

Day 6

Saunders Inquest

27th September 2010

<p>1 Monday, 27 September 2010</p> <p>2 (9.30 am)</p> <p>3 (In the absence of the jury)</p> <p>4 Discussion concerning timetabling</p> <p>5 THE CORONER: Before the jury come in, I indicated on Friday</p> <p>6 that I would like just to go through the likely</p> <p>7 timetable for the week and I would like to establish</p> <p>8 this now and hear if counsel have any matters to bring</p> <p>9 to my attention.</p> <p>10 You were given on Friday afternoon a list, and I may</p> <p>11 say that this is a tentative list, of those witnesses</p> <p>12 that we have it in mind to call and I think it speaks</p> <p>13 for itself.</p> <p>14 These things are dynamic, as we know, and they can</p> <p>15 change. But do any counsel have any observations to</p> <p>16 make upon that list as it appears, although at any time</p> <p>17 it may be that a matter arises and we have to depart</p> <p>18 from it?</p> <p>19 Mr Hilliard?</p> <p>20 MR HILLIARD: No, thank you, sir.</p> <p>21 MR GIBBS: Nor I, thank you.</p> <p>22 MR PERRY: No, thank you, sir.</p> <p>23 THE CORONER: Very well. We will get this typed up and that</p> <p>24 will be the general format hopefully for the week which</p> <p>25 means, of course, that today will consist of evidence</p> <p style="text-align: center;">Page 1</p>	<p>1 THE CORONER: AZ8, you are a police officer and at the</p> <p>2 material time you were a member of the firearms unit of</p> <p>3 CO19 --</p> <p>4 A. That's correct, yes.</p> <p>5 Q. -- in the Metropolitan Police. And that was on Tuesday,</p> <p>6 8 May, is that right?</p> <p>7 A. That is correct, yes.</p> <p>8 Q. Curiously, the statement that I have, signed, says</p> <p>9 "Tuesday, 6 May", in both of them actually, but I think</p> <p>10 that is a typographical error. We must always be</p> <p>11 careful, mustn't we, if it is in print, but that may be</p> <p>12 in the transcription but it was the 8th, I think you'll</p> <p>13 find?</p> <p>14 A. Yes, sir.</p> <p>15 THE CORONER: Yes, Mr Hilliard?</p> <p>16 Mr Hilliard is counsel for the inquest and may have</p> <p>17 some questions for you.</p> <p>18 Questions from MR HILLIARD</p> <p>19 MR HILLIARD: Let us just make sure that we have -- the copy</p> <p>20 of your statement that I have, the date is 8 May 2008.</p> <p>21 Do you have that? You have a copy, so if you need to,</p> <p>22 you can refer to it, and the date of it in my copy --</p> <p>23 let us just make sure we don't have wrong documents --</p> <p>24 you say, you deal with on Tuesday, 6 May.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 3</p>
<p>1 almost entirely from firearms officers and also</p> <p>2 Mr Griffiths, if we can make it. That is right, is it</p> <p>3 not?</p> <p>4 MR HILLIARD: That is the plan, sir, yes.</p> <p>5 THE CORONER: Thank you very much indeed. I will step down</p> <p>6 and now the jury can come in.</p> <p>7 (9.32 am)</p> <p>8 (A short break)</p> <p>9 (9.34 am)</p> <p>10 (In the presence of the jury)</p> <p>11 THE CORONER: Good morning, members of the jury. Thank you</p> <p>12 for attending and the weather has changed, has it not,</p> <p>13 since we were last here, but there we are, that may be</p> <p>14 a good thing?</p> <p>15 We are to start today and every day this week at the</p> <p>16 same time but I will keep you up-to-date during the</p> <p>17 course of the week.</p> <p>18 Could we, therefore, begin, is it -- my list has</p> <p>19 PC Westbrook. Is that right?</p> <p>20 MR HILLIARD: He is the one I read on Friday afternoon.</p> <p>21 THE CORONER: Because we did read it in the end, didn't we?</p> <p>22 Yes, you are right. So it is AZ8. Yes, I am obliged.</p> <p>23 Can we call AZ8?</p> <p>24 AZ8 (sworn)</p> <p>25 Questions from THE CORONER</p> <p style="text-align: center;">Page 2</p>	<p>1 Q. So that is so you are clear what we are talking about,</p> <p>2 you and I at least have the same document?</p> <p>3 A. Yes.</p> <p>4 Q. All right.</p> <p>5 Did you go, as part of your duties as a firearms</p> <p>6 officer on 6 May of that year to the Markham</p> <p>7 Square/King's Road area?</p> <p>8 A. Yes, that is right.</p> <p>9 Q. And can you help us, because I don't think there is</p> <p>10 a note in your statement, can you just give us an idea</p> <p>11 of what time you got there?</p> <p>12 A. The reason I haven't put a time in my statement is</p> <p>13 because I was unsure, and two years later I am still</p> <p>14 unsure of the exact time I got there. It was daylight.</p> <p>15 Q. So you went, I think, to the rendezvous point which</p> <p>16 was -- was that in the Abbey National Bank?</p> <p>17 A. Yes.</p> <p>18 Q. Were you there given some basic information about what</p> <p>19 had gone on and what was going on? I don't want to go</p> <p>20 into it all but does that summarise it?</p> <p>21 A. Yes, we were given a quick briefing by Sergeant SE.</p> <p>22 Q. And had you gone there with your colleague, AZ9, and</p> <p>23 another officer?</p> <p>24 A. Yes, AW4.</p> <p>25 Q. We can go right on to a little bit later on. We know</p> <p style="text-align: center;">Page 4</p>

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1 that at 9 minutes past 9 or thereabouts there was a shot
2 from the back of 46 Markham Square and then there were
3 some shots from police officers, all right?
4 A. Yes.
5 Q. Do you remember hearing the sound of those shots?
6 A. I remember hearing the sound of those shots.
7 Q. And when that happened, were you still in the Abbey
8 National Bank?
9 A. Yes, I was talking to a friend of mine at the time.
10 Q. So after you had got there and you had gone to the Abbey
11 National Bank, had you in fact stayed in the bank
12 certainly until those shots at 21.09 or had you been out
13 and about at all?
14 A. I had been out and about doing a recce to place some
15 standalone lights.
16 Q. Let us come on to the lights. Had you been asked to do
17 what you could to -- I am going to say install, but to
18 sort out some lighting for the back of the premises?
19 A. Yes, that is correct.
20 Q. That is the back of 46. What had you been doing as part
21 of that task?
22 A. I'd visited most of the containment positions and
23 basically trying to sort out positions for lights so
24 they could shine, light up the back of Number 46.
25 Q. Which containment positions had you actually been to?

