

IN THE SHEFFIELD CROWN COURT

The Court House,
Castle Street,
Sheffield.

18th June, 1985.

Before

HIS HONOUR JUDGE COLES Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY
& OTHERS

APPEARANCES:

| | |
|----------------------|--|
| For the Prosecution: | MR. B. WALSH Q.C. and MR. K.R. KEEN |
| For Greenaway: | MR. G. TAYLOR |
| For Moore: | MR. M. MANSFIELD |
| For Jackson: | MR. M. MANSFIELD |
| For Foulds: | MR. P. O'CONNOR |
| For Moreland: | MRS. C. BAIRD |
| For Barber: | MISS M. RUSSELL |
| For Coston: | MRS. C. BAIRD |
| For Marshall: | MR. E.P. REES |
| For Crichlow: | MR. P. O'CONNOR |
| For Forster: | MRS. C. BAIRD |
| For O'Brien: | MR. P. GRIFFITHS |
| For Waddington: | MR. M. MANSFIELD |
| For Newbigging: | MR. E.P. REES |
| For Wysocki: | MISS M. RUSSELL |
| For Bell: | MISS M. RUSSELL |

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18th June, 1985.

WILLIAM ALBERT GREENAWAY and OTHERS

Absence of the Jury

MR. WALSH: The part delay in the absence of the Jury is in some measure due to the fact we have been having technical trouble, but I think it has been sorted out. There is another reason and it is this. Your Honour will be aware that the Crown has disclosed to the defence, because we do not wish any of the contemporaneous documentation to be concealed, all PSU books for which any of my learned friends have expressed a wish to see. Obviously your Honour knows there are clearly hundreds of them, many of which are totally irrelevant to these proceedings, but everyone we have been asked for we have supplied. Now I am concerned with the way my learned friend Mr. O'Connor cross-examined using a PSU book yesterday afternoon. He cross-examined an Officer who did not write it. He cross-examined an Officer who did not see it, and he put to him certain suggestions in a way which implied that what he had put to the Officer came out of a PSU book and it did not. What he did was to show the Officer the book, ask him the various names of people, and then put to him that two of his colleagues Harper and Shillito were out in the front of the cordon fighting, and then invited me to make an admission about it. Your Honour, none of those matters are in this book.

JUDGE COLES: No. Of course I have not looked at the books.

MR. WALSH: That Shillito arrested a man called Blezard during that day is recorded, but not where, when, how, and the Jury will have been given the impression from the way my learned friend cross-examined, that in this book there is something along the lines of what my learned friend put in cross-examination, because that is how he framed his questions, and that was the manner in which he conducted the cross-examination by showing the Officer the book and putting that, and it is quite wrong.

JUDGE COLES: What do you say about that? What do you suggest we do?

MR. WALSH: There is nothing more that can be done upon this at the moment, but what I do say is, and I ask your Honour to rule, that this line of cross-examination is wrong and improper, and it must not be done again, and that no Officer can be asked questions about a document with which he has nothing to do.

JUDGE COLES: Certainly the document must not be used, you say, to give ostensible support to an allegation which it does not support.

MR. WALSH: Your Honour, I would have thought that was transparently obvious that any counsel ought to know that without my having to make the application.

JUDGE COLES: That is the sort of thing one does not watch for because one does not expect it to happen.

MR. WALSH: One does not. It maybe if my learned friend is putting questions upon the instructions of his client as he ought to be doing, he can put those, but he must not make it appear that he has found something in a Police book that entitles him to put that suggestion. Your Honour might as well see the document from which he cross-examined.

JUDGE COLES: I think I had better.

MR. WALSH: Your Honour, I am afraid I have not got a copy of it. Has your Honour seen any of these PSU books?

JUDGE COLES: I have had one in my hands, but I have not looked at it with any great care.

MR. WALSH: Your Honour will remember that one of the Officers very early on said they ran out of PSU books, and therefore they had to photocopy them, and so this is a photocopy book but an original if your Honour understands. It lists the names, the places and times where this unit was said to be.

JUDGE COLES: That document was used I think to support the fact that Shillito and Harper had made arrests, was not it?

MR. WALSH: This was the way it was put, that they were out in front of the cordon fighting and had arrested.

JUDGE COLES: And the witness said, "I don't know, but it was at this very moment"

MR. WALSH: Your Honour, he did not know anything about those arrests. What he did, he looked at the book, and in answer to my learned friend Mr. O'Connor, he said, "Shillito appears to have arrested Blezard", because in the book there are the names of three persons arrested, and the names in respect of each one of an arresting Officer.

JUDGE COLES: Then Mr. O'Connor went on to say or to ask, "Was it not at this moment", the moment you are talking about "You were looking out, this arrest was made?", and he said, "I am not able to say".

MR. WALSH: He said specifically to my learned friend still cross-examining in the context of this book, "Two Officers broke discipline and fought at the front of the cordon at 8.30".

JUDGE COLES: "I did not see that", he said.

MR. WALSH: And the inference behind the questioning was that is what the book said. I may read because I have deciphered the handwriting, and your Honour will be unfamiliar with it, but on the very last page, the book written by Mr. Parish says this, "8.30 a.m., cordon came under sustained missile attack. P.C. Akers injured by stone, incident resulted in baton charge by" and then the name of this unit is given, "and other

PSU's in cordon... Pickets were dispersed". If my learned friend is putting by implication what this book says, he must either put what it does say or not put it at all.

JUDGE COLES: Perhaps I might just

MR. WALSH: That is the last page/^{of}which I have read out Inspector Parish's report. Your Honour will see there are many blank pages, but it won't take your Honour more than a moment or two.

JUDGE COLES: What do you say about that, Mr. O'Connor?

MR. O'CONNOR: First of all there is no difference between my learned friend and myself, if, as I think he has just said, I must put what the record says in its entirety or not at all, and therefore we are in agreement, and indeed, I was conscious of that entry my learned friend has just referred to, and feel it would be my duty, having entered upon the subject, to deal with that in cross-examination. So if that is my learned friend's concern I agree with him. I am conscious of it, and I will comply with what he suggests should be done. Your Honour, if I need to go further, and if a ruling is needed from your Honour, may I say I am conscious of the rule about the use of documents which are prepared by another not the witness, and they being used in cross-examination as I should be. The problem arises because this is, as is patently clear from its context, from the printed initial pages, this is an official record, and it is an official record which it is the duty of the senior Officer of the unit to complete. May I give your Honour probably the best example. One part of it obviously refers very directly to Mr. Foulds, my client. It is on the page which refers to arrests by PSU, and it has got Mr. Hill's name on as we have already established in evidence, and your Honour sees there a phrase unlawful assembly. I was certainly hoping, intending, and indeed I think in broad fairness it is proper for me to be able to ask this Officer about an entry, albeit not actually written by him, but one which clearly relates to his direct actions, this arrest, and which may well have been entered on information given by him; of course the point being that that offence contradicts the reason he gives for the arrest that he carried out. If, of course, it is nothing to do with him and he cannot explain it, and it is not his fault, then of course he will say so, and that is an end of the matter so far as cross-examination is concerned.

JUDGE COLES: I do not think Mr. Walsh was objecting to that line at all.

MR. O'CONNOR: I am grateful. That therefore is the best illustration of where - because in a sense this whole document falls into the same category, none of it is written by this witness, but different parts of it have different degrees of relevance to my cross-examination. That is the best example of something which obviously I submit I can put to the witness. If it is a matter

JUDGE COLES: The difficulty arises if the witness says

he knows nothing about it or does not adopt what the document says, then you are in difficulty.

MR. O'CONNOR: Then your Honour in a sense the Jury unless guided I would suggest, and concede immediately unless guided the question therefore has no value, it has not been accepted by the witness and we move on. I would concede that your Honour immediately gives that guidance, and therefore may I come back to the first point I made, if completeness is the point as to my cross-examination that my learned friend was concerned about, then I agree with him, and I ought to put what is in that last entry subject to your Honour wishing me to do so.

JUDGE COLES: Subject again to the witnesses reply about it. But there is a third matter which as I understand it is Mr. Walsh's main complaint, and that is that yesterday, wittingly or unwittingly you gave the impression that an allegation you were making was supported by the document.

MR. O'CONNOR: I would be happy - if that was the understanding, if it was my learned friend's understanding it maybe the understanding of some of the Jury - for that to be clarified, because it would be wrong.

JUDGE COLES: I am glad to hear you say so. Perhaps you can do that before you go any further.

MR. O'CONNOR: I am happy to do that. May I be allowed to do so when I reach it again because I would not want to deal with this two or three times. I am going to deal with this again.

JUDGE COLES: I think it might be as well if you cleared up this document straightway.

MR. O'CONNOR: Certainly. I will do it right away. What I wish to clarify then, what I intended to do, namely thus far, to make it clear that I was putting this document established first of all that Mr. Shillito and Mr. Harper were in the same half of the unit, and the witness has accepted that they were. Secondly, that Mr. Shillito arrested a Neil Blezard. When and where that happened is not

JUDGE COLES: Might it not be sensible if I explained to the Jury when they come back the significance of a document or lack of significance of a document such as this, so that any questions that are asked about it are seen by the Jury in their proper context, and thereafter that you put right what may possibly have led to a misunderstanding yesterday, and continue whatever use you make of the document in the light of what has been said. Do you agree?

MR. WALSH: Yes. All I am concerned about is my learned friend makes it clear to the Jury that the allegations put yesterday are not supported by anything in that book.

JUDGE COLES: That is a most important matter. The Jury may have been under the misapprehension that it was supported by the book.

MR. WALSH: And that I am concerned about. My learned friend takes the view that he wants the Jury to know what is in the rest of that book, that it is in the interest of his client, that is his judgment. It is not for me to interfere.

JUDGE COLES: Whatever answer is made on the book must be accepted until the book is proved.

MR. WALSH: That is right, and I think with respect it is a matter that ought to be made perfectly clear to the Jury at the outset.

JUDGE COLES: I agree. What I suggest be done, when the Jury return, you begin by removing from their minds any misapprehension about the allegation being supported by the contents of the book, and then I will tell them the limited significance of cross-examination based on the book until the book is proved. Very well, bring the Jury back please.

MR. REES: Can I apologise for Mr. Marshall's slightly later arrival this morning, I do not know whether your Honour noticed, his mother was taken ill and he had to wait until his father came back from work.

MR. GRIFFITHS: I apologise for my later arrival at court. Did your Honour get a message?

JUDGE COLES: Yes, I did. Thank you very much.

(The Jury returned)

JUDGE COLES: I am sorry you have been kept waiting, members of the Jury. It is not just that everybody has been late.

MR. O'CONNOR: May I make it clear to the Jury, because it has caused some concern, and it is agreed, that there maybe some misunderstanding of my cross-examination of this witness yesterday in asking questions about the operational record document of this PSU. The Jury may have got the impression that there was support in the document of my questions yesterday for the suggestion that Sergeant Harper and Mr. Shillito were involved in fighting in front of the cordon. That was the suggestion, but the misunderstanding may arise from the way in which the questions were asked, that the document supports that in the way in which I asked questions yesterday. The document did not, and some further questions may well be asked about it, and it is important that I should not be misunderstood.

JUDGE COLES: This maybe a convenient moment, members of the Jury, for me to say something about documents that are used, documents of this kind that are used in cross-examination. Counsel picks up documents which look official like that and begin to ask questions about the contents. Now the contents of that document are not, I repeat are not evidence, not at this stage anyway. They cannot be evidence, if you think about it, until the person who made that document comes along and says, "I made it!" I can vouch for the contents of what I

put in it". Until that happens it is just an allegation. If counsel - you have heard quite enough by now - for the defence asks in due course, you may hear prosecuting counsel asking questions of witnesses saying, "I put it to you this happened and that happened", sometimes a witness says, "Yes, it did", in that event you have some useful evidence. Sometimes he says, "No, it did not", and if he says, "No, it did not", obviously it is commonsense if he makes that sort of allegation to waive the bit of paper about and say, "This paper says that happened", but unless and until that document is proved that is not evidence. So when you see these documents being used in that sort of way, please bear in mind that it is not evidence, it is an allegation made by counsel. What matters is not the question that is asked but the answer that is given by a witness.

Is there anything further you wish me to say?

MR. WALSH: I think not.

POL. CON. STEPHEN GARY HILL

Cross-examined by MR. O'CONNOR Contd.

MR. O'CONNOR: Could the documents still be available for the witness to see:

- Q. You have had overnight to think about again any way in which you say Mr. Foulds could have sustained injury. Can I ask you if, having thought about it, there is any way of what you saw in which he could have sustained injury? - A. I could not see how he could have sustained that injury, sir.
- Q. Do you now accept that he did have injury to his lower lip having refreshed your memory from the photographs? - A. All I can say is from looking at the photograph I could not see the injury in that photograph, but I am not denying he did have an injury to his bottom lip.
- Q. Nothing happened to him either on your account which shook him up or could have dazed him even? - A. No.

MR. O'CONNOR: Can I put to you another single photograph of the same part of the day's events. Your Honour it is not a single photograph. It is in a bundle which will be proved during the defence case, but I only refer to one.

JUDGE COLES: Is this the big bundle?

MR. O'CONNOR: It is your Honour, yes.

JUDGE COLES: Have you seen this, Mr. Walsh?

MR. WALSH: No, I have not seen it. I have not been told about it at all.

JUDGE COLES: I think before they are used, Mr. O'Connor, we had better have a look at them. Is there a copy for

Mr. Walsh?

MR. O'CONNOR: Yes, there will be. There are six for the Jury and one for the witness.

JUDGE COLES: We had better have a look at them ourselves first. This will be as and when they are proved exhibit 34 I think.

MR. TAYLOR: Number 34 was the statement of P.C. Davies (

JUDGE COLES: Yes. I have two 33's. Thank you very much

MR. O'CONNOR: The relevant one just for the moment is B14.

JUDGE COLES: I know it is not always possible, but it might save a little time if a list into the court were given of potential exhibits a little earlier so that we could check them, and not have to do it as and when they are produced. I do realise there are logistical difficulties, but I would be grateful if people would bear that in mind in future. It is 14.

MR. O'CONNOR: I appreciate my Lord has not had an opportunity to flick through.

MR. WALSH: They look to be about 50 photographs, none of which I have seen before. I do not want to delay the court or cause any problems.

JUDGE COLES: Do take a few minutes to look through them, Mr. Walsh.

MR. WALSH: There seem to be a large number of photographs of photographers your Honour. I am not going to raise any objection to this going in, but I would echo what your Honour has just said, it would save a great deal of time if anyone who was about to put photographs in would allow us to look at them, then we need not have to go through this performance of seeing if there is any problem about it.

JUDGE COLES: They really contain nothing of great surprise. Let the Jury see the bundle then. Would you go straight to B14 members of the Jury.

MR. O'CONNOR: May I remind the Jury and your Honour, B14

JUDGE COLES: The numbers are on the back of each photograph. It seems to be the conventional way with the defence. Just be careful that you do not read that number with that picture. B14, two Police Officers with the accused in between them. Very well.

Q. MR. O'CONNOR: Now you told us yesterday, Mr. Hill, that Mr. Foulds was led downhill? - A. Yes.

Q. Do you accept that is clearly wrong? - A. Yes.

- Q. He was taken straight to the road not over the fence as we remember from our plan? - A. Yes.
- Q. Across the field to the road and then down the road? - A. Yes.
- Q. Can you explain why you got that wrong? - A. To me it is going downhill.
- Q. You said down the field.

JUDGE COLES: I do not remember that.

THE WITNESS: It was something I forgot, probably down the road.

