>12 He awaits the results of toxicology. And he covers all</p> <p>13 bases. He doesn't say, for instance, cutting to the</p> <p>14 quick, that Daniel was subject of a body deposition. He</p> <p>15 says that the bruising in regard of his throat could</p> <p>16 have been caused by a strangulation but he doesn't think</p> <p>17 so, because of the intact hyoid bone, which is quite</p> <p>18 a fragile bone that will break under pressure quite</p> <p>19 easily.</p> <p>20 He says the bruising could be consistent with that</p> <p>21 or it could be consistent with fitting as a result of</p> <p>22 coming into contact with a noxious substance.</p> <p>23 So both bases are covered, in case there is</p> <p>24 a strangulation.</p> <p>25 Significantly he talks about trauma injuries, and in</p> <p style="text-align: center;">Page 171</p>
<p>1 return that Mr Denley wrote, it's on the screen, it's</p> <p>2 IPC42. For those of you using the bundles, for the</p> <p>3 jury, it is tab 45, please.</p> <p>4 I just want to really ask you about two of the</p> <p>5 matters explored with Mr Denley. He was the man who</p> <p>6 wrote this document, you were one of the people who</p> <p>7 received it?</p> <p>8 A. Yes.</p> <p>9 Q. You heard me making the points or exploring them with</p> <p>10 him, so I can take it fairly shortly. If we can look at</p> <p>11 the second page, please, we followed through from the</p> <p>12 first, Mr Denley's description of the bruises that were</p> <p>13 found at the post mortem and Dr Swift's explanations or</p> <p>14 provisional explanations that he gave for them.</p> <p>15 Then there is that paragraph which starts:</p> <p>16 "There was discussion around how the injuries could</p> <p>17 have been caused."</p> <p>18 Which records the discussion that Mr Denley</p> <p>19 described having amongst the "police family" after the</p> <p>20 post mortem, the possibility that all of the bruises</p> <p>21 could have been caused during sexual acts.</p> <p>22 You heard me explore with Mr Denley, Mr Lyons, the</p> <p>23 fact that that paragraph doesn't make it clear that this</p> <p>24 was not a hypothesis that Dr Swift had in fact had any</p> <p>25 part in?</p> <p style="text-align: center;">Page 170</p>	<p>1 my particular interest that is defence wounds, where</p> <p>2 Daniel has resisted an individual and there is no</p> <p>3 evidence of those. And then he talks about injuries</p> <p>4 that could have been caused prior or post death, and he</p> <p>5 doesn't commit to either. In his statement seven months</p> <p>6 later, what he says is that the bruising was most likely</p> <p>7 to be caused prior to death.</p> <p>8 So nothing from that post mortem -- in conclusion,</p> <p>9 nothing from that post mortem screamed at me suspicious</p> <p>10 death.</p> <p>11 Q. I am not suggesting it did. I asked you a slightly</p> <p>12 different question. Let's just let me ask it one more</p> <p>13 time briefly. I want you to focus on the lower</p> <p>14 paragraph about the discussion of an alternative cause</p> <p>15 of the bruising might have been caused by sexual acts.</p> <p>16 You heard me explore with Mr Denley the fact that</p> <p>17 there is nothing in that paragraph that makes it clear</p> <p>18 that that was not a discussion that Dr Swift had had any</p> <p>19 part in.</p> <p>20 As someone who was going to receive this note, do</p> <p>21 you think that that ought to have been made clear in the</p> <p>22 note?</p> <p>23 A. Do you mind if I just read it? I am trying to listen to</p> <p>24 you and read at the same time.</p> <p>25 Q. Of course.</p> <p style="text-align: center;">Page 172</p>

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<p>1 A. Are you asking me if that unclear to anybody else 2 reading it? 3 Q. I was rather taking it for granted that it wasn't 4 clear -- 5 A. Okay. 6 Q. -- and asking you whether you think it ought to have 7 been made clearer? 8 A. It talks about sexual acts. So as part of the post 9 mortem process, it will be clear, I think that during 10 that post mortem sex swabs were taken, penile swabs were 11 taken. So Dr Swift would be aware that the police were 12 working at the possibility of sex and forensic 13 opportunities from sex. So he would have been part of 14 that discussion around sex. 15 So whether Stuart Denley's hypothesis with the other 16 officers involved Ben Swift or not, that is a question 17 that Stuart Denley I think has explained to you. 18 Q. Let me move on. 19 I want to ask you a process question, if I may. 20 Thank you, we can take this down. 21 We heard that it was your decision to authorise the 22 special post mortem? 23 A. Yes. 24 Q. The borough investigators couldn't have initiated 25 a special post mortem --</p> <p style="text-align: center;">Page 173</p>	<p>1 A. It is then up to the borough, and their own management 2 structure, to decide who else to engage with, and I have 3 no memory of them reengaging with me. 4 Q. No. 5 A. So it is not about my expectations, it is about what 6 other people decide to do with information. 7 Q. We have certainly heard and we have seen on the 8 documents that the borough always have it available to 9 them to come back to the HAT team? 10 A. Which is quite often the case. 11 Q. And clearly that it is something that was open to them 12 to do when they had received more of this science 13 evidence, but there was nothing special about this 14 process, because it was a special post mortem, because 15 you had started it -- 16 A. No, it is standard practice -- 17 Q. -- that required your involvement? 18 A. -- that boroughs will come back to you with all sorts of 19 queries at later dates. Whether it did or didn't occur 20 with this particular borough, I can't remember. 21 Q. I want to move on to another topic, finally. 22 It is a hypothetical question. I want to ask you, 23 rather than previously about what did happen. I want to 24 ask you what might have happened had events taken 25 a different turn, all right?</p> <p style="text-align: center;">Page 175</p>
<p>1 A. So the process for authorising a special post mortem 2 must be by an SIO -- 3 Q. Yes. 4 A. -- and a crime scene manager. 5 Q. We have seen that your officers attended the special 6 post mortem, along with the borough officers? 7 A. Yes. 8 Q. We have also seen, and I am not asking you now to debate 9 the question of primacy, we know that, as a matter of 10 fact, primacy remained with the borough following the 11 post mortem. 12 A. Yes. 13 Q. My question then is going forward, when Dr Swift -- 14 first of all, when the toxicology results came back and 15 then when Dr Swift finally drafted his post mortem 16 report, would you normally have expected to have 17 received the toxicology report and/or Dr Swift's report 18 because, as it were, you had initiated the whole process 19 of the special post mortem? 20 A. Right, so it would normally go to the investigating 21 unit, so in this case -- if it was an anti-terrorism 22 squad case, it would go to them, murder team, go to 23 them. In this case it was a borough investigation, so 24 it went to them. 25 Q. Yes.</p> <p style="text-align: center;">Page 174</p>	<p>1 We heard with Mr Denley's evidence this morning that 2 one of the areas and one of the actions or groups of 3 actions that he suggested that the borough investigate 4 was the location of Gabriel Kovari and Daniel Whitworth 5 around the time, 27 and 28 August, when Gabriel Kovari's 6 body was discovered. Do you recall that evidence that 7 he gave this morning? 8 A. Yes. 9 Q. One of the actions that he suggested was taking 10 a statement from Ricky Waumsley, who was 11 Daniel Whitworth's partner, do you recall that? 12 A. Yes, yes. 13 Q. The jury will hear in due course that in fact the 14 investigators from the borough did take a statement from 15 Ricky Waumsley, only a couple of weeks after the post 16 mortem. I would like to bring it up on screen, please, 17 it is MPS1173. If we could go, please, to the large 18 page, I think it is page 4. 19 If we could enlarge the penultimate paragraph, 20 please. We see here, Mr Lyons, that what Ricky Waumsley 21 has said in his statement is that on 27 August, so that 22 is the day before Gabriel's body was discovered, so 23 Gabriel's body was discovered early in the morning on 24 the 28th. So on 27 August, Daniel had left for work as 25 normal, you will recall they lived together in</p> <p style="text-align: center;">Page 176</p>

