

C & D Ref No: B147/1345/97
Sub Div Ref No: JD97/1302



**Subject: Allegations of Misconduct by
Officers of Justice at
Market Street/High Street,
Portadown on 27th April 1997**

PARTS I AND II

**Investigating Officer
D/Chief Superintendent W A M McBurney**

ROYAL ULSTER CONSTABULARY

File Destination

R.U.C. References

Tick as appropriate
if in doubt consult
Appendix 5(D)
of R.U.C.
Manual)

The Director of Public Prosecutions Royal Courts of Justice, Belfast (via R.U.C. Headquarters)	
The Director of Public Prosecutions Royal Courts of Justice, Belfast (via Sub-Divisional Commander)	
The Circuit Assistant Director Circuit (via Sub-Divisional Commander)	

SUB-DIVISION

DIVISION

HEADQUARTERS

NB: In "Fast Stream" cases only the Section marked * should be completed.

SUBJECT*

(Nature of offences, venue, persons involved)
N.B. Certain cases may require long Form reporting - Appendix 5A to R.U.C. Manual

Allegations of Misconduct by Officers of Justice at Market Street/High Street, Portadown on 27 April 1997:-
A Neill Constable 16143; P40 R/Constable R12400;
R Atkinson R/Constable R4610; D [REDACTED] nee Cornett R/Constable PW1978

**PETTY SESSIONS
DISTRICT ***
WHERE OFFENCE
COMMITTED

Craigavon

**DATE OF
OFFENCE ***
**DATE REPORT
SUBMITTED ***

27 April 1997

REPORTING *
OFFICER

(Include the name of an alternative officer who is fully familiar with the circumstances of the case and who may be contacted in the absence of the reporting officer)

NAME	W A M McBurney	
RANK AND NUMBER	Regional Head CID	
STATION	Gough Barracks, Armagh	
SUB-DIVISION	Armagh	
DIVISION	South Region	
TELEPHONE NUMBER FOR CONTACT	[REDACTED]	

**PERSONS
REPORTED***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

**NATURE OF
PRINCIPAL
EVIDENCE
AGAINST PERSON
REPORTED**

(Delete as appropriate)

**ANTECEDENT
HISTORY OF
PERSON
REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

38/34(a)
7.87

SURNAME	Neill Constable 16143	
FORENAMES	Alan	
DATE OF BIRTH	[REDACTED]	
ADDRESS	C/O Portadown RUC Station	
CHARGED	YES NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A	
AT DATE OF THIS REPORT IS	IN CUSTODY	ON BAIL

WRITTEN CONFESSION	
ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	
OTHER (SPECIFY) Circumstantial	1

PREVIOUS CONVICTIONS	YES NO	COPY CRO 22 ATTACHED AT PART IV
		COPY CRO 14 ATTACHED AT PART IV
Subject has a total of 14 years service with the Royal Ulster Constabulary having been stationed in Portadown from December 1992.		
At the time of the incident he had been detailed as driver of the landrover.		

09030

**PERSONS
REPORTED***

(Separate page 2 for each person reported. Number pages 2, 2a, 2b etc.)

(Delete as appropriate)

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REPORTED**

(Delete as appropriate)

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PERSON
REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

SURNAME		P40		R/Constable R12400	
FORENAMES					
DATE OF BIRTH					
ADDRESS					
C/O Portadown RUC Station					
CHARGED	YES	NO	COPY CHARGE SHEET ATTACHED AT PART IV		
SUMMONS ISSUED	YES	NO	COPY SUMMONS ATTACHED AT PART IV		
INFORMATION LAID	YES	NO	COPY INFORMATION ATTACHED AT PART IV		
DATE OF FIRST COURT APPEARANCE				N/A	
AT DATE OF THIS REPORT IS			IN CUSTODY	ON BAIL	

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ORAL CONFESSION ONLY	
VISUAL IDENTIFICATION	
MEDICAL EVIDENCE	
FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	
OTHER (SPECIFY) Circumstantial	/

PREVIOUS CONVICTIONS	YES	NO	COPY CRO 22 ATTACHED AT PART IV
			COPY CRO 14 ATTACHED AT PART IV
<p>Subject has a total of 12 years service with the Royal Ulster Constabulary Reserve having been stationed in Portadown local station from January 1992.</p> <p>At the time of the incident he was located in the back of the police landrover.</p>			

**PERSONS
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(Delete as appropriate)

SURNAME	Atkinson R/Constable R4610	
FORENAMES	Robert	
DATE OF BIRTH	[REDACTED]	
ADDRESS	C/O Craigavon RUC Station	
CHARGED	YES NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A	
AT DATE OF THIS REPORT IS	IN-CUSTODY	ON-BAIL

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OTHER (SPECIFY) Circumstantial	/

**ANTECEDENT
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PERSON
REPORTED**

(Summarise relevant information eg. Marital status, employment, associates, mental or physical abnormalities. Give physical description where identification is at issue)

PREVIOUS CONVICTIONS	YES NO	COPY CRO 22 ATTACHED AT PART IV
		COPY CRO 14 ATTACHED AT PART IV
<p>Subject has a total of 22 years service with the Royal Ulster Constabulary Reserve having been stationed in Portadown local station on different types of duties from November 1989. He is a resident of Portadown.</p> <p>At the time of the initial incident he was located in the back of the police landrover.</p>		

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(Delete as appropriate)

SURNAME	[REDACTED] Cornett R/Constable PW1978	
FORENAMES	Denise	
DATE OF BIRTH	[REDACTED]	
ADDRESS	C/O RUC Station, Portadown	
CHARGED	YES NO	COPY CHARGE SHEET ATTACHED AT PART IV
SUMMONS ISSUED	YES NO	COPY SUMMONS ATTACHED AT PART IV
INFORMATION LAID	YES NO	COPY INFORMATION ATTACHED AT PART IV
DATE OF FIRST COURT APPEARANCE	N/A	
AT DATE OF THIS REPORT IS	IN-CUSTODY	ON-BAIL

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EVIDENCE
AGAINST PERSON
REPORTED**

(Delete as appropriate)

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FORENSIC EVIDENCE	
DOCUMENTARY EVIDENCE	
OTHER (SPECIFY) Circumstantial	/

**ANTECEDENT
HISTORY OF
PERSON
REPORTED**

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PREVIOUS CONVICTIONS	YES- NO	COPY GRO 22 ATTACHED AT PART IV
		COPY GRO 14 ATTACHED AT PART IV
<p>Subject has a total of 5 years service with the Royal Ulster Constabulary Reserve having been stationed in Portadown from August 1996.</p> <p>At the time of the initial incident she was located in the front passenger seat of the landrover having been detailed as observer.</p>		

OUTLINE OF CASE*

(Give salient facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.

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1. On 27 April 1997 at approximately 1 50 am, Robert Hamill, 25 years, DOB 12 12 71 of [REDACTED] was beaten unconscious, by a loyalist crowd, at the junction of Thomas Street/Market Street, Portadown. He was removed to Craigavon Area Hospital and later the same morning transferred to the Royal Victoria Hospital, Belfast where he died on 8 May 1997, not having regained consciousness.
2. A murder investigation ensued, the result of which was reported to the Director of Public Prosecutions, Ref No. 2209/97 and RUC HQ Ref No. C40/7/97 refers.
3. During the initial assault on Robert Hamill a 4 officer landrover patrol was located almost directly opposite Thomas Street, at the junction of Market Street/Woodhouse Street, Portadown. In a letter received from [REDACTED] solicitor dated 6 May 1997 and received by Complaints and Discipline Branch on 9 May 1997 she outlined the following allegations on behalf of her client Diane Hamill:-
"My client instructs me that her brother was seriously injured in an assault which occurred at the junction of Thomas Street/Market Street, Portadown. On that date my client instructs me further she has been informed that certain police officers witnessed this assault and did not intervene as promptly as possible. Our client would therefore wish to make a formal complaint in respect of the actions of the police officers involved". (Part IV, Pages 256 - 257 refers).
4. As a result of this complaint ACC 'G' Department (Complaints and Discipline) appointed D/Chief Superintendent McBurney, Head of CID South Region as the investigating officer. A copy of the complaint, Reference number B147/1345/97, was forwarded to D/Chief Superintendent McBurney with attached instructions and remit and in which the nature of the complaint was outlined as "Neglect of Duty". (Part IV, Pages 257 - 267 refers).

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5. On 9 May 1997 Mr [REDACTED] solicitor was appointed to supervise the investigation on behalf of the Independent Commission of Police Complaints. On 12 May 1997 Mr [REDACTED] was briefed by D/Chief Superintendent McBurney reference the initial police investigation. A further meeting took place on 19 May and as a result of this meeting the following strategy was agreed reference the investigation of the police complaint:-

- (a) The Independent Commission of Police Complaints was there primarily to supervise the investigation of the complaint against police reference neglect of duty, only.
- (b) The murder investigation took priority and enquiries should continue irrespective of the Complaint Against Police investigation.
- (c) All potential witnesses interviewed /identified through the murder investigation should then be invited to speak to "Complaint" Investigation Team.
- (d) Standard letters to be forwarded to all witnesses and the complainant, Diane Hamill, requesting an interview reference the Complaint Against Police.
- (e) Agreement was reached that due to the nature of the complaint and the result of such interviews evidence may be relevant to the murder investigation however, individuals had to realise the interview was primarily in relation to the complaint aspect.
- (f) All possible witnesses including persons charged were to be identified for complaint interviews.
- (g) A reconstruction of the scene to be arranged including resiting of police landrover.
- (h) Police Officers subject of complaint should be present during the reconstruction of the scene and invited to relocate landrover as on night of incident.
- (i) Due to the nature of the allegations within the complaint the criminal offence of Misconduct by an officer of justice had to

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be considered against the 4 police officers located in the landrover. This was based on that fact that:-

- (i) Initial police enquiries had revealed that the officers in the police landrover had obtained an indication from a member of the public, who had attended St Patrick's Club, of other persons coming from those premises.
- (ii) The case of R -v- Dytham (Court of Appeal 1979) which appeared to have certain similar circumstances as those alleged in this incident. (Part IV, Pages 288 - 290I).
- (j) Interviews of the 4 police officers were to follow the murder investigation and when all facts pertaining to the complaint were catalogued.
- (k) The HOLMES system to be utilised.

6. In conjunction with the murder investigation the following enquiries were carried out to identify as many potential witnesses as possible:-

- (i) Enquiries reference persons located on a bus which travelled from the Coach Inn, Banbridge and on which a number of people had debussed adjacent to the town centre.
- (ii) House to house enquiries in the vicinity of Thomas Street/Market Street/Woodhouse Street.
- (iii) Through interview and re-interview of persons identified in the town centre, to establish all other potential witnesses/suspects.
- (iv) Enquiries at St Patrick's Hall to identify all possible witnesses who had travelled by foot through town centre.
- (v) Interview of staff at Fast Food outlets in town centre.

