

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield

16th July, 1985

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY

and Others

APPEARANCES:

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

For the Defence: See Attached Sheet

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Official Shorthand Writers, 55 Queen St.,
Sheffield S1 2DX

16 JULY 1985

REGINA V. GREENAWAY and OTHERS

MR. WALSH: Your Honour, page 257. This is the officer that deals with the arrest of Ernest Barber. Police Officer Gary Gray, please.

POLICE CONSTABLE GARY GRAY Sworn

EXAMINED BY MR. WALSH:

- Q. Your full name and rank, please? - A. Your Honour, I am Gary Gray, Police Constable 5743, currently stationed in the Plain Clothes Department at Lower Lane Police Station in Merseyside.
- Q. Mr. Gray, you very properly addressed His Honour, but you talk in a voice that clearly His Honour can hear but may be the rest of us cannot. Everybody without exception has found this is a difficult court in which to be heard. Can I ask you to do something else as well? Witnesses sometimes find that they, in giving an answer, run on at some length and quickly. That makes it difficult for the shorthand writer and for anybody else taking notes in long-hand. So, would you take it slowly and with pauses and perhaps just watch my hand now and again and I will try and halt you? - A. Yes.
- Q. You are Gary Gray, a police officer from Liverpool? - A. That is correct.
- Q. Which Police Station are you presently attached to? - A. I am presently attached to the Plain Clothes Section at Lower Lane Police Station, Liverpool 10.
- Q. In June of last year were you attached to the Walton Lane Police Station? - A. That is correct, yes.
- Q. On Monday, 18 June, last year were you with other Merseyside officers at Orgreave coking plant outside Sheffield? - A. That is correct, yes.
- Q. Had you yourself ever been to Orgreave previously? - A. I had not, no.
- Q. Have you yourself ever been back to Orgreave since that time? - A. I have not, no.
- Q. So you were there for but one day; is that right? - A. That is correct, yes.
- Q. On that occasion were you a member of a PSU? - A. I was.
- Q. Who was your Inspector? - A. Inspector Owen.
- Q. To what extent, if at all, had you been involved doing work with a PSU in public order circumstances? - A. I am sorry, I don't follow.

- Q. Had you been out with that PSU before 18 June at any other public order situation? - A. No.
- Q. Had you done any training? - A. Yes.
- Q. Just to give some idea to the Jury of the nature and extent of your training, how much training had you done? - A. I have seven years' service now as a police officer and we are required to attend at least four times a year on a day course, so obviously I had been eight or ten times.
- Q. In the whole of your police career? - A. That is correct, yes.
- Q. At the time in June of last year, what was your normal job?
- A. I was a uniformed police officer on general patrol duties.
- Q. When you came to Orgreave on 18 June, did you leave Liverpool that day or the previous day, which was a Sunday? - A. No, sir, I had attended on the Sunday. We had to leave Liverpool for a week's stay.
- Q. You were due to be here for a week? - A. That is correct.
- Q. How did it come about that you were one of the PSU that came? Did you volunteer, were you nominated, or what? - A. We volunteered.
- Q. What, did a request go out for names or what? - A. That is correct. On the Wednesday prior to the Sunday a request would go round the various stations for volunteers to attend on the Sunday.
- Q. Did you stay overnight somewhere in either the Yorkshire or Lancashire area on the Sunday night? - A. I did, yes.
- Q. Have you seen any photographs since 18 June 1984 of either the Orgreave area itself or of incidents which are said to have happened on that occasion? - A. The only ones, sir, that I have seen have been on national news.
- Q. Has any police officer shown you any photographs? - A. No.
- Q. Has any police officer shown you any video film of any incidents that happened on the day? - A. No.
- Q. Were you on 18 June aware of the fact that, forgetting for a moment the commercial television companies, the police were making any video film themselves? - A. I did see a camera positioned at the Orgreave plant. I would assume they were filming. I did not know whether they were police or the commercial company.
- Q. You have not seen any of that film yourself? - A. No.
- Q. Do you recall approximately - and I only ask approximately - what time you arrived at Orgreave on the Monday morning? -
A. I know we left the place of residence at approximately 3 o'clock in the morning and we drove for a considerable time. It was light when we arrived. I honestly don't know what time we arrived at the premises.

- Q. Did you have a watch with you? - A. No, sir. In circumstances like that I try to wear as little jewellery, watches and things like that, as possible.
- Q. Insofar as I or anybody asks you questions about times when things happened during that day, are you able to assist us with any degree of accuracy? - A. No, sir, I would be guessing at times.
- Q. One thing we don't want you to do is guess. If you are able to give us approximations that you have reasons for being able to give as to times, then do so, but otherwise do not fall into the trap of guessing, please. We all understand that to arrive at Orgreave you and your colleagues would travel in a number of vehicles in which you also have equipment? - A. That is correct, yes.
- Q. Having arrived at Orgreave, do you remember initially where you went in the vehicles? - A. Yes, we parked on a large field a couple of hundred yards from the main entrance.
- Q. Orgreave, the coking works, and the road running by it are on a hill. Do you remember whether you parked lower down than the main gates or above, or what? - A. I cannot remember.
- Q. Having arrived, did you remain at your vehicles or get out? - A. We stretched our legs outside. We did not stray far from the vehicle.
- Q. You stayed in the vicinity of your vehicles for some time? Can you tell us with any accuracy about how long it was before you were either ordered or requested to go somewhere? - A. I would estimate at approximately half an hour.
- Q. What were you wearing at that particular point while you were stretching your legs? - A. A police tunic, police trousers and shirt.
- Q. Obviously the time came when you ceased to do that. How did that come about? - A. Ceased to do what?
- Q. Ceased to be just stretching your legs in the vicinity of the vehicles? - A. We were told that we would be required at the plant itself and we got back into our vehicles and drove into the Orgreave plant itself.
- Q. You were ordered to go into the coking works itself? - A. That is correct, yes.
- Q. Did you do that together with your vehicles? - A. We did, yes.
- Q. And parked somewhere? - A. Initially we went to the rear of the coking plant. I assume it was the rear of the coking works because we went through the main entrance and then travelled some distance into the back of the works.
- Q. There is available to you a large aerial photograph which may help you generally to get your bearings. - A. Thank you.

- Q. I can tell you as follows, if it helps you, if you would like to look, that the coking plant is in the top left-hand corner here and the main gates - do you see where I am pointing? - A. Yes.
- Q. You see a long row of what looks like trees just opposite the main gates, more or less. - A. Yes.
- Q. And although the photograph may give the impression that the road is going downhill from left to centre to right, in fact the opposite is the case and it is going uphill and then towards the bridge. Does that bring back the scene to some extent to you? - A. Yes, it does.
- Q. If you could tell us where you went in your vehicles once you had gone through the main gates? - A. I recall driving through the main gates, and the road that you can see, we followed that through in the plant and then we went through some railway lines which you can see at the back, and we remained at the back for a short period of time.
- Q. Did the time come when you were removed from there? - A. We were, yes. We were ordered to go to the main gates and remain at the main gates.
- Q. Did you go there together with your vehicles? - A. We did, yes.
- Q. What did you do at the main gates? - A. We remained at the gate as a reserve for the main line.
- Q. How long were you held in reserve near the main gate before you were called on further? - A. I am sorry, I am unable to say.
- Q. We know that there was more than one PSU from Merseyside at Orgreave that day, commanders being Inspector Owen and Inspector Bennett. When you were on reserve near the main gate, was that just your PSU or both of them? - A. I don't recall.
- Q. Did a time come when you no longer stayed in reserve by the gate? - A. That is correct, yes.
- Q. What happened to cause you to move? - A. We were told we were going to be part of a team to disperse the demonstrators from in front of the main line.
- Q. Who told you that? - A. My Inspector told me that.
- Q. Were you able to see or hear from where he got his instructions? - A. No.
- Q. What did you do then? - A. I put on my NATO style helmet and a pair of shin pads and a cricket box and we formed up in a line on the main road.
- Q. Did you have any other equipment in your possession? - A. I had my police issue baton but at that stage I did not have it drawn.
- Q. What about shields? - A. Some members of the party did have shields, short shields. I did not.

- Q. Why was that? - A. A PSU is only equipped with so many long shields and so many short shields. In normal circumstances, I would be part of the team that held the long shields.
- Q. Yes? - A. Therefore, the officers that were normally issued with short shields took the short shields and I was without.
- Q. Was there not a long shield available for you? - A. Yes, but we were told we were going to be running through the main line into the crowd, and to try and run with the long shields is very difficult and/or hazardous.
- Q. So, you did not take a shield at all? - A. No.
- Q. Were you the only shieldless officer in your PSU? - A. No, there were approximately three or four others to my knowledge. There may well have been more, but at least three or four, to my knowledge.
- Q. Having equipped yourself, dressed yourself in the manner that you have described, you would still be on the carpark, so where did you go from there and under whose leadership? - A. I went with Inspector Owen, under his leadership, onto the main road in front of the holding area, and we formed up with a number of other officers. I don't know whether they were Inspector Bennett's PSU or another PSU.
- Q. So, we have got you onto the road? - A. Yes, that is correct.
- Q. Is that uphill or downhill of the main gates? - A. It was literally right outside the main gates.
- Q. Where did you go from there? - A. We moved up to the main line of police officers.
- Q. Whereabouts was the main line of police officers? If that photograph helps you, then please use it. There are other photographs taken on the road that give a much closer view of, at any rate, certain parts of the road. - A. I would estimate that it was approximately where the green line is on my photograph, across the road.
- Q. The green line that is on that photograph nearest to the lines to the main gate? - A. That is correct.
- Q. When you went up to the line, what was happening? - A. There were officers with long shields and NATO helmets protecting other officers. There were other officers behind being protected by other officers. There was a constant stream of missiles and stones hitting the shields and coming over the shields at the officers.
- Q. When you and other officers went up, where in relation to that line of policemen did you go? - A. We were directly behind them. We stood in a small group behind them.
- Q. Did you stay there for long? - A. We did stay there for a time, but unfortunately I can't remember how long.
- Q. Did the situation so far as you were concerned change and

- you had to do something? - A. That is correct.
- Q. What? - A. We were told go go into the crowd and disperse the demonstrators.
- Q. How were you able to do that? - A. The main line opened apart and we ran through.
- Q. Were you on the road or in the field? - A. I was on the road.
- Q. What about the rest of your particular PSU? Where were they? - A. I am unable to say. I know we all moved through the line together. I am unable to say where they went after that.
- Q. When the line opened up for you to go through, was that gap on the road or in the field? - A. That was on the road.
- Q. When you went through, what happened? - A. As I went through, I saw a line, a telegraph line, across the road, or a telegraph pole, something else, which was approximately head height across the road. Myself and a number of other officers ran to this and we stood on the line itself to bring the line down.
- Q. JUDGE COLES: You were one of them, were you? - A. I was, Your Honour.
- Q. MR. WALSH: What do you mean you stood on it? - A. We pulled the line down and stood on the wire. Shortly after we stood on it, mounted police came past us and over the wire.
- Q. Did you actually have your hands on it? - A. Yes, I actually pulled it down and stood on it.
- Q. Did I understand you to say you were not the only one who did that? - A. No, a number of other officers did this also.
- Q. No-one, I think, is going to ask you to be precise to feet and inches, but about how far had you gone ahead of the police line that opened up when you came to this wire? - A. I would say approximately 40 to 50 yards.
- Q. When you started your move forward, were you aware from any instructions how far you were to go ahead? - A. I recall being told to make to the wire and to bring the wire down so that the mounted police could go ahead.
- Q. Can you recall who told you that? - A. To the best of my knowledge it was Inspector Owen, but I may well be mistaken on that.
- Q. You said that your instructions were to go ahead and disperse. When the line opened up, what happened so far as the pickets on the far side of the police line were concerned? What did they do? - A. They did disperse to a certain extent, but there were still stragglers throwing stones at us. They moved back towards the railway line on the photograph.
- Q. Up to the point where you reached the wire, did you come into physical contact with any of the pickets? - A. No.

- Q. Can you tell us what, if anything, you remember about the state of the road generally as you ran forward towards the wire? -
A. I was appalled by the amount of stones, bricks and various other objects that were littered about the road. I remember being very careful. I remember at one point falling over a stone and getting up and carrying on running.
- Q. Having reached the wire, pulled it down and stood on it, what happened then? - A. I then followed the horses a short distance when I saw.....
- Q. JUDGE COLES: What happened to the wire? Did it spring back? - A. When we stood on it, it went slack. I could only assume other officers had removed it from its moorings.
- Q. MR. WALSH: Now, you were going on ahead of the wire and you were about to tell us something. I think you said you followed the horses? - A. That is correct.
- Q. Yes? - A. There was a number of other officers with me when I saw the accused Barber. He was standing by the wall on my right-hand side as we were running up the road.
- Q. You said by the wall as you were running up the road? - A. I saw him throwing stones in the general direction of myself and other officers.
- Q. What did you do? - A. I went towards Barber with other officers. He then jumped over the wall into a field. I followed over the wall, which other officers had also done so, and I took hold of the accused Barber and told him that I had seen him throwing. I cautioned him.
- Q. If not the precise words, what did you say about what you had seen him doing? - A. I can't recall what I said to him. It would be something like, "Why are you throwing stones at us?"
- Q. You said you cautioned him. Did he make any reply? - A. Yes, he said, "I've only just arrived."
- Q. Did you say something to him? - A. Yes, I told him I was arresting him for an offence of threatening behaviour. I then handcuffed him and walked him back to the holding area at the main gate.
- Q. Yes, and what happened? Did he come with you? - A. Yes, he came with me.
- Q. Now, are you still in the field at the moment when you spoke to him and cautioned him and told him you were arresting him and he made the reply, or had you got back to the road? - A. No, we were still in the field.
- Q. Which way did you come back, through the field or over the wall? - A. No, he was only just over the wall into the field, so I climbed back over the wall onto the road and walked straight down the road.
- Q. In what fashion did you arrest and detain him? - A. I took hold of him on the floor. He was on the floor at this stage.

