

In relation to the allegation that he neglected his duty by failing to secure and preserve as evidence, broken glass at the scene, Constable Cooke stated that when he arrived it was pretty chaotic. There was a large, very violent crowd, fighting with police already at the scene, and fighting to try and get to the injured persons. He immediately helped other police to hold these persons back. He continued to help to hold this large crowd back until more senior officers arrived at the scene. He further stated that he was not the first person on the scene, not the senior officer at the scene nor was he instructed to take any further action by any senior officer. Mr [REDACTED] Constable Cooke's legal representative, stated that he did not believe Cooke had articulated completely in relation to the scene. Cooke added that he had not been present during the assaults and was not aware of how serious the incident initially had been. Cooke also added that after this incident had been brought under control, he could not recall any debrief having taken place at the scene or any instructions given by supervising officers. He further stated that the town barriers were all closed, effectively sealing the scene from any vehicles passing through and as far as he was aware, a police vehicle remained at the scene to prevent any pedestrian access to it.

Constable Cooke was shown photograph album marked ARN1, showing a stick and pieces of glass. He did not recollect seeing these.

Constable Cooke stated that when he left the scene he believed there was a car left at the scene and on returning with D/Constable Keys, the vehicle was still present. In his opinion the scene was preserved although not by himself.

In relation to the allegation of failing to effect or arrange an early arrest, Constable Cooke replied that this was a riot situation when he arrived, very violent with people roaming about all over the street trying to get towards these injured people. He stated that they did their best to protect the injured persons while awaiting the arrival of the ambulance. He said that it was not practical to start arresting people at the scene. He said that he did not consult with any other police or supervisors at the scene regarding the possible arrest of suspects. He stated that he had no conversation about possible arrests and no formal debriefing took place.

In relation to the allegation of failing to comply with a lawful order to draw up a list of persons identified at the scene, Cooke stated that he went one better than drawing up a list and that he made a full written statement identifying all persons that he knew at the scene and descriptions of them. He stated that he did not think it appropriate to consult with other officers to draw up a list, especially in the light of this turning out to be a serious assault and identification of offenders possibly being an issue.

In relation to the allegation of failing to obey a lawful order to go to the hospital, Constable Cooke replied that he never failed to comply with any lawful order, he was never instructed to attend the hospital but he was aware that other officers were asked to go to the hospital and in fact did go.