

STATEMENT OF WITNESS



STATEMENT OF DONALD GEORGE KEYS

DATED THIS 27th DAY OF June 2008

I, DONALD GEORGE KEYS, 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 April 1997, I was a Detective Constable stationed at Portadown. I had been stationed there since 1993. The CID office was in a separate building from the main station. We occupied two thirds of the upper floor of that building.
3. In terms of training that I had received prior to 1997, I had initial training on entry to the RUC which included an understanding of the duties of the first police officer at the scene. Before I was appointed to CID, I completed the CID aide's course as part of my 12 month probationary period and another Junior Initial CID course which included practical scenarios about scene preservation. I did not receive any HOLMES training until I was promoted to my present rank.
4. I have been interviewed at length in relation to my involvement in the Robert Hamill investigation by Superintendent Karen Kennedy and Detective Chief Inspector Desmond Jackson in July 2001. The statement of DCI Jackson, containing the transcripts of my interview has been produced and shown to me at pages 10209 to 10242. I have also read the interview notes of DCI Jackson dated 17 July 2001 at pages 10298 to 10351. In

addition, there has been produced and shown to me the statement of Superintendent Kennedy dated 20 July 2001 at pages **10175** to **10208**. I have also read my notebook entries dated 27 April 1997 to 10 May 1997 at pages **11102** to **11113**, together with a number of statements that I have made in connection with the investigation. Given that these events occurred eleven years prior to the making and signature of this statement, and in those intervening years I have attended many scenes and numerous investigations, it is difficult to recollect in detail, the events of the investigation. I therefore rely on the documents referred to above.

5. From my notebook entry dated 27 April 1997 at page **11102** it is recorded that at 05:00 I commenced duty after receiving a telephone call at home from Inspector McCrum. The call was to the effect that there had been public disorder in Portadown town centre and a serious assault had taken place at the junction of Thomas Street and Market Street. He gave me the details of the injured parties, Robert Hamill and **D**. I am not able to recall exactly what Inspector McCrum said about their injuries. I therefore rely on the statement of DCI Jackson, at page **10211** with regards to the nature of the telephone conversation. I also said that I was told that two people had been taken to hospital in Craigavon and that one had subsequently been transferred to the Royal Victoria Hospital in Belfast.

6. I arrived at Portadown police station at 05.30 or 05.40. I remember speaking to Inspector McCrum on arrival at the station. I cannot recall exactly what was said but at page **10212** of Chief Inspector Jackson's statement, I was asked during the interview in 2001, "*Have you any recorded notes regarding this briefing or are you in a position to indicate the briefing which you received?*" To this question, I replied that I had no recorded notes of the briefing and I could not be specific as to the exact content of the briefing. However, I believed that Inspector McCrum did indicate that a number of persons had come down Thomas Street and a number of persons came through the town centre had become involved in a fight. This is still my recollection today.

7. I also discussed the issue that the police had attempted to intervene and in doing so had become subject to attack. In the interview with DCI Jackson at page 10212, I was asked if I was made aware of the injuries to Mr Hamill and Mr D. My response, upon which I now rely was:

Inspector McCrum made me aware that Robert Hamill had been transferred to the Neurosurgery Unit at the RVH in respect of a head injury. I am going from recollection – the injuries to Mr D, his friend were less serious and that he, D was then detained at Craigavon.

8. DCI Jackson went on to ask me if any comment was made by Inspector McCrum about the seriousness of Robert Hamill's injuries to which I replied that it was a head injury. The fact that he was transferred to the Royal Victoria Hospital made it, in my opinion, an injury of significance.
9. I can only recall in general terms the actions that Inspector McCrum told me he had taken that morning. He had deployed some additional uniform resources, principally from the night duty crew and, also, I believe from the divisional mobile support unit. I also recall that Inspector McCrum told me that he had sent officers to the hospital, although at this stage, I cannot remember for what purpose.
10. I do not recall having any discussion with Inspector McCrum about securing the scene of the incident. I do not remember him telling me that he had informed all of the officers at the scene that they had to complete their notebooks before they terminated duty.
11. It must be remembered that these events happened in the middle of the night. When performing on-call duty, an officer will only get the basic facts. It is not the same as events occurring in the middle of the working day when it may be possible to gather more information. At the time, I only had the basic facts. It is simply not possible to have the full facts at the start of an investigation irrespective of the time it occurs.

