

IN THE SHEFFIELD CROWN COURT

The Crown Court,
Castle Street,
Sheffield

15th May, 1985.

Before

HIS HONOUR JUDGE GERALD COLES, Q.C.

REGINA

-v-

WILLIAM ALBERT GREENAWAY
and Others

APPEARANCES:

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

For the Defence: See Attached Sheet

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Defendants and Representation:

DEFENDANT

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

REPRESENTED BY:

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

Wednesday, 15th May, 1985.

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Wednesday, 15th May, 1985.

11.00 a.m.

(In the absence of the Jury)

MR. REES: Before Mr. Walsh addresses you, can I rise on behalf of Kevin Marshall and mention one small matter? As I think your Honour is aware, Mr. Marshall is at the moment clarifying his position in relation to state benefit and is in receipt of no income at all at the moment. I have his permission to proceed in his absence, your Honour. I simply ask your Honour's approval of that course should we carry on until he arrives.

JUDGE COLES: Certainly, I do approve. Thank you for mentioning it.

MR. WALSH: May I perhaps explain to your Honour what has been going on and, really, why matters have taken a little time? Your Honour probably will have anticipated what has been happening. Your Honour, I have had to take instructions and see the relevant manual and consider in the light of requests made by my learned friends what matters it would be appropriate to copy from that document so that I can acquaint them with the contents. Your Honour, I have done that. Because the document is a restricted, sensitive document it seemed to me and, indeed, to those in whose possession the document it that the absolute minimum number of copies should be made to avoid the possibility that, by mistake, they may get left around, and that sort of thing.

JUDGE COLES: Yes.

MR. WALSH: So, I have had, in essence, only one copy made, save for a second one that is of certain parts, which is before your Honour. So, there being only one copy, I have been reading the wording of that to my learned friends so that they can make notes for their benefit. There is a fourth item that your Honour doesn't have.

JUDGE COLES: So far, for the record, I have got one document called, "Use of Sound", one called "Use of Truncheons" and a third called, "Identification of Police Personnel".

MR. WALSH: Yes, that is right. There is a fourth which I have handed to my learned friend, Mr. Mansfield, to look at, headed, "Mounted Police".

JUDGE COLES: Yes.

MR. WALSH: We will, I think, in due course, have that copied for your Honour, but in the time available it wasn't done. Your Honour, may I say just a word or two about this? The paper labelled, "Use of Truncheons" comes from the South Yorkshire Police Force Standing Orders and the other matters come from the manual referred to by Mr. Clement. That explains the difference in the legend, "Confidential" and "Restricted".

JUDGE COLES: Yes.

MR. WALSH: I think it is important that the following matters be stressed - I have told my learned friends about it - that the manual is not a set of orders or instructions. These things are part of a large manual which deals with the whole question of public order and the various options that might be open in certain circumstances. The options are not intended to be exhaustive and exclusive and they are subject to, as it were, variation by an officer in charge, modification, adaptation, depending upon the particular circumstances. The other matter I think it is right to point out is that it was written initially with the question of urban disturbances chiefly in mind.

JUDGE COLES: Yes.

MR. WALSH: Now, your Honour, I have told my learned friends that and they are aware of it. The question arises, I suppose, two-fold. First of all, what, if anything, should be said to the Jury when they come back. Obviously, they will want to know why they have been out for some time and your Honour will be explaining something as to where - bearing in mind that it is going to become - well, they will know already from what happened yesterday that that may be the reason for the adjournment, so that we do not conceal the manual Mr. Clement referred to. Obviously, I haven't spoken to Mr. Clement at all. I indicated to my learned friend, Mr. Mansfield, I might about one matter, but Mr. Clement had gone by the time I was wanting to, so I didn't speak to him. Whether it would be appropriate for me just to explain the status of the manual in the sense that I have just done it now to your Honour, or whether at some stage I should call some witness to deal with that, or whether it is necessary ...

JUDGE COLES: Well, I think you can only do that if you have the consent of your colleagues to do it.

MR. WALSH: Well, I mention that generally.

JUDGE COLES: Is there any objection to counsel for the Crown dealing with the matter in the same terms that he has dealt with it to me? It would seem to save time.

MR. MANSFIELD: I am a little concerned, your Honour. I don't want to take up any more time. It has been primarily our idea to get on with the case, but the reluctance I have is that we are not even being told the source of this manual or anything, so I think the Crown should, in fact, start communicating really what it is. I don't even know myself what it is other than it is a manual of which we have the typed version here.

JUDGE COLES: Very well. So, no, you don't have leave, Mr. Walsh, in those circumstances. Well, I understand there is no objection to the extracts being used. You will have, in due course, to call someone to explain.

MR. WALSH: Well, I may indeed, if it is necessary, do so. I, as I have indicated, have caused to be copied such matters as appeared to me, on the basis of such questions that had been asked, to be relevant and appropriate to get.

JUDGE COLES: Well, I have no doubt everyone concerned will use discretion in obtaining a copy of documents. Obviously, it must be in everyone's interests that this case moves forward.

MR. WALSH: Yes, your Honour, and it would be clear to my learned friends that not everything has been copied.

The only other matter is this. It will arise in the case of my learned friend, Mr. Griffiths, when he questions, and he has asked me that certain things which I have got to do - as a precaution I have said to him, and he accepts it, that when he puts his case on a certain matter then the matter can be disclosed. What I don't want to feel is that the Crown is being put in a position where people are going on fishing expeditions.

JUDGE COLES: Yes. Let us have the Jury.

MR. GRIFFITHS: Could I just raise this matter? I am very anxious the Jury are told something as to why there has been this delay.

JUDGE COLES: I propose to tell them something about it.

MR. GRIFFITHS: Your Honour, I, of course, anticipated that, but I would ask your Honour to consider that certainly the waiting until now since lunchtime yesterday has certainly not been at the door of the Defence. We were here this morning. I appreciate their problems. What I am about to say is no criticism of the Crown, but the Jury ought to be told that these matters had to be looked at with care and certainly it is not through any fault of the Defence that we have lost this time.

JUDGE COLES: I regard it as the fault of nobody and I shall raise that.

MR. GRIFFITHS: I am grateful.

JUDGE COLES: Yes. Let the Jury come back, please.

(The Jury returned to Court)

JUDGE COLES: Members of the Jury, I am very sorry you have been kept waiting so long. You must think the wheels of Justice grind exceedingly fine sometimes. If you do, I agree with you, but please be assured that time has not been wasted. You will remember yesterday there was some reference to a Police Manual. Well, that raised problems which I had to consider. I have considered them now. A copy of the manual has been obtained, certain extracts from it have been copied, they had to be considered, so while you have been waiting and wondering counsel have been working, as they assure me and I accept what they say. It is nobody's fault at all that there has been this delay, so please just forget about it and we will now get on with the case.

ASST. CHIEF CONST. ANTHONY RAYMOND CLEMENT Recalled

Cross-examined by MR. MANSFIELD:

Q. Mr. Clement, yesterday we broke off at lunchtime and just so that we can place ourselves back in the picture, I am dealing with the period of time when you sent horses from behind Police lines for the first and second time on the 18th June. Now, we are dealing with a

period of time - again, so we can fit it in, I am taking it slowly because it takes a little time to re-adjust since there has been this interval - the empty lorries have come in at about ten-past-eight or thereabouts? - A. Yes, that is right.

Q. And you then order two charges of Police on horseback within fifteen minutes of each other? - A. Yes.

Q. And we finished yesterday when I was dealing with the second of those with you indicating that you really didn't mind if potential stone throwers were trampled on by horses. Now, among all your answers yesterday in relation to the use of horses, you cited, or began to cite the manual. Do you remember? - A. Yes.

Q. Now, may I make it plain to you, Mr. Clement, even at this stage we haven't been shown the manual. - A. Right.

Q. The Defence haven't been shown it and there is one copy of extracts from the manual, but I am not going to deal with it immediately, but I will come to it with you in a moment. In addition to stone throwers who you thought might get trampled on, of course, the use of horses in the way you used them, without warning, leads to the very real risk that ordinary people standing there, doing nothing, which is 70%, you say, are going to get trampled on as well, doesn't it? -

A. Yes, but let's get this in its proper perspective. The point you put to me was if the horses were ordered forward by me to clear demonstrators and to stop stone throwing, or to move stone throwers back out of throwing range and you said to me, "What might happen if a man continued to stand in the road and face the Police?", and the obvious answer to that is he might well get knocked down and trampled, and you said to me, "How would you like to think?", and my reaction was if a man engaged in a criminal act stood in front of Police horses and did not move out of the way I am hardly to be held responsible for any injury that was envisaged to that man.

Q. Now, answer the question I have just put to you. We are dealing with somebody who is potentially stone throwing. You gave your answer yesterday. Now, I am dealing with people who may just be standing there. Now, without warning, you send horses through at a faster pace than a walk, and I am suggesting to you that the risk is that ordinary people are going to be trampled. That is a risk, isn't it? - A. What are you meaning by "ordinary people"?

Q. People who were committing no offence at all.- A. People ...?

JUDGE COLES: Innocent bystanders. Those who were there with no intention of using force, disapproving of force, exercising their lawful right to be present on or near the picket line.

THE WITNESS: Right. Those people were on the field with a gap of 30/40 yards in between the stone throwers and

Q. Above the cordon? - A. Yes.

Q. That is, from the Handsworth side of the cordon? - A. Yes.

Q. Fairly densely packed, where they? - A. No, they weren't densely packed.

Q. Not densely packed? - A. On the road they were, not on the field.

Q. The road fairly densely packed? - A. Yes.

Q. Now, without warning, you used horses? - A. Yes.

Q. You appreciate the dangers of using horses, don't you? -
A. Of course.

Q. Now, again so it is clear to you, Mr. Clement, and the Jury why I am asking these questions, I am suggesting that your policing on that day was provocative. - A. No, it wasn't. The reason I used horses was to disperse the riotous crowd of people who were behaving unlawfully and were injuring my officers. They had to be cleared back. They were a riotous crowd who had come hundreds of miles to attack the county of South Yorkshire.

Q. You were thinking that before they ever arrived, weren't you? - A. Of course.

Q. Of course. - A. I knew they were coming.

Q. You knew they were coming? - A. I knew they were coming to do

Q. You had formed in your own mind, "They are people coming to attack us and we will give them as good as we get". -
A. The approach was as on every other occasion I had met them for a day attack and this day was going to be even more difficult than those on the previous occasions.

Q. And you weren't going to lose. - A. You are absolutely right. They were not going to get through the Police line and cause further criminal offences by stopping people who were lawfully working.

Q. We will come to whether, in fact, there was such a riotous assembly before eight o'clock. We have already been through that. We are now dealing with the period past eight o'clock and you have already described yesterday what you said was the state of the missile throwing which led you to send in the first lot of horses, you say. Now, I just want to deal with the instruction to the horses. - A. Well I will quote again. I have given this evidence before. Mounted officers, at my command, went through the Police lines.

Q. No. What was your instruction? - A. I am coming to that.

Q. I wonder if you could just give the instruction. We will deal with what they actually did later. What was your instruction to the mounted officers? - A. To go towards the hostile crowd who were throwing stones.

Q. And? - A. And disperse them so that they would be out of range, out of throwing range of all my officers who were absolutely static in a line across the road and the field. They were making no aggressive, provocative move at all.

Q. Just deal with the instruction. You can elaborate on how bad it was for your officers who were static, who were being thoroughly stoned and the hundreds of injuries -
A. I have never said hundreds of injuries.

Q. You could not give me a figure yesterday. I have asked you about it. - A. No. That wasn't my job. I saw them being taken away, but I can't give you any estimate of the number of injuries at that time.

Q. Well, you told the Press that, didn't you? - A. What?

Q. About the number of injuries. - A. Later. That is a day later when I have had time to look.

JUDGE COLES: I think you want this gentleman to give his evidence in this Court, to restrict himself to his personal knowledge. I don't think the Press would be quite so particular.

Q. MR. MANSFIELD: It was what this Officer was saying. You spoke very shortly after this first charge, didn't you? - A. Yes.

Q. To the BBC? - A. Right.

Q. You agree with that? - A. Yes.

Q. And you were quoting figures to the BBC, weren't you? - A. Numbers of injuries, yes.

Q. Not very large numbers, are they? Numbers that are not of your own knowledge, and you just guessed them, or what? - A. No, no. Whenever I am asked anything of that sort by the Press I consider it right that the public should know about it because of the horrific scenes that were shown on television and I had a Press Officer who, on my instructions, would go into the control room, he would look at the log, come back and tell me how many people had been taken away by ambulances.

Q. Well, I won't ask you. We will wait for the officer who can deal with the number of injuries at this time which merited the sending in of horses. I will leave it. I won't ask you. Now, the instruction you have so far told me you gave to your mounted officers was to go towards the hostile crowd and disperse them out of range? - A. Yes.

the Police line. When I ordered the Police line to open, it was quite apparent what was going to happen. The Police horses went forward at a walk. They are going uphill on a tarmac surface. They are quite clearly visible. There is a line of Police Officers. Everybody can see them coming. There is no cavalry charge. The ordinary person who was prudent would get out of the way.

- Q. MR. MANSFIELD: I will take you up very carefully on what you now say. First of all, the horses walk through the lines and then, effectively, charge. You are quite sure about that? - A. Yes.
- Q. There is no possibility that you could be mistaken? - A. They walked.
- Q. How far up the field or road did they walk, then? These first two. We are talking - we will come to the follow-up with the foot officers later. The first two, how far did they walk beyond the Police lines, do you say? - A. Possibly 30 yards.
- Q. 30 yards. Now, I don't want there to be any mistake. There are things going to occur later in this case and for you to say, "Well, I didn't mean 30 yards, I meant only two feet". Are you saying 30 yards those horses walked? - A. They were my instructions and I was on the field and I saw the horses walk.
- Q. You saw them walk and that was your instruction? - A. Yes. To go forward, to walk and to trot.
- Q. Wait a minute. To go forward at a walk and a trot? - A. Yes, right.
- Q. Now, how far were your instructions - and we are not, I hope, wasting time on niceties, we are talking about large numbers of people on this day, aren't we? - A. Yes, we are.
- Q. And at the time of the first use of horses, how many thousand, do you say, were facing the Police line? - A. Including those who were probably not using violence, or just the violent ones?
- Q. Well, if you are able to ascertain in such a way - just give me the overall figure, then we will break it down. What is the overall figure?

JUDGE COLES: What time are you talking about?

MR. MANSFIELD: This is the time of the first sending in of the horses, some time after ten-past-eight, possibly twenty-past-eight:

- Q. I am not asking you to be precise about the time, but after the lorries have gone in empty, is that correct? - A. Yes.
- Q. Yes? - A. About five to six thousand.
- Q. Five to six thousand? - A. Yes.

- Q. Is that all you said? - A. No
- Q. I want the full instruction, please. - A. And to go, firstly, at a walk and then at a trot.
- Q. It is important to know when they were to go on a trot. - A. That was left to their judgment.
- Q. Did you instruct them to do anything else? - A. After having dispersed the crowd out of throwing range to return to the Police lines.
- Q. Right. Now, I want to deal with what in fact happened, and this is on the first two. First of all, the first charge. Where do you say it went, on the road or in the field? - A. Well, firstly, I wouldn't accept it was a charge. Secondly, it went on both the road and the field.
- Q. There is no possibility that it went straight up the field? - A. One section did, certainly.
- Q. Well, yesterday, you see, what you said - have you forgotten what you said yesterday about this first charge? I want to go back again, Mr. Clement. Did you really watch what these people did on horseback? - A. Of course I did. I was there.
- Q. Well, I dare say. Were you in front of Police lines or behind them? - A. At times in front, at times behind, at times to the side, moving, walking about.
- Q. When the horses went through, where were you standing? - A. Immediately where the horses were, behind the Police line on the field side when they first moved.
- Q. Now, on this first occasion was there a charge by the officers up the field and another row up the road, or was there one row up the road and one into the field? - A. No. There was no charge up the field. There was no charge up the road. The Police lines were broken on the road and on the field.
- Q. So, in two places? - A. Yes, and a line of horses went up the road towards the demonstrators and moved them back, a line of horses went into the field and moved back stone throwers there.
- Q. Just pause there. That is not what you said yesterday, actually. What you said yesterday about the first charge, what actually happened, you said yesterday it went up the road and veered into the field. - A. Absolutely right. That is what happened with the horsemen who went up the road.
- Q. So, the ones that went up the field, into the field - A. Not all of them. Some officers went round, having moved demonstrators back, and came back down the road. There were others who veered left into the field and came back down the field.
- Q. Let us assume your present description is correct regarding this first charge - or shall I use another term, the first

movement forward of the horses? One lot goes up the road, another lot goes up the field and some from the road veer into the field. Now, that whole movement runs the risk that people are going to get trampled on by horses moving at a trot, do you not agree? - A. No, not really.

