

<p>1 Friday, 19 November 2021</p> <p>2</p> <p>3 I N D E X</p> <p>4</p> <p>5 MR STUART CUNDY (sworn) .....2</p> <p>6 Questions from MR O'CONNOR .....2</p> <p>7 Questions from MS HILL .....127</p> <p>8 Questions from DR VAN DELLEN .....165</p> <p>9 Questions from MR DAVIES .....173</p> <p>10 Questions from MR SHAW .....200</p> <p>11 Questions from MR SKELTON .....204</p> <p>12 Questions from THE CORONER .....215</p> <p>13 Questions from THE JURY .....216</p> <p>14 Housekeeping .....224</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 1</p>	<p>1 Q. We will come on to that, you were in the Surrey Police</p> <p>2 force at the time, I think?</p> <p>3 <b>A. That's correct, I was, yes.</b></p> <p>4 Q. However, the jury have also heard about</p> <p>5 Operation Lilford, which was the investigation which</p> <p>6 postdated the arrest of Stephen Port for the four</p> <p>7 murders. You were involved in that investigation,</p> <p>8 weren't you?</p> <p>9 <b>A. Yes, that is correct. So I returned to the Metropolitan</b></p> <p>10 <b>Police in May 2016, at which point I took on the chief</b></p> <p>11 <b>officer responsibility overseeing the Operation Lilford</b></p> <p>12 <b>investigation and the wider MPS response to these tragic</b></p> <p>13 <b>murders.</b></p> <p>14 Q. We will come back to it, but you had a very senior role</p> <p>15 in that investigation, a strategic role, would it be</p> <p>16 fair to say?</p> <p>17 <b>A. Yes, on the behalf the commissioner I oversaw it, yes.</b></p> <p>18 Q. You have come to give evidence today, DAC Cundy, and the</p> <p>19 purpose of your evidence today is just to give the jury</p> <p>20 some understanding of the Metropolitan Police lessons</p> <p>21 learned exercise following all the events they have</p> <p>22 heard about. That is right, isn't it?</p> <p>23 What we mean by that is the errors that were</p> <p>24 identified, the improvements that it was felt could be</p> <p>25 made and the changes to the systems and the working</p> <p style="text-align: center;">Page 3</p>
<p>1 (10.00 am)</p> <p>2 MR O'CONNOR: Good morning, madam.</p> <p>3 (In the presence of the jury)</p> <p>4 THE CORONER: Good morning, members of the jury.</p> <p>5 Yes, Mr O'Connor.</p> <p>6 MR O'CONNOR: Madam, may we please call Deputy Assistant</p> <p>7 Commissioner Cundy.</p> <p>8 MR STUART CUNDY (sworn)</p> <p>9 Questions from MR O'CONNOR</p> <p>10 MR O'CONNOR: Thank you DAC Cundy, do take a seat.</p> <p>11 <b>A. Thank you.</b></p> <p>12 Q. Can you give us your full name, please?</p> <p>13 <b>A. Madam, it is Stuart Cundy, I am a deputy assistant</b></p> <p>14 <b>commissioner within the Metropolitan Police Service.</b></p> <p>15 Q. Thank you, DAC Cundy.</p> <p>16 You have a long and interesting career behind you,</p> <p>17 which I want to ask you some more questions about in</p> <p>18 a minute, we will come back to that. Just to establish</p> <p>19 the basics to start with. It is right to say, isn't it,</p> <p>20 that you were not involved in any of the initial borough</p> <p>21 investigations into these four deaths that the jury have</p> <p>22 heard about?</p> <p>23 <b>A. No, that's correct. At the time of the deaths</b></p> <p>24 <b>themselves I wasn't in fact serving in the Metropolitan</b></p> <p>25 <b>Police at that point in time, I joined subsequently.</b></p> <p style="text-align: center;">Page 2</p>	<p>1 practices, the policies, that the Metropolitan Police</p> <p>2 has in fact introduced in the period since 2015. Is</p> <p>3 that right?</p> <p>4 <b>A. It is correct and that has been an absolute priority for</b></p> <p>5 <b>not just myself but many others in responding to this,</b></p> <p>6 <b>to identify how, where and what can we do to improve.</b></p> <p>7 Q. I say some understanding, because as everyone will</p> <p>8 understand you have provided a very lengthy, a very</p> <p>9 detailed witness statement for the assistance of the</p> <p>10 coroner. I am sure the jury will be asked to look at</p> <p>11 various passages in it during the course of today, but</p> <p>12 just so everyone is clear, that full document will be</p> <p>13 available to the coroner for her to consider if she</p> <p>14 wants to make any recommendations if you like following</p> <p>15 this purpose. But there is no way, just so we are all</p> <p>16 clear, that we will expect you to go into all the detail</p> <p>17 that is contained in that statement today, that simply</p> <p>18 would not be possible or frankly desirable, because</p> <p>19 really, as you say, DAC Cundy, what we want to focus on</p> <p>20 today is just to identify the broad themes and answer</p> <p>21 those really rather simple questions, if you like, of</p> <p>22 the product of your lessons learned exercise, what went</p> <p>23 wrong, what have you done to try and fix it and what can</p> <p>24 you say about whether similar mistakes may or may not be</p> <p>25 made today.</p> <p style="text-align: center;">Page 4</p>

<p>1 Is that fair?</p> <p>2 <b>A. Thank you, yes. Thank you very much.</b></p> <p>3 Q. Let's go back then, as I said I would, to your career</p> <p>4 history, just so the jury have an understanding of the</p> <p>5 expertise, the experience that you bring to this task.</p> <p>6 You joined the Metropolitan Police in 1994, is that</p> <p>7 right?</p> <p>8 <b>A. Yes, I did, in August 1994, yes.</b></p> <p>9 Q. You served both as a constable and as a sergeant, both</p> <p>10 as a uniformed role and also as a detective in those</p> <p>11 ranks?</p> <p>12 <b>A. Yes, as a trainee detective, which I think you might</b></p> <p>13 <b>have heard a bit about during the inquest proceedings,</b></p> <p>14 <b>yes.</b></p> <p>15 Q. The jury have heard many witnesses who are uniformed and</p> <p>16 detectives in those ranks.</p> <p>17 Then my note is that six years later, in 2000, you</p> <p>18 became a detective inspector in the Lambeth borough?</p> <p>19 <b>A. Yes, I did and I served there for just over three years,</b></p> <p>20 <b>yes.</b></p> <p>21 Q. The jury of course have heard some individuals who have</p> <p>22 been serving in that role, that that was just simply one</p> <p>23 of the boroughs like Barking and Dagenham in those</p> <p>24 times, was it?</p> <p>25 <b>A. Yes, we had 32 boroughs at that point in time and</b></p> <p style="text-align: center;">Page 5</p>	<p>1 were head of that part of Met which is known as</p> <p>2 Operation Trident, focusing on gun crime, shootings and</p> <p>3 so on?</p> <p>4 <b>A. Yes, and at that point in time Trident investigated</b></p> <p>5 <b>fatal shootings, so murders that were shootings, as well</b></p> <p>6 <b>as tackling other firearms criminality as well.</b></p> <p>7 Q. Then, in 2013, you were appointed as the assistant chief</p> <p>8 constable of Surrey Police?</p> <p>9 <b>A. Yes, so on promotion to chief officer I transferred to</b></p> <p>10 <b>Surrey Police for approximately three years and the role</b></p> <p>11 <b>I performed there was in policing we sometimes</b></p> <p>12 <b>collaborate amongst different police forces, and I led</b></p> <p>13 <b>a collaborative portfolio across Surrey and Sussex</b></p> <p>14 <b>Police, which had a particular focus on specialist and</b></p> <p>15 <b>serious crime investigations.</b></p> <p>16 Q. That was a job it seems you did for three years or so.</p> <p>17 As you have already mentioned, the significance of that</p> <p>18 is that you were not actually serving in the</p> <p>19 Metropolitan Police in that period of 2014/2015, which</p> <p>20 covers the time that the jury have heard about in these</p> <p>21 proceedings?</p> <p>22 <b>A. That's correct, I wasn't in the MPS at that time, no.</b></p> <p>23 Q. You did return to the Met in 2016, as a commander, and</p> <p>24 you had a role heading specialist crime investigations?</p> <p>25 <b>A. Yes. If it may assist, part of my primary</b></p> <p style="text-align: center;">Page 7</p>
<p>1 <b>I served at Lambeth, including what we referred to there</b></p> <p>2 <b>as the detective inspector leading the CID main office.</b></p> <p>3 Q. The jury, for example, have heard from people like</p> <p>4 DI McCarthy, DI Schamberger, they were acting in that</p> <p>5 rank at the time but the job you would have been doing</p> <p>6 in very broad terms similar, in the sense of working in</p> <p>7 the CID main office --</p> <p>8 <b>A. Absolutely, broadly equivalent, yes.</b></p> <p>9 Q. Then three years later, in 2003, you were promoted to</p> <p>10 detective chief inspector and you served on one of the</p> <p>11 MIT teams within homicide and serious crime command, is</p> <p>12 that right?</p> <p>13 <b>A. Yes, that's correct, yes, from September 2003.</b></p> <p>14 Q. Again, just to link it back to the evidence the jury</p> <p>15 have heard, the jury have heard from DCI Jones and</p> <p>16 DCI Lyons, who led those two different MIT teams and</p> <p>17 were involved in the different cases at different times.</p> <p>18 That was the function you were performing in 2003?</p> <p>19 <b>A. Absolutely, as a senior investigating officer for one of</b></p> <p>20 <b>the murder investigation teams, yes.</b></p> <p>21 Q. Then, four years or so later, you were promoted to</p> <p>22 detective superintendent and at that point you headed</p> <p>23 the MPS unit dealing with serious and organised crime?</p> <p>24 <b>A. That's correct, yes.</b></p> <p>25 Q. Then, in 2010, detective chief superintendent, and you</p> <p style="text-align: center;">Page 6</p>	<p>1 <b>responsibility then was being the chief officer</b></p> <p>2 <b>responsible for all of the murder investigations and</b></p> <p>3 <b>indeed many other units across the MPS.</b></p> <p>4 Q. Yes, and it was in that capacity that you became what is</p> <p>5 known as the gold for Operation Lilford as we have</p> <p>6 mentioned?</p> <p>7 <b>A. Yes, that's right. I was the gold commander, which in</b></p> <p>8 <b>essence is the strategic chief officer responsible.</b></p> <p>9 Q. Just so we can fix it in our minds, you took over that</p> <p>10 role after the start of the investigation, during 2016 so</p> <p>11 that would have been during the period up to and</p> <p>12 including Stephen Port's trial?</p> <p>13 <b>A. Indeed, that's correct, yes.</b></p> <p>14 Q. Then you have also mentioned in your statement that in</p> <p>15 2017 you became the head of the criminal investigation</p> <p>16 into the Grenfell fire?</p> <p>17 <b>A. Yes, that's right. That is one of the responsibilities</b></p> <p>18 <b>that I have.</b></p> <p>19 Q. Then, in 2019, you were promoted again to the rank you</p> <p>20 currently hold, of deputy assistant commissioner. Your</p> <p>21 job title is the lead for corporate services within the</p> <p>22 Met.</p> <p>23 <b>A. Yes, I think it is fair to describe that role, if I may,</b></p> <p>24 <b>it is less of an operational role as the previous</b></p> <p>25 <b>positions that I have filled, but I have retained the</b></p> <p style="text-align: center;">Page 8</p>

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<p>1 <b>responsibility for the Grenfell Tower investigation.</b></p> <p>2 Q. Is it your historic involvement with Operation Lilford</p> <p>3 that explains why you are here today?</p> <p>4 <b>A. Absolutely right, Mr O'Connor, yes. So, you know,</b></p> <p>5 <b>having been the gold, the strategic commander for our</b></p> <p>6 <b>MPS response to the tragic murders, it is absolutely</b></p> <p>7 <b>appropriate that I am here on behalf of the MPS.</b></p> <p>8 Q. Just before we leave your career details, it is also</p> <p>9 right that slightly separately from your day-to-day job,</p> <p>10 as it were, in the Met, you have an involvement with</p> <p>11 an organisation called the NPCC, the National Police</p> <p>12 Chiefs' Council?</p> <p>13 <b>A. Yes so the NPCC is a body where -- so each chief</b></p> <p>14 <b>constable, each police force is operated independent,</b></p> <p>15 <b>but what we endeavour to do across policing is set</b></p> <p>16 <b>consistent national standards, coordinated approaches</b></p> <p>17 <b>and I hold a number of national portfolio</b></p> <p>18 <b>responsibilities, as we call them. One of those is as</b></p> <p>19 <b>chair of the homicide working group, so I have the</b></p> <p>20 <b>national professional lead for homicide investigations,</b></p> <p>21 <b>for family liaison and some other portfolios as well.</b></p> <p>22 Q. In fact, I think we will find that both of those subject</p> <p>23 areas, obviously homicide investigations but also family</p> <p>24 liaison, are of some relevance to the evidence the jury</p> <p>25 have heard and the questions that we will be asking you</p> <p style="text-align: center;">Page 9</p>	<p>1 Perhaps you would just like to read those paragraphs out</p> <p>2 for us.</p> <p>3 <b>A. Thank you, Mr O'Connor. Would you like me to word for</b></p> <p>4 <b>word or --</b></p> <p>5 Q. It is entirely up to you.</p> <p>6 <b>A. If I may and at the time of the criminal trial, at that</b></p> <p>7 <b>point in time the Independent Office of Police Conduct</b></p> <p>8 <b>was to commence an investigation into the conduct of the</b></p> <p>9 <b>officers, so I needed to be careful as to what I could</b></p> <p>10 <b>say, so as not to prejudge or prejudice their</b></p> <p>11 <b>investigation.</b></p> <p>12 <b>But, you know, the murders of Anthony, of Gabriel,</b></p> <p>13 <b>of Daniel and of Jack I know has left all of you family</b></p> <p>14 <b>members, others who are not here today, others that may</b></p> <p>15 <b>be watching and indeed many friends and many across</b></p> <p>16 <b>different communities absolutely devastated, and every</b></p> <p>17 <b>single one of you absolutely had the right to expect</b></p> <p>18 <b>a professional investigation to the standards that all</b></p> <p>19 <b>of us would have expected.</b></p> <p>20 <b>It is fair to say that I don't think those standards</b></p> <p>21 <b>were met. I can't imagine putting myself in any of your</b></p> <p>22 <b>shoes, not just at the criminal trial but during this</b></p> <p>23 <b>inquest, and I know there is nothing I can possibly say</b></p> <p>24 <b>that can take away or undo what has occurred in the</b></p> <p>25 <b>past, but I am deeply sorry, personally and on behalf of</b></p> <p style="text-align: center;">Page 11</p>
<p>1 today.</p> <p>2 <b>A. I understand, yes.</b></p> <p>3 Q. That is your career history, DAC Cundy, and the ways in</p> <p>4 which it fits into your evidence.</p> <p>5 Let's move just to an overview of the lessons</p> <p>6 learned exercise that was conducted by the Metropolitan</p> <p>7 Police. It is right to say, isn't it, that from the</p> <p>8 time of the criminal trial of Stephen Port, the</p> <p>9 Metropolitan Police has publicly accepted that things</p> <p>10 went wrong in these investigations?</p> <p>11 <b>A. Yes, absolutely.</b></p> <p>12 <b>Very soon after taking over responsibility for the</b></p> <p>13 <b>MPS response through the benefit of the murder</b></p> <p>14 <b>investigation, which I know much has been heard of</b></p> <p>15 <b>during the inquest, it was clear to me that there were</b></p> <p>16 <b>what I could best describe at the time as a number of</b></p> <p>17 <b>opportunities that I foresee that were potentially</b></p> <p>18 <b>missed in relation to identifying and arresting</b></p> <p>19 <b>Stephen Port, as well as some wider improvements that</b></p> <p>20 <b>were needed as well.</b></p> <p>21 Q. Let's just call up on screen your statement, please,</p> <p>22 which is MPS718. If we can go to page 5 of that</p> <p>23 statement. There is a passage here, DAC Cundy -- I'm</p> <p>24 really looking at paragraphs 13 through to 17 -- which</p> <p>25 I think capture the Metropolitan Police's position.</p> <p style="text-align: center;">Page 10</p>	<p>1 <b>the MPS, that we didn't conduct the initial</b></p> <p>2 <b>investigations to the standard that you rightly expected</b></p> <p>3 <b>and rightly deserved.</b></p> <p>4 <b>As I have just explained, having spent the majority</b></p> <p>5 <b>of my policing career investigating criminal offences,</b></p> <p>6 <b>including major crime, including homicide, including</b></p> <p>7 <b>many suspicious deaths, you know, it is a matter of</b></p> <p>8 <b>personal disappointment to me that many things were not</b></p> <p>9 <b>done that should have been done.</b></p> <p>10 <b>As I say, I know it cannot undo what has occurred</b></p> <p>11 <b>but please, on behalf of myself and on behalf of MPS,</b></p> <p>12 <b>please accept my sincerest apologies.</b></p> <p>13 Q. Thank you, DAC Cundy.</p> <p>14 It obviously is entirely consistent with what you</p> <p>15 have said that we will see that changes have been made</p> <p>16 to Metropolitan Police policy, practice, since 2015.</p> <p>17 I will be asking you about many of those matters.</p> <p>18 But so we have an idea of this to start with, is it</p> <p>19 fair to say that as we go through them we will find that</p> <p>20 some of those changes have actually been made as</p> <p>21 a direct result of the lessons learnt from these</p> <p>22 investigations?</p> <p>23 <b>A. Undoubtedly, you know, as an organisation and certainly</b></p> <p>24 <b>myself we will always seek to improve, on every single</b></p> <p>25 <b>case there is always going to be a learning from it, but</b></p> <p style="text-align: center;">Page 12</p>

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<p>1 <b>in particular a lot of the things which I am going to</b>                  2 <b>talk through today have come about because of not just</b>                  3 <b>the initial investigations into those four murders but</b>                  4 <b>the homicide investigation and some of the surrounding</b>                  5 <b>context as well.</b>                  6 Q. Equally, is it fair to say that others of the changes we                  7 will see have not perhaps been initiated directly by                  8 these investigations, they were happening anyway, they                  9 will be part of your explanation as to how things have                  10 changed, but one cannot say they happened as a result of                  11 this investigation?                  12 <b>A. Sorry, Mr O'Connor. You are absolutely right, there</b>                  13 <b>were other changes that were ongoing at that point in</b>                  14 <b>time, but even the changes that might have been ongoing</b>                  15 <b>for the organisation, the influence of what was coming</b>                  16 <b>out from our investigations and our enquiries into what</b>                  17 <b>had gone on has helped shape those wider changes as</b>                  18 <b>well.</b>                  19 Q. In your witness statement, DAC Cundy, you have grouped                  20 the lessons learned, if I can put it that way, into five                  21 sort of areas. What I am going to do is in fact ask you                  22 more detailed questions about those rather later and try                  23 and deal with some generic issues first. But so we have                  24 those in mind, at any rate, can I just ask you to look                  25 at those. To do this, we need to start with page 6 of</p> <p style="text-align: center;">Page 13</p>	<p>1 original investigations, including the direction and                  2 support for the investigators, and, again, to understand                  3 what sits underneath that, you say:                  4 "More effective direction, leadership, support for                  5 investigators and resourcing of the original                  6 investigations could have identified and pursued other                  7 investigative lines of enquiry. The lack of clear                  8 investigation structures and strategies did not lead to                  9 any review of the deaths before October 2015, despite                  10 concerns being raised by families, partners, friends and                  11 members of the LGBT+ community."                  12 Is that the second of these broad headings?                  13 <b>A. Yes.</b>                  14 Q. Carrying on, please, to the next page, the third of                  15 these headings, you refer to the interactions between                  16 local policing and specialist crime investigators.                  17 Just to decode that a little bit, the jury have                  18 heard a lot about the borough investigations, the HAT                  19 car, SC&amp;O1, primary decisions, is that the territory of                  20 this point?                  21 <b>A. That is exactly what that refers to, Mr O'Connor, yes.</b>                  22 Q. What you say here is:                  23 "The nature of the interactions between local                  24 policing and specialist crime investigators on occasions                  25 did not meet MPS expectations. Local officers did not</p> <p style="text-align: center;">Page 15</p>
<p>1 your witness statement. Let's just identify what those                  2 are, and then, as I say, we can come back to them.                  3 The first of those issues, if we see towards the                  4 bottom of the page, in bold, is it right, is you                  5 describe the quality of the initial death investigations                  6 and the professional curiosity of investigators.                  7 Then, just by way of explanation, you say:                  8 "This includes both individual and collective                  9 actions, the investigative curiosity of those involved                  10 in the original investigations into what were considered                  11 to be unexplained deaths."                  12 You say:                  13 "It is a matter for the coroner and the jury to                  14 identify specific decisions and actions that fell below                  15 the standard to be expected."                  16 You say:                  17 "... considered as a whole, the approach of both                  18 local policing and specialist investigators should have                  19 been better and could have led to the earlier arrest of                  20 Mr Port."                  21 That is the first category, the quality of the                  22 investigations.                  23 <b>A. Yes.</b>                  24 Q. The second category, if we can go on, please, to page 7,                  25 the words you use there are the leadership of the</p> <p style="text-align: center;">Page 14</p>	<p>1 appear to have the willingness or confidence to                  2 challenge the views and advice from homicide command or                  3 other specialists or escalate their concerns further.                  4 The consequence was that specialist advice and                  5 involvement did not always occur when it could or should                  6 have."                  7 Again, we will come back to that third point.                  8 At the bottom of the page, we see the fourth of your                  9 five points. You refer there to:                  10 "... the awareness and understanding of the use of                  11 GHB, chemsex in criminal activity."                  12 This is a more focused issue relating to, as you                  13 say, GHB, chemsex and so on and you amplify that in the                  14 paragraph underneath:                  15 "At the time of Stephen Port's offending the police                  16 in London and nationally and many statutory or voluntary                  17 partners had little understanding or awareness of the                  18 use of GHB and its use within chemsex. The MPS murder                  19 investigation into Stephen Port's offending was one of                  20 the first cases that identified the use of GHB as                  21 a weapon and identified a number of public health                  22 concerns."                  23 That is the fourth point?                  24 <b>A. Yes.</b>                  25 Q. Then the last point, if we can go down -- yes, that's</p> <p style="text-align: center;">Page 16</p>

<p>1 right -- you refer there to the engagement,                  2 understanding and working with members of the LGBT+                  3 community. You say:                  4 "Although the MPS had established LGBT+ support and                  5 advice available in 2014 [I think as we will see some                  6 time before that in fact] the original investigations                  7 did not effectively seek advice or engagement from                  8 independent advisers, other professionals or people from                  9 that community. This advice may have developed the                  10 understanding of investigators and assisted the                  11 investigation and it could have also helped challenge                  12 the belief that the deaths were not linked and it could                  13 have built confidence in the police response."                  14 Those are the five issues, the broad lessons, that                  15 you have identified in your statement, DAC Cundy.                  16 As with any task like this, there is a little bit of                  17 overlap. There are things which don't quite fall into                  18 any category, but that is the analysis that you have                  19 done and I am sure we will all try and use that as                  20 a model to understand what it is that the                  21 Metropolitan Police have learnt and the changes they                  22 have made.                  23 As I say, before I go back to those five issues in                  24 turn, I would like to just talk about some of the more                  25 general changes that have happened in the police since</p> <p style="text-align: center;">Page 17</p>	<p>1 <b>the 32 boroughs.</b>                  2 Q. Let's start, please, by going to another part of your                  3 statement just to introduce this point. It is MPS718,                  4 page 12, please. I see my notes suggest it is 12 and                  5 13, it cannot be both.                  6 It is 13, please. Sorry, page 13.                  7 If we look at paragraph 37, you say in 2014, and                  8 going forward into 2015, the MPS had these 32 BOCUs we                  9 have heard them called, which had resulted you say in                  10 variations of investigation operating models and                  11 standards across different boroughs. Of course one of                  12 those BOCUs we have heard was the Barking and Dagenham                  13 borough, was it not?                  14 <b>A. Yes, that's correct, yes, Barking was, yes.</b>                  15 Q. Then if we look in the next paragraph, you say that                  16 those 32 basic borough policing commands have been                  17 restructured into 12 more resilient basic command units?                  18 <b>A. Yes. Forgive me, I think I mentioned "16" a moment ago,</b>                  19 <b>that was an error on my part.</b>                  20 Q. I am not sure you did, but if you did we can now see it                  21 was 12.                  22 In a few sentences can you give us what this is all                  23 about and what has changed?                  24 <b>A. If it assists, I think there were a number of driving</b>                  25 <b>factors behind that. So this was at a time of</b></p> <p style="text-align: center;">Page 19</p>
<p>1 2015. We may find that those, if you like, feed into                  2 more than one of those categories.                  3 Thank you, we can take that down for now, please.                  4 The three general issues I want to touch on at this                  5 stage are.                  6 First of all, the structural reorganisation between                  7 local and borough policing.                  8 Secondly, the closer relationship between local and                  9 specialist policing.                  10 Thirdly, the question of resources and manning.                  11 Again, there is some overlap between those                  12 categories and it may be that some of the more                  13 particular points relating to them we will come back to                  14 when we go back to your five issues, do you understand?                  15 <b>A. Yes, thank you.</b>                  16 Q. First of all, this is in fact something I think you have                  17 already mentioned in passing, a very significant                  18 reorganisation has taken place, has it not, since 2015,                  19 in just the way the Met organises itself with regard to                  20 local policing and in summary the 32 boroughs, or BOCUs                  21 as we have known them, have become 12 BCUs, is that                  22 right?                  23 <b>A. That's correct and forgive -- if I use jargon, then</b>                  24 <b>please, correct me, but, yes, the basic command units,</b>                  25 <b>as we now call them, 16 BCUs which have taken over from</b></p> <p style="text-align: center;">Page 18</p>	<p>1 <b>reductions in policing nationally. So we recognised as</b>                  2 <b>the MPS that we needed to be able to respond to that, as</b>                  3 <b>well as doing what we could to continue to drive up our</b>                  4 <b>broader police performance across a whole range of</b>                  5 <b>different services.</b>                  6 <b>We knew, and I know some of the evidence has come</b>                  7 <b>out at inquest, that the challenge with some boroughs</b>                  8 <b>and Barking is a good example, it is a relatively small</b>                  9 <b>borough from a policing perspective, it does have</b>                  10 <b>a challenge of resilience and one of other issues which</b>                  11 <b>we recognised at the time, the commissioner recognised,</b>                  12 <b>is that the MPS as it has organically grown over many,</b>                  13 <b>many, many years does on occasions have a silo working</b>                  14 <b>approach, and of course with silo workings comes how do</b>                  15 <b>you look across the boundaries, whether they are</b>                  16 <b>geographic or indeed sort of specialist boundaries.</b>                  17 <b>So moving to the new basic command units brought in</b>                  18 <b>a huge amount of resilience at leadership, at many, many</b>                  19 <b>different levels, it was part of a long process, as</b>                  20 <b>well, Mr O'Connor, not just about numbers but it was</b>                  21 <b>about driving up our policing response as a whole.</b>                  22 Q. Yes, I just want to ask you, you have used that word                  23 "resilient" a couple of times and I had intended to ask                  24 you about it anyway. What do you mean by that?                  25 <b>A. I think by way of illustration, and I believe</b></p> <p style="text-align: center;">Page 20</p>

<p>1 Sean Wilson, when he gave evidence, described his role, 2 so he was the sole superintendent for Barking borough, 3 whereas the majority of boroughs, as they were for the 4 MPS at 2014 and 2015, we would normally have two or 5 three superintendents because of the size, based on, you 6 know, the policing demand that was coming in. So there 7 was resilience at senior leadership.</p> <p>8 It also could bring in resilience in operational 9 units as well. So there are some particular, you know, 10 functions locally, whereby you do need some particular 11 specialist skills, but of course if you have a larger 12 group of officers you can flex that resource when demand 13 is not flat, policing can be a bit like a rollercoaster. 14 So resilience enables you to smooth out the curves, if 15 I can describe it that way.</p> <p>16 Q. So a smaller number of larger local units means each 17 that one can have more specialist involvement as you say 18 because you can flatten out the demand?</p> <p>19 A. Yes, greater flexibility, yes. It also brought with 20 it -- one of the underlying principles was to -- where 21 it was appropriate to stop bespoke small units that were 22 doing particular functions, which in essence takes more 23 people to do that and where it was appropriate to build 24 broader, larger teams with a broader range of 25 responsibilities, but still retaining some of that</p> <p style="text-align: center;">Page 21</p>	<p>1 explained, we knew the 32-borough model with the 2 projected reduction in police officer numbers would 3 become unsustainable, and that is what was driving the 4 change, but I wouldn't say it wasn't workable but 5 absolutely there were pressures and there always have 6 been pressures on policing.</p> <p>7 Q. You certainly regard these as improvements, the new 8 model as an improved model?</p> <p>9 A. Yes, I think it is fair to say overall improvements, and 10 indeed since, as you say, east area in 2017, we learnt 11 as the MPS a lot of lessons from the amalgamation of 12 those three borough policing units and indeed there is 13 ongoing changes as we speak today to constantly improve 14 how we deliver our local policing services.</p> <p>15 Q. Just two short points of detail, perhaps to pick up, 16 that come with this change, I'm looking first of all at 17 paragraph 41 of your statement. We have all heard quite 18 a lot of evidence about the working conditions at Fresh 19 Wharf police station in Barking back in 2014. We see 20 that this larger BCU now has its own operations room, 21 just on a very practical level, does that mean it is 22 more efficient, a better place to work?</p> <p>23 A. Yes, I know Fresh Wharf has been mentioned, as you say. 24 So, you know, we have had a long and ongoing 25 refurbishment programme for all of the MPS estates, so</p> <p style="text-align: center;">Page 23</p>
<p>1 specialist expertise as well.</p> <p>2 Q. Looking at paragraph 40 of your statement, we can see 3 that one of the first of these new BCUs to be 4 implemented or created was in fact the BCU that covers 5 this borough and what was -- as we have all become 6 familiar -- in 2014/2015 the Barking and Dagenham 7 borough, became something called the east area BCU, is 8 this right, which amalgamated Barking and Dagenham but 9 also Havering and Redbridge?</p> <p>10 A. That's correct, yes.</p> <p>11 Q. That was established in 2017. So only a year or two 12 after the events we have been looking at.</p> <p>13 A. Yes.</p> <p>14 Q. I am sure you will agree, that is one of these changes 15 which obviously wasn't directly prompted by these 16 investigations?</p> <p>17 A. Not directly it wasn't, no.</p> <p>18 Q. We heard evidence from DI Kirk yesterday, who referred 19 to this change. But I think the effect of his evidence 20 was that really everyone was aware before it that the 21 model of 32 boroughs just wasn't working and there 22 needed to be some change. Would that be a fair 23 reflection or not?</p> <p>24 A. I wouldn't say it wasn't working. In fact I probably 25 disagree with that statement. I think as I just</p> <p style="text-align: center;">Page 22</p>	<p>1 Ilford police station has been completely refurbished, 2 the CID, as I think you have heard units called, are now 3 based in Ilford police station and the operations room 4 was a new entity that we brought in to do a lot more 5 join up across lots of events, both criminal offences 6 being committed as well as other matters which we deal 7 with in policing.</p> <p>8 Q. Perhaps I was slightly on the wrong track, so the 9 operation room is not, as it were, the replacement for 10 the main office where the CID work, it is a place where 11 people liaise, different strands of the organisation can 12 work together. Is that a better way of putting it?</p> <p>13 A. Yes, so this is not a CID operations room, this 14 a policing operations room, of which there are a number 15 of units which are located in there, it is 24 hours 16 a day and it links directly into our three main contact 17 and dispatch centres as we call them in policing, where 18 the 999 and the 101 calls and the digital contact comes 19 in and then we dispatch officers to whatever the 20 incidents might be. And the operations room locally 21 across each of the BCU, each BCU has one, is a link to 22 that as well as a way to coordinate the policing 23 activity locally.</p> <p>24 Q. On a different point, I am looking at paragraph 42 of 25 your statement now. This is something that you mention</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 at various places in your witness statement, but I am 2 not sure, is it "MI investigation"?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Let's not worry too much about what it is called, but 5 the substance of it, I think, is actually quite 6 important when we reflect on what was happening in 7 2014/2015. Tell us about that.</p> <p>8 <b>A. Yes, so one of the significant changes that came about 9 when we introduced the new BCUs is we recognised that 10 the demands and some of the volumes of work that was 11 sitting in some of our CID investigation offices, they 12 were dealing with things that really could have been 13 dealt with by others and one of the things that had 14 happened over many years in the MPS is our response 15 officers had become much more of a responding an 16 incident and then leaving it and then other 17 investigators coming in. We made the decision that we 18 for certain types of crime, the ones that are not 19 particularly complex, that we would be skilling up our 20 response officers, the ones that you see in police cars 21 and on foot across London every day, to be taking on 22 some of those investigations and that's what the MI 23 investigation refers to.</b></p> <p>24 Q. The evidence that the jury has heard over the different 25 investigations is there really was quite, if you like,</p> <p style="text-align: center;">Page 25</p>	<p>1 the implementation of front line policing brought 2 together local and specialist teams to deliver 3 an improved and more joined-up service. The 4 strengthening local policing transformation programme 5 and the specialist crime redesign brought them together 6 into a single operational business group with a joint 7 leadership structure, this has created a closer 8 relationship between local policing and specialist crime 9 investigations and improved investigative response for 10 the public."</p> <p>11 It looks like there were a number of different 12 initiatives or programmes which, is this fair, all had 13 the same aim of making the specialist central teams work 14 more efficiently with the BCUs?</p> <p>15 <b>A. Yes, to get a much, much closer relationship, both at 16 the most senior level, so a single assistant 17 commissioner, who is a rank above myself, responsible 18 for all of front-line policing, which I think, as you 19 have heard during this inquest, in 2014 and 2015 we had 20 specialist crime, which was under one assistant 21 commissioner and local policing under another. Part of 22 this was bringing it together under one very, very 23 senior officer, reporting directly to the commissioner.</b></p> <p>24 <b>And -- I think it is referred to in that paragraph 25 there -- the specialist crime redesign, I was one of</b></p> <p style="text-align: center;">Page 27</p>
<p>1 a divide between the uniformed branch on the one hand 2 and the CID branch on the other. Equally, we have heard 3 the CID officers saying they were overwhelmed with 4 prisoners, repeating just having to deal with these 5 offences as they came in.</p> <p>6 Is what you are describing a rather more 7 sophisticated approach whereby the uniformed officers 8 have greater capacity to investigate, perhaps taking 9 some of the pressure off the CID officers?</p> <p>10 <b>A. So, yes, that is part of the intent behind it. You 11 mentioned the -- a bit like a them and us scenario, and 12 part of this was to continue the breaking that down, 13 because we don't want, you know, a detective on one hand 14 and a uniformed colleague on the other seeing themselves 15 as two halves of a coin, they need to be joined where 16 they need to. So this was part of the way to try and 17 resolve some of those challenges as well.</b></p> <p>18 Q. Let's move on to the second of those areas I said 19 I would mention, which is the closer relationship 20 between local policing, which as we have been discussing 21 is really now these BCUs, and the specialist teams which 22 still exist, do they not? I think for these purposes it 23 may help us if we go back to page 12 in your witness 24 statement, paragraph 36. Where you say: 25 "As part of the MPS One Met model transformation,</p> <p style="text-align: center;">Page 26</p>	<p>1 <b>those that was leading that and it was not just 2 a structural change but a lot of behavioural and, you 3 know, sort of delivery changes as well which --</b></p> <p>4 Q. Quite, let's not take any more time on the high levels 5 of all this, let's just try and bring it back to what 6 this jury have been hearing about. What they have been 7 hearing about is a really sharp divide between the 8 borough police on the one hand and the specialist teams 9 on the other. We will come back to talk about primacy 10 and so on, but in terms of just the practicality of it, 11 what we have heard is that the borough lacked capacity 12 to investigate the homicide type offences. They didn't 13 have access to all sorts of different resources that the 14 specialists did, but yet on the face of it it was quite 15 a challenge to get the specialist teams to become 16 involved.</p> <p>17 These various programmes, is that an attempt to try 18 and solve that problem?</p> <p>19 <b>A. It is, I probably may have a different view, 20 Mr O'Connor, to what you said about capacity and 21 availability of specialist resources, but one of the key 22 elements of the specialist crime design was we 23 introduced four geographic hubs across London, which 24 were specialist crime hubs, basically aligned with three 25 of the newly designed BCUs, to push together the senior</b></p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 and practitioner relationship. So, as you describe, it</p> <p>2 is one of the things that we did to bring the two</p> <p>3 elements of policing together much more.</p> <p>4 Q. Yes, I wanted to ask you about those specialist crime</p> <p>5 hubs, because they are something completely new, are</p> <p>6 they not, there was no comparator to them previously?</p> <p>7 A. So before we did the -- what is referred to there as the</p> <p>8 specialist crime redesign, within our specialist crime</p> <p>9 investigation world we used to have: a command that</p> <p>10 investigated homicides and very related offences; we had</p> <p>11 the Trident command, which I mentioned when I briefly</p> <p>12 went through my policing career; and we had a serious</p> <p>13 and organised crime command.</p> <p>14 So rather than having commands based on a remit</p> <p>15 approach, we aligned it as best we could geographically</p> <p>16 to get a much stronger relationship with the BCUs and</p> <p>17 where the specialist investigative response needed to be</p> <p>18 just done once for London in what we may refer to as</p> <p>19 a pan-London way, we retained those in what we call</p> <p>20 a specialist crime command. So, for example, we have</p> <p>21 one unit that deals with allegations of kidnap and</p> <p>22 extortion across London, we have not devolved that into</p> <p>23 the four geographic hubs.</p> <p>24 Q. Let's stick with the homicide angle, because that is</p> <p>25 really what we are concerned with. As I understand it,</p> <p style="text-align: center;">Page 29</p>	<p>1 that, I am sure, today, but there is always the question</p> <p>2 at what point should an investigation be passed to one</p> <p>3 of the specialist crime hubs, so, you know, the murder</p> <p>4 investigation team.</p> <p>5 Q. While we are talking about the specialist crime hubs,</p> <p>6 tell us, is it perhaps a softer edged decision because</p> <p>7 of the support which the specialist crime hubs would</p> <p>8 provide?</p> <p>9 A. Certainly in my experience quite a bit has changed in</p> <p>10 terms of that relationship between the specialist team</p> <p>11 and the local team since 2014 and 2015.</p> <p>12 Q. Right, well we will come back to that.</p> <p>13 The third point I said I was going to address was</p> <p>14 that of resources. That is something that the jury have</p> <p>15 heard a fair amount about.</p> <p>16 Thank you, we can take that down now.</p> <p>17 I am conscious that, as we have established, you</p> <p>18 were not, despite a long career in the Metropolitan</p> <p>19 Police, the one period of time that you were not in the</p> <p>20 Metropolitan Police is the time that we are considering.</p> <p>21 You were not very far away, in Surrey.</p> <p>22 Let's look at a passage in Superintendent Mackay's</p> <p>23 report, which we have all looked at from time to time.</p> <p>24 Can we have INQ6, please, pages 6 to 7.</p> <p>25 Starting on page 6, please, it is paragraph 30, so</p> <p style="text-align: center;">Page 31</p>
<p>1 there is now a specialist crime hub in this area of</p> <p>2 London which deals with the three local BCUs, and there</p> <p>3 will be other hubs which deal with other parts of</p> <p>4 London?</p> <p>5 A. Yes.</p> <p>6 Q. The local police in this area will deal with that hub,</p> <p>7 is that right?</p> <p>8 A. Yes, and the hub for the Barking local authority area is</p> <p>9 based very close by, it is in fact in Barking.</p> <p>10 Q. It is in Barking.</p> <p>11 As I say, we will come back in one of your issues,</p> <p>12 as we have seen, to talk about HAT cars and so on but</p> <p>13 just to be clear at this stage, there is still a system</p> <p>14 similar to the HAT car system, is that right?</p> <p>15 A. Yes, we -- it is still often referred to as the HAT car,</p> <p>16 but in fact it is the specialist crime car now and we</p> <p>17 have increased the numbers that are on duty at any point</p> <p>18 in time in London, it used to be three, it is now four,</p> <p>19 one from each of those hubs. That still exists, it is</p> <p>20 a 24-hour response.</p> <p>21 Q. Just because we have heard so much about it, we will</p> <p>22 come back to it, but is it right there is still</p> <p>23 a question of primacy in cases like the ones we are</p> <p>24 looking at?</p> <p>25 A. Yes, so primacy is still, no doubt I will talk about</p> <p style="text-align: center;">Page 30</p>	<p>1 we need to start at the bottom of page 6 and go on.</p> <p>2 This is simply a reference point, DAC Cundy, which</p> <p>3 we have used from time to time. What -- I think</p> <p>4 I demoted her -- Chief Superintendent Mackay says is she</p> <p>5 describes the national policing picture in 2014 and</p> <p>6 2015:</p> <p>7 "The impact of the 2010 spending review which saw</p> <p>8 a £2.2 billion reduction in central police funding</p> <p>9 between 2010 and 2011 and 2015 and 2016 was starting to</p> <p>10 bite, with a significant reduction in both police</p> <p>11 officers and police staff, which generally meant</p> <p>12 an increased workload, reduction in morale across the</p> <p>13 board."</p> <p>14 She mentions the fact that she doesn't have direct</p> <p>15 experience of the Metropolitan Police and that those who</p> <p>16 do will be better placed to address the detail of how it</p> <p>17 impacted at a local level.</p> <p>18 She goes on to mention changes in police pensions</p> <p>19 and so on, which also affected morale.</p> <p>20 Certainly what we have heard from the borough</p> <p>21 officers who have given evidence, DAC Cundy, and I am</p> <p>22 sure you are aware, at least in general terms of this,</p> <p>23 is that that is absolutely right and that at this time</p> <p>24 that we are talking about there were particular</p> <p>25 pressures, financial pressures which had led for example</p> <p style="text-align: center;">Page 32</p>