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1 A. I can't remember now the exact ones, but they were
2 pretty much the ones that have been mentioned so far,
3 and I also checked out other rooms that hadn't been used
4 to see if they were appropriate for the lighting.
5 Q. So it is just so we have the picture. This would be
6 just Bywater Street?
7 A. Yes, I did the back of the premises. Someone else was
8 tasked to do the other one.
9 Q. Absolutely. So Bywater Street, does this mean you would
10 have gone into 1 Bywater Street?
11 A. I did go into 1 Bywater Street.
12 Q. Right. To look and see whether that would be a place to
13 put lights?
14 A. Yes.
15 Q. We have heard about officers on the roof of 5. Would
16 you have gone into 5 at all?
17 A. I didn't go down as far as 5 because, having done this
18 a few times before, I knew the lights wouldn't stretch
19 that far. They would have been ineffective that far
20 away.
21 Q. And did you then make your way to Number 3 Bywater
22 Street?
23 A. I did, yes.
24 Q. Had you thought -- I know you hadn't been into it at
25 this time but had you thought that that could be the

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1 sort of place you would want to set the lights up, that
2 might be a good location for them? Was that your
3 thinking?
4 A. Yes, yes. I had to go into most of the premises just to
5 obviously have a look-see. I hadn't been into Number 3.
6 Number 1 was far too busy. Most of the best positions
7 had been taken up already and because there was the tree
8 in the back garden, I felt it was -- the tree would have
9 been a hindrance, so I needed to get away from the tree
10 and basically place lights in at an angle. Number 3 was,
11 --
12 Q. Looked as if it might be --
13 A. Yes.
14 Q. So if you just have our album of pictures and go to
15 section 4, page 100, that is the front door of --
16 A. Number 3, yes.
17 Q. -- Number 3 or what is left of it?
18 A. Left of it.
19 Q. No criticism. Did you, as it were, remove that bit
20 because I think there was nobody there and you had to
21 force an entry?
22 A. Yes, that's my work, yes.
23 Q. So in the two of you go, yourself and AZ9, is that
24 right?
25 A. That's correct, yes.

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1 Q. And if we turn over to page 101, once you had gone in
2 through the front door did you go to the back of the
3 premises and up what you describe as a small, narrow set
4 of stairs?
5 A. It was about three or four high.
6 Q. Which then came into this little conservatory, is that
7 right?
8 A. That is correct. Initially I didn't. AZ9 went there
9 and I had a little look upstairs to see if there was
10 a better position there, and then I came down and we
11 both agreed that that was probably the best position for
12 the lights.
13 Q. And it looks as if from this that, as it were, if you
14 were standing and looking towards the back of the
15 property, there looks like there is a wall on the
16 left-hand side. Is that right?
17 A. That is correct, yes.
18 Q. And then a glass front, and is the right side of it
19 glass as well?
20 A. Yes, and the roof.
21 Q. And the roof. Thank you. And where did AZ9 go in this
22 room?
23 A. He positioned himself close to the wall, where the
24 little plant and the two pots are, to get as much
25 protection, or the wall was offering him a small amount

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2 (Pages 5 to 8)

1 of protection.
 2 Q. And what did you do?
 3 A. Initially we decided on that: yes, this was a good
 4 location for the lights. He stayed behind and then
 5 I made it at speed back to the RVP to bring the lights
 6 in with the two technical guys.
 7 Q. And was the lighting actually in the rendezvous point,
 8 the bank, when you went there?
 9 A. No, no, it wasn't. We had to wait. We were waiting for
 10 them.
 11 Q. But did it come?
 12 A. After a short time, yes, it arrived.
 13 Q. And were there two technicians who certainly knew how to
 14 install it?
 15 A. Yes, but they normally install the lights.
 16 Q. Did you leave the bank with the technicians and the
 17 equipment and the lighting?
 18 A. Yes.
 19 Q. And?
 20 A. I gave them a quick briefing first, just to let them
 21 know what was going on, and then I dropped one of the
 22 guys off at, as you look at the back, the left side of
 23 the property, which has an address on King's Road, and
 24 then the other guy came with me and we went back into
 25 Number 3.

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1 Q. And did the two of you and the lights go inside?
 2 A. Yes.
 3 Q. And did you go back to the conservatory?
 4 A. I did, yes.
 5 Q. And could you see Mr Saunders this time when you were
 6 there?
 7 A. I didn't actually -- I went back to the conservatory. I
 8 didn't see him at that stage because AW9 said "Quiet,
 9 he's at the window now".
 10 Q. AW9 or AZ9?
 11 A. AZ9, sorry.
 12 Q. So he said to you "Quiet"?
 13 A. "He's at the window now."
 14 Q. "He's at the window now", all right. So what did you
 15 do? Not go into the conservatory?
 16 A. I didn't go in. I had a quick look, sort of sizing up
 17 what to do next. I then took the technician into the
 18 living room because the protocols are that it's his
 19 equipment, he should set it up and place it, with us
 20 covering. I viewed it, it was basically a bit too
 21 dangerous to allow him to go into the conservatory. So
 22 I got him to set it up for us and got him to show how to
 23 switch it on. It wasn't hard, just a light switch, I
 24 think.
 25 Q. Just help us: before you had -- when you just had the

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1 Q. So if you just look in section 1 you will find a plan in
 2 that file just so that we can see where you leave one of
 3 them.
 4 Can you see, if you find the end of Bywater Street
 5 that is on the King's Road, can you see that on the
 6 left-hand side as you look at it there is a Number 134
 7 so it is actually a King's Road number? Do you see,
 8 officer?
 9 A. Yes, I do.
 10 Q. You have got that. Is that where you left the first
 11 technician and his lights?
 12 A. Yes.
 13 Q. And just help us: were there other officers there to
 14 help him?
 15 A. AW4 had basically gone into there.
 16 Q. Had gone into 134. So there was another officer, what,
 17 to help the technicals -- he wasn't just left on his own
 18 with the lighting?
 19 A. No, no, I think I said something like -- obviously
 20 I called the officer by his name and said "He's a big
 21 lad, you can't miss him. He's up there. You'll find
 22 him. He'll tell you where to put it".
 23 Q. So that is one lot of lights. Do you go on with the
 24 other technician and the other light back to Number 3?
 25 A. I do, yes.

