

09/05/97 09:31 C&D GOUGH

002

[REDACTED], LLB, SOLICITOR

[REDACTED], LLB

[REDACTED], LLB

[REDACTED], LLB



Our Ref: RN.ML.P527

Your Ref:

Date: 6th May 1997

The Complaints & Discipline Branch

Gough Barracks

Armagh

Dear Sir

Re: My Client - Robert Hamill by his sister Diane Hamill of



I refer to the above and confirm that I act on behalf of Mr Robert Hamill and his sister in relation to an incident which occurred in the early hours of 27th April 1997.

My client instructs me that her brother was seriously injured in an assault which occurred at the Junction of Thomas Street/Market Street, Portadown. On that date my client instructs me further she has been

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09842

informed that certain police officers witnessed this assault and did not intervene as promptly as possible. Our client would therefore wish to make a formal complaint in respect of the actions of the Police Officers involved.

I look forward to hearing from you.

Yours faithfully

[REDACTED]

[REDACTED], LLB

VAT NO: 517 602 069

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RCS 329/97

SUBJECT: COMPLAINT BY/ON BEHALF OF [REDACTED], SOL, OBO DIANE  
OBO ROBERT HAMILL, [REDACTED]

Reference No: B147/1345/97

D/Chief Superintendent McBurney

Head of Dept

Regional Crime Squad, Gough

1. (a) Reference above complaint, you are appointed

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investigating officer.

(b) Assistant Investigating Officers are Supt Anderson & Chief Inspector Bradley.

(c) See relevant legislation and instructions in Code Section 9 and related appendices.

2. If in doubt as to action seek the advice of Superintendent, Complaints & Discipline.

3. Attached are:

(a) MSX containing details of complaint (Form 17/2 and related documentation will be forwarded to you when received in 'G' Department).

(b) Form 17/2 and related documentation. X

4. The Independent Commission for Police Complaints:

(a) Must supervise the investigation.

(b) May supervise the investigation (The Commission's decision regarding supervision will be notified to you when known). X

NB: Before commencing a supervised investigation you should comply with RUC Code Appendix 9(10) - Paragraph 11.

5. (a) Prepare a file for the Director of Public Prosecutions which must be submitted to the Director not later than eight weeks before summary proceedings become statute barred - ensure that the sub-judice rule X  
If necessary

does not apply.

- (b) Prepare (i) A discipline file for the Commission. X
- (ii) Discipline file for Assistant Chief Constable 'G'. X

NB: Ensure files are prepared in accordance with the format set out in RUC Code Appendix 9(11).

- 6. The Sub Divisional Commander has been reminded to report to the DPP the local crime file into the complainant's behaviour, per Code Section 31(10).
- 7. See OVERLEAF regarding IMMEDIATE preparation and service of Form 17/3. Also Code Appendix 9(10) - paragraphs 44-51.
- 8. File Submission date is 27.8.97 statute barred date is 27 October 1997.
- 9. Cross Reference B147
  - B147
  - B147



Superintendent  
 New Complaints, 'G' Department  
 for Assistant Chief Constable 'G'

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FORM 17/3 (CAUTION 1)

- (a) The legal requirement that the member subject to investigation is served with this form as soon as practicable is to be interpreted as meaning that the member is served with the form WITHIN DAYS of the IO receiving the Assistant Chief Constable 'G's directive to investigate the matter, unless to do so would prejudice his or any other investigation of the matter.
- (b) The IO will personally serve the original Form 17/3 (Caution 1) on the member and have him acknowledge receipt on the copy of the form. Separate arrangements are in force for IOs attached to 'G' Department to effect 'delegated service' of the form in complaint investigations only. Personal service by the IO will always be effected in internal discipline investigations.
- (c) A further Form 17/3 (Caution 1) should be served as and when fresh criminal/discipline matters arise during the course of the investigation. If it is established at any stage during the investigation that a member is no longer the subject of that investigation the IO will inform him of that fact in writing.
- (d) It will not normally be necessary to formally interview the member concerned at the time he is initially served with Form(s) 17/3 (Caution 1). However, the IO/Supervisory Officer should remind the member concerned at that early stage of his rights under Caution 1, clarify any matters concerning the form about which the member may be in doubt

and inform him that he has the right to consult a 'friend' at all stages of the investigation. At the same time the member concerned will be handed a list of those members of the Force who have volunteered to act as 'friends' and a copy of "Notes of Guidance to Members - Evidence by Inference".

