

IN THE SHEFFIELD CROWN COURT

The Court House,
Castle Street,
Sheffield.

4th June, 1985.

Before

HIS HONOUR JUDGE COLES

REGINA

-v-

WILLIAM ALBERT GREENAWAY
& OTHERS

APPEARANCES:

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

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- Q. They were seen as over-reactive and aggressive? - A. Yes.
- Q. And they have now become the norm? - A. Yes, unfortunately.
- Q. I suppose so far as short shields are concerned they could be ^{spoker} of in the same terms as being seen as over-reactive and aggressive. Would you agree with that? - A. You could say that, yes.
- Q. And obviously if all those training days per month are not going to go to waste, in other words if you are not going to spend your time training Police Officers in equipment that they are never going to use, it is again from the Police point of view that short shields become the norm? - A. Not from the Police point of view. Training is intended - we hoped never to use the training, but unfortunately it has proved not to be the case.
- Q. What you are saying is that Police Officers are trained and by the time that we are talking about last year, had been trained for many years in equipment which you hope they are never going to use? - A. Yes.
- Q. Of course I suppose it also follows like any kind of - if I can call it weapon testing, there comes a point those in charge want to know how it actually works in practice? - A. We have training exercises for that purpose.
- Q. But training exercises, the theory of putting Officer against Officer, is not really going to show you exactly what happens when they go out in the field in reality, is it? - A. It is as near as we are able to simulate.
- Q. For example if Officers are engaged in short shield training one against one, they do not hit each other really hard with their truncheons? - A. You can assume that, yes.
- Q. And they certainly would not go around hitting other Officers over the head with their truncheons, would they? - A. Certainly would not.
- Q. If we go back to the morning in question, the justification for using the short shields at around 8.30, the explanation you have put before the Jury is the hail of missiles? - A. The increase in the missiles, yes.
- Q. I suppose from your point of view, walking up and down in an exposed position behind Police lines you must have been pretty scared at that point? - A. Yes.
- Q. All you senior Officers? - A. Yes, not a pleasant experience.
- Q. Not a pleasant experience. Can you explain then why certainly so far as Mr. Clement is concerned he was not even bothering to wear any kind of protective head gear?

MR. WALSH: That is a question for Mr. Clement. My learned friend knows that very well.

JUDGE COLES: It is either a question for Mr. Clement or it is comment.

- Q. MISS RUSSELL: If I can rephrase it, you saw Mr. Clement behind the Police line, you were chatting to him, taking instructions from him, were not you? - A. Yes.
- Q. There he was, your Assistant Chief Constable, not wearing protective head gear? - A. At one stage no, he was not.
- Q. Right up until just before the short shields went in? - A. Yes, that is possible.
- Q. So in other words, with missile throwing from 7.20, according to you, until 8.30 when you have to use, as it were, this weapon in the Police armoury that is never used before, you see your Assistant Chief Constable wandering around vulnerable with no protective head gear? - A. Extremely vulnerable.
- Q. Did not you go up to him and say, "Excuse me, sir, I do not like to comment, but don't you think you had better put a helmet on"? - A. He was in the same position as the unprotected Officers behind the long shields, in that he did not have equipment. It had to be fetched for him. It was never envisaged he would have to wear such equipment. That equipment is personal issue.
- Q. That equipment would have been available at any time for any of the senior Officers? - A. That would have been brought to him.
- Q. And we all know how long according to you it takes the short shield Officers even to get their
- (The shorthand writer requested counsel to talk slower)
- A. That is personal equipment. He would not have personal equipment. It may have to be fetched from headquarters, I do not know.
- Q. Are you saying that a Police car was detailed to go into Sheffield to pick up a helmet? - A. He did not have equipment, His personal equipment. I would have my equipment. Mr. Clement would not. One would have to be obtained for him. Where it came from I do not know.
- Q. The point of this Officer is that neither Mr. Clement nor Mr. Povey who you may have seen that morning? - A. Yes.
- Q. Who are shown clearly on the video? - A. Yes.
- Q. Are bothering to get their personal safety equipment before the short shields go out? - A. Yes. They are in a similar position to the other Officers behind the short shields.
- Q. They are not quite, because the other Officers behind the front row have their Nato helmets on? - A. Yes, right.

- Q. And the row behind that have their Police helmets on, do not they? - A. Ordinary helmets, yes.
- Q. The Police helmet whilst obviously not as effective as the crash helmet, nevertheless does afford some protection.
- A. Yes. They do afford some minimal protection.
- Q. Ans so far as Mr. Clement is concerned, because he is an Officer of senior rank, all he has got is a little flat cap?
- A. Yes.
- Q. That is all Mr. Povey has got? - A. Yes, at that stage.
- Q. Can we start again from the beginning. They are in fact more vulnerable than the Officers in the line, are not they? - A. They are vulnerable, yes.
- Q. So I suppose you would say they were being (inaudible) in not bothering to put their helmets on? - A. I would not suggest that. I would suggest they did not have one available at that time.
- Q. Although there were vast loads of equipment as we know in the holding area available? - A. As I have just explained, that equipment is personal issue, personal to the Officers. Mr. Clement would not have his personal equipment. Assistant Chief Constables are not usually put in that position.
- Q. Forgive me Officer. I thought that yesterday you had said that since 6.50 that morning you had noticed a tremendous change in the atmosphere of this day right along? - A. Yes. I talked about the hostility that was evident.
- Q. From 7.20 missile throwing started? - A. Yes.
- Q. And that certainly about eight o'clock it reached a bit of a peak? - A. Yes, it increased.
- Q. And yet Mr. Clement and Mr. Povey did not put on their equipment until they sent the short shields out? - A. No. They would not have the equipment available to them.
- Q. Forgive me, did Mr. Povey put on a Nato helmet at any time in the morning? - A. I do not think he did.
- Q. So he was really being heroic was not he?

MR. WALSH: This case is going on long enough without this Officer being asked questions if they were heroic. They should have been put to Mr. Clement and Mr. Povey. My learned friend knows that.

JUDGE COLES: In the interest of brevity I say no more

- Q. MISS RUSSELL: So far as those short shields being sent out at 8.20 are concerned, your justification for that is to stop further injury to Officers? - A. Yes.

that has been found to be so in practice.

JUDGE COLES: I do not want to trouble you, but you were going to read the next sentence.

MISS RUSSELL: I was not going to go into detail. I will come back to it.

JUDGE COLES: Very well.

- Q. MISS RUSSELL: In other words, the justification always for putting out long shields must be that missiles have already been thrown, that follows, does not it? - A. It follows, yes.
- Q. Because otherwise if you put them out when there is not really any need, by you putting them out it is going to provoke and encourage? - A. They would not be put out unless missiles had been thrown, yes, we know that.
- Q. Going on with the next sentence, "(inaudible) that missiles have already been thrown"? - A. Yes.
- Q. In other words we have (inaudible), have not we Officer? - A. If you put it that way, yes.
- Q. You cannot say to this Jury, "I put out long shields in case missiles were thrown" because you know putting them out in the first place encourages it? - A. I cannot say that and I would not say that.
- Q. You would have to say your justification is from heavy throwing.

JUDGE COLES: Miss Russell, he would not have to say anything. What we are concerned with here is what happened.

MISS RUSSELL: I will put it in the light

JUDGE COLES: I realise you are suggesting that this Officer is not telling the truth, you get at that by finding out what happened.

- Q. MISS RUSSELL: I am going to put to you that until those long shields went out, even if a few things had been thrown, it was nothing like the order of things that should have justified that kind of policing? - A. As I have already said when the initial missiles were thrown we did not deploy all the shields for the reason you have outlined, but when it was increased to a level where we could not allow unprotected Officers to be exposed anymore, we had to take the decision to deploy long shields. That is what I said, and that is what happened.
- Q. If you are right about that Officer, it must follow as night follows day that unprotected Officers were suffering greater injury before the shields went out than they were after? - A. There were injuries.

- Q. No. Listen to the question? - A. I heard the question.
- Q. Now try and answer it. It must follow, must it not, as night follows day, that there were more injuries to the unprotected Officers before the shields went out than after? - A. No, I do not think you can say that. What you can say, there is greater risk of injury or injuries were actually sustained. I have no record of - but there is a greater risk of injury. Obviously the more stones that are thrown the greater the risk. What the success rate or strike rate is I have no idea.
- Q. Because it would be very foolish indeed, would it not to, as it were, provoke the very thing that you wanted to avoid which was injury to the Officers? - A. Exactly.
- Q. So if we can follow the pattern of the day which in a sense you as an Operational Commander were involved in, what we should see is greater injury before you take your next action than after it. It must be right, must not it? - A. No, I do not say that at all. It is a risk factor. You have to assess the risk to Officers. We are trying to cut down injury before it happens. If the risk is greater then we have to take preventative action.
- Q. JUDGE COLES: In a sense what you are saying is that if something goes wrong that is one thing, to infer from the fact that it has gone wrong, that a state of affairs existed before contrary to what in fact existed is another matter altogether? - A. Yes, your Honour.
- Q. MISS RUSSELL: So far as the day was concerned, the short shield Officers were used at 8.35? - A. Yes.
- Q. The long shield cordon in effect in position at 9.25? - A. Yes. People would still be there.
- Q. I think you said a little earlier in your evidence that you could not just face Officers standing there and taking it? - A. No, we could not.
- Q. Forgive me, one of the phrases, do you recognise this phrase "inaudible ...unprotected Officers". In other words to act literally as Aunt Sally and draw fire. Do you recognise that phrase? - A. No.
- Q. It is in the Manuel? - A. Yes, it could be.
- Q. About the long shields? - A. I have not seen the Manuel for a long time. I cannot quote it verbatim but I would accept it is in the Manuel. No reason to argue with that at all.

JUDGE COLES: I have not read it, can you tell me.

MISS RUSSELL: It is under paragraph nine and it is sub-section C. It is dealing with the strategy of deploying long shields, and there it states they are specifically meant to act as Aunt Sallys and draw fire. That is what they are trained to do.

- Q. In other words you have a situation in which your shield Officers are doing exactly what they are trained to do, acting as Aunt Sally? - A. They are stood in front protecting Police Officers.
- Q. You did not use (inaudible) to afford more protection? - A. No.
- Q. And you explained you are going to push this whole mass of people up over the bridge? - A. Yes. We are going to try and get them to disperse, to stop the stone throwing.
- Q. You are an Operations man? - A. I was.
- Q. A strategy man? - A. Yes. I would be involved in strategy, yes.
- Q. Familiar with the local area? - A. Certainly familiar with this one, yes.
- Q. No doubt we will hear in due course? - A. Are you asking me to answer that?
- Q. You are familiar with the area, Officer really.
- MR. WALSH: The Officer is asking if my learned friend wishes that question to be answered.
- Q. MISS RUSSELL: Is that right? - A. It certainly is right. My father is a miner.
- Q. As far as the situation is concerned Officer, as an Operations man? - A. Yes.
- Q. You would look at all the possibilities of things that might happen? - A. Yes.
- Q. The worst that could happen? - A. We would consider what would happen, yes.
- Q. So considering what was to happen, you were about to push them up over the bridge? - A. Yes. We wanted them to go away.
- Q. What was the first thing that hit you as Operations man on the other side of that bridge? - A. We are talking about the other side?
- Q. What was the first thing you thought, "If we push them over the bridge or up there, what is going to happen"? - A. As I said earlier we intended to push as far over the bridge, because we did not want a situation to be operating in the houses and the premises up there.
- Q. Forgive me, Officer, when anyone prepares a manoeuvre, and you are preparing a manoeuvre where force was considered - this is not a crowd of miners like your dad, this is a crowd of stone throwing thugs? - A. There are some people of that description in this crowd, yes.

- ful
- Q. A tiny hand/or 50/50? - A. As I have said before it is difficult to pick out numbers.
- Q. Forgive me, Officer, you certainly would not want, if it was a tiny handful, to bring in short shields followed up the field with horses and so on and so forth. Would you accept that? - A. I would accept that, yes.
- Q. You are saying it is more than a tiny handful? - A. Yes. I am saying it is more than that.
- Q. I suppose if it was 90% of the crowd behaving quite peacefully, you would not want to employ these tactics, would you? - A. No. It is difficult to try and fix numbers on it. It depends on the severity of the stoning more than the numbers.
- Q. If your evidence it true and correct, you would have some people who were prepared to use force against your Officers? - A. Yes.
- Q. So what crossed your mind when you thought of pushing them up to the railway embankment on the other side of the bridge? - A. We hoped that having seen the situation that was developing and taking it in easy stages, that people would see what was happening and the more sensible would have stopped people throwing stones or would leave the area.
- Q. That is a laudable way of looking at it, but we have to take into account that that may not happen? - A. Yes, that did not happen.
- Q. That the very worst might happen, to be a little pessimistic about these things, do not we? - A. We took the strategy in stages hoping one would be successful. If it was not then we would have to consider other options.
- Q. There does come a time when you are towards the top of the field? - A. Yes.
- Q. And the vast majority have been cleared? - A. Yes.
- Q. And you could hold at that point? - A. We could have done, yes.
- Q. Now at that point did something cross your mind about pushing forward, and what could be a real danger of increasing injury? - A. No. We wanted to push them over the bridge. It was an easier place to hold. There were still people there who were still intent on throwing, and the bridge seemed the logical place to push to.
- Q. Forgive me Officer, when you are towards the top of the field, the majority, as it were, of the demonstrators must be right on the edge of the railway embankment? - A. No. The majority would probably have gone over the bridge.
- Q. The majority is over the bridge, so if they are going to come down, they are going to be limited by the width of the bridge? - A. Yes.

- Q. If they are going to come up (inaudible)? - A. Yes, I would agree with that.
- Q. At this stage you know that the effect what you had hoped for had not happened? - A. No. The stone throwing hasnot stopped.
- Q. So you know have to decide whether to go/^{on}with that practice, and I ask you again, what did you think in your own/^{mind} of the tactics? - A. It seemed a logical move. It tendered to clear the field. We still had a piece of the field to clear. Once we reached the bridge everybody would be across the bridge or on the other side of the field, and we would have achieved the objective of clearing the field, and hopefully people would then leave.
- Q. Looking on the black side, what you are also doing is driving them towards the scrap yard? - A. We were driving them over the bridge. There is a scrap yard over the bridge, yes. .
- Q. Did it strike you (inaudible)? - A. Did not occur to me.
- Q. So despite the manifest hositility that you say you have been shown since 7.20 that morning, it never occurred to you that you might just be driving these people towards a much greater supply of missiles and things of that kind, and higher ground? - A. No. We had been extremely busy, and that did not occur to me at all.
- Q. You had been to Orgreave on many other days? - A. Yes.
- Q. You knew the area? - A. Yes.
- Q. And it just never occurred to you? - A. I am afraid it did not, no.
- Q. So this is just an oversight? - A. I would not say an oversight. It just did not occur to me.
- Q. What it comes down to is the reason for the push up into the village if we can understand this, coming out of the field into the village was because of the tremendous number of injuries that were being suffered by the Police? - A. I did not say that. What I said was the amount of things that were being thrown at us from the high ground and.....
- Q. The (inaudible) being thrown from the high ground in the scrap yard? - A Yes.
- Q. Thatwould not make you push up into - I suppose it would make you push to the other side of the bridge? - A. It would make us try and clear the scrap yard.
- Q. You tried to clear the scrap yard? - A. Yes.
- Q. Having done that you are in the village for a period of time? - A. Yes. I have described the sequence of events that took place up there.

- Q. I will put to you, what happened in that village was your Officers just ran wild, pure and simple? - A. No. They are extremely well disciplined and performed very well.
- Q. And again if we look at the success rate. The reason for doing this was to hope everybody would go away? - A. Yes.
- Q. No other reason at all? - A. We wanted people to disperse and leave the area.
- Q. Because of the injury to the Officers? - A. Because of the risk of injury, yes.
- Q. No other reason. Can we be clear about that. Was there another reason? - A. The risk of injury to Officers and the risk of damaged property.
- Q. That was the only reason for, as it were, this whole dispersal operation? - A. Yes.
- Q. I suppose Officer it follows that if there was considerable greater damage after your Officers had run wild in that village, again it was a remarkable unsuccessful bit of policing.

JUDGE COLES: I do not know how he can answer that. It is based on some assumption. He has denied it and it is comment.

