

<p>1 Monday, 22 November 2021</p> <p>2</p> <p>3 I N D E X</p> <p>4</p> <p>5 MS JULIE MACKAY (sworn)2</p> <p>6 Questions from MR O'CONNOR2</p> <p>7 Questions from DR VAN DELLEN179</p> <p>8 Questions from MS HILL188</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 1</p>	<p>1 Q. Those reports were prepared for the coroner?</p> <p>2 A. They were indeed.</p> <p>3 Q. Let me ask you first of all, Ms Mackay, some questions</p> <p>4 about your background and your experience. You joined</p> <p>5 Avon and Somerset Police I think in 1988; is that right?</p> <p>6 A. Yes, that's right.</p> <p>7 Q. Was that as a uniformed constable?</p> <p>8 A. As a constable, yes.</p> <p>9 Q. Just so we have it in mind, Avon and Somerset Police</p> <p>10 covers the Bristol area as well as other parts of the</p> <p>11 country?</p> <p>12 A. It does, so it covers the city of Bristol, Bath and the</p> <p>13 whole county of Somerset, as well as what is now known</p> <p>14 as South Gloucestershire.</p> <p>15 Q. 1988 was the start point of your police career and just</p> <p>16 zooming to the other end, you retired I think last year,</p> <p>17 after 31 years, and at that time -- at the time of your</p> <p>18 retirement that is -- you were serving as a detective</p> <p>19 superintendent with the Gloucestershire Police?</p> <p>20 A. Yes, that's correct and just to give you some clarity,</p> <p>21 although I was with Gloucestershire constabulary, at the</p> <p>22 point of my retirement I was a detective superintendent</p> <p>23 in charge of the major incident teams, so the murder</p> <p>24 teams, but that covered three police forces, so</p> <p>25 Gloucestershire, Avon and Somerset and Wiltshire.</p> <p style="text-align: center;">Page 3</p>
<p>1 (10.00 am)</p> <p>2 (In the presence of the jury)</p> <p>3 THE CORONER: Good morning, members of the jury.</p> <p>4 Mr O'Connor -- just pause for one moment. Thank</p> <p>5 you. (Pause).</p> <p>6 Yes, thank you for the note, I will try and deal</p> <p>7 with it in due course.</p> <p>8 Thank you, you can carry on, thank you.</p> <p>9 MR O'CONNOR: Madam, please may we call Julie Mackay.</p> <p>10 MS JULIE MACKAY (sworn)</p> <p>11 A. Good morning, madam, my name is Julie Mackay.</p> <p>12 THE CORONER: Good morning.</p> <p>13 A. Thank you.</p> <p>14 Questions from MR O'CONNOR</p> <p>15 MR O'CONNOR: Ms Mackay, you are a retired detective</p> <p>16 superintendent?</p> <p>17 A. That's correct, yes, I am.</p> <p>18 Q. It is right, isn't it, that you have prepared in fact</p> <p>19 two expert reports relating to the initial</p> <p>20 investigations into these deaths?</p> <p>21 A. Correct, yes.</p> <p>22 Q. One lengthy report, which the jury have already seen</p> <p>23 something of, and then a much shorter supplementary</p> <p>24 report?</p> <p>25 A. Yes, that's correct.</p> <p style="text-align: center;">Page 2</p>	<p>1 Q. Thank you. Let's just fill in the period in between, so</p> <p>2 for those 31 years of your career, the majority of it</p> <p>3 was spent undertaking detective work?</p> <p>4 A. It was, yes.</p> <p>5 Q. At ranks between detective constable and detective</p> <p>6 superintendent?</p> <p>7 A. That's right.</p> <p>8 Q. It is right to say I think that you never worked as part</p> <p>9 of the Metropolitan Police Service?</p> <p>10 A. No, I didn't. No, not in that time.</p> <p>11 Q. As far as I can see from your witness statement and your</p> <p>12 reports, most of your career spent in the Avon and</p> <p>13 Somerset Police as we have said, with some time with the</p> <p>14 Gloucestershire Police as well?</p> <p>15 A. That's correct.</p> <p>16 Q. Having joined as you say in 1988 as a uniformed</p> <p>17 constable, was it in fact in 1998, so 10 years later,</p> <p>18 that you commenced detective training?</p> <p>19 A. Yes, that is true, within the main CID office.</p> <p>20 Q. Then having commenced that training, did you work in CID</p> <p>21 offices conducting CID work?</p> <p>22 A. Yes, that's right.</p> <p>23 Q. First as a DC presumably and then did there come a time</p> <p>24 when you were promoted to detective sergeant?</p> <p>25 A. So I worked at every rank in the CID offices, so DC, DS,</p> <p style="text-align: center;">Page 4</p>

<p>1 DI, as a DCI, I had a strategic responsibility around 2 CID and as a superintendent as well. 3 Q. Did you, over that period, investigate murder, complex 4 crime? 5 A. Yes, so my first experience of being involved in any 6 murder investigation was in fact as a uniformed 7 constable in 1989. Policing up until the late 1990s was 8 such that you got seconded to murder investigation 9 teams, so I worked on those at both a DC and a DS and as 10 a DI I went to work in the substantial murder 11 investigation team, where I became an accredited SIO. 12 Q. Sorry, just repeat the last few words, you became a? 13 A. An accredited SIO, so I know that the inquests have 14 heard evidence around PIP3 accreditation and I achieved 15 that as a detective inspector in the murder teams. 16 Q. Yes, I was going to come to ask you about that because 17 on the basis of your report it was the years between 18 2012 and 2017 that you were a DI and also within that 19 time promoted to a DCI? 20 A. Yes, that's correct. 21 Q. Was it during that period that you were, the jury have 22 heard about, a PIP3 investigator? 23 A. Yes, that's correct. 24 Q. So were you then during that period an SIO for 25 investigations including homicide cases?</p> <p style="text-align: center;">Page 5</p>	<p>1 already -- in 2017 I think you were promoted to the rank 2 of detective superintendent and was that with 3 Gloucestershire Police? 4 A. Yes, that was, yes. 5 Q. So tell us about the work you did then, presumably for 6 three or four years before you retired? 7 A. Yes, so on promotion to detective superintendent in 8 Gloucestershire my responsibility was for all the 9 criminal investigation departments, so you will 10 appreciate Gloucestershire is quite a small provincial 11 force, so having one detective superintendent managing 12 that was appropriate, as part of that remit it was 13 obviously around the service delivery that we had to 14 give within the CID and other areas of my business. 15 I was responsible for ensuring that we undertook reviews 16 in respect of various inspections, such as Her Majesty's 17 Inspection of Constabularies and I also had a strategic 18 oversight there, so I performed the duty of gold 19 commander, I think you have heard a little bit about 20 gold duties here and, and for me that also included 21 being a strategic firearms commander. 22 Q. Did you also, and we go now back to something you 23 mentioned right at the start of explaining your career, 24 did part of that strategic responsibility involve having 25 oversight of homicide and other suspicious deaths in</p> <p style="text-align: center;">Page 7</p>
<p>1 A. Yes. 2 Q. The jury have heard a fair amount of evidence about the 3 HAT car system, and clearly that is one of the things 4 I am going to be coming back to ask you about. 5 You were serving outside London in Avon and Somerset 6 at this time, were you? 7 A. Yes, that's right. 8 Q. Was there a similar arrangement whereby specialist teams 9 would provide advice in cases of unexplained possible 10 homicides and were you part of that at any time? 11 A. Yes, so it is similar to the Metropolitan Police in that 12 you had the duty or the CID detective inspectors as 13 an on-call person to go to. We did not have HAT teams 14 in the ways that have been described here where you have 15 a DS and DCs available to be deployed. You did have 16 an on-call SIO available 24/7, so every day of the week 17 and overnight as well. I performed that duty and if as 18 a result of conversations there we needed to call out 19 teams to provide support then we would do, in a similar 20 fashion to the way the HAT car has performed that duty. 21 Q. You performed that duty and would that be during that 22 same period, 2012 to 2017, when you were a PIP3 23 investigator? 24 A. Yes, that's correct, yes. 25 Q. Then, just the final stage -- you have mentioned this</p> <p style="text-align: center;">Page 6</p>	<p>1 fact over a broader area than just the Gloucestershire 2 area? 3 A. Yes, absolutely. So of course within Gloucestershire at 4 that period of time I would have responsibility for all 5 those unexplained deaths and homicides and then I moved 6 to take on, it was a separate role where I was in charge 7 of the murder teams for the three police forces, so 8 covering quite a large area within the south-west and 9 working to not only to their chief constables and PCCs, 10 but obviously to make sure that service delivery was to 11 all of those communities across there. 12 Q. Thank you. 13 Let me move on and ask you some questions about your 14 role in these proceedings. It is right, isn't it, that 15 it was in March 2020, so last year, when you were asked 16 to prepare a report relating to these cases? 17 A. Yes, that's correct. 18 Q. The instructions you received, first of all, were to 19 prepare a report relating to what we might describe as 20 the initial responses to these deaths, in other words 21 not including Operation Lilford, is that -- 22 A. Yes, absolutely, yes. 23 Q. For example, your report has not dealt with changes that 24 have been implemented as a result of the Lilford 25 investigation, the type of changes that DAC Cundy spoke</p> <p style="text-align: center;">Page 8</p>

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<p>1 about last week?</p> <p>2 A. No, it hasn't, no.</p> <p>3 Q. You were also, were you not, asked to provide a report</p> <p>4 that was independent. What did you understand that to</p> <p>5 mean?</p> <p>6 A. So my understanding of independence is not only to be</p> <p>7 able to draw on my own knowledge and experience but as</p> <p>8 somebody who has not been involved or served with the</p> <p>9 Metropolitan Police force, so I don't have any</p> <p>10 affiliation or links to the people there, so I could</p> <p>11 give an unbiased view. And it was also somebody who had</p> <p>12 not been involved in any of the investigations, either</p> <p>13 the preliminary investigations for any of the four young</p> <p>14 men that were sadly killed or as part of</p> <p>15 Operation Lilford subsequently.</p> <p>16 Q. We have seen, of course the jury are now well aware,</p> <p>17 that over time, views have been expressed about what</p> <p>18 happened in these investigations, what should have</p> <p>19 happened in them, by a number of different people and</p> <p>20 organisations, the IOPC, the Met Police itself, the</p> <p>21 families of the deceased.</p> <p>22 Have you aligned yourself with any of those</p> <p>23 particular views or not?</p> <p>24 A. So it might be that you will see that some of my views</p> <p>25 reflect some of those by those other either individuals</p> <p style="text-align: center;">Page 9</p>	<p>1 provided by them and then there were other documents</p> <p>2 that referred to policy and processes that had been</p> <p>3 uploaded as well.</p> <p>4 Q. Yes, and of course all the documents that were created</p> <p>5 at the time that were created. If one thinks, for</p> <p>6 example, of the documents that the jury have in their</p> <p>7 jury bundles, the CRISs, the CADs and all those sorts of</p> <p>8 documents, you had those as well?</p> <p>9 A. Yes, I did, yes.</p> <p>10 Q. It follows from what I have said about the date of your</p> <p>11 reports that they were prepared before these hearings,</p> <p>12 that is inevitable, isn't it?</p> <p>13 A. It is, yes.</p> <p>14 Q. When we look at your report, is it fair to say that your</p> <p>15 report reflects the conclusions you had reached based as</p> <p>16 you say on the documents, the underlying documents, that</p> <p>17 we have all now seen and the witness statements provided</p> <p>18 by officers, including many of whom who have given</p> <p>19 evidence. But not the oral evidence they have given to</p> <p>20 this jury, is that a fair summary?</p> <p>21 A. Yes, that's right. It was literally based on the paper</p> <p>22 documents and of course people have been able to give</p> <p>23 their testimony, they have either been able to expand on</p> <p>24 that or not as they have gone through and my report does</p> <p>25 not reflect the answers that they have given during the</p> <p style="text-align: center;">Page 11</p>
<p>1 or agencies, but I have not -- my report and my approach</p> <p>2 to this has been completely independent of all of that.</p> <p>3 While there may be cross over, subsequently, as a result</p> <p>4 of the evidence that has come out, I was not part of any</p> <p>5 of those processes or influenced by those.</p> <p>6 Q. The reports that you have provided, as I said there are</p> <p>7 two of them. We will be looking at them, we will call</p> <p>8 them up on screen as we go through your evidence today.</p> <p>9 Just so we have it in mind, the first of those</p> <p>10 reports was dated September of last year, was it not?</p> <p>11 A. That's correct.</p> <p>12 Q. Then, as I have said, there was a shorter supplementary</p> <p>13 report a few months later in December of last year?</p> <p>14 A. Yes.</p> <p>15 Q. Let me just ask you about the basis of those reports.</p> <p>16 What, in general terms, did you have available to you</p> <p>17 when you wrote those reports?</p> <p>18 A. So as I commenced the process of the reports, I was</p> <p>19 allowed access to a large number of documents, somewhere</p> <p>20 in the region of 500. They were generally the witness</p> <p>21 statements that have been provided by people attending</p> <p>22 at the scene, the officers that were involved, some</p> <p>23 family members and witnesses who have been involved in</p> <p>24 inquests and the criminal process. I also had sight of</p> <p>25 the IOPC investigation and their final report that was</p> <p style="text-align: center;">Page 10</p>	<p>1 process of these inquests.</p> <p>2 Q. Of course we have now had several weeks of evidence from</p> <p>3 those officers whose witness statements you read last</p> <p>4 year. The members of the jury are very familiar, they</p> <p>5 have all been shown the underlying documents that I have</p> <p>6 referred to. Have you been able to follow the</p> <p>7 proceedings that have taken place in the past weeks?</p> <p>8 A. Yes, I have. So I have had the opportunity to read the</p> <p>9 transcripts that have been published each day and I have</p> <p>10 on some occasions actually attended in the hearing room</p> <p>11 to be able to see the live evidence associated with the</p> <p>12 inquests.</p> <p>13 Q. Yes, so you -- there is no secret about this -- attended</p> <p>14 for a couple of days during the course of the evidence</p> <p>15 relating to Anthony Walgate's death?</p> <p>16 A. Yes.</p> <p>17 Q. I think you were able to see DI McCarthy and DCI Jones</p> <p>18 give evidence, and also Sergeant Reeves and</p> <p>19 Superintendent Hamer, DCI Kirk?</p> <p>20 A. That's correct, yes, for the Walgate aspect yes.</p> <p>21 Q. When you saw those people give evidence and then you</p> <p>22 came back during the evidence relating to</p> <p>23 Daniel Whitworth's investigation, and you saw</p> <p>24 DI Schamberger, DS Turrell and also Ricky Waumsley give</p> <p>25 evidence over those couple of days as well?</p> <p style="text-align: center;">Page 12</p>

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<p>1 A. Yes, I did, yes.</p> <p>2 Q. Ms Mackay, I am going to ask you questions going through</p> <p>3 the chronology about your view now, sitting here now,</p> <p>4 about these investigations, what should have happened,</p> <p>5 what went right, what went wrong.</p> <p>6 Whilst we will be referring to your report, I will</p> <p>7 be asking you questions and asking you to give us your</p> <p>8 view based not only on the matters that you were aware</p> <p>9 of when you wrote your report but also, and perhaps more</p> <p>10 importantly, the evidence that the witnesses have given</p> <p>11 in the last few weeks, do you understand?</p> <p>12 A. Yes, I do, thank you.</p> <p>13 Q. Perhaps we need to bear in mind when we look at your</p> <p>14 report that the views expressed there were only based on</p> <p>15 what you were aware of before these hearings starts.</p> <p>16 Before I do turn to the various different</p> <p>17 investigations, let me address a few general issues.</p> <p>18 The first takes us back to your career that we have</p> <p>19 heard about and the fact that you have never actually</p> <p>20 worked as a member of/within the Metropolitan Police</p> <p>21 Service. Let's just have a look, if we can, at your</p> <p>22 report. Call it up on screen, it is INQ6, please, and</p> <p>23 it is page 3 and paragraphs 11 and 12. We can see what</p> <p>24 you say there, but you make the point that you have not</p> <p>25 worked within the Metropolitan Police Service and you</p> <p style="text-align: center;">Page 13</p>	<p>1 established, is the same nationally.</p> <p>2 Then I know we have heard about the SIO course,</p> <p>3 which is the PIP3 accreditation. Again, that is</p> <p>4 a national course that is run through the College of</p> <p>5 Policing.</p> <p>6 In fact I know I didn't touch on PIP4, but that is</p> <p>7 a strategic management of crime as well.</p> <p>8 Q. What we are addressing here is the investigation of</p> <p>9 unexplained deaths and the link with specialised</p> <p>10 homicide detectives, how those deaths should be</p> <p>11 investigated. It is obvious, isn't it, that there must</p> <p>12 be similar deaths all over the country?</p> <p>13 A. Yes.</p> <p>14 Q. Would you expect the effect of those national policies</p> <p>15 and training systems that you have described to be that,</p> <p>16 broadly speaking, deaths like that ought to be</p> <p>17 investigated in a similar way, wherever they occur</p> <p>18 throughout the country?</p> <p>19 A. Yes, the process is effectively the same. We all have</p> <p>20 crime scene managers available to us, we all have family</p> <p>21 liaison officers available to us. The way the actual</p> <p>22 murder investigation teams is run is the same</p> <p>23 nationally. Part of the rationale behind that is so</p> <p>24 that if we have to operate either over force boundaries</p> <p>25 or with each other we can do so and we all start on</p> <p style="text-align: center;">Page 15</p>
<p>1 refer to some parochialisms that are unique to that</p> <p>2 force but you then add that much of policing is based on</p> <p>3 national criteria and then you refer to the PIP</p> <p>4 standards.</p> <p>5 We will come to the detail as we go, but in general</p> <p>6 terms, how fully do you think you are able to address</p> <p>7 the issues in this case, bearing in mind the fact that</p> <p>8 you do not have direct experience of working in the Met?</p> <p>9 A. Yes, so thank you. So I might not comprehend perhaps</p> <p>10 the format of the Barking and Dagenham area and how that</p> <p>11 was made up, with the numbers of officers and I haven't</p> <p>12 been sighted on exactly their workloads.</p> <p>13 However, they all have undergone, so specifically</p> <p>14 with the CID, a national training programme, so the</p> <p>15 detective constables who went in as trainee detectives,</p> <p>16 and then became accredited up to level PIP2 is</p> <p>17 a national programme that all detectives do, it is the</p> <p>18 same as I would have done and continues through to this</p> <p>19 day.</p> <p>20 The same with the sergeants and the courses that</p> <p>21 sergeants have available to them. It is a nationally</p> <p>22 accredited course, these are set by the College of</p> <p>23 Policing, which is effectively our governing body around</p> <p>24 training.</p> <p>25 The detective inspectors' course, that has been</p> <p style="text-align: center;">Page 14</p>	<p>1 exactly the same page and we all understand the</p> <p>2 processes that we are going to follow.</p> <p>3 An example might be where we have investigated</p> <p>4 a murder in Bristol and the perpetrator has come from</p> <p>5 London and we need to be able to interact with the Met</p> <p>6 in the way they understand the process we are using and</p> <p>7 vice versa.</p> <p>8 Q. Just to take another brief example, we have all seen the</p> <p>9 use of the CRIS system.</p> <p>10 A. Yes.</p> <p>11 Q. Did you use the CRIS system in Somerset and Avon?</p> <p>12 A. We didn't -- so every force in the country has a crime</p> <p>13 recording system. The forces I worked in used two</p> <p>14 separate systems, so they are not the same as the CRIS</p> <p>15 for the sake of the name. The principle is identical.</p> <p>16 So the process for recording the actions that you have</p> <p>17 done, highlighting actions and resulting them, the</p> <p>18 process for the enquiries that have been carried out is</p> <p>19 the same, the process for identifying who the victim is</p> <p>20 and making sure they are updated in line with the</p> <p>21 guidance around that is all the same.</p> <p>22 Q. Yes. We will bearing in mind as we go that there may be</p> <p>23 you refer to parochialisms within the Metropolitan</p> <p>24 Police that may simply be beyond your expertise?</p> <p>25 A. Of course, and if I don't understand I will say or if</p> <p style="text-align: center;">Page 16</p>

<p>1 I am not sighted on it, yes.</p> <p>2 Q. Importantly, if we get to a point where you feel that</p> <p>3 you simply don't have the experience to address</p> <p>4 a particular issue, then of course you must say so?</p> <p>5 A. Thank you.</p> <p>6 Q. Sticking with general matters, I would like to ask you</p> <p>7 a little bit about police resources, please. This is</p> <p>8 sticking with your statement and now going to page 6.</p> <p>9 If we can go to the bottom of page 6 and on to page 7,</p> <p>10 it is paragraph 30 of your report.</p> <p>11 It's internal page 6 -- yes, and if we can have</p> <p>12 paragraph 30, so we will need to go on to the next page,</p> <p>13 scroll down to the next page. That is it.</p> <p>14 This a paragraph, Ms Mackay -- well, if you have</p> <p>15 been reading the transcripts you will realise it has</p> <p>16 been referred to more than once as the springboard, if</p> <p>17 you like, to the debate that has taken place about the</p> <p>18 resources available to the Metropolitan Police in this</p> <p>19 period we are talking about, 2014/2015, stretched</p> <p>20 finances, if I can put it that way --</p> <p>21 A. Yes.</p> <p>22 Q. -- and the impact that that may or may not have had.</p> <p>23 You refer to the context of the national policing</p> <p>24 picture in 2014/2015. You refer to the impact of the</p> <p>25 2010 spending review, a £2.2 billion reduction in</p> <p style="text-align: center;">Page 17</p>	<p>1 Barking and Dagenham, because I didn't work there and</p> <p>2 I wasn't sighted on that. I think nationally we all</p> <p>3 underwent some form of review around our operating</p> <p>4 models and I know the officers have referred to the</p> <p>5 impact on them, certainly the forces I worked in, we had</p> <p>6 that similar experience of change and managing that</p> <p>7 change.</p> <p>8 Q. At least where you were at the time, in Avon and</p> <p>9 Somerset, can you tell us something about the detail of</p> <p>10 the impact, just give us a sense of how those financial</p> <p>11 cuts affected investigation work there?</p> <p>12 A. So within Avon and Somerset there was a significant</p> <p>13 operating model change and for there, we actually</p> <p>14 centralised a lot of our areas of business, which</p> <p>15 included intelligence and the CID officers, so removed</p> <p>16 them from outlying stations and put them into central</p> <p>17 points so that they lost that local contact, probably is</p> <p>18 a way to describe it.</p> <p>19 I note that during the course of this inquest there</p> <p>20 has been reference to the intelligence support here</p> <p>21 being centralised as well, so that would be a similar</p> <p>22 factor.</p> <p>23 There was also reviews around shift patterns, and</p> <p>24 how that could be changed in order to improve our</p> <p>25 service delivery with -- certainly in Avon and Somerset</p> <p style="text-align: center;">Page 19</p>
<p>1 central police funding, which you say was starting to</p> <p>2 bite with a significant reduction in both police</p> <p>3 officers and police staff, which generally meant</p> <p>4 an increased workload and reduction in morale across the</p> <p>5 board.</p> <p>6 Then you add that Metropolitan Police officers will</p> <p>7 be better placed to address exactly how those cuts</p> <p>8 impacted at a local level and you also refer to changes</p> <p>9 in police pensions and so on.</p> <p>10 You know, having read the transcripts, that several</p> <p>11 of the officers who have given evidence have referred to</p> <p>12 just the sort of impact that you are describing there.</p> <p>13 You refer to it at a high level, they have referred to</p> <p>14 the detail --</p> <p>15 A. Yes.</p> <p>16 Q. -- of exactly how those cuts impacted in Barking and</p> <p>17 Dagenham, in the CID main office, shift patterns and so</p> <p>18 on.</p> <p>19 Are you actually able to take the matter any further</p> <p>20 than the way you have described it there, or does the</p> <p>21 fact that you didn't have personal experience of the</p> <p>22 Metropolitan Police and certainly not Barking, mean</p> <p>23 that -- does that mean really that you cannot take it</p> <p>24 any further or are you able to give any further detail?</p> <p>25 A. I think it would be unfair to comment specifically about</p> <p style="text-align: center;">Page 18</p>	<p>1 we had a reduction in police officer numbers, I know</p> <p>2 Mr Cundy said that was not necessarily the same in the</p> <p>3 Metropolitan Police, but we did and we had to work out</p> <p>4 how we were going to deliver the service that we needed</p> <p>5 to do with the number of officers that we had.</p> <p>6 That did result within Avon and Somerset of removing</p> <p>7 some of our more specialist functions and bringing them</p> <p>8 under a wider umbrella. I'm not saying that all of that</p> <p>9 was for the best necessarily, but that is what was done</p> <p>10 at the time and losing some of those other support</p> <p>11 functions.</p> <p>12 We also focused on an increase on our police staff</p> <p>13 resilience, so we had police staff investigators as well</p> <p>14 to broaden that depth of experience in a slightly</p> <p>15 different way.</p> <p>16 Q. Thank you.</p> <p>17 Let me turn then to the first of the investigations,</p> <p>18 that is the investigation into Anthony Walgate's death.</p> <p>19 It seems like a long time, it was a long time, that we</p> <p>20 heard evidence relating to this scene.</p> <p>21 We all remind ourselves that Anthony's body was</p> <p>22 found in the early hours of Thursday, 19 June 2014 and</p> <p>23 we heard read the evidence of PCs Benson and Middlemiss</p> <p>24 and them arriving and seeing what they thought was</p> <p>25 a foot mark on Anthony's body, their decision that the</p> <p style="text-align: center;">Page 20</p>

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<p>1 scene was suspicious. We heard the duty inspector, 2 Inspector Learmonth, he described attending, declaring 3 a critical incident, the HAT car being called and of 4 course we heard evidence from DCI Jones and you said 5 that he was one of the witnesses who you were able to 6 see in person? 7 A. Yes. 8 Q. We will remember that DCI Jones instructed that 9 a special post mortem should take place, but didn't take 10 over primacy of the case at that point. 11 I will come to ask you some more detailed questions 12 but in general terms, what are your views now on the 13 basis of everything you have seen and now heard about 14 the way in which that scene was handled? 15 A. So I still think that the initial response to that scene 16 was appropriate because, taken on the face value of 17 Anthony being found out in the street, that was unusual 18 at that time of day. The impression that was gained by 19 the initial attending officers that he had suffered some 20 form of assault because there was a footprint, I know 21 that subsequently that is as a result of the hypostasis, 22 but that is what it appeared at the time. Calling the 23 duty inspector, declaring this a critical incident and 24 having that HAT car to attend, which gives that 25 professional advice and oversight, was key to securing</p> <p style="text-align: center;">Page 21</p>	<p>1 of it. 2 They can set a strategy at the scene around the 3 recovery of any items from there, so whether it is items 4 of property or clothing, they set the strategy around 5 the recovery of the person themselves, we can secure 6 a lot of evidence from the body of someone who has died 7 as well as their clothing and how we recover that person 8 is imperative as to whether those opportunities are 9 afforded a bit later on. They will make sure that the 10 scene is preserved to enable all those things to happen. 11 They will also assist you in setting a slightly 12 wider strategy around searches that you need to be done, 13 either in the immediate vicinity, but also in a broader 14 vicinity, and the collection of items that might help 15 you provide evidentially links to people who were 16 present at that scene later on when you don't know who 17 was there. 18 An example might be collecting drinks bottles or 19 cigarette butts that can be either rich in DNA material 20 or fingerprints, it doesn't mean you have to assess it 21 all then, but it is making sure you gather and secure 22 it, and they are our professional people that help guide 23 us through that. 24 Q. Thank you. Thank you. 25 In your report relating to the scene of Anthony's</p> <p style="text-align: center;">Page 23</p>
<p>1 and preserving evidence. 2 Then, alongside that, the crime scene manager 3 coming, you will have heard about the tent being erected 4 and making sure they could preserve everything to 5 examine him at the scene, before then going on to and 6 conducting the special post mortem. 7 So I think it was a good response. 8 Q. Of course there are various respects in which as we go 9 we will compare what happened at that scene to what 10 happened at the other scenes later on. 11 Just let me pick you up on one point and that is the 12 attendance of the crime scene manager at the scene of 13 the Anthony Walgate's body being found, what is it that 14 is added by the CSM attending a scene like that? 15 A. A crime scene manager is your specialist around forensic 16 examination, so not just at the scene and forensic 17 recovery at the scene but making sure that the evidence 18 is captured, either via photography or via video, so 19 that once things are moved you have an opportunity to go 20 back and revisit it. 21 They have an opportunity to do that before anything 22 changes, because things can very quickly change at 23 a scene as people start to move things either to check 24 for possessions and then perhaps not recall where they 25 had moved things from and not realise the significance</p> <p style="text-align: center;">Page 22</p>	<p>1 death, or his body being found, you expressed a view 2 that the police both at the scene and subsequently 3 should have paid more attention to an apparent 4 inconsistency between, on the one hand, the assertion 5 that Stephen Port made in the statement that he gave 6 that morning to the police to the effect that Anthony 7 was still alive when he put his body ... or rather when 8 he came home and found Anthony's body and called the 9 ambulance, and you will recall in that statement he 10 referred to Anthony as gurgling at that stage, so that 11 on the one hand. And on the other hand the signs or 12 what could be seen relating to Anthony's body at the 13 time the ambulance service and the police arrived, the 14 body temperature, the hypostasis, and so on. 15 The point being that it appeared that in fact 16 Anthony had been dead for longer than Stephen Port 17 allowed in the statement he gave. 18 There are various parts in your report where you 19 explore that inconsistency and suggest that more should 20 have been made of it at the time. We have heard some 21 evidence, more evidence, in the last few weeks though 22 from the medical experts expressing a degree of caution 23 about how much weight one can place on these signs, 24 physical signs, and the extent to which one can infer 25 from those physical signs, like hypostasis, body</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 temperature and so on, about how long someone has been 2 dead. Does that affect the view you expressed in your 3 report along those lines?</p> <p>4 A. So I understand the evidence that has been given by the 5 medical experts, and I made it clear I am not a medical 6 expert myself around being able to pinpoint times of 7 death. I think the point I am making in my report, and 8 that I do stand by, is that when you first attend 9 a scene, it is really important to take into account 10 everything that it is telling you, because that then 11 informs the questions that you need to raise, the 12 actions in your decision making later. The fact that 13 Anthony was so cold indicated that he had been dead for 14 some time at that point. The hypostasis is always 15 difficult and it is not an exact science, and you have 16 heard evidence around that, but for me personally, when 17 I have been attending scenes, it is something that I do 18 take into consideration, because it gives you at that 19 moment in time an indication of how a body may have been 20 lying and that then informs your decision making and 21 gets you to ask further questions about what has 22 happened immediately before.</p> <p>23 I understand, as well, throughout the evidence that 24 sometimes when a body is moved when they are deceased 25 that they do make noises, and I have experienced that</p> <p style="text-align: center;">Page 25</p>	<p>1 and letting the police into the flat. It was at that 2 stage -- from memory it was about 8.00 in the morning, 3 but certainly while the police were still there -- that 4 Stephen Port provided this statement that we are now 5 looking at. If we look about eight or nine lines down, 6 or below that in fact, he refers to getting home around 7 4.00 in the morning and finding a body, Anthony's body, 8 lying on his right side with his left arm sticking up 9 with his elbow bent, forearm back towards his body, 10 blocking the way to the door, then Stephen Port said 11 this:</p> <p>12 "I tried to rouse him by slapping his face, he 13 didn't wake up, he made a gurgling noise ..."</p> <p>14 Then he describes moving him.</p> <p>15 Was it that evidence you had in mind that you were 16 contrasting with what was then found by the ambulancemen 17 and the police only a few minutes later when they found 18 Anthony's body?</p> <p>19 A. Yes, that's correct, yes.</p> <p>20 Q. Of course there was some evidence, I think that even the 21 gurgling noise cannot necessarily be seen as a definite 22 sign that someone is alive, because dead bodies 23 sometimes make that sort of noise, is that something you 24 had considered?</p> <p>25 A. Yes, that's correct, yes, I considered that.</p> <p style="text-align: center;">Page 27</p>
<p>1 myself and that could fall in with an account of 2 a person being alive, but it was about having that 3 inquisition at that period of time that Stephen Port had 4 said he has found somebody who has just died and moved 5 them out of the way to someone who didn't appear to have 6 just died at that particular moment. So I think that is 7 the issue for me.</p> <p>8 Q. In fact, let's look at this. I am going to refer to 9 a few documents within the jury bundles and this is the 10 first one. We will be going to all of the jury bundles, 11 but mainly we will be going to them in turn.</p> <p>12 Let's start with the Walgate jury bundle, please, so 13 that is bundle B/1, yes, Ms Mackay, it is that box down 14 to your left. If we can go in there to tab 8, so that 15 is IPC304.</p> <p>16 A. I will become familiar with this shortly, sorry, thank 17 you.</p> <p>18 Q. Ms Mackay, it is tab 8. The jury will recall the 19 evidence about how this statement was obtained. The 20 enquiries that were made to identify who it was who had 21 called the ambulance service, we saw on the CAD those 22 enquiries being made by the police headquarters back in 23 the control room, identifying Mr Port and his address at 24 62 Cooke Street, banging on the door, not getting 25 an answer and then Mr Aldwinckle coming up to the cordon</p> <p style="text-align: center;">Page 26</p>	<p>1 Q. Does it really come to this, Ms Mackay, your point that 2 this -- there was if you like a tension between on the 3 one hand what Stephen Port was saying and on the other 4 hand, from your non-expert understanding, the physical 5 signs that were there to be seen, and it was something 6 which should have generated further enquiry?</p> <p>7 A. Yes, I think the point is that Stephen Port is 8 indicating that he was alive, that is clearly what he is 9 suggesting here. I understand that through the evidence 10 there has been indications that these could be noises 11 that are made in death but, for me, at that early stage, 12 there appears to be a contrast in what the scene is 13 telling you and the account of who is now a key witness 14 is telling you and that in itself should provoke further 15 questions to be asked.</p> <p>16 Q. Yes.</p> <p>17 Let's move on, and thank you we can put that 18 document away but there will be other documents in this 19 bundle, so it is probably sensible to keep the bundle in 20 front of you.</p> <p>21 Let's move on to the next day, we will recall that 22 DCI Jones directed a special post mortem to take place 23 and that in fact took place the very next day. The jury 24 will recall Dr Biedrzycki, who gave evidence relating to 25 that special post mortem. We will remind ourselves that</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 it was DS O'Donnell, amongst others, who attended from 2 the borough, DS Southon, the HAT officer and also CSM 3 Kynaston who attended the scene, she was there at the 4 post mortem as well. The findings, including the 5 findings relating to the bruises on the shoulders and 6 also the underpants on back to front.</p> <p>7 A. Yes.</p> <p>8 Q. Before I ask you about the detail of that particular 9 special post mortem, Ms Mackay, I take it you have 10 attended special post mortems during your duties?</p> <p>11 A. Yes, so I have attended a significant number of special 12 post mortems, at every rank in fact as well, and engaged 13 with the pathologists on a professional level over many 14 years.</p> <p>15 Q. The jury have obviously heard both about this special 16 post mortem and what happened as a result of it, and 17 also the special post mortem in Daniel Whitworth's case. 18 What is your experience of, if you like, the role that 19 those special post mortems play and the pathologists who 20 conduct them play, in an enquiry like this?</p> <p>21 A. So the special post mortem is not just there to 22 establish the cause of death, it is effectively, if you 23 like, to explain to you the story and sequence of events 24 as to how that person has come to die in those 25 circumstances.</p> <p style="text-align: center;">Page 29</p>	<p>1 That decision about the areas that are going to be 2 swabbed will be taken with the attending officers, the 3 crime scene manager, and the pathologist as well, just 4 to make sure that everything is covered and that they 5 don't miss something that might be of significance later 6 on.</p> <p>7 As the pathologist goes through -- these processes 8 often take at least a couple of hours and some 9 pathologists can take quite considerably longer -- they 10 will talk about what they discover as they go through 11 and it is not unusual for you to talk with them around 12 potential hypothesis about how, for example, an injury 13 may have occurred, maybe how old that injury is and any 14 significance of it in relation to the circumstances that 15 you know at that time.</p> <p>16 It is a two-way conversation and it is really 17 important, because it is very, very enlightening, not 18 only for the person who is there but for setting the 19 direction of the investigation.</p> <p>20 Q. Let's just look at one of the records of this particular 21 post mortem, and it is the HAT return, so in that same 22 bundle it is tab 18. For the screen, it is IPC525, 23 please.</p> <p>24 If we look at the second page of this document, so 25 this was DS Southon's record, having been there, and we</p> <p style="text-align: center;">Page 31</p>
<p>1 It is really important at the beginning that you 2 have a discussion with the pathologist about what you 3 know and you share everything that you know with that 4 pathologist, to help them be informed and sometimes you 5 might not know very much.</p> <p>6 As they are doing the examination, different rooms 7 are set up in different ways, sometimes you might be 8 present literally alongside the pathologist so that they 9 can point out to you very close up things that they 10 find, that might be marks or bruising and samples that 11 they are taking. Sometimes there is a separate room, 12 where you watch from behind a screen and it might be 13 highlighted on a TV screen as well, but whichever way it 14 goes you have an opportunity to interact with the 15 pathologist throughout.</p> <p>16 I know that each pathologist operates on a slightly 17 different way in how they might engage with the officers 18 that are there and the forensic specialists that are 19 there, but in essence it is always very methodical, they 20 will start with obtaining the evidence, so there will be 21 photographs to start with, and then they will start with 22 looking at areas that need to be swabbed, because as 23 soon as you start the medical process, that will 24 obviously remove the opportunity to secure any DNA 25 subsequently.</p> <p style="text-align: center;">Page 30</p>	<p>1 will see just a short sentence: 2 "No signs of assault or restraint." 3 This was something we took up with DS Southon and 4 also DCI Jones. What is absent from this document is 5 any reference to the bruising. Perhaps for those of us 6 using bundles, if you could just keep your finger in 7 this bundle and go back to tab 6. For the screen, 8 please -- sorry to jump around -- it is MPS1098, these 9 are CSM Kynaston's notes. Within that document it is 10 page 11. Just about halfway down, we see that what CSM 11 Kynaston, the note she has made of this question of 12 assault is, she said: 13 "No sign of assault, but bruising under arms, 14 possibly due to being moved while still alive." 15 There are two different records of the same incident 16 and perhaps a way into me asking you how significant in 17 your view were these findings of bruising made at the 18 special post mortem. What do you think should have 19 happened as a result of those findings?</p> <p>20 A. Okay, so I think the first thing to be clear about is 21 exactly what is an assault, because that might just help 22 interpret everything else. So in policing the 23 definition of an assault can be as simple as just laying 24 a hand on another person when it wasn't -- when it was 25 done in a manner that was not consented to. So that</p> <p style="text-align: center;">Page 32</p>