<p>1 to changes in the shift pattern, less time of overlap 2 between the different shifts, an increase in workload, 3 which -- various metaphors have been used, fire 4 fighting, spinning plates. A very demanding place to 5 work in the main office in Barking. 6 Bearing in mind of course you were not there, but in 7 general terms is that a picture you recognise? 8 <b>A. I think to an extent. I think as Julie Mackay has put</b> 9 <b>in her statement she has broadly described policing and</b> 10 <b>one of things that we did in the MPS is unlike many</b> 11 <b>forces we did everything we could to keep police officer</b> 12 <b>numbers high. Other forces took different decisions to</b> 13 <b>reduce police officer numbers, so we did more reductions</b> 14 <b>in what many might refer to as the support to police</b> 15 <b>officers, so not police officers themselves, but I think</b> 16 <b>it is fair to say and, you know, policing has always</b> 17 <b>been a demanding role, as I say having worked in a CID</b> 18 <b>main office myself, it is always had pressures.</b> 19 <b>I can't describe what it would have been like in</b> 20 <b>Barking at the time, whether people referred to it as</b> 21 <b>spinning plates or prioritising workload that is coming</b> 22 <b>in, that has always been part of our role and one of the</b> 23 <b>core elements of policing is we are -- we work in</b> 24 <b>a business of risk, we are forever trying to identify</b> 25 <b>the risk, manage the risk, prioritise accordingly and</b></p> <p style="text-align: center;">Page 33</p>	<p>1 <b>A. Certainly a difficult time. You mention those in what</b> 2 <b>we call acting or temporary roles. It was -- compared</b> 3 <b>to many of their other boroughs, it was not as extensive</b> 4 <b>in Barking as it was elsewhere. We have always in</b> 5 <b>policing -- and even to this day we use a lot of acting</b> 6 <b>and temp, the very nature of people moving on to other</b> 7 <b>roles, promotion, retirements, there is always a churn.</b> 8 <b>And, you know, we promote a lot of detective sergeants</b> 9 <b>to detective inspectors, I think for this year, and we</b> 10 <b>can provide the figure if you like, madam. I think, you</b> 11 <b>know, we have promoted 400 sergeants this year alone, so</b> 12 <b>the throughput is quite a lot.</b> 13 <b>I think the particular challenge that I could</b> 14 <b>envisage in Barking is with a relatively small policing</b> 15 <b>borough, when you do have a few key roles where people</b> 16 <b>are in acting or temporary positions, I can imagine that</b> 17 <b>would bring an additional challenge.</b> 18 <b>Q. Let's very quickly just look -- you mentioned some</b> 19 <b>statistics. Let's very quickly if we can get a sense of</b> 20 <b>the relative scale of the current BCU, as opposed to the</b> 21 <b>previous borough. If we can go to page 34 in your</b> 22 <b>witness statement. I am looking towards the bottom of</b> 23 <b>that page, so it is MPS 718, page 34.</b> 24 <b>In paragraph 155 you refer to the point we have</b> 25 <b>already made about the amalgamation, if you like, of</b></p> <p style="text-align: center;">Page 35</p>
<p>1 <b>sometimes that is more challenging than others but, as</b> 2 <b>you say, it is difficult for me to explicitly describe</b> 3 <b>what it had been like in Barking at the time. But</b> 4 <b>having worked in a CID main office in Brixton, which</b> 5 <b>certainly was a busy place, you know, part of the role</b> 6 <b>is forever prioritising workloads, supporting your</b> 7 <b>staff, your detectives, your trainee detectives</b> 8 <b>accordingly.</b> 9 <b>Q. Tell us, DAC Cundy, if you simply cannot get into this</b> 10 <b>sort of detail, but you say that the Met in response to</b> 11 <b>this challenge tried not to cut staff, or at least</b> 12 <b>police officers, they tried to make savings elsewhere</b> 13 <b>but that is not really consistent with the evidence we</b> 14 <b>have heard about what was going on at Barking.</b> 15 <b>For example, we have heard DI Kirk say when he</b> 16 <b>arrived on the borough there were a number of</b> 17 <b>substantive DIs and it slowly got whittled down.</b> 18 <b>We have heard about I think it was DI Schamberger</b> 19 <b>who talked about being asked -- he was a detective</b> 20 <b>sergeant -- to act up as a DI, but in effect he was</b> 21 <b>doing his old job as well.</b> 22 <b>I mean another factor is the fact that there do seem</b> 23 <b>to have been a remarkably high number of people acting</b> 24 <b>up at the time. The picture we have been given is</b> 25 <b>actually of quite an exceptional time.</b></p> <p style="text-align: center;">Page 34</p>	<p>1 those three boroughs. 2 In paragraph 156 you say that in the old Barking and 3 Dagenham CID there were 109 investigators. 4 Then just dropping down to the next paragraph, you 5 say that in the new BCU, that covers Barking, in 6 June 2020 there were 382 investigators, I think actually 7 that number is now rather higher. There is 8 a supplementary statement from you saying it is now 9 about 448, I think? 10 <b>A. Yes.</b> 11 <b>Q. But of course we cannot just compare 448 with 109,</b> 12 <b>because we are talking about a much bigger area?</b> 13 <b>A. No.</b> 14 <b>Q. Can you give us a statistic for how many investigators</b> 15 <b>there were in those three old boroughs combined?</b> 16 <b>A. So I endeavoured to do some work and again we can</b> 17 <b>provide these figures.</b> 18 <b>So the numbers I describe there are what is in the</b> 19 <b>totality of the investigation, and that will include</b> 20 <b>PCs, so we have PCs that work within our investigation</b> 21 <b>teams. For comparison purposes through our HR or human</b> 22 <b>resources data, I guess the best comparison I can assist</b> 23 <b>is around detective constable, detective sergeant,</b> 24 <b>detective inspector positions themselves, so those that</b> 25 <b>have the accreditation.</b></p> <p style="text-align: center;">Page 36</p>

1 In June 2014 across each of the three boroughs that  
 2 now make up the east area BCU, so Barking, Redbridge and  
 3 Havering, there were 209 trained/accredited detectives.  
 4 In November this year it is now 308.  
 5 Q. Right.  
 6 Obviously, one has to be careful with statistics,  
 7 you have been as careful as you can, but there is  
 8 a increase, a net increase?  
 9 A. There is a net increase. If it assists, of course, the  
 10 nature of crimes that are investigated at a BCU is on  
 11 occasion subtly different to what it was when they were  
 12 borough. So there is different and some -- you know, so  
 13 our safeguarding investigations, many of those now sit  
 14 within the BCUs, whereas in 2014 they didn't sit within  
 15 the boroughs. But one of the things that we had been  
 16 able to do with the increase in police officer numbers  
 17 in more recent years is a significant number of those  
 18 have been put into our investigation elements of local  
 19 policing, so it is an increase, it is a net increase.  
 20 THE CORONER: Could you give me the second figure again,  
 21 300?  
 22 A. 308, I can provide this in writing as well.  
 23 MR O'CONNOR: Thank you, DAC Cundy.  
 24 Let me move now to a slightly different topic, but  
 25 still a general area, before I come back to your five

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1 categories.  
 2 That is just the question of how unexplained deaths  
 3 are investigated. I want to ask you some fairly  
 4 high-level questions about this, but of course that is  
 5 one factor which unites all of the four investigations  
 6 which the jury have heard about.  
 7 To summarise, we have heard about the fact that back  
 8 then the borough police had to deal with a fairly large  
 9 number of what one might describe as sudden deaths, but  
 10 many of those, the vast majority of them I think we have  
 11 heard, perhaps are people dying at home or in nursing  
 12 homes or hospitals, which would lead to a coronial  
 13 investigation but in fact require very little police  
 14 involvement. Any uncertainty about the death might for  
 15 example be cleared up just by taking a witness statement  
 16 or by the post mortem.  
 17 That is one end of the scale, a large number of  
 18 really not very difficult cases to investigate. At the  
 19 other end of the scale, of course, far fewer cases where  
 20 you have a body with a knife in the chest or a bullet  
 21 wound. Those clearly are homicide cases, they go to the  
 22 specialists to be investigated.  
 23 The point about these four deaths is that they fall  
 24 into a category between those two ends of the spectrum.  
 25 The phrase that we have heard time and again is that

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1 they were unexplained deaths.  
 2 The first point I want to ask you about is that what  
 3 we have heard is that there was a real variety in the  
 4 nature and intensity of the investigation that those  
 5 different unexplained deaths attracted.  
 6 For example, with the investigation into  
 7 Anthony Walgate's death and Daniel Whitworth's, there  
 8 was CID involvement, a CRIS opened, a detective  
 9 inspector appointed to oversee that investigation into  
 10 that unexplained death.  
 11 With the investigation into Jack Taylor's death, it  
 12 was led by uniformed police, initially the parks police,  
 13 albeit with some CID involvement towards the end.  
 14 With the investigation into Gabriel Kovari's death,  
 15 before Daniel Whitworth's body was found, really that  
 16 was limited to a single uniformed police constable going  
 17 and taking a statement or two at the direction of the  
 18 coroner, not even being given a car to go and see the  
 19 witness, so he had to do it over the phone, witness  
 20 statement taken from Mr Pape, who sits here in court  
 21 today.  
 22 All those deaths were unexplained. They were not  
 23 easy sudden deaths where the matter was sorted out  
 24 easily, they weren't obviously homicide cases. Yet we  
 25 see this real range in the way that they were

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1 investigated.  
 2 DI Kirk again yesterday spoke of the discretionary  
 3 nature of the way in which, at least in those days,  
 4 these deaths seemed to be investigated.  
 5 What can you tell us about how these so-called  
 6 unexplained deaths would be investigated today?  
 7 A. So I think the first thing to say, and I think you might  
 8 have heard evidence of this already, is unexplained  
 9 deaths -- an unexplained death clearly can have  
 10 suspicious circumstances and indeed all of these from my  
 11 perspective had suspicious circumstances. I think in  
 12 those situations our approach in 2014 and 2015 and  
 13 indeed our approach today is that they do require a more  
 14 detailed investigative response.  
 15 I think I would use -- I would certainly describe it  
 16 in a different way from Tony Kirk. I wouldn't say it  
 17 was around discretion. You know, the investigation of  
 18 those was clear, and the approach we had in 2014/2015,  
 19 as well as today, is that they fall under the  
 20 responsibility of someone who will take, you know, the  
 21 person in charge. Now, when it is suspicious, that  
 22 should be the oversight through a detective inspector,  
 23 the role that I performed when I was at Brixton police  
 24 station. Clearly a lot of the work will be done by  
 25 colleagues working for you, but you retain the

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<p>1 responsibility for it.</p> <p>2 The reason I describe it differently to Tony Kirk,</p> <p>3 it is not a matter of discretion, it is then a matter of</p> <p>4 judgment as to: how will I go about investigating this?</p> <p>5 Which will always be dependent on the particular</p> <p>6 circumstances. If there are suspicious circumstances,</p> <p>7 and by that -- our policy around death investigations is</p> <p>8 clear, now when we say suspicious, that means there is</p> <p>9 a suspicion that, you know, a criminal offence, a third</p> <p>10 party, has been involved. Sometimes the suspicion can</p> <p>11 be really, really self-evident, on other occasions it</p> <p>12 can be a lot more nuanced and they can be challenging</p> <p>13 cases to deal with. But where there are suspicious</p> <p>14 circumstances, and, you know, the local CID or the local</p> <p>15 duty officer who attends the scene believes they are</p> <p>16 suspicious circumstances, the HAT car should be called.</p> <p>17 And I know they were on some of the occasions for these</p> <p>18 four murders but not all of them.</p> <p>19 I don't know how much detail you want me to go into,</p> <p>20 Mr O'Connor, but --</p> <p>21 Q. We will come back to the HAT car.</p> <p>22 Let me ask you to look at paragraph 232 of your</p> <p>23 report or statement, please, it is page 49 of the</p> <p>24 document we are on.</p> <p>25 You will have to help us with this, but I think I am</p> <p style="text-align: center;">Page 41</p>	<p>1 activity was being recorded did really vary from one</p> <p>2 police station to another, sometimes it was recorded on</p> <p>3 what we call a Merlin system, that you may have heard</p> <p>4 about, sometimes recorded on the CRIS system, and indeed</p> <p>5 on other indications it wasn't recorded on either.</p> <p>6 Clearly not good enough, from our perspective, so we</p> <p>7 changed that, so that is one of the changes that came</p> <p>8 in.</p> <p>9 So a lot of these points certainly came about from</p> <p>10 the findings in terms of what went on and what we needed</p> <p>11 to change and improve coming out of the initial</p> <p>12 investigations, yes.</p> <p>13 Q. If we can go to the next page, please, we can all see</p> <p>14 this list but if we look right at the top of the next</p> <p>15 page, (viii):</p> <p>16 "All items seized, eg phones, laptops, drugs, should</p> <p>17 be considered for forensic examination. If items are</p> <p>18 not sent for examination a rationale why this has not</p> <p>19 been done should be recorded."</p> <p>20 That is a mandatory requirement now?</p> <p>21 A. Yes, absolutely. And supporting that, supporting</p> <p>22 investigators. So what you might have heard referred to</p> <p>23 as crime scene managers from our forensic directorate,</p> <p>24 so they will always be engaged on suspicious death</p> <p>25 investigations, whether they are led by a murder</p> <p style="text-align: center;">Page 43</p>
<p>1 right in saying -- we are going to look at this new</p> <p>2 policy in a moment -- there is a new death investigation</p> <p>3 policy, is there not, that has been introduced since</p> <p>4 these deaths?</p> <p>5 A. Yes, it has been constantly evolving but the most</p> <p>6 recent, as described there, is from 2020.</p> <p>7 Q. Is what we see listed here, as it were,</p> <p>8 a regularisation, a set of requirements that must be</p> <p>9 followed in cases like the deaths of Daniel, Anthony,</p> <p>10 Jack and Gabriel?</p> <p>11 A. So a lot of these points here, and I may discuss it</p> <p>12 later, so one of things that I commissioned when I took</p> <p>13 over responsibility for the response to these four</p> <p>14 murders was a review of all deaths due to GHB, I think</p> <p>15 between June 2011 and 2015, which was 58 deaths and we</p> <p>16 looked at every single initial investigation into each</p> <p>17 of those cases and many of them were not suspicious, and</p> <p>18 there are a number of points that came out of that, that</p> <p>19 I had the view, and indeed those that then changed the</p> <p>20 policy agreed would need to make changes and there were</p> <p>21 many of those encompassed there.</p> <p>22 For example, point 1, if I may, that the CRIS</p> <p>23 system, which I think you might have heard of already</p> <p>24 through the inquest. So before this point in time,</p> <p>25 where the investigative process, the outcomes, the</p> <p style="text-align: center;">Page 42</p>	<p>1 investigation team or indeed by a BCU.</p> <p>2 Q. I just want to pick you up on something you said, and</p> <p>3 you mentioned this a few times, you are referring to</p> <p>4 suspicious death investigations?</p> <p>5 A. Sorry, yes.</p> <p>6 Q. Of course we have to bear in mind that to a greater or</p> <p>7 lesser extent, the investigations we are concerned with</p> <p>8 were regarded as non-suspicious but unexplained.</p> <p>9 Let me ask you, if we look on the same page, if you</p> <p>10 go down to paragraph 233, as I understand it you there</p> <p>11 set out the categories of case where those requirements</p> <p>12 we have just been looking at must be followed. If we</p> <p>13 see (iv) there, it says:</p> <p>14 "When the death was sudden and unexplained, or</p> <p>15 attended by suspicious circumstances ..."</p> <p>16 I want to ask you some separate questions about this</p> <p>17 business about unexplained/suspicious, but just for</p> <p>18 these purposes, is it right that those requirements we</p> <p>19 have been looking at must be a CRIS, must consider</p> <p>20 forensic examination of items seized, we have seen some</p> <p>21 of the others, you must get a witness statement from the</p> <p>22 people at the scene and so on. Are those things that</p> <p>23 must be followed in the case of an unexplained death,</p> <p>24 whether or not it is considered to be suspicious?</p> <p>25 A. Yes, Mr O'Connor, absolutely correct, whether it is</p> <p style="text-align: center;">Page 44</p>

<p>1 <b>suspicious or not, where it is unexplained, now a death</b>  2 <b>can be explained sometimes quite quickly from the</b>  3 <b>initial enquiries made at the scene, but the points</b>  4 <b>there and the points referred to above are for all</b>  5 <b>unexplained death enquiries.</b></p> <p>6 Q. We can all see that that is quite a major move on from  7 the practices that we have been hearing about from the  8 last few weeks?</p> <p>9 <b>A. Yes, it is, yes.</b></p> <p>10 Q. We have been using for the last few minutes these terms  11 of "unexplained" and "suspicious", and I wanted to ask  12 you some questions slightly separately about that.  13 I think a useful place to start is actually in this same  14 part of your witness statement, in fact on the page  15 before, if we can go back to page 48, please, the bottom  16 of 48, going over to 49, we see paragraph 229, you say:  17 "Police recruit training material was revised to  18 reflect the changes [that is the changes leading up to  19 this new policy, I think] with a focus on not just how  20 to respond to unexpected deaths but also what to look  21 for to help decide whether a death is suspicious or  22 non-suspicious. In direct response to the Stephen Port  23 investigation, the training material incorporated  24 a strong emphasis on 'Think homicide' and highlighted  25 risk factors and imagery of physical changes that can</p> <p style="text-align: center;">Page 45</p>	<p>1 is why it was unexplained".</p> <p>2 Then a different witness tried to explain the same  3 problem by saying, "Well, you have suspicious and  4 non-suspicious and unexplained sort of sits between  5 those two".</p> <p>6 What I want to just try and tease out from you is  7 whether there is a risk that that mindset, this  8 description of a case as unexplained, dilutes that quite  9 clear instruction which we have seen in the policy which  10 is reflected in that paragraph, "You must treat a case  11 as suspicious until you are satisfied that it is  12 non-suspicious".</p> <p>13 The risk is, and the evidence we have heard, that  14 officers don't see anything that is suspicious about  15 a case, but rather than carrying on and requiring  16 themselves, as it were, to be satisfied that it is not  17 suspicious until they stop treating it as suspicious,  18 they say, "Ah well, it is unexplained, we will wait and  19 see if it becomes suspicious".</p> <p>20 Which, can you see, just undermines that training  21 that you are describing? Is that a fair point?</p> <p>22 <b>A. It is, Mr O'Connor, absolutely. And I think the</b>  23 <b>terminology which is terminology that has been around in</b>  24 <b>all of my time in policing I think that certainly one of</b>  25 <b>things for me and colleagues, not just the Met but</b></p> <p style="text-align: center;">Page 47</p>
<p>1 occur after death, such as blood pooling."</p> <p>2 We have been looking at the ACPO murder  3 investigation manual 2006, which I think is still in  4 force -- although shortly to be replaced -- which uses  5 language very similar to this, "Think murder", yes?</p> <p>6 <b>A. Yes, absolutely.</b></p> <p>7 Q. And, "Investigate as homicide until the evidence proves  8 otherwise". It is notable that in that paragraph you  9 don't use the word "unexplained", you say there is  10 a need to decide whether a death is suspicious or  11 non-suspicious. So only two alternatives, yes?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. The point that I want to raise with you is that the  14 evidence that we have heard is that this categorisation  15 of a case as unexplained tends to undermine that simple  16 choice that you have identified there between suspicious  17 or non-suspicious, and which that policy guidance drives  18 one towards: you must consider this as suspicious until  19 you have proved or the evidence has demonstrated that it  20 is non-suspicious.</p> <p>21 For example, we have heard it said of the deaths we  22 have been looking at, "Oh, well, it was unexplained but  23 non-suspicious". We heard one witness, Inspector Harman  24 in relation to the Gabriel Kovari scene, saying, "Well,  25 I had absolutely no idea how Gabriel Kovari died, that</p> <p style="text-align: center;">Page 46</p>	<p>1 <b>nationally we will need to reflect on whether we do need</b>  2 <b>to revise that terminology to do everything we can to</b>  3 <b>mitigate risks such as that. So I think that has come</b>  4 <b>out much more through evidence that has been heard at</b>  5 <b>inquest than certainly I ... and the enquiries we had</b>  6 <b>done as the MPS beforehand. So that is certainly</b>  7 <b>something which we will need to reflect on.</b></p> <p>8 Q. I just want to take you to that brand new policy that we  9 have been talking about, so can we go, please, to  10 MPS1166.</p> <p>11 We can see from the top then, it's the death  12 investigation policy. In fact it is even more recent  13 than the September version that you mentioned in your  14 statement, it is May 2021 this year, do you see that?</p> <p>15 <b>A. Yes, thank you.</b></p> <p>16 Q. No doubt these policies are updated from time to time?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. If we just look at two parts of this, this I believe is  19 the currently in force version of this policy.  20 If we look at internal page 3, the fifth bullet  21 point down, can you see there:  22 "Treat the scene and incident as suspicious until  23 you are satisfied it is not."  24 That is very clear, that models the ACPO murder  25 investigation manual and the points we have just been</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 discussing.</p> <p>2 Then if one moves on and looks, if we can go, please</p> <p>3 to page 15 of the policy -- sorry, I think my paging is</p> <p>4 slightly different. Can we go up to the previous page,</p> <p>5 please.</p> <p>6 Yes, so the questions and answers, if we look at the</p> <p>7 bottom paragraph of the page, please:</p> <p>8 "What is an unexplained sudden/unexpected death?"</p> <p>9 What we see is:</p> <p>10 "This is a death where the cause of death is not</p> <p>11 known. In these circumstances a medical practitioner</p> <p>12 may not be able to issue a certificate confirming the</p> <p>13 cause of death at the time. Further investigation by</p> <p>14 police will be required at the scene and may be required</p> <p>15 at a mortuary to discover the full circumstances of the</p> <p>16 death. The death may subsequently be determined to be</p> <p>17 suspicious or non-suspicious."</p> <p>18 That is not the same, is it, as saying that until</p> <p>19 you are satisfied that a case is not suspicious you must</p> <p>20 treat it as suspicious?</p> <p>21 <b>A. I agree, but I think also the earlier paragraph is</b></p> <p>22 <b>trying to get officers to have a mindset when they arise</b></p> <p>23 <b>and I agree with your point that there is a challenge</b></p> <p>24 <b>with multiple subtle variations of definitions, could be</b></p> <p>25 <b>confusing for someone --</b></p> <p style="text-align: center;">Page 49</p>	<p>1 <b>A. Which is all the start point -- our A, B, C of policing,</b></p> <p>2 <b>accept nothing, believe no one, challenge everything.</b></p> <p>3 <b>But, you are right, it is back to the point you were</b></p> <p>4 <b>making earlier.</b></p> <p>5 <b>So whilst, having been around policing maybe for</b></p> <p>6 <b>longer than others, in my mind, I understand the</b></p> <p>7 <b>approach to take, whereas for other colleague,</b></p> <p>8 <b>particularly those who are starting out, we need to make</b></p> <p>9 <b>this as clear as we possibly can be, which is why we</b></p> <p>10 <b>definitely need to reflect on this as to what changes we</b></p> <p>11 <b>might need to make.</b></p> <p>12 Q. Thank you, we can take that down.</p> <p>13 Let me move on and let me go back, as I said</p> <p>14 I would, to those five categories that we looked at at</p> <p>15 the beginning of your evidence.</p> <p>16 Can we then go back to your witness statement,</p> <p>17 MPS718, page 6. I am looking now at the first of those</p> <p>18 categories.</p> <p>19 We see there the first of those categories, and this</p> <p>20 is actually the one I am probably going to ask you more</p> <p>21 about that than the others:</p> <p>22 "The quality of the initial death investigations and</p> <p>23 the professional curiosity of investigators."</p> <p>24 Let me pick up, first of all, those last few words,</p> <p>25 "the professional curiosity of investigators".</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. I hope you don't think that this is a lawyer's point,</p> <p>2 DAC Cundy, because there is nothing in one sense that</p> <p>3 lawyers love more than picking through a long document</p> <p>4 like this and finding that they are inconsistent, and</p> <p>5 I am not raising it for that purpose.</p> <p>6 The point is that we have heard from a series of</p> <p>7 witnesses that that very simple and very, no doubt,</p> <p>8 soundly based training, that you must treat a death as</p> <p>9 suspicious until you are satisfied that it is not</p> <p>10 suspicious, was simply not followed. The reason why it</p> <p>11 seems not to have been followed is because the officers</p> <p>12 didn't have that sort of binary issue in their minds.</p> <p>13 They allowed themselves to say, "Well, it is neither</p> <p>14 suspicious nor non-suspicious, it is actually something</p> <p>15 different: unexplained" and, as this paragraph really</p> <p>16 leads towards, "We will wait and see if it becomes</p> <p>17 suspicious later".</p> <p>18 The Met may in the end decide that is the right way</p> <p>19 to go, but it is not the same, is it, as requiring</p> <p>20 people to treat a case as non-suspicious until they are</p> <p>21 satisfied that it is suspicious?</p> <p>22 <b>A. Yes --</b></p> <p>23 Q. Sorry, I got that the wrong way round, requiring them to</p> <p>24 treat it as suspicious until they are satisfied that it</p> <p>25 is not?</p> <p style="text-align: center;">Page 50</p>	<p>1 That is a phrase we have heard a fair amount of in</p> <p>2 the last few weeks, and I am sure that everyone in this</p> <p>3 room who has been here over that time, and no doubt you</p> <p>4 who has been following it, can think of examples on the</p> <p>5 evidence, on the facts, where there seemed to be a lack</p> <p>6 of professional curiosity shown by the investigating</p> <p>7 officers.</p> <p>8 The failure to think about the contents of the note</p> <p>9 that Daniel Whitworth was found with, the fact that the</p> <p>10 note didn't really seem to have anything personal about</p> <p>11 it, rather curiously seemed to exonerate the person he</p> <p>12 had spent the night before with. Perhaps the failure to</p> <p>13 think about the scenes, what was there in front of the</p> <p>14 officers, the plastic envelope that was rather</p> <p>15 conveniently containing the note on a rainy night, the</p> <p>16 absence of phones, the table mat. The failure to link</p> <p>17 the deaths, even when, as we have seen, families/friends</p> <p>18 were pressing the police officers to think in those</p> <p>19 terms.</p> <p>20 As I say, we can all think of our own examples and</p> <p>21 I am not trying to pin it down to any one particular</p> <p>22 point. But what one does see is that this was not</p> <p>23 an isolated failing, it wasn't just one officer or two</p> <p>24 officers who just didn't join the dots, this was</p> <p>25 a repeated problem which seems to have flown through all</p> <p style="text-align: center;">Page 52</p>

<p>1 of the four investigations.</p> <p>2 With that in mind, how do you explain it and what</p> <p>3 have the Met done to try and stop it happening in future</p> <p>4 cases?</p> <p>5 <b>A. So I think, Mr O'Connor, the question this poses: how do</b></p> <p>6 <b>you explain it? It is fair to say I have spent, since</b></p> <p>7 <b>I first became involved in 2016, spent many years –</b></p> <p>8 <b>myself and with others – to try and understand what on</b></p> <p>9 <b>earth did happen and why.</b></p> <p>10 <b>So on some occasions, on some of the investigations,</b></p> <p>11 <b>there was some professional curiosity shown, so I think</b></p> <p>12 <b>DI McCarthy set a series of actions right at the very,</b></p> <p>13 <b>very start. Now, I know as well as everybody else who</b></p> <p>14 <b>has been following the evidence that some of those</b></p> <p>15 <b>things were not followed through.</b></p> <p>16 <b>I think often – so it is highly unusual for a whole</b></p> <p>17 <b>series of ... as I have described it there, they are</b></p> <p>18 <b>individual and collective actions. There has always</b></p> <p>19 <b>been in policing and indeed many other walks of life</b></p> <p>20 <b>where individuals, and I clearly put myself in that</b></p> <p>21 <b>position where you make individual errors and you</b></p> <p>22 <b>realise the mistake and try and wrestle with it, and yet</b></p> <p>23 <b>this is a series of errors, lack of curiosity, failings,</b></p> <p>24 <b>however it may be described, that have come together.</b></p> <p>25 <b>What we do do in policing, and have done over many</b></p> <p style="text-align: center;">Page 53</p>	<p>1 <b>know, this is a team investigation which needs some</b></p> <p>2 <b>clear leadership to follow it through.</b></p> <p>3 <b>What we have done, if you would like me to go on to</b></p> <p>4 <b>it, in terms of trying to remedy that, so, you know, the</b></p> <p>5 <b>detective sergeant, the detective inspector training</b></p> <p>6 <b>that we do, has had a ... is constantly evolving,</b></p> <p>7 <b>getting refreshed and some of the clear, clear learning</b></p> <p>8 <b>that came out of these cases – and these are training</b></p> <p>9 <b>courses, not for detectives, sergeants or inspectors</b></p> <p>10 <b>that sit in specialist commands, this is for colleagues</b></p> <p>11 <b>in local policing as well as specialist commands. Does</b></p> <p>12 <b>a lot about decision making, hypothesis that you might</b></p> <p>13 <b>be dealing with, back to my A, B, C I mentioned earlier</b></p> <p>14 <b>about accepting nothing. That is why we set hypotheses,</b></p> <p>15 <b>what do we think is more likely, and not – you know,</b></p> <p>16 <b>doing everything we can to prevent individual or</b></p> <p>17 <b>collective biases influencing what you think you have</b></p> <p>18 <b>before you.</b></p> <p>19 <b>I do think, and you have listed some of the things</b></p> <p>20 <b>that occurred on these investigations, they are all</b></p> <p>21 <b>within the capability of colleagues that sit within the</b></p> <p>22 <b>local policing environments to investigate those</b></p> <p>23 <b>matters.</b></p> <p>24 <b>Q. They certainly should be. In fact they ought to be</b></p> <p>25 <b>almost the very core skill, oughtn't it?</b></p> <p style="text-align: center;">Page 55</p>
<p>1 years, is say so what can we do to try and understand</p> <p>2 what went on? So we do do considerable reviews and</p> <p>3 debriefing and certainly my experience having – as</p> <p>4 I have described earlier – been involved in</p> <p>5 investigations such as this at many different points</p> <p>6 throughout my service. There are often some underlying</p> <p>7 themes which will normally come to light and they will</p> <p>8 often be, this goes on to my point, the leadership of</p> <p>9 those things. So whether leaders are (a) competent</p> <p>10 themselves, whether they are doing their role as</p> <p>11 a leader in terms of supporting, helping colleagues that</p> <p>12 might be following particular lines of enquiry and the</p> <p>13 like. It will often come down to the knowledge,</p> <p>14 professional experience and understanding as well.</p> <p>15 I think the evidence that has come out throughout</p> <p>16 inquest shows there is a whole range of those sort of</p> <p>17 things there.</p> <p>18 Can I sit here and explain it, I don't think I can</p> <p>19 fully explain it. I do personally put a lot of the –</p> <p>20 what is the best way to describe it, a lot of the</p> <p>21 responsibility for why a lot of things were not followed</p> <p>22 through, that if they had been progressed would have</p> <p>23 been professionally curious and would have potentially</p> <p>24 identified Stephen Port earlier. Is that investigators,</p> <p>25 whether they are detective constables or trainees, you</p> <p style="text-align: center;">Page 54</p>	<p>1 <b>A. I absolutely agree with you.</b></p> <p>2 <b>Q. There is something rather surreal about standing here</b></p> <p>3 <b>asking a police officer why police officers were not</b></p> <p>4 <b>curious. I mean that ought to be the thing they do day</b></p> <p>5 <b>in, day out, and we will come to talk about leadership</b></p> <p>6 <b>but the fact is here there was a group of officers who</b></p> <p>7 <b>time after time seemed not to have done that most basic</b></p> <p>8 <b>element of policing.</b></p> <p>9 <b>Was it, for example, because they didn't have enough</b></p> <p>10 <b>time or the resources were not available?</b></p> <p>11 <b>A. So clearly I cannot put myself in their individual shoes</b></p> <p>12 <b>as to what it was like for them at the time.</b></p> <p>13 <b>I personally don't think it is about not having the</b></p> <p>14 <b>time. If I just talk about Anthony's investigation, you</b></p> <p>15 <b>know, that was recognised as suspicious by everybody</b></p> <p>16 <b>involved, and no doubt we will talk about primacy</b></p> <p>17 <b>shortly, but there were a number of obvious enquiries,</b></p> <p>18 <b>relatively straightforward enquiries, that should have</b></p> <p>19 <b>been undertaken at the very early stages of that.</b></p> <p>20 <b>I don't think that is a lack of time, I think that</b></p> <p>21 <b>is down to making sure that when you do have something</b></p> <p>22 <b>like that, that it is prioritised accordingly and whilst</b></p> <p>23 <b>it may not have been taken by the murder investigation</b></p> <p>24 <b>team at that point in time, having been there myself as</b></p> <p>25 <b>a detective inspector, so sometimes these are judgment</b></p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 decisions which get made in policing, within, you know, 2 death investigations here, and in many other walks of 3 policing as well. But as a detective inspector and when 4 I have done it in my experience, is when a decision has 5 been made that you think this is highly suspicious, I am 6 really concerned about this, but you are told actually, 7 "Stuart, you are going to carry on with the 8 investigation", you think right, so how am I going to 9 deal with it? You put the appropriate prioritisation to 10 it, which includes following through on, you know, some 11 of the basics that might have been allocated as actions 12 to undertake but were not.</p> <p>13 Q. It is fine to say -- I don't mean to undermine your 14 answer, but I think of course you feel that you would 15 have acted differently and you say that you have 16 confidence this would be within the skill set of police 17 officers. But we know that back in 2014/2015 a series 18 of police officers fell short of that standard.</p> <p>19 A. Certainly.</p> <p>20 Q. How can we be confident that somewhere in one of these 21 new BCUs there is not another group of officers who are 22 going to be making the same mistakes today, next week?</p> <p>23 A. So I think some of the key things we have done around 24 that -- so, I do think ... I have not followed every 25 single day of evidence, but, you know, I am not sure</p> <p style="text-align: center;">Page 57</p>	<p>1 I think is much greater clarity about the expectations 2 of them, their responsibilities that they are required 3 to perform to do what we can to mitigate something like 4 this occurring again.</p> <p>5 Now, of course, police officers and today across 6 London I do firmly believe that we have great people, we 7 have great investigators across London and sometimes 8 individual mistakes are made. I think this is the 9 devastating impact of what has gone on in these deaths 10 is something I have maybe not quite seen in the same 11 way. But I have seen challenges in other -- at other 12 times, not just within the Met but having worked in 13 Surrey and Sussex Police as well, and I have articulated 14 some of the things we have put in place to do what we 15 can to -- do what we can to ensure these types of 16 circumstances don't occur again. And some of it is 17 policy and practice, some of it is training, some of it 18 is leadership, some of it is the organisational changes 19 that I have referred to earlier.</p> <p>20 Q. Let me move on and just cover a couple of fairly short 21 but important points about quite practical changes that 22 have taken place.</p> <p>23 First of all, we have heard that one of the -- you 24 may agree -- factors that went wrong in the 25 Anthony Walgate investigation was that the PND check</p> <p style="text-align: center;">Page 59</p>
<p>1 many of those that gave evidence as the individuals said 2 they didn't have the skill set. I think it is whether 3 they gave reasons or not as to why.</p> <p>4 This does dovetail into the leadership 5 responsibility as well, so our training for detective 6 constables, which every detective goes through, it is 7 a pathway from passing exams, we have introduced 8 coaching for those that are in their training 9 environments, which is in addition to the supervisors, 10 the detective sergeants, and we are using, you know, 11 retired experienced investigators to perform that 12 coaching role. We then have a pathway for detective 13 constables --</p> <p>14 (Building sound)</p> <p>15 Sorry.</p> <p>16 Q. It's not your fault, but let's keep going.</p> <p>17 A. Where they complete what we call work books, so we can 18 assure ourselves they have the necessary skill set, the 19 necessary competence in order to do their role.</p> <p>20 And then what we have done in terms of the sergeants 21 and inspectors' training, there has been a revamping to 22 the training they received and we have put in through 23 the organisational training we touched on earlier, we 24 have put in additional senior detective leadership 25 within each of the BCUs, with much greater -- what</p> <p style="text-align: center;">Page 58</p>	<p>1 never took place.</p> <p>2 We have heard it said on the one hand, "This is one 3 of the most basic intelligence checks that the police 4 do".</p> <p>5 On the other hand we have heard, "Well, it cannot be 6 done by everyone" and some of the officers who have 7 given evidence have suggested there almost seemed to be 8 an air of mystery around the PND, they couldn't do it, 9 and perhaps there was uncertainty as to how they might 10 have gone about it or at any rate if they were tasked to 11 do intelligence checks, it might not have been something 12 they included on their list personally.</p> <p>13 You have mentioned in your statement that something 14 called local intelligence teams have been created since 15 2019. Is that something that would at least change the 16 way in which these intelligence checks are done by 17 borough investigators or BCU investigators?</p> <p>18 A. Yes. Yes, absolutely. It is fair to say in 2014 those 19 checks would generally be done remotely from a more 20 centralised intelligence function. So one of things 21 that we have introduced are these local intelligence 22 teams, which are in every single BCU and they have the 23 capability to do those PND checks.</p> <p>24 The reason not every police officer has access to 25 PND is the very nature of what the system is, it is</p> <p style="text-align: center;">Page 60</p>