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<p>1 Gravesend?</p> <p>2 A. Yes.</p> <p>3 Q. The evidence also was they both used to leave very early</p> <p>4 for work. He says:</p> <p>5 "We were texting until about 0630 hours in the</p> <p>6 morning."</p> <p>7 Up perhaps until time they got to work. He said:</p> <p>8 "I do not get signal at work, so we were Facebooking</p> <p>9 each other until around 7.30 in morning. From my texts</p> <p>10 it seems I had a busy day. I do not have any more</p> <p>11 messages from him that day, so I am pretty certain he</p> <p>12 would have been at home when I got home at around</p> <p>13 16.45."</p> <p>14 That is 16.45 in the afternoon on the 27th and we</p> <p>15 know that it was overnight on the 27th/28th that</p> <p>16 Gabriel Kovari's body was left in Barking in</p> <p>17 St Margaret's Churchyard.</p> <p>18 What I want to ask you, to be clear, Mr Lyons, this</p> <p>19 is not a statement you were ever shown at the time, and</p> <p>20 it may be you haven't seen it until today, it probably</p> <p>21 is the case?</p> <p>22 A. That's correct, this is the first time I have seen this</p> <p>23 document.</p> <p>24 Q. We just touched on the fact that it was always open to</p> <p>25 the borough to come back to your team or another HAT</p> <p style="text-align: center;">Page 177</p>	<p>1 me. I am trying to read the statement and listen to</p> <p>2 what you are saying at the same time, with respect, and</p> <p>3 take it all in. And this is the first time I have seen</p> <p>4 this information, so what I would want from this</p> <p>5 document is the cell site data. Which is the in and out</p> <p>6 call data, the calls that Daniel has made and received</p> <p>7 and then the cell site information about his locality,</p> <p>8 his text messages. If that information, and I will go</p> <p>9 with your scenario --</p> <p>10 Q. Yes.</p> <p>11 A. -- indicated that he wasn't in any way possibly in</p> <p>12 contact in the same area as Gabriel had reported to kill</p> <p>13 him, then that would say he couldn't have killed him,</p> <p>14 but there is just one bit of caution to that. That</p> <p>15 talks about his handset. So someone else could have</p> <p>16 Daniel's handset, but then you would look at the type of</p> <p>17 calls that Daniel makes and are they the sort of calls</p> <p>18 he makes, and replicate them and then let's say for your</p> <p>19 scenario that is the case. Then for me that is</p> <p>20 additional information that would change this</p> <p>21 investigation. It is additional information. It is</p> <p>22 exactly what I am talking about, will come back to the</p> <p>23 SCD and then it would be our problem or our solution and</p> <p>24 our decision-making process what to do with that</p> <p>25 information, but because that information was never</p> <p style="text-align: center;">Page 179</p>
<p>1 team to seek further advice during the investigation?</p> <p>2 A. Yes, the normal course of events is you contact -- it is</p> <p>3 called the contact desk, which is basically a call</p> <p>4 centre for SCD and they put you in touch with the</p> <p>5 serious crime directorate team or you talk to the team</p> <p>6 that first advised, so that may not have occurred</p> <p>7 because the shift patterns we may have been off duty.</p> <p>8 Q. For the sake of this hypothesis let's assume that it was</p> <p>9 your team that they came back to.</p> <p>10 A. I know that it wasn't me, because I know that at that</p> <p>11 particular date I was out of the country for five weeks.</p> <p>12 Q. I want to be clear about this, Mr Lyons, there is no</p> <p>13 suggestion that they ever came back to any HAT team,</p> <p>14 this is entirely hypothetical. What I want to ask you</p> <p>15 is that if the borough investigators had come back,</p> <p>16 let's just assume to your team?</p> <p>17 A. Yes.</p> <p>18 Q. And said, "Look, Mr Denley's advice said we should get</p> <p>19 more evidence about where Daniel was on that night ..."</p> <p>20 A. Yes.</p> <p>21 Q. "... and actually the evidence looks like he was in</p> <p>22 Gravesend that night."</p> <p>23 Would that, to your mind, have changed this</p> <p>24 investigation quite considerably?</p> <p>25 A. Right, so I have to take as read what you are telling</p> <p style="text-align: center;">Page 178</p>	<p>1 given to me, it is as you say, hypothetical.</p> <p>2 Q. Entirely hypothetical.</p> <p>3 I am going to venture very cautiously one last time</p> <p>4 back on to the issue of primacy, Mr Lyons. In your own</p> <p>5 statement, which is a passage we looked at, you say that</p> <p>6 if the enquiries relating to Daniel's handwriting had</p> <p>7 shown that it wasn't his handwriting, then, in your</p> <p>8 view, that would have been the time when SC&O1 would</p> <p>9 have taken over the investigation?</p> <p>10 A. Yes.</p> <p>11 Q. Hypothetically, had you been shown compelling evidence</p> <p>12 that on the night of 27/28 August Daniel wasn't in</p> <p>13 Barking, he was at home with Ricky in Gravesend, would</p> <p>14 that similarly, do you think, have been a moment when</p> <p>15 SC&O1 would have taken over the investigation?</p> <p>16 A. Just accepting your information and your information</p> <p>17 only, that is correct. Then that should have gone to</p> <p>18 a serious crime directorate team. Yes, absolutely.</p> <p>19 MR O'CONNOR: Thank you very much, Mr Lyons, those are my</p> <p>20 questions.</p> <p>21 Questions from MR STOATE</p> <p>22 MR STOATE: Good afternoon, Mr Lyons, I am asking questions</p> <p>23 on behalf of the families of those who died.</p> <p>24 In relation to the handwriting in the note, you said</p> <p>25 earlier that you wanted to give the family some answers</p> <p style="text-align: center;">Page 180</p>

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<p>1 today, in your evidence, and I am sure they will be very 2 grateful for that. 3 In your statement that you gave, at paragraph 114, 4 and you were taken to that earlier, you say: 5 "If it were not his [Daniel's] handwriting then this 6 case would have in my view fallen into the suspicious 7 category and would have been allocated to an SCD team." 8 Yes? 9 A. Correct. 10 Q. Very briefly, and I appreciate I am asking somewhat 11 hypothetically again, drawing on the benefit of your 12 experience and your role, if homicide command had taken 13 responsibility from the outset, the investigation into 14 Daniel's death would have been more intrusive, wouldn't 15 it? 16 A. I think it is fair say that the resources and expertise 17 on a serious crime directorate team or a major 18 investigation team are better placed than the resources 19 available to a borough. 20 Q. The investigation would have benefited from a more 21 structured approach than the borough could provide? 22 A. Yes. 23 Q. In terms of documents, there may have been some benefit, 24 for example, to the addition of the HOLMES document 25 management system?</p> <p style="text-align: center;">Page 181</p>	<p>1 A. So the advice is there. 2 Q. Let me just finish the question, if I may. 3 A. Okay. 4 Q. You are giving us this consequence, you are saying it if 5 it is not his, we would have taken it and all this stuff 6 flows. I am putting to you the simple suggestion, if it 7 is going to have that consequence, getting it right, 8 whoever undertakes that, is going to be imperative, 9 isn't it? 10 A. Yes. 11 Q. Do you, like Mr Denley, pride yourself on having been in 12 a professional team? 13 A. Well, that's for other people to judge. I would like to 14 think so. 15 Q. I don't think you were here yesterday, and I think you 16 have only been here today, I know you listened to the 17 evidence of Mr Denley, but you heard me take Mr Denley 18 through the procedure by which that handwriting was 19 purportedly verified by a T/DC in Barking CID. Did you 20 hear that evidence? 21 A. I can't remember what rank the officer was, but I did 22 hear the evidence. 23 Q. She was a trainee detective constable -- 24 A. Okay. 25 Q. -- Ms Adeyemo-Phillips, from whom the court heard</p> <p style="text-align: center;">Page 183</p>
<p>1 A. Well, most initial enquiries are not HOLMES hungry, the 2 HOLMES database is that, just a database. 3 Q. But it is something we have heard that your teams have 4 access to -- 5 A. Most murders are not solved by the use of HOLMES. 6 HOLMES is more of a longer-term tool. 7 Q. It is another database and, as I say, it is available to 8 you at homicide command? 9 A. Just to get away from this: the HOLMES will solve 10 a case. 11 Q. I appreciate that -- 12 A. I just make that clear really. 13 Q. Indeed, that is not the suggestion but it is another 14 tool, isn't it? 15 A. It is a database. 16 Q. Very well. 17 If it was not Daniel's handwriting, you say, "We 18 would have taken the case in my opinion", yes? 19 A. Yes. 20 Q. If the handwriting was that important, according to you, 21 can I suggest it was therefore imperative to get the 22 verification of that handwriting right? 23 A. By myself? 24 Q. Well, not by yourself, generally, if it is going to have 25 that consequence --</p> <p style="text-align: center;">Page 182</p>	<p>1 yesterday. 2 Without going through it again at great length, you 3 have heard, haven't you, it was done by email, not in 4 person, yes? 5 A. I heard it was done by email for the first time today. 6 Q. Yes. 7 It was a scrap of handwriting wasn't it, a fragment 8 but a scrap? 9 A. I will be quite frank, I was shocked to see it. 10 Q. The questions were put in the hours -- you can 11 understand this, I am sure -- after Mr Adam Whitworth, 12 Daniel's father, in the hours after his world had 13 effectively fallen apart, he had just found out about 14 his son's death, yes? 15 A. Yes. 16 Q. When questioned on it, Ms Adeyemo-Phillips said I asked 17 one question: was the handwriting Daniel's? Yes? 18 A. Okay. 19 Q. Can I suggest that that procedure was simply not 20 adequate to confirm something which you say, you tell us 21 now, had that importance or that consequence, was it? 22 A. I am a bit confused, is this a statement you are making 23 or you are asking me? 24 I don't understand, I am sorry. 25 Q. Very well, that procedure I have just described, I am</p> <p style="text-align: center;">Page 184</p>