I took hold of him, placed his hands behind his back, put the handcuffs on, assisted him onto his feet and then walked back with him.

Q. Could you repeat that? - A. He was on the floor.

Q. JUDGE COLES: "I put his hands behind his back" - is that right? - A. Yes.

Q. "And handcuffed him." - A. That is correct.

Q. MR. WALSH: Was that before or after you spoke to him? - A. That was after.

Q. JUDGE COLES: You arrested him by taking hold of him. "He was on the floor. I put his hands behind his back and handcuffed him." I think you then said you helped him to his feet? - A. Yes, I assisted him to his feet.

Q. At what stage did you caution him, speak to him? - A. When he was on the floor.

Q. And he said, "I've only just arrived", is that correct? - A. That is correct.

Q. MR. WALSH: What had caused him to go to the floor or the ground? - A. The other officers before me had wrestled with him to the floor.

Q. How far away had you been at that stage? - A. Approximately five yards at the outset.

Q. Where had they gone? - A. Who?

Q. The other officers by the time you arrested him? - A. I don't know. They dispersed.

Q. Did anybody accompany you back to the Command Post with the defendant or were you on your own? - A. I was on my own.

Q. You have described yourself and other officers running towards the defendant, who went over into the field. You have told us that you did not reach him first. - A. That is correct.

Q. Did you see what happened as he went into the field and other officers got there before you? - A. Yes.

Q. Take it in stages to begin with. You have told us he was on the side of the road near the wall and you saw him go over the wall into the field? - A. Yes.

Q. How did he do that? - A. The wall was nearly non-existent by this stage. It had been pulled down, presumably to use as weapons against us. It was literally a matter of stepping over the wall and a short drop into the field.

Q. There is a drop, is there, there? - A. To my recollection there was a small drop.

Q. How did you negotiate the drop? - A. It was a matter of two or

three feet, a matter of just stepping down.

Q. Then you are running up and there are other officers? - A. There are other officers ahead of me.

Q. About how far into the field did you see him go? - A. It was only a short distance, approximately here to the far wall.

Q. Doing the best we can, about 25 feet, something like that, from where you are to that wall? - A. Yes.

Q. About 25 to 30 feet. Where were the other officers coming from? - A. They were ahead of me. I think one or two came another way in and there were at least two other officers ahead of me the way I entered.

Q. Just describe how they and the defendant came into contact with each other. - A. To the best of my recollection, the other officers punched and pushed him to the floor.

Q. JUDGE COLES: The other officers punched and pushed him to the floor? - A. That is correct, Your Honour.

Q. MR. WALSH: And where were you? - A. At that stage I was coming over the wall and jumping down towards them.

Q. Having arrested and handcuffed him, you have told us you took him down the road towards the Command Post. What happened when you got there? - A. I related the circumstances to the Sergeant in the Command Post.

Q. Did you have a photograph taken of yourself together with the man you arrested on your arrival at the Command Post? - A. I did.

Q. Would you just identify this photograph (handed). - A. Yes, that is the photograph.

Q. He is not wearing a shirt, or T-shirt or vest or anything? - A. No, that is correct.

Q. Is that how he was clothed at the time when you first saw him and arrested him? - A. It is.

Q. JUDGE COLES: You were wearing a moustache at that time? - A. I was, Your Honour.

Q. MR. WALSH: Having photographed and told the officer on duty of your arrest, what happened then? - A. I then went upstairs to a large room.

Q. With the defendant or without? - A. Without the defendant.

Q. How did you come to part company with the defendant? - A. I went downstairs, first of all, with the defendant and placed him into the prisoner van.

Q. Was that after you had had the photograph taken and you had explained the circumstances of his arrest? - A. That is correct.

Q. Was this on instructions? - A. This was on instructions of the

officers in charge.

Q. Then what, having parted company from Mr. Barber? - A. I then went upstairs. I was instructed to go upstairs to one of the large rooms and wait there.

Q. Who instructed you to do that? - A. The officer in charge of the prison van.

Q. Did you go upstairs? - A. I did.

Q. Into what sort of place? - A. Into like a large classroom.

Q. What happened there? - A. A detective entered the room. He asked us to make our statements.

Q. Who is "us"? - A. Sorry, there were a number of other officers with me at the same time.

Q. Did you know some of them? - A. I knew at least one.

Q. Who was that? - A. Constable Browning.

Q. He is also from Merseyside, I believe? - A. That is correct, yes.

Q. Did you make a statement? - A. I did, yes.

Q. Was it in a notebook or in a statement form? - A. It was on a statement form.

Q. Where was that obtained from? - A. The detective passed a number of sheets out to us.

Q. When you had completed your statement, what did you do with it? - A. Constable Browning witnessed it and I handed it then to the detective in charge.

Q. Did you keep a copy or have one or not? - A. No, I did not have a copy.

Q. You left your statement at Orgreave on 18 June? - A. That is correct.

Q. Once your statement was completed, did you do anything further that day? - A. I went out and remained by my van, which was still by the main entrance.

Q. So far as your statement is concerned, did you see it or any copies at any later time? - A. The only time I have seen a copy since was yesterday morning when I arrived in Sheffield.

Q. You came to Sheffield yesterday, expecting you would be called as a witness yesterday? - A. I was, yes.

Q. As we all know, you were not reached. - A. No.

Q. Thank you.

MISS RUSSELL: As Your Honour has been following this officer's statement, Your Honour will appreciate a number of

matters which are in no way mentioned in that statement have now come into evidence. I wonder if we could perhaps have a short adjournment now? Although some of these matters are of no surprise to me now, there are matters of details.

JUDGE COLES: I can quite understand you want to take some instructions. We will adjourn and perhaps you can let us know when you are ready.

(Short Adjournment)

CROSS-EXAMINED BY MISS RUSSELL:

- Q. Now, Officer, you looked at your statement yesterday, which was the first time you had seen it, was it not? - A. That is correct.
- Q. That is your evidence. I suppose when you gave evidence this morning, or when you looked at your statement yesterday, you thought to yourself, "I've left out a lot of detail". Did you think that? - A. Yes.
- Q. Just to be absolutely fair to you, Officer, are there any other matters of detail that might be considered relevant that you have left out even now, do you think? - A. There may well be. I am only human. I may well have missed things still.
- Q. Let's take it in stages. From when you took hold of Mr. Barber and you are walking him back down, anything of relevance there that you think you might have left out? - A. No.
- Q. When you get to the Command Post, you have told us about what happened there. Anything there that might be relevant? - A. Not that I can think of.
- Q. To give really a full picture of this arrest, is there anything you can think of that you have left out? - A. Not that I can recall.
- Q. So it follows from that, Officer, that after seven years' experience in the Police Force, the fact that your prisoner was injured is of no relevance to you at all? - A. Yes, it is.
- Q. Well, why have you not told us anything about it? - A. I did. In my main evidence I said the defendant was pushed and punched to the floor.
- Q. But you did not tell us he got any injury from it, did you? - A. To my knowledge, there was no substantial injury that could be of any great relevance.
- Q. There was no substantial injury that could be of any relevance? - A. That is correct.
- Q. So, you mean the fact that the lower half of his face was streaked with blood, which had dripped down onto his body and his clothes, that was not a substantial injury, or have

you just forgotten about that? - A. I don't recall there being a great amount of blood.

Q. Can I show you a photograph to see if that will jog your memory? Before I do, was there any blood? - A. There was, yes. If I recall rightly, it was from his nose.

Q. Have a look at that then (handed).

JUDGE COLES: Is this a picture we have?

MISS RUSSELL: It is not a picture we have, Your Honour:

Q. That is Mr. Barber, is it not? - A. Yes.

JUDGE COLES: That will be Exhibit 66 if it is going to be proved.

MISS RUSSELL: In fact, if it helps Your Honour, I am going to produce four other photographs which will probably have 6A, 7A, 8A and 9A on the back.

JUDGE COLES: Can that be altered to 66 because that is the exhibit number?

MISS RUSSELL: Yes, in which case it would be 66A, B, C and D.

JUDGE COLES: Are there any copies?

MISS RUSSELL: Your Honour, not of these. Your Honour, far be it from me to mislead the court. There are copies of the first one.

JUDGE COLES: That is better than nothing. In future I would be grateful if your solicitors could get these exhibits in order before they are put in. It wastes an awful lot of time.

MISS RUSSELL: It is really the fault of counsel rather than those instructing me. What has happened is that counsel have been sectioning out bits that apply to them, and that has created part of the problem, and Your Honour will also appreciate the tremendous expense involved.....

JUDGE COLES: On the other hand, the delay causes some expense.

MISS RUSSELL: These are the copies for the Jury that they should mark on the back that these are copies of 9A or 66C.

JUDGE COLES: Let those numbers be removed. Look, I am going to adjourn for five minutes. Can you have the numbers that are on the back of them removed and put on the back 66A, B, C and D, so that we all know exactly what we are talking about?

MISS RUSSELL: I am not sure the court needs rise. It would take me literally a minute to do that.

JUDGE COLES: I shall sit here patiently! Mr. Walsh, have you seen these photographs?

MR. WALSH: No, Your Honour, no-one has shown them to me.

- Q. MISS RUSSELL: Officer, you have had quite sufficient time to think about it. Do you still stick by the fact that this was not any kind of substantial injury, just a bit of blood? That is how you see it, is it? - A. At the time, yes.
- Q. You saw this man with his face like that - you must have done - on the day? - A. Yes.
- Q. What was the first thing that happened to him when you went into the Command Post, Officer? Another little detail that you have forgotten, or was it not relevant to you? What is the very first thing that happened to your prisoner inside that Command Post? - A. I recall walking in with the prisoner. We stood in a line of other officers and other prisoners.
- Q. Go on. - A. If I remember rightly, the first aid team came along the line and they asked Mr. Barber if he wanted any attention and he refused any.
- Q. Refused any at all, did he? - A. To the best of my recollection, yes. We then had our photo taken and I saw the officer in charge.
- Q. You are not telling the truth, are you, officer? - A. I am.
- Q. He was cleaned up before the photo was taken, was he not? Will you have a look at that (handed). It doesn't show him with blood all over his face, does it? - A. No. I don't recall him having his face wiped, but obviously he has, but I don't recall that happening.
- Q. But, of course, when the desk sergeant was speaking to you about this man who had been punched to the ground by other officers, whom you had seen, and he had blood over his face, when the desk sergeant asked whether your prisoner had any injury, you, of course, told the desk sergeant, did you, about the injury you had seen? - A. I honestly cannot remember whether I told him or not, or whether he asked me or not.
- Q. The physical condition of somebody arriving at a police station is one of the first details taken, is it not? - A. It depends on the procedure with whichever Force.
- Q. But you were dealing with the procedure laid down by South Yorkshire at Orgreave that day, were you not? - A. I was going through their system, yes.
- Q. And the first thing they seem to have inquired into is someone's name and address? - A. It may well have been. I honestly can't remember much about being booked in and out.
- Q. Well, I want you to think about it. You can remember a lot of detail that you didn't remember when you made your statement

a year ago, so let's see if we can jog your memory on this part of your evidence. Was your prisoner asked his name and address? - A. He will have been at that stage, yes.

Q. And his date of birth and occupation? - A. That is correct.

Q. What time he arrived at the police office? - A. Well, the Sergeant at the time would have taken the time down.

Q. And the very next question is the physical condition on arrival at the Police Station - yes? - A. I don't recall being asked that.

Q. Do you recall your prisoner being asked that? - A. No, I don't.

Q. Because, you see, somebody has supplied the desk sergeant, who presumably spent all day in the headquarters, with some information at this point, Officer? - A. They may well have done. I honestly cannot remember whether he was asked or not.

Q. There are only two people who could have supplied that, aren't there? - A. Yes, me or the defendant and, as I have already stated, I don't recall being asked that question or the defendant being asked that. If you are asking me to say something I can't remember, then I can't.

Q. JUDGE COLES: It must either have been you who gave the information or the accused who gave the information, or something so obvious that the sergeant would write it down himself? - A. That is correct, but, as I have stated, I don't recall being asked.

Q. Do you recall that his face was clean when he was photographed? Was his face clean when you were standing before the sergeant? - A. His face will have been clean when we were in front of the sergeant, sir.

Q. Was there any obvious sign of injury when you were in front of the sergeant? - A. No, sir.

Q. MISS RUSSELL: You think about that again. No injury of any kind, and I am not talking about a centimetre scratch....

JUDGE COLES: Obvious sign of injury.

Q. MISS RUSSELL: Obvious sign of some kind of injury, maybe not something common or garden, and that is probably a clue, Officer. See if you can follow from that clue. - A. No, I'm sorry, I am not with you.

Q. Just to say that it was a gardening clue. You see, somebody has put down that the man had nettle rash. - A. I see, yes.

Q. You tell us about that? - A. I would assume he has got it when he has been on the floor just prior to my arrest.

Q. You would assume he got it? You didn't see him get it, did you? You did not notice it? You would just make the assumption, would you? - A. I recall at the time of the

arrest there was long grass, and obviously there must have been nettles in it, if you say he has got nettle rash. I don't recall the nettle rash on him.

Q. You see, Officer, one can hardly see in the heat of the day at Orgreave a busy desk sergeant with a long line of people waiting and first aid teams going up and down the line off his own bat spotting a tiny bit of nettle rash. It must have been something quite substantial, must it not? -
A. It may well have been. I don't recall the nettle rash.

Q. JUDGE COLES: You didn't tell him he had got nettle rash? - A. No, sir.

Q. You hadn't noticed any nettle rash? - A. I don't recall noticing it, no.

Q. MISS RUSSELL: If you didn't tell him, the only other person who could have told him would have been Mr. Barber? -
A. That is correct.

