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PART I

REPORT

RE MISCONDUCT
INVESTIGATION

AND,

PART II

WITNESS STATEMENTS

RE MISCONDUCT
INVESTIGATION

"HAMILL"

product code 940-5003
made in UK



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POLICE SERVICE OF NORTHERN IRELAND

SUBJECT: REPORT REGARDING MISCONDUCT INVESTIGATION

TO: Superintendent
(IO's Team Leader or equivalent)

Full Name, Rank, Number and Station of officers concerned. State whether any officer is suspended from duty and date of suspension

ALLEGED BREACH OF DISCIPLINE BY:-

Inspector Alan George McCrum, 16742, DCU Craigavon
D/Inspector Michael Irwin, 15170, DCU Craigavon
Constable David Allan Orr, 13646, DCU Craigavon
Constable Alan Keith Neill, 16143, DCU Craigavon
Constable Gordon Cooke, 14984, DCU Craigavon
Constable A [redacted], PW1362, DCU Craigavon
R/Constable Godfrey Silcock, R13583, DCU Craigavon
R/Constable James Murphy, R6447, DCU Craigavon
R/Constable Paul H J Warnock, R11932, DCU Craigavon
R/Constable Robert Cecil Atkinson, R4610, DCU Craigavon -
suspended 11 April 2001

Retired Members

D/Chief Inspector P39 PW168
Sergeant P89 11853
R/Constable P40 R12400
R/Constable Denise Cornett [redacted] PW1978

Criminal Conduct (where applicable)

OFFENCE(S) AND PUNISHMENT:- N.A.
COURT AND DATE OF CONVICTION:- N.A.
DATE AND PLACE OF OFFENCE(S):- N.A.

Investigating Officer

NAME:	L K Kennedy	D G Jackson
RANK:	D/C/Superintendent	C/Inspector
NO:	PW852	12669
STATION:	Knocknagoney	Lisnasharragh
DCU/REGION:	C2, Crime Dept	IIB Headquarters
TELEPHONE NUMBER:	[redacted] Ext [redacted]	[redacted] Ext [redacted]
DATE OF APPOINTMENT: (as per date on Form CD4)	11 May 2001	11 May 2001

SUMMARY:

On Sunday the 27th April 1997 at approximately 1.50am, Robert Hamill, 25 years, DOB 12.12.71 of [REDACTED] was assaulted 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. C6 entry made by Constable A [REDACTED] refers. See Folder 3, Part 25.

The initial assault investigation was conducted by Ex-Detective Chief Inspector P39 [REDACTED], who at that time was attached to Portadown Police Station.

After the death of Robert Hamill the murder investigation was taken over by Ex-D/C/Superintendent W A M McBurney, who at that time was the Regional Head of CID attached to Gough Barracks, Armagh.

Subsequent enquiries resulted in six persons being charged with the murder of Robert Hamill. A further two persons were arrested and interviewed but released unconditionally to be reported to the Director of Public Prosecutions. A report regarding this investigation was completed by D/Inspector Michael Irwin, 15170 (at that time stationed at Portadown) and submitted to the Director of Public Prosecutions. DPP Reference Number 2209/97 and RUC HQ Reference Number C40/7/97 refers. Copy file attached at Part IV, Pages 1-55 for information.

In October 1997 the DPP withdrew the charges preferred against three of the accused. This decision was reached after consultation with three potential witnesses which revealed that:

- a. One of them, namely Witness A, was unwilling to give evidence, regardless of any sanction which a Court might impose.
- b. A second, namely Witness B, denied having seen what he had previously told police.
- c. A third, namely Jonathan Wright, could not provide evidence of the required standard to realistically proceed with a prosecution.

See copy of DPP Direction, Part IV, Pages 56-57.

In November 1997, the DPP issued a further direction to withdraw the charges against two more of the accused. This was because in the opinion of Senior Counsel, after consultation, the credibility of a fourth witness could not be relied on and also the extent of forensic evidence against one of the accused was insufficient to provide a reasonable prospect of conviction.

See copy of DPP Direction, Part IV, Pages 58-60.

The sixth person, namely Paul Rodney Marc Hobson, had alleged charges of Murder and Causing an Affray proceeded with. At Crown Court on the 17 November 1999 in a reserved judgement, Lord Justice [REDACTED] found Mr Hobson not guilty of alleged Murder charges but guilty of Causing an Affray. At Part IV, Pages 61-86 of these papers is a copy of the reserved judgement made by Lord Justice [REDACTED] for information.

In addition to the murder investigation file as submitted and following a complaint by the late [REDACTED] Solicitor, on behalf of Diane Hamill (sister of the deceased Robert Hamill), D/C/Superintendent W A M McBurney was appointed to investigate alleged neglect of duty by police at the scene of the alleged assault on Mr Hamill on the 27 April 1997. That investigation was supervised by the late Mr [REDACTED] Solicitor, on behalf of the then Independent Commission for Police Complaints. The investigation focused on allegations of misconduct by Officers of Justice at Market Street/High Street, Portadown, on 27 April 1997 and in particular to four officers ie -

Constable Alan Keith Neill, 16143
R/Constable Robert Cecil Atkinson, R4610
R/Constable [REDACTED] P40 R12400 (now retired)
R/Constable Denise Cornett [REDACTED], PW1978 (now retired)

The matter was reported to the Director of Public Prosecutions who directed "No Prosecution" - RUC Reference Number B147/1345/97 and DPP Reference Number 753/98 refers. A copy of these investigations papers are attached at Part IV, Pages 87-142.

On the 29 January 2001, D/C/Superintendent Stewart, Criminal Investigation Department, Armagh, briefed the Chief Constable on his concerns pertaining to what appeared to be inaction on the part of certain officers at the scene of the assault on Robert Hamill on 24 April 1997.

The briefing emanated from D/C/Superintendent Stewart's preliminary review of the original murder investigation of Robert Hamill.

The perceived inactions referred to by D/C/Superintendent Stewart centred around what was, or was not done, by various police officers following the assault ie after Robert Hamill and others had been removed to hospital and the opposing factions had been dispersed.

The matter was referred to the Police Ombudsman for Northern Ireland and Superintendent [REDACTED] (now retired), who had been attached to Complaints and Discipline, Lisnasharragh, was appointed as the Senior Investigating Officer to deal with "internal investigation into alleged inaction by Police who attended the incident at Portadown on 27 April 1997, during which Robert Hamill was fatally injured".

Mr Chris Mahaffey, Senior Investigation Officer, was appointed on behalf of the Police Ombudsman to supervise the investigation to be conducted by Superintendent McGregor.

It was agreed that Superintendent [REDACTED] investigation would focus on the following areas of concern:-

- a. Scene preservation.
- b. The existence or otherwise of an immediate arrest strategy.
- c. The absence of a general arrest strategy for those identified at the time as being concerned in the disturbance.
- d. No consideration was given as to the seizure of suspects' clothing for the purpose of forensic examination.

- e. No attempt was made to gather debris (broken bottles, glass etc) at the scene.
- f. There was no proper debriefing of officers who had attended the disturbance.
- g. Valuable forensic and identification evidence was therefore lost.

Following the retirement of Superintendent [REDACTED] under the terms of the Patten Report, Superintendent K Kennedy, Internal Investigation Branch, was appointed as the Senior Investigating Officer and Chief Inspector D G Jackson, Internal Investigation Branch, as the Assistant Investigating Officer on the 11 May 2001. In addition, two D/Sergeants and one Constable were also appointed as part of the enquiry team to assist in the investigation.

Analysis of documentation resulted in Forms 17/3 being served on eleven police officers. Four retired officers were also identified but due to the fact that they were no longer serving officers, Forms 17/3 could not be served on them. Further details regarding this area will be outlined as the papers progress.

At this point it is necessary to identify the following points:-

1. At present, three investigations are ongoing with regards to the alleged murder of Robert Hamill and are as follows:-
 - A. The internal disciplinary investigation (present papers refer) being conducted by Superintendent Kennedy under the Supervision of Mr Chris Mahaffey on behalf of the Police Ombudsman.
 - B. An investigation being conducted by Mr Chris Mahaffey on behalf of the Police Ombudsman relating to how police dealt with witnesses known as A and B during initial investigations into the alleged murder of Robert Hamill.
 - C. An investigation being conducted by D/C/Inspector^K Gough Barracks, Armagh Criminal, Investigation Department, relating to alleged conspiracy to pervert the court of justice by R/Constable Robert Cecil Atkinson, R4610.
2. Form 17/3 has been served on R/Constable Atkinson as part of this present enquiry. However, his Form 17/3 relates to alleged criminal conduct and not his actions at the scene with regard to scene preservation, securing evidence and the arrest of offenders. To date he has not been interviewed owing to the fact that he may be the subject of a possible criminal trial. The R/Constable was suspended from official duty on the 11 April 2001 following his arrest on the direction of the Chief Constable. An interview of him will pend the outcome of a direction from the Director of Public Prosecutions or the result of criminal enquiry.
3. With regard to the retired officers:
3. D/Chief Inspector^{P39} retired from the police 23 February 1998.
Sergeant^{P89} retired from the police under the terms of the Patten Report on 6 February 2001.

P40
R/Constable [redacted] was medically retired from the police on 28 January 2001.
R/Constable [redacted] (nee Cornett) was medically retired from the police on 14 May 2001.

Details regarding attempts to interview each of these officers will be outlined as these papers progress.

REMARKS:

As stated earlier, R/Constable Robert Cecil Atkinson, R4610, is currently suspended from duty and a file has been submitted by D/C/Inspector K [redacted] to the Director of Public Prosecutions.

INITIAL ACTION:

As previously outlined analysis of previous files submitted with regards to the murder of Robert Hamill by the Enquiry Team, has resulted in the service of Form 17/3 on eleven officers.

The contents of each Form 17/3 were viewed and agreed by Mr Chris Mahaffey, Police Ombudsman's Office for Northern Ireland, prior to service.

With regard to the four retired police officers and due to the fact that they were no longer subject to disciplinary regulations, it was agreed that letters should be delivered to each. The purpose of these letters was to inform them of this investigation and ask if they would be prepared to assist with the enquiry in the capacity of a witness.

FORM 17/3

D/Constable Donald George Keys, 12543, DCU Craigavon -
Form 17/3 served on 18 April 2001 by Superintendent K Kennedy.

Inspector Alan George McCrum, 16742, DCU Craigavon -
Form 17/3 served on 18 April 2001 by Superintendent K Kennedy.

R/Constable R C Atkinson, R4610, DCU Craigavon -
Form 17/3 served on 12 June 2001 by Superintendent K Kennedy.

Constable Alan Keith Neill, 16143, DCU Craigavon -
Form 17/3 served on 28 June 2001 by Superintendent K Kennedy.

Constable Gordon Cooke, 14984, DCU Craigavon -
Form 17/3 served on 28 June 2001 by Superintendent K Kennedy.

Constable David Allan Orr, 13646, DCU Craigavon -
Form 17/3 served on 28 June 2001 by Superintendent K Kennedy.

Remarks by RM,
Judge or other party
in court (where
applicable)

Initial
action by
member
discovering
or
reporting
alleged
breach of
discipline.

State
whether PSNI Code
Section
9123(1)
was
complied
with
and by whom
{Proof
essential}

List
members
served with
17/3, when
and by whom

R/Constable Godfrey Silcock, R13583, DCU Craigavon -
Form 17/3 served on 28 June 2001 by Superintendent K Kennedy.

R/Constable P H J Warnock, R11932, DCU Craigavon -
Form 17/3 served on 28 June 2001 by Superintendent K Kennedy.

R/Constable James Murphy, R6447, DCU Craigavon -
Form 17/3 served on 2 July 2001 by Superintendent K Kennedy .

Constable^A PW1362, DCU Craigavon -
Form 17/3 served on 3 July 2001 by Superintendent K Kennedy.

D/Inspector Michael Irwin, 15170, DCU Craigavon -
Form 17/3 served on 19 July 2001 by Superintendent K Kennedy.

Copies attached Part IV, Pages 143-171.

POLICE WITNESSES:

Superintendent L K Kennedy, Investigating Officer (Now D/Chief Superintendent)

Service of Forms 17/3 as previously referred to. Interview of:-

D/Constable D G Keys, 12543 - Part II, Pages 1-34
Inspector Alan George McCrum, 16742 - Part II, Page 69
D/Inspector Michael Irwin, 15170 - Part II, Pages 72-73
Constable Alan K Neill, 16143 - Part II, Page 84
Constable A , PW1362 - Part II, Page 88.

Preparation of letters and authorisation that they be hand-delivered to the retired members ie

Ex-D/C/Inspector^{P39} - Part II, Pages 90-91
Sergeant^{P89} - Part II, Pages 92-96
R/Constable^{P40} - Part II, Pages 97-98
R/Constable [REDACTED] (nee Cornett) - Part II, Pages 99-100
requiring their attendance for interview. Copies attached. Part IV, Pages 172-191.

Interview of Sergeant^{P89} at Lurgan Police Station on 17 October 2001. Part II, Pages 92-96.

Telephone conversations with Ex-R/Constable [REDACTED] (nee Cornett) and R/Constable^{P40} - indicating that they would not be attending for interview. Part II, Pages 97-100.

Chief Inspector D G Jackson, Assistant Investigating Officer

Present with Superintendent Kennedy during the service of Form 17/3s.

Accompanied Superintendent Kennedy during the interview of:

D/Constable D G Keys, 12543 - Part II, Pages 35-68
Inspector Alan G McCrum, 16742 - Part II, Pages 70-71
D/Inspector Michael Irwin, 15170 - Part II, Pages 74-75
Constable Alan K Neill, 16143 - Part II, Page 85
Constable A , PW1362 - Part II, Page 89.

