

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield

(10th May, 1985)
29th May, 1985

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY

and Others

APPEARANCES:

For the Prosecution: MR. B. WALSH, Q.C. and
MR. K.R. KEEN

For the Defence: See Attached Sheet

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29 MAY 1985

REGINA V. GREENAWAY and OTHERS

C.S.I. POVEY (Continued)

CROSS-EXAMINED BY MR. GRIFFITHS:

Q. Mr. Povey, my name is Griffiths and I am representing Mr. O'Brien.....

MR. GRIFFITHS: Mr. O'Brien, would you stand up, please? (Accused O'Brien stands.)

- Q. MR. GRIFFITHS: That gentleman there (indicating). Mr. Povey, Mr. O'Brien was arrested on the 18th above the bridge, so it is what happened above the bridge that I am principally concerned with this morning? - A. Yes.
- Q. But before we get there, if you could help me on one or two matters. You are now, I think, 'a Chief Superintendent; is that right? - A. That is correct.
- Q. But you obviously had a fair amount of experience as a leader or a Superintendent of a Division, as you explained, I think, last week? - A. Yes.
- Q. In that capacity, one of your many roles, facets of your responsibilities, would have been to read files of evidence prepared by more junior officers with a view to prosecuting particular individuals for particular offences - agreed? - A. That is correct.
- Q. You would have had to bring to bear your knowledge of how the law worked? I am speaking now generally, so there is no misunderstanding. I am not talking about this particular case. I am talking about your general experience when you were a Superintendent before we get anywhere near the 18th of June. You had to apply your knowledge of the law as it changes, that is as new directions were given by the higher courts of particular laws? - A. Yes.
- Q. To assist those underneath you; is that right? - A. That is right.
- Q. It clearly would have come to your knowledge, would it not, in that particular role that you were playing or undergoing and the responsibilities that you had, that the higher courts in this country, in particular the Court of Appeal, in the 70s had to deal with a number of difficult cases involving identification? You came to know that, did you not? - A. Yes.
- Q. As a result of decisions that certainly you would have known about, great care had to be applied, did it not, in dealing and considering cases which turned on visual identification? - A. Yes.
- Q. When you would have been carrying out this particular responsibility, you would have been concerned, would you not,

- in considering a particular case as to whether to recommend that the proceedings should continue or not, the opportunity that a particular person had of identifying the wrongdoer? - A. If it hinged on identification, yes, sir.
- Q. And considerations that you would have thought important would have been what was happening at the time of the reported identification? - A. Yes.
- Q. Very important indeed? - A. Yes.
- Q. Whether the scene was a tranquil one or whether the scene was one of confusion - very important indeed? - A. Yes.
- Q. Of course, the more confusing a situation, the greater the danger of errors of identification being made? Do you agree with that generally? - A. Yes.
- Q. So in situations which could be described as "being absolute confusion", there would be a very great danger of errors occurring, in other words witness A saying, well, he thought he saw so and so, when he was entirely mistaken. There would be a great danger in situations of absolute confusion - agreed? - A. I think I answered this question.
- Q. No, you did not. Would you agree that in situations of absolute confusion the danger of misidentification is increased enormously. - A. It depends on the perception of the person carrying out the identification. If his attention is solely devoted to the person he is trying to identify, then I think the danger of mistaken identification is not there. If it is not, if he is generally looking at the scene then, yes.
- Q. I am talking in general. Would you agree that when you have a situation of calm, or very few people about, then obviously the chances of a person correctly identifying a person are much greater, would you not agree, than in a situation which - I used this term - can be described as "absolute confusion"? You would agree with that, surely, as a sensible Officer? - A. Yes, I would agree with that.
- Q. The way you described to the Jury what was happening at one stage above the bridge on Friday, or it may have been Thursday, you turned to one of my learned friends and said words to this effect - and please correct me if I am paraphrasing you incorrectly, but I think this is what you said - "You have no conception of the absolute confusion of the scene above the bridge." Am I fairly putting it? - A. Absolutely. The general picture above the bridge was one of absolute confusion.
- Q. Do you know, Mr. Povey, that a number of these Defendants whose guilt the Jury have to decide, quite apart from whether there was a riot or who caused the riot, were arrested in that period which you have described as one of "absolute confusion"? Are you aware of that? - A. I am not aware of the times of arrest of these Defendants, but if you say that is right, I accept it.

- Q. You have told the Jury that you yourself in this period of absolute confusion saw short shield Officers return with injured, arrested pickets? - A. Yes, but what I am saying is I think there were over 50 people arrested on the top side that day. I have not seen the file and I am not aware of these particular Defendants, of whom there are only 15 here arrested.
- Q. I will try to help you with that a little later on. You mentioned that you had been following this case in the newspapers. Had you been doing so regularly before you started giving evidence? - A. No, but I take an evening paper called The Star and it was reported, I think, very briefly on a couple or three nights in that newspaper.
- Q. Do we take it that you read all that was reported in that particular paper concerning this case before you came into court? - A. I don't know if I read all that was reported. I remember reading about three pieces in The Star on different nights.
- Q. Before you came to give evidence when had it been that you had last spoken to Mr. Clement concerning the events of the 18th? Can you give us some idea? - A. It would have been around about the event. I have not seen Mr. Clement for many months because of my present position.
- Q. You can't remember precisely when? - A. No.
- Q. What about Mr. Hale? - A. No, I have not discussed it with Mr. Hale.
- Q. When did you last see Mr. Hale? - A. Some weeks ago, probably a couple of weeks ago.
- Q. "A couple" could mean many things. Do you mean two or more? - A. I think I have seen him in Headquarters two or three weeks ago.
- Q. Did you discuss this case with him then? - A. No, I have not.
- Q. In any way? - A. No.
- Q. Before you were assigned, I think, on one occasion before the 18th to Orgreave, if I have got that correct. Was that the second day you had been at Orgreave? - A. No, I had been there since the beginning of June.
- Q. But not in May? - A. No.
- Q. Before you went there, did you know Mr. Hale before that? - A. Yes.
- Q. Was he a person who you had worked with previously in the same Division or elsewhere - so we can get a picture of the relationship between you? - A. I don't think I have worked with him in the same Department or Division.

- Q. Did you know him, for instance, by his first name? - A. Yes.
- Q. Have you known him for some years? - A. Yes.
- Q. Mr. Hale, you have told us, was in charge of the short shield units? - A. Yes.
- Q. What other role did he have to play when you first got there, in other words, the original briefing on 18 June? - A. He was Sector Commander with me on the top side.
- Q. You mean you were joint in command? - A. No, he was my deputy, if you like.
- Q. If short shield units had not been deployed, would he have nevertheless have been out in the field as your deputy? - A. Yes.
- Q. And then what? Ferrying and carrying orders you gave him? - A. Yes, taking a generally active part in supervision.
- Q. Obviously we will hear from Mr. Hale himself, but bear in mind it was your responsibility. What specialist training, so far as you are aware, did Mr. Hale have to lead or be in charge of these short shield units? - A. I think he had had considerable training in the use of long shield and short shield units.
- Q. He was a specialist, in other words, in that field? - A. He knew more about the use of short shield units than I did.
- Q. Did you rely on him about your manoeuvres and the shields Officers had been trained to use that day? - A. No, I did not rely on him heavily for that. There are no great secrets about the use of short shield units. They are used to going into a great crowd to arrest people and disperse people. It wasn't a case of needing great technical detail.
- Q. I do not want to embarrass you, but there is a little more to it than that, isn't there? There are different ways in which short shield units can disperse a crowd; did you know that? - A. Yes, I am sure there are. I am not aware of the detail of specific use of short shield units, but on the day they were used not in any complicated manner.
- Q. I am not suggesting any complicated manner at all. Do you know what the men that you were using had been trained to do? - A. I was aware they had been trained in arrest tactics and dispersal tactics, but not in the detail of that.
- Q. For instance, why was it necessary, if they are merely to disperse a crowd, to have batons drawn in the first place? - A. Because there was a great danger of them actually going into the crowd on foot and being attacked and injured.
- Q. But if they are intending to cause a crowd to turn and run - is not that the intention? - A. Yes, it is, but you are talking about four short shield units, that is 80 to 100 men, and there are 5,000 to 6,000 people there.

- Q. You were asked by one of my learned friends as to, I think, what sort of age group were the men who were in the short shield units and I think you said "It depends" or "It varies"? - A. Yes.
- Q. As young as 19? - A. I would say there could be people in the short shield units that were as young as, I would say, 19 to 20.
- Q. Tell me this: what was the criteria used for their selection? Do you understand the question? - A. The selection? You mean for Police Support Unit training? I think there is an upper age limit of 35 and they have to be physically fit.
- Q. They have to be fit because the intention is that they will be running at some stage during the carrying out of their task? - A. Yes. Controlling public disorder situations is a very, very strenuous task.
- Q. Those are the general matters before I come to what happened above the bridge. Could we, first of all, see if we can get clear certain times? I appreciate that you have indicated there was a period when you were up near the brow of the hill where you could not really tell how much time had elapsed. Do you remember saying that? - A. Yes, that is correct.
- Q. What we do know is that the convoy has a time apparently of being entered, that is the second convoy, at 10-past-12? - A. Yes.
- Q. Can we start with that? I believe that is the time, so we start at 10-past-12 with the convoy in, that is the second convoy? - A. Yes.
- Q. At that time the 42 horses had returned to the bridge; is that right? - A. Yes.
- Q. Can we just deal with the movements of those 42 horses, and there are reasons why I am dealing with it in this way, if you can just bear with me. The horses are back, the 42 having gone up to the brow, past the brow, the Jury may find, beyond the crossroads and back again, and you were back at the brow, I think you told us, just in front of the horses? - A. Yes.
- Q. About how long were you at the bridge before you recall the convoy going in, because you clearly remember being at the bridge when the convoy went in? - A. I just can't recall.
- Q. No idea? - A. As I recall, the convoy was going in as we were at the bridge. It may have even been as we reached the bridge I really am not sure because I could not see the convoy from that area and my recollection is that it was a radio message that told me the convoy was in.
- Q. But you cannot help me as to how long you had been at the bridge before the convoy came in? - A. No. It was a very, very short space of time, and may even have been at the time.

Q. Those 42 horses, you were asked by my learned friend Mr. Walsh as to a timing and I have a note that some 15 minutes had elapsed from the 42 horses leaving the bridge and coming up to the brow of the hill to the time when the decision was made to return. Do you remember that? - A. Yes, I do, and that is as near as I can place it.

Q. You then went on to say it was between three and five minutes for the retreat back, that is getting the horses back from the crossroads to the bridge? - A. Yes.

Q. They returned quite swiftly? - A. Yes.

Q. It would not have taken more than - what - a few minutes for the 42 horses to come from the bridge to the brow of the hill - agreed? - A. Agreed.

Q. So, if those timings are correct, we are talking about 25 minutes or so at the most for the movement of the 42 horses from the bridge and back to the bridge. Am I right or not? - A. Yes, as near as I can place it, yes.

Q. JUDGE COLES: About 25 minutes? - A. Yes, Your Honour.

Q. MR. GRIFFITHS: If that is right and if you just got back to the bridge at the time or about the time that the second convoy was going in, it would mean we are talking about that movement of the horses, the 42-odd, leaving the bridge on their way up to the hill to support you and then onward, leaving the bridge at about quarter-to-12? - A. To try and tie it down specifically to that time is very, very difficult. My recollection of the convoy going out, and I stand to be corrected, but I believe the convoy went in at noon to, say, 12.10.

JUDGE COLES: I don't know we have got any evidence.....

MR. GRIFFITHS: It is the evidence that has been served by way of additional evidence.

MR. WALSH: It may be a question of how long the convoy took to get in.

JUDGE COLES: Mr. Clement did not know.

MR. GRIFFITHS: Your Honour, I am only trying to assist on evidence that we have been told by the Crown they are going to adduce. I am taking the 12.10 as being as accurate as we are going to get.

Q. JUDGE COLES: You say, at any rate, whatever time the convoy went in, you cannot be sure about that yourself? - A. Yes.

Q. You think it was about 25 minutes before that that the horses set out for the bridge? - A. Yes.

Q. MR. GRIFFITHS: I am dealing, of course, with the 42, the large sweep of horses. May I mention to you, Mr. Povey,

so that the Jury can follow why I am asking these questions, and I will be very careful to differentiate what is evidence to come and what is evidence in the case, but so far as my client is concerned, Police records indicate - whether they are right or not we will have to go into - that my client was arrested at 11.30 above the bridge. That is the Police records? - A. Yes.

- Q. We will be hearing evidence from the individual arresting Officers . Also enquiries have revealed, and evidence will be put before the court, that he was, in fact, admitted into Rotherham Hospital at 11.53? - A. Yes.
- Q. Which would probably be about right if he is arrested, he has to be taken to the ambulance and the ambulance has got to get him there. So, if these times are right, and we cannot pin you down to a precise time, but if those times are right, which will be given in evidence, and if your estimate of times is right, it would follow, would it not, that Mr. O'Brien was arrested above the bridge at some point before the 42 horse manoeuvre commenced - if those times are right? - A. Yes, I follow.
- Q. That brings me to asking questions about the arrest. Now, did I note you correctly that, when asked about arrests above the bridge, you told the Jury that arrests were made during the push - this is with the short shield units following 12 or so horses - and that is the first designed movement from the bridge up to the brow or thereabouts. So, we have that phase of arrests, and you think there may have been some further arrests after the 42 horses had come up and during the push from the area to the crossroads and beyond? - A. Yes.
- Q. Am I right? - A. Yes.
- Q. If my reasoning is right by way of questions to you and answers you have given, so far as Mr. O'Brien is concerned, one has to consider the move from the bridge and all that happened before the 42 horses were deployed, if we are right about it? - A. Yes.
- Q. So there you are, you are at the bridge, you have arrived at the bridge, there has been a little overrun by some horses and a few short shield men? In other words, the move had gone up to the bridge and they had come back and you are now all deployed at or about the bridge? - A. Yes.
- Q. There is then a conference between you, Mr. Clement and Mr. Hale? - A. Yes.
- Q. What was discussed so far as you can remember? - A. The feasibility of pushing further out beyond the bridge.
- Q. So far as you can remember, who wanted to do what, and was there any disagreement? - A. Not as far as I remember. We all agreed that that was the next logical step.
- Q. What was the next logical step? - A. To push beyond the bridge and try and hopefully disperse the demonstrators.