7. As a result of these enquiries and at an appropriate juncture, finalizing to an extent the murder investigation, a "Complaint Against Police" letter signed by D/Chief Superintendent McBurney was forwarded to more than 80 witnesses requesting interviews and outlining the proposed venue, date and time. As a result a total of 2 persons positively responded and in which only one, a Carolann

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Woods, was a potential witness. Her account is outlined at a later stage. A name list of these interview requests is attached to (Part IV, Pages 277 - 287F) of this file.

8. In addition to these letters a request for interview was forwarded to Miss Diane Hamill, however, she declined the invite via her solicitor Mrs [REDACTED] in a letter dated 4 June 1997 (Part IV, Pages 271 - 273 refer).
9. An extremely important aspect of the police investigation should be noted reference a letter also forwarded by police to Mrs [REDACTED] dated 20 May 1997. The letter requested assistance from her clients, potential witnesses and also in which police voiced their concerns with regard to the investigation in general. No response was received from Mrs [REDACTED] reference this letter. (Part IV, Pages 274 - 276 refers).
10. Due to the non participation of witnesses in the "Complaint Against Police" interview evidence in relation to the allegation was sparse and investigations had to rely on statements made during the murder investigation. Consequently it is imperative that the murder file DPP Reference number 2209/97; RUC HQ number C40/7/97 is read in conjunction with these papers.
11. In addition to these witnesses accounts the following areas were addressed in order to obtain all evidence available in relation to the incident.
 - (a) Initial scene examination on 27 April 1997.
 - (b) Further examination of scene/resiting of police landrover PXT 1928 on 10 June 1997.
 - (c) Testing of landrover sound levels at scene on 17 June 1997.
 - (d) Examination of police communication tapes.
 - (e) Examination of Craigavon Area Hospital communications tape.

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- (f) Interview of 4 police officers reference their actions on the 27 April 1997 and events preceding their actions.

These above matters will be discussed at a later stage within this report.

12. The following precis of the sequence of events will aid the reader on the background leading up to this incident and through such, one will be able to identify that the complaint against police actually relates to a very short period of time and which 'focuses' on the officers actions following a conversation with a member of the public, Thomas Mallon:-

- (a) At 0010 hours on 27 April 1997 the following 4 police officers were detailed public order duties in a landrover PXI 1928 in the Portadown town centre:- Constable A Neill - driver; R/Constable Cornett - front seat observer; R/Constable^{P40} and R/Constable Atkinson, rear seat observer.
- (b) A function was held at St Patrick's Hall Social Club, 47 Thomas Street, Portadown in which approximately 150-250 persons attended, the function terminated at 1 30 am.
- (c) The following identified personalities left St Patrick's Hall Social Club and made their way along Thomas Street with the intention of walking along Woodhouse Street:-
- (i) Thomas Prunty
 - (ii) Colin Hull (who may have been accompanied by one other unknown male).
 - (iii) Colin Prunty and a Maureen McCoy.
 - (iv) Robert Hamill,^D E
F
- (d) An Ulsterbus containing persons who had attended the Coach Inn, Banbridge had returned and a number of these persons debussed at approximately 1 30 am at Bridge Street adjacent to Market Street, Portadown.

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- (e) A fast food bar, Boss Hoggs, located in Market Street, Portadown had attracted both persons returning from the Coach Inn and other groups/individuals to that area.
- (f) The police landrover PXI 1928 had been located in High Street, Portadown, where it had been parked. It then moved a short distance to the junction of Market Street/Woodhouse Street.
- (g) Thomas Mallon spoke to the occupants of the police landrover whilst at this junction.
- (h) A Dean Forbes and a Stacey Bridgett had also been at this junction. They spoke to Thomas Mallon and also to the members of the police landrover.
- (i) There is evidence of rowdiness in the Thomas Street area adjacent to the junction with Market Street.
- (j) At the Thomas Street/Market Street junction a fight developed in which Robert Hamill and ^D were knocked unconscious.
- (k) Police were alerted to the incident at Thomas Street/Market Street by a person at Constable Neill's driver's door.
- (l) An initial request to Police Communications from R/Constable Cornett was received at 1:45:37 requesting extra police support in the town centre.
- (m) An initial request from R/Constable Cornett was received at 1:48 reference tasking of ambulances to town centre.
- (n) A subsequent forensic examination strongly linked Stacey Bridgett with the deceased Robert Hamill.
- (o) On attendance of other police patrols they were confronted by a serious public order situation and in which action was taken to remove a crowd from the town centre.

13. In order to aid the reader I have listed the clothing worn by the following witnesses important to this enquiry:-

Robert Hamill

Three quarter length leather jacket, blue jeans, check shirt.

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Following assault, located in the centre of Market Street, ARN1
Photo 9, JRH3 and GPM2 refers.

D

Blue/White striped shirt, wearing Levi jeans.

Following assault located closer to Market Street/Thomas Street
junction and closer to Eastwoods Building, ARN1 Photo 3, JRH3
and GPM2 refers.

E

Black leather coat, denim shirt, black silk trousers.

Following assault lay across ^D

F

Cream jacket, cream top, cream coloured Levi cords.

Following assault attended Robert Hamill.

Colin Prunty

Dark blue shirt/black dress type trousers/sandy coloured hair and
believed to be wearing a tie.

Maureen McCoy

Dark blue coloured half jacket.

The evidence in relation to this investigation is as follows:-

WITNESSES AT SCENE

14. THOMAS GERARD MALLON (Part II, Pages 1 - 3) outlines leaving St Patrick's Social Club. Whilst in Thomas Street he observed a police landrover parked on Market Street at the Alliance and Leicester Building Society. He observed the landrover move off slowly and stop in the middle of Woodhouse Street/Main Street junction. He believes this was because he had attracted their attention, by waving at them. He describes a lot of noise in the town centre, and on speaking to a policewoman informed her that there was likely to be people coming from St Patrick's Hall. On walking

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on he describes being confronted by one youth, who was accompanied by others, and felt threatened in the situation. He was aware that a policeman got out of the landrover but was unaware what else happened as he walked on along Woodhouse Street, where he spoke to a Colin Hull and one other unknown person. He then went on home believing the time was around 1 15 am - 1 30 am.

15. D (Part II, Pages 4 - 5) outlines leaving St Patrick's Hall in the company of his wife E her sister F and a Robert Hamill. He outlines having consumed approximately 6-8 pints of Harp during the night. As he walked along Thomas Street he recalls seeing a 'couple of people' at its junction with Market Street, whom he can't describe. He outlines being 'suddenly attacked' on the main street (Market Street) and waking up in hospital. He cannot describe anything further and was released on the afternoon 27 April 1997 having been treated for a cut to his head and face, concussion, bruising to his body and leg. He makes no mention of police personnel or landrover.

16. E (Part II, Pages 6 - 7) outlines leaving St Patrick's Club in the above company as described by D In addition she outlines as she approached the "Queens" bar, which is in Thomas Street and close to the Market Street junction seeing 2 persons cross the central reservation on main street (Market Street) whom she believed had attended the function. (From enquiries these are believed to be a Colin Prunty and his girlfriend, Maureen McCoy). She noticed 2 persons at a sports shop at the Thomas Street/Market Street junction and also a police landrover parked on the opposite side of the main street facing towards the bottom of the town. Although not certain she believed it was on the "lower side of the junction towards the bottom of the town". She recalls Robert Hamill and D being attacked by around 20-30 persons and her lying on top of D trying to protect him and her shouting for an ambulance. She saw Robert

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Hamill being kicked on the head but cannot describe the assailants. She describes their location on Market Street, all being close to the Eastwoods Clothes shop with ^D and her being closer to the Thomas Street/Market Street junction. She outlines being spoken to by a Policeman with glasses (R/Constable Silcock) and being told to put ^D in the "recovery position". She later went with her husband, ^D, to Craigavon Area Hospital.

- F
17. **(Part II, Pages 8 - 10)** outlines the group of 4 walking along Thomas Street on the Credit Union side (This is on the same side as the Queens/Jamison's Bar). She noticed 2 persons at the junction of Thomas Street with Market Street/High Street and as they started to cross the road they were attacked by about 30 people who came "as if from nowhere". She outlines the attack on Robert Hamill and saw people jumping on his head. On the assailants moving back she observed ^E on her knees beside her husband, ^D and she was shouting for an ambulance. ^F described taking her cream jacket and placing it under Robert Hamill's head, and at this time he was having difficulty breathing. She outlines running over to the police landrover at Woodhouse Street for help and was told by a "wee small policeman" that there was an ambulance on its way. She later went to Craigavon Area Hospital with the injured and is unable to give any detailed descriptions due, to the fact "It all happened so fast and I was down on my knees trying to help Robert". She outlines that nothing was done or said to provoke the attack.

18. **COLIN PRUNTY (Part II, Pages 11 - 15)** outlines being in the company of Maureen McCoy and having consumed approximately 6-7 pints of Bass over the period of the night. On walking along the footpath with his girlfriend he saw ^D ^E and ^F in front and ahead of them, Robert Hamill. The distance

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between this party and them being 30-40 yards. He describes seeing a police landrover sitting in the middle of the main street, diagonally parked facing towards the Halifax Building Society. He describes Robert Hamill being attacked in the main street by a group. Prunty was still in Thomas Street and this group had come from the left side of Market Street. He describes Robert Hamill being pulled to the ground and being kicked, whereupon he and^D ran down Thomas Street towards the crowd. He observed^D

on the ground but didn't see him being hit. As he arrived, they were still kicking at Robert Hamill and he "ploughed" into the middle of them in order to assist. He relates at this stage police were out of the landrover and over at the crowd trying to stop the fight. He states there were either 2 or 3 policemen and one policewoman. He outlines being pulled back by a policeman and at this time a person, initially believed to be Wayne Lunt, who was subsequently charged with the murder of Robert Hamill, being placed in the back of a police landrover. He alleges he witnessed this person being involved on the attack of Robert Hamill and questioned a policewoman, now identified as Constable^A, why this same person was released from the police landrover 5 to 10 minutes later. He outlines seeing his girlfriend Maureen McCoy, cradling Robert Hamill's head in her lap and states that when police got involved the crowd backed off, although, remaining in the area, laughing, shouting sectarian abuse and throwing bottles.

19. During a consultation between Mr Kitson DPP and Mr Kerr, QC regarding evidence against one of the persons charged, Colin Prunty outlined the good work carried out by the Police who had been in the landrover, when they became aware of the situation. Police are not in a position to confirm this statement although they know it to be fact. As a result of this consultation and because of a doubt over who Colin Prunty actually observed attack Robert Hamill, the charge against a Wayne Lunt was withdrawn.

