

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield

3rd June, 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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DAVID MOORE

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GEORGE KERR McLELLAND FOULDS

BRIAN IRVINE MORELAND

ERNEST BARBER

DAVID RONALD COSTON

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ERIC SCOTT NEWBIGGING

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DAVID BELL

REPRESENTED BY:

MR. G. TAYLOR

• MR. M. MANSFIELD

MR. M. MANSFIELD

MR. P. O'CONNOR

MRS. V. BAIRD

MISS M. RUSSELL

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MR. E.P. REES

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MR. P. GRIFFITHS

MR. M. MANSFIELD

MR. E.P. REES

MISS M. RUSSELL

MISS M. RUSSELL

Monday, 3rd June, 1985

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Monday, 3rd June, 1985.

CHIEF INSPECTOR HALE Recalled

Cross-examined by MR. MANSFIELD:

- Q. Mr. Hale, remember late on Friday we were dealing with a paragraph in your statement to do with 7.20 and what you had said to the officer taking the statement about what was going on at that time? Do you remember where we broke off? - A. Yes, I do.
- Q. I want to go back in time before 7.20 on the 18th, because you arrived at about four o'clock in the morning. Is that right? - A. Yes, that's right.
- Q. What were you doing between four o'clock and six-fifty? - A. We would be, or I would be looking at the situation, the way things were building up.
- Q. Now, where would you be doing that, outside the building or inside the building? - A. I would start inside but from time to time would go out of the building to look at the situation.
- Q. Right. Because the paragraph before the one we were dealing with on Friday and your evidence itself seemed to be suggesting that from the beginning, the words you used as from the outset, "The demonstrators" - A. Yes.
- Q. "The demonstrators were hostile". Do you remember you said that throughout? - A. Yes, gave the appearance, yes.
- Q. Now, do you mean, so there is no mistake, hostile from 6.50 onwards, or hostile from the beginning of the time when you started to monitor what was going on? - A. What I mean, as I said previously, I was walking up to the front, having a look at the demonstrators as they were arriving, and the impression I got was that they appeared to be hostile, more hostile than on previous occasions.
- Q. I am going to suggest to you, as I suggested on Friday at various critical points - and I will suggest the beginning of the day is a critical point - that you are just not telling the truth about it. You are saying that at the point you went out, at that particular minute they appeared hostile and quite different to other days? - A. Yes.
- Q. I will suggest to you that other than the numbers, the atmosphere of the demonstrators, their attitude and so on, was exactly the same as it had been on many other occasions. It was, in fact, good humoured, wasn't it?

- A. No, it wasn't.

Q. Now

Q. JUDGE COLES: Never? - A. Never good humoured. It had been good humoured on previous occasion but there was a complete and distinct difference on this particular day.

Q. From the very early hours? - A. From the first time I went out and experienced the demonstrators that were arriving.

JUDGE COLES: Yes, I want to make a note of that.

Q. MR. MANSFIELD: And that, you say, was one of the reasons why the mounted Police were put out? - A. Yes.

Q. And you played a part in that decision, did you? - A. No.

Q. You knew the decision was being taken? - A. Yes.

Q. And you didn't disagree with it? - A. No, I certainly didn't.

Q. I am going to ask you to look at a small stretch of film in a moment. Before I do, do you say that despite the arrival of large numbers on this day, or the possibility of the arrival of large numbers, when you had your briefing at four o'clock in the morning, or whenever it was, no special considerations were borne in mind? It was just a normal briefing? - A. No. We knew very well that there were large numbers on the way.

Q. Yes. Now, knowing that there were large numbers on the way, what special provisions did you make to accommodate large numbers peacefully? - A. Special provision would be excess officers.

Q. Excess officers? Is that the only provision? - A. In the sense of what, Mr. Mansfield?

Q. Well, Mr. Hale, you're the tactical officer, you are the one who adopts tactics? - A. Yes.

Q. Now, if we are sitting here and we know that large numbers of people are going to arrive at a particular scene, more than there have been on previous days, you start to consider the difference, don't you, of how to handle it, not just saying, "We'll get more Police", that's not the only reaction, is it? - A. We have the Police there that are capable of all the options that are available.

Q. All the options? Now, I want to ask you what you are saying, because I will suggest to you that your reaction to the day, like other senior officers, was to take them on and once and for all to make sure there could not be much demonstration near this plant from the 18th onwards. That was the object that day, wasn't it? - A. Not at all.

- Q. And that is why all you can talk about is options, isn't it? Either, "We will use mounted Police or short shields or winged carriers". Did anybody think about holding these demonstrators in a different area which was a bit bigger? - A. That area was perfectly suitable.
- Q. Was it? Right next to the village, Mr. Hale? Was it? - A. Yes.
- Q. You still say that? - A. Yes.
- Q. Even now, Mr. Hale, looking back on the day, you still say that that holding area was the most suitable? - A. I certainly do. That area is an open area with fields around it. There is no village in the vicinity of the plant. That is an ideal position.
- Q. The topside holding area leads into the village over the railway bridge. - A. The field is perfectly appointed to hold the demonstrators.
- Q. You didn't consider any other holding area because you wanted to have people too, didn't you, with all your mass power and weaponry that the Police had at that time on that day? - A. We did not organise 8,000 demonstrators. We did not organise the brick-throwing.
- Q. All right. So, what you have to say, I suggest to you, Mr Hale, is that right from the outset, that is why you are saying it, hostility was shown? - A. I am saying it because hostility was shown.
- Q. Right. Now, I wonder if, with his Honour's permission, the beginning of the very first tape, which is about six o'clock through to the time when the watch is showing 7.14 - in fact, it is not, you will be glad to know, 40 minutes of tape, it is far less than that - I wonder if that section could just be shown to you now?
(Video Tape shown) Mr. Hale, I appreciate that that showing very clearly is not the whole of the hour-odd between six o'clock and seven o'clock, but what we did see there undoubtedly, do you agree, first of all, are demonstrators clapping? Did you hear it just then? - A. Yes.
- Q. You heard demonstrators laughing? - A. Yes, I've heard that, yes.
- Q. I put it to you that that stretch of film shows there is absolutely no hostility whatever by the demonstrators. Is there? - A. Yes. What you can't hear, you can't feel the atmosphere. You weren't there. You can't hear the comments that are being passed.
- Q. So, you say that is not a fair representation of the atmosphere, do you? - A. I say that you can't tell from that film exactly what the atmosphere was.
- Q. I see. Who was the senior officer there? Was it Mr. Povey that we could see, or did you not notice? - A. I saw Mr. Povey on the film, yes.

- Q. He was there? - A. Yes.
- Q. Did you see yourself on it? - A. I didn't, no.
- Q. Quite clearly, that stretch of tape also shows a point in time when the horses are being brought out, or some are and some are already in position. You saw that there? - A. Yes, I did see that.
- Q. All right. You say that doesn't demonstrate atmosphere. I suggest you aren't telling the truth about it. Now, I want to move on from that period to around 7.20, shortly after, when you say that the tension is "upped" by the demonstrators, not by the Police, as it were, by a few missiles being thrown? - A. Yes.
- Q. Did you or anyone else take any steps to cool the situation down, if you are telling the truth? - A. Yes.
- Q. What did you do? - A. We did not deploy shields at that time.
- Q. Is that all you can think of, terms of shields, horses and truncheons? If you have, according to you, by 7.20 over 700 on the topside, hostile in the beginning, you claim, 7.20, missiles begin to come over, on your version of the events, things are going to rapidly escalate and have to be controlled - do you agree? - A. I agree.
- Q. What is the first thing you might do at 7.30, after the appearance of missiles, according to you? - A. We just maintained the crowd. We hoped the missiles would just stop.
- Q. Do you just stand there and pray that they don't come over, or what? - A. I would think some officers would pray.
- Q. Mr. Hale, as a tactical officer, a student in class puts up his hand and says, "I have 700 demonstrators beginning to throw apples. What do I do?" What do you tell him? - A. I said initially apples, later stones. Obviously, shields to protect the officers. They are not there to be thrown at.
- Q. I appreciate that. Between 1981 and 1984, what is known as community policing within mining communities was taking place - were you aware of that between 1981 and 1984? - A. Yes, the usual standard community policing, to try and have good relationships with members of the public by putting officers on the beat, etcetera.
- Q. Now, what I am talking about on the 18th is community policing. You do know what that means, don't you? - A. I do know what community policing means.
- Q. The mining community is a community of itself, isn't it? - A. It is.

- Q. One that is normally utterly law-abiding, isn't it?
- A. Yes, normally.
- Q. Having lived amongst it for many years, you know that perfectly well? - A. I do.
- Q. So, the first thing you do if you think that things might be getting out of hand is what, as a community Police Officer? What do you do? - A. I presume you are talking about speaking to the people?
- Q. Yes, that's right, speaking. Now, did a single senior Police Officer at 7.20, 7.30 - Mr. Clement, we understand, has gone down to the middle holding area or somewhere else, so you and Mr. Povey are up at topside - did either of you say, "Look, I think before things get out of hand we had better just say something, even if it's met with derision, let's at least try and see if we can calm down these few stupid ones who seem to be throwing stones at us" - did you contemplate that? - A. No.
- Q. Why not? - A. I don't know.
- Q. You don't know? Right. Now, I want to move on to eight o'clock. You have already been asked, and I don't want to ask the same question again, I will only ask a few - at eight o'clock a number of things happened? - A. Yes.
- Q. And I want to know, first of all, from you the order in which they happened - and there is a reason. Is it right that, according to you, Mr. Scargill walked along the line first, then the missiles started coming over thick and fast, or at least thicker and faster, then the long shields went out? Is that the correct order? - A. Yes, that's how I recollect it.
- Q. That's how you recollect it. After Mr. Scargill had, in fact, departed from the front line of Police Officers did you see him do that manoeuvre, namely, down to the front and inspecting them again? - A. No, I didn't, no.
- Q. If he had have done, you would have seen it, wouldn't you? - A. I may not have done.
- Q. You may not have done? Is there any possibility that the only occasion on which Mr. Scargill did do this, what you have described - and may I say straight away the description you have given of what he did, I will suggest, is an accurate one in terms of what he did

JUDGE COLES: Is an accurate one?

MR. MANSFIELD: Is an accurate one in terms of what he did:

- Q. And what I will suggest to you, first of all, and ask you is, is there any possibility that he only did what you saw once? - A. All I can say is he could have done it

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another time, but that is the only occasion that I saw it.

- Q. Now, you remained in or about the vicinity of the cordon at topside from eight o'clock right through until just about the leaving of the first convoy. That is for certain, is it not? - A. I was in and around the area, not always at the front line, backwards and forwards, talking to various commanders, but I was in the vicinity, on the topside.
- Q. Just shooting forward to when the convoy has gone, or just gone, 9.25, do you recall after that time, the convoy leaving, where you were then? - A. As I have described, when the convoy left and the events afterwards, I would be, again, somewhere on the front line. I can't say exactly which particular spot, but I would be in the area.
- Q. On the 19th, you counter-signed Mr. Clement's statement? - A. Yes.
- Q. You may see it, if you wish, again, and I would like you to have it back. Just dealing with the Scargill incident and a passage in it, I just want to try to see whether you agree with it. - A. I've got it, the statement, Mr. Clement's statement?
- Q. Yes, that's right. Exhibit 14, for the shorthand note, and I apologise to the Jury because they don't have it at the moment. I just want you to look at eight o'clock, the section in Mr. Clement's statement you counter-signed on the 19th. If you would just like to read that one paragraph to yourself, just to refresh your memory on it.

JUDGE COLES: Which page?

MR. MANSFIELD: It is Page 6, your Honour:

- Q. You will see, tucked away in that paragraph, a description of this in this way, that after Mr. Scargill had gone into the crowd of demonstrators - can you see what it says? It says, "and was not seen on the front line again". Do you see that? - A. Yes.
- Q. You counter-signed that? - A. Yes.
- Q. On the 19th? As being accurate? - A. As I say, with the proviso that certain areas were not applicable to myself.
- Q. Well, was that one area that was not applicable to yourself? - A. I think that if you check my statement you will find that it is.
- Q. Have you been reading your statement over the weekend? - A. No, but I've seen my statement prior to this case.
- Q. When? Last week? - A. No, before this case even started.

- Q. I'm sorry? What do you mean? You mean some weeks ago?
- A. Yes, before the trial started from the very beginning.
- Q. We have had Mr. Povey's answers about this particular paragraph and that particular set of words. Now, do you say that you told Mr. Smith to leave those words out?
- A. Yes.
- Q. Well, why were you signing that statement on the 19th at all if there were bits in it on that particular page which you didn't agree with? - A. This is not my statement. It's the original notes that I signed. My statement was made up - the statement is tendered before this Court that this complied with my original notes of the notes of the incidents of the day.
- Q. This was Mr. Clement's statement. It wasn't a note. It is Mr. Clement's statement. - A. It is Mr. Clement's statement, but it comprises of my notes, not my statement.
- Q. Why, if it is not your note or your statement, have you signed it at all? - A. As I said, it presented an accurate picture of the day's events.
- Q. But, it doesn't, does it? - A. It does.
- Q. Just one detail, when we go to this one incident, one detail, according to you, is not accurate. - A. Not accurate to me. It may be to Mr. Clement, but not to me.
- Q. That's right. So, why sign it? Why not say to Mr. Smith, "I'm not signing this. It isn't right on that detail. That doesn't apply to me. I'll do my own"? - A. Because it is really my original notes, my statement is made up from these original notes. My statement would indicate areas that don't apply to be put into my statement. My statement is tendered before this Court
- Q. JUDGE COLES: Let's be clear about this. When you saw in Mr. Clement's statement the words, " and was not seen on the front line again", your evidence is, "I couldn't say that because I wasn't necessarily in a position to see"? - A. It is a little more detail than that, your Honour.
- Q. So, "I asked Mr. Smith to leave that out and he did"? - A. That's correct.
- Q. MR. MANSFIELD: Since you have got the statement in front of you I will ask you now - and I'm sorry, but it is to do with Mr. Scargill as well - if you look at Mr. Clement's statement dealing with the later incident at Page 10 - A. The numbering is slightly different on this statement.
- Q. I'm sorry. It is/^a paragraph that begins, "There was a constant barrage of missiles. In order to withdraw with as few casualties as possible I called forward every available Police horse, numbering 42, and ordered them to move at a trot towards the demonstrators, who immediately moved backwards". - A. Yes.

- Q. "This enabled me to withdraw my men in relative safety". You have that? - A. Yes.
- Q. That is the one which deals with Mr. Scargill? - A. Yes.
- Q. Now, what did you tell Mr. Smith about this paragraph? Anything at all? Because it is another one you signed on the 18th. - A. Yes. I told him we had seen Scargill as we advanced up the road and I had not seen the incident described by Mr. Clement.
- Q. You said to Mr. Smith you saw Mr. Scargill as you advanced up the road? - A. Yes.
- Q. You are quite sure about that, are you? - A. Yes.
- Q. That is what you told him? - A. Yes, that is what I told him.
- Q. You are sure you told him that? - A. Yes.
- Q. Because that is what you have told this Jury, you see. - A. Yes.
- Q. JUDGE COLES: Do you say you told him, "I didn't see the incident"? - A. Yes.
- Q. MR. MANSFIELD: Did you tell him anything else about the Scargill occasion - you saw him as you advanced up the hill and? - A. And that was it.
- Q. That was it? - A. Well, we saw Mr. Scargill and that is the only time we saw him, glanced at him and didn't see him again.
- Q. Glanced at him and didn't see him again? - A. Yes.
- Q. Well now, take your statement, please, which you signed on the 14th July. - A. I don't seem to have my statement here. I'm sorry. (Handed)
- Q. Page 21 on our copies, but in yours it may be different. If you could look for a paragraph which begins, "We then withdrew under a constant barrage" - exactly the same as Mr. Clement's paragraph. Have you got that? - A. Yes.
- Q. Just read it to yourself. - A. Yes.
- Q. You have read it? - A. Yes.
- Q. Do you have anything to say? - A. Yes.
- Q. What? - A. There is a mistake in it.
- Q. You didn't take long to notice that, did you? - A. I've just read it.
- Q. Had you not read it before? - A. Yes.

- Q. And had you ever noticed the mistake before? - A. No.
- Q. Mr. Hale, you see, you must know you did actually notice the bit about Mr. Scargill in the previous paragraph and you say you told Mr. Smith to leave it out? - A. Yes.
- Q. When we get here, what I suggest is going on is you are just putting your signature to whatever is down there, pretty well just authorising Mr. Clement's note, wasn't it? - A. No. Why bother to point out areas that didn't concern us?
- Q. Areas that didn't concern you generally. - A. Well, would it not be easier just to sign it and agree with everything?
- Q. Yes, which is exactly what you did on the 18th. - A. No doubt that is what we did. Perfectly straight forward procedure.
- Q. After the 18th a senior officer sat down and wrote down another statement for less senior officers who didn't go down the road and take all policy decisions, a statement which you and Mr. Povey signed - A. The statement was made by Detective Inspector Smith from these notes. No matter what you tend to suggest, it is a perfectly straight forward and logical thing to do.
- Q. He made it up without consultation, assuming what you might want to say? - A. I have told you exactly what happened in that we signed notes and pointed out the areas which did not apply. If they did not apply, we told them (sic) what we did instead.
- Q. If you told him, and you have said it very specifically, that you saw Scargill as you advanced up the hill, how has he got it down - A. He's obviously made a mistake.
- Q. How come you didn't notice it when you first read it, Mr. Hale? - A. Because I presume I read it, knowing in my mind that we saw him when we advanced, and I read it as

JUDGE COLES: Please slow down. The Jury haven't got a copy of this statement. They don't know what the mistake is. I think they had better know about it.

MR. WALSH: The statement still isn't exhibited.

