

RECORD OF INTERVIEW

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Person interviewed: Kevin Toy - T

Place of interview: MAIB headquarters in Southampton

Date of interview: Wednesday 27<sup>th</sup> April 2022

Duration of interview: 98.15

Time commenced: 1.50pm      Time concluded:

-X2. NAME REDACTED – X3. NAME

Interviewer(s): NAME REDACTED – X1. NAME REDACTED – X4

Other persons present:

Tape counter times	Person speaking	Text
0:00:00.0	X1	So the tape recorder is running. So the time is 1.50pm on Wednesday 27 <sup>th</sup> April 2022. We're in the training room of the MAIB's headquarters in Southampton. In the room is NAME REDACTED from the MAIB.
	X2	NAME REDACTED MAIB.
	X3	NAME REDACTED MAIB
	X4	I'm NAME REDACTED I'm ABS PCS Southeast Branch representing Kevin as his Associate. There is just one thing I wanted to quickly add after Kevin has introduced himself.
	X1	Sure.
	X4	Do you want me to go on now?
	X1	Yeah, absolutely. Go ahead, NAME REDACTED.

	X4	Right. All it is to say is there is a possibility that obviously through your lines of questioning Kevin may be unable to answer due to the questions breaching confidentiality or subject matter not deemed to be in the public interest to disclose. Obviously, if that happens he would advise you. But, obviously, you could approach Border Force Maritime Command to seek release of any such documents should you need to go down those routes. Just to make that plain at the start.
0:01:10.4	X1	Sure. Yeah, that's absolutely fine. So, so under Section 259 of the Merchant Shipping Act witnesses in a marine accident under investigations are obliged to answer any question we judge to be reasonable to ask. So there is a legal obligation on you Kev to answer the questions but I cannot imagine we'll end

		up in that situation. So let's cross that bridge if we get to it.
	X4	Yeah.
	X1	But obviously as I've explained legal protections on witness evidence and MAIB interviews is that it's completely protected. And the idea behind that from a legal point of view is to give you freedom to talk to us. Very often people will tell things actually that they would never tell the police because it's purely for purposes for the safety investigation but I understand the point of it, NAME REDACTED. And I respect it. But there is also the obligation under the Merchant Shipping Act. Thank you.
	X4	No. I understand that. It's just the fact that a lot of our policies are confidential. I mean I can't discuss some even with my union. Anything that comes out of erm out of Border Force.
	X1	Absolutely. Fine. If we stray into something that's highly classified or sensitive or so we have security clearances and I have a current DV as does NAME REDACTED. So we've got security clearances. But if we meet that obstacle we can deal with it at the time. Okay. And Kevin?
	KEVIN TOY	Yes. Kevin Toy Commander of Valiant. Border Force.
	X1	Okay. Thanks, Kev.
	T	It's okay.
	X1	Perhaps we'll just start with you. Could you just tell us your story. How did you end up in this role?
	T	In this role?
	X1	Yeah.
	T	Well. I'm one of the Commanders of Border Force Cutters. I've come up through the – I'm ex Merchant Navy come up through the ranks to Commander I think in 2008. And part of our deployment is to assist the MCA in rescues of people in distress in the English Channel. Primarily between the sort of Dover area. So it's a balance between is it immigration work and but primarily our briefing is that safety of life at sea is the priority. At all times.
	X1	Okay. We'll come onto that. So just come back to you for a minute. So Merchant Navy background was you?

	T	Yeah, second mate. Redundant 1984. Then joined the Customs and Excise, went onto the Cutters and then got my command ticket in 1997. So then got promoted to permanent role I think it's about 2008.
	X1	Okay. So second mate in the Merchant Navy?
	T	Merchant Navy, yeah.
	X1	And then you went into Customs and Excise? [inaudible]
	T	Well, yeah, but before that I was based in Falmouth searching ships and things like that.
	X1	Okay.
	T	And then we did a kind of volunteer role, which NAME REDACTED was in as well. Where we used to go in for three months at a time. And in 1997 they decided to go permanent and recruit various teams. So I was lucky enough and got a second command job.

	X1	Okay.
	T	In that team.
	X1	Okay.
	T	And then went ashore for a little while in up at the Hill in Portsmouth. And then got promoted to Commander. I'd been out in the Med doing migrant operations in the Mediterranean, as well.
	X1	Okay. Tell me about that.
	T	Pretty awful really ha. I was fortunate in a way that a lot of the rescues I got involved in weren't as bad as other people experienced. I've not experienced any deaths in the Mediterranean or anything like that. So a lot of the ones I got involved with were multiple rescues either from a Merchant Navy vessel that had picked some migrants up or in fact large fishing boats with maybe over 100 onboard.
	X1	Okay.
	T	Generally, the central, central Med out of Italy and into Lampedusa and that sort of area.
	X1	Okay, and what qualifications do you hold to command?
	T	I've got a master's ticket I think it's limited European.
	X1	An STCW 2:2 master?
	T	I believe so, yeah, yeah.
	X1	Okay. So to summarise then so Merchant Navy then HM Customs and Excise -

	T	That's correct.
	X1	Variety of jobs ashore then you said from 1997 -
	T	'97 -
	X1	And you started as a -
	T	First Officer.
	X1	First Officer and then you said from 2008 -
	T	Yeah, 2008 I think it was, yeah.
	X1	You've been in command roles. Okay.
	T	And ashore work and ashore as well.
	X1	Okay up in the -
	T	Up in the [inaudible]
	X1	Now called the JMSC.
	T	Yeah, the JMOC in those days. Did about two years up there I think. After the Med.
	X1	Okay. So we'll come onto [inaudible] and how that was. But I just want to move on now to the events on the 24 <sup>th</sup> November.
	T	Yeah.
	X1	So my understanding is that you were in command of Valiant at that time.

	T	That's correct.
	X1	And that Valiant deployed out that evening the 23 <sup>rd</sup> day the 24 <sup>th</sup> -
	T	Okay, yeah.
	X1	It's a long time ago. This isn't like what happened yesterday.
	T	I have a daybook.
	X1	Okay, fine.
	T	So everything that happened on that day that I was involved with has been recorded at the time.
	X1	Okay, okay. So can we take that daybook as evidence or a copy of it?
	T	I don't see any problem with giving you a copy of that and I've done - I had to do a witness statement as well -

	X1	Okay.
	T	Which I haven't delivered to the MCA.
	X1	Okay. We're not err -
	T	But what I've done basically is I've typed out the contents of that into a statement.
	X1	Okay. So if you've done that already there is no point in duplicating. Let's move onto something you can give to us and we'll take that as well. So that witness statement we'll protect that as evidence.
	T	Okay.
	X1	So for the record then if you're happy – based on either your recollection of that day or the notes you've got here we're happy. If you can narrate the story for us as the best you can remember it -
	T	That's fine.
	X1	As much detail as you can.
	T	<p>Okay. So let's have a look. So the day before which was the 23<sup>rd</sup> the evening of the 23<sup>rd</sup> we were berthed in Dover. And expecting to be called out because we were either primary or were the only Cutter there. So when they started getting calls invariably we get the call to go and position to assist. So 01.30 in the morning I got a call from [inaudible] the Command Centre to deploy to an event which was in a position it was still in French waters at the time. I took the trouble this morning to actually plot them on the chart so it's easier to see it visually. So the initial position that I got at about let's have a look 01.30 was it was in French waters sort of about I would say – haven't got any scale on here. I would say about just under 5 miles south. No 4 miles south of the Sandettie Lightvessel. So in the French search and rescue zone. However, having been deployed to a few of these things quite rightly they asked us to go at 1.30 because by the time we get into location it's likely that the vessel will in fact be in the UK search and rescue zone. So I proceeded towards that that position. And once I cleared Dover I contacted Dover for an updated position and got an updated position at about 02.30. Told them I was about an hour from the MPC - MPC Buoy and they told me – Dover coastguard told me that there was a small boat with about 40 people onboard in a position which I can give you. Bearing about 244 by 1 8 miles from the Sandettie Lightvessel and it was taking water. So I was advised I was proceeding to that</p> <p>Mayday at 2.30 and I said the word Mayday because I hadn't heard it before.</p>