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1 quick look, when AZ9 had said "Quiet, he's there," what
 2 had you actually been able to see of Mr Saunders at that
 3 point, just in the quick look?
 4 A. Just a quick look. He was just stood there. I couldn't
 5 see the gun. He was just stood at the window with his
 6 upper body sort of -- if you imagine this is the window
 7 here, he comes down leaning sort of out like that, sort
 8 of talking or shouting or ...
 9 Q. But he was out of the window, was he, as you recall it?
 10 A. His upper body was out of the window.
 11 Q. And that was at the window we have been calling, and
 12 I am sure you were, 3/2?
 13 A. 3/2.
 14 Q. Right, thank you. Is this right: that the helicopter
 15 had lit him up?
 16 A. Yes.
 17 Q. So did the technician show you how to operate the lights
 18 in the --
 19 A. In the living room, yes.
 20 Q. In the living room, yes. What did you do then, once he
 21 had shown you how to operate them?
 22 A. Once I was happy I could switch the lights on, I then
 23 got him to go into the basement of the premises because
 24 I viewed that as the safest place for him. It has sort
 25 of got two brick walls which offered him a lot of

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3 (Pages 9 to 12)

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1 ballistic protection. I then had a quick chat with AZ9,
2 and he said "Right, yes, cover me". He was already in
3 there covering Mr Saunders with a weapon, and then
4 I sort of slowly came up the two steps, keeping as low
5 as possible, got down on to the floor. I had -- it was
6 quite uncomfortable because I had the light on my
7 shoulder and my MP5 stowed away, clipped to my webbing,
8 and then I sort of made my way across the floor
9 although -- I think you have visited it already -- it is
10 only about 6 foot.

11 Q. We haven't actually seen this conservatory.

12 A. It is a very small conservatory. It is 5 foot by 6 foot
13 and, you know, I'm not the biggest guy in the world but
14 I would struggle to lie down flat in it, it was that
15 small, and it was full of plant pots and stuff. AZ9 had
16 opened the door for me and I placed a small plant pot
17 holder in the doorway and then placed the light on top
18 of it.

19 Q. Just so we understand, when you are doing that and you
20 have said to him "Cover me", so we are clear, does that
21 mean, as it were, what, sort of: train your gun on
22 Mr Saunders so if anything should happen whilst I am
23 placing the light --

24 A. Yes.

25 Q. -- as it were, you are safeguarding me? Just so we are

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1 clear what you mean by that.

2 A. Yes, I was under no illusion I was in an extremely
3 dangerous position. AZ9 was my only cover, really, and
4 I had no ballistic cover whatsoever. Basically it means
5 that if he'd fired at us at that stage I probably would
6 have been, or both of us would probably have been hit
7 because the distance between us and Mr Saunders and the
8 style of weapon he was using would have been lethal at
9 that sort of range.

10 Q. So AZ9 has opened the door for you?

11 A. Yes.

12 Q. You have set the lights up. We can see it looks like
13 there is a sort of yellow unit with some wires coming
14 out of the back and then that is obviously the actual
15 what I am going to call the light part of it is, we can
16 see the black reverse side of it, can't we, in the
17 picture?

18 A. Yes.

19 Q. And so what do you have to do? Tilt that, just so you
20 have it aiming in the best place?

21 A. Yes, as you can see in the picture, it is like the
22 weight and size of a car battery with the lighting on
23 top, the element, the halogen lights on, and you just
24 tilt it and turn it into whatever direction you want the
25 main beam. It has two settings, high and low, depending

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1 on how much lighting, and six of these units, to give
2 you an idea, would probably light up a football pitch.

3 Q. Thank you. And did you have it on high or low?

4 A. I can't remember now.

5 Q. But anyway, had you had some advice from the technician
6 as to how --

7 A. Yes.

8 Q. So whatever it was was what he had advised?

9 A. Yes.

10 Q. So you put it there and is this right: that over your 75
11 radio set, you had instructions for the lights to be
12 switched on?

13 A. Yes.

14 Q. And so did you do that?

15 A. I did, yes.

16 Q. Now, so far as the lighting was concerned, then, was
17 that effectively job done?

18 A. Yes, my task was to get in there, recce the lights, put
19 the lights in and get out.

20 Q. At that point was there anything to stop the two of
21 you -- you had set them up, switched them on as you had
22 been requested -- was there anything in fact to stop the
23 two of you leaving at that point?

24 A. Events overtook us. Mr Saunders turned towards us.
25 I saw the shotgun and to withdraw at that stage for our

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1 own safety would have been the wrong move, so I ended up
2 covering Mr Saunders with my MP5. I unclipped it from
3 my belt and got into a kneeling position.

4 Q. Can we just pause a minute because I just want to
5 examine this. After you have done the job and switched
6 the lights on, I am looking at your statement, and it
7 says this:

8 "The male turned towards us."

9 Is that right?

10 A. Yes.

11 Q. And so we have the position: AZ9 is going to be over on
12 the left by the wall, is he?

13 A. Yes.

14 Q. And you are, what, by the lights having switched them
15 on?

16 A. Yes, I am directly behind the lights.

17 Q. He's holding the gun, is that right?

18 A. Yes.

19 Q. And it was pointing where?

20 A. It was pointing skywards. He was holding it in what
21 I would describe as a fairly uncomfortable position.

22 Q. Just upwards, as it were?

23 A. Yes.

24 Q. Why would it have been -- can you just explain to the
25 jury, why would it have been the wrong position --

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4 (Pages 13 to 16)

