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STATEMENT OF WITNESS

STATEMENT OF SIR RONNIE FLANAGAN

DATED THIS 31ST DAY OF JULY 2006

1. I, SIR RONNIE FLANAGAN, of an address known to the Robert Hamill Inquiry, declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
2. Between November 1996 and March 2002 I was Chief Constable of the Royal Ulster Constabulary. I am currently Her Majesty's Chief Inspector of Constabulary.
3. In 1997, CID was within the structure then known as 'C' Department with an Assistant Chief Constable in charge. There were three operational regions in Northern Ireland and each of those had a regional head at Chief Superintendent level. Portadown fell within South Region, and there was a Detective Chief Superintendent in charge of all the CID resources in that region. In addition to that, operationally there was an Assistant Chief constable in charge of each of those three regions. Therefore, the regional head of CID had a twin line of reporting. He would have been in virtual daily contact with his regional Assistant Chief Constable but he would also have been in regular contact with the Assistant Chief Constable in charge of crime, who was responsible for such things as crime policy; and, liaison with the Director of Public Prosecutions on behalf of the Chief Constable.
4. By April 1997, the RUC had introduced policy files for use in all investigations. In my position as Chief Constable, however, I did not have a direct involvement in policy files. If, however, officers came to me and a decision arose, they might record that in their policy file but it was not practice for ACPO officers routinely signed off on policy files.

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5. I was briefed from time to time on the Robert Hamill case because as Chief Constable I would have had regular operational meetings with all my Assistant Chief Constables. In those meetings there were briefings about issues of high importance and the murder of Robert Hamill was just such an issue of high importance. As a general rule, each morning I received a report of incidents which had taken place during the previous 24 hours. I read the reports and, if I needed more detail than was in the duty officer's report, I would go to the source of the report whether that was ACC Crime or ACC South Region, for example. That would have included the Robert Hamill incident at the material time and certainly once Mr Hamill died.
6. I was aware that DCS McBurney was investigating the murder as well as the complaint, which was made by Diane Hamill. I have been asked if it was usual practice in such circumstances, for the same officer to investigate both the offence and a complaint against the police. All I can say is that wasn't necessarily unusual given the structure of the Royal Ulster Constabulary. There was an Assistant Chief Constable who was specifically in charge of the Complaints and Discipline Branch and in some instances, depending on the nature of the complaint and if it required a really experienced investigator and the decision was that the person investigating the crime was the person with all the knowledge, that would also facilitate a thorough investigation of the complaint in relation to any behaviour of a police officer, then I can see that that would have been a reason for appointing the same officer to both investigations.
7. In the immediate aftermath of the Robert Hamill incident, allegations were being made publicly through the media that the police had not behaved as they should at the scene and had not reacted quickly enough, that they ignored pleas for help. It was therefore important that the complaint investigation was supervised by the ICPC and I referred the matter to them.
8. On 18.12.97, I was briefed by the ACC Crime following the withdrawal of charges against five of the suspects and to respond to a letter I had received from the then Secretary of State. I responded by letter dated 23.12.97. There is now produced and shown to me marked "RF1" a copy of the briefing note and my response to the Secretary of State.

9. On 29 September 1999, the DPP directed no prosecution against the four officers at the scene. I did not review that file and it wouldn't have been the normal practice for the Chief Constable to have done so. DPP directions, although often addressed to the Chief Constable, went to the Assistant Chief Constable Crime, who was the accepted point of contact between the police force and the Director of Public Prosecutions. I should point out that in Northern Ireland at that time, the police would never charge in a serious case without a prior direction from the DPP. This differed from the practice in GB where officers would often charge and then refer the case to the CPS.
10. I first became aware that allegations had been made that a Reserve Constable assisted a suspect in around June 2000. I can't remember precisely when but I recall that DCS McBurney briefed me about a 'development'. He said those investigating had always had a concern about a call that had been made alerting and advising a suspect to dispose of clothing but there was always solid alibi evidence which meant it could not be tied down. The extent of my briefing was that a couple who had been involved in providing the alibi had separated and that McBurney wanted to take the opportunity to re-interview the woman to see if he could break the alibi. Up to that point, my concern had been about alleged police inactivity at the scene. When DCS McBurney briefed me on this other matter, I contacted the Director of Public Prosecutions because I wanted someone in the office of the DPP to work with DCS McBurney as to strategy, for example whether this person should be treated as a suspect or a witness. There is now produced and shown to me marked "RF2" a document referring. I knew that DCS McBurney planned to re-interview the witness after the couple split and I knew he went to Wales to do that but any more detailed briefings would have been through the ACC.
11. My recollection of that briefing is that DCS McBurney had been unable to undermine the alibi and that the billing evidence they had added little because there was no transcript of the conversation and therefore no record of what was actually said. I was not made aware that Andrea McKee had been in contact previously with CID with contrary information or had been present when Tracey Clark told police that a telephone call had been made by the Reserve Constable. That sort of detail wasn't included in my brief. I was not aware that DCS McBurney had not kept a policy book. I can say that I am surprised that he did not.

