

IN THE CROWN COURT AT SHEFFIELD

Castle Street,
Sheffield

13th June, 1985

Before

HIS HONOUR JUDGE COLES

REGINA

-v-

WILLIAM ALBERT GREENAWAY
DAVID MOORE
BERNARD JACKSON
GEORGE KERRY McLELLAND FOULDS
BRIAN IRVINE MORELAND
ERNEST BARBER
DAVID RONALD COSTON
KEVIN MARSHALL
ARTHUR HOWARD CRICHLOW
GEORGE WARWICK FORSTER
JAMES O'BRIEN
CRAIG WADDINGTON
ERIC SCOTT NEWBIGGING
STEFAN WYSOCKI
DAVID BELL

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APPEARANCES:

For the Prosecution:

For W. A. Greenaway:
For D. Moore:
For B. Jackson:
For G. K. M. Foulds:
For B. I. Moreland:
For E. Barber:
For D. R. Coston:
For K. Marshall:
For A. H. Crichlow:
For G. W. Forster:
For J. O'Brien:
For C. Waddington:
For E. S. Newbigging:
For S. Wysocki:
For D. Bell:

MR. B. WALSH, O.C.,
AND MR. K. R. KEEN

MR. G. TAYLOR
MR. M. MANSFIELD
MR. M. MANSFIELD
MR. P. O'CONNOR
MRS. V. BAIRD
MISS M. RUSSELL
MRS. V. BAIRD
MR. E. P. REES
MR. P. O'CONNOR
MRS. V. BAIRD
MR. P. GRIFFITHS
MR. M. MANSFIELD
MR. E. P. REES
MISS M. RUSSELL
MISS M. RUSSELL

13th June, 1985

Pol. Con. BROWNING Recalled

Cross-examined by MR. MANSFIELD (cont.)

- Q. Mr. Browning, just last night I asked for more detail of what happened above the bridge, and I want to get your assistance on one or two other matters. First can I ask you, how long have you been in the Police Force? - A. Twelve years.
- Q. And you are a Police Constable? - A. I am.
- Q. I suspect it may be asked later. Do you come from a mining family or something? - A. No, I lived in a mining community.
- Q. When was that? - A. '73 to '83.
- Q. Where? - A. In Haydock.
- Q. JUDGE COLES: You lived in a mining community? - A. I did.
- Q. MR. MANSFIELD: 1973 to 1983 in Haydock? - A. That is correct.
- Q. You don't come from a mining family yourself? - A. No.
- Q. When did you join or volunteer for a Police Special Unit? - A., Basically we didn't. We volunteered to come away. We weren't a permanent unit.
- Q. Did they just come along and say, "We'll have you", or did you volunteer - which way round, permanent or not? - A. There was so many of us put our name down to go away and so many selected.
- Q. How many put their names down, and how many selected? - A. I don't know. From the group, which entails three Police Stations, there were ten Constables for each group, so possibly three from each Station and four from another.
- Q. Three from each Station - this is in Merseyside? - A. Yes.
- Q. Can I know the Division in Merseyside from which you have come - you are Walton Lane? - A. Yes.
- Q. What other Police Stations are contained within that Division? - A. Lower Lane is the Headquarters, and Kirby is the third part of the Division.

- Q. So the Jury may fit that in, we have heard from two Officers already from Merseyside, Mr. Kearns and Mr. Lyneham - one comes from one of those and the other from the other? - A. I know Andy Lyneham comes from Lower Lane.
- Q. When was it you put your names down to go away? - A. It depends when the actual list came out, and what duty you were on. It was when the telex came and they asked for volunteers. It could have been on the Wednesday, Thursday or Friday.
- Q. That is in relation to this visit to Yorkshire. Had you done Police Support Unit work before? - A. Yes.
- Q. When had you started doing it? - A. In the March we went to North Wales.
- Q. That is 1984? - A. That is right.
- Q. Had you done Police Support Unit work before 1984? - A. No.
- Q. So the first Support Unit work you had put your name down for was, in fact, in relation to the miners' dispute? - A. That is correct.
- Q. You knew it would involve policing the miners' dispute, did you? - A. Yes.
- Q. And you wanted to do that did you, coming from a mining community as you do? - A. I didn't come from a mining community then.
- Q. You only just left in 1983? - A. No relative of mine is a miner.
- Q. That made it all right, did it? - A. No, it was sort of overtime for us as well, the money.
- Q. Overtime. Let's hear about the overtime you were getting for this. How much extra money would you get on a Police Support Unit? - A. It is between 60 and 100 hours a week, depending which duties you are on.
- Q. How much money in the pocket did that mean to you? - A. Actually in the pocket, possibly £300.
- Q. So you volunteered in March and you go to North Wales. When you go to North Wales did you go with the same people who went to Orgreave that day? - A. No.
- Q. Not all the same or you don't know? - A. Billy Gale was the one that was there when I was at Wales, 6365.

- Q. I will come to the ten in your Unit in a moment. It would appear that Mr. Gale is under Mr. Gradwell at Orgreave? - A. Yes.
- Q. So he had gone to Wales. What about the Senior Officers? Had they gone to Wales? - A. No.
- Q. So Gale is the only one you remember working with before? - A. That is correct.
- Q. Having been taken away in March to North Wales, you had had some training, had you? - A. No.
- Q. Did you get any training before you went to Orgreave? - A. No.
- Q. It may be my mistake. I thought yesterday you said you had had a single day? - A. That was when riot shield training came into operation, which was a number of years before that.

JUDGE COLES: I think he said it was part of the general training.

- Q. MR. MANSFIELD: Was it a single day's training? - A. Yes.
- Q. One day's training?
- Q. JUDGE COLES: Part of basic training? - A. It was not part of my basic training, but everyone in the Force had to go to Burtonwood for a day.
- Q. MR. MANSFIELD: Everyone in the Merseyside Force? - A. Yes.
- Q. Went to Burtonwood for a day? - A. Yes.
- Q. To be trained in the use of what? - A. Basically riot shield training. This is after the Toxteth incidents.
- Q. After 1981? - A. That is correct.
- Q. What sort of riot shield training did you get for that one day? - A. Very basic, on how to carry it and enter buildings.
- Q. So would this be fair, that the PSUs being used in Merseyside at the top end of Orgreave and over the bridge had had no training whatsoever other than a single day in riot shield training, as to how to carry it and enter buildings? - A. With myself, yes. The others might have had some.
- Q. You don't know anything about manoeuvres - two man arrest teams, four man arrest teams? - A. No.

- Q. I want to turn to your going to Orgreave itself, and really take up the story in the earlier part of the day, when you have been sitting in the van - you are the driver? - A. I am.
- Q. In the mouth of the Coking Plant entrance, and then you indicated that there was an order to go and assemble up by the bridge? - A. That is correct.
- Q. From whom did that order come? - A. Mr. Owen I assume.
- Q. You don't remember, obviously? - A. Well, either the Sergeant or Mr. Owen ordered us out of the vehicle. It was one of them.
- Q. You are given no idea what it is you are supposed to be doing, just told to go up there? - A. Yes.
- Q. I am going to read out the names. So the Jury know where these names come from, they are taken from a Police Support Unit booklet or book - you know what they are do you? - A. Yes.
- Q. I don't know whether one can be held up so the Jury could see what I am talking about - it is a small blue book that looks like that sort of book we are talking about. I am going to put to you the names that come from that book, applicable to your Police Support Unit. Besides Mr. Owen and Mr. Gradwell, whom we have already mentioned, the names in the book, which included yours, as part of a group of ten, are these: first of all Mr. Austen? - A. Yes.
- Q. Do you know Mr. Austen? - A. I do.
- Q. Do you know what he looks like? - A. Yes.
- Q. Mr. Sutherland? - A. I don't know him.
- Q. Mr. Shelton? - A. I don't know him.
- Q. Mr. Gray? - A. I know Gray.
- Q. Is that Mr. Gary Gray, 5743, we spoke of yesterday up by the bridge with you? - A. That is right.
- Q. Mr. Kearns, who has given evidence? - A. I don't know him.
- Q. Mr. Gale? - A. I know him.
- Q. Went to Wales with you? - A. Yes.
- Q. Mr. Graham? - A. No, I don't know him.

- Q. Mulcahy? - A. I know the name but I could not picture him.
- Q. And Mr. Beattie? - A. No.
- Q. So besides the two Senior Officers, you only really know Austen, Gray and Gale? - A. That is correct.
- Q. That is how it is put in the book when you went. You had been given the order by a Senior Officer to go up to the Bridge. Were Austen, Gray and Kelly, the three you know, with you? - A. We were most probably all together.
- Q. Before you go up to the bridge you have to go to the equipment office. You mentioned yesterday there weren't enough shields to go round? - A. That is right.
- Q. How many of your group of ten ended up with shields? - A. I don't know.
- Q. Did any of them get shields? - A. Some of them had shields, yes.
- Q. The type of shields you were picking up are these square black-edged ones? - A. Also the large ones as well.
- Q. You mean the long shield, or the one inbetween? - A. The inbetween one.
- Q. They are in front of you? - A. It is bigger than that. It might be that size.
- Q. There is another one you think?
- Q. JUDGE COLES: That is the shield that you had? - A. Some of the lads had, I don't know who.
- Q. So it was a shield bigger than the small shield with the black edge, but not as large as the big one there. - A. It didn't seem as large as that. It might have been.
- Q. MR. MANSFIELD: You go together up to the bridge and find nothing much is happening? - A. Nothing is happening Police wise.
- Q. Your words were, "Very little was happening. As I got there very little was happening". Then you said, "All of a sudden somebody shouted out, "There's Mr. Scargill sat there, over there". - A. Yes.
- Q. Now, the time it takes - you have had the order to go to the bridge, collect the equipment - that has taken what, minutes? - A. Yes.

- Q. Just minutes. A few minutes after you arrive up there you hear somebody shout, "There's Mr. Scargill", or something like that? - A. That's right.
- Q. Then the missiles come over, is that what you say? - A. That's right.
- Q. Could you see where they were coming from? - A. Only from the embankment where the crowd were.
- Q. Do you mean the sloping bit, as we decided yesterday, the sloping bit or flat bit? - A. All over.
- Q. Are you quite sure about that? - A. Certain.
- Q. Certain. Then you have to make way for the, in excess of 25 Police horses to go through? - A. That is right.
- Q. Does anybody give an order that you should follow? - A. I didn't hear one, no.
- Q. Well, you were asked why by Mr. Walsh and you said you just joined in? - A. That is correct.
- Q. You had not had any training. I suppose you thought, "I'll go for the ride". Why did you go? - A. I just followed everyone else.
- Q. Then we come to where I started yesterday afternoon. You got to fencing and see Mr. Moore. You described yesterday seeing one or two things in the road. I wondered whether there was anything else you remember about the road or the environment there? - A. No.
- Q. Nothing else. You talked about a gas canister and a gate, you said, was in the road, and a car? - A. A vehicle, yes.
- Q. Just tell us where were all those things? - A. On the other side of the bridge.
- Q. Between you and Mr. Moore? - a. No, actually on the road.
- Q. Between you and Mr. Moore had you had to climb over anything or get round anything at all? - A. No.
- Q. Mr. Browning, I will pause there, having got those extra details from you, and I am going to suggest in the clearest terms that there is hardly a word of truth in anything you have told this Jury. Is that right? - A. No.
- Q. And I am going to go through it again with you. Now, the account that you have given, first of all do you say that in excess of 25 horses preceded you up to the brow of the

hill? - A. They didn't actually ... you mean up the slope?

Q. No, up the roadway. - A. They went past us, yes.

Q. We have heard from Mr. Kearns and Mr. Lynham, one of whom you know, in the same Merseyside Police Support Unit. The Jury have heard the descriptions they have given of what happened over the bridge. There is no question of horses going up before the Merseyside Police?

MR. WALSH: I don't want to intervene again, but my learned friend must obey the rules of cross-examination.

MR. MANSFIELD: I want to know if this Officer is prepared to reconsider it.

MR. WALSH: That is not the purpose of cross-examination.

JUDGE COLES: No, it is not.

MR. MANSFIELD: It is quite proper to put this to the Witness, to see whether, in the light of that, he is prepared to reconsider.

THE WITNESS: No.

MR. WALSH: That runs the risk of inviting the Witness to say if somebody else says so he may be right. The question the Jury want to know is what the Witness remembers, or doesn't.

MR. MANSFIELD: I am not asking the Witness to comment.

JUDGE COLES: You may not be intending that, but that is what you are doing.

MR. WALSH: That is the consequence. The only value of questions to a Witness for a Jury is so the Jury can assess what the Witness himself does or does not remember.

MR. MANSFIELD: Whether the Witness is prepared to concede he may be wrong.

JUDGE COLES: You are entitled to put that.

Q. MR. MANSFIELD: Well now, Mr. Browning, are you prepared to reconsider? - A. No.

Q. I suppose as far as you are concerned you have no recollection of the Merseyside PSU charging up the road, coming back to the bridge, charging up the road, coming

back to the bridge. You don't recall any of that? -
A.No.

Q. I suggest to you the reason why you are not telling the truth is that what happened over the bridge is quite different, and you are covering up for other members of your Unit, who did things they should not have, and I will come to what in a moment. Is that a possibility? -
A. No.

Q. You say that. Just on this early stage, before we get to Mr. Moore, besides following up the horses you are with Mr. Gray, are you? - A. I am.

Q. Are you quite sure about that? - A. I am.

Q. I am going to put to you, or suggest to you, so you can deal with it now, that he has ... in fact, he is not with you, he is arresting somebody else at an earlier stage, is not over the bridge with you? Is that a possibility? - A. No.

Q. You are absolutely sure Mr. Gray is with you? - a. I am.

Q. I am going to suggest you have not any real recollection of this series of incidents at all, have you? - A. Only what I have told you.

Q. Would you take Exhibit 21, please? Look at photograph 3 in Exhibit 21, which was taken at least shortly before Mr. Moore was arrested. If you look at the next photograph, we don't know exactly when, that is a photograph of you with Mr. Moore, isn't it? - A. That is right.

Q. Look at photograph 3. Clearly the photographer has had to move along the embankment to get to the edge of the bridge to take the photograph of you and Mr. Moore. You see that? - A. I do.

Q. Looking at photograph 3, there don't appear to be ... you have said there were missiles raining down from the flat bit and the embankment. There don't appear to be very many people on the flat bit there, do there? - A. There don't appear to be, no.

Q. I appreciate photographs may be wrong. Perhaps there were hundreds there a minute before, but I want you to reconsider that part of your evidence. You won't reconsider the horses, you won't reconsider missiles, are you prepared to reconsider that part of your evidence? - A. No.

Q. You see, Mr. Moore, and I am not going to quibble about the number of feet, you estimated 30 feet yesterday, when you got to that bit of fencing in the photograph we were

dealing with yesterday, photograph 7 in the other bundle, Exhibit 9, that is the position we are now at with you. You said very clearly to this Jury that he threw a missile, you don't know what it was, at the Police and the Police horses? - A. At the Police.

Q. Yesterday you did say at the Police and the Police horses. You meant just the Police? - A. The Police were going ... at the Police horses as well. I saw him throw his towards the Police.

Q. What Police? - A. I don't know.

Q. Were they, the ones he threw it towards, on foot or on horseback? - A. There was ... everyone was in the area...

Q. I suggest

Q. JUDGE COLES: Let him answer. - A. There were both mounted and foot patrols in the area.

JUDGE COLES: It is a little hard to criticise him if he is unable to say whether it was a mounted Policeman or a Policeman on foot. Be fair, Mr. Mansfield.

Q. MR. MANSFIELD: You don't feel I am putting you under undue pressure, do you? - A. No.

Q. It is a fair question, isn't it, whether it was aimed towards mounted Police? - A. Yes.

Q. And what you say is you don't really know? - A. No.

Q. Because it didn't happen? - A. It did happen.

Q. Just the once? - A. I just saw him throw the once.

Q. And he stood there while you went up and arrested him? - A. He started to turn and started to run, but I was already moving.

Q. Oh did he? That is not what you said yesterday. Well, I will pause there: what you have now said is he started to turn and started to run? - A. He was in the process of starting.

Q. JUDGE COLES: Starting to do what, to run? - A. To run or to leave the area anyway.

Q. MR. MANSFIELD: Let's go into this, as I went through it with you very carefully yesterday. Do you remember you made it very clear he did nothing, and you went up to him and he was co-operative? - A. He was co-operative, yes.

- Q. You didn't yesterday indicate the one moment he started to leave the area or run, did you? - A. I don't think I was even asked that yesterday..
- Q. I asked you last night to go through the account again, and you agreed that he was just standing there, and you went up to him? - A. I did.
- Q. Well, did he run, or did he not? - A. He had not actually started running. He turned to start to run.
- Q. He turned to start, but he didn't actually run? - A. No.
- Q. Did you go away last night and look at your statement? - A. No.
- Q. Your answers are inaudible - I think you said no? - A. No.
- Q. Did you look at your statement before you came into Court yesterday? - A. I did.
- Q. So you say that he turned as if to run, but he didn't actually run? - A. No.
- Q. You probably appreciate in your statement - have a look at your statement - is that it? - A. Yes.
- Q. Written by you? - A. Yes.
- Q. Individually written by you as you described last night? - A. What do you mean, individually.
- Q. Written on your own? - A. Yes.
- Q. Quite a lot of it doesn't deal with Moore. There are only about five sentences that do. "At 11.25 I saw the accused David Moore", do you see that? - A. That is right.
- Q. In the statement you wrote on the 18th June what did you say, first of all, about the time, 11.25 - where did you get that from? You told this Jury you weren't very good at times? - A. Possibly from the Detectives, I don't know.
- Q. How would they know when he was arrested? - A. When the actual attack took place, if you can call it an attack.
- Q. When the attack took place were the Detectives up on the bridge? - A. No.
- Q. How would they know when the attack took place, and what attack are you talking about anyway? - A. When it was arrested it quite quite a large number of people brought

in, and it was just a general consensus, I think, that that time was used.

