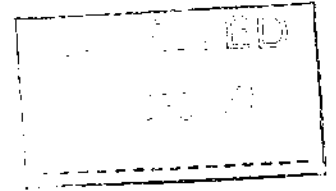


STATEMENT OF MICHAEL IRWIN



I make this statement from both my recollection of events and from documents made at that time. Due to the fact that I am now referring to events some 11 years ago, the sequence of those events and my recollection may, at times, not be as detailed or as accurate as I would have preferred. It is under these circumstances that I state that to the best of my knowledge the events outlined below are my true recollections, accounts, views and, on occasions, opinions on this matter.

Background/CID Structure

In April 1997 I was the Detective Inspector within the Criminal Investigation Department stationed at Portadown RUC Station. I had been promoted as a uniform Inspector on 27th November 1995 and moved to the Criminal Investigation Department, Portadown on 6th January 1997. I had previously been a Detective Sergeant and a Detective Constable in the Criminal Investigation Department. As Detective Inspector of Portadown I was responsible for Portadown and Banbridge Sub Divisions. These Sub Divisions were located within 'J' Division, which also consisted of Lurgan Sub Division. Another Detective Inspector was responsible for that Sub Division. Detective Chief Inspector **P39** was my immediate line manager and was responsible for 'J' Division Criminal Investigation Department. 'J' Division was located within South Region Criminal Investigation Department that also included 'G', 'H' and 'K' Divisions. There were two Detective Superintendents whom I believe were Detective Superintendent [REDACTED] and Detective Superintendent [REDACTED], each of whom had responsibility for two divisions within South Region, and one Detective Chief Superintendent, Detective Chief Superintendent McBurney, who had overall responsibility for South Region Criminal Investigation Department. Detective Chief Superintendent McBurney as Head of South Region Criminal Investigation Department answered to the Regional Assistant Chief Constable. All CID detectives in South Region were under the control and direction of Detective Chief Superintendent McBurney.

At Portadown Station I supervised two Detective Sergeants and seven Detective Constables and at Banbridge I supervised one Detective Sergeant and four Detective Constables. The call out system altered slightly in each area and at the weekends Detective Chief Inspector **P39** , myself or the other Detective Inspector, Detective Inspector [REDACTED] would rotate in covering 'J' Division. South Region, at the weekends, would have been covered either by Detective Chief Superintendent McBurney or one of the other two Detective Superintendents. One of these senior officers would have been on duty on the weekend of the assault of Robert Hamill. There was also Criminal Investigation Department personnel attached to the Regional Crime Squad, which was located at Gough Barracks, Armagh. These personnel assisted the Divisions regarding terrorist interviews and murder investigations. Due to the high-level demand in service created by the number of arrests, terrorist incidents and murder investigations these personnel remained with a murder investigation for a relatively short period whereupon they would be needed elsewhere. Each Sub Divisional Criminal Investigation Department Office was responsible for all crime matters, all terrorist arrests, all terrorist incidents and all murders whether of a terrorist nature or not. This subsequently included file preparation and prosecution of all these matters. Due to the terrorist threat and the Northern Ireland situation two Detectives had to accompany each other on the majority of occasions when completing enquiries or investigations. On many occasions Criminal Investigation Department officers had to have uniform police support, even whilst carrying out the simplest of enquiries due to locations of the enquiries or of the personalities involved. All of these factors had a very significant effect on the way in which resources were utilised and time periods needed to progress and conclude enquiries.

Home Office Large Major Enquiry System (HOLMES)

South Region Home Office Large Major Enquiry System (HOLMES) staff are attached to the Regional Crime Squad at Gough Barracks, Armagh and were utilised in the majority of murder investigations. HOLMES was the primary data store and basic analytical tool and was introduced to the RUC in March 1988. HOLMES, in the RUC, was a substantially under-resourced unit. It did not have the resources to enable strict adherence to the RUC service policy. This had a major impact on murder investigations. For example, there was only one HOLMES Office Manager for South

Region, therefore in effect there was only one HOLMES Office Manager for all the HOLMES murder accounts being managed in South Region at any one time. This post was held by a Detective Sergeant but this role bore little resemblance to the role of Office Manager as outlined in the Major Incident Room Standardised Administrative Procedures (MIRSAP RUC General Order number 105/91). The Office Manager was supported by 6 full-time HOLMES staff and these HOLMES Readers and Indexers were invariably over-burdened. Examples of the pressure and workload that the HOLMES Room staff operated under around the relevant time are:-

1996	10 HOLMES Accounts, South Region	4 'J' Division
1997	11 HOLMES Accounts, South Region	4 'J' Division
1998	17 HOLMES Accounts, South Region	8 'J' Division

I personally believe that this would not have been an acceptable level in any police service in the rest of the UK as envisaged or recommended by MIRSAP and adopted by the RUC with some alterations.

In addition to managing the new 'live' HOLMES accounts there was always the continued pressure to update older accounts and to provide support for file preparation, disclosure and court prosecutions from those accounts where persons had been charged/reported for prosecution.

Issues relating to HOLMES and the anomalies between MIRSAP and RUC/PSNI structures/practices were highlighted by one of Her Majesty's Inspectors of Constabulary, in a thematic report prepared in 2003. Additionally Mr Blakey said, "HMIC is acutely aware that the policing environment in Northern Ireland is very different from that of England and Wales. The problems faced are in a sense unique to a divided society, with its own particular history and culture". An understanding of

this unique environment in Northern Ireland is essential for anyone to fully appreciate the thinking and actions of the Criminal Investigation Department Senior Management Team and their personnel.

In Northern Ireland the population had a view on policing which was often dictated, not by personal experience, but by political allegiance or family views and traditions. All sections of the community engaged with the RUC on certain non-controversial issues and all police stations to varying degrees had contacts within their community. Due to the threat from Republican terrorists and campaigns of intimidation from Loyalists around the time of the Anglo/Irish Agreement and the Drumcree protests, very few police families lived in working class Catholic or Protestant estates. Police Officers were careful to guard their occupations from their neighbours and even from their own children in order to protect themselves, their families and their homes. Police were also careful to guard community contacts by the use of telephone rather than a personal call in uniform. Over-familiarity with police raised suspicions within the communities and this could have serious implications for those involved. Police Officers had to be aware of these actions and potential consequences; these genuine and real concerns ultimately influenced many judgement decisions and processes including the recording of information.

The Blakey Report 2003 dealt with a number of working practices that were in place in 2001. The Blakey Report acknowledges that by that stage there had been fundamental changes from the RUC to the PSNI and for that very reason he saw little benefit of reviewing HOLMES accounts prior to that date. Even looking at 2001, the Blakey Report raised a number of major issues regarding PSNI HOLMES working practices. There had been significant improvements in HOLMES between 1997 and 2001, however; in general the working practices would have been very similar. It was under those difficult and far from ideal conditions which has been highlighted throughout the Blakey Report that this murder investigation was conducted.

There were no fully trained HOLMES Receivers/Disclosure Officers therefore this role was usually fulfilled by a Detective Sergeant from the Criminal Investigation Department Office/Sub Division where the murder occurred. The HOLMES resource was shared throughout South Region, the most recent murder taking priority and other

accounts had to be suspended and already scarce resources were further depleted. HOLMES rooms were set up in temporary locations within police stations without full facilities. They would initially be set up in the station convenient to the murder in South Region but would then be subsequently relocated at Gough Barracks, Armagh. This was to assist the HOLMES Office Manager, in that a number of accounts could then be managed and processed from the one location with limited staff at the same time. In my experience this move was very seldom beneficial and would often hamper a murder investigation. Very few Detective Superintendents, Detective Chief Inspectors and Detective Inspectors were trained on the HOLMES system. These officers would hold the roles of Senior Investigating Officers/Deputy Senior Investigating Officers and would have to travel to Gough Barracks to update and complete the necessary HOLMES documentation where the HOLMES rooms were relocated. In relation to the Robert Hamill murder I believe the HOLMES Room was always located at Gough, Armagh and my notebook entries of 13th and 14th May 1997 support this fact, ie 13th May 1997 "Travelled to HOLMES Armagh" and 14th May 1997 "Travelled to Armagh... Enquiries at HOLMES ref investigation regarding murder of Robert Hamill. Travelled to Portadown". For the record I was never HOLMES trained and my understanding is that the other significant officers involved in the Hamill investigation were not trained.