		<p>And I was told that there was possibly a French vessel there. Maybe closer and they thought that was probably event C – Charlie. So at about 2.40 I got permission from the coastguard to contravene the TSS rule 10 because we were on the search and rescue mission and basically head directly to that position as shortly as possible. And safest route of course. You know going potentially against the traffic but getting there as soon as we could, which was granted. At about 03.20 I suppose I heard that rescue 163 was going to be on task, which I associate that with a helicopter. I don't know it was obviously but that's what I associate it with. Going down and then at 03.30 I was advised – I can't remember who told me this but they told me there were other vessels. Other migrant vessels in the vicinity of the Sandettie Lightvessel but I was to remain on Task C. So at about 03.27 I was in the last known position for event which was now nominated C and nothing couldn't see anything. So I just said to the coastguard that I'm going to go towards the Sandettie Lightvessel make towards the Sandettie Lightvessel. Now you've got to understand it's wintertime. It's dark. You can't see these vessels at any distance at all. Invariably we see them by eyes rather than the radar. Or sometimes even before the night vision. So I was approaching at a safe speed that I considered safe because there were other vessels around. But you never know how many are out there so you've got to go in reasonably – my biggest fear is always I run somebody over. And that is always in the back of my mind. So you know we go in nice and slowly to try and locate somebody. So at about 03.35 I identified or the Chief Engineer or myself identified on the night vision camera two contacts which we associate with migrant vessels. You know heat source and all that. One appeared to be moving, one appeared to be stopped. So I went to the one that was stopped. And, obviously, I told the coastguard at the time. I told them I had two one moving and one static and I was going to approach the static one. And prepared the RIB team. Sent the RIB over to engage with them. I've got the position for you for that and basically that was then allocated from our office Mike 957. So we embark the migrants onto our boat and it was 35 people. Coastguard were asking me if there were any claims that they'd come from Calais. But it was very difficult to sometimes establish what they're saying – for language difficulties or they just don't want to talk or they tell you what they think you want to know. So we couldn't establish anything specifically. So at about 04.39 we got 35 people onboard.</p>
		<p>I don't think you need to know the makeup of the people do you? Males, females and the likes.</p>
<p>X1</p>		<p>Yeah. It's all interesting</p>

	T	<p>Okay. 20 males, 13 infants and 2 females. 35. So that was called in to the coastguard. And then at 04.43 I got another tasking. I don't recall who gave me that. It was either the coastguard or the helicopter I'm not sure. I haven't recorded who told me it. But anyway, we were given another tasking. And off we went and we were told that there was 30 people on this one that came from rescue 163. At about 04.52 I got an updated position from rescue 163. And another updated position at 05.09. And then at 05.19 we made contact with that migrant vessel and if I recall the helicopter actually vectoring us in onto that one. Which was helpful. And that was allocated Mike 958. Which was dark grey inflatable and we commenced embarking the migrants at about 05.30. And because we had other events to go to we had to abandon those rubber flubbers because you know we got 35 from there. I'll tell you how many we got from this one in a moment. And you know clearly it's wintertime and they're cold and it's like what we found is if we start to tow the migrant vessel in it slows us down to about 4/5 knots and clearly as we've stated before the safety of these people is primary to so we try and get them in as soon as we</p>
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		<p>can. So and that was a total of 31 and they were all males on that boat. So at 06.10 got a tasking to head for the South West Goodwin Buoy. And then we got a position from the coastguard and I made contact at about 06.30 with a migrant vessel and that was allocated Mike 595. And we commenced at embarking them at about 06.30. And at about 07.20 that was completed – I got my RIB back onboard and at 7.22 had another 32 - 21 males, 4 females and 7 minors / children onboard. And then I told the coastguard that we need to go in now we've got 98 onboard. 100 is our maximum that we've calculated so, you know, clearly we got to get these people off before any use to anyone else. So made for the Western entrance. Went in tied up on the David Church disembarked the migrants. And started the disembarking about 8.31. 10.30 discharge was complete and awaited the return of the RIB because we have to hand land them by RIB because it's too dangerous to land them across the David Church. So we have to take them off by RIB and around to the pontoon every time. Say in groups of 6 or something like that. So it takes an inordinate amount of time. And then at about 10.30 I was stood down and told to go to Ramsgate. So I went to Ramsgate and from a copy of my logbook wherever it's gone, I had it earlier. 12.30 arrived into Ramsgate. Then we did the usual replenishment of migrant stores – took fresh water, debrief the crew, stood down. So that was the events of me for the day.</p>
	X1	Do you remember the day, Kev?
	T	I do remember the day because I went to bed when we got in. Clearly we were tired by then and in the afternoon someone said it was on the news there'd been deaths in the Channel. And it was quite a sad day actually. We were all like quite down to be honest. So that was a hard day I'm afraid.
	X1	Can we just go back to - I just want to cover a couple of things if you remember them. One of the things you said was just the mayday tell me about that.
	T	Okay. So during this event no-one – I didn't have a mayday call by anybody. So I was concerned that you know I wanted to go to this vessel and rescue people. And I asked do you want me to go onto this mayday? They said, yeah, carry on. But I didn't hear it transmitted at all.
0:18:20.5	X1	So if you hear a mayday what do you – what's your response to that?
	T	Well, try and respond to it if we possibly can, yeah.

	X1	would you make a record of it?
	T	Yeah, generally, in the GMDSS logbook.
	X1	Okay.
	T	But we're too, we're too – to be honest in this instance we are so busy. We've got a deck crew; I've got crew of 11. I've got 3 I've got to get ready for the RIB. I've got 4 to prepare the decks. Navigator, lookout for myself and I just put it in the daybook to be honest.
	X1	Okay.
	T	But I didn't hear any mayday called on the on the airwaves that night.
	X1	Okay. Why are you remembering that you didn't hear a mayday?
	T	Because I wrote it in the book. I asked shall I proceed to this mayday?
	X1	Yeah.
	T	Because I heard that they said there is people the boat is taking water.

	X1	Okay.
	T	So we weren't – in my mind I the way I understand it is that it's very difficult for the coastguard people in the control centre because they're in that uncertainty phase if you like. And they're wanting someone to go to it and assess it. And I mean we saw two boats that night together. One was stopped and the other I don't know whether I saw it again I just don't know. I've no idea because I've got no way of identifying it. So you could argue that perhaps that one made it to the shore. I can't answer that.
0:19:59.3	X1	Yeah.
	T	But for me in my mind the one that I saw stopped in the middle of a traffic separation scheme in the middle of a TSS, sorry. You know for whatever reason they've stopped maybe they saw us, maybe they just ran out of fuel. I don't know. Breakdown. But in my head they were in more danger than the one that was moving.
	X1	Yeah.
	T	So when I heard them say this boat is taking water, you know, you'd expect a mayday to come out to be honest.
	X1	Yeah. What you're saying is that your logbook doesn't contain any written record of a mayday?
	T	No, not transmitted. I just asked the question. Simply because that's the language we use. You know it wasn't a Pan-Pan because it didn't get transmitted there was no Pan-Pan or anything. It was just go to this event.
	X1	And you said there was 30 people. What else do you remember about the boat when you got there?

	T	Not a lot to be honest because I'll be quite honest with you I've done so many.
	X1	Yeah, yeah.
	T	They all just – it was a rubber boat with a number of people in it. I have been to ones before where they've been taking water and we've put life rafts in before or after I don't know what the – you know. But we've had it where we've had them jumping into our RIB. We've had them where we've had to launch two life rafts and throw people into them. Get them into them so that they're safe while we deal with the rest of them.
	X1	Yeah.
	T	So you know when you hear taking water you really do focus your mind. You know, you've got to get there as quickly and as safely as you can. Because as I've said before there's no point charging in because if there is one there, there is likely to be others.
	X1	Hmm.
0:21:50.1	T	And it is quite difficult especially at night. And if you get any weather as you can appreciate mist or fog you're really struggling. So it's gently, gently.
	X1	Okay so just to summarise the mayday so what you're saying is you didn't write down, there is nothing no written record of a mayday and you've no recollection of hearing mayday?
	T	No, I've no recollection of hearing a mayday. But I just asked the question – I believe it was either on the phone or on the radio I'm not sure which it would be.

	X1	But you used the term mayday to describe -
	T	The event I thought I was going to. So in my head I thought, right, okay, we're going to get there and these people are going to be, you know, really, really in trouble here.
	X1	And did what you find tally with what you were expecting?
	T	No, because we never – I never, I can't tell you that I actually saw event C. Because I went to the last known position nothing there. And you think, right, okay, I'll head up towards the Sandettie Lightvessel now looking for migrant boats -
	X1	Sure.