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20. MAUREEN McCOY (Part II, Pages 16 - 20) outlines leaving St Patrick's Hall in the company of Colin Prunty having consumed approximately 3 1/2 pints of Cider over the course of the night. As both reached the area of the British Legion/Credit Union which overlooks the Thomas Street/Market Street junction she spoke to F who was standing in the company of D and E and a person she knew was a Hamill. She was warned by F not to proceed as there was a crowd. On looking at the Thomas Street junction she saw 10-15 male persons standing outside a bakers shop located at the corner. At the same time she observed a police landrover stationary covering the junction of Woodhouse Street/High Street. Although she could see no police personnel she told her boyfriend that because of this they would be safe to proceed. As they proceeded along the pavement which led to this group at the corner, she was aware that the DEF and the "Hamill fella" were behind them. She relates this group began to shout, "Fenian Bastards" and as they surged forward towards them this forced her group to move onto the road. She became aware somebody in her group was being attacked so she ran and stood beside the Eastwoods shop, located at the Thomas Street junction. She outlines that the group which had been located at the bakery had moved into Market Street opposite Eastwoods and that from their actions she could tell someone was being attacked. After a brief conversation with another female she ran across the main street to the Alliance and Leicester Building Society which is opposite Eastwoods. When there, she became aware of a male person lying unconscious in the centre of Market Street. She made her way to this person, who she became aware was "Robert Hamill", and also observed E giving assistance to a person she assumed was D. She was soon joined by F and she was also aware of police officers in the immediate vicinity. Colin Prunty moved her back to the Alliance and Leicester but she refused to stay with him, returning to the injured where she stayed until the ambulance arrived. She was aware of persons in the area shouting sectarian abuse. Following the removal of the injured she

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spoke to a blonde haired policewoman and was aware of a male in the back of the police landrover. On seeing him being released she questioned the policewoman as to her reasons but got no reply.

21. A COLIN HULL was spoken to by D/Constable Keys but following an arrangement to obtain a witness statement, declined referring police to his solicitor, [REDACTED] who declined to respond to verbal and written requests. His verbal outline is recorded at (Part IV, Pages 291 - 292) and no doubt could add vital evidence to this investigation. From this account it may be Hull who approached the police landrover and alerted the driver, Constable Neill of the incident.
22. A DERMOTT McNEICE failed to respond to police requests to be interviewed regarding the matter (Part IV, Pages 293 - 294).
23. WILLIAM DAVID JONES (Part II, Pages 21 - 25) lives in a flat with his girlfriend Carolann Woods which overlooks the [REDACTED] [REDACTED]. He observed 3 or 4 men accompanied by 3 women run down Thomas Street towards Market Street. He gives description of these people and alleges the male wearing the black leather jacket hit a male standing at the junction at the Jamison's bar side of the street. He realised that this was his girlfriend's brother, David Woods. On alerting his girlfriend both went down to their flat door and brought him into their flat. On returning to his flat window he observed 2 persons lying on the road who fitted the description of the persons he had first seen running down Thomas Street. They were accompanied by 2 females who were kneeling over them. He describes 15-20 persons running around, and police appeared to be pushing the crowd up Market Street towards the church area. He estimated the whole incident lasted approximately 2 to 3 minutes and alleges there were sectarian remarks being shouted from both sides of the community. On

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looking out, after returning to his flat with David Woods he had observed a police landrover and a dark Sierra.

24. CAROLANN WOODS (Part II, Pages 26 - 32) outlines being in her flat with her boyfriend David Jones and hearing running and shouting in the Thomas Street area. She outlines seeing 5 persons in the vicinity of Eastwoods, 2 of which were women and a group of approximately 7 mostly males in Market Street at the junction. She was alerted by her boyfriend that her brother David Woods had been hit and she immediately ran down to her front door and brought him back upstairs to her flat. On returning to her window she saw 2 males lying on the road, one of which had a leather jacket and who she associated with the group of 5 she had previously seen. She describes a woman adjacent to one of the injured screaming abuse at the policeman. She subsequently indicated on a map marked JRH3, (Part III, Page 17) a point C where this woman was located, which was beside the male wearing the black leather jacket.

25. As a result of the allegation of inactivity by police Carolann Woods attended Portadown RUC Station on 3 July 1997. In addition to her previous accounts she related that she believed there were 2 police close to the woman who was shouting abuse, one of which was possibly a policewoman. There was no crowd around these persons at that stage.

26. P45 (Part II, Pages 33 - 34) recalls being awakened by a disturbance and on looking out his flat window saw 4-5 persons kicking at a person on the ground who he believed was unconscious. (From description/area this relates to^D

There were other skirmishes taking place and he saw a police landrover parked near the Alliance and Leicester Building Society. He outlines people near the landrover and as police went towards them, they backed off. A second police vehicle arrived, and he outlines an ambulance arriving and police putting a person in the back of a landrover (Believed to be a Wayne Lunt). He recalls

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"something like when the police were trying to help the man on the ground some of those around were still trying to kick at him but were pushed away".

27. **STEPHEN JOSEPH THORNBURY** (Part II, Pages 35 - 37) bar employee, outlines being in Jamison's bar when he was made aware that a "crowd" was coming down Thomas Street. As this crowd passed he heard shouting and the windows and shutters being banged. On looking out a side door he was aware of 2 groups squaring up to each other. He returned inside and then returning to a toilet window a short time later he saw 2 persons lying on Market Street at which time police were in the middle of the road. There was a landrover parked on Woodhouse Street and there were people in that area. He relates he saw 2 police personnel, one of which may have been a woman and they were trying to keep this group apart from another group located on the upper side of Thomas Street. He outlines seeing an ambulance and the injured being attended to. He later saw a policeman with a baton gun and other police personnel in the middle of the street, facing up towards the church. They were moving a crowd back and at approximately 2 30 am he left the bar as he felt it was safe to do so.

28. Three other members of Jamison's staff were interviewed however, declined to make statements. They were namely Beverley Irwin, Derek Lytle and Julie Sherwood and all give somewhat similar accounts as that of Mr Thornbury. (Part IV, Pages 296 - 297 refers).

29. A [REDACTED] flat occupant, also declined to make a statement, however, he outlined 2 groups came together fighting, then stepped back momentarily before starting fighting again (Part IV, Pages 298 - 299). On the 10 June 1997 and during a resiting of the police landrover PXI 1928, [REDACTED] approached D/Inspector Irwin and related he was disgusted at the media coverage and unfair criticism of the RUC. He outlined that originally he didn't see any police but then

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saw 3 in a crowd of about 30 or 40 and that they were helpless in the situation. His account is covered in D/Inspector Irwin's statement (Part II, Pages 196 - 197). He indicated in his opinion that police had done an excellent job however, due to his own personal reasons he declined to become involved or provide a statement.

30. PAULINE NEWELL (Part II, Pages 38 - 40) outlines seeing a police landrover at Woodhouse Street and as she crossed this street she saw a lone elderly man walk down in the direction of the tunnel. She saw a "Dean Forbes and Stacey" at the open passenger door of the landrover. She recalls that as she passed the landrover she heard "bickering" from the other side of the street, like talking but louder. She paid no attention and walked on through the town, hearing about the incident the next day.
31. Ann Bowles (Part IV, Pages 303A - 303B) outlines while at the Northern Bank in High Street she saw a crowd of about 50 persons in the middle of the road at the junction of Thomas Street/Market Street. On walking past the police landrover to the area of the Abbey National Building Society she then saw a Dean Forbes standing in the centre of the traffic reservation in the centre of Market Street. He told her, "There's a fight going on". She related she could not tell if the police were out of the landrover but accepted they could have been in the crowd. She did relate that there was no persons standing at the police landrover when she had passed it. She refused to make a statement.
32. Alison Bowles (Part IV, Pages 303C) gave the same details as her sister however, declined to make a statement.
33. WITNESS A describes being in the town centre and observing a number of people attack one of the injured persons. The witness names a number of the individuals involved, including an Allister Hanvey. At this time the witness saw a number of police close by and was of the opinion "the police were not doing much to stop what

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was happening". More police then arrived and the crowd was moved towards West Street. This witness recalls speaking to R/Constable Atkinson. The witness goes on to allege that on speaking to Allister Hanvey on the Tuesday following the incident, he alleged that on the morning of the incident he had been rang by R/Constable Atkinson at about 8 am and told to get rid of the clothes he was wearing. He related that R/Constable Atkinson was ringing him every day to keep him up to date with the police investigation.

34. Following a consultation with the DPP this witness has refused to give evidence in any Court proceedings. A copy of this witnesses statement is located in a sealed envelope, attached to this file.
35. WITNESS B statement is also located in the sealed envelope. During a consultation with the DPP the witness related that the statement recorded on 9 May 1997 was based on what other people had outlined. The witness denied seeing any of the actual events on the morning of 27 April 1997.
36. P51 (Part II, Pages 41 - 42) describes walking through the town centre. On taking a seat some distance away he observed a police landrover parked at the Halifax Building Society. He didn't see any police, however, he thinks there were a few members of the public standing around it. He then heard sectarian shouting and could see a "scuffle" at the junction with Woodhouse Street and Thomas Street. He relates he didn't see any punching nor did he see any person lying on the road.
37. KYLE WOODS (Part II, Pages 43 - 44) related being in the town centre and observing a police landrover located at the Alliance and Leicester. There were people standing at the landrover, talking to the police. He was aware of the incident occurring and bottles being thrown and police trying to push the crowd back.

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38. **DAVID GRAY (Part II, Pages 45 - 46)** outlines arriving in the town centre after the incident had occurred. He relates briefly speaking to Constable Atkinson.
39. **JONATHAN WRIGHT (Part II, Pages 47 - 52)** outlines a number of fights taking place in the vicinity of Thomas Street and at the Alliance and Leicester Building Society where police were trying to break the fight up. He describes the mood against the police as violent and heard bottles being smashed. He relates he was in the company of a Marc Hobson and Allister Hanvey. **He describes Hanvey as wearing light blue jeans, track suit top, grey colour with a zip up the front. The top had orange strips on both arms which went down to the elbows.**
40. **KYLE MAGEE (Part II, Pages 53 - 55)** recalls being in the town centre and a crowd of approximately 20 persons starting to fight at the junction of Woodhouse Street/Thomas Street. He recalls seeing "a couple" of police officers get out of the landrover and walk towards the fight. He outlines being drunk on the night of the incident.
41. **MICHELLE JAMISON (Part II, Pages 56 - 60)** outlines seeing fighting in the town centre and approaching a girl in a black jacket who was beside an injured man. She heard that an ambulance was on its way and describes police located close to a police landrover.
42. **ALLISTER HANVEY (Part II, Pages 100 - 102)** describes making his way to the town centre and hearing sectarian shouting. He describes police in a line across the main street and periodically people breaking through to attack the opposite faction which were located on either side. He outlines seeing the injured persons with women close by. He didn't see anybody attack these people and denied involvement. He outlines being approached by a policeman, description of which fits R/Constable Atkinson, being mid 40's, 5' 10", stocky build, gingerish/greyish hair and moustache. On request

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from this policeman he assisted in helping move some people back to the church. Following the incident he went and stayed in his uncle's house, Thomas Hanvey. He describes his own clothing on the night namely black CAT jacket, dark blue Levi jeans, white and black Asics trainers. This witness statement was recorded prior to Hanvey's arrest and charging.