JUDGE COLES: Yes. Quite.

- Q. MR. MANSFIELD: This point, effectively, this sentence, which appears in both Mr. Povey's and your statement: "I only saw him" - that is, Scargill - "for a moment because I was concentrating on withdrawing my men". Do you see that? - A. Yes.

- Q. A separate sentence as to when you saw Mr. Scargill, and that is quite contrary to what you told this Jury and what you say you told Mr. Smith? - A. Yes, it is.
- Q. JUDGE COLES: You saw it when you were going? - A. When we were going up the road, yes.
- Q. Not when coming back? - A. That's correct.
- Q. MR. MANSFIELD: You took only a second in the witness box to recognise the difference between the two. - A. Yes.
- Q. And I suggest to you, you weren't reading the statement or bothering to at the time that you signed yours on the 18th or 14th July, were you? - A. I read the statement and I signed it.
- Q. You weren't bothering. That's all you did, just read it, signed it and didn't make any corrections whatsoever. - A. No. I didn't spot this mistake.
- Q. You see, it's more than a mistake because what Mr. Smith has done is given a reason why you only saw him for a moment, hasn't he? - A. Mr. Smith?
- Q. Hasn't he? - A. I have given that reason why we only saw him for a moment.
- Q. I asked you very carefully what you told Mr. Smith and you said that you told Mr. Smith that you saw Scargill as you advanced up the hill, you glanced at him. That is all you told Mr. Smith. - A. We told him that the paragraph Mr. Clement wrote about, where he describes going over to Mr. Scargill, did not apply to me.
- Q. Certainly, but, you see, what Mr. Smith has done, he has acknowledged that you saw Scargill for a moment and then explained that you were concentrating on withdrawing your men. Did that come from you? - A. No.
- Q. He has obviously made it up? - A. He has obviously made a mistake.
- Q. He has obviously made it up. - A. He has obviously made a mistake.
- Q. Mr. Hale, he has obviously decided, "I'll suggest a reason why". He has made up a reason which you claim you didn't notice and you now do, hasn't he? - A. I told him I would only glance at Scargill. He has obviously not got it down correctly.
- Q. JUDGE COLES: What was the reason you gave him? - A. Because we were up with the front of the short shield units, only glanced at him and continued up the road with the short shield units. Because of the actions that were taking place in front of us we wouldn't give it much time at all.

Q. MR. MANSFIELD: His Honour asked you the question of what the reason was you gave him. I asked you very carefully to begin with what you told Mr. Smith and you you didn't say you said all that, did you? - A. I have just explained what I told Mr. Smith, that that paragraph didn't apply and that we were advancing up the road.

Q. When I first asked you what you told Mr. Smith, all you said was you told Mr. Smith you had seen Scargill as you advanced up the hill, you glanced at him. You did not suggest you told him the reason you had only glanced at him was because you were advancing up with the front of the short shields and so on, the explanation you have just given. - A. The explanation was as I said. I have just added a little bit more of it to explain why I was - I was asked to explain why and I did so.

Q. Is that the explanation you gave to Mr. Smith? - A. I have told you what I told Mr. Smith.

Q. Which was? - A. Which was that the paragraph that Mr. Clement referred to did not apply to us, that we only glanced as we advanced up the road.

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

MR. WALSH: If it does help my learned friend, I know he was on his feet, but I made a note of what Mr. Hale said when my learned friend first asked him about what he told Mr. Smith and it reads as follows, if anybody wishes to check it: "I told Smith we had seen Mr. Scargill as we advanced up the road, but hadn't seen the incident that happened to Mr. Scargill. I said we glanced at him and didn't see him again".

MR. MANSFIELD: Yes, I accept that:

Q. You see, at the very start - I'm sorry to be particular about it - I asked you carefully what you told Mr. Smith and your first account - you're elaborating it now, but your first account of what you told Mr. Smith did not include the reason you only saw him for a second was because you were advancing at such a rate and you were up with the first of the shields, and so on. None of that was there. - A. I've told you what I told Mr. Smith. His Honour asked me to explain and I explained further.

Q. JUDGE COLES: I didn't ask you to explain. I asked whether or how you explained that that clause had got into your statement. What was being suggested to you was that Mr. Smith had made it up, that he had invented the expression, the sentence, indeed: "I only saw him for a moment because I was concentrating on withdrawing my men". - A. Yes, sir.

Q. And you said that he had not made it up, and so I asked you what you had said which might have led him to put it in. What was your answer to that? - A. Yes, the one that - the elaboration that I gave your Honour.

- Q. What was the elaboration you say you gave? - A. As we advanced up the road we only glanced at him because we were concentrating on moving up the road and the incidents taking place before us.
- Q. Did you tell Mr. Smith that, or has Mr. Smith assumed it, put it in and you have accepted it? - A. Yes, he has obviously assumed. He has put something in here which is not correct. He has assumed wrongly from what he was told.
- Q. Then, he has made it up. You didn't tell him. He has assumed that is the reason you didn't look, put it in and you have accepted it, not appreciating it was wrong. Isn't that correct? - A. Yes, that would appear to have happened.
- Q. Then, you didn't tell him? - A. I told him, but he has obviously misinterpreted it.
- Q. Now, please listen very carefully, officer. You say you told him, "That paragraph does not apply to me because I only saw Mr. Scargill very briefly as I was advancing"? - A. Yes.
- Q. Now, did you go on to say why you had only seen him very briefly, or did you say no more about it and leave it to Mr. Smith? - A. Well, I would think that I would have explained it.
- Q. The answer is you don't remember? - A. Well, yes, I suppose it is, your Honour.
- Q. MR. MANSFIELD: Furthermore, Mr. Hale, and again I'm sorry to be particular about it, but in the explanation you gave, first of all, that Mr. Walsh very kindly has taken down, there is nothing in that explanation to Mr. Smith about where Mr. Scargill was when you saw him, is there? - A. No.
must be
- Q. So, Mr. Smith/assuming that you had seen him standing on an embankment to the left of the road as well then? - A. I would think he would have done that, yes.
- Q. You would think he would have done that? - A. As I explained, all we said that didn't apply was what happened when Mr. Clement went over to Mr. Scargill. Where he was stood, it would apply.
- Q. Did you say that to Mr. Smith? - A. I don't know what I said. I pointed out, anyway, what we had, in fact, seen.
- Q. You don't know what you said to Mr. Smith? - A. As I have said, we explained it did not apply and we had only seen him as we had advanced up the road. That is what I explained to him.
- Q. That is not just your statement. Mr. Povey has it exactly the same. - A. He would have, yes.

- Q. Why would he have? - A. Because the statements were made up by Mr. Smith from the original notes.
- Q. And Mr. Povey, apparently, didn't notice this either. -
A. Because we were working together, as I have explained.
- Q. I see. You make the same mistakes? - A. We don't make the same mistakes, but Mr. Smith obviously has.
- Q. You both have, when you both came to read it. -
A. Possibly so. I am not aware of what Mr. Povey said.
- Q. I will tell you. Mr. Povey agreed he didn't notice it either. When he read it, he didn't notice it either.

JUDGE COLES: Well, are you asking him to comment?

MR. MANSFIELD: No:

- Q. So, you are clear he has made that mistake and you have made that mistake. Do you both make the same mistakes, then? - A. It's apparent in this case we have.
- Q. I just want to ask you a little more about the incident itself - never mind what is in the statement - of seeing Mr. Scargill. Did you, in fact, see Mr. Scargill at all or is it just a case of lending a little credibility to Mr. Clement? - A. If I wanted to lend a little credibility to Mr. Clement then we would have seen everything Mr. Clement had seen.
- Q. You were at the front of the shields, so you couldn't see that. - A. I've explained I - we wouldn't be able to see that. I'm just relating what happened on that day.
- Q. You weren't in a position to see anything because you were at the front of the shields. - A. I've just explained that.
- Q. That's why you could go no further, isn't it?

JUDGE COLES: Let's be fair. It's a little bit double-edged, Mr. Mansfield, isn't it. You have got better points than that.

MR. MANSFIELD: I will just come to them now:

- Q. Mr. Hale, do you remember what you told Mr. Walsh about an advance from the bridge upwards towards the brow by you, what you saw? - A. Basically, yes.
- Q. What? - A. That as we advanced, or, more particularly, as I advanced up the road towards the brow of the hill, I saw Mr. Scargill.
- Q. Yes? - A. On the embankment, and then I went on to recall how the advance went up the hill.
- Q. Yes, and you put something in, in-chief, to Mr. Walsh that I want to take you up on, you see. - A. Well, I would

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be obliged to be reminded of it, then.

- Q. I won't remind you because on Friday you claimed you remembered things. I want to see if on Monday you even remember what you said on Friday - I'm sorry, Thursday - so, what else did you see as you went up from the bridge to the brow? - A. I was asked about whether there was anything in the road.
- Q. Yes? - A. I recollect being fairly vague, having the impression that there was something in the road, I couldn't for certain see what it was.
- Q. Right. - A. How the officers were not advancing in a line, how they would be strung out.
- Q. Yes. - A. And how we were being barraged with missiles.
- Q. Yes. - A. And of how we made our way to the brow of the hill and paused at the brow of the hill.
- Q. Yes. Something else you have mentioned you don't remember now, presumably? - A. Presumably not.
- Q. Can you remember the day itself, seeing anything else happening as you went up, never mind what you said last Thursday - can you remember now seeing anything else as you went up? - A. Of officers, some officers making arrests?
- Q. Right. Now, that is what I want to come to, some officers making arrests. I want to go into a little detail because that is not in the statement, is it? - A. I beg your pardon?
- Q. That part of it isn't in the statement, is it? - A. No. As I've said, it is a broad outline.
- Q. Never mind that for the moment. So, where did you see the arrests being made and by whom? - A. By short shield officers.
- Q. Right. - A. Exactly where, I can't recollect.
- Q. This must be ahead of you, then? - A. It would either be ahead of me, maybe at the side.
- Q. Well, I want to be careful about it. How many short shield units are going up from the bridge with you? Two? Five? - A. I would think between two and four, maybe as many as four, maybe one unit less.
- Q. Now, I got you to name at least the overall identities of the squads at the 8.35 time. This time, which squads are they? Do you know? - A. No, I don't. They may well have been changed by this time.

- Q. You have no idea? - A. I haven't. I can only indicate which probably they would have come from.
- Q. Perhaps we could make do with that. I won't tie you to it. Which units probably would they have come from, the units which went up to the bridge from the brow? - A. They would most likely be from metropolitan Police Forces, who had more men and more training than other Forces because of Inner City problems.
- Q. Likely to be the Metropolitan Police Force, between two and four, going up.- A. By "metropolitan", I exclude the Metropolitan.
- Q. JUDGE COLES: You don't mean the London Force? - A. No.
- Q. MR. MANSFIELD: What is known as "The Met"? - A. No. So, it could be Liverpool, Merseyside.
- Q. Merseyside, West Yorkshire, Greater Manchester, West Midlands? - A. Yes.
- Q. JUDGE COLES: So, that is a metropolitan Force, literally? - A. Yes.
- Q. MR. MANSFIELD: Who are the commanders of those units going up the road? - A. Again, I don't know. The commanders come with the units.
- Q. How many arrests did you see being made? - A. I can't honestly say.
- Q. How did that occur? - A. Again, I just get the impression of seeing people being brought back, being brought back down, who passed me.
- Q. This must be happening quite a long way in advance of you, then. - A. Depends what you mean by a long way in advance. It's happening all over the sides.
- Q. Did you see how it came about that these men were arrested? - A. No.
- Q. Mr. Hale, this situation, the topside of the bridge, according to you, is a very serious one for you? - A. Very serious indeed.
- Q. You are particularly concerned to ensure that people are either cleared away or arrested if they are committing offences? - A. Yes.
- Q. When it comes to arrests you can't give me any idea how these arrests came about? - A. Mr. Mansfield, you stand here in the cloistered atmosphere of this Court. Do you have any appreciation what it's like with these bricks, stones being thrown at you, when you are trying to protect yourself and ensure the welfare of your officers trying to advance up the street?

- Q. What I was thinking you might be able to say, cloistered though I may be, is that you saw ahead of you people throwing stones and the different officers advancing upon them upon the embankment, who took several into custody.
- A. I can't tell you that now, who they were, because I was protecting myself, busy doing other things.
- Q. You saw Mr. Scargill quite clearly. - A. Yes. I glanced. I didn't take much notice.
- Q. You were able to see Mr. Scargill when this hail of missiles comes down? - A. Yes.
- Q. But, you don't see any single arrest, only afterwards?
- A. I saw people being brought down in the same manner as I saw Scargill. I have the impression of officers arresting people, being brought down the road.
- Q. From where? - A. From somewhere up the road.
- Q. Where? - A. Somewhere up the road. I can't be any more specific other than that.
- Q. I suggest there is a reason why you aren't being specific, because the squad of short shield officers that went above the bridge, up to the brow, were making random arrests of people who were not engaged in any kind of illegal activity, weren't they? - A. I've told you, I have no reason to suspect officers would arrest people who had not been committing offences.

MR. MANSFIELD: Mr. Moore, would you stand up, please?
(DEFENDANT MOORE RISES):

- Q. Now, did you see him? - A. I can't recall seeing him.
- Q. He is one of the ones standing in the road as the short shields come up. You didn't see him? - A. I can't recollect him, no.
- Q. He is hit by a shield, goes down, is surrounded by a number of other short shield officers, and he having done nothing. - A. I wouldn't comment on that at all.
- Q. Did you ever see, just to the left, very near Mr. Scargill as it happens, a man - never mind whether you can identify it as him - a man go down on the ground? - A. No.
- Q. Surrounded by short shield officers? - A. As I said, I only glanced at Mr. Scargill. I didn't see an incident like that happen.
- Q. This incident, if you were there, you couldn't possibly have missed it. - A. I reject the suggestion I wasn't even there.
- Q. I am suggesting you were there, but it was all part of a scheme, you are now not going to say that happened. You appreciate that? - A. I appreciate

JUDGE COLES: You are putting he wanted innocent men to be arrested?

MR. MANSFIELD: I am suggesting that it was part of a provocative

MR. WALSH: If that is what is being put, let it be clear.

MR. MANSFIELD: I will be clear. The suggestion is that Police tactics that day were to use force and if innocent men either got trampled on by horses or hit by truncheons, or arrested, so be it:

Q. Now, do I make myself plain? - A. You do.

Q. So, you were there, taking an interest, controlling events. I will suggest you couldn't have possibly missed an incident which is in this photograph I would like you to look at, Exhibit 8, please. It is a single, coloured photograph

MR. WALSH: I think it is one that doesn't have a number on it. No-one has put an Exhibit label on it.

MR. MANSFIELD: Yes, Exhibit 8.

MR. WALSH: It is Exhibit 9. I'm sorry.

JUDGE COLES: The photograph which the Jury has has a little white label on the back with '9' on it. It may be that is a number which has been applied by the Defence to a photograph in a bundle. It does not represent Exhibit 9. Would you kindly, members of the Jury, put a line through that '9' and write on the back, 'Exhibit 8'?

MR. WALSH: That, with respect, is Exhibit 8, your Honour, I agree.

JUDGE COLES: All that remains is for me to have a copy. Yes, thank you. I have one.

Q. MR. MANSFIELD: So you have it in context, Mr. Hale, the incident I suggest with Mr. Moore, but you don't know his name, is that of being hit by short shield officers, by a short shield officer's shield and then going down and being surrounded by a number of officers, and that comes just before that, when there are short shield officers on the embankment, near to Mr. Scargill and a senior officer in the road. Do you see that? - A. Yes, I do.

Q. Dealing with that in stages. First of all, do you ever remember seeing a scene like that, the one in that photograph? - A. No, I don't.

Q. Do you know who the senior officer is in the middle of the road there? - A. No, only that he is an inspector.

Q. I just want to put some names to you to see whether you know them. I am asked to ask, and certainly will do so, whether you recognise the Force? - A. I can only say it certainly was not South Yorkshire.

Q. Not South Yorkshire? - A. Because the flap at the back of the helmet, we don't have those.

MR. WALSH: If it is of help, I believe that is an officer from Merseyside because of the band on the helmet. It may help my learned friend.

Q. MR. MANSFIELD: Dealing with identities, I am not suggesting you know these people. I will ask you if you know them. - A. I've no idea.

Q. I haven't asked you yet. Police Constable Austin? - A. No.

Q. Police Inspector Bennett? - A. I wouldn't know.

Q. West Midlands Police, Operational Support Unit? - A. I couldn't say, "Yes", or "No".

Q. A Police Officer Whitehouse? - A. Again, I can't say, "Yes", or "No". I don't know the officers.

Q. You don't? - A. No.

Q. So, you didn't see a scene of the like I described before that one and you didn't see that one either? - A. No, I didn't.

Q. So, it follows, obviously, you didn't see Mr. Scargill hit by a shield, or anything else? - A. That's true. Mr. Scargill was standing on the embankment when I last saw him. I didn't see him again.

Q. When you looked back down and saw an ambulance there a bit later, did you see who was going into the ambulance? - A. No, no idea.

Q. As you advanced - you may put the photograph down, if you wish - as you advanced up the hill with the short shield unit, were the short shields confined to the road or were they on the embankment? - A. As I said, it would be a very loose formation, in waves. I wouldn't be surprised if some of them were on the bottom of the embankment there.

Q. Were they trotting, walking? - A. The best description would be trotting, I would think.

Q. As you are advancing up from the bridge to the brow, when I suggest these incidents occurred, you didn't see any incidents with individual demonstrators, you merely saw some who had already been arrested. Is that a fair summary? - A. Yes.

MR. MANSFIELD: Yes. I don't know whether your Honour intends to have a break this morning?