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<p>1 suggesting for your comment was simply not adequate to</p> <p>2 confirm something which you say had this important</p> <p>3 consequence, was it?</p> <p>4 A. So the system of the T/DC emailing it or the whole</p> <p>5 process of the borough conducting the enquiry or should</p> <p>6 it have been my murder team, I really want to be clear</p> <p>7 what you are asking.</p> <p>8 Q. Mr Lyons, I have just put to you the process by which</p> <p>9 T/DC Adeyemo-Phillips attempted to verify and</p> <p>10 purportedly did verify the handwriting.</p> <p>11 A. Right.</p> <p>12 Q. Yes?</p> <p>13 A. You want to know what my opinion on that process is?</p> <p>14 Q. Yes, please, Mr Lyons, I will tell you why --</p> <p>15 A. Totally inadequate.</p> <p>16 Q. Thank you.</p> <p>17 I am not trying to trick you here, Mr Lyons, I am</p> <p>18 trying to ask you to do your best to assist the</p> <p>19 families, as you say you want to do. Totally</p> <p>20 inadequate. You must be disappointed or embarrassed</p> <p>21 even by procedure that was taken, now we look at this in</p> <p>22 these terms, mustn't you?</p> <p>23 A. I'm upset.</p> <p>24 Q. Can I ask you this then, it was your idea to verify this</p> <p>25 handwriting, wasn't it?</p> <p style="text-align: center;">Page 185</p>	<p>1 Did you communicate the importance to Mr Denley of</p> <p>2 that procedure, did you need to communicate the</p> <p>3 importance of that procedure to Mr Denley, or was that</p> <p>4 understood?</p> <p>5 A. I would have communicated the importance of that.</p> <p>6 Stuart Denley would have known that and been fully on</p> <p>7 board with that. I can't see any other reason why that</p> <p>8 wouldn't be clear, absolutely crystal clear.</p> <p>9 Q. You would expect it to be --</p> <p>10 A. There would be a reason -- we spoke about primacy so</p> <p>11 much, you spoke to Stuart Denley at length, asking him</p> <p>12 about primacy and the poor chap, it isn't within his</p> <p>13 gift to talk about primacy, although he got asked</p> <p>14 several questions about it. So if the borough were keen</p> <p>15 to give this case primacy to an SCD team, the note would</p> <p>16 be a vehicle to give it to SCD. It is crucially</p> <p>17 important.</p> <p>18 Q. Let me ask you this then, even if it was Daniel's</p> <p>19 handwriting, even if it came back as it appears to have</p> <p>20 done and you know now I think that the family don't</p> <p>21 accept that characterisation of having positively</p> <p>22 identified that handwriting. Even if it was Daniel's</p> <p>23 handwriting, he had written, had he not, that he had</p> <p>24 taken the life of another person?</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 187</p>
<p>1 A. Yes.</p> <p>2 Q. Did you communicate the importance of this to Mr Denley?</p> <p>3 A. Right, so the fact that an SIO is telling a borough and</p> <p>4 his agent, DS Denley, to confirm or eliminate whether</p> <p>5 that is Daniel's handwriting is patently obvious to</p> <p>6 everybody. The borough have a management structure, of</p> <p>7 higher rank than me, same rank, lower rank, experienced</p> <p>8 detectives. The whole point of showing that suicide</p> <p>9 note to the family was to verify whether it was his</p> <p>10 handwriting. I don't tell the borough how to go and do</p> <p>11 that. But I don't expect them to send a scrap of</p> <p>12 an email. If that is what happened, clearly, you are</p> <p>13 asking the wrong person to be quite frank, you should be</p> <p>14 asking them why they did that, because they may have</p> <p>15 their reasons for it, but they are reasons that I am not</p> <p>16 aware of.</p> <p>17 Q. I have already asked them, Mr Lyons, and today what I am</p> <p>18 asking you is very specifically, this may be implicit in</p> <p>19 the answer you have just given, all right, we have</p> <p>20 talked about the process that was taken, we have talked</p> <p>21 about the consequences that you say flow from what comes</p> <p>22 out of that process.</p> <p>23 As far as you are aware, right, you have Mr Denley</p> <p>24 in front of you, Detective Sergeant Denley, "Get the</p> <p>25 handwriting checked, detective sergeant".</p> <p style="text-align: center;">Page 186</p>	<p>1 Q. "I took the life of my friend Gabriel Klein."</p> <p>2 It is pretty clear isn't it, that is what he has</p> <p>3 written, whether or not it is true, that is the face of</p> <p>4 the note, isn't it?</p> <p>5 A. Yes.</p> <p>6 Q. According to the note, Daniel Whitworth was potentially</p> <p>7 responsible for the death of another, wasn't he?</p> <p>8 A. Yes, I think I answered these questions earlier on.</p> <p>9 Q. Yes, you did.</p> <p>10 I am asking you these questions again. Even if this</p> <p>11 was his handwriting, either the content of that note was</p> <p>12 true, in which case Gabriel's death was a homicide,</p> <p>13 wasn't it, Daniel had killed Gabriel and has written it</p> <p>14 in his hand?</p> <p>15 A. Accepting the note was accurate.</p> <p>16 Q. Yes.</p> <p>17 A. So he could have killed him inadvertently, accidentally</p> <p>18 or deliberately, but he has killed him.</p> <p>19 Q. Indeed, but he has killed him?</p> <p>20 A. Unknown.</p> <p>21 He thinks he has killed him, we don't know if he</p> <p>22 has.</p> <p>23 Q. Or, if the note was false and still in the handwriting,</p> <p>24 shouldn't that simply have raised suspicions about both</p> <p>25 deaths, Daniel had not killed Gabriel but had written</p> <p style="text-align: center;">Page 188</p>

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<p>1 that he had for reasons unknown, for example, as I put</p> <p>2 to Mr Denley, under duress for some reason?</p> <p>3 A. This is a theory of yours, duress?</p> <p>4 Q. Well it is a possibility, isn't it? It is hardly some</p> <p>5 great theory I have dreamt up from here, it is</p> <p>6 a possibility that you would have to consider, isn't it?</p> <p>7 A. I don't remember thinking that he had been forced to</p> <p>8 write a suicide note under duress at the time.</p> <p>9 Q. Even if it was Daniel's handwriting and if the content</p> <p>10 of that note was false, it should have raised suspicions</p> <p>11 about both deaths, shouldn't it, they should both have</p> <p>12 fallen into that suspicious category that would have</p> <p>13 been allocated to an SCD team?</p> <p>14 A. Sorry, so if it is Daniel's handwriting?</p> <p>15 Q. Yes.</p> <p>16 A. It becomes suspicious, is that what you are saying?</p> <p>17 Q. If it is his handwriting, he has either truthfully</p> <p>18 written, "I have killed someone" or has falsely written,</p> <p>19 "I have killed someone", either way it is suspicious?</p> <p>20 A. Or he has written that note thinking he has killed</p> <p>21 somebody and he hasn't.</p> <p>22 Q. With a shot of G, illicit drugs?</p> <p>23 A. And therefore I ordered a special post mortem to find</p> <p>24 out, as you call it, G, to find out for sure, no</p> <p>25 assumptions, no unexplained or unknowns, what was it</p> <p style="text-align: center;">Page 189</p>	<p>1 A. When is it dated?</p> <p>2 Q. July 2014.</p> <p>3 A. I don't recall or remember it, bear in mind there are</p> <p>4 probably tens of thousands of policy documents in the</p> <p>5 Metropolitan Police Service, I have no member of this</p> <p>6 specific document.</p> <p>7 Q. This one would seem to have some importance to your</p> <p>8 role, given that it is titled "The homicide and</p> <p>9 unexplained death policy"?</p> <p>10 A. Yes, I am answering the question about: have I seen this</p> <p>11 document?</p> <p>12 Q. Right, I suppose my next question is given it has that</p> <p>13 title and given your role, it would seem to be, wouldn't</p> <p>14 it, quite an important policy in relation to your role?</p> <p>15 A. Yes, yes.</p> <p>16 Q. Yes. Dated July 2014. So it is within currency at the</p> <p>17 time that you were being asked to investigate these</p> <p>18 matters, yes?</p> <p>19 A. When I was a serving officer, yes.</p> <p>20 Q. Indeed, thank you.</p> <p>21 We are not going to go through it all, it has been</p> <p>22 gone through at some length with other witnesses but</p> <p>23 under "What?" Can you see that paragraph?</p> <p>24 A. Yes.</p> <p>25 Q. "SC&O1 [that's your team] will undertake the following</p> <p style="text-align: center;">Page 191</p>
<p>1 that killed Daniel and what was it that killed Gabriel?</p> <p>2 That is the whole point of the investigation.</p> <p>3 Q. Can we agree on this, Mr Lyons, either way, handwriting</p> <p>4 his/handwriting not his, on the face of the evidence</p> <p>5 that is known to you at that time, the circumstances of</p> <p>6 his death raised many unanswered questions that were</p> <p>7 best answered by your team?</p> <p>8 A. In regard of my team, going back to what Stuart Denley</p> <p>9 said and also what I would say, is that we were simply</p> <p>10 consulted after the event about what to do with</p> <p>11 clothing, and that was the only request we had. Now, we</p> <p>12 could have just said, "This is what you do with</p> <p>13 clothing", and we wouldn't be where we are today, we</p> <p>14 wouldn't have fortunately the evidence that we do have</p> <p>15 today that assisted in convicting Stephen Port.</p> <p>16 Q. Can I look briefly, please, because I do not have very</p> <p>17 long at the policy. The homicide and unexplained death</p> <p>18 policy, it is IPC62.</p> <p>19 Have you seen this before, it is up on the screen.</p> <p>20 I am sure you have?</p> <p>21 A. Have I seen that policy?</p> <p>22 Q. Yes.</p> <p>23 A. No.</p> <p>24 In my career?</p> <p>25 Q. In your career.</p> <p style="text-align: center;">Page 190</p>	<p>1 reactive investigations."</p> <p>2 Bullet point 1:</p> <p>3 "All murder, manslaughter (where there is likely to</p> <p>4 be culpability for the loss of life) and infanticide</p> <p>5 offences."</p> <p>6 Yes?</p> <p>7 A. Yes, I can read that, yes.</p> <p>8 Q. This was at least, wasn't it, a possible manslaughter?</p> <p>9 A. Yes, and as I explained earlier on, that was flagged up,</p> <p>10 recognised by myself and my team and we highlighted it.</p> <p>11 Q. The policy says, if it is at least a possible</p> <p>12 manslaughter, which you accept, SC&O1 will undertake</p> <p>13 a reactive investigation. Will, not may, not will</p> <p>14 subject to other considerations. Tell me differently,</p> <p>15 Mr Lyons, but the policy seems to say "will undertake".</p> <p>16 A. You are asking me about what a policy document says or</p> <p>17 what the serious crime directorate actually do in</p> <p>18 practicality.</p> <p>19 Q. The inquest will be interested to know if there was a</p> <p>20 difference between the two, Mr Lyons.</p> <p>21 A. I can read what the policy pages says. But that</p> <p>22 question you are asking, earlier on I was asked</p> <p>23 a question about what Mr Wilson, who I think is</p> <p>24 a superintendent, or a chief superintendent, I don't</p> <p>25 know, from Barking had a conversation or a communication</p> <p style="text-align: center;">Page 192</p>