1 having switched the lights on and seeing him, the gun is
 2 actually not pointing at you but it is in the air; why
 3 would that not be the time for the two of you just to
 4 get out of the glass conservatory? What is wrong about
 5 that?
 6 A. Because the size of the conservatory was quite small.
 7 We both couldn't have scrambled back up the stairs at
 8 the same time, so it would have required one of us to
 9 move first, while the other one was covering, okay? And
 10 then the other one, when they got to the top of the
 11 stairs, could then cover while the other one withdrew.
 12 It is a tactic that we use every day. It is just called
 13 a cover movement-type exercise. One moves while one
 14 covers, so you've always got a foot on the ground.
 15 Q. What did you do then? So you didn't leave but what did
 16 you do?
 17 A. As I switched on the lights I looked up and that was the
 18 first time I had really sort of taken notice of him,
 19 because up until that stage I was busy putting the
 20 lights in. As soon as I see him, he turned towards me.
 21 I see the gun in his hand. He then became an imminent
 22 threat to my life so I then got into a fire position.
 23 Q. They then became a what?
 24 A. An imminent threat to my life.
 25 Q. An imminent threat to your life?
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1 A. Yes.
 2 Q. And so what did you do with your gun?
 3 A. I brought it up to bear on him. I took the safety-catch
 4 off, put my finger on the trigger and covered him.
 5 Q. Had the withdrawal movement started? Was AZ9 on his way
 6 out or was he still there by the wall?
 7 A. No, because the threat was there, we both stayed. We
 8 hadn't discussed how we were going to withdraw because
 9 there hadn't been time. It was -- the emphasis was on
 10 trying to get the lights in. However, not much
 11 discussion would have been needed, simply because it is
 12 a manoeuvre we do hundreds of times. It is one of those
 13 things we do that you don't have to discuss. Just one
 14 of us would have said "Cover him", and the other would
 15 have said "Move in".
 16 Q. Were you aware that there were other armed officers in
 17 Bywater Street? You obviously knew about them at 1,
 18 because you had been there?
 19 A. I was aware there was a containment in, and you have got
 20 to have faith that they're going to be covering the
 21 threat as well.
 22 Q. But that was with a number of positions in Bywater
 23 Street, is that right?
 24 A. Yes.
 25 Q. Did you know when you had gone there, did you know they
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1 were actually in three separate positions in Number
 2 1 Bywater Street?
 3 A. Yes, I had been round to that location earlier on.
 4 Q. You knew that. Did you also know that there were
 5 officers at 5, in the roof?
 6 A. I knew there were some officers up there. I hadn't been
 7 to the location but I knew they were up there somewhere.
 8 Q. Can you just -- we are going to look at the manuals and
 9 so on in due course, but is this right: that the
 10 position is that you may use potentially lethal force if
 11 it is absolutely necessary?
 12 A. If it is absolutely necessary, yes.
 13 Q. Is that a phrase --
 14 A. That is a phrase that is written quite a lot in our
 15 manuals, yes.
 16 Q. So there you are, you have now got him in your sights,
 17 is that right?
 18 A. That is correct, yes.
 19 Q. As far as you were concerned, had AZ9 done the same
 20 thing?
 21 A. I believe so, yes, he's the same training as me, so he
 22 would have done the same thing or be doing the same
 23 thing.
 24 Q. But were you actually concentrating or paying any
 25 attention to what AZ9 was doing or were you focussed on
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1 your own job?
 2 A. No, you know, self preservation.
 3 Q. Yes.
 4 A. I was concentrating on my own job.
 5 Q. Did you say anything or shout anything?
 6 A. I shouted a warning of "Drop the gun", I believe.
 7 Q. Could you hear anybody else shouting that or anything
 8 like it?
 9 A. Yes, there were lots of other shouts going on around me
 10 which I believe came from the other containment
 11 officers. Some of it was fairly colourful.
 12 Q. That is all right. And did AZ9 say anything that you
 13 heard, as it were to you effectively?
 14 A. He was shouting something. I wasn't really paying much
 15 attention.
 16 Q. But I am just -- if it helps you, I am looking on the
 17 third page of your statement towards the end of the
 18 first paragraph.
 19 A. Yes, at one stage he did say that.
 20 Q. So what we have got is him saying "Fuck me, this is
 21 really going to happen"?
 22 A. Yes.
 23 Q. Were you in a kneeling position?
 24 A. I was in a kneeling shoe position, yes, sir.
 25 Q. Can you help us, please, with what you remember seeing?
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5 (Pages 17 to 20)

1 A. As I play it back in my mind, it is not something I do
 2 all the time, but sort of when I knew I was going to
 3 have to give evidence I basically started thinking about
 4 it, and it's not something I think about all the time
 5 but in quiet moments I think about how we could have
 6 done it different, if there was any other way we could
 7 have come with a different outcome and every time I play
 8 it back in my own mind it is the same outcome;
 9 unfortunately Mr Saunders gets shot because of his
 10 actions.
 11 Q. Have you seen the film? Apart from playing it through
 12 your mind, have you seen the film?
 13 A. Yes, I have seen the film.
 14 Q. How many times have you seen that?
 15 A. Twice now, yes.
 16 Q. We are going to have a look at it in a minute. Have you
 17 seen it recently or was it a long time ago?
 18 A. I saw it last week and obviously a couple of times on
 19 the news. It is not something I particularly want to
 20 watch.
 21 Q. I am sure everybody understands that. We are going to
 22 have to look at it, I am afraid, as I am sure you
 23 appreciate. So what do you remember happening then?
 24 A. I remember -- everything sped up for me. It was quite
 25 a bizarre situation. Sort of I've been in quite a few
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1 stressful situations during my life and this was the
 2 first time that, you know, it sped up and things slowed
 3 down and the time elapsed sort of. It was bizarre.
 4 Because I thought the whole thing from the time I turned
 5 on the lights to taking the two shots was a matter of
 6 seconds. I now know in reality it was closer to
 7 a minute and a half. So, yes, I switched the light on,
 8 he turned towards me, I saw the gun for the first time,
 9 give it out, my old boots type sketch, you know, he has
 10 a gun trained on me. I brought myself up to bear, and
 11 I started just --
 12 Q. Sorry, got a gun trained on you?
 13 A. Yes, it --
 14 Q. It is not quite, is it?
 15 A. All right. Okay, yes, I mean -- sorry.
 16 Q. It is quite important, because if it is, you tell the
 17 jury. If the gun was trained on you --
 18 A. No, it wasn't. It was --
 19 Q. It is up in the air, isn't it, at first?
 20 A. Yes. The point I'm trying to make is action will beat
 21 reaction, which basically means that if he decides to
 22 come down and pull, I've then got to react to that and
 23 generally speaking, whoever gets the first shot will
 24 normally get the first round off, and at that distance
 25 if he had got the round off towards me and AZ9, then we
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1 would have been hit and, you know, possibly killed.
 2 Q. You are not suggesting, are you, when the gun is
 3 pointing up in the air, that at that point you could
 4 have said to yourself, "It is absolutely necessary that
 5 I shoot him"?
 6 A. No, no, no. Definitely not, no. No, I mean we're not
 7 trained to do that, no. But he was an unknown threat at
 8 that stage.
 9 THE CORONER: Could we just emphasise this point. Forgive
 10 me, Mr Hilliard. We have heard it before. "Action
 11 beats reaction" is a form of words, is it, that is
 12 drilled into you in the course of your instructions and
 13 everything?
 14 A. I wouldn't say it is drilled into us but we are
 15 informed, you know, not to let guns --
 16 THE CORONER: "Action beats reaction" means what exactly, in
 17 simple words?
 18 A. Well, the best way to probably explain it is that unlike
 19 the films when you see two people pointing guns at each
 20 other and they're talking about it and then the bad guy
 21 goes to pull the trigger but the good guy always gets
 22 there first, in reality that doesn't work, that can't
 23 work, okay? So the idea is to stop the guy from
 24 actually pointing the gun at you, okay? Now, obviously
 25 as police officers we just don't shoot indiscriminately.
 Page 23