Q. And if that is right, Mr. Barber bothers to tell the desk sergeant about his nettle rash, but he does not tell him anything about the blood coming from his nose or the fact that he has obviously received some injury to his nose? He obviously does not bother to tell him that? - A. I don't recall him saying that, no.

Q. You see, this little entry goes further than that, Officer, because it says "fell" and then it is almost illegible, but it looks like "down into nettles." - A. I don't know what is on the form, Your Honour, I have not seen it.

Q. JUDGE COLES: I think what you are being asked is did you tell the desk sergeant that he had fallen down into some nettles? - A. I don't recall telling him.

Q. Did you hear the accused tell the sergeant that he had fallen down? - A. I don't remember hearing him, no, sir.

Q. MISS RUSSELL: I am going to put to you, Officer, that you are not being frank about the exchange that took place at the Command Post concerning your prisoner? - A. I am being as frank as I can remember.

Q. We will come back to the Command Post, because it really is the end of the events, a little later on. Let me start with you and your training. You had been trained, had you, as a short shield officer? - A. In your training you receive instructions on all types of shield holding.

Q. Now will you answer the question: had you been trained as a short shield officer? - A. Yes.

Q. So you are familiar with the manoeuvres of short shield officers? - A. The manoeuvres at that time, yes.

Q. Well, the manoeuvres which involve running into crowds to disperse them? - A. Yes.

- Q. There are manoeuvres which involve short shield and long shield officers, are there not, and non-shield carrying officers? - A. Yes, there are.
- Q. There are also manoeuvres which involve just short shields, are there not? - A. Yes.
- Q. You could have taken a long shield with you but, in fact, were ordered not to do so? - A. Yes, we were told not to take them.
- Q. So, it would follow that the sort of manoeuvres that you were going to take part in, and were aware you were going to take part in, were short shield manoeuvres into crowds? - A. Yes.
- Q. And those involve, do they, the use of truncheons? - A. The method does something include that, yes.
- Q. Before you went into action the first time, you must have had some idea of the manoeuvre you were carrying out? - A. We were told to go out and disperse the crowd in front of us.
- Q. Do you remember being given orders by an officer in a white shirt with a megaphone, a senior officer? - A. Yes, I remember some instructions.
- Q. That was before you were used the first time, was it not? - A. That is correct, yes.
- Q. Did he give some instruction to the effect of, "No heads - bodies"? - A. I'm sorry?
- Q. Did he give some instruction that went, "No heads - bodies"? - A. I don't recall that at all.
- Q. What would your reaction to such an order have been? - A. I don't understand the order as you have said it.
- Q. "No heads - bodies. You know what you're doing, lads, heads - no bodies" - that sort of order? - A. I would have interpreted that as if you had to use your baton then you are to use it on the body and not on a person's head.
- Q. What order did the man give in the white shirt with the megaphone before you went into action the first time? - A. I recall being told to go out and disperse the crowd and, if necessary, arrest anyone that did not disperse.
- Q. If necessary arrest anyone that does not disperse. So, someone just standing there doing nothing by their very presence would have been arrested? - A. On that order, yes, but it would purely depend on my judgment at the time. It is my responsibility as the arresting officer to justify an arrest.
- Q. So you had been given an order effectively from a senior officer that gives you the power, if you wanted to exercise your judgment, to just arrest someone for being there? - A. That was the instruction I was given, yes.

- Q. Is that by the senior officer in the white shirt with the megaphone or is that by Inspector Owen? - A. I can't recall.
- Q. So, before you went into action you were of the opinion that if somebody did not disperse, if you wanted to, you could arrest them? - A. Yes.
- Q. Who was your sergeant that day? - A. Sergeant Gradwell.
- Q. It would follow, would it not, that you were in the same part of the PSU as Mr. Browning, from whom we have already heard? - A. That is correct, yes.
- Q. And Mr. Lynam - do you know him? - A. Yes, I know Constable Lynam.
- Q. Was he in your half of the PSU? - A. He was in a PSU. I don't recall whether he was in our half or not.
- Q. And Constable Kearns, whom we have heard from? - A. No, sorry, I don't know him. I may well know him by sight and first name, but I do not recognise his surname.
- Q. What about PC Gale, do you know him? - A. Yes.
- Q. Was he in your half of the PSU? - A. Yes, he was.
- Q. Do you know Constable Moore? - A. Not by surname, no. I may well know him by first name.
- Q. I will try to find the names for you. What about Constable Johnson, Ian Johnson? - A. Yes, I know Constable Johnson.
- Q. You, Mr. Browning and Mr. Johnson would all be known to each other by sight? - A. That is correct.
- Q. I want you to think about the location that you first went to, bearing in mind that all these other officers have given evidence and thinking about it carefully. You pointed very quickly on the aerial photo you were shown, which was already marked, to a green line? - A. Sorry?
- Q. A green line. Do you remember that? When I say "the first time you went into action", I mean not round the back of the coking plant, I am only concerned with the time of action concerning Mr. Barber. - A. Yes.
- Q. Now, are you sure of the position of the main cordon at the time you joined it? - A. That was to the best of my recollection. If the other officers have said different, then it may well have been. That was the best of my recollection - at the beginning of the field there.
- Q. Does it come to this, that what you are saying is, "That is what I say, but if the other officers have said something different, we could all be mistaken, including myself"? - A. That is correct.
- Q. Any suggestion that you went all the way up to the bridge,

0 - -
first of all, you say would be wrong? - A. That is correct, I don't recall that.

Q. Look at Exhibit 9, the bundle of photographs. Have you got that? - A. Yes.

Q. Look at photograph 6 and then photograph 7? - A. Yes.

Q. Any suggestion that you were with Mr. Browning standing around here, the vicinity of the fence in photograph 7, and that that is where you made your charge from, would you say that was totally wrong or it could be right? - A. No, that is totally wrong. I have never seen this part of the area at all. It brings no recollection at all.

Q. So, do we take it from your evidence that you never went over the railway bridge? - A. I don't recall at any stage going over a railway bridge.

Q. If you did not go over the railway bridge, I suppose it must follow that no-one could have seen you there who knew you? - A. That is correct.

Q. Are you sure about that? - A. I am positive I didn't at any time go over that railway bridge.

Q. I wonder if I could see the aerial photograph? If you could turn it round to face me? At the time you saw the cordon, where do you say it was? - A. I recall it being not far from the Command Post here. To the best of my recollection it was on that first green line or thereabouts.

Q. In other words, your recollection, if we leave aside anything else, your clear recollection is you did not go far from the Command Post? - A. No, I would estimate that distance would be 50 to 100 yards at the most, and that is all I recollect.

Q. JUDGE COLES: Where are you pointing to? - A. From the Command Post here where we assembled to roughly there.

Q. From the Command Post to the first green line on Exhibit 4? You say that is about 50 yards? - A. 50 to 100 yards, not much more, Your HONour.

Q. MISS RUSSELL: I mean, any suggestion that you ran a couple of hundred yards or jogged a couple of hundred yards to the line would, in your recollection, be quite false? - A. To the best of my recollection, I do not remember running a couple of hundred yards.

Q. After the arrest of Mr. Barber, where was the line then? - A. The line had gone past me, if I remember rightly, because I don't recall walking back through a police line.

Q. Whenever it is you are concerned with Mr. Barber, the line has gone past you? - A. I can only assume it had because I don't recall walking back through the police line.

Q. You say that Mr. Barber went into the field? - A. He went over the wall into the field, yes.

- Q. I will come to the detail of that. Describe the field for us?
- A. I remember it being the corner of the field. To the best of my recollection, it was long grass and there was a lot of rubble there.
- Q. Rubble? What do you mean by "rubble"? - A. Stones and bricks.
- Q. In the field? - A. Yes. It was just over the wall. We didn't go very far into the field, as I have already stated.
- Q. He went 10 yards away from the wall? - A. Yes, it would be approximately that.
- Q. Was there any kind of roadway? - A. No, I don't recall seeing the roadway.
- Q. When you say "grass", do you mean corn possibly, or do you mean grass, or are you just not sure? - A. I would say grass rather than corn.
- Q. I want you to take Exhibit 45, if you will. Just go through the first four photographs and see if there is anything in there that reminds you of the kind of area we are talking about. - A. No, I don't recall any of the area at all.
- Q. Perhaps then you could turn to Exhibit 5. Anything in there that helps you? - A. No. Photograph 3 is obviously the front gate and No. 4 is the gate looking across to the Command Post. Most of the police vehicles were parked behind the Command Post and were using that entry.
- Q. Look at photograph No. 1. - A. Which way does this photograph go?
- Q. This is looking down the hill that you were coming up. -
A. Yes, I see. So, on the right of the photograph is the Orgreave plant itself?
- Q. Yes. - A. The photograph holds no memories for me. It does not jog anything at all.
- Q. Let's try Exhibit 24. Turn to the first photograph there. -
A. This is looking down the hill?
- Q. Down the hill. Does that remind you at all? - A. I remember a wall like that. That is the sort of wall I went over to arrest the defendant.
- Q. JUDGE COLES: Which photograph is that? - A. No. 1, sir.
- Q. MISS RUSSELL: If you look from that one back at Exhibit 9, please. Just so we can locate where those two photographs come in, look at photograph 1 in each bundle. - A. Yes.
- Q. Photograph 1 in Exhibit 24, we can see the wall that is down and a gap? - A. Yes.
- Q. And then it goes over and at the extreme right of the photo there is no wall at all - the wall stops. - A. Yes.

- Q. Similary, if we are looking up the hill, we can see the wall and you can just see where the wall goes round the bend. - A. Yes.
- Q. Just see the posts at that gap? - A. Yes, I see where you mean.
- Q. Does that help you about where this arrest took place? - A. Not really, no.
- Q. If we go on, in photograph 2 of Exhibit 9 we can see what is immediately around that bend. Do you see it? - A. Yes.
- Q. Just round that bend, Officer, would you accept from me, the wall continues up and into the substation on the right-hand side. - A. Yes, I will accept the fact from you.
- Q. The next photograph, photograph No. 3, shows that continuation? - A. Yes.
- Q. Having taken you all the way through that, Officer, do you think that assists you to remember whereabouts you arrested Mr. Barber? - A. None of the photographs jog any recollection at all of where it was.
- Q. So, if I were to suggest to you that the arrest took place in the vicinity of photographs 1 and 2 and particularly 3 of Exhibit 45, in other words it took place in the substation entrance, you cannot say "Yes" or "No" to that? - A. I don't recall a substation at all. It is quite a substantial building from the photographs and I do not recall.
- Q. JUDGE COLES: Look again at photographs 1, 2 and 3 in Exhibit 45 and make sure you have got your bearings. - A. If I may ask, is that the substation?
- Q. Photograph No. 1 shows the view up to the bridge. - A. Yes.
- Q. Photograph No. 2 has been taken by walking into the driveway seen on the left of photograph 1. - A. Yes, sir.
- Q. And taken across at the substation shown in photograph 1. Do you follow? - A. Yes, sir.
- Q. Photograph 3 has, I think, been taken by walking into the driveway shown in photograph 2 and taken looking across to the other side of the road. - A. Yes, sir.
- Q. Again you can see the railway bridge. - A. Yes.
- Q. Does that give you your bearings? - A. I understand the photographs, sir, but I don't recall any of the photographs. None of the scenes in them bring any memory back.
- Q. MISS RUSSELL: None of them at all? - A. No.
- Q. You see, Officer, if we follow that logically, somewhere there have to be nettles? - A. That is correct.
- Q. Sufficient nettles to give someone a nettle rash that is quite observable or sufficient to be commented on - right? - A. Yes.

- Q. Nettles usually either grow on dumps, that sort of location, or along walls. You don't often find nettles 10 yards into a field, do you? - A. I haven't normally walked that far into fields to know, but if that is what you are saying, then.....
- Q. If we look at photograph 1 of Exhibit 24. - A. Yes.
- Q. Firstly, so far as the first part of that wall is concerned, there can be no question of Mr. Barber or yourself going through that area in there because it has got high bushes and you would have had to have plunged through those bushes? - A. That is correct.
- Q. You didn't do that? - A. No.
- Q. If we go to the last bit of the wall, we can see it is probably a couple of feet high off the ground and there is a bush near the gate post. - A. Yes.
- Q. And we can look through that gap. - A. Yes.
- Q. There does not appear, does there, as one looks through into that field, to be high grass in the way you have described for some considerable distance, does there? - A. No.
- Q. So it follows that is not a location you describe? - A. No.
- Q. You see, Officer, if we go to photograph 3 of Exhibit 45, the area by the substation, that is an area which just this side of the wall is very well populated with nettles? There are lots and lots of nettles there? - A. It would appear so, yes.
- Q. Are you sure of your description "field" or was it just a general description? - A. I would describe it more as a general description.
- Q. Are you now perhaps agreeing, as we have followed up on that photograph, that the only thing round the bend is the substation, that it perhaps was the substation area, although you did not realise it at the time, where Mr. Barber was arrested? - A. Yes, it may well have been. I don't recall going that far at all. I don't recall.
- Q. When you say you saw the wire, what was it attached to? - A. To the best of my recollection, some sort of telegraph pole or lamp-post, I am not quite sure.
- Q. Which side of the road were you on? - A. I was on the right-hand side of the road.
- Q. On a pavement or in the roadway? - A. It was hard to tell at the time because there was that much rubble there. I may well have been on the pavement. I was certainly not in the centre of the road, more to the right.
- Q. You are not exaggerating the rubble, of course? - A. No, far from it. I don't think you can exaggerate as much as there was. There was that much rubble there it was unbelievable.