JUDGE COLES: Yes. Yes, I have been making enquiries about sitting times. With the exception of Mondays and Fridays, when obviously there are difficulties getting here, if we sit, to make up the hour and a quarter at the weekend, if we sit at 10.15 and rise at 4.45, does that seem sensible?

MR. MANSFIELD: Yes.

JUDGE COLES: If we say 10.00, it is 10.15 when we start anyway, so when I say 10.15 I would like to think I mean so. We have been sitting a little late for one good reason or bad reason or another.

MR. WALSH: We were wondering whether your Honour could persuade those who run the list in this Court to try and make sure your Honour is available to do this case rather than bail applications and other matters.

JUDGE COLES: I think there are ways. They should do their best. One of the reasons I say 10.15 is that it will leave a few minutes. I think the breaks are useful. Thank you, members of the Jury.

(Short Adjournment)

MR. MANSFIELD: I was going to ask the witness to be shown a short part, right at the end of the tape, your Honour, for about a minute.

JUDGE COLES: Yes, very well.

Q. MR. MANSFIELD: Again, with his Honour's permission, I would like you to look at a short stretch of tape and to look in particular for Mr. Scargill who, again, will be fairly obvious, and then I will just let you see it for a moment

MR. WALSH: I wonder if, before it starts, we could be told which tape it is.

MR. MANSFIELD: I have already, but I would prefer the witness not to know for the moment. I can tell you as soon as it is over. It will only be 60 seconds. In fact, I said it a moment ago in the presence of Mr. Walsh.

JUDGE COLES: Yes, I have a note of it.

MR. WALSH: I didn't hear that, I'm afraid.

(Video section shown)

Q. MR. MANSFIELD: Now, we have a special machine, if there is any difficulty, so it can be slowed down. But, first of all, did you see Mr. Scargill on that piece? -
A. I saw somebody who looks just like Mr. Scargill, yes.

- Q. Would you like to see the same stretch in slow motion?
- A. No. I think I saw him already. I shall identify him by the hat, of course.
- Q. Now, can I just put to you what was on the screen and if you disagree with it. It begins with Mr. Scargill towards the centre, but not at the front line. He is towards the centre of the screen, near the bush? - A. Yes.
- Q. Then walks from, as you look at the line there, behind there, right to left along the front line, then back along the front line and then away into the centre of the crowd again? - A. Yes, I agree with that.
- Q. You agree? - A. Yes.
- Q. You agree that is what you saw Mr. Scargill do? -
A. That is what I have just seen on the film.
- Q. What you saw Mr. Scargill do yourself? - A. At eight o'clock I saw him do a similar thing, yes.
- Q. How do you know that wasn't at eight o'clock? -
A. Because the shields are out.
- Q. Yes. Exactly. I am suggesting to you what you described in your evidence - well, so it is clear, that is the end of the third tape, just after the convoy has left. -
A. Yes.
- Q. And the long shields are out. And I put to you that is the only occasion Mr. Scargill did what you describe and that is what is portrayed on the screen. - A. No. Because the shields were not out and any other incident was before the shields were out at eight o'clock.
- JUDGE COLES: You are putting that the tape is at eight o'clock?
- MR. MANSFIELD: The tape is 9.27 and that is the only occasion that Mr. Scargill did it:
- Q. That is the only time Mr. Scargill did the manoeuvre you describe and what you have done is to transpose what you saw later on to an earlier stage at eight o'clock. - A. No. As I say, what I saw at eight o'clock, I saw at eight o'clock, if you will insist on times in this way.
- Q. How do you know it was eight o'clock? - A. Because of Mr. Clement.
- Q. Well, what about Mr. Clement? - A. Because Mr. Clement was making notes of times.
- Q. How do you know that? - A. Because he told me he was.
- Q. How do you know he got the right time? - A. I don't. I assume he did.

- Q. You assume he did. Normally, Police Officers, again, would get together and say, "Well, I recall it at eight o'clock", another officer would say, "I think it was eight o'clock", or another would say, "I haven't the slightest idea". Do you agree? - A. Yes, that's how it normally works. These were not normal times.
- Q. You wouldn't say it was eight o'clock because you wouldn't know. - A. That's how it should be under normal circumstances.
- Q. You agree that is how it should be, but you have not the slightest idea of time? Is that what you say? - A. That is what I have said all along.
- Q. I am/going through the use of short shields on the ground. as I did with you on Friday, but after eight o'clock, about 8.35, the short shields are used for the first time? - A. Yes.
- Q. You remember I asked you to describe how these units are trained? - A. Yes.
- Q. What sort of manoeuvres they are trained to do? - A. Yes.
- Q. And what their instructions were on this occasion? - A. Yes.
- Q. And, summarising it, you indicated their training and the instructions involved the manoeuvre to effect dispersal and arrest? - A. Yes, if possible.
- Q. And I was suggesting to you that the part of the Manual that we have been shown and have copies of does not, in fact, describe any such one manoeuvre by a short shield squad. Do you remember me putting that to you? - A. Yes, I do.
- Q. We have had the whole weekend and I am sure that what I have is the totality of manoeuvres for short shield units. - A. Yes.
- Q. And I have the only typed copy there is, so I'm afraid you will have to bear with me

JUDGE COLES: I have a copy, do I?

MR. WALSH: I believe I handed a copy to your Honour last week or the week before.

JUDGE COLES: Yes, I remember the document.

MISS RUSSELL: There should be another one exhibited.

MR. WALSH: No, there is not.

JUDGE COLES: They were never exhibited for, I think, good reason, really.

MR. MANSFIELD: It should be three pages, your Honour.

JUDGE COLES: Yes. Very well.

MISS RUSSELL: Exhibit 15.

MR. WALSH: What your Honour asked was that in due course the Jury might have it when they retire.

JUDGE COLES: Yes, that's right.

MR. WALSH: But, I know your Honour has a copy somewhere.

JUDGE COLES: Yes: I apologise. You are quite right.

- Q. MR. MANSFIELD: So it is clear why I am asking you about the Manual, Mr. Hale, what I was suggesting on the Friday was that the short shields and their use was intended to disperse numbers - it had nothing much to do with arrest - disperse by force, possibly incapacitating people, if necessary. Now, do you agree that that is what they were being used for? - A. No. I've told you time and time again they were being used to disperse demonstrators and if they could identify people throwing the stones, etcetera, they were to carry out arrests.
- Q. Would you accept from me that even the Manual that you have referred to, and Mr. Clement has referred to, does not have within its pages any manoeuvre in which a short shield squad goes out to disperse and arrest? Now, would you accept that from me for the moment? - A. No, I wouldn't, in principle, actually, I wouldn't.
- Q. Then, I will have to go through it. Do you not know this manual? - A. I know the basics of the Manual.
- Q. What the Manual does is to split two functions, short shield unit may disperse, short shield unit may arrest. Then, it goes on to describe how they do those things, separately. Did you know that? - A. Yes.
- Q. Let's deal with arrest. I will suggest that what the Manual says about arrest makes a great deal more sense than what you have said in evidence. First of all, I want to ask you just how the arrest by a short shield squad is set up. How does it do it? - A. Specifically to arrest?
- Q. Yes. - A. I would use a combination.
- Q. What does the Manual say about it? - A. There is a description in there which talks about possible four-man arrest squads.
- Q. What does it say about a four-man arrest squad? - A. Again, you are asking me to quote from the Manual, which I haven't seen for a very long time, but it will probably mention about two arresting officers protected by two short shield officers.

- Q. Right. It is the numbers I want to come to. If you are talking about genuine arrests, you have short shield officers with shields and truncheons going forward and behind them - I hope I am fairly describing it - two officers without shields and truncheons? - A. You could have that. We don't.
- Q. We will come to that. You say you don't. Just dealing with the Manual for the moment - A. There is one important point you forget about the Manual.
- Q. It only applies to Inner Cities? - A. No. I was going to say that the Manual, it says that it is only intended as guidelines and the manoeuvres may be adjusted to suit local circumstances.
- Q. We will come to local circumstances. But, if we just go on to the arrest squad, to the four men, two with shields protecting two without. Right? - A. Yes, that is in the Manual.
- Q. And that is because it is easier for men with no shields and no truncheons to make proper arrests, isn't it? - A. Yes, it is easier.
- Q. Right. And it is contemplated this arrest squad is in a situation not very different to the one you claim existed on the 18th June, isn't it? - A. Yes.
- Q. Right. In addition to a four-man unit set up in that way, it actually specifies a maximum distance that the squad ought to go, doesn't it? - A. It suggests.
- Q. All right. What is the suggestion? - A. I would think it will be between 30 and 50 yards, I would think, from my recollection of the Manual.
- Q. Right. The bottom number is the correct one, 30 yards is specified. The team should not run forward more than 30 yards. They must stop after that distance and return behind the long shield cordon cover, even if they haven't made an arrest. Are you aware of that? - A. I am aware of that, yes.
- Q. That is the four-man team. I am abbreviating it and no doubt Mr. Walsh can re-examine you in more detail. That is a four-man squad in principle. There is one other principle contained within it. Do you know what that is, the other principle upon which the squad operates? - A. A four-man squad?
- Q. Yes. - A. No, I can't recollect.
- Q. It is that, in fact, they have to identify the offender. - A. Yes, that follows.
- Q. What efforts did you make on the 18th June, either yourself or the commanders of the short shield units, to, in fact, say to them, "The missile throwers are at the top

of the field at the right-hand side", or "They are near the left-hand side, towards the long grass", or "They are under the trees on the left"? Any effort made by you to do that? - A. No. Our briefing was that they would identify the stone throwers if they could and arrest them.

- Q. You made no effort, with the commanders, to say, "I want the missile throwers arrested. They're at the top of the field", did you? - A. The missile throwers were all over.
- Q. I thought they were at the back? - A. They were at the back to start with, but eventually they were all over by the time the short shields were used.
- Q. What percentage are we talking about, roughly? Quarter of the people on the field? - A. I can't say.
- Q. Can't say? All right. Was there anybody in particular you noticed throwing stones? - A. I can't identify an individual person I saw. I saw a person throwing stones.
- Q. Or groups of people? - A. Yes, there were groups. They were all over. Some right at the front, some at the very back, some from the sides.
- Q. If, in fact, your description is now that pretty well all over the field people were throwing stones, we can understand any more might mean one or two, but you say all over? A. Stones had come from all directions.
- Q. You didn't tell the commanders about an identifiable person? Commanders standing there in front of the short shield units, saying, "Only go for the stone throwers"? - A. They have been briefed, "Stone throwers, people attacking other Policemen". What they told the unit after I had briefed them, I don't know.
- Q. You heard a bit of it on the tape the other day. - A. I only heard a few words.
- Q. A few words? You did not hear a single word about stone throwers? - A. This would be the brief, to arrest stone throwers. I only heard a very, very brief snatch, but there you weren't a party to what was said by the inspectors.
- Q. No, I appreciate that. All we could hear is what they were being told when they were lined up by, I presume, a commander. Would he have been a commander, the one we heard on the tape? - A. It would be somebody at the back there. I don't know who it was.
- Q. So, that is the four-man team. - A. Yes. As I say, we don't use four-man units.

- Q. I see. Another version of the same thing is what? Arrest only, we are dealing with? - A. I don't know that one. I can't recollect.
- Q. I see. It is a two-man team, arrest team, in which you have one man with a shield and truncheon followed by one without. You have forgotten that? - A. That follows. As I say, we don't use it.
- Q. You don't use that? - A. No.
- Q. We will leave arrest. That is all under the heading, "Group 2, Protection, Four-man Arrest Squads", then it goes into "Two-man Arrest Squads", and there is a quite separate heading of "Dispersal", Group 3. - A. Yes.
- Q. Now, on this heading, before I ask you, do you remember anything about what is said in the Manual about dispersal? - A. I can't possibly quote it verbatim, no.
- Q. Do you remember anything about, anything at all about it? I am not asking you for exact details, just roughly what the object of dispersal under this heading in the Manual is. - A. The object is to encourage demonstrators to leave the area.
- Q. To encourage? You have used that word frequently. - A. Yes.
- Q. What do you mean by that word? - A. What I mean is that the advance of short shield units with their short shields and batons drawn, the sight of those units.
- Q. Just the sight? - A. Is designed, as I said, to encourage people to leave the area.
- Q. That is a long way from what the Manual talks about, isn't it? - A. I don't know.
- Q. You don't know, Mr. Hale? - A. I know the way we trained.
- Q. Well, I asked you about training and all you could say was, virtually, "Well, they would go out and disperse and arrest, if they could". Effectively, that was that, that was the training. You didn't describe anything in particular. - A. I described the training, the way we trained.
- Q. How do you train to disperse and arrest? What are they told to do? - A. They are taught to go out and disperse the crowd.
- Q. How do they do it? - A. They advance from the Police line and they will fan out into a loose line and head towards where the demonstrators are.
- Q. Where the demonstrators are? - A. Where the demonstrators are.

- Q. And then? - A. If they, in the process, can identify somebody who is throwing stones, throwing stones at them, as they advance, then they will make those arrests.
- Q. That is the object. Now, tell us how they do it. -
A. I have just told you how they do it.
- Q. What does the Manual say? It is quite different, isn't it?
- A. I don't know the Manual.
- Q. As you have told us yourself on Friday, you said you were the leading authority in South Yorkshire. - A. I said possibly the leading authority, the main experience I had and what I used
- Q. Mr. Hale, I will ask you about this under the heading of dispersal and perhaps your memory will be jogged by it. There are, on the particular page I am looking at, there is only the one page dealing with dispersal - there are different manoeuvres, none of which are combined with arrest. Now, do you accept that? - A. There is one covering paragraph that you seem to have forgotten about.
- Q. I will come to that as well. We may not have been given it. I will come to the covering paragraph in a moment. Now, the first manoeuvre is a baton charge to disperse a hostile crowd: "All officers are issued with short shields and their batons. A unit forms into two single files comprising ten men, each under the command of a Sergeant, behind the long shield cordon". Am I going slowly enough? - A. Yes. That's correct.
- Q. "When it is relatively safe to do so, the files march forward either through or around the flanks (?) of the long shield cordon. On the command, they form a cordon, two-deep, across the road, ensuring that the rear line have a clear view of the path ahead. They, the cordon, march forward and part the crowd and if missiles are thrown, charge with batons, in an effort to disperse. Objectives must be given and the charge should not be for more than about 30 yards".- A. Yes.
- Q. Then, something about long shields. That is the first manoeuvre, which is a baton charge, in stages, 30 yards being the maximum, roughly. - A. That is an advisory maximum.
- Q. Yes. The next one is a short shield baton-carrying team deployed into the crowd. Now, I will read this one, again, slowly: "Long shield cordons are deployed across the road. Behind the long shields, units are deployed, always short, round shields and carrying batons. On the command, the short shield officers run forward, either through or around the flanks (?) of the long shields, into the crowd, for not more than 30 yards. They disperse the crowd and incapacitate missile throwers and ring leaders by striking, in a controlled manner, with batons, about the arms, legs or torso, so as not to cause serious injury". Now, I will

pause there. Have you forgotten that? - A. No. As I said, we don't use it.

- Q. I asked you what the Manual said and you said you couldn't remember. Now, are you now saying you could remember, but that you don't use it? Which is it? - A. What I am saying is that it is not applicable to our training, so we would not pay much reference to that paragraph.
- Q. Had you forgotten that that was the object of one of the manoeuvres for short shield teams in dispersing? - A. That, as you say, is one of the manoeuvres.
- Q. Had you forgotten it? - A. We don't use it.
- Q. Mr. Hale, I asked you what the Manual said. Now, had you forgotten it when I first asked the question? - A. Yes, I would have done.
- Q. You would have done? - A. As we don't use it.
- Q. I am suggesting that is, effectively, what you were doing that day. - A. No. I see.
- Q. I see. Well, that paragraph, to be fair to you, finishes with dealing with the long shields moving up behind, the linkmen from the long shield units moving in and taking prisoners, linkmen from the long shields. - A. Yes.
- Q. Not the short shields themselves. Right? - A. Yes, that is according to what you are reading there.
- Q. Right. The last manoeuvre: "Short shields deployed into the crowd, in teams, officers carrying short shields, with or without batons, are formed into two, double, four-man files, with a Sergeant at the back of each file and the inspector between the two files. This unit will initially be protected by the long shields or personnel carriers (?) and, at the command, will run at the crowd, in pairs, to disperse and/or incapacitate. The long shields will follow on to gain ground". Now, do you follow that? - A. Yes, I've followed that.
- Q. That is the page on dispersal and I have read out a synopsis of the page on arrest, four and two-man teams. - A. Yes.
- Q. Nothing in any of that indicating the use of a short shield squad to disperse and arrest in the way you have described, is there? - A. No. There is the essential parts missing, of course.
- Q. What is "the essential parts missing"? - A. The covering paragraph will say that short shield units can be used for dispersal, can be used for arrest, or a combination, and the covering paragraph of that particular guide said it acted as guidance and these manoeuvres can be adapted and can be trained with to suit local circumstances. It

It is only guidance. We use short shield units to disperse and arrest, as I have explained to you.

- Q. JUDGE COLES: That was quite a long explanation and I don't imagine I have got it all down. You say a general paragraph can be found somewhere? - A. Yes.
- Q. Which explains that you are to use your discretion in how to apply? - A. What it says, the paragraph that is headed, "Long shields", talks about short shields being used for dispersal of the crowd or they can be used also to arrest people, or a combination, and a general covering paragraph, or an introduction for the whole manual, says that the manual is there purely as a guidance and that Forces can adapt any tactics to suit local needs.
- Q. MR. MANSFIELD: Can I just check that for the moment? The general paragraph which indicates the combination - I will be corrected if I am wrong, but I don't have that. What I have at the beginning of the short shields, and can I just read it to you, the general paragraph: "Objectives: When missiles are being thrown, short shields can be effectively used to achieve one or more of the following objectives: (a) To protect supervising officers in charge of long shield units and allow them to operate"? - A. Yes.
- Q. "(b) To provide protection for fast-moving arrest squads, protection for the squads of people arresting"? - A. Yes.
- Q. "(c) To provide protection of fast-moving dispersal squads"? - A. Yes.
- Q. Nothing about a combination. - A. It says, "One or more".
- Q. Yes, one or more of the objectives, but not in combination. - A. In combination.

