

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield 1.

18th June 1985

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY
DAVID MOORE
BERNARD JACKSON
GEORGE KERR 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

From the Shorthand Notes of J. L. Harpham, Limited,

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APPEARANCES:

the Prosecution:

MR. B. WALSH, Q.C. and
MR. K.R. KEEN

W.A. Greenaway:

MR. G. TAYLOR

D. Moore:

MR. M. MANSFIELD

B. Jackson:

MR. M. MANSFIELD

G.K. McL. Foulds:

MR. P. O'CONNOR

B.I. Moreland:

MRS. V. BAIRD

E. Barber:

MISS M. RUSSELL

D.R. Coston:

MRS. V. BAIRD

K. Marshall:

MR. E.P. REES

A.H. Crichlow:

MR. P. O'CONNOR

G.W. Foster:

MRS. V. BAIRD

J. O'Brien:

MR. P. GRIFFITHS

C. Waddington:

MR. M. MANSFIELD

E.S. Newbigging:

MR. E.P. REES

S. Wysocki:

MISS M. RUSSELL

D. Bell:

MISS M. RUSSELL

18th June, 1985.

POLICE CONSTABLE THOMAS BROPHY Sworn

Examined by MR. WALSH

- Q. Is your name Thomas Brophy? - A. That is correct.
- Q. And in which Police Force do you serve? - A. I serve in the Merseyside Police Force.
- Q. Your rank? - A. I am a Constable.
- Q. On Monday, 18th June, a year ago, were you, together with other Policemen from Merseyside, at the premises of the Orgreave Coking Plant in Highfield Lane, Orgreave? - A. Yes I was.
- Q. Had you ever been there before? - A. No, never.
- Q. Have you been there since? - A. No.
- Q. So was the 18th June, the only day that you ever spent at that place? - A. Yes, it was.
- Q. Were you a member of a P.S.U.? - A. Yes, I was.
- Q. Who was the Officer in command? - A. The Officer in command of my P.S.U. was Inspector Bennett.
- Q. From which Police Station were you working at that time in Merseyside? - A. I was working at Garston Police Station.
- Q. Is that central Liverpool or on the outskirts? - A. It is in the southern division of the Merseyside Police Force.
- Q. Does that mean it is in Liverpool or on the outskirts? - A. It is in Liverpool. It is a few miles from the city centre.
- Q. We have heard of other Police from Water Lane and Admiral Street, do you follow? - A. Yes.
- Q. Are they in the same division or not? - A. Admiral Street is in the same division as Garston.
- Q. But Water Lane? - A. Is not.
- Q. Before you ever arrived at Orgreave, to what extent had you had training with the people who formed your P.S.U. on the 18th June? - A. I had had quite a substantial amount of training. At the time almost all the Merseyside Police Force sent some people from each shift of different Police Stations on riot shield training, therefore, it was the same people who were sent to Orgreave at that time, and we had been trained together.
- Q. Does that apply to all the people in your P.S.U.? - A. The majority of people.

Q. So does it follow that you knew most of the people in your P.S.U.? - A. I knew all of the people in my P.S.U.

Q. And to give the Jury the picture, you say you have done training with them before? - A. That is correct.

Q. How frequently? - A. I have been seven or eight times.

Q. Over a period of? - A. Two or three years.

JUDGE COLES: Over a period of?

MR. WALSH: Two or three years:

Q. Have you had training in the use of long and short shields or just one or the other? - A. I had training in the use of both long and short shields.

Q. When you arrived at the site of the Orgreave Coking Plant, did you know that that was where you were; had you been told you were going to Orgreave? - A. Yes, we had been told we were going.

Q. I think we know, you go in a number of vehicles? - A. That is correct, yes.

Q. And in the vehicles are the men of the P.S.U. and such equipment as you took with you? - A. There is a separate vehicle for the shields and other equipment.

Q. Are you able to tell us what equipment there was taken by you in this other vehicle? - A. Yes. The equipment carried in the other vehicle consisted of long and short shields, and shin pads.

Q. Pause there. We know how many men there are in a P.S.U., about how many shields of each description were there, do you know? - A. There were enough shields to equip each Officer of the P.S.U. with a shield, although I could not say how many long shields and how many short shields there were.

