

<p>1 Wednesday, 3 November 2021 2 Statement of MR MARTIN KIRBY (read)2 3 MR SEAN WILSON (sworn)11 4 Questions from MS COLLIER11 5 Questions from MS HILL63 6 Questions from MR DAVIES94 7 Questions from MR ATCHLEY97 8 Questions from MR MORLEY100 9 Questions from MR SKELTON102 10 Questions from THE JURY109 11 MR TONY KIRK (continued)111 12 Questions from MR O'CONNOR111 13 Questions from MS HILL161 14 Questions from DR VAN DELLEN192 15 Questions from MR ATCHLEY196 16 Questions from THE JURY204 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 1</p>	<p>1 served as a duty officer responsible for response team 2 policing. 3 "In late 2013, I took up a position as an acting 4 chief inspector with responsibility for response team 5 policing across the borough. 6 "In September 2014 I moved across to a neighbourhood 7 and partnership role. 8 "I left the borough in 2016, when I took up a role 9 in Tower Hamlets borough as a substantive chief 10 inspector. In my role as neighbourhoods and partnership 11 chief inspector at Barking and Dagenham, I had 12 responsibility for the borough's neighbourhood policing 13 teams -- called variously "safer neighbourhood team" or 14 "neighbourhood policing team" during this period -- and 15 other teams such as the funded estates team, the 16 licensing unit, schools officers and the parks team. 17 I represented the borough police on various partnership 18 forums and had good links with the local authority and 19 other partners with whom I worked closely. 20 In addition to these responsibilities, I was also 21 a member of the borough senior leadership team, which 22 meant I had additional responsibilities as the borough's 23 senior officer on duty at various times, particularly 24 over weekends. As a member of the senior leadership 25 team, I would often be copied in on emails with updates</p> <p style="text-align: center;">Page 3</p>
<p>1 (10.01 am) 2 (In the presence of the jury) 3 THE CORONER: Good morning, members of the jury, still no 4 news on the heating I am afraid. 5 Yes, Ms Collier. 6 MS COLLIER: Madam, the first piece of evidence for the jury 7 this morning is a witness statement from Chief Inspector 8 Martin Kirby that I will read. 9 THE CORONER: Thank you. 10 Statement of MR MARTIN KIRBY (read) 11 MS COLLIER: Members of the jury, Chief Inspector 12 Martin Kirby of the Metropolitan Police made a witness 13 statement dated 4 September 2020. It is supported, as 14 the others were, by a statement of truth. This is what 15 he says: 16 "I have been a serving police officer with the 17 Metropolitan Police Service for around 18 years, having 18 joined in 2002. Throughout this period, I have been 19 a uniformed officer performing a variety of roles across 20 different London boroughs and more recently transferred 21 to the central public order policing command, MO6, where 22 I currently serve. 23 "One of my previous postings was to the London 24 borough of Barking and Dagenham. I was posted to this 25 borough on promotion to inspector in 2012 and initially</p> <p style="text-align: center;">Page 2</p>	<p>1 about significant events. In relation to the deaths of 2 the four young men who are subject of these inquests, 3 I had no direct investigative responsibility but was 4 involved in some communication with local CID officers 5 and colleagues within the senior leadership team that 6 touch upon the deaths. Given my neighbourhood and 7 partnerships role, my primary involvement was in 8 relation to our efforts to reassure and engage the local 9 community after these tragic incidents. In this regard 10 I attended a number of community meetings and worked 11 with local authority and other partners to address 12 community confidence issues. I also provided links and 13 introductions between the investigating officers and the 14 local community and stakeholders." 15 He goes on then to address in his witness statement 16 his involvement with the Anthony Walgate 17 investigation -- or rather his knowledge of the 18 investigation: 19 "Given the passage of time, it is very difficult for 20 me to say with certainty exactly how much of the detail 21 of Anthony Walgate's death I was aware of at the time 22 and at what points I became aware of any such details. 23 In my role as acting chief inspector for the response 24 teams I was responsible for the management of 24/7 25 emergency response policing and other connected</p> <p style="text-align: center;">Page 4</p>

<p>1 responsibilities. These did not include oversight of 2 investigations into serious crimes or unexplained 3 deaths. I was not operationally involved in either the 4 initial response to Mr Walgate's death or the 5 investigation. Therefore, there was no reason for me to 6 be aware of the incident in any great detail. As 7 I understand it, the original working hypothesis was 8 that the death was not believed to be suspicious by the 9 investigators. In those circumstances I would not have 10 been contacted or tasked to be involved. The fact that 11 I was not directly involved in decision making around 12 the investigation means that I did not complete 13 a decision log or a similar log.</p> <p>14 "I have been shown an email from Mike Hamer to 15 myself and others on 19 June 2014."</p> <p>16 That email, members of the jury, is in the 17 Anthony Walgate jury bundle, B/1, at tab 14. For the 18 screen, it is IPC142. What he says is:</p> <p>19 "I have been shown this email but I don't recall 20 receiving this email. I believe I was copied into this 21 email as a member of the borough senior leadership 22 team."</p> <p>23 That can come down now, thank you:</p> <p>24 "I have been shown a record of attendance and 25 minutes of Pacesetter meetings held on 26 and</p> <p style="text-align: center;">Page 5</p>	<p>1 team cover for the borough. This meant that I was the 2 most senior local officer on duty that weekend and had 3 responsibility for supporting the local duty officers 4 and other borough units over the weekend, when the rest 5 of the senior leadership team were not on duty. This 6 role was covered by a member of the senior leadership 7 team each weekend on a rotating basis. The 8 responsibilities were largely unwritten, but by 9 convention including ensuring that partners were briefed 10 about significant incidents, authorising overtime, 11 providing senior leadership team visibility to 12 colleagues, dealing with requests from ACPO [that is to 13 say officers with the rank of commander and above] and 14 other headquarters functions and making requests for 15 additional resources from across the MPS in the event of 16 a major incident or forecasted high demand on the 17 borough, for example based on intelligence regarding 18 planned raids or traveler encampments et cetera.</p> <p>19 "I have almost no independent recollection of the 20 events of 21 September 2014. I can see from IPC197 ..."</p> <p>21 Which, for members of the jury, is behind tab 31, 22 page 4.</p> <p>23 THE CORONER: In bundle C?</p> <p>24 MS COLLIER: Yes, sorry, in the Kovari bundle, thank you: 25 "From that email I can see that I was briefed by</p> <p style="text-align: center;">Page 7</p>
<p>1 27 June 2014."</p> <p>2 It is not necessary for those to be on the screen:</p> <p>3 "Pacesetter meetings were generally chaired by 4 a member of the senior leadership team or the duty 5 inspector, during which we would discuss any 6 intelligence, resourcing issues or significant events 7 that day. There was usually a detailed and 8 comprehensive meeting at 9.30 and then shorter more 9 informal meetings at 3.30 and at 8.00.</p> <p>10 "I attended the 9.30 Pacesetter meeting on 11 26 June 2014, as the lead for emergency response 12 policing. I did not chair that meeting and did not 13 attend the meetings later that day at 3.30 and 8.00.</p> <p>14 The following day, 27 June 2014, I did not attend the 15 9.30 Pacesetter meeting but did attend and chair the two 16 later meetings. The minutes of these two later meetings 17 do not indicate that the Cooke Street unexplained death 18 was discussed at those two meetings, but it was 19 discussed at the earlier 9.30 meeting."</p> <p>20 He then goes on to outline what he knows about the 21 Gabriel Kovari and Daniel Whitworth investigations:</p> <p>22 "Having reviewed the CARM system [which is the IT 23 program used in the MPS to record officers' duties] 24 I understand that my duties on the weekend of 20 to 25 21 September 2014 were that of weekend senior leadership</p> <p style="text-align: center;">Page 6</p>	<p>1 Detective Sergeant Debbie Turrell following the death of 2 Daniel Whitworth and I also spoke to Superintendent 3 Sean Wilson. I cannot recall those conversations.</p> <p>4 I asked Detective Sergeant Turrell to engage the HAT in 5 relation to the discrepancy as to where Gabriel Kovari's 6 body was found and where he died and the fact that 7 Mr Kovari's body has been repatriated to Latvia.</p> <p>8 I would not normally task an officer directly in such an 9 investigation, however without being able to remember 10 the context I cannot explain why I asked her to take 11 these steps.</p> <p>12 "I can see from IPC199 [which, members of the jury, 13 is tab 31, page 3] that I provided a further update to 14 Superintendent Wilson. I assume that this followed 15 an update from Detective Sergeant Turrell.</p> <p>16 "I have seen a copy of the HAT advice to the borough 17 [which for the screen is IPC131, and it is behind 18 tab 40, and it is page 5 of that document, please]. At 19 the conclusion of this document there is an update from 20 HAT suggesting that DCI Kirby was informed at 12.00 noon 21 of the advice. I have been informed that this part of 22 the HAT advice was copied from an update from Detective 23 Sergeant Turrell. It seems likely that this refers to 24 an update that Detective Sergeant Turrell gave to me, 25 rather than a DCI Kirby, given the emails I sent on that</p> <p style="text-align: center;">Page 8</p>

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<p>1 day, and my role that weekend.</p> <p>2 "I cannot however say for certain, I was not a DCI</p> <p>3 at the time and it is possible that the reference was</p> <p>4 intended to be to my colleague DCI Kirk, who was also on</p> <p>5 the borough at the material time."</p> <p>6 That document can come down now, thank you.</p> <p>7 "I do not recall the extent to which if at all I was</p> <p>8 briefed on the SC&O1 advice at the time. I do not have</p> <p>9 any record of my discussion with Superintendent Wilson</p> <p>10 on 21 September 2014, aside from an email which I have</p> <p>11 been shown ..."</p> <p>12 Which is included in the documents, and that is</p> <p>13 tab 31, IPC203, top of page 4, please.</p> <p>14 Sorry, I should show the bottom of page 3, actually,</p> <p>15 first. Thank you. Then the top of page 4. That is the</p> <p>16 email which Chief Inspector Kirby says he doesn't recall</p> <p>17 the discussion that that email suggests he had with</p> <p>18 Superintendent Wilson.</p> <p>19 Thank you, that can come down.</p> <p>20 He goes on:</p> <p>21 "I do not recall any of the discussions about the</p> <p>22 similarities between the deaths of Gabriel Kovari and</p> <p>23 Daniel Whitworth. In my neighbourhood and partnerships</p> <p>24 role I contacted some trusted partners at the local</p> <p>25 authority as we recognised that this incident might be</p> <p style="text-align: center;">Page 9</p>	<p>1 Thank you, madam.</p> <p>2 May we now call Sean Wilson.</p> <p>3 THE CORONER: Yes.</p> <p>4 MR SEAN WILSON (sworn)</p> <p>5 A. Sean Wilson, chief superintendent, currently heading</p> <p>6 aviation policing.</p> <p>7 Questions from MS COLLIER</p> <p>8 MS COLLIER: Do have a seat, please, Mr Wilson.</p> <p>9 A. Thank you.</p> <p>10 Q. Can you give us your full name, please?</p> <p>11 A. So Sean Padraic Wilson.</p> <p>12 Q. As you have said, you are currently a chief</p> <p>13 superintendent leading aviation?</p> <p>14 A. Hmm.</p> <p>15 Q. By way of summary of your career, you have served in the</p> <p>16 MPS all your career, I believe?</p> <p>17 A. That is correct, yes.</p> <p>18 Q. That has included a variety of roles, including borough</p> <p>19 policing, overseeing a 999 call centre --</p> <p>20 A. That is correct.</p> <p>21 Q. -- a strategic firearms role --</p> <p>22 A. Hmm.</p> <p>23 Q. -- and now currently aviation policing?</p> <p>24 A. That is correct.</p> <p>25 Q. You were promoted to superintendent in 2011, and</p> <p style="text-align: center;">Page 11</p>
<p>1 a significant event for them. This was to bring them up</p> <p>2 to speed on something which may cause community concern</p> <p>3 or interest from local councilors, I also wanted to</p> <p>4 raise it with the local authority employee who was</p> <p>5 responsible for the drug action team, as the prevalence</p> <p>6 and dangers of GHB may have been something we could work</p> <p>7 together on. I had no further involvement into the</p> <p>8 investigations of the deaths of Gabriel Kovari and</p> <p>9 Daniel Whitworth beyond that which I have described</p> <p>10 above.</p> <p>11 "I do not recall having any previous experience of</p> <p>12 GHB deaths in my service. Nor do I recall having any</p> <p>13 training on GHB deaths. After the incidents in</p> <p>14 question, as part of my work with the local community,</p> <p>15 I became more aware of this issue through meetings and</p> <p>16 public engagement as part of my role in safer</p> <p>17 neighbourhoods."</p> <p>18 He then goes on to address the Jack Taylor</p> <p>19 investigation and he says:</p> <p>20 "I do not recall having any direct involvement in</p> <p>21 the Jack Taylor investigation."</p> <p>22 He confirms that in providing the statement he has</p> <p>23 considered all the material available to him and says</p> <p>24 that he doesn't hold any further material which refers</p> <p>25 to the matters.</p> <p style="text-align: center;">Page 10</p>	<p>1 I believe joined Barking borough in that rank in 2014?</p> <p>2 A. That's correct, July 2014.</p> <p>3 Q. As the superintendent joining Barking borough, you were</p> <p>4 the deputy borough commander at that time?</p> <p>5 A. That's correct, and to emphasise, it is a single -- it</p> <p>6 was a single-superintendent borough.</p> <p>7 Q. We have heard evidence from Mike Hamer that he left at</p> <p>8 the end of June and as you have said, you joined Barking</p> <p>9 in July, as his successor, starting in that role,</p> <p>10 I think on 7 July 2014?</p> <p>11 A. That is correct.</p> <p>12 Q. Can I ask, during the course of your varied career, have</p> <p>13 you ever been a detective or worked in CID?</p> <p>14 A. No, only briefly for about 18 months as a police</p> <p>15 constable, on various squads, from proactive and</p> <p>16 reactive and in the early days between 1991 and 1997</p> <p>17 I held a portfolio of investigations and I did some</p> <p>18 secondments over to CID.</p> <p>19 Q. Thank you.</p> <p>20 Most of the questions that I have for you this</p> <p>21 morning, chief superintendent, concern your actions on</p> <p>22 21 and 22 September 2014, following the discovery of</p> <p>23 Daniel Whitworth's body. But before I turn and ask you</p> <p>24 about those, I would like to begin by asking you about</p> <p>25 your knowledge of Gabriel Kovari's death, because you</p> <p style="text-align: center;">Page 12</p>

<p>1 had been in post just over six weeks when Gabriel's body 2 was found on 28 August 2014.</p> <p>3 Can I show you an email, please, it is IPC81. In 4 the bundle in front of you, it should be the white 5 bundle on to the right, the larger one.</p> <p>6 A. Is that the same as on the screen?</p> <p>7 Q. Yes, it is whichever you find easiest. It is tab 9 for 8 those using the bundle.</p> <p>9 This is an email from Detective Sergeant Sweetman at 10 Barking borough, to yourself and to DCI Tony Kirk, and 11 he is providing a brief report, because he was the CID 12 detective sergeant who had attended the Gabriel Kovari 13 scene. Do we see there that, right at the end of the 14 email, before his signature, he says that the evidence 15 suggests an unexplained non-suspicious death, this being 16 at 13.41 on the 28th, on the day that the body was 17 discovered. He goes on to say:</p> <p>18 "Naturally the coroner will conduct his 19 investigation and we may get the answer from that."</p> <p>20 This email was sent to you, do you have any 21 recollection of receiving it? Obviously it is a very 22 long time ago now.</p> <p>23 A. It is a long time ago. I certainly would have received 24 that. I would always want a summary of any deaths that 25 happen on the borough. That is quite natural for</p> <p style="text-align: center;">Page 13</p>	<p>1 SOCO, which is scenes of crime officer, so there is some 2 detail in there, not just, "We have found 3 a non-suspicious ... sadly, somebody who is deceased, 4 sadly, it is non-suspicious ..."</p> <p>5 Q. So "gripping it" means sort of taking responsibility and 6 doing what you should be doing with it?</p> <p>7 A. That is correct.</p> <p>8 Q. That can come down now, thank you.</p> <p>9 Turning then to the discovery of Daniel's body, 10 which was found at about 11.20 on the morning of 11 Saturday, 20 September 2014. In your witness statement 12 you say that you became aware of this via the Barking 13 borough CID night duty occurrence book. That is the 14 handover which the night duty officers provide for the 15 early turn on the Sunday morning; would that be right?</p> <p>16 A. That's correct.</p> <p>17 Q. Can we look then at that, which is IPC471, and for the 18 bundle, it is tab 24. We don't need to go to it in 19 detail, please, but, having noted that that is the 20 occurrence book, can we go over the page, please, and 21 again. We see there, at the bottom of the page, there 22 is a CID update from DC Slaymaker, and if we can follow 23 through the text, we don't need to read in detail what 24 he has put, but he has basically set out, hasn't he, 25 enquiries that had been carried out on the late turn on</p> <p style="text-align: center;">Page 15</p>
<p>1 a superintendent. Do I recall this specifically on the 2 day? No, I have to confess I don't, but I would have 3 been surprised not to have received that kind of email.</p> <p>4 Q. Yes, and, as you say, the reason that you would receive 5 it is because, as deputy borough commander, you would 6 want to be kept apprised of an event as significant as 7 a death in the borough?</p> <p>8 A. Any deaths, I would always want to be made aware of, 9 yes.</p> <p>10 Q. Yes.</p> <p>11 I should ask, did you have any further part in the 12 Gabriel Kovari investigation, before the discovery of 13 Daniel's body?</p> <p>14 A. No. I don't think I would have, reading that there now, 15 you know, obviously it would tell me that DC 16 Peter Sweetman has obviously gone into some detail on 17 it. I am quite happy, because one of things I am 18 concerned about is has the officer gripped it and 19 I would be quite comfortable receiving that and knowing 20 that there was some sort of forward-looking action as 21 well.</p> <p>22 Q. May I ask what you mean by "gripped it"?</p> <p>23 A. In other words, looking at this, he obviously has given 24 me a summary of the contents, of what the possessions 25 are, et cetera. He is also talking about photographs,</p> <p style="text-align: center;">Page 14</p>	<p>1 Saturday the 20th?</p> <p>2 Can we go over the page, please. Thank you.</p> <p>3 As I say, Mr Wilson, I don't need to ask you in 4 detail about these, but I want you to confirm that 5 DC Slaymaker has provided a reasonably comprehensive 6 account of the enquiries that have been carried out?</p> <p>7 A. Yes. Reading that, and as I would have read it at the 8 time when I would have first opened my emails with that, 9 yes.</p> <p>10 Q. Then can we keep scrolling through to page 7, please.</p> <p>11 Then we see there that, to the bottom of DC Slaymaker's 12 entries, has been added an update from the night duty 13 officers.</p> <p>14 A. Yes.</p> <p>15 Q. The important point that the night duty officer has 16 recorded is that they have found an identification for 17 Gabriel, who was mentioned in the note that was found 18 with Daniel's body.</p> <p>19 A. Yes.</p> <p>20 Q. Thank you. Then that can come down.</p> <p>21 Can I ask you to look at IPC801, which is behind 22 tab 25.</p> <p>23 It is IPC801.</p> <p>24 8-0-1.</p> <p>25 A. I have a blank screen, I am so sorry.</p> <p style="text-align: center;">Page 16</p>

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<p>1 Q. Yes, no, no. So do I. 2 Yes, IPC801. 3 Oh, sorry, it's MPS, I beg your pardon, it is my 4 fault. MPS801. 5 Thank you. 6 That is the night duty, duty detective inspector 7 return. We don't have any record of an email sending 8 this to you, but do you think that as a matter of course 9 you would be likely to see this document as well? 10 A. Not necessarily. I would normally see the night duty 11 occurrence book. We abbreviate that, we just call it 12 the night duty OB, the CID OB, I might see it. 13 Q. Can I ask you then to look at the next page, page 2. 14 What the night duty detective inspector has done, has 15 added in an update from Met intelligence, from 16 information that has been received from Met 17 intelligence, where they have uncovered a potential 18 match for Gabriel Klein. 19 What I wanted to ask you about is the inspector's 20 assessment there that there may be three possible 21 scenarios. Do you see those? It having been discovered 22 that Gabriel Klein was possibly Gabriel Kovari, who had 23 been found deceased in the churchyard on 28 August, and 24 putting that together with the note that was found on 25 Daniel's body, there appeared to be three possible</p> <p style="text-align: center;">Page 17</p>	<p>1 set out there in the bullet points of what enquiries 2 should be conducted? 3 A. I would have been aware later on. 4 Q. Yes. 5 A. When coming in on the Monday morning, I would have most 6 likely been aware then. 7 Q. I see. Thank you. 8 That can come down, thank you. 9 You then sent an email, back on the Sunday morning, 10 you having just read the overnight occurrence book. You 11 sent an email, which is IPC203, behind tab 31 in the 12 bundle. It is in fact page 4, because this is an email 13 chain. 14 Down at the bottom of that page there is the email 15 which you sent that morning, Sunday morning, at 11.09 to 16 Martin Kirby, whose witness statement has just been 17 read, and copied to the borough commander, Andy Ewing. 18 The email is in fact addressed to Martin, isn't it, and 19 you have asked him to read the night duty occurrence 20 book entries. 21 Then, you say: 22 "There is the unexplained discrepancy of the 23 location of where Whitworth in his note claims Kovari 24 died, ie at a mate's place, and where the body was 25 actually found, ie St Margaret's graveyard. In light of</p> <p style="text-align: center;">Page 19</p>
<p>1 scenarios, which he set out there. 2 A. That is -- 3 Q. Does this ring any bells with you? I just wondered if 4 you would have been aware of this? 5 A. It does. It does vaguely ring a bell with me, in 6 fairness. 7 Q. Because what he then goes on to say is he says: 8 "I do not intend to call the HAT team at this stage, 9 but it should be a consideration to seek some advice 10 during office hours. At this stage I believe the 11 incidents are non-suspicious, but if Kovari's body is 12 still in the mortuary then we may wish to consider 13 toxicology." 14 Again I appreciate, chief superintendent, that it is 15 a long time ago but what I wanted to know is, do you 16 think that you would have been aware on the morning of 17 Sunday, the 21st, not just of what was written in the 18 night duty occurrence book, but also of what the duty 19 inspector had said about calling HAT? Or are you not 20 able to say? 21 A. I am not able to say. It is -- I don't think I could 22 say whether I was aware of that on the Sunday. 23 Q. Yes, okay. 24 Does it follow then that you are not able to say 25 whether you would have been aware of the advice that is</p> <p style="text-align: center;">Page 18</p>	<p>1 this, can you please ensure HAT are consulted?" 2 A. Ma'am, if I just may, sorry to interrupt, can I just 3 confirm that 21st, is that the Sunday or the Monday? 4 Q. That is the Sunday. 5 A. That is the Sunday. In that case I would have read that 6 and, hence my email, so I would have read that on my 7 emails, ma'am, on the Sunday morning. I do apologise 8 but I was just thinking would I have read that on the 9 Sunday, then clearly I would have read that on the 10 Sunday. 11 THE CORONER: You would have read the previous document -- 12 A. Yes, the previous document on the Sunday. 13 THE CORONER: With the three options? 14 A. With the three options. That would then have alerted me 15 that something is not quite right here, at that stage. 16 Hence my email. I do have an irritating habit of 17 reading my emails over the weekends and sometimes 18 responding to them. So that -- so I hope that 19 clarifies. 20 MS COLLIER: No, no, that really does. 21 That is very helpful. Not only did you see the 22 night duty OB, which is this email that you have in fact 23 forwarded, but you did also see the document that we 24 just looked at with the three options and the bullet 25 point enquiries?</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 A. Very clearly. Very clearly, yes, ma'am.</p> <p>2 Q. Then, so your request in this email to Martin Kirby is</p> <p>3 for HAT to be consulted and the reason you give is</p> <p>4 because of the discrepancy between what the note said</p> <p>5 and where Gabriel's body was found. Can you explain to</p> <p>6 us, please, your thinking here? What was it about the</p> <p>7 discrepancy that struck you and why did you ask</p> <p>8 Temporary Chief Inspector Kirby to contact HAT?</p> <p>9 A. So a couple of reasons.</p> <p>10 First, Martin Kirby was the on call, so I wouldn't</p> <p>11 be putting -- the on-call SLT, so I would have done the</p> <p>12 direction through to Martin Kirby rather than ARC(?),</p> <p>13 that on-call senior leadership process.</p> <p>14 What was the discrepancy? I was nervous about the</p> <p>15 HAT not being consulted when we have got that clear</p> <p>16 discrepancy. We have got the note that actually states,</p> <p>17 you know, states the circumstances, but the fact that he</p> <p>18 may not have died in that situation, regardless of</p> <p>19 anything else, that should have had HAT involvement,</p> <p>20 homicide assessment team involvement.</p> <p>21 Q. What did you want to happen then, with HAT?</p> <p>22 A. It is a good question. Personally, I certainly would</p> <p>23 want them to have been consulted. I would have liked</p> <p>24 them to have come down to the scene, notwithstanding by</p> <p>25 that time, very sadly, Daniel's body then would have</p> <p style="text-align: center;">Page 21</p>	<p>1 facts is people die and police are called to deaths in</p> <p>2 the community quite frequently. I seem to recall at the</p> <p>3 time that I think there were about two deaths every</p> <p>4 three days across the whole borough, so it is not</p> <p>5 unusual for police to attend deaths in the community.</p> <p>6 Q. No, but we have heard that they -- the more frequently</p> <p>7 the deaths that are attended are for example in the care</p> <p>8 home or in a hospital, deaths where in some sense it is</p> <p>9 anticipated that the death may occur and it is readily</p> <p>10 explicable at the scene.</p> <p>11 A. That's correct.</p> <p>12 So not always in hospital, to be honest with you,</p> <p>13 because people die in hospitals, you know -- I don't</p> <p>14 recall us attending many deaths in hospitals, unless</p> <p>15 there were suspicious circumstances. Deaths in care</p> <p>16 homes, I think after 2014, as issues around deaths in</p> <p>17 care homes were attracting more attention, I think that</p> <p>18 is post these series of events, when it became more</p> <p>19 important for officers to attend deaths in care home.</p> <p>20 Q. At any event, deaths of this nature, that is to say</p> <p>21 a relatively -- well, a young man with no obvious cause</p> <p>22 of death, either outside in a graveyard, that would be</p> <p>23 unusual, wouldn't it?</p> <p>24 A. It is not frequent, but it is not necessarily unusual.</p> <p>25 So I have served as a police officer in south London, as</p> <p style="text-align: center;">Page 23</p>
<p>1 been removed -- sorry, yes, that Daniel's body would</p> <p>2 have been removed.</p> <p>3 So I would have liked them to have them come down to</p> <p>4 the scene, notwithstanding there probably was no longer</p> <p>5 a scene there at that time, but certainly some form of</p> <p>6 consultation, even face-to-face consultation at Fresh</p> <p>7 Wharf police station.</p> <p>8 Q. Do you think that Temporary Chief Inspector Kirby would</p> <p>9 have understood that you wanted -- ideally you would</p> <p>10 have liked HAT to come to the scene and that</p> <p>11 a face-to-face consultation would be desirable?</p> <p>12 A. Not necessarily would have understood, not from the way</p> <p>13 I have worded that, but I definitely would have wanted</p> <p>14 some dialogue that day.</p> <p>15 Q. Was this the first incident in your relatively new</p> <p>16 position at Barking borough where you had cause to</p> <p>17 engage HAT or you wanted HAT to come, do you know?</p> <p>18 A. From -- so I joined 7 July, I don't recall any, you</p> <p>19 know, any issues prior to the -- between 7 July and</p> <p>20 21 September, I can't recall any other incidents where</p> <p>21 I would have wanted HAT, the homicide team to attend and</p> <p>22 they haven't attended, so that would have been the</p> <p>23 first, as I recall.</p> <p>24 Q. Yes.</p> <p>25 A. I would hasten to add, because we do, you know, the</p> <p style="text-align: center;">Page 22</p>	<p>1 well, and on occasions officers do get called to deaths</p> <p>2 for all sorts of -- with all sorts of rationale behind</p> <p>3 them, often drugs related.</p> <p>4 Q. You go on to note in your email the bizarre coincidence</p> <p>5 of Mrs Denham having found both of the bodies. Then you</p> <p>6 go on to say:</p> <p>7 "I intend to hold a gold group on Monday."</p> <p>8 The jury have heard a little bit about gold groups,</p> <p>9 but can you explain, please, what, for you, the gold</p> <p>10 group meant and why you wanted it?</p> <p>11 A. So there are a number of reasons.</p> <p>12 1, I did have some reservations about how it was</p> <p>13 progressing as an investigation. That is the first</p> <p>14 element.</p> <p>15 2, it is two deaths within the community, exactly</p> <p>16 the same location, the same positioning, and I could see</p> <p>17 there would be some -- or I felt there was going to be</p> <p>18 some community backlash or concern about what is going</p> <p>19 on. And I wanted to make sure that we were able to (1)</p> <p>20 have we identified all the issues, (2) were we able to</p> <p>21 deal with any of the community concerns and (3)</p> <p>22 whatever, whichever way the investigation was going to</p> <p>23 take, was that going -- was that bit being adequately</p> <p>24 progressed?</p> <p>25 Q. Are you saying then, chief superintendent, that you</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 wanted to ensure there was a level of scrutiny of what</p> <p>2 action the police were taking in response to these</p> <p>3 deaths?</p> <p>4 A. Yes, whether it was in support of the coroner, from the</p> <p>5 coroner's requests or whether we had gone down the line</p> <p>6 of a full homicide investigation. In which case we</p> <p>7 would have then been far more robust in terms of trying</p> <p>8 to get the homicide team involvement.</p> <p>9 Q. So that I understand that, how would a gold group help</p> <p>10 you be more robust in getting the homicide team</p> <p>11 involved?</p> <p>12 A. Because it provides -- the gold group provides at</p> <p>13 a senior level a strategic way of understanding the</p> <p>14 facts and making sure that we are able to address any</p> <p>15 issues that arise. Otherwise, without that collective</p> <p>16 knowledge across the group and the partners, you may get</p> <p>17 misinformation, you may get a misunderstanding of facts,</p> <p>18 et cetera. This way, we are able to deal with it and we</p> <p>19 have an open and transparent process and a recorded</p> <p>20 documented process of what we do. That would be -- that</p> <p>21 was my initial intention for setting up the gold group.</p> <p>22 Q. Going back to the email chain, about half an hour later</p> <p>23 Temporary Chief Inspector Kirby responded to your email,</p> <p>24 which is at the top of -- yes, sorry, the bottom of</p> <p>25 page 3. The first line of that reads:</p> <p style="text-align: center;">Page 25</p>	<p>1 relation to that one [meaning in relation to Daniel's</p> <p>2 death]. In fact, quite the contrary, given the very</p> <p>3 detailed suicide note the male was clutching."</p> <p>4 Then, in brackets:</p> <p>5 "(Handwriting scanned and confirmed by the</p> <p>6 deceased's father as his son's, I am told it is very</p> <p>7 distinctive) and the surrounding circumstances."</p> <p>8 So Temporary Chief Inspector Kirby had told you at</p> <p>9 that point, at about 11.40 on Sunday, that Mr Whitworth</p> <p>10 had confirmed that the handwriting was Daniel's.</p> <p>11 Then he goes on to say, back to the email, that he</p> <p>12 has asked Detective Sergeant Turrell to engage with HAT</p> <p>13 over some specific issues and that he will await the HAT</p> <p>14 advice. The jury heard yesterday that during the course</p> <p>15 of this day, whilst this email exchange is occurring,</p> <p>16 DS Denley was working with DS Turrell, providing advice.</p> <p>17 Can I ask you then about the handwriting.</p> <p>18 Had you seen the note that was with Daniel's body</p> <p>19 yourself?</p> <p>20 A. I can't recall having seen the note. I recall -- it</p> <p>21 doesn't mean to say I didn't see it, because there was</p> <p>22 a lot happening on that Monday morning. It is possible</p> <p>23 that I may have asked to see it, but I don't recall it.</p> <p>24 But I certainly would have seen the text around it.</p> <p>25 Q. Okay, just to say we are still on 21 September, so we</p> <p style="text-align: center;">Page 27</p>
<p>1 "Sir, as per our phone conversation ..."</p> <p>2 The jury has already seen this document this morning</p> <p>3 when reading Inspector Kirby's witness statement. It</p> <p>4 would appear that after your email was sent, you had</p> <p>5 a conversation with Temporary Chief Inspector Kirby?</p> <p>6 A. Hmm.</p> <p>7 Q. Can you remember what you and he spoke about?</p> <p>8 A. No, I don't recollect that.</p> <p>9 Q. Do we assume that it was about this?</p> <p>10 A. It would have most definitely been about this. Although</p> <p>11 he was on the on call for the weekend, something like</p> <p>12 this, I would have definitely made a phone call.</p> <p>13 Q. Let's look then at what Temporary Chief Inspector Kirby</p> <p>14 says to you.</p> <p>15 He, in that email, first paragraph, explains that</p> <p>16 the HAT car has already been consulted and he says that</p> <p>17 HAT are happy with the way in which we have dealt thus</p> <p>18 far.</p> <p>19 Then he goes on to say that he agrees with you that</p> <p>20 the discrepancy between the "mate's place" referred to</p> <p>21 in the note and the churchyard is slightly odd, he says.</p> <p>22 Then in the paragraph that starts:</p> <p>23 "We have no options around scenes ..."</p> <p>24 He says:</p> <p>25 "We still have nothing to suggest foul play in</p> <p style="text-align: center;">Page 26</p>	<p>1 are still on Sunday morning.</p> <p>2 A. No, I definitely wouldn't -- then I wouldn't have seen</p> <p>3 that.</p> <p>4 Q. Yes.</p> <p>5 Would you be at home at this point?</p> <p>6 A. Yes.</p> <p>7 Q. Because you are not on duty, basically, is that correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay.</p> <p>10 Do we take from that that you wouldn't have been</p> <p>11 aware at this stage, on the Sunday morning, of the</p> <p>12 content of the note?</p> <p>13 A. I can't recall, and I probably would not necessarily</p> <p>14 have been aware of it at that point, but it is difficult</p> <p>15 to recall.</p> <p>16 Q. That is understood, it is a long time ago.</p> <p>17 Paragraph 13 of your witness statement, which is</p> <p>18 MPSS91, page 3. You say:</p> <p>19 "Whilst I was unable to tell whether the suicide</p> <p>20 note was genuine or not, I do recall, given the</p> <p>21 circumstances, having questions in my mind about</p> <p>22 verifying the authenticity of the suicide note."</p> <p>23 Can I ask you firstly, when you say verify</p> <p>24 authenticity of the suicide note, what did you have in</p> <p>25 mind? What was the process that you were thinking</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 about?</p> <p>2 A. Well, I had a number of thought processes in mind. It</p> <p>3 is, given the bizarre circumstances, the note to my mind</p> <p>4 was the link between whether this was genuine or not.</p> <p>5 So that is just – bearing in mind I don't have a senior</p> <p>6 detective background, or anything like that, so in my</p> <p>7 very simplistic way of looking at things, if the note</p> <p>8 had been written by somebody else, you have a clear case</p> <p>9 of double murder. If the note had genuinely been</p> <p>10 written by Daniel, in that case, very sadly you have</p> <p>11 what we would call – I appreciate family are present,</p> <p>12 but what we would describe as a murder-suicide, and very</p> <p>13 sadly would have been responsible for the death of</p> <p>14 Gabriel and then will have taken his own life.</p> <p>15 But either way I felt – in my very, very simplistic</p> <p>16 way of looking at this, I felt we had to -- the note was</p> <p>17 going to be the key factor here.</p> <p>18 Q. Did you have those concerns that you have outlined</p> <p>19 before you were told via email that Daniel's father had</p> <p>20 verified the handwriting was his son's?</p> <p>21 A. Yes, absolutely.</p> <p>22 Q. Right from the outset you had those --</p> <p>23 A. Beforehand, before I knew that, and in fairness when</p> <p>24 I looked back at the previous -- when you showed me that</p> <p>25 email from Martin Kirby, I don't think I registered at</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. What you say in your witness statement is that DCI Kirk</p> <p>2 told you that officers would only submit a suicide note</p> <p>3 if they were investigating a crime.</p> <p>4 What then if you needed to investigate the</p> <p>5 authenticity of a note to see if there was a crime?</p> <p>6 A. So what was I thinking at the time? So I think probably</p> <p>7 I would need to see the context and the sequencing of</p> <p>8 events around this.</p> <p>9 The fact is, I wasn't sure about the circumstances,</p> <p>10 it all seemed quite bizarre and I did see</p> <p>11 Stuart Denley's evidence yesterday and his thought about</p> <p>12 the scene being staged and things like that. Well,</p> <p>13 I didn't have that thought, but I was worried about the</p> <p>14 note because that, for me, was the one element, it was</p> <p>15 almost like a key factor, this could be a key factor.</p> <p>16 So what -- so just progressing from that is -- if</p> <p>17 the father was not sure, you know, if Mr Whitworth was</p> <p>18 not sure that it was, you know, Daniel's handwriting,</p> <p>19 then we should be -- then we most certainly should have</p> <p>20 been thinking of progressing this further.</p> <p>21 Q. Well, you say that you had a conversation with DCI Kirk</p> <p>22 about that.</p> <p>23 A. Yes.</p> <p>24 Q. Again, I appreciate it is hard to remember the</p> <p>25 sequencing of things, but at which stage would you have</p> <p style="text-align: center;">Page 31</p>
<p>1 that stage, bearing in mind on the Sunday, that the note</p> <p>2 had been shown to the father. I don't think I had</p> <p>3 registered that. So I had gone into the Monday thinking</p> <p>4 that that note still had to be verified.</p> <p>5 Q. Well, you come on to my next question. So once you had</p> <p>6 registered that you were being told that Daniel's father</p> <p>7 had verified the handwriting, were your concerns allayed</p> <p>8 or what did you think?</p> <p>9 A. So my thought process was:</p> <p>10 "Should we still send the note up for some sort of</p> <p>11 handwriting analysis or any other form of forensics?"</p> <p>12 The discussion centred around what were we</p> <p>13 investigating. In essence, what was now the crux of the</p> <p>14 investigation, were we supporting the coroner, were we</p> <p>15 into a homicide investigation?</p> <p>16 At that stage, and once I was told that the father</p> <p>17 had verified the handwriting, my thought process went</p> <p>18 away from – in terms of gold group process, it went</p> <p>19 away from supporting, you know, an investigation and</p> <p>20 trying to get further homicide involvement and back into</p> <p>21 the wider community aspects, which I would naturally</p> <p>22 have expected to do as a deputy borough commander.</p> <p>23 Q. You say in your witness statement that you spoke to</p> <p>24 DCI Kirk about the need to verify the note.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 30</p>	<p>1 had the conversation with DCI Kirk before you had been</p> <p>2 told, or before you appreciated that Daniel's father had</p> <p>3 verified the handwriting or afterwards?</p> <p>4 A. We had the discussion very much at the gold group.</p> <p>5 Q. At the gold group?</p> <p>6 A. Yes, we did discuss it at the gold group.</p> <p>7 Q. Not before that, as far as you remember?</p> <p>8 A. Not that I recall, not to say that we didn't, but</p> <p>9 certainly I raised it at the gold group.</p> <p>10 Q. We are still on Sunday, the gold group didn't happen</p> <p>11 until Monday afternoon. Temporary Chief Inspector Kirby</p> <p>12 kept you updated through that Sunday, which, as you have</p> <p>13 said, you weren't at work, you were at home. The</p> <p>14 reference is C/31, so tab 31. It is IPC203.</p> <p>15 A. If I could just clarify, just going back to that</p> <p>16 previous, ma'am, if I may.</p> <p>17 Q. Yes, of course, please do.</p> <p>18 A. So the discussions with Tony Kirk were on the Monday.</p> <p>19 It is the discussions with Martin Kirby were on the</p> <p>20 Sunday. That whole discussion around the forensic</p> <p>21 submission or not forensic submission of the note, all</p> <p>22 that took place on the Monday.</p> <p>23 Q. Returning to Sunday, I think we had left it at the email</p> <p>24 that Temporary Chief Inspector Kirby sent to you at</p> <p>25 11.42, and then he updated you during the day, so if we</p> <p style="text-align: center;">Page 32</p>