1 We have to have what we believe is an imminent threat to
 2 life, but there comes a time -- and everyone has
 3 slightly different views on this, on whether that is an
 4 imminent threat to life or that is an imminent threat to
 5 life or somewhere in between as he brings it down. And
 6 of course as he's bringing it down, his finger could be
 7 on the trigger taking the first pressure up and letting
 8 off. So action will always beat reaction. So we have
 9 to, you know, basically decide where that line is and
 10 for me, as he was bringing it down, especially the
 11 second time, I thought: no, enough's enough and I --
 12 THE CORONER: The other point could simply be made and I put
 13 this to you: if you wait for reaction, your reaction to
 14 him shooting is too late?
 15 A. Yes.
 16 THE CORONER: Because you have been shot.
 17 A. Yes.
 18 THE CORONER: Okay. Action beats reaction. I am so sorry,
 19 Mr Hilliard.
 20 MR HILLIARD: Not at all. So you were saying, I think you
 21 said that when he brought it down the second time -- we
 22 will look at the detail -- the second time, then you
 23 thought enough was enough?
 24 A. Well, it wasn't not so much I -- it is probably bad
 25 phraseology. Sorry about that.
 Page 24

Day 6

Saunders Inquest

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1 Q. No, it is all right.
 2 A. He brought it down the first time and it was virtually
 3 at the point -- I mean, I had taken me breath. I had
 4 checked the sight picture and I was just about squeezing
 5 one off and waiting for it and then he brought it back
 6 up again, so I took a lungful of air again, eased off on
 7 the trigger and went back to flicking between the threat
 8 and the foresight. And as it came down again, it just
 9 crossed my line and I let off the first round.
 10 Q. Right. Was it actually, as far as you were concerned,
 11 pointing at you on either occasion?
 12 A. Yes.
 13 Q. Either or both occasions?
 14 A. Both occasions.
 15 Q. Right. So down it comes the first time, as far as you
 16 are concerned it is pointing at you?
 17 A. It's not quite pointing at me. It's getting close.
 18 Q. And the gun appears to be moving?
 19 A. Yes.
 20 Q. But you decide, what, that it is not absolutely
 21 necessary for you to fire?
 22 A. Not at that stage, no.
 23 Q. So you don't. We will look at the film. Then the gun
 24 is taken back up again, right?
 25 A. Yes.

Page 25

1 Q. What was it the second time, when it comes down the
 2 second time, that made you decide it was now absolutely
 3 necessary for you to fire?
 4 A. It just got past that point of no return. I mean, like
 5 I said, I've seen the film and I'm sort of kicking
 6 myself because I now feel that I left it too late and I
 7 should have taken a shot perhaps the first time he
 8 brought it down.
 9 Q. But certainly at the time you didn't think it was
 10 absolutely necessary the first time?
 11 A. I mean you have a nanosecond to make that decision.
 12 Q. Yes. We are just going to see the film. We have one
 13 version of it where it is actually slowed down. Before
 14 everybody says, we realise that you saw it in real time,
 15 you didn't have a fast forward or slow down procedure,
 16 so rest assured we all understand that. But I am sure
 17 you understand we have this technology to see what
 18 actually happened and we can't say: well, we won't use
 19 it?
 20 A. No, it is quite right.
 21 Q. You understand that. It is the easiest way for us
 22 to ...
 23 A. No, not at all.
 24 Q. Thank you.
 25 A. What am I supposed to be looking at?

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1 Q. If you just hold on a minute and we'll ... Ms Wilson
 2 knows the bit.
 3 AZ8, while that is just starting, it may be that --
 4 do you see that little screen that is on the table?
 5 A. Yes.
 6 Q. It may be -- obviously it is most important that you can
 7 see it and rest assured you will, all right, but ...
 8 Just pause a moment because it is --
 9 THE CORONER: That video screen isn't working.
 10 MR HILLIARD: Officer, most important of all, what about
 11 your screen?
 12 A. Yes, it's working fine.
 13 THE CORONER: I think the jury is quite important as well.
 14 MR HILLIARD: Of course it is. We were just told that one
 15 is working. If it is not, we will pause whilst it is
 16 sorted out.
 17 MR MAY: That is not working.
 18 THE CORONER: I do hope, Mr Hilliard, we can get the
 19 technology sorted before we come into court. What do
 20 you suggest we do with the jury?
 21 MR HILLIARD: I don't know whether the -- can you turn round
 22 and whether you are able to -- you are. You are able
 23 to. That makes it not a drama at all. Thank you very
 24 much. So the jury are going to look at that one and,
 25 officer, assuming --

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1 THE CORONER: I rely on the other one, so I will have this
 2 one.
 3 (Videotape played)
 4 MR HILLIARD: Can we go back again and do it once more.
 5 I am going to stop it at a particular point.
 6 (Videotape played again)
 7 Pause there. So we can see that the gun has come
 8 down at one point?
 9 A. Yes.
 10 Q. And we can now see it is on its way back. But as far as
 11 you were concerned, if I understood your evidence right,
 12 you thought it was being pointed at you?
 13 A. Yes.
 14 Q. Right. We are clear, aren't we, you don't fire at that
 15 point?
 16 A. No.
 17 Q. The gun goes back up again, yes? I think it is on its
 18 way back up now, yes? Let us just play on. All right,
 19 thank you.
 20 And then we can leave that for the moment.
 21 Back it comes down a second time?
 22 A. Yes.
 23 Q. Pointing at you again, yes?
 24 A. Yes.
 25 Q. And this time you do fire?