MISS RUSSELL: Your Honour, I am going to put to him:

- Q. In simple terms was there greater damage before or after you and your Officers had entered that village? - A. After we retreated back over the bridge and we stood there for an hour, an hour and a half, there was more damage caused in the vicinity of the scrap yard.
- Q. Let us get it clear Officer, the sort of damage that was caused was by and large the building of barricades, was not it? - A. Pulling walls down to create ammunition, building barricades, setting fire to things.
- Q. Now barricades, you, an operational man, are they an offensive weapon or a defensive weapon if they are a weapon at all? - A. I would contend whether they are a weapon at all. As you say I would not say they were a weapon.
- Q. A barricade by its very nature is a mechanism to stop something happening, is not it? - A. Yes.
- Q. And those barricades were, as it were, placed across the road quite clearly to stop horses and Police Officers charging up into that village again, were not they? - A. They were put there to stop Police Officers, yes. I would imagine that was the logic behind them, yes.
- Q. They were set up, and in about an hour everybody dispersed? - A. Yes. We stood on the bridge and just watched and took

what was thrown at us, and a lot of the hostility died down.

- Q. Did it ever occur for one moment that the reason why people built barricades was to give other people a chance to clear that area before your Officers charged up again hitting out? - A. No, that certainly was not the reason.
- Q. According to you I suppose you hoped did you that 8,000 people you saw the other side of that brow of that village (inaudible) within a couple of minutes? - A. No, I do not say that.
- Q. So far as the damage that was caused Officer? - A. Yes.
- Q. You accept that the damage to civilian property in that village was considerably more after, as it were, the Police pushed up, held the cross roads, and then came back? - A. The damage in the vicinity of the scrap yard certainly was. I am unable to say about from the brow of the cross roads.
- Q. Have a look at this photograph, which I think my learned friend has indicated is available.

MR. WALSH: It can be handed up to the Jury at this stage.

MISS RUSSELL: Yes. I wonder if the Jury could turn to photograph ten.

JUDGE COLES: This is the corn field.

MR. WALSH: The one that starts in the corn field. It is the one the Jury have seen many times of Mr. Clement walking back from the bridge.

MR. O'CONNOR: I am calling that the high noon photograph.

JUDGE COLES: You may call it what you like, Mr. O'Connor. If you turn to photograph ten, you will find the photograph to which Mr. O'Connor has just referred.

- Q. MISS RUSSELL: If we can go very quickly, Officer, photograph one show the push up, does not it? - A. Yes, it appears so.
- Q. And we can see there that hail of missiles (inaudible) field in photograph one? - A. No you cannot.
- Q. You cannot. Photograph two shows you at the embankment when you pushed them the other side of the bridge? - A. Yes. We are at this side of the bridge.
- Q. On this side of the bridge. It will become clear from photograph three, but at this point it is the heavy stoning and hail of missiles which encourages your Officers to go over.

JUDGE COLES: Miss Russell, sarcasm does not become you. The Jury have eyes and they will draw such conclusions from each photograph as they think right.

- Q. MISS RUSSELL: Photograph three shows the Officers when

they go over? - A. Yes, you can see shields raised to protect themselves.

Q. Photograph four shows somebody being arrested? - A. Yes.

Q. And Police Officers carrying something? - A. Yes, propane cylinders or oil drums.

Q. Photograph five shows somebody else being arrested? - A. Yes.

Q. Photograph six another two arrests? - A. Yes. As I have described in our tactics short shield Officers in fact arrested in pairs.

Q. We can see the state of the road? - A. Yes.

Q. Photograph seven, somebody else being arrested? - A. Yes.

Q. What looks like blood around his collar. Photograph eight, again we can see the state of the road, other people being arrested? - A. Yes.

Q. Photograph nine we have got quite a good view of the state of the road up to the bridge, and somebody being arrested? - A. Yes.

Q. Photograph ten is Mr. Clement? - A. Yes.

Q. And that is the little photograph that we have had made larger. We can see the sort of situation? - A. Yes.

Q. We can see Officers standing around in groups on the brow of the hill? - A. Yes.

Q. Other Officers standing back looking up at them, a lot of (inaudible)? - A. Yes.

Q. And Mr. Clement walking back and the car in the road? - A. Yes.

Q. I want you now to turn to another bundle. We can see the state of the wall at that stage and the lamp posts? - A. Yes, and the road.

Q. And the road. Now if we turn

JUDGE COLES: I think that new bundle had better be given an exhibit number.

MR. WALSH: We think it is 23.

JUDGE COLES: I make it 23 also.

MR. WALSH: My learned friend has forgot I think the single photograph of Mr. Clement which this album can now replace. So I think it sensible for this album now to be 21.

JUDGE COLES: Very good idea.

- Q. MISS RUSSELL: If you could pick up exhibit six. If you turn please to photograph four there? - A. Yes.
- Q. So far as photograph four is concerned, if we compare it with photograph ten, apart from the barricades we can see what happens quite clearly as to the wall and the lamp post? - A. Yes.
- Q. If you turn on for a moment in the bundle of photographs you will see that the rest of the photographs in that bundle all concern Mr. Scargill.

JUDGE COLES: That is exhibit 21.

- Q. MISS RUSSELL: If you turn to photograph 19 in exhibit 21? - A. Yes.
- Q. We can see the ambulance man is already? - A. Yes.
- Q. We can see that the time he is taking these photographs is 11.38.

JUDGE COLES: You must have eyes like a bat.

MISS RUSSELL: That is a kind remark your Honour.

JUDGE COLES: It was very kind.

MR. WALSH: I think photograph 20 is easier. The watch is bigger.

MR. O'CONNOR: I do not think bats have eyes.

MISS RUSSELL: They operate by radar:

- Q. We can assume, cannot we Officer, that the time when all the people we see being brought down in this photograph as arrested, it follows from that, that that is some considerable time before so much as a single barricade or a large part of the wall or anything like that has happened? - A. Yes. I think you can safely assume that.
- Q. Officer, what I am going to suggest to you is that you pushed and pushed and pushed those men that day, knowing well enough that if miners who have a sense of community saw time and time again Officers hitting their colleagues causing injuries, and making more and more arrests, that if you did that long enough you would provoke the sort of reaction that you got after 11.38? - A. I have told you the strategy that we used time and time again, and have given you the reason for it.
- Q. I am going to suggest to you that the pattern of that day was ever increasing violence from Police Officers? - A. The pattern of that day was ever increasing violence from demonstrators.
- Q. If that is right, Officer, it should follow again that if we look at the pattern of that day, more and more Officers are injured as the pickets become more and more violent; that must be right? - A. That must not be right, because we have

now got Officers in protective clothing which does afford a far greater degree of protection.

- Q. I am going to put to you that the pattern of that day was more and more injuries to miners? - A. I do not have the figures for the injuries, no.

MISS RUSSELL: I have no further questions.

Cross-examined by MR. GRIFFITHS

- Q. Mr. Hale, you may not know it but as far as I know you are going to be the last Officer who is capable of answering general questions about the whole incident, that is right? - A. Well, I do not know the list of witnesses, but I would accept that if that is the case.
- Q. Forgive me for tidying up one or two matters, although they may have been touched upon by my learned friend, and I am sure we have got all that we can? - A. Right.
- Q. Whether it is accurate or otherwise before you leave the box? - A. Fine.
- Q. Shall we start with this bundle of photographs that the Jury have just been shown and you have there? - A. Number 21?
- Q. Exhibit number 21. I have looked through these photographs and I have not seen any photographs of horses on any of them, but clearly we know that horses went over the bridge as I understand your evidence on basically three occasions, but we can recap. May I just put it to you? - A. Sorry, yes.
- Q. Please correct me if I am wrong; there is the overrun, that is when there is the move to the bridge, and then there is the overrun of horses, and some short shield units on the other side of the bridge? - A. Yes. I said that was possible.
- Q. That is number one. Then there are a number of horses, according to you, that precede the short shield units and yourself as you know up to the brow of the hill. That is number two? - A. Yes.
- Q. Those horses are sent back? - A. Yes, to rendezvous with other ones.
- Q. And finally we have the surge of the total compliment, I understand. Is that right? - A. Yes, I understand it was a total that we had got that day.
- Q. We have been told that is 42? - A. I would not disagree with that.
- Q. We have three movements of horses albeit different numbers on different occasions. None of these photographs show horses. What I would like to try and do is to see if you can help the court as to how we fit these photographs in.

with the movement of those horses.

JUDGE COLES: You are looking at exhibit 21 are you?

MR. GRIFFITHS: Yes:

- Q. If we can start - leave photograph number one. Photograph number two shows at the bridge. Photograph number three shows a number it seems of short shield Officers certainly operating at a trot or moving quickly from the bridge (?) up the road? - A. Yes.
- Q. It does not show any horses there? - A. No.
- Q. Are you able to assist as to whether that photograph - if you cannot fair enough, but I am asking you and hope that you can - we are looking at what we have come to call the overrun of short shield units when they went up to the bridge and went over, and then came back, or are we looking at, with great respect, an organised move from the bridge to the brow? - A. It could be either actually. It is difficult without a time. As I say I do not know whether they are in sequence.
- Q. We have been told they are.
- MR. WALSH: These photographs were taken in sequence, that is to say in the order in which they appear. How long elapsed between each particular exposure I cannot obviously say.
- JUDGE COLES: Thank you.
- Q. MR. GRIFFITHS: Can we assume, Mr. Hale as I have assumed that they are supposed to be at any rate, subject to cross checking with the negative, in sequence? - A. Yes, I would assume that.
- Q. If you look at the next few photographs, that is photographs four, five, six, seven, eight, and nine, those are clearly photographs of persons being arrested? - A. Yes.
- Q. As I understand it there was a hold at the bridge for some ten minutes according to you. Is that right? - A. Something like that. I donot know the exact time, but there was a hold at the bridge.
- Q. You have mentioned ten minutes as being your estimate? - A. Yes, that would be fair, something of that order.
- Q. So it looks as though for about ten minutes or so that might very well be the beginning of your push, and if you are right, that horses precede it, the horses are obscured. I am looking at photograph number three, members of the Jury, obscured by (inaudible)? - A. That is possibly right, yes.
- Q. At some stage then those horses, that is if it is a planned move, they are sent back by you, and so we have got a period now where you have moved up with the horses; the horses have

returned, but we still havenot yet got the full compliment which you used to go all the way up to the brow. That is right? - A. We have not got the full compliment as we moved up to the brow. The full compliment was

- Q. What I am trying to establish is this, what I understand these photographs to indicate, and then perhaps you can consider it, it would appear that these photographs, that is all of them right through to number 37, were taken before the 42 horses were in fact used. If you would consider that for a moment and turn it over in your mind? - A. Yes, that could be the case. I cannot see anything.
- Q. You cannot see anything that? - A. There is nothing that would pin point me a time on these.
- Q. You see nothing there inconsistent with what I suggest to you? - A. Not at a first glance, no.
- Q. You see there are a large number of photographs of Mr. Scargill being arrested? - A. Yes.
- Q. And we see the time on his watch at 11.58? - A. Yes.
- Q. Two different watches, successive shots show the same time? - A. Did you say 58?
- Q. 11.38, I am sorry. 11.38. Mr. Scargill and my client were admitted into Rotherham Hospital? - A. Yes.
- Q. May I tell you this, I hope that it helps you, at 11.53? - A. Yes.
- Q. That will be the evidence that will be adduced from the hospital? - A. Fine.
- Q. Would you look please at photograph numbers 31 and 32. Now Mr Hale, unless I am very much mistaken
- MR. GRIFFITHS: Mr. O'Brien, I wonder if you would kindly stand up:
- Q. That is my client Mr. O'Brien? - A. Yes.
- Q. He went to hospital in the same ambulance as Mr. Scargill? - A. Yes.
- Q. Number 31 is taken of a person going into an ambulance, and it follows almost exactly the photograph of Mr. Scargill being taken to the ambulance and the ambulance person? - A. Yes.
- Q. It does appear then, if what I have suggested to you is right, that my client Mr. O'Brien was arrested before the 42 horse manoeuvre occurred? - A. Yes.

MR. GRIFFITHS: Can I leave that for the moment now. I am going to ask you quite a few questions as to the arrests a little later on Mr. Hale.

Q. JUDGE COLES: You accept that he was arrested before the 42 horses went up the hill? - A. Looking at the second your Honour, I would not dispute that.

MR. GRIFFITHS: One or two other matters in the tidying up exercise so to speak. I am sorry to come back to this manuel but one point I do not think we have had in evidence. I wonder if I could put it to you in case it is necessary to refer to it later, Mr. Hale.

MR. GRIFFITHS: Your Honour I will be corrected if I am wrong, but this is my note taken when I was given the opportunity much earlier in this case to look at what was said about horses. I am not sure whether we have had this.

JUDGE COLES: Mounted Police. Very well.

Q. MR. GRIFFITHS: Whether it is under objective or motive I do not know, but are you prepared to accept that in the Manuel dealing with mounted Officers, there are a number of lets us call them possibly objectives or possibly uses. I have written down here four. May I put them to you? - A. Certainly.

Q. "They should bring effect". That is what I have written down a few weeks ago now. I hope I wrote them down accurately. Are you prepared to accept? A. Yes. What I said previous, I am not familiar with this section, but I see no reason not to accept that.

Q. "That is mobile groups"? - A. Yes. I will have to accept it. I cannot say otherwise.

Q. "The 15 combining to achieve any of the above objectives"? - A. I cannot dispute them.

Q. So it follows therefore if that is right, and I have not been corrected by counsel for the Crown, that mounted Police can be used with short shield units to create a? - A. Yes. I would not disagree with that.

Q. I will leave that for the moment. There was a time in the middle of this riot - I will try and not make any comment at all - or alleged riot when there was a tea break for the Police Officers. Is that right? - A. There was a time when we were considering standing Officers down for refreshment.

Q. So you are not going as far as I have suggested, that in the middle of this alleged riot there was a tea break for Officers; you are saying there was a time when it was considered? - A. Yes. We considered removing Officers from the line. Some were pulled out. Whether they got any refreshment I do not know. Refreshments were brought up at other times as well.

Q. Mr. Hale so there is no misunderstanding, it is only right you should be given the opportunity to deal with this, we have heard that long shields were taken away in the middle of this alleged riot to allow this facility; some Officers

to be withdrawn to have some tea and refreshments. Did that happen? - A. I remember telling you about a lull where we started to pull Officers out save the short shields, if not all of them could have been pulled away, bearing in mind we are at the front. I got a drink afterwards. I cannot tell you whether they in fact got one. They may have, they may not have.

- Q. Let us forget about teabreak. Let us deal with long shields being taken away? - A. Yes.
- Q. Do you accept that in the middle of this alleged riot the long shields were taken away from? - A. Yes, I do. I have already mentioned that.
- Q. When was that? - A. Again I would only be specific on time to any described sequence of events.
- Q. I would like you to help us a little bit more. I have asked you to do your best concerning timing. You have been asked a lot of questions about things, and you have given reasons and answers. You have helped us to the time, you have mentioned - and I will come back to it-I think 6.50, 7.20, eight o'clock seen Mr. Scargill, 8.35 the warning, ten minutes later another warning, 9.25 the convoy on the road, 10.30 decision to move up to clear the field. That may help you a little? - A. Yes.
- Q. Can you tell the members of the Jury when were these Officers under your control, long shield Officers, taken away leaving Officers unprotected? - A. As I said I am trying to work through the sequence as I tried to do yesterday. It has got to be after ten o'clock as far as I can recollect. It has got to be sometime after ten o'clock.
- Q. It has got to be sometime after ten. Was it before or after the three stage manoeuvre commenced to clear the field? - A. No, it was before that.
- Q. You are certain? - A. Yes.
- Q. Just after ten and before the three stage manoeuvre started. Another random matter at the moment. You have agreed with my learned friend Mr. Mansfield that you may very well be mistaken about seeing smoke at any time before the general fire that started after you returned from? - A. Yes. As I said I had the impression of there being some smoke there, but I cannot say with absolute certainty.
- Q. Are you accepting that you were wrong? - A. As I say I cannot say with certainty. If it was not the case then I would accept that if it can be proved.
- Q. One only has to look at these photographs. I do not want the Jury to waste time going through them again. We do not see anywhere there smoke? - A. Fine, yes.
- Q. When you went over the bridge you did not see any earlier did you? - A. No. As I said I cannot recollect anything.

- Q. So it would follow, are you prepared to accept now that the first time any fire was ignited the other side of the bridge, where we see it on the video at a later stage, that that was after the return of all the Officers, 42, and you were on the bridge? - A. That is the time I can certainly say there was fire. I can definitely say there was a fire then.
- Q. You cannot say whether there was any fire before then? - A. No. I could be wrong either way.

MR. GRIFFITHS: I will return to that later.

JUDGE COLES: Shall we have our little break now? Is that a convenient moment?

MR. GRIFFITHS: Yes.

JUDGE COLES: Let us take our 15 minutes break, members of the Jury.