- Q. I am still dealing with the conference, this discussion between you, Mr. Clement and Mr. Hale. Push where? - A. First of all, we were going to the brow of the hill.
- Q. What was that? The decision that this conference arrived at? - A. Yes, the decision was to push forwards in an attempt to disperse the demonstrators.
- Q. How far? - A. To the brow of the hill.
- Q. That was clear, was it? - A. Yes, my recollection is that, yes, to push to the brow of the hill.
- Q. That decision has been made and ultimately the responsibility is that of Mr. Clement, as you explained, but it was left to you and Mr. Hale, was it, to implement that? - A. Yes.
- Q. You mentioned that short shield units were going to be used. Was that a directive from Mr. Clement, or was it left to you, or was it left to Mr. Hale? - A. No, it was just the ones we had got there at the time.
- Q. Were those the ones that had been used in the field? - A. Yes.
- Q. I think you mentioned four or five? - A. Yes.
- Q. Who gave the PSU, the short shield Officers, or the Inspector in charge their orders? - A. Myself and Mr. Hale gathered them together and said words to the effect of, "We are going to go forward and clear those demonstrators."
- Q. Did you tell them how far? - A. The horses were going to lead the way, so we were going to go no further than the horses and follow the horses to the brow of the hill.
- Q. Did you make it clear you were going to the brow of the hill and no further? - A. I don't know whether I said words to the effect of "brow of the hill" or whether it was in distance of 50 or 60 yards.
- Q. But one way or the other it was made known to them that they should only go a limited distance, to the brow of the hill or that sort of distance? - A. Yes, there wasn't a question of just going on.
- Q. Did you instruct the Officer commanding the 12 horses to like effect or what? - A. Yes. I am just trying to think of who the Officer commanding the horses was and I can't, but instructions were given.
- Q. It is a bit of a bottleneck on that bridge, is it not? It is narrow? We have all been there? - A. Yes.
- Q. You have to get a formation, if you are right about the horses. Are you right about the horses being used on this particular deployment? Do you think they may not have been used at this stage? - A. No, I do not. The horses went before.

- Q. That is the 12 horses? - A. About 12 horses.
- Q. You have got a rather narrow bridge. How did you form up the PSU? - A. The PSU was formed up behind the horses. It was all done very quickly. The short shield men were called together behind the horses, the instructions were given and we moved out. It had to be done quickly because of the stone throwing.
- Q. Were the instructions to the short shield units to remain behind the horses at all time? - A. I don't remember giving that particular instruction, but that would have been commonsense.
- Q. There is a reason why I am asking you these detailed questions. You see, it is the suggestion, as has been made in this case, and it is one that the Jury will have to carefully consider, of how much control you senior Officers had, in fact, over the short shield units at this particular juncture in this particular incident. Are you saying that even though it was not quite an orderly start to this manoeuvre that each short shield commander knew that he was only to go up a relatively defined distance and no further than that area? - A. Yes, but unit commanders in charge of their units, if they see offences being committed to the left and right, they are going to lead the men and make arrests.
- Q. What about ahead? - A. Or ahead, yes.
- Q. So that was there within the terms of the instructions, that the short shield units would not necessarily stay behind the horses; is that right? - A. I do not recall giving that particular instruction to stay behind the horses, but the horses were in front and the horses stay up in front of the short shield units.
- Q. Let's deal with those 12 horses. Would you look at an overhead aerial photograph.....
- Q. JUDGE COLES: Just before you go into that, you said it would be no more than commonsense to stay behind the horses - why? - A. Whilst the horses were in front there was a barrier between the short shield men and the demonstrators. The demonstrators tended to run, or at least might have, to the side when the horses appeared.
- Q. To afford protection and also a means of dispersing them? - A. That's right.
- Q. MR. GRIFFITHS: Arising out of His Honour's question, if one of the functions of the short shield units at this stage was not only to disperse but to arrest, how were they going to arrest the people who were in front of the horses without running in front of the horses themselves? - A. If there were stone throwers between them and the horses, as in fact happened, they would arrest those.
- Q. JUDGE COLES: I think you said a moment ago that if the unit commander saw an offence left, right or ahead, you would expect them to break out of the line and make arrests? - A. Ye

- Q. MR. GRIFFITHS: So we are clear about it, if the unit commanders themselves decided it was necessary, they could take their squad ahead of the horses and go amongst the fleeing pickets? - A. No, they would not go ahead of the horses to pursue the fleeing pickets.
- Q. To arrest? - A. To arrest.
- Q. So there may very well have been occasions when these short shield units would have run ahead of the horses; is that right? It must follow? - A. It must follow if they did that, but I do not recall them going in front of the horses. I recall arrests being made to the side. There was a time, of course, when there were no horses.
- Q. We will come to that. You have got an overhead aerial photograph there. We are not talking about the 42 horses, we are talking about those 12 who were ahead of the short shield units? - A. Yes.
- Q. This is the time that you say you saw Mr. Scargill? - A. Yes.
- Q. Looking at that aerial photograph, very simply what is the furthest point that those horses have got? Just orientate yourself for a moment. One can move from the bridge up and one sees a bungalow on the right-hand side, and if you look carefully there is a pair of semi-detached houses, another pair of semi-detached houses, another pair of semi-detached houses and then we have four houses together? - A. Yes.
- Q. Then another four or so together? - A. Yes.
- Q. Then finally a pair of semi-detached houses, and finally the last house? - A. Yes.
- Q. Then obviously, if one has proceeded in that way, on the left we have got commercial premises? - A. Yes.
- Q. You were there. It may be of some considerable importance later on in this case, but can you tell the members of the Jury what is the furthest point those 12 horses got to before you told them to return? - A. I think it was somewhere, looking at the first house on the right going up, then the second, and it would have been somewhere round about that area.
- Q. JUDGE COLES: Perhaps you could point it out? - A. That area (indicating).
- Q. You are pointing to the area where the first white building merges into darker, open ground; is that right? - A. That is correct. I am taking it, and it is difficult from the photograph, that the brow of the hill is somewhere around the first building on the right.
- Q. MR. GRIFFITHS: It would appear from the photograph that is right. If one looks at photograph No. 12, one can see generally opposite that bungalow, on the left, the first entrance into the commercial estate? - A. Yes.
- Q. It is almost opposite the gap between the bungalow and the

- first semi-detached house? - A. Yes.
- Q. That would be about the brow of the hill, would it not? - A. Yes.
- Q. So, does it come to this, that you are saying - you were there, Mr. Povey - if you can remember this with clarity, that those horses did not proceed further than that semi-detached house on the right? - A. Yes.
- Q. To the best of your recollection? - A. Yes.
- Q. You tell us, had any short shield units gone ahead of the horses by the time your horses reached that point? - A. Not to my knowledge. Short shield units were in front of me. I do not recall them being in front of the horses.
- Q. You were overtaken before you got there then? - A. Yes.
- Q. So you were leading or were abreast of the first line of short shield units when you say you saw Mr. Scargill? - A. Yes, when I set off from the bridge.
- Q. Yes. You described how you were, I think, looking to your left when you saw Mr. Scargill. You have described where that was. That would have been, I think you said, about 20 yards up from the bridge or thereabouts? - A. Yes.
- Q. How was it that you fell behind? Was it by design or were they just running faster than you? - A. They were running faster than me, but by design as well.
- Q. You say the horses, if the horses were there, were in a trot by now, were they? - A. Yes.
- Q. Is the picture that the Jury would have if they were watching this that when the move started at the bridge, the horses quickly got into a trot, the short shield units were running, keeping up with them, so we see a mass of people running up that road? - A. That's about it, yes.
- Q. It would be wholly wrong to describe that process of proceeding up from the bridge to the area merely as a walk, would it not? - A. The horses?
- Q. No, the whole body of short shield units were running - I am not suggesting improperly? - A. Yes.
- Q. They were certainly not walking? - A. No.
- Q. JUDGE COLES: Neither were the horses? - A. No, Your Honour.
- Q. MR. GRIFFITHS: You say that not to your knowledge did any of the short shield units get ahead of the horses? Well, you gave the order to the horses, or to the senior horseman, to return? - A. Yes.
- Q. Does that mean that you therefore went up to the person or did

you communicate with him by radio? - A. No, in fact, as I recall, when we reached the brow of the hill, the horses had stopped and, in fact, may even have started back. It was at that time that I saw thousands of demonstrators beyond the brow of the hill and realised that we were in danger, and it was a case of going over the radio and asking for reinforcements in horses and sending those horsemen back to join the others and bring them forward. At the time that was happening, the horses were coming back, various short shield units were milling to the left and right and it may have been at that time - well, there must have been a time - when they were in front of the horses.

- Q. All you can say is that at this time, when the horses were milling around, possibly coming back, short shield units were chasing to the left and right? Would that be fair? - A. Yes.
- Q. And also, in all probability, to the front as well? - A. They may well have been, yes.
- Q. This was therefore a period before this so-called loose cordon was formed which you have described? - A. Yes.
- Q. Can you give some idea as to how long it was before the loose cordon was formed and the short shield units at least had some semblance of order in the form of a cordon as opposed to arresting people? - A. It was a very short space of time, particularly as at that time times may have appeared longer than they in fact were. That was the time when we were awaiting the arrival of the 42 horses.
- JUDGE COLES: What we want to know, Mr. Griffiths, is how long it took everybody to get back to form a cordon at the bridge. Is that right?
- Q. MR. GRIFFITHS: I will put it again. We have this situation, Mr. Povey, - this area was a rather grey area in my notes - and I wanted to clarify it because it is very important, but you set out in an orderly fashion, according to your evidence, from the bridge, horses ahead of you, you in the front line and you have got short shield units with you? - A. Yes.
- Q. There then comes a point when you are at or about the brow of the hill, where it becomes disorderly in the sense that horses are milling around, starting to come back, demonstrators are running all over the place. Would that be a fair description? - A. Yes.
- Q. Amongst that your own short shield units. You yourself are not in control of the individual units at this stage, are you? - A. No. As I have said, once you deploy them, once they are sent out, they are in the immediate control of their Inspector and Sergeant.
- Q. This is the situation you described as one of "absolute confusion" last Friday? - A. That is correct.

- Q. What I would like to know is how long did this situation of absolute confusion in which arrests were made continue until at least some semblance of order was got back in the form of this loose cordon and the to-ing and fro-ing while you were waiting for the 42 horses. Do you understand that? - A. Yes, I understand that.
- Q. You help us as best you can? - A. My difficulty is that there was so much happening at that time that if I say perhaps five minutes for that to happen, I really am guessing because the situation was such at that scene on that day that to now, one year later, say whether it was five or ten minutes is extremely difficult.
- Q. You told my learned friend Mr. Taylor that you saw arrested persons - I think you referred to them as "prisoners" - with head injuries being brought back, in other words, coming from a point further towards the crossroads than you were, and you saw them being brought back? - A. Yes.
- Q. Past you and down to the bridge, and this was before the 42 horses had come into the picture? - A. Yes.
- Q. Latch on to that in your mind's eye. - A. Yes
- Q. When you saw that happening, was there a loose cordon or was there not, or was it just really people all over the place? - A. I think that's right. I think at that time there were people milling around and in the process of forming a cordon.
- Q. In other words, we are talking about five short shield units, that is getting on for more than 100 men, policemen, some of them still out and about doing whatever they were doing - perhaps we will hear a little bit more about that in the course of the case - some of them beginning to line up and redeploy in some sort of form. Is that so? - A. That is correct.
- Q. You can only then speak from a limited vantage point when that was happening. Where were you in relation to the aerial photograph? Have a look at the aerial photograph. You presumably will be able to help us about that? - A. At that time....
- Q. On which side of the road for a start? - A. I was on both sides of the road. I was in front of the cordon and behind the cordon.
- Q. Whereabouts would you have been when you saw this happening? - A. When I saw the prisoners being brought back?
- Q. All right? - A. Round about the area of the hill between.....
- Q. By that bungalow, that point you described as being the furthest point where the horses had been? - A. Yes. The prisoners I recall being brought back, I saw them around the brow of the hill.
- Q. Did you see one such prisoner being brought back with a particularly nasty head injury? - A. I saw a couple of

prisoners with head injuries in that there was blood coming from the forehead.

Q. At about that time? - A. Yes.

Q. A couple - do you mean two? - A. Yes.

Q. Will you look, please, at the photograph taken of my client, Exhibit 11? That is taken a little further back down the road, but you can see one injured person. Do you see one injured person? - A. yes.

Q. Does that bring your memory back that he might well have been one of the two persons you saw being brought back from ahead of you? - A. I really cannot say. I do not recall seeing that amount of blood, but certainly I saw men bleeding. I can't say whether that was one of the men I saw.