1 could be really, really low level, and I am sure that
 2 you will be familiar that there are different levels of
 3 assault and you will hear about GBH, which is
 4 significant.
 5 For me, when there is some bruising, if there is
 6 some bruising on a person, that will usually be as
 7 a result of an impact and in a criminal investigation
 8 the thing that we do need to ascertain is whether that
 9 impact is as a result of an assault. So has that been
 10 caused by a person putting some sort of pressure on them
 11 to cause the bruising?
 12 When I have done my report and reviewed this, the
 13 thing that I have identified, when it says, "No sign of
 14 assault". There is bruising there, at this point nobody
 15 knows how that bruising has got there. There are some
 16 assumptions that have been made and you can see by the
 17 crime scene manager, "... bruising under the arms,
 18 possibly due to being moved while still alive", so there
 19 has obviously been a thought process around that. But
 20 I think to discount the possibility that it was
 21 an assault and not having an awareness of how that was
 22 caused was inappropriate at that time.
 23 Q. I mean what one might say as far as this document is
 24 concerned, is that the entry by CSM Kynaston has at
 25 least, as it were --

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1 A. Context.
 2 Q. -- accommodated both the narrow meaning of "assault",
 3 perhaps, which means a sort of violent attack, so there
 4 are no signs of defence marks and so on --
 5 A. Yes.
 6 Q. -- but she has still recorded the presence of the
 7 bruising and she has added a possible explanation for
 8 it.
 9 If we go back to the first document we were looking
 10 at, so it is tab 18, you may still have your finger in
 11 it, for the screen it is IPC525 at page 2, here we don't
 12 have any reference to the bruising at all?
 13 A. No.
 14 Q. Is that something that should have been on that
 15 document, do you think?
 16 A. Absolutely. So I would have expected the officers that
 17 have attended the special post mortem to provide a more
 18 comprehensive note than this around the process that was
 19 undertaken, the swabs that were obtained and any
 20 findings.
 21 You can see from here, for example, the brain and
 22 lungs were found to be heavy and this could suggest
 23 a drugs overdose, so that part of it is included, which
 24 is obviously important, but equally important would be
 25 any bruising at all that was discovered during the

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1 course of that post mortem, not least of which because
 2 we would have a duty to understand how that had been
 3 caused, so if somebody had fallen over and caused the
 4 bruising, that is just important as if it is the result
 5 of some activity of another person.
 6 Q. We heard DCI Jones explain why he had ordered this
 7 special post mortem, because he was concerned that it
 8 might be a suspicious death. Another way of making the
 9 same point is that there might have been someone else
 10 involved in Anthony's death; is that fair?
 11 A. So a suspicious death is because you think that there
 12 might be the involvement of a third party, that is what
 13 you are saying.
 14 Q. On that basis, is that another way of explaining why the
 15 presence of bruising is important?
 16 A. Absolutely. In the same way as that is why you take the
 17 swabs.
 18 Q. You mentioned swabs. We see there is an entry straight
 19 above the line about assault, about sex swabs having
 20 been obtained. In your view, should those swabs have
 21 been sent off for analysis?
 22 A. Yes, I do consider that she should have been. Because
 23 if you remember, at this moment in time, what Anthony
 24 had been doing in the hours and days before his death
 25 hadn't been ascertained and so it was really important

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1 to understand if he had been with a sexual partner the
 2 night before, which is what the friends were indicating,
 3 who that person was. Because that gives an opportunity
 4 to identify them either potentially as a witness or as
 5 a suspect or somebody who is involved in his death. So
 6 they were quite key.
 7 Q. On a slightly different point, if we look towards the
 8 bottom of this page, we see reference to the need to
 9 complete research on the informant, in other words
 10 Stephen Port, and also Joe Dean, who of course was the
 11 name of the perspective that Anthony had gone to see,
 12 that was the information they had received from
 13 China Dunning and others. If we go back to the page
 14 before, we will see and remind ourselves that in fact,
 15 towards the bottom of the page, already there was
 16 a suspicion that Port and Joe Dean may have been the
 17 same person:
 18 "There is a suspicion that the person who alerted
 19 police to Walgate on the 19th may have been Walgate's
 20 client."
 21 I will not go to it, but we may recall that
 22 DS O'Donnell's notes of this same post mortem had
 23 something similar written on them?
 24 A. I think he had written "Joe Dean?" Hadn't he?
 25 Q. Or "Joe Dean = Port?" Something like that.

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<p>1 With those points in mind, perhaps we can go back to 2 your report, Ms Mackay. It is INQ6, please, and 3 page 12. As we have said, do amend what is here in 4 light of the oral evidence we have heard if necessary, 5 but the conclusion you are drawing at paragraph 49 -- 6 sorry, I said page 6, it is page 12. I said page 6, but 7 I meant page 12. Paragraph 49.</p> <p>8 You have said:</p> <p>9 "I consider at this point the death should have been 10 treated as suspicious. There are a number of unanswered 11 questions, which included the bruising [we have covered 12 that], the lies told by Port ..."</p> <p>13 What did you mean by that?</p> <p>14 A. So the fact that he has given a signed witness 15 statement, which there is a caption at the top 16 confirming he is telling the truth that he has found 17 Anthony in the street. He hasn't expanded at all on the 18 fact that he had actually arranged to meet Anthony, that 19 he had been in his flat, that there may have been 20 a sexual encounter between the two and put some full 21 context into the interactions he had had with him. As 22 we know when he goes on to be interviewed, he implies 23 that maybe he died within the flat or was unconscious 24 within the flat, so his account just wasn't truthful.</p> <p>25 Q. Reading on, you refer then to the fact that he may have</p> <p style="text-align: center;">Page 37</p>	<p>1 telephone". That is something, the absence of the phone 2 was something that had been clocked by that stage and 3 regarded as something that needed to be understood?</p> <p>4 A. Yes, so telephones are always significant in any police 5 investigation. The depth that we might go into getting 6 information about them will vary, but they are key, 7 everybody has a phone and it gives us so much 8 information. The fact that it was missing was 9 significant.</p> <p>10 Q. That is what I wanted to ask you next, really. Of 11 course we now know that this was a feature in all four 12 of these cases, but what is in your experience the 13 approach that the police would take? One can think of 14 many items that a body may not be found with, but one 15 might say, "Oh he hasn't got this" or, "We don't seem to 16 find this amongst the property, I wonder what that 17 means ..."</p> <p>18 But what is the assumption that the police would 19 draw about whether someone would normally have had 20 a phone on them and therefore if it is not there, that 21 is suspicious, it has been taken away?</p> <p>22 A. So I mean everybody has a phone generally and in 2014 23 they did, particularly younger people, so if this was 24 somebody in their 60s you might not consider it, but 25 a person of Anthony's age, most definitely.</p> <p style="text-align: center;">Page 39</p>
<p>1 been the client. To be fair, isn't really that all that 2 was sort of known or suspected at the time, the police 3 were not sure at that time, were they, that Stephen Port 4 was lying, that they had simply formed a suspicion that 5 he may have been the client?</p> <p>6 A. If he was the client, he clearly wasn't being truthful, 7 was he?</p> <p>8 Q. Is that the way in which we need to read that, that we 9 have seen the suspicion that Stephen Port may have been 10 the client?</p> <p>11 A. Yes.</p> <p>12 Q. "Port = Joe Dean", and DS Southon's entry on the HAT 13 return?</p> <p>14 A. At that early stage, the police are already asking the 15 question: was Port Joe Dean? So was he the client that 16 Anthony had arranged to meet?</p> <p>17 Q. That is one of the unanswered questions, is that fair?</p> <p>18 A. Yes, definitely.</p> <p>19 Q. You also refer to the missing phone, and we didn't look 20 at it, but it is right, isn't it -- let's go back to it, 21 just for completeness. IPC525, please, if you still 22 have the bundle open in front of you, this is the HAT 23 return, it is probably the same tab, tab 18 and page 2.</p> <p>24 We can see that by this stage, you see the line 25 there, "Conduct enquiries to locate Walgate's</p> <p style="text-align: center;">Page 38</p>	<p>1 If he hasn't got his phone with him, as you are 2 trying to establish the sequence of events that have 3 occurred before he has actually died, one of the key 4 things is what he has done, and the way to identify what 5 people have done is through the use of their phone. So 6 has he lost his telephone? Has he lent it to somebody? 7 Has it been stolen from him? Or has it been disposed 8 for another reason?</p> <p>9 Q. Thank you, so having dealt with that, can we go back to 10 your report, please, so it is INQ6, page 12, 11 paragraph 49. I think we have been through the various 12 factors that you identify there except the last one, the 13 lack of contact between Anthony and his friends, which 14 is the evidence of China Dunning and so on.</p> <p>15 In light of those factors that were available at the 16 time, does it remain your view that at that point the 17 death really should have been treated as a suspicious 18 one?</p> <p>19 A. Yes, it did. Definitely.</p> <p>20 Q. What would flow from that?</p> <p>21 A. To flow from that, if you maintain that the death is 22 suspicious, you then have your mind focused on ensuring 23 that the actions are progressed to understand exactly 24 what has happened to Anthony in that time before he has 25 been discovered.</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 In this case, with the HAT car, so whether they 2 continue to provide assistance alongside the borough or 3 it got handed over to them because we are saying that we 4 now believe that there is a third party involvement, we 5 are really not happy about this, things should have gone 6 in tranche to make sure that the enquiries that are 7 highlighted here in the HAT return, but also the others 8 that were identified as being relevant, were progressed 9 expeditiously, is what I would say.</p> <p>10 Q. Let's move forward, because this was on the Friday, the 11 day after Anthony's body was found. We know that on the 12 Wednesday of the next week, so Wednesday, 25 June, that 13 was a day on which some quite important developments 14 took place in the investigation. We know that was the 15 day on which DCI Kirk asked DI McCarthy to review the 16 investigation and he did that and set some actions --</p> <p>17 A. Yes.</p> <p>18 Q. As a result of that, one of the actions that he set, we 19 know that China Dunning identified, or was shown 20 a photograph of Stephen Port and identified him as being 21 Joe Dean. She had seen the photo Anthony had shown her 22 a week or so before.</p> <p>23 A. Yes.</p> <p>24 Q. That was also the day on which a PNC check was done and 25 a particular incident, the New Year's Eve incident,</p> <p style="text-align: center;">Page 41</p>	<p>1 interactions with police involving some step like that 2 being taken?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. We can see that this search has thrown up this reading 5 relating to Stephen Port:</p> <p>6 "The victim has made an allegation that DP [that's 7 the detained person, that is Stephen Port] his partner 8 had given him poppers (drugs) and had had non-consensual 9 anal sex with him."</p> <p>10 Underneath those few words there is the CRIS report 11 reference; is that right?</p> <p>12 A. Yes, that's correct, yes.</p> <p>13 Q. In fact, if we go back a page, so page 69, it is there, 14 in fact that we see Stephen Port's name on the left, at 15 the top, the offence and also the date which was New 16 Year's Eve 2012, and the location, 62 Cooke Street.</p> <p>17 That is that initial CRIS entry report -- sorry, PNC 18 report?</p> <p>19 A. Yes.</p> <p>20 Q. Let me just ask you this then. In the context of this 21 investigation, how important was that entry? What do 22 you think should have happened as a result of it?</p> <p>23 A. I think that that PNC report is really significant, 24 because if you now consider on the 25th the 25 circumstances that are known is that Anthony has met</p> <p style="text-align: center;">Page 43</p>
<p>1 relating to Stephen Port came to light?</p> <p>2 A. Yes.</p> <p>3 Q. In fact we heard some evidence that that seems to have 4 been a very narrow understanding of that seems to have 5 existed on the day of Anthony's body being discovered, 6 but this was the day on which the investigating officers 7 seem to have become aware of it, yes?</p> <p>8 I want to just ask you some questions about that 9 intelligence side of things, starting with the PNC 10 report.</p> <p>11 Can we go, please, to just a few references, again 12 in this same jury bundle.</p> <p>13 First of all, we need to go to tab 22A. For the 14 screen, it is INQ4, internal page 70. Within the 22A it 15 is the last of the pages.</p> <p>16 I should have asked -- perhaps let me ask now, 17 Ms Mackay, we have heard a lot about the PNC, one 18 assumes this is a system to which you and your 19 detectives had access in exactly the same way as the 20 Metropolitan Police?</p> <p>21 A. Yes, so for clarity "PNC" stands for Police National 22 Computer, so it is something that all police forces use 23 and have access to.</p> <p>24 Q. Let's just remind ourselves, it is a record of events 25 like arrests, not simply arrests, cautions as well, but</p> <p style="text-align: center;">Page 42</p>	<p>1 Stephen in order to have sex with him and we now have 2 a report where -- sorry, if I just go on from that, then 3 he is found deceased in the street and the indication is 4 that it is some form of drugs overdose. We now have 5 a report where a man is with Stephen and he has been 6 given a drug that stupefied him, put him in a position 7 where he then couldn't consent to the sex that was then 8 had with him by Stephen, which is obviously a rape.</p> <p>9 We have what we would call, in policing terms, "bad 10 character". When people are being investigated and 11 interviewed, we look at offences that are similar to the 12 type that they are being investigated for or interviewed 13 about, because it could show a pattern of behaviour and 14 when we eventually get through to criminal proceedings, 15 we have an opportunity where we can apply to have that 16 included as part of the evidence.</p> <p>17 So if I use the term "bad character", for me that is 18 why it is significant, because it appears to be very 19 similar to circumstances surrounding Anthony's 20 interaction with Stephen, even if we accept at this 21 stage we didn't know whether Stephen had administered 22 any drugs or whether Anthony had taken them himself.</p> <p>23 Q. That entry, of course, is very brief?</p> <p>24 A. Yes.</p> <p>25 Q. Although, for the reasons you give, there is enough</p> <p style="text-align: center;">Page 44</p>

<p>1 there to show its importance?</p> <p>2 A. Yes.</p> <p>3 Q. But, as we saw, there is a reference within that entry</p> <p>4 to a CRIS report. Would you expect someone in the</p> <p>5 context of this investigation to want to find out more</p> <p>6 about this incident?</p> <p>7 A. So not only would I expect exploration of the CRIS</p> <p>8 report, I would want to have a firmer understanding from</p> <p>9 that victim as to exactly the circumstances that led to</p> <p>10 him making the complaint to the police, to see what</p> <p>11 similarities there were, and again it would assist in</p> <p>12 the decision making about the next steps you would make</p> <p>13 around that investigation.</p> <p>14 I understand -- sorry, I was just going to say from</p> <p>15 this that I understand it says no further action was</p> <p>16 taken. Notwithstanding that a person might not want to</p> <p>17 engage in an active police investigation or take part in</p> <p>18 a prosecution, we still have an ability to go and speak</p> <p>19 to them about the circumstances where they were a victim</p> <p>20 of an offence.</p> <p>21 Q. The no further action indication could mean a whole</p> <p>22 range of things, couldn't it?</p> <p>23 A. Absolutely, yes.</p> <p>24 Q. At one end of the scale, it could mean that the</p> <p>25 allegation had simply been a lie --</p> <p style="text-align: center;">Page 45</p>	<p>1 That's it, and internal page 10, please.</p> <p>2 Here we have, as it were, the initial account that</p> <p>3 X1 provided and the fact that he was in a relationship</p> <p>4 with Stephen Port, they had been in a relationship for</p> <p>5 two years but then the paragraph starting, "The couple</p> <p>6 had been in a relationship ..." we see X1 stating that</p> <p>7 on a few occasions he has felt pressured into sexual</p> <p>8 activity, it's not the first time Port has used drugs</p> <p>9 and alcohol to "take advantage of him".</p> <p>10 Then we also see as part of the story we see towards</p> <p>11 the bottom of that page that X1 was highly emotional,</p> <p>12 suggesting he wanted to self-harm and going over to the</p> <p>13 next page, we see a reference to the fact that he was</p> <p>14 sectioned under the Mental Health Act.</p> <p>15 Then, if we can go forward to page 16, we then see</p> <p>16 an entry to the effect of X1 making a withdrawal</p> <p>17 statement.</p> <p>18 This in fact provides the answer, does it not, to</p> <p>19 why the matter was not actioned?</p> <p>20 A. Yes, it does.</p> <p>21 Q. Do we there see that in fact, as part of that withdrawal</p> <p>22 statement, X1 is maintaining much of what he had</p> <p>23 previously said, but simply saying he didn't want to</p> <p>24 take it forward further.</p> <p>25 But, perhaps importantly, just a few lines up from</p> <p style="text-align: center;">Page 47</p>
<p>1 A. Yes.</p> <p>2 Q. -- and that when the police arrived and the complainant</p> <p>3 was asked about it they decided they weren't going to</p> <p>4 pursue it because they knew they were just lying.</p> <p>5 A. Yes.</p> <p>6 Q. But there may be all sorts of other explanations?</p> <p>7 A. It is a broad spectrum for discontinuing any criminal</p> <p>8 investigation, particularly around rape and sexual</p> <p>9 offences, yes.</p> <p>10 Q. Are there any circumstances in which just seeing</p> <p>11 an incident like this and then seeing that it had not</p> <p>12 been taken any further, would that be a justification</p> <p>13 for just putting it to one side and not placing any</p> <p>14 weight on it, not exploring it?</p> <p>15 A. No, I don't consider so, because you need to understand</p> <p>16 the circumstances. They were really key to this.</p> <p>17 Q. We know -- let's just look at the CRIS report. For</p> <p>18 this, I think we need to go to bundle B/2, tab 56. For</p> <p>19 the screen, it is INQ23. The jury will recall this</p> <p>20 document, I am sure you have looked at it as well,</p> <p>21 Ms Mackay. What this document tells us, is this fair in</p> <p>22 summary, is in fact there was a complicated story here?</p> <p>23 A. Yes, that is true.</p> <p>24 Q. If, for example, first of all, we look at internal</p> <p>25 page 10 of the document, so IPC23, internal page 10.</p> <p style="text-align: center;">Page 46</p>	<p>1 the bottom:</p> <p>2 "Stephen would not have known that I did not want to</p> <p>3 do these sexual acts as I never said anything to</p> <p>4 indicate this, but I didn't."</p> <p>5 That provides a further dimension to the story that</p> <p>6 X1 is telling?</p> <p>7 A. It does, yes.</p> <p>8 Q. Let me ask you just a couple of questions.</p> <p>9 First of all, in your view, having looked first of</p> <p>10 all at the PNC entry and then at the CRIS, would you</p> <p>11 have expected any further enquiries to be made relating</p> <p>12 to this incident?</p> <p>13 A. I would still expect, even though X1 has not engaged</p> <p>14 with the police and provided a statement to the effect</p> <p>15 of the rationale as to why he doesn't want to, is to</p> <p>16 speak to him to get an understanding of what he was</p> <p>17 saying, because initially his account is he is forced to</p> <p>18 take drugs and then he is unable to consent to the sex</p> <p>19 that takes place, which is rape.</p> <p>20 In his retraction statement he is saying that he was</p> <p>21 encouraged to drink large amounts of alcohol and then to</p> <p>22 take the poppers, and whilst he says that he perhaps did</p> <p>23 not make it clear that he was not consenting which is</p> <p>24 very key subsequently around prosecution of rape, the</p> <p>25 circumstances are still really important, because if</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 this is a pattern of behaviour that Port has been 2 adopting with him and potentially others, it was 3 essential to understand that to investigate the 4 circumstances of Anthony and what had happened to him 5 whilst he was in Port's flat.</p> <p>6 Q. Thank you.</p> <p>7 Of course we know that the investigators did have 8 reference to this CRIS, amongst other things we can see 9 at the bottom page it was printed off on the next day, 10 the 26th, and the evidence was that they had looked at 11 it. If we look at another document in the bundle, and 12 I think for these purposes one needs to go back, with 13 apologies to, B/1, it is tab 43. For the screen, 14 please, it is IPC 269.</p> <p>15 Ms Mackay, you will recall, I am sure the jury will 16 recall that current situation report document, which 17 went through various different versions as the 18 investigation progressed, initially drafted by 19 DI McCarthy and then amended over the course of the 20 investigation. This is I think the latest version we 21 have of it, it is in fact the version amended at the end 22 of the year. We can see from this email, after the 23 toxicology results came in, so it has been amended in 24 October, this was the version that Sergeant O'Donnell 25 amended and sent back to DI McCarthy.</p> <p style="text-align: center;">Page 49</p>	<p>1 explaining what has happened and why they haven't 2 progressed it, or my interpretation would be are we 3 waiting for X1 to actually be visited and give us a full 4 account of what took place, so we have a comprehensive 5 understanding of it.</p> <p>6 The fact that it is not done, all those months 7 later, would then prompt me to say, "Why not? Where are 8 we with it?" And to chase that up.</p> <p>9 Q. Perhaps, just for completeness -- just give me one 10 moment -- yes, if one goes back to tab 19 in the bundle, 11 and MPS562. I think this is the first version of this 12 document, so you can see from the top it is dated on 13 that Wednesday, the 25th. If we go over to page 4 of 14 the document in fact nothing has changed, it was at that 15 point that the words "currently awaiting full details" 16 appeared.</p> <p>17 A. Yes, exactly the same.</p> <p>18 Q. In any event, without getting too caught up in the 19 detail, is it fair to say that your view is that more 20 should have been done in relation to this incident to 21 try and understand and put into context what it was that 22 Stephen Port seemed to have been doing to X1?</p> <p>23 A. Yes, it is. It was an opportunity to understand how 24 Stephen Port engaged with people that he was having 25 a sexual relationship with.</p> <p style="text-align: center;">Page 51</p>
<p>1 If we go forward in the document then to page 13, at 2 the very bottom there is the heading "Intelligence", do 3 you see that?</p> <p>4 A. Yes.</p> <p>5 Q. First of all there is a reference to Anthony, but then 6 if we go over the page, "Mr Stephen Port": 7 "Of note is that there is a previous allegation of 8 crime against Mr Port, subsequently NFA, that he had 9 unconsensual anal sex with a male after making him take 10 poppers." 11 Pausing there, really that captures what is on the 12 PNC readout, does it not?</p> <p>13 A. Yes, it does, yes.</p> <p>14 Q. Then it simply says, "Currently awaiting full details". 15 This is now several months into the investigation, 16 and this after all, this version of the document was 17 drafted to send back to HAT, as it were, capturing 18 everything that had been done?</p> <p>19 A. Yes.</p> <p>20 Q. Does this document indicate one way or the other as to 21 whether the investigation in your view had really done 22 enough in relation to this incident?</p> <p>23 A. The line "currently awaiting full details" doesn't 24 really expand on what they are waiting for. You can 25 interpret that as awaiting a full statement from X1</p> <p style="text-align: center;">Page 50</p>	<p>1 Q. Let's move on to another topic, please, and that is the 2 question of a separate check, the PND check. For this, 3 let's stay in this bundle and go to tab 2 of the bundle, 4 so it is the CRIS. For the screen it is IPC35, internal 5 page 116, please.</p> <p>6 This is the section of the CRIS which contains the 7 actions, 116, do you have it?</p> <p>8 A. Okay, yes.</p> <p>9 Q. I already mentioned, Ms Mackay, I am sure you recall, 10 that on that Wednesday DI McCarthy set a series of 11 actions and uploaded them on to the CRIS, on the 25th?</p> <p>12 A. Yes.</p> <p>13 Q. We are looking at one of them, which refers to 14 Stephen Port as the person who contacted the ambulance 15 service, it says, "Conduct, intel research, PNC, IIP 16 et cetera".</p> <p>17 A. Yes.</p> <p>18 Q. You will recall the evidence about quite what that 19 meant, we have asked Mr McCarthy himself about it and 20 I think that in the end he accepted or he did expect 21 that he would have expected a PND check to have been 22 conducted in response to that action.</p> <p>23 Tell us your view, on the one hand we have heard it 24 described as a very basic intelligence resource. On the 25 other hand we have certainly heard that it wasn't</p> <p style="text-align: center;">Page 52</p>

<p>1 something that everyone in a team was -- the type of 2 check that everyone had to do, you had to ask 3 a specialist to undertake the check. 4 In response to an action like this, would you have 5 expected a PND check to have been undertaken? 6 A. So I would have expected -- we would call it 7 an intelligence profile to be produced on Stephen Port 8 and it starts with the very basics of probably 9 a photograph of him, his full name, date of birth, the 10 PNC printout that we have seen, his address. 11 The PND, the reason that not everybody has access to 12 that is because it is to do with licences, so we have to 13 purchase a licence, which is why generally the 14 specialists that work within the intelligence bureau 15 will be the ones that have those licences and they will 16 do it. That is the only reason not every officer has 17 access to it, because of the level of training, the 18 security that surrounds it and the licences. 19 It is in itself though a straightforward check to do 20 and asking somebody to do that check is very similar to 21 asking them to do a PNC check. What it does is it 22 allows us to look broadly across a national picture of 23 any intelligence that any police force holds on that 24 individual, so that we don't get constrained by our own 25 policing geographical boundaries.</p> <p style="text-align: center;">Page 53</p>	<p>1 available and it was important. 2 Can I just say, equally, it would be important if 3 there was no information around that, as well, so the 4 two do balance out. It is about getting to the truth 5 and establishing the facts. 6 Q. I suppose the intelligence profile may have indicated 7 that the New Year's Eve episode was a one off and that 8 would have helped to put that into context? 9 A. Yes. 10 Q. Thank you. 11 Let me move on to another issue, which is the whole 12 question of primacy relating to this particular 13 investigation, the Anthony Walgate investigation. For 14 that, we really need to move on to the next day, 15 Thursday, the 26th. Again, the jury will recall -- I am 16 sure you have in mind, Ms Mackay -- those series of 17 primacy discussions that took place on that day. Later 18 on in the day Stephen Port was arrested and we all 19 remember DC Desai giving evidence about staying late to 20 interview him. Of course it was during that interview 21 that Stephen Port changed his account. When we think 22 about the primacy discussions that took place on that 23 day, the Thursday, the meeting, which I will mention in 24 a moment, took place before then and then there is the 25 email that DCI Kirk sent at the end of the evening after</p> <p style="text-align: center;">Page 55</p>
<p>1 Q. DS O'Donnell's evidence was -- he said that no one in 2 the office, certainly no one in the team, as he 3 understood it, would have had access to the PND. 4 A. Yes. 5 Q. Would you nonetheless have expected him to have arranged 6 for such a check to have been done and formed part of 7 that intelligence profile that you describe? 8 A. Yes, absolutely, that is why you have an intelligence 9 department, so they can facilitate that for you and also 10 to help alleviate the pressure of the work that you have 11 to do, so it takes an action of your list to physically 12 do and enables them to do that for you. 13 Q. Is it fair to say that whatever the position when 14 DS O'Donnell first made that action, if there is any 15 room for any doubt, once the PNC result had come back 16 and raised that concern about Stephen Port, would that 17 have underlined the need to obtain full intelligence 18 relating to him, in fact would that have, in your view, 19 triggered a wider intelligence research? 20 A. Yes, it would. Because you already have an indicator 21 about a behaviour that is relevant to your investigation 22 and you need to know and understand if that features 23 anywhere else in the broader context, so if he travels 24 outside the Metropolitan Police area, or as we now know, 25 British Transport Police, they have that information</p> <p style="text-align: center;">Page 54</p>	<p>1 they had already understood the fact that Stephen Port 2 had changed his account? 3 A. Yes. 4 Q. As I say, we should perhaps focus on the two requests 5 for primacy that were made during that day, or at least 6 on the evidence there may have been those requests. The 7 first during the meeting between DI McCarthy and 8 DCI Jones in Barking. I think it was in DCI Jones's 9 office in Barking on that day. 10 A. Yes. 11 Q. To be fair, I think the evidence was that DCI Jones -- 12 rather the effect of his evidence was to say, yes, we 13 talked about the case but there wasn't a direct request 14 coming from Barking, the borough, for us to take over. 15 The evidence of DI McCarthy was rather different. 16 He said, "Yes, there was. I asked him to take it over 17 and was refused". Just to perhaps trigger our memory of 18 that evidence, if we can go -- let's not bother going to 19 it in the bundle, but if we can go on the screen to 20 IPC536, please, and page 37. These were DI McCarthy's 21 notes of that meeting. We see in the middle there, in 22 fact DI McCarthy's oral evidence was he remembered that 23 meeting, he remembered DCI Jones saying something like, 24 "Sorry, still not a homicide" and that is why he wrote 25 that down on that page.</p> <p style="text-align: center;">Page 56</p>

