

## Chronology of Events following the assault upon ROBERT HAMILL

Date	Source/ Organisation	Action/Activity
27 <sup>th</sup> April 1997	DCS McBurney  (retired) DCI P39 (retired)	Shortly after 1.20 am, Robert Hamill was assaulted as he walked with others through Portadown Town centre.  DCI P39 was the appointed Crime Manager for the Portadown police area, acting under the supervision of DCS Maynard McBurney (Regional Head of CID) DCI P39 was responsible for supervising the initial stages of the investigation into the assault upon Robert Hamill.
6 <sup>th</sup> May 1997	Mrs. [REDACTED] (deceased)	Mrs. [REDACTED], Solicitor representing the family of Robert Hamill, complained to the RUC that the police landrover crew, on duty in Portadown Town Centre on 27/04/97, witnessed the assault upon Robert Hamill and did not intervene as promptly as possible.
8 <sup>th</sup> May 1997		Robert Hamill died of the injuries sustained 11 days earlier.
8 <sup>th</sup> May 1997	DI Michael Irwin	Received intelligence/ evidence from a potential witness as to the identity of Robert Hamill's attackers, also that one of the landrover crew, namely Reserve Constable Robert Atkinson, had "tipped off" one of the named suspects advising him to destroy clothing he was wearing to prevent forensic linkage to the crime.
8 <sup>th</sup> May 1997	DCS McBurney  DCI P39 DI Irwin Mr. [REDACTED]	DCS McBurney was appointed as the Senior Investigating Officer (SIO). DCI P39 was appointed as his deputy and DI Irwin was the identified Office Manager. Mr. [REDACTED] was the appointed Supervising Member, representing the Independent Commission for Police Complaints (ICPC). It was agreed that DCS McBurney would retain overall responsibility for:

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	(deceased)	<ul style="list-style-type: none"> <li>• The investigation into the murder of Robert Hamill.</li> <li>• The investigation into the public complaint made by Mrs. Nelson against the landrover crew.</li> <li>• The allegations being made against Reserve Constable Atkinson.</li> </ul> <p>It should be noted that the remit of the ICPC was somewhat restricted in that their supervisory function was limited to the public complaint only. It did not include or take account of the investigation into the alleged actions of Reserve Constable Atkinson, or of the on-going murder investigation.</p>
10 <sup>th</sup> May 1997		Marc Hobson and others were arrested and charged with the murder of Robert Hamill.
30 <sup>th</sup> May 1997	DC P39 DI Irwin	DC P39 handed over her Policy File to DI Irwin, having been transferred from the Division to take up an appointment elsewhere within the RUC. There is no record to indicate who assumed the role of Deputy to the SIO.
9 <sup>th</sup> September & 9 <sup>th</sup> October 1997	DCS McBurney DI Irwin	R/Constable Atkinson was interviewed under caution, during which he denied having neglected his duty and during the second interview of having "tipped off" one of the attackers.  He went on provide details of alibi in support of his denial.
31 <sup>st</sup> October 1997	Director of Public Prosecutions	Following the retraction of vital witness evidence, naming those who attacked Robert Hamill, charges against all (with the Exception of Marc Hobson) were withdrawn.
12 <sup>th</sup> January 1998	ICPC	<p>Having supervised the misconduct investigation into the actions of the landrover crew, the ICPC issued a Certificate of Satisfaction, in that it was their view that all relevant lines of enquiry had been completed.</p> <p>However adverse comment was made as to the actions of two of the landrover crew, namely the driver and supervisor Reserve Constable Neill along with Reserve Constable P40</p> <p>Whilst endorsing the recommendations of DCS McBurney, the ICPC comment that dependant</p>