<p>1 look at page 3, please.</p> <p>2 In the middle of the page, Sunday, 21 September, at</p> <p>3 2.14 pm, it is another email from Martin Kirby to</p> <p>4 yourself and others. He updates you about the Slovakian</p> <p>5 embassy and then also explains that SC&O1 has authorised</p> <p>6 a special post mortem. Then he states this about the</p> <p>7 special post mortem on the body of Daniel:</p> <p>8 "Precautionary at this stage, as there are no</p> <p>9 suspicious factors in relation to his death. Our</p> <p>10 concerns revolve around Kovari's death, but as the two</p> <p>11 are linked it seems appropriate."</p> <p>12 What did you understand Martin Kirby to be -- what</p> <p>13 did you think he meant when he said, "Our concerns</p> <p>14 revolve around Kovari's death"?</p> <p>15 A. Because -- so my thinking at the time on the Sunday is</p> <p>16 that it was important that Gabriel wasn't -- I don't</p> <p>17 know how they were going to undertake the burial,</p> <p>18 whether there was going to be a cremation at that time,</p> <p>19 but it was really important, bearing in mind what we</p> <p>20 were now facing on the Sunday, with Daniel having been</p> <p>21 found, we had to get hold of Gabriel, and make sure that</p> <p>22 we were able to preserve the body, to support any future</p> <p>23 investigation.</p> <p>24 I note Martin's piece there, I can't remember what</p> <p>25 my thinking was at the time -- sorry, my reaction to</p> <p style="text-align: center;">Page 33</p>	<p>1 page 1, behind tab 31.</p> <p>2 Email from yourself at 7.30 on the Monday morning,</p> <p>3 7.30 in the morning, to a number of others, including</p> <p>4 DCI Kirk and copied to Chief Superintendent Andy Ewing,</p> <p>5 the borough commander.</p> <p>6 There are three features about this email that</p> <p>7 I would like to ask you about. I don't know if you want</p> <p>8 to take a moment just to remind yourself of it, I expect</p> <p>9 you have seen it in preparation for this inquest,</p> <p>10 but ...</p> <p>11 A. What do you want --</p> <p>12 Q. I just wondered if you wanted a moment to read it before</p> <p>13 I ask the questions.</p> <p>14 A. Let me have a very quick read if I may, ma'am. (Pause)</p> <p>15 Thank you.</p> <p>16 Q. Firstly, can I ask about your instructions to DCI</p> <p>17 Tony Kirk at point 1.</p> <p>18 A. Hmm.</p> <p>19 Q. The jury has heard that SC&O1 had provided a written</p> <p>20 advice, a HAT return, timed at about 3.00 pm, the day</p> <p>21 before, the Sunday, and had agreed to attend the special</p> <p>22 post mortem which they had authorised and arranged for</p> <p>23 the 23rd, Tuesday.</p> <p>24 Did you know that, do you think, at this point or</p> <p>25 would you not have seen the HAT return or know about</p> <p style="text-align: center;">Page 35</p>
<p>1 this specific element was at the time, but I saw and</p> <p>2 I was very firm in my mind that these two are going to</p> <p>3 be connected and we must treat it all the time as they</p> <p>4 are connected.</p> <p>5 Q. Then can we scroll up, please, to page 1 of this</p> <p>6 document, which is to a further update email from</p> <p>7 Martin Kirby on Sunday -- at the bottom there, on</p> <p>8 Sunday, 21 September, at 7.32 pm. I don't think we need</p> <p>9 to look at these in detail, but he is forwarding to you</p> <p>10 bits of information that Detective Constable</p> <p>11 Paul Slaymaker has sent during the course of the day.</p> <p>12 As I say, I don't think you need to look at those at</p> <p>13 the moment. Other than to note that you were kept</p> <p>14 updated throughout the course of that day.</p> <p>15 A. Thank you.</p> <p>16 Q. You explained the concerns that you had at the beginning</p> <p>17 of that Sunday, when you looked at the night duty OB.</p> <p>18 Then we are about 12 hours later, at the end of the</p> <p>19 day, did your concerns remain the same or had you become</p> <p>20 more concerned, less. Can you help us?</p> <p>21 A. In fairness, I can't recall at that stage what we now --</p> <p>22 my view was, and it would have been on the Sunday night:</p> <p>23 we now need to pick this up properly on the Monday</p> <p>24 morning.</p> <p>25 Q. Let's turn then to Monday morning, which is IPC203,</p> <p style="text-align: center;">Page 34</p>	<p>1 that beyond what we have seen Martin Kirby updating you</p> <p>2 with?</p> <p>3 A. I think there are two things here. Did I -- had I seen</p> <p>4 the HAT return? I can't recall at that stage whether</p> <p>5 I had seen the full HAT return, I might have, I may not</p> <p>6 have. Do I read every HAT return? Not necessarily. So</p> <p>7 would I have seen it? I probably would have wanted to</p> <p>8 see it in this case.</p> <p>9 Excuse me.</p> <p>10 The second question is -- I'm so sorry, you are</p> <p>11 going to have to repeat the second question.</p> <p>12 Q. Yes. No, it is my fault for asking more than one.</p> <p>13 I wanted to know: did you know that HAT had provided</p> <p>14 a written advice?</p> <p>15 A. I can't recall whether I knew that at that time or not.</p> <p>16 Very possibly.</p> <p>17 Q. Because we don't have an email of it being sent to you</p> <p>18 before this time, but I wanted to understand if you knew</p> <p>19 that HAT had spent the day advising and had produced</p> <p>20 a return at the end of the day?</p> <p>21 A. I think irrespective -- so whether I had or not, and to</p> <p>22 be honest with you, I can't recall whether I knew that,</p> <p>23 I would have wanted them, at that stage of writing, at</p> <p>24 7.30 in the morning, I would have wanted them at the</p> <p>25 gold group, or some form of representative.</p> <p style="text-align: center;">Page 36</p>

<p>1 Q. Then my next question about this instruction, you said: 2 "Can you liaise with SC&O1 this morning re future 3 involvement in this case, even in only a supporting 4 capacity." 5 What was it that you actually wanted DCI Kirk to 6 secure from SC&O1? 7 A. Their primacy for the investigation. 8 Q. That -- it doesn't say that in the email, so how is 9 DCI Kirk to know that? 10 A. If you look at the second paragraph under item 1: 11 "In view of the issues indicating Kovari did not die 12 in the graveyard, I will ask for SC&O1 now to take on 13 this investigation." 14 Q. You have anticipated a question I was coming to. Was it 15 that you wanted DCI Kirk to ask SC&O1 to accept primacy 16 or was it your intention that you were going to ask at 17 the gold group, because you have asked them to come to 18 the gold group? 19 A. I would normally expect the DCI, I would have expected 20 this would have happened at DI level, detective 21 inspector level, particularly on the weekend, with cases 22 that they would start that requesting process, that 23 SC&O1 would take on -- what was then SC&O1, isn't now, 24 would take on the investigation. I would expect from my 25 senior crime manager, which is what Tony Kirk is, DCI at</p> <p style="text-align: center;">Page 37</p>	<p>1 obvious with the concerns that (1) he has clearly not 2 died in this location, with all of the other things 3 surrounding this case, primacy is going to be an issue 4 here, and actually SC&O1, we would be asking SC&O1 to 5 take on the investigation. Notwithstanding what we know 6 now, but that is what we would be asking. 7 And you are right, and I am looking at the time 8 I have typed that and the fact that I have not even yet 9 got in the office, so I am either speed typing from 10 a train or something like that, at that stage, so 11 knowing also the discussions that have gone on on the 12 weekend. So clearly they haven't taken it over the 13 weekend, for whatever reason. But looking at where I am 14 now, and probably where my thinking is when I am typing 15 this note out, my thought process is that SC&O1, we do 16 need to ask SC&O1 to take on the investigation, and 17 I probably wouldn't necessarily be expecting to do that 18 as a superintendent, although things, occasionally, when 19 there are discussions around primacy things do get 20 escalated to my level and to Andy Ewing's level. 21 Q. In terms of SC&O1's attendance at the gold group, even 22 if they were only in a supporting role, an advisory 23 role, would you still expect them to attend the gold 24 group? 25 A. Yes. And if they weren't able to -- so occasionally</p> <p style="text-align: center;">Page 39</p>
<p>1 the time, I would expect that request to be going in. 2 Q. So that I understand it, at this stage, in the morning, 3 what you are asking, really, is, "DCI Kirk, please can 4 you ask SC&O1 to assume primacy and then we will have 5 a gold group and I would like them to be present"? 6 A. Correct. 7 Q. Did you envisage that they would -- actually, can I come 8 back to that, because how is it that DCI Kirk is going 9 to understand that that is what you want if you say, 10 "Can you liaise with SC&O1 this morning re future 11 involvement, if only in a supporting capacity?" 12 I know you have referred to what you say, "I will 13 ask for SC&O1 now take on this investigation", did you 14 mean, "I want SC&O1 to take on this investigation, 15 therefore can you ask on my behalf"? 16 A. Yes, basically. But it shouldn't necessarily be on my 17 behalf. On the face of it, this is somebody who has 18 admitted to killing somebody else. 19 Q. That is not -- again, that is not something that is put 20 in the email. So how is DCI Kirk to know that that is 21 what your expectation is, and your reason? 22 A. But he is a senior investigator -- so DCI Kirk, in 23 fairness to him, he is very competent, so I would -- it 24 doesn't need the superintendent to say to the detective 25 chief inspector, "This is what I want", when it is now</p> <p style="text-align: center;">Page 38</p>	<p>1 because of resilience they cannot always attend gold 2 groups in my experience, but certainly at least they are 3 able to phone in, you know, and we have a number of 4 times when they have phoned into gold groups, where 5 I have them on the conference call. 6 Q. The second thing about this email that I wanted to ask 7 you was your comment to Martin in the email, 8 Martin Kirby, you say: 9 "I note your comments re future security at the 10 Abbey." 11 What did you mean there, can you remember? 12 A. Can you just send me to the line? 13 Q. Yes it is point 4, underneath point 4, and it then says: 14 "Martin, well done for your work this weekend ..." 15 Then underneath that: 16 "I note your comments re future security at the 17 Abbey." 18 A. Difficult to say now, it is not so much around -- 19 I don't know whether it is around security, so I am 20 thinking about one or two things here, whether there is 21 a crime scene re-instigated and they have to preserve 22 a crime scene, so it is security of the cemetery or 23 whether, as I had been aware, as I was aware of in the 24 early days of being there, there was public comment 25 around activities in the cemetery, such as whether it is</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 used as a public sex environment or, you know, for</p> <p>2 alcohol abuse or drug abuse and to be honest with you,</p> <p>3 it would have been one or two of those reasons.</p> <p>4 Q. Turning then to the last thing I wanted to ask you</p> <p>5 about, about this email, the lines that are addressed to</p> <p>6 Wendy, is Wendy support staff?</p> <p>7 A. Yes, she would have been acting in a PA capacity that</p> <p>8 day.</p> <p>9 Q. You have said to her the people that you want to attend</p> <p>10 the gold group, you are basically asking her to organise</p> <p>11 a gold group in this email?</p> <p>12 A. Yes.</p> <p>13 Q. You have identified the people that you want to attend.</p> <p>14 You have identified them mostly by role. So you asked</p> <p>15 for the OIC for both cases, meaning therefore, in</p> <p>16 Daniel's case and in Gabriel's case?</p> <p>17 A. Yes.</p> <p>18 Q. Why was it that you wanted the OICs for those cases at</p> <p>19 the gold group?</p> <p>20 A. Because the cases are clearly connected and we wanted to</p> <p>21 share my -- my view is that we would need a shared</p> <p>22 understanding of what the circumstances were around each</p> <p>23 of the cases.</p> <p>24 Q. I am going to ask you very briefly about three more</p> <p>25 emails, just so that we understand what they are.</p> <p style="text-align: center;">Page 41</p>	<p>1 to yourself and Martin Kirby.</p> <p>2 He says:</p> <p>3 "Can you pick up [this is addressed to Martin, but</p> <p>4 it is copied to you] with partners the whole GHB issue?"</p> <p>5 Did you understand what he meant by the "whole GHB</p> <p>6 issue"?</p> <p>7 A. Yes, I mean for that, I think at some point that</p> <p>8 discussion might have gone along the lines of: is there</p> <p>9 an issue with GHB in the community? Is there</p> <p>10 an understanding of its dangers, et cetera? And that</p> <p>11 would fall very much to Martin's Kirby's portfolio at</p> <p>12 the time, being the acting chief inspector, although,</p> <p>13 actually thinking about it, because he at that time</p> <p>14 would have -- what time -- we are on 22 September now,</p> <p>15 he would have just probably taken over the neighbourhood</p> <p>16 policing side.</p> <p>17 Q. Neighbourhood policing, yes.</p> <p>18 A. So that naturally falls in the neighbourhood and</p> <p>19 partnership portfolio and that is what I would be</p> <p>20 expecting a chief inspector to do.</p> <p>21 Q. Then IPC218, please. Here, this time, I would like you</p> <p>22 to look at the top, please.</p> <p>23 It is an email from Tony Kirk to yourself, where he</p> <p>24 is essentially forwarding on an email -- we will need to</p> <p>25 see the one underneath now, please -- from</p> <p style="text-align: center;">Page 43</p>
<p>1 MPS821, please, on the screen. This is an email,</p> <p>2 again, Monday morning, 8.19, if you ignore the, "Yes,</p> <p>3 thanks" from Andy Ewing and go to your email:</p> <p>4 "Andy.</p> <p>5 "Will do brief ACPO update when I get in."</p> <p>6 What does that mean an "ACPO update"?</p> <p>7 A. So ACPO is the Association of Chief Police Officers, now</p> <p>8 replaced by NPCC, and it's the rank of commander and</p> <p>9 above. The Met, at that time, chief superintendents</p> <p>10 reported to a commander, commander would have reported</p> <p>11 to a deputy assistant commissioner and to an assistant</p> <p>12 commissioner, most commanders -- virtually every</p> <p>13 commander that I know will always want some form of</p> <p>14 briefing around deaths, particularly when they are</p> <p>15 unusual circumstances.</p> <p>16 Q. I see, so you are essentially going to prepare</p> <p>17 a briefing for the commander?</p> <p>18 A. It is a quick factual briefing and basically it is</p> <p>19 a brief history of the circumstances, current activities</p> <p>20 and future activities.</p> <p>21 Q. Thank you very much.</p> <p>22 Next email, I'm sorry to go quite quickly, we just</p> <p>23 have a lot of ground to cover, but IPC212. This email</p> <p>24 that I want to ask you about is the one from</p> <p>25 Tony Kirk -- again ignoring the first line at the top --</p> <p style="text-align: center;">Page 42</p>	<p>1 Debbie Turrell to Tony Kirk. Debbie Turrell emailed</p> <p>2 Tony Kirk at just before 11.00 that Monday morning.</p> <p>3 Then he has forwarded it on to you, Tony Kirk, at 12.50.</p> <p>4 Does this reflect what you said earlier, that you</p> <p>5 would be expecting DCI Kirk to approach SC&O1 in order</p> <p>6 to ask them to take on primacy?</p> <p>7 A. Yes.</p> <p>8 Q. It seems that -- well, we can see that they declined?</p> <p>9 A. It would appear so.</p> <p>10 Q. Then, just to note, I don't know if it is possible to</p> <p>11 scroll down that email, but to look at an attachment</p> <p>12 from -- no, okay.</p> <p>13 It says -- sorry, it says at the top, isn't it, "HAT</p> <p>14 details attached".</p> <p>15 Thank you, that can come down.</p> <p>16 Now I want to ask you about an email that you didn't</p> <p>17 receive. IPC752, please. This is an email from the</p> <p>18 Walgate investigation and it is sent by Tony Kirk to</p> <p>19 your predecessor, Mike Hamer. The reason why I want you</p> <p>20 to look at it is that what this email does is it sends</p> <p>21 to your predecessor and to Andy Ewing an update in</p> <p>22 relation to the Walgate death.</p> <p>23 To that email are attached the initial HAT advice</p> <p>24 and then an up-to-date situation review, and then</p> <p>25 a further HAT advice.</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 You haven't received anything like a situation 2 review at all from the officers who were investigating. 3 Would you expect to receive something like a situation 4 review? So far you appear to have had a series of 5 emails but nothing as focused and organised and 6 comprehensive as a situation review.</p> <p>7 A. It all depends on the individual case. I think here -- 8 and I have apprised myself of the Anthony Walgate 9 tragedy. When you look at that case, there is a suspect 10 that has been arrested.</p> <p>11 Q. Yes.</p> <p>12 A. And so it is quite a different set of circumstances and 13 ostensibly you have almost -- you know, we have -- it is 14 a very different type of crime scene, it is a very 15 different set of circumstances, so in this kind of 16 circumstances, I probably would want that level of 17 detail.</p> <p>18 But in my history of sitting on senior leadership 19 teams, you don't always get that level of detail. You 20 do sometimes but not always. It all depends on the 21 individual case and also what the concerns are around 22 the case and I am conscious of the fact that there were 23 a number of concerns around the primacy with this 24 particular case.</p> <p>25 Q. Yes, and therefore would it have been useful to you, do</p> <p style="text-align: center;">Page 45</p>	<p>1 having received the email when DCI Kirk forwarded to you 2 Debbie Turrell's email and he said, "Looks like they are 3 not going to take it". You say in your witness 4 statement that you spoke on the phone to the commander, 5 but you can't quite remember when you had that 6 conversation.</p> <p>7 Does it seem that it would be after you received 8 DCI Kirk's email but before the gold group?</p> <p>9 A. Thank you, so if I can just address -- you say 10 commander, it is not the rank of commander, it is bit 11 confusing in the Met, ma'am, it is the OCU commander, 12 who would normally be a chief superintendent or 13 an acting chief superintendent. The commander was what 14 was then the ACPO rank, so I certainly didn't speak to 15 a commander, I spoke to the OCU commander. And it would 16 have been after Tony Kirk's email to me.</p> <p>17 Q. We heard yesterday that the commander was Mick Duthie.</p> <p>18 A. He would have been the OCU commander, the chief 19 superintendent, I think.</p> <p>20 Q. Okay, so not Chief Superintendent Sweeney?</p> <p>21 A. So John Sweeney is a superintendent -- was 22 a superintendent, Mick Duthie would have been the --</p> <p>23 Q. Sorry, he was the superintendent, I beg your pardon, 24 that's right.</p> <p>25 You spoke to Mick Duthie, the chief superintendent?</p> <p style="text-align: center;">Page 47</p>
<p>1 you think, given the concerns around primacy, to have 2 for example a more detailed understanding of what 3 investigations had been carried out by CID over the 4 course of the weekend?</p> <p>5 A. Yes, it would have been useful, but the important bit is 6 to understand -- is that I would have expected my DCI, 7 my detective chief inspector and my detective 8 inspectors, to have that and be working on where are the 9 gaps, what is being done, what can be progressed, the 10 strands of the investigation. So I would be expecting 11 that to be picked up by the DI, DCI. Yes, I would have 12 it and it would be nice to have, and I would read it and 13 if I had some reservations I would be speaking to the 14 detective chief inspector about it.</p> <p>15 Q. Essentially you are saying that you would expect the 16 officers below you to have it in hand?</p> <p>17 A. To have it -- certainly to have it in hand. Certainly 18 when we get into the gold group side of things, I would 19 be wanting that level, certainly to be presented at the 20 gold group to give me the reassurance that things were 21 being progressed.</p> <p>22 Q. Before we get to gold group, can I ask you about the 23 conversation that you had with the SC&O1 commander. 24 That can come down now, thank you. 25 Because you say in your witness statement that,</p> <p style="text-align: center;">Page 46</p>	<p>1 A. I spoke to the OCU commander, whether it was 2 John Sweeney acting up at the time or whether it was 3 Mick Duthie, that I can't recall, unfortunately and 4 I wish I could, but I definitely spoke to the OCU 5 commander, the person who was acting OCU commander at 6 the time, because it was important that actually 7 I understood why it wasn't being taken.</p> <p>8 Q. In that conversation your aim was to persuade him that 9 SC&O1 should accept primacy?</p> <p>10 A. That would have been the crux of the conversation, yes.</p> <p>11 Q. Are you able to remember how you tried to get him to 12 accept primacy?</p> <p>13 A. My view was that we had the admission at that time -- 14 I know it is a very long time ago, so forgive me here, 15 but I think I focused on what was in the note rather 16 than -- you know, rather than the fact that the issues 17 around where the -- you know, where Gabriel was likely 18 to have died.</p> <p>19 Because you have got the admission there.</p> <p>20 The -- yes, so that was the crux of my -- because 21 you had the admission there that he had been complicit 22 in Gabriel's death.</p> <p>23 Q. If I have understood you correctly, you are pointing 24 out, are you, to the OCU commander, that, on the face of 25 it, there is a homicide? On the face of the note there</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 is a homicide?</p> <p>2 A. On the face of the note, yes.</p> <p>3 Q. Then what was the response that you received then from</p> <p>4 the chief superintendent to that point that you made?</p> <p>5 That there is a homicide here and you are homicide</p> <p>6 command, so please can you take this?</p> <p>7 A. The response -- the response at that time, as I recall,</p> <p>8 was that the person who allegedly has committed this</p> <p>9 is -- you know, in this case Daniel, has now passed</p> <p>10 away. There appears to be no other outstanding</p> <p>11 circumstances and that, you know, the borough should be</p> <p>12 taking this, or the borough, you know, this should sit</p> <p>13 within the borough.</p> <p>14 Q. Is it that the suspect, if I could use that term, for</p> <p>15 the homicide is deceased?</p> <p>16 A. Correct.</p> <p>17 Q. But what about the fact that on the face of the note it</p> <p>18 says that he died at a mate's place, wouldn't that</p> <p>19 potentially lead to other suspects?</p> <p>20 A. Potentially, yes. But the discussion at the time was</p> <p>21 that they didn't feel at that stage that it was -- you</p> <p>22 know, that they needed to take the investigation.</p> <p>23 Q. It is a case of the person who has committed the</p> <p>24 homicide has died, so it is not a homicide for the SC&O1</p> <p>25 to take on?</p> <p style="text-align: center;">Page 49</p>	<p>1 further?</p> <p>2 A. Hindsight.</p> <p>3 Q. Then could we look at paragraph 17 of your witness</p> <p>4 statement. You explain there that in your experience it</p> <p>5 is not uncommon to have disputes and the circumstances</p> <p>6 as they were presented at the time were unexplained</p> <p>7 rather than suspicious.</p> <p>8 Can I look, please, at tab 22 of jury bundle A.</p> <p>9 I will pull it up on screen. MPS588, please, which is</p> <p>10 the "Non-suspicious sudden death" policy, page 9.</p> <p>11 Then it says:</p> <p>12 "What is an unexplained sudden death?</p> <p>13 "This is a death where the cause of death is not</p> <p>14 known. In these circumstances a medical practitioner</p> <p>15 will not be able to issue a cause of death certificate</p> <p>16 ..."</p> <p>17 Then it goes on to say:</p> <p>18 "Further investigation will be required at the scene</p> <p>19 and at a mortuary to discover the full circumstances of</p> <p>20 the death. The death may subsequently be determined as</p> <p>21 suspicious or non-suspicious."</p> <p>22 Does that mean that an unexplained death is a death</p> <p>23 where the cause of death itself is not known?</p> <p>24 A. I think it is more than that. So, for context, you have</p> <p>25 suspicious and non-suspicious but sitting in the middle</p> <p style="text-align: center;">Page 51</p>
<p>1 A. Correct. But at that stage, it was, it looked like, you</p> <p>2 know, the full text of the conversation, I can't recall,</p> <p>3 but in fairness, you know, there were no suspects</p> <p>4 outstanding when we were talking this through. It was,</p> <p>5 you know, it was parties who are known to each other, so</p> <p>6 to speak, et cetera and that is what -- that was how it</p> <p>7 was seen. And they felt that -- the feeling was that</p> <p>8 this is well within the grasp of the borough and the</p> <p>9 borough should take this on and they would support it.</p> <p>10 Q. In your witness statement, if we look at MPS591,</p> <p>11 paragraph 16. You observe that the decision to accept</p> <p>12 primacy is one for SC&O1 and that if SC&O1 didn't agree</p> <p>13 you would have no choice but for the borough to retain</p> <p>14 the investigation. We can look at the policy perhaps if</p> <p>15 you wish, but you may be familiar with the policy, that</p> <p>16 there is potential, if there is a primacy dispute, to</p> <p>17 escalate it, isn't there?</p> <p>18 A. There is. I didn't escalate it any further. I think we</p> <p>19 discussed it at chief superintendent level. It is from</p> <p>20 superintendent to chief superintendent level. I think</p> <p>21 any further escalation I felt at that time would not</p> <p>22 have achieved a different outcome and that, I am sorry,</p> <p>23 was my mistake. I probably should have escalated that</p> <p>24 further.</p> <p>25 Q. Why do you say that, why should you have escalated it</p> <p style="text-align: center;">Page 50</p>	<p>1 is the unexplained. And it is not only that the cause</p> <p>2 is unknown but the circumstances at this stage cannot --</p> <p>3 the full circumstances surrounding it, not just the</p> <p>4 cause, but the full circumstances cannot be explained at</p> <p>5 that time either.</p> <p>6 Q. That is not what the policy says, is it? The policy</p> <p>7 says that an unexplained death is one where the actual</p> <p>8 cause of death is not known, but further investigation</p> <p>9 is required to determine whether it is either suspicious</p> <p>10 or non-suspicious?</p> <p>11 A. Correct.</p> <p>12 Q. This description of a death as being "unexplained",</p> <p>13 actually means that you haven't yet worked out whether</p> <p>14 it is suspicious or not?</p> <p>15 A. Correct.</p> <p>16 Q. If you haven't yet worked out that a death is</p> <p>17 suspicious, is it not too soon to rule out the</p> <p>18 involvement of homicide command?</p> <p>19 A. So we hadn't ruled out the involvement of homicide</p> <p>20 command. What has been ruled out at that stage is</p> <p>21 primacy. So they are involved in an advisory capacity,</p> <p>22 as was explained to me, and they have given advice,</p> <p>23 certainly over the weekend, and so they are not -- it is</p> <p>24 not as if they are not involved. Because they are</p> <p>25 involved. And, as we subsequently know, they came to</p> <p style="text-align: center;">Page 52</p>