MR. WALSH: Your Honour, "One or more", and there are three set out.

THE WITNESS: That is indeed what we used that for, "One or more".

- Q. MR. MANSFIELD: When they describe manoeuvres applicable to these three set of objectives, you have agreed there is no word in there indicating that some squads do both at the same time. - A. As I have said, we used it for what it says, "One or more". They are talking about specific things. If you want to use them for just arrest, that is what you do. If you want to use that for dispersal, that is what you do, and we had a combination. Now, we have seen a piece of video where it shows officers doing just that, the very first day
- Q. What happened here was, in fact, not even according to the Manual. - A. I have explained what the Manual said. It is a guideline.

- Q. What is the local need in South Yorkshire that makes it an exception even to the Manual? - A. The local need is our training needs.
- Q. Your training needs? - A. Yes, and how we think it is best deployed in circumstances ranging from Inner City Riots. We have looked at the Manual and decided that is the best way we will use it. That is the method we train to.
- Q. Now, I will move from the Manual
- Q. JUDGE COLES: Well, may I just assess and make sure I understand? What you are saying is that your local practice is to use groups of short shield officers working on their own, in the sense that they are not with officers without shields? - A. Yes, that's right. We use - every officer carries a shield and has a truncheon with him.
- Q. And an officer carrying a shield and truncheon is expected not only to disperse but also himself to arrest? - A. As I explained on previous occasions, they work in pairs and two officers are used to effect arrests.
- Q. But, each of that pair, the two officers, has a truncheon and shield? - A. Yes, he has.
- Q. MR. MANSFIELD: I will move onwards, past the use of the short shields and the reasons you have given, you say, for using them, to the time when the convoy has left, and ask you very carefully about the next tactical stage in the day. The convoy has gone at about 9.25 to 9.27, somewhere in that region? - A. Yes.
- Q. When is it that you decided - you have been asked this question once before, but only once - when was it, do you say, that you senior officers decided you were going to clear the field on a three-stage basis? - A. As I have described earlier,, it appeared that what had happened on previous occasions was not going to happen and
- Q. Can I just interrupt? It will be a bit quicker. When? Was it ten minutes, half an hour after the convoy had left? The reason, we will go into in just one moment. - A. It's difficult. As I say, in circumstances like that, I don't have an accurate recollection of the time, but it would be more than ten minutes. It would be - it could be about half an hour later, but it's difficult in those circumstances. The last thing that you are doing in those circumstances is looking at your watch.
- Q. JUDGE COLES: Could be half an hour? - A. Yes.
- Q. MR. MANSFIELD: It could be round about ten o'clock? A. Could be later.
- Q. Yes, Mr. Hale. You see, I appreciate how difficult it is, but you know the difference between a decision taken shortly after the convoy leaves and a decision which is

taken much closer to eleven o'clock. Is that when it was taken? - A. No, it's definitely not as late as eleven o'clock.

Q. Definitely not as late as eleven o'clock? - A. As far as I can recall, no.

Q. If it definitely wasn't as late as that, then it is somewhere between and up to ten-thirty, that is, up to an hour after the convoy left. Would that be fair? - A. As I say, I can't give you any accurate time, but if you want me to try, using a guess, somewhere between ten, ten-thirty. I am trying to think back twelve months and the circumstances were such at that time

Q. Yes, the circumstances were such at that time, for quite a long period of time, first of all, that there was virtually nothing going on on the field then other than the odd demonstrator lying down in the sun, some others having running races, others drinking cans of whatever and just a handful of people there. That's true, isn't it? - A. As I said, we thought the situation was following the normal pattern.

Q. That went on for a considerable period of time, didn't it? - A. It depends what you mean by a considerable period of time. I've explained in previous evidence exactly what happened.

Q. Which is what you are now saying? - A. That is what I said previously.

Q. That is what you said on Friday and on Thursday. Do you agree what you now say in respect of the three-stage move is, in fact, nowhere in your statement? Is it? - A. As I said, the statement is a broad outline of the events of the day.

Q. Would you just answer the question? What you are now claiming explains the three-stage move is nowhere described in Mr. Clement's statement which you counter-signed on the 18th - 19th, I'm sorry - nor in your own statement, is it? - A. The three stages?

Q. That's right. No reason, the break in the pattern, people coming back and the gap in time, none of that is there, is it? - A. No, it isn't.

Q. Now, you would agree that that picture you are describing to the Jury, it would appear that some detail now is part of the overall picture of the day, isn't it? - A. The overall picture of the day covers many aspects.

Q. It is part of the overall picture, isn't it? - A. It is part of the detail.

Q. It is part of the overall picture and after 9.25, when the convoy left, people left, you thought it was all calming

down and then people came back and started stoning and then the decision was taken? - A. Yes.

Q. Part of the overall picture, isn't it? - A. Yes.

Q. That isn't in the statement. - A. As I said, it was just a broad outline of the day's events.

Q. Now, the statement of Mr. Clement, since he gave his evidence - A. Time and time again I've been accused of this and I would like to put this to you, Mr. Mansfield. Mr. Clement retired from the South Yorkshire Police Force before this trial. Mr. Povey works from the Home Office in London. Indeed, before I came to this Court on Wednesday last week, I had been on twelve days' holiday. I have not spoken to Mr. Clement or Mr. Povey about the evidence that they have given to this Court.

Q. Mr. Clement calls the picture a continuing riot throughout the morning. Is that your picture? - A. No. I have told you my picture.

Q. He then modified it when he started to be shown some photographs indicating there was clearly far less people than he thought there was, and along you come and start talking about people going away and a lull, and so on. Now, you say that is a result of memory, is it? - A. Yes. I'm trying to elaborate on the day. I haven't been questioned about it. I'm trying to recollect to this Court what I saw on this day. That is what I'm doing.

Q. If a decision is taken somewhere between 9.30 and 10.30, I will suggest in that period of time virtually nothing is happening on that topside field. Do you agree? - A. As I have said, people started to go away, things started to calm down. We thought everybody was going away. The decision was taken somewhere, as far as I recollect, between ten and ten-thirty. Things started to calm down, people started to go away

Q. JUDGE COLES: You don't agree it was for as long as an hour. Might have been half an hour, a little bit more, but not an hour? - A. I would doubt - I would think it certainly had taken place before ten-thirty, which makes it less than an hour, your Honour.

Q. MR. MANSFIELD: You saw - Mr. Taylor showed it to you on Friday - an aerial photograph, taken between ten and ten-thirty, showing ranks of Police Officers and hardly a demonstrator in sight in the fields? - A. Yes, I would agree.

Q. You agree? - A. Yes. I don't know the time of the photograph.

Q. If that is taken between ten and ten-thirty, it hardly agrees with your description of the events you put forward. - A. I think it completely agrees. If it is only ten o'clock, you will see hardly any people there. If it is

towards ten-thirty you will see people coming back.

- Q. How do you know it was not following the usual pattern of events at ten o'clock? - A. As I said, some time between ten and ten-thirty, not exactly ten o'clock, but at some time the pattern appeared to be being followed and as far as we were concerned that would be it until the next convoy.
- Q. Why didn't you move Police Officers? - A. Shield officers were moved.
- Q. Actual people were moved? - A. Actual people were moved, yes.
- Q. How many units were moved? - A. That's very difficult. We certainly started to move some.
- Q. You could have reduced that cordon to a rather loose one, like the one at six o'clock. - A. We would have done. We wanted to make sure the pattern was being followed. It's a good job we did.
- Q. What happened that caused you to clear the field? - A. What happened to cause us to clear the field is that, contrary, again, to that pattern, people at the back of the field didn't go over the bridge, didn't go back. A group of them came back and, indeed, started throwing stones at Police Officers, unprotected Police Officers.
- Q. How big is this group, roughly? - A. I would say it was only - was hundreds.
- Q. Hundreds returned? - A. Hundreds never went. A lot more came afterwards and came to within 30 yards of the front of the unprotected cordon and just started a barrage of stones.
- Q. Yes. How many injuries? - A. I can't tell you that.
- Q. You saw injuries? You saw how many officers, unprotected, were injured by missiles from hundreds of people returning?

JUDGE COLES: Mr. Mansfield.

MR. WALSH: How can the Officer answer that question?

JUDGE COLES: That is what I say. There must be some finite limit to the amount of detail into which you go, Mr. Mansfield. I don't want to badger you. I've tried very hard not to, but to ask the Officer whether it was even five or ten or twenty may, you may think, not really be very helpful. If you are going to credit, go to credit, but ask for information and details such as will help the Jury.

- Q. MR. MANSFIELD: I will come to it, Officer, your statement. In your statement, injury is important, isn't it? - A. Yes. Injuries are recorded.

- Q. It is important, isn't it? - A. Yes.
- Q. I am not asking about the colour of uniforms, but about people getting injured. - A. Yes, it is.
- Q. In your statement you are at great pains, when you counter-sign Mr. Clement's and make your own, about how many injured persons you saw when the lines were charged. -
A. I didn't make numbers. I said I saw injured persons on the lines.
- Q. You go well beyond that: "During the charge I saw Police Officers and demonstrators thrown to the ground and many injured persons were brought through Police lines. I saw injured people being brought back through the Police line". - A. Yes.
- Q. Was it roughly half a dozen, or what, that you saw? -
A. As I say, I can only recollect what I saw at the time, which was people

JUDGE COLES: Are you talking about 8.10?

MR. MANSFIELD: Yes.

JUDGE COLES: Ask him about a later time.

MR. MANSFIELD: Yes. I will come to that:

- Q. At 8.10, you claim in your statement that you saw Police Officers and demonstrators thrown to the ground and many injured persons? - A. Yes.
- Q. Roughly, how many are you talking about, roughly, what did you say? - A. You really are asking me to - I can't with certainty tell you exactly or roughly. It could have been a dozen.
- Q. JUDGE COLES: It could have been thousands. What we want to know is how many, if you can say, you saw, not to the exact person, but in general terms? - A. Possibly between six and a dozen.
- Q. Six and a dozen? - A. I can't say it with accuracy.
- JUDGE COLES: If we are going to get figures, wouldn't it be better to wait?
- MR. MANSFIELD: No, your Honour. I suggest to the Officer he didn't see any such thing and the reasons for the various decisions are a complete fabrication:
- Q. You expressed in the statement, you see, "many injured persons" at 8.10. You now say "six to a dozen". -
A. Only an estimate.
- Q. Now, at 9.25, bottom of Page 37, when the lorries are leaving, you see many Police Officers and demonstrators injured. Now, how many are you dealing with then? -
A. Again, I can't put numbers on it, as I've explained.

- Q. Roughly? - A. It could be in the same order.
- Q. Six to a dozen? - A. Maybe. Maybe inaccurate, maybe accurate. I don't know. I'm only trying to give a guestimate of the impression I got.
- Q. The reason I am asking these questions, the Jury don't have the statement, but will have. After the 9.20 period: "After a time the stone throwing became spasmodic, but at 9.25, the coke lorries left the plant and the Police lines were viciously attacked by demonstrators, I saw many Police Officers and demonstrators injured and arrests were made before the surging and charging was repelled"? - A. Yes.
- Q. Then, the statement reads: "It was then decided that to stop injuries to Police Officers that the area of Orgreave occupied by demonstrators". Now, is that right, what the statement says? - A. What the statement has is "before deciding".
- Q. Is what the statement says correct? - A. I haven't got it before me, but I presume it is correct.
- Q. You may have it. - A. My statement or Mr. Clement's?
- Q. No, yours. They are both the same. It is the fifth page of the typed version that I have, near the top. - A. Yes.
- Q. Now, I have read it to the Jury. I will read it again if you need time. Just read that passage again. I suggest it is important: "After a time the stone throwing became spasmodic, but at 9.25 the coke lorries left the plant and the Police lines were viciously attacked by demonstrators. I saw many Police Officers and demonstrators injured and arrests were made before the surging and charging was repelled. It was then decided that to stop injuries to Police Officers that the area of Orgreave", and so on. Now, is that statement right? - A. Yes.
- Q. And when it says, "It was then decided", you mean later on, after the demonstrators had left and come back again? - A. I have explained what I saw and why
- Q. Yes. Is that what it was meant to say in the statement, but doesn't? - A. Yes.
- Q. Right. Now, if, as you claim, they come back and start stoning unprotected officers, the question I began with was how many? Were Police Officers injured then? - A. Yes.
- Q. Now, I thought you might say that, because, you see, officer, you will recognise that for unprotected officers not to get injured would be a bit of a nonsense, wouldn't it? - A. Unprotected officers were injured.
- Q. Roughly how many, if you are telling the truth about seeing it? - A. I can give you one specific incident.

There were many injured, but I can tell you one officer

- Q. Well, I can give you the officer who was hit in the face with a brick - A. A colleague of mine, if you want a specific incident, Inspector Clive Calvert.
- Q. When was this? - A. 10.30. This is the period when they returned, after we thought they were going away, and stoned unprotected Police Officers.
- Q. What is the name? - A. Calvert.
- Q. Force? - A. Our Force, South Yorkshire.
- Q. Where was he standing? - A. He was somewhere on that front line.
- Q. Well, you saw it? - A. I saw him coming back with his injury.
- Q. Did you see him hit in the face? - A. No.
- Q. That is what the officer told you had happened? - A. No. I saw blood streaming down his face.
- Q. I don't want to, obviously, take any false points, but you saw him hit in the face by a brick? - A. No.
- Q. But, he told you he had been hit in the face by a brick? - A. I'm sorry, but I can't remember whether he exactly told me personally, but it was obvious.
- Q. All right. We will leave that for the moment. How many is "many injured" at this time? This is towards the ten to ten-thirty period when people have returned in their hundreds. Now, how many, roughly? - A. I can't tell you.
- Q. Can't tell me? - A. No.
- Q. Just describe the injury you saw on this officer, since we can't deal with numbers. - A. The blood streaming down his face where the injury was. It was difficult to see from the blood, but it would be somewhere in the vicinity of his nose or somewhere at the top of his head, somewhere certainly in his face.
- Q. Now, this is ten to ten-thirty, that period? - A. This is what I have been describing, when they returned.
- Q. Yes. So there is no mistake, do all three officers then get together on the field of action and take the decision to clear the field? - A. As I said, at some stage during that period, when they came back, it was decided by virtue of the fact of the time period we had got before the next convoy came and the actions of the demonstrators, which were obviously not going to go away but were intent on stoning Police Officers, we had no alternative but to clear the field.

- Q. In the statement it indicates missiles were continuing to fall "and I lost all track of time". Do you see that?
- A. Yes.
- Q. You weren't keeping a track of time anyway, were you? -
A. Very difficult. No, I wasn't. The last thing on my mind was time.
- Q. What is that in there for? - A. That is to try and put over the circumstances in which we were trying to operate that day.
- Q. To suggest you hadn't been keeping the same track of time? -
A. It doesn't suggest anything of the sort.
- Q. "Missiles were continuing to fall and I lost all track of time". That is what it suggests, doesn't it? That you didn't keep the same track of time? - A. It suggests nothing of the sort.
- Q. The reason it is there is purely because that is Mr. Clement's version, isn't it? - A. It explains the circumstances of the day. The last thing you are doing in circumstances like that is to look at your watch. It tries to portray the circumstances in that day at Orgreave. Time becomes virtually very unimportant.
- Q. Why don't you say in your own statement, "I never kept time. I couldn't. It was such a confused day"? -
A. As I said, the statement was taken from notes. I may well have said the same in different words, but it would have been meaning the same.
- Q. When you took the decision to go up to the bridge, you recognised, did you, that risk, on your version of events, that they would all end up in the village? - A. Yes.
- Q. And you, on your own version, if there are hundreds throwing stones, recognise that there is a grave risk to property if you do that, don't you? - A. Yes. We knew we could only try and advance as far as the bridge at that time.
- Q. Did you allow the demonstrators any other way out other than over the bridge? - A. The bridge is where the demonstrators came in. That was open to them.
- Q. Did you allow the demonstrators any other way out? -
A. We are approaching demonstrators from a broad line in front. Therefore, that gives them three sides in which to go away. We are only on one side.
- Q. Are you? - A. Oh, yes.
- Q. Are you only on one side, Mr. Hale? - A. We are advancing up the field as a continuous line.

- Q. Who is in the adjoining field on horseback? - A. There is nobody in the field on horseback.
- Q. To the left, topside, as you look at it going up the hill, mounted officers? - A. As I recollect there were no mounted officers in that field.
- Q. I suggest they were there very early in the morning, weren't they? - A. No. I suggest they weren't.
- Q. Well, I am not going to spend time going through the tape, but they are on the video film, there are seven officers, one on a white horse. Do you not remember them? - A. I can't remember them, no.
- Q. On the side of the hill, officers stood on a ridge, aren't they? - A. Well, if you say so. I don't recollect.
- Q. Apparently, officers from Wales who have lost their way, as a matter of interest. But, you didn't see them? - A. No.
- Q. In addition, dogs down in the adjoining fields? - A. Yes. Dogs in that field.
- Q. Therefore, only one way out, wasn't there? - A. No.
- Q. Where do they go if they don't go over the bridge? - A. They could go over to the field, to the left.
- Q. As you are looking at it? - A. As you are looking at it.
- Q. Horses and dogs in that vicinity, weren't there? - A. You say there's horses. I say there isn't.

MR. MANSFIELD: Perhaps that would be a convenient moment, your Honour?