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7 (Pages 25 to 28)

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1 A. Yes.
 2 Q. Put the lights on, please.
 3 How many times did you fire?
 4 A. I fired two shots, sir.
 5 Q. Were you aware of other officers firing?
 6 A. Not initially. I was aware that AZ9 had fired because
 7 I could hear ringing in my ears.
 8 Q. Did you hear any other shots?
 9 A. Yes, I heard a loud bang and several other rounds going
 10 off sort of around me, so I presumed that other
 11 containment officers had taken shots as well.
 12 Q. I want to be clear as to what you were doing in this
 13 location. Have I got this right: you weren't actually
 14 a containment position?
 15 A. I wasn't in a containment position, no.
 16 Q. As you have told us, you were simply there doing the
 17 lights job?
 18 A. I was asked to recce and place out lights, yes.
 19 Q. Yes. And you have told us, and I am sure everybody
 20 understands why, that you have replayed this over in
 21 your mind again, and you told us that you thought
 22 through it, just to think whether you could or should
 23 have done anything differently, is that right?
 24 A. Yes, that's correct.
 25 Q. Can I just ask you this: on the question of whether or

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1 not it was in fact absolutely necessary for you to be in
 2 the position you were at all, all right? That is what
 3 I want to ask you about. Have you thought, looking back
 4 on matters, as to whether in fact once you had installed
 5 the lights, whether the safest thing wouldn't simply
 6 have been for you and your colleague to leave the
 7 conservatory?
 8 A. Yes, it would have been, but in a controlled manner and
 9 not with an armed male with a shotgun 20 metres away.
 10 Q. But why could you not do that in a controlled manner
 11 with AZ9, who we know is by the brickwork in the
 12 conservatory, why when you have switched the lights on,
 13 why can't as it were he cover, if that is the word,
 14 Mr Saunders if he is visible at the back of 46 and you
 15 make your way out of the conservatory? Why can't you
 16 start an orderly withdrawal at that point?
 17 A. We would have probably done that if we had been given
 18 the time, but with Mr Saunders waving the gun around we
 19 were unable to do that.
 20 Q. Why couldn't you actually do that? Once he's there at
 21 the window why can't AZ9 cover him as you take the four
 22 steps, or whatever it is? Why don't you begin? That is
 23 what I want your help on?
 24 A. Because, like I already explained, everything sort of
 25 sped up and slowed down at the same time and, you know,

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1 if we'd been there for any length of time we probably
 2 would have done that. But we were unable to because
 3 I was so fixated on Mr Saunders with the shotgun
 4 20 metres away from me that I was unable to judge the
 5 time, and for me the whole thing took a few seconds.
 6 I now know it took a minute and a half but at the time
 7 I felt I was only there for a few seconds from the time
 8 I switched the lights on until I took the shots.
 9 MR HILLIARD: Thank you very much.
 10 Questions from MR GIBBS
 11 MR GIBBS: Officer, how long before the shots was it that
 12 you arrived at the scene, do you think?
 13 A. I think I've already stated I'm not particularly sure
 14 how long. If you'd like me to guess, I'd probably say
 15 maybe an hour and a half to two hours, but that is
 16 a complete guess. It was still daylight and it was
 17 before the second shooting.
 18 Q. And the short briefing that you had at firearms control
 19 included, if your statement is right, being told by
 20 somebody that there had been a domestic argument with
 21 this man's wife and that she had run off and he was now
 22 at home with some guns?
 23 A. Yes.
 24 Q. Was that ever corrected, that briefing?
 25 A. Not until after the incident, no.

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1 Q. And so at the time that you fired you certainly still
 2 believed that to be the case, did you?
 3 A. Yes, I did, yes.
 4 Q. And the short briefing, if your statement is right, also
 5 included the suggestion that this man had fired these
 6 weapons at unarmed members of the public --
 7 A. Yes.
 8 Q. -- his neighbours and at armed police?
 9 A. Yes.
 10 Q. But in particular we may be concerned with the
 11 suggestion that you are being briefed, not long before
 12 the fatal shots by firearms control, that the man had
 13 fired weapons at unarmed members of the public, yes?
 14 A. Yes.
 15 Q. Was that ever corrected?
 16 A. No, I don't believe it was.
 17 Q. So at the time that you fired the shots you believed
 18 that to be true?
 19 A. Yes.
 20 Q. Where did that misinformation come from, do you know?
 21 A. I don't know. I can't say. Like I said, Sergeant SE
 22 briefed us and that's what I remember at the time.
 23 Q. Were you told, in relation to the lights, that there was
 24 a problem with the noise that the helicopter was making?
 25 A. I was aware that one of the officers had asked for the

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8 (Pages 29 to 32)

1 helicopter to light the back of the premises up and it
 2 was now interfering with the negotiations.
 3 Q. Because it was getting in the way of communication
 4 between the police and Mr Saunders?
 5 A. Yes, that is correct.
 6 Q. Were you told that the helicopter had actually been
 7 asked to come down and make more noise precisely to
 8 cover the forced entry that you were making into
 9 Number 3?
 10 A. No.
 11 Q. So that it was the need to force entry to Number 3 and
 12 to place these lights which was actually causing the
 13 noise from the helicopter; were you told that?
 14 A. No, I wasn't told that. That is the first time I have
 15 heard that.
 16 Q. Did you know that silver, commanding the operation, had
 17 specifically decided that it was not a good idea to
 18 install static lights?
 19 A. I was unaware of that at the time. Like I said, I was
 20 putting the lights in but I would -- I would be quite
 21 strongly against anyone who suggested that lights
 22 weren't appropriate at that time.
 23 Q. The reason, as we will hear from him, given or certainly
 24 part of the reason was that anyone placing those lights
 25 would be exposed to danger unnecessarily. Did you know
 Page 33

