

**STATEMENT OF WITNESS**

**STATEMENT OF MICHAEL ANDREW BINGHAM**

DATED THIS 6<sup>th</sup> DAY OF January, 2008/9 MS

I, MICHAEL ANDREW BINGHAM, 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. I have been on the police force for just over 22 years and I am currently a Night Custody Sergeant with the PSNI. I joined the J2 Mobile Support Unit ("MSU") in 1995. At that time I received an initial one week search course, which covered house, vehicular and person searching. Every year there was a one or two day refresher course. In April 1997, my role was as a uniformed Sergeant and team leader in the based in Mahon Road Station, Portadown. The duties of the MSU included regular searches in response to requests from other departments for drugs, crime materials or terrorists. Our other duties would have been primarily public order duties at the weekend. Although we were based in Portadown, our duties could have taken us anywhere in the province.
  
3. My first involvement in the Robert Hamill case was on 6 May 1997 when the MSU searched the premises of Stacey Bridgett. My statement of 30 May 1997 at page number 778 describes that search. We were briefed by Detective Constable Keys at 7.00am in Portadown CID office. I cannot recall if I received any statements or any

documents as part of the briefing, although I am sure that we would have been given a copy of the search warrant to authorise the search.

4. I was the team leader in respect of the search and, as such, I would oversee the operation. My primary responsibility was to explain to the occupants or householders the legislation which allowed the search; I was also responsible for ensuring that the search was conducted in a proper manner to organise the team accordingly. I would first of all conduct a damage check on the property which would involve checking to see what damage was present before the search commenced. This would be done with the log keeper and occupier to ensure that there would be no arguments thereafter about damage being caused.
5. Normally the search team was made up of five; I would appoint a log keeper and two teams of two officers searching. I cannot recall if there were five officers or less on this occasion, although I know from my statement that part of my search team included Constable **P34** and Constable Andrews. Constable [REDACTED] was the log keeper on that occasion. He would complete a Form 29 search record and take notes at the time. Afterwards, as the person in charge, I would sign-off the Form 29 and pass it to the detective who initially briefed us. Sometimes a detective would go with a uniformed search team and on that occasion Detective Constable Keys accompanied us. We would be there to conduct the search and the detective would be present to carry out an arrest. We would not be involved in the arrest unless a person became unruly or uncooperative.
6. I cannot recall whether or not we searched the whole house, but my statement records that we carried out a search of Stacey Bridgett's bedroom and seized four shirts, two pairs of jeans and one pair of black boots. I cannot remember if there were any blood stains on those items, but the officer finding those items would be in a better position to know if that had been the case.

7. [REDACTED] Bridgett, Stacey Bridgett's mother, was present at the search and I cannot recall anything out of the ordinary about her attitude towards the search team. When we are searching a suspect's home the suspect is entitled to oversee what is going on. It is not necessarily the case that we would prevent them entering the room providing that they do not obstruct the search.
8. From my statement it appears that this search started at 07.20 and concluded at 07.45, lasting 25 minutes in total. The length of a search very much depends on the size of the house, what we find upon arrival at the house, what we are looking for and how many members of the search team are present. It can also depend on the occupants of the house, such as if they are obstructive, or if there are other matters going on that delay the search being conducted. I can confirm that I was satisfied at the time that the search had been thorough.
9. At the conclusion of the search of Stacey Bridgett's home, Detective Constable Keys arrested Stacey Bridgett and he was conveyed to Lurgan RUC. I was not privy to any information about the arrest strategy for the suspects involved in the Robert Hamill investigation.
10. The usual practice on a search is that the officer who seized the item would convey it to the CID office. That officer would then make a statement referring to the seizure, the labelling and the hand over of the item. Thereafter, CID was responsible for submitting the item for forensic examination. I am told that 'P343', which was a blue checked shirt seized from Stacey Bridgett's premises was not submitted for forensic analysis. I assume that the item 'P343' was seized by Constable P34 during that search as those are his initials. I have no idea why it was not dealt with in the usual way.
11. On 10 May 1997 I was involved in searching the premises belonging to Allister Hanvey's parents. The length of time between the incident occurring and the search taking place could be because it can take a while to gather and receive