JUDGE COLES: Yes, I'm sure it will be.

2.15 p.m.

- Q. MR. MANSFIELD: Two final matters, one small and one slightly bigger. The smaller one is a matter of detail, but it might have some importance later in the case. Earlier on you were saying that when you were approaching the bridge - you weren't saying that today, but on Friday - you noticed smoke on the far side. Do you remember saying that? - A. Yes.
- Q. I want to approach it in this way: Do you think that when you first went towards the bridge that you did not see smoke on the far side? The question of smoke and burning

of anything arose much later. Do you think you could be wrong? - A. Well, I remember when we re-grouped at the bridge there was something. I have the impression of recollecting something, some smoke over the other side of the bridge.

- Q. Is this re-grouping when you have all got to the top of the field or after you have been to the brow of the hill?
- A. No, this is before we go over the bridge.
- Q. Before you go over the bridge? Could you be wrong about that? - A. I may be. I know for certain on that point that that is the recollection of the day.
- Q. I suggest that that comes much later on. - A. I can't be certain about that point.
- Q. You agree you were mistaken? - A. I could be.
- Q. Finally, this: You came on duty about four and by 1.25 things had calmed down? - A. Yes.
- Q. So, this period of time we are talking about, roughly that area, at any time during that period, four right through to 1.25, was the option for that day ever considered - and I want to ask you about one or two - for example, setting up road blocks preventing people ever getting there in the first place? Was that discussed amongst the three of you? - A. No, that wouldn't be our prerogative, that particular option. That would be decided at a higher level than myself.

JUDGE COLES: Road blocks on the main road?

MR. MANSFIELD: Yes:

- Q. Was the answer that that wasn't discussed amongst the three of you? - A. Certainly wasn't party to any discussion
- Q. I am not suggesting you personally had power to implement it. You agree you had the facility to put it forward - that is, the suggestion - don't you? - A. Yes, but as I say, my main concern was the events at Orgreave. That comes at a much earlier stage.
- Q. Yes. I have cross-examined you on the basis of, as it were, the location for which you were responsible, namely, topside. - A. Yes.
- Q. Since you have made it clear you were also involved since about four o'clock in the morning and on earlier days, presumably, with policy-making. Is that right? - A. I wouldn't say specifically policy-making, no.
- Q. Who are the policy-makers beside Mr. Clement, then? - A. It would be Mr. Clement in consultation with the Chief Constable, I would imagine.
- Q. Mr. Wright? - A. Yes, I would think so.

MR. MANSFIELD: No further questions. Thank you.

Cross-examined by MR. O'CONNOR:

- Q. Mr. Hale, I would like you to try to imagine something, please: That Mr. Mansfield is a mounted Police Officer with a long stave which he has been pointing for some time now to encourage and persuade you to do something, and that is, to tell the truth. Now, can I ask you a question? - A. You certainly can.
- Q. Are you going to tell the truth? - A. I always tell the truth.
- Q. How many Police Officers did you see striking demonstrators with truncheons that day? - A. As I've said, I did not personally witness any Police Officer striking people with a truncheon.
- Q. Well, as a tactical expert in this case, Mr. Hale, do you agree that I now have no option but to deploy Mr. Rees, Mrs. Baird and Miss Russell as our short shield officers to encourage and persuade you a little bit more because you are not telling the truth, are you? - A. I've told you and I repeat it again, that I can only tell you what I say personally, not what other officers saw, what I saw.
- Q. Last Thursday you gave evidence from the moment of our break in the middle of the morning until some time into the afternoon about the events, and that is in answer to questions from my learned friend for the Crown, telling us the story about events between your arrival at the bridge and the end of the day's events? - A. Yes.
- Q. And I ask you to look at your witness statement, please. Do you have it there? - A. Yes.
- Q. If you look at the fifth and sixth pages, and we will just go through it, mindful of the fact that the Jury don't have a copy, but effectively you cover those events which took you at least two hours to describe to the Court, in six sentences, and may I take you through them? I think that is the bottom of Page 5. Is yours the same as mine? - A. "We then continued the initiative ..."
- Q. Yes. Are you with me? - A. Yes.
- Q. Just before then, before we start on our six sentences, you describe the demonstrators being forced back over the bridge, leaving a gap? - A. Yes.
- Q. You describe the throwing of missiles? - A. Yes.
- Q. Now, your account then goes as follows, doesn't it: "We then continued the initiative and with horses and short shield units the demonstrators were pushed towards the junction with Highfield Lane and Orgreave Lane"? - A. Yes.

- Q. "There must have been at least 8,000 of them in this area. As the demonstrators retreated I could see that many were in people's gardens and firms' premises. They were completely blocking the road and obviously had no intention of immediately dispersing. We then withdrew under a constant barrage of missiles and every available Police horse was ordered to move at a trot towards the demonstrators who immediately moved backwards. This enabled the Police lines to withdraw to relative safety across the railway bridge"? - A. Yes.
- Q. You then go on to describe seeing Mr. Scargill as you withdraw, but that is a mistake. So, those are our six sentences? - A. Yes. .
- Q. They are wholly inadequate, do you agree, to describe the events which you took two hours to describe to the Jury on Thursday? - A. As I said before, it is only a brief statement outlining the main points of the day's events.
- Q. Do you agree, is there any mention of any arrests in these six sentences? - A. No.
- Q. Of being at the brow of the hill? - A. No.
- Q. Of going to the junction? - A. No, not in detail.
- Q. Not at all. - A. No, not at all.
- Q. Of Police Officers going on to private property? - A. No.
- Q. Or even of leaving the road at all? - A. No.
- Q. You see, you can't say that through this statement you have not covered details like that in other parts, because you have, haven't you? - A. Some detail.
- Q. You have mentioned arrests at earlier parts of the day in that statement, haven't you? - A. Yes.
- Q. And you have even described, haven't you, if I may take you to the third page, the exact diameters of the ball bearings that you say were thrown at Police Officers? - A. Yes.
- Q. You say that is a broad brush approach, do you? - A. Yes, that is what I said.
- Q. So, you mention one to two inch diameter ball bearings, but you don't mention any of those matters I have just put to you? - A. No.
- Q. Do you have any explanation for that different approach which you seem to have adopted in different parts of your evidence as to what appears in your statement and what doesn't? - A. As I say, it was intended as only a broad outline of the day's events. Any detail would come from

my memory, from recollection to this Court and would be brought out by counsel. It is only intended as a brief description of what happened, trying to bring out the points as appeared important at the time.

- Q. It isn't only that things are missing, but the sentences I have just read out are positively misleading, aren't they? - A. I don't think they are misleading.
- Q. Let me ask you about the sentences. Beginning of the paragraph: "We then withdrew" - I will summarise. You continued the initiative with horses and short shields and pushed the demonstrators towards the junction? - A. Yes.
- Q. This is as to what you did. The demonstrators retreated? - A. Yes.
- Q. Completely blocking the road? Yes? - A. Yes.
- Q. "We then withdrew"? - A. Yes.
- Q. Well, that isn't true, is it? - A. Of course it's true.
- Q. Well, on reading those six sentences there is not only no mention of two advances by foot officers, but the fact that you say, "We then withdrew", is positively misleading, isn't it? - A. No.
- Q. Well, let us go through the sentences. "We then withdrew under a constant barrage of missiles and every available Police horse was ordered to move at a trot towards the demonstrators, who immediately moved backwards". Do you follow? - A. Yes.
- Q. You are saying you, foot officers, are withdrawing as Police horses are moving at a trot towards the demonstrator. It isn't true, is it? - A. I have described the events, what happened at the top of the street.
- Q. It isn't true, is it? - A. I have described events. This is only a summary of those events. There is a lot more detail.
- Q. How were the mounted officers told where to stop? - Word was passed to them exactly how far we were going.
- Q. Yes. How? - A. I don't recollect. Could have been passed by personal radio, could have been by message, but I can't recollect, but certainly they were - a message was passed to them.
- Q. You don't recollect them trotting through the short shields at the brow of the hill and somebody shouting at them, "Lads, we'd better stop at the junction"? - A. No, it wouldn't be like that. No, I can't recollect it being like that. It would be more specific than that.

- Q. What orders were given to mounted and foot officers, to your knowledge, about leaving the road, going on to private property? - A. No instructions.
- Q. None at all? - A. No.
- Q. And before moving on, just let me ask you about the brow of the hill, because you advance to there, some mounted officers are ahead of you, you have told us of the difficulties, on your evidence, that were encountered there? - A. Yes.
- Q. Horses withdrew, re-grouped and then all the horses go through ahead of you and you advance to the junction? - A. Yes.
- Q. So, there is a time when you are at the brow of the hill when you were waiting for the horses to re-group and go through? - A. Yes, as I recollect, that is correct.
- Q. Is there anything else that you recollect happening while the foot officers at the brow of the hill are there? I think you have described a sort of informal cordon? - A. Yes.
- Q. Anything else that you recollect them doing? Did they stand in a purely defensive position, fending off attacks or missiles, until the horses passed through, the 42? - A. Yes, basically, that is what they did.
- Q. Well, what else? - A. I can't recollect anything.
- Q. Well, can you recollect any advances by those short shield officers in that time? - A. They wouldn't have advanced. There wouldn't have been an advance of the type that we used to give as far as the junction. They may have moved forwards and backwards slightly.
- Q. As one? - A. I doubt it, as one. A group may go forward if some demonstrators may have approached them, may try to give the impression they were about to advance again, but in essence we would remain while the horses re-grouped at the brow of the hill.
- Q. You often have, in your evidence, said, "They may". You were with them, weren't you? - A. Yes.
- Q. Watching? - A. I was there.
- Q. You have already accepted this exercise as being of more than usual interest and importance because it is the first time these officers have been deployed? - A. Yes.
- Q. Did smaller groups of those short shield officers make any advances beyond the brow of the hill while you were waiting for the horses? - A. As I have said, no major advance was made. A group may have gone to the side, may have gone

into the nearby premises, but no major advance was made from the brow of the hill until the horses had re-grouped.

- Q. Do you recollect any advance at all by any of those short shield officers? - A. I just can't recollect.
- Q. Do you recall any arrests being made at that time? - A. I can't specifically put any down. Could have been. I don't know.
- Q. When did you first see the Manual, as it has been called? - A. Well, the Manual is always in a constant state of updating. The last time I will have seen the Manual would be quite a bit ago now.
- Q. When did you first see it? - A. I would first see the version that was in operation at the time when I was dealing with the training.
- Q. Of course, trainers have to be trained? - A. Yes.
- Q. So, you yourself would be trained, presumably, in the terms of the Manual before you went on to teach others? A. Well, as I say, it has been constantly updated and whatever versions were available at that time I would imagine would be trained in accordance with most of the principles in the Manual, or made aware of them.
- Q. I want to ask you about when you first saw it. Please, can you recollect that? Were you yourself on a training course or were you just sent it through the post, or were you shown a copy by the Chief Constable? - A. No. It is a restricted document, to Assistant Chief Constable ranks and above. As I say, when I first saw it, I can't honestly recollect. It would be quite some time ago.
- Q. Well, in what circumstances did you first see it? - A. It would be as we were evolving our training, or updating our training.
- Q. I am not going to be long on this, but you did use this phrase, you said, "We would have looked at the Manual". You said that before lunch. First, where? - A. It would be at the time I was in Operations Division. Operations Division is headed by a Superintendent who is responsible to an Assistant Chief Constable, and the Superintendent and myself would examine the Manual, have a look at it and make our own training programme based on the Manual or options that were available in the Manual, as we thought would be best.
- Q. So, there is a training manual for South Yorkshire? - A. There is a loose training manual. We have never really produced a full training manual for South Yorkshire. That is usually done on a regional basis.
- Q. What does the training manual for South Yorkshire say about the use of short shield units? - A. I've described how we used to train and the use of short shield units. That is the training we evolved.

- Q. Is the training manual at South Yorkshire a restricted document? - A. As I say, we haven't really had a training manual in South Yorkshire.
- Q. When did you have it, then? - A. I said we never had one. We have only evolved the information based on the actual Manual. One has never been produced for South Yorkshire.
- Q. So, there isn't one. Now, you said, "We have looked at the Manual and decided which parts were relevant", and you were going to use those. Is that right? - A. Yes. We would decide.

MR. WALSH: Your Honour, what he said was, "We planned our own training programme, based upon various options in the Manual".

MR. O'CONNOR: That is quite right, your Honour. I was quoting from evidence before lunch:

- Q. You looked at the Manual and decided which parts you were going to apply to training in South Yorkshire? - A. Yes, that is correct.
- Q. Who is "we"? The same officers? - A. I have explained, whoever was in charge at that time.
- Q. Now, did you make a conscious decision not to use those parts of the ACPO Manual which referred to incapacitating people with truncheons? - A. No. We never made a conscious effort to exclude those.
- Q. So, you are one of how many people training Police Officers in these sort of affairs in South Yorkshire? - A. Again, we are going back some years. I would have, myself, an assistant and possibly another P.C. or Sergeant to assist.
- Q. So, there was this team, headed by you, for training purposes? - A. Yes, for the actual day-to-day training.
- Q. And so there was no document there from which training officers could work, showing incapacitating missile throwers and ring leaders? That is not part of Police tactics in South Yorkshire? No document showing that anywhere? - A. No, there is not.
- Q. Then, so far as you are aware, South Yorkshire officers weren't trained to do that? - A. That's right. We were never trained to do that. Never saw the necessity.
- Q. Is there any other reason why you - you say there was no conscious decision, but is there any other reason why you happened not to have applied those options to South Yorkshire, in training? - A. Yes, because the use of truncheons is covered in our general Orders for the Force as a whole.
- Q. Any other reason why not? - A. I would think that we would never envisage circumstances getting serious enough for that

- Q. Did you decide not to use it as part of your training in South Yorkshire because you thought it was coming on a bit strong to instruct officers to incapacitate people in any circumstances? - A. No, that wasn't a conscious decision.
- Q. That wasn't a conscious decision? - A. No.
- Q. It didn't strike you that way? - A. No.
- Q. Did it strike you when you saw this document that there might be some slight problems over who ring leaders are in a public disorder situation? That didn't strike you either? - A. I don't quite follow your question.
- Q. Did you not see grave dangers in training Police Officers to use truncheons according to these two options in the Manual? - A. I have told you the options that we trained by and what our main tactics were, the use of short shields. I have gone over it time and time again.
- Q. Did you not see grave dangers in training Police Officers according to these two options? - A. According to the ones that we read out this morning regarding dispersal, yes.
- Q. You did see some grave dangers? - A. Yes, from what was said this morning. We never used that option.
- Q. Have you never expressed your concern about those grave dangers to anyone else before this moment? - A. We never used to train it.
- Q. Have you ever done anything else other than not actually applying it yourself, like saying to the Chief Constable, "What on earth are they doing, producing a document like this?" - A. No.
- Q. You have never done anything like that? - A. No.
- Q. Now, of course, you are in charge of members of short shield units during the course of that day? - A. Yes.
- Q. From different areas? - A. Yes.
- Q. Many of them not from South Yorkshire? - A. Yes.
- Q. Who, for all you know, could have been trained to incapacitate people according to this Manual? - A. I don't know. I am not aware of other Forces' training.
- Q. Exactly. Therefore, for all you knew, those units with you at the brow of the hill could have been trained to incapacitate people with truncheons. Yes? - A. I can't comment on that. As I've said, I don't know how they were trained.

- Q. Did you care to find out? - A. Circumstances were such, there wasn't time.
- Q. You had been at Orgreave many times before the 18th? - A. Yes.
- Q. West Midlands officers, short shield officers, there before? - A. West Midlands officers? As I have said, we have never used short shields before, or had them on standby.
- Q. I understand they are, of course, ordinary Policemen who become short shield officers by putting riot equipment on? - A. You know that is not the case. They are trained.
- Q. Yes, they are trained. Had you taken any steps, advice, to find out whether you were not in charge, or had available behind the lines, officers who were trained to incapacitate people? - A. No. The officers were sent to me. On briefings, I briefed them as to what I wanted, which was not to incapacitate.
- Q. You see, I ask you these questions, some of them, because I don't necessarily accept your evidence, because we only have your word for it, that those officers were not trained to South Yorkshire officers as well. Do you follow? - A. I do follow. That is your prerogative.
- Q. Do you agree that instruction, part of which you conveniently did not hear on the television, that day?....

MR. WALSH: Would my learned friend not make speeches. If he is accusing this officer of lying on the basis of no knowledge then would he like to make that plain?

JUDGE COLES: Yes. I know it is easy to slip into it. Let's try very hard not to.

MR. O'CONNOR: Yes:

- Q. You claimed not to have heard part of the instructions being given to these short shield officers which we heard, "Bodies, not heads". Do you recollect? - A. Yes. I heard the word, "heads".
- Q. Do you agree the instruction, "Bodies not heads", would be utterly consistent with those two options in the ACPO Manual? - A. Easy to take that out of context. I have no idea what was said at that particular time. I have explained the standard instruction that would be given regarding the defensive use of truncheons.
- Q. Two other matters. Do you recollect that as to the use of mounted officers the Manual makes this specification: "For dispersal purposes they are only a viable option when a hostile crowd has somewhere to disperse to rapidly"? - A. Yes. I was not responsible for training mounted officers, but if it is in there then I will accept what you say.