<p>1 A. Yes.</p> <p>2 Q. That was the first request. Then, later in the day, as</p> <p>3 I say, after Stephen Port had been interviewed, after he</p> <p>4 had changed his story, there was a second request.</p> <p>5 Let's remind ourselves of that, we have looked at it</p> <p>6 many times but it is in the jury bundle, so bundle B/1,</p> <p>7 tab 30. For the screen, IPC753, please.</p> <p>8 DCI Kirk's email to Superintendent Sweeney asking</p> <p>9 the murder investigation team to take over. I won't</p> <p>10 read it out, we can all just refamiliarise ourselves</p> <p>11 with it, we have looked at it many times.</p> <p>12 With that in mind, Ms Mackay, what is your view</p> <p>13 about whether primacy should have been taken over by the</p> <p>14 murder investigation team? Perhaps it doesn't matter</p> <p>15 much whether it should have been at the meeting in the</p> <p>16 morning or in response to this email later in the day?</p> <p>17 A. I do think they should have taken primacy, because</p> <p>18 clearly it was complex. The skill set of the officers</p> <p>19 on the borough was such that they weren't able to</p> <p>20 progress it in that same way that a HAT team would and</p> <p>21 the questions that were being asked were indicating that</p> <p>22 his death had come about as a result of the actions of</p> <p>23 somebody else. So whilst the HAT team and DCI Jones are</p> <p>24 saying, "It is not obviously a homicide", and an obvious</p> <p>25 homicide is a stabbing or a shooting, not all homicides</p> <p style="text-align: center;">Page 57</p>	<p>1 Q. It might be said, well, it is still a relatively simple</p> <p>2 investigation, there are obvious lines of enquiry that</p> <p>3 need to be followed, why do you need that training to</p> <p>4 undertake that sort of investigation?</p> <p>5 A. I think that -- so obviously, as part of my review</p> <p>6 I have reflected around this and the actions that you</p> <p>7 could or would have taken. On my own personal level, as</p> <p>8 a strong decision maker is how I would describe myself,</p> <p>9 and this does not mean that everybody else is the same,</p> <p>10 that point where Stephen Port was arrested again</p> <p>11 following those discussions with the HAT team, I would</p> <p>12 have considered arresting him for murder at that point.</p> <p>13 I know that is not decisions that they made and I am not</p> <p>14 here to say that they were necessarily right or wrong,</p> <p>15 but my point is that reflecting my own approach to these</p> <p>16 sort of offences, did it hit that threshold level?</p> <p>17 I consider that for me personally it would have done</p> <p>18 then and if that is the case, it is really important</p> <p>19 that you get the support around you of not only the</p> <p>20 knowledge and experience of the senior investigating</p> <p>21 officer, but the process around managing the actions</p> <p>22 that are generated, the process around managing the</p> <p>23 forensic aspects of the case, the planning and structure</p> <p>24 of the interviews with Port, the engagement with the</p> <p>25 family and what the implications of his arrest mean to</p> <p style="text-align: center;">Page 59</p>
<p>1 are obvious at the outset.</p> <p>2 Q. Let me pick you up on your reference to "skill set", we</p> <p>3 see four paragraphs down here DCI Kirk saying:</p> <p>4 "At KG [we all know that means at Barking] we have</p> <p>5 no trained SIOs and even at DI and DCI level we only</p> <p>6 have PIP2 trained officers."</p> <p>7 The jury have heard something about the different</p> <p>8 levels of PIP accreditation, you have mentioned it</p> <p>9 yourself in terms of your own career. Is that really</p> <p>10 the point he is making?</p> <p>11 A. That is exactly the point he is making. SIO can be</p> <p>12 confusing, but in this context it is used to refer to</p> <p>13 a senior investigating officer who is PIP3 accredited or</p> <p>14 working towards it, and that particular accreditation</p> <p>15 and at that time was around the investigation of</p> <p>16 homicide and murder.</p> <p>17 They would have had not only mentoring and</p> <p>18 experience in their own investigations, they would have</p> <p>19 undergone training through the College of Policing and</p> <p>20 whilst those SIOs can sometimes go back to work on the</p> <p>21 borough, perhaps they have left the murder team to go</p> <p>22 back, so you would have somebody with that experience.</p> <p>23 That was not the case here, so DCI Kirk had not had that</p> <p>24 exposure then, nor had McCarthy, and of course I don't</p> <p>25 think O'Donnell had worked within a team either.</p> <p style="text-align: center;">Page 58</p>	<p>1 them, whichever offences he is arrested for, they are</p> <p>2 all significant, and the added benefit of using the</p> <p>3 HOLMES system, which I know that you have heard</p> <p>4 something about that purely as a process for managing</p> <p>5 documentation, but the key thing about that process is</p> <p>6 it has an inbuilt check and test to ensure that things</p> <p>7 are actually done that should be done and if they are</p> <p>8 not done, there is a rationale as to why they are not</p> <p>9 done.</p> <p>10 Q. In fact it is the very next paragraph of this email,</p> <p>11 DCI Kirk does not say that Stephen Port murdered</p> <p>12 Anthony Walgate, but he does say that the death, on the</p> <p>13 balance of probabilities, was at the hands of another,</p> <p>14 but he goes on to say it may not be a murder charge but</p> <p>15 the investigation is becoming increasingly complex.</p> <p>16 Was it those sort of considerations you think he had</p> <p>17 in mind, and the need because of the, as it were,</p> <p>18 proximity in his mind of this case to a homicide case,</p> <p>19 the need for the specialist skills of the MIT team to</p> <p>20 conduct the investigation?</p> <p>21 A. Definitely, yes. I think really just to put some</p> <p>22 context to it, when you are investigating the death of</p> <p>23 somebody, it is really important to establish what the</p> <p>24 truth is. That truth will sometimes lead to a murder</p> <p>25 charge and sometimes it might not, but it is really,</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 really important and, as you go down that pathway, you 2 need that support around you to ensure that you don't 3 contaminate any evidence and you do the best you can. 4 Q. The territory we are in here is the point -- I have gone 5 back to it more than once -- DS O'Donnell's analysis, 6 which is that you can sometimes have a strange 7 conversation with people in the homicide command because 8 you think a death is a homicide, you ask them to take it 9 over and they say no, because you cannot prove it is 10 a homicide -- 11 A. Yes. 12 Q. -- it is actually their skills you need in order to 13 investigate that very point. 14 A. Yes. 15 Q. Is that, do you think, part of the analysis here? 16 A. It is, and there will be cases where a HAT team or 17 a murder team take on these investigations, where it is 18 not clear and they are not homicide, for whatever 19 reason. Then it becomes a coronial process and you take 20 it and prepare a coroner's file, but you are confident 21 then that everything that needs to be done has been done 22 and those unanswered questions have been answered. 23 Q. We will come to see that what did happen was that the 24 HAT team didn't take primacy but offered some support. 25 A. Yes.</p> <p style="text-align: center;">Page 61</p>	<p>1 A. It is, yes. 2 Q. We know that what happened as a result of DCI Kirk's 3 request was that arrangements were made by 4 Superintendent Sweeney, for, as we have said, some 5 support to be provided the next day. Of course 6 Mr Sweeney was not able to give evidence to explain his 7 analysis, but we do have it fairly fully in his email. 8 We can look, perhaps, at tab 32 of the bundle, please, 9 it should be the same bundle as you have in front of 10 you. MPS 554. 11 In fact, Ms Mackay, it is 11.30, there are a few 12 questions I want to ask you about this and then I am 13 going to ask you more about what happened the next day 14 as a result of it. 15 Perhaps, madam, that is a good moment for a break? 16 A. Thank you. 17 THE CORONER: Yes. 18 We will take a short break, members of the jury. 19 A. Thank you. 20 (11.27 am) 21 (A short adjournment) 22 (11.36 am) 23 (In the presence of the jury) 24 MR O'CONNOR: Ms Mackay, we had been discussing DCI Kirk's 25 request to Superintendent Sweeney to take over primacy</p> <p style="text-align: center;">Page 63</p>
<p>1 Q. Perhaps this is a moment to look at an email that Chief 2 Superintendent Ewing sent a few days later. Can we just 3 have on screen, please, MPS779. I think if we can 4 expand the top half, please, when Mr Ewing gave 5 evidence, he was not able to help us much with this, but 6 he refers to being unhappy about this as a system of 7 work, and the "this" perhaps referring to the fact of 8 the support that had been provided the week before. 9 You see that the third bullet point there he says: 10 "My position on this is that we push for a PIP3 11 accredited SIO whenever there is any possibility of 12 a homicide -- not just ask for advice! We do not have 13 such detectives on borough!" 14 Is that really perhaps making a similar point to the 15 one -- 16 A. Absolutely, yes, they just don't have that level of 17 experience around it. 18 Q. He has used the threshold, not of -- if one goes back to 19 DCI Jones said to Mr McCarthy, "It is not a homicide", 20 that being the threshold for HAT involvement. The 21 threshold that Mr Ewing says ought to be applied there 22 is the possibility of a homicide? 23 A. Yes, that is exactly right. 24 Q. I take it that that is something closer to your view as 25 to how it should have been run?</p> <p style="text-align: center;">Page 62</p>	<p>1 that he sent on that Thursday evening and you had given 2 your view as to what the response should have been. 3 A. Yes. 4 Q. I was just on the point of asking you to look at 5 Superintendent Sweeney's internal email that conveyed 6 not to Barking but to his own team what his decision in 7 fact was. That is tab 32 in bundle B/1. For the 8 screen, it is MPS544. 9 Again, a document that we are all familiar with, we 10 have looked at it several times. I am not going to take 11 you through it in detail. I suppose the first point to 12 make is given your answer to my earlier question about 13 whether HAT should have simply assumed primacy at this 14 stage, your view is that this was the wrong decision, is 15 that fair? 16 A. Yes, that's correct, yes. 17 Q. Just moving on, as far as we see the rather detailed 18 arrangements that Superintendent Sweeney in fact set in 19 place, going back to what Chief Superintendent Ewing was 20 saying, this is more of the let's support the borough 21 rather than let's take over. 22 Leaving to one side your basic view that that was 23 the wrong call, do you have any observations about the 24 content of the email, the arrangements he put in place? 25 A. So excepting my view, I think that Mr Sweeney has set</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 out in his email here what he has set out is supportive</p> <p>2 and helpful, if that had been followed through in that</p> <p>3 way.</p> <p>4 Q. We can perhaps just -- I am going to come on to ask you</p> <p>5 questions about what in fact took place on the next day,</p> <p>6 the Friday, but while we are looking at this document we</p> <p>7 can see towards the bottom of the page that he has</p> <p>8 identified, has he not, the staff, DI Kelly from MIT 22,</p> <p>9 and then a team with DS Reeves and others from MIT 7 to</p> <p>10 attend in Barking and then he has listed a number of</p> <p>11 tasks/actions they can assist with?</p> <p>12 A. Yes.</p> <p>13 Q. Again, assuming for the moment that it is the supporting</p> <p>14 role rather than the taking over that was the decision,</p> <p>15 does it seem to you then that those tasks were the type</p> <p>16 of tasks that MIT might helpfully assist with?</p> <p>17 A. Certainly, yes, that was the case.</p> <p>18 Q. I will be coming on to ask you in particular about two</p> <p>19 of those -- in fact it is the first and the last, the</p> <p>20 interviewing and also the reviewing the enquiries</p> <p>21 already undertaken. Let me start with that last one.</p> <p>22 We see DI Kelly's name there. The evidence we have</p> <p>23 heard is that it was DI Kelly who undertook that role of</p> <p>24 reviewing the investigation so far. His evidence, which</p> <p>25 we heard, was that he in fact did it from his own desk,</p> <p style="text-align: center;">Page 65</p>	<p>1 that.</p> <p>2 You do that at the time that you make the decisions</p> <p>3 so that later on, whether it is in a court of law,</p> <p>4 an inquest or any other environment, you can be held up</p> <p>5 to be scrutinised around that and be accountable.</p> <p>6 When you embark on this process, it can be a little</p> <p>7 bit intimidating if you don't understand how to do it</p> <p>8 but actually the reality is it is quite straightforward,</p> <p>9 so DI McCarthy could have done that and I think at the</p> <p>10 beginning we saw he did do that. But DI Kelly would</p> <p>11 have had an opportunity to sit down and see what</p> <p>12 decisions DI McCarthy had or hadn't recorded, whether</p> <p>13 outside of the CRIS report, and provide him some support</p> <p>14 and guidance around that.</p> <p>15 That is the first point.</p> <p>16 Q. Yes, just to pick up on -- we still have Mr Sweeney's</p> <p>17 email on the screen, towards the bottom, right at the</p> <p>18 bottom, in fact, he says:</p> <p>19 "The above measures are to ensure that nothing is</p> <p>20 missed ..."</p> <p>21 That is particularly the focus of that review</p> <p>22 measure.</p> <p>23 A. Yes.</p> <p>24 Q. Is that, in your view, something that really can be done</p> <p>25 on the phone?</p> <p style="text-align: center;">Page 67</p>
<p>1 he was in his own office in Barking, so not the CID main</p> <p>2 office in Barking and Dagenham borough but the homicide</p> <p>3 command building in Barking and that he undertook that</p> <p>4 reviewing task by staying at his desk, looking at the</p> <p>5 CRIS, looking at the HAT returns and speaking to</p> <p>6 DI McCarthy more than once on the phone.</p> <p>7 What is your view about the way in which he</p> <p>8 performed that role?</p> <p>9 A. I think that if you are being asked to undertake</p> <p>10 a review and in this case for your PIP3 SIO to support</p> <p>11 your investigating officer on the borough, the effective</p> <p>12 way to do that is to attend and sit down together in</p> <p>13 an office and to talk through what has happened and what</p> <p>14 hasn't happened. Through that discussion you will be</p> <p>15 able to -- so DI Kelly would at that point be able to</p> <p>16 understand what DI McCarthy's hypotheses were, so what</p> <p>17 does he think has happened, what lines of enquiry has he</p> <p>18 identified around that, how has he recorded that</p> <p>19 rationale? If I just touch briefly, the benefit of</p> <p>20 being the trained SIO, the PIP3 accredited person, is</p> <p>21 that one of the things that there is a great deal of</p> <p>22 focus on is writing what is called a policy book.</p> <p>23 A policy book, quite simply, is you make a decision to</p> <p>24 do something, or to not do something, and then you</p> <p>25 provide a rationale as to why you have or haven't done</p> <p style="text-align: center;">Page 66</p>	<p>1 A. If you are doing it on the telephone, you tend to get --</p> <p>2 you can get sucked into talking about one avenue or one</p> <p>3 area of discussion, and you might lose your train of</p> <p>4 thought, whereas, as all of you will know, if you sit in</p> <p>5 a room and have a face-to-face conversation with</p> <p>6 somebody, it will flow backwards and forwards, and even</p> <p>7 if you get stuck on looking at one decision process or</p> <p>8 one avenue of enquiry, because you have the documents</p> <p>9 laid out in front of you, it is much easier to say,</p> <p>10 "Okay, so we have talked about that, let's come back to</p> <p>11 this". It is a much more conducive way of having</p> <p>12 an open and honest discussion, and I also think that it</p> <p>13 would give DI Kelly an opportunity to assess -- if I use</p> <p>14 the word competence, but the experience of DI McCarthy</p> <p>15 and to see how much support he would have.</p> <p>16 So in a supportive and mentoring environment, it is</p> <p>17 something I have undertaken a lot in my career, it is</p> <p>18 something I have encouraged all my experienced staff to</p> <p>19 do to help develop the less experienced staff and it</p> <p>20 would have forged that relationship that even if the</p> <p>21 decision at the end of that day was that the</p> <p>22 investigation stays with the borough, DI McCarthy would</p> <p>23 probably have a bit more confidence then to ring</p> <p>24 DI Kelly the following week and say, "Remember we</p> <p>25 discussed A, B, C, I have now got this, what do you</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

1 think?"
 2 **I think you cannot underestimate the importance of**
 3 **that face-to-face engagement.**
 4 Q. Just to be clear, you are expressing your view that
 5 DI Kelly, having been tasked with this exercise, he
 6 should have gone and sat down with DI McCarthy --
 7 A. Yes.
 8 Q. -- is that something that you are saying as a result of
 9 one of the written policies that we have seen or is it
 10 what you regard as good practice or something else?
 11 A. So it doesn't come from a written policy per se. It
 12 does come from, if you were -- so I know that you have
 13 talked about employing the services of a review team, so
 14 that would be something that they would do. I think
 15 that even if he had conducted the review on the
 16 telephone, as he did, I would have expected there to be
 17 an email with written feedback saying:
 18 "These are the areas that we have discussed, these
 19 are the lines of investigation that you are currently
 20 following, these are the ones you might consider in
 21 future, these are things you need to progress."
 22 So that equally, for both sides, there is a record
 23 of actually what has gone on and how they have helped
 24 the other, as opposed to just a telephone conversation.
 25 Q. Thank you.

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1 Let me move on to another one of those tasks, which
 2 was in fact the top one on the list, interviewing
 3 Mr Port. The jury have heard that there were indeed two
 4 officers from MIT 7 team who did conduct a further of
 5 Mr Port that day, DCs Levoir and Holt, and we listened
 6 to that particular interview.
 7 Let me ask you just a few points about it.
 8 First of all, you know, I know, and we heard from
 9 DC Levoir, that she was what is called a tier 5
 10 interviewer. She explained that was a very high level
 11 of qualification in that field of interviewing and the
 12 sense, the substance of her evidence -- I know this is
 13 drawn out in your report -- is that that high level of
 14 qualification is really not so much to do with actually
 15 asking questions at interview, but is more to do with
 16 the strategic planning of a whole interviewing --
 17 perhaps a course of interviews or an interviewing
 18 strategy.
 19 With that in mind, is there a significance in your
 20 view to the fact that it was her who was one of the two
 21 interviewing officers?
 22 A. Yes, most definitely so. So she has confirmed, as
 23 I understand her evidence, that she has achieved that
 24 higher level of training, so we have talked a lot about
 25 the benefits of the homicide team and the skill sets

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1 they have. One of those is that you have different
 2 people available to you, so when you are the SIO, to set
 3 the strategy for you and if you talk about an interview
 4 strategy, it will be around the topics that are going to
 5 be covered in each stage of the interview, the
 6 disclosure that you are going to give to the suspect at
 7 the beginning and as those interviews progress, how you
 8 are then going to formulate the challenge part of the
 9 interview, and the process for monitoring those
 10 interviews and feeding it back in to the SIO, so that
 11 quick-time actions that are identified can be drawn out
 12 and can be responded to.
 13 It is not uncommon to have an action team who are
 14 available to respond to some of those quick-time actions
 15 during the course of an interview.
 16 So her skill set was really quite unique.
 17 If I go on, I understand from her evidence that what
 18 she says is she was not selected to conduct that
 19 interview based on her skill set, she was just one of
 20 two people who were deployed on that day.
 21 Q. Yes.
 22 A. However, if you have that skill set and you volunteer to
 23 undertake that role -- it is not something that people
 24 are forced into doing -- my expectation would be that
 25 you would use that to the very best of your ability to

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1 **support the investigation that you are there to assist.**
 2 Q. Right.
 3 Let me ask you first of all then about the content
 4 of the interview and the point that may have struck the
 5 jury is that, in fact, the subject matter of the
 6 interview, if you like, and the way it was conducted,
 7 was really rather similar to the interview that had been
 8 conducted the previous day by DC Desai, in the sense
 9 that really the questions were designed just to allow
 10 Stephen Port to give his account?
 11 A. Yes.
 12 Q. I mean the phrase "No challenge interview" has been
 13 used, I appreciate that is not a term of art.
 14 The evidence that the jury heard was that the
 15 explanation for that was that DI McCarthy had been aware
 16 that DC Desai had been on his own and wasn't a homicide
 17 command officer and he wanted to have another similar
 18 interview to, as it were, make sure that that was done
 19 properly.
 20 A. Yes.
 21 Q. It was not something he agreed with, but that was what
 22 the MIT officers had understood.
 23 In those circumstances, was there anything wrong in
 24 your view with the lack of challenge in that interview
 25 conducted by the MIT officers on the second day?

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<p>1 A. I think the actual process of those specific interviews, 2 the way that they have adopted their approach in order 3 to engage with Port to get his accounts, is not flawed. 4 It absolutely follows the model and what they did was 5 correct. I think the reason we then get into the 6 ambiguity is then what happens next, because the whole 7 interviewing process and the models that we have in 8 policing actually goes into another phase and whether 9 that phase is undertaken on that day or at some point in 10 the future, there needs to be planning around how that 11 is done.</p> <p>12 Q. Let us just remind ourselves, because I think the next 13 thing to ask about is the written record of that second 14 interview and what was handed back to the borough team 15 by DC Levoir and her team.</p> <p>16 We can just remind ourselves if we go to tab 35 in 17 the jury bundle. For the screen, it is INQ4, page 31, 18 I am not going to go through this, but the jury will 19 remember these were DC Levoir's manuscript notes of the 20 interview. There was some question about whether -- 21 there is no doubt at all that these notes were handed 22 over to the borough on the day. DC Levoir had a memory 23 that she handed over a typed document, or passed that 24 document to the borough, either at the time or certainly 25 within a day or so. There is no record of that. But</p> <p style="text-align: center;">Page 73</p>	<p>1 and there would be a nominated person, often a sergeant, 2 who will read them in slightly slower time and pick out 3 from them every single detail and action, and that is 4 raised through HOLMES. When there has been commentary 5 around I would have expected the sergeant or 6 investigating officer to do that, that is because they 7 are used to working in that environment where there is 8 more resource available and it is supported by 9 a computerised system that makes it easier to track and 10 follow.</p> <p>11 I think that is a little bit to put into context why 12 there is one explanation from the one side. On the 13 other side the borough have very limited resource at 14 that moment in time. There is obviously quite a lot of 15 activity taking place on this day, with the searches, 16 the interviews and so on. We would have expected DC or 17 DS Levoir, because of her role as a tier 5, to have set 18 that out, because that is exactly what she would have 19 done is fed that back into an SIO. In the absence of 20 her doing it on this day, I would have expected her to 21 fed back some of those highlights to DS Reeves, who was 22 there overseeing that process, so that he could ensure 23 that the borough were properly briefed and that there 24 was a record made and whether that was in a report form 25 to go on the CRIS or directly on to the CRIS.</p> <p style="text-align: center;">Page 75</p>
<p>1 perhaps in the end it doesn't matter very much, because 2 DC Levoir's evidence was that really all she would have 3 done is typed up these manuscript notes.</p> <p>4 If she is right that she handed over a typed 5 document, we know what it would have contained -- this.</p> <p>6 A. Yes.</p> <p>7 Q. The question I have for you is whether that is enough or 8 whether you would have expected the MIT team and 9 DC Levoir to have done more than simply pass a set of 10 notes made during the interview about what the interview 11 had contained?</p> <p>12 A. Yes. I would have expected a covering report to 13 accompany this, that would have highlighted some key 14 actions. That is not all the actions that are contained 15 in here, but some key actions that have come out of this 16 or information that is highlighted as significant or 17 relevant to the investigation so far. So that the 18 borough, who are still investigating this, have 19 an opportunity to prioritise those actions.</p> <p>20 Can I just explain a bit about how the MIT works to 21 the borough --</p> <p>22 Q. Yes.</p> <p>23 A. -- just to help put some context.</p> <p>24 When you are working in the MIT, these notes and the 25 subsequent interview, when it is typed, will be put in</p> <p style="text-align: center;">Page 74</p>	<p>1 Q. You have mentioned actions and highlights and so on --</p> <p>2 A. Yes.</p> <p>3 Q. -- just to remind ourselves, if we could go forward in 4 this document to page 43, to remind ourselves, we will 5 all remember that no doubt there were a number of points 6 which arose from this interview but one of them, the top 7 asterisk there, was Stephen Port referring to what he 8 described as the last time he assisted police. It was 9 a question that DC Holt asked him expecting an answer 10 relating to New Year's Eve and what he received was 11 something which was obviously different, and we now know 12 to have been a reference to the Barking station 13 incident.</p> <p>14 A. Absolutely. The fact that there is the asterisk there 15 shows it is recognised as being important.</p> <p>16 Q. When we asked both DC Desai and DC Levoir questions 17 about interviewing in general, they both referred to 18 what is known as the PEACE or P-E-A-C-E model.</p> <p>19 A. Yes.</p> <p>20 Q. I can't remember what all of those letters stand for, 21 and I will not ask you, but the last one, the last E, is 22 "evaluation", isn't it?</p> <p>23 In fact both DC Desai and DC Levoir -- I mean first 24 of all, both of them prepared notes of their interview 25 which were literally just notes of what Stephen Port had</p> <p style="text-align: center;">Page 76</p>

1 said, they didn't contain any analysis.
 2 **A. Yes.**
 3 Q. Broadly they both said the same thing, which is that
 4 that last E in the PEACE model, the evaluation, is for
 5 someone else to do. Is that fair?
 6 **A. That is a little bit about what I have alluded to when**
 7 **they feed it back in in a major incident team.**
 8 **I think that what they have either failed to**
 9 **recognise or haven't done here is that they are there in**
 10 **a supporting capacity to the borough and therefore they**
 11 **should assist in that evaluation process, and I think,**
 12 **quite frankly, even if they had been a member of my team**
 13 **on a homicide command, I would have expected some**
 14 **feedback from them around the significant points that**
 15 **have come out of an interview. You wouldn't expect them**
 16 **just to go, do it and pass it on, because it is**
 17 **important.**
 18 Q. Thank you.
 19 Let's move on to another aspect of the HAT's work
 20 that day. To do that we can go in the bundle just to
 21 the next tab, it is tab 36, and for the screen it is
 22 IPC45. This is the HAT return draft put together at the
 23 end of the day, summarising what has happened.
 24 If we can go over to the second page, please. Under
 25 the record of advice given, so the second box down,

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1 about four lines down, we see, "Intel being conducted by
 2 MIT 7 officers".
 3 DS Reeves obviously accepted that that indicated
 4 precisely that, that there was some intelligence work
 5 being conducted by his team, but he wasn't able to
 6 remember exactly what had happened or what that
 7 intelligence research was about.
 8 DI McCarthy, his evidence was in a sense that they
 9 had, the words he used was "they", that is the MIT, have
 10 taken away the whole intel research package from us,
 11 again, he said the major investigation "took that
 12 action", HAT advice said that all intel checks are being
 13 taken away from that point.
 14 **A. Yes.**
 15 Q. Obviously you cannot help us resolve exactly what
 16 happened that day or who said what to whom, because you
 17 were not there, but from your experience what would you
 18 have expected to happen and how would do read that
 19 document?
 20 **A. Okay, so I am assuming from this, and you will have to**
 21 **forgive me for making that assumption, but the MIT team,**
 22 **the homicide command have their own intelligence cell**
 23 **and that is certainly what happens in other areas of the**
 24 **country and I am sure I will be corrected if that is not**
 25 **right, but those officers in MIT 7 have been allocated**

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1 **the action to go and prepare an intelligence profile.**
 2 **It doesn't actually even be specific here that it is on**
 3 **Port, but when you are conducting an investigation like**
 4 **this, you want to know the intelligence, not just about**
 5 **your person in custody, but obviously about your victim,**
 6 **and also any significant witnesses.**
 7 **You need to understand the whole intelligence**
 8 **picture, and I would expect quickly, because they are**
 9 **really, really good at their job and they are used to**
 10 **turning around these intelligence checks in short**
 11 **periods of time, that there would have been profiles**
 12 **particularly on Port submitted back to the borough, so**
 13 **ie within that day and then anybody else who they deemed**
 14 **it was necessary to include.**
 15 Q. Perhaps it follows from what you have said earlier, but
 16 would that intelligence profile have included a PND?
 17 **A. A PND, absolutely, yes.**
 18 Q. Thank you.
 19 Let's move on then. That was the MIT involvement on
 20 that Friday, at the end of what had been a busy few
 21 days.
 22 **A. Yes.**
 23 Q. I now want to ask you some questions about what happened
 24 afterwards. The evidence was, first of all, that --
 25 I think there was a meeting on the Monday, and that may

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1 have been the last entry in DI McCarthy's SIO log.
 2 **A. Yes.**
 3 Q. In a nutshell, he described himself as having stepped
 4 back from the investigation from around that time -- he
 5 had other work on, I think he said he had a court case
 6 to attend and he also referred to other responsibilities
 7 that he was given within the borough at around that
 8 time.
 9 We also have noted and seen, for example, that there
 10 were no more actions set on the CRIS and I will come to
 11 ask you in a moment about some of the actions that may
 12 have taken place, which didn't.
 13 First of all, in terms of DI McCarthy, we see that
 14 he was asked on the Wednesday of the week before to
 15 review the case by DCI Kirk and he was involved in those
 16 events of the few days at the end of that week. Then,
 17 as I say, he said he stepped back. Do you think that
 18 was something that he shouldn't have done or, if it was
 19 perfectly reasonable for him to do that, what would you
 20 have expected him to have done thereafter?
 21 **A. Okay, so when I actually conducted my review, although**
 22 **I noted on the CRIS that he had handed over**
 23 **responsibility to DS O'Donnell, I must admit it wasn't**
 24 **until I heard it in evidence that he was clear that he**
 25 **was taking no more responsibility for that**

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<p>1 investigation.</p> <p>2 My own personal view is that is really poor decision</p> <p>3 making, because it is at a stage of the investigation</p> <p>4 where a lot of the questions that were being asked that</p> <p>5 had made it suspicious, that had the involvement and</p> <p>6 support of the HAT team, still had not been answered.</p> <p>7 He had referred to only having maybe two deaths like</p> <p>8 this a year on the borough that were such that they</p> <p>9 would sit with a detective inspector, so not usually in</p> <p>10 their day business, so that was significant as well.</p> <p>11 There didn't appear to be clear rationale as to why he</p> <p>12 should then step back and not have any oversight. So</p> <p>13 I think that was a bad decision and I must say I was</p> <p>14 quite surprised to hear him give that account during the</p> <p>15 course of his evidence.</p> <p>16 If I move on to answer the second part of your</p> <p>17 question --</p> <p>18 Q. Yes.</p> <p>19 A. -- so the second part is that even if he has then</p> <p>20 stepped back with his due rationale, I would expect him</p> <p>21 as somebody who is supporting and leading a team to have</p> <p>22 made sure that he continued to review that investigation</p> <p>23 with DS O'Donnell. People talk about seven-day reviews</p> <p>24 of the CRIS, but, in any event, at least at every 28</p> <p>25 days to review that process to see what was going on,</p> <p style="text-align: center;">Page 81</p>	<p>1 results, that was an excellent opportunity then to have</p> <p>2 DS O'Donnell into the office with him and sit down and</p> <p>3 not just go through the CRIS but as I have alluded to</p> <p>4 with DI Kelly, to have that face-to-face meeting and</p> <p>5 discussion about where we are with the investigation,</p> <p>6 what do we need to do now and what is our next steps</p> <p>7 moving forward going to be?</p> <p>8 Q. If we can look briefly at some further steps that may</p> <p>9 have been taken at around this time?</p> <p>10 A. Yes.</p> <p>11 Q. First of all, we have been talking about actions arising</p> <p>12 from that second interview. Would you have expected --</p> <p>13 we know that there was no action points that came from</p> <p>14 the HAT team, would you have expected that job to have</p> <p>15 been done on the borough by DS O'Donnell or one of his</p> <p>16 team?</p> <p>17 A. I think that even if he had identified the fact it</p> <p>18 hadn't have been done, he would have had options</p> <p>19 available to him then to either go back to HAT and say,</p> <p>20 "I am really sorry, I haven't got the time or space to</p> <p>21 do this, can you help me?" He could have done it</p> <p>22 himself or he could have asked DC Desai I think who</p> <p>23 conducted the first interview to review the other</p> <p>24 interviews to raise those actions on his behalf.</p> <p>25 Q. Let's put it this way, one way or another, should</p> <p style="text-align: center;">Page 83</p>
<p>1 what results had come back and where we were. If he is</p> <p>2 not even setting the stress sheet and direction for the</p> <p>3 investigation, he should be supporting his sergeant in</p> <p>4 doing that and making sure that he continued to have the</p> <p>5 resources he needed to progress the investigation. That</p> <p>6 is one of his jobs, and if DS O'Donnell had said, "I am</p> <p>7 sorry, I haven't done anything, I can't progress it</p> <p>8 because of A, B, C", then DI McCarthy would have been in</p> <p>9 a position to try and help facilitate that, and that</p> <p>10 would include perhaps going back to the HAT and asking</p> <p>11 for some more expert support.</p> <p>12 Q. We certainly see that DI McCarthy became involved in the</p> <p>13 case again when the toxicology result came through, and</p> <p>14 we will look in a minute at an email he sent on</p> <p>15 16 September.</p> <p>16 A. Yes.</p> <p>17 Q. That is almost three months from the stepping back at</p> <p>18 the end of June.</p> <p>19 A. Yes.</p> <p>20 Q. Do I take it from what you say that that is not</p> <p>21 a sufficiently regular input into the investigation?</p> <p>22 A. So I just think that he should have at least touched</p> <p>23 base every month, but even if we had moved to that</p> <p>24 three-month stage, where there is something he has been</p> <p>25 made aware of that is significant, ie the toxicology</p> <p style="text-align: center;">Page 82</p>	<p>1 someone have looked back, seen that asterisk reference</p> <p>2 to the last time and made some investigations to try and</p> <p>3 understand what that was all about?</p> <p>4 A. Most definitely, yes.</p> <p>5 Q. Just to remind us, of course, if that had happened, if</p> <p>6 we can look in the bundle at tab 38. For the screen,</p> <p>7 IPC82. That would have led, would it not, to a PND</p> <p>8 check and to have alighted upon -- whether it was this</p> <p>9 very document or another one like it -- a description of</p> <p>10 the incident on 4 June 2014, so only a couple of weeks</p> <p>11 before Anthony's body was found --</p> <p>12 A. Yes, exactly.</p> <p>13 Q. -- at Barking railway station, involving another young</p> <p>14 man who was behaving very oddly, Stephen Port going</p> <p>15 through his bag, all of the evidence we have heard about</p> <p>16 that, and in brief, had that come to light, then what</p> <p>17 steps do you think would have been taken in terms of</p> <p>18 perhaps just X3, this other young man?</p> <p>19 A. I think the significance of this, to be really clear, is</p> <p>20 the closeness and proximity in date to the death of</p> <p>21 Anthony. So that's the first thing that rings alarm</p> <p>22 bells for me. We are just talking a matter of less than</p> <p>23 two weeks really, aren't we, about two weeks earlier.</p> <p>24 A similar pattern of behaviour, it would appear on the</p> <p>25 face of it.</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 So as we have discussed with X1, it would have been 2 really important to have gone and spoken to X3 to 3 understand how did he meet Port, what was he expecting 4 when he went there, was it to engage in sexual activity. 5 The drugs that were administered or taken by him, what 6 was the circumstances of that? What sexual activity 7 took place? 8 Then we can see from this as well that Port seemed 9 to have done something in order to, if I use the term, 10 look after him, but to get him out of his flat before 11 his condition has depreciated, or he has got any more 12 poorly, when British Transport Police intervene. 13 So: why did he do that then? And: why did he not do 14 it subsequently with Anthony if the circumstances had 15 been similar? Are the sort of questions that would be 16 in my mind. 17 Q. Of course the jury have heard X3's statement about his 18 account of what happened to him at that very time. 19 We will come back to that, but sticking with actions 20 that may have been taken, there was -- we will not go 21 back to it, but that HAT return we were looking at from 22 the Friday also had as an action that needed to be 23 taken: downloading Stephen Port's computer. 24 A. Yes. 25 Q. DS O'Donnell's evidence about this was he said he</p> <p style="text-align: center;">Page 85</p>	<p>1 I think it was important, just from the 2 investigation, for the offence that they were 3 investigating. 4 Secondly, the advice of the HAT is such that it is 5 important, because we still don't fully understand the 6 whole circumstances of the death of Anthony and they 7 have raised it as a consequence of that, to help us get 8 a broader understanding of that, so it is important to 9 do in that context as well. 10 Just because you are investigating one criminal 11 offence does not negate the possibility for you 12 exploring that other offences have been committed, and 13 submitting that computer would have assisted in that. 14 Q. Thank you. 15 Another aspect/another angle that may have arisen 16 from the interviews was the whole question of 17 Stephen Port's work. We will all recall that certainly 18 over the spread of the two interviews Stephen Port was 19 not entirely consistent about when he was on the work, 20 when he wasn't at work, when his shifts started, what he 21 was doing. I think you say in your report that another 22 action that should have been taken was to seek evidence 23 from his employer about what his shifts were and when he 24 was there? 25 A. Yes. It is clear in his interviews when you review them</p> <p style="text-align: center;">Page 87</p>
<p>1 thought that, to use his words, "We would struggle to 2 get the laptop through the forensic assistants, given 3 Stephen Port had been arrested for perverting the course 4 of justice", and he described it as it would have been 5 a speculative submission. 6 On the other hand, it had been an action that HAT 7 had advised them to undertake. 8 A. Yes. 9 Q. What is your view as to whether that that is something 10 that should have been done at that stage? 11 A. Yes, so I agree that it should have been done. I think 12 if you put it in context, the reason he has been 13 arrested for perverting the course of justice is that he 14 has lied about the circumstances in which he has met and 15 engaged with Anthony, or not been clear about that when 16 he gives his statement to the police. The computer 17 provides evidence of that, so that therefore does 18 support your investigation, purely into perverting the 19 course of justice, because you can show that, whilst he 20 tells the police on the morning that he has come across 21 Anthony lying in the doorway, we have now got evidence 22 in from the computer that shows actually they have been 23 messaging each other, it was a pre-arrangement to come 24 together and in fact that had been some hours earlier, 25 almost two days earlier.</p> <p style="text-align: center;">Page 86</p>	<p>1 that Port gives differing accounts of when he is in the 2 flat, when he is at work, his comings and goings 3 backwards and forwards. Again, even if we just stick 4 with the perverting the course of justice, when he says 5 he has come in from work at 3.45 am and discovered 6 Anthony lying there. A basic enquiry with his work 7 would have been able to confirm or disprove that 8 account. 9 Notwithstanding the whole suspicious death 10 investigation that was going on, for which that was 11 obviously crucial, because it shows his inconsistencies 12 in his account, it should have been done and it is 13 a pretty basic enquiry that could have been done really 14 early on. 15 Q. You have mentioned now a couple of times enquiries being 16 made for the purpose of the suspicious death 17 investigation and/or the perverting the course of 18 justice investigation. 19 A. Yes. 20 Q. A view that was expressed once or twice by the borough 21 officers was that really they -- because HAT hadn't 22 taken the case, they really understood that was the end 23 of the suspicious death matter, and really they were 24 just focusing on that point on the perverting the course 25 of justice.</p> <p style="text-align: center;">Page 88</p>