Later

- Q. MR. GRIFFITHS: You have told the court some time ago now, Mr. Hale, how your role varied a little from day to day. You stayed at Orgreave some time I think. Occasionally you were in complete command, other times you were number three in the line, other times you were number two in the line of command. It varied? - A. Yes, in this section.
- Q. The type of? - A. Yes.
- Q. Do we take it, bearing in mind your experience of short shields when you were there, even if you were not in command, you were there as an expert on shields and consulted whenever they were deployed? - A. I would not like to use the word expert, but I was certainly consulted. I was one of the most experienced with shields. I would be consulted.
- Q. I know you have been in the witness box a long time, but can you keep your voice up? - A. Sorry.
- Q. Do I take it that the system generally not only on the 18th, but because of your special responsibility for shields whether they be long or short, you would advise as to what should be used if your advice was accepted. Let us take an example. If it was necessary to use, that is bring out and deploy in that sense long shields? - A. Yes.
- Q. You have to get them there obviously from wherever they are? - I would ask for them. It would not be
- Q. Let us get it clear. You say it would be down to you to start the request? - A. Not necessarily. I would advise. The decision would probably come from Mr. Clement if he was there, or the Commander on that particular day, and would request shields.
- Q. But there may have been many occasions when you passed that

order yourself, "Look I want long shields"? - A I may have done. I may have passed a radio message on. I could have done, but if you are talking specifically about this day I do not know. There would have been occasions when I relayed a message.

- Q. There was a person to whom that message is carried, whether it is him or whether it is yourself it is passed on to an Officer who as I understand it has the responsibility, is in the know to speak as to what Officers exactly are available? - A. Yes. He would know what units he had got.
- Q. You must have - or was it the same Officer each day for Orgreave who had that responsibility? - A. I do not know whether it would be the same one on each day.
- Q. There must have been an Officer. It is an important role, is not it? - A. Yes.
- Q. Because whether it is yourself or whether it is Mr. Clement or Mr. Povey, you are each of you relying on that Officer to give you what you are asking for? - A. Yes.
- Q. So who was it on the 18th? - A. I believe on the 18th it was Chief Inspector Simpson.
- Q. So we are assuming that to be right. It is Chief Inspector Simpson who would have been the person in the know as to, for instance, how many by the time they were first used at 8.35, short shield specialist units had arrived with full gear? - A. He would have been in a position to advise how many units were capable of deployment with short shields.
- Q. Let us be careful about it. He would know how many short shield units had arrived with full equipment, would he not? - A. It is ^{with} playing/words but
- Q. I am not playing with words? - A. No. I was trying to explain to you that a unit arrives to perform any role, be it any normal unit or any long shield, and if possible short shield. They would arrive with all the equipment necessary to perform each of those roles. If needed, they were capable of all three. He would be aware of those units that would be capable should it be required to be deployed as a short shield unit,
- Q. You have been asked many questions about whether short shields were on stand by? - A. Yes.
- Q. I do not want you to be leaving the witness box where there maybe a misunderstanding about the use of words, because we will hear other evidence in due course? - A. I accept that.
- Q. Correct me if I am wrong, I have been sitting here for a number of days listening to you. You have described this to various counsel as I understand it, that short shield units could have arrived there having been fully trained as short

shield units having equipment in a van. That is one possibility - A. Yes. They are not units but as short shield units they are PSU's.

Q. PSU's which have been trained? - A. Yes.

Q. In short shield tactics? - A. Yes.

Q. And who are carrying with them in their van short shield equipment? - A. Yes, that is correct.

Q. That is one. There is also, if I have followed what you have been trying to say correctly, another van with a PSU, a compliment of 20 plus two Sergeants, plus one Inspector? - A. Yes.

Q. Who did not have short shields but who have been trained in short shield manoeuvre. Am I right? - A. It could be, yes.

Q. JUDGE COLES: What would a normal? - A. The normal would be any unit that was trained in short shields, I would expect to arrive with all their equipment to fulfill their various capabilities.

Q. MR. GRIFFITHS: So really the majority of short shield units properly so called? - A. The ones who were deployed

Q. No short shield unit properly so called who have been trained in short shield manoeuvre would have moved without their gear? - A. Yes.

Q. In the van? - A. Yes, that would be standard procedure.

JUDGE COLES: You are actually clearing up an area which I find a little ambiguous:

Q. What about the long shields? Did that same van have long shields in it or not? - A. If it was a South Yorkshire van no it would not, but if it was a van from another Force probably they would bring long shields as well. They are travelling from other Forces so they would bring all the equipment

Q. Let us put South Yorkshire aside. If the Force was outside your area, would you expect them to have with them with each unit, each PSU a full compliment of short shields and a full compliment of long shields? - A. The procedure was we would request certain Forces to bring full equipment with them.

Q. So that a PSU would be available to act as a short shield unit? - A. Yes, that is correct.

Q. Or as a long shield unit? - A. Indeed, yes.

Q. Is that the normal? - A. That is normal for - they have had training, and that is usually the case with the Metropolitan Police Force.

Q. So far as South Yorkshire is concerned what gear was available? - A. They would bring the short shields with them, the long shields

(The shorthand writer requested the witness to talk slower)

Q. When we see long shields on the video, some of them belonged to South Yorkshire? - A. Yes.

Q. And some have been brought from other Forces? - A. That is possible.

Q. MR. GRIFFITHS: If I may continue. What in fact happened, so there is no misunderstanding later on, the bulk of the short shield units - I am calling them that even though they can fulfill other roles? - A. I understand.

Q. The bulk of the short shield units that are arriving in that van

(The shorthand writer requested counsel to talk slower)

Q. Look at the aerial photograph please? - A. Is this the one?

Q. It is this one, exhibit number four. We see the command post which we know? - A. Yes.

Q. On the left hand side. Where would the vans have gone to when they arrived? - A. If you look at the aerial photograph there were three main areas indeed four, but you can only see two in this particular photograph.

Q. Just hold it so his Honour can see? - A. One area is here, the second the command post there.

Q. All round it? - A. All round it. The area there was used for the pulling up of the vehicles. Across the other side of the road there is a car park, that belongs to the chemical works, and part of that was used.

Q. Which car park are we talking about? Are we talking about directly across the road from the command? - A. You can see the area across the road, and that is the area that was also used on occasions.

Q. On the 18th? - A. I believe so. I would think highly probable in view of the numbers that came, yes.

Q. For the sake of completeness, where was the other area? - A. That is further down the road the left hand side of the gate. There are another two. One is half way inbetween, and the other one is down at the very bottom.

Q. Could you remind me about the Officer who is go between, the key Officer who will give you what you want, Chief Inspector - A. I believe on this day it was Chief Inspector Simpson with his team.

Q. You have explained that you are a strategist, you are

looking ahead and considering all the possibilities, and properly, according to your evidence, Mr. Hale, having contingency plans? - A. Yes. We try to look forward.

- Q. Presumably can we take it that when you arrived that morning and you had the briefing with Superintendent Clement, did you realise that there was going to be a large number of people coming to Orgreave that day? - A. Yes, we did.
- Q. Was this Officer Simpson there at the briefing? - A. Yes, I would imagine he was.
- Q. Presumably as good tactics you told him to up date you as to how many PSU's and short shields approximately, to keep you informed as to how many fully trained short shield groups there were obviously at this time? - A. No.
- Q. Why not? - A. Because that is simply his role. My role would be to request them and he would provide them.
- Q. Where do you say the short shield units which were used for the first time ever at 8.35 or therabouts, or just after on the 18th, where do you say they had been before the order was actually given to your Inspector? - A. I did not say they were anywhere.
- Q. Do you say near to the van? - A. I would anticipate they would be somewhere down in one of the holding areas.
- Q. Near their vans? - A. Presumably so. I requested a unit, or a request was made and units were provided.
- Q. Did you request or did you ask, "What have we got available?". This is the first time ever that short shield unit is going to be used? - A. Yes.
- Q. In South Yorkshire? - A. Yes.
- Q. Did you enquire as to where the short shield unit had come from that you were going to use? - A. No, I did not.
- Q. I do not want to criticise you, but don't you think it would have been a little advisable because in South Yorkshire you knew how they had been trained? - A. Yes, I did.
- Q. Do not you think it would have been wiser to at least ask what is available.....? - A. No. I have told you the method he would use or I would expect him to use. I know the Officer. I know his experience. I would expect him to choose from the Metropolitan Force.
- Q. Metropolitan? - A. A large city Force, that is where I would have expected him
- Q. Why did you use Officers from large city Forces against miners here on this field on a sunny day? - A. As I say I would expect him to choose from those.

- Q. Why? - A. Because they have received a training. We know
- Q. But you knew that South Yorkshire had received training? - A. Yes.
- Q. Why not use South Yorkshire Officers? - A. That was not my role. I asked him to prove a unit. He
- Q. You meant the Metropolitan Force, you meant a Force other than South Yorkshire? - A. Yes. By the Metropolitan Force I think I said yesterday I meant large city Forces, Merseyside West Midlands, West Yorkshire.
- Q. You did not mean South Yorkshire? - A. Yes, I would include South Yorkshire.
- Q. JUDGE COLES: It is really a short cut for saying those Forces or those PSU's which have had short shield training? - A. Yes. They are the ones I would expect to have received it.
- Q. They are the only ones you would expect to have received it? - A. Not necessarily so, your Honour, some other Forces may have, but they were the ones you could virtually certainly say would have received it.
- Q. MR. GRIFFITHS: Can we sum it up that you were going to give him carte blanche on what units to supply, but expected him to give you a Metropolitan unit? - A. Yes, I would have expected
- Q. If the unit came from an inner city so to speak such as Liverpool or from a large city like that, then it follows that they would have been trained in all aspect of the manual as? - A. Yes, I would think so.
- Q. It might not necessarily have been anything like how South Yorkshire trained its unit? - A. As I have said previously, training is such that they know ^{the} host Force determines the method to be used. Training is comprehensive enough for them to easily adapt.
- Q. Does it follow then that if you are right, and let us assume you are right at the moment, that really it is the controlling Force's (inaudible) they have to adapt to? - A. Yes, it is.
- Q. And that would be another reason that before they are used they are fully instructed as to precisely what is expected of them; that would be absolutely paramount, would not it? - A. They would be instructed as to what we were wanting on that day.
- Q. And it would be necessary and important, would not it, to give them full instructions as to what you expected them to do? - A. Yes. I would tell them what I expected them to do.
- Q. Now can we deal with the three stage movement up the field.

Was there any movement up the field even before the three stage movement started? - A. Yes. The line may have moved up the field slightly. I cannot say for certain.

- Q. I am asking you specifically about movement that day. You have purported to be accurate about things? - A. I am trying to be as accurate as I can.
- Q. Do your best. Before the three stage manoeuvre was there any planned movement up the field, not just five yards, but planned movement? - A. There may not have been planned in the sense of deliberate movement, but because of various things that were happening, the line may well have moved up slightly.
- Q. JUDGE COLES: You are using that expression again which you were asked not to. I think it is probably just the way you express yourself, but anything may have happened. The whole line may have disengaged or Officers may have defected and gone home? - A. I am trying to be accurate. I cannot say for certain that there was definitely or there was definitely not a slight movement up the field. There may well have been
- Q. MR. GRIFFITHS: How on earth could you mean - if you were there, a manoeuvre whereby hundreds of Officers are moved 80 to 100 yards from where you start to take a new position. - A. I would doubt whether I would mean three stages, no.
- Q. We are not talking about three stages. I am only asking you these questions because we have heard from Mr. Clement, and I am not asking you to comment on somebody else's evidence, I am giving you the opportunity of refreshing your memory if I can in this way, but we have heard from Mr. Clement that there was an initial move. It was I think planned for about 80 yards but may have gone to about 100 yards before the three stage manoeuvre was in face embarked upon at all. You can or you cannot remember that? - A. I would (inaudible) that three stage movement. I cannot recall any complete separate movement to that as a distinct act.
- Q. MR. GRIFFITHS: This aerial photograph, for the shorthand note 119, can you see it from there? - A. Yes.
- Q. It shows there a substantial body of Police Officers - I will ask you how deep in a moment - between - if you look there are two bushes then a gap, another bush and then a much longer gap, another bush further up, you can link it with your plan if you have that in front of you as well, because you will see on the other one these bushes, bush, bush, big gap, bush? - A. Yes.
- Q. Now a cordon of that magnitude to move up takes organization Mr. Hale, does not it? - A. Yes.
- Q. Now, it has started the day, has it not, back as you have described on or about the road? - A. Yes, it would be somewhere in front of that.

- Q. Tell me this - first of all that moving up, clearly a sudden move, is not it? - A. It is, yes. What happens is that when you have pushing and shoving the line will give in certain places, and this line has to be strengthened up, and it may well be that the strengthening up has caused it gradually to move forward.
- Q. Is that what you are saying? - A. Yes, that is what I am saying. I am trying to explain how that could have happened.
- Q. During the morning were you absent from top side at any time? - A. I was at top side for the majority of the day, yes.
- Q. That is not an answer to the question. Let us just take it from eight o'clock onwards. Were you absent from top side between eight o'clock and say 1.25? - A. If you class top side as the whole of the field, no, I would not leave the general area.
- Q. Did you go back to the command post at all? - A. No, I did not reach the command post.
- Q. Did you go up on the roof where the video camera was? - A. No, certainly not.
- Q. Let me deal with this while I am on it. Did you get up on any vantage point at all behind the Police line? - A. Not in that position, no.
- Q. If this is a planned move ahead it has completely gone from your mind? - A. I cannot remember any planned move up the field before the three stage movement.
- Q. So you cannot remember that, yet you can remember, according to you, a degree of sophisticated (inaudible) of pickets when they first came there at round about 6.50 or so in the morning? - A. I have told you what I saw. I can only recollect what I saw.
- Q. We will put that in its proper context. What about the three stage movement doing the best you can, because I am going to show you the video now, and I would like you to help me with some of the things on there, a few minutes, no more. The three stage manoeuvre from when it started to when you arrived at the bridge, what is your estimate as to how long it took? - A. I will try as best I can. As I have tried to explain the last thing I was looking at was my watch. You maybe mistaken about certain times and the length of time, but the three stage I would think would take in the order of - it could be ten minutes it could be less than that. It could be more. I find it impossible to try and put it down to minutes.
- Q. You are not really helping me or the Jury? - A. I am trying.
- Q. I do not mean that as a criticism. Cannot you remember a little bit better than that? - A. In circumstances like that, time really has very little relevance.

- Q. JUDGE COLES: When you say could be more, do you mean it could be as long as half an hour? - A. I would not think it took as long as half an hour.
- Q. ~~When~~ you say it could be less, do you say it could have been as short as five minutes? - A. It could be, yes. It is very difficult.
- Q. MR. GRIFFITHS: If I can help you, look at the aerial photograph, and just explain by reference to any feature on the ground where you say the line was when the three stage manoeuvre started? - A. The line is possibly in the area of those bushes.
- Q. It could be anywhere possibly, Mr. Hale, with respect. Do you best? - A. I am trying. It is at the bottom half of the field remembering back. I am trying to give you the best estimate. I cannot tie it down to feet and inches, but it is certainly in the bottom half of the field somewhere.
- Q. I am not asking you to tie it down to feet and inches? - A. In the region of the two bushes perhaps.
- Q. Would you like to be a little bit more helpful. There are more than two bushes. We see? - A. I cannot say with absolute certainty. I cannot say. If you are asking me to try and recollect and guess which you are, then
- Q. I am not asking you to guess, Mr. Hale, what I am trying to do

JUDGE COLES: What the witness is saying is "I cannot remember". Are you going to improve on that?

MR. WALSH: Your Honour, what he did say, and it may assist my learned friend, he said in the region of the two bushes.

MR. GRIFFITHS: I heard him say that, and I pointed out to Mr. Hale that there were more than two bushes, and he might like to help me a little further on that.

THE WITNESS: If I could say with certainty I would.

- Q. MR. GRIFFITHS: I must put this to you, it is very easy to say, is not it, to tell the members of the Jury, to use sweeping comments like they were hostile at 6.50, there was a hail of missiles? It is very easy to say that, is not it? - A. It is easy to say that.
- Q. And you accept that when we get down to detail, with great respect, you do not seem to be able to remember very much. You cannot tell us where you were - I will put it another way. You fail to be able to say where the line was starting the three stage manoeuvre. It seems that you cannot remember where the line was when the very important decision was taken to clear thousands, according to you, of pickets from where they were? - A. I have told you if I could tell you with certainty I would. I told you it was at the bottom end of

the field, and the best estimate I can give is in the region of the bushes, but I cannot be certain. I am trying to be as certain as I can.