- Q. How long did you have to wait before you made your statement, officer? - A. What time? I would be guessing if I said how long. It was not very long.
- Q. You would have been out of the Command Post after a reasonable length of time? - A. Yes.
- Q. Your van was in the main entrance? - A. Yes.
- Q. Looking up the road? - A. No, from the van I couldn't see up the road.
- Q. But as you walked to the van, you could see up the road? - A. Yes.
- Q. As you walked to the van was the road in the same sort of condition? - A. To the best of my recollection, it was, yes.
- Q. When you say "absolutely strewn with rubble", you do not mean a countable number of objects, do you? - A. To the best of my recollection, as you were running along, you were running over stones all the time.
- Q. So does it follow you can hardly put your foot down without coming across the next one? - A. That is my recollection of it.
- Q. No exaggeration in that? - A. Not to my recollection, no.
- Q. You are given orders to charge through, you take the wire up and you are with other officers at that point. What sort of officers were they? Where were they from? - A. There were other officers from other forces that I didn't know what forces they were.
- Q. JUDGE COLES: You say there were officers from other forces, but you don't know where? - A. There was to my knowledge. There were a great many forces there. It was not to my knowledge which force was going through the line with us.
- Q. MISS RUSSELL: Were there a great many officers involved in that first charge? - A. There was a large number of officers, yes.
- Q. Short shield officers? - A. Short shield officers and officers without shields.
- Q. With riot clothing or some in ordinary uniform? - A. To the best of my recollection we were all in riot gear. I don't recall seeing anyone in a normal police helmet.
- Q. What about the cordon? - A. There were officers in riot gear with full length shields and there were officers behind them with normal police helmets.
- Q. If that cordon went past you, we are talking about the movement of an awful lot of people, are we not? - A. Yes.
- Q. As you were treading on the wire, for example, were you aware that there was a big surge up at that point? - A. I remember police horses running past me. I don't recall other officers. There may well have been, but I don't recall

any surge of officers.

Q. When the police horses went up past you after you had done the business with the wire, what happened to the pickets? -
A. They moved back up the hill.

Q. Where? - A. I don't know.

Q. You were running at them a moment later, you must have followed up behind the horses? - A. They were running up the hill. They dispersed across my vision.

Q. Where did they disperse, Officer? - A. I don't know.

Q. Did they form a barrier further up the road? - A. Not that I could see, no.

Q. That would seem to suggest, would it not, that the time that we are talking about is the first time when the pickets are pushed back by some horses over the bridge? Would that be fair? - A. I don't know. I don't recall going over the bridge.

Q. I know you don't recall it. - A. I am sorry, I can't comment on something I don't know about.

Q. But you know about what you were running up towards after you had trodden on the wire. You saw the horses going up in front of you? - A. That is correct and I ran off after the pickets then.

Q. You ran off after the pickets then. Then you must have seen from your field of vision the horses and in front of them the pickets? - A. That is correct.

Q. Did they go out of your sight? - A. Yes, when I went into the field.

Q. Before you went into the field where were they - the horses and the pickets? - A. I don't know. I honestly don't know.

Q. But you are running at them. You are getting orders to disperse them. Where are they? - A. Yes, I had seen the defendant in front of me, and that's where I was aiming at. I don't remember looking anywhere else. I was watching my feet over the rubble and aiming for the defendnat. I don't recall where the others went.

Q. And there is the defendant just standing? Where is he standing? - A. He was standing next to the wall.

Q. Next to the wall? So he is on the pavement? - A. Yes.

Q. All by himself? - A. No, there were other people running around as well.

Q. Other people running around? - A. Other pickets.

Q. So, he is not all by himself, he is in a group of pickets? -
A. They were not immediately around him as a group. As I would describe it, there were other people in the immediate area.

Q. How far away from him - yards, feet? - A. A matter of feet.

Q. Were they facing towards you or running away? - A. They were dispersing. Some went over the wall, some went other ways. I didn't see where they went to.

Q. Tell me about that going over the wall. How high was it? - A. The section of wall I remember climbing over was only very small. Most of it had been knocked down, to my recollection.

Q. "Very small" can mean anything.

JUDGE COLES: He said most of it had been knocked down.

Q. MISS RUSSELL: Are you saying it was less than a foot high? - A. It may well have been, yes.

Q. So we are talking about a section of wall that may well have been 12 inches or less? - A. It may well have been more. I don't recall the exact measurements.

Q. You went over it. - A. Yes, in a split second.

Q. And then you came back over it? - A. That is correct.

Q. And that didn't take a split second, did it? - A. It didn't take very long.

Q. Really? No drop down? - A. There was a drop down to my recollection, yes.

Q. It was really easy, was it, to get Mr. Barber handcuffed up a slope and over the wall? - A. I wouldn't describe it as a slope at all. It was a matter of a small step up over the wall. There was a drop, but not considerable.

Q. Having remembered all that, can you please tell me how high you say the wall was approximately? Are we talking about a one foot obstacle or a two feet obstacle? - A. Somewhere in between.

Q. We are talking about something in the nature of a wall that is about 18 inches high? - A. If it is of any assistance, I would say it was less than knee height because I don't recall having to step high.

Q. Less than knee height? How much of this wall was in that sort of condition? - A. There were a couple of feet either side of me. I don't recall how far.

Q. I thought a little earlier in your evidence you gave the impression that most of the wall had been knocked down in that condition, so are we talking about a four feet section of the wall or a long strip of wall? What are we talking about? - A. I would say 10 or 12 feet either side of me.

Q. We are talking about a 48-feet-something.... - A. Sorry, 10 or 12 feet.

- Q. 20 to 24 feet of a wall of about 18 inches high which has all been knocked down in some way? - A. I wouldn't say it was all 18 inches high. It was of various heights being knocked down, but it was lower than the correct size of the wall.
- Q. How far after the wire.....
- Q. JUDGE COLES: Am I getting this right? The wall was knocked down at varying heights for a distance of something like 24 feet? - A. That is correct, Your Honour.
- Q. MISS RUSSELL: How far after seeing the wire and dealing with it did you have to run before you saw Mr. Barber? - A. I don't recall. It was a fair way. It was further than what I had run initially to get to the wire and running further on. It was a further distance than that.
- Q. How far to the wire was it approximately? - A. I thought at that time it was between 50 and 100 yards.
- Q. To the wire? - A. That is what I thought, yes.
- Q. So, by the time you come across Mr. Barber, you had gone substantially further than that? - A. That is my impression from what I can recall, yes.
- Q. So, he has at least 200 yards from where you start off? - A. Yes.
- Q. How far away from him are you when you first see him? - A. I would estimate it approximately 30/40 yards.
- Q. You were 30 or 40 yards away? - A. Yes.
- Q. Have the horses gone by him? - A. Yes, I think they had.
- Q. And there are pickets around him, but between you and he there is no-one, no pickets? - A. There may well have been pickets run across my line of vision, but I don't remember anyone standing in front of me and the defendant.
- Q. So, there may have been people running in the general area who may have gone across your line of vision? - A. That's right.
- Q. But no-one actually standing still between you? Is that what you are saying? - A. That is my recollection, yes.
- Q. Where are you so far as your unit is concerned at that point? - A. I am in the road near to the pavement. It wasn't in the centre of the road, but to the right-hand side of it.
- Q. Are there officers in front of you? - A. Yes, there were officers running with me. They were in front of me as I was running along. They weren't directly in front. They were to my side.
- Q. So, there are officers to the side who could have been in front of you? - A. Not directly in front.

- Q. Are they from your unit? - A. I don't know. I don't know if they were from my unit or not.
- Q. They run up the road and you run up the road, and you are 30 or 40 yards away when you first notice Mr. Barber? -
A. Yes.
- Q. Why do you notice him? - A. Because he was throwing stones at us.
- Q. What was he actually doing? - A. He had hold of a stone and he threw it at us.
- Q. "At us"? He is just standing there like that when you first see him.....

JUDGE COLES: What about the poor shorthand writer? If this detail really is helpful, let's have it for the shorthand writer.

- Q. MISS RUSSELL: Throwing stones over-arm from the back of the shoulder forward? - A. It was a fast action, sir.

JUDGE COLES: He has repeated the action, which is bringing the arm from behind his shoulder, throwing the stone as being into the air and up.

- Q. MISS RUSSELL: How many times did he do that? - A. I remember seeing him do it once.
- Q. Did you follow the flight of the missile? - A. No.
- Q. He did that once before going over the wall. Is that right?
A. Yes.
- Q. You chase after him and other officers get there? - A. Other officers beat me there, yes.
- Q. They were riot officers, were they? - A. To the best of my memory, yes, they were dressed in a similar style of things as I was.
- Q. And they made a straight line for him? They went straight towards him? - A. I would assume they did, yes, because they were in front of me going there, yes.
- Q. So, is this right, Officer, that so far as Mr. Barber is concerned, you saw him throwing a stone at the police before running? - A. Yes.
- Q. Why have you on more than one occasion described him as throwing "stones" in the plural? - A. That is my wording. If it sounds wrong, then I apologise.
- Q. It is just simply a grammatical error that one, just your wording? - A. Yes.
- Q. These other riot officers, you say, punched him and pushed him to the ground? - A. yes.

- Q. Did he appear to resist in any way? - A. No.
- Q. Could you see any reason why he was punched to the ground?
- A. No.
- Q. Either way, by the time you arrived they had taken hold of him, had they? - A. No, they were above him, standing over him, as I got there.
- Q. What was Mr. Barber doing at this time? - A. He was on the floor.
- Q. What was he actually doing? - A. He was lying there.
- Q. Full out, out-stretched? - A. Out-stretched like that?
- Q. Was he lying on his back with his legs on the ground as well?
- A. He was horizontal to the floor and, if I recall, he was slightly on his side. He was not lying on his back and he was not lying on his front.
- Q. And he was not attempting to go away?
- Q. JUDGE COLES: You demonstrated his arm being above? -
A. No, sir. I was asked a question, "Was he stretched out like that."

MISS RUSSELL: I think the officer misunderstood me. When I said, "Was he stretched out on the ground?" I meant was he lying body and legs on the ground?

JUDGE COLES: He demonstrated.

MR. WALSH: He was asking Miss Russell did she mean like that.

JUDGE COLES: It shows the danger of making gestures and not speaking. I was not looking.

- Q. MISS RUSSELL: How many officers were there? - A. There were at least three around him to my recollection.
- Q. Before you come on the scene? - A. When I came over the wall, he was on the floor and there were at least three officers round him.
- Q. Just tell me, Officer, another little relevant matter that you may have forgotten. Was there any conversation at all between you and those officers? - A. No.
- Q. Not a word? - A. No.
- Q. Not a single word? - A. Not that I can remember, no.
- Q. You just kind of walk through the middle of them? You didn't even say "Excuse me, lads"? The person they have knocked down to the ground, you told him you are arresting him? -
A. No, it wasn't exactly like that, no. As I reached there then they started moving away. If I hadn't been there the defendant would have been left on his own. That is the impression I got at the time.

- Q. What you are saying, Officer, is you witnessed at least three officers punch and push a man down to the ground, leaving him outstretched, who then just cleared off and left him? - A. If I hadn't have been there, I think they would have cleared off, yes.
- Q. Presumably that came as a great shock to you? - A. Yes, it did. I was not pleased with the actions of the other officers.
- Q. Having had at that time, presumably, six years' experience in the Police Force, I expect you made a quick mental note of the number of at least one of them, did you not? - A. I didn't. I didn't see the numbers. If I had have done, I would have revealed them to the court.
- Q. You did not see their numbers? - A. No.
- Q. Were they wearing numbers? - A. I don't know. I don't remember seeing numbers. They may well have been, I don't know, I didn't see.
- Q. But you did of course, I assume, make a separate and detailed report to your inspector later that day, did you? - A. No.
- Q. No?
- Q. JUDGE COLES: Why not? - A. I don't know why not. The events of the day overtook me.
- Q. MISS RUSSELL: What events of the day? The most you could have actually been in action for in this period is, probably being extremely generous to you, about a 200 yard dash and a few minutes? - A. It felt considerably longer.
- Q. I am sure it did, but in the many hours that you were sitting in your van, not called into action again after you made your statement, you had all the time in the world, did you not? you could not even see what was going on up the road. Did it cross your mind then that you could have made some report of this? - A. No.
- Q. JUDGE COLES: Do you have any idea which force these officers came from? - A. I don't recall them being from my force, sir, the tunics were different.
- Q. MISS RUSSELL: The tunics were different? - A. They appeared a lighter colour from my own.
- Q. Were they ordinary police tunics then? - A. They appeared so, yes.
- Q. In the heat of the moment you noticed about these officers a slight variation in shades of navy blue, but you did not have time to take their numbers? - A. That's right.
- Q. What about their helmets, Officer, because one would have thought, as a Merseyside officer, the first detail that would have struck you, if these officers did have riot helmets,

as you have said, is that their riot helmets did not have the checked band, or did have a checked band, as the case may be. - A. I don't recall the helmets at all.

Q. Was, I suggest to you, a reason, Officer, why it was their tunics rather than helmets that struck you at the time, that at least one of those officers was an officer wearing ordinary police uniform, an officer with an ordinary helmet on, was he not? - A. I don't recall him having a normal helmet on, no.

Q. Could that be possible? - A. It could well be. I don't recall it.

Q. There is no reason that you can think of why that could not be possible? - A. The only reason would be I can't imagine senior officers sending officers without their helmets. That is the only reason.

Q. Except, ofcourse, Officer, if this is part of the main cordon, then one would well expect that officers are going to get intermingled? - A. That is so, but I don't recall the main cordon following us through at all.

Q. But you have said you have certainly no recollection of going through the main cordon on the way down, have you? - A. No.

Q. JUDGE COLES: Those officers were ahead of you? - A. Yes, sir, they were ahead of me.

MISS RUSSELL: Your Honour, I don't know whether that is a convenient time?

JUDGE COLES: I suppose so. 10-past-2.

(Luncheon Adjournment)

Q. MISS RUSSELL: Officer, just before lunch I asked you the question in relation to what you had seen as to whether you made any report and you said "No", is that right? - A. That is correct, yes.

