

STATEMENT OF WITNESS

STATEMENT OF A

DATED THIS 20 DAY OF February 2009

I, A, declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. In relation to the murder of Robert Hamill, I have made 5 statements to the police: 27 April 1997 containing pages **9235** to **9237**; 24 June 1997 containing pages **9238** to **9239**; 4 November 1997 containing pages **9240** to **9241**; 16 January 2001 containing page **21742** and 23 January 2001 containing page **21745**. I completed notebook entries for the 26 - 27 April 1997 containing page numbers **9980** to **9983**. I was also interviewed under caution by Superintendent Kennedy on the 20 November 2001 and a copy of that transcript of interview contains page numbers **10443** to **10470**.
3. I was a Constable in the PSNI, formerly the RUC for 14 years and left the PSNI in 2004. During my time in the RUC, I received training and re-training in public order. In 1997 I was stationed in Portadown, having been there for about a year. Prior to that, I had been with a Mobile Support Unit ("MSU") for 4 years that specialised in riot control. Public order incidents had been very much the norm as far as I was concerned. I had attended public order incidents involving control of violent crowds, including the Drumcree marches, funerals and football matches. At the time of the incident in April 1997 I was therefore fairly well experienced in handling public order incidents involving crowds.

4. On the night of 26 – 27 April 1997, my section comprised Constable Orr, Constable Cooke and Reserve Constables Silcock and Warnock, with Sergeant **P89** in charge. Our section was perhaps large enough to get a couple of cars out. My standing order for that night was to be the detailed observer in an ordinary response car. The response car contains the officers who, if any calls came in, would be detailed to attend. We would deal with any incidents that might happen outside of the town centre. Upon attending any assaults or incidents, I would take statements and any details of people at the scene. At the police station, I would then put together a file and forward the information to my Sergeant or Inspector. The two officers in the response car would alternate our roles, so that I was not always dealing with the paperwork.
5. I was detailed to patrol the Portadown area in a response car with Constable Orr. This area did not include the town centre but included the general area of Portadown outside the town centre. My shift was from midnight to 08.00 the following day, and I was responsible for taking details and statements from people that night. As far as I recall, everything outside of the barriers around the town was our responsibility up to 03.00. Everything inside the barriers was the responsibility of a Land Rover crew containing Reserve Constables Atkinson, **P40**, Cornett and Constable Neill.
6. At approximately 01.47 on the morning of the 27 April 1997 I recall receiving a call for back up on the radio transmission from JD 81. Reserve Constable Cornett was basically screaming down the radio that she needed help. She was screaming “they’re killing each other”. We were expecting to see some public disorder, but at that stage we did not know the precise extent.
7. I cannot remember how soon we arrived at the scene after receiving the call. Nor can I remember exactly what route we took once we entered the town. However, I remember that the barriers were definitely closed except for the barrier at Edward Street, so this was the only way in. We started driving through Edward Street, up Market Street and turned right to go down Market Street again, and around the central reservation so that we drove up the other

side of Market Street in front of St Mark's Church. I assume that this was the shortest route. As we made our way to the scene we did not see any people or bodies on the ground, or hear any shouting until I saw a man I now know to be Wayne Lunt outside Thornton's. I have been shown a map of the city centre, at page 72839, and I have made a mark at Market Street towards the junction of Woodhouse Street showing the location of Thornton's. I have also been shown a photograph of Market Street at page 231 which was taken in April 1997, and I can confirm that Thornton's is the shop next to the Abbey National bank in the photograph.