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<p>1 <b>across all police forces, and I think you have</b></p> <p>2 <b>potentially heard evidence on that already, but the</b></p> <p>3 <b>local intelligence teams are one of the key things that</b></p> <p>4 <b>we have introduced to improve the awareness and the</b></p> <p>5 <b>ability to undertake the checks.</b></p> <p>6 Q. Sorry, so the real question, the practical question,</p> <p>7 I suppose, arising from this case is if there is</p> <p>8 an unexplained death, if a DI tasks a detective, or</p> <p>9 police constable for that matter, to "Do all</p> <p>10 intelligence checks", is it now left up to that junior</p> <p>11 officer to decide what they are going to do, to do some</p> <p>12 themselves, to ask someone else to do something else or</p> <p>13 possibly ask a friend, "What am I supposed to be doing?"</p> <p>14 Or is it a more straightforward process to obtain</p> <p>15 a standardised package of intelligence?</p> <p>16 <b>A. Yes, so it is much more standardised, it wouldn't be</b></p> <p>17 <b>left to a junior colleague to do that, so the operations</b></p> <p>18 <b>room which we touched on earlier this morning have the</b></p> <p>19 <b>local intelligence team, they have colleagues in there.</b></p> <p>20 <b>So one of the things that is introduced since 2014, with</b></p> <p>21 <b>those operation rooms, are what we call Pacesetter</b></p> <p>22 <b>meetings, which occur throughout the day. So if there</b></p> <p>23 <b>is a death that has occurred which requires intelligence</b></p> <p>24 <b>checks to be done, they come into that at set points in</b></p> <p>25 <b>the day, those meetings, so intelligence colleagues are</b></p> <p style="text-align: center;">Page 61</p>	<p>1 computers themselves in some instances or get them</p> <p>2 downloaded?</p> <p>3 <b>A. Yes, Mr O'Connor. It is immeasurably different than it</b></p> <p>4 <b>was in 2014. One of the things we have introduced is</b></p> <p>5 <b>described here as a three-tiered approach. The</b></p> <p>6 <b>underlying principle is we try and give the ability to</b></p> <p>7 <b>undertake any examination of digital media as close as</b></p> <p>8 <b>we can to local officers.</b></p> <p>9 <b>So a laptop wouldn't be done through what is</b></p> <p>10 <b>referred to as level 1 self service, which in essence</b></p> <p>11 <b>is -- well it is described as a kiosk, where we can plug</b></p> <p>12 <b>mobile phones into -- provided they are not encrypted,</b></p> <p>13 <b>et cetera, to download, but a laptop would go to what we</b></p> <p>14 <b>call these digital forensic hubs. There are currently</b></p> <p>15 <b>eight of those across London, they have specialist</b></p> <p>16 <b>digital forensic advisers that are part of them, that</b></p> <p>17 <b>can assist officers in terms of an approach to be</b></p> <p>18 <b>undertaken. Indeed you may have seen yesterday -- it</b></p> <p>19 <b>wasn't for the purposes of the inquest, but the</b></p> <p>20 <b>commissioner yesterday announced another huge investment</b></p> <p>21 <b>that we are putting into digital forensics because of</b></p> <p>22 <b>the exponential growth of digital media.</b></p> <p>23 <b>What is different today, particularly in relation to</b></p> <p>24 <b>laptops, is the officer can get hold of an adviser on</b></p> <p>25 <b>the phone to say, "I've got this, what can I do?"</b></p> <p style="text-align: center;">Page 63</p>
<p>1 <b>there and there can be clarity about, right, you know,</b></p> <p>2 <b>what is required? What we often refer to in policing as</b></p> <p>3 <b>an intelligence profile, which will often include</b></p> <p>4 <b>standard checks, Police National Computer, the PND, like</b></p> <p>5 <b>you described, and other checks as well.</b></p> <p>6 Q. Yes.</p> <p>7 Just putting it at its simplest, if a similar</p> <p>8 situation was to occur, if an action was to be raised:</p> <p>9 do intelligence checks on this person. Can we now be</p> <p>10 more confident that that would include a PND check?</p> <p>11 <b>A. You certainly can be more confident, yes.</b></p> <p>12 Q. Let me ask about another sort of practical question</p> <p>13 arising also from the Anthony Walgate case.</p> <p>14 For this purpose it would be helpful I think to go</p> <p>15 to page 30 of your statement, that is MPS718, page 30,</p> <p>16 please, paragraph 132. We have heard, DAC Cundy, that</p> <p>17 another of the areas perhaps in which you agree that</p> <p>18 there was a shortfall in the Anthony Walgate</p> <p>19 investigation was the failure to download Stephen Port's</p> <p>20 computer despite, as we have seen, the HAT advice to get</p> <p>21 that done.</p> <p>22 If we look at paragraph 132 of your statement,</p> <p>23 I don't want to read it all out but, in essence, is</p> <p>24 there now a new and more advanced, perhaps more user</p> <p>25 friendly, way in which investigators can download</p> <p style="text-align: center;">Page 62</p>	<p>1 <b>Because, you know, officers sometimes might not know the</b></p> <p>2 <b>full capability of what can be done in terms of</b></p> <p>3 <b>examination. And then advise as to what to do with it,</b></p> <p>4 <b>where to take it, in terms of their local hub, and then</b></p> <p>5 <b>the expert practitioners, because we need to do this in</b></p> <p>6 <b>a way that meets the requirements of the forensic</b></p> <p>7 <b>regulator, can then download the laptop and then pass</b></p> <p>8 <b>the information that has been downloaded back to the</b></p> <p>9 <b>investigators.</b></p> <p>10 Q. Yes, thank you very much, DAC Cundy, can we can take</p> <p>11 that down.</p> <p>12 Madam, I am looking at the time. I wonder if this</p> <p>13 might be a convenient moment for a short break?</p> <p>14 THE CORONER: Yes, we will take a short break.</p> <p>15 Thank you, members of the jury.</p> <p>16 (11.22 am)</p> <p>17 (A short adjournment)</p> <p>18 (11.39 am)</p> <p>19 (In the presence of the jury)</p> <p>20 THE CORONER: Yes.</p> <p>21 MR O'CONNOR: DAC, Cundy, we are still on that first of your</p> <p>22 five points. I did say I was going to have more to ask</p> <p>23 you about this than the others.</p> <p>24 We discussed the question of investigative</p> <p>25 curiosity, professional curiosity, and we have just</p> <p style="text-align: center;">Page 64</p>

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<p>1 covered those two quite practical points about forensics 2 and the PND.</p> <p>3 I want to come on to a related point, really, which 4 is that however much training one gives to your staff, 5 the support you give them, the technical ability or 6 access you provide to them, ultimately this work relies 7 on people doing their job, yes?</p> <p>8 <b>A. It does, yes.</b></p> <p>9 <b>Q. More importantly, perhaps, or more particularly, doing</b> 10 <b>what they are told. Another feature of the evidence we</b> 11 <b>have heard in this case is that there were occasions</b> 12 <b>during these investigations -- and not just one</b> 13 <b>occasion, not just one officer -- where instructions</b> 14 <b>were given which simply were never carried out.</b></p> <p>15 For example, one thinks of the officer who was 16 appointed as a FLO for the Kovari family and she never 17 made contact with them. She didn't say she didn't have 18 time or ask her supervisor to allocate the job to 19 someone else, she just never did it.</p> <p>20 Again, an officer tasked with completing the phone 21 work in relation to Daniel Whitworth's phone, crucial 22 work which would have demonstrated that he couldn't 23 possibly have been involved in Gabriel Kovari's death, 24 he just didn't do it. He didn't say he hadn't done it, 25 he say he was having difficulties doing it, it just</p> <p style="text-align: center;">Page 65</p>	<p>1 <b>actions were shown as completed when they weren't.</b></p> <p>2 <b>So whilst it is not with us today, but we have a new</b> 3 <b>system coming in which will be replacing CRIS and many</b> 4 <b>other of our systems, which has a much more robust</b> 5 <b>action management system, which does a lot more</b> 6 <b>automation, flagging up to supervisors, to leaders,</b> 7 <b>about actions that have not been completed. I think the</b> 8 <b>HOLMES system, which the murder investigation teams use,</b> 9 <b>which I think might have been mentioned at some point</b> 10 <b>during the inquest, which is a large-scale computer</b> 11 <b>system to assist a murder investigation, it doesn't</b> 12 <b>investigate, it doesn't solve a case for you, but that</b> 13 <b>does have the ability whereby if an action is raised for</b> 14 <b>an officer to do a task, you can see if it has been</b> 15 <b>completed, it doesn't get completed unless it goes</b> 16 <b>through checks and balances and oversight.</b></p> <p>17 <b>And our new system for all other crime</b> 18 <b>investigations, which is going to be a system called</b> 19 <b>CONNECT, which is going to be introduced in two phases,</b> 20 <b>but the phase about criminal investigations will be in</b> 21 <b>the early part of 20223, has a much more robust action</b> 22 <b>management system, supervisory process system as well.</b></p> <p>23 <b>Which the intention -- part of what it will solve is</b> 24 <b>individuals, including some supervisors, saying</b> 25 <b>something has been completed when it hasn't been.</b></p> <p style="text-align: center;">Page 67</p>
<p>1 wasn't done.</p> <p>2 An instruction to go back to the HAT car in the 3 Anthony Walgate case, again, just never happened.</p> <p>4 This is not a lack of curiosity, this is just 5 straightforward people being told to do things and it 6 never happening. In a sense, all the support that one 7 can give people, if they don't do what they are told, 8 then mistakes are going to happen. What is your 9 reflection on that, what lesson has the Met learned 10 about those particular aspects of these cases?</p> <p>11 <b>A. So I think, like you, I am sure like the families and</b> 12 <b>everyone else, when you hear some of the things that</b> 13 <b>didn't happen, when people have been requested, told to</b> 14 <b>do something, some of them are quite astonishing from my</b> 15 <b>perspective that weren't done. It does rely a lot on</b> 16 <b>people and a lot on -- going back to leadership, a lot</b> 17 <b>on leaders, but some of the things we have done and we</b> 18 <b>will be doing to try and do what we can to prevent that</b> 19 <b>occurring in the same way is when -- so I know you have</b> 20 <b>heard it through inquest, our current CRIS system has</b> 21 <b>an ability for actions to be allocated. What it doesn't</b> 22 <b>have in that ability is an automatic system approach,</b> 23 <b>whereby it says this action hasn't been done for two</b> 24 <b>day, four days, six days, whatever it may be. And</b> 25 <b>I know equally astonishing for me that some of those</b></p> <p style="text-align: center;">Page 66</p>	<p>1 <b>Q. Yes.</b></p> <p>2 <b>A. I think, Mr O'Connor, as you said yourself, it is still</b> 3 <b>down to individuals' accountability and responsibility</b> 4 <b>as well, but it can bring us some more assurance to try</b> 5 <b>and stop these things happening again.</b></p> <p>6 <b>Q. Well, you have in part answered my next question, but</b> 7 <b>let me make it to you anyway, because, yes, it is the</b> 8 <b>job of the individual who is given the job, the task to</b> 9 <b>do it, to do whatever they are told to do, but there is</b> 10 <b>also a role for leadership, supervision, call it what</b> 11 <b>you will, in particular by whoever it was who gave the</b> 12 <b>instruction, to make sure that it had been done. And</b> 13 <b>you talk about new systems to make sure that that all</b> 14 <b>takes place, but there is an extra feature here, which,</b> 15 <b>as I say, you have alluded to, which is that in some of</b> 16 <b>these situations, not only was the officer who was told</b> 17 <b>to do something didn't do it, but then the supervisors,</b> 18 <b>as it were, confirmed that mistake.</b></p> <p>19 So, for example, the phone work in 20 Daniel Whitworth's case, that action was marked as 21 completed by DI Schamberger, despite the fact that he 22 must have known, or at least could have known, that it 23 hadn't happened.</p> <p>24 The Walgate CRIS was closed, not just by the junior 25 officers but by DI McCarthy, the very man who had</p> <p style="text-align: center;">Page 68</p>

<p>1 instructed that the case be referred back to HAT. He 2 must have known that that hadn't happened, or at least 3 if he had given it a moment's thought or had bothered to 4 ask anyone he would have known that hadn't happened. 5 The Daniel Whitworth CRIS was closed, not just by 6 the DC, but by the DS and the DI, knowing that the 7 special post mortem report hadn't even been prepared 8 yet. 9 We do have, do you agree, a rather more substantial 10 problem than individual junior officers not doing what 11 they are told and one which suggests that the 12 supervisory function back in 2014 and 2015 wasn't 13 working either? 14 <b>A. I absolutely agree this is not just down to the</b> 15 <b>individual officers. The reason we have -- you know on</b> 16 <b>occasions the hierarchy of policing has advantages, in</b> 17 <b>other cases we don't need to use it but in situations</b> 18 <b>like this, the whole reason we have a detective sergeant</b> 19 <b>overseeing the detective constables and investigators is</b> 20 <b>that front line/first line supervision.</b> 21 <b>When it comes to the closing of a crime report, like</b> 22 <b>you articulated, the role of a detective inspector then</b> 23 <b>and now is to assure themselves that all the things have</b> 24 <b>occurred that should have been done, not simply closing</b> 25 <b>it, you know, ticking a box as some might frame it.</b></p> <p style="text-align: center;">Page 69</p>	<p>1 on the borough at the time and the things that went 2 wrong in these investigations over that period of 3 2014/2015. We have also heard that, in fact, Barking 4 and Dagenham borough was topping the tables for Met 5 performance during that period. 6 Now, these are the MOPAC targets, which, as we 7 understand it, were results-driven statistics focusing 8 on certain offences, like burglary, robbery, theft and 9 so on. Driven by the mayor's office at the time, so we 10 understand it no longer exists. 11 I am not just asking this as a sort of debating 12 point, because I think there is a substantive question 13 which has been raised, and it perhaps flows most readily 14 from the evidence of DI Kirk yesterday, who made the 15 point that the -- it may have been yesterday or one of 16 the previous occasions he gave evidence, but he made the 17 point that the focus, the pressure that was being put on 18 his team in that time to improve the statistics in 19 relation to those types of offences, as he put it, 20 distracted, or detracted from the ability of officers to 21 carry out longer term, slower-time enquiries like the 22 investigations into unexplained deaths. 23 First of all, is it right that those MOPAC targets 24 are not in play anymore? 25 <b>A. They don't exist at this time, no.</b></p> <p style="text-align: center;">Page 71</p>
<p>1 <b>One of the things that we have done since 2014, we</b> 2 <b>have put a significant investment -- it is not about</b> 3 <b>investigators, this is general leadership, about</b> 4 <b>responsibilities that need to take personal</b> 5 <b>responsibility, accountability, you know, we are</b> 6 <b>an organisation that as best we can will always want to</b> 7 <b>make decisions at the lowest possible level, otherwise</b> 8 <b>you end up with huge bottlenecks of decisions being</b> 9 <b>made, but with empowerment comes a personal</b> 10 <b>accountability at every single level.</b> 11 <b>So all of our leaders on a number of different</b> 12 <b>occasions have gone through additional leadership</b> 13 <b>training. Yes, encompassing some of the learning from</b> 14 <b>Stephen Port and indeed many other broader points as</b> 15 <b>well. And I sit here and, again, I put myself in the</b> 16 <b>shoes of being a detective inspector. I simply cannot</b> 17 <b>fathom why those investigations were closed when things</b> 18 <b>hadn't been completed, hadn't been done. It shouldn't</b> 19 <b>have happened.</b> 20 <b>Q. Let me move on and deal, I hope quite briefly, with</b> 21 <b>another topic relating to the performance of the</b> 22 <b>officers on the borough.</b> 23 <b>That is the evidence slightly odd, you might think,</b> 24 <b>evidence we have heard that alongside -- well, we have</b> 25 <b>heard what we have heard about the resourcing problems</b></p> <p style="text-align: center;">Page 70</p>	<p>1 <b>Q. No doubt there are other performance-related measures</b> 2 <b>within the Met, and is this general point that</b> 3 <b>performance-related statistics, testing, tables, can</b> 4 <b>actually be counterproductive in this way, is that</b> 5 <b>something that the Metropolitan Police considers?</b> 6 <b>A. So I might not use the phrase "counterproductive", but</b> 7 <b>I absolutely agree with the point that, you know,</b> 8 <b>leaders at every level in the organisation need to be</b> 9 <b>mindful that when we might set priority areas of what</b> 10 <b>the consequential impact might be. So, you know, whilst</b> 11 <b>we don't have targets in the way they existed in 2014,</b> 12 <b>we do have, you know, performance measures as you</b> 13 <b>described them which are aspirations which we will focus</b> 14 <b>on, which are the priorities for Londoners. But they</b> 15 <b>are not there at all, you know, to the detriment of</b> 16 <b>everything else at all costs, it does help influence and</b> 17 <b>drive how leaders make decisions about where resources</b> 18 <b>are deployed and prioritisation.</b> 19 <b>Q. I suppose the question is as these performance measures</b> 20 <b>are put in place and year by year you see them, are you</b> 21 <b>alive to the possibility that they may have counter</b> 22 <b>effects?</b> 23 <b>A. Yes. And that is at every level of the organisation,</b> 24 <b>so, you know, in the borough in 2014, or indeed in any</b> 25 <b>unit now, there is a -- if I were performing the chief</b></p> <p style="text-align: center;">Page 72</p>

<p>1 superintendent role, I think Andy Ewing was giving 2 evidence earlier on in the inquest, you know, part of 3 your responsibility is to make sure that how your 4 policing command is operating in, is cognisant of what 5 the performance priorities are, as well as making sure 6 that the broad breadth of policing services are 7 delivered to the appropriate standard. 8 It might mean that some aspects are invested in more 9 than others. 10 That is why we have, you know, the mayor sets the 11 police and crime plan for the MPS and the commissioner 12 has set her -- what we call our Met direction, which is 13 a whole series of measures. But, yes, we are alive to 14 what could be the consequential impact that -- you know, 15 it is the unintended consequence, as we often refer to 16 it. 17 Q. DAC Cundy, let me move to another area, but still 18 staying within this broad question of the quality of the 19 initial investigations. That is a series of points 20 I want to raise with you about the way in which the 21 investigations dealt with the families and friends of 22 the deceased. 23 The first issue is actually not so much about the 24 investigation, but just about the way in which the 25 families were informed of the deaths of their loved</p> <p style="text-align: center;">Page 73</p>	<p>1 words, simply plain wrong as to some of those events, as 2 you describe them. 3 It is, you know, delivering a death message is 4 something that -- well, certainly I learnt it as a new 5 recruit in training, it is an inherent part of our 6 recruit training and part of it, you know, the 7 circumstances you describe where the wrong information 8 has been given is not acceptable and part of that 9 training is before you go and see a family member to 10 give them such tragic news, is you need to have the 11 information as best you possibly can, if there are gaps, 12 then there are gaps at that point in time. 13 So we have updated -- it has always been there in 14 our recruit training, when the police officers join the 15 MPS it is a key element of that. What we have done, in 16 fact last year, so you know we have about -- typically 17 about 7,000 or more deaths that the Metropolitan Police 18 attends. The vast, vast majority of those are 19 non-suspicious, are events that, you know, haven't been 20 foreseen but of course with the impact of Covid, we and 21 our emergency partners and many others, are attending so 22 much more, so we -- in fact we used our force chaplain 23 to front it for us, we did another sort of, shall we 24 say, awareness raising across all of the organisation 25 about how best to go about it and some of the underlying</p> <p style="text-align: center;">Page 75</p>
<p>1 ones. We have seen it referred to as "agony visits" or 2 "death message", but we all know what we are talking 3 about. Of course it must be a very routine, if sad, 4 part of a police officer's job to break that sort of 5 news to grieving families up and down the country every 6 day, however the individual has died. 7 What we have had here is, as it were, just a sample 8 of experiences of families receiving visits like that, 9 and it hasn't been a good one. 10 Anthony Walgate's father was told that his brother 11 had died. 12 Daniel Whitworth's partner Ricky Waumsley was told 13 that Daniel had been found hanged. 14 Jack Taylor's family, we have heard the evidence 15 earlier this week, received a visit where, as they 16 described it, the police constables simply walked into 17 the house and blurted out that Jack was dead, without 18 even asking them to sit down. 19 I appreciate that not all of the officers involved 20 were from the Metropolitan Police, although presumably 21 they all one way or the other were briefed by the 22 Metropolitan Police, but I am sure you accept that what 23 we have heard is very concerning? 24 <b>A. I completely accept and I wouldn't describe it as</b> 25 <b>concerning, I just think it is -- there are so many</b></p> <p style="text-align: center;">Page 74</p>	<p>1 elements are -- so one of our core values for us, for 2 the Metropolitan Police is about compassion. So 3 policing is about human beings, it's about human 4 engagement and delivering a death message we will 5 encounter family members at one of the most traumatic 6 points in their life, and officers need to understand 7 that and recognise that. 8 It is daunting for some police officers to do it, 9 which is why we do what we can to invest in their 10 training. 11 Q. Can I just ask you a very practical question. Of course 12 there is no doubt recruits are trained in this, amongst 13 many other matters, but there still has to be a first 14 time that any particular constable undertakes that task. 15 <b>A. Yes.</b> 16 Q. That is inevitable, on the one hand, but on the other 17 hand, for that particular family, there is so much at 18 stake. The sense one got from the evidence from the 19 Taylor family, they referred for example to the more 20 senior, the older looking at any rate, constable sort of 21 shaking her head while the younger constable broke the 22 news in the way she did. Is there, as it were, for the 23 first time or perhaps the first few times that a junior 24 constable does this task -- so perhaps some time after 25 their recruit training, is there a process whereby they</p> <p style="text-align: center;">Page 76</p>

<p>1 are just taken to one side and reminded of what is 2 expected of them?</p> <p>3 <b>A. Yes, so once a recruit officer has completed their 4 initial training, they go out to whatever police station 5 they have been posted to. They will then go through 6 what we call a street duties course, where they are with 7 a tutor officer, another more experienced police 8 constable.</b></p> <p>9 <b>And one of the first things that has happened 10 through my service, and still happens now, is as soon as 11 is appropriate officers will be asked to go and deliver 12 a death message, because the first time you do it, it is 13 nowhere near as difficult as it is for family members, 14 but it can be difficult for some officers. So they 15 would be -- whilst clearly it didn't happen as it should 16 have done with the Taylor family, for which I am sorry, 17 they will be with an experienced officer to help them 18 and part of that is before you get to the family's 19 address, certainly I remember my experience was I am 20 talked through, "Right, Stuart, what is you are going to 21 say? How you are going to go about it?" To help them 22 through that first point in time.</b></p> <p>23 <b>If it doesn't go well, you know, there needs to be 24 a sit down and there should be and there will be a sit 25 down with the officer afterwards, which is:</b></p> <p style="text-align: center;">Page 77</p>	<p>1 I am sure you agree that simply shouldn't have 2 happened?</p> <p>3 <b>A. It should not have happened. I completely agree.</b></p> <p>4 Q. We may find it useful to look back at that death 5 investigation policy that we were looking at before. If 6 we could just quickly go back to MPS1166, please, 7 page 9. Yes, this is the document where -- I haven't 8 got quite the same pagination, I think if we can go do 9 the page before, please, yes, it is the bullet point 10 right at the bottom that goes over to the next one, 11 there is some guidance here:</p> <p>12 "Family members may not be the same as the 13 traditional model, ie mother, father, brother sister, 14 there are diverse communities in London and a person's 15 relationship to the deceased should not be assumed. 16 Furthermore, extended family members may be persons who 17 are not known to the traditional model, the deceased may 18 have kept their relationship with a person secret for 19 a multitude of reasons, just because a person doesn't 20 fit into the traditional model doesn't mean they should 21 not be regarded as extended family ..."</p> <p>22 Is that reflective of the type of training officers 23 receive now?</p> <p>24 <b>A. It is, and that reflects -- so I mentioned at the start 25 of my evidence that I lead nationally for policing as</b></p> <p style="text-align: center;">Page 79</p>
<p>1 <b>"So, you said that, that didn't work, you didn't 2 afford the opportunity for a family member to sit down, 3 you were going to leave them on their own in the house, 4 rather than have another family or a friend to come and 5 support them."</b></p> <p>6 <b>These are human interactions at the most traumatic 7 time for family members.</b></p> <p>8 Q. Let me move on, DAC Cundy, but sticking with the 9 question of families, and ask you more about how the 10 families are treated as part of the investigation in 11 these cases into unexplained deaths.</p> <p>12 The first point is to understand what we mean by 13 family in that context. You may imagine that what I am 14 going to ask you about is the fact that in the 15 investigation into Daniel Whitworth's death 16 Ricky Waumsley, his partner of four years, who he had 17 lived with for three years, was essentially excluded 18 because he was not so-called next of kin.</p> <p>19 He wasn't shown the note that Daniel was found with 20 for nine months after Daniel died and there was one 21 particular occasion where the family came to, in fact 22 this building, Barking, to see where Daniel's body had 23 been found and Ricky was positively excluded from that 24 exercise, or rather the exercise that followed when 25 Daniel's father and stepmother were shown the note.</p> <p style="text-align: center;">Page 78</p>	<p>1 <b>the national lead for family liaison, and that 2 reflects -- so this policy is not just for family 3 liaison officers, this is for all officers, but 4 certainly for trained family liaison officers, that goes 5 to the heart of expectations, the training they receive, 6 not just written on a sheet of paper.</b></p> <p>7 Q. It might be thought that the types of situation that 8 that policy is trying to consider are rather more 9 complicated and difficult than this one, which is, you 10 might have thought, very plain, that Ricky Waumsley was 11 a family member of Daniel Whitworth's?</p> <p>12 <b>A. He should have been treated as such.</b></p> <p>13 Q. Moving on, once you have identified who the family are, 14 it is right, is it not, that any investigation, 15 particularly an investigation into an unexplained death, 16 where, as we have seen, there really was little to no 17 about how these individuals had come to meet their 18 deaths, there were many questions unanswered, it is 19 particularly important in cases like that that the 20 police engage with and listen to what the family members 21 have to tell them?</p> <p>22 <b>A. Yes, I absolutely agree and it is a key element of 23 family liaison, is -- whilst the primary role is one of 24 investigator, it is ... some may deem it as the bridge 25 between the families and the investigation, and it is</b></p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 a two-way flow of information. So a key part of the</p> <p>2 training our family liaison officers receive here in the</p> <p>3 Met, and indeed nationally, is to listen to families,</p> <p>4 there is so much information that families can give. On</p> <p>5 occasion it might be evidence that they are not able to</p> <p>6 give, and clearly that didn't occur as I would have</p> <p>7 hoped on these investigations.</p> <p>8 Q. Simple and perhaps obvious to state how important</p> <p>9 a family member will be in helping the police understand</p> <p>10 what happened to their loved one, but the evidence we</p> <p>11 have been hearing for the last few weeks is that that</p> <p>12 didn't happen. And that evidence/information that the</p> <p>13 families were trying to give was not received. The</p> <p>14 evidence we have most recently in mind perhaps is that</p> <p>15 from the Taylor family, who were trying to engage the</p> <p>16 police, getting them to think about the possible linkage</p> <p>17 of Jack's death with the others and that was simply</p> <p>18 ignored or dismissed by the police officers involved.</p> <p>19 Do you agree that that is simply not something that</p> <p>20 should have happened?</p> <p>21 <b>A. It is not something that should have happened and</b></p> <p>22 <b>whether it is immediate family members, partners,</b></p> <p>23 <b>friends and I am sorry it didn't occur as it should have</b></p> <p>24 <b>done.</b></p> <p>25 Q. How can you give us confidence that that is not</p> <p style="text-align: center;">Page 81</p>	<p>1 the national lead family liaison to do the opening to</p> <p>2 them. We do case studies. We have had the family</p> <p>3 liaison officers, for example, that are involved in the</p> <p>4 Grenfell Tower response giving their experiences, the</p> <p>5 learning that has come out of some of their deployments.</p> <p>6 So that family liaison officers from across the Met –</p> <p>7 whilst we used to do a lot of these in person and face</p> <p>8 to face, with technology in more recent years we now do</p> <p>9 a lot of those virtually, both in the Met and</p> <p>10 nationally, so we can reach many, many more family</p> <p>11 liaison officers, so it is that constant professional</p> <p>12 development, that constant reminder of what is evolving</p> <p>13 good practice, as well as I say reminding and</p> <p>14 reasserting what is the underlying expectation of them</p> <p>15 in the first place.</p> <p>16 Q. Thank you.</p> <p>17 I want to move on, DAC Cundy, now to the second of</p> <p>18 your five areas, which is about leadership. Of course</p> <p>19 you have mentioned it as we have gone, we know these</p> <p>20 categories overlap. Let's just look at it again, it's</p> <p>21 MPS718, it's your witness statement, and it is internal</p> <p>22 page 7, please. We have looked at this briefly at the</p> <p>23 start. You say:</p> <p>24 "Identifying another of those areas of learning, the</p> <p>25 leadership of the original investigations, including the</p> <p style="text-align: center;">Page 83</p>
<p>1 happening somewhere in London right now?</p> <p>2 <b>A. So I know I have mentioned training already, but</b></p> <p>3 <b>training is a key element of this. So a lot of these</b></p> <p>4 <b>things were in place in 2014 but, you know, if a family</b></p> <p>5 <b>liaison officer has been deployed, the reason we have</b></p> <p>6 <b>family liaison coordinators which are -- could be</b></p> <p>7 <b>somebody normally of a supervisory rank that is not</b></p> <p>8 <b>necessarily directly involved in the investigation, is</b></p> <p>9 <b>to do the professional oversight and review of what</b></p> <p>10 <b>a family liaison officer is doing.</b></p> <p>11 <b>So we have, as I say, I lead nationally and what our</b></p> <p>12 <b>national guidance does, it then results in individual</b></p> <p>13 <b>force policy, like the MPS policy, so we have spent</b></p> <p>14 <b>recent years, a huge amount has come through from the</b></p> <p>15 <b>Stephen Port investigation and some other significant</b></p> <p>16 <b>cases up and down the country. We have completely</b></p> <p>17 <b>revitalised what we call in policing our national</b></p> <p>18 <b>authorised professional practice that is issued by the</b></p> <p>19 <b>College of Policing, which is our professional body. At</b></p> <p>20 <b>the end of last year, 2020, we published our new APP,</b></p> <p>21 <b>authorised professional practice, and the MPS policy was</b></p> <p>22 <b>then updated on the back of that.</b></p> <p>23 <b>So it is a mixture of training, policy -- so it is</b></p> <p>24 <b>really clear, we do ongoing professional development</b></p> <p>25 <b>events and often I will be there as either the MPS or</b></p> <p style="text-align: center;">Page 82</p>	<p>1 direction and support for the investigators."</p> <p>2 Then in the paragraph below you refer to:</p> <p>3 "More effective direction, leadership support for</p> <p>4 investigators, resourcing."</p> <p>5 Then in the second sentence you say:</p> <p>6 "The lack of clear investigation, structures and</p> <p>7 strategies did not lead to any review of the deaths</p> <p>8 before October 2015, despite concerns being raised ..."</p> <p>9 I just want to pick up on that second sentence and</p> <p>10 ask you something about this review, because that is</p> <p>11 a very important part, is it not, of leadership, it is</p> <p>12 the type of thing we would expect to see from someone</p> <p>13 sitting just a bit higher up in the organisation, is</p> <p>14 that fair?</p> <p>15 <b>A. Yes, yes, absolutely.</b></p> <p>16 Q. We are told that the noise by the way is from a boiler</p> <p>17 repair, which is ongoing.</p> <p>18 We were talking a moment ago about the fact that the</p> <p>19 families expressed their own views to police officers in</p> <p>20 all of these investigations about possible linking of</p> <p>21 the various deaths. If we could have up on screen,</p> <p>22 please, FAM1, page 4. These are notes, DAC Cundy, you</p> <p>23 may or may not have seen them before, but these notes</p> <p>24 were made by Donna Taylor in the period after her</p> <p>25 brother's death but before Stephen Port's involvement</p> <p style="text-align: center;">Page 84</p>