Q. People did get trampled on, didn't they? - A. I didn't see any people get trampled on.

Q. If you were watching you would have seen it. - A. There is evidence of people having been trampled on by horses, is there?

Q. Is there? - A. No. I'm awfully sorry, but I didn't see anyone trampled by horses.

Q. I will ask you as the officer in charge - I appreciate the rules against hearsay, if you didn't see it - on your own knowledge there was a case of a man getting trampled on in the field by horses. He got arrested for it. Didn't you see that? - A. He got arrested for being trampled on by horses?

Q. Yes. - A. What had he done?

Q. That is what I would like to know. - A. What was the offence?

Q. I can name the person to you. - A. I'm sorry. No. One person amongst six thousand was trampled on and I am supposed to have seen it?

Q. Yes. - A. I'm awfully sorry, but I didn't.

Q. There are more occasions than this one. I am just giving you one I can name. - A. I'm sorry. I didn't see this unfortunate gentleman trampled on by horses.

Q. So, you didn't even know this unfortunate gentleman was a Defendant? - A. I don't even know the names of the Defendants. I'm sorry.

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

JUDGE COLES: You are putting one of these Defendants?

MR. MANSFIELD: One of the Defendants arrested on that day. Not one of these. A Mr. Pinder. Not a man here.

THE WITNESS: I just don't know the names. I did not witness this incident.

Q. MR. MANSFIELD: On one of the occasions the horses went up the field he was trampled on. Now, you didn't see that? - A. I certainly didn't, no.

Q. Very well. So, as far as you are concerned you didn't see anybody trampled and to this day you are not aware of anybody being trampled on by a horse? - A. Absolutely right.

- Q. Well then, I suggest to you, Mr. Clement that you really weren't watching very carefully. Is that a possibility? That once the horses went up the field you weren't watching very carefully? - A. Mr. Mansfield, this was possibly the most serious incident of public disorder in this country this century. I would think I was watching very carefully. I was watching my officers, I was watching the demonstrators, I was watching the horsemen, I was watching all sorts of things. I was watching ambulancemen being stoned, I was watching them bring out injured people, but I did not see your poor, unfortunate man who was trampled on.
- Q. Well, we will come to it, but I want to see, if you say you were watching so carefully, did you see - and I haven't yet reached it, but I will come to it in a moment - I don't suppose you saw Police Officers using their truncheons on people, or did you? - A. Oh, yes.
- Q. You did? - A. Yes.
- Q. If you did, we will come back to that in a moment. Now, just dealing with the mounted Police, the first one. I hope we have got it clear now. One lot goes up the road. Another lot goes up the field and some from the road go into the field. Is that about right? - A. That is right.
- Q. And you were saying that on this first occasion these mounted Police walked for 30 yards before they began to trot. Is that right? - A. If I said that I didn't mean my instructions were, walk and then trot.
- Q. You are watching very carefully as it is such an important day? - A. Yes.
- Q. Did they walk? I have asked you this three times and before I was saying I didn't want it later to be said, "I made a mistake. I only meant two feet". Now, did they walk 30 yards before they trotted? - A. I don't know. They walked. They walked and then trotted.
- Q. No, Mr. Clement, you are the officer in charge, using mounted police officers against a crowd of something like - I have forgotten the figure - five thousand or so - A. Five or six thousand.
- Q. Five or six thousand people, and you don't know whether they walk for 30 yards first before they trot? - A. They certainly didn't walk for 30 yards. They walked and trotted and I said that the demonstrators were about 30 - 40 yards away and when they got towards them the demonstrators dispersed. They came back.
- Q. Now, you see, I am going to take you through, slowly through this because the suggestion I am making is you give some sort of order and they come through the Police lines at a walk, but once they are trotting, or going faster than a walk, through people on the field, through people on the road A. No, they weren't because as soon as the Police lines opened up there was a general dispersal.

- Q. People certainly had to run for their lives, didn't they?
- A. No.
- Q. No. I see. - A. Mr. Mansfield, really
- Q. You think I am exaggerating? - A. They walked and trotted up the road and up the field. They were clearly visible. People could see them coming and they didn't run off for their lives. They ran to get away and probably ran to get away from being arrested.
- Q. But, of course, these people are 30 - 40 yards away and the horses have to get through this gap? - A. That's right.
- Q. So, what you originally were saying was that the horses walk 30 yards up to the front of the people - A. No. I cannot give any definite distance that they walked. They walked and then trotted and at some stage, probably out on the field and on the road, they changed their walk to a trot.
- Q. I am suggesting very soon
- Q. JUDGE COLES: Did they do it all together? Did some begin to trot and others after them? Can you give us a picture? - A. Some of them - it was fairly well co-ordinated and what happened in a group of seven horses, with an Inspector, two Sergeants in charge, is that, myself having given the order to walk and then trot, they would set off at a walk and at some stage a Sergeant or the Inspector would give the command to trot and off they would go.
- Q. MR. MANSFIELD: And the same thing happened on the second charge, or second movement, forward rode and then fifteen minutes later? - A. That's right.
- Q. The same instruction? - A. Yes.
- Q. Pausing for a moment before we deal with the third one, when the foot Police go in, as you indicated yesterday, the Manual does say something about a warning, doesn't it? - A. Yes.
- Q. What do you recall that it says about a warning? - A. Well, there are a number of things it says about a warning. There are all sorts of warnings referred to, one of which is to go to the first of the Police lines, use a megaphone, tell people what you are going to do. Now, quite clearly, there are a number of advantages in doing that. There are a number of advantages in dealing with all the sort of offences in the Manual, but I don't know whether you have seen this part of the Manual, but where there are advantages listed, immediately following that are a list of disadvantages.
- Q. I am going to pause there because, as I said to begin with, we haven't been shown the Manual. We have extracts from it and it is perfectly clear there are bits missing. The only part we have been shown

JUDGE COLES: Mr. Mansfield, you have been shown just what I have ordered you to be shown. If you object to the

rest you must ask for it, but, please, restrain from cross-examining this witness and making comments.

MR. MANSFIELD: Very well:

- Q. The only passage that we have from the Manual says this, Mr. Clement, and it is nothing about advantages, nothing about disadvantages, and I don't mind if there are other things, so can you just listen to the question: "A warning to the crowd should always be given before adopting a mounted dispersal tactic". Now, that is all it says. - A. Oh.
- Q. Oh. That is why I stopped you. - A. Yes.
- Q. Well, can I just take it in stages? You can elaborate with Mr. Walsh later. Is that your recollection of what the Manual says about warnings in mounted dispersal situations? - A. No, it isn't.
- Q. Then I am not going to cross-examine you any further. I will make a request that we see the rest of the Manual. Now, I will ask you one other question in relation to what we have been shown, and that is this: Leaving aside the warnings, the Manual does have, in the bits that I have here, something to say, in two respects, about the use of mounted dispersal. One is in relation to a densely packed crowd. Do you remember that? - A. Yes.
- Q. Now, it would be fair to say, on what you have told us already this morning, that the crowd on the road at least was fairly densely packed. You have agreed that? - A. Yes, sir.
- Q. Now, what the Manual says

JUDGE COLES: Forgive me. This is the one page of the Manual I don't have.

MR. WALSH: This is the page we didn't have time to photocopy, your Honour. It is the page I gave my learned friend.

MR. MANSFIELD: It is a sentence. May I read that?

JUDGE COLES: Yes.

MR. MANSFIELD: It goes under the heading "Group 4 Crowd Dispersal". and this is a sentence from it: "It would be quite inappropriate to use such a manoeuvre" (that is, crowd dispersal) "against a densely packed crowd".

- Q. Now, were you aware that the Manual had such a sentence? I will take it in stages. We are being told the Manual isn't really a regulation, an order, an instruction or anything like that. What did you think the Manual was? - A. It isn't what I thought it was, it's what I knew it was, because I had some hand in the preparation of it.

Q. Oh, did you? - A. Yes.

Q. JUDGE COLES: What was it? - A. The Manual was a manual of guidance which covered all sorts of events from the sort of thing one might expect in the inner city riots to a full-scale riot of the sort we witnessed. Now, the Manual gives recommendations. It says that in a situation....

Q. MR. MANSFIELD: Can we just pause there. Just to save time, so we can take it in stages, can I just know when it was drawn up and with you helping? - A. I suppose I can talk about the Manual now we have started.

Q. I am not going to go into full details

JUDGE COLES: Just restrict yourself to the question.

THE WITNESS: It was drawn up after the inner city riots of 1981.

Q. MR. MANSFIELD: I am not going to go through the whole Manual. I will concentrate on the issues which the Jury have to consider. Now, drawn up in 1981, you helping to draw it up? - A. Including a number, a large number of other senior officers.

Q. Did you have a hand in drawing up such passages as I have related on the mounted Police Force? - A. Yes.

Q. In crowd dispersal? - A. Yes.

Q. Right. Now, the sentence I was about to read first, and have read, I will read it again: "It would be quite inappropriate to use such a manoeuvre against a densely packed crowd". Now, that is precisely what you were doing, up the road, if nowhere else, on the 18th June, wasn't it? - A. No it wasn't.

Q. Why? Because it wasn't indeed a densely packed crowd? - A. No. You are taking that out of context. The manoeuvre in relation to the warning about sending horsemen into a densely packed crowd is when the horsemen are actually in contact with a densely packed crowd and are then ordered into it. That is wrong, to do it without a warning being given. This is a different situation where the demonstrators, those who had just come into contact with the horses, even if they sat still, were 30 or 40 yards away, and that is not sending horsemen into a densely packed crowd, not in the terms of the Manual.

Q. You have confused the two answers we have already established in the Manual, in the version I have. You have said there are other things. - A. Yes.

Q. All that I said was about the warning to the crowd, that it should always be given before adopting mounted dispersal tactics. If the Manual says other things, we haven't been given them. I will leave it. - A. Right.

JUDGE COLES: What is your cross-examination referring to? You say it would be inappropriate to use the manoeuvre in a densely packed crowd and the answer was given. If you want to ask him about the warning, that is a different matter.

- Q. MR. MANSFIELD: You brought the warning up again, Mr. Clement. I am dealing with the next stage. I have read what the Manual says, according to the version I have been given, about the warning. I am going to deal with the use of mounted dispersal tactics in a dense crowd situation: "It would be quite inappropriate to use such manoeuvres", there talking about crowd dispersal, and this is Group 4 crowd dispersal, nothing to do with edging people back slowly. Do you know what Group 4 crowd dispersal is? - A. No idea since it doesn't say actually. Might well be a football crowd. It may not be. It may not be a riot crowd. I would have to look at the Manual myself.
- Q. Do you agree, whatever the Manual says, that it would be inappropriate to use crowd dispersal in relation to mounted Police against a crowd that is densely packed? Do you agree? A. No, I don't. I'm sorry. If there is a violent, riotous crowd, it must be dispersed. The use of mounted Police officers to disperse that violent and riotous crowd is decisive in the sort of situation we are talking about.
- Q. Whatever the Manual says, as far as you are concerned if it is a riotous crowd, however densely packed, you should send mounted Police in? - A. Yes.
- Q. That is the final option, is that what you are saying? That on the first occasion, the use of horses, no warning, a riotous crowd, send the horses in? - A. Not quite like that.
- Q. How close are we to them? - A. We are 30/40 yards away to a densely packed crowd to start with.
- Q. One other matter. The bits of the Manual that we have got indicate that whatever manoeuvres you are using the horses should, in fact, have a pre-appointed place at which they stop before the crowd. Now, do you recall that in the Manual? - A. Yes.
- Q. You do. Now, so far you have not told this Jury that you instructed your officers on horseback to stop before getting to the crowd 30/40 yards away, have you? - A. Absolutely right.
- Q. So, in other words, you were ignoring that as well, weren't you? - A. Not ignoring it.
- Q. What then? - A. No. As I have said, the Manual is for guidance. It gives recommendations. It was based on inner city disturbances, not full-scale riots.
- Q. JUDGE COLES: You agree you didn't give any such instruction? - A. Not on those first two occasions, no,

because of the space between Police lines and the throwers.

- Q. MR. MANSFIELD: Now, I will move from that on to the third charge, or third movement forward of officers because, of course, you decide the missile throwing is really so bad. Is that right? - A. That is right.
- Q. So, you have injured officers. Is that right? - A. Right.
- Q. You have, as it were, to clear the area? - A. Yes.
- Q. Now, I will take this carefully as well and, as before, in stages. It is provocative policing and you really weren't in control, Mr. Clement, were you? You were not in control of what happened. - A. Mr. Mansfield, I was in as much control of what happened at Orgreave as any officer could be in controlling and containing and dealing with the most serious public disorder situation any of us had ever experienced.
- Q. Well then, we will just deal with it. First of all, the rough timing of this third action. The horses are used, this time with a short shield P.S.U. What is a P.S.U.? - A. An Inspector, two Sergeants and two Constables.(sic)
- Q. What does it mean? - A. Police Support Unit.
- Q. With the numbers you have indicated carrying short shields. So, at what time is this, roughly? - A. You mean after the warning?
- Q. Yes. - A. I gave the warning at 8.35.
- Q. You went in front of Police lines, did you? - A. Yes, I did.
- Q. Right out in front of the Police shields? - A. Not right out in front. In front.
- Q. I may be wrong. I thought you were telling the Jury that you went in front of the shield? - A. Yes, but when you say right out in front, I put no space between myself and those Policemen stood at the front of them.
- Q. In front of the shields? - A. Yes.
- Q. That is what I wanted to know. - A. In actual fact
- Q. Please, Mr. Clement. Did you go in front of the shields with the megaphone or not? - A. Right. I went to the very front line of Police Officers. Two Officers moved to one side. I moved in between them and part of me was probably in front of the Police line.
- Q. Go on, Mr. Clement, we are gradually easing back. - A. That is the front of the Police line.
- Q. It wasn't even that, was it? - A. What?
- Q. You weren't easing yourself between two officers. What you

did, Mr. Clement, was you put the megaphone between the shoulders of two shield bearing officers and, as it were, said something which was quite inaudible over the shoulders and behind the shields of the front line. Isn't that what happened at 8.35? - A. It's impossible to do that. I'm sorry, but the shields would prevent that.

Q. You aren't in the front line, you are behind. You held the megaphone up over the shoulders of the two in front. These are fairly small Police Officers. You aren't very tall. I don't mean to be derogatory, but you were just behind the shoulders of the two Police Officers in the front rank.
- A. No. I had moved them aside.

Q. This time we are talking about, anyway, what you say was at that time quite inaudible, wasn't it? - A. You are asking me if it was inaudible?

Q. Yes. You know perfectly well it was inaudible. People couldn't hear what you said. - A. It's a standard megaphone which was in perfect working order. I spoke in what I thought were clear and precise terms.

Q. Did it occur to you that people might not be hearing what you said? - A. I'm awfully sorry about it, but I did my best

Q. But, were you really interested? - A. Of course I was interested.

Q. Did it occur to you something might not have been heard? - A. No. As soon as I spoke more stones came towards us.

Q. Let's just go on, then. Did you help line everybody up for this manoeuvre before you gave the warning? - A. Yes.

Q. Now, I want to know what instructions you, first of all, gave the mounted horses, and can we know, first of all, this is mounted horses going up the field and up the road with short shields behind both lines? - A. Yes.

Q. What instructions did you give to the mounted Police on this occasion? - A. The instruction I gave was I first ordered the Police lines to open, both on the road and on the field, and I directed the mounted officers

Q. No. What was your instruction? - A. Well, this is an instruction I give, a direction. I directed them, I instructed them to advance through the lines, only using as much force as was necessary to disperse the demonstrators and arrest those committing criminal offences.