information. I have been referred to my notebook starting at page **72959**, which records that the MSU was briefed by Detective Inspector Irwin to carry out the search. My statement dated 5 February 2001 (page **21753**) also records this search. The briefing took place in the Portadown CID office. We were based in another part of Portadown at that particular time so, as usual, we made our way to the police station where CID was based. Although I do not specifically recall the details, as team leader I am sure I would have been given Form 29, which I would pass to Constable **P34**, my log-keeper. I was also given the warrant to authorise the search, which was signed by Inspector McCrum and then duly signed by justices of the peace. I have no recollection of whether we were briefed to look for burnt clothing. It has also been suggested to me that the clothing Allister Hanvey was supposedly wearing on the night in question was a grey jacket with distinctive orange marks. However, I cannot recall that description ever being mentioned.

12. Detective Constable McAteer accompanied the team to the address to be searched. DC McAteer would have been personally briefed with the information regarding any person to be arrested, in this case, Allister Hanvey. Were any queries or ambiguities to arise during the search, Detective Constable McAteer would also be there to steer us. My notebook shows that in addition to Constable **P34**, I was accompanied by Constables Andrews and Porter. Constable [REDACTED] is also mentioned in my notebook: I can only assume that we left him outside in charge of vehicles and firearms and to prevent others gaining entry, or opposing the search. No obstructions or altercations were anticipated; had it been otherwise, we would have been briefed about the possibility and a stronger crew would have been sent, perhaps in a Land Rover.
13. A copy of the manuscript Form 29 search log (page **73989**) has been produced and shown to me. I can confirm that this bears the handwriting of Constable **P34** and is signed at the end by myself as the person in charge. A typed copy of Form 29 appears at page **51337**. Those persons present in the house are listed, as are the vehicles at the premises, and Kenneth Hanvey is specified as the 'keyholder' of

legally held weapons. The log then records the events occurring during the search and includes sketches of the inside of the house.

14. When we arrived at the house, Mrs Hanvey met me. As outlined above, as team leader I had to explain to her the legislation and the circumstances surrounding the search to satisfy her why we were there. I then conducted a house damage check through all the bedrooms, bathrooms, kitchen, outhouses and any vehicles to ensure that any damages was recorded in advance of the search. The search team then came into the house. As normal, I would then have pointed out to Mrs Hanvey that she was not to obstruct the search team but was invited to accompany the team if she wanted to do so. I cannot recall if Allister Hanvey accompanied us during the search, although he would have been entitled to do so if he had wished. Generally speaking, during searches I would remain with the householders because they tend to have questions and concerns and may wish to contact solicitors, particularly when another person is going to be arrested. Other persons present can be obstructive and awkward: sometimes they ring friends and a mob can form outside, causing difficulties after the arrested person is taken away from the house. However, there is nothing that stands out in my mind about the attitude of the family on this search and I do not believe there were any incidents of note.
  
15. According to Form 29, the search commenced at 7.21am and terminated at 7.45am. Generally speaking this would be a reasonable time for searching a small dwelling with specific information about what to look for. The sketch of the property on page 74000 drawn by Constable **P34** indicates that the house was just a one-level long farmhouse-type building with a living room, kitchen and a hallway running along the front of the building with a bathroom, bedroom and three other bedrooms going off it. The log-keeper would move around as the search team went from one room to another and log the process: it is likely that he would have remained close by, probably just outside in the hallway, to enable him to sketch and take all the details.