- Q. Well, you advised Mr. Clement on a number of questions that day. Did you advise him as to which - A. I didn't advise him on the use of horses. It wasn't my prerogative, that particular deployment.
- Q. Finally, you, in a different capacity, have been training officers. You told us you give talks and use part of the Police film of the events of the 18th June? - A. Yes. I have given a couple of lectures on it and other aspects of the dispute as a whole.
- Q. I understand. Of course, I don't know who you are teaching there. - A. Well, various bodies, but certainly I have given two lectures down at the Police College.
- Q. Hendon? - A. No. Bramshill.
- Q. Of course, the film could be used for one of two purposes. It could be used to show all those Police Officers who weren't at Orgreave how it should be done? - A. It could be.
- Q. It could also be used, those parts of the film, to show them how it should not be done? - A. It could be.
- Q. Which do you use it for? - A. We use it to show the scale of violence at Orgreave.
- Q. You don't use it to show to those Police Officers, Police tactics in operation? - A. Part of it is tactics, yes.
- Q. You use that film to show them how it should be done? - A. We use that to show the options that are available in circumstances of whatever situation, and then how the situation, as it developed, necessitated the use of other options upon the scale of options, if you care to use that phrase.
- Q. So, you use the film as an illustration of how the Police should escalate their response according to what is happening? - A. We used it to show how, in relation to whatever they are being subjected to, the options that are available to them.
- Q. So, we take it that, by yourself, and presumably others, future generations of Police Officers are being trained, are they, to behave in exactly the same way as Police Officers behaved at Orgreave on the 18th June? - A. If you mean in a disciplined manner, yes.

MR. O'CONNOR: Thank you.

Cross-examined by MR. REES:

MR. REES: Your Honour, my learned friend has invited me to replace her, Mrs. Baird, in the batting order.

JUDGE COLES: Yes. Carry on.

- Q. MR. REES: Mr. Hall, you have been given copies of a variety of documents called Police Support Unit Operations Records? - A. Yes.
- Q. You are familiar with that document? - A. Yes, or a similar one.
- Q. Coincidentally, the one which I have been given, in fact, covers the PSU who arrested both of my clients, Mr. Marshall and Mr. Newbigging. Now, as I understand it, firstly, to deal with it, this is a document which the Inspector in charge of a given PSU is given? - A. Yes, he is issued with that on attendance of whatever dispute he has been deployed to.
- Q. He will fill it in, the details? - A. Yes.
- Q. And in the form of a booklet as to what to do with the completed booklets, Section 4: "On completion the booklet WILL" - and "will" is in capitals - "be immediately dealt with as follows: (a) If the operation is within the Force area" - that is, the same Force as the PSU? - A. That is the instruction that would have applied to South Yorkshire units in this case.
- Q. Yes: "Handed to the officer in charge of the Incident Control Room"? - A. Yes.
- Q. "(b) If outside the Force area" - that must be the case with Merseyside PSUs here? - A. Yes.
- Q. " where more than one PSU is deployed, the booklet will be handed to the officer in charge of the South Yorkshire Police contingent"? - A. Yes.
- Q. So, you hand them out at the beginning of an incident and they are returned at the end to South Yorkshire? - A. Yes, they should be, yes.
- Q. No matter where the PSUs come from? - A. Yes. We get all the logs, or should do.
- Q. On the 18th, the reference to the officer in charge of the South Yorkshire Police contingent, who would that be on the 18th? Is that you? - A. No, the officer, really, in South Yorkshire, is Mr. Clement, but there will be a team of logistic officers who will have delegated responsibility to collect those booklets.
- Q. JUDGE COLES: What did you call them? Logistic officers? - A. Yes.
- Q. MR. REES: What is a Logistic Officer? - A. It is a group of officers who look after things like issuing the booklets, issuing personal radios, arranging refreshments and meals for officers - non-operational officers who do the administration of an event like Orgreave.
- Q. What happens when these operational records are returned by the various PSU Inspectors? Are they read by anybody?

- A. Yes, I would think somebody will read them.
- Q. And they contain information about what the officers in that PSU have been doing? - A. Yes, they should do.
- Q. And the names of the arrests? - A. Yes, they should do.
- Q. And times of arrest and place, if possible? - A. I would think so, yes.
- Q. And also they deal with injuries to the PSUs, the men within them? - A. Yes. From what I recall there is a section in there for injuries.
- Q. Take my word, there is. - A. Yes. I will.
- Q. Again referring to the foreword, which is to establish the purpose of this booklet: "Information required by and from the Inspector in charge of PSU in the event of mobilisation"? - A. Yes.
- Q. "Mobilisation" - does that have a technical meaning or what? - A. It means that if the unit is deployed that particular day, it would be issued only if it arrived that day and was deployed. If it was not deployed there was no necessity to fill it in, except to record that fact on it.
- Q. It is an extension of a PSU Commander's pocket book, his notebook? - A. Yes.
- Q. And great care must be taken over its completion and eventual submission? - A. Yes, and instructions, yes.
- Q. Much as one would expect. Now, that deals with the deployment of PSUs, not necessarily short shields? - A. Yes, any PSU of any type, on any type of deployment.
- Q. Now, it is quite clear that the form itself spells out the care that needs to be taken over that form. You or somebody would read them. Who would read them? - A. I wasn't aware of who was doing it on this day, no.
- Q. Would the information be reviewed or collated and presented to senior officers? - A. I would think statistics like injuries and prisoners would be pulled out and put in the form of statistics, number of units deployed, things like that.
- Q. This was the first time in the history of this country that short shield officers were used, as we know? - A. Well, it was the first time in the history of the country when certainly, as far as I was concerned, from my personal experience, it happened in South Yorkshire, it was, yes.
- Q. And a very important incident in very important events of the day? - A. Well, it is a deployment.
- Q. Are you aware whether, given this was the first time it was used, given the political concern about riot police - it is a sensitive question, to permit riot police, well,

Police Officers, to arrest using that permit? - A. Yes. But, it has become a common permit.

Q. Is it one you accept? - A. No, not really.

Q. You don't? - A. No.

Q. But, given the significance of the use of this sort of squad, given the first time of the use, nobody prepared for the Home Office a review of the sense or otherwise of their use that day? I mean, for example, looking at whether too many officers were injured, or whether too many arrestees were injured? - A. Yes, I would imagine that would have been done.

Q. Well, who did that? - A. It wasn't my responsibility. I have no idea.

Q. No idea? - A. No.

Q. I am not going to go over this ground again, but you would accept, and you have given your reasons for it, that what is in your written statement is very vague about the details of the use of the short shield officers? - A. Yes, I would accept that.

Q. Are we to understand you have never written up the use of the short shield officers on that day? - A. No, I have never written it up. It has been part of discussions, but never became a definitive document about the use of short shields that day.

Q. Did you see the BBC television news this weekend, Saturday or Sunday? - A. I may have done. When?

Q. Did you see the Observer newspaper or Sunday Times? - A. The Observer.

Q. You saw the front page of the Observer? - A. You will have to remind me of it.

MR. WALSH: I am just wondering, we are dealing with Orgreave on the 18th June of last year, not with this Sunday's Observer of yesterday.

MR. REES: My learned friend is absolutely right, but the question does have some relevance, with respect.

JUDGE COLES: Tell me what the question is.

MR. REES: "Did you see a photograph on the front page of the Observer, showing short shield Police Officers in action in the South-West of England?"

JUDGE COLES: What relevance has that?

MR. WALSH: My learned friend can do that, if it is relevant.

- Q. MR. REES: What I intend to ask the officer is whether it has been considered that their use on the 18th has been successful, has prevented any subsequent use? If a thing works you do it again? - A. Yes. It has been used again since Orgreave many times.
- Q. Did you see the photograph in the Observer of short shield officers being used against hippies in Somerset or Wiltshire? - A. I don't know whether it was the Observer, but I saw a photograph, or I think I saw a photograph. It does spring to mind.
- Q. The role of an Inspector in a PSU is obviously a supervisory one? - A. Yes.
- Q. There are two Sergeants? - A. Yes.
- Q. And when one looks at the documents I have been referring to, the Police Support Unit Operational Records, it sets out within it a list of names of the officers involved in the PSUs? - A. Yes.
- Q. All right. I'm sure you recollect - will you take it from me - a column with the name of the Inspector? - A. Yes.
- Q. And then you have two separate boxes for each of the group of ten men plus a Sergeant? - A. Yes.
- Q. And the Sergeant's position is - you have a Sergeant, ten men, in one box; a Sergeant, ten men, in another? - A. Yes.
- Q. Can one conclude from that that the responsibilities of the Sergeants really relate to their ten-man group? - A. Yes. They are what is regarded as Sections, and a Sergeant would be in charge of a ten-man section through his Inspector.
- Q. Now, what happens when the Inspector is incapacitated? - A. One of the Sergeants should be designated to take over.
- Q. By whom? - A. Well, it's difficult. It depends where they are. In normal training practice, if an Inspector is incapacitated by being hit by a brick, shall we say, the senior Sergeant will take over the Inspector's role and, consequently, a P.C. will take over the Sergeant's role.
- Q. But it depends on the seniority of the Sergeant? - A. It's usually been designated before. They know which one will take over.
- Q. So, the Sergeants work with the groups of ten. We know the men work in pairs, but also in groups of ten. They would be behind or in the vicinity of their section? I'm sorry - the Sergeant? - A. Yes, the Sergeant.
- Q. And where there is a Sergeant who has taken overall control, what is the position then, in the event of losing

an Inspector, either through the arrest by an Inspector or - A. As I say, if possible then it would be a senior P.C. who would take over the Sergeant's role, depending on where and when it happened and the availability of manpower.

- Q. Were you aware of the situation that day of a short shield PSU, in effect, being a headless body because Inspectors had been removed, for one reason or another? - A. No, I can't recollect it. It may have happened. I don't know. I'm not aware of an incident.
- Q. Working in pairs - I'm sure you will accept from me these PSUs, in relation to the arrests, in this case a considerable number of them appear to have been conducted by two officers who appeared with each other? - A. Yes.
- Q. You would expect it? - A. I would expect it, yes.
- Q. And also you would expect them to corroborate each other? By that, I mean back up each other in their evidence? - A. Yes, I would think so.
- Q. And, again, will you take from me - we will hear from the officers in due course - that a considerable number of officers in this case, when making their notes up afterwards about an arrest, have come to versions which are word-for-word the same? - A. Possible, yes. They're working together, they're doing the same things.
- Q. But, it comes to saying the same things as well, doesn't it? - A. Yes. They're in pairs, side by side, working together. They would say the same things. I would be surprised if they didn't.
- Q. They would say the same things and you would be surprised if they didn't? - A. I would think so, working in close proximity. I would expect it.
- Q. If you can spot an offender, a stone-thrower, for example, in advance, then you can agree to get that person with your partner? Quite simple, when lines break or go forward you can make a beeline for that individual? - A. I would think so, if you've had time to wait.
- Q. But, if you can't see them, you can't do that? - A. Obviously not.
- Q. I think you have already agreed in cross-examination by my learned friend, Mr. Taylor, that the situation certainly was, when the short shields were behind the PSU, you could not see? - A. Yes, certainly.
- Q. We have seen them on the video, going from the side and through? - A. Yes.
- Q. And similar difficulties seeing when one goes up behind the horses? - A. Yes. Well, they can either pinpoint

them or you can't. As I said, if it's possible, they can pinpoint them.

- Q. If they can't, having regard to the arrests made in the field, it must follow that pairs of PSU officers making arrests there must see people committing offences all the time, that those officers go through the ranks until the time that they get to the offenders? - A. Yes, I would imagine so. That, possibly, could be the case.
- Q. If they don't see them, it must be they only arrest for a criminal offence? - A. Yes.
- Q. They only arrest for criminal offences if they see the criminal offences? - A. That is correct.
- Q. If they can't see until they emerge through a gap in the lines in that field - A. Making that assumption, of course.
- Q. You agree with it? - A. Yes. As I say, it is highly unlikely the front officers, when the gap opens, may do the same thing. You are asking me to comment on what individual officers see.
- Q. I am asking you to describe a real situation. - A. That is what I am describing.
- Q. You agree you can't see from behind the cordon? - A. I would think not. It certainly would be difficult.
- Q. It must follow that officers who make arrests, running through the cordon in the field, for offences which they have seen can only have seen them between the time that they emerge from the gap and the time they get to the individual? - A. As I say, when specific circumstances arise, it would seem probable, but I don't know the circumstances of individual cases, but it would seem likely that that would follow.
- Q. And it would also have to follow that if a pair of officers make an arrest, a designated pair, then they, coincidentally, must have seen the same things when going through the gap? - A. Again, you're asking me to comment in an area that I can only presume about.
- Q. If they are able to write it up word-for-word, that must be so? - A. I would think so, yes.
- Q. You see, I suggest to you, as has already been suggested, and I put it shortly, that insofar as arrests are concerned, by short shield officers, these are very much a by-product of their activities, and I suggest to you this: That you were putting forward this arrest function, this dual function, to somehow legitimise the general function of those officers, which I suggest was intimidative, and I put it to you the actual violence - A. As I have explained to you, the officers, the purpose of going out there - and I have said it time and time again

is dispersal and, if they can identify offenders of stone-throwing, etcetera, to make those arrests. That is the function of the officers. That is the way we have trained. That is the way we have deployed.

- Q. "That is the way we have trained", you say. I am not going to take you through the Manual in any great detail, but I am a little puzzled about the mix of officers from different Forces. You don't know, do you, whether the short shield officers from different Forces were, in fact, trained according to the ACPO Manual? - A. No, I can't say with certainty, no, I can't.
- Q. And Mr. O'Connor has put it to you that there are even officers there who were trained to incapacitate in the way that is explained in the Manual, hit on body, legs, heads, etcetera? - A. Yes, there may be. I can't comment on that.
- Q. Officers who were not trained, short shield officers, to have an arrest function. If they were trained in accordance with the Manual they were not trained to have an arrest function. They would either have protective functions of other officers or purely dispersal functions? - A. Or a combination of the two.
- Q. Or what? - A. Or a combination of the two.
- Q. That is what you say. Was that not a recipe, with respect, for chaos? Officers trained in different ways going into what you say is a riotous crowd? - A. No, I don't think so. The discipline shown by officers was admirable.
- Q. JUDGE COLES: Had there been any training for dealing with a crowd of 8,000? - A. I wouldn't think we ever envisaged a crowd of 8,000, no, your Honour.
- Q. To what was this really directed, what sort of crowd, the training? - A. The training really was directed towards the type of situation we had witnessed in the Inner City Areas. We never envisaged it would be used in an industrial dispute.
- Q. Had there been very much liaison between the different Forces, so far as you know, about the nature of the training? - A. Yes, there is a liaison between Forces.

JUDGE COLES: Yes. I'm sorry to interrupt.

MR. REES: I'm grateful, your Honour:

- Q. The PSUs who had not been trained in the South Yorkshire way, but were expected to operate in the South Yorkshire way when deployed: Function, arrest and dispersal? - A. Yes.
- Q. What opportunity was there to tell them, "Don't operate as you've been trained, lads. We're in South Yorkshire now. We're under Mr. Hale. He has a different way of doing things"? - A. You're making an assumption there

that they are trained in a different way of doing things.

- Q. Forgive me. I am making an assumption on what is a regularly updated Manual? - A. Yes.
- Q. Which was commissioned, as I understand it, by the Association of Chief Police Officers? - A. Yes.
- Q. That is why I have been asking these questions. Are you suggesting it is a false assumption that the bulk of the Police would have trained in accordance with the Manual? - A. In the way you suggest. What I had suggested and what I have put to you, South Yorkshire's case, about their training combination, not unsuccessfully, one or the other, the combination of one, two or three methods we have already described. It is easier for them to adapt for whatever the Force, or each Force, wants, and it is common practice.
- Q. What opportunity was there to tell them, if there were officers who hadn't trained the way you have been trained, "Do it this way"? - A. They were simply given an outline of the way, what we required in South Yorkshire. They would be told exactly what we required.
- Q. Is it your position that you will not accept that there may have been officers from other Forces who had been trained purely in the dispersal role, involving incapacitation? - A. I'm not saying I won't accept that at all. That may have been the case, but when they operated in South Yorkshire they performed as we required them to perform.
- Q. If you accept that as a very real possibility in that Manual, how can you say those officers, a shield in one hand, truncheon in the other, trained to disperse by incapacitating people, could easily switch to an arresting function, holding a truncheon and a shield? - A. Because I saw it.
- Q. You didn't see a lot of things. - A. I didn't see a lot of things, but we have seen that video of officers carrying out exactly that.
- Q. Arrests? - A. I have seen arrests as I have described, arrests on the field, some arrestees being brought down by officers.
- Q. You have not described one single arrest. - A. I have told you about people being brought back through the Police line.
- Q. That is after the arrest. You have been at pains throughout cross-examination from counsel to give a broad picture. I say this: Not once have you given detail of one single arrest. - A. I have just explained what I saw. If they are trained for dispersal, why are they bringing prisoners down?

- Q. JUDGE COLES: What you are being asked, officer, is this, I think: Arrest means, in some circumstances, taking hold of people, doesn't it? - A. Yes.
- Q. What you are being asked is if you have a shield in one hand and a truncheon in the other hand, what do you use to take hold of a person being arrested? - A. That is quite easy with the shields. You let the shield hang over one arm or, in the field, if arresting somebody, you put the truncheon away in your pocket, your Honour.
- Q. MR. REES: Can I just sort this one matter out, because I am confused by a number of things you say. All the arrests you saw were carried out perfectly properly? - A. The ones that I saw - I described one, I remember, in my evidence on the first charge, about seeing two officers take hold of somebody and bring him back down the field. That was quite correct, as far as I could see.
- Q. JUDGE COLES: If the other Forces had been told to operate in accordance with South Yorkshire's procedures? - A. Yes.
- Q. Would those be consistent with shouting, "Body and legs only, no heads"? - A. It depends. In the context, in the sense that would be reminding them they should only use their truncheons in a defensive manner if attacked, and if they did so in those circumstances it should be arms and legs and no heads. That is standard orders for our Force and, indeed, for a lot of other Forces.
- Q. So, you say if that was shouted, it would be nothing inconsistent? - A. No. Again, it is difficult only hearing half a sentence or instruction, but if it was in that context there would be nothing unusual in that at all.
- Q. MR. REES: Did you not say to my learned friend, Mr. Mansfield, this very morning, "I didn't see any single arrest. I saw people being brought down from somewhere up the road", and that clearly refers to somewhere on the bridge, or beyond it? - A. Yes. That was in that context, I believe, in the area of the bridge, we were being questioned about at that time.
- Q. So, in the area of the bridge you didn't - A. In the incidents I was being questioned about I cannot remember exactly where, but I certainly remember saying something to that effect this morning.
- Q. You did not see any single arrest from the time you got to the bridge? - A. If you are talking about the actual laying on of hands?
- Q. Yes. - A. Then, no.
- Q. No? The physical taking hold of an individual and removing them into Police custody? - A. The actual moment when somebody was taken hold of, no.