Q. Those mounted Police - A. They were all together

Q. Mr. Clement - A. I was giving the instructions to a group of Police Officers. Some happened to be sitting on horses and some weren't.

Q. So, you really didn't care, then? Is that it? This is a serious situation. You are describing the worst kind of

disorder you have ever met. That is the way you put it. -
A. Yes.

Q. And you are saying now, "I just told them all as a group"?
- A. Right, and I went to each group, those at the back of the Police Officers on the road, those at the back of the Police Officers on the field, and was standing there with

Q. What were the instructions for the mounted Police? - A. I'm sorry, I've just told you.

Q. Just that? To advance and use/^{as} much force as is necessary to disperse and arrest? - A. Yes.

Q. That is the mounted Police? - A. Yes.

Q. Were they told they could draw truncheons or anything of that kind? - A. Yes, they were told that.

Q. By whom? By you? - A. Yes.

Q. Well, I want to know what else they were told. Come on, Mr. Clement, I have asked for the instructions given to the mounted Police. They could draw their truncheons. What else could they do? - A. Nothing. That's it.

Q. You are quite sure? - A. Yes.

Q. Nothing else you want to add? - A. No.

Q. Did you tell them how far they could advance before they should stop in a pre-arranged way or doesn't that apply to the mounted? - A. No, the mounted doesn't apply to this situation, not the one you describe.

Q. If there is another one no doubt it will be produced. Let us deal with the fact that you weren't worried about the mounted Police and you didn't tell them where to stop. -
A. No. They were told to disperse the demonstrators. The situation had got to that pitch.

Q. So bad you felt you could just give the general order to go in with as much force as was necessary? - A. Well, I fail to see what other order there could be other than the general order to go and disperse the demonstrators and arrest those committing criminal offences.

Q. May I put it to you, first of all, the situation wasn't as bad as you describe and, secondly, you told the Officers very clearly that they should not use their truncheons or force. They advance forward to provide some protection for the foot officers and the foot officers are then given very specific instructions as to what they should do. That is all very reasonable, isn't it? - A. You've lost me there. I'm sorry.

JUDGE COLES: You have lost me, too, and, I think, the shorthand writer. Do go a little more slowly.

- Q. MR. MANSFIELD: First of all, you ask, or instruct, the mounted Police to go forward slowly. - A. At a walk.
- Q. Did you do that? - A. Yes.
- Q. Well, I don't want to be particular. I've already asked what your instructions were and you have not actually said that. Now, I will pause again before I suggest to you what you could have said and then you adopt it. What other instructions did you give to the mounted Police when the short shield units went in? - A. As far as the speed of the advance is concerned, it is always the same, to go forward at a walk and then at a trot.
- Q. Right, and you told them that? - A. Yes. I told them on all four occasions.
- Q. Did you tell them where to stop, that they themselves, in fact, are not to pursue anyone, that the foot officers will do that? Did you say anything like that? - A. No.
- Q. Why not? - A. Because it wasn't relevant. I told them to disperse the demonstrators. That was their job.
- Q. Yes. What did you tell the foot Police? - A. I told them to support the mounted officers.
- Q. To support the mounted? - A. Yes. They had the same instructions as the mounted officers, of course, to advance and disperse the crowd and arrest people who were committing criminal offences.
- Q. Right. Disperse the crowd who were 30 to 40 yards away? - A. Generally speaking, yes.
- Q. And arrest the missile throwers who were towards the back? - A. Arrest people who were committing criminal offences.
- Q. The missile throwers are the people committing criminal offences, basically? - A. There were other things going on as well. There were other criminal offences being committed other than throwing stones.
- Q. Just being there? - A. No.
- Q. That is how you regarded this day. - A. What was that?
- Q. Just being there. They had no right to be there, was your view. - A. I think, basically, that is right, yes.
- Q. Yes? - A. Yes, generally.
- Q. Yes, generally, and you told the world that day that these men had no right to be there, never mind what they did, didn't you? - A. Right. Yes.
- Q. And what you were trying to do on this occasion with your mounted and foot officers was to get rid of those people whether they were doing anything or not? - A. No, that isn't

true. The object, as I have told you, of the mounted officers and the foot officers was to disperse that crowd and arrest people committing criminal offences.

- Q. Right. Of course, the short shield unit are otherwise known as the snatch squad, aren't they? - A. No, they aren't.
- Q. You tell me, what is a snatch squad? - A. A snatch squad is quite different from the short shield unit, and it was a unit that was used earlier in the strike and then discontinued. It was used at Doncaster on one occasion, and the snatch squad was a group, half a PSU, with an Inspector, and they did not carry shields, they did not have their truncheons drawn, and the job was to identify, locate and identify those who were being particularly violent and to go out and get them.
- Q. That is what this squad - and you have agreed it is a PSU with shields and truncheons - that was their function on the 18th. They were, effectively, a snatch squad. - A. No, they weren't. Their job was to support mounted officers, to arrest people committing criminal offences.
- Q. First of all, let us see how they formed up, the squad, the PSU with short shields. Formed up in forms behind the horses. That is a cordon? - A. Yes. Right.
- Q. From that position they had absolutely no possibility of seeing anyone committing criminal offences beyond the horses. How many ranks deep were they? - A. On the field possibly six or seven. Twelve, thirteen on the road.
- Q. Several ranks of Police, then. Do you agree those officers, wearing visors, standing well back, could not see who was committing offences before they actually broke through the shields? - A. Basically right.
- Q. You agree? - A. Yes.
- Q. So that squad couldn't go out and arrest people who you say had been pasting the ranks with missiles. - A. They couldn't see them, but as soon as they got through the Police ranks they themselves were thrown at and they are the people they should have arrested.
- Q. The people they should have arrested? - A. Yes.
- Q. That is not what happened, is it? - A. Well, I'm sorry, but I didn't go through the Police lines.
- Q. But you were watching very carefully. - A. Yes, on a lot of
- Q. But you were standing right behind the horses. Weren't you standing behind the Police cordon in your white shirt? - A. Yes.
- Q. You told the ranks to break and stand all together to the left and the horses go through? - A. Yes, you are right there.

- Q. As they go through on the field - A. Yes.
- Q. Never mind about the road. Once they have gone through, the ranks close up? - A. Yes.
- Q. You watch carefully what is happening? - A. First of all, I attempted to get through the Police lines because I couldn't see anything in the same way as the officers who went through couldn't see anything
- Q. You know what is coming, don't you? - A. No idea.
- Q. No? All right. Now, once the horses had gone through, are you telling us you tried to get through the Police lines yourself? - A. I said for a short time. I then walked along the back.
- Q. No. Did you try to get through the Police lines to have a look, or - A. I tried to get through to stand where I could see what was happening with the mounted.
- Q. What did you do? Did you actually say, "Stand aside. I want to see"? - A. No.
- Q. Why not? - A. Because once the Police lines had closed up again no-one would open them until the mounted officers returned.
- Q. You didn't really make any efforts to get through the Police lines. - A. I attempted to see what was happening by looking over the Police lines, then I walked to the right, down to the junction of the road and the field and attempted to get through there by these bushes, which you have probably seen.
- Q. You didn't try to get through the lines. You were trying to look over the lines. - A. Yes, I tried to get through the lines when I got down to the junction with the road and the field.
- Q. Let us look at the plan. There is a longer one. Where are you looking? Where is it you are going? - A. Just there, that junction there. That is what has been referred to as a small road that joins the main road. Just there are some bushes, or were some bushes, and that is where I walked along to, there.
- Q. JUDGE COLES: Walked to the right, from where to where? - A. I was here. The Police horses went through at about the centre of that small road, because that is where the cordon was. That broke there and went up the field. The ranks closed up again. I tried to see what was happening over the top there, couldn't see anything, walked across to the right to the road junction and got through where those bushes are.

JUDGE COLES: Do you see that, members of the Jury? For the purposes of the shorthand note, perhaps I should say he is behind the cordon formed up along the little road

between the dotted path, reading on the extension there, and the main lane. He says the horses went through about halfway along that little road into what we call the holding field, and he then went towards his right which brought him at the junction of that little road and the main lane.

Q. MR. MANSFIELD: I am not going to ask you to time all this. I appreciate how difficult it is, but do you say you saw nothing of what the short shield unit on the field were doing?
- A. Virtually nothing.

Q. Virtually nothing? - A. Mmm.

Q. I suggest to you, Mr. Clement, that this is what I might term evidence of convenience....

JUDGE COLES: Is that the horses?

MR. MANSFIELD: No, the foot Police, your Honour.

JUDGE COLES: In the field?

MR. MANSFIELD: Yes:

Q. I suggest to you that you know full well what the officers on foot did in the field. - A. I can imagine what they were doing, but I didn't see what they were doing.

Q. Oh, Mr. Clement. - A. How on earth could I see what they were doing?

Q. Was it a situation in which you just sent them in and you didn't really care? Well, if you cared and if you watched, and you are saying you did care but you didn't see, is that it? - A. I didn't see what was happening on the far side of the Police line and, in fact, the only people in that operation who would have seen what was happening were probably the first line of Police Officers and maybe the second will have, but you can't see

Q. Mr. Clement, later that day everyone saw, didn't they, what happened? - A. Oh, yes.

Q. You know what I'm talking about, don't you? - A. Yes, I do.

Q. What is it? - A. I expect I know what you are talking about.

Q. What is it? - A. The incident where a man was hit by a truncheon.

Q. Yes. How many times? - A. Several.

Q. Several. His name? - A. I don't know.

Q. Oh, Mr. Clement. - A. I'm sorry. I don't know his name.

Q. You don't know his name? - A. I haven't the faintest idea.

Q. You made a statement about it, didn't you? - A. I don't remember the man's name.

- Q. Please be careful, Mr. Clement. Now, you are saying you didn't know the name of the man who was hit several times and everyone saw it? - A. Of course everyone saw it. It was on television.
- Q. Yes. Now, I am going to suggest to you that that is not isolated, what happened, what was seen on television, and I will put it to you, not too quickly, but globally, to save time, that the officers on foot went completely berserk when they got beyond the shields. - A. Now, that, Mr. Mansfield, is where you are wrong. I told you what happened.
- Q. How can you know? You weren't there. You didn't see anything Mr. Clement. - A. I am speaking from the television film that you are mentioning because I can identify the officer there.
- Q. Who was the officer? - A. I don't know his name.
- Q. Mr. Clement - A. I don't know his name. I'm sorry. There are 2,872 officers. I don't know all their names.
- Q. But, once it came to public light no doubt you were very concerned to find out what stupid officer hadn't followed regulations. Now, what is the name of the officer? - A. I don't know.
- Q. Did you ever bother to find out? - A. I, at some stage, probably knew what his name was. I don't now. If you tell me his name I may well say
- Q. Just like yesterday, "Tell me the television programme and then I'll remember it"? - A. Well, of course
- Q. Are you saying you can't remember a serious incident like this, under your command? You can't remember who the officer was? - A. Mr. Mansfield, at that time there were 4,600 officers at Orgreave. Since that time I have attended probably 100 incidents where violence has been used. Now, I cannot be expected to remember names of officers involved in certain incidents. Tell me his name and I'll probably say, "Yes, I remember", but I can tell you about the officer because I saw it on television the same way everybody else did. The officer was not a member of the short shield unit.
- Q. We will come to that as well. What is quite clear is that not only the short shield unit went berserk, but certain members of the ordinary ranks also took it upon themselves to go berserk and to go forward - A. No, they didn't. I cannot accept officers went berserk because you also saw the television programme where it was not only Police Officers using violence, there were people aiming at them, people beating them and people surrounding them.
- Q. The short shields went in with such force the people were afraid for themselves and reacted, and one such example was this incident where an officer went berserk with his truncheon and others came to the rescue. - A. Well, if you say that he went berserk, that is up to you.

- Q. Well, you tell me if that is not the case? - A. We saw it and we deplored it.
- Q. Did you? - A. Absolutely.
- Q. Did you? - A. Of course we did because we returned it to the Director of Public Prosecutions just as soon as we possibly could.
- Q. And nothing has happened, has it? - A. Really, to ask me about something about the Director of Public Prosecutions, it is ridiculous.
- Q. Well, in relation to this incident no officer has been disciplined, never mind prosecuted, isn't that right? - A. Right.
- Q. Now, the officer concerned wasn't part of the short shield unit, was he? - A. No, he wasn't.
- Q. So, he certainly wasn't following instructions, was he? Was he? Was he, Mr. Clement? - A. Mr. Mansfield, really ...
- Q. Please answer the question. - A. I can't tell you what he was doing because I've heard a story as to what happened.
- Q. JUDGE COLES: You can say if he was doing what Mr. Mansfield alleges he was doing. Was he or was he not following instructions? - A. Well, he certainly was not following instructions in beating a man about the head with a truncheon. He should not have been where he was.
- Q. MR. MANSFIELD: And he wasn't alone, was he, Mr. Clement? A. No, he was with some short shield officers.
- Q. And other officers with no short shields? - A. Well, the situation became very confused. There was a lot of fighting.
- Q. And totally out of control, is the point I put to you. - A. No, it wasn't.
- Q. That short shield unit didn't head off the missile throwers. Can I put it to you, as you were there but you say you didn't see what they did, the short shield unit behind the horses on the field came out behind the horses and then headed straight for the left-hand side of the field where there were a few trees and a bush or so - A. You are saying this is what I saw?
- Q. No, I am putting this is what the short shield unit on the field

JUDGE COLES: Slow down a little. The poor shorthand-writer is having a terrible time. It has to be taken down. I matter less, but my right hand is distinctly painful.

MR. MANSFIELD: I apologise. I will go more slowly:

- Q. The short shield unit following the horses on the field did not head off the missile throwers as a unit, they just went straight across to the left side of the field towards some

trees where people were merely standing. Is that not right?
- A. Well, you will have to ask them, I'm sorry.

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

Q. And it was during all of that that the man we are talking about - I will put the names: the officer was called Marshall (?) A. Yes, he was.

Q. And the injured person, who also ended up as a Defendant, is Mr. Broomhead. - A. Yes, I remember, yes. He was the man we found working on his allotment that evening and brought him to Police Headquarters to make a statement.

Q. You found him? - A. I understand that was the position.

Q. You went to him and found him? - A. No, no, no. When he was seen on television efforts were immediately made to identify him and I understand officers found him working on his allotment and brought him to Police Headquarters.

Q. Is that what you understood? - A. Yes.

Q. I see. I think he got charged with something, didn't he?
- A. I believe he did, yes.

Q. Yes. Riot, wasn't it? - A. Well, if he was in that sort of situation, I would say, "Yes".

Q. Yes. I see. Whose decision was it that the charges of riot should be made, yours, or someone else's? - A. No. It was the County Prosecuting Solicitors.

Q. Had you decided before that day that riot was going to be used as a charge on that day? - A. Well, I certainly hadn't.

Q. Had you decided before that day that unlawful assembly would be charged? - A. I had, yes, decided before and it seemed to me that that might be used again.

Q. And, in fact, you decided that the very first man who was arrested that day, even before eight o'clock, should be charged with unlawful assembly. - A. I didn't make any decision as to that. My job was operational control.

Q. Whose responsibility is it, then? - A. It certainly would be the Chief Superintendent in charge of a group who liaise with the County Prosecuting Solicitor.

Q. Who is it? - A. Chief Superintendent Stark.

Q. Well, I will leave that for Mr. Stark. Now, did you make a statement to anyone with regard to the incident we have just been dealing with? - A. Yes, I did.

Q. When did you make the statement? - A. Some time that day.

Q. On the 18th? - A. I feel sure it was.

Q. Right. Well then, as we are coming up to lunchtime certainly, if it is possible, I would like to have sight of the statement

you made on the 18th about the incident, but before we go any further, did it deal with anything you saw on that day yourself, or is it merely an opinion about things you have ..
- A. No. I saw something on television and, same as most of us did, I was asked an opinion about that.