- Q. I am giving you the opportunity just to see what you can remember, and the reason is this; you have described to the Jury that the manoeuvre of sweeping everybody above the bridge, the three stage manoeuvre, you give as the reason that there was a lull? - A. Yes.
- Q. But that people did not quite go over the bridge, a group of people did not quite go over the bridge and came back. Now you have said that? - A. Yes.
- Q. As the reason? - A. Yes, that was our reason.
- Q. I suppose that it may well have been the case that you just decided to sweep everybody away because it was easier to handle if you got them to the otherside of the bridge, and then you are now trying to justify what you did you see? - A. I have told you the reason why the tactics used on that day by the Police were taken.
- Q. And it is for the Jury to decide whether you have (inaudible) in everything? - A. It is.
- Q. How many deep is that cordon? - A. There is certainly a lot of (inaudible) in front followed by six or seven.
- Q. Seven deep? - A. Yes.
- Q. And it is quite clear, you can look at it as long as you like and I think other people have, and I do not think we have seen any untoward action by any pickets or any sign of activity in that photograph. You were behind that cordon, were you not? - A. No. I would be behind the shield cordon.
- Q. The shield cordon? - A. Yes, at some stage.
- Q. At some stage? - A. Yes. As I have said I have been going backwards and forwards, but my main position would be behind the shield cordon.
- Q. You have told one of my colleagues that photographs may have been taken sometime between 20 to ? or thereabouts? - A. Yes, on my best estimate I am trying to see the point of that particular lull.
- Q. What you are saying is that that was the lull before people, according to you, came back to cause you to drive everybody over the bridge? - A. Yes, without being certain of the time of this photograph, that is probably the lull.
- Q. And what you are saying is this group came back to justify sweeping everybody over the other side of the bridge? - A. The group came back and stones were thrown, yes.
- Q. You saw that? - A. Yes.

- Q. Do you think expediency comes into decisions from time to time Mr. Hale? - A. Yes, I do.
- Q. And what is easier comes into it, does not it? What is easier is a factor? - A. Sometimes it would have been a factor.
- Q. And is not the truth that it was much easier from your point of view to sweep people (inaudible) up over the bridge and get them the other side? - A. If the people there had (inaudible) was happening, it is quite a lot easier, if there is trouble, the easiest thing is to leave it as a status quo.
- Q. You have already told the Jury - another easy course taken by the Police - according to you the long shields were deployed just before eight o'clock in the morning. Am I right? - A. I said round the region of eight o'clock, yes.
- Q. We see them on the video? - A. Yes.
- Q. You are saying they were deployed because there was a marked substantial increase in throwing at that time? - A. There was a need to protect the Officers at the front.
- Q. May it be the case that the long shields were deployed at about that time because the easiest course was taken. It is a buffer between the Police and the push. What about that? - A. As I have said if missiles had not been thrown, if the normal pushing and shoving had happened, you would never have seen the shields.
- Q. At the beginning do you accept that the presence of shields between the Police and the pushing demonstrators (inaudible)? - A. No. When you have pushing and shoving
- Q. A long shield is designed in a certain way, is not it, to interlock? - A. Yes, it can interlock.
- Q. Would you like to explain to the Jury how it is interlocked. Please take it and explain it please if you would be so kind? - A. Right. As you can see it is slightly bent out at the back at the edges for protection. The blade of the next shield will be slid down that particular area there, and similarly the other side.
- Q. It is not flat all the way down, you have those? - A. Yes.
- Q. And also the kink in the side, those also help, do not they, for these shields to interlock? - A. No. They are designed for strength.
- Q. That maybe, but one shield will interlock? - A. The blade will go in there. That is not part of that. That is purely for strength as is that one.
- Q. JUDGE COLES: But is it part of the training with long shields to overlap them, is it? - A. Yes.
- Q. And it looks on that shield, perhaps it is my imagination,

as if that shield has been used to interlock? - A. Yes, it certainly has, and that is the way they are designed, so you get an overlap and there are no missiles to get inbetween.

- Q. MR. GRIFFITHS: If you have a lot of interlocking shields like that protecting the Officers from another push, it is bound to make it easier, is not it? - A. No, it is not.
- Q. I suggest that may well have been the factor causing you to deploy those long shields when you did, and that you are really after the event trying to give an excuse to the Jury (inaudible) a reason which would agree with your manual; let us put it that way? - A. I have told you the reason, stone throwing. You would not have seen the shields but for the stones.
- Q. I would like you to see a short strip of video now, but before we do so let me explain what we are going to see, and what to look for, Mr. Hale. It is going to start I hope with a shot of the watch, and it is just before the last part of the three stage manoeuvre up to the bridge? - A. Yes.
- Q. We see an Officer wearing a white shirt and a flat hat who, if I may use the colloquial term, appears to be calling the shots, warning what is happening. I want you to look at that Officer and help us as to who he is because I do not think we have heard his name mentioned yet. That is one thing I would like you to look at. It maybe you will see a demonstrator who is wearing a black top. He is fairly short. He has long black hair coming down to his shoulders? - A. Yes.
- Q. I want you to look at it to see if you can see yourself, may bring back your memory as to where you were, what orders you gave, and the like. Then you will see the move. You will hear Officers say something about heads, and then going up to the bridge. Would you like to look carefully then, because at some point there is a break in the film, and we go on to see the fire (?) that clearly occurred after the second convoy went out? - A. Yes.

(Section of video shown)

MR. WALSH: Your Honour, I understand the Officer is using not a VHS film because the original film is not VHS. I believe he has a machine that is a VHS machine which does have stop facilities on it. What I have available, if it assists my learned friend, is a copy. It is not the original, but it is an exact copy of the whole of the Police film and it is on VHS. So if anybody wanted it could be run through, I think the Officer will correct me if I am wrong-on his machine with stop facilities, so that if my learned friend wanted the thing to be stopped it could be done.

JUDGE COLES: That sounds much more helpful.

MR. GRIFFITHS: I think so.

JUDGE COLES: It will take a little time to set up.

MR. WALSH: It will. It is upstairs, but I can have it brought down.

JUDGE COLES: Do you have anything you can do for the next five or ten minutes, or do you want me to adjourn now and resume earlier?

MR. GRIFFITHS: I wonder if you could adjourn now and resume earlier.

JUDGE COLES: We will adjourn until five past two.

(Mid-day adjournment)

MR. GRIFFITHS: We have the facility your Honour to stop the video now:

- Q. Officer, before lunch we had started the sequence. I think we did not quite clear the clock. It is infuriating the clock does not quite come clear for us to see, but could you look at the clock, but before we do, can we narrow down this time or get some idea as to the last stage. It is certainly going to be either before 11 or just after 11, something around there, is not it? - A. Yes. I would not argue with that. The only times I can tie down are the convoy times and those noted by Mr. Clement.
- Q. If we can see the clock, and if it appears to have the hand past 12, in other words pointing in the region of the number 2 on the clock, if that is the hand it may only refer to ten past 11. It cannot be ten past ten? - A. Without seeing the video
- Q. It is not two o'clock? - A. It would not be two o'clock.
- Q. It could be ten past 12 because ten past 12 is when the second convoy came in? - A. Yes.
- Q. And you had gone all the way up to the cross roads and back? - A. Yes.
- Q. It could not be ten past ten. So if there is a hand pointing to the two the chances are it is ten past? - A. Yes, that seems logical.

JUDGE COLES: Two or three frames forward would probably do. It is as clear as day. It is ten past eight. I leave it to you, Mr. Griffiths.

MR. GRIFFITHS: Can you stop it there please:

- Q. Who is that person who shouted the short shield unit forward? - A. That?
- Q. Yes? - A. He is not a South Yorkshire man. It is not Mr. Povey.
- Q. He seems to be giving instructions does he not? - A. Yes.

We had a number of visiting Superintendents who came with their short units. He is one of those. I cannot quite make him out. He may be a West Yorkshire Superintendent who came down, but he is not a South Yorkshire Officer.

- Q. I want you to continue looking at him. He is more than just mastering, he is in fact instructing a short shield unit. Will you watch it please. He has cause to speak to Mr. Clement there? - A. Yes.

MR. GRIFFITHS: Can you stop it there please:

- Q. You heard that "No (?) heads", did you? - A. I could not quite make it out, but I would accept
- Q. He is clearly giving instructions? - A. Yes. He is passing or instructions.
- Q. These are short shield people who you are in charge of. Cannot you tell the members of the Jury who is supposed to be in charge of them, that person, who it is? - A. As I say, I suspect they are a WestYorkshire unit. It maybe a Superintender who came down with them from West Yorkshire.

MR. GRIFFITHS: If you can carry on please. Can you stop it there please:

- Q. Do you see the push? - A. Yes.
- Q. Do you see on the left hand side of the push a person who has obviously thrown something? - A. Yes.
- Q. Wearing - it does not come out so clearly when you stop the frame - a dark top. He has long black hair. Do you see him? - A. Yes, running across there now.
- Q. Yes. I want to ask you questions about him a little later on if I may.

MR. GRIFFITHS: If you can carry on please:

- Q. So far, although the camera has panned, we are clearly seeing a move just passed that push, the final move up to the bridge? - A. Yes.
- Q. We can see there, can we not, some of the horses, they may not be the very front horses, but horses going ahead of the unit on the road? - A. Yes.
- Q. If you look very carefully we come to the point where I suggested to you, Mr. Hale, I would like your observations on it. You may remember clearly there is a very substantial gap in time because we suddenly see an ambulance on the left hand side and some smoke. Do you see the ambulance men walking up the road? - A. Yes.
- Q. Horses in the background, then suddenly we have got smoke. We have got an ambulance, and if you accept it from me?

- A. I would agree with that, there appears to be a substantial period
- Q. What we are looking at now is the time when you are all back, and we have got the burning and the barricade? - A. Yes. From what I can recollect that would seem to fit the pattern at that time, yes.
- Q. Mr. Hale, just looking at that intervening period, you have told the members of the Jury that your recollection is that the second convoy came in at noon? - A. Yes, that has been checked.
- Q. Can you keep your voice up please? - A. Yes, 12 noon was the time.
- Q. Is that right? - A. Yes. As far as I can recollect that was the time.
- Q. Let me put it this way. You are relying on a document that you looked at? - A. Yes.
- Q. If we were to hear from a person who was keeping a check of the time that the convoy came in, you would not put your recollection of what that log said ahead of that persons proved testimony would you? - A. No, I would not.
- Q. We have seen that the time was ten past 12? - A. Yes. I would not disagree with that.
- Q. You have referred to 12 o'clock as the convoy coming in, that is your best recollection, but you would not put it higher than the person who is actually? - A. Certainly no.
- Q. If that other person whose testimony we are aware is right that it is ten past 12, it means that the scene of the fire and the static (?) scene was after ten past 12, does not it? - A. Yes. I know we were there when the convoy came in. Where this is in relation to that I do not know, but we can certainly say we are back at that time.
- Q. If the timing scene was difficult, if the members of the Jury come to the effect that there is a hand that points to the area of two o'clock on that clock, we have got a gap of about an hour on that tape? - A. I must confess not being able to see it, but if the hand was there, yes I would agree with that.
- Q. What is your best recollection of the gap in time between the start of the last move to the bridge, the one we saw there? - A. Yes.
- Q. We know when the convoy came in, we will hear it was ten past 12, if you accept it was for the moment, what do you say the gap was? - A. As I have tried to explain on numerous occasions, time really has very little relevance. I took no notice of the time, things were happening, but if you want my best estimate, trying to work it out from the events, I think

I can pin point

- Q. Would you like to work back, Mr. Hale? - A. If that is ten past it could well be right.
- Q. Could be about ten past 11? - A. I would not argue with it at all. I could not say either way, but I could not argue against it.
- Q. You think you may well have been at the bridge for about ten minutes or so? - A. Again, yes, that is the impression I got.
- Q. Before I ask you in a little more detail, and just to tie up things finally, after the bridge, one or two matters on the video? - A. Yes.
- Q. Trying to use it as neutrally as possible, the people on the field ahead of the Police cordon as it moved up? - A. Yes.
- Q. Were being basically herded up the field, were not they? - A. Yes.
- Q. Almost like, again I do not mean it emotively, but as cattle are herded, in a single direction where you wanted them to go, up the field? - A. Yes.
- Q. You saw there were (inaudible) by the pickets, did not you? - A. Yes.
- Q. And they were therefore running in the direction of the electricity sub-station? - A. Yes. They were running up towards the top.
- Q. Up towards the cutting, up towards the railway bridge? - A. Yes.
- Q. Is there any fencing around the electricity sub-station? - A. Yes, there is, depending at what stage we are at. There was a fence to start with.
- Q. In other words these persons are being herded towards the fence, so they have to get over and under the fence, those who go in that direction? - A. We have had occasions where that fence has been progressively broken down over the days leading (inaudible). At this stage there will be gaps and broken pieces.
- Q. But some idea of the herding of people by the Police looked at from a different angle (inaudible). There are seven photographs I believe.

MR. GRIFFITHS: Does your Honour have a bundle?

JUDGE COLES: Exhibit 17.

- Q. MR. GRIFFITHS: Have a look at, I think it is the first two, is it not? Do we see people running down some embankment? - A. Yes.

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

- Q. MR. GRIFFITHS: That is really a view of what was happening looking in the other direction? - A. I would agree with that, yes.
- Q. It must follow, must not it, Mr. Hale, I will try not to make any criticism, that there was a large number of people who had not thrown any stones at all, who were herded amongst the stampede towards any impediment that happened to be in the way? If there was a fence in the way (inaudible) panic, agreed? - A. Yes, there must have been some people of that nature, yes.
- Q. No doubt you saw people of all ages at Orgreave? - A. Yes.
- Q. We are talking about youngsters, but we are talking about people who are getting on in years, are not we? - A. Yes, there were.
- Q. People of the age of your dad probably? - A. Yes.
- Q. Now, those persons, having done nothing at all, were being herded in this way and exposed to injury. were not they? - A. They were certainly being moved up. If they had not already left they were being moved up the field, yes.
- Q. And exposed to injury when you have large numbers of people running in directions and panic sets in. Do you agree they were exposed to injury? - A. There is that risk, yes.
- Q. I am not going to take you through the whole video because it is a matter for the Jury at the end of the day and it will take so long, but may I suggest to you, and give you the opportunity of answering it, that there was a defined group of about no more than ten, if ten at all, of persons who repeatedly threw stones at the Police line, whereas the vast majority of people, over 90 per cent of people were just standing there, and not doing anything, do you remember? If you were there, do you remember such a group of persons, people repeatedly coming forward and throwing stones, not everybody, just groups? - A. I remember certain groups at the front there who were repeatedly throwing stones. They were the ones that were
- Q. Was not one of them that person who I pointed out to you in that smaller section of video, that is the dark haired person; that was one such person who we see throwing some missiles in the direction of the Police? - A. Yes. I have just seemhim on the video, yes.
- Q. Do you remember seeing him that day? - A. I cannot bring him to mind on the day I must confess.
- Q. I suggest if you made your notes up on the day, Mr. Hale, you could not have missed certain people clearly identifiable not just on the video because we happen to have a video - you do not remember in your mind any (inaudible) clearly

- repeatedly throwing stones and the Police not actually acting? - A. I remember a group of people repeatedly throwing stones, yes I do, but asking me now to pick them out 12 months later, to know with certainty and say I definitely saw that man, but I would accept the findings of the video.
- Q. The point I make to you is very simply this, and it is up to the Jury to decide whether I am right, why not arrest those people who are coming within yards of your lines as opposed to herding hundreds of people who were perfectly law abiding? - A. Number one is that they were not coming within yards of our lines, and as I have explained previously, the function of short shields is just to try and arrest those people if they can get near to them as well as dispersal.
- Q. What I am suggesting is why did not you send out, as has been canvassed before (inaudible) those people who were not causing trouble, and not herd people willy nilly? - A. The function we use is a combination of the two, and dispersal will involve arrest, and as they run out to arrest people, the natural reaction of the group is obviously to run away.
- Q. I suggest what you allowed to happen was a heavy handed (inaudible) to say, we don't want them there clear them, regardless of exposing people to incurring injuries thereby? - A. I have explained the philosophy. I have explained why we did it because we needed to cut down the risk to Police Officers. I have explained it time and time again. I have no reason whatsoever to change my mind.
- Q. You got to the bridge and you moved from the bridge to the crowd. The likelihood is if those photographs are right my client Mr. O'Brien was arrested after you pushed up? - A. Yes. If the sequence is - and we must accept that, I would agree with that.
- Q. I am going to ask you quite a number of detailed questions. Will you bear with me please? - A. Certainly.
- Q. And will you accept that they are pertinent? - A. Fine.
- Q. You have not told anybody yet the instructions you gave to short shield units at the bridge before you set off. You have told us of your general intention, would you like to tell the court now what instructions you gave and to whom with regard to the move up from the bridge? - A. The instructions are really continuing. Instructions were being given previously and we are continuing the same movement as before up the road, so the only instruction which would be necessary would be to set the next objective.
- Q. I am sorry for wanting it. You were in charge. I do not know what would have been done or may have been done. I am not asking you about times. I am asking you to tell the Jury what instructions you gave the short shield units, whether it was from the command post or directly to them, but they are at the bridge, to go beyond the bridge for the first time ever at Orgreave. Will you kindly turn your mind to that question

and answer it? - A. Obviously I cannot give you the exact words used, but I told them that the next objective would be first the brow of the hill.