8. When I first saw Wayne Lunt outside of Thornton's, I did not recognise him. I am reminded by my statement at page 9235 that he was wearing a baseball cap, a long red, blue and white scarf obscuring his face, white jeans and a white sweatshirt with grey stripes on the sleeves. He was carrying a bottle by the thick end, holding it upside down with his hand down by his side, and I thought he was going to throw it. I could see Lunt running towards a crowd of youths which was at the junction in the middle of Market Street, High Street, Woodhouse Street and Thomas Street. I cannot recall when I first noticed this crowd, although I accept that we must have driven across this junction on our way to the scene.
9. We drove alongside Wayne Lunt as he was running, and stopped the car right beside him. I did not say anything to him before getting out of the vehicle. He was a couple of feet or so away on the pavement when I got out of the car. He then pulled his scarf down and ran towards St Mark's Church. I ran after him, but not far because he was too fast for me and I could not catch up with him. I got as far as the seats at the front of the church but he was already at the back of the Church, heading down the road.
10. I got back into the car, but I did not say anything to Constable Orr about what had just happened. I thought that I had lost Lunt, so we continued to where the Land Rover was at the scene of the incident. I cannot remember whether the Land Rover was towards the centre of the road, or closer to the pavement. We stopped our vehicle nearby. I have marked the position of the Land Rover

on the black and white plan produced to me as 'LR', at page 72839. The Land Rover was facing down High Street but I cannot remember if the doors were open. There were no constables at the Land Rover because they were on the other side of Market Street, but it was at this point that I saw the 2 bodies along with the crowd of youths. Constable Orr and I got straight out of the car and, without hesitation, went over to join the other officers at the scene. There were about 4 or 5 officers I saw at that stage. I recognised Reserve Constables **P40**, Cornett and Atkinson, Warnock and Silcock and Constable Neill at the scene, but I cannot recall what any of them were doing. I know that Reserve Constables Warnock and Silcock were not part of the Land Rover crew because they were on night duty as part of my section, but I cannot remember if there were any other police vehicles at the scene.

11. The 2 bodies at the scene and were sort of in a line down from each other, one beside the other, and I think they were just down from the junction of Thomas Street. They were on the road itself, closer to the High Street side of the junction. I cannot remember when I first saw 2 bodies on the ground but I accept that we must have driven past them when we first entered the town centre through Edward Street as that was the only way into the town. Reserve Constable Silcock was near one of the bodies giving first aid, but I do not know to whom. I also saw a female kneeling at the head of one of the bodies with one of the men's head on her lap. I cannot describe the woman. She seemed to be cradling the head, but I do not recall hearing her scream at any police officers or saying anything, and I cannot recall her manner. I cannot remember which body the woman was near, or whether Reserve Constable Silcock was also dealing with that gentleman. It was all such a rush and a big crowd there; it was hard to distinguish who was or was not with the bodies.
12. The crowd were right on top of the bodies and there were about 40 of people in the crowd. There was just a single crowd of people, and they were close to the bodies, but how close I could not tell you. They were trying to get to the bodies. The police had formed a line between the bodies and the crowd and we were just trying to push the people back, but they kept pushing forwards. I cannot recall if any of the officers had their batons drawn, but did see the

officers physically pushing back the crowd. The crowd just kept forcibly coming back; that said, I do not recall seeing any one individual standing out as behaving with particular aggression.

13. I did not recognise anybody in the crowd until, at some stage, I turned to my right side and saw the man I now know to be Wayne Lunt again. I was on the road trying to push the crowd back. He was part of the crowd facing me from the north east. He was too close to charge forward, but he was pushing against the line of police officers. Lunt was not saying or shouting anything. He no longer had the scarf over his face; it was just down round his neck. I do not know if he still had the bottle with him, but as soon as he saw me, he turned and ran. It happened so quickly. My concern was that he had been running towards the crowd with a bottle, with scarf hiding his identity, and that he was going to throw that bottle, either at the crowd or at the bodies, if I did not stop him.
14. I did not know whether Wayne Lunt had anything to do with the incident, but I ran after him straight away because I wanted to find out who he was. I grabbed him at the back of his top. He was about the same height and build as me. He turned around and started kicking me on my legs and my ankles, and the crowd were trying to pull him away from me. This was sore, but I did not let him go. I do not recall anyone saying anything to him or him saying anything to me. Constable Neill came over to help me. I cannot remember how we took hold of Lunt, but we took him over to the Land Rover that was parked just before Woodhouse Street, the one I had seen when I first arrived at the scene. I cannot remember if Constable Neill was still helping me at this stage but I think Lunt had stopped struggling with me after Constable Neill became involved. I physically put Lunt into the back of the Land Rover and climbed in behind him. I did this because I wanted to get his name and address. I cannot remember whether I closed the door, but I do not think I would have left it open; normally I would always shut and lock it.
15. I have been reminded by my statement dated 4 November 1997 at page **9240** that Reserve Constable Warnock was with me for a couple of minutes in the