- Q. You made what the Jury have already heard, you have said, "I made a note between 2.30 and 5.30", typed out by a Mr. Smith. That is not the statement we are talking about now. - A. Which statement are we talking about?
- Q. About the incident in relation to Mr. Broomhead. - A. I'm sorry. I thought you meant the statement to the Prosecution. I'm sorry. Crossed lines.
- Q. Did you make a written statement about the Broomhead truncheon incident? Did you make a written statement to the Police authorities about that? - A. I believe I did.
- Q. Right. Now, when did you do that? - A. I don't know. I'm not sure.
- Q. And did it concern what you had seen? - A. In relation to?
- Q. Mr. Broomhead? - A. It referred to Broomhead, yes.
- Q. Well, I will be particular because, again, there are various rules and I am certainly trying to abide by them all. Does the statement merely give an opinion of what you had seen on television or does it really deal with the surrounding events as you saw them? - A. I don't know. I can't remember the statement.
- Q. You can't remember it? - A. No. I was asked to supply a statement because I think it might have been for disciplinary purposes for consideration by the Director of Public Prosecutions.
- Q. Yes. - A. I think that was at the Director of Public Prosecutions.
- Q. You think it was at the Director of Public Prosecutions? - A. Yes.

MR. WALSH: I cannot help at the moment. I have no knowledge of such a document.

MR. MANSFIELD: If it can be made available?

THE WITNESS: I'm not even sure I made one. I'm sorry. I'm not even sure I did. If I did, if I did, it was for disciplinary purposes, I would think, and for consideration by the Director of Public Prosecutions.

- Q. MR. MANSFIELD: I suggest to you - I have reason to suggest to you, you did give a statement. I can't say when you did it - A. No.
- Q., but you did, and it may well have been for the purposes of any disciplinary hearing that was going to be heard, but you did make a statement, that's right, isn't it? - A. I

think it is fairly likely.

Q. Fairly likely? - A. Yes.

Q. If it can be found, obtained, I don't mind if you refresh your memory, but I will leave it for the moment. - A. If it's in existence.

Q. If it is in existence, yes. Now, you are saying you saw nothing of what happened on the field because you were walking along the back trying to get through by the bush and all the rest of it and you only saw what was on television? - A. No. You asked me if I had seen what happened on the field as the units went through and then veered across to the left. I didn't see anything of that. I walked along part of the Police lines to the road. I was then able to get to the front and I then could see up the road and I could see some action on the field.

Q. Were you behind the Police lines when people were brought through? - A. At what time?

Q. Well, after this surge forward by mounted and foot Police. - A. I don't know.

Q. Well, what I will do - I don't want to take up any more time on it. What I will suggest to you is that on this day as a whole a large number of pickets, demonstrators, miners, whatever you want to use as a term, suffered severe head injuries, didn't they? - A. I understand so, yes.

Q. Yes. To the back of the head, didn't they? - A. I can't say that.

Q. Truncheon blows to the back of the head, didn't they? - A. I can't say that.

Q. So, did you see truncheons being used at all this day? - A. Yes, I did.

Q. On people's heads? - A. They were being struck by Police officers who were being viciously attacked. I saw truncheons being used.

Q. JUDGE COLES: Did you see any being used on anybody's head? - A. I can't specifically say I saw blows landing on heads, but I would imagine that some would.

Q. MR. MANSFIELD: Did you take care at any time to tell anybody not to hit heads? - A. No, because that is a general instruction to all Police Officers, when you use your truncheon use it only in dire circumstances to effect the arrest of violent people or to protect yourself, and when you aim your truncheon, if at all possible, avoid the head.

Q. You certainly don't aim it at people who are running away, do you? - A. Well, I certainly wouldn't.

JUDGE COLES: Shall we all run away until quarter-past-two?

2.15 p.m.

MR. WALSH: Your Honour, I have now instalment four.

JUDGE COLES: Yes. (Handed)

MR. WALSH: I am obliged. The other matter, to assist the Court, I have caused enquiries to be made over the adjournment to see if there is any, as it were, other statement in writing made by Mr. Clement and there is not. Physically, there is, but it is in exactly the same terms as the statement that the Court and my learned friends already have.

JUDGE COLES: Yes. Thank you, Mr. Walsh.

- Q. MR. MANSFIELD: Finally, Mr. Clement, dealing with the question of the use of truncheons on that day, if an officer does use his truncheon - or perhaps I ought to take it in stages - if he draws his truncheon for any reason, does he have to write a report afterwards? - A. In normal circumstances, yes, but on the occasion I instructed the short shield carrying officers to draw their truncheons, I gave the instruction
- Q. Can we just distinguish it? If officers in a cordon, not short shield, drew their truncheons on that day for any reason would they have to make a report? - A. Yes, I would expect them to, that is, if they were attacked and used their truncheons actually on the cordon.
- Q. I appreciate the context in which you put it, but if an officer drew his truncheon for any reason that day, if he draws his truncheon on that day, not short shield, does he have to make a report? - A. No.
- Q. If he draws his truncheon, not short shield, and uses it, for whatever reason, on that day, would he have to make a report? - A. Yes, he would.
- Q. In what form? - A. I would expect him to have something in his notebook. I would also expect him to submit just a short report saying the circumstances of it and then, of course, he would cover the whole incident, if there was an arrest, in the arrest report.
- Q. Would he put a short report - I'm sorry to be so particular, but so we know what we are talking about, is it a little bit of paper or a special bit of paper which goes into a file? - A. No. That is a report with a heading on it. It is not designed specifically for describing incidents where truncheons are drawn. It is used for describing a variety of circumstances.
- Q. What is it called? - A. A small report.
- Q. I'm sorry? - A. A small report. It would have "South Yorkshire Police", date and subject and then there would be, "Use of Truncheon".

- Q. Fine. Did you yourself, on the 18th or the 19th, or thereafter, have to look at any truncheon reports? - A. No, I didn't.
- Q. Now, I want to just go forward, dealing with other things, and as people were brought through the lines you have already said that you yourself didn't see these injuries to the back of the head. - A. Right.
- Q. Did you see, as miners were brought through the cordon, that they were being kicked and punched and spat upon by officers as they were brought through the cordon? Did you see anything like that? - A. I did not. I saw some very violent struggles.
- Q. Yes. Put up by miners against Police Officers, is that it? Did you never see Police Officers just giving them a little clip round the ear or a little bit of kicking as they came through? - A. To answer your first question, miners against Police Officers, yes. Secondly, I saw no gratuitous violence. I saw vicious struggles.
- Q. Most miners were brought through by two Police Officers on either side, weren't they, most of them? - A. By two Police Officers?
- Q. One Police Officer on each side of the miner? - A. Yes.
- Q. Often walking them backwards? - A. Yes, that's right, which is the normal way of arresting a violent person.
- Q. So, if they are not putting up any struggle that is not a particularly good way of arresting somebody, is it? - A. If they are not putting up a violent struggle, no, but if they were putting up a violent struggle at the time they were arrested that is the normal way of bringing them through the Police lines.
- Q. And is it an armlock around the head? - A. Yes.
- Q. That is a very dangerous way to do it. - A. Yes, it is.
- Q. Because it can lead to blood not reaching the brain. Do you know that? - A. If it is applied for a long time, I suppose it could.
- Q. You saw miners being taken, head locked down, walked quite a long way in that position? - A. Yes.
- Q. Did you have a single word to say about any officer who did that? - A. Yes. Every officer brought through was told to take him as quickly as possible to the charge area.
- Q. In case he is dead by the time you get there?

JUDGE COLES: No need to be flippant.

MR. MANSFIELD: I am not being flippant. These were very serious armlocks.

THE WITNESS: That's because, as I have said, it was a very serious situation. There were some very serious

attacks made on Police Officers. There were some very serious offences committed.

- Q. MR. MANSFIELD: These armlocks can cause death within minutes. - A. I suppose any sort of locks like that could. There is no suggestion anyone went unconscious, anything like that?
- Q. No. Mr. Broomhead didn't. He was virtually in tears as he was brought through the lines. Did you see that? - A. No, I didn't, no.

MR. MANSFIELD: Could I take some advice for a moment about Mr. Broomhead? I am not quite sure what I can say about him because it suddenly occurs to me that something is in progress in relation to Mr. Broomhead and the officer concerned.

JUDGE COLES: All right.

MR. MANSFIELD: I don't mind to perhaps leave that and take advice at the end of the day because I am conscious we have had a number of breaks. I won't ask any other questions for the moment if it is desirable.

JUDGE COLES: It is not being suggested that Mr. Broomhead was brought back with a headlock?

MR. MANSFIELD: I was going to suggest that, but I will make sure first. I will make it plain that there is some discussion because of various things

JUDGE COLES: It doesn't matter if there was an arm around his head, whether it was round his neck, to be precise:

- Q. You didn't see Mr. Broomhead in tears. Did you see him come through the lines at all? - A. I didn't see him at all, your Honour.
- Q. MR. MANSFIELD: I will leave it there. Going on from what you saw, or rather, didn't see happening, we have dealt now with the long shields, horses, short shields, truncheons, but those aren't the only things you deployed that day. I suggest from an early stage - A. Are we talking about dogs?
- Q. Yes. - A. Ahh.
- Q. Yes. We went through where you positioned the horses from a fairly early stage in the day yesterday. - A. Yes.
- Q. You didn't agree about a particular field, but I suggest they were there at a fairly early stage in the day in addition to the horses and you had positioned them strategically around the top side area, the men with dogs. - A. Yes. Right.
- Q. How many had you got on duty that day with dogs? - A. On the topside area?
- Q. All together? - A. Well, I can't exactly say how many I had at eight o'clock, or whatever it was, but certainly on the topside area there were about twelve.

Q. Twelve? - A. Right.

Q. JUDGE COLES: Twelve men and twelve dogs? - A. Yes, twelve men and twelve dogs.

Q. On topside? - A. Yes.

Q. MR. MANSFIELD: Dogs are even more difficult to control, or can be, in crowd situations, than horses, can't they? - A. Of course, yes.

Q. And there have been various recommendations to Police authorities that they should not use dogs in crowd situations, haven't there? - A. Well, the use of dogs is a totally acceptable option for a Police Commander with a situation as serious as this and, secondly, the vast majority of the dogs were used on perimeter control, which is at the rear of the coking plant.

Q. We will come to that, but there were recommendations going back - and you think you wrote this manual? - A. No, I didn't. I had a hand in looking at some of the material and checking it.

Q. I thought you said you wrote it, but you say you contributed towards checking it and that was in 1981? - A. That was after the inner city riots.

Q. Yes. One of the recommendations that came out of the Lord Scarman enquiry was that dogs should not be used. Did you know that? - A. No, I didn't.

Q. Did you know other people were suggesting that dogs should not be used in this sort of crowd situation? - A. When you talk about this sort of crowd situation, are you talking about the most serious public disorder situation in the country?

Q. I am talking about an assembly, quite peaceable, of fairly large numbers of people. - A. I never saw a peaceable assembly of a fairly large number of people at Orgreave on the 18th June.

Q. I see. But, you have already agreed that up to at least 7.30 there were 700 to a thousand pickets with no trouble ... - A. With others streaming in.

Q. Wait a minute - with no trouble? - A. Right.

Q. So, you did see an assembly of a large number of people, with no trouble, at Orgreave on the 18th June, didn't you? - A. No. I saw a very serious disturbance that eventually could create trouble.

Q. When were the dogs brought to Orgreave on the 18th? - A. The dogs were brought very early.

Q. Just how early were they there? - A. They were certainly there by 6 a.m..

- Q. By six o'clock? - A. That's right.
- Q. And you had them situated, to be particular, in the fields surrounding the topside, didn't you? - A. No, they were not. I can tell you where they were.
- Q. Well, let's just look at the aerial photograph. I dare say you had them all over the place, but looking at the topside on the aerial photograph we see - I call it the yellow field on the topside, the field there. I have filled it in in yellow. Do you follow? - A. Yes.
- Q. As we look at the photograph, in the field, to the left of it as you look at it, or just below it, on the other side of Highfield Lane? - A. Yes.
- Q. Do you see that big one there? - A. Yes.
- Q. Did you have dogs in that field? - A. Not exactly in that field. They were a little further along, but they were over that hedge you can see.
- Q. JUDGE COLES: Do you mean out of the picture on the left? - A. Exactly, your Honour. Just down here there's a line of coal tips, spoils, where, on previous occasions, a large number of demonstrators had tried to go over those coal tips and come across those fields. Therefore, earlier on on the morning of the 18th I situated some dogs along the bottom of the coal heaps and I also put them along the railway line here. You can't see it. I put them along the railway line there, and also
- Q. Just take it a little more slowly. - A. Yes, and also the vast majority of the dogs were covering the whole perimeter of the Orgreave coking plant.
- Q. MR. MANSFIELD: Now, I am interested in the position of people who were in the topside area, and you appreciate that, in fact, there were problems with the dogs that day, weren't there? Dogs actually did bite people that day, didn't they? - A. Dogs bit people, plural?
- Q. Plural. Well, that day - I will be careful - at least one person was bitten by a dog on that day. - A. A person was bitten by a dog accidentally because the dog was on a long lead and a woman came out of a building and ran across the path of the dog, which became excited and bit her. That was the one person.
- Q. A woman making sandwiches got bitten by a dog. - A. She was bitten by a dog on a lead.
- Q. I take it from all of your comments you would use dogs again? - A. On perimeter control, I certainly would.
- Q. It was a little more than perimeter control. - A. No, it wasn't. There were no dogs used in the situation at Orgreave where they were controlling, facing large numbers of demonstrators, other than on one occasion.

- Q. On this day they were close enough to the topside for people in the topside area to hear dogs barking quite regularly in a not too distant area. - A. Well, you could hear dogs barking. Certainly, I could have heard them barking a mile away.
- Q. No question of people running into the woods to get away from Policemen on the edge of topside because that is where the dogs were? - A. Which edge?
- Q. Up here. - A. Yes.
- Q. You agree? - A. Yes. The dogs were positioned at the back, along the railway line.
- Q. I will come to exactly where people could only run to
- Q. JUDGE COLES: Wait a minute. The railway line steeps right round. I think some of us, indeed all, saw it when we crossed the railway bridge. Do you talk about the railway line, the one which, after it passes under that bridge, steeps off up to the trees? - A. No. This one here.
- Q. No. I am talking about the private line, about the one that steeps round here. - A. Yes. It is a private line which was used for the movement of coal between Drayton colliery, which is in the background there, and the coking plant.
- Q. Now, would you just please hold your aerial photograph up so the members of the Jury and counsel can see the land? - A. Yes. Here is the entrance to the coking plant, where the lorries entered, and just along the side here there is a length of railway line which curves round towards the coking plant. Now, that is the area I am talking about, and I will give you the reason for putting dogs there, if you wish.
- Q. MR. MANSFIELD: I think you have just agreed if people wanted to disperse, quietly or otherwise, from topside, one place which would be fatal to run towards would be those trees because that is where the dogs were. You agree? - A. It would have been dangerous for them to go in that they were going on to private property. There was plenty of room for them to move otherwise.
- Q. In the woods, where the dogs in the field were?
- Q. JUDGE COLES: Just a minute. I don't want you to get ahead. I want to make sure I am making an accurate note. The dogs were patrolling the private railway line? - A. Inside the coking plant, your Honour, yes.
- Q. Did you say it would be dangerous for demonstrators to go into the woods? - A. Yes. The demonstrators were lined up here, on the yellow portion.
- Q. Could you turn it so everyone can see? - A. I'm sorry.

