

<p>1 Thursday, 2 December 2021</p> <p>2</p> <p>3 INDEX</p> <p>4</p> <p>5 Summing up2</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 1</p>	<p>1 Deputy Assistant Commissioner Cundy as the last chapter.</p> <p>2 Then, after that, you will be retiring to begin your</p> <p>3 discussions.</p> <p>4 We are going to start with chapter 1 now.</p> <p>5 At the end of it, I don't know exactly how long it</p> <p>6 is going to take me to go through it, but at the end of</p> <p>7 it I am going to give you a short break because this is</p> <p>8 going to be the first time that you have really heard</p> <p>9 the legal directions and the questions that you are</p> <p>10 going to need to answer.</p> <p>11 I think it might help you if, once we have been</p> <p>12 through this, you then have a short break just to absorb</p> <p>13 what I have said and what you have seen in the new file</p> <p>14 that you have been given this morning. Then after that</p> <p>15 break we will start the summary of the evidence, all</p> <p>16 right.</p> <p>17 If you would like to take up first of all please the</p> <p>18 little set of documents which are in the treasury tag.</p> <p>19 Once we finish this exercise they can go into the bundle</p> <p>20 behind divider 1, but you need to cross reference this</p> <p>21 with some of the documents in the bundle, which is why</p> <p>22 I have kept them separate.</p> <p>23 They are headed "Jury directions" and begin with</p> <p>24 an introduction.</p> <p>25 At the stage at which these inquests have now</p> <p style="text-align: center;">Page 3</p>
<p>1 (10.01 am)</p> <p>2 (In the presence of the jury)</p> <p>3 Summing up</p> <p>4 THE CORONER: Members of the jury, welcome back. I hope you</p> <p>5 all had a nice break. I am sorry it was slightly longer</p> <p>6 than we had anticipated, but I think during the course</p> <p>7 of today you are going to realise why we have had such</p> <p>8 a long break, because an enormous amount of work has</p> <p>9 been done in order to prepare for the next stage of the</p> <p>10 case.</p> <p>11 So welcome back. I am just going to outline for you</p> <p>12 how proceedings are going to go, as I anticipate, from</p> <p>13 now.</p> <p>14 My summing up is really going to fall into five</p> <p>15 separate chapters.</p> <p>16 The first chapter is going to be the legal</p> <p>17 directions and written directions which you have. You</p> <p>18 have the written directions in front of you with</p> <p>19 a treasury tag and you also have a new white file.</p> <p>20 Don't be tempted to open it yet, we are going to go</p> <p>21 through it in chapter 1 this morning.</p> <p>22 I shall then commence my summary of the evidence,</p> <p>23 which will itself fall into four separate chapters,</p> <p>24 Anthony Walgate, Gabriel Kovari and Daniel Whitworth as</p> <p>25 chapter 3, Jack Taylor as chapter 4 and then, finally,</p> <p style="text-align: center;">Page 2</p>	<p>1 reached I have two tasks.</p> <p>2 Firstly, I am going to provide you with written</p> <p>3 legal directions and questionnaires which you must</p> <p>4 follow and apply to the evidence that you have heard.</p> <p>5 Secondly, I am going to provide you with written</p> <p>6 chronologies, with references to the documents and</p> <p>7 an oral summary of the evidence which you have heard</p> <p>8 over the last weeks. The evidence includes what was</p> <p>9 said by the witnesses who were called before you, the</p> <p>10 statements which were read to you and the contents of</p> <p>11 all the bundles which you have.</p> <p>12 In relatively few cases a document was referred to</p> <p>13 which is not in your bundles. Those documents are also</p> <p>14 part of the evidence and should you wish to see such</p> <p>15 a document again, then simply ask and we can arrange</p> <p>16 that. However, apart from those statements which are</p> <p>17 already in your bundles I am not going to provide you</p> <p>18 with any further witness statements, as it is important</p> <p>19 that you concentrate on what the witnesses said to you,</p> <p>20 rather than what was in their statements.</p> <p>21 Those are my two tasks.</p> <p>22 Your task, and it is the most important task, is to</p> <p>23 reach conclusions on the facts and then to apply those</p> <p>24 findings to my legal directions and thus answer the</p> <p>25 questions which I have set out on each of the four</p> <p style="text-align: center;">Page 4</p>

<p>1 questionnaires.</p> <p>2 You must reach your findings based only on the</p> <p>3 evidence you have seen and heard in this room and on</p> <p>4 nothing else. You don't need to decide every matter</p> <p>5 which has been raised, only such matters as allow you to</p> <p>6 reach answers to the questions posed. You should</p> <p>7 approach your task clinically and unswayed by any</p> <p>8 emotion, whether of sympathy, prejudice or anything</p> <p>9 else. My summary of the evidence is just that,</p> <p>10 a summary. It is intended to cover the areas of the</p> <p>11 evidence which are relevant to the questions which you</p> <p>12 need to answer. But, as it is your view of the evidence</p> <p>13 which matters and not mine, if I mention something which</p> <p>14 you do not think is important, then please disregard it.</p> <p>15 Equally, if I miss something out which you think is</p> <p>16 important, then you give that piece of evidence the</p> <p>17 weight which you consider it merits.</p> <p>18 Similarly, if I appear to comment on the evidence,</p> <p>19 if you agree with my comment, all well and good. But if</p> <p>20 you disagree, then ignore my comment and reach your</p> <p>21 conclusions on the facts, uninfluenced by any view you</p> <p>22 think I may have. It is your view of the evidence which</p> <p>23 matters and not mine.</p> <p>24 The next heading is "Purpose of an inquest". The</p> <p>25 primary purpose of each of the four inquests with which</p> <p style="text-align: center;">Page 5</p>	<p>1 you go through the questions you will appreciate that</p> <p>2 certain of the topics which were covered in the evidence</p> <p>3 are not reproduced in the questionnaires.</p> <p>4 The next heading is "The records of inquest and the</p> <p>5 jury questionnaires". I am now going to give you more</p> <p>6 specific questions regarding the documents that you will</p> <p>7 be completing when you retire to discuss the evidence</p> <p>8 which you have heard. For each of the four deaths that</p> <p>9 we are investigating there are two documents, a record</p> <p>10 of inquest and a questionnaire.</p> <p>11 Pausing there, if you look behind divider 2 in this</p> <p>12 new bundle, you will see the first document, headed</p> <p>13 "Record of inquest", this is the one for Anthony's case.</p> <p>14 That is the record of inquest.</p> <p>15 Then behind that, in tab 3, is the questionnaire in</p> <p>16 Anthony's case. I will come back to that in a moment,</p> <p>17 but is that what we are looking at now, those two</p> <p>18 documents.</p> <p>19 Turning back to the record of inquest, as you will</p> <p>20 see, the records of inquest are standard forms, they are</p> <p>21 completed for all inquests. The questionnaires have</p> <p>22 been specially prepared by me having received</p> <p>23 submissions from the interested persons as to what</p> <p>24 questions you should be asked. By answering the</p> <p>25 questions on the four questionnaires, and by approving</p> <p style="text-align: center;">Page 7</p>
<p>1 we are concerned is to provide answers to four factual</p> <p>2 questions, (a) who the deceased person was (b) when did</p> <p>3 he come by his death (c) where did he come by his death</p> <p>4 and (d) how did he come by his death?</p> <p>5 A coroner's jury should not address any other</p> <p>6 matters in their conclusions, except for confirming</p> <p>7 certain information required for registration of death,</p> <p>8 and I will come back to that in a moment.</p> <p>9 In addition, a jury's conclusions must not be framed</p> <p>10 in such a way that they appear to determine any question</p> <p>11 of criminal liability of a named person or any question</p> <p>12 of civil liability. What that means in essence is that</p> <p>13 when you come to answer the questions on the</p> <p>14 questionnaires that I will explain to you in a moment,</p> <p>15 you cannot name individuals or use certain words that we</p> <p>16 use to say that a crime has been committed or that</p> <p>17 someone has broken the civil law. I will explain that</p> <p>18 in more detail later and you will have a further written</p> <p>19 remainder to help you within each questionnaire.</p> <p>20 Very often the evidence at an inquest will be much</p> <p>21 more wide ranging than is necessary to allow the jury to</p> <p>22 answer the four questions mentioned above. That is</p> <p>23 mainly because the process of hearing the evidence and</p> <p>24 conducting a full and rigorous inquiry in public is</p> <p>25 important in itself. That is the position here. When</p> <p style="text-align: center;">Page 6</p>	<p>1 or amending the brief narratives for each of the</p> <p>2 deceaseds, you will give your determination on the key</p> <p>3 factual issues in these inquests and answer the central</p> <p>4 question of how Anthony Walgate, Gabriel Kovari,</p> <p>5 Daniel Whitworth and Jack Taylor came by their deaths.</p> <p>6 At the conclusion, a copy of the relevant</p> <p>7 questionnaire will be attached to the record of inquest</p> <p>8 for each of the deceased and will form part of the</p> <p>9 formal conclusion of these inquests.</p> <p>10 Looking again at the record of inquest, which I hope</p> <p>11 you still have open, the answers to the four questions</p> <p>12 that I set out in paragraph 7 -- that is the who, when,</p> <p>13 where and how questions -- are given by completing</p> <p>14 a record of inquest form, which we are looking at behind</p> <p>15 divider 2. That form contains the information required</p> <p>16 for registration of the death.</p> <p>17 For example, if you look at the form, date and place</p> <p>18 of birth, which in Anthony's case was 8 May 1991 and</p> <p>19 Hull. There is a form for Anthony, for Gabriel, for</p> <p>20 Daniel and a fourth for Jack Taylor. You are each being</p> <p>21 provided with copies of all four records so that you can</p> <p>22 all look at them and read your own copy. But, as</p> <p>23 a jury, you will only have to fill out one form for each</p> <p>24 of the deceased.</p> <p>25 As you will see, the undisputed facts and the death</p> <p style="text-align: center;">Page 8</p>

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<p>1 registration information have been entered on those 2 forms. If you have any concerns about what has been 3 entered, you should pass a note to the jury bailiff and 4 at the end of the hearing, each of you, and I, will sign 5 the form for each of the deceased persons. If you turn 6 over the page, you will see my signature is to be 7 indicated on the bottom of the first page. Over the 8 page there is a box for your signatures, and I repeat, 9 you will only need to complete one of these. So at the 10 end of all of this, there will be one document, 11 completed with your 11 signatures on the back of it, for 12 each of the four deceased.</p> <p>13 Leaving my written directions just for a moment, but 14 while we are on the record of inquest, there are two 15 boxes that you will need to complete in each case. That 16 is box 4, where you see "Conclusion of the jury as to 17 the death", I am going to give you some directions about 18 what you will enter there, but where it says see 19 attached questionnaire above that, you will have to 20 enter your conclusion.</p> <p>21 Under (e), date and place of death, which is now 22 blank, you will need to complete that as well. Those 23 are the two boxes that you will need to complete on this 24 form, as well as signing overleaf.</p> <p>25 Turning then to paragraph 16 on the written</p> <p style="text-align: center;">Page 9</p>	<p>1 directions as to the restrictions, if you like, or the 2 boundaries within which you can make any amendments to 3 the draft that I have provided on page 3. You may not 4 want to make any amendments at all, but if you do, then 5 you must comply with these rules on the left-hand side 6 on page 2. The heading "Notes for the jury":</p> <p>7 "This questionnaire has been provided by the coroner 8 after receiving submissions from interested persons. By 9 answering the two questions [there are two questions in 10 Anthony's case] you will give your conclusion on how, 11 when and where Anthony Walgate came by his death."</p> <p>12 After the inquest, a completed copy of this 13 questionnaire will form part of your record of inquest 14 for Anthony Walgate.</p> <p>15 If you choose to amend the form of words of 16 question 1, in the box where you are given the option to 17 do so, please follow these directions when writing your 18 amendments:</p> <p>19 (a) your text should be directed to answering the 20 questions of how, when and where the death occurred. 21 You should not make any statement or comment which does 22 not assist in answering those questions.</p> <p>23 (b) in resolving factual issues, you should give 24 your answers in accordance with the balance of 25 probabilities, which means what is more likely than not.</p> <p style="text-align: center;">Page 11</p>
<p>1 directions and the questionnaires, the four 2 questionnaires are designed to set out for you the 3 issues which you need to consider and the questions you 4 need to answer in respect of each death. As you will 5 see, many of the questions on each of the questionnaires 6 are similar, but each questionnaire has been carefully 7 drafted to address the facts in the case. You will need 8 to consider each questionnaire individually and 9 carefully.</p> <p>10 If you turn over then to, for the purposes of 11 paragraph 17, tab 3, page 2, you will see question 1 is 12 on page 3. If you go back to paragraph 17, I am going 13 to tell you about that. Your first task in relation to 14 each of the four deaths will be to complete short 15 paragraphs describing the basic facts of each of the 16 deaths. Drafts of these paragraphs appear at question 1 17 of each of the four questionnaires, that is the passage 18 which is in italics on page 3. That is my draft of the 19 basic facts of Anthony's death.</p> <p>20 As the instructions on the form provide, and I am 21 going to read those into the record in a moment, please 22 review the text that has been drafted and then either 23 indicate that you agree with it or explain how you would 24 wish it to be amended, all right?</p> <p>25 Let's just look at page 2, which gives you some</p> <p style="text-align: center;">Page 10</p>	<p>1 (c) you should try to be brief and to the point.</p> <p>2 (d) if you do wish to write more than the space in 3 the box permits, you may continue on a separate sheet, 4 but at the top of that sheet you should write the number 5 of the question and the words "Answer continued".</p> <p>6 (e) you should not say anything to the effect that 7 a breach of civil law has been committed or that any 8 named person has committed a crime. Because of this 9 legal rule, when writing any explanations you should 10 avoid using words and phrases such as "negligence" or 11 "negligent", "breach of duty", "duty of care", 12 "careless", "reckless", "liability", "guilt" or 13 "guilty", "crime" or "criminal", "illegal" or 14 "unlawful".</p> <p>15 This rule does not prevent you confirming in 16 question -- that should say "question 2", so could you 17 change that please, that "1" to a "2". This rule does 18 not prevent you confirming in question 2 that the 19 deceased was unlawfully killed. A proposed form of 20 words in that question avoids naming the person 21 responsible, and we will come to that in just a moment.</p> <p>22 If you are uncertain about what may be written, you 23 may ask a question in writing to me during your 24 deliberations.</p> <p>25 Pausing there for a moment, members of the jury,</p> <p style="text-align: center;">Page 12</p>

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<p>1 question 1 in each of the four cases will relate to the 2 basic facts of the death of each of the four deceased. 3 I have prepared a draft, which you may think is 4 perfectly adequate or you may want to add something to. 5 If you do want to add anything, it must comply with 6 those directions on page 2, paragraph 3(a) to (e), and 7 if you want to go on to a separate sheet you can. The 8 purpose of this is to describe the basic facts. Because 9 you have not had the opportunity to see this before, 10 I am just going to read what I have written for Anthony, 11 so you can see what is said there. The question for you 12 on page 3 is: 13 "Do you agree with the following statement which is 14 intended to summarise the basic facts of the death of 15 Anthony Walgate: on the evening of 17 June 2014, 16 Anthony Walgate, a fashion student originally from Hull 17 who did occasional escort work, went to meet a male 18 client who lived on Cooke Street in Barking. Whilst at 19 the Cooke Street flat, the other man gave Anthony a dose 20 or doses of gamma hydroxybutyrate (GHB). The GHB that 21 the man administered to Anthony was sufficient to kill 22 him. On the morning of 19 June 2014, the man carried 23 Anthony's body outside his flat and left him on the 24 pavement on Cooke Street, propped up in a seated 25 position. He then called an ambulance at 04.05.</p> <p style="text-align: center;">Page 13</p>	<p>1 turn to tab 5, please, page 6. 2 I think again it would be helpful if I read through 3 the summary so that you know what I have said insofar as 4 the basic facts are concerned in relation to Gabriel's 5 death. Then I will set out for you the position so far 6 as dates are concerned, which are slightly different in 7 his case, for reasons that you will understand. 8 Looking at question 1 on page 6 of Gabriel's 9 questionnaire: 10 "In the summer of 2014, Gabriel Kovari moved from 11 his native Slovakia to London. In late August 2014 12 Gabriel agreed to rent a room in a flat on Cooke Street, 13 Barking, the arrangement being that he would share the 14 flat with the owner, a 39 year old gay man. On 15 Saturday, 23 August 2014 Gabriel moved into the flat in 16 Barking. A neighbour met Gabriel at the Cooke Street 17 flat on the evening of Sunday, 24 August 2014. 18 Then there is a bracket: 19 "[And again in the neighbour's own flat the 20 following day, Monday 25 August 2014]. Some time 21 between the evening of and then either Sunday the 24th 22 or Monday the 25th, and the morning of Thursday, 23 28 August 2014 the owner of the Cooke Street flat 24 administered a dose or doses of GHB to Gabriel. The GHB 25 that was administered was sufficient to kill him.</p> <p style="text-align: center;">Page 15</p>
<p>1 An emergency medical technician arrived and called the 2 police. The police attended the scene and summoned 3 a forensic medical examiner, who formally pronounced 4 life extinct at 07.51 on 19 June 2014. 5 "Anthony died at some point between his arrival at 6 the Cooke Street flat on the evening of Tuesday, 7 17 June 2014 and before he was found by the ambulance 8 service at 04.18 on the morning of Thursday, 9 19 June 2014 but it is not possible to be more exact 10 than that as to the time of death. 11 "The same man subsequently killed three other young 12 men by giving them fatal doses of GHB." 13 That is the summary, to which, if you want, as 14 I repeat, you may add anything that you think is 15 appropriate or necessary, bearing in mind the guidance 16 I have given on page 2, paragraph 3. You will see what 17 I mean about what you can and cannot include by the fact 18 that the name of Stephen Port does not appear in there. 19 That is because that is the rule. He is described as 20 the male, but we all know who we mean. 21 Let's turn over then to question 2, and paragraph 21 22 on the written directions. 23 Sorry, before that I need to go to paragraph 18 24 first and just tell you about a slight amendment, in 25 difference to Gabriel Kovari's questionnaire. Could you</p> <p style="text-align: center;">Page 14</p>	<p>1 Gabriel's body was then taken from Cooke Street, 2 together with his belongings, to the graveyard of 3 St Margaret's Church, Abbey green in Barking and left 4 there, propped in a seated position against the wall of 5 the churchyard. 6 "Gabriel's body was discovered by a local dog walker 7 at about 9.00 on the morning of Thursday, 8 28 August 2014. A paramedic formally pronounced life 9 extinct at 09.27 on 28 August. Gabriel died at some 10 point between the evening of Sunday, 24 or Monday, 11 25 August 2014 and the discovery of his body at 9.00 am 12 on Thursday, 28 August, but it is not possible to be 13 more exact than that as to the time of death. The man 14 who killed Gabriel had previously killed one other young 15 man by giving him a fatal dose of GHB and subsequently 16 killed two others in the same way." 17 Going back to paragraph 18 on the written 18 directions, you will see that for Gabriel's 19 questionnaire there is a disputed issue of fact for you 20 to resolve before finalising the text in question 1. 21 Put shortly, you must decide whether or not you accept 22 the evidence of Ryan Edwards, that he saw Gabriel during 23 the day on Monday, 25 August. I will remind you of the 24 evidence about that later on today. Once you have made 25 your decision on this issue, please follow the</p> <p style="text-align: center;">Page 16</p>

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<p>1 instructions and delete the square brackets that are not 2 consistent with your decision. I hope that is clear. 3 If you look at the bottom of page 6, that is repeated: 4 "Please consider whether or not you accept the 5 evidence of Ryan Edwards that he saw Gabriel during the 6 day on Monday, 25 August and then indicate your decision 7 by deleting the square bracketed phrases that are not 8 consistent with your decision. Then in the box overleaf 9 please either write that you confirm the statement above 10 with the amendments you will by then have made to the 11 square bracketed phrases or state in what further 12 respects you would like it to be amended." 13 Going back to the written directions, to be clear 14 there are no similar square bracketed passages in the 15 suggested text under question 1 in the other three 16 questionnaires. 17 Paragraph 20 of the written directions repeats what 18 I have already read out to you from paragraph 3 on 19 Anthony's questionnaire, so I am not going to read that 20 again. Let's now go -- we can use Gabriel's for these 21 purposes, because there is no difference on any of them, 22 to question 2, which in Gabriel's case is on page 8 of 23 the questionnaire that you are now looking at. We are 24 at paragraph 21 of the written directions, headed 25 "Question 2, short-form conclusion: unlawful killing".</p> <p style="text-align: center;">Page 17</p>	<p>1 answer to question 2, so just looking at question 2 on 2 page 8: 3 "Are you satisfied that on the balance of 4 probabilities Gabriel Kovari was unlawfully killed?" 5 I direct you that the answer to that question must be 6 yes. Then, just going back to the record of inquest, 7 and let's go back, in Gabriel's case it is behind 8 divider 4, under paragraph 4, "Conclusion of the jury as 9 to the death", I direct you you must in each case enter 10 "unlawful killing" at that point on the form. 11 Right, let's go back to Anthony and his 12 questionnaire, which is behind divider 3. I have dealt 13 with the notes for you on page 2 as to what you can and 14 cannot include in any additional text you want to add in 15 relation to question 1, and I have dealt with 16 question 1. 17 Then over the page you will see in his case, page 4, 18 the only remaining question is question 2, to which the 19 answer I have directed you is yes. 20 Then the only other matter you need to deal with in 21 Anthony's case is to record the date and place of death 22 on the record of inquest, and then that has concluded 23 your task as far as Anthony is concerned. 24 We will then go on to paragraph 27 of the written 25 directions and the questionnaire for Gabriel.</p> <p style="text-align: center;">Page 19</p>
<p>1 A short-form conclusion is a word or short phrase 2 which expresses a conclusion as to the death. If, as 3 here, there is only one possible short-form conclusion 4 that a jury could safely return, the coroner should 5 direct the jury to return that conclusion. In this 6 case, I have decided with no objection from any 7 interested person that the only short-form conclusion 8 which you the jury could safely return on the evidence 9 for each of those who died is unlawful killing. In 10 other words, that each of Anthony Walgate, 11 Gabriel Kovari, Daniel Whitworth and Jack Taylor was 12 unlawfully killed. It is for this reason that you the 13 jury are directed to return that short-form conclusion 14 for each of the four deceased. 15 Paragraph 23, the reason why unlawful killing is the 16 only short-form conclusion which a jury could safely 17 return in each case is that the evidence that you have 18 heard, including of course the evidence about 19 Stephen Port's conviction, clearly supports that primary 20 conclusion and because it is important that the record 21 of inquest records that each of the young men was 22 unlawfully killed. On that basis, as a matter of law, 23 as the coroner, I direct you to return a short-form 24 conclusion of unlawful killing. In accordance with this 25 direction, you must write "Yes" in the box for the</p> <p style="text-align: center;">Page 18</p>	<p>1 -- for the other three cases, so that is for 2 Gabriel, Daniel and Jack, there are more questions for 3 you to answer. As you will see on the questionnaires 4 relating to Gabriel and Daniel, there are two further 5 questions, questions 3 and 4, so if you look over the 6 page for Gabriel, behind divider 5, on page 9 you have 7 question 3, and on page 12 you have question 4. I will 8 come back to those in due course. 9 The same applies to Daniel, questions 3 and 4. 10 Then if we move forward to Jack's questionnaire, 11 which is behind divider 9, if you look to page 20, 12 behind divider 9, in his case there are in fact a total 13 of six questions for you to answer. I will come back to 14 that. 15 Just in general terms, in relation to questions 3, 16 4, 5 and 6, I'm looking at paragraph 28 of the written 17 directions, in answering these further questions, you 18 will need to consider whether or not in your view 19 certain features of the three investigations which 20 followed upon the discovery of each of the bodies of 21 Anthony, Gabriel and Daniel, contributed to the deaths 22 of Port's subsequent victims. I am going to read that 23 again: 24 "In answering these further questions, you will need 25 to consider whether or not in your view certain features</p> <p style="text-align: center;">Page 20</p>

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<p>1 of the three investigations which followed upon the 2 discovery of each of the bodies of Anthony, Gabriel and 3 Daniel contributed to the deaths of Port's subsequent 4 victims." 5 That is to say, you should consider whether or not 6 the ways in which the police approached and conducted 7 the investigation into Anthony Walgate's death probably 8 and/or possibly contributed to the deaths of Gabriel, 9 Daniel and Jack; and whether or not the ways in with the 10 police approached and conducted the investigation into 11 Gabriel Kovari and Daniel Whitworth's deaths probably 12 and/or possibly contributed to the death of Jack Taylor. 13 That is why there are more questions in relation to 14 Jack Taylor, because you have to consider the 15 investigation into Anthony's death and then the 16 subsequent investigations into Gabriel and Daniel's 17 deaths. 18 The questions ask you to consider a number of 19 specific features of the police investigations into 20 Anthony, Gabriel and Daniel's deaths. Before looking at 21 the individual questions, let me give you some general 22 directions about how to answer them. Paragraph 30 is 23 really a very important paragraph, and you might like to 24 highlight it, because you will need to come back to it 25 each time you are asking questions.</p> <p style="text-align: center;">Page 21</p>	<p>1 I said when I was opening the case to you many weeks ago 2 now, is to guard against the wisdom of hindsight. You 3 must make every effort to be fair to the police officers 4 who were involved in the investigations and to try and 5 understand how things appeared to them at the time. 6 In addition to those matters, you will see that 7 there are further directions set out on the front of 8 each of the questionnaires. Please consider those 9 directions carefully and follow them. I am just going 10 to show you what I mean by that. If you look behind 11 divider 5 at Gabriel's questionnaire, page 3. I have 12 already dealt with the notes for the jury on page 2, 13 paragraphs 1 to 3, but we are now looking at paragraphs 14 4 and following, which is the guidance in relation to 15 questions 3 and 4. 16 Just looking over the page for a moment so you see 17 what we are talking about, question 3 is on page 9 and 18 question 4 is on page 12. I am going to give you some 19 guidance about the specific questions in a moment, but 20 just so you have seen them and the boxes that are there, 21 let's go back to page 3 and note number 4, because these 22 directions apply to questions 3 and 4 in both Gabriel's 23 and Daniel and Jack's questionnaires. Paragraph 4, on 24 page 3 behind divider 5 -- I hope you are all 25 following -- for questions 3 and 4 you are asked for</p> <p style="text-align: center;">Page 23</p>
<p>1 You will need to decide whether certain features 2 either probably made a more than minimal, negligible or 3 trivial contribution to the death of one of Port's 4 victims, or possibly made a more than minimal, 5 negligible or trivial contribution to the deaths or made 6 no difference to what happened all right. It is: 7 probably made a more than minimal, negligible or trivial 8 contribution; possibly made a more than minimal, 9 negligible or trivial contribution; or did not make any 10 difference. 11 Over the page to paragraph 31. Please understand 12 that just because a fact or circumstance appears in the 13 list on each questionnaire, that does not mean that I or 14 the advocates think that you should say that that is 15 a fact or circumstance which did probably or possibly 16 make a more than minimal contribution to one of deaths. 17 Once again I want to underline for you the decision on 18 the facts is yours. It is important to remember that as 19 you consider the evidence and come to your conclusions, 20 you must be very careful to reflect on and weigh the 21 evidence that you have heard, as it was understood by 22 those at the time rather than with the benefit of 23 hindsight. You have heard several witnesses point out 24 that it is very much easier to make connections or see 25 things more clearly with hindsight. Your task, as</p> <p style="text-align: center;">Page 22</p>	<p>1 a yes or no answer. You are then given the option to 2 explain further in a box. You are not obliged to fill 3 in the box. Considerations and issues are then listed 4 which you may want to consider, although you should feel 5 free to give your own answers, provided you follow the 6 legal directions in these notes and my summing up. 7 For some of the questions, you are first asked 8 whether there was some error, omission or circumstance 9 that probably caused or contributed to the death and you 10 may only say that something probably contributed to the 11 death if you consider that it made a more than minimal 12 contribution, that is back to paragraph 30 in the 13 written directions again. 14 You are then asked whether the same thing may have 15 caused or contributed to the death. If answering such 16 a question, you will need to consider whether there is 17 a realistic possibility that an error, omission or 18 circumstance as described caused or contributed to the 19 death. When considering whether some error or omission 20 or circumstance either probably or may have caused or 21 contributed to the death, you may consider those errors, 22 omissions and circumstances either singly, in other 23 words on their own, or in combination with another or 24 others. You should only give an answer to a question if 25 you all agree upon the answer. If you find yourselves</p> <p style="text-align: center;">Page 24</p>