<p>1 was known, which reflect work that she and her sister 2 did, looking at media articles, reports of the inquests, 3 amongst other things, of Gabriel Kovari and 4 Daniel Whitworth, relating to Anthony Walgate's death, 5 and trying to make sense of it themselves. 6 You will see they have written down the details of 7 the earlier cases and towards the bottom of the page, 8 common factors. 9 It is not right to say that there was no review of 10 these cases, but sadly the position seems to be that it 11 was the families who conducted a review and brought 12 these points together for themselves. Even more sadly, 13 when they tried to engage police officers investigating 14 Jack's death about these points, as we have seen, 15 frankly they weren't listened to. 16 Of course we have to guard against hindsight, that 17 is something we have reminded ourselves regularly over 18 the last few weeks, but is it fair to say, DAC Cundy, 19 that an organisation like the Metropolitan Police simply 20 shouldn't have allowed these four deaths to take place 21 within 15 months of each other, with all the 22 similarities between them, some of which are referred to 23 here, so close together, and at no stage during that 24 period was there a Metropolitan Police review of the 25 cases making the links that one might have thought were</p> <p style="text-align: center;">Page 85</p>	<p>1 <b>A. It is, it is integral to the role of being</b> 2 <b>a supervisory/leader on investigations, as part of that</b> 3 <b>regular -- I think one of the officers might have</b> 4 <b>referred to it as ... I think they described it as</b> 5 <b>a lack of meetings. That is part of a review process,</b> 6 <b>and taking the step back is a very apt way to describe</b> 7 <b>it.</b> 8 <b>What we did have then, and we do have now, but we</b> 9 <b>have done a lot more, is the ability within the</b> 10 <b>Metropolitan Police to commission separate internal but</b> 11 <b>independent reviews away from the investigation team.</b> 12 Q. I want to ask you about that. Is that the specialist 13 crime review group you have in mind? 14 <b>A. It is.</b> 15 Q. I wanted to show you a part of your witness statement 16 that deals with that. 17 We need to go back to your witness statement, so it 18 is MPS718, please, and it is internal page 25, 19 paragraph 104. 20 Let me see if I can help. There is this thing 21 called the specialist crime review group? 22 <b>A. Yes, it is a dedicated unit.</b> 23 Q. Which is a unit within the Metropolitan Police, but it 24 is not involved in, as it were, first-line detection but 25 its purpose, is to undertake secondary reviews of cases</p> <p style="text-align: center;">Page 87</p>
<p>1 there to be seen? 2 <b>A. So I agree that there should have been -- when I use the</b> 3 <b>word "review", I mean that has a broad interpretation,</b> 4 <b>some very formal processes, as well as what my</b> 5 <b>expectation is of detective sergeants, detective</b> 6 <b>inspectors, who have undertaken their regular review</b> 7 <b>process of investigations. And I would describe the</b> 8 <b>notes here exactly as you have, Mr O'Connor. In</b> 9 <b>essence, these are, in essence, the core elements of</b> 10 <b>a review of, what have we got? What is going on? What</b> 11 <b>does that mean? And therefore what do we need to do?</b> 12 Q. It is the process of taking a step back, isn't it -- 13 <b>A. It is.</b> 14 Q. -- or possibly taking a step to one side, call it what 15 you will, but not allowing yourself to be immersed in 16 the details of a particular investigation, but to take 17 that sort of mental step of saying, "I am now going to 18 just look at it in a slightly different way: 19 "I am going to put to one side whatever my 20 preconceptions might be, I am going to allow myself to 21 think maybe there is a link here." 22 As you say, writing down the common factors is a way 23 of doing that. 24 That is something that must be integral to the work 25 of an organisation like the Metropolitan Police?</p> <p style="text-align: center;">Page 86</p>	<p>1 that other people are investigating or have 2 investigated? 3 <b>A. That's correct, yes.</b> 4 Q. As you say, it was set up, was it not, in 2000 or 5 thereabouts following the Stephen Lawrence Inquiry? 6 <b>A. Yes, so it wouldn't have been called --</b> 7 Q. The function? 8 <b>A. It was the SCRG, but the function was established then,</b> 9 <b>which initially focused on murder reviews but changed</b> 10 <b>over time.</b> 11 Q. I think the sense we get from these paragraphs is it 12 performs various different functions, all of them are 13 reviews but into different types of crime, tasked by 14 different organisations. They are detectives who take 15 a second look at cases, is that fair? 16 <b>A. Yes, it is. A mixture of detectives, retired</b> 17 <b>detectives, police staff, some particular specialist</b> 18 <b>expertise is needed on some of the reviews which might</b> 19 <b>be mentioned there, like -- so if I may, Mr O'Connor,</b> 20 <b>serious case reviews, they are now framed differently</b> 21 <b>but they are case reviews into the deaths of children,</b> 22 <b>which are a statutory review function that we need to</b> 23 <b>undertake.</b> 24 Q. If we look particularly at paragraph 108, we are going 25 to have to go to the very bottom of the page and scroll</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 on to the next one.</p> <p>2 This review group is described as:</p> <p>3 "... providing support to frontline policing through</p> <p>4 the reviews of a number of non-homicide investigations."</p> <p>5 Then this between January 2015 and August 2020, so</p> <p>6 starting with the period with which we are concerned and</p> <p>7 going forward, this group completed 1,008 investigative</p> <p>8 reviews, 817 of them related to homicides, critical</p> <p>9 incident and missing persons, and approximately</p> <p>10 55 per cent of the reviews are conducted on behalf of</p> <p>11 the boroughs, the BCUs, and 45 per cent for specialist</p> <p>12 command.</p> <p>13 One might have thought, DAC Cundy, let's say one is</p> <p>14 in the position of DCI Kirk back in 2014/2015. We have</p> <p>15 heard from him all about just how all consuming his job</p> <p>16 was, in charge of a number of different sub</p> <p>17 organisations within Barking and Dagenham borough. Not</p> <p>18 the time to devote to individual case work. One might</p> <p>19 have thought this was exactly the type of function that</p> <p>20 he could have taken advantage of, he might have known.</p> <p>21 We have seen that he did at least put his mind to the</p> <p>22 fact that there were a number of deaths. He says he</p> <p>23 didn't link them in the way we are now talking about,</p> <p>24 but he knew about them.</p> <p>25 You might have thought that this would be exactly</p> <p style="text-align: center;">Page 89</p>	<p>1 <b>alongside the other reviews and built a much more</b></p> <p>2 <b>resilient review group, which is what we have described</b></p> <p>3 <b>here.</b></p> <p>4 <b>That was understood by boroughs at that point in</b></p> <p>5 <b>time, and certainly one of reflections we have done and</b></p> <p>6 <b>the changes we have done as a consequence of this is</b></p> <p>7 <b>whether it is through lack of awareness or lack of</b></p> <p>8 <b>consideration, but it is clear we needed to do more to</b></p> <p>9 <b>raise the awareness of the SCRG. So what the review</b></p> <p>10 <b>team have done with their leadership and others is</b></p> <p>11 <b>physically go out to BCUs, we have commissioned many</b></p> <p>12 <b>more reviews of local cases, not all necessarily</b></p> <p>13 <b>criminal matters, but some other matters, and it is</b></p> <p>14 <b>widely used by the chief superintendents, the BCUs, who</b></p> <p>15 <b>have responsibility for the BCUs.</b></p> <p>16 <b>You know, clearly I am not speaking for Mr Kirk</b></p> <p>17 <b>himself, but if there was a lack of understanding, then</b></p> <p>18 <b>I would hope that part of what we have done in terms of</b></p> <p>19 <b>raising the profile, we had created in our</b></p> <p>20 <b>reorganisation following 2018 what we call a head of</b></p> <p>21 <b>profession, so that is a chief officer, a commander, who</b></p> <p>22 <b>is responsible for all investigation, policy, practice</b></p> <p>23 <b>and development, and the review group is a key part of</b></p> <p>24 <b>that chief officer's portfolio and it has been a key</b></p> <p>25 <b>element of how we identify good practice and learning</b></p> <p style="text-align: center;">Page 91</p>
<p>1 the type of function that he could have used. He could</p> <p>2 have simply not had to spend the time himself, not taken</p> <p>3 one of his CID colleagues off all of their work to ask</p> <p>4 them to do it. He could just simply have put it all</p> <p>5 together and asked this review group to do it.</p> <p>6 My understanding of your evidence is that is</p> <p>7 something he could have done back then?</p> <p>8 <b>A. Yes, he could have done, yes.</b></p> <p>9 Q. The difficulty is, as he told us yesterday, despite the</p> <p>10 fact that he was an experienced borough officer in</p> <p>11 2014/2015, he didn't even know that this group existed.</p> <p>12 He is now serving on a major investigation team and</p> <p>13 his current understanding -- he does know about this</p> <p>14 group, but his understanding is that they really only do</p> <p>15 work for specialist teams.</p> <p>16 Now, there is no point having a group like this</p> <p>17 which offers resources to boroughs, if the boroughs</p> <p>18 don't know it is there to be used, one might have</p> <p>19 thought?</p> <p>20 <b>A. So, I agree. Clearly Tony Kirk has given his evidence.</b></p> <p>21 <b>Boroughs were commissioning reviews at that point in</b></p> <p>22 <b>time in 2014. Critical incident reviews which -- we</b></p> <p>23 <b>used to have a dedicated team which reviewed critical</b></p> <p>24 <b>incidents which sat in other part of the MPS, when we</b></p> <p>25 <b>formed the SCRG, we brought those people, that function,</b></p> <p style="text-align: center;">Page 90</p>	<p>1 <b>that comes out of individual cases, whatever they might</b></p> <p>2 <b>be, and that gets fed through into evolving policy,</b></p> <p>3 <b>evolving practice, evolving training.</b></p> <p>4 Q. It does rather sound from Mr Kirk's evidence --</p> <p>5 obviously he is only one person -- yesterday that that</p> <p>6 is very important work, raising the awareness of that</p> <p>7 group, and it needs to continue, because he still didn't</p> <p>8 fully understand its purpose.</p> <p>9 <b>A. Yes, and while I didn't read his full transcript from</b></p> <p>10 <b>yesterday, I did read that element of it and certainly</b></p> <p>11 <b>my reflection from that is if that is a detective</b></p> <p>12 <b>inspector, who is currently on a murder investigation</b></p> <p>13 <b>team, who really from his particular lens now would only</b></p> <p>14 <b>see it from the murder perspective, but clearly if --</b></p> <p>15 <b>you know, I need to be assured and the head of</b></p> <p>16 <b>profession needs to be assured that the awareness is as</b></p> <p>17 <b>high as it possible can be, so we will need to look at</b></p> <p>18 <b>what more do we need to do to --</b></p> <p>19 Q. Your target must be that as many people as possible from</p> <p>20 the Metropolitan Police have as wide and full</p> <p>21 an understanding of these matters as possible?</p> <p>22 <b>A. And particularly those in -- particularly senior</b></p> <p>23 <b>leadership roles, superintendents, chief inspectors,</b></p> <p>24 <b>chief superintendents.</b></p> <p>25 Q. We can take it that that process of raising awareness</p> <p style="text-align: center;">Page 92</p>

<p>1 will continue?</p> <p>2 <b>A. It will certainly need to and it will do.</b></p> <p>3 Q. Let me move on, please, to the third of your categories,</p> <p>4 so we go back in your witness statement, that is MPS718,</p> <p>5 back to page 8, please.</p> <p>6 We come to, as I say, the third of your categories,</p> <p>7 which is the interactions between local policing and</p> <p>8 specialist crime investigators. When I was reading</p> <p>9 through them, I think you agreed that we are now in the</p> <p>10 field of borough, HAT, primacy and so on?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. The paragraph underneath the title reads:</p> <p>13 "The nature of the interactions between local</p> <p>14 policing and specialist crime investigators on occasions</p> <p>15 did not meet MPS expectations. Local officers did not</p> <p>16 appear to have the willingness or confidence to</p> <p>17 challenge the views and advice from the homicide and</p> <p>18 serious crime command or other specialists or escalate</p> <p>19 their concerns further."</p> <p>20 You are going to have to help us a little bit to</p> <p>21 decode that paragraph, DAC Cundy. What is said, as</p> <p>22 I understand it, is that the borough officers somehow,</p> <p>23 fell short in challenging what was being said by the HAT</p> <p>24 officers. Can we take it then that, as it were, the</p> <p>25 first point is that the HAT officers themselves made</p> <p style="text-align: center;">Page 93</p>	<p>1 a homicide, they needed to take it over, and they</p> <p>2 didn't."</p> <p>3 To be told that he didn't have the confidence to</p> <p>4 challenge them might be thought not to be a very fair</p> <p>5 way of looking at it?</p> <p>6 <b>A. That is not -- that line there does not refer to</b></p> <p>7 <b>Tony Kirk on that occasion. In fact it wasn't just</b></p> <p>8 <b>Tony Kirk, it was other colleagues at the time, but</b></p> <p>9 <b>I think at other points throughout the four</b></p> <p>10 <b>investigations, I think -- this is -- I don't say that</b></p> <p>11 <b>as a criticism of the local officers. I think it is the</b></p> <p>12 <b>nature of some times when you are early on in a policing</b></p> <p>13 <b>career, there is this sort of anathema/myth than can</b></p> <p>14 <b>sometimes go before specialist teams and specialist</b></p> <p>15 <b>commands. And part of what we need to do as the MPS,</b></p> <p>16 <b>and we have been doing, is to try and break down that --</b></p> <p>17 <b>don't feel you cannot challenge, you know, someone who</b></p> <p>18 <b>is there as a subject matter expert, that is what we</b></p> <p>19 <b>need people to do.</b></p> <p>20 Q. I want to come on and ask you about the way in which all</p> <p>21 this has changed and the new picture, but I think we</p> <p>22 need to establish first of all what your understanding</p> <p>23 of the mistakes back in 2014/2015 were.</p> <p>24 Can I take it that your view is that prime should</p> <p>25 have been taken over by the MIT, in at least some of</p> <p style="text-align: center;">Page 95</p>
<p>1 errors?</p> <p>2 <b>A. Absolutely, this is not about me saying that this -- the</b></p> <p>3 <b>challenge(?) that clearly arose between the two teams,</b></p> <p>4 <b>this is not primarily down to the local officers. There</b></p> <p>5 <b>are occasions where there could have been -- it is the</b></p> <p>6 <b>confidence to challenge, but I do think those from the</b></p> <p>7 <b>murder investigation team could have done more.</b></p> <p>8 Q. There would be no need to challenge if there weren't</p> <p>9 mistakes made in the first place?</p> <p>10 <b>A. Yes. Equally I firmly believe that actually challenge</b></p> <p>11 <b>is a healthy thing, particularly in the nature of</b></p> <p>12 <b>policing where decisions are often finely judged.</b></p> <p>13 <b>I know what I am like as a decision maker, I need</b></p> <p>14 <b>somebody who can play the devil's advocate and challenge</b></p> <p>15 <b>to make sure the decision is the best possible decision.</b></p> <p>16 <b>I think on occasions some of the decisions made were not</b></p> <p>17 <b>the best decisions, certainly with hindsight and I think</b></p> <p>18 <b>also potentially at the time.</b></p> <p>19 Q. We seem to be mentioning DI Kirk rather a lot, but</p> <p>20 I suspect if he was here, he might be say:</p> <p>21 "Hang on a minute, I did challenge MIT, I rang them</p> <p>22 up, I sent them an email, I drafted a long email, me, as</p> <p>23 an acting DCI, what one might have thought was a rather</p> <p>24 intemperate email, to a whole series of officers far</p> <p>25 more senior than me, telling them this was probably</p> <p style="text-align: center;">Page 94</p>	<p>1 these cases?</p> <p>2 <b>A. Certainly some of them. Yes, I am happy to expand on</b></p> <p>3 <b>that if you wish.</b></p> <p>4 Q. What about, for example, the fact that the</p> <p>5 Gabriel Kovari case by the time the Daniel Whitworth</p> <p>6 note was there, that seemed to be clear evidence,</p> <p>7 a confession, if you like, that Gabriel Kovari had been</p> <p>8 killed, a homicide case. The answer that seems to have</p> <p>9 been given by MIT was the fact that Daniel Whitworth was</p> <p>10 dead meant that it was not a case for them,</p> <p>11 notwithstanding on the face of it the presence of</p> <p>12 a homicide?</p> <p>13 <b>A. So I definitely do not agree with that assessment of</b></p> <p>14 <b>that decision. I think it was -- however you may wish</b></p> <p>15 <b>to phrase it, a poor decision, the wrong decision.</b></p> <p>16 <b>Certainly my expectation, having, you know, been</b></p> <p>17 <b>involved and led these cases as a senior investigating</b></p> <p>18 <b>officer or a leader, we should in the MPS have taken</b></p> <p>19 <b>that at that point in time by the murder investigation</b></p> <p>20 <b>team.</b></p> <p>21 Q. What about the Anthony Walgate case, we have referred to</p> <p>22 the long email from DCI Kirk setting out the lack of</p> <p>23 resources on the borough, their concerns, on the balance</p> <p>24 of probabilities killed by another, and so on. I don't</p> <p>25 want to get too much into the detail, but what is your</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 view of that?</p> <p>2 <b>A. Yes, I think that one is more nuanced. It is difficult</b></p> <p>3 <b>when you are not there yourself. I know Detective Chief</b></p> <p>4 <b>Inspector Chris Jones gave evidence and I think --</b></p> <p>5 <b>I paraphrase, but I think some of the information about</b></p> <p>6 <b>the PND and the background of Stephen Port, I think</b></p> <p>7 <b>broadly, you know, Chris Jones was saying, "If I had</b></p> <p>8 <b>have known that I definitely would have taken the</b></p> <p>9 <b>investigation", and that is certainly the position that</b></p> <p>10 <b>I would have done myself, if I were in his position.</b></p> <p>11 <b>Sorry, this might be sort of jumping ahead,</b></p> <p>12 <b>Mr O'Connor, but I look at -- so even though a decision</b></p> <p>13 <b>were made that the primacy wouldn't change, I look at</b></p> <p>14 <b>then what the support given to the borough was at that</b></p> <p>15 <b>point in time, and things that have changed now. There</b></p> <p>16 <b>is much more that could and should have been done to</b></p> <p>17 <b>support the investigation.</b></p> <p>18 Q. We will come on to see -- it is not such a stark</p> <p>19 decision in terms of resources.</p> <p>20 Just before we leave back then, the pattern seems to</p> <p>21 have been and this was something DS O'Donnell described</p> <p>22 in his evidence, a sort of a Catch-22 situation. He</p> <p>23 said that sometimes you can have quite a strange</p> <p>24 conversation with someone from homicide command, where</p> <p>25 they would say, "But you cannot prove it is a murder",</p> <p style="text-align: center;">Page 97</p>	<p>1 <b>Murder team investigators, they don't go on a course</b></p> <p>2 <b>to team them how to investigate murder. You know, the</b></p> <p>3 <b>only extra course is for the senior investigating</b></p> <p>4 <b>officer. But what we -- certainly if you go into the</b></p> <p>5 <b>policy as it stands today, madam, I don't think it is</b></p> <p>6 <b>clear, so one of things, certainly reflecting on the</b></p> <p>7 <b>evidence that has been heard at inquest, we need to be</b></p> <p>8 <b>much clearer, not just for those that are making the</b></p> <p>9 <b>decisions, but whether you are in a murder investigation</b></p> <p>10 <b>team or indeed a local BCU investigation, as to what is</b></p> <p>11 <b>that tipping point, what is that threshold.</b></p> <p>12 <b>Equally, you know, the very nature of these types of</b></p> <p>13 <b>cases, you could never give a list of "Well, if all</b></p> <p>14 <b>these things occur, primacy goes that way or it's that</b></p> <p>15 <b>way". It is always going to be individual judgment, but</b></p> <p>16 <b>based against a clear framework. And I think that clear</b></p> <p>17 <b>framework, we have been speaking to our head of</b></p> <p>18 <b>profession and head of homicide, we are going to make</b></p> <p>19 <b>some immediate changes on that so that it is much</b></p> <p>20 <b>clearer.</b></p> <p>21 Q. That's the primacy question.</p> <p>22 I think you were going to say earlier that changes</p> <p>23 have been made to address the situation, which it may</p> <p>24 well be that we see here, that you have a case which</p> <p>25 doesn't quite pass that threshold. But having not quite</p> <p style="text-align: center;">Page 99</p>
<p>1 but then that is what the investigation is for, you</p> <p>2 cannot prove it is a murder until you investigate it.</p> <p>3 That does seem to have been, I suggest, a rather</p> <p>4 telling remark, because what one has seen, we have seen,</p> <p>5 repeatedly, is unexplained deaths, which one might have</p> <p>6 thought demanded or at least would have benefited from</p> <p>7 skillful specialist investigation to see whether or not</p> <p>8 it is a murder, and yet the primacy decision being</p> <p>9 decided against taking over primacy because you cannot</p> <p>10 tell us it is a murder.</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. I don't want to go back into the facts of any of these</p> <p>13 particular cases, but do you agree that that sort of</p> <p>14 rather stark approach, rather sharp-edged approach to</p> <p>15 this, was something that needed to be changed?</p> <p>16 <b>A. So, yes, and there is certainly some changes. So that</b></p> <p>17 <b>proving it is a murder is definitely not how I ever</b></p> <p>18 <b>operated or my experience, but that doesn't mean to say</b></p> <p>19 <b>that individuals haven't taken that.</b></p> <p>20 <b>So whether it is in 2014 or indeed now, the sort of</b></p> <p>21 <b>threshold for me, when I have been there in these</b></p> <p>22 <b>positions is when it is -- this is not about proving it,</b></p> <p>23 <b>it is when it is likely that there has been a third</b></p> <p>24 <b>party involved, we need to take it to the murder</b></p> <p>25 <b>investigation team.</b></p> <p style="text-align: center;">Page 98</p>	<p>1 passed the threshold, the support, the resources that</p> <p>2 are offered are very little indeed, whereas the logic</p> <p>3 might suggest that if it was almost at the threshold, it</p> <p>4 ought to get, even if primacy is not taken by the</p> <p>5 specialists, they ought to be providing rather more</p> <p>6 input. Is that something that has changed?</p> <p>7 <b>A. It certainly has, and I think, you know, to support --</b></p> <p>8 <b>if I talk about Anthony's, the investigation into</b></p> <p>9 <b>Anthony's death and then -- obviously with Gabriel</b></p> <p>10 <b>having been found a short time before, what we have done</b></p> <p>11 <b>now, this is part of the organisation chain, so the new</b></p> <p>12 <b>specialist crime hub, so they are now much closer with</b></p> <p>13 <b>BCUs, in terms of personal relationships as well as</b></p> <p>14 <b>professional relationships. So how it operates now, if</b></p> <p>15 <b>I could just use Anthony's case just to illustrate the</b></p> <p>16 <b>point.</b></p> <p>17 Q. Yes.</p> <p>18 <b>A. While some specialist resources were involved in</b></p> <p>19 <b>identification then, what would happen now is there is</b></p> <p>20 <b>a requirement for whether it is the DI or the DCI to be</b></p> <p>21 <b>there with their people, and I know Detective Inspector</b></p> <p>22 <b>Kelly was remote rather than being there with them, but</b></p> <p>23 <b>it will be a much more joint investigation to get to the</b></p> <p>24 <b>point where an informed decision could be made as to</b></p> <p>25 <b>where should primacy be, to get to the point of proving</b></p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 is this suspicious? We think a third party is involved, 2 and if so therefore primacy will change. And we have 3 got many recent cases where we, you know, we have done 4 that, so clearly I don't want to give the particular 5 details, but more recently a very suspicious death, 6 which did involve GHB, which wasn't clear that it was 7 a homicide, but it was certainly highly suspicious, and 8 we did do the joint work, we actually allocated that, 9 the head of the homicide investigation chief officer 10 said we will take that to the specialist teams. Still 11 working with the BCU, and in fact it has now been proved 12 that it wasn't suspicious, but there are many other 13 occasions where we will have our murder investigations 14 team now, sometimes working with BCUs for a week or 15 more, sometimes it is not just the findings of 16 a forensic post mortem, which is a key point in time, 17 but other enquiries that then subsequently need to 18 progress before that decision can be made.</p> <p>19 Q. Is at least one level on which all of this operates, if 20 you like, a cultural level?</p> <p>21 You tell me if I am wrong, but it may be that the 22 impression was created in the evidence we have that 23 there is a sort of a them and us situation, the 24 specialists regard themselves as specialists, they deal 25 with homicides and unless the borough can prove to them</p> <p style="text-align: center;">Page 101</p>	<p>1 comes under our intelligence function but is a -- it is 2 sort of a midway point where local investigators, it be 3 reactive cases or indeed it is a problem which they are 4 facing locally, it could be escalated through this 5 centre and through them with the senior leaders from 6 specialist crime. We then make our judgments about, 7 "Okay, what cases will come through for the specialists 8 to allocate?" And it will often be based on threat, 9 risks, harm that is understood.</p> <p>10 So it is not simply a case of primacy of a death 11 investigation, it can be lots of other factors and we 12 have taken many cases in the last couple of years 13 through to the specialist investigations teams that 14 certainly in 2014 in my experience would never have 15 touched the door, because it would have been much more, 16 "Well, it doesn't meet this remit and therefore we don't 17 even consider it".</p> <p>18 We are in a different place now.</p> <p>19 Q. I think it does follow from what you have said that in 20 this particular area things really have changed quite 21 significantly since 2014/2015?</p> <p>22 A. <b>And, equally, I certainly wouldn't want to sit here and 23 say it is fixed. It needs to be an ongoing process. 24 Leaders change, individuals change, there is the 25 constant cycle of needing to make sure we have got</b></p> <p style="text-align: center;">Page 103</p>
<p>1 that this is really a homicide, and therefore a case for 2 them, they say, "Well, sorry, go away and do that 3 yourself".</p> <p>4 (a) perhaps was that a problem several years ago? 5 (b) has it changed?</p> <p>6 A. <b>I certainly think it was part of one of the factors, 7 contributing factors, back in 2014. It has changed. 8 Does it need to keep changing? Absolutely. So a huge 9 element of the -- back to our broad reorganisation as 10 the MPS, bringing together specialist investigators with 11 local investigators, you know, a lot of joint 12 leadership, so we didn't have in 2014, both at senior or 13 the sort of senior operational levels, we didn't have 14 the joint forums of joint ownership of problems and, you 15 know, people being there to support each other. It was 16 a bit more of a them and us.</b></p> <p>17 So we have done a lot to break that down, a lot of 18 it is about personal relationships, as I say. Getting 19 our specialist investigative leaders to be part of the 20 BCU engagement, raising awareness of what can be -- what 21 can be provided, what does exist, to foster those 22 relationships.</p> <p>23 We have also brought in something that we call our 24 specialist crime sort of tasking coordinating centre, 25 which is a new function that we have brought in, which</p> <p style="text-align: center;">Page 102</p>	<p>1 <b>strong enduring professional relationships.</b></p> <p>2 Q. I think it also follows from what you have said that 3 your, the Met, understanding of things that went wrong 4 as regards the relationship between MIT and the boroughs 5 in these cases and how the primacy decisions work, has 6 actually informed the learning and the improvements that 7 you are trying to make?</p> <p>8 A. <b>Most certainly, and in fact the direct learning from 9 the -- those leadership decision making, we have ensured 10 that we have shared with other senior detective leaders 11 across the MPS and indeed nationally as well.</b></p> <p>12 That is one of the benefits of policing for the 13 more -- you know, beyond the MPS boundaries, there is 14 learning we take from other forces and clearly the other 15 way round as well.</p> <p>16 THE CORONER: Can I just interrupt for one moment on 17 something you said in relation to the specialists being 18 involved for a week or more, I think was your phrase.</p> <p>19 Here, we are all very conscious that toxicology was 20 vital in these investigations, which was not available 21 for weeks, months and something that was important was 22 preservation of evidence and securing evidence, unless 23 and until the toxicology came back, so it might be much, 24 much longer than a week or reinvented again later, 25 mightn't it?</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 A. Yes, it can be.</p> <p>2 So every case clearly considered on its individual</p> <p>3 set of circumstances. One of the things I still think</p> <p>4 can be improved, one of the things we do, is there can</p> <p>5 be cases now whereby a murder investigation team might</p> <p>6 be working with a BCU, say it were for a week, but there</p> <p>7 are still some longer-term outstanding enquiries to be</p> <p>8 completed. And I think this is probably not</p> <p>9 standardised enough, and this is something we need to</p> <p>10 reflect on more in the MPS, is I think that some murder</p> <p>11 investigation teams will keep a sort of a long reach</p> <p>12 connection with their counterpart. What we have</p> <p>13 introduced through our forensic directorate for those</p> <p>14 cases, in particular they do case management of them</p> <p>15 regardless of where the primacy sits, so when</p> <p>16 a toxicology statement comes back, our crime scene</p> <p>17 managers will look at it and if they think:</p> <p>18 "Actually, this is now adding another dimension, we</p> <p>19 think it is into ... moving to this needs primacy to</p> <p>20 change."</p> <p>21 Then it comes through that route, but one of the</p> <p>22 things that we are considering now, and our commander</p> <p>23 who is responsible for homicide is pulling together a</p> <p>24 cross-MPS group, a working group, to look at it in a bit</p> <p>25 more earnest detail as to is there more -- is there more</p> <p style="text-align: center;">Page 105</p>	<p>1 well.</p> <p>2 It has been a feature of the evidence that many of</p> <p>3 the officers involved, some of them didn't know what GHB</p> <p>4 was at all, some of them were aware of it but didn't --</p> <p>5 were not familiar with its use for example as a date</p> <p>6 rape drug.</p> <p>7 Is that something that you have worked on?</p> <p>8 A. Absolutely, there certainly was a lack of awareness, and</p> <p>9 that is not just within the MPS and the officers</p> <p>10 involved, I think this is across policing and indeed</p> <p>11 across many other partner organisations, whether it is,</p> <p>12 you know, probation or indeed some of the charitable</p> <p>13 organisations.</p> <p>14 So we recognise that from the outset, through when</p> <p>15 the murder investigation has commenced and there are</p> <p>16 a few sort of headlines there. We have undertaken</p> <p>17 a huge amount to change that situation, not just through</p> <p>18 awareness and training internally with our officers but</p> <p>19 also with partners, we have very much got a public</p> <p>20 health approach which is at the heart of this. We have</p> <p>21 jointly established a London chemsex working group,</p> <p>22 which at its heart is about public health. The primary</p> <p>23 factor has always got to about prevention to stop</p> <p>24 situations like this occurring again.</p> <p>25 Particularly from a policing perspective, there</p> <p style="text-align: center;">Page 107</p>
<p>1 that a specialist investigation team can do, if it is</p> <p>2 in, by way of illustration, two months' time when</p> <p>3 toxicology comes back. You know, the expectation is</p> <p>4 that senior leaders within the BCU will be in the due</p> <p>5 consideration but is there more that a specialist</p> <p>6 investigation team can do at that point to do the,</p> <p>7 "Right, let's get back together to review".</p> <p>8 I wouldn't wish to sit here and say this looked like</p> <p>9 this, but it is something we are actively going to</p> <p>10 consider, certainly in light of some of the evidence</p> <p>11 heard here. Some of it we are aware of previously, and</p> <p>12 we did a lot of changes in terms of responsibilities of</p> <p>13 previous detectives within BCUs, but there might be more</p> <p>14 that we need to do to try and deal with issues such as</p> <p>15 you describe.</p> <p>16 MR O'CONNOR: Thank you, DAC Cundy.</p> <p>17 Lets go back to your statement, please, it is</p> <p>18 MPS718.</p> <p>19 I want to deal with -- I will deal with this fairly</p> <p>20 briefly -- the fourth point. It is perhaps a more</p> <p>21 narrow point than some of the others, but you refer to</p> <p>22 the awareness and understanding of the use of GHB,</p> <p>23 chemsex in criminal activity. We are focusing here on</p> <p>24 the means by which Stephen Port killed those young men,</p> <p>25 and of course helped him to assault several others as</p> <p style="text-align: center;">Page 106</p>	<p>1 certainly was lack of awareness. So GHB was not a drug</p> <p>2 that was routinely tested for in cases of sexual assault</p> <p>3 or death investigations. So through the gold group that</p> <p>4 I led, we commissioned what is referred to as Project</p> <p>5 Talking Stone, which is a forensic-led project, so we</p> <p>6 have got certain criteria where we are doing testing of</p> <p>7 deaths that occur in certain circumstances, to try and</p> <p>8 identify if GHB were present. We have done a lot around</p> <p>9 what we call drug-facilitated sexual assaults, of which</p> <p>10 GHB is certainly one of those drugs that is used.</p> <p>11 But I can speak from my personal perspective,</p> <p>12 Mr O'Connor, you know, my awareness and my understanding</p> <p>13 now compared to in fact even 2016, when I took over, is</p> <p>14 immeasurably, immeasurably different. There is lots</p> <p>15 more that has happened, a lot of it I covered in my</p> <p>16 statement for you, madam.</p> <p>17 We have done a lot to raise the profile and</p> <p>18 understanding of it. Some of things I have described</p> <p>19 about, you know, senior leadership roles across</p> <p>20 policing, whether it is local or in the specialist</p> <p>21 teams, it is something that we are so alive to now, when</p> <p>22 you see an unusual set of circumstances, where we might</p> <p>23 be used to, as police officers attending deaths that</p> <p>24 occurred through drug overdoses, but of course this is</p> <p>25 very, very different to some that many officers might</p> <p style="text-align: center;">Page 108</p>

<p>1 <b>have experienced.</b></p> <p>2 Q. Therefore clearly a good thing that there is now more</p> <p>3 training, more understanding relating to chemsex</p> <p>4 generally and no doubt GHB.</p> <p>5 Can I just ask you about this on a slightly higher</p> <p>6 level, which is that, perhaps it just comes back to the</p> <p>7 curiosity point that we dealt with earlier, because the</p> <p>8 evidence we have heard is that officers, fine, they</p> <p>9 didn't understand about GHB, you have explained that</p> <p>10 they will now get better training. But they did know</p> <p>11 that GHB was involved, they knew that they didn't know</p> <p>12 much about that drug. What the pattern seems to have</p> <p>13 been is that they didn't actually try and inform</p> <p>14 themselves.</p> <p>15 For example, we heard that the -- even Dr Soosay,</p> <p>16 the pathologist, wasn't as aware as she should have been</p> <p>17 or thought she might be about GHB, so she rang up the</p> <p>18 toxicologist and had a word with her about it. It must</p> <p>19 be right, must it not, that in an organisation as big</p> <p>20 and well resourced as the MPS, there will always be ways</p> <p>21 for officers to find out more about something that crops</p> <p>22 up in an investigation?</p> <p>23 No doubt there will be another drug, another type of</p> <p>24 criminality, which will crop up and fundamentally, don't</p> <p>25 officers need to be encouraged, trained, somehow told to</p> <p style="text-align: center;">Page 109</p>	<p>1 <b>but once they had had that, you know, the role there, if</b></p> <p>2 <b>it primarily if it sat with the borough investigators,</b></p> <p>3 <b>that senior forensic lead then didn't have subsequent</b></p> <p>4 <b>engagement. That has changed as a direct consequence of</b></p> <p>5 <b>the Stephen Port cases.</b></p> <p>6 Q. Well, that is obviously a good thing.</p> <p>7 Let me then move on to the last of your five areas,</p> <p>8 so if we scroll down a little bit on the page, it is on</p> <p>9 the screen. This of course is the question of</p> <p>10 engagement, understanding and working with the LGBT+</p> <p>11 community.</p> <p>12 I read before, let's look again, you say:</p> <p>13 "Although the MPS had established LGBT+ support and</p> <p>14 advice available in 2014, the original investigations</p> <p>15 did not effectively seek advice or engagement from</p> <p>16 independent advisers or other professionals or people</p> <p>17 from that community. This advice may have developed the</p> <p>18 understanding of investigators and assisted the</p> <p>19 investigation. It could also have helped challenge the</p> <p>20 belief that the deaths were not linked and built</p> <p>21 confidence in the police response."</p> <p>22 If we go down to the next paragraph, you say:</p> <p>23 "Since 2015 in Barking, but also more generally</p> <p>24 across London, there has been a significant increase in</p> <p>25 engagement with the LGBT+ community."</p> <p style="text-align: center;">Page 111</p>
<p>1 try and find out about things that come up in</p> <p>2 investigations which they are aware they don't know</p> <p>3 enough about?</p> <p>4 <b>A. I agree, it could be another drug next week, next year,</b></p> <p>5 <b>or something quite different as well.</b></p> <p>6 <b>So it is back to the professional curiosity. So one</b></p> <p>7 <b>of the things we have done to -- so I mentioned our --</b></p> <p>8 <b>the crime scene manager role that is now -- it has</b></p> <p>9 <b>a much more active case management, so they are -- you</b></p> <p>10 <b>know, they are senior forensic practitioners who do have</b></p> <p>11 <b>greater opportunity, so if it were GHB and it wasn't</b></p> <p>12 <b>aware of today, if that came through on a toxicology</b></p> <p>13 <b>screen, what would happen now is they would be taking</b></p> <p>14 <b>the initiative, not just relying on ... waiting on the</b></p> <p>15 <b>investigating officer to do so, but through their active</b></p> <p>16 <b>case management then being in touch with that individual</b></p> <p>17 <b>case officer to say:</b></p> <p>18 <b>"We have got this new drug, everything suggests this</b></p> <p>19 <b>is likely to have been part of the cause of death,</b></p> <p>20 <b>therefore, you know, enquiries are being undertaken."</b></p> <p>21 <b>That active case management from our senior forensic</b></p> <p>22 <b>leads, who have the links into toxicologists and so many</b></p> <p>23 <b>different experts, was not in place in 2014.</b></p> <p>24 Q. Right.</p> <p>25 <b>A. They were involved in the forensic post mortem process</b></p> <p style="text-align: center;">Page 110</p>	<p>1 You list a series of improvements, first of all MPS</p> <p>2 leadership and engagement, led by community, prevention,</p> <p>3 inclusion and engagement command. Training of police</p> <p>4 officers and staff, engagement with the LGBT+</p> <p>5 independent advisory group. That is something that I am</p> <p>6 going to come back to.</p> <p>7 Carrying on, the introduction of an LGBT+ staff</p> <p>8 network, that is within the MPS, I think?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Also the introduction of MPS LGBT+ advisers, and then</p> <p>11 focusing on the eastern area BCU, that is what now</p> <p>12 contains Barking:</p> <p>13 "Leadership and partnership working in this area."</p> <p>14 You say if we read down to paragraph 23:</p> <p>15 "The above changes, in particular the first three,</p> <p>16 relating to the quality of initial death investigations</p> <p>17 and professional curiosity, leadership of investigations</p> <p>18 and interactions between local and specialist</p> <p>19 investigators are designed to or should have the effect</p> <p>20 of not only improving the effectiveness of</p> <p>21 investigations, but also enabling investigators better</p> <p>22 to identify crimes which form part of a linked series."</p> <p>23 It is fair to say that we have read through all of</p> <p>24 those six points, but it is the first three that we need</p> <p>25 to focus on if we are looking at how does engagement</p> <p style="text-align: center;">Page 112</p>

28 (Pages 109 to 112)