12. I believe I would have been briefed upon DCS McBurney's return from Wales but I don't recall specifically. The detailed briefing in any event would have been from the ACC Crime, not DCS McBurney himself.
13. I knew the ICPC were supervising the investigation of the complaint against the four officers at the scene. I assumed that the ICPC would have supervised every aspect of the investigation and if that included an allegation against a Reserve Constable of assisting an offender they would have looked at that also. My understanding, however, following a much later briefing was that this allegation had been made but couldn't be bottomed out because of the alibi evidence that was given on his behalf. I wasn't aware of that as a specific or separate element of the investigation and my assumption was simply that the ICPC were supervising the investigation of all the police behaviour that was ongoing.
14. Generally, if an officer was alleged to have behaved in such a way the matter would go to 'G' Department (Complaints & Discipline). This was headed by the ACC who monitored regularly the behaviour of officers. The Deputy Chief Constable was the disciplinary authority and that enabled the Chief Constable to consider afresh appeals from decisions on discipline. The ACC would then consider whether to refer to the ICPC.
15. I have been asked whether I consider DCS McBurney's investigation to have been incompetent but I am not in a position to judge whether it was or was not due to my lack of detailed knowledge. My understanding at the time was that the then ICPC supervisor had believed that it was a thorough investigation. At a later stage, of course, the Ombudsman's office expressed reservations to me about DCS McBurney's investigation and because of their reservations, I instructed DCS Colville Stewart to conduct an overview of the whole case. To replace a senior investigating officer is a big step to take but because the Ombudsman had indicated reservations, I had no reluctance in taking that step. DCS Stewart then reported to me after he had conducted a review. There is now produced and shown to me marked "RF3" a copy of that report. In that report, he raised his concerns about the initial scene management, forensic issues, lack of briefing and debriefing. My view was that it must be investigated under the supervision of the Police Ombudsman's office.

16. On 2.3.01 I met with the Ombudsman and David Wood, also of the Ombudsman's office. They discussed with me their concerns about the case. There is now produced and shown to me marked "RF4" a copy of a branch note, which references that meeting. Recorded in the note is a reference to technical equipment and that's what I would have seen as my role, making sure there were adequate resources and I rang the relevant people to ensure that if there was any shortage of equipment it had to be sorted out expeditiously. I was unaware of the detail of this case but if the Reserve Constable had behaved as alleged and given a warning to a potential suspect I would have considered the use of technical surveillance to be fully justified.
17. On 14.5.02 Chris Mehaffey of the Ombudsman's office wrote to me There is now produced and shown to me marked "RF5", a copy of that letter. He sought clarity on two issues (1) the delay between October 1997 and June 2000 in dealing with the alibi witnesses; (2) whether there were other motivating factors relevant to the investigation of inquiries in June 2000. I replied on 29.5.01. A copy of that letter is now produced and shown to me marked "RF6". The letter was simply a formal response to his as I had discussed with him the reason for delay, as presented to me.
18. I was unaware that the prosecution of RC Atkinson was withdrawn and of the reason for that. I retired as Chief Constable of the RUC in March 2002. Save for what I have set out above, I have no other information in relation to this matter.

SIGNED

R. Flanagan

DATED.....

31.7.06