- Q. A general consensus. Well, you appreciate when making your statement you only put in it what you personally can recollect, is that right? - A. That is right.
- Q. You personally had absolutely no idea what the time was when you were arresting Mr. Moore, did you? - A. No.
- Q. So you just put the time in because everybody else says it is about 11.25? - A. That is right.
- Q. Is that the way you approach your statement, "I'll just put in it what everybody else seems to think was going on? - A. No.
- Q. What do you say in the statement you saw David Moore do? - A. I saw him throw a number of missiles at fellow Officers.
- Q. Let's pause there. You saw the accused, David Moore, throw a number of missiles at fellow Officers. How does that get to be down there then? Your present account is he just threw the one, and you said that I don't know how many times? - A. That is all I can recall him throwing.
- Q. What is it doing in the statement suggesting he threw a number? - A. That was just put down. I don't know.
- Q. Whose writing is it? - A. It's mine.
- Q. JUDGE COLES: You are conceding now it was not accurate, you didn't see that? - A. I saw him throw a missile.
- Q. You put down he threw a number of missiles. Why do that if it wasn't right? - A. I don't know. I just put down that, just the first thing that came to my head, I don't know.
- Q. MR. MANSFIELD: The first thing that came into your head. What is then in the statement, which you did not indicate yesterday, but you have just a moment ago, "He then just turned round and started to run from the scene". That is not what you said yesterday at any stage, either to Mr. Walsh or to me. When you were being asked what Moore did you never said that yesterday, did you? - A. I don't know.
- Q. Well, would you accept it from me, I will be corrected, yesterday at no time, either by Mr. Walsh or myself, you have been through the whole series of events twice, did you ever say he turned round and started to run? - A. If you say that, yes.

Q. Well, I will be corrected.

MR. WALSH: Your Honour, that is quite right. The Officer did not say yesterday that Moore turned and started to run.

JUDGE COLES: You see me looking at my note. The note I have of your cross-examination is rather less complete than the note I had of his evidence in chief. It was absolutely expressly stated in examination in chief. He was asked, "What happened in the time it took you to get to him?", and he said, "He did nothing but others were still throwing".

Q. MR. MANSFIELD: Now, I will pause a moment, Mr. Browning. No-one can hear what you are saying behind me. It may be you have got a sore throat or something, but if you can try to keep your voice up, or I will have to repeat every answer. It has been pointed out to you, yesterday, and you agree because that is the consensus of everybody else, that you never said anything about Moore turning round and starting to run. Today, before we got to the statement, then you start saying that is what he did. Is it again just one of those things that came into your head? - A. No.

Q. If he is 30 feet away you say he turns round, but doesn't actually run? - A. That is right.

Q. Has he got his back to you, when you get up to him? - A. He had.

Q. He had his back to me? - A. Yes.

Q. He had no shirt on, did he, Mr. Moore? - A. I cannot really recall that. The photo' shows he has not got a shirt on, but I don't remember.

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

Q. What the statement goes on to suggest is this, if you look at it, before we read the sentence out, what you have told the Jury yesterday several times was that you were already running when you went across and you continued running after Moore? - A. That's right.

Q. Look at what the statement says, "I immediately ran after Moore and apprehended him"? - A. That's right.

Q. There is no suggestion in the statement that you had been running all the while, is there? - A. We were all running anyway.

Q. The statement, your account of this tiny little incident - let's get it clear, you weren't in the thick of it all day were you? - A. No.

- Q. In fact, you are only seeing active duty on this day for about five minutes? - A. That's right.
- Q. The impression in the statement, which you agree you wrote on the 18th, was having seen Moore you then ran after him? - A. If that's the way you wish to take it.
- Q. All right, I won't spend time on it. I want to go on from there, because that's about all it says in the statement about that part of it. Do you say having apprehended him you cautioned him? - A. I did.
- Q. I will make it clear on Mr. Moore's behalf, he threw no missiles at all? - A. He did.
- Q. And that you certainly never cautioned him? - A. I did.
- Q. You go up to him, just take the Jury through it, from behind, you get hold of his arm do you? - A. I had hold of one of his arms.
- Q. What do you say? - A. I am actually bringing him back towards the road, and I am telling him he is under arrest and cautioning him.
- Q. You are going through that rather lengthy preamble about not having to say anything? - A. That's right.
- Q. You are going through all that, are you?. - A. I am.
- Q. What do you tell Mr. Moore that he is under arrest for? - A. I told him he was under arrest for unlawful assembly.
- Q. Let's deal with that. I suggest you did no such thing. You didn't tell him he was under arrest for unlawful assembly? - A. I did.
- Q. First, have you ever effected an arrest for unlawful assembly before the 18th June? - A. No.
- Q. So that the Jury understand, it is not a particularly common type of offence, is it? - A. No.
- Q. In the sense of people being arrested for it. Had you been told that if you arrest anyone for anything it will have to be unlawful assembly? - A. Yes.
- Q. Who told you that? - A. I don't know. It was mentioned in the van.
- Q. Mentioned in the van. Because again it is clear from the PSU book for your unit, everyone arrested by that Unit was arrested for unlawful assembly, did you know that? - A. No.

- Q. Mentioned in the van. I am going to ask you more about that. When was it mentioned in the van? - A. When we came to the first-aid room entrance. We were parked up outside it.
- Q. JUDGE COLES: Right at the beginning, when you arrived? - A. No, after we came from the back of the plant and parked up.
- Q. MR. MANSFIELD: It is not likely to have come from another rank Officer, in other words another PC, but from a senior Officer? - A. I don't know.
- Q. Well, I want you to think please. You are being told if you arrest anybody it is for unlawful assembly? - A. It was just a general conversation between us all, that we asked if anybody was arrested what were they going to be charged with.
- Q. Well Mr. Browning, you have been a Police Constable for twelve years, and you have to ask people what you are going to arrest them for? - A. We had never had a situation like Orgreave before.
- Q. You may not. You know what the threatening behaviour type of offences are? - A. Yes.
- Q. An assault? - A. Yes.
- Q. Criminal damage - you know what kind of offence? - A. I do.
- Q. It is not a problem. If you see somebody throwing a stone towards a window it might be attempted criminal damage, or criminal damage itself, it is easy to allocate offences, isn't it? - A. It is.
- Q. When this conversation about unlawful assembly cropped up, you must have wondered what it meant? - A. To a certain extent.
- Q. What was your understanding of it on that day? - A. A large gathering of persons intent on stopping the convoy.
- Q. If that was your understanding that day, what had Mr. Moore done that had fitted into that category? What attempt had he made to stop the convoy? - A. Nothing at that time.
- Q. Didn't it occur to you, that perhaps you were arresting him for the wrong offence? - A. I might have been.
- Q. You might have been. We might cut it quite short. You don't appear to ask him a single question, do you? - A. I didn't ask him any questions.

- Q. You don't even ask him his name? - A. No.
- Q. Why is that - not interested? - A. His name would have been asked by the Bridewell.
- Q. Eventually someone would ask. You are the arresting Officer, aren't you interested in his name? - A. No, because I would have got that when we got into the Bridewell.
- Q. I dare say, one way or another. You could have opened his wallet and found out, but as a matter of human courtesy weren't you interested in finding out who this was who you were arresting for an offence which might not be right? - A. No.
- Q. I am not suggesting you did ask his name but in fact, not only did you not ask his name, you didn't even mention unlawful assembly? - A. I did.
- Q. Well, I presume you didn't ask him any questions to find out whether, in fact, he might be a person rightly charged with unlawful assembly. You didn't ask questions about that because you weren't interested in that? - A. All that I was interested in was getting him back to the Bridewell.
- Q. To the Commands Base? - A. Yes.
- Q. Did you ever tell Mr. Moore that you had seen him throwing missiles or a missile? - A. No.
- Q. Mr. Browning, do you normally treat members of the public in this way, that you don't ask their names, you don't ask any questions, and you don't tell them what you have seen them doing? Is that normally what you do? - A. I never ask them their name.
- Q. All right leave that one out. What about the rest, is that normally how you deal with it? - A. I normally tell them what I have seen.
- Q. JUDGE COLES: Why didn't you on this occasion? - A. We were more intent on getting back and protecting ourselves.
- Q. MR. MANSFIELD: You had only been out there five minutes, Mr. Browning? - A. That's right.
- Q. Protecting yourselves. You see, yesterday you were asked carefully about missiles hitting you and Mr. Moore? - A. Yes.
- Q. And you said you were hit by a missile right in the back? - A. That's right.

Q. Look at your statement, the last paragraph of it. What the statement says is, "At the time I was arresting Moore", and that presumably is up on the slope, yes? - A. No, during the whole time I was taking him.

Q. I see, all right. "I was struck by a number of missiles". Well, which is right? - A. I recall being struck myself by one, and Moore was struck by missiles.

Q. JUDGE COLES: Moore was struck by missiles then? - A. Yes.

MR. MANSFIELD: At the moment I am dealing with yourself. You were very clear - I asked you carefully yesterday - you said you were only struck once? - A. I was.

Q. That is not what the statement says, is it? - A. It says I was struck by a number of missiles, as was Moore.

Q. Take it in stages. You cannot be heard. The statement says, "I was struck by a number of missiles", right? - A. Right.

Q. That is not what you are now saying, is it? - A. No.

Q. How do you account for the difference? - A. It was just that the missiles were coming past me etc., and I just recall being struck by the one.

Q. You just recall being struck by the one. What is the explanation, if you now, nearly 12 months, almost exactly, later remember this one, and at the time you are saying you are struck by a number of missiles? - a. I am including Moore on that.

Q. JUDGE COLES: He said, "Because a lot were going past me". Because a lot were going past you, the way you seemed to say it that day, in your statement, was to say you were struck by a number of missiles? - A. That's right.

Q. Not very accurate really, is it? - A. No.

MR. MANSFIELD: As was Moore. You said yesterday you didn't know where Moore was hit by missiles, you only judged it by the fact he was once? - A. That's right.

Q. So you didn't see Moore hit by missiles? - A. I didn't. He complained of it.

Q. He complained about, not being hit by missiles, but about the tightness of the handcuffs? - a. There were no handcuffs placed on him.

Q. Or the hold you had on his arm? - A. No.

Q. You had his arm round the back? - A. I did.

Q. Did you not have a tight grip round the arm? - A. I possibly did.

JUDGE COLES: Let's be precise. You are putting that he complained?

MR. MANSFIELD: About the grip.

JUDGE COLES: Are you putting, you are complaining about a lack of precision?

MR. WALSH: The question put was the tightness of the handcuffs.

MR. MANSFIELD: What I put in the first place was precisely put.

JUDGE COLES: Thank you. And the tightness of the grip?

MR. MANSFIELD: Yes, and the Officer says he did have the arm round the back and did have a grip:

Q. There were no handcuffs, no complaint about the grip, is that right? - a. That's right.

Q. That is the last paragraph in your statement? - A. That's right.

Q. I now want to suggest that not only was the statement, at the very least, about Moore, inaccurate, and at the most untruthful, the rest of the statement was not true either, was it, the rest of the statement you made on 18th June you just had not seen at all, had you? - A. I cannot recall everything, no.

Q. JUDGE COLES: I could not hear that. - A. I don't recall everything.

Q. MR. MANSFIELD: The question I am putting is the large paragraphs that come at the beginning of your statement, the bulk of that, were not events you had witnessed either? - A. That's right.

Q. That's right. The Jury don't have copies, but I will read the four paragraphs we are dealing with out to you. Would you follow them on your statement? They read in this way:

"On the 18th June, 1984, I was part of a large contingent of Police Officers assigned to duty at the Orgreave Coking Plant, Highfield Lane, Orgreave. During the morning there had been a steady build-up of pickets. There were approximately 1,000 pickets facing us as we

were blocking off Highfields Lane, on the southern side of the works entrance ..."

Pause - that is two paragraphs in the typed version -

"...As we stood there in the line, a continuous stream of missiles came from the pickets into the line. There were no shields being used at this time, and I saw a number of Police Officers were struck by these missiles. To protect Police Officers in the line from the missiles, Officers with protective head gear and shields were called up..."

Four paragraphs in our typed version. Now, just going through that, first of all those four paragraphs indicate that you were part of a cordon of Police Officers facing a thousand pickets blocking off Highfields Lane, doesn't it? - A. I don't get what you mean.

- Q. "As we stood there in the line a continuous stream of missiles came from the pickets into the Police line". You are dealing with a situation, facing a thousand pickets blocking off Highfields Lane on the southern side of the works entrance - do you see it? - A. Yes.
- Q. You were never standing in a cordon facing a thousand pickets? - A. I was stood in that cordon, yes.
- Q. Where there were no shields being used? - A. I don't actually recall the no shields being used, but I can only recall the shields being there.
- Q. You see the statement goes on, "...to protect Police Officers in the line from missiles, Officers with protective head gear and shields were called up". You were there when that happened? - a. I was.
- Q. The long shields? - A. How do you mean, the long shields?
- Q. You know what a long shield is? - a. Yes.
- Q. These here. Were you out on the cordon when the long shields were brought up? - A. I don't recall when the shields were brought out, or whether they were there first, but I recall being in the line.
- Q. Where did these paragraphs come from? - a. How do you mean?
- Q. Did you write them out on your own? - A. There were 15 to 20 of us in the room.
- Q. Did you write those paragraphs out on your own? - A. We all helped each other.
- Q. Well, is it your wording? - A. Not necessarily, no.

- Q. Is it? - A. No.
- Q. It isn't? - A. Not all of it.
- Q. How much is? - A. Part of it I suppose.
- Q. Which part of it, do you suppose? - A. I don't know.
- Q. Just help us. - A. I have no idea.
- Q. These four paragraphs, so the Jury can know, it is, in fact, not quite half the statement. The statement typed up is two pages. The four paragraphs I am dealing with is the first page, that first four paragraphs typed up in my version. You don't know how much is your wording and how much is not? I am going to suggest to you none of it is your wording, is it? - A. Some of it is.
- Q. Just tell us which bits are? - A. I don't know. I have no idea.
- Q. You know Mr. Johnson, don't you? He was at the bridge with you, according to you? - A. Yes.
- Q. Walton Lane, same Police Station as you? - a. Yes.
- Q. Was he with you when you were writing up your statement? - A. No. He might have been, I don't know. I certainly don't recall him being there.
- Q. Well his statement has the same four paragraphs in it. Do you know anything about that? - a. No.
- Q. Do you know Jan Stojak of Hackenthorpe Police Station, Sheffield? - a. No.
- Q. Do you know how he has got the same four paragraphs as you? - a. No.
- Q. Nigel George Pimlett, he is in the Merseyside Police? - A. I know him now.
- Q. You didn't then? - A. No.
- Q. He comes from Admiral Street, Merseyside? - A. That's right.
- Q. Subject to a couple of words, he has got the same four paragraphs. - A. We were all together.
- Q. Well, I will come back to it. You don't know how he has got the same? - A. No.
- Q. Mr. Davies, who only made a statement about a week or so ago, he is from Admiral Street Police Station. Do you know him? - A. I know him now.

- Q. He has got the same paragraphs. Do you know about that?
- A. No.
- Q. You know Mr. Davies now? - A. I met him on Wednesday morning for the first time.
- Q. Mr. Hill, Attercliffe Police Station, do you know him? -
A. No.
- Q. He has got the same four paragraphs. Do you know where he got them from? - A. No.
- Q. Mr. Thompson of the Northumberland Police. Did you know him? - A. No.
- Q. The same four paragraphs - where from? - A. I don't know.
- Q. Gary Gray, Walton Lane, same Police Station as you, was he in the room when you were making these statements? -
A. He was.
- Q. In fact, Mr. Gray counter-signed your statement, didn't he? - A. That is right.
- Q. He has got the same four paragraphs. Do you know how he got those? - A. We were sat together.
- Q. You were sat together with Mr. Gray. Who else were you sat together with? - A. I don't know.
- Q. You remember Mr. Gray. Mr. Cole, do you know him? - A. Yes.
- Q. He is at Walton Lane Police Station? - a. Yes.
- Q. Subject to the estimate of pickets, which he has got down as 3,000, instead of 1,000, same four paragraphs. Do you know about that? - a. No, he was not in the room at the time.
- Q. Mr. Browning, I am going to suggest to you, either somebody dictated the four paragraphs and you wrote them out, or there was a slip of paper with it written out for you first of all. Is either of those possibilities right? - A. Yes.
- Q. Which of those possibilities is right? - A. The first one.
- Q. Why didn't you say that?

JUDGE COLES: You didn't ask him.

- Q. MR. MANSFIELD: Mr. Browning, you know what we are on about? - A. Yes.

Q. I asked how much was your wording. You could have said it was all written down for you. What is the position? - A. Basically, we were given a rough dictation of what we were going to put down.

Q. Who gave you the dictation? - A. I have no idea.

Q. Please Mr. Browning, think - when it comes to orders you don't remember, when it comes to the charge you don't remember, when it comes to dictating the statement you don't remember. Who gave you some form of form that you had to follow? - A. No idea at all.

JUDGE COLES: Describe him. - A. He was just a detective who was on duty there. I don't know who he was.

Q. What rank? - A. I don't even know that.

Q. Was he in plain clothes? - A. Yes.

Q. MR. MANSFIELD: What did he do? - A. He came in and gave us a rough resume, a dictation, of what he wanted on the statements.

Q. He gave you a rough resume. I am going to suggest it was much more precise than rough. You see your statements, all the ones I have been through, are word for word the same. Did he dictate it, and you write down, "On Monday 18th June I was part of a large contingent"? - A. That bit most probably.

Q. "And during the morning there had been a steady build up of pickets"? - A. Yes.

Q. "And as we stood there in the line a continuous stream"? - A. Yes.

Q. "To protect Police Officers in the line"? - A. Yes.

Q. So it comes to this, the first four paragraphs is dictated by a detective and you write it down? - A. That is right.

Q. You don't even know whether it is right? - A. I knew it was right.

Q. You have already agreed you had not the slightest idea about protective headgear and shields? - A. I had protective headgear on?

Q. JUDGE COLES: How did you know it was right? - A. Because I was actually there.

- Q. MR. MANSFIELD: You see, you weren't there in the cordon during the morning. You were sat in your van up until about 11.30? - A. That's right.
- Q. So you weren't stood in a line as a continuous stream of missiles came over? - A. When I was actually there, there was a continuous stream of missiles coming over, yes.
- Q. When you were there long shields were already up on the bridge, weren't they? - A. I recall them being there.
- Q. What the statement says is there were not shields being used at this time, and you saw Police Officers being struck by missiles. You haven't got a clue about that? - A. Even when the shields were there they were being struck by missiles.
- Q. What is being put in the statement is, "There were no shields being used at this time and I saw a number of Police Officers struck by these missiles". That is the way it is put in the statement. - A. I cannot actually remember the lads not being there with the shields.
- Q. How do you remember all this? Were you told it? How do you know whether it is accurate? Did you read it? Were you there? The truth is you weren't there when no shields were being used, were you? - A. I cannot recall being there, no.
- Q. All you were doing was writing out what you were told, that's right? - A. Yes.
- Q. Let's go over the page. "The line of Police Officers I was in stood by until a number of Officers with their shields moved to the head of the line"? - A. Yes.
- Q. The next sentence, "The missiles were still being thrown at Officers and we had to negotiate a heavy wire rope that had been placed across the road". Is that right? - A. It is.
- Q. I asked you this morning whether there was anything else you had to go round or over and you said no. - A. You didn't actually put to me there was something blocking the road off.
- Q. I was not going to put to you, "Was there a rope?" You would have probably said yes. Mr. Browning, you say there was a rope? - A. Yes.
- Q. Tell us where it was? - A. Just some distance before the bridge.
- Q. Whereabouts? - A. I don't actually know. It was before the bridge, that's all.