	T	And on the – while we were searching we found two. So I mean, I don't even know how this one was identified. The original task whether it was a report from a commercial ship – because quite often you will get commercial ships reporting them in. Cross Channel ferries are reporting them in. Or they'll phone the police with a 999. But all we get is there is an event in this position. And sorry, the frustrating – it's not frustrating I understand why the coastguard can't plot them because they don't know which way they're going and how fast they're going or if they're drifting. So we have to use that data point to start with because that's the only thing we know.
	X1	Just going back to the events on the night then. So when the coastguard passed this position for you to go to did the position also have a time?
	T	The first one was 1.30 I was told that it was an event in position or whatever it was.
0:23:59.9	X1	Yeah.
	T	And then at about 2.30 I got an updated position from a Dover coastguard. So basically, it takes us a little time to get going. And so, it took us half an hour to get going. So at 2 o'clock we'd slipped out of Dover and 0222 we cleared the Dover entrance and I just quickly roughly gave them an eta at the MPC Buoy to help them with how quickly we were going to get there. So it was about an hour. So then shortly afterwards they must have come back to me with a position to say the last position they had at 2.30 but I didn't write down the time because to me it's not really. You know, we just go to where they tell us to.
	X1	Yeah.
	T	And we have to understand that they will move around a bit.
	X1	And when you got there and didn't find anything -
	T	Hmm mm.
	X1	Can you remember why you decided to then go up towards Sandettie Light?
	T	I think it was probably because of the way the tide was running. The tidal stream was probably running that way.
	X1	Yeah.
	T	And lo and behold I don't know if I can show you the chart I'll just show you. So that was the initial position we were given clearly in French waters. But by the time we got there it doesn't continue but anyway, sort of. Ha. I've got another one here to fill in. Get this right. So it sort of goes like that if you like. You can see where Dover is. We headed for the last known position once we

		got clear headed for the last known position of Charlie? And this isn't the plot of the day this is what I did this morning for you because I thought it would be easier to explain. So you know, and that's obviously not the track we took but that's the sort of – we went from there to there and then proceeded up to here. And then I ended up sighting one just about there. And of course by the time we'd launched it had drifted up to there. So you know. I think probably the wind and the tide was pushing us that way.
	X1	Yeah.
	T	So we ended up there but you can see clearly that one was stopped here, he's going to drift into that Channel and he's in danger. So we picked them up there and what we try and do is try and pick up in the either in the inshore zone or the traffic separation area because it's safer for everybody but sometimes as you can see you don't get the option. So we went from there to the next tasking which by the time I think this one was moving in all honesty. So the time we got to it, it was there. And again, this isn't necessarily the direct route we took because we had to dodge the traffic. So got to that one and then next tasking was over here and that's where we picked them up. And by then we had 98 onboard so we're full more or less. And you can have that if you want.
0:27:19.7	X1	Yeah, that's fine. Going to summarise because there is one bit I've not quite got.
	T	Okay.
	X1	That is when you then obviously nothing in position Charlie went up towards Sandettie and you then you said you detected two – did you pick both of them up?
	T	With the night vision.
	X1	No. Did you get all the -
	T	No, no, no, the one -
	X1	Did you pick one boat up?
	T	Yes.
	X1	Okay. What happened to the other one?
	T	No idea.
	X1	But it was underway?
	T	It was underway.
	X1	So you picked up the one that was stopped?
	T	Yes.
	X1	Okay. Let me try and summarise this then.
	T	Yeah, yeah.
	X1	One of the things we do in interviews is just to summarise.
	T	Oh, yeah, yeah.

	X1	For the record. So you got the call from Dover MRCC and you were in Dover -
	T	I got the call from our command centre.

	X1	You were in the command centre in -
	T	Portsmouth, yeah. To deploy.
	X1	You were given a position of what was described to you by the coastguard as Migrant Charlie?
	T	No. I was given a position of -
	X1	Oh, yes, in the French waters.
	T	That was one from the MCC so clearly we're going to proceed because by the time we get there they're likely to be in English waters. Or UK territory.
	X1	Yeah, so you go in position by your headquarters but the position was in French waters?
	T	Yeah.
0:28:32.1	X1	But you head out then you're given a position by the coastguard because it's now in UK waters.
	T	Yeah. I don't know if that's that one.
	X1	Okay. So you head to that position you say you get there and there is nothing.
	T	So I'm given a position at 1.30 and I don't know whether that position at 1.30 is the position of the other vessel Charlie. I've no idea.
	X1	Okay, that's fine. But anyway, when you get to that position -
	T	Yeah, there is nothing there.
	X1	There is nothing there. You go northeast to which you recall was probably based around the tidal stream -
	T	Yeah, and the fact that we'd already covered this bit so -
	X1	And you said you then detected two vessels one stopped and one underway -
	T	Correct.
	X1	And can you remember how you found it?
	T	Night vision.
	X1	Okay, we'll talk about the sensors in a minute. But night vision detection and you put the RIB in the water?

	T	Told the coastguard we got them first of all and said I was going to go to the stopped one clearly because the other one is moving -
	X1	Yeah.
	T	And embarked them.
	X1	Put RIB in the water, recovered the stopped migrants.
	T	Yes.
	X1	The other one disappears off into the night -
	T	Don't know where they went.
	X1	And you then pick up new tasking and you head to that position.
	T	Yes, which I believe is from the helicopter.
	X1	Yes. 163 gives you a new position to go to -

	T	Yeah.
	X1	And you get there and you pick up that full boat -
	T	That's right.
	X1	And then you get a third tasking -
	T	Correct.
0:29:56.3	X1	And then by the time you picked up the third boat you had 98 passengers so you then head to Dover -
	T	Yeah.
	X1	Berth alongside the David Church -
	T	David Church, yeah.
	X1	Disembarked by your RIB -
	T	Yes.
	X1	Because you can't disembark in the way of the other ship and then once you disembarked and were given tasking to go to you said you went somewhere else after that -
	T	I said I went to Ramsgate. Stood down because clearly the crew were into rest fatigue then aren't we?
	X1	Yeah.

	T	Because we've had this we've had it before and you know it's a developing operation and we've had it where we've been out for an inordinate amount of time. Because there is people to save -
	X1	Yeah.
	T	But at the end of the day, it's no good being out there when you're tired because you're going to make mistakes. So they're sort of saying, when you get towards your 10 / 12 hours you've got to find someone else to do it now.
	X1	Yeah, sure. Okay.
	T	So as it was we stood down at around 12.30 as I recall – and you know 1.30 to 12.30 is a long, long time.
	X1	Hmm. NAME REDACTED, let's get some more narrative -
0:31:07.1	X2	Yeah. I've just got a question about the speed you mentioned when you were searching -
	T	Safe speed, yeah.
	X2	Yeah. What would be a safe speed?
	T	Well, again it depends on the conditions and the visibility. You know, we all know the rules you know visibility, traffic density, weather conditions and all this. But the biggest problem with these boats is they're so small and they're not lit. They've got no lights. So we're probably, we're probably, you know, in this instance I guess I would probably have done about 15 knots up to about here. And then you get in that vicinity you're down to probably 5 / 4 knots something like that. Because you're ever so worried you're going to run somebody over. But you know, none the less you're still looking as you come along because that's – you know, you're got your gain on your radar up to max because you're trying to – you know they're out there so if there is one

		out there, there is going to be others out there. So that's the biggest problem. And every, every event is different. It's so different it really is. The weather makes a difference – but as I recall that day it wasn't particularly windy and the visibility was particularly okay, I think. It wasn't any issues as such. There wouldn't have been or we wouldn't have seen them on the night vision. Because once you get any mist / moisture in the air the night vision doesn't work.
	X1	Yeah, okay.
	X2	That's all from me.
	X1	You've referred to the coastguard incident Charlie and then you said that also referred to the Border Force Mike 957.
	T	Well, yes, well -
	X1	Tell me about that.

	T	Right okay. So the coastguard allocate their events as I understand it by starting at alpha and working through to – well, I was told I can recall seeing events where you're onto perhaps – sorry, the fourth iteration of the alphabet. Now my understanding is that each call or report is given a different task until they can actually confirm that they're together. So it might be you have A, B, C and D are all the same event.
	X1	Yeah.
	T	Or they could be separate events. So how they control how many events are going I've no idea. Because I've not experienced that but it is tricky and it does get very confusing. We don't get allocated a Mike number until we start embarking people.
	X1	Okay.
	T	So the only way we can get a Mike number is via our office and that's just to account for the reporting of the people we've rescued.
	X1	So a Mike number is allocated by -
	T	MCC. Maritime Command Centre in Portsdown Hill -
	X1	When you're embarking people off the boat?
	T	Yeah.
0:34:35.1	X1	Okay. So those two you went to only one of those will get a Mike number is that right?
	T	Yes, because I didn't embark anybody. Oh, the two that was up here?
	X1	Yeah, yeah. Only one got allocated a Mike number?
	T	Correct.
	X1	And when did you get the RIB back onboard – can you remember when you got the RIB back onboard?
	T	I usually get them back as soon as I can. For the RIB team. However, clearly if it's a short hop there is no point. I've had it where we've been rescuing one on another event and we got migrant boats coming at you. So you're trying to keep them away while you're doing one and then since we're here we'll go and get the next lot. If it's half a mile or something like that. But if it's 3 or 4 miles just that little bit of rest in the night is good for the morale for the RIB team. Because they're working hard.