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<p>1 unable to agree on an answer to one question, you may 2 move on to the next and return to that question later. 3 Just winding the clock forward, if a time were to 4 come when I can accept any answer on which you are not 5 all agreed, you will be told. So work on the basis that 6 you all have to agree. 7 In resolving factual issues, you should give your 8 answers in accordance with the balance of 9 probabilities -- what is more likely than not. However, 10 please note that if you are deciding whether something 11 may have caused or contributed to the deaths, you should 12 consider whether there is a realistic possibility that 13 it did so. 14 Over the page, paragraph 10, if you choose to give 15 further explanations in boxes for questions 3 or 4 where 16 you are given the option to do so, please follow these 17 directions when writing your responses. They are really 18 very similar if not identical to those that I gave you 19 in relation to question 1, but I will read them again so 20 they are fresh in your minds. 21 Your responses should all be directed to answering 22 the questions by what means and in what circumstances 23 the death occurred, you should not make any statement or 24 comment which does not assist in answering that 25 question. It might help you at each stage to consider</p> <p style="text-align: center;">Page 25</p>	<p>1 write, you may ask a question and I will deal with it. 2 Back to the written directions. For these purposes 3 I am going to ask you to look at Jack's questionnaire, 4 which is behind divider 9. You have dealt with 5 question 1, you will see on page 6 there is a recitation 6 of the basic facts in relation to Jack's death. I don't 7 think I need to read that into the record, because you 8 are familiar with the way I have drafted those basic 9 facts now. If you look over the page to question 3 on 10 page 8, you will see, go back to paragraph 35, if you 11 look at this alongside, that the question 3(a) requires 12 to you think about whether the way in which the borough 13 officers conducted their investigation into 14 Anthony Walgate's death probably contributed to Jack's 15 death. I have already explained the test that you 16 should apply in this regard and this is repeated in the 17 notes on the questionnaire. 18 You will see that underneath the boxes on page 8 and 19 over on to page 9 there is a list of considerations for 20 you to bear in mind in answering this question, set out 21 on the questionnaire. The list is non-exhaustive, so 22 there are 10 considerations listed there, but they are 23 not exhaustive, and there may be other matters that you 24 find are relevant, subject to one important proviso. It 25 is important you are all following this please on</p> <p style="text-align: center;">Page 27</p>
<p>1 the cause or causes of the death, any errors or 2 omissions which contributed to the death and any other 3 factors which are relevant to the circumstances of the 4 death. You should try to be brief and to the point. If 5 you wish to write more than the space in the box 6 permits, again you can use a separate sheet. You should 7 not make any comment on any circumstance, act, omission 8 or event, unless there is at least a realistic 9 possibility that it caused or contributed to the death. 10 Again I have set out -- I am not going to read this 11 again -- words that you must not use, which would 12 indicate some breach of the civil law or a criminal 13 offence. 14 Then a little bit more guidance in (g). You may use 15 ordinary and non-technical words which express factual 16 judgments. You may say that errors or mistakes were 17 made and you may use words such as "failure", "missed 18 opportunity", "inappropriate", "inadequate", 19 "unsuitable", "unsatisfactory", "insufficient", "omit" 20 or "omission", "unacceptable" or "lacking". 21 Equally, you may indicate in your answer if you 22 consider that particular errors or mistakes were not 23 made. You may add adjectives such as "serious" or 24 "important" to indicate the strength of your findings. 25 Again, if you are uncertain about what you may</p> <p style="text-align: center;">Page 26</p>	<p>1 paragraph 36 on the written directions. I have set out 2 the list is non-exhaustive, there may be other matters 3 that you want to add which you find are relevant, 4 subject to one important proviso: I direct you that you 5 cannot find that prejudice or homophobia or 6 discrimination on the part of the police made any 7 contribution to the deaths. 8 I am going to repeat that: I direct you that you 9 cannot find that prejudice or homophobia or 10 discrimination on the part of police made any 11 contribution to the deaths. 12 That is because I have ruled as a matter of law that 13 those matters are not matters upon which you may express 14 any views. So please ensure that you do not use any of 15 those words in your conclusions in any of the 16 questionnaires. 17 You must answer question 3(a) yes or no. I am just 18 going to read the question. 3(a): 19 "Were there any omissions or failures in the 20 investigation into Anthony Walgate's death conducted by 21 the borough officers that probably contributed to the 22 death of Jack Taylor?" 23 Answer yes or no, having reviewed the notes that we 24 have already been through on page 3, in relation to how 25 you define probably and the more than minimal</p> <p style="text-align: center;">Page 28</p>

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<p>1 contribution.</p> <p>2 Then question 3(b) is:</p> <p>3 "Were there any omissions or failures in the</p> <p>4 investigation into Anthony Walgate's death conducted by</p> <p>5 borough officers that may have contributed to the death</p> <p>6 of Jack Taylor?"</p> <p>7 Again, you answer yes or no to that question.</p> <p>8 There is then space, if you look over the page,</p> <p>9 page 10 and 11, for you to give an explanation for your</p> <p>10 answer if you wish to. Please ensure, I am reading from</p> <p>11 paragraph 37, that you only record matters which you</p> <p>12 consider either individually or collectively contributed</p> <p>13 to death in accordance with the directions I have given</p> <p>14 you at paragraph 30.</p> <p>15 Then, having answered question 3(a), as I have said,</p> <p>16 you will then go on to question 3(b). That question</p> <p>17 asks to you consider the same broad issue, but this time</p> <p>18 whether any omissions or failures in the borough</p> <p>19 investigation into Anthony's death possibly contributed</p> <p>20 to Jack's death. As with 3(a) you will wish to consider</p> <p>21 the listed considerations and perhaps others and again,</p> <p>22 if you wish, you may use the box on the form to explain</p> <p>23 your answer.</p> <p>24 Before I deal with paragraph 39, let me just read</p> <p>25 for you so that you have them in mind again, the</p> <p style="text-align: center;">Page 29</p>	<p>1 6, whether or not it was appropriate for</p> <p>2 A/DI McCarthy to step back from the investigation</p> <p>3 following his initial involvement in late June 2014.</p> <p>4 7, the fact that DI McCarthy's decision to refer the</p> <p>5 case back to MIT 20, also known, as you know, as SC&O1,</p> <p>6 following the receipt of the toxicology report was never</p> <p>7 implemented.</p> <p>8 8, whether or not following receipt of the</p> <p>9 toxicology report borough officers should have (i)</p> <p>10 sought advice relating to GHB and/or chemsex generally</p> <p>11 (ii) and/or placed more weight on information received</p> <p>12 from Anthony's friends and family that he was unlikely</p> <p>13 to have taken GHB voluntarily.</p> <p>14 9, the fact that when the contents of Port's laptop</p> <p>15 computer were analysed in July 2015 borough officers did</p> <p>16 not identify significant information contained on the</p> <p>17 hard drive, in particular records of internet activity</p> <p>18 associated with the drug rape of young men in the period</p> <p>19 when it was known Port had contacted and met</p> <p>20 Anthony Walgate, namely 13 to 17 June.</p> <p>21 10, whether or not any failures or shortcomings in</p> <p>22 the borough investigations were the consequence of one</p> <p>23 or more of the following factors. The borough officers'</p> <p>24 lack of experience and/or their workload, lack of</p> <p>25 leadership or oversight and lack of officers in</p> <p style="text-align: center;">Page 31</p>
<p>1 considerations that I have recorded on here, numbers 1</p> <p>2 to 10 on pages 8 and 9, and you will see how they fit</p> <p>3 into the evidence that you have heard.</p> <p>4 Number 1, the fact that the borough officers did not</p> <p>5 conduct checks in relation to Stephen Port on the Police</p> <p>6 National Database, with the consequence that the</p> <p>7 officers were not aware of the incident at Barking</p> <p>8 station on 4 June 2014 involving Port and X3.</p> <p>9 2, whether or not borough officers took appropriate</p> <p>10 or adequate steps to consider and/or record and/or</p> <p>11 follow up the crime report concerning the allegation</p> <p>12 made by X1 on 31 December 2012 that Stephen Port had</p> <p>13 forced him to take poppers and then had non-consensual</p> <p>14 anal sex with him.</p> <p>15 3, whether or not appropriate or adequate steps were</p> <p>16 taken by borough officers to review the content of</p> <p>17 Port's second interview and to identify actions arising</p> <p>18 from it.</p> <p>19 4, the fact that borough officers did not contact</p> <p>20 Port's employers to check Port's shifts and attendance</p> <p>21 at work for the period around 19 June 2014.</p> <p>22 5, the fact that the borough officers did not submit</p> <p>23 Port's laptop computer for download, notwithstanding</p> <p>24 that the HAT return, dated 27 June, had advised that</p> <p>25 this should be done.</p> <p style="text-align: center;">Page 30</p>	<p>1 substantive ranks.</p> <p>2 As I have said, those are the 10 matters that I have</p> <p>3 set out for you to consider. There may be more, but</p> <p>4 please remember the proviso that I have provided you</p> <p>5 with just now.</p> <p>6 You will see then, back to paragraph 39 of the</p> <p>7 written directions, that the other questions on the</p> <p>8 form, questions 4, 5 and 6 in Jack's case, take a very</p> <p>9 similar form, so just looking over to page 12, behind</p> <p>10 divider 9, question 4 relates to the SC&O1 involvement</p> <p>11 in the investigation into Anthony Walgate's death and</p> <p>12 asks you to consider any omissions or failures by those</p> <p>13 officers. The considerations under question 4 are at</p> <p>14 the bottom of page 12, non-exhaustive, again.</p> <p>15 Firstly, whether or not SC&O1 ought to have assumed</p> <p>16 primacy for the investigation into Anthony Walgate's</p> <p>17 death at any point between the borough officers'</p> <p>18 representations on 26 June and around the end of</p> <p>19 June/early July.</p> <p>20 Secondly, whether or not the detailed decision</p> <p>21 recorded in Superintendent Sweeney's email of</p> <p>22 27 June 2014 was properly implemented, including (a)</p> <p>23 whether or not the actions of the MIT inspector on</p> <p>24 27 June amounted to an appropriate or adequate review of</p> <p>25 the enquiries already undertaken, (b) whether officers</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 from MIT 7 provided adequate or appropriate support in 2 relation to interviewing Port on 27 June 2014, including 3 evaluating and/or highlighting actions arising from the 4 interview and (c) whether primacy was assessed again. 5 Thirdly, whether or not in the light of the entry on 6 the 27 June HAT return that "intel being conducted by 7 MIT 7 officers" MIT 7 ought to have provided the borough 8 officers with an intelligence profile on Stephen Port, 9 including the results of a PND check. 10 Can we just go back to question 3 again, because we 11 are now on paragraph 42 of the written directions. 12 There is a very specific direction I need to give you in 13 relation to this question. 14 Question 3(a) asks you to consider not the general 15 question relating to the borough investigation into 16 Anthony Walgate's death but a more specific question. 17 I am not sure I have the right version of this now -- 18 yes, if you go to divider 5, and Gabriel's 19 questionnaire, please, page 9, you will see question 3 20 here is different from the one we have just looked at. 21 Question 3(a) asks you to consider not the general 22 question relating to the borough investigation into 23 Anthony Walgate's death, but a more specific question. 24 Looking at the top of page 9: 25 "Did the fact that borough officers did not conduct</p> <p style="text-align: center;">Page 33</p>	<p>1 Question 3(b) on page 9 asks you to consider the 2 same question on a possibly basis. Here, you must 3 consider the question as we did when we looked at Jack's 4 questionnaire generally, by reference to the listed 5 considerations and any others that you think may be 6 relevant. 7 Lastly then, let me show you Daniel's questionnaire, 8 behind divider 7. The approach here is exactly the same 9 as for Gabriel's, save that question 3 asks you whether 10 that fact probably contributed to Daniel's death, as 11 opposed to Gabriel's death. You should answer 12 question 3(a) on Daniel's questionnaire by reference to 13 the same listed questions as posed for 3(a) on Gabriel's 14 questionnaire, which are those I have just set out at 15 the bottom of page 7, paragraph 44. 16 Then for questions 4(a) and 4(b) you follow the 17 general guidance that I gave you in relation to the 18 questions on Jack's questionnaire. 19 Before we pause for a break, can I just take you to 20 Jack's questionnaire one final time, which is behind 21 divider 9. As we have seen, in relation to question 3 22 in his case, the question is more general, 23 question 3(a), question 3(b), question 4 relates on 24 page 12 to the SC&O1 involvement. Then the new 25 questions in his case are question 5, on page 16, which</p> <p style="text-align: center;">Page 35</p>
<p>1 checks in relation to Stephen Port on the Police 2 National Database, with the consequence that the 3 officers were not aware of the incident at Barking 4 station on 4 June 2014 involving Port and X3, probably 5 contribute to the death of Gabriel Kovari?" 6 Looking at paragraph 44, and again this is 7 an important -- they are all important, but this is 8 a particularly important direction. My direction to 9 you, paragraph 44, is that you must address this 10 question by asking only the following questions on the 11 balance of probabilities: 12 (a) should the PND check have been done at some 13 stage during the first week of the investigation? 14 (b) if yes, would MIT or SC&O1 have then taken 15 primacy? 16 (c) if yes, would Stephen Port have been charged 17 with a homicide offence and been remanded in custody 18 before 24 August? Which is the last date upon which 19 Gabriel Kovari is known to have been alive. 20 If you have answered each of those questions "yes", 21 then I would suggest that your answer to 3(a) would be 22 yes. So should they have covered out the PND check? If 23 yes, would that have led to MIT taking primacy? If yes, 24 would Stephen Port have been charged with a homicide 25 offence and been remanded in custody before 24 August?</p> <p style="text-align: center;">Page 34</p>	<p>1 ask additional questions in relation to the borough 2 investigations into the deaths of Gabriel and Daniel, 3 and the contribution if any that those investigations 4 led to Jack's death, I hope you are beginning to see how 5 it is working. 6 Then there is a list of considerations set out on 7 pages 16 and 17, some of which are ones with which we 8 have already dealt on other questionnaires, others are 9 new. So I am going to read some of them to you. 10 Question 1 on page 16, whether or not appropriate 11 decisions were taken by officers at the scene on the 12 discovery of Daniel Whitworth's body on 20 September, 13 including (a) whether it was appropriate to treat 14 Daniel Whitworth's death as non-suspicious but 15 unexplained and (b) whether the HAT car should have been 16 called, given the contents of the note which referred to 17 Daniel having "taken the life of" Gabriel. 18 (2) the fact that borough officers did not take 19 appropriate steps to investigate whether the note found 20 with Daniel Whitworth's body was written in his 21 handwriting. 22 (3) whether or not borough officers conducted 23 adequate or appropriate investigations into whether 24 Daniel Whitworth could have been involved in the death 25 of Gabriel Kovari, including by making enquiries with</p> <p style="text-align: center;">Page 36</p>

<p>1 Daniel's partner and family, by making enquiries with 2 his employers and through phone investigations such as 3 call and cell site data.</p> <p>4 (4) whether or not they took adequate or appropriate 5 steps regarding the submission of evidence for forensic 6 analysis, having regard to matters including the fact 7 that a forensic strategy meeting was not held and the 8 fact that items found with the bodies and swabs taken 9 from Daniel's body were not submitted for analysis. 10 Items found with Daniel's body include the blue bedsheet 11 which you may or may not find as a fact Dr Swift 12 recommended be sent for analysis.</p> <p>13 (5) whether or not borough officers took adequate or 14 appropriate steps to obtain evidence relating to 15 Gabriel Kovari's activities, movements and possible 16 connections with Daniel Whitworth and whether those 17 officers reacted appropriately when evidence of these 18 matters was offered to them by Thierry Amodio and 19 John Pape.</p> <p>20 (6) the fact that borough officers made no attempt 21 to engage with the local LGBT community whilst 22 investigating the deaths of Gabriel Kovari and 23 Daniel Whitworth.</p> <p>24 (7) whether or not borough officers should have done 25 more to consider possible links between the deaths of</p> <p style="text-align: center;">Page 37</p>	<p>1 long, because a lot of work has gone into it. It is 2 a lot to take in. You will have ample time to take it 3 in and that is why it is all written down for you so 4 that you can follow it through carefully as and when you 5 retire. We will take a short break there now for you to 6 have a bit of a break, and then when you come back we 7 will get to chapter 2, which will commence my summary of 8 the evidence.</p> <p>9 Thank you.</p> <p>10 (11.00 am)</p> <p>11 (A short adjournment)</p> <p>12 (11.21 am)</p> <p>13 (In the presence of the jury)</p> <p>14 THE CORONER: Members of the jury, would you just like to 15 put your written directions now in behind tab 1, so they 16 don't get lost. When you have done that, open tab 10. 17 You should all have open tab 10, a chronology headed 18 "Anthony Walgate". I will just pause while you all get 19 there.</p> <p>20 You will remember when we were last together that 21 I indicated to you that I was going to prepare some 22 pretty detailed chronologies for you and that is what 23 you are looking at here. I just want to explain it to 24 you a little before I return to the summing up.</p> <p>25 It is colour coded, and what the colour coding means</p> <p style="text-align: center;">Page 39</p>
<p>1 Anthony Walgate, Gabriel Kovari and Daniel Whitworth, 2 including conducting a review in September or 3 October 2014 to assess possible links in circumstances 4 where the police were being asked in terms whether there 5 was a link.</p> <p>6 (8) whether or not the investigation into the deaths 7 of Gabriel Kovari and Daniel Whitworth should have been 8 reopened and reviewed following the first inquests.</p> <p>9 (9) whether or not any failures or shortcomings on 10 the borough were the consequences of the factors which 11 I read to you in relation to the other forms.</p> <p>12 Finally, on page 20, question 6 asks similar 13 questions in relation to any omissions or failures of 14 SC&O1 officers and the considerations I have set out 15 from there, again not exhaustive, are (1) whether or not 16 the HAT return of 23 September 2014 should have recorded 17 Dr Swift's strong recommendation that the blue bedsheet 18 be examined if, as a matter of fact, you find Dr Swift 19 made such a recommendation and (2) whether or not SC&O1 20 ought to have assumed primacy for the investigation into 21 the deaths of Gabriel and Daniel at some point during 22 the period 21 to 23 September 2014.</p> <p>23 Members of the jury, I am going to pause there. 24 I appreciate there is a lot to take in there. I hope 25 some of it explains why we have done without you for so</p> <p style="text-align: center;">Page 38</p>	<p>1 is this. Where it is blue, that is information that 2 Operation Lilford discovered, which is why it says "L" 3 in the column to the right.</p> <p>4 Where it is pale green, that is information that the 5 borough officers had, all right?</p> <p>6 You will be able to immediately at a glance see 7 whether that is Lilford evidence or borough evidence.</p> <p>8 Then, obviously, on the left you have the date, 9 where it is relevant you have the time. In the middle 10 you have the event summarised and then, on the next 11 column, the reference which nearly always is to 12 a reference in your bundles, but sometimes it might be 13 something different, so for example, MR in that column 14 refers to Detective Inspector Richards. So the evidence 15 for example that you are looking at for 2011 comes from 16 Mr Richards, and there might be other examples of that, 17 which we will come to.</p> <p>18 What I am planning to do in this summary is to go 19 through the evidence with you in summary form, but 20 invite you to follow it through the questionnaires, 21 which I hope will in fact include a lot of the detail 22 that I am going to be referring you to, and then, if 23 this works, the evidence handlers are going to attempt 24 to follow with me and put on to the screen the documents 25 the references of which you have here, so that you don't</p> <p style="text-align: center;">Page 40</p>

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<p>1 need to keep going to your bundle and looking at the 2 documents. When you come to retire, you of course will 3 have all your bundles with you. You can look at the 4 chronology, if you want to look at one of the documents 5 you can turn it up in your bundles, but I thought it 6 would be more efficient and hopefully easier for you if 7 we can get the documents on the screen. There may be 8 a slight delay sometimes, there may be documents which 9 only appear for a very short while because they don't 10 need to be read in full, but we are going to start 11 I hope with that aim in mind and hope that works.</p> <p>12 We have reached chapter 2, but before I get there, 13 can I just give you a further legal direction and it is 14 in relation to expert evidence. You will of course 15 remember that you heard from my expert, Ms Mackay, who 16 is a recently retired detective superintendent with vast 17 both relevant expertise and experience. She gave you 18 her expert view, which I am going to feed into my 19 summaries. Expert witnesses are called to assist you on 20 matters which are likely to be outside your knowledge 21 and outside your experience as lay people. You should 22 consider her views carefully, because she is the expert, 23 but you are not bound to accept her views if you think 24 there is a good reason to conclude that you should not 25 do so in any particular area. Just bear that direction</p> <p style="text-align: center;">Page 41</p>	<p>1 right up to their arrival time and then pause while he 2 went to the station here in Barking to meet them and 3 then bring them back to his flat at 62 Cooke Street, 4 where he would then resume watching the violent 5 pornography and no doubt engage in sexual activity with 6 the person he had met.</p> <p>7 The evidence showed that he carried on such activity 8 before Anthony's death until shortly after Jack Taylor's 9 death.</p> <p>10 In late 2012, Ryan Edwards founded the local Barking 11 and Dagenham LGBT network and met up and communicated 12 with DI McCarthy, who you will remember. He, 13 Ryan Edwards, established a Facebook page and suggested 14 that the nominated four LGBT police officers from the 15 borough should add their names. Mr Edwards told you 16 that there were around 80 followers and that he thought 17 the Facebook page was still open in August 2014 and is, 18 he believes, still open now.</p> <p>19 That evidence, amongst other evidence, is relevant 20 to your consideration of the question on the 21 questionnaires relating to LGBT+ involvement in the 22 investigations.</p> <p>23 Mr Edwards described, and you will remember this, 24 an occasion when he went to Beckton with Stephen Port 25 and the male described as X1, to a McDonald's, when Port</p> <p style="text-align: center;">Page 43</p>
<p>1 in mind, please.</p> <p>2 Before we come to Anthony himself, let's just deal 3 with some of the background, and you can follow, as 4 I say, as we go through the chronology.</p> <p>5 Stephen Port was born on 22 February 1975. He is 6 a gay man with a long-standing obsession with 7 pornography, which by the dates with which you are 8 concerned occupied almost all his waking hours when he 9 was not at work.</p> <p>10 You have heard from DI Richards how examination of 11 Port's laptop revealed his interest in pornography and 12 how it developed into drug-induced rape using GHB. You 13 heard from Ryan Edwards that he met Stephen Port in 2005 14 and he lived nearby. Those two would meet over coffee 15 about once a month and Ryan Edwards described 16 Stephen Port's what he described as a voracious appetite 17 for meeting young men under the age of 23.</p> <p>18 We are now on the chronology. From 2011 there were 19 Skype messages on Port's laptop consistent with him 20 contacting males and arranging to meet them. The 21 messaging suggests that Stephen Port was not taking 22 drugs in June 2012, although by October that year he had 23 stated that he had taken cannabis during a sexual 24 encounter. As time went on, Port would arrange to meet 25 young males on dating apps for sex and would watch porn</p> <p style="text-align: center;">Page 42</p>	<p>1 told Ryan Edwards that he was "Pimping X1 out". On that 2 occasion Port and Edwards left the McDonald's without 3 X1, leaving him there.</p> <p>4 We then come to 31 December 2012, which is in bold 5 on your chronology. The bundle reference is B/56, 6 page 10. Just for your note, this is the PNC printout 7 and it was entered on the CRIS, which is what we have 8 here, by a PC McDonald -- I am not sure that is right? 9 Yes, it was entered on the CRIS on 26 June 2014. It 10 reveals that on 1 January, so the very early hours of 11 New Year's Day 2013, X1, who had been in a relationship 12 with Stephen Port for two years, called police saying 13 that he had been sexually assaulted by Stephen Port who 14 had given him poppers and alcohol the previous night and 15 then had anal sex with him against his will. He stated 16 that Port kept plying him with poppers and alcohol each 17 time he refused to have sex with him, until he was 18 unable to say no. On a few occasions he felt pressured 19 into sex and that this was not the first time Port had 20 "used drugs and alcohol" to take advantage of him.</p> <p>21 Port was arrested for rape that day. His DNA was 22 taken and from then on would have been available -- that 23 is his DNA -- to the police.</p> <p>24 By 13.40, and this is on your chronology, on 25 1 January, X1 had said that he had wanted to withdraw</p> <p style="text-align: center;">Page 44</p>