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<p>1 with Chief Superintendent Mick Duthie about that very</p> <p>2 issue, and that decision was made by the chief</p> <p>3 superintendent, the person in charge of the homicide</p> <p>4 teams, not to take the case.</p> <p>5 Now, obviously he will be aware what the policy is,</p> <p>6 the policy is guidelines, it is not law, and he will</p> <p>7 have made a decision not to take the case. So I can't</p> <p>8 really answer questions -- I keep getting asked</p> <p>9 questions about other people's decisions. I cannot</p> <p>10 answer for other people's decision-making processes.</p> <p>11 That is above my level of authority.</p> <p>12 Q. I am actually just asking you about the policy and its</p> <p>13 application generally at this stage.</p> <p>14 A. The policy says "will" and I thought I explained that.</p> <p>15 Q. Your explanation seemed to be that you could look at</p> <p>16 this and then "decide whether to accept or reject the</p> <p>17 guidelines", that was your oral evidence today?</p> <p>18 A. No, I said I can read the document and it says will, as</p> <p>19 you pointed out to me and I said the decision-making</p> <p>20 process around that rests with other people.</p> <p>21 Q. Mr Lyons, in response to questions from Mr O'Connor, the</p> <p>22 coroner's barrister, you said:</p> <p>23 "The person making the decision would look at the</p> <p>24 circumstances and decide to accept or reject the</p> <p>25 guidelines."</p> <p style="text-align: center;">Page 193</p>	<p>1 THE CORONER: Thank you, ma'am.</p> <p>2 Questions from DR VAN DELLEN</p> <p>3 DR VAN DELLEN: Mr Lyons, I ask questions on behalf of</p> <p>4 Ricky Waumsley, who sits to your left, next to the</p> <p>5 Taylor family, he is the partner of Daniel Whitworth.</p> <p>6 Mr Lyons, you will probably be pleased to hear I am</p> <p>7 not going to ask you about primacy. My client's</p> <p>8 position is that is an internal spat within the</p> <p>9 Metropolitan Police, but I am going to ask you about</p> <p>10 something my learned friend Mr Stoate for the other</p> <p>11 families asked you about, which is the testing of the</p> <p>12 handwriting.</p> <p>13 You have referred to your reaction -- in your</p> <p>14 evidence you have referred to your reaction to how the</p> <p>15 handwriting was tested, with a fragment being sent. Can</p> <p>16 you assist the jury sitting to your right with</p> <p>17 understanding how your team, in 2014, would have gone</p> <p>18 about that task of assessing the handwriting?</p> <p>19 A. It would be a face-to-face visit. It would be</p> <p>20 a physical examination and engagement with the</p> <p>21 individuals until we were satisfied or not satisfied, or</p> <p>22 someone couldn't possibly say that that was their</p> <p>23 handwriting. So it might not be as conclusive as you</p> <p>24 would hope, because we would set out to hoping to</p> <p>25 conclusively prove it or disprove it, but it might not</p> <p style="text-align: center;">Page 195</p>
<p>1 That was your evidence today.</p> <p>2 A. Yes, there are many guidelines in the police that are</p> <p>3 not always adhered to and there might be circumstantial</p> <p>4 reasons why they are not adhered to, because they are</p> <p>5 guidelines.</p> <p>6 Q. I want to make sure that that is the evidence you want</p> <p>7 to give about this.</p> <p>8 A. Well, it is not just about this case, it is about many</p> <p>9 scenarios in the Metropolitan Police, because this is</p> <p>10 a general, a generic document. It is not specific to</p> <p>11 individual circumstances. Do you not -- is that not</p> <p>12 clear?</p> <p>13 Q. It is not for me to judge, Mr Lyons. I am trying to</p> <p>14 understand where in this document --</p> <p>15 A. It is not for me to answer for other people's decision</p> <p>16 making, with respect.</p> <p>17 Q. Elsewhere in this document, or elsewhere generally, is</p> <p>18 there something written down that gives you the leeway,</p> <p>19 you and your officers, anyone making a decision like</p> <p>20 this, to decide, "To accept or reject guidelines that</p> <p>21 say 'will undertake reactive investigation, all</p> <p>22 manslaughter cases'?"</p> <p>23 A. I think I have explained it as best as I can and as if</p> <p>24 you want further information you should ask the person</p> <p>25 who makes the decisions in regard of that.</p> <p style="text-align: center;">Page 194</p>	<p>1 be the case that someone could say whether that was the</p> <p>2 handwriting or not, and if that was the case then we</p> <p>3 would have to take it further.</p> <p>4 Q. Just exploring that answer a little bit, if I may. Part</p> <p>5 of that process, would that include requesting copies of</p> <p>6 handwriting that is known to be written by the person?</p> <p>7 A. Yes, that is fairly standard procedure.</p> <p>8 Q. You also referred to levels of certainty, I'm</p> <p>9 paraphrasing your answer, but levels of certainty, so</p> <p>10 recording whether the person is certain, probably,</p> <p>11 possibly, or they couldn't say, that collecting the</p> <p>12 evidence or reflecting that level of certainty in the</p> <p>13 evidence, it would include that. Is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. One of the aspects which was touched on was that</p> <p>16 Daniel's parents were approached for a handwriting</p> <p>17 verification. Daniel lived with his partner Ricky for</p> <p>18 four years, do you think that your team would have not</p> <p>19 only approached Daniel's parents but also approached</p> <p>20 Ricky as well?</p> <p>21 A. Yes.</p> <p>22 DR VAN DELLEN: Thank you, madam.</p> <p>23 No further questions.</p> <p>24 THE CORONER: Mr Davies, we haven't had a break yet this</p> <p>25 afternoon.</p> <p style="text-align: center;">Page 196</p>