- Q. The demonstrators to leave the holding area and go into the woods, is what was put to you. - A. Yes.
- Q. MR. MANSFIELD: If they went in to disperse them that day - and I appreciate your view is the opposite of mine, but if they went there to disperse, you agree it would have been dangerous? - A. Certainly, because of the dogs patrolling the railway line.
- Q. Yes, in addition to the dogs in the woods? - A. When you say, "in the woods"
- Q. JUDGE COLES: We must, please, have questions and answers. Did you say, or did you not say, it would have been dangerous to go into the woods? - A. As far as the railway line, yes.
- Q. In other words, it would be perfectly safe to go in the woods up to the railway line but not beyond? - A. Because dogs were on the railway line with their handlers, on leashes.
- Q. MR. MANSFIELD: And in the trees from time to time, weren't they? - A. Well, I certainly didn't see them in the trees. I saw them on the railway line.
- Q. But, in addition to that? I will hold it up - dogs in the area of the woods, along the railway line. You have horses positioned in this big field - A. No. At no time did I position horses in that big field.
- Q. Well, we went through this yesterday. You said they were exercising. Who was on - A. No. I said what happened was that horses at the back there had been standing for perhaps two hours, something like that, and were exercised along that edge of the wood.
- Q. Then, I will put it to you. I will suggest to you, in the clearest possible terms, that from the time the long shields went out, whenever that was before eight o'clock, or just after, there were horses, seven of them, positioned facing the topside field, near the edge of that large one. - A. No. I should point out, if you wish, where those seven horses were positioned.
- Q. JUDGE COLES: Those are the horses, the seven horses of which you said one was white? - A. I know the officers who were riding
- Q. MR. MANSFIELD: Show me. - A. In this yellow field where the Police line is drawn up on the small road, and the majority of the demonstrators are to this side, or all the demonstrators are to that side of the small road and the seven horses were positioned by me directly at the top of this field, the yellow field, facing in towards Highfield Lane.
- Q. I will accept that, but the position is, therefore, that if people wish to disperse from this field they couldn't go down Highfield Lane because of the cordon, couldn't go into

the woods on one side because of the dogs, couldn't go into that large field because there were horses positioned as you have just placed them, couldn't go the other side of the road because, I suggest, there were dogs in that vicinity - you have put them further out of the picture - and the only way out was over the bridge, wasn't it? - A. No, no. Not at all.

- Q. Just tell us which way out these 6,000 people had. - A. If those demonstrators had turned round and walked away from the Police lines there wouldn't have been a hand raised to stop them. If they were merely going to walk away they could have walked up the field, they could have walked past the seven horses, one of which was white, they could have gone up the field without let or hindrance.
- Q. That is not the question. The question I put to you was the only way out, walk or run, or any other way, of the situation that you have policed, is over the bridge, isn't it? - A. Oh, eventually, yes, but whether there were Policemen there or not that is the only way to leave that area.
- Q. We will come to that, if that is the only way ... - A. The only lawful way is to walk up the road, not walk across the farmers' fields.
- Q. There is an open, public towpath and track across the top of the fields, isn't there? - A. Which field?
- Q. The large field to the left as you look, where, in fact, demonstrators were ushered in by Police - A. To the left of the field?
- Q. Yes....
- Q. JUDGE COLES: Was that blocked? - A. Yes. I had put three dogs at the bottom of the spoil heaps on that side, the far side of the field.
- Q. MR. MANSFIELD: The truth of the matter is that you blocked off most of the exits except for the bridge, didn't you? - A. There aren't a number of exits.
- Q. Well, we have just dealt with one. The learned Judge put to you, "Was it blocked?". - A. I didn't say it was blocked.
- Q. The learned Judge asked you, "Was it blocked?" and you said, "Yes, three dogs". Do you want to change that? - A. I said I put three dogs at the bottom of the spoil heaps. If people had walked along the field and had caused absolutely no trouble they could have walked past three dogs and run away.
- Q. Like the woman with the sandwiches, do you mean? - A. You know and I know that was the sort of thing that could happen with a pet dog, a woman running in front of a dog and being nipped.
- Q. We have dealt with all the various things you had deployed

that day. Something else you deployed shortly after the events we have so far been dealing with were officers who had no, or for whom there was no manner of identification, numberless officers were deployed that day. - A. There were some officers deployed whose numbers were not visible on that day, yes.

- Q. They were what you might call boiler-suited officers, weren't they? - A. That's right.
- Q. Who went up the road behind the horses? - A. Yes.
- Q. Now, I want to know a little bit more about it. Is that a PSU? Were they members of a PSU? - A. Yes.
- Q. Which one? - A. Well, I've already told you that they're the carriers of the short shields and those very same forces wear the boiler-suited type of covering.
- Q. Which force had the boiler-suited covering? - A. I can't tell you. I don't know.
- Q. You are concerned, are you not, to know which units are doing what on this day? - A. I could tell you which units are which by referring to a log which was kept at the time. At this moment in time I can't tell you where those officers come from. They were part of my 4,600.
- Q. Were you happy that Police Officers deployed by you on that day were going into the public, which public had no way of knowing who they were other than Police in boiler suits? - A. No, and we changed it.
- Q. You may have changed it later. - A. Mmm.
- Q. I am asking if on that day ... - A. No, because officers were sent to us. We merely requested a number of officers. They came. They were dressed in that boilersuit and they had no numerals.
- Q. You noticed that before they went up the road, did you, Mr. Clement? - A. Yes.
- Q. You had plenty of time. Let's just go back a stage. The short shield unit that went in behind the horses and then the incident with Mr. Broomhead, they weren't wearing boilersuits, were they? - A. No.
- Q. They were wearing the ordinary Police uniform, the helmet, a short shield and truncheon? - A. Yes.
- Q. Now, the PSU with boilersuits should have worn their ordinary uniform, shouldn't they? - A. If they had come in ordinary uniform, yes.
- Q. So, underneath the boilersuits they didn't have any other uniform? - A. I would have thought just a shirt.
- Q. Can you say? Do you know? - A. No. I don't think they had a tunic on.

Q. Now, were any of the West Yorkshire Police Officers wearing boilersuits that day? - A. I don't know.

Q. Well, I want you to think carefully. - A. Well, it's twelve months ago and it's impossible to say.

Q. Is there a special set of initials or a little label that the West Yorkshire Police might use on a boilersuit? - A. Yes.

Q. What would it be? - A. It would say, "West Yorkshire Police".

Q. It would be written on? - A. Not if it's the same as ours. Ours, of course, is the South Yorkshire Police, which we wear on anoraks. It's merely a piece of material with "South Yorkshire Police" in stitching and that is fitted to the breast pocket.

Q. Right. Now, a number of boilersuited men had that stitched on, didn't they? - A. Yes.

Q. The West Yorkshire Police? - A. Oh, and others, yes.

Q. Now, you knew before they went out that that is what they had? - A. Yes.

Q. You are saying that. Well, first of all, were you happy about that? - A. No.

Q. Did you say anything to anyone about it? - A. Yes. We spoke - I spoke to the Chief Inspector.

Q. Who was? - A. I don't know.

Q. You don't know? - A. No. Again, this is twelve months ago. He is a Chief Inspector.

Q. The Chief Inspector likely to be in charge of serials who went up? You say he may be a witness in this case? - A. Yes, he probably is.

Q. We can ask him about it as well. You say you spoke to the Chief Inspector, saying you were most unhappy about these officers going out in this kind of uniform? - A. I said, there is something wrong with the uniform.

[Faint, mostly illegible handwritten text, possibly a continuation of the transcript or a separate note.]

[Faint, mostly illegible handwritten text.]

[Faint, mostly illegible handwritten text.]

Q. Must wear the Police collar number? - A. Right.

- not
- Q. Did you think it might be expedient/ to send those officers out if they didn't happen to have their tunics on them? -
A. Obviously, it is better not to send them out.
- Q. Why did you? - A. Because they were there to be used and I had to use them because they were specialised units and the fact that they weren't identifiable was regrettable, but I could not use that option simply because they weren't identifiable.
- Q. And, again, you don't know the Chief Inspector's name? -
A. Who I spoke to about all of this, no, but we kept records as people came in and if you really want to know I could find out from the PSU booklet as to who the senior officers were, in charge of all the units who came.
- Q. Well, I only want to know about the Chief Inspector, so you know what it is we are talking about, in charge of the boiler-suited units. - A. There were a number of boiler-suited units.
- Q. Did you speak to all the Inspectors? - A. No. I spoke to the Chief Inspector who was in charge of a unit which had no serial numbers visible.
- Q. Now, I want to move on from that. There comes a time - well, the convoy has gone in at 8.10, the use of Police Forces without warning, then the lorries leave at about 9.25? -
A. Yes.
- Q. I just want to deal with this: There was absolutely no question of the convoy, or rather the pickets having the chance to speak to the convoy on the 18th, was there? -
A. From my point of view, no.
- Q. Right. In fact, you were endeavouring to get the convoy out in the fastest possible way, weren't you? - A. Absolutely right.
- Q. And the order went out, "The convoy will leave at speed"? Is that right? - A. Well, you are telling me. I didn't give the order. I didn't hear the order.
- Q. Didn't you? - A. No.
- Q. You see, the case was opened to the Jury - I know you weren't in Court - about daily efforts to ensure the pickets spoke to the lorries, and so on, and on the 18th it wouldn't have been remotely possible. - A. Of course it would have been possible if the lorry drivers had wished to do it.
- Q. It was all being highly organised inside the works and the lorries were quickly off. - A. Of course, they were.
- Q. Had a land rover at the beginning and a land rover at the end? - A. Yes.
- Q. Motorcyclists on either side? - A. On the 18th, probably, yes.
- Q. And they would go out - how many lorries, approximately? -

A. 35.

Q. They were out of those works inside about six minutes. -
A. Yes. Slightly more than that because we used to have a slow break halfway between.

Q. Ten minutes? - A. About ten minutes.

(sic)
Q. To get 30 lorries out, leaving the main entrance, actually coming out of the main entrance at some speed? - A. Not all of those because they have a very sharp right-hand turn.

Q. And there was no possibility of not only speaking to the lorries, or even getting in there, where you would have got killed, wouldn't you? - A. Of course you would.

Q. And, just going back, you were asked by Mr. Walsh on Friday about what had happened in the past. Mr. Jackson, who I represent, had actually been on the gate on a number of occasions. Had you ever seen him? - A. Which is Mr. Jackson?

MR. MANSFIELD: Will you stand up, Mr. Jackson, please?:

Q. That is Mr. Jackson. Had you ever seen him on the gate? -
A. I don't think so. I'm not disputing that he was on the gate, but I can't recognise him.

Q. I am not suggesting he was there every day, but on a large number of occasions he was, and as far as I can put it the lorries never did stop before the 18th, did they? - A. Yes, they did.

Q. Now, you indicate that there was at least one occasion when they did because of something you did? - A. Yes.

Q. I am not going to take a lot of time. I would just like you to tell us the date and whether you have any record of this whatsoever. - A. No, I haven't, but

Q. When was it? - A. I can't be sure of the date, but I remember seeing it on television. I remember the lorries stopping at the gate. I remember hearing the remark of the leading lorry driver which was picked up by the television sound instrument when the picket spoke to him.

Q. How long before the 18th? - A. I'm not sure. I spent days and days and days watching lorries go in and out. I can't be sure.

Q. Is it also right that workers within Orgreave itself also picketed the use of non-Union labour? Is that right? On these days? - A. Workers?

Q. The workers whose rights you say you were protecting, the workers. - A. Are we talking about the rights of the lorry drivers?

Q. Did you prohibit the steel workers, at any stage, from picketing? - A. No.

Q. The loaders in there who came out whenever the lorries

came in because they were loaded by non-Union labour? -
A. No.

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

JUDGE COLES: What did you say? Steel workers?

MR. MANSFIELD: The loaders who loaded up the lorries, the normal steel workers came out and British Steel employed other labour to do that.

THE WITNESS: I don't know about that, no.

Q. MR. MANSFIELD: Now, when this convoy left on the 18th at 9.25 - A. Yes.

Q. you indicated there was a surge of people, and so on, to the right, and that lasted for how long? Ten minutes? - A. The actual surge up against Police lines, yes.

Q. Ten minutes? - A. Something like that, yes.

Q. Not an exaggeration, is it, Mr. Clement? - A. Well, it's not myself who exaggerates.

Q. Isn't it? I see. Very well. It could not be 58 seconds, could it? - A. 58 seconds?

Q. That's right. - A. Ridiculous.

Q. Ridiculous? - A. Yes.

Q. Thank you. So, that is a ten minute surge with lots of people getting injured and so on, I have no doubt? - A. Yes, that's right. There were some people injured. I don't know how many.

Q. It is then I want to ask you, or thereabouts, very carefully: We have now come to a situation where the convoy has gone and we have the rest of the day ahead. When was it that you took the decision to clear the topside? - A. Having seen the lorries on their way, I spoke to other senior officers there, and by this time we are talking about half-past-nine. Now, I personally had already been at Orgreave five and a half hours. There were other officers who had actually been standing on the cordon for hours....

Q. I'm sorry. We don't need another explanation. Could you just answer the question. When did you take the decision to clear the topside? - A. It would be very shortly after the first lorry left.

Q. Now, looking at that period of time - A. I would say shortly after the lorries had left.

Q. For argument's sake let us say from about 9.30 you took that decision? - A. They started coming out at 9.25. You have said ten minutes. Some time after that.

- Q. Perhaps. Now, looking at the rest of the morning, 9.45 right through to the time when you go up to the bridge and beyond and eventually look at your watch and see it is 1.25? -
A. Yes.
- Q. Do you say that essentially there is just a continuous riot going on throughout that period of time? - A. There was certainly a continuous riotous situation going on throughout that time.
- Q. Which means what? - A. Which means that there was a large number of hostile demonstrators facing the Police and there was throwing of stones throughout the morning.
- Q. Right. Now, as you have said, you don't exaggerate about the length of the push and the number of missiles. So there is no mistake, you can change that now if you wish. This is 9.45 to 1.25, a continuous riotous situation with a large, hostile crowd throwing stones? - A. Not all of them. There was stone throwing.
- Q. At a sufficient number throughout that time, causing problems for the Police line? - A. From time to time, yes.
- Q. Throughout that time? - A. Throughout that time, yes.
- Q. Throughout that time? - A. Yes.
- Q. I suggest, Mr. Clement, in the clearest possible terms, that not only is it an exaggeration, it is a lie. - A. Well, if you bring intelligence to that effect, fair enough. I am saying that was a riotous situation.
- Q. Well, we will deal with it. I'm sorry to take time. I will suggest there was no riot going on. - A. At Orgreave that day?
- Q. Well, at Orgreave, but I will deal specifically with 9.45 to 1.25. Now, first of all, what were you doing at 9.45 when this riotous tumult was around? What were you doing? - A. Well, firstly, I was at the back of the Police lines. I spoke to a number of senior officers.
- Q. Yes? - A. I discussed various administrative matters, for instance.
- Q. Yes? - A. The logistic problems, and then said that I was considering clearing the whole Orgreave area, and I gave the reason to them for saying that.
- Q. The reason you have given to this Jury? - A. Yes, that I couldn't tolerate that sort of situation any longer. We had been there by that time something like three and a half hours.
- Q. You couldn't have allowed a sort of cooling-off period? The next convoy wouldn't even go in until twelve o'clock. - A. They could have cooled off during that period after 9.25.
- Q. For ten minutes? - A. No. I said at 9.25 the lorries started going out, 9.35 they had gone. I then started

talking to my officers, discussing other matters, administrative matters, all of which took time.

- Q. How long? - A. Well, I don't know. 20 minutes, something like that.....
- Q. Near to ten o'clock. - A., and I then called the sector commanders together and said I was considering clearing the area.
- Q. Considering a cooling-off period? Did you, in fact, consider a cooling-off period? - A. That was the cooling-off period.
- Q. That was long enough, was it?
- Q. JUDGE COLES: So, no action until about ten o'clock?
- A. Something like that, your Honour. About that time.
- Q. MR. MANSFIELD: And then the action began? - A. Well, I began telling people what I was going to do.
- Q. Yes. When did the action begin? - A. Fairly shortly after that.
- Q. Fairly shortly after that? - A. I would think within half an hour after that.
- Q. Shortly after ten, within half an hour? - A. I would think so, yes.
- Q. That is the three-stage move up the field, is it? - A. That was the start of it, yes.
- Q. Anything else you were doing in this period before the three-stage move up the field? - A. That I, personally, was doing in that period of time?
- Q. Yes, whilst this riotous assembly was there, on your account ..

JUDGE COLES: You mean before the actual move?

MR. MANSFIELD: Before the actual move.

THE WITNESS: I think there was a Press Conference.

- Q. MR. MANSFIELD: Yes. I am going to make it clear to you, Mr. Clement, that for a very substantial period that morning, after the lorries had left, absolutely nothing happened on the top field and, in fact, at one stage it was virtually devoid of people. Now, is that correct? - A. No, it isn't.
- Q. No, it isn't. You smile? - A. Yes, absolutely. You mean everybody had gone away?
- Q. Yes. Virtually everybody had gone away, and I will put some examples of what was going on: One man was lying alone in front of the cordon on the ground and a few others had races in front of the cordon. Others had gone to Asda to get drinks. Everything had cooled down. - A. I should think

some went to Asda, I should think some went. They weren't all violent.