12. My aim was to gather what evidence I could. Therefore, my main priority was to identify the persons involved and their roles. Inspector McCrum was the senior officer on duty and was ultimately in charge. As a detective I would rely on the resources that he was able to supply to assist me in my task.
13. I asked Inspector McCrum to recall the officers in the Land Rover back to duty. There were no statements from them. I would have expected some detail from them, whether in statement form or note form at that stage. However, it is not uncommon to find that there are no notes available given that assaults occur in high streets every night of the week.
14. I also wanted an officer who had been at the scene as a secondary response, to accompany me to the area to make an assessment of it. I had to identify where exactly the incident had taken place, where it had started and where it had finished.
15. Constable Cook was the officer who accompanied me to the scene. At page **10213** of DCI Jackson's statement it is recorded Constable Cook briefed me, insofar as he could. There were no officers present at that time who were in a position to brief me beyond Constable Cook's response to the incident. It is also recorded that, I estimated the debriefing as taking place at around 05.30 and 05.45. I further explained that Constable Cook briefed me about the direction from which the two crowds had come, the general area where the injured persons had been lying, as well as the general position of the Land Rover and crew, which I clarified as consisting of Constable Neill and others.
16. As I explained to Chief Inspector Jackson, also recorded at page **10213** of his statement, when we arrived at the scene, I recalled police officers being present. I was not able to clarify any of their names. I said that I told them not to let anyone through the scene and I indicated to the officers that it was my intention to go back to the station and return later.

17. It was a general instruction that I gave to officers which would have been to the effect of, "*Nobody through Market Street going in the direction of High Street and vice versa*". I would not have included the whole of the length of Woodhouse Street, probably just the end of Woodhouse Street leading onto the main street.
18. I have been asked to mark the area where the constables were standing on my arrival at the scene. I have marked their approximate position, although I do not recall how many there were, with a cross in blue on the map of Portadown town centre. The word "*CON*", short for constables, is marked next to the cross. This marking is close to the central reservation on High Street. This is not a definitive marking of their position and it should not be construed as being so.
19. There was nothing remarkable about the scene when I attended. I have been shown a photograph at page **00236** which shows the central reservation on High Street. It shows two wine bottles, which look like Buckfast tonic bottles. It was a very typical sight to find them there anytime.
20. After 10 or 15 minutes I left the scene and returned to Portadown police station. My notebook entry at page **11102** records that I requested statements from all the police officers who had been at the scene on duty. I gave a general direction for witness statements to be provided to me as soon as possible. I vaguely remember saying that I did not want those involved to go off duty until I had received their statements.
21. The officers who had been present in the Land Rover did not arrive back at the station at the same time. They had each been stood down from duty and gone home. I know that they lived in various parts of the country and it took a long time to return to the station. I do have a clear recollection of the Land Rover crew being present in the CID office at some point.
22. I think that Constable A was there. I would have been aware, at that stage, that Wayne Lunt had been arrested and released. I think he was in

possession of a bottle if my memory serves me right. People were coming and going in the office and there was a lot of activity. There was no standardised procedure in relation to events such as these. It was necessary to think on your feet. I did not have time to write notes about to whom I had spoken. I would never have got anything done if that was the case. I was on my own.

23. I tried to gather as many of the officers as I could to obtain more information so that I was in a position to reassess what action I needed to take. Reserve Constable P40 was present in the office as was Reserve Constable Cornett. I am almost certain that Reserve Constable Atkinson was also there. I know that Constable Neill was not present as he had quite a way to travel back to the station. I did not have an opportunity to speak with each of the Land Rover crew on an individual basis.
24. It was not normal practice to look at notebook entries from those officers on duty as my priority was to obtain evidence in the form of witness statements. I decided that I would not personally take the officer's statements. The reason that I chose not to do this was based on my experience of giving evidence in Northern Ireland. In some cases the legal profession has alleged that detectives have taken statements from officers and worded them to suit the particular situation.
25. I realised early on, that I needed some assistance with the investigation. This was a public order incident, involving, from recollection, 40 or 50 people and it was not possible for me to handle the matter alone. I telephoned Chief Inspector P39, who was the senior CID officer on call for the Division. By Division, I mean the area which covers four Sub Divisions, Portadown, Banbridge, Lurgan and Craigavon. I told her that there had been a serious assault in the town and that there had been disorder. I would have probably informed her that Robert Hamill had been conveyed to Belfast.