<p>1 with that community really drive forward investigations 2 and make them more successful, is that fair? 3 <b>A. Yes, it is.</b> 4 Q. If we look at them. 5 Firstly, the leadership and engagement led by -- 6 <b>A. Mr O'Connor, forgive me, that paragraph 23 is referring</b> 7 <b>to all my points 1 to 5, the areas of professional</b> 8 <b>curiosity and leadership, not points (i), (ii), (iii) in</b> 9 <b>the paragraph above.</b> 10 <b>It is a concluding paragraph.</b> 11 Q. Understood, in any event let's -- 12 <b>A. But points (i) to (iii) are vitally important, I agree.</b> 13 Q. Yes. I am not going to ask you to go into too much 14 detail on the first two, but the MPS leadership and 15 engagement, is that a lot to do with social media and 16 engaging in modern accessible ways with the community? 17 <b>A. Not explicitly social media. So the community,</b> 18 <b>prevention, inclusion and engagement command, which we</b> 19 <b>established in 2017, led by a commander. That is very</b> 20 <b>much about community engagement and leading that for the</b> 21 <b>organisation. Now an element of that clearly does</b> 22 <b>involve social media, but our directorate of media and</b> 23 <b>communications takes the primary lead for that and does</b> 24 <b>a huge amount to be the front face, but works incredibly</b> 25 <b>closely with what we call the CPIE command.</b></p> <p style="text-align: center;">Page 113</p>	<p>1 be times when engaging with a particular community is 2 a very important investigative tool in investigating 3 a particular crime or series of offences. 4 That may arise particularly if it is clear that that 5 offence is linked to that community in some way. Is 6 that fair? 7 <b>A. You are absolutely right, and, you know -- the paragraph</b> 8 <b>above that is not on the screen, we did have in 2014</b> 9 <b>a very good, well-informed approach and engagement with</b> 10 <b>not just the independent advisory group ... you know</b> 11 <b>a lot has changed and the reason it is so important, by</b> 12 <b>illustration, so I don't want to talk about particular</b> 13 <b>details of the case but there is a recent murder within</b> 14 <b>Tower Hamlets, which we believe was motivated as</b> 15 <b>a homophobic attack and the involvement of not just the</b> 16 <b>MPS independent advisers but local groups within Tower</b> 17 <b>Hamlets has been absolutely key to help the</b> 18 <b>investigators understand how can they progress, what is</b> 19 <b>the best way to do witness appeals in what is quite</b> 20 <b>a sensitive environment. Like I say, I don't want to</b> 21 <b>get into the details.</b> 22 <b>So your question around helping drive</b> 23 <b>investigations, I think that is a good recent example of</b> 24 <b>just how important it can be to have the strong links.</b> 25 Q. You refer to the fact that the independent advisory</p> <p style="text-align: center;">Page 115</p>
<p>1 <b>You know, it is -- London is an incredibly diverse</b> 2 <b>and rich capital, in terms of so many different</b> 3 <b>communities, languages, cultures, and we know as the</b> 4 <b>MPS, and I look at my time in policing, that we always</b> 5 <b>need to be doing as much as we possibly can to inform</b> 6 <b>communities, to engage with communities, to work with</b> 7 <b>communities, ultimately to make London as safe as we</b> 8 <b>possibly can do, and that is, some of the key elements</b> 9 <b>of what the CPIE command leads and helps coordinate and</b> 10 <b>supports all of us across the MPS, no matter what bit of</b> 11 <b>policing we work in.</b> 12 Q. It is obviously the case, isn't it, that for the 13 Metropolitan Police as an organisation, the importance 14 of engaging with the LGBT+ community, or for that matter 15 other types of community, it operates on different 16 levels? 17 <b>A. Yes.</b> 18 Q. For example, you want to build confidence with that 19 community so that they have the confidence to report 20 crimes to you, is that fair? 21 <b>A. Key element, absolutely.</b> 22 Q. Also so they have the confidence in your ability to 23 police them? 24 <b>A. Yes.</b> 25 Q. But also, and I am sure these points overlap, there will</p> <p style="text-align: center;">Page 114</p>	<p>1 group existed in 2014, it had existed for some time 2 before that. 3 <b>A. Yes.</b> 4 Q. But unless it is used as a means of driving that sort of 5 investigation, then problems will occur, will they not? 6 <b>A. Yes, and it is not just the independent advisory group,</b> 7 <b>I look back to these early initial investigations and,</b> 8 <b>you know, within Barking borough, they had established</b> 9 <b>sort of contacts and engagement with their local</b> 10 <b>communities, but I look from the specialist murder</b> 11 <b>investigation team perspective, who would have been</b> 12 <b>involved with members of the LGBT IAG, the Met IAG,</b> 13 <b>and -- forgive me, madam, it didn't occur in evidence,</b> 14 <b>but from what I have read, I don't see that the murder</b> 15 <b>investigation team said to Barking borough:</b> 16 <b>"Don't forget, we do have this corporate independent</b> 17 <b>advisory group that can, you know, help assist in terms</b> 18 <b>of a critical friend approach, as well as whatever may</b> 19 <b>exist locally."</b> 20 Q. I think the evidence is that in fact it was one of the 21 murder investigation team officers who suggested in the 22 Anthony Walgate investigation that a member of the 23 independent advisory group was informed, and he was. 24 <b>A. Forgive me, Mr O'Connor, I might have got that wrong</b> 25 <b>then.</b></p> <p style="text-align: center;">Page 116</p>

<p>1 Q. You haven't been here.</p> <p>2 If we talk about the facts of the cases, one might</p> <p>3 have thought that it was the investigation into</p> <p>4 Daniel Whitworth's death, once he had been found with</p> <p>5 his note, saying what it did, raising the obvious</p> <p>6 involvement of that community, that particularly called,</p> <p>7 not just to tell the IAG about it, but to try and use</p> <p>8 them to help understand what was going on here.</p> <p>9 In fact, not only did that not happen, we haven't</p> <p>10 seen any evidence that any contact was made at all but</p> <p>11 leaving aside the structure of the IAG, members of that</p> <p>12 community, in fact friends of Gabriel Kovari, were</p> <p>13 themselves reaching out to the police, trying to help</p> <p>14 the police understand about the community, what they had</p> <p>15 heard about those events, and they were ignored. That</p> <p>16 should never have happened, should it?</p> <p>17 <b>A. They should not have been ignored, no.</b></p> <p>18 Q. I want to take you to an earlier document. I think you</p> <p>19 have seen it. It is INQ34, please. I think are you at</p> <p>20 least broadly familiar with this document?</p> <p>21 <b>A. I am aware of it, yes.</b></p> <p>22 Q. It is what it says on the tin, it was a "Review of</p> <p>23 lesbian, gay, bisexual, transgender related murders".</p> <p>24 You can see towards the bottom that it was a report</p> <p>25 prepared or a review prepared by the LGBT advisory</p> <p style="text-align: center;">Page 117</p>	<p>1 <b>a review of murders and then the outcome of that was</b></p> <p>2 <b>then shared through to this group to help shape, and</b></p> <p>3 <b>inform and then this group could add into what the</b></p> <p>4 <b>police had done. So it was a rich picture.</b></p> <p>5 Q. For obvious reasons they couldn't have access to all the</p> <p>6 details of case, but they saw the report that was</p> <p>7 prepared and they added their dimension, their</p> <p>8 perspective on these matters --</p> <p>9 <b>A. Incredibly valuable.</b></p> <p>10 Q. Of course of great value.</p> <p>11 If we can briefly look at page 7, we can see perhaps</p> <p>12 what we have just seen, the very top paragraph:</p> <p>13 "The purpose of the review to extract lessons to be</p> <p>14 learned, to identify best practice from a certain number</p> <p>15 of investigations."</p> <p>16 Then if we drop down two paragraphs, they say:</p> <p>17 "They focus on the LGBT specific issues arising from</p> <p>18 the circumstances of these murders. Was the</p> <p>19 investigation able to address the issues effectively,</p> <p>20 adequately? Did they respond to the needs of the family</p> <p>21 and the support network of the victims? Did they have</p> <p>22 an effective strategy for community liaison in terms of</p> <p>23 gathering intelligence and community reassurance?"</p> <p>24 Then if we drop down to the very bottom of page,</p> <p>25 they refer to the various cases they were looking at.</p> <p style="text-align: center;">Page 119</p>
<p>1 group.</p> <p>2 If we turn over, if we go over to the second page of</p> <p>3 the document, please, we see first of all at the bottom</p> <p>4 there, it was dated 2007, yes?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. At the top line there you can see it is actually -- it</p> <p>7 was prepared by something called the murder review</p> <p>8 project team of the advisory group, do you see that?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. I don't want to go fully into the details of all of</p> <p>11 this, because it is all rather complicated, but if it's</p> <p>12 right, isn't it, that what this, as they describe</p> <p>13 themselves, murder review project team did, in 2007 or</p> <p>14 thereabouts, was to look at certain historic cases,</p> <p>15 which involved their community and which the Met had</p> <p>16 investigated, and sought to draw lessons from those</p> <p>17 cases. Is that fair?</p> <p>18 <b>A. Yes, this was alongside an equivalent policing review</b></p> <p>19 <b>done by what is now the specialist crime -- the serious</b></p> <p>20 <b>crime review group that we discussed earlier.</b></p> <p>21 Q. Yes.</p> <p>22 <b>A. Because the original intent for the group that is on the</b></p> <p>23 <b>page before is of course in terms of being able to</b></p> <p>24 <b>access some of the police information there are rules.</b></p> <p>25 <b>And so what was undertaken was the MPS review group did</b></p> <p style="text-align: center;">Page 118</p>	<p>1 One of which, and this is the one I am going to asking</p> <p>2 you about, were in facts murders committed by a serial</p> <p>3 killer named Colin Ireland back in 1993, and his victims</p> <p>4 are named there.</p> <p>5 I want to just move forward to page 16 in the</p> <p>6 document, please. We can see the conclusions that this</p> <p>7 group drew about that particular series of killings.</p> <p>8 They say:</p> <p>9 "The investigation of the serial murders by</p> <p>10 Colin Ireland was hampered by a lack of knowledge of the</p> <p>11 gay scene in London and the special culture of S&amp;M</p> <p>12 bondage, in particular valuable time was lost before the</p> <p>13 police managed to recognise two common threads to the</p> <p>14 crimes and those links were established only after the</p> <p>15 death of a fourth victim."</p> <p>16 They refer to what those threads were, the</p> <p>17 particular way in which Ireland attacked his victims and</p> <p>18 also the fact that he went to the same pub, which was</p> <p>19 a place frequented by the LGBT community.</p> <p>20 Then if we can turn over, please, to page 17, this</p> <p>21 is the point I really want to ask you about. Just</p> <p>22 underneath the heading, 4.2.2:</p> <p>23 "As the police found out more and more about the</p> <p>24 personal lives of victims of these serial killings, they</p> <p>25 understood that they needed community advice. However,</p> <p style="text-align: center;">Page 120</p>

<p>1 it was also clear that the police lacked the knowledge                  2 to deal with the information they had gathered. Within                  3 48 hours of Peter Walker's death, the police contacted                  4 a community organisation, Galop, which monitors LGBT                  5 policing issues. This is because they believed that the                  6 death occurred whilst Walker was having sex and at that                  7 stage they hadn't designated the first death as                  8 homophobic. The contact with Galop turned out to be                  9 a key development in the investigation. After the death                  10 of Andrew Collier the Collier investigation contacted                  11 Galop again, and it was Galop then who pointed out there                  12 could be a link between two of the deaths."                  13 Really that was the catalyst which led to the                  14 solving of the crime.                  15 If we look at the bottom of the page, the summary,                  16 the core learning perhaps, is:                  17 "Police at the time failed to deal adequately with                  18 LGBT life and culture. The initial investigations of                  19 the first murders seem to us to be more focused on                  20 determining promiscuity and risk taking and seemed                  21 predisposed to determining circumstances as sex acts                  22 gone wrong. We would argue that given the rarity of                  23 such suspicious circumstances the police should have                  24 been in the position to link the first two murders and                  25 to have done much more to warn the community at all</p> <p style="text-align: center;">Page 121</p>	<p>1 we have done a lot to communicate this on the ground.                  2 I know Sean Wilson, who was the superintendent, he did                  3 chair gold groups and one of things that we do a lot of                  4 is our gold groups, on the back of cases such as these                  5 critical incidents, and a key element of gold groups                  6 should be the community engagement, whatever community                  7 it might be, to help inform and to shape and through                  8 that, one of the core -- in fact if you look at the                  9 terms of reference of the gold group I chaired in                  10 relation to the Stephen Port cases. One of the core                  11 elements of that is to support the investigating                  12 officer, whoever that might be and their team might be,                  13 to investigate. And using the information, the                  14 knowledge, the understanding that others can bring to                  15 this.                  16 So do I think that this needs to be ongoing to                  17 constantly raise that awareness? Yes, absolutely I do.                  18 The work that we have been doing -- so you mentioned                  19 earlier, Mr O'Connor, the sort of staff network, the                  20 advisers, as well as the IAG, a key element of that is                  21 to keep promoting, raising awareness and, you know, if                  22 a case arises locally, it doesn't need to be a death                  23 investigation, there is an access point to start that                  24 understanding. Clearly we will always need to keep                  25 improving on that, we will clearly reflect on the</p> <p style="text-align: center;">Page 123</p>
<p>1 times after that, particularly following the murder of                  2 Andrew Collier. This represents a serious failing of                  3 policing."                  4 This was a report, prepared in 2007, which                  5 emphasised the fact that in those killings the police                  6 had had ignorance of the LGBT community, yes?                  7 <b>A. Yes.</b>                  8 Q. It emphasised the need to engage with the community as                  9 part of the investigation, as a means of obtaining                  10 intelligence and seeking help in understanding evidence                  11 already obtained. Is that fair?                  12 <b>A. So, yes, as explained here, yes.</b>                  13 Q. It showed that when they did that in that case, it was                  14 that step which actually enabled those deaths to be                  15 linked and the crimes to be solved.                  16 I am sure we will all have recognised the echoes in                  17 what we read there of the cases in 2014 and 2015, which                  18 took place seven years after this report from the IAG,                  19 findings very valuable.                  20 I suppose the question is, it is all very well to                  21 have liaison and reports and understanding but if that                  22 is not communicated to the people on the ground, then                  23 these mistakes are going to be made again and again?                  24 <b>A. Yes.</b>                  25 <b>So I agree with everything that you have said. So</b></p> <p style="text-align: center;">Page 122</p>	<p>1 outcome from this inquest: is there more that can be                  2 done?                  3 One of the things that we are going to be doing is                  4 using our CPIE command, the command that we talked about                  5 earlier, set up a few years ago, to do looking at                  6 an internal review as: has our intent, our aims around                  7 what we have just been describing, translated into                  8 practice? Across a number of different types of cases,                  9 not just death investigations. So we can see, not just                  10 through these cases, but are there other gaps, are there                  11 other things that we can build on, that is good                  12 practice? And there is always good practice out there                  13 and that is going to be a key thing which we will need                  14 to do to see ...                  15 I would like to think it is quite different now than                  16 it was in 2014, but equally I would be wrong to sit here                  17 and say I can guarantee in every single place in London                  18 that the understanding and the strong links from LGBT                  19 community advisers locally, our own internal network,                  20 our own advisers where we need it to.                  21 We have recently allocated a new dedicated lead                  22 within our CPIE command, who will be the professional                  23 lead of all of our LGBT advisers. A key element of that                  24 is to share the information across London, across                  25 different borough, different investigations, build on</p> <p style="text-align: center;">Page 124</p>

<p>1 <b>the good practice and make sure that we are constantly</b>  2 <b>improving.</b>  3 Q. Can I just put it this way, DAC Cundy, gold groups,  4 command structures, I am sure all very important. But  5 isn't it fair that the key lesson that should have  6 learnt from this 2007 report, and which must be learnt  7 from the experience of these Port investigations, is not  8 about a superintendent having a gold group, but about  9 the individual detectives investigating the cases, and  10 if you have a case which involves a community, the LGBT  11 community, or for that matter a different community, you  12 must try and understand that community and reach out to  13 them in order to help you to solve the crime in front of  14 you?  15 <b>A. Yes, I think we are agreeing on exactly the same point.</b>  16 <b>So the key purpose of the gold group is there to enable</b>  17 <b>that investigation. So if I were chairing, you know,</b>  18 <b>a gold group on this today, and I think I would be</b>  19 <b>asking, you know, the senior investigating officer or</b>  20 <b>the detectives, whoever it might be:</b>  21 <b>"What have you got in terms of your link? There is</b>  22 <b>this unknown drug that we have not heard of, GHB, they</b>  23 <b>are from the LGBT community, what have you done to</b>  24 <b>improve that?"</b>  25 <b>If he comes back with, "Nothing", then that is my</b></p> <p style="text-align: center;">Page 125</p>	<p>1 (1.55 pm)  2 (In the presence of the jury)  3 Questions from MS HILL  4 MS HILL: Good afternoon, Deputy Assistant Commissioner  5 Cundy, as I think you know I represent the families of  6 those who were murdered by Stephen Port, save for  7 Daniel Whitworth's partner, who is represented by  8 learned friend to my left. Some of the families sit  9 here, as you know, and some are watching remotely.  10 You have been asked a lot of questions by the  11 learned coroner's counsel, and I will try not to cover  12 the same ground, but I am sure you will understand that  13 as the most senior Metropolitan Police witness that is  14 attending the inquest it is important that I ask you  15 questions on behalf of my clients, for two reasons.  16 One, to try and understand as best we can in  17 a little more detail what you accept of the failings.  18 Second, to understand in a little more detail some  19 particular issues around changes that have been made, in  20 the hope that the risk that the trauma that these  21 families have suffered will not be suffered by other  22 families is reduced, do you understand?  23 <b>A. I absolutely understand, yes.</b>  24 Q. I am sure you understand, don't you, that the trauma  25 that all my clients have suffered is worsened in two</p> <p style="text-align: center;">Page 127</p>
<p>1 <b>responsibility to then make that happen, to help foster</b>  2 <b>the -- right, these are the links that need to be made</b>  3 <b>for the investigation.</b>  4 <b>So the gold group is not this remote thing that just</b>  5 <b>happens with superintendents, it is a key part of the</b>  6 <b>overall response and if the investigation team isn't,</b>  7 <b>you know -- I completely agree with you, as the team</b>  8 <b>that wrote this report are really clear, just how key it</b>  9 <b>is. In the report it does say also that, you know, in</b>  10 <b>terms of the cases they looked at, those cases that were</b>  11 <b>investigated later had a much better response than some</b>  12 <b>of the earlier ones. To demonstrate actually when</b>  13 <b>knowledge and the awareness increases, there can be</b>  14 <b>a better response.</b>  15 Q. Those were later cases, the Stephen Port case later  16 still.  17 <b>A. I don't disagree.</b>  18 <b>MR O'CONNOR: Yes.</b>  19 <b>Thank you very much, DAC Cundy. Those are all the</b>  20 <b>questions I wanted to ask you.</b>  21 THE CORONER: Thank you.  22 Members of the jury, we will break off there for  23 lunch, please, until 1.55.  24 (1.04 pm)  25 (The Luncheon Adjournment)</p> <p style="text-align: center;">Page 126</p>	<p>1 particular ways.  2 (1) that they were all given false narratives about  3 what happened to their loved ones.  4 (2) that they all to varying degrees were ignored or  5 dismissed?  6 <b>A. I agree, yes.</b>  7 Q. I would like to take the framework please that you have  8 set out in your witness statement helpfully, just to  9 bring it up to remind the jury of five key failings that  10 you have recognised, MPS718, internal page 6, please.  11 And try and summarise them in this way.  12 Number 1 is around a lack of professional curiosity,  13 and essentially a poor quality investigation, correct?  14 <b>A. Yes, that's correct.</b>  15 Q. 2, is around a lack of leadership?  16 <b>A. Yes.</b>  17 Q. You have made the point within number 2, if we can look  18 at internal paragraph 22(2), page 7, that that lack of  19 leadership also meant that lines of enquiry were missed?  20 <b>A. Yes, I think that is part of the contributing factors,</b>  21 <b>yes.</b>  22 Q. Your third theme is around the relationship between the  23 borough and what was then called the homicide command,  24 correct?  25 <b>A. Yes, I agree.</b></p> <p style="text-align: center;">Page 128</p>

32 (Pages 125 to 128)

<p>1 Q. Your fourth is around the awareness of GHB and chemsex. 2 Your fifth is around engagement with the LGBT 3 community, is that right? 4 <b>A. Yes, that's correct.</b> 5 Q. I would like to suggest to you that those five themes 6 are present in each of the investigations that we have 7 looked at, and take you briefly through each of them to 8 see what you are willing or able to accept, based on the 9 information we have heard, is that clear? 10 <b>A. Yes, I understand.</b> 11 Q. In relation to the Anthony Walgate investigation, you 12 have already accepted that you understand from the 13 evidence that a PND check was not done on Mr Port, 14 correct? 15 <b>A. That's correct.</b> 16 Q. Do you actually know on the evidence that we have heard 17 that a PND check was done, but on Anthony not Mr Port? 18 <b>A. So I don't know the full details of the evidence, but 19 I am aware -- I accept what you say, but I didn't read 20 that transcript, I wasn't here on the day.</b> 21 Q. But that underscores, doesn't it, and makes very clear 22 that the ability of the officers to do a PND check on 23 the day Anthony was found was there and was present on 24 the borough? 25 <b>A. The capability existed, yes.</b></p> <p style="text-align: center;">Page 129</p>	<p>1 a lack of professional curiosity, doesn't it? 2 <b>A. Yes, I would have expected that to be part of the 3 investigative considerations.</b> 4 Q. Both of those things, submitting sex swabs and also 5 making a clear note on a CRIS of what actions were 6 necessary? 7 <b>A. Yes, so whilst it is clearly not being as close to the 8 investigative detail as maybe some others might be, the 9 question of submitting the sex swabs or not clearly 10 needed to be a proper, considered, well-thought through 11 decision.</b> 12 Q. Presumably, if a decision was being taken not to submit 13 them for some reason, to document that reasoning as 14 well? 15 <b>A. Exactly right, whether the decision is to or not to, it 16 is required, yes.</b> 17 MR SKELTON: Madam, sorry to interrupt Ms Hill, she is of 18 course entitled to ask any questions she wishes to do 19 so, but can I ensure it is done fairly. 20 First of all, DAC Cundy has appraised himself of 21 a lot of the evidence but by no means all of it, he 22 hasn't heard all of the witnesses and he has not read 23 all the transcripts and he has not read all the 24 documents, more importantly. Therefore testing him on 25 snippets of detail could I think lose the context and</p> <p style="text-align: center;">Page 131</p>
<p>1 Q. Second, the jury has heard some evidence about the post 2 mortem, and there appears to be some confusion about how 3 the issue of the bruising found on Anthony was 4 understood and whether sufficient regard was given to 5 that. If that is found by the jury, again that 6 evidences, doesn't it, a lack of professional curiosity? 7 <b>A. So whilst I don't know the full details, I am aware of 8 difference of views in terms of what the pathologist 9 said and what was recorded, but if those considerations 10 weren't then duly considered, then, yes, that is part of 11 the investigative approach that would be expected.</b> 12 Q. Consideration of issues like that is a classic example, 13 isn't it, of the need to keep an open mind at the early 14 stages of an investigation, and not do anything other 15 than think that there might be a murder here, that must 16 be right? 17 <b>A. I agree, yes, it is -- that open mind is vitally 18 important.</b> 19 Q. Our understanding, just to try and pull some further 20 threads together, is that sex swabs in relation to 21 Anthony were taken but not tested. The jury may hear 22 from the coroner's expert next week that after the post 23 mortem a list of actions was compiled but not put on the 24 CRIS. 25 If those two things happened, again that evidences</p> <p style="text-align: center;">Page 130</p>	<p>1 I think that is not fair to the MPS but also to those 2 that Mr Davies represents. 3 The second point is that DAC Cundy, although he has 4 expressed a view and recognised failure, is not your 5 expert and to ask him to microscopically comment on 6 whether sex swabs in a particular incident should or 7 should not have been taken, using his very high level 8 status is not appropriate in my view, madam. 9 I am sorry to stop Ms Hill in that way, but I am 10 sure DAC Cundy is recognising failures but not every 11 single one that possibly could be identified. 12 THE CORONER: Ms Hill, will you bear that in mind? 13 MS HILL: I will, and I will try and take this more briefly. 14 But, madam, I may say that as I have already 15 established, this is the most senior Metropolitan Police 16 witness who is here and it is important for my clients 17 that they understand the extent of the accountability 18 that is being accepted. I will try and take it more 19 shortly, but when we have general comments around 20 particular acceptances I would like to try and drill 21 a little further into the detail, if I may. 22 THE CORONER: You will bear in mind, Mr Cundy, when you are 23 asked questions about which you don't know the detail, 24 you make that clear if you cannot answer Ms Hill's 25 questions.</p> <p style="text-align: center;">Page 132</p>

<p>1 <b>A. Of course, thank you. And I understand the point of the</b>  2 <b>questions.</b>  3 MS HILL: Thank you, Mr Cundy, forgive me.  4 Just trying to pull some key threads together then  5 that you may understand.  6 We have already talked about the PND check that was  7 not done on Anthony. I think you may well be aware that  8 another key piece of information was the information  9 from the PNC about Mr Port -- forgive me, a PND check  10 not being done on Mr Port. Do you understand that there  11 was knowledge within the investigation that he had had  12 a previous arrest in December 2012 and that involved  13 an allegation of drug-induced rape?  14 <b>A. So I am unaware if that information was known -- to who</b>  15 <b>it was known I am not quite sure, but, yes, I am aware</b>  16 <b>of that information.</b>  17 Q. At a general level you would agree that that sort of  18 information is very important about a potential person  19 closely involved in a death?  20 <b>A. I do agree, yes.</b>  21 Q. You would agree at a general level that the person who  22 has reported the finding of the body is somebody who may  23 well be a person of interest, if not a suspect?  24 <b>A. In all cases the expectation is officers would make</b>  25 <b>enquiries to establish who saw a deceased person last,</b></p> <p style="text-align: center;">Page 133</p>	<p>1 interviewed as a suspect and they volunteer information  2 about previous contact with the police, even if that  3 hadn't been picked up by a PND check proactively, that  4 should have been followed up after the interview?  5 <b>A. I think there are clear lines of enquiry that could have</b>  6 <b>been progressed.</b>  7 Q. I think you are aware that the laptop was not checked  8 until many, many months later?  9 <b>A. I am aware of that, yes.</b>  10 Q. I think you are aware that no general witness appeal was  11 done for anybody who might come forward and assist?  12 <b>A. Yes.</b>  13 Q. Again, there are further points of detail that I won't  14 test on you, because I think these are quite granular,  15 but the jury has heard evidence, for example, that no  16 attempts were made to locate the missing phone and  17 things of that nature and perhaps obvious locations such  18 as the bins outside Mr Port's flat, but those are basic  19 things that perhaps should have done?  20 <b>A. I know no phone was found. The level of enquiries</b>  21 <b>undertaken for it, I don't know the details of.</b>  22 Q. Broadly, and just trying to be as fair as I can be,  23 those things that I have put to you are all example if  24 found by the jury, are they not, of both your first and  25 your second theme. A lack of professional curiosity and</p> <p style="text-align: center;">Page 135</p>
<p>1 <b>for a number different reason. Clearly keeping an open</b>  2 <b>mind.</b>  3 Q. Again, please say if you don't understand this detail,  4 but Mr Port was interviewed on two occasions and during  5 those interviews significantly changed his account to  6 one by which he denied having had contact with the body  7 in his flat, effectively, and then accepted that he had  8 had Mr Walgate in his flat and had dragged his body  9 outside. Do you understand that broad change?  10 <b>A. I am aware of that change of information he gave, yes.</b>  11 Q. The jury may have to consider what should have happened  12 after the second of those interviews. The evidence we  13 have so far suggests that the content of that interview  14 was not actioned by those on the borough, those leads  15 were not followed up, the transcript was not read  16 properly, and even the things that Mr Port had said in  17 the interview about previous contact with the police was  18 not followed up.  19 Do you understand?  20 <b>A. Sorry, I understand the observation you are making.</b>  21 <b>I am not the expert witness for the coroner, but --</b>  22 Q. Of course.  23 <b>A. -- I think there were opportunities that were presented</b>  24 <b>following that second interview, yes.</b>  25 Q. Just to be clear on that, if somebody is being</p> <p style="text-align: center;">Page 134</p>	<p>1 investigative steps not being taken?  2 <b>A. They are.</b>  3 Q. If in fact the jury concludes that some of these issues  4 were missed by a detective constable, Mr Parish, and  5 then not picked up by his supervisor, DS O'Donnell, and  6 not picked up by his supervisor, Inspector McCarthy.  7 That is evidence, is it not, of your second theme of  8 a lack of robust leadership?  9 <b>A. So as you described it, it is exactly at the heart of</b>  10 <b>the reason I covered that in my statement, yes.</b>  11 Q. I will not detail your third theme very much in relation  12 to the Anthony investigation, because I think you have  13 agreed effectively with DCI Jones that if he had had the  14 PND results, I think he had also said if he had had the  15 laptop analysis, then he would have accepted primacy.  16 Is that fair?  17 <b>A. That is my understanding of his evidence, yes.</b>  18 Q. Does your level of understanding extend to knowing that  19 beyond the end of June 2014 there was no further  20 engagement between the borough and the homicide command?  21 <b>A. I am aware there was no further engagement.</b>  22 Q. That is a route that would have been open to the borough  23 at all times, is that right?  24 <b>A. It was, and I understand there was -- I don't know if</b>  25 <b>confusion is the right word, but there was a view that</b></p> <p style="text-align: center;">Page 136</p>

<p>1 <b>one or other was going to be making that contact, which</b></p> <p>2 <b>didn't occur.</b></p> <p>3 Q. Yes.</p> <p>4 Your fourth theme is around the understanding of GHB</p> <p>5 and chemsex, can I just perhaps bring up your witness</p> <p>6 statement again to see exactly what you say about that.</p> <p>7 It is at MPS718, internal 57. Paragraph 263 of your</p> <p>8 witness statement, Mr Cundy. Do you say this, that your</p> <p>9 understanding is that officers may have been aware of</p> <p>10 GHB as a date rape drug, is that right?</p> <p>11 <b>A. Yes, that is what I have written, yes.</b></p> <p>12 Q. But were unlikely, you say "highly unlikely", to have</p> <p>13 known of its use primarily by gay men in chemsex, is</p> <p>14 that right?</p> <p>15 <b>A. I think that is a fair reflection for many within the</b></p> <p>16 <b>MPS and other police forces.</b></p> <p>17 Q. I think insofar as the use of GHB as a date rape drug is</p> <p>18 concerned, with your experience are you familiar with</p> <p>19 the fact that it was banned as long ago as 2003?</p> <p>20 <b>A. I don't know the exact year, but I know it has been</b></p> <p>21 <b>a banned controlled drug for a number of years, yes.</b></p> <p>22 Q. Do you know that one of the key reasons why it was</p> <p>23 banned was because of evidence it had been -- perhaps</p> <p>24 primarily against women at that time, but of a date rape</p> <p>25 drug use?</p> <p style="text-align: center;">Page 137</p>	<p>1 <b>A. Yes, through the routes with the LGBT community and as,</b></p> <p>2 <b>perhaps, I explained when Mr O'Connor asked me</b></p> <p>3 <b>questions, there were other opportunity within policing</b></p> <p>4 <b>through forensic experts, through to toxicologically</b></p> <p>5 <b>trained individuals, to inform as well.</b></p> <p>6 Q. I don't know if you have this level of detail, and</p> <p>7 please say if you don't, but there has been some</p> <p>8 evidence that the jury has heard to test the proposition</p> <p>9 that the LGBT liaison officers in Barking were not</p> <p>10 terribly effective. Do you know about that or not?</p> <p>11 <b>A. I don't know about that evidence itself, no, I am</b></p> <p>12 <b>afraid.</b></p> <p>13 Q. You may or may not be able to assist with this, but can</p> <p>14 I bring up, please, IPC750, internal page 1. These are</p> <p>15 the notes of I think one of the first meetings after</p> <p>16 Operation Lilford at the Ripple Centre, I think that is</p> <p>17 perhaps somewhere quite near to where we are now, is</p> <p>18 that right?</p> <p>19 <b>A. I am afraid I don't know where the Ripple Centre is,</b></p> <p>20 <b>I am sorry.</b></p> <p>21 Q. That is not the purpose of my questioning.</p> <p>22 <b>A. I'm sorry, apologies.</b></p> <p>23 Q. I am guessing, I may well be wrong.</p> <p>24 Broadly, just to take this quite shortly, this was</p> <p>25 a significant meeting, if you read the first paragraph,</p> <p style="text-align: center;">Page 139</p>
<p>1 <b>A. Yes, absolutely, and that was my own understanding at</b></p> <p>2 <b>the time of this, yes.</b></p> <p>3 Q. The jury heard some evidence yesterday about whether in</p> <p>4 fact the Stephen Port trial was the first time somebody</p> <p>5 had been prosecuted for using GHB as a fatal weapon, if</p> <p>6 I can call it that.</p> <p>7 Are you aware of cases though, high profile cases of</p> <p>8 GHB being used as a date rape drug?</p> <p>9 <b>A. Previous to the Stephen Port case, in different</b></p> <p>10 <b>circumstances I have been aware of it being used, yes in</b></p> <p>11 <b>sexual assault cases, rape cases.</b></p> <p>12 Q. It is not a test, I don't know if you can help with</p> <p>13 this, but one particularly high profile example was</p> <p>14 somebody prosecuted for a series of rapes, given 10 life</p> <p>15 sentences at Lincoln Crown Court for rapes between 2000</p> <p>16 and 2001, using GHB, do you know about that?</p> <p>17 <b>A. I am afraid I don't, no.</b></p> <p>18 Q. Your understanding is that knowing it was a date rape</p> <p>19 drug was to be expected, knowing it was used in chemsex,</p> <p>20 perhaps less so, is that a fair summary?</p> <p>21 <b>A. I think that is a fair summary, yes.</b></p> <p>22 Q. I think you would accept, would you, that that is</p> <p>23 exactly the sort of information that officers might have</p> <p>24 gathered had they engaged with the various LGBT routes</p> <p>25 that were open to them under your fifth theme?</p> <p style="text-align: center;">Page 138</p>	<p>1 please, it was first meeting between the police and the</p> <p>2 local LGBT community after the establishment of</p> <p>3 Operation Lilford, is that how I understand it? Do you</p> <p>4 see what I am saying to you?</p> <p>5 <b>A. Yes. I am not aware of this exact meeting itself, but</b></p> <p>6 <b>yes, that is certainly what it says.</b></p> <p>7 Q. Again, the foot of that page, please, 750, internal</p> <p>8 page 1, at the very bottom, many of those present at the</p> <p>9 meeting ... according to the notes:</p> <p>10 "Many of those present from the LGBT community were</p> <p>11 surprised to learn that there were dedicated LGBT</p> <p>12 liaison officers in the borough."</p> <p>13 Do you see that?</p> <p>14 <b>A. I can see that, yes.</b></p> <p>15 Q. If that is right, and the jury has heard some evidence</p> <p>16 about this, then that suggests doesn't it that the</p> <p>17 liaison officer's route was not fully embedded within</p> <p>18 Barking -- forgive me, as far as the public were</p> <p>19 concern?</p> <p>20 <b>A. Certainly on the basis of that paragraph, yes.</b></p> <p>21 Q. Is it your understanding though, as you have explained</p> <p>22 to Mr O'Connor, that the idea of LGBT liaison officers</p> <p>23 was far from new, because it stemmed right back to that</p> <p>24 2007 review?</p> <p>25 <b>A. Yes, and -- well, the short answer is yes, this was not</b></p> <p style="text-align: center;">Page 140</p>

35 (Pages 137 to 140)

<p>1 something new. It had evolved over time to the stage it</p> <p>2 was at in 2014, and indeed has evolved since then as</p> <p>3 well.</p> <p>4 Q. I think the jury, forgive me, has heard some evidence</p> <p>5 already from Mr McCarthy, quite a few weeks ago now, it</p> <p>6 was 19 October, who estimated that Barking had around</p> <p>7 half a dozen LGBT officers on the borough. Does that</p> <p>8 sound about right?</p> <p>9 <b>A. Certainly if I may refer to my statement, I think</b></p> <p>10 <b>certainly in 2014 I recall that there was information</b></p> <p>11 <b>I was able to provide --</b></p> <p>12 Q. I think you gave some overall figures and my</p> <p>13 recollection is that six for the borough sounded about</p> <p>14 right, but please tell me if that is not correct.</p> <p>15 <b>A. Sorry, I know that paragraph 355 of my statement -- that</b></p> <p>16 <b>was the current, so that was nine LGBT advisers, and in</b></p> <p>17 <b>2014 -- which I think the point in time you are</b></p> <p>18 <b>referring to, is that correct.</b></p> <p>19 Q. He described this as being in late 2013 and he said less</p> <p>20 than half a dozen, so ...</p> <p>21 <b>A. Okay, so I don't think I've got evidence of that within</b></p> <p>22 <b>my statement, but he would know clearly much better than</b></p> <p>23 <b>I, and I think he had a particular role from</b></p> <p>24 <b>a leadership perspective within the borough at that</b></p> <p>25 <b>point in time.</b></p> <p style="text-align: center;">Page 141</p>	<p>1 issue that you say was lacking in their knowledge, is</p> <p>2 that right?</p> <p>3 <b>A. Yes, the opportunity existed for that to occur.</b></p> <p>4 Q. I think you have already explained it existed at the</p> <p>5 corporate level -- if I can call it that -- within the</p> <p>6 Met, but also at a local level and neither of those seem</p> <p>7 to have been followed. Is that right?</p> <p>8 <b>A. That is certainly the evidence that I am aware of.</b></p> <p>9 Q. Turning, please, if I may briefly to the Gabriel Kovari</p> <p>10 and Daniel Whitworth investigation, I'm just trying to</p> <p>11 take this briefly, if I may, is it your understanding</p> <p>12 that there were in relation to both of those cases</p> <p>13 examples of a lack of professional curiosity and</p> <p>14 investigative lines that were missed?</p> <p>15 Your first and second theme.</p> <p>16 <b>A. I agree on those investigations as well, there were</b></p> <p>17 <b>opportunities that were not progressed.</b></p> <p>18 Q. Perhaps the key ones were around things like</p> <p>19 an inadequate way of dealing with the handwriting on the</p> <p>20 note.</p> <p>21 Failing to submit the bedsheet.</p> <p>22 Failing to submit the phones for proper analysis.</p> <p>23 Failing to carry out social media checks.</p> <p>24 Failure to follow up on the friends of</p> <p>25 Gabriel Kovari that had been named by Mr Pape.</p> <p style="text-align: center;">Page 143</p>
<p>1 Q. Certainly you would expect there to be officers present</p> <p>2 on the borough by that time?</p> <p>3 <b>A. Sorry, officers present --</b></p> <p>4 Q. LGBT liaison officers present?</p> <p>5 <b>A. LGBT liaison officers --</b></p> <p>6 Q. It may therefore be that the notes of that meeting just</p> <p>7 suggest a publicity issue that they were not as well</p> <p>8 known in the community as they might have been, does</p> <p>9 that sound right?</p> <p>10 <b>A. I certainly interpret that as a need for greater</b></p> <p>11 <b>awareness, so there is no -- you know, many I am sure</b></p> <p>12 <b>here today will say there is no such thing as a single</b></p> <p>13 <b>community, LGBT community, there are lots of</b></p> <p>14 <b>individuals, there will be some groups, many different</b></p> <p>15 <b>groups but certainly those present did not have</b></p> <p>16 <b>an awareness of it. Others may have done, I don't know.</b></p> <p>17 Q. Bringing this back -- you can take that down now -- to</p> <p>18 the Anthony Walgate investigation, GHB was identified as</p> <p>19 present in the toxicology results for him and it was</p> <p>20 known from a fairly early stage that he had been last</p> <p>21 with Mr Port in the circumstances of a sexual encounter.</p> <p>22 I think Mr McCarthy agreed there was no liaison with any</p> <p>23 LGBT group by him.</p> <p>24 But as I have indicated, such liaison would have</p> <p>25 been a very good way of trying to understand the chemsex</p> <p style="text-align: center;">Page 142</p>	<p>1 Do you understand those broad themes enough or not?</p> <p>2 <b>A. So the social media checks, I am not quite sure what you</b></p> <p>3 <b>mean by that?</b></p> <p>4 Q. I think the evidence is indicating that there were no</p> <p>5 checks on Gabriel Kovari's social media, beyond</p> <p>6 immediately on the day he was found I think identifying</p> <p>7 that he didn't know Daniel Whitworth, but there was no</p> <p>8 investigation of who he did know and who his friends</p> <p>9 were on Facebook, for example?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. That is too much detail perhaps, is it?</p> <p>12 <b>A. Yes, I am not aware of the exact detail but through</b></p> <p>13 <b>those types of enquiries can be established other</b></p> <p>14 <b>individuals who may be able to give evidence of part of</b></p> <p>15 <b>the investigation, but the other points you mention,</b></p> <p>16 <b>I am aware of in general terms, yes, that they were not</b></p> <p>17 <b>progressed and those opportunities did present</b></p> <p>18 <b>themselves.</b></p> <p>19 Q. That because the Gabriel Kovari scene was not declared</p> <p>20 suspicious you will know, I think, that his body was not</p> <p>21 subjected to a forensic post mortem, his clothing was</p> <p>22 not seized and therefore couldn't ever be analysed and</p> <p>23 no samples were taken from his body that could be</p> <p>24 reasonably used, is that fair?</p> <p>25 <b>A. So without a forensic post mortem, those opportunities</b></p> <p style="text-align: center;">Page 144</p>