Q. JUDGE COLES: Everyone would get a shield of some kind? - A. That is correct, your Honour.

Q. MR. WALSH: Do you remember approximately what time of day it was when you got to Orgreave itself? - A. I cannot give a time at all. It was sometime in the early morning.

Q. Obviously you have told us you came by vehicle? - A. That is correct, yes.

Q. Were you put into any form of service or action immediately or not? - A. No, not immediately.

Q. Without going into detail, how did you spend the first period of time then that you were there? - A. The first period of time, if I remember correctly, was stood waiting in a car park with our vehicles.

- Q. Did a time come when you were given some instructions to do something other than that? - A. Yes, it did.
- Q. Doing the best you can, about how long had you been waiting around in the car park by then? - A. It was estimated I had been waiting perhaps a couple of hours, I could not really say.
- Q. From whom did you receive your instructions? - A. I received my instructions from the P.S.U. commander, Inspector Bennett
- Q. Were you able to see or hear where he got his instructions from? - A. No, I was not.
- Q. What was the instruction, what were you to do? - A. We were instructed to form up behind lines of Police Officers that were situated on Highfield Lane.
- Q. Do you know the various descriptions that have been used for these premises, topside, bottomside, do you know those? - A. No, I am afraid I do not.
- Q. In relation to the main gates at Orgreave, we know that the road goes uphill with the main gates on your left, and then eventually to a railway bridge. Now whereabouts can you remember was this line behind which you were asked to go? - A. The line was facing the railway bridge. I could not really say. As I have said before it is the only time I have been to Orgreave, and I do not remember where the gates were.
- Q. When you were in the road did you see the gates at all? - A. No. I cannot recollect seeing the gates.
- Q. When you left the car park to join the line, what were you and your colleagues wearing? - A. We had donned shin pads and were each carrying a shield.
- Q. Had you been - when I say you that is you and your colleague in any form of active duty up to that moment? - A. At Orgreave?
- Q. Yes? - A. No, not as I can recollect.
- Q. You go up and join the line you say? - A. That is correct.
- Q. Just describe what you saw when you arrived at the place where you went to? - A. There were quite a lot of Police Officers. We approached them from their backs, and they were facing a large number of pickets.
- Q. How were the Police positioned; you say there were quite a lot? - A. The Police were positioned in a line across the road in order to stop the pickets from reaching the coking plant.
- Q. Was the line of Police one line thick or more? - A. I think it was more than one line thick.

- Q. In order to try and help us as to time - I know you cannot, as you say, give the time with a clock, but I wonder if you can help us in another way. We are all aware that during the course of the morning a convoy of lorries went into the coking plant, loaded up and later on came out. Now, do you remember either of those occasions happening? - A. Yes, I remember both occasions.
- Q. At the time when the lorries came up the road and went into the coking works, can you tell us where you were? - A. I was in the car park.
- Q. So you had not gone into the line by then? - A. No, I had not.
- Q. At the time the convoy left the coking works where were you? - A. I am afraid I cannot remember. I was either in the car park or in the line at the time.
- Q. You cannot be sure where you were at that point? - A. No, I am afraid I cannot.
- Q. All right. Let us try and pursue things another way. You got up with your P.S.U., up behind the line of Police stretching across Highfield Lane? - A. That is correct.
- Q. We know, and you can refresh your memory from the photograph in a minute if you like, that at the side of Highfield Lane as you are looking up towards the bridge, on your left there is a field? - A. Yes.
- Q. And a pavement running up on the left hand side of the road between that and the field? - A. Yes.
- Q. And in due course, a wall, that sort of thing. Did the Police line go just across the road or across the field as well? - A. To the best of my recollection it just went across the road.
- Q. At what point did you go behind the Police line? - A. I went behind the Police line when missiles began to be thrown at Police Officers who were already in the line.
- Q. Were you and your colleagues in the road, in the field, or where? - A. We were in the road.
- Q. What could you see ahead of you? - A. I could see that the road rose, and there was a hill, a bridge ahead of us, and on the road a large number of pickets.
- Q. Again, and if this is a difficult question for you to be accurate about please say so, can you give any estimate as to how far ahead the bridge was when you joined this line? - A. No, I am afraid I could not say.
- Q. Would you like to look at some photographs? - A. Yes.
- Q. See if they assist you in any way. There is an album, exhibit nine, that is either behind you or round the

television set in front of you, and I am not sure where it is.