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		upon the decision of the DPP and in respect of Constable Neill only, they would be considering whether to recommend the officer be formally disciplined.
12 <sup>th</sup> February 1998	DCS McBurney	A Crime File dealing with the allegations of criminal neglect, on the part of the landrover crew and the separate alleged actions of Reserve Constable Atkinson, was submitted to the DPP. DCS McBurney's view was that there was no wilful neglect, either collectively or as individuals, in the performance of their police duties, he went on to recommend that no further action, either criminally of disciplinary be taken.
21 <sup>st</sup> March 1999	Armagh Crown Court	Marc Hobson was acquitted of the murder of Robert Hamill. He was found guilty of causing an affray and sentenced to four years imprisonment.
29 <sup>th</sup> September 1999	DPP	Following the above proceedings the DPP considered that there was no further information/evidence forthcoming and directed no prosecution of any member of the landrover crew. This included the alleged criminal conduct of Reserve Constable Atkinson.
30 <sup>th</sup> March 2000	ICPC Chief Inspector Bradley	Upon receipt of the DPP's direction that there should be no prosecution of any of the landrover crew, the RUC Complaints & Discipline Department commenced a disciplinary investigation, the appointed SIO being Chief Inspector Bradley. In short the suspect officers all agreed that their previous criminal interviews, could be adopted as a part of the disciplinary process. Whilst the outcome resulted in the ICPC issuing a Certificate of Satisfaction, as to the completeness of the C & D investigation, it was done so on the understanding that this was a two stage process and that the ICPC would then consider the endorsement, or otherwise, by the Assistant Chief Constable, as to any formal disciplinary recommendations made by the IO, Chief Inspector Bradley.

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March/ April 2000	Assistant Chief Constable [REDACTED]	Indeed upon receipt of the file submitted by Chief Inspector Bradley, ACC [REDACTED] directed that the original complaint alleging neglect on the part of the landrover crew, was not substantiated and therefore none of the police officers concerned should be subject to formal discipline.
5 <sup>th</sup> May 2000	ICPC/ Assistant Chief Constable	Thereafter followed a flow of correspondence between the RUC and the ICPC, who in-turn strongly contested the recommendation by the ACC that no disciplinary action should be taken. Finally on 05/05/2000, pursuant to Article 13(1) Police (Northern Ireland) Order 1987, the ICPC directed the RUC to charge Constable Neill with neglecting his duty.
15 <sup>th</sup> May 2000	HM Coroner John Leckey	Submissions by the Hamill family to HM Coroner culminated in a decision by John Leckey not to hold an inquest.  The primary reason being that without the live evidence from witnesses who had since retracted their evidence and were in fear of reprisal, there would be little value to the process.
14 <sup>th</sup> & 20 <sup>th</sup> June 2000	DCS McBurney DI Irwin	Following the marriage break of the alibi witnesses who had previously supported Reserve Constable Atkinson's account, that he had not been responsible for "tipping off" one of Robert Hamill's attackers, DCS McBurney decided to re-interview both parties.  During this process one of those concerned admitted that the alibi evidence they had provided was false.
21 <sup>st</sup> June 2000	Chief Constable Sir Ronnie Flanagan	The Chief Constable met with the ICPC and notified them of the above development, in-turn he invited the ICPC to supervise the re-investigation into the alleged criminal conduct of Reserve Constable Atkinson.  [REDACTED] (ICPC) duly agreed to implement their supervisory function.
26 <sup>th</sup> June 2000	D/ Supt [REDACTED] K [REDACTED]	Detective Chief Inspector K [REDACTED] (now Detective Superintendent) under the continued supervision of DCS McBurney, together with a small team of detective officers, was appointed to re-investigate all issues in relation to the actions of Reserve Constable Atkinson, as well as the