- Q. MR. O'CONNOR: Refreshing your memory from that photograph, do you recollect that Mr. Foulds was clearly dazed? - A. No.
- Q. I do not rely just on the photograph because photographs can be very distorting, but he was dazed by something though, was not he? - A. Are you saying Mr. Foulds looked dazed at all?
- Q. I will just put that to one side, and I will make clear to you the suggestion I make in relation to Mr. Foulds and your dealings with him. First of all you recollect your initial mistaken line that you drew on the plan exhibit three up the road, and then you crossed that out and drew a curve across the field. You see I suggest that Mr. Foulds ran up the road there and up on the field, and your first mistaken line made accidental or otherwise was correct? - A. No, sir. The second line that I drew was the correct route that Mr. Foulds took.
- Q. There were many others running up the road at that time, were there not? - A. Yes.
- Q. I suggest Mr. Foulds was closer, with only one other person running up the road? - A. No.
- Q. And that he said?
- Q. JUDGE COLES: Do you agree there was a lot running up the road first? - A. Yes, I do your Honour.
- Q. MR. O'CONNOR: That he separated from that one other person and ran over across the verge from the road on exhibit three. You recollect quite clearly that fence which went round the corner, as it were, and then at right angles to the road to the electricity sub-station? - A. No, I do not accept that at all, sir.
- Q. Was it, as you were engaged in this line of advance, that missiles were as bad as they had ever been? - A. As far as I can remember there was the same amount of missiles. I

would not say it was any worse than it had been previously.

- Q. Therefore as bad as it had been then? - A. Yes.
- Q. Can I ask you to look at our exhibit 27 which is I am afraid another bundle of photographs please, at number 17:

MR. O'CONNOR: I will just pause for a second, your Honour, because I do not think everybody has got the bundle. I hope they have now:

- Q. Do you see there a scene that you recognise?

JUDGE COLES: Have you all got that, members of the Jury?

MEMBERS OF THE JURY: Yes.

- Q. MR. O'CONNOR: Do you? - A. Yes.
- Q. You see the cordon in the distance? - A. Yes.
- Q. Mainly on the road in this photograph? - A. Yes.
- Q. The horses returning from a charge? - A. That is right.
- Q. You remember that do you? - A. Yes.
- Q. Remember that happening just before the line advanced? - A. Could have been, sir, I cannot remember offhand.
- Q. Can I ask you to turn to the next photograph, number 18? - A. Yes.
- Q. I suggest a photograph taken very shortly after the one before? - A. Yes, I can see that.
- Q. The horses had gone through, and there is the scene in front of the cordon, you recollect that? - A. Yes.
- Q. You do recall it? - A. That actual scene itself?
- Q. Yes. There is hardly anyone within 100 yards of the cordon, is there? - A. Not on that photograph. They are running away, yes.
- Q. Do you recollect that happening, that there was a time when the cordon did not have anybody within about 100 yards in front of it? - A. Yes.
- Q. When did that happen? - A. I think it was just after the lorries had gone out the first time. There was a lull.
- Q. JUDGE COLES: Am I correct, not during the lull, there was a time when the demonstrators were no closer than 100 yards? - A. That is right. The vast majority of them tended to drift off further up the field, your Honour.
- Q. MR. O'CONNOR: Were there a couple of times when that scene and your recollection could have happened other than

during that lull? - A. I cannot remember it happening.

- Q. Was it a scene as you recollect it, just before the cordon made its last advance? - A. As far as I can remember there were pickets throwing missiles at us, and that is when we made our last advance.
- Q. They are 100 (?) yards in front of the cordon? - A. Probably something like that, maybe a bit nearer.
- Q. So this could not have been taken just before the last advance of the cordon on your evidence? - A. I cannot remember that happening, no.
- Q. JUDGE COLES: You said they are running away. What do you say they are running away from? - A. I have no idea your Honour.
- Q. MR. O'CONNOR: Let us look at 19 and we will see some pickets though fewer running towards the camera? - A. Yes.
- Q. Do you see beginning the advance on the right(?)? - A. Yes.
- Q. You see there are a group of Police Officers, are not there? - A. Yes.
- Q. Turn over to number 20. Do you see that group of Police Officers advancing? - A. They appear to be, yes.
- Q. I suggest if you look to the right of that, there is a general advance taking place as well although the Officers on the right(?) are regularly in the forefront, are not they? - A. It would appear that way, yes.
- Q. If you turn then again to number 21, the Officers on the right? are by a stone wall, are not they? - A. Yes.
- Q. They have nearly reached - there is an outbuilding of an electricity installation on the other side of the road that you can just see there, is not there? - A. That is right.
- Q. Anybody on the field there throwing missiles at your cordon? - A. There does not appear to be, sir.
- Q. You see at that moment

(The shorthand writer requested counsel to talk slower)

THE WITNESS: Yes.

- Q. MR. O'CONNOR: Picture 21 shows the Officers on the right advancing very quickly, and I suggest you are part of the cordon just off to the right of the photograph advancing up the field? - A. I was, yes.
- Q. This photograph, because it is rather better than showing your part of the cordon, does show that part of the field just ahead of you as you are making that last advance, does

not it? - A. It does, yes.

- Q. Indeed, I suggest it shows that part of the field where you suggest Mr. Foulds and his group were throwing missiles at the cordon? - A. No, I do not accept that.
- Q. And it is empty, is not it? - A. No, I do not accept that is correct.
- Q. What is not correct about it? - A. I am not sure if this was the last advance or not.
- Q. If this is a photograph of that moment of the last advance, do you accept that your recollection cannot possibly be right in relation to Mr. Foulds and a group in that position throwing missiles? - A. No, I do not accept that.
- Q. What else is wrong with it other than you suggest this might not be the last advance? - A. That is all I can say; it was not the last advance.
- Q. If it was the last advance your evidence cannot be true, can it? - A. If it was the last advance, yes, if the evidence in the case was true.
- Q. Do you recollect anybody as you approached the fence, the fence just in front of the substation? - A. Yes.
- Q. Leaning forward on their forearms watching the Police advance? - A. I cannot remember that, no.

JUDGE COLES: I am sorry, I was just finishing my last note. Wherewas that?

MR. O'CONNOR: I will put it again:

- Q. Do you recollect anybody on the other side of the fence as you advanced leaning forward on their forearms watching the Police cordon coming up the field? - A. No, I cannot remember that.
- Q. The top rung of the fence is about waist height. Do you recollect that? - A. Something like that.
- Q. So that we get this right, on your evidence that cannot have happened, is that correct, as just before you climbed over the fence there is nobody actually leaning over watching? - A. I have not said that. I said I cannot remember if there was anybody leaning on the fence.
- Q. I suggest that is exactly what Mr. Foulds was doing as you approached that fence? - A. That is wrong, sir.
- Q. Possibly with one other? - A. No, that is wrong, sir.
- Q. Why I say possibly is because there may have been somebody there but not somebody known to him. I want to make it clear why I put it that way. Can I just ask you about

that position please. We have agreed the grass is quite nicely cut around the substation? - A. Yes.

- Q. And was reasonably (inaudible) with the surroundings. On previous days and on other occasions, had that been used as a place to sit by the pickets and perhaps even have a snack? - A. Yes, I believe it had.
- Q. Mr. Foulds had not thrown a single missile at the Police, had he? - A. I have given my evidence. I have said he threw missiles, and what I have said happened.
- Q. He did not shout anything like, "Let the cunts have it"? - A. That is what I remember him shouting, sir.
- Q. We are agreed that short shield Officers had already gone across inside the substation area before you climbed over the fence? - A. Yes.
- Q. Did you come up to the fence and kick it as Mr. Foulds was standing literally just on the other side? - A. I did not sir, no.
- Q. You see I of course accept as is obvious, you are very calm and collected now in court a year later, are you not? - A. That is right.
- Q. I am sure you would agree the situation was very different then, and your feelings were very very different then after 5½ hours on such a hot day continuously on that cordon. Do you agree? - A. I was tired, yes.
- Q. You were more than tired, were not you? - A. What are you suggesting I was?
- Q. Were you worked up? - A. I would not say I was worked up, no.
- Q. You put one foot on the lower rung of that fence, and you punched Mr. Foulds in the mouth once with your right hand? - A. I never punched Mr. Foulds when I arrested him, and I never struck Mr. Foulds after his arrest. I have never struck Mr. Foulds at all.
- Q. And that is what caused that, I suggest, clear injury to the lower lip of his mouth on that photograph? - A. I resent that allegation, sir. I never struck Mr. Foulds at all.
- Q. He took a step back because of that, and I suggest almost certainly accidentally there was an Officer behind him, and Mr. Foulds banged his head against an elbow or shield, or something like that? - A. I never struck Mr. Foulds.
- Q. And he fell to the ground? - A. I never struck Mr. Foulds, sir.
- Q. Did he fall to the ground at all? - A. I cannot remember him falling to the ground.

- Q. And you and Mr. Thomson picked him up? - A. No.
- Q. Let us picture it. What were your first words to Mr. Foulds on your own account? - A. Cautioned him, sir.
- Q. Tell us what you say on Oath were your first words to Mr. Foulds? - A. I gave him the first caution.
- Q. Please tell me what your first words to him? - A. I said you are not obliged to say anything unless you wish to do so, but what you say maybe put into writing and given in evidence.
- Q. As you put it in your evidence yesterday, you approached him and had a conversation with him. I think those were your words? - A. That is just a term I use, sir.
- Q. Is that realistic? Are you really presenting the way in which this happened? - A. I always tend to use the word conversation, probably telling him would be a better word to use, but that is the word I use all the time, conversation.
- Q. Your words to him on picking him up, I appreciate you are denying you picked him up, your words to him that morning, I make it clear were, "Got you, you bastard"? - A. It is ridiculous, sir.
- Q. I am not going to repeat it, I will probably be disbarred if I try to. Then Mr. Foulds replied, "I will let my solicitor decide (?) about that. It was on your own initiative, was it, that you had gone through the short shields and gone forward towards the substation? - A. Yes.
- Q. You hadnot been ordered to do so? - A. I cannot recall us being ordered to do so.
- Q. Can I just ask you, because you told us that your first sighting of the group was when you were still behind the long shields? - A. Yes.
- Q. Could you tell us what the group was doing, where they were when you left the cordon, went ahead of the cordon? - A. Where they were?
- Q. What was happening then? - A. They were starting to run off.
- Q. They were starting to run off? - A. Yes.
- Q. Now you arrested Mr. Foulds you say for threatening behaviour - A. Yes.
- Q. I suggest you did not use any formal words of arrest at all. So the Jury know, threatening behaviour is an offence which is occasionally tried at the Magistrates Court, is not it? - A. Yes.

- Q. Never reaches the Crown Court? - A. No.
- Q. And although there can be more severe penalties, I am sure you have been to court over them, very often there is a small fine or penalty like that? - A. That is usually the case.
- Q. That is your reason for arresting Mr. Foulds? - A. Yes.
- Q. You went to the command centre, and it was there that certain documentation was gone through? - A. Yes.
- Q. Name and address taken. Do you see there an entry relating to Mr. Foulds, his name and address? - A. That is right.
- Q. And the time of his arrest? - A. Yes.
- Q. 11.23? - A. Yes.
- Q. And the time of his arrival at the Police Station, 11.25? - A. Yes.
- Q. You would have been there when that entry was being made? - A. Yes. I would.
- Q. What does it say there as to reason for detention? - A. "Unlawful assembly topside".
- Q. That is a completely different offence is not it? - A. Yes.
- Q. This offence can only be tried at the Crown Court? - A. Yes.
- Q. An offence at a completely different level, is not it? - A. That is right.
- Q. Did you say to the Officer making that entry in your presence that you had made an arrest for threatening behaviour? - A. I did, yes.
- Q. Were you aware that he wrote down unlawful assembly as the reason for detention? - A. I was, yes.
- Q. What was your reaction to that? - A. I told him I had arrested him for threatening behaviour, and the Sergeant wrote down "unlawful assembly topside". It was not for me to question him.
- Q. Were you surprised? - A. Not really surprised, no.
- Q. And your explanation to the Sergeant was that you had arrested Mr. Foulds for threatening behaviour? - A. Yes.
- Q. Not a word said about throwing stones, was there? - A. I told him I had arrested him for threatening behaviour.
- Q. Not a word about throwing stones? - A. I cannot remember if I told him about throwing stones or not.
- Q. Of course you would be interested if only in the fact

you would potentially be giving evidence, and the fact this trial was coming up over the course of the last year? - A. Yes.

Q. And be aware that Mr. Foulds, having been arrested for an offence of threatening behaviour, is now facing trial for an offence or riotous assembly? - A. That is right.

Q. When did you first become aware that he was facing trial on a charge or riot? - A. I would probably be aware of it when I had to make my statement later.

Q. When you went to make your statement in the command centre? - A. Yes.

Q. On the same day? - A. Yes.

Q. That he would later be charged with riot? - A. Yes.

Q. How did you become aware of that? - A. I heard senior Officers saying they were going to charge unlawful assembly.

Q. Unlawful assembly. I do not want to take an unfair point, unlawful assembly or riot, because they are different things, are not they? - A. The words used are unlawful assembly as far as I can remember.

Q. You heard senior Officers talking about charging them with unlawful assembly? - A. That is right, yes.

Q. And that was before or after you made your statement? - A. That was before, sir.

Q. Was it on the ground floor of the building or was it upstairs? - A. Upstairs.

Q. Was it in the room where you made your statement? - A. Yes.

Q. Was it when a number of other Officers were present there? - A. Yes. it was.

Q. Was it something that was said to those Officers or something you just overheard? - A. As far as I can recall it was just something overheard.

Q. Do you know who the Officers were? - A. To be honest I cannot remember offhand who they were.

Q. But you knew they were senior Officers? - A. Yes, I believe they were.

Q. Were they South Yorkshire Police Officers? - A. Yes.

Q. Did you recognise them as senior detectives that you had seen before? - A. Yes.

Q. South Yorkshire senior detectives? - A. Yes.

Q. I will perhaps come back to that later, but may I also

with the proviso the Jury heard before giving evidence this morning, ask you about this operational record or your unit?
- A. Yes.

- Q. We have already in fact dealt with this, that that quite properly shows the fact that you arrested Mr. Foulds. Do you remember? - A. Yes.
- Q. May I ask you about the offence which is down there as the offence with which he had been arrested? - A. Yes.
- Q. If you look at it carefully what does it say? - A. Unlawful assembly.
- Q. Of course you did not make that entry, let us make it clear?
- A. That is right.
- Q. When you did make the arrest you did not arrest Mr. Foulds for unlawful assembly? - A. No.
- Q. Although I think to be fair to you from the moment of his arrival at the command centre, may well have been detained for unlawful assembly, do you follow? - A. Yes.
- Q. At any rate, were you present when this record was made by Inspector Parish your senior Officer? - A. No.
- Q. Having told him that you had arrested Mr. Foulds for unlawful assembly? - A. I must have done, that is why he put it down.
- Q. You may have told Inspector Parish that the arrest was for unlawful assembly? - A. Yes. may have done.
- Q. So was that a mistake on your part? Did you tell him?
- A. No.
- Q. Well it maybe that you, as it were, felt the arrest was for unlawful assembly after you had arrived at the command centre. Please explain why did you say to Mr. Parish? - A. This record was made at the end of the day, and by that time I knew Mr. Foulds was going to be charged with unlawful assembly, so when Mr. Parish asked me what he was going to be charged with I told him unlawful assembly.
- Q. It is put down as reason for arrest by you? - A. Yes.
- Q. Can I ask you about another entry. I am sorry to go back to the arresting document? - A. Yes.
- Q. If you could look down the next few lines, we have already dealt with the reason for detention? - A. Yes.
- Q. Were you present when that block entry was made as it were? Do you see the next few lines below reason for detention?
- A. Yes, that is right.
- Q. You were present there were you? - A. Yes.