26. DCI P39 arrived, from recollection, about 07.05 or 07.10, which means that I must have telephoned her at about 06.40 although I cannot be sure. I met her at the front gate and I said, "*I'm on my way back down to the scene here. I've had the Land Rover crew called back in.*" I recall that, when she arrived, I advised her that I had told the officers to make their statements which should include all details known to them, descriptions, of clothing and people's names, if they could give them. I also advised her that I would not be taking these statements.
27. We then drove to the scene. I said that I was going to have the scene sealed off and she said, "*Yes seal it off now.*" The area we sealed off can be seen from the photograph at pages **222**. This is a view taken from an area on High Street looking towards Market Street, through the junction of Thomas Street which is on the left hand side of the photograph and Woodhouse Street which is on the right hand side of the photograph. The tapes placed across High Street show where we sealed the scene. I can see from page **10220** of the statement of DCI Jackson that I informed him that the scene had been secured immediately upon my return which was around 7.27am. I do not now recall for how long I stayed at the scene.
28. I have marked the location of the cordons with dotted lines in blue on the map at **72905**. Generally, when preserving a scene, we use whatever facility is available, for example a lamp post or building, to ensure that the area is securely taped off. At that time I knew which area of the scene to secure which was based on the information I had received.
29. A copy of the scene log would record who opened the scene. I have been informed that Constable **A** opened the scene log. She would have kept a record of any persons who entered the scene and she would be responsible for the placing of the serious crime log which would incorporate a diagram or a drawing of the preserved areas. At that time, the scene log was a small pre-printed booklet although now it is more detailed.

30. After leaving the scene, DCI P39 and I went to the home of Rosanna Hamill to try to secure Robert Hamill's clothing. There was nobody there so we went to D's home. I was aware that an unsuccessful attempt had been made to obtain the clothing from the hospital earlier. We spoke to D's wife, E who told us she did not have the clothing. We stressed the importance of getting the clothing and she promised she would call at the station to see me at 11.00 that day. Firm arrangements were agreed with her to attend in order that she would be interviewed at that time.
31. It was the afternoon before E arrived at the station, although I had stressed that she needed to be there by 11.00am as I had other things to attend to. I waited at the station for her to arrive. I got the impression that the incident was getting very political at an early stage. E brought Mrs [REDACTED] who was a local politician and at that time the Minister of Agriculture to the station. Mrs [REDACTED] wanted to sit in on the interviews of all the witnesses and her behaviour towards me was very aggressive. There was a heated exchange and I put my foot down and said, "*No, there will be nobody sitting in on witness interviews. The witnesses will be interviewed on their own.*"
32. I do not think E brought the clothing with her that afternoon. We were getting the run-around, for whatever reason, in relation to the clothing. They knew the importance of the clothing. Why it had to be handed to a solicitor a number of days later, only they can answer that, together with why they would not give it to the police at the time. My notebook entry for the 7 May at page 11109 indicates that I took possession of clothing on that date which I submitted to the Forensic Science laboratory later on that date.
33. DCI P39 and I arrived back to the station at about 09.00 and Detective Constable McDowell was there. I had asked DCI P39 to get me some extra manpower and therefore DC McDowell was called in. I briefed him and the Scene of Crime Officer, Constable Ardis. I told PC Ardis that all items at the scene were to be lifted, including all bits of glass, wood and other debris. It was a catch-all situation so I gave broad instructions. This also included a direction to examine the scene for blood.

34. I also briefed Mr [REDACTED] the photographer, and directed him as to the photographs that were required. I accompanied him back to the scene to point out the areas I wanted photographed. He later produced an album of photographs which are at page numbers **00221 to 00237**. My statement dated 30 April 1997 at page **09250** records that I attended the scene at 10.00 and that I left the scene at 10.20 am. With regards to the staining on the road, I did not know at that time what it was, although it would have been swabbed and sampled.
35. The next thing I did was go to the Craigavon Area Hospital with Mr [REDACTED] to photograph D. DCI **P39** was not with me at this time. I also had to get photographs of a man who had been viciously beaten the night before in Banbridge. I had earlier been requested to assist Banbridge CID by having this victim's injuries medically updated and formally photographed. I did this in conjunction with my own assault enquiries. I recall vaguely that Mr D had minor abrasions on his face. I do not know for how long I remained at the hospital.
36. I returned to the station with DC McDowell and began to read some of the statements. Referring to my interview with DCI Jackson, at page **10225** of his statement, I see that I advised him that at that stage, I had the statements of PC Neill, Reserve Constable Cornett and Reserve Constable **P40** but not Reserve Constable Atkinson. DCI **P39** and I discussed the content of the statements but I did not discuss them personally with the officers concerned. The Land Rover crew were off duty by the time I had received them.
37. I recall that I also had other statements from officers on duty that evening although I cannot remember from whom.
38. I have been asked whether I compiled a list of names of potential suspects when reading those statements. I do not recall clearly, but I do not think the statements identified anyone as having committed the assault. If my memory

serves me right, after the interviews with E and F there were inconsistencies arising.