Q. But you remember two in particular whose head injuries clearly registered in your mind, and you remember seeing them coming from ahead of you, being brought back by Officers? - A. Yes.

Q. Up to the time either when the 42 horses were brought up or shortly before, as I understand your evidence, you are using, at or about the brow of the hill, the short shield units? - A. Yes.

Q. That was by design, in other words, it had never been intended in that initial movement to use anything other than short shield units? - A. Yes, but it hadn't been intended to find ourselves in the position of having to form a cordon.

Q. I think you did mention that, and made it quite clear, there were, during the period we have been speaking of so far this morning, at or about the brow of the hill, before the 42 horses are used, no long shield officers being deployed? - A. I had not instructed the deployment of any long shield units, no.

Q. And you did not see any either? - A. I did not, no.

Q. The way you have described it, with great respect, is that you were very concerned about it now and the cordon, when it was being formed, while you were waiting for the 42 horses, it was moving to and fro and you were hoping that the horses would come quite quickly? - A. Yes.

Q. You were in command of the short shield units; you were not in command of the long shield units, were you? - A. No.

Q. JUDGE COLES: If there had been a long shield unit there, you would have seen it? - A. If there was a full unit of long shields, yes, Your Honour, I would have thought I would have seen them.

Q. MR. GRIFFITHS: The general picture, therefore, in that area when your men, that is the short shield units, were carrying out the instructions that had been given to disperse and to arrest, the scene was one of a very large body of pickets running in all directions other than straight at the

Police. That is basically it, is it not? - A. When the horses went forward, yes.

- Q. JUDGE COLES: This is the 12 horses? - A. Yes.
- Q. MR. GRIFFITHS: You called up the 42 horses, as I understand it, to enable you to retreat to the bridge? - A. Yes.
- Q. And it was necessary for the horses to produce a buffer; is that right? - A. Yes.
- Q. What I confess I can't understand, and you were asked by His Honour a number of times on Friday about this, but what I confess I can't understand, and perhaps you can explain it. again, is if this is a retreat, why was it an advance? - A. Well, I thought it was necessary to go forward to retreat.
- Q. Why? - A. Because of the amount of demonstrators there was in the area and the amount of missiles that were being thrown at us.
- Q. I can understand the possible logic of sending out horses causing even more stampeding through the village to give you a buffer so that you can retreat your men back to the brow of the hill, but what was the necessity for sending the men themselves ahead? - A. Because when the horses went forward there were large numbers of demonstrators to the left and right in those private premises, even in the gardens, and opposite the rows of houses, and as the horses went by, they were actually stoning the horsemen and, in fact, some of them were arrested.
- Q. Isn't it really a charade to call this a retreat and merely covering it with horses? Isn't it nearer the truth that it was simply a further, sweeping advance, pushing demonstrators amongst the householders? - A. The fact of the matter is, as I have described, there was a barrage of missiles coming over and something had to be done about that to stop it and to get the short shield men back to the bridge. The way to do that..
- Q. Send them back? - A. Under a barrage of missiles, turning your back on the demonstrators and, once you turn and try and get an orderly retreat, as soon as the demonstrators saw either horsemen, short shield men, or anyone else turn and knew they weren't coming any further, immediately their courage returned and they started stoning again.
- Q. Would you like to tell the members of the Jury what instructions were given at the brow of the hill to the men on the ground when the 42 horses were coming up? What did you tell them? Did you tell them, "This is a retreat, chaps, pull back once the horses are ahead" or, "We'll blast our way up to the crossroads and beyond"? What were your instructions to the foot Officers? - A. They weren't told to blast their way anywhere. They were told to arrest people throwing stones.
- Q. Did you tell them to go forward or back? Was it an advance or a retreat? - A. I told them to go forward and arrest people throwing stones.

- Q. You did not tell them to retreat at all? - A. No.
- Q. Why call it a retreat? - A. That was my intention ultimately, and that is what we ultimately did.
- Q. Aren't you calling it a retreat because that is the way the scenario was written up by Mr. Clement in his original statement, which you read and signed? Isn't that really it, that you kept on calling it a so-called retreat or a covering operation because that is the scenario put down in writing by Mr. Clement, and that had to be stuck by? - A. I am calling it a retreat because that is what it was. That was my intention at the time.
- Q. I suggest that is absolute nonsense? - A. The fact that we didn't was down to the demonstrators throwing stones at Police Officers on horses and on foot and was not down to the Police.
- Q. You used the term "broad brush" on a number of occasions, in other words, that you felt that the original statement made by Mr. Clement and your endorsement of it and then your statement was really a broad brush approach, giving a general synopsis of the whole incident. Is that right? - A. Yes.
- Q. When one gives so-called broad brush details of incidents in an overall way, there are dangers of mistakes being made as to detail, are there not? - A. Yes, detail being omitted.
- Q. May I suggest that an indication of your broad brush approach in your evidence is when you described to the Jury that there were, to give you an example, at 8 o'clock a "massive increase in numbers of missiles. Another way you have described it on more than one occasion is an "enormous increase" of missiles. Do you think you were then using a broad brush approach to the Jury? - A. I was telling the Jury the facts as I saw them at 8 o'clock that morning.
- Q. And as we see them on that video? - A. I am sure explanations will be given as to why it is not seen on the video, and I am sure those explanations are of a technical nature.

JUDGE COLES: We will adjourn for a short while.

(Short Adjournment)

CROSS-EXAMINED BY MR. REES:

- Q. Mr. Povey, I represent Mr. Marshall and Mr. Newbigging. They were also arrested above the bridge. I would like to take a short time just to go over some of the aspects of the events over the bridge, if I may. Before I do that, can I canvass something that you mentioned right at the end of your previous cross-examination by my learned friend Mr. Griffiths? I asked the shorthand writer to tell me the questions and answers that concluded that cross-examination. If you bear with me while I put to you what I noted with her assistance

from the shorthand note? Remember that my learned friend Mr. Griffiths was asking you about enormous missile throwing and claiming, in fact, that that was not shown on the video, and you went on to say, "I was telling the Jury the facts as I saw them at 8 o'clock", and then my learned friend said, "As we see them on that video?" and you said, "I am sure explanations will be given as to why it is not seen on the video, and I am sure those explanations are of a technical nature." Do you remember saying that? - A. Yes.

Q. How do you know we are going to have technical explanations....

JUDGE COLES: How is that relevant?

MR. REES: Your Honour, the evidence, as I understand it, is that this Officer has only seen an edited form of the video, which was part of a compilation using Prosecution film and film from the public media which he saw and, indeed, as I understand it, used at the Training School, in August or September, certainly in the summer after these events. By implication, I assume that since he has been in the witness box, he has had the opportunity to discuss the content of the video with any other witness or, indeed, any party to this case. Now, I am interested, I think properly with respect, in the evidence from the Officer that technical explanations will be forthcoming.

JUDGE COLES: How can this Officer give admissible evidence on that?

MR. REES: He can tell this Jury how it is within his knowledge that such explanations will be forthcoming.

JUDGE COLES: You are only interested in that? You are not interested in the technical explanation?

MR. REES: No.

JUDGE COLES: Let's hear your question.

Q. MR. REES: Do you want me to remind you of what you actually said? - A. No.

Q. The question was along the lines of how do you know that technical explanations will be forthcoming? - A. When I first viewed that video, which was some time in the week following 18 June 1984, I was surprised at the lack of stone throwing activity that was apparent on the video and, in fact, at that time I made a remark to that effect to one of the video men and he gave me a technical explanation. Now, when Mr. Mansfield I think it was, was cross-examining me and when he showed me two minutes of the video and asked me why there was no stone throwing, I started to give an answer about it being a technicality but I was interrupted, and I think Mr. Mansfield said something to me to the effect that, "We will hear evidence about that later" and I have assumed that evidence is going to be given.

Q. To clarify, you are assuming that evidence will come because of

the way Mr. Mansfield questioned you? - A. Yes.

- Q. I am not going to canvass this technical explanation with you indeed, I have been stopped when it looked as if I was about to, and it is quite clear that I should not do so. You are not an expert on videos? - A. No, I am not. In fact, I think that formed part of the questioning at the time, that the suggestion was made that that evidence was not for me to give but there was someone else who could.
- Q. Presumably you were not told that the video had the capacity to reduce 10 minutes' time down to 28 seconds without editing? - A. No, I know nothing of that.
- Q. Can we go back to the events over the bridge? Just to make one thing perfectly clear at the outset, you are back finally with your men at the bridge round about the time the second convoy goes in, and we have established that as being in the region of 10-past-12? - A. That is correct.
- Q. The position is that once that has occurred and you and your men have formed up again at the bridge, there is then no further formal advance by the Police until the events.....
- A. That is correct.
- Q. Can I take you a little bit back in the events to the time when the 12 horses went forward up to the crossroads? As I understand your evidence, a number of a dozen take part in the first manoeuvre that goes up to the brow of the hill? - A. That is correct.
- Q. There comes a time when you decide to send those horses back over the bridge to regroup with the remainder of the horses? - A. Yes.
- Q. And then the whole lot come up, the 42. Is that the position? - A. Yes.
- Q. Do you recollect in what sort of formation the 42 came back up? I do not mean in rows of how many. Let me put this specifically: was it the position that when the 42 came back up from the bridge, they would be interspersed with rows of foot Officers, or did they come up in one clump? - A. They came up in one clump in ranks.
- Q. At a trot? - A. Yes.
- Q. I would like you to look at a photograph, if you would. I am afraid I have only got the one copy for the time being. It is taken, in fact, by the same photographer who took the photograph that my learned friend Miss Russell asked you about on Friday. Do you remember? - A. Yes.
- Q. If you would have a look at that photograph for the moment just to familiarise yourself with it. It might be useful to have a rough count of the number of horses: - A. It is very difficult from this photograph.
- Q. I make it something round about 19, perhaps 20. - A. I would

not argue with that, if you say there are that many.

Q. It is difficult to say because there are a lot of distant heads, but it does not appear to be the whole 42, does it? -
A. No, it looks to be taken on the brow of the hill.

Q. The horses on the brow of the hill, the photograph taken up towards the village.....

JUDGE COLES: Would this be Exhibit 20?

MR. REES: Yes.

Q. MR. REES: Before I ask you any more about that photograph, could His Honour and my learned friend for the Crown and the Jury see that so that they know what we are discussing.....

MR. WALSH: Your Honour, I wonder if my learned friend could be good enough, before going further, to ask this witness if that is the scene he saw?

JUDGE COLES: Yes.

Q. MR. REES: I think you would not have been looking in that direction, would you, you would have been somewhere behind? - A. I would have been somewhere beyond the brow of the hill. It is difficult to say, but I am making the assumption that from that number of horses, that is the pack of 42 .

Q. Why are you making that assumption? You may be right, but we are in as much doubt as perhaps about the detailed events over the bridge.....

JUDGE COLES: Sorry, I did not catch that.

Q. MR. REES: We are all in considerable doubt about exact events over the bridge, but you think, and you may well be right, that that is the group of the 42. Why do you say that? - A. I don't know. It is either the 42 or the 12, but there appear to be more than 12. I did not count the horses and that was a rough estimate, but I don't know. I certainly am behind those horses.

Q. Can we agree about this: that photograph must represent one or other of the movements of horses beyond the bridge? -
A. Yes.

MR. REES: I wonder if the Jury could have a look at that before we go any further? (Shown to Jury.)

Q. I hope you will accept from me - I am not trying to trip you up - I am trying to locate that photograph in the events, with your assistance if possible. If it is the second horse movement, namely the movement up to the crossroads, where then do you think the other 21 or so horses are that do not appear in that photograph? - A. Behind them, I would think.

Q. I do not necessarily dispute that, but, looking at that photograph, what one sees a little distance behind the horses

shown in that photograph are foot Policemen moving up? -
A. There is one on the footpath, or the grass verge, yes.

- Q. There is more than one, isn't there? - A. Well, I can only see one on the photograph - I am sorry, yes, there is one in the distance.
- Q. But you are quite clear that it was not the position certainly when the horses were in formation and able to maintain a formation, that we have horses, rows of footmen, horses.....?
- A. Right. There were not rows of footmen in between the horses. Bear in mind the horses had just come up through the cordon, so there will be footmen mingling around as the horses go past.
- Q. It would be a dangerous exercise to have horses trotting, men running, horses trotting behind men? - A. That's right.
- Q. You have told us that at the time of the move of the short shield Officers up to the brow of the hill, that is the first formal move from the bridge, you would be abreast with the lead Officers and later on, as that advance continued, you dropped back, partly by design and partly because they were going more quickly? - A. Yes.
- Q. Was that repeated when you went forward to the crossroads, namely initially going with them with the front rank, and then dropping back? - A. Yes. Some foot Officers reached the crossroads before me.
- Q. When you set off from the brow aiming for the crossroads, was it the same sort of grouping that occurred when you moved forward from the bridge, namely, you at the front of the foot Officers, or with the front ranks, moving up? - A. I was just with them. I was with the foot Officers as we moved up.
- Q. Where were you at that time? - A. At that time I had been behind the cordon because I didn't have a shield.
- Q. Right? - A. When the horses went past.
- Q. Now we are at the brow of the hill? - A. Yes, or just below the brow of the hill. When the horses went past and past the footmen, I went with the footmen, coming from behind on to a level.
- Q. JUDGE COLES: Later, as you described the first part from the brow of the hill, you were with the foot Officers? -
A. About on a level with them, but I had been behind the cordon because I did not have a shield.
- Q. MR. REES: I would like you to look at the plan, Exhibit 3, which shows Highfield Lane up to the village. Do you see that? - A. Yes.
- Q. If you bear with me for a second, I want to indicate a position on that plan to you. If you look at that part of the plan, the village side of the bridge, you see the junction of Rotherham Road, Orgreave Lane and Highfield Lane?