<p>1 his complaint and no further action was taken against 2 Port. In his withdrawal statement, X1 maintained this 3 account of being encouraged to drink large amounts of 4 alcohol and be given poppers, which he was not 5 comfortable with, but said he was too scared about how 6 Stephen Port would react to say anything and he 7 concluded by saying: 8 "Stephen would not have known that I did not want to 9 do these sexual acts, as I never said anything to 10 indicate this, but I didn't." 11 X1 then declined to make a statement to the police 12 and you have all the detail about that behind 13 divider 56. 14 Pausing there, members of the jury, the information 15 about that previous allegation was known to the police 16 within a very short time of the discovery of Anthony's 17 body. It was recorded by Detective Chief Superintendent 18 Ewing in his daybook prior to 8.00 on 19 June. I will 19 ask that that is brought up, that is divider 59 of 20 bundle B. Next page, please. 21 This, you will remember, is headed 19 June 2014. 22 This is Mr Ewing's daybook and you will see about six 23 bullet points up, "Caller: previous sexual assault". 24 This was Superintendent Ewing recording in his 25 daybook, on 19 June, before 8.00 in the morning is what</p> <p style="text-align: center;">Page 45</p>	<p>1 "last a long time" and a few days later there are 2 a large number of messages from X1 talking about them, 3 him and Port, taking G together and trying a needle 4 rather than drinking it. 5 By January 2014, Port is telling someone that he has 6 taken mephedrone -- a drug which you know features in 7 the toxicology evidence. 8 During the first half of 2014 Port invited 9 Ryan Edwards round on one occasion to meet a new 10 boyfriend, who was called X4. That is when Mr Edwards 11 says he was taken aback because there was a large 12 tupperware container full of little vials of clear 13 liquid like the ones found with Anthony and Jack and 14 bags of light powder, also like the one found with Jack, 15 and that on that occasion X4 was clearly highly 16 intoxicated. That was the first half of 2014, according 17 to Ryan Edwards. 18 We then come to 4 June 2014, it is the incident 19 involving X3 and Barking station. On the Police 20 National Database, so this is the PND, there was 21 a British Transport Police intelligence report to the 22 effect that on 4 June Port and X3 were stopped at 23 Barking station following a report that Port was going 24 through the male's bag and had assaulted him. X3 was 25 observed to be being violently sick and was very</p> <p style="text-align: center;">Page 47</p>
<p>1 he told you, that the caller, in other words Port, had 2 a previous allegation of sexual assault. That is where 3 that fits into the chronology. 4 DC O'Donnell agreed that he should have entered the 5 details on to the CRIS and/or a current situation report 6 so that that detail about the incident with X1 could 7 have been seen by the HAT team when the matter was 8 referred to them. This is what Mr O'Donnell told you, 9 he said: 10 "It was a fairly significant mistake that it was not 11 included in the briefing document. Stephen Port had 12 lied. Anthony Walgate had died of suspected drugs and 13 there was intelligence that Port had previously raped 14 with drugs." 15 He said: 16 "I did think of going to see X1, but I didn't. 17 I should have." 18 You will need to consider that evidence in relation 19 to consideration 2 under question 3 on your 20 questionnaires, so that is where that fits in. 21 The laptop examination that was carried out by 22 Operation Lilford, by Detective Constable Thomas, who 23 you didn't hear from but who Mr Richards told you about, 24 revealed that by November 2013 Port is telling someone 25 that he had taken a drug during sex that had made him</p> <p style="text-align: center;">Page 46</p>	<p>1 disorientated. Port said the following, that they had 2 met on the internet and had been for a drive a few 3 times. He said that he had found X3 outside his house. 4 He said that X3 had taken G and he said he had brought 5 him back to the station in order to get him home safely 6 and was going through his back to look for his phone. 7 X3 denied to police that he had taken any substance. 8 You heard the statement which Operation Lilford took 9 from X3 -- indeed it is in your bundles, I think it is 10 bundle 38A. In it he stated that he had met 11 Stephen Port on the Fitlads website, or dating app, and 12 visited his flat a number of times. He said on the 13 fourth occasion that he had visited Port's flat he was 14 given a glass of Coke but that it tasted harsh and 15 looking back he wonders if Port had put something in his 16 drink. 17 He said the fifth occasion that he went there was 18 4 June, the day of the incident at the station, and on 19 that day Port gave him what he thought were poppers, 20 which he inhaled, and he then fell asleep for a few 21 hours. When he woke up, Port gave him a drink of clear 22 liquid which knocked him out straight away and when he 23 woke up he was naked on the floor with an erection. X3 24 said he had to get home and Port helped him to the 25 station and he remembered Port going through his bag.</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 Later Port told him that what he had given him was 2 a class C drug and in July when they met, X3 revealed in 3 his statement that he had in fact recorded, taped, Port 4 admitting that he had given him something. But 5 thereafter he, X3, had deleted the recording because it 6 brought back bad memories.</p> <p>7 Pausing there, members of the jury, all that detail 8 could have been obtained by the end of June 2014 if the 9 police had done a PND check and traced and interviewed 10 X3. DC Parish agreed that it should have been done. 11 That evidence is relevant to consideration 1 under 12 question 3 on your questionnaires. You will have noted 13 that there are marked similarities between Port's 14 behaviour and account of that incident with what 15 happened with Anthony Walgate, and of course it is less 16 than two weeks before Port met Walgate.</p> <p>17 Let's turn to Anthony. He was 23 when he was 18 murdered by Stephen Port. He hailed from Hull, but had 19 come to London in 2010 to study fashion. He was living 20 in Golders Green and he had three very close female 21 friends, China Dunning, Ellie Green and Kiera Brennan. 22 Anthony was very skinny. He had a size 30 waist and was 23 on the very margin of a normal body mass index. He was 24 committed to a career in fashion and by the time of his 25 death was working hard for his final exams. He was</p> <p style="text-align: center;">Page 49</p>	<p>1 a potential client mentioned chemsex. She said she and 2 Anthony didn't know what that was so they googled it and 3 Anthony said that there was no way he was going there. 4 Whilst according to China he used drugs very 5 occasionally, a bit of cannabis and cocaine and ecstasy 6 at a party on a handful of occasions, it was rare and 7 she said he didn't know where to get drugs in London. 8 She said he probably used poppers, which are not 9 illegal, when he was acting an escort but no drugs, 10 although he might have had a couple of drinks before he 11 went to meet someone. She said he liked to be in 12 control.</p> <p>13 Pausing there to remind you of something that 14 Sarah Sak, Anthony's mother, said. You will remember 15 Mr Slaymaker in his family liaison logs recorded 16 Sarah Sak, Anthony's mother, as telling him that Anthony 17 would take cocaine on occasions. She denies ever saying 18 that, although China gave the evidence I have just 19 described.</p> <p>20 China said that she and Anthony discussed drugs 21 together fairly frequently. She said that she knew he 22 had never taken GHB. She then said: 23 "We were all of the opinion we would never risk it. 24 It was super dangerous and easy to overdose on and 25 certainly not with a complete stranger who was a client.</p> <p style="text-align: center;">Page 51</p>
<p>1 openly gay but had no regular boyfriends, though he 2 would occasionally meet males on Grindr. He was 3 extremely open with his friends and they knew that from 4 time to time he would act as a male escort when his 5 student loan was running out, as it clearly was in 6 June 2014, when Mr Richards told you Anthony had under 7 £40 to his name.</p> <p>8 Anthony was very safety conscious and would tell his 9 friends who he was meeting and where and he would get 10 his dates to send their details to him "for safety 11 reasons". Anthony tended to meet his date in a public 12 place, such as a pub, before going to either his flat, 13 a hotel or their homes. Generally he would message his 14 friends when he was on his way or when he had arrived 15 and when he left. Sometimes, if he stayed overnight 16 with a client, he might sleep the whole of the next day 17 so they wouldn't hear from him, his friends, until the 18 next morning when he finally woke up. China told you 19 that his charges depended on who he was meeting and how 20 long for. She said she thought it was between £200 and 21 £400 for two hours. She said he was really picky about 22 who he met and Ellie Green said that most of his clients 23 were well off and in their 70s, men who treated him well 24 and with respect.</p> <p>25 China said that there was an occasion when</p> <p style="text-align: center;">Page 50</p>	<p>1 I just absolutely knew he wouldn't do it."</p> <p>2 China and I think Kiera too told you that when 3 Anthony went out as an escort he would take a small 4 knife with him for protection, and there is reference to 5 that in some of his messages. Kiera gave a very similar 6 account to that of China and she too had no knowledge of 7 Anthony ever using GHB.</p> <p>8 We then come to the days leading up to the meeting 9 between Stephen Port and Anthony. Looking back at your 10 chronology, on 12 and 13 June Port was watching gay sex 11 videos and visiting gay dating sites.</p> <p>12 Just after 1.00 on 13 June -- this is not in the 13 documents you have, so this is the only reference you 14 have to this matter -- he referred to a sexual encounter 15 with a male, I think it was X1, who just wanted to "get 16 high on G and so it was like fucking a rag doll".</p> <p>17 That message was followed by many internet searches, 18 which continued all morning and into the afternoon and 19 evening. The search included "Sleeping pills", "Drugs", 20 "date rape drug porn", including, "Boys being fucked on 21 G", "Gay boys drug fucked asleeping".</p> <p>22 At 23.19 Port accesses the Sleepyboy escort app and 23 contacts eight male escorts, including Anthony. He 24 sends a message to them saying: 25 "Are you free to come to Barking Tuesday night</p> <p style="text-align: center;">Page 52</p>

<p>1 [which would be the 17th] for an overnight? Please send 2 some pics. Joe." 3 You know that was the name he was using, Joe Dean. 4 During 14 and 15 June Port carried on accessing 5 porn, including unconscious boys being raped, then at 6 23.09, on the 15th, he viewed Anthony's profile and then 7 Anthony replied -- this is at B/57 -- referencing his 8 profile and Anthony, as you know, was on the app as 9 Ryan. 10 As you see on your chronology at 23.11 on the 15th, 11 Anthony also asked for Port to send him -- who he 12 thought was Joe Dean -- a photograph for safety reasons. 13 Thereafter Port carried on searching for boys being 14 raped, drug raped, unconscious. 15 We then come to 15 June, which was the Sunday. Go 16 back to China and what she said about this. China said 17 she was with Anthony when he was communicating with 18 Joe Dean and she said that he, Joe Dean, had agreed to 19 pay about £800 for one night and said that he lived in 20 Barking and China said no one has £800 for one night if 21 they live in Barking, it was too good to be true. She 22 said we did a Google search on the address and it wasn't 23 an affluent area. There was no attempt to negotiate 24 a lower price, which we thought it was suspicious but 25 when Anthony queried how he had so much money, the man</p> <p style="text-align: center;">Page 53</p>	<p>1 I get killed". 2 We come then to 17 June, the Tuesday. Again on that 3 day, Port was viewing pornography in the early hours of 4 the morning, including "drugged, fucked and raped" and 5 gay rape videos. China said she knew that Anthony was 6 coming to Barking on that Tuesday evening and he had 7 told Ellie that he was going to take a small knife and 8 some scissors with him, as again was his custom, for 9 protection. 10 China said that she was expecting to get a message 11 from Anthony the following day to say that he was 12 leaving Barking, because the plan was for the two of 13 them to meet up after she had finished a shift at her 14 work in Soho. Anthony's last phone use was at around 15 10.00 pm on the 17th, when he replied to a message from 16 Ellie Green saying that he couldn't talk because he was 17 working. That was 13 minutes or so before he exited 18 Barking railway station, and police discovered that from 19 his Oyster card usage. You have that on your chronology 20 on page 2, 22.13. 21 After that, Anthony did not use his phone and it was 22 either switched off or the battery ran out or it was put 23 into aeroplane mode at 04.58 the following morning and 24 the phone never again reconnected to the network. 25 On a different topic, you heard from Port's</p> <p style="text-align: center;">Page 55</p>
<p>1 they thought was Joe Dean said he was house sitting for 2 a friend who was in South Africa, and China said, 3 "I think Anthony believed that". She said the man, 4 Joe Dean, sent a photograph in response to Anthony's 5 request, which she, China and their friend Kiera saw. 6 It showed in fact Stephen Port in a blond wig. 7 Kiera told you that she thought Anthony was 8 attracted by the amount of money. Turning to the 9 question as to whether Port could have in fact have 10 afforded that, we know again from Operation Lilford and 11 Mr Richards's evidence that Port had no means to pay 12 that sort of sum, in fact he was £1,500 overdrawn in 13 June 2014. 14 Going back to bundle B, divider 57, we know that 15 Port in fact posed as Joe Dean of 72 St Ann's Road, 16 Barking, IG11 7AF, which is in fact the correct postcode 17 for 62 Cooke Street. We know he gave an incorrect date 18 of birth as 2 February 1986, his true date of birth 19 being, as I told you just know, 1975, no doubt to try 20 and make out that he was younger than he truly was in 21 order to attract younger males. 22 China and Anthony stayed in touch over WhatsApp and 23 he sent, as was his custom, both China, Ellie and Kiera, 24 the details of Joe Dean and the address. To Ellie Green 25 he accompanied the details with the message, "In case</p> <p style="text-align: center;">Page 54</p>	<p>1 some-time flatmate called Glen Aldwinckle. He had been 2 staying with Port at number 62 Cooke Street and sleeping 3 on the sofa, but he was not there on the night of 17 and 4 18 June. You have his first statement in your bundle, 5 behind divider 31. He made a longer statement to 6 Operation Lilford, which was also read to you later in 7 the evidence, and which included details of Port 8 apparently trying to get another young man, X10, to take 9 G and asking Glen Aldwinckle to get X10 to do so. 10 He wasn't called as a witness before you, members of 11 the jury, and he wasn't called as a witness at the 12 criminal trial of Stephen Port either because, as 13 Mr Richards told you, his reliability was questionable. 14 So treat his statements with care. 15 We then come to 19 June. At 02.57 that morning, in 16 the early hours of the morning, Port's laptop logged off 17 the internet and you may think very unusually it was not 18 used again until 23 June. 19 At 4.05 he made the 999 call. You have the 20 transcript at your divider 3. He gave the address of 21 the flats opposite his own. He said that he was driving 22 past in his car, something which you know in fact you 23 cannot do, when he saw a young boy collapsed as if he 24 had had a seizure or was drunk. He didn't give his 25 number to the call handler, but the call centre traced</p> <p style="text-align: center;">Page 56</p>

<p>1 it.</p> <p>2 The responder to that call was Anthony Neil from the</p> <p>3 London Ambulance Service. He was dispatched but</p> <p>4 initially couldn't find the male that Port had described</p> <p>5 and the controller therefore rang Port back and in that</p> <p>6 call Port said that he was driving in his car park and</p> <p>7 that the male was definitely in Cooke Street.</p> <p>8 Mr Neil came to give evidence before you and he said</p> <p>9 that he found Anthony at about 4.18, as you see him in</p> <p>10 the photographs which you have in your bundle A.</p> <p>11 Mr Neil said he was obviously dead and in his view had</p> <p>12 been dead for some time, as he was extremely cold and</p> <p>13 his temperature, which he took with an ear thermometer,</p> <p>14 was 24 degrees and Mr Neil was to tell you normal was</p> <p>15 36.9, so he was 24.</p> <p>16 Mr Neil said:</p> <p>17 "The very general rule is that the body loses</p> <p>18 a degree per hour, but that depends on all manner of</p> <p>19 variables."</p> <p>20 Mr Neil noted that Anthony's T-shirt was rucked up,</p> <p>21 as if he had been pulled along was how Mr Neil put it.</p> <p>22 He covered the body with a red blanket and the police</p> <p>23 were called. The first two officers to attend were PCs</p> <p>24 Benson and Middlemiss. They arrived shortly after 4.18</p> <p>25 also. Those officers both thought that there was</p> <p style="text-align: center;">Page 57</p>	<p>1 divider 21 and 23 in your bundle A.</p> <p>2 From his attendance the inspector remains</p> <p>3 responsible for the incident. You will remember that</p> <p>4 the guidance says:</p> <p>5 "If there is the slightest doubt, then the event</p> <p>6 will be dealt with as a suspicious death and the advice</p> <p>7 of the borough detective inspector will be sought to</p> <p>8 resolve the issue. If it is at night [as it was here]</p> <p>9 that will be the cluster detective inspector."</p> <p>10 Inspector Learmonth agreed that he knew that the</p> <p>11 manual at paragraph 2.2.1 says:</p> <p>12 "Less obvious scenarios include drug-related death.</p> <p>13 If the potential for these reports to involve homicide</p> <p>14 is overlooked, opportunities to gather significant</p> <p>15 material may be lost. Think murder.</p> <p>16 "If in doubt, investigate as a homicide until the</p> <p>17 evidence proves otherwise."</p> <p>18 HAT cars will attend all unexplained deaths which</p> <p>19 have suspicious circumstances and it is the DI who makes</p> <p>20 the decision whether or not to call the HAT car.</p> <p>21 Inspector Learmonth told you that he arrived about 4.30,</p> <p>22 was briefed by PCs Benson and Middlemiss, who told him</p> <p>23 about what they thought was the footprint and so at 4.33</p> <p>24 Mr Learmonth declared a critical incident to ensure that</p> <p>25 all necessary steps were taken. He said that the</p> <p style="text-align: center;">Page 59</p>
<p>1 a footprint mark on Anthony's torso and that he had</p> <p>2 a swollen lip and blood in his mouth, but in fact, as it</p> <p>3 turned out, as you know, the footprint was a sign of</p> <p>4 decomposition called hypostasis. In fact, again there</p> <p>5 was no injury to his mouth, although there may have been</p> <p>6 some blood in his mouth caused by some sort of</p> <p>7 expiration when or as he died.</p> <p>8 There was a black holdall with Anthony, which had</p> <p>9 his house keys in it. In the holdall were various</p> <p>10 prescribed medications but, as you know, significantly</p> <p>11 no mobile phone.</p> <p>12 There was also a small brown bottle which had the</p> <p>13 residue of GBL, a substance which converts to GHB in the</p> <p>14 body, as later analysis of that bottle showed. In the</p> <p>15 event, that bottle was not packaged properly by the</p> <p>16 police so it couldn't be tested for fingerprints or DNA.</p> <p>17 Inspector Learmonth was the duty inspector for the</p> <p>18 night of 18/19 June and once the call had been referred</p> <p>19 to the police by the London Ambulance Service, the CAD</p> <p>20 was created, which is behind divider 1 in your bundle B.</p> <p>21 Inspector Learmonth was obliged to attend any</p> <p>22 unexplained death. This is set out in the policies that</p> <p>23 you are very familiar with now behind divider 20 in</p> <p>24 bundle A and he had to apply the five building blocks,</p> <p>25 which you have seen several times. They are behind</p> <p style="text-align: center;">Page 58</p>	<p>1 position of Anthony's body was at the very least</p> <p>2 unexplained and he concluded that it possibly was</p> <p>3 a suspicious death.</p> <p>4 So, as per the guidance, he referred the matter to</p> <p>5 the cluster DI, who was DI Delaney, and as a result the</p> <p>6 HAT car was called.</p> <p>7 He also, Mr Learmonth, asked sensibly for the CCTV</p> <p>8 to be checked to see how Anthony had ended up where he</p> <p>9 did, but no relevant CCTV was found. He also, Inspector</p> <p>10 Learmonth, generated enquiries to find out who had</p> <p>11 called 999. Stephen Port was identified as having been</p> <p>12 the caller at 5.16. His address was discovered at</p> <p>13 62 Cooke Street, of course outside of which Anthony's</p> <p>14 body was found.</p> <p>15 Having discovered that, the police made repeated</p> <p>16 attempts to knock on Port's door. He didn't answer the</p> <p>17 door, though we know he was in fact inside. The cluster</p> <p>18 DI arrived at about 5.18 and then, as I have said, the</p> <p>19 HAT car was called. While the police were still outside</p> <p>20 Port's flat, Glen Aldwinckle, his flatmate, turned up</p> <p>21 and let the police into the flat and they found</p> <p>22 Stephen Port apparently asleep in bed.</p> <p>23 Inspector Learmonth had not heard about the previous</p> <p>24 allegation of sexual assault made by X1, which was on</p> <p>25 the PNC record. You then heard from DC Nikki Cross, who</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 was from the HAT team, and she arrived at 5.20 and was 2 briefed by the detective inspector, she arrived with 3 other HAT officers.</p> <p>4 At 6.07 on the CAD, the London Ambulance Service 5 entered that the caller was -- described the caller, so 6 Port in his call was described as "unsure and 7 apprehensive" and Inspector Learmonth in that context 8 agreed that a person reporting a suspicious death may be 9 a significant witness or may be a suspect. At 06.10, 10 this is behind divider 10, PNC checks were done on 11 vehicles relating to 62 Cooke Street and that 12 information was entered onto the CAD.</p> <p>13 Passing there, members of the jury, if a PNC check 14 had been done on Stephen Port it would have revealed the 15 X1 incident. If a PND check had been done, it would 16 have shown the incident at Barking station on 4 June 17 involving X3.</p> <p>18 A PND check was done on Anthony, and could just as 19 easily have been done on Stephen Port once his details 20 were known.</p> <p>21 Next to arrive was the crime scene manager, 22 Ms Kynaston, from whom you heard. She waited until 23 after the forensic medical examiner had pronounced life 24 extinct before she carried out any further examinations 25 and that was Dr Munro in the case of Anthony, who</p> <p style="text-align: center;">Page 61</p>	<p>1 were no obvious signs of wounds or trauma, but there was 2 bloodstaining on the right arm of his hoody, consistent 3 with Anthony having wiped his mouth which had blood in 4 and around it. There was no phone but there was 5 an Oyster card and a bank card. She noted that he was 6 wearing skinny jeans, which were buttoned up at the top, 7 but that the zip was broken.</p> <p>8 She arranged for the body to be taken away for 9 a special post mortem, as arranged by the HAT Detective 10 Chief Inspector Jones. Ms Kynaston said that she 11 thought it was possibly a drug-related death.</p> <p>12 Meanwhile, inside 62 Cooke Street, DC Young was 13 taking a witness statement from Stephen Port. That is 14 at your B/8. In it Port maintained that he had worked 15 a shift from 9.00 pm until 03.45, arriving home at about 16 4.00 am. He said as he approached his front door he saw 17 a male lying on the floor, blocking the entrance to his 18 flat. He tried to rouse him by slapping his face and he 19 made a gurgling noise. He then lifted him up by putting 20 his hands under his armpits and put him against the 21 wall. He then called 999, went indoors and fell asleep.</p> <p>22 You will recall, members of the jury, that 23 Mr Richards told you that Operation Lilford took 24 a statement from Stephen Port's line manager, 25 a gentleman called Mr Worthington. That statement was</p> <p style="text-align: center;">Page 63</p>
<p>1 arrived about 7.40 in the morning. You have his notes 2 in your bundle, and they are on the screen. He noted 3 that the body was cold and that there was stiffness of 4 the small joints, fingers, which indicated rigor mortis 5 had set in. He told you in his view Anthony had been 6 dead for up to eight hours or more and certainly more 7 than four hours. He said it was unlikely that he was 8 alive at 4.00 when the call was made. He was sure that 9 he had told the officers that, although it is not in his 10 notes, and you will see he noted, "Query epilepsy, 11 probably non-suspicious".</p> <p>12 It was him that dismissed the foot mark that the 13 officers thought they had seen and said it was 14 hypostasis. He pronounced life extinct at 07.51 and he 15 says that he told the officers -- or he told you that he 16 told the officers that he indicated to them that the 17 death could have been due to epilepsy or drugs, although 18 there is no mention of drugs in his note. He agreed 19 that in a witness statement that he had made, he said, 20 "The unusual possession the body could not be easily 21 explained", and he was sure that he had told the police 22 that he thought the body had been moved.</p> <p>23 The crime scene manager carried out her examination 24 of Anthony. She was concerned as it seemed to be the 25 wrong place for someone to be sitting. She said there</p> <p style="text-align: center;">Page 62</p>	<p>1 taken in November 2015. Mr Worthington recalled 2 an occasion which he described as three years before, 3 which would of course be 2012, but a day when 4 Stephen Port was due to come into work at 6.00 in the 5 morning, and that he had called Mr Worthington and said 6 that when he had tried to get out of his flats the door 7 was blocked by a young boy and he said he had had to 8 move him out of the way but that something wasn't right 9 and so he couldn't leave him there. So he told his 10 employer that he had called an ambulance. They arrived 11 and found that he was dead and he said he had tried to 12 leave for work when he was stopped by the police.</p> <p>13 Pausing there, that is information from Port's line 14 manager obtained by Lilford in November 2015, describing 15 a call which he thought it was three years before, and 16 of course it could have related either to Anthony or 17 indeed one of the other deaths, so bear that in mind but 18 I put it in there because that is what came from the 19 employer when Lilford asked about Port's work patterns.</p> <p>20 I have already reminded you that Chief 21 Superintendent Ewing made notes about the finding of 22 Anthony's body before 8.00 on 19 June and recorded that 23 he was told at a very early stage "Caller previous 24 sexual assault", we have already looked at that and it 25 is on your screen. Which was obviously a matter of</p> <p style="text-align: center;">Page 64</p>