Q. Did you tell anyone at all? - A. I don't remember doing so, no.

Q. Even just in conversation on your way back with the PSU did you tell anyone? - A. I don't recall telling anyone, no.

Q. Did you think it was unimportant? - A. I don't know.

Q. What did you think about it? - A. I can't recall what I thought about it at the time.

Q. Forgive me, Officer, presumably it is not everyday in Liverpool that you see someone punched and pushed to the ground by officers and then they just walk off and leave the person lying there for you to arrest, is it? - A. No.

- Q. Police officers are no different from ordinary members of the public. They can only act with force in self-defence, can they not? - A. That is correct.
- Q. The blow that struck Mr. Barber down, and I will come to what sort of blow it was in a minute, was not a self-defence blow, was it? - A. I don't know. I don't know whether Mr. Barber had actually thrown a punch at the officers or not. I can't remember seeing him do that.
- Q. I thought he was running away? - A. Yes, jumped over the wall and went into the field, presumably to run away. I didn't know at that time whether he did anything to the officers.
- Q. Did you lose sight of him? It is a very simple question. - A. I am trying to remember the situation as it happened to give the best answer I can. He would have been in my vision all the time, but the only thing I can think of is when I negotiated the wall and then started going towards him, and that would be the only time - when I was looking down - that anything could have happened.
- Q. This wall that you had to negotiate was so low that you didn't even have to raise your leg to step over it? - A. No, but there was a lot of rubble, as I have already stated before, around that area, and a small drop down, so, in order to negotiate that, one has to look down to see where one is putting one's foot.
- Q. You saw no blow from Mr. Barber? - A. That is correct.
- Q. Tell the jury what you actually saw the officer do. You say you saw him punch? - A. That appeared to be his actions. One pushed him down and another one, as he was falling, I thought he punched him.
- Q. Forgive me, Officer, if one officer has pushed a man and the other one is punching him as he is falling down, it seems unlikely in that situation that the man who is falling over is in a position to do anything aggressive. That must be right, must it not? - A. In that situation, yes.
- Q. And that is the situation you have described? - A. Yes.
- Q. So, in other words, moving round in a circle, what you saw, as far as you can tell from what you actually saw, was a man being pushed and punched as he was falling? - A. Yes.
- Q. And that is not something you see every day, is it? - A. No.
- Q. Obviously it was an important occurrence, was it not? - A. Yes, I suppose it was, yes.
- Q. What do you mean you suppose it was? Was it or wasn't it? What is your opinion? Let's hear from you? - A. Yes, it was.

Q. You had been in the Force six years at the time. Some people in your PSU, for example Mr. Browning, had been in the Force a lot longer. That is right, is it not? -
A. Yes, he has got more service than me.

Q. Did you think to ask any of them in conversation, "Do you think I ought to do anything about this, what I have seen?"

JUDGE COLES: He has already said he did not mention it to anybody.

MISS RUSSELL: I appreciate that.

WITNESS: I don't know why I didn't ask anybody. I am unable to say.

Q. MISS RUSSELL: Or is it, Officer, that at the time, certainly at the time you made your statement and when you left Orgreave to go back to the barracks where you were staying, you had no intention of telling the truth about Mr. Barber's arrest at all? - A. That is totally untrue. I have been quite truthful as far as I can remember.

Q. It is important to you to be truthful, is it? - A. Yes, it is.

Q. Can you explain then, Officer, why there is not a word about any of this in your statement? - A. I usually try and keep my statements as brief and as factual as possible, and that is what I did on the day.

Q. I wonder if you could have a look at your statement because I am going to take you through it now. There are typed copies for the jury, Your Honour.

JUDGE COLES: Exhibit 67.

Q. MISS RUSSELL: You see, Officer, you mentioned in that statement, and if the members of the jury would like to turn to the second page of that statement, it reads as follows: "Myself and a number of other officers ran towards Barber and he jumped off the road and into a field." So, you bother with the detail of the existence of other officers running towards Mr. Barber, don't you? - A. That is correct.

Q. The fact that they run towards him is not a very important fact if you are only giving a brief summary, is it? -
A. It is what I put at the time.

Q. Why isn't there a single word in that statement about him being pushed and punched? - A. I am unable to account for what I put on the day. I cannot recall why I didn't.

Q. You made the statement, did you not, Officer? - A. That is correct.

Q. You weren't rushing?

- Q. JUDGE COLES: Were you or weren't you? - A. No, I don't suppose we were.
- Q. MISS RUSSELL: Because, apart from anything else, you were not called immediately back into the line or anything like that, were you? You just go and sit in the van for the rest of the afternoon until you go off duty, do you not? - A. For a short time I sat in the van, yes.
- Q. It can't have been a very short time, can it? Do you know what time you claim this arrest took place? - A. No.
- Q. If I put to you the time on the back of the sheet is 11.23 and the time you arrived at the police office is 11.41, even allowing the time you waited to make your statement - what was that, an hour? - A. Possibly, yes.
- Q. That would take you to 20-to-1? - A. Yes.
- Q. How long did it take you to do these 22 lines concerning Mr. Barber? I say 22 lines in the typescript, but it is longer in the handwritten one. - A. I am unable to guess how long it took. I don't know.
- Q. Were you making the statement for an hour? - A. Quite possibly.
- Q. All right, that takes us to about 2 o'clock, half-past-2. Let's go through it. 11.41 is the time you arrived at the police office? - A. Yes.
- Q. The booking in procedure and then taking him back to the van, none of that took more than about half an hour, did it? - A. It may well have done. There was a large number of people in front of us. We did wait a fair time in the queue to be booked in and taken to the police van.
- Q. Say an hour - 12.41? - A. Yes, quite possibly.
- Q. Then may be another hour until you make your statement? - A. Yes.
- Q. Did you have your notebook with you? - A. No.
- Q. Why not? - A. Because in circumstances like that I carry as little as possible.
- Q. In circumstances like what, Officer? - A. Public order situations.
- Q. What do your Standing Orders say about an officer going out without a notebook, a constable? - A. I don't know, I'm sorry.
- Q. Merseyside use little fawn notebooks, do they not? - A. Yes, it is a fawn coloured book.
- Q. And you are saying you did not have that with you in your tunic that day because it was a public order situation? - That is correct.

- Q. But either way, by about 20-to-2 you must have been ready to make your statement? - A. yes.
- Q. And it could have taken as long as an hour, you think? - A. It may well have done, yes.
- Q. Why would it take that length of time, Officer. What caused it? How many pages is it in handwriting? - A. An hour-and-a-half is only an estimate. It may well have been shorter, it may well have been longer.
- Q. I am sorry, you say it is one-and-a-half hours? - A. Yes.
- Q. Read the front page. We will have the original exhibit as well. Half the front page is taken up with the heading, is it not? - A. That is correct.
- Q. That is half a page there. What is it on the typed copy? - A. I have not seen the typed copy other than yesterday. I don't recall how long it was.
- Q. You are saying it took you an hour to write that out? - A. I am saying it may well have done.
- Q. Why? - A. I was hot I was tired, I was trying to assess what had gone on and I wrote the statement out.
- Q. Why were you hot and tired, Officer? - A. Because it was hot . I had been up since half-past-2 that morning. I was clothed in a full police uniform and a crash helmet. That does become hot.
- Q. You had been sitting around in the vans? - A. No, we had not. I never said we had sat round in the van at all.
- Q. When you came back from the back of the coking plant? - A. Yes.
- Q. We know from Mr. Browning you had a refreshment van in your vans. Are you saying that did not happen? - A. No, that did happen.
- Q. And that was sometime before you were then called into action? - A. That is correct.
- Q. The calling into action from you actually getting the order to arrest Mr. Barber is a matter of a few minutes, is it not? - A. I am sorry, I don't follow you.
- Q. From the moment you were ordered to be deployed by Inspector Owen to the moment when you arrested Mr. Barber was a matter of a few minutes, was it not? - A. I don't know. It was hard to tell how long. Time seemed to stop still. If someone said it was an hour, it could have been, I honestly don't remember.
- Q. Shall I help you, Officer? I accept this is not evidence, but I want your comment on it. The PSU booklet that is filled in by Mr. Owen suggests that it was not until 11.25 that your unit was deployed as a short shield snatch squad at the railway bridge. In fact, he has got

you being deployed two minutes after you arrested Mr. Barber, so somebody must have got the time wrong somewhere, must they not? - A. Yes, quite so.

Q. Whatever else we can say, if any estimate was given of the arrest of Mr. Barber at 11.23, it must mean that that arrest was only a few minutes after you went into action? - A. Yes, it would appear so from what you have said.

Q. JUDGE COLES: That is right, is it not? From the description you have given, you were not in action for very long? - A. It was not a long time, Your Honour. As I say, time stood still on that day. If someone told me it was 3 o'clock in the afternoon, I would have taken that.

Q. You appear not to be alone in that. That appears to be a fairly common assertion that it was difficult to tell what time it was. But, you say you were not in action for very long? - A. That is right, sir.

Q. MISS RUSSELL: So, it is nothing to do with, as it were, your being in action in the sense of facing something very nasty as to why you were tired? It was simply because you had been on duty since 2.30 in the morning. That is what it comes down to, is it not? - A. That was part of it, yes.

Q. Do you take any notice of the heading that appears at the top of a witness statement or does it just mean nothing to you? I assume, Officer, you know what heading I am referring to? - A. Yes, I understand that.

Q. The heading that says that you make it knowing if it is tendered in evidence you will be liable to prosecution? - A. That is correct.

Q. "If I have wilfully stated in it anything which I know to be false or do not believe to be true."? - A. That is correct.

Q. Is this statement all your own words? - A. No.

Q. Tell the jury which part of it is not your own words? - A. The beginning, on to the second page.

Q. JUDGE COLES: Whereabouts on the second page? - A. To the new paragraph, "I saw the accused Barber."

Q. Up to "Broken glass spread out across the road" - you say that is not your own words? - A. What happened.....

Q. We will come to that in a minute. Your evidence is that from the beginning, that is to say, "On Monday, 18 June 1984" up to the end of the paragraph which concludes, "and broken glass spread out across the road", the words are not your own? - A. Not entirely mine, no.

Q. MISS RUSSELL: Because what was happening, Officer, is this was being dictated to you, was it not? - A. A detective

in the classroom suggested to us this was the sort of thing we should put at the beginning and I followed the example.

- Q. That is all very well and good, but you promised not to state in the statement anything which you did not believe to be true? - A. That is correct. I have not done so. Everything I have written down I believe to be true.
- Q. How did you believe that when you went up to the line there were no shields being used, because you have clearly told this jury this morning that there were long shields at the front of the cordon when you got up there? It doesn't say that in your statement, does it: "There were no shields being used at this time." - A. That is correct. When we were at the gate, from my recollection, there was not.
- Q. When you were at the gate? - A. Yes.
- Q. When were you at the gate and there were no shields being used? - A. When we first arrived at the gate, to my recollection, there was not.
- Q. JUDGE COLES: Officer, do yourself justice. I am sure counsel will give you time quietly to read through that statement.
- Q. MISS RUSSELL: The reference to shields is nothing to do with when you arrived there at whatever time in the morning it was, is it? - A. I am sorry?
- Q. The reference to shields is, "After the steady build up of pickets facing us as we were blocking off Highfield Lane, as we stood in the line a continuous stream of missiles came from the pickets into the police line. There were no shields being used." That is the reference, is it not? - A. That is correct.
- Q. From what you have told this jury only this morning there never was a time when you went up to that police line and there were no shields being used. You have told the jury that long shields were at the front when you went up. - A. When we actually walked up to the line, yes, there were long shields there then, yes.
- Q. So why have you given an entirely different impression in your statement?
- Q. JUDGE COLES: Something is wrong. - A. It is, Your Honour.
- Q. Either this statement is wrong or your evidence this morning is wrong. Now, which is wrong? - A. It may well be the statement is wrong, Your Honour.
- Q. What counsel is saying is if that is right and the statement is wrong, did you make it accepting what was being told

to you, not caring whether it was right or wrong, or what? - A. When I made that statement, I accepted that was right. I believed that to be right.

- Q. MISS RUSSELL: Officer, the fact of the matter is that you sat down in that classroom along with a number of other officers and you all wrote down exactly what you were told by the South Yorkshire detective, regardless of whether or not it was correct from your own personal knowledge at all.
- Q. JUDGE COLES: Is that right or not? - A. I wrote down believing it was correct.
- Q. Then what has just been put to you is not right? - A. We wrote down what he said, what he suggested we say, and I believed at the time it was correct.
- Q. MISS RUSSELL: He was making suggestions to you that you all put that you had seen officers hit by missiles, was he not, as part of the dictated part? - A. I did see officers hit by missiles.
- Q. Let's go on. You were under the impression that you had been given an order which in effect told you you could arrest anyone that is not dispersing? - A. That is correct.
- Q. Did you have a discussion with any South Yorkshire detective about that and whether or not that would be an appropriate thing to put in your statement? - A. No, I don't recall any discussion about it.
- Q. Suffice it to say, Officer, when you get to the bit of the statement that deals with Mr. Barber, it is all your own work, is it not, and unaided? - A. Yes.
- Q. There was not any other officer there who was able to discuss it with you, was there? - A. No.
- Q. So, at that point, you could write down exactly what you chose? - A. That is correct.
- Q. Presumably you thought very carefully before writing anything down? - A. I would imagine I had done, yes.
- Q. We will come to that point that we touched on this morning. The very first thing that you write down is totally inaccurate, is it not, in the sense that it is a complete exaggeration of what you actually saw? - A. No, I saw the defendant throwing a stone at us. It is quite bad grammatically that I have put "stones" rather than "stone".
- Q. Let's talk about your bad grammar, Officer. You are aware that sometimes it happens that, for example, someone says they are going to plead guilty and you won't be called to court to give evidence? You have heard of that happening? - A. Yes.
- Q. And the only thing that the court can rely on in assessing

the seriousness of what somebody has done is your statement and then what is said on his behalf. Is that right? -
A. Yes.

