

STATEMENT OF WITNESS

STATEMENT OF P5

DATED THIS DAY 21st OF January 2009

I, P5, 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 willfully 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 April 1997 I was a Detective Constable attached to the regional crime squad (south) based at Gough Barracks, Armagh. I had joined the Royal Ulster Constabulary in 1979 and had been stationed as a uniform officer at Lurgan, Banbridge and Craigavon before being seconded to the CID and then moving to the CID in 1988. As a Detective Constable I served at Armagh and Dungannon before being posted to the crime squad in 1993.
3. I remained with the crime squad until 2000/2001 when I moved to become a financial investigator. I retired from the PSNI in May 2007.
4. During my police career I had received training as a CID officer on an initial CID course; on the National interview technique course; and on financial investigation.
5. I have a good knowledge of Portadown because when I was based in the divisional mobile support unit (DMSU) during the hunger strike campaign and worked the whole area of Lurgan, Craigavon and Portadown.

6. I first became involved in the investigation into the death of Robert Hamill on 12 May 1997. I had been off duty over the weekend of 10/11 May 1997 and on returning to duty on the Monday morning I was instructed to attend Portadown.
7. I attended a conference at Portadown with my crime squad partner DC McCrumlish and we were briefed by Detective Inspector Irwin. I cannot remember now what the briefing consisted of but I was tasked in preparing files for the briefing of the DPP by Detective Chief Superintendent McBurney. Although I have a notebook entry [page 74147] of that task I now cannot remember the work. I would not have briefed Mr. McBurney directly on completing the work. I would have self briefed at the start of the murder investigation.
8. My notebook entry for 12 May 1997 "*prepare advisory briefing of DPP*", would have been to see what evidence was available at that stage of the enquiry. I believe I only carried out this work for one day because after that I worked on radio transmissions from Channel 19.
9. On 13 May 1997 I again attended the morning conference taken by DI Irwin. I completed some actions and then assisted DC McCrumlish with documents in preparation for searches of the premises of Kenneth Hanvey and Tracey Clarke. I later prepared statements [pages 9302 & 9303] regarding conducting those searches.
10. At the time I probably would have been aware that the home of Allister Hanvey had previously been searched but now I have no memory of that. My notebook entry [page 74148] of the search shows "*Items of clothing, negative result*". I do not have details of what part of the property we searched but I would imagine we searched the whole building. I presume we were looking for specific clothing because this was a second search and information may have become available as the result of interviews or witnesses, which may not have been available at the time of Hanvey's arrest on 10 May 1997. I have no memory of conducting the search at the premises of Tracey Clarke.

11. On 15 May 1997 I interviewed Andrew Allen. We would have been briefed to have conducted the interview which would have included specific intelligence. My notebook entry [Page 74150] shows that I attended a conference at Portadown and then travelled to Lurgan where I liaised with the custody sergeant before consulting with Allen's solicitor. I do not have a note of being briefed but it may have taken place during or shortly after the conference.
12. I later completed a statement [Page 9304] regarding interviewing Andrew Allen, the date on the statement is typed as 2 May 1997, this is obviously a typing error.
13. I interviewed Allen on two occasions on 15 May 1997 the last interview finishing at 11.53am. I then spoke with DI Irwin and apprised him of the interviews. I now have no memory of the interview and although I have read the interview transcripts [Pages 7300 - 7389] of the two interviews it does not assist my memory. It would appear from having read the transcripts another witness had specifically said that he (Allen) was there and involved in the assault and that was our line of questioning.
14. I have been informed that following my two interviews with Andrew Allen on 15 May 1997 he was again interviewed by two other officers. This was not unusual to have two interview teams and there may have been evidence from other interviews which needed to be put to Allen.
15. I have no memory of why Allen wasn't arrested and interviewed until 15 May 1997 when six other men had been arrested on 10 May 1997.
16. On 16 June 1997 I was moved from the Robert Hamill investigation to another murder investigation at Lurgan following the murder of two police officers. I had no further involvement in the case until 2000.
17. I have been asked that during my involvement with the Hamill case between 12 May and 16 June 1997 I had been briefed or became aware of allegations made against Reserve Constable Robert Atkinson. I do not have a recollection of

being aware of the allegation during that period of time.