1 A. Yes.
 2 Q. Do you think that was a reasonable approach to take at
 3 the time?
 4 A. No, I don't think it was at all, because nobody
 5 understood what had happened to Anthony from the moment
 6 he had met Port at the railway station or even left his
 7 home address to go there until he was discovered in the
 8 street.
 9 Even if you are investigating a different offence,
 10 they are still responsible for preparing for the
 11 coroner, ultimately, a report around the circumstances
 12 that have led to the death of Anthony.
 13 Even if it had transpired that he had gone to Port's
 14 address and voluntarily taken some drugs and overdosed
 15 by accident, it was really important to be able to
 16 understand and prove that. I don't think that there had
 17 been any inquisition at that point then as to truly what
 18 had happened. The focus was on, "This is what we are
 19 investigating now", and that other matter of death sits
 20 in the background a little bit.
 21 Q. Lastly, as far as the actions arising from the interview
 22 are concerned, you have made the point that those first
 23 two interviews, as it were, laying the ground --
 24 A. Yes.
 25 Q. -- would you have expected there to be another interview

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1 at some point, once some or all of these actions have
 2 taken place?
 3 A. Yes, of course you would.
 4 In this particular case, Stephen Port was on bail.
 5 So if somebody is on bail for an offence, at some point
 6 they come back to the police station, and it is not
 7 unusual practice for when they come back to the police
 8 station, at that point you collect all your evidence
 9 together and you conduct a further interview with them.
 10 I understand that, during the proceedings here at the
 11 inquest you have heard the phrase "challenge interview".
 12 Effectively what you do is you take the account that
 13 they have given -- I will keep alluding to the
 14 perverting the course of justice because even by
 15 following that line of investigation it would have
 16 actually supported in tandem an investigation into
 17 a suspicious death, but if they had challenged him about
 18 the fact that he lied about his engagement with Anthony,
 19 he lied or wasn't clear about where he was at work, the
 20 other matters around his engagement with X1 and X3 and
 21 his patterns of behaviour there. All these are matters
 22 that could and should have been put to him in a further
 23 interview, before then going to the CPS.
 24 The importance of this is not just that we, the
 25 police, have an opportunity to challenge the individual,

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1 because once somebody is charged with an offence, we
 2 can't then go and interview them, unless they
 3 specifically ask us to. That is your last opportunity
 4 to lay in front of them all the evidence.
 5 Equally, it gives them an opportunity to refute any
 6 evidence or give any alibi back that they might want to
 7 give that you can check in preparation for going to
 8 a criminal trial.
 9 It is a real key point of the investigative process.
 10 Q. Thank you.
 11 Of course, as we know, the actions we have just
 12 discussed didn't happen, there was no further interview.
 13 A. Yes.
 14 Q. In terms of the chronology, we can go forward to the
 15 toxicology results coming back, in early September.
 16 A. Yes.
 17 Q. As we know, they showed amongst other things that there
 18 was a fatal dose of GHB in Anthony's body. In broad
 19 terms, the evidence was that there was a lack of
 20 understanding on the part of DS O'Donnell, DI McCarthy,
 21 the borough team, of what GHB was all about.
 22 I suppose my first question is, it must happen, when
 23 one is investigating crime, that sometimes one comes
 24 across a piece of evidence or a practice or some part of
 25 a case one is not familiar with.

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1 A. I could actually give you an example, in 2014 I myself
 2 was investigating a murder where a synthetic drug called
 3 spice was involved, which I had no experience of or
 4 understanding of. Just to put it in parallel to the
 5 context of this, I took it upon myself to become
 6 informed, to brief our partners and for my team as well
 7 to have an understanding of what that drug was and the
 8 impact of it.
 9 It does happen in policing and in fact it happened
 10 to me in a different context, but very similar, in 2014
 11 as well.
 12 Q. In the drug context, as we know, there are always new
 13 drugs that are being invented, being sold and at some
 14 point will no doubt come to the attention of the police?
 15 A. Of course.
 16 Q. But one doesn't have to talk about drugs, in all sorts
 17 of fields of life, the police must investigate things
 18 that they are not totally familiar with?
 19 A. Plenty of things, yes.
 20 Q. Coming back to this case, perhaps the police might have
 21 expected when the toxicology came back, knowing about
 22 the pathological evidence of a drug overdose, for the
 23 evidence to have been a more common abuse type drug?
 24 A. Yes.
 25 Q. But when they realised that it wasn't and it was this

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1 drug GHB that they had less understanding of, I mean
 2 what should they have done?
 3 **A. I would expect them to research that to get a better**
 4 **understanding. I would expect that to involve the**
 5 **toxicologist and potentially the pathologist as well,**
 6 **because had they come across these types of deaths**
 7 **themselves, then further engagement with the HAT team,**
 8 **because they are the experts at investigating homicide**
 9 **in a whole variety of different settings, so have they**
 10 **encountered something like this with GHB and the**
 11 **circumstances around it.**
 12 **I know there is a lot of discussion as well around**
 13 **it being a date rape drug and on a personal level that**
 14 **is what I have been familiar with it for a number of**
 15 **years. So they also have the opportunity to engage with**
 16 **the sexual offences team, the Sapphire team, to ask if**
 17 **they had encountered much use of GHB in that particular**
 18 **setting as well. So there is a whole avenue.**
 19 **On the other side, we have the College of Policing**
 20 **and there are experts there that we can tap into in**
 21 **order to provide that support to us when we don't know**
 22 **specific areas of our business.**
 23 Q. The toxicology evidence provided then for the first time
 24 the investigators with certainty about what drugs it was
 25 that Anthony had taken.

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1 **A. Yes.**
 2 Q. Would that also have been an opportunity to talk to his
 3 family and friends and to see whether what the evidence
 4 was showing about what drugs he had inside him could be
 5 reconciled with their experience, their knowledge of the
 6 type of drugs he used to take?
 7 **A. Absolutely, yes.**
 8 **A key part of the process when you are investigating**
 9 **anybody's death is the engagement with the family and**
 10 **friends, not least because they deserve to be kept up to**
 11 **date of everything that is going on and to help them to**
 12 **understand why somebody who is one of their loved ones**
 13 **has ended up dying. Sometimes that is quite**
 14 **a straightforward process and you can say, "This has**
 15 **happened, that is why and this has resulted in them**
 16 **dying".**
 17 **In other cases, I think this is a point of fact,**
 18 **isn't it, that obviously Anthony was not expected to die**
 19 **on that day. When engaging with family and friends,**
 20 **they were quite vociferous around the fact that he would**
 21 **not take those drugs, he would not put himself in danger**
 22 **and getting a full comprehension of his behaviour and**
 23 **his attitude to drugs would have been really, really**
 24 **important, and specifically GHB and mephedrone, because,**
 25 **again, mephedrone was a relatively new drug in terms at**

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1 **that time.**
 2 Q. As you indicate, the jury have heard quite a lot of
 3 evidence directly from Anthony's family and also some of
 4 his friends about the interactions they were having with
 5 the police.
 6 **A. Yes.**
 7 Q. I want to just ask you about one reference. It is in
 8 the bundle, but let's just call it up on screen, it is
 9 easier that way. It is IPC78, internal page 33, please.
 10 This is one of DC Slaymaker's family liaison logs.
 11 It in fact records a conversation not with a member of
 12 Anthony's family but with China Dunning, you can see
 13 that at the top. The date is obscured, but we know from
 14 context it was 21 September 2014. This was a passage
 15 I asked him about, but just the last sentence, just
 16 before the word "Signature", it says:
 17 "China mentioned that if GHB was found, she does not
 18 think that Anthony would take that of own accord."
 19 The date is 21 September, so it is a week or 10 days
 20 after the toxicology results came back.
 21 **A. Yes.**
 22 Q. Is that the sort of information that would be valuable
 23 to an investigation?
 24 **A. Yes, of course. Because if you are saying that that is**
 25 **not a drug that he would normally take or that is a drug**

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1 **he wouldn't take in those circumstances, then the**
 2 **question that that poses to the investigator is:**
 3 **"How did he get that drug in his system, and did he**
 4 **take it willingly on that occasion? Accepting that he**
 5 **might never have done it on any other occasion. Was it**
 6 **given to him without his knowledge? Or was he forced**
 7 **into taking it?"**
 8 **They are the three questions that come from that.**
 9 Q. Perhaps there is another one, which is: how reliable is
 10 what one of Anthony's friends says about this anyway?
 11 We can all perhaps assume that not all our family or
 12 friends know everything about us --
 13 **A. Yes.**
 14 Q. -- it is possible that China Dunning on this occasion
 15 may have been wrong about Anthony, or similarly another
 16 member of someone's family or a friend might not know
 17 about a practice that an individual was undertaking.
 18 First of all, that must be right, mustn't it?
 19 **A. Absolutely, which goes back to you ask the three**
 20 **questions. So even though he might not have taken that**
 21 **drug willingly in her presence or she knew about it, did**
 22 **he on that day? Did he not take it willingly or was it**
 23 **given to him without his knowledge? So it informs the**
 24 **three questions that you need to answer.**
 25 **I think the think with China, and of course it is**

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<p>1 perfectly acceptable that she didn't know everything 2 about him, is that he was somebody -- sorry, she was 3 somebody who he had confided in around when he was going 4 to go and engage in these sexual services. He had told 5 her as part of that safety around that, and I think that 6 if he was going to take drugs or had been given those 7 drugs previously, where it had made him feel unsafe, he 8 probably would have highlighted that with her.</p> <p>9 I think if you put it in the context of the other 10 information she was giving, of course not everything she 11 says might be true but I think it is another indicator 12 of where we should investigate further to get the 13 answer.</p> <p>14 Q. Yes.</p> <p>15 We have seen, in terms of what happened as a result 16 of the toxicology results, we can remind ourselves, if 17 we go to tab 42 of the bundle, and it is IPC257 for the 18 screen. This was, as I mentioned, the moment where 19 DI McCarthy came back to the investigation, as it were, 20 again an email we have looked at a few times. I am not 21 going to go all the way through it, but the decision 22 contained in the email was a decision made by 23 DI McCarthy that this case should go back for another 24 look by HAT.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 97</p>	<p>1 DI McCarthy stated he wasn't then, then that little 2 anomaly would have been picked up.</p> <p>3 Q. If we can just look, please, and go back to the CRIS, it 4 is tab 2 in the bundle. For the screen, IPC35. It is 5 internal page 94, please. If we look at the top, there 6 is an entry here, this is just one of those documents 7 which helps us to understand the confusion that 8 developed around submitting the report, because we see 9 here the first paragraph, DS O'Donnell, he says: 10 "Any outstanding actions are being reviewed and 11 completed as appropriate, an updated report [that is 12 that updated version of the review document that we 13 looked at earlier] has been passed to DI McCarthy by me 14 for submission to SC&O1 SIO for review and comment." 15 That is his assumption that DI McCarthy was going to 16 do it. DI McCarthy's evidence was he thought 17 DS O'Donnell had done it.</p> <p>18 In any event, what we then see if we cast our eye 19 down the rest of this page, and in fact then going over 20 to the next page, we see, first of all, at the top of 21 that next page, DC Parish, at 29 January, saying, "Well, 22 the suspects has now been charged for perverting the 23 course of justice, the matter is now complete". 24 Then, underneath that, DS O'Donnell saying, 25 "Complete, please file".</p> <p style="text-align: center;">Page 99</p>
<p>1 Q. We have seen that was the context by which the further 2 investigation of his review document was amended by 3 DS O'Donnell in preparation for that.</p> <p>4 I take it from, really, the answers that you have 5 given that you agree with that decision he made?</p> <p>6 A. Yes, absolutely, it should have gone back to HAT, if 7 nothing (a) they have had some sight on the 8 investigation, (b) we now have a drug that nobody was 9 probably anticipating to be there, and how did that 10 happen, (c) they have that expertise and (d) we still 11 have all these unanswered questions.</p> <p>12 Q. In fact, I won't go through a paper trail of all the 13 documents, but the essence of the evidence that the jury 14 have heard is that first of all there was no reference 15 back to HAT?</p> <p>16 A. No.</p> <p>17 Q. Secondly, there was some sort of toing and froing 18 between DS O'Donnell and DI McCarthy about redrafting 19 that document and it looks thick they both thought the 20 other one was referring the case back to HAT and neither 21 of them did.</p> <p>22 A. Of course that goes back to that check and testing that 23 I discussed earlier on, if you check and test and make 24 sure that you are kept abreast of what is happening, 25 even if you are not the investigating officer, as</p> <p style="text-align: center;">Page 98</p>	<p>1 Two points arising out of that.</p> <p>2 Firstly, it is a correction I need to make. I think 3 in the course of questioning Mr Cundy on Friday I said 4 that Mr McCarthy was involved in closing the CRIS, but 5 in fact we can see from these documents it wasn't him, 6 was it?</p> <p>7 A. No, it was Mr O'Donnell by the look of this.</p> <p>8 Q. Then, secondly, but what we do see is the CRIS being 9 closed, the case being shut down when that report, when 10 that reference back to HAT had never happened.</p> <p>11 A. Yes, we do, yes.</p> <p>12 Q. I take it from what you have said already that you 13 regard that as something that shouldn't have happened?</p> <p>14 A. I just don't think it should have been closed, because 15 I don't think they have an understanding about 16 everything that has happened.</p> <p>17 Q. Thank you, we can take that down.</p> <p>18 I am going to move on in a moment to ask you some 19 questions about the investigation into Gabriel Kovari 20 and then the Daniel Whitworth scene and so on. Before 21 I do that, I would like to ask you one more series of 22 questions about this investigation. This is not so much 23 about what did happen, but what might have happened.</p> <p>24 A. Yes.</p> <p>25 Q. If we cast our minds back to the end of June, that</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

1 sequence of days around 25, 26, 27 June, when the
 2 initial action for doing those intelligence checks was
 3 raised and then we have seen again on the Friday there
 4 is reference to the MIT team undertaking some sort of
 5 intelligence checks and of course the interview
 6 referring to the Barking incident.
 7 What I want to explore with you is, had at one point
 8 or another over those few days the PND report about the
 9 Barking incident come to light, that we looked at --
 10 **A. Yes.**
 11 Q. -- DCI Jones was quite clear in his evidence that if he
 12 had seen that, that would have led him to take over
 13 primacy for the case.
 14 I would just like to ask you a few questions about,
 15 in your view, what would probably have happened going
 16 forward.
 17 First of all, let me ask you this. You have fairly
 18 explained that you were not in the Metropolitan Police,
 19 and so is the question of what might have happened when
 20 the police became aware of that Barking document, had
 21 they done, and the steps that might have been followed,
 22 is that something you think you can give evidence about
 23 or not?
 24 **A. Yes, because there is a process for investigating**
 25 **homicide. It comes under a manual called MIRSAP,**

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1 **alongside the homicide investigation manual, it is**
 2 **a national process that is standardised so there might**
 3 **be some little local methodology that people adopt, but**
 4 **generally we all adopt the same process so we can be**
 5 **interoperable.**
 6 Q. If we start then from the assumption that, first of all,
 7 the British Transport Police report was available and
 8 that now it was the MIT team that were considering it,
 9 you have already talked about the desirability of going
 10 to see X3. Can we take it that you would have expected
 11 that to have happened as one of the first things?
 12 **A. Yes, I would.**
 13 **I think even if you just take it two steps back --**
 14 **something else, sorry, that I have not touched on here**
 15 **but it has become apparent. One of the reasons I think**
 16 **that some of this information has been lost, and**
 17 **particularly when the MIT team came to support them, is**
 18 **because there doesn't appear to have been structured**
 19 **briefings and debriefings, so where everybody has sat**
 20 **down in a room, even if you look on the 27th at the**
 21 **beginning or the end of the day, to talk about the**
 22 **information that was known, the actions that are done**
 23 **and what has come out of it. That is a key way in the**
 24 **murder investigation teams that we capture information**
 25 **and intelligence and perhaps highlight some actions, so**

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1 **the fact that there were not those collective group**
 2 **briefings has already provided a missed opportunity to**
 3 **share information and for everyone to have a good**
 4 **understanding of what was going on on that moment in**
 5 **time.**
 6 Q. Yes.
 7 **A. I think the question you are asking me is that if the**
 8 **HAT team had taken primacy, the first thing is this**
 9 **really defined structure and roles and responsibilities.**
 10 **So the SIO, if we just take as a point of example**
 11 **Chris Jones in this case, but it wouldn't have mattered**
 12 **who was, would set the focus, direction and strategy for**
 13 **the investigation. He would be really, really clear**
 14 **that we probably need to understand what has happened**
 15 **from the moment that Anthony has engaged with Port, so**
 16 **going right back to that first exchange of messages,**
 17 **through to when he has been discovered, the whole**
 18 **activity of him in that time period and the whole**
 19 **activity of Stephen Port.**
 20 **Then that is informed by our witnesses that sit**
 21 **around.**
 22 **The next strand then would be identifying everything**
 23 **that we know about Stephen Port and his behaviours, and**
 24 **as we have seen from both the PNC and then subsequently**
 25 **the PND check, there are at least at that stage**

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1 identified to police two individuals who appear to have
 2 taken, under whichever circumstances is then confirmed,
 3 some drugs that has had such an impact on them that they
 4 didn't feel that they were in control of what they were
 5 doing. Certainly they then go on to describe sexual
 6 activity that is taking place and how they didn't feel
 7 that they were making informed consent around that.
 8 So those two things, very, very quickly will inform
 9 a picture. In order to manage that process, you will
 10 often have somebody who is responsible for the
 11 allocating of the actions, so often a sergeant but
 12 an action manager, so they will make sure their teams of
 13 detectives are given the action, you go out and you do
 14 the action.
 15 For example:
 16 "Go and take a statement from X3, come back, tell me
 17 what X3 has said and what are the key points of X3's
 18 evidence that are going to help inform us in progressing
 19 this enquiry?"
 20 The same with the interviews, "Go and interview
 21 Port!", so that second interview that was conducted, that
 22 was still getting an opening account, there is not
 23 a problem with doing that at all but it is about what
 24 has come back from that and how do we progress that?
 25 The deployment of the family liaison officer, there

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1 is a whole strategy that is written down about that, and
 2 they are really, really clear about going to see the
 3 family, engage with the family, tell them what we know,
 4 come back, how does that influence our decision making
 5 about what we are doing?
 6 I know we have talked about the submission of the
 7 computer, but it would be a bit wider than that, with
 8 all digital media, so that would include his telephone
 9 as well, and somebody would write a strategy to say, "We
 10 need to download these devices and get the information
 11 off it", and then, "We are specifically, in the first
 12 instance, perhaps going to look at some dates", so the
 13 date before Stephen Port engages with Anthony, and what
 14 does that tell us about his behaviours?
 15 Then, "Because we know about him being involved in
 16 giving drugs to his sexual partners, is there anything
 17 on his computer that informs us about that?"
 18 I know that when we have the downloads back it does
 19 show him doing a lot of research around drug-related
 20 rape with young men, and that would have come up, even
 21 if you hadn't put it as part of your strategy, those key
 22 things would have been apparent to you, because you
 23 wouldn't necessarily have known before you submitted
 24 that computer that that was something that he was into
 25 and that he was regularly researching.

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1 The difference between the major investigation team,
 2 the HAT team taking it, is that -- and the same, sorry,
 3 for the intelligence profiles, is that you have all
 4 these people working for you, setting these strategies
 5 and parameters, you have people that are checking and
 6 testing that the actions that are being raised are being
 7 done.
 8 You have all the information being read and actually
 9 there is like a double-checking process and then it is
 10 uploaded on to the HOLMES system, which is
 11 a computerised system that allows you really easily to
 12 see at a glance what actions are there, what have been
 13 completed, to look at documents and go to different
 14 strategies.
 15 Because the HAT teams and nationally, you know,
 16 murder investigation teams are really, really good at
 17 their jobs now, and that is in part because they have
 18 become professionalised in these different disciplines,
 19 because they are used to working, and it is a term that
 20 is used, "At pace and under pressure", so they are used
 21 to having to do a lot of work in a short timeframe. On
 22 the early stages of any investigation into a death,
 23 there is often a lot of resources put into that, so
 24 whilst these officers will have other cases in
 25 background, unless they require immediate attention on

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1 that day, they will be asked to pause that so that they
 2 can put all their effort and energy into getting these
 3 actions done, so within a short period of time you have
 4 a much better picture.
 5 I hope that describes to you a little bit about the
 6 benefit of the murder team versus your four borough
 7 officers who don't even have that -- perhaps not even
 8 that exposure to managing actions and just the basics of
 9 it, let alone the greater accessibility to specialists.
 10 Q. Yes, it certainly does help, thank you.
 11 Just going back to that sort of hypothetical
 12 situation, we know that Stephen Port was arrested for
 13 perverting the course of justice and theft of the
 14 phone --
 15 A. Yes.
 16 Q. -- on that Thursday.
 17 Assuming that, that the PND check had happened at
 18 around at that time, on the one hand you have
 19 Stephen Port downstairs in the cells with the custody
 20 clock running on those offences.
 21 A. Yes.
 22 Q. On the other hand, as you have just described,
 23 an investigation stemming from X3, that itself putting
 24 Anthony's death into a rather different perspective,
 25 investigations into other possible offences relating

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1 both to Anthony and X3 taking place.
 2 A. Yes.
 3 Q. How quickly do you think that those enquiries that you
 4 have just described might have happened in the context
 5 of Stephen Port's custody?
 6 A. Most definitely within the custody time clock. So in
 7 policing, we are allowed to keep somebody for 24 hours
 8 in custody immediately. When we get to 24 hours we have
 9 to apply to a superintendent if we would like to extend
 10 their period of time in custody, and that can be up to
 11 a maximum of 36 hours. In the case of a serious offence
 12 like this, if you can just show that you have been
 13 expeditious in your investigation the superintendent
 14 will support that.
 15 After that process, if you feel like you still need
 16 that person to be in custody while you are conducting
 17 your investigation, because it is important that you can
 18 then go back to interview them further, you can go to
 19 the Magistrates' Court and apply for what is called
 20 a warrant of further detention. Whilst you might have
 21 to go back two or three times to get that warrant of
 22 detention extended, in fact you can keep somebody in
 23 custody for up to a maximum of 96 hours.
 24 This is not for terrorism offences, just so you
 25 don't get confused if you heard anything different on

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<p>1 the news, but that is quite a substantial period of time</p> <p>2 that you can have somebody in the cells to enable you to</p> <p>3 go and conduct these enquiries and then come back to put</p> <p>4 some evidence to them, or to inform your decision making</p> <p>5 about whether you are then going to go to the Crown</p> <p>6 Prosecution Service for a decision whilst that person is</p> <p>7 in custody.</p> <p>8 Q. It might be thought that there was, at that point, quite</p> <p>9 a lot of work to be done tying together the evidence</p> <p>10 relating to Anthony's death, although you have said that</p> <p>11 people can work hard and quickly.</p> <p>12 Would it be fair to say there was rather less,</p> <p>13 perhaps, work that would need to have been done at that</p> <p>14 stage to understand what had happened with regard to X3?</p> <p>15 A. Sorry, just repeat the last bit of that question, to</p> <p>16 understand with X3?</p> <p>17 Q. To understand the X3 case, to possibly move forward to</p> <p>18 a charge least in relation to the offences perhaps</p> <p>19 against X3?</p> <p>20 A. Yes, so if during that process you had secured</p> <p>21 sufficient evidence, for example, for X3 and you could</p> <p>22 prove that Port had administered the substance to him,</p> <p>23 and that he had committed sexual offences against him,</p> <p>24 there would be nothing stopping you from seeking</p> <p>25 a charging advice in relation to that one offence, even</p> <p style="text-align: center;">Page 109</p>	<p>1 Q. Perhaps last point on this, even if in the end it wasn't</p> <p>2 possible to keep Stephen Port in custody, because one</p> <p>3 could not charge him either in relation to Anthony's</p> <p>4 death or in relation to X3, at that point would he</p> <p>5 simply have been released, sent back to 62 Cooke Street,</p> <p>6 in the way that he was, as we know, over that summer of</p> <p>7 2014?</p> <p>8 A. Again, if we are sticking with the hypothetical scenario</p> <p>9 of dealing with the HAT team. Often the HAT teams are</p> <p>10 in a position where they don't have sufficient evidence</p> <p>11 to be able to charge somebody, whilst they are even</p> <p>12 within that 96-hour window, but for a variety of</p> <p>13 reasons, and that could include the risk that the</p> <p>14 individual poses to the public, there is a whole raft of</p> <p>15 covert tactics that we can deploy in order to monitor</p> <p>16 that person after they have left custody and it is not</p> <p>17 uncommon at all to do that.</p> <p>18 By monitoring people covertly, and specifically in</p> <p>19 this case Port, we would then be able to establish any</p> <p>20 patterns of behaviour and if that gave rise for concern,</p> <p>21 ie he is then seen meeting another young man at Barking</p> <p>22 railway station, you might then be wanting to do some</p> <p>23 intervention around him. So there are plenty of other</p> <p>24 options available.</p> <p>25 Q. Additionally and/or separately, might bail conditions</p> <p style="text-align: center;">Page 111</p>
<p>1 though all the other investigations and the other</p> <p>2 offences that you are considering are continuing in the</p> <p>3 background, so at any stage, and the sole purpose for</p> <p>4 that would be if it looked like you wouldn't have enough</p> <p>5 evidence, for example, around the death of Anthony, to</p> <p>6 secure a murder charge, because you hadn't got the</p> <p>7 toxicology back, so therefore you didn't have a cause of</p> <p>8 death, but you considered that Stephen Port was</p> <p>9 a dangerous individual who you didn't want to be out on</p> <p>10 the streets, you would look for a charging decision so</p> <p>11 that he could be remanded in custody. So that would be</p> <p>12 the purpose of doing it.</p> <p>13 Q. One appreciates that all this is hypothetical --</p> <p>14 A. Yes, of course.</p> <p>15 Q. -- but doing the best you can just on that point, within</p> <p>16 that period of custody then, do you think that one might</p> <p>17 at least have reached the stage of charging Stephen Port</p> <p>18 in relation to X3?</p> <p>19 A. Yes, I think given the evidence we can see now, that</p> <p>20 there would have been sufficient -- in particular with</p> <p>21 the evidence around Anthony and the intelligence around</p> <p>22 X1, so patterns of behaviour, you would have sufficient</p> <p>23 to at least approach them for what we call a threshold</p> <p>24 charging decision, so they accept that more evidence</p> <p>25 would come.</p> <p style="text-align: center;">Page 110</p>	<p>1 have been imposed on him?</p> <p>2 A. Yes, of course, so it is a discussion that is had with</p> <p>3 the custody officer around the bail conditions but they</p> <p>4 can include places of residence, they can include</p> <p>5 curfew, they can include having to sign on or present</p> <p>6 yourself at a police station every day or even twice</p> <p>7 a day and certainly they can include not contacting some</p> <p>8 key witnesses. So lots of tools in the box, so as to</p> <p>9 speak, to enable you to manage that person after they</p> <p>10 leave custody.</p> <p>11 Q. Yes, thank you.</p> <p>12 Let me go on and ask you in the 10 minutes we have</p> <p>13 left before lunch to ask you some questions about the</p> <p>14 investigation into Gabriel Kovari's death.</p> <p>15 A. Yes.</p> <p>16 Q. Of course there was the question of the scene of where</p> <p>17 his body was found, and also the investigations that</p> <p>18 happened afterwards, in that period after his body was</p> <p>19 found but before Daniel Whitworth's body was found.</p> <p>20 A. Yes.</p> <p>21 Q. We know his body was found later that summer, on</p> <p>22 28 August. As far as the scene was concerned, the jury</p> <p>23 heard first of all from the duty inspector,</p> <p>24 Inspector Harman, and also of course from DS Sweetman</p> <p>25 who was there. And he then came, in fact, much more</p> <p style="text-align: center;">Page 112</p>

28 (Pages 109 to 112)

<p>1 recently because he was also present at the scene of 2 Jack Taylor's body being found.</p> <p>3 We may be able to remind ourselves of the assessment 4 of the scene by reference to DS Sweetman's email that he 5 sent, so we will have to pull the Walgate bundle away, 6 please, and go to the -- we are now looking at bundle C, 7 I think it is. If we can go to tab 9 in that bundle. 8 For the screen, it is IPC81. Tab 9, Ms Mackay.</p> <p>9 Another document which the jury have seen before, 10 and which DC Sweetman has explained. In a nutshell, 11 this email sets out the reasoning which DS Sweetman had 12 and which they both told us he and Inspector Harman 13 discussed at the scene, which led them to take the view 14 that, as we can see at the bottom, just above his name: 15 "The evidence suggests an unexplained, 16 non-suspicious death. Naturally the coroner will 17 conduct his investigation when they get the answer from 18 that." 19 If we can look with that in mind at your report, 20 please, so let's have it on screen, INQ6, pages 19 and 21 then going forward to 20. It is paragraph 76 of your 22 report and we can see that the view you have expressed 23 here is you do consider it was reasonable to treat 24 Gabriel Kovari's death as non-suspicious at the time, at 25 the scene. You say there was no sign of assault, no</p> <p style="text-align: center;">Page 113</p>	<p>1 Q. Let's come to that then, because the jury have heard 2 something about the investigative steps that followed. 3 Again, let's emphasise, this is all about the period 4 before Daniel's body was discovered?</p> <p>5 A. Yes.</p> <p>6 Q. Really the evidence was from PC Faulkner, who described 7 being tasked by the coroner, in fact by the coroner's 8 officer, to undertake certain work. We will recall the 9 evidence about him cataloguing, as it were, the contents 10 of Gabriel's bags, but more importantly perhaps taking 11 a witness statement from John Pape, who was the person 12 the police had contacted on the day, and his evidence 13 was that he took a telephone statement from John Pape, 14 and when we asked him why he was told well, he was not 15 allowed to take a car. He also said that he didn't pass 16 the report on to anyone within the police, it was simply 17 something that he did for the coroner and when he had 18 done the report, he sent it off to the coroner's 19 officer.</p> <p>20 I will ask you something about the contents of 21 John Pape's statement in a minute, but just as a means 22 of working, is that the sort of thing that you would 23 have expected or not?</p> <p>24 A. The key thing when somebody has died is to understand 25 the circumstances and who was the last person to see</p> <p style="text-align: center;">Page 115</p>
<p>1 indication that drugs had been administered by another 2 person, no indication there was any other criminality 3 involved.</p> <p>4 You go on to talk about investigative steps, I am 5 going to come to that separately. Just if we, as it 6 were, freeze frame on that morning, when DI Harman and 7 DS Sweetman were there at the scene, having now heard 8 the oral evidence, does that remain your view?</p> <p>9 A. Yes, so -- and I have said this on the basis of just as 10 that presents and in isolation from Anthony's death. 11 I still think was reasonable at that point to treat 12 Gabriel's death as non-suspicious.</p> <p>13 I think the key things that follow on from 14 non-suspicious, and I know we have heard a lot about 15 unexplained, suspicious and non-suspicious, so maybe 16 unexplained, is that taken as it presents at that time 17 is fine, it did appear that he had overdosed. The 18 location that he was in I think was less suspicious than 19 that of Anthony, where he was discovered out in the 20 street, so it is more common for people to die perhaps 21 in a park or churchyard setting than it would be in 22 a busy street -- I am not saying that is exclusive. 23 I think the proviso that goes here is that investigative 24 steps still need to be taken subsequently in order to 25 maintain that position.</p> <p style="text-align: center;">Page 114</p>	<p>1 them alive, so that you almost have like an anchor 2 point. When Gabriel has died, assuming it was how it 3 presented, the only link that the police had at that 4 time was John Pape. Taking John Pape as somebody who 5 was close to Gabriel and at that point could provide the 6 most information about him, I think it was inappropriate 7 to take a statement over the telephone, because, going 8 back to the interactions with the HAT and DI McCarthy, 9 the interactions with DI McCarthy and DS O'Donnell, when 10 you are not sat in the room with somebody you cannot see 11 how they are presenting, you cannot see what information 12 they have available -- so they might have notes or 13 something on their phone that could assist you that is 14 easy to hand and they are more likely to say, "Just 15 a minute, I've got this here".</p> <p>16 I think the other thing as well is it is a shock 17 when somebody dies and if you are going to speak to the 18 individual and to go through what you understand has 19 happened to them, I think the least you can do is show 20 a bit of compassion and empathy and sit down in a room 21 with them and go through it and answer any questions. 22 It is interesting though that PC Faulkner was very 23 inexperienced and I didn't recognise that when I did my 24 review. So I do have some sympathy with him about the 25 lack of guidance for him about what was done.</p> <p style="text-align: center;">Page 116</p>