- Q. Are we to understand that those arrests you did see were in the field? - A. I mentioned one specific incident. The others, I remember seeing people being led down from the top of the field, under arrest.
- Q. You saw another incident on television, the P.C. Marchant (incident on television? - A. Yes.
- Q. At the time of that incident you were behind the Police lines? - A. Yes.
- Q. Looking at? - A. At the field, looking at the short shield officers.
- Q. Yes. With a view of the field? - A. With a view up the field, yes.
- Q. And that incident, I suggest, took place slap bang in the middle of the field. - A. Well, I can't see from the television where it took place.
- Q. Moving on, this was a boiling hot day? - A. Yes.
- Q. Some of the PSU officers, short shield officers, are wearing black leather gloves? - A. Yes.
- Q. Is that to assist with their grip? - A. No. On the back of the gloves is a padded area because when you hold these shields - and they're continually being hit by missiles - then you can get bruising and cuts to the back of your knuckles. These are special gloves to protect against that type of injury.
- Q. When the officers go on duty are they expected to display their truncheons to a supervising officer? - A. No, not particularly.
- Q. You would not expect a Police Constable to go on duty with a cracked truncheon, because it would be extremely dangerous for him and for anybody else if he was forced to hit with it? - A. I wouldn't think a responsible officer would. No
- Q. You wouldn't think a responsible officer would go on duty with a cracked truncheon? - A. I wouldn't think so, no.
- Q. Because, you see, that is what P.C. Marchant did, according to him. - A. Well, I can't comment on that.
- Q. Did you see on television his truncheon breaking on the head of a man he was hitting? - A. I saw the incident referred to.
- Q. His explanation for the truncheon breaking

MR. WALSH: My learned friend keeps saying these things. If there is to be evidence about it, let there be evidence at some stage.

MR. REES: I hope the Crown will be calling P.C. Marchant.

MR. WALSH: Your Honour, I have given a list to the Defence of the witnesses we are calling. It may be added to, it may not be.

JUDGE COLES: You can put it in general terms if you need to, Mr. Rees, but let's not use names in advance.

Q. MR. REES: Now, it has been put to you that the clearing of the area, the topside area, was planned well in advance and you won't accept that

JUDGE COLES: You are leaving that matter there, are you?

MR. REES: Yes, I am, your Honour:

Q. You won't accept that? - A. The field?

Q. Yes. The sweep away. - A. The three stages?

Q. Yes. - A. I've explained how that decision was arrived at.

Q. It was not planned well in advance? - A. It was planned in advance, but it depends what you mean by "well in advance".

Q. Well, what do you mean by "well in advance"? - A. As we watched the situation - I have explained exactly what happened, how the usual pattern, again, being followed, how it didn't happen and how we had to look at the length of time, what what happening to us, the fact we were being stoned again and the length of time between the next convoy.

Q. Let me put it another way. That manoeuvre, the three-stage manoeuvre, had certainly been thought of and planned for, regardless of the actual decision to do it, and I am putting that that had been planned either earlier on the day or the day before it. - A. No.

Q. It was constructed, therefore, during the day? - A. Yes. This is what training is all about.

Q. Now, you knew from intelligence that a considerable number of pickets were going to arrive that day? - A. Yes.

Q. And would it be right to say that you had a growing realisation perhaps of the need for the short shields as the day went on? - A. No, not short shields. Certainly there was a strong possibility that long shields would be used, but not short shields.

Q. Now, you were asked about - by my learned friend, Mr. Mansfield - and invited to look at the video, about the mood of the pickets earlier on? - A. Yes.

Q. And you told Mr. Mansfield after, you really needed to be there to sense the atmosphere of it? - A. Yes.

Q. And, of course, Mr. Clement was there, wasn't he? - A. Yes, Mr. Clement was there, round and about.

- Q. You don't accept the video shows amicable proceedings at about 6.50. You said there was a clear air of hostility and Mr. Clement said, "As always, the miners were affable and moved as requested and everyone did as requested". Now, that is the opposite - A. I can only tell you what I envisaged, or what I saw, the impressions I got.
- Q. Do you still stand by that now? - A. Yes, I do.
- Q. Having seen the video, do you doubt what Mr. Clement said? - A. Yes.
- Q. You still say it was hostile from the word go? - A. I still say there was hostility shown, yes, I do.
- Q. Now, can I clarify one further matter? That decision to clear the area, whenever it was taken - you say ten to ten-thirty, your statement appears to say earlier - that is the decision for moving the area when the normal pattern of events was not being repeated, to the extent that hordes were coming back down the field after the convoy had left? - A. That is not what I said. I said the fact that they came down the field and started stoning unprotected officers, that is the reason. There is a difference.
- Q. You have said "stoning". That was the decision for clearing the area, that event? - A. Yes.
- Q. Mr. Clement told us he made the decision to do that at about 9.30, half an hour before. - A. As I recollect it, it was later than that.
- Q. Well, it would be later than that because it is the re-emergence of the miners that forced the decision upon you? - A. Yes.
- Q. And it would be a decision that was forced upon you by others' actions? - A. Yes, it was.
- Q. If the Jury found that it was earlier, that it was about 9.30 that that decision was made, it would appear to be a complete coincidence that Mr. Clement, having made the decision because he was worried about what would happen when the second convoy came in later in the day, it would be a coincidence between that decision and the completely unique event, the breaking of the pattern of the previous days? - A. It would be
- Q. Let me put it another way. If Mr. Clement made the decision at 9.30, he couldn't have foreseen this unique breaking of the pattern of previous days, namely, people coming back? - A. No, I think I have to disagree with him on the time there.
- Q. I dare say, but if it was at 9.30, right? - A. My recollection of the events was that this pattern happened later. I am just trying to think of the time-scales.

Q. We can do it by more than just guessing. The justification for the decision was the pickets coming back? - A. Yes. The group that failed to clear the area, and others joining and coming back later.

Q. I was asking you that if Mr. Clement made a decision before that, he couldn't have foreseen those pickets coming back. It must have been a complete coincidence?

MR. WALSH: Isn't that a matter of comment rather than question?

JUDGE COLES: It must be. We are starting to wander on practical matters. This is just causing delay. Do try. I realise this is cross-examination after everybody else, Mr. Rees, or after substantial cross-examination, but nevertheless

Q. MR. REES: Can I leave this matter by asking you this, then: At 9.30, it was you who did not foresee this completely unique event, namely, the usual move away after the convoy had gone, a considerable resurgence of pickets? - A. In my opinion, at 9.30, that wasn't evident at that stage.

Q. Now, again, moving on from that, if you could clarify one matter I am a bit confused about - on previous days you went stage by stage with horses and other officers may have been up to the bridge and possibly over - is that right? - A. Well, I can recollect at least one day.

Q. At least one day? - A. Yes.

Q. And that would be using the long shields? - A. Yes.

Q. I see. We have not used short shields before, just horse back-up and moving in the long shields. Long shields, horses, what I would call ordinary officers without short shields? - A. Yes, as I recollect.

Q. You cleared the area using those? - A. Yes.

Q. And on that "at least one previous day", when you cleared the area up to the bridge, ordinary officers, as I have described them, made arrests? - A. They may well have done, yes. Yes. Could have done. I can only comment on that.

Q. Is this fair comment, that ordinary officers in pairs are quite capable of arresting people for public disorder? - A. Yes, if they can get close enough.

Q. They have been doing it for years and years and years? - A. Yes.

Q. Can I ask you this? Why, therefore, are you using specialised units to make arrests this day, as well as dispersal? - A. As I have described, the missiles, they were being thrown to us, the violence, the necessity to use protected officers. To put officers in without

protection would be absolute masochism.

- Q. Officers would need to be protected if there was the constant stone throwing, on the picture you have presented?
- A. Yes.
- Q. In that situation, if one of the officers has to make an arrest, isn't it sensible to go into it, exactly what the Manual suggests? You have protected officers, short shield officers protecting arresting officers? - A. And that is one of the options, the option we do not use.
- Q. Why not? - A. We considered we would have deployed them the way we have trained them, which we considered to be a better one.
- Q. Why should arresting officers, in pairs, have their truncheons out? - A. It is part of trying to get people, to encourage them to leave the area.
- Q. That is the fear principle? - A. It is, yes.
- Q. Is it necessary - let's take a pair, two officers - is it necessary for both to have truncheons out? Is it not possible to have one with a shield and truncheon, as noted in the Manual? Would you accept it is easier to make an arrest in that way, one protecting officer, one arresting officer? - A. No. We have been trained and our training has been of this method. Why change the method?
- Q. Both officers in a pair, truncheons out? - A. Yes, and making arrests, if possible.
- Q. You have created officers, I suggest, whose role is to fight, not to arrest. - A. We have trained officers to wear protective clothing.
- Q. To fight. - A. To disperse and to arrest people, if they could, and under very difficult circumstances.
- Q. Let's move up to the bridge. Could you please give us a time, how long it took to get there in the three-stage manoeuvre? - A. Again, as I have said, the last thing on my mind was time. I only knew we were back at the bridge for twelve.
- Q. What time did the - A. It could have been heading towards eleven o'clock, something like that, could have been. I could be wildly out on this.
- Q. How long do you think the move up the field, the three-stage move, takes from the initial breaking of lines, horses going through up to the bridge? - A. Difficult. It may have been fifteen minutes. It could have been twenty minutes. It may have been as little as ten minutes. As I say, time has little meaning.

- Q. Apparently. In those three stages, horses in each of the three stages - correct me if I am wrong - horses and short shield officers go out from the line? - A. That wasn't the case.
- Q. Can you help? What happened? - A. Initially, it was a simple movement of the long shields up the field, as we had tried on previous occasions.
- Q. How far? - A. Each of the three stages could have been about a third of the distance between the initial position and the bridge. We divided it into three stages.
- Q. Three equal bites? - A. Yes, I would say that is correct.
- Q. The simple move up the line of the long shields? - A. Yes, following the horses.
- Q. What is happening with the short shields? - A. They aren't used yet in this move.
- Q. Until over the bridge? - A. No. They're not used until the last phase.
- Q. The last of the three phases? - A. Yes, the last of the three phases.
- Q. We have not heard this before. - A. I thought it was accepted.
- Q. No, no. The first move, the horses go out, push the pickets back? - A. Yes.
- Q. The shields move forward about a third of the area they have to cover? - A. Yes, simply moving up this cordon with protective shields in front.
- Q. The next move, that is repeated? - A. Yes, a similar move again.
- Q. The third move - now, we have a difference and the short shields going in? - A. Yes. It was hoped that the first move would, in fact, achieve our objective, as I have stressed all along, to encourage the people to go away. That one failed, so a repetition move was tried. That one also failed.
- Q. The intention, to push them back over the bridge? - A. Yes.
- Q. But, in the meantime, if they went over the bridge, why go any further? - A. But, they didn't. We had to push all the way to the bridge.
- Q. And the third part is the short shields going in to encourage? - A. Yes. I would say all the previous encouragement had failed.

- Q. And to encourage a lot of people down the railway embankment? - A. Yes, people did go down the railway embankment.
- Q. Encouraged to do so by the advance of the Police? - A. Certainly encouraged to go over the bridge, in that direction, back towards the estate, towards wherever their cars, vehicles, were parked.
- Q. Would it be right about this time, the traditional lull, a lot of people were just sitting, standing, lying about by the sub-station on the left, up towards the bridge? - A. There were people there.
- Q. I put it to you that there were a lot of people there doing nothing criminal. - A. I've only your say-so for that. There was a lot of people there.
- Q. Do you not accept that there were a lot of people at the top of the field in the lull? - A. Yes.
- Q. Who were doing nothing, or were they all at it? - A. No, I wouldn't say they were all at it at all.
- Q. Can you find it in your heart to agree with me that there was a lot of people at the top, by the sub-station, doing nothing? - A. Yes, there could have been, yes.
- Q. There could have been? - A. Yes.
- Q. Why did you disagree with me just now? - A. I didn't particularly disagree.
- Q. JUDGE COLES: Officer, the use of the words, "there could have been" is not very helpful. Anything is possible. A. Yes.
- Q. What counsel is asking you is what you noticed. - A. There was people there and they could have been people who were just standing about amongst other people.
- Q. You are back to "there could have been" again. Were they all throwing stones? - A. No. I wouldn't suggest everybody there was throwing stones.

JUDGE COLES: So, Mr. Rees, he is agreeing with you.

MR. REES: So he seems to be, your Honour:

- Q. Once you get to the bridge and there is the little overshooting and forming up again, did you then decide, at some point at the bridge, before the brow, that you would then push forward to the crossroads? - A. Yes. We decided to push on up the road. It hadn't really been decided it would be the crossroads at that stage.
- Q. When my learned friend, Mr. Taylor, was cross-examining you about this point you pointed out that the position on the bridge wasn't terribly effective so far as you were concerned because of the high ground, substantial bombard-

ment and so on. "We thought a final push", you said?
- A. Yes.

Q. Then, you said, "We were aware pickets' vehicles were parked near the estate"? - A. Yes.

Q. "Probably when they were near their vehicles, that might be the thing to persuade them to pack it in"? - A. Yes.

Q. That was what was in your mind? - A. Yes, vehicles up on the estate, get them back to the vehicles, that might be an added incentive to call it a day.

Q. "If we could get them moving in that direction"? Yes?
- A. To get them near their vehicles. I said, "Push them in that direction".

Q. And later you said, same cross-examination, a little later on, talking now about when you got to the brow of the hill, you talk about your impression being 8,000 people, "the mood was exceptionally hostile. Obviously, there was going to be a lot of danger if we had pushed all the way back to the estate. Didn't know what would happen". Do you remember saying that? - A. Yes.

Q. Having those two quotations put back to you, is it right you did, at some stage, presumably on the bridge, intend to push all the way back to the estate - your words? -
A. We intended to push along up the road, but it depends. The situation would have been flexible. If the people had gone, we would not have continued.

Q. And if they hadn't, you would? - A. We would have continued. We continued to the brow and, having seen the situation there and having witnessed what we had seen, decided that would just not be practicable.

Q. That is how events turned out? - A. Yes.

Q. What I am getting at is your intentions at the bridge, and it appears to be your intention to push them back to the estate? - A. It is our intention to push them back along that road. The circumstances of what happened would dictate how far along that road they would have gone, but it is very flexible.

Q. If they disperse short of the estate or the crossroads, no need to push them back all that way? - A. Yes. Again, we hadn't made a positive decision exactly how far we were going to go. We certainly were going to push up that road, up to and possibly over the brow of the hill, but the circumstances we found would alter or compound, or make the next decision evident.

Q. The position is that it was clearly a possibility, an operational possibility that you would go back all the way to the estate? - A. I wouldn't have thought we would

have gone all the way to the estate, no.

Q. Now, in fact, it's easy for me to criticise, but going up to the crossroads and back again achieved nothing except for some arrests and, in fact, it took a struggle into residential areas, that is, people, Police Officers, were injured in all of that? - A. Yes.

Q. Pickets, you will accept, were injured in all of that? - A. Yes.

Q. Damage done? - A. Yes.

Q. And the achievement, in fact, nil? - A. No, 'because it didn't work out as we had planned.

Q. You would accept that? - A. Yes, I would.

Q. With the benefit of hindsight, which I obviously have, the reason for that error, that mistaken move up the crossroads, was, as I understand it, the miscalculation of the numbers you were expecting? - A. Yes, the numbers and the mood.

Q. And it is only with the realisation of there being 8,000 on the brow, or when you get to the brow, that changes arise? - A. Yes, that, coupled with the mood, changed our minds, yes.

Q. Could you not assess or see the numbers who were being driven up the field and the road and across the bridge? - A. No, we couldn't see what was on the other side of the brow.

Q. You start off with ... (inaudible) or not? - A. It wasn't as many as we had had earlier, in the eight o'clock or half past nine area. We have got to the brow, to the bridge, and there are a hundred, a thousand, over a thousand there.

Q. Where is that? - A. Near the scrapyard, and we pushed to the brow of the hill and were quite amazed by the number on the other side of the hill.

Q. Quite amazed? - A. Yes. I thought more had dispersed than that.

Q. Where had this extra lot come from? Do you know? - A. I can only presume they were from the other side of the hill.

Q. Because this is where you saw them? - A. Yes, when we got to the brow of the hill, that is where we saw them.

Q. Presumably numbers which had been added to, people not involved earlier on? - A. There certainly seemed to be a greater number than, possibly, down on the field, yes there did.

- Q. People who had not been in the field, only the road? -
A. There certainly was a large number over there. Where they had come from I have no idea.
- Q. Where were the majority of them when you got to the brow? Were they back at the crossroads? - A. The roads seemed to be full of them. As I say, we reached the brow. The people there throwing stones would be 20 - 30 yards away and behind there they would stretch right back to the crossroads and beyond.
- Q. Packed solid, the number of 8,000? - A. There was certainly a lot of people there.
- Q. Packed solid, the number of 8,000? - A. I don't know whether "packed solid" is right, but quite a lot of people there. They weren't packed like sardines.
- Q. On your way up do you - up the brow - do you remember seeing a car up the road? - A. It has been pointed out that it was a car. I knew there was something there, but I didn't actually notice it was a car, but I will accept that. There was something there.
- Q. Perhaps I can help you. I understand from my learned friend for the Crown he will, of course, be producing an album

MR. WALSH: It has been served by way of additional evidence, your Honour. Your Honour may have it.