Police
Witnesses

List Names, Rank and
Station of officer(s)
and what each
officer can prove

List to be prepared to
cover sequence of
events

Interviews of:

Constable David Alan Orr, 13646 - Part II, Page 76
R/Constable Godfrey Silcock, R13583 - Part II, Page 78
R/Constable James Murphy, R6447 - Part II, Page 80
R/Constable Paul Warnock, R11932 - Part II, Page 82
Constable Gordon Cooke, 14984 - Part II, Page 86
accompanied by D/Sergeant [REDACTED]

Interview of Ex-Sergeant P89 [REDACTED] at Lurgan Police Station on 17 October 2001 accompanied by Superintendent K Kennedy. Verbal conversation with Ex-Sergeant P89 [REDACTED] on 12 November 2001 - indicating that he did not wish to attend for interview. Part II, Pages 101-105.

Sergeant [REDACTED] Enquiry Team

Present with Chief Inspector Jackson during interview of police officers as previously outlined. Part II, Pages 77, 79, 81, 83 and 87.

Seizure of audio tapes from the Director of Public Prosecutions' Registry regarding the previous murder enquiry as conducted by Ex-D/C/Superintendent McBurney and D/Inspector Irwin. These tapes referred to police radio communications during and immediately after the alleged incident at Portadown on 27 April 1997. Part II, Page 106.

D/Sergeant [REDACTED] Enquiry Team

Received audio tapes from Sergeant [REDACTED]

Interview of Constable Simon Mark Godly, Communication Officer, Portadown Police Station who was on duty on 27 April 1997. Statement obtained regarding clarification of actual words spoken on the audio tape.

Interview of [REDACTED] and [REDACTED]. Both persons were employed by Craigavon Borough Council on 27 April 1997 and were operating a road sweeping vehicle in the Town Centre.

Interview of Sergeants [REDACTED] and [REDACTED]. Both attached to J2 MSU on 27 April 1997 and responded to initial incident. Part II, Pages 107-109.

Constable Simon Mark Godly

Communication Officer at Portadown Police Station on 27 April 1997. In a witness statement obtained, he clarifies words spoken by police officers from transcripts previously prepared for the investigation files prepared by D/Inspector Irwin and Ex-D/C/Superintendent McBurney. He was also able to identify which officers were speaking, (where he was familiar with them) and he has marked the names on a typed copy of the transcripts provided to him. Part II, Page 110.

In brief, page 10 of the transcript read, "Roger lay a tape" however the correct words spoken were "I'll relay that to him".

It was necessary to have this area clarified to establish if directions were in fact given to have the scene secured prior to 7.27am on 27 April 1997.

Sergeant [REDACTED] J2 Mobile Support Unit

In a statement obtained he outlined how he responded to a public order situation at Portadown on 27 April 1997.

He recalled speaking to Inspector McCrum at the scene but indicated that on his arrival, no disorder was taking place in the Town Centre. He patrolled the area for a short period before stand-down was given. Some time later (after he had terminated duty) he became aware that a Robert Hamill had suffered serious injury. Part II, Pages 111-112.

Sergeant [REDACTED] J2 Mobile Support Unit

In a statement obtained he corroborated the account as given by Sergeant [REDACTED]. He outlined being spoken to by Inspector McCrum who informed him that a Catholic youth had been assaulted by Protestants.

He patrolled the Town Centre area for approximately 45 minutes before receiving the order to stand-down sometime after 3am.

No debriefing regarding the incident took place and he does not remember observing much debris about the street. Part II, Pages 113-114.

CIVILIAN WITNESSES:

The position regarding civilian witnesses to this disciplinary enquiry is as follows:-

One area which this disciplinary enquiry was tasked to address was that "the scene was not properly preserved for forensic examination" at an early stage. An examination of the scene log indicates that the scene was not secured by means of tape until 7.27am, whereas the alleged assault occurred at 1.50am.

Enquiries established that at or around 5am on the 27 April 1997, a Craigavon Borough Council mechanical road sweeper was operating in and around the vicinity of Portadown Town Centre and was prevented by police from cleaning certain areas of the town. As a result the following witnesses were interviewed by the enquiry team:-

[REDACTED]

[REDACTED] is employed by Craigavon Borough Council as a driver of a mechanical road sweeper. In a statement obtained he outlined how every other weekend for the past ten to twelve years, he has worked an overtime shift to clean Portadown town centre streets with a [REDACTED]

He has stated that he leaves his depot at around five and ten past four arriving in the Town Centre at or about 4.20am. He further outlines the route taken to Portadown and the area cleaned.

On the night Robert Hamill was assaulted, he outlines as follows:-

"I was doing the left hand side of High Street about three buildings in from the junction with Edward Street. A bullet-proof police car pulled in, in front of me and he asked me to leave the area around Thomas Street, High Street, Market Street and Woodhouse unswept because there had been an incident. He told me to leave a certain distance from these junctions clear. It may have been 50 yards each side but I cannot remember precisely - it could have been 100 yards. I didn't go near this area he had pointed out. I knew

Civilian
Witnesses

List Full
Names and
Addresses
and what
each
witness can
prove

(Confirm if
full
written
statement
has been
recorded)

this policeman to see but I can't remember his name. He told me that once the police were finished, they would ring me at home to clear up. This was around 5.00-5.30am. The place where he stopped me was outside the Nationwide Building Society. I swept no further towards the area he had indicated. I swept further out up High Street. I can remember a police landrover sitting outside the Halifax Building Society and the Northern Bank. This was at the time that the police car stopped me. I was later phoned to come in and sweep the area I had left. This was around 11-11.30am - before dinner time. The place I was stopped by the police I have marked on a photocopy of a map of Portadown Town Centre and given to D/Sergeant [REDACTED]. I have also marked the area we were told not to sweep with a green marker". Part II, Pages 115-116.

[REDACTED]

He is employed as a binman by Craigavon Borough Council and every other weekend for the past seven or eight years he has completed an overtime shift with [REDACTED] to clean Portadown town centre.

In a witness statement obtained he corroborates the account as given by [REDACTED] and states as follows - "We had just turned left into High Street when a policeman spoke to us. There was orange tape across somewhere. I can't remember exactly where. He told us there had been an incident and not to sweep the junction at Thomas Street/Woodhouse Street. We stopped sweeping immediately towards that area and swept further out. The area that the policeman had indicated was definitely not swept. I would estimate that from the normal time it takes to do this job it would have been between 5.00 am and 5.30 am when the policeman spoke to us. I have marked on a photocopy of a map of Portadown town centre where we were stopped by the policeman. I should say that every Saturday and Sunday morning a police landrover sat outside either the Northern Bank or the TSB Bank when we were working. There was a bit of activity that morning but I can't recall if the landrover was there when the policeman spoke to us. I have given this photocopy to Detective Sergeant [REDACTED]. Later on that morning I was called back to finish the sweeping job. This was around late morning. I didn't notice whether there was a lot of glass about". Part II, Pages 117-118.

CONCLUSIONS:

On 27 April 1997 at approximately 1.50 am, Robert Hamill and Mr D [REDACTED] were assaulted by a loyalist crowd at the junction of Thomas Street/Market Street, Portadown. Both persons were removed to Craigavon Area Hospital and later the same morning Robert Hamill was transferred to the Royal Victoria Hospital, Belfast.

On the 8 May 1997 Robert Hamill died, not having regained consciousness.

The initial assault investigation with regard to Mr Hamill and Mr D [REDACTED] was conducted under the supervision of the then D/Chief Inspector P39 [REDACTED] who was attached to Portadown Police Station.

Following the death of Robert Hamill on the 8 May 1997 and the receipt of a complaint received on 9 May 1997 from [REDACTED] Solicitor, on behalf of her client, Diane Hamill, (sister of deceased), D/Chief Superintendent W A M McBurney, Head of CID, Armagh, was appointed as the senior investigating officer. Two files were subsequently submitted as already stated.

Conclusions
Briefly
discuss
elements of
allegations
for and
against (Do
not repeat
contents of
statements)

It is reasonable to comment at this stage that four years have elapsed prior to the commencement of this disciplinary investigation. This period of time has resulted in the fact that not all persons involved at the initial stages of the assault on Robert Hamill have been interviewed by this enquiry team.

Enquiries as conducted by the enquiry team resulted in the service of Forms 17/3 on eleven officers.

Eleven individual folders containing all relevant documents required for the interview of each officer together with the interview transcripts are attached to this file.

To elaborate further, I would intend to:

- A. Outline events at the initial assault scene.
- B. Outline the role played by each individual officer, result of relevant after caution disciplinary interviews and brief conclusions regarding Form 17/3 as served.
- C. Discuss the steps taken to interview ex-members.
- D. Discuss the merits of allegations for and against with regard to possible disciplinary action and areas not fully investigated owing to the non interview of ex members.
- E. Discuss internal General Orders regarding scene investigation together with possible changes in training needs.

SUMMARY OF EVENTS

In view of the complexity of timing of issues in this case a time line chart has been prepared and is attached to Part IV of these papers. In brief this chart commences at 2330 hours on the 26 April 1997 and terminates at 1300 hours on the 27 April 1997. Part IV, Pages 192-202.

The chart was prepared by the enquiry team from an examination of various documents and outlines events dealt with by police on duty at Portadown on 26-27 April 1997. It will be useful to refer to this when considering the sequence of events relevant to this current disciplinary enquiry.

At or about 1.50 am on 27 April 1997 Robert Hamill and ^D were assaulted by a loyalist crowd, at the junction of Thomas Street/Market Street, Portadown.

At that time, a four officer landrover patrol, previously detailed for Public Order duties, was located almost directly opposite Thomas Street at the junction of Market Street/Woodhouse Street, Portadown. The four police officers in this landrover were:-

Constable Alan K Neill, 16143.
Reserve Constable R C Atkinson. R4610 (currently suspended from duty).
Reserve Constable P40 R12400 (now retired).
Reserve Constable Denise Cornett, [REDACTED] PW1978 (now retired).

The previous report as referred to and completed by the then D/Chief Superintendent McBurney outlines his investigation into alleged misconduct by these four police officers.

The scene at this point in time is best described in the reserved judgement of Lord Justice [REDACTED] as "a violent incident" and resulted in additional police resources having to attend the incident.

The additional resources who arrived at the scene have been identified as:-

JB70

Reserve Constable Godfrey Silcock, R13583.
Reserve Constable Paul H J Warnock, R11932.

JD70

Constable David A Orr, 13646.
Constable^A PW1362.

JD80

Constable Gordon Cooke, 14984.
Reserve Constable James Murphy, R6557.

The two supervising officers namely:-

Inspector Alan George McCrum, 16742.
Ex Sergeant^{P89} 11853, also attended at the scene.

In addition, mobile patrol vehicles under the supervision of Sergeants [REDACTED] and [REDACTED] also attended the scene.

Initial police action involved separating rival factions and attempting to restore order to the town centre area. Enquiries and records have established that two ambulances were tasked to the scene. Robert Hamill was given oxygen therapy in the ambulance and arrived at Craigavon Area Hospital at 0209 hours.

At or about 0200 hours, Constable^A PW1362, arrested a Wayne Lunt, placed him in the rear of a police landrover and released him after his identity had been clarified. In brief, the Constable arrested Wayne Lunt after observing him carrying a bottle.

The exact time that order was restored is not clear, however, at or about 0230 hours Inspector McCrum, the Duty Inspector left Portadown town centre and travelled to Banbridge Police Station on routine supervision duties.

The distance from Portadown to Banbridge is 10.9 miles and an examination of the Occurrence Book indicates that Inspector McCrum signed same at 0310 hours. See Part IV, Pages 203-204.

At 0245 hours Ex-Sergeant^{P89} left the town centre and went to Craigavon Area Hospital to establish the condition of both injured parties. It may not be unreasonable to assume that between 0230 and 0245 hours, the situation within Portadown town centre had been brought under control. This assumption is made by virtue of the fact that both supervising officers had left the Town Centre.

Enquiries have failed to establish what exact information was given to Sergeant^{P89} about the condition of Mr Hamill and Mr D [REDACTED] at that point in time. The reason for this is due to the fact that Sergeant^{P89} did not wish to assist the current investigation.

At 0253 hours, Police Constables Orr and ^A, were tasked to the scene of an injury road traffic accident at Eden Cabs, Bridge Street, Portadown. This accident involved three vehicles and the driver of one of the vehicles was conveyed back to Portadown Police Station at 0315 hours by Sergeant P89 and processed through the Drunk-in-Charge procedure. Copy file attached Part IV, Pages 206-215.

At 0345 hours the Public Order landrover crew, ie, Constable Neill and Reserve Constables Cornett, P40 and Atkinson were stood down from duty. With the exception of Reserve Constable Atkinson the three other members terminated duty at 0345 hours and Reserve Constable Atkinson terminated duty at 0415 hours.

At this point in time it would appear that the condition of Mr Hamill and Mr D was not known by police and the alleged assault scene had not been properly secured.

At or about 0430 hours Inspector McCrum learned from Craigavon Area Hospital that Robert Hamill had "sustained serious head injuries which may be life threatening" and that he was being transferred to the Neurological Department of the Royal Victoria Hospital, Belfast (Journal entry Inspector McCrum refers. See Folder 9, Part 4).

As a result, D/Constable Donald George Keys, 12543, who was the duty call-out Detective officer was contacted at home per telephone by Inspector McCrum at or about 0430 hours and briefed regarding events.

At this point in time no scene of the alleged incident appears to have been properly secured.

At 0500 hours D/Constable Keys placed himself on duty and arrived at Portadown Police Station at or about 0530 hours. On arrival at Portadown, D/Constable Keys was further briefed by Inspector McCrum but as precise scene details were not known, D/Constable Keys attended the scene accompanied by Constable Gordon Cooke, 14984.

On arrival at Portadown town centre D/Constable Keys recalls observing police present but cannot be specific as to the presence of a police vehicle. In any event, no actual scene had been sealed by means of tape and no police officers present could actually identify to him the actual scene or area.