- Q. Mr. Foulds was asked for his name and address? - A. Yes.
- Q. Presumably you did not know it? - A. No.
- Q. You again would not know it unless you asked. Is that fair?
- A. That is right.
- Q. Was Mr. Foulds asked any other questions? - A. I cannot remember, sir.
- Q. You see, let me make it clear maybe in fairness to you, I want to ask you about it, there is another entry relating to whether Mr. Foulds was injured or not, is not there? - A. Yes.
- Q. Made in your presence? - A. Yes.
- Q. And it is a bit curious, is not it, because it says something twice, it says, "Uninjured"? - A. Yes.
- Q. "No injuries"? - A. That is right.
- Q. I suggest Mr. Foulds certainly was not asked any questions leading to that, and that was - do you recollect just something written down by the Sergeant? - A. Probably was sir, yes.
- Q. Now, where did the time of arrest come from, 11.23? - A. When we got down to the command centre they asked me what time the arrest was.
- Q. And you said 11.23? - A. We got there 11.25, and I would probably say two minutes before that.
- Q. Was it not the Sergeant working it backwards writing down 11.23, do you think? - A. Yes.
- Q. Did you have a watch on you? - A. No.
- Q. So you took the time at the Police Station when you yourself took a few minutes off? - A. Yes.
- Q. And in your witness statement we were dealing with yesterday, there is certainly no time shown in that statement, is there?
- A. No.
- Q. And indeed, do you agree in the whole of that witness statement you only give one time, and that is in the very last paragraph about having been on duty since six o'clock in the morning? - A. Yes.
- Q. You are making this statement within half an hour of being in front of the desk Sergeant and giving the time 11.23?
- A. Yes.
- Q. So what was the problem? Why did not you put any other time other than six in the morning when you began duty? - A. I did not have the arrest document with me.

- Q. Could not you remember within half an hour, obviously not? You could have put about 11.20 or some time between 11 and 11.30, could not you? - A. I could not recall offhand that is why I did not put it in.
- Q. But you had got no other time at all apart from, as I say, six in the morning? - A. That is right.
- Q. Was that a conscious decision on your part? - A. No.
- Q. It just turned out that way? - A. Yes.
- Q. Can I just ask you about the first page. There is quite an account, is not there justifying and explaining how and why long shield Officers go to the front of the Police cordon? - A. Yes
- Q. Is not there? - A. Yes.
- Q. Could I just take you through it. "On Monday 18 June, 1984, I was part of a large contingent of Police Officers assigned to duty at the Orgreave Coking Plant, Highfield Lane, Orgreave"? - A. Yes.
- Q. "During the morning there had been a steady build up of pickets, there was approximately one thousand pickets facing us as we were blocking off Highfield Lane on the southern side of the works entrance"? - A. Yes.
- Q. "As we stood there in the line a continuous stream of missiles came from the pickets into the Police line. There were no shields being used at this point, and I saw that several Police Officers in the line were being hit by missiles"? - A. That is right.
- Q. "To protect Police Officers in the line from the missiles, Officers with protective headgear and shields were called up"? - A. Yes.
- Q. "The line of Police Officers I was in facing the pickets opened up and allowed the other Officers who were in protective equipment to go through to be the front line to afford us protection from the missiles which were still being thrown"? - A. Yes.
- Q. Now that is all dealing with your duty and explaining the deployment of long shield Officers? - A. Yes.
- Q. We know that that is at about eight o'clock in the morning? - A. Yes.
- Q. And we know from your evidence that Mr. Foulds was arrested a little before 11.30? - A. Yes.
- Q. There is 3½ hours between those two events? - A. Yes.
- Q. Is not there. Can you read to us how you deal in this statement with those 3½ hours of events? - A. "The line of

Police Officers I was in facing the pickets opened up and allowed the other Officers who were in protective equipment to go through to be the front line to afford us protection from the missiles which were still being thrown".

- Q. That led to the deployment of the long shields? - A. Yes.
- Q. Forget about that. Start from there. How do you deal with 3½ hours of events between then and seeing Mr. Foulds group? - A. "The whole formation led by Officers from the mounted force section advanced towards the picket line. As we advanced we still received a constant barrage of missiles thrown by the pickets".
- Q. Full stop? - A. Yes.
- Q. You say you saw a group of pickets with Mr. Foulds? - A. Yes.
- Q. You deal in two sentences with 3½ hours of events? - A. Yes.
- Q. Why is that? - A. The first bit I think I have set the scene, the second bit is actually that there is Mr. Foulds.
- Q. You have set the scene to the extent that you describe long shields coming out? - A. Yes.
- Q. Having set the scene (inaudible) short shield Officers being deployed? - A. No.
- Q. Having set the scene by making several advances (inaudible) by Police horses on the field. Am I right? - A. No.
- Q. Having set the scene by (inaudible) ? - A. No.
- Q. You have not set the scene at all? - A. I have set it down as best I could.
- Q. Best as you could. You have not? - A. That is the statement I made at the time.
- Q. JUDGE COLES: Why have not you mentioned those other bits? Why did not you put them in your statement? - A. Your Honour the first bit I put down I thought adequately described the scene.
- Q. MR. O'CONNOR: You justused that description did you? - A. Yes, sir.
- Q. You did? - A. Yes.
- Q. And they are your words? - A. Yes.
- Q. They are your words? - A. Are you saying the firstbit or The first bit was dictated.
- Q. Where does the first dictated bit finish? - A. As far as I can remember it says, "As we were blocking off Highfield

Lane on the southern side of the works entrance".

- Q. JUDGE COLES: Sorry? - A. It was here, your Honour. "During the morning there had been a steady build up of pickets, there was approximately one thousand pickets facing us as we were blocking off Highfield Lane on the southern side of the works entrance".
- Q. That is dictation you say? - A. As far as I can recall sir, yes.
- Q. MR. O'CONNOR: Those two sentences? - A. Yes.
- Q. You could have written them yourself, could not you? - A. I suppose I could have done, yes.
- Q. So the majority of what I read out before breaking off about standing in a line, a continuous stream of missiles, no shields being used, several Police Officers hit, Officers in protective headgear, shields called up, the line opening up, and Officers in protective equipment going through to afford protection, those are all your words are they? - A. I would say they are my words.
- Q. They were not dictated to you? - A. As far as I can remember they were not dictated.
- Q. You are not wrong on that are you? - A. As far as I can remember those words were dictated up to where I said.
- Q. Please tell us how it came about that dictation was....? - A. We went up to make our statements. There were a number of Officers from the serious crime squad who dictated the first bit of this statement.
- Q. Why did you go up to the room? - A. To make the statement.
- Q. Whotold you to? - A. We were told that after taking Mr. Foulds in to go upstairs to the statement room.
- Q. Who told you to do that? - A. I cannot remember sir.
- Q. Was it a detective? - A. I cannot remember who it was.
- Q. When you got to the room did you have to sit and wait for other Officers to gather? - A. That is right.
- Q. You did. Were you given a blank statement form? - A. We had a statement form in front of us which we had taken out ourselves.
- Q. You had a pen of your own? - A. Yes.
- Q. But you were told to wait? - A. Yes.
- Q. Did you ask why? - A. No, I did not.
- Q. You just waited? - A. Yes.

- Q. And other Police Officers gathered? - A. Yes.
- Q. In uniform? - A. Yes.
- Q. Perhaps you can tell us; these were serious crime squad Officers from South Yorkshire? - A. Yes, they were.
- Q. What are their names please? - A. I cannot remember their names offhand.
- Q. How long have you been a South Yorkshire Police Officer? Eight years.
- Q. And you had come across serious crime squad Officers in the course of duties? - A. That is right.
- Q. Please tell us were they Detective Inspectors, Detective Sergeants, Detective Chief Inspectors? - A. I would be guessing. I cannot remember who did the dictation.
- Q. Can you help about any....? - A. I can, but whether they dictated it or not
- Q. Can you name those who were present? - A. I believe that Detective Inspector Sumner (?) was present, Detective Constable or Detective Sergeant as he is now Hudson, and I believe Detective Constable Wyatt.
- Q. JUDGE COLES: Detective Constable Wyatt? - A. Yes, your Honour.
- Q. MR. O'CONNOR: Were there only three detectives present or are they the only ones you can name? - A. You have asked me to name them. I said I cannot remember who exactly there were, but I believe those were the Officers involved. I cannot remember if there were anymore.
- Q. Were all three present during dictation? - A. If you are saying they were there, yes.
- Q. In the room? - A. Yes.
- Q. JUDGE COLES: I do not understand the basis on which you have named those Officers. Do you remember those Officers being there or not? - A. I remember them being in the room in the command centre, but whether
- Q. Were they there on that occasion? - A. I cannot remember.
- Q. MR. O'CONNOR: Were there three in the room during dictation? - A. Yes, there were.
- Q. There were three. You say those three Officers were at the command centre. Are you able to name them as being at the command centre because you recognised them when you saw them on the day? - A. Yes.
- Q. So you knew them by sight? - A. That is right.

- Q. So were those three Officers present in the room during the dictation if you knew them by sight? - A. To say they were I would just be guessing. I cannot remember which of the detectives were there. There were a number of detectives in the room. If I were to name those I would just be guessing.
- Q. Did not it matter to you who was dictating something which you had toput in a witness statement? - A. At the time, no, I cannot
- Q. It did not matter to you who was dictating? - A. At the time no.
- Q. The Jury have heard it once, but at the head of this witness statement is a formal declaration is not there? - A. Yes.
- Q. And you have to be careful about what you put in? - A. That is right.
- Q. It did not matter to you who it was who was dictating. Did it matter to you whether the person doing the dictating had seen what was happening? - A. From what they dictated I took it they had seen what had happened.
- Q Did you ask? - A. No.
- Q. Was any explanation given as to why you should wait and then accept the dictation? - A. We were just told to sit in the room and to wait for serious crime squad Officers.
- Q. Was any explanation given by those Officers as to why this system was adopted? - A. No, I do not think there was.
- Q. Did anybody ask? - A. No.
- Q. Do you recollect the ranks of the uniform Officers who were there? There was certainly one uniformed Inspector, was not there? - A. There may have been, sir, yes.
- Q. Did the detectives identify themselves and say "I am Detective Constable/Sergeant, or Detective Inspector" such and such? - A. I cannot remember.
- Q. Was the dictation from a document? The person doing the dictation, did that person read from something or just speak? - A. Just spoke, sir.
- Q. What about when that bit finished, what happened then? - A. We just wrote down what we wrote down.
- Q. Please say how you did that yourself? - A. I wrote it down in conjunction with P.C. Thomson.
- Q. What happened with P.C. Thomson? - A. We discussed what had happened, and as we were discussing it we started writing it down.

- Q. You do not recollect Mr. Thomson in the cordon being next to you or anything like that? - A. No.
- Q. He is part of your unit? - A. Yes.
- Q. And is therefore to the right or left of you? - A. Yes.
- Q. And may have been in the same section, or he may have been further back? - A. Yes.
- Q. In this discussion you have both seen exactly the same things? - A. Yes, or we would not have written it down.
- Q. You both wrote it down in exactly the same words, did not you? - A. That is right.
- Q. Have you seen exactly the same things? - A. Yes.
- Q. You told us yesterday that you saw Mr. Foulds pick up a missile? - A. Yes.
- Q. Whilst he was running away? - A. That is right.
- Q. Did you say that to Mr. Thomson, "I saw him pickup a missile"? Do not look at the statement? - A. I don't know. I may have done, yes.
- Q. If it is one of the things you saw him specifically do, it is something you would mention to him, is not it? - A. Yes.
- Q. Did Mr. Thomson say, "Yes, I saw him do that as well"? - A. He may well have.
- Q. Why is not it in the statement? - A. Because I probably did not see it.
- Q. So you did not say it? - A. I am saying I cannot remember whether I said it or not. The fact it is not in my statement I cannot have said it.
- Q. Time is a very difficult thing. Can we just try to get some sort of perimeter from your first sighting of Mr. Foulds group to him being arrested? - A. Yes.
- Q. Are you talking about two minutes, something like that? - A. Probably something like that.
- Q. We are talking about a short period? - A. Yes.
- Q. And as an Officer with eight years experience, you are of course conscious of the need to be as accurate as possible about what that particular person has done? - A. Yes.
- Q. Now, did you or did you not see Mr. Foulds bend down and pick up a missile whilst the group was running away? - A. Yes.

Q. You did. Did you mention that in the light of the (inaudible) I have just put to you to Mr. Thomson?

JUDGE COLES: He says he does not know.

MR. O'CONNOR: I agree. Your Honour, he is looking at the statement and saying it is not in the statement. I am trying to approach it in another way:

Q. From the shortness of the incident you are aware it needs to be accurate as far as you can, and you shortly after the incident were making this statement. Bearing in mind those three things do you still say you did not mention that to Mr. Thomson? - A. That is right.

Q. You did not. Did Mr. Thomson mention anything like that to you? - A. I cannot remember him saying, no.

Q. But you are waiting to give evidence, are you not? First of all you are in this court giving evidence here, but shortly after finishing your evidence in this court you will be giving evidence in a trial in this building in a different court room? - A. Yes.

Q. You will be giving evidence, will you not, relating to an incident in the miners dispute 8 days after this one on the 26th June? - A. Yes.

Q. Evidence alleging that somebody called Mr. Day was doing what? - A. Throwing stones through a window, sir.

Q. Could you tell this Jury how that witness statement was prepared? - A. In a similar fashion to the one that was prepared here.

Q. Most parts of it were dictated to you? - A. That is right.

Q. That was an incident in South Yorkshire, was not it? - A. Yes.

Q. A statement made on the same day of the incident? - A. Yes.

Q. Part of it dictated to you by South Yorkshire detectives? - A. That is right.

Q. Serious crime squad South Yorkshire detectives? - A. Yes.

Q. And some South Yorkshire detective has dictated the statement in this case? - A. I cannot remember, sir.

Q. You do not remember. How many times have you made witness statements that have been partly dictated to you by South Yorkshire detectives? - A. In my service not many times.

Q. Has it ever happened to you before your witness statement in relation to this case? - A. No.

Q. That was the first time? - A. That is right.

Q. Was the 26th June the second time? - A. I believe it was, yes.

Q. Any other occasion that you can remember? - A. Not that I can remember, no.

Q. Help us about these detectives. Were they the same detectives, and I suggest you must be able to remember this, as were present at the dictation in this case? - A. If you want me to name detectives, as I said before I would be guessing, and I do not believe it is fair for me to guess at them.

Q. JUDGE COLES: It is being suggested to you that you must remember. Do you accept that you must remember or not? - A. I cannot remember, your Honour, who they were. I could suggest names to you, yes.

Q. MR. O'CONNOR: That was not the question. What I am suggesting you must be able to do is, if they were the same Officers, forget about their names, were they the same? - A. They could have been, yes.

Q. Were they the same? - A. They could have been sir.

JUDGE COLES: Anyone could have been. Mr. O'Connor, you are putting to this Officer that he must remember, he says he does not. Now to go on putting to him that he must remember is really just commenting again. It does not take the matter any further. If you say this Officer is not telling the truth when he says he does not remember that is one thing, but I do not think you are going to get him to admit he is not telling the truth about it.

THE WITNESS: If I could remember who the names were I would give them.

Q. JUDGE COLES: You are not being asked about the names now. You are being asked whether the Officers who dictated the Mr. Day incident are the same Officers who dictated this statement. Can you remember that? - A. Yes, all they were.

