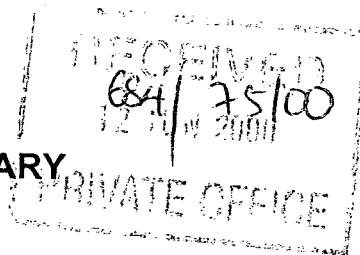


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FROM: [REDACTED]

PERMANENT UNDER SECRETARY
12 JUNE 2000



cc: PS/Secretary of State (B&L)
PS/Mr [REDACTED] (B&L)
Mr [REDACTED]

MR [REDACTED]

HAMILL

During a meeting with the Chief Constable on a range of subjects on 9 June I asked him about various aspects of Hamill.

2. I said that the Secretary of State was seeing increasing difficulty about resisting the demands for a public inquiry in light of the allegations made about the slowness to react of the officers in the Landrover. Ronnie said that, if the Secretary of State decided to set up a public inquiry, he would not be resisting it. During later discussion he admitted that this was because he believed that little harm could be done to the RUC by a public inquiry into this case.

3. On the ICPC wish to bring a disciplinary charge against the most senior constable in the Landrover Ronnie said that

- he thought that this was motivated more by presentational questions than a sound analysis of the evidence
- the RUC were taking counsel's opinion on the ICPC's wish and had told the ICPC so
- if counsel thought that there was a reasonable chance of a disciplinary charge succeeding, the RUC would bring one

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- if counsel didn't, they wouldn't but would send the opinion to the ICPC who might
- disciplinary charges brought against the RUC's judgment were generally not well enough founded to succeed
- he expected to have counsel's opinion within a week or ten days.

4. Ronnie said that he thought that the Secretary of State could not and/or should not set up a public inquiry until a disciplinary charge had been ruled out or any disciplinary case had been completed. I did not comment but I am doubtful about this view. It will need to be tested with lawyers.

5. On witness protection in relation to the two witnesses who had withdrawn their statements, Ronnie said that the Coroner (with whom he is displeased on other grounds) had not asked the RUC for help in relation to witness protection. He went on to say that, if witness protection could have made any difference in these particular cases, it would have been provided and accepted in the context of possible criminal prosecutions. The circumstances meant that it was never a realistic proposition.

6. As to the allegation that a police officer had advised a leading suspect to burn the clothing that he had worn that night to avoid forensic examination, Ronnie said that

- the police officer was Reserve Constable Atkinson
- the leading suspect in question had been charged with murder but the charge had been dropped
- the claim was made in a statement by the then girlfriend of the leading suspect (subsequently withdrawn)
- the police believed that the claim had prima facie credibility

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- the allegation had been exhaustively investigated under the direction of the ICPC's most competent member (now dead) and even the ICPC were not suggesting that any disciplinary charge should be brought.

It was true that a call had been made from Atkinson's home to the leading suspect's home on the morning after the incident. This had been explained thus

- Atkinson lived with his mother who had been visited that morning by a friend who was the aunt of either the leading suspect or his girlfriend (I wasn't clear which)
- Atkinson was asleep and his mother explained that there had been trouble in the town and he had come in only at 4 or 5.00am
- the visitor then wished to check that her nephew or niece had not been caught up in the trouble and had made the phone call shown in the billing records.

7. I said that I had been told that there was a pattern of phone calls from Reserve Constable Atkinson's number to the leading suspect's number. Ronnie appeared to accept that this was so and said that the explanation given was that the two of them were members of the same "ju-jitsu" or martial arts club. Ronnie said that, if the advice had been given, he thought that it was more likely to have been done face to face at the club than over the telephone.

8. I said that, whatever the ICPC thought, I was pretty uncomfortable about Portadown being policed by someone who, at the level of a strong possibility or even probability, had conspired to pervert the course of justice in a murder case. Surely any social contact with a leading suspect in a murder case where the police officer had been

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present was unwise/unprofessional to put it at its lowest. Put to him like that, Ronnie appeared to agree and said that, in similar circumstances, he had sacked people and paid whatever it cost because they could not be got bang to rights. He implied that, if I asked him to do so, he would sack Reserve Constable Atkinson. I said that it was a matter for him not me. We might need to revert to the point.

9. I asked why Reserve Constable Atkinson had not been suspended from duty while such a grave matter was being investigated. Ronnie said that he had been kept away from it as standard practice in case he had to sit in a disciplinary case. I said that he was surely responsible for the policy. He said that the decision to suspend would depend on the strength of the prima facie evidence as well as the seriousness of the allegation. I feel (but did not say) that the failure to suspend may be indicative of a failure to strike the right balance between fairness to the officer and taking seriously a very serious allegation.

10. What to do? You [REDACTED] and I had better talk. I am inclined to think that we need to hire some help as we hired [REDACTED] to help with [REDACTED]. This is more straightforward but it is still hard to do all that is required alongside a day job. I have in mind the production of a memorandum or two memoranda. The first purpose would be to allow the Secretary of State to reach a soundly based decision on a public inquiry. If he decided to set one up, that would be the only purpose. If he decided to do nothing, the second purpose would be to provide the guts of a pretty full public explanation of why he had decided not to set up a public inquiry. Whatever view we take eventually of Ronnie's view that a public inquiry cannot be set up until disciplinary action is finished, there can be no reason for not getting on now with the production of a heavy weight memorandum. I cannot see the call for a public inquiry

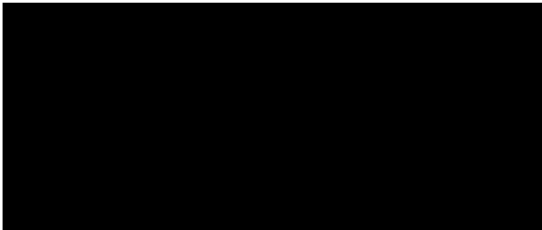
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subsiding because a constable is charged with a disciplinary offence or even found to have committed one. It is too private a process to meet the case.

11. I thought that the strength of Ronnie's defensive feelings on this case showed when he said, in passing, that the case was one of murder but he thought that there was something odd about the medical care. Hamill had been well on his way to recovery, sitting up in bed, talking to his friends and family and soon to be discharged. The next day he was dead. Ronnie then caught himself on and said that, of course, there could be no doubt that Hamill had died as a result of injuries sustained during the assault and therefore it was murder.

[Signed]



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