	X1	Yeah. Okay. We'll come onto Valiant in a minute. I think that's what we're going to talk about next. But in terms of the records obviously you've plotted for us we can take that. You've got your daybook which we don't need the whole thing we just need the extract.
	T	Yeah. I'm quite happy with that.
	X1	We can take a copy of that. And what's the book here?

	T	That's my daybook. This is the one I had for coming in here. So that one is like the current one but this is the one from then.
	X1	Okay so there's nothing in there?
	T	Only other migrant events – maybe one or two.
	X1	Okay. So it's the 24th we're interested in. So we can either just take a photograph of that or we can just go and photocopy it and then you can take it away -
	T	Yeah, of course. Because that's got loads – it's got quite a few in there so -
	X1	Yeah, so we'll view the 23 <sup>rd</sup> and the 24 <sup>th</sup> .
	T	There is nothing for the 23 <sup>rd</sup> because we weren't deployed. I'll give you the pages you need so that's fine.
	X1	And so just to finish off when did you next go to sea after this point?
	T	Next tasking 25 <sup>th</sup> 01.00.
	X1	Okay. So you didn't get called out for when the bodies were found on the afternoon of the 24 <sup>th</sup> ?
	T	No.
	X1	No. Okay.
	T	Say I woke up at about half past 2 I suppose and people were saying, you know, well, chef was saying, seen the news?
	X1	Yeah, okay. Let's move on then let's talk about Valiant. So we can understand more about that. So just describe Valiant to me.
	T	She's a 42-metre Damen 4207 patrol boat crew of well, it's got accommodation for 16 but we tend to do this with between 10 and 11. It's the minimum. 11 is good. It's got a small RIB on the back a 7 metre RIB stern door launch which we use for law enforcement work or indeed rescuing people. It's the quickest and safest way of doing it. How we rescue people depends on the weather conditions, the condition of the individual and their capability. Generally, we'll have them climb up an embarkation ladder on the starboard side. So we come alongside do a two or three knots with a lead, hook onto a boat rope and then they're escorted up one at a time. However, if you've got we've had pregnant women, we've had people with no limbs, we've had people injured, children. We bring them up the stern ramp. So a maximum of two or three because of the weight on the pulling up on the safety side of things. So they're our options really.
	X1	Okay. And just explain the crewing arrangements.
	T	Crewing arrangements we're all permanent crewing all border force officers. On this occasion we had an immigration enforcement officer onboard to collect evidence for potential prosecutions for anyone that was thought to be involved in the smuggling attempt but yeah, crew of 12. Minimum of 10 for this

		so the set up for that would be you'd have myself in command. Have a watchkeeper, an engineer looking after the engine systems. 3 in the RIB to handle the migrants. 4 on deck and if you got the extra person the 11 <sup>th</sup> person that gives you the lookout. Clearly running into a boat, you don't need everyone on deck so you can have a lookout running in but when you get to the final bit when they put the RIB away and that the lookout has to – if you haven't got enough it has to sort of fall aside within close proximity. So the way I work it is I stay in command. I've got my navigator who does all the manoeuvring of the boat. Positioning it and looking out for you know commercial ships. Running in AIS will be on transmit. I tend to put it on when we leave Dover or when we get deployed from wherever we were deployed from. Simply because you, you know, a lot going on it's easy to forget. We've got blue lights that we can turn on law enforcement lights. And sometimes put a ram on simply because it helps a commercial person understand what we're doing, you know. And it's a matter of protecting us and protecting the migrants too. Yeah, so two radars. PLECDIS (?)
	X1	PLECDIS?
	T	Paper it's ECDIS with like ECDIS chart -
	X1	Yeah. Electronic navigation -
	T	Yeah, electronic version, yeah. But I tend to use the paper charts for this because it's quicker for me.
0:40:34.5	X1	So what's the official method of navigating a vessel? ECDIS? Is the Border Force using ECDIS?
	T	We've got ECDIS but we've got charts, as well.
	X1	Okay. But which one is the primary means of navigating?
	T	ECDIS.
	X1	Okay. You've got a note for paper charts as well?
	T	Yeah. Yeah. Full set of charts for the UK. And in this instance I find it easier because you've got a paper copy you can stand back and look at it and draw lines you know for planning – tactical planning on it.
	X1	Yeah, okay. So the manning you've got the captain is that the term you use?
	T	Yeah, commander.
	X1	Okay and then you've got a watchkeeper?
	T	Yeah.
	X1	Who you've also described as a navigator?

	T	Yeah. We run with a minimum of two OOW including the commander for normal operations. But obviously that's limited on, you know, we can't be out for 24 hours if we've only got two. But you know, the way I run it is I have my second mate or my third chief officer will be in the wheelhouse in charge of the watch if you like and I'm looking after the tactical side of this. So by preference I use my third officer in the wheelhouse and the mate, because of the grade structure with border force he's on deck because if we have to go into the situation where forgetting the security stuff people are dying, it's only fair that the rank structure is such that he'll turn around and say to the lads, okay, forget that. Let's get them on now quickly.
	X1	Yeah.

	T	You know, so, my preference is to have the mate on deck and the third officer navigating. However, sometimes with covid and leave and all that sort of stuff we just don't have the third person. So I always have the watchkeeper up in the wheelhouse.
	X1	So you go to sea with the minimum of you plus another watchkeeper sometimes you've got a third?
	T	Or fourth. Sometimes.
	X1	Okay. An engineer?
	T	Minimum of two engineers. Chief engineer and second or engineering watchkeeper, yeah.
	X1	And a boat crew of three -
	T	Three or four.
	X1	And then a deck team you said of four?
	T	Yeah, four.
	X1	Okay. Is it capable to operate the ship 24 /7?
	T	With a full team you could.
	X1	Yeah.
	T	Yeah. If you have three watchkeepers. Three engineer watchkeepers and three looks outs you could do, nine. You could but then you got to think why are we there? Ha. You can run a four on eight off watch. With nine but then who's making the food and the reason we're there is to board vessels at sea so you need that additional group of people to do that.
0:43:21.4	X1	So how did your crew cycle work then?

	T	We do 15 days on and 13 days off. So we've just changed to a Thursday changeover but on this event we were joined on the Wednesday whatever I don't even know what day this was. We joined on the Wednesday and take over from the opposite crew and then we'd stay on until the next Wednesday and they'd come back.
	X1	Okay. So Valiant has two crews?
	T	Yes. Yeah.
	X1	And are they dedicated to Valiant?
	T	No, no.
	X1	How many Valiants are there?
	T	Ah, right. There is four – there is five Cutters in total. One of them is an exFinnish boat I can't remember the name. It's called Protector. We got four 207s but they'd be crewed to the same level.
	X1	Yeah. So could you go to another identical vessel -
	T	Yeah.
	X1	This happened to be Valiant on this occasion?
	T	Correct, yeah. Yeah.
	X1	So in your 14 days on you'll just be assigned to one of the Cutters?
	T	No. Because it depends on – like everyone we've had covid. And we just have

		to sort of fill in where you can. Someone goes down with covid I've had it where three people got covid and we had to send them home. So you either put the boat into standby or get other people in. The ideal thing is not to get other people in because are we infected?
	X1	Yeah.
	T	So it's a matter of trying to keep you in your little groups so that you don't – you could wipe out 120 people quite quickly if you didn't watch it.
	X1	So your crew do they stick together the same people each time -
	T	Generally. Yeah, generally. Yeah. So we'd have trained for all of this. I mean, we've been doing. You tend to try and do - they tend to try and give you migrant operations in the southeast for about three months -
0:45:17.3	X1	Okay.
	T	But invariably it doesn't necessarily work sometimes because the primary is the southeast coast. So if a boat goes technical or they run out of crew then people are going to get drafted in or you're going to have to relieve for them.

	X1	Yeah. What do you mean by the primary?
	T	So there is a nominated boat which is the primary one for that period if you like, they're primary – it's Op Deveran if you know what I mean– so that's the primary boat and then you have another one which is the surge so that's limited to where it can go in the UK. So if there is a surge in traffic then they can come in rather rapidly and then the other boats are tasked elsewhere.
	X1	So for the five larger Cutters you've got one apparently assigned to this and a surge boat -
	T	Yeah, that's all changing now. Hopefully.
	X1	Okay. That was what was in place -
	T	Yeah, at the time. Yes.
	X1	How is that changing then?
	T	We're getting crew transfer vessels.
	X1	Okay but you've already got one haven't you – the Hurricane?
	T	Yeah.
	X1	Are you going to get some more?
	T	Yeah, there is another one Typhoon and another two I think coming in.
	X1	Okay. I was going to come onto that. So we've discussed how many – can you remember how many people were on this -
	T	11.
	X1	11 of you were onboard.
	T	Plus, one immigration Enforcement Person.
	X1	So there were 12 souls onboard on the 24 <sup>th</sup> ?
	T	Yeah, yeah.
	X1	Okay.
	T	One of which wasn't a mariner he was just simply there to record evidence.