Q. You have got Mr. Barber throwing more than one missile, have you not? - A. I have in the statement, yes.

Q. And it is totally wrong because you only saw him throw one? - A. That is correct.

Q. And you put that down to bad grammar? - A. Yes.

Q. JUDGE COLES: It is not a question of grammar, is it? Singular and plural is, I suppose, but it is just not right, is it, that he was throwing "stones"? It is just inaccurate, is it not? - A. Yes, sir.

Q. MISS RUSSELL: Or was it that what was going on was it was going to be suggested that people who were arrested were all stone throwers, and that was another suggestion made and therefore you just put it down without any thought? "I saw Mr. Barber throwing stones".? - A. No.

Q. JUDGE COLES: Let's have it. Was there ever a discussion that anybody arrested is going to be accused of throwing stones? - A. No, sir, that suggestion never came into it at all.

Q. MISS RUSSELL: You see, Officer, the jury have already heard evidence from one of your colleagues, Mr. Browning. Just so that you can be put fully in the picture - I don't want you to comment on it, I want you to explain it.....

JUDGE COLES: Well, what is the point of putting it to him?

Q. MISS RUSSELL: If I could deal with it in this way. It would be unusual, would it not, for two people from the same PSU to come up with identical mistakes about what somebody was doing? - A. I suppose it can happen.

JUDGE COLES: Is that your question?

MISS RUSSELL: That, I think, covers the point, Your Honour. I will no doubt comment on it in due course:

Q. So far as the statement is concerned, I dealt with the fact that it does not deal with what actually happened to him. It does not deal with his injuries in any way at all, does it? - A. No.

Q. And you arrested him for threatening behaviour? - A. That is correct.

Q. When you got back to the Command Post, that is presumably what you told the sergeant? - A. It is.

Q. JUDGE COLES: Before you go that far, there is something that interests me. What was the behaviour that was

threatening? - A. The way he was throwing - he threw a stone at us.

Q. The throwing of the stone you regarded as threatening behaviour? - A. That is correct.

Q. MISS RUSSELL: That is what you told the desk sergeant because he must have asked you the reason for arresting a man? - A. Yes.

Q. Have you any idea what is written on Mr. Barber's detention sheet? - A. No.

Q. I am going to read it to you and see if you can assist with it. The printed page is "Give reason for detention if not immediately charged", in other words, what he had been arrested for, and what is written is either the word "discussing" or "processing", nothing about threatening behaviour? - A. I can't account for the sergeant's actions.

Q. For some reason that you cannot account for the Bridewell sergeant has not written down that you made your arrest for threatening behaviour? - A. I can't account for him. I told him that was what I had arrested him for.

Q. Or was it, as I suggested earlier, you came across this rather nasty incident with Mr. Barber, you did not see him throw a stone, you joined in that day because your feeling was that anyone who was just there was a likely candidate for you as a snatch squad officer? - A. No, that is not correct.

Q. And it is only much later on in the room when you are making up your statement that you realise you have got to say your prisoner was throwing stones? - A. No, that is not correct.

JUDGE COLES: When you say he joined in, you are not accusing him of using any violence, are you?

MISS RUSSELL: I am, and I am going to come to the detail of that:

Q. Can I just get one thing quite clear? Before I put to you what I am going to suggest actually happened, you see him throw a stone from 30 or 40 yards away in the manner in which you described and he then turns and runs, does he? - A. Yes.

Q. Did he run up the road any distance? - A. No, from what I said before, he appeared to move sideways into the field straightaway.

Q. So, you are 30 or 40 yards away and, I will ask you again, Officer, you must have lost sight of him, must you not? - A. I don't recall doing so, but I may well have done.

Q. You may well have done. You have managed to cover 30 or 40 yards and he has covered the same distance. That is what

it comes to, is it not? He has gone 25 to 30 yards, I think you said, into the field? - A. I don't think I said that far.

Q. 25 to 30 feet? - A. Yes, he was only a short distance into the field.

Q. In the time it has taken you to run 30 or 40 yards, he has only run 25 to 30 feet? - A. Yes.

Q. That is what you said? - A. Yes.

Q. The distance from where you are standing to the jury box? - A. Yes.

Q. Did you actually see him running? - A. No.

Q. Well, what was he doing? - A. He stepped over the wall and disappeared down the embankment, down the small slope.

Q. JUDGE COLES: Do you mean that? - A. Yes, sir.

Q. MISS RUSSELL: Officer, I don't want to go back over old ground again, but some time ago when I asked you what was the other side of the wall, you said there was not really a drop and you have now got him disappearing down an embankment. - A. Sorry, it was a bad choice of words.

Q. JUDGE COLES: That is why I asked if you meant what you said.

MR. WALSH: he has already said "small slope".

JUDGE COLES: Yes, he did.

MISS RUSSELL: He has said lots of things:

Q. So, he disappeared? - A. And I must have lost sight of him for a very short period of time.

Q. For the whole period of his run, it would appear? - A. Yes, I think that is correct now you come to say.

Q. You could not possibly identify him by features from 30 or 40 yards, could you? - A. Yes, it appeared to be the same man.

Q. It appeared to be the same man? - A. That's right.

Q. Are you relying on clothing? - A. No.

Q. What? - A. His build, his stature, his hair.

Q. All that you took in? He has thrown one missile and then straight over the wall? - A. Yes.

Q. Of course, you made a note, did you, in your statement about it, that you lost sight of him for a period, bearing

in mind how important identification is? - A. No, I don't think I have.

Q. Just something else missed out in the heat of the moment?
- A. Yes.

Q. I suppose, Officer, if you were being scrupulously fair, you would have to agree that if you lost sight of him, it could have been a man of similar build and stature and clothing to the defendant? - A. Yes, it could well have been.

Q. Officer, I am just going to deal with what I am going to suggest to you is the truth of what happened that day so far as Mr. Barber is concerned. Just before his arrest, the police made some sort of charge, there was a scene of confusion, there were pickets running and policemen running after them? - A. That is correct.

Q. Mr. Barber - I am not going to deal with his movements earlier in the day because they are of no relevance - having walked down to a point where he was by that gap had stepped into that area, stepped, as it were, aside from the action.....

JUDGE COLES: By the substation?

MISS RUSSELL: By the substation.

JUDGE COLES: Out of the way?

MISS RUSSELL: Out of the way:

Q. And as people were running past, he saw them and for a moment he turned as if he was going to run too, but then somebody shouted out something to the effect, "Stand where you are, you've done nothing wrong", and when he turned round, really as a result of that shout, there was a police officer there with a truncheon out. That officer shouted something to the effect of, "Get off home" and Mr. Barber.....

JUDGE COLES: Just stop there. Let's ask if the officer can identify anything like that.

WITNESS: No, I can't.

JUDGE COLES: I think you can continue.

Q. MISS RUSSELL: Mr. Barber turned, the officer having said, "Get off home", and said, "I've only just arrived", and at that point he was hit a blow with that truncheon which went across his face sideways on, not a straight on blow but a sideways blow, that cut his nose and his head and knocked him effectively to the floor in a load of nettles? - A. I didn't see that.

Q. Then two other officers came up and they hit him a couple of times on the head and once on the inside of the right arm? - A. While he was on the floor?

Q. Yes? - A. I don't recall seeing that at all.

Q. Then what happened, Officer, is they sort of sit him up and two of them are either side of him holding his arms, one on each side, and that is when you come up? - A. No.

Q. You had your truncheon out, did you not? - A. No.

Q. And you went up effectively and did something really rather odd, because you went towards his feet - he was being held up by the other officers, still sitting up but on the ground - and you dropped down and you started hitting him on the lower part of his leg and his feet? - A. I certainly did no such thing.

Q. And he actually crossed his legs, and there is a particular reason for that I will come to.

JUDGE COLES: Are you suggesting he hit him on the soles of the feet?

MISS RUSSELL: The soles of the feet and towards the bottom of the leg.

WITNESS: I didn't do anything like that at all.

Q. MISS RUSSELL: And then, Officer, I will tell you what happened then: a more senior officer in a flat cap came up, did he not? - A. He did not, no.

Q. And he took one look at what was going on and effectively said, "That's it, put the cuffs on him, take him down", in other words he interfered with what your little group was doing? - A. No, that is totally untrue.

Q. No officer with a flat cap? - A. I didn't see any officer and didn't receive any instruction off him.

Q. The other officers who had been involved in this little scene just cleared off? - A. That is correct.

Q. Only they were the ones that handcuffed him, were they not? - A. No.

Q. Where did you get the keys for handcuffs from? - A. The keys, I had one off a South Yorkshire traffic officer because my own were in my suitcase back at the barracks.

Q. Where were your handcuffs? - A. On the defendant.

Q. I thought you stripped down and took off your notebook and everything like that, everything that could be bulky? - A. Handcuffs aren't.

Q. Are you saying handcuffs weigh less than a notebook? - A. No, but that was a part of what I would need in a public order situation.

Q. So you say you borrowed the keys from a South Yorkshire officer? - A. That is correct. With going out so early

in the morning, I had forgotten to bring mine.

Q. You had got the handcuffs? - A. Yes.

Q. But not the key? - A. Yes.

Q. You borrowed the keys from a South Yorkshire officer? Where was that? Was it later on at the Command Post? - A. That was at the Command Post. It was only then I realised I did not have my keys.

Q. Those handcuffs came probably from the ordinary policeman who was there. You remember me asking you about one in an ordinary helmet being there? - A. No, that is not correct. They were my own handcuffs.

Q. You just turned to any South Yorkshire officer, you being a Merseyside officer, and said, "Can I borrow the keys to your handcuffs?" - A. No, they are long round keys. My own handcuffs have a different key to the standard issue and the South Yorkshire. I happened to see an officer carrying his in a pouch. They looked similar to mine, so I asked him.

Q. How could you tell from the pouch that the handcuffs inside were going to be anything like yours? - A. Because the pouch, one handcuff remains outside and the other inside and a rubber thong holds them in, so I could effectively see one handcuff.

Q. Are you sure it wasn't the case you knew perfectly well, Officer, that not only the cuffs but at least one of the officers involved in this incident with Mr. Barber was a constable from South Yorkshire? - A. The officer may well have been from South Yorkshire, I don't know, with other officers there. They were my handcuffs that I actually bought myself when I first joined the police.

Q. Bought them? - A. Yes. At that time we weren't issued with handcuffs.

Q. You didn't have to buy your own truncheon, did you? - A. No.

Q. I have never heard of officers doing that. - A. It was the procedure at the time when I joined. All officers were not issued with handcuffs, but if they wished, they could purchase their own and use them in duty time.

Q. Just out of interest, bearing in mind that so far as Mr. Barber was concerned, considering you had seen him punched and pushed to the ground, his response when you challenged him was the relatively amicable one, "I've only just arrived", and no sign of aggression in that, why on earth did you handcuff him? - A. Because we were a fair way from the point where I had to take him to be booked in and rather than cause any situation where he could escape and cause injury to himself or other officers, I thought it was in the best interests at the time to handcuff him.

Q. But the whole of the police cordon had gone past you at this point - hundreds of officers - and you were the right side of hundreds of officers? - A. That is correct, but there is still a chance the defendant could have broken free and caused himself injury, or other officers injury, or injury to myself.

Q. He had given you no sign of aggression? - A. No, but I didn't want to give him an opportunity to.

Q. So, everyone you arrest, you handcuff? Is that your policy? - A. Not everyone.

Q. I ask about this, Officer, because we have got pictures, and I am not going to go through them, of a great number of people being arrested, albeit you were one of the few that apparently acted single handed, but it is right to say you are one of the few that uses handcuffs? - A. I don't know whether I am or not.

Q. I want you to look, please, at Exhibit 35, a bundle of photographs, and I want you to turn, if you will, to photograph B13, and I am going to apologise to the court, and no doubt Mr. Walsh, and certainly the jury because this is going to be another one of those magnifying jobs.

JUDGE COLES: Sometimes it has been necessary.

Q. MISS RUSSELL: Have you got photograph B13? - A. Yes.

Q. Just so we can set the scene, Officer, we can see in the middle of the road an officer with a white shirt on, can we not? - A. Yes.

Q. And then we can see two men being brought down, one back to the cameraman with a white T-shirt on and one with no top on? - A. Yes.

Q. In jeans with brownish hair? - A. Yes.

Q. If we look between those two men, you can just see what appears to be a group - do you see a notice board? - A. Yes.

Q. A white notice board. Just to the left of that there appears to be an officer with what would seem to be a riot helmet? - A. Yes.

Q. A little bit of what seems to be flesh coloured? - A. Yes.

Q. It would appear, looking at it through the magnifying glass, Officer, that seems to be, on the face of it because you can actually see the blue of the jeans and the brown of the hair, some person with a riot officer, does it not? - A. Yes.

Q. It does appear that there is possibly, although it is difficult to tell in that photograph, another officer there? - A. Yes, it would seem so, behind him.