<p>1 the post mortem as well.</p> <p>2 Q. They did, they came to the post mortem and then they</p> <p>3 provided a further advice and then that was the end of</p> <p>4 the involvement, effectively.</p> <p>5 A. Hmm.</p> <p>6 Q. Could you look at MPS779, please. This is an email that</p> <p>7 was sent to you before you started at the borough. From</p> <p>8 Andy Ewing, the borough commander, to yourself. He is</p> <p>9 expressing there dissatisfaction with the system of work</p> <p>10 whereby the HAT provide advice. He says:</p> <p>11 "... we [should] push for a PIP3 accredited SIO</p> <p>12 whenever there is any possibility of homicide, not just</p> <p>13 ask for advice!"</p> <p>14 Did you recall this email when you were having your</p> <p>15 discussion with the HAT chief superintendent?</p> <p>16 A. No. In fairness, I didn't, but I recall, you know,</p> <p>17 ultimately prior to starting, 29 June, and I would have</p> <p>18 had a number of emails about various issues on the</p> <p>19 borough, so this would have been one of a few emails</p> <p>20 that would have been sent to me. I didn't -- in</p> <p>21 fairness, I didn't have this at the back of my mind when</p> <p>22 I was talking to the OCU commander.</p> <p>23 Q. Were you aware that Andy Ewing was unhappy with the way</p> <p>24 that it had worked in the Walgate investigation?</p> <p>25 A. Yes, but, in fairness, I hadn't connected the two,</p> <p style="text-align: center;">Page 53</p>	<p>1 Firstly, can we have a look at who attended the gold</p> <p>2 group on the afternoon of Monday, the 22nd. There is</p> <p>3 yourself and then, taking it from the bottom:</p> <p>4 Glynis Rogers, who is the local authority partner, is</p> <p>5 that right; Amanda Driscoll, who is a media person; then</p> <p>6 DI Schamberger; Inspector Mark Joyce; and DCI Tony Kirk.</p> <p>7 You said earlier that you had wanted the OICs for</p> <p>8 each of the Kovari and Whitworth investigations to be</p> <p>9 there --</p> <p>10 A. Correct.</p> <p>11 Q. -- as well as SC&O1. Are you able to help us with why</p> <p>12 SC&O1 did not attend?</p> <p>13 A. So I was told that -- I was surprised when they didn't,</p> <p>14 but I understand it was because they were not taking</p> <p>15 ownership of investigation. But I can't recall the</p> <p>16 other reasons for them not being able to either phone in</p> <p>17 or attend.</p> <p>18 Q. I think your evidence was that, because they were not --</p> <p>19 just because they were not taking ownership, that is no</p> <p>20 reason for them not to phone in?</p> <p>21 A. Correct.</p> <p>22 Q. Then in terms of the OICs for each of the</p> <p>23 investigations --</p> <p>24 A. Yes, I did want them. Which would help, but in fairness</p> <p>25 DCI Tony Kirk oversees those two officers in the case,</p> <p style="text-align: center;">Page 55</p>
<p>1 between obviously the email and his unhappiness with the</p> <p>2 Anthony Walgate investigation and what we were then</p> <p>3 facing in September.</p> <p>4 Q. That can come down, thank you.</p> <p>5 We don't have a record of your discussion with the</p> <p>6 chief superintendent. Why did you not document that at</p> <p>7 all?</p> <p>8 A. I can't recall, in fairness. I might have made some</p> <p>9 notes. Unfortunately at that time most of my notes were</p> <p>10 being made on an iPad rather than a daybook, which</p> <p>11 I then handed in when the iPads were replaced. So,</p> <p>12 unfortunately, I can't remember whether I did or did not</p> <p>13 document that discussion.</p> <p>14 Q. Well, the -- we don't have a document -- we don't have</p> <p>15 any record of you sending to anyone else the outcome of</p> <p>16 your conversation with SC&O1.</p> <p>17 A. Hmm.</p> <p>18 Q. Wouldn't it be best practice to set out why you</p> <p>19 thought -- given that you felt strongly about it --</p> <p>20 SC&O1 should accept primacy and the reasons that you had</p> <p>21 been given for them declining that request?</p> <p>22 A. I agree I should have done that and I didn't, but that</p> <p>23 would have been absolutely the right thing to do.</p> <p>24 Q. Can we turn then to the gold group. If we look at the</p> <p>25 minutes at tab 37, which is IPC43.</p> <p style="text-align: center;">Page 54</p>	<p>1 so those people who would have been investigating it,</p> <p>2 although in fairness, with Gabriel's case, thinking</p> <p>3 about it, it would be probably a uniformed officer</p> <p>4 that might have dealt with that because of the</p> <p>5 circumstances, but now looking at it, but Tony Kirk</p> <p>6 would have had that representation anyway.</p> <p>7 Q. Are you saying that he stood in for -- he represented --</p> <p>8 A. He represented, being the senior crime manager.</p> <p>9 Q. Looking then at the minutes, under "Outstanding issues",</p> <p>10 which is on the other page, page 2, there are only three</p> <p>11 enquiries here. The HAT return had set out a lot of</p> <p>12 investigations, we can look at it if you wish. My</p> <p>13 question is: did you feel that you had an adequate</p> <p>14 understanding of the enquiries that were being set out,</p> <p>15 given that there are only three here that have been</p> <p>16 recorded in the minutes?</p> <p>17 A. As I was briefed by Tony Kirk, I felt I did have.</p> <p>18 Bearing in mind this is a gold group, so we wouldn't</p> <p>19 be -- I wouldn't be putting in the minutes all the HAT</p> <p>20 enquiries and how the officers would then take forward</p> <p>21 their enquiries. This is very much a gold group where</p> <p>22 you have the different strands, whether it is the</p> <p>23 community strand, the communication strand, et cetera.</p> <p>24 That would be dealt with.</p> <p>25 Q. Didn't you say earlier that the point of having a gold</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 group was to make sure that there was a proper oversight 2 of what was happening with these deaths? 3 A. Yes. 4 Q. How would you do that if you didn't have -- because the 5 investigating officers were not present and you didn't 6 have the HAT return there, how would you be sure that 7 you had a proper oversight of what was happening? 8 A. Because that would be Tony Kirk's briefing into the gold 9 group. I wouldn't necessarily need the HAT return in 10 the gold group. 11 Q. I understand. 12 Turning then to primacy, isn't this really why you 13 wanted to hold a gold group in the first place, because 14 you had wanted to make sure that the issues around 15 primacy were fully ventilated? 16 A. No. The gold group has a much wider -- primacy was one 17 of the facets of the gold group, but there were also 18 a whole load of other facets, 1 is community concern, 2 19 is: are there any resilience issues? Whether it is 20 around appeals for witnesses, or anything else that they 21 would need to think about, also partnership, and 22 partnership confidence issues. 23 So gold group has a much wider remit than just 24 simply apportioning primacy for an investigation. If 25 there is dispute over primacy, although we covered off</p> <p style="text-align: center;">Page 57</p>	<p>1 it be helpful to have that discussion there, 2 particularly if the borough wanted to return to ask SCO 3 in the future to take primacy? 4 A. Yes, and then that moves the investigation into 5 a different stage, because if we had to, if any fresh 6 information had come to light at that stage, bearing in 7 mind we know where we are now and the tragedy that has 8 occurred, but what we were faced with at the time, we 9 would have put that in and I would have probably 10 considered holding a second gold group at that point. 11 Q. You say in your witness statement that the focus of the 12 investigation from this point would be around supporting 13 the coroner's investigation. 14 A. Correct. 15 Q. Is that because SC&O1 had declined to take primacy? Is 16 that why the focus of the police's activity from that 17 point was on supporting the coroner's investigation? 18 A. That is correct. Because the posture at that point is 19 what are we investigating, this is how it was explained 20 to me within the gold group. We are not investigating 21 a murder. If we were investigating a murder, SC&O1 have 22 primacy. It is as simple as that. If we are not 23 investigating primacy -- investigating a murder, what is 24 therefore the role of the borough officers? It is 25 a quirk which wouldn't happen today, but that is how it</p> <p style="text-align: center;">Page 59</p>
<p>1 that dispute prior to the gold group, but if other 2 concerns are now lingering, then we could bring that 3 into the gold group and that would be one of the actions 4 taken away. 5 Q. That is what I was going to ask, because we see that 6 there are no minutes under "Primacy". You have just 7 said that was covered off beforehand, does that suggest 8 then that it was not discussed at that gold group 9 meeting because, as you have just said, it had already 10 been covered off? 11 A. Whilst it had already been covered off, I would be 12 surprised if we hadn't discussed -- hadn't raised itself 13 within the gold group. 14 Q. We cannot tell, however, whether you did or you didn't, 15 because there is no record? 16 A. It isn't recorded here. I would be surprised if we 17 hadn't, because the absence of SC&O1 officers and the 18 fact that we haven't listed something under "Primacy", 19 I would have been -- would we have put "Not discussed"? 20 I don't know, this is an oversight here within the 21 minutes. But in short, primacy, I would be surprised if 22 it was not discussed, even right at the beginning. 23 Q. Wouldn't it be helpful if, again, this -- the idea of 24 the gold group is to ensure that confidence in the 25 policing response to the deaths is maintained, wouldn't</p> <p style="text-align: center;">Page 58</p>	<p>1 happened and that is unfortunately how it transpired 2 then. So therefore the role of the borough officer yes 3 to investigate the circumstances and the four component 4 parts of the coroner's enquiries, you know, such as the 5 identity, where they died, when they died and how they 6 died et cetera, so that is where the focus of the 7 investigation then moves. 8 Q. Are we in a situation then where, if the borough asks 9 SC&O1 to accept primacy and SC&O1 declines to do that, 10 the investigation fizzles out essentially, because it is 11 said that the death is unexplained and that is how it is 12 left? 13 A. The investigation doesn't fizzle out, as such, but it 14 does take on a new trajectory, along the four points 15 that I have just mentioned. 16 Q. As it does that -- we saw with Mr Kovari, with Gabriel's 17 investigation, that it was left to a PC to go and take 18 statements. It had little direction, no CRIS. Isn't 19 that an unsatisfactory way to investigate someone's 20 death? 21 A. I totally agree. It was unsatisfactory. And 22 I apologise for that, it was deeply unsatisfactory. The 23 way we had dealt with that. 24 Q. I am going to turn then to that part of the gold group 25 that dealt with community and partnership.</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 It says under point 7 on the page: 2 "Patrols need to check on rough sleepers." 3 We have heard that the churchyard was used from time 4 to time as a place to sleep homeless people. Is that 5 why that is there? 6 A. Yes, it is. So as a bit of context, during the summer, 7 there were quite excessive numbers of rough sleepers who 8 would use the area for sleeping and some of them worked 9 on the building sites during the day. Some came over 10 from Eastern Europe, et cetera, so that was a concern, 11 so that is one of the areas that we did talk about, it 12 is some of concerns that the community had raised with 13 us. 14 Q. I don't think we need to go to it, but at the very 15 beginning of the gold group minutes, they had the terms, 16 you have set out -- not you personally, it is set out, 17 the terms of reference. One of those terms of reference 18 is to work with partners and local communities to ensure 19 confidence in the police response. 20 Can I ask then about the LGBT community, because in 21 this case two young gay men have died. 22 A. Yes. 23 Q. Wouldn't it be a more important consideration, as far as 24 the community was concerned, to engage with the LGBT 25 community rather than focusing on rough sleepers?</p> <p style="text-align: center;">Page 61</p>	<p>1 A. Correct. 2 Q. So it wasn't any part of their environment, if you see 3 what I mean. 4 A. Very possibly. 5 Q. But -- no, no, that is correct, it is not possible, it 6 is correct. 7 A. Understood. 8 So then I need to retract that and simply say that, 9 going back to the original question, yes, we should have 10 been far more proactive within the LGBT+ community and 11 that was one of the lessons that we had learnt from this 12 tragedy. 13 MS COLLIER: I have no further questions, thank you. 14 Might it be a good time for a break? 15 THE CORONER: Yes. 16 We will take a 15-minute break, members of the jury, 17 thank you. 18 (11.36 am) 19 (A short adjournment) 20 (11.56 am) 21 (In the presence of the jury) 22 THE CORONER: Yes, Ms Hill. 23 Questions from MS HILL 24 MS HILL: Good morning. 25 As I think you know, I ask questions on behalf of</p> <p style="text-align: center;">Page 63</p>
<p>1 A. So -- I am thinking with hindsight, I can't remember the 2 discussion at the time, but thinking with hindsight, 3 yes, it is, we could have engaged them far more, but as 4 the subsequent discussions that I have had with the LGBT 5 communities, including those who have worked and been 6 representatives on the independent advisory groups, is 7 this is a very specific type of environment that Gabriel 8 and Anthony and the others are engaged in and the 9 mainstream LGBT+ community, I am informed, would not 10 necessarily have been involved in this specific type of 11 environment and activity. 12 That is the first point. 13 The second point is, yes, absolutely we could have 14 and should have been much more proactive within the 15 LGBT+ community. 16 Q. What do you mean by the "type of environment" that 17 Gabriel and Anthony, you mentioned, were involved with? 18 I don't understand that. 19 A. So I understand that the circumstances that they would 20 have been involved in, with the use of the drugs, 21 et cetera, not every member of the LGBT+ community 22 engages in that type of environment, as I understand. 23 Q. Are you referring to GHB? 24 A. I am, yes. 25 Q. But the GHB was given to them by Stephen Port. So --</p> <p style="text-align: center;">Page 62</p>	<p>1 the families of those who were murdered by Stephen Port, 2 some of whom sit here in court and some of who are 3 watching remotely, save for the partner of 4 Daniel Whitworth, who has his own lawyer. 5 Can I ask you first of all about an email you 6 received on 29 June -- can we bring that up, please -- 7 2014. It is MPS779, internal page 1. We have heard 8 some evidence already about this email, but I think 9 perhaps not your account of it. If you look at this 10 email, it was sent I think just after 5.00 on 29 June. 11 I think we heard that this was a Sunday, so looks like 12 Mr Ewing perhaps has the same habit of emailing on 13 a Sunday that you talked about. 14 Have you had a chance to look at this email before 15 giving evidence? 16 A. Yes. 17 Q. Do you recollect now receiving it or not? 18 A. I have a vague recollection of receiving it. 19 Q. We heard I think from you earlier that your start date 20 was 7 July, and so this is about a week before your 21 start date, is that right? 22 A. That's correct. 23 Q. No doubt, as you have said, you were receiving emails 24 alerting you to various issues about your new job, but 25 this is one coming from your boss, isn't it, from</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 Mr Ewing?</p> <p>2 A. That's correct.</p> <p>3 Q. His email says to you, if you look in the top half of</p> <p>4 the document, please:</p> <p>5 "Sean, please read and digest."</p> <p>6 Yes?</p> <p>7 A. Yes.</p> <p>8 Q. It attaches to it -- if I have understood it correctly,</p> <p>9 because we see it forwards an earlier email -- the CSR,</p> <p>10 I think that is the current situation report, number 3</p> <p>11 for Walgate as an attachment, is that right? That is</p> <p>12 what we see at the bottom of the email, I think?</p> <p>13 A. Yes.</p> <p>14 Q. What Mr Ewing is saying to you is please read and</p> <p>15 digest, including the attachment and then gives some</p> <p>16 bullet points:</p> <p>17 "In essence I am really unhappy about this as</p> <p>18 a system of work.</p> <p>19 "I think the concept of advice is flawed and would</p> <p>20 not stand scrutiny.</p> <p>21 "My position on this is that we push for a PIP3 SIO</p> <p>22 whenever there is any possibility of a homicide, not</p> <p>23 just ask for advice! We do not have such detectives on</p> <p>24 borough. To be discussed."</p> <p>25 Do you see that?</p> <p style="text-align: center;">Page 65</p>	<p>1 Q. Just scrolling through, is this right, that without</p> <p>2 going into all of the details, the report that you were</p> <p>3 sent summarised the various occasions on which the HAT</p> <p>4 team had given advice. So we see that on internal</p> <p>5 page 2. If we scroll through, please, internal page 2</p> <p>6 has at the bottom "HAT advice 1". If we go over the</p> <p>7 page to internal 3, we see HAT advice 2, HAT advice 3,</p> <p>8 internal page 4, HAT advice -- it says 2, but I think</p> <p>9 that is a typing error, I think it should be 4, on</p> <p>10 27 June. Does that seem clear to you?</p> <p>11 A. Yes, it does.</p> <p>12 Q. Essentially this was summarising different pieces of</p> <p>13 advice being given by the HAT team and insofar as</p> <p>14 primacy was concerned, if you look at (viii) under the</p> <p>15 heading "HAT advice 2, 27 June":</p> <p>16 "This matter is being dealt with by KG borough."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. The question is what management, grip and support is</p> <p>20 there, it is remaining with the borough, with support</p> <p>21 from the SC&O1 officers.</p> <p>22 Just briefly, it goes through further information</p> <p>23 around witnesses, including Mr Port and at section 9,</p> <p>24 describes this as an unexplained death, if we can find</p> <p>25 that on internal page 6, please. Under the heading</p> <p style="text-align: center;">Page 67</p>
<p>1 A. Yes, I do.</p> <p>2 Q. Pausing there, the attachment is the third version of</p> <p>3 the CSR report. That is at our MPS780, dated</p> <p>4 27 June 2014.</p> <p>5 If we could bring that up, please. This is my</p> <p>6 understanding of what was attached to the email sent to</p> <p>7 you. This is a document that we have different versions</p> <p>8 of, but this is the one dated 27 June that I have seen</p> <p>9 described as CSR 3, so I hope this is the right one.</p> <p>10 Just looking through it, we can see at the top of</p> <p>11 the document on internal page 1, that it is dated</p> <p>12 27 June and so just before the 29th email that you were</p> <p>13 sent.</p> <p>14 It sets out the background to Mr Walgate's death, do</p> <p>15 you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Discovery of his body, talks about him being found</p> <p>18 outside Cooke Street, Barking, slumped against the</p> <p>19 entrance to his block of flats, do you see that, about</p> <p>20 four lines down?</p> <p>21 Gives his date of birth as being 1991, so that puts</p> <p>22 him his early 20s, describes him as being propped up</p> <p>23 against a bin cupboard in an open pedestrian area. Do</p> <p>24 you see that?</p> <p>25 A. I do.</p> <p style="text-align: center;">Page 66</p>	<p>1 "Suspects":</p> <p>2 "At this time the death remains unexplained."</p> <p>3 Broadly the concerns about Mr Port's account and the</p> <p>4 further contact that had been made with the MIT team was</p> <p>5 set out, wasn't it?</p> <p>6 A. I am assuming so.</p> <p>7 Q. Well, we can see here that there were concerns about</p> <p>8 whether he had given a clear account, attempts were made</p> <p>9 to relate this information to MIT 20, the team were</p> <p>10 unavailable, DC Hussain was spoken to. The comment is</p> <p>11 then made that SC&O1 involvement would be ideal for the</p> <p>12 follow reasons, further advice was sought from the</p> <p>13 on-call HAT car.</p> <p>14 Then just briefly, to take us to the end of the</p> <p>15 document, it is updated, is it not, with the</p> <p>16 consequences of Mr Port's interview on the 26th, what he</p> <p>17 had said in interview. Do you see that, that carries on</p> <p>18 over several pages onto 07 and 08?</p> <p>19 A. Hmm.</p> <p>20 Q. Is that right?</p> <p>21 A. That is the interview summary.</p> <p>22 Q. Then, just for completeness, on to internal page 10,</p> <p>23 said that he had been interviewed again on the 27th,</p> <p>24 there was not a full summary available, only</p> <p>25 a handwritten account. The intelligence was summarised</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 at the foot of page 10, noted there was a previous 2 allegation of unconsensual anal sex with a male after 3 making him take poppers. 4 Then you can see just briefly throughout the rest of 5 the document, contact with the media and I think 6 reference to the IAG member, if we look at internal 7 page 11, please, just scroll under the heading "Media", 8 towards the bottom, we can see there is a mention of 9 Bob Hodgson, I believe, the IAG member, do you see that? 10 A. I do see that, yes. 11 Q. Just dealing with this while we are here, the report on 12 Mr Walgate that you were sent on this email indicates: 13 "Mr Hodgson was regarded as a trusted partner of the 14 LGBT IAG. He had been informed in order that he may be 15 alert to any comments on the internet about this 16 investigation and be in a position to inform us of any 17 relevant information he may receive." 18 Is that right, is that how you read it? 19 A. That is how I read it, yes. 20 Q. Then, if I have this correct, I think at the end of 21 internal page 12 we see a copy of the message that was 22 sent to Bob Hodgson, "Dear Bob", is that what you 23 understand? 24 A. that is what I am reading here. 25 Q. That is the sort of email briefing that is described on</p> <p style="text-align: center;">Page 69</p>	<p>1 A. Yes. 2 Q. Did you at some point, prior to the events that we have 3 heard about today, have a discussion with Mr Ewing about 4 what had led to him sending this email? 5 A. Yes, very briefly. And it was purely from discussing 6 the case itself, shortly after -- I am sure it was the 7 same week, maybe the week after I started and very 8 simply he said, "You will be aware of a case previously 9 ..." 10 He was referring to this case, he said: 11 "We have now got everything in hand on this one, you 12 don't need to worry about it." 13 Q. The system of work though that he was talking about in 14 this email was something that he was really unhappy 15 about, isn't that what he explained to you? 16 A. Yes, that's correct. 17 Q. What he was concerned about was the concept of advice 18 being flawed, all right? 19 Is the reading that you brought to this email that 20 it was those cases that the MIT team did not take but in 21 which they gave some advice that he was concerned about? 22 A. That was my understanding from the reading of this. 23 Q. His position seemed to be, didn't it, that for those 24 cases that the MIT team did not take, but where there 25 was, as he says on the email, "any possibility of</p> <p style="text-align: center;">Page 71</p>
<p>1 internal page 11, isn't it? It is broadly putting this 2 case, Mr Walgate's death, on Mr Hodgson's radar and 3 letting him know what information was publicly available 4 and what was not going to be released to the media, is 5 that right? 6 A. Yes, that is my reading -- that is my understanding of 7 the reading from this. 8 Q. Just taking this down, presumably it is fair to assume, 9 Mr Wilson, is it, that this document having been sent to 10 you by your boss, ahead of a new job that you were 11 starting, with the specific direction, "Please read and 12 digest", that you would have at least scanned it and 13 tried to digest it? 14 A. I certainly don't recall reading the attachment. 15 I would have at some point -- obviously I would have 16 read it, but I think things overtook because 17 I understand that when eventually I did start, things 18 had moved on since that email. 19 Q. The content of Mr Ewing's email made clear that in 20 addition to the subject matter of the report itself, he 21 was concerned about the system between the borough and 22 the homicide command, wasn't he? 23 A. Yes. 24 Q. He was making clear to you that this was to be discussed 25 with him?</p> <p style="text-align: center;">Page 70</p>	<p>1 a homicide", the borough should at least be given a PIP3 2 level investigator, is that what you understood he 3 thought would be a safer system? 4 A. Yes. 5 Q. In short, it seems that he was concerned from this email 6 that advice alone was not a particularly safe way of 7 working? 8 A. No, it isn't, but it is -- you know, in principle 9 I agree with him. But it is sometimes very difficult 10 always to have PIP3 oversight on our unexplained deaths. 11 Q. Just taking that in two parts, if I may. 12 You broadly agree with him that the advice system 13 doesn't work particularly well; is that right? 14 A. It depends on the experience of the officers providing 15 advice and the expertise of the officers providing the 16 advice. But in principle, with certainly the cases that 17 we have seen, I absolutely agree they should have had 18 PIP3 oversight, but there will be other unexplained 19 deaths, because bearing in mind volume of deaths, that 20 it may not logistically be possible to have PIP3 21 oversight of every unexplained death. 22 Q. Is one of the issues about the system of advice that the 23 member of the MIT team who gives that advice doesn't 24 feel any particular sense of ownership of the case, they 25 give the advice, they expect it to be followed and</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 unless they are contacted again, they have no ownership 2 of the case, do they? 3 A. That is a difficult one to answer. I have had, you 4 know, over the years, I have had some very good advice, 5 very professional advice from the homicide teams, so 6 I can't say that as generic. 7 Q. We have heard some evidence this morning about the 8 information that you were then sent about the other 9 deaths but just before I leave Mr Walgate, when you were 10 discussing this case with Mr Ewing, do you remember him 11 making clear to you that he had made what he described 12 in evidence to us, 25 October, page 29 of the 13 transcript, he described having made an "unprecedented" 14 call to Mr Sweeney about primacy on the Mr Walgate case? 15 A. Can I just see that email that you are referring to? 16 Q. It is not an email, forgive me, it is the evidence he 17 gave here. I will just read it out, 25 October, 18 page 29: 19 "The intervention I had made [this is Mr Ewing 20 speaking] was unprecedented. I never had a conversation 21 like this prior to speaking to Mr Sweeney or after 22 speaking to Mr Sweeney." 23 He goes on to describe his efforts to secure primacy 24 on the Anthony Walgate investigation. Is that something 25 he made clear to you before you started your job?</p> <p style="text-align: center;">Page 73</p>	<p>1 cemetery wall, do you see that? 2 A. I am just trying to go through -- which line? 3 Q. About ten lines down, just above the break in the 4 paragraph. 5 A. Yes, I see now, thank you. 6 Q. He was also sat propped again west side cemetery wall, 7 is that right? 8 A. Hmm. 9 Q. Just pausing there, we have heard evidence, we don't 10 need to look at this email just now, but we have heard 11 evidence from I think two inspectors that when they are 12 performing the role of duty officer and they attend the 13 scenes of deaths, I think we have heard from two that 14 although they might regularly attend care home deaths 15 and other deaths of that nature, deaths that are 16 unexplained are perhaps two a year for each inspector, 17 that is what we have heard. 18 A. I can't -- I cannot confirm those figure, I am so sorry, 19 ma'am. That surprises me, but I can't confirm that. 20 Q. What I was going to ask you about is this, that you have 21 indicated that in your role you would expect to be made 22 aware of any death on the borough, is that right? 23 A. I would be -- I would expect to know, as my 24 superintendents know, I would expect to know about 25 deaths on the borough, yes. Following morning, not</p> <p style="text-align: center;">Page 75</p>
<p>1 A. No, in fairness. 2 So in answer to your question, no. Is it 3 unprecedented? It is unusual, but I wouldn't say it was 4 unprecedented, ma'am. 5 Q. My question is more about what he told you. 6 A. No. 7 Q. Trying to understand whether you had any sense that the 8 Anthony Walgate investigation had also involved, if 9 I can call it this, I mean no disrespect, a tussle over 10 primacy. Did you understand that the Anthony Walgate 11 case had led to a disagreement between the borough and 12 the MIT team as to who should take over? 13 A. I -- so I had heard, and whether it was from Mr Ewing or 14 somebody else, but I had heard that there had been 15 lengthy discussions between Andy Ewing and SC&O1 at the 16 time. 17 Q. The information that you were then sent about 18 Gabriel Kovari's death is I think best summarised in the 19 email at IPC81, if we can bring that up, please. This 20 was the email that we have looked at already, from 21 DS Sweetman. 22 Again, this made clear that Mr Kovari was 22 years 23 old, do you see that? 24 A. Hmm. 25 Q. He had also been found sat propped against the west side</p> <p style="text-align: center;">Page 74</p>	<p>1 necessarily at the time. 2 Q. You would be particularly interested, surely, in those 3 deaths that were unexplained? 4 A. I would be, but we -- yes, I would be, but it is any of 5 the deaths, whether it is explained, unexplained, or 6 suspicious or non-suspicious, I would want to know about 7 them all. 8 Q. The ones that might involve the HAT car or MIT team, the 9 ones that might involve these sort of disputes over 10 primacy, are surely more important for you in your role 11 than perhaps a death that was expected in a care home; 12 that must be right? 13 A. Yes, it is, but I would want also to know about deaths 14 in care homes for all the obvious reasons, ma'am. 15 Q. Of course, and I mean no disrespect by that, but if it 16 was a death in a care home that didn't raise any 17 suggestions of criminal offences of any kind, this sort 18 of case where you might be looking to the HAT team, 19 because of the note found on Daniel, for example, those 20 sorts of cases are much more important for you to be 21 aware of, aren't they? 22 A. Yes, absolutely. 23 I would want to know about them all. They are more 24 important for me then to have a probably much closer 25 sighting on.</p> <p style="text-align: center;">Page 76</p>