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		false alibi evidence proffered in support of the officer.
6 <sup>th</sup> July 2000	DCS McBurney	Informed the ICPC that the Chief Constable was considering their request that Reserve Constable Atkinson be suspended from duty.  He had however by this time placed himself on sick leave.
21 <sup>st</sup> August 2000	ACC [REDACTED] / ICPC	In response to the direction from the ICPC (as at entry 05/05/2000) that Constable Neill be formally disciplined for the charge of neglecting his duty, ACC [REDACTED] replied that in light of the re-investigation being undertaken by DCS McBurney, also that it was the ACC's his intention to seek legal advice as to the ICPC direction, the Mr. Beaney sought to stay any response until such time as the above had been completed/ sought.
August/ November 2000	RUC ICPC PONI	The situation remained very much the same during the transitional period between August/ November 2000, when a handover of statutory responsibility between the ICPC and the newly formed office of the Police Ombudsman for Northern Ireland took place.  The re-investigation into the actions of Reserve Constable Atkinson, were being progressed by D/ Supt McClatchey and his team, whilst the impasse which had developed between the ICPC and the ACC, over the decision whether or not to discipline Constable Neill, awaited the outcome of legal opinion.
12 <sup>th</sup> November 2000	Police Ombudsman [REDACTED] Director of Investigation David Wood [REDACTED]	Having previously undertaken a review of material gathered from the ICPC, during the handover process, at a meeting on 12/11/2000, at New Cathedral Buildings, the Hamill family were informed of the decision that the Police Ombudsman would continue to supervise and direct the on-going RUC investigation.  Senior Investigating Officer Chris Mahaffey was appointed to carry out this function on behalf of the Police Ombudsman.

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23 <sup>rd</sup> November 2000	PONI/ DPP	<p>Preliminary discussions in relation to the on-going RUC re-investigation were held between David Wood, Chris Mahaffey and Raymond Kitson DPP.</p> <p>The strategy adopted by DCS McBurney in approaching the alibi witnesses and conducting non-PACE interviews was discussed.</p> <p>The DPP's view being that the evidential impact of this strategy could only be assessed upon receipt of the relevant crime file.</p>
23 <sup>rd</sup> November 2000	DCS McBurney DCI K SIO Chris Mahaffey	<p>During a meeting held between the RUC and PONI investigating teams, DCS McBurney presented his strategy in relation to the arrest and search phase of their investigation.</p> <p>The primary activity being the arrest of the second alibi witness and the simultaneous search for evidence at the home addresses of the other parties involved, including Reserve Constable Atkinson and the alleged recipient of the telephone call during which the "tip off" was made.</p>
5 <sup>th</sup> December 2000	DCS McBurney DCI K SIO Chris Mahaffey	<p>A revised strategy, which included the simultaneous arrest of all the above parties, the searches of their home addresses and the commencement of a covert evidence gathering exercise, was put forward by the PONI team, after some discussion, adoption and development of the revised plan was accepted.</p>
12 <sup>th</sup> December 2000	DCI K SIO Chris Mahaffey	<p>DCI K expressed concern as to the way in which the original murder investigation team, particularly DCS McBurney and DI Michael Irwin had handled one of the two alibi witnesses and a second apparent witness to the assault upon Robert Hamill.</p> <p>In short DCI K questioned why both had been treated as witnesses, when material was available to indicate possible criminal involvement in the assault and although unrelated the subsequent provision of false alibi evidence.</p>