1 that?
 2 A. Sorry, can you say that again?
 3 Q. That anyone placing those lights would be exposed to
 4 danger unnecessarily?
 5 A. Yes, I mean, to quote a recent sort of programme about
 6 this, sometimes we have to put ourselves in the line of
 7 fire, and I'd rather be explaining to you guys now why
 8 I put them lights in rather than to a colleague's wife
 9 or kids reasons why their father or partner was killed,
 10 because I had failed to do my duty, which was to put the
 11 lights in.
 12 Q. Yes. Who ordered you to put the lights in?
 13 A. Sergeant SE.
 14 Q. And you presumably thought he had cleared that with
 15 silver, did you?
 16 A. I presumed so. There is a chain of command and you
 17 don't question your superiors.
 18 Q. I am not suggesting, officer, that you should have
 19 disobeyed your order but when you were placing those
 20 lights in the conservatory of Number 3, as a matter of
 21 fact, we have all been there, you were the closest
 22 officer to Mr Saunders at the window 3/2?
 23 A. I don't think I was the closest officer. I think one of
 24 the other containment positions was slightly closer than
 25 me.
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1 Q. We have heard the distances measured, so we will take
 2 the evidence from the evidence.
 3 A. Okay.
 4 Q. This is a light, six of which would have lit up
 5 a football pitch?
 6 A. Yes, they said from using them in the past, in stadiums
 7 and stuff, about six will light up a football pitch.
 8 Q. So having it shone at you from a distance of, I think
 9 I will hear 13 metres, would be quite a blinding
 10 experience?
 11 A. Yes, although it is not as powerful as a Night Sun on
 12 the helicopter.
 13 Q. So in conjunction with the Night Sun and with -- were
 14 there other lights turned on at 134?
 15 A. I can't say.
 16 Q. We would have enough certainly to light up half
 17 a football pitch?
 18 A. Easily, yes.
 19 Q. Did you think you would be visible behind the light?
 20 A. No, I was using the shadow or the darkness that was in
 21 the building as cover at that stage.
 22 Q. In fact, you plainly would have been completely
 23 invisible behind the light, wouldn't you?
 24 A. Yes.
 25 Q. So if we just imagine it, AZ9 is leaning round the wall
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1 and has his weapon trained on Mr Saunders at the window?
 2 A. Yes.
 3 Q. You move forward where we see in the photograph and
 4 place the light and turn it on?
 5 A. Yes.
 6 Q. And then, rather than moving the 5 or 6 feet, I think
 7 you told us, back out of the conservatory again you
 8 decide to stay there?
 9 A. Because that was the safest option, yes, for us.
 10 Q. And you will just have to explain to me how, with the
 11 light, the blinding light turned on and with you
 12 invisible behind it, the safest option for you could
 13 possibly be to stay there.
 14 A. Because, like I have stated already, because of the
 15 distortion in the time and stuff, I believed I was only
 16 there for a few seconds. I would like to think that if
 17 it had been drawn out any longer I would have realised:
 18 yes, it's time to move, okay? I would have said
 19 something like "move in" or "cover in" and AZ9 would
 20 have then either covered me or moved back.
 21 Q. Because by staying there you were of course then exposed
 22 to danger?
 23 A. Yes, we were.
 24 Q. You had added to the number of people who were exposed
 25 to danger?
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1 A. I did, but I feel the reasons, the reasons for taking
 2 the risk were -- I believed I needed to put the lights
 3 in, okay, and that's why I decided to take the risk.
 4 Q. I am just asking -- the jury will decide -- it may be
 5 completely unfair, given how fast this all happened but
 6 having put the light in and turned it on, whether the
 7 obviously safest thing would simply have been to have
 8 left the room?
 9 A. Yes, it would have been the safest.
 10 Q. You weren't, were you, making a show of force to
 11 Mr Saunders?
 12 A. No, because he couldn't see me and I had faith in the
 13 other containment positions that they were covering me
 14 while I was doing this, and not carrying or taking
 15 cover, you know, behind windows and stuff or brickwork
 16 because their job is containment, which is to contain
 17 the gentleman.
 18 Q. You weren't, by staying there, looking to hold your
 19 ground?
 20 A. No, obviously I wasn't going to turn my back on a drunk
 21 male with a shotgun because that would have been stupid.
 22 Q. Why?
 23 A. Why? Because I didn't want to get shot in the back.
 24 Q. I may have just completely misunderstood, officer, but
 25 AZ9 is there covering you?

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1 A. Yes.
 2 Q. And you have placed the light and you have turned it on
 3 and you are now invisible behind the light?
 4 A. Yes.
 5 Q. And you thought that if you had left the room at that
 6 point, you would have been shot in the back?
 7 A. I may have been shot in the back, yes. I know I have
 8 got other containment positions covering me and AZ9 is
 9 covering me, but when you've got a guy with a shotgun
 10 13 metres away, as you have just informed me, that is
 11 a fairly close distance and a shotgun is quite a lethal
 12 weapon to the point where, you know, in the police, the
 13 guidelines say that we don't use it against people. It
 14 is only to be used against tyres of vehicles and stuff
 15 to gain entry into premises by taking out locks and
 16 hinges and for animals that are considered dangerous or
 17 are suffering unnecessarily. So, you know, I would be
 18 bugged if I was going to turn my back on a guy with
 19 a shotgun, you know.
 20 All right, I have got people protecting me, or
 21 supposedly, but there's nothing like trying to protect
 22 yourself, you know, self-preservation. So, no, I was
 23 not going to turn my back on a guy at the window with
 24 a shotgun.
 25 Q. I may again have completely misunderstood how these

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1 things work, but if having turned on the light, there is
 2 then a man with a shotgun, you have taken out your
 3 gun -- was it an MP5?
 4 A. It was an MP5, yes.
 5 Q. I don't know whether it would be possible, for instance,
 6 pointing the gun at him and invisible to him because of
 7 the lights to have walked backwards out of the
 8 conservatory?
 9 A. Yes, that was an option, but then you have got the
 10 stairs to cope with, an unfamiliar room. There's pots
 11 and plants all over the place. If I was to fall
 12 backwards with my finger on the trigger, then I might
 13 have inadvertently fired off a shot which would have
 14 endangered other people. So, no, that wasn't an option
 15 for me.
 16 Q. Then I suppose AZ9, around the wall, could himself have
 17 also backed off as well?
 18 A. It is a technique that we do practice, yes, but for the
 19 reasons I have already stated I was not about to do
 20 that.
 21 Q. And are you unable when you practice the technique to do
 22 it if there are stairs or pots or ...?
 23 A. We do practice with stairs, pots and other pieces.
 24 MR GIBBS: Thank you very much.
 25 THE CORONER: Mr Perry?