Other Police Training

Historically, apart from CID training provided for Detectives, there was no formal training for RUC Police Officers in respect of taking statements or maintaining other relevant records. The only training provided was that given during initial Police training.

In the 1970s and 1980s Detectives in the RUC had the benefit of undergoing courses in various Detective training establishments in England. This had a considerable benefit, however in more recent years training was only provided within Northern Ireland. Most Detectives of three or more years experience had usually the benefit of having attended basic CID training that included a CID Aides course and Junior Initial CID Course (laterally known as the Foundation Course). There were no specific

courses for Exhibits Officers; exhibit handling was built into the curriculum of the aforementioned courses.

I personally have attended courses relating to the 'Management of Serious Crime' between 17th April 1998 and 14th June 2001 and then modules relating to the role of Senior Investigating Officer between 2002 and 2003. Prior to 1998 I had attended a Senior Initial Course in 1991 that related to the role of Detective Sergeant. I had not attended any courses relating to the role of Detective Inspector/Senior Investigating Officer between my promotion in 1995 and the module relating to the Management of Serious Crime in 1998. This is all evidenced by my personal training record.

Senior Investigating Officers/Resources

It was not until 4 years after the Robert Hamill investigation in 2001 that a specific post was established within the Police Service of Northern Ireland for Senior Investigating Officers. Prior to that Regional or Divisional Officers performed the role of Senior Investigating Officer or Deputy Senior Investigating Officer. When a major crime occurred the Detective Inspector in charge of a Sub-Division could be appointed as the Deputy Senior Investigating Officer depending on the rank appointed as the Senior Investigating Officer. This could either be the local Detective Chief Inspector, the Regional Detective Superintendent or the Regional Detective Chief Superintendent. If another major crime occurred the Senior Investigating Officer could be moved to that investigation leaving the Detective Chief Inspector or Detective Inspector to manage the incident through to its conclusion. This was usually completed with minimal resources. These Detective Officers would continue to discharge their local CID responsibilities as Sub-Divisional Detective personnel during and throughout the major crime investigation.

As outlined above, having staff deployed to only one major investigation was a luxury very seldom experienced. When such an incident occurred the local Sub-Divisional Detective Chief Inspector/Detective Inspector would utilise all of their available staff. Other Divisional and Regional Crime Squad Officers would make up the investigation team. By the end of the second week of the investigation this would usually be reduced. It would not have been unusual to have only 2 officers completing enquiries

on an investigation after 3 months. By that stage the Senior Investigating Officer would be fortunate to have one member of HOLMES staff available and even then it would invariably be on a part-time basis.

It is under these very limited resources and associated difficulties and under the added pressure of terrorist crime and activities that all Sub Divisional Criminal Investigation Department managers/personnel and I operated. In addition to these factors, and as in any other police service, there were financial budgets to be managed and personnel issues to be addressed. None of this information or observations is intended as a criticism of either the Royal Ulster Constabulary/Police Service of Northern Ireland or any individual. It is important, however, to be aware that the application of methods, circumstances, resources and standards that would be considered normal in relation to a murder elsewhere in the United Kingdom may well produce a distorted and grossly unfair conclusion if applied to Northern Ireland murder investigations at this time.

Drumcree

In addition to the above there was unprecedented serious public disorder and sectarianism in Portadown and 'J' Division, which was heightened by the Drumcree Parade. This parade occurred each July and had a serious and long lasting impact both within each community and with police liaison within these communities. The controversy over this parade still continues to this day. Due to the serious public disorder associated with the parade I was involved from an early stage in 1997 with the public order preparation and planning. This became a full commitment from late June/early July. In 1997 I was involved on the following dates in the preparation, planning, briefing, debriefing and subsequent "Drumcree related investigation", namely

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21st April, 2nd June, 10th June, 13th June, 17th June, 26th June, 27th June, 1st July, 2nd July, 3rd July, 4th July, 5th July, 6th July, 7th July, 8th July, 9th July.

The preparation and planning included meetings, discussion and the preparation of policies in relation to the arrest and charging policies, the formation of an Information Management Unit which would gather and direct intelligence in order to assist in

proactive arrests, the briefings of Bronze Commanders, Mobile Support Units & Criminal Investigation Department personnel on the strategies and responsibilities of crime investigation. This represented a major work commitment for me which commenced from before the Robert Hamill Murder Investigation and continued with ongoing investigation for months following.

In 1996 the Drumcree Parade had marched through the Garvaghy Estate following a standoff. A taxi driver, namely a [REDACTED] had been brutally murdered by Loyalist terrorists close to Lurgan. This murder was closely linked to the Drumcree issue. In 1997 the Drumcree Parade again completed its march through the Garvaghy Road. There was always destruction and public disorder associated with the yearly Drumcree parades. The majority of criminal activities associated with the Drumcree parade in Portadown was investigated by Portadown Criminal Investigation Department and a small uniform support team.

Examples of Drumcree 1997 related crimes (which I supervised and managed) are as follows:-

6th July 1997 Hijacking and Arson of vehicle at Garvaghy Road, Portadown. (Vehicle parked into middle of road and burnt).

6th July 1997 Car hijacked by a number of youths at Garvaghy Road, Portadown.

6th July 1997 Ford Sierra hijacked and burnt, Portadown.

7th July 1997 Van hijacked and burnt at Garvaghy Road, Portadown.

7th July 1997 Van hijacked, 6-8 youths pulled driver from vehicle, Obins Street, Portadown.

7th July 1997 Petrol bombing, Garvaghy Road, Portadown.

7th July 1997 Garage burnt by hostile crowd, Ashgrove Road, Portadown.

7th July 1997 Vacant house petrol bombed, Churchill Park, Portadown.

8th July 1997 Ford Fiesta hijacked from house, Ballyoran Park, Portadown.

8th July 1997 Petrol bombing, Garvaghy Road, Portadown.

8th July 1997 Attempted Murder – Police Mobile Support personnel fired upon whilst performing riot duties at Garvaghy Road. One Police Officer received 3 gunshot wounds to right arm.

July 1997 Additional post Drumcree Parade investigation using video/photographic evidence into the serious public disorder. The following is a summary of the main public order offences arising out of these investigations:

Persons Identified	Main Offence	Police Prosecution Files	Insufficient Evidence
4	Petrol Bombing	4	-
31	Riotous Behaviour	18	13
4	Disorderly Behaviour	4	-

Terrorism

In addition to the Drumcree march there were two strong and active units of terrorists operating within 'J' Division. The Loyalist Volunteer Force, under the leadership of [REDACTED] and [REDACTED] (both now deceased). The membership was located both in Portadown and Lurgan and this group had a strong influence in the Loyalist community where they resided. The Provisional IRA also had a strong and active unit in Lurgan, again this unit had considerable influence within their community.

Examples of terrorist related crimes in the months after the beginning of the Robert Hamill Murder Investigation include:

1. Murder of two Police Officers, namely Constable [REDACTED] and Reserve Constable [REDACTED]. Both officers were brutally murdered in a shooting incident outside Lurgan RUC Station. These murders were carried out by members of the Provisional IRA. Criminal Investigation Department personnel and resources attached to Portadown, Banbridge and Lurgan Criminal

Investigation Department were involved in this investigation as was the South Region HOLMES Manager and his staff.

2. Attempted Murder – 3 masked and armed men broke into house on Westland Road, Portadown and fired one shot.
3. 21 x AK47 rounds fired at house of retired Prison Officer in Portadown.
4. Going Equipped for Terrorism/Arson – 12 armed and masked persons entered a public house at West Street, Portadown and set the premises on fire. This was as a result of an ongoing feud between LVF/UDA. Twelve persons arrested at time and twelve subsequently convicted of terrorist related offences.

I also had to investigate, supervise and manage other non-terrorist/sectarian/public order criminal investigations in line with Sub Divisional goals and objectives for both Banbridge and Portadown. These ranged from the minor to the most serious of incidents, such as:

Fatal shooting of two males at Solitude Park, Banbridge. A potential motive of murder/manslaughter had to be pursued and eliminated. There was also a murder at Obins Street, Portadown as the result of a stabbing I managed both these incidents on a paper based 'mini MIRIAM' (Major Incident Indexing and Action Management) type system as opposed to a HOLMES system.