- A. Yes.

- Q. If you move back towards the bridge, can you imagine yourself walking back along Highfield Lane, you very soon, from that junction, come to a turn on the right looking in the direction as you are walking. So, if you are looking back from the junction to the bridge, you see the opening on the right - I think it is a factory entrance - and I am pointing to it now. When the foot Officers were moving up to the crossroads, at the point where the first ranks of foot Officers reached the opening, is it possible for you to say how far behind you were? - A. No, I have no idea at all. Going forward behind the horses, with short shield men running up and splitting up into groups and going into premises and into gardens.....
- Q. But not you? - A. I have no idea.
- Q. Well, you did not go into gardens? - A. No.
- Q. You did not veer off, you carried straight on? - A. Yes.
- Q. Moving as rapidly as you could, for obvious reasons? - A. Yes, but not just solely to go to the crossroads.
- Q. No, but you are moving in a straight line, in effect? - A. Yes.
- Q. Attempting to keep up as best you can? - A. Yes, but it was not my sole intention to keep up with them to get to the crossroads.
- Q. I think we all understand. I am not suggesting you were in a sprint, neck and neck at the finish, but you would not have been - what - more than 50 yards behind at that point, or less? - A. Well, let's say 50 yards. I am not trying to be evasive, but it is difficult to imagine the scene there in this court room here at the moment, and there were a lot of things happening, and now to say, "Were you 25 or 50 yards behind?", it is very difficult to say.
- Q. If you cannot answer, I do not insist that you do. Can I take you further back in the events, back to the first formal move from the bridge? At the time you say you saw Mr. Scargill, you also saw an upturned cab that had been placed across the road - I think that's right - at that time? That is what you gave evidence about the very first day. - A. My only hesitation is it might not have been upturned.
- Q. I may be wrong. A cab in the road? - A. Yes.
- Q. Across the road. Just to clarify it, that is at the time of your move from the bridge to the brow? - A. Yes.
- Q. Do you remember if it was before or after that that you saw Mr. Scargill? Did you reach the cab before you see Mr. Scargill? - A. I am not really sure. No, I am not sure. The cab, if my memory serves me right, was about mid-way between the bridge and the brow of the hill.
- Q. I think it is right that that cab was fairly rapidly moved out of the road? - A. I don't know.

- Q. By the time the 42 horses were coming from the bridge for the final push up to the crossroads, the cab had gone by then? - A. I am not sure. I had long past the cab by then. You may be right, but.....
- Q. When the 42 horses come through from the bridge, you are still at the brow awaiting their arrival? - A. Yes.
- Q. And the 42 would have considerable difficulty getting through? - A. Yes.
- Q. If there had been a cab in the way? - A. I don't recall seeing the cab as the horses came up the road.
- Q. I would like you to look at another photograph that has already been exhibited. I think it is Exhibit 16. The photograph is of my client. The Jury have already seen that. Will you take it from me? (Handed). That is a picture of my client with the ambulance man and Police Officer. You can see Mr. Clement in the background. Do you see that? - A. Yes.
- Q. I think somewhere near Mr. Clement do you see what appears to be a vehicle up-ended on the side of the road? - A. Yes.
- Q. Does that appear to you to be the cab that had been across the road? - A. I have no idea.
- Q. I am not trying to be contentious, but I suggest it is? - A. I won't disagree. All I say is I have no idea.

MR. REES: Perhaps if His Honour and the Jury could see that. (Shown to His Honour and the Jury.)

JUDGE COLES: I am not sure I can see that, Mr. Rees. Are you suggesting it is there?

- Q. JUDGE COLES: Officer, what have you identified as the up-ended cab? - A. Behind the injured person, Your Honour, there is Mr. Clement with a white shirt and then some kind of metal object next to him.

MR. REES: What I am referring to is, as you look at the photograph, on the right-hand side, the road near the bridge.

- Q. JUDGE COLES: I am not sure which one is Mr. Clement. Can you point him out? - A. There (indicating).

JUDGE COLES: Did Mr. Clement identify that man himself?

MR. REES: I thought the Officer was pointing to the cab.

- Q. HIS HONOUR: Which do you say is Mr. Clement? - A. That Officer there, Your Honour (indicating).

- Q. MR. REES: I think if you look to the right? - A. I thought you said it was the man with his hand on his hip.

- Q. Yes, the man, hand on hip, between the head of the ambulance man and the head of Mr. Newbigging? - A. That is the man I am pointing to.

Q. JUDGE COLES: You are pointing to that man as Mr. Clement? - A. That's right, Your Honour.

JUDGE COLES: My recollection is Mr. Clement pointed to the other figure.

MR. REES: Your Honour, I don't think so.

JUDGE COLES: Am I right?

MR. REES: I think, Your Honour, no.

Q. JUDGE COLES: That is who you say Mr. Clement is, and you say the metal by his shoulder is the vehicle which has been referred to? - A. I said I am unable to say whether that is or not.

Q. It could be? - A. Yes.

Q. You are not saying that it is definitely not? - A. No.

Q. BY MR. REES: There is a clear distinction between the placing of that in time, distinction in time between the placing of that cab across the road and the subsequent construction of the barricade that was set up? - A. That is right.

Q. When the first formal movement forward of the mounted Officers from the bridge to the brow of the hill and a little bit over took place, you maintain there was still stone throwing going on whilst that move was going on? - A. Yes, except that the stone throwing stopped when the horses and the short shield men went forward because they turned and ran.

Q. I would be completely misunderstanding your evidence if I concluded that when the mounted Officers went forward at a trot from the bridge, hundreds of pickets charged into the advancing mounted horses? That never happened? - A. No.

Q. The bridge had been seen, as I understand it, as the obvious strategic point to hold? - A. Yes.

Q. For advantages we can all appreciate: its narrowness; its difficulty to take when you have got crowds of Police Officers on it, and so on and so forth. The virtues of holding the pickets back beyond the bridge must have been apparent long before this day. If one was looking at it as a trial military manoeuvre - forget about dealing with pickets; let's say this was a foreign enemy, something of that sort - the advantages of making it to the bridge would be quite obvious? - A. Yes.

Q. That was obviously clearly in general thinking about strategy before the 18th? - A. Yes.

Q. The three-stage movement up the field and so on, up the road to the bridge, presumably that was not a spontaneous invention that day? Some thought must have been given to the circumstance

which would arise in which it was necessary to push the pickets back? - A. Yes.

- Q. Some thought must have been given to, if that situation arose, how it would be done? - A. Yes.
- Q. And how far you would push? - A. Yes. In answering "Yes", I believe the bridge had been considered as an option prior to 18 June. The actual mechanics of how we were going to push people up, I had not gone into.
- Q. There were discussions during the day about the mechanics of getting there? - A. Yes.
- Q. Finally, can you clarify a couple of matters for me, matters of information. The PSUs at this stage of the dispute, not all of them would be going home every night? - A. No.
- Q. Some of them, indeed perhaps a large number of them, would be billeted? - A. Yes.
- Q. In barracks and so on? - A. Yes.
- Q. These large numbers of Policemen on PSUs did not materialise out of thin air, as I understand it, and correct me if I am wrong, but as I understand the system of mutual aid, a Chief Constable will request assistance? - A. Yes.
- Q. And that assistance in the form of PSUs is released to the Chief Constable? - A. Yes, the Chief Constable to the Chief Constable requesting it, if sufficient supplies are available.
- Q. And the people who determine whether or not sufficient supplies are available at that point were those manning the NRC? - A. Yes.
- Q. Can you just help me a little bit more about that? The person in charge of the NRC at that point would be the President of the Association of Chief Police Officers? - A. That is correct.
- Q. What is the Association of Chief Police Officers? - A. That refers to ranks of Assistant Chief Constable and above. They are members of the Association of Chief Police Officers.
- Q. And the President....
- Q. JUDGE COLES: Which rank and above? - A. Assistant Chief Constable.
- Q. MR. REES: Would that then include Mr. Clement? - A. Yes.
- Q. JUDGE COLES: They determine the supply of manpower? - A. Yes.
- Q. MR. REES: You probably know more about it than I do, but as I understand it, in practice each Chief Constable will make requests for PSUs? - A. Yes, the Chief Constable would not do it personally, he would delegate it.

- Q. The Force will make a request of the NRC for a given number of PSUs? - A. That's right.
- Q. Given that the dispute, the picketing and so on is going on all over the country, the allocation to Forces, as it were, then becomes a matter for the NRC to weigh the requests one against another and so on and so forth? - A. Yes.
- Q. I think you yourself, because of your present Police function, have dealings with the Home Office? - A. Yes.
- Q. I think it is right, is it not, that a representative of the NRC during this period would call daily at F4 canvassing Police matters with the Home Office? - A. I have no idea.
- Q. You have no idea whether or not the NRC was reporting daily to the Home Office? - A. No, I have no idea at all.
- Q. Is it also the Association of Chief Police Officers who commissioned the Manual, do you know? - A. I know the Manual is referred to as the ACPO's Manual, so I assume a sub-committee of the ACPO General Services Committee would have put that together.

RE-EXAMINED BY MR. WALSH:

- Q. Mr. Povey, on behalf of some of these Defendants it has been put to you that you have been commendable and frank, and on behalf of the others that your evidence is a pack of lies. I would like to investigate that matter, please. You have been in the Police Force how long? - A. 23 years.
- Q. And so the date you joined was? - A. 30 April 1962.
- Q. How old were you? - A. 19.
- Q. Had you done some other job after leaving school, or what? - A. Yes, I spent a short time in an accounting office.
- Q. What age did you leave school? - A. 17.
- Q. You have told us, I think in answer to Mrs. Baird, that for the first six years you were on the beat? - A. I was.
- Q. Where was that? - A. At West Bar.
- Q. That, as the Jury will know, is one of the central Police Stations? - A. Yes. The first six years I was a Constable on the beat, two years in the Vice Squad.
- Q. Just so the Jury knows, what does that do? - A. That dealt at the time with prostitution and drugs and assaults.
- Q. What were your general duties as a ordinary Police Constable during those six years? - A. For the first four years patrolling the beat.
- Q. In those circumstances, how frequently had you come across and would have had to have dealt with members of the public? - A. On a daily basis.

- Q. And of what importance, if any, is the relationship between you as a Police Officer and the ordinary members of the public? - A. The relationship is always of paramount importance.
- Q. Why? - A. Because without the consent of the community in this country, you cannot police.
- Q. When you are investigating a crime, whether it is a theft or a murder, whatever, of what value is good relations between the Police and the community at large? - A. Of unestimable value.
- Q. When you were a Constable on the beat, what were your relations like with members of the community at large? - A. Very good.
- Q. One of the things that is suggested here is that you were one of those people who, it is alleged, wanted to inflict violence upon peaceful demonstrators. Do you follow? - A. Yes.
- Q. It is put in two ways. Mr. Mansfield says you wanted things to go over the top, you thought these people should not even have been there and wanted to drive them off. What do you say to that? - A. That is absolutely untrue, sir. It would have been a far, far easier day for me, and I would not perhaps have spent four days in this witness box, had it been a nice, peaceful, friendly demonstration.
- Q. Would there have been any advantage to the Police as a whole, looking at it from your point of view, in doing the sorts of things that are alleged against you on behalf of these Defendants? - A. None whatsoever. There are far more of them than us and it would have been gross stupidity to set in force a riot, even if I knew the matters to do that.
- Q. Why would it have been gross stupidity? - A. First of all, we may well have lost and suffered many, many injuries. Secondly, I was aware, and most of the other Officers were aware, that this was a national concern. ITV was there, the BBC was there and we ourselves were videoed. Surely, in the eyes of the nation we are not just going to willy-nilly attack peaceful demonstrators.
- Q. Had the press and television been there on previous days? - A. Yes.
- Q. And so when you arrived there on the 18th, would you be aware that they were already there or likely to come? - A. Yes, they were already there.
- Q. If you had done the sort of things that it is alleged you did, what effect would those be likely to have upon the Police and community relations of which you talked a few minutes ago? - A. It would have been devastating, sir. One only has to look at one Officer that came out from the line of 2,000 to see what impact that had, and he was only one.

JUDGE COLES: I am sorry, what was that?

MR. WALSH: He said the impact that happened as a result of one Officer going out.

Q. MR. WALSH: Is that the Officer you have been cross-examined about? - A. Yes.

JUDGE COLES: What was his name?