Q. JUDGE COLES: Do speak up, Mr. Browning.

MR. TAYLOR: Could we have a microphone, your Honour?

MR. WALSH: That would need all sorts of equipment.

JUDGE COLES: You cannot have a microphone at the snap of a finger and my experience of them is people do not talk into them:

Q. Do you see the bother we are having, Mr. Browning. It is important you be heard - shout if necessary. - A. Yes, sir.

Q. MR. MANSFIELD: Mr. Browning, you have given evidence before? - A. On numerous occasions, yes.

Q. Have you had this trouble before, being heard? - A. I have.

Q. We will have to soldier on

MRS. BAIRD: May our noting Junior come and sit beside the Shorthand Writer?

MR. MANSFIELD: In this particular case a transcript of this gentleman's evidence should be provided because I think people behind me have not been able to keep a proper note.

JUDGE COLES: Before we go to that expense and trouble let the Junior come forward and sit closer.

Q. MR. MANSFIELD: Take album no. 9, would you? Can you not help at all about this rope? - A. Not the exact location, no. I would say it was possibly before the bend sign on page 3, but I might be wrong.

Q. JUDGE COLES: You said it was before the bridge? - A. It was certainly before the bridge.

Q. You say it was before the bend sign in photograph 3? - A. Possibly before the bend sign.

Q. MR. MANSFIELD: Possibly before the bend sign. Was it up when you, had gone along there? You are towards the middle or the back of your lot. - A. It was in position.

Q. In position? - A. It was actually across the road.

Q. Had it not been cut down by the Officers who first got there? - A. No.

Q. Wasn't lying across the road? - A. No.

- Q. Are you sure? - A. Positive.
- Q. JUDGE COLES: How did you all get past it? - A. The wire was removed by the first contingent of Officers.
- Q. MR. MANSFIELD: You saw that? - A. I saw the rope being pulled down, yes.
- Q. JUDGE COLES: What do you mean, by the first contingent of Officers? - A. The Officers in front of me.
- Q. Going up to the front? - A. Going up further towards the bridge, yes.
- Q. MR. MANSFIELD: You don't know who they are, whether they are Merseyside Officers or not? - A. No idea at all.
- Q. There is another Merseyside Support Unit - Mr. Pimlett, is in it, and Mr. Bennett is the Inspector - did you know that? - a. Yes, sir.
- Q. Do you know that Inspector? - A. No.
- Q. I am going to take you over the bridge, take you through one or two incidents there, Mr. Browning. When you went over the bridge you were still towards the middle and the rear, were you? - a. I was.
- Q. Your answer is you were. Somebody shouted, "There's Mr. Scargill"? - A. This is prior to going over the bridge, yes.
- Q. That is in the statement, is it? - A. No.
- Q. That you wrote up on the 18th June? - A. No.
- Q. You didn't think it was relevant then, but you did when giving evidence here, is that it? - A. No.
- Q. Why didn't you put it in the statement then? - A. It is not even relevant giving it here.
- Q. Why did you? - A. It was just something that was said before the charge.
- Q. Have you heard in the course of this case that there is a question about Mr. Scargill and what happened over the bridge? - A. No.
- Q. None at all? - A. No.
- Q. You knew on 18th June that there was some question about Mr. Scargill, didn't you? - A. I knew Mr. Scargill was injured.

Q. Mr. Browning, you saw Mr. Scargill on the other side of the bridge, didn't you? - A. I didn't.

Q. He was standing a few feet away from Mr. Moore, wasn't he? - A. I have no idea.

Q. Are you saying that you had such tunnel vision that you didn't see somebody standing a few feet away from Mr. Moore? - A. No.

Q. So that it is clear, Mr. Moore was standing in the road, near the verge of the road, wasn't he? - A. No.

Q. Just beyond or near the car that was in the road

JUDGE COLES: You say he was in the road near the verge?

MR. MANSFIELD: On the road, near the verge on the left-hand side as you go up the hill again, so you can follow it.

JUDGE COLES: You place him near the car?.

MR. MANSFIELD: Yes:

Q. In photograph 7 in Exhibit 9, there is a patch in the road which equates roughly with the car. Mr. Moore is just beyond or near there, on the left-hand side, standing in the road, wasn't he? - A. No.

Q. With Mr. Scargill, but a few feet away? - A. I never saw Mr. Scargill, no.

Q. Was Mr. Austen running alongside you ? - A. I have no idea.

Q. The Officers who were ahead of you had shields, didn't they? - A. They did.

Q. The black-edged ones? - A. All different types.

Q. Some of them black-edged Merseyside, weren't they? - a. There were some there.

Q. Did you say you didn't see what they did? - A. I didn't.

Q. JUDGE COLES: You have gone completely inaudible. Please speak up. - A. I didn't, no.

MR. MANSFIELD: He is saying he didn't see what they did:

Q. An Officer with a short shield hit Mr. Scargill over the head. You didn't see that? - A. I didn't.

Q. Another Officer with a short shield hit Mr. Moore, he raising his arm to protect himself, across the arm and shoulder region of Mr. Moore. Did you see that? - A. No-one did that.

Q. No-one did that? - A. No.

Q. Mr. Moore went to the ground, didn't he, in a semi-kneeling position? - A. He didn't.

Q. Never did? - A. No.

Q. Surrounded at that point by four or five Officers with the black-edge round shields? - A. He was not.

Q. He was hit on the back of the right shoulder by a truncheon or something similar? - A. He was not.

Q. He was picked up off the ground by two of the Officers surrounding him? - A. No, he was not.

Q. And brought back to you? - A. No.

Q. I would like you to look at this photograph and tell me whether this is a photograph of you and Mr. Moore.

JUDGE COLES: Is this a new one?

MR. MANSFIELD: Yes, it is.

THE WITNESS: I don't know.

Q. MR. MANSFIELD: I'm sorry? - A. I don't know. I can't see my own face.

Q. You don't know. Well, can we take it in stages. Before we go any further, did any other Officer handle Mr. Moore at all? - A. No.

Q. Do you recognise Mr. Moore in the photographs? - A. It is possibly him.

Q. It is possibly him. You see, are you having all these difficulties with Mr. Moore because, in fact, you didn't see Mr. Moore do anything? - A. I did.

JUDGE COLES: Can I see this, please?

Q. MR. MANSFIELD: I want to suggest to you that photograph is you and Mr. Moore, Mr. Moore having been brought back to you, you being a few yards behind. Do you agree the photograph shows, so the Jury may tie it up, the little wooden fence here in Photograph 6 of Album 9, and it is taken from the other side, or can't you see? - A. I can't see, no. It 's a comparable fence.

- Q. It's a comparable fence, with the brick wall - in the distance, Officers carrying long shields, and a person, I suggest Mr. Moore, with no shirt on, jeans, and the Officer with him is Merseyside, isn't he? The Officer with Mr. Moore in that photograph is a Merseyside Officer? - A. Possibly yes.
- Q. Look closely, Mr. Browning. Do Officers other than Merseyside have Nato helmets with the check round the back? - A. Yes.
- Q. They do. All right, I don't want to put a false point, if you say others do. If you look at the Nato helmets of the others in that area, they look as though they are South Yorkshire, don't they, or can't you tell? - A. They have certainly got some writing on the back, yes.
- Q. If it is Mr. Moore, I suggest it is, the only Police Officer, on your account, that could possibly be with him is you, isn't it? - A. Yes.

MR. MANSFIELD: Your Honour, I wonder if the Jury might see this photograph, unless there is an objection?

MR. WALSH: No objection at all, your Honour.

JUDGE COLES: Yes, let the Jury see that. We already have 28 as Mr. Browning's statement, so this photograph will be 29.

- Q. MR. MANSFIELD: So I can tie the photographs up. Photograph 4 in Album 21 - you agree 4 is you? - A. That's right.
- Q. On the other side of the bridge, you having taken him across and through the bridge? - A. Yes.
- Q. And again, so I can put it clearly to you, there were no handcuffs on at the stage Photograph 4 was taken in Album 21 - you were taking your glove off in your mouth, do you see that, in Photograph 4? - A. I am doing something, yes. I don't know what.
- Q. In order to get the cuffs out, which you put on a bit further down the road, that's how it happened, isn't it? - A. I don't recall that, no.
- Q. Going back to what is now Exhibit 29, taken a little before, and perhaps after this it might be convenient for the break, are you saying now you just don't recall the situation depicted in Exhibit 29? - A. No.
- Q. JUDGE COLES: You are saying you don't recall? - A. I don't recall it, no.

MR. MANSFIELD: I cannot take that particular photograph any further. Would that be a convenient moment?

JUDGE COLES: Yes.

(Short adjournment)

Pol. Con. BROWNING Recalled

Cross-examined by MR. MANSFIELD (Cont.)

- Q. We have just got to Exhibit 29. What I am putting to you, and the general picture, was that Mr. Moore effectively was surrounded by Merseyside Officers with short shields at an earlier stage than that photograph, and he was then brought back to you, and you say there is not a word of truth in that? - A. That is correct.
- Q. Did you know that on one side of the road there was a photographer taking photographs of what was happening as you went up the road? - A. No.
- Q. Do you read the Daily Mirror? - A. I do.
- Q. Did you see an article last year in which photographs were published concerning Mr. Scargill? - A. No, I certainly don't recall them.
- Q. I would like you to look at the Arthur Wakefield photographs, Exhibit 17. There are five photographs.

JUDGE COLES: Arthur Wakefield?

MR. MANSFIELD: Yes, he was the man with the badges on the jacket.

JUDGE COLES: The Mirror photographer?

MR. MANSFIELD: No, two of the photographs were published in the Daily Mirror, one of them the Jury has seen, one they have not, and in a few minutes they will:

- Q. The five in the bundle you have in front of you show people going down an embankment, some horses, Officers on the bridge, Mr. Scargill, on photograph 5? - A. Right.
- Q. Pausing for a moment, did you see, in fact I think it is actually, so the Jury will know, it is, in fact, the sixth photograph - there is Mr. Scargill in the middle of a number of people. Did you ever see anything like that? - A. No.
- Q. You didn't. I am going to suggest that is what it looked like over the other side of the bridge just before you came up. Would you now take Exhibit 8, a single colour

photograph, also take by Mr. Wakefield, which is photograph no. 9, taken by the same photographer a little bit later on. Do you recognise the grass as being the slope that you have talked about? - A. It is comparable to that, yes.

- Q. It is comparable to the slope. Do you see the figure on the ground, and do you recognise him? - A. It looks like Scargill.
- Q. I am going to suggest it is. I want some help from you. You say you didn't see Mr. Scargill near Mr. Moore. I am not suggesting this photograph shows them together, or near each other. Bending over Mr. Scargill are two Police Officers and a civilian. The civilian is called Mr. Stones. You obviously wouldn't know his name, but I am going to suggest Mr. Stones was also near Mr. Moore when your squad first came up the hill. Do you remember a man like that? - A. No.
- Q. There are two Police Officers bending over. Looking at the shields and the riot helmets, they look as though they are Merseyside, don't they? - A. I am not sure we were the only ones with that type of shield.
- Q. I appreciate you may not have been the only ones.
- Q. JUDGE COLES: They could be. They fit the description from the check on the helmet and the shields? - A. Yes.
- MR. MANSFIELD: As I understand it, somebody is going to come to Court and say he is one of those two Officers, and his name is Austen, in your very Unit, right? - A. That is right, yes.
- Q. He is one of the three you actually know? - A. Yes.
- Q. He is going to say he is the one in the background bending over Mr. Scargill. Now can you help. I know it is difficult on a photograph, but did you see Mr. Austen bending over anybody like Mr. Scargill? - A. No.
- Q. Or again is it you can only recall Mr. Gray and Mr. Johnson? - A. Yes.
- Q. Look at the Officer on the right. From the helmet it could well be Merseyside, particularly with the flap at the back, which we have been told so far is certainly a feature of Merseyside headgear. Do you recognise that Officer? - A. No.
- Q. We understand it may turn out to be Inspector Bennett, in charge of the other Merseyside Unit - you don't know him? - A. I don't know him.

Q. What the Jury and the Court do not have is the photograph before this one, and you have never seen it? - A. No.

Q. All the Wakefield photographs have been put into a bundle in chronological order. There are in fact 24. The Jury have the first five, you have in your hand no. 9, Exhibit 8 is no. 9 in the bundle and Exhibit 17 are the first five. So that we don't go on chopping it up I am going to ask for the whole bundle now to be shown to you, and also the particular photograph to the Jury.

JUDGE COLES: If it becomes an exhibit, is it to be proved?

MR. MANSFIELD: Your Honour, it is.

MR. WALSH: If the Crown could be allowed to look at them - I don't know if we have any objection to them until I am shown.

JUDGE COLES: Of course, nor need you make a spot decision.

MR. MANSFIELD: In fact, originally the whole bundle Mr. Walsh did see.

JUDGE COLES: I don't think I have. Do you have another bundle I could look at?

MR. MANSFIELD: Yes. There is another photograph that is at the beginning, which is a half blank shot. It shows a group of people sitting on the grass. It is labelled zero/A, but the first photograph is zero and then it is through to 24.

JUDGE COLES: One of these has been printed backwards.

MR. MANSFIELD: There is another set here.

MR. WALSH: Your Honour, on an initial look I don't think the Crown has any objections to the course proposed by my learned friend, subject always to the fact if any of them turn out to be back to front or the wrong way round.

JUDGE COLES: Subject to them being proved. One or two of them are quite helpful, on the embankment, one thing that was under-photographed.

MR. WALSH: It is obvious photograph 1 is back to front, your Honour.

JUDGE COLES: that will be Exhibit 30.

MR. MANSFIELD: There are three copies for the Jury. There the Jury will see that the first five are what they already have, then there is 6, 7 and 8, then 9, which they have, and then the rest. The first photograph is this one, that I have not reproduced, unless the Jury want it. It doesn't show any Defendants.

JUDGE COLES: It is remarkable how much more detail there is in the black and white.

MR. MANSFIELD: Perhaps if I can hold it up to the Jury, the first one, so it is clear, the photograph I have not put in the bundle is one of somebody sitting outside houses on the grass. If the Crown want it in, I don't mind.

JUDGE COLES: Before you go any further, some of the numbers on the back of my photographs have been altered. It is hardly surprising, but may I check that the photograph with "2" on the back is that photograph?

MR. WALSH: The numbers on mine have been altered as well, and no, your Honour, the one that is in the album that I have been given, which originally said "2" and has been crossed out to read "1", is that one, and the one your Honour held up in the bundle that has been given to me is in third place.

JUDGE COLES: Would you take a moment or two to have a look and perhaps see they are all correctly numbered?

MR. MANSFIELD: The trouble is the photographer put "00" then "0", then "1" and that has led to the confusion. The early photographs, many of which they already have in Exhibit 17 anyway, which do show the right order I want, but with your help, Mr. Browning, if you have got a full album there, if you look at Photograph 9 in the full album, that was Exhibit 8, we have just been dealing with that, now set in the context of the album, Exhibit 30.

JUDGE COLES: Members of the Jury, if you find these are not correct as they are being referred to, do not hesitate to shout out.

Q. MR. MANSFIELD: There is really only one photograph I want to ask you about, if you turn back one photograph you come to Photograph 8. That I am going to put to you first of all, is a photograph of Mr. Moore in the foreground, just on the verge with no tee-shirt on, his jeans and trainers, you can cross-reference it to Photograph 4 in Exhibit 21 to check the clothing. Mr. Moore there surrounded by possibly five, but certainly four, Officers. Do you see that? - A. I see that, yes.

Q. That is something you say didn't happen? - A. It didn't happen to Mr. Moore, no.

Q. JUDGE COLES: You say that cannot be Mr. Moore? - A. Not at the time I arrested him, no.

Q. And furthermore you saw nothing like that happening? - A. I saw nothing like that happening.

Q. MR. MANSFIELD: And to tie it up, the figure in the next photograph, 9, who I mentioned was Mr. Stones, is in that Photograph 8, followed by a Police Officer - if you see there on the embankment - the largish gentleman? - A. Yes.

Q. And I am going to suggest the Officers there, judging by their headgear - that is in Photograph 8 - and their shields, are Merseyside Officers? - A. Possibly, yes.

Q. And that it was after that photograph was taken, that is No. 8, that Mr. Moore was picked up by two of those Officers and taken back down the road to you, which then goes on to the other photograph, 29, which you could not recall? - A. No.

Q. And so it is clear to the Crown, the suggestion, in relation to Photograph 8, the suggestion is that behind Mr. Stones on the ground is Mr. Scargill. There is a figure on the ground - it is not distinct, but the suggestion is it is Mr. Scargill on the ground.

JUDGE COLES: Which figure on the ground?

MR. MANSFIELD: In Photograph 8 in the background, just behind Mr. Stones, the largish man, there is someone on the ground. The suggestion is that is Mr. Scargill.

JUDGE COLES: The man you say is Mr. Moore, in the foreground immediately to his right there is somebody else who appears to be in blue clothing, with light to gingery hair, being stood over by a short shield Officer - that is not the figure you are referring to?

MR. MANSFIELD: No, but Mr. Stones is the standing figure, and beyond Mr. Stones on the ground we say there is a figure, and that it is Mr. Scargill:

Q. I suppose it follows you cannot recognise, I am not expecting you to on this photograph particularly, any of the Officers in that photograph, 8? - A. Only that the fellow with Mr. Stones is the build of Eddy Austen. He is quite a big bloke, but I can't swear it is him, but he is a comparable build.

JUDGE COLES: Which is that?

MR. MANSFIELD: The Officer pursuing Mr. Stones in Photograph 8, this Officer, has the build of Mr. Austen.

Q. JUDGE COLES: Can you help about the figure in the foreground at all? - A. No, sorry.

MR. MANSFIELD: I think, just to tie it up with Photograph 9, it would appear to be the same Officer who stopped running.