<p>1 significance, as Mr Ewing agreed. He agreed too that it 2 should have been recorded on the CRIS at that early 3 stage, so that it was accessible to the investigating 4 officers. In fact, that reference to that incident did 5 not get on to the CRIS for another week.</p> <p>6 I just want to mention now another officer, 7 Inspector Harman. The reason I mention Inspector Harman 8 is because he was involved in the Gabriel Kovari scene, 9 but he also attended the Cooke Street scene on the 10 morning that we are dealing with at about 8.00. He was 11 made aware of what had happened by Inspector Learmonth 12 and that a male in his early 20s had been found, but it 13 was Mr Learmonth who was to retain responsibility, so 14 Inspector Harman had no other involvement, but it is 15 relevant to the question of whether there should have 16 been a link made when he later attended the Gabriel 17 scene.</p> <p>18 DCI Jones of HAT arrived as well at about 8.00. He 19 is PIP3 trained to investigate homicide, you know what 20 that means now, and he recommended the special post 21 mortem, due to the possible footprint, which it was 22 thought to be at that stage. He said he was not briefed 23 on any inconsistency between Port's account about 24 Anthony being alive when he moved him and Dr Munro's 25 view that he had been dead for up to eight hours,</p> <p style="text-align: center;">Page 65</p>	<p>1 But he said his HAT officers should have hoovered 2 up, as he put it, all the intelligence at the scene in 3 order to enable him, Mr Jones, and his team to 4 understand what was going on.</p> <p>5 I am just going to remind you of what Ms Mackay said 6 in relation to Anthony. She said that to her there was 7 a tension between Stephen Port's account and the 8 physical signs on Anthony's body, his temperature, the 9 hypostasis and the rigor mortis. She said that, those 10 features, should have triggered further investigation.</p> <p>11 At divider 12 of your bundle you have Mr Jones's 12 advice. This was the advice he gave to the on-call 13 cluster DI, Mr Delaney, as to the way forward.</p> <p>14 1, hold a special post mortem, 2, survey the scene 15 to review the route taken by Anthony, 3, make enquiries 16 about witnesses -- could we have the next page, please, 17 thank you -- 4, obtain intelligence on Anthony and trace 18 next of kin, 5, keep scene open until after the special 19 post mortem, and, 6, investigation to remain with 20 borough with support from homicide command.</p> <p>21 That record of advice, as you will see, indicates, 22 if you look in the box in the middle of the page, below 23 suspects N/A there is an entry:</p> <p>24 "Intel being conducted by KG [that means borough 25 officers] early intel suggests ... Anthony lives in</p> <p style="text-align: center;">Page 67</p>
<p>1 Mr Jones said I didn't know that, and nor did he know 2 that the London Ambulance Service had found Anthony to 3 be extremely cold and with a very low temperature. He 4 agreed that he ought to have told those things. He said 5 that in his view the death was unexplained. Then he 6 said:</p> <p>7 "Had I felt any information suggested the death of 8 Anthony was a homicide I would have declared the death 9 as suspicious and referred the investigation on to the 10 on-call detective superintendent for further 11 consideration."</p> <p>12 It was then suggested to him that the following 13 factors might have led him to treat the death of Anthony 14 as suspicious.</p> <p>15 Firstly, the position of Anthony's body. Mr Jones's 16 response to that was that he didn't see Anthony in the 17 position in which he was found and in which we see him 18 in the photographs, he said he wasn't in that position 19 when he saw him.</p> <p>20 He also said that he didn't know that Anthony's 21 flies were undone.</p> <p>22 He said that he did know that Anthony didn't have 23 a phone, but didn't think that was significant.</p> <p>24 He said he was not told of the previous allegation 25 of rape.</p> <p style="text-align: center;">Page 66</p>	<p>1 Hull."</p> <p>2 That is the HAT officer recording that intelligence 3 checks are being conducted by borough officers.</p> <p>4 DCI Jones signed that HAT return at around 8.30, but 5 he said he would have kept the matter under review.</p> <p>6 Then this, members of the jury, Mr Jones was asked about 7 the X3 incident from 4 June at Barking station. He 8 agreed that that information was "very impactful". He 9 said had he known about that, he believes that MIT would 10 have taken primacy in relation to Anthony's death. Had 11 he known about the X3 incident at Barking station, he 12 believes MIT would have taken primacy. You may think 13 that is very important evidence when you are considering 14 question 3(a) on the questionnaire.</p> <p>15 Ms Mackay said that had the British Transport Police 16 matter been discovered, she thinks the matter would have 17 gone to HAT and the death would then have been properly 18 investigated and that would have led to Stephen Port 19 being charged.</p> <p>20 We are then on to 9.30 on 19 June, on to your 21 chronology. There was a Pacesetter meeting chaired by 22 Temporary Superintendent Hamer of the borough at 9.30 23 and a gold group meeting was scheduled for the following 24 day, but it never in fact took place. A gold group is 25 designed to add broader value to an investigation. It</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 provides senior oversight and involves the wider 2 community, including independent advisory groups such as 3 the LGBT, but that gold group was never held that day 4 because, by then, the death was no longer being treated 5 as suspicious, due to the fact that the suspected 6 footprint had now been identified as being hypostasis.</p> <p>7 Just to note, in relation to an officer who was 8 involved in that meeting, who was involved later, 9 Inspector Joyce phoned into that meeting and he told you 10 when he gave evidence that finding a dead young person 11 in the street was rare, he said he thought he had come 12 across roughly two such deaths a year.</p> <p>13 Going back to China, Anthony's friend, she said she 14 had heard nothing from Anthony and was concerned but 15 thought he might still be asleep but once it got to 16 Thursday, she said she was worried and so she went to 17 the police.</p> <p>18 I am now going to deal with China and Kiera's 19 contact with the police on 19 June. This is 67 to 79 of 20 the bundle.</p> <p>21 China went to Golders Green police station at about 22 6.30 in the evening on 19 June. It was there that she 23 was told of Anthony's death. She gave the police all 24 the details about Anthony and all the details about 25 Joe Dean and Kiera joined her while she was there. She</p> <p style="text-align: center;">Page 69</p>	<p>1 mortem report was available, it is vital that police 2 officers at special post mortems record all the relevant 3 detail. For example, you will remember that there was 4 a record made by the crime scene manager -- I think I am 5 right in saying -- that Anthony's underpants were on 6 inside out and back to front, which was an important 7 piece of evidence, you may think. They should also have 8 recorded the finding of bruising, which, according to 9 the pathologist, possibly indicated that Anthony was 10 moved when he was still alive.</p> <p>11 The officers agreed that the bruising became more 12 important once it was established that Port's account 13 was untrue.</p> <p>14 In the oral briefing before the special post mortem 15 they were told, those attending, that Anthony had gone 16 to Barking for a sexual encounter. They also had Port's 17 account that he had dragged Anthony's body, which they 18 thought might explain his rucked-up clothing and the 19 bruising found at the post mortem.</p> <p>20 The examination itself started at 12.00 noon, it was 21 carried out by Dr Biedrzycki, who you heard from. His 22 report was not in fact available until 23 December, 23 because it couldn't be completed until after the 24 toxicology results.</p> <p>25 The strategy at the post mortem was to establish the</p> <p style="text-align: center;">Page 71</p>
<p>1 also told the police that Anthony had shown her 2 a photograph of Joe Dean and she gave the police 3 a description of him. She then took the police to 4 Anthony's address.</p> <p>5 The same evening the police spoke to Ellie Green, 6 one of Anthony's other friends. She confirmed that she 7 had been in phone contact with Anthony at about 10.00 8 the previous evening. So from then on the police knew 9 that Anthony had had a phone at 10.00. Once they knew 10 that from Ellie, they should have been alerted to the 11 fact that Anthony's phone was missing, you may think.</p> <p>12 You should note at this point too, members of the 13 jury, that Detective Sergeant Turrell, Debbie Turrell 14 from whom you heard, who was the officer in the case for 15 Gabriel and Daniel's investigations was also involved in 16 Anthony's investigations, in that she spoke to 17 Ellie Green, but she told you that she made no link when 18 she became involved with Gabriel and Daniel's deaths 19 back to the Anthony Walgate case.</p> <p>20 We now move to 20 June, page 3 on your chronology, 21 and we come to the special post mortem. DCI Jones was 22 on leave that day, so he asked Detective Sergeant 23 Southon to attend and the briefing is at divider 16.</p> <p>24 Both Mr Jones and Mr Southon agreed when it was put 25 to them that as it would take months before the post</p> <p style="text-align: center;">Page 70</p>	<p>1 cause of death and to see if there was any evidence of 2 third party involvement or if drugs or a weapon had been 3 used. The pathologist told you that Anthony had a heavy 4 brain and lungs, which are findings which are consistent 5 with ingestion of drugs. He had recorded, or it had 6 been recorded that there was "no sign of assault", but 7 the bruising under Anthony's arms, possibly due to him 8 being moved while he was still alive, and according to 9 the doctor which must have been caused in life, but 10 could have been caused while Anthony was unconscious or 11 just on the point of death, should have been recorded.</p> <p>12 Dr Biedrzycki said that he would not be happy to 13 give an estimate of the time of death from any findings 14 that he made. Going back to Ms Mackay's view about 15 that, she recognised that that was the medical view, but 16 she still thought that Anthony's low temperature, the 17 rigor mortis and the hypostasis should have led the 18 officers to question Port's version of events.</p> <p>19 She also took the view that the bruising could be 20 a sign of an assault, and therefore third party 21 involvement, which might indicate that the death was 22 suspicious. She was critical of the brevity of the 23 notes that had been taken and said that, of course, the 24 swabs should have been sent off.</p> <p>25 As I have said, the crime scene manager noted that</p> <p style="text-align: center;">Page 72</p>

<p>1 Anthony's underwear was inside out and back to front, 2 which could have been due to someone dressing him. But 3 she couldn't say that it must have been. It was noted 4 that Anthony was wearing a large size T-shirt. Port 5 told the police in his interview that he had put one of 6 his own T-shirts on to Anthony and Sarah Sak when she 7 found that out, Anthony's mother, said Anthony would 8 never willingly have worn someone else's clothes and had 9 she known that the T-shirt Anthony was found in was 10 a large size she would have told the police her view 11 about that, but she wasn't told that.</p> <p>12 The crime scene manager advised that toxicology on 13 the brown bottle should be carried out, together with 14 DNA and fingerprinting, and it was her view that very 15 likely drugs had played a part in Anthony's death.</p> <p>16 On 10 September Denise Stanworth's toxicology report 17 was produced. It revealed that the levels of GHB in 18 Anthony's blood and urine were more than 200 milligrams 19 per litre and she told you GHB was an anaesthetic drug, 20 more recently it had gained popularity on the dance and 21 club scene and has been implicated in date rape 22 incidents, its effects start after about 15 minutes and 23 may last several hours. It may depress you so much that 24 you don't wake up. It may lead to anaesthesia, coma and 25 respiratory depression. She said:</p> <p style="text-align: center;">Page 73</p>	<p>1 officers. He agreed that Dr Biedrzycki pointed out the 2 bruising to the pectoral muscles and everyone concluded 3 that it was caused when Port picked him up and dragged 4 him as he had described. The officer agreed, with 5 hindsight, that bruising could be evidence of an assault 6 and that he ought to have referred to it in his HAT 7 advice, which he didn't.</p> <p>8 He said he didn't remember any discussion about the 9 sexual assault, but sex swabs were obtained and he, 10 Mr Southon, advised that they should be submitted. He 11 was not aware of any timing issue in relation to death 12 being raised. His advice is set out behind divider 18. 13 It included submitting the sex swabs and the bottle. It 14 included making enquiries about Anthony's phone, 15 financial enquiries and research on Joe Dean. He told 16 you that he knew that it was thought that Port might 17 well be Joe Dean, which would mean that Port had lied to 18 the police and that he would have had to be arrested and 19 interviewed.</p> <p>20 He said in relation to intelligence checks that 21 borough officers can do their own crime intelligence 22 checks and can access previous crime reports and 23 information on what is called IIP, which can pull 24 information from different police reports. He was then 25 asked about the passage in bold at the bottom of the</p> <p style="text-align: center;">Page 75</p>
<p>1 "The concentration here is high and within the range 2 at which deaths from GHB intoxication have been reported 3 and that it could account for Anthony's death." 4 She said: 5 "Anthony may have laid unconscious for several hours 6 and therefore the concentration of GHB in his blood 7 could have been higher at an earlier time." 8 The cause of death was given as GHB poisoning and 9 when you look in due course at the record of inquest for 10 Anthony's case, you will see that that has been entered 11 for you as the cause of death.</p> <p>12 The pathologist, Dr Biedrzycki, told you that GHB is 13 notorious because of the small difference between 14 a non-fatal and a fatal dose. With a higher dose the 15 euphoria gives way to sedation and unrouseable sleep. 16 You will recall, and I have already reminded you, that 17 the bottle that was found with Anthony did have GBL in 18 it, or traces.</p> <p>19 You then heard from Detective Inspector Southon, who 20 was a HAT officer who was at the special post mortem, he 21 was there with another officer called DC Davidson, who 22 was going to act as an exhibits officer from the HAT 23 side of things. He agreed that it was important that 24 a record was kept of all potentially relevant matters 25 and that a full discussion took place with the borough</p> <p style="text-align: center;">Page 74</p>	<p>1 document that you have on your screens: 2 "There is nothing to suggest that the victim has 3 been assaulted. This investigation remains with KG 4 [meaning the borough] and SC&O1 involvement is 5 complete." 6 He said that decision was made by Detective 7 Inspector Hughes. He told you: 8 "I think it was the lack of obvious cause of death 9 or any evidence to say Anthony had been unlawfully 10 killed that led to the borough keeping the 11 investigation. There was no mention of involuntary 12 overdose." 13 He agreed however with the guidance, which was to 14 think murder. He said that the fact that Anthony was 15 employed as an escort, that Port was in fact Joe Dean, 16 that Port had lied to the police and that Anthony had 17 met Port meant that in fact now it was too soon to rule 18 out homicide. He said there were a number of enquiries 19 that were still ongoing to try to find out what had 20 happened and gathering of that intelligence is critical 21 to homicide investigations. He agreed that his team had 22 specialist officers who could gather intelligence and 23 create profiles.</p> <p>24 I am now going to turn to the borough investigation 25 as it took place from 20 June onwards. This involved</p> <p style="text-align: center;">Page 76</p>

<p>1 Detective Constable Parish, Detective Sergeant O'Donnell 2 and Acting Detective Inspector McCarthy. DC Parish told 3 you that he was tasked to do various things by Detective 4 Sergeant O'Donnell, for example on 20 June he made 5 enquiries into Anthony's use of his Oyster card and both 6 he and Mr Parish, so Mr O'Donnell and Mr Parish, 7 attended the special post mortem, having been briefed by 8 DI McCarthy. Mr McCarthy was then on leave until 9 25 June.</p> <p>10 You have Mr O'Donnell's notes behind 17, which 11 includes notes about the underwear being inside out and 12 back to front and includes actions such as, "PNC, IIP, 13 fast track, Port = Joe Dean?" could we just have page 13 14 of that document on screen, please.</p> <p>15 That is where those things are entered, on the 16 right-hand side "PNC, IIP, fast track, Port = Joe Dean?" 17 As well as other matters.</p> <p>18 DS O'Donnell entered the result of the special post 19 mortem on to the CRIS, this is divider 71, but did not 20 refer to submission of the sex swabs as had been advised 21 by the HAT team, so Mr O'Donnell enters the result of 22 the special post mortem onto the CRIS but not the need 23 to submit sex swabs, which is probably why that action 24 got lost. He didn't refer on the CRIS either to the 25 position of the underwear nor to the suspicion that Port</p> <p style="text-align: center;">Page 77</p>	<p>1 also says that she told him that Anthony would be glued 2 to his phone, and therefore the significance of him not 3 having a phone with him when his body was found. She 4 also said she told Mr Slaymaker how safety conscious 5 Anthony was after he had been mugged in London and that 6 he would never take drugs voluntarily.</p> <p>7 She says that she told or asked Mr Slaymaker to look 8 at Anthony's laptop, but that she was told that was too 9 expensive. Mr Slaymaker refutes a lot of that detail.</p> <p>10 On 24 June China spoke to Mr Slaymaker. She told 11 him some details about where Anthony was going that 12 night. She said that he had bought some poppers for 13 that particular night and she said:</p> <p>14 "I remember being asked several times about drugs 15 and I was saying he would smoke cannabis very rarely and 16 socially, but not with clients, and I kept telling him 17 that he categorically would not take drugs with 18 a client."</p> <p>19 On 25 June Mr McCarthy was asked to supervise the 20 investigation and he was effectively in charge until he 21 handed it over to DS O'Donnell on the 30th, so 22 Mr McCarthy is involved from the 25th to the 30th.</p> <p>23 On that day, the 25th, China told the police that 24 she was 97 per cent sure that the photograph of Port was 25 the same male who had been described as Joe Dean and</p> <p style="text-align: center;">Page 79</p>
<p>1 might be Joe Dean, and he agreed that those omissions 2 were indeed all oversights by him.</p> <p>3 On 22 June DC Parish went with China to Anthony's 4 flat in Golders Green and found out from China about 5 Anthony's escort work.</p> <p>6 On 23 June DS O'Donnell, page 76, tab 2, records the 7 investigation strategy for what he describes as 8 a "suspicious death". Reference is there made to 9 recovering Anthony's laptop and sending it for analysis. 10 He also then referred to swabs being sent for analysis, 11 as well as the sex swabs together with the bottle, which 12 was at that stage wrongly believed to contain poppers. 13 There was no reference there to Port being Joe Dean.</p> <p>14 The family liaison officer in Anthony's case was 15 Temporary Detective Constable Slaymaker, who had never 16 been a family liaison officer before, and as you know 17 from Ms Mackay's evidence a family liaison officer 18 should always be a detective constable. He spoke to 19 Sarah Sak. You have his logs. I am not going to take 20 you to them but if you want to, you can read them 21 through in due course. There are differences between 22 what he says was said by him and to him and differences 23 with what Sarah and others say was said to them and by 24 them. Sarah says that she made it clear from the outset 25 that she believed that Anthony had been murdered. She</p> <p style="text-align: center;">Page 78</p>	<p>1 whose photograph she had been shown by Anthony. At that 2 point the police know that China was 97 per cent sure 3 Port was Dean.</p> <p>4 Then, taking you to page 82, behind tab 2, this is 5 the first reference on the CRIS to the previous 6 allegation against Port, involving X1, referring to 7 unconsensual anal sex with a male after making him take 8 poppers and the CRIS refers to, "Currently awaiting full 9 details".</p> <p>10 At page 116 of the same document Mr McCarthy set 11 some actions for Mr O'Donnell, including, "Conduct intel 12 research, PNC/IIP et cetera, on Port". It was agreed by 13 the officers that those checks should have been done on 14 all police indices, including the PND. I have already 15 referred you to the fact that earlier the borough police 16 had managed to do intelligence checks on Anthony and had 17 done IIP, PNC and open source checks on him.</p> <p>18 Mr McCarthy said that he expected Mr O'Donnell to do it 19 and to include in that check a PND check. Mr McCarthy 20 also agreed that he should have ensured that 21 Mr O'Donnell had carried out those tasks.</p> <p>22 In fact, the PNC printout relating to X1 was done at 23 16.01 that day. Then tab 20 -- we are around 4.00 on 24 the afternoon now of 25 June -- I don't think we have 25 the right reference, but it doesn't matter. One of the</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 HAT officers had an email -- I think it is tab 20 but it 2 is not coming up on the screen. Don't worry. 3 There is an email in your bundle, which we can get 4 the reference to in due course, which came from a lady 5 called Syria Hussain, who was from the homicide command. 6 She emailed DI Hughes, who was the officer who had 7 signed off the HAT advice -- this is it now, thank you 8 very much. It is referring to a call to HAT from 9 Mr McCarthy. You will see within this email 10 Syria Hussain advised that in the light of the new 11 information that Port was Joe Dean, they should be 12 looking to arrest Port, secure his address, look for the 13 victim's phone and Port's laptops and phones. 14 Effectively, DI McCarthy was asking MIT to take the 15 job on as it had now become suspicious. In the context 16 of proper record keeping and so on, which is one of the 17 at the topics you will have to consider, DI Jones told 18 you that he knew nothing about this email. Pausing 19 there, members of the jury, by this date, 24 June, Port 20 had gone from being someone who found a body on his way 21 home from work, to someone who had lied to the police, 22 had been the subject of a previous allegation of male 23 drug rape two years earlier and Mr McCarthy agreed that 24 was a powerful basis for further enquiries. It should 25 have led to a statement being sought from X1 and to all</p> <p style="text-align: center;">Page 81</p>	<p>1 That is what Mr O'Donnell said, and I remind you X3 2 was a complainant, in the sense that he was one of the 3 victims at Port's trial. 4 We then move to DI Kirk, from whom you heard 5 a number of times but in this context, of the Anthony 6 investigation he said that his view was that this 7 investigation was becoming more and more complex and 8 needed investigation by others. He spoke to DCI Jones 9 but he, Mr Jones, still didn't consider it to be 10 a murder. 11 DCI Jones was asked about a number of things and 12 what he would have done had he known about them. He 13 said had the toxicology reached him saying that Anthony 14 had died of GHB intoxication, and remember the 15 preliminary report of that was available before 16 Gabriel's death, then he, Mr Jones, knew that it was 17 a known date rape drug and this would have called for 18 further investigation, especially bearing in mind the 19 previous alleged date rape incident. He agreed that in 20 that context it would have been relevant that his 21 friends, Anthony's friends, had said he would never have 22 taken GHB. 23 Mr Jones said had he known about the 4 June 24 incident, with the similarity of Port assaulting X3 who 25 he met over the internet, said he had found outside his</p> <p style="text-align: center;">Page 83</p>
<p>1 the intelligence being obtained. Mr O'Donnell also 2 agreed that this was a very significant piece of 3 information, the X1 incident, in the context of Port 4 giving the victim drugs and raping him and the special 5 post mortem findings of heavy organs consistent with 6 drug overdose. 7 Ms Mackay's view of the X1 incident was that this 8 information was extremely significant, because it 9 suggested a pattern of behaviour by Port and similar 10 circumstances to those between Anthony and Port. Once 11 it came to police attention, she said they should have 12 been to X1 and taken a statement from him. 13 In relation to the PND check, which would have 14 revealed the Barking station incident, Mr O'Donnell said 15 it didn't cross his mind, though he agreed it could 16 easily have been done. He agreed that that was another 17 serious oversight. As you know, had he done a check, it 18 would have come back with the incident involving X3 on 19 4 June. The significance, the officer agreed, would 20 have been immediately apparent to him and he told you, 21 "It is a huge failure not to have got that report. It 22 could have been done very easily by the Met Intelligence 23 Bureau and had I seen this [the report from Barking] 24 I almost certainly would have commissioned someone to go 25 and speak to X3."</p> <p style="text-align: center;">Page 82</p>	<p>1 home, who was under the influence and had been sick and 2 that Port was looking for his phone, he agreed, as 3 I have already reminded you, it was very impactful and 4 that elements were strikingly similar to Port's 5 interaction with Anthony and that information might have 6 made a difference to the decision on primacy. He said 7 he would have wanted X3 to be spoken to. 8 He agreed, Mr Jones, that Port's laptop was seized 9 on 27 June and that the HAT advice was to "ensure it was 10 submitted for download". That was not done for 11 10 months, and when the short report was available from 12 DC Parish it was lacking, as you know, in relevant 13 detail. Mr Jones said that should have been done sooner 14 and should have revealed the true picture and he agreed 15 that the download of Port's laptop would have been 16 extremely important evidence in the investigation into 17 Anthony's death and, "Had I been aware of it, I would 18 have taken over the investigation". 19 Pausing there, and just setting out for you the 20 failures so far, which have been accepted (1) the laptop 21 not being submitted for examination (2) the PND check 22 not being carried out and (3) the relevance of the X3 23 and X1 incidents not being appreciated. 24 The evidence demonstrated that the MIT teams, the 25 murder investigation teams, do have better qualified</p> <p style="text-align: center;">Page 84</p>