18. On 5 October 2000 when I was at Gough Barracks as a crime squad officer I was briefed by Detective Chief Inspector **K**. At this briefing I believe I would have been fully briefed about the allegation against Robert Atkinson and the conspiracy involving others. I believe at this briefing I was tasked with carrying out financial investigations linked to the Hamill case because on the 19 October 2000 I made applications for orders before a judge in relation to the investigation.
19. On 28 December 2000 I interviewed and obtained a witness statement [Page **11084 - 11085**] from **P89** I knew **P89** as a police sergeant, whether he had retired or was about to retire I am not sure. After completing the statement I endorsed the Holmes action No. 733 [Page **4694**] *"while moving a group of loyalists into West Street following the assaults one person in the group was reluctant to move and was forced back by the subject. At one stage RC Atkinson warned subject about this person, that he was an expert and a black belt in martial arts. He named the person as Hanvey."* The reference to subject would have referred to **P89** I do not know why this information was not obtained in 1997.
20. As part of my enquiries in 2001 in the Hamill case I completed actions related to a party at the home of Tracey McAlpine. One of those enquiries was concerning a Pauline Newell, action 780 [page **15673**]. I believe that DC McCrumlish carried out the enquiry and I wrote up the action. I do not have a notebook entry to assist me with this enquiry.
21. During the investigation in 2000/2001 I was involved in a considerable amount of financial investigation. Financial investigation would have been available to the Senior Investigating Officer (SIO) in 1997 through investigators who were based at Police Headquarters. However any constable could have obtained production orders using powers under the Police & Criminal Evidence Order. In my experience in 1997 it would not have been a priority line of enquiry. It depended on the individual SIO.

22. Of all of the financial investigations the only significant inquiry was the financial positioning of Allister Hanvey at the Ulster Bank ATM in Portadown. I prepared a statement [Page 17319] referring to the ATM printout [page 23843 - 23844]. On the printout is highlighted a transaction dated 27 April 1997 at 0846am on an account attributed to Allister Hanvey for a withdrawal of £10.
23. On 13 June 2001 I obtained a statement [Page 17322] from [REDACTED] an employee of the Ulster Bank confirming the location of the ATM machine as being outside of the branch at 20 High Street Portadown on 27 April 1997.
24. On 10 April 2001 together with DCI K I travelled to Wrexham to interview Andrea McKee. The DCI was the lead interviewer and I would have been briefed by him regarding the areas to be covered in the interview. Although the transcript of the interview [Page 21224 - 21241] does not record who was asking the questions it would be fair to say that the DCI asked the majority of the questions after I had opened the interview.
25. This was my first meeting with Andrea McKee and I would have been aware of her significance to the investigation and that she had previously made statements in connection with the Hamill case.
26. DCI K and I called at Andrea McKee's house on two occasions before seeing her at 3.20pm on 10 April 2001. The DCI told her that she was to be interviewed under caution at the police station re her involvement in a conspiracy. I noted [page 22165] "*She said this was always going to happen and wanted the whole thing cleared up once and for all so she could get on with her life.*" She asked about the others and was told that they had been arrested. She was told that she would be reported to the DPP for her part in the conspiracy.
27. Andrea McKee then had a consultation with a local solicitor, Ms Jagger, and was eventually interviewed in the presence of her solicitor and a representative of the Ombudsman between 7.01 and 7.40pm on 10 April 2001. After being

reported she left the police station. I later made a notebook entry [page 22164 - 22168] of my dealings with Andrea McKee that day.

28. During my involvement with Andrea McKee on 10 April 2001 she was not offered any inducements either before or after interview to ensure that she told the truth or to ensure that she gave evidence against others in the future.
29. I returned to Wrexham on 20 September 2001 and served prosecution papers on Andrea McKee.
30. I was aware from being involved in the murder investigation of Robert Hamill on 12 May 1997 that there was a public complaint made against the four officers in the Land Rover crew at the scene of the fighting on 27 April 1997. I was not involved in the investigation into that complaint.

SIGNED:



P5

DATED:

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