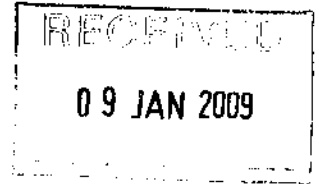


STATEMENT OF WITNESS



STATEMENT OF DANIEL BLAIR WALLACE

DATED THIS DAY 6<sup>TH</sup> OF JANUARY 2009  
2008

I, DANIEL BLAIR WALLACE 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 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 joined the RUC on 28 November 1955 and retired from the force in May 1998 in the rank of Deputy Chief Constable (Support Services). At that time there were two Deputy Chief Constables, the Deputy Chief Constable Operations, a role I had held between 1992 and 1996, and Deputy Chief Constable Support Services, a role I held from 1996 until my retirement.
3. As the Deputy Chief Constable Support Services I was responsible to the Chief Constable for the activities of the administration branch, management support, personnel and training, the legal advisor, the medical advisor, the force inspectorate and the complaints and discipline branch. Each of those departments had a head of department who reported to me and then through me to the Chief Constable.
4. At that stage the RUC had nine Assistant Chief Constable's, three of which headed up departments under my responsibility: Management Support, Personnel and Training; and Complaints and Discipline. There were occasions whether through retirement or other absence when an ACC would cover responsibility for another department. In 1997 Mr. Hayes was the ACC

responsible for Complaints and Discipline. I cannot say whether he also was responsible for another department at that time.

5. The day to day running of Complaints and Discipline would have been the responsibility of the ACC Mr. Hayes. I was not involved in the day to day disciplinary matters or complaints which could lead to disciplinary proceedings because I would have chaired the disciplinary boards. It would have been inappropriate for me to have details of papers when later I would have sat on a board with full powers up to and including dismissal.
6. The Chief Constable's role in disciplinary cases was that of appellant authority, so similarly it would have been wrong for me to brief the Chief Constable on a case by case basis.
7. I don't have a detailed knowledge of how complaints were recorded and allocated as this was the area of responsibility of the ACC. I do know that there was a Superintendent within the Complaints and Discipline Department who looked after new complaints by entering them in the complaints register and allocating them out for investigation. He had forms to fill in and it was his responsibility to find an investigator. Internal investigations mainly started at local level and were then referred up to HQ and followed the same procedure as regards recording and allocation for investigation. Where allegations were made of criminal conduct by an officer the ACC C & D would have had the responsibility for appointing the investigating officer, this would have been a detective officer and he would have been allocated an assistant investigating officer. At times the ACC C&D would approach me and advise me that he had appointed a Detective Chief Superintendent from a busy area and that I could expect representations because the officer was so busy. On those occasions I would have asked the ACC if he thought the IO was the correct person for the job. If he did then, even if representations were made to be excused, I would confirm the appointment.
8. The Chief Constable was obliged to refer public complaints and some non-public complaints to the Independent Commission for Police Complaints

[ICPC] under the Police (Northern Ireland) Order 1989. This responsibility was delegated by the Chief Constable to the ACC Complaints and Discipline. The ACC would advise me at my weekly meetings of cases referred to the ICPC and the name of the member of the ICPC who was supervising the complaint. The ACC had a close working relationship with the Secretary to the ICPC.

9. I have been shown a memorandum from ACC C&D dated 27 June 1997 [page **44407**] directed to the Chief Constable through the Command Secretariat. This is the first time I have seen this document as it does not appear to have been routed through my office. In the memo Mr. Hayes is pointing out to the Chief Constable that there are ways and means of communicating things and if you go off on a tangent and don't keep me in the loop then things can unravel. Specifically, it appears that the Chief Constable referred the Hamill complaint directly to the ICPC without involving the ACC C&D. Whilst the Chief Constable obviously had the powers to do so, Mr. Hayes is making the point that he had an established working relationship with the ICPC and he needed to be involved in the process to ensure nothing could go wrong.
10. As part of my management structure I held weekly meetings with all of the heads of departments. Mr. Hayes would produce a list of new cases that were being investigated and would only refer to the name of the officer and who was the investigating officer. He would also refer to cases which had been dealt with by reason of complaints being withdrawn or resolved informally. Quite often we would discuss cases which were outside of the reporting timelines set for the complaints and generally this would revolve around waiting on a result of a criminal case. How the investigation was being carried out was not part of the discussion; it was merely to ascertain why matters were taking so long. The Police Authority also had this information at their monthly meetings and they would also ask about cases which were prolonged.
11. I attended Police Authority meetings either with the Chief Constable or on his behalf in his absence and questions were asked about cases but usually these were from a political view point about a police complaint. It was important to reassure the person asking the question and the Authority as a whole that the