MR. WALSH: Martin:

- Q. As a senior Police Officer, when you police an occasion like this, do you have those considerations in mind, the ones you have just been talking about? - A. Certainly, they are very, very much in mind.
- Q. You were a Constable for six years and then you have told us you spent another six years as a Sergeant? - A. Yes.
- Q. Doing what sort of work? - A. I was a patrol Sergeant for four of those years and for two years I was an instructor at one of our training schools in a sub-division within the city.
- Q. Was it basically an industrial/residential mix? - A. A mixture, but with heavy industry.
- Q. What were your duties? - A. Supervision of patrol Constables and the training of them.
- Q. Did that bring you into contact with the public? - A. Yes, again on a daily basis.
- Q. Did you behave any differently towards the public as you prescribed when you were an ordinary Constable? - A. Not at all.
- Q. One of my learned friends asked you about when you had been a Constable on the beat, if you had seen a motor car driving the wrong way down a one-way street, whether you would have a note book and make a note? - A. If I reported him, yes, sir.
- Q. Why would that be? - A. That was part and parcel of our training.
- Q. So that you could do what in the end? - A. Give evidence of that specific offence before the Court.
- Q. Are you a witness to any specific offence allegedly committed by any of these Defendants before this Court? - A. Not these or any other Defendants that were arrested on that day.
- Q. Do Officers of your rank carry Force-issued note books in the same way as Constables and Sergeants do? - A. At my present rank, no. Superintendents would keep them but not necessarily carry them on the day.
- Q. Is that a normal procedure with Superintendents? - A. Yes.
- Q. Is that the same with other Forces? - A. In some Forces in the country Superintendents do not keep pocket books.

- Q. At all? - A. At all, unless there was something specific to put in it.
- Q. Somebody coughed when you were giving that answer and I think we may have missed it? - A. In some Forces in the country Superintendents are not required to keep a pocket book at all.
- Q. JUDGE COLES: What was your evidence, that you had one but you did not necessarily carry it with you? - A. Not necessarily.
- Q. MR. WALSH: What is the practice in South Yorkshire about Superintendents having or using note books? - A. They are required to keep a pocket book but do not carry it about with them at all times.
- Q. You have told us that you were not a witness to any specific item of violence alleged to have been committed by any particular Defendant? - A. No, I was not.
- Q. Would you explain to the Jury, so that they understand, the purpose of you making a witness statement, which you signed, about the events of that day? - A. As I have said, my witness statement was merely to paint the picture of the general situation at Orgreave on 18 June.
- Q. Are you in a position to give any evidence about any specific act done by any of these men that were arrested? - A. No, none whatsoever.
- Q. Just one matter before we break, and it comes from, I think, one of the last questions asked. I am rather jumping now in the evidence, but it may be useful to deal with it. You say, and it is obvious, that you were aware of the strategic value of holding the bridge? - A. Yes.
- Q. It was pointed out to you that presumably it would have been an option for the Police days before this, the holding of the bridge and not letting any of the top side demonstrators come any nearer than that to the Orgreave plant? - A. Yes, that was an option.
- Q. Are you able to explain to us why that option was not pursued? - A. That option was considered, but it was thought to be extremely provocative.
- Q. Provocative in what way? - A. In that it would have denied the demonstrators access to anywhere near the plant.
- Q. Why would it have been provocative to deny the demonstrators such access? - A. Well, they had come there for a purpose and, although we kept them 100 yards away, we did feel it right they ought to be able to see the convoy go in and out and express their feelings in an orderly manner.
- Q. You say if you had not done that, that would have been regarded as provocation by them? - A. Yes.
- Q. Did you want to be provocative? - A. We had no intention of

being provocative whatsoever. It would not have served any purpose for us to provoke a crowd of 10,000 people.

- Q. Looking at it on previous days, did you want to be provocative on any of those occasions? - A. None whatsoever.
- Q. You are the people who made the decisions. In your way of thinking, because it is your thinking you have been asked about in this case, how would such provocation, cutting them off at the bridge, have made your job at Orgreave during June? - A. It would have made it far more difficult. They would have dispersed into the residential estate and they would have been angry.
- Q. Did you want to make them angry? - A. Not at all.
- Q. How would anger on the part of the demonstrators have affected the Police position in policing the demonstrators at Orgreave? - A. It would have made it more difficult. Their anger and frustration and not being able to break through the Police lines to get to the convoy made our job very difficult. I imagine their anger, if they were contained above the bridge even further away from the coking plant, would have manifested itself to a greater degree.

MR. WALSH: Would that be a convenient moment?

JUDGE COLES: It would. 2.15, members of the Jury. Remember my warning.

(Luncheon Adjournment)

- Q. MR. WALSH: Mr. Povey, I was asking questions about your background Police experience. Do you follow? - A. Yes.
- Q. Because it has been raised in cross-examination by my learned friends. We got through the time when you were a Sergeant, I think. I think you told us that was six years? - A. Yes, six years a Sergeant.
- Q. So, we have had you twelve years in the Police Force? - A. Yes.
- Q. The next stage is Inspector? - A. Yes.
- Q. When was that? - A. 1974.
- Q. Where were you at that point? - A. At that point I was an Inspector in the Training Department and also at Hackenthorpe, which is another sub-division.
- Q. Whereabouts is that? - A. On the south side.
- Q. How many years were you there as Inspector? - A. I think it was about 18 months, until October 1977.
- Q. What sort of an area is that? - A. A rural area, an urban area, a lot of housing. There is no industry at all.
- Q. How many different Police Stations are there in Sheffield? - A. There are 14 sub-divisions.

- Q. Is Hackenthorpe a division or a sub-division? - A. A sub-division.
- Q. Did your job at Hackenthorpe bring you into contact with the community at large? - A. Yes, again on a very frequent basis.
- Q. Did your attitude to policing change in any way from that which you have described as a Constable or Sergeant? - A. No, not at all.
- Q. In October 1977, I think you told one of my learned friends, you went to university. Was that when the university term began? - A. Yes.
- Q. How did that come about? You have been in the Police Force now for about 13 or 14 years? - A. As an Inspector I attended a course at the Staff College for four months and, as a result of my work on that course, I was awarded a scholarship to go to the university.
- Q. Did you have any 'A' levels or anything like that from leaving school? - A. No, I had 'O' levels
- Q. Which university was that? - A. Sheffield.
- Q. Does that mean you would be there for the normal three year term? - A. Yes, I graduated in July 1980.
- Q. Then what? - A. Then I was promoted to Chief Inspector on graduation and moved into an administrative post in Headquarters.
- Q. JUDGE COLES: Promoted to Chief Inspector? - A. Yes, that is correct, Your Honour.
- Q. MR. WALSH: So you have now got a degree? - A. Yes.
- Q. Very briefly, what sort of thing did you do in administration? - A. They were matters purely of an administrative nature - sub-committee work and benevolent society work and things of that nature.
- Q. When did you go back to a Police Station so that you were, as it were, on the ground again? - A. Operationally in, I think, October 1982.
- Q. Where were you then? - A. At West Bar as a Chief Inspector
- Q. I think you told my learned friends that you were also at Hackenthorpe as a Chief Inspector, or was it as a Superintendent - A. Superintendent.
- Q. Doing what sort of duties? - A. In charge of the Hackenthorpe sub-division, which was just running the sub-division on a day-to-day basis.
- Q. JUDGE COLES: When was that? - A. That was from April 1983, Your Honour.

- Q. You were made a Superintendent then, were you? - A. Yes.
- Q. MR. WALSH: Being in charge of a sub-division, you are in charge of all the Policemen attached to that sub-divisional Police Station, are you? - A. That is correct.
- Q. What sort of numbers are we talking about? - A. At Hackenthorpe it was about 120.
- Q. Police personnel? - A. Yes.
- Q. And by the time Orgreave came around, I think you told us you were at West Bar? - A. That is correct.
- Q. Which is one of the central Sheffield Police Stations? - A. Yes.
- Q. Is that divisional? - A. It is a sub-division.
- Q. Were you in command there? - A. Yes.
- Q. What sort of work goes on at West Bar over which you are in charge? - A. The policing of a city centre involving drunks, assaults, normal day-to-day policing as well, with a strength, I think, of about 270 men.
- Q. Does a city centre Police Station such as West Bar deal with any particular type of crime or all manner of crime that happens to occur? - A. All manner of crime that happens to occur within that sub-division.
- Q. JUDGE COLES: I take it your degree at Sheffield has been a law degree? - A. Yes, it was a B.A. law degree.
- Q. MR. WALSH: It was at West Bar that you were when you were called upon to attend Orgreave? - A. Yes.
- Q. In the circumstances that you have explained? - A. Yes.
- Q. You have said in the course of your evidence that you have had experience of dealing with other public order occasions than Orgreave. You mentioned Irish marches, National Front, NUM Executive meetings at the City Hall? - A. Yes.
- Q. Very briefly, what was your function or role on those occasions, you and your Officers? - A. Again I was a Sector Commander at the City Hall, at St. James House.
- Q. To do what? - A. To arrange the deployment of men to contain whichever area it was that required containing.
- Q. Let's deal, for example, with Irish marches. Why is it necessary for Police Officers to be there at all? - A. Because these sort of marches are fairly emotive occasions. It is just a case of having personnel there to see there is no disorder directed at the marchers themselves or from the marchers to other people.
- Q. Did you manage to patrol these successfully? - A. Yes.

- Q. Presumably National Front marches would be the same sort of thing? - A. Yes.
- Q. Did you manage to patrol those successfully? - A. Yes.
- Q. What about these NUM Executive meetings at the City Hall or St. James House? What occasions were they and why was it necessary for Police to be there? - A. They were at the very beginning of the strike where there was, if my memory serves me right, concern about whether there would be a vote for a ballot or not at that time and, secondly, quite a lot of miners were coming along to make their view known to the Executive. It was a case at St. James House of ensuring people could enter and leave St. James House at will.
- Q. Were those members of the NUM Executive? - A. Yes, and several people that work there.
- Q. What sort of crowds were gathering outside St. James House on such occasions? - A. Quite a number, perhaps 2,000.
- Q. Were you able to police it so that those who were entitled to get in did so? - A. Yes, they did.
- Q. Do you, as a Chief Superintendent, choose to be at these places just on a whim, or is there some reason why you go to these places with Police Officers? - A. The only reason we go there is because of the people we anticipate will be there.
- Q. Anticipating what if you are not there? - A. That the rule of law would not prevail, that people who wanted to go about their lawful business would not be able to do so.
- Q. Now may I deal briefly with one or two aspects of 18 June? You told us you had been there on other occasions in June? - A. Yes.
- Q. And that numbers of demonstrators had been considerably less on those occasions? - A. Yes.
- Q. Had horses been available on previous occasions? - A. Yes, horses were available every day.
- Q. Had they been out on the road or visible to the demonstrators on previous occasions? - A. Yes, horses were always visible to demonstrators arriving in that we did not make any attempt to hide them.
- Q. Was that deliberate policy not to hide the horses? - A. No, it just they were there.
- Q. You say that on the 18th your position was that you were Mr. Clement's Sector Commander? - A. Yes.
- Q. So far as decision taking on 18 June was concerned, as to what to do at any given time, were you a party to those decisions? - A. Yes.
- Q. It has been suggested to you by one of my learned friends

that you were merely in a passive, subordinate role, as it were, just doing what Mr. Clement told you . What do you say to that? - A. That is not correct. The decisions to deploy horses and short shield units were taken after discussion.

- Q. Were they decisions in which you agreed? - A. Yes, the decisions in fact were not that hard to make. They were almost self-evident.
- Q. You have told us about the men who were there and people from different areas had their own Superintendents and so forth, and you said to one of my learned friends that you, throughout the day, were having on-going discussions with the various Superintendents? - A. Yes.
- Q. One of my learned friends suggested to you that it was really those Superintendents who were putting pressure on you to to escalate violence. Do you follow? - A. Yes.
- Q. That is the way someone suggested it to you, namely that there was a sort of grass roots move from the troupes through the Superintendents through to you which resulted in you taking decisions to go over the top. What do you say about that? - A. No decisions at all were taken to go over the top. No decisions were really taken to employ violence other than to save injury to Police Officers and others in direct response to the violence that was shown against us by the demonstrators and miners that were there.
- Q. JUDGE COLES: You were not aware of any decision being taken, and you would have been aware of it if one had been taken, to use unnecessary violence, and the question you were asked is whether it was right that pressure was coming from below to use violence to go over the top? - A. No, there was no pressure at all, Your Honour.
- Q. MR. WALSH: When that question was put to you by one of my learned friends, you said this, that the Superintendents had fear for the safety of their own men? - A . Yes.
- Q. Did you see upon what factors that fear was based? - A. On the fact that the number of missiles that were coming over at various times was such that it would be obvious to anyone that injuries were going to be caused.
- Q. Why was it that long shields were put out first, as they were? - A. The sole reason for putting out long shields was to protect the main cordon from missiles. There is no other reason to use long shields.
- Q. And to whom would you pass the order that the long shield men were to go out? - A. To the command block, the control. I would ask for long shields.
- Q. The command block is the squareish block of office building that we see beside the main gate to Orgreave, is it? - A. Yes.
- Q. JUDGE COLES: They would be distributed to ordinary uniformed Officers, or would they go to specially trained men?