Assault on Robert Hamill

It is in this context that I now outline my involvement in the investigation surrounding the assault and subsequent death of Robert Hamill on 27th April 1997.

In relation to the original assault on Robert Hamill, I had been off duty on the weekend of 26th and 27th April 1997 and I had at sometime previously arranged a family break for the May bank holiday weekend of 2nd to 5th May 1997 in Scotland. Due to family circumstances and work commitments, this was one of the few occasions that such a break was possible and therefore pre-planned. I had not had a family break away

from the previous summer. From the afternoon of the 28th April I had become focussed and committed to the investigation in Portadown. The following are summaries/extracts from my official police journals/notebooks between 28th April 1997 and 8th May 1997, which relate to this serious assault. These have been disclosed to the Inquiry and evidence the fact that we were thoroughly investigating the serious assault.

Journal Entries:

<u>Date of Journal Entries</u>	<u>Times</u>	<u>Hours Worked</u>	<u>Relevant Extract Entry</u>
28 th April 1997	8.15 am – 8 pm	11 ¾ hrs	Supervision ref assault.
29 th April 1997	7.30 am – 7 pm	11 ½ hrs	Conference/Worked on serious assault.
30 th April 1997	8 am – 6 pm	10 hrs	Conference/Actions ref serious assault.
1 st May 1997	8.15 am – 8 pm	11 ¾ hrs	Conference/Worked on serious assault.
2 nd May 1997 – } 5 th May 1997	Annual Leave		
6 th May 1997	8 am – 10.30 pm	14 ½ hrs	Arrests/Actions ref serious assault.
7 th May 1997	8.30 am – 5 pm	8 ½ hrs	Conferences/Actions ref serious assault.
8 th May 1997	8 am – 12.30 am	16 ½ hrs	Conference/Actions ref

serious assault/enquiries
ref Robert Hamill death.

Notebook Entries:

Monday 28th April 1997 relevant extracts:-

.... Briefed by D/C/Insp **P39** . Conference reference weekend events. Briefing reference immediate enquiries regarding serious assault in P'Down town centre.
Travelled to P'Down & supervision ref serious assault investigations. Worked on paperwork & supervision ref serious assault investigation.

Tuesday 29th April 1997 relevant extracts:-

.... Worked on serious assault of Robert Hamill at Market St on 27th/4/97.
Conference ref overnight events & serious assault on Robert Hamill. Wrote on action sheets ref incident. Enquiries with D/C McAteer at home of Robert Hamill [REDACTED] P'Down. Spoke with his mother [REDACTED] & daughter.
Wrote on action sheets ref serious assault. Supervision reference enquiries throughout day & interview of persons located in Market St at time of incident. Briefed D/C/Insp **P39** throughout day. Wrote on action sheets & other supervision duties. Conference ref serious assault on Robert Hamill. Supervision reference enquiries regarding interview of witnesses/persons located in vicinity. Action Sheets completed. Briefed D/C/Insp **P39**

Wednesday 30th April 1997 relevant extracts:-

.... Morning Conference ref overnight events and serious assault on 27th/4/97 – Robert Hamill. Wrote on action sheets & supervision of enquiry. Liaison throughout day ref actions.

Thursday 1st May 1997 relevant extracts:-

.... Morning conference ref overnight events. Worked on assault on Robert Hamill at Market St 27th/4/97. Spoke to Robert's sister Diane ref progress of investigation. ...

Tuesday 6th May 1997 relevant extracts:-

.... Travelled to Lurgan ref arrests of Stacy Bridgett & Dean Forbes regarding serious assaults Lurgan town centre. Duty at Lurgan. Briefed personnel ref arrests. Informed ref [REDACTED] at P'Down. Arranged for arrests Art 26 for Serious Assault at P'Down on 27th/5/97. Supervision ref interview/arrest. Attempted to contact Const Cook who was on A/L. Left message on answering machine. Arranged for D/Sgt to check alibi ref [REDACTED] General administration. Briefed D/Supt ref interviews. Continue to interview 3 suspects. Briefed Custody Sgt ref incident & ongoing interviews. Authorised release of [REDACTED] unconditionally following outcome of alibi check & still no reply from Const Cooke who I had continued to try & contact. Also further checks with any further evidence from witnesses seen over weekend. Travelled to P'Down. Worked on paperwork & action sheets reference serious assault. Liaised with D/Sgt Bradley ref action sheets – serious assault. Worked on paperwork & action sheets – serious assault.

Wednesday 7th May 1997 relevant extracts:-

.... Morning meeting & conference reference serious assault at Market St on 28th/4/97. Spoke with an Allister Harvey, [REDACTED] ref movements in Lurgan town centre. D/Sgt Bradley recorded witness statement after initial conversation. Travelled to Portadown. Conference reference action sheets ref serious assault – town centre.

Thursday 8th May 1997 relevant extracts:-

.... Morning meeting & conference reference action sheets regarding serious assault.
.... Following rumour that Robert Hamill subject of serious assault on 27th/4/97 had died made contact with Royal Victoria Hospital who confirmed Robert had died suddenly – life pronounced extinct at 5 pm. Contacted D/C/Supt McBurney reference death of Robert Hamill. Contacted Deputy Coroner Miss [REDACTED] Belfast ref death of Robert Hamill. Post Mortem to be carried out 9th/5/97. Organised agencies for same. Liaised with D/Sgt [REDACTED] Grosvenor Rd ref positive ID of Robert Hamill by family & completion of relevant forms. Supervision ref investigation into murder of Robert Hamill. Duty in relation to investigation ref murder of Robert Hamill & establishing possible witnesses to incident. Supervision ref investigation.

Initial Duties on 28th April 1997

As outlined in my notebook/journals, I commenced duty at 8.15 am on 28th April 1997 some 30½ hours after the initial assault and I was briefed by Detective Chief Inspector **P39** the Duty Officer, on the weekend's events. I had not been briefed or received any notice of this incident prior to commencing duty on that date. There were three main incidents that weekend in which the 'J' Division Criminal Investigation Department personnel had been involved and were fully deployed. These were as follows:

1. On 26th April 1997 at approximately 2100 hours there was an incident in which a young boy lost his eye and there were allegations of "attempted murder" being made by the family. This arose from an army foot patrol consisting of six soldiers were patrolling along the Antrim Road, Lurgan at which time they came under a sustained attack from a crowd of approximately 30 youths who threw bottles, stones and other missiles. The crowd attempted to isolate two members of the patrol and a patrol member discharged one plastic baton round in order to escape. Although the member of the patrol did not observe any persons being struck by the round, a 13 year old boy from Lurgan was admitted to Craigavon Area Hospital and later transferred to the eye clinic at the Royal Victoria Hospital, Belfast.
2. On 26th April 1997 at 0145 hours, a sectarian assault occurred in which a man was kicked unconscious in a Hot Food Bar, Church Street, Banbridge. Five persons were involved in the assault in the premises in which they followed the male outside and assaulted him again. He was kicked repeatedly about the head and body. The male was unconscious in Craigavon Area Hospital with a fractured jaw, a median fracture to the skull and bi-lateral peri-orbital haematoma. He was to be transferred to Belfast if his condition did not improve. Although there had been no immediate arrests, two of the individuals had been identified and by 30th April, 5 persons had been arrested in relation to this serious assault. Three of these individuals were charged at a Special Court and 2 were released pending further enquiries.

3. On 27th April 1997 at approximately 0150 hours there was a sectarian attack on a number of individuals in the area of Market Street, Portadown and in which a Robert Hamill had been seriously injured and was presently unconscious. There had been serious public disorder in the town centre and in which a police patrol had been in the immediate area at the time of the assaults and disorder. At present no arrests had been made and there were a number of lines of enquiry that required to be urgently progressed.

As outlined in (1) to (3) above, each of these incidents, according to Police Training and Investigation Standards, could have had a separate Senior Investigating Officer. It would have been difficult for any SIO to decide at which incident one could supervise 'from a distance' or to assess which one was the most serious or controversial. Unfortunately these were the circumstances that Divisional and Sub Divisional senior investigators were confronted with in Northern Ireland in 1997. Serious incidents like these, whether sectarian, terrorist or criminally related, were occurring on a very regular basis. Senior Officers had to make practical decisions, many of which may not in fact have complied with ideal Investigation Standards.