<p>1 Q. When you received the email at IPC81 that described 2 another young male being found propped up against the 3 cemetery wall, which we know was in relatively close 4 proximity to the Cooke Street address, did 5 Anthony Walgate's death not ring any bells with you at 6 all? 7 A. No. 8 Q. Even though this was a death that you had sent a lengthy 9 report about and that your boss had particularly flagged 10 with you before you started work, it didn't ring any 11 bells at all? 12 A. None whatsoever, in fairness, because it is a big 13 borough. And the other thing is I didn't even know 14 where Cooke Street was in relation to the cemetery, and 15 this is a failing on my part. I didn't have a ground 16 appreciation or a map appreciation of the locations. 17 Q. Can I bring up, please, IPC471, internal page 3, which 18 I think is the information you were then sent about the 19 finding of Daniel Whitworth's body on 21 September. 20 You were told I think in this, just scroll through, 21 please, to the end of it, internal page 7. You were 22 given his date of birth -- forgive me, you were given 23 Gabriel's date of birth again, so you were made aware of 24 the link with the Gabriel case, I think that is right, 25 isn't it?</p> <p style="text-align: center;">Page 77</p>	<p>1 of the jury's bundle, I know it is a little bit hard to 2 read, but this document on its face inextricably linked 3 Daniel Whitworth and Gabriel Kovari, didn't it? 4 A. Yes. 5 Q. Just to take it quite shortly, is this right that the 6 reason why you were keen to have the MIT team take over 7 primacy was because, very simply on its face this note 8 involved at least one criminal offence of manslaughter, 9 if the note was correct? 10 A. Correct. 11 Q. If the note was not correctly written by Daniel, it 12 involved potentially two murders. Is that right? 13 A. That is correct. 14 Q. There are various other permutations of what might have 15 been happened and I don't propose to go to into it in 16 any detail. I think it was put to Mr Lyons yesterday, 17 broadly that note left, I am quoting here from page 190 18 of the transcript, the proposition was put that the 19 note, the circumstances as well, "raised many unanswered 20 questions" that were best answered by the MIT team. Is 21 that right? 22 A. Yes. Well, it is best answered by an effective 23 investigation, which would have the resourcing to be 24 able to handle some of the complexities and some of 25 things that would be needed/required to progress this</p> <p style="text-align: center;">Page 79</p>
<p>1 A. That is correct. 2 Q. Going back in the document, you were made aware that 3 Daniel had been found in a graveyard in Barking, is that 4 right? We see that about three lines down, on internal 5 page 3? Do you see, "I was advised ..." 6 A. Yes. 7 Q. He had been found in a graveyard in Barking? 8 A. Yes. 9 Q. He had been described here in this document, and you 10 were given a certain amount of information about the 11 background, but on the face of it, doesn't this involve 12 a third death which is very, very similar to both 13 Gabriel's death and to Anthony's death? Did this not 14 ring any bells with you in terms of Anthony's death? 15 A. No, not at the time, I'm sorry. 16 Q. But you certainly -- I'm sorry to do it this way, you 17 certainly from this document and what you were told, 18 linked both Daniel and Gabriel, because of the note and 19 what you understood about Gabriel Klein? 20 A. That's correct. That's correct. 21 Q. Looking back, this didn't resonate with Anthony's death 22 at all, is that what you are saying? 23 A. No. 24 Q. Just turning then to the note, if I may, perhaps we can 25 try and bring it up, it is IPC14, this document, tab 20</p> <p style="text-align: center;">Page 78</p>	<p>1 investigation. 2 Q. Taking a step back, that type of investigation that you 3 have just described was more likely to occur with the 4 MIT team, wasn't it? 5 A. Yes, because they would investigate naturally murders, 6 so they would have in essence the crime scene managers, 7 access to a whole load of other things, including -- you 8 know, they would have the HOLMES, whether this would 9 have been, whether the MIT team would have done this via 10 the HOLMES database or not, I don't know, but they would 11 have had ... been able to handle far more and a much 12 more in-depth level of investigation than we would have 13 on the borough. 14 Q. They would have been better placed to have resolved for 15 Gabriel's family how it was he had come to be in the 16 graveyard, they would have been better placed to 17 identify his final movements and to complete that area 18 of evidence that still remains unanswered. Is that 19 right? 20 A. In my opinion, yes. 21 Q. They would have been better able to verify whether or 22 not Daniel and Gabriel did in fact know each other? 23 A. Yes -- not to say that that is beyond -- that kind of 24 enquiry is not beyond the remit of the borough policing 25 side, of course, you know, as per your previous question</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 but collectively all the other strands of the 2 investigation and the enquiries and all the subsequent 3 consequential enquiries and strands of investigations 4 that may arise out of that, it is far best placed within 5 a homicide team in my humble opinion. 6 Q. You quite rightly had alighted upon the discrepancy in 7 the note, as you describe it, being -- there is 8 reference to a party at a mate's place and then, as you 9 know, Gabriel was found in the graveyard, so I think one 10 of the discrepancies that you were particularly 11 concerned about was how he had got there from the mate's 12 house, is that right? 13 A. Correct. The implication being there might have been 14 other people involved as well. Just simply because it 15 takes a lot to move a body. 16 Q. Again, even working on the hypothesis that Daniel had in 17 fact accidentally taken Gabriel's own life, what you 18 have alighted on there is the realistic possibility that 19 there were other suspects aside from Daniel, is that not 20 right? 21 A. Very possibly. 22 Q. The note itself, on its face, also referred, did it not, 23 to the person that the writer of the note was saying 24 that they had had sex with the night before and was 25 saying, wasn't it, that this is nothing to do with that</p> <p style="text-align: center;">Page 81</p>	<p>1 Q. Not to your satisfaction, but had been dealt with prior 2 to the gold group, is that right? 3 A. That's correct. 4 Q. You have explained how you tried to escalate it as best 5 you could. Is it therefore fair to say that when we 6 look at the gold group minutes, IPC43, what we are 7 looking at is you then trying to deal with the situation 8 where primacy is remaining on the borough? 9 A. Correct. 10 Q. And at gold group level dealing with the neighbourhood 11 type issues that might also arise? 12 A. Yes, so primacy -- so to be clear, primacy remaining on 13 the borough but with ... supported by homicide team 14 advice. 15 Q. The role of Amanda Driscoll, I think on the gold group, 16 DMC, just remind us please what that stands for, it is 17 media something is it? 18 A. Directorate of Media and Communications and it is 19 basically press bureau. It's marketing, media and 20 communications, internal and external. 21 Q. She was tasked, on internal page 2, with keeping an eye 22 on what was on Facebook and Twitter about this 23 investigation, is that right? 24 A. May I just see where you are? 25 Q. Just above the heading, number 7, she was tasked with</p> <p style="text-align: center;">Page 83</p>
<p>1 man, effectively? 2 A. Yes. 3 Q. That in itself, just taking a step back, to write a note 4 that essentially says I am taking my own life, because 5 I have inadvertently taken my friend's life, which 6 itself is an astonishingly unusual set of facts, but 7 then to go on to say in the note, "But by the way, it is 8 nothing to do with the man I had sex with last night" 9 adds a whole new layer of questions to that note, 10 doesn't it? 11 A. One would have thought so, yes. 12 Q. Again, the MIT team would be better placed -- not 13 uniquely placed but better placed to try and understand 14 the significance of that? 15 A. Yes, better placed but, as you say, not uniquely because 16 again it is within the borough policing remit, they 17 should be able to -- we should be able to, the CID 18 should be able to do that but they would be better 19 placed to pull those strands together, because of their 20 focus. 21 Q. The gold group meeting that took place, just to take it 22 quite shortly, if I may, I think chronologically your 23 position is that the decision on primacy had largely 24 been resolved or dealt with? 25 A. Correct.</p> <p style="text-align: center;">Page 82</p>	<p>1 looking into the Facebook and Twitter community 2 surrounding the investigation. 3 A. Yes, so it is rather loosely worded that, I have to 4 confess, but it is in essence if there is anything that 5 she could glean from Facebook or Twitter and the social 6 media platforms that might support that. 7 Q. She was also tasked, I think, with finding out what 8 information the press already had. If you just look to 9 line before it, is that right? 10 A. Yes. 11 Q. You were trying to understand what was already in the 12 public domain, but also, I think, is the expectation 13 that some of her work would be to see if there was any 14 helpful chatter, if you can call it that, on the 15 internet? 16 A. Correct. 17 Q. Do you know whether or not she did carry out those 18 enquiries and what they were? 19 A. I can't recall, no, I am so sorry. 20 Q. The other community aspects that we have heard about 21 involved, as you see, we have already heard mention of 22 Ms Rogers, I think Inspector Joyce mentioned her, 23 arranging for homeless shelters to be visited. Again 24 she was charged with, if we look at the top of page 3, 25 looking at intelligence around use of the drug, that was</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 G I think, understood to be G by this point, find about 2 the effects of the drug and the effects of the drug 3 combined with drain cleaner. Was that information you 4 had been given by somebody attending the meeting? 5 A. That would have been. 6 Q. Is that something you have ever come across, G being 7 mixed with drain cleaner? 8 A. I have to confess, no, not at that time. 9 Q. Did you yourself have very much knowledge of the use of 10 G? 11 A. No, I did not. 12 Q. Isn't that exactly the sort of thing that engagement 13 with the LGBT community might have led to you getting 14 more information about? 15 A. Yes, it would have. At that time, as I understand it, 16 the assumption was it wasn't only just used by the LGBT 17 community, but it did have a wider use but in the 18 context -- so this is where I was learning a lot from 19 there, but I do agree, engagement with the LGBT 20 community would have certainly assisted that greatly. 21 Q. Just to be clear, that engagement could have taken 22 a range of forms, it could have included the IAG, 23 Mr Hodgson, who we have seen, that is one element of 24 a formal structure the Met has to engage with the LGBT 25 community, is that right?</p> <p style="text-align: center;">Page 85</p>	<p>1 months, so it would be difficult for me to say at that 2 point. 3 Q. All the things that you have just described, the LGBT 4 officers, the Met's own IAG, are formal, if you like, 5 systems within the Met but are you aware that Barking 6 also had a LGBT forum within its own community, did you 7 know about that or not? 8 A. I wasn't at the time. 9 Q. But I think you have accepted in evidence today that 10 going down that route and seeking that sort of advice is 11 something that should have happened? 12 A. I agree, yes, absolutely. 13 Q. I think it is right, isn't it, and I don't know if you 14 can help with this, that when we look across all three 15 deaths that we have now heard about, beyond that sort 16 engagement with Mr Hodgson, I don't think we do see any 17 substantive engagement with the LGBT community. Is that 18 fair? 19 A. At that time, that is correct. 20 Q. The evidence that you have given today to the families, 21 about the nature of the investigation that followed, 22 I think in answer to questions from the learned 23 coroner's counsel, you talked about the investigation 24 into Gabriel's case and my note is that you totally 25 agree that it was deeply unsatisfactory and you</p> <p style="text-align: center;">Page 87</p>
<p>1 A. It is one option. 2 Q. I think we have seen already that involvement with the 3 IAG is recognised in critical incidents as a mandatory 4 thing to do in those sort of cases. Does that sound 5 right to you? 6 A. Yes, we would -- normally one of my early phone calls 7 would normally be to a member or the relevant member of 8 an independent advisory group, depending on what we are 9 dealing with. 10 Q. But they can provide advice and support on particular 11 issues, is that fair? 12 A. Oh yes, they are invaluable. 13 Q. Perhaps in a different way, the Met Police also have 14 LGBT officers, don't they, who are officers within the 15 police that liaise with LGBT groups and operate perhaps 16 in a different way to the IAG, isn't that fair? 17 A. So, yes, we do, I have got a very good network of 18 different -- officers who represent different elements 19 of the community, including LGBT and of course the Met 20 has its own IAG and has its own strategic LGBT liaison. 21 Q. Can you recollect now, it doesn't matter if you cannot, 22 please say, whether in 2014 the LGBT officers' network 23 in Barking was very effective? 24 A. Difficult to recollect. Bearing in mind I only had been 25 on the command at that time for coming up to three</p> <p style="text-align: center;">Page 86</p>	<p>1 apologised. 2 Is the thrust of your evidence that once the gold 3 group had taken place, really, what the borough were 4 then doing was supporting a coroner's investigation? 5 A. That is -- yes, that was right. We were not doing 6 a homicide investigation, because it wasn't being 7 treated as homicide. 8 Q. Just to try and take this in stages. There is the MIT 9 team investigation into a homicide, correct? 10 A. Correct. 11 Q. There is a borough team investigation into a homicide, 12 and then there is a borough investigation to support 13 a coroner, which are quite different things, is that 14 what you are saying? 15 A. No, it is not. 16 Q. It is not? 17 A. So the borough was not investigating a homicide, because 18 at that stage they were still treating it as 19 an unexplained death. It should have been treated as 20 a proper homicide investigation. From the outset, with 21 primacy, and which I am sure has been discussed several 22 times over. 23 But the posture at that time is that we were not 24 investigating a homicide, the CID team were not 25 investigating, at that stage, as a homicide. They were</p> <p style="text-align: center;">Page 88</p>

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<p>1 still trying to ascertain a number of enquiries, which 2 may or may not then have led to, "Gosh, this is 3 a homicide, we now need to hand primacy over", or we 4 continue to support the coroner's -- the coroner's 5 enquiries.</p> <p>6 Q. But the primary thinking, we can see from IPC43, 7 internal page 1, at the time of the gold group was that 8 the first thing on the list of the terms of reference 9 for the gold group, if we go to internal page 1, was to 10 support the forthcoming inquest, that seems to be the 11 primary steer, doesn't it?</p> <p>12 A. Correct, it is, it was.</p> <p>13 Q. You have already explained, I think, to the jury that 14 the focus of a coroner's investigation are those four 15 questions, who the deceased was, how, when and where 16 they died?</p> <p>17 A. Correct.</p> <p>18 Q. Those are quite different questions to what would be 19 addressed in a MIT-led homicide investigation, aren't 20 they?</p> <p>21 A. Yes, in essence, in a MIT-led homicide investigation you 22 are then searching for suspects.</p> <p>23 Q. When you have described the investigation into Gabriel's 24 death this morning, if I have understood it, as deeply 25 unsatisfactory, do you extend that into the</p> <p style="text-align: center;">Page 89</p>	<p>1 A. Not in the week leading up to the gold group.</p> <p>2 Q. During the week that you held the gold group, forgive 3 me.</p> <p>4 A. During the week I held the gold group, I recall vaguely 5 somebody had mentioned another death that had happened 6 within the community. The only thing I recall from that 7 is so how do you then -- how do you connect that with 8 the two -- as my recollection was, and they couldn't 9 connect ... couldn't make the connection.</p> <p>10 Q. Can you recollect now who that person was?</p> <p>11 A. No, I can't. I am so sorry.</p> <p>12 Q. Can you recollect the context in which this conversation 13 took place?</p> <p>14 A. No, I can't. Obviously where my office was, people 15 would pass, et cetera, and it would have been a member 16 of the CID team, but I can't remember any further than 17 that.</p> <p>18 Q. You cannot then remember what level of seniority within 19 the CID team this person was?</p> <p>20 A. No, I can't.</p> <p>21 Q. We saw some evidence last week when Inspector Joyce gave 22 evidence about the follow up to the gold groups, it is 23 my final topic, please.</p> <p>24 After the gold group meeting took place, I think, as 25 we have seen, there were various community lines being</p> <p style="text-align: center;">Page 91</p>
<p>1 investigation into Daniel's death as well?</p> <p>2 A. Yes.</p> <p>3 Q. You were asked I think to provide a further witness 4 statement, could I just bring up, please, MPS720, 5 internal page 1, because you were asked to clarify 6 whether anybody at the gold group raised Anthony's 7 death, and you said this, in internal paragraph 2: 8 "I have a recollection of a recent previous death 9 being mentioned verbally to me during the week I held 10 the gold group. I could not say for definite whether 11 this was raised during the gold group or another time 12 during that week. When this previous death was 13 mentioned to me, I recall that there was no mention of 14 how this previous death could be connected to the deaths 15 of Mr Kovari and Mr Whitworth. I regret I do not recall 16 the name of the deceased that was mentioned, but it 17 could have been a reference to Mr Walgate or another 18 deceased."</p> <p>19 You go on to say that you are struggling to remember 20 because there were other deaths within the borough, but 21 just pausing there, looking at your statement, does it 22 sound then that you have a recollection, just trying to 23 do the best you can, in the week leading up to the gold 24 group, somebody said something to you about another 25 death?</p> <p style="text-align: center;">Page 90</p>	<p>1 explored, if you like, around homeless issues, around 2 the GHB issue and so on.</p> <p>3 Can I bring up, please, MPS835, which is an email, 4 in fairness, not from you, but talks about you. So 5 I would just like to see if you can help us with this.</p> <p>6 If you go to the bottom of internal page 1, please, 7 we see the beginning of the email chain, it is 8 22 September, in fact we can see it is the second email 9 I need to talk to you about. It is at 5.43, do you see 10 that? It is an email being sent by Inspector Joyce to 11 a series of other people within the borough; do you see 12 that?</p> <p>13 A. Yes, if you just scroll down, thank you.</p> <p>14 Q. Can you carry on down, he says: 15 "I have just come from a gold group in relation to 16 Daniel Whitworth." 17 He talks about the overdose of GHB: 18 "It would appear he has taken an overdose of GHB and 19 sleeping tablets, this death is linked to the other 20 death we had last month [that is Gabriel]. It appears 21 that Daniel and the other chap had been involved in 22 a sexual relationship ... the reason for my email 23 Superintendent Wilson is concerned about the community 24 feelings about the area becoming known as a haven for 25 gay sex, even dogging and rough sleepers."</p> <p style="text-align: center;">Page 92</p>

<p>1 And goes on to talk about linking in with a homeless 2 charity.</p> <p>3 Just pausing there, when Mr Joyce was asked 4 questions by me about this last week, he suggested that 5 this email had been sent as a result of what your 6 concerns were and that is what the face of the email 7 suggests.</p> <p>8 Were you concerned about the area becoming known as 9 a haven for gay sex and even dogging?</p> <p>10 A. I was concerned about the public -- so the public 11 concerns were it was being used as a public sex 12 environment and that was -- that would have been 13 a phrase, I would have been familiar with that phrase 14 then. I confess I do not use the phrase "dogging", it 15 is a very base phrase. It is not a phrase that I use 16 but the phrase I would have used is a public sex 17 environment.</p> <p>18 Q. Is this because you were concerned about the area of 19 Barking generally or about the area where the bodies had 20 been found or what? What was the area you were 21 concerned about?</p> <p>22 A. Gosh, I can't recollect at the time. I think at the 23 time the cemetery itself was subject to complaint by 24 being used by rough sleepers, alcohol abuse, drug abuse, 25 public sex, et cetera, so that was, my vague, vague</p> <p style="text-align: center;">Page 93</p>	<p>1 that you had a discussion with the OCU commander for 2 SC&O1 as to primacy.</p> <p>3 A. Correct.</p> <p>4 Q. All right?</p> <p>5 If we can have up MPS591, please, you have been 6 taken to this already, page 4, paragraph 15. You have 7 said in the middle of the paragraph, in your attempt to 8 get them to accept primacy, in parenthesis, you felt 9 they should take primacy because of their expertise and 10 additional resources, to keep it short. Is that fair?</p> <p>11 A. We had a note that suggested that there is a homicide.</p> <p>12 Q. And they are the specialists?</p> <p>13 A. They are the specialists. It is a homicide at the end 14 of day, there were a number of unexplained things, as 15 has already been articulated, unexplained elements on 16 this. Yes, I did feel they should have taken primacy at 17 that time.</p> <p>18 Q. To cut to the chase, you say:</p> <p>19 "I recall the view from this officer [the OCU 20 commander from SC&O1] was that although there was 21 an apparent confession to involvement in Mr Kovari's 22 death, Mr Whitworth was deceased, so there were no 23 suspects outstanding ..."</p> <p>24 That was the major factor, wasn't it, for SC&O1 25 being communicated back to you, that, effectively, the</p> <p style="text-align: center;">Page 95</p>
<p>1 recollection, so that did come up at the gold group. So 2 it is quite natural that Mark would have taken away some 3 actions around that.</p> <p>4 Q. I think you would agree though on the face of note, the 5 note did not seem to suggest that Daniel and Gabriel had 6 had sex in the graveyard, is that right?</p> <p>7 A. Yes, I don't read that into the note, unless I have 8 misread the note.</p> <p>9 Q. But you were somehow of the view that the finding of 10 Daniel and Gabriel's body led to a concern about -- is 11 this your concern, gay sex, even dogging, or is it 12 really just dogging?</p> <p>13 A. So it would be its use as a public sex environment 14 generally.</p> <p>15 Q. Yes.</p> <p>16 A. That was just as a consequence, because bearing in mind 17 it is a gold group, so we explore on the wider issues 18 and that was one of issues around the use of cemetery 19 and the surrounding areas.</p> <p>20 MS HILL: Thank you.</p> <p>21 Questions from MR DAVIES</p> <p>22 MR DAVIES: I am asking questions on behalf of some of the 23 borough officers.</p> <p>24 Just some points of detail, please. On 25 22 September 2014, the Monday, you have given evidence</p> <p style="text-align: center;">Page 94</p>	<p>1 suspect for any homicide was himself dead?</p> <p>2 A. Correct.</p> <p>3 Q. You set up a gold group, and the context for the gold 4 group was that there was to be at the initiative, it is 5 said, of SC&O1, a special post mortem the following day, 6 the 23rd. No one from SC&O1 either attended or phoned 7 into that gold group.</p> <p>8 Did you receive any explanation from SC&O1 on the 9 22nd as to their non-participation?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Did it surprise you?</p> <p>12 A. It did, but the explanation might have gone in at 13 DCI Kirk's level or at a lower level. I am sure there 14 would have been an explanation given, but I personally 15 did not receive an explanation.</p> <p>16 Q. Might it have been that, as explained to you in terms of 17 primacy, with no living suspect they didn't wish to take 18 the investigation on?</p> <p>19 A. That may have well been the case, but that is in 20 fairness a case for SC&O1.</p> <p>21 Q. Finally this, you have addressed some of your answers in 22 terms of the potential Kovari homicide, but does your 23 analysis apply equally to Daniel Whitworth's death, 24 really treating the two as a single investigation?</p> <p>25 A. The -- to my mind, they would have to treat both</p> <p style="text-align: center;">Page 96</p>

<p>1 investigations together, because if the note was found</p> <p>2 subsequently to be false, which we now know it is, then</p> <p>3 you have got a double homicide. So my view was you have</p> <p>4 to look at both. That was my view at the time, and</p> <p>5 still remained.</p> <p>6 Q. Yes. Coming out of that gold group, the atmosphere was</p> <p>7 that this was borough -- the posture, as you have put</p> <p>8 it, was, "We were not investigating as a homicide"?</p> <p>9 A. That is correct.</p> <p>10 MR DAVIES: Thank you.</p> <p>11 Questions from MR ATCHLEY</p> <p>12 MR ATCHLEY: I ask questions on behalf of Inspector Kirk.</p> <p>13 Can you help me please just put some matters in</p> <p>14 context, time and place wise. We know on Saturday, the</p> <p>15 20th Daniel's body was found.</p> <p>16 Sunday, the 21st according to the HAT note, it is</p> <p>17 written on that day, correct? Is that correct?</p> <p>18 A. Your question is? I am so sorry.</p> <p>19 Q. Sorry, on Sunday, the 21st, according to the outside of</p> <p>20 document, the HAT note report was written?</p> <p>21 A. Yes, according to the documentation.</p> <p>22 Q. Yes. In it, at page 4 if you wish to look at it, it's</p> <p>23 IPC11, but I think we have been there already, it is</p> <p>24 said that the writing had been identified?</p> <p>25 A. That is what was said on the note.</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. Did you read Martin's Kirby's email on the Sunday?</p> <p>2 A. I did, yes.</p> <p>3 Q. He says quite clearly, does he not, that Daniel's</p> <p>4 handwriting has been identified by his father and,</p> <p>5 perhaps more importantly, that it is distinctive?</p> <p>6 A. So I have then registered that, obviously on the Monday,</p> <p>7 but for whatever reason, I either didn't read it</p> <p>8 properly or otherwise but I hadn't registered that on</p> <p>9 the Sunday.</p> <p>10 Q. Anyone who had read it carefully would have realised by</p> <p>11 the Monday, either from that email or from the HAT</p> <p>12 report, or both, that the handwriting had been seen to</p> <p>13 be Daniel's?</p> <p>14 A. Correct.</p> <p>15 Q. Yes. You see when you, I suggest, and Inspector Kirk</p> <p>16 were discussing the forensication, you were aware that</p> <p>17 it had already been identified by the family?</p> <p>18 A. I was made aware on the Monday.</p> <p>19 Q. Yes, and that was the day, just either before the gold</p> <p>20 group at 4.00 or just after --</p> <p>21 A. Correct.</p> <p>22 Q. -- that you discussed the question of further</p> <p>23 forensication?</p> <p>24 A. We discussed it, yes.</p> <p>25 Q. Thank you.</p> <p style="text-align: center;">Page 99</p>
<p>1 Q. That's right. Monday the 22nd, at 7.30 in morning, you</p> <p>2 email Inspector Kirk and ask him to get HAT to attend</p> <p>3 the gold group meeting?</p> <p>4 A. Correct.</p> <p>5 Q. That is due to take place and does take place at 4.00 on</p> <p>6 the Monday, yes?</p> <p>7 A. Correct.</p> <p>8 Q. Also on the Monday, either before or after --</p> <p>9 Inspector Kirk is not quite sure -- the gold group, you</p> <p>10 speak to him about forensicating the note?</p> <p>11 A. Correct.</p> <p>12 Q. When you do so, you know from the HAT report and also</p> <p>13 from Martin Kirby's email of Sunday, 21st, that Daniel's</p> <p>14 writing, or the handwriting, had been identified as</p> <p>15 Daniel's and distinctive?</p> <p>16 A. So, in fairness, yes, it is in the documentation but for</p> <p>17 whatever reason I hadn't registered that just in my own</p> <p>18 mind. Either I had skim read or it just had not sunk in</p> <p>19 at that point.</p> <p>20 Q. It was in the -- I say public, it was in the arena in</p> <p>21 two respects.</p> <p>22 A. You are correct, but it is not, for whatever reason</p> <p>23 I don't recall registering that on the Sunday or indeed</p> <p>24 on the Monday, on the Monday. Because I do remember</p> <p>25 discussing it at great length on the Monday.</p> <p style="text-align: center;">Page 98</p>	<p>1 You, moving on to a second point, took on the role</p> <p>2 of contacting SC&O1 OCU commander after at that meeting,</p> <p>3 didn't you?</p> <p>4 A. Correct.</p> <p>5 Q. Thank you. You didn't escalate his refusal, did you?</p> <p>6 A. No.</p> <p>7 Q. As you very fairly said earlier, that is something you</p> <p>8 now regret?</p> <p>9 A. Correct.</p> <p>10 MR ATCHLEY: Thank you very much, those are my questions.</p> <p>11 Questions from MR MORLEY</p> <p>12 MR MORLEY: Good afternoon, officer, I represent Mr Sweeney.</p> <p>13 I just have some questions to clarify one point, please,</p> <p>14 if I may. It is about a paragraph that is in your</p> <p>15 statement, could ask for that on the screen, please, it</p> <p>16 is MPS591, internal pagination 4.</p> <p>17 It is paragraph 17 at the bottom of the page, chief</p> <p>18 superintendent, that I would like to you look at,</p> <p>19 please. It is the paragraph that seems to be explaining</p> <p>20 why you didn't escalate this, the question of primacy,</p> <p>21 to more senior officers. Do you see that?</p> <p>22 A. I do.</p> <p>23 Q. Having had your conversation with the OCU commander, it</p> <p>24 was an option available to you to go to somebody more</p> <p>25 senior, chief superintendent or a commander.</p> <p style="text-align: center;">Page 100</p>

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<p>1 A. It was an option, but I didn't exploit it.</p> <p>2 Q. Does paragraph 17 explain why you didn't do that?</p> <p>3 A. Yes, it does.</p> <p>4 Q. There seem to be four reasons why you didn't do that.</p> <p>5 You tell me if I am wrong, but the first detailed in the</p> <p>6 second sentence is that, in all of your years of</p> <p>7 policing, it is, "not uncommon to encounter disputes</p> <p>8 regarding primacy for cases where the circumstances are</p> <p>9 not as apparent as they could be".</p> <p>10 The first explanation there is that it is not</p> <p>11 uncommon to have professional disputes with colleagues</p> <p>12 about what should be done?</p> <p>13 A. Correct.</p> <p>14 Q. The second reason you set out there are:</p> <p>15 "The circumstances as they were presented at the</p> <p>16 time were unexplained rather than suspicious."</p> <p>17 Was that your view at the time?</p> <p>18 A. As was explained to me, at the gold group, it is</p> <p>19 probably clumsy wording, but yes.</p> <p>20 Q. Your third reason, at the bottom of the page there, is</p> <p>21 that on the face of it, there was a suicide note that</p> <p>22 outlined the circumstances and there was no indication</p> <p>23 at that time of the involvement of other parties.</p> <p>24 Was that your third reason for not escalating this</p> <p>25 any further?</p> <p style="text-align: center;">Page 101</p>	<p>1 fact made until early afternoon to DCI Lyons to actually</p> <p>2 attend?</p> <p>3 A. I wasn't aware of that.</p> <p>4 Q. If I just call up on screen, so you can see, MPS000831.</p> <p>5 If you just take a moment to acquaint yourself with</p> <p>6 the email, please, that is from Mr Kirk to Stuart Denley</p> <p>7 and Cliff Lyons.</p> <p>8 A. I see that I am cc'd into that, so I say I wasn't aware</p> <p>9 but I clearly am.</p> <p>10 Q. It is not a memory test, Mr Wilson. You can probably</p> <p>11 see from that that that is when the request is made, so</p> <p>12 almost five hours later there is a request made, and to</p> <p>13 be fair to him, Mr Lyons I think said yesterday that he</p> <p>14 wouldn't have read that, necessarily, that afternoon.</p> <p>15 He may have read it afterwards, and that may explain why</p> <p>16 he didn't attend.</p> <p>17 A. Very possibly, but I can't remember the explanation</p> <p>18 given to me as to why they were not attending.</p> <p>19 Q. Were you still aware that CID were liaising with MIT in</p> <p>20 any event?</p> <p>21 A. I was, yes.</p> <p>22 Q. For example, to attend the special post mortem the next</p> <p>23 morning?</p> <p>24 A. That is a bit of detail that I can't recall, but I am</p> <p>25 sure there is a whole load of things that they were</p> <p style="text-align: center;">Page 103</p>
<p>1 A. As I put it in my statement, yes, and this was</p> <p>2 a discussion I would have had with SC&O1.</p> <p>3 Q. Thank you.</p> <p>4 Your fourth reason, going over the page, top of</p> <p>5 internal pagination 5, was this at the time you had some</p> <p>6 reassurance knowing that SC&O1 would have had support to</p> <p>7 the borough investigating officers?</p> <p>8 A. Correct.</p> <p>9 Q. That was your forth reason for not escalating it?</p> <p>10 A. Correct.</p> <p>11 Q. You were not very happy with the decision, but for these</p> <p>12 reasons you decided to leave it there?</p> <p>13 A. Correct.</p> <p>14 MR MORLEY: Thank you, officer.</p> <p>15 Questions from MR SKELTON</p> <p>16 MR SKELTON: Thank you, Mr Wilson. I ask questions on</p> <p>17 behalf of the Metropolitan Police.</p> <p>18 Can I ask you just first of all about the issue of</p> <p>19 SC&O1 participation at the gold group?</p> <p>20 A. Hmm.</p> <p>21 Q. I think you have reminded the jury that you wrote</p> <p>22 an email at 7.30, or thereabouts, on the morning of the</p> <p>23 day of the gold group, saying you wanted them to attend?</p> <p>24 A. That's correct.</p> <p>25 Q. Were you aware that in fact the email request was not in</p> <p style="text-align: center;">Page 102</p>	<p>1 liaising about at the time.</p> <p>2 Q. Thank you. Can I just ask you about another paragraph</p> <p>3 in your statement to do with the overall conclusion that</p> <p>4 the gold group reached and you, as chair, reached. It</p> <p>5 is at MPS000591, page 5, please, paragraph 20.</p> <p>6 If you just take a moment just to reacquaint</p> <p>7 yourself again with at that paragraph, please,</p> <p>8 Mr Wilson.</p> <p>9 A. Correct.</p> <p>10 Q. Is it fair to say that you had some reservations about</p> <p>11 these deaths, as you have explained in detail over the</p> <p>12 last couple of hours, but that ultimately you bowed to</p> <p>13 the expertise of your own detectives and indeed</p> <p>14 implicitly to the MIT's detectives, including --</p> <p>15 A. That's correct.</p> <p>16 Because that is -- as the gold group, that is what</p> <p>17 I am being told at the gold group and the rationale</p> <p>18 around the gold group. At the end of the day, I am not</p> <p>19 the senior investigating officer, I am the deputy</p> <p>20 borough commander and we run the gold group, we try to</p> <p>21 achieve the best outcomes across a number of different</p> <p>22 strands at a gold group level.</p> <p>23 Q. Is it your recollection, as you say there, that your</p> <p>24 borough, your senior detective, reiterated the point</p> <p>25 that this was not a murder investigation --</p> <p style="text-align: center;">Page 104</p>