JUDGE COLES: I think you might find it in front of you in the blue pack.

THE WITNESS: Yes.

- Q. MR. WALSH: Now, starting at number one, we are looking uphill. The main gate to the coking works is behind the cameraman and to his left, and the car park is behind the cameraman and to his right. Do you follow? - A. No. We were on a different car park.
- Q. Thank you for correcting me. Which car park were you on? - A. We were on a car park behind this photograph and to the left, just inside the main entrance to the coking plant.
- Q. Now, you see that scene, photograph number two is closer up towards the bend, and you can see the bridge. Photograph three is into the bend, closer to the bridge. Do you follow? - A. Yes.
- Q. Photograph four, the bridge itself. Do any of the photographs that I have just shown you, help you to tell us where the Police line was which you and your colleagues came up behind? - A. I am afraid I could not say with any certainty.
- Q. I asked you what you were wearing, and I think you said shields? - A. Yes.
- Q. What other things were you wearing? - A. We were wearing obviously our Police uniform. We had shin pads on, carrying shields. We were wearing gloves and protective helmets.
- Q. Is that protective helmet different from the normal helmet? - A. Yes, it is.
- Q. That you wear on everyday business? - A. It is designed like a crash helmet of a motor cycle.
- Q. Are you able to tell us at about what time of day it was that you were called upon and went behind the Police line? - A. No, I could not say I am afraid.
- Q. Did you notice whether any other Police unit at any time also went up behind the Police line at about the same time as you? - A. I could not say if any did. If they did I did not notice.
- Q. As your P.S.U. went up behind the Police line, can you tell us in any way in what formation, if any, you were? We know that there are 20 men, two Sergeants and an Inspector. Were you all in a line abreast, line astern or? - A. We were just in a group.
- Q. In a group? - A. Yes, no particular formation at all.
- Q. Does that mean, therefore, that some of you were in front of others? - A. Yes, that is correct.

- Q. Well now, what did you do when you got up to the Police line?
- A. The Police line in front of us opened and we all went ahead of the existing Police line, and ran at the pickets.
- Q. Were you able to see what the pickets were doing before the Police line opened up and you ran at them? - A. Yes, they were throwing missiles at the Police line.
- Q. Just before I go on, you had got to this position from your place at the car park which was in the coking works? - A. That is correct, yes.
- Q. How did you get from the car park to this place? - A. We ran.
- Q. Can you give us any indication of how far you had to run to get to this place where the Police line was? - A. It was not very far, certainly no further than a couple of hundred yards.
- Q. So no more than a couple of hundred yards from the car park to the place where you joined the Police line? - A. That is correct, yes.
- Q. When you went forward through the Police line, what was your intention and purpose? - A. Our intention was to try and push the pickets further back from the line of Police Officers, and stop them from throwing missiles.
- Q. Had you been given any orders or instructions by anyone that that was what you were to do? - A. Yes, that is what we had been told to do.
- Q. Who told you that? - A. We were told to do that by our P.S.U. commander, Inspector Bennett.
- Q. Again I ask you this because it is somewhat relevant, did you see from where or whom Mr. Bennett got his instructions? - A. No, I am afraid I did not.
- Q. Well, now, the Police line has opened up and you go forward?
- A. That is correct, yes.
- Q. How far forward did you go? - A. We ran about 40 or 50 yards forward.
- Q. Why that distance? - A. That is when we were told to stop.
- Q. By whom? - A. I am afraid I could not say, just a voice shouting for us to stop.

JUDGE COLES: What did it sound through?

MR. WALSH: He said that is when a voice said to stop.

- Q. JUDGE COLES: I thought you said sounded through something.
- A. I said that is when somebody told us to stop.