As a result of Detective Chief Inspector **P39**'s briefing on the morning of 28th April 1997 I was directed to supervise the enquiries in Banbridge and Lurgan whilst she continued to supervise the serious assault in Portadown. At that stage I was not tasked or allocated any responsibility whatsoever concerning the Robert Hamill investigation. As a result of this briefing I later travelled to Banbridge and Lurgan to assess, manage and supervise my investigations. The following journal/notebook extracts refer:

Journal – 28th April 1997 - ... Travelled to Banbridge ref serious assault. Liaised with D/C Travelled to Lurgan

Notebook – 28th April 1997 - ... Briefed by D/C/Insp **P39** ... Travelled to Banbridge reference supervision regarding serious assault on & subsequent arrest ref number of people. Liaised with investigating officer D/C Travelled to Lurgan & enquiries in town centre.

Prior to going to Banbridge and Lurgan I attended the morning conference at Portadown Criminal Investigation Department office as usual. It was normal that a Criminal Investigation Department conference was held each morning and it was usually chaired by myself or one of the two Detective Sergeants. Officers would be briefed/debriefed reference all of the previous day/overnight/weekend incidents. Officers would be directed regarding investigations and enquiries. Detective Chief Inspector **P39** was the Senior Officer on the morning of 28th April, although I cannot recall who actually chaired the conference. Detective Chief Inspector **P39** and the two officers who had been on the weekend would have provided the personnel present with an update and the urgent lines of enquiry would have been identified and directed.

Following this conference I travelled to Banbridge as directed by Detective Chief Inspector **P39**. When I returned to Portadown later that afternoon I began to read statements which had been received by the CID personnel in relation to the Robert Hamill investigation.

I have been asked on a number of occasions who was in charge of this investigation. Detective Chief Inspector **P39** was the Senior Officer on duty at the time of the incident and I was a member of the Senior Management Team responsible for crime in the Division. Detective Constable Keys had attended the scene and carried out the initial enquiries. On 28th April I do not believe Detective Chief Inspector **P39** and myself discussed in a formal sense who was the appointed Investigating Officer, we were both local managers and supervisors. Obviously Detective Chief Inspector **P39** at this early stage had more knowledge of the investigation than I had. The Detective Chief Inspector had visited the scene and she directed and supervised the enquiries on the Sunday and Monday whilst I was elsewhere, investigating other serious crime. Throughout the week I would have personally briefed Detective Chief Inspector **P39** on the progress of the investigation in addition to her attendance at the morning conferences. The ongoing progress and the subsequent outcome of the investigation would have ultimately dictated the Detective rank of the investigating officer. The workload of each rank would then have dictated who specifically would have dealt with the file.

Initial Enquiries

As previously outlined I returned to Portadown in the late afternoon of 28th April 1998 approximately 38 hours after the incident had occurred. During the remainder of that afternoon/evening I updated myself on the information/evidence available. I then decided to raise 'Action Sheets' which produced a supporting investigation paper system for the Robert Hamill assault. In essence I personally wrote out actions sheets that would have been allocated to the Criminal Investigation Department officers. This provided Detective Chief Inspector **P39** and myself with a basic structure by which to manage the investigation and focus the activities of the investigation team. To introduce this system for a Grievous Bodily Harm would not, to my knowledge and experience, have been a common practice at that time in Northern Ireland.

I had personally written out 61 of a total of 64 actions, which were raised between 29th April and 8th May 1997 and which related to the Grievous Bodily Harm investigation. These were replaced by HOLMES documentation following the death of Robert Hamill. The actions raised by me are as follows:-

<u>Action No</u>	<u>Date Allocated</u>	<u>Action Resume</u>
A1	29.04.97	TST Neill re duties at scene & copy of notebook entry
A2	29.04.97	TST Comett re duties at scene & copy of notebook entry
A3	29.04.97	TST Murphy re duties at scene & copy of notebook entry

A4	29.04.97	TST Atkinson re duties at scene & copy of notebook entry
A5	29.04.97	TST P40 re duties at scene & copy notebook entry
A6	29.04.97	TST A re duties at scene & copy notebook entry
A7	29.04.97	TST Silcock re duties at scene & copy notebook entry
A8	29.04.97	TST Cooke re duties at scene & copy notebook entry
A9	29.04.97	TST Adams re duties at scene & copy of notebook entry
A10	29.04.97	TST Warnock re duties at scene & copy notebook entry
A11	29.04.97	TST Orr re duties at scene & copy notebook entry
A12	29.04.97	TST D re the assault
A13	29.04.97	TST E re the assault
A14	29.04.97	TST F re the assault
A15	29.04.97	TST Hamill re the assault
A16	29.04.97	TST [REDACTED] re log duties at scene 0813-1115 hrs
A17	29.04.97	TST Ardis re duties at scene 270497 0955-1115 hrs
A18	29.04.97	TST [REDACTED] re duties at scene 270497 1000-1020 hrs
A19	29.04.97	TST Keys re duties at scene 270497 1000-1020 hrs
A20	29.04.97	TST McDowell re duties at scene 270497 1000-1020 hrs
A21	29.04.97	Obtain clothing of D & statements of continuity

A22	29.04.97	Obtain clothing of Hamill & statements of continuity
A23	29.04.97	TST Godley re duties on 270497
A24	29.04.97	ID possible witnesses/persons in vicinity of scene in Market St on 270497
A25	29.04.97	INT P51 and Jameson re movements Portadown town centre
A26	29.04.97	INT P53 and Robinson
A27	29.04.97	INT Hobson, Moore, Milligan.
A28	29.04.97	TST McClean re duties on 270497
A29	29.04.97	TST McCrum re duties at scene on 270497
A30	29.04.97	Liaise with St Patricks Club re possible witnesses
A31	29.04.97	Liaise with Hamill re update of investigation and other matters raised
A32	29.04.97	Establish from CIO, OSU etc what buses go to Banbridge on a Friday night
A33	29.04.97	ID TST Ambulance crew who conveyed injured parties to hospital
A34	29.04.97	ID all premises in Market & Thomas St with security cameras. List detail of same
A35	29.04.97	Obtain all press cuttings/appeals re incident
A36	29.04.97	Obtain details of possible suspects from descriptions in police statements
A37	29.04.97	INT [REDACTED] & Stockdale
A38	29.04.97	Obtain copy C6 Occurrence Book re entry ref assault
A39	29.04.97	INT TST Clayton re presence in Market St 270497
A40	29.04.97	INT TST Gray re presence at Market St on 270497
A41	29.04.97	Re INT D re actions at scene 270497

A42	29.04.97	INT STS Mallon re movements in Market St 270497
A43	30.04.97	ID INT TST Magee re movements town centre 270497
A44	30.04.97	ID TST Carville, Bloomer re movements 270494
A45	30.04.97	ID TST Reiney re movements town centre 270497
A46	30.04.97	ID TST Prunty re movements in town centre 270497
A47	30.04.97	INT [REDACTED] re persons on coach to town centre
A48	30.04.97	ID INT TST Blevins [REDACTED] Portadown
A49	30.04.97	INT staff Boss Hoggs & KFC re observations 270497
A50	30.04.97	ID person named in press cutting from Irish News
A51	30.04.97	ID INT TST O'Neill re presence in town centre
A52	30.04.97	INT TST Newell re travelling by coach to Portadown
A53	30.04.97	Ascertain names all persons travelling by bus 030597
A54	30.04.97	INT TST Currie re presence town centre 270497
A55	30.04.97	ID Unknown Tracy re presence in town centre 270497
A56	06.05.97	ID TST Black, Henderson, Woods, Nelson
A57	Not Dated	Arrange briefs & Article 10 Warrants possible suspects
A58	06.05.97	INT TST Hanvey believed to be from

		Banbridge area
A59	06.05.97	TST Wilson, Smith, Rainey, Thompson re movements in town centre. These people travelled on the bus
A60	07.05.97	Establish all persons who fit description of unidentified male. This description is late 20s, round face, goat beard, very short hair, wearing possibly leather type jacket/waistcoat. This person may associate with Rory Robinson. Brief all sections, Neighbourhood, OSU, MSU personnel. This person was observed kicking IP Robert Hamill on 27/04/97 in Portadown town centre. All above personnel to establish though community contacts information on incidents in town centre and any people who were in the vicinity.
A61	06.05.97	Liaise with SB re serious assault on 270497
A62	07.05.97	TST McCoy re movements on town centre on 270497
A63	08.05.97	Have Hamill complete pro-forma re medical report on victim at CAH & RVH
A64	08.05.97	TST McLoughlin re movements in town centre

On checking these actions I can state that they were allocated to all available officers of the Criminal Investigation Department at Portadown RUC Station. (I believe two other members of the Criminal Investigation Department office were off on long periods of leave).