	X1	And when you're onboard – when your cycle brings you onboard do you live onboard the ship?
	T	Yeah.
	X1	So you got a cabin onboard?
	T	Yeah. 30 minutes notice to respond.
	X1	30 minutes notice to go. And how much of that time can you actually spend at sea?

	T	It depends how many crew you've got and what you're doing.
	X1	Yeah.
	T	If there is a live job on, you know, taking you up the Channel or something could be – I would say the most we could do is five days. Fuel and water would dictate that and food. Of course, fatigue but -
	X1	Yeah. The pattern that seems to have emerged here is that early in the morning driven by the migrant behaviours you're going out rescuing and coming back and then resting and the cycle between sort of lunch time and one o'clock in the morning -
	T	Yeah.
	X1	And does that fit okay with your work / rest patterns? Do you keep records -
	T	It does. Yeah, we keep records rest records, yeah. It does but it is – the problem is you're always waiting for that call. Any little noise and you're like it is time to go? So it does get very tiring.
	X1	Yeah.
	T	And that's why they've introduced this come 10 o'clock you've been out for 10 hours so you've got to go and get rest now.
0:48:12.6	X1	Yeah, yeah.
	T	And that's being driven by our maritime safety team because they recognise that everyone will do their best to save people because its important. But at the end of the day, you've got to look after your staff, your welfare as well.
	X1	Yeah, okay. So we've talked about the night-sight. so just describe to me the sensors you said there's radars?
	T	We've got radars – two radars normal maritime radars. Simrads I think they are. And one CHES night vision equipment so it's daylight camera and night light camera. And that's mounted on the mast so it's fairly high up. It gives you that little bit extra range and is controlled by the by either a joystick or it can be linked into targets but we found that it's no good for radar targets in this instance because they're not picking up on radar.
	X1	Okay.
	T	Occasionally you will if the weather is perfect but not very often.
	X1	You were searching using the -
	T	Everything. The eyes. Predominantly I've been thinking about this for some time. And it would be interesting. I don't think we record this but it would be interesting to know how most of the migrant events are actually identified. Whether it's radar, whether it's night vision or whether it's actually just looking out of the window with a pair of binoculars. And I think you'll find and this is

		just my opinion -
	X1	Yeah, go on.
	T	Most of them will be with the eyes. Yeah.
	X1	So anecdotally your sense is that the majority of the detections are visual?
	T	I think so, yeah. And quite often we've got the search light on as well trying to, you know, scan ahead. As you come in and scanning constantly that's when you get heightened alert. And you're picking them up quite close actually, it's quite frightening how you could miss them. And then you've got the CPV – Coastal Patrol Vessels they're little rubber ones -
	X1	Yeah.
	T	They're ex BP rescue boats and of course they're lower down. They're more nimble. Ironically they're designed to rescue people at sea. But they can't take as many as us. They've got five crew so then you've got the welfare issues there of 50 people with five people isn't ideal.
	X1	Just go back to the night sight. So on the mast they've got a day light optical camera and is it fixed or can you rotate it?
	T	Oh, no it can rotate, yeah.
	X1	360 degrees?
	T	More or less, there is a blind spot on the mast I think. Yeah.
	X1	Is that recorded?
	T	I believe so, yeah. I don't know whether that was recorded on that night.
	X1	Okay. So to summarise so you're searching with binoculars, radar – two radars, your CHES as you call it – night vision spotlight. And put your light on it so you're sort of all sensors the whole time [inaudible].
	T	Yeah.
	X1	And you talked about the example here of the coastguard giving you a lat and long. You said you plot that on a paper chart is that right?
	T	Yeah.
	X1	So how do you build a picture of what's going on around you from external information?
	T	AIS radar and that's on the ECDIS. You can look and see and the ECDIS is linked into the radar as the AIS is so I tend to leave that to the navigator. I need to go there; can you get me there? And obviously looking over his shoulder-
	X1	Navigation?
	T	Yeah, just keep an eye on it. Let them focus on that and you're heads down in this to be honest. Trying to – I wrote it down somewhere in that other book. I think I had 9 channels – 8 channels of communication coming in. 8 channels.
	X1	Yeah. Effectively the picture emerging here – is it officer of the watch?

	T	Officer of the watch, yeah.
	X1	Let's talk about the officer of the watch. So the officer of the watch the way you're describing. The officer of the watch is operating building out this picture of the AIS and radar navigating the ship

	T	Yeah.
	X1	And then you're focusing more on the what you described as sort of tactical picture.
	T	Yeah.
	X1	What information I got off the coastguard, helicopter -
	T	Yeah.
	X1	Bringing the ship to the right place -
	T	Yeah.
0:52:57.6	X1	Okay.
	T	So the officer of the watch will monitor CNIS channel 11, channel 16 obviously. Dover Port control he's looking at the cross-Channel ferries. You know, he's trying to detect small targets. Get me in the right position and obviously we've got coastguard and our office on our secure coms. Got the deck team on their secure comms. I've got the RIB. The deck team and the RIB were at the same channel. That's just direct and then we've got the secure comms with the coastguard in the office. However, when you get out by the Sandettie you tend to lose it. So then you're back onto 0 or 16.
	X1	Yeah. What's the secure contact you were using?
	T	Airwave.
	X1	Which is a VHF?
	T	It goes into the telephone system. So like police airwave.
	X1	So you're using airwave back to your MCC and the coastguard -
	T	Yeah, on the same channel. And we also got another channel to MCC direct if we wanted but the problem is they're listening on X Mama 01 anyway so you might as well - it saves two messages, doesn't it?
	X1	Yeah.
	T	Telephone. But when you get out here you lose everything and you're back onto VHF.
	X1	Yeah. Do you have a VHF channel back to your MCC?

	T	No. No. When I worked up there we had from time to time we would have the coastguard liaison officer up there if he was in he could listen but not during the night.
	X1	That's in the JCR – Joint Control Room?
	T	Well, I've not been there for a while. When I was there I was there in before 2018 for two years and we had a coastguard liaison officer in there and the police and the likes during the day. You could sit and listen and look at all these scanners and everything. Quite often see something going on there but I don't know if that happens anymore.
	X1	I'm getting mixed up now. Are you talking about the NMIC -
	T	It was the JMOC but then it all changed to JM and they moved rooms and everything. So at one point when I was there we were all in the same room together. But as I understand it now Border Force are not in with the coastguard.

	X1	In Portsdown Hill?
	T	Yeah. And then at weekends the coastguard's not down there you've got the link down to Fareham is it?
	X1	Yeah, that's the JRCC. I was thinking about the JCR the Joint Control Room in Dover. You think it got set up after Priti Patel's visit in 2020 are you sure it was that?
	T	Yes. I haven't been there but we got an embedded officer in there but they don't work nights.
	X1	Yeah. Did you talk to them?
	T	Yeah, when they come in.
	X1	It's not 24/7?
	T	No, 5 o'clock you expect them to come in.
	X1	But your MCC is 24/7?
	T	Yes. Yeah.
	X1	Okay. And what records are you keeping, Kev? What records are you keeping? Like an event like this – just the paper?
	T	Yeah, and then we do a debrief to the office.
	X1	Okay.
	T	Which was sent in which they'll have. So it's a template form. It's basically a drop down form, I've probably got a copy on the computer but I'll have to fire it up. I can check. That will only be on the m numbers on the event -

	X1	M95?
	T	Yeah.
	X1	957 you said.
	T	Hang on I'll tell you exactly. 971 no, hang on – no, that's right. 958 959 957 sorry.
	X1	So you do a little feedback briefing?
	T	Yeah, it's a drop-down thing. You know, size of the boat – 10 metres. How many people onboard? Where it was. Who notified you? Did the French assist you? Did anyone else assist lifeboats? And that sort of thing. Were there any problems with it? Did the migrants give any, you know, grief? Wouldn't they stop? That sort of thing.
0:57:42.6	X1	So just talking generally about Valiant. You've done an awful lot with this Kev so when you are out near the line and it's dark and you're looking for migrant boats who is in charge of that operation?
	T	Well, the coastguard, really. As I've written in my notes there my understanding is once – the MCC will task me. And when I get out I call the coastguard and they will say, right, go there. And as far as I'm concerned from then on it's a SOLAS under the coastguard tasking. And whatever we get out of it later on is a bonus if you like, or not as the case may be. But you know, primarily we are so focused on making sure these people are safe. I've had it where we've said forget – we'll rub then down when they come onboard. Take their belongings off them, put a tag on them but sometimes you've just got to get them on and put them all down and then we'll deal with that later on. That

		can come later. It's a dynamic decision at the time.
	X1	Yeah.
	T	I've had two events like that. Where I've just said, get them on.
	X1	And is there a formal handover between the coastguard and the Border Force as you transition from when MCC says, time to go, off you go. And then is there a formal handover and you say, I'm now assigned to the coastguard?
	T	Not that I'm aware of, no.
	X1	You just wait to be told?
	T	Yeah. Or if you find something it's incumbent on you to report it straightaway. So like these ones two boats I think are migrant boats. I'm going to this one because it's stopped.
	X1	And who would you report that to?
	T	The coastguard. Or if the liaison officer was in – but he's working in tandem with the coastguard so in my head it's the coastguard because that's why he's there surely.