A. We had special units on full stand-by at that time, Your Honour, with long shields.

- Q. MR. WALSH: You said again in answer to one of my learned friends when cross-examined that when it came to the deployment of short shield men, it took you longer to get them out because men had to be taken out of the line in order to get short shields? - A. Yes.
- Q. Can you explain that and why this came about? - A. Well, we had not short shield men on stand-by.
- Q. Had you envisaged before the day began that you were likely to need short shield men? - A. Not at all. We had never used them before that day. We had used long shields before that day and therefore had those on full stand-by. I had no idea the violence and stone throwing was going to escalate to that extent that day.
- Q. Just tell us the mechanics, will you, of getting men equipped with short shields when it became necessary for that to happen? - A. Yes. I identified with either the Inspectors in units, or Chief Inspectors, or even Superintendents very quickly to find out which units had short shields available. Not all units travelled with short shields.
- Q. When you talk about units, you are talking about PSUs? - A. Yes.
- Q. Which we know contain 20 men, two Sergeants and an Inspector? - A. Yes.
- Q. And each unit may come from a different place? - A. yes.
- Q. Is this what you are saying, that at the time you thought it necessary to deploy, you did not know which units had got shields and which did not? - A. I did not at the time, no. Many, many, many Police Support Units travel about the country without any shields. Some have long shields and some have both
- Q. Were you aware at any time before the decision to deploy short shield Officers was taken how many people had arrived with short shields? - A. No, I had no idea.
- Q. Of the 23 men in a PSU, assuming that they have short shields, does every one of those 23 have one? - A. yes.
- Q. Does each individual have his own, or is it, as it were, a bunch that is allocated to that unit? - A. It is just a bunch that is allocated to that unit.
- Q. When the men who later formed the short shield units initially went on the cordon with the shields, where were the shields? - A. They would be behind the lines in their vehicles.
- Q. These being vans or something? - A. Yes, in their transit vans.
- Q. Just so that we have got the picture, you have got on the cordon men not with shields but who have got shields back in the vans

- if they need them? - A. That is correct.
- Q. Do you also have men behind the ranks who are not doing anything but who have got short shields either in their hands or readily available nearby, or what? - A. Not behind the ranks at that time, not before we asked for short shields.
- Q. Up until the moment you actually asked for short shields where were all the man who in due course had short shields available? - A. They were either in the cordon and, I think, most of them were, or perhaps there may have been one unit on standby-behind, but not equipped with short shields. There were a lot of units still in reserve that we had not deployed into the main cordon.
- Q. In reserve doing what? - A. Just waiting to be called on to deploy into the main cordon to stop that cordon breaking.
- Q. The reason I ask is this, that the Jury have seen from the video film the cordon and it is 'deployed stationary some distance behind the Police horses? - A. Yes.
- Q. With men on the horses obviously ready and available until the decision was taken to use short shield men. Did you have any units of men standing by in the same way as the horses, as it were, ready to go into action who were equipped with short shields who could go as soon as you said "Go"? - A. None at all. As I say, it was not envisaged we would be using men with short shields.
- Q. What was it that caused you to take the decision on this day as opposed to other days to get the short shield men equipped with their shields and send them out? - A. It was the degree of violence we were being subjected to. The horses had gone in and, once they returned, they had been stoned and stoned fairly heavily and the missiles were still coming over.
- Q. JUDGE COLES: That was the first time you used short shields? - A. That is correct, Your Honour.
- Q. MR. WALSH: Do you happen to remember how many times that morning that horses had been sent out before the decision was taken to use the short shield men? - A. Yes, I believe that was two, two occasions.
- Q. The horses had been sent out for what purpose? - A. To again stop the missile throwing and to disperse the crowd, the demonstrators.
- Q. You told one of my learned friends that in your opinion it would have been a waste of time or not necessary to give a warning prior to the sending out of horses because of the stoning and the attitude of the demonstrators? - A. Yes.
- Q. What was the attitude of the demonstrators that made you think it would be a waste of time giving a warning? - A. The attitude of the demonstrators was very violent and directed against the

Police. There were shouts of "Zieg heil" and chants of that nature.

- Q. What was the result of sending out the horses on those two occasions before you used the short shield men? - A. Initially the demonstrators did disperse.
- Q. After that? - A. But then they regrouped as soon as the horses turned to come back and within a very short space of time the line was being subjected to missiles yet again.
- Q. So, had the sending out of the horses in fact achieved anything - A. No, it had achieved a moment's respite, but nothing other than that.
- Q. If the sending out of the horses had caused the demonstrator to move back a reasonable distance or stop throwing stones, would you have sent out the short shield men? - A. No, not at all. We had never sent the short shield men out any other day and there would have been no reason to send them out on this particular day.
- Q. You have told us that you transmitted the orders to the Commanders of the short shield units? - A. Yes.
- Q. That they should disperse and, if anyone was continuing to commit criminal offences, to arrest? - A. Yes.
- Q. You also said in answer to one of my learned friends that each PSU has its own Commander, that they know each other, they train together as a unit? - A. Yes.
- Q. Is it your duty in those circumstances to give them orders as to the precise means in which they disperse people or arrest people? - A. No, my orders are of a general nature. In fact, Chief Inspector Hale would give more detailed instructions, but the unit Commander would be in charge of that unit with his Sergeant.
- Q. Who actually is in charge of the unit when it goes into action upon the instruction to arrest and/or disperse? - A. The unit Commander, the Inspector and his two Sergeants.
- Q. You have told us that your Police Force and, so far as you are aware, every other Police Force has its standing orders about the circumstances in which truncheons are or are not to be used? - A. Yes.
- Q. And that those standing orders are brought to the notice of all Policemen? - A. Yes.
- Q. Do you consider, because this is the point that has been made against you, that in those circumstances you should have recited the standing orders or reminded the Police Constables of the standing orders on the morning of 18 June? - A. Not at all. That would not have been the time. There would not have been time, and the whole object of orders are so that the individuals know them themselves.
- Q. Know for themselves? - A. There are all manner of instructions

dealing with orders about not only the use of truncheons but mode of arrest, charge procedures, all of which are current on the day. They would not be reminded of the content of orders.

- Q. When you send a man out to arrest someone, do you give him instructions as to how he should put handcuffs on, anything like that? - A. No, not at all.
- Q. You have said that so far as the move out by the horses is concerned, it brought temporary relief, but only temporary? - A. That is correct.
- Q. What was the reason for the decision ultimately to move up to the bridge? - A. The decision there was that the line was still being subjected to heavy stoning and, coupled with that, there was also the need to remove them from the ammunition they were obviously gathering in the road and the field.
- Q. If the stoning had not continued; would you have taken the course of driving them back to the bridge? - A. Not at all.

JUDGE COLES: This is the drive to the bridge?

MR. WALSH: The drive to and beyond the bridge:

- Q. So, if that had not continued, how did you see the situation developing? Let's assume the stones had stopped. How did you see the rest of the day developing from that time on? - A. Had that been the position, the cordon would not have advanced at all. We would have just stayed where we were to let the demonstrators assemble, make their point and then disperse of their own accord.
- Q. Had that been the situation on the previous days that you had been at Orgreave? - A. Yes, on many occasions.
- Q. Now, you have told us in answer again to one of my learned friends that while you were out there on the ground, you saw Mr. Clement writing on some paper? - A. Yes.
- Q. Whereabouts was he when he was doing that? - A. Behind the main cordon on the coking plant side.
- Q. On how many occasions did you see him do that? - A. On three or four.
- Q. Dealing with that, so far as your statement is concerned, it is alleged against you that what you have done is, as it were, just to prepare the statement to fit in with Mr. Clement, knowing that Mr. Clement's statement is false? - A. That is absolutely untrue, sir. My statement is the same as Mr. Clement's because we were both there.
- Q. Can I deal with one aspect of it, please, about which you have been questioned, and I think it is right you should have a copy of it before you, Exhibit 19. I can short circuit this a little bit by saying you told the Officer who was preparing

the statement that certain things that Mr. Clement dealt with were not to be included in your statement because they were events you had not yourself witnessed, and so they were not to be in your statement? - A. Yes.

- Q. Would you deal with the period at 7.20, please? You told us that there was a time when Mr. Clement went down to the bottom side to talk to, I think, Mr. Valance and so forth, and that was not included in your statement? - A. No.
- Q. What do you have recorded at 20-past-7, the time Mr. Clement went down there? - A. That was the first occasion that I saw missiles thrown, which were bad apples, bricks and stones.
- Q. That is in your statement which you signed on 14 July? - A. That is correct.
- Q. Can you recall whether there was anything in Mr. Clement's statement about bad apples at about that time? Would you like to have a look at Mr. Clement's statement, which is Exhibit 12?

JUDGE COLES: I suppose we can do that for hours.

MR. WALSH: Yes, the only thing is the Jury do not have a copy:

- Q. Would you look at where Mr. Clement's statement at 7.20 begins? A. No, there is nothing in there about bad apples.
- Q. JUDGE COLES: Is there a reference to anything else at 7.20? - A. 7.20, Your Honour, was the time Mr. Clement went below the entrance.
- Q. So he does not deal with the situation at all? - A. That is correct.
- Q. The point that you are describing? - A. No.
- Q. MR. WALSH: While you have still got your statement, a question about Mr. Scargill and what he was doing at 8 o'clock, and I think it was put to you on behalf of the Defendants that, first of all, you never saw what is recorded in your statement? - A. I did see it.
- Q. It is invention, they say. Secondly, they say you have signed a false statement to make it appear for some political reason disadvantageous to Mr. Scargill. Do you follow? - A. Yes.
- Q. As though he were the person who, as it were, was organising the throwing of stones, or was responsible for the increased throwing of stones. Do you follow? - A. Yes.
- Q. First of all, did you have any political axe to grind? - A. Not at all, none whatsoever.
- Q. Did it matter in any way to you what it was that caused the increase in the throwing of missiles? - A. No, my concern was merely the increase in the throwing of missiles.

- Q. I think you can probably put that down now. So far as incidents that occurred that morning and early afternoon are concerned, to what extent are you able to say, "This incident lasted so long" - do you follow that sort of questioning? - A. It is very difficult to be tied down to that detail almost a year after the event, and an event of that magnitude, duration, violence and confusion.
- Q. As Sector Commander dealing with what was happening on the ground, were you in any way concerned to know what time it was that any particular thing happened or how long such an incident lasted? - A. No, not as Sector Commander.
- Q. What is your prime concern? - A. My prime concern was to see that the demonstrators did not break through the cordon and to minimise the injury to Police Officers.
- Q. If we can go to the bridge and over it, can I just perhaps summarise what you have told us of in very broad outline, namely that at first a small number of horsemen and footmen overran the bridge and came back and were back, or coming back, by the time you got there? - A. Yes.
- Q. Secondly, you say, you went forward with 12 horses leading the way and followed by four or five PSUs? - A. Yes.
- Q. You being amongst those people? - A. Yes.
- Q. Intending, I think you have told us, to hold the line either at a pre-determined distance ahead or at the brow of the hill? - A. Yes.
- Q. You were shown a photograph by my learned friend Mrs. Baird because you described something - a cab - being in the road and so forth as you went past up the hill on that first move? - A. Yes.
- Q. I would like you to look at that again, if you will. I doubt it has yet been given an exhibit number....

JUDGE COLES: Which photograph is this?

MR. WALSH: I think it went in before we started giving provisional numbers to photographs.

JUDGE COLES: We starting giving exhibit numbers to photographs produced by the Defence when they were producing photographs of their clients.

MR. WALSH: I think that one had probably gone before the Court before we started giving them numbers. I have no objection to it being given a provisional number.

JUDGE COLES: I think you had better give it a number now. Did you produce it?

MR. WALSH: Your Honour, I did, yes. I think it will be No. 21.

JUDGE COLES: Since there is another photograph which might have a cab in the background, I have given this photograph the legend "Mr. Clement returning to the bridge with what appears to be a cab in the background."

- Q. MR. WALSH: You have already told us about the cab, and this is a photograph looking from the general area of the bridge up to the brow of the hill. The cab is more or less on the right-hand side of the carriageway? - A. Yes.
- Q. Can you see something to the left of the carriageway on the grass verge in the middle distance? - A. Yes.
- Q. What is that? Can you remember? - A. Is that a car door, an upturned cab door?
- Q. An upturned cab door. We see Mr. Clement there. Would you look at the brow of the hill, please? - A. Yes.
- Q. What is on the brow of the hill? - A. A cordon of Police Officers.
- Q. Does that photograph in any way assist you as to the stage that had been reached when the photograph was taken? - A. Yes, I believe that will be prior to the horses, the 42 horses coming up, but after we had gone forward with short shields.
- Q. Because you have described going forward with short shields and in due course forming a loose cordon at the brow of the hill? - A. Yes.
- Q. At the stage of that photograph, can you help us as to where the 12 horses would be? Would they be beyond the brow-of the hill or would they have come back, or are you not able to say? - A. I am not sure, I think they would have come back.
- Q. But is there anything about that photograph itself which enables you to come to a conclusion about that or not? - A. No.

MR. WALSH: Your Honour, I wonder if the Jury could see it?

JUDGE COLES: I think I would like to see it (Handed).

MR. WALSH: The matters to look at are that area towards the left of the photograph where Mr. Povey says there is an upturned motor car and a door, and then one can see in the far distance Police Officers forming the cordon on the brow of the hill, and Mr. Clement is in the foreground of the cab. (Photograph shown to Jury).

MRS. BAIRD: Would it be possible to look at that before it is handed back to the witness?

JUDGE COLES: Of course. No doubt the time will come when the Crown can take stock, and indeed the Defence too, and I am sure that copies, where necessary, can be made available.

MR. WALSH: Obviously, Your Honour, that is an important matter so that we can all put photographs in albums.

JUDGE COLES: It is probably slightly premature, Mr. Walsh. I think what everybody is anxious about is that if the photographs are admissible in evidence, innumerable copies will be necessary, and the cost of that is enormous.