MR. WALSH: My learned friend has a note of "Voice shouting for us to stop":

- Q. As you emerged through the Police line that parted for you, what could you see ahead of you? - A. I could see the road straight ahead of us, and a large number of pickets who were turning and running away.
- Q. At the moment you emerged through the line, how far away were the pickets at that particular moment, approximately, if you can help us? - A. Less than 100 yards away, although I could not be any clearer I am afraid.
- Q. So what happened during the 40 yard dash that you made? - A. The pickets turned and ran away.
- Q. And you stopped? - A. Yes, that is correct.
- Q. Then what happened following your stopping? - A. When we stopped, the Police cordon then re-formed, the front row of which was equipped with long shields to protect themselves.
- Q. When you say the Police cordon re-formed, are you talking about the Police cordon through whom you had run? - A. Yes, that is correct.
- Q. Where did they re-form in relation to the 40 yard position that you have said? - A. They re-formed approximately where we had stopped.
- Q. You say long shields were put in front of the Police line? - That is correct.
- Q. Well now, when the Police cordon is re-formed with long shields in front, where are you now? - A. We then went to the back.
- Q. What happened next? - A. We were then told again to charge the pickets in order to move them further backwards.
- Q. Having got back behind the re-formed cordon, could you see what was happening ahead to make it necessary for there to be a second operation? - A. Yes. The pickets who had previously run away had now returned and were throwing missiles at the Police Officers.
- Q. Who gave you your orders on this second occasion? - A. I could not say who gave us orders.
- Q. Does that mean it was someone different from Inspector Bennett or you just cannot remember who it was? - A. It could have been Inspector Bennett, I am afraid I do not remember.
- Q. Again, are you still on the road at this point? - A. Yes, I was still on the road.
- Q. When you were given the order to do this a second time, what happened? - A. We again charged up the road, and the pickets turned and ran.
- Q. As you were going up the road, did something happen to you?

- A. Yes. As we started to run, I saw in particular one of the pickets continue to throw missiles at us.
- Q. What did you see him do? - A. As we broke through the line of Police Officers that were in front of us, he, along with the other pickets, turned and started to run away. He then fell over, and I was able to arrest him.
- Q. I am sorry, my fault. What I meant to ask you was to elaborate on what you said in the previous sentence when you saw one of them throw missiles. Do you follow? - A. Yes. I saw that one of them was standing up and facing the line of Police Officers.
- Q. Just take it in stages. He was stood up throwing missiles towards the Police Officers? - A. He had in one of his hands what I believe were stones, and he threw these at the Police Officers.
- Q. JUDGE COLES: In one of his hands? - A. Yes.
- Q. MR. WALSH: Did you see where he got them from? - A. No I did not, I am afraid, no.
- Q. About how far away from him were you when you saw that? - A. When I first saw him throwing the missiles he was probably about 25 yards away.
- Q. Now, you have used missiles in the plural. Can you give us any idea of the numbers you are talking about? - A. Two or three.
- Q. JUDGE COLES: That is stones in his hand, not stones he threw? - A. They are the stones that he threw.
- Q. MR. WALSH: I am sorry if you think this is over precise but when he threw two or three do you mean all at once or separately? - A. One after another.
- Q. And that was when you were about 25 yards away? - A. That is correct, yes.
- Q. On seeing that what did you do? - A. We then charged up the line of pickets, and when I was about 15 yards from this man he turned and began to run away.
- Q. What was he doing, if you can remember, in the interval between what you saw at 25 yards away, and what you saw at 15 yards away? - A. During the interval in which I was running towards him he threw a missile.
- Q. Did you see where he got that from? - A. He got that from his other hand.
- Q. Right. At 15 yards away you say he turned and began to run? - A. That is correct, yes.
- Q. And then what happened? - A. He stumbled and fell.