JUDGE COLES: Does it have an Exhibit number?

MR. WALSH: It finishes at photograph 37. To assist my learned friend and your Honour, it is Photograph 10 that my learned friend is referring to, which is a more easily recognisable blow-up of the small one the Jury had.

JUDGE COLES: Yes. Members of the Jury, it is the one, I think, of Mr. Clement walking back towards the bridge with the car. You will recognise it.

MR. WALSH: I don't know whether it assists, but we do have copies of the bundle.

MR. REES: It is only this one photograph I seek to refer to. Can we perhaps concentrate on the smaller photograph?

JUDGE COLES: Yes. Exhibit 21.

- Q. MR. REES: You see Exhibit 21? Mr. Clement is walking down the slope from the brow of the hill towards the bridge? - A. Yes.
- Q. And towards the photographer and behind him, various bits of debris, including a car across the road? - A. Yes.

- Q. Now, is that, do you think, what you saw on your way up to the brow? - A. There is a strong possibility.
- Q. I can't hear you. - A. There is a strong possibility that was probably it.
- Q. Is there a strong possibility that that is not burning? - A. It doesn't appear to be from the photograph.
- Q. Do you see the Policemen at or near the brow? - A. Yes.
- Q. Supposedly, there is a hail of missiles going on at that point? - A. Yes.
- Q. Missiles are coming down. Do you see that in the photograph? - A. I can't see it. It's a still photograph.
- Q. I accept it is a still photograph. Can you see any in the air? - A. I can't on this photograph.
- Q. Do those officers appear to be ducking missiles or taking any form of protection at all? - A. I can't see that from the photograph.
- Q. Can you see them doing that in the photograph? - A. I can just see the outline of the officers at the top of the hill at a considerable distance from where the cameraman is.
- Q. In that move from the bridge up to the brow, it is, as you would say, a difficult manoeuvre, but it is one continuous push up to the brow? - A. Yes, you could describe it as that, yes. We don't stop until we get to the brow.
- Q. Horses going first, short shields following later? - A. Yes.
- Q. There was no proper cordon either behind that car, as we look at it in the photograph, or in front of it? - A. You mean a long shield cordon, do you?
- Q. A cordon of Policemen, stationary, fixed cordon of Police Officers? - A. No, not a regiment as we have had previously. We have only got the ones at the top of the hill.
- Q. And what precedes the move up the brow is the number of horses moving up? - A. Yes.
- Q. Any idea of numbers? - A. Well, this is before we have got the extra horses there. I'm trying to remember how many exactly we used. Could have been 18 and then more.
- Q. 18 or more? - A. It could have been.
- Q. Now, they, as one will expect, sweep, you would say, with some resistance, the pickets through, 20 - 30 yards, behind the bridge up to the brow, along - A. We have gone up the road as shown in the photograph.
- Q. It would be idiotic to suggest that pickets charged into Police horses at that point? - A. I don't know

Q. Go on. - A. I didn't see any.

Q. Did you see any Kamakasi pickets hurling themselves at pickets (sic)?

JUDGE COLES: That's a new point.

MR. REES: I'm grateful. It is difficult to find one:

Q. It would not make sense, either, while horses are going off, to suggest pickets charged the short shields who were going as fast as they could behind them? - A. I wouldn't think that it would have been adviseable.

Q. It didn't happen, did it? - A. I didn't see any.

Q. And you were there? - A. I was there, yes.

Q. The car, I suggest, that we see in that photograph - and you may or may not be able to help with this - was removed from the roadway prior to the final surge of horses up from the bridge to the crossroads? - A. Well, I don't know that. I wouldn't be up at the crossroads.

Q. You are up ahead? - A. Yes.

Q. Your original decision, you told my learned friend, Mr. Taylor, when at the bridge had been to go up to the crossroads. Is that right or not? - A. No. What I said was we intended to push up. The exact position we had reached then hadn't been decided at that stage. It was only finally decided at the brow.

Q. Mr. Taylor said your options were two-fold, to continue the advance and have a final battle in the village, or withdraw, and your answer was, "Yes", to both of them. Do you remember that? - A. Yes. I don't specifically remember it, but it would seem logical. I wouldn't disagree with that.

Q. You went on to say to Mr. Taylor, "I can only tell you what we agreed to do, to advance to the crossroads with short shields"? - A. Yes, from the brow of the hill.

Q. You say that is from the brow of the hill? - A. Yes.

Q. Now, the position is this, that having decided to retreat, you have told us - and I won't go back over it - that it was necessary, in fact, to advance? - A. Yes. We wanted to create a breathing space.

Q. So, the position is that in retreating you, in fact, did, I suggest, what you had originally intended to do all along and that was to go over the bridge to the crossing? - A. That is eventually what happened, yes. I have explained the reasons why we, in fact, had to do that.

Q. In effect, I suggest there was no alternative in your plans whatsoever. From the bridge, you intended to go

up to the crossroads, and you did go up. - A. I've explained reasons why decisions were taken. That's what happened.

- Q. Finally, in this advance to the crossroads you have described that period from the brow to the crossroads as the heaviest period of missile throwing and you also used the adjective "terrific"? - A. Yes. I would say that was the heaviest.
- Q. The horses are under a hail of missiles? - A. Yes.
- Q. Short shields going after them, there are pickets to the side, in commercial premises, alleyways? - A. Yes, that is the impression I got, yes.
- Q. That is the impression you got? - A. Yes.
- Q. You were right there with them? - A. Yes, I was.
- Q. I would like you to look at some other photographs, I think Exhibits 22 or 20 - a photograph of the bridge

JUDGE COLES: The photograph of the demonstrators running away towards the commercial land?

MR. REES: Yes, your Honour.

JUDGE COLES: It is Exhibit 20.

MR. REES: It has already been exhibited. Then, I wonder if the Jury and his Honour and my learned friend for the Crown could see this before I go on? (Handed)

MR. GRIFFITHS: Could I possibly have sight of 11A whilst that is being done? (Handed)

- Q. MR. REES: Now, do you see there a large number of horses moving from the brow of the hill up towards the village crossroads? - A. Yes, I do.
- Q. And do you see behind it foot officers? - A. Yes, I can certainly make out a foot officer there, yes.
- Q. And do you remember two minutes ago, me reminding you of what you had said - "this was the heaviest time of missile throwing, terrific throwing at the mounted officers and everybody else"? Right? - A. Yes.
- Q. Do you see any of that in that photograph? - A. No, I can't. People have thrown and are running away.
- Q. They have thrown and are running? How do you know? - A. Well, if you look at the road you can see missiles and things all up the road.
- Q. You can see things in the road. What about behind them? Those short shields were up behind these (inaudible)? - A. Yes, they were.
- Q. Are we to understand there is an ambush of pickets behind officers, hurling bricks? - A. There are pickets, or

demonstrators, at the side of the road in those firms' premises.

- Q. Out of sight in this photograph? - A. Not in this photograph.
- Q. They run out of sight when the horses come and then re-emerge to stone the Policemen behind? - A. No. They would still be there, stoning mounted officers and still (inaudible)
- Q. But, there are no people stoning mounted officers in that photograph. - A. I can't see any in the photograph.
- Q. You're a liar, are you not, and you have been lying for the last three days

JUDGE COLES: Does that help, Mr. Rees?

MR. REES: Perhaps not:

- Q. You won't accept it? - A. Certainly will not accept it. In fact, I resent it most strongly.
- Q. Do you? In fact, there is another photograph, Exhibit 22, of the horses in the village. Can you have a look?

MR. WALSH: I think that is "Rock on Tommy", if I'm not mistaken.

MR. REES: Yes, the ice-cream van. Exhibit 22.

MR. WALSH: I hope that we aren't selling Cannon and Ball.

MR. REES: I am not getting these witticisms at the moment. Could my learned friend?

JUDGE COLES: A comic reference to a comic couple, Mr. Rees.

MR. REES: Yes:

- Q. In that photograph, as you see, missiles in the air, a Policeman being stoned? - A. I can't see any in that photograph, no.
- Q. Will you take it from me that that is a photograph, in fact, next in the sequence taken by the very photographer who took the one I have just shown you? - A. I would accept that. I have no reason to dispute that.
- Q. He was fortunate, this photographer, on two occasions during the heaviest bombardment of missiles, to miss it, on two occasions. - A. You are suggesting no missiles were thrown?
- Q. No. I am suggesting a sense of realism. Of course, missiles were thrown, but nothing like the number that you have suggested. - A. I was there. I saw missiles

being thrown. My impression of the horsemen was one of admiration for the way they rode into a hail of missiles.

Q. Was it? - A. Yes, it was.

Q. Look again at that photograph. - A. Yes, I can see it.

Q. Admiration? - A. It was the bravery that they showed.

MR. REES: Could the Jury see the photographs?
(Handed). Could the Officer be shown one more photograph?

JUDGE COLES: May I have a look at that, please, first?

MR. REES: Yes. I do apologise, your Honour: (Handed)
Could the witness now be shown Exhibit 18, another black and white photograph? You may have it up there, your Honour, Exhibit 18?

JUDGE COLES: I don't think it's up here. Here it is.
(Handed to Witness)

Q. MR. REES: You see there the horses, the crossroads?
A. Yes.

Q. As I understand it, you and your men have advanced and pushed back 8,000 people, yes? - A. What I am saying is there were 8,000 people, or the impression I got was 8,000 on the brow. The majority have not gone, yes.

Q. I will try again. You and your men have pushed, caused to go back, 8,000 people? - A. Yes.

Q. A considerable number of whom were indulging in the worst stone throwing of the entire day? - A. Yes, some were, yes

Q. Was that private car in the photograph, present in the middle of all that, do you know? - A. Well, no, I don't recollect it.

Q. Were those coaches in the middle of all that? - A. As I say, this is the first time I have noticed a coach.

Q. You didn't see one on the day? - A. No.

Q. I admit the crowd are in the distance, but I will ask, did you see any stones in the air then? - A. No, not in the air, I didn't, no.

Q. The instruction, when you were asked by Mr. O'Connor, the instruction to the horses

JUDGE COLES: May I have a look at that photograph, please?

MR. REES: I'm sorry. Yes. The Jury have not seen it.

JUDGE COLES: Not at all. It is a photograph of the crossroads and the horses in the distance. Members of

the Jury, do have a quick look at it. (Handed)

- Q. MR. REES: Is it within your knowledge, do you know if the horses were - not the horses themselves, but their riders, were told to go up to the junction and stop there? - A. As I understand it, they were told we would re-group at the junction.
- Q. That is what you said to Mr. Taylor, they were given the instruction to re-group at the junction? - A. Yes.
- Q. If they had been given instructions to go to the junction and stop, they wouldn't need to be told where to re-group, it would be automatic, almost an instinctive manoeuvre, having reached the object, to re-group? - A. No. They would be told that the re-grouping point would be the junction.
- Q. If you want horses to go to a point, you tell them to re-group at that point? - A. That is what we would do, tell them that the re-grouping point, our objective point, would be the crossroads.
- Q. But you don't advise what they are to do before they re-group? - A. No. They have already got their instruction as to what their purposes are.
- Q. How long do you think you remained - not you personally, but from the time the horses got there until the time you properly retreated, how long do you think that would be? - A. I am trying to think how long for the ambulance to clear. It could have been ten minutes, may be as long as quarter of an hour.
- Q. Ten minutes, quarter of an hour? - A. Yes. May have been more. Could have been less.
- Q. This is part of a retreat, of course, and as I understand your evidence, one of the reasons for delay, if there was delay, was the presence of an ambulance? - A. Yes, it was.
- Q. Because the whole procedure of retreating, and this was a retreating manoeuvre - you wouldn't expect to hang about for quarter of an hour at the crossroads? - A. Certainly wouldn't.
- Q. When the ambulance came up, it presumably came up from the bridge? - A. I can only presume that. I can't recollect it coming past me from that side, so, yes, I will presume it did.
- Q. That means someone must have allowed it to go through from the bridge? - A. Yes, obviously.
- Q. Presumably, Mr. Clement? - A. I have no idea.
- Q. Nobody will send an ambulance through the lines without consent of an officer in command? - A. No idea.

- Q. No? - A. It would be sent there if there were injured persons.
- Q. In everyone's mind, certainly senior officers, prior to the ambulance coming up to the crossroads, the manoeuvre that was on, as it were, was an advance to the crossroads followed fairly rapidly by a retreat? - A. That was the purpose, that was the theory.
- Q. That was the theory. Horses coming back, coming back as fast as possible? - A. Well, as fast as is practicable.
- Q. Somebody sent an ambulance up? - A. Yes.
- Q. Knowing that was meant to happen? - A. Yes.
- Q. Are you sure it was not known that you would conduct your business in the village, the crossroads, a little longer than for the purposes of a retreat? - A. No. I've explained to you what the purposes were and what we intended to do and what stopped it. Unfortunately, the ambulance was there and that destroyed the plans. The plans, as it were, had to alter.
- Q. It is 12.10, twelve o'clock, when you got back to the bridge? - A. We were at the bridge when the convoy came in, and that is the time, at twelve o'clock, or some time before that.
- Q. After that there are no more sallies forward from the bridge by the Police? - A. No.
- Q. Purely a holding operation? - A. Simply holding.

MR. REES: Yes. Thank you.

JUDGE COLES: We will have five minutes now, but do have your five minutes. We cannot sit after half-past-four, but let's try to make it as short as possible.

(Short Adjournment)

Cross-examined by MISS RUSSELL:

- Q. Officer, have you ever watched a programme called "Hill Street Blues"?

JUDGE COLES: A very good start.

MISS RUSSELL: Thank you, your Honour.

THE WITNESS: No, I haven't, actually.

- Q. You haven't watched it? Well, if I can just explain a little thing about that programme. It's about an American

Police Force, all right, a Police show? - A. Yes.

- Q. And a couple of characters in that are quite interesting because there is this chap who goes around with a cap on who is the operations man and he is constantly ordering bigger and better equipment, anti personnel, that sort of thing, and all those outside the Police Station are the enemy and, basically, this equipment is used to try and get people out of buildings. - A. Yes.
- Q. Another of the characters, on the other hand, plays the traditional role of the friendly Policeman who likes to defuse situations without having anti-tank missiles and that sort of thing. Which - scaling it down, with the British Police Force over the last few years, it has gained a similar tendency to get bigger and better riot equipment, that sort of thing, and there is also a tendency to go back to the traditional community Police Officer - which of the two tendencies do you advocate? - A. Both.
- Q. What? Blow them up with anti tanks and then talk to them? - A. You really want me to answer that?

JUDGE COLES: You can't win.

MR. WALSH: I think you talk to them first and then blow them up, your Honour.

- Q. MISS RUSSELL: You see, Officer, you said in your evidence that in effect right from the word go the atmosphere was totally different on this day than on any other day? - A. Yes. It was, noticeably.
- Q. But, of course, one of the ways of trying to make an atmosphere better is by treating those that you are dealing with as ordinary, decent human beings. You accept that? - A. Yes.
- Q. If we look at the position, for example, at about seven o'clock or thereabouts, some time before ten-past-seven in the morning, there are very few pickets there, aren't there? - A. I think, as I recollect the evidence, we are talking in terms of 800, building up. Anyway, under a thousand.
- Q. Maybe more at this stage, if we are talking after seven o'clock. We have seen this morning that little piece of video and that shuffling up the road? - A. Yes.
- Q. You recognised Mr. Povey on that? - A. Yes.
- Q. Which of the two tendencies does he follow? - A. Very much the same. We don't want any trouble. We can only respond to the situation. If it can be diffused, then so much the better.
- Q. You see, we can see that before eleven minutes past seven in that morning Mr. Povey is already threatening to arrest people - "Move along or you will be arrested" - no discussion, just, "Move along or you will be arrested".

That was his attitude. We have seen it on the video. We have heard it on the video. - A. Yes.

Q. Do you think ordinary commonsense dictates that that is an attitude that is likely to make perhaps a little bit of earlier hostility better or worse? - A. It's difficult. No, I don't suppose it can help.

Q. Because it isn't an attitude that can help, is it? It is an attitude that is designed - and we are talking about a senior Police Officer - to inflame rather than steady things down, isn't it? - A. Certainly isn't designed to inflame anything. It is designed to move the people in front of the Police line from behind it.

Q. But, you see, he could have said, "Right, lads, go on. It's a lovely day. You want to hold your demonstration. We've got to Police it, no sides between us, go on, do us a favour, move along", if it is a friendly, jocular tone, which he could have adopted, which he could have, whereas the bit we have heard in the video, he said, "Move along or you will be arrested". - A. Probably as a result of the reluctance to move.

Q. So, the minute somebody is not joking, "Yes, sir, no, sir, three bags full, sir", to the commander of the Police Force, it is straight into him being arrested?

MR. WALSH: Isn't that a question for Mr. Povey, not for this witness?

JUDGE COLES: Yes. It is a comment, really, anyway.

Q. MISS RUSSELL: Perhaps I can finish in this way: I will suggest to you, officer, and I will deal with it, obviously, tomorrow morning, that there was a deliberate intention on behalf of the senior Police Officers that day to police in a provocative manner, to inflame the situation and, put at its simplest, smash the demonstration on the hundredth day of the strike? - A. That is completely false. Our policy all along, and it has been clearly stated, is we only respond to the actions of the people.

MISS RUSSELL: Your Honour, if I could leave it there until the morning?

JUDGE COLES: Certainly.

(The Court adjourned until 10.30 a.m.
the following day.)