<p>1 <b>would not have presented themselves.</b></p> <p>2 Q. Again, you may or may not know, but no general witness</p> <p>3 appeal was done for witnesses, and the leads that might</p> <p>4 have led the police to Mr Port, in the form of what was</p> <p>5 on the Facebook contact for Gabriel were not followed</p> <p>6 up. Do you understand that much?</p> <p>7 <b>A. I am not sure about the Facebook contact for Gabriel,</b></p> <p>8 <b>forgive me, but in terms of the two investigations, I am</b></p> <p>9 <b>aware there were a number of lines of enquiry to speak</b></p> <p>10 <b>to other people that were not progressed.</b></p> <p>11 Q. That did include, didn't it, things that his friends,</p> <p>12 Gabriel's friend Mr Pape, was saying --</p> <p>13 <b>A. That is what I am referring to, yes.</b></p> <p>14 Q. His former partner Mr Amodio and I think you know now,</p> <p>15 don't you, that no contact was made at all with his</p> <p>16 family?</p> <p>17 <b>A. Yes, which I am deeply sorry for, I find that</b></p> <p>18 <b>astonishing.</b></p> <p>19 <b>Yes, with Mr Pape and Mr Amodio, you are right, I am</b></p> <p>20 <b>aware that those enquiries could have been undertaken by</b></p> <p>21 <b>investigating officers.</b></p> <p>22 Q. That A similar theme was apparent in the</p> <p>23 Daniel Whitworth investigation, that Mr Waumsley, his</p> <p>24 partner, and his parents were giving information to the</p> <p>25 police that was not consistent with the theory in the</p> <p style="text-align: center;">Page 145</p>	<p>1 it?</p> <p>2 <b>A. Sorry, can you repeat that one again?</b></p> <p>3 Q. If in fact, as we understand the evidence suggests, that</p> <p>4 Mr McCarthy closed down the Anthony Walgate</p> <p>5 investigation, even though the MIT referral he was</p> <p>6 saying should have happened had not happened, then that</p> <p>7 is a similar theme, isn't it?</p> <p>8 <b>A. Yes, I agree.</b></p> <p>9 Q. Again, I think the evidence suggests that there was no</p> <p>10 attempt even at this point where there had been three</p> <p>11 deaths involving GHB to understand it any more or any</p> <p>12 significant attempt to engage with the LGBT community in</p> <p>13 these two cases as well?</p> <p>14 <b>A. So I am not aware if any further enquiries or contact</b></p> <p>15 <b>with members of the LGBT community occurred.</b></p> <p>16 Q. Is it your understanding of the evidence that when these</p> <p>17 three deaths had occurred, the press became quite</p> <p>18 interested in whether there were any links between these</p> <p>19 three deaths, do you know about that or not?</p> <p>20 <b>A. So to an extent, yes, maybe not all of the detail but</b></p> <p>21 <b>not just the press, clearly from family members and</b></p> <p>22 <b>friends as well, as you have described. But certainly</b></p> <p>23 <b>I am aware that there then was contact from -- I don't</b></p> <p>24 <b>know which media outlet it was, it might have been</b></p> <p>25 <b>a number, it might have been one, I am not sure.</b></p> <p style="text-align: center;">Page 147</p>
<p>1 note and their feeling was that they certainly were not</p> <p>2 listened to and were dismissed. Do you understand?</p> <p>3 <b>A. I do, and I agreed with Mr O'Connor on that point</b></p> <p>4 <b>earlier today.</b></p> <p>5 Q. Just taking it briefly, your third theme again, in the</p> <p>6 Kovari/Whitworth investigation, a lack of leadership is</p> <p>7 also evidenced, isn't it, by the closing down of those</p> <p>8 investigations without the full evidence being made</p> <p>9 available to the police?</p> <p>10 <b>A. I think I said -- so again without knowing all full</b></p> <p>11 <b>details, but closing down any investigation where there</b></p> <p>12 <b>are substantive lines of enquiry still to progress,</b></p> <p>13 <b>clearly decisions would need to be proportionate for</b></p> <p>14 <b>closing a case, but I think there were some -- certainly</b></p> <p>15 <b>a number of enquiries that should have been completed</b></p> <p>16 <b>before either of those two investigations were closed.</b></p> <p>17 Q. To be very fair, I think you have already said that you</p> <p>18 struggle to understand how those investigations were</p> <p>19 closed down. Is that right?</p> <p>20 <b>A. That is a very good reflection of how I feel, yes. I do</b></p> <p>21 <b>struggle to understand.</b></p> <p>22 Q. If in fact the jury concludes, as appears to be the case</p> <p>23 on the documents, that the Walgate investigation was</p> <p>24 closed down when the MIT referral had not been made,</p> <p>25 then that is a similar proposition for that one, isn't</p> <p style="text-align: center;">Page 146</p>	<p>1 Q. I think you have accepted today that there should have</p> <p>2 been some attempt to review the potential links between</p> <p>3 these deaths before Jack Taylor's death; is that fair?</p> <p>4 <b>A. I do, yes.</b></p> <p>5 Q. Again, I don't know if you are aware of this detail, and</p> <p>6 please tell me if you are not, but the jury may well</p> <p>7 conclude that all three of the detective constables</p> <p>8 involved in the Kovari and Whitworth investigation had</p> <p>9 had brought to their attention the possibility of links</p> <p>10 by either members of the public or family members, that</p> <p>11 were all batted away and effectively told they were</p> <p>12 wrong. That does compound the significance of this</p> <p>13 failure, doesn't it?</p> <p>14 <b>A. So whilst I don't know the individual points in time</b></p> <p>15 <b>that might have occurred, I think the general point of</b></p> <p>16 <b>not listening to family, friends or indeed others</b></p> <p>17 <b>raising concerns and ignoring them, or batting off as</b></p> <p>18 <b>you refer to it, I think would compound anything that</b></p> <p>19 <b>was going on within the investigations at that point in</b></p> <p>20 <b>time.</b></p> <p>21 Q. Can I just bring up one point of detail in your witness</p> <p>22 statement, please. The figures that you have given in</p> <p>23 your witness statement -- just let me find the right</p> <p>24 reference, please. Just bear with me a second.</p> <p>25 It is MPS718, internal 11, just to understand the</p> <p style="text-align: center;">Page 148</p>

37 (Pages 145 to 148)

<p>1 statistics a little more, paragraphs 31 and 32, is it 2 your understanding that in 2014 the murders of 3 Anthony Walgate, Gabriel Kovari and Daniel Whitworth 4 were three of the only five homicides on the borough? 5 We now know that they were murders, at the time of 6 course they weren't treated like that, but is it your 7 understanding that apart from those three deaths they 8 had -- I say this not meaning to speak lightly about it, 9 but there had only been two further homicides on the 10 borough? 11 <b>A. No, I understand what you mean by "only".</b> 12 <b>But yes, there were -- so this is retrospective ones</b> 13 <b>that had been identified as murders and I had confirmed</b> 14 <b>this information myself, that there were five homicides</b> 15 <b>in 2014, of which the three, as you say, were Anthony,</b> 16 <b>Gabriel and Daniel.</b> 17 Q. Looking at that picture, that statistical picture that 18 we have just look at must underscore, mustn't it, the 19 failure to try and identify whether there were any links 20 between these three cases. Because they must have stood 21 out on the borough, mustn't they? 22 <b>A. I think establishing the links clearly would be for</b> 23 <b>Julie Mackay to probably give some further evidence on,</b> 24 <b>but if links had been formed. Then clearly it would</b> 25 <b>have identified these as murders earlier than we did.</b></p> <p style="text-align: center;">Page 149</p>	<p>1 <b>A. Yes, I agree it was an opportunity where it could and it</b> 2 <b>should have been looked at again.</b> 3 Q. Just taking it quite briefly, if I may, the Jack Taylor 4 investigation, I think you are aware, aren't you, that 5 for the first few weeks of that, until the accidental 6 identification of Mr Port by DC Parish, again there was 7 no attempt to link this now fourth death, do you 8 understand? 9 <b>A. So Jack's death was not linked to the other three before</b> 10 <b>that point in time.</b> 11 Q. I don't know if you are aware of this detail, and please 12 say if you are not, but two of the officers who attended 13 the scene of his death had had involvement in some of 14 the earlier cases but did not link the two, or the 15 three, do you understand? 16 <b>A. I am aware of that from the evidence that has come out</b> 17 <b>in the inquest, yes.</b> 18 Q. The failing to submit the bedsheet in the 19 Daniel Whitworth investigation was, effectively, 20 mirrored in the Jack Taylor investigation by the failure 21 to even seize a red blanket. Do you know about that? 22 <b>A. I am aware that the red blanket was not seized.</b> 23 Q. Therefore that potentially significant piece of forensic 24 evidence was just simply missed? 25 <b>A. Certainly the forensic opportunity that might have</b></p> <p style="text-align: center;">Page 151</p>
<p>1 Q. The jury has heard some evidence that in addition to 2 families being, my phrase, batted away, that the press 3 were also interested in the possibility of links, but 4 again, effectively, the decision was taken to confirm 5 that these were not being linked, without any internal 6 review. 7 Again, does the fact that the press were raising 8 these issues but that was not followed up internally 9 underscore the significance of that failing? 10 <b>A. I think it comes back to my point about points in time</b> 11 <b>where you might want to review cases such as this,</b> 12 <b>whether it is an internal or an external independent</b> 13 <b>review and when questions are being posed by family</b> 14 <b>members, consistent with similar questions being posed</b> 15 <b>by whichever media outlets it might be. It is</b> 16 <b>a juncture where you can give due consideration to</b> 17 <b>a review. So I don't know the exact detail of what was</b> 18 <b>said in the police media statement, I know I am clearly</b> 19 <b>aware of it in general terms.</b> 20 Q. Broadly what seems to happen is that Anthony was going 21 to be asked about and then he was not asked about, so it 22 doesn't come out only in the media, but the point I am 23 making to you is that that was a significant clue that 24 the police internally should have looked at the 25 possibility of links, do you understand?</p> <p style="text-align: center;">Page 150</p>	<p>1 <b>arisen from it, clearly we will never know but, yes, it</b> 2 <b>was an opportunity.</b> 3 Q. The theme I have already asked you questions about, in 4 relation to the Anthony Walgate investigation, of 5 borough officers not going to seek advice from the 6 homicide command, is again present in the Taylor 7 investigation, because although there were discussions 8 about things not adding up, at all, there was no attempt 9 towards the beginning of October and the middle of 10 October to seek the HAT team's advice. Do you 11 understand that? 12 <b>A. I am aware there wasn't anything at that point in time,</b> 13 <b>but it was later on, yes.</b> 14 Q. Again, the five key themes that you have set out, 15 because we know there was no attempt to find out more 16 about GHB or engage the LGBT community in Jack's case 17 either, are also borne out by that investigation, aren't 18 they? 19 <b>A. Yes.</b> 20 Q. Just to bring up again, if I may, your witness 21 statement, can we bring up MPS718, internal page 6. You 22 accept, I think, don't you, in relation to paragraph 1, 23 that -- 24 <b>A. Forgive me, there is nothing on my screen at the moment.</b> 25 Q. Sorry, 718, internal page 6, it is your paragraph 22(i).</p> <p style="text-align: center;">Page 152</p>

38 (Pages 149 to 152)

<p>1 <b>A. I have a hard copy -- it is here now, thank you.</b></p> <p>2 Q. Your (i), it's the first of the five that I have put to</p> <p>3 you, you accept, don't you, that the investigative</p> <p>4 failings that you have described already, you say the</p> <p>5 police investigation should have been better and could</p> <p>6 have led to the earlier arrest of Mr Port on suspicion</p> <p>7 of murder. Is that right?</p> <p>8 <b>A. Yes, I -- I think throughout all of these investigations</b></p> <p>9 <b>there is a clear possibility that Stephen Port could</b></p> <p>10 <b>have been identified and could have been arrested sooner</b></p> <p>11 <b>than he was.</b></p> <p>12 Q. Just moving briefly if I may to my last topic, which is</p> <p>13 the issue of change for the future. I am sure my</p> <p>14 clients have listened carefully to the changes that you</p> <p>15 have outlined in some detail and are grateful for that</p> <p>16 and for your apology.</p> <p>17 Just a few further questions, please, if I may. You</p> <p>18 have already identified that the linking between these</p> <p>19 cases is something that you feel should have happened if</p> <p>20 a review had been done. Can you help my clients</p> <p>21 understand what the Metropolitan Police has done going</p> <p>22 forward to improve the ability to link cases, bearing in</p> <p>23 mind what Mr O'Connor took you to, that 2007 review that</p> <p>24 showed a historic failing, quite some years ago, to link</p> <p>25 together the actions of a serial killer killing gay men</p> <p style="text-align: center;">Page 153</p>	<p>1 a data analytics tool called Met Insights -- madam, it</p> <p>2 is not referred to in my statement, we can provide</p> <p>3 further information on this. It is a tool that can</p> <p>4 bring together information from a number of different</p> <p>5 systems and, you know, data analytics, used in so many</p> <p>6 walks of life now, to identify and bring to the surface</p> <p>7 where there might be potential links and crossovers.</p> <p>8 That is from the sort of data information</p> <p>9 perspective, but a key, key part of it is the</p> <p>10 operational running of a local police station. So</p> <p>11 I have mentioned the operations room that we have</p> <p>12 established now, which has all the operational elements</p> <p>13 of the local police embedded within it. And so when</p> <p>14 cases such as these arise, the fact they are now not</p> <p>15 just considered by a team that might be sitting in a CID</p> <p>16 office, but it's much part of this -- I mentioned these</p> <p>17 Pacesetter meetings we have throughout each of the days,</p> <p>18 all of these cases will be considered in there.</p> <p>19 And through that process and some of it is, yes,</p> <p>20 through underlying information and intelligence links,</p> <p>21 but some of it is through people being inquisitive when</p> <p>22 it comes to managing risk and, as you have described,</p> <p>23 you know, when Gabriel was found and a short while later</p> <p>24 Daniel was found, literally in the same place, and by</p> <p>25 the same person. Then my expectation now is that</p> <p style="text-align: center;">Page 155</p>
<p>1 and then happening in respect of Mr Port. What has the</p> <p>2 Metropolitan Police done to improve its ability to link</p> <p>3 cases?</p> <p>4 <b>A. So I think some of the key things that are touched on</b></p> <p>5 <b>within my statement, I think one of the first ones is</b></p> <p>6 <b>the role of intelligence and analysis. So in 2014, as</b></p> <p>7 <b>the MPS, what used to be and the inquest may have heard</b></p> <p>8 <b>what used to be called borough intelligence units, which</b></p> <p>9 <b>is in essence a local intelligence unit based clearly</b></p> <p>10 <b>locally within the police station, a decision was made</b></p> <p>11 <b>to centralise the analysis for the MPS, since 2014 we</b></p> <p>12 <b>have rebuilt some of that to an extent, through these</b></p> <p>13 <b>local intelligence teams. We still had central support</b></p> <p>14 <b>to them as well.</b></p> <p>15 If you refer to the 2007 report from the independent</p> <p>16 advisory group, the second point is probably the point</p> <p>17 that I think is most evident in terms of establishing</p> <p>18 links and often it is about geography, so yes it can be</p> <p>19 through what we call MO, the modus operandi, but in that</p> <p>20 case of Colin Ireland there was a particular location,</p> <p>21 a particular venue, that was the link between the two.</p> <p>22 Q. As there was here, of course?</p> <p>23 <b>A. That is exactly what I was about to say, clearly there</b></p> <p>24 <b>was here. So one of the key things through the local</b></p> <p>25 <b>intelligence teams and through -- we have developed</b></p> <p style="text-align: center;">Page 154</p>	<p>1 through the operating practice, that would be drawing</p> <p>2 that to the attention of many more people for some</p> <p>3 really, really quite clear questions to be posed, as</p> <p>4 well as what might be happening from an investigative</p> <p>5 process beyond that as well.</p> <p>6 So they are some of the illustrations of it.</p> <p>7 I think one of the other aspects is the role of</p> <p>8 specialist crime on these cases. As I said when I was</p> <p>9 talking -- providing evidence to Mr O'Connor's</p> <p>10 questions, the closer joint working between the</p> <p>11 specialist investigations teams and the local policing</p> <p>12 investigation teams is much stronger. So all of these</p> <p>13 cases are reported on what we call daily crime</p> <p>14 bulletins, they are read and seen by so many different</p> <p>15 people now, so there are opportunities for others who</p> <p>16 might be looking at things with a different lens, who</p> <p>17 might be able to see the wood for the trees,</p> <p>18 particularly the likes of me and my colleagues, is you</p> <p>19 do see these cases and we do intervene. When we see</p> <p>20 them come to light we do pose the questions and my</p> <p>21 colleagues that work within local policing do the same,</p> <p>22 which then pushes the opportunity to ask more questions</p> <p>23 to look into, to say, "Have we got on linkage here?"</p> <p>24 And sometimes there is not a clear link, but there</p> <p>25 are now greater opportunities to establish it if there</p> <p style="text-align: center;">Page 156</p>

<p>1 are.</p> <p>2 Q. You have already talked about the changes that have been</p> <p>3 made, I think in relation to the structures around the</p> <p>4 links with the LGBT community and you have given some</p> <p>5 written evidence about that.</p> <p>6 Just turning to the issue of discrimination if</p> <p>7 I may, I think you are aware, are you, that several</p> <p>8 witnesses, I think Sarah Sak in particular, John Pape,</p> <p>9 Ricky Waumsley have given evidence, certainly in</p> <p>10 Ricky Waumsley's case that he felt he was treated</p> <p>11 differently because he was a gay partner. In Sarah Sak</p> <p>12 and John Pape's case that they feel that the level of</p> <p>13 incompetence is so great in these investigations that</p> <p>14 they are forced to look for another explanation and they</p> <p>15 consider that part of that explanation may well have</p> <p>16 been discriminatory attitudes by your officers.</p> <p>17 Now, there is no necessarily clear evidence that the</p> <p>18 jury is going to hear about that. Officers of course</p> <p>19 have denied that, but it must be right, must it not,</p> <p>20 that you cannot rule out subconscious bias by your</p> <p>21 officers in the way these young men were treated?</p> <p>22 <b>A. So, as I said to Mr O'Connor earlier, I have looked and</b></p> <p>23 <b>thought long and hard about so what is it that has</b></p> <p>24 <b>driven the set of events as they occurred.</b></p> <p>25 <b>So I don't sit here as the expert in all of these</b></p> <p style="text-align: center;">Page 157</p>	<p>1 clearly never going to have a closed mind to anything</p> <p>2 from the position that I sit on, what is important to me</p> <p>3 is that we understand what went on and what can we do to</p> <p>4 improve.</p> <p>5 <b>We have already done a lot and there is still</b></p> <p>6 <b>clearly more that we will continually build on to make</b></p> <p>7 <b>sure that circumstances such as this, and the</b></p> <p>8 <b>ineffective investigations that occurred in these four</b></p> <p>9 <b>cases, do everything that I can to make sure they don't</b></p> <p>10 <b>happen again and put families through the same ordeal</b></p> <p>11 <b>that your clients -- those here today, those watching</b></p> <p>12 <b>and listening -- have gone through.</b></p> <p>13 Q. Thank you.</p> <p>14 Just a few more points of detail, please, on the</p> <p>15 future reforms. One of the issues that you I think are</p> <p>16 aware of is that the handwriting on that note left with</p> <p>17 Daniel Whitworth was not properly tested and indeed that</p> <p>18 there was no written account taken from his father as to</p> <p>19 whether he recognised the writing, do you understand</p> <p>20 that?</p> <p>21 <b>A. I am aware of that, yes.</b></p> <p>22 Q. Has the Metropolitan Police taken any steps to change</p> <p>23 the way in which people validate handwriting through</p> <p>24 statements or is it something that simply was in place</p> <p>25 at the time, it should have happened and didn't happen</p> <p style="text-align: center;">Page 159</p>
<p>1 matters, my -- so I have seen similar scenarios</p> <p>2 elsewhere, and I personally have not seen any evidence</p> <p>3 of direct prejudice or discrimination. I do -- I think</p> <p>4 you talked about failings or incompetence, my -- I have</p> <p>5 a personal assessment that very much is down to that</p> <p>6 professional investigative ability, which is why it is</p> <p>7 in my statement, my point (i) in terms of the areas that</p> <p>8 I have considered. I think both individually and</p> <p>9 collectively it is the professional competence that</p> <p>10 I expect and what the families expect for</p> <p>11 an investigation such as these to occur, didn't occur.</p> <p>12 Looking at the reasons behind that and, as I say,</p> <p>13 I don't see the evidence of prejudice and discrimination</p> <p>14 but I do see evidence of some inexperience, some lack of</p> <p>15 leadership, like you have already covered, a few</p> <p>16 questions of myself today. That I think are very much</p> <p>17 at the heart of it from my perspective.</p> <p>18 Q. In fairness, I did put the question to you quite</p> <p>19 carefully, that you cannot rule out subconscious bias by</p> <p>20 your officers, can you?</p> <p>21 <b>A. I guess it is not for me to give a judgment on that.</b></p> <p>22 <b>That is going to be one of the considerations I assume</b></p> <p>23 <b>for inquest purposes, but, clearly, you know, I am going</b></p> <p>24 <b>to sit here, I have not read all of the evidence, I have</b></p> <p>25 <b>not listened to all of the evidence at inquest. I am</b></p> <p style="text-align: center;">Page 158</p>	<p>1 for Mr Whitworth?</p> <p>2 <b>A. There are no substantive changes in terms of the process</b></p> <p>3 <b>to follow. It is broadly the same now as it was in 2014</b></p> <p>4 <b>onwards. But what we have done is -- so handwriting</b></p> <p>5 <b>analysis is not used in that many cases. So it is not</b></p> <p>6 <b>known by many investigators, so the role that our senior</b></p> <p>7 <b>forensic practitioners have, our crime scene managers</b></p> <p>8 <b>have, to help, inform and shape when those do arise is</b></p> <p>9 <b>they are taking a much greater active involvement now</b></p> <p>10 <b>and, yes, you are right, that a statement -- if</b></p> <p>11 <b>handwriting is shown to, whether it is a family member</b></p> <p>12 <b>or to a witness, a statement should be taken as to so</b></p> <p>13 <b>what is it they have to say about it?</b></p> <p>14 <b>It is not an exact science, even for handwriting,</b></p> <p>15 <b>you know, experts themselves, but if it is going to be</b></p> <p>16 <b>relied upon to make informed decisions about a direction</b></p> <p>17 <b>of an investigation, then, yes, I would be expecting it</b></p> <p>18 <b>would be submitted for proper forensic analysis, not</b></p> <p>19 <b>simply reliant upon someone -- I know it was only</b></p> <p>20 <b>an excerpt, as you describe, as opposed to the full</b></p> <p>21 <b>note.</b></p> <p>22 Q. Understood.</p> <p>23 We have heard various pieces of evidence about the</p> <p>24 way in which exhibits were seized or not seized,</p> <p>25 recorded, not submitted, things of that nature. Dealing</p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

1 with the pathology element of it, the briefing that  
 2 a pathologist gives at the end of the post mortem,  
 3 a debriefing. Has the Metropolitan Police taken any  
 4 steps to verify or improve the way in which what  
 5 a pathologist says at the end of a post mortem is  
 6 written down?  
 7 **A. We have, and in fact I think there is more to do.**  
 8 **So things that we have done already, so one of our**  
 9 **crime scene managers gives an input on post mortems to**  
 10 **all of our detective sergeant and detective inspector**  
 11 **training courses, as well as the exhibits courses that**  
 12 **we do for those who will seize the exhibits themselves.**  
 13 **A key element within a post mortem process is both**  
 14 **the briefing at the start to the pathologist as to the**  
 15 **context, as to the circumstances, as well as ensuring**  
 16 **there is an accurate record maintained from what is done**  
 17 **at the end.**  
 18 **Now, sometimes you may have a cause of death given**  
 19 **at post mortem, sometimes, as the coroner was saying, we**  
 20 **know it can sometimes take some time for the full --**  
 21 **certainly for a final pathologist report.**  
 22 **So the discussion, the comments of the pathologist**  
 23 **are really key to help drive an investigation, so one of**  
 24 **the things that we brought in, so for the forensic post**  
 25 **mortems there will always be somebody from one of the**

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1 murder investigation teams there. So the officer that  
 2 attends from that team, one of their responsibilities  
 3 will have been clear in the directions for, and the  
 4 training given to those members of staff, those  
 5 officers, is to make sure there is an accurate record to  
 6 be done.  
 7 **One of things I have reflected on, again not**  
 8 **listening to every day's evidence but I have listened to**  
 9 **some of the days and it might be DI Schamberger's**  
 10 **evidence, and maybe perhaps Detective Sergeant**  
 11 **O'Donnell, I think the post mortems they went to I think**  
 12 **their evidence was it was the first post mortem they had**  
 13 **gone to as individuals.**  
 14 **Now, I vividly remember doing that myself.**  
 15 **I remember going as a young officer, but as a detective**  
 16 **inspector going to one, it is important you go into**  
 17 **those environments knowing what your role is and you are**  
 18 **the lead investigator.**  
 19 **So I have -- you know, I recognised that those two**  
 20 **individuals were saying it was their first time, clearly**  
 21 **before you go in part of your personal responsibility**  
 22 **would be, if you are not sure what to do, to try and**  
 23 **find out what you can. But one of the things that we**  
 24 **will be doing is what more do we need to do to enhance**  
 25 **and improve the training for our investigator, leaders,**

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1 sergeants, inspectors. So they understand what their  
 2 responsibilities are, and that will encompass, as you  
 3 describe, making sure that there is an accurate record  
 4 and making sure, as you walk away, you know, as the  
 5 investigating officer, you are not just writing down,  
 6 but you understand what the pathologist is saying,  
 7 because they can sometimes use quite complex  
 8 terminology, understandably so. So you need to  
 9 understand what it means and what they are committing to  
 10 and what they are not committing to.  
 11 **Q. Finally on post mortems, if there is a scenario where**  
 12 **the person who has passed away, their movements remain**  
 13 **unknown, all right, so somebody like all of these young**  
 14 **men in fact, if sexual contact swabs are taken, is it**  
 15 **now routine that they are submitted?**  
 16 **A. I think it will always need to be considered on**  
 17 **a case-by-case basis. So certainly in forensic post**  
 18 **mortems, in circumstances such as these, those swabs**  
 19 **would be taken. The point in time they should be**  
 20 **submitted is why we have active forensic case**  
 21 **management, which I know did not occur in these cases.**  
 22 **So I mentioned a few times today our crime scene**  
 23 **managers now have an active role, regardless of who is**  
 24 **investigating, to inform those key forensic strategy**  
 25 **decisions, which will include at what point, when and**

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1 **for what reason should we be considering the submission**  
 2 **of the swabs that are taken.**  
 3 **Q. Finally, one of the issues that emerged in the Kovari**  
 4 **Whitworth investigation, was at the end of the inquest,**  
 5 **or during the inquest, the coroner herself expressed**  
 6 **some concerns about investigative steps that had not**  
 7 **been taken. Has the Metropolitan Police done anything**  
 8 **to formalise a process to respond to those sort of**  
 9 **concerns by a coroner?**  
 10 **A. So, yes, one of the first things we had to consider**  
 11 **is -- and there might be some difference of views**  
 12 **whether ... so there was an outcome of the inquest at**  
 13 **that point in time, clearly there were comments made**  
 14 **and, rightly so, questions posed by the coroner at that**  
 15 **point in time. So again, part of what we do -- I think**  
 16 **there will be more to do around this to ensure that**  
 17 **whoever goes to coroners. And it might not be**  
 18 **a detective officer, it could be -- as was described**  
 19 **earlier -- cases that are not viewed as suspicious in**  
 20 **any way, but there might be some questions posed in**  
 21 **inquest and it might be a uniformed colleague there, or**  
 22 **indeed police haven't had an involvement. So coroner's**  
 23 **will often write to us as the MPS raising questions**  
 24 **about something, requesting further investigations to be**  
 25 **done. One of the things we need to be clear about is**

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<p>1 <b>this is an investigation on behalf of the coroner, and</b>  2 <b>we are doing those enquiries, or is this for us from</b>  3 <b>a criminal offence perspective that we need to be</b>  4 <b>conducting a criminal investigation?</b>  5 <b>The one thing I think we have got to look at again</b>  6 <b>and decide and identify what is the best way is how do</b>  7 <b>we ensure on every occasion any comments made by</b>  8 <b>a coroner are captured, so we are clear that they are</b>  9 <b>being responded to, or considered and responded to, in</b>  10 <b>the appropriate way?</b>  11 <b>Equally, so whilst there are changes there, my</b>  12 <b>expectation in 2014 is if the coroner makes such</b>  13 <b>obvious -- whether they are requests for the MPS to do</b>  14 <b>something or observations, my expectation for back then</b>  15 <b>and now would be that the most senior person there</b>  16 <b>should be ensuring that the record is taken and informed</b>  17 <b>decisions are then made as to what should occur.</b>  18 MS HILL: Thank you.  19 Thank you very much.  20 <b>A. Thank you.</b>  21 <b>Questions from DR VAN DELLEN</b>  22 DR VAN DELLEN: Deputy Assistant Commissioner Cundy, I ask  23 questions on behalf of Ricky Waumsley, who is the  24 partner of Daniel Whitworth. You were asked a question  25 by my learned friend Mr O'Connor Queen's Counsel,</p> <p style="text-align: center;">Page 165</p>	<p>1 and the top of page 9, which my learned friend  2 Mr O'Connor took you to. If we just look at that  3 paragraph, it says:  4 "Family members may not be the same as the  5 traditional model."  6 The direction being given to your staff is that  7 a couple in a gay relationship are not considered  8 a traditional model of family; is that right?  9 <b>A. Yes, I would like to think -- I think the traditional</b>  10 <b>model has been used in that phraseology for what many</b>  11 <b>have viewed in the past as a traditional model of, yes,</b>  12 <b>family arrangements.</b>  13 Q. Would you agree that wording is not appropriate?  14 <b>A. I think that needs to be reviewed, yes.</b>  15 Q. Staying at the top of page 9, it carries on to say that  16 the last sentence, so the third last line, it says:  17 "Just because a person does not fit into the  18 traditional model, does not mean they should not be  19 regarded as extended family and therefore a decision  20 would need to be made as to the family liaison service  21 the MPS provide."  22 You appear -- or the police appear to be suggesting  23 that Ricky would fall into the category of extended  24 family; is that right?  25 <b>A. I wouldn't interpret Ricky as "extended family", for me</b></p> <p style="text-align: center;">Page 167</p>
<p>1 counsel to the inquest, about my client, Ricky, not  2 being treated as next of kin, not being shown the note  3 that was found with Daniel and then, when Ricky came to  4 Barking, Ricky being positively excluded from the  5 exercise of being shown the note.  6 My note of your evidence in response to that  7 question is:  8 "It should not have happened. I completely agree."  9 Do you remember that?  10 <b>A. I do, I might not agree with your next of kin comment,</b>  11 <b>but the sense behind your point, I do agree, yes.</b>  12 Q. I will come on to the next of kin comment, if I may.  13 Because you were also shown a document, if I could  14 kindly ask if it to be brought up on screen, it is  15 MPS1166. Just to orientate you about this document,  16 this is the death investigation policy, is that correct?  17 <b>A. Yes, it is, yes.</b>  18 Q. This is dated 24 May 2021, do you see that?  19 <b>A. Yes I do.</b>  20 Q. It has a review date there of 16 September 2021, is that  21 right?  22 <b>A. It is, yes.</b>  23 Q. This is the current MPS policy, is that right?  24 <b>A. Yes, I believe so, yes.</b>  25 Q. If I could ask if we could look at the bottom of page 8</p> <p style="text-align: center;">Page 166</p>	<p>1 <b>Ricky is partner.</b>  2 Q. Well, this is the difficulty, is reading this paragraph  3 it says:  4 "Just because a person doesn't fit into the  5 traditional model [I accept what you have just said  6 about the traditional model] does not mean they should  7 not be regarded as extended family."  8 I am going to suggest to you that that wording is  9 also not appropriate.  10 <b>A. I think -- it is one certainly I can take away and</b>  11 <b>consider.</b>  12 <b>It is incredibly difficult, I think, to sometimes</b>  13 <b>find the right words to inform -- as you are aware,</b>  14 <b>I lead nationally for family liaison, and have done for</b>  15 <b>a number of years, and I have worked with bereaved</b>  16 <b>families for the majority of my policing career and</b>  17 <b>every single family situation and dynamic is always</b>  18 <b>going to be unique and different, but I think that's</b>  19 <b>one -- yes, absolutely happy to take that away and</b>  20 <b>consider whether "extended family" is or is not one of</b>  21 <b>the right phrases to be used.</b>  22 <b>You know, I do understand the sense behind this</b>  23 <b>paragraph, which is probably paraphrasing what is, you</b>  24 <b>know, shall we say longer documents elsewhere, and</b>  25 <b>probably try to encapsulate as broad a base and as many</b></p> <p style="text-align: center;">Page 168</p>

42 (Pages 165 to 168)

<p>1 <b>different sets of circumstances as possible, but some of</b>  2 <b>the wording might not be appropriate.</b>  3 Q. If we could turn to your witness statements, MPS718,  4 page 5, paragraphs 16 and 17. You were taken to these  5 paragraphs by my learned friend Mr O'Connor, right at  6 the beginning of your evidence, you say:  7 "I am deeply sorry the original investigations did  8 not meet the standard the victims' families deserved."  9 Then you go on to say:  10 "I and the MPS recognise the wider impact of these  11 murders, particularly on Barking's communities and those  12 who identify themselves as LGBT+."  13 Just being absolutely clear what you are apologising  14 for, it is including the wider impact of these murders  15 and the police's response to them on the LGBT+  16 community. Is that correct?  17 <b>A. So I think it is a number of elements. Both here in my</b>  18 <b>statement and what I have said today, so when I refer to</b>  19 <b>families, I include Ricky within that, as Daniel's</b>  20 <b>partner. I equally recognise, as it says at</b>  21 <b>paragraph 17, that the impact of the murders and the</b>  22 <b>impact of our initial investigations has had an impact</b>  23 <b>on a number of people from the LGBT+ community.</b>  24 <b>I fully recognise that confidence and trust in some</b>  25 <b>in our policing response was damaged by this, and that</b></p> <p style="text-align: center;">Page 169</p>	<p>1 <b>a person. It shaped who I am as a police officer.</b>  2 <b>I did some work for the MPS in terms of the support to</b>  3 <b>the Macpherson Inquiry and one of the reasons I ended up</b>  4 <b>investigating murders, and why I took that as a career</b>  5 <b>path, was because of Stephen's murder and the</b>  6 <b>professionalisation of murders that subsequently</b>  7 <b>followed. So, yes, it has shaped me. I remember it</b>  8 <b>well.</b>  9 Q. Let me give you three examples of evidence this jury has  10 had of direct prejudice and discrimination.  11 The first is from Sarah Sak, the mother of  12 Anthony Walgate, she said she felt that Anthony being  13 part of a gay community and involved in chemsex somehow  14 explained her son's death in the eyes of the police.  15 The second piece of evidence came from John Pape, a  16 friend of Gabriel Kovari who sits to your left, next to  17 the Taylor family. He said:  18 "When greaving families, boyfriend and friends are  19 getting close to the truth and trying to raise the alarm  20 10 months before the Met are even willing to acknowledge  21 the deaths are suspicious, it cannot be a funding issue,  22 what resources do the family and friends have? What  23 emotional strain were we under at that time? The only  24 thing that makes sense about how disturbingly  25 incompetent this investigation was is prejudice."</p> <p style="text-align: center;">Page 171</p>
<p>1 <b>is why I apologised for it.</b>  2 Q. Let's go up to page 3, paragraph 4. This is right at  3 the beginning of your service in the Metropolitan Police  4 Service, you say:  5 "I joined the MPS in 1994, serving as a police  6 constable and police sergeant in both uniformed and  7 detective roles."  8 Where were you serving in 1999?  9 <b>A. In 1999?</b>  10 Q. Yes.  11 <b>A. I was in Brixton at that point in time, as a uniformed</b>  12 <b>sergeant.</b>  13 Q. In south London, is that right?  14 <b>A. Yes.</b>  15 Q. So in 1999 the Macpherson Report into the murder of  16 Stephen Lawrence in south-east London was published and  17 that report defined institutional prejudice, in that  18 case racism, as:  19 "The collective failure of an organisation to  20 provide an appropriate and professional service to  21 people because of their colour, culture or ethnic  22 origin."  23 As a serving police officer in 1999, do you remember  24 the report into Stephen Lawrence and that definition?  25 <b>A. I remember it vividly. It has shaped who I am as</b></p> <p style="text-align: center;">Page 170</p>	<p>1 My client, Ricky Waumsley, in his evidence, said he  2 believed he was treated differently, he said that the  3 police dismissed him in every single way and it was  4 because he and Daniel were a gay, unmarried couple.  5 The evidence given by these three witnesses bear all  6 the hallmarks of institutional prejudice as defined in  7 the Stephen Lawrence report, don't they?  8 <b>A. So the Macpherson Inquiry clearly had a very</b>  9 <b>wide-ranging scope, so I am aware of all of those</b>  10 <b>points.</b>  11 <b>So I haven't sat here and listened to the individual</b>  12 <b>evidence from all the officers involved, but if I talk</b>  13 <b>about Ricky, I think the fact that Ricky wasn't engaged</b>  14 <b>as the partner is what is at the heart of that, sorry.</b>  15 <b>My personal view is I don't see the evidence that it was</b>  16 <b>the fact they were both gay. I have spoken to Ricky at</b>  17 <b>the start of the inquest here. I think the fact that he</b>  18 <b>should have been engaged as the partner and I think the</b>  19 <b>decision taken was probably more from -- I know it was</b>  20 <b>the officer's first deployment as a family liaison</b>  21 <b>officer and very much had a focus on immediate family,</b>  22 <b>as opposed to partner.</b>  23 <b>And I do believe -- well, as I said earlier, Ricky</b>  24 <b>should have been engaged as the partner of Daniel by</b>  25 <b>a family liaison officer.</b></p> <p style="text-align: center;">Page 172</p>