- Q. What did you do? - A. I was then able to catch him and arrest him.
- Q. When you caught him and arrested him was he upright, on the ground, or what? - A. He was on the ground. He had not had time to get up yet.
- Q. How was he on the ground, lying, kneeling, sitting? - A. He was scrambling to get up.
- Q. When you got to him were you alone or with anybody? - A. During most of the time I remained close to a friend of mine. I was with Constable Moore also of the Merseyside Police Force.
- Q. JUDGE COLES: Is that the friend? - A. Yes.
- Q. MR. WALSH: And you were with him when what? - A. I was with Constable Moore when I arrested the man.
- Q. Do you remember what you said to the man when you arrested him? - A. Yes. I told him he was being arrested for taking part in an unlawful assembly.
- Q. Did he make any reply? - A. Yes. He said, "Okay, okay, take it easy, I didn't hit anyone".
- Q. Was this a man that you knew or ever having come across before? - A. No. I had never seen him before.
- Q. Did you take him somewhere? - A. Yes. I took him to a charge office they had near to the coking plant.
- Q. And did you at some point discover what his name was? - A. Yes, I did.
- Q. When, where, and how? - A. I discovered his name when he was asked for his details by the Sergeant.
- Q. At the place to which you had taken him? - A. That is correct yes.
- Q. And what was his name? - A. His surname was Moreland.
- Q. When you went to this place to hand him over to the Sergeant did you and he have your photograph taken standing together? - A. Yes, we did.
- Q. Could you just identify - obviously the brilliance of the cameraman is such that half the face of the arrested person does not appear on the photograph. Is that the photograph of you and the man you have arrested in the way that you have told us about? - A. Yes, that is.

JUDGE COLES: It is polaroid. He could have taken another one.

MR. WALSH: Yes. I suppose he took the view there was enough. There is a nose and one eye.

JUDGE COLES: I do not think I am prepared to hazard a guess of which accused it is.

Q. MR. WALSH: However, you have told us he mentioned his name when arrested. Do you know the Sergeant to whom you handed him over? - A. No, I do not know him.

MRS. BAIRD: Could the Jury be shown the photograph.

JUDGE COLES: Yes. For what it is worth, members of the Jury, have a look.

MR. WALSH: I was not going to deprive them of the fun.

Q. JUDGE COLES: Quite a good photograph of you? - A. I thought it was quite poor actually, your Honour, very very disappointed with it.

Q. MR. WALSH: Does not do you justice? - A. Not really.

Q. Following the photograph, and the handing of this man over to the Sergeant, did you have any more to do with the defendant? - A. Yes. I later placed him in a van.

Q. Was that upon instruction from somebody? - A. Yes. I was to put him there.

Q. You were told to do that. Then what did you do? - A. I then returned to my P.S.U.

Q. You returned to your P.S.U.? - A. That is correct, yes.

Q. At some point did you make a statement? - A. Yes, I apologise I made a statement before returning to the P.S.U.

Q. Where was it that you made the statement? - A. I made the statement in the same building that I had originally taken the accused, in an upstairs room.

Q. I should have asked you this. You have told us that you were at the time of the arrest, with your colleague and friend Constable Moore. What did he do when you took the defendant down to the Police Station? - A. He accompanied me down to the Police Station. When I had had my photograph taken, and Moreland had been taken to the Sergeant, Constable Moore then returned to the Police line in case he was needed.

Q. Do you remember where Mr. Moore was when you made your statement? - A. He was not with me.

Q. Having made your statement, what did you do? - A. I took it to show Police Constable Moore.

Q. You took it to show Moore? - A. Yes, if I remember rightly I did.

Q. Where was that? - A. He was at this time back in the car park.

Q. Why did you take it to show to Moore? - A. As I have said before, Constable Moore was with me when I arrested Moreland, and he returned to the Police cordon before he had made a statement. I, therefore, took my statement to show to Constable Moore. He agreed with what I had written. He then signed it.

Q. The taking of the statement to show it to Mr. Moore, was that your idea or had somebody suggested it to you, or what? - A. No. I took it.

Q. JUDGE COLES: It was your idea, was it? - A. Yes.

MR. WALSH: Your Honour, I wonder if I might have a look. I do not know if somebody has got this Officer's statement:

Q. Mr. Brophy, I wonder if you could identify this. It is somewhat obviously we have not got on our typed copies. First of all would you look at it and say if it is your statement? - A. Yes, it is.

Q. Do we see Constable Moore's signature on it? - A. Yes.

Q. Perhaps you would just point it out. Is it in one place or more than one place? - A. It is in more than one place. It is below each of my signatures.

Q. And the other thing is, if you look you will see that the date appears to say the 19th June? - A. Yes. It is obviously my error.

MR. WALSH: Your Honour, that concludes my examination in chief, I think.

JUDGE COLES: I will not ask Mrs. Baird to cross-examine this evening. Quarter past ten tomorrow morning.