Q. They were the same Officers? - A. If you want me to say yes, they were, but I am saying I cannot remember.

Q. MR. O'CONNOR: I am going to ask you a straightforward question; were they the same Officers? - A. You are there inviting me to say, for example, yes or no. If I say yes I would be

Q. JUDGE COLES: No. He is asking you to say yes or no or I don't remember? - A. I don't remember. I thought I had made that point clear.

Q. MR. O'CONNOR: It is not, is it, that you are worried about naming them? - A. Not at all.

- Q. Can I just clarify one further thing before moving on. Do we take it that this statement constitutes your notes of the event of the 18th June? - A. That is right.
- Q. And there is no notebook or any other record made? - A. No.
- Q. May I just go through a few things that I suggest you have got completely wrong. First of all you told us yesterday about the order of events, the convoy arriving, long shields out, and then advancing? - A. Yes.
- Q. Do you accept that you might have got that completely wrong? - A. No. As far as I can recall that is what happened.
- Q. Secondly, your description of what was happening when the long shields went out relating to missiles. Do you accept that you might have got that completely wrong? - A. No.
- Q. May I now, just because it comes in order, ask you about the short shield deployment for the first time and very briefly. Did you see arrests being made then? - A. Yes, I think there were.
- Q. Did you see prisoners being brought back through your cordon or part of the cordon? - A. Yes.
- Q. Did you see who some of the arresting Officers were? - A. No.
- Q. You did not see who any of the arresting Officers were? - A. I obviously saw them but I cannot remember who they were.
- Q. With what you have told us, the only occasion on which you advanced beyond the cordon was much later on? - A. Yes.
- Q. When you have told us the most relevant part of your evidence so you did not break the cordon before then? - A. No.
- Q. And you cannot recollect any other Officers from your unit breaking the cordon? - A. No, I cannot.
- Q. There is certainly no evidence of your unit being involved in a baton charge? - A. Not that I can remember, no.
- Q. Certainly not a baton charge at 8.30, at about the time of the short shield unit being deployed? - A. No, I cannot remember that.
- Q. That is something, if your unit did, that you would remember, is not it? - A. Yes, obviously.
- Q. Can I ask you then to look at the operational record document? - A. Yes.
- Q. Can I ask you to look at the last page, debriefing? - A. Yes.
- Q. Do you see an entry there relating to 8.30? - A. Yes.
- Q. Can you please read from 8.30 a.m. onwards.

JUDGE COLES: To yourself. Do you have any objection?

MR. WALSH: No.

THE WITNESS: "The cordon came under sustained missile attack. P.C. Akers injured by stone."

MR. O'CONNOR: Stop there for a second.

Q. JUDGE COLES: What was the exact wording again? - A. "Cordon came under sustained missile attack".

Q. "Missile attack"? - A. "P.C. Akers injured by stone. Incident resulted in baton charge by Papa Delta Two".

Q. By? - A. "Papa Delta Two". That is our section, sir, and other PSU's in the cordon. "Pickets were dispersed".

JUDGE COLES: Members of the Jury, this is the sort of document I was talking about earlier:

Q. Did you make that entry? - A. No, sir.

Q. MR. O'CONNOR: Is it signed at the bottom as it should be, because it has got printed Inspector, apparently signed by Inspector Parish? - A. That is right.

Q. Papa Delta Two, that was your unit? - A. That is right.

Q. So do you know anything about, having been referred to that, a baton charge at 8.30, of your unit and other PSU's in the cordon? - A. There could well have been a baton charge, yes. I cannot remember.

Q. Do you remember an order being given by either Police Sergeant ? or your Inspector Parish at 8.30, the time of the short shield Officers being deployed, an order being given for batons to be drawn and for your unit to charge? - A. No, I cannot remember.

Q. That is something you would remember, is not it? - A. Obviously, yes.

MR. O'CONNOR: I have no further questions in relation to that, it would be ^{only} comment and so I simply stop:

Q. You told us that at no time were the pickets outnumbered by three or four to one by Police Officers at that topside field? - A. That is right.

Q. Can I ask you to look at exhibit 11 please, A and B, the two aerial photographs.

JUDGE COLES: Before you pass on to that, are you saying that Police Officers, or are you contending that the Police Officer's recollection about the baton charge is right or that the record is right, or are you not putting anything?

MR. O'CONNOR: I am a bit conscious of my duty. I would have to make a comment about that, and it is not

JUDGE COLES: I do not want any comment.

MR. O'CONNOR: Exactly. If I said anything else it would be comment. I do not suggest that this Officer's evidence in relation to the absence of any baton charge is untrue.

JUDGE COLES: That is all I ask.

MR. O'CONNOR: Without making substance of that comment at all, that comment is as to a reason why that entry should have been put in by the Inspector,

JUDGE COLES: That is another matter.

MR. O'CONNOR: I am conscious it is break time. May I deal with this:

- Q. You see the aerial photograph with the cordon of Officers. Could you turn it so we can see which one it is. Thank you very much. It shows there a large area stretching right up to the bridge, does not it? - A. Yes.
- Q. Do you now accept that there was a time when Police Officers very substantially outnumbered pickets? - A. To look at that photograph, yes.

MR. O'CONNOR: I am happy to break there.

JUDGE COLES: Yes.

Later

- Q. MR. O'CONNOR: Mr. Hill, you told us that the missile throwing which I have dealt with in another way by showing those photographs, you have told us that the missile throwing such as it was, as the cordon advanced for the last time, was no worse than it had been earlier? - A. That is right, sir.
- Q. Can I ask you to look at your witness statement again, last paragraph. Can you tell us what that paragraph says? I think it beings, "I had been on crowd control duty"? - A. That is right, yes. Do you want me to read it out?
- Q. Yes, it is what you have written? - A. "I had been on crowd control duty in front of the picket line since approximately 06.00 hours that day, and in constant confrontation with the pickets, and at the time of the incident I was becoming concerned for my own safety due to the increasing heavy barrage of missiles being thrown!"
- Q. When you wrote that, the incident (inaudible) the arrest of Mr. Foulds? - A. Yes.
- Q. May only be a minor difference, but are not you saying

something different in that statement? - A I used the word increasing.

- Q. In fact (inaudible) "Being concerned for my own safety", are not you? - A. I thought at the time it was increasing ...
- Q. Finally, I would just like to ask you to look at quite a short piece of film. I will ask you to see it at least twice? - A. Right.

MR. WALSH: Perhaps he ought to stand in a better position where he can see.

MR. O'CONNOR: Can you stop there please, and back to the same point again:

- Q. Could I ask you Mr. Hill first of all, if you recognise that part of the film as being the last advance towards the electricity substation? -A. That is right.
- Q. Can I ask you a question which I think again you can probably answer just in that first view. Do you have any comment about your evidence about the distance covered in that last advance? - A. Yes.
- Q. Would you like to tell us? - A. It was obviously further than what I said.
- Q. It was obviously very considerably further, was not it? -A. Yes.
- Q. I would like you to see the same section of the film again because it is so short, and look for a number of things. First of all the gap, the distance between the cordon and the pickets who are running away. Secondly, to tell us if you can see this group of approximately six or eight pickets on that film. Thirdly, to tell us if at various times during the film you can see one or two people leaning forward on the fence immediately in front of the substation? - A. Okay.
- Q. As the cordon is advancing towards that fence, and indeed, as it is just before that fence? - A. Okay.
- Q. Now, do you wish to see it again? - A. No, it is all right.
- Q. First of all the gap between the front of the cordon and the pickets that are running away? - A. Yes.
- Q. Do you agree that there is some considerable distance between them? - A. Yes.
- Q. And I suggest although it is difficult to tell on the film? - A. Yes.
- Q. I suggest, as I have suggested, that some of those photographs from that small bundle at the time of the events make that position clearer, there is a considerable distance. Secondly, although that camera is further away,

MR. TAYLOR: I would like to make application to adopt Mr. O'Connor's cross-examination.

JUDGE COLES: Your application is granted.

Cross-examined by MR. MANSFIELD

Q. Could I ask you to look at exhibit 35 please, Mr. Hill. Mr. O'Connor asked you about a particular one there. If you would be kind enough to look at it, it is number 14 I think? -A. Yes, sir.

Q. That shows you with Mr. Foulds? - A. Yes.

Q. Now I do not think there is any dispute about this, Mr. Foulds is arrested at the substation.

JUDGE COLES: B14.

MR. MANSFIELD: B14, yes:

Q. If you look at the previous photograph 13, I just want to put it in sequence so it is understood? - A. Yes.

Q. You are not actually on that photograph, but you see on the far right hand side there is a gentleman walking down with a plastic bag? - A. Yes.

Q. Do you see that? - A. Yes.

Q. So that it is clear I am suggesting that is in fact the right arm of Mr. Jackson with his plastic bag.

JUDGE COLES: With the plastic bag?

MR. MANSFIELD: I am sorry. It should be B13.

JUDGE COLES: I have B13. Shall I show you what my B13 is?

MR. MANSFIELD: Yes. It is the same one:

Q. Could you look at B13, there is a plastic bag just there? - A. Yes.

JUDGE COLES: Mine seems to have been chopped off. Have you got a plastic bag?

MR. WALSH: There is something white. It is impossible to tell from the photograph.

JUDGE COLES: Yes, I agree.

MR. MANSFIELD: If Mr. Walsh would like to look at it, I am working backwards from the one in which you have

JUDGE COLES: If you go back to B12 that might be more helpful.

(inaudible) than you were? - A. That is right.

- Q. I suggest it is quite impossible even from the film to distinguish any group of six or eight. It is just a confusion, a mass of pickets running away in all different angles, and in different directions, but away from the Policemen? - A. On that film, yes.

MR. WALSH: Does not this raise the problem we had the other day, the Officer saying not what he saw on the day, and commenting upon the film taken from an entirely different place from where he was?

JUDGE COLES: I think not quite, but it probably does with a question put like that. What you are really wanting to ask I think is, "Can you point that group out in that film?" and if the question is put like that I think it is a proper one, but I do not think we can go further than that.

MR. O'CONNOR: Certainly:

- Q. Would you like to answer his Honour's question? - A. No, I cannot point them out.
- Q. Do you agree that the camera is at an advantage over the view you had when advancing, that it is higher up? - A. It is higher up, yes, sir.
- Q. I do not ask you to comment further on the film, but from what you could see would be a confused mass of pickets with no distinct group of five, six, seven, eight or nine at all? - A. No, I saw a distinct group of men that I mentioned earlier.
- Q. Thirdly, did you notice during and at the very end of that film, during the film one person, and at the very end of the film two people? - A. Yes.
- Q. Leaning forward on that fence? - A. Could have been, yes.
- Q. One without a shirt on, one cannot be sure, but looking as if he had a flesh coloured 'T' shirt on? - A. They both appeared not to have shirts on.
- Q. Can I make it clear, I cannot suggest one of those people is Mr. Foulds, but I suggest that that is exactly the position he was in? - A. No.
- Q. And at that time? - A. No, I would not say that.
- Q. JUDGE COLES: You say that is not the position? - A. No, your Honour.

JUDGE COLES: Any other counsel have any questions?

MR. MANSFIELD: I continue to adopt Mr. O'Connor's - but I wonder if I could just ask for clarification of exhibit 35.

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JUDGE COLES: Your application is granted.

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JUDGE COLES: Yes, I agree.

MR. MANSFIELD: If Mr. Walsh would like to look at it, I am working backwards from the one in which you have

JUDGE COLES: If you go back to B12 that might be more helpful.

MR. MANSFIELD: There is Mr. Jackson with his plastic bag. Can I just point it out, and looks like some kind of other object in his hand there. He has not been arrested for that so we are told:

Q. But that is the sequence of photographs leading up to you with Mr. Foulds. I want to show you another photograph, it is a single one. I am sorry there are not copies, but if you identify it I will have copies made. Would you have a look at that one and tell me if you are in it with Mr. Foulds? - A. Yes.

MR. MANSFIELD: I can have copies made. Before you go any further I will hand a copy to his Honour. I was going to suggest if it is accepted, this actually becomes part of the previous exhibit so they can remain together which is 35. May I say they are taken by the same photographer. It is a photograph of Mr. ^{Pemberley} with Jackson, and in the same photograph is Mr. Foulds and his two Officers.

JUDGE COLES: You have a look at 31.

THE WITNESS: Yes.

MR. MANSFIELD: It is the same photograher. Rather than split them up I would ask they be made 31a and 31b.

JUDGE COLES: Very well.

MR. MANSFIELD: I have copies for the Jury to have ^{one} /between two. There are six there.

JUDGE COLES: 31b shows,.....

MR. MANSFIELD: 31b, I think the Officer is going to say, or is saying, that he is the Officer in the back row of this with Mr. Foulds on his left.

Q. JUDGE COLES: Do you agree? - A. Yes, I do, your Honour.

MR. MANSFIELD: Mr. Jackson's bald head coming down the road next to Mr. Pemberley, although you cannot see Pemberley:

Q. I want to ask you about these ambulances we see in the road. Trying to memorise the sequence of photographs in exhibit 35 with these two, do you happen to remember where the ambulances were or not? They are clearly not up near the cordon? - A. That is right.

Q. Because they are not in the other bundle? - A. That is right.

Q. You come in, as it were, on the other bundle exhibit 35, and you appear to walk down with four? - A. Yes.

Q. Foulds, Mr. Jackson, I can identify the other two, but I will wait for the other Officers. What I am wanting to know from you is, can you help as to where those ambulances were? - A. Yes. I think they were parked down the

road further towards the command centre itself.

MR. MANSFIELD: They were down the road towards the command centre. May I say who the other two are, this is looking at 31b, the one to the left at the front is Mr. Hancroft (?), and the one on the right, and the Jury can marry this up with exhibit 35 if they wish to, is a man called Fisher.

MR. MANSFIELD: Thank you.

MR. GRIFFITHS: No questions.

MRS. BAIRD: No questions.

Re-examined by MR. WALSH

- Q. Have you got the exhibit in which there is a colour photograph of you and Mr. Thomson assisting? - A. B14, that one?
- Q. Yes. That is ⁱⁿ the latest blue bundle. Would you look please at 31b, the black and white. Do you see an ambulance on the left hand side that is facing downhill? - A. Yes.
- Q. On top of it there is part of a road sign with a triangle on top? - A. Yes.
- Q. Looking as though it is coming out of the top, but it is not. I think we can position that in relation to Mr. Foulds. photograph. Have you got B14 the colour one? - A. Yes.
- Q. If we go to B15, the one with the same road sign, the one with the red triangle at the top on the left hand side of the road of the narrow lane? - A. Yes.
- Q. That would fit in with what you have told us? - A. Yes. It looks the same one.
- Q. With this photograph 31b being taken further down the hill. While you are on B15 do you see those various posters on the ground? - A. Yes.
- Q. If you turn that upside down you can read in the blue print "Turn Orgreave into Saltley"? - A. Yes.
- Q. Did you happen to notice what posters were or werenot around on the day in question? - A. Could you repeat that?
- Q. Did you happen to notice what posters, printed posters were around or werenot around on the day in question? - A. There were posters around.
- Q. You saw those did you? - A. Yes.
- Q. Just going back now to the colour photograph. There is a front face photograph of Mr. Foulds. Do you see any sign

- of injury on that photograph to Mr. Foulds? - A. I cannot see any, sir, no.
- Q. Did you ever see any sign of injury on Mr. Foulds? - A. I cannot remember seeing any, no.
- Q. It has been pointed out to you, I did not quite fully get it, by Mr. O'Connor - is the detention sheet? - A. I have got it here sir.
- Q. May I just have it. It has been pointed out by Mr. O'Connor that when you arrived and handed this man to the Sergeant in charge, the Sergeant wrote down a number of things? - A. Yes.
- Q. Name and address and so forth. Is that on a printed form which indicates the information required? - A. Yes.
- Q. It says, "Time detained on arrest, time arrived at the Police Station" and so forth, and there is a printed section headed "Physical condition on arrival at the Police Station", and Mr. O'Connor has read out to you what is written here by the Sergeant? - A. Yes, sir.
- Q. "Uninjured, no injury", and the further comment, "No drink"? - A. Yes.
- Q. Does that description of the defendant coincide with what you saw, or is it different from what you saw? - A. A I said, I did not believe Mr. Foulds had any injuries, sir.
- Q. Did he complain of any injury? - A. No, sir.
- Q. We shall probably be able to find out from one of the Sergeants, but did you know at the time who wrote this document? I am trying to help you, because it looks like, if one is familiar with his writing, Johnson or Robinson? - A. Yes. It was Sergeant Robinson. I do know him.
- Q. So he was an Officer whom you knew? - A. Yes.
- Q. And as you have told us before, you had your photograph taken jointly with Mr. Foulds at the Police Station? - A. That is correct, yes.