39. I certainly was not directed by a senior officer to effect any arrest based upon those first statements. That was for DCI P39 to determine. I was under her instruction and her supervision. I had asked specifically for a senior officer to take the lead on the case and left the decision making to her.
40. With regards to the allegation that was put to me by Superintendent Kennedy and Chief Inspector Jackson that I failed to effect the early arrest or identify suspects, I make the clear point that not then, nor since, has anybody ever identified to me a suspect who was involved in the assault on Robert Hamill. There were people named as being in the crowd but nobody was named as having carried out the assault.
41. As I have said earlier, I recognised at an early stage the complexity of this incident. I took steps very early on in that investigation to get a senior investigating officer on board. As a detective constable at that stage I would act on the directions and under the supervision of a more senior investigating officer. I was given tasks to do which were referred to as *actions* and I would go and do those and bring back the results. Any further action to be taken or arising from the initial action would be directed upon by the senior officer. DCI P39 would make the decision in relation to arresting suspects. An arrest strategy was not for a DC to determine as there are matters within any investigation that for various reasons would never be disseminated down the line. It was not part of my remit.
42. I terminated duty that night at 21.30. I do not think by that time I had received any further update on Robert Hamill's condition. I also do not believe that I had received Reserve Constable Atkinson's statement. I do not remember if I told DCI P39 or DC McDowell that his statement was outstanding. I could have followed this up the next day which was not unusual in terms of policing.

43. On 28 April 1997, I resumed duty at 09.00 and as I recorded in my notebook at page **11105**, I was briefed by Detective Sergeant Bradley and Detective Inspector Irwin. This was a Monday morning briefing which was a regular office briefing which dealt with occurrences arising within Portadown Subdivision and also within the Division. The incident involving Robert Hamill and **D** was discussed and I think that we were given further instructions in respect of recovering any available CCTV footage.
44. I recall that I was accompanied by another officer when I went to retrieve CCTV footage. My notebook at page **11104** records that I called at the Alliance & Leicester and I spoke to a member of staff, Ms Monica O'Reilly. I would have asked Monica O' Reilly for the tapes having looked at the cameras to see the view that they could potentially record. In this case the Alliance and Leicester bank is on the corner and it has a glass front area to it. I was expecting to have CCTV footage of outside of the bank.
45. I received two tapes and labelled them 'MOR1' and 'MOR2'. I used Monica O Reilly's initials [MOR] on the tapes as the origin of the tapes would then be easily recognisable. I noted in my notebook that I had taken possession of these tapes and it would have been recorded on an action sheet.
46. I viewed those two tapes back at the station. I do not recall if anyone else was present when I viewed them. The tapes were black; total darkness. There were internal views nothing on them and no external views. I believe that the cameras were switched off on the Friday or the Saturday after the close of business and therefore there was nothing on the tapes.
47. The procedure for reporting what was on the tapes was, at that time, simply to debrief the SIO. I think in this case I sought direction from DI Irwin and DCI **P39** with regards to what we should do with the tapes given that they had nothing on them. It was agreed that they could be returned. It was not force policy at that stage to copy tapes that were of no consequence. I believe that it became force policy in 1997 or later that we would record and keep tapes.

48. I also approached the Queens Bar on Thomas Street and the First Trust Bank on Market Street to see if there was any CCTV footage. I would not have recorded these places in my notebook as I did not recover any tapes containing potentially relevant footage. A tape giving a view which is no use would not be taken.
49. I advised DCI P39 and DI Irwin that I had viewed the tapes from the Alliance and Leicester but there was nothing recorded on them. I asked what I should do with them and it was agreed that I should return the tapes. It was not police policy at that stage to take copies of tapes bearing negative results. Now, the procedure is a little different but back in 1997 we simply returned the tapes whence they came. We had considered whether there might have been other tapes from other premises but when we checked the cameras were not pointing towards the scene and would have been useless.
50. I have been asked about the references to briefings that I made in my notebook on the morning of 28 April, 29 April and 30 April. Generally, there would be a conference or briefing which the SIO would chair and those would deal with the lines of enquiries carried out in the previous 24 or 48 hours. To put that into context it would mean if officers were carrying out different tasks, at 5.00pm the SIO might call a conference and ask each individual as to the progress of particular lines of enquiry. Timings of conferences depend on a number of variables within an enquiry.
51. I went on leave on 1 May 1997 until 6 May 1997. When I returned on 6 May 1997 I know that Detective Inspector Irwin was assisting DCI P39. I was involved in the search of the home of Stacey Bridgett. My statement dated 14 May 1997 which deals with that operation is at page numbers **9708 to 9709**. From that statement I see that I briefed Sergeant Bingham, who was then attached to one of the Mobile Support Units on the 6 May 1997. I briefed him that Stacey Bridgett was to be arrested on suspicion of grievous bodily harm with intent and assault occasioning actual bodily harm on Robert Hamill and **D**. He was specifically briefed to the effect that certain

items of Stacey Bridgett's clothing should be seized which are detailed within that statement dated 14 May 1997.

