

NOTICE OF REPORT, ALLEGATION OF COMPLAINT - PERSONAL EXPLANATION

To: [Member]: A Rank: CONSTABLE Reg No: PW1362 DCU: Craigavon

As required by the above legislation you are hereby informed in writing that a report  
allegation or complaint has been made against you by:

THE CHIEF CONSTABLE

DETAILS OF REPORT, ALLEGATION OR COMPLAINT:-

On 27 April 1997 at approximately 0155 hours you were on duty in the vicinity of Thornton's confectionery shop in Portadown town when you observed a youth carrying a bottle running towards a crowd at the junction of Thomas Street. You alighted from the police vehicle and you saw the youth pull a scarf from his face and run in the direction of Church Street. You saw two male persons, now known to be Robert Hamill and D lying in the vicinity of Market Street/Thomas Street. Robert Hamill died -days later as a result of injury inflicted upon him.

You again came into contact with the youth and took hold of his arm. He assaulted you on the left shin and left ankle. At 0157 hours you detained him in the back of a police landrover, to ascertain his name and address, which was Wayne Lunt, DOB                     ,                     . You allowed him to leave the landrover at 0205 hours to be spoken to at a later date.

(Cont'd)

You do not have to say anything but I must caution you that if you do not mention when questioned something which you later rely on in any subsequent disciplinary proceedings, it may harm your defence. You may, if you so desire, make a written or oral statement to the Investigating Officer for the Chief Constable or the Police Authority, as appropriate. Anything you mention when questioned or any written or oral statement you may be given in evidence at such disciplinary proceedings.

If this notice is served on you by an officer other than the Investigating Officer, you will be interviewed by the Investigating Officer in due course.

You have the right to consult a 'friend' at all stages of the investigation.

Date: 27 June 2001

Signed: K Kennedy  
K KENNEDY  
(Investigating Officer)

Rank: Superintendent

I acknowledge that I have been served with the original of this notice.

Date: 3 July 01

Signed: A  
(Member concerned)

Rank: Constable

Please Note: that in cases reported for decision as to prosecution at a criminal court no further disciplinary steps will be taken against you until the Director of Public Prosecutions has given his direction and, if he gives directions to prosecute you, that no further disciplinary steps will be taken until the outcome of the trial is known.

COMPLAINT BY: THE CHIEF CONSTABLE

It is alleged that when Lunt was leaving the police landrover, you were approached by a male person who gave you information to the effect that Lunt was involved in the serious assault and you allowed him to leave the vicinity.

It is alleged that you failed to make a full and accurate entry in your notebook and in particular to note the relevance of this valuable information.

It is alleged that you neglected to mention this information in a statement signed and dated by you on 27 April 1997.

It is alleged that you failed to mention this fact to the Investigating Officers or to a supervisory officer as soon as possible and that you only offered this information when interviewed by CID on 24 June 1997, two months later, when you made a further written statement.

It is alleged that you may have withheld initial information in connection with an investigation which became a murder inquiry.

It is alleged that you neglected in your duty in that you took no action in respect of Wayne Lunt following his disorderly/riotous behaviour and assault on you having detained him. You failed to submit a Preliminary Report Form, conduct an interview, conduct an investigation and submit a report through normal channels to your authorities in accordance with Force instructions.

It is further alleged that you, in accordance with Force Instructions, failed to effect or arrange, the early arrests of an identified suspect or suspects with regard to this incident or consider the seizure of clothing belonging to this suspect or suspects for the purpose of forensic examination. This resulted in the loss of valuable forensic and identification evidence. Because of the shortfalls in the investigative processes, a number of persons were subsequently acquitted at court of serious criminal offences.

Date: 27 June 2001

Signed: K Kennedy

Rank: Superintendent

K KENNEDY  
(Investigating Officer)

I acknowledge that I have been served with the original of this notice.

Date: 3 July 01

Signed: A

Rank: Constable

(Member concerned)

118

10718

COMPLAINT BY: THE CHIEF CONSTABLE

In addition as a result of the aforesaid allegations, you have brought the reputation of the Force into disrepute and your actions were contrary to the Force's ethics on Professional Policing.

Date: 27 June 2001

Signed: *K Kennedy*

K KENNEDY  
(Investigating Officer)

Rank: Superintendent

I acknowledge that I have been served with the original of this notice.

Date: 3 July 01

Signed: A

(Member concerned)

Rank: Constable