JUDGE COLES: What does that document call itself Mr. Walsh?

MR. WALSH: Record of detention. The top part is torn so that it maybe there is a fuller title than that. I will see if there is another document.

JUDGE COLES: I have been calling it a detention sheet.

MR. WALSH: Certainly on the front, the typed words are, "Record of detention", and then there is something else, but because of the stapelling I cannot read it.

- Q. I do not think there is any need for you to see anymore of that. When you went to make your statement - you have still got it in front of you? - A. Yes, sir.
- Q. What was your purpose and intention of what you were going to record in that statement? - A. I was going to try and write down as accurately as I could possibly remember what had happened.
- Q. What had happened in relation to what? - A. To the incident, to the scene, and to the arrest of Mr. Foulds.
- Q. And you wrote that within - I think you did give us an estimate of how many minutes? - A. I should say something like ten minutes.
- Q. Was it your intention to give a description of everything that had gone on that day when you wrote that statement? - A. No.
- Q. From six o'clock in the morning until 11.30? - A. No. I was going to give a brief outline of the scene, no other details, no.
- Q. You have told us that the incident that happened which caused you to arrest Mr. Foulds, happened after a time when there had been a lull in things? - A. Yes.
- Q. Of course we know from what you have told us that you had been outside on the picket line and in the Police cordon long before the lull and during it? - A. Yes.
- Q. So far as the lull is concerned, when that was going on, in which rank or Police cordon were you? - A. When the lull was on I was probably in the second row of the cordon.
- Q. During the lull was happened in relation to the long shields? - A. They were stood down, sir.
- Q. Do you remember at what stage in the proceedings that day the long shields had come out for the very first time and been put in front of you? - A. I think it was just before the convoy leaving for the first time that morning.
- Q. You think? - A. I believe so, yes.
- Q. What is it that makes you think that? - A. Missiles started to be thrown just shortly before the convoy left, and that is obviously when the shields were brought out to afford one protection.
- Q. You say the shields were brought out to give some protection? - A. Yes.
- Q. On how many occasions were missiles thrown? - A. Before the shields were brought out?
- Q. On how many different types of occasions were missiles thrown? - A. They were thrown numerous times.

- Q. Do you remember which occasion or throwing of missiles it was that caused the shields to be brought out for the very first time? - A. It was I believe the first barrage of missiles the shields were brought out for the first time.
- Q. The first barrage? - A. I believe so.
- Q. Do you remember when that was, not as to what hour of the clock it was, but as to what if any surrounding event was going on? - A. As I said, I believe the convoy was just about to leave when the first barrage of missiles came at us.
- Q. You have said the shields were stood down during the lull? - A. Yes.
- Q. As you have seen from the photographs, obviously before the move forward they are back again? - A. Yes.
- Q. Do you remember them coming back? - A. Yes, I do.
- Q. What happened to cause them to come back? - A. As I said there was a lull, and then all of a sudden for no particular reason we started getting missiles thrown at us again, quite a heavy barrage of missiles being thrown at us.
- Q. You were shown some film a few minutes ago? - A. Yes.
- Q. So far as the incident when the sudden re-commencement of missiles and the re-deployment of the long shields is concerned, can you say about how long before you saw that film it was that that occurred? - A. Some time before that.
- Q. We know because we have seen the film, we can actually see the long shields coming out and being deployed after the lull. Do you follow? - A. Yes.
- Q. So we know when it is. To your recollection is this sometime before that episode you saw? - A. Yes.

JUDGE COLES: A long time.

MR. WALSH: I am sorry, yes:

- Q. What happened when those long shields were brought out again after the lull and put in front of you? - A. Missiles continued to come across being aimed at us.
- Q. What was done then, do you remember? - A. I think the missiles stopped after a while, sir.
- Q. Why was that? - A. I cannot remember offhand whether it was because short shield Officers had gone through to disperse the crowd, or whether the pickets had just stopped throwing missiles.
- Q. You cannot remember which of those two? - A. No.
- Q. Now dealing with the statement, I think almost every sentence of it has been read out. What I think is being suggested

to you, I will be corrected if I am wrong, is that by the time you arrested Mr. Foulds you were hot, fed up, and frustrated, and just wanted to arrest anybody, no matter what he was doing, so that you could either vent your frustration in that way or get back out of the line for a bit of rest. Do you follow? I think that is what is being suggested. I hear no correction so I must be right?
- A. That is totally untrue, sir. I was hot and bothered I must admit, yes.

Q. Did your arrest of Mr. Foulds result in you not having to come back on the line at all that day? - A. No, it did not.

Q. I think you told us earlier that you went back out and resumed duty? - A. Yes, sir.

MR. O'CONNOR: I did not suggest that it was in order to get out of the line.

JUDGE COLES: Very well.

Q. MR. WALSH: Can we look at your statement please. You will forgive me, I am reading from our typed copies so it may not be on the same page as yours? - A. Yes.

Q. Do you see the point which begins, "The line of Police Officers I was in facing the pickets opened up and allowed the other Officers who were in protective equipment to go through to be the front line to afford us protection from the missiles which were still being thrown"? - A. Yes.

Q. Can you tell me whether that paragraph relates to a period before the lull or after the lull? - A. That was a period before the lull, sir.

JUDGE COLES: Which piece was that?

MR. WASH: I am sorry. He was at the top of 248:

Q. You think that was before the lull? - A. Yes.

Q. "The whole formation led by Officers from the mounted horse section advanced towards the picket line"? - A. Yes.

Q. Is that before or after the lull? - A. That would be before, sir.

Q. "As we advanced we still received a constant barrage of missiles thrown by the pickets"? - A. Yes.

Q. Is that before or after the lull? - A. That was before.

Q. "I saw a small group of pickets of approximately six to eight men throwing missiles at the Police lines"? - A. Yes.

Q. Is that before or after the lull? - A. That was after the lull.

Q. "As the Police line advanced these men ran across the field

and climbed over a wooden fence surrounding a small electricity substation"? - A. Yes.

Q. I think what is being suggested by the defence is that those two paragraphs I have read out are just an invention by you. Nothing like that it is said by the defence happened at all? - A. I would not have written that in the statement there if it had not been true.

Q. You are criticised because when you wrote down, "I saw a small group of pickets of approximately six to eight men throwing missiles", you did not add that you also saw them picking up missiles in order to throw them. Do you follow?

MR. O'CONNOR: I hope my friend will try and remember a little more accurately.

MR. WALSH: I am entitled to ask that question.

JUDGE COLES: Ask your question Mr. Walsh.

Q. MR. WALSH: Did you think it necessary to write down when you saw six to eight men throwing missiles that you had actually seen them picking them up? - A. No. I thought that adequately covered it, sir.

Q. I have read the next paragraph. "Together with Police Constable Thomson we approached the substation we saw these men including the accused Foulds continue to throw missiles, one of which struck P.C. Thomson in the chest"? - A. Yes.

Q. Is that sentence invention or did it happen? - A. It is the truth, sir.

Q. Did you think it necessary to write down in that paragraph that in addition you also saw these people and Mr. Foulds picking up missiles? - A. No, sir.

Q. "P.C. Thomson and myself climbed over the fence and approached the accused who shouted, 'For fucks sake let the cunts have it'". Is that sheer invention by you? - A. No, that is the truth, sir.

Q. "We went to the accused and both P.C. Thomson and myself took hold of him. I then said to him, 'You are not obliged to say anything unless you wish to do so but what you say may be put into writing and given in evidence. I am arresting you for threatening behaviour'? - A. That is right, that is what I said.

Q. As far as I am aware that is not disputed, that you did say you were arresting him for threatening behaviour? - A. That is right, sir.

MR. O'CONNOR: It is. I did make that clear at one stage in my cross-examination, maybe not clear enough, I am sorry, but I did say that

Q. MR. WALSH: I will have to ask you. Is what you wrote

in your statement invention or is that what happened? - A. No. I told him that he was being arrested for threatening behaviour.

- Q. And his answer, "I haven't been throwin or owt, I'm here to stop the lorries"? - A. That is right.
- Q. Do you say you know Scottish people? - A. Yes, sir.
- Q. What is suggested is that knowing Scottish people, and the way they speak, you have written down something that Scottish people never say? -A. I have written down what I heard Mr. Foulds say sir.
- Q. Did anything of what he said sound to you, if I may use the expression, unscottish? - A. No.
- Q. "The accused was then taken to the Police Reception Centre opposite the main gate of the plant"? - A. That is right.
- Q. Is that what happened? - A. Yes, sir.
- Q. "After certain administrative duties had been performed the accused was detained and I took no further part in dealing with him"? - A. That is true sir.
- Q. Then the very last paragraph that Mr. O'Connor read out, "I had been on crowd control duty in front of the picket line since approximately 06.00 hours that day, and in constant confrontation with the pickets, and at the time of the incident I was becoming concerned for my own safety due to the increasing heavy barrage of missiles being thrown"? -A. That is very true, yes.

JUDGE COLES: That statement will now be exhibit 36.

MR. WALSH: Will you now hand that in because an exhibit label will now have to be attached to it:

- Q. So far as dictating of the earlier part of the statement is concerned, you were asked this question by Mr. O'Connor in relation to the second paragraph, for example, which said "During the morning there had been a steady build up of pickets". Do you remember? - A. Yes.
- Q. And you were asked whether the person who dictated it had actually seen them, and you said, "He must have done or I assumed he had because of the contents that he read out"? - A. That is right.
- Q. Did those contents as he read them out strike you to be correct or incorrect? - A. When they dictated that out it was exactly correct, and that is why we wrote them down in the statement.
- Q. If the Officer dictating had dictated anything which either you thought to be wrong or did not agree with your recollection, what would you have done? - A. I would have wrote my account of it sir.

- Q. Finally, you have been asked about the fact that you were on duty, I think it was said, on the 26th June at another incident. Was that at Orgreave? - A. No, sir.
- Q. Where was it? - A. That was at Coal House at Doncaster.
- Q. What were you doing at Doncaster? - A. There was an incident. Obviously we were on PSU duty and we were sent across there.
- Q. What was the incident that was taking place? - A. There were people from Coal House trying to get into work, and there were a large number of pickets there trying to prevent them from doing so.
- Q. What is Coal House? - A. Coal House is a large multi-storey building in Doncaster from where certain admin. staff do work for the
- Q. What sort of people were trying to get in?

MR. O'CONNOR: The merits of that case and particularly any events are not on trial at the moment. I do not know whether my learned friend wishes this Jury to hear the Prosecution version of those events. This Officer has given his evidence in relation to one defendant that he was throwing stones, part of his written statement was dictated in relation to that

MR. WALSH: My learned friend raised the matter in cross-examination. I do not know what is going to be said by way of comment later. I am not asking this Officer to give a detailed description of everything that happened but briefly so that the Jury know what the incident was.

MR. O'CONNOR: Your Honour, I have raised the events of that day according to the evidence of this Officer against one defendant. We would not be allowed to call a defendant from that trial to say the broad events of that day are completely untrue from the Police point of view.

JUDGE COLES: You were cross-examining on the basis of the statement he prepared in the circumstances in which he prepared it. I do not see, Mr. Walsh, how that lets in the full circumstances.

MR. WALSH: Very well, your Honour. I have no further questions. Thank you very much.

JUDGE COLES: Thank you, Mr. Hill.

POL. CON. ROBERT THOMSON Sworn

Examined by MR. KEEN

- Q. What is your name, rank and Police Force? - A. It is Robert Thomson, Police Constable 3220 Northumbria Police at present stationed at Sunderland West Sub Division.

JUDGE COLES: I think we will leave it there until five past two.

(Mid-day adjournment)

- Q. MR. KEEN: Officer, you have told the court and the Jury that you are from Northumbria, and it was on the 18th June last year when you came to Orgreave? - A. I did, sir.
- Q. Together with a number of other colleagues? - A. That is correct.
- Q. Forming part of a PSU? - A. Yes.
- Q. Did there come a time during the 18th June when you took part in the arrest of an individual? - A. I did.
- Q. Prior to that arrest had you been on top side as we call it at Orgreave? - A. South side, that is what you call top side, yes, that is correct.
- Q. Approximately how long had you been out there prior to the arrest? - A. Shortly before six o'clock in the morning.
- Q. Did you form part of the cordon? - A. Yes, I did.
- Q. Did you have anything on to protect yourself? - A. Just an ordinary Police helmet.

MR. KEEN: The members of the Jury, even some of those who are closest to you cannot hear. Could you keep your voice up please. If you direct it to the back row perhaps everyone will hear what you say. Shout if necessary:

- Q. You had nothing of a protective nature other than a normal Police helmet? - A. That is all, yes.
- Q. We have heard that during the day, some of the Officers had long shields and short shields, did you ever have one of those? - A. No.
- Q. Whereabouts were you in the cordon, do you recall? - A. I was right at the front. I was the second line.
- Q. Can you remember whether you were on the field or the road? - A. On the field.
- Q. When you say the second line, when you first went out there just before six o'clock, what was the line in front of you comprised of? - A. Just ordinary Police Officers, in normal working uniform.
- Q. Did it remain like that? - A. For a time, and then later on during the day there were Police Officers with hard helmets, riot helmets on.

- Q. Did they have anything else when they came in front? - A. Yes. They carried long shields.
- Q. What had been happening before they were put out? - A. There was a constant barrage of missiles coming from the crowd that was in front.
- Q. Prior to the long shields coming out, did you have anything to protect yourselves with? - A. Nothing.
- Q. How did the coming out of the long shields affect the throwing? - A. After another line of long shields had formed in front there was a quiet spell of missiles being thrown.
- MR. KEEN: Keep your voice up would you please. It is not difficult to raise your voice:
- Q. You said there was a decrease in the throwing, is that right? - A. That is correct.
- Q. Do you have any idea of what sort of time that would have been? - A. No. I would say a long time. It happened twice, at least twice during the day when there was a decrease.
- Q. Were you aware of the lorries coming and going while you were on the cordon? - A. Yes.
- Q. In relation to the lorries coming and going, when was the first decrease? - A. Yes. The lorries I believe entered the coking plant and there were a lot of missiles being thrown, and after a short while it decreased.
- Q. How, if at all, did the stones alter when the lorries left? - A. Later when the lorries left there was another barrage of missiles and articles being thrown.
- Q. Did there come a time when you moved forward and up the field? - A. Yes.
- Q. How many of those movements were you involved in? - A. I was involved in every one, I believe three.
- Q. And the arrest that you are going to tell us about, on which of those movements did that occur? - A. The last one.
- Q. If you can tell us then please about the last movement forward. Prior to the movement forward what was happening? - A. Prior to the movement forward they had removed the long shields from in front and gave us no protection. There was a lull where we had been standing for a long while, in the course of which coke and pop were being passed to Police Officers. Then there was a large movement forward against the Police line from the crowd, and a large amount of missiles were then thrown.
- Q. JUDGE COLES: Just a moment. Were the long shields still there? - A. Not at that time your Honour.