Q. JUDGE COLES: You cannot help about that? - A. No I can't.

Q. MR. MANSFIELD: Now, I will get the order of photographs completely checked over lunch, but I now want to turn from those photographs and that having, I suggest, been brought back to you and handed over to you - you see Mr. Moore, according to you, has hardly said anything on your account, after his arrest, do you follow? - A. Yes.

Q. The only thing you say he ever said was that he complained about being hit by a missile or missiles? - A. That is correct.

Q. I am going to suggest as soon as he got to you, or was near you, he asked the obvious question, "What's going on?", didn't he? - A. No, he didn't.

Q. I am not going to pretend I have a Yorkshire accent, but he said something to the effect, "I haven't done nowt"? - A. I certainly don't recall that.

Q. Did you say, "We've got you now"? - A. No.

Q. And basically, without anything about unlawful assembly or anything else, you began to march him back down the road? - A. He was taken back down the road, yes.

Q. When you got to the bridge there were lines of Police Officers there, weren't there? - A. There were a lot of Police Officers there.

Q. You had to get him through the lines, didn't you? - A. We had to go down the road, yes.

Q. And what happened when he went through the line, to Mr. Moore? - A. Nothing at all.

Q. There was some verbal abuse, wasn't there? - A. There might have been some verbal abuse, but none that I can recall.

Q. And the verbal abuse came from the Police, calling him a bastard, something like that, that sort of thing, as he goes through the lines? - A. Possibly, yes.

- Q. He was kicked on the shin? - A. He was not.
- Q. An Officer facetiously saying, "Sorry about that"? - A. He was not.
- Q. Blows to his back? - A. No.
- Q. Did the Officers on the bridge have their truncheons out? - A. Possibly some of them did, yes.
- Q. Did any of them use them on Mr. Moore? - A. No.
- Q. As he came through? - A. No.
- Q. I am going to suggest there were blows to his back? - A. There were no blows to him at all.
- Q. Then there is the photograph in Exhibit 21, of him turning round, and you do something with your glove - further on down you put the handcuffs on, that's right, isn't it? You did eventually put handcuffs on him? - A. No.
- Q. Never? - A. No.
- Q. That is when he complained about handcuffs and the grip and so on? - A. No.
- Q. You go into the compound base, and just dealing with what you said happened yesterday when you gave a description, you said you told the, what we call Desk Sergeant, the man who is taking down the details in the Station, what you had seen, did you? - A. That is correct.
- Q. Did he write it down? - A. No.
- Q. We can probably save time, the bit of paper that is called the Detention Sheet, perhaps you don't know what it is called? - A. We call it the Charge Sheet.
- Q. The bit of paper the Sergeant is writing down does not include a single word about what you had seen him doing, does it? - A. No.
- Q. Although there is a paragraph there which is headed "Reason for Detention", isn't there? - A. That is correct.
- Q. In fact, what happened at the compound base was this, in summary form, Mr. Moore was pointing out to the Bridewell Sergeant that you actually weren't the arresting Officer at all, it was some others who actually arrested him? - a. No, he wasn't.

- Q. I will just go through it in detail. The Bridewell Sergeant asked who the arresting Officer was? - A. He didn't need to.
- Q. There were quite a lot going in, weren't there? - A. There was one going in at a time to each Sergeant.
- Q. But the overall picture at the Command Centre was quite a lot of people milling around? - A. Yes.
- Q. And as you got near the desk the Officer said, "Who's the arresting Officer?" - A. Yes.
- Q. And you said words to the effect that you were, or "I'll be him", or "I am him", something like that? - A. No.
- Q. And Moore said, "That's not the one who arrested me", words to that effect? - A. That is incorrect.
- Q. And you told him to shut-up, "Shut-up boy"? - A. No.
- Q. And he said, Moore said to the Bridewell Sergeant, "I want the arresting Officer"? - A. No, he didn't.
- Q. And the Desk Sergeant said, "He", meaning Moore, "He's right?", and you then emphasised you were the arresting Officer? - A. I was the arresting Officer.
- Q. You don't recall any of that sort of interchange? - A. No.
- Q. And then after that, so it is put in sequence, the photograph Mr. Walsh held up yesterday, after that sort of process a photograph is taken? - A. I think in actual fact the photo was taken before the Bridewell Sergeant.
- Q. All right, and then that really is the end of your dealings with him, isn't it? - A. I went downstairs to where they were waiting for the prison vans and when he was in a cell on the van I left him.
- Q. And he was taken to Rotherham? - A. I don't know where he was taken.
- Q. In any event whilst you had any dealings with him he was not charged with riot, was he? - A. No, he was not charged.

JUDGE COLES: Any other questions?

MR. GRIFFITHS: I have no questions.

Cross-examined by MR. O'CONNOR

- Q. I am just going to ask about the Command Centre. You had not been in that building before? - A. No.

- Q. So you go in and on the ground floor Mr. Moore is processed in the way you have described to the Desk Sergeant? - A. Only to the Desk Sergeant, yes.
- Q. And the photograph is taken? - A. The photograph is taken outside that room.
- Q. Thereafter you leave Mr. Moore? - A. After he is put in the van.
- Q. You don't know this building, so do we take it you are told by somebody to go up to the room on the first floor? - A. We were all taken up there.
- Q. Together? - A. Yes.
- Q. The 15 or 16 of you? - A. Possibly more, yes, possibly up to 20.
- Q. So did you wait before you were taken up together? - A. All the prisoners were placed into the van, into their little single cell in each van, and we all came out together.
- Q. May I deal with that? This was a very hot day, wasn't it? - A. I believe so.
- Q. This was a van, obviously a metal van, with very small individual cubicles inside? - A. That's right.
- Q. And a prisoner is placed in each one of those? - A. That's right.
- Q. What happened then? - A. To the prisoner?
- Q. No, to you? - A. We came out of the van and stood around in the yard, and then we were taken upstairs.
- Q. Who by? - A. I don't know who he was, some detective or person in civilian clothing.
- Q. The same person as dictated the paragraphs to you? - A. Possibly. There were a number of them.
- Q. So you are asked to wait outside and then? - A. We were asked to wait outside. We all waited.
- Q. And then you were taken together up to the first floor? - A. To a room in the front of the building.
- Q. And when do you first see the detective who does the dictation? - A. He might have been the one taking us upstairs, I don't know.

- Q. Was there only one that took you upstairs? - A. There were three or four detectives coming in and out. I don't know which one took us upstairs.
- Q. Three or four coming out of where? - A. Out of the room where we were waiting making the statements.
- Q. How many detectives spoke to you? - A. Possibly three or four.
- Q. Apart from the one - can we take it only one did the dictation? - A. Yes.
- Q. Can you remember what any of the others said to you collectively? - A. No.
- Q. You cannot? - A. No.
- Q. Can't you remember anything? - A. No.
- Q. You are given Witness Statement forms? - A. That's right.
- Q. When, in that room? - A. In that room.
- Q. Who by? - A. A detective.
- Q. The one who did the dictation? - A. I don't know.
- Q. Now, did the Officer who did the dictating have any recognisable accent of any kind? - A. No, he was just possibly a Yorkshireman. I don't know. I didn't recognise it.
- Q. Did you assume he was a Yorkshire detective? - A. That is what I assumed, yes.
- Q. Did any one of them appear, from the way they behaved, to be more senior than the other one? - A. No.
- Q. And through the dictation of these four paragraphs other detectives were coming in and out? - A. Oh, yes.
- Q. Were they saying anything to the dictating Officer? - A. They were all talking, yes.
- Q. Could you hear what they were saying? - A. No.
- Q. You could not? - A. No.
- Q. They were whispering? - A. Not necessarily, no.
- Q. Was it explained to you what was going to happen? - A. No.
- Q. You are given the blank statement forms? - A. That's right.

- Q. You have each got pens? - A. Yes.
- Q. It is obvious you are going to be making Witness Statements? - A. That's right.
- Q. You all sit down at tables? - A. Yes.
- Q. Why didn't you start writing your individual Witness Statements yourselves? - A. We were told not to.
- Q. You were told not to. What was said? - A. I really don't recall what was said.
- Q. Did anybody start writing and then was told to stop and wait? - A. I don't know.
- Q. You don't know? - A. No.
- Q. Did anybody ask what was going on and why they had to wait? - A. I don't recall that, no.
- Q. Did anybody, during the course of the dictation, any one of these 15 to 20 Officers, say, "Hang on, I didn't quite see that. Can I write something a little different in my own words?" - A. Yes.
- Q. Somebody did say that? - A. Yes.
- Q. Can you remember who it was? - A. No.
- Q. Was it a Merseyside Officer? - A. I have no idea.
- Q. What was he told? - A. He was told he could write what he wanted.
- Q. Did you ask that you could write something different? - A. No.
- Q. And was it one Officer that asked to do that? - A. No, in excess of one.
- Q. How many? - A. Just one or two, in excess of one definitely.
- Q. Did anybody say at the beginning, or during the dictation, "Hang on, this is a bit unusual. Why are we doing this?" - A. No.

Cross-examined by MRS. BAIRD

- Q. Mr. Browning, do you know any of the following Police Officers: Paul Jones? - A. No.
- Q. 6784, from Merseyside? - A. No.
- Q. David Frank Scotland? - A. No.

Q. 4115 from Merseyside? - A. No.

Q. Thomas Brophy, 6239, from Merseyside? - A. No.

Q. David Moore, the same name as the man you arrested? - A. No, unless he was - we have got a David Moore at Walton Lane, I think, "C" Division. I don't know if it is the same David Moore.

Q. He seemed to be based at Canning Place? - A. No, I won't know him, unless he put Canning Place as the Headquarters, if he was on Sergeant Hillhouse's PSU.

Q. No he wasn't. - A. I won't know him then.

Q. What is the letter of your PSU? - A. "C" Division.

MR. WALSH: To help my learned friend and the Witness, there is a Mr. Moore in Sergeant Hillhouse's.

Q. MRS. BAIRD: Thank you. Mr. Gale in your PSU? - A. Yes.

Q. He was there that day? - A. He was.

Q. He definitely wasn't in the room when you were making up your statement? - A. I certainly don't recall him being there.

Q. Do you recall when you last saw him that day, because he was with you going up the road? - A. Yes.

Q. Can you remember when you last saw him? - A. No.

Q. Are you conscious of him when you were going up the road? - A. I am not conscious of him, no.

Q. You have made quite clear that you say that photograph cannot be the arrest of Mr. Moore. Is it in the right place though? - A. The arrest of Mr. Moore was further up the grass, as far as I am concerned.

Q. Further up? - A. Yes.

Q. Can you say where further up - in that area? - A. In that area, definitely.

Q. Would you look at Photograph 10, Exhibit 21. Look at that car. - A. Yes.

Q. You have mentioned a car - is that it? - A. I don't know. It was just a scrap car there. I don't know what make it was.

Q. Is that where the one you saw there was when you went over? - A. In that vicinity.

- Q. How near to that car did you arrest Mr. Moore? - A. Quite close to it.
- Q. Just beyond it?- A. To the side of it, to the left of it.
- Q. Are you sure you didn't see Mr. Gale there? - A. No.
- Q. You didn't see Mr. Gale five yards in front of that car, on the side of the road? - A. No.
- Q. Making an arrest? - A. No.
- Q. Are you saying he wasn't there? - A. I am certainly not saying he wasn't there, no.

MRS. BAIRD: Mr. Coston, would you stand up:

- Q. Do you remember seeing Mr. Coston in that same position? - A. No.
- Q. Look in the same bundle, Exhibit 21, Photograph 8, the man held by two Officers. To the left of that photograph is the man who has just stood up, Mr. Coston. Who is holding his right arm?- A. Billy Gale.
- Q. Mr. Gale. Who is holding his right arm? - A. I don't know.
- Q. It is a Sergeant? - A. I quite honestly don't know.
- Q. Look as close as you can and tell us whether it is Gradwell or Hillhouse, or neither, or what you can say about him? - A. No.
- Q. JUDGE COLES: Do you agree it is a Sergeant? - A. I can't even see stripes on him, no.
- Q. MRS. BAIRD: No, that is something I am putting to you, but can you recognise the face? - A. No.
- Q. I mentioned he was a Sergeant to direct your mind to Hillhouse and Gradwell, in case it is either of those two. You just cannot say? - A. No.
- Q. Mr. Browning, the reason you didn't see Mr. Gale and Mr. Coston just in front of that car could not be because you were never there? - A. I was to the left of that car.

Cross-examined by MISS RUSSELL

- Q. Officer, before we go to the actual events of the day, could you tell the Jury what the Standing Order Regulations for your Force is for when and what circumstances only handcuffs should be applied to a prisoner? - A. Just to basically restrain the prisoner

from assaulting anyone or causing injury to a Police Officer.

- Q. So what you are saying, the rule is from Merseyside that handcuffs, is it they should only be applied when that happens? - A. Only when necessary.
- Q. Only when necessary? - A. And not to females.
- Q. Not to females. So it is only when necessary and not to females. The prisoner has either to assault somebody? - A. Or be struggling violently.
- Q. Or be struggling violently? - A. Or you consider he would escape.
- Q. Or the possibility he would escape? - A. Yes.
- Q. So one or all of those circumstances presumably have to exist before you can apply handcuffs? - A. Not necessarily, no.
- Q. What do the regulations say apart from that? - A. I don't know what the regulations actually says.
- Q. Are you saying you have been in the Merseyside Police Force for 12 years and you don't know what the regulation says in relation to putting handcuffs on someone? - A. That's right.
- Q. You have to obey Standing Orders don't you? - A. Yes.
- Q. You have no idea what the actual regulation in fact says? - A. that is correct.
- Q. You have been in the Merseyside Force 12 years. What is the Standing Order in relation to the use of truncheons? - A. When ordered to do so, is the basic philosophy of it.
- Q. I am not interested in basic philosophy you see, Officer, I am interested in what the rules are, do you follow? - A. Yes.
- Q. Now, I am not asking you to give every exact word, I would not expect that, but what I am asking is to give a rough, or a pretty accurate account, of what the rule is? - A. I don't know what the actual rule states.
- Q. "I don't know what the actual rule says". It is just when you are ordered to do so? - A. And when I consider it necessary.
- Q. And when you consider it necessary, this is what you think. Anything else? - A. No.

- Q. Nothing at all? - A. No.
- Q. Nothing springs to mind about the use of a truncheon, just when you think it is necessary, or when you are ordered to do so? - A. That's right.
- Q. And you have been in the Merseyside Police Force 12 years? - A. Yes.
- Q. Now you have had an awful lot of names thrown at you. I just want to know who were the ten in your van? How many can you, tell us about? - A. Just the lads that I have told this gentleman in front of you.
- Q. So that is Gray, Kelly, Johnson? - A. No, Johnson was in another PSU.
- Q. He was in another PSU? - A. Another van of our PSU.
- Q. He was in the other van? - A. That's right.
- Q. That is what I wanted to ask about, something you said yesterday. I could't quite understand when you were being asked by Mr. Walsh about when you were given the order, when you were in your vans by the Medical Centre, the first thing you said referred to 20 of you lining up? - A. That's right.
- Q. And then later you said something which seemed entirely different, because you said, "Well, the other lot had taken the shields and gone off, and therefore there weren't enough left for our Unit"? - A. That's right.
- Q. Which is it, or is there some explanation that ties those things together? Were you all sitting in the vans, and 20 lined up? - A. We certainly weren't all in the vans together. Sergeant Hillhouse's lot had gone previous to us and we joined them.
- Q. When did the 20 of you line up? - A. At the actual bridge, or just prior to the bridge.
- Q. So what you are saying is when you get to the bridge there is 20 of you, in other words, a complete little group from your PSU altogether? - A. Not necessarily altogether, but we are all in the crowd.
- Q. I am sorry, the question was when did the 20 of you line up? - A. We didn't actually line up.
- Q. I will ask you again, when you referred to the 20 of you lining up you mean that was something different? - A. Just 20 of us all in the groups.
- Q. Because somehow when you start off, and correct me if I have got the wrong impression, when you start off over

the bridge, along with you and P.C. Gray who were in the same van? - A. Yes.

Q. There is P.C. Johnson, who is in the other van? - A. Yes.

Q. I want to know, and do it by reference to any photograph you have got if it assists you, if we can do it, perhaps on Photograph 7 of Exhibit 9, if we can start at Photograph 6 of Exhibit 9, does Photograph 6 show where you start off from? - A. No.

Q. Do we have to go back? - A. We were somewhere round Photograph 3, around the bend sign, where we are all actually crowded together.

Q. So you are around the bend sign on Photograph 3, and you say the horses go and you all start running forward? - A. We started walking forward slowly to a certain extent, just massing, and then we stopped somewhere nearer the bridge, and then we parted for the horses to go.

Q. The point I want you to deal with is starting off. Is the bend where you began your run? - A. Before the bridge wall on the left-hand side, where there is the gap, somewhere in that vicinity.

Q. Look at Photograph 4. - A. On No. 3, on the left-hand side, you have got the bend sign then a lamp post, and then a gap, somewhere in that area.

Q. Somewhere in that area you say you start the run? - A. Yes.

Q. When you started the run, can I deal with this, between the bend I have drawn two lines across, it may assist, one cross where the bend is and one where the gap is - you see the distance between those, between the bend line and the next line? Were you aware, and think very carefully on this, of any civilians standing behind this kind of wall area there? - A. No.

Q. The one that goes into that entrance? - A. No.

Q. Can I understand what you mean by "no". Does that mean you were not aware of them, or there simply weren't any there? - A. I was not aware of them.

Q. There might have been people there, it is something you didn't notice? - A. Yes.

Q. And then what you are telling the Jury is you ran from that gap? - A. Right.

Q. And do you run continually from there? - A. Yes.

all, we have seen the distance, Officer. We can see it in Photographs 3, 4, 5, 6, and then to 7? - A. Right.

Did you find that a little tiring? - A. Yes.

How old is P.C. Gray? - A. About 26, possibly younger.

Possibly younger than 26. How old are you? - A. I am 41 now.

. And you presumably kept up with P.C. Gray? - A. Yes.

Q. Because he is alongside you the otherside of the bridge?
- A. Not that I kept up with him because he was alongside me, I just kept up with him.