	X1	Yeah. And how do you know what else is going on around about you? You talked about the helicopter how did you know the helicopter?
	T	Just hear it. You hear it on 0. We've got monitors on 0.
	X1	And is channel zero your primary comms. with the aircraft?
	T	Yes, on that event. In those circumstances it would be. Yeah. Because the other thing is you've got other people listening in on 16. And we've had this where people are recording it and saying, this is what's happening. We're very, very nervous about telling Dover Port about how many people we're coming in with. So I'll phone up Dover and say we're coming in with 98 people because we've got people listening on 74 and they'll say then the next thing, oh, there's a boat coming in with 100 people on.
	X1	To come and do what?
	T	Photograph it. Sell it to the press whatever they want to do. But you can't stop that so to get around that we've found that phone the port up and say, I'm on my way in about half an hour away. We've got 98 people onboard and then when you get to the western entrance they've very good they say, come on in. In you come, because clearly you've got to communicate on the open channels because everyone else knows you're coming in but you don't need to declare who you've got with you.
	X1	Yeah. But is channel 0 not available to the general public? You can't dial it up -
	T	I don't think so, no. It's a private channel but we've had it fitted in because of what we're doing. But I'm sure you could look it up if you wanted to and put it in.
	X1	I know lifeboats RNLI have it. So what about the lifeboats then how do you work with them?
	T	Well, they get tasked by Dover and we'll either support one another or we'll go to one and they'll go to one. It depends on - I've had it where I've been here and we've been full and they've been nearly full and I've said to the guys, right, we're full but we're going to stay here until the lifeboat have got these people on and if it starts sinking we're going to take people. Or we can do

		something. We'll either take them onboard or we'll throw the life rafts in. if we're making a rescue here or anywhere if we're in the vicinity we won't leave them unless we've got to get in. So it's a matter of trying to help one another. We've had it where we've turned up and the lifeboat had been standing off and we picked them up. But it's developed a lot over the two or three years we've been doing it. Simply because of the numbers you get overwhelmed in the end. So it's not good.
1:02:45.7	X1	NAME REDACTED, do you have any questions about Valiant in terms of crew and operations?
	X2	Yeah, just one question. The CHES what does that stand for?
	T	No idea. I think it's a commercial name.
	X2	Is it one S or two?

	T	I think it's S.
	X2	Just one. That's fine.
	T	I can get it for you if you want.
	X2	It might be useful just to know what we're talking about but yeah.
	T	It's basically a night vision camera.
	X2	Okay. So and how is it doing the night vision? Is it night vision technology or thermal imaging or you know is it what is it using to do the night vision?
	T	Thermal imaging in this instance, yeah.
	X2	Thanks. Just one more question. You mentioned the lookout when you've got someone acting as a lookout where are they on the vessel?
	T	On the helm. Helm / lookout.
	X2	So you've got them as a traditional lookout so not a like specifically eyes on searching lookout?
	T	No, not generally but when we're approaching we'll have a – you've got four people in the wheelhouse looking. You've got myself, that's where the officer watch. The helmsman because he's got a very good view and the chief engineer will either be using the camera or looking out as well. Using all the means you can really. Because the problem you can't have any more because they're all getting ready. Putting on their tactical vests and all this sort of stuff and a stab vest and getting the boat secured and locked down and everything. And four in the wheelhouse is enough to be honest.
	X1	Just a quick question. Does your deck log make a record of the environment? Have you got the sea conditions?
	T	Yeah, probably not at that time because to be honest we're too busy. Okay, so no, the first entry for the weather would be 10.30 on that day.
	X1	Okay.
	T	Because it's literally up / go. But there is a section there for the weather but it wasn't filled in on that day.
	X1	Okay.
	T	10.30, noon, 18.00. But the tasking sheet I don't know if you've seen the tasking sheet where they mark rank the days.
	X1	We're just about to come onto that red, amber, green – that's next.

	T	Yeah, red is good weather, a risk to safety of life at sea, water security, whichever way you want to look at it. Amber is maybe they will maybe they won't and then green is unlikely. Or -
	X1	Yeah. So this is not specifically the 24 <sup>th</sup> this is more in general when you get in position to go and search from the coastguard not from the MCC but from the coastguard do they ever tell you what the origin of that information is? Do they ever tell you?

	T	Sometimes. Sometimes or sometimes you might hear it. So for example if it's a cross Channel ferry you'll hear them calling in on 16 and sometimes we get the heads up on something. You know you can if you get a good navigator he's listening to that and he's like saying something is coming up here. I've got a small boat or a vessel going up and down the Channel. Say I've got a migrant boat here. So you can work it out sometimes or sometimes they will say it's been reported in position by you know a commercial ship. Because it helps us because if we see that's been reported by a vessel whatever you want to call it. We can see on AIS you've going that way straightway. And the other thing we worked out is I can't remember the detail because I've forgotten but we were doing it by longitude as well. So if you were around Dover and if it's certain degree longitude you know you've got to go that way or that way so you're speeding up your move. So by the time I'm plotting it navigator is already going up.
	X1	Yeah. Okay. Let's move on then to the migrant operation more generally. When did this sort of come into your operations when do you first remember migrant boats being something you were doing as a task?
	T	I'm thinking now. 2013. In the Med?
	X1	Yeah.
	T	We were sent out to the Med to support Frontex out there. I think that was around 2013 but don't quote me on that. And then we came back and I started on the crew I'm on now out of the office in 2018 in the autumn and almost immediately it started with the migrants increasing, in the southeast. I remember doing a job in a proper smuggling job in the southeast and then after that there was migrants being introduced coming across regularly. So around 2018 I would say.
	X1	And just how has this operation developed then?
	T	It's got busier. It's got busier, there is more people, the boats have got bigger and they're coming in more often in the winter than they were before. .
	X1	Okay.
	T	So they're taking bigger risks basically.
	X1	We know this is called Op Deveran describe Op Deveran to me.
	T	Well Op Deveran was originally it was the border force response to migrants crossing and in that was clearly what we're trying to do is to stop them landing on the beaches. Stop uncontrolled landings but also at the same time the priority has always been safety of life at sea. So we'd never do anything that would put lives at risk. And of course, they've realised now that when they see us if they stop they get rescued or they get picked up. Whether they you could argue whether they need it or not but they just most of them do tend to stop. And we've not had many who have given us any harm at all. You get the occasional one who just doesn't do as they're told but most of them are pretty compliant. So it's just developed into. You get maybe 1, 2, 3 a night

		and sometimes now you're getting loads, you just sometimes you feel like you just can't cope. That's what I've explained. You pick one up and then they all start coming at you and you're like a magnet to them and then the dawn breaks and you've got empty boats everywhere.
	X1	Have you had any extra people or equipment or any enhancements to the vessel because of Deveran?
	T	Enhancement to the vessel? Yeah, we've had life rafts – more life rafts added so we've got about I think it's about 8. I think 12 man life rafts added to the boat. We've got -
	X1	Is that a contingency in case there's people in the water?
	T	Yeah.
1:11:19.2	X1	That's sort of to save your crew?
	T	No. No. They're purely to be deployed during -
	X1	Have you ever used them in that way?
	T	Yeah. Twice. Once. No, twice.
	X1	To rescue people who were already in the water when you got there?
	T	Who were going to be in the water if we hadn't and we had to put two lots of 8 in two life rafts.
	X1	And then you recovered the boat and the life raft?
	T	Yeah. But you can't – the problem is you can't tow the life rafts in.
	X1	Yeah.
	T	Again, it's that balance of we need to get these people in. They're cold, they're wet. But don't want to leave empty life rafts out there because that's just going to -
	X1	Yeah.
	T	But you can't because what's the priority? The priority is getting the people.
	X1	Yeah.
	T	Other enhancements. We've had some railings put on to help with getting them onboard. But that's about it, really. For the boat and the Cutters obviously got the CTV, the crew transfer vessels coming in now and RIB teams to help tow. Well, the RIB teams were primarily to help patrol the beaches. But you can call upon them to bring the empty migrants boats in.
	X1	Okay.