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<p>1 MR DAVIES: No.</p> <p>2 THE CORONER: It is probably an appropriate time for a break</p> <p>3 now I think.</p> <p>4 MR DAVIES: It probably is. I am not going to be that long,</p> <p>5 but it probably is time for a break.</p> <p>6 THE CORONER: We will take a 10-minute break, members of the</p> <p>7 jury, thank you.</p> <p>8 (3.35 pm)</p> <p>9 (A short adjournment)</p> <p>10 (3.50 pm)</p> <p>11 (In the presence of the jury)</p> <p>12 Questions from MR DAVIES</p> <p>13 MR DAVIES: Mr Lyons, if you were watching DS Denley's</p> <p>14 evidence, you will know I ask questions on behalf of</p> <p>15 various borough officers. Could I start, please, with</p> <p>16 where you say your team's involvement started, which was</p> <p>17 with a telephone call from DS Turrell, on borough, to</p> <p>18 DS Denley, asking for advice on whether clothing should</p> <p>19 be seized from the Daniel Whitworth scene. All right?</p> <p>20 A. Okay.</p> <p>21 Q. You seemed to imply that was a rather basic question for</p> <p>22 a borough officer to be asking in the circumstances.</p> <p>23 A. Well I thought that, as a murder – potential murder</p> <p>24 scene or a death of a human being had been dealt with</p> <p>25 the night before, the scene, the body removal, the</p> <p style="text-align: center;">Page 197</p>	<p>1 have preserved it for the purposes of examination?</p> <p>2 A. If the clothing is wet for instance and they wanted</p> <p>3 technical advice about the drying and packaging of it,</p> <p>4 then that would be a different issue, but if it is just</p> <p>5 an ordinary bit of clothing, quite simply it goes into</p> <p>6 bag and it is sealed up. It really is as simple as</p> <p>7 that.</p> <p>8 Q. Right, but, logically, rational decisions have to be</p> <p>9 taken as to what is submitted, and for what purpose and</p> <p>10 when?</p> <p>11 A. Absolutely. Absolutely, with every exhibit, yes.</p> <p>12 Q. You cannot sensibly submit everything on some open-ended</p> <p>13 basis to the laboratory for examination?</p> <p>14 A. You are absolutely correct, yes.</p> <p>15 Q. Indeed, if we can bring up your second statement in</p> <p>16 these proceedings, MPS638, page 4, that is it, the</p> <p>17 question you are being asked here is --</p> <p>18 A. I am sorry, sir, I can't read it. Could someone make it</p> <p>19 bigger? I still can't read it.</p> <p>20 Thank you.</p> <p>21 Q. This is your statement of 20 September 2020. So your</p> <p>22 second statement, but that doesn't matter.</p> <p>23 You are being asked narrowly as to do you think it</p> <p>24 is likely that submission of sex swabs would have been</p> <p>25 authorised for that purpose if a request had been made</p> <p style="text-align: center;">Page 199</p>
<p>1 witnesses, that had all been dealt with and treated as</p> <p>2 a suicide, and then the following day, asking a murder</p> <p>3 team what to do with clothing was very unusual.</p> <p>4 Q. Right.</p> <p>5 So, so to speak, your index of enquiry was: well,</p> <p>6 what is going on here?</p> <p>7 A. Did you say index?</p> <p>8 Q. Yes, you must have become curious as to why any</p> <p>9 questions were being asked about something so --</p> <p>10 A. I wondered why that specific question was being asked.</p> <p>11 Q. Right.</p> <p>12 There is a difference, isn't there, between</p> <p>13 a difference to seize and retain clothing and what if</p> <p>14 any of that clothing will be sent off for forensic</p> <p>15 examination?</p> <p>16 A. So the first port of call is that you seize the clothing</p> <p>17 and retain it and then you don't have to submit it</p> <p>18 immediately, but if you retain it, so the integrity is</p> <p>19 ensured, it is quite possible to submit that exhibit,</p> <p>20 which it becomes, weeks, days, months even a year later,</p> <p>21 as long as it is preserved.</p> <p>22 If it is never seized, then clearly the integrity of</p> <p>23 that exhibit is always going to be in doubt. So it is</p> <p>24 most important initially to seize it.</p> <p>25 Q. And preserve it, so if it is sent for examination you</p> <p style="text-align: center;">Page 198</p>	<p>1 about the person who was with Daniel Whitworth prior to</p> <p>2 his death, according to the note.</p> <p>3 Paragraph 17, you say:</p> <p>4 "I do not recall, six years later, what my thought</p> <p>5 processes were. From my review of the limited documents</p> <p>6 made available to me, the suicide note mentions 'the guy</p> <p>7 I was with last night', I do not think this individual</p> <p>8 was considered a suspect by anyone at the time. This</p> <p>9 was not considered a murder case or allocated to me. It</p> <p>10 was considered by some as a possible suicide and others</p> <p>11 as unexplained."</p> <p>12 First of all, is that right, in parenthesis, that</p> <p>13 nobody was considering the guy Daniel Whitworth's</p> <p>14 purported suicide note referred to that he was with last</p> <p>15 night as a candidate for murder?</p> <p>16 A. No.</p> <p>17 Q. Even with your experience, you don't appear to have been</p> <p>18 thinking murder on what was reported to you?</p> <p>19 A. Based on the information provided to me, day 1.</p> <p>20 Day 2, my limited involvement in this case, it</p> <p>21 wasn't obvious to anybody that this was a murder,</p> <p>22 because of the length Stephen Port had gone to to</p> <p>23 disguise his crime, it became evident later, as</p> <p>24 apparently it clearly was.</p> <p>25 Q. Let me go on further. The real point of this series of</p> <p style="text-align: center;">Page 200</p>

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<p>1 questions, paragraph 18: 2 "As this investigation was not considered a murder 3 at the time, I do not think sex swabs would have been 4 authorised. 5 "In this case I do not think a forensic manager 6 would authorise such a submission. Laboratories are 7 a finite resource and process many thousands of cases, 8 so overloading their workload would lead to a breakdown 9 of a service running at full capacity. Typically, for 10 a newly allocated unsolved murder case, the 11 investigation would generate hundreds of exhibits. 12 A forensic strategy meeting would take place within the 13 CSM and the maximum submissions would be limited to six. 14 Exhibits could be retained and submitted at a later 15 stage when new information comes to light and 16 a rationale or justification exists for submitting the 17 items." 18 Does the same analysis apply in respect of 19 a suspected manslaughter? 20 A. It applies in any case. You would retain exhibits and 21 assess their standing in an investigation. It is 22 something out of a TV show where you submit everything 23 to a laboratory. The laboratory would not accept them. 24 I can think of many murder cases I have had where 25 I have wanted exhibits fast-time, clear murder cases,</p> <p style="text-align: center;">Page 201</p>	<p>1 Metropolitan Police had their own laboratory at Lambeth, 2 but they outsourced quite a bit of laboratory work to 3 private contractors. 4 Q. But whatever it was, they were at full capacity? 5 A. In my view, yes, I was often told that, with my 6 frustrations in my own cases of not getting exhibits to 7 the laboratory. 8 Q. In practice, any submission would have to be authorised 9 at inspector rank, countersigned by the CSM with a very 10 specific justification for submission? 11 A. Yes, it not just -- yes, that is the minimum authority 12 level. And you would have to ask specific -- you cannot 13 just submit an exhibit, like you might see on some TV 14 show, it is submit an exhibit for what reason, what do 15 you want us to do with this exhibit? What type of 16 examination? 17 Q. That being the case, it would not have made sense for 18 DS Turrell to have been advised not simply to seize all 19 of Daniel's clothing but to submit it all on the same 20 day? 21 A. So you are referring to Stuart Denley's advice. 22 Q. Yes. 23 A. Right, okay. 24 So that is Stuart Denley's evidence, it is not my 25 evidence.</p> <p style="text-align: center;">Page 203</p>
<p>1 fast-time examined by the laboratory and they have 2 declined it, because there isn't justification, and they 3 have wanted a stage admission, so they would want to 4 look at other exhibits first of all to see where that 5 took us, or what additional information we had. If 6 there is insufficient information, then you would not 7 get it past a crime scene manager, because I would have 8 to have authorised a submission and they would have to 9 be countersigned by a crime scene manager before it 10 would go to the laboratory. 11 Then you would have to ask specific questions of the 12 scientist about what type of examination you wanted them 13 to take, undertake, because there is so many and many of 14 the techniques are destructive to the other techniques. 15 So if you go to fingerprints, you might not get DNA. If 16 you go for DNA, you might not get the fingerprints. So 17 you have to decide what you want to go for, so it is 18 best to assess where your exhibits stand on the 19 information you have got and it is quite often the case, 20 secure the exhibit and later on submit the exhibit when 21 more is known. 22 Q. Right, so, first of all, it is accurate, is it, that the 23 laboratories used by the Met at the time were operating 24 at full capacity? 25 A. Yes, I mean many of the -- correct me if I am wrong, the</p> <p style="text-align: center;">Page 202</p>	<p>1 Q. No, I agree. 2 A. I am not denying that he had that conversation with 3 DS Turrell. Whether she or the person she reported to 4 accepted or rejected it. 5 Q. My question is that it would be wholly contrary to the 6 whole process and experience you have described for him 7 to have advised her not simply to seize exhibits but to 8 submit them all for examination without a proper CSM-led 9 strategy? 10 A. No, you would have to go through a CSM. 11 Q. Yes. 12 What you seem to be saying here is -- I mean you 13 tell us -- where does this figure of a maximum of six 14 come from? What does that mean? 15 A. Okay, so normally you can get six priority submissions 16 to the laboratory, so fast-time submissions. That is 17 the maximum it will take, at first blush, if you like. 18 Q. That is where you have a positively suspected homicide, 19 is it, where your team have taken it on? 20 A. Well it might be a high-profile missing person, it might 21 be any type of enquiry. You would need justification, 22 it could be anything, it doesn't have to be a murder. 23 Q. That can come down, thank you. 24 The next topic is: do you agree that the HAT return 25 is a really important document?</p> <p style="text-align: center;">Page 204</p>