- Q. They had been withdrawn during the lull? - A. They had been withdrawn.
- Q. That was when the coke and pop were passed round? - A. That is correct, sir.
- Q. MR. KEEN: Then the missiles started to be thrown again, is that what you said? - A. That is correct.
- Q. That would be at the unprotected cordon? - A. That is correct
- Q. Did it remain an unprotected cordon? - A. Due to the large amount of missiles that were being thrown, the long shield cordon was formed again in front of the Police line.
- Q. How, if at all, did that affect the amount of objects being thrown? - A. From that point on missiles were continuously thrown, sometimes a slight decrease, but all the time missiles were being thrown from the back of the crowd.
- Q. Were you still in the same position on the cordon? - A. I was still in the same position, yes.
- Q. Did you remain in the third row back when the shields were out? - A. Third row back.
- Q. You are going to tell us about this third movement forward. How did that start? - A. It started by the senior Officer in charge, a message was passed along the line to open up to allow the mounted section to go through.
- Q. Is that what happened? - A. Yes. The cordon was broken and the horses went through first.
- Q. You say first, did anyone else go through? - A. Yes. The horses were followed by Police Officers carrying short shields.
- Q. What was the effect upon the crowd when the horses and the short shields went through? - A. The crowd started to disperse and retreat, and head away from the Police line.
- Q. What happened to the cordon in which you were part? - A. The cordon followed behind but at a slow pace.
- Q. You have told the Jury that before the move started there had been missiles coming over almost continuously. What was happening as the cordon moved forward in relation to the missile throwing? - A. There were still missiles being thrown from the crowd or part of the crowd which had not fully retreated.
- Q. Did you notice anything in particular as you moved forward? - A. Yes, While going up towards the top end of the field, there were Police Officers running in front with short shields as we were following up, and I noticed a group of about six or seven that were standing at nearly the side of the field still throwing missiles. This group

- Q. Six or eight what? - A. Men.
- Q. Throwing at who? - A. They were throwing at the first line of the .Police.
- Q. JUDGE COLES: Is that the short shield men? - A. That was the short shields, yes.
- Q. You say, "The short shield Officers ran about in front of us"? - A. Yes. The short shields followed the mounted section, and they would be 30/40 yards in front of me.
- Q. And stones were being thrown at them or you? - A. At them.
- Q. And the short shields were 30/40 yards ahead of you? - A. Approximately, yes, sir.
- Q. MR. KEEN: So as the cordon slowly proceeded it got closer to this six or eight men? - A. Yes, that is correct.
- Q. What happened to them, did you notice? - A. Yes. As we were getting closer towards this group, this group started throwing missiles at the advancing Police cordon.
- Q. Does that mean long shields or short ones? - A. That is the ones that were unprotected.
- Q. Let me put it another way; does that mean the main cordon? - A. The main cordon.
- Q. When you say unprotected, what had happened to the long shields? - A. The long shields were advancing the same time, and by this time they were moving forward, and the uniformed Officers were intermingling with the long shields still keeping abreast going.
- Q. Did this six or eight men remain in that position? - A. No. As the main part of the cordon approached, these six then began to retreat themselves and go up to the top of the hill.
- Q. Did you see where they went when they got towards the top of the hill? - A. Yes. They headed towards what I believe is an electricity substation.
- Q. Look at exhibit nine please which is an album of photographs. Would you have a look at photograph numbers two and three. Do you have it? Perhaps two is better than three. You see some buildings there on the left? - A. Yes, sir.
- Q. What can you say about those buildings? - A. Yes, sir, from the direction I approached which was on the field it appears by the picture that it is the same building.
- Q. Was the route to the electricity sub-station unobstructed? - A. Half way up the field there was a ditch with a large tree, but was unobstructed.
- Q. What did they do when they approached the substation? - A.

Started to climb over the fence to get inside.

- Q. Seeing that what did you do? - A. I went towards them.
- Q. Keep your voice up would you? - A. Yes. I left the main part of the cordon and headed towards the substation.
- Q. Were you the only 'Officer' who did that? - A. No, there were several Officers.
- Q. As you were approaching these men what did they do? - A. As we started approaching the men there were still missiles being thrown by the group of six or eight men. At least two of them stood their ground just inside the fence beside the substation. The rest began to run away round the back.
- Q. Those who stood their ground what were they doing? - A. There were missiles being thrown by the two until we got very very close up to the building itself.
- Q. JUDGE COLES: They were throwing until you got very close - A. The full group, your Honour, of six or seven until when we approached the fence, which was about five yards from the fence of the building, they dispersed, leaving the two men out of the whole group who had been throwing bricks.
- Q. MR. KEEN: What about the two who were left, what were they doing? - A. When the rest had left, the two that were remaining just stood there.
- Q. Can I just ask you a little bit/^{more}about the group as a whole before those two were isolated. You say they were throwing missiles? - A. Yes, that is correct.
- Q. In which direction? - A. At myself and the other Officers that were approaching them.
- Q. Where were the missiles landing? - A. They were landing all about, and I was struck by one on the chest.
- Q. JUDGE COLES: They landed all around did you say? - A. Yes.
- Q. Who was struck? - A. I was struck, sir.
- Q. In the chest? - A. On my chest.
- Q. MR. KEEN: Were you able to see who had thrown that particular missile? - A. No, not that particular missile.
- Q. Did there come a time when you were on the fence yourself? - A. Yes, I was.
- Q. What did you do once you got to the fence? - A. Climbed over the fence, and I approached one of the men that had stayed there together with another Police Officer.

- Q Who was the man you approached? - A. I believe they called him Foulds.
- Q. JUDGE COLES: It is someone you now know by that name? - A. Yes, sir.
- Q. MR. KEEN: You say you approached him with another Officer. Do you know that Officer's name? - A. I believe it is P.C. Hill.
- Q. Did you know him prior to this incident? - A. No.
- Q. What happened when you approached Mr. Foulds? - A. We approached Mr. Foulds, and both the other Officer, P.C. Hill, and myself got hold of the accused. P.C. Hill cautioned Foulds and told him he had been arrested for threatening behaviour.
- Q. Prior to telling him he was under arrest, did Mr. Foulds say anything? - A. Yes. He was shouting as we were climbing over the fence. I believe the shout was directed at myself and the other Police Officer, or he was calling his friends. I cannot remember the exact words at the moment because it is a long while ago.
- Q. JUDGE COLES: He was shouting at you and at his friend? - A. I believe he was shouting at his friends but the abuse was directed at the Police Officers.
- Q. MR. KEEN: Can you remember the gist of what he was shouting? - A. I cannot remember the exact words, but it was similar - no, I am sorry, I cannot remember.
- Q. We will come back to that in a moment. When he was arrested did Mr. Foulds have anything to say? - A. Yes. I believe he made one reply saying he had not done anything, and that he was only there to stop the lorries.
- Q. Following his arrest was he taken to the Police Reception Centre? - A. He was, yes.
- Q. Were you present when he was booked in? - A. I was present for less than a minute. Other Police Officers took charge. He was taken through
- Q. What did you do then? - A. I stayed in the building which was a mobile Police Reception Centre.
- Q. Did there come a time when you made a statement? - A. Yes, that is correct.
- Q. Where were you when you made the statement? - A. I was in a room together with several other Police Officers.
- Q. How long after the arrest would that have been when you were in that room making your statement? - A. Not very long, approximately half an hour to a hour.

- Q. Were matters still fresh in your mind when you made the statement? - A. Yes.
- Q. Had you had an opportunity prior to that to make one? - A. No.

MR. KEEN: I wonder if he might be shown his statement.

JUDGE COLES: Certainly. Do you wish him to refresh his memory from it?

MR. KEEN: Yes:

- Q. Just have a look at that document.

JUDGE COLES: You are content Mr. O'Connor?

MR. O'CONNOR: I make it clear

JUDGE COLES: You reserve your right to make such comments as you think - on the other hand he has been through his evidence.

- Q. MR. KEEN: Is that the statement you made? - A. Yes.
- Q. Using that to refresh your memory if necessary, if I can take you back to the time just before the words of arrest were used by Police Constable Hill, you told us that Mr. Foulds had something to say but you could not remember it? - A. Yes.
- Q. Using that document to refresh your memory, what did he have to say? - A. He said, "For fucks sake let the cunts have it".

MR. KEEN: All right, put that down.

Cross-examined by MR. O'CONNOR

- Q. Were you in the cordon that day? - A. Until the time of arrest yes, sir.
- Q. You did not leave the cordon at all? - A. No.
- Q. When you started off, how far into the field were you from the road? - A. From the road that ran parallel with the field?
- Q. That is right? - A. Approximately 20 yards from the edge of the road. There were trees alongside the road and I would be about 15 yards in from the trees.
- Q. Were you aware of surrounding units from other areas? - A. There were Police Officers from a lot of different Police units altogether in the same cordon.

- Q. And (inaudible) your Force PSU, would you be (inaudible) in two or three ranks or would you form one single line. Do you follow? - A. Yes. When the cordon was formed, it was formed in a single line by Officers of other Forces across the breadth of the field. When that unit finished the next Police unit started at the end of that, so the first line was nearly all one or two Forces, the second line was second and third Forces.
- Q. I understand. Are you saying whatever row you were in, there would be Northumbria Officers in a single line? - A. Northumbria Police were adjacent to me. The line in front was a different Force and the line behind was a different Force.
- Q. Did you roughly stay in the same position crosswise of the cordon as you advanced up the field during the ensuing hours? - A. Yes.
- Q. You say whenever it was, on the front line there was a constant barrage of missiles just before the long shields were put out? - A. That is correct.
- Q. You are sure about that, are you? - A. Yes, that is correct.
- Q. But that after the deployment of long shields there was this you used the words quiet spell? - A. Is this the first time or last time?
- Q. The first time? - A. The first time, yes. This is when the lorries had gone in. There was a lull after the lorries had gone in.
- Q. Do you recollect whether the lorries went in before or after the long shields were put out? - A. Going back from memory, I believe the long shields were put out just before the lorries went in.
- Q. And this was a quiet spell ensuing after the lorries had gone in? - A. Once the lorries had gone in there was a shove against the Police line. Whilst there was a shove against the Police line the missiles stopped.
- Q. And that shove was clearly held by Officers on the road? - A. And on the field.
- Q. You say there was a shove on the field as well? - A. Yes.
- Q. You are sure about that? - A. Yes.
- Q. Against your part of the cordon? - A. Against the front part of the cordon, yes.
- Q. That is 20 yards to the left as we look up top side, 20 yards away from the road? - A. Yes.
- Q. Do you recollect a building being behind you which we call a medical centre? - A. There was, yes a building behind.

- Q. You are going? - A. I believe there was a slip road just behind, and we were 20 yards past the slip road, 10 to 15 yards up on that
- Q. And you are sure there was a shove against the cordon in the field at that stage? - A. Yes.
- Q. At any rate do you agree with me it was a shove the sort that the Police were used to getting during the course of the dispute? - A. Which we ~~was~~ were used to.
- Q. And this was that sort of shove; it was clearly contained by the cordon? - A. Yes.
- Q. There was never any possibility with the experience of the Officers, obviously never came anywhere near breaking the cordon, did it? - A. That I do not know, sir. The time of that shove we just held it. I could not say whether there
- Q. was a chance of breaking it or not.
- Q. And as you say there was another barrage when the lorries left? - A. There was a barrage shortly before the lorries left, and of course the same thing happened when the lorries left, there was a shove against the shields.
- Q. So between those two episodes, the lorries arriving and the lorries leaving, was there any significant throwing of missiles at all? - A. No, sir, not significant. Missiles were being thrown at the time but it was not
- (The shorthand writer requested the witness to talk slower)
- Q. Now between those two incidents, that is the arrival and departure of the convoy, do you recall anything else happening in your part of the cordon which you have not mentioned yet? - A. Offhand, sir, no.
- Q. What about the deployment of the horses and your cordon breaking to let them through? - A. Yes, the horses were deployed three times, sir, but up to the last time I could not really say what time they were.
- Q. You see, you have only mentioned that happening once, have not you? I will come to it later, but you now recollect do you that between the arrival and departure of the convoy the horses went through your cordon? - A. No. What I am saying is, during the morning the horses would be used about three times. I could not say which times.
- Q. You have only mentioned short shield Officers going ahead of the cordon once and that is much later on. During this last advance, do you recollect any other occasion when short shield Officers went through your cordon? - A. Yes. Short shields went through each time (inaudible) snatch squad.
- Q. You understood your role to be a snatch squad? - A. That is what they were on the day.

- Q. Do you recollect the first time they went ahead of the cordon? I am not talking about time. I am just asking can you remember that happening? - A. No.
- Q. Can I put this to you, have you ever seen short shield units in action before this day in real action as opposed to training? - A. I would say no.
- Q. Can you not recollect this with some sort of picture, the very first time you see short shield Officers in action, your cordon breaking and them going through after the horses? Can you picture that in your mind on this day or not? - A. I remember them going through and coming back, yes.
- Q. But you cannot help us when? - A. No.
- Q. Can you recollect what happened as those short shield Officer go ahead; you are presumably holding? - A. Yes, before forming and re-forming the cordon, yes.
- Q. You have to close the gap in the cordon after they have gone through? - A. Yes.
- Q. Were you part of the cordon that had broken then and got out of the way? - A. No.
- Q. But still you have (inaudible) one side or the other. Was it to the left or right with the cordon back to let them through? - A. To my left.
- Q. That helps us to picture a bit where you are. Did you see what was happening ahead of you when the short shield units had gone out and the cordon closed again? - A. I saw part of it, yes.
- Q. You saw? - A. I saw different parts, yes.
- Q. What did you see? - A. When the short shields went out I saw them arresting several people and bringing them back through the lines.
- Q. Did you see any other Officers other than the short shield Officers out there; obviously there are mounted as well, but Officers like yourself in ordinary uniform? - A. At the time, no.
- Q. At the time no. As it became clearer did you see? - A. Yes.

JUDGE COLES: Which time are we talking about now?

MR. O'CONNOR: I hope we are still talking about the first occasion, the short shields having gone through the cordon.

THE WITNESS: All I can remember is later seeing a television programme.