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13 <sup>th</sup> December 2000	Chief Constable Sir Ronnie Flannagan David Wood Chris Mahaffey	David Wood briefed the Chief Constable as to the findings above, he also identified other recently uncovered shortfalls in the original murder investigation, these included: a delay in obtaining telephone billing, the delay in investigating the alibi evidence and a general lack of investigation in relation to a jacket being worn by one of the suspects.  The Chief Constable agreed to replace DCS McBurney as the SIO, also that the emerging issues identified by DC/K [redacted] should be investigated by PONI (as per Section 55(4) Police (Northern Ireland) Act 1998).
14 <sup>th</sup> December 2000	DCS Colville Stewart	DCS Colville Stewart was appointed by the Chief Constable, as the SIO for the on-going RUC investigation.
18 <sup>th</sup> December 2000	David Wood Chris Mahaffey	Whilst continuing to supervise the RUC investigation into the allegations made against Reserve Constable Atkinson, SIO Chris Mahaffey on behalf of the Police Ombudsman would undertake the investigation of the above Section 55(4) Chief Constable's referral.
18 <sup>th</sup> January 2001	DCS Stewart Chief Constable Sir Ronnie Flanagan	The newly appointed RUC SIO, having reviewed material available to him presented his findings to the Chief Constable. Concerned with matters outside the parameters of previous/ on-going investigations, DCS Stewart identified the following: inadequate crime scene preservation, immediately following the assault upon Robert Hamill there was no apparent arrest strategy, little consideration as to the forensic worth of seizing clothing from those individuals, known to be at the scene, no attempt was made to gather debris and there was no proper debriefing of those officers who attended the incident.
29 <sup>th</sup> January 2001	DCI [redacted]	DCI [redacted] RUC Complaints & Discipline Department, was appointed by the Chief Constable to commence an investigation into the findings of DCS Stewart.  DCI [redacted] upon retirement from the RUC, was succeeded by a newly appointed SIO, namely Detective Superintendent Karen Kennedy, assisted by DCI Dessie Jackson.  On behalf of the Police Ombudsman, SIO Chris Mahaffey supervised this latest of the current investigations.



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2 <sup>nd</sup> February 2001	DCS McBurney	After consultation between PONI, and the RUC, DCS McBurney retired from the police service on 02/02/2001.
2 <sup>nd</sup> & 13 <sup>th</sup> March 2001	DI Irwin SIO Chris Mahaffey	DI Irwin was interviewed in connection with the PONI investigation into his handling of both the alibi witness and the potential assailant of Robert Hamill. Although a misconduct interview, DI Irwin was legally represented. The content of the interview and overall outcome of the PONI investigation is dealt with by way of separate PONI correspondence.
27 <sup>th</sup> March 2001	DCS McBurney (retired) SIO Chris Mahaffey	Former DCS McBurney was interviewed in connection with the PONI misconduct investigation. Having retired from the RUC this was as a witness only. Mr. McBurney's legal representative was in attendance. The content of the interview and overall outcome of the PONI investigation is dealt with by way of separate PONI correspondence.
10 <sup>th</sup> April 2001	DCS Stewart SIO Chris Mahaffey	Reserve Constable Atkinson, his wife, the recipients of the alleged telephone call and those who had provided alibi evidence were arrested. Simultaneously the alibi witness who had previously admitted fabricating evidence in support of the police officer, was also interviewed under PACE conditions (this took place in her home town in North Wales) All the above was supervised by PONI personnel who were present throughout the formal interview process. The detention of those detailed above signalled commencement of the covert evidence gathering operation. Following interview all were released on police bail pending the outcome of a police report to the DPP. Reserve Constable Atkinson was suspended from police duty.



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13 <sup>th</sup> , 19 <sup>th</sup> & 20 <sup>th</sup> April 2001	DCS Stewart SIO Chris Mahaffey	Over the period of 13 <sup>th</sup> , 19 <sup>th</sup> and 20 <sup>th</sup> April 2001, it became apparent that there had been a compromise in relation to the covert evidence gathering operation. The decision to abort this phase of the investigation was sanctioned by PONI. A subsequent follow-up investigation, which sought to establish how this might of occurred, proved inconclusive.
6 <sup>th</sup> June 2001	DCS Stewart SIO Chris Mahaffey	A Crime File in relation to the admissions made by one of the alibi witnesses was submitted to the DPP via RUC Crime Branch. The report recommended the prosecution of both alibi witnesses for the offence of conspiracy to pervert the course of justice.
25 <sup>th</sup> June 2001	Deputy Chief Constable [REDACTED]	With reference to the outstanding issue of the former ICPC's direction that Constable Neill, be charged with neglect of duty, correspondence dated 25/06/01, received on 27/07/01, indicated that following receipt of legal opinion it remained the position that [REDACTED] on behalf of the Chief Constable declined to sanction formal discipline against Constable Neill.
12 <sup>th</sup> July 2001	Raymond Kitson DPP	The DPP directed the prosecution of the two alibi witnesses for the offence of Perverting the Course of Justice.
26 <sup>th</sup> October 2001	SIO Chris Mahaffey	Following the decision of [REDACTED] (as at 25/06/01) the Police Ombudsman, having given due consideration to the statutory function of the former ICPC, aligned with the recently established role of the of this office, sought independent legal opinion in relation to the issues surrounding Constable Neill.
28 <sup>th</sup> November 2001	A/ D/ Supt. K [REDACTED]	On 28/11/01, the Crime File in relation to the prosecution of Reserve Constable Atkinson and others was submitted to the DPP's office for consideration.
3 <sup>rd</sup> January 2002	DCS Karen Kennedy	With reference to entries above dated 18 <sup>th</sup> & 29 <sup>th</sup> January 2001, DCS Karen Kennedy, on behalf of the Chief Constable, completed the internal investigation following the findings of DCS Colville

