

**STATEMENT OF WITNESS**

**STATEMENT OF MICHAEL JOHN PORTER**

DATED THIS 22 DAY OF January 2009

I, MICHAEL JOHN PORTER, 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 am currently a serving Constable with the Police Service of Northern Ireland ("PSNI") based in Donegal Pass Police Station in Belfast. In April 1997, I was a Constable with the Royal Ulster Constabulary ("RUC"), attached to 'J2' Mobile Support Unit ("MSU") in Portadown.
3. As the local MSU, we carried out most of the searches in the area. Sometimes we were treated like an outside agency, and were called in to do certain tasks. Searches were part of our routine duties, and we carried out so many at that particular time. I think we received three or four courses in executing search warrants, either just before or just after April 1997, but there was definitely at least one training session prior to April 1997. Usually there would be a log keeper and someone in possession of the Search Pack, which included the search warrant. Sometimes the log keeper would also take the Search Pack; at other times it would be another person. We had all been trained to be log keepers, but the individual who took on this role would change with every search. We usually searched when the civilian was present, and then made an arrest.

4. To my knowledge my only involvement in the Robert Hamill case was on 10 May 1997. I no longer have my original notebook entry for this day because it was destroyed at some stage, but I have been shown a HOLMES copy of my notebook containing page **51351**. I also refer to my statement of 10 May 1997 at page **9292** to refresh my memory. This statement was created from my notebook on the same day as the search, and I am happy to rely on it. However, it is not really the case that every detail from the notebook would have been put into the statement. It is possible that some details would have been left out from the statement, but I do not recall doing so in this case.
5. According to my statement, Detective Inspector Irwin briefed my MSU on this day to carry out a search at the home of Allister Hanvey and his parents. I think that Constable Andrews, Sergeant Bingham and Constable [REDACTED] were also there for the briefing.
6. The instructions were given orally, and I would definitely have made a brief written note of the specific details in my notebook. We were instructed to search for clothing. I am reminded that the search warrant at page **51350** confirms that we were looking for "*trainers & clothing*". I cannot be absolutely sure, but I do not recall being given any specific details as to the type, colour or brand of clothing to look for. Nor do I remember being given specific instructions to look for a silver jacket or burnt clothing. Unless we had been given specific instructions, we would have been told to seize any of these items that we could find.
7. Constable **P34**, Constable Andrews, Sergeant Bingham and I attended Allister Hanvey's home for the search. I could not remember by myself, but I am now reminded and agree that Constable **P34** was the log keeper. Sergeant Bingham was most probably in charge, but would not have given us further instructions about what we were looking for. He just would have divided us into teams and gave us different areas of the house to search. It is possible that Sergeant

Bingham could have joined in physically with the search, with another member of the crew.

8. Allister Hanvey was present on the premises during the search. I think his parents were also there. According to the Search Log containing page 51342, Andrew Hanvey and other family members were also present. I remember the family being in the bedroom, because I think they opened the door. I cannot remember encountering any obstructions or hindrance from the family; they were not hostile and seemed happy enough about us carrying out the search.
9. From my statement, I see that I searched Allister Hanvey's bedroom between the hours of 07.30am and 07.40. I think I was accompanied by Constable Andrews. We spent 10 minutes searching the bedroom. We did not have to look too far; probably on the floor or just the wardrobe. I think we seized three items: a pair of dark blue jeans which I bagged and labelled "MJP1"; a pair of white and black trainers, which were marked "MJP2" and a black padded puffer jacket labelled "MJP3". Again, I cannot remember any specific instructions, so I think we seized those items because they were the only trainers, jeans or jacket that we could find in the bedroom. We did not seize a silver jacket, and did not see any signs that clothing had been burnt.
10. Without prompting, my memory was that I have no doubt that other rooms in the house were searched. The bedroom is one of the rooms that we might have searched; it is possible that Constable Andrews and I also carried out a search of another room. These other rooms would not be in my witness statement because we did not find anything in them, but I am not saying the bedroom was the only room searched. Similarly, I would not have mentioned any other rooms in my notebook entry. It was normal procedure not to describe searches of rooms that had a negative result, but they would be mentioned in the Search Log, which is what we use to assist us with our statements and so on.