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<p>1 A. That's correct.</p> <p>2 Q. -- that the general feeling that this was not</p> <p>3 a suspicious death?</p> <p>4 A. That is -- I can't remember saying it is not suspicious,</p> <p>5 but definitely it was very firm that we are not</p> <p>6 investigating a murder.</p> <p>7 Q. Was the expectation then, going forward from the gold</p> <p>8 group, that the borough CID team would continue to</p> <p>9 investigate the death?</p> <p>10 A. Yes.</p> <p>11 Q. Mr Kirk, I think, emailed you, had emailed you earlier,</p> <p>12 to make that clear after the discussion of primacy had</p> <p>13 already gone on, I think with DS Turrell?</p> <p>14 A. Yes. I think so. Which email are you referring to?</p> <p>15 Q. IPC000218. You were asked about this earlier, by</p> <p>16 Ms Collier.</p> <p>17 If you remember, you were forwarded an email that</p> <p>18 had gone on between DS Turrell and Mr Kirk?</p> <p>19 A. Thank you, yes.</p> <p>20 Q. In which he told you that she had said they were not</p> <p>21 taking on the investigation?</p> <p>22 A. Yes, sent from -- by Debbie Turrell to Tony Kirk at</p> <p>23 10.52, and then forwarded on to me at 12.40.</p> <p>24 Q. Yes.</p> <p>25 A. Thank you.</p> <p style="text-align: center;">Page 105</p>	<p>1 Q. Is it fair to say that, in effect, what Mr Denley is</p> <p>2 doing there, is advising borough CID to do a proper</p> <p>3 investigation, to rule out unlawful killing?</p> <p>4 A. My only observation of that is if it turns out to be</p> <p>5 unlawful killing, the case of primacy then changed. So</p> <p>6 the primacy will alter.</p> <p>7 Q. Yes, but -- can I come onto that as an issue in</p> <p>8 a moment, but just pausing there, is it fair to say that</p> <p>9 what Mr Denley is doing is trying to encourage a degree</p> <p>10 of caution and care on the part of the borough in terms</p> <p>11 of its investigation?</p> <p>12 A. Yes, he is. That's clear.</p> <p>13 Q. Is that the kind of advice that you would expect to be</p> <p>14 followed?</p> <p>15 A. I would have hoped so, because that is what the homicide</p> <p>16 advice does.</p> <p>17 Q. Going back to the point that you made, was it open to</p> <p>18 the borough CID, as their investigation evolved and</p> <p>19 resulted in evidence, to re-evaluate the issue of</p> <p>20 primacy and go back to the MIT and say, "Now we think</p> <p>21 you should take it"?</p> <p>22 A. Yes, that is always the case, so that is my</p> <p>23 understanding, that has also been my experience.</p> <p>24 Q. As you may be aware, as Mr Lyons accepted yesterday,</p> <p>25 there are a number of ways in which that might have</p> <p style="text-align: center;">Page 107</p>
<p>1 Q. As far as you were concerned leaving the gold group,</p> <p>2 this remained a borough investigation?</p> <p>3 A. Correct.</p> <p>4 Q. Were you aware about any of the steps that were taken by</p> <p>5 the borough to continue to investigate it, so, for</p> <p>6 example, the attendance at the special post mortem, the</p> <p>7 CCTV investigation, the attempts to get call data, the</p> <p>8 statements taken from Mr Pape and Mr Waumsley?</p> <p>9 A. I would have been made aware of that at the time.</p> <p>10 I can't recollect the detail now in fairness, I've got</p> <p>11 no documentary evidence referring into that, but I would</p> <p>12 have been briefed on that at the time.</p> <p>13 Q. Were you also aware that there was continuing engagement</p> <p>14 with the MIT, at least until 25 September?</p> <p>15 A. I would certainly hope that, because that is what I was</p> <p>16 reassured by at the gold group.</p> <p>17 Q. Can I ask you just briefly to look at an email that</p> <p>18 Mr Denley was shown yesterday, which is contact between</p> <p>19 him -- he was the junior MIT officer who was in contact</p> <p>20 with the CID team. It is IPC000263, page 3, please.</p> <p>21 This is Stuart Denley, emailing Rolf Schamberger at</p> <p>22 the borough. If you just take a moment, please to read</p> <p>23 that. This is not something you will have come across,</p> <p>24 but I just wanted to acquaint you with it, please.</p> <p>25 A. Thank you.</p> <p style="text-align: center;">Page 106</p>	<p>1 happened, so, for example, if the handwriting had been</p> <p>2 confirmed as being someone other than Daniel's, or if it</p> <p>3 had been confirmed that Daniel and Gabriel had not in</p> <p>4 fact, or could not have had contact with each other,</p> <p>5 those are the kind of things that would have triggered</p> <p>6 primacy?</p> <p>7 A. I would certainly hope so.</p> <p>8 Q. As far as you were aware, did it ever occur that the</p> <p>9 borough went back to the MIT and said, "We have got some</p> <p>10 useful information now, can you re-evaluate this</p> <p>11 situation, please"?</p> <p>12 A. I would hope if they were in possession of that</p> <p>13 information, that would have happened and I would have</p> <p>14 hoped that I would have been informed about it.</p> <p>15 Q. So, by inference, the fact that you haven't been</p> <p>16 informed about it means it never happened?</p> <p>17 A. By inference, yes.</p> <p>18 Q. Thank you, Mr Wilson.</p> <p>19 Is there anything else you would like to say in</p> <p>20 closing your evidence?</p> <p>21 A. I would like to apologise to the families. And I have</p> <p>22 to say investigations on behalf of the borough police,</p> <p>23 at the time what we did was substandard and I can't even</p> <p>24 begin to think what you may be going through at the</p> <p>25 moment. So my apologies to you. I hope, you know, in</p> <p style="text-align: center;">Page 108</p>

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<p>1 the future that somehow there can be a reconciliation</p> <p>2 with what we have done and the failings there, but going</p> <p>3 forward we have learnt a lot from that and I hope today</p> <p>4 that certainly the way we investigate deaths et cetera,</p> <p>5 we are in a far better place, but please accept my</p> <p>6 sincere apologies.</p> <p>7 Thank you.</p> <p>8 Q. Mr Wilson, just to be clear, are you including</p> <p>9 Mr Waumsley within your --</p> <p>10 A. Mr Waumsley as well, yes, I am sorry I did not omit</p> <p>11 that, that was my mistake, but also to Ricky Waumsley as</p> <p>12 well.</p> <p>13 MR SKELTON: Thank you.</p> <p>14 MS COLLIER: I have no further questions at this moment.</p> <p>15 Questions from THE JURY</p> <p>16 THE CORONER: There are one or two questions from the jury,</p> <p>17 I am only going to ask you ones at that are in your</p> <p>18 sphere.</p> <p>19 Firstly this: do you believe that the back and forth</p> <p>20 of the question of primacy caused a lack of focus on the</p> <p>21 main objective, getting to the bottom of these cases?</p> <p>22 A. It is a good question.</p> <p>23 No, because I think there was also a lot of work</p> <p>24 going on in the background in order to establish what</p> <p>25 else was going on, because the issue of primacy was very</p> <p style="text-align: center;">Page 109</p>	<p>1 with Gabriel Kovari's body. We are going to hear some</p> <p>2 more evidence about that from Mr Richards in due course,</p> <p>3 so can I ask you to be patient in that regard but one of</p> <p>4 notes does refer to Mr Kovari's note "being in a clear</p> <p>5 plastic folder", that is wrong, it wasn't in a clear</p> <p>6 plastic folder, so I just wanted to put that to one side</p> <p>7 and make sure you were not under that misapprehension at</p> <p>8 this stage, but we are going to hear more evidence about</p> <p>9 that.</p> <p>10 Thank you.</p> <p>11 Yes, Mr O'Connor.</p> <p>12 MR O'CONNOR: Madam, I am grateful. We will now hear</p> <p>13 evidence from a witness from whom the jury have heard</p> <p>14 before, and that is Detective Inspector Kirk. He is</p> <p>15 going to give evidence by video-link, so I am rather</p> <p>16 hoping that he is going to appear on our screens.</p> <p>17 There we are. As easy as that.</p> <p>18 MR TONY KIRK (continued)</p> <p>19 Questions from MR O'CONNOR</p> <p>20 MR O'CONNOR: Mr Kirk, I hope you can hear me?</p> <p>21 A. Yes, I can.</p> <p>22 Q. As I have just mentioned to the Jury, Mr Kirk, you gave</p> <p>23 evidence in this court a couple of weeks ago now, and as</p> <p>24 you will be aware you are still under oath, do you</p> <p>25 understand that?</p> <p style="text-align: center;">Page 111</p>
<p>1 much at, you know, Tony Kirk's level and my level.</p> <p>2 THE CORONER: Do say if you don't feel this is a question</p> <p>3 that you can answer but it reads: was the fact that</p> <p>4 Gabriel was a foreign national and also the case that</p> <p>5 his body had already left the country any reason behind</p> <p>6 the lack of follow up regarding the apparent</p> <p>7 manslaughter stated in the note left by Daniel?</p> <p>8 A. None whatsoever, and just to expand on that, ma'am, we</p> <p>9 did a lot of work to make sure that Gabriel wasn't</p> <p>10 cremated or interrred to try and prevent that. In fact,</p> <p>11 it was at the forefront of the investigation that we had</p> <p>12 to preserve Gabriel's body.</p> <p>13 THE CORONER: Thank you very much indeed.</p> <p>14 A. Thank you, ma'am.</p> <p>15 THE CORONER: Thank you.</p> <p>16 We will break off there now for lunch until 1.50,</p> <p>17 please, members of the jury.</p> <p>18 (12.57 pm)</p> <p>19 (The Luncheon Adjournment)</p> <p>20 (1.51 pm)</p> <p>21 (In the presence of the jury)</p> <p>22 THE CORONER: Mr O'Connor, I am just going to deal with one</p> <p>23 note that I have had from the jury.</p> <p>24 Members of the jury, one of your number has asked</p> <p>25 a couple of questions about the notes that were found</p> <p style="text-align: center;">Page 110</p>	<p>1 A. I do, yes.</p> <p>2 Q. You are giving evidence via video-link today and just so</p> <p>3 there is no mystery about this, it is the case, isn't it</p> <p>4 that there have been sadly some cases of Covid in your</p> <p>5 family?</p> <p>6 A. There have, yes.</p> <p>7 Q. You made the very sensible suggestion that you should</p> <p>8 not come here, that you should stay at home and give</p> <p>9 evidence and that was a course which everyone, in</p> <p>10 particular the coroner, thought was sensible. That's</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. The questions I am going to ask you this afternoon,</p> <p>14 Mr Kirk, will focus on the events surrounding the</p> <p>15 investigation into the death of Daniel Whitworth and</p> <p>16 they will overlap, to a degree, with the questions that</p> <p>17 Chief Superintendent Wilson was being asked this</p> <p>18 morning. I think it is right that you were able to</p> <p>19 watch remotely his evidence, is that in fact right?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. Good.</p> <p>22 We will all bear that in mind when we are asking you</p> <p>23 questions this afternoon. I hope that the system will</p> <p>24 work for referring you to documents. We have had one</p> <p>25 previous witness that gave evidence remotely and I know</p> <p style="text-align: center;">Page 112</p>

<p>1 she was able to see the documents as we brought them up 2 on screen. I know that as well as that you do have 3 a clip of documents which will probably contain the 4 documents we go to most frequently. I have the index to 5 that bundle, so I will be able to refer to you 6 documents, to hard copies you have, but I am afraid the 7 other advocates do not have that index. You may will be 8 familiar with where they are in your bundle probably by 9 the time we get to them, but just to be clear, there 10 will be some documents that are not in your bundle and 11 we will have to rely on them being brought up on screen? 12 A. We tested it yesterday and it does work but I may need 13 to have them zoomed in, if that is possible. 14 Q. We will all try and bear that in mind and I am sure we 15 will make it work, inspector. 16 Just to recap, Mr Kirk, you gave evidence previously 17 about your involvement into the investigation into 18 Anthony Walgate's death, you recall that of course. 19 At the time then, and still by the time we move on 20 a few months to the time we are focusing on now, you 21 were a temporary detective chief inspector, is that 22 right? 23 A. Yes. 24 Q. We went into a lot of detail last time about the details 25 of your responsibilities at the time, but, in</p> <p style="text-align: center;">Page 113</p>	<p>1 about it? 2 A. Yes. 3 Q. Thank you. I will come back to that, but we can take 4 that down for now, please. 5 Before I ask you then questions about the events of 6 September and the Daniel Whitworth investigation, let me 7 just ask you about the days around the discovery of 8 Gabriel Kovari's body in August. It was 28 August that 9 his body was found. Can we have up on screen, please, 10 this is in the jury bundle, but I think probably not in 11 your bundle at home, inspector, it is jury bundle, 12 tab 9, IPC81. This is a document the jury looked at, 13 I think perhaps last week. It was the email that 14 DS Sweetman wrote, having been to the scene of 15 Gabriel Kovari's -- the scene where his body was found 16 and he summarised there what he had seen and explained 17 why he took the view, as he did, that the death was 18 non-suspicious. 19 We see your name at the top there, you were copied 20 into that email. Just give us an idea, DI Kirk, of what 21 you remember about that occasion, whether you think you 22 would have read that email, whether in fact you recall 23 Gabriel Kovari's body being discovered at all? 24 A. Without the assistance of the documents, I do not have 25 a free recall of it but the email obviously brings</p> <p style="text-align: center;">Page 115</p>
<p>1 a nutshell, you were the head of what may loosely be 2 described as the CID department of Barking and Dagenham 3 borough police at the time, is that fair? 4 A. Yes. 5 Q. The jury will recall some of the key points of your 6 evidence relating to the Anthony Walgate investigation. 7 We spoke, for example, about your decision to appoint 8 DI McCarthy to supervise the investigation. You recall 9 that? 10 A. Yes. 11 Q. And, of course, your involvement in the primacy debate 12 relating to that case, and the jury looked many times at 13 the email that you wrote to Superintendent Sweeney on 14 the evening of 26 June. I am sure you recall that? 15 A. Yes. 16 Q. We also looked at an email that was sent in 2014, and 17 perhaps we can just call this up on screen. I am afraid 18 it is not one of the ones in your bundle, inspector. It 19 is IPC257. You recall, inspector, this was an email 20 sent by Eugene McCarthy to his team, but copied to you. 21 This was the email after he had seen the toxicology 22 results in the Anthony Walgate case in September, where 23 he conveyed his wish that the case be referred back to 24 HAT. Of course we all know what happened after that. 25 You recall that email and you were asked some questions</p> <p style="text-align: center;">Page 114</p>	<p>1 things back to mind and it is a fairly normal briefing, 2 myself and Mr Wilson, of what he has dealt with that 3 morning. 4 Q. Did you say it is a fairly -- what was the word you 5 used? 6 A. It's a fairly usual briefing. I mean -- say for 7 instance if it had happened on nights, it would have 8 probably been on the night duty OB or the cluster DI 9 would have completed it, but because it was dealt with 10 during the day, DS Sweetman was one of my detective 11 sergeants, he attended the scene as per the policy and 12 that is his summary of what he dealt with for myself and 13 Mr Wilson. 14 Q. I think you have told us you don't have a free recall of 15 these events now, but do you think in the normal course 16 of events you would have discussed this report with 17 DS Sweetman or not? 18 A. It is likely, but I don't remember the discussion. 19 Q. Thank you. Let's take that down. 20 I am going to move on then to ask you some questions 21 about the period after Daniel Whitworth's body was 22 found. We know, and the jury have heard now many times, 23 that his body was found on Saturday, 20 September. We 24 have seen this morning some emails that were being sent 25 around between your colleagues the next day, on Sunday,</p> <p style="text-align: center;">Page 116</p>

29 (Pages 113 to 116)

<p>1 the 21st, in particular Inspector Kirby, Superintendent 2 Wilson and so on. 3 Do you either remember that day or do you know 4 whether you were on duty that day, DI Kirk? 5 A. From looking at my duties at the time, I wasn't on duty 6 till Monday, 22nd. 7 Q. The email chains sort of overlap each other. You seem 8 to have been copied in, at least occasionally, into 9 those emails, but we don't see you actually writing any 10 emails that day. 11 A. No. 12 Q. Is it reasonable to infer that at any rate you were not 13 taking an active part in the investigation or 14 discussions around it on that day? 15 A. That's right, I wasn't. 16 Q. You were though on duty the next day, Monday, 22nd, that 17 is right, isn't it? 18 A. Yes. 19 Q. We have seen from documents we looked at this morning, 20 and I am going to take you to some of them, that you 21 were involved in the events around the Daniel Whitworth 22 investigation on that day? 23 A. Yes. 24 Q. Let's just look together at a few of the more important 25 documents and try and get an overview of the sequence of</p> <p style="text-align: center;">Page 117</p>	<p>1 screen IPC627. It is behind tab 22 in the jury 2 bundle -- I don't think it is in your hard copies, I am 3 afraid, inspector. 4 These are some notes -- it is a daybook that 5 DS Turrell had. If we can go to internal page 5 of this 6 document, please, it is not particularly easy to read 7 but do you see, just above halfway down, there is 8 an underlined few words which seem to say "DCI Kirk 9 meeting", and then there are some points underneath it. 10 I am going to ask you some questions about this in due 11 course, but it would appear that you had a meeting with 12 DS Turrell that morning when you discussed certain 13 action points relating to this investigation. 14 Do you in fact recall that now or not, inspector? 15 A. I don't. I have seen these notes and DS Turrell's 16 statement, which obviously refreshed my memory. I don't 17 recall the meeting. 18 Q. Again, I am going to come back to that but let's move on 19 in the sequence, please, to -- for the screen, IPC212. 20 In your bundle at home, tab 6. In the jury's bundle, 21 tab 33. 22 This is an email that you sent -- sorry, it is in 23 the usual way, let's ignore the very top email and go 24 down just a few lines. Do you see where it says 25 "Original message", it says from Tony Kirk and then to,</p> <p style="text-align: center;">Page 119</p>
<p>1 events. 2 First of all, can we have on screen, please, IPC203. 3 It is tab 31 in the jury bundle, and, Inspector Kirk, it 4 is tab 3 in your hard copy bundle. 5 This is an email we have looked at this morning. It 6 is the email that Superintendent Wilson wrote early in 7 the morning, 7.30 in the morning, indicating, amongst 8 other things, that he was intending to have a gold group 9 meeting later in the day, and asking you to undertake 10 a number of actions. 11 That's right, isn't it? 12 A. Yes. 13 Q. Would you have been at work, do you think, at 7.30 that 14 morning, or can't you remember? 15 A. It is likely -- I used to get in around 7.00, so 16 probably. I can't confirm that, but it is highly 17 likely, especially on a Monday morning. 18 Q. Given what you have said about the day before, and the 19 fact that it was 7.30 in the morning, might this in fact 20 have been the first time that this case really came to 21 your attention, or at least to the front of your mind? 22 A. Yes. 23 Q. I am going to come back to that email, but let's just 24 carry on trying to identify the sequence of events. 25 Can we look, please, at another document, have up on</p> <p style="text-align: center;">Page 118</p>	<p>1 amongst others, Martin Kirby and Sean Wilson. 2 That is an email you sent at 10.17 in the morning of 3 this Monday that we are focusing on, do you see that, 4 inspector? 5 A. The one I've got shows from Martin to me at 8.42. 6 Is it a bit further up? 7 Q. Yes, it is further up than that, it's towards the top of 8 the page. Do you see where it says original message? 9 A. Yes, that is better. 10 Q. There is an email that you sent at 10.17 in the morning, 11 that morning. Let's say three hours or so after you had 12 had that first email from Superintendent Wilson. If you 13 see, underneath the word "Martin" you say: 14 "I have just had a meeting re this and the 15 investigative side of things." 16 Then you go on to make certain points which I want 17 to come back to, but perhaps that was the meeting with 18 DS Turrell, do you think that is possible? 19 A. I would have thought so, yes. 20 Q. That takes us forward to about 10.00 or just after 10.00 21 in the morning. Then we know, and we have seen -- 22 I will not take you to it, but we know that there was 23 a gold group meeting that afternoon at 4.00, which you 24 attended? 25 A. Yes.</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 Q. I assume you attended it in person?</p> <p>2 A. Yes.</p> <p>3 Q. Thank you, we can take that down.</p> <p>4 I just wanted to go through those to give us an idea</p> <p>5 of your day. I am sure there were lots of other things</p> <p>6 going on as well, but starting with you receiving that</p> <p>7 email from Superintendent Wilson at 7.30 in the morning.</p> <p>8 You appear to have had a meeting fairly early in the</p> <p>9 day with DS Turrell.</p> <p>10 You are then sending emails.</p> <p>11 Then attending the meeting, the gold group meeting,</p> <p>12 at 4.00 in the afternoon.</p> <p>13 Let me move on then and ask you questions about</p> <p>14 a number of different issues. The first issue I want to</p> <p>15 address with you is the whole question of primacy,</p> <p>16 inspector. We come back to the question of primacy,</p> <p>17 which we asked you many questions about in the context</p> <p>18 of Anthony Walgate's death. And, on that Monday</p> <p>19 morning, receiving an email from Superintendent Wilson</p> <p>20 telling you that he wanted you to engage with SC&O1 and</p> <p>21 try and get them to take primacy for this case, it must</p> <p>22 have jogged at the very least memories within your mind</p> <p>23 of what had happened three months before?</p> <p>24 A. It is likely, yes but I can't recall specifically</p> <p>25 what --</p> <p style="text-align: center;">Page 121</p>	<p>1 this investigation."</p> <p>2 Did you understand what it was you were being asked</p> <p>3 to do there, inspector?</p> <p>4 A. I think again we all felt -- from my perspective and</p> <p>5 I think a lot of people agreed that on the face of the</p> <p>6 facts that I knew and that the senior leadership team</p> <p>7 knew that we had been briefed from over the weekend was</p> <p>8 that the death of Mr Whitworth was not really the issue</p> <p>9 for the murder team, it was the fact of the note, which</p> <p>10 I was under the impression had been confirmed as</p> <p>11 legitimate, had stated that Mr Whitworth was involved,</p> <p>12 somehow, in the death of Mr Kovari, and for me, that</p> <p>13 should be an SC&O1 investigation.</p> <p>14 Q. Just pause there a minute, inspector. I want to be</p> <p>15 clear, are you saying that that is what you thought at</p> <p>16 the time or that is what you think now? Is there in</p> <p>17 fact a difference between those two things?</p> <p>18 A. No, maybe not at 7.30 because there was a lot of</p> <p>19 documentation that would have come in over the weekend.</p> <p>20 At that time I wouldn't have had the meeting with</p> <p>21 DS Turrell and I would have still been digesting</p> <p>22 everything that had gone on over the weekend. This</p> <p>23 would have been just one of many. So maybe not at 7.30,</p> <p>24 but certainly before the gold group and, although the</p> <p>25 emails obviously account for a lot of communication, we</p> <p style="text-align: center;">Page 123</p>
<p>1 Q. We all looked at that email, that long and rather</p> <p>2 assertive email that you wrote to a series of superior</p> <p>3 officers telling them that you thought on the balance of</p> <p>4 probabilities someone had been killed by another --</p> <p>5 A. Yes.</p> <p>6 Q. -- and setting out in great detail why the borough was</p> <p>7 not capable of investigating and why they should take</p> <p>8 over. So only three months later, being asked to take</p> <p>9 up the same cause, it must have come back to your mind</p> <p>10 what had happened?</p> <p>11 A. Yes, it is likely it did, yes.</p> <p>12 Q. Let's just look then back, if we can, at that email that</p> <p>13 you received at 7.30 in the morning. Can we have on</p> <p>14 screen, please, IPC203. Jury bundle 31. Your tab 3, if</p> <p>15 you want to go there, inspector.</p> <p>16 Superintendent Wilson was asked some questions about</p> <p>17 this this morning. About three lines down we see your</p> <p>18 name, "Tony", and then Superintendent Wilson says:</p> <p>19 "Can you please liaise with SC&O1 this morning re</p> <p>20 future involvement in this case, even if only in</p> <p>21 a supporting capacity?"</p> <p>22 He says he wants their attendance at the gold group</p> <p>23 and then he says:</p> <p>24 "In view of these issues indicating Kovari did not</p> <p>25 die in the graveyard, I will ask that SC&O1 now take on</p> <p style="text-align: center;">Page 122</p>	<p>1 were all in the same building on the same floor and</p> <p>2 that -- so a lot of conversations would have taken</p> <p>3 place. I mentioned in my previous evidence that,</p> <p>4 obviously we don't capture that, unfortunately, but</p> <p>5 there would have been lots of conversations and the</p> <p>6 general feeling from me was the fact that there was,</p> <p>7 again, a possible manslaughter, or, sorry, a possible</p> <p>8 homicide, that that should be an SCD1 investigation, but</p> <p>9 the facts that I had been briefed on were that the death</p> <p>10 of Mr Whitworth was not necessarily suspicious in its</p> <p>11 own right, but the fact that there was mention of</p> <p>12 a homicide of Mr Kovari, that they should have taken it</p> <p>13 on.</p> <p>14 So I think we were all -- we all had the same view</p> <p>15 and feelings, but I don't think at that time I had seen</p> <p>16 the HAT return, so I wasn't sure what exactly their</p> <p>17 stance was, it may have come out in the meeting with</p> <p>18 DS Turrell.</p> <p>19 Q. All right, inspector, that's understood then. You have</p> <p>20 given us an idea of what your understanding of the case,</p> <p>21 what your view was at that time, and I will ask you</p> <p>22 a few more questions about that in a minute, but can</p> <p>23 I just establish, just on a very practical level, just</p> <p>24 looking at that email, did you think you were being</p> <p>25 tasked as you had been back in June with contacting</p> <p style="text-align: center;">Page 124</p>

<p>1 SC&O1 and trying to get them to take over the case?</p> <p>2 A. Yes.</p> <p>3 I mean the fact that he had said he was going do</p> <p>4 ask -- sorry, the fact that Mr Wilson had stated that he</p> <p>5 was going to ask SC&O1, would it -- reading it now,</p> <p>6 I can't remember my thought process at the time but it</p> <p>7 would indicate to me that it was already going to be</p> <p>8 going across at superintendent level, which is the first</p> <p>9 tier of the escalation process in relation to primacy</p> <p>10 disputes.</p> <p>11 Q. I don't want to spend too long on this, but just so we</p> <p>12 get an understanding of what happened. Can we call up</p> <p>13 on screen, please, IPC218. We see here, can we look at</p> <p>14 the lower email, please, so the one from</p> <p>15 Debbie Turrell -- yes -- so here is Debbie Turrell</p> <p>16 sending you an email at 10.52. So three hours or so</p> <p>17 after you received the email from Mr Wilson, saying:</p> <p>18 "Guv, at present the HAT south will continue as</p> <p>19 liaison as the job is remaining with borough."</p> <p>20 We will see, if we zoom back out, that you then</p> <p>21 forwarded that email then on to Mr Wilson.</p> <p>22 Does it seem to be the case that you in fact didn't</p> <p>23 contact SC&O1 yourself, but asked Debbie Turrell to</p> <p>24 contact them to find out whether they were going to take</p> <p>25 primacy for the case?</p> <p style="text-align: center;">Page 125</p>	<p>1 gold group.</p> <p>2 Can you help us, we have heard that because the</p> <p>3 email was sent that late, it may be that DCI Lyons</p> <p>4 didn't even see the email until after the gold group had</p> <p>5 happened. Can you help us piece together events in that</p> <p>6 regard any better or --</p> <p>7 A. I can't, I am afraid. I didn't remember sending the</p> <p>8 email to Cliff Lyons, it was only when it was mention</p> <p>9 yesterday in his evidence that I was made aware of it.</p> <p>10 It is unlikely though, bearing in mind the role</p> <p>11 I was doing, that I would have expected with a couple of</p> <p>12 hours' notice for someone to be able to attend, but</p> <p>13 I can't say whether it was followed up with a phone</p> <p>14 call, whether I had spoken to somebody else who told me</p> <p>15 to email Mr Lyons. I really cannot recall, I am afraid</p> <p>16 but it is unlikely, I know the job, I know their job,</p> <p>17 you know a little bit, and I knew that sending an email</p> <p>18 to somebody a couple of hours before to attend on the</p> <p>19 other side of London would not be -- you know ...</p> <p>20 Q. It could have --</p> <p>21 A. It may well have followed a phone call, it may well have</p> <p>22 been that I had spoken to either DI Schamberger or</p> <p>23 DS Turrell. There would have been some, obviously that</p> <p>24 is a lot earlier when I asked them to arrange somebody</p> <p>25 to attend. I don't know what other communications or</p> <p style="text-align: center;">Page 127</p>
<p>1 A. I can't remember if I asked Debbie to do that. It is</p> <p>2 likely if the HAT return had been written the previous</p> <p>3 day and they had already written in the HAT return</p> <p>4 signed off by DCI Lyons that primacy remained with</p> <p>5 borough, that they had already made the decision, so the</p> <p>6 escalation process was at superintendent level, which</p> <p>7 Mr Wilson had said he was going to do.</p> <p>8 Q. In any event, just to be clear we are not missing</p> <p>9 anything, we have seen no documentary evidence and</p> <p>10 I think it is clear from what you say that you have no</p> <p>11 memory of actually intervening yourself --</p> <p>12 A. No.</p> <p>13 Q. -- and trying to get primacy moved at that point in the</p> <p>14 morning, is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Just to pick up on one other matter, we saw the</p> <p>17 reference in Mr Wilson's email asking you to arrange for</p> <p>18 SC&O1 to attend the gold group. Can we have IPC205 on</p> <p>19 screen, please.</p> <p>20 We see here at 8.46 in the morning you are asking</p> <p>21 Mr Schamberger and Debbie Turrell to obtain the details</p> <p>22 of contacts -- SC&O1 -- because, as you put it here,</p> <p>23 they are needed at the gold group. And then we have</p> <p>24 seen another email that you sent to DCI Lyons, I think</p> <p>25 at about 2.00 in afternoon, asking him to attend the</p> <p style="text-align: center;">Page 126</p>	<p>1 conversations went on I am afraid.</p> <p>2 Q. All right, we have heard in other meetings people</p> <p>3 dialing in, and I think Ms Wilson said that was</p> <p>4 a possibility. But I think --</p> <p>5 A. It was used -- for every Pacesetters local authority</p> <p>6 would dial in and people from other police stations</p> <p>7 around the borough would dial in, so the conference</p> <p>8 facilities were there and used every day. And I attend</p> <p>9 every gold group for the 50 plus murders that I have</p> <p>10 dealt with and most of them, especially obviously in</p> <p>11 recent times, have been remotely.</p> <p>12 Q. In any event, as far as the communications between you</p> <p>13 or others at the borough and DCI Lyons that day, what</p> <p>14 did or didn't happen, I think you have said you cannot</p> <p>15 take that any further?</p> <p>16 A. I am afraid I can't, sorry.</p> <p>17 Q. Thank you. We can take that email down.</p> <p>18 Let's come back then to, perhaps a more important</p> <p>19 issue, what was in your mind on that day about these</p> <p>20 cases, Gabriel's case and Daniel's case, and whether</p> <p>21 SC&O1 should have been taking primacy.</p> <p>22 You have explained what your thinking was about</p> <p>23 Gabriel's death and the fact that it was a homicide and</p> <p>24 therefore homicide command should have taken on the</p> <p>25 case.</p> <p style="text-align: center;">Page 128</p>

32 (Pages 125 to 128)

<p>1 Tell us more about your views about Daniel's death.</p> <p>2 What in fact did you know about that case and what were</p> <p>3 your views about how it was being treated and how it</p> <p>4 should be treated?</p> <p>5 A. The extent of my knowledge around Mr Whitworth's finding</p> <p>6 was from the emails from Mr Kirby, the duty DI's report</p> <p>7 and then the HAT return, which I received that day. And</p> <p>8 everything that -- and there would have been some, well,</p> <p>9 verbal communication in the meeting as well from</p> <p>10 DS Turrell.</p> <p>11 So the information I had, and rereading it again</p> <p>12 more recently in preparation for this, everything</p> <p>13 states -- obviously now we are looking into it in more</p> <p>14 detail it is not as straightforward as it first</p> <p>15 appeared, but everything at the time was that the note</p> <p>16 appeared legitimate, there were no other suspicious</p> <p>17 circumstances around his finding that would make me</p> <p>18 believe or anybody else that had any knowledge or</p> <p>19 attendance at the scene believe that there was</p> <p>20 suspicious circumstances around Mr Whitworth's death.</p> <p>21 Q. Well, the evidence we heard from DS Denley yesterday --</p> <p>22 I don't suppose you were following that, but he</p> <p>23 certainly said that he did have ... the term he might</p> <p>24 have used was "unanswered questions" that needed to be</p> <p>25 explored around the circumstances of Daniel's death and</p> <p style="text-align: center;">Page 129</p>	<p>1 done. It was a view that -- of the people that were on</p> <p>2 duty at the weekend that had gone to the scene, the</p> <p>3 officers from the HAT team, the MIT team that gave the</p> <p>4 advice over the phone, Chief Inspector Kirby from the</p> <p>5 facts that were relayed to him and everything that I had</p> <p>6 seen at that time, that was the view I had. And</p> <p>7 I wouldn't have been there to talk Mr Wilson round,</p> <p>8 I would have been there to give him facts and I did</p> <p>9 listen to his evidence and I don't think it was as clear</p> <p>10 cut -- that he got talked round and his mind was</p> <p>11 changed. I think, as all of us, we have an open mind</p> <p>12 with these sorts of things and we discuss it and we come</p> <p>13 to various conclusions, but it is not for me to change</p> <p>14 his mind and that is not what I would attempt to do.</p> <p>15 Q. You say you have an open mind, inspector, let's have</p> <p>16 a look, please, at your witness statement that you</p> <p>17 prepared, or one of the witness statements that you</p> <p>18 prepared for these proceedings.</p> <p>19 Can we have on screen, please, HAL8 and go to</p> <p>20 internal page 12 of that document. We can perhaps zoom</p> <p>21 in on the bottom half, I want to look at paragraphs 35,</p> <p>22 36 and 37.</p> <p>23 Paragraph 35 is a paragraph at that deals with the</p> <p>24 Walgate investigation, and you and I looked at this when</p> <p>25 I asked you questions previously.</p> <p style="text-align: center;">Page 131</p>
<p>1 the way in which his body was found.</p> <p>2 A. Yes, by all means -- I am not saying there weren't</p> <p>3 questions and an investigation required, but it wasn't</p> <p>4 necessarily, at that time, with the information we knew</p> <p>5 at that time, a suspicious or he was found in suspicious</p> <p>6 circumstances, but, yes, there are still unanswered</p> <p>7 questions and the answer to those questions obviously</p> <p>8 now we know, would have changed that categorisation.</p> <p>9 Q. You heard the evidence that Superintendent Wilson gave</p> <p>10 this morning about the fact that he had some concerns,</p> <p>11 not about the fact that Gabriel's death appeared to be</p> <p>12 a homicide and should have been taken over by SC&O1.</p> <p>13 I am leaving that to one side. But he had concerns,</p> <p>14 lingering concerns, about questions around the discovery</p> <p>15 of Daniel's body and so on, but he was, as it were,</p> <p>16 talked round in the gold group by detectives, or</p> <p>17 experienced detectives was the term he used, who were</p> <p>18 telling him that the case was not suspicious and that he</p> <p>19 needn't have those concerns.</p> <p>20 Was that a view that you think you expressed at the</p> <p>21 gold group?</p> <p>22 A. No, Mr Wilson knew as much as I did at the time, he had</p> <p>23 seen all the same documents that I had seen. If he had</p> <p>24 read the HAT return which I had sent him, he was very</p> <p>25 thorough and very proactive, so I assume he would have</p> <p style="text-align: center;">Page 130</p>	<p>1 You describe SC&O1 "... advising that the case</p> <p>2 wasn't suspicious". And Port being dealt with for</p> <p>3 lesser offences and then, as you put it, "The matter was</p> <p>4 dealt with as far as I was concerned."</p> <p>5 I have asked you about that before, I am not going</p> <p>6 to go back to it.</p> <p>7 Then, going down to paragraph 36, you refer to the</p> <p>8 discovery of Daniel's body and you say it was obviously</p> <p>9 linked to Gabriel Kovari, you say there was little to</p> <p>10 link it to Anthony Walgate, you go on to mention GHB.</p> <p>11 I am going to come back to that in a moment. Let's</p> <p>12 focus on paragraph 37. The top line you say:</p> <p>13 "I now know that the SC&O1 remit included</p> <p>14 murder-suicide but I didn't know that at the time ..."</p> <p>15 Which is why you accepted their view not to take on</p> <p>16 the investigation, after they had reviewed it and</p> <p>17 advised it was not suspicious.</p> <p>18 Is that what you understood SC&O1 to be doing or</p> <p>19 rather to have done the day before on the Sunday,</p> <p>20 inspector, did you understand that they had advised the</p> <p>21 case wasn't suspicious?</p> <p>22 A. From the point of view that if they thought it was</p> <p>23 suspicious, they would have to take it and the emails</p> <p>24 from Chief Inspector Kirby say the same and various</p> <p>25 other documents. There was nothing to indicate, other</p> <p style="text-align: center;">Page 132</p>