<p>1 officers, better resources and access to the HOLMES 2 system, which would have meant a proper investigation 3 and nothing, as somebody described it, falling through 4 the cracks, as in fact happened.</p> <p>5 Of course, had Stephen Port been charged with murder 6 or homicide of some sort before August 2014, he would 7 have been remanded in custody and Gabriel, Daniel and 8 Jack would not have been murdered.</p> <p>9 Moving on now in the chronology, we are on 26 June. 10 Again, in relation to the PNC report, it had been 11 printed but again the detail hadn't been entered on the 12 CRIS as it should have been. Nor was it included in 13 a briefing document to Mr McCarthy. Mr O'Donnell in 14 that context agreed that it was an understatement to 15 describe it as useful intelligence. Again, he set out 16 and agreed that Port had lied, Anthony had died of drugs 17 and there was evidence that Port had raped with drugs. 18 Again, he agreed that he should have gone and 19 interviewed X1 and that the information now available 20 from this made the other intelligence checks even more 21 important.</p> <p>22 Mr O'Donnell said had he known about the X3 report, 23 he would have tasked somebody to go and speak to X3.</p> <p>24 At 8.05 that morning, so we are on 26 June, Mr Hamer 25 emailed Mr Kirk and Mr McCarthy stating that it was his</p> <p style="text-align: center;">Page 85</p>	<p>1 which the warrant was to relate included, "The 2 unexplained death of Anthony Walgate".</p> <p>3 At 10.00 that morning, Mr Desai went to the 4 Magistrates' Court and obtained the warrant. At 11.30 5 there was then a meeting at which Mr McCarthy tries to 6 persuade Mr Jones to take primacy and Mr McCarthy 7 records in his notebook, "Still not a homicide". He 8 said that that was a reference to what Mr Jones said to 9 him at that meeting.</p> <p>10 Mr Jones doesn't agree with that. He says that he 11 doesn't recall there being any discussion about primacy 12 that day.</p> <p>13 The plan was, however, that the MIT team were to 14 continue to assist, including providing a MIT officer to 15 interview Port but as you know that never happened and 16 in the event DC Desai carried out the interview. Port 17 was arrested at 2.12 on 26 June. And at 5.30 that day, 18 before the interview, the HAT advice was updated to 19 record the arrest and it still said, "Borough to retain 20 responsibility for this unexplained death 21 investigation".</p> <p>22 The HAT east team were to be made available to 23 provide urgent further advice or assistance over the 24 weekend because the original team, MIT 20, who had been 25 involved -- could you take that down, please -- were not</p> <p style="text-align: center;">Page 87</p>
<p>1 view, as at that morning, that MIT should now take over, 2 and he referred to the matter being, "Forced if and when 3 we arrest for murder" and he asked them to be 4 "pleasantly demanding of DCI Jones", saying at the end, 5 "The aims for today are SC&O1 ownership, caller arrested 6 and scene secured".</p> <p>7 Mr Hamer explained to you in the context of that 8 email that he felt MIT needed ownership due to the 9 complexity of the investigation. There was 10 an unexplained death, there was a deceased with bruising 11 and there was a lying witness. Of course this was 12 before Port's first interview, and Mr Hamer wasn't even 13 aware of the X3 incident or the details of X1's 14 allegation, nor the contents of Port's laptop.</p> <p>15 He agreed, this is Mr Hamer, that all that together, 16 together with the further inconsistent accounts in 17 interview, would have made the case even more complex 18 and made an even stronger case for MIT to take over and 19 for Port to be arrested for murder.</p> <p>20 DC Desai, who you heard from, is PIP level 2 trained 21 he was tasked first of all on that morning to go and get 22 a search warrant from the Magistrates' Court to search 23 Port's address. The application for the search warrant 24 included reference to the pathology indicating drugs and 25 to a previous arrest for drug rape. The offences to</p> <p style="text-align: center;">Page 86</p>	<p>1 on duty over that weekend.</p> <p>2 We then come to Mr Desai's interview of Port, and 3 I am going to summarise some of what he said, you of 4 course have it in your bundle should you want to read it 5 again. You will remember one particular question from 6 Mr Desai to Mr Port was:</p> <p>7 "To me, I am thinking you murdered him."</p> <p>8 He told you in relation to that question:</p> <p>9 "I couldn't be certain that he had murdered him, but 10 it was going that way. It was all very suspicious to 11 me."</p> <p>12 That is what the interviewing officer said. That 13 interview started at 17.48 and finished at 7.30. As 14 I say, Mr Desai said he thought it was all very 15 suspicious and that somehow Stephen Port had been 16 involved in Anthony Walgate's death and he had assumed 17 that Mr McCarthy would refer it back to HAT after the 18 interview. The points to note perhaps from that first 19 interview of Port are that he maintained initially that 20 he had worked an odd shift until 3.45 in the morning and 21 arrived home to find Anthony's body. You will want to 22 consider whether that should have triggered enquiries 23 with his employer, that assertion by Port, and Ms Mackay 24 says it should have done.</p> <p>25 He described moving the body twice, holding him</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 under his arms and dragging him and carrying him, but he 2 denied knowing that it was a dead body at that time. 3 You will want to consider if you think it is relevant, 4 should that have created a suspicion due to the 5 pathologist finding bruises that had been caused in his 6 view during life, and the evidence from Dr Munro and the 7 ambulance that he was very cold, and according to 8 Dr Munro had been dead for up to eight hours. 9 Port said in interview initially, it was not the 10 Anthony I knew. He admitted taking mephedrone with X1 11 in that interview and then he suddenly said that he had 12 met a guy called Anthony online who came round and had 13 sex and left, but then he said the male he had found at 14 4.00 in the morning couldn't have been the same boy. 15 Then he went on to tell DC Desai that he had used -- he 16 himself used to act as an escort, charging a maximum of 17 £350. Should that have set alarm bells ringing about 18 the £800 agreed by Port with Anthony? 19 He then began to give an account of Anthony wanting 20 to take something, them having sex, Anthony being sick 21 and then leaving Port's address to go and see a friend 22 in Barking, which we know now is obvious nonsense. 23 Next, Port referred to, "The last time I was in 24 prison I almost lost my job". That is important, 25 because it comes up in relation to the next interview.</p> <p style="text-align: center;">Page 89</p>	<p>1 suspect Port has lied to us, so he has been arrested for 2 perverting the course of justice and theft." 3 Mr Kirk and Mr Hamer both agreed in their evidence 4 before you that full intelligence checks were very 5 important and should have included the PND. Mr Kirk 6 said: 7 "We, the borough, had all reached a tipping point 8 before this." 9 Mr Hamer said: 10 "We were pushing for MIT to take it on." 11 He agreed that after the interview the investigation 12 became even more complex due to Port's further lies and 13 he would have expected a further approach to MIT. 14 The question of primacy did not end there. 15 DCI Jones spoke to DI Kirk, the head of CID here in 16 Barking. Mr Kirk made a number of requests for Mr Jones 17 to take on primacy. 18 Firstly, for example, he said he had no suitably 19 trained interviewing officers and he was concerned that 20 it might be a homicide. Mr Jones said he told Mr Kirk 21 to raise his concerns with Detective Superintendent 22 Sweeney, who was the on-call detective superintendent, 23 in accordance with the policy where there are disputes 24 over primacy. 25 At 21.53 Mr Kirk did just that. He emailed</p> <p style="text-align: center;">Page 91</p>
<p>1 Then finally he changed his story, said that he put 2 Anthony to bed and went to work, that Anthony was still 3 in the bed when he got home and that he didn't know what 4 had happened to Anthony's phone. 5 The upshot of DC Desai's interview, members of the 6 jury, was that Port was a liar, who had spent the last 7 48 hours of Anthony's life with him, who had on the 8 evidence you may think dressed him, propped him up 9 against a wall and told a pack of lies to the ambulance 10 and the police. Where did that or should that have left 11 the investigation? 12 After that interview, again a matter for you, the 13 following matters needed to be investigated, you may 14 think, including where was Anthony's phone, financial 15 enquiries about each of their financial situations, 16 Port's bedding and bins for signs of what he said had 17 happened. 18 His employer should have been seen. Traces should 19 have been made to find X1 and X3. And a further 20 interview conducted, as we know it was. 21 At 18.32 Mr Kirk updated Mr Ewing with the list of 22 enquiries, including research on Port -- you have that 23 on your screen. He records: 24 "Although there is nothing to suggest Walgate was 25 murdered at this time, his phone is missing and we</p> <p style="text-align: center;">Page 90</p>	<p>1 Mr Sweeney, among others, asking for a HAT senior 2 investigation officer and referring to, "The suspect 3 having previous for plying male with drugs". 4 His words were that the death was "on the balance of 5 probabilities, at the hands of another. I appreciate 6 that a murder charge may not be the final outcome, but 7 the investigation is becoming increasingly complex". 8 He provided detailed reasons as to why in his view 9 MIT should take over, referring to the lack of resources 10 on the borough. He said it needed access to the HOLMES 11 system and a trained SIO to take over and he attached to 12 that email the previous HAT advices and the current 13 situation report, including DC Desai's interview 14 summary. 15 He told you that he wanted homicide command to take 16 over the case, more and more information was coming to 17 light. Mr Kirk did not receive a reply to that email. 18 Mr McCarthy and Mr Hamer were both asked about their 19 views as to this and they said they completely agreed 20 with Mr Kirk's view that primacy should be taken. 21 That evening, the 26th, Detective Superintendent 22 Sweeney telephoned DI Kelly -- DI Kelly was one of the 23 HAT officers from the MIT team 22 from whom you heard -- 24 and Mr Sweeney told Mr Kelly about the death in Barking, 25 so that his MIT team could continue to provide HAT</p> <p style="text-align: center;">Page 92</p>

<p>1 assistance. He promised officers to assist and a MIT 7 2 support team came here to Fresh Wharf the next day and 3 they included DC Levoir and DC Holt, who were in due 4 course to carry out the second interview with Port. 5 Pausing there, members of the jury, I remind you 6 that we had planned that you would hear from Detective 7 Superintendent Sweeney, but I concluded that for good 8 reason he couldn't in fact come to give evidence. You 9 will bear that in mind when you are considering 10 communications in which he was involved, because he 11 hasn't been asked what was in his mind, what he meant by 12 certain things that were said and particularly in the 13 important email that we will come to in a moment. Bear 14 that in mind. We had wanted him to be here but he 15 couldn't, for very good reasons. 16 Before we come on to 27 June, I just want to remind 17 you what Ms Mackay said in relation to the stage we are 18 now at. She said Anthony's death should in her view 19 have been treated as suspicious. There were a number of 20 unanswered questions, which included the bruising, lies 21 told by Port, the fact that he may have been Anthony's 22 client, the missing phone which in her view was very 23 important and the lack of contact with his friends, 24 which was very unusual. Her view was that primacy 25 should have been taken on 26 June, because the</p> <p style="text-align: center;">Page 93</p>	<p>1 didn't go to the borough, it didn't go to Mr Kirk, so he 2 never saw this. 3 It is copied in fact to his superiors, and copied to 4 DCI Jones and DI Kelly, who were both of course from the 5 HAT team. It is set out at length, the decision that 6 Mr Sweeney took, he said: 7 "I have not taken that decision [in other words to 8 take on the investigation] but have made what I consider 9 to be a pragmatic decision to ensure that we clear the 10 ground in front of us at present and then decide where 11 that leaves us. I will then be able to make a proper 12 assessment." 13 He then appoints DI Kelly from MIT 22, with 14 DS Reeves and: 15 "... as many DCs from MIT 7 that are required to 16 support the borough in the following five things: 17 "(1) interviewing Port. 18 "(2) dealing with the crime scene. 19 "(3) family liaison. 20 "(4) tracing the victim's missing phone. 21 And, importantly: 22 "(5) reviewing the enquiries already undertaken." 23 Reviewing is something that Mr McCarthy, and indeed 24 Mr Cundy, felt was something that was a failure here, 25 the lack of a review, but that was the recommendation</p> <p style="text-align: center;">Page 95</p>
<p>1 investigation was by then clearly complex, the skill set 2 of the borough officers was such that they were not able 3 to progress it as a HAT team could. The reference by 4 HAT to it not being a homicide is no answer at all, 5 because she said not all homicides are obvious. She 6 said this needed a properly trained SIO and proper 7 management of the actions, forensics and planning. 8 Proper structure to the interviews, engagement with the 9 family, all with the added benefit of the HOLMES system. 10 Moving now then to 27 June, that morning Mr Hamer 11 spoke to Mr Sweeney about primacy and he recalled that 12 Mr Sweeney's attitude was "not yet" rather than a firm 13 "no". He pointed out that Mr Sweeney was on call over 14 the weekend if Mr Ewing, his superior, needed to speak 15 to him and he agreed that it would have been helpful -- 16 this is Mr Hamer -- had he set out the response in 17 writing, either to Mr Kirk or Mr McCarthy. Remember it 18 was Mr Kirk's email to Mr Sweeney, among others, asking 19 for primacy to be taken and yet he received no reply. 20 We then come to the important Sweeney email at 21 10.43, which sets out Mr Sweeney's approach to the 22 Anthony Walgate investigation in some detail. I commend 23 you to read that in full in due course. I am going to 24 remind you of some of it, but not all of it. The 25 important thing to recognise, members of the jury, is it</p> <p style="text-align: center;">Page 94</p>	<p>1 here. 2 The purpose of that, according to Mr Sweeney's 3 email, was: 4 "... to ensure that nothing is missed and that the 5 investigation has sufficient expertise to undertake the 6 tasks. As these tasks are completed, it will hopefully 7 shed light on the circumstances of the as yet 8 unexplained death of Anthony Walgate. Should I consider 9 that it points to a homicide more than a drug overdose, 10 or that the investigation at that stage is beyond the 11 capabilities of the borough, I will make the decision to 12 take the investigation on and relieve the borough of any 13 investigative role." 14 He then sets out his reasons for not taking on the 15 investigation at this stage and concludes by saying: 16 "Primacy will be regularly reviewed as the 17 investigations undertaken produce results." 18 Despite all that, as you know, there was no review 19 that we know about. 20 Mr Kirk was asked about this email, and as I have 21 told you, he said he hadn't seen it, but by reference to 22 the ongoing review he said such a suggestion was rare 23 but that he should have been told about it and copied 24 into the email, because it was a reply, in effect, to 25 his email to Mr Sweeney. He said when he returned to</p> <p style="text-align: center;">Page 96</p>

<p>1 work after some days off he found out that the case had 2 been left with his team and that the borough were left 3 in the unusual position of investigating an unusual 4 unexplained death which a senior detective, in other 5 words him, had indicated was probably a homicide. He 6 wanted to make sure that it was however properly 7 investigated and that adequate resources were allocated, 8 but he didn't know that Mr McCarthy, to use a phrase 9 that has been used, had stepped back within a few days 10 and that the investigation had been left to 11 Mr O'Donnell.</p> <p>12 Pausing there, Ms Mackay disagreed with Mr Sweeney's 13 decision not to take primacy at that stage. But she did 14 agree that the level of support that he offered in that 15 email was a good level of support.</p> <p>16 I will just go on to the end of this day and then we 17 will break for lunch.</p> <p>18 Detective Sergeant Reeves was only involved on 19 27 June, he was in the on-call support team, MIT 7, and 20 he was asked to assist the borough and to supervise the 21 DCs who were coming with him. Mr McCarthy was providing 22 the tasks that the officers were to carry out, in other 23 words to interview Port, to search his flat, to deal 24 with the crime scene, family liaison strategy, tracing 25 Walgate's phone and reviewing the investigation. All</p> <p style="text-align: center;">Page 97</p>	<p>1 occasion, took some handwritten notes of the answers 2 that Port gave. She recalled that she had done a typed 3 summary, but that has never been traced and the only 4 reference on the borough documents is to her handwritten 5 notes. You will remember she had asterisked a few parts 6 in the interview notes as to things that should have 7 been done, but there was no further report from those 8 officers to the borough and there should have been, said 9 Ms Mackay.</p> <p>10 In that interview the officers expected to ask 11 questions about what Port had said in his first 12 interview about the last time I was arrested, but when 13 they came to that topic he in fact volunteered not the 14 information about X1 but the information about the 15 incident at Barking station, which was clearly of the 16 utmost importance.</p> <p>17 DC Holt said that that information coming from the 18 interview would have been passed over in the debrief to 19 Mr McCarthy and to Mr Reeves, but Mr McCarthy said he 20 wasn't told about Port mentioning that Barking railway 21 station matter. As I say, Ms Mackay says DC Levoir, 22 first of all, should have done her best as a PIP5 23 interviewer to progress the investigation and there 24 should have been much better feedback to the borough, 25 with an evaluation of the interview and actions set with</p> <p style="text-align: center;">Page 99</p>
<p>1 those matters being the ones that are set out in 2 Mr Sweeney's email. He said indeed the aim was to 3 ensure that nothing was missed and to enable Mr Sweeney 4 to then review the decision on primacy, but he agreed 5 there never was at least a documented review of that 6 happening.</p> <p>7 Mr McCarthy said that he didn't know that MIT were 8 asking for a review, because of course he was not copied 9 into the Sweeney email either. As we have just noted, 10 Mr Sweeney had appointed DI Kelly to come to the 11 borough, but in fact he didn't do so and he oversaw his 12 officers by telephone. Ms Mackay said that was not 13 appropriate and DI Kelly should have come here and 14 carried out the supervision in person.</p> <p>15 Between 12.30 and 2.30 Port's flat was searched, the 16 laptop was seized, as was his phone, together with 17 a pair of pants in the bin labelled "born4porn" and two 18 folders of pornography, which the HAT officers advised 19 Mr McCarthy they should be reviewed, although it never 20 was.</p> <p>21 Between 13.10 and 14.55 DCs Levoir and Holt were 22 tasked to conduct what they described as a no challenge 23 interview, although Mr McCarthy says he didn't use those 24 words. As you know, DC Levoir, who was PIP5 trained, 25 but said she wasn't performing that role on this</p> <p style="text-align: center;">Page 98</p>	<p>1 a view to a future challenge interview after the actions 2 had been completed.</p> <p>3 She said in any event, on the other side of the 4 coin, someone in the borough should have reviewed 5 DC Levoir's notes and noted the areas she had 6 highlighted for future action and somebody should have 7 followed up the Barking station incident, which Port had 8 volunteered. Had they, of course, the BTP report would 9 have come to light, showing that two weeks before 10 Anthony's death Port was exhibiting a similar pattern of 11 behaviour towards a sexual partner.</p> <p>12 In fact, there was no further contact between the 13 borough and HAT after 27 June.</p> <p>14 Following the interview, there was no challenge 15 interview and Port was bailed until 5 August, and there 16 were no further interviews until we came to 17 Operation Lilford.</p> <p>18 Members of the jury, I am going to pause there now 19 and we will have some lunch.</p> <p>20 Could you be back, please, for 1.55.</p> <p>21 Thank you. 22 (12.55 pm) 23 (The Luncheon Adjournment) 24 (1.54 pm) 25 (In the presence of the jury)</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 THE CORONER: Welcome back, members of the jury. I thought 2 we had finished 27 June, but we haven't quite. If you 3 are looking at your chronologies, we are at the bottom 4 of page 4 and we have just dealt with the Levoir and 5 Holt interview. I don't know whether we can have on the 6 screen tab 37, page 10, thank you, which records that 7 the plan was to have a forensic strategy meeting during 8 the following week, the week commencing 30 June, and the 9 action was set, "His mobile phone and computer will 10 require examination", so that topic is still being 11 recorded as something that needs to be done and 12 Ms Mackay said that obviously should have been done. 13 Then tab 36 is the HAT advice at 3.30 that 14 afternoon, which you have on your chronology, which 15 again is the advice from Detective Sergeant Reeves, and 16 states, "Ensure suspect's phone and laptop are submitted 17 for download". 18 Mr Reeves said it was obvious what needed to be done 19 with the laptop and he didn't need to give any further 20 guidance, he didn't think, in that regard. You will see 21 that halfway down the box in the middle of the page that 22 is on the screen at the moment. 23 Then the question arose during the evidence as to 24 whose job it was to get the laptop looked at, submitted 25 and downloaded. Mr Parish told you he wasn't allocated</p> <p style="text-align: center;">Page 101</p>	<p>1 Mr Kelly, said that he kept an open mind as to whether 2 the death was murder or accidental overdose and he 3 assumed that the appropriate enquiries were ongoing. 4 Where we saw on the HAT return, "Intel being 5 conducted by MIT 7", that is at tab 36, in fact -- the 6 next page, I think -- there is no evidence that that was 7 being done by MIT. So, again, we have that situation 8 that Ms Mackay described as things falling between the 9 cracks. 10 Mr O'Donnell agreed that the failure to do those 11 intelligence checks was "a terrible failure", because it 12 meant that they didn't get the British Transport Police 13 information. He said, Mr O'Donnell, that he thought MIT 14 were doing it. Mr Kelly finally on the topic of primacy 15 said that he expected that Mr Sweeney would take a final 16 primacy decision at a later date, once the enquiries had 17 been completed. Both Mr Reeves and Mr Kelly agreed that 18 the information from the interview about the incident at 19 the station should have been followed up by further 20 intelligence checks and that then the investigation 21 should have been reviewed, but none of the officers from 22 whom you have heard has taken responsibility for any 23 review and none was in fact carried out, as we know. 24 Thereafter, the investigation, which Mr Kirk said he 25 believed was a probable homicide, was going to be</p> <p style="text-align: center;">Page 103</p>
<p>1 the task until 10 months later, on 24 April, and that 2 when he did submit the laptop in April, a USB stick came 3 back with it, with the data on it, which as you know, he 4 recorded, but not in the detail and the necessary 5 detail, that DC Thomas was to record in 6 Operation Lilford. 7 DI Kelly said that he, in this period, spoke to 8 Mr McCarthy several times and was providing him with 9 officers who could help with firstly the search and of 10 course the interviews that had happened that afternoon. 11 But, as I reminded you this morning, Ms Mackay said that 12 really in her view wasn't good enough and DI Kelly 13 should have spoken to the borough officers face to face, 14 there should have been an open discussion so that he 15 could have assessed the competence of the borough and 16 their ability to do what was required. 17 DI Kelly said that the next step after the interview 18 should have been to obtain the information which the 19 interview sort of threw up, and to confirm or contradict 20 Port's account. He said that interview and those 21 actions from it should have been followed up by 22 Mr McCarthy with help from the murder investigation 23 team. Then tab 37, page 11 is Mr Kelly's review and 24 that is on the screen at the moment, which included 25 a referral to the LGBT IAG, Mr Hodgson, and he,</p> <p style="text-align: center;">Page 102</p>	<p>1 investigated by the borough and it was allocated to 2 A/DI McCarthy. At tab 60 we have an email sent from 3 Mr Hamer to Mr Ewing to update him. He said that that 4 email did not refer to primacy, because Mr Sweeney's 5 email had said -- or Mr Sweeney had said not yet and 6 they had to move on with the investigation on the 7 borough. He agreed he could have escalated that 8 decision to above Mr Sweeney, to what they call ACPO 9 command, but he didn't do that. He said there was 10 always an option for a further referral, but he assumed 11 that there was sufficient resource for the required 12 enquiries. He said it wasn't unusual for an unexplained 13 death to be allocated to a detective sergeant. 14 Mr Hamer concluded by saying he didn't know that 15 there was no further approach to the HAT teams and he 16 would have expected that to happen if there were 17 significant further developments. 18 We are now on 29 June. At tab 61 is an email which 19 Mr Ewing sent over that weekend to Sean Wilson. This is 20 an important email, you may think, members of the jury. 21 It is 29 June at just after 5.00, from Mr Ewing to 22 Mr Wilson, who was the officer who was going to take 23 over from Mr Hamer in July, so Mr Wilson, the addressee 24 of this email, was the person who was taking over from 25 Mr Hamer. The email, you may think, demonstrates</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 Mr Ewing's frustration at really the system that 2 operated with MIT. He says: 3 "In essence, I am really unhappy about this as 4 a system of work. I think the concept of advice is 5 flawed and would not stand scrutiny. My position on 6 this is we should push for a PIP3 accredited SIO 7 whenever there is any possibility of a homicide, not 8 just ask for advice. We do not have such detectives on 9 borough." 10 Ms Mackay agreed with the sentiments expressed by 11 Mr Ewing in that email. The evidence was that if 12 a qualified senior investigating officer is deployed to 13 look into someone's death, they are qualified to develop 14 a hypothesis as to what may have happened and then 15 develop actions to progress the enquiry around that, 16 either to prove that hypothesis or to disprove it and 17 that was not something that a lower level of 18 accreditation could do. So it was agreed in the borough 19 that what they needed was a properly accredited officer 20 to carry out that exercise. 21 Then, on 30 June, Mr O'Donnell had a meeting with 22 Mr McCarthy. This is tab 49, page 24. Again, reference 23 was made to the forensics being submitted. Again, 24 Mr O'Donnell agreed that the laptop was discussed, but 25 at that point he said he thought it would be difficult</p> <p style="text-align: center;">Page 105</p>	<p>1 Ms Mackay said that Mr McCarthy's decision to step 2 back at that point was "a really poor one", she said he 3 should at least have reviewed the process every month, 4 supported his sergeant and made sure that he had the 5 resources which he needed. 6 The next date on your chronology is 5 August, which 7 was when Mr Slaymaker, the family liaison officer, tried 8 to get the toxicology results fast tracked, you have 9 a reference to that in the logs, but was told that 10 wasn't possible. Then you in fact note that it was the 11 following day, 13 August, that the preliminary 12 notification came back in relation to Anthony's 13 toxicology, confirming that GHB had been found, but not 14 the level of the GHB. 15 At this stage, Port is on bail and he was on bail 16 when he murdered Gabriel Kovari and Daniel Whitworth. 17 We come to 28 August. DC Desai, the officer who had 18 interviewed Port, went to the churchyard on the morning 19 of 28 August, when Gabriel's body was discovered, but he 20 didn't make any link with Anthony or with Port. 21 We are still on the Anthony enquiry, although I put 22 those dates in to remind you of how they fit into this 23 story, and we are now to 1 September, when Mr O'Donnell 24 prepared a report to the coroner in relation to 25 Anthony's death. He was asked about some of the details</p> <p style="text-align: center;">Page 107</p>
<p>1 to get it done at this stage, now that Port was only 2 being charged with or only arrested for perverting the 3 course of justice. However, Mr O'Donnell agreed again 4 that there had been further failures, he hadn't been to 5 Mr Port's workplace, he hadn't read the interview notes 6 to see the reference to Barking station and he agreed 7 that the summary of the interview should have both been 8 obtained and put on to the CRIS, which it never was. 9 Pausing there and before we come to July, Mr Kirk 10 summed things up in the following way. He said he 11 agreed that serious mistakes were made by his team in 12 that there were no PND checks, that the laptop was not 13 submitted, that there was no further interview and that 14 there was a failure to action Mr McCarthy's decision to 15 refer back to HAT after the toxicology results were 16 through. He said this investigation was clearly not 17 dealt with appropriately, and he accepted that it became 18 disjointed and opportunities were missed and that the 19 borough investigation was stalling by the end of June. 20 That was how Mr Kirk put it. 21 The next date on your chronology is 8 July. It was 22 on that day that Mr Parish finally sent off the samples 23 but not the sex swabs. He said he sent what he was told 24 to send by Mr O'Donnell. The same day China Dunning's 25 statement was taken, which you have in your bundle.</p> <p style="text-align: center;">Page 106</p>	<p>1 he had included in that report and it was suggested that 2 they were misleading. He hadn't mentioned the state of 3 Anthony's underwear, he hadn't mentioned anything about 4 the second interview. He had said, for example, Port 5 had said he had not used escorts before when he in fact 6 said he had. He refers to there being one record on the 7 PNC, which rather played down, it was suggested, the 8 importance of X1's allegations and he agreed that he 9 should have made clear to the coroner that the police 10 were still investigating an unexplained death. 11 In relation to his lack of knowledge about GHB, 12 Mr O'Donnell agreed that he could and should have made 13 up for his ignorance about that drug by asking the 14 toxicologist, Ms Stanworth, about it. 15 By submitting the laptop sooner, because the sooner 16 it was done, the better and the sooner they would have 17 had the material that we know was on there. 18 Thirdly, he should have considered China's evidence 19 that Anthony would never have used GHB. 20 The formal toxicology report came through on 21 10 September and I have told you and reminded you what 22 that showed. That was then reviewed by Mr O'Donnell on 23 15 September. Pausing there, Ms Mackay's view was that 24 the receipt of the toxicology report was an ideal 25 opportunity, as she put it, for there to be a review and</p> <p style="text-align: center;">Page 108</p>