<p>1 Q. To be fair to him, he does seem to have asked to go and 2 see John Pape and been told he was not allowed to have 3 a car? 4 A. Yes. 5 Q. Can I broaden a little bit and perhaps ask the question 6 this way, we will come after lunch to talk about the 7 investigation into Jack Taylor's death. Of course there 8 was a period immediately after his death when very 9 little took place, but what one then saw is a police 10 investigation, not led by the coroner but led by 11 Inspector O'Donohue and others, trying to understand 12 what had happened to Jack. 13 In the case of Gabriel, really, the only thing that 14 was happening was on the instructions of the coroner, on 15 the evidence we have heard -- 16 A. Yes. 17 Q. -- and that what was done was done by PC Faulkner. 18 Which of the two comparators would you have 19 expected? 20 A. Of course the enquiries undertaken after Jack's death, 21 accepting that there was a delay around that, are the 22 ones that should be followed and are better. My own 23 personal experience is that as police we act as agents 24 effectively on behalf of the coroner and it is our 25 responsibility to make sure that these questions are</p> <p style="text-align: center;">Page 117</p>	<p>1 John Pape's, understanding of where Gabriel had been, 2 who he had been with, after he left John Pape's house. 3 I think it is a view you express in your report that 4 those matters should have provided a springboard for 5 actions to have been raised and for the police to have 6 tried to understand where Gabriel was when he died? 7 A. Yes, of course. So the information now was in the hands 8 of the police, because the police have taken this 9 statement, and the thing about policing in general is it 10 shouldn't be difficult if you are just very methodical. 11 If PC Faulkner had at that point just written a basic 12 timeline and the point here at the end of it is where 13 Gabriel has been found dead and the bit that he goes 14 back to is where John Pape last sees him and then in 15 between that there are a few actions that can be done 16 with people he has interacted with, phone numbers that 17 have been provided and I know it goes on with 18 Thierry Amodio further. 19 If those had just been put in there then to follow 20 up those lines of enquiry to say: 21 "Who is this person here, Cosmos Marcus, or the name 22 that he subsequently has? What did he know? When did 23 he see him? Was he the last person to see him alive? 24 What was his understanding of him?" 25 Then you take another step forward and in fact</p> <p style="text-align: center;">Page 119</p>
<p>1 answered. 2 That doesn't necessarily mean that I understand how 3 it works in the Metropolitan Police area, so it might be 4 that they do wait for the coroner or the coroner's 5 officer to provide some direction and then they go and 6 do it but, either way, when somebody has died in 7 circumstances that we don't understand what has 8 happened, and there is going to be an inquest, there is 9 a responsibility to establish that sequence of events, 10 and police, whether directed by the coroner or directed 11 on their own initiative through their supervisors, are 12 the people who conduct those enquiries. 13 It is ultimately, whichever way it comes from, our 14 responsibility to ensure that happens. 15 Q. Notwithstanding the fact that PC Faulkner took his 16 statement over the phone -- 17 A. Yes. 18 Q. -- we will all remember having looked at it, John Pape's 19 witness statement was in fact very detailed? 20 A. It was very good, yes. 21 Q. It provided a lot of detail, not only about his 22 interactions with Gabriel in the medium term before 23 Gabriel died, the weeks and months before he died, but 24 a fair amount of detail about his contact with him just 25 a few days before he died and beyond that his, that is</p> <p style="text-align: center;">Page 118</p>	<p>1 through that, as we now know, it would have led to more 2 identification of around where Gabriel had been. 3 Q. You mentioned Thierry Amodio, whose name was referred to 4 in the Pape statement and also of course there is that 5 name Karl, who was referred to and had it been possible 6 to identify Karl Kamgdom, we know that Gabriel had in 7 fact been messaging him from inside Stephen Port's house 8 and telling him where he was at the time? 9 A. Yes, and the other thing that is important here as 10 well -- sorry, just to digress very slightly, is that we 11 now have John, who is the last person that Gabriel knew, 12 but what do we know about his family, and how long he 13 had been in the UK, and what he was planning to do? The 14 engagement with them as well is equally as important for 15 that picture. 16 Q. It would be fair to summarise your report as saying that 17 these are all matters that you think should have 18 followed after and as a result of John Pape's witness 19 statement? 20 A. Yes, they are. 21 Q. We know that that didn't happen? 22 A. No. 23 Q. That, in fact, not very long later, the whole thing was 24 overtaken by the discovery of Daniel Whitworth's body? 25 A. Yes.</p> <p style="text-align: center;">Page 120</p>

<p>1 Q. I suggest we pause there and I will ask you some more 2 questions about that after lunch.</p> <p>3 A. Thank you.</p> <p>4 THE CORONER: Yes, thank you. 5 Members of the jury, we will break off there now 6 until 2.00, please. 7 (1.00 pm) 8 (The Luncheon Adjournment) 9 (1.58 pm) 10 (In the presence of the jury)</p> <p>11 MR O'CONNOR: Ms Mackay, I said before lunch that we would 12 move on then to the discovery of Daniel Whitworth's 13 body.</p> <p>14 A. Yes.</p> <p>15 Q. Much in the same way as I did with the questions 16 surrounding Gabriel's death, I am going to ask you first 17 of all some questions about the way in which the scene 18 was dealt with and then go on to ask you about the 19 investigations that followed, all right?</p> <p>20 A. Yes.</p> <p>21 Q. Perhaps I can start by asking you to look at your 22 report, so if we can have on screen, please, INQ6, it's 23 page 25 and paragraph 99 that I wanted to ask you about 24 first. We can see in that paragraph a reference to 25 Barbara Denham, from whom the jury heard, and of course</p> <p style="text-align: center;">Page 121</p>	<p>1 a name used by Gabriel Kovari, but if they had found 2 that, that would have taken them a very long way to 3 working out who that other person was?</p> <p>4 A. It just would have meant that immediately they would 5 have identified the potential other victim and the link, 6 as opposed to, "We are concerned for the safety of 7 another person, and we don't know who they are", which 8 was the approach taken.</p> <p>9 Q. Of course we have heard from, I think it was 10 Inspector Joyce, who was the duty inspector, his 11 approach was words to the effect, "We don't even know if 12 this other person exists, we don't know if there is 13 anyone else who has been killed". One of points that 14 flowed from that, as you say, is there was concern about 15 whether this person might be unwell, which is why they 16 were concerned about him, but your point is that they 17 could have found out --</p> <p>18 A. That could have been established almost immediately, 19 yes.</p> <p>20 Q. Yes.</p> <p>21 Let's move on to -- I want to ask you some more 22 questions, in fact going back to paragraph 90 of your 23 report. So this is within the section of it that deals 24 with Gabriel's death, so it is page 23, please, for the 25 screen, same document.</p> <p style="text-align: center;">Page 123</p>
<p>1 we are now thinking about the discovery of Daniel's 2 body, so the second time that Barbara Denham has found 3 a body in the graveyard.</p> <p>4 I just want to ask you first a point you make here 5 at paragraph 99. As I understand it, the point you are 6 making is that because of that point, because of the 7 fact that it was Barbara Denham who had found both 8 bodies and of course that was a fact known to the 9 officers at the scene of Daniel's body being found, 10 because she told them that she had found another body 11 earlier?</p> <p>12 A. Yes.</p> <p>13 Q. We know that in fact the connection between the 14 "Gabriel Kline" name on the note and Gabriel Kovari was 15 made later that night, but I think you are suggesting 16 here that connection could have been made rather 17 earlier?</p> <p>18 A. Yes, that is exactly the point I am suggesting, because 19 she was the same person, so they could have searched on 20 her name. She had given the date when she had found the 21 previous body, that of Gabriel, so they could have 22 searched on the date or of course the location, so that 23 information was provided to them immediately.</p> <p>24 Q. That would not have told them that, as they discovered 25 using the Facebook enquiries that Gabriel Kline was</p> <p style="text-align: center;">Page 122</p>	<p>1 This relates to the question of primacy for this 2 investigation, given what was written in the note. What 3 you say is:</p> <p>4 "Upon the discovery of Daniel Whitworth, the death 5 of Gabriel Kline should have been treated as suspicious 6 based on the note left by Daniel Whitworth, stating he 7 was responsible for the death of Gabriel Kline/Kovari. 8 The offences of murder, manslaughter, administering 9 a noxious substance should all have been considered. On 10 the balance of probabilities, a crime had been committed 11 and so a CRIS report should also have been raised."</p> <p>12 Then, last sentence:</p> <p>13 "MPS's homicide and unexplained death policy states 14 that SC&O1 will investigate all murder and manslaughter 15 offences."</p> <p>16 There has been a bit of evidence about this, and in 17 fact Mr Cundy at the end of last week, I think, accepted 18 that because of the circumstances and the note referring 19 to Gabriel's death, that that should have triggered 20 primacy but that was the view I think you were 21 expressing in this review, in this report?</p> <p>22 A. Yes, absolutely, that is my view.</p> <p>23 Q. Just let me ask you the same thing as I asked Mr Cundy, 24 we heard the evidence of Superintendent Wilson, that 25 when he raised this issue with someone, he couldn't</p> <p style="text-align: center;">Page 124</p>

<p>1 remember who but it was one of the senior people within 2 SC&O1, the explanation for not taking primacy was the 3 fact that Daniel, the person who on the face of note had 4 killed Gabriel, was dead. Is that a factor that in your 5 view should have weighed?</p> <p>6 A. I don't think it should make any difference. The basis 7 for that is that you still need to understand the full 8 circumstances of Gabriel's death, and if that is 9 an unlawful killing. You then need to understand how 10 and why Daniel has died, because even accepting there 11 might not be a criminal process now, because obviously 12 your suspect, if that is the case, taking it on face 13 value is dead, you still will have coronial proceedings 14 to follow on through and the coroner would still want 15 those questions to be able to effectively be answered.</p> <p>16 Q. If it was a coroner's investigation, would it require 17 homicide command to take primacy?</p> <p>18 A. At the end of the day, we are still saying that Gabriel 19 is the victim of an unlawful killing, aren't we, so 20 whichever category you want to put that into, murder, 21 manslaughter, even, you know, the administering of 22 a noxious substance that sits round the back of it or 23 the accidental, it is really key, they are the ones who 24 should take primacy on that case.</p> <p>25 Q. Does it follow then that in terms of what should be done</p> <p style="text-align: center;">Page 125</p>	<p>1 Q. Yes, I'm sorry, we are now talking about Daniel, when he 2 was found. I have asked you about the, as it were, 3 fairly narrow question of what that particular few words 4 in the note should have triggered, but just leaving that 5 to one side, other factors about the scene, including 6 the other parts of the note, do you think that those 7 matters should have led to the scene being considered 8 suspicious?</p> <p>9 A. Yes, so if we remove the fact of him making reference to 10 Gabriel, and treated it on the face of it as a suicide, 11 is effectively what you are asking, isn't it?</p> <p>12 Q. It is.</p> <p>13 A. It is still important to investigate, even if it is 14 portraying as a suicide, the full circumstances around 15 that. I know that they have attended and taken 16 photographs, you would still expect a crime scene 17 investigator to come and do the photographs, which is 18 done. You would expect all the possessions to be 19 recovered and they should be recovered in a way that 20 they could be forensically examined later.</p> <p>21 So definitely you need to give due -- if I use the 22 word cognisance, you need to give some thought around 23 that about what you are doing. You need to make sure 24 that you recover everything from the scene, that is 25 really important and to think about what it is telling</p> <p style="text-align: center;">Page 127</p>
<p>1 at the scene, it is your view that the HAT car perhaps 2 should have been called at that moment, because the note 3 was talking about a killing?</p> <p>4 A. Yes, definitely.</p> <p>5 Q. It does I think follow from what you have said that, had 6 that been done, you would have expected HAT to take 7 primacy there and then?</p> <p>8 A. Yes.</p> <p>9 Q. We have heard the evidence about what happened the next 10 day, on the Sunday. The discussions between DS Turrell 11 and DS Denley --</p> <p>12 A. Yes.</p> <p>13 Q. -- and the HAT return that he prepared on that day. 14 Just, again, before we leave this question of primacy, 15 does it also follow from what you are saying that 16 whatever else DS Denley should or shouldn't have said to 17 DS Turrell, he or those he was working with should have 18 taken primacy that day, once they realised the contents 19 of the note?</p> <p>20 A. Yes, they should have done, yes.</p> <p>21 Q. Leaving aside the contents of the note or at least that 22 reference to another person having been killed, were 23 there, in your view, other elements of that scene that 24 should have led to it being treated as suspicious?</p> <p>25 A. Are we talking about Daniel?</p> <p style="text-align: center;">Page 126</p>	<p>1 you and so small things that I know have been talked 2 about during the course of the inquest, so would a note 3 be put in a plastic folder? Where is his phone, has he 4 dropped it on the way there, what did he do about that? 5 So where was he when he wrote the note? And the 6 associated matters with that. I think it is really 7 important.</p> <p>8 Q. Just to be clear though, are the points you are making 9 about the importance of preserving evidence because you 10 think that the officers there should have regarded it as 11 a suspicious scene, or are these things you would have 12 expected them to do whether or not they regarded it as 13 suspicious?</p> <p>14 A. It is not because you necessarily assume at that point 15 that a third party is involved, it is because, until you 16 are absolutely satisfied that the sequence of events is 17 as it is presented, you need to make sure that you 18 recover everything to give yourself the best opportunity 19 in the future if the situation or the picture changes.</p> <p>20 Q. Yes, I see.</p> <p>21 Help us though, with this. Some of the things that 22 one sees at that scene, and which we have heard about, 23 there is a risk of us becoming, as it were, amateur 24 sleuths and making our own mind up, but things like the 25 fact that the note is in a plastic envelope on that</p> <p style="text-align: center;">Page 128</p>

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<p>1 rainy night, the fact that Daniel is found sitting on 2 a bedsheet -- in fact on a table mat on a bedsheet. 3 Perhaps the other contents of the note, the very 4 impersonal nature of it.</p> <p>5 What is your professional view as to whether one or 6 other or a combination of those matters ought to have 7 led to Inspector Joyce, DS Turrell thinking about that 8 scene as a suspicious one?</p> <p>9 A. It is a combination of all those things. I think the 10 other thing as well with Daniel is that he had been 11 reported as a missing person and if you have somebody 12 who is reported as a missing person and subsequently 13 then dies, either because they take their own life, they 14 are involved in an accident or at the hands of another, 15 you know that there is going to be an inquisition, (a) 16 into the actions of the police from the moment that that 17 person was reported missing until they are found, so 18 have we done everything that we could in order to find 19 them safe and well? So you are going to be scrutinised.</p> <p>20 The next point around it is: how did he end up to be 21 in Barking? Because the other question, not only what 22 was at the scene, the place mat, it is most bizarre, 23 isn't it, to have a place mat there, but sometimes we do 24 deal with bizarre things and you have heard about this 25 from other witnesses giving evidence in this inquest.</p> <p style="text-align: center;">Page 129</p>	<p>1 about that part of it.</p> <p>2 Simply, my question to you is whether, in your view, 3 that was an appropriate way of validating the 4 handwriting on the note?</p> <p>5 A. So I don't consider sending any suicide note or part of 6 it by email as an appropriate way to share it with 7 a family member. I think that is most definitely 8 inappropriate, not least because they are then put in 9 a position that is very, very difficult for them to deal 10 with and they are not in a position where they can ask 11 you questions about it.</p> <p>12 I don't consider it is appropriate to send 13 an excerpt of the note either, because it is not put 14 into full context. You can't, I don't think, on the 15 basis of a few lines, decide if that really is the 16 writing or not. I think that also we need to consider 17 a little bit around how much people do use their 18 handwriting now.</p> <p>19 Q. Yes.</p> <p>20 A. Most people going through school, and Daniel would have 21 been of that era, actually use computers or digital 22 devices, so the whole thing around handwriting, it might 23 be different between siblings, perhaps, but it is quite 24 difficult to make an assessment.</p> <p>25 I think the other thing as well is just taking the</p> <p style="text-align: center;">Page 131</p>
<p>1 But how did he get to be in Barking? Why was he there? 2 If he is there, why is he there with a bedsheet, because 3 clearly he has not taken that with him? It is not 4 like -- Gabriel had all his possessions with him in his 5 bag, he was somebody who on the face of it was moving 6 from one address to another, potentially, even taking 7 John Pape's evidence. Daniel was different.</p> <p>8 So I think with him, there were too many unanswered 9 questions about his position being there, not least that 10 there was no indication that he was suicidal or was 11 going to take his own life.</p> <p>12 Sometimes when people are reported missing there is 13 an indication that they may be suicidal and then that is 14 reflected on the missing person report and that can 15 increase the level of resources that perhaps the police 16 put into it.</p> <p>17 Q. Let's move on and I want to ask you about one particular 18 series of events the next day, and that is how the 19 handwriting on the note was validated.</p> <p>20 The jury have heard about this. We have heard how 21 a small part of the note was sent by email to Daniel's 22 family and how there was then a telephone conversation 23 about whether or not that was his handwriting, and you 24 will have seen the transcripts, there is no agreement 25 about what exactly he said but I don't want to ask you</p> <p style="text-align: center;">Page 130</p>	<p>1 time to sit down with the family, explain to them what 2 it is going to contain, preparing them for it and really 3 what are you asking them, and we are asking: do you 4 think that this is the handwriting of your son? And: 5 why do you think that? And: in what context do you 6 think that?</p> <p>7 Q. I think I take it from what you have just said is the 8 way you think it should have been done is in person --</p> <p>9 A. Yes.</p> <p>10 Q. -- by showing the family the whole note and finding out 11 their understanding both perhaps of the handwriting and 12 also the content?</p> <p>13 A. Yes, definitely.</p> <p>14 Q. We have used the word family, you will have seen the 15 evidence about the fact that Ricky Waumsley was not 16 shown the note at the time, in fact not for many months. 17 Should he have been involved in that process?</p> <p>18 A. Yes, most definitely, I would have included Ricky as 19 family, he was the partner who was living with Daniel, 20 he had been his partner for a substantial period of time 21 and he most definitely should have been treated in the 22 same way as the other family members of Daniel.</p> <p>23 Q. Since it has been raised, let me just also pick up the 24 question of expert handwriting analysis.</p> <p>25 You deal with this at paragraph 117 of your report.</p> <p style="text-align: center;">Page 132</p>

<p>1 Perhaps we could go to page 28, it is the same document, 2 please, that is on the screen at the moment. 3 117, and perhaps we could expand that. 4 We can see what you have written there, Ms Mackay: 5 "I do not consider that expert handwriting analysis 6 should have been sought at an early stage. This is 7 an action that should be raised and then reviewed 8 against the other known information. If there is either 9 any doubt or a need to be conclusive, then expert 10 analysis can be sought." 11 That is fairly clear, but can you just expand on 12 that? 13 A. Absolutely. The reason that I put it like that is that 14 I am not saying that it shouldn't have been sought at 15 any point, but I go back to using that word of the 16 methodical investigation, those other actions should 17 have been progressed and if you had identified for 18 example who he was saying he was with the night before 19 and looked at where he had been, what had happened since 20 he had been missing. As you filled in those gaps, if 21 you couldn't then fill in the gaps, then this would form 22 part of that methodical approach to the investigation. 23 So I don't see it as the number one priority 24 personally at that point, but I do think it should be 25 there, raised as an action if there was doubt as it</p> <p style="text-align: center;">Page 133</p>	<p>1 telling us a story again about what has happened to him 2 before he is found. 3 Q. Yes. 4 Of course the jury will all have in mind another 5 aspect of that special post mortem, which was the 6 recommendation -- I think the words were "strong 7 recommendation" -- 8 A. Yes. 9 Q. -- made by Dr Swift that the bedsheet, which we have 10 already mentioned, should be tested. Now, not anything 11 that was written down by anyone it seems at the time, 12 not something that Dr Swift included in his preliminary 13 short report, it was only a page or so, prepared the 14 next day, but it was then referred to in his full 15 report, which was only finalised many months later. 16 A. Yes. 17 Q. The first question: should that recommendation have been 18 recorded? 19 A. So the recommendation should certainly have been 20 recorded and, as you continue through your investigation 21 and review your potential avenues of enquiry, the sheet 22 then, if the others have failed to identify who he had 23 been with, so we know as well don't we the sex swabs 24 that were obtained, and I know from listening to the 25 evidence here that they didn't yield a DNA profile. So</p> <p style="text-align: center;">Page 135</p>
<p>1 continued. 2 Q. Thank you. 3 Let me move on and ask you about the special post 4 mortem held in Daniel's case. 5 A. Yes. 6 Q. The jury will remember the evidence of Dr Swift, and 7 DS Denley and DI Schamberger being present. 8 First of all, of course, bruising, in fact really 9 rather similar bruising was found on Daniel's body, in 10 terms of the bruising around his shoulders and at the 11 top of the arms, to the bruising that had been found on 12 Anthony's body. You expressed a view at various points 13 of your report to suggest that you don't think that was 14 properly considered or dealt with. Can you expand on 15 that? 16 A. Yes, so it is not dissimilar, really, to around Anthony, 17 it is that in the case of Daniel there is bruising that 18 is present there, there is no actual explanation as to 19 how he has got that bruising, so we don't know how he 20 has sustained it. 21 The images, again, from where he was found show that 22 his clothing had been lifted up a bit and it doesn't 23 seem to have been recognised as being important or key 24 to the circumstances surrounding the deaths. 25 The fact is it hasn't caused his death, but it is</p> <p style="text-align: center;">Page 134</p>	<p>1 as you submit things that you think will give you -- if 2 I use the word an easy win, that are more obvious and 3 going to be more compelling. If those don't yield 4 results, you effectively move down your list and the 5 bedsheet would no doubt have featured on that. 6 The thing about the bedsheet is that when you are 7 examining a large item like that, you have to be 8 cognisant of where your best areas will be, so you don't 9 test the whole bedsheet, it is only certain parts of it. 10 So it can be slightly more taxing, but it is 11 a discussion you should have had with a crime scene 12 manager and part of a forensic review. 13 Q. Can you put this into a bit of context for us. You gave 14 us a bit of background on special post mortems this 15 morning. 16 A. Yes. 17 Q. I think the words you used were they are part of 18 a discussion between the investigating officers and the 19 pathologist? 20 A. Yes. 21 Q. How common is it for a pathologist to make 22 a recommendation about a forensic line of investigation 23 that should be followed? 24 A. So I think it is less common around a bedsheet, to be 25 honest, so an item like that that the person has been</p> <p style="text-align: center;">Page 136</p>

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<p>1 wrapped in or sat on is less common. They would 2 probably refer more to swabs that have been taken from 3 the body itself during the course of the examination, 4 but, as I alluded to this morning, when you brief 5 a pathologist you give them the whole set of 6 circumstances as it is and in this case the fact that 7 Daniel was found outside on the bedsheet, on the mat, 8 and in that two-way discussion, the purpose of having 9 you all there as experts is that each one of you brings 10 something to that table.</p> <p>11 In this case we have heard the pathologist is the 12 one that has brought the bedsheet to the table, so 13 I would say it is less common but it is part of the 14 whole process that we go through, collectively.</p> <p>15 Q. It doesn't mean to say that the police have to follow 16 that suggestion, but it is something that is 17 a contribution which needs to be taken seriously?</p> <p>18 A. Of course not. Yes, something that is then taken 19 seriously. The crime scene manager who is present there 20 at the post mortem is the person then who is going to be 21 helping you formulate your strategy about what you are 22 going to submit. They would have listened to that and 23 they will be able to put that in the context of any 24 other submissions that you might be doing for forensic 25 examination.</p> <p style="text-align: center;">Page 137</p>	<p>1 that that phone number was given to him by Mr Gallagher 2 at the post mortem in the expectation of a meeting to 3 follow, but certainly would a meeting of that nature 4 have been something you would have expected to happen?</p> <p>5 A. Yes, most definitely, because we are looking at the 6 circumstances of this person who is saying he is 7 responsible for the death of another. He makes 8 commentary about he had been with somebody else the 9 night before, so we need to identify that person, even 10 at best as a witness, a key witness. And we have 11 a whole load of avenues to explore and forensic avenues, 12 sometimes, can effectively create a shortcut, because 13 they can quite quickly identify the people that you are 14 looking for. Not always, but they are a good way to go.</p> <p>15 I know from DI Schamberger he didn't make that call 16 or consider that, but usually a crime scene manager will 17 sit down with the DI, in a relatively short period 18 afterwards, and say, "What are you doing with your 19 investigation? Have you had made any progress? What 20 forensic submissions do we need to consider?"</p> <p>21 Q. The evidence we have heard is that the crime scene 22 managers are people who usually work with the specialist 23 homicide teams.</p> <p>24 A. Yes.</p> <p>25 Q. But, nonetheless, this was a case where the borough</p> <p style="text-align: center;">Page 139</p>
<p>1 Then when you sit down to do your review, which will 2 take us on to the next thing about that not happening, 3 but generally you would sit down and conduct a forensic 4 review, within a relatively short period of time after 5 the post mortem, you can then decide what is going to 6 achieve your best evidence and which you should submit 7 first.</p> <p>8 Q. Ms Mackay, you are right that I was going to come on to 9 the question of the forensic strategy meeting.</p> <p>10 A. Yes.</p> <p>11 Q. If we can go, for these purposes, please, in your report 12 back a couple of pages to page 26. I am looking at 13 paragraph 107, and you say at the conclusion of the post 14 mortem and when the initial enquiries had established 15 known information, a forensic review should have taken 16 place.</p> <p>17 A. Yes.</p> <p>18 Q. The crime scene manager at the post mortem was a man 19 called Mr Gallagher, I recall, and you may have noticed 20 on the transcript, it was a document you will not have 21 seen when you prepared your report, because in fact it 22 was DI Schamberger's daybook which he brought along with 23 him. One of the things that was written there in the 24 area where he had made some notes about the post mortem 25 was Mr Gallagher's phone number. It may or may not be</p> <p style="text-align: center;">Page 138</p>	<p>1 still had primacy. Should it have been the case -- 2 I think it follows from what you have said that it 3 should have been -- that one way or not contact should 4 have been made and that meeting should have happened?</p> <p>5 A. Yes, so I can't comment exactly because of the processes 6 within the Met, but I am sure that the crime scene 7 manager based within the HAT team would be used to being 8 called to a meeting where they would sit down 9 collectively and discuss the submissions a short time 10 after the special post mortem. No doubt the crime scene 11 manager who was on the borough -- we have heard that 12 they have one dedicated to the borough -- would probably 13 be used to being approached to discuss that strategy, 14 whether this has fallen down in the cracks because each 15 one was expecting the other to do it, I don't know, but 16 definitely the crime scene managers would be used to 17 that process of working.</p> <p>18 Q. There was some, as you say, the DNA testing that was 19 ultimately done by Operation Lilford showed that the sex 20 swabs that had been taken at the special post mortem in 21 fact did not yield any useful DNA.</p> <p>22 A. No.</p> <p>23 Q. But, that notwithstanding, as at 2014, is it your view 24 that those sex swabs should have been submitted?</p> <p>25 A. Yes, because that was your number one opportunity to</p> <p style="text-align: center;">Page 140</p>

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<p>1 identify the "guy I had sex with", as referred to in the 2 note. 3 Q. We heard some evidence and there was some discussion in 4 the evidence, I think including DCI Lyons, as to whether 5 those sex swabs would have been authorised. I think it 6 ultimately comes down to a question of cost. It may be 7 this falls into the area you have described about 8 sequencing of submission, but can you help us with 9 whether you think they would have been authorised had 10 they been submitted at the time? 11 A. So I go back to what is our quickest and easiest way to 12 identify that person that Daniel had been with according 13 to the note and what you are dealing with at the time. 14 The submission of those swabs wouldn't be excessively 15 expensive if you did it on what we call a standard 16 turnaround. The cost increases if you ask for an urgent 17 submission, so you are trying to get a result back 18 within 24/48 hours, but the standard turnaround, I don't 19 know what it was in the Met, but two to three weeks was 20 not unusual. 21 So we are not talking a period of months on end that 22 we would be waiting for that to come back. 23 Q. Let me ask you, I think, just a few brief questions 24 about some of the actions, non-forensic type actions, 25 that may have followed in this investigation. And some</p> <p style="text-align: center;">Page 141</p>	<p>1 "I am not sure, I will check." 2 The phone work, as we have already alluded to during 3 this, is key to providing information and evidence for 4 us and it was critical to make the connection between 5 Daniel and Gabriel, whatever you accepted for the 6 providence of the note, to show that that was the case, 7 that they did actually know each other and how they had 8 met. Failing to do even the basic phone billing and 9 cell site analysis means with phone data it drops off 10 after 12 months, so it means that by not securing that 11 early, if you don't do it within the 12 months, then you 12 have lost it forever. 13 There are also other applications that can be done, 14 they require a court order, but around securing text 15 messages that on a telephone, seven days after, even if 16 you don't have a phone with you, you can make 17 applications around that for the provider and it doesn't 18 look like any of that was considered either. 19 I think it was a significant failing that it wasn't 20 done. 21 Q. On another topic, the jury have heard evidence about the 22 contact made with the investigation by John Pape and 23 Thierry Amodio. Both of whom were trying to provide 24 information, neither with very much success. Let's look 25 at page 29 of your report, please and paragraph 123.</p> <p style="text-align: center;">Page 143</p>
<p>1 that did partially. First of all, there was the 2 question of the attempts to establish some contact 3 between Gabriel Kovari and Daniel Whitworth, and in 4 particular the phone work relating to Daniel's phone. 5 Which, amongst other things, would have helped to 6 establish where he was on the night of 27 August when 7 Gabriel's body was left in the churchyard. 8 You will recall the evidence about the request for 9 that work to be done and the time period of the work 10 being extended backwards to capture that period, do you 11 recall? 12 A. Yes, I do, yes. 13 Q. The evidence about the fact that DC Slaymaker sent 14 an email, but just in the end it was never done, and 15 that in fact that was then signed off by DI Schamberger. 16 Your view? 17 A. A lot of these issues go back to that whole recording 18 about your actions, understanding who is responsible for 19 what, and that is a supervisor's responsibility, as well 20 as the officers' -- so I think each people have 21 responsibility here -- to say: 22 "Are you expecting me to do this?" 23 "Yes." 24 "Then I am going to do it." 25 Or:</p> <p style="text-align: center;">Page 142</p>	<p>1 This is perhaps just one element of it, but an important 2 element of this area of the case: 3 "I consider that notwithstanding the lack of contact 4 between Gabriel and Daniel [that is the lack of any 5 evidence of contact, I am sure you mean] every effort 6 should have been made to contact Jon Luck." 7 You say this could have been done through social 8 media profiling, locating an IP address, sending 9 a message requesting contact via Facebook or conducting 10 intelligence research on other social media sites. 11 Of course, the Jon Luck information was being passed 12 to the enquiry by Thierry Amodio? 13 A. Yes. 14 Q. Some efforts were made -- I think an IIP check was made 15 on the name of Jon Luck, but is what you are describing 16 here a rather more concerted determined effort to try 17 and understand who he was? 18 A. Yes, so my reference is not around the intelligence 19 checks of Jon Luck, it is around who is Jon Luck as per 20 his Facebook profile, so making applications to them. 21 Through that then you can establish the -- so the IP 22 address is the address that he would have used when he 23 was logged on, so then that in turn would give you 24 a location of where that person was and I think we have 25 heard, haven't we, during the course of the inquest that</p> <p style="text-align: center;">Page 144</p>