MR. O'CONNOR:

- Q./I am not going to ask you more about that? - A. I would not know if it was the first time or second time.
- Q. Are you still talking about the first occasion whatever time it was? Did you see any Officers who were not short shield Officers leave the cordon and go ahead in front of the cordon? - A. At the time, no.
- Q. Did you see any Officers using truncheons on the pickets? - A. At the time no.
- Q. Did you see any arrests being made as opposed to bringing prisoners back? - A. No, just bringing the prisoners back.
- Q. Did you see any injuries to those prisoners? - A. I saw one prisoner being taken back that had blood on his head, yes.
- Q. Now, you told us before (inaudible) there was a lull and it was after the lull, and the coke and pop you have mentioned amongst the Police Officers, that there was a large move forward by the pickets? - A. Yes, that is correct.
- Q. Is that right? - A. Yes, after the lull there was a bombardment near the end when the cokes were handed out. They started throwing missiles at the Police, and those shields were brought out.
- Q. I understand that is what you are saying (inaudible). Your evidence in answer to my learned friend referred to the lull and the coke and pop amongst Police Officers, and then a large movement forward and missile throwing? - A. I am talking about a large movement of people coming from back of the field.
- Q. Maybe that was just a misunderstanding. People coming into the field, not charging or coming into contact with the Police? - A. No (inaudible).
- Q. I understand, so I will leave that. Short shield Officers move quickly, much more quickly than the cordon? - A. If the cordon is moving altogether, yes, short
- Q. And you have told us that they were some distance ahead of you when this forward advance was made? - A. Yes, that is correct.
- Q. When the advance began and you are beginning to move, those missiles were landing amongst Police Officers then, were they? - A. Yes.
- Q. You are sure about that? - A. Yes.
- Q. The short shield Officers are ahead, and you see a group of six to eight men throwing missiles at short shield Officers? - A. Yes.
- Q. So the group is beyond then? -A. I would say to the side, the

was to the left of the short shield Officers.

Q. To the left as you looked ahead? - A. Yes, to the left.

Q. So just trying to picture it. Streets ahead of you is a line of short shield Officers going up the field? - A. It was not a line. It was a group.

Q. I thought you did say

JUDGE COLES: He also said they were milling about.

MR. O'CONNOR: Yes:

Q. And the road is to the right of the short shield Officers? - A. The short shield Officers were running towards the main contingent of people who were heading towards what I believe is a bridge at the top, so the main bulk of the group were heading towards the road in the direction of the bridge followed by short shield Officers.

Q. But I thought you said the group throwing at the short shield Officers were to your left? - A. Yes.

Q. So as you look at that they are to the left, and ^{then} this group of short shield Officers, and then there is the road? - A. Yes.

Q. So give us some sort of idea how far away from the road you walk across that group when you first see them. Would you like to put a dot on the plan or something? - A. I will put a dot on the plan.

MR. O'CONNOR: Exhibit three. If we do not have a clean copy I do not make any comment on any marks that are on it, because it is my fault there are marks on it.

JUDGE COLES: Ignore the marks that are on.

MR. WALSH: We have a clean copy.

Q. MR. O'CONNOR: Would the photograph help you better? - A. Yes.

Q. Please look at both. You see the electricity substation there the road going up it? - A. Yes.

Q. JUDGE COLES: Be careful. There is the electricity substation on the other side. Make sure you have the right one? - A. Yes. I have the medical centre at the bottom.

Q. MR. O'CONNOR: Topside field. If the photograph is better look at the photograph, I really do not mind? - A. It is only an approximation.

MR. O'CONNOR: Could that very quickly be shown?

MR. WALSH: I think the witness said it is only an approximation. If I hold it just so the Jury see what I

am pointing at.

Q. MR. O'CONNOR: Now the short shields

JUDGE COLES: May I see where it is? Thank you.

Q. MR. O'CONNOR: Now, do you say that the short shield Officers, as it were, go past this group which remain stationary, and then turn their attention to throwing stones at the cordon? - A. No. The short shields went to the right facing a large part of the crowd up the road, so the short shields were going to their right.

Q. They were going past them? - A. Yes. They would be on the left hand side.

Q. You say this was a distinctive group? - A. Yes, six to eight people.

Q. Standing on its own? - A. They were by then, yes.

Q. You have said I think in your statement approximately six to eight? - A. Yes.

Q. Could it be ten? - A. No.

Q. Could it be five? - A. No.

Q. Six, seven or eight? - A. Yes.

Q. And what, they headed back as a group, did they, up to the electricity substation? - A. Yes.

Q. You said that apart from the ditch with the odd tree in the way, your view was unobstructed? - A. Yes, that is correct.

Q. Did you mean therefore to be describing that the group had to negotiate a partial obstruction? - A. They were across the ditch. They were between the ditch and the electricity substation.

Q. So the ditch does not come into this part of the action? - A. No. It was just the location where

Q. What happened as they retreated??- A. After they had been throwing stones, they retreated up towards the electricity substation. Part of the group climbed over the fence, and that is where the group dispersed, leaving about two in front of the substation and the rest going round the back or running alongside the fence, and dispersing this way.

Q. Are you saying the short shield units were paying no attention to this group? - A. The main bulk of the short shields (inaudible). There were other Officers running over the field chasing different parts of the group. Whether the short shields split up and went after this group I could not say. The main part of the short shields went towards that bridge or the road leading on to the bridge.

- Q. If the (inaudible) the short shield Officers went to them, did they? - A. No short shield Officers went to the group of six or eight.
- Q. The group simply ran to the fence? - A. Yes.
- Q. Nothing happened as they ran? - A. No, they were running.
- Q. You are sure nothing happened as they ran? - A. No.
- Q. They all climbed the fence? - A. No. Part of the group climbed over the fence.
- Q. What did the others do? - A. The others began to run round the side.
- Q. Which side? - A. I would say to the left away from the short shields and the bridge.
- Q. So how many climbed the fence?
- Q. JUDGE COLES: The rest ran away to the left you say?
- A. Yes, sir, the others ran from the right all the way round the substation, and they went to their left as we were approaching.
- Q. MR. O'CONNOR: Did you see them again? - A. No.
- Q. How many climbed the fence? - A. I would say three or four.
- Q. So after you climbed the fence - I am jumping ahead a little bit - there is no question of you and any other Officer confronting Mr. Foulds and this same group of six to eight, just Mr. Foulds and two or three others? - A. When I climbed over the fence there were two left, Mr. Foulds and one other.
- Q. JUDGE COLES: What happened to the other two? - A. They ran round the side of the fence into the building, sir.
- Q. Leaving Mr. Foulds plus one? - A. Yes.
- Q. MR. O'CONNOR: So at the time you confronted them or approached them, you say Mr. Foulds said various things?
- A. They are throwing at the shields. As we approached they ran up towards the fence, and there was (inaudible) and then when we got closer they climbed over the fence and the rest ran round the back.
- Q. So the throwing of missiles, as you got closer, was from your side of the fence and before any climbed over? - A. Before we climbed over the fence.
- Q. Before any of them climbed over? - A. Before any of them climbed over.
- Q. Was there any throwing of missiles from the other side of the fence? - A. No.

- Q. Are you sure about that? - A. I did not see any thrown from there.
- Q. Were there other Police Officers behind the fence, the other side of the fence before you climbed over? - A. No. I think there were other Police Officers climbing over the fence at the same time, but ^{there} were none as we approached the fence.
- Q. The short shield Officers had come from the side and were running across your line of vision from right to left? - A. As far as I can recollect sir, no.
- Q. Was there any attempt to get away by Mr. Foulds? - A. No.
- Q. So as you climbed the fence he stood where he was? - A. Yes, that is correct.
- Q. Was that just between the fence and the substation building? - A. It would be, yes, sir.
- Q. Now that is a gap of perhaps ten feet, two or three yards? - A. Probably five yards, ten to 15 feet.
- Q. If you look at exhibit three the plan, have you got that there, you will see the place where I am referring to. I am sure it is the same one you are referring to. Can you look there? - A. Yes.
- Q. That is the fence? - A. That is the fence.
- Q. Do you see there is a small gap, is not there, between part of that building and the fence? - A. Yes. that is correct.
- Q. That is where you and your colleague took hold of Mr. Foulds? - A. Yes, that is correct.
- Q. I would like to ask you this. You see you climbed that fence, and then as you are approaching Mr. Foulds he shouted something? - A. As we were climbing over the fence, yes.
- Q. As you were climbing over the fence. Can I ask you to look at your witness statement please in this respect. Is that yours? - A. That is mine.
- Q. Do you recognise your signature. Do you see that the statement you have signed says this, "P.C. Hill and myself climbed over the fence and approached the accused who shouted, 'For fucks sake let the cunts have it'". Do you follow? - A. Yes.
- Q. Is that accurate? - A. Yes.
- Q. So he shouted that after you had climbed over the fence and as you were approaching him? - A. By climbing over the fence I only took one step, maybe two steps before getting

hold of the accused. That is what I meant by climbing over the fence.

Q. The accused is a matter of a couple of steps from the fence?
- A. Two steps from the fence, yes.

Q. That is when he shouted, "For fucks sake let the cunts have it"? - A. Yes.

Q. Can you describe what you saw of Mr. Foulds as he shouted that, and what was he doing? - A. He appeared to be shouting at his colleagues who were running away to come back.

Q. Can you describe first, did he have anything in his hand?
- A. I do not think so.

Q. Did he make any gesture towards you with a clenched fist or anything like that? - A. No.

Q. Did he move towards you to attac you? - A. No.

Q. Was he leaning on the fence as you approached it? - A. No.

Q. Did you see anybody else on the fence as you approached that part of the fence just in front of that gap? - A. No.

Q. Did Mr. Foulds fall to the ground for any reason there? - A. No.

Q. Are you sure there is no question of you and Mr. Hill picking him up off the ground? - A. No.

Q. Did you see anything happen to Mr. Foulds which could have caused him injury? - A. No.

Q. You are sure about that? - A. Yes.

Q. Can I ask you to look at exhibit 31a please. Do you recognise yourself there? - A. Yes.

Q. Do you recognise Mr. Hill? - A. Yes.

Q. You do? - A. Yes.

Q. Can I ask you to look carefully at his lower lip. Do you now accept that he in fact?

JUDGE COLES: It is asking him to interpret the photograph actually.

MR. O'CONNOR: I am expressly not trying to do that.

MR. WALSH: The way the question is asked, he supposes the fact. That is not establishing

JUDGE COLES: That is right.

MR. WALSH: The question cannot be asked in that

MR. O'CONNOR: It pre-supposes my case. I base my suggestion to the Officer on my case.

JUDGE COLES: Yes. You are suggesting that at that moment intine Mr. Foulds had a cut to his lip. What you must not do is suggest to the Jury that this photograph establishes that and invite him to agree. You can ask him if he can

MR. O'CONNOR: I fail to see the real problem.

MR. WALSH: My learned friend says, "Do you now accept that?" as though this photograph actually shows something which is establishing to be something, as opposed to a lot of shadow photographic development, anything of that sort. My learned friend knows the rules.

JUDGE COLES: Mr. Walsh is quite right, you must not assume that this proves something. You can put to this witness and ask him if it establishes it.

MR. O'CONNOR: My question was, "Do you now accept?", in other words do you know from having a look at this photograph that Mr. Foulds had some sort of injury.

JUDGE COLES: I think the question can be perfectly properly put by asking if he agrees that Mr. Foulds had received an injury, and then to ask him to look at the photograph and ask him again if Mr. Foulds suffered injury. But what you are not allowed to do is to assume this photograph proves he has suffered injury, and ask him whether he agrees. It is a very subtle difference but it is an important one.

MR. O'CONNOR: I have asked the first question and put the photograph to him. I will now take it in another way.

JUDGE COLES: Take it in another way and you will be all right:

Q. Was Mr. Foulds injured? - A. No, sir.

Q. MR. O'CONNOR: Have you looked carefully at that photograph and at his lower lip on that photograph? - A. Yes.

Q. Do you still say that you do not remember him suffering an injury? - A. I do not remember him suffering an injury.

JUDGE COLES: Those are three perfectly proper questions.

MR. O'CONNOR: But was the difference worth it, your Honour?

JUDGE COLES: That is another matter.

MR. O'CONNOR: Yes, it is:

- Q. Do you remember him having an injury as opposed to sustaining it? - A. No.
- Q. You do not. You never saw an injury to his lower lip? - A. No.
- Q. Let me ask you about what you are doing in that photograph? - A. Escorting him back down the road towards the reception centre.
- Q. How? - A. I held one arm and the other Officer had hold of the other.
- Q. How did you have hold of his arm? - A. I had hold of his wrist and one arm round his elbow.
- Q. How did you have hold of his wrist? - A. With my left hand.
- Q. What are you doing with your left hand to his wrist? - A. - A. Just holding it.
- Q. Just holding it? - A. Yes.
- Q. You are twisting his wrist round, are not you? - A. No.
- Q. You are not? - A. No.
- Q. Can I ask you to look please at

JUDGE COLES: Are we looking at 31a?

MR. O'CONNOR: Indeed. Can I ask you to look at B14 of exhibit 35, that is the bundle with one in this morning.

JUDGE COLES: B14.

MR. O'CONNOR: That is right:

- Q. You see yourself and Mr. Foulds there? - A. Yes.
- Q. I do not ask you to interpret the photograph. Having looked at that photograph, do you now remember that you were in fact twisting his wrist round? - A. No, I just had hold of his wrist.
- Q. You see it is only a small point, it really is only a small point, but I suggest that is simply the sort of casual everyday mistreatment that you just get used to, is not it?

JUDGE COLES: I do not think that is for him really to say.

MR. O'CONNOR: Yes.:

- Q. Was there any reason for you twisting his wrist like that?

MR. WALSH: I do not think my learned friend understood

Honour's question. My learned friend is suggesting the Police and this Officer in particular everyday found mistreating people.

JUDGE COLES: Casually.

MR. WALSH: That was the suggestion put no doubt after careful thought by my learned friend.

MR. O'CONNOR: Yes, that this Officer got used, maybe the course of this dispute (inaudible).

JUDGE COLES: It seems that is what you are putting.

MR. O'CONNOR: Was there any reason for you just to twisting that wrist like that? - A. I was not twisting wrist.

JUDGE COLES: You had better answer the question, is it everyday that you twist these wrists when you arrest them?
A. No.

you do it casually? - A. No.

MR. O'CONNOR: Was there any reason then for you to twist his wrist, you say you did not? Do you accept there was no reason for you to do so? - A. There was no reason for Mr. Fields for me to twist his wrist.

was not trying to escape? - A. No.

not causing any trouble at all? - A. No.

and I ask you about the witness statement. What happened after you had left Mr. Foulds in the command centre, where did you go? - A. Immediately after I left Mr. Foulds I was maybe five to ten minutes outside the back of the building, outside the personnel van, keeping a watch on people that had been arrested until I was relieved. Once I was relieved I went back into the building and awaited to confer with P.C. Hill.

You waited to confer with P.C. Hill? - A. Yes.

So what happened? - A. We were directed to either an office or a spare room where I was joined by maybe seven or eight other Police Officers.

Seven or eight? - A. Approximately there would be about ten seats in the room.

Were they all occupied? - A. In the end, yes.

In the end they were before you started writing? - A. Yes, that is correct.

Ten single desks? - A. There were ten desks joined together.

Ten chairs? - A. Approximately ten chairs, yes.

Q. There would only be ten Officers sitting down, you could not share a chair? - A. No.

Q. Not 20? - A. No.

Q. What happened then; were you given a blank statement form? - A. Yes.

Q. Did you have a pen of your own? - A. Yes.

Q. Did you start writing the statement? - A. Not directly, no.

Q. Why not? - A. I was instructed to wait while we were briefed as to exact locations, time and place by I believe C.I.D. Officers.

Q. Wait until you had been briefed as to exact times, locations, and I think you said something else? - A. To get the place where we were at.

Q. The object was to be a briefing? - A. No.

Q. You have just told us to wait until you were briefed with the exact time, location and place where you were at? - A. Yes. Other Officers, as far as I was concerned, including myself were from different parts of the country. I did not know what they called the place. I had only been there a few hours. I did not know the names of the roads. We were told we would be instructed as to what they called the place, where and which direction

Q. Directed as to names of roads and times, that sort of thing? - A. That sort of thing.

Q. How many times have you got in your witness statement? - A. Approximately one.

Q. Approximately one, one exactly, six o'clock when you start. Were you given any times by Detectives? - A. Yes.

Q. It was not about that, was it? - A. And the place.

Q. Let us just deal with times. Did you put different times? - A. No.

Q. You did not? - A. No.

Q. You were not told you were going to be directed to exact times? - A. No.

Q. You were not, that is what you have said, but you were not told them? - A. I think you are getting me wrong. We were told that we would be given the exact location and the names of the roads to write the statement out. You have to know the location. That was the only assistance given or direction given by the C.I.D. Officers that came in. In that statement is exactly what I saw apart from that he gave me exact locations.