- (e) When the stage is reached in the investigation where it is considered appropriate to formally interview the member concerned the IO will:-
- (i) where a criminal allegation is involved conduct the necessary interview under PACE and related 'Codes of Practice';
  - (ii) where no further questioning under (i) is necessary introduce the disciplinary aspect of the investigation and remind the member concerned of all previous Form(s) 17/3 (Caution 1) served on him;
  - (iii) inform the member concerned that he will be given time, if necessary, to consider the matter and a further appointment on a date mutually suitable to both IO and member will be arranged.
- (f) (i) It must be made clear to the member concerned when he is invited to make a statement that he is not obliged to do so and that it may be used in any disciplinary proceedings which arise from the investigation of the report, allegation or complaint.
- (ii) Also, the member concerned must be warned that if he

fails to mention any fact on which he relies on in his defence in any subsequent disciplinary proceedings his failure to take the opportunity to mention it to the IO may be treated at the disciplinary proceedings as supporting any relevant evidence against him.

(iii) Notwithstanding that Form 17/3 (Caution 1) contains these warnings the IO should tell the member concerned verbally.

2. \*FORM 17/3 (CAUTION 2)

To be served personally by the IO when Regulation 6(b) of the RUC Discipline Regulations or Regulation 5(b) of the RUC Reserve (PT) Discipline Regulations applies.

3. \*FORM 17/3 (CAUTION 3)

To be served personally by the IO when Regulation 6(c) of the RUC Discipline Regulations or Regulation 5(c) of the RUC Reserve (PT) Discipline Regulations applies.

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REF NO: ..... RUC: .....

B147/1345/97

ROYAL ULSTER CONSTABULARY - COMPLAINT AGAINST POLICE

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██████████, SOLICITORS, ON BEHALF OF

12859

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Ref Nos	1	Name &	SURNAME: HAMILL
		Address of	FORENAMES: Diane obo Robert
		Complainant	ADDRESS: ██████████
			(with
			postal
			code)

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DPP	2	How, when and	MEDIUM: *LETTER
		where complaint	DATE: 090597
		received	TIME:
			PLACE: C&D Lisnasharragh

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ICPC	3	Officer	NAME: MACAULEY
		receiving	RANK: Superintendent
		complaint	NO:
			STATION: C&D Lisnasharragh

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	4	Nature of	Neglect of duty.
		Complaint	

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09849

5 When and where DATE: 270497  
 Cause for TIME: Early hours  
 Complaint PLACE: Thomas Street/  
 occurred Market Street  
 STATION CODE: JD

I have completed Questions 1 to 5 \*Delete  
 above and I have complied with where  
 Code Section 9(15) and attach: necessary  
 \*Form 17/2(a), \*statement of  
 complaint, \*statement of  
 evidence, \*"Desk Top"

STATION informal resolution report.

STAMP

Date Signed: [REDACTED] Rank: SUPERINTENDENT  
 Received Station: RUC LISNASHARRAGH Date: 9 MAY 1997  
 C&D

QUESTIONS 6 TO 14 TO BE COMPLETED AT RUC HEADQUARTERS

NAME	RANK	STATION	INITIALS
			& DATE

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6 Appointed

member

Investigating

Officer

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7 Date

Date

Referred

Referred

to ICPC

Not Referred

Art 7

'X' if appropriate

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8 Type of

Mandatory Art 9(1)(a)

supervision Discretionary Art

by ICPC Art 9 9(3)(a)

None

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9 Date

Chief Constable

Investigating ICPC

Officer's PANI

report

submitted to:

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2.65

09851

10 Memorandum to Memorandum sent  
ICPC Art 10

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11 Means by which Letter from ICPC  
complainant has Letter to ACC 'G'  
been told of Letter from PANI  
result Other (specify)

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12 Date of any Incapable of  
reference to investigation  
ICPC under Anonymous  
Reg 17 Repetitions

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13 Out come of Withdrawn Reg 16  
complaint Informally  
Resolved  
(Record of  
outcome  
attached)  
Incapable of  
investigation  
Reg 17

Anonymous Reg 17  
Repetitions Reg 17  
No criminal  
proceedings  
No disciplinary  
proceedings  
Criminal proceedings  
(details attached)  
Disciplinary  
proceedings  
(details attached)  
Advice to member(s)  
Other specify

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Particulars of Member(s) Complained Of:

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NAME	RANK	RUC OR RUCR	FULL OR PT	NUMBER	STATION
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