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<p>1 that was in fact used for confirming other aspects of</p> <p>2 this. So that would have been key.</p> <p>3 I know it sounds basic about sending a message via</p> <p>4 Facebook, but that is something that we do in policing</p> <p>5 and it is quite a good way to make contact with people.</p> <p>6 Even if he hadn't have responded or replied to that</p> <p>7 contact, when you are then looking later on around your</p> <p>8 evidential chain, the fact that he didn't reply or</p> <p>9 didn't respond to your contact in itself show that is he</p> <p>10 was not willing to engage with the police and why was</p> <p>11 that? So what is the suspicion around that? As opposed</p> <p>12 to somebody who perhaps is a genuine witness and wants</p> <p>13 to assist you in understanding the death of somebody,</p> <p>14 they tend to be much more engaging.</p> <p>15 Q. In a similar vein, of course -- we have been discussing</p> <p>16 the Thierry Amodio contacts of the Jon Luck emails and</p> <p>17 Facebook exchanges but then a little later, a few months</p> <p>18 later, John Pape sending his emails to DC Baxter, and</p> <p>19 the substance of those included some of the information</p> <p>20 he had heard about via Thierry Amodio from Jon Luck?</p> <p>21 A. I know.</p> <p>22 Q. Those emails were simply not responded to, as far as we</p> <p>23 can see?</p> <p>24 A. None of those potential actions from those emails, as we</p> <p>25 see were -- I mean (a) it doesn't appear to have been</p> <p style="text-align: center;">Page 145</p>	<p>1 right, because it is not complete. There are no time</p> <p>2 constraints on how long you can have a CRIS report open</p> <p>3 for, so awaiting the pathologist report is crucial</p> <p>4 because that will confirm the cause of death, which is</p> <p>5 obviously what they are investigating here, and how</p> <p>6 would that not cause you perhaps to consider a further</p> <p>7 review. So it should not have been shut then.</p> <p>8 Q. Let me move on and ask you some questions about the</p> <p>9 whole question of linking, at this point in the</p> <p>10 chronology, three deaths?</p> <p>11 A. Yes.</p> <p>12 Q. Anthony's death in June, Gabriel's death in August and</p> <p>13 then Daniel's death in September.</p> <p>14 Within the space of three or four months, three</p> <p>15 bodies found. I won't list the similarities between</p> <p>16 them, we have all thought about it and seen the</p> <p>17 similarities, not only in geography but also in other</p> <p>18 respects. I am going to come on to ask you about</p> <p>19 DCI Kirk in a moment but, first of all, there were some</p> <p>20 officers, and we have heard all about the different</p> <p>21 officers working different shift patterns and in fact</p> <p>22 their evidence seems to be fairly consistent that they</p> <p>23 didn't talk much to each other about cases that only one</p> <p>24 of them was involved, but we have seen some officers</p> <p>25 were involved in more than one of these cases, in</p> <p style="text-align: center;">Page 147</p>
<p>1 recognised as significant, the information that he took.</p> <p>2 The information was not even recorded as actions so</p> <p>3 that the investigating officer could make a decision, so</p> <p>4 DI Schamberger could make a decision as to whether or</p> <p>5 not they were progressed, so he probably wasn't sighted</p> <p>6 on it because it wasn't written down.</p> <p>7 There is no discussion or highlighting that</p> <p>8 information with anybody else and it essentially then as</p> <p>9 we have seen gets completely lost in the ether and</p> <p>10 buried and no action is taken at all.</p> <p>11 Q. When it should have been?</p> <p>12 A. Of course it should have been, yes.</p> <p>13 Q. That then by the time John Pape is sending those emails,</p> <p>14 that is toward the end of the year and I think one over</p> <p>15 into January. I am not going to take you to it, but we</p> <p>16 can see that not very long after that the CRIS is in</p> <p>17 fact closed, at a time when not all actions that had in</p> <p>18 fact formally been set and completed but also the</p> <p>19 special post mortem report, the main report itself, had</p> <p>20 not been received back?</p> <p>21 A. Yes.</p> <p>22 There are a number of issues there. I think in the</p> <p>23 November it is recorded that actions had been completed,</p> <p>24 when in fact they hadn't been. Closing the CRIS report</p> <p>25 before you even have all the information back cannot be</p> <p style="text-align: center;">Page 146</p>	<p>1 particular at this stage perhaps DC Slaymaker, who of</p> <p>2 course was the FLO for the Walgate family and also the</p> <p>3 Whitworth family.</p> <p>4 Do you find it surprising that just on that level,</p> <p>5 and by that I mean the officers within the CID, perhaps</p> <p>6 in particular DC Slaymaker, did not draw connections</p> <p>7 between these cases?</p> <p>8 A. Yes, I did. So I think it is fair to say that when</p> <p>9 I prepared my report I hadn't been to Barking, so</p> <p>10 I hadn't appreciated initially the geography of how</p> <p>11 close and small the Abbey ruins and the churchyard were.</p> <p>12 Just in my own mind and my own perception was it was</p> <p>13 probably a slightly larger area, perhaps like a large</p> <p>14 cemetery that sometimes you get in other areas of</p> <p>15 London.</p> <p>16 So that in itself surprised me. Because it was</p> <p>17 small, then the fact of these young men turning up there</p> <p>18 dead on repeated occasions would have made me think</p> <p>19 a little bit harder about it.</p> <p>20 I think the fact that DC Slaymaker was the family</p> <p>21 liaison officer for first of all Anthony, meant that he</p> <p>22 was sighted on quite a lot of information surrounding</p> <p>23 Anthony's death. That of course would have included the</p> <p>24 GHB aspect of it. And the fact that, perhaps, he wasn't</p> <p>25 somebody who frequented Barking, wasn't known to have</p> <p style="text-align: center;">Page 148</p>

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<p>1 come there before and why was he there.</p> <p>2 Again with Daniel, who is somebody who has been</p> <p>3 reported as missing, was not known to frequent Barking</p> <p>4 and I know it doesn't come through until a little bit</p> <p>5 later when the toxicology results come through, but we</p> <p>6 have GHB features again then. It is an unusual drug to</p> <p>7 overdose on and cause death and just the fact that these</p> <p>8 officers in the CID had not investigated GHB-related</p> <p>9 deaths before, the fact that you have two or even then</p> <p>10 three coming up alone I think should have raised</p> <p>11 suspicious in their mind and I am surprised that</p> <p>12 notwithstanding perhaps you didn't hand things on, but</p> <p>13 this definitely, they are quite small teams that they</p> <p>14 are working in in the CID, so they must have considered</p> <p>15 the fact that they were connected.</p> <p>16 Q. Thank you. Let me move to ask you then some questions</p> <p>17 about DCI Kirk in the same connection.</p> <p>18 You mentioned just a moment ago that the toxicology</p> <p>19 for Daniel didn't come through until later.</p> <p>20 A. Yes.</p> <p>21 Q. But of course there was the note straight away which</p> <p>22 referred to G. That was not obviously as reliable as</p> <p>23 toxicology, but it did raise the question of GHB in the</p> <p>24 deaths of Daniel and Gabriel as well. In fact, can</p> <p>25 I ask you to look, I am now in bundle C, which may be</p> <p style="text-align: center;">Page 149</p>	<p>1 report, so it is INQ6, please, page 34. I am looking at</p> <p>2 paragraph 144. Is it right, Ms Mackay, that you regard</p> <p>3 this moment -- this period shortly after Daniel's death,</p> <p>4 or the discovery of his body -- as the moment ... no</p> <p>5 doubt we can all think about moments within the sequence</p> <p>6 where a connection might have been made, but this is</p> <p>7 certainly one of those moments and if you like the most</p> <p>8 important where you think a connection should have been</p> <p>9 made?</p> <p>10 A. I do, absolutely.</p> <p>11 DCI Kirk, as the DCI for that borough, he has</p> <p>12 a strategic responsibility. So he has oversight of</p> <p>13 everything that is going on and I really see it as key</p> <p>14 for him to have been asking some intrusive questions</p> <p>15 around what is happening with these three deaths. So he</p> <p>16 has identified the issue around GHB. He is preparing</p> <p>17 for a press conference, where he thinks he is going to</p> <p>18 be asked questions about them all, and he needs to make</p> <p>19 sure that he feels prepared, and, as part of that, not</p> <p>20 just thinking about am I prepared to deal with the</p> <p>21 media, I feel that he should have been asking his DIs</p> <p>22 actually what is happening with these three deaths?</p> <p>23 What have we done, and have we got some analysis going</p> <p>24 on around them? Because it is unusual. We have already</p> <p>25 heard in evidence that there might be two a year that</p> <p style="text-align: center;">Page 151</p>
<p>1 the one you have in front of you, the Kovari-Whitworth</p> <p>2 jury bundle, tab 33, please. For the screen, it is</p> <p>3 IPC212.</p> <p>4 If we can have the top half of that page, please, we</p> <p>5 do see here, this is the -- it is not the very top</p> <p>6 email, it is the one just underneath, you see from</p> <p>7 Tony Kirk, it is on Monday, so it is the Monday after</p> <p>8 Daniel's body is discovered on the Saturday. The jury</p> <p>9 will recall the evidence, there was a series of meetings</p> <p>10 that morning and the gold group meeting later on in the</p> <p>11 day. At that point DI Kirk had made the context -- or</p> <p>12 a connection would probably be a better way of putting</p> <p>13 it, he says:</p> <p>14 "Can you pick up with partners the whole GHB issue,</p> <p>15 although none of people who have died have been</p> <p>16 residents of Barking or surrounding boroughs ..."</p> <p>17 He refers to adult social care and substance misuse.</p> <p>18 We explored this with him in evidence and I think his</p> <p>19 answer was he had made a connection but not the</p> <p>20 connection, if I can put it that way.</p> <p>21 There is that and then you refer in your report, and</p> <p>22 we have certainly heard evidence about this, that</p> <p>23 a little while later there was a press interview that</p> <p>24 DCI Kirk was due to do and we have all seen the emails</p> <p>25 leading up to that. Perhaps if we can now look at your</p> <p style="text-align: center;">Page 150</p>	<p>1 are unusual with a DI. We have three that are really</p> <p>2 similar here, so at best unusual.</p> <p>3 Q. We have heard from DCI Kirk how busy he was, how</p> <p>4 stretched, the vast range of different responsibilities</p> <p>5 that he had, all the different teams that he was</p> <p>6 leading. It was quite clear from his evidence that he</p> <p>7 didn't have the capacity really to focus on the facts of</p> <p>8 individual cases, does that alter your analysis here?</p> <p>9 A. I comprehend the pressures of a DCI. I have been a DCI</p> <p>10 myself, I know what that is like. But you need to</p> <p>11 balance that with prioritising what you are dealing with</p> <p>12 within your borough, and, for me, if you have three</p> <p>13 people that have died and there are things that are</p> <p>14 linking those three deaths, it is your responsibility to</p> <p>15 ask some intrusive questions.</p> <p>16 That might not mean that he personally sits down and</p> <p>17 reads all the files and reviews it, because as you have</p> <p>18 said he has other responsibilities, but he is in</p> <p>19 a position as a senior leader on that borough where he</p> <p>20 could commission a review through somebody else to get</p> <p>21 that work done.</p> <p>22 Q. Yes. You talk about commissioning a review, would that</p> <p>23 be one that was conducted internally or externally or</p> <p>24 either?</p> <p>25 A. There are many options that are available and I know</p> <p style="text-align: center;">Page 152</p>

<p>1 that as we get on into the investigation of Jack a PC is</p> <p>2 actually written off effectively, aren't they, allowed</p> <p>3 to progress that line of investigation. Given the</p> <p>4 importance of this, and the significance of it, at best,</p> <p>5 I am sure he could have found a person just to sit down</p> <p>6 and independently read through the different</p> <p>7 investigations.</p> <p>8 Q. When you say a person, you mean a member of the CID</p> <p>9 department?</p> <p>10 A. A member of the CID.</p> <p>11 Q. Yes.</p> <p>12 A. He could have re-approached HAT and asked them to</p> <p>13 reconsider where they were.</p> <p>14 He could have approached the review team, and I know</p> <p>15 he gave his evidence that he didn't know of his</p> <p>16 existence --</p> <p>17 Q. Yes.</p> <p>18 A. -- but asking for help and support from either his</p> <p>19 superintendent or the HAT would have enlightened that</p> <p>20 fact to him.</p> <p>21 Or you can even go further afield, when these</p> <p>22 incidents arise and you need some help and support,</p> <p>23 there are people that will step up to the mark and</p> <p>24 provide that, even from outside the borough.</p> <p>25 Q. In any event, we know, as you say, from in particular</p> <p style="text-align: center;">Page 153</p>	<p>1 investigations?</p> <p>2 A. Yes.</p> <p>3 Q. For example, in the Kovari inquest in the morning,</p> <p>4 John Pape gave evidence and told something of the story</p> <p>5 of Thierry Amodio and the Jon Luck emails and the things</p> <p>6 that he had sort of discovered along those lines. He</p> <p>7 also questioned DI Schamberger about a possible link to</p> <p>8 Anthony's death.</p> <p>9 Then, in the afternoon, with Daniel's death, amongst</p> <p>10 other things DI Schamberger was asked the direct</p> <p>11 question by the coroner whether the bedsheet had been</p> <p>12 tested in light of the recommendation from Dr Swift, and</p> <p>13 he said it hadn't been.</p> <p>14 We have also heard evidence in particular from the</p> <p>15 Whitworth family and from Ricky Waumsley about their</p> <p>16 dissatisfaction that they felt and expressed at the end</p> <p>17 of the inquest, and their request one way or another,</p> <p>18 asking DI Schamberger to take matters forward or to go</p> <p>19 on with the investigation, or that may not have been</p> <p>20 exactly how they put it, but that seems to have been</p> <p>21 what they tried to communicate with him. And we know</p> <p>22 that that didn't happen.</p> <p>23 Let me ask you, what do you think should have</p> <p>24 happened, what should DI Schamberger have done, having</p> <p>25 had that day, understood perhaps a bit more about the</p> <p style="text-align: center;">Page 155</p>
<p>1 perhaps the emails we have seen leading up to that press</p> <p>2 interview that he at least had these deaths in mind. In</p> <p>3 fact, to be fair, another one as well, Mr Ahmed who, as</p> <p>4 we now know, his death was not connected at all. In</p> <p>5 a line, is it your evidence that one way or another</p> <p>6 DCI Kirk should have done something to explore possible</p> <p>7 links between those cases?</p> <p>8 A. Yes, I think that was his responsibility to make sure</p> <p>9 that that happened. That is part of his role and people</p> <p>10 have died at the end of the day, so it is really</p> <p>11 important that we understand what happened.</p> <p>12 Q. Let me move on and ask you about events that happened</p> <p>13 some time later.</p> <p>14 We have already dealt with the closing of the CRIS</p> <p>15 in early 2015.</p> <p>16 Then, some months later, we have the inquests into</p> <p>17 Gabriel and Daniel in June of 2015, attended by</p> <p>18 DI Schamberger. The jury have looked a little bit at</p> <p>19 the transcripts, which we have in the jury bundle. I am</p> <p>20 not going to go back to those, but you have seen them</p> <p>21 I am sure. We have seen what took place, the evidence</p> <p>22 that was called during those two inquests, one in the</p> <p>23 morning, one in the afternoon, revealed, if you like,</p> <p>24 some of the steps we have been discussing. Some of the</p> <p>25 things that hadn't happened in the course of the earlier</p> <p style="text-align: center;">Page 154</p>	<p>1 evidence, and going back to the office, reflecting on</p> <p>2 what steps he should take?</p> <p>3 A. Yes, so at best I think he should be concerned that</p> <p>4 during the course of the inquests of both individuals,</p> <p>5 Gabriel and Daniel, there were things that came out that</p> <p>6 he was not sighted on, that he didn't know answers to</p> <p>7 and actions were highlighted that had not been carried</p> <p>8 out.</p> <p>9 He should at best come back and sit down and review</p> <p>10 that and think about why it hadn't happened and as you</p> <p>11 have expressly -- dissatisfaction with the family, to be</p> <p>12 able to go back to them and say, "The reason we haven't</p> <p>13 done A, B, C and D is because ..."</p> <p>14 If having done that he then thought actually perhaps</p> <p>15 we should now be progressing these because truly we</p> <p>16 don't know answers to them, there is no same in saying</p> <p>17 to yourself and to others:</p> <p>18 "As a result of the inquests, some other information</p> <p>19 has come to light that I didn't know about</p> <p>20 [notwithstanding that perhaps you should have known</p> <p>21 about it]. Now that I do know about that, I am going to</p> <p>22 take these actions to make sure it is investigated, or</p> <p>23 those items are submitted."</p> <p>24 I think, you know, a key things about policing is</p> <p>25 that we continually learn from things that we and others</p> <p style="text-align: center;">Page 156</p>

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<p>1 do, and when questions remain unanswered and</p> <p>2 particularly I know we refer to the family here but</p> <p>3 generally members of the public are dissatisfied, we</p> <p>4 should be asking ourselves the questions: why is that?</p> <p>5 And: have we done something wrong and is there anything</p> <p>6 we can do to rectify it?</p> <p>7 Q. To be fair to DI Schamberger, the situation he found</p> <p>8 himself in on that day was a very unusual one, is that</p> <p>9 fair?</p> <p>10 A. It would be fair, yes. I don't think he had ever given</p> <p>11 inquest evidence before, I don't think he had prepared</p> <p>12 the report --</p> <p>13 Q. That is right, he hadn't been to an inquest before,</p> <p>14 I think the tenor of his evidence was he had not been</p> <p>15 much involved in routine investigative work.</p> <p>16 A. Yes.</p> <p>17 Q. But even for someone who had been, to have an open</p> <p>18 verdict at an inquest and a question of possible further</p> <p>19 enquiries without the coroner having directed the police</p> <p>20 to conduct any further enquiries, that would be a fairly</p> <p>21 unusual situation to be in?</p> <p>22 A. It would be particularly on the face of it we have</p> <p>23 Daniel saying he has killed himself, so that would be</p> <p>24 a verdict of suicide, and he is responsible for the</p> <p>25 death of Gabriel. If we took it as it presented then</p> <p style="text-align: center;">Page 157</p>	<p>1 are not resolved.</p> <p>2 Q. Right.</p> <p>3 A. I think even with the coroner and the conclusion of the</p> <p>4 coroner, as I have said, the dissatisfaction of the</p> <p>5 family, it is not something that we should be saying,</p> <p>6 "Well, I am satisfied that you are dissatisfied, I am</p> <p>7 not going to do anymore".</p> <p>8 We should say to the friends and family:</p> <p>9 "I know you are dissatisfied, this is what I have</p> <p>10 done to address that. That is the most I can possibly</p> <p>11 do you."</p> <p>12 But I don't think they were in that position.</p> <p>13 Q. Thank you.</p> <p>14 Let me now move on again, and I want to just ask you</p> <p>15 a similar set of questions that I did in relation to</p> <p>16 Anthony's death about what might have happened had SC&O1</p> <p>17 taken over. Of course we need to sort of rewind,</p> <p>18 because I think the answers I gave you when starting</p> <p>19 about this is your view about what should have happened</p> <p>20 with Daniel's body with the note was that one way or</p> <p>21 another HAT should have been called and the context of</p> <p>22 the note, with reference to having killed someone else,</p> <p>23 should have led to HAT taking over. Let's say on the</p> <p>24 day, or failing that perhaps on the next day if HAT were</p> <p>25 called to the scene when DC Denley became involved.</p> <p style="text-align: center;">Page 159</p>
<p>1 that would be an unlawful killing. We haven't got</p> <p>2 either of those, have we? So why is that, and where has</p> <p>3 it led us to be?</p> <p>4 For DI Schamberger, notwithstanding his lack of</p> <p>5 experience, the point of it is that if you don't know or</p> <p>6 understand something, there are other people around who</p> <p>7 can help you, so he should have gone there.</p> <p>8 Q. Who might DI Schamberger have gone and --</p> <p>9 A. I would start with my line manager, which was DCI Kirk,</p> <p>10 and he has had interactions with the HAT teams about</p> <p>11 this and that would have also been a natural avenue and</p> <p>12 an opportunity for him to go back to and say:</p> <p>13 "We have now been to court with these two deaths, do</p> <p>14 you remember these? Is there any other advice you can</p> <p>15 give me?"</p> <p>16 Q. To be clear, before we move on, the fact that if you</p> <p>17 like they at least one purpose of police investigation</p> <p>18 had been to support the coroner, perhaps even the main</p> <p>19 purpose. The fact that the coroner's process had then</p> <p>20 finished with the conclusion of the inquest, was there</p> <p>21 any sense in which it followed from that that there was</p> <p>22 no more role for the police after that?</p> <p>23 A. I mean that is not something I can really answer, is it?</p> <p>24 Because I don't know how he viewed that, but there is</p> <p>25 always a role for the police because some things just</p> <p style="text-align: center;">Page 158</p>	<p>1 Had they taken over, my first question is would you</p> <p>2 have expected at that point the HAT team or the murder</p> <p>3 team to have investigated both Daniel and Gabriel's deaths</p> <p>4 as it were, as a joint investigation?</p> <p>5 A. Yes, I think they would have to be that to do that</p> <p>6 because effectively they are investigating the unlawful</p> <p>7 killing of Gabriel, so if you imagine that is the remit</p> <p>8 of the homicide team to do that, when you invest the</p> <p>9 murder of somebody, you obviously as part of that</p> <p>10 process are investigating the actions of the suspect.</p> <p>11 Notwithstanding in this situation that the suspect</p> <p>12 is deceased, we still need to establish the actions of</p> <p>13 that person to see if it fits in with the story as is</p> <p>14 being presented at that time.</p> <p>15 Q. You told us before lunch about the hypothetical</p> <p>16 investigation into Anthony's death, about the way of</p> <p>17 working and the very strict setting of actions and the</p> <p>18 reporting back and setting of further actions and so on,</p> <p>19 I assume the same would have been true here in general</p> <p>20 terms?</p> <p>21 A. Yes, absolutely, the same process always.</p> <p>22 Q. What do you think that the investigation would have</p> <p>23 focused on factually had the murder team taken over this</p> <p>24 joint investigation shortly after Daniel's body was</p> <p>25 found?</p> <p style="text-align: center;">Page 160</p>

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<p>1 A. It goes back to that same theme of what do we know about 2 Gabriel from the last person to see him alive until he 3 dies and where does Daniel fit into that part of that 4 chronology? 5 For Daniel, what has happened to him since he has 6 left home and his conversations with Ricky and then his 7 body is found in that same location. As part of that 8 process, as you unravel where they have been, not only 9 their interactions or lack of with each other, but who 10 else they have had interactions with in those periods of 11 time where we don't know anything about them. Through 12 that, then that is as we know, subsequently, we would 13 have identified Port as a person that certainly Daniel 14 had been with and then you would probably have worked 15 back to see what connection with Gabriel. 16 Q. As far as Gabriel was concerned, would there then have 17 been that sort of intensive investigation on those 18 points arising from John Pape's witness statement, 19 Thierry Amodio, Jon Luck, Karl Kamgdom? 20 A. The two would have all interlinked, yes, so all those 21 actions that you raised for Gabriel around who he had 22 seen, so Jon Luck, Karl, Marcus Cosmos, the phone 23 billing, the cell site, the address that he was going to 24 and then the other witnesses that fall out of that 25 having seen him at the address. All those then would</p> <p style="text-align: center;">Page 161</p>	<p>1 "... at the scene that he was a habitual drug user, 2 some items were later discovered at post mortem. The 3 tourniquet." 4 In fact although the tourniquet was discovered at 5 post mortem, he did have the little bag of powder and 6 unused syringes on his body, did he not? 7 A. I suppose just to put some context about "habitual drug 8 user" in the context there for me would be more around 9 whether he was a regular heroin user, so evidence of 10 multiple injection sites to that extent was probably 11 what I was really referring to there rather than 12 overdosing on some other form of drug. 13 Q. We will come to the question of linking in a moment, but 14 then just pausing there at that part of that report, has 15 the oral evidence you have heard or read about on the 16 transcripts altered that view that you expressed there 17 or is that still your view? 18 A. Then of course that then leads on, doesn't it, to the 19 engagement with his family, who are adamant that he 20 doesn't take drugs and, as with all of these cases, what 21 you deal with on the face it there is fine. When you 22 then get more information and evidence, which I have 23 alluded to throughout, is what is this person like? 24 What have they done in the previous few hours? If that 25 changes your view or your decision making, that is</p> <p style="text-align: center;">Page 163</p>
<p>1 have become significant and important. 2 It becomes a bit like a ball rolling down a hill 3 really, once you push it down and it starts to roll it 4 gathers momentum and more things stick to it and then 5 you get a better understanding of everything, as opposed 6 to be stuck at the top waiting to teeter over the edge. 7 Q. Thank you. 8 I'm going to move on and lastly ask you some 9 questions about the Jack Taylor investigation. 10 A. Yes. 11 Q. As with the others, let's start with the events at the 12 scene. For these purposes can I ask you to look in your 13 report, please, at paragraph 129, it is internal 14 page 30. 15 The starting point, it is similar really with 16 Gabriel Kovari, just if we consider in isolation the 17 scene as it presented itself, leaving aside the sort of 18 extraneous factors and the other questions. You say at 19 paragraph 129 you have been asked to consider how 20 reasonable it was to treat the death of Jack Taylor as 21 non-suspicious when he was discovered: 22 "On the basis of how it presented, it was not 23 unreasonable to treat the deaths as a drugs overdose, 24 even though there was no evidence ..." 25 If we can scroll down:</p> <p style="text-align: center;">Page 162</p>	<p>1 perfectly acceptable to do that and that happens a lot 2 in policing. That can go from both situations, from 3 suspicious to non-suspicious and non-suspicious to 4 suspicious, so your pendulum could go either in a case. 5 My basis of that is as you are looking at him in the 6 churchyard, I didn't think it was unreasonable. That is 7 my view. 8 If you then engage with his family and he says he 9 was completely anti drugs, would never ever have done 10 that, that is not in his make up, then you need to start 11 investigating, so where was he? Where did those drugs 12 come from? Why is there a tourniquet there? Then you 13 expand on your investigation. 14 Q. I am going to come and ask you a few more questions 15 about the investigation in a moment, just sticking with 16 the scene for a minute, let's look at paragraph 130 of 17 your report, so just the bottom of that zoomed-in 18 section. You say: 19 "I do consider though that with the attendance of 20 both DC Adeyemo-Phillips, who had been involved in the 21 three previous deaths and their investigations to 22 a greater or lesser extent ..." 23 Just pausing there, we know that certainly she had 24 been present at the scene of Daniel's body being found: 25 "... and DS Sweetman, who had been involved in the</p> <p style="text-align: center;">Page 164</p>

<p>1 death of Gabriel Kovari, [we discussed this morning the 2 fact that he attended that scene] there should have been 3 some recognition of the previous deceased and the 4 circumstances, this should at least have prompted some 5 questions to be asked and some inquisition." 6 The jury have heard a fair bit of evidence on this 7 issue. You will recall, for example, that 8 DC Adeyemo-Phillips gave evidence that she actually 9 mentioned to DS Sweetman the fact that -- noting that 10 Jack did not have a phone with him, she said that was 11 the same as with Daniel. DS Sweetman said, "No, that 12 conversation didn't happen", in fact he was not really 13 aware of Daniel's death other than in the vaguest terms 14 at least at the scene. 15 Is there any more you can say about that paragraph, 16 having read the transcripts, all the various evidence 17 that the jury have heard? 18 A. I have read the transcripts and I have listened to what 19 they have said about they have not made the connection, 20 but I do struggle to understand that you would not go 21 back and ask some questions, either of your colleagues 22 within the CID or the DI, and just say, "We have got 23 these deaths that have taken place now and they are 24 similar, it is a small area and we just don't have that 25 many occurring within our borough".</p> <p style="text-align: center;">Page 165</p>	<p>1 the jury bundle. It is the lower email, please. 2 We know that Jack's body was discovered on the 14th, 3 the Monday. This is an email that Sergeant Sweetman 4 sends on the 18th, at the end of the week. It is 5 an email to Ben Tanner but it is about a conversation he 6 has had with the coroner's officer that day. It is the 7 passage at four paragraphs down that I want to ask you 8 about. It really follows from the questions I was 9 asking you about the scene, because he said: 10 "The coroner and Teresa [that's the coroner's 11 officer] are a little concerned that the circumstances 12 are very similar to two other bodies found in similar 13 circumstances in the almost same location last year." 14 Pausing there, the effect of DS Sweetman's evidence 15 was of course he knew about Gabriel's body, which was 16 the first body found in the ruins, and that that 17 reference or the discussion he had with Teresa Steadman 18 about the second one, Daniel's, that was the first time 19 he really understood about the fact of the second one or 20 at least where it was discovered. But by that stage he 21 did. 22 Then reading on, he says: 23 "I explained that we could see no link other than 24 location, however it is likely to be asked about at some 25 stage."</p> <p style="text-align: center;">Page 167</p>
<p>1 It probably seems a bit contradictory, because my 2 first paragraph says it is not suspicious and then the 3 next is. The first one is in context, literally for the 4 uniform attending and how they discovered Jack and his 5 body lying there and what that looks like. 6 Then the next one is the officers that come, they 7 have already experienced these similar cases and they 8 don't seem to be saying, "We have been to a death here 9 before", or one does and one doesn't, they dispute that. 10 I think that even if you went to a hospital or 11 a care home and there were a number of deaths that had 12 taken place there, you would say, "I have been here 13 before, I have dealt with this before or that before", 14 and just part of being involved in policing and 15 particularly in detective work is you are naturally 16 inquisitive, you are nosy and you want to know and 17 understand things. I am really surprised that those 18 conversations didn't take place and I think they should 19 have done. 20 Q. Whatever the position on the day, and you have given us 21 your view about the conversations you might have 22 expected to take place in general terms. Let me ask you 23 about an email that was sent a few days later. I am now 24 looking at the last of the jury bundles, so it is jury 25 bundle D. For the screen, it is IPC 772. It's tab 8 in</p> <p style="text-align: center;">Page 166</p>	<p>1 Going back to what you were saying a moment ago 2 about your expectations on the day that Jack's body was 3 discovered, just because of the similarity of the 4 location and the fact that some of the same officers 5 were involved. Four days later when the coroner is 6 raising this as a concern, would you have expected 7 something to happen? 8 A. I would have expected him to have highlighted that with 9 his DI, and to cause some enquiries, if not to do it 10 himself, into what those similarities were and actually 11 to get an understanding of the circumstances. 12 Q. I think it is fair to say that DS Sweetman, he didn't 13 know really anything about the joint investigation into 14 Daniel and Gabriel's death that followed the discovery 15 of Daniel's body. Although it's fair to say he didn't 16 know about anything, he didn't really know one way or 17 the other about whether there was a link. 18 It appears that he simply told the coroner's officer 19 that there wasn't one. 20 A. But there is no basis for that is there? 21 Q. What is your view of that? 22 A. He has made an assumption without knowing or 23 understanding the circumstances of the other two. If 24 what you are saying is correct, he hasn't caused 25 an enquiry to be made by anybody else who has been</p> <p style="text-align: center;">Page 168</p>

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<p>1 involved in the investigation of those two other deaths, 2 so he doesn't know whether there is a link or not. 3 Because when he is saying other than location, but what 4 about the fact that none of them came from Barking, the 5 fact that GHB is a factor in the deaths, the fact that 6 they are gay men, I don't know if he considered that at 7 that point, it just strikes me as a bit superficial, 8 really.</p> <p>9 Q. It is logical for me to ask you about another document 10 in this bundle at this stage. If you can go forward to 11 tab 17, please. For the screen, it is IPC640.</p> <p>12 This is a record that is made by PC McDonald of her 13 interactions with the Taylor family. If we can look, 14 please, do you see the title 5 October 2015, so towards 15 the bottom of the page. It is the second paragraph 16 under that heading, the second sentence or the third 17 sentence of that paragraph, it says:</p> <p>18 "She [that is Donna Taylor, Jack's sister] also 19 raised questions regarding the previous deaths at the 20 item and was already asking if they could be connected 21 to Jack."</p> <p>22 You will appreciate, Ms Mackay, that in fact 23 Donna Taylor's evidence is that they had raised this 24 possible connection, she and her question, earlier than 25 5 October and more than once, but in any event at the</p> <p style="text-align: center;">Page 169</p>	<p>1 natural place to go is to the CID, and preferably to 2 a detective inspector, to say: 3 "Boss, the family are connecting this." 4 If you looked at the email from the coroner's 5 officer -- I know that PC McDonald wouldn't have been 6 sighted on that -- but you have that coming from another 7 avenue, haven't we: 8 "Are they connected? I've got some concerns?" 9 At the very least.</p> <p>10 Q. In fact we know that the Walgate and Whitworth families 11 were raising similar concerns. DC Slaymaker, would you 12 expect him to take a similar action at least, escalating 13 the issue and suggesting that some sort of review should 14 be conducted?</p> <p>15 A. Yes, and I have not been sighted on the whole make up of 16 that CID office, but I think it has been referred to as 17 three times or four teams present there. They are not 18 excessively large and you only have two DIs, whether 19 acting or temporary, it doesn't matter, you don't have 20 a whole bank of detective inspectors overseeing them. 21 One has been involved, DI Schamberger, in two of 22 those investigations, hasn't he? The other DI McCarthy, 23 as it was, I know he was superseded, was involved in the 24 other, so you have people involved in that environment 25 who have a working knowledge of what has gone on.</p> <p style="text-align: center;">Page 171</p>
<p>1 very least here is a record that PC McDonald has made of 2 this being raised on this occasion. PC McDonald saying: 3 "I have told her I have no reason to believe they 4 are connected."</p> <p>5 We haven't heard in fairness from PC McDonald, but 6 nothing on the document suggested that she had been 7 involved in any examination of whether they may be 8 connected or not.</p> <p>9 It is fair to say a similar -- there is an echo 10 there of DS Sweetman's response to the coroner?</p> <p>11 A. Yes, absolutely. It appears again to be superficial, 12 doesn't it, without any basis or rationale that is 13 recorded here.</p> <p>14 Q. Let's leave PC McDonald out of this, but what would you 15 expect from any police officer in a case like this, 16 where a member of the victim's family is raising with 17 them the possibility that the circumstances of their 18 loved one's death might be linked with other deaths?</p> <p>19 A. The process is that you talk to another person, usually 20 that starts with your line manager, but the CID are 21 responsibility for these deaths that are unexplained, 22 suspicious, we know that they have actively been 23 involved in the investigation into Anthony's death, we 24 know they have actively been involved in the 25 investigation into Gabriel and Daniel's deaths. So the</p> <p style="text-align: center;">Page 170</p>	<p>1 I think it would be quite easy to approach -- they may 2 tell you differently, so I am just telling you from my 3 perspective -- them or through your line manager to 4 approach them or raise it that these are the concerns 5 that have been put on the table.</p> <p>6 Q. We have leapt ahead a bit and I have been asking you 7 about concerns raised by the families towards the end of 8 the investigation.</p> <p>9 Let's go back and just look at how the investigation 10 developed. We have already referred to the fact that 11 there was a period of not quite a fortnight, but nearly 12 a fortnight, where really there was no contact at all 13 made with the Taylor family other than that first visit 14 when they were informed of death. I am sure you will 15 agree that was not appropriate?</p> <p>16 A. Yes, I think that was really poor to be honest and it 17 most definitely is not appropriate that they were left 18 with no contact for such a period of time.</p> <p>19 Q. The evidence we have heard that after that, after that 20 period, we see PC Taylor and PC Holder going to see the 21 family, undertaking some actions, CCTV work, and around 22 the same time Sergeant Laffan getting involved. He then 23 carried on after PCs Taylor and Holder dropped out of 24 the picture and amongst other things, as you have 25 already mentioned, he allocated PC McDonald to undertake</p> <p style="text-align: center;">Page 172</p>