11. Having said this, I have now been show the Search Log at pages **51343** to **51344**, which reads:

*"0721 Admitted entry by Mrs Harvey. Explained the reasons and authority for the search.*

*0723 Questions as per Page 6 Damage Check.*

*0727 Team A entered the house*

*0730 Const Porter seized*

*1 x pr dk blue jeans MJP1*

*1 x white/black Asics trainers MJP2*

*1 x black padded bomber jacket MJP3*

*0740 Team A out of bedroom*

*0745 D/Con McAteer arrested Allister Harvey*

*No reply.*

*0746 Search terminated. All RUC out of house."*

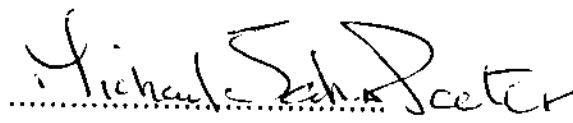
12. Page **51341** also shows that "team A", consisting of Constable Andrews and myself, was the full extent of the search team that day, because the spaces for teams B, C and D are left blank. So the timings appear to suggest that, unless there was a cursory search done on the rest of the house, only the bedroom was in fact searched.
13. I have been asked why it would have been that only the bedroom was searched. We were obviously looking specifically for clothing, and the bedroom is where Mr Harvey kept most of his clothes. That is the place where we would have presumed to start the search. Whether a cursory search of the rest of the house was done, I cannot recall. If further specifics relating to a pair of jeans or trainers or a padded jacket had been mentioned in the briefing, then we also would have gone to the bedroom first. I do not know whether a search was done of the outside of the premises. If a search of the outside of the premises is not mentioned in the

Search Log, it is fair to conclude that my MSU did not carry out such a search then. It could have been done by another MSU on another day.

14. It has been pointed out to be that the copy of my notebook entry at page **51351** identifies the trainers I seized from the bedroom as Nike, whereas the Search Log at page **51344** identifies them as being Asics. I cannot explain that inconsistency, but it is possible that a mistake was made either in my notebook entry or in the Search Log. You would have to check the item I seized.
15. I have been asked why I only took one pair of jeans, trainers and a puffer jacket and no more. The items that we took were all that I saw were there based on what I was told to do. I agree with the suggestion that this might have meant we were specifically briefed to look for jeans, trainers and a puffer jacket. However, as I have said, I do not remember these specifics and in my notebook I have not included any details of my instructions at the briefing. Although I am certain that my notebook would state details had they been given, it must be the case that Detective Inspector Irwin mentioned certain items of clothing during the briefing, but I have failed to put them down. I have then been asked whether the reason we did not then carry out a fuller search of the house was because we had found what we were looking for. This is perhaps not for me to say.
16. After seizing the items, I asked Allister Hanvey whether they belonged to him, and he said yes. I do not remember whether I or anyone else asked him whether he had been wearing the items on the night of the incident. Allister Hanvey was then arrested and delivered to Lurgan Police Station. However, the operation was a 'search and arrest', so I suspect that Mr Hanvey was going to be arrested anyway, whether or not we had found anything. My understanding of the arrest strategy was that when we went in, he should be arrested.
17. I have been asked whether I was satisfied that the search was thorough and in accordance with the briefing. All I can say is that the search was in accordance

with the briefing. I had no concerns about how the investigation was being carried out at the time, nor do I have any now.

18. After the search we would have been debriefed by Sergeant Bingham, and I cannot remember having being debriefed by anyone else. The debriefing would cover what we did and what we seized. It would also make sure that the bags and labels had been done and then handed over to the appropriate superior. In this case the seized items were handed over to Detective Constable John McDowell, who was dealing with the whole process. This was the normal procedure, to enable forensic testing to be carried out. Beyond labelling the items, I would not have completed any forms for forensic examination.
19. I was not aware until being interviewed for this Inquiry that Allister Hanvey's home was searched again on 13 May 1997. It may have been as a result of more evidence coming to light from somebody else, but I was not consulted about that.
20. I cannot remember being tasked to carry out any further actions in relation to the investigation. But that is not to say that I was not involved further, because it did happen 9 years ago. I had no involvement in the K investigations.
21. I can confirm that I did not know Allister Hanvey outside of the investigation, nor was I a member of the tae kwon do club.

SIGNED:   
.....  
MICHAEL JOHN PORTER

DATED: 22/01/03.....