Q. Where was P.C. Gray? - A. He was alongside me and then we split. I don't know where he went.

Q. He was alongside you from when you started off? - A. Yes.

Q. To the other side of the bridge? - A. Yes.

Q. Did he go onto the grass verge? - A. I have no idea.

Q. Which side of you was he? - A. I don't know.

Q. P.C. Johnson was there? - A. Yes.

Q. How old is P.C. Johnson? - A. 21.

Q. Were you a sprint champion as a younger man or something?
- A. No.

Q. Do you come from a family of runners? - A. No.

Q. And you kept up, did you, with this 21 year old and this 25 year old, all that distance up that hill, over the bridge, on a hot June day? - A. Yes.

Q. Where did P.C. Johnson go? - A. No idea.

Q. So you get to the grass verge and suddenly these two Officers you have named disappear. You have no idea what happens to them? - A. No idea.

Q. Did either have a shield? - A. No that I recall.

Q. Do you know what is meant by the expression a "Snatch Squad"? - A. No.

Q. Have you ever heard it? - A. I have heard of it, yes.

Q. Did you know that is how your Squad was described? - A. No.

- Q. By one of those young Officers? - A. No.
- Q. Well, you have heard the expression, so obviously it must mean something to you? What does a "Snatch Squad" mean?
- A. To go into the crowd and get the main instigators.
- Q. Or grabbing prisoners to intimidate the crowd, and run back. Would that be another description? - A. No.
- Q. Is that what you were doing that day? - A. No.
- Q. So if somebody has described that as what you were doing that day, particularly if it is an Officer from your own Unit, they were not kind enough to explain it to the Constables? - A. That's right.
- Q. They left you completely in the dark? - A. Yes.
- Q. So far as P.C. Johnson is concerned, did you see him later at the Command Base? - A. I did.
- Q. Did he have a prisoner? - A. Yes.
- Q. So far as P.C. Gray is concerned, I suppose we can take it from the point of view he was sitting in a room making a statement, that he must have had a prisoner? - A. He did.
- Q. Did you see him? - A. Yes.
- Q. Was P.C. Gray at the Command Centre before you arrived?
- A. No, after.
- Q. Is there any possibility, Officer, that you are mistaken as to P.C. Gray? I am not suggesting he didn't start off on one of the runs with you, but is there any possibility that you are mistaken that he was with you when you achieved the other side of the bridge? - A. He was with me, or I was with him.
- Q. Looking at Photograph 6, can you tell me this, you have described going up on that verge. Is P.C. Gray with you at that point? - A. I don't know.
- Q. Which photograph shows us the last time that you remember P.C. Gray? - A. At the end of that bridge on Photo. 7, I am at the end of the bridge, the brickwork.
- Q. So if we draw a line from the brickwork, that is the last time you remember him being there? - A. Yes.
- Q. Was he to your right or left? - A. I don't know.
- Q. Alongside you, just ahead, behind you? - A. He was in my vicinity. He was possibly ahead of me, I don't know. I remember seeing him there.

- Q. Finally, something you said in answer to questions from my learned friend, you said various names put to you, Pimlett is one, that you know him now? - A. Yes.
- Q. You didn't know him at the time? - A. No.
- Q. Is that because a group of you have been brought from Merseyside together to give evidence in this case? - A. That is correct.
- Q. Are you all staying up here together? - A. We are now, yes.
- Q. Is P.C. Grey in that group? - A. No.
- Q. Could you tell us the names of the Officers from Merseyside who are all staying together? - A. Pimlett and Davies, I think, is the second one.
- Q. Presumably the situation is once you have given your evidence you go back to Merseyside? - A. I do.
- Q. Or do you have to wait? - A. No, I can go back.
- Q. Are you the same Police Station as P.C. Grey? - A. We were stationed together at the time. He is now on what is called the Plain Clothes Section, at Lower Lane.
- Q. But he is an Officer you know well? - A. Oh, yes.
- Q. You were brought up here, presumably, together in the same transport? - A. We were.
- Q. Brought up here together. Presumably you must have talked about the case? - A. Not really, no.
- Q. Even if to say, "I wonder how long we are to be sent here"? - A. We have obviously discussed that, "When are we going back?"
- Q. Have you been given any briefing? - A. No.
- Q. So you have been greeted by any Yorkshire Officer? - A. We have.
- Q. Any explanation about anything in this trial been given to you? - A. No.
- Q. Quite sure about that? - A. Quite certain.

MR. WALSH: Might I say something in the light of that? I am responsible for trying to estimate as best I can how long each Witness will last once called. I base my estimate upon consulting my learned friends. I then give instructions as to how many Police Officers it seems we may need for the following day. Your Honour may not

surprised to discover that sometimes my estimates are rather optimistic as to how many Officers we go through. I give instructions for Officers A, B or Z, or whoever it may be, to be brought, and in fact the arrangements are, and I say it and that is that, while any one Officer is giving evidence in this Court none of the Officers who are yet to give evidence are even in this building, and each Officer will depart after giving his evidence, without contacting the other Officers.

JUDGE COLES: Thank you for that reassurance. We will return at quarter-past-2.

(Luncheon Adjournment)

Pol. Con BROWNING Recalled

Re-examined by MR. WALSH

Mr. Browning, can I begin at the end when you have taken Mr. Moore down and had him processed, if that is the right word, details taken and arrested and put in a van. You then went and joined a number of Officers and went upstairs? - A. Yes.

At the Police Command block? - A. Yes.

And you have told us that in the room upstairs that is when you wrote down the statement that has been produced? - A. That is right.

. Have you still got it? - A. I have.

. And the first part of it was dictated to you by the Officer in plain clothes? - A. I assume he was an Officer, yes.

. And there were a number of other Police Officers present who were also doing the same thing, making statements? - A. That is correct.

Q. And then you have told us if a Police Officer said, and he did on one or more than one occasion, "I didn't see that, do I have to write that down?", he was told he could write whatever he thought appropriate? - A. Yes.

Q. I would like to look at this statement with you, because it has been pointed out to you that, the way it is put to you, that the first four paragraphs, which may in fact be the first three but we won't quibble about that, are identical in wording with what appears in statements written by other Officers, do you follow? - a. I do.

Q. And what happens thereafter, it is only fair for you to know, is that your statement is different from the

statements of those other Officers, do you appreciate that? - A. I do.

- Q. Now, let us assume for the purposes of argument we need not worry any further that the first four paragraphs are all the same, so it reads as follows - the Jury have not copies, so it is right they should be aware of what it says, paragraph one: "On Monday 18th June, 1984, I was part of a large contingent of Police Officers assigned to duty at the Orgreave Coking Plant, Highfield Lane, Orgreave". Is that true? - A. Yes.
- Q. Indeed, nobody suggests it is not. Second paragraph: "During the morning there had been a steady build-up of pickets". By the time you wrote these words in your statement, did you know whether or not that was a true statement of fact, that there had, during the morning, been a steady build-up? - A. I knew there had been a build-up. I had been watching it the whole morning.
- Q. "There was approximately 1,000 pickets facing us as we were blocking off Highfields Lane on the southern side of the works entrance"? - A. That is right.
- Q. Had you seen that? - A. I saw them, yes.
- Q. That is paragraph two in our typed copy. - A. It is here.
- Q. "As we stood there in the line a continuous stream of missiles came from the pickets into the Police line". - A. Yes.
- Q. "There was no shields being used at this time, and I saw a number of Police Officers were struck by these missiles". That is the whole of paragraph 3. At the time when you wrote that in the statement did you know that to be true? - A. That is what I thought, but I cannot remember that now.
- Q. I am asking you about the time when you actually wrote it? - A. At the time when I wrote it I thought that, yes.
- Q. I want you to be quite clear in telling us what it is that you can remember now, a year later? - A. I can only remember the shields actually being there, I cannot remember no shields there, but it is possible.
- Q. But at the time you wrote this statement, did you write down in it anything which at that time you did not remember to be true? - A. No.
- Q. Paragraph 4, "To protect Police Officers in the line from the missiles, Officers with protective headgear and shields were called up"? - A. Yes.

- Q. Obviously we know you wrote it. It is in your handwriting. At the time you wrote it were you aware whether it was true or false? - A. At the time I was.
- Q. Was it true or false? - A. It was obviously true at the time.
- Q. At that time your statement, and the others of the names that had been mentioned to you by Mr. Mansfield, then are different from that point onwards, do you, follow? - A. I do.
- Q. Now, you told us that the Officer dictated the first four paragraphs, those that I have read out? - A. Correct.
- Q. Now, you tell the Jury what then happened so far as the writing of the rest of your statement is concerned? - A. I don't really remember when he stopped dictating.
- Q. Let us assume Mr. Mansfield is right and that we have now reached the point where the statements individually all start to be different, do you follow? - A. Yes.
- Q. Now, at the time when your statement starts to deal with different things from those of others, do you follow? - A. Yes.
- Q. Is the Officer dictating individual statements to all different people, or is each Officer writing down his own statement from then on? - A. He is writing his own statement. There would be other fellas talking about it, but we are writing our own.
- Q. And so far as you can remember now, a year later, is the rest of the statement, other than the four paragraphs that Mr. Mansfield put to you, dictated or what you wrote yourself? - A. Presumably a mixture.
- Q. In what circumstances could it be a mixture? - A. I don't rightly recall.
- Q. Let us deal with the particular part that related to Mr. Moore. Mr. Mansfield reminded you it only consists of about half a dozen lines. Was that dictated to you by anybody, or something that you wrote down on your own? - A. Something that I wrote down.
- Q. How were you able to write it down? Where did you get the information from in order to write it down? - A. I just wrote it down. I didn't receive the information from anyone.
- Q. Now, if nobody else gave you the information, where did it come from? - A. From myself.

- Q. At the time you wrote it down was it invention, imagination, or something that you remembered having happened? - A. It was what had happened.
- Q. You realise that writing this down on that day you wrote, for example, "I saw David Moore throw a number of missiles at fellow Officers"? - A. That's right.
- Q. Was that imagination, invention, guesswork, or what you actually remembered happening at the time? - A. It is what I seem to remember happening at the time.
- Q. Is your recollection of the events of June 18th, 1984, as good today as it was a year ago? - A. No.
- Q. One or two other matters: when you got back to the Police Headquarters with the man that you have arrested, you have said that you have to appear before a Sergeant at a desk, or you call it the Bridewell - we in the North of England all know what a Bridewell is - it is a Northern expression for a Police Station, where you take people who are being arrested? - A. That has got cells, yes.
- Q. In order to process somebody when you, take them to a Police Station, do you have to appear before some Officer who is in a position of authority at that place? - A. The person who will accept the charge.
- Q. And you say on that occasion the person you appeared before was a Sergeant? - A. He was, yes.
- Q. What does one have to do? What is the procedure when you take someone to a Police Station under arrest, whether it is in Liverpool or Orgrave or wherever, when you go to the man who is to accept the charge? - A. You produce the prisoner to the Sergeant, or whoever is accepting the charge, and relate the circumstances of the arrest to him.
- Q. Will the Officer accept the charge if you don't tell him anything about why you are there, or why the prisoner is there? - A. No.
- Q. And when you do that, do you give that explanation to the Sergeant in the presence or the absence of the person you have arrested? - A. The presence and hearing of the prisoner.
- Q. And on that day did you do it in the presence and hearing of Mr. Moore? - A. I did.
- Q. It is alleged on Mr. Moore's behalf that prior to arriving at the Police Command Base, Mr. Moore had been beaten on more than one occasion by both Police shields and truncheons, and so forth? - A. He was not.

- Q. Did he, say, make any complaint or allegation of that nature at the Command Base? - A. Not in the Command Base he didn't. He might have at Rotherham Police Station, I don't know.
- Q. What he might have done elsewhere I cannot ask you about.
- A. When I was present he made no complaint.
- Q. Did he say anything to the Desk Sergeant? - A. Nothing at all.
- Q. Again, in your presence and hearing did he say anything along the lines that you weren't the person who had arrested him? - A. No.
- Q. You have been asked questions about handcuffs. How often, let us say in 1984 or thereabouts, did you ever have occasion to use handcuffs anywhere? - A. Not very often. Basically the only place I ever use the handcuffs is at football matches.
- Q. Well, we won't make any comment about that. Of recent years, in any other circumstances and situations? - A. No.
- Q. Was there any need to use them at Orgreave? - A. Not with Mr. Moore.
- Q. Did you use them? - A. No.
- Q. You have a truncheon, I suppose, as part of Police issue?
- A. I do.
- Q. And presumably you will have had one that day? - A. Oh, yes.
- Q. Did you use it? - A. No.
- Q. Use it may mean one of two things. We understand from what we have heard, the normal place for a Police Officer to keep it is in either a pocket or something round about his right hip region? - A. Yes, unless you are left-handed.
- Q. Did you have any occasion that day to withdraw - are you right-handed? - A. Right-handed.
- Q. Did you have any occasion that day to withdraw your baton from its place in your trousers? - A. No.
- Q. Indeed, I don't think it is suggested on behalf of any Defendant that you did. Could you finally look at a photograph? Amongst the very many that you have been shown there is a bundle, Exhibit 21 - you will see a number, I hope, in the top right-hand corner. Look at No. 4, which we all know is you with Mr. Moore? - A. Yes.

- Q. You can see behind you there are six Officers carrying something? - A. Yes.
- Q. Did you notice them, or that, on that day?- A. I saw that prior to arresting Mr. Moore, yes.
- Q. What, that object? - A. That object, yes.
- Q. Whereabouts, to the best of your recollection? - A. Over the other side of the bridge.
- Q. Those Officers have all got everyday helmets on, as opposed to the crash helmets. Does that mean they are not from your Force? - A. They are not from Merseyside, because they have got a sort of crown at the top. We don't have a crown on the top.
- Q. You mean the little silver thing on the top? - A. Yes.
- Q. And Merseyside don't have it? - A. No.
- Q. Would you look at Photograph 10, which one of my learned friends has questioned you about. I should tell you, for your assistance, these photographs are in the album in the order in which they were taken, so that, for example, Photograph 4, which you have seen, was taken before 5, 6, 7, 8, 9 and 10, do you understand? - A. I do.
- Q. So Photograph 10 shows a scene taken after the photograph of you and Mr. Moore going down the Coke Works side of the bridge. What I would like to do is to ask you, so far as the things that we see in the road, the car, for example, are you able to say how closely that scene of things lying about in the road resembles the scene that you saw when you ran over the bridge, and emerged on the far side, just before you arrested Mr. Moore - do you understand the questions? - A. Yes, pretty accurate.
- Q. You told us you remembered something about a car and indeed, you mentioned a car in your statement. Is the car that you have a recollection of shown in that photograph, as best you can remember? - A. As best as I can remember, yes.
- Q. Which one do you think it is?- A. I don't know which car it is.
- Q. No, I am sorry, which item in the photograph is the one that you think you remember from that day? - A. I actually remember seeing the car there.
- Q. Does anything in that photograph appear to be the car that you actually saw, or is your recollection of the shape and whatever of the car not sufficient to tell you? - A. No.

Q. It is not? - A. No.

Q. So you have just remembered a car? - A. I just remember a scrap car that was there.

Q. Do you see the position of the scrap car that we can see on the right-hand side and middle of the road? - A. Right.

Q. Is that in anything like the same position as the one you saw? - A. It is.

Q. Does this photograph help us in any way as to the position or approximate position of Mr. Moore at the time when you first saw him. You see when you were questioned yesterday and this morning you were asked to look at other photographs that perhaps don't give quite as wide a view as this one? - A. He was up on the left-hand side, up the banking, here.

Q. If he were still standing there at the time this photograph was taken would he appear on this particular photograph? - A. No.

Q. So he would be off at which side? - A. To the left.

MRS. BAIRD: Your Honour, there is one small matter. I am conscious this Officer is now returning to work, and he does work with two future Witnesses.

JUDGE COLES: I will give him a warning:

Q. Officer, I am sure you will realise that it is important that you should not discuss with any other Officer, whether your superior or not, what you have had to say in this Court room, or the questions you have been asked? - A. Yes, sir.

Q. I am sure you will understand the reasons for that warning, and I am sure you will respect it? - A. Yes, thank you.

MR. MANSFIELD: I wonder if his statement could be exhibited?

MR. WALSH: Yes, I think we have given it a number - 28. Your Honour, what I think may be the more helpful course for the Jury, so that they do not have to worry about reading hand-writing, is that a typed copy should be prepared.

JUDGE COLES: Yes.

MR. WALSH: Your Honour, I will ensure that is done.

MR. MANSFIELD: Your Honour, I have not checked the Jury's bundle, but Exhibit 30, the two photographs at the beginning, I have a bundle here in the right order, if before the next Witness comes, we could make sure everybody has the right order for Exhibit 30?

JUDGE COLES: Yes.

MR. MANSFIELD: The first one is a view of the embankment on the Coking Plant side, with the roadway bridge on the left, people coming down the embankment - that is the first photograph - it is zero on the back, and in fact it is the second photograph. The photograph numbered "1" is a general photograph of the embankment with lots of people coming down, and then the third photograph is similar to the first, with the roadway bridge on the left, but it looks as though there is only about two or three people, and the Police in the distance, and then we go to the road. That is the first three, the rest are in order.

Pol. Con. NIGEL GEORGE PIMLETT Sworn

Examined by MR. WALSH

- Q. Is your name Nigel George Pimlett? - A. That is correct, yes.
- Q. Police Constable? - A. That is correct, yes.
- Q. In the Merseyside Police Force? - a. Yes.
- Q. Can I say to you what I have said to every person in this case? This is a difficult Court in which to hear people. In particular, those who need to hear, apart from Counsel, are the Jury sitting all the way over here, and the Defendants, who stretch way to the back of the Court. Would you speak up so we all can hear? - A. May I apologise? I am suffering from conjunctivitis and an adenoid problem, and I am in the process of going off sick, so I cannot speak very loudly.
- Q. On Monday 18th June, a year ago, were you a member of the Police Support Unit from Merseyside, on duty at the Orgreave Coking Works? - A. I was your Honour, yes.
- Q. Before that day had you ever been to Orgreave? - A. No, never.
- Q. Whether on duty or as a private individual? - A. I honestly cannot remember. I may have done. I cannot remember. I have been to a number of places in Yorkshire over the miners' dispute, and I could not remember.
- Q. But you have never been on duty at Orgreave? - A. No.