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<p>1 some work.</p> <p>2 A. Yes.</p> <p>3 Q. Let's look, please at page 32 of your report, so it is</p> <p>4 INQ6, page 32, paragraph 135. Let's just read this</p> <p>5 paragraph, you say:</p> <p>6 "The engagement of Sergeant Laffan with the family</p> <p>7 in subsequently ensuring that the investigation was</p> <p>8 progressed was excellent. He did comprehend that there</p> <p>9 were unanswered questions, both from the family and the</p> <p>10 evidence that had been gathered thus far. He provided</p> <p>11 direction and guidance, ensured there was sufficient</p> <p>12 resource allocated in the form of PC McDonald and built</p> <p>13 a good relationship with the family. It was as a result</p> <p>14 of his intervention that the suspicions became clear</p> <p>15 around the circumstances leading to Jack's death."</p> <p>16 Then you draw a comparison with the other cases and</p> <p>17 say:</p> <p>18 "Had the same or similar approach been utilised in</p> <p>19 the other investigations, specifically utilising the</p> <p>20 CRIS to record all actions and their outcomes, and in</p> <p>21 tandem better engagement with the friends and families</p> <p>22 and listening to their concerns and acting upon them</p> <p>23 rather than being dismissive, those investigations may</p> <p>24 have reached different outcomes."</p> <p>25 There is quite a lot there, and we have heard some</p> <p style="text-align: center;">Page 173</p>	<p>1 "It would have been appropriate at that time [that</p> <p>2 is 5 October] around that weekend, when there was</p> <p>3 a series of meetings for the CID to have been more</p> <p>4 engaged in reviewing the investigation and taking</p> <p>5 responsibility for it."</p> <p>6 You believe that would then have led to them seeking</p> <p>7 further advice from the HAT team.</p> <p>8 You add that when one looks at all of those</p> <p>9 unanswered questions set out in that document, you think</p> <p>10 the deaths should have been considered suspicious at</p> <p>11 that stage?</p> <p>12 A. Yes, I do, because the uniformed team have progressed it</p> <p>13 to a point where they are not getting the answers that</p> <p>14 are satisfactory. They are trying to establish what has</p> <p>15 happened, "We think A might have happened but it</p> <p>16 hasn't".</p> <p>17 I think at that point it was absolutely right that</p> <p>18 the detectives should have taken responsibility. Their</p> <p>19 role is to investigate the suspicious deaths and even if</p> <p>20 they had taken that and it was subsequently not</p> <p>21 suspicious, that still would have been the right thing</p> <p>22 to do at that point.</p> <p>23 Q. I won't go back to it, but we will recall those rather</p> <p>24 hard-to-read notes that DI O'Donohue made of the</p> <p>25 meetings around this time and there is a reference to</p> <p style="text-align: center;">Page 175</p>
<p>1 evidence from PS Laffan, PC Taylor and the Taylor family</p> <p>2 as well. Are those views you still hold?</p> <p>3 A. Yes, they are, and I know that the explanations have</p> <p>4 been given by the officers involved but, you know, when</p> <p>5 PS Laffan has come on board, he has done exactly what</p> <p>6 everyone else should have done and tried to understand</p> <p>7 where Jack had been from the last moment he was seen by</p> <p>8 his dad at home until he was then found, and what the</p> <p>9 events had taken place then. The actions that he set in</p> <p>10 tranche have actually been done, so they are properly</p> <p>11 recorded, they are followed up and have been progressed.</p> <p>12 Then that in turn has led to other questions being</p> <p>13 raised. Then you set the next tranche of actions to</p> <p>14 say, okay, so we are not satisfied with the answers to</p> <p>15 this, so what happens next?</p> <p>16 Q. Thank you.</p> <p>17 If we move on in your report, you refer at</p> <p>18 paragraph 136 to that briefing note that we have seen,</p> <p>19 that started off as a multi-coloured document and then</p> <p>20 the final version was sent on to DS Sweetman and</p> <p>21 DI McSheffrey, is that right?</p> <p>22 A. Yes.</p> <p>23 Q. You refer to it there, paragraph 136, if we could see</p> <p>24 that on the screen, please.</p> <p>25 What you say in the second line there is:</p> <p style="text-align: center;">Page 174</p>	<p>1 HAT there. I am not suggesting that the HAT car was</p> <p>2 called, it clearly wasn't, but that seems to be the</p> <p>3 territory they thought they were entering at the time?</p> <p>4 A. Absolutely, and I think if the CID had been more</p> <p>5 engaging at that point, then they too would have at</p> <p>6 least sought some advice from the HAT and that would</p> <p>7 have progressed it a bit further.</p> <p>8 Q. You refer, I'm now going on to paragraph 137 of your</p> <p>9 report, you refer to the toxicology, the early</p> <p>10 toxicology results within the next day or so, in fact</p> <p>11 after that meeting, as being another staging post where</p> <p>12 you think that the matter should have been progressed?</p> <p>13 A. I do, because now you have four young men who have</p> <p>14 overdosed on GHB, a cause of death that is unusual and</p> <p>15 I don't think had been seen on the borough before. The</p> <p>16 circumstances of their location, their age, the fact</p> <p>17 that they are out of area are all there as well. At</p> <p>18 best unusual, isn't it?</p> <p>19 Q. What do you think should have happened at that stage?</p> <p>20 A. I think that the CID should have got some grip and</p> <p>21 governance of it and I think they should have contacted</p> <p>22 the HAT, because the HAT had been involved in the first</p> <p>23 investigation with Anthony, they have been consulted in</p> <p>24 the second investigation, with Daniel/Gabriel, and here</p> <p>25 we are, I know there are four individuals involved, but</p> <p style="text-align: center;">Page 176</p>

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<p>1 if we class this as the third investigation, why would 2 you not have them involved in this one as well? 3 Q. In fact of course, as the jury know, it was only a week 4 or so later that by another route, the fact that 5 PC McDonald happened to be working on the photo for the 6 press release, which was seen by DC Parish in the grip 7 and pace room and HAT became involved at that stage, as 8 it were by a different route. 9 Then, finally, if I can ask you just to look at 10 paragraph 138 of your report, if we could have that on 11 screen, please, a summary that you have made in your own 12 report of this investigation, you say: 13 "The initial investigation focused upon cause of 14 death being an overdose. The investigation into any 15 death should focus upon establishing the true sequence 16 of events that led up to the death [that is something 17 you have said more than once today]. This closed 18 mindset then inhibited the evidence-gathering approach 19 and consequently had an adverse impact in ensuring that 20 the appropriate resource investigated it with a level of 21 expertise and experience that would have been 22 beneficial. If the CID had taken a more supportive or 23 critical review of the evidence then the fact that it 24 was suspicious would have been identified at an earlier 25 stage."</p> <p style="text-align: center;">Page 177</p>	<p>1 (A short adjournment) 2 (3.33 pm) 3 (In the presence of the jury) 4 Questions from DR VAN DELLEN 5 DR VAN DELLEN: Ms Mackay, I ask questions on behalf of 6 Ricky Waumsley, who is Daniel Whitworth's partner. 7 If I could begin on INQ6, which is your witness 8 statement page 25, paragraph 100. Just picking up on 9 the fourth line of that paragraph, you say: 10 "The fact that Daniel had made reference to being 11 responsible for death of another person should then have 12 led to Daniel's death being treated as a crime scene in 13 the same manner as a suspicious death. In addition to 14 this fact, he was a missing person from Kent and his 15 presence in Barking was not accounted for at that 16 stage." 17 You have identified, it is right, isn't it, you have 18 identified there is that nexus between Kent and Barking 19 which is a potential unexplained aspect of that, is that 20 correct? 21 A. Yes, that's correct. 22 Q. Then if we could move two pages further on, to page 27, 23 paragraph 113, what you say there is: 24 "The HAT advice did not consider the necessity of 25 identifying the person who was with Daniel prior to his</p> <p style="text-align: center;">Page 179</p>
<p>1 You say: 2 "The people who could have done this or caused it to 3 be done, DS Sweetman, DI McSheffrey and DCI Kirk." 4 Does that remain your view? 5 A. It does, yes. 6 Q. The closed mindset you refer to there really I think is 7 focusing on the overdose, rather than other possible 8 explanations for the death? 9 A. Yes. 10 Q. Is that also a term that would accommodate, at any rate, 11 the emails we have seen about people, the coroner, the 12 families, asking if there could be a link with the other 13 deaths and getting the answer that as far as they were 14 concerned -- 15 A. Absolutely not -- yes, that is right yes. 16 Sorry, the answer is yes I agree with that and them 17 saying it is not connected because it is too narrow, 18 yes. 19 MR O'CONNOR: Thank you, Ms Mackay, those are all the 20 questions I want to ask you. 21 Ma'am, I believe it is Dr van Dellen to come next, 22 but looking at the time, I wonder if we might have 23 a break at this stage. 24 THE CORONER: Yes, we will have a break now. 25 (3.13 pm)</p> <p style="text-align: center;">Page 178</p>	<p>1 death. I consider this to be a key line of enquiry, not 2 only will it help to put context into the circumstances 3 of Daniel being present in Barking, it would give some 4 insight into his state of mind, any suicidal thoughts 5 and any comments he may have made in respect of the 6 death of Gabriel. It is important to identify in any 7 death the last person to see the deceased alive." 8 That's correct, isn't it? 9 A. Yes, that is, yes. 10 Q. Turning now to IPC21, so this is a document -- it should 11 come up on the screen, so I won't trouble you with the 12 tyranny of bundles. This is a document which, as far as 13 I recall, my learned friend Mr O'Connor Queen's Counsel 14 hasn't taken you to, just to identify this document for 15 you. This is the Merlin report from Kent Police, so it 16 is their missing person, their misper document, which 17 Kent Police generated in response to Ricky's concern 18 that Daniel had gone missing. 19 A. Yes. 20 Q. In it, you will probably be familiar they refer to MP as 21 missing person. But if we go down to near the bottom of 22 page 1, there are various references there, so the 23 fourth last paragraph: 24 "Yesterday, Daniel Whitworth texted the informant 25 [in other words Ricky] and said he was having a good day</p> <p style="text-align: center;">Page 180</p>

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<p>1 and that he was running late with preparation and 2 paperwork, that is the last contact the informant has 3 had." 4 Above that paragraph, what Ricky said to Kent 5 Police, "He seemed in good spirits when he went out". 6 There is some information there about Daniel's state 7 of mind, would you agree? 8 A. Yes, I would, yes. 9 Q. Then moving on to page 3, the second and third last 10 paragraphs, if I may: 11 "I spoke to the missing person's colleague 12 Christine. The missing person told her he was going to 13 Barking to meet friends ..." 14 Then skipping near the end: 15 "She confirmed his mobile number as above, appeared 16 AIO when he left, nothing of concern." 17 "AIO" is "all in order", is that correct? 18 A. Yes. 19 Q. Then the second last paragraph, the penultimate 20 paragraph. This is the last person that saw Daniel 21 alive. In this paragraph, that Kent Police is liaising 22 with. 23 David O'Connell: 24 "He is a chef and was the last person to see the 25 missing person."</p> <p style="text-align: center;">Page 181</p>	<p>1 committed suicide, would you agree with that? 2 A. Yes, I would agree with that. 3 Q. The second question is, when I asked questions of 4 Inspector Joyce about this document, and, madam, for 5 your reference it is 29 October 2021, pages 154 to 160, 6 Inspector Joyce agreed he hadn't looked at this 7 document, the Merlin report from Kent -- 8 A. He hadn't looked at it? 9 Q. He had not looked at that document before deciding that 10 the death was not suspicious. 11 What is your opinion about that? 12 A. I think that he should have at least been appraised of 13 that document before coming to that conclusion. 14 Q. You would agree that this was an important document that 15 he should have looked at; is that right? 16 A. Yes, of course it is, yes, because it provides context 17 to the circumstances of him going missing. 18 Q. Going back to INQ6, your witness statement, if I may, 19 page 28 this time, the top paragraph, page 115. This 20 paragraph is about the note and my client has given 21 evidence to this jury about what he considered should 22 have been done in terms of being shown the note. Your 23 evidence broadly accords with his views. 24 A. Yes. 25 Q. Just picking up what you say in the second, third and</p> <p style="text-align: center;">Page 183</p>
<p>1 Pausing there, according to what you said in your 2 witness statement, this is a key person to speak to, is 3 that right? 4 A. Can I put that into context a little bit? You are 5 absolutely right that that person is a key person and 6 the context of my statement here is that, in his note, 7 he refers to the person he had sex with last night, so 8 between the person there, his colleague from work and 9 anybody else in between, because here we have him being 10 told that he is in good spirits, all is happy, he is 11 going to meet a friend and then suddenly we have 12 a suicide note, so what has changed? 13 I hope that helps you. 14 Q. In fact you anticipated my next question, but just going 15 back to the penultimate paragraph, if I may: 16 "He worked with the missing person all day, stated 17 did not do or say anything to cause him any concern, 18 that he did nothing to cause him any concern, et cetera, 19 et cetera." 20 Then he goes on to talk about the journey and where 21 they parted ways. 22 Two questions about this document. The first is the 23 fact that there doesn't appear to be in the passages 24 I have taken you to any indication of a suicidal state 25 of mind. That appears to point away from Daniel having</p> <p style="text-align: center;">Page 182</p>	<p>1 fourth lines, you say: 2 "In my view it would have been reasonable to show 3 the whole note so that the full context could be viewed 4 and they would be able to consider if it was written in 5 a manner familiar to them and a style that would be 6 usual to the deceased." 7 Ricky gave evidence that in fact the first time he 8 saw the whole note, the actual whole note, rather than 9 it being relayed to him, was at the inquest nine months 10 later. At that time, he has given evidence to this jury 11 about three matters that concerned him about that note. 12 Is it right that Inspector Schamberger should have gone 13 back to Ricky after the inquest and discussed the note 14 with him then? 15 A. Yes, that falls into the context of other areas that 16 were raised at the inquest that we weren't happy with. 17 I think it is very poor that he wasn't shown the note 18 until the inquest, Ricky, because he should have been 19 shown that earlier. He was living with Daniel at the 20 time, he was a key person who would have understood the 21 context of it, and, along with the other actions that 22 have been raised from the inquest, DI Schamberger should 23 have reflected upon that and taken steps to remedy it 24 and address the concerns that were raised. 25 Q. Is that because basically Ricky had important</p> <p style="text-align: center;">Page 184</p>

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<p>1 information in view of his perspective and his views on 2 the note. Is that correct?</p> <p>3 A. His important information and perspective, as you relay 4 it, DI Schamberger might not have recognised that and 5 that is why he needed to go back to him to understand 6 the context behind it. Does that make sense?</p> <p>7 Q. It does, thank you.</p> <p>8 Carrying on in your statement to page 29, 9 paragraph 124, the penultimate paragraph on that page, 10 you say here:</p> <p>11 "I would be concerned there was no contact 12 whatsoever established between Gabriel and Daniel, nor 13 was the address located where they had allegedly met and 14 where the deaths potentially had taken place."</p> <p>15 Then this was the sentence I particularly wanted to 16 ask you about:</p> <p>17 "Finally, there were no witnesses identified who 18 could actually place the two individuals together or how 19 they both came to be in Barking."</p> <p>20 In fact, Ricky's evidence in the witness statement 21 that he provided to the police went significantly 22 further than that and effectively provided an alibi for 23 Daniel on the night that he was supposedly with Gabriel, 24 and Ricky has explained that evidence to this jury. 25 Given that that information was there, how</p> <p style="text-align: center;">Page 185</p>	<p>1 I appreciate you have said you have read the 2 transcripts, but I am just going to take you to 3 a question my learned friend Mr O'Connor Queen's Counsel 4 asked Chief Superintendent Ewing.</p> <p>5 Madam, for your note, this is 25 October, obviously 6 this year, and it is page 10, lines 1 to 15. My learned 7 friend asked former Chief Superintendent Ewing:</p> <p>8 "In particular, of course, we are focusing on 9 whether the CID department was actually able to 10 investigate these matters, to use an overused phrase, 11 was it fit for purpose at the time that you were in 12 charge?"</p> <p>13 This is Mr Ewing's answer, he said:</p> <p>14 "Generally speaking it was fit for purpose. At the 15 end of the financial year 2013 to 2014 the borough had 16 been recognised as most improved in terms of crime 17 reduction and in terms of what we call detections, so 18 the number of people brought to justice for offences 19 that had been committed, we had also increased the 20 satisfaction of victims of crime to near the top of the 21 Metropolitan Police and indeed at the end of that 22 financial year the borough was awarded two prizes, for 23 being the top and most improved borough in London at the 24 time." 25 Putting that next to what you have said in your</p> <p style="text-align: center;">Page 187</p>
<p>1 significant was that information?</p> <p>2 A. I did pick that up, actually, through listening to the 3 evidence in the inquests and that is very significant, 4 but it doesn't detract from the fact that even before or 5 after the death, they have never ever been able to put 6 Daniel in Barking or have any contact with Gabriel. 7 Not only does he effectively have an alibi for the 8 night when the death should have taken place and the 9 following day when the body is discovered he is at work, 10 there is nothing else either that supported the two of 11 them having contact together.</p> <p>12 Q. We know in retrospect that is not surprising --</p> <p>13 A. Of course not, because they didn't know each other.</p> <p>14 Q. Because they were totally unknown to each other.</p> <p>15 A. Yes, of course, yes.</p> <p>16 Q. Page 23 of your statement, if I may, my final question, 17 paragraph 90, and just to, again, orientate you about 18 the question I am going to ask, so you say:</p> <p>19 "Upon the discovery of Daniel, the death of Gabriel 20 should have been treated as suspicious. The offences of 21 murder, manslaughter ... should all have been 22 considered. On the balance of probabilities, a crime 23 had been committed and so a CRIS report should also have 24 been raised. This is to comply with national crime 25 reporting standards (NCRS)."</p> <p style="text-align: center;">Page 186</p>	<p>1 witness statement about what appears to be a lack of 2 compliance with the national crime reporting standards, 3 with a CRIS report not being opened into Gabriel, would 4 that suggest that certainly in terms of Gabriel's death 5 there had been under-reporting of crime in Barking 6 borough?</p> <p>7 A. So there is, in respect of this, because it is clear 8 that they should have raised the CRIS report and they 9 failed to do so, therefore it is not recognised on any 10 statistics as a potential murder, manslaughter or 11 administering a noxious substance, whatever title you 12 wanted to give it, so yes, in answer to your question, 13 there is an under-reporting in this one instance that 14 I have identified. I don't know how they reviewed 15 others or dip sampled others.</p> <p>16 Q. That is why I asked my question as specifically as 17 I did.</p> <p>18 A. Exactly, and I have answered it exactly just like that. 19 In this case they didn't raise the CRIS report, which 20 demonstrates under reporting for this particular type of 21 offence and this specific offence, sorry.</p> <p>22 DR VAN DELLEN: Madam, thank you, no further questions.</p> <p>23 Questions from MS HILL</p> <p>24 MS HILL: Good afternoon, as I think you know I ask 25 questions on behalf of the families of those who were</p> <p style="text-align: center;">Page 188</p>

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<p>1 murdered by Stephen Port, save for Mr Whitworth's 2 partner.</p> <p>3 The families are very grateful for the care you have 4 given and the review that you have carried out. Just so 5 that we are clear, they broadly agree with your 6 assessment in the vast majority of the areas that you 7 have talked about, but I would like to go through and 8 try and pick out some further points of detail, if 9 I may?</p> <p>10 A. Of course.</p> <p>11 Q. I have five broad areas of questioning.</p> <p>12 Firstly, a little bit about your background.</p> <p>13 Secondly, about the Anthony investigation.</p> <p>14 Thirdly, the Gabriel-Daniel investigation.</p> <p>15 Fourthly, the Jack investigation.</p> <p>16 Then, fifthly, a few questions about the wider 17 systems, if I can call them that, if that is all right?</p> <p>18 A. Yes, thank you.</p> <p>19 Q. The family of Jack Taylor sit here and I think you 20 probably know that others are watching remotely.</p> <p>21 Firstly, you have talked a little bit about your 22 background and I don't want to go over that in any 23 detail. But is this right, that nationally the 24 investigation of murder I think has been described in 25 questioning put to Mr Lyons on 2 November, it's lines 11</p> <p style="text-align: center;">Page 189</p>	<p>1 A. Absolutely, yes.</p> <p>2 Q. The second topic please then is the Anthony Walgate 3 investigation. Just trying to do the best I can, you 4 have given evidence of a series of things that went 5 wrong and I would just like to try and ask you about 15 6 key parts, if I may.</p> <p>7 Firstly, the initial decision making around the 8 finding of Anthony's body, is this a fair summary of 9 what you have said.</p> <p>10 That there was insufficient curiosity about the 11 inconsistencies between the scene and what Mr Port was 12 saying and that that was compounded by issues such as 13 the bruising, the hypostasis and the missing telephone?</p> <p>14 A. Yes, that's correct.</p> <p>15 Q. There was still plenty of unanswered questions in those 16 very early days, is that fair?</p> <p>17 A. Yes, certainly within those first seven days, at least.</p> <p>18 Q. The post mortem did not really allay those concerns but 19 left significant questions unanswered?</p> <p>20 A. Yes, it did, and you will have heard me specifically 21 talk about the bruising and other aspects from that that 22 we have highlighted.</p> <p>23 Q. Is this right, in your first report at paragraph 68, 24 perhaps we can just bring it up briefly, please, it is 25 INQ6, and paragraph 68, internal 17, please. You have</p> <p style="text-align: center;">Page 191</p>
<p>1 to 18, as "like painting by numbers", in that broadly 2 investigation of murder across the country is very, very 3 similar?</p> <p>4 A. Yes, that's correct, it is. The processes that we 5 adopted are similar, so we can inter operate between 6 forces if we need to.</p> <p>7 Q. Broadly, again there will be some local variations, but 8 the running of what we have heard described here as 9 a CID main office is again broadly very, very similar 10 across the country?</p> <p>11 A. So in principle, yes. The only proviso I would put on 12 that, personally, is that I am aware that in the 13 Metropolitan Policing area they have other specialist 14 teams, so maybe for gang crime or for sexual offences, 15 other CID offices don't necessarily operate like that.</p> <p>16 I would have to put a little bit of a proviso on 17 that, that the principle for investigating serious and 18 major crime is the same. However, the remit within each 19 CID office might vary from force to force and 20 particularly from the Metropolitan Police force to 21 others.</p> <p>22 Q. Understood, but some of the policy and guidance 23 documents you have talked about are nationally 24 accredited and nationality applied as far as detective 25 work is concerned?</p> <p style="text-align: center;">Page 190</p>	<p>1 mentioned there the role of the HAT officers at the post 2 mortem and you have questioned here whether or not they 3 played a significant enough part in directing the 4 discussions at the post mortem; is that right?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. Secondly, the issue of the PND check, and we can take 7 that report down now -- you have given a lot of evidence 8 about the PND check and again just trying to pull these 9 threads together if I may, is this a fair summary, that 10 you have explained how there were four different routes, 11 if you like, to the PND, in this case.</p> <p>12 The first was a proactive intelligence check by the 13 borough.</p> <p>14 The second was, even if it hadn't been done 15 proactively, being done reactively to the PNC result?</p> <p>16 A. Yes.</p> <p>17 Q. Thirdly, again if it hadn't been done by either of those 18 routes, being done by Mr Port himself, volunteered in 19 interview prior contact with the police, is that right?</p> <p>20 A. Sorry, just clarify the third one? When Mr Port attends 21 for interview doing the intelligence check?</p> <p>22 Q. Yes, let's just assume that the PND opportunity had been 23 missed at those first two stages, when he volunteered in 24 interview something about prior contact with the 25 police --</p> <p style="text-align: center;">Page 192</p>

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<p>1 A. Sorry, when he gave his account during interview, yes.</p> <p>2 absolutely.</p> <p>3 Q. Forgive me, that is a further red flag to check the PND</p> <p>4 if it had been missed already, is that right?</p> <p>5 A. Yes that's correct.</p> <p>6 Q. Fourthly, I think you have given evidence that reference</p> <p>7 to intelligence checks on the MIT documentation, it was</p> <p>8 another possibility that the MIT team could have done</p> <p>9 those checks if they hadn't been done on borough?</p> <p>10 A. That's right, it is that final one where MIT 7 said they</p> <p>11 were going to do the intelligence checks was the last</p> <p>12 opportunity that was highlighted.</p> <p>13 Q. Thirdly, the PNC check in relation to X1, is it broadly</p> <p>14 your view that there was a failure to give sufficient</p> <p>15 regard to the content of that?</p> <p>16 A. Yes, there was.</p> <p>17 Q. It didn't sufficiently inform the decision making that</p> <p>18 followed on from the discovery of it on 25/26 June?</p> <p>19 A. It doesn't appear to have done. It is difficult to</p> <p>20 comment conclusively, because the decision making is not</p> <p>21 effectively written down, is it, but the significance of</p> <p>22 it does not appear to have been put in the true context</p> <p>23 that it could have been.</p> <p>24 Q. Fourthly, you have given evidence about the interviews</p> <p>25 of Mr Port, and is this a fair summary, that your view</p> <p style="text-align: center;">Page 193</p>	<p>1 similarities between X3's position and the potential</p> <p>2 position of Anthony, a few points of detail.</p> <p>3 Did you understand that in relation to the BTP</p> <p>4 report of X3, it was suggested that Port had been going</p> <p>5 through his bag and there was a suggestion about looking</p> <p>6 for his telephone?</p> <p>7 A. I did understand that, yes.</p> <p>8 Q. That both men appeared under the influence of drugs, but</p> <p>9 X3 appeared to be in a worse condition?</p> <p>10 A. Yes.</p> <p>11 Q. It was suggested they had met on the internet and both</p> <p>12 taken drugs?</p> <p>13 A. Yes.</p> <p>14 Q. That although that is what Port had said, X3 himself had</p> <p>15 denied taking any drugs?</p> <p>16 A. Yes.</p> <p>17 Q. He was described as adamant about this, as he did not</p> <p>18 driven alcohol or take drugs?</p> <p>19 A. Yes.</p> <p>20 Q. Finally on X3, that his account of how and why he had</p> <p>21 got to the station -- Port's account, forgive me, was</p> <p>22 strikingly similar to what he would later say about</p> <p>23 Anthony, because he had told the officers that he had</p> <p>24 found X3 outside his house and brought him to the</p> <p>25 station in order to get him home safely?</p> <p style="text-align: center;">Page 195</p>
<p>1 is that there was a failure to respond appropriately to</p> <p>2 the accounts he gave in interview, in a series of</p> <p>3 different ways?</p> <p>4 A. Yes, it is.</p> <p>5 Q. Firstly, this is perhaps a part of this failing, there</p> <p>6 was a failure to follow up the issues around X1 and X3?</p> <p>7 A. Yes.</p> <p>8 Q. There was a failure to respond to various other leads in</p> <p>9 the interview, to do with his workplace, to do with</p> <p>10 checking his finances, to do with perhaps different</p> <p>11 things but checking the bins to see if the phone was</p> <p>12 there, checking his workplace to see if his phone was,</p> <p>13 there things likes that, failure to follow up leads in</p> <p>14 the interview?</p> <p>15 A. That's right, so the account that he gave during the</p> <p>16 course of his interviews created further opportunities</p> <p>17 to see what he had done and whether it correlated with</p> <p>18 the account being provided.</p> <p>19 Q. I think your evidence was that you would have expected</p> <p>20 the MIT officers to have assisted their borough</p> <p>21 colleagues by identifying those leads, or at least</p> <p>22 giving some kind of summary of next steps after the</p> <p>23 second interview?</p> <p>24 A. Yes, I would have done.</p> <p>25 Q. In relation to X3, you mentioned some of the obvious</p> <p style="text-align: center;">Page 194</p>	<p>1 A. Yes.</p> <p>2 Q. That the account he had given was different to what X3</p> <p>3 had said, because he had said he had been at Port's</p> <p>4 house all day where he had fallen asleep?</p> <p>5 A. Yes.</p> <p>6 Q. All of those points would have been discovered if X3 had</p> <p>7 been spoken to?</p> <p>8 A. If he had been spoken to in that early stages and his</p> <p>9 statement taken at that stage, then those</p> <p>10 inconsistencies of the account could have been</p> <p>11 identified and of course any similarities with Anthony</p> <p>12 and his presence at Port's address and subsequent</p> <p>13 discovery outside could have been compared.</p> <p>14 Q. All of those similarities could have been very probative</p> <p>15 of what had happened in relation to Anthony?</p> <p>16 A. Yes, they could.</p> <p>17 Q. Fifth, I think you seem clear that there should have</p> <p>18 been a further interview of Mr Port where he was</p> <p>19 challenged?</p> <p>20 A. Yes, I do think that should have taken place.</p> <p>21 Q. Sixth, is this a fair summary, that especially after GHB</p> <p>22 was identified in Anthony, there was insufficient</p> <p>23 curiosity about what his friends and family were saying</p> <p>24 about his use of drugs and the attitude he was likely to</p> <p>25 have taken to taking drugs with a stranger?</p> <p style="text-align: center;">Page 196</p>

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1 **A. I think that the question was asked of the family,**
 2 **because they were informed and his friends, about --**
 3 **sorry, just to be clear, the friends I know were not**
 4 **told directly by the police but all became aware of the**
 5 **presence of GHB. I think what the police have failed to**
 6 **do then was take into account the views of family and**
 7 **friends that that is not a drug that he would take and**
 8 **certainly not a drug that he would take in those**
 9 **circumstances.**
 10 Q. It is a phrase we have heard many times, but would you
 11 describe that failure as a lack of professional
 12 curiosity?
 13 **A. I think there has been a lack of professional curiosity**
 14 **really throughout that investigation concerning Anthony.**
 15 Q. I will take these quite shortly.
 16 Seventh I think you agree that the laptop should
 17 have been submitted, whatever the form of the
 18 investigation was, and I think you agree that the sex
 19 swabs should have also been submitted, is that right?
 20 **A. Yes, I said I agreed that both of those should have been**
 21 **done.**
 22 Q. Quite key, I think you said, that eighth failing, yes?
 23 **A. Yes.**
 24 Q. Can I ask you some questions, please, about witness
 25 appeals because you have talked about this in the

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1 context of Gabriel and Daniel. In relation to Anthony
 2 we know that there was a press article generally asking
 3 for information about him. That didn't name Anthony at
 4 all. Can I just ask you this, is that something that
 5 police sometimes do?
 6 **A. Yes, so the decision to release information to the media**
 7 **has to be balanced around your investigative strategy**
 8 **and not compromising anything within your investigation.**
 9 **It needs to be considered around what is the benefit of**
 10 **naming or not naming the victim in that case and the**
 11 **views of the family will also be taken into**
 12 **consideration.**
 13 **There is no strict guidance to say you should or**
 14 **shouldn't name anybody. What you should do when you are**
 15 **doing your media appeal is consider what is the best**
 16 **opportunity to encourage the public to deliver some**
 17 **information to you.**
 18 Q. In relation to that, I think you understand from reading
 19 the family liaison officer logs and so on, that
 20 Anthony's mother in particular was very much engaged in
 21 the investigation and concerned because she believed he
 22 had been murdered?
 23 **A. Yes.**
 24 Q. I don't know if you know this detail, and forgive me if
 25 you don't, but X2 was somebody who also featured on the

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1 indictment, because he was somebody who ultimately came
 2 forward to the police when he saw the name of
 3 Stephen Port in the media, do you understand?
 4 **A. Yes, I do, and I have read the evidence from the**
 5 **transcripts around him.**
 6 Q. He was, perhaps surprisingly, somebody who knew both
 7 Anthony and Stephen Port, so he is the sort of person
 8 who might have come forward if a witness appeal had been
 9 put out with Anthony's name in it?
 10 **A. Quite possibly.**
 11 Q. Just so the jury have the dates, he was somebody who
 12 ultimately the jury found had been drugged and raped by
 13 Port on 25 February 2012, so before Anthony and before
 14 X3?
 15 **A. Yes, so his knowledge of Port had taken place two years**
 16 **before Anthony's death, is that what you are saying?**
 17 Q. The indictment was framed around events on
 18 25 February 2012.
 19 **A. I was not familiar with the dates, but I agree in**
 20 **principle that if you have somebody who was also**
 21 **subsequently identified as a victim of Port and was**
 22 **aware of the circumstances with Port and then knew**
 23 **somebody else who has died, another victim, in this case**
 24 **Anthony, if they had seen that media release. Yes,**
 25 **I think that is likely to encourage them to come**

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1 **forward.**
 2 Q. Tenth, please, poor supervision and leadership in this
 3 investigation.
 4 **A. Yes.**
 5 Q. I suggest to you it permeated the investigation, rather
 6 like the lack of professional curiosity. You have given
 7 evidence in your written report that the list of actions
 8 that DS O'Donnell compiled at the post mortem were not
 9 put on the CRIS?
 10 **A. Yes.**
 11 Q. Therefore you say at paragraph 47 I think of your report
 12 that the opportunity to review early decisions against
 13 a changing evidential picture was lost, is that right?
 14 **A. Yes, that's right, yes.**
 15 Q. Just taking a step back, is this your understanding of
 16 the evidence, that while things might not have been done
 17 by Trainee Detective Constable Parish, they were not
 18 picked up by his supervisor, Mr O'Donnell, or indeed by
 19 his supervisor, Mr McCarthy, and that suggests that the
 20 supervision system was not working properly, doesn't it?
 21 **A. I think that throughout this, the leadership and**
 22 **supervision within the investigations was lacking.**
 23 **I don't think it was a culture of supportive leadership.**
 24 **I don't think the supervisors were effectively**
 25 **supervising for whatever reason, they might give those**