- Q. How many roads are involved in your evidence; I think there may only be one? What happened, the detective gave you the name, did he, of Highfield Lane? - A. Yes.
- Q. And that is it? - A. That is it, yes.
- Q. That is all? - A. Yes.
- Q. The detective did not give you any other information that is in that statement? - A. I believe he gave me the name of the field, the top side field.
- Q. So we get Highfield Lane, and maybe Orgreave Coking Plant? - A. Yes.
- Q. The name of the place? - A. Yes.
- Q. Which is top side, anything else? - A. No, not as far as I can remember sir.
- Q. There is a very great difference between being given just two pieces of information just as to places and you writing down word for word a dictated paragraph, is not there? - A. Yes.
- Q. And that (inaudible) did not happen, is that what you are saying? - A. Are you saying I did not write down the dictated paragraph?
- Q. I am asking you there is a big difference between what you have said and you writing down a dictated paragraph, is not there? - A. The paragraphs which were dictated were only as to the names of places.
- Q. You have as I suggest to you, given word for word, and the same for sentence after sentence of your witness statement until you start dealing with this small group of pickets? - A. The same as
- Q. First of all the same as Mr. Hill? - A. Yes. I made my statement alongside Mr. Hill.
- Q. The same as other Officers sitting in that room? - A. I did not read other people's statements. If they were told to write Highgate Road or top side that was their statement.
- Q. If other Officers in that room have sentence after sentence after sentence the same as you, that is coincidence is it? - A. Other Officers that were in that room have (inaudible) different locations. They will have put different roads. They would have been given names of other roads by the C.I.D. Officer.
- Q. Finally I simply suggest, without going any further, that you are not remotely telling the truth about what happened in that room, are you? - A. Yes.
- Q. JUDGE COLES: You had better answer counsel's question.

If it turns out that the first three paragraphs of your statement are exactly the same as the first three paragraphs of the other Officer, that is to say Mr. Hill, can you explain how that has happened? - A. No, sir.

JUDGE COLES: You cannot, very well.

- Q. MR. O'CONNOR: Doyou know Inspector Taylor? - A. From Northumbria Police?
- Q. Yes? - A. Yes.
- Q. Was he the Inspector in charge of your unit that day? - A. Yes.
- Q. Do you remember him sitting in that room as well? - A. (inaudible) room.
- Q. Can I ask you to look at 3lb which is that black and white picture. Can I ask you to look at the Officer in the very left of the photograph there. Is that Inspector Taylor? - A. Yes, that is Inspector Taylor.
- Q. If you look just behind the head of that arrested person, do you recognise the headsof Mr. Foulds and your colleague Mr. Hill? - A. Yes.
- Q. May I suggest, and I hope it is not going too far, you are obviously hidden by the Officer with the riot helmet? - A. Yes, that is correct.
- Q. Not twisting the arm in that position? - A. Yes, that is correct.
- Q. That is an arrest being made at exactly the same time as an arrest - I suggest Inspector Taylor arrived at the command centre at the same time as you. Was not he in the room at the same time as you? - A. No. I cannot say if Inspector Taylor was in the room the same time as me.
- Q. Did the Officers who did the dictation identify themselves? - A. If they did I did not make a note of the Officers names.

MR. O'CONNOR: Thank you.

Cross-examined by MISS RUSSELL

- Q. I just want to clarify the position with you. Would you just take - I am sorry I have not got an exhibit number on it. It is exhibit nine I think. If you look at the second photograph in that bundle? - A. Yes.
- Q. That shows the electricity substation that you have been talking about in your evidence? - A. Yes, that is correct.
- Q. I would like you to take the aerial photograph. By perhaps

using both of those things we can see, if we look at the aerial photograph, a shot of the substation and the front perimeter fence, right? - A. Yes.

- Q. And again on the photograph we can see the front of the station, and as it were the fence across slightly more obscure, photograph two in that album? - A. Yes.
- Q. And you say at this point, do you, you went over the fence ... - A. I would say adjacent to the small building or sub-station. If you look at number two, I would say there is a clump of trees in front of the small substation. Directly behind that clump of trees is the substation.
- Q. It maybe I am terribly thick which is always possible, but I am not sure I follow that. Can you point it out. If we look at the substation we can see two bushes with a gap between them, and then two lampposts? - A. Yes. The two bushes next to the lampposts and there is the substation. We are behind that bush. That would be the spot where I climbed over the fence.
- Q. In other words if we were to draw a line on the aerial photo, you come face up to that lamppost on that building? - A. According to the aerial photograph it would be in like an arch, coming straight along the side of the road and through the trees, and directly straight up to the substation.
- Q. I am sorry. The point I am interested in is the point at which you come over the fence. Can you mark it on the aerial photograph with a pen the line across, "This is where I come over"?

MR. WALSH: He has drawn it pointing to the, as it were, narrow short end of the building that protrudes.

JUDGE COLES: Directly against the gable end.

MR. WALSH: The Jury cannot see it because it is a dark colour.

MISS RUSSELL: I wonder if they could have a look, so they can mark it on theirs.

JUDGE COLES: If one views the electricity substation as slightly C shaped, looking at it, it is part of the very bottom of the C as it were. It is at right angles to the gable end. Have I marked it accurately, Mr. Walsh?

MR. WALSH: I am afraid I cannot see.

JUDGE COLES: It is allright, I can see now, I have.

- Q. MISS RUSSELL: It follows from where you have put that arrow, Officer, that therefore as you are approaching the substation, and if we turn back to the photo, you have more or less got a straight on view of it, if you follow? - A. Yes, as we were approaching the substation.

- Q. Before you climbed over the fence? - A. Before I climbed over the fence.
- Q. Because if we take an arrow you would be rather more or less in a straight line, the sub-station in front of you? - A. Yes.
- Q. You have described a group of people who were throwing, did you notice anything else that caught your attention in any particular way other than people running all over? - A. Apart from people running all over, no.
- Q. How far back from the sub-station did you, as it were, have that sort of straight on view of it? - A. From a straight on one, we came across the ditch which is half way up the field.
- Q. I am sorry, I wonder again if you could mark - take the photograph again, take the one you have just marked? - A. You want me to mark where I came across the ditch?
- Q. I want you to mark your point of running (?). You have that straight on view to the sub-station? - A. That is approximately.
- Q. If we look down the road on the aerial photograph you can see two little white cars some distance down, and the cross is just along there then, in other words some considerable distance down the field, right. You had a clear, as it were, view up towards the sub-station and whatever was in front of it? - A. Yes.
- Q. JUDGE COLES: You did not put a mark on? - A. I put an arrow leading from the X.
- MISS RUSSELL: It is quite a long way down your Honour.
- JUDGE COLES: Yes.
- Q. MISS RUSSELL: Finally I want to go to the group that ran, all right? - A. Yes.
- Q. Were running there at an angle, would that be right? Is that what you are saying? - A. By indication where I first got a clear view of the group would be approximately standing near that spot.
- Q. So the group would be standing near that spot in the field? - Yes.
- Q. And running, as it were, straight up there in the direction but up towards the sub-station from that sort of spot in the field? - A. Yes.
- Q. JUDGE COLES: Where you have done your arrow? - A. Where I have two crosses and an arrow leading from the cross to the sub-station, that would be approximately where six to eight started running from, from the sub-station.

- Q. MISS RUSSELL: The final thing is, once that group, some of them go over the wall and some of them run off to the left, they never go in the sub-station area at all, some of them? - A. Yes.
- Q. And it is a small group that get in the power sub-station area, two of them stand there? - A. Yes, two.
- Q. One of them is Mr. Foulds? - A. Yes.
- Q. Have you any recollection of the other gentleman who was just standing there? - A. I cannot remember him, but I know he got arrested by two other Police Officers.
- Q. But when he got arrested was he young, old; you must be able to remember that vague impression? - A. I could not say his age at the moment remembering back over a year.
- Q. You could not say his age remembering back over a year. But whatever else you can say, before he was taken hold of he was not running because he was stood there like Mr. Foulds? - A. Yes.
- Q. He was vertical as opposed to horizontal when he was taken hold of? - A. Yes.

MISS RUSSELL: Thank you.

Cross-examined by MR. GRIFFITHS

- Q. When you moved up on that third occasion and you ultimately arrested, as I understand it in that move, Mr. Foulds, were you running with your truncheon drawn? - A. No.
- Q. Were any of the others in your PSU running with truncheons drawn or not as far as you can remember? - A. There were Officers with shields with truncheons drawn.
- Q. We know that the short shield unit had truncheons drawn, but what I am putting to you is whether you saw any normal unit Officers running in that final move with truncheons drawn? - A. No, sir. As far as I can recollect at the time, in the direction I was travelling when I was at the front, I did not see any other Officers with their truncheons drawn.
- Q. The second matter is this. You have been asked about making a statement and the like; after you had done all that, everything in relation to the arrest of Mr. Foulds, what did you do? Did you go and join your unit? - A. Yes, sir.
- Q. And when you did join your unit where were they? - A. They were up the top of the field, beside the bridge, just adjacent on the road to the electricity sub-station.
- Q. So they were still downwind, still the coking side of the bridge? - A. Just short of the bridge coking side.

yourself

Q. I want to be clear, is it the case then that you said that you never went across the bridge? - A. No, sir.

MR. REES: As it is my birthday I have no questions.

JUDGE COLES: It seems it is ours too.

Re-examined by MR. WALSH

MR. WALSH: It is not mine so I just have one or two:

- Q. Just so we are clear and we do not misunderstand, on the aerial photograph you have marked a cross? - A. Yes, sir.
- Q. Are you saying that that is where the group were when you first noticed them, or where you were when you first noticed them? - A. That is where I saw the group standing approximate
- Q. That is where you were when you first saw them? - A. Yes.
- Q. And they went back towards the sub-station in the manner you have described? - A. Yes, sir.
- Q. And if we look, it might just help because you did point to it - at exhibit nine photograph two, unless there is something concealed by those two bushes near the lamppost that looks like ^{the} plain brick wall of the electricity sub-station? - A. Yes, sir.
- Q. And again because this is the closest photograph we have got, it is more a close up than the aerial one, you were telling my learned friend Miss Russell that the place where you crossed the fence is about where we see those two bushes close together, just the end of the lamp post? - A. Yes, that is correct, adjacent to the gable end of the sub-station.
- Q. When you got over and went up to the defendant, do you follow - A. Yes.
- Q. Where was he, can you say? - A. He would be standing approximately half way between the fence and the brick wall.
- Q. Approximately half way between the fence and the brick wall? - A. Yes.
- Q. So far as yourself and Mr. Hill are concerned, you are from different Forces? - A. That is correct sir.
- Q. Are you able to say at what stage in the course of these events you became aware of his presence? - A. Of P.C. Hill's actual presence?
- Q. Not the fact that he was P.C. Hill but that there was another Officer there who later turned out? - A. Actually as we were both climbing - I was getting over the fence, and we were both approaching, and we both approached and detained Mr. Foulds at the same time.

Q. You had not been conscious of the man you now know to be P.C. Hill before you were climbing over the fence? - A. No.

Q. The final matter I would be grateful if you could help me with; have you got the statement that Mr. O'Connor has asked you about? - A. My original statement?

Q. Yes.

JUDGE COLES: That had better be exhibited.

Q. MR. WALSH: Obviously because the Jury will not understand the point being made

JUDGE COLES: That is exhibit 37.

Q. MR. WALSH: Do you know for example a Police Constable Pemberly of Liverpool? - A. No.

Q. I wonder if you can help now with this. You may not know, and this was the point Mr. O'Connor was trying to explain to you, and it is right you should have it explained to you, if you look at your statement it says, "On Monday 18th June", do you follow? - A. Yes.

Q. The second paragraph begins, "During the morning there had been a steady build up of pickets"? - A. Yes.

Q. And the third paragraph begins, "To protect Police Officers in the line"? - A. Yes.

Q. Now apart from a slight alteration of words and their position, do you follow? - A. Yes.

Q. The first two paragraphs in your statement are exactly the same as the first two paragraphs in Mr. Pemberly's statement and in the statement of other Officers from Liverpool or other places, do you follow? - A. Yes, sir.

Q. What Mr. O'Connor has been asking you about is this. Do you remember, or can you explain, how it comes about that you not knowing this Officer, the first two paragraphs in your statement are word for word the same as the first two paragraphs in the statements of a number of other Officers? - A. Yes. As I tried to explain earlier on I believe/C.I.D. Officer started the statement off by the name of the plant, places and the roads. He said "This applies only to people that can actually say what happened, and were actually on the line"

Q. You are dropping your voice? - A. He said it only applied to Police Officers who were on the line actually there at all times.

Q. That may explain the first paragraph, the names Orgreave Coking Plant, Highfield Lane, Rotherham, do you follow? - A. Yes.

- Q. The second paragraph, "During the morning there had been a steady build up of pickets, there was approximately one thousand pickets facing us as we were blocking off Highfield Lane, on the southern side of the works entrance". Do you follow? - A. Yes, sir.
- Q. "As we stood there in the line a continuous stream of missiles came from the pickets into the Police line. There were no shields being used, several police officers standing beside me in the line were hit by these missiles"? - A. Yes, sir.
- Q. You also know, because presumably you have not seen the statements of any other Officers, have you? - A. No, sir.
- Q. You also know that other Officers have got paragraphs in their statements which are very similar to that, not exactly word for word but very similar, do you follow? - A. Yes, sir.

MR. O'CONNOR: The very proposition my learned friend is basing that question on, "You also know" is (inaudible) issue. I have made my case clear. He has seen them writing it, being dictated. My learned friend is just preparing the whole thing on a false premise.

MR. WALSH: With respect I asked the question if he had seen the statements of any other persons.

JUDGE COLES: It is a question of how it was taken. It is a question as to credit, and perhaps a certain amount of caution might be in order.

- Q. MR. WALSH: Can you help now Mr. Thomson with the question which was initially from Mr. O'Connor and indeed replied by you as to how it comes that that paragraph in your statement is almost word for word the same as the same paragraph in other Officers' statements? - A. That was to clarify the exact position and exactly what was happening at the time we were on the southern side of the works entrance, and putting it in our statements that there was a constant barrage of missiles.
- Q. Do you remember how it came to be put in your statement? - A. It was told by a Police Officer.
- Q. By which Police Officer? - A. I take it the C.I.D. Police Officer.
- Q. Why do you say he was C.I.D.? - A. He was in plain clothes.
- Q. Do you know who he was, either his name or his rank? - A. No, sir. I cannot remember if he did introduce himself. I cannot remember his name.

MR. WALSH: Thank you.

JUDGE COLES: I think we will have our break now for ten minutes.

. O'CONNOR: To avoid confusion, because there was a
t mistake by my learned friend about what the Officer
arked, I think the Officer marked a clean copy of
lan. He did not mark the aerial photograph.

. WALSH: Yes he did.

. O'CONNOR: Certainly without

DGE COLES: Yes. It is exhibit three, but we could
it that as exhibit 3a.

SS RUSSELL: I would raise a similar question with
erial photograph marked by this Officer.

DGE COLES: Let the aerial photograph as marked be
it 10a and the plan exhibit 3a.