	T	Because obviously that's another issue, isn't it? You're getting reports from commercial people – there's a boat here. And it's down to the coastguard to try and determine if that one has been accounted for or not. So when we've if we – when we embark the migrants we'll mark up the migrant boat with a number the M number. And at nighttime put a strobe on if we can. So paint the number on the side so that if it does get identified later on you can ask people is it - can you see a number on it? Which you know that one has been controlled then.
	X1	Yeah. So if you come across an empty boat with no number on it it's not one you've rescued?
	T	It's not been marked. Yeah. Haha. Because it might be that you can't. For it

		might be that – the lifeboats use different numberings.
	X1	Okay.
	T	So we've come across empty boats on patrols they're not our numbers. You're like, what's this? But it's a lifeboat number. So they do their events. I guess its the number of events they have over the year, all their events. And give a number.
	X1	Okay. So are you sequential as well; so it's like 957 is that the 957 <sup>th</sup> boat you've found? Yeah?
	T	Yeah, I believe so.
	X1	Or rescued?
	T	Yeah.
	X1	So it literally is just a sequential number?
1:14:07.6	T	I believe so, yeah.
	X1	Whereas coastguards start fresh every day, don't they? They go A, B, C every day?
	T	Yeah.
	X1	So C or D on the 27 <sup>th</sup> might be a C or D the next day as well?
	T	Yes.
	X1	Yeah, okay. And this red, green thing tell me about that.
	T	I can't remember the exact parameters but basically I think it's less than half a metre and the wind from a different direction and all it's done is now we've developed at such that the met office produce it and they're looking at all the conditions that they can and various sensors and all the weather forecasts that they can interrogate and they come up – I think they've expanded it to dark green, light green, yellow, amber and red. But in my head anything orange or amber to red is you're likely to get something green probably not.
	X1	And how do you find out about this?

	T	That's sent to us. When you're tasked to that operation on a daily basis.
	X1	So when you're sitting alongside waiting to go out you know what the colour is?
	T	Well, we look at the weather as well. You know we are always looking at various sites. Windy Ty. Wind Guru. Met Office. Everything you can get. We've got a thing called Now Casting. So use all those together you get the idea. But generally, if there is a northerly breeze they aren't getting off the beaches.
	X1	Yeah. And does Deveran affect your readiness? So red means there is a high probability of crossing?
	T	That's right.
	X1	So if you know that tomorrow is going to be red does that change anything for you? Do you still wait to be tasked? Do you get underway for instance if it's red?
	T	Right, if it's green we can be in Ramsgate and Ramsgate is tidal for us. So we can only go about 3 hours either side of high water. So pending on the high water time would influence that. So what I tend to do if it's amber or red

		I won't be in Ramsgate I will try and get down to Dover or Folkstone have been very good to us.
	X1	Yeah.
	T	And can layby there. And I like to layby because even if you're anchored you've got to have someone up on watch and as you can see everyone is up overnight so it's basically we'll get in position, rest. And you invariably get a call people are in bed by 8 o'clock. Waiting.
	X1	And is that your decision to relocate to Dover knowing it's going to be a red?
	T	Yeah, but unless the tide is right. If the tide is right for Ramsgate we can stay there but if it's not right then, you know, the bosses wouldn't let you stay there. They would put you out. That's quite right too. So you know, David Church we used to lie on that. CT1 we could cruise terminal 1 we could lie on that for a little while and if it's not from the east we can get into Folkestone. Which is a good berth for us if we can get it. But anything in the east it's not really – you don't get rest it's difficult to get off. So you just tire your crew out handling fenders and stuff like that. Dover is a good place to be to be honest.
	X1	Have you got a bow thruster?
	T	Yeah.
	X1	And twin screw?
	T	Yeah – CPP props. But even so getting off at Folkestone can be a nightmare at times. Yeah.
	X1	Okay. And is there anything else – just talking migrant ops in general how this has come together with all these different agencies and different people trying to work together what was your sense of that, Kev?

	T	My sense. It works pretty well, I think. It's got a lot better than it was. Initially we were – we felt very much alone but with the introduction of seeing a lot more I think what's the word for the joint operations in coastguard in Dover?
	X1	JCR.
	T	The JCR I think that has improved – helped an awful lot -
	X1	Sure.
	T	Because you know, you're getting more coordinated, you're getting the aircraft in as well which helps an awful lot. You can't beat having top cover when you're doing something because they can pick it up a lot quicker than we can. So that is essential as far as I'm concerned. But of course, then the weather as soon as you get low cloud or fog out the game. Yeah, I mean, the lifeboats last year were really good. Towards the end of last year were really good. Worked really well together. At the start it wasn't so good but it's developed a lot better now. That's about it, really.
	X1	What about the fixed wing aircraft do you work with that?
	T	Yeah, the one out of Doncaster?
	X1	Yeah.
	T	Yeah. That's why I said rescue 168 or whatever it was. I associated with that helicopter but it might have been something else I don't know. It's not important to me if it's fixed wing or helicopter because it's telling me where to go, basically. I can't influence that so I don't worry about that. I just worry about what I can deal with.

	X1	And the Home Office have fixed wing as well don't they?
	T	I believe so.
	X1	Yeah. Do you work with that aircraft?
	T	No. Well -
	X1	On this mission I mean?
	T	I don't think we have; no. Might have done. The drones -
	X1	Yeah, tell me about the drones then.
	T	I don't know about them. I just know that they do exist.
	X1	Okay. So the drones have come online recently. When were you last out there or doing this, Kevin?
	T	Again, it's nothing I can – I just know that they're about. 24 <sup>th</sup> March we passed through to be on standby but we didn't get called. Yeah.
1:21:04.9	X1	So if the coastguard are flying a drone -
	T	Yeah -

	X1	In the migrant area along the median line or something are you aware that the drone is there?
	T	I suppose I'd be aware in the tasking sheet but we wouldn't have any direct comms with them. And we'd only get tasked from the coastguard. So I couldn't influence what they did.
	X1	Because you know they've just brought online – it's been on and the Prime Minister has just been to look at it there is a brand-new thing it's called Coastguard Unmanned 50, which is a brand-new drone. I mean maybe it's – it's only been flying for maybe two weeks or something -
	T	I don't know, no. I've not seen it.
	X1	Yeah. Now it's doing a lot of -
	T	I'm not aware of that.
	X1	Yeah, okay, okay. But that's relaying a lot of data back to the coastguard. They see the boat and the position of the boat -
	T	Yeah, okay. No. I'm not aware of that.
	X1	Next time you're out there would you expect to know it was there?
	T	Yeah, I think I would. Yeah, if I was tasked to it.
	X1	It's kind of why I was asking the question earlier about did you know the source – if you're just given a position to go and search do you know where that position came from? Do they say to you that's from the drone, that's the helicopter and that's a phone call?
	T	They may do, they may do. But then again they may not. And I don't record it because it's not relevant to me. I can't influence that. The only time I can work it out sometimes if they ask questions like ask them if they made a phone call. And those sorts of things and they might say, ask the migrants if anyone has made a phone call to the police. And then some will say yes and some will say no. But how can you prove it?

	X1	And if the helicopter finds one and they give you a position would they for instance say, we found this migrant in this position and it's going north at 2 knots or something?
	T	Yeah, yeah, yeah.
	X1	So you might get a bit more information depending on who's seen the boat?
	T	Hmm mm.
	X1	Okay. And I mentioned Isotope have you been out there recently since this has come in?