- Q. You told them the objective was the brow? - A. That was the point we would go to.
- Q. Did you tell them for instance, "Well, I am going to be with you, I will say where the brow is"? - A. No because I had been with them for most of the time up the hill. They knew I would be going with them.
- Q. Yesterday to my learned friend Mr. Rees you told the Jury that your intention at the bridge was to be as flexible as you could? - A. Yes.
- Q. Did you really tell them to go to the brow and stop? - A. I said that is the next objective. I did not want them to (inaudible). As I have explained we are progressing in stages, and that the instruction was given that it would be (inaudible) at the brow, and to go to the brow. If we were going further then further instructions would be given, but it would be taken in easy stages. That was understood.
- Q. Who did you instruct? - A. It would be no doubt the PSU commander.
- Q. Who was it do you know? - A. I do not know to be honest.
- Q. Let me see if I can help you, I go on memory. I believe that there was in charge of the PSU unit at some stage Inspector Bennett and Chief Inspector Bennett. There are two Bennetts, one is an Inspector, one is a Chief Inspector, and an Inspector Owen? - A. I could not disagree with that. I have no idea of their names.
- Q. Tell me again, in the field where did the PSU short shield come from? Can you remind me again. There was the Metropolitan Force - There were four units on the field, where did they come from? - A. As I say I tried to recollect
- Q. Just tell me what you told us before because? - A. I think I said there may have been some from South Yorkshire, could have been West Yorkshire or one of the other Forces. I do not know where they came from.
- Q. What about the short shield unit you used above the bridge, different or the same? - A. I would think that the units that were used in that push up the field, the final stage in the field, are the same units that were used over the bridge.
- Q. We are talking about four are we? - A. Yes, as I recollect four.
- Q. We have four commanders or three, anything about a briefing? - A. I am not talking about a full brief. Each PSU had a commander as far as I recollect.

- Q. We are talking about your briefing four people? - A. As I recollect if there were four units used, I think there were four used, then I would brief each commander. Each of the commanders would be gathered together and I would tell them where we are going, things
- Q. You told them to the brow and? - A. To the brow. They know they work in stages. They are expecting me to set an objective.
- Q. So horses are called up. What I do not understand so far as Mr. O'Brien is concerned, you did explain how there were (inaudible) long shields at the back of the bridge and right across the? - A. Yes.
- Q. You had another group forming a line on the bridge? - A. We would pull the long shields to form a defensive position.
- Q. Do you understand my question? I understood you to say that there was a long line of long shields across the electricity sub-station land right on to the road at this side of the bridge, and I understood you to say there was another cordon of long shields a little further up? - A. We have only got one line of shields across there.
- Q. So I have got it wrong. Your move from the bridge to the brow, when you moved ahead they allowed you to pass, did they, the long shields allowed you to pass? - A. Yes.
- Q. The short shields and the horses proceed up that road? - A. Yes.
- Q. You say (inaudible) were made. That is as far as we have got from you? - A. Yes.
- Q. I think the only way we can do it so there is no misunderstanding would you like to take the aerial photograph please, that is the Prosecution aerial photograph. First of all, Mr. Hale, would you tell the court how far you went up the road? - A. Altogether?
- Q. Yes, before the 42 horses came passed you and you drove on to the cross roads. Do you understand? - A. Yes.
- Q. Let us have an answer to that? - A. As I say the brow of the hill.
- We have
- Q. Would you like to help me/houses on the right. We have a bungalow first of all. If you would like you can look at exhibit number nine in the bundle of photographs. If you look at bundle nine, that is these photographs, members of the Jury, exhibit number nine, photographs seven, eight and nine, all looking in the direction in which you would have been. Were you walking at the side of this large body of men? - A. To be honest I cannot pin point exactly which side - I was behind making my way up.
- Q. You say you were behind? - A. Yes. There are short shield

units in front of me.

Q. I thought you were ahead? - A. I was leading the charge. I was behind the first unit.

Q. You are leading the charge. You are behind the first unit? - A. Yes.

Q. Do we take it then that you have a unit ahead of you who are themselves behind the horses? - A. No. You can take it there are some Officers in front of me.

Q. Surely you can remember which side of the road you went up. Were you in the middle? - A. I could have wandered from side to side. It is not a very wide road.

Q. There is a reason. You say you saw Mr. Scargill on the way up you see? - A. Yes.

Q. You may

JUDGE COLES: I think the shorthand writer is having some difficulty.

Q. MR. GRIFFITHS: I do not want to make comment but I am asking you questions so that your recollection of this day of these events will be judged. You cannot remember where you were, on the left or the middle of the road? - A. I cannot tell you with accuracy, no, I cannot.

Q. Did you instruct at least some PSU's to go up the bank and into the scrap yard if they could? - A. No. They would be given their objectives. As I have said previously on many occasions, to go and advance up the road, and to identify, if they could, stone throwers, whether they be on the road, whether they be on the banking side

Q. You are now answering the questions I put to you some time ago. You cannot remember how you went up? - A. We got to the brow of the hill

Q. Whereabouts? - A. The brow of the hill from this photograph as I recollect.

Q. Which photograph are you looking at? - A. Number eight appears to be in the vicinity of the telegraph pole, and as far as I recollect, that constituted the brow of the hill.

Q. The telegraph pole on the left hand side in photograph number eight? - A. As I can recollect. The brow extends for several yards.

Q. If one looks very carefully at photograph eight, that telegraph pole appears to be the telegraph pole on the left hand side shown in photograph 19. If you look carefully, there appears to be the sign VW ^{Spares} in photograph number eight and photograph number nine? - A. Yes, it may well be.

Q. You think that you got to about that point? - A. Somewhere

in the region of that.

- Q. Please listen to the question, Mr. Hale? - A. I am trying to. You are asking me on a very difficult day like this to tell you exactly where I am standing. I am trying to be as much assistance as I can.

JUDGE COLES: Mr. Griffiths, the sign VW Spares, it appears in photograph nine. Is that to be seen in photograph eight?

MR. GRIFFITHS: If you look extremely carefully it is

JUDGE COLES: I think I can see it. You say it is in front of the telegraph pole.

MR. GRIFFITHS: It is or thereabouts. It is difficult to say on photograph eight where it is. If you look at photograph nine

JUDGE COLES: The telegraph pole is clearly in front of the road sign.

- Q. MR. GRIFFITHS: When you got there, how far had the horses got? - A. As I say probably a little further.
- Q. Look at photograph nine now? - A. Yes.
- Q. As far as the sign A57, to the left - city centre, that is the big sign there? - A. I cannot really remember. I think by the time I got to the hill they would be in the process of turning round, but I honestly cannot remember.

MR. REES: I wonder if we could have a short adjournment. It may not be necessary for the whole court to rise. I could go out.

JUDGE COLES: I do not think you should leave court. Your client can leave court by all means and get some air. It is a bit early to take our break, but your instructing solicitor should go with him. I think we had better have a five minute break, and if he needs any longer let me know. We will have our afternoon break now.

Later

JUDGE COLES: Is your client all right?

MR. REES: He has got some medicine.

JUDGE COLES: If he is in trouble let me know.

- Q. MR. GRIFFITHS: You cannot help us how far the horses went even though they were in front of you, Mr. Hale. Can you help us then as to what happened when they got to where you cannot remember them going to? - A. I will explain the situation. I am moving up the road. It is a hot day. I am moving up the road, behind the front of our shield unit following the horses.

MR. GRIFFITHS: Could you keep your voice up and do yourself justice.

THE WITNESS: Bricks are being thrown. I am trying to defend myself. I am trying to keep the Officers going in front of me. I am going up and down calling from side to side keeping the Officers going.

- Q. MR. GRIFFITHS: Going where? - A. Up to the brow of the hill. When I got towards the brow of the hill I am shouting for the Officers to stop.
- Q. Are they ahead of you? - A. Some are.
- Q. What is the number? - A. It is difficult to tell exact numbers.
- Q. How many PSU's? - A. You cannot put it down into PSU's. We have lost formation. It is not a regimented line as before. It stretches back. We move up the road. The horses are in front of us. The person in charge of the horses is trying to do the same.
- Q. Trying to get his horse back? - A. He will be trying to stop them, to stop when they get to the objective. I am glancing round (inaudible), at the top of the road are crowds. You are asking me to say exactly where this happened. I am trying to tell you in the situation I was in that is what I would try and do. I am trying to recollect as best I can.
- Q. You see it would be much much better, if you made a note about all this, Mr. Hale, would not it? - A. As I say brief notes were made by Mr. Clement at the time
- Q. Mr. Clement was at the brow of the hill was he? - A. No.
- Q. He never went further - he never went anywhere near the cross roads, did he? - A. No.
- Q. So Mr. Clement's note or statement are not a bit of good as to what happened on the very first occasion the short shield units are used amongst a crowd of 8,000 people? - A. No, that is added to my statement.
- Q. We will go into that. Mr. Hale, the reason I am asking you these questions is that Mr. O'Brien, amongst others, did sustain a particularly unpleasant injury. Would you like to look at a photograph of him? It is an exhibit in the case.

MR. GRIFFITHS: It is this one, members of the Jury.

JUDGE COLES: That is not exhibit eight, is it?

MR. GRIFFITHS: 11c.

JUDGE COLES: Yes, you are quite right.

MR. GRIFFITHS: There are two almost identical. I cannot remember which one is exhibited. We have not got a court

clerk.

JUDGE COLES: Perhaps it does not matter, they are so similar as not to make any difference.

- Q. MR. GRIFFITHS: Do you see that my client has a particularly nasty looking injury? - A. Yes, he has.
- Q. And again if your logic is right, right at the start of my cross-examination it means that he was (inaudible)? - A. Yes.
- Q. And what I am suggesting Mr. Hale, is that whatever be the case as to control of short shield units, I am suggesting that at least some of the short shield units went out of control, and at least one person caused this particular vicious wound to the face of a man who was there on that day. Now did you see - does that help you to remember? You say that you saw some injured people being brought back. Do you remember him? - A. No, I do not.
- Q. Hand it back. Mr. Hale, bear with me why I am asking these questions, ... there is a good reason for it? - A. Yes.
- Q. If that injury as it is going to be alleged was caused by a baton, it must have been caused by a man under your general control, agreed? - A. Yes, agreed.
- Q. Doing the best you can; how far along that road, if you cannot say do not hesitate to say, "I cannot say", but how far did some of those short shield unit Officers shoot off in this general surge up to the brow and beyond? You have told us where you went. How much further do you remember some of the Officers going? - A. Some would go further, but I cannot say exactly how far to be called back.
- Q. Can you help the court as to the sort of numbers of people who were ahead of you that you simply had somehow to get back? - A. No, I cannot.
- Q. If they were ahead and further beyond you and you have shown us where you remember you being? - A. Yes.
- Q. That certainly was beyond where they should have been going? - A. As I say I would be calling for them to stop. Some would go over the brow. The brow as you rightly said is not an accurate definite brow, but I would call them back to me.
- Q. Look at photograph nine. Are we agreed, Mr. Hale, although you cannot be precise about it, bearing in mind you were doing the best you could, you had reached the furthest point during this manoeuvre about where we see that telegraph pole, that others would have been beyond you, but you cannot say? - A. I certainly have a recollection that others would be in front of me. I would be shouting them back, looking in every direction to see if anybody has gone too far. How far they, in fact, go I do not know. Trying to explain the circumstance
- Q. You cannot help me any further other than the horses. They turn. Do you send them back? - A. The horses come back

- under the command of the Officer who is in charge of them,
- Q. But somebody must have sent them back? - As I say, I explained how we did not appreciate the numbers that were over the other side of the hill and changed our tactics, or a change in the plan was discussed.
- Q. I do not want to hurry you along. I am just dealing with horses, the question of the horses being sent back? - A. Eventually they go back to re-group with other horses, yes.
- Q. Eventually, are you saying that they stayed up there for some time? - A. They would pause until it is sorted out what we are going to do.
- Q. So your recollection is that there is the move up to the top of the bridge (sic), there is a general meeting, there is chaos with people running all over the place? - A. Yes.
- Q. Is that a fair way of putting it, and the horses stay there until you have sorted out what you are going to do. Is that what you say happened? - A. They stay somewhere in the area and then go back.
- Q. Are you saying they stayed there until Mr. Povey came back; that is Mr. Povey goes all the way back presumably to speak to Mr. Clement? - A. He went somewhere.
- Q. Are you saying the horses remained up there until Mr. Povey returned from wherever he had been? - A. I cannot honestly remember.
- Q. JUDGE COLES: When people were running about and there was chaos, that presumably is before you call them back to the brow of the hill? - A. Yes.
- Q. Were the horses similarly running about in advance of the short shield men? - A. There were some in front of the short shields, your Honour.
- Q. They were running about, they were not in a phalanx? - A. They were re-grouping, turning around.
- Q. MR. GRIFFITHS: Is this right, Mr. Hale, we have heard from Officers that the horses went back (inaudible) and you have still got men out and about ahead of you, that is the short shield units who have not yet re-grouped? - A. I would think by the time the horses go back down the hill they certainly re-grouped. We have got them back
- Q. That is not what I am getting at. Was there a point in time when short shields (inaudible)? - A. Yes. The horses would be in front at a point in time when they come back through the Police lines, through the short shield units, the short shields at the brow of the hill.
- Q. Still some short shields out and coming back, and generally re-grouping or arresting? - A. I cannot recollect exactly

but it is possible, yes.

- Q. Now the only other matter is this: you have been questioned on numerous occasion about why you went forward? - A. Yes.
- Q. That is went from the brow to the cross roads? - A. Yes.
- Q. And that was the plan arrived at, as I understand it, between you and Mr. Povey. I can summarise it very quickly because I know what you are saying, correct me if I am wrong (inaudible) go down and get the O.K. from Clement. That was basically it? - A. Yes, that is a reasonable summary.
- Q. And so you had to advance from the brow - send the horses out for 30 yards or so to give you breathing space to pull back, but you actually wanted to advance the short shields up to about the cross roads to give your long shields time to get organised on the bridge? - A. Yes, that is a fair summary.
- Q. I suggest it would take Mr. Povey if he had to walk all the way back a couple of minutes to wander back or jog back from the brow to see Mr. Clement? - A. I assume you spoke to Mr. Clement. He went off and came back
- Q. He would have ^{been} gone a few minutes? - A. A short period of time
- Q. You still needed some time to get organised? - A. At the brow of the hill?
- Q. No, to organise your troops back at the bridge? - A. Yes.
- Q. I maybe not clear in my mind, Mr. Hale, but I thought you told us that the long shield Officers could be deployed very quickly? - A. Yes.
- Q. Is not that right? - A. Yes.
- Q. Look at the aerial photograph again please. Have you got it there? It is this one. From what point Mr. Hale do I understand you correctly that you are up on about the brow, and this is the plan, you need to push forward to the bridge with not only horses but with the short shields to give your long shield men, with Mr. Clement organising them, time to get organised at the bridge? - A. That was the plan.
- Q. When you were thinking that, the long shields were as I understand it, look at the plan again, in a line across the electricity sub-station grass (inaudible) just short of the bridge? - A. Yes, that is where we left them.
- Q. Very simply what it was needed for this breathing space, this vital time you say, was to allow those short shield units or some of them to be moved from the field and the road up into a position between presumably the bridge (inaudible)? - A. Yes. I did explain what was going to happen.
- Q. That does not take very long I do not think does it Mr.

Hale? - A. It is difficult to say. I was not there.

- Q. It maybe a matter that will occur to the Jury. Let us consider it shall we. When you first deployed long shields earlier that morning at about eight o'clock, how many long shield men did you have to put into position? - A. As I have said before
- Q. Just remind us again? - A. Five or six units spread across that cordon.
- Q. About how many would you have had to put into position, get into position at about eight, how many men carrying long shields? - A. If it was five or six units - if it was five in 20 men units that is 100. If it is six units 120 plus supervising Officers.
- Q. Over 100 men you had to deploy at eight o'clock? - A. Yes to gather round.
- Q. Would you like me to remind you how long you said they were deployed there the moment when the request went out to the moment when they are in position? Would you like me to remind you how long you told the Jury how quick it could be done? - A. You can do.
- Q. Two or three minutes? - A. Yes.
- Q. That is from the command centre - have a look - into the line, over 100 men through your cordon and line up properly? - A. Yes.
- Q. Two or three minutes? - A. Yes.
- Q. You only had to move them ten (?) yards or so this so called desperate need for breathing space? - A. They were at the bridge.
- Q. They were virtually there? - A. Yes, they were there.
- Q. I do not understand it, Mr. Hale. I maybe absolutely stupid, but if you can deploy over 100 men from the command post into position towards the Police cordon in two or three minutes, you would need less than a minute to deploy sufficient numbers of people into a position on the bridge. What time do you need? - A. We have to organise a better defensive position. Messages have to be passed along the line I, rightly or wrongly, decided that we needed breathing space. Easy to criticise now, but it was decided we needed breathing space to organise, and that is the fact of the matter.
- Q. Mr. Hale, may I suggest that the time it would have taken Mr. Povey to walk all the way back to the bridge to see Mr. Clement to make him aware (inaudible), that was the time he spoke to Clement and got Mr. Clement's O.K. he wanted to withdraw, by the time he got up to the bridge, you on your past record could have deployed and got organised on that bridge. There was absolutely no reason at all I suggest for you to have charged with your short shield units further

into the mass of 8,000 people packed amongst those houses. Is not that the truth of the matter? - A. I have told you the reasons why I created a breathing space. You can criticize it rightly or wrongly, but that is the reason, and that is why we did it.