Land Rover. I think Reserve Constable Warnock joined me because he did not know in what way Lunt was going to react as a male with a female officer. I cannot recall if we had been given handcuffs at that stage, but Lunt was quiet and compliant with me at this stage; he just sat there, so Reserve Constable Warnock did not stay. I obtained details of Wayne Lunt's name and address, and I started to radio these through to Portadown police station, to get them to check them for me.

16. Referring to the questions on this issue I was asked at the trial of Marc Hobson at page **8634**, I can confirm that when Portadown police station came back to me, I was satisfied that Lunt's details were correct. I assume that Lunt gave me the correct details, because otherwise I would have noted it in my statements. It was my thinking that I was going to prosecute him for disorderly behaviour and assault on a police officer. Once I had his details, I was intending to call Lunt back to the station for an interview at a later date, so I released him.
17. I have been asked whether I could have arrested Lunt, left him in the Land Rover and secured him with handcuffs. It is not something that I have ever heard being done, so I would say no. The Land Rover was not equipped for doing this. I was not concerned that Lunt would run straight back into the crowd because he had toned down his attitude and his actions. He was so compliant by then, and was not the same person without his mates. Also, if he had run back into the crowd, we probably would have dealt with it, but he did not go back to the crowd. When I released Lunt, I do not know where he went, nor did I see in which direction he moved, but he did not go back to the crowd.
18. In my statement dated the 24 June 1997 at page **9238** I refer to being approached by a male appropriately 5 feet 9 inches tall, with short ginger / fair hair, wearing light coloured trousers and a blue shirt and tie. I recorded in this statement that the man had shouted at me "*What the fuck did you let him go for? He was one of the ones that did it.*" There were no other officers nearby at the time. I knew that the man meant that Lunt had something to do with the

2 bodies lying on the road. I recall feeling a bit shocked by what he had said. I tried to explain to him why I had let Lunt out of the Land Rover. The man was quite aggressive, but he was standing with another man who was more agreeable. In the end, I gave them my details, my name and my station, as I could not do anything with the information at the time. There was still a crowd of 40 or 50 people trying to get to the bodies that were lying on the road; I had to get back to help my colleagues. I did not take the details of the 2 men as well. I assumed that, because one of the men was so aggravated about it, that he would come to the station later and ask to speak to me about it. This assumption was wrong as it turned out, and I did not see either of the men again.

19. My first statement dated the 27 April 1997 at page **9235** reminds me that, after I had released Wayne Lunt at approximately 02.05, I rejoined the other officers back in the line trying to clear the road. The crowd were still pushing towards the line. I think that the same officers were present as had been there before. Nobody was in charge at the scene, and I do not recall any officers giving instructions to the others. I do not know how it all came about exactly, but my experience with riot control meant that I knew where to go and what to do; I did not need to ask anybody or for anyone to give me orders. It was very much the case that everyone knew where to go and, compared to some other crowds I have faced, this one was manageable at this stage. Earlier the police were in danger of being overwhelmed.

20. I do remember seeing Sergeant **P89** there, who was my shift Sergeant. I do not think he was in the line-up but I think he was with Reserve Constable Warnock, following up behind the line of officers pushing back the crowd. I do not know where **P89** was positioned in relation to me, but I was in the line of police officers pushing people closer to the central reservation, so it is possible that Sergeant **P89** had been in the line and I did not see him. I recall Reserve Constable Warnock was carrying a riot gun, and Sergeant **P89** was with him walking up Market Street, in the direction of Mandeville Street. I think he was carrying the gun down by his side, but he did not fire any rounds.