<p>1 than the facts that we knew, that it was suspicious.</p> <p>2 Q. Well, inspector --</p> <p>3 A. But, as I said before, there would be lots of unanswered</p> <p>4 questions that would need to be asked and investigated</p> <p>5 and that view can change, as it did with Mr Walgate,</p> <p>6 when, initially, things weren't as they first seemed and</p> <p>7 developed over that week and things changed and our view</p> <p>8 changed and that is exactly the same with this.</p> <p>9 Q. Isn't that exactly the point, inspector, the fact that</p> <p>10 SC&O1 had not taken the view on the Sunday that the case</p> <p>11 positively was suspicious did not mean that they were</p> <p>12 advising you that it absolutely was not suspicious.</p> <p>13 That is not what they said, is it? What they said is</p> <p>14 that there were matters that required investigation.</p> <p>15 A. Right. Yes.</p> <p>16 Q. I want to pursue this with you, inspector, because what</p> <p>17 you have written in this statement is that what SC&O1</p> <p>18 did was advise that the case wasn't suspicious. That is</p> <p>19 not what they did, is it?</p> <p>20 A. Right, so, okay, they didn't take the job and if it was</p> <p>21 suspicious they would have done. So I am not -- I don't</p> <p>22 know -- yes, there are connection -- there are actions</p> <p>23 to be dealt with which we as a borough would deal with</p> <p>24 and that we do on a regular basis:</p> <p>25 The fact that they have said that they are not</p> <p style="text-align: center;">Page 133</p>	<p>1 this case, the possibility of it being suspicious</p> <p>2 perhaps, and you -- perhaps you and others -- said:</p> <p>3 "Look, if there was anything to worry about here,</p> <p>4 SC&O1 would have taken it. They haven't taken it. It</p> <p>5 is not suspicious. It is a coroner's case."</p> <p>6 May that have been the way in which the conversation</p> <p>7 went?</p> <p>8 A. I don't think that is a very fair comment to make. You</p> <p>9 are surmising something that took place and that</p> <p>10 wouldn't be the case and wouldn't be the type of</p> <p>11 conversation. Mr Wilson was a competent superintendent,</p> <p>12 he would make his decisions based on the information he</p> <p>13 had. It wouldn't be for me to talk him round to</p> <p>14 a decision -- if I had had any thought at all that this</p> <p>15 was suspicious I would have said that to him. I have</p> <p>16 relayed the facts, most of which he was already aware of</p> <p>17 a day ahead of me, because he was very keen and</p> <p>18 proactive and reading his emails over the weekend. It</p> <p>19 wasn't for me to try and change his mind, that is not</p> <p>20 what I would do.</p> <p>21 So we discussed the facts and the SC&O1 decision,</p> <p>22 and Mr Wilson had already had the conversation before</p> <p>23 the gold group with SC&O1. So it is not how the gold</p> <p>24 group would work and not how a rank structured</p> <p>25 organisation would work.</p> <p style="text-align: center;">Page 135</p>
<p>1 taking primacy would indicate to them, at the moment,</p> <p>2 with the information they have and that we all had, it</p> <p>3 wasn't suspicious. They may not have used the words</p> <p>4 "not suspicious", but it is unexplained -- I mean we</p> <p>5 have different categories and different names and they</p> <p>6 have changed over time, but "unexplained" is probably</p> <p>7 a better terminology, because it was unexplained and</p> <p>8 they didn't feel that it had reached a threshold for</p> <p>9 them to take the investigation on, but there would be</p> <p>10 further investigation required, which we would carry</p> <p>11 out.</p> <p>12 That is the norm and that is what they had said.</p> <p>13 Whichever words they used, ultimately it didn't cross</p> <p>14 their threshold, even at the higher ranks that it was</p> <p>15 raised with. There were further lines of enquiry that</p> <p>16 would be carried out and they advise on it and it is</p> <p>17 something that I do now in my current role.</p> <p>18 If it is unexplained, you try to explain it by</p> <p>19 carrying out the investigation. If, during that</p> <p>20 investigation, you find that it has now become</p> <p>21 increasingly suspicious, as it did with Mr Walgate, then</p> <p>22 we would go back to them.</p> <p>23 Q. Inspector, I just wonder, if that was really the way in</p> <p>24 which the conversation went at that gold group meeting,</p> <p>25 where Superintendent Wilson expressed his concerns about</p> <p style="text-align: center;">Page 134</p>	<p>1 Q. I am going to move on.</p> <p>2 I want to ask you now a few questions about the</p> <p>3 investigation that followed, or at least that started</p> <p>4 off on that day.</p> <p>5 First of all, let's briefly if we can go back to</p> <p>6 those handwritten notes of DS Turrell. It is IPC627,</p> <p>7 page 5. It is tab 22 in the jury bundle.</p> <p>8 Inspector, one of the points you made quite</p> <p>9 forcefully when you gave evidence last time was that you</p> <p>10 were not involved in the detail of investigation, you</p> <p>11 didn't have time to think about actions in particular</p> <p>12 cases or how a particular case should be run. Sorry, it</p> <p>13 is IPC627, yes, internal page 5.</p> <p>14 If we could zoom in on the middle of it, please,</p> <p>15 rather than the top. That is it.</p> <p>16 I don't want to spend too much time on this, but it</p> <p>17 does appear that you had a meeting with DS Turrell doing</p> <p>18 precisely that, going through the actions that might be</p> <p>19 completed. For example, the first thing we see, "Cell</p> <p>20 site and call data".</p> <p>21 Is may be that you cannot help us much because you</p> <p>22 don't remember this meeting, DCI Kirk, but how do we</p> <p>23 reconcile what you said last time with what seems to</p> <p>24 have happened here?</p> <p>25 A. So coming in on any morning where an incident has taken</p> <p style="text-align: center;">Page 136</p>

34 (Pages 133 to 136)

<p>1 place that needs dealing with overnight or over the 2 weekend, once I had read whatever briefing notes were 3 provided to me, I would then go to – generally I would 4 walk around to all the units that were based at Fresh 5 Wharf and particularly the one we were going to be 6 dealing with and number one make sure that the officers 7 were in, there were officers to deal with it, they were 8 clear what we wanted to achieve and to discuss any 9 issues.</p> <p>10 Now, it was a discussion, it wasn't a formal 11 meeting. It would have been probably at -- I imagine in 12 the office around their desks or she may have come to me 13 to ask whether she was keeping it as an investigation. 14 I can't recall, but it would have been an informal 15 meeting for me to satisfy myself as, having overall 16 responsibility for it, that there were people to deal 17 with it, so they weren't off that day, they were not at 18 court, there weren't other distractions that meant they 19 couldn't deal with it. And that there was oversight, so 20 that would have been when I appointed DI Schamberger to 21 oversee it, because he was likely to be the duty DI that 22 day, I can't recall, but with only three it was very 23 often that I didn't have -- I only had one DI on duty.</p> <p>24 Q. All right, I am going to -- 25 A. So my meeting would have been to ensure -- but in that</p> <p style="text-align: center;">Page 137</p>	<p>1 matter is being discussed: 2 "Phone data to be obtained around the death of 3 Kovari." 4 When DS Denley was giving evidence yesterday he 5 explained that one of the tasks he thought ought to be 6 pursued was to obtain phone data relating to 7 Daniel Whitworth's phone, and in fact Gabriel Kovari's 8 phone as well, around the time that Gabriel's body had 9 been discovered, so 27/28 August, to see what it showed. 10 In particular, whether it showed Daniel and Gabriel 11 together. 12 Is that what you think was being referred to both in 13 DS Turrell's notes and also now in the gold group 14 minutes, inspector? 15 A. Yes, obtaining call data is -- it happens in nearly all 16 investigations. 17 Q. Yes. Just reading on, it says: 18 "DCI Tony Kirk to request by 23 September ..." 19 That is, what, the next day? 20 Were you actually being tasked with completing 21 an action there, inspector? 22 A. No, I wouldn't apply for phone data, I haven't done it 23 for 15 years, I wouldn't know how to use the current 24 systems to do it, but I had overall responsibility for 25 the unit and I would delegate actions like that. That</p> <p style="text-align: center;">Page 139</p>
<p>1 meeting, there is discussion, then, yes, I am a career 2 detective, you are going to talk about what the 3 circumstances that we are dealing with and what there 4 was. But it wasn't an investigation strategy, it was 5 discussing things like that they might want to, you 6 know, or should, follow up and what we hoped to achieve 7 by that and I have read DS Turrell's statement and, as 8 I said, as a detective at every rank, it is things that 9 you want, you have questions, you always have questions 10 and they would have been things that I would have 11 suggested. It was by no means an investigation 12 strategy, hence nothing was documented, that would be 13 for the DI to do. And it is, you know, all detectives 14 who would have been dealing with this, there were 15 discussions and suggestions that I would have made.</p> <p>16 Q. Yes, that is helpful and that provides some context for 17 this meeting and it will be helpful to bear that in mind 18 when we ask DS Turrell about it.</p> <p>19 As I said, we see at least one of the matters you 20 discussed was cell site and call data. In fact, if we 21 go on now to the gold group minutes, so that is IPC43. 22 It is tab 37 in the jury bundle. Tab 13 in your bundle 23 at home, inspector.</p> <p>24 If we go to the second page of that document, 25 item 4, "Outstanding issues", it looks like the same</p> <p style="text-align: center;">Page 138</p>	<p>1 is an investigative action that would be completed by 2 a constable or a detective constable. 3 Q. The minutes having recorded that that was something that 4 you were going to be in charge of, would you have 5 checked that that was done, inspector? 6 A. With DI Schamberger there who was overseeing it, 7 I wouldn't go back and check, no. 8 Q. Would it surprise you to be -- 9 A. It would form part of the investigative strategy that 10 DI Schamberger would have set for DS Turrell to 11 complete, DS Turrell would allocate those actions out to 12 DCs. That would be the normal course of events. 13 Q. Would it surprise you to be told, inspector, that that 14 phone data, which was discussed by you and DS Turrell in 15 the morning, which was referred to and minuted in the 16 gold group in the afternoon, which is recorded as 17 something that you or at least your subordinates would 18 do the next day, was in fact never done? 19 A. I am disappointed to hear that. I obviously know that 20 now, I didn't at the time. 21 Q. Shouldn't it have been your business to find out whether 22 it was happening, since you are recorded as being the 23 person responsible for that action in the gold group 24 minutes? 25 A. As I mentioned in my previous evidence, I was</p> <p style="text-align: center;">Page 140</p>

35 (Pages 137 to 140)

<p>1 responsible for every crime that was recorded and 2 investigated on the borough, along with every missing 3 person, child subject to CSE and various other 4 departments. So I wouldn't go back and the policy 5 didn't require me to go back and review crimes, that was 6 why in these unusual circumstances, as it was with 7 Mr Walgate, that a DI was put in charge to oversee the 8 investigation.</p> <p>9 Q. I want to ask you about that, inspector, you have 10 mentioned DI Schamberger a couple of times now. 11 Can we have on screen his statement, which is 12 IPC408. If we could go to the bottom of page 4 and 13 possibly the top of page 5, please. 14 I am going to show you a passage in this statement, 15 inspector, but we will all recall your evidence relating 16 to the Anthony Walgate investigation and your decision 17 to appoint DI McCarthy to supervise the investigators in 18 that case, yes?</p> <p>19 A. Yes.</p> <p>20 Q. Help us with this. When you appointed DI Schamberger, 21 was it for him to conduct a very similar role?</p> <p>22 A. Yes.</p> <p>23 Q. Sorry, it is actually -- if we can scroll up a little, 24 please, it may be paragraph 4 and 5. No. 25 All right, take that off the screen, please.</p> <p style="text-align: center;">Page 141</p>	<p>1 Q. Was he appointed to supervise both investigations, 2 inspector, the Kovari and the Whitworth investigations?</p> <p>3 A. Yes. They were -- for me, from my mind, they were one 4 investigation into the circumstances surrounding the two 5 of them.</p> <p>6 Q. Was he the SIO for both cases or the OIC, or did his 7 role not really tally with either of those?</p> <p>8 A. SIO is a term that I know was used in Mr Walgate's 9 investigation, because that is the term Eugene applied. 10 The official term for SIO means you must be PIP3, so 11 I have seen Mr Schamberger's statement, where he says he 12 wasn't the SIO, but he was the DI overseeing it, whether 13 you call him the SIO, officially he needs to be PIP3, he 14 is not, but nobody was. But the third line manager -- 15 sorry, you have an investigating officer, a case 16 officer -- sorry, you have a case officer, 17 an investigating officer and then a senior investigating 18 officer, so that is the role.</p> <p>19 DS Debbie Turrell was the IO, the investigating 20 officer, and the next rank above would be the SIO, but 21 the terminology doesn't really apply to borough in the 22 same way it would for a MIT team, because we are not 23 qualified to hold the SIO rank, but he was a DI 24 appointed to oversee the investigation.</p> <p>25 Q. The investigation which comprised investigations into</p> <p style="text-align: center;">Page 143</p>
<p>1 I am just going to read to you my note of how 2 Mr Schamberger describes his meeting with you that 3 morning, on the Monday, and what he asked you to do. 4 What he said in his statement was that you asked him to 5 deal with the Whitworth body, in that the following day 6 there was going to be a special post mortem. 7 Is that a reasonable summary of what you asked him 8 to do, or not?</p> <p>9 A. I can't recall, but it is not what I would have asked. 10 I wouldn't have asked it in that manner and it was made 11 clear to DS Turrell and DS Schamberger, as the 12 investigation procedure will see, he was overseeing the 13 investigation. That would have been made quite clear. 14 His involvement wasn't just for a post mortem. That is 15 why he conducted reviews and ultimately took it to the 16 inquests.</p> <p>17 So I am not sure why he got that recollection, but 18 it wouldn't have been -- and is that why he came to gold 19 group, that is why he was sent the details of 20 Mr Walgate's -- sorry, Mr Kovari's finding by 21 DS Sweetman, to keep him in the picture and to supply 22 him with information.</p> <p>23 He was copied in a lot of the emails of DS Turrell. 24 So, it is not the case that he was just to take part in 25 the post mortem.</p> <p style="text-align: center;">Page 142</p>	<p>1 both deaths?</p> <p>2 A. Yes.</p> <p>3 Q. Well, that is a matter we can pursue further with 4 Mr Schamberger and DS Turrell. 5 Let me move on to a different matter, inspector, and 6 that is the question of linkage. We know that we are 7 now focusing on matters towards the end of September. 8 I have already made the point, of course, that that was 9 three months or so after Anthony Walgate's body had been 10 found, your highly unusual email to Mr Sweeney and so 11 on. 12 The day on which Daniel's body was found -- that is 13 Saturday, 20 September -- was also just a few days after 14 Tuesday, 16 September, when the email we looked at, when 15 I started asking you questions, had been sent by 16 Mr McCarthy to, amongst others, you, discussing the 17 toxicology results relating to Anthony Walgate, the fact 18 that GHB had been found in his body. 19 When we looked at your witness statement we saw you 20 made that point about the GHB being the common factor. 21 It was inevitable, wasn't it, inspector, that you would 22 draw a connection between, on the one hand, the deaths 23 of Gabriel Kovari and Daniel Whitworth, where the 24 involvement of G, or GHB, was obvious from the note, and 25 on the other hand Anthony's death that you had been</p> <p style="text-align: center;">Page 144</p>

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<p>1 concerned with three months earlier, and that you had 2 seen the toxicology results only a day or so before -- 3 you were bound to draw that connection, weren't you? 4 A. No. 5 Q. Let's just look on screen at IPC212. It is your tab 6. 6 It is tab 33 in the jury's bundle. 7 A. Sorry, when you said "make the link", do you mean make 8 the link with the GHB or make the link with the three 9 murders? 10 Q. Well, inspector, I am going to ask you some questions 11 around this document which I hope will help you to 12 explain this general issue. 13 A. Yes, certainly see the link between GHB, my answer of no 14 was it was not inevitable that I make the link with the 15 three deaths, not there was not a GHB link. Yes, 16 I fully understood there was a GHB link. 17 Q. I wasn't trying to move on, I just want to explore the 18 issue, using this document to do it. 19 A. Yes. 20 Q. We are looking at the sort of second email down, which 21 starts "Martin ..." we have already look at it briefly, 22 it is the email you sent at 10.00 in the morning. Can 23 you see it there? 24 A. Yes. 25 Q. You refer to the meeting you had just with</p> <p style="text-align: center;">Page 145</p>	<p>1 Glynis Rogers and Dan Hales, but it was exactly that, it 2 felt like the right thing to make people aware that GHB 3 might be an issue. We had had three deaths, two of 4 which we had linked by a suicide note. A third death in 5 a separate location, albeit close by, I didn't fully 6 appreciate at the time how close, but close by, in 7 circumstances that we had a vague idea of, which was 8 that Port was involved, we just didn't know fully to 9 what extent until more recently. 10 So my -- I had had an email, I had just come in on 11 a Monday morning and I have had a third death in 12 a matter of months with GHB involved. There was no link 13 between Mr Whitworth and Kovari and either Cooke Street, 14 Port or Mr Walgate. So I hadn't linked and if I had, 15 you can rest assured that something would have been 16 done, as it was, and I don't want to jump the 17 proceedings but within minutes of Mr Taylor's link with 18 Port being made, we were on the phone to the HAT car and 19 within an hour we had all of the case officers, all of 20 the paperwork in front of the HAT team in the conference 21 room presenting it to them. 22 So as soon as the link was made, within minutes, and 23 I still get in the pit of my stomach the horrible 24 feeling of when I was told that Port was involved in 25 Mr Taylor -- or was one of the last people to be with</p> <p style="text-align: center;">Page 147</p>
<p>1 Debbie Turrell. 2 A. Yes. 3 Q. Then you say: 4 "Can you pick up with partners the whole GHB issue. 5 Although none of the people that have died have been 6 residents of Barking or surrounding boroughs, it is 7 something that adult social care and substance misuse 8 workers will need to be aware of." 9 My suggestion to you is that what you had in mind 10 there, when you refer to "the people", you are referring 11 to Anthony, Gabriel and Daniel, is that right? 12 A. Yes. 13 Q. So, to that extent, you have linked the three cases in 14 your mind because they all involve GHB? 15 A. Right, sorry, no, I have linked them to the drug, or 16 they are linked by the drug, a common drug. Not linked 17 the deaths. 18 I think I need to be clear on that. It was quite 19 clear that GHB was an issue. We had had three deaths, 20 I hadn't completely forgotten about Mr Walgate, and as 21 you said it was only on the 16th that we had got the 22 toxicology results. So -- and that is partly, or 23 wholly, my reason for emailing Martin. I didn't 24 realise, I wasn't copied in, that he had already emailed 25 those two people that had asked Glynis and Dan Hales</p> <p style="text-align: center;">Page 146</p>	<p>1 Mr Taylor and that moment of we need to get the HAT car. 2 And so if that moment had have been after Mr Whitworth's 3 death, the same action would have happened. 4 Q. Inspector, you are helpfully telling us about things 5 that took place in the autumn of 2015, but the 6 evidence -- 7 A. I am just trying to -- I know it jumps the proceedings, 8 but I am trying to make the point that if a link had 9 have been made, something would have been done. So my 10 email in relation to GHB is that, yes, we had had three 11 young men that had died with a connection to the drug 12 and it wasn't something that had happened regularly 13 before, it was unusual and I just needed to be sure. 14 Martin had already done it, he obviously had the 15 same view and the same thought process as me and he had 16 already emailed the relevant people, but that people in 17 the wider partnership needed to be aware in case it was 18 an issue. 19 Q. You have made that clear, inspector, and I now want to 20 ask you a few more questions, not about what happened in 21 2015 after Jack Taylor had died, but in 2014, a year 22 before he died. Do you understand? 23 A. Yes. 24 Q. It is apparent that you linked these three cases, it is 25 apparent that you realised that GHB was involved in all</p> <p style="text-align: center;">Page 148</p>

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<p>1 three cases --</p> <p>2 A. No, sorry, I hadn't linked the three cases.</p> <p>3 Q. You linked them --</p> <p>4 A. I had three people that had died from a common -- in</p> <p>5 connection with a common drug, but I hadn't linked the</p> <p>6 three cases. I need to be clear, I hadn't linked the</p> <p>7 three deaths with each other.</p> <p>8 Q. Inspector, there is a danger of this becoming a rather</p> <p>9 arid debate, but in this email you refer, not by name,</p> <p>10 but you refer to Anthony, Daniel and Gabriel all as</p> <p>11 having taken GHB and not having been residents of</p> <p>12 Barking. That is right, isn't it? So to that extent --</p> <p>13 we all understand --</p> <p>14 A. They all had taken GHB -- I said GHB has been an issue</p> <p>15 in three deaths, and that was the only link.</p> <p>16 Q. Yes.</p> <p>17 A. Not that the deaths were linked to each other. They</p> <p>18 were linked by a drug and a common drug at that.</p> <p>19 Q. Well, let me simply ... inspector --</p> <p>20 A. I want to be clear, I think it is fair to the court that</p> <p>21 that is make clear and not that there was a link made</p> <p>22 with the three deaths, a link to each or to Port.</p> <p>23 Q. Inspector, you have explained now, more than once, how</p> <p>24 you see this and the limit, as I think you are trying to</p> <p>25 explain, of any link that was made. Let me just put it</p> <p style="text-align: center;">Page 149</p>	<p>1 In relation to the three deaths, so at the time we</p> <p>2 had Mr Whitworth, we took the note as being accepted</p> <p>3 that he was responsible for Mr Kovari's death. At the</p> <p>4 time, we had accepted that, or I had been informed that</p> <p>5 that was the case. So then we had -- and they were</p> <p>6 linked to the churchyard, they were linked to each</p> <p>7 other, but I had not been made aware of any link between</p> <p>8 either of those two men and Cooke Street, Port or</p> <p>9 Mr Walgate. If there had, or anything had come to</p> <p>10 notice, at any point before 2015, then action would have</p> <p>11 been taken.</p> <p>12 I was not aware of anything, so I had a death of</p> <p>13 Mr Walgate, where we kind of knew the circumstances and</p> <p>14 they are what they are, they are slightly different now</p> <p>15 we know -- now it has gone through the trial process,</p> <p>16 but ultimately Mr Walgate went to Port's address in</p> <p>17 Cooke Street. There was not a link with the cemetery,</p> <p>18 there was not a link between Mr Walgate, Mr Kovari and</p> <p>19 Mr Whitworth and there was not a link between</p> <p>20 Mr Whitworth that I was aware of -- again, this is</p> <p>21 important, I had not been made of a link between</p> <p>22 Mr Whitworth and Port or Mr Kovari and Port.</p> <p>23 So, no, in my mind I had two separate incidents,</p> <p>24 both of which we kind of -- if you accepted the facts</p> <p>25 that I was presented with, that had been explained,</p> <p style="text-align: center;">Page 151</p>
<p>1 to you that you were the person who had oversight of</p> <p>2 these investigations, ultimately, and in fact you were</p> <p>3 involved in the Walgate case as we have seen and now on</p> <p>4 this day, in these two cases. I won't use the word</p> <p>5 "link", but you had at least connected the involvement</p> <p>6 of GHB in the cases.</p> <p>7 When you gave evidence previously you talked about</p> <p>8 a bad batch, as being something that sometimes happens?</p> <p>9 A. No, I used it as an example.</p> <p>10 Q. Please let me ask my question and then you can answer,</p> <p>11 inspector.</p> <p>12 The question is, rather than seeing this as</p> <p>13 a problem involving the drug, shouldn't you in fact have</p> <p>14 seen it as a matter involving three deaths, which needed</p> <p>15 to be investigated in that light?</p> <p>16 A. So in relation to the bad batch, the term I used, you</p> <p>17 often hear, whether there are unfortunate deaths in</p> <p>18 relation to, for instance, ecstasy and then warnings go</p> <p>19 out in the news and through public health partners that</p> <p>20 there is a batch of ecstasy that is going around that is</p> <p>21 dangerous, and I didn't know, I didn't know enough about</p> <p>22 GHB, I wanted the people that did in public health and</p> <p>23 the drug and alcohol team to be aware and Martin had the</p> <p>24 same view, he had already contacted them but that was</p> <p>25 the purpose of this email.</p> <p style="text-align: center;">Page 150</p>	<p>1 albeit questions still needed to be answered and</p> <p>2 investigations were ongoing and as far as I was aware</p> <p>3 they were, but I had two separate incidents, Mr Kovari</p> <p>4 and Mr Whitworth and then Mr Walgate and we knew</p> <p>5 approximate circumstances based on Port's account and</p> <p>6 the note that didn't link either of them.</p> <p>7 Q. Inspector, you say you hadn't been made aware of any</p> <p>8 link between Mr Whitworth and Mr Port. I suppose the</p> <p>9 question is, having connected these cases at least as</p> <p>10 far as the common drug was concerned, shouldn't you have</p> <p>11 ordered the cases to be reviewed, or reviewed them</p> <p>12 yourself, to see if there was a common link?</p> <p>13 A. No. I would expect to be -- they were being</p> <p>14 investigated and I would expect to be told of any link</p> <p>15 that had been found, if -- as it did with Mr Taylor.</p> <p>16 Q. All right. Let me move on to another matter.</p> <p>17 I want to ask you some questions about the CRIS in</p> <p>18 this case, which I think, certainly is in the jury</p> <p>19 bundle, I think it is in your bundle as well.</p> <p>20 It is actually about the closure of the CRIS.</p> <p>21 The jury have heard from Dr Swift, who conducted the</p> <p>22 special post mortem in this case and of course they have</p> <p>23 heard from the HAT officers yesterday who commissioned</p> <p>24 the special post mortem.</p> <p>25 I am sure you will agree that where a special post</p> <p style="text-align: center;">Page 152</p>

<p>1 mortem takes place, it is a critical element in the 2 investigation, is it not?</p> <p>3 A. Yes.</p> <p>4 Q. We heard from the HAT officers yesterday that the whole 5 reason the special post mortem was commissioned in this 6 case was to investigate whether there were suspicious 7 circumstances around Daniel's death, yes?</p> <p>8 A. Yes.</p> <p>9 Q. We know that that special post mortem took place in fact 10 the day after the gold group, so it was on the 23rd. We 11 have heard that the toxicology results became available 12 later in the year, and then in fact, because there was 13 a delay in passing the toxicology results to Dr Swift, 14 his final report wasn't signed/released, until 15 April 2015. I don't know if you were aware of those 16 dates, but take it from me that is what they are.</p> <p>17 A. Okay.</p> <p>18 Q. All right.</p> <p>19 Let's look at the CRIS, please, so it is behind 20 tab 46. It is IPC33 for the screen, please. If we can 21 go to internal page 71, now, we can see that the date -- 22 if we look at the dates, that we are in December 2014. 23 If we just cast our eye down the entries from the top of 24 page, we can see that most of them are to do with indeed 25 the toxicology report which had become available. Can</p> <p style="text-align: center;">Page 153</p>	<p>1 post mortem report has even been written this case has 2 been closed. Not just by Temporary Detective Constable 3 Berry or even DS Turrell, but by DI Schamberger, the man 4 who you put in charge to supervise this investigation.</p> <p>5 What do you think about that happening in 6 an organisation that you were the leader of?</p> <p>7 A. I didn't know that had happened and, yes, we should have 8 seen the report.</p> <p>9 Q. Just to be clear, what adjective would you use to 10 describe this investigation into this unexplained death, 11 where a special post mortem had been commissioned, the 12 investigation actually being shut down before the 13 detectives had even received the report of the special 14 post mortem. What word would you use to describe that?</p> <p>15 A. Having read some of it more recently it is, I think, 16 disjointed is probably -- actions, for me, actions were 17 tasked and completed but they were never really tied 18 together, is my view, to bring an overall picture of the 19 question that we wanted to know, which is: what 20 happened?</p> <p>21 Q. There is nothing disjointed about what we are looking at 22 here. All three detectives are united in deciding that 23 this investigation should be shut down before they have 24 seen the post mortem report.</p> <p>25 A. My point is the investigation as a whole, having read</p> <p style="text-align: center;">Page 155</p>
<p>1 you see that, inspector?</p> <p>2 A. Yes.</p> <p>3 Q. Then if we look at the bottom of the page, we see 4 an entry by Mr Berry, he was a detective in your unit, 5 was he not?</p> <p>6 A. Yes.</p> <p>7 Q. He says:</p> <p>8 "This matter is now complete and can be put away." 9 Then if we go over the page, on the 7th -- it was 10 you who talked about that hierarchy of investigating 11 officers, DC Berry was the lowest ranked officer 12 involved in this case, wasn't he?</p> <p>13 A. Yes.</p> <p>14 Q. Then on 7 January we see it going up to the next level, 15 Debbie Turrell, the detective sergeant, she says:</p> <p>16 "A/DI Schamberger has completed the closing report 17 and once the copy has been received for the file, this 18 can then be PA'd."</p> <p>19 Then, a couple of weeks later, A/DI Schamberger, the 20 next level up, says:</p> <p>21 "Closing report for Kovari has been updated on the 22 review screen. Whilst the closing report for Whitworth 23 has not yet been requested, the investigation is 24 complete and the report can be closed."</p> <p>25 What we see here, inspector, is before the special</p> <p style="text-align: center;">Page 154</p>	<p>1 this very recently in the last few days, appears 2 disjointed. In other words, there was no -- all the 3 actions that were completed were not tied together to 4 either create more actions or to answer or ask further 5 questions.</p> <p>6 Q. Inspector, what we are looking at here, an investigation 7 being closed down, I would suggest, prematurely, I would 8 suggest inappropriately, may ring a bell, because 9 I think I showed you the last few pages of the 10 Anthony Walgate CRIS, where that investigation was 11 closed down even though DI McCarthy had wanted the case 12 to be referred back to HAT, even though that hadn't 13 happened.</p> <p>14 In fact -- I will not take it to you now but that 15 took place at almost exactly the same time as this, it 16 was in the early weeks of 2015. When we were asking 17 DI McCarthy questions, we saw from one of his 18 performance reviews that in fact at around this time 19 Barking and Dagenham shot up the league tables within 20 the Metropolitan Police Service on some of its 21 performance statistics, they were called the sanctions 22 data, which appeared perhaps to include the closure of 23 cases.</p> <p>24 Do you think it is possible that what we are seeing 25 here, and what we may have seen in Anthony Walgate's</p> <p style="text-align: center;">Page 156</p>