As a result, D/Constable Keys gave instructions to police not to let anyone through the town centre. Corroborating evidence on this point exists via the statements of the two Borough Council workers, ie, Mr [REDACTED] and Mr [REDACTED] who were instructed by Constable Orr not to perform street cleaning duties.

D/Constable Keys returned to Portadown Police Station and as no precise information about the exact circumstances or the exact scene location was available, he asked Inspector McCrum to recall to duty the four members of the landrover crew. In addition, D/Constable Keys requested that Inspector McCrum ask officers on duty to complete statements and identify persons present at the alleged assault scene.

D/Constable Keys contacted ex D/Chief Inspector P39 who was the senior Detective on call and asked her to attend due to all the circumstances.

D/Constable Keys also arranged for the attendance of other agencies, ie scenes of crime and photography. In addition, the D/Constable also had to arrange for a separate photographer to attend at Craigavon Area Hospital with regard to a separate assault incident which is not connected to this investigation.

At 7.15 am, D/C/Inspector P39 arrived at Portadown Police Station and received a brief re circumstances of the events. At this point in time, D/Constable Keys, via uniform officers, had obtained more details with regard to the assault and both officers attended the scene.

The scene was properly secured by means of tape and Constable A PW1362 was appointed to commence the scene log.

At 0730 hrs, D/C/Inspector P39 and D/Constable Keys called at [REDACTED] (Hamill household) and [REDACTED] (DEF household) in an attempt to obtain the injured parties' clothing but without success. D/Constable Keys made arrangements for E and F to attend Portadown Police Station later that evening for interview.

At this juncture I would refer the reader to the time line chart which outlines when individual officers completed statements of evidence, when they terminated duty and when the scene was closed after examination.

Enquiries have established that on 27 April 1997, individual officers on duty made their own statements of evidence and either handed them to detectives or left them in the Communications Room at Portadown Police Station.

Enquiries have also established that whilst individual officers identified individual persons involved in the incident on 27 April 1997, no formal debriefing took place to properly establish or co-ordinate events by either uniform supervisors or detectives prior to officers terminating duty. In fact, the four officers who first witnessed the alleged assault on Mr D and Mr Hamill terminated duty between 0345 and 0415 hrs and without any debriefing and without completing any statements or station records.

With regard to uniform officers on duty on 27 April 1997 it should be pointed out that written witness statements were made on the following dates:-

Inspector McCrum, 16742

His first witness statement regarding events of 27 April 1997 was not made until 7 May 1997. A further statement was made on 13 November 2000.

Constable A PW1362

Her first witness statement was made on 27 April 1997 with further statements made on 24 June 1997 and 4 November 1997. In addition, the sequential contents of the Constable's notebook with regard to the events of 27 April 1997 were not in chronological order. A question mark therefore arises as to exactly when her notebook entry was completed and what details in her notebook were given to the enquiry team after 27 April 1997.

Constable Gordon Cooke, 14984

His first statement was made on 27 April 1997 and a further statement was made on 22 January 2001.

Constable Alan Keith Neill, 16143

His first statement was made on 27 April 1997 after he had been recalled to duty. Further statements were made on 13 May 1997 and 21 November 1997.

Ex-Sergeant P89

His first statement was made on 7 May 1997. Further statements being made on 15 May 1997 and 28 December 2000.

R/Constable Godfrey Silcock, R13583

His first statement was made on 27 April 1997 and a further statement was made on 24 May 1997.

R/Constable Robert C Atkinson, R4610

(Currently suspended from duty). His only statement was made on the 27 April 1997 after he had been recalled to duty.

With regard to R/Constables Warnock R11932, Murphy R6447,^{P40} R12400 (now retired) and Cornett [REDACTED] PW1978 (now retired) - all of these officers completed one witness statement dated 27 April 1997.

Ex-D/C/Inspector^{P39} was the senior investigating officer with regard to initial events on 27 April 1997. The D/C/Inspector has since retired from the police and has not, to date, assisted in this investigation. According to D/Inspector Michael Irwin, 15170, he commenced duty on 28 April 1997 at 8.15 am some 30½ hours after the incident. In the late afternoon of 28 April 1997 some 38 hours later, the D/Inspector commenced to write action sheets regarding the investigation. Owing to the fact that ex-D/C/Inspector^{P39} has not assisted in this investigation it has not been established what actual policy decisions were made regarding early arrests.

In addition, neither the policy log nor D/C/Inspector^{P39} journal are available to assist in determining the direction and control of the investigation in the early stages. A considerable search was undertaken by the Enquiry Team for these documents but without success.

According to D/Inspector Irwin, early arrests of the suspects identified by uniform personnel on duty on 27 April 1997, had been arranged for 1 May 1997 by D/C/Inspector^{P39} but had to be cancelled owing to the arrest of five other persons, for an unconnected but nevertheless serious incident.

Enquiries have established that on 30 April 1997 five persons were arrested for other matters and required to be interviewed on 1 May 1997 by the officers attached to the initial assault enquiry. Without assistance from D/C/Inspector^{P39} the question of an early arrest strategy and the reason behind it cannot be fully clarified. Details with regard to this area will be further highlighted as these papers progress.

What has been established is that three persons were arrested on 6 May 1997 under the supervision of ex-D/C/Inspector^{P39} but released

without charge.

On 10 May 1997 and after the death of Robert Hamill, six persons were arrested under the supervision of ex-D/C/Superintendent McBurney and D/Inspector Irwin and charged with the murder of Robert Hamill (copy file D/Inspector Irwin refers).

B. ROLE PLAYED BY INDIVIDUAL POLICE OFFICERS

Each of the serving officers were served with Forms 17/3 by Superintendent Kennedy as dated and outlining the allegations.

They were interviewed under caution and present during every interview was Mr [REDACTED] Solicitor, [REDACTED] acting as a friend. Also present during some of the interviews was a representative from the office of the Police Ombudsman for Northern Ireland.

At the commencement of each of these interviews, Mr [REDACTED] drew attention to his opinion that the principles established during the case of Michael Phillip Merrill -v- The Chief Constable of Merseyside Police were applicable to this enquiry due to the passage of time.

A copy of this ruling is attached at Part IV, Pages 205-219.

Separate folders were prepared in respect of each member interviewed and will be referred to by number in this file. All original documents produced during interviews and referred to are attached. Also included in them are summaries of each interview and documentation regarding process and protocol.

Folders were also prepared in anticipation of interviewing ex-members. These are attached by way of explanation of unanswered questions and are listed as follows:-

Ex-D/Chief Inspector ^{P39} - Folder 12.
Ex-Sergeant ^{P89} - Folder 13.
Ex-R/Constable ^{P40} - Folder 14.
Ex-R/Constable Cornett [REDACTED] - Folder 15.

Constable Alan Keith Neill, 16143 - Folder 1 and Part III, Pages 165-185

Form 17/3 served on 28 June 2001.

Constable Neill was interviewed at Lisnasharragh on 26 September 2001 by Superintendent Kennedy and Chief Inspector Jackson between 1217 and 1259 hours.

In relation to the allegation that he neglected his duty by failing to secure and preserve as evidence, broken glass at the scene where the injured persons were lying, Constable Neill stated that he took no steps at the time to secure and preserve the glass for examination because of the public order situation in the town at the time. He said that there were only four members of one crew and they were unable to do anything other than try to preserve the life of the people who were there and look after themselves. Constable Neill said his main priority at the scene was obviously to preserve the life of the injured persons and glass may have been moved to treat the injured. He stated that he did not remember about the glass until he had left the scene and was completing his statement. Constable Neill said it was impractical to lift

the glass initially as they were trying to stop 40 - 50 persons fighting in the street. He also added that he was unaware of the seriousness of the assault when he was stood down. He said he was never instructed, at any stage, by a supervising officer, to secure the scene for examination.

In relation to the allegation that he failed to effect or arrange early arrests, Constable Neill stated that the situation was ongoing and it was more a matter of trying to get the people out of the town centre at that time. He again stated that the main police priority was attending to the injured persons and bringing calm to the town centre. He said he did not discuss any of his observations with any supervising officer or indicate to them that early arrests of identified persons should be considered. He said that once the situation calmed, he was stood down.

In relation to the allegation that he failed to make a full and accurate notebook entry, Constable Neill stated that he had nothing to do with Wayne Lunt after he was taken to the back of the landrover. When asked why his notebook did not contain all relevant details regarding the arrest of Wayne Lunt, he said that he can not recollect why. Mr [REDACTED] Constable Neill's legal representative, added that his client had an entry in his notebook about Wayne Lunt and that that was all his client knew about the circumstances surrounding Lunt. Constable Neill agreed with this.

Constable Neill has a previous conviction. Part IV, Page 220.

Constable David Alan Orr, 13646 - Folder 2 and Part III, Pages 205-212

Form 17/3 served on 28 June 2001.

Constable Orr was interviewed on 20 September 2001 at Lisnasharragh by C/Inspector Jackson and Sergeant [REDACTED] between 0922 and 0937 hours.

Constable Orr was shown photographs of the scene of the assault on Robert Hamill and D [REDACTED] and asked to mark where he had parked his patrol vehicle, which he did. He also indicated where he believed a police landrover had been parked. He could not recall having seen any individual assaults taking place and had been more concerned with keeping the rival factions apart. He could not recall having seen Wayne Lunt or consulting Constable A [REDACTED] about him on the night of the incident. It was later when he heard that she had detained Lunt.

At the time of the incident, Constable Orr had not realised the serious nature of the assault on Robert Hamill. He had not been present when any discussions, if there were any, regarding scene preservation by the supervising officers had taken place. He did not remember having been given an instruction by Inspector McCrum to go to Craigavon Area Hospital and obtain the clothing of the injured parties. He also could not remember if he had been asked to assist in drawing up a list of suspects who had been at the scene of the assault.

Constable^A [REDACTED] PW1362 - Folder 3 and Part III, Pages 186-204

Form 17/3 served on 3 July 2001.

A
Constable was interviewed at Lisnasharragh on 20 November 2001 by Superintendent Kennedy and Chief Inspector Jackson between 0904 and 1008 hours.

In relation to the allegation that she allowed Lunt to leave the vicinity after being told by a person that he was involved in a serious assault and that she failed to make a full and accurate entry in her notebook and to note the relevance of this valuable information, A replied that she released Wayne Lunt because she didn't have much choice. The personnel on the ground were not enough for what was going on, "The crowd were outnumbering us, I had to let him go". She stated that if she had wanted to detain him any longer, herself and at least two other Constables would have had to leave the scene in order to take Lunt to the police station. The decision to release Lunt was purely because of the public order situation pertaining at the time. In relation to her notebook entry she stated, "It was a very busy and traumatic night, we were brought in off the ground and just asked to make a statement". She then stated that she couldn't offer an explanation as to why she did not put these details in her notebook. her solicitor, stated that there were 2 possible explanations, one that she deliberately suppressed the information about Lunt and the other that in the confusion of the night she simply forgot. A stated it was not suppressed, but that she simply forgot.

In relation to the allegations that she neglected to mention this information in a statement or to any investigating or supervising officer, she replied that it was not a deliberate omission, but that it had slipped her mind and she had entirely forgotten about it.

In relation to the allegation that she neglected her duty in that she took no action in respect of Lunt concerning his behaviour, she replied that nobody was going to investigate it. She said, "If you put in an assault on police file for every kick and bump and scrape, you would be doing paperwork from now to doomsday". She agreed that she made a conscious decision that she wouldn't investigate the assault on her by Lunt, even though she had put an entry in the C6 and Accident Book regarding same.

In relation to the allegation of failing to effect and arrange early arrests she stated she did not believe that she received any instructions from supervisory officers as to any further action to be taken. She stated that in her opinion, Inspector McCrum was in charge of the alleged assault scene at the time. She left and went to a road traffic accident involving a drunken driver. She also said that the public order crew, JD81 would have dealt with any public order offences and the actual assault. She did not accept any responsibility.

In relation to the allegation concerning the loss of valuable forensic and identification evidence, she stated that, "If you knew Portadown town centre, there's quite a lot of bottles lying about the town centre over the weekend and the bottle Lunt had could have ended up anywhere at all."

Constable Gordon Cooke, 14984 - Folder 4 and Part III, Pages 244-255

Form 17/3 served on 28 June 2001.

Constable Cooke was interviewed at Lisnasharragh on 1 October 2001 by Chief Inspector Jackson and Sergeant between 0921 and 0950 hours.

In relation to the allegation that he neglected his duty by failing to secure and preserve as evidence, broken glass at the scene, Constable Cooke stated that when he arrived it was pretty chaotic. There was a large, very violent crowd, fighting with police already at the scene, and fighting to try and get to the injured persons. He immediately helped other police to hold these persons back. He continued to help to hold this large crowd back until more senior officers arrived at the scene. He further stated that he was not the first person on the scene, not the senior officer at the scene nor was he instructed to take any further action by any senior officer. Mr ██████████ Constable Cooke's legal representative, stated that he did not believe Cooke had articulated completely in relation to the scene. Cooke added that he had not been present during the assaults and was not aware of how serious the incident initially had been. Cooke also added that after this incident had been brought under control, he could not recall any debrief having taken place at the scene or any instructions given by supervising officers. He further stated that the town barriers were all closed, effectively sealing the scene from any vehicles passing through and as far as he was aware, a police vehicle remained at the scene to prevent any pedestrian access to it.

Constable Cooke was shown photograph album marked ARN1, showing a stick and pieces of glass. He did not recollect seeing these.

Constable Cooke stated that when he left the scene he believed there was a car left at the scene and on returning with D/Constable Keys, the vehicle was still present. In his opinion the scene was preserved although not by himself.

In relation to the allegation of failing to effect or arrange an early arrest, Constable Cooke replied that this was a riot situation when he arrived, very violent with people roaming about all over the street trying to get towards these injured people. He stated that they did their best to protect the injured persons while awaiting the arrival of the ambulance. He said that it was not practical to start arresting people at the scene. He said that he did not consult with any other police or supervisors at the scene regarding the possible arrest of suspects. He stated that he had no conversation about possible arrests and no formal debriefing took place.