21. I saw an ambulance on Market Street but cannot recall whether it was close to Thomas Street or not. Now I could only see 1 ambulance and I am not sure how many paramedics were there, but I assume that there were just 2. The paramedics were attending to the bodies. I cannot recall if Reserve Constable Silcock was still with the bodies, or if the lady I had seen earlier was still there. I do not know if there was anybody else around these bodies, but the crowd was still close by at that stage. I did not see anyone assault the bodies lying on the road, nor any police officers.

22. We were still pushing the crowd up Market Street towards Mandeville Street with the intention of getting them up to West Street and behind the barrier. I did not see anyone in the crowd assault a police officer or fight amongst themselves. My statement of 27 April 1997 at page **9236** also reminds me that I recognised Stacey Bridgett, Dean Forbes and **P53** in the crowd.

23. I have known Stacey Bridgett since 1992 from my duties with the MSU at band parades and football matches, where he was involved in the crowds. He was of slim build and 5 feet 7 – 8 inches tall with short dark hair, and he was wearing a cream shirt with a fine brown stripe and a pair of light coloured jeans. He had blood coming from his nose and was in the crowd pushing forward. I did not hear him saying anything to anyone beside him, and I cannot remember exactly where he was in the crowd, but he was part of the crowd which was a couple of feet from the bodies lying on the road. Nothing else stood out about him and I did not see him doing anything else, other than pushing.

24. Dean Forbes was beside Stacey Bridgett, and both of them were over to my left. They were mates, and it was very unusual to see them apart. I had never arrested either of them. I knew him from the same places as I knew Bridgett because when you saw one, you saw the other. He was about 5 feet 8 inches tall of slim build with dirty fair hair, and he was wearing a light coloured check shirt with light coloured jeans. He was just in the crowd but was not bleeding. Like Bridgett, Forbes was pushing forward. I do not know how to

describe their demeanour exactly, but I have known them so long that I knew their manner was aggressive. I could not hear them saying anything. The only thing I was concerned with at that stage was my safety and that of my colleagues.

25. I also saw **P53** in the crowd. I had known him since 1996 having seen him around Portadown. I had never arrested him and he did not hang around with Stacey Bridgett or Dean Forbes. I had seen his face around town now and then, and he was one of the people I had noticed. He was about 5 feet 9 inches tall and wearing a multi-coloured shirt, blue jeans and a black jacket. I cannot remember the colour of his hair or his build, but just remember he was part of the crowd. I did not see him doing anything in particular and I had no concerns about him. I did not recognise anyone else in the crowd.
26. I have now been referred to my statement dated 16 January 2001 at page **21742**, where I mention knowing Allister Hanvey. I knew him just from being in Portadown, but I cannot describe him. I do not remember seeing him at the scene of the incident, nor do I know if he was friends with Dean Forbes, Stacey Bridgett or **P53**.
27. I also knew Marc Hobson since 1996 from seeing him around Portadown but I have never arrested him; he was just another one of those faces that pop up every now and then, and you get to know these people. I did not see him at the scene of the incident.
28. At no point during the incident did I see any of my colleagues involved in any confrontations or conversations with Stacey Bridgett, Dean Forbes or **P53**.
29. We eventually succeeded in moving the crowd back up West Street, towards Mandeville Street, and away from the town centre. I cannot recall how long it took to push the crowd back to that road, but the people were behind the West Street barrier when I was radio-called to attend a road traffic accident on

Bridge Street. I am reminded from the transcript of my interview with Superintendent Kennedy at page **10459** that I was asked to attend the accident at 2.54am. I think that the MSU only arrived after we had pushed the crowd right back up the street, but before I left the scene. I did not see Inspector McCrum at the scene and I think that the most senior Officer at the scene was Sergeant **P89** but I do not recall if he was still there. If he were not there, then the most senior officer would have been one of the Constables. To my knowledge, no senior officer told me that I could leave, nor were any directions or instructions given in respect of scene preservation at this stage before I left. I agree with the suggestion that Constable Orr and I probably made contact by radio, then returned to the response car. I do not recall seeing anyone as I went back to the car; the way was fairly clear.