43 (Pages 169 to 172)

<p>1 DR VAN DELLEN: Madam, thank you, no further questions. 2 Questions from MR DAVIES 3 MR DAVIES: DAC Cundy, I am asking questions on behalf of 4 a number, not all a number, of borough officers. If you 5 have been following the evidence, I think you will know 6 who they are without me rehearsing their names. 7 You have been asked a lot of opinion questions 8 today, as to particular contended features of the 9 evidence this jury has heard, haven't you? By 10 Mr O'Connor, Ms Hill, Dr van Dellen? 11 <b>A. I think that is one way to describe them potentially,</b> 12 <b>yes.</b> 13 Q. In fact, if I could ask for your statement to come up, 14 please, MPS718, starting at page 1, paragraph 2 -- if 15 that could be highlighted. This is your statement of 16 21 October 2020. It runs to some 77 pages and some 17 364 paragraphs. Its purpose is defined under 18 paragraph 2, isn't it? 19 <b>A. Its purpose is to discuss the learning that we from</b> 20 <b>a MPS, in advance of the inquest, have identified and</b> 21 <b>steps that we have taken.</b> 22 Q. Yes, so to read into the record, your 77-page statement 23 is not an analysis, it doesn't pretend to be, doesn't 24 engage with individual decisions by individual officers 25 in these investigations. It is a step back from that,</p> <p style="text-align: center;">Page 173</p>	<p>1 Q. No, no, you carry on. 2 <b>A. As I probably covered as I have gone through my evidence</b> 3 <b>today, my own personal experience is my professional</b> 4 <b>service and what I have been involved in has helped</b> 5 <b>shape, certainly it has shaped how I have led our MPS</b> 6 <b>response. I have a certain level of understanding,</b> 7 <b>whilst I have not done the forensic analysis, as you</b> 8 <b>have gone through at the inquest in terms of the</b> 9 <b>individual events and actions that have been taken.</b> 10 Q. Quite, and if I could just ask for page 6 to be brought 11 up, please, it's paragraph 22(1), we have looked at this 12 before, but to underline the point I am making, and to 13 delineate the limited purpose of my questioning at 14 least. 15 Your first heading is "The quality of the initial 16 death investigations and the professional curiosity of 17 investigators". You say in terms, don't you, this 18 includes both individual and collective actions and the 19 investigative curiosity of those involved in the 20 original investigations into what were considered to be 21 unexplained deaths. 22 You go on: 23 "It is a matter for the learned coroner and the 24 jury, assisted by the expert evidence of former 25 Detective Superintendent Mackay, to identify the</p> <p style="text-align: center;">Page 175</p>
<p>1 isn't it? 2 <b>A. It is a step back, which uses some of what you have just</b> 3 <b>described about what did occur, individuals' actions</b> 4 <b>that were taken to identify things that need to be</b> 5 <b>improved upon to stop situations such as this occurring</b> 6 <b>again.</b> 7 Q. To read into the record, paragraph 2(i): 8 "I make this witness statement to (i) provide 9 a summary of the MPS learning arising from the original 10 investigations into the four deaths and from the 11 Operation Lilford homicide investigation into the crimes 12 committed by Stephen Port, and (ii) to provide the 13 details of the changes and improvements the MPS has 14 implemented in how similar deaths are investigated and 15 other developments." 16 We can see from the index alone on pages 2 and 3, if 17 those could be shown to the jury, please. You will be 18 pleased to know I am not going to read this out, but it 19 is obvious that what you are doing is just that, you are 20 identifying learning and changes rather than purporting 21 to conduct an analysis of individual decisions and the 22 detail of that. Is that a fair way of looking at it? 23 <b>A. It is, yes. As was touched on earlier, I am not here as</b> 24 <b>the expert witness in terms of the investigations. Very</b> 25 <b>clearly -- sorry.</b></p> <p style="text-align: center;">Page 174</p>	<p>1 specific decisions and actions that fell below the 2 standard to be expected." 3 That remains the case doesn't it? Although you have 4 been asked other questions today, that remains the case? 5 <b>A. So, yes, that is certainly the purpose of the statement</b> 6 <b>that I made for the purposes the inquest.</b> 7 Q. You haven't made another statement? 8 <b>A. I have made a subsequent statement to clarify some of</b> 9 <b>the data that is within here, but there is no second</b> 10 <b>substantive statement on other matters.</b> 11 Q. You go on, as a headline proposition only: 12 "However, considered as a whole, the approach of 13 both local policing and specialist investigators should 14 have been better and could have led to the earlier 15 arrest of Mr Port on suspicion of murder." 16 It is at that headline level that you gave your 17 statement on behalf of the Metropolitan Police, in terms 18 of individual decision making? 19 <b>A. So, yes, I stand by what I have written there, both</b> 20 <b>individual and collective actions, when you add it all</b> 21 <b>together -- so I am here obviously representing the</b> 22 <b>Metropolitan Police Service.</b> 23 Q. That is and remains the corporate position of the 24 Metropolitan Police Service through you, as a headline, 25 to these investigations. I am not asking you to depart</p> <p style="text-align: center;">Page 176</p>

44 (Pages 173 to 176)

<p>1 from it, I am not challenging it --</p> <p>2 <b>A. No, no, as I said right at the very outset today, and</b></p> <p>3 <b>I said before the inquest being careful not to prejudge</b></p> <p>4 <b>clearly an inquest outcome, I do consider -- I do</b></p> <p>5 <b>consider that our response on those initial</b></p> <p>6 <b>investigations, both from some individual perspectives</b></p> <p>7 <b>and the collective perspective, could have been better</b></p> <p>8 <b>and should have been better.</b></p> <p>9 Q. Yes. Just so the point of this is clear, for example,</p> <p>10 you have been asked questions by various counsel as to</p> <p>11 the circumstances in which Mr Waumsley was not shown the</p> <p>12 suicide note, for example. That is a matter for</p> <p>13 detailed evidence, isn't it, and the jury's</p> <p>14 consideration?</p> <p>15 <b>A. That would be a decision for the jury through the</b></p> <p>16 <b>inquest process, yes.</b></p> <p>17 Q. It is a matter for the jury to determine whether, to</p> <p>18 quote Mr O'Connor, frankly the Taylor family were not</p> <p>19 listened to, it isn't for you or him, do you agree?</p> <p>20 <b>A. Not for the purposes of inquest, though clearly I was</b></p> <p>21 <b>asked for a view and I was happy to give it.</b></p> <p>22 Q. Yes.</p> <p>23 All right.</p> <p>24 I am representing borough officers, as you know,</p> <p>25 predominantly the other police officers involved in</p> <p style="text-align: center;">Page 177</p>	<p>1 Q. No?</p> <p>2 <b>A. As I gave my evidence earlier, the reform and changes</b></p> <p>3 <b>that were going on that introduced the BCUs, the genesis</b></p> <p>4 <b>of that was not the Stephen Port murders. The</b></p> <p>5 <b>juxtaposition was clearly together and, yes, this would</b></p> <p>6 <b>have partly informed, but it was not the driving factor</b></p> <p>7 <b>behind those changes.</b></p> <p>8 Q. But these investigations at least demonstrated most</p> <p>9 unhappily the necessity of reform, didn't they?</p> <p>10 <b>A. I don't agree.</b></p> <p>11 Q. Because, whilst of course individual officers must take</p> <p>12 responsibility for their own decisions in any structure,</p> <p>13 that is not contentious. If the structure is wrong,</p> <p>14 committed officers are more likely to make mistakes,</p> <p>15 aren't they?</p> <p>16 <b>A. Sorry, you referred to the structure being wrong. I am</b></p> <p>17 <b>not sure what you mean by that.</b></p> <p>18 Q. You have described that the BOCU model that was</p> <p>19 introduced, we have heard, following the reduction in</p> <p>20 funding across London, evolved into the basic command</p> <p>21 units you have described to the jury. That is</p> <p>22 a fundamental restructuring, isn't it, in terms of</p> <p>23 policing?</p> <p>24 <b>A. Well, yes, that is three years later that east area was</b></p> <p>25 <b>formed, so that -- so the nature of the funding model</b></p> <p style="text-align: center;">Page 179</p>
<p>1 this, including members of the major investigation</p> <p>2 teams, are represented through the Metropolitan Police</p> <p>3 Service and Mr Skelton and other counsel. Could I ask,</p> <p>4 as a basic question, have I understood it correctly as</p> <p>5 to when you yourself last worked on borough? It may</p> <p>6 seem a basic question, but was that 2003?</p> <p>7 <b>A. It depends what level we are referring to.</b></p> <p>8 Q. If we go back to page 3 of your statement, paragraph 5.</p> <p>9 <b>A. I think in terms -- for the purposes of the enquiries we</b></p> <p>10 <b>are describing, my last time as detective inspector was</b></p> <p>11 <b>in 2003, before I got promoted to detective chief</b></p> <p>12 <b>inspector.</b></p> <p>13 Q. The way policing is structured, in a city the size of</p> <p>14 London, is, of course, constantly evolving, different</p> <p>15 models evolve over time. It is a basic proposition, but</p> <p>16 is it contentious?</p> <p>17 <b>A. As I gave in evidence earlier, our last major change was</b></p> <p>18 <b>in 2018 with the formation of the BCU model, as opposed</b></p> <p>19 <b>to the borough policing model.</b></p> <p>20 Q. What your statement identifies in terms of MPS learning</p> <p>21 and changes in improvements that have been made, is that</p> <p>22 arising from these investigations was highlighted the</p> <p>23 need for pretty fundamental structural reform of borough</p> <p>24 policing?</p> <p>25 <b>A. So not quite, sir, no.</b></p> <p style="text-align: center;">Page 178</p>	<p>1 <b>for policing, sometimes it is year by year, sometimes it</b></p> <p>2 <b>might be a three-year funding model that we know the</b></p> <p>3 <b>money that we will be receiving. So part of the</b></p> <p>4 <b>considerations of the programme, it is called the</b></p> <p>5 <b>strengthening local policing programme which introduced</b></p> <p>6 <b>BCUs, the genesis of that starts some time in advance</b></p> <p>7 <b>and some of the significant changes that we have made</b></p> <p>8 <b>were not just BCUs, but safeguarding our public</b></p> <p>9 <b>protection investigations, we moved from specialist</b></p> <p>10 <b>central teams much, much closer into the local policing</b></p> <p>11 <b>environment.</b></p> <p>12 <b>That certainly wasn't that the previous model was</b></p> <p>13 <b>wrong, this is from an organisational perspective trying</b></p> <p>14 <b>to identify what is the best way that we can configure</b></p> <p>15 <b>our policing services to give the best service for</b></p> <p>16 <b>Londoners. I don't think it is quite the same as maybe</b></p> <p>17 <b>you were suggesting.</b></p> <p>18 Q. All right, but amongst the changes introduced, and</p> <p>19 I will take them at a headline level, are on borough the</p> <p>20 introduction of an operations room, you have described</p> <p>21 the nature and point of that operations room. That</p> <p>22 wasn't there before, was it?</p> <p>23 <b>A. No.</b></p> <p>24 Q. You have described that there was a new digital strategy</p> <p>25 introduced over time?</p> <p style="text-align: center;">Page 180</p>

45 (Pages 177 to 180)

1 **A. Yes, and that is absolute recognition of the model we**  
 2 **had in 2014 needed to dramatically -- basically scale up**  
 3 **because of the exponential growth we have seen in**  
 4 **digital media to be analysed.**  
 5 Q. The role of the crime scene manager in unexplained  
 6 deaths, to use that language, has fundamentally changed  
 7 and expanded to support borough?  
 8 **A. So it is -- yes, that is not a structural change. So we**  
 9 **have always had crime scene managers, we did in 2014.**  
 10 Q. I talked about the role.  
 11 **A. This is in relation to those cases that are through**  
 12 **forensic post mortem process.**  
 13 Q. There is better and improved forensic support to CID  
 14 locally now, than there was in 2014?  
 15 **A. Sorry, I am not sure what you are referring to there by**  
 16 **the forensic support.**  
 17 Q. The system by which material from investigations may be  
 18 submitted for forensic analysis has changed. In terms  
 19 of who authorises it?  
 20 **A. I have not given any evidence today in relation to that,**  
 21 **I am not sure what you are referring to.**  
 22 Q. What about intelligence support? You have talked about  
 23 that, haven't you?  
 24 **A. Yes, so we have introduced those local intelligence**  
 25 **teams to get some additional intelligence capability**

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1 **much, much closer to the local BCUs, which was following**  
 2 **a centralisation that we had taken some years before.**  
 3 Q. Another thing that has changed, I am not going to use  
 4 the word "resources", but "capacity" here and  
 5 "qualifications", is that amongst the other things that  
 6 have changed is a change in the role of response teams  
 7 officers in investigations relative to CID. Do you  
 8 follow?  
 9 **A. Are you referring to the introduction of our MI**  
 10 **investigation approach, which was touched on earlier?**  
 11 Q. Yes.  
 12 **A. Yes, so one of things that we have introduced --**  
 13 **primarily driven from: how do we give the best service**  
 14 **to victims? You know, a model that has an officer**  
 15 **report a crime, to then hand it over to somebody else to**  
 16 **investigate, sometimes multiple handoffs, is not a good**  
 17 **service. So for certain type of crimes we have**  
 18 **introduced a model where the initial reporting officer**  
 19 **will continue to be the investigating officer. And one**  
 20 **of the consequences of that from a CID office**  
 21 **perspective is that it has given some greater capacity**  
 22 **within the CID to focus on what we call the PIP level 2**  
 23 **crimes -- PIP being an accreditation status for**  
 24 **detectives.**  
 25 Q. Let me take you to paragraph 113, page 26 of your

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1 statement:  
 2 "In 2014 borough policing commands had a range of  
 3 investigation units, including case progression units  
 4 and beat crimes units. These units undertook secondary  
 5 investigations on behalf of officers who had originally  
 6 responded to the incident. This approach had a number  
 7 of positives, but over time led to the gradual erosion  
 8 of the investigation skills of many frontline officers.  
 9 It also contributed to a less than satisfactory level of  
 10 service to victims, with multiple handovers of  
 11 investigations and a lack of continuity."  
 12 Just pausing there, also look at paragraph 160,  
 13 which I think is a summary, page 35, this is the summary  
 14 on page 35, paragraph 160, summary of the fact that the  
 15 MI investigation model means that "... police constables  
 16 on emergency response teams are responsible for some  
 17 crime investigations. CID officers focus on the more  
 18 serious, complex and aggravated crimes ..."  
 19 Was this a recognition that the work of CID officers  
 20 before these changes was becoming congested by the type  
 21 of crime that could and should have been investigated by  
 22 response officers?  
 23 **A. So, yes, that is certainly an element of it. You know,**  
 24 **having done the role myself, the investment to train**  
 25 **detectives is significant. We clearly would wish them**

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1 **to be dealing with -- you know, every crime is serious**  
 2 **to individual victims but some crimes are more complex**  
 3 **to investigate than others and part of this, which is as**  
 4 **you have shown within my statement on the screen. One**  
 5 **of the -- you know, the intended consequences of the MI**  
 6 **investigation model was not just to ... well, it was to**  
 7 **improve the service of the victims, but from two**  
 8 **different perspectives.**  
 9 **Firstly, those cases that are investigated by the**  
 10 **officers on the emergency response teams and, secondly,**  
 11 **so we could help improve the standards within our CID**  
 12 **office environments across the MPS.**  
 13 Q. I mean, if you followed the evidence at all, and I fully  
 14 accept you have, multiple officers from CID, at  
 15 different ranks, have described in different adjectives  
 16 sinking under the volume of work they had in 2014 and  
 17 2015. Do you recognise that as a feature of CID work at  
 18 that time?  
 19 **A. I guess it is difficult, because I wasn't in the MPS in**  
 20 **2014.**  
 21 Q. No.  
 22 **A. So clearly, yes, I am aware of what the officers have**  
 23 **said, and, yes, I absolutely recognise, you know, the**  
 24 **demands within a CID main office are many and varied.**  
 25 **And it is, you know, the new investigations are coming**

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<p>1 in, I think would have been I am sure heard through the</p> <p>2 inquest evidence, that's part of the daily role, it is</p> <p>3 what you do, and the role of, you know, people like</p> <p>4 myself, when you are in those positions as detective</p> <p>5 inspectors with responsibility for the whole of the</p> <p>6 office is find the best way you can to identify the</p> <p>7 risk, prioritise the workload accordingly, shuffle</p> <p>8 around the resources as and when you need to do so.</p> <p>9 Q. Mr Cundy, even committed officers, if they are sinking</p> <p>10 under the volume of work, it makes supervision harder,</p> <p>11 doesn't it, if you are a supervisor?</p> <p>12 <b>A. A volume of workload will always make supervision</b></p> <p>13 <b>harder, but there is still a way to do it, even if it is</b></p> <p>14 <b>done in a different way --</b></p> <p>15 Q. It makes prioritising work much harder if you have</p> <p>16 multiple serious competing priorities?</p> <p>17 <b>A. I think what it means is you have to work harder at</b></p> <p>18 <b>making those decisions as to what can be prioritised and</b></p> <p>19 <b>for what reasons. Understanding the risk element of</b></p> <p>20 <b>those decisions, as I mentioned earlier in my evidence,</b></p> <p>21 <b>is a key role that we perform as police officers.</b></p> <p>22 Q. Wasn't one of the very obvious reasons to transfer</p> <p>23 investigative work to the response teams to produce</p> <p>24 a more realistic workload for borough CID officers?</p> <p>25 <b>A. I don't know if the word realistic -- you know, I guess</b></p> <p style="text-align: center;">Page 185</p>	<p>1 statement, please, page 24.</p> <p>2 One of the answers you gave to Mr O'Connor, and</p> <p>3 I hope I have it at least basically right, is that the</p> <p>4 number of detectives in trainee roles was, "Not as</p> <p>5 extensive on Barking as it was elsewhere".</p> <p>6 You set out at paragraphs 97 and 98 firstly the</p> <p>7 general headline point across the country, that for</p> <p>8 multiple reasons there are some 5,000 detective</p> <p>9 vacancies, or were in 2018. But, more specifically to</p> <p>10 the Met, you set out at paragraph 98 that the detective</p> <p>11 constable vacancy rate has fluctuated since 2014. That</p> <p>12 in September 2014 18 per cent of the posts were filled</p> <p>13 by trainee detective constables, 9 per cent were vacant.</p> <p>14 By 2020, that data had switched to 78 per cent trainee,</p> <p>15 or accredited PIP level 2 investigators, 14 per cent by</p> <p>16 others in their training period. 8 per cent were</p> <p>17 vacant.</p> <p>18 Do you have jury bundle A in front of you?</p> <p>19 <b>A. Bear with me one second.</b></p> <p>20 Q. Could I invite you and members of the jury to turn to</p> <p>21 the familiar organogram at divider 4.</p> <p>22 I don't know whether that is available on screen or</p> <p>23 not?</p> <p>24 MR O'CONNOR: Madam, for the screen it is INQ41.</p> <p>25 MR DAVIES: Thank you very much.</p> <p style="text-align: center;">Page 187</p>
<p>1 what you are doing is paraphrasing exactly what I have</p> <p>2 written into my statement, which is there at paragraphs,</p> <p>3 you know, 160 in particular. It is one of the</p> <p>4 consequences, the intended consequences of that.</p> <p>5 Q. Yes.</p> <p>6 Of course, if CID is recruiting from response</p> <p>7 officers, who previously had almost no investigative</p> <p>8 experience at all, then that is not a very satisfactory</p> <p>9 starting point to join CID, is it?</p> <p>10 <b>A. So, as I think you read out earlier, what we had seen</b></p> <p>11 <b>over time was a potential -- every police officer is</b></p> <p>12 <b>an investigator, whether you are a trained detective or</b></p> <p>13 <b>not, but what we had seen over time is that some of</b></p> <p>14 <b>those investigative skill sets you learn as a new police</b></p> <p>15 <b>officer when you start out, whether it is at training</b></p> <p>16 <b>school, on your street duties course or on your</b></p> <p>17 <b>probationary period. As ever, and the same as in any</b></p> <p>18 <b>walk of life, unless you continue to perform those</b></p> <p>19 <b>functions, you can, whether -- the phrase is deskilling</b></p> <p>20 <b>yourself or you become less able to perform the role</b></p> <p>21 <b>that you might have done before, so that is one of the</b></p> <p>22 <b>reasons that we introduced the MI investigation</b></p> <p>23 <b>approach.</b></p> <p>24 Q. I am going to move it on, because I have limited time,</p> <p>25 like everyone else has. Paragraphs 97 and 98 of your</p> <p style="text-align: center;">Page 186</p>	<p>1 Could we have the left-hand side of that up to start</p> <p>2 with, please.</p> <p>3 Because, Mr Cundy, I don't know whether you are</p> <p>4 aware, when one looks at this, we can see a structure</p> <p>5 that has basically from top to bottom, a proportion of</p> <p>6 those in acting or trainee roles that is objectively</p> <p>7 high.</p> <p>8 <b>A. As I said earlier, actually it is not as high as many</b></p> <p>9 <b>other boroughs at that point in time. I think the</b></p> <p>10 <b>impact on a borough police command such as Barking,</b></p> <p>11 <b>which is one of the smaller ones, I think it can have</b></p> <p>12 <b>a greater significant impact.</b></p> <p>13 Q. I don't know how you are measuring size but in terms of,</p> <p>14 for example, certain types of crime, so-called domestic</p> <p>15 violence and risk of that, it was one of the most</p> <p>16 challenging boroughs, if not in London, in the country?</p> <p>17 <b>A. I am afraid I don't know the detail on that.</b></p> <p>18 Q. No.</p> <p>19 <b>A. I am sure there will be other boroughs that would have</b></p> <p>20 <b>been higher.</b></p> <p>21 Q. Just to take it shortly, because the jury have all these</p> <p>22 points, you had: a temporary DCI in Mr Kirk; an acting</p> <p>23 detective inspector in Mr McCarthy; and indeed</p> <p>24 Mr Schamberger, the jury has heard about the range and</p> <p>25 extent of their other roles at the same time; you had</p> <p style="text-align: center;">Page 188</p>

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<p>1 a substantive detective sergeant in DS Turrell. 2 But in terms of those under DS Turrell, at the 3 relevant time DC, as shown there, Slaymaker was 4 a trainee. DC Baxter was substantive. DC Berry was 5 a trainee, as was Adeyemo-Phillips. 6 On the other side, under DS O'Donnell, DCs Desai and 7 Parish are shown, DC Parish was a trainee, and the rest 8 of that team was Trainee Detective Constable Franks and 9 a part time substantive officer called Garrett. 10 That is a lot of trainee detective constables, isn't 11 it? 12 <b>A. It depends what your comparator is, I will afraid I can 13 only give my own experience, if I may, so when I ran the 14 Brixton CID office, each of my teams had a substantive 15 DC, a trainee DC, or two trainee DC and a PC. That was 16 the typical model. Obviously it is some time ago. 17 I wouldn't say that it is the correct comparator to 18 make, but one of things we have been working on for many 19 years and you referred to it a moment ago in the 20 statement, the national shortage of detectives has been 21 an impact for us as the MPS. I am pleased to say now, 22 with a huge amount of work that we have done as 23 an organisation, we were the first organisation, the 24 first police force that decided to do direct recruitment 25 as detective constables, now --</b></p> <p style="text-align: center;">Page 189</p>	<p>1 work, isn't it, just taking an acting detective 2 inspector at this relevant time, in terms of his ability 3 to supervise individual investigations? 4 <b>A. So, yes, based on his evidence, I don't know 5 individually what his role was or what the roles were 6 before him.</b> 7 Q. To take Acting Detective Inspector Schamberger, who has 8 described the limits of his previous investigative 9 experience before taking that acting role on, he was 10 based elsewhere and also responsible for MASH, MAPPA, 11 mispers, CSE and MARAC. Concurrent major roles, as well 12 as his A/DI role. 13 By definition, this reduces people's capacity to 14 supervise intensively, doesn't it? 15 <b>A. I don't know what it is comparing to, forgive me? It is 16 a substantive role that he is performing, absolutely, 17 and the role of a detective inspector is, yes, part of 18 it is supervision, you know, a key part of that is 19 leading for the investigations that we are referring to. 20 Having done the role myself, these types of 21 investigations, I wouldn't have expected either of those 22 two individuals to be doing, you know, the individual 23 enquiries that some of it has been referred to today.</b> 24 Q. Yes. 25 <b>A. But they do have a key role to ensure the investigation</b></p> <p style="text-align: center;">Page 191</p>
<p>1 Q. I am going to interrupt, because my time is short. 2 I don't wish to be rude, because your own counsel can 3 ask you questions but this is looking like -- 4 percentages are(?) perhaps the best way to approach data 5 like this -- but it is looking like about three-quarters 6 of the detectives on Barking at this time were trainees, 7 what would you say to that? 8 <b>A. I don't know, because I guess that is not all of Barking 9 CID. I am not disputing your word, but I am afraid 10 I just don't know.</b> 11 THE CORONER: Mr Davies, the jury have asked for a break. 12 MR DAVIES: I don't blame them. Thank you. 13 (3.19 pm) 14 (A short adjournment) 15 (3.36 pm) 16 MR DAVIES: I will crack on as efficiently as I can, 17 Mr Cundy, with your help. 18 If we go back to the same organogram, please, step 19 back from statistics and look at human beings and their 20 different ranks in post at the particular time. 21 Taking it very shortly, we heard for example from 22 A/DI McCarthy that his role as a DI, previously had been 23 done by three detective inspectors. And in addition, he 24 had roles for CSU and PPU at the relevant time. 25 This was a very significantly increased volume of</p> <p style="text-align: center;">Page 190</p>	<p>1 <b>is set up in the right way, that it has the right 2 approach, the right structure around it.</b> 3 Q. When did you last perform the role of DI? 4 <b>A. As I said, that was in 2003.</b> 5 Q. Yes. 6 <b>A. The role profile of detective inspectors is quite clear, 7 you know, there is a responsibility, as well as managing 8 the teams and the wide investigations that they are 9 performing, part of the role is leading complex 10 investigations that are within the remits of the 11 responsibilities of those individuals. That is a role 12 that has always been there for detective inspectors.</b> 13 Q. Seven previous substantive detective inspector roles had 14 become three? 15 <b>A. So I -- apart from what you had described, I don't know 16 what the setup was before those changes were made or 17 what the responsibilities were, indeed if there are any 18 other changes, what we can sometimes feel and I have 19 been there myself, when, you know, leadership 20 responsibilities change, is sometimes feel your workload 21 has been doubled, whereas sometimes it hasn't, from some 22 things have changed, some things have been taken away, 23 some things have been added in. I don't know whether 24 that is situation you are referring to or not.</b> 25 Q. The jury heard the evidence and will assess it.</p> <p style="text-align: center;">Page 192</p>

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<p>1 Another point, page 55 of your statement, please, 2 MPS718, page 55, paragraph 252. Just a further 3 illustration of the realities of this Barking CID team 4 at the time. We have heard about Trainee Detective 5 Constable Slaymaker, but your paragraph 252 is 6 addressing what are intended to be the qualifications of 7 those performing the role of a FLO. Is that fair? 8 <b>A. So that is the approach we have at this point in time in 9 the MPS.</b> 10 Q. Yes. So that is the present approved position. But you 11 are aware, aren't you, that Trainee Detective Constable, 12 as he then was, Slaymaker was not a substantive 13 detective constable, by definition? 14 <b>A. From what you have said, yes.</b> 15 Q. Yes. 16 According to the ACPO guidance of 2009, IPC130, it 17 needn't come up, it is good practice to have two FLOs, 18 isn't it, for various reasons, on any investigation? 19 <b>A. Yes, absolutely right, that is the guidance that we have 20 had for a number of years.</b> 21 Q. Since 2009? 22 <b>A. And indeed is current national guidance that I have 23 responsibility for.</b> 24 Q. There simply wasn't capacity on Barking for that 2009 25 guidance to be followed for FLOs at the time.</p> <p style="text-align: center;">Page 193</p>	<p>1 a cultural failure at the time, wasn't there, in terms 2 of this, as between borough and the MIT teams? 3 <b>A. So, as I was saying earlier, I do have a view that the 4 murder investigation teams should have taken some of 5 these cases at a much earlier juncture and you talk 6 about 14 October, and I know the evidence was heard 7 yesterday in relation to that. My professional view is 8 that the specialist team should have taken it at that 9 point in time.</b> 10 Q. May I ask why you haven't criticised in that first 11 paragraph of point (3) the MIT team? 12 <b>A. Well, I have.</b> 13 Q. In the first paragraph? 14 <b>A. I have.</b> 15 Q. Where is that? 16 <b>A. The first line is -- so the interactions between -- 17 interaction is a two-way process, there are actions that 18 were or were not taken by the murder investigation team 19 that I have strong views on, that I don't think were 20 appropriate. I know individuals will have given 21 evidence before the inquest in terms of their individual 22 decisions and the rationale for those. I have a view as 23 a professional detective --</b> 24 Q. My point is, to cut to the chase, you have overtly 25 criticised the borough officers and you have not overtly</p> <p style="text-align: center;">Page 195</p>
<p>1 <b>A. Well, at that point in time, I don't know the exact 2 numbers in Barking, but most boroughs would have had six 3 family liaison officers and a family liaison 4 coordinator. They are not all necessarily sitting in 5 the same team that was referred to as on the page there.</b> 6 Q. Can we go to page 8 of your statement, please. I am 7 just going to area (3), I am just taking things as 8 shortly as I can. The first paragraph under point (3) 9 on page 8. This is to do with the interactions between 10 local policing and specialist crime investigators. You 11 have already read this: 12 "The nature of the interactions between local 13 policing and specialist crime investigators on occasions 14 did not meet MPS expectations. Local officers did not 15 appear to have the willingness or confidence to 16 challenge the views and advice from the homicide and 17 serious crime command or other specialists or escalate 18 their concerns further." 19 Mr O'Connor has taken you to the fact that 20 A/DCI Kirk very directly challenged the MIT decision on 21 primacy. I won't go back to the email, but was very 22 clear that it would benefit from a trained SIO. 23 The 14 October 2015 meeting, in relation to the 24 Jack Taylor investigation, two and a quarter hours, even 25 then MIT didn't take the investigation on. There was</p> <p style="text-align: center;">Page 194</p>	<p>1 criticised the MIT officers? 2 <b>A. Sorry. I think as I was asked earlier, particularly in 3 relation to Tony Kirk, as the temporary DCI. One of the 4 things we find, and it has not been unique to the 5 Stephen Port cases, is when specialists arrive, whether 6 it is a murder investigation team, whether it is 7 a forensic specialist or others, there can sometimes be 8 this lack of confidence or, for whatever reasons, 9 feeling the ability to challenge, because it is 10 a specialist that has arrived and that is a cultural 11 thing and it is something we have been striving to 12 overcome, so people can be much more open, I think they 13 are now, to say, even more about them not agreeing. 14 So I think in relation to the Anthony Walgate case 15 and Tony's representations that were made and obviously 16 it went up to superintendent -- I think it was 17 superintendent level on that occasion. We are quite 18 used to now, and these differences of views are healthy 19 and someone needs to ultimately make a decision, but we 20 have had occasions in more recent years where if comes 21 up to chief officer/commander level to basically make 22 some decisions and your bit about criticising local 23 officers, that is not what this paragraph is about --</b> 24 Q. Mr Cundy, even when Superintendent Wilson convened 25 a gold group, the outcome of that, with a load of senior</p> <p style="text-align: center;">Page 196</p>

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<p>1 officers present, was that it was really going to be</p> <p>2 a matter for coronial investigation, there was no</p> <p>3 homicide investigation.</p> <p>4 <b>A. Sorry, I am not sure what the question is.</b></p> <p>5 Q. The point is the interaction and the culture was wrong,</p> <p>6 wasn't it, about how to treat these investigations?</p> <p>7 <b>A. I think I have already given evidence on that from my</b></p> <p>8 <b>perspective as to --</b></p> <p>9 Q. I am going to speed up. You have covered with</p> <p>10 Mr O'Connor that even now you are going to go away and</p> <p>11 you need to reexplore the definitions and approach</p> <p>12 around the language of "suspicious" and "unexplained"</p> <p>13 deaths. Even now, in 2021.</p> <p>14 <b>A. Well, it has already been reviewed, but I think as</b></p> <p>15 <b>evidence that has been heard at inquest, so we have</b></p> <p>16 <b>heard from some of the individual officers for the first</b></p> <p>17 <b>time, and therefore it is absolutely right that once the</b></p> <p>18 <b>inquest concludes and the expert evidence concludes next</b></p> <p>19 <b>week, it is absolutely right that we should go away and</b></p> <p>20 <b>review what more can be done.</b></p> <p>21 Q. You are going to have to go away and review as part of,</p> <p>22 you say, an improved approach to a joint approach in the</p> <p>23 early stages of such suspicious deaths, whether you</p> <p>24 standardise the way the relationship between MIT and the</p> <p>25 local team ends?</p> <p style="text-align: center;">Page 197</p>	<p>1 <b>where whether a case should be closed, when it has been</b></p> <p>2 <b>considered suspicious enough for a murder investigation</b></p> <p>3 <b>team to be involved, to be called, and that is something</b></p> <p>4 <b>which we will need to explore further.</b></p> <p>5 Q. Final point, page 66 of your statement, please,</p> <p>6 Operation Lilford 2, paragraphs 310 to 216. In</p> <p>7 absolutely headline terms, did you conduct a separate</p> <p>8 but linked exercise in terms of other GHB-related deaths</p> <p>9 across the Met?</p> <p>10 <b>A. Yes, that is what I commissioned through my group, yes.</b></p> <p>11 Q. In absolutely headline terms, how many such cases did</p> <p>12 you investigate and what period did they cover?</p> <p>13 <b>A. We look at the window between June 2011, which was the</b></p> <p>14 <b>first point in time that our forensic providers could</b></p> <p>15 <b>provide some data around GHB, and we put an end point of</b></p> <p>16 <b>October 2015. And the reason those dates were</b></p> <p>17 <b>identified, as I explained the start point and end point</b></p> <p>18 <b>was really in relation to Stephen Port himself and</b></p> <p>19 <b>clearly when the murders had been correctly identified.</b></p> <p>20 <b>In that period it was 58 deaths that we could</b></p> <p>21 <b>identify, but it is fair to say there are no central</b></p> <p>22 <b>records of GHB deaths in London. We approached all the</b></p> <p>23 <b>coroners in London and we identified through the murder</b></p> <p>24 <b>investigation team 58 such cases to consider.</b></p> <p>25 Q. Fundamentally, because of a linked finding that there</p> <p style="text-align: center;">Page 199</p>
<p>1 <b>A. Sorry, I am not quite sure what you mean by</b></p> <p>2 <b>"standardise", sir, sorry.</b></p> <p>3 Q. It was your expression.</p> <p>4 Because there is a risk --</p> <p>5 <b>A. Can I have the context you are referring to?</b></p> <p>6 Q. -- if you wait for the local investigators to contact</p> <p>7 MIT again --</p> <p>8 <b>A. Sorry, I know what you are referring to.</b></p> <p>9 <b>This is a series of actions might have been raised</b></p> <p>10 <b>or suggested for the local investigators and a point in</b></p> <p>11 <b>time, a review point in time. So the expectation is</b></p> <p>12 <b>today, this is why we have senior detectives within the</b></p> <p>13 <b>BCU environment to make sure and make sure these</b></p> <p>14 <b>cases --</b></p> <p>15 Q. Is there a mandatory obligation on somebody from MIT to</p> <p>16 come in before the investigation is closed if it has</p> <p>17 been conducted by the local team?</p> <p>18 <b>A. No, there is not that mandatory requirement. That is</b></p> <p>19 <b>why we have senior leaders on BCUs. What I did say that</b></p> <p>20 <b>we would need to reflect on is whether the MIT, the</b></p> <p>21 <b>murder investigation team, might have a role to inform</b></p> <p>22 <b>that. But the role of a MIT can never be to supervise</b></p> <p>23 <b>an investigation which has leaders overseeing those</b></p> <p>24 <b>cases in the first place, but they may have a role to</b></p> <p>25 <b>inform that final decision point, that final juncture</b></p> <p style="text-align: center;">Page 198</p>	<p>1 was, as you put it at paragraph 289, "Little knowledge</p> <p>2 across law enforcement of the use of GHB in a consensual</p> <p>3 chemsex environment, and even less knowledge of its use</p> <p>4 as a weapon within criminal offending", no doubt you</p> <p>5 wanted to reinvestigate or at least explore those 58</p> <p>6 deaths to see if any appeared to be suspicious?</p> <p>7 <b>A. That was one of the key factors, yes, and also to</b></p> <p>8 <b>identify if Stephen Port had any involvement in them.</b></p> <p>9 Q. Following your extensive review, a five-stage review</p> <p>10 process, were any of those 58 deaths regarded as</p> <p>11 suspicious at the conclusion of it?</p> <p>12 <b>A. Those 58, no.</b></p> <p>13 MR DAVIES: Thank you, that is all I ask.</p> <p>14 Questions from MR SHAW</p> <p>15 MR SHAW: Mr Cundy, I have only have one area to cover.</p> <p>16 I represent Detective Sergeant Sweetman, who attended</p> <p>17 a number of the scenes, do you understand me?</p> <p>18 <b>A. I can hear you, yes.</b></p> <p>19 Q. I just wanted to explore your conversation about the</p> <p>20 dichotomy between suspicious and non-suspicious and</p> <p>21 unexplained, do you understand me?</p> <p>22 You had that conversation, didn't you, with</p> <p>23 Mr O'Connor this morning?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Is it right that you think officers should not</p> <p style="text-align: center;">Page 200</p>