43. The following personalities outline being in the town centre and make a general reference to police involvement/police vehicles however, nothing of a further evidential value is established (Part II, Pages 61 - 95 refer):-
Steven Bloomer, Jennifer O'Neill, Noelle Moore, Neill Richie, Simon McNally,^{P44} John Currie, Jason McClure, Conor Black, Jonathan Nelson, Denis Hayes, Andrew Osborne, Judith Holland, Christopher Smith, Aaron Reaney, Kelly Lavery, Shelley Liggett, Jason Woods, Ian Carville.
44. The ambulance crew David Morrow (Part II, Pages 96 - 97 & Glen Stewart, Part II, Pages 98 - 99) outline receiving a report of an incident in Portadown town centre at around 1 52 am, arriving at the scene at 1 58 am. David Morrow describes a hostile crowd and observing 2 injured persons. They left the scene at 2 02 am arriving at the hospital at 2 09 - 2 10 am.
45. These timings are confirmed via the following:-
Ambulance Tasking Transcript - JRH4
(Part III, Pages 17A - 17B)
Copy of Ambulance Emergency Call Receipt
(Part IV, Pages 306 - 307)
46. Other medical evidence reference the treating of the injured Robert Hamill and ^D is contained in the following statements, which is in addition to pronouncing life extinct and the subsequent post mortem examination.

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Mr B U Low, Casualty Officer, CAH

(Part II, Pages 114 - 115)

Mr Gavin Lavery, Consultant, RVH

(Part II, Pages 116 - 117)

Mr Thomas Fannin, Consultant,

(Neuro-Surgeon) RVH

(Part II, Pages 118 - 120)

Mr Jash Patel, Neurosurgical Registrar

RVH

(Part II, Pages 121 - 123)

Mr Jack Crane, State Pathologist

(Part II, Page 124 and Part III Pages 237 - 247)

Photographs of Post Mortem - R Hamill (Part III JMcC1 refers)

Photographs of injuries to ^D (Part III ARN2 refers)

47. A number of other statements have been recorded reference the murder investigation and either do not add to the evidence regarding police involvement or they are irrelevant to this investigation. These statements are located at **(Part IV, Page 1 - 239)**.

POLICE EVIDENCE REFERENCE INITIAL ACTION

48. **Sergeant ^{P89}** (Part II, Pages 126 - 129) outlines briefing Constable Neill, R/Constables ^{P40} Atkinson and Cornett for public order duties in Portadown town centre giving attention to Magowan Buildings and Woodhouse Street. They were briefed at approximately 0010 hours on 27 April 1997 and were provided with a landrover the call sign being Juliet Delta (JD81). At 0150 hours he was briefed by Constable Godly, Comms Officer reference serious disorder in the town centre and the requirement for immediate assistance. At approximately 0200 hours as he made his way along Edward Street, Constable Adams and R/Constable Warnock requested a riot gun. This was issued to R/Constable Warnock and a further riot gun was removed by Sergeant ^{P89} for the purpose of issuing it to

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another member if required. On making his way to the town centre Sergeant **P89** observed approximately 30-40 youths in the town centre and a further 3-4 youths at the Woodhouse Street/Market Street junction. As he made his way to the town centre he observed an ambulance making its way to the scene. He outlines that Constable Neill and R/Constable Atkinson produced their batons for inspection. (Both Reports Part IV, Pages 328 - 331 and 344 - 347) although nothing significant was located R/Constable Atkinson's leather strap was broken.

49. **INSPECTOR McCRUM** (Part II, Pages 130 - 131) accompanied Sergeant McClean and on the Inspector's direction the larger group of personnel were moved into West Street and the 2 opposing groups were kept apart.
50. **CONSTABLE GODLY** (Part II, Pages 132 - 133) was the Communication Officer. At approximately 0146 hours he received a radio transmission from R/Constable Cornett requesting vehicle back up in the town centre. At 0148 hours a request was made for ambulances as 2 persons had been injured. He immediately contacted ambulance control and further informed Inspector McCrum. At 0200 hours he attempted to contact St Patrick's Hall, being successful at 0213 hours. He informed them of the incident and requested all patrons to take taxis. He later handed D/Constable [REDACTED] the master communications room tape which was marked SMG1. Copy tapes of this were made (JMc9, 6, 7, 8 & 9) and as a result the following transcriptions of these refer, JMcD10 and JMcD11 (Part III, Pages 1 - 16). In addition a police control room message form (Part IV, Pages 304 - 305) and the ambulance audio tasking/transcript/emergency call receipt (Part III, Pages 17A - 17B and Part IV, Pages 306 - 307) support Constable Godly's account.
51. **R/CONSTABLE SILCOCK** (Part II, Pages 134 - 137) was the driver of a white Ford Mondeo Livery car, registration number HAZ 2846 and he was accompanied by Constable Adams. Their local call

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sign was Juliet Bravo 70 (JB70). R/Constable Silcock outlines on receiving the call for assistance he arrived several minutes later. On arriving he observed 2 male persons lying on the Church Street bound direction lane of High Street. He immediately tasked an ambulance. He outlines attending firstly to ^D who was on his back and unconscious. He advised ^D wife, Mrs E to turn ^D over which then occurred. He then made his way to Robert Hamill who was being attended to by a woman wearing a white top, who was Robert's cousin and who was on her knees on the ground. Mr Hamill was unconscious and was being cradled, his head being in an upright position. He then assisted this woman in turning Mr Hamill over, whereupon he was placed front down with his head turned to the side. He outlines protecting the injured persons from an aggressive crowd. Upon arrival of the ambulance both persons were placed inside the vehicle. He observed a person called, "Stacey" who had a bleeding nose and a Rory Robinson who he described as aggressive. During his attendance with the injured and then at Craigavon Area Hospital he outlines being the subject of abuse by a person wearing a grey Umbro sweater who is believed to be Colin Hull.

52. CONSTABLE ADAMS (Part II, Pages 138 - 139) outlines arriving at the scene and estimates a crowd of approximately 30 persons in the vicinity. He observed police attempting to keep rival factions apart and at that stage there were 2 injured on the roadway at the junction of Thomas Street and were being attended to by other members. He took up a position at Woodhouse Street to restrain rival factions. While at this area other Police arrived. He left to return to the police station (with R/Constable Warnock for riot gun) and on his return the ambulance had arrived and the crowd had been moved back towards Church Street. He assisted in moving this crowd further back.

53. CONSTABLE COOKE (Part II, Pages 140 - 143) was the driver of dark blue Ford Sierra, registration number DAZ 8646 with the

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local call sign Juliet Delta 80 (JD80). He was accompanied by R/Constable Warnock and Murphy. On hearing an urgent assistance request he arrived at the scene within 3 to 4 minutes. He observed 2 injured persons lying on the carriageway and a crowd of approximately 30-40 people within 10 feet of these injured parties. He relates several police were located in between the injured and the crowd, who they were trying to restrain. He outlines other police arrived at this time and he with others started to move the crowd back towards West Street. He outlines recognising a number of local personalities within this crowd.

54. R/CONSTABLE WARNOCK (Part II, Pages 144 - 145) outlines arriving at the scene and observed police and a large crowd (30-40 persons) having a confrontation. He assisted Constable^A in placing an individual into the back of a police landrover and then returned to the police station in order to sign out a Heckler and Koch riot gun. On return he describes the crowd as "still disorderly" and he assisted in pushing them back towards Church Place/West Street. He outlines a number of individuals in this crowd, including **Allister Hanvey who was wearing jeans with a dark coloured baseball type jacket with greyish coloured sleeves.**
55. R/CONSTABLE MURPHY (Part II, Pages 146 - 147) outlines arriving at the scene and observing a large crowd (40-50 persons) at the Market Street junction. He observed 2 males lying in Market Street who were being comforted by females. He assisted in keeping the rival elements apart and outlines the arrival of an ambulance after approximately 15 minutes. During this incident his baton was drawn but not used and he identifies a number of persons in the crowd.
56. CONSTABLE ORR (Part II, Pages 148 - 149) was the driver of a gold Vauxhall Cavalier, registration number HAZ 2851 with the local call sign Juliet Delta 70 (JD70). He was accompanied by Constable^A On hearing a request for assistance and making his way to the town centre he saw a large crowd at the junction of

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Market Street/Thomas Street. There were several police vehicles on the street and police were on the ground attempting to "hold parts" of the crowd back. As he assisted in attempting to move a loyalist crowd towards Church Street he observed 2 persons lying on the road, close to the Thomas Street junction. He outlines instructing R/Constable Warnock to return to the station and obtain a riot gun. Ambulances arrived as did Inspector McCrum and on the Inspector's orders the crowd were moved towards West Street. Constable Orr later returned to the area and taped off the scene of the disturbance.

57. ^A CONSTABLE (Part II, Pages 150 - 156) outlines on arriving at the scene she observed 2 males lying in the vicinity of the Market Street junction. She describes 40-50 persons in confrontation with each other and other police personnel. She describes dealing with a Wayne Lunt whom she placed in the back of a police landrover, checking his details. On his release Constable ^A assisted in trying to clear the road. She describes a number of personalities in the area and later returned to the scene opening a serious crime log. A number of statements have been recorded from Constable ^A which refer to the identification issue regarding Wayne Lunt.
58. R/CONSTABLE BURROWS (Part II, Pages 157 - 159) outlines performing security duty outside Portadown RUC Station. About 1 45 am 2 police vehicles approached the town barrier at speed with the sirens sounding and he allowed them access without stopping. He did not know where they were going nor could he hear any noise. Sometime later he allowed an ambulance into the town centre. He outlines R/Constable Warnock and Constable Adams returning to the station whereupon he joined this crew who drove back to the town centre. He relates he remained in the vicinity of the police vehicles.
59. The following officers drew their batons during the disturbance and which reports are attached (Part IV, Pages 324 - 354) - Sergeant P89, Constables Adams, Cooke, Orr, Neill, R/Constable

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Atkinson, Silcock, Murphy. A copy of the Firearms Register reference the issue of the Riot Guns is also attached (Part IV, Pages 355 - 356).