Q. I have tried to analyse it? - A. Yes.

Q. What was the role of Inspector Smith? - A. Inspector

Q. Smith? - A. Detective Inspector Smith?

JUDGE COLES: I am sorry, before we move on could we be absolutely sure what this deployment this Officer is talking about

MR. GRIFFITHS: I understand and he has not corrected me it was to bring up from a point across the field, several numbers to (inaudible) into the mouth of the bridge.

Q. JUDGE COLES: Leaving the cordon, where do you say it was going to be Mr. Hale after redeployment? - A. It was going to be a small section on the bridge, towards the back end of the bridge using long shield units, and for riot (?) shields to be put into place.

Q. The original movement to the bridge had been to cross the bridge, had not it? - A. Yes.

Q. And the cordon had been across at the? - A. Front end of the bridge.

Q. And the cordon had been taken back to the electric sub station? - A. It was pulled back

Q. That was before you went up to the brow of the hill, was not it? - A. Yes. It was in the vicinity of the bridge. We put a (inaudible) at the bridge, and in doing so did put in fact some long shields at the front of the bridge. It was because of the high ground and the missile throwing that the decision was made to further advance.

Q. I get the impression Mr. Hale, probably have not got the impression from you, but once that cordon went across the bridge and was on the village side, the decision was then made to pull the cordon back to the electricity sub-station side? - A. Quite. The short shield units went over the bridge

Q. Was not the long shield division left behind then? - A. It would be following up. Exactly where it was - it would be behind me.

Q. Was it behind you? Did the long shields advance? - A. It came up the field.

Q. Up the field. I am talking about the bridge now. The bridge advanced to the brow, and after the brow they advanced to the cross roads. Did the long shields make any part of that

journey? - A. No. The others advanced up to the brow of the hill and up to the cross roads. You are talking about the short shield units?

Q. The long shield men were left back at the bridge? - A. In the vicinity of the bridge.

Q. Have I got it right. They first of all formed a cordon from the village side of the bridge, and were pulled back to the electricity sub-station side? - A. I will have to try and explain it your Honour. The whole line has travelled up towards the top field. Some are near the sub-station. The others are extended across the road. Some of them on the road were pulled forward to form a defensive cordon at the front end of the bridge village side.

Q. Would not that mean that anybody who threw stones was able to find a ready target because all the Police Officers were ..
- A. Exactly.

Q. It was therefore decided to take the cordon of long shields back to the electricity sub-station? - A. It was decided to advance with the short shields to clear the missile throwers that were throwing. It was realised that was not a defensive position to adopt because of that incline, and they would have to go further back along the bridge.

Q. So I was right when I started then, that before the advance up to the brow of the hill, the long shield cordon had gone back to the electricity sub-station side of the bridge? - A. It was part and parcel of the same movement. As the short shields went forward the long shields came back, and I left them behind.

Q. What redeployment was necessary? - A. Of the long shields?

Q. Yes? - A. The redeployment that was necessary was the long shields would remain in that position towards the back end of the bridge, that is away from the village side, and would also have to be utilised using overhead (?) shields as well.

Q. That is the point I started with. I thought we had better establish where they were? - A. Once the short shields had advanced then the shields are not forward, they are in a more relaxed position. Once they got to the brow of the hill they are standing down. They are not on full alert.

Q. The long shields never got to the brow of the hill? - A. As the short shields got to the bridge.

Q. The long shields broke up their formation? - A. Yes, exactly.

Q. MR. GRIFFITHS: Look at photograph^{five}/in album nine, exhibit number nine please? - A. Sorry, photograph?

Q. Five? - A. Yes.

Q. Do you see the white posts that I believe border the top edge of the cutting running off to the left hand side of

the road? - A. Yes.

Q. I think that will give you a pretty good idea as to the line of the cutting, will it not? - A. Yes.

Q. So we have got a wall, directly the other side of that wall we have got grass? - A. Yes.

JUDGE COLES: Which photograph are we talking of?

THE WITNESS: Number five, your Honour.

Q. MR. GRIFFITHS: When I put to you and I hope carefully, Mr. Hale, when you were up on the brow talking to Mr. Povey and despatching this laid plan, surely in your mind's eye had the picture (inaudible) run parallel to the fence that is shown by those white lines? - A. Yes.

Q. Runs up to the wall? - A. Yes.

Q. And across the road? - A. Yes.

Q. And when I was putting to you that really you only had to move it ten yards, perhaps I was being charitable to you; in fact it is at the most ten yards or so that they have to be moved? - A. Yes.

Q. I am not going to make any more comment about it. That is what you needed breathing space for? - A. I have explained why.

Q. We have heard what you say, Mr. Hale. Now, what was the role of Inspector or Detective Inspector Smith, the person who told you not to write a statement? - A. Not before making notes.

Q. Yes. He told you that. That is my note? - A. He informed me Mr. Clement had made a statement.

Q. My note reads and I will be corrected if I am wrong, you went into work on the 19th, and Inspector Smith told you not to write a statement, and went on to explain because in all probability Mr. Clement would do it? - A. Mr. Clement, yes.

Q. Am I right? Did he tell you not to write a statement? - A. He told me about the existence of Mr. Clement's statement and that it would probably suffice for the original notes.

Q. Let me check it. Your rank at the time was what? - A. Chief Inspector.

Q. What was this gentleman's rank? - A. Inspector.

Q. He is junior to you, yes? - A. Yes.

Q. If I am right, and he tells you not to write one, it would be odd, would not it? - A. He is not ordering me not to write any notes. He is advising me of the existence of this

statement; no question of ordering me.

- Q. You see I am wondering Mr. Hale, it could be said, and I will give you the opportunity to tell the Jury anything you like of it, but it could be said that it was in the interests of a united (inaudible) version from senior Officers to have one definitive account by Mr. Clement, and no other Officers, in particular senior Officers going off on possible frolics of their own, writing up individual records which might conflict with that so called authorised version. Now, do you see the point? - A. I see the point.
- Q. Are you told not to write a statement? - A. I am not ordered to write a statement. I am told of the existence of this statement.
- Q. I do not want to take any false point. In my cross-examination when I made notes, "I was told not to write at all

JUDGE COLES: Would it help if I told you what my notes says? I will try and find it. It was in fact, I think his cross-examination

MR. MANSFIELD: To me.

JUDGE COLES: Yes, it was. "On the 19th that did not apply to me". It was very late last Friday.

MR. O'CONNOR: Just before your Honour began reading. "There was an account by Mr. Clement, a conversation the evening before. I was told by Mr. Clement"

JUDGE COLES: "I was not carrying a notebook. I donot normally do so and Mr. Povey told me not to bother".

MR. GRIFFITHS: That is probably where I got it wrong:

- Q. Mr. Hale please accept you were not told not to, but you certainly did not write your statement? - A. No, I did not.
- Q. And you were told that there was a definitive version of events? - A. I was told Mr. Clement had written a statement outlining events of the day on top side.
- Q. And that was on the 19th? - A. On the 19th, yes.
- Q. I suppose with hindsight bearing in mind the number of occasions you have unfortunately been unable to help us, Mr. Hale? - A. Yes.
- Q. Looking back on it it might have been better if you had written some notes? - A. Yes, in the light of this court, yes it would.
- Q. Would you agree that when a procedure is adopted such as the one that was adopted, namely signing another Officer's statement, there is the danger that one person's individual recollection will become merged with the author's recollection

Do you agree? - A. Yes, there could be a possibility of that.

- Q. What care did you take when it came to your statement to ensure that your statement (inaudible)? - A. As I have said previously the statement has only been intended as a broad outline of the days events, and as such my recollection constituted the broad events of that day.
- Q. What care did you take - first of all did you write it? - A. No, I did not write it.
- Q. Did you read it? - A. I read it, yes.
- Q. Did you read it all? - A. Yes.
- Q. Now the members of the Jury have been kept in ignorance not by design but because we have not had copies available, but you have been asked many questions about these statements of Mr Clement, Mr. Povey, Mr. Hale.

MR. GRIFFITHS: According to your Honour's agreement the best thing is to have them - they are all exhibits - photocopied and put in a bundle with the heading statements of witnesses Mr. Clement, Mr. Povey and Mr. Hale. I have copies for the Jury. Would that be all right?

JUDGE COLES: Any objection to that?

MR. WALSH: No.

JUDGE COLES: Let them be shown to the Jury. They are already exhibits.

MR. WALSH: Mr. Clement's and Mr. Povey's were made exhibits. I do not think Mr. Hale's has actually been given an exhibit number.

JUDGE COLES: Mr. Clement's statement is exhibit 14, Mr. Povey's is 19, exhibit 23 would be Mr. Hale's statement.

MR. GRIFFITHS: I am anxious that Mr. Hale's individual statement be before the Jury:

- Q. Do you have your statement in there? What I would like you to do, Mr. Hale, have you Mr. Povey's statement and Mr. Clement's

JUDGE COLES: 14, 19 and 23.

MR. WALSH: May I try and help?

JUDGE COLES: I think we ought to send for the Clerk.

MR. WALSH: With respect, yes.

- Q. MR. GRIFFITHS: Whilst we are waiting, Mr. Hale, just one possible lacuna, you said you did not write your statement. So there is no misunderstanding, you did not dictate it

either? - A. No.

MR. GRIFFITHS: The only one who has not got these documents is Mr. Hale for the moment.

JUDGE COLES: You are relying on the original?

MR. GRIFFITHS: I prepared copies for the Jury. I thought it right for the Jury to have them.

JUDGE COLES: Exhibits 14 and 19. We have now got exhibit 23.

Q. MR. GRIFFITHS: So we are clear about it, Mr. Hale, you have got Mr. Clement's statement and you have got Mr. Povey's statement? - A. Yes.

Q. And you have got your own? - A. Yes.

Q. Just check your own please. It is page 16, members of the Jury. These have been numbered for the members of the Jury at the top right. You have got your own statement.

JUDGE COLES: Page 16. This is the first page of Mr. Povey's statement.

MR. GRIFFITHS: The members of the Jury have three statements stapelled together. My instructing solicitor has numbered the bundle from page one through as a quick reference.

JUDGE COLES: So the numbers are different from the number I have got.

MR. GRIFFITHS: I was hoping your Honour would have the statements individually there. I see I have made an error.

JUDGE COLES: You have not at all. If you could identify the statement I will find it.

Q. MR. GRIFFITHS: What you should have and the members of the Jury will have page 16 top right, your statement Peter Hale, Chief Inspector of Police, South Yorkshire Police, Police Headquarters, Snig Hill, Sheffield? - A. Yes.

Q. Now there is a heading which no doubt you print, officially, and it is rather important, is not it? - A. Yes.

Q. And it says, "This statement consisting of 7 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true". That is dated the 14th July, 1984, getting on for a month after the event? - A. Yes.

Q. It is signed by yourself and Detective Inspector Smith? - A. Yes.

- Q. Do we take it that Detective Inspector Smith then came along on the 14th July to get this statement typed up for you? - A. Yes, that is the date, that would be the procedure.
- Q. You would certainly give, you being a Superintendent now, a junior Officer a rocketing, would not you, you would discipline him if he signed a statement without reading it carefully? - A. Yes. He would be criticised.
- Q. Do we take it that you did read this carefully? - A. Yes, I read it.
- Q. Did you read it carefully in accordance with that solemn declaration at the beginning? - A. I read it as carefully as I could, yes.
- Q. If you would like to go to your - page 21 members of the Jury, it is the last but one page of your statement? - A. Yes.
- Q. Now you have been referred to this paragraph already by Mr. Mansfield? - A. Yes.
- Q. Perhaps not in this context. The paragraph I am referring to is where Scargill is mentioned you see? - A. Yes.
- Q. Reading that paragraph, from the answers you have given on Oath, Mr. Hale, you read carefully when Inspector Smith brought this to you on the 14th July. "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"? - A. Yes.
- Q. "This enabled Police lines to withdraw to relative safety across the railway bridge. As we approached the bridge, I saw Scargill standing on an embankment overlooking the area on the left of Highfield Lane when looking towards Handsworth"? - A. Yes.
- Q. "I only saw him for a moment because I was concentrating on withdrawing my men"? - A. Yes.
- Q. It is not as though you refer to Scargill on many occasions in this statement? - A. No.
- Q. I maybe wrong but I think it is only twice? - A. Yes I think so.
- Q. And Mr. Scargill by the 14th July, at the time you saw this statement, would you agree, Mr. Hale, there was considerable press comment about his injuries, whether it was by design or accidental; it was at the forefront of the news at this time, was not it? - A. Yes.
- Q. Are you really saying to the Jury, and I have to put it to you Mr. Hale, are you really telling the truth when you tell the Jury that you read this statement carefully? - A. I told you I read the statement as carefully as I could. I have explained about the mistake before which I did not see.

- Q. How could you possibly have missed that? Let me suggest what I am putting to you. I suggest that there was in the context in which it clearly appears, bearing in mind the standing of the person involved, it was inconceivable if you had read this statement that you would have not picked that out immediately, and said, "Hey, hey, hey, wait a minute Inspector you have typed up something wrong". Are you still saying that you read this statement? - A. Yes.
- Q. I suggest you are saying that, Mr. Hale, because you do not want to admit that you simply let a statement be written and drafted by another Officer who is getting the accounts of the three senior Officers to tow the line? - A. I have told you the procedure that was followed. I have read the statement. I have admitted earlier that I did not see that mistake otherwise I would have added or corrected. I know that happened that day. I know when I saw Scargill, that is not (inaudible) in the statement, but I missed it.
- Q. I suggest you could not have? - A. I missed it.
- Q. The content of this statement, now again I maybe wrong. Mr. Hale, did you say yesterday that as far as specific times are concerned you could not put any time to anything, you rely entirely as far as timing is concerned on what Mr. Clement put down in his statement? - A. Yes.
- Q. Am I right about that? - A. Yes.
- Q. And it follows does not it that you did not have a clue as to when things happened, you took it and hoped that Mr. Clement's timing was right? - A. Yes, that is correct.
- Q. When you were examined in chief by my learned friend for the Crown, you remember a long time ago now Mr. Hale, Mr. Walsh asking you to describe the days events? - A. Yes
- Q. My recollection is that he was asking you what happened then and you came out with times as to what had happened? - A. Yes.
- Q. Now you said, my note maybe wrong to a slight word, but basic my learned friend is asking you what happened and you say, "4 a.m. and a number of demonstrators between seven and 800 top side"? - A. Yes.
- Q. You did not have a clue as to that time did you? - A. No. I was relying on Mr. Clement.
- Q. Why did not you tell the members of the Jury when you were giving this evidence at 6.50? - A. I have no reason to suppose that Mr. Clement wrote down the wrong time, no reason to suppose that time was not accurate.
- Q. Let us just see how your - I do not know whether we are going to hear from Detective Inspector Smith as to how he went about his role whatever it was, but look at your statement page 20. We see at 6.30 a.m. you talk about 700 demonstrators, right? - A. Yes.

Q. And that is the evidence that you gave.

MR. GRIFFITHS: Would the members of the Jury turn to the beginning of Mr. Povey's statement. It is page nine, members of the Jury:

Q. At the bottom of Mr. Povey's statement we have 6.50 a.m. 700 demonstrators? - A. Yes.

Q. That is an individual statement signed with a solemn declaration? - A. Yes.

Q. Let us see where it all came from. Mr. Clement's now, it is on page three, members of the Jury, page three of the bundle. At 6.50 a.m. about 700 demonstrators? - A. Yes.

Q. What is in fact happening here, and this is just but one illustration of this Mr. Hale. We have got Mr. Clement giving the authorised version that at 6.50 there were 700 demonstrators. There is this gentleman who we may or may not hear from, Detective Inspector Smith, writing up it seems your statement, and I believe we have had evidence to the like effect of Mr. Povey's? - A. Yes.