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1 **A. It is a guidance of advice. It is an important**
 2 **document, yes.**
 3 Q. Because it doesn't just advise as between the author,
 4 the HAT team author, and the borough CID, it is the
 5 document relied upon by a whole range of other people as
 6 to what is happening?
 7 **A. Yes.**
 8 Q. So you rely on it for what advice is being given?
 9 **A. Yes.**
 10 Q. The CSM relies on it?
 11 **A. Yes.**
 12 Q. People above you rely on it?
 13 **A. Yes.**
 14 Q. Other HAT team members rely on it?
 15 **A. Yes.**
 16 Q. And I could go on. It has to contain, doesn't it, in
 17 a self-contained way, the advice given as to what
 18 actions have been recommended?
 19 **A. Okay, so because I have the advantage of listening to**
 20 **what you asked Stuart Denley earlier on, I think what**
 21 **you are driving at is it needs to be a comprehensive**
 22 **list of what is being advised by Stuart Denley to the**
 23 **borough, or am I wrong?**
 24 Q. Yes, because the borough isn't the only audience for it.
 25 **A. Right, so the document is a summary of advice, it could**

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1 **never ever be a verbatim or contemporaneous note of**
 2 **everything that is said and recorded and advised what to**
 3 **do, what not to do. Otherwise Stuart Denley would be**
 4 **forever writing and not doing a great deal other than**
 5 **that.**
 6 **So when that document, as you said, is significant**
 7 **and goes to various other people, they will be**
 8 **experienced and qualified enough, as I would be, to look**
 9 **at that document and ask questions, if necessary, for**
 10 **clarification about what to do and what not to do, but**
 11 **in generality that document sets out a good initial**
 12 **strategy.**
 13 Q. It should just be a short list, no more than that, of
 14 actions that have been recommended, should it not?
 15 **A. It is not an action list, it is a report of the**
 16 **circumstances of the case and it is a report of the**
 17 **advice given. It is not a comprehensive strategy.**
 18 **For instance, I could write policy documents that**
 19 **will go into pages and pages and pages of what to do**
 20 **with a witness strategy or a CCTV strategy, and there is**
 21 **no way that could be replicated in a HAT advice.**
 22 Q. I am not suggesting that, Mr Lyons.
 23 Next topic, I will take them briefly. You have
 24 indicated that in terms of the handwriting you, based on
 25 your experience, long experience investigating

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1 homicides, would always tell families and partners and
 2 so on everything?
 3 **A. That is my policy.**
 4 Q. Right.
 5 **A. Not necessarily the policy of other SIOs or other**
 6 **officers. That is my policy.**
 7 Q. One can accept there may come a point where that is
 8 right, because you say that they will end up learning
 9 things eventually, all right?
 10 **A. Yes, absolutely.**
 11 Q. But on the day after Daniel Whitworth had been found,
 12 and with very little known by the police as to what his
 13 family and partner knew about him, are you really saying
 14 the suicide note, the purported suicide note, should
 15 have been simply shown to them without consideration of
 16 its potential effect in terms of information?
 17 **A. So you are trying to -- you are going to tell a family**
 18 **that their loved one has died, so they are going to be**
 19 **told that awful news.**
 20 Q. Yes.
 21 **A. Then you are going to tell them that it appears that he**
 22 **has committed suicide.**
 23 Q. Yes.
 24 **A. Then you are going to tell them that it appears that he**
 25 **has killed another person -- you cannot hide that from**

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1 **them.**
 2 **So there are three difficult things to say.**
 3 Q. And that he takes drugs, some or all of them may know he
 4 is gay. Some or all of them may know the people he is
 5 naming. It needs a strategy, doesn't it, to manage this
 6 information?
 7 **A. Then you are going to tell them that he has left**
 8 **a suicide note. I am dealing with a suicide note, not**
 9 **the fact that he is gay. I am dealing with a suicide**
 10 **note.**
 11 **That information cannot be hidden. It is going to**
 12 **come out and why would you hide that from a family?**
 13 **I can't see any possible reason to keep that from**
 14 **a family.**
 15 Q. I am not suggesting it is kept indefinitely from them,
 16 I am saying a strategy is needed --
 17 **A. What strategy would you suggest then?**
 18 Q. -- so that it is provided to them in the right way, in
 19 a sensitive way, in case it adds to their distress?
 20 **A. Right, so --**
 21 Q. Would you agree with that?
 22 **A. A strategy that I should set or somebody else should**
 23 **set?**
 24 Q. Yes, rather than just simply showing them a suicide note
 25 to see if it is his handwriting?

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<p>1 A. So you think -- just to make it clear, because you are 2 asking me this question, do you think I should set 3 a strategy about how to show someone a suicide note? 4 Q. Somebody needs to. 5 A. Are you asking me that question? 6 Q. Mr Lyons, I am saying, because you seem to say you just 7 hand it over to the family the following day. 8 A. Not just, the suicide note needs to be shown to a family 9 member to confirm or eliminate whether that is Daniel's 10 handwriting. That advice, for the borough, the 11 investigating borough, has gone to them, to their 12 officers, with their own management structure and their 13 own supervisory structure, and that is the objective. 14 If they want a formal strategy to do that, then they can 15 write one, but the objective remains absolutely the 16 same. We can use pretty words about the strategy if we 17 want, but it is show the note to the family to confirm 18 or eliminate whether that is Daniel's handwriting, 19 because it is crucial whether this is a murder or not 20 a murder. 21 Q. Yes, the objective is clear. I am suggesting it needed 22 more thought than you are suggesting it would get in 23 terms of potential sensitivity of information when doing 24 it? 25 A. Well, no, there is much more thought and it is so</p> <p style="text-align: center;">Page 209</p>	<p>1 Q. Because of capacity considerations? 2 A. Because of the workload of my team and the concern that 3 we would be overloaded and the other team is better 4 placed resource wise to deal with it. 5 Q. If this jury were to get the impression -- I don't know 6 if they will -- that MIT seemed reluctant to take jobs 7 on, on the evidence they have had, these jobs, would 8 that be down to capacity or some other cultural factor? 9 A. MIT teams are not reluctant to take any cases at all. 10 This debate that has come up this morning with 11 Stuart Denley and with me is a debate that I have been 12 hearing for 30 years, about who deals with what. 13 Instead of just dealing with it. So it is not new to 14 me. 15 I think it was called a "spat" earlier on. 16 The fact is -- 17 Q. Without going through the whole thing again, once MIT 18 was treating Daniel's suicide note as genuine, based on 19 the -- 20 A. The MIT dealt with it as genuine. 21 Q. Once the handwriting was being treated as confirming it 22 was Daniel's writing? 23 A. Yes. 24 Q. The logic is that Daniel was saying he had given someone 25 an extra shot of G and it had killed them. So, to be</p> <p style="text-align: center;">Page 211</p>
<p>1 obvious that you just don't go barging in the family and 2 stuff a suicide note under their nose, I think that is 3 what you are suggesting. 4 I mean, we are talking about experienced police 5 officers here. 6 Q. I am not suggesting it, Mr Lyons. 7 A. Well, I thought you were. 8 Q. Primacy, can I understand something. What did you mean 9 when you gave an answer to Mr O'Connor that -- I may 10 have misunderstood it, as a team "we had been told not 11 to take cases for two or three months"? 12 A. My workload, so I had been ordered by my superintendent, 13 for instance in the past, me personally, not to let my 14 team take cases because of our workload. When I was 15 trying to answer his question about the allocation of 16 cases to murder teams, it is controlled, strictly 17 controlled, by the command. 18 Q. So if-- 19 A. So even if I want to take a case and ask to take a case, 20 I am told that I cannot take it. So it might be that 21 I am on HAT car and I get called to a murder scene, 22 a double murder, a shooting, and I want to deal with it, 23 because we have got so far with it, I would like to 24 continue with it. I have been ordered to hand it over 25 to another team.</p> <p style="text-align: center;">Page 210</p>	<p>1 clear, the guidance, if you had followed it, would have 2 said that MIT should have taken the job on at that 3 point. 4 A. Is that a question for me or -- 5 Q. Yes, it is. 6 A. As I have explained, I think, and I hope I don't come 7 across as rude, that is a decision other people have 8 considered all the circumstances, you are asking me yet 9 again to account for somebody else's decision-making 10 process. 11 Q. You seem to be saying, if they had followed the 12 guidelines they would have taken it on, but they don't 13 always follow the guidelines? 14 A. I am not saying that at all. I am saying I know what 15 the guidance is and I wasn't hiding from it. 16 I highlighted on the HAT return it was a possible 17 suicide-manslaughter. The decision makers, all the way 18 through, and it was challenged on appeal, apparently, by 19 Mr Wilson, who contacted the OCU commander, and whatever 20 decision-making process occurred there, and there may be 21 some good justification for it, I don't know, but you 22 need to ask that person why they made that decision, not 23 me. I can't account for other people's decisions. 24 Q. Well, I don't want to repeat other people's questioning. 25 MPS1111, please, PDF page 1 to start.</p> <p style="text-align: center;">Page 212</p>