60. INITIAL SCENE EXAMINATION ON 27 APRIL 1997 is

covered in the following statements:-

Constable^A Log Scene Officer
(Part II, Page 151)

Constable [REDACTED] Log Scene Officer
(Part II, Page 160)

Constable Ardis, Scenes of Crime Officer
(Part II, Pages 161 - 162)

D/Constable J McDowell, CID
(Part II, Page 163)

D/Constable D Keys, CID
(Part II, Page 165)

Mr [REDACTED] Photography at scene/injured person;
Exhibit ARN1 & 2
(Part II, Pages 168 - 169) and (Part III)

Mr [REDACTED] Mapping at Scene; Exhibit GPM1
(Part II, Page 173 and (Part III)

Mr [REDACTED] Street Lighting
(Part II, Page 125)

61. There was no evidential material of any significance located at the scene except to confirm broken glass was located in the area. In addition D/Constable Keys checked for possible video evidence (Part IV, Page 300) however, no cameras were operating which covered the actual area of the assault.

COMPLAINT AGAINST POLICE AND INITIAL ACTION

62. On 9 May 1997 Diane Hamill, sister of the deceased, Robert Hamill submitted a complaint against police inactivity which was submitted through her solicitor, [REDACTED] (Part IV, Pages 256 - 257). As a result of this complaint the following officers were served with

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a Form 17/3 (Caution 1) and a copy of "Notes for the Guidance of members - Evidence by Influence" with a list of members of the Force who had volunteered to act as "Friends":-

Constable Alan Neill, Number I6143, driver of the landrover PXI 1928.

R/Constable Denise Cornett, Number PW1978, front seat passenger/comms officer in landrover PXI 1928.

R/Constable Robert Atkinson, Number R4610, rear seat passenger in landrover PXI 1928.

R/Constable^{P40} Number R12400, rear seat passenger in landrover PXI 1928.

63. Service of these documents are covered in the following statements:-

C/Inspector Bradley (Part II, Page 184)	(Neill)
Inspector [REDACTED] (Part II, Page 185 - 186)	(Cornett & Atkinson)
Inspector [REDACTED] (Part II, Page 187)	P40

64. It should be noted that since this incident R/Constable Cornett has become married, her marital name being Wright.

RESITING OF POLICE LANDROVER PXI 1928 AT MARKET STREET, PORTADOWN ON 10 JUNE 1997

65. On the complaint being lodged, the landrover PXI 1928 was retained and the vehicle was replaced in its ALLEGED original positions by Constable Neill and R/Constable Atkinson in order to further any scene evidence which would be available. The following statements refer to same:-

66. D/C/SUPERINTENDENT McBurney (Part II, Pages 192 - 193) outlines being present and supervising the scene examination.

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67. D/INSPECTOR IRWIN (Part II, Pages 194 - 195) outlines arranging for the resiting of the police landrover PXI 1928 and introducing Constable Neill and R/Constable Atkinson, who was accompanied by his solicitor Mr Hagan, to D/Chief Superintendent McBurney and Mr [REDACTED] Independent Commission of Police Complaints. Both were cautioned at 12 12 am on 10 June 1997 reference Criminal Neglect of Duty reference their duties on 27 April 1997. On request they agreed to resite the landrover in a number of locations both prior to and during the assault and also indicate where they were sitting in the vehicle. During the course of the evening the vehicle was moved to 3 separate locations. Both persons also indicated 2 locations where they believed Robert Hamill and D [REDACTED] were located. Whilst at the scene D/Inspector Irwin spoke with a [REDACTED] a flat occupant in Thomas Street. This person outlined witnessing the events and gave his version, his opinion being that police when at the scene had done an excellent job. He believed the media coverage in which the RUC were open to criticism was unfair. He declined to make a witness statement.
68. MR [REDACTED] (Part II, Page 179) outlines the condition of the landrover PXI 1928.
69. CONSTABLE [REDACTED] (Part II, Page 171) (CMcA1) (Part III) recorded a video of the scene.
70. MR [REDACTED] (Part II, Page 170 ARN3) (Part III) took a series of photographs reference scene examination.
71. MR [REDACTED] (Part II, Page 194, GPM2 - Part III) mapped locations and areas indicated by Constable Neill and R/Constable Atkinson.
72. MR [REDACTED] (Part II, Page 172, PRM1 - Part III) took a series of photographs from [REDACTED] Thomas Street, Portadown.

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73. MR [REDACTED] FSANI (Part II, Pages 175 - 176) outlines his attempt to establish the officers abilities to observe the area of the junction of Market Street/Thomas Street from inside of the police landrover. This is based on the information provided by Constable Neill and R/Constable Atkinson and is subject to whether the occupants had been given prior warning.

LANDROVER EXAMINATION AT MARKET STREET ON JUNE 1997

74. The landrover PXI 1928 was again resited in the general area of Market Street/Woodhouse Street on above date and tested for sound levels. This was carried out in order to establish if it could be determined what the occupants of the landrover heard. Due to a number of varying factors nothing of a positive nature was established.

75. This is covered in the following statements:-

D/Chief Superintendent McBurney

(Part II, Pages 192 - 193) Duties at scene

D/Inspector Irwin

(Part II, Pages 194 - 195) Duties at scene

D/Constable E Honeyford

(Part II, Page 180) Duties at scene

Mr J O'Boyle, Industrial Services Ltd

(Part IV, Pages 308 - 316)

INVESTIGATION REFERENCE ALLISTER HANVEY

76. Although this is covered in the DPP file reference the murder of Robert Hamill I refer to it briefly within this file for the ease of the reader and because of the allegation reference the association between Hanvey and R/Constable Atkinson. This account should be cross referenced with observations outlined on pages 43 - 46 of this report.

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77. Following the witness statements recorded from Witness B and Witness A on the 9 and early hours of 10 May respectively, house searches were carried out at the home of Allister Hanvey and that of his uncle, Thomas Hanvey. Allister Hanvey was arrested on 10 May 1997 and interviewed at Lurgan RUC Station. Although clothing was seized from Hanvey's home address, nothing was found similar to the clothing as described by Jonathan Wright and in which Hanvey was named as wearing on the night of the incident. Items as described by Hanvey, in his own witness statement were recovered however, subsequent forensic tests to link these with those of the deceased proved negative. During interview Hanvey denied involvement in the attack of Robert Hamill and remained adamant that the original witness statement he had made was the truth. He denied the allegation reference wearing the clothing as outlined by Jonathan Wright. **(Part II, Pages 47 - 52).**
78. He was subsequently charged with the murder of Robert Hamill based on the witness statements of Witness A and Witness B.
79. In addition a witness statement was recorded from Thomas Hanvey who supported the fact that Allister Hanvey had slept at his address, [REDACTED], on the night of the incident. The following morning at approximately 9 30 am - 9 45 am Allister Hanvey's father, Kenneth called at the house, shortly afterwards both left. Thomas Hanvey outlines clothing worn by Allister Hanvey which he describes as T-shirt, blue jeans, navy or black coloured quilted bomber type jacket.
80. Kenneth and Elizabeth Hanvey were spoken to by D/Constable McIntosh. **(Part IV, Page 301).** Although they declined to make statements they support Thomas Hanvey's account and outline the account given by Allister Hanvey, that he upon request assisted a Police Officer. They refused to name the officer concerned and stated the officer may give evidence to this effect.

OUTLINE OF CASE*

(Give salient facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.

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81. The following statements/documents refer:-

Statement of Thomas Hanvey

(Part II, Pages 103 - 104)

Statement of Constable Porter

It should be noted that the clothing as described by Allister

Hanvey was seized during a search of his house on 10 May 1997.

(Part II, Page 207)

Statement of Constable^{P34}

(Part II, Page 208)

Statement of R/Constable Richie

(Part II, Pages 209 - 210)

Statement of Constable Ward

(Part II, Pages 211 - 212)

Statement of Constable Murphy

(Part II, Pages 213 - 214)

Statement of D/Constable^{P5}

(Part II, Pages 215 - 216)

Statement of D/Constable McCrumfish

(Part II, Pages 217 - 218)

Statement of D/Constable McAteer

(Part II, Page 225)

Statement of D/Constable McIntosh

(Part II, Pages 221 - 222)

Document completed by D/Constable McIntosh

(Part IV, Page 301)

SUMMARY OF POLICE INTERVIEWS REFERENCE

"COMPLAINT AGAINST POLICE"

82. All 4 officers concerned were interviewed as voluntary attenders at Lurgan RUC Station under taped conditions and in the presence of their solicitor and Mr [REDACTED] independent Commission of Police Complaints. It should be noted that all 4 of the landrover crew had made, prior to the police complaint, witness statements. In addition and with the exception of R/Constable Atkinson they were spoken to by D/Sergeant Lawther who recorded queries in note form.

OUTLINE OF CASE*

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These statements/documentation is now located at (Part IV, Pages 86 - 90, 94 - 95 and 101 - 102).

INTERVIEW OF CONSTABLE A NEILL

83. This took place on 8 September 1997 between 7 40 pm and 8 58 pm and in which the following statements and exhibits refers:-

D/Chief Superintendent McBurney

(Part II, Page 190)

D/Inspector Irwin

(Part II, Pages 203 - 204)

Item MI1 - Map Town Centre/Landrover

(Part III, Box)

Item MI2 - Master Tape Seal No. T146846A (Part III)

Copy attached

Item MI3 - Master Tape Seal No. T146847A (Part III)

Copy attached

Item MI18 - Tape Summary of Interview -

Neill (Part III, Pages 67 - 94)

Item MI19 - Tape Summary of Interview -

Neill (Part III, Pages 95 - 117)

84. In addition Constable Neill was in possession of a copy of his original witness statement, which he referred to during the interview along with his notebook entry/baton report (Part IV, Pages 240 - 245 and 328 - 331). On item marked MI1 he marked areas XI to X12 which are elaborated on in the following summary.