Q. There was no stone throwing going on during that period, was there, Mr. Clement? - A. Of course there was.

Q. It got so lax during this period, Mr. Clement, did you ever remove the riot shields? - A. Yes.

Q. When did you remove them? - A. For a very short period of time they were moved, maybe about eleven o'clock, I think, but almost as soon as they were taken away - and the purpose of moving them was to get them something to eat and drink - and almost as soon as they were taken away they were called back again. I think that was about eleven o'clock.

Q. Was it? - A. I think so.

Q. They were removed for quite a substantial period of time and the front rank had no shields at all. - A. They did. There were a number of shields left in the front rank, but the others were brought round to the command post to be given something to drink and eat.

Q. There were no shields at all on the front rank, then a few appeared on the road and then the rest came back along the front line later. - A. There would never be a situation at Orgreave that morning when there were no long shields available.

Q. I don't mean available. No long shields at all. - A. Yes, there were. They weren't completely removed. They were substantially removed for the purposes of feeding, but the long shields remained at the front, as I have said, because it was spasmodic stoning.

Q. What happened was that people, as I suggested to you, for a very long period on this morning, some time after ten o'clock, really disappeared from the field all together. There wasn't any stone throwing of any substance at all during that period and people, both Police and miners, who were there were taking refreshment. It was a totally different atmosphere all together. - A. Of course it was, yes.

Q. Not the continuous riot that has been portrayed to this Jury by the Crown and by you. - A. Yes, it was. If a riot starts at a certain time and the action continues, whether it becomes intense or less intense, peaks and troughs, the riot is continuing until the rioters disperse.

Q. JUDGE COLES: There is some instalment where both sides take time out for refreshment? - A. I think that is absolutely right. There was a time when the stoning was very light. As I have already explained, there was a situation where the officers were looking out and shouting, heads up, and moving out of the way of the stones. There were other situations. There was a period when the stoning was very light.

Q. MR. MANSFIELD: Non-existent. - A. No. There was

always stoning. One could never be sure that if you went away you weren't going to get hit by a stone.

Q. You have to say that, Mr. Clement, because you have to justify what you later did, haven't you? That is why you go on and on about stoning because you took the horses and the short shields up the field. You won't consider for a minute that there was even one hour of really, virtually no action of any kind, will you? - A. An odd stone going across during that hour?

Q. I wasn't there. I am putting to you an hour in which virtually nothing happened. There was no trouble, no injury, no shower of stones, no demonstrators in front of the shields. - A. There was a period when there was much less activity, when it was light stoning, but there was never a period when the Police lines were not confronted by people who had been rioting.

JUDGE COLES: I'm not sure how far apart you are. It seems to be a question of degree.

Q. MR. MANSFIELD: Well, I put to you, Mr. Clement, in this period. That is why I was careful to ask you about your description of 9.45 through to 1.25. You have given it. I gave you time to change it, and you said, "throughout that period", and you repeated it, the word, "throughout", a continuous riotous assembly, a large crowd, hostile, throwing stones. - A. Right.

Q. Throughout? - A. Throughout.

JUDGE COLES: He added, "From time to time".

MR. MANSFIELD: I got him to say, "throughout", twice.

JUDGE COLES: Perhaps you did, because you put, "throughout" twice, but he added and insisted on adding, "from time to time".

MR. WALSH: Yes. I have that note as well.

Q. MR. MANSFIELD: All right. Was there a period of about an hour when there was really nothing happening? - A. No.

Q. "From time to time" - I don't want to quibble about this, Mr. Clement, but what you meant was a short gap of a few minutes. - A. No, I didn't.

Q. Was there a period of much longer than that when there was no stoning at all? - A. Yes.

Q. How long do you say? - A. Possibly ten minutes and then a stone would be thrown.

Q. Then a stone would be thrown? - A. Right.

Q. This is your definition of a riotous assembly? - A. No. I am saying it is my definition of a continuing riotous

- Q. Which merits the charging of horses up the field? - A. No, because it changed after that period of time.
- Q. I see. You were giving a Press conference after the lorries had left, weren't you? - A. Yes.
- Q. What time was that? - A. I'm not sure.
- Q. Television crews and the rest of it? - A. Yes. Right.
- Q. You certainly felt it was a situation that didn't merit your constant attention. You could go back and give a Press conference. Is that right? - A. Only because I had sector commanders there.
- Q. Did that top field, at any time, virtually clear of people before you ever sent any horses up? - A. No.
- Q. I don't want it to be said later, "This is from time to time", or, "They were a little bit further down", or, "From the time when that top field was virtually clear of people, I hardly can be sure" - A. Can you give me some numbers? I am saying at one time there were up to 3,000 people in the field. When you say it was virtually clear of people, how many people?
- Q. A handful of people. - A. No.
- Q. Right. What do you say, between 9.45 and the time of the three-stage advance up the field, were the numbers in that field facing your Police lines with the ten-minute stone throwing? - A. Difficult to say because they were moving about. Some were going to the top side of the bridge, others coming back, constant movement, but at no time only a handful there. Their numbers were reduced possibly at maximum by 700.
- Q. By 700, which brings us down to about 4,000 instead of 5,000? - A. No. You are talking about the field.
- Q. Yes. - A. No, there wasn't 4,000 or 5,000. I said 3,000 on the field.
- Q. Then, the cordon up to the bridge, either at the road or the field, during this time, 9.45, what were the numbers that were there until the three-stage advance? - A. Not substantial. Less than were there at the height.
- Q. Which is, therefore, how many? - A. 5 - 6,000.
- Q. 5 - 6,000? - A. Right.
- Q. I don't want quibbles about numbers later. You mean not 200. You mean 5,000 there? - A. Right.
- Q. Right. I am suggesting that you are wrong about that. The numbers were down to handfuls. The field was virtually empty and there was maybe the odd stone every twenty minutes, but

that is the most. Now, that is the situation for the bulk of the period until you began your advance, isn't it? -
A. You mean they all return just as I begin my advance?

Q. No. - A. I'm sorry I am such a

JUDGE COLES: It is suggested it remained that way until the advance.

Q. MR. MANSFIELD: Until just before the advance and then people gathered around the electricity sub-station. -
A. There were a lot of people gathered around there, yes.

Q. The sub-station, the Jury may remember seeing it. It is the one on the aerial photograph in the enclosed grass area. There are two. - A. There were many more people up there, as you say, drinking and eating.

Q. JUDGE COLES: Many people? - A. Many, many people, yes.

Q. MR. MANSFIELD: Sitting on the wall, drinking and eating. - A. Whilst up the road, on the side of the field, in the field.

Q. And you decided to charge them, didn't you? - A. No.

Q. No? Because your account is, of course, that there were 5,000 above the cordon. - A. I think not less than 1,000 left that immediate area for a time.

Q. I appreciate that. Now, the advance up the field was led by horses or by men on foot? - A. The advance up the field was led by horses.

Q. At what pace were the horses going up the field or the road? - A. Well, as I have said before, the instructions were always, to any mounted advance, at a walk and then a trot.

Q. Do you say the horses - and I don't want to go through each particular stage - on this three-stage move up the field, never galloped up the road or field? - A. I did see several horses gallop.

Q. Where were they galloping? - A. One was galloping across the top of that field, another one was galloping back down the road.

Q. Quite a lot were galloping up the road, weren't they, because they had quite a distance to cover before they even got to any miners? Isn't that right? - A. No.

Q. So, no horses galloped up the road, just one across the top of the field and another down the road? - A. Yes, that is what I saw.

Q. Where were you positioned? - A. I was moving up with the officers, with the main line of officers.

Q. The main cordon? - A. Yes.

- Q. Yes? - A. With the horses and the short shields in front.
- Q. Well in front? - A. Well in front.
- Q. How far in front of the main cordon was that, the horses and the short shields? - A. Well, they varied, of course, but they set off from the front line of Police Officers, maybe at maximum they were 60 or 70 yards in front of the main line of the Police Officers, I would think.
- Q. Now, you see, you said there was hand-to-hand fighting, or at least that is what you told the Jury. - A. Yes.
- Q. Between whom? - A. Between whom?
- Q. Yes. - A. Demonstrators and Police Officers.
- Q. Which Police Officers weren't on horseback? - A. No.
- Q. Riot Police, as they may be called? - A. They're not riot police.
- Q. All right. Short shield units? - A. Sometimes, yes.
- Q. With whom else? Any other officers who weren't with the shields? - A. No, no.
- Q. Who, then? - A. As the line was moving up, officers at the back, those who weren't wearing protection equipment, moved past officers who were carrying shields and got in front and took persons.
- Q. You would agree, in your little way, notwithstanding you were writing at the time, there are virtually no notes about what happened after 9.25? - A. Well, it's no notes of times.
- Q. No note of anything much after - A. I don't know. I think there was a fairly good description.
- Q. The little white book? - A. Oh, no, that won't help.
- Q. Have a look. I will suggest that your little white book, after 9.25, when I am suggesting virtually nothing is happening, is completely blank, isn't it? - A. That's right. Not completely, no.
- Q. Just tell the Jury what you had written in your little white book after 9.25. - A. "9.25, lorries leave, fierce fighting and stoning, have to clear area over bridge, 8,000. End" Question mark, then 1.25.
- Q. Not a word in there about that decision that was taken to move up, such a decision, the fact you were being constantly stoned at different times, nothing in there, is there? - A. Right.
- Q. Isn't that because nothing was happening before you went up the field and you caused what happened when you went up the field? - A. Of course not.

- Q. Now, you indicated in your evidence to Mr. Walsh that you saw various things on this advance. Do you remember? -
A. Yes, I did, in general terms.
- Q. I am now going to be specific. You mentioned various items that you saw. Do you remember? - A. Yes.
- Q. What do you say you saw? - A. I saw two halves of a wire which had been stretched across Highfield Lane.
- Q. I don't mean that. I think you did say you saw that, but I don't mean that. - A. I'm sorry.
- Q. You saw other items. - A. Being brought back?
- A. Yes. What was it you saw? - A. I saw a pick axe, an axe and a metal object which was cylindrical and it seemed to have something through the end, something like a large split pin, something of that sort.
- Q. That is relatively important, seeing that kind of, as it were, weaponry. - A. In fact, they were shown to me as they were brought back.
- Q. Were they? - A. Yes.
- Q. Not the sort of thing you would forget, I suppose? -
A. No, not the general thing.
- Q. Just look at your notebook, would you? Well, look at your white book. It goes without saying that there is nothing in there. Now, look at the big notebook. - A. Yes.
- Q. Just look at it carefully, dealing with the period when you are advancing up the field. - A. Yes.
- Q. Anything in there? - A. No.
- Q. Nothing at all in your notebook, written up on the day, about seeing these items? - A. No. Merely
- Q. You see, they had been paraded - Mr. Walsh may be kind enough to hold them up - I don't know

Mr. Walsh, who will produce them?

MR. WALSH: There is an officer who will produce these.

- Q. MR. MANSFIELD: These items. You see? - A. Yes.
(Items held up to view) That is certainly a pick axe and that is a metal object with a split pin. I don't know about this piece of wood.
- Q. You don't know about the piece of wood? - A. I don't know about that, and that is, I would say - I haven't put any label or anything like that on, but I would say that that is, I would say, there, the same, they are the same items.
- Q. You would? - A. Yes.

- Q. So, it is a pick axe, an axe and a long metal object which we will leave its true definition. - A. Yes.
- Q. When did you first mention to anyone that you had seen these items, items like that being brought back from the front? - A. Well, moving up I see smoke and the roadway strewn with stones.
- Q. Yes? - A. Bricks.
- Q. Yes? - A. And other missiles.
- Q. Yes. Well, you are not suggesting these other items had been thrown, are you? - A. No.
- Q. So, we don't include it in that little description. - A. No. Wait a minute. I said the roadway was strewn with stones, bricks and other missiles. If they were there on the road
- Q. Did you see them on the road? - A. No. I saw an officer, several officers carrying things.
- Q. Which officer was carrying these, Mr. Clement? - A. No idea.
- Q. The question I asked you was when did you first tell anyone about the fact - before giving evidence on Friday - that you, in fact, saw a pick axe and an axe and a long metal object? When did you tell anybody you had seen them? - A. Well, I saw them later that night in the control room as well as when they were spoken about there.
- Q. Well, I dare say they were, by then, in the control room - A. Well, they were actually in the control room.
- Q. How is it, then, if you say you saw them with an officer, you saw them in the control room, that you then managed not to put a single word in your notebook or statement about this kind of rather lethal object that had been brought back? - A. Because the other officer is going to refer to them.
- Q. The other officer will refer to the things you have talked about? Mr. Povey will come here and tell us almost the same story as you have? - A. If you know that
- Q. I have his statement which, on this, is word for word the same as yours. Now, therefore, you knew full well others would come and give evidence about similar things to you, didn't you? - A. Yes.
- Q. That is not an excuse for not noting down this, is it? - A. I'm sorry, I didn't say I knew other officers were going to come and give similar evidence to myself. I said other officers would come and give evidence specifically relating to possession of
- Q. And also other evidence. - A. But, I am talking about these. I am saying officers will refer to these.

- Q. Why didn't you note them down? Why give evidence on Friday if other officers will give evidence? - A. Because I was speaking about other missiles, stones, bricks, and I was asked what sort of missile .
- Q. We are getting up towards the bridge, with the Police first reaching the bridge. Where were you? - A. About 20 yards behind them, possibly more.
- Q. Which unit of Police, foot or mounted, is going over the bridge? - A. I don't know. I don't know.
- Q. I want to ask you very carefully, because many of these Defendants are arrested either just before the bridge or just after the bridge, and it now becomes important. Now, what time do you think it was that the Police first reached the bridge? What time do you think it was? - A. I would think about 11.20 or 11.30.
- Q. Right. - A. Possibly a little earlier.
- Q. I am not going to pin you to precise minutes. I appreciate the difficulty there, but they got to the bridge about 11.20 and maybe a little earlier. The decision to clear the area had been taken at 9.45. - A. Well, no. We said later on than that.
- Q. All right. Ten o'clock. When did the move up the field begin? - A. I believe about twenty minutes past.
- Q. Twenty minutes past ten? - A. I believe, yes.
- Q. This began, I will suggest, much later on than that, but it has taken an hour to get to the bridge, has it? -
A. Yes, because we went in three stages.
- Q. Yes, I know. Did this three stages take an hour? -
A. Yes, that's right.
- Q. Was it the much quicker operation that happened much closer to 11.20? - A. No.
- Q. You don't know which Police Officers, mounted or foot, got to the bridge first? - A. No, because I was behind them.
- Q. Behind the cordon which had been moving up? - A. Well, the cordon had become very loose at that time on the bridge because, of course, they had to compress to get over the bridge, or to get on to the bridge. I don't want there to be mistakes. We're talking about a cordon which had been stretched across Highfield Lane.
- Q. Yes. They have moved up? - A. Yes.
- Q. You were still behind that cordon? - A. Yes. In fact, on the first of one up the field, and then - you have seen the wall which is at the side of the road and the field, and I actually climbed over that to get on to the road, to move up the road.

- Q. JUDGE COLES: You said you were 20 feet plus? -
A. 20 yards behind.

MR. MANSFIELD: Your Honour, I don't know whether it is acceptable to have perhaps a five-minute break?

JUDGE COLES: Yes. I have noticed one or two of the Jury are finding it a little tiring, no disrespect to you.

(Short Adjournment)

MR. MANSFIELD: Would it be convenient if your Honour were to give an indication? Would it be 4.15?

JUDGE COLES: 4.30 I said, unless there are pressing reasons to the contrary.