- Q. MR. WALSH: You say that your view is that that photograph must have been taken before the whole 42 horses came up? -
A. Yes.
- Q. You have obviously got a reason for saying that? - A. Well, the line of Police Officers would not be as it is on the photograph.
- Q. How would it be if you could see any Police Officers at all if the 42 horses had gone up the hill? - A. They would have dispersed and gone forward.
- Q. And the need to go to the brow of the hill with the 12 horses and the four or five PSUs was what? - A. Was the stoning we were taking at the bridge.
- Q. And the vantage point for those who threw stones at the bridge? - A. They were on higher ground than the bridge.
- Q. Going back to Mr. Rees' question this morning, you have agreed that the bridge is a strategic position if you can hold it? - A. Yes
- Q. But if missiles are being thrown at Officers on the bridge from higher ground nearby, how easy is it to maintain your cordon of Police Officers at the bridge? - A. Well, it is not easy without taking a large number of injuries.
- Q. On the move up from the bridge to where that cordon is seen, what happened to the missile throwers who had been more particularly on your left in the scrapyard area? - A. They had run off.
- Q. If you could have stayed safely with that cordon on the brow of the hill, first of all, would that have protected the men at the bridge? - A. Yes.
- Q. Were you able to stay safely with that cordon at the brow of the hill? - A. No, we were not.
- Q. Why not? - A. Again we were subjected to heavy stone throwing on the brow of the hill, at the top. Had there been no stone throwing, it would have been absolutely purposeless for us to keep going forward.
- Q. Can you see any stones lying in the road on that photograph? - A. Yes, there are stones in the road.
- Q. At what stage had they been thrown? - A. They had been thrown at the time we were at the brow of the hill and before it, at the time when we were at the bridge.

- Q. JUDGE COLES: Sorry, I do not follow that. You say the stones we can see in photograph 21 were thrown when the cordon was at the bridge? - A. I am assuming so, Your Honour.
- Q. And afterwards? - A. And afterwards.
- Q. You think both? - A. Yes, although one would have thought the ones thrown at the bridge would have reached the bridge, so they must have been thrown later than that.
- Q. MR. WALSH: What, if anything, was happening as you and the 42 horses and the PSUs were going from the bridge to the brow of the hill? - A. The horses going before cleared the demonstrators, so the stone throwing had dwindled. The people going forward were intent on getting away from the horses and not with stone throwing, but stone throwing was still coming from the sides.
- Q. That is as you and the PSUs went up the hill? - A. Yes.
- Q. At what stage did the stone throwers vacate the scrapyards at the side? - A. As we went forwards, perhaps as the short shields went up - I do not know if they went up to the scrap yard as I was in front of them, but may be at that time.
- Q. There you are at the brow of the hill, and you have told us if you could safely have stayed there, you would, but you thought it was not safe to do so? - A. No, it was not.
- Q. How did you see the situation then as to what had to be done because, as we understand it, you were there and you were the one that had to take the decision in the light of what you saw? - A. My intention at the brow of the hill was to bring more horses forward to create a cleared area in front of the crossroads, and we would then retreat.
- Q. In your experience that day, and I don't know what previous days, when horses began to merge, or were sent to be in the vicinity, what would the demonstrators do? - A. As the horses went towards them, they would turn and run.
- Q. Did the horses ever going slap bang into a thick crowd of demonstrators that were standing facing them? - A. No.
- Q. You see, you have been shown by one of my learned friends what we have given the number 20 to - some horses the far side of the hill and half a dozen of the men coming towards the camera. I know cameras foreshorten angles and that sort of thing, but would you just look at this photograph, please, (handed). Is it possible for you to help us as to how far away the horses and the demonstrators are from each other? I am not asking for yards, obviously, but just to give some indication? - A. They are quite some distance away.

JUDGE COLES: What exhibit number is that?

MR. WALSH: 20, Your Honour.

WITNESS: And there does not appear to be any demonstrator near to the horses.

- Q. MR. WALSH: How does that photograph compare with your experience of distances between demonstrators and horses at times when horses came through the ranks? - A. That is just what happened - as soon as they saw the horses, they turned and ran.
- Q. JUDGE COLES: That is a fairly typical photograph? - A. It is, Your Honour.
- Q. MR. WALSH: Of how the demonstrators would be at the time when horses came through Police ranks? - A. Yes.
- Q. The picture has been painted in questioning of the unleashing of horses into packed crowds of people. What do you say about that? - A. That never happened. The horses were sent towards crowds of people who were throwing stones and, as soon as they saw the horses come, they turned and ran.
- Q. You have told us that your intention and hope was that if the demonstrators were moved back to the crossroads, the Police horses would hold the line of protection, enabling the footmen ultimately to withdraw to the bridge? - A. Yes.
- Q. So, both there and during the advance to the crossroads, in your mind who was going to bear the brunt of any stoning there might be? - A. The horsemen.
- Q. And what were they going to do at the crossroads during the time it took for the footmen to withdraw? - A. They would have stayed at the crossroads and then followed the footmen back.
- Q. I do not know whether your experience on this day or others was in your mind on this occasion, but was there more or less throwing of stones when the horses were confronting the men than when just footmen were confronting the demonstrators? - A. Do you mean when the horses were just standing there or when the horses were going forward?
- Q. Either? - A. The stone throwing would stop once the horses went forward, but prior to that the stone throwing continued.
- Q. Moving forward from the brow of the hill, horses first, followed by men, when the move started where were the demonstrators at that time? - A. Just beyond the brow of the hill.
- Q. Only in the road or elsewhere? - A. In the road and in premises to the left and the right of the road.

JUDGE COLES: That is the horses' movement?

- Q. MR. WALSH: From the brow of the hill, followed by the men? - A. Yes.
- Q. You have told one of my learned friends who questioned you this morning that as the horses moved forward from the brow of the hill to the crossroads, that still left people in the sides, you said, in alleyways, gardens, works and so

- forth, throwing stones from the side? - A. Yes.
- Q. And you said that footmen went forward and some of those arrested those people, or tried to? - A. That is correct.
- Q. What did you envisage happening if the horses went forward to the crossroads, leaving these people in works and the gardens on either side and the footmen had retired immediately from the brow of the hill to the bridge? - A. There was always a danger that the horsemen would be cut off.
- Q. JUDGE COLES: Literally out-flanked? - A. That is correct.
- Q. MR. WALSH: So why did the footmen go forward as far as the crossroads? - A. The footmen went forward as far as the crossroads to arrest the stone throwers on the left and on the right, thereby protecting the horsemen.
- Q. As a result, were the horsemen cut off or out-flanked or not? - A. No, they were not.
- Q. JUDGE COLES: What you are saying really in answer to the question of why you advanced to retreat is that you advanced in order to secure the retreat of the horses? - A. That is correct, Your Honour.
- Q. MR. WALSH: So, when you ultimately gave the order to the footmen at the crossroads to go back leaving the horsemen to hold the line there, at that stage had you achieved your object of flushing out people from the sides so that they could not out-flank the horses? - A. That's right. At that stage we had an almost sterile area between the horsemen and the bridge.
- Q. It is alleged against you that when you were at these crossroads, horses were, to remember the words put in cross-examination, charging about all over the place into people. What do you say to that? - A. That is not correct. Horses were not charging about and running amok into people.
- Q. And then the decision to move the footmen back, leaving the horses there. Were you in radio communication with the leader of the horsemen? - A. Yes, the leader of the horsemen did have a radio.
- Q. Because, obviously, the time would come when he is still with his horsemen at the crossroads and you are back at the bridge? - A. Yes.
- Q. Certainly not in shouting distance? - A. That is correct, but the horseman was aware of my attention.
- Q. Did you have some pre-arranged signal to tell him when to withdraw? - A. Once we were a safe distance away, he was to follow. I obviously did not want the horses overtaking myself and the footmen as we withdrew to the bridge.
- Q. Having withdrawn, did you pass the message to him to come back? - A. Yes.

- Q. Dealing with this point that the Defendants allege, that people were so terrified of horses that all they were doing was fleeing away, what happened once you, your men and all the horses had returned to the bridge? - A. The demonstrators started stoning again.
- Q. Where from? - A. From the crossroads.
- Q. Did they remain at the crossroads or not? - A. No, they followed down, but we were well aware because it had happened in the past that once the horses turned to leave, then the confidence of the stone throwers returned.
- Q. Did that happen on this occasion? - A. Yes.
- Q. So, what happened within a few minutes of you, the footmen and the horses all getting back to the bridge? - A. The stoning started again. The same happened. Whenever the horsemen turned to return, then the men whom it is alleged were terrified, whilst the horses are running away from them, they are throwing stones at them.
- Q. JUDGE COLES: They followed you back? Is that what you are saying? - A. Yes.
- Q. And within a few minutes they are throwing stones at you again? - A. Yes, and building barricades.
- Q. MR. WALSH: Where were they when they came back? Were they in the same place as before, or just in the road, just in the scrapyard? - A. In the road and in the scrapyard.
- Q. And you were reminded that it was round about that time or shortly after that the second convoy arrived? - A. Yes.
- Q. And obviously they must have taken some time to be at the premises before they left? - A. Yes, convoys were always in for about an hour.
- Q. And during the hour the convoy was in, where were you and your men? - A. On the far side of the bridge.
- Q. By how much distance? - A. Approximately the distance of the bridge.
- Q. What was happening to you while you were there? - A. We were still getting stoned, and it was at that time that they pushed towards, rolled down the hill a sort of trailer and oil drum.
- Q. JUDGE COLES: Which side of the bridge do you say you were holding at that stage? - A. The coking plant side.
- Q. MR. WALSH: You withdrew to the coking plant side of the bridge? - A. Yes.
- Q. What is happening whilst you are there? - A. The stone throwing continued and we could see the barricades being erected and set fire to.

- Q. Then, I think you said, after the lorries finally left, things then died down? - A. Yes.
- Q. One last matter, Mr. Povey, please. It is alleged that - I think it is put in two ways, if I can accommodate the various questions that have been put to you on behalf of the Defendants - you were determined to make this into a violent situation and you escalated things, or that Mr. Clement did, and you were merely his passive subordinate, doing his will. Do you follow? - A. Yes.
- Q. You have told the Jury you were a party to every decision that was made? - A. Yes.
- Q. If Mr. Clement, by anything that he said or did that morning, had given you the impression that he was trying to make this a violent, lawless occasion, what would you have done? - A. I just would not have taken part in that. That would have been the same as myself giving orders to Officers to go out and hit people willy-nilly with truncheons. They would not obey me in that sort of commotion, and neither would I obey Mr. Clement in that sort of commotion.

MR. WALSH: Thank you, Mr. Povey. Your Honour, subject to any representations from my friends, may each witness, once he has completed his evidence, be released? It is always known where they can be found should anyone wish to have them back.

JUDGE COLES: Yes, it is usually my practice to say that.

MR. WALSH: I call Chief Inspector Hale. —

JUDGE COLES: We will have short adjournment.

(Short Adjournment)

SUPERINTENDENT PETER HALE Sworn

EXAMINED BY MR. WALSH:

- Q. Is your name Peter Hale? - A. It is.
- Q. What rank do you hold? - A. I am now a Superintendent in the South Yorkshire Police Force.
- Q. When did you become Superintendent? - A. In February of this year.
- Q. In the summer of last year were you a Chief Inspector? - A. I was.
- Q. Attached to what Department of what Police Station? - A. I was attached to the Computer Development Department, but temporarily attached to the Operations Division at Headquarters in Sheffield.
- Q. Were you at Orgreave on Monday, 18 June? - A. I was

- Q. Was that the first time, or had you been there previously? -
A. No, I had been on quite a few occasions, in fact, since
Orgreave started.
- Q. Did you have experience of incidents that happened on these
numbers of occasions? - A. I did.
- Q. For shorthand, we have been calling different parts of the
Orgreave area Top Side, Bottom Side and so forth. On the
previous occasions had you been confined to one of these
areas specifically, or did you go to various? - A. My main
duties were mainly concerned with the top side for most of
the days I was at Orgreave.
- Q. What were your general duties? - A. My general duties were
either ^{with} the Sector Commander at the top side or, in the event
of large scale demonstrators, the assistant there with
particular reference to shield units, should they need to
be deployed.
- Q. When you say "shield units", does that encompass both long
and short or just one? - A. Both long and short shields.
- Q. We know Mr. Clement was in overall command. Dealing with the
top side, in, say, May, before Mr. Povey first started coming
to Orgreave, who was Mr. Clement's No. 2? - A. There have
been various No. 2s. At one stage I believe Mr. Nesbitt
was there - I am just trying to think.
- Q. I will stop you so far as names are concerned. All I am
anxious to discover is where you fit into the picture? -
A. Sometimes I would be in sole charge of the top side,
depending on the situation envisaged, but if more trouble
was envisaged, I would usually be second in command and a
Superintendent would be in command.
- Q. JUDGE COLES: Second in command of the sector? - A.
The sector, that being topside.
- Q. MR. WALSH: Top side is a sector? - A. Right.
- Q. On the 18th were you second in command of the top side
sector under Mr. Povey? - A. That is correct.
- Q. What time did you get there on Monday, 18th? - A. I would
have arrived for duty at about 4 a.m. in the morning.
- Q. On each of the occasions when you went to Orgreave, what
was your intention as to what you were to do and what was
to happen? - A. The main intention was to ensure the free
passage of the lorry convoys in and out of the works at
Orgreave unobstructed.
- Q. Had you managed with the help of your colleagues to ensure
that prior to 18 June? - A. Yes, that is correct.
- Q. When you went to Orgreave on Monday, 18 June, was it your
intention to police the area in any way differently from the
way you had done before? - A. No, we have always had the

same terms of reference at Orgreave. We have always aimed to build up progressively.....