In relation to the allegation of failing to comply with a lawful order to draw up a list of persons identified at the scene, Cooke stated that he went one better than drawing up a list and that he made a full written statement identifying all persons that he knew at the scene and descriptions of them. He stated that he did not think it appropriate to consult with other officers to draw up a list, especially in the light of this turning out to be a serious assault and identification of offenders possibly being an issue.

In relation to the allegation of failing to obey a lawful order to go to the hospital, Constable Cooke replied that he never failed to comply with any lawful order, he was never instructed to attend the hospital but he was aware that other officers were asked to go to the hospital and in fact did go.

R/Constable Paul H J Warnock, R11932 - Folder 5 and Part III, Pages 234-243

Form 17/3 served on 28 June 2001.

R/Constable Warnock was interviewed at Lisnasharragh on 24 September 2001 by Chief Inspector Jackson and Sergeant [REDACTED] between 1504 hours and 1526 hours.

In relation to the allegation that he failed to make a full and accurate entry in his notebook, R/Constable Warnock stated that he had stopped at the back doors of the landrover. He thought that Constable A and Lunt had got into the back of the landrover. He then left the landrover and went to the police line to control the crowd.

R/Constable Warnock stated that he simply assisted Constable A to take Lunt to the back of the landrover. He said that it was only a short distance, a few yards, and that he had no further dealings with Lunt. He said he was at the landrover for approximately 30 seconds to 1 ½ minutes.

In relation to the allegation that he failed to mention the reason why Lunt was placed in the landrover, R/Constable Warnock stated he did not know. He saw Constable A cross to the landrover with Lunt and he assisted her, although he wasn't aware whether or not he had been arrested. He did not remember overhearing any conversation between Constable A and Lunt. R/Constable Warnock also stated that he was not aware that Lunt had been released.

R/Constable James Murphy, R6447 - Folder 6 and Part III, Pages 224-233

Form 17/3 was served on 24 September 2001.

R/Constable Murphy was interviewed at Lisnasharragh on 24 September 2001 by Chief Inspector Jackson and Sergeant [REDACTED] between 1435 and 1456 hours.

In relation to the allegation that he neglected his duty as a police officer in that whilst he noted two males lying on the ground and broken glass on the street he took no appropriate action to secure and preserve the scene, R/Constable Murphy stated that they responded to a call from R/Constable Cornett screaming on the radio about a disturbance in the town centre. When they arrived, the officers that had been in the landrover were already out and appeared to be surrounded in various parts of the town centre. There were people all over the place and they were fighting and running about like "madmen". R/Constable Murphy stated that there were females with both the males on the ground but he only glanced at that because there were so many things going on with so few police and they were trying to "watch each other's backs" and keep the crowd back. He stated that he was trying to push people up the street but it was impossible as there was too big a crowd. He stated that he saw a lot of small particles of glass strewn all over the place as if bottles or glasses had been broken.

In relation to the allegation that he failed to make a full and accurate notebook entry and in particular to note the relevance of why a suspect, namely Wayne Lunt, was placed in the rear of the police landrover and then released, Murphy stated that he saw Constable A take Lunt to the landrover and went over to assist. Lunt was put in the back of the

landrover and he stood at the back of the landrover. He stated that crowds were still coming up from Woodhouse Street and he was assisting to push them back and trying to watch Lunt at the same time. He presumed Lunt had been arrested but he didn't speak to or have time to speak to Constable A in relation to it. He did not speak to Lunt and did not overhear any conversation between Constable A and Lunt. He stated that he did not know the reason why Lunt was released and that Constable A did not say anything to him. He also said that he did not know the reason why Lunt was in the landrover to start with and he presumed Constable A was dealing with it.

R/Constable Godfrey Silcock, R13583 - Folder 7 and Part III, Pages 213-223

Form 17/3 was served on 28 June 2001.

He was interviewed on 20 September 2001 at Lisnasharragh by Chief Inspector Jackson and Sergeant [REDACTED] between 0951 and 1015 hours.

R/Constable Silcock explained that he is known as 'Dean'. He then outlined how he had been called to a disturbance in Portadown on 27 April 1997 at 0147 hours. On arrival, he had seen two men lying in the Main Street. One appeared to be having difficulty breathing and he rendered assistance to him. He removed glass from the vicinity and called for an ambulance. He remained with this man until the ambulance arrived, protecting him from people who were trying to kick him.

He was asked to mark the positions of where these men were lying on photographs, which he did. He also marked where his police vehicle had been parked. He recalled that there had been a lot of glass present, broken bottles of some description. He did not secure any of this for examination.

In relation to the position of the ambulance, R/Constable Silcock could not recall. He did not speak to any medical personnel. He was more concerned with his own safety and that of his colleagues, bearing in mind the public order situation. He did not attempt to make any arrests. He included the names of suspects in the statement he made later that morning which he gave to CID.

After the incident, he had gone with Sergeant P89 to Craigavon Area Hospital where he learned that the assault was serious. A male person had been aggressive towards the Sergeant and himself.

R/Constable Silcock heard no directions being given about preserving the scene or identifying persons for early arrest. He was not debriefed, other than being asked to make a statement and having told Inspector McCrum and Sergeant P89 of persons whom he could identify as being at the scene.

During his service in the Police, R/Constable Silcock could not recall having received any training about scenes or exhibiting evidence. He had received first aid training. He reiterated that his main concern was of his safety and that of the injured parties.

R/Constable Robert Cecil Atkinson, R4610 - Folder 8

Whilst Form 17/3 has been served in relation to alleged criminal conduct, no formal disciplinary interview has been conducted to date. This is due to the fact that the R/Constable is to be reported to the Director of Public Prosecutions for allegedly attempting to pervert the course of justice. This alleged charge is linked to the events of 27 April 1997 and is being investigated by D/Chief Inspector K . An interview will take place pending the outcome of that enquiry.

Inspector Alan George McCrum, 16742 - Folder 9 and Part III, Pages 100-132

Inspector McCrum was served with Form 17/3 on 18 April 2001.

He was interviewed at Lisnasharragh on 30 August 2001 between 1021 and 1202 hours by Superintendent Kennedy and Chief Inspector Jackson. Also present was [REDACTED] of the Police Ombudsman's Office. The interviews were recorded on a total of three tapes.

During interview Inspector McCrum confirmed that he was the Duty Inspector in Portadown on Saturday, 27 April 1997 with Divisional responsibility for Lurgan and Banbridge Sub-Divisions. He was aware that officers had been detailed to cover Portadown town centre for public order duties but he did not attend their briefing.

Inspector McCrum outlined how he had been made aware that disorder had broken out in the town centre and had made his way, along with Sergeant P89 to Market Street. He was informed by Constable Cooke that two males had been assaulted by a group of Protestant youths and had subsequently been taken by ambulance to Craigavon Hospital. When he arrived, this group of youths were still on the street and Inspector McCrum stated that his policing priority at that time was to move them on to avoid further disorder. To this purpose, he requested further resources from the MSU which he knew were on duty in Banbridge.

The Inspector went on to describe how the situation was brought under control after the arrival of additional resources. He then continued with his supervision duties relating to the Division. At this time, he was not aware of the gravity of Mr Hamill's injuries and no scene was indicated to him. He did direct Sergeant P89 to go to the hospital and ascertain the condition of those injured. Inspector McCrum had no knowledge of any information supplied to medical staff.

Inspector McCrum then went on to relate how he had spoken to someone at the hospital around 4.00 am and was apprised that one of the injured was seriously ill and that the assault should be regarded as potentially life-threatening. As a result, he contacted D/Constable Keys who was the call-out CID officer. In respect of his journal entries about having instructed Constable Cooke to draw up a list of persons at the scene and to obtain the injured parties clothing, Inspector McCrum was unclear as to whether these had been complied with.

Inspector McCrum then went on to say that part of his briefing to D/Constable Keys was to have the scene of the assault taped off and preserved for examination. He did not personally visit the scene to confirm that this had been done. He explained that the officers who

had originally been at the scene had been allowed to terminate duty because at that time it was not known that the assault was such a serious one. Inspector McCrum did not debrief them although he spoke to them at the scene.

Inspector McCrum then explained how he came to make his two statements about events on 27 April 1997. He stated that immediate arrests were not practicable due to the limitation of resources and that his main concern at the time was public order. The fact that certain individuals had been identified as having been present during the disorder was not communicated to him at that time. He maintained that such information would have been forthcoming during the CID debrief and that CID were taking over the investigation. He was involved in preparing a press release, and left the collation of the available information to D/Constable Keys.

The interview concluded by Inspector McCrum explaining the circumstances of his having made a statement to D/Chief Inspector K in November 2000 specifically about R/Constable Atkinson and confirming that the contents of that statement are correct.

D/Constable Donald George Keys, 12543 - Folder 10 and Part III, Pages 1-93

D/Constable Keys was served with Form 17/3 on 18 April 2001.

He was interviewed at Lisnasharragh on 17 July 2001 between 1025 and 1655 hours by Superintendent Kennedy and Chief Inspector Jackson. Also present was Mr [REDACTED] from the Police Ombudsman's office.

Initially the interview was tape recorded but at D/Constable Keys' request, the tape was turned off and the interview was conducted by way of notes.

During the interview, D/Constable Keys stated that on 27 April 1997 he had been contacted by Inspector McCrum at approximately 4.40 am - 4.45 am. He placed himself on duty at 5.00 am. He had been informed of an incident in Portadown and as a consequence, an injured party had been taken to the Neuro Surgery Unit at the Royal Victoria Hospital, Belfast. He was unaware of who might have informed medical staff of how Mr Hamill's injuries were sustained.

D/Constable Keys went on to relate how he went to the scene of the assault and was briefed by Constable Cooke, however, the exact scene could not be established. He directed that no one should be allowed through the scene, albeit that to his knowledge the scene was by this time some four hours old. In his opinion, the initial responsibility for scene preservation lay with the first officers on the scene and/or their supervisors. He had the officers who had initially been at the scene recalled to duty in order to make statements detailing what and who they had seen during the disorder.

D/Constable Keys then outlined how he had contacted D/Chief Inspector P39 and D/Constable McDowell. He had visited the scene with the D/Chief Inspector and secured the scene. They had then attempted to obtain clothing belonging to the injured parties.

D/Constable Keys went on to explain how he was also involved in a separate enquiry about an assault in Banbridge (See Part IV,

Pages 231-232} and the tasking of a Scenes of Crimes Officer and Photographer for the Portadown incident. He outlined how he had briefed these people when they became available. He had also either recorded or received statements from F and E

The D/Constable then went on to say that decisions regarding the arrest of identified suspects were up to the D/Chief Inspector who was in charge of the enquiry. He had no note or recollection of any discussion about these considerations.

The next portion of the interview dealt with D/Constable Keys having obtained and viewed video tapes from the Alliance and Leicester Building Society which had no evidential value and were subsequently returned to the shop. He had also viewed video tapes at the Northern Bank which again had no evidential value. D/Constable Keys had no note or recollection of conferences or discussions relating to the Hamill murder enquiry other than those supplied to him by the interviewers. He could not recall why statements had not been recorded from Judith Little and Donald Blevins or what action had been initiated in response to the information supplied by them.

At the conclusion of the interview, D/Constable Keys repeated his view that he had secured the scene as early as he possibly could, that at an early stage he had no evidence to connect suspects to the actual assault in order to effect arrests, that the video tapes viewed were of no evidential value and that generally he had been diligent in carrying out his enquiries into the assault on Robert Hamill.

D/Inspector Michael Irwin, 15170 - Folder 11 and Part III, Pages 133-164

Form 17/3 served on 19 July 2001.

D/Inspector Irwin was interviewed at Lisnasharragh on 6 September 2001 by Superintendent Kennedy and C/Inspector Jackson between 1043 and 1318 hours.

Prior to the commencement of his interview, D/Inspector Irwin handed a statement to Superintendent Kennedy. See Part III, Pages 94-99. In it he referred to an assault on a [REDACTED] in Banbridge and an incident in Lurgan involving a baton round having been fired. He stated that he was involved in enquiries into these matters and the Enquiry Team have confirmed that these incidents occurred. Part IV, Pages 221-222 and Pages 223-227.

D/Inspector Irwin also stated that although arrests had been planned in relation to the Hamill assault on 1st May 1997, these had to be postponed due to persons having been arrested for a serious arson in Portadown on the evening of 30th April 1997. This is corroborated by an ICIS report. Part IV, Pages 228-231.

In relation to the allegation that he failed to properly investigate or appropriately deal with matters which should have secured the early arrest of identified suspects, D/Inspector Irwin stated that the assault occurred at approximately 1.50 am on 27 April 1997 and that he commenced duty on 28 April 1997 at 8.15 am, some 30½ hours later. He had not been briefed or received any notice of this incident prior to commencing duty. He stated that D/Chief Inspector P39 was the duty officer for that weekend and briefed him on all incidents when he commenced duty. This included the incidents mentioned. He stated

that D/Chief Inspector P39 detailed him to supervise the Banbridge and Lurgan incidents while she looked after the Hamill incident. He stated that prior to travelling to Banbridge/Lurgan he attended a briefing, ie the Hamill incident conducted by D/Chief Inspector P39. He was given no responsibility for this incident. He returned to Portadown in the late afternoon of 28 April, approximately 38 hours after the Hamill assault had occurred. He volunteered to assist D/Chief Inspector P39 in raising action sheets. He stated that he undertook this role on his own initiative and to assist his supervisor. He was not involved in any policy decisions regarding early arrests of identified suspects. D/Inspector Irwin was on annual leave between 2 and 5 May inclusive. On returning to duty on 6 May, he supervised 3 arrests for the Hamill assault. He stated that he was aware that D/Chief Inspector P39 had been encountering resource difficulties regarding the arrest and search operation.