- Q. And in the Police Support Unit in which you were, who was the Inspector in command? - A. It was my Inspector, Inspector Bennet.
- Q. If you know it, can you give us his first name, because there was more than one Bennett? - A. Police Inspector 2121, Anthony Bennett.
- Q. Before the 18th June had you received at any time any form of training as a member of that Police Support Unit, or indeed any Police Support Unit? - A. Yes, prior to going to Yorkshire I have received riot training, which is a one-day lesson at Burtonwood in Warrington, in a big hangar.
- Q. Do you remember approximately when that was? - A. I have been on about four or five occasions on refresher courses.
- Q. Over what period of time? - A. Within six months to a year.
- Q. So four or five occasions over a period of about six to 12 months? - a. That is correct.
- Q. When you have gone for this training, has it always been with the same people or not? - A. No depending on the availability of Officers, you find yourself going with different people all the time. You could be with someone twice, but it is not very likely.
- Q. And what is your normal job in the Police Force? - A. At the present time I am attached to a Robbery Squad in Toxteth in Liverpool, which is plain clothes, sometimes in a Police vehicle, or on foot. I have been doing this for the past six months.
- Q. So that is as a detective? - A. As a detective, yes.
- Q. At the time of Orgreave what was your job? - A. I was a uniformed foot patrol Officer assigned to a Police Support Unit.
- Q. In 1984 what was your job? - A. Just a normal foot patrol Officer.
- Q. Attached to which Police Station? - a. Admiral Street in Toxteth.
- Q. I think we know that you left Liverpool sometime on the Sunday? - A. That is correct.
- Q. And arrived at Orgreave sometime in the early hours of the Monday morning? - A. If my memory serves me right, I think we left Liverpool on the Sunday afternoon and arrived sometime Sunday evening.

- Q. At Orgreave? - A. Oh, Orgreave, sorry, we arrived there early in the morning.
- Q. You had been somewhere inbetween? - A. No we had been billeted.
- Q. No, we need not worry about that. Do you remember what time it was that you arrived at Orgreave? - A. No, I cannot remember.
- Q. And have you been back at all to Orgreave since? - A. I think I have been back once. We stayed at Orgreave for about an hour in one of the mobile canteens. We had a meal and then were deployed somewhere else.
- Q. Since the 18th June? - A. Yes.
- Q. Do you remember when that was? - A. No, I cannot remember. It is possibly within the last four months.
- Q. What I must do briefly, to try and assist you and the Court, is just for you to re-familiarise yourself with the local geography, do you follow? - A. Yes.
- Q. There are some photographs if you briefly would like to look at them, there is a big aerial photograph behind you. If you, take a moment, do you see in the top left-hand corner the Orgreave Coking Works? - A. Yes.
- Q. If you follow my finger down you can see the road that leads almost diagonally across the photograph over a railway bridge? - A. Yes.
- Q. And, in fact, it is uphill from left to right? - A. That is correct.
- Q. And where I am now pointing is the main gates of the Coke Works, and opposite there is a rectangular building, which was used as a Police Headquarters at the time? - A. That is correct.
- Q. And going right from the Command Base, there is a small field, then a very big field, going along the road where you see those cars, an electricity sub-station, before you get to the railway bridge, bends in the road over the railway bridge, and then it goes uphill towards some houses in the Handsworth area, it is called? - A. Yes.
- Q. So you can see it at close hand, there is an album of photographs, Exhibit 9. If you start at No. 1, this is looking uphill from the main gates, but the cameraman is still uphill of the main gates. The main gates will be behind the cameraman, and to his left the bend in the road ahead, see it on Photograph 2, and the bridge slightly round the corner, Photograph 3, 4 and 5, reaching the bridge, 6, looking at the far end of the

bridge, 7, the view coming out of the bridge up the hill, where those houses are. Do those photographs bring back to you the general scene? - A. Slightly, yes.

- Q. I appreciate these photographs were taken many months later, and there are no people on them, so they may be rather different from the day in question. After your arrival at Orgreave were you called into action at once, or did you spend quite a considerable time not doing very much? - A. If my memory serves me right, I remember the convoy I was in, the van I was in, we were deployed to Orgreave quite quickly.
- Q. After you got there what did you do? - A. All I can remember is when we got deployed, Inspector Bennett told us to put our riot protective gear on.
- Q. Can you tell us what time of day that was? - A. I honestly could not say. I didn't take stock of the time.
- Q. Let's take it in stages. Inspector Bennett told you to put your riot protective gear on? - A. That is correct.
- Q. What did you put on? - A. I put my pads on my knees, my cricket pads, and the helmet.
- Q. Is that a bluish coloured helmet? - A. Yes, Merseyside helmets are quite distinctive, as they had the chequered band on the rear. We put them on and took a shield.
- Q. What sort of shield did you take? - A. The shield I was carrying was a short shield, such as this one.
- Q. There is a variety of short shields around the Court room. Can you see one that is either similar or the same as yours? There is one just by the television set, another the Usher will hold up. - A. Yes, it was this one.
- Q. Similar to the one under the television set. That is what we have been calling the clear plastic without any binding round the rim? - A. That is correct.
- Q. Could you pick it up? Would you look at the front of it? We can see just a diagonal piece of material with no writing or anything on it. Did the shield you had have any writing on? - a. No.
- Q. We all know that a PSU, if everybody is there and well, contains 20 men, two Sergeants and an Inspector? - A. That is correct.
- Q. As you recall it, did all the 20 men equip themselves in the same way as you? - A. Yes.

- Q. So everybody has a short shield? - A. No I can't say. When we went to Yorkshire we had two transit vans with the Officers and another van with the equipment in. There was an assortment of long and short shields.
- Q. Were there enough short shields for all 20 of your particular Unit to have one or not? - A. No there were not enough. In fact, the short shields were like gold at the time. Every Officer wanted a short shield because they are lighter to carry. The other ones are quite heavy to use.
- Q. You managed to get a short one? - A. That's correct.
- Q. Can you say with any degree of accuracy what proportion of the PSU managed to have short shields? - A. I can't, no.
- Q. We know that at Orgreave that day there was another Merseyside PSU under the command of Inspector Owen. Did you pay any particular attention to him or his Unit? - A. No.
- Q. You got kitted up and what happens? Do you stay waiting to go somewhere or what? - A. As I can remember, we were kitted up in the riot gear, then with Inspector Bennett we were deployed to the other side of the Works.
- Q. Other side from what? - A. From where the actual main body of the men were. We were deployed round the side. I don't know the exact location because there was a build-up of demonstrators and we were required to go there with our shields.
- Q. You may be able to help us. Were you there at the time when the first convoy of coke lorries either came in to load up, or went out loaded with coke? - A. I cannot remember.
- Q. We know that certainly at both those times there was, across the road and this small field that I have pointed out to you on the aerial photograph, a thick cordon of Police Officers, and uphill of them a large number of pickets, do you follow? - A. Yes.
- Q. When you say you were deployed on the other side? - A. It appeared to me at the time to be round the side of the colliery, the Works. It appeared to be - I am not familiar with the actual Works.
- Q. Do you remember the main gates? - A. Yes.
- Q. Did you have to go into the main gates? - A. I cannot remember.

- Q. When you were deployed doing that work, what was it that you were doing? - A. When we were deployed we took our shields and we were stood with the shields next to other Officers.
- Q. Doing what? - A. Just standing there.
- Q. Facing what? - A. The men, the build-up of men who were waiting for further orders.
- Q. What I want to establish is whether you are talking about the same place as something we have been talking about, or whether it is something completely different? - A. It was the other side of the Works where I actually ended up.
- Q. How long, approximately, did you spend with Inspector Bennett and his colleagues on this particular deployment? - A. I cannot remember, I honestly cannot remember.
- Q. What did you do the whole time you were there? - A. While we were deployed at this particular area we stood there with the shields next to Officers from the other Forces, and stood there waiting for further orders.
- Q. It may help us to find out where it was, if you can tell us what the ground was that you were standing on, or whether there were any buildings or trees or whatever? - A. I can recollect a number of railway cars, there were railway lines, and the ground at the time was quite dusty.
- Q. I think that probably tells us where you were, in fact,
- JUDGE COLES: It tells us where he was not.
- Q. MR. WALSH: I think we know from other evidence where the railway line ran. Very well, did a time come when you left that position near the railway? - A. Yes, under Inspector Bennet my particular PSU Unit, F Division, we were told to go back to the front of Orgreave with our shields.
- Q. In the time that you had been in the vicinity of the railway cars had you done anything other than stand about? - A. We just stood there with the shields.
- Q. When you went to the front what was happening? - A. I can remember being told to take some refreshments, so we took our helmets off, I cannot remember how long for, and had a quick bite to eat, and then we were redeployed.
- Q. The place where you had the refreshment, in relation to, say, that Police Command Base, do you remember where it was? - A. It was the other side of the Command Base.

- Q. What do you mean by the other side? - A. It was outside the building. We were sitting on our shields on the other side of the road, opposite the Command Base.
- Q. Would you like to point to anywhere on this photograph to give us an indication? - A. Yes, at the time roundabout here.
- Q. So you are pointing to a space in front of the Command Base between that and the Coke Works really? - A. Yes.
- Q. We know you may not be able to remember now, between the Command Base and that road there is a large piece of grassed area? - A. That is correct.
- Q. Was it anywhere near there? - A. I cannot remember. I just remember being near the Command Base.
- Q. So you went and had refreshments? - A. That is correct.
- Q. What is the next thing that happened? - A. The next thing I knew, we were being told to put our helmets back on. I remember my Inspector telling us to quickly put our helmets on, put our tunics back on, because we took our tunics off, and then I can remember standing in the line then with a short shield, with other Officers again at the front, behind the main body of Police Officers.
- Q. I am repeating this for the benefit of anyone who cannot hear. You remember standing in the line behind the main body of Police Officers? - A. That is correct.
- Q. And what were you doing when you were stood there. What was happening? - A. I was looking at the crowd basically, seeing the size of the crowd, and we were talking amongst ourselves quietly.
- Q. We have been talking in this case of a cordon of Police Officers. Sometimes the cordon may have been about eight deep, sometimes less, do you follow? - A. Yes.
- Q. Which stretched across this grass field and the main road running uphill, do you follow? - A. Yes.
- Q. Now, whereabouts was the cordon up to which you went on this occasion, can you remember? - A. I was in a line and we were behind the main cordon on the main road.
- Q. When you got to the cordon was it moving or stationary? - A. Stationary.
- q. When you got to it did you actually form part of the cordon or were you behind it? - A. I was behind it.
- Q. At some stage that day did you reach and go over the bridge over the railway line? - A. I cannot remember. I

may have done. To be honest I wasn't concerned about where I was, my main concern was looking after myself.

- Q. Then I am not going to be able to ask you how far from the bridge the cordon was when you came up to it? - A. I am afraid I could not tell you.
- Q. Let's take it a different way. When you went up after your refreshment break to join this line of Police Officers were you, before you went there, given any briefing or instructions by Mr. Bennett as to what you were going to do? - A. None. I can remember just standing there. He may have given orders but I didn't hear him.
- Q. So you got there behind this line. What is happening when you get there? - A. I was looking at the size of the crowd and the vast numbers of Police Officers, and I saw the missiles coming over.
- Q. What missiles did you see? - A. I saw house bricks, I saw some bottles, empty bottles I think.
- Q. Where were they coming from? - A. The crowd. I didn't see the exact location, I just saw them coming from the crowd.
- Q. Where was the crowd gathered? - A. In front of the Police Officers. I just saw a mass in front of the Police Officers.
- Q. Can you give us any indication of the quantity of missiles? - A. No. I saw a number of missiles, that is all I can say.
- Q. I wonder if you could explain what you mean by that? It might mean an odd one, every few minutes, it might mean something completely different, do you follow? - A. I didn't count them at the time obviously.
- Q. No, your general impression from what you saw? - A. From what I saw I thought they were just coming at a normal pace. They just kept coming over.
- Q. What do you mean by a normal pace? - A. Sorry?
- Q. You said they were coming at a normal pace, they kept coming over? - A. To me it was being repeated.
- Q. JUDGE COLES: Were there a lot or a few? - A. There was a lot.
- Q. MR. WALSH: You are stood there with Mr. Bennett and the other members of the PSU? - A. That is correct.

- Q. What is the next thing you remember happening? - A. The next thing I remember, I heard a Superintendent, I don't know who or where from, shout out something, and the next thing I knew I was running with my Unit with my visor down.
- Q. If you remember he was a Superintendent, presumably that is because you could see his badges of rank? - A. That is correct, yes.
- Q. If you could see his badges of rank, could you tell us what he was wearing? - A. I cannot remember now. I remember his white shirt.
- Q. So he was in short sleeves? - A. Yes.
- Q. Not wearing a jacket or tunic? - A. No.
- Q. So you saw him? - A. I saw him.
- Q. And could you see him as he gave the order or what? - A. I seen him, yes. He was shouting out some order.
- Q. How was he shouting, using any form of equipment, or not? - A. I think he was using a loudhailer.
- Q. Can you remember what his headgear was? - A. No.
- Q. The reason I ask you is that it might help to identify somebody, you see, if you could? - A. I am sorry, no.
- Q. When you ran forward were you running on grass, roadway, pavement? - A. It was roadway.
- Q. And what was the purpose and aim in running forward? - A. I was ordered to. I was told to run forward with my Unit.
- Q. For what purpose? - A. From the order of the Superintendent to disperse the demonstrators, pick out any agitators, spot any agitators.
- Q. And if you were able to spot any agitators? - A. Take the appropriate action by arresting them and removing them from the scene.
- Q. As you went forward, first of all, did you notice anything about the state of the road? - A. Yes, it was strewn with half bricks and I remember a wire which was tied across two lamp-posts. I was forced to duck under the wire, I remember that.
- Q. What sort of height was it? - A. If I can remember, it was to me, I am 6.2

- Q. Point to some part of yourself? - A. I think up to there on me, if I remember.
- Q. About mouth to nose level? - A. Yes.
- Q. And what was happening ahead of you as you ran forward? - A. What I saw was the demonstrators. There were people running everywhere, people throwing bricks at me. I had my shield in my hand, a short shield
- Q. Just pause.
- Q. JUDGE COLES: Demonstrators everywhere throwing ...? - A. Bricks.
- Q. MR. WALSH: And you were doing a demonstration with your shield, or your arm, as to what you were doing? - A. Yes. I am here, I have got my riot helmet on, I have got the shield and I am going forward, and at the same time bricks are coming off the shield, coming off my shin pads and off my helmet, and I was looking at everyone running round.
- Q. I was looking at ...? - A. The people around me and trying to protect myself as best I could, looking for the agitators.
- Q. And when you say you were looking at the people around you, at what sort of people were you looking, Policemen, non-Policemen or what? - A. I was looking at everyone.
- Q. JUDGE COLES: I think you said everyone running around you? - A. Yes, your Honour.
- Q. MR. WALSH: You have told us of the noise bouncing off your shield, helmet and so forth. Did you actually see the objects coming so that you were able to ward them off, or were they just banging off your shield? - A. They were just banging. I just had my shield in a side position, the most safe way to carry a shield. I didn't look at what they were, the objects, they must have been heavy because they made the shield move. It jolted my arm.
- Q. Could I take you back? A moment before we have you running forward in this way: we have got you and your colleagues stood behind the large cordon of Policemen? - A. That is correct.
- Q. When you ran forward what happened to the large cordon of Policemen? - A. They must have opened up to allow us to go through.
- Q. Do you actually remember them opening up? - A. No, I cannot.

- Q. What is it that makes you say it must have opened up? -
A. We could not have got through if they didn't.
- Q. Does that mean when you went ahead they were not ahead with you? - A. That is correct.
- Q. Do you remember whether there were any horses? - A. I did see horses when we originally stood behind the main stream of Police Officers. I remember seeing horses in front of me.
- Q. Horses in front of you? - A. Yes.
- Q. Do you remember what happened so far as the horses were concerned, when you ran forward? - A. No, I cannot remember.
- Q. You are running forward on the road and you have told us the objects are bouncing off your shield and helmet and shin pads and so forth, and that you are looking for agitators? - A. That is correct.
- Q. What happened as you are running along like this? First of all were you on your own or with any particular person you knew? - A. I could not say. I didn't notice - I was more concerned about myself.
- Q. And what happens next? - A. The bricks were still coming, hitting the shield and my attention was drawn to the accused Jackson.
- Q. You say the accused Jackson. Presumably you had never met him before? - A. No, never seen him before in my life.
- Q. What drew your attention to him? - A. The manner and way he was behaving.
- Q. What was he doing? - A. At the time Jackson was about ten yards in front of me, from where I am to, say, the Jurors. He had a bag in one of his hands, I cannot say which hand, and he was waving his hands about, shouting and swearing obscenities and making gestures with his other hand.
- Q. You say it was about as far from you as to the front row of the Jury? - A. That is correct.
- Q. I think that is probably rather more than ten yards. So you said he was making gestures. What was he doing? - A. He was waving his fist.
- Q. And the obscenities? - A. Yes, there were various obscenities, too many to mention.

- Q. Can you mention some? - A. F-ing and blinding - you don't wish me to say them, do you, in Court?
- Q. Yes, why not? - A. Fucking and bastards and things like that.
- Q. And you said something about a bag? - A. Yes, he had a bag in his hand. I don't know which one, that was swinging about.
- Q. The bag was swinging about? - A. That is correct.
- Q. What sort of bag was it? - A. A plastic bag, a shopping bag type.
- Q. Was he on his own, with others?- A. I can't say.
- Q. And what did you do when you saw him? - A. I went up to him.
- Q. What did he do when you went up? - A. Continued to struggle I think.
- Q. What do you mean he continued to struggle? - A. Waving his arms about. At one stage he raised his fist.
- Q. JUDGE COLES: When you say he continued to struggle, you mean he continued to wave his arms? - A. He continued to wave his arms about, your Honour.
- Q. And you said something about his fist? - A. He raised his fist and at that stage I thought I was about to be struck.
- Q. MR. WALSH: So what did you do? - A. I took hold of him and I told him he was being arrested.
- Q. How was he behaving? - A. He was still violent and abusive and he was struggling, and I was assisted by Police Constable Davies.
- JUDGE COLES: He was still violent, abusive and struggling.
- Q. MR. WALSH: And you say you were assisted by Constable Davies? - A. That is correct.
- Q. Is he someone you knew at the time? - A. Yes, he works at the same Police Station, Admiral Street.
- Q. Did you notice where he had come from or not? - A. No.
- Q. What happened once Davies was on the scene and assisting you? - A. We managed to walk him back towards the building where all the other prisoners were taken. I took him back. I don't know where Constable Davies went.

He came down as we were going back through the Police lines actually.