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<p>1 categorise unexplained deaths as unexplained, they 2 should be either suspicious or non-suspicious? 3 <b>A. No, that is not the evidence that I gave earlier.</b> 4 Q. No. 5 <b>A. I think it is a consideration, as Mr O'Connor rightly 6 referred to in the policy, there is a risk with multiple 7 terminology definitions, there is a risk it could 8 confuse and if confusion then results in not the best 9 response and not the best investigation, then it is 10 absolutely right that I make sure that we take that away 11 and we do consider it.</b> 12 Q. There is nothing wrong with categorising one of the 13 7,000 unexplained deaths that police officers attend in 14 London on an annual basis in 2014 as unexplained? 15 <b>A. There is certainly nothing wrong with that, no, it is 16 terminology we have used for a number of years.</b> 17 Q. No, that's right, because if it is non-suspicious, then 18 that is the end of it, isn't it, they died in a nursing 19 home aged 90 of heart failure and the doctor comes along 20 and says that. That is a lot of cases, isn't it? 21 <b>A. Yes, so -- I think, so the 7,000 are the cases that we 22 will be called to as police where, in reality, you 23 wouldn't necessarily have the doctor saying these are 24 the circumstances, these are more cases that we would 25 subsequently be putting files through to the coroner for</b></p> <p style="text-align: center;">Page 201</p>	<p>1 treat every unexplained death which is not 2 non-suspicious as suspicious, you need a lot more than 3 five HAT cars, won't you? 4 <b>A. No, I think that is a subtly different point.</b> 5 <b>So every police officer that attends a death, no 6 matter what circumstances, every police officer is 7 an investigator, some have different levels of 8 training --</b> 9 Q. Yes. 10 <b>A. -- but I think the point is whenever you go to a death 11 in whatever environment, I can't remember which learned 12 counsel it was, but the start point should always be the 13 mindset of, "Until proven otherwise ..."</b> 14 <b>It is back to, as you know, accept nothing, believe 15 no one, challenge everything. It is the start point 16 should be: is there anything about this that is 17 suspicious? And then you prove the contrary, more often 18 than not.</b> 19 Q. That is the key question: is there anything about it 20 suspicious? Because if it is suspicious it goes down 21 one route, doesn't it, the homicide team, the POLSA 22 search, the forensic examination of the body and the 23 computers and the phones. If it is non-suspicious, it 24 goes to the coroner. But those decisions have to be 25 made by a detective sergeant at the scene, don't they?</p> <p style="text-align: center;">Page 203</p>
<p>1 <b>the purpose of an inquest.</b> 2 Q. That's right, but my point is this, Mr Cundy, officers 3 attending those scenes will often have no idea at all, 4 because they don't know who the individual is until they 5 find them in a bus or a train or an alleyway, will have 6 no idea how they died, will they? 7 <b>A. Not when you first arrive, that is the purpose of the 8 initial enquiry.</b> 9 Q. No. Some will be apparent homicides. The 91 in 2014 10 were probably, most of them apparently so, weren't they? 11 <b>A. I can't speak about the 91, but most, most not all but 12 most homicides are often self-evident.</b> 13 Q. Indeed, but the vast majority of those 7,000 incidents, 14 the officer will have no idea how or why the person 15 died? 16 <b>A. Not until the initial enquiries are taken.</b> 17 Q. Not the initial ones, it may wait until the autopsy or 18 the toxicology or somebody comes back from Australia or 19 wherever it may be and explains they have been suicidal. 20 So those vast majority will be unexplained 21 non-suspicious deaths, won't they? 22 <b>A. So I do not have those figures in terms of out of the 23 7,000, so a proportion would be unexplained, 24 non-suspicious, a proportion will be explained.</b> 25 Q. Because if your detective sergeants are required to</p> <p style="text-align: center;">Page 202</p>	<p>1 <b>A. It could be a detective sergeant, on other occasion it 2 might be someone else.</b> 3 Q. Or the duty officer? 4 <b>A. Or potentially a DI on occasions.</b> 5 Q. But there is nothing wrong with an initial view, if it 6 is in fact non-suspicious, as unexplained until somebody 7 changes your mind? 8 <b>A. Exactly, on occasions there could be new evidence that 9 comes to light that changes your view as a police 10 officer.</b> 11 Q. As a result, for example, of the inquest, or the 12 toxicology? 13 <b>A. They could be circumstances. I would like to hope it 14 would be significantly in advance of any inquest 15 proceedings.</b> 16 MR SHAW: Well, we will see. Thank you. 17 Questions from MR SKELTON 18 MR SKELTON: Mr Cundy, as you know I ask questions on behalf 19 of your organisation, the MPS. Can I just start with 20 the themes that you have identified, about which you 21 have been asked by several counsel. 22 Is it fair to say that in each of the deaths some of 23 the investigative actions identified by Barking CID or 24 uniformed officers were the right ones, such as seizing 25 and viewing CCTV footage, obtaining statements from</p> <p style="text-align: center;">Page 204</p>

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<p>1 family and friends, or identifying the people that each</p> <p>2 of the victims is with the night before?</p> <p>3 <b>A. Yes, that is correct, yes.</b></p> <p>4 Q. Just a small point of correction, can I ask just to have</p> <p>5 a screen MPS220, please.</p> <p>6 Thank you.</p> <p>7 This is from the local press. You can see there it</p> <p>8 is on the morning of the day that Anthony was found, and</p> <p>9 in fact in the place that he was found, you can see on</p> <p>10 that first page that the police did in fact put out</p> <p>11 an appeal for witnesses in respect of his death.</p> <p>12 I think it was put to you that that didn't occur, in</p> <p>13 fact, but you may not have been aware of this document.</p> <p>14 <b>A. Forgive me, I wasn't aware of this and I stand corrected</b></p> <p>15 <b>with what I said earlier.</b></p> <p>16 Q. Some of the actions I think you are aware of were</p> <p>17 completed properly, such as CCTV work and obtaining some</p> <p>18 statements, for example from friends or Anthony?</p> <p>19 <b>A. Yes, I am aware of that, yes.</b></p> <p>20 Q. Other actions are not completed adequately, and you have</p> <p>21 been asked about several of those, including phone work</p> <p>22 in respect of Gabriel and Daniel which was not completed</p> <p>23 at all.</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Some of the things that were identified as needing to be</p> <p style="text-align: center;">Page 205</p>	<p>1 <b>A. I would have liked to have hoped so. Yes.</b></p> <p>2 Q. You have talked I think about prioritisation, so in</p> <p>3 a busy department you have to prioritise things that are</p> <p>4 important and give them the resources and give them the</p> <p>5 time?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. I think you have also talked about what leadership</p> <p>8 comprises more generally, so setting a strategy for</p> <p>9 an investigation, developing hypotheses, identifying</p> <p>10 actions, ensuring they are completed and indeed doing</p> <p>11 a review of the actions as they are completed?</p> <p>12 <b>A. That is a key expectation of all investigations that we</b></p> <p>13 <b>undertake.</b></p> <p>14 Q. Just to understand what that review process actually</p> <p>15 entails, can it simply be a detective sergeant and his</p> <p>16 or her three or four DCs, sitting in a room going</p> <p>17 through the actions, looking at the results, testing</p> <p>18 them against these hypotheses and coming to conclusions</p> <p>19 about what might have happened and what still needs to</p> <p>20 be done?</p> <p>21 <b>A. I can, and in my statement I referred to reviews.</b></p> <p>22 <b>Whilst at one end of the spectrum there is the dedicated</b></p> <p>23 <b>review group, as you described, potentially the other</b></p> <p>24 <b>inspector – and that is exactly part of what I mean and</b></p> <p>25 <b>when significant events occur, by illustration, you</b></p> <p style="text-align: center;">Page 207</p>
<p>1 done were only partially done, the handwriting being</p> <p>2 I think the major example, where only a sample was sent</p> <p>3 to Daniel's family for review?</p> <p>4 <b>A. Yes, I am aware of that, yes.</b></p> <p>5 Q. Other actions were simply not identified at all, so for</p> <p>6 example following up the information given by Mr Pape in</p> <p>7 respect of possible drugging of young men in Barking?</p> <p>8 <b>A. I am aware that wasn't progressed, yes.</b></p> <p>9 Q. Is it your view today, surveying all of these mistakes</p> <p>10 in their varied nature, that one of the principal themes</p> <p>11 is that inconsistencies of approach by teams of officers</p> <p>12 can be avoided by good leadership?</p> <p>13 <b>A. I do have a view that that is at the heart of most of</b></p> <p>14 <b>these types of scenarios. I have never quite seen</b></p> <p>15 <b>anything as unique in some ways and as having such</b></p> <p>16 <b>terrible consequences as we have been discussing through</b></p> <p>17 <b>this inquest. But often I do find that we see it</b></p> <p>18 <b>through our reviews, that leadership, in its broadest</b></p> <p>19 <b>sense of the term, is one of the key factors that is</b></p> <p>20 <b>sometimes at the heart of why these situations arise.</b></p> <p>21 Q. If you think about some of the issues that I have just</p> <p>22 listed and others have been put to you by Mr O'Connor</p> <p>23 and Ms Hill and so on, those are the kind of things that</p> <p>24 leadership would have recognised needed to be done</p> <p>25 better or done properly?</p> <p style="text-align: center;">Page 206</p>	<p>1 <b>know, when the team were aware that Anthony Walgate's</b></p> <p>2 <b>family had made contact with their MP, I see that as</b></p> <p>3 <b>a real point in time where there should have been a,</b></p> <p>4 <b>what is occurring? And, why has this happened? And</b></p> <p>5 <b>there should have been a review point then, for example.</b></p> <p>6 <b>Not necessarily an independent review, but potentially</b></p> <p>7 <b>the DS, the DI, sitting down with whoever is</b></p> <p>8 <b>appropriate.</b></p> <p>9 Q. Reviews can take different forms, it can be a smaller</p> <p>10 team or it can be an independent team as necessary?</p> <p>11 <b>A. It can, yes.</b></p> <p>12 Q. All of the things I have just mentioned, were they part</p> <p>13 of good professional practice in 2014 and 2015?</p> <p>14 <b>A. Absolutely they were, and indeed before that.</b></p> <p>15 Q. Notwithstanding that, since these four deaths and these</p> <p>16 investigations, I think you have explained today the</p> <p>17 ways in which you have sought to strengthen these</p> <p>18 processes?</p> <p>19 <b>A. Yes, and indeed of course we will continue to do what we</b></p> <p>20 <b>can to keep improving that and building the confidence</b></p> <p>21 <b>of sergeants and inspectors to do functions such as that</b></p> <p>22 <b>in, you know, what can be busy environments and in</b></p> <p>23 <b>investigations which can potentially be even more</b></p> <p>24 <b>complex than the ones which we have been speaking about</b></p> <p>25 <b>today.</b></p> <p style="text-align: center;">Page 208</p>

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<p>1 Q. You have asked several times now about acting and 2 temporary detectives. As far as you are concerned, 3 should acting and temporary detectives in whichever rank 4 they sit, be able to fulfil that rank?</p> <p>5 <b>A. They should be able to. There might be some specific 6 functions which they are not able to, but the majority 7 of responsibilities within a BCU CID office, the 8 majority will be more than competent. And, you know, 9 having individuals in those types of roles is a good 10 development opportunity for individuals, certainly for 11 those that are considering looking for a more 12 substantive promotion and as I explained earlier, the 13 very nature of policing and the churn of people moving 14 on to different roles, we will always have a change of 15 environment. We promote a substantial number of 16 individuals every year into those ranks.</b></p> <p>17 <b>I think for these particular investigations, from 18 what I have seen, and I am mindful I am not the expert 19 witness for the coroner, I don't think what was required 20 was beyond the capability of those who were part of 21 Barking borough.</b></p> <p>22 Q. Is that not just bearing in mind the acting and 23 temporary issue, but also the busyness of the borough?</p> <p>24 <b>A. Yes, and, as I said, I can't put myself in the shoes of 25 those who were in Barking borough at the time, but</b></p> <p style="text-align: center;">Page 209</p>	<p>1 presently as far as the recruitment of detective 2 constables within the Met?</p> <p>3 <b>A. As I mentioned earlier, over the recent years we have 4 been putting a huge amount of effort into this. So as 5 it stands today, we have -- so for detective constables, 6 we have an overall required establishment, as we refer 7 to it, of 5,089, so we actually have that number in the 8 organisation. What that does include will be both fully 9 accredited PIP2 level detective constable investigators, 10 as well as trainee detectives. And I mentioned earlier 11 the approach which we took first amongst other police 12 forces to do direct entry recruitment to detective 13 constables and as it stands today we have 783 14 individuals who came in as direct-entry DCs, but we have 15 overall, accepting some of those are at different stages 16 of their development, we have overall for the first time 17 ever, the number of broadly detectives for the 18 establishment that we need.</b></p> <p>19 Q. You mentioned direct entries, is that for graduates and 20 non-graduates or is that just graduates?</p> <p>21 <b>A. So for the detective constables that is a graduate-only 22 entry process, there are many other processes for 23 non-graduates to enter policing, but for the detective 24 constable direct entry, it is graduate only at this 25 time.</b></p> <p style="text-align: center;">Page 211</p>
<p>1 <b>I recognise the impact of the nature of policing demand 2 coming in, but part of the role is to prioritise based 3 on what is required, the risks, the threats that you are 4 responsible for.</b></p> <p>5 Q. You will not have the numbers at your fingertips, 6 I don't think, but you were taken to a diagram I think 7 which was produced for the purpose of these inquests, 8 which showed a small number of DCs, I think six DCs and 9 three DSs, who were involved in the four deaths.</p> <p>10 I think it is fair to say, and you can assume, that 11 in fact the contingent of DCs and DSs was quite a bit 12 larger than that within Barking?</p> <p>13 <b>A. Yes, I mean I know it was larger than that.</b></p> <p>14 <b>I understand what that diagram is endeavouring to show, 15 but there would have been more than that, yes.</b></p> <p>16 Q. Quite a lot more, in fact?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. As far as the acting roles are concerned, as far as you 19 are aware, having surveyed the Met at this time, was 20 Barking in fact in one of the lowest groups of boroughs 21 that had this amount of acting detectives?</p> <p>22 <b>A. In terms of the number of people who were in acting or 23 in temporary roles, it was in the throes of being in the 24 lower quarter tile compared to the other boroughs.</b></p> <p>25 Q. As far as recruitment is concerned, what is the position</p> <p style="text-align: center;">Page 210</p>	<p>1 Q. Which is a new initiative since these investigations?</p> <p>2 <b>A. Since the Stephen Port investigations, yes.</b></p> <p>3 Q. Is it right that the course for graduate entrants 4 remains at two years, but for non-graduate entrants, who 5 would have been the previous sort of, as it were, 6 numbers of detectives coming through in 10 years or so 7 ago, it is now three years not two?</p> <p>8 <b>A. Yes, it has changed for that probationary period for the 9 qualification, yes. For the others it is three years, 10 is the new process.</b></p> <p>11 Q. So a significantly greater amount of training?</p> <p>12 <b>A. I am not quite sure I follow, Mr Skelton, sorry.</b></p> <p>13 Q. Did it use to be two years for detectives, in terms of 14 the amount of training they had, and now it is three 15 years for some of them at least?</p> <p>16 <b>A. Yes, typically, it would always -- individuals, some are 17 much quicker learners and developers than others and 18 there is a whole pathway, which I touched on earlier, 19 that they all have to follow through before they are 20 accredited and signed off as substantive detectives.</b></p> <p>21 Q. Thank you, the last topic I would just like to ask you 22 about is family liaison again, because you are, I think 23 as you said, the national lead for that.</p> <p>24 Can I just ask to have a bit of your statement back 25 on screen, please, at MPS718, page 56. You will see at</p> <p style="text-align: center;">Page 212</p>

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<p>1 paragraph 256 you say:</p> <p>2 "The national group has worked with the College of</p> <p>3 Policing to revise the national ACPO family liaison</p> <p>4 guidance published in 2008, and it is anticipated the</p> <p>5 new guidance will be published as APP before the end of</p> <p>6 2020."</p> <p>7 I just need to unpack a little bit of that, what is</p> <p>8 the "APP"?</p> <p>9 <b>A. So that is the authorised professional practice, which</b></p> <p>10 <b>I might have referred to earlier. It is published</b></p> <p>11 <b>through the College of Policing, which is our national</b></p> <p>12 <b>professional body and that -- so ACPO was the forerunner</b></p> <p>13 <b>of what is now the National Police Chiefs' Council, the</b></p> <p>14 <b>national professional body for chief officers. As</b></p> <p>15 <b>I say, I am the national lead for family liaison, and we</b></p> <p>16 <b>published the new APP through the College of Policing at</b></p> <p>17 <b>the end of last year, which was in December last year.</b></p> <p>18 Q. Just for clarification, can I just show you the original</p> <p>19 guidance which I think you are referring to, which is</p> <p>20 from 2008. That is at IPC130, and just get the first</p> <p>21 page on screen, please. This is I think what you are</p> <p>22 referring to, isn't it?</p> <p>23 <b>A. That would have been -- yes.</b></p> <p>24 Q. May I have page 19 of that document.</p> <p>25 Do you mind just reading out the paragraph under 4.2</p> <p style="text-align: center;">Page 213</p>	<p>1 which you referred to as in a process of being changed,</p> <p>2 does it in effect encompass all sexualities, genders and</p> <p>3 indeed anybody that has a close relationship with the</p> <p>4 victim?</p> <p>5 <b>A. Absolutely, it does, yes.</b></p> <p>6 Q. For those purposes, as far as you are concerned, is the</p> <p>7 national guidance fit for purpose?</p> <p>8 <b>A. I believe the national guidance is, yes.</b></p> <p>9 MR SKELTON: Thank you.</p> <p>10 MR O'CONNOR: Madam, I do not have any further questions for</p> <p>11 DAC Cundy.</p> <p>12 Questions from THE CORONER</p> <p>13 THE CORONER: There are a few questions from the jury, but</p> <p>14 on that topic, and this has just occurred to me, we have</p> <p>15 seen in a lot of the actions "contact NOK", next of kin,</p> <p>16 which is not defined anywhere. Might it be worth</p> <p>17 considering amending that to family members?</p> <p>18 <b>A. I shall certainly take that away, as you say "next of</b></p> <p>19 <b>kin" has no definition, it can mean many different</b></p> <p>20 <b>things in different sets of circumstances, which is why</b></p> <p>21 <b>we tend to avoid it through our training for family</b></p> <p>22 <b>liaison officers, so I shall take that away.</b></p> <p>23 THE CORONER: Thank you.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 215</p>
<p>1 identifying the family, because I think it may be</p> <p>2 relevant to the evidence you have given about how the</p> <p>3 definition was defined back then?</p> <p>4 <b>A. So starting at the --</b></p> <p>5 Q. "The term family ..."</p> <p>6 <b>A. "The term 'family' should include partners, parents,</b></p> <p>7 <b>siblings, children, guardians and others who have had</b></p> <p>8 <b>a direct and close relationship with the victim."</b></p> <p>9 <b>Shall I continue?</b></p> <p>10 Q. Please do.</p> <p>11 <b>A. "The SIO/SIM [so the senior investigating officer or the</b></p> <p>12 <b>senior identification manager] must always take into</b></p> <p>13 <b>account the possible dynamics of a family's structure to</b></p> <p>14 <b>ensure that an appropriate level of support is offered.</b></p> <p>15 <b>This is particularly important in situations where the</b></p> <p>16 <b>family is extended, split in some way or involves the</b></p> <p>17 <b>victim's possible association with a particular cultural</b></p> <p>18 <b>or lifestyle diversity, eg lesbian, gay, bisexual or</b></p> <p>19 <b>transgender community or a religious choice."</b></p> <p>20 Q. That was as at 2008 and that is how it stayed for many</p> <p>21 years, is that correct, broadly speaking?</p> <p>22 <b>A. That's correct, yes.</b></p> <p>23 Q. It may be felt that "cultural or lifestyle diversity" is</p> <p>24 probably a phrase which may be a little bit outdated</p> <p>25 now, but notwithstanding that, is the present guidance</p> <p style="text-align: center;">Page 214</p>	<p>1 Questions from THE JURY</p> <p>2 THE CORONER: There are two questions, which I am going to</p> <p>3 roll into one, in relation to what members of the public</p> <p>4 and in particular families should do if they are</p> <p>5 dissatisfied with, for example, their family liaison</p> <p>6 officer, if they think he or she is not doing their job</p> <p>7 properly, what in your view can or should they do about</p> <p>8 that?</p> <p>9 <b>A. So I think there are a number of different ways that</b></p> <p>10 <b>that could be responded to. So I think the first and</b></p> <p>11 <b>foremost, if I were a family member or -- we speak to</b></p> <p>12 <b>a lot of support organisations for families. The first</b></p> <p>13 <b>one is to ask to speak to the investigating officer or</b></p> <p>14 <b>the senior investigating officer, who is the person</b></p> <p>15 <b>overall responsible and they set the strategy for the</b></p> <p>16 <b>family liaison officer and airing concerns through that</b></p> <p>17 <b>way.</b></p> <p>18 <b>There are equally other routes, including making</b></p> <p>19 <b>formal complaints, either to the MPS or indeed to IOPC,</b></p> <p>20 <b>but I think that is very much the other end of the</b></p> <p>21 <b>spectrum. And I think the first point, my advice to</b></p> <p>22 <b>anybody is, you know, ask to speak to the person in</b></p> <p>23 <b>charge. Equally there are a number of support</b></p> <p>24 <b>organisations for families, and I work with them -- not</b></p> <p>25 <b>just here in London but across the country -- who can</b></p> <p style="text-align: center;">Page 216</p>

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<p>1 offer a lot of practical advice as well as support to</p> <p>2 families and they also do have a lot of strong links</p> <p>3 through to policing as well.</p> <p>4 <b>Sometimes I do get cases that come to me as the</b></p> <p>5 <b>national lead, so whilst I can't direct other police</b></p> <p>6 <b>forces to undertake or some other particular</b></p> <p>7 <b>investigations outside of the Met, I can have some</b></p> <p>8 <b>influence through, you know, sort of various change to</b></p> <p>9 <b>make -- to help others make appropriate changes if</b></p> <p>10 <b>family liaison officers are not working.</b></p> <p>11 <b>I have had cases myself where the relationship</b></p> <p>12 <b>sometimes just does not work and we can change family</b></p> <p>13 <b>liaison officers, we can change them.</b></p> <p>14 THE CORONER: Just a related question, in relation to that,</p> <p>15 one of the features the jury have heard about</p> <p>16 relationships with the family liaison officers here,</p> <p>17 particularly in the case of Mr Slaymaker, was that it</p> <p>18 was very difficult for the family and friends to get</p> <p>19 hold of him. What is the practical solution to that?</p> <p>20 We heard lots of calls being made, no response and so</p> <p>21 on. What is the practical solution to that?</p> <p>22 <b>A. So there needs to be an agreement when a family liaison</b></p> <p>23 <b>officer engages with the family as to how contact will</b></p> <p>24 <b>happen. So, you know, police officers may be on shifts</b></p> <p>25 <b>or they may not be. But certainly, you know, through</b></p> <p style="text-align: center;">Page 217</p>	<p>1 <b>question referring to: how do you make sure that doesn't</b></p> <p>2 <b>happen in the future?</b></p> <p>3 THE CORONER: Yes, and how the communication should actually</p> <p>4 have taken place, bearing in mind his family were</p> <p>5 abroad, how should that be done? Ideally an officer or</p> <p>6 more than one officer goes to the family's house,</p> <p>7 invites them to sit down and so on, but here that would</p> <p>8 not be possible, unless you sent an officer abroad.</p> <p>9 <b>A. So we regularly send officers abroad to families. You</b></p> <p>10 <b>know the general principle is it shouldn't matter where</b></p> <p>11 <b>the family are from as to the response that we will</b></p> <p>12 <b>give. Now clearly we need to consider individual sets</b></p> <p>13 <b>of circumstances, but it doesn't prevent us going</b></p> <p>14 <b>abroad. In terms of making sure when somebody is</b></p> <p>15 <b>allocated as that family liaison officer they make</b></p> <p>16 <b>contact. I am sorry to say, that is right back to the</b></p> <p>17 <b>role of the leaders. The family liaison coordinator</b></p> <p>18 <b>should be ensuring that has happened, that is their</b></p> <p>19 <b>responsibility as the way to, if it has not happened, to</b></p> <p>20 <b>understand why. You know, being generous, is it</b></p> <p>21 <b>an oversight? Or not being generous, someone has</b></p> <p>22 <b>deliberately not done something they should have done.</b></p> <p>23 THE CORONER: Then there are a number of questions in</p> <p>24 relation to acting up and temporary posts and you have</p> <p>25 dealt with that and my assessment of your evidence,</p> <p style="text-align: center;">Page 219</p>
<p>1 <b>emails, through phone calls, my expectation of family</b></p> <p>2 <b>liaison officers is that, you know, I think it was put</b></p> <p>3 <b>from one of the counsel that normally you would have</b></p> <p>4 <b>a deputy family liaison officer appointed as well. So</b></p> <p>5 <b>there should always be -- if one person is not around,</b></p> <p>6 <b>there should be an opportunity for another to make</b></p> <p>7 <b>contact. That is very much at the heart of it, but it</b></p> <p>8 <b>is agreeing with the family what is the best way to</b></p> <p>9 <b>contact, including if there is suggest urgent out of</b></p> <p>10 <b>hours and you cannot get hold of a family liaison</b></p> <p>11 <b>officer, there are plenty of other routes into policing</b></p> <p>12 <b>that can ultimately find their way through to somebody</b></p> <p>13 <b>who can respond and deal with it. And that has</b></p> <p>14 <b>certainly been my experience in my time over the years.</b></p> <p>15 THE CORONER: Thank you, different topics now -- actually,</p> <p>16 it is a related topic in relation to Gabriel, who, as</p> <p>17 you know, there was a family liaison officer appointed</p> <p>18 but the family were never contacted. The question is,</p> <p>19 with reference to that situation, what improved systems</p> <p>20 are now in place to communicate sensitively and</p> <p>21 compassionately, particularly bearing in mind his family</p> <p>22 were abroad?</p> <p>23 <b>A. So obviously we had a family liaison who was working</b></p> <p>24 <b>with Gabriel's family through the murder investigation</b></p> <p>25 <b>team, that is one of the steps. But I think is the</b></p> <p style="text-align: center;">Page 218</p>	<p>1 correct me if I am wrong, is that there is nothing wrong</p> <p>2 with that, indeed it can be good policing practice to</p> <p>3 temporarily promote somebody to the role above the one</p> <p>4 they are currently in the substantive rank.</p> <p>5 Have I correctly identified your evidence, there is</p> <p>6 nothing wrong with it in other words?</p> <p>7 <b>A. No, that is a very good summary. You are absolutely</b></p> <p>8 <b>right.</b></p> <p>9 THE CORONER: Right.</p> <p>10 We heard evidence about increased burdens on</p> <p>11 officers and particularly the lack of ability to conduct</p> <p>12 a handover between shifts and the change of shift</p> <p>13 patterns. Is that something, first of all, you were</p> <p>14 aware of, is it right?</p> <p>15 <b>A. I am aware that was given in evidence, I don't profess</b></p> <p>16 <b>to know the exact circumstances at the time. I do</b></p> <p>17 <b>understand that that shift pattern that was in place has</b></p> <p>18 <b>changed.</b></p> <p>19 THE CORONER: Right.</p> <p>20 <b>A. To help exactly do that, to, you know, part of it should</b></p> <p>21 <b>ensure better handovers between officers, but I am</b></p> <p>22 <b>afraid, I don't profess to know the detail directly.</b></p> <p>23 THE CORONER: Do you think that is important, that there is</p> <p>24 a handover? Clearly we have overnight duty books and</p> <p>25 people writing things down, but is it quite important</p> <p style="text-align: center;">Page 220</p>

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<p>1 that people articulate orally what is going on?</p> <p>2 <b>A. Yes, it is. I think the nature of being a detective is</b></p> <p>3 <b>you take responsibility for investigations, it doesn't</b></p> <p>4 <b>rotate around a 24-hour period necessarily from one</b></p> <p>5 <b>person to another, but there is clearly an important</b></p> <p>6 <b>role for a working environment to understand what the</b></p> <p>7 <b>significant cases that are under investigation are. And</b></p> <p>8 <b>I can see in that handover window, if I may call it</b></p> <p>9 <b>that, if there isn't much of a window, it is very</b></p> <p>10 <b>difficult for individuals to understand what has been</b></p> <p>11 <b>going on the day before, apart from reading -- as you</b></p> <p>12 <b>mentioned yourself -- night duty handover documents and</b></p> <p>13 <b>briefing documents. That is sometimes not quite the</b></p> <p>14 <b>same as speaking to somebody face to face.</b></p> <p>15 THE CORONER: But if there isn't time I suppose it makes it</p> <p>16 even more important that those documents are accurate</p> <p>17 and detailed?</p> <p>18 <b>A. It does, yes.</b></p> <p>19 THE CORONER: I think it was DI Kirk that was explaining to</p> <p>20 us yesterday that he had a lot of leave days and rest</p> <p>21 days at the relevant time around the finding of Jack's</p> <p>22 body, because at the time police officers were not being</p> <p>23 paid overtime, so they made up increased hours that they</p> <p>24 stayed on with taking extra days off.</p> <p>25 The question from the jury is: has that changed? In</p> <p style="text-align: center;">Page 221</p>	<p>1 plan is -- because it is not yet in place -- that it</p> <p>2 will automatically flag up if actions are not completed.</p> <p>3 The question is if leaders and supervisors are away on</p> <p>4 extended rest days and so on, do you have a system in</p> <p>5 place that is able to address this promptly?</p> <p>6 <b>A. I am not going to sit here and pretend to be the expert</b></p> <p>7 <b>on the new system, but part of what I am sure we will be</b></p> <p>8 <b>able to do is when you are away for substantive periods</b></p> <p>9 <b>of time, you can reallocate, you can divert the same as</b></p> <p>10 <b>we used on to email out of office. I am sure there will</b></p> <p>11 <b>be an equivalent process within the new -- it is going</b></p> <p>12 <b>to be called a CONNECT system, as opposed to CRIS which</b></p> <p>13 <b>is our current one.</b></p> <p>14 THE CORONER: Finally, on that topic, in this case we had</p> <p>15 an example of officers signing off actions as having</p> <p>16 been completed when they weren't. For my part I am</p> <p>17 struggling to see how a computer system can stop that,</p> <p>18 if a human being inputs "I have done the action" when</p> <p>19 they haven't, can that be avoided?</p> <p>20 <b>A. So, as I say, I am afraid I don't know the full</b></p> <p>21 <b>technical details of the system. We will need to make</b></p> <p>22 <b>it as human proof as it possibly can be, but ultimately</b></p> <p>23 <b>the scenario described, if someone is knowingly putting</b></p> <p>24 <b>something on a system which is not accurate, then that</b></p> <p>25 <b>system -- the system itself is not -- it doesn't</b></p> <p style="text-align: center;">Page 223</p>
<p>1 other words, has the overtime pattern changed or the</p> <p>2 rules about payment for overtime changed.</p> <p>3 <b>A. So detective inspectors and above, those officers don't</b></p> <p>4 <b>get overtime. That is for sergeants and constables.</b></p> <p>5 <b>I think the amount of overtime, you know -- there is</b></p> <p>6 <b>a finite budget, I think has changed a lot over the</b></p> <p>7 <b>years. I don't profess to know the details of what it</b></p> <p>8 <b>is like within what is Barking borough, now east area</b></p> <p>9 <b>itself, but if something is really important and needs</b></p> <p>10 <b>to be done, there can often be ways to do that,</b></p> <p>11 <b>sometimes it can include overtime, sometimes it might</b></p> <p>12 <b>involve other people making those enquiries.</b></p> <p>13 THE CORONER: Then another question in relation to acting up</p> <p>14 has just come in, which is: if an officer were to</p> <p>15 decline an acting-up role, would that affect their</p> <p>16 future prospects of promotion?</p> <p>17 <b>A. No, not -- well, I say not at all, it shouldn't do and</b></p> <p>18 <b>there could be a number of reasons why you might</b></p> <p>19 <b>decline. In fact I have done it before, where you have</b></p> <p>20 <b>so many other things going on, which could be</b></p> <p>21 <b>professional or indeed in people's personal lives, so it</b></p> <p>22 <b>should not be affecting their future prospects.</b></p> <p>23 THE CORONER: Then finally, in relation to the new CRIS</p> <p>24 system which you described when you were answering</p> <p>25 questions to Mr O'Connor earlier on, you said that the</p> <p style="text-align: center;">Page 222</p>	<p>1 <b>investigate, it is a tool to aid the investigation. So</b></p> <p>2 <b>I think we will have to look at what our new system is</b></p> <p>3 <b>going to be able to do on that and what measures can we</b></p> <p>4 <b>adopt within it to try and prevent those types of</b></p> <p>5 <b>occurrences happening.</b></p> <p>6 THE CORONER: Thank you very much.</p> <p>7 Thank you, Mr Cundy.</p> <p>8 Housekeeping</p> <p>9 THE CORONER: There are two other matters, members of the</p> <p>10 jury, I want to deal with.</p> <p>11 One was a note from one of your number asking</p> <p>12 whether you would be watching the interviews, the final</p> <p>13 interviews, of Mr Port. The answer to that is you have</p> <p>14 heard some references to them in Ms Hill's questions,</p> <p>15 but the interviews themselves are not going to be played</p> <p>16 to you, because it is not necessary for you to hear</p> <p>17 those, bearing in mind the questions that you are going</p> <p>18 to need to answer at the end of these inquests.</p> <p>19 All right, so that is the answer to that.</p> <p>20 You also asked for a copy of Mr Cundy's statement.</p> <p>21 It is very much longer than all the evidence that he has</p> <p>22 actually been asked about today, so you are not going to</p> <p>23 have a copy of it, but I will, I reassure you, remind</p> <p>24 you of the relevant passages in it in relation to the</p> <p>25 questions that you have to answer. All right.</p> <p style="text-align: center;">Page 224</p>

<p>1 That is as far as we can take things this week.</p> <p>2 I just want to give you a bit of a heads up on next</p> <p>3 week and beyond. The position is, as you have heard</p> <p>4 numerous times, that next week the remaining witness is</p> <p>5 the expert witness, my expert, a lady called</p> <p>6 Julie Mackay, she is giving evidence on Monday and into</p> <p>7 Tuesday. That will then be the end of the evidence that</p> <p>8 you are going to hear.</p> <p>9 What happens after that is that I, together with all</p> <p>10 of the other lawyers, then have to deal with submissions</p> <p>11 of law, that will take a considerable time, as you</p> <p>12 appreciate, we have had no time to look at any of that,</p> <p>13 because we have been in court with you all day every</p> <p>14 day. So that is going to take us some time. The best</p> <p>15 estimate we can give you is that it is going to take</p> <p>16 from Wednesday morning until the following Tuesday. So</p> <p>17 we will be here, we will be working all day every day,</p> <p>18 ready for you for the following Tuesday -- I am afraid</p> <p>19 I do not have the dates to hand at the moment, but you</p> <p>20 can work it out for yourselves.</p> <p>21 You will be here Monday and Tuesday next week, but</p> <p>22 then not here again until the following Tuesday, so</p> <p>23 I hope that means you can make arrangements around that.</p> <p>24 That is always subject to something going wrong.</p> <p>25 For example, if Ms Mackay doesn't get here on Monday for</p> <p style="text-align: center;">Page 225</p>	
<p>1 some reason we will have to put her back a day or two.</p> <p>2 So don't make any arrangements that you can't change,</p> <p>3 but once you do go after she has finished you will be</p> <p>4 going until the following Tuesday.</p> <p>5 Thank you very much, we will see you at 10.00 on</p> <p>6 Monday.</p> <p>7 Have a nice weekend.</p> <p>8 (4.24 pm)</p> <p>9 (The inquests adjourned until 10.00 am on Monday,</p> <p>10 22 November 2021)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 226</p>	

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