39 (Pages 153 to 156)

<p>1 case, was a drive to improve the statistics?</p> <p>2 A. No, I can categorically tell you and I remember the</p> <p>3 question to Mr McCarthy, that is not the case. This</p> <p>4 would have been recorded as a crime-related incident,</p> <p>5 not a crime. There is no performance measure in</p> <p>6 relation to putting crimes away. It is purely the</p> <p>7 number of crimes recorded and whether they are detected,</p> <p>8 solved. The fact that a crime gets put away or is</p> <p>9 an open investigation, is no reflection on any</p> <p>10 performance indicators that we had at the time and there</p> <p>11 was no push to close crimes, so that is completely</p> <p>12 unconnected with the performance measures that we had at</p> <p>13 the time, which were reduction and detection, and this</p> <p>14 wasn't even recorded as a crime with the Home Office at</p> <p>15 the time -- it was a crime-related incident, just using</p> <p>16 CRIS as an investigative tool, not a recording tool.</p> <p>17 Q. All right, well, then it shows no more than what you</p> <p>18 would describe as a disjointed investigation.</p> <p>19 Let me, finally, and I hope very quickly, take you</p> <p>20 to one more document, inspector. Again, it involves in</p> <p>21 fact moving further on in the chronology.</p> <p>22 The jury saw, when we heard evidence from Dr Swift,</p> <p>23 that when he conducted the post mortem, he recommended</p> <p>24 that the bedsheet in which Daniel's body had been found</p> <p>25 was submitted for forensic testing. I am sure you are</p> <p style="text-align: center;">Page 157</p>	<p>1 "And why was that?"</p> <p>2 He says:</p> <p>3 "It is a consideration, but the circumstances at the</p> <p>4 time indicated towards no other external parties being</p> <p>5 involved at the time. The potential outcome of having</p> <p>6 the blanket analysed, the bedsheet analysed, could have</p> <p>7 been to identify maybe where he had been the night</p> <p>8 before, or who had contact with him, but it wasn't</p> <p>9 submitted."</p> <p>10 We can ask DI Schamberger about that answer he gave,</p> <p>11 and about his belief that there were no circumstances at</p> <p>12 the time indicating external parties being involved.</p> <p>13 What I want to ask you is a more practical question, and</p> <p>14 it is this.</p> <p>15 That inquest took place in June 2015. Had</p> <p>16 DI Schamberger come back from the inquest and asked to</p> <p>17 have five minutes of your time and said:</p> <p>18 "Look, I think this might have been a bit of</p> <p>19 a disjointed investigation, we had closed the CRIS</p> <p>20 before we even saw Dr Swift's report. I didn't see his</p> <p>21 written recommendation about that bedsheet, but now we</p> <p>22 have had the inquest, the coroner has raised the fact</p> <p>23 that it didn't happen, we have still got the bedsheet,</p> <p>24 can we reopen the investigation and get that bedsheet</p> <p>25 tested?"</p> <p style="text-align: center;">Page 159</p>
<p>1 aware of that fact?</p> <p>2 A. I am now. I am now, yes.</p> <p>3 Q. It was something that he repeated and wrote down in his</p> <p>4 report, which of course hadn't been received by the time</p> <p>5 the CRIS was closed down, at the time we were just</p> <p>6 looking at, but was received some months later. After</p> <p>7 that, there was an inquest held, in fact inquests both</p> <p>8 into Gabriel and Daniel's deaths, and I would like to</p> <p>9 call up, please, part of the transcript of the inquest</p> <p>10 into Daniel's death. It is behind tab 55 in the jury</p> <p>11 bundle. The reference for the screen is IPC1041,</p> <p>12 page 19.</p> <p>13 We see the coroner, at this part of the inquest she</p> <p>14 is actually reading through, asking DI Schamberger</p> <p>15 questions on the basis of Dr Swift's report, so we see</p> <p>16 the entry of coroner towards the top, she says:</p> <p>17 "The pathologist has also commented that it was</p> <p>18 recommended that further examination of the bedsheet, as</p> <p>19 well as positive confirmation of the handwriting which</p> <p>20 you have confirmed be obtained, was that something that</p> <p>21 was done?"</p> <p>22 DI Schamberger says:</p> <p>23 "The bedsheet was not submitted for examination,</p> <p>24 no."</p> <p>25 The coroner says:</p> <p style="text-align: center;">Page 158</p>	<p>1 What would you have said if he had said that?</p> <p>2 A. Are we talking hypothetically?</p> <p>3 Q. Yes.</p> <p>4 A. Well, he wouldn't need my authority or decision to</p> <p>5 reopen an investigation and submit something, but if he</p> <p>6 asked my advice, I would say, "If that is what the</p> <p>7 coroner has advised", but I would have also had concerns</p> <p>8 about other things that were not done as well, but, yes,</p> <p>9 it wouldn't be for him to need to ask me to reopen</p> <p>10 something. The DIs have complete control and autonomy</p> <p>11 over their investigations.</p> <p>12 Q. Let's not forget that you are the head of this</p> <p>13 organisation, DI Kirk, but if he had asked you, your</p> <p>14 answer would be, "Yes, let's do it"?</p> <p>15 A. Yes. With the hypothesis you just put forward, if</p> <p>16 someone had said the coroner had asked us to -- sorry,</p> <p>17 pathologist had suggested we submit a bedsheet, should</p> <p>18 I do it? Then yes.</p> <p>19 Q. Thank you very much.</p> <p>20 A. He wouldn't need my authority to submit it either,</p> <p>21 I don't perform a role in the authority of submissions,</p> <p>22 but, yes.</p> <p>23 MR O'CONNOR: Thank you very much.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

<p>1 Questions from MS HILL</p> <p>2 MS HILL: Mr Kirk, as you know I ask questions on behalf the</p> <p>3 families of those murdered by Mr Port, save for</p> <p>4 Daniel Whitworth's partner.</p> <p>5 Can I make sure I am looking at the right -- I can</p> <p>6 see Mr Kirk on the screen, can I make sure that I should</p> <p>7 look towards you now, and that you can see me looking at</p> <p>8 you, can you see me all right?</p> <p>9 A. I can see you all right, you are not quite looking at</p> <p>10 me, but it is fine.</p> <p>11 Q. Is it the camera above the learned coroner that I should</p> <p>12 look at?</p> <p>13 A. Yes.</p> <p>14 Q. Is that better?</p> <p>15 A. That is it, that one.</p> <p>16 Q. Thank you very much indeed.</p> <p>17 Can I have brought up, please, on screen, it is</p> <p>18 tab 11 of the jury bundle, it is an article from the</p> <p>19 Barking and Dagenham Post, IPC71, internal page 1,</p> <p>20 please.</p> <p>21 This is an article that we see is dated</p> <p>22 29 September 2014; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Have you had a chance to look at this article in</p> <p>25 preparing to give evidence, to remind yourself of it?</p> <p style="text-align: center;">Page 161</p>	<p>1 A. Yes, I believe so, yes.</p> <p>2 Q. The thinking behind this article was because you were</p> <p>3 being asked to give a comment about whether or not there</p> <p>4 were any links between those three cases, is that right?</p> <p>5 A. Yes.</p> <p>6 Q. We see the bottom of IPC71, internal page 1, you were</p> <p>7 speaking to the Post, do you see that?</p> <p>8 A. Sorry, which page?</p> <p>9 Q. If you just go underneath the picture, do you see the</p> <p>10 phrase that begins:</p> <p>11 "Speaking to the Post, Detective Chief Inspector</p> <p>12 Tony Kirk said ..."</p> <p>13 A. Yes.</p> <p>14 Q. "... although the circumstances surrounding the</p> <p>15 discovery of the bodies in Barking in late August and</p> <p>16 September were unusual and slightly confusing, there was</p> <p>17 nothing to suspect the men had come to harm."</p> <p>18 Do you see that?</p> <p>19 A. Yes, that is probably bad wording there. They obviously</p> <p>20 had come to harm. I can't really -- it would be strange</p> <p>21 wording, but, yes.</p> <p>22 Q. I was going to ask you, Mr Kirk --</p> <p>23 A. They obviously had come to harm, but, yeah, I can't</p> <p>24 recall whether that is what I would have said.</p> <p>25 Obviously the context or the meaning is not accurate.</p> <p style="text-align: center;">Page 163</p>
<p>1 A. Yes.</p> <p>2 Q. Just to orientate the jury and remind them about the</p> <p>3 dates, 29 September is then nine days after the body of</p> <p>4 Daniel Whitworth is found, is that right?</p> <p>5 A. Yes.</p> <p>6 Q. The headline, just to be clear, "Unusual but not</p> <p>7 suspicious" is wording that came from you broadly, is</p> <p>8 that right?</p> <p>9 A. Yes.</p> <p>10 Q. My understanding, and I will be told if I am wrong, just</p> <p>11 to make sure the jury don't misunderstand the heading</p> <p>12 is, when we talk about in this heading, we see three</p> <p>13 Barking bodies, that is not in fact including Mr Walgate</p> <p>14 in the three, is that right?</p> <p>15 A. Hmm -- yes, I think this is referring to another male</p> <p>16 that was found --</p> <p>17 Q. Perhaps we don't need to go in the details but it is</p> <p>18 somebody from Whitechapel who is not to do with what we</p> <p>19 have been hearing about, is that right?</p> <p>20 A. Yes.</p> <p>21 Q. What you were being asked to comment on at this point</p> <p>22 was the finding of that person's body, in fact it is in</p> <p>23 the article on the second page, a 39-year old person</p> <p>24 from Whitechapel is one of the people. The other two</p> <p>25 though are Gabriel and Daniel, is that right?</p> <p style="text-align: center;">Page 162</p>	<p>1 Q. I think, in fairness to you, if you look where the quote</p> <p>2 marks are, the "unusual and slightly confusing" seems to</p> <p>3 be your quote, is that right?</p> <p>4 A. Yes. Yes, so that would make sense then, so I didn't</p> <p>5 actually say they had -- there was nothing to suspect</p> <p>6 they had come to harm, because they obviously clearly</p> <p>7 had.</p> <p>8 Q. If you look onto the next page, internal page 2, please,</p> <p>9 about 10 lines down from the top, the quote in full that</p> <p>10 is attributed to you is:</p> <p>11 "It is unusual and slightly confusing ..."</p> <p>12 Do you see that part of it? On the second page, in</p> <p>13 the jury's tab 11, do you see what it says:</p> <p>14 "DCI Kirk said it is unusual and slightly confusing</p> <p>15 ..."</p> <p>16 And then this:</p> <p>17 "... because they aren't local. If they were local</p> <p>18 I could understand a bit more. So we need to see if</p> <p>19 there is a clear connection with the borough regarding</p> <p>20 the two of them."</p> <p>21 All right, just pausing there, if you read up in the</p> <p>22 article, the two of them that you are talking about</p> <p>23 there are Gabriel and Daniel, aren't they, because there</p> <p>24 is mention of Gabriel being said to be from Deptford and</p> <p>25 Daniel being said to be from Gravesend. Those are the</p> <p style="text-align: center;">Page 164</p>

41 (Pages 161 to 164)

<p>1 two you are talking about there, aren't you?</p> <p>2 A. It looks like it, I believe, so yes.</p> <p>3 I should say, I can't recall the interview. I know</p> <p>4 it was a phone call, but I can't recall the wording of</p> <p>5 what was said.</p> <p>6 Q. It is right, isn't it, that how both Gabriel and Daniel</p> <p>7 had come to be in Barking remained unclear?</p> <p>8 A. Yes.</p> <p>9 Q. It was known that they were both not from Barking?</p> <p>10 A. Yes.</p> <p>11 Q. But bearing in mind the circumstances of the note that</p> <p>12 we have seen and looked at many times, the fact that</p> <p>13 these were not local men was almost the least confusing</p> <p>14 thing about this, wasn't it?</p> <p>15 A. It was another question that needed answering though,</p> <p>16 I wouldn't necessarily put them in order.</p> <p>17 Q. At this point in time you were still dealing with a case</p> <p>18 where you had been presented with what has been</p> <p>19 described as perhaps a murder or a manslaughter-suicide</p> <p>20 note and where there were very significant questions</p> <p>21 about how both of those men had died, quite aside from</p> <p>22 fact that they were not local, so help us with why you</p> <p>23 had alighted on that one particularly confusing feature,</p> <p>24 please?</p> <p>25 A. I can't recall my thought process, but from looking at</p> <p style="text-align: center;">Page 165</p>	<p>1 A. No, but it would be a matter of course for the</p> <p>2 investigation. It was unlikely to have happened nine</p> <p>3 days after the investigation. Phone data takes a long</p> <p>4 time to come back.</p> <p>5 Q. Understood, but just, forgive me, the phrase here</p> <p>6 doesn't suggest that and I didn't put that to you. The</p> <p>7 question here is, "Detectives are also hoping to solve</p> <p>8 as they trawl through phone and internet records".</p> <p>9 My question to you is: had you led the press to</p> <p>10 believe that both Daniel and Gabriel's phone and</p> <p>11 internet records were going to be trawled through?</p> <p>12 A. I can't recall. I don't -- I can't recall what the</p> <p>13 conversation was. It would have been -- I may have</p> <p>14 listed a number of lines of enquiry, such as CCTV,</p> <p>15 phones, witness statements, forensics and they have</p> <p>16 taken that -- it is not something that I recall saying</p> <p>17 specifically, but it would have formed part of a number</p> <p>18 of enquiries that we would have followed up but</p> <p>19 I wouldn't have had any objection with sharing in the</p> <p>20 press around basic investigative tools, such as CCTV,</p> <p>21 phone work, et cetera.</p> <p>22 Q. About halfway down page, there is a sentence that</p> <p>23 begins:</p> <p>24 "It has not been ruled out that both men were living</p> <p>25 rough within the walls of the Abbey, which provides some</p> <p style="text-align: center;">Page 167</p>
<p>1 it now, it is because the fact they were not local is</p> <p>2 how did they end up where they were? Is there</p> <p>3 a connection with where they had been? This is part of</p> <p>4 the reason for CCTV, cell site phone data.</p> <p>5 That would have -- it is not a case of they were not</p> <p>6 from the borough, it is the fact of what were they doing</p> <p>7 on the borough? Is there a connection on the borough?</p> <p>8 It is part of the investigative process that would</p> <p>9 hopefully answer some questions about what had happened.</p> <p>10 It was not a case of the issue is they are not from the</p> <p>11 borough, it is why are they on the borough and is that</p> <p>12 part of the reason they have unfortunately died?</p> <p>13 Q. If you scroll up in the article to the sentence that</p> <p>14 begins, "They believe", this is detectives I think you</p> <p>15 are being quoted effectively here:</p> <p>16 "They believe he may have known [this Gabriel]</p> <p>17 Daniel Whitworth, the reason both men were in the</p> <p>18 borough remains a mystery which detectives are also</p> <p>19 hoping to solve as they trawl through phone and internet</p> <p>20 records."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Had you indicated to the press, as is reported here,</p> <p>24 that phone and internet records for both Gabriel and</p> <p>25 Daniel were being trawled through?</p> <p style="text-align: center;">Page 166</p>	<p>1 shelter."</p> <p>2 Just pausing there, there was no real basis for</p> <p>3 believing that was true in relation to these two men,</p> <p>4 was it?</p> <p>5 A. Again, that is not a quote of mine. I may have</p> <p>6 mentioned that there are people hanging clothes out and</p> <p>7 if he had asked me I probably would have said I don't</p> <p>8 know, because I wouldn't have been certain nine days or</p> <p>9 seven days after I found out, so I can't remember what</p> <p>10 I would have discussed. But it was common knowledge</p> <p>11 that people would sleep rough in the in and around,</p> <p>12 because of the shelter it provided and its proximity to</p> <p>13 the town centre, but I can't remember what exactly</p> <p>14 I told him.</p> <p>15 Q. In relation to Gabriel, I think you knew his body had</p> <p>16 been identified by his family overseas and in relation</p> <p>17 to Daniel you knew he had parents and a partner and you</p> <p>18 knew that he had been reported missing, so there really</p> <p>19 was no basis for suggesting this in relation to both of</p> <p>20 them, was there?</p> <p>21 A. Yes, and I don't know if I did suggest it.</p> <p>22 Q. Very top of the page, it says:</p> <p>23 "With post mortem examinations now complete,</p> <p>24 detectives have said they are not looking for any</p> <p>25 suspects."</p> <p style="text-align: center;">Page 168</p>

42 (Pages 165 to 168)

<p>1 Is that what you said?</p> <p>2 A. It is likely, yes, at the time the information I knew,</p> <p>3 we were not looking for any suspects, we had accounted</p> <p>4 for Mr Whitworth's death and Mr Kovari's death from the</p> <p>5 note and then the other gentleman was completely</p> <p>6 unconnected. Obviously there was no reference here to</p> <p>7 Mr Walgate.</p> <p>8 Q. So within nine days of Daniel's body being found, and</p> <p>9 several weeks after Gabriel's body was found, you were</p> <p>10 satisfied that there were no further suspects. Is that</p> <p>11 what you are saying?</p> <p>12 A. No, at that time I was not aware of any other suspects</p> <p>13 that we were looking for.</p> <p>14 Q. You couldn't possibly though at this point have ruled</p> <p>15 out the possibility that there were other suspects,</p> <p>16 because either the note wasn't accurate or even if it</p> <p>17 was, that somebody had had to help Daniel move the body.</p> <p>18 Those are two very real possibilities that you couldn't</p> <p>19 credibly have ruled out by this point, isn't that fair?</p> <p>20 A. No, and the investigation, as I said, was realistically</p> <p>21 seven days in, at that time, at that moment in time we</p> <p>22 were not looking for any suspects. If any information</p> <p>23 had changed, then that information would change in</p> <p>24 relation to suspects.</p> <p>25 So, no, I didn't -- I don't recall the exact words</p> <p style="text-align: center;">Page 169</p>	<p>1 A. I'm assuming that has come out after the full murder</p> <p>2 investigation.</p> <p>3 Q. But this article suggests, back in 29 September 2014,</p> <p>4 that that was the current focus of the investigation,</p> <p>5 so, as somebody with a leadership role within CID,</p> <p>6 surely if that was the current or the main focus, it was</p> <p>7 incumbent on you to know what the outcome of that was?</p> <p>8 A. Once I had set the investigation in process and put</p> <p>9 people in place, I wouldn't be able to go back and the</p> <p>10 policy didn't require me to go back and review them.</p> <p>11 The fact that an investigation sat with a DI was, as</p> <p>12 I have said previously, very unusual, and thankfully</p> <p>13 quite a rare occasion with only three DIs. So I would</p> <p>14 set things at the gold group, in the meeting I had,</p> <p>15 appointing DI Schamberger to oversee it and that would</p> <p>16 be the absolute best I could hope to do in relation to</p> <p>17 the staff and the resources I had and the workload that</p> <p>18 I carried.</p> <p>19 Q. When I asked you questions about Anthony Walgate's</p> <p>20 death, you made clear -- I believe it is pages 197 and</p> <p>21 198 of the transcript -- that normally an unexplained</p> <p>22 death would be investigated by somebody below the rank</p> <p>23 of inspector and perhaps by uniformed colleagues, is</p> <p>24 that correct?</p> <p>25 A. Routinely, unexplained deaths would be reported and</p> <p style="text-align: center;">Page 171</p>
<p>1 I used, but at that moment in time we were not looking</p> <p>2 for anybody else. We were investigating how the two</p> <p>3 young men had ended up being where they were and what</p> <p>4 had happened to them and at that time there was no</p> <p>5 information or evidence that I was aware of that</p> <p>6 implicated or that involved anybody else.</p> <p>7 Q. Is the article finally accurate in reporting this,</p> <p>8 Mr Kirk, that the current focus, it says:</p> <p>9 "Their current focus [I think that is detectives] is</p> <p>10 on identifying a possible connection between the two of</p> <p>11 the men found in the ground of the church."</p> <p>12 That must be Gabriel and Daniel. But was it right</p> <p>13 that that was the current focus of the investigation?</p> <p>14 A. Of that investigation, yes, we wanted to establish what</p> <p>15 had happened to both of them.</p> <p>16 Q. What is your understanding of what connection was ever</p> <p>17 established between Daniel and Gabriel?</p> <p>18 A. The note and the having the mutual connection to the</p> <p>19 drug.</p> <p>20 Q. Is it your understanding that there is still, to this</p> <p>21 day, no evidence that those two had met or knew each</p> <p>22 other?</p> <p>23 A. I didn't know that. I didn't know that now, let alone</p> <p>24 seven years ago.</p> <p>25 Q. But doesn't this article --</p> <p style="text-align: center;">Page 170</p>	<p>1 followed up by uniformed officers, whether that would be</p> <p>2 a uniformed response team sergeant or a PC. Or, if CID</p> <p>3 attended, they may -- and there were certain enquiries</p> <p>4 that needed to be carried out, they may be passed to the</p> <p>5 CID to do. But it was generally most of the deaths, if</p> <p>6 they were non-suspicious, would be dealt with by</p> <p>7 uniformed colleagues.</p> <p>8 Q. Is it your position that across all three deaths,</p> <p>9 Anthony Walgate, Gabriel Kovari and Daniel Whitworth,</p> <p>10 you allocated an inspector to them?</p> <p>11 A. Yes.</p> <p>12 MS HILL: Madam, I see the time. I have about 10 to 15</p> <p>13 minutes more questions. I don't know if it is</p> <p>14 appropriate to take a break.</p> <p>15 THE CORONER: Yes, we will take a break at that stage, thank</p> <p>16 you very much.</p> <p>17 Until 3.30, members of the jury.</p> <p>18 (3.17 pm)</p> <p>19 (A short adjournment)</p> <p>20 (3.30 pm)</p> <p>21 (In the presence of the jury)</p> <p>22 MS HILL: Thank you, Mr Kirk.</p> <p>23 Before the break I was asking you questions about</p> <p>24 the news article and you were explaining that the three</p> <p>25 bodies being discussed in the news article did not</p> <p style="text-align: center;">Page 172</p>

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<p>1 include Anthony Walgate. 2 Can I ask you this now. At the time that you gave 3 that interview to the press, did you not even consider 4 the link with Anthony Walgate or did you consider it and 5 discount it? 6 A. I was aware of the GHB link, and I think I had asked for 7 details of Mr Walgate in preparation for the phone call 8 with the reporter. So, again, it was the GHB link, not 9 a link in relation to who had caused the deaths. 10 Q. Did you know that all three of the men were gay? 11 A. I think ... yes, I think I would have done. Certainly 12 if you take -- yes, yes, because the note and the family 13 members, so soon after each one, yes, I would have 14 known. 15 Q. Can I bring up, please, IPC252. Can we have that on 16 screen, please. 17 If you just scroll down within this document, 18 I don't know if you can see this on screen or not? 19 A. If they can zoom into the relevant part, I would 20 appreciate it, thank you. 21 Q. If we just go down to the bottom of this document, it is 22 a long series of emails on 29 September. Just go right 23 down to bottom of this page, please. 24 Pause there. 25 At 12.10, your email is sent out to DS Turrell and</p> <p style="text-align: center;">Page 173</p>	<p>1 Just scroll up, please. 2 Then I think there is a further discussion about 3 what is public knowledge, and that is where the end of 4 the email exchange finishes, I think, just after 2.00. 5 This is all in advance of the press conference, am 6 I right? 7 A. I believe so, yes. 8 Q. The point of this email exchange was to give you 9 information about the three deaths you thought you were 10 talking about, that doesn't include Mr Walgate, but on 11 any view this email exchange did mention details about 12 Mr Walgate that were very similar to Daniel and 13 Gabriel's deaths, isn't that right? 14 A. Yes. 15 Q. Because these three men had all died, as far as you were 16 aware, had all been found, I think, outside, is that not 17 right? 18 A. Different locations, but yes. 19 Q. Well, they had all been found outside, they had all been 20 found in a location -- one location the same for two of 21 them and the other one, around I think 400 to 500 metres 22 apart, is that right? 23 A. I am not sure of the distance. 24 Q. Did you know enough about the cases to know that they 25 were all similarly positioned, propped up?</p> <p style="text-align: center;">Page 175</p>
<p>1 others, saying: 2 "Can I have a summary of the three deaths, just 3 names, dates, addresses, dates of birth." 4 Then scrolling up, Sergeant Turrell gives you the 5 three names, Mr Whitworth, Mr Kovari and the other 6 gentleman. 7 You then say: 8 "Can you stick Walgate's details on there as well 9 please? I am going to be asked about it." 10 Do you see that? 11 A. Yes. 12 Q. Scrolling up, throughout the email exchange, please, you 13 asked some further questions. Then there is 14 a discussion at 1.18, about: 15 "Paul, the FLO for the Walgate and Whitworth jobs 16 [I think that is Mr Slaymaker] is concerned about the 17 names going out in the press, as the families have 18 already indicated they do not want details going out in 19 the press. Also it is sensitive to the family re the 20 gay connections in these matters as well, well at least 21 Walgate, Whitworth and Kovari are concerned. So if you 22 can keep me updated so the family are prepared for what 23 goes out, that would be much appreciated." 24 You say to Sergeant Turrell: 25 "I will not mention anything about sexuality."</p> <p style="text-align: center;">Page 174</p>	<p>1 A. No. 2 Q. Did you know -- 3 A. Only from the basic descriptions from the various 4 briefing notes. 5 Q. Did you know that in all three of those cases some parts 6 of their abdomen or tummy was visible? 7 A. I don't recall that specific level of detail. 8 Q. I think you did know that there was a suggestion of GHB 9 involved in all three cases, you did know that? 10 A. I am not sure when GHB first came to notice in the case 11 of Mr Walgate, but obviously it was mentioned straight 12 away in relation to Mr Kovari and Mr Whitworth. 13 Q. I think you just gave evidence to the learned coroner's 14 counsel it was 16 September that you received the tox 15 results in relation to Anthony, or around that time, 16 because we have seen those emails about you asking for 17 information from the partners -- 18 A. Yes, I am not sure -- I didn't know if I knew about the 19 GHB before then in relation to Mr Walgate, but certainly 20 by that date it was definite, yes. 21 Q. Certainly by the time you gave that interview to the 22 press, by 29 September, you knew that GHB was the likely 23 feature of all three deaths? 24 A. Yes, but it had only been confirmed in Mr Walgate. It 25 hadn't been confirmed -- not scientifically confirmed,</p> <p style="text-align: center;">Page 176</p>

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<p>1 not to the level that I would be happy to put that out</p> <p>2 in the public domain without first having scientific</p> <p>3 confirmation, shall we say.</p> <p>4 Q. I am not suggesting that, what I am trying to probe here</p> <p>5 is your professional curiosity, if I can put it that</p> <p>6 way, to take a phrase from DAC Cundy's statement. You</p> <p>7 were aware, broadly, that these three men were of quite</p> <p>8 similar ages in their early 20s, isn't that right?</p> <p>9 A. Yes.</p> <p>10 Q. And you were aware, I think, or at least if not could</p> <p>11 have been aware that each of them had their telephones</p> <p>12 missing?</p> <p>13 A. I don't recall that level of detail.</p> <p>14 Q. Did you know broadly -- I appreciate that you might not</p> <p>15 know all the details, but did you know that broadly,</p> <p>16 when each of these men was found outside, they all had</p> <p>17 some personal effects on them, wallets, bankcards,</p> <p>18 clothing, cash something like that, they all had some</p> <p>19 things with them that had not been stolen?</p> <p>20 A. Again, I am not aware -- I seem to remember in some of</p> <p>21 the briefing notes there was talk of personal possession</p> <p>22 of a suitcase I believe in relation to Mr Kovari,</p> <p>23 I believe, but again I may or may not have known that at</p> <p>24 the time, I don't know.</p> <p>25 Q. Those are just some of the, I would suggest to you,</p> <p style="text-align: center;">Page 177</p>	<p>1 understanding of all of these cases, apart from the</p> <p>2 individual officers involved, because your role meant</p> <p>3 that you knew what was happening on the Walgate</p> <p>4 investigation and you knew enough about what was</p> <p>5 happening on these three investigations.</p> <p>6 Isn't it exactly somebody in your sort of position</p> <p>7 that should have joined these cases up?</p> <p>8 A. No. No, I didn't have specific detail. As I said</p> <p>9 previously, after the initial setting up of making sure</p> <p>10 that things were put in place to deal with it, after</p> <p>11 that I was not ever in a position to go back and</p> <p>12 revisit. Unless I had cause to, I was never given cause</p> <p>13 to go back and revisit. It is extremely unfortunate,</p> <p>14 but I wasn't -- I have obviously asked myself that</p> <p>15 question many times and I have seen nothing and remember</p> <p>16 nothing that ever gave me cause to go back and review</p> <p>17 it. Yes, it is clear now the investigations have lots</p> <p>18 of unanswered questions. As I have said, earlier on,</p> <p>19 appear disjointed from the documents that I have read</p> <p>20 but, no, I was not involved in enough detail -- I was</p> <p>21 only going by the briefings that I was being given,</p> <p>22 which didn't link any of them and they kind of -- the</p> <p>23 information I had was that they were dealt with,</p> <p>24 inasmuch as we accepted the note from Mr Whitworth,</p> <p>25 which dealt with what approximately had happened to the</p> <p style="text-align: center;">Page 179</p>
<p>1 obvious factors that should by 29 September have made</p> <p>2 you think that there was something more sinister that</p> <p>3 might link these cases than just the fact that GHB was</p> <p>4 involved. Do you understand what I am suggesting to</p> <p>5 you?</p> <p>6 A. Yes.</p> <p>7 Q. That these were a series of quite striking similarities</p> <p>8 between these three deaths that when there was</p> <p>9 discussion on that very day, on 29 September, about</p> <p>10 these three cases, should have prompted you to be</p> <p>11 professionally curious and, as has already been put to</p> <p>12 you, either review those cases yourself or ask someone</p> <p>13 else to do that. Do you understand what I am</p> <p>14 suggesting?</p> <p>15 A. I do, and as I have said before I wish I had made the</p> <p>16 link and I didn't -- I can't account for my thought</p> <p>17 process at the time, but I can assure you that if I had</p> <p>18 made the link, I would have done something about it.</p> <p>19 I didn't make link, based on what I now know, the</p> <p>20 information that Port and Mr Walgate weren't connected</p> <p>21 with Mr Kovari and Mr Whitworth in any way, and neither</p> <p>22 was the location, albeit, yes, they are close. I don't</p> <p>23 think I fully appreciated how close at the time.</p> <p>24 Q. It is the case, isn't it, that you were probably the</p> <p>25 officer on the CID part of the borough with the closest</p> <p style="text-align: center;">Page 178</p>	<p>1 two of them, Mr Kovari and Mr Whitworth.</p> <p>2 And then the same for Mr Walgate. We had an account</p> <p>3 from Port, which was not accurate, but it did account</p> <p>4 for how he became -- or how he came to end up there and</p> <p>5 they weren't ever linked to each other.</p> <p>6 Even when Mr Taylor was identified, the link --</p> <p>7 there wasn't a link to Port between Kovari and Whitworth</p> <p>8 until the full investigation took place.</p> <p>9 Q. We will come to what that did in due course, but, as you</p> <p>10 know, the family of Mr Taylor sit here in court. Is</p> <p>11 there anything else you would like to say about your</p> <p>12 failure to link those first three deaths?</p> <p>13 A. No, not anything more than I have already said. I wish</p> <p>14 I had. I don't know, without -- you know, with</p> <p>15 hindsight, it is difficult, but at the time there was</p> <p>16 nothing that ever raised it to me of them being linked.</p> <p>17 Many, many people knew of all the deaths and nobody</p> <p>18 else made a link either, so it wasn't just me. Nobody</p> <p>19 did. And if it was that obvious to people at the time,</p> <p>20 with everything else going on, then it is likely that</p> <p>21 somebody would have made that link, but nobody that I am</p> <p>22 aware of ever did, and if they did, they never raised it</p> <p>23 with me or my superiors, because they certainly would</p> <p>24 have come back to me to look into it.</p> <p>25 Q. Did you know that at least one member of the public had</p> <p style="text-align: center;">Page 180</p>