- Q. Did you say anything to him? A. I just said to him at the time, "You're locked up". I didn't caution him. He knew he had been arrested.
- Q. "You're locked up"? - A. Yes, in typical Liverpool style.
- Q. What did he say, if anything? - A. He made a reply, something like, "Fuck off, you can't grab me, all I've done is stop the wagons".
- Q. And where did you go with him? Where was he when he said that? - A. We were directed with the prisoners, to take them back to a building on the left, which is the Command Base. I took him back.
- Q. You may have misunderstood my question. Where were you and he when he said this? - A. Still in front of the Police lines. I don't know where, but he was still in the front.
- Q. JUDGE COLES: You mean still in advance of ...? - A. With the crowd. I think we would have run into the crowd and he was with the crowd when I grabbed him, and told him he was locked up, and then he made the reply.
- Q. As soon as you arrested him? - A. When I told him he was locked up and he was struggling he said it at the time.
- Q. MR. WALSH: You said you were told to take him to some place on the left? - A. That is correct.
- Q. Is that the place I have been calling the Police Command Base, on that aerial photograph? - A. It could be.
- Q. JUDGE COLES: That was where you were told to take him? - A. I was directed there.
- Q. MR. WALSH: What happened when you got to that place? - A. If my memory serves me right I walked back with him. I went into the building and I had my photograph taken with him.
- Q. Would you look at this photograph, and say if that is you and Mr. Jackson, on arrival at the Command Base? - A. Yes, that's me.
- Q. Perhaps I should hold it up so the Jury can see it. Mr. Jackson is wearing a vest? - A. Yes.
- Q. The photograph was taken. Then what next, can you recall? - A. After Mr. Jackson's details were taken down on the charge sheet by a Sergeant, I don't know who, I was told to take Mr. Jackson to a Police vehicle, where

he was placed in a small type of holding bay. I then left him there.

- Q. Stop there. You take him to a Sergeant, you think, for what purpose? - A. To tell him I have arrested the gentleman, to get his personal details and then
- Q. Do you remember what you said to the Sergeant when you took him there? - A. I just said, well there was a queue of us, and I just ... he knew there had been trouble. The Sergeant must have known there had been trouble. I walked in with him, he took his details, and that's all that happened.
- Q. Can you remember what conversation passed between you and the Sergeant? - A. No, I can't.
- Q. So you then took him to this van? - A. That is correct.
- Q. Did you have anything more to do with him at all? - A. No.
- Q. Did you go out back on Police duty or not? - A. I then went upstairs in the building, into a room where there were other Officers, and I made a statement of evidence of the arrest.
- Q. Was that something you wrote down in your own handwriting? - A. Yes.
- Q. About how many other people were in this room when you were doing that? - A. In excess of 20. The room was quite full and there were people coming in all the time.
- Q. Do you remember how the process began of making the statement? - A. I remember speaking to ... well, we were in the classroom, I remember speaking to other Officers. We had a talk about what happened, about the build-up of pickets, and then we were told, "Now from that your evidence relates to your prisoner, what you seen him do". The beginning was, there was a general build-up of pickets, everyone had witnessed that, and we were told in our own statements to do the evidence that relates to your own prisoner. The beginning was general, the body of the statement was relating to your own.
- Q. Do you remember who it was who said that, or was somebody in charge or what? - A. All I remember was he was not in uniform.
- Q. But it was someone who appeared to be in charge of what was going on? - A. That is correct.
- Q. Or in charge of what was going on in that room? - A. That is correct.

- Q. When you completed your statement, what did you say? - A. Put my helmet back on and resumed, just went back outside, resumed duty. I could not find my Unit, I just joined in with other lads - I don't know where they were from.
- Q. What did you do from that time on? - A. We went round to the side of the colliery again.
- Q. Where you had been much earlier in the day? - A. Yes, and I was stood there again.
- Q. How much longer did you spend out in the field on duty after you had written your statement? - A. I can't say.
- Q. Can you give us an idea - five minutes, an hour? - A. It may have been about an hour, possibly two.
- Q. How did it all end? - A. I eventually found my Unit, and then we were stood down eventually. It had come over the radio that we were stood down.
- Q. I should have asked, once you had written and signed your statement what happened to it? Do you keep it? - A. I hand it in to someone.
- Q. Going back to the time when you are running forward, up to the moment when you see and take hold of Mr. Jackson, that short period of time, can you just describe what conditions were like? - A. Yes, to be honest it was chaos. It was hot, it was very hot and stuffy. We were in full uniform. By this time I had taken my tie off, I was that hot. We were in riot gear and with a shield, and as you ran it became heavier. You are physically getting very tired; the shield is getting smacked with bricks; you are running along, people everywhere. It was just utter chaos. I work in Toxteth - as far as I am concerned I have never seen anything like that.
- Q. JUDGE COLES: You are saying Orgreave was worse than Toxteth? - A. That day, yes.
- Q. You said, "I work at Toxteth but I have never seen anything like that". By "like that", you mean like Orgreave that day? - A. Like Orgreave, yes.
- Q. MR. WALSH: The final matter, before we have an afternoon break. You have told us about Police Constable Davies assisting you in the arrest of Mr. Jackson? - A. That is correct.
- Q. Can you remember whether you had any further dealings yourself with Constable Davies, following the arrest that day? - A. I can remember we brought him back through the lines. I brought him back. He calmed down. I think Constable Davies left me when he calmed down.

- Q. Did you see him again? - A. He witnessed my signature on my statement. I cannot remember when, but he did.
- Q. Were you present when he witnessed it? - a. Yes.
- Q. Was it in that room where you were all sitting, or in some other place, can you remember? - A. I can't remember.

MR. WALSH: That concludes my examination-in-chief, your Honour. I wonder if that is the convenient moment for the break?

(Short adjournment)

Pol. Con. NIGEL GEORGE PIMLETT Recalled

Cross-examined by MR. MANSFIELD

- Q. I represent Mr. Jackson, Mr. Pimlett. You recognise Mr. Jackson in Court, do you? - A. Yes.
- Q. Mr. Jackson, would you stand up? While you have been giving evidence, Mr. Pimlett, from time to time you have been smiling, and you were smiling particularly when you looked at the photograph of yourself. Is that nerves, or you finding it funny? - A. No, I am just happy. I am a happy person. I have nothing to worry about.
- Q. A happy person, nothing to worry about? - A. Why shouldn't I smile?
- Q. Why shouldn't you smile? Happy to be in a Police Support Unit are you, Mr. Pimlett? - A. No.
- Q. That is why you were chewing when you went into the Witness Box? - A. I apologised to the Usher about that.
- Q. You were chewing what? - A. Chewing gum. I have apologised.
- Q. Have you given evidence before in Court?- A. Yes.
- Q. How many times? - A. A number of times.
- Q. Do you normally go into Court to give evidence chewing gum? - A. No. I have apologised.
- Q. Why do it today?

JUDGE COLES: Mr. Mansfield, is it relevant?

MR. MANSFIELD: Yes, your Honour.

JUDGE COLES: If it was intended to be discourteous the Witness is saying he did not so intend it. I have

not taken any objection to anything the Witness has done. If it was discourteous to you, that is another matter, but what relevance does it have?

MR. MANSFIELD: I was going to suggest:

- Q. Chewing gum, smiling, it is all part of a rather brazen exterior, isn't it? - A. You are wrong, totally wrong.
- Q. You just didn't think about it when you went into the Witness Box, is that it? - A. No.
- Q. When did you join a Police Support Group? - A. I am sorry, can you clarify what you mean?
- Q. When you went to Orgreave you went there as part of a Police Support Group? - A. Yes.
- Q. You have to volunteer to do that, is that right? - A. No, not all the time.
- Q. Did you? - A. You can be chosen. I volunteered on this occasion, yes.
- Q. Had you volunteered before? - A. Yes.
- Q. When? - A. I have been away on a Support Unit six times.
- Q. Where? - A. I was at Doncaster.
- Q. When? - A. I can't remember the exact date.
- Q. During the Strike? - A. Yes.
- Q. JUDGE COLES: Were all six occasions during the Strike? - a. Yes, your Honour. I have been to North Wales, Point of Air Colliery.
- Q. MR. MANSFIELD: Already on six during the Strike. Had you volunteered for Police Support Unit work before the Strike? - A. No.
- Q. Any particular reason why you suddenly volunteered during the Strike? - A. Partly financially.
- Q. Partly financial? - A. Financially.
- Q. Because it was an extra what, £300 in your pocket that week? - A. It was not that much.
- Q. How much do you say it was? - A. After tax, maybe £200 per month.
- Q. Per month? We have heard from another Witness about this. It may be he was wrong, but how much a week extra

do you say? - A. Well, if it is £200 a month it is going to be £50 a week, isn't it? .

- Q. It's a bit more than that? - A. No, that is what I received.
- Q. So you went partly for finance, partly for what else? - A. Because I wanted to go.
- Q. Why? - A. I believed I could be of assistance to the Police.
- Q. You believed you could be of assistance? - A. To the Police. I am trained, I am young and fit, and there were no other people available really who wanted to go.
- Q. Let's go through that: young, fit and available? - A. No, young and fit, and other Officers weren't available at the time.
- Q. JUDGE COLES: Or were too old? - A. That is correct.
- Q. MR. MANSFIELD: Any feelings about the Miners' Strike, since all of the six occasions happened to be during it? - A. Yes, I have got feelings.
- Q. What were they, Mr. Pimlett? - A. I believe that they were correct trying to keep their jobs and they had a good cause, but the way they went about it after Orgreave, in my mind it did them no good.
- Q. So these Miners who had a good cause - because when you first went, on the first one - what was the date of the first one you went on? - A. I can't remember. It was last year. It may have been about April.
- Q. There had not been much violence by then? - A. No, it had been quite peaceful.
- Q. You were happy to police Miners who had a good cause, were you? - A. Yes.
- Q. The training you had had before you went on the six occasions, I think you indicated that there were four or five of those sessions within six to twelve months? - A. That is correct.
- Q. What were you trained to do, and may I just clarify, was it the six to twelve months before the first occasion you went? - A. That is correct.
- Q. So it is over a twelve months period from spring of last year, prior to that? - A. Yes.

- Q. What were you trained to do? - A. On the occasions I went I did a five-man team, a five-man shield team. Training was revised after the Toxteth riot. This consisted of three Policemen in the front holding the large shields together, and two behind directing them. We also done short shield training for about three hours.
- Q. Because you were a short-shield unit on this day. Let's deal with that training. What had you been told? - A. What we did, we split up into two sides. We were given short shields and the command of an Inspector and a large disturbance type atmosphere was created by Officers not using shields, and then we were ordered and shown how to use shields in a situation like that.
- Q. What were you shown? - A. Basically you have a short shield, the whistle is blown - this is on training - and you run forward. You are shown how to look through the shield and how to hold it, and what to do when someone is injured.
- Q. Run forward looking through the shield, and what to do if someone is injured? - A. Yes, that's the type of training.
- Q. What happens when you run forward on the training sessions, looking through the shield towards the other side? - A. Well, the crowd disperse.
- Q. What if they don't? - A. Then we arrest them.
- Q. Them just standing there? - A. No, they are creating a mock disturbance.
- Q. Doing what? - A. Throwing objects, wooden blocks.
- Q. The idea is you arrest what, anyone? - A. As you pick out the main agitators.
- Q. Pick out? - A. The main agitators.
- Q. How were you told to do that - the person in the middle, the person at the front, the tallest? - A. Commonsense tells you who is doing the most throwing and influencing other people.
- Q. Right. Who is throwing the most? - A. The most missiles.
- Q. And what? - A. Influencing other people and thus making a disturbance.
- Q. And what are you told on these sessions you arrest the agitators, as you have defined them, for? - A. To disperse the crowd and whatever offence he has done, which you can see him doing, you arrest him.

- Q. Whichever offence? - A. He is doing, which you believe he is doing, you arrest him and remove him from the scene.
- Q. So if he is throwing, what do you arrest him for? - A. It depends. We don't stress the offence. It is the training we are trying to stress.
- Q. JUDGE COLES: Use your words with care. When don't you stress the offence? - A. We know if someone is throwing stones in a mock disturbance he is committing an offence of public order. You arrest him and you bring him back.
- Q. You used the sentence you don't stress the offence. - A. No, the training isn't to pick out the offence they are committing. You go to train to learn to use a shield. It is not the offences you are there for.
- Q. MR. MANSFIELD: Using the shield is a matter of holding it up and making sure it gets inbetween you and missiles? - A. It is not. There is a technique to holding shields.
- Q. Well demonstrate, because I suggest your shields were used in other ways, but take that shield and indicate to the Jury what techniques are being taught to you? - A. You are stood there with your short shield, your riot helmet on, and shin pads. You stand so you can just see over the shield, arm out gripping it like so, you are told to move forward and keep it there all the time. You don't let it drop or you get hurt. You move forward. If someone goes down injured you are shown how to protect them, and pull them out. If you do it wrong the whistle goes, you stop and have to do it again to get it right.
- Q. So it is really just carrying the shield to protect yourself against missiles? - A. Yes.
- Q. And that is what the training involves is it? - A. And on other occasions I have performed a ten-man entry into a building with shields.
- Q. Well, we won't deal with that. You see, part of the training you yourself indicated was picking out agitators. Is the training concerned with agitators and picking them out? - A. Yes.
- Q. And you have given your definition, throwing the most missiles and influencing others? - A. Yes.
- Q. You went on to say that someone who is throwing missiles is committing a public order offence? - A. He must be.
- Q. What is it? - A. It depends. It could be threatening behaviour, Section 5. It could be any public order offence.

- Q. Give us some examples, would you - threatening behaviour?
- A. Unlawful assembly is, in those circumstances, rout, riot and affray.
- Q. Let's deal with these then, but before I do, influencing others, making a disturbance, would you arrest somebody who is just doing that, but not throwing anything? - A. If he is swearing.
- Q. He would be swearing? - A. If he was swearing or doing anything else but throwing stones he would be arrested. If he was just standing there I wouldn't do nothing. He isn't committing any offence.
- Q. If you are swearing you are? - A. If he is influencing other people and swearing he could be committing an offence.
- Q. How does somebody swearing influence other people? - A. He could be.
- Q. He could be doing a million and one things. How does somebody swearing ...?

JUDGE COLES: What I think he is saying, I am not stopping you, be fair to the Witness, Mr. Mansfield. He is a Police Constable.

MR. MANSFIELD: I would like to know how I am being unfair?

MR. WALSH: There comes a time when the law is a question for the Court and not a witness.

JUDGE COLES: What you are testing is this man's credit?

MR. MANSFIELD: Your Honour, no, there is a reason, if you look at his statement, a complete reason that I am asking these questions. It has nothing to do with credit:

- Q. It has a great deal to do with whether you have told the truth, Mr. Pimlett. If someone is swearing how is he influencing anybody on your version? - A. He could be telling people to
- Q. Telling other people what? - A. Could be telling other people by the way he is speaking to him, his words and actions.
- Q. What words indicate he is telling other people to do things? - A. He could be shouting at them, swearing, telling them to have a go at the Police, at anybody.

- Q. Have a go - did you hear Mr. Jackson, even on your version of events, say anything to encourage anybody to do anything? - A. I didn't hear him encouraging other people. He was shouting and swearing.
- Q. Did you hear him shouting? - A. I didn't hear him encourage other people.
- Q. He didn't shout or encourage anyone else to do anything?
- Q. JUDGE COLES: He hasn't said he didn't shout. - A. He didn't encourage other people to do anything. He was swearing and shouting obscenities.
- Q. MR. MANSFIELD: Swearing and shouting obscenities. Were you taught in any way that if somebody is shouting obscenities that constitutes some kind of unlawful assembly? - A. No.
- Q. As you have indicated what the public order offences were - I am not asking you as a lawyer, I am asking you as a Police Officer and your understanding and so on, so the Jury may know from you - what do you understand to be threatening behaviour? - A. In common language, it is when a person by his words or actions threatens a person or his property.
- Q. By words or actions threatens a person? - A. Or property.
- Q. You said something else? - A. Person or property, or puts someone in fear.
- Q. So puts in fear? - A. That is what I consider to be
- Q. Right, that is what you understand to be threatening behaviour? - A. That is what I consider to be threatening behaviour.
- Q. Did you think Mr. Jackson was committing an act which came within that definition? - A. He was committing an unlawful assembly.
- Q. We will come to that. Did you think at the time he came within your definition of threatening behaviour, words or action threatening a person or property, did you think that? - A. Not threatening behaviour, no.
- Q. The next one in the list you gave was unlawful assembly. What was your understanding then of unlawful assembly? - A. From my training I can recollect that three or more persons towards a common purpose.
- Q. Three or more persons towards the common purpose? - A. To do some act which is either lawful or unlawful. That is what I consider to be unlawful assembly.

- Q. What did Mr. Jackson on your account do, with three or more others, that constituted unlawful assembly, do you say? - A. He was with other demonstrators.
- Q. With other demonstrators yes, and? - A. His purpose was to stop the wagons. He said in his reply
- Q. The purpose was to stop wagons before you and arrested him - we will come to whether all this actually happened in a moment, but before he had said anything to you, had you already arrested him? - A. Sorry, can you repeat that?
- Q. Before he said anything about stopping wagons, according to you, you had already arrested him? - A. I had taken hold of him. I had arrested him.
- Q. So you had already arrested him. What had he done or said to indicate before you arrested him that that is what he wanted to do? - A. He had been there with about 6,000 pickets, trying to stop the coke wagons.
- Q. Been there with 6,000 pickets? - A. To stop the coke wagons coming out, or to influence the drivers.
- Q. Well, he is right up by the top of the hill, isn't he? - A. I can't remember.
- Q. Can't you? - A. No.
- Q. Did he say anything that indicated he wanted to stop the coke lorries or influence the drivers before you arrested him? - a. No, he was just shouting and swearing.
- Q. Did you tell him you were arresting him for unlawful assembly? - A. Yes.
- Q. Are you sure? - A. If my memory serves me right I did. I said, "You're locked up".
- Q. Be careful, please. What you have told us so far today, you have not mentioned once, not once until now, that you told Mr. Jackson that you had arrested him for unlawful assembly. What you told Mr. Walsh was you went over and told him "You're locked up". - A. No-one has asked me.

JUDGE COLES: Absolutely right. You have just asked him two questions: "Did you tell him you were arresting him for unlawful assembly?" That is two questions. Ask him one at a time, and you will get the answer.

- Q. MR. MANSFIELD: We will take it in stages. When you were giving evidence to Mr. Walsh, you never once said ... Mr. Walsh is now saying he didn't ask you.

MR. WALSH: I did not ask the Witness if he told the Defendant for what he was arresting him, so when the Officer replied a moment ago, "I was not asked", insofar as my question is concerned, I did not ask.

JUDGE COLES: No, you asked him what he said. He said, "You're locked up".