MR. MANSFIELD: No. I don't seek to put anything forward:

- Q. Now, Mr. Clement, we have got to the bridge. - A. The Police officers got to the bridge. I haven't.
- Q. No, you have not. I will pause there for a moment because I appreciate it is a lot of detail we are going through. I want to pause in order to examine the decision which has led to this. We have already been through where you deployed various people and you virtually agreed that the only way out of the topside, walk or run, is really through the village. - A. Yes, for people who weren't behind this, yes. Other people could have gone other ways.
- Q. Now, you aren't saying, are you, that you had no alternatives on this day, to this Jury? You were driven into this reluctantly, were you? - A. Not in so many words, no. I was not driven into it other than the fact that I knew that another convoy was coming in and if there was a repetition of the scenes earlier that day when the first convoy had come in I was risking serious injury to a lot of people.
- Q. So, this decision which led to people going through the village, is it really based on what had happened up until the first convoy arrived and left? You didn't want a repetition of, really, that sort of violence? That is what you are saying? - A. Right.
- Q. Well, I will come back to that at the end of the afternoon and I will leave that for the moment. What I want to examine with you for the remaining part of today is the alternatives that were facing you that day. I am going to suggest to you those there were, if there was not to be any trouble by anyone or nothing to lead to the maximum amount of damage. Do you understand what I am putting to you? - A. No.
- Q. You don't? - A. No.
- Q. I am going to suggest to you that there were a number of things, if you were genuinely interested in keeping the peace

- Q. Right. Now, you came on duty at four o'clock in the morning?
- A. Yes.
- Q. It doesn't matter when, but over the early hours it was apparent to you there was going to be, and there was, a steady build up of numbers? - A. Yes.
- Q. And that it was likely, at Orgreave that day, you were going to get more there than you had had on previous days? Likely?
- A. From the information I got, certainly.
- Q. Certainly. All right. Then, it is even highly probable. Now, one of the options that was open to you, Mr. Clement, that is, even before we get to the site itself, is, in fact, to restrict the build up of numbers, isn't it? - A. Yes.
- Q. Yes. Now, that has been called, by other areas, Police areas, a policy called "Intercept", hasn't it? - A. Yes, that's right.
- Q. Nottinghamshire use it, don't they? - A. Yes.
- Q. That policy involves minor variation; junctions, strategic road junctions and ensuring that a limited number only attend on whatever local sites there are? - A. That is the theory.
- Q. Is it the theory? - A. Yes, that is the theory.
- Q. Well, I will ask you very carefully about that. I think your answer is you ~~didn't~~ employ this on the day? - A. No, not at all. I will give you the reason, if you wish.
- Q. I will come to the reason in a moment. Now, in relation to Nottinghamshire, did you know what was going on there? -
A. Oh, yes.
- Q. Now, I will put a figure to you for the 18th June. - A. Yes.
- Q. This is according to the Nottinghamshire Police and I can produce all the affidavits and all the rest of it in relation to this

JUDGE COLES: What are you putting, Mr. Mansfield?

MR. MANSFIELD: On the 18th.

JUDGE COLES: Mr. Mansfield, what are you putting?

MR. MANSFIELD: I am putting a solicitor's affidavit in the High Court in relation to Intercept figures in relation to Nottingham on the 18th June, the very day of this incident:

- Q. Even if they are a few dozen out, I want you to consider these figures

MR. WALSH: Before my learned friend puts them, if these come from the Nottinghamshire Police perhaps he would like to say so.

MR. MANSFIELD: Yes, it does.

MR. WALSH: Right.

Q. MR. MANSFIELD: On that day, the 18th June of last year, I have figures for most of the weeks, but I will deal with this one as it is coincidental with the same day, just over the border or on the borders of your Police Authority: 12,900 miners, it is alleged, were stopped from going to collieries in Nottingham. Now, were you aware of that?
- A. No.

Q. As a result, it is claimed that only 5,708 ended up at Nottinghamshire collieries.

JUDGE COLES: 5,708?

MR. MANSFIELD: 5,708.

JUDGE COLES: Yes. Went to Orgreave, presumably?

Q. MR. MANSFIELD: You smile, Mr. Clement?

JUDGE COLES: I didn't mean that as a joke at all.

Q. MR. MANSFIELD: Did you think it was a joke, Mr. Clement?
- A. No, I didn't.

Q. Did you ever tell a reporter that you were secretly delighted at having charge of Orgreave? - A. No, not secretly delighted.

Q. Publicly delighted? - A. Yes, because it was the sort of situation which had to be policed firmly.

Q. Yes. Now, if the figures coming from Nottinghamshire are correct, the Nottinghamshire Police, if it is correct it clearly shows that it is being effective in preventing people from getting to Nottinghamshire collieries, if the figures are correct? - A. Yes.

Q. They are stopping more people than even attended Orgreave, on your estimate. - A. Yes, right. Well, no, not more people. They started off with 12,900 and nearly 6,000 got through, or 6,000 didn't get through.

Q. They say nearly 13,000 were stopped. That is more than the number that ended up, according to your estimate, at Orgreave. - A. 13,000 were stopped?

Q. Yes, didn't ever get near the collieries. - A. I thought you said only 5,000 got through.

Q. Yes, that is on top. 5,708 got through and 12,900 didn't.
- A. Yes.

Q. You aren't saying you have never pursued the policy of restricting numbers at Orgreave? - A. No.

Q. On the 30th May you did so, didn't you? - A. We tried it once.

Q. And you tried it again. - A. No. We tried it once.

Q. 6th June? - A. No.

Q. So, any report, public report on the 6th June of that day that you had done it, is erroneous? - A. If the odd van, or something like that, was stopped on the 6th June, so be it. but on the 30th May there was a definite policy, for only a short time, but tried, in restricting access to Orgreave.

Q. So, you agree you did try it on the 30th May? - A. Yes.

Q. And at Orgreave itself there can only be brought in a limited number by way or road, can't there? - A. By road, yes

Q. Therefore, it is an area where it would be a little easier to not only monitor traffic, but also restrict it, if you wanted to, wouldn't it? - A. No, it wouldn't. Quite the contrary.

Q. I see. Of course, you can take action to limit people's movement if you think that it might lead to some sort of breach of the peace, can't you? - A. Yes, you can.

Q. Perfectly lawful activities? - A. Yes, I have done it.

Q. You could even stop lorry drivers going in? - A. Of course we could. if they were committing some offence.

Q. Just take it slowly. You have the power to limit people's lawful activity if it might lead to the breach of the peace. Is that right? You agreed a minute ago until I got to the lorry drivers. - A. Someone committing absolutely no offence?

Q. Yes. - A. And having no intention of committing an offence?

Q. Yes. - A. And not joining together with others intent on committing an offence?

Q. Yes.- A. I think it would be, therefore, very dangerous to stop a perfectly innocent man going about his lawful business, even though to allow him to do so might cause a breach of the peace, though I am not a lawyer. That is merely a statement by someone who is in charge of .. (inaudible)

Q. What was happening with the convoys is that they were highly organised. - A. Of course they were, because of road safety.

Q. Road safety? - A. Yes.

Q. Lorries were coming out of there at such a speed they were a danger and Police Officers were being told to get out of the way. When they came out of the gates at the coking plant, there was coal in the roads. - A. Police Officers were being warned to get out of the road?

- Q. Why are you laughing, Mr. Clement? - A. Well, really, when lorries are coming out of a coking plant, if experienced Police Officers didn't get back and stand on the footpath, well, I don't know
- Q. What I put to you is that the way this operation was policed, that is, getting the convoys out, was itself highly provocative and likely to lead to a breach of the peace by the way you dealt with the convoys. - A. No, because it was sensible. The thing to do was to get the convoys in quickly, to get them unloaded quickly, to get them loaded up, again, quickly, to get them out quickly and on the motorway quickly.
- Q. Had you considered, in the interests of peace, Mr. Clement, on the 18th June, approaching British Steel and saying this: "For today, could you sustain the runs?" - A. Certainly not.
- Q. No, because at all costs the runs had to go on, come what may. - A. It could never be seen that violence was going to stop the lawful operation.
- Q. You were in very close contact with British Steel, weren't you, the Police, with the management of British Steel? - A. I suspect some Police Officers were, yes.
- Q. Were you? - A. No.
- Q. You had no dealings? - A. I think I had been in the company of the manager of the coking plant on one occasion and, again, if you ask me his name I couldn't tell you.
- Q. Did you know, on the 18th, because certainly it appears Mr. Wright, your senior officer, did, that the stocks at Orgreave had almost run out, hadn't they? - A. I knew they were running down, certainly.
- Q. You knew they had almost run out? - A. I didn't know they had almost run out. They were running down, certainly.
- Q. Almost run out? - A. No, I didn't know that.
- Q. Mr. Wright made - this is your senior officer - on the 18th made a public statement to the effect that two weeks before everybody knew that there were only two weeks of stocks left. Did you hear him say that? - A. No, I didn't, but apparently he was wrong.
- Q. I am not talking about whether he was right or wrong, but what you thought was the position. - A. I certainly didn't know.
- Q. You didn't? - A. No.
- Q. So, you didn't know the stocks were low? - A. I knew stocks were running low.
- Q. And even in that context, because of the numbers you have already enunciated, you didn't even consider asking British

Steel to alter the times of the convoys on the 18th? -

A. Oh, yes. That is a different matter. We had asked about times on a number of occasions. We had considered altering times. We had considered running on weekends. We had considered running during the hours of darkness, and we abandoned them all.

Q. On that day did you even ask that the second run be varied until the evening? - A. No.

Q. You could tell from previous days that usually the people who had been present in the morning had gone by the afternoon, hadn't they? - A. Oh, but the 18th June was different.

Q. On the days before, that was the case? - A. They mostly drifted away after the second run.

Q. Not before the second run? - A. No. Some had gone before the second run.

Q. On the bulk of the days before, most people had gone before the second run, that is, the arrival of the lorries and the departure. - A. I would challenge "most".

Q. If there was any kind of trouble of any kind on previous days, it was nearly always associated with the first run, wasn't it? - A. Generally, yes.

Q. So, you don't intercept people coming? - A. Right.

Q. You don't approach British Steel to stop them all together on that day? - A. No.

Q. Don't even ask them to delay the second run to the evening? - A. Is this a question? You want an answer for those three things?

Q. Yes. The answer is you didn't? - A. Right.

Q. So, you didn't do any of those things. You knew that if there was going to be any trouble one of the high-risk areas might be if there is trouble past the village, the village on the topside. Handsworth village? - A. Yes, that's right.

Q. You had made public statements before the 18th, saying you were worried you were going to have people going into the village. - A. Yes, absolutely right.

Q. The only Police Officers you had in the village, you told me yesterday, you had actually removed at seven o'clock in the morning. - A. Yes.

Q. Did you consider, at any stage, protecting the village by, in fact, sealing it off at the railway bridge so that people didn't go off through the village? Did you? - A. No. You will have to explain that. At what time are you wanting me to block the railway

- Q. JUDGE COLES: You are being asked if you, at any time, considered blocking off the village. Now, that is capable of an answer. You can pin it down in more specific terms later. - A. Not on the 18th, but I had considered it once before.
- Q. MR. MANSFIELD: So, you didn't consider that on the 18th. Had you considered even putting the numbers who arrived in a rather different place so their egress, or exit, or escape, if they needed to, was to walk away in a way that didn't involve going through the village? - A. I couldn't do that.
- Q. Did you have permission to use the land from British Steel?
- A. Yes, round the control room.
- Q. Yes. British Steel own quite a bit of land round there, don't they? - A. I suspect they might.
- Q. You know that. We walked up the road. They own the sports field down the road, just beyond the command post. They own the farms - A. They own what? There is the NUM sports field down there.
- Q. I will look it up. Are you saying, having been on duty there, you are not familiar with who owns what? - A. All I know is that we have had claims in, riot damage claims in from the farmer who owns this yellow field and that field
- Q. Just look at the Ordnance Survey Map. - A. I haven't got one. (Handed) It's Rotherwood Sports and Athletic Club.
- Q. JUDGE COLES: Is that this marked, "Sports Ground"? - A. Yes. that's right.
- Q. MR. MANSFIELD: Rotherwell? - A. Rotherwood. It was on a noticeboard there.
- Q. Now, Mr. Clement, you see Orgreave Road and Poplar Way and you see the sports ground there. towards the Poplar Way?
- A. Yes.
- Q. On the left. The Jury walked past it the other day. It has a board up saying it is Rotherwood Sports and Athletics Club, B.S.C.. Now, perhaps they don't own the land particularly, but they certainly seem to use it. Did you not know? - A. No, but what I did believe was that part of that belongs to the NUM because that's where they were gathering, that's where they were eating, the bottom end people.
- Q. Because the bottom end people were out there you thought the NUM owned the sports field? - A. Not all of it, but certainly part of it, or there I thought belonged to the NUM.
- Q. Is that a serious answer, Mr. Clement? - A. It certainly is.
- Q. Who owns the top field which you used as a holding area?
- A. Which is?
- Q. You know which one I am talking about, Mr. Clement. - A. No,

Q. I know it's four o'clock. I'm talking about the top holding area. - A. The command post, here?

Q. The top holding area. We have had it opened to the Jury, we have walked past, we have had it shown to us.

JUDGE COLES: I don't think Mr. Clement walked past it, to be fair.

MR. WALSH: When I used that expression in evidence

JUDGE COLES: Let us all try and keep our equanimity.

Q. MR. MANSFIELD: Well, the yellow field, what do you call it? - A. It's the one I indicated, the top holding area.

Q. A minute ago you talked about the command post. - A. Well, that's just below the top holding area.

Q. Yes, I know. Who owns the topside holding area field? - A. I don't know.

Q. You don't know? - A. No. I understand it belongs to the farmer who has made a claim under the Riot Damage Act.

Q. So much has been said in the case about damage by the miners. Now, I want to know from you whether any permission was sought before you decided to put the miners into the topside field. - A. I didn't decide to put them anywhere. I decided to put a cordon across the road.

Q. Mr. Clement. - A. Yes?

Q. We will take it more slowly.- A. Right.

Q. I will look up what you said before I put anything further. Now, just look at your notebook, or your statement. I don't mind which. I will read from your statement, which is a copy of your notebook so far as I can see. There is a portion of it dealing with decisions, and it says: "I had planned for the attendance of large numbers of demonstrators and, in consultation with other senior officers, including Superintendent Valance, Povey and Chief Inspector Hall, I decided that the demonstrators would be held well away from the entrance to the Orgreave Plant in two specific areas. The first of these was on the Handsworth Site of Highfield Lane, about 100 yards from the main works entrance. I instructed Superintendent Povey to be in command of this area"? - A. Right.

Q. Then, you go on to the second location which is, we understand, at the bottom side? - A. Yes.

Q. I will come to that. Now, we are talking about the topside holding area. It was your decision that they would be kept between the cordon stretched right across the road into that little private road, between there and the bridge, which involves the field, wasn't it? - A. They were not going to get past the Police cordon there. If they wanted to stop

- Q. You knew from day one it was inevitable because one of the other points the Police were making in the preceding weeks was to get the road free for traffic. - A. Tried to, yes.
- Q. If you are trying to keep the road free for traffic
- A. That was the point the Police were making.
- Q. All right. Inevitably, you are talking about using that field to contain the demonstrators? - A. It was obvious they were going into the field, yes.
- Q. And you repeated this decision, making precise - that is in your notebook and not in your statement; in your evidence to Mr. Walsh you made it perfectly clear you decided on the locations. - A. Oh, yes. Yes.
- Q. Now, you are agreed, as I understand it, that no Police Officer that you are aware of ever asked the farmer from day one, whoever he is, whether it was all right for Police Forces to be stationed in his field. Did you? - A. Right.
- Q. Did you? - A. I didn't, no.
- Q. You didn't care, Mr. Clement, did you? - A. I certainly didn't ask because by that time the fields had been absolutely trampled down.
- Q. You are not suggesting the people, on this day, caused that damage? - A. There had been five previous occasions where it had been trampled down.
- Q. I know. The Jury has heard how it has been opened. If you weren't bothered about enquiring as to who owned the land you would be quite able, given your approach to information, to consider other holding areas. - A. Only from a tactical point of view.
- Q. Yes. I will consider them with you now and try and put them to you. I am not a Police Officer or a tactician, or anything else. Just have a look at the aerial photograph. Do you tell the Jury there was no alternative but the topside area? -
A. Well, of course there were alternatives.
- Q. You see, I don't want anybody to think that the Police were driven into the situation in which they had no alternatives. I am now going to suggest to you that there are many alternatives which would have obviated, whoever the violence came from, which would have obviated any damage, or at least minimised any damage that might arise - at least two areas of habitation and industrialisation in the village. -
A. All right.
- Q. The first place - and could you use the aerial photograph and also the Ordnance Survey Map? - A. Yes.
- Q. I know you didn't go on the walk, Mr. Clement, with the Jury, but the Jury started off at Poplar Way, down the bottom. -
A. Yes.