In relation to A1 to A64 a number of these were raised by myself knowing that the statements had already been obtained or the actions had already been directed to be undertaken by Detective Chief Inspector **P39** A number of the actions generated

would actually have been raised from statements already recorded. I can state from the information available that the following statements were already obtained in the early stages of the investigation, ie Sunday 27th, under the direction of Detective Chief Inspector **P39** . From these documents I believe that only Detective Constable Keys and Detective Constable McDowell from Portadown Criminal Investigation Department Office were available to complete the initial enquiries and record statements on 27th April 1997 and before I became involved:-

Statements:-

- E** (wife of Injured Party **D**)
F (sister of Injured Party **D**)
Alan Keith Neill (Constable at the scene)
Denise Cornett (Reserve Constable at the scene)
Robert Atkinson (Reserve Constable at the scene)
P40 (Reserve Constable at the scene)
Gordon Cooke (Constable at the scene)
Paul Henry Joseph Warnock (Reserve Constable at the scene)
James Murphy (Reserve Constable at the scene)
John Adams (Constable at the scene)
Dean Silcock (Reserve Constable at the scene)
David Allan Orr (Constable)
A (Constable at the scene).

Also directed by Detective Chief Inspector **P39** was the identification and examination of CCTV in order to identify the assailants, the seizure of clothing from the injured parties and the examination of the scene by the Scenes of Crime Officers.

During the morning conference of 28th April 1997, Detective Chief Inspector **P39** had directed a further debrief from the four police officers in the landrover. This was a further attempt to identify other persons present, including suspects, and to clear up issues that she had identified from their written statements of the 27th April 1997. I believe these enquiries were conducted on the 28th April 1997 whilst I was in either Banbridge or Lurgan. These are covered in the following documents:-

Message Sheets 1 and 2 dated 28th April 1997 from R/Const Atkinson.

Document 393 'Notes taken down from Const Neill re incident'.

Document 394 'Notes taken down from R/Const P40 re incident'.

Document 395 'Notes taken down from R/Const Cornett re incident'.

Throughout the GBH investigation I also completed, assisted or accompanied other members of the team in completing their actions. In reality, there were four teams of two personnel completing their actions which I had directed by way of their action sheets. The Criminal Investigation Department officers' enquiries were disrupted and sometimes delayed due to other commitments and court appearances, however, at every available opportunity they returned to this investigation. Conferences throughout the days following the assault focused all Detective personnel and updated them on the progress of the investigation.

Initial Assessment of Incident

On my own initial assessment of this investigation, I identified major difficulties that would have to be overcome if there was to be any opportunity of making persons accountable for the crime. The issues that were arising were:-

- (a) There were ambiguous accounts provided by the Police Officers at the scene and from several of the witnesses who had been the subject or witnessed the assaults. I personally had difficulty in fully interpreting the scene from the statements provided and identifying where people, including the Injured Parties, were actually located and in what sequence events actually occurred. However, this was not an unusual facet, considering what had occurred.
- (b) There was little police witness evidence to identify those people involved in the actual assault of Robert Hamill. Other witness evidence was also vague.
- (c) There was no security camera video recording from the Queens Bar, Thomas Street, which were the only premises that covered the immediate area of the assault.

- (d) There had been no immediate arrests, which in my opinion was crucial. I had only been briefed approximately 38 hours after the assault and I was concerned whether there was to be any later reliance on forensic findings, especially hair and fibres.
- (e) There were only minor external injuries to Robert Hamill and **D** , therefore limiting the possibilities of obtaining a forensic link through blood transfer between victim and assailants. This fact is evidenced through the statements of Mr David Morrow S20, Professor Crane's Autopsy Report D510, Photo Album ARN2 (injuries to **D**) and Photo Album JMcC1 (Post Mortem of Robert Hamill). Although the Forensic Scientist, Lawrence Marshall initially thought there was heavy blood staining on Robert Hamill's clothing. He later confirmed that the vast majority of this was in fact wine stains. A broken wine bottle having been located close to Robert Hamill's head (Statement of Reserve Constable Silcock S7 refers).
- (f) The scene of the crime had been contaminated by the amount of people located in the area at the time and therefore any resulting forensic findings would be weakened.
- (g) The clothing being worn by Robert Hamill and **D** , ie three-quarter length leather coat/jeans and striped shirt/jeans and the clothes identified as being worn by persons potentially involved in altercations or aggressive behaviour, did not lend themselves to single or cross transfer of fibres because leather and denim material do not, in my experience, easily catch or shed fibres.
- (h) The fact that the injured parties' clothing had not been immediately obtained would again have an impact on any potential forensic findings.

Initial Arrest Strategy

As already stated, the fact that no immediate or early arrests had been made did have an impact on the investigation process. The issue of when to make follow-up arrests always has to be looked at with care. It is always a measured decision. It is not a foregone conclusion that if there are potential suspects emerging, you arrest. Many investigations following such arrest tactics amount to nothing, as there is often difficulty in obtaining credible evidence. My view is that the judgement decision of who and when to arrest was influenced by the following factors:-

- (i) What evidence or information could actually be put to arrested persons on interview? I personally did not believe that any useful evidence would be obtained through interviewing without first having strong evidence to put during such interviews.
- (ii) The potential for forensic links considering the time lapse, the subsequent strength of any forensic findings considering the full circumstances of this incident in which cross contamination and innocent transfers were real and genuine.
- (iii) Considering the situation in Portadown and the sectarian attitudes prevalent at that time, the effect these arrests would then have on potential witnesses not yet spoken to by police was likely to be detrimental to the investigation, ie witnesses would refuse to co-operate and the loyalist paramilitaries would assert their pressure and control over the areas from where those individuals resided.
- (iv) Any such arrests and interviews would have made significant demands on our scarce resources. It would also have had an impact on other priority lines of enquiry which were required to be pursued and which were vital to robust police interviews, eg witness interviews of **D** , Colin Prunty, Maureen McCoy and Colin Hull.
- (v) I was concerned that witness statements addressing identification evidence might be weakened if obtained after arrests. Suspect names would become

common knowledge shortly after arrest, either within the community or through the media.

Unfortunately just such an incident did, in fact, arise in which otherwise strong evidence of identification from a Mr Colin Prunty was jeopardised. This occurred when television footage of one of the accused, at a court appearance, was shown to Mr Prunty by members of Robert Hamill's family and following which he changed his account on identification. Other evidence available, which included police radio transmissions and police evidence at this scene, did not support Mr Prunty's account.

On considering the above matters, my own personal view was that witness identification of those actually involved was going to be crucial if there was to be any chance of a successful criminal prosecution. In that respect I considered that it was imperative that the full information was obtained from those at the scene. I continually reviewed my assessment and discussed this regularly with Detective Chief Inspector

P39

The strategy implemented in the early stages was that the investigation team as a priority attempted to secure evidence regarding the identity of suspects that could then have been put to these individuals during interview. The apparent sectarian nature of the assault and the allegation of inactivity by police at the scene had a serious impact on the support the police investigation received with persons from whom police were seeking co-operation. The following actions set out in the action sheets relate to the securing of just such evidence:-

- (a) A24 dated 29th April 1997 to identify possible witnesses/persons in the vicinity of the scene in Market Street.
- (b) A30 dated 29th April 1997 to liaise with St Patrick's Club re possible witnesses.
- (c) A34 dated 29th April 1997 to identify all premises in Market Street and Thomas Street with security cameras.

- (d) A41 dated 29th April 1997 to re-interview **F** as a police officer was adamant she had identified an assailant of Robert Hamill (she subsequently denied making such a comment).
- (e) A36 dated 29th April 1997 to obtain details of possible suspects from descriptions in police statements.