30. The statements and other documents I have referred to suggest that I had been at the scene approximately 50 minutes, and during that time no arrests were made nor were any officers injured. I cannot remember if any officers used their batons. I did not hear or see any bottles being thrown or smashed at any stage, nor did I notice any broken glass when I went back across the scene. I agree with the suggestion that has been made to me that, as I left the scene, my view was that it was a particularly nasty incident. I would have described the incident as manageable had a fully formed MSU been present, but there were only about 8 officers dealing with a crowd of about 40 to 50 people. At the scene we had no equipment, and no shields, so it was scary in that way. As I left the scene to attend the road traffic accident, the barriers at West Street, Main Street, Thomas Street Bridge Street and Church Street were all closed, but Edward Street was kept open. I did not see any of the area taped off, but assumed someone else would seal the scene.
31. I then attended the road traffic accident in Bridge Street with Constable Orr, which transpired to be a drunk in charge of a vehicle. It was a straightforward case that did not require us to go to the hospital, and we just went to the station to deal with it. It appears from the transcript of my interview with Superintendent Kennedy dated the 20 November 2001 at page **10460**, that I was shown a C6 entry, which recorded that I was back at Portadown Station at

3.17am. The Inquiry Officer would fill in the C6 entry, writing down who brought in the prisoner, and at what time. I returned to the station with Constable Orr and I think that I filled in the accident book. Then I would have handed the prisoner from the road traffic accident over to Sergeant **P89** to process. There was no other station Sergeant on duty, so Sergeant **P89** must have had to leave the scene. In respect of my timings from that night I probably could have checked with the log at Portadown to see if my timings in my notebook corresponded. All my timings for the night, including for my dealings with Wayne Lunt, would have been taken from my own watch, so there could have been some discrepancy one way or another.

32. When I returned to the station I did not see Inspector McCrum. I do not recall any other officers from the scene talking to me about what had happened that night, nor did I receive any briefing about the incident. There is a recreational room at the station where we would normally go for our breaks, but I never went into the recreational room on night shifts and I cannot remember if I took a break that day. In any event, I do not know whether the incident was discussed or not. I did not see any of the Land Rover crew, but I recall seeing Reserve Constables Silcock and Warnock.
33. In my interview with Superintendent Kennedy on 20 November 2001 at pages **10461** to **10462** I state that I was also detailed to hold the scene and open a log from 07.27 to 08.13. I cannot remember who asked me to perform this duty. Constable Orr and I drove back to the scene. It was very quiet in the town centre at that time of day. When we arrived there was no one else there, but the scene had not been sealed off. I do not recall seeing any blood. There was broken glass and bottles at the junction of Thomas Street and Market Street, in the mouth of the junction and all over the street. I did not see any street cleaners; I was not instructed about this, but I gathered that they were not allowed in because the barriers were closed.
34. I cannot remember who taped the area. I have been referred to the Serious Crime Log at page **12373** and my notebook entry for the 27 April 1997 on page **9983**, in which I note "*area of serious assault taped off upon request of*

CID". This suggests that the area was taped off in my presence, but it is possible that someone else carried it out. The Crime Log refers to a preserved area from the Woolwich Building Society to Dorothy Perkins, and from Thornton's to the Halifax Building Society to the junction of Woodhouse Street and Thomas Street. A preserved area is an area where the police are working and will not let anyone into, but I cannot remember if this was an area that I taped off. I have also been shown a photograph labelled **00227**, which is viewed from High Street into Market Street. It has been suggested to me that the photograph shows tapes across the street from the No.7 Bakery to the other side to the Halifax, and then other tapes in Market Street going diagonally across the road. I still cannot remember if I taped off that area, but I do recall being asked to open a Serious Crime Log and to remain at the scene until we were relieved by other officers.

35. Whilst I was at the scene I did not see Detective Constable Keys or Detective Chief Inspector **P39** . No message had come back to me about the seriousness of Robert Hamill's injuries, and the requirement to tape the scene did not suggest to me that the incident had become more serious. Neither Orr nor I questioned why the area was being taped.