SUMMARY OF INTERVIEW

85. He indicated where the police crew were located within the landrover and that he had been detailed public order duties which he would have done approximately twice a month. He outlined potential flash points and stated he had been serving in Portadown for approximately 4 years. He related he had been located at LR1 (marked on item MI1) for approximately 10-15 minutes. On seeing

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the "Coach" crowd walk along the town centre he moved to area marked LR2 in order to obtain a more suitable vantage point. A person walked across the front of the landrover at this location "mouthing something". On R/Constable Cornett opening her front passenger door this same person said words to the effect, "There's people coming down from St Pat's or there's friends coming down from St Pat's or something". He had previously looked up Thomas Street and again following this he again looked up Thomas Street but there was nobody about. As a result of this conversation he then intended to drive his vehicle to the area of the Thomas Street junction which he marked X1. Due to a confrontation between 2 other persons with this pedestrian he stopped the landrover at LR3. He marked the area of confrontation as X2. He watched the pedestrian walk on down Woodhouse Street whilst the 2 males approached the landrover, following R/Constable Cornett having shouted at them. He identifies these 2 as Forbes and Bridgett and marks their locations at the landrover as X3, and X4 respectively. During a conversation with these 2 persons his door was opened and he was pulled from the landrover by a male who said, "You sat there and watched that happen". This male was accompanied by a female who was also shouting. R/Constable ^{P40} and Atkinson also got out of the vehicle immediately. On getting out he saw a crowd at the Thomas Street junction (marked X5) in which there was a verbal confrontation but no actual fighting. As he moved to the back of the landrover "it erupted" with fighting all over area X5. He estimated approximately 40-50 people in the area. He originally didn't know why the man had said this comment to him but he now believed that there had been an original assault which he hadn't witnessed and there was then a verbal confrontation which he did witness, followed by other assaults. He stated that there was nobody lying on the road when he first got out of the landrover.

86. On seeing the fight "erupt" he went to the area of Eastwoods (X6) where there was a 3 on 1 situation and removed a person he believed was a catholic to the safety of Woodhouse Street (X7). This person

OUTLINE OF CASE*

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kept trying to get back into the town centre and was then hit by an unknown male. Constable Neill then took this person (believed to be from protestant crowd) to the side of the landrover however, was distracted to another fight which he separated. At this time he was also considering the safety of his colleagues. He was located at this stage at X8 and was aware of bottles being smashed at X9 and also close to where he was located.

87. He observed a person in the area at X9, who he later believed or assumed to be Robert Hamill, run towards another person however his attention was diverted. He went to help R/Constable Atkinson in area X10. It was at around this stage he become aware of Robert Hamill lying on the ground and believed this was after X10. He couldn't put a time span on the events but he was active throughout. He then saw ^D in area marked X11. He went over and checked his vital signs. He was breathing and on his side. There was still fighting going on all around and there were 2 women screaming that the police weren't doing anything.
88. He went and checked Robert Hamill and describes his breathing "like a death rattle". Due to this he checked him for stab wounds and although on his own he was aware of 2 women running between both injured parties. He states there were still only the 3 police officers present at this stage and that he saw a person, later identified as a Mark Hobson, kick at Robert Hamill however, he was not in a position to prevent him doing this or arresting him at that time. He marks an area X12 where he later saw a person called Lunt and was aware that an ambulance had been tasked as had other police support.
89. He related that in his experience it was better to let crowds proceed through the town rather than debus from the landrover, which he felt could start a fight. He denied hearing R/Constable ^{P40} inform him of the crowds and shouting on the opposite side of the street.

OUTLINE OF CASE*

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INTERVIEW OF R/CONSTABLE R SHARPE

90. This took place on 8 September 1997 between 9 24 pm and 10 23 pm and in which the following statements and exhibits refer:-

D/Chief Superintendent McBurney

(Part II, Page 189)

D/Inspector Irwin

(Part II, Pages 201 - 202)

Item MI4 - Map Town Centre/Landrover

(Part III, Box)

Item MI5 - Master Tape Seal No. T146845A

(Part III) Copy attached

Item MI6 - Master Tape Seal No. T146848A

(Part III) Copy attached

Item MI16 - Tape Summary of Interview^{P40}

(Part III, Pages 29 - 58)

Item MI17 - Tape Summary of Interview^{P40}

(Part III, Pages 59 - 66)

91. In addition R/Constable^{P40} was in possession of a copy of his original witness statement and notebook entry (Part IV, Pages 250 - 253). On item marked MI4 he marked areas 1 to 6 which are elaborated on in the following summary and he accepted the positions of the landrover sited by other colleagues on 10 June 1997 and marked LR1 to LR3.

SUMMARY OF INTERVIEW

92. R/Constable^{P40} outlined being stationed at Portadown on 2 separate occasions totalling a period of approximately 6 years. He had been briefed on this occasion for public order duties by Sergeant P89 and related that he done this type of duty approximately once per month. He indicated the position of the 4 police within the vehicle. He stated that on map MI4 at point LR1 the vehicle had stopped for a break. The vehicle moved to LR2 where he saw 2 persons, one called "Stacey" at the Halifax and the vehicle pulled

OUTLINE OF CASE*

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into (LR3) in order to speak to them as Stacey was a trouble maker. Whilst speaking to them at the passenger door a male came around the front of the landrover to where Stacey was standing and said, "his friends were coming down from St Pat's". As a result of this he looked out the side of the landrover hatch and he saw people walking up the "Wellworths" side of the road. He had a restricted view of Thomas Street and he describes that it was a large crowd, the shouting which was taking place was not sectarian but friendly banter. He informed Constable Neill. A person then started to physically pull Constable Neill from the vehicle. He didn't know what this person was shouting to Constable Neill and states that they all got out of the vehicle. On debussing he saw a large crowd in the vicinity of Eastwoods and which he describes movements between rival personalities "like a start of a fight". He clarifies the issue of fighting and states these were struggles with no actual punches thrown. He was confronted by a male, who from the description may have been Colin Prunty, who said, "What the fuck was I going to do". He goes on to outline attempting to restrain this person at the Woodhouse Street side and also preventing another person who had emerged from this same street. He related he was holding these 2 persons back and as one of them struggled past him he saw a person lying on the ground. He relates that during the incident his attention was directed to these 2 persons in Woodhouse Street and his back was to the crowd behind so he was unable to see any actual fighting. He was aware of bottles being thrown and one stage he vaguely recalls Constable Neill at the side of the landrover, talking to another person.

93. He elaborates on seeing the injured person and indicates the following on the map:-

- (1) Point where person who had struggled past him fell.
- (2) Where he was located with the 2 persons.
- (3) Where he had seen the injured person lying.
- (4) Area where there were a lot of people congregated.

OUTLINE OF CASE*

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94. On bringing the person back from point 1 to point 2 he ran across to point 3 and saw a male lying on his stomach who was accompanied by a female. At this stage he saw another body lying at point 5. He related the crowd at point 4 were shouting at a crowd at point 6 who he believed were nationalists. He stated that when he had originally come across to point 3 other police had arrived and he had tried to deal with a "crowd" on the footpath to move them back. He relates that he done the best he could and that on hindsight other options may have been taken.

INTERVIEWS OF R/CONSTABLE ATKINSON

95. This took place on 9 September 1997 between 8 34 pm and 10 02 pm and again on 9 October 1997 between 7 32 pm and 7 58 pm. He was interviewed not only in relation to the "Complaint Against Police" but additional allegations of With-holding Information/Assisting Offenders were pursued which related to an Allister Hanvey. The following statements and exhibits refer:-

D/Chief Superintendent McBurney

(Part II, Page 188)

D/Inspector Irwin

(Part II, Pages 199 - 200)

MI8 - Map Town Centre/Landrover

(Part III, Box)

MI9 - Master Tape Seal No. T146854A

(Part III) Copy attached

MI10 - Master Tape Seal No. T146856A

(Part III) Copy attached

MI15 - Master Tape Seal No. T146955A

(Part III) Copy attached

MI14 - Itemised Bill - R Atkinson 11 9 97

(Part III, Page 28)

MI21 - Tape Summary MI9

(Part III, Pages 154 - 187)

OUTLINE OF CASE*

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MI22 - Tape Summary MI10

(Part III, Pages 188 - 218)

MI23 - Tape Summary MI15

(Part III, Pages 219 - 236)

96. In addition R/Constable Atkinson was in possession of a copy of his original witness statement, notebook entry and baton report (**Part IV, Pages 254 - 255 and 344 - 347**). On item marked MI8 he indicated areas marked X1 to X8.

SUMMARY OF EVIDENCE

97. He indicated on the map MI8 where each individual was located within the landrover and outlined that although living in Portadown he had been at the local station for 13-18 months, having done public order duty approximately once each month. He outlines on MI8 being stopped at LR1 as a good vantage point and this was prior to the incident. On seeing the crowd walking up the street they moved to LR2 and then onto LR3 as they saw 2 persons, not nationalists, walking up their side of the street. R/Constable Cornett opened her door and these persons were identified as Stacey Bridgett and a person he believed was Rory Robinson. R/Constable^{P40} spoke to these persons and they just moved off when Constable Neill was pulled from the vehicle. He related that a person had spoke to R/Constable Cornett stating, "There's people coming there" which he assumed referred to Thomas Street. He related that the other 2 males had just left at that stage and R/Constable Cornett had shouted something at them when Constable Neill's door opened and he was pulled out. He immediately debussed and saw Constable Neill with a male but didn't hear the conversation. He saw various rival groups who were "cat calling" which suddenly erupted into several fights. He indicated the following points on MI8:-

X1 - Constable Neill's location

X2 - 3-5 groups spread across street

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X3 - smaller group

X4 - Person extracted from crowd and then released

98. He related that Constable Neill and himself ran towards the groups in which he had his baton drawn. Both extracted a person who was in difficulty and returned him to X4, but on release this person returned to the fight. He related that stones and bottles were being thrown. On returning again to the crowd he observed the 2 injured persons lying on the ground as indicated by points on the map on 10 June 1997. He related they definitely weren't there originally and this must have happened during the time the person was being brought to X4. He outlined R/Constable Cornett was on the radio and that the crowd moved back to a position marked as X5. They tried to keep the crowd separated from the "nationalist group" however, the protestant crowd kept breaking through. He indicated the following points where he believed each police officer was located: _

X6 R/Constable Atkinson

X7 - Constable Neill

X8 - R/Constable ^{P40}

99. He was aware of women attending the injured and that he was informed by R/Constable Cornett an ambulance had been requested. He outlined Constable Neill being with the injured parties whilst he remained as defence. On R/Constable Silcock arriving he asked him to attend to the injured. He relates that during this time he was aware of the female stating, "You sat there and watched that". On further support arriving he assisted Constable ^A reference the arrest of a person called Lunt. At this stage he was approached by a male, whom he believed was the same person that originally pulled Constable Neill from the landrover. He relates they both started to struggle and his baton strap was broken. During this he again saw, in a glance, 2 to 3 persons, attack one of the injured who had been lying on the road. He broke free and ran to the injured person in order to protect him. He was later involved in moving the crowd

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back to West Street and he believed that in the circumstances he had done his best in the situation.