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<p>1 a discussion and for decisions to be made about what 2 needed to be done from then on. There should have been 3 research done, she said, into GHB and expert advice 4 sought from HAT and elsewhere, as well as information 5 from Anthony's family and friends.</p> <p>6 On 16 September, at tab 42, Mr McCarthy asked for 7 there to be a further referral to HAT in relation to 8 what he described as the suspicious death. There was no 9 further referral to HAT. It didn't happen, despite 10 Mr McCarthy saying he told Mr O'Donnell and Mr Parish to 11 do it, "Could you try and get the referral done ASAP, 12 I think that time is of the essence due to the potential 13 issues with the family", but it wasn't done.</p> <p>14 On 18 September, Mr O'Donnell entered onto the CRIS 15 that the file was to be passed to MIT or HAT for advice. 16 Again, it was never done. That was 18 September, and 17 two days later, on the 20th, Daniel Whitworth's body was 18 discovered.</p> <p>19 On 21 September there is a note in Mr Slaymaker's 20 logs that China Dunning told him that if GHB was found 21 she does not think Anthony would have taken that of his 22 own accord. She said:</p> <p>23 "I was convinced Anthony's death was suspicious. 24 I knew he hadn't taken drugs himself or overdosed and 25 I was convinced that Stephen Port had spiked his drink</p> <p style="text-align: center;">Page 109</p>	<p>1 an update for submission to HAT, but again it never 2 happened. Mr McCarthy told you that he expected 3 Mr O'Donnell to do it and he agreed it should not have 4 fallen through the cracks. As Mr McCarthy put it: 5 "It was a suspicious death which needed to go back 6 to HAT ..."</p> <p>7 But he didn't think it was down to him to check.</p> <p>8 Mr O'Donnell then asked Mr Parish to complete the 9 report for the CPS, which you have in your bundle. It 10 was Mr O'Donnell who had decided that the charge should 11 be perverting the course of justice and recorded, "Await 12 CPS response and SC&O1 advice".</p> <p>13 Mr Parish said he was not asked to refer the matter 14 back to HAT.</p> <p>15 It was noted that there was now no reference to the 16 laptop or phone being submitted and Mr Parish said those 17 actions were missed. Again, we have references to there 18 being lack of records, and one person not knowing whose 19 job it was to do the action and another person saying it 20 was that person's job to do it.</p> <p>21 That statement, that report, was then referred to 22 Mr Held at the Crown Prosecution Service. He wanted to 23 wait for the full post mortem before responding. That 24 was then chased up, the report became available on 25 23 December and sent on to Mr Held on 2 January. The</p> <p style="text-align: center;">Page 111</p>
<p>1 or something and that it was suspicious. I was making 2 those points clear to the police at the time, but the 3 police came to the view that he was a gay young sex 4 worker and assumed he took drugs and would be willing to 5 take a risk. I tried to convince them not to hold that 6 stereotype and that was not who he was."</p> <p>7 On 6 October Mr McCarthy chased up on the HAT 8 referral again, which he had been asking for since 9 18 August, and it still wasn't done.</p> <p>10 On 16 October Mr O'Donnell sent Mr McCarthy 11 a current situation report and he said that in fact his 12 view was that there hadn't been a referral to HAT and 13 the reason for that was that they were waiting for the 14 final post mortem report.</p> <p>15 In the context of the local police investigation, 16 Chief Superintendent Ewing accepted that the approach of 17 the local police could have been better and that that 18 could have led to the earlier arrest of Stephen Port. 19 He agreed that budgetary issues should not be used to 20 excuse basic policing mistakes, as he put it. He did 21 not accept that there were systemic failures, however he 22 did believe that a PIP3 DI had been dispatched, though 23 in fact we know DI Kelly didn't in fact attend in 24 person.</p> <p>25 On 30 October, Mr O'Donnell sent Mr McCarthy</p> <p style="text-align: center;">Page 110</p>	<p>1 last entry on the CRIS was on 17 January. Mr Held told 2 you that the report was sent to him in order for him to 3 provide pre-charge advice concerning perverting the 4 course of justice, the CPS role is not investigative, 5 that is for the police to do. He said: 6 "There is an option for pre-investigative advice but 7 that was not sought here."</p> <p>8 Had it been submitted by MIT and the advice 9 requested on murder, he said, "There is a threshold test 10 in an emergency situation which allows for a charge and 11 a remand in custody. The test is: is there a reasonable 12 suspicion and can further evidence be gathered?"</p> <p>13 He said if the case had been treated as a murder 14 case, the code for the Crown prosecutor sets out a lower 15 threshold test which can achieve a charge and a remand 16 in custody.</p> <p>17 Then, on 17 January, the CPS authorised the charge 18 of perverting the course of justice and Mr Parish became 19 the officer in charge of the case.</p> <p>20 On 27 January 2015 Mr Port was charged and bailed 21 and the investigation into Anthony Walgate's death then 22 ceased until after Jack Taylor's body was found. Just 23 continuing with the chronology with Anthony through to 24 the court case, you have these dates on your chronology 25 I think, some of them anyway.</p> <p style="text-align: center;">Page 112</p>

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<p>1 On 23 February Mr Port pleaded guilty to perverting 2 the course of justice at Snaresbrook Crown Court. 3 On 23 March he was sentenced to eight months in 4 prison but he served less than half that sentence. 5 Then China gave you some evidence about what was 6 said at the court hearing to her by Mr O'Donnell. She 7 said she talked to him at court and asked him about 8 getting downloads from Port's computer which might help 9 to draw the link that Anthony was going there as 10 a client and to prove that Port was lying. She says 11 Mr O'Donnell said to her: 12 "There were only two people who knew what happened 13 that night and one is dead and anyway it is too 14 expensive." 15 And words to the effect of, "So you need to get over 16 it now". 17 She said: 18 "We knew Port was lying that they were meeting as 19 friends and that no money was agreed. We knew that he 20 was lying about Anthony going to the bathroom to take 21 drugs. We knew it was all lies. We asked if they had 22 checked if Port did go to work, and we said, 'He is as 23 dodgy as fuck, untrustworthy, lying, suspicious' and to 24 us he had clearly done something Anthony, either 25 intentionally or was responsible for his death."</p> <p style="text-align: center;">Page 113</p>	<p>1 On 15 July Mr Parish received that USB stick back. 2 He looked at the material and prepared a report dated 3 15 July 2015, which is at tab 48. As I have already 4 reminded you, that report really didn't do justice to 5 what was truly on that laptop. He apologised to you for 6 not doing it properly and agreed he should have done. 7 He said had he found the material which DC Thomas in 8 Lilford found, he would have reported that to 9 DS O'Donnell. 10 To quote him, he said: 11 "If I had found the material, knowing that Anthony 12 had died while in Port's flat of an overdose of GHB and 13 knowing X1's allegations from 31 December 2012 and the 14 X3 incident, it would have posed more questions about 15 Port's involvement in Anthony's death. If you put the 16 picture together of the laptop content, X1, X3 and the 17 inconsistencies in Port's account, then you get a clear 18 picture of someone who is a suspect in a murder." 19 Despite what you heard from Anthony's family and 20 friends, the police officers who were asked about it all 21 denied that cost was ever an issue in relation to the 22 laptop examination. It seems it was just not done and 23 that nobody picked it up until 10 months after the HAT 24 advice was originally given and after the murders of 25 Gabriel and Daniel.</p> <p style="text-align: center;">Page 115</p>
<p>1 Kiera Brennan told you that at the court she said we 2 mentioned downloading the laptop on several occasions. 3 We were told it was a very expensive procedure and 4 wasn't worth spending the money on. That was the 5 impression we were given. We felt they just didn't try, 6 they thought it was a young boy shagging people for 7 money, that was just the impression I got. 8 In that connection DS O'Donnell agreed that the 9 police ought to have examined the laptop sooner and 10 comprehensively, carried out the PND check, checked work 11 records and investigated the X1 and X3 allegations, as 12 well as carrying out a further interview and that had 13 those things done Port would have been charged with 14 murder, remanded in custody and the lives of three young 15 men might have been saved. 16 The borough officers all told you that they thought 17 that HAT should have taken on the investigation. 18 Then, as I think I have already reminded you, on 19 8 April 2015 Mr Kirk advised that Port's laptop should 20 be downloaded and at that stage that was when 21 Mr O'Donnell tasked Mr Parish to do it. 22 It was finally submitted on 28 April, many of the 23 details on the submission application were inaccurate 24 and out of date because they had been cut and pasted 25 from an earlier document.</p> <p style="text-align: center;">Page 114</p>	<p>1 Then finally before I leave Anthony and give you 2 a short break, on 24 October 2015, really by pure 3 chance, DC Parish was walking past PC Lindsey McDonald 4 as she was looking at the CCTV from Jack arriving at 5 Barking and meeting up with Port and he recognised Port 6 in that CCTV. That was what Mr Kirk described as 7 a goosebump moment, as people realised that Port was in 8 fact involved in the earlier deaths. 9 I know we have not been going for very long, but 10 I do think it is important we pause at the end of each 11 chapter to you get a bit of a breather and to collect 12 your thoughts. 13 We will resume again in 10 minutes, members of the 14 jury. Thank you. 15 (2.19 pm) 16 (A short adjournment) 17 (2.32 pm) 18 (In the presence of the jury) 19 THE CORONER: Right, members of the jury, chapter 3. 20 If you would like to turn to tab 11 in your bundles, 21 please, the chronology headed "Gabriel Kovari and 22 Daniel Whitworth", obviously as we did with the 23 evidence, we are going to look at the investigations 24 into their deaths together. You will appreciate from 25 where I ended off just before the break, that there are</p> <p style="text-align: center;">Page 116</p>

<p>1 some dates which overlap from Anthony's investigation, 2 which go on to the dates here. I have kept them 3 separate because it seemed too complicated to try and 4 put them all in one document, so that is why you have 5 three separate chronologies, but you will bear in mind 6 that with some of these dates things were happening in 7 the Walgate investigation at the same time.</p> <p>8 Let's start with Gabriel. He was born on 9 17 June 1992. He was quite tall, around six foot, but 10 weighed just over 7 stone, 47 kilos. He and 11 Thierry Amodio, who was the young man you heard from 12 over a TV link from Majorca, he and Gabriel had been in 13 a long-distance relationship for two years before 14 Gabriel decided to come to London to live and work. 15 Gabriel came here in July 2014. Thierry told the police 16 that Gabriel used the name Gabriel Klein on his social 17 media.</p> <p>18 On 1 July 2014, so two weeks after he killed 19 Anthony Walgate, Stephen Port gave Ryan Edwards a new 20 phone number. You have that on your chronology here.</p> <p>21 On 7 July Chief Superintendent Wilson, who was the 22 recipient of the Ewing email that I dealt with earlier 23 on, took over from Temporary Chief Superintendent Hamer, 24 Mr Hamer being the officer who had dealt with the 25 Anthony Walgate investigation.</p> <p style="text-align: center;">Page 117</p>	<p>1 found out that was who it belonged to.</p> <p>2 On 23 August -- all this is material that Lilford 3 found and the borough did not -- Gabriel sent 4 Karl Kamgdom photographs of the inside of Port's flat 5 and a pin drop showing the address in Cooke Street. So 6 at least at that stage Karl had the details as to where 7 Gabriel was and, if not the exact address, a very close 8 address to where it was. On that day, 23 August, 9 John Pape and Gabriel messaged one another for the last 10 time.</p> <p>11 We then come to 24 August. On that day, 12 Ryan Edwards comes back into the picture, because 13 Stephen Port invited Ryan over to meet his new flatmate, 14 who was Gabriel Kovari, and Mr Edwards went. He went 15 with a friend and he met Gabriel and at that visit 16 Mr Port wasn't there. So it was Gabriel, Ryan Edwards 17 and his friend.</p> <p>18 Then on 25 August, as you have recorded here, at 19 05.51 Gabriel's phone messaged Karl Kamgdom saying, 20 "I am fine" with a smiley face. I say Gabriel's phone 21 messaged Karl Kamgdom, because Mr Richards rather 22 doubted whether that really was Gabriel sending that 23 message at that time on that Monday morning.</p> <p>24 That certainly was the last use of Gabriel's phone. 25 Here comes the evidence that I referred to when we</p> <p style="text-align: center;">Page 119</p>
<p>1 John Pape rented a room to Gabriel for six weeks in 2 the summer of 2014. He described Gabriel as 3 an intelligent man who spoke fluent English and who had 4 applied for a job as an interpreter. He said somewhat 5 out of the blue Gabriel announced that he had found 6 somewhere to live in Barking.</p> <p>7 Just pausing there to note that in fact the 8 Operation Lilford investigation discovered that on 9 18 August, when Gabriel and his friend Karl Kamgdom were 10 discussing through messaging Gabriel moving address, on 11 that day, in fact Port and Daniel Whitworth were 12 conversing on Fitlads for the first time. So there is 13 an overlap there that Lilford uncovered.</p> <p>14 Going back to John Pape, he told you that he and 15 Gabriel had a farewell drink together on Thursday, 16 21 August in a pub on the Isle of Dogs and on 22 August 17 Gabriel left for Barking. You have all those messages 18 at your bundle 51.</p> <p>19 On 22 August, Gabriel is messaging Karl Kamgdom 20 saying that he is moving out from John Pape's tomorrow. 21 He also messaged John Pape using a phone number, which 22 it turned out belonged to someone called Cosmos Marcus. 23 It was Mr Pape who was to find out the identity of 24 Mr Marcus after Gabriel's death, when he contacted the 25 last number that Gabriel had used to message him and</p> <p style="text-align: center;">Page 118</p>	<p>1 were going through the written directions in relation to 2 the date of Gabriel's death, which you have to resolve. 3 The reason there is something for you to resolve is 4 because of Ryan Edwards's evidence about it. We have 5 dealt with the 24th, when Ryan went round to 6 Cooke Street to meet Gabriel. There is then a message 7 on the messaging chart which says something like, 8 "Enjoyed meeting Gabriel, why don't you bring him round 9 to see my girls", which you will remember Ryan said were 10 his chickens. That is on the very early hours of the 11 25th and then in evidence to you Ryan Edwards said yes 12 he did indeed, Gabriel did come round on that Monday, to 13 my flat to visit me, which would of course mean he was 14 alive and well on the Monday.</p> <p>15 On the other hand, Mr Edwards was challenged about 16 that because it was before you here, for the first time, 17 that he had mentioned that visit on the Monday. He 18 didn't refer to it in his witness statements and he 19 didn't refer to it when he gave evidence at 20 Stephen Port's trial. That is why there is an issue for 21 you to resolve in relation to that date and that is why 22 you have the brackets in your question 1 in relation to 23 Gabriel and the facts that I have set out on the 24 questionnaire. That is the evidence that you will have 25 to consider in that regard, whether you accept</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 Mr Edwards's evidence that there was a visit to see him 2 on that Monday or whether you reject it and decide 3 therefore, perhaps, a matter for you, that Gabriel was 4 already dead by that Monday morning.</p> <p>5 Also around this date, so mid to late August, 6 Operation Lilford had spoken to Stephen Port's sister. 7 You may remember Mr Richards telling you about the 8 account that was given by Port's sister, which was in 9 effect an account about Port having had a dead body in 10 his flat but he had rather conflated the circumstances 11 of the death of that body that he was telling his sister 12 about into a combination of the events relating to known 13 and Gabriel. I suppose the important thing is that the 14 sister had some important evidence to give, which she 15 gave to Operation Lilford, but of course she wasn't 16 approached during the course of the investigations with 17 which you are concerned.</p> <p>18 On 26 August, bottom of this page, on page 1 of the 19 chronology, Mr Port sent Ryan Edwards another new 20 number. In messages which you have in your bundle, at 21 divider 10, Port told Ryan Edwards that Gabriel had 22 "gone to stay with someone". So he was laying a trail 23 to explain to Ryan that Gabriel had gone somewhere, had 24 left his flat.</p> <p>25 27 August, Mrs Denham, you will remember, the lady</p> <p style="text-align: center;">Page 121</p>	<p>1 here towards his chest. It did look highly suspicious. 2 He couldn't have clothed himself. The whole scenario 3 didn't look right."</p> <p>4 She also agreed that it was possible that she was 5 led in that direction by the media in retrospect, rather 6 than that having been her view at the time.</p> <p>7 The first officers on the scene were PC Faulkner, 8 who you heard from, and PC Holmes, who you didn't hear 9 from. PC Faulkner was the young officer, the young 10 uniformed officer, that you heard from. They both 11 approached the body, they noted that his hood was up 12 over his head and they noted that he had what appeared 13 to be blood coming from his nose. He was obviously 14 dead.</p> <p>15 On this occasion Inspector Harman was the duty 16 inspector, the duty officer, you will remember 17 I reminded you this morning that he in fact had briefly 18 attended the Walgate scene, which was under the control 19 of Inspector Learmonth, but he had been there briefly. 20 His role in Gabriel's death was as duty inspector, with 21 exactly the same role which you now are very familiar 22 with and which Inspector Learmonth agreed with in 23 relation to the policies, the building blocks, think 24 murder and the approach to initial response to ensure 25 that everything is preserved. If in doubt, as Mr Harman</p> <p style="text-align: center;">Page 123</p>
<p>1 you heard from in relation to finding two of the bodies, 2 on 27 August at about 5.00 in the evening she went on 3 her usual dog walk and she there was nothing untoward in 4 the churchyard at that time, in other words there was no 5 body there at that time.</p> <p>6 But at 9.00 the following morning, 28 August, when 7 she was back in the churchyard, she found the body of 8 Gabriel, a young man described by her as leaning up 9 against a wall, he had dark glasses on, which were 10 skew-whiff -- we will come back to those glasses in due 11 course -- and she said her first thoughts were that he 12 had had a rough night on drinks or drugs and was 13 sleeping it out, but she said his legs were out 14 straight, possibly one over the other, and she said 15 these words, "He hadn't just dropped, he was 16 positioned".</p> <p>17 She noticed that he had a big black trolley bag with 18 him and a small black bag, which seemed strange to her, 19 she said there was no body movement whatsoever and, "As 20 he was not prone, as you see a lot, it didn't seem right 21 to me". She then phoned 999. She was asked about the 22 documentary that you have heard about a number of times, 23 the BBC documentary, and she agreed that in that 24 documentary she had said this: 25 "He was almost semi-clothed and his clothes were up</p> <p style="text-align: center;">Page 122</p>	<p>1 agreed, it is to be investigated as homicide, unless and 2 until the evidence proves otherwise.</p> <p>3 Mr Harman headed straight for the scene at about 4 9.07 with a female officer called Cooper, they arrived 5 just after 9.20. Mr Harman said that he had only 6 attended about two deaths a year like this, where the 7 scene was unusual and the death was unexpected with no 8 obvious cause. He said that Gabriel did not look like 9 a typical drug user. He said he did adopt the 10 investigative approach and he applied the five building 11 blocks. He preserved the scene and identified forensic 12 opportunities.</p> <p>13 An incident management log was commenced, and you 14 have that in your bundle. It set out the plan of 15 action, which was to identify the male, complete checks, 16 establish crime scene, next of kin, CID and SOCO, that's 17 scenes of crime officer, to be informed. The inspector 18 tasked an officer to walk the grounds and nothing was 19 found. Other officers were tasked to make enquiries 20 about the CCTV. Again there was no relevant CCTV. 21 Mr Harman did not declare a critical incident, which 22 Mr Learmonth had done, and at page 5 of the document 23 which we have on our screen you will remember he was 24 asked about this passage at the top of the page, 25 critical incident rationale. He said that actually</p> <p style="text-align: center;">Page 124</p>

<p>1 shouldn't have been completed, because he didn't declare 2 a critical incident, but it was created by his 3 colleague, PS Cooper. He said: 4 "I didn't feel I needed to declare a critical 5 incident. I felt I had all the resources I needed and 6 so it wasn't warranted. Though it was something I kept 7 reviewing. 8 At 9.25, the London Ambulance Service arrived in the 9 form of Tobie Waggett, the paramedic. He said it was 10 the first time he had seen a dead body in this sort of 11 situation, in a churchyard sat against a wall, and it 12 looked to him as if he had been dead for some hours due 13 to the hypostasis and rigor mortis which he found. He 14 said, "I could see some blood coming from the nose, 15 which is normal at the point of death". 16 He verified life as being extinct at 9.27. He said 17 there was no sign of there having been a drug overdose 18 and there were no drugs in the suitcase and no needle 19 marks on the body. 20 At 9.40 the CID officers arrived -- that was 21 Mr Sweetman and Mr Desai -- they initiated a search of 22 Gabriel's body and his possessions and at that stage 23 a wallet was found with Gabriel Kovari's identification 24 in it. Among his belongings were also an empty bottle 25 of vodka, some toiletries and medication and you will</p> <p style="text-align: center;">Page 125</p>	<p>1 had placed himself in that position necessarily. That 2 concludes: 3 "Naturally the coroner will conduct his 4 investigation and we may get the answer from that." 5 So from that point really it was treated as 6 a coronial investigation rather than a police one and at 7 14.56 the crime scene was closed. 8 Pausing there, members of the jury, Ms Mackay said 9 that at that stage, in isolation, in other words in 10 isolation of Anthony's death, it was not unreasonable to 11 treat the scene of Gabriel's death as non-suspicious. 12 John Pape, the gentleman with whom Gabriel had 13 initially lodged when he came to the UK, found out that 14 Gabriel had died on 28 August and he got straight in 15 touch with Cosmos Marcus, because that was the last 16 number that Gabriel had used to contact John on, he 17 found out that that is whose phone it was. Cosmos told 18 John that he had driven Gabriel to east London on 19 22 August. 20 On the same day Mr Pape spoke to the police, this is 21 at page 13 of the CAD. Mr Pape told the police that 22 Gabriel had come to Barking and that his Facebook 23 account was in the name of Gabriel Klein, that he had no 24 history of depression and was looking forward to his new 25 job, so all that information was provided by Mr Pape to</p> <p style="text-align: center;">Page 127</p>
<p>1 remember the list that Mr Faulkner provided and it was 2 put to him, and he agreed, that Gabriel was obviously 3 someone who cared about his appearance, because there 4 were a number of products within his possession. 5 There was also paperwork with Gabriel's body which 6 gave John Pape's address. That was an immediate contact 7 for the police to have with Mr Pape. Again, as with 8 Anthony, there was no phone to be found in Gabriel's 9 case. 10 The CID officers, Mr Sweetman and 11 Inspector Harman -- well, Mr Sweetman and 12 Inspector Harman, who was a uniformed officer, ruled out 13 any assault or any robbery, because there were valuable 14 possessions on him, and concluded that the death of 15 Gabriel was unexplained but not suspicious. It appeared 16 that neither of them ever asked about whether there was 17 a phone, so they didn't know about the fact that there 18 was no phone. 19 In his report at tab 9, if that can be put up on the 20 screen, Mr Sweetman had recorded his view that the 21 deceased had placed himself in that position. But 22 Mr Harman did not agree that he had formed that view. 23 Do you see the last line of the paragraph that we have 24 on the screen now? 25 Mr Harman said, no, I hadn't formed the view that he</p> <p style="text-align: center;">Page 126</p>	<p>1 the police on 28 August. 2 On 30 August Port was sending messages to 3 Ryan Edwards, and Ryan Edwards back to him, about what 4 had happened to Gabriel. You will see in the middle of 5 that page Ryan Edwards sends a message saying, "So it 6 seems like Gab just disappeared? Strange eh?" 7 Port's response was that was to the effect that 8 Gabriel had mentioned going to Spain, so again trying to 9 bat away Ryan Edwards and detach himself from being 10 connected with Gabriel. 11 On that same day, we are now on 1 September, Mr Pape 12 contacted Gabriel's partner Thierry Amodio on Facebook. 13 So there was a link there being made by Mr Pape, and 14 Mr Pape called the coroner's officer, because he was 15 concerned that Gabriel's family hadn't been told that he 16 had died. 17 I don't know if we can put up on screen, please, 18 IPC997, which are the messages that Mr Pape provided, if 19 you just go to the next page so you can see an example 20 of them. These are messages between John Pape and 21 Thierry Amodio which didn't reach the police until 2017, 22 in fact, despite Mr Pape having made it clear back in 23 2014 that he had this information, the information that 24 was going backwards and forwards between him and 25 Thierry Amodio. That might be an example of a document</p> <p style="text-align: center;">Page 128</p>

32 (Pages 125 to 128)

<p>1 you might want to see later, but if you do, then simply 2 send me a note and I will sort that out for you.</p> <p>3 Still on 1 September, Dr Geraldine Soosay carried 4 out the post mortem, it is an ordinary coronial post 5 mortem, so no police presence, on Gabriel on 6 1 September. She had received a written briefing, which 7 you have on your screen, and that was her note on it, 8 having carried out the examination she found that 9 Gabriel's brain was swollen and his lungs were heavy and 10 there were powdery debris in his gastric contents, which 11 to her might indicate an ingestion of drugs. She 12 therefore took samples for toxicological investigation, 13 she said there was very early decomposition of the body, 14 which could happen within a day or so, especially as the 15 body was found in the open air. She completed her 16 report after the toxicology report was available, which 17 was 7 October. Just to note there how quickly in fact 18 it was turned around in the case of Gabriel, so the post 19 mortem on 1 September and the toxicology back and 20 available on 7 October.</p> <p>21 Going back in time to 2 September, and feeding in 22 Daniel Whitworth at this stage, on that date, so Gabriel 23 is dead, his body has been found, the post mortem has 24 been carried out and now Stephen Port is back in contact 25 with Daniel Whitworth again, who I reminded you this</p> <p style="text-align: center;">Page 129</p>	<p>1 about Thierry Amodio and the two black males called 2 Cosmos and Karl, who I have already reminded you about. 3 Then Mr Pape sent it back and it was emailed -- but not 4 emailed to the police, it was emailed to the coroner's 5 officer, so the police it seems, apart from PC Faulkner 6 who had taken it, didn't know about Mr Pape's statement 7 or the contents of it. Ms Mackay said about that that 8 the statement, though it was a good one, she agreed, 9 should not actually have been taken over the phone, 10 because you can miss important details and in any event 11 that statement should have given rise to actions to 12 trace all the people and all the phone numbers which 13 Mr Pape had referred to, so Thierry, Cosmos and Karl, 14 and we know what that would have all thrown up had that 15 been done, but, as I repeat, the officers apart from 16 Mr Faulkner don't appear to have known there was 17 a statement from Mr Pape. Of course Ms Mackay said 18 there should have been liaison with the family, and I am 19 sure you will remember what happened in that regard, and 20 I will come back to that when we get to that stage in 21 the chronology.</p> <p>22 PC Faulkner did himself try numerous times to find 23 or contact Cosmos Cupid but without success, so that 24 came to nothing, as far as police were concerned. 25 From 10 September, as obtained by Operation Lilford,</p> <p style="text-align: center;">Page 131</p>
<p>1 morning they were first in touch back in August, Stephen 2 and Daniel. That resumed, that contact, on 2 September.</p> <p>3 2 September was the time Stephen and Daniel were 4 back in contact since 26 August, so around the time of 5 Gabriel's death it stops -- which perhaps fits in and 6 makes sense -- and then continued almost daily from 7 2 September, contact between Daniel and Stephen, until 8 Daniel gave Stephen his mobile phone number and then 9 they presumably carried on contacting each other via 10 their mobile phones.</p> <p>11 4 September, Mr Pape, who was clearly gathering and 12 feeding a lot of information into the police, sent first 13 of all Thierry Amodio a link to the press report about 14 Anthony's death. He was clearly concerned as to whether 15 there was any link between Anthony's death and that of 16 Gabriel. He sent that to Thierry, for him to have 17 a look at.</p> <p>18 Then on 6 September, PC Faulkner, one of the two 19 officers who had gone to the scene of Gabriel's death, 20 took Mr Pape's witness statement. You will remember he 21 did so over the phone, because his senior officer said 22 there was no car, so he couldn't go to take it in 23 person, but everybody agrees it is a pretty full 24 statement. In fact what happened was Mr Pape added to 25 it, added further detail at the end of the statement</p> <p style="text-align: center;">Page 130</p>	<p>1 the Lilford investigation obtained, first of all, 2 a message on Gabriel's Facebook page from Jon Luck -- 3 who as we all know was Stephen Port -- saying that 4 Jon Luck was sorry about Gabriel's death. From then on 5 Jon Luck and Thierry Amodio began to exchange messages, 6 and you have those messages behind tab 49 in bundle C, 7 which is the bundle relating to these investigations. 8 In fact, it was not until 2016 that police identified 9 that Jon Luck was Stephen Port, through the IP address 10 that was being used and through the nature of the 11 messaging, the content, the grammar and the spelling, 12 which all led them to conclude, quite rightly, that 13 Jon Luck was Stephen Port but there are clearly some 14 important messages there between those two which didn't 15 make it into the enquiry in 2014.</p> <p>16 Just as a matter of chronology, on 10 September as 17 I reminded you earlier, that was the day, as it happens, 18 that Anthony Walgate's toxicology report came in, so we 19 have some tandem matters running side by side in 20 relation to both investigations.</p> <p>21 On 11 September there are more messages between 22 Jon Luck and Thierry Amodio referring to Jon Luck 23 meeting Gabriel at the station here in Barking at 11.00. 24 Then the same day Port is messaging Ryan Edwards to say 25 that Gabriel had died and telling Edwards not to put</p> <p style="text-align: center;">Page 132</p>