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<p>1 Are you familiar with this document, Mr Lyons, or 2 were you, the London homicide manual? 3 A. I know of the London homicide manual, but the cover is 4 unfamiliar to me. It may have changed. 5 Q. Is it document you have read or were familiar with in 6 the course of your duties on the homicide team? 7 A. I have not read that particular document, I have read 8 the national homicide guideline document, which 9 a national document which is basically similar to this 10 document. 11 Q. If we go to the PDF page 17, please, and 12 paragraph 2.3.2, if we could highlight the lower half of 13 that. 14 This is a January 2004 document, which we believe 15 was in force in 2014: 16 "SCD on-call SIO advice to borough. In the event 17 responsibility for the investigation is to remain with 18 the borough, then a memorandum of understanding will be 19 developed between the SCD SIO and BOCU on-call senior 20 detective to show the extent of the review, the reasons 21 for retention by borough or handover to the SCD, the 22 resources to be assigned, advice from the SIO as to 23 lines of enquiry to be pursued and an agreed process to 24 keep the case under review." 25 Do you recognise that set of principles?</p> <p style="text-align: center;">Page 213</p>	<p>1 to date with it. 2 Q. Or whether you read it? 3 A. Bearing in mind there are tens of thousands of documents 4 in the Metropolitan Police. 5 Q. That true, but there was only one -- 6 A. Relevant to my role. 7 Q. -- homicide manual, it may be thought to be a core 8 document. 9 A. There are hundreds of thousands of documents, not just 10 relating to murder but to my role. 11 Q. Can we go to the top of the next page, please, page 23 12 internal. 13 The second half of this: 14 "The on-call SCD SIO following the review meeting 15 will note advice given on an SCD advice pro forma. At 16 this stage it is likely that person will be maintaining 17 an overview of the investigation ..." 18 Did this happen in practice, that an overview was 19 maintained by SCD? 20 A. Overview was maintained by me, clearly. 21 Q. Yes, of investigations that remained on borough, did 22 that happen in practice? 23 A. Yes. That doesn't mean micromanagement of the actions 24 of individual borough officers. 25 Q. Because it seems as if SCD waited to be approached by</p> <p style="text-align: center;">Page 215</p>
<p>1 A. No. 2 Q. Did you follow them as a team? 3 A. I don't recognise those, that document, at all. 4 Q. Did you read any of the guidance that applied to your 5 work, Mr Lyons? 6 A. This document? 7 Q. Yes, any of the guidance documents? 8 A. The problem is that I have been retired four and a half 9 years, I don't remember this document. 10 Q. At the time, did you make any time to read the guidance 11 documents that applied to your work? 12 A. Did I read that seven years ago, is that what you are 13 asking me? 14 Q. No, you know what I am asking you. 15 A. I am not trying to avoid a question, I want to make sure 16 what you are asking. 17 Q. In the course of your long experience as a homicide 18 detective -- 19 A. Yes. 20 Q. -- did you keep up on the relevant guidance documents 21 applicable to your duties? 22 A. I had to keep up my registration for PIP3 accreditation, 23 so the organisation, the police, would be responsible 24 for my training. My role was to investigate murders. 25 I couldn't tell you when I read this document or was up</p> <p style="text-align: center;">Page 214</p>	<p>1 borough rather than -- 2 A. You have set out interactions and support for the 3 borough to undertake and undertake them, and they report 4 back to you. I don't, for instance, set a strategy for 5 how to show a family a suicide note. 6 MR DAVIES: Thank you. 7 Questions from MR SKELTON 8 MR SKELTON: Thank you, Mr Lyons, I ask questions on behalf 9 of the MPS. 10 Can I ask you just to look at a paragraph of 11 a statement, which the jury have already had read out in 12 part, by Superintendent Soole, and that is at MPS1100, 13 please, paragraph 38. Page 9, sorry, I should have 14 given the page number. 15 This is a statement, just to fill you in, Mr Lyons, 16 because I know you haven't been following the 17 proceedings closely, that has been submitted by the 18 Metropolitan Police in order to assist the jury and the 19 coroner to understand the policies that were and were 20 not in place at various times that may be relevant to 21 the deaths in question. 22 You will see from paragraph 38 that retired 23 DCI Wall's recollection is that: 24 "At some point before the summer of 2012 the project 25 concluded with a recommendation that the London homicide</p> <p style="text-align: center;">Page 216</p>

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<p>1 manual should be withdrawn permanently and this 2 recommendation was accepted and the manual was never 3 republished after its removal from the MPS intranet in 4 early 2011."</p> <p>5 In fact the questions you have just been asked by 6 Mr Davies are based on an obsolete policy, were you 7 aware of that?</p> <p>8 A. Well, I have just answered a question by the gentleman 9 about something that he surely must know has been 10 withdrawn and whether I have read it, and it says it was 11 withdrawn in 2011.</p> <p>12 As I tried to -- it might have sounded like I was 13 being evasive. I just tried to emphasise there are 14 hundreds of thousands of documents relating to MPS, 15 Metropolitan Police Service, policy and unfortunately, 16 in regard of my role, I can't be expected to remember 17 what I have read and haven't read all this time, so if 18 DCI Wall says that, I don't know if that is correct or 19 incorrect, to be quite frank.</p> <p>20 Q. That's the best evidence the MPS has that the policies 21 you have just been asked about were not in fact relevant 22 to your role in 2014.</p> <p>23 A. Yes, I have no idea about that document whatsoever.</p> <p>24 Q. I think you referred to some national guidelines, would 25 that have been the ACPO guidelines which were --</p> <p style="text-align: center;">Page 217</p>	<p>1 note constituted clear evidence of a homicide?</p> <p>2 A. Well I keep getting told by various lawyers and 3 solicitors that there was clear evidence. What clear 4 evidence was there? It says, "I killed myself and 5 I killed someone else", and that clearly is not the 6 case. That is not what happened.</p> <p>7 Q. Just looking at the policy again, which you were shown 8 earlier, which was in place in July 2014, that is in 9 bundle A, tab 19. IPC62, please.</p> <p>10 Under the emboldened word "What?" It says: 11 "SC&O1 will undertake the follow reactive 12 investigations: 13 "All murder, manslaughter [then it says in brackets] 14 (where there is likely to be culpability for the loss of 15 life)."</p> <p>16 Just trying to recollect your thinking when you were 17 appraised of the information you had, including the 18 note, did you think the note demonstrated that it was 19 likely that Daniel was culpable for the loss of 20 Gabriel's life.</p> <p>21 A. Too early to say in my opinion. That is why I wanted 22 the further investigations conducted.</p> <p>23 Q. I think in answer to Mr O'Connor you said about the 24 danger of assumptions. Is the mindset, the approach of 25 these documents, that you cannot take anything at face</p> <p style="text-align: center;">Page 219</p>
<p>1 A. I think it is called the homicide manual. I can't 2 remember, but that was basically something that I was 3 quite familiar with when I was a serving officer.</p> <p>4 Q. Is it fair to say that the basics of murder 5 investigation have stayed the same for many years?</p> <p>6 A. Yes, I think, to make it clear to the jury and the 7 public, is that murder investigations are a bit like 8 painting by numbers, there is a set of processes and 9 procedures that are followed throughout the country and 10 there are small deviations as to the way you get things 11 done. So it is basically the same nationally, as well 12 as was in London.</p> <p>13 Q. May I just take you back briefly to your thinking on 14 21 September, when you first became involved and were 15 appraised by one of your officers of the suicide -- or 16 the note, I will just call it "the note" rather than 17 "the suicide note", which may be a misnomer.</p> <p>18 Based on your experience, is it your view that you 19 could not take that note at face value?</p> <p>20 A. No, I think I was the only person who said I want the 21 note checked, because no one before me had said that, 22 that. I wanted it checked, so that would suggest to 23 anyone, surely, that I didn't accept the suicide note.</p> <p>24 Q. When you were pressed by Mr O'Connor earlier in your 25 evidence, I think you said that you did not think the</p> <p style="text-align: center;">Page 218</p>	<p>1 value?</p> <p>2 A. Well I didn't take anything at face value and I never 3 did.</p> <p>4 Q. You have explained that in your view both the authorship 5 and the substance of the note needed to be investigated; 6 is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. As I understand it, had the investigation of the 9 authorship revealed that it wasn't Daniel's note, MIT 10 would have taken primacy?</p> <p>11 A. Absolutely.</p> <p>12 Q. What would have happened if the substance of the note 13 had been investigated and revealed that Gabriel had died 14 as a result of an accident involving Daniel, would MIT 15 have taken the investigation?</p> <p>16 A. Well, then it would have to be a decision down the line, 17 because that would be established at a later date, not 18 in the two days that I was involved. So that would be 19 a discussion between the borough and the decision makers 20 on SCD.</p> <p>21 Q. If the evidence had revealed that the content was false, 22 in the sense that Daniel had never been in Barking, what 23 is the answer then?</p> <p>24 A. Then most likely that would have gone to an SCD team.</p> <p>25 Q. Because it was suspicious of homicide?</p> <p style="text-align: center;">Page 220</p>