In relation to the seizure of clothing belonging to suspects for the purpose of forensic examination, D/Inspector Irwin stated that on their arrest, the suspects' clothes were seized and submitted for forensic examination. He also said that Stacey Bridgett was forensically linked through blood to Robert Hamill's clothing.

He stated that he was not in a position to order or influence the early seizure of suspect's clothing.

In relation to the appropriate seizure and exhibiting of CCTV video evidence, D/Inspector Irwin said that he understood that D/Constable Keys had been briefed by D/Chief Inspector P39 on 27 April 1997 to check for possible video evidence. He stated that this was a priority on 28 April 1997. He did not know the reason for the delay. He assumed it was because the 27 April 1997 was a Sunday and gaining access to commercial premises to seize any CCTV footage was impractical. D/Inspector Irwin stated that it was completed by D/Constable Keys on 28 April 1997 and as he understood it, there was no video evidence.

D/Inspector Irwin summarised his account by stating that he had only minimal involvement in the assault investigation on Robert Hamill at the outset on 28 April 1997, the bulk of his day being taken up with two completely different investigations. On 29 and 30 April 1997, he assisted, on his own initiative, D/Chief Inspector P39 in a supporting role, particularly assisting on the administrative side of the investigation and family liaison.

STEPS TAKEN TO INTERVIEW EX-MEMBERS.

In consultation with Mr Chris Mahaffey, Police Ombudsman's Office, it was agreed to have retired officers interviewed in a witness capacity with regards to this enquiry. As a result, letters were delivered to each member.

The first letter, as delivered to Ex-D/Chief Inspector P39, was replied to in writing which stated, "I no longer have the RUC journal to which you refer. On 23 February 2001, I was interviewed by Mr Chris Mahaffey, another colleague from his office and an RUC officer. At that time I gave all the information I could recall regarding the investigation. I regret that I cannot help you any further with this matter."

As a result, a second letter was delivered to ex-D/Chief Inspector P39 indicating that the current enquiry was not related to Mr Mahaffey's investigation. In addition, the letter also asked as to the location of the ex-members journal and the Policy Book regarding the initial assault

investigation of Mr Hamill. To date, no further response has been received.

With regard to letters forwarded to Ex-R/Constables P40 and CORNETT. These persons did make contact with Superintendent Kennedy by telephone indicating that they did not wish to assist with the enquiry.

With regard to letters forwarded to Ex-Sergeant P89, he did attend for interview at Lurgan Police Station on 17 October 2001, however, he declined on that date to make any written statement or reply to specific questions. Mr P89 did indicate that he would think the matter over and decide if he would assist with the enquiry in due course.

On the 12 November 2001, further contact was made with Mr P89 by Chief Inspector Jackson. On that date, Mr P89 indicated that he did not wish to assist with the enquiry.

MERITS OF ALLEGATIONS FOR AND AGAINST WITH REGARD TO POSSIBLE DISCIPLINARY ACTION AND AREAS NOT FURTHER INVESTIGATED OWING TO THE NON-INTERVIEW OF EX-MEMBERS.

In this section, it is intended to examine the merits of allegations for and against with regard to possible disciplinary action in respect of police officers who have been served with Form 17/3.

In doing so, it is necessary from the outset to indicate that this disciplinary investigation commenced some four years after the initial incident, which occurred on 27 April 1997. In fact, and referring to each officer as interviewed, the Merrill ruling was raised by their Solicitor on each occasion, namely, that the principal of the Merrill ruling applied and whilst each officer was anxious to assist in the investigation, they did so without prejudice to the judgement of the Merrill case in the future.

It will be necessary to take into account the contents of the two previous files as submitted by Ex-D/C/Superintendent McBurney, D/Inspector Irwin and the reserved judgement of Lord Justice [REDACTED] in respect of the Hobson trial.

It will also be necessary at times to remember that ex-members have not assisted with this investigation and therefore in instances, complete details in respect of certain areas have not been established.

I intend to progress by examining each area that this disciplinary enquiry focused on, and when this is completed, to summarise events.

AREA A

THE SCENE WAS NOT PROPERLY PRESERVED FOR FORENSIC EXAMINATION.

In 1997, the following General Order was in force and is still active today, namely:

General Order 12/94 CC dated 5 July 1994, entitled, "Scenes of Crime Preservation and Examination".

Copy of said Order is attached at Part IV, Pages 232-238. This General Order is well detailed and appears self-explanatory.

It is divided in 8 sub-sections, headed:

1. Introduction.
2. Preservation of a Scene.
3. Duties at a Scene.
4. Scene Examination.
5. Order of Priority of Support Services.
6. Statements of Evidence.
7. Supervision of Prisoners/Suspects.
8. Other Relevant Instructions.

Paragraph 1

Entitled "Introduction" states:

"Scene preservation is a significant factor in any criminal investigation. All members must recognise their responsibility to acknowledge, adhere to and implement the ethos of scene management".

As can be seen, this paragraph placed responsibility for scene preservation on individual members.

Paragraph 2

Entitled "Preservation of a Scene" outlines:

1. The objectives of preserving a crime scene; and
2. The failures to adequately preserve a scene.

It states in bold capitals;

"EXCEPT FOR THE PURPOSES OF PRESERVING LIFE OR PREVENTING FURTHER INJURY, SCENES MUST ONLY BE ENTERED BY PERSONS UNDER THE DIRECT CONTROL OF THE SENIOR INVESTIGATION OFFICER (SIO). THESE PERSONS WILL ALWAYS HAVE A FUNCTION TO FULFIL FOR THE SIO. NO UNAUTHORISED PERSONS MAY BE ALLOWED TO ENTER".

It should be remembered that at the time when Robert Hamill was assaulted, a riot was in progress with people and police running about the scene.

Police tended to the injured and removed glass away from the victims to prevent further injury, as stated above.

These officers at this stage were concerned with preserving life and preventing further injury to the victims and possibly injuries to themselves.

At this time it is open to question how the police could have foreseen the relevance of pieces of glass around the victims.

"Hindsight" is extremely relevant in this particular case.

Paragraph 3

Entitled "Duties at a Scene" states:

1. "One set of instructions cannot cover duties and procedures for all scenes of crime. The following paragraphs outline the general procedures to be followed and can be augmented by officers using initiative and commonsense to suit prevailing circumstances".

The word "initiative" is defined as:- "The ability or instinct to initiate and follow through a plan or tool; enterprise and determination".

Commonsense is defined as "Native good judgement. A set of general unexamined assumptions as distinguished from specially acquired concepts".

Unfortunately, not every person is gifted with initiative or commonsense to the same degree.

The same is also true of police officers.

This paragraph then states;

2. "The primary duty of the first police officer on arrival at a scene involving casualties must be directed towards the preservation of life".

"This duty must be immediately followed by the necessity to "preserve the scene" to enable correct interpretation and identification and collection of all available evidence".

At this stage, regarding the initial assault scene of Mr Hamill/Mr Girvan, it is possible that vital evidence had been lodged in the soles of paramedics' shoes, tyres of ambulances and others tending both injured persons. Items which may have been evidence are bound to have been disturbed or removed from the scene.

This paragraph also gives instructions to "tape off" the immediate scene area and commence a Scene Log.

It should be remembered that at this time, the police were dealing with two assaults, namely Hamill and D , along with crowd trouble in the Town Centre.

At this stage no one knew how serious the injuries to Robert Hamill were.

It was an assault that unfortunately is a regular occurrence in most Town Centres at weekends.

A scene is not normally maintained nor taped off for these incidents.

Hours later, when police received the information from the hospital that Robert Hamill was critical and may not survive, was, in my opinion, the relevant time to seal off the area, start a scene log and preserve and secure evidence.

The problem then of course, is how much evidence had been lost or disturbed in those few hours from the initial assault to the serious assault/murder.

Sub-paragraph 12 of Para 3 states;

"When a Senior Investigating Officer has to leave the holding area to attend to other operational matters, the co-ordination of support services at the scene must be delegated to another officer with scene examination experience and who is involved in the investigation".

This begs the question of, "What happens if the police officers at the scene have no experience or training in scene examination?".

Paragraph 4

Entitled "Scene Examination" outlines having the scene properly examined.

Paragraph 5

Entitled "Order of Priority of Support Services" outlines what services may be needed.

Paragraph 6

Entitled "Statement of Evidence" states;

"All persons entering the incident scene and named on scene log sheets, to submit statements of evidence detailing their duty at the scene".

There is nothing in this General Order to suggest when these statements of evidence should be completed and to whom they should be given.

There is no mention of a debriefing after leaving the scene or prior to termination of duty.

Paragraph 7

Entitled "Supervision of Prisoners/Suspects" outlines preserving and securing evidence on prisoners or suspects.

Paragraph 8

Entitled "Other Relevant Instructions" suggests further instructions, one being the Police Manual, Chapter 4 paragraphs 2(1) and 21, "Duties of first police at scenes of crime".

I will now examine Chapter 4 of the Police Manual entitled, "Detection of Crime" which indicates as follows:-

In April 1999, Para 2 of Chapter 4 was amended.

In 1997, at the time of the Hamill murder, para 2(1) stated,

i. "Scene Preservation and Examination".

Crime scenes properly preserved and expertly examined can yield vital evidence. It is therefore essential that police preserve and protect the scene of a crime by preventing unauthorised entry to it".

In April 1999, this paragraph had a sentence added in the middle and states;

i. "Scene Preservation and Examination".

Crime scenes properly preserved and expertly examined, can provide vital evidence. Forensic evidence may be lost. It is therefore essential that police preserve and protect the scene of a crime by preventing unauthorised entry to it".

I believe these paragraphs are self-explanatory.

Copy of Police Manual Chapter 4, para 2, dated November 1992 is attached to Part IV, Pages 239-240.

Copy of Police Manual Chapter 4, para 2, with amendment, dated April 1999 is attached to Part IV, Pages 241-242.

Paragraph 20 of Police Manual Chapter 4, is dated November 1990 and was amended in August 1998.

In November 1990, paragraph 20 entitled "Examination of the Scene" stated,

"The aim of the first police officer to arrive at the scene should be to exclude unauthorised persons and prevent any contamination of the scene".

It further stated,

"The greatest importance should be attached to the careful and systematic examination of the scene of a crime as soon as possible and to the accurate recording of all that is noticed. Nothing should be overlooked, as the most trifling details may afterwards prove invaluable. Every care should be taken lest careless handling should spoil traces of evidence".

In 1990 the instructions clearly outline preserving the evidence and avoiding contamination.

The amendment in August 1998 states,

"The primary duty of the first police officer at a scene must be the preservation of life. He should summon only such assistance as immediately required. Police should then withdraw, "seal off" and preserve the scene. This will mean sealing off the immediate area (incident scene) and if necessary a wider area (holding area)".

As can be seen, the 1998 amendment refers to preservation of life and includes "sealing off the area." These terms are not used in the 1990 contents.

Copy of Chapter 4, paragraphs 20 and 21, dated November 1990 is attached at Part IV, Pages 243-246.

Copy of Chapter 4, paragraphs 20 and 21, dated August 1998 is attached at Part IV, Pages 247-250.

In paragraph 2 of Chapter 4 of Police Manual dated November 1992, they refer the reader to Police Code Section 29, paras 28-32.

This referred to "Preservation of the Scene," but has been cancelled by General Order 12/94.

Copy of Code Section 29 paragraphs 28-32 is attached to Part IV, Pages 251-252.

As can be seen from instructions at the time and at present, emphasis is placed on preserving the scene and any evidence.

At a murder scene or major incident, it is clearly understood what one is dealing with and the area can be sealed, scene log started and agencies tasked.

Unfortunately there are no guidelines in force re a minor assault that may have medical complications and end up as a murder investigation.

AREAS B AND C ARE INTERLINKED AND THEREFORE WILL BE CONSIDERED TOGETHER.

Area B

THERE WAS NO IMMEDIATE ARREST STRATEGY, PARTICULARLY IN RELATION TO WAYNE LUNT.

Area C

THERE WAS NO GENERAL ARREST STRATEGY OF THOSE IDENTIFIED AT THE TIME AS BEING CONCERNED IN THE DISTURBANCE.

Taking into consideration accounts given by police officers and the contents of the reserved judgement of Lord Justice [REDACTED] it should be remembered that a riot was in progress during this incident.

The area now being examined is why no one was arrested at the time.

The Police Code Section 24, para 45 is entitled "Rioters to be made amenable" and states, "They (police) direct their attention to the arrest of the ringleaders and to the dispersal of their followers, as many as possible of whom should be identified at the time, and their names, acts and words noted immediately after the riot. It will depend upon the discretion and firmness of the officer in charge, the strength of his party and the several circumstances of the case, whether the rioters are to be arrested, or merely identified so that they may afterwards be brought to justice."

This enquiry has failed to establish if a list was drawn up of persons identified during the riot and if so, its whereabouts. According to Inspector McCrum, he gave an instruction to have a list of identified suspects drawn up but this is not accepted by any of the police officers as interviewed. What has been established is that suspects were identified in individual statements of evidence.

With regard to the initial arrest of Wayne Lunt by Constable^A PW1362, it would have to be stated that her actions were less than professional. Constable^A [REDACTED] whilst making mention of the arrest of Lunt

in her initial witness statement dated 27 April 1997, failed to make any mention of the fact that a male person approached her and gave information to the effect that Lunt was involved in the serious assault until interviewed by CID on 24 June 1997. In addition, the Constable took no steps to have Lunt properly interviewed at a later date for alleged assault on police (herself) and possession of an offensive weapon (a bottle). This area will be further commented on in a later part of these papers. It should be pointed out that specific reference is made with regards to the arrest of Wayne Lunt at Pages 25 and 26 of the reserved judgement by Lord Justice ██████████ in the Hobson trial.