100. He was questioned about personalities he knew, and although he saw Allister Hanvey he did not ask this person to help him move the crowd. He went on to relate he knew Hanvey through his association with a Tae Kwon Do Club however, had no direct dealings or contact with him. He related he also knew Hanvey's father, Kenneth Hanvey, but again was never in regular contact. He outlined his own participation with the Club and related Allister Hanvey was not a member. Following his termination of duty on 27 April 1997 he went home at 4 15 am, was recalled to duty at 6 am and terminated again at 8 am. He denied having any contact with Hanvey or giving advice to dispose of clothes. The original interview terminated in order for R/Constable Atkinson to produce a telephone account. On production of this item on 9 October it was pointed out that the item bill MI14 showed 2 telephone contacts between his number [REDACTED] and that of Hanvey, [REDACTED], these being on 27 April at 8 37 hours and 2 May 1624 hours. He related that on arriving home at 8 am on 27 April 1997 he had informed his wife of the incident however, did not mention Allister Hanvey. He outlined that his wife mentioned that a Michael and Andrea McKee had stayed at his house that night. He went on to bed and saw nobody. He stated he was now aware that Mr McKee had made a phone call on 27 April and his wife, Eleanor Atkinson, made the next call on 2 May 1997. He denied accusations that he had contacted or advised Allister Hanvey or of telling anybody that Allister Hanvey had been involved in the street fight.

SUBSEQUENT ENQUIRIES - ATKINSON

101. As a result of these interviews, witness statements have been recorded from Eleanor Atkinson, (Part II, Pages 105 - 107), Michael McKee, (Part II, Pages 108 - 111), Andrea McKee, (Part II, Pages 112 - 113) who all support the account given by R/Constable Atkinson. Michael and Andrea McKee related that they

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had stayed at the Atkinson home on the 27 April 1997. As a result of Eleanor Atkinson telling them of trouble in Portadown town centre. Michael McKee rang the home of Allister Hanvey to establish if his niece, Tracey Clarke was with Allister Hanvey. He related he spoke with Kenneth Hanvey and on being told she wasn't there, there was no further conversation. He relates he was concerned for Tracey Clarke's safety, however, never rang her home number as he wasn't on talking terms with Tracey Clarke's mother. Andrea McKee supports her husband's account and relates that they both left for their Tae Kwon Do Club a short time later. Both deny seeing R/Constable Atkinson on the morning of 27 April 1997. (The reason why Michael McKee had rang the Hanvey home was because he was aware of a relationship between Allister Hanvey and Tracey Clarke).

102. Eleanor Atkinson relates that her husband, Robert Atkinson, had mentioned the row in Portadown town centre to her on the morning of 27 April 1997 which involved persons from the "Coach". As a result she mentioned this to Michael and Andrea McKee, who had stayed at their house that night. This overnight stay had not been planned and Robert Atkinson wasn't aware of the situation, going to bed on coming off duty, without seeing either Michael or Andrea McKee. As a result Michael McKee made a phone call regarding his niece, Tracey Clarke. Eleanor Atkinson went on to relate that she made a further phone call on 2 May 1997 to the Hanvey household. This was to obtain equipment relating to Tae Kwon Do in which her daughter was heavily involved and in which she was aware Hanvey's had such equipment but were no longer using. As a result of this phone call she obtained the necessary equipment which was left at the Tae Kwon Do Club.
103. On 25 November 1997 D/Inspector Irwin spoke to Kenneth and Elizabeth Hanvey (Part IV, Pages 302 - 303). Both confirmed the phone calls made to their house however, declined to make witness statements. During the conversation Kenneth Hanvey outlined a

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certain animosity between Robert Atkinson and himself following the blocking of an Orange Parade some years previous.

INTERVIEW OF R/CONSTABLE D WRIGHT NEE CORNETT

104. This took place on 2 October 1997 between 7 24 pm and 8 08 pm and in which the following statements and exhibits refer:-

D/Chief Superintendent McBurney

(Part II, Page 191)

D/Inspector Irwin

(Part II, Pages 205 - 206)

Item MI11 - Map Town Centre/Landrover

(Part III, Box)

Item MI12 - Transcript of Pocket Phone Channel

(Part III, Pages 18 - 27)

Item MI13 - Master Tape Seal No. T146944A

(Part III) Copy attached

Item MI20 - Tape Summary of Interview -

CORNETT

(Part III, Pages 118 - 153)

105. In addition R/Constable Cornett was in possession of a copy of her original statements and notebook entry (Part IV, Pages 246 - 249). On item marked MI11 she indicated area DW1 to DW3 and she accepted the position of the landrover sited by other colleagues on 10 June 1997 and marked LR1 to 3.

SUMMARY OF INTERVIEW

106. R/Constable Cornett outlines being stationed in Portadown for approximately one year having previously been detailed public order duties on several occasions. On this occasion she was detailed observer which dealt with the transmission, the call sign being Juliet Delta 81 (JD81). She outlines the vehicle moving from LR1 to LR2.

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where a man walked across the front of the vehicle and on opening her door she heard him say words to the effect "that his friends are coming down Thomas Street". From this she was of the impression that they should stay there in case something might happen. She observed 2 persons shout abuse at this man at which she shouted at them. The landrover was now at LR3 and these persons approached her landrover door and started to talk to her and the other vehicle occupants. This lasted around 3 minutes. She had seen crowds walking up on the opposite side of the street and stated that the next thing, Constable Neill's driver's door was opened and a person was trying to pull him out shouting, "What are you doing sitting there, letting this all happen". On immediately getting out she describes "a clutter" of people in an area which she indicated with a circle. She ran to a point marked DW1 and describes her colleagues attempting to break up the fighting. She returned to the landrover in order to get her radio and to request assistance. She relates on first going to DW1 there was nobody on the ground however, on returning after taking control of the radio she observed "2 people down" which she indicated at points DW2 and DW3. She requested an ambulance and at this stage she outlines a girl shouting abuse reference her doing nothing. She was questioned on the contents of the communications log marked M112 and she relates that fighting was ongoing during her request for the ambulance. She outlines her colleagues attempting to stop as much of the fight, as they could and describes Constable Neill being attacked and her assisting him. On arrival of other police she went to the injured person at DW2 and checked his injuries. She describes that there were 2 girls at DW3 and on approaching this person she was concerned reference his breathing therefore she kept asking for an ambulance. She outlines that a lot of abuse was taking place between both groups and that police were in the middle trying to separate them. She outlines bottles being thrown and that police had batons drawn. In her opinion those police present tried their best.

OUTLINE OF CASE*

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107. The communications log (Part III, Pages 18 - 27) shows approximately 2 minutes 30 seconds from the original request for assistance to the original request for ambulance supports her account on the action she took when made aware of the situation. These show the following:-

TIME	CHANNEL	CALL SIGN AND REQUEST
1:45:37	19 (Main set located within landrover)	D from 80 We need backup over in the town
1:45:51	Pocket Phone	JD80 from D Say again over
1:46:15	Pocket Phone	JD from 81 Roger, we need back up urgently in the town over. Roger, tell all were in the middle of the town
	Pocket Phone	JD from 81 Roger, we need you urgent
1:48	Pocket Phone	JD from 81 We need a couple of ambulances over. Roger, ambulances, two victims over JD81, two ambulances, two victims, need ambulances over.

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CONCLUSIONS

108. The crux of this complaint revolves around the issue of whether when having been warned by Thomas Gerard Mallon that persons leaving St Patrick's Hall were travelling down Thomas Street behind him, police took adequate, or reasonable action to protect life and preserve the peace (Part II, Pages 1 - 3).
109. Exactly what precipitated the remark made by Thomas Gerard Mallon was at that time known only to himself. It would seem that as far as police were concerned this was a normal Saturday night. Constable Neill the landrover driver, maintains that on hearing the remark he looked towards Thomas Street and saw nothing but intimates that it was his intention to drive to the opposite side of the carriageway to the junction of Market Street and Thomas Street. Unfortunately immediately after speaking to Thomas Gerard Mallon the latter was confronted by 2 persons, Stacey Bridgett and Dean Forbes.
110. Thomas Gerard Mallon states that he felt threatened by the behaviour of Stacey Bridgett and Dean Forbes and following a short exchange of words, continued along Woodhouse Street towards home.
111. Whilst Constable Neill was about to pursue his objective by driving to the opposite junction R/Constable^{COR}NETT spoke to Stacey Bridgett and Dean Forbes with a view to admonishing them for their behaviour towards Thomas Gerard Mallon. The duration of this conversation cannot be corroborated but police maintain that it did not extend beyond a couple of minutes. Certainly as far as police were concerned they believed the situation at this time to be normal, so much so that R/Constable^{COR}NETT stated during interview that the 2 youths referred to were in the process of 'chatting her up'.
112. Whilst engaged in this conversation a male believed to be Colin Hull or Colin Prunty opened the landrover door and commenced pulling Constable Neill out of the vehicle. He was agitated and related

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something to the effect, "You sat there and watched that happen". Immediately prior to this action R/Constable^{P40} states that he heard shouting in the Market Street/Thomas Street area and told Constable Neill. Although Constable Neill denied hearing the remark, R/Constable^{P40} relates that it was made at the time Constable Neill was pulled from the vehicle.

113. Police immediately de-bussed and were faced with a Public Order situation. From this stage there are witnesses who indicate that police did their best under the prevailing circumstances to preserve the peace.
114. In hindsight, were police slow to act or did they do all in their power to prevent public disorder. Had they not dealt with the protagonists Stacey Bridgett and Dean Forbes in the Thomas Gerard Mallon confrontation and had they driven off then again police could have been criticised. However, police did not shirk their responsibilities and addressed the problem unaware that their services may have been better utilised elsewhere.
115. When confronted by the unknown individual at the landrover the police officers immediately, and there is no evidence to suggest otherwise, stepped into the breach facing a potentially dangerous situation. It must be said at this stage that whether police achieved little or nothing in their subsequent actions is immaterial, they believed they were doing their best to prevent sectarian disorder.
116. There is little doubt that this was a highly volatile situation in which individual accounts vary creating contradictory versions of events. The problem is exacerbated not only by excess alcohol, but by the reticence of some to become involved, either because of group allegiance, manipulation of events or in the furtherance of unknown agendas. It is therefore impossible to determine exactly how the fight started, the nationalist party maintain they were set upon by a loyalist mob. In this regard there is evidence to suggest that 2 or 3

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nationalists had crossed the junction with relative ease. Furthermore there is evidence of rowdyism in Thomas Street prior to the main confrontation. In this regard David Woods alleges he was the first one to be struck by a person wearing a three quarter length leather coat.