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<p>1 A. Well, because it clearly says that Daniel could not have 2 killed Gabriel, because they were not in the same 3 location at the same date. If I am to accept the 4 information given to me today, because I would have to 5 look at the data, I think I explained that earlier on, 6 the call data, to be sure myself.</p> <p>7 Q. Just to try and understand the causative pathway, would 8 that still have required an assessment of how Gabriel 9 died independently?</p> <p>10 A. Yes, of course, you need to know causation, you need to 11 know how Gabriel died.</p> <p>12 Q. As at 21 September, you didn't trust the authorship or 13 the content of the note but what you were setting in 14 motion was a series of investigations to establish 15 evidence to support a hypothesis about how Daniel had 16 died?</p> <p>17 A. Well, everything was telling me I think I have been sent 18 an email from borough officers, internally and they talk 19 about this being a suicide. 20 For me, it is unexplained death. 21 And I think that is what Stuart Denley was talking 22 about, that he wasn't satisfied it was an unexplained 23 death. I had the same view. And there were too many 24 investigations that needed to be done before we could -- 25 if we were just looking at coronial proceedings, you</p> <p style="text-align: center;">Page 221</p>	<p>1 agreement, but they will only take certain enquiries 2 because of the volume of requests they get. And that 3 data can take several weeks to come back.</p> <p>4 So the data you are talking about, the in and out 5 call data between the two, would have to be later 6 assessed. If that came back and it confirmed for 7 instance that Gabriel and Daniel could not possibly have 8 been together, then that would change the landscape of 9 this case.</p> <p>10 Q. Did you think the investigations that the borough needed 11 to conduct in respect of the note, the authorship, the 12 substance and the general circumstances of Daniel's 13 death were beyond the competency of the borough?</p> <p>14 A. I would say ask yourself this, what police officer is 15 not capable of taking a suicide note to a family member 16 sympathetically? Borough officers have got family 17 liaison officers, detectives, supervisors, why can -- is 18 it really beyond the capability of a borough to show 19 a suicide note to somebody and confirm whether it is 20 their handwriting or not? So I would say it was easily 21 well within their capability.</p> <p>22 Q. What about the other matters, such as checking CCTV, 23 checking cell site data, checking other witness evidence 24 to ascertain the whereabouts of important people?</p> <p>25 A. Right, I think boroughs do that all the time. They do</p> <p style="text-align: center;">Page 223</p>
<p>1 need to go to a coroner with some answers. Just dealing 2 with a lower level from murder to a coroner, I know the 3 coroner is a very powerful position but explaining to 4 a coroner how this person died. What we had at the time 5 was unsatisfactory, you didn't know what had called 6 Gabriel, we didn't know what had killed Daniel, we 7 didn't know if the note was correct. But, most 8 importantly, the toxicology, the link, I keep going on 9 about this, the link between Gabriel and Daniel was 10 important to me.</p> <p>11 That is the toxicology. The forensic side of it and 12 what you are talking about, the telephone side of it, 13 were the two together, were the two in communication, is 14 there any in and out call data between the two, is there 15 any link between the two? This information would come 16 about later on, because telephone data is not something 17 that is immediately available to the police, telephone 18 data is held by private telephone companies and 19 a telephone application from the police has to go to 20 a central unit, who decide whether or not a filter, if 21 you like, they will put that through to the telephone 22 companies, because the telephone companies are a private 23 enterprise, they are not interested necessarily in 24 assisting law enforcement, but it is part of their 25 licence, and they do that, there is a service level</p> <p style="text-align: center;">Page 222</p>	<p>1 it on a day-to-day basis. They do it for all sorts of 2 crimes and they are more than capable of doing that.</p> <p>3 Q. Is it your view, on balance, that if the borough 4 investigation had at any time revealed evidence that 5 satisfied you of a homicide, whether murder or likely 6 manslaughter, that your team or your colleagues would 7 have taken on the investigation?</p> <p>8 A. Sorry, I missed the first part of that question?</p> <p>9 Q. Is it your view that if at any time the borough 10 investigation had revealed evidence of a likely 11 homicide, you would have taken on the investigation?</p> <p>12 A. Okay, so I think what you are saying is initially we 13 hadn't taken it, but later on information came in and we 14 took it. That has happened probably 40 or 50 times in 15 my career. That is not uncommon.</p> <p>16 Q. Is it the case that in those situations the borough come 17 back to you and say, "I know you didn't take primacy 18 about this unexplained death a month ago/two months ago, 19 we have now found this evidence, this CCTV, this witness 20 statement ..."</p> <p>21 A. Yes, but this has happened, yes.</p> <p>22 Q. And you reassess and change your mind?</p> <p>23 A. Because new information, absolutely.</p> <p>24 MR SKELTON: Thank you.</p> <p>25 MR O'CONNOR: Madam, I don't have any further questions for</p> <p style="text-align: center;">Page 224</p>

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<p>1 Mr Lyons.</p> <p>2 THE CORONER: There are just a couple, Mr Lyons, one from me</p> <p>3 and one from the jury.</p> <p>4 Questions from THE CORONER</p> <p>5 THE CORONER: The one from me is this.</p> <p>6 You were shown your witness statement, I'm sorry,</p> <p>7 I don't have the relevant document number to put it up</p> <p>8 on the screen, but it was in relation to sex swabs, all</p> <p>9 right and you said you didn't think that they would have</p> <p>10 been submitted or authorised for submission in the</p> <p>11 context of this case.</p> <p>12 Is that really right, bearing in mind the contents</p> <p>13 of the note in which Daniel was saying that he had</p> <p>14 caused Gabriel's death in the course of a sex act?</p> <p>15 A. I am not saying I wouldn't have submitted them if it was</p> <p>16 a murder case. What I am saying is that it wasn't</p> <p>17 a murder case, treated as a murder case and the decision</p> <p>18 making -- I am trying to, as I have been asked many</p> <p>19 times today, to answer questions on the decisions other</p> <p>20 people have made. So those sex swabs were taken,</p> <p>21 I don't recall directly but I would have thought I would</p> <p>22 have been asked about the sex swabs, because when you</p> <p>23 have a special post mortem sex swabs are not standard,</p> <p>24 it is normally an additional question: shall we take the</p> <p>25 sex swabs? And it is normally a question that I get</p> <p style="text-align: center;">Page 225</p>	<p>1 it, I really don't know. That is the best I can do with</p> <p>2 that answer.</p> <p>3 Questions from THE JURY</p> <p>4 THE CORONER: Then the question from the jury is this.</p> <p>5 The answer may be none, but what were your thoughts</p> <p>6 about a missing man from Kent being found dead with</p> <p>7 a bedsheet and a table mat in Barking? Did you not</p> <p>8 think that was suspicious?</p> <p>9 A. I have known of various missing people, sadly, turn out</p> <p>10 to die in different circumstances, so -- although you</p> <p>11 would say these are young healthy men and it is unusual,</p> <p>12 it is not unheard of. It does happen, sadly, in London,</p> <p>13 and there are hundreds of deaths in London a day.</p> <p>14 I think Barking and Dagenham may have investigated 55</p> <p>15 deaths that year, and the majority of those were never</p> <p>16 referred to the serious crime directorate. So,</p> <p>17 unfortunately, although it is rare, it is not unheard</p> <p>18 of.</p> <p>19 THE CORONER: The question was: do you think it is</p> <p>20 suspicious?</p> <p>21 A. Just on that information?</p> <p>22 THE CORONER: Yes, that he is from Kent, he is found wrapped</p> <p>23 in a bedsheet with a table mat.</p> <p>24 A. I would use the word "requires further investigation",</p> <p>25 not "suspicious".</p> <p style="text-align: center;">Page 227</p>
<p>1 quite often. So I probably, without any certainty, was</p> <p>2 asked whether to take sex swabs or not and I would have</p> <p>3 said yes, because they clearly were taken, so they are</p> <p>4 taken. And then what to do with the sex swabs, and that</p> <p>5 decision-making process about whether to submit them or</p> <p>6 not is down to the investigating borough, they decide</p> <p>7 whether to submit them or not, and they would have had,</p> <p>8 or not had, a discussion with either their borough</p> <p>9 forensic manager or their crime scene manager whether to</p> <p>10 submit those sex swabs or not.</p> <p>11 And what forensic science does, it does two things,</p> <p>12 it provides identification of other people, not</p> <p>13 necessarily a suspect, it might be a witness for</p> <p>14 intelligence purposes, or it provides evidence of</p> <p>15 participation. So those sex swabs, for instance, would</p> <p>16 have been twofold, identification of a potential</p> <p>17 individual, either as a witness, like the innocent</p> <p>18 person that he had had sex with last night, the guy, or</p> <p>19 as it turns out in this case, the murderer, and</p> <p>20 participation: did sex take place or did it not take</p> <p>21 place?</p> <p>22 So they would have been twofold.</p> <p>23 But the decision based on two days into it, or</p> <p>24 one day into it, was made by the borough to retain it</p> <p>25 and not submit it, I don't know if they later submitted</p> <p style="text-align: center;">Page 226</p>	<p>1 THE CORONER: Thank you very much.</p> <p>2 All right, members of the jury, we will break off</p> <p>3 there now until 10.00 tomorrow.</p> <p>4 Thank you.</p> <p>5 (4.32 pm)</p> <p>6 (The inquests adjourned until 10.00 am the following day)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 228</p>

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