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<p>1 emailed one of CID officers, Mr Amodio, asking whether 2 there was a link with Anthony's death?</p> <p>3 A. No, I have seen some emails subsequently as part of the 4 disclosure, but I certainly wasn't aware of any contact. 5 I have seen over the last few years several accounts 6 from friends and family where they have raised things 7 with police and I was always confused and a little bit 8 upset at the fact that I had never heard of any of these 9 issues being raised, and then reading some of the emails 10 it came to light they were raised but I didn't know 11 anything about them, I am afraid.</p> <p>12 Q. Do you accept now that if you had conducted a review, or 13 asked for a review to be conducted, those deaths may 14 well have been linked and the opportunity for the MIT 15 team to take over all three cases may well have happened 16 again?</p> <p>17 A. Yes.</p> <p>18 Q. And that if those three cases had been reviewed, and 19 I am referring now, we don't need to bring it up, to 20 INQ006, internal page 34, the learned coroner's expert 21 may say that if a review had been carried out, some of 22 the key factors about how these men came to be in 23 Barking, the positions of their bodies being similar, 24 all were gay, none had their phones discovered, they all 25 had lethal levels of GHB, when those results were</p> <p style="text-align: center;">Page 181</p>	<p>1 A. I had effective leadership of the CID as a whole. 2 I didn't oversee the investigation, I didn't review the 3 investigation. That was not my role to. The CID, as 4 a whole, and my portfolio as a whole, was performing 5 as -- was performing well in relation to the areas that 6 I was measured upon. So in relation to grip of the 7 overall portfolio, I would say yes and that was 8 recognised, but in relation to these investigations, 9 yes, more staff would have allowed the DSs, particularly 10 the supervisors that were required, would have allowed 11 them more time and space to conduct the investigations 12 thoroughly and the same with the DIs, the borough should 13 never have had just three DI, of which all the posts 14 were empty. If it had had more DIs, then that DI could 15 have had more time to focus on doing the overview and 16 the review process that was required of them.</p> <p>17 Q. When you mentioned --</p> <p>18 A. The relentless workload that the borough had effectively 19 prevented a lot of that. I think people have said that 20 the actions that were required in their own right, were 21 not particularly complex actions. The complexity comes 22 in tying it all together and being able to link the 23 evidence from one to the other and establish what that 24 means in relation to further actions that are needed or 25 how the investigation could proceed and that, when you</p> <p style="text-align: center;">Page 183</p>
<p>1 obtained, all of those similarities would have been 2 looked at much more carefully than they were under your 3 team's watch. Isn't that fair?</p> <p>4 A. Yes.</p> <p>5 Q. You have given evidence this afternoon that you accept 6 that the investigation was disjointed, I think is a word 7 you have used. Is that right?</p> <p>8 A. Yes.</p> <p>9 Q. I think that was a word that you used when you were 10 asked questions about the Anthony Walgate investigation 11 before.</p> <p>12 When you were asked questions about that, I am just 13 going to repeat back some of your evidence. I asked you 14 whether or not you felt that you had had effective 15 leadership of team, and you said:</p> <p>16 "To be blunt, I should have had more officers and 17 more experienced officers."</p> <p>18 That's page 199 of 20 October:</p> <p>19 "... I should have had more officers and more 20 experienced officers."</p> <p>21 Is that your answer, if I put the same question to 22 you again, about Gabriel and Daniel, so if I ask you 23 again: do you believe you had effective leadership of 24 team, looking into Gabriel and Daniel's deaths, is your 25 answer the same?</p> <p style="text-align: center;">Page 182</p>	<p>1 are dealing in an office where you would set yourself 2 time aside to do something and then come in and you have 3 got three prisoners to deal with, makes it very, very 4 difficult.</p> <p>5 So, yes, more staff would have allowed everybody 6 more time to allow more focus and maybe conduct the 7 wider reviews that were needed. That would include me, 8 if I had more time -- sorry, but if I had more time in 9 my role, then my post used to be two DCI posts and if 10 I had had more DIs, I could have delegated more work and 11 that maybe would have allowed -- but if I had felt that 12 this, on the facts that I knew, it needed a review, 13 I would have made time, I would have done a review, but 14 there was nothing that indicated or ever fed back to me 15 that there was anything that needed doing. The two 16 investigations were ongoing, clearly unanswered 17 questions and not being dealt with as they should, but 18 I was never aware of that until much, much later when 19 everything came to light.</p> <p>20 Q. Later in the questioning I asked you about particular 21 things that I suggested to you went wrong in the 22 Anthony Walgate investigation. So you were asked 23 questions about the laptop, the checking of the records 24 for Mr Port, things of that nature. It was put to you 25 that there was no real sense of urgency or priority at</p> <p style="text-align: center;">Page 184</p>

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<p>1 all.</p> <p>2 Your answer, this is page 201, was:</p> <p>3 "The team were dealing with many other things,</p> <p>4 things were missed, I am not saying they weren't. I am</p> <p>5 aware that it stalled [that's the Anthony Walgate</p> <p>6 investigation]."</p> <p>7 Those two propositions, do you accept in relation to</p> <p>8 the Gabriel and Daniel investigation that things were</p> <p>9 also missed?</p> <p>10 A. I have only seen the CRIS report. I haven't really seen</p> <p>11 anything else that covers the detail of that</p> <p>12 investigation. But reading it, there were unanswered</p> <p>13 questions that needed to be answered.</p> <p>14 Q. The same question in relation to the second point you</p> <p>15 made. Do you think that the fair reading of the</p> <p>16 evidence, as has been put to you already, is not so much</p> <p>17 that the investigations into Gabriel and Daniel's deaths</p> <p>18 stalled, but that they were closed down too quickly, do</p> <p>19 you accept that?</p> <p>20 A. Having read the CRIS report, yes.</p> <p>21 Q. The jury may hear from the learned coroner's expert that</p> <p>22 she has particular concerns, dealing first with the</p> <p>23 Gabriel investigation, that there was a lack of focus on</p> <p>24 the investigation into his death in the early days, and</p> <p>25 that in particular, when Mr Pape's statement was</p> <p style="text-align: center;">Page 185</p>	<p>1 becomes the complex part of an investigation. Taking</p> <p>2 a statement from somebody is not particularly difficult</p> <p>3 and anyone in my CID could have done that, but when you</p> <p>4 have a much bigger picture and you are trying to tie in,</p> <p>5 that is where the major incident room and a MIT team can</p> <p>6 facilitate those investigations better, and that is what</p> <p>7 I was trying to explain around disjointed.</p> <p>8 I was not aware of that statement and I was not</p> <p>9 aware of the detail of the investigation, like I said,</p> <p>10 I never went back to review them because I never had</p> <p>11 cause to, I was never asked to look at it and nothing</p> <p>12 was ever raised to me that gave me any concern they</p> <p>13 weren't being dealt with.</p> <p>14 Q. Mr Kirk, I am asking you whether you are going to accept</p> <p>15 responsibility for some failings in these investigations</p> <p>16 now. These are things that happened at the time, but</p> <p>17 this is evidence the jury is likely to hear and it</p> <p>18 sounds from your evidence, tell me if I am wrong, that</p> <p>19 you are likely to agree with this proposition, that the</p> <p>20 responsibility in the Gabriel investigation, I'm reading</p> <p>21 from paragraph 89, internal page 22:</p> <p>22 "The responsibility for ensuring that actions were</p> <p>23 raised and recorded is that of the overseeing</p> <p>24 supervisor. In the case of the Gabriel investigation it</p> <p>25 was unclear who had responsibility. The uniformed team</p> <p style="text-align: center;">Page 187</p>
<p>1 provided on 8 September, that generated a wealth of</p> <p>2 enquiries that should have been followed up. Do you</p> <p>3 want to comment on that, please?</p> <p>4 A. Sorry, comment on which part?</p> <p>5 Q. She has suggested -- I am sure you have been made aware</p> <p>6 of this, she is likely to say that in the initial phase</p> <p>7 of the Gabriel Kovari investigation there was</p> <p>8 insufficient focus on trying to establish his final</p> <p>9 movements, and, second --</p> <p>10 A. Sorry, I am not aware -- I understood that the initial</p> <p>11 investigation into Mr Kovari was appropriate. But if</p> <p>12 that is not the case, then, again, I don't know who</p> <p>13 actually completed the initial investigation and</p> <p>14 preparation for a coroner in relation to Mr Kovari.</p> <p>15 Q. In fairness to you, she is not particularly critical of</p> <p>16 the assessment of the scene, all right, but she</p> <p>17 certainly is likely to say that from 8 September, when</p> <p>18 Mr Pape's statement was received, that was a significant</p> <p>19 point in the investigation that should have led to</p> <p>20 a series of lines of enquiry being followed up. Do you</p> <p>21 know about that?</p> <p>22 A. I don't, no. But it is part of what I was trying to</p> <p>23 explain around disjointed -- the actions were completed</p> <p>24 and statements taken and CCTV, phone work, whatever was</p> <p>25 or wasn't done, but it is tying those in together which</p> <p style="text-align: center;">Page 186</p>	<p>1 commenced their enquiries but there was not clear</p> <p>2 direction from a uniformed supervisor."</p> <p>3 Then she goes on to provide further comment and</p> <p>4 makes the observation:</p> <p>5 "... a CRIS report should have been raised in</p> <p>6 accordance with national crime recording standards."</p> <p>7 So broadly is explaining why she thinks there is</p> <p>8 a lack of leadership on this particular investigation.</p> <p>9 Do you accept that?</p> <p>10 A. You are talking about -- sorry, I am not -- I am really</p> <p>11 not trying to be awkward, I am just trying to clarify.</p> <p>12 Are you talking about the bit before Mr Whitworth was</p> <p>13 discovered?</p> <p>14 Q. She has said --</p> <p>15 A. She is talking about uniform investigation?</p> <p>16 Q. In the period of time prior to the discovery of</p> <p>17 Mr Whitworth's body, and I will come to what happened</p> <p>18 after that.</p> <p>19 A. Okay, well I can't comment on the uniform -- I didn't</p> <p>20 know who investigated it, was never -- I was never part</p> <p>21 of that investigation.</p> <p>22 Q. Did you become aware of what had been done after</p> <p>23 Mr Whitworth's body had been found? Did you become</p> <p>24 aware of what had been done in the Gabriel</p> <p>25 investigation?</p> <p style="text-align: center;">Page 188</p>

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<p>1 A. No.</p> <p>2 Q. You are aware, I think, that she is likely to say that</p> <p>3 Gabriel's death should have been looked at afresh when</p> <p>4 Daniel's body was found, and I think we have heard about</p> <p>5 that.</p> <p>6 She has also been critical about the investigation</p> <p>7 into Daniel's death, saying that the death of Gabriel</p> <p>8 should have been recorded as an unlawful killing in</p> <p>9 light of the note and in particular has raised concerns</p> <p>10 about the involvement of the HAT team in relation to</p> <p>11 Daniel.</p> <p>12 I don't need to ask you, I think, any more questions</p> <p>13 about that, but are you aware of some of the other</p> <p>14 issues that she has raised in the Daniel investigation,</p> <p>15 about the sex swabs, the sheet and things of that</p> <p>16 nature?</p> <p>17 A. I am aware and they were things that I think it has been</p> <p>18 established should have been done.</p> <p>19 Q. You would accept that in relation to the submission of</p> <p>20 the sex swabs, I think? That it should have been done?</p> <p>21 A. Yes.</p> <p>22 I don't know enough detail about the investigations</p> <p>23 to know what was submitted and what wasn't. So I -- but</p> <p>24 yes, it would stand ...</p> <p>25 In relation to Mr Whitworth, we weren't at the time</p> <p style="text-align: center;">Page 189</p>	<p>1 would submit things. You would need to know, you would</p> <p>2 need to have a forensic strategy meeting, you would need</p> <p>3 to have an overview of all of the information and that</p> <p>4 includes overlaying phone data, witness statements,</p> <p>5 CCTV, and things -- you know, things like that, before</p> <p>6 you make any decisions.</p> <p>7 So, yes, it is likely they would and on the face of</p> <p>8 what you are saying, they would be submitted but I would</p> <p>9 need to know a lot more information.</p> <p>10 Q. Do you accept that the bed sheet should have been</p> <p>11 submitted for analysis?</p> <p>12 A. I think, again, it is the same process but we talked</p> <p>13 about the coroner's comments -- sorry, the pathologist's</p> <p>14 comments, so, again, that should definitely have been</p> <p>15 something that would be considered.</p> <p>16 Q. At the very latest when the coroner raised it, but</p> <p>17 certainly depending on what the jury considers,</p> <p>18 potentially earlier than that, is that fair?</p> <p>19 A. Yes.</p> <p>20 Q. Do you agree, finally, in relation to Daniel, with this</p> <p>21 proposition, that if the MIT team had taken</p> <p>22 responsibility from the outset -- this is paragraph 128,</p> <p>23 internal page 30 -- it would have been: more intrusive;</p> <p>24 the investigation would have been more structured, in</p> <p>25 terms of documents and staff; the SIO assigned and less</p> <p style="text-align: center;">Page 191</p>
<p>1 treating his death as suspicious. We were trying to</p> <p>2 establish the full circumstances in his connection to</p> <p>3 say whether the note was correct in the death of</p> <p>4 Mr Kovari. So I can't say, without knowing a lot more</p> <p>5 about the investigation, as to what should be submitted</p> <p>6 forensically. That is quite a lot of in-depth detail</p> <p>7 which it is not really appropriate for me to comment on,</p> <p>8 because I don't know, but it is not uncommon for swabs</p> <p>9 to be submitted, I don't know enough detail of the</p> <p>10 investigation to say it should or shouldn't have been</p> <p>11 submitted, or when it should be submitted.</p> <p>12 Q. Taking a broad view from your position, you knew enough</p> <p>13 I think about the note to say that the person that had</p> <p>14 written that note had taken the time to say in it</p> <p>15 something to the effect of, "This is nothing to do with</p> <p>16 man I was with last night", so didn't you appreciate</p> <p>17 that identifying Daniel's most recent sexual partner was</p> <p>18 likely to be key?</p> <p>19 A. It would follow on and it was likely they would be but,</p> <p>20 as I said, without knowing the specifics, I can't say</p> <p>21 exactly what would have been submitted, what wouldn't</p> <p>22 be, and sometimes you do stage submissions, so you</p> <p>23 submit one thing and if the results don't come back, you</p> <p>24 submit the next.</p> <p>25 It is not as straightforward as just saying yes we</p> <p style="text-align: center;">Page 190</p>	<p>1 competing demands on their time.</p> <p>2 Those are features that would have occurred if the</p> <p>3 MIT team had taken responsibility for the death of</p> <p>4 Daniel and the death of Gabriel when Daniel's body was</p> <p>5 found; do you agree that?</p> <p>6 A. Yes.</p> <p>7 MS HILL: Just bear with me a second.</p> <p>8 Thank you very much.</p> <p>9 Questions from DR VAN DELLEN</p> <p>10 DR VAN DELLEN: Detective Chief Inspector Kirk, I ask</p> <p>11 questions on behalf of Ricky Waumsley, the partner of</p> <p>12 Daniel Whitworth, who sits in court today and has been</p> <p>13 listening to the evidence that you have given.</p> <p>14 You may recall before the adjournment my learned</p> <p>15 friend Mr O'Connor Queen's Counsel asked you a question</p> <p>16 about Barking and Dagenham shooting up in the league</p> <p>17 tables, do you remember that question that he asked?</p> <p>18 A. Yes.</p> <p>19 Q. This jury has heard evidence from Chief Superintendent</p> <p>20 Ewing, who was the borough commander at the time that</p> <p>21 you were in charge of CID. Mr O'Connor asked him:</p> <p>22 "In particular, of course, we are focusing on</p> <p>23 whether the CID department was actually able to</p> <p>24 investigate these matters, to use an overused phrase,</p> <p>25 was it fit for purpose at the time that you were in</p> <p style="text-align: center;">Page 192</p>

1 charge?"
 2 Mr Ewing's answer was:
 3 "Generally speaking, it was fit for purpose. At the
 4 end of the financial year 2013/2014 the borough had been
 5 recognised as most improved in terms of crime reduction
 6 and in terms of what we call detections, so the number
 7 of people brought to justice for offences that had been
 8 committed. We had also increased the satisfaction of
 9 victims of crime to near the top of the Metropolitan
 10 Police and indeed, at the end of that financial year,
 11 the borough was awarded two prizes for being the top and
 12 the most improved borough in London at that time."
 13 That was Mr Ewing's evidence.
 14 The jury has also heard evidence from a stream of
 15 officers that have sat in the witness box in this court.
 16 Detective Sergeant Martin O'Donnell said:
 17 "I can only apologise deeply to the families for not
 18 being able to do this, the laptop search, to the
 19 standard expected. It was there on his laptop and we
 20 should have got it."
 21 Acting Detective Inspector Eugene McCarthy said he
 22 wanted to genuinely apologise for failings in the
 23 investigation into Anthony's death.
 24 Detective sergeant David Parish has also apologised.
 25 Only this morning, Chief Superintendent Wilson said:

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1 "I would like to apologise to the families, the
 2 investigation on the borough at the time was
 3 substandard."
 4 Detective Inspector Kirk, who is right? Chief
 5 Superintendent Ewing, that this was the top borough in
 6 the Metropolitan Police, or all of those other officers
 7 that have apologised for the failings?
 8 **A. I don't think that is particularly a yes or no question.**
 9 **The borough were performing very well. It wasn't**
 10 **awarded the top borough, it was awarded the most**
 11 **improved crime detection and the most improved crime**
 12 **reduction, if I remember correctly.**
 13 **In those areas, we were performing very well. That**
 14 **did mean in addition to the cuts that we had faced,**
 15 **which were horrendous for the staff, and the shift**
 16 **patterns that were imposed meant that mistakes were**
 17 **made. And, unfortunately, the regime at the time was**
 18 **purely focused on performance. The pressures that**
 19 **everybody felt, myself and the officers that were**
 20 **beneath me and the officers above me, felt, was around**
 21 **performance. There was no real scrutiny of critical**
 22 **incidents or incidents like this, it was all around**
 23 **performance, particularly the MOPAC 7 set by the Mayor's**
 24 **office. In addition to having to manage the performance**
 25 **and be scrutinised to the nth degree around every single**

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1 **robbery, burglary, domestic abuse crime that was occur,**
 2 **that distracted or detracted from the officer's**
 3 **abilities to be able to carry out longer-term,**
 4 **slower-time enquiries such as these and mistakes were**
 5 **made.**
 6 **That comes down to my disjointed comments in**
 7 **relation to when they are trying to manage a long**
 8 **ongoing investigation, like these would be compared to**
 9 **most of investigations that they would deal with, they**
 10 **have got constant distraction in the way of other**
 11 **critical incidents, high-risk missing people, other**
 12 **deaths, other crimes and all the performance crimes that**
 13 **they are responsible for in their various units, while**
 14 **trying to manage staffing issues or with no overtime**
 15 **budgets to pay for it, and so the mistakes I feel --**
 16 **this is my view, that mistakes that were made in**
 17 **relation to things like this were as a result of the**
 18 **pressures being put on other areas that the officers**
 19 **were responsible for, in which they were performing very**
 20 **well.**
 21 **But unfortunately, it is clear now, and with the**
 22 **benefit of hindsight, that that has caused mistakes and**
 23 **I imagine that most officers are extremely sorry this**
 24 **has happened and everybody feels, certainly I do, that**
 25 **if I had have done things differently, things would have**

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1 **changed. But I do know that if -- it wasn't because of**
 2 **not wanting to do something, or it wasn't because of**
 3 **sexuality, it wasn't anything to do with that. It was**
 4 **that the links were not made, we were all very, very**
 5 **busy, it was a relentless place to work at the time and,**
 6 **as I said, that for me, it was performing well in many**
 7 **areas, the areas that it was focused on, or the areas**
 8 **that were -- it was told it had to focus on, but other**
 9 **areas suffered as a result. And I think this is**
 10 **unfortunately the consequence and the organisational**
 11 **failing is a result of that.**
 12 **That is my view.**
 13 DR VAN DELLEN: Madam, thank you, no further questions.
 14 Questions from MR ATCHLEY
 15 MR ATCHLEY: Mr Kirk, as you know very well, I represent
 16 you.
 17 You have just spelt out very clearly your views in
 18 relation to what caused these, or contributed to these
 19 tragedies.
 20 You used the expression "organisational failure",
 21 could you enlarge on that and explain what you mean by
 22 organisational failure, please?
 23 **A. I think the local policing model that was implemented**
 24 **was not fit for purpose. It very quickly changed, as**
 25 **did the numbers --**

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<p>1 Q. Can I ask you to slow down, you talk very quickly. 2 A. Sorry. 3 Q. No, no, it is just important that everybody can take 4 this in and understand it. Thank you. Carry on. 5 A. So it was implemented, we had no choice about its 6 implementation. It was clearly in relation to cutting 7 costs, cutting staff. And as a result of that, the 8 working practice that were implemented that I have 9 talked about, the shift pattern change, the reduced 10 numbers of staff, the much reduced budgets and then in 11 addition to that was the focus on performance, like 12 I have never seen in my 23 years' service. That 13 performance has -- the performance focus has dropped 14 significantly, for instance we were bordering on 15 50 per cent detection rate for domestic abuse and 16 I think the higher boroughs now sit at around 17 14 per cent, it gives you an indication of the 18 difference in focus and the difference in performance. 19 The performance pressures that we felt in addition 20 to the cuts in budgets and staffing, the borough was 21 shaped by somebody centrally who had no idea, in my 22 view, of the complexities of the borough, they looked at 23 numbers on spreadsheets in relation to how many crimes 24 but that doesn't take into account all the complexities 25 and things like this. This -- these deaths, wouldn't</p> <p style="text-align: center;">Page 197</p>	<p>1 homicide team would deal with it or whether it doesn't, 2 in which case there is a relatively straightforward 3 investigation into the last movements and the 4 circumstances surrounding the death, which would then be 5 provided to the coroner. 6 If, during that investigation, anything changes then 7 obviously we would approach the homicide investigation 8 teams, as we did with Mr Taylor. 9 So my role was -- there were -- that one incident, 10 that one weekend was not uncommon, there were various 11 types of incidents that I would have to make sure were 12 covered, were dealt with, there were staff in place, 13 manage the -- all of the other issues that the teams 14 face, so, for instance, managing their overtime budgets, 15 managing the shift patterns or the flexible working 16 patterns, managing the gaps, the vacancies, recruiting, 17 promotion panels et cetera, in relation to my staff, 18 discipline in relation to my staff. 19 And then there were -- I said before, I like to 20 think I was very approachable and people would come to 21 me with questions on investigations and certainly on the 22 safeguarding side of things where the child sexual 23 exploitation area was very new to policing, so that -- 24 I was regularly asked questions around specific 25 investigations and safeguarding adults was quite complex</p> <p style="text-align: center;">Page 199</p>
<p>1 have featured on any performance charts anywhere, and so 2 they wouldn't have been scrutinised and they wouldn't 3 have counted towards anything that counts towards 4 needing more staff to deal with things. But yet they 5 are -- and every borough has deaths, I am not saying 6 they don't, but this and several other areas of the 7 borough were particularly demanding and complex in 8 relation to socioeconomic issues on the borough. 9 Q. Thank you. 10 You have been asked, and it has been suggested to 11 you by numerous people, that it was your role to do 12 this, that and the other in relation to these three/four 13 investigations. You spelt out your role very fully last 14 time, but you are still being asked about it. 15 Why, will you help the jury, please, were you not 16 able to investigate these four serious matters yourself 17 and whose job was it to do so? 18 A. As I said, a death that requires investigation would 19 normally fall to a detective sergeant. A death that 20 requires very little investigation and just preparation 21 for a report for the coroner, would usual remain with 22 the uniformed team, usually a police constable. It is 23 very rare to have an investigation that goes on after 24 the special post mortem, because normally you get 25 an indication of whether it becomes suspicious and the</p> <p style="text-align: center;">Page 198</p>	<p>1 in relation to dealing with incidents against vulnerable 2 adults. And so I would regularly look at those, I would 3 be asked to review it and I would. 4 I would make time, a lot of my time was around 5 performance meetings with my superiors and analysing 6 performance, looking at where we were performing well, 7 looking at where we weren't performing well and most of 8 the meetings that we had were around performance, 9 whether that was in relation to for instance outstanding 10 suspects, because we were monitored on that, quite 11 rightly, or whether it was a number of robbery 12 detections or domestic abuse detections. So it was -- 13 most of my role was managing people and making sure they 14 were where they needed to be and dealing with what they 15 needed to deal with. 16 After that it was -- I used the word a few times, 17 relentless, so you would deal with one thing and then 18 you would have something else to deal with and then 19 something else to deal with, in addition to all the 20 daily tasks that we had. 21 Q. If either of the DIs who were involved in these matters 22 came to you and said, "I am concerned about A, B and C" 23 or, "I think there may be a link between A and B", would 24 you have thrown them out of your room? What would you 25 have done?</p> <p style="text-align: center;">Page 200</p>

50 (Pages 197 to 200)

<p>1 A. No, I would have asked obviously what the concerns were 2 and I would have looked into them, looked to address 3 them, started to look at the CRIS report. I didn't -- 4 it wasn't uncommon to look at CRIS reports. It didn't 5 happen very often, but if I was asked about a specific 6 investigation, then that could be from either a DI, a DS 7 or from somebody above me or if there had been 8 a complaint made that it would come to me to look into 9 why, and I would look at the CRIS report. If there were 10 any issues around who was dealing with something, or not 11 dealing with something, again, I would have cause to 12 read the CRIS report. 13 So it would have started off with a conversation, 14 and then that would have prompted further reviewing, 15 a reviewing process or it was a case of, "I need more 16 staff", then I would have tried to put more staff. If 17 it was an investigative question, then we would discuss 18 that and that would be -- 19 Q. Right, pausing there, did anyone come to you in relation 20 to any of these deaths? 21 A. No. 22 Q. You have been asked about links a great deal, and you 23 have accepted that GHB link these three young men. 24 Could we please look at Commissioner Cundy's report, 25 MPS718. Page 66, paragraph 310:</p> <p style="text-align: center;">Page 201</p>	<p>1 how to take it, or it is a poor quality product. I -- 2 Q. Have you seen that in the borough with other drugs? 3 A. Well, if you had had deaths -- well, deaths by other 4 mainstream drugs, illegal drugs, were not as uncommon as 5 GHB. 6 Q. Right. 7 A. Sorry, were not uncommon, compared to GHB deaths. 8 Q. Were those deaths related for the most part or not? 9 A. No. 10 Q. So the situation you had here was three young men linked 11 by a drug, two of them linked by a suicide note, and you 12 saw no link -- as you have told us, in some detail -- 13 between the three of them as individuals? 14 A. Yes. 15 And I fully appreciate what has been said, that they 16 weren't users and it was only as a result of Mr Port 17 and, you know, that is clearly a fact we now know -- 18 Q. Yes. 19 A. -- but that wasn't as clear to me. I understand that it 20 was made clear to others investigating it, but it wasn't 21 made clear to me. 22 Q. Thank you. 23 Is there anything else you would wish to add to the 24 evidence you have given this afternoon? 25 A. No.</p> <p style="text-align: center;">Page 203</p>
<p>1 "As part of the Stephen Port murder investigation 2 the SIO identified 58 GHB related deaths in London 3 between 1 June 2011 and 18 October 2015. 4 "Whilst no obvious links between these deaths and 5 Stephen Port were identified, in light of the missed 6 opportunities in the original investigation, as gold 7 commander I made the decision that all 58 should be 8 reviewed. The primary aim of these reviews was to 9 identify if any of the deaths were suspicious and 10 required investigation." 11 To which it would appear that the answer was no. So 12 between 1 June 2011 and 18 October 2015 there are not 13 one, two or three deaths from GHB, but 58. 58 in four 14 years and four months. An average, I think, of about 14 15 a year. 16 Had you encountered GHB deaths prior to these? 17 A. No. 18 Q. When you encountered these three, what did you seek to 19 do? 20 A. Well, as I said, they were only linked by the drug and 21 so I was concerned that the drug is an issue and that, 22 from a public health point of view, as I said and 23 explained why the links to Port weren't there, but in 24 relation to the drug, my concerns were that there could 25 be an issue with people either abusing it, not knowing</p> <p style="text-align: center;">Page 202</p>	<p>1 Q. Just so the jury know, you are coming back, I think it 2 is on 17 November, to deal with the Jack Taylor part of 3 this investigation. It is not that we have ignored it 4 today, but you are coming back to do that, is that 5 right? 6 A. Yes. 7 MR ATCHLEY: Thank you very much. 8 A. Thank you, ma'am. 9 MR O'CONNOR: Madam, I don't have any more questions for 10 Inspector Kirk. 11 THE CORONER: Thank you. 12 Questions from THE JURY 13 THE CORONER: Mr Kirk, there are just a couple of questions 14 arising out of a question that one of the jurors has 15 asked. It might assist everybody if we have up on 16 screen IPC14, which is our divider C, tab 20. 17 You have said that you didn't make any link between 18 Daniel and Gabriel's deaths and that of Anthony. In the 19 communication you had with the Barking and Dagenham 20 Post, one of the features you said that was unusual 21 about Daniel and Gabriel was that they were not local 22 men. 23 A. Yes. 24 THE CORONER: You knew that Anthony wasn't local as well, 25 didn't you?</p> <p style="text-align: center;">Page 204</p>

51 (Pages 201 to 204)

<p>1 A. Yes, I believe I would have done, yes. I can't remember 2 where Mr Walgate was from. I know he originated from 3 Hull, but I know that now. I don't think I would have 4 known that then.</p> <p>5 THE CORONER: It would have been known within the 6 investigation team that he was not a Barking man?</p> <p>7 A. Yes.</p> <p>8 THE CORONER: It would have been known within the 9 investigation team that the evidence demonstrated that 10 Anthony had come to see Port for a sexual encounter.</p> <p>11 A. Right.</p> <p>12 THE CORONER: Do you accept that?</p> <p>13 A. Yes.</p> <p>14 THE CORONER: And that once the toxicology was available, it 15 was clear that GHB was involved in that sexual encounter 16 and in Anthony Walgate's death, yes?</p> <p>17 A. Yes.</p> <p>18 THE CORONER: Did that not cause you or should that not have 19 caused you or one of your team to make some connection, 20 bearing in mind the reference in this suicide note to 21 having some fun at a mate's place and the use of G in 22 a sexual encounter involving Daniel and Gabriel?</p> <p>23 A. The investigation was to -- in relation to, or following 24 Mr Whitworth, was in relation to finding out what had 25 happened between Mr Kovari and Mr Whitworth. I hadn't,</p> <p style="text-align: center;">Page 205</p>	<p>1 There is heating news. The heating news is, and 2 I quote I think, "It will be mended on Monday and 3 resolved completely on Tuesday", whatever that means.</p> <p>4 So between now and Monday I recommended you bring as 5 many clothes as you think you need in order to keep 6 yourselves warm and thereafter be prepared to be 7 complaining that it is too hot, because we will be back 8 into the position we were at the beginning of these 9 inquests, so that is the news. But that is as far as we 10 can take things, as far as you are concerned, today.</p> <p>11 I will see you at 10.00 tomorrow morning, thank you. 12 (Proceedings continued in the absence of the jury)</p> <p>13 (4.20 pm) 14 (The inquests adjourned until 10.00 am the following day)</p> <p>15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 207</p>
<p>1 and I didn't make the link with Mr Walgate, just because 2 GHB was also involved.</p> <p>3 THE CORONER: Even though they too were not local and that 4 was something you had found unusual and even though he, 5 Daniel, was referring to having some fun in the context 6 of G at a mate's place?</p> <p>7 A. No. As you said, ma'am, I can assure you, if I had have 8 thought there was a link, then action would have been 9 taken as it was when Mr Taylor was linked.</p> <p>10 In relation to Mr Walgate, the fact that we had 11 an account from Port and it was being investigated and 12 he changed his account which -- to somewhere closer to 13 the truth, for me, it accounted for Mr Walgate being 14 there and the circumstances, albeit we now know they 15 were different, in relation to how he became -- came to 16 be in Barking, it was answered, so that was less -- it 17 was less obvious to me at the time, because that 18 investigation had explained what Mr Walgate was doing, 19 and some of Port's involvement.</p> <p>20 THE CORONER: Yes, thank you.</p> <p>21 Thank you, Mr Kirk. We will see you again on 22 17 November.</p> <p>23 A. Thank you, ma'am.</p> <p>24 THE CORONER: Members of the jury, that is as far as we can 25 take it for today.</p> <p style="text-align: center;">Page 206</p>	

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