Q. They walked up Orgreave Road. Now, what they may or may not have noticed on the right as they walked up was a very substantial area of rough pasture, not cultivated, not being used for sports facilities, in which a very large number of people could be shepherded to

JUDGE COLES: On the right where we walked?

MR. MANSFIELD: Yes, that's right, your Honour.

Q. Now, did you consider that area which, if people had to get away from, would involve running across, or walking across fields rather than through housing? Did you? - A. No. No.

Q. Well, let us go further up. The next one up is, in fact, the sports ground. A little unfortunate to use the sports ground. I think it is clear you used the recreation ground down below, but I will leave the sports ground out. Between the sports ground and Highfield farm buildings there is quite a large field there. Had you known about that field? - A. Yes, I did.

Q. That is another one that could be used to house quite a large number of people, if you thought it decent to use that? - A. Yes.

Q. But then, I will suggest, as you come up Highfield Lane and we move on to the aerial photograph, much the biggest area, much the easiest area for passive containment of peaceful people, is that big field with a bank down it. If you are not clear - A. I know the larger field.

Q. This large one here. - A. Yes.

Q. That one at the end, which is the nearest to the coking plant and has a very severe bank, doesn't it? - A. Yes, it does.

JUDGE COLES: From the road?

THE WITNESS: Yes. It drops down into the field.

Q. MR. MANSFIELD: Drops down about 20 feet? - A. Very steep, yes.

Q. And it is wedged, like so; as you come up, the banking gets less steep until you come up a little entrance to that field, so there is an entrance to the field from the road. There is also a track down into the field from the track that leads across from the parkway and the railway. That field, if people had to be contained, was a very viable alternative, wasn't it? - A. Well, I think you put your view of it when you said it would be a viable alternative for containing a large number of peaceful, friendly people.

Q. Yes? - A. And I think you are probably right.

Q. JUDGE COLES: I think you are agreeing, but any agreement seemed to have an element of disagreement built into it. - A. Yes.

- A. Yes. To contain a large number of peaceful people, that could have been in any field because that was simply no problem, but to contain a large number of people without experience in that location, or when there was violence when the lorries appeared, that is not a very good place to have a large number of people of violence, simply because they have gone to see the lorries going in, to attempt to stop the lorries and to be close to the coking plant. That was the stated intention of many of the people who went there. They wanted to be near the front entrance to the coking plant.
- Q. MR. MANSFIELD: That field gets very, very close, in fact.
- A. Yes. You can see the hedges and the trees there. They would be completely removed. That would have caused even more trouble, if they hadn't been able to see the coking plant.
- Q. Yes. So, you had actually thought this through? - A. Yes. This was a deliberate decision on my part, supported by other senior officers, very senior officers, who had visited the scene and had supported my decision.
- Q. You aren't really interested in violent people seeing the coking plant. - A. I am working on your premise, not mine.
- Q. You are saying "violent people". You are telling this Jury you were concerned to let violent people see the lorries leave. - A. We were concerned that people would come down to the location in which we would hold them and whether they were violent or not, that was our decision, based on the fact that we were then three and a half months into a strike, we had been to numerous situations where there was violence.
- Q. Yes, and what I am suggesting to you, if you are right and you were concerned about it, is that field, above all else, would have contained violent people, which is your claim, much better than the open field from which, if the violent people had to escape, they would go straight into the village, unheeded. Now, you do more about that, don't - A. No, I don't, because if they had been in the large field and had wanted to go into the village they merely walked up the field into the village.
- Q. Not on that field. They can't merely do that, if you look at it, because as you did that, what you did was to completely surround them, didn't you? - A. No.
- Q. The middle holding area? - A. Oh, yes.
- Q. You completely surround it? - A. The middle holding area, certainly.
- Q. Now, you had informed manpower that day to, as it were, patrol the perimeters of this large field that we are talking about. Now, didn't you? - A. No.
- Q. You say you didn't? - A. No.
- Q. Let us just tell the Jury, what was the manpower by ten o'clock in the morning? - A. 5,600.

Q. 5,600. Now,

Q. JUDGE COLES: That was by? - A. Ten o'clock in the morning.

Q. MR. MANSFIELD: Does that include horses and all the rest of it? - A. That includes everything, including logistics, radio, administrators, the lot.

Q. Does the number increase as the morning goes on? - A. No.

Q. What is the time, before ten o'clock, when the 5,600 are there, roughly? Is it 9.00, 8.00? - A. Difficult to say because they were coming in constantly, but the build-up, of course, started very early and it may well have been eight o'clock, even before eight o'clock when the vast majority of those

Q. Of course, we are dealing with a crowd, 70% of which are quite peaceable, on your own version? - A. As it turned out, yes.

Q. You are not suggesting - well, that was your general comment, 70%? - A. Yes, that's right. They are to be applauded.

Q. They are to be applauded? - A. Yes.

Q. You are not suggesting, over the endless hours that day, that that top field saw 70% to be applauded, but the bank wasn't an area you could have used? - A. Tactically, it would have been very bad.

Q. JUDGE COLES: Could you just say why it would have been very bad, tactically? - A. Because, your Honour, firstly the entrance to the coking plant would not have been in view to those people in the field.

Q. What would the effect of that have been? - A. You would have found on that occasion - and this applied way after the 18th - that the miners started to return to the works. All they wanted to do was to get near to the front

Q. Yes, but what happened if they weren't allowed to get near? - A. Our policy was always to allow them to get within seeing distance of what was happening.

Q. MR. MANSFIELD: What are you suggesting happens if they can't actually see the coking plant? - A. I am suggesting that would have caused great trouble when they heard the lorries approaching.

Q. You mean trouble of the kind you didn't get? - A. No, perhaps even worse.

Q. You aren't saying because they couldn't see the entrance
A. That is one. Secondly, we are using a control post there.

Q. Yes. The command post. - A. It is completely blind to the number of demonstrators. Can't see them.

- Q. No. In fact, Mr. Clement, the command post cannot see what is going on in the topfield either. - A. How far
- Q. Just answer the question. - A. They can see where the cordon is.
- Q. There was a problem there the first time when somebody was inside and they couldn't actually see past the trees, beyond the cordon, could they? Do you remember that? Mr. Nesbitt? Do you know Mr. Nesbitt? - A. Yes, I do.
- Q. Mr. Nesbitt is who? - A. He is the Chief Superintendent at Rotherham. I think he wasn't there on this particular day, but was on others.
- Q. He was injured, yes? - A. Not at Orgreave.
- Q. No. At Maltby. Now, before you agreed, from what you saw, that from the command centre you can't see beyond the cordon to the topside holding area anyway? - A. Yes.
- Q. So, it doesn't make very much difference, does it? - A. Yes, it does.
- Q. So, that is the second reason: the command post is blind to that field beyond the trees? - A. Yes.
- Q. Whereas the topside you chose could at least see the cordon? A. Yes. Always.
- Q. Secondly, it is a far bigger area - I'm sorry, thirdly, it is a far bigger area to control? - A. Yes.
- Q. It is an enormous area? - A. Yes.
- Q. But, of course, instead of having your troops split - A. I don't use troops.
- Q. Don't you? I'm sorry. There were three holding areas on this day? - A. Yes, should have been two.
- Q. So, it was rather difficult for you to actually keep control down the bottom. You had to nip down there to find out what was going on? - A. I went down there as a result of a radio message, but not right to the bottom.
- Q. All right. But, the Jury have seen the distances. It is really not very sensible, is it, to police it in that way? Is it? - A. Of course it is.
- Q. It is? - A. Because the bottom side holding area was adjacent to the junction which the convoy had to negotiate.
- Q. So that people got really excited when they saw it coming by? - A. And by God they did.
- Q. Really getting yourself into a lot of trouble doing that, weren't you? - A. No. They have to go into the area to drive along the road and turn into Highfield Lane, and if there

weren't several Police Officers there, the lorries would simply have not got in.

Q. What you have done, you have picked your battleground so you could have horses being used and the topside was one of the few areas where you could use horses directly into the crowd. - A. No, not directly into the crowd.

Q. All right, but that was the consideration for the topside, wasn't it? - A. It was an open ground confrontation, but you have asked me the question. If I wanted to, had chosen a place to take a large number of demonstrators, I certainly wouldn't have wished to have a hole facing me for them to go down.

Q. But, you were stuck with it, weren't you? - A. Stuck with it because that was the best location in which to hold the lines.

Q. In which to use horses? - A. In which to hold the lines.

Q. But, you do agree about using horses? - A. No. If you talk about using horses, you mention that large field, that would have been a superb place.

Q. You can't charge across the road, across the embankment. - A. If you have horses in there before and then after the wide open space.

Q. Why didn't you use it, then? - A. For the very reasons I have given.

Q. JUDGE COLES: You mean no way were you choosing the terrain because you wanted to use horses? - A. No, your Honour, and, in fact, if the need hadn't arisen for me to use horses, I would have been very, very pleased.

Q. MR. MANSFIELD: You have emphasised it throughout your evidence in this case - the need to use horses, the need to use riot shields, the need to use truncheons, and all of that was only because of violent pickets stoning incessantly for a period of about an hour before the lorries finally left. Is that not right? Is that the picture, generally? - A. For an hour before the lorries finally left?

Q. Yes. 9.25, the lorries finally left, over that period? - A. The lorries finally left at?

Q. 9.25, the first convoy. - A. Yes.

Q. That is the picture you have been painting, yes? - A. Right.

Q. Now, there were other witnesses to these events who were in a very good position, and I suggest you know full well, to give the lie to what you are saying, aren't there? -

A. I don't know what you mean.

- Q. The Police took a film of the events that we have been going through, didn't they? - A. Yes.
- Q. They were stationed just behind where you were? - A. I can point out where they were stationed, if you wish.
- Q. Just tell us where they were. - A. On the roof of what is known as the medical centre, which is just above the main entrance to Orgreave and just behind the small road.
- Q. So the Jury can have the picture of where it is the film was being shot, it is a square building just below the yellow topside holding area and they began filming earlier in the morning, didn't they? - A. Yes.
- Q. You have seen the film, haven't you? - A. Yes.
- Q. You know perfectly well that up to 9.25 the film doesn't demonstrate anything like the features you have been telling the Jury, does it? - A. I'm afraid that the film does not show the area.
- Q. Well, on that I am, therefore, going to pause and, your Honour, I would ask at this stage, if it is convenient, since there is the overnight adjournment, if that film - we have the notice of evidence about it - could be made available for tomorrow?

JUDGE COLES: Is it five hours long?

MR. MANSFIELD: I am glad to say it certainly isn't.

JUDGE COLES: I think we can all be forgiven for a slight relaxation of tension for that happy news.

MR. MANSFIELD: It is actually shorter than five hours, but I would ask, if it is permissible, that equipment which, I think, is nearby if not in the building, can be made available so we can identify we are talking about the same film and certainly Mr. Clement might look at that and the Jury might look at it.

JUDGE COLES: What is the position?

MR. WALSH: I am anxious to help as much as I can, but I can see problems. My learned friend and I both know of cases where if one is asking a witness to identify things on a film it can take infinitely longer than describing it.

JUDGE COLES: It takes long enough with some pictures.

MR. WALSH: Yes. That is the problem. Obviously, one would have to find out exactly who took it, from where, at what times. All these things would have to be proved, established, before it would be proper

MR. MANSFIELD: We would need to know whether it had been edited.

necessary to split it up.

MISS RUSSELL: If I can assist, the film has a clapper-board on the front indicating 18.6.84, showing a clock next to it. So, there is no question that this film is from the same day.

MR. WALSH: That is not the problem, your Honour. The problem is on the question of whether the edited section accurately reflects the whole. That is the point.

JUDGE COLES: Do you have full instructions as to whether, and if so, to what extent, the film has been edited? Please just say, "Yes", or "No".

MR. WALSH: I myself, no, I don't, but I can say that, obviously, it must be from the length of time that your Honour has heard it takes.

JUDGE COLES: I gather some counsel have suggested it isn't edited, that there is a period

MR. GRIFFITHS: I think I can assist.^{My} learned friend must have noticed that in the depositions served on the Defence there is a statement from the person who took this video and certainly so far as my instructing solicitor - I raised this matter without having sight of the statement and I asked whether there had been editing and he, well, what was told to the Defence was that there hadn't been any editing but the films that had been used had been used up completely, so clearly they had been covering everything. There had been breaks, clearly, at times, but equally there are times shown, as my learned friend, Mr. Mansfield, has indicated. So, we have been told there has been no, so to speak, tinkering with the video. It shows what it shows. It doesn't show everything. It certainly shows a good deal. I certainly would like the Jury to see it.

JUDGE COLES: I take it all counsel for the Defence would agree?

MR. MANSFIELD: Yes.

JUDGE COLES: Will you take instructions overnight, Mr. Walsh?

MR. WALSH: Yes.

JUDGE COLES: If there are any objections by the Crown, I will listen to you, of course, but it may be prudent to make such arrangements as you think fit.

MR. WALSH: I will see if we can have the equipment. It will need, I suppose, just thinking out loud, a number of television sets, one so the Jury can see, one for counsel, I think, one for the witness and one may need a fourth for your Honour.

MR. WALSH: Yes. There are all those things. I have no objection to that being done at some stage, if your Honour thinks it is appropriate, but whether all those steps can be done in time for tomorrow morning, I doubt. If my learned friends had only asked me about this some time before

JUDGE COLES: Well, there it is. Let's not waste time trying to attribute blame. It is regrettable to start from scratch at this stage. All I can do is, as I have done before, suggest that you put your heads together over the adjournment and see what can be done by way of coming to some kind of agreement about the problem of proof and so on.

MR. WALSH: All I would ask, your Honour, is if my learned friend thinks it is absolutely vital for the film, if it is to be done at all, to be shown at this stage rather than at a later stage, we can proceed with this witness meanwhile and not hold up proceedings.

JUDGE COLES: Mr. Mansfield?

MR. MANSFIELD: Well, your Honour, I am anxious to get on, as I have indicated this morning, and so are we all. In view of the witness's last answer I would be anxious that the Jury see it tomorrow morning and that Mr. Clement, in fairness to him, also has a chance to see it again tomorrow morning, but if there are real problems I will carry on cross-examining until it is ready, but if it can be at all possible

JUDGE COLES: Is this literally a film, or a video?

MR. WALSH: It is a video, your Honour. I believe, although your Honour said, laughingly, five hours, I believe it does last about three. I am now told an hour and a half. Obviously, one would have to establish, first of all, what time, what sections are being shown because, obviously, as your Honour has pointed out, the whole episode lasts five hours. If it is only one hour and a half, it is edited and one would want to know, presumably, why

JUDGE COLES: One is really in the most terrible trouble without getting the editor. One might be looking at anything.

MR. MANSFIELD: Your Honour, the video is timed. The Police have timed the times. The times come up on the screen. All I would ask to begin with is that the whole film can be shown - the period in which he took this decision which I summarised a minute ago, is until 9.25, it is not an hour, and I think there is a "colour break".

MR. WALSH: Yes. It is like a rainbow of colours on the screen, either because someone has changed the film by consent, or something like that. So, the first section can be shown, not an hour and a half, probably 40 minutes.

MR. MANSFIELD: On the other hand, if we look at one film I shall be in a very difficult position if the Crown wish to see another film.

MISS RUSSELL: I think maybe Mr. Walsh has forgotten he opened the case on the Police video recently. We had one there, a television set, and there and one for the Judge, and that proved quite sufficient on that occasion.

MR. WALSH: Your Honour, I will see if all that equipment can be made available for tomorrow.

JUDGE COLES: Is this going to be the only video film? No doubt counsel have very much in mind what I have in mind, that there must be a lot of films available. Well, see what you can do. There it is.

MR. WALSH: I will try, your Honour.

JUDGE COLES: Remember what I said, members of the Jury. Don't watch too much television tonight.

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