These actions are in addition to those raised to interview significant witnesses as identified at the scene.

Management and Supervision of Enquiries

Through the daily conferences and the action sheets, the Criminal Investigation Department personnel attached to this investigation were managed, supervised, briefed and updated on progress and priorities by Detective Chief Inspector **P39** and myself. The Criminal Investigation Department officers were experienced and were well aware and familiar with the difficulties being encountered. The limited personnel available were being supervised by Detective Chief Inspector **P39** myself and two Detective Sergeants. Everyone involved in conducting these enquiries undertook their tasks with urgency, being fully aware of the effects that the sectarian element, the allegations of police inactivity and subsequent arrests would have and were having on the investigation. I strongly feel that the following notebook entries support the focus, supervision and management that I was personally bringing to the investigation:

28th May 1997 Conference ref weekend events. Briefing reference immediate enquiries regarding serious assault in Portadown town centre. Directions given ref investigation. ... supervision ref serious assault investigations... supervision ref serious assault.

29th April 1997 Conference ref overnight events and serious assault... Supervision reference enquiries throughout day... Briefed D/C/Insp P39 throughout day... 4.45 pm conference ref serious assault on Robert Hamill. Supervision ref enquiries... Briefed D/C/Insp P39

30th April 1997 Conference ref overnight events & serious assault... supervision of enquiry... Liaison throughout day ref action sheets.

1st May 1997 Morning conference ref overnight events... Worked on serious assault...

6th May 1997 Travelled to Lurgan ref arrests... Briefed personnel ref arrests... supervision ref interviews/arrests... Liaised with D/Sgt Bradley ref action sheets...

7th May 1997 Conference ref serious assault... Conference reference action sheets reference serious assault...

8th May 1997 Conference ref action sheets regarding serious assault.

From my notebook entries and the facts as outlined in this statement, not only was I carrying out supervision duties but I was actively involved in conducting lines of enquiry. I too was seeing the difficulties that the investigation teams were encountering; this was not an unusual situation in Northern Ireland considering the background, location and circumstances of this incident. This was being experienced coming from both sides of the community and many hours were lost through the continuous calling and recalling at addresses in an attempt to identify evidential witnesses. For example Colin Prunty and Maureen McCoy were identified as very significant witnesses – A46 dated 30th April 1997 and A62 refers. Neither provided witness statements until 8th and 9th May 1997 respectively after the death of Robert Hamill. A number of attempts had been made to obtain the necessary evidence. Colin Prunty had been previously spoken to on the 3rd May during which a questionnaire was partially completed. Mr Prunty declined to provide a witness statement on that occasion.

In providing and directing the Criminal Investigation Department personnel with the actions to interview witnesses, I also constructed a pro-forma system to provide general guidance in order to assist in tracing, implicating or eliminating potential witnesses and suspects. (These are registered and contained within the HOLMES account documents). This pro-forma covered the following questions/points:-

1. You have been identified as being present at Market Street, Portadown on 27th April 1997 at or around the time of the assault. Where were you coming from?
2. Who was with you?
3. Who else was in the vicinity (describe location in relation to themselves and their account of movement through town centre)?
4. Did you see an assault in Market Street? If so give details.
5. If travelled from Banbridge, who else travelled to Portadown with you?
6. What were you wearing on the night in question?
7. Is there anything else you would like to add?
8. Person's visible description.
9. Completing officer's details.

Witnesses

As anticipated potential witnesses were being evasive and not truthful in their accounts. An example of such was Timothy Jameson. He was initially interviewed by Detective Constable Honeyford on 29th April and in which the proforma questionnaire devised by me was completed. He denied being at the scene of the assault when it actually occurred. He later, on 9th May, provided a witness statement in which he outlined being present at that time and identifying a number of assailants. Another was that of a Jonathan Wright under similar circumstances. These examples were typical of my experience of many investigations of this nature in Northern Ireland. It was most certainly normal practice that statements/accounts would have initially been recorded or noted from such reluctant or evasive witnesses even though the police recording such would have doubted their accuracy. The reason being, these accounts

could then be subsequently challenged at a later stage if the circumstances of such dictated that type of action. In addition I was mindful that in speaking to these witnesses we could potentially be speaking to one of the assailants. An example of such was the interview of Allister Hanvey by Detective Sergeant Bradley and myself on 7th May 1997 in which a witness statement was recorded. My notebook entry states 'Spoke with an Allister Hanvey, [REDACTED] Portadown ref movements in Portadown town centre. D/Sgt Bradley recorded witness statement after initial conversation'. If during that interview process I had established reasonable grounds to conduct an arrest for the assaults, then this course of action would have been pursued. In conducting this interview I was able to assess and make a reasoned judgement on the benefits of possible arrest and interview process at that stage or to continue with enquiries, in order to gather further evidence.

Unfortunately, and not untypical in Northern Ireland investigations, several of the most vital witnesses, who I will identify as witnesses in support of Robert Hamill, refused to fully co-operate with the police investigation. This had a serious detrimental effect on the investigation, eg blood identification remains outstanding on the clothing of Robert Hamill. I believe this could be resolved if one of these witnesses provided a comparison sample. I personally attempted through the family of Robert Hamill and through [REDACTED] Solicitor, to encourage these individuals to come forward, but without success. I am aware that Detective Chief Inspector **P39** also made attempts within the community, through local clergy but again without success.

It also transpired during the investigation that there were counter allegations of assault and that the facts as outlined by a number of the witnesses on how the incident occurred were being challenged. If such were factually correct I am in no doubt that this, in conjunction with the consumption of alcohol, would have had an impact on the sequence of events as described in their witness statements and also on descriptions/identification of those involved. Additionally this was a very traumatic incident for those witnesses who were subjected to such violence and fear, this too may have had a major impact on the contents of the witnesses' statements. In 1997 RUC Officers were not regularly updated or trained in the recording of witness statements or in any PEACE (Planning and Preparation, Engage and Explain, Account, Closure, Evaluate) models used to assist and improve police techniques in

statement recording. In today's policing environment these witnesses would be identified as 'Significant Witnesses' and a completely different technique used to obtain 'best evidence'. Regardless of which technique used, the police require the trust, support and co-operation of witnesses to ensure that they are in possession of all the vital evidence. In this case, such trust, support and co-operation was not forthcoming. In 1997 in Northern Ireland some communities refused or were in fear of being seen to support police in their investigations. In this particular case the alleged involvement or alleged non-involvement by police officers situated in a police landrover near to the crime scene was, certainly, counter productive to winning the trust and support of some potential witnesses in investigating the assault of Robert Hamill.

Family Liaison

Another important aspect with the investigation was family liaison. At the time of this assault there was no formally trained Family Liaison Officers within the RUC. Both Detective Chief Inspector **P39** and myself were well aware of the benefits such could bring to any investigation. Detective Constable McAteer was issued with A31 dated 29th April 1997 to 'Liaise with the Hamill family and update them of the investigation and other matters raised'. I personally have been involved in that role on many previous investigations and know that a positive relationship can advance not only the investigation but support the family. Unfortunately I have also experienced too many investigations in Northern Ireland where there have been poor relationships between the police and the victim's family and I have first hand knowledge of the negative effects of such.

Due to the circumstances surrounding this assault, I accept that it was always going to be very difficult to build and maintain a positive relationship with Robert Hamill's family.

The following are extracts of the notebook entries I made in the early stages of the investigation in regard to several contacts with Robert Hamill's family. I believe that Detective Chief Inspector **P39** and other members of the investigation team had

also liaised with Robert Hamill's family and with Robert Hamill's girlfriend in Lurgan, with whom he lived.

29th April 1997 Enquiries with Detective Constable McAteer at home of Robert Hamill. Spoke with his mother [REDACTED] and daughter.

1st May 1997 Spoke to Robert's sister Diane ref progress of investigation.

I fully acknowledge that I was surprised by the untimely death of Robert Hamill. I had, up to that point, personally believed that Robert Hamill would survive despite sustaining serious injuries as the information coming from the hospital was consistently that his condition was "serious but stable". Even in today's policing, initial police responses to serious assaults, where the victim has later died, are still the subject of comments and criticisms during murder reviews. In the case of Robert Hamill, my understanding was that even the doctors were surprised by his untimely death.