Ex-D/Chief Inspector P39 ██████████ was the initial investigating officer with regards to the assault on Mr Hamill and D ██████████ on the 27 April 1997. The fact that she has declined to assist in this investigation has resulted in the area of an early arrest strategy not being fully explored.

In November 1991, General Order 105/91 C(c) entitled, "Major Investigation Incident Room Standardised Administrative Procedures" was issued.

This order outlined the MIRIAM system (Major Incident Room Indexing and Action Management) and the HOLMES System, (Home Office Large Major Enquiry System).

It explained the principle objectives of a Major Incident Room and identified and explained the functions within an incident room.

This General Order is relevant to the Hamill Enquiry as initially it was dealt with by means of the MIRIAM system, then, when Robert Hamill died, it was put on to the HOLMES system.

Para 4 of this Order outlines the functions of staff, the most important being:

1. Senior Investigating Officer.
2. Deputy.
3. Office Manager.

Great responsibility lies with the Office Manager. Para 4, sub para 3 states, "He must maintain a level of staff capable of carrying out all necessary administrative duties in the most efficient manner and ensure that all relevant information is made available to the Senior Investigating Officer to assist him in directing the enquiry. He must be constantly aware of developments in the investigation and ensure that the Senior Investigating Officer is kept up to date with all such developments."

The Office Manager must ensure that all actions which are raised during the course of the enquiry are "dealt with satisfactorily."

This General Order does not mention the keeping of a Policy Book but paragraph 2(e) states;

- (e) "To act as a means of historical reference so that in a long running enquiry, officers joining the investigation team can have easy reference to major policy decisions taken during the course of the enquiry."

Unfortunately the Policy Book in relation to Hamill, cannot be found, if in fact, one was ever commenced.

Copy of said General Order is attached at Part IV, Pages 253-259.

In December 1997, General Order 91/97 C(c) entitled, "Major Incident Policy Book" was issued.

Para 1, "Introduction" is extremely relevant to this present enquiry.

Para 1 states;

"A policy file will be maintained on all enquiries where a major incident room is established. This would include any instance in which a HOLMES system is established but may also include a manual system established to deal with any other complex or lengthy enquiry. The policy file is an important document due to its implications for the Court process and the accountability of Senior Investigating Officers (SIOs). It should be noted that the policy file is subject to procedures governing disclosure."

Para 2(a) states;

"When the HOLMES system is used to manage an investigation, the policy file must be included in the incident account."

Para 2(2) states;

"Each policy decision should be signed and dated by the officer making the decision."

Para 4 states;

"All briefing and conference notes should be recorded on HOLMES system during an enquiry in the same manner as the policy file."

Unfortunately the Senior Investigating Officer, Mr McBurney, and his deputy, D/Chief Inspector P39 have both retired.

D/Inspector Irwin is the sole supervisor remaining and cannot account for the whereabouts of the policy file.

Copy of said General Order is attached at Part IV, Pages 260-266.

D/Inspector Irwin also indicated that he volunteered to assist D/Chief Inspector P39 raise action sheets. He stated that he undertook this role on his own initiative, some 38½ hours after the initial assault had taken place to assist his superiors. He also indicated that he was not involved in any policy decision regarding early arrests of identified suspects.

On the 6 May 1997, 3 persons, namely a Stacey Bridgett, Dean Forbes and [REDACTED] were arrested and interviewed with regard to the alleged assault. D/Inspector Irwin indicated that between the 2-5 May 1997, he had been on annual leave and played no active role in the policy decision with regards to their arrests. There is also a suggestion that on the 6 May 1997 Wayne Lunt was also to be arrested but this was not done due to resource shortage.

An examination of D/Inspector Irwin's journal and notebook entries indicate that conferences did take place with regard to the initial assault investigation. As to what decisions were arrived at during these conferences, the D/Inspector indicated that he cannot remember and in his statement he states, "I would suggest that the appointed SIO and Deputy (ex D/Chief Inspector P39) are best positioned to answer the key questions as to decisions made which determined the course of the investigation".

In order for the area of an early arrest strategy to be examined there would be the need for ex D/Chief Inspector P39 to assist with this investigation.

AREA D - NO CONSIDERATION WAS GIVEN AS TO THE SEIZURE OF SUSPECT'S CLOTHING FOR THE PURPOSE OF FORENSIC EXAMINATION.

This area is closely related to the area of an early arrest strategy and also to the area that no proper debriefing of officers who attended at the scene took. The latter area will be further covered as these papers progress.

Without being able to establish decisions made which determined the course of the initial assault investigation this particular area cannot fully be explored.

One might conclude that if there is no arrest strategy then there was no strategy for obtaining forensic evidence.

AREA E - NO ATTEMPT WAS MADE TO GATHER DEBRIS (BROKEN BOTTLES, GLASS, ETC) AT THE SCENE.

I would refer to matters already outlined in Area A with regard to this matter.

Police at the initial assault scene tended to the injured and removed glass away from the victims to prevent injury to the victims and possibly injuries to themselves.

It is open to question how the police could have foreseen the relevance of pieces of glass around the victims and how serious the injuries to Robert Hamill were. It is easy to consider these matters with the benefit of hindsight.

A possible criticism could be that had a complete debriefing taken place by the Duty Inspector or Duty Sergeant at the scene of this incident, the glass which had been removed from around Mr Hamill's head may have been recovered. The subject of debriefing will be discussed later. In saying this however, what has to be considered is the situation police were confronted with, ie, having to separate two rival factions. In effect, the glass quite possibly could have been kicked away by the crowd.

I would point out that in March 1999, General Order 16/99 C(c) entitled, "Guidelines for the Collection of Evidence in Incidents where glass has been broken" was issued.

It outlines guidelines for the collection of evidence in incidents where glass has been broken. Copy of same is attached at Part IV, Pages 267-268.

AREA F - THERE WAS NO PROPER DEBRIEFING OF OFFICERS WHO HAD ATTENDED THE DISTURBANCE.

In the Police Manual on Public Order, paragraph 12.8 states -

"As soon as circumstances permit all members involved in the operation should return to the base station to undergo a thorough debrief".

Paragraph 12.9 states -

"Plans should be formulated to identify, arrest and prosecute those persons who were involved in any criminal activities and to collate details for criminal injury claims".

Paragraph 20.7 is titled "Debriefing" and states -

"Effective debriefing at the end of an operation is just as important as the briefing before it". Debriefing can be described as being in three different stages:-

- a. By supervising officers at the scene of the incident whilst the details are still fresh in the mind.
- b. Immediately after the event and before dispersal of personnel engaged in the operation.
- c. A post incident enquiry may be held.

A criticism of the Hamill incident would be that no debriefing appears to have taken place.

The initial officers at the scene who were retained on duty for Public Order duties were stood down and allowed to go.

On discovering the seriousness of Robert Hamill's condition, they were recalled to make statements of evidence.

Regardless of the assault, I believe the members stood down should have firstly been debriefed by a supervisor re the assault and riot and detailed to prepare statements prior to terminating duty.

The Supervisor on duty would then have been fully apprised of the situation and been in a position to brief CID and his authorities when required.

Copy of the Police Manual on Public order is attached at Part IV, Pages 269-283.

Debriefing is essential and is covered in the IIRMAC Briefing/Debriefing Pack which is the standard briefing system used in the Police Service. IIRMAC stands for - INFORMATION, INTENTION, RISK, METHOD, ADMINISTRATION AND COMMUNICATIONS.

Page 18 of this Pack outlines the importance of effective debriefing.

They are the same 3 points as already outlined and contained in the Police Manual on Public Order.

Copy of IIRMAC Briefing/Debriefing Pack is attached at Part IV, Pages 284-305.

The Police Manual, Chapter 3, paragraph 9, is titled "Debriefing" and states -
"Prior to terminating duty, Constables will be debriefed by their supervising Sergeants/Inspectors. All incidents and occurrences, particularly those of an unusual nature, will be discussed and records will be completed".

Copy of Police Manual Chapter 3, paragraph 9, is attached at Part IV, Pages 306-307.

The senior supervising officer at the initial assault scene of Mr Hamill and D was Inspector McCrum. The assault occurred at 1.50 am and enquiries have established that Inspector McCrum accompanied by ex Sergeant P89 arrived at the scene some time after 2.10am.

At this point, Inspector McCrum directed police on the ground to separate the two rival factions which was complied with.

The exact extent of Inspector McCrum's debriefing at the scene is not clear but what is known is that at 2.30 am, he left the scene and drove the 10.9 miles to Banbridge Police Station on supervision duties. The Occurrence Book at Banbridge was signed by the Inspector at 3.10 am.

It would appear that Inspector McCrum played no active role in debriefing members under his control at the scene after the incident. In fairness to the Inspector, he indicated that he felt this was the responsibility of CID, however, as the Duty Inspector it could be reasonably suggested that he should have exercised more leadership guidance and control over those officers under his command.

Further criticisms of the lack of debriefings are as follows:-

According to Inspector McCrum he spent most of his time collecting information on the incident for release to the Press Office. Criticism with regard to various press releases have already been dealt with as per attached papers at Part IV , Pages 308-312.

It is suggested that proper initial debriefing could have prevented this.

An examination of the Occurrence Book at Portadown for 27 April 1997 shows that Constable^A made entries with regard to the arrest of Wayne Lunt after she had been assaulted. See Folder 3, Part 25. Proper debriefing would have highlighted this and ensured that appropriate follow-up action was taken.

An examination of notebook entries in respect of Constable^A and ex-Sergeant P89 shows that their recorded events for 27 April 1997 are out of sequence.

Ex-Sergeant P89 has decided not to assist with this investigation.

Constable^A has already been interviewed regarding this area. It would appear that debriefing and effective supervision could have prevented this.

In April 1999, General Order 31/99 C(c) entitled "Template for Copying Notebook Entries - Form 38/67" was issued. This was to standardise the submission of notebook entries which should properly deal with such matters in the future. Copy attached at Part IV, Pages 313-314.

AREA G - VALUABLE FORENSIC AND IDENTIFICATION EVIDENCE WAS THEREFORE LOST.

This area is closely linked with scene preservation, early arrest of suspects and lack of a debriefing.

It is impossible to be precise in stating if valuable forensic evidence was lost prior to 7.27am. It is also impossible to indicate the precise position regarding identification evidence. This assumption is based on the following points:-

1. Serious public disorder took place both before and after the assault on Mr Hamill and Mr D. This resulted in various persons and police moving in and out of the scene. This action was necessary to render first aid to both persons and separate rival factions. It is therefore possible that valuable evidence was already displaced by these actions prior to 7.27am.
2. Whilst the scene was not properly secured until 7.27 am, evidence exists which indicates that there was a police presence at the scene (statements of Mr Robinson, Craigavon Borough Council and D/Constable Keys refer), from 4.30am onwards when Robert Hamill's medical condition had been established.
3. The scene was examined after it had been sealed by D/Constable Keys and various exhibits collected.
4. With regard to the early arrest of suspects and identification evidence, without being able to ascertain from ex-D/C/Inspector P39 decisions made which determined the course of the investigation, this area cannot properly be explored. It should however be noted that when Stacey Bridgett was arrested on 6 May 1997, clothes seized from him, forensically linked his clothing to Robert Hamill's clothing through blood.

SUMMARY OF EVENTS

The junction of Thomas Street and Market Street, Portadown is described by local police as a "flash point" and is recognised as being a potential trouble spot. It forms a crossroads where the two communities cross each others paths when returning from their weekend evening entertainment.

To police Portadown Town Centre, additional resources are detailed to carry out public order duties at weekends. In essence, four officers from the late duty turn were detailed overtime to perform public order duties on the evening 26/27 April 1997. These officers have already been identified in these papers. Two of the Reserve Constables have since retired from the Service and are therefore no longer subject to disciplinary regulations. They have declined to assist in this investigation.

Constable Alan Neill was the driver of the police landrover and he has been interviewed in connection with this disciplinary investigation.

The three R/Constables, namely, Atkinson, P40, and Cornett (nee [REDACTED]) have been notified officially and in writing that no action is to be taken against them with regards to the previous investigation by Ex-D/Chief Superintendent McBurney.

With regard to Constable Neill and the enquiry as conducted by Ex-D/Chief Superintendent McBurney, the Police Ombudsman's Office is currently considering recommendations.

The assault on Robert Hamill and his friend, Mr D , occurred at 1.50am on 27 April 1997. The situation at Portadown Town Centre has already been described by Lord Justice [REDACTED] as a "violent incident".

At the initial stages and immediately after the assault, police ie the four officers in the landrover crew, were heavily outnumbered by the crowds present. The police present called for further assistance and concentrated on separating the two rival factions.

An examination of transcripts of the uniformed officers at the scene who were interviewed for this investigation, indicate that fighting on a large scale was taking place. Even with the arrival of additional resources, the police on the ground were heavily outnumbered. At page 23 of Lord Justice [REDACTED] reserved judgement in the Hobson case, he commented as follows, "It appears that once the police did intervene, they acted resolutely and were able to keep the Loyalist crowd away from the two men on the ground and to prevent any further serious injury. The Nationalists were heavily outnumbered by the Loyalist crowd and it was only the presence and intervention of the police that could have been responsible for the prevention of further attack upon them".

At this point, the reader may find it useful to consult the time chart attached to these papers whilst reading further.

An indication of how concerned police were and the behaviour of the crowd is highlighted in that at or about 2am on 27 April 1997, consideration was given to the use of FRGs and plastic bullets to control events. It should however be pointed out that plastic bullets were not discharged at this incident.

An examination of the transcripts of those officers interviewed during this investigation indicate that police at the scene were aware that two persons had been injured and were taken away by ambulance. R/Constable Silcock, R13583, administered assistance to Robert Hamill and D . He removed glass away from Robert Hamill to prevent further injury being caused to him and moved him into the recovery position. He protected Robert Hamill from the aggressive crowd until he was taken away by ambulance.