<p>1 that on Facebook. You have that detail on 11 September 2 on your chronology.</p> <p>3 On 12 September Jon Luck messaged Thierry saying 4 that he and Gabriel had spent two nights together.</p> <p>5 On 15 September DS Schamberger was asked to act up 6 as an acting detective inspector, but he wasn't yet 7 involved in these investigations, that was the day he 8 first was asked to act up. He was, as you will 9 remember, Mr Schamberger, not based at Fresh Wharf where 10 the other officers were, but 20 minutes away, at 11 somewhere called Roycraft House and he described to you 12 a number of demanding roles which he held, and he told 13 you that in his view he didn't really have the time or 14 the experience to take on a role in relation to 15 Gabriel's investigation, but he said he didn't tell 16 anyone that because there was no one else to do the job.</p> <p>17 This is the day that contact between Stephen and 18 Daniel ceased on the Fitlads app, after Daniel gave Port 19 his phone number.</p> <p>20 Also on 15 September, Port commenced 11 days of 21 holiday, annual leave, so he wasn't working for 11 days 22 after this date.</p> <p>23 Just reminding you then, before we come to Daniel's 24 death, two other important dates in the Walgate 25 chronology which fit in here. DS O'Donnell and</p> <p style="text-align: center;">Page 133</p>	<p>1 19th, when Ricky reported Daniel missing, also revealed 2 that in fact Daniel had told his work colleagues that he 3 was going to meet some friends in Barking. He didn't 4 mention Barking to Ricky.</p> <p>5 Around the time when Daniel would have been arriving 6 here in Barking Stephen Port's social media reports that 7 he revealed in a message to someone that he was going to 8 meet a friend, he told somebody that he was going to 9 meet somebody and that was clearly Daniel.</p> <p>10 On 19 September Ricky reported Daniel missing to the 11 Kent Police at 1.30 in the afternoon. Daniel was, as 12 you know, treated as a medium-risk missing person. You 13 were referred through Dr van Dellen to the missing 14 person report which described Daniel as being in good 15 spirits, revealed enquiries with his work colleagues 16 that he had said, as I say, he was coming to Barking to 17 meet friends. That same day Jon Luck, in other words 18 Stephen Port, messaged Thierry Amodio saying that the 19 man Gabriel had gone off with, this is in relation to 20 Gabriel, again carrying on the trail, the man Gabriel 21 went off with was a man called Tony Fairy, who in turn 22 had said that he had left with someone called Dan.</p> <p>23 This is Port beginning to set up the story of a link 24 between Gabriel and Daniel. That is the first message 25 which mentioned Dan after Port and Daniel had met.</p> <p style="text-align: center;">Page 135</p>
<p>1 Tony Kirk, DI Kirk, were reviewing the toxicology 2 results for Anthony on 15 September, and that was when 3 Mr McCarthy asked for a review and the record said, 4 "File to be passed to MIT or HAT for advice", which 5 never happened. So that is what is going to 6 contemporaneously in relation to the Walgate enquiry.</p> <p>7 Moving then to Daniel Whitworth, Daniel was born on 8 22 March 1993. He was five foot nine and of slim build. 9 He had been in a relationship with Ricky Waumsley for 10 some four years.</p> <p>11 However, he had also been, as I have told you, in 12 social media contact with Stephen Port in August 2014. 13 Daniel worked as a chef, which he loved, and would leave 14 very early to go to work. He and Ricky would text each 15 other until he got to work, where I think they said 16 there was no coverage and they would also text each 17 other if they were apart, as you would expect.</p> <p>18 On 18 September, at 5.45 in the morning, Daniel left 19 for work. That was the last time Ricky saw him. Later 20 in the day Ricky and Daniel were in communication and 21 Daniel told Ricky that he was behind with his work and 22 would be working late. As the evening wore on, Ricky 23 became concerned and was messaging Daniel and noted that 24 his phone was off, which was very unusual.</p> <p>25 Enquiries as we know from the following day, the</p> <p style="text-align: center;">Page 134</p>	<p>1 Same day, 19 September, Port deleted his Fitlads 2 account, the same day he was watching the familiar type 3 of pornography that you are familiar with from 8.00 that 4 night. The following morning, at 11.20, Ms Denham was 5 back in the churchyard with her dog when she found the 6 body of Daniel in almost exactly the same spot as she 7 had found Gabriel's body. She said his chest was 8 uncovered and he had a plastic envelope with a note 9 inside it, she touched his skin and found that he was 10 definitely dead.</p> <p>11 She phoned the police and told them she was the same 12 woman who had found another body a few weeks ago and in 13 her call to the police she said, "It is very peculiar 14 that two blokes were found in the same spot".</p> <p>15 Ms Mackay said that that should have triggered 16 an immediate search on police intelligence on 17 Barbara Denham's name, because if that search had been 18 carried out, there would then have been a connection 19 made between Gabriel and Daniel.</p> <p>20 Mrs Denham was asked again about something else she 21 said in the documentary, which was this: 22 "This body was placed in exactly the same position, 23 what made him sit in the same position? Anyone would 24 have found it suspicious." 25 She told you she probably had thought along those</p> <p style="text-align: center;">Page 136</p>

<p>1 lines, but not while she was in the churchyard, once she 2 was home and had thought it all through. She said she 3 didn't use the word "suspicious" to the police, it came 4 out in the interviews with the media.</p> <p>5 At 11.20 the first two police officers arrive, 6 PC Yexley and PC Brown. PC Yexley, I think it was, told 7 you that PC Brown is in fact gay and knew something 8 about GHB. They were the first officers to attend. You 9 will remember there was initial exchange between 10 a drunken man who was on a bench in the churchyard, but 11 before very long he was dismissed as having anything to 12 do with the death of Daniel, so you can forget about 13 him.</p> <p>14 At 11.30 Barbara Denham showed the two officers 15 where Daniel's body was. They noted his position. You 16 have photographs of it as usual. Notably Daniel was 17 covered in a blue sheet. He had a black table mat under 18 his legs and a small brown bottle in his jeans pocket. 19 He was very cold, he was clearly dead and appeared to 20 have been there for some time.</p> <p>21 Again, the officers noticed no obvious signs of 22 abuse or injury, though his clothing was very wet and in 23 his left hand was an A4 protective sleeve and inside 24 that was the piece of paper with a handwritten notes on 25 it.</p> <p style="text-align: center;">Page 137</p>	<p>1 She and Ms Adeyemo-Phillips stayed at the scene from 2 around noon to around 1.00, so they were there for 3 a total of an hour. She, DS Turrell, also agreed with 4 the policies in the murder investigation manual and she 5 said her role was to go to the scene, to assess the 6 situation. She said she didn't seek the advice of the 7 borough DI, because she didn't have the slightest doubt 8 that the death was suspicious, despite the contents of 9 the note. With hindsight she says she wishes she had 10 called the HAT car.</p> <p>11 DS Turrell did not consider the possibility was that 12 the scene had been staged. She didn't consider the 13 relevant of a note being in a plastic sleeve, because 14 she didn't know that the note was in a plastic sleeve. 15 She should have known that and had she known that she 16 said it would have struck her as suspicious, because it 17 didn't look like it was someone who was trying to take 18 their life, it looked like it was somebody who was 19 trying to preserve the note from the elements.</p> <p>20 She said she didn't consider the bedsheet, she 21 missed the table mat and she did notice the state of 22 Daniel's clothing, but she assumed it had been pulled up 23 and down by the London Ambulance Service, although she 24 didn't ask them whether that is what had happened. 25 Finally, she said she did agree that the content of</p> <p style="text-align: center;">Page 139</p>
<p>1 In Daniel's wallet, which was in his pocket, was his 2 ID and his address in Gravesend.</p> <p>3 PC Yexley said that he had attended one or two 4 deaths where the body had been accompanied by a suicide 5 note. The CAD referred to the possibility of GHB and 6 drain cleaner, and PC Yexley said that came from 7 PC Brown, who knew something about it.</p> <p>8 On this occasion the duty inspector was Inspector 9 Mark Joyce, I have reminded you this morning that 10 Mr Joyce was actually at the Pacesetter meeting about 11 Anthony. He attended this scene, created a crime scene. 12 Again he was aware of the building blocks and policies 13 and so on, which I don't repeat now, and he found out 14 that Barbara Denham had found a second body in roughly 15 the same location within a few weeks, which he described 16 as very surprising and unique. He did not however 17 establish exactly how close Gabriel's body had been to 18 where Daniel's was found and he agreed he should have 19 done that.</p> <p>20 The ambulance service arrived at 11.46 and 21 pronounced life extinct. At around midday Detective 22 Sergeant Turrell arrived with Detective Constable 23 Yinka Adeyemo-Phillips. You will remember DS Turrell 24 was in fact a borough officer CID, who had worked a MIT 25 team for four years in the past.</p> <p style="text-align: center;">Page 138</p>	<p>1 the note was a confession of Daniel being responsible 2 for killing someone else, but she said in her view that 3 was not enough to lead her to preserve the scene.</p> <p>4 Temporary Detective Constable Yinka Adeyemo-Phillips 5 went with Ms Turrell to the Daniel Whitworth scene, you 6 will remember -- winding the clock forward -- she will 7 also be going to Jack Taylor's scene the following year. 8 Detective Constable Adeyemo-Phillips was tasked to check 9 out the CCTV. She said she didn't know about Gabriel's 10 death, that was not something that had come to her 11 attention.</p> <p>12 At 12.35 it was discovered that Daniel had been 13 reported missing by Ricky. She was asked about the 14 provision for missing person reports and a similar piece 15 of advice in the guidance in relation to missing persons 16 that again you should think murder if in doubt. She 17 said it was Inspector Joyce's job to decide whether the 18 death was to be treated as suspicious or not. He 19 decided that it was not after, as I have told you, only 20 being at the scene for just over an hour, an hour and 20 21 minutes in his case, and it was agreed that there was 22 a real possibility that forensic opportunities were lost 23 by closing the scene down.</p> <p>24 You will remember, somewhat oddly, Inspector Joyce 25 said he did complete an incident management log the like</p> <p style="text-align: center;">Page 140</p>

35 (Pages 137 to 140)

<p>1 of which you have seen in the other investigations, but 2 that has never been found and he couldn't tell you where 3 his log was. Inspector Joyce then gave you reasons why, 4 looking back, he had decided that the death was not to 5 be deleted as suspicious, he gave I think six reasons as 6 his rationale.</p> <p>7 Firstly, there was a comprehensive note.</p> <p>8 Secondly, the note referred to the consumption of G 9 and sleeping tablets, which fitted with the finding of 10 the vial, the bottle. He didn't know that GHB was 11 a date rape drug and he accepted that, had he known 12 that, that might have made the case suspicious.</p> <p>13 Third reason for not treating it as suspicious was 14 the fact that Daniel had been reported missing and he 15 said he read into that that he had distanced himself 16 from his loved ones by leaving Gravesend and coming to 17 Barking, as a deliberate precursor to taking his life.</p> <p>18 Fourthly, he said there was no external bruising and 19 then he gave these two reasons for forming the view that 20 he did.</p> <p>21 One, the increasing rate of suicide in males under 22 25.</p> <p>23 His sixth reason, that Barking was one of the top 24 antisocial behaviour hotspots in London, attracting 25 a street life culture and a possible overdose at that</p> <p style="text-align: center;">Page 141</p>	<p>1 and seen the information that that contained, which 2 pointed away from suicide.</p> <p>3 At 14.17 on this date, which is still 20 September, 4 so 2.15 in the afternoon, Jon Luck, that's Stephen Port, 5 is back on Facebook, communicating with Thierry Amodio 6 saying that Gabriel and Dan had been at an orgy in 7 Barking and that Dan was really into drugs. Again, 8 continuing the false trail after Daniel's death.</p> <p>9 That afternoon Ricky was informed of Daniel's death. 10 He was told he had hung himself. It was Mr Slaymaker as 11 the family liaison officer later who told Ricky it was 12 in fact a drugs overdose.</p> <p>13 We then come to Sunday 21 September. And page 4 of 14 your chronology and there were entries in what we have 15 seen several times is the night duty overnight book. 16 The enquiries through the met intelligence had revealed 17 that the Gabriel mentioned in the note was 18 Gabriel Kovari and there was mention of three scenarios, 19 which you have on your screen at the moment. Three 20 possible scenarios.</p> <p>21 1, they were having sex in the churchyard when he 22 administered the G and Kovari passed away there and 23 then.</p> <p>24 2, Kovari's body was moved to the churchyard post 25 mortem.</p> <p style="text-align: center;">Page 143</p>
<p>1 location would not raise heightened concerns.</p> <p>2 He was challenged about those views and he accepted 3 that he could have been making assumptions and that 4 there was an element of confirmation bias on his part, 5 in forming an opinion and then looking for support for 6 it. He said that was his view, despite the oddness of 7 the fact that there was a table mat, the fact that the 8 clothing had been pulled up and the trousers pulled down 9 and that Daniel was wrapped in a sheet, but nevertheless 10 he felt able to rule out that someone had placed Daniel 11 there.</p> <p>12 Pausing there, Ms Mackay's view was that the 13 Daniel Whitworth scene should have been treated as 14 suspicious based on the note, because the note indicated 15 that Daniel had committed a homicide. She said a CRIS 16 should have been raised straight away and a HAT car 17 called and they should have taken primacy. Questions 18 should have been asked, such as why was the note in 19 a plastic sleeve? Where was Daniel's phone? Where was 20 the note written? In addition, Daniel was someone who 21 had been reported missing and enquiries should have been 22 made about how he came to be in Barking with a bedsheet. 23 She said there was no reason to think he was suicidal. 24 He was a missing person from Kent and the borough 25 officers should have looked at the missing person report</p> <p style="text-align: center;">Page 142</p>	<p>1 Or, 3, Kovari didn't die from the extra G shot and 2 passed away in the churchyard from other causes.</p> <p>3 The HAT team were not contacted overnight, but the 4 decision was made to seek advice from them the following 5 morning, in other words the morning of the 21st.</p> <p>6 The advice as recorded was to get call data from 7 Daniel's phone for the time around Gabriel's death, 8 obviously to show whether Daniel and Gabriel were 9 together on the night of Gabriel's death, or not. The 10 clothing of both of them to be seized, advice sought 11 from SC&O1 and enquiries conducted to trace the address 12 at which the note said Daniel had administered the extra 13 G shot.</p> <p>14 Mr Joyce created a handover note, which he agreed 15 contained some errors in relation to what the supposed 16 suicide note had said, and he said that was because he 17 didn't have the note with him when he made his note and 18 it was just a mistake, rather than any deliberate 19 misleading or anything like that.</p> <p>20 I just ask you to note at this point, members of the 21 jury, that Mr Slaymaker was able to do MIB, Met 22 Intelligence Bureau, checks on Gabriel Kline very 23 quickly, and he also did phone data checks on Daniel's 24 phone for the week up to 28 August, to see if there was 25 any contact between Daniel and Gabriel and that showed</p> <p style="text-align: center;">Page 144</p>

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<p>1 that there was no contact.</p> <p>2 From then on the truth/authenticity of the suicide</p> <p>3 note should at the very least have been questioned. In</p> <p>4 fact, the records for that week that the police did get</p> <p>5 showed nothing more than Daniel going to work regularly</p> <p>6 and being in regular contact with Ricky.</p> <p>7 Temporary Chief Inspector Kirby, not to be confused</p> <p>8 with Mr Kirk, tasked DS Turrell to contact the HAT car,</p> <p>9 he did that because he recognised, as other officers</p> <p>10 did, the discrepancy between where Gabriel's body was</p> <p>11 found and where according to the note he had died and</p> <p>12 what the note said about where he was killed. That was</p> <p>13 the reasoning behind contacting the HAT car. DS Turrell</p> <p>14 did just that at 7.45 that morning, Detective Sergeant</p> <p>15 Denley was the MIT officer from MIT 13. His line</p> <p>16 manager, as it were, was Detective Chief Inspector Lyons</p> <p>17 and it was DS Denley who was actively involved here in</p> <p>18 Barking throughout that day until 3.00 o'clock, giving</p> <p>19 advice as to what needed to be done. There is a bit of</p> <p>20 a dispute as to the reason he was called. He understood</p> <p>21 he was being called because DS Turrell wanted to know</p> <p>22 whether to keep Daniel's clothing or to seize Daniel's</p> <p>23 clothing. She said, "No, of course I knew I had to</p> <p>24 seize Daniel's clothing, it wasn't just for that reason</p> <p>25 that I wanted HAT involved", so there is a bit of</p> <p style="text-align: center;">Page 145</p>	<p>1 than that, save that there was a discussion about the</p> <p>2 sensitive nature of the note and not showing the whole</p> <p>3 note and Ms Adeyemo-Phillips said it was agreed that she</p> <p>4 would show only a small portion of the note, because of</p> <p>5 the sensitive nature of it.</p> <p>6 As you know, what in fact she did was to email</p> <p>7 a very small fragment the of the note to Adam Whitworth,</p> <p>8 and everyone agrees that that was not an appropriate way</p> <p>9 of going about it. It should have been done in person,</p> <p>10 and the senior officers say it should have been done</p> <p>11 with the whole note.</p> <p>12 At 10.30 on this morning, first of all,</p> <p>13 Ms Adeyemo-Phillips spoke to Adam Whitworth and told him</p> <p>14 she was going to send a bit of a note to him. She then</p> <p>15 emailed him the fragment at 10.52 and she told you she</p> <p>16 believed she then rang Mr Whitworth and "he confirmed</p> <p>17 that the writing was that of his son", at 11.02.</p> <p>18 Pausing there, it is agreed that was not</p> <p>19 an appropriate way of going about this exercise.</p> <p>20 Ms Adeyemo-Phillips remains convinced that that is what</p> <p>21 Mr Whitworth did, namely to confirm that it was Daniel's</p> <p>22 writing, but she agrees she made no note of it, she</p> <p>23 didn't ask any questions, like, are you sure? Or</p> <p>24 anything like that. It wasn't done in person, which</p> <p>25 would have shown what sort of state Mr Whitworth was in</p> <p style="text-align: center;">Page 147</p>
<p>1 a dispute there.</p> <p>2 Mr Denley's advice, at your tab 26 in his HAT</p> <p>3 return, was as follows. Get the next of kin to look at</p> <p>4 the handwriting on the note and ascertain if it is</p> <p>5 Daniel's and, 2, look into the circumstances of the</p> <p>6 death and the finding of Gabriel and check there are no</p> <p>7 unanswered questions. He said what he meant by that was</p> <p>8 he wanted the investigating team here to start to dig</p> <p>9 and to be curious and satisfy themselves and him that</p> <p>10 everything had been done correctly.</p> <p>11 In fact the advice to show the note to the family</p> <p>12 had come from Mr Lyons, it had come from even higher up.</p> <p>13 He told you my advice was to get the note shown to the</p> <p>14 family in the first in instance, because that is the</p> <p>15 quickest way of establishing what the position was, was</p> <p>16 it his handwriting or wasn't it his handwriting.</p> <p>17 Ms Mackay does not disagree with that as being</p> <p>18 an appropriate approach, what was wrong was how this was</p> <p>19 done, as you know.</p> <p>20 At 10.29 Mr Denley was sent the suicide note by</p> <p>21 DC Adeyemo-Phillips and he was told that "Gabriel Kline"</p> <p>22 referred to the note was Gabriel Kovari, but he didn't</p> <p>23 actually remember being given that information.</p> <p>24 DS Turrell then instructed DC Adeyemo-Phillips to</p> <p>25 verify the handwriting. She didn't tell her any more</p> <p style="text-align: center;">Page 146</p>	<p>1 when he was being asked this question, just after he had</p> <p>2 been told his son had died and so on and so farther.</p> <p>3 She did agree that Mr Whitworth asked to see the</p> <p>4 rest of the note and she did agree that the evidence</p> <p>5 shows that just after he was said to have confirmed the</p> <p>6 handwriting to her Mr Whitworth in fact forwarded the</p> <p>7 fragment of the handwriting to Ricky, and the question</p> <p>8 is posed: would he have done that if he had been sure it</p> <p>9 was Daniel's writing?</p> <p>10 She went to on to agree that she didn't ask</p> <p>11 Mr Whitworth for any examples of Daniel's handwriting</p> <p>12 for comparison purposes and she said she wouldn't do it</p> <p>13 this way again.</p> <p>14 Mr Whitworth, on the other hand, said that he told</p> <p>15 the officer that he couldn't confirm it was Daniel's</p> <p>16 handwriting and that is why he sent it on to Ricky.</p> <p>17 Mandy Whitworth said that Adam said that he couldn't be</p> <p>18 sure and it is agreed again that a further failing was</p> <p>19 to take a statement from Adam about what he really was</p> <p>20 saying about the handwriting and Ms Adeyemo-Phillips</p> <p>21 should herself have made a statement dealing what she</p> <p>22 had been told, rather than just make that entry "he</p> <p>23 confirmed" and so on.</p> <p>24 Nobody was tasked to ask Ricky about the</p> <p>25 handwriting, and when he in fact was shown the note he</p> <p style="text-align: center;">Page 148</p>

<p>1 said he couldn't confirm that it was Daniel's 2 handwriting. There was an entry in one of the records 3 which described the handwriting as "distinctive", it's 4 tab 31, page 4. No officer knows where the word 5 "distinctive" in the context of the handwriting came 6 from, it is certainly not suggested that Mr Whitworth 7 said that and no officer has said that they said it, but 8 that is the word that appears in the document. 9 Had there been any doubt about the handwriting being 10 Daniel's, which of course the Whitworths say there was 11 and Ricky says there was, it would have been possible to 12 get expert analysis of it and you know that in 13 Operation Lilford when they submitted the note for 14 handwriting analysis, within 24 hours it came back as 15 came back as definitively being Stephen Port's 16 handwriting. I am going to finish this topic and then 17 we will have another break. 18 DS Denley said he would have done it differently. 19 He would never have approved sending only a fragment of 20 the letter. He should have been done in person and it 21 should have been done in the context of the family being 22 asked about the content, the grammar and the signature 23 of "Daniel PW" and so on and the lack of personal 24 matters in there. 25 DCI Lyons went even further, he said:</p> <p style="text-align: center;">Page 149</p>	<p>1 (3.23 pm) 2 (A short adjournment) 3 (3.40 pm) 4 (In the presence of the jury) 5 THE CORONER: Members of the jury, there was just one other 6 little detail in relation to the handwriting that 7 I perhaps should have reminded you of and I will do that 8 now. You may remember Mr Whitworth was asked about 9 a statement he made in 2015, and that statement 10 contained the sentence, "We did admit that the 11 handwriting looked like Daniel's", but as it turned out 12 in fact Mr Whitworth never signed that statement, so he 13 never signed that as being a true statement of the 14 situation, so just in case you recalled that I remind 15 you about it and the circumstances of it. 16 We are still on Sunday, 21 September, on your 17 chronology we are now at 11.09, when Chief 18 Superintendent Wilson emailed Mr Kirby, because he 19 wanted the HAT to be contacted, he said he was nervous 20 that HAT had not been contacted due to the discrepancy 21 between the content of the note and the fact that 22 Gabriel had not died where his body had been found, that 23 is the discrepancy that was referred to several times in 24 a number of the documents. 25 At 11.42 Mr Kirby replied to Mr Wilson, confirming</p> <p style="text-align: center;">Page 151</p>
<p>1 "I was not willing to accept that this was a suicide 2 and a manslaughter, we are a murder team and we think 3 murder first. My idea of showing a note was to find out 4 as soon as possible whether it was Daniel's handwriting 5 or whether it wasn't or didn't they know. I was quite 6 shocked when I saw the extract that was sent. That is 7 not my idea of how to get handwriting content checked. 8 It was patently obvious what needed to be done, it 9 should have been the whole note and in person to the 10 parents and to his partner. I cannot see any possible 11 reason for keep the note from the family." 12 He said had there been any doubt about the 13 handwriting, HAT would have taken over the 14 investigation. 15 It is now clear, you may think, that failure to deal 16 with that note appropriately led to it being taken at 17 face value. Ms Mackay said the police should have sat 18 down with family and with Ricky, gone through the note, 19 asked whether they thought it was Daniel's handwriting 20 and why they did or why they didn't. If there was any 21 doubt, then an expert opinion should have been sought. 22 Members of the jury, we will have a short break 23 there now and then we will do the last bit for today 24 after that. 25 Thank you.</p> <p style="text-align: center;">Page 150</p>	<p>1 that the HAT car had been contacted and agreeing that 2 the discrepancy was rather odd. Going back to the HAT 3 advice, DS Denley had identified some further actions 4 which are at tab 26, page 3. He had identified phone 5 work again, which of course did not depend on the police 6 having the handset, you can do the phone work without 7 a handset, because that could give a loose location 8 where Gabriel and Daniel were on 28 August and help to 9 locate where Gabriel died. That data could also 10 identify associates of each of them. And of course if 11 the work had been done, and it had been discovered that 12 the phones were not cell siting together on 28 August, 13 then that would obviously have cast doubt on the 14 authenticity of the note. 15 Mr Denley agreed that that work, had it been done, 16 would have revealed a gold mine of evidence. He added 17 as well that an interview for Ricky Waumsley should be 18 considered about his knowledge of Daniel's friends, 19 locations attended, social media usage, including use of 20 Grindr and other sites for example. He said it seemed 21 to me, Mr Denley, "... that Ricky Waumsley was 22 a potentially very important witness". 23 He said: 24 "I spent the course of seven hours that day 25 discussing the matter, consulted DCI Lyons on a number</p> <p style="text-align: center;">Page 152</p>