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		<p>Stewart.</p> <p>The outcome being that Inspector Alan McCrum, on duty at Portadown on the night of 27<sup>th</sup> April 1997, received an Admonishment with Record for lack of supervision, poor scene management and failing to carry out a proper briefing/ debriefing following the assault upon Robert Hamill.</p> <p>Constable A [redacted] also received an admonishment with record for poor record/ notebook keeping, poor file/ report management and the omission of important evidence from her initial statement.</p> <p>The investigation undertaken by DCS Kennedy and subsequent sanction in relation to the above named officer's, received the endorsement of the Police Ombudsman.</p>
24 <sup>th</sup> February 2002	SIO Chris Mahaffey	<p>The independent legal opinion sought by the Police Ombudsman, in relation to the conduct of Constable Neill, confirmed and endorsed previous opinion sought/ received by PSNI.</p> <p>It was therefore accepted that Constable Neill should not be subject of any disciplinary charge over his alleged neglect of duty.</p>
23 <sup>rd</sup> April 2002	D/ Supt. [redacted] IIB	<p>Confirmation that on 07/04/02 the employment contract of Reserve Constable Atkinson, had been terminated.</p>
7 <sup>th</sup> May 2002	Craigavon Crown Court	<p>Both alibi witnesses pleaded guilty to the joint offence of conspiring to pervert the course of justice. Both were sentenced to a term of 6 months imprisonment. With regard to the accused who had admitted to DCS McBurney her own part in the original offence, the term of imprisonment was suspended for two years.</p>
18 <sup>th</sup> October 2002	DPP SIO Chris Mahaffey	<p>Having reviewed the Crime File submitted to the DPP's office (as at 28/11/01) Mr. Ivor Morrison informed this office of the decision to prosecute Reserve Constable Atkinson, his wife and the recipient of the phone call allegedly made by the police officer.</p> <p>The most significant development had been the agreement by one of the convicted false alibi witnesses, to give evidence in support of the prosecution.</p>

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9 <sup>th</sup> December 2003	SIO Chris Mahaffey	With reference to the PONI investigation dealing with the conduct of DCS McBurney and DI Irwin (see entry dated 09/12/00) in relation to their handling of certain key witnesses, there was insufficient evidence to support either criminal, or formal disciplinary proceedings (DI Irwin only).
22 <sup>nd</sup> December 2003	A/D/ Supt K [REDACTED]	During the preliminary judicial proceedings of Reserve Constable Atkinson and others, the convicted alibi witness was called to give evidence at Craigavon Magistrates Court.  Having failed to attend and following submissions from defence solicitors, the Resident Magistrate directed enquiries be made to establish the genuineness of the reason given by the witness for her non-attendance.
19 <sup>th</sup> March 2004	A/D/Supt K [REDACTED]	After a detailed police investigation, the reason for the non-attendance of the above prosecution witness could not be corroborated or confirmed.  It was the view of senior prosecuting counsel that the general credibility of this witness had been undermined to such an extent that the proceedings brought against Reserve Constable Atkinson and others were withdrawn.