- Q. JUDGE COLES: You tend to speak rather quickly. Please try to take it more slowly.
- Q. MR. WALSH: You were intending to police matters in the same way as on previous occasions? - A. Yes, in exactly the same way.
- Q. When you arrived at 4 o'clock on Monday, the 18th, were you briefed by Mr. Clement? - A. Yes, some time after 4 o'clock. The brief was basically the same. We had had it all before and it was just a reminder of the usual terms of reference.
- Q. Will you take it in stages? At 4 o'clock on Monday, the 18th, how did you see the day ahead as to what you and the Officers under you would be doing in just a little detail? - A. Well, because of the information that was being fed to us from various positions about the country, it was obvious that that particular day was going to be more than the usual.
- Q. More than than the usual what? - A. More than the usual number of demonstrators.
- Q. Right? - A. In the sense that we had had reports on Base radios.
- Q. We do not need to know about that. You envisaged there being a larger number of people than usual? - A. Yes.
- Q. How did you see your day from a policing point of view? What was going to happen? - A. Well, initially, as the first demonstrators arrived, we would put out a cordon of Police Officers in order to match the number of demonstrators. As those numbers increased, we would increase the number of Police Officers at the ratio that we considered necessary to contain those people. It is never intended to deploy shield units, but units are always already on standby because of previous experience of such occasions.
- Q. When was the first occasion, do you remember, when you had an opportunity to assess the numbers that were coming early in the morning? - A. I had been out two or three times to take a look at the general situation to one of the front - the front Police line and remained there at about 6.50, and my estimation at that time was between 700 and 800 demonstrators were on the top side.
- Q. We know generally where the top side is, but where were these people positioned? - A. The top side consists of Highfield Lane and a field which, if you look off towards Handsworth, is on the left-hand side of that particular road, and there were demonstrators both on the road and in the field.
- Q. By this time was there a cordon of Police Officers facing them? - A. Yes, there was.

- Q. And what did you notice about the situation? - A. There was a notable air of hostility about on this particular occasion in that as groups were arriving over the bridge or the Handsworth side, they seemed to be being directed to various positions along the field and the road generally.
- Q. JUDGE COLES: Just a moment. Directed to various positions on the field and on the road? - A. Yes, and previously there had been a little bit of friendliness with the initial arrivals.
- Q. ^{MR. WALSH:} When you say "previously", do you mean previous on that day or on previous days? - A. On previous days. We have always managed to be a little bit friendly with them, but on this occasion the hostility and the non-communication was quite apparent.
- Q. Who was doing the directing? - A. It is difficult to say really who was doing it. All that could be seen was that groups would arrive over the bridge and would stop about 20 yards past the bridge, gather in a group and then move to the location. Who was actually doing it was difficult to tell from the position I was in.
- Q. Where would you be when you saw this sort of thing happening? - A. I would be actually up and down the line at all times. I would be moving from the road up and down the Police cordon talking to various people and generally keeping on the road.
- Q. That is what you saw. What, if any, response was made to that by you? - A. Well, in consultation obviously - the decision eventually is Mr. Clement's, the Senior Officer, but on our recommendation certainly - I know horses were placed behind the Police cordon and other Police Officers placed on standby.
- Q. You say that was on your recommendation? - A. Yes, we.....
- Q. When you say "we", would you identify who "we" are? - A. Mr. Clement, the Assistant Chief Constable at that time, and Superintendent Povey, the Sector Commander, and myself were all on the top side at this particular time, and frequently we were talking together and discussing the situation, assessing it, and obviously making recommendations to Mr. Clement, whose decision obviously to deploy is his prerogative.
- Q. When you say "we made recommendations to Mr. Clement", that is you and Mr. Povey? - A. That is correct.
- Q. JUDGE COLES: You say the first decision was to place horses behind the cordon? - A. Yes.
- Q. To keep the shield in reserve? - A. Not necessarily the shields but other Officers in case, as the numbers increased, we needed to double up the number of cordons.

MR. WALSH: Your Honour, he did not mention shields at all

JUDGE COLES: That is why I asked.

- Q. MR. WALSH: Was there any question of shield units being deployed in the sense of men there with their shields ready to put into the line out in the open? - A. No, not at this stage. Units would be ear-marked but would not be ready at this stage at all.
- Q. You have been telling us about what was happening commencing at 6.50 and in the short time immediately afterwards. What was the next stage that you can recollect something happening? - A. There was a gradual build up and then, as I recollect, in the area at 7.20 we started getting a few missiles. Really it was confined initially to grass sods, a bit of rotten fruit, but eventually it did turn with one or two bricks starting to come over.
- Q. Was it coming from any particular quarter, or generally, or what? - A. Generally.
- Q. JUDGE COLES: A few sods of earth and rotten apples and then bricks? - A. It started off as that and then, after a few minutes, you would get the odd brick or two mixed up with the sods and the apples.
- Q. MR. WALSH: You say that started about 7.20? - A. Yes.
- Q. How long did that go on for? - A. Spasmodically really, and I seem to recollect in the region of about 8 o'clock, when there was a different turn of events. Should I say it continued, but I think 8 o'clock would be the next time that things started to hot up a little bit, if I can use that expression.
- Q. What happened at about 8 o'clock? - A. Well, Mr. Scargill was seen at the front.
- Q. "Was seen" may mean you saw him or somebody saw him and you heard about it. - A. No, I saw him at the front. I saw Mr. Scargill at the front at about the region of 8 o'clock, it would be.
- Q. Where were you? - A. This time I was on the field. If you imagine the front line stretch of grass, the field, including the road, I would be about half way, which puts me about 10 yards from the road on the field.
- Q. I think we all know the picture. We have seen it and we have watched it on video. Now, you have told us you were about half way, but where exactly were you? - A. I would be more or less immediately behind the Police line, right at the front, no more than yards from the very front line.
- Q. How many ranks deep was the Police line at this time? - A. Just trying to estimate, it would be possibly two, may be three. It is difficult to remember.
- Q. How were the Officers in the line dressed and equipped at this time? - A. They were in normal Police uniform, that is tunics

and normal Police helmets.

- Q. Now, you say that you saw Mr. Scargill? - A. That is correct.
- Q. Where was he when you first saw him at this stage? - A. I am presuming you are familiar with the route?
- Q. If we are not, I will stop you. - A. There is, on the side of the road, a series of bushes that go up the road. The first time I saw him the bush that would be the furthest down the road nearest the Police line, and I would estimate that may be 10 or 15 yards in front of the Police line, between the road and the field. The first time I saw him was when he came from just in front of that bush. I looked over there and there was a crowd of people.
- Q. You are going rather quickly. We all know the area. You say this is the bush that is nearest to the Police line, that is on the edge of the road and the field? - A. That is correct, yes.
- Q. I think we all know which one that is. He was there and - well, you tell us? - A. Well, I saw him in the middle of a crowd because he is easy to notice because of that distinctive hat he always used to wear, and I watched him make his way through the crowd. He would be walking diagonally away from the road towards the Police lines, and then he proceeded to walk along the Police lines. I suppose a mock inspection is probably the best way of describing it.
- Q. When he walked along the Police line, how close to them was he? - A. Only a matter of yards, I would say, two yards perhaps, very close indeed.
- Q. At the nearest point that he was to you, how far away from you was he? - A. Well, when he came down, he came more or less directly diagonally to where I was, in front of me, and he would be two yards in front of the Police line. I was about a yard behind it and, in fact, as he walked along - that is from my right to left - I in fact accompanied him along the line and walked along with him just to hear if he was saying anything to the Policemen on the front line.
- Q. JUDGE COLES: You went right to left. That is your right? - A. My right.
- Q. MR. WALSH: You are walking along behind the back row of the Policemen? - A. That is right, parallel to him.
- Q. From your? - A. From my right to the left, going from the road towards the wood that is near the chemical plant.
- Q. What did you see him do? - A. He didn't say anything. All he seemed to do was walk along and just may be shaking his head, and then walked to the end and walked back again and disappeared into the crowd.
- Q. JUDGE COLES: When he got to the far end, the left, that is near the wood? - A. Yes.

- Q. MR. WALSH: You said he walked to the end and walked back again? - A. Yes.
- Q. When you say "back again", would you describe the route? - A. Well, it was not exactly the same route in that he more or less took a diagonal route from where he had finished the first inspection, if we can call it that, back towards the position where I had first noticed him.
- Q. When he got back to that position, did he stop, remain in your view, go out of sight, or what? - A. He went into the crowd and I didn't really take much notice after then because I just went to report the findings.
- Q. When he was doing this manoeuvre, was he alone or accompanied? - A. I am more or less sure, bearing in mind there is quite a crowd there, that he was on his own. Nobody seemed to be doing a repeat movement with him, if I can say that.
- Q. Did you notice any other people about doing anything as he was doing this? - A. There was, amongst the demonstrators, quite a few people about, but the main interest probably tended to be from the press.
- Q. The press? - A. The press.
- Q. Where were the press in relation to him? - A. There were press behind our lines, there were press amongst the demonstrators. They were all over.
- Q. When he was, to use your expression, reviewing the men, how close to him were any press men? - A. It is very difficult to say, but, as press men usually do, they were following him and taking an occasional photograph, this kind of thing, as probably you could see the press doing at any time.
- Q. What happened next? - A. Well, he went back into the crowd or, indeed, was lost from my sight. I did not take any more notice of him, and then we had a marked increase in the number of stones that were being thrown.
- Q. JUDGE COLES: A marked increase? - A. A marked increase, so much so that we had to deploy the long shield units.
- Q. MR. WALSH: Whereabouts were you when the marked increase started? - A. It is difficult to say, but I made my way back to the position where I first saw Mr. Scargill, and I would anticipate I would be in about that position.
- Q. You have told us that is almost from right to left in the middle? - A. That is right.
- Q. And just at the back of the last Police line? - A. Yes, there is a particular reason why I would do that.
- Q. You had better explain? - A. Well, being especially responsible for the shield units, I would position myself

behind the centre of the line and the long shield units, who would be deployed to the back of the line, would come towards me and I would instruct the normal Police Officers immediately in front of me in the line to break and allow the double file of long shield units to then go left and right in front of the Police lines to form a cordon in front of the Officers with shields facing the demonstrators, to protect them from the stone throwing.

- Q. That is why you were in the middle, so that you could organise the break and the infiltration? - A. That is quite correct.
- Q. You have told us when I asked you earlier about 7.20 and that sort of thing that there were no shield units deployed outside. At what point did the long shield people pick up their shields and come out into the open air so that you could use them? - A. What happens is at the beginning of any day like this particular day, certain Police Support Units - presumably you are familiar with the term - would be designated as long shield units or short shield units, whatever. Shields would be available near to where they would be holding. Just prior to being deployed, they would be instructed by the control to put on their equipment.
- Q. Who would tell the control to tell them to put on their equipment? - A. Mr. Clement would tell them from the front because he would be in immediate contact with the situation.
- Q. Would that be on his decision or recommendation, or what? - A. Probably on his recommendation, but on this occasion it was the obvious thing to do because of the missiles.
- Q. The missile throwing, you say, increased with the result that the long shield men were deployed and then came through? - A. That is right.
- Q. If you could help us - we are still in the region of 8 o'clock in the morning? - A. Yes, we are heading towards between 8 and 10-past.
- Q. At this time - I don't know whether you can be precise or approximate - what sort of numbers of demonstrators were you facing who had got there by now? - A. Well, quite a significant increase. We would be into the thousands, in the region, I would think, of 4,000 or 5,000, possibly more.
- Q. That contrasts with the figure of 700 that you have given at about 10-to-7, just over an hour or so earlier? - A. Yes.
- Q. Did you see the majority of these people arrive? - A. Once you got to the front and once you got so many in front of you, it is then very difficult to see the numbers coming towards you. You have got so many at the front and there is a progressive build up later and you have got to make a determined effort to have a look really.
- Q. This is 8 o'clock or shortly afterwards, and you have deployed the long shield Officers and you yourself are responsible for

putting them there? - A. Yes.

- Q. What happened once you deployed them? Have I used the right word because "deployed" seems to be used sometimes by different witnesses in a different context? So, if I have used the word wrongly, you must stop me. - A. That is quite correct. We refer to that as a deployment. Any use whatsoever is a deployment. Obviously there are various types of deployment, but that was referred to quite rightly as a deployment.
- Q. What happened once you have got them there in the front line? How were they holding their long shields? - A. Well, you can see the size of the long shields, and they would be simply holding them in front of them like that with the height, and the main function is simply to protect themselves and the Officers behind from the stones. They would simply be holding them up initially. They would start off being a foot or six inches from the floor, but because of the weight, it is not long before they put them on the floor and crowd behind them.
- Q. Are you familiar with the dimensions of the long shields? - A. Yes, I certainly am.
- Q. Assuming its foot is on the floor and it does not bend, what sort of height is it? - A. There is a slight difficulty in that we have two types of long shields. Once is five to six feet tall and the other six feet. Unfortunately, we did not have enough of one type or the other, so there could very well be a mixture, but I would think, looking at it, and it is difficult from this angle, that that may very well be a six foot shield.
- Q. JUDGE COLES: But on that day they were a mixed bag? - A. Yes. The maximum height is six feet.
- Q. MR. WALSH: You say in that connection that to start off the long shield man holds the base of it about a foot from the floor? - A. That is correct.
- Q. Presumably to give it height? - A. Yes, they have got adequate footwear and at that stage the main concern is for the head and face, so they tend to hold them higher to start with, because I think it is natural to worry more about your head and face than your feet.
- Q. Is that how they were deployed at that stage? - A. That is right.

MR. WALSH: Your Honour, I am moving on to something else.

JUDGE COLES: Very well. We will adjourn until tomorrow morning.

(The Court adjourned until 10 a.m. the following day)