52. I cannot recall the exact number of officers that formed the search team although I believe that there was a Constable **P34**. My role was to oversee that the search was carried out in accordance with procedures and to give advice and guidance to the search teams as to any items which they may believe to be of interest. I would also advise them in relation to procedures. It would be the case that officers may identify particular items, bring them to me and then I would decide whether or not those items should be seized from the property. In fact the items which were seized matched items that we were specifically looking for. My role was also to effect the arrest of Stacey Bridgett.
53. I recall that Stacey Bridgett attitude towards us was hostile, as was his mother's attitude. This is recorded in my notebook at the entry dated 6 May 1997 at page **11106** where I state that she was "*generally abusive to myself and other police.*" I do not recall that there had been any specific information passed on to me during the briefing in respect of Stacey Bridgett or any other witness mentioned.
54. I also recall that on the 9th May I went to the **D** family home which is recorded in my notebook at page **11111**. Members of the Hamill family were there and also a number of other local people. I was honest and forthright with the family and I told them what information I had in my possession, at that time, in terms of what arrests had been made. I did this of my own initiative. From reading the notebook entry I note that I was with Detective Constable Wells and Mrs **E** stated **D** did not wish to speak to me now or again.
55. The other persons present in the house, both males and female became verbally abusive to both DC [REDACTED] and I. I informed them that we were endeavouring to identify witnesses who may have been in the immediate vicinity. We were questioned as to what the police on duty in the Land

Rover had said, the number of arrests made and whether items of clothing had been seized for examination. At that stage **D** came out of the kitchen and I advised both him and his wife, **E**, that three persons had been arrested on 6 May 1997 and two of them had been released on bail. Items of clothing had been seized for examination and that any information they, or anyone, got should be made available to us as quickly as possible. The situation calmed before leaving.

56. I had no further involvement in the investigation. In 2001, however, I was served with a notice 17(3) by Superintendent Kennedy which is at **page 10703**. I understood that she had been appointed to review the initial stages of the investigation. It was alleged that I had failed properly to secure the scene and preserve it for expert examination. I felt aggrieved at the time because the service of the 17(3) notice was late. It is difficult to attempt to recall what happened four years after the event. At the time of making this statement it is eleven years after the event but I have assisted every investigation that has ever been conducted in relation to this matter and I am quite willing to do so.
57. I did not fail to properly secure the scene. I was not the first officer on duty. By the time I arrived the scene was four hours old. When I came on duty I took steps which ultimately led to securing the scene. I expected the scene to have already been secured by the time I arrived. I was faced with difficult circumstances and I believe that I endeavoured to redeem a situation which was beyond me in the first instance.
58. I had a great deal to do in those early stages and had little assistance, which was not uncommon either then or in preceding years.
59. It was also alleged that I failed to direct the lifting of debris from the scene. I am satisfied that all items of relevance which were known to me were collected at my direction.

60. Finally, it was alleged that I failed to properly exhibit the CCTV video evidence. I dealt with that properly by exhibiting the tapes with the name of the witness from whom they were taken, the location from which they were taken and what happened to the tapes during viewing. I complied with police policy and the directions of the senior investigating officer by returning the tapes, which contained no evidence.
61. I reiterate a verbal statement that I read to Mr Jackson during the disciplinary interview in 2001 which is contained at page **10242** of his statement.

"I hope it is recognised by others who have occasion to make calm judgements on matters that I was faced with that there were difficulties presented to me which were beyond my control. At all stages I was diligent in my endeavours in all aspects of this investigation. This was not a classroom or a training scenario and I had to make judgements in difficult conditions. I made those rationally and I feel prejudiced that four years on I am being asked to account in detail the passage of time and my involvement and many other incidents in these investigations since 27 April 1997. It means that I cannot recall in detail everything that was said or done.

As a consequence I feel that I have been compromised. I have at all stages sought to assist your investigations and other related investigations despite this. As and when the need arose to consult with the families I did so in difficult circumstances, and in particular I refer you to my notebook entry of 9 May 1997 where I visited the Hamill family and relayed what information I could to the family. It will also be seen that in that entry any information they, or anyone got, should be made available to the police as quickly as possible"

SIGNED:


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DONALD GEORGE KEYS

DATED:

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27/6/08.....