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1 MR PERRY: No, thank you, sir.
 2 Questions from Mr EGAN
 3 MR EGAN: Can I just ask you about three matters, please.
 4 Firstly, in relation to the lights it was considered
 5 important -- we have your evidence on this -- to put
 6 lights in, in order for operational safety and
 7 operational necessity. That is why you went forward to
 8 put the lights in, as I understand it.
 9 A. That's correct, yes.
 10 Q. And I am sure the jury have your evidence on that.
 11 I only want to ask you about this: there were, you
 12 have described them as "techies"?
 13 A. Technicians, yes.
 14 Q. Technicians who come along with the lights. But do
 15 I understand it, I think you gave this evidence, that it
 16 was much too dangerous to expect them to do their job of
 17 putting the lights in; effectively they had to tell you
 18 how to do it and you had to do it?
 19 A. Yes.
 20 Q. Because to ask a technician to go into that
 21 conservatory, as we now know, I know you said it is
 22 20 metres -- in fact you are about 13 and a half,
 23 14 metres away; we will get a precise measurement when
 24 we hear evidence about this -- was putting you at huge
 25 risk. You couldn't conceive of asking a technician to

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10 (Pages 37 to 40)

1 do that?
 2 **A. No, no, we're there to protect the public and our**
 3 **unarmed colleagues.**
 4 **Q. And really just two other short matters. I think you**
 5 **have just dealt with the withdrawing point. I just want**
 6 **to ask this: it may be unnecessary, and I apologise if**
 7 **it is, but of course when you don't know a place and you**
 8 **are not familiar with the topography, where everything**
 9 **is, you have to be very careful indeed when you are**
 10 **withdrawing, I suggest?**
 11 **A. Yes, extremely.**
 12 **Q. And equally, when there is someone else, you have to be**
 13 **very careful that it is choreographed very precisely**
 14 **because otherwise there would be a danger you would be**
 15 **scrambling and bumping into each other?**
 16 **A. Exactly, yes.**
 17 **Q. And in those circumstances, do I understand that the**
 18 **safest option is to try to keep as calm as you can and**
 19 **try to assess the position while providing as much**
 20 **protection as you can?**
 21 **A. That is correct, yes.**
 22 **Q. Now, I think you gave evidence of the things that could**
 23 **happen if you withdrew in an unfamiliar position:**
 24 **loosing off firearms, et cetera. Of course that is**
 25 **a very material consideration, isn't it? You have an**
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1 **armed firearm, it can do terrible damage?**
 2 **A. Yes.**
 3 **Q. And you are aware of that?**
 4 **A. I am. Very much so, yes.**
 5 **Q. Finally this: and in fairness it hasn't been suggested**
 6 **to you I think in reality, or you haven't been asked**
 7 **many questions about your decision to fire, but we saw**
 8 **the slow motion replay and we saw quite clearly the gun**
 9 **go down and then come up again.**
 10 **Now, you are aware that you should not fire unless**
 11 **you have an honestly held belief that it is absolutely**
 12 **necessary to do so?**
 13 **A. Yes.**
 14 **Q. And it seems quite clear -- never mind about looking at**
 15 **it now in slow motion, we all have perfect knowledge**
 16 **now, but at that time is the position this: that when it**
 17 **came down for the first time, although you had your**
 18 **finger on the trigger, you didn't quite take that**
 19 **decision to fire?**
 20 **A. No.**
 21 **Q. And then it went up again?**
 22 **A. And then it went up again, yes.**
 23 **Q. And how did you feel when that happened?**
 24 **A. A sigh of relief. I thought: you know, he hasn't**
 25 **managed to shoot me.**
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1 **Q. And then when it came down again?**
 2 **A. He crossed what I believed to be my line and**
 3 **I unfortunately had to take the action of shooting at**
 4 **him.**
 5 **Q. You said, just looking at the penultimate page of your**
 6 **statement, a couple of days after, you said:**
 7 **"I now feel sad, not for taking the shots, I**
 8 **believed I did the right and only available option left**
 9 **to me, I feel sad that I played a part in this man's**
 10 **death."**
 11 **Is that how you felt?**
 12 **A. Very much so, yes. I joined the police to help people,**
 13 **not end people's lives.**
 14 **MR EGAN: Thank you.**
 15 **THE CORONER: Mr Hilliard?**
 16 **MR HILLIARD: No, thank you.**
 17 **THE CORONER: Thank you very much indeed.**
 18 **A. Thank you.**
 19 **(The witness withdrew)**
 20 **THE CORONER: Can we call AZ9, please.**
 21 **AZ9 (sworn)**
 22 **Questions from THE CORONER**
 23 **THE CORONER: AZ9, at the material time you were a serving**
 24 **officer in the Metropolitan Police, is that right?**
 25 **A. Yes, sir.**
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1 **Q. And you were working on Tuesday, 8 May, although it says**
 2 **in a statement Tuesday, 6 May. Would that be right?**
 3 **A. Yes, sir.**
 4 **Q. Mr Hilliard is counsel to the inquest, and he may have**
 5 **some questions.**
 6 **Questions from MR HILLIARD**
 7 **MR HILLIARD: You went, is this right, with our last**
 8 **witness, AZ8, and another colleague to the Markham**
 9 **Square/King's Road area, is that right?**
 10 **A. Yes, sir.**
 11 **Q. Have you got a copy of your witness statement in front**
 12 **of you?**
 13 **A. I do.**
 14 **Q. You have. And can you help: there is no criticism but**
 15 **have you heard the evidence that AZ8 has given?**
 16 **A. Yes.**
 17 **Q. As I say, no criticism about that at all. You are**
 18 **perfectly entitled to hear that, but I was asking him if**
 19 **he could help about what time he got there. Can you**
 20 **help?**
 21 **A. I have not made a note of it in my statement, purely**
 22 **because of what we were doing that day, but it would**
 23 **have been an hour, an hour and a hour before the first**
 24 **incident, so probably half 7.**
 25 **Q. By the first incident, do you mean the 9.09 shots?**
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