MR. WALSH: I didn't ask if he said for what.

MR. MANSFIELD: You were being asked questions about what you said, Mr. Pimplett, you know that? - A. I was asked certain questions and answered them.

Q. You know what is at the heart of the case is the arrest itself? - A. That is why I am here, yes.

Q. Are you, telling the Jury when you were asked by Mr. Walsh what you said when you went to Mr. Jackson, you actually forgot to say that you were arresting him for unlawful assembly? - A. No, I wasn't asked what I locked him up for.

Q. Mr. Walsh was asking you what you said, wasn't he? - A. Yes.

Q. Right. Now is it, when he asked you what you said you didn't say, "Well, I told Jackson I was arresting him for unlawful assembly"? - A. He asked me a question. I said, "You're locked up". That's all I said. He didn't ask me if I had locked him up for the offence. If he asked me I would have told him.

Q. Typical Liverpool fashion, is it?

JUDGE COLES: That's enough.

MR. MANSFIELD: That was his own answer in his evidence:

Q. Were you laughing? - A. No, I wasn't.

Q. You remember giving that answer, "typical Liverpool fashion"? - A. Yes.

Q. It isn't my comment, it is yours?

MR. WALSH: Your Honour, with respect, I don't want to intervene - what the Officer said was the phrase, "You're locked up" is typical Liverpool. My learned friend put it this way, in not saying anything about unlawful assembly, that that was typical Liverpool.

JUDGE COLES: Whatever that was, Mr. Mansfield, it was, I am bound to say, the tone of voice which you used, which was, I regret to say, overloaded with sarcasm,

which caused me to say you were making a comment. Of course the Witness said, "In Liverpool fashion", but I understood you to be repeating it with the overtone of sarcasm. If I was wrong about that, no doubt you will correct me.

- Q. MR. MANSFIELD: I concede I was adopting your own words with some sarcasm, no doubt.

JUDGE COLES: Shall we get back to what the Witness actually says he said? This began when I said you asked two questions in one.

- Q. MR. MANSFIELD: Yes. I am taking it slowly, Mr. Pinalett. You agree you were asked by Mr. Walsh what you said to Mr. Jackson, and what you said to Mr. Walsh this afternoon was that really all you said was, "You're locked up"? - A. That is correct.

- Q. Now you say you told him it was unlawful assembly? - A. I told him ... I was asked if I told him he was being arrested and what for. You asked me that.

- Q. No, wait a minute. I asked you that question because we had not heard about it before, and you thought about it and said yes, you did tell him unlawful assembly? - A. That's right, I did tell him it was unlawful assembly.

- Q. "You're locked up for unlawful assembly"? - A. No, I told him, "You're locked up", and you asked me just then did I tell him what for, and I said yes.

- Q. JUDGE COLES: Well let's have the full account now. You started your sentence with saying what happened, so you know what Counsel wants. Answer his question. - A. Yes, your Honour. I told him he was being arrested and the offence he was being arrested for.

- Q. MR. MANSFIELD: Give the Jury the overall words you say you spoke to Mr. Jackson, that you didn't tell Mr. Walsh. - a. I said, "You're locked up for unlawful assembly".

- Q. Had you ever arrested anybody for that before? - A. No.

- Q. Had you been told in your Unit that everyone arrested that day was to be arrested for unlawful assembly? - A. I can't remember.

- Q. Just think. Had you been told before you went out on the cordon, or the lines, that anyone arrested would be arrested for unlawful assembly? - a. I honestly cannot remember.

- Q. The people arrested by your Unit were all arrested - six altogether, did you know that? - A. No.

I knew your Unit arrested about six? - A. I didn't. As said before, when I came out after dealing with Jackson I joined someone else. I couldn't find my it.

ter on you joined up with them again? - A. Later on in the evening.

ter on you discovered your Unit arrested quite a lot of people? - A. I spoke to them.

ou found out they arrested quite a few people? - A. Yes.

id you discover what they had all been arrested for? - A. Yes, later.

nlawful assembly, wasn't it? - A. Yes.

ad you been told in advance anyone arrested was to be arrested for unlawful assembly? - A. I said I can't remember.

hen you said words to the effect, to Mr. Jackson, "You're locked up for unlawful assembly", who was present? - A. Sorry, I don't know what you mean.

When you said the words to Mr. Jackson, "You're locked up for unlawful assembly", who else, other than you and Mr. Jackson, was present? - A. There was Police Officers everywhere. I can't say. We were surrounded.

Now, I am going to ask you carefully, lest it is suggested it has not been asked of you and so on, I am not going to suggest anything to you, I want to get your recollection, was anything else said to Mr. Jackson by you when you arrested him, as you say using the words you have just used? Anything else said by you? - A. No, I don't think there was.

What you have said today is, earlier, so we have it clearly, that you did not caution him? - a. It was a form of caution, when he was told he was locked up.

JUDGE COLES: Just a minute. Did you say a formal caution? - A. No, a form of caution.

MR. MANSFIELD: "You're locked up" is a form of caution, is it? - A. Under them circumstances he was aware why he was being arrested. He knew he was being arrested. That is the caution.

2. Tell the Jury what a caution is, will you? - a. Judges' Rules - you have to comply with the Judges Rules. I was unable to at the time - he was cautioned about why - he knew he was being arrested by me telling him he was

locked up. I could not give the proper caution at the time, due to the circumstances.

Q. Couldn't give the proper caution? - A. There was no way.

Q. So you didn't caution him? - A. I gave him a type of caution by telling him he was locked up.

Q. I will try not to be sarcastic. Is that the way it is done in Liverpool? - a. Yes, but we don't have riots like that now.

Q. What did you just say? - A. We don't have trouble like that now, so normally it is OK to give a proper caution.

Q. Going through the list you were giving, we have got to unlawful assembly. You mentioned two other offences as well, that might be constituted by somebody here swearing, riot or rout or both, and affray. Now, what was your understanding then of riot? - A. I didn't have an understanding of riot at the time. I didn't think about riot at the time.

Q. Didn't you? - A. No.

Q. You see, Mr. Jackson was charged with riot at the end of the day. Did you know that? - A. No.

Q. If you had no understanding of riot it is hardly one of those public order offences which you thought might cover this situation? - A. Sorry, can you repeat that?

Q. If you don't have an understanding of what constitutes riot, it is hardly one of those offences you would list to cover swearing in the street? - A. I had an understanding of unlawful assembly.

Q. You put in the list riot, rout and affray. Riot, you have no understanding of what that is? - A. No.

Q. Rout? - A. No.

Q. Affray? - A. No.

Q. None? - A. No.

Q. So you are saying by June 18th the only public order offences that might occur to you is threatening behaviour and unlawful assembly? - A. Yes.

Q. Did you ever tell Mr. Jackson what you had seen him do? - A. No.

Q. Why not? - A. Didn't get the chance. I didn't have to.

Q. Which answer is it? - A. I didn't have to.

- Q. When you normally arrest somebody in Liverpool, do you tell them what it is you have seen them do? - A. If it is quite apparent they have done something, and they know they have done it, there is no need to.
- Q. What was the question? - A. Did I do that in Liverpool.
- Q. Do what? - A. Tell people why they are being arrested, if it is quite apparent, there is no need to in Liverpool. If it is not, then I tell them.
- Q. Did you ask Mr. Jackson for his name? - A. No.
- Q. Why not? - A. For what reason? There is no reason to ask his name. He has been arrested, my instinct was to take Mr. Jackson out of the incident.
- Q. If you arrest somebody outside this Court room for something, do you just wheel them round to the Police Station, without asking who they are? Do you? - A. Why would I want the name? I would find the name out when the paperwork was done.
- Q. The reason I am asking is it is an attitude of mind, Mr. Pimlett. It is somebody on the street - you are not really bothered who it is, are you? - A. No, that is totally wrong.
- Q. Why not ask his name? - A. There was no need.
- Q. Where he lives, what he is doing there? - A. I didn't get the chance at the time.
- Q. All right. You are walking down the road and he has calmed down? - A. Eventually when we got towards the building, yes.
- Q. When do you say he was struggling - all the way down? - A. He struggled and we walked towards the lines. During the walk back he appeared to calm down.
- Q. I want it clear. Struggling before you got to the lines? - A. Still waving his arms, yes.
- Q. As he goes towards the Police line? - A. Yes, and eventually, I don't know how close we were, as we came towards the lines he appeared to calm down.
- Q. Then you just walk him down to the Command Centre? - A. That is correct.
- Q. Quite calmly? - A. Well, he quietened down, yes.
- Q. Was he quite calm as you walked down to the Command Centre? - A. Yes, I have just said yes.

- Q. Did you then, as you walked down to the Command Centre, say, as you have this sympathy with the Miners cause you have talked about, ask him, "Are you a miner? How long have you been a miner?" - A. No, I didn't.
- Q. Not a single question? - A. No, I didn't ask anything. I brought him in. I was trying to regain my breath.
- Q. Were you very much out of breath when you arrested him? - A. Slightly. I was sweating a lot. I didn't see the point of asking questions.
- Q. No, as far as you were concerned you had seen what you had seen, and that was it. Is that your approach? - A. That is correct, and in that situation I just wanted to dispose of the prisoner.
- Q. Dispose of the prisoner? - A. Yes, and get back to my Unit.
- Q. And when you got into the Police Station it would appear from your own account today you have said pretty well nothing? - A. That is correct.
- Q. And the Officer just assumed what he had been arrested for, is that it? - A. Sorry, I don't understand.
- Q. The Bridewell Sergeant, whatever you call him? - A. I didn't speak to the prisoner, I accept that. When I brought him back I gave some circumstances, the reason for the arrest, what I had seen him do.
- Q. Did you? - A. Yes.
- Q. Are you sure? - A. Yes.
- Q. What did you tell the Sergeant? - A. What he was doing.
- Q. What did you tell him? - A. I can't remember the exact words. I said I had been in the shield unit and I have seen the gentleman waving his arms, swearing, gesticulating, and I have arrested him and brought him in.
- Q. Did the Officer write that down? - A. I don't know, you will have to look at the charge sheet.
- Q. I have and you can look at it. It is not written down there. It is not down to me to write anything down, it is down to him.
- Q. As you took Mr. Jackson down to the Command Centre did you walk him? - A. Yes.
- Q. How were you doing that? - A. Sorry?

Q. How were you walking him down? - A. At the time I had my shield in that and this hand I had my staff out, and I had my arm round his neck, and Constable Davies had hold of him up to a stage.

Q. JUDGE COLES: "I walked him back with my right arm around his neck, holding my baton in my right hand and shield in my right hand"?

Q. MR. MANSFIELD: So your arm and baton were round his neck? - A. My arm was round his neck. My baton was out there somewhere, and my shield was up there.

Q. You had (inaudible) up your truncheon with the other hand? - A. No, I didn't say that.

Q. That is what you had done? - A. No, I didn't. It was the only way I could take him back, being arrested. I had taken his liberty. It was the only way I could detain him and keep hold of him, without him escaping.

Q. You thought he would escape, did you? - A. He might have done.

Q. Did you think he would escape? - A. That is why I grabbed hold of him the way I did.

Q. Let's look at Exhibit 21, would you, the photographs. Photograph 4, Mr. Moore being brought down by another Officer, with a grip of the right arm behind. You could have brought somebody down like that? - A. No, at the time I took hold of him he was struggling. He would not have let me put his arm up his back.

Q. Did you release your neck grip on Mr. Jackson? - A. Yes, as he calmed down. I still kept hold of him. He was arrested.

Q. Are you saying you could not just hold him by the arm? - A. No, I could not.

Q. JUDGE COLES: So, "I relaxed my grip when he calmed down"? - A. Yes, your Honour.

Q. What sort of grip did you have then? - A. I still had my arm on him, but it was not so strong. It was quite relaxed, in fact.

Q. What, you still had your arm round his neck? - A. Yes.

Q. MR. MANSFIELD: And the shield across your front? - A. Just there.

Q. What about Mr. Davies, how far did he walk down with you? - A. I can't remember.

Q. - A. I can't remember.

Q. Now you are saying you can't. Did he walk down to the Command Centre with you? - A. No.

Q. Have been staying with Mr. Davies for the last few days, have you, same hotel? - A. I didn't stay in a hotel.

Q. Where did he stay? - A. In the Police Station.

Q. Did he make a statement on the day himself? - A. No, I don't think so.

Q. Do you know he made a statement only a couple of weeks later? - A. No, I don't.

Q. Did he know that? - A. No.

Q. Did he tell you? - A. No, I haven't seen him at work. I haven't worked with him.

Q. Have you been in Sheffield with him? - A. Yes.

Q. In the last couple of days? - A. Yes, since yesterday.

Q. In the last couple of days has Mr. Davies said, "I have recently made a statement about all this"? - A. No.

Q. I want to get Mr. Davies' role quite clear from you. When were you first aware of Mr. Davies being with you in connection to Jackson? - A. He aided me to arrest Jackson.

Q. How? - A. Well, he took hold of his other arm.

Q. Did he take hold of the other? - A. Of his arms, one of his arms.

Q. Was it the one that had the plastic bag in it? - A. I can't remember. I remember him taking hold of one arm.

Q. When was that? - A. That is when I became aware of his presence, as we walked back, Mr. Jackson continued to struggle and then eventually calmed down, and sometime later when we were walking back Mr. Davies left me.

Q. Did he then suddenly reappears in the Command Centre to confirm your statement? - A. Yes.

Q. Where was he? - A. Yes.

Q. Did you work with Mr. Davies before? - A. Yes.

Q. How many times? - A. Approximately 2½ years.

- Q. You are very clear he did actually assist with the arrest, are you? - A. That is right.
- Q. There is no question about that? - A. No.
- Q. He could not have ... it is not something that is only vague, and you may be wrong? - A. No.
- Q. And when you wrote up your account originally that was clear in your mind, was it? - A. Yes.
- Q. Have you read your statement recently? - A. Yes.
- Q. When? - A. I arrived at South Yorkshire yesterday, and I was handed a typed copy.
- Q. Did you read it through? - A. Yesterday evening, yes.
- Q. Last night? - A. Yes.
- Q. Did you notice anything about the statement when you read it through? - A. It is just a typed copy.
- Q. Yes, I am dealing with Mr. Davies. Did you notice anything about your statement when you read it through, in relation to Mr. Davies? - A. No, nothing.
- Q. Perhaps to finish with tonight you could take it very briefly, either the original or a typed copy. Perhaps you will take it from me, Officer, when you described the arrest of Mr. Jackson, I don't mean the general part of the statement, the particular bit that deals with Mr. Jackson, you remember? - A. I was assisted by Constable Davies, yes.
- Q. I know you are saying that now. In your statement, in relation to the arrest of Mr. Jackson, you don't mention Mr. Davies at all, do you? - A. I would like to see my statement first, but I believe I do.
- Q. What you do is, at the beginning of the statement, when you are assigned to duty at Orgreave, you say you are in company with Mr. Davies. Thereafter you do not mention his name again? - A. I have mentioned Mr. Davies then. He was there.
- Q. You can see your statement if that is what you are going to say. Just look at it, the first paragraph, "On Monday 18th June I was part of a large Police contingent of Officers assigned ... in company with Police Constable 5972, Davies"? - A. That is correct.
- Q. Then there is another paragraph about what you were doing in the morning? - A. Yes.

- Q. The build-up of pickets and the Police line, identifying agitators, facing missiles aimed at yourself, and then on the second page, the bit that deals with Mr. Jackson, would you look at that? Do you agree that nowhere in the section dealing with Mr. Jackson do you mention Mr. Davies, is that right? - A. I agree there is no mention of his name in the paragraph.
- Q. Not only that, you don't indicate that anyone else played any part in restraining or arresting Jackson, do you? - A. Maybe it is my poor English.
- Q. Let us just, to finish tonight, you agree, do you, there is no indication in your account there that anyone else played a part? - A. There is.
- Q. No-one played a part in the arrest or restraint of Mr. Jackson, do you agree? - A. No, it says I was there, I was in company with Police Constable Davies. I take that to mean he was with me at the time.
- Q. Throughout the whole of the day? - A. I mean at the time of the arrest.
- Q. Do you indicate in that paragraph that anyone else played a part in the arrest by doing anything? - A. The way it sounds it does not indicate anyone being there, but there was. It is my poor English.

MR. MANSFIELD: On that comment, perhaps it might be convenient to end tonight.

MISS RUSSELL: Your Honour, can I mention the acoustical problem, and the Defendants sit further away than any of us, and are having difficulty. If any other arresting Officers have particular problems it will create more of a strain. I wonder if the Court could consider whether a microphone speaker system could be arranged?

JUDGE COLES: We will consider it if we have any more difficulties, but this Officer says he has had some form of throat problem, and the last Witness was clearly very softly spoken by nature. We will see. We will have to get the Witnesses to speak up.

MR. WALSH: Could I mention a number of administrative matters when the Jury have gone?

(The Jury and the Witness left the Court Room)

MR. WALSH: Your Honour, it is the matter of Mr. Pimlett's statement that could not be found that has caused me to rise to my feet. It has been found now by the Usher. The only thing I wanted to mention was this, if it is because it was out of order or elsewhere, I do

understand - it was brought to my attention this morning - that from time to time defending Counsel or their solicitors have been asking the Usher to give them the original statement, so that they can take it away for photocopying, or something like that. That might be the reason why these things are misplaced, or in the wrong order. It seems to me it would be much better if anything like that were required, if it were done in a more formal way, so the bundle of Witness Statements in Court, which are the originals, should stay there.

JUDGE COLES: It is right that the Usher should not be held responsible for finding anything. Unfortunately Courts are short-staffed here, and this Court and the next Court are sharing the services of a Clerk. It is a problem and it is unfortunate. I have made representations about it but the situation has to be accepted. Since it has to be accepted may I say I agree with you, it would be better for everybody if documents have to be extracted from the file that one person is responsible, and you are elected.

MR. WALSH: I wasn't putting myself forward, your Honour.

JUDGE COLES: That is the sensible course to take.

MR. WALSH: Perhaps if any of my learned friends want access to any of the documents, they would do it through me.

JUDGE COLES: I hope that won't cause special problems.

MR. GRIFFITHS: May I make a suggestion about the absent Court Clerk. What has happened in Wales for years is when there are short staff problems, local Chambers are contacted, and pupils are offered the opportunity of coming along and sitting as a Clerk. It is standard in Wales.

MR. WALSH: I can stop my learned friend there. I tried to organise this myself a year ago, and it fell upon deaf ears.

(Overnight adjournment)