<p>1 of occasions and we decided we would take this forward 2 to a special post mortem, because we were not happy 3 about the circumstances of Daniel's death." 4 The conclusion was for the borough to keep primacy 5 so far, until after the special post mortem and after 6 further enquiries had taken place, and for then there to 7 be further discussion he concluded: 8 "The crux of my advice is to gather all known 9 information about Gabriel and the finding of his body." 10 He said: 11 "I did advise DS Turrell that the clothing and the 12 bedsheet in which Daniel was found should be retained 13 and sent for analysis." 14 He described it as "routine day 1 stuff". 15 It was in fact Mr Lyons who authorised the special 16 post mortem and he told you: 17 "We flagged up that this was possibly 18 a manslaughter-suicide and that even if the note was 19 true and the killer dead, then MIT could take the case 20 but the decision about primacy would be a decision for 21 chief Superintendent Sweeney, not for me." 22 Said Mr Lyons. 23 Temporary Detective Constable Adeyemo-Phillips also 24 spoke to John Pape, and John Pape put her in touch with 25 Thierry Amodio, because she was trying to trace</p> <p style="text-align: center;">Page 153</p>	<p>1 Jon Luck's link to Gabriel and the reference to drugs at 2 a party, but no statement as I say was taken and they 3 didn't take the summary of Facebook Messenger 4 conversation from him. 5 At 17.23, on the same day, Mr Amodio forwarded to 6 Ms Adeyemo-Phillips Jon Luck's Facebook page and she 7 sent it to Mr Slaymaker, but no one asked Mr Amodio for 8 copies of the messages until Operation Lilford, and no 9 steps were made to trace Jon Luck, despite the fact that 10 the police knew that he had been with Gabriel prior to 11 his death, from those messages. 12 Instead, what Ms Adeyemo-Phillips did was to respond 13 to Mr Amodio to say, "Can you ask Jon Luck to contact 14 me?" In other words, asking Mr Amodio to get Mr Luck to 15 contact the police, rather than the police trying to 16 contact him. That was described as "not adequate basic 17 policing". Every effort should have been made to 18 contact Jon Luck. It could have been done through basic 19 steps. There could have been a message sent via his 20 Facebook page. They could have asked the intelligence 21 unit on the borough to conduct an intel search on the 22 social media sites. Ms Mackay agreed, she said every 23 effort should have been made to trace Jon Luck and even 24 if there was a lack of response to any message put to 25 him on Facebook, that would have been informative, that</p> <p style="text-align: center;">Page 155</p>
<p>1 Gabriel's family. Mr Pape expressed his concern to her 2 about another gay man ending up dead in the same place 3 as Gabriel, which to him, Mr Pape, was suspicious. He 4 said in that context he was worried about his own 5 safety, bearing in mind that these two young gay men had 6 been found, but Ms Adeyemo-Phillips reassured him that 7 it was not murder. John Pape and Thierry Amodio were in 8 touch again and Thierry was passing on all the 9 information he was getting from Jon Luck, and you have 10 all that behind divider 49 in your bundle C. 11 At 5.10 that afternoon Ms Adeyemo-Phillips actually 12 spoke to Thierry Amodio. Mr Amodio gave her a lot of 13 important information. He gave her Gabriel's family's 14 contact details. He gave her the detail that a friend 15 of Gabriel was called Jon Luck, who had mentioned 16 a special party in Barking, which Gabriel had gone to 17 with somebody called Tony Fairy and a friend called Dan. 18 This is all the stuff that Amodio was telling 19 Adeyemo-Phillips. And that Gabriel had been to 20 Jon Luck's flat on 26 August. But no statement was 21 taken from Mr Amodio, the police did not obtain the 22 summary of Facebook Messenger conversation from him that 23 he had. Had they done so, the significance of the 24 timing of the first mention of Dan would or should have 25 been appreciated, namely on 19 September, as well as</p> <p style="text-align: center;">Page 154</p>	<p>1 would have told the police there was something 2 suspicious. All the information provided by John Pape 3 she said should have been followed up. 4 In relation to page 2, behind tab 28, which was 5 a record by Detective Sergeant Turrell saying that she 6 had tasked Ms Adeyemo-Phillips to do a Met Intelligence 7 Bureau check. She, Ms Adeyemo-Phillips, said she wasn't 8 asked to do that. That is another example of where one 9 officer says, "I asked so and so to do it" and the other 10 officer says, "Well, I wasn't asked, so I didn't do it". 11 That was on 21 September still. 12 At 17.50 that day, Ms Adeyemo-Phillips sent a long 13 email to Debbie Turrell, DS Turrell, in which she set 14 out everything that Mr Amodio had told her. There was 15 in that message a wealth of information about Facebook, 16 about Jon Luck who lives in Dagenham. Information about 17 Gabriel meeting someone called Dan. Ms Turrell agreed 18 that that information ought to have struck her as 19 information to build an investigation upon. Yet still 20 no effort was made to take a statement from Mr Amodio, 21 despite the fact that that was the advice that the HAT 22 officer had given. 23 Instead, DS Turrell explained in her witness 24 statement why she hadn't taken a statement or had 25 a statement taken from Mr Amodio with these words. She</p> <p style="text-align: center;">Page 156</p>

<p>1 said:</p> <p>2 "As he resided in Spain, there appeared to be no</p> <p>3 element of evidential value to obtain a statement."</p> <p>4 My record is that those who were asked about that</p> <p>5 said that was of course nonsense, a statement could</p> <p>6 clearly have been taken from Mr Amodio and the fact he</p> <p>7 was in Spain had nothing to do with it at all.</p> <p>8 That same evening, we are still on Sunday,</p> <p>9 21 September, Mr Amodio sent Ms Adeyemo-Phillips</p> <p>10 an email, this time with a link to the Barking and</p> <p>11 Dagenham Post report of Anthony Walgate's body being</p> <p>12 found on Cooke Street, and asking her whether this could</p> <p>13 be related to Gabriel and Daniel. She said I didn't</p> <p>14 relate it to Anthony's case, so I sent a reply that</p> <p>15 there was no connection. That is Mr Amodio making</p> <p>16 a link between the three deaths but being told there was</p> <p>17 no connection.</p> <p>18 I just remind you at this stage, in this stage in</p> <p>19 these investigations there was no CRIS, there was no</p> <p>20 computer record in relation to this investigation, which</p> <p>21 is why nobody really knows who had been tasked to do</p> <p>22 what or what had been done. Of course, if there had</p> <p>23 been a CRIS it could have set out what actions there</p> <p>24 were, what needed to be done and by whom.</p> <p>25 Finally in relation to 21 September, China Dunning</p> <p style="text-align: center;">Page 157</p>	<p>1 Wharf police station for a briefing by DI Kirk. They</p> <p>2 were told at that briefing to get the cell site and call</p> <p>3 data, which all agreed was a quick and easy exercise,</p> <p>4 and they were told to research Grindr and Bender, to</p> <p>5 search Daniel's home and seize his computers, phones and</p> <p>6 diaries and to enquire with the crime scene manager</p> <p>7 about whether Gabriel had been moved and the note</p> <p>8 concludes "Open source", meaning open source</p> <p>9 intelligence enquiries and CCTV, being actions that were</p> <p>10 tasked at that briefing.</p> <p>11 At that point SC&O1 refused to take primacy, so</p> <p>12 Mr Wilson then spoke to a homicide commander, as was the</p> <p>13 policy, to try to persuade them. He was not sure who it</p> <p>14 was, whether it was Mr Sweeney or somebody else, but he</p> <p>15 tried to persuade them but they still refused to take</p> <p>16 primacy and he chose then not to take it any further,</p> <p>17 something which he now regrets, he said.</p> <p>18 Mr Wilson also said he regrets not recording his</p> <p>19 conversation with that commander and overall Mr Wilson</p> <p>20 concluded by apologising to the families for the</p> <p>21 substandard work done in the borough.</p> <p>22 At 11.13 on the 22nd DS Turrell emails tasks to her</p> <p>23 team. You will remember that the suggestion was this</p> <p>24 wasn't really an appropriate means of doing this. It</p> <p>25 should all have been on a CRIS, so everybody knew what</p> <p style="text-align: center;">Page 159</p>
<p>1 spoke to the family liaison officer Mr Slaymaker that</p> <p>2 day and his note agrees with what she says she said,</p> <p>3 which is that Anthony would not have taken GHB of his</p> <p>4 own accord.</p> <p>5 We move then to Monday, 22 September. Chief</p> <p>6 Superintendent Wilson told you that he remained</p> <p>7 concerned about the coincidences between the deaths of</p> <p>8 Gabriel and Daniel, that they were found at the same</p> <p>9 location, in very similar positions, leaning against the</p> <p>10 same wall, by the same member of the public and that the</p> <p>11 apparent suicide note in which Daniel confessed to</p> <p>12 killing a male, who by then they had identified as</p> <p>13 Gabriel Kovari. He, Mr Wilson, said he wanted SC&O1 to</p> <p>14 take primacy because Gabriel did not die in the</p> <p>15 churchyard, and he asked DI Kirk to liaise with homicide</p> <p>16 command.</p> <p>17 He, Mr Wilson, planned a gold group for 4.00 that</p> <p>18 afternoon. He appointed A/DI Schamberger to oversee the</p> <p>19 investigation, so that is when Mr Schamberger took over,</p> <p>20 22 September. DS Turrell as officer in the case and</p> <p>21 SC&O1 "to support in an advisory capacity".</p> <p>22 At 8.35 that morning Mr Kirk sent Mr Schamberger</p> <p>23 Mr Sweetman's assessment of the Gabriel Kovari scene.</p> <p>24 Mr Schamberger said he wasn't sure if he read that.</p> <p>25 At 9.40 Mr Schamberger and Ms Turrell went to Fresh</p> <p style="text-align: center;">Page 158</p>	<p>1 task was what. She appointed in this email</p> <p>2 Jackie Baxter, DC Baxter, to act as the family liaison</p> <p>3 officer for Kovari and Paul Slaymaker for</p> <p>4 Daniel Whitworth's family.</p> <p>5 Mr Slaymaker was to search Daniel Whitworth's</p> <p>6 address and seize the items that I have just listed and</p> <p>7 look for any drugs.</p> <p>8 Debbie Turrell, DS Turrell, said she was not aware</p> <p>9 of what was and was not done as a result of this email,</p> <p>10 but she should have been, she said.</p> <p>11 I will remind you again in a moment, but you will</p> <p>12 remember, that DC Baxter did not contact</p> <p>13 Gabriel Kovari's family.</p> <p>14 At 4.00 that afternoon was the gold group. The</p> <p>15 original intention had been that senior HAT officers</p> <p>16 would attend. Mr Lyons said he was invited far too late</p> <p>17 to be able to attend that meeting. Again, there is</p> <p>18 a record of that meeting, again reference to cell data</p> <p>19 and cell site phone data to be obtained. In fact this</p> <p>20 says it is to be obtained by DI Kirk, but he said it</p> <p>21 wasn't his job to get that done. Mr Schamberger was</p> <p>22 supposed to arrange for the officer in the case, who was</p> <p>23 DS Turrell, to gather intelligence packages for Gabriel</p> <p>24 and Daniel. DS Turrell asked Mr Slaymaker to get data</p> <p>25 on Daniel's and Gabriel's phone, but nothing was ever</p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

<p>1 done on Gabriel's phone and they never applied for data 2 in relation to Daniel's phone for the wider dates, 3 although that had been tasked.</p> <p>4 At this stage Mr Slaymaker agreed when he gave 5 evidence that it was a deeply unsatisfactory way to 6 investigate these two deaths. There should have been 7 a PIP3 accredited officer overseeing it. He said, 8 "I didn't make any link with Anthony Walgate's death". 9 He agreed that the suicide note, as it was called, 10 raised many questions which were best answered by a MIT 11 team, who were better placed to pull all the strands 12 together. Superintendent Wilson said that after the 13 gold group he spoke to DI Kirk about "forensicating the 14 note", but nothing was done about that.</p> <p>15 DCI Lyons agreed that primacy would have been taken 16 if his team had known that Daniel was with Ricky on the 17 night that Gabriel died, which of course is what Ricky 18 had said in his statement, that he was pretty certain 19 about, and which, winding again the clock forward, you 20 will remember that when further enquiries were made with 21 Daniel's family, the Whitworth family recalled they had 22 all had a family get together that weekend and indeed 23 that they had all seen Daniel and he had been absolutely 24 fine, which he wouldn't have been if he had been 25 responsible for killing Gabriel at the end of August, or</p> <p style="text-align: center;">Page 161</p>	<p>1 saying that the phone work was being done, but, as you 2 know, it wasn't. If it had, the cell site analysis 3 would have shown Daniel's phone in Gravesend at the time 4 of Gabriel's death, and of course that would have cast 5 serious doubts -- well, it would have established that 6 he wasn't in the graveyard with Gabriel.</p> <p>7 Between 13.30 and 13.50 on 22 September police 8 searched Daniel and Ricky's flat. They seized 9 an address book and they seized what was described as 10 a handwriting sample which was a list, I don't know if 11 you remember it, it is your bundle, a list of things in 12 capitals, which you may think was not a very good piece 13 of handwriting sample to compare, but anyway it wasn't 14 compared with the note in any event.</p> <p>15 It was pointed out that when Mr Slaymaker went to 16 carry out that search he could have taken the note with 17 him and shown it to Ricky, but that wasn't done. In 18 fact, as you know, Ricky didn't ever see the note until 19 the inquest, which all agree was another failure.</p> <p>20 The Whitworths say that they were told that the note 21 would be submitted for expert analysis, "So that you 22 will know one way or the other", but Mr Slaymaker says 23 he didn't say that and it had been left with 24 Adam Whitworth to decide whether to show the note to 25 Ricky.</p> <p style="text-align: center;">Page 163</p>
<p>1 days before that family get together.</p> <p>2 Just reminding you again, DCI Lyons agreed that 3 primacy would have been taken if they had known that 4 Daniel was with Ricky on the night that Gabriel died. 5 I just pose the question for you to consider, is it as 6 simple as that, because you may think the borough could 7 easily have found that out from Ricky and Ricky's phone 8 records, which we will come back to, because they gave 9 some further detail about that.</p> <p>10 Mr Kirk agreed again that this should have been 11 an SC&O1 investigation. He agreed that after primacy 12 was not taken his task was to try to explain the deaths 13 through his officers and if they became more suspicious, 14 to refer back to SC&O1. Mr Schamberger told you that 15 the borough officers were simply not working in a safe 16 environment and couldn't give each case the attention it 17 deserved.</p> <p>18 At 11.20 on the 22nd Mr Kirk sent Mr Schamberger the 19 HAT return. Mr Schamberger was not sure if he read that 20 either. His understanding, Mr Schamberger's 21 understanding, was that the handwriting had been 22 compared and verified as he put it, and he believed that 23 the investigation was being run by DS Turrell and by her 24 team.</p> <p>25 There is then a record from DC Adeyemo-Phillips</p> <p style="text-align: center;">Page 162</p>	<p>1 Mr Slaymaker was tasked to continue the phone work 2 on Daniel's phone going back to at least 28 August for 3 connections with Kovari and cell site, as the note 4 recorded, and he was also asked if he could get this 5 done for Gabriel's phone, which again I have told you 6 was never done. All of that was set out in an email 7 into which Mr Schamberger was not copied when he should 8 have been. There should have been a CRIS, as I say, 9 which anyone could set up but nobody did.</p> <p>10 Finally in relation to that day, DC Baxter's role 11 was twofold.</p> <p>12 Firstly, her role was to contact the family as soon 13 as possible and provide them with information.</p> <p>14 Secondly, as family liaison officer, to obtain 15 relevant information from the family about why Gabriel 16 was in the UK and how he ended up dead in Barking.</p> <p>17 DC Baxter did neither of those things, and nor did 18 she look at the HAT advice, nor the assessment of the 19 scene by DS Sweetman. Emails were sent to her by the 20 coroner's officer on 28 October, to which she did not 21 respond, and on 15 April she was asked for a background 22 statement, which she did not obtain. She put her 23 "fundamental failures", as they were put to her, down to 24 her being very busy.</p> <p>25 Tuesday, 23 September that morning DS Turrell set</p> <p style="text-align: center;">Page 164</p>

<p>1 out some further actions which needed to be completed. 2 Ms Adeyemo-Phillips was tasked to get CCTV and to look 3 at the timeframe between 19.30 the night before Daniel 4 was found and 19.30 the night before Gabriel's death, 5 but that was not done. 6 DC Baxter was tasked to take a statement from 7 John Pape, and in fact we know that had already been 8 done by PC Faulkner on 8 September. So no further 9 statement in fact was taken from Mr Pape. 10 Mr Slaymaker was to take a witness statement from 11 Daniel's employer and from Ricky Waumsley. A statement 12 was taken from Daniel's colleague, which revealed that 13 he had headed off to Barking on 18 September after work. 14 That was a detail that was already in fact recorded on 15 the missing person report. Enquiries were made with HR 16 at Daniel's place of work, but there was never 17 a statement taken from his employer. 18 Between 11.35 and 13.55 on that date was the special 19 post mortem carried out on Daniel's body by Dr Swift. 20 His briefing before that post mortem was the HAT return, 21 which you have seen. DS Denley and DI Schamberger and 22 others were present and the notes were made by a crime 23 scene manager called Gallagher. The strategy at that 24 special post mortem was to ascertain the cause of 25 Daniel's death. Was it consistent with the note? To</p> <p style="text-align: center;">Page 165</p>	<p>1 mortem, and at some point he was out of the room, so 2 perhaps he didn't hear it, was what he said about that. 3 DS Denley thought that the borough officers were 4 capable and he was quite happy to give further 5 assistance and resources if asked for, but it was 6 declined, he said, I wasn't asked, they didn't ask me. 7 He said: 8 "If they had been struggling they should have 9 contacted me and ask for help, but they didn't. 10 I expected them to carry out a basic investigation, 11 including examination of Daniel's clothing and the 12 bedsheet. The investigation should have included 13 identifying who Daniel had been with the night before, 14 as that was the last person to have seen the victim and 15 is very important evidence." 16 He, Mr Denley, said: 17 "I discussed the matter with A/DI Schamberger and he 18 is aware further investigation is required [this is what 19 Mr Denley recorded] his current focus is on CCTV, 20 phones, witnesses and associates." 21 DS Denley said: 22 "I was entitled to expect what has been called 23 professional curiosity of the borough officers." 24 He agreed that his HAT advice did not record all the 25 advice, it didn't mention the sheet or submitting the</p> <p style="text-align: center;">Page 167</p>
<p>1 identify any sign of possible assault or third party 2 involvement and to try to identify the male who the 3 deceased had described as "having sex with the previous 4 evening". Those were the police aims which were briefed 5 to Dr Swift before the post mortem. 6 Upon his examination he found no cause of death, so 7 he too, like the others, referred samples for 8 toxicology. He did make relevant findings though for 9 which he can now give a probable cause. He found 10 bruising, which was very likely to have been caused in 11 life, to the armpits and chest of Daniel, which was 12 consistent with the carrying of the body or manhandling 13 by holding him under his arms, but not in his view 14 consistent with rough sex. He also found petechiae and 15 bruising to the neck, Dr Swift was sure that he told the 16 police to get the blue bedsheet tested. 17 We know that after the post mortem, or certainly in 18 Dr Swift's absence, the police with DS Denley discussed 19 whether the bruising might have been caused during rough 20 sex, but Dr Swift was never asked his view about that 21 and he told you he didn't think that was how it was 22 caused. There was no mention in the post post mortem 23 briefing of the bedsheet recommendation, which again was 24 a failure, although Mr Schamberger says he doesn't 25 remember that recommendation being made at the post</p> <p style="text-align: center;">Page 166</p>	<p>1 clothing. He said that was possibly a mistake, bearing 2 in mind that others wouldn't therefore later know about 3 that when they read his HAT return. He said the themes 4 however were included and the additional actions were, 5 he thought, obvious. He said he did not follow up the 6 actions that he had set to see if they had been done, 7 because Mr Schamberger was making notes and he thought, 8 as I repeat, that they were all obvious and they would 9 be carried out. 10 The HAT advice after the special post mortem was 11 that primacy for the investigation remains with the 12 borough, but SC&O1 and MIT 13 remain a point of contact 13 for them for assistance and advice. Mr Denley has 14 recorded: 15 "A/DI Schamberger agrees with and understands the 16 rationale." 17 As I have just said, Mr Schamberger did not have 18 much of a recollection of the discussions at the special 19 post mortem. In particular he didn't remember 20 discussing the bruising, the sheet and the question of 21 rough sex. He understood though that they needed to get 22 the bottom of Daniel's last movements and how he came to 23 be where he was, the cause of death and his involvement 24 with Gabriel. 25 He said, this is Mr Schamberger, he was not in</p> <p style="text-align: center;">Page 168</p>

42 (Pages 165 to 168)

<p>1 a position to do what he should have done, which was to 2 convene a team, discuss what needed to be done and set 3 the required actions.</p> <p>4 He agreed that there was no forensic strategy 5 meeting, despite him having written down the crime scene 6 manager's phone number on his daybook, which you will 7 remember. Had there been a forensic strategy meeting it 8 is pretty certain the sheet and the sex samples would 9 have been submitted.</p> <p>10 In this context Ms Mackay said as with 11 Anthony Walgate, the bruising was not properly 12 considered in this investigation. There should have 13 been a forensic review with the crime scene manager 14 within 24 hours and the focus should have been on 15 fast-track submissions of the sex swabs to identify "the 16 guy I had sex with", which would have taken between two 17 and three weeks, she thought.</p> <p>18 On 24 September the CRIS was finally opened at 8.35 19 that morning. As I have reminded you, failure to do so 20 earlier meant that actions had not been followed up and 21 tasks not completed.</p> <p>22 That same day, Dr Swift's preliminary report came in 23 saying that the cause of death was pending further 24 investigations.</p> <p>25 I will just take us to the end of 29 September and</p> <p style="text-align: center;">Page 169</p>	<p>1 but he was told it was far too early, since there was 2 still a possibility that they were dealing with two 3 unlawful killings.</p> <p>4 Then on 29 September, you will remember, there was 5 what has been described I think as a press interview 6 with DI Kirk. The importance of this is that some sort 7 of link seems to have been made by someone at some point 8 between the deaths of Gabriel and Daniel and that of 9 Anthony, because Mr Kirk is emailing asking someone to 10 get him the details of Anthony because he is going to be 11 asked about that.</p> <p>12 You have seen the article that actually arose as 13 a result of that interview in which Mr Kirk describes 14 the deaths as unusual and slightly confusing, because 15 they are not local men and we needed to find 16 a connection with the borough by trawling through phone 17 and internet records, which was a matter of course.</p> <p>18 Mr Kirk couldn't really explain why he had mentioned 19 Anthony. He said, "I certainly didn't think there was 20 any link between the deaths". He agreed now that he 21 appreciates that there were similarities, but he didn't 22 make the link at the time.</p> <p>23 He accepts, this is Mr Kirk, that had he conducted 24 a review the deaths may have been linked. The 25 similarities might have been looked at far more closely</p> <p style="text-align: center;">Page 171</p>
<p>1 then we will pause for today.</p> <p>2 On 25 September Mr Schamberger reviewed the CRIS and 3 he set five actions, which are set out on pages 84 to 90 4 behind tab 46. Those five actions were: CCTV; 5 submission of samples; witness statements from 6 Ricky Waumsley, John Pape and Daniel Whitworth's work, 7 as I say no one seemed to know that a statement had in 8 fact been taken from John Pape back in early September 9 in which important details were given; fourthly, open 10 source investigation concerning Grindr and Bender and 11 consult CIU, which is the communications investigation 12 unit; and, fifthly, phone work on Gabriel and Daniel's 13 phones, call data, IMEI and cell site going back to 14 1 August.</p> <p>15 Those were the actions he set.</p> <p>16 Ms Mackay said that the problems relating to the 17 phone work stemmed from inadequate recording by the 18 police of actions and a lack of understanding as to who 19 was responsible for what and, importantly she said, 20 a lack of supervision. The phone work was key to 21 providing a link between Gabriel and Daniel, or a lack 22 thereof, and it simply dropped off the investigation 23 after 12 months.</p> <p>24 In fact, DI Schamberger contacted Police Sergeant 25 Denley at HAT asking if Daniel's body could be released,</p> <p style="text-align: center;">Page 170</p>	<p>1 and created an opportunity for MIT to take over. 2 Mr Kirk was not aware of John Pape's statement, he said.</p> <p>3 Mr Schamberger also agreed that there were 4 potentially plenty of forensic links, information from 5 members of the public, and the similarities between the 6 deaths themselves, which could and should have led 7 police to Stephen Port sooner.</p> <p>8 As I have told you, a statement had been taken from 9 Daniel Whitworth's work colleague, who said that he and 10 the work colleague caught a train together on 11 18 September and that Daniel was heading for Barking, 12 but no statement was taken from the employer about 13 whether he was at work on the dates in August relevant 14 to Gabriel's death and Mr Slaymaker agreed that that 15 should have been done.</p> <p>16 Members of the jury, I will pause there. It has 17 been a long day for you and I will continue tomorrow 18 morning. I gather you have agreed that we can start at 19 9.30 tomorrow, for which thank you very much. That is 20 what we will do and I anticipate that you will be 21 retiring and beginning your discussions by about 11.00 22 tomorrow, all right?</p> <p>23 Thank you.</p> <p>24 See you tomorrow. 25 (4.12 pm)</p> <p style="text-align: center;">Page 172</p>

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<p>1 (The inquests adjourned until 9.30 am the following day)</p> <p>2</p> <p>3</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>Page 173</p>	
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