Investigation Progress

Initial police actions do have an impact on the subsequent murder investigation and in this respect this investigation was no different. If Robert Hamill had died at the time of the attack I am in no doubt that the initial response would have been significantly different, including early scene preservation, earlier response and formal appointment of a Senior Investigating Officer with increased manpower availability. However, although stating this fact I do strongly believe that the assault was treated by police as a very serious incident.

The seriousness with which I personally regarded this assault is reflected in my notebook entries from the 28th April 1997 to 8th May 1997 and the actions raised which are supported in the Police Press Statements of 30th April and 7th May 1997. The 7th May Press Statement from Detective Chief Inspector **P39** also acknowledges her approach and in which she outlines the fact that "a special team was set up to investigate this incident...".

As in all policing environments the availability of resources was a constant issue. I know Detective Chief Inspector **P39** sought additional Criminal Investigation Department and Regional Crime Squad personnel to support this investigation, however, due to other demands and commitments there were no officers immediately available.

Uniform personnel were also fully employed within the Sub-Division. In addition to the normal policing demands, terrorism dictated many of the policing priorities and on many occasions criminal arrests, searches and investigations had to be deferred due to these terrorist related commitments. Such commitments included heightened terrorist security alerts, anti terrorist patrols, arrests and searches under terrorist emergency legislation, roadside and area searches regarding terrorist crime and Special Branch intelligence directed operations. As a result of this, it was difficult, if not impossible, to get committed uniform support to assist in a criminal investigation.

Police arrest and search teams were supplied by Mobile Support Units who were fully trained and equipped to carry out these duties. There were immense demands on these resources from a number of Police Divisions regarding anti-terrorist operations and crime support. On many occasions, although frustrated by the failure to secure the resources, one had to accept that one had to delay important tasks and that there were consequences in-built in such delays. On other occasions another incident or issue would arise which would disrupt the investigation plan. The uniform resources available often dictated the timing of the arrest and search operations. On many occasions I have had to make a judgement decision on whether to continue and conduct arrests with limited searches under Article 26 PACE (NI) Order 1989 or delay such an operation to another date when additional manpower would be made available for a more intense search under Article 10 PACE (NI) 1989.

Again I believe that Detective Chief Inspector **P39**, having reviewed the progress of the investigation, had attempted and had been successful in having limited resources made available to conduct several arrests on 1st May. This decision had been made following the negative outcomes of the examination of CCTV evidence, lack of information being obtained from potential witnesses and the lack of co-operation from other witnesses who failed to make themselves available for interview. In addition,

another injured party, **D** , had been interviewed on 29th April but could provide no details of his assailants. Unfortunately a serious house arson had also occurred on 30th April/1st May resulting in 5 arrests. This meant that not only were the Portadown CID resources fully committed to another criminal investigation but that the custody suites at Lurgan and Banbridge were also fully utilised. This was part of everyday policing, both incidents were a priority, choices had to be made and there were consequential delays relating to the assault on Robert Hamill.

A further arrest and search operation was planned for 6th May 1997. In the absence of myself over that public holiday weekend, Detective Sergeant Bradley and Detective Sergeant Lawther continued to carry out enquiries and to obtain the necessary paperwork from the Justice of the Peace for the Article 10 PACE (NI) 1989 searches. Both Detective Sergeants were highly experienced, each with over 20 years service and professional officers who had been part of the investigation team. Both were more than capable of performing the duties required of them, supported by the action sheets that had already been raised.

On my return to duty on 6th May and whilst supervising the interview of the three suspects, I was updated on the position regarding further weekend enquiries. My notebook entry for that date refers – '... further checks with any further evidence from witnesses seen over weekend'.

It was not, to my knowledge, either policy or general practice in Northern Ireland in 1997 to complete written operational orders in relation to arrest and search operations when dealing with Sub Divisional crime. However, it was my own policy that when investigating serious offences, whenever possible, a Detective Sergeant or Detective Constable would accompany the arrest and search teams or where there were a large number of arrests and following a briefing by those Criminal Investigation Department officers, they would be mobile and available to attend any location upon request. From the statements available I can state that three Detective Constables from the Sub Divisional CID Office were briefed regarding the three arrest and search operations on 6th May 1997 and that they accompanied the uniform personnel. They would have provided direction and given advice to the uniform personnel on any

issues that arose. These operations were in relation to Stacey Bridgett, Dean Forbes and a [REDACTED]

Again on the 10th May 1997 I briefed the uniform and accompanying Criminal Investigation Department personnel regarding six arrests and four searches. Again Portadown Criminal Investigation Department personnel were involved in each of the search/arrest operations. One of the arrest operations was not initially successful on the morning of 10th May, however, the individual, a Rory Robinson, was arrested later that date by Portadown Criminal Investigation Department personnel. Again Portadown Criminal Investigation Department and uniform support completed a further search on this individual's property on 11th May 1997. In relation to the operation on Saturday 10th May 1997, there were issues regarding the limited uniform personnel available to carry out the arrests and four searches. Decisions had to be made regarding the number of uniform personnel allocated to each arrest and search team. At a number of these, there were the minimum of officers available in order that all six arrests and four searches could be conducted on that date. There is no doubt this resource issue had a significant impact on the decision making process regarding the operation and on the capabilities and limitations of each team.

Regarding the arrests on the 6th May both Bridgett and Forbes denied involvement whilst the third person was eliminated from enquiries. I personally briefed, (Notebook Entry 6th May 1997 refers), Detective Superintendent [REDACTED] from Gough Barracks regarding the interviews which again clearly illustrates the seriousness and importance with which this serious assault was being addressed.

On release of these individuals I returned to Portadown from Lurgan and continued 'with the supervision of this investigation/liaising with Detective Sergeant Bradley ref action sheets'. (Notebook Entry refers).

Up until the death of Robert Hamill, the serious assault remained the priority in Portadown Sub Division and the investigation team continued to interview witnesses and complete action sheets. A number of significant witnesses had still declined to make themselves available for interview. I continued to assist Detective Chief Inspector **P39** in the supervision of this investigation in line with other Portadown

and Banbridge Sub Divisional commitments, which had to be addressed. Other crimes in addition to the assault on Robert Hamill in Portadown had also to be addressed by the investigation team. Notebook entry 8th May 1997 provides such examples:-

- (i) 'Travelled to Banbridge RUC Station. Liaised with CID Office Manager ref crime recording procedures. Spoke with JLO... ref crime prevention initiatives... Spoke with Supt ... (Sub Divisional Commander) ref crime'.
- (ii) 'Travelled to Portadown. Briefed by D/Sgt Bradley ref handbag snatch & subsequent arrest ...'.

The Murder Investigation

At approximately 5 30 pm on 8th May following contact with the Royal Victoria Hospital it was confirmed that Robert Hamill had died suddenly at 5 00 pm. I immediately contacted Detective Chief Superintendent McBurney regarding Robert Hamill's death as Detective Chief Inspector **P39** was not on duty. Detective Chief Superintendent McBurney travelled to Portadown immediately and I briefed him as my senior officer on the investigation and on the lines of enquiry that had been pursued up until that date. I also liaised with the Deputy Coroner and other agencies and a post mortem was arranged for the 9th May.

A notebook entry for 8th May states 'Duties in relation to investigation ref murder of Robert Hamill & establishing possible witnesses to incident'. Although not specific I believe that this entry relates to three particular witnesses namely Colin Prunty, Maureen McCoy and a Tracey Clarke who was identified via an Andrea McKee. Statements were obtained from 1) Colin Prunty on 8th May, who had previously refused to make a statement on 3rd May, 2) Maureen McCoy on 9th May and 3) Tracey Clarke on 9th May.

On 9th May I briefed Detective Chief Inspector **P39** on the investigation update. This briefing would have included the statement recorded from Colin Prunty and the meeting which I had had with an Andrea McKee. A 9 00 am conference reference the

murder of Robert Hamill was presented by myself and in which I would have provided an update regarding overnight events and the arrangements regarding the post mortem examination. I believe Detective Chief Superintendent McBurney and Detective Chief Inspector P39 both attended this conference. A number of enquiries were directed under the supervision of Detective Chief Superintendent McBurney and Detective Chief Inspector P39. It would have been during this period or it may have been shortly after this conference that I was instructed that Detective Chief Superintendent McBurney was the appointed Senior Investigating Officer for the murder investigation and that Detective Chief Inspector P39 was the appointed Deputy Senior Investigating Officer, I was appointed Office Manager and Detective Sergeant Bradley was appointed Receiver/Disclosure Officer. Detective Chief Superintendent McBurney also increased the investigation team by a further five Detectives, some of which would have been deployed from within 'J' Division.