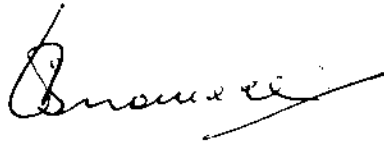
matter was properly being dealt with and investigated, without giving information about the investigation itself.

12. I can recall having answered questions about the Robert Hamill case at Police Authority meetings, questions that were raised by Mrs. [REDACTED] who is now the Ombudsman and was at that time a member of the Police Authority. She asked on at least three meetings questions regarding the Hamill investigation. I can recall reassuring her that the matter was the subject of investigation, which Detective Chief Superintendent McBurney, if my memory serves me right, was the investigating officer and the matter was being thoroughly investigated by us and viewed very seriously, that it was being supervised by the ICPC and that we would be reporting to the DPP in due course. In so far as going into detail about the case that would not have been proper. I do not have a note of those questions and answers it is purely from memory however there may be a record of the minutes of the Police Authority which details the questions and answers.
13. Where an Investigating Officer having carried out preliminary enquiries realised that there was an officer or officers who were suspect and had a case to answer he would refer the matter to the ACC C&D for consideration of suspending the officer. I would have thought the IO would have submitted a preliminary report outlining the case but there would be occasions where as a matter of urgency this would have been done over the telephone and later substantiated by report. Suspending someone was both a drastic step for the individual and from an organisational point of view it was right and proper that suspension action be used in appropriate cases.
14. It would be a matter of judgement on the part of the investigator whether by suspending the individual officer it would have impaired the investigation and it would be for the investigator to decide the best possible approach to conclude aspects of the inquiry before taking the step of suspension.
15. If an officer had been suspended it would have been reported by the ACC C&D at our weekly meeting as part of his departmental report. The information would have detailed who was suspended and for what reason.

16. Discipline regulations applied to Reserve Officers in the same way as for fulltime RUC officers and the legislation was similar to that used in England and Wales with variations for reserve officers for their terms of appointment and contracts. The RUC received the same Home Office Guidelines, through the Northern Ireland Office, on disciplinary matters as England and Wales.
17. I first became aware of the Robert Hamill complaint through briefing by ACC C&D and also probably through the Chief Officers Group meeting chaired by the Chief Constable when the DCC Operations would have discussed the murder investigation. I would have been aware that there was a complaint which was being supervised and that there was serious allegations being made that the police had failed to do their duty properly resulting in Mr. Hamill being given a very severe beating from which he subsequently died. As regards the investigation I would have had no knowledge.
18. I was not aware that there were allegations against a Reserve Constable connected to the case. I have no detailed knowledge of the nuts and bolts of the case.
19. I have been asked to comment on the allegation about the Reserve Constable contacting an alleged offender to dispose of clothing. In such circumstances, to my mind, a very serious allegation and one which would have ultimately merited suspension. The timing of the suspension I would have thought would have very much a matter for the investigating officer as to when it was going to have the best effect in so far as the overall investigation was concerned. When the timing was right the IO would approach the ACC to discuss suspension.
20. I was aware that the ICPC were supervising the complaint from the family of Robert Hamill and I would have thought that since they [ICPC] were supervising the discovery of serious allegations in relation to the activities of a reserve man that the referral would have been automatic.

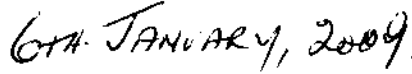
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SIGNED:



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DANIEL BLAIR WALLACE

DATED



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