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<p>1 explanations, and I think that lack of connection</p> <p>2 between everybody at every rank, right the way through,</p> <p>3 has led to some of these failings.</p> <p>4 Q. You describe the decision of Inspector McCarthy to step</p> <p>5 back from the investigation, him having been</p> <p>6 specifically chosen by DCI Kirk because of the potential</p> <p>7 seriousness of it, as a really bad or a poor decision.</p> <p>8 Is that fair?</p> <p>9 A. Yes, I do think that was a very poor decision.</p> <p>10 Q. Can I just finally on this particular topic, please,</p> <p>11 bring up paragraph 72 of your report. It is at INQ6,</p> <p>12 internal page 18, please.</p> <p>13 You are particularly critical, if I have understood</p> <p>14 your report correctly of this lack of supervision and</p> <p>15 leadership at the end of June 2014. You say:</p> <p>16 "The reason the investigation became disjointed and</p> <p>17 opportunities were missed, there was no clear action</p> <p>18 list, no clear review after the end of June 2014. No</p> <p>19 independent review of all of the evidence to ensure the</p> <p>20 correct focus and direction of the investigation ..."</p> <p>21 And had it been done, you believe those various</p> <p>22 things set out there would have occurred.</p> <p>23 That is something I think you suggest is a key point</p> <p>24 in the investigation, is that right, a lack of</p> <p>25 leadership at the end of June 2014, effectively allowed</p> <p style="text-align: center;">Page 201</p>	<p>1 review that featured in his email never in fact took</p> <p>2 place?</p> <p>3 A. No, it didn't. There was no evidence of any other</p> <p>4 review.</p> <p>5 Q. 12th, you have explained that officers, even if they</p> <p>6 were unaware of the criminal use of GHB in anything</p> <p>7 other than a date rape environment could have obtained</p> <p>8 more information about it relatively straightforwardly?</p> <p>9 A. Yes, and that goes back to the professional curiosity.</p> <p>10 There would have been an opportunity to learn some more</p> <p>11 about GHB from a number of avenues.</p> <p>12 Q. Is this fair, that doing that was especially important</p> <p>13 because, firstly, this was a rare and new apparent drug</p> <p>14 on the borough in terms of fatalities.</p> <p>15 Secondly, because of the information about Mr Port's</p> <p>16 own previous use of drugs to allow people to be sexually</p> <p>17 assaulted by him.</p> <p>18 Thirdly, because there is evidence that some friends</p> <p>19 of Anthony's were telling police that they thought this</p> <p>20 was a date rape drug.</p> <p>21 Are those three reasons why looking at this and</p> <p>22 trying to find out more information about this was</p> <p>23 particularly important?</p> <p>24 A. I think the key one is the fact that they hadn't had GHB</p> <p>25 drugs before on the borough, so therefore why are we</p> <p style="text-align: center;">Page 203</p>
<p>1 this investigation to stall on the borough, didn't it?</p> <p>2 A. Yes, because rather than getting a grip of it, and</p> <p>3 having control and reviewing it, it has been allowed</p> <p>4 then to drift and go back down.</p> <p>5 Q. 11, please, in relation to issues between the borough</p> <p>6 and the homicide command, can I just try and pull these</p> <p>7 threads together if I may.</p> <p>8 You have already explained that you think the</p> <p>9 homicide command should have provided greater support</p> <p>10 after the interview of Mr Port.</p> <p>11 A. Yes.</p> <p>12 Q. That your view is that they should have accepted primacy</p> <p>13 on 26 June, I think?</p> <p>14 A. Yes.</p> <p>15 Q. You describe how there are occasions, are there not,</p> <p>16 where the borough officers did not follow the advice</p> <p>17 that they had been given by the homicide command?</p> <p>18 A. Yes, that is true.</p> <p>19 Q. That the referral that Mr McCarthy wanted made back to</p> <p>20 the homicide command never took place?</p> <p>21 A. No, it didn't.</p> <p>22 Q. Your view is that the review of Mr Sweeney at the end of</p> <p>23 June should have been carried out in person?</p> <p>24 A. Yes, it should have done.</p> <p>25 Q. Is it your understanding that the suggested future</p> <p style="text-align: center;">Page 202</p>	<p>1 having them now?</p> <p>2 I think the issue around Port and what he</p> <p>3 administered was probably a bit cloudy at that stage.</p> <p>4 The third point that you raised, that his friends</p> <p>5 are saying it was not a drug that he would take,</p> <p>6 particularly in those circumstances, would have fed into</p> <p>7 that as well.</p> <p>8 Q. If fairness, just to bring up, please, your second</p> <p>9 report, INQ24, internal page 6, paragraph 25, you</p> <p>10 emphasise that your understanding is that because of the</p> <p>11 rarity of this drug being involved in deaths, and of</p> <p>12 course Anthony is the first of the deaths that we are</p> <p>13 talking about here, that is a key reason why more</p> <p>14 information should have been obtained about it?</p> <p>15 A. Absolutely, yes. What does it say, three of four?</p> <p>16 Q. I think this is three of them were GHB deaths in 2014?</p> <p>17 A. Just to be clear, they had only actually had eight</p> <p>18 deaths in the Barking borough that were considered</p> <p>19 suspicious and three of those related to the GHB deaths.</p> <p>20 Q. Forgive me, I thought it was eight that were the</p> <p>21 consequence of a drug overdose, let's just look at that</p> <p>22 again, please.</p> <p>23 A. Sorry, yes, you are quite right, eight that were the</p> <p>24 consequence of a drug overdose and three of those were</p> <p>25 from GHB, and GHB was a drug, as we have heard, that the</p> <p style="text-align: center;">Page 204</p>

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<p>1 investigators were not familiar with. So when you have</p> <p>2 such a large percentage from one type of drug, then that</p> <p>3 should inform your professional curiosity.</p> <p>4 Q. In fact I think we have heard that the number of</p> <p>5 suspicious deaths was likely lower than eight, but</p> <p>6 perhaps that doesn't matter if you have clarified your</p> <p>7 evidence there.</p> <p>8 A. Yes.</p> <p>9 Q. Just taking the last few points briefly, if I may, 13th,</p> <p>10 contact with the LGBT communities, through either the</p> <p>11 IAG or liaison officers, would have been a good way of</p> <p>12 finding out more about chemsex and the likely role of</p> <p>13 GHB, is that right?</p> <p>14 A. Yes, and just the overall engagement with them as</p> <p>15 members of the community and our partners, I think that</p> <p>16 was really important.</p> <p>17 Q. We heard some evidence on Friday about the 2007 review</p> <p>18 carried out within the Met, that identified that working</p> <p>19 with Galop, who are a well-known group in this field,</p> <p>20 had helped the police identify links between other cases</p> <p>21 of murders carried out by a serial killer. Is that what</p> <p>22 you understand to be the case too?</p> <p>23 A. Yes, I have read that report and I understand that they</p> <p>24 were really beneficial there in helping the police to</p> <p>25 understand the actions of that particular killer, and</p> <p style="text-align: center;">Page 205</p>	<p>1 to be able to prove or disprove any parts of his</p> <p>2 account.</p> <p>3 Q. Then, finally, in relation to Anthony, just some</p> <p>4 questions, please, about not what did happen, what might</p> <p>5 have happened.</p> <p>6 A. Yes.</p> <p>7 Q. I think you have explained to the jury already that you,</p> <p>8 yourself, would have taken what you describe as quite</p> <p>9 a strong decision to have arrested him for murder?</p> <p>10 A. Yes, and, you know, I highlight that that is my own</p> <p>11 professional expertise and decision making and that is</p> <p>12 what I would stand by, but I have made those decisions</p> <p>13 in similar circumstances.</p> <p>14 Q. Is this fair, that even if he wasn't arrested for</p> <p>15 murder, the clock that you have described around custody</p> <p>16 time limits still ticks, is that right?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. The position is this, is it not, that even if you had</p> <p>19 arrested him for something other than murder, but you</p> <p>20 were concerned that in fact he might have engaged in</p> <p>21 homicide, you could have carried out fast-time actions</p> <p>22 while he was in custody to prove or disprove that</p> <p>23 hypothesis a bit further?</p> <p>24 A. Yes, you could have done, but I would say that if you</p> <p>25 are suspecting he is involved in the death, then you</p> <p style="text-align: center;">Page 207</p>
<p>1 others.</p> <p>2 Q. 14, is it your understanding that the borough</p> <p>3 investigation generally seemed to stall in early August?</p> <p>4 A. So, yes, it did. Once the toxicology results were</p> <p>5 received, then it felt like the actions stopped and the</p> <p>6 review that was meant to take place with the HAT</p> <p>7 subsequently never did.</p> <p>8 Q. That the enquiry then focused on evidence in support of</p> <p>9 the perverting the course of justice charge, rather than</p> <p>10 anything more wide, is that fair?</p> <p>11 A. Yes, it did. So everything was focused on that</p> <p>12 particular line of investigation. As I have already</p> <p>13 described, actions that would have supported that line</p> <p>14 of investigation, would have still benefited</p> <p>15 investigating the death of Anthony as well, so they</p> <p>16 could have still done those actions and they would have</p> <p>17 run in tandem.</p> <p>18 Q. I think you have already anticipated my 15th and last</p> <p>19 point in relation to the Anthony investigation. That</p> <p>20 there was overall, wasn't there, a lack of professional</p> <p>21 curiosity as to Port's real role here?</p> <p>22 A. Yes, I think there was. I think that his account that</p> <p>23 he didn't want to be truthful at the beginning was just</p> <p>24 accepted on the face of it and there was no probing and,</p> <p>25 actually, investigation into what he said and therefore</p> <p style="text-align: center;">Page 206</p>	<p>1 should arrest him for that offence.</p> <p>2 Q. You would have taken that decision to arrest him for</p> <p>3 murder?</p> <p>4 A. Yes, because if you are saying that you are going to</p> <p>5 fast track these actions because you think he is</p> <p>6 involved in the death of Anthony, then in tandem to</p> <p>7 that, you have reasonable grounds to suspect that and</p> <p>8 therefore you should arrest him for it. I don't think</p> <p>9 you should use one as a cover for the other.</p> <p>10 I think that those actions could have been done for</p> <p>11 the perverting the course of justice, but if you are</p> <p>12 saying, "We are going to fast track these actions</p> <p>13 actually because we think they are relevant to the death</p> <p>14 and we are not happy about this", and you have that</p> <p>15 evidence there, then I think you should take that other</p> <p>16 step and put it to him, that he is responsible for</p> <p>17 murder.</p> <p>18 Q. Thank you, I am sure that is reassuring.</p> <p>19 Is this right, that you understand and you may not</p> <p>20 know this detail, that when in fact he was arrested by</p> <p>21 Operation Lilford, that one of the fast-time actions</p> <p>22 that was carried out was obtaining the handwriting</p> <p>23 expert analysis of the note and that that was done while</p> <p>24 he was in custody and was used to inform the decision to</p> <p>25 charge him. Do you know about that.</p> <p style="text-align: center;">Page 208</p>

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<p>1 A. I am aware that that was done as a fast-time action, 2 yes. 3 Q. Here, trying to understand what might have happened back 4 in June 2014, if Mr Port had been arrested, is this 5 fair, that the priorities would have been, in your mind, 6 speaking to X1 and X3? 7 A. Yes, that's correct. 8 Q. Interviewing him again to challenge his account? 9 A. Yes. 10 Q. If there was a concern, as there was surely a concern by 11 this point about how Anthony had died, obtaining the 12 toxicology results as quickly as possible? 13 A. Yes, so I am not sighted on the service level agreements 14 around how quickly that toxicology could have come back 15 at that time, but it certainly wouldn't have prohibited 16 you asking the questions and if it was based purely on 17 cost, and you could have obtained the results back 18 within that 96-hour window, then I am sure that you 19 would have expedited it. It might not be that it came 20 back then, I don't know that aspect of it. 21 Q. Ms Stanworth gave evidence on 21 October, page 60, line 22 14 to 20, that it is possible to get at least some tests 23 done with a few days, that is what we know so far. 24 A. If that includes the GHB, then absolutely, yes. 25 Q. You have explained, I think, one possibility, that we</p> <p style="text-align: center;">Page 209</p>	<p>1 Anthony's death, again, you could have prioritised 2 getting the toxicology results, couldn't you? 3 A. Yes, of course. 4 Q. I think we heard from the evidence already that in 5 relation to Jack Taylor those results were available by 6 6 October, so within about 15 days of his death. Does 7 that sound about right to you? 8 A. Yes, it does -- 6 October? Sorry, he was -- no, 9 Jack Taylor, yes, sorry, I was a year behind. 10 Q. Just over two weeks I think, on my maths, isn't it? 10 11 plus 6? 12 A. Yes. 13 Q. Forgive me, it is 21 all together, doing the maths 14 terribly badly. From the 14th, to the 30th, plus 6? 15 A. That is fine, I was thinking it was a bit longer, but 16 three weeks, absolutely. 17 Q. Forgive me. 18 The position is also though, isn't it, in fact do we 19 know that the toxicology reading for GHB in Anthony's 20 case was received as a reading on 13 August? 21 A. Yes, it was. I think that was only about four weeks 22 after it had been submitted, wasn't it? 23 Q. It wasn't the level, in fairness, just the fact that GHB 24 had been picked up? 25 A. Yes, but I think even that was available within</p> <p style="text-align: center;">Page 211</p>
<p>1 talked about, him being arrested for murder. You have 2 also talked about, if at the end of that 96-hour period 3 a decision was being taken to charge him, that would 4 obviously have to be based on the evidence that was 5 available, but you hinted at what I think the jury have 6 already heard described as the threshold test, which is, 7 just taking it quite shortly, this was Mr Held's 8 evidence quite some time ago, a slightly lower threshold 9 for charging someone than the full code test, is that 10 right? 11 A. Yes, that's correct. 12 Q. One option you have posited is that he could have been 13 charged with administering drugs to X3? 14 A. Yes, if the CPS were satisfied that that evidence 15 reached that test on that date, yes. 16 Q. Even if he was released on bail, conditions could have 17 been applied to that bail? 18 A. Yes, they could. 19 Q. If they had involved some condition of residence, if 20 Gabriel Kovari had been seen moving in with him, that 21 would have been a red flag, wouldn't it? 22 A. Yes, it could have been, depending on how that came to 23 our knowledge, but, yes. 24 Q. If at the end of the 96 hours he had to be released on 25 bail but you were still concerned about the cause of</p> <p style="text-align: center;">Page 210</p>	<p>1 approximately four weeks after it had been submitted. 2 Q. Despite my inability to do the sums very well, what I am 3 putting to you is it is possible in certain cases to get 4 tox results back quite quickly? 5 A. Yes, you would expect tox results to be back within six 6 weeks. I think the point that I was not clear about is 7 whether you would get it back within a matter of days, 8 hours or days, so yes. 9 Q. This evidence suggests it is possible to get a full 10 reading quite quickly -- 11 A. Yes. 12 Q. -- and that in Anthony's case, the fact of GHB itself 13 was known on 13 August, and that in itself, without 14 knowing the fatal dose of it, would have raised 15 concerns, wouldn't it? 16 A. Yes, it would have done. 17 Q. Having that information would potentially put a new 18 light on how he had died, wouldn't it? 19 A. Yes, and I think just to make sure that is in context 20 still for everybody, that is because very few deaths 21 around GHB were known of and they certainly hadn't had 22 any on that borough in that year, and that would have 23 been a red flag for me as well. 24 Q. Another hypothesis is this, that has been explored 25 a little bit with others, but I would just like to ask</p> <p style="text-align: center;">Page 212</p>

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<p>1 you about it. Even if the evidential threshold had not 2 been met for him to be charged, but he had been released 3 on bail with extensive conditions, does it remain 4 a possibility that that would be seen by him as what 5 might be crassly called a near miss and that he might 6 well have modified his behaviour because of that?</p> <p>7 A. It is difficult to comment on what behaviours he would 8 have adopted, because he obviously continued to offend 9 whilst he was still on bail, so whether conditions would 10 have made him actually reflect a bit more, if he had had 11 daily reporting or restrictions around who he could 12 engage with, I can't answer that.</p> <p>13 Q. Can I bring up, please, your first report, just finally 14 in relation to this phase, INQ6, 35, please, 15 paragraph 147. Does it remain your view, overall, that 16 the lack of inquisition, paragraph 146, into the 17 circumstances of Anthony's death, resulted in a missed 18 opportunity to charge Port in relation to his death?</p> <p>19 A. Sorry, 146 you have up here, this is to do with 20 Jack Taylor.</p> <p>21 Q. I'm sorry, did I give the wrong number? It is 147: 22 "I have been asked to consider if at any point the 23 deaths of all four should have been linked." 24 You say: 25 "It is my view that the lack of inquisition or</p> <p style="text-align: center;">Page 213</p>	<p>1 A. Yes.</p> <p>2 Q. Again, does that show a lack of professional curiosity?</p> <p>3 A. I am surprised that he didn't discuss that they had come 4 across a similar death only a matter of a short time, 5 relatively short time, earlier.</p> <p>6 Q. Especially perhaps given that in his interviews and in 7 his evidence DS Sweetman described them as having 8 lengthy discussions, it shows, doesn't it, a lack of 9 curiosity or initiative?</p> <p>10 A. By DS Sweetman, is that what you are saying or by 11 DC Desai?</p> <p>12 Q. He is saying that he had lengthy discussions with the 13 CID officers and I think your evidence this afternoon, 14 even two of these deaths in close proximity that are 15 very similar should have been raising questions?</p> <p>16 A. I think that the DC should have raised them with the DS. 17 It is difficult if the DS -- if he says, "I didn't ask 18 or I wasn't told", did he ask have been other similar 19 deaths? I don't know.</p> <p>20 But if he is new to the borough and he's new to 21 attending the scenes of these unexplained, 22 suspicious/non-suspicious deaths, however you want to 23 wrap it up, then I would expect him to have a discussion 24 with his more experienced DC, even if they are only 25 a trainee, they have been there on the borough and have</p> <p style="text-align: center;">Page 215</p>
<p>1 enquiry into the circumstances of Anthony's death 2 resulted in a missed opportunity to charge him in 3 relation to the death."</p> <p>4 A. I agree with that, I mean I have written it there and 5 I stand by that.</p> <p>6 Q. Thank you.</p> <p>7 Next please, I would like to ask you some questions 8 now, I will try and take this quite briefly, about the 9 Gabriel Kovari and Daniel Whitworth investigation.</p> <p>10 In relation to the scene of Gabriel Kovari's death, 11 we have heard some evidence about that already. You are 12 aware I think, aren't you, that DS Sweetman had very 13 limited experience of attending deaths prior to going to 14 that scene?</p> <p>15 A. I am aware of that as a result of the evidence in this 16 inquest, yes.</p> <p>17 Q. At that scene, no drugs or paraphernalia were found on 18 Gabriel and he was not in possession of a phone, is that 19 right?</p> <p>20 A. Yes.</p> <p>21 Q. DC Desai was present at the scene but on DS Sweetman's 22 evidence did not volunteer to him anything about 23 a possible similarity between Gabriel's death and 24 Anthony's death in which he had been intimately 25 involved.</p> <p style="text-align: center;">Page 214</p>	<p>1 a bit more of an understanding of what it is like and 2 the duty inspector.</p> <p>3 Q. I think DC Desai was not a trainee, but I will be told 4 if I am wrong, I think in fact he was substantive.</p> <p>5 A. All right.</p> <p>6 Q. Is this fair, that if information had been known, you 7 would have expected Sergeant Sweetman to have asked more 8 questions about whether there were in fact similarities 9 between Anthony's death and Gabriel's?</p> <p>10 A. Well, I would have expected that but then a year later 11 he failed to do so again, didn't he, so ...</p> <p>12 Q. Had there been discussion around the similarities 13 between Anthony and Gabriel, you would have expected 14 Gabriel's death to have been considered suspicious and 15 the HAT car called, is that fair?</p> <p>16 A. I think if they had identified at that stage that they 17 were very similar in the way that the body was presented 18 and the circumstances in that he wasn't meant to be in 19 Barking, because it is difficult, isn't it, in that 20 first two hours to actually ascertain all that 21 information that we know may be six hours later.</p> <p>22 But, yes, I agree that even if that information had 23 come about, say six hours later, back at the station, 24 that would have been an opportunity to consult with the 25 HAT car because they had obviously already attended</p> <p style="text-align: center;">Page 216</p>

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<p>1 Anthony's death and had that knowledge of that outside 2 scene.</p> <p>3 Q. If there was that suspicion about a link between Anthony 4 and Gabriel's death, the priority task would have been, 5 as you already said, identifying Gabriel's last 6 movements?</p> <p>7 A. I mean undoubtedly that is a priority task and I still 8 think that is a priority task, regardless of whether or 9 not it is suspicious. It is a really important line of 10 enquiry.</p> <p>11 Q. We know that on Gabriel's Facebook account, 12 Thierry Amodio had significant information, as did 13 Karl Kamgdom, who were friends of his and if messages 14 had been sent to Mr Kamgdom, on the evidence you have 15 heard so far, it is likely that he would have replied 16 with the photographs of Cooke Street that he had been 17 sent by Mr Kovari?</p> <p>18 A. Yes, so that all links in to understanding where Gabriel 19 was and his interactions in the time from when he was 20 last seen to when he was dead and part of those 21 enquiries, as I have already alluded to, is examining 22 his social media, identifying people he was in contact 23 with through that as well as phone billing and then 24 making contact with them and they in turn could have 25 then brought that information to the investigation team.</p> <p style="text-align: center;">Page 217</p>	<p>1 would have been in the police system and very much 2 somebody of interest."</p> <p>3 A. That would have been really significant, if they had 4 identified that Port had been in contact with Gabriel, 5 because then, when you do your PNC check, you would have 6 seen he is now on bail in relation to the perverting the 7 course of justice.</p> <p>8 Q. In relation to the Daniel scene, you have given your 9 evidence that the HAT team should have accepted primacy 10 at the scene, you believe, is that right? Or on the 11 day? On the day the note was --</p> <p>12 A. Sorry, Daniel, sorry --</p> <p>13 Q. Sorry.</p> <p>14 A. Yes with Daniel I think the HAT team should have been 15 called on the day that he was found, because he was 16 stating he was responsible for the death of another 17 person. The fact that they were not called, when they 18 were then engaged with on the following day I think they 19 should have accepted primacy on that day.</p> <p>20 Q. In relation to the substantive investigation of both 21 deaths after the scenes, I am going to take this quite 22 shortly.</p> <p>23 Firstly. I think you are aware and agree that there 24 was a failure to submit the bedsheet, the sex and body 25 swabs, the clothing for Gabriel that was never seized,</p> <p style="text-align: center;">Page 219</p>
<p>1 Q. If a message had been sent through Facebook to Jon Luck, 2 who had been sending these very strange and disturbing 3 messages to Mr Amodio, and he had not replied to 4 a message from the police, that in itself is something 5 that might well have been followed up?</p> <p>6 A. Yes, it might have been but the fact that he would have 7 failed to reply could too have been acknowledged and 8 then consideration about why that was could have been 9 picked up.</p> <p>10 Q. Is it your understanding that the account that Mr Luck 11 had, we now know Stephen Port, with Facebook remained in 12 existence until the end of 2014?</p> <p>13 A. Yes, that is what I have heard in this evidence.</p> <p>14 Q. Just finally in relation to the Gabriel investigation, 15 can I bring up, please, paragraph 148 of your report. 16 It is INQ6, internal 35: 17 "The death of Gabriel Kovari [you say here] was not 18 investigated in sufficient detail to identify his last 19 movements in the days leading up to the discovery of his 20 body. If it had been, then his association with Port 21 may have been identified and we know that one of his 22 friends, Mr Kamgdom, had photographs of the Cooke Street 23 flat on his phone ..."</p> <p>24 A. Yes.</p> <p>25 Q. "... at this point Port was still on police bail, so</p> <p style="text-align: center;">Page 218</p>	<p>1 the clothing for Daniel and the bottle for DNA or 2 fingerprints. Is that right?</p> <p>3 A. Yes.</p> <p>4 Q. There was a failing to carry out the social media 5 analysis that we have already talked about in relation 6 to Gabriel?</p> <p>7 A. Yes.</p> <p>8 Q. Failing to carry out the phone work beyond the first 9 week for Daniel, a significant failure you say?</p> <p>10 A. Yes.</p> <p>11 Q. Handwriting has been described by DCI Lyons as a major 12 building block of the investigation, the overall process 13 used by the team described by him as totally inadequate. 14 Is that what you would accept as well?</p> <p>15 A. I would accept that, yes.</p> <p>16 Q. The movements of Gabriel never really followed up, as 17 described by Mr Pape, so nothing done around the leads 18 he gave and no significant effort to find out accurately 19 whether Daniel had been at work or to test or explore 20 the alibi given by Ricky, is that fair?</p> <p>21 A. That is true, yes.</p> <p>22 Q. In relation to the issue of links, you are particularly 23 critical of A/DCI Kirk for not referring the matter back 24 to the HAT at the end of September when he was asking 25 body by the media about a possible link. Is that right?</p> <p style="text-align: center;">Page 220</p>

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<p>1 A. Yes, I think he should have caused a review to have been 2 undertaken and whether that was with the HAT or anybody 3 else, I think the opportunity was definitely there then. 4 He had that strategic oversight. 5 Q. That is particularly, is this right, because he had 6 identified the similarities between the cases in terms 7 of GHB, by the 22nd? 8 A. Yes. 9 Q. And because the media were clearly asking about 10 Mr Walgate, so whatever he told the media, quite wrong 11 not to have actually carried out some kind of review or 12 asked for that to be done by somebody else, is that 13 fair? 14 A. Independent of the media I think he should have been 15 asking himself the questions around what is happening 16 with these deaths, what do we know about it and we need 17 to have a review? 18 Q. Does the same apply to those within the CID main office 19 in relation to whom other members of the public 20 suggested a link, so Mr Amodio goes to Adeyemo-Phillips, 21 the Walgate family and the Whitworth families go to 22 Mr Slaymaker, and Mr Pape goes to DC Baxter and all 23 three of those officers simply bat away those concerns. 24 That was again quite wrong, wasn't it? 25 A. I think all three of those officers should have</p> <p style="text-align: center;">Page 221</p>	<p>1 Is that right? 2 A. Yes, that's correct. 3 Q. Just completing this part of your evidence, you indicate 4 here, as you have already said at 150, that media and 5 family members raising the issue of links should have 6 triggered some kind of review. You make this point at 7 the end of 150, please, the last sentence of 150, that 8 not only was that opportunity to look for a review not 9 taken, but any link was dismissed without rationale? 10 A. Yes, there is no rationale recorded anywhere as to why 11 those deaths were not linked. 12 Q. The death of Jack Taylor, paragraph 151, a further 13 opportunity to trigger a review in light of the 14 similarities, is that right? 15 A. Yes. 16 Q. Just dealing if I may with the Jack Taylor 17 investigation, trying to take this quite shortly, again, 18 there are some issues in relation to the scene where 19 Jack was found, in that rather like the blue sheet, we 20 know that the red blanket was never submitted for 21 forensic analysis, because it wasn't even seized in that 22 case, is that right? 23 A. Yes, that's correct. 24 Q. That even though Sergeant Sweetman had not been to any 25 other suspicious death, again he felt able to determine</p> <p style="text-align: center;">Page 223</p>
<p>1 highlighted that with their supervisors and brought it 2 to their attention that these matters were being raised. 3 Those actions should have been documented on the CRIS, 4 so that they could have been explored, and the 5 information should have been documented so that anybody 6 could see it and make decisions around it. 7 Q. No general witness appeal. 8 No engagement with the LGBT community. 9 No follow up of the finding of GHB. 10 No further engagement with the homicide command. 11 Then closing both cases when information was still 12 outstanding. 13 Then, finally, following up leads from the coroner 14 not done. 15 Is that fair? 16 A. That is fair, yes. 17 Q. Can we bring up, please, paragraph 149 of your report, 18 INQ6, internal page 35: 19 "The death of Daniel was accepted as it was 20 presented in the graveyard, there was not the intrusive 21 investigation that the note warranted to establish the 22 exact circumstances of Gabriel's death as well as his 23 own. The lack of identification of the person he had 24 been with on the night before his death meant that a 25 (further) opportunity now to identify Port was missed."</p> <p style="text-align: center;">Page 222</p>	<p>1 whether or not Jack Taylor's scene was suspicious. 2 I think your evidence has been that in light of the 3 family evidence that he was not a drug user and was anti 4 drugs, that decision should have been reflected upon, is 5 that right? 6 A. Yes, so when that was established through the uniformed 7 officers going back to the family, and going back to 8 DS Sweetman, that should have then prompted further 9 interrogation from him as to what exactly had happened. 10 Q. You have already been taken to IPC772, and IPC640 that 11 indicate, don't they, again the coroner on 18 September 12 and the family on 5 October, raising again the issue of 13 links and again being batted away, is that right? 14 A. Yes, that's correct. 15 Q. You have been critical in your written evidence about 16 the lack of leadership of this investigation in the 17 early stages. I think in evidence today you have been 18 clear that you felt that the CID and homicide command 19 should have played a greater role prior to 20 Operation Lilford; is that right? 21 A. Yes, I do think they should have done. 22 Q. Just finally if I may, in the last couple of minutes, in 23 relation to the overall systems here, you have heard 24 a lot of evidence about resources, just taking that 25 issue, please, if I may, resources and a pressure of</p> <p style="text-align: center;">Page 224</p>

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<p>1 time.</p> <p>2 Mr Cundy's view when he gave evidence last week was</p> <p>3 that that was not a sufficient explanation for some of</p> <p>4 these things not taking place; is that right?</p> <p>5 A. So I agree with Mr Cundy on that point, in that no</p> <p>6 matter what pressures you are under for resourcing or</p> <p>7 workload, you still have an opportunity to prioritise</p> <p>8 and these investigations are involving the death of</p> <p>9 young men.</p> <p>10 I would like to know really what other priorities</p> <p>11 there were that superseded that.</p> <p>12 Q. In fact, as far as that system of work is concerned</p> <p>13 within Barking, we have heard about spinning plates, we</p> <p>14 have heard about officers sinking, but his evidence on</p> <p>15 Friday was clear that prioritising risk and therefore</p> <p>16 prioritising resources in light of that is a key</p> <p>17 policing function.</p> <p>18 A. In all of policing we work under the principle of</p> <p>19 threat/harm risk, and that is really how we make</p> <p>20 assessments on what we are going to deal with</p> <p>21 immediately and what can be effectively put to one side,</p> <p>22 even if it is only momentarily.</p> <p>23 Q. The other part of the system we have heard about, the</p> <p>24 HAT team providing advice to boroughs such as Barking,</p> <p>25 we have seen evidence at MPS779 of Mr Ewing being really</p> <p style="text-align: center;">Page 225</p>	<p>1 to seek further advice.</p> <p>2 Q. Finally, please, can I just put to you a summary and see</p> <p>3 if you agree with this, that overall what I suggest to</p> <p>4 you is that what went wrong here and what enabled Port</p> <p>5 to continue with his murderous acts was a combination of</p> <p>6 three things: individual officers, investigative and</p> <p>7 operational failings on a massive scale; second,</p> <p>8 systemic failings, in that supervisors at DS, DI, and</p> <p>9 DCI levels did not pick up the mistakes of their junior</p> <p>10 officers; thirdly, systemic or cultural issues arising</p> <p>11 from that very last topic, the relationship between the</p> <p>12 borough and the homicide command.</p> <p>13 Is that overall, Ms Mackay, a fair summary?</p> <p>14 A. There is definitely failures from individual officers</p> <p>15 and that is evidenced throughout.</p> <p>16 There are definitely systematic failures around the</p> <p>17 supervision of the investigation.</p> <p>18 And there appears to be a lack of joined-up approach</p> <p>19 between the HAT and the borough, where it was a two-way</p> <p>20 flow and they each supported the other.</p> <p>21 MS HILL: Thank you.</p> <p>22 Thank you, I am sorry have gone slightly beyond my</p> <p>23 time.</p> <p>24 THE CORONER: Yes.</p> <p>25 Members of the jury, we will stop there for today,</p> <p style="text-align: center;">Page 227</p>
<p>1 unhappy with that system.</p> <p>2 Is one of the elements of that that the HAT team</p> <p>3 feel no real sense of ownership when they leave, the HAT</p> <p>4 team report having been sent back to the borough?</p> <p>5 A. I think the sense that I've taken from this is that they</p> <p>6 land, assist for the day and go away again. If you want</p> <p>7 some further support or help from them, the onus is on</p> <p>8 you to go back to them, as opposed to a two-way thing</p> <p>9 where somebody picks up the phone and says, "We were</p> <p>10 with you last week, how is everything this week?"</p> <p>11 Q. Mr Cundy has described how there is now a further</p> <p>12 attempt to make that long reach, was his phrase, better</p> <p>13 but at that time your sense was that the MIT team came</p> <p>14 in and then left?</p> <p>15 A. Yes.</p> <p>16 Q. There seems to be something of a culture of the MIT team</p> <p>17 become reluctant to take on cases, is that fair, in 2014</p> <p>18 at least?</p> <p>19 A. I think they were reluctant to take on a case that was</p> <p>20 not a clear homicide, is how they have put it.</p> <p>21 Q. There is evidence perhaps suggesting the borough not</p> <p>22 going back to the MIT team regularly enough when</p> <p>23 a decision not to accept primacy had been made?</p> <p>24 A. Yes, that has come out as well, that because they have</p> <p>25 had this dispute, then they don't feel like going back</p> <p style="text-align: center;">Page 226</p>	<p>1 please, until 10.00 tomorrow morning.</p> <p>2 (4.32 pm)</p> <p>3 (The inquests adjourned until 10.00 am the following day)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 228</p>

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