Enquiries have established that Robert Hamill arrived at Craigavon Area Hospital at 2.09am and was mechanically ventilated. It would be fair to assume that Robert Hamill left the assault scene by ambulance at or shortly before 2.05am.

It appears that when Robert Hamill left the scene by ambulance, no one knew how serious the injuries to him were. A question mark arises as to how any police officer could have foreseen the relevance of pieces of glass around Mr Hamill at this early stage.

Constable A arrived at the scene of this incident at or about 2am and her initial witness statement dated 27 April 1997 outlined how and why she arrested and subsequently released a person now identified as Wayne Lunt. The transcript of police radio communications for the 27 April 1997 indicate that Wayne Lunt was released from the rear of the police landrover at 2.05am. After his release, Constable A assisted other police with the disorderly crowd.

At the direction of Inspector McCrum, the Loyalist crowd was pushed out of the Town Centre and beyond the town barriers convenient to St Mark's Church. It should be noted that Portadown Town Centre is sealed off at night by security barriers. Vehicular access to the town is via Edward Street where an entry barrier to the Town Centre is controlled by police.

Additional mobile support assistance arrived and assisted local police in keeping the Town Centre clear and ensuring that the Loyalist faction was not allowed to re-enter the town. The additional mobile support unit Sergeants were briefed as to their duties by Inspector McCrum upon arrival in the Town Centre.

At this time (2.30am approximately), six police vehicles, two ambulances, two rival factions and police officers had been through the actual area in which Robert Hamill had been assaulted. It is therefore not unreasonable to suggest that valuable forensic evidence may have already been lost or disturbed. It is difficult to attribute fault or blame to any specific police officer in respect of this. Quite simply, police had to position vehicles and move different factions through and away from the scene to prevent further trouble.

At 2.30am, Inspector McCrum left Portadown Town Centre and went to Banbridge Police Station on routine supervision duties. At this stage, and as previously stated, no one knew how serious the injuries to Robert Hamill were. It would appear that the assault initially was being treated as just another unfortunate but regular occurrence in most Town Centres at weekends. A scene is not normally maintained or taped off for these incidents.

A criticism could be directed at Inspector McCrum in that instead of leaving the scene area, he should have concentrated on actively debriefing his party, appointing an officer to deal with the assault and considered making arrests. On hindsight, this should have been the action taken, however, Inspector McCrum has stated that he had insufficient resources to make arrests.

Once the rival factions had been separated, a degree of normality returned to the Town Centre and police resumed normal patrol duties. At 0245 hours, Sergeant P89 and R/Constable Silcock went to Craigavon Area Hospital to enquire as to the condition of both injured parties ie Mr Hamill and Mr^D. According to Inspector McCrum, he had previously instructed Sergeant P89 to establish the condition of both persons. As Sergeant P89 has declined to assist in this enquiry, this cannot be corroborated.

At Craigavon Area Hospital Sergeant P89 and R/Constable Silcock were subjected to abuse by a male person and subsequently left the hospital. The enquiry file submitted by Ex-D/Chief Superintendent McBurney identifies the person believed to have been involved in the confrontation as a Colin Hull. Considering all the circumstances, this was probably the right thing to do ie withdraw and prevent any further conflict or disturbance in a busy and very important area of the hospital.

What has not been established is what Sergeant P89 was told, if anything, with regards to the then condition of Robert Hamill. An interview with Sergeant P89 is the only possible way of attempting to clarify this point. It is however fair to presume that had he obtained any relevant information at the hospital, that he would have relayed this to Communications at Portadown Station. An examination of police radio transmissions for 27 April 1997, shows no record of Sergeant P89

communicating any message with reference to the then condition of Robert Hamill.

At 2.45am, Constables ^A and Orr were tasked to attend a road traffic accident at Bridge Street, Portadown. One of the drivers at the scene tested positive for alcohol consumption and was conveyed back to Portadown Police Station by Sergeant P89 who, according to his statement made for the accident file, was at the scene of the accident at 3.00am. He also stated that he conveyed a Mr [REDACTED] to Portadown Station at 3.07am. It should be noted that his notebook entry (Folder 13, Part 6) states that he conveyed Mr [REDACTED] to Portadown RUC Station at 3.17am. Criticism of his record keeping will be alluded to later in this report. See Part IV, Pages 315-346. A second driver was injured and conveyed to Craigavon Area Hospital. In effect from 3.15am, Sergeant P89 was non-operational and confined to Portadown Police Station to deal with the drunk-in-charge procedure. Prior to attending this accident at 3.00am, Sergeant P89 reported to the Communications Room that the Town Centre was quiet. An examination of the transcript of police radio transmissions for the 27 April 1997 show that at 2.56am, the Mobile Support Units asked for and received instructions to stand-down from duty from Sergeant P89

An important point in this transcript is that at 2.56am, the words, "Roger, lay a tape" are made. Initially the enquiry team focused on this to establish if instructions had been given to tape off the scene of the assault on Robert Hamill at that time. As can be seen from the statements of D/Sergeant [REDACTED] and Constable Godly, Communications Portadown, the actual words of "Roger lay a tape" should have read, "I'll relay this to him". Having listened to the tape I agree that the account as given by Constable Godley is correct.

At 3.10 pm Inspector McCrum signed the occurrence book at Banbridge Police Station.

At 3.15 am Constable Cooke, Constable ^A and Constable Orr were at Portadown Police Station.

At 3.30 am R/Constable Warnock returned the FRG and availed of his meal break.

Between 3.45am and 4.15am, the public order crew of Constable Neill, R/Constables P40 , Cornett [REDACTED] and Atkinson terminated duty.

At their termination of duty, it is clear that no officer had been appointed to deal with the previous alleged assault on Mr Hamill and ^D . In addition, all four officers terminated duty without having been debriefed by any supervising officer, namely Inspector McCrum or Sergeant P89

In fairness to Sergeant P89 he was dealing with a prisoner regarding the road traffic accident and it is quite possible that Inspector McCrum had not returned from Banbridge. In any event, Inspector McCrum could be criticised for not debriefing these officers prior to their termination of duty.

At or about 4.00am Inspector McCrum was informed by a Doctor in the intensive care at Craigavon Area Hospital that Robert Hamill had sustained serious head injuries which may be life threatening and he was being transferred to the Neurological Department of the Royal Victoria Hospital, Belfast. Inspector McCrum has no recorded note of the name of the Doctor to whom he spoke nor any other specific details of this conversation.

On receipt of this information, Inspector McCrum contacted D/Constable Keys, the call-out Detective, and briefed him regarding the assault. It is important to note that at this time the D/Constable was at home and had not been on duty at the time of the alleged incident. The purpose of the call-out duty system is to ensure that in the event of a serious incident, Detective experience can be called upon.

On receipt of this call D/Constable Keys placed himself on duty and drove to Portadown Police Station.

According to Inspector McCrum's journal entry, he instructed Constable Cooke, on consultation with other section members, to draw up a list of identified suspects at the initial assault incident, and further instructed Constables Cooke and Orr to attend the Casualty Department at Craigavon Hospital and obtain the clothing from both injured parties.

These instructions are disputed by both Constables Cooke and Orr. Constable Cooke indicated that he received no instruction from Inspector McCrum to draw up a list of suspects but that he did in fact go one step further by identifying suspects in a statement of evidence which he prepared prior to terminating duty. According to Constable Cooke he did not liaise with other section members thus ensuring that it could not be construed that officers had conspired to manufacture evidence regarding certain suspects identified.

Constables Cooke and Orr both deny being instructed to attend Craigavon Hospital and obtain clothing in respect of Mr Hamill and D . It should be noted that in fact Constable Orr, up until 6.00 am, was still actively dealing with the injury road traffic accident.

It is not clear what actual duties were performed by Inspector McCrum between 4.00 am and 5.30 am when D/Constable Keys arrived at Portadown Police Station. Inspector McCrum has stated that he gave instructions to have the scene secured. He believes he gave these instructions to Constable Godley the communications officer but cannot be sure. He has accepted that he did not revisit the actual assault scene. On "hindsight" and in view of the information obtained from the hospital with regards to Robert Hamill, the Inspector is open to criticism for lack of leadership in not taking a more "hands on" approach from 4.00am onwards.

At 5.30 am, D/Constable Keys arrived at Portadown Police Station and received a further briefing from Inspector McCrum. It is a fair comment that at 5.30 am D/Constable Keys automatically faced "an uphill struggle." In essence, persons then present were not in a position to fully brief him on all relevant and salient facts surrounding the initial incident.

D/Constable Keys walked the short distance from the Police Station into Portadown town centre accompanied by Constable Cooke. According to D/Constable Keys, there was a police presence in the town centre but he cannot recall if a police vehicle was actually present.

This account is corroborated by the two Craigavon Borough Street Council workers who were instructed by Constable Orr to avoid cleaning the area where the alleged assault had taken place. In addition, Mr Robinson indicated in his witness statement that he recalled observing orange coloured tape but cannot indicate it's exact position.

These two accounts support Inspector McCrum to the extent that at or about 4.30 am, police were present in the town centre albeit that the scene was not properly secured by means of white tape. In fact, D/Constable Keys

could not establish the exact position/location of the alleged scene when he arrived. This was because the four officers who could have identified the actual scene had terminated duty. This is another area where Inspector McCrum and Sergeant P89 could be criticised. Had a debriefing taken place at the scene after the incident or prior to the members terminating duty, this difficulty may have been alleviated.

D/Constable Keys, being unable to identify an actual scene, returned to Portadown Police station in order to attempt to establish more detailed information to allow him to commence enquiries. Prior to leaving the scene, other police were present in the town centre and they were instructed not to allow any persons/vehicle through the scene. In addition, the town barriers remained closed at that point in time.

During the interview of D/Constable Key with regards to this enquiry, he indicated that when he first visited the alleged scene, he could not be sure that it had not been contaminated. I feel this is a fair comment by the D/Constable. I also feel that he acted correctly in returning to the Police Station initially to establish more details.

D/Constable Keys asked Inspector McCrum to make contact with the four members initially at the scene and recall them to duty for the purposes of making witness statements. This was complied with and the members were contacted per telephone at their homes.

D/Constable Keys also requested, via Inspector McCrum, that all members who attended the scene provide witness statements. On a time scale estimate this would have been at or about 6.00 am. At that time, Inspector McCrum and Sergeant P89 were free from all other tasks and were acting as supervisors for uniform personnel under their control. D/Constable Keys was allocated an additional task from Banbridge Police regarding an unrelated assault with the injured party then at Craigavon Area Hospital.

It is clear that both Inspector McCrum and Sergeant P89 examined various police issue batons as produced to them but a question mark arises as to the amount of supervision they rendered with regards to the completion of witness statements by members under their command. It should be pointed out that neither Inspector McCrum nor Sergeant P89 completed their statements regarding the events of 27 April 1997 until 7 May 1997.

D/Constable Keys, by talking to members at the scene of the initial assault, obtained further information and as a result contacted D/Chief Inspector P39 (the senior duty Detective) and asked her to attend regarding the alleged events. D/Chief Inspector P39 attended Portadown Police Station at 7.15 am and walked to the scene with D/Constable Keys.

At 7.27 am, the scene was secured by means of tape and a scene log was commenced by Constables Orr and A. At 6.00am, Constables Orr and A were at Craigavon Area Hospital completing the drink driving procedure in relation to the earlier road traffic accident. It is difficult to indicate if in fact they had any debriefing prior to 7.27 am by any supervising officer regarding the initial assault on Mr Hamill and D.

After the scene was secured, D/Chief Inspector A and D/Constable Keys commenced enquiries and called at [REDACTED] (Hamill household) and [REDACTED] (DEF household) in an attempt to obtain the clothing of both the injured parties.

The uniformed officers were completing relevant witness statements at

Portadown Police Station but it would appear that no supervising officer co-ordinated a formal debriefing and collection of these statements. It would seem that the uniform supervisors ie Inspector McCrum and Sergeant P89, believed that the investigation of the assault now rested solely with CID.

In hindsight, Inspector McCrum should have concentrated more on debriefing those under his command thus ensuring that all relevant witness statements were completed.

At 8.00 am, Constables Orr and A terminated their duties at the scene and returned to the police station.

At 8.15 am, Inspector McCrum and Sergeant P89 terminated duty. What this in fact meant was that officers under their command were still at the police station completing important witness statements without a debriefing, without co-ordination or supervision. Again it is assumed that the uniform supervisors left the matter for CID, taking no active part in supervision. Taking into account that both D/C/Inspector P39 and D/Constable Keys were involved in attempting to complete initial enquiries, I feel that Inspector McCrum is open to criticism for not taking a more active leadership role by supervising and assisting those uniform members under his command.

This area of supervision is further highlighted with regard to the previous arrest of Wayne Lunt by Constable A. At 5.20am, Constable A made an entry in the Occurrence Book regarding being injured on duty by Wayne Lunt. In addition, Constable A completed the Occurrence Book with regard to the investigation of the road traffic accident. Constable Halley then completed her witness statement regarding the alleged assault of Mr Hamill, and the arrest of Wayne Lunt (after 8.00 am). All of these entries were countersigned by Sergeant P89 - supervising officer.

In the statement made by Constable A on 27 April 1997, no mention was made regarding comments made to her by a male person when she was releasing Wayne Lunt from the landrover, ie that Lunt was the person responsible for the assault on Robert Hamill. This information was only made available by Constable A when further interviewed by CID on 24 June 1997. In addition, a further question mark arises as to when Constable A completed her notebook entry for events on 27 April 1997.

During initial enquiries, a copy of Constable A's notebook entry as submitted for the investigation file submitted by Ex-D/C/Superintendent McBurney and D/Inspector Irwin, was obtained from Armagh. An examination resulted in the original notebook being obtained. An examination of the original notebook showed that the order of events for 27 April 1997 as recorded by Constable A were out of sequence.

