

- (4) The IO is to submit within the next few days to the Commission typed statements made by all those arrested for murder.
- (5) IO to secure copies of baton reports and forward same.
- (6) IO dealing with issue of Reserve Constable Aitkinson allegedly telephoning Mr Henvey. Telephone records are in the process of being seized.
- (7) IO to provide Action Sheet covering efforts made by police to secure video footage from local shops.
- (8) Chief Inspector P39 is currently preparing details of where the four officers involved live, their experience etc.
- (9) The related SOCO report is awaited. A copy will be forwarded to Mr Murnaghan upon receipt.
- (10) The IO conceded that the tape counter timings were confusing. Measures are now in hand to produce a format to make the radio transmission records more easily understood. Mr [redacted] commented that during the course of the enquiry, he would take some time out to personally listen to the radio transmissions.
- (11) The first interviews (4 at 30 minute intervals) are to commence at 7 pm on Tuesday, 27 May 1997. A further 4 Catholics may be invited to interview at Portadown RUC Station at 7 pm on Thursday, 29 May 1997. Consideration to arranging further witness interviews will be given on the evening of 29 May 1997 [ie depending on Supervisor's availability]

The meeting terminated at 8.45 pm approximately.

As I see it, the main points to come out of the meeting were as follows:

- (A) Mr [redacted] left those present in no doubt as to the measures he wished pursued in connection with the complaints investigation.
- (B) Draft letters are to be faxed to the Commission for approval prior to issue.
- (C) D/C Superintendent McBurney's enquiries into the murder of Robert Hamill must continue, but the complaint investigation will not be held up because of them.

*G. Mullan*  
 GREG MULLAN  
 20 May 1997

03/5/97 Excluded Read [redacted]

11. Mr [redacted]

Enclosure @ 11A for your information.  
 GJM 21/5/97

- (v) Despite strenuous efforts by police, Colin Hull has not been interviewed. It is suspected he may have contacted [REDACTED] Solicitor, but repeated recent attempts to speak to Ms [REDACTED] have proved unsuccessful.

"Where do we go from here?" was the IO's next comment. It was at this juncture that Mr [REDACTED] took the opportunity of forcibly making the following points:

- (a) The murder enquiry and the complaint enquiry whilst inter-linked are nevertheless destined to follow two separate paths. Whilst the Commission does not wish to in any way frustrate D/C Superintendent McBurney's murder investigation, the complaints investigation was the Supervisor's principal concern and it was his intention to ensure same was comprehensively conducted. To this end continued Mr [REDACTED] he wished everyone identified at the scene invited to give witness evidence.
- (b) The Supervising Member directed that letters should be issued to all civilians identified. Consideration to arranging interviews of the suspect RUC officers will be given as the investigation progresses. With regard to those persons arrested and charged, Mr Murnaghan directed that they also must be approached (via their solicitors) and offered the opportunity to give evidence.
- (c) Mr [REDACTED] maintained that one of the first letters to be issued should be to [REDACTED] Solicitor. The solicitor should be advised of the intention of police to approach potential witnesses, asked to forward any evidence in her possession and requested to use her influence to encourage co-operation.
- (d) Mr [REDACTED] expressed concern at Portadown RUC Station being the venue for witness interviews. The issue was discussed at length and it was agreed that letters to witnesses would be tailored in such a way as to offer an alternative venue if Portadown Station is not agreeable.
- (e) When questioned by the Supervisor as to who would conduct witness interviews, D/C Superintendent McBurney retorted that these would be carried out in his presence by D/C Inspector P39 and Detective Inspector Irwin. Mr [REDACTED] stated his intention to attend all interviews, but expressed a little disquiet that the numbers in the room may be somewhat intimidating.
- (f) It was agreed that letters should firstly be issued to [REDACTED] and the Catholics identified. Protestants at the scene are then to be approached including those persons charged. Mr [REDACTED] stated he may well insist on police being interviewed during the course of witness interviews.

#### Other Issues Raised

- (1) Police have conducted door to door enquiries on all dwellings overlooking the scene of the murder.
- (2) As the investigation progresses consideration will be given to issuing a fresh media appeal.
- (3) D/C Superintendent McBurney is arranging to simulate the landrover at the scene. He needs to know what the view of the crew was, could they hear much etc etc. This will be arranged for 1.40 am on Wednesday morning, 28 May 1997.

I refer you to File Note 10A.

FILE NOTE 10A

At approximately 7 pm on 19 May 1997 Mr Murnaghan met D/C Superintendent McBurney at Portadown RUC Station. Also present were Greg Mullan, Superintendent Anderson, D/C Inspector P39 and Detective Inspector Irwin.

At the outset Mr [REDACTED] advised that he had reviewed the evidential documentation submitted to date and was suitably impressed. The Supervising Member continued by stressing his responsibilities and duty to the public, commenting that the complaint received must be seen to be subject to rigorous enquiry.

At this juncture D/C Superintendent McBurney interrupted stating he wished to make a few points before Mr [REDACTED] continued. The IO highlighted the following:

- (i) Forms 17/3 had been served on three of the four suspect officers. Reserve Constable P40 is currently on stress related sick leave but the IO assured those present Form 17/3 would be served on the officer in the near future.
- (ii) An individual named Woods gives evidence of being in the company of Mr Alan (Fonsie nickname) and Mr Robinson (charged with murder) when punched on the face at the Market Street end of Thomas Street. Woods was taken to a nearby flat by his sister and boyfriend. The sister and boyfriend have given evidence of subsequently seeing two bodies lying on the roadway surrounded by women.  
  
Fresh statements arising from the above will be made available to the Commission in due course.
- (iii) Dr Crane when further interviewed by the IO maintained that Robert Hamill should in fact not have died from the head injuries he sustained. However, the pathologist is diagnosing the cause of death as head injuries. According to the IO, Dr Crane informed him that contributory factors in the death may have been: (a) Mr Hamill was heavily intoxicated at the time of the assault (over 200 mills); (b) oxygen starvation to the brain whilst being cradled at the scene of the attack; (c) septicemia.
- (iv) D/C Superintendent McBurney reported he had spoken to the DPP in relation to Dr Crane's comments. The DPP has expressed concern in proving charges of murder and consideration may be given to diluting the charges. The IO remarked that at this juncture he simply did not know what the final charges would be and against who they would be preferred.

The IO also expressed his great concern as to how long the witnesses Tracey Clarke and Robert Jameson would stand by their evidence. It appears Miss Clarke has already been sacked from her part time job.