	T	No.
	X1	Have you had any sort of briefing on it?
	T	No, not really. All I've been told is that it's going to take it has taken over and we are supporting the navy and I believe that in time all of our briefing and that will be changed to Isotrope. In fact, I asked the other day do I record my – because my boat is Deveran Surge at the moment so I was saying, all my statistics do I put it down as Deveran or do I put it as unassigned? How do you want me to play this? Or in fact I put it as Isotrope and they say, hang on a minute it's not been flipped over yet. So we just stay as we are.
	X1	So right now, one of the other Cutters is on Deveran and so Valiant is on Deveran Surge but that means you need to be within reasonable striking distance?
	T	Yeah, yeah.
1:24:12.7	X1	So is there an impact on other operations from the Border Force Maritime because of this, yeah?
	T	Oh, yeah, yeah.
	X1	What about your other operations how have they been impacted then?
	T	Well, we haven't had so many boats to do them basically. We haven't been to the areas we'd like to be. Because you've always got to stay within that – there is two boats held up in that and the CPVs as well.
	X1	Yeah. And Border Force as an organisation is it addressing that? Are you trying to get more vessels or -
	T	Well, the hope is the crew transfer vessels will release the assets to go and do what -
	X1	Okay, what you should be doing -
	T	Yeah, well, yeah. More traditional stuff.
	X1	Yeah, okay. NAME REDACTED?
	X2	No I think that's
	X1	We're coming towards the end but is there anything else you think we should know in terms of migrant operation itself or -
	T	Well, I would like to say that throughout the last three years everyone in the maritime command have done their utmost to try and save lives. We've been very successful in doing what we've done, we work really hard. We've done really well I think. And we've brought the experience that we've learned in the Med working with various countries out there in Frontex back to the UK and I think we've done a really good job at rescuing a lot of people in sometimes

		very difficult conditions and very dynamic conditions. And I appreciate that unfortunately on this instance people have died but I would hate to think that anyone from border force gets blamed for that because it's not – we're only reactive to what is coming at us and you know, we treat people with the upmost respect. We're extremely sensitive to their needs. And work really hard to make sure that these people are treated with dignity and where possible kept as safe as possible. And I think the only people you really need to be looking at for any blame here is the countries from where they've come from and the smugglers. The people who are sending them off on the beaches. How you're going to stop that I've no idea but we are doing our upmost to keep people safe. Along with the coastguard and along with the RNLI so I'd be very upset if anyone from those three people got the blame for this.
	X1	Hmm. I'll just respond to that. So we have no responsibility for apportioning liability or blame. We're not interested in insurance claims or legal claims or any sort of blame. We're working in a blame free safety organisation. So apportioning blame is not what we do. Trying to explain what happened is what we do. Slightly odd set of circumstances with this case because as you said we're not dealing with an IMO registered vessel that's on AIS and everyone can be on the same page with the same number. We're dealing with an unknown number of boats on unknown positions. We'll never know how many boats left that night. We'll never know when they got the other side. Only until you either find something and give it a number or any sort of sense of a tracking system -
	T	Yeah, exactly.
1:28:27.9	X1	Even that other one that you found that was on the way disappeared off into the night.
	T	That could have been any of those boats.
	X1	Or one that's picked up a lifeboat later on – we don't know.
	T	No idea.
	X1	So there is never going to be a picture in that sense. So I completely understand that. So we're not in the game of apportioning blame, Kev. That's not what we're doing here. We're just really, really grateful for your story and for understanding what happened on this night. And of course, we do have some other evidence so we've got your AIS track and stuff so we can plot that out. But certainly, your story of the 24 <sup>th</sup> and the environment of that night and other information you've given us about Valiant and the coastguard is absolutely valuable. Okay. Is there anything else, Kev, you wanted to talk to us about?
	T	No.
	X1	NAME REDACTED, did you have anything else you wanted to add?
	X4	No, I don't think there is anything I want to add. I could add loads from a Union background on how I feel we could do better as border force but you don't want to hear that.

X1	Okay. Not even just some little snippets NAME REDACTED? Is there anything specific – because MAIB is very open to any specific ideas if you think we should be looking at something?
X4	No, I don't think there is anything that I can really go into. I mean, I thought you might have gone into pushback techniques and things like that and that

	was the one thing that I was worried about with Kevin because that is something that we've had with obviously we've been engaging in the judicial review against pushback techniques but that certainly wasn't something that would be employed in this instance.
X1	No, NAME REDACTED, just to respond to that. So we have DETAIL REDACTED turnback tactics or pushback things come up on our – we are limited to the events of the 24 <sup>th</sup> and very specifically the search and rescue effort. So really that's all we are able to explore. The wider operational context and the political backdrop and stuff that's in the media at the moment and like you say the turnback tactics is kind of, I think outside of our remit really. And I mean, obviously, the home secretary is talking about stuff all the time in Parliament but we were just interested to hear Kev's story to see what Valiant did that night. And to gain some more insight into the vessel and the contribution to SAR.
X4	I don't know if you've heard anything from our Regional Command and Control Unit. Have you spoken to them at all?
X1	Well, I can disclose to you. We have been to see the JMSC Joint Maritime Security Centre, part of which is the NIMIC but we didn't specifically visit your MCC if that's what you're asking.
X4	No. I mean, we have a regional command and control unit that sits in Folkestone now I don't know really how that fits into everything nowadays because as Kevin has alluded to you it's an emerging thing and it's becoming a larger and larger beast. But that is certainly we have information that comes out from them on a daily basis. Which talks about what has happened overnight and it details all the M references etc. So I mean, that might be something where you may pick up some more information because certainly historically they would be tasking some of our local assets to different beach landings and things like that. Where they get phone calls from officers on the watch of vessels going down the set scheme or Channel ferries or members of the public as well. So I don't know how they feed into all this but they might be an avenue that you may wish to pursue where you get more information from them what happened that night.
X1	Okay, that's really interesting. We'll definitely follow that up so it's the first time that anyone has ever mentioned to me that you've got a local command and control node in Folkestone I wasn't aware of that.
X4	Yeah.
X1	Is that 24/7?
X4	Yes, it is, yes.
X1	And, Kev, just to come back to you did you engage with them during this the 24 <sup>th</sup> ?

	X4	Probably not. I usually phone when I leave Ramsgate and say I'm on task. But I would have done that a few days before. So if I go from Dover sorry from Ramsgate I phone up the coastguard and I'll phone up the RCC unit and say, I'm leaving Ramsgate. I'm going on task with Deveran and then I get back into Ramsgate and generally give them a ring. But -
	X1	So what's the Folkestone's do they have a specific role then?
	T	Well, they look after all the shore – the shore-based people along the coast. So various teams.
	X1	And reception centres?

	T	Yeah, yeah. But if there was say, I don't know, a beach landing in Dungeness they would task a team down. I believe that's the tasking but that seems sensible wouldn't it, NAME REDACTED?
	X4	Yeah, that's right. You know, their task has grown, and grown and grown over the last I don't know 15 years since their inception so I think they like to grab hold of everything to safeguard their own existence basically like most areas do in the Home Office. But you know, as I say they do produce information on a daily basis of things that's going on. Not just of Deveran but also all the inland stuff from the ports etc. But you might gain something from there that hasn't been picked up from elsewhere.
	X1	Okay, that's really helpful. I just have one other question, actually, is operating with the French. Tell me about your interactions with the French?
	T	Haha. Erm up until an entry in one of the – I think it was the Daily Mail where one of our boats was recorded speaking to the French on a VHF I would from time to time call them up and you know arrange say thank you – can you stand by while we get our RIB away and all that. And I have done it since subsequent to them but I won't speak to them if they're in French waters because of the political problem that was caused by that recording of that telephone call. So if they're in UK waters and they're following a migrant boat and we approach them I'll ask them to standby until they until I've got control of it and then I'll say, look I've got control now. And I'm happy we've engaged with them. Because it's easy to lose them at night. So I like to wait until we've got actual eyes on and then I'll say to the French, right, fine. We've got it now.
	X1	Okay.
	T	That's fine.
	X1	Talking to a French ship?
	T	French ship. Yeah, I don't talk to Cap Gris Nez -
	X1	You don't talk to Gris-Nez -
	T	I don't, I personally don't because that's a Dover coastguard thing because you get crossed wires then.
	X1	But you would talk on channel 16 to a French warship?

	T	16 and go to a working channel. And just say, look, okay whatever the boat is French warship this is the Valiant. We're launching our RIB can you remain on the scene until we have control of the migrant vessel. Ah, yeah. And then when I say, right, thank you very much we've got control now. And they'll either sometimes they'll say, no, we've been told to stay or they'll go. They might have other taskings you see.
1:36:39.6	X1	Yeah.
	T	So yeah, that works alright. What else?
	X1	I recognise there is a whole range of factors that affect this like the weather or whatever but typical environmental conditions in the sea at night in Valiant what range would you expect the night sight to pick up a migrant boat?
	T	Less than about half a mile. Not much more than that really. So it's quite close quarters stuff you're almost on them.
	X1	Yeah.
	T	Perfect weather I have picked up small RIBs at three miles. But that was
		moving quite rapidly it was another event moving quite rapidly towards the UK coast and it was perfect conditions but that wasn't a migrant boat. They tend to be a bit lower down because of the number of people... small engine not very radar conspicuous. So they're difficult to find. Quite often it may be the flashy light of our torch or the reflective stuff that they've got on that you might pick up first of all.
	X1	Yeah, okay. NAME REDACTED any questions?
	X3	No, I haven't, thank you.
	X1	NAME REDACTED?
	X2	No.
	X1	Okay we'll stop there. We'll stop the tape there.

Signature(s): .....