- Q. If we turn over the page to the next photograph, what we can see in that photograph, Bl4, I am going to suggest to you that those two photographs show the very tail end of the arrest of Mr. Barber, with you solely in the company of a senior officer who came up and, as it were, put an end to the whole thing? - A. As you can see from the photographs, it does not show any of the faces that can be identified. I don't recall any senior officer being there, so I can only assume it is not me.
- Q. You see, Officer, I might make it quite clear that what I have to put to you so far as that area, which is where you conceded earlier today this arrest may have taken place, is that so far as we can tell from the statements, not just concerning this case, nobody else appears to have been arrested in that location except Mr. Barber? - A. I certainly do not remember any senior officer coming to me and stating what you have said. What I have allegedly done, I certainly did not do.
- Q. We can certainly see arrests are being made by officers in ordinary helmets. In other words, they are up in the action at this point? - A. Yes.
- Q. I am just going to complete what I am going to put to you is the defence case so far as this is concerned, that when the senior officer came up, at that point, in effect, the handcuffs were put on, he was lifted up, the other officers leave - he is not sure of exactly all the sequence - there is you there, and you effectively are the one that marched him down? - A. No, that is not as it happened.
- Q. There was no conversation? You did not actually point out to him what he had been arrested for, or caution him, or any of those things? There was no conversation except when he turned to you and said, "This is all wrong, I've only just arrived."? - A. No, he only said to me, "I've only just arrived."
- Q. When you go to the Command Post, you stood Mr. Barber up against a wall, and you were standing at the side of him, and there was a police woman there who said, "Bring him over to me and I'll clean him up." Do you remember a police woman doing that? - A. No, they came along the line. We didn't go across to anyone.
- Q. She cleaned the blood off his face and his chest and asked him how he had done it. Do you remember that? - A. No.
- Q. He said it was those dressed in the same uniform as you? - A. I don't recall him saying that at all.
- Q. And you intervened and said, "It must have been when you fell over that wall"? - A. No, I didn't say that.
- Q. And Mr. Barber said, "That's what you'd like to think"? - A. No, I don't recall him saying that at all.
- Q. The police woman asked him if he wanted anything for the

nettle stings and he said "No" to this? - A. She may well have done. I don't recall her asking him that.

- Q. At some stage, when he was at the desk and the cuffs were still on, the sergeant behind the desk told you to take the cuffs off, and that is when you had to search for a key because you said, "I haven't got a key for them"? - A. No, it was when we were in the corridor that I realised I didn't have the keys.
- Q. There is one thing you said on the way down when he said, "This is all wrong, I've only just arrived", and that was something to the effect, "I've seen all these bastard lot in Liverpool." Do you remember saying something to that effect? - A. No, I don't recall saying anything like that at all.

JUDGE COLES: I don't quite follow. "I have seen all this bastard lot in Liverpool" - are you suggesting this officer said that?

- Q. MISS RUSSELL: That is the only suggestion I have made which seems to cause any shock or horror to cross your face. Can I take you to the very last line in your statement, which says, "The scene today I think was of as equally frightening nature as the Toxteth riots in 1981." It was something you bothered to put in your statement? It was not something you said to Mr. Barber? - A. No.
- Q. Not in quite the same polite language, but that is what I am going to suggest? - A. I did not say that at all.
- Q. When he was asked by the desk sergeant, "What charge?" and in fact said to you, "The same as the others?", all you said was "Yes". - A. No, I told him I had arrested him for threatening behaviour.
- Q. You know Mr. Browning, do you? - A. Yes.
- Q. I suppose any suggestion that may be you and Mr. Browning were dragging your heels a bit that day, perhaps because you didn't have shields and didn't want to get straight into action, any suggestion that that was going on would be quite wrong, would it? - A. It would be incorrect, yes.
- Q. Because you certainly are able to run a lot faster than Mr. Browning? You are a lot younger, are you not? - A. Yes, I am.
- Q. Thank you.

CROSS-EXAMINED BY MR. TAYLOR:

- Q. Mr. Gray, in a minute or two I am going to read out some names to you to see if you know them.

JUDGE COLES: Surprise, surprise!

- Q. MR. TAYLOR: Someone, sometime is going to recognise one of these names. Before I do that, when the rest of your unit came back to reassemble just before going home, did Inspector Owen carry out what could be called a debriefing session? Do you understand what I mean by that? - A. I presume you mean he asked us what had gone on?
- Q. Yes? - A. He did ask something like that.
- Q. He is the person who has got to fill in his PSU operational log? - A. I presume that is one of his responsibilities.
- Q. All the PSU commanders have to do that. - A. I believe they do.
- Q. I can tell you that we have seen quite a lot of these logs to do with this case. Now, did you see him writing anything down at the end of the day? - A. No, I don't recall.
- Q. But he did gather certain information, did he? - A. Yes, he asked all of us if anyone was injured and whether anyone had arrested anyone.
- Q. That accords with the operational logs we have got. There is a page of it for injuries to unit personnel and a page in it for arrests by the PSU. If your name appears in this particular section with your number, under the column "Arrested by", your rank and so on and then the name of your prisoner, is that information which you personally gave to Inspector Owen on the day? - A. I will have told Inspector Owen that I arrested someone. I don't recall telling him his name, the defendant's name.
- Q. Can you say, if you did not tell Inspector Owen his name, where he got it from? - A. I would be guessing if I said he would go to the Command Post for it.
- Q. It would be a lot easier for him to ask you would it not, because this conversation would have taken place towards the end of the day? - A. That is correct.
- Q. Did you make a note of your prisoner's name? - A. I think I will have written it on a separate piece of paper.
- Q. Can you remember Inspector Owen asking the other people in your group similar questions to that? "Were you injured?" "Did you arrest people?" - A. I recall Inspector Owen coming to the side of the van and asking who had locked up and who was injured, if anyone.
- Q. Which police station are you from? - A. I am currently from Lower Lane, but at the time I was posted to Walton Lane.
- Q. Can I just ask you about the members of the PSU that you were in that day? You say you were in Sergeant Gradwell's group? - A. Yes, he was in our van.
- Q. What I want you to do is to think back to June of last year

- when you were here on this particular day and to see whether you knew personally the people that were in your PSU. Does that usually apply? Would you have known them? - A. The PSUs are normally made up of persons off your own shift, your own block, with various changes. You don't always know people from other stations, but you generally know from your own station.
- Q. But your PSU will be taken from the same division, will it not? - A. That is correct.
- Q. Just listen to these names and see if you know them. You obviously know Sergeant Gradwell? - A. Yes!
- Q. Do you know Austen? - A. Yes.
- Q. A person called Sutherland? - A. I know the name but I can't put a face to it.
- Q. P.S. Shelton? - A. No.
- Q. Fred Browning, you have already told us you know? - A. Yes.
- Q. Mr. Kearns, you have already said you don't know him? - A. No, I don't know him.
- Q. Mr. Gale? - A. Yes.
- Q. Mr. Graham? - A. No.
- Q. Mr. Mulcahy? - A. Yes.
- Q. Mr. Beattie? - A. No.
- Q. For the other part of the PSU there was another sergeant. Can you remember his name? - A. No.
- Q. Sergeant Hillhouse? - A. Yes, I know Sergeant Hillhouse.
- Q. P.S. McQueen? - A. Yes.
- Q. Will you look at Exhibit 21, please, and will you look at page 33? - A. Yes, I have that photograph.
- Q. Are you able to identify Mr. McQueen from that photograph? - A. No, I am sorry, I can't.
- Q. Do you know P.C. Moore? - A. No.
- Q. Johnstone? - A. Yes.
- Q. Wright? - A. I know the name, but there are a number of Wrights.
- Q. This one is 3546? - A. Is his initial S - Steven?
- Q. I don't know that? - A. I will say "Yes" then because it is about the right service for the one I know.

- Q. Do you know P.S. Moore, 6954? - A. No.
- Q. P.S. Holsall? - A. I know him now, but I didn't know him at the time.
- Q. Evans? - A. Yes.
- Q. Anderson? - A. No.
- Q. Morton? - A. No.
- Q. Lynam? - A. Yes.
- Q. Hamilton? - A. No.
- Q. Can you look at another exhibit, please, No. 35, the colour one, and look at B18? - A. Yes.
- Q. Do you see anyone in that photograph that you recognise? -
A. Yes, Inspector Owen.
- Q. Can you point him out? - A. He is next to the horses.
- Q. That is Inspector Owen? - A. Yes.
- Q. Do you see someone also with a riot helmet facing the camera sort of side on? Do you recognise him? - A. No, I don't recognise him.
- Q. Will you look again at Exhibit 21, photograph No. 8? In photograph 8 do you see two groups of police officers, two pairs of police officers? - A. Yes.
- Q. Dealing with the left, first of all, do you recognise Mr. Gale? - A. Yes, he is the one on the left-hand side as you are facing.
- Q. Do you see the person on the other side of his prisoner? -
A. Yes. I don't recognise him.
- Q. Is that Sergeant Gradwell? - A. I am unable to say. I don't recognise him at all.
- Q. Then the first two coming in front, do you recognise the person nearest the camera? - A. No.
- Q. Will you look at this photograph, please, which is the same thing but bigger? (Handed). Does that help you because it is a bit of an enlargement? - A. No.
- Q. He is a Merseyside officer, is he not? He does not mean anything to you? - A. He appears to be a Merseyside officer, but his face and build doesn't jog any memories of anyone I know.
- Q. From the way he is dressed, isn't he somebody you can say is from your division? - A. No.

- Q. Isn't he from your own PSU? - A. He may well be. I am unable to tell. I don't know his face or stature.
- Q. Have a look at the small photograph again. Are those the sort of straps for the shin pads you had in your PSU? - A. Yes, they are standard issue throughout our force.
- Q. Aren't there other officers from your force who have like cricketer's pads that you wear outside the trousers? - A. They may well have. To the best of my knowledge, these are the ones issued certainly to our division and to many other divisions. If there are other types, I am unaware of them.

JUDGE COLES: Is that a convenient moment?

MR. TAYLOR: Yes, Your Honour.

(Short Adjournment)

CROSS-EXAMINED BY MR. MANSFIELD:

- Q. Officer, I have one question. Would you look at Exhibit 30 again? It is the coloured photograph. If you look at photograph 4 in that, to save a lot of time, I am going to ask you to look at one particular figure on there and I would like your help. The figure of a police officer closest to the cameraman near the coping scene at the end of the bridge, do you see him? - A. He has the shield in front of him.
- Q. A Merseyside shield, as far as we understand, a Merseyside helmet, it would appear. Do you want a magnifying glass? - A. If I may (handed).
- Q. The question is going to be who is it? - A. His face seems familiar, but I can't put a name to it.
- Q. The suggestion, I believe, was made on a day that I was not here that it was Mr. Pimblett.

JUDGE COLES: That was Mr. Scotland who made that suggestion.

- Q. MR. MANSFIELD: Did Pimblett arrest someone else further back?

JUDGE COLES: It was not a very positive identification.

- Q. MR. MANSFIELD: I certainly do not recollect that as looking like an officer I have seen, but you say the face looks familiar. If you have Mr. Taylor do his roll call, it wouldn't help, I suppose? - A. If he could.

JUDGE COLES: Mr. Taylor, you are being asked to do an encore!

WITNESS: Would it be easier if I looked down myself?

MISS RUSSELL: Your Honour, that would be of tremendous assistance.

JUDGE COLES: Mr. Walsh, you are restricted to questions of fact.

MR. WALSH: I am very grateful:

- Q. Do you see either you or your prisoner on either photograph B15, 16 or 17? - A. No, Your Honour, I don't.
- Q. Do you see in fact on 16 and 17 horsemen? - A. Yes.
- Q. I hope no-one will object if I say that on 16 the horses are facing the camera. No, no-one has objected. Do you see that? - A. Yes, sir.
- Q. On 17 some of them appear to be turning round? - A. Yes.
- Q. Did you have to pass any scene or incident like that? - A. No.
- Q. Would you look, please, at Exhibit 9. I think there are a couple of photographs there about which you have not been asked. I just want to clarify something. Just start from the beginning so that you orientate yourself from where these photographs were taken. Photograph 1 is taken looking up the road towards the bend with the main gates behind and to the left of the cameraman. - A. Yes.
- Q. 2 further up. Now, 4 and 5, did you ever get as far as either of the positions shown on those photographs? - A. No, I did not.
- Q. You did not? - A. I did not, no.
- Q. You have been asked about the nature of the offence for which you arrested the defendant and, as we can see from the statement, of which the jury have copies, you refer to having told him you were arresting him for threatening behaviour? - A. That is correct, sir, yes.
- Q. Whose idea, if anybody's, was it to arrest for that particular offence? - A. Mine.
- Q. Had anybody suggested to you that day what sort of offence people should be arrested for? - A. No, there were no suggestions whatsoever.

MISS RUSSELL: Your Honour, with respect, I hesitate to rise, but I always thought re-examination had to arise out of matters that were put in cross-examination. I never suggested to this particular officer that there was any prior discussion so far as he was concerned about what people were to be arrested for.

MR. WALSH: My learned friend asked him why he arrested for that particular offence and what was the threatening behaviour.

Q. Will you just check to see if that is right? - A. Yes, the photographer has moved to a different position.

Q. He is still about there in 16 and 17.....

MISS RUSSELL: That is not right. The photographer is, for a start, in the picture of David Bell, facing away, across, although it would appear roughly at that point the photographer is at the bend sign, and I think we know where that is.

JUDGE COLES: Let's not have a comment on this photograph. If you are going to call a photographer who says it is not right, we will certainly hear that in due course. This witness is not in a position to express a view. Let's not have a running commentary.

MISS RUSSELL: May I make this point, that for re-examination my friend is, in effect, asking this witness now to comment on position and timings of photographers, something which, in a sense, this witness is obviously in a difficult position so far as his own knowledge of these things. If I can give Your Honour an example?

JUDGE COLES: In fairness what he is being asked about is does photograph 15 appear to have been taken in about the same position.

MISS RUSSELL: Your Honour, may I give an example? I think it is a highly speculative exercise. My learned friend said we don't know the period of time between photographs 13 and 14. If Your Honour remembers, I think photograph 31B, which is the one of the two men coming back, the black and white one, which is very similar to that one, Your Honour may remember that in fact is Mr. Foulds shown in the background of it, and therefore, to have invited the witness by saying he does not appear in the colour one nor on the next, in effect, the next one is Mr. Foulds and therefore there is a time gap between the two is not consistent with the exhibit.

JUDGE COLES: I don't think that was suggested.

MR. WALSH: I really don't understand my learned friend. She has invited the witness to look, for the purpose of cross-examination, at two photographs in Exhibit 35. I want him to look at two more.