117. There is the suggestion that there seems to have been an initial punch-up, a further squaring up leading to the major confrontation. However, it becomes obvious that it is impossible to determine at exactly what stage Robert Hamill and ^D were knocked to the ground and jumped upon.
118. Police are adamant that the injured persons were not lying on the road when they first debussed. To some extent this aspect is corroborated on the Police Communications tape by the request for initial assistance and that 2 minutes later for the ambulance. (Part III, Pages 7 - 16). There is also the fact that Stacey Bridgett and Dean Forbes who after speaking to the police were involved in jumping on the deceased when he was on the ground. There is an excellent forensic link in this regard. This could not possibly have occurred prior to the discussion with police and Thomas Mallon because Stacey Bridgett was not injured or bleeding at that time.
119. Finally the question to be asked within the context of this allegation of in-activity is, were police aware of the confrontation taking place across the road from them? If they were there is absolutely no evidence of it.
120. On the otherhand having been advised by Thomas Gerard Mallon of potential trouble, should police have taken alternative or indeed more specific action by debussing or moving immediately to the potential flash point. Can this lack of initiative or perception by police be specifically or generally regarded as wilful, either by intention, negligence or recklessness either collectively or

OUTLINE OF CASE*

(Give salient facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.

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individually. Certainly in my opinion there is no evidence to substantiate this view.

121. This allegation was pursued as misconduct by an Officer of Justice as recorded in the case of R -v- Dytham, Court of Appeal, July 1979, **(Part III, Pages 288 - 290I)** when it was held - **A public officer who wilfully and without reasonable excuse or justification neglected to perform any duty he was found to perform by common law or statute was indictable for the common law offences of misconduct in a public office. The element of culpability required was not restricted to corruption or dishonesty, although it had to be such that the conduct impugned was calculated to injure the public interest and called to condemnation and punishment.**
122. Touching on the aforementioned considerations is the suggestion that police were reticent or unable to identify or arrest the protagonists. This is a false perception as historically and from a practical point of view in instances of this nature, relatively few arrests are made at Public Order confrontations. Generally police rely on identification with a view to pursuing their investigations and police concerned in this instance were of considerable assistance in this regard.
123. **Having assessed these papers I am satisfied that collectively and as individuals the 4 police officers concerned did not wilfully neglect to perform their duty on the date in question and therefore I recommend no further action criminally or disciplinary in this instance.**
124. In addition to the Hamill complaint of inactivity is an allegation based on hearsay and contained in the statement of Witness A, "I remember Robbie Atkinson's name coming up and Allister (Harvey) said that Robbie Atkinson had been very good to him because on the Sunday morning after the incident in the town centre he rang him at about 8 00 am and told him to get rid of the clothes he was wearing

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the previous night He also told me that Robbie Atkinson was ringing him everyday to keep him up to date with the police investigation”.

125. This aspect of Witness A's statement cannot be taken lightly and in many respects has a ring of truth to it. Consequently this complaint in its entirety was taken seriously and every effort was made to prove or disprove its authenticity.
126. It was established at an early stage of the investigation that Allister Hanvey was in the vicinity of Market Street during the confrontation in question although he was not regarded as a suspect. He was interviewed by police on 7 May 1997 in which a witness statement was recorded (Part II, Pages 100 - 102). Nothing of an evidential nature was gleaned but he did outline what he was wearing on the date in question. Furthermore he described in some detail a policeman whose name he didn't know asking him to assist with crowd control. The description fits that of R/Constable Atkinson although when questioned after caution the R/Constable emphatically denied the allegation.
127. On the 10 May 1997 Allister Hanvey was arrested and conveyed to Lurgan Station. During interview he denied involvement in the incident and also denied wearing clothes as alleged by Jonathan Wright. (Part II, Pages 47 - 52). A search of his house on this date recovered clothing as previously outlined in his witness statement.
128. On-11 May 1997 Thomas Mervyn Hanvey, an uncle of Allister Hanvey, was interviewed by police (Part II, Pages 103 - 104). His statement incorporates the fact that Allister Hanvey had arrived in the early hours of the morning of the 10 May and stayed the remainder of the night. This was a normal event due to the fact Allister Hanvey's parents did not approve of his drinking. It was also established during this interview that the clothes alleged to have been worn by Allister Hanvey on the night in question were a

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navy/black quilted bomber jacket, blue jeans, T-shirt, trousers and trainers, the colour of which he couldn't outline. Allister Hanvey's father, Kenneth, called as usual on the Sunday morning of 27 April 1997 at Thomas Mervyn Hanvey's home. He collected his son, Allister Hanvey which would have been a usual routine.

129. On 13 May the home of Thomas Mervyn Hanvey was searched for the items as outlined by Jonathan Wright with negative result (**Part II, Pages 210, 212, 214, 216 and 218**).

130. As can be seen from the description of clothing outlined below 3 persons gave a similar account of the clothing worn by Allister Hanvey on the night in question which is at variance to that described by Jonathan Wright:-

Allister Hanvey:- Black CAT jacket/dark blue Levi jeans, white and black Asics trainers.

[REDACTED] - Navy/black quilted type bomber jacket/blue jeans/T-shirt.

R/Constable Warnock:- Dark coloured baseball type jacket with greyish coloured sleeves.

Jonathan Wright:- Grey coloured track-suit top with zipped front. Orange strips on both arms which went down to elbows/light blue jeans.

131. However, Jonathan Wright's description of clothing was an aspect that caused serious concern. It was essential to eliminate or prove to the best of our ability that the clothing either did or did not exist in order to either corroborate Jonathan Wright's and possibly Witness A's allegation. Although a crucial issue and imperative from the point of view of the overall allegation the truth could not be established.

132. In addition to the clothing aspect police had also established telephone contact between the **Atkinson** and **Hanvey** homes which again supported the allegation of Witness A.

OUTLINE OF CASE*

(Give **salient** facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.

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133. When interviewed about this particular aspect Robert Atkinson emphatically denied the allegation and in consequence was asked to produce his telephone account for that particular period (**Part III, Page 28**). The subsequent interview revealed contact on 2 occasions namely 27 April 1997 and 2 May 1997 between the Atkinson and Hanvey homes. Again Robert Atkinson denied knowledge of the phone calls and suggested that his wife was in a position to answer the queries (**Part III, Pages 219 - 236**).
134. Following the interview of Robert Atkinson on 9 October, his wife, Elcanor, was interviewed with regard to the telephone calls in question. She related that Michael McKee, a family friend who stayed at their home occasionally at weekends, had made the telephone call. She accepted having made the phone call on the 2 May 1997 which was a request to the Hanvey family for Tae Kwon Do equipment (**Part II, Pages 105 - 107**).
135. Immediately after this interview Michael McKee was interviewed and a witness statement recorded in which he accepts having made the phone call on 27 April 1997 and gives his reasons for doing so (**Part II, Pages 108 - 111**). At a later stage a witness statement was recorded from Michael McKee's wife, Andrea which also supported his version of events (**Part II, Pages 112 - 113**). The parents of Allister Hanvey, [REDACTED] and Elizabeth were interviewed and although they declined to make written statements confirmed having received, for the reasons stated, the 2 telephone calls in question (**Part IV, Pages 302 - 303**). The interview also revealed considerable animosity towards Robert Atkinson by Trevor Hanvey to his duties as a police officer. Having found no evidence other than the telephone billing to substantiate the allegation of Witness A one can remain sceptical but there is absolutely no other evidence to substantiate the allegation by Witness A. I therefore recommend 'No Prosecution'

I certify that all witness statements taken by police in connection with this investigation are included in this file

EVIDENCE STILL TO BE OBTAINED*

(Tick as appropriate. NB. Submission of reports should not be delayed by the absence of such evidence if a prima facie case can be established without it.)

POST MORTEM REPORT	
MEDICAL REPORT	
PHOTOGRAPHS	
MAPS	
OTHER (SPECIFY)	

FORENSIC REPORT	
NIFSL CASE NO.	
Alcohol	
Biology (fibres)	
Biology (body fluids)	
Biology (general)	
Documents	
Drugs	
Electrical	
Explosives (micro chemistry)	
Explosives (substances and hardware)	
Explosives (general)	
Firearms (chemistry)	
Firearms (hardware)	
Firearms (general)	
General Chemistry/Fires	
Marks	
Metallurgy	
Physical Methods	
Specialist Fingerprint Unit	
Toxicology	

Any comments considered appropriate in respect of the evidence still to be obtained should be included eg. where a Forensic Scientist has given a verbal indication regarding N.I.F.S.L. findings or where it is necessary to give an explanation of the potential significance of any evidence which is likely to be forthcoming.

**COMPLAINTS
AGAINST POLICE***

*(Delete as appropriate.
Insert C&D reference if
known)*

A COMPLAINT HAS BEEN MADE	YES	NO	C&D REF. NUMBER B147/1345/97
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**ASSESSMENT OF
WITNESS**

To be completed only
when information of
particular relevance is
available.

eg. character credibility,
attitude to person(s)
reported, reliability, any
disability affecting
capability as witness, age,
capacity to give evidence,
the quality of
witness to a disputed
identification.

State the involvement of
witness in reported crime.

In the case of a child
witness it should be stated
whether, in the opinion of
the investigating officer,
that child will be deemed
by the court to understand
the nature of the oath.

Witnesses A and B have had consultations with the DPP reference the murder investigation. Witness B denied observing anything previously stated whilst Witness A refused to give evidence at Court.

As a result of this consultation 4 of the persons accused were subsequently released from custody.

Colin Prunty's evidence reference identification of one of the persons accused of murder was contradictory to other evidence initially offered by him and as a result a fifth person was released.

A witness statement of Allister Hanvey is included in this file, he being one of the persons originally charged with the murder of Robert Hamill. This had been recorded prior to his arrest and I would question its reliability.

**DETAILS OF
WITNESSES WITH
RELEVANT
CONVICTIONS**

Witness	Record Applied For YES/NO	Attached Part IV YES/NO
D		Yes
Colin Prunty		Yes
William Jones		Yes
Robert Hamill (Deceased)		Yes

**OTHER
OBSERVATIONS**

(Include any additional matter relevant for DPP consideration, eg. sectarian background of case, whether any other incidents linked to the present case are being separately investigated)

A UTV programme, Insight, was broadcast on 4 December 1997 regarding police involvement and questioning their actions at the scene.

The following persons namely:

Tom Mallon^D

F

E

Colin Prunty, Maureen McCoy and Colin Hull either actually appeared on the programme or their accounts were given. Police are not in possession of any statements which they may have made to the producers of this programme. To date no action has been initiated to obtain these accounts. D/Chief Superintendent McBurney and D/Inspector Irwin discussed aspects of this incident with the producer and researchers of this programme on 4 December 1997, which was not recorded for inclusion in the documentary.

The Hamill family are considering a private prosecution case in which it is believed that [REDACTED] solicitor is collating the evidence. Again statements may have been recorded from the witnesses and in which police are not aware of their contents.

**RECOMMENDATIONS
* AS TO CHARGES
AND PROCEEDINGS**

(Stated shortly by reference to section of statute)

Recommendations as included in the attached conclusions that is 'No Prosecution'.

Signature of Reporting Officer _____

Date: _____