Q. Which is in fact perpetuating what Mr. Clement said? - A. Yes, we (inaudible) together.

Q. And you come along and give that evidence in court when really you do not have? - A. I had no reason to deny that was the time at all. Mr. Clement was making times. I had no reason to suppose

Q. Let us see how other areas in which you may (inaudible), may have inadvertently led the members of the Jury as to what you can say happened. You told the Jury at a certain time the demonstrators or pickets were hostile, and that they were being directed in a certain sophisticated way. Do you remember saying that? - A. Yes.

Q. Let us see where that came from if we can. You certainly said it in evidence.

MR. GRIFFITHS: It is on our page 21 members of the Jury:

Q. You say this from the very outset, "The demonstrators were hostile and were getting into positions which suggested a sophisticated"

JUDGE COLES: The second page of Mr. Hale's

MR. GRIFFITHS: I am sorry. I have two numbers. I have my own, and I have not transferred my pagination from my bundle to this new bundle prepared by my instructing solicitor

MR. WALSH: I think each individual statement has its own number in the top right hand corner.

Q. MR. GRIFFITHS: Mr. Hale, you say it is your own recollection. I suggest to you that Mr. Clement has written out his version of the history and everybody else has towed

the line by and large as to what happened? - A. We were together. I read his statement and I had nothing to disagree with it. I agreed with it.

- Q. Then we go on to deal with this question of hostility and sophisticated system. The second page of your statement reads, "From the outset it was obvious that the demonstrators were hostile and were getting into positions which suggested a sophisticated system of direction was being employed"? - A. Yes.
- Q. What sophisticated system, what direction? - A. As I said people were coming over the brow of the hill; appeared to be staying in groups near the top of the hill, and being directed to various locations.
- Q. But where? - A. Towards the Police line.
- Q. It is not as if when the push came, there was pushing in any other direction than along the road? - A. I have explained what I
- Q. I do not understand, but I suggest, Mr. Hale, that this business of sophisticated direction or the way you have put it in your evidence (inaudible). I want to know what you meant by sophisticated system of direction; direction where, to what end, help me? - A. Directing them the other side towards the bridge.
- Q. What was sophisticated about that? - A. It had not happened before.
- Q. And what happened then (inaudible) decided instead of going on the road we will go on the field? - A. I have explained what I meant by that.
- Q. Anywhere else Mr. Hale other than the road and the field? - A. They were going in groups on the field and on the road.
- Q. Anywhere else? - A. I do not recall any at all.
- Q. I am not sure what is meant by sophisticated system of direction. I am suggesting certainly (inaudible)? - A. As I said this statement was made already by Mr. Clement and
- Q. By Detective? - A. By Detective Inspector Smith.
- Q. To get the Police version uniform? - A. No.
- Q. And that is it, is not it? - A. It was the logical thing to do. We signed the notes, agreed with the main points of the note, and the statements were made. We may have used different form of words, but it would mean the same.
- Q. And mistakes were perpetuated and continued from Mr. Clement right through. Would you agree? - A. Mistakes?
- Q. Mistakes? - A. For instance?

Q. Shall I explain to you? - A. Yes please.

Q. JUDGE COLES: You have had Mr. Scargill, one? - A. Yes.

Q. MR. GRIFFITHS: I think Mr. Clement described it in a slightly different way. I was not meaning that. There is another one when you first were describing when you came up to the bridge, you said initially you saw some smoke on the other side, did not you? - A. I said I had the impression of some smoke on the other side but could be wrong.

Q. All right I will go with you, Mr. Hale. I accept that for the moment. I cannot check my note standing on my feet. When you were asked by Mr. Walsh you said, "I might be wrong about that". My recollection is you started to concede that you might have been wrong when Mr. Mansfield asked you a question about it, but there we are. But you had the impression of smoke over the other side as you are coming to the bridge? - A. Yes.

Q. But you went further than that. You started to concede - my note is here on this, when you bypassed this car in the road it appeared to be burning. Remember saying that? - A. No, I do not actually.

Q. You do not remember saying that? - A. No.

MR. GRIFFITHS: I will check that now.

JUDGE COLES: Is this in chief?

MR. GRIFFITHS: Yes, it is in chief. It was at the time the witness was describing what happened above the bridge. "At the scrap yard there were quite a lot of stones being thrown. Bypassed an old car which was burning".

JUDGE COLES: I have got that, but I have got it in another place.

MISS RUSSELL: I think what is happening, it also comes at an earlier stage just after he has dealt with the wire and the tyre being rolled. "As we reached the bridge on the other side I saw smoke". I think it was a scrap car from the two references to it.

JUDGE COLES: "As we reached the bridge, paused. We were not intending going further. I saw something I think was a scrap car. This was when I was on the Orgreave side of the bridge". I made a note in the margin it might have been later. Indeed if one looks later on, right at the very end of cross-examination yesterday. "There was smoke on the far side of the bridge". Put to him it was wrong, this was later, and he said, "I maybe wrong. It may well have been later".

MR. GRIFFITHS: Does your Honour wish to add anything further?

JUDGE COLES: No.

Q. MR. GRIFFITHS: I do not want to lose sight of the point.

The Jury can see the point. I have not been corrected. It see you did say not only did you have the impression, but you bypa an old car which was burning? - A. Yes.

Q. And that is why it was my recollection that you were conscious you were wrong in cross-examination by my learned friend Mr. Mansfield? - A. Yes.

Q. And that is why I in fact deliberately, to clear that point up so there was no ambiguity, asked you about that at the beginning of my cross-examination and you accepted you could very well be wrong and did not see the burning on the other side? - A. Yes, I could be wrong.

Q. And this is to give you an example, because you asked me to give you an example, as to where the errors have been perpetuated and adopted by Detective Inspector Smith, and acquiesced by you probably under the direction of Mr. Clement. Look at your statement, it is on page 20, members of the Jury. Where is the truth, Mr. Hale? This is a statement you say you carefully checked and signed? - A. Yes

Q. In the statement it says this, "I could also see dense smoke coming from over the railway bridge". Let us get that in context and read a little further to see where you are when you see it? - A. Yes

Q. "Moving towards the bridge I saw that wire had been stretched across Highfield Lane about head height"? - A. Yes.

Q. "A large lorry or tractor wheel and tyre was rolled down Highfield Lane into the ranks of Police Officers"? - A. Yes.

Q. "I could also see dense smoke coming from over the railway bridge"? - A. Yes.

Q. And you go on. You have not gone over the railway bridge at this stage, correct? - A. Correct.

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

Q. But it is not right is it? - A. (Inaudible), but had to concede I could have been mistaken, yes.

Q. But you did not put it that high when you gave evidence to my learned friend Mr. Walsh. You did not say dense smoke, you said you saw some smoke? - A. Yes.

Q. The truth is that you know full well now that there was no fire over the other side, and this part of the statement was wrong, but I suggest you did not know quite what to say to the Jury, so you toned it down a little, and now you concede it? - A. I said I concede it in cross-examination

Q. Let us see where you get it from. I suggest this is a classic example of you-with great respect I do not mean to be rude - parrot fashion, following a version, the authorised version according to Mr. Clement. Let us see what Mr. Povey has

said about the same thing in his statement. I think if we go to page 13.

JUDGE COLES: Sixth page of this statement.

MR. GRIFFITHS: Fifth page of Mr. Povey's statement. The members of the Jury will have it on their page 13:

Q. We have just about identical words that have been knocked up by this Detective Inspector Smith. Let us read Mr. Povey's version. "Moving towards the bridge coming from over the railway". Let us go back to Mr. Clement and see what he had to say.

MR. GRIFFITHS: Members of the Jury, you will find it at page six, the bottom paragraph:

Q. Do you have it now Mr. Hale? - A. Yes.

Q. "Moving towards the bridge I saw that wire had been stretched across Highfield Lane about head height. I saw a large lorry or tractor wheel and tyre being rolled down Highfield Lane into the ranks of Police Officers. I saw dense smoke coming from over the road". (sic). Now tell me Mr. Hale, if Mr. Clement conceded that that was an error in all probability? - A. I do not know.

Q. Is not this a classic illustration of how one person's version can be wrong, and it is perpetuated by the system that you adopted by acquiescing? Is not it a classic case? - A. You say so, yes.

Q. Do not you agree it is? - A. There is a mistake, yes.

Q. How much else have you agreed to in accordance with what Mr. Clement wrote down, because that is what I suggest you have been doing, Mr. Hale? - A. Mr. Clement's statement is a broad outline of the events. I have tried to give to this court far more detail than is in the statement here. It is simply an outline of the day's events. I have tried from my recollection to put a little bit of meat on the bones in this case. The wording will be exactly the same because it is taken from Mr. Clement's statement. I have explained why that is, why that took place.

Q. You do appreciate that the Jury have to evaluate? - A. Yes.

Q. Your testimony? - A. Yes.

Q. Whether it is (inaudible) rattle off a version which Mr. Clement wrote for whatever reason? - A. The detail I have given to this court is far in excess of anything that is in the statement.

Q. Can I give you a final example; the way you describe seeing Mr. Scargill move from one side to the other side back diagonally going up. Your description of what you saw was exactly the same save in one respect with regard to the shields, was it not, to what you saw on the video? You

were shown it by Mr. Mansfield? - A. What I saw on the video was not at the same time as

- Q. You saw Mr. Scargill and the direction he walked from. What you saw him doing on the video was exactly how you described it to my learned friend, was not it? - A. At eight o'clock?
- Q. What you saw on the video shown to you by Mr. Mansfield, so far as the movement of Mr. Scargill is concerned, the way he walked, how he walked, the direction in which he walked back and forth, what you saw on the video was exactly how you described it to my learned friend. Will you agree with that? - A. Yes, I would.
- Q. You have not got a clue about the time, do you agree? - A. I would not say I had not got a clue. I know the area.
- Q. You were relying totally on Mr. Clement's timing? - A. Yes, I was, apart from the convoy.
- Q. So the only way that you can say that what you saw on the video was not what you actually saw on the day, because you know the video was 9.20 or 9.40, something like that? - A. Yes
- Q. Is because of the (inaudible)? - A. No. It is the time that the convoy arrived.
- Q. You have not got a clue as to the time, but now you say you do have? - A. I know what time the convoy arrived.
- Q. It is a matter for the Jury, but what I suggest is Mr. Scargill was seen to walk up and down the way you describe and saw it on the video, and it was after 9.25. The reason you are telling the Jury it was eight o'clock is because your Lord mentor, Mr. Clement, had written down in his statement that it was eight o'clock, and if he said it was eight o'clock, eight o'clock it was going to be. Is not that right? - A. Maybe it is because it did happen at eight o'clock. Whether it happened a second time we will have to judge.

MR. GRIFFITHS: I have no further questions.

Cross-examined by MRS. BAIRD

MRS. BAIRD: Last, but I hope not least:

- Q. How many ranks is Mr. Clement above the rank you had at the time, Mr. Hale? Could you take us through them; Constable to Sergeant, to Inspector? - A. Yes.
- Q. Chief Inspector? - A. Yes.
- Q. You were Chief Inspector? - A. That is correct.
- Q. To Superintendent? - A. Yes.
- Q. That is Povey? - A. That is right.

- Q. At that time? - A. Yes.
- Q. To Chief Superintendent as Mr. Povey now? - A. Yes.
- Q. Then I get completely lost. We know Mr. Clement is Assistant Chief Constable? - A. That is the next rank.
- Q. From Chief Inspector to Assistant Chief Constable? - A. Chief Inspector, the next rank is Superintendent, the next rank is Chief Superintendent, the next rank is Assistant Chief Constable, followed by Deputy Chief Constable.
- Q. That is fine. We need not go any further. You were three ranks down from Clement at the time? - A. Three ranks down.
- Q. To put it in context the other way, you are one rank above a PSU commander, are not you? - A. Yes.
- Q. Those who have command of 20 constables to share that responsibility with two Sergeants? - A. Yes, that is correct.
- Q. My learned friend Mr. Griffiths is absolutely right about how your statement came to be made, is not he? It is because a much more senior Officer decreed it was so? - A. No. I have explained how the statement came to be made many times.
- Q. Just to look at the mistakes that have been perpetuated by this method, from the same paragraph that Mr. Griffiths has now shown to us it is identical in yours, Clement's and Povey's wire across the road? - A. Yes, taken from it.
- Q. As you moved up the road, saw that wire. Whereabouts were you when you saw the wire in relation to the other PSU's and so on? - A. I would say towards the front, possibly on the edge of the road. I cannot remember to be honest.
- Q. Mr. Clement as I understand it was always behind you, considerable way behind? - A. No, not always.
- Q. Can you tell us where he was at that time? - A. I cannot to be honest.
- Q. What about Povey? - A. He would be very close. We were in very close conversation at that time. I would keep talking to him.
- Q. You described seeing wire stretched across the road, did not you? - A. Yes.
- Q. You have suggested it was high enough to take a horesman off his horse? - A. If somebody had asked my opinion I would have said that is what it was for.
- Q. It seems to have been put about 8' or so off the ground? - A. I would not argue with that.
- Q. About 8' off the ground. You were with the first unit, that unit cut it down, did not it? - A. I was towards that unit,

yes. It took it down.

- Q. Your statement says that you saw it, that is right. "I saw that wire had been stretched across Highfield Lane about head height?" - A. Yes.
- Q. You are perhaps deviating from head height? - A. I have explained what I meant. The impression I got, it was designed for horse Officers rather than foot Officers.
- Q. "Moving towards the bridge I saw that wire had been stretched across Highfield Lane". That appears in Clement's and in Povey's? - A. Yes.
- Q. Have you any comment to make on the fact that Clement and Povey (inaudible) never say that wire across?

MR. WALSH: Again there are many many questions that can be asked of witnesses, and with respect my learned friend knows this is not one of them.

JUDGE COLES: Yes. I am afraid one of the penalties of coming last is that rules have been made long ago. I have ruled on this thing several times.

- Q. MRS. BAIRD: Mr. Hale, if that is the case that no one but you of those three saw it, I do not suppose you can help us as to how it came to be in the other two men's statements as if they had seen it, can you? - A. Because we were walking together. They would see it.
- Q. If that is right there seems to be a mistake in each of their statements about seeing that, does not there? - A. I do not follow.
- Q. When Mr. Povey and Mr. Clement-when they crossed, neither of them saw that wire stretched across, it remains in your statement. You have seen that just now? - A. I have seen it in the statement.
- Q. There seems to be a mistake in their two statements about that - A. If they said that there must be.
- Q. That is something you cannot testify to? - A. I can only testify to what I have seen.
- Q. An example that Mr. O'Connor

(The shorthand writer requested counsel to talk slower)

THE WITNESS: Do you want me to comment on that? It was that Mr. Clement (inaudible) I pointed out if there was anything I disagreed with.

- Q. From the way you have described making that statement, Mr. Povey said in his original note that he had said something about wire across the road. That is where you took that paragraph from? - A. Yes, I would imagine so.

- Q. That same paragraph (inaudible) says, "A large lorry or tractor wheel and tyre was rolled down Highfield Lane"? - A. Yes.
- Q. I think you perhaps now agree that (inaudible)? - A. Tyre and wheel.
- Q. Do you say a tyre (inaudible)? - A. It could have been a tyre or wheel. I do not know which one it is.
- Q. So you cannot say? - A. I cannot.
- Q. Why do you say it was definitely a wheel and tyre in your statement? - A. That is the impression I got, a wheel coming down the road.
- Q. We have heard evidence from Mr. Clement, but can you help us yourself, as you went up to the bridge, this is the first advance of the three stage movement or it maybe four stage movement, that (inaudible) initially? - A. Yes.
- Q. Did you see any wire traps across the road? - A. No, I cannot recollect seeing any.
- Q. You have not told us that you see? - A. No.
- Q. Did you see anything else that could be called a trap across the road? We have mentioned the wire? - A. No, I cannot recall anything.
- Q. Were there at any time when you were on the bridge with your men, charges made by pickets against the Police line like the ones on foot? - A. No, I do not recollect any of those.
- Q. I suppose it is simple enough to say this, if there had been any you would have recollected it? - A. I would have, yes.
- Q. Can you help me please with the (inaudible) facilities which were at your disposal. Would you please take the aerial photograph. You can see the top side holding area there? - A. Yes.
- Q. I understand that there were Police horses to the rear of the holding area adjacent to the large field. Is that your recollection? - A. About what time are we talking?
- Q. Here, Mr. Hale, just to make sure, where my thumb is, between the holding area and the bigger field behind? - A. Are we talking about in the morning?
- Q. Tell me please, when you say there were horses, were there any that day? - A. The horses were first placed behind the Police cordon at about 6.50 in the morning or just before.
- Q. JUDGE COLES: That is behind the cordon? - A. Behind the cordon, yes.
- Q. You are not being asked behind the cordon, you are being

asked about the holding area in the large field out of sight of the cordon, behind the trees? - A. Yes, I understand that now. Is that the place?