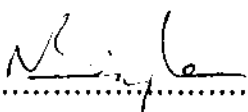
16. The search commenced in the room marked 'bedroom 1' on the sketch on page **74000**. A plan of bedroom 1 is included on page **73999** and identifies two wardrobes, two beds, a stool and a cabinet. Detective Constable McAteer obviously would have advised us that we were looking for a specific person, Allister Hanvey, and his bedroom would have been the particular point of concentration. Page **73996** of Form 29 shows that at 7.30am Constable Porter seized three relevant items of clothing for examination: a black jacket; Asics trainers and blue jeans. These items would have been bagged, sealed and labelled by the seizing officer. The log-keeper would then have been alerted. Although Form 29 lists those persons present at the property (page **73995**), I accept that Form 29 does not show with whom Allister Hanvey shared bedroom 1. It is also right to say that, from the timing, Form 29 indicates that the items were seized in bedroom 1 but does not give the exact details of where they were found: it is possible that Constable Porter could enlighten the Inquiry as to the specific places he found the items. As I have been working in custody rather than in MSU since 1999, I cannot comment as to whether the practice has since changed in terms of identifying the exact location of any items found.
17. At 07.40am the team left bedroom 1 and Form 29 does suggest that the searchers concentrated on that bedroom. I have been asked whether, in the circumstances of the statement of Tracey Clarke made on 9 May 1997 in which she said that Allister Hanvey had been warned to dispose of his clothing, consideration could have been given to searching other areas of the house, such as looking for coats in the living room or near the back exit and searching any outbuildings or the garden. I cannot comment on the specifics. All I can say is that, if that had been the case, it would have been on the schedule. I accept that in 1997 it would have been normal to search for clothing in areas other than a bedroom. I also accept that there were four other boys living in the house and they could not be expected to be tidy or keep all their stuff in their own wardrobes. However, we would very much have been guided by the detective because he would have received a personal briefing. Had we been told that the individual might have disposed of his clothing, we would

certainly have looked outside for rubbish and this would have been recorded in the log. We would have been steered to bedroom 1 by the detective, but beyond that I cannot remember the details.

18. Since I cannot recall a specific briefing about the shoes or items of clothing, all I can point out is that there were three items that we were looking for and which were seized. Today, given the increased relevance of, and dramatic advances in, DNA technology, usually more items are taken. But in 1997, in general searches, I do not ever recall taking any more than one or two pairs of shoes at the very most. Nor can I recall a Scenes of Crime officer ever coming with me on a search at that time.
19. Upon terminating the search, Detective Constable McAteer arrested Allister Hanvey. Following the search it is likely that there was a debriefing between our team and CID. On some occasions, particularly if there was evidence seized that was to be passed over to CID, there would have been a member of the CID team present from the receiving office to prove continuity of evidence. I do not recall who that officer was on this occasion. The records would also have to be completed and the seizing officers would have to make statements.
20. There is now produced and shown to me the statement of Detective Constable John McDowell dated 22 June 1997 containing page **06562**. In that statement he refers to receiving a number of items from Constable John Porter on 10 May 1997 and he goes on to say that he received further items from Detective Constable Edward Honeyford. I do not recall if I had any contact with Detective Constable John McDowell in respect of the searches I carried out.
21. It is correct that after these searches if there were any further matters that the detective constable wanted me to look for, or if there were matters that they wanted clarified about the search, then they would come to me as team leader. If it was a simple query, it would be made verbally; in other cases, the query would be made in document form. After the search, I had no further dealings with Allister Hanvey.

22. I had no further involvement in the Robert Hamill investigation. I was not aware that three days later another search was done of Allister Hanvey's house specifically to find a grey silver jacket with orange stripes. I accept that this would certainly tend to suggest that my search team was not given a full briefing on 10 May 1997 about that specific jacket.
23. I confirm that I cannot recall having any briefings with Detective Chief Inspector **P39** or with Detective Chief Superintendent McBurney. I can also confirm that I came to know of Reserve Constable Atkinson by name, probably through having occasional contact with him while performing duties at the Irish League football matches. However, having worked at Mahon Road between 1995 and 1999, we were a resource available to be deployed elsewhere, but my contact with officers from Portadown was pretty limited in 1997. I did not know Atkinson at the time of the above searches and had no involvement in the investigation of the complaint against him.

SIGNED:

  
.....

**MICHAEL ANDREW BINGHAM**

DATED:

6/1/2009  
.....