JUDGE COLES: I can see no objection.

MISS RUSSELL: I do not object to my learned friend asking a witness about the photographs, but so far as the time gap, the angle of vision and where the photographer was, I do not see that, unless this witness actually saw the photographer, he is not in a position to help the jury.

JUDGE COLES: Will it help you if I say I shall restrict Mr. Walsh to questions of fact?

Q. Can you tell whether that is a hand or a person other than either of those two men? - A. Not entirely. I feel you would be making assumptions.

JUDGE COLES: You can't tell what it is.

Q. MR. WALSH: Can you see any third person there? - A. Not as such, no.

Q. Obviously I don't know, and neither do you, what length of time past between the taking of photograph 13 and photograph 14 - do you follow? - A. yes.

Q. You can flip back to 13 and we can see that in 13 there are some people who have vanished from the scene by 14? - A. Yes.

Q. And the people who are 14 have not yet come into camera on 13. Do you follow? - A. Yes.

Q. For example, the officer on 13 is nowhere to be seen on 14? - A. That is correct, yes.

Q. Looking again through the magnifying glass at 13 - take as much time as you need - you have to look now to the left of that notice board and just follow it. - A. Yes.

Q. What is it that you can see with any degree of certainty or clarity? - A. From the wall, you can see the wall, a bush, a figure with a helmet on that appears to be a police officer. Behind it you can see, either side of the police officer, something white on either side, something blueish at the bottom of that, and then there is a darkish figure behind.

Q. It is suggested on behalf of the defence that that is you and Mr. Barber. What do you say about that? - A. I don't recall that being me.

Q. If that is you, and making all allowances for the fact that these are not three-dimensional photographs and therefore you cannot see depth as opposed to width, do you see where the large cordon of police officers is, both on 12 and 13? - A. Yes, I would say they were roughly level with me, if that is me.

Q. Sorry? - A. If that is me, it would be that they are parallel with me.

Q. When you emerged over the wall from the place where you arrested Mr. Barber, did you see any police officers forming a cordon at that point? - A. No. If you recollect from my evidence earlier, I said I did not recollect walking through any police cordon.

Q. Just to look on through those photographs, the cameraman seems to have maintained more or less the same position for a little while, but I think you will find there is no photograph there of either you or Mr. Barber coming down the road. - A. No.

called a contact sheet of photographs that have been put in from time to time by various of my learned friends which contains more photographs than the ones that they have asked so far to be exhibited (handed)?

JUDGE COLES: There is no need to make this an exhibit.

MISS RUSSELL: Your Honour, no. What we have done is we have selected various photographs out. That contact sheet shows the order the film is shot in.

JUDGE COLES: We can tell that because at the bottom of each frame is the number on the frame.

MISS RUSSELL: What we have given Mr. Walsh is a contact sheet from which the individual photographs have come.

MR. WALSH: Your Honour, the jury will remember the significance of the numbers on the negative:

- Q. Have you got that? - A. Yes.
- Q. In fact the photograph I showed you, 31B, is either the first or the second, I am not sure which, but it doesn't really matter for the purposes of the question, on this roll of film. - A. Yes.
- Q. If one looks along to the top right-hand corner, photograph 6 or 6A, I think that is you with Mr. Barber? - A. That is correct, yes.
- Q. And it looks as though to the left of you there is the wing and mirror of what would appear to be an ambulance shown at the far right-hand side of the first and second photographs. Do you see? - A. Yes.
- Q. So it really looks as though on your way from where you arrested Mr. Barber to the Command Post you walked past those ambulances? - A. It would appear so.
- Q. Do you have any recollection of doing so? - A. I have no recollection of it, no.
- Q. We have just cleared that one point up. I was going to ask you, have you got the magnifying glass? - A. Yes.
- Q. Exhibit 35, do you remember you were asked to look at B13 and 14? - A. yes.
- Q. Could you look at 14 through the magnifying glass, please, and look at that gap between Mr. Foulds' head and the officer's helmet? - A. Yes.
- Q. I think you acknowledged you can see two figures in dark clothing? - A. Yes.
- Q. Can you see anything else other than those two figures in dark clothing? - A. You can see something white about waist height.

MISS RUSSELL: Yes, Your Honour. I think it can be done by Mr. Walsh asking, "Looking at this sequence, officer, do you think it possible that in fact you were mistaken in saying you did not walk him past an ambulance higher up than the Command Post?" I think that would probably cover it.

MR. WALSH: I have no objection to that. It was only, as it were, a parenthetical question of my own. I was more interested in the scene on the road than the position of the ambulance.

JUDGE COLES: Any other problems?

MISS RUSSELL: No.

MR. O'CONNOR: Your Honour, I suspect the problem arose out of the word my learned friend used in asking his questions, particularly in re-examination. That question was asked, "Do you remember?" or "Can you remember?" or "Can you recollect walking by this ambulance?" and I am afraid that regularly and effectively conveys an impression to a witness that they may say, "No, I don't." That is then used very frequently either by further questions or otherwise to justify a conclusion that therefore the witness did not do whatever he could not remember doing.

JUDGE COLES: It is one of the unfortunate features of questions, whether leading or not. Some witnesses may or may not get the impression that they lead to a positive or a negative response.

MR. O'CONNOR: I would express my preference because I find "Do you remember" doing something is an objectionable question. I do not ask Your Honour to rule, but that form of question is regularly used by my learned friend and it would surely be better to ask, "Did you walk by any ambulances?"

JUDGE COLES: That is a leading question.

MR. WALSH: If I objected every time my learned friends asked a witness if he could remember something, we would be spending our time objecting to everybody.

JUDGE COLES: I am not going to make a ruling about it and nor am I expected to.

MR. WALSH: I did not think Your Honour would.

JUDGE COLES: Could we have the jury and the witness back?

(The witness and the jury returned to
the court room)

Q. MR. WALSH: Have you still got Exhibit 31B, the one with the ambulances on it? - A. yes.

Q. I wonder if you would be good enough to look at what is

far as the sequence was concerned, I thought it was a matter best left alone. However, as Your Honour will see from the sequence, it starts in the top left, 1A, 2A.....

JUDGE COLES: These are police photographs, are they not?

MISS RUSSELL: No, Your Honour. They start at 1A, 2A, 3A is, as Your Honour will see, Mr. Jackson, 4A is very similar, 5A is someone who is not a defendant in this case, and 6A is the first shot of Mr. Barber. As Your Honour will see, quite clearly shown in that shot is the corner and wing mirror of some sort of vehicle, and one only has to look, as it were, at the next in sequence from the photographer, who has obviously started at a point, and go back to 1A to see what one is doing. I am not going to take any false point, but this officer has said in terms that he did not walk Mr. Barber past any ambulance until right down at the Command Post. That is obviously not a shot at the Command Post.

JUDGE COLES: I think your point is fairly clear.

MR. WALSH: Your Honour, I have only just been handed the contact sheet.

JUDGE COLES: Do you want time to consider it?

MR. WALSH: No.

MISS RUSSELL: It was a point that I was going to deal with in cross-examination, depending on the location, and once he conceded the location, there seemed little point.

JUDGE COLES: If I may say so, I entirely agree.

MISS RUSSELL: Your Honour will appreciate that this officer said he did not walk past an ambulance, but it appears from this that he did so at a point considerably higher up than the Command Post.

MR. WALSH: The only problem is if I put it through a leading question to the officer who, on the face of it, is mistaken, and in any event it is difficult to see what one can do about it at the moment.

JUDGE COLES: I don't suppose you would have any objection to him looking at the photograph?

MISS RUSSELL: Your Honour, I have a selection of contact sheets because, so far as sequence is concerned, it is obviously most relevant.

JUDGE COLES: I take it you will permit Mr. Walsh to ask such leading questions as are necessary to get rid of this misunderstanding?

- Q. And there is, as it were, a gap between what appears to be two groups where you can see the bonnet or the radiator of an ambulance peeping through in the rear? -
A. Yes, you can see the registration plate.
- Q. Do you see something on and above the ground between the ambulance and the police officer? - A. Yes, it looks like wire.
- Q. How, if at all, does that compare, from what you can see of it, with the wire that you held down? - A. That is of a similar size and nature, and I imagine it would coil into a large spring like that after it was pulled down.
- Q. At the time when you had anything to do with it, was it in a coil or was it lying flat on the road? - A. I had stood on it. It was still flat on the road.
- Q. Do you still have the magnifying glass? - A. No (handed).

MISS RUSSELL: Your Honour, before my learned friend goes on, there is a matter which, to be fair to the witness and to be fair to the court, I would want to discuss with Your Honour at this point in the absence of the jury and in the absence of the witness. It will only take a few moments, no more than five minutes, but I think there is a particular problem that arises out of the re-examination having been started in that particular way, and I think it would be unfair not to put my learned friend for the Crown on notice of it at this point.

JUDGE COLES: Would you like to have a quick word with Mr. Walsh and see?

MISS RUSSELL: No, I would like to have a quick word with Your Honour.

JUDGE COLES: Very well.

(The jury left the court room)

MISS RUSSELL: I wonder if the witness could withdraw as well?

(The witness left the court room)

MISS RUSSELL: Your Honour, if I may pass this particular sheet to Your Honour so that you will understand what I am talking about. (handed).

JUDGE COLES: Have we seen this contact sheet before?

MISS RUSSELL: No, Your Honour, some of the shots in it. As Your Honour can see, this is the contact sheet that my learned friend for the Crown has just referred to in asking those questions of the officer. At one stage, Your Honour, I was going to take the witness through in cross-examination the sequence, but bearing in mind the length of time that this particular trial has taken, so

Q. MR. MANSFIELD: It might spare us. Yes, I have got a photocopy of what he reads. Ignore the comments, please (handed). - A. If I may ask, I said before Sutherland and I can't recall whether I said I knew him or not.

MR. GRIFFITHS: Your Honour, it has been misread on a number of occasions. It should be Rutherford, not Sutherland.

WITNESS: Well, in that case, I may be mistaken, but it looks very similar to a Colin Rutherford of my division. He has the right sort of face, a very thin face, as in the picture, but I wouldn't positively say it was. It has the features of him.

MR. MANSFIELD: It effectively could be Rutherford? Rutherford is certainly in Inspector Owen's division, along with Browning, who the jury have heard from, and Austen, Kearns and Gale. Thank you very much.

RE-EXAMINED BY MR. WALSH:

- Q. Would you look, please, at Exhibit 31B, I think it is? I suspect it is one of a group of individual photographs off to your right. Now, just to try and orientate you, this is taken of a spot, I was going to say, below the railway bridge, but you don't know there was a railway bridge, so it does not help you too much, but certainly if those ambulances weren't there, one would be looking through them at the sort of place that has been shown in the photographs where that electricity substation is. Do you follow? - A. Yes.
- Q. It may be, and you alone can help us at the moment, that this photograph was taken after you walked Mr. Barber down towards the Command Post. Do you follow? - A. Yes, I am with you.
- Q. First of all, so that we can discover if that is so, were there any ambulances parked as we see them in that photograph when you went down with him towards the Command Post? - A. No, the only ambulances I recall were outside the Command Post.
- Q. Very well, this photograph was obviously taken later. You gave evidence, and you were questioned about it, concerning the state of the road from stones and other things when you ran up? - A. Yes.
- Q. Looking at that photograph how, if at all, does what you can see of the road compare with what there was when you ran up? - A. I have a recollection of it being more than that where the main stone throwing had been further down earlier in the day.
- Q. Do you see that there are several pairs of police officers to the left side of the road and then slightly off to the right? - A. Yes.

JUDGE COLES: I think I asked about threatening behaviour.

MISS RUSSELL: With respect, that was a question from His Honour.

JUDGE COLES: The next question is as to whether there is re-examination allowed on questions asked by me. The answer is all counsel can ask further questions following on a question I have asked. I think technically Mr. Walsh is entitled to enquire about the matter. If you feel aggrieved about a question I asked and yourself wish to ask a further question, I am bound to rule you are entitled to ask as well.

MR. WALSH: Your Honour, I believe there was some questioning, indeed there was, and not by Your Honour, as to what was said to the detention sergeant and that it was either because my learned friend could not read his writing and whether it had been left in abeyance. All that entitles me to question this officer.

JUDGE COLES: There was some suggestion why everybody arrested should be said to have been throwing stones and some investigation as to what the sergeant had been told about the matter.

MR. WALSH: I am entitled to ask these questions.

JUDGE COLES: I have no doubt about that.

- Q. MR. WALSH: Now, you have answered the question you were not told and you did not discuss? - A. No
- Q. Did you actually see what the man who I think we call the Bridewell sergeant was actually writing down whilst you were there? - A. No, I did not.
- Q. Thank you very much.

JUDGE COLES: I see no point in calling another witness.

MR. REES: Your Honour, the difficulty with Newbigging is he does not actually place the incident. It would have been useful to know when he is placing it so that I could consider it. If he is not here, he is not here.

JUDGE COLES: If you need time to consider it, Mr. Rees, you have been very patient and nobody can say you have been responsible for causing any delay. So, if you need any time tomorrow, please feel free to ask. He is apparently not here anyway.

MR. WALSH: He was here earlier in the day, but we took a guess as to how long things would last and he was told he would not be required. I gather my learned friend Miss Russell wants this photograph exhibiting.

MISS RUSSELL: Your Honour, I suppose it could be 66E. It is the detention sheet photograph.

JUDGE COLES: We are going to put all these polaroid photographs in one?

MR. WALSH: In due course that was the idea.

JUDGE COLES: I think probably it would be best if it is left in there, presumably with some roman numerals or something and it will be more readily findable there than elsewhere, perhaps. Very well, 10.15 in the morning. I should give people as much warning as I can about the possibility, which I think is a real one, that the court will not be sitting on Monday of next week. I shall not know for certain until tomorrow morning.

(The court adjourned until 10.15 a.m.
the following day.)