- Q. MRS. BAIRD: Yes. I thought it was plain enough? - A. I cannot recollect any horses.
- Q. Any time of the day? - A. I cannot recollect them now, only when they arrived later on.
- Q. Was there any animal life under Police control in the (inaudible) which are just above that at any time that morning? - A. Possibly may have been some dogs. I certainly do not recollect any horses. I certainly did not see any.
- Q. You do not recollect horses in there? - A. I would not be able to see them, but I did not.
- Q. You say possibly there may have been some dogs. Were there or not? - A. I do not know.
- Q. Could you hear them barking? - A. Yes, I did.
- Q. Well, they must have been there? - A. I knew there were some on the other side of the road, but I did not know whether there were any in this area there; could well have been.
- Q. Whereabouts on the other side of the road were the dogs? - A. Somewhere in the vicinity of those trees. I was not taking any particular notice, so exactly where they stood I do not know, but I could hear them.
- Q. When you say those trees, can you show? - A. You can see the control point. It is the centre of the picture, the area of scrub prior to the big field, in that area somewhere there.
- Q. You are talking about this clump of trees here where my finger is? - A. Yes.
- Q. In that area there? - A. They were somewhere in that area. I cannot tell you exactly where.
- Q. What about in this field stretching down towards the railway line? They would be quite visible there if they were there? - A. Not from my position, but they would be somewhere in there. They could have been the bottom end of the field, or the end of the field nearest to the control point.
- Q. Let me as it were run my finger down this line. Were the dogs there or not? - A. I do not know.
- Q. Are you sure you do not know? You were on that road for a considerable period of time that morning, were not you? - A. They were somewhere in that vicinity, but exactly where I do not know.
- Q. How many were in that vicinity? - A. I have no idea.

- Q. Was it a gang of 30 dogs or 50 dogs or was it a couple? Can you give us an estimate? - A. I have no idea at all. It was not my deployment. I have no idea how many were deployed in that field.
- Q. You were there. Do you really say (inaudible) or you cannot remember, or what? - A. As I say, I do not know exactly where they were deployed. I can tell you what I saw.
- Q. You cannot tell us how many, not even whether it was two or 100? - A. It was not 100, but exactly how many I do not know.
- Q. You understand quite clearly, Mr. Hale, do not you, I am not asking you to be exact, I am asking for an approximation? - A. I did not see the dogs in the field. I knew there were dogs there. I did not actually see the dogs. I could hear them. I could not see them.
- Q. What were they there for? - A. They were there to protect the command post control point.
- Q. Werethey on a long leash or short leash? - A. I have no idea. I did not see them.
- Q. You have no idea as to what leash they should be on? - A. No idea whatsoever.
- Q. It appears from the many answers "I do not know" that you are entirely confined to the short shield unit. Is that right? - A. I had such responsibility for shields.
- Q. Please answer my question. You are saying, "I do not know" an awful lot, you said it to Mr. Griffiths an awful lot, Was your area of responsibility confined to the short shield unit? - A. I would be top commander of the top side with a special responsibility for long and short shields.
- Q. And that clump of trees across the road where the dogs are, where you say there may have been dogs, but you do not know, there is a footpath, is not there and a railway line? Do you know of that or not? - A. Are we talking about the clump of trees?
- Q. Here? - A. I do not know whether there is a footpath there, maybe.
- Q. You do not know? - A. I would accept it if you said there was.
- Q. You said that the only order that was given to the short shield men was to arrest stone throwers and to disperse? - A. Yes.
- Q. (Inaudible) order than that to them? - A. No. Those were the tactics to disperse the crowd and arrest if they could identify stone throwers.
- Q. You were asked yesterday by the learned Judge about the mode of (inaudible) shield Officers with truncheons and with shields? - A. Yes.

- Q. You gave an answer something like this, "You can slip your shield over your arm and after you have made an arrest put your truncheon away? - A. You can do, or you can let it hang over your arm.
- Q. Would you like to show us how you would make an arrest using that equipment? You have the truncheon there I think. You can have the shorter or the larger one which one you are used to personally? - A. Both. When you go towards anybody you can simply drop the shield like that, grab hold of anybody, and the other Officer similarly with the other. You can keep your truncheon like that if you want to, or you can put it inside your pocket.
- Q. JUDGE COLES: How big a business is it to put your baton away in your pocket? - A. It is not easy. Most people would keep them out, but you can keep it where
- Q. How is it normally carried? - A. Normally carried like that, your Honour, so you can let it go if you want.
- Q. MRS. BAIRD: I think you said they are normally running with the baton raised? - A. Yes.
- Q. And these Officers as I understand it, and certainly the manual makes it clear, run, do not they? - A. Yes, make as much speed as they can, yes.
- Q. So they run at people with their baton raised, take a grip on the shield, and the only realistic way that you can release a hand without putting yourself at risk is dropping the shield, is not it, the way you have done? - A. You can drop the shield, yes. How the Officers do it - only know what we do in training.
- Q. Is that a proper move as it were? - A. There are no proper moves. You have to get hold of them and arrest them. You do not know how a person is going to behave, but to facilitate, you can drop the shield, you can drop the truncheon
- Q. To be fair about it, when you have taught men who are equipped like that how to arrest, you have not told them - A. I think the only thing is to get hold of the individual concerned if possible under each arm and bring him backwards, but it is not always possible to do exactly as in training.
- MRS. BAIRD: You are welcome to put that down now. Would your Honour give me a moment I am receiving instructions:
- Q. I am pressed to ask you this, to demonstrate with the larger shield. Would you mind doing so? - A. That is not the common shield we use. It is mainly (inaudible). Most of the ones are round shields. The one we prefer and the one we use is the round one.
- Q. Are you saying all the South Yorkshire men had round ones that day? - A. No, I am not saying that at all, depends what we had available.

Q. Can you tell us what proportion of each were available to your Force as you are the man in charge? - A. No, I cannot. I do not know what the numbers were at that time, but these short shields are mainly, - If you have enough equipment, they are used for supervising Officers, for Sergeants and Inspectors.

Q. If that kind of shield is one that is being carried, it is not so easy to do so? - A. No. It is not as easy as that one.

JUDGE COLES: Perhaps I had better describe for the shorthand note. Support for the arm, it was about the elbow, is open on that square small shield, whereas on the round shield it is a full ring which can more easily hang on the arm? - A. Yes. It is hinged as well, your Honour.

Q. MRS. BAIRD: I do not need to ask you to demonstrate further, but this is a realistic comment, is not it, that you are quite likely to lose your shield completely if you free your hand? - A. It is a possibility, yes.

Q. Again an arrest is being made (inaudible)? - A. Yes.

Q. If you drop your shield from your hand you are quite likely to lose it? - A. Yes. I would say that is a strong possibility.

Q. That would not be a particularly wise move if the situation is as bad as you are saying? - A. Yes, I agree.

Q. Mr. Hale, would you look at the big photograph. I do not remember its number. Is it 21? - A. 21, yes.

Q. At photograph five in that you can see there an Officer arresting someone. It is, in fact, Mr. Moreland.

MRS. BAIRD: Mr. Moreland, would you stand up for the moment:

Q. We can just about recognise-what sort of shield is the man on the other side of Mr. Moreland carrying? - A. It is like a hybrid (?). They are South Yorkshire shields. This was another Force's shield.

Q. Do you know what it is made from? Is it the same sort of stuff as the ones you have? - A. It will be polycarbon. It looks as if it is from this picture.

Q. Are you saying it is the same material? - A. It looks as though it is here. It will be polycarbon

Q. Does anything on that photograph indicate to you which Force that Officer comes from? Could he be a Merseyside Officer because of his helmet? - A. He may well be. I can say he is not a South Yorkshire Officer (inaudible). I do not know if Merseyside wear that chequered - it could be.

Q. It was Merseyside Officers who arrested Mr. Moreland, so it

is likely that is one of them. Can you look over the page at another gentleman being arrested. You see the shields those two are carrying. They are different again? - A. Yes.

- Q. They are different round ones? - A. They are variations of the small blackone, but made of clear
- Q. Are they made of the stuff that the transparent one here is made of? - A. I am assuming so, yes.
- Q. That is a transparent round shield with an area of Police written on it in the middle? - A. Yes.
- Q. Those are just two examples which show that the equipment used by PSU's from different areas differ? - A. Yes, it does.
- Q. And of course, it is a very small point, but we do not know how the shield in photograph five is constructed on the inside, or how the shield in photograph six is constructed on the inside? - A. No.
- Q. Or whether it is easy or difficult to drop; that is right, is not it? - A. That is correct, without having a look at the extras on the shield I could not tell you.
- Q. I do not want to be unfair, it is probably not? - A. Not at this time.
- Q. You have only got a passing (inaudible) of that item, have not you? - A. Yes.
- Q. You are saying it looks like these or it looks like a variant. You have never inspected that equipment? - A. No, I have not.

MRS. BAIRD: I am about to change direction. I am conscious of the time, but I have instructions to make an application which is perhaps best dealt with

JUDGE COLES: Yes, very well, and continue cross-examination in the morning. We will adjourn now members of the Jury until 10.15 in the morning. I have something else to do at ten o'clock, but I should be free by then. Would you like to leave now. If you would like to leave, Mr. Hale. I am sorry to have to ask you to come back tomorrow, I hope for the last time.

(The Jury and witness retired)

MRS. BAIRD: Your Honour, in order to look into this aspect of the case with one of my client's, my instructing solicitor has asked the Prosecution if we may have, for tomorrow only, six long shields, this one, and six short shields, it does not matter, one of either kind, and six batons, but they are not essential, the batons are not essential. It will assist one of my clients if that can be done. The matters need only be brought to court for one day prior to the start of the hearing in the morning, and

can be returned before we commence.

JUDGE COLES: Mr. Walsh, you want to know what is going to be done with them?

MR. WALSH: Of course, your Honour. We have supplied absolutely everything, but there must be a limit, and if we are told what it is to do with - What I am not going to do, and I have told my learned friend this in relation to another matter, if she is prepared to put her case to an Officer in cross-examination as to something or another, and then if it is necessary to demonstrate maybe, but I am not going to have the Prosecution embarked on a fishing expedition so that people can play about with whatever they want and

JUDGE COLES: What do you say about my powers in this matter?

MR. WALSH: It is perhaps not for me to say. If my learned friend would like to put her case to some Officer to see what he says about it, I do not know what the case is but

JUDGE COLES: If you find it well founded it is possible to provide the equipment.

MR. WALSH: But I do think the defence first of all have got to prepare its case rather than ask us to supply them with toys with which they can play.

JUDGE COLES: Thank you. I do not know what my powers are in this respect, but I certainly feel very reluctant to exercise whatever it maybe unless there is some foundation laid.

MRS. BAIRD: As I recollect I have already laid the foundation.

JUDGE COLES: If that is so presumably you can tell Mr. Walsh what the foundation is.

MRS. BAIRD: I have suggested I think to Mr. Clement and Mr. Povey, the possibility of, I have called them spotters being used in some elevated position. I want now to look into a different possibility concerning spotters for which use a shield is a necessity. I do not want to, as it were, fish for something.

JUDGE COLES: If there is a possible line which you say the Police should have adopted but did not, then I think what Mr. Walsh says and it appears to me that there is some force in it, is that you should put that specifically to the Officer, and if the Officer says no, that is not possible, Mr. Walsh says he will give you the equipment you need to carry out a proper test, but at the moment it seems that you have not really - you may have laid some sort of foundation, but you have not put what it is you say is so necessary for the equipment.

MRS. BAIRD: I am not proposing to mention that. May I put it this way, I hoped I had made it clear to the court what it is that we want to look into

JUDGE COLES: I cannot honestly say it is very clear to me

I must confess, but then at quarter to five on Tuesday afternoon I am not at my very problematical best anyway.

MRS. BAIRD: It is the possibility of spotters behind these shields when they are locked together. There can be no possibility of a fishing expedition. I have made it plain what I want it for.

JUDGE COLES: The possibility of spotters.

MRS. BAIRD: To put spotters behind shields as they stand in the front line.

JUDGE COLES: And you need six shields to put that.

MRS. BAIRD: I am not firm about six, but we are ^{not} able to deal with it with one shield, because for instance it was not clear until this afternoon by how much they overlaid when they are locked together, so we need to put them into that position in order to see.

MR. WALSH: I still do not follow, but it seems not only are we going to want half a dozen shields but Policemen as well. Can I say something if my learned friend has finished?

MRS. BAIRD: I am not sure I have finished, I am receiving instructions.

MR. WALSH: I wonder if I could say something else your Honour. When we assembled for the pre-trial review, counsel then present most of my learned friends here today but not all, knowing what the issues were to them, they gave an estimate of the length of this case of about four to five weeks. We have already had four weeks, and I am conscious of the fact that the Jury will have been told that they are required to be here for that length of time. Your Honour, my view is that that estimate is hopelessly in error.

JUDGE COLES: Mr. Walsh, what I was going to do, I had taken the view that it was pointless to enquire as to the present prognosis of length until we had finished what has been called the general witnesses, and perhaps seeing one or two specific witnesses, and seeing how long they were likely to last, but the time is very very quickly coming when the Jury are bound to be wondering just what is happening, and I am sure I would welcome, the court would welcome, and most of all the Jury may welcome some sort of estimate of time.

MR. WALSH: They will have asked no doubt because the court officials always do these things, but the length of the case is important, and whether any of them have any immediate problem that is to say within the next four or five or six weeks, holiday and that sort of thing. I recollect holiday time is in early July I believe. I know one has gone away from perhaps week but

MRS. BAIRD: I cannot hear at all either yourself or Mr. Walsh.

JUDGE COLES: We are discussing the length of the trial, and how long it is likely to take, because originally the time estimate was only four weeks. We have already used four weeks and we are nowhere near the end. That is what is being discussed. This is a matter which I would like to take up again when we have finished matters generally, but I would be grateful if counsel for the defence would exercise their minds. If now for instance we are going to get a couple of Police witnesses per accused, I do not know whether it is going to be the case of each Officer being cross-examined by only one counsel for the defence whoever is concerned with the particular client being arrested, or whether there are going to be general matters put to them. That is the sort of thing which makes it impossible for anyone who is not acting for the defence to make a prognosis of the length.

MR. GRIFFITHS: On that point it certainly seems the consensus view of the defence when we are dealing with particular arrests, the first to bat off so to speak would be the counsel dealing with the particular client who was arrested, the Officer should come and give evidence, and maybe then any other questions would probably be

MR. O'CONNOR: I am anxious to say if I may that the difficulty in estimating the length of the trial has been compounded from the defence point of view by the difference between the brevity of the witness statement, and I am thinking of one small example, to do with Mr. Hale, and two hours in chief. That was not our responsibility at all

JUDGE COLES: When there is an estimate of four weeks, and at the end of four weeks we have not got the third witness finished, then clearly something is sadly wrong, but there it is. We are here and that has happened. What is important is not what has happened but what is going to happen. Let us try and get it right. At the end of the generalities we shall reconsider the matter again, perhaps tomorrow.

MR. MANSFIELD: There was one other matter I wanted to mention to your Honour tonight. We have been considering the time, and it is perfectly obvious that the original estimate is going to be way out. I think certainly from our point of view at the moment, we are thinking of at least another four to six weeks. It maybe in that region, because we have not got to the arresting Officers, and looking at it I would have thought there is a whole catalogue of witnesses, if the Crown still seek to call them, of civilians dealing with what happened in the village and other areas. If one puts all that together it is to be another four weeks on the Prosecution case.

MRS. BAIRD: May I raise one matter. I do not want to spring it upon the court, but in rising on the last occasion it was a matter I could return to, and it is the matter of the Court of Appeal on Friday. I would like to inform the court if it is convenient that I will not be here on Friday. I think the Crown might perhaps not call witnesses

JUDGE COLES: Directly affecting

MR. WALSH: I do not think this week there will be any witnesses that directly affect any defendant by himself.

JUDGE COLES: I am sure there is somebody who can keep watch.

MR. WALSH: Perhaps I should say, your Honour, that bearing in mind some of the issues raised by the defence, they should not be surprised if the Crown calls several other witnesses to deal with things that certainly we did not know were going to be raised before the trial.

JUDGE COLES: We shall have to see how we go. It is not for me to give advice as to the way in which counsel should conduct their case. It is not for me to make any more comment I think than I have about the length of the case and various factors involved. There we are. I know counsel will do their best to see that matters are dealt with sensibly. Is there any other matter? Do you wish to say anything more?

MRS. BAIRD: Your Honour, no. I am obliged.

JUDGE COLES: 10.15.