Comment with regard to the arrest of Wayne Lunt by Constable A was made by Lord Justice [REDACTED] in his reserved judgement of the Hobson trial on 17 November 1999. It has to be stated that Constable A actions with regard to the arrest of Wayne Lunt, the completion of important witness statements and the fact that she took no positive action to process or officially report Wayne Lunt at a later date after his arrest are less than professional.

In saying this however, it is clear that on 27 April 1997, the Constable had a very busy duty turn. In the first instance, she reacted to a violent situation in the town centre. Almost immediately, the Constable had to deal with a three vehicle injury road traffic accident. Two of the parties had to be

processed for the drink driving procedure. Records indicate that at 6.00 am, Constable A was still actively involved in the accident investigation. Records also indicate (injury on duty report of Constable A in C6 refers. See Folder 3, Part 25) that when Constable A returned to Portadown Station, she was injured and limping. In essence, it appears no support by means of supervision was facilitated for the Constable. It would have to be suggested that a hands-on approach by the supervising Inspector and Sergeant could have prevented shortfalls in the completion of statements and notebook entries.

It also has to be pointed out that an examination of Ex-Sergeant P89's notebook entry for 27 April 1997, shows that it is also out of sequence with regard to events. An examination of this notebook begs the question of when it was completed and could be best described as less than professional. In fact, it is a shambles. This area cannot fully be covered without an interview with Sergeant P89. Again the duty Inspector is open to criticism with regard to supervision in this regard.

The witness statements as completed by uniform officers on duty would appear either to have been left in the CID office or in the Communications Room. After the scene was examined by outside agencies, ie Scenes of Crime and Photography Branch, the statements were collected by D/C/Inspector P39 and D/Constable Keys. These statements did contain details of suspects allegedly involved in the initial assault.

What cannot be answered is why the early arrest of certain suspects was not considered or carried out. The only way that this could be explored is by an interview with Ex-D/C/Inspector P39. Such an interview would be necessary to establish the decisions made which determined the course of the investigation.

Also, with regard to enquiries conducted from 27 April 1997 to 6 May 1997, when three persons were arrested with regard to the assault on Robert Hamill, an interview of Ex-D/C/Inspector P39 would again be required to establish the decisions made which led up to the arrest of these individuals.

The interview of D/Inspector Irwin has failed to gain any constructive information with regard to decisions taken by Ex-D/C/Inspector P39. In addition, no policy document with regard to decisions taken in the initial investigation can be located and the journal of Ex-D/C/Inspector P39, covering the relevant dates cannot be found.

As previously outlined, this enquiry has addressed alleged disciplinary matters which occurred some four years ago. The passage of time has resulted in some of the police officers as interviewed, being unable to fully recall all salient points. Considering all the circumstances, this is understandable. In addition, four officers have since retired from the Service and are therefore no longer subject to disciplinary regulations. They have not assisted with this enquiry. As a result, certain areas as previously outlined cannot be fully examined.

In essence, the passage of time makes it difficult to make formal recommendations with regard to disciplinary charges against any individual police officer. In addition to this, any disciplinary charges would be strongly contested in keeping with the Merrill judgement.

In hindsight it is easy to identify faults and level criticism. However, Inspector McCrum as the senior officer on duty, appears to have taken an insufficient hands-on approach to the incident. This could also be stated in

respect of Ex-Sergeant ^{P89} . It would appear that neither supervisor took responsibility for the actions of officers under their control. A clear failure of leadership.

With regard to Constable ^A , her actions concerning Wayne Lunt, were less than professional but have to be balanced against all the facts, ie the public disorder situation and lack of supervision. Constable A 's notebook entry also has to be described as less than satisfactory.

With regard to scene preservation and loss of possible evidence, it is difficult to level fault or blame towards any individual. The first priority of police at the scene would have been to protect life, render assistance to those injured and disperse the rival factions. This was done and the physical numbers of police vehicles, ambulances, police and rival factions meant that the scene was contaminated at a very early stage. Possible evidence may have been lost but the prevailing circumstances that police had to deal with could not have prevented this.

Once it had been established that Robert Hamill's injuries may have been life threatening, steps were taken to have the scene secured and preserved at or around 4.30 am. The scene was however not formally taped off until 7.27 am by CID when the gravity of the situation was recognised. Again lack of initial supervision is at fault.

Early arrest of suspects and completion of statements and notebook entries was possibly the result of lack of supervision or directions given by supervisors. It was D/Constable Keys who actually had to request the Duty Inspector to recall members to duty. It would appear that Inspector McCrum took no active part in any debriefing nor gave any advice, assistance or directions to those under his command.

The early seizure of clothing for forensic and identification purposes cannot fully be commented upon due to the fact that Ex-D/C/Inspector ^{P39} is unavailable to answer relevant questions. It should be noted that on 6 May 1997, a Stacey Bridgett, via blood, was forensically linked to Robert Hamill.

Owing to the following:-

- . the fact that the Policy Book with regard to the initial assault investigation has not been located (if in fact one was started/completed) outlining the direction and decisions made in the investigation;
- . the fact that Ex-D/C/Inspector ^{P39} 's journal entries are not available;
- . the fact the Ex-D/C/Inspector ^{P39} has declined to assist in this enquiry;

it cannot be fully established what evidence may or may not have been lost by the delay in the early arrests of suspects and seizure of suspects' clothing.

ADDITIONAL INFORMATION:

Additional
Information for
consideration
by DCC

Recommendations
quoting disciplinary
offence

RECOMMENDATIONS:

It is of importance that fundamental mistakes identified in the initial assault investigation of Robert Hamill do not occur again.

The four main areas open to criticism are:

1. Lack of supervision.
2. Failure to properly and constructively debrief police personnel on duty.
3. Failure to maintain recorded policy on decisions made which determine the course of the investigation.
4. Failure to complete proper records i.e. notebooks and statements.

In relation to Point 1 "lack of supervision", this matter is covered in the Police Manual which outlines the responsibilities of individual ranks. Failure to properly supervise was the responsibility of two individuals namely Inspector McCrum and Ex-Sergeant P89

Without an interview of Ex-Sergeant P89 it cannot be fully established his exact role in this matter. It could therefore be construed as unfair to level all the responsibility on Inspector McCrum.

In relation to Point 2 "failure to debrief", this matter is covered in Police Manual Chapter 3, in the Police Manual on Public Order, Para 12.8 and in the IIRMAC Briefing/Debriefing Pack.

A criticism of the Hamill incident is that no debriefing took place. Failure to properly debrief appears to be purely down to three individuals namely Inspector McCrum, Ex-Sergeant P89 and Ex-D/Chief Inspector P39

Without an interview of Ex-Sergeant P89 and Ex-D/Chief Inspector P39 it cannot be fully established as to their exact role in the matter.

It must be said however, that a failure to both properly supervise and carry out an effective debrief, clearly demonstrates a lack of leadership during the initial management of this incident by the supervisors involved.

In relation to Point 3 "failure to maintain recorded policy", this is now covered in newly issued organisational instructions.

In April 2001, General Order 23/2001 entitled, "Major Crime Investigations" was issued. It comprehensively outlines the requirements of the McPherson Report, the ACPO Murder Manual, Major Incident Room Standardised Administrative Procedures (MIRSAP) Manual, HMIC Report "Policing London (2000)" and ACPO Crime Committee guidelines relating to the role of Chief Officers in murder/major crime investigations. Part IV, Pages 347-362 refer.

Point 4 "Failure to complete proper records re notebooks and statements" is covered in the Police Manual.

General Order 94/98 A(e) is entitled, "Official Issue Notebooks - Issue and Accounting Procedures". Part IV, Pages 363-366.

This Order refers to the accountability of issuing and retaining of completed notebooks but does not include journals.

title (eg
Criminal Conduct,
Discreditable
Conduct) and
outlining respective
incident/

behaviour

NB: Charges
formulated

Internal
Investigation
Branch

General Order 31/99 C(c) is entitled, "Template for Copying Notebook Entries - Form 38/67".

This Order standardises the submission of notebook entries submitted in criminal and civil cases.

It should be remembered that in the Hamill case, the failure to complete proper records may again be a supervision problem ie Inspector McCrum and Ex-Sergeant P89

The Supervisors should have ensured notebooks were completed properly and statements prepared expeditiously, using the evidence in their respective notebooks to complete same.

General Orders at the time and at present, appear to be sufficient to cover all aspects of crime investigation. Any failure at the scene would appear to be purely down to lack of supervision and leadership

In saying this, it has to be recognised that this internal disciplinary investigation commenced four years after the date of the alleged incident. The Enquiry Team therefore had the benefit of "hindsight".

In addition, with the passage of time, some officers as interviewed have been unable to fully recall events and others have not assisted with this enquiry.

The actual scene of the initial assault on Robert Hamill was not secured until 7.27am (some five hours 37 minutes after the incident) and this has resulted in criticism of police action. In saying this, two points have to be noted.

1. At and after the assault ie 1.50am, six police vehicles, two ambulances, ambulance crews, police officers and rival factions had been through this scene on numerous occasions before police brought a violent situation under control. It is therefore reasonable to conclude that a lot of possible valuable forensic evidence was displaced at an early stage and in circumstances which police had no control over.
2. At or about 4am when the condition of Robert Hamill was established, police were present at the scene. The criticism here is that lack of adequate supervision and leadership failed to promote the investigation adequately.

I recommend as follows:-

- A. Current General Orders as outlined in this report on scene management, briefing and debriefing, securing of records, recording of policy directions, statements and notebook entries should be re-circulated to District Commanders. General Order 42/2001(cc) entitled "Introduction of Decision Logs and Use of Current Situation Reports in Major Crime Investigation" covers the adoption of Decision Logs in the investigation of serious crime. Part IV, Pages 367-377 refer.
- B. That District Commanders highlight the importance of these instructions to those officers under their control.
- C. Whilst residential training courses for Senior Investigation Officers are undertaken with regards to Criminal Investigations and Scene Management, there is a need to relate such expertise to officers on the ground who are likely to be the first officers attending such scenes. In consequence, District Schools of Instruction should be organised and

streamlined with an input from SOCO and qualified SIOs. This is an area which should be referred to Training Branch to be addressed.

- D. Relevant General Orders and other Service Instructions, need to emphasise the importance of immediate completion of notebook entries following a serious incident. Supervising Officers have a responsibility to ensure that this is complied with. This should alleviate the problems encountered during this enquiry i.e. the notebook entries of ex-Sergeant P89 and Constable A
- E. One anticipates the re-writing of the Police Manual, Code and General Orders in light of recent fundamental changes in the Police Service. An opportunity would therefore appear to present itself whereby the areas of criticism identified in this report could be readily addressed.
- F. The current standard of training of recruits should incorporate an appropriate level of knowledge regarding crime scenes, completion of records and rules of evidence.
- G. During this investigation, the Enquiry Team was unable to locate and secure the journal of an ex-member. Legal advice (see Part IV, Pages 377-378), indicates that journals remain the property of the Chief Constable and that if required in connection with a criminal investigation and the relevant ex-member fails or refuses to hand the journal over, then a search warrant may be obtained. I am aware of staff from The Police Ombudsman's Office having to obtain such a warrant recently. With the high number of senior officers presently retiring under The Severance Scheme, this difficulty is likely to be encountered again.

I recommend that all applicable members, upon leaving the organisation, be asked to surrender their journals and that some form of accounting procedure be implemented to ensure their confidential safekeeping.

I suspect that there may be some resistance to this suggestion given that unlike notebooks, journals contain more than just evidence, they often contain details of confidential dealings or conversations. However, without some form of retention policy in place, the organisation is likely to be placed in the embarrassing situation of being unable to locate and/or secure official documentation which is required to ensure effective criminal and/or disciplinary/conduct investigations.

As outlined in these papers, Inspector McCrum and Constable A have been identified as being somewhat remiss in their professionalism. A decision as to what disciplinary action should be taken must however be balanced against the passage of time, the Merrill Judgement and the fact that retired members, including other supervisors, have not assisted in this investigation.

However, while I do not recommend formal disciplinary action for the reasons just outlined, I feel that the conduct of Inspector McCrum and Constable^A is sufficiently serious to warrant informal discipline. I therefore recommend as follows:-

Inspector Alan George McCrum, 16742, Craigavon DCU

To receive Admonishment with Record regarding his lack of supervision, poor scene management and failure to brief/debrief in connection with the fatal assault on Mr Hamill and the assault on Mr D on 27 April 1997 at Portadown.

Constable^A , PW1362, Craigavon DCU

To receive Admonishment with Record regarding her poor record/notebook keeping, poor file/report management and the omission of important evidence from her initial statement in relation to the fatal assault on Mr Hamill and the assault on Mr D on 27 April 1997 at Portadown.

With the abolishment of Divisional Discipline Books, Admonishment will need to be recorded in some other form.

Signed:

A Kennedy

Date:

3 January 2002

.....
D/Chief Superintendent
Investigating Officer

To: District Commander
Craigavon DCU (Lurgan)

Action by IO's
Team Leader:
Supervisor
Forward to
District Commander (or
equivalent)
of officer under
investigation

I confirm I have checked the contents and compilation of this file for proofs, where necessary, and for accuracy. Forwarded for your attention and onward transmission to the Deputy Chief Constable, Internal Investigation Branch (Code Section 9(33)(4) refers).

Signed: _____ Date: _____

Chief Superintendent
Internal Investigation Branch

DCU Ref No:

To: Deputy Chief Constable, Internal Investigation Branch

FORWARDING
REPORT OF
DISTRICT
COMMANDER

NB: A report is required regarding the member's attitude, general behaviour and performance of duties, etc. A recommendation as to formal disciplinary action, or otherwise, is also required together with recommendations for action necessary to prevent similar incidents.

(Report in
relation to
member(s)
under
invest-
igation)

Signed: _____ Date: _____

(District Commander
or equivalent)