36. I returned to the station and completed my notebook entries at the end of my duty, at the same time as doing my statement. I do not know what time this would have been. CID asked me to make a statement, but I cannot remember which detective asked me to do so. I do not know if there was a meeting with CID about the statements, but I just recall coming back to the station with Constable Orr and everybody seemed to be doing statements. I remember doing my statement with Constable Cooke in the briefing room but I cannot remember if I discussed what had happened at the scene that morning with him or Constable Orr. I then handed in my statement to Detective Constable Keys. I remember at this time seeing some of the Land Rover crew and CID writing their statements out in the CID section; there was nothing unusual about this. I do not recall Detective Constable Keys saying anything to me when I handed in the statement.

37. I did not attend any briefings or speak to Sergeant **P89** or Detective Constable Keys about the incident, nor did I see Inspector McCrum before I terminated duty. There would normally be a debrief at the end of a shift by our Sergeant in order to make certain that all the jobs allocated during our duty were finished, but there was no debriefing that morning.
38. My interview with Superintendent Kennedy dated the 20 November 2001 at page **10466** contains a reference to a C6 entry relating to Wayne Lunt which reads, "*0520 hours, as a result of public disorder, two kicks to the ankle and shins sustained*". I would need to see the C6 to confirm, but I think that I made this entry and I also made an entry in the Accident Book and the Work Injury Book that morning. These would have been completed at 05.20. I can confirm that these entries are consistent with what is in my note book about Wayne Lunt. However, I accept that I did not make a complaint against Lunt for assaulting me or for disorderly behaviour. Once I had made my statement and handed everything over to CID, it was their case. This was not the normal procedure, but this was a completely different kettle of fish because, at that stage, major assaults had taken place on the 2 bodies lying on the ground. Yes, Lunt had assaulted me and, had this been a normal Wednesday night with just Lunt and me, then I would have taken the case on myself. However, this was part of a whole package in the file that was handed to the CID to deal with. I did not hear anything back from the CID about this assault but I was not really bothered as it was a minor matter in the circumstances. I did not need any medical treatment.
39. I accept that I did not make a note about the confrontation with the men at the scene who asked me why I had released Wayne Lunt, nor did I refer to it in my statement dated the 27 April 1997. I did not make a note of it because it had been such a night: I had the incident to deal with, then I was sent to attend to an accident, then I was brought back to the scene to hold the log, and then I was sent back and told to make a statement. I just totally forgot about this conversation with the 2 men, until someone in CID mentioned the matter to me later, and it triggered off in my mind this conversation. I cannot recall who talked to me from the CID, or what they said to me, or why and when it came

up, but what had happened came back to me. I then made my second statement on 24 June 1997 to Detective Constable Keys.

40. Following the incident, I was one of two officers whom Superintendent Karen Kennedy recommended for discipline. I was disgusted by the recommendation because I felt that I was being disciplined approximately six years after the incident simply for omitting an entry in a notebook. As far as I was concerned this omission was because, in my notebook, I had kept the Hamill incident and the road traffic accident together; I did not split up where I left the scene of the Hamill incident to deal with the accident, and then when I came back to the scene again. However, I have been shown a Notice of Report, Allegation of Complaint and Personal Explanation at page 10717, which shows the full allegations made against me. It has been suggested to me that the essence of these allegations was that I had information from the male who approached me at the scene that identified Wayne Lunt as being involved in the serious assaults; the inference being that, had I made of record of this matter earlier, it could have been brought to the attention of the investigating officers, and it may have had an effect on how efficiently or how quickly they could have identified a suspect and made an arrest. My response is that Lunt *was* arrested by CID; I do not know if it would have made any difference to the murder investigation had I identified Wayne Lunt earlier, or whether it may have led to an earlier arrest.
41. My solicitor has advised me that the disciplinary procedure against me was grossly unfair and unlawful because those who instructed Superintendent [REDACTED] to administer the caution did not inform me until some months later that I could have contested the allegations. I suffer from Post Traumatic Stress Disorder as a result of this and other incidents. I consider that part of this condition has been caused by the way I was treated afterwards in the disciplinary investigation.

SIGNED: **A**

DATED:

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