As Office Manager, my role was to manage the office personnel, manage the actions through liaison with the HOLMES Office Manager, provide support for Detective Chief Superintendent McBurney as Senior Investigating Officer and Detective Chief Inspector P39 as Deputy Senior Investigating Officer, ensuring that all directions relating to the investigation, were pursued and supervised. I continued to manage the murder conferences in a similar fashion to the manner in which I conducted the conferences during the Grievous Bodily Harm investigation. Detective Chief Superintendent McBurney and Detective Chief Inspector P39 would have supervised and provided direction and instructions during these conferences. The strategic direction, policy making and decision making roles, in terms of the conduct of the investigation, were being formulated and driven by Detective Chief Superintendent McBurney, assisted by Detective Chief Inspector P39.

Witness Information Regarding the Murder

The following paragraphs relate to my initial involvement with (i) Andrea McKee, Tracey Clarke (Witness A) and (ii) Timothy Jameson (Witness B).

- (i) In relation to Andrea McKee, Detective Constable McAteer had been provided with information from a Reserve Constable McGaw. In summary, this was to

the effect that Reserve Constable McGaw had been told by a third party that Tracey Clarke had witnessed the incident. Detective Constable McAteer interviewed Tracey Clarke, to establish what this individual had actually witnessed. When interviewed by Detective Constable McAteer, Tracey Clarke denied witnessing the incident. On returning with this information Detective Chief Superintendent McBurney directed that the third party should be spoken to and the facts ascertained. Detective Constable McAteer arranged this through Reserve Constable McGaw. Detective Constable McAteer and I were directed by Detective Chief Superintendent McBurney to meet this third party, Andrea McKee. This meeting took place in the vicinity of the Seagoe Cemetery, Portadown, as she would not attend the police station. We spoke to her whilst parked in an unmarked police vehicle. Andrea McKee was very frightened and was insistent that her identity and the information that she was about to reveal would not be disclosed by police. She outlined that she lived in [REDACTED] Craigavon and that she was terrified of the consequences should her co-operation with this investigation become public knowledge. I was very aware of the LVF influence in the [REDACTED] Estate. Through many years of policing and in the investigations against terrorists, I had witnessed at first hand the control that paramilitary groups had on their own communities. I too had investigated many occurrences of intimidation in which the victims 'would not' or 'felt they could not' provide statements even though they knew their assailants. Some of the tactics employed by the paramilitary groups was to target individuals' homes. On regular occasions individuals and their families would be forced from their homes or individuals would be informed to arrive at a certain place and at a certain time where they would be severely assaulted or 'kneecapped'. From previous experiences I could fully appreciate Andrea McKee's fears and concerns, potentially that she was endangering the life of herself and her husband. I strongly believe these fears were real and genuine. In addition to these fears she also had concerns regarding her relationship with Tracey Clarke and Tracey Clarke's immediate family should knowledge of her co-operation become known. I provided Andrea McKee with assurances of confidentiality and the fact that Tracey Clarke could be re-interviewed without Andrea McKee's involvement becoming known. Andrea McKee then outlined Tracey Clarke's association/relationship with an Allister Harvey. She informed

us that Tracey Clarke had informed Andrea McKee that Allister Harvey had been involved in the assault on the 27th April. Andrea McKee said that Tracey Clarke had also actually witnessed this assault. Andrea McKee related that Allister Harvey had informed Tracey Clarke that a policeman had contacted Allister Harvey by phone and told him to get rid of his clothes. The meeting with Andrea McKee was very short and throughout she emphasised her concerns regarding this information becoming public knowledge. At no stage did Andrea McKee mention the fact that Allister Harvey had actually burnt his clothes. I briefed Detective Chief Superintendent McBurney on the meeting with Andrea McKee that night and told him what this individual had said and her fears and concerns. I also briefed Detective Chief Inspector **P39** on this when she came on duty the next morning. Usually information would be submitted to the HOLMES account by way of a message sheet, however, HOLMES was not capable of carrying sensitive material and this did cause different thought and working practices, not only within RUC investigations but even within the same HOLMES accounts. Additionally, Secret Policy Files were not used within crime investigations in 1997 and their use did not become a common working practice within the RUC/PSNI until a number of years later. Senior Investigating Officers and those under their instruction had to make decisions or provide directions on how such information was managed. There was a genuine fear and also a realisation that police sources needed protection and that unnecessary or unconsidered disclosure could risk a life. Frankly, it would have been common practice not to formally record such intelligence within the Holmes System. Senior Officers used various means, none of which would have been outlined in RUC Policy, their individual working practices implemented through their own experiences and their own preferred options. On this occasion Detective Chief Superintendent McBurney directed that due to the circumstances and the confidential and sensitive nature of this information a message sheet should not be submitted. I did not regard this as an unusual direction from my Senior Investigating Officer. In the context of Northern Ireland and regarding the very serious implication for Andrea McKee should her information become disclosed. I understood Detective Chief Superintendent McBurney's reasons for making such a decision, ie she had identified a witness in her own community, she was prepared to provide information to police and

that she had provided information on a suspect. No doubt the fact that the intelligence also contained sensitive information regarding a police officer from Portadown would also have influenced the Senior Investigating Officer's direction. Following this debriefing I had no further contact with Andrea McKee or with Tracey Clarke on the 9th May because the matter was being pursued by Detective Chief Inspector **P39** and Detective Constable McAteer. Later that night of the 9th May 1997 I did become aware that a statement had been recorded from Tracey Clarke and that this statement was similar in content to the account, which Andrea McKee had provided. Tracey Clarke's statement made no mention of Allister Hanvey having burnt his clothes rather that he (Hanvey) was told "to get rid of his clothes". I have checked the interview notes of Allister Hanvey on 10th May 1997 and again I can find no reference to any suggestion that Allister Hanvey had burnt his clothes. I make particular reference to this point as Mr Murray's report (Page 62, 16.29) alleges that senior police knew by the 10th May 1997 that these clothes had been burnt, whereas this was not in fact correct.

- (ii) On the 9th May I had personally received a phone call from a casual contact who related that he had information concerning the murder. I had to make an arranged appointment to meet this individual. I would have left Portadown Station at approximately 1 00 pm and returned at approximately 4 00 pm. This person provided intelligence to the effect that Stacey Bridgett and Dean Forbes were involved in the assault but could provide no further details. I submitted a message sheet, M15, regarding this intelligence and naming my casual contact.

Immediately before proceeding to this meeting I again met Reserve Constable McGaw. I believe that this was only the second occasion that I had ever personally met this officer, the previous occasion being on the night of 8th May. The officer provided further information regarding another potential witness, Timothy Jameson. As I was fully committed to the prior appointment, I brought Reserve Constable McGaw to a room to meet Detective Chief Superintendent McBurney and Detective Chief Inspector **P39** so that Reserve Constable McGaw could brief the Senior Investigating Officer and Deputy Senior Investigating Officer on what he had just told me. Detective Chief

Superintendent McBurney and Detective Chief Inspector **P39** were aware of my appointment and on my return to Portadown Station I would have been updated regarding this matter, ie directions had been made by Detective Chief Superintendent McBurney to re-interview Timothy Jameson. A conference reference the murder investigation was addressed by myself at 4 30 pm. I believe the circumstances regarding Timothy Jameson and his proposed interview would have been discussed at that conference. Timothy Jameson had been previously interviewed during the Grievous Bodily Harm investigation by Detective Constable Honeyford, on 29th April 1997. Due to these facts it had been arranged for Detective Constable Honeyford to invite Jameson to Portadown Police Station in order to re-interview this witness to establish what he had actually observed. Detective Constable Honeyford was an extremely diligent, experienced and professional officer and was more than capable of assessing this individual when being interviewed. I have been questioned on this matter during the Ombudsman's investigation and I have always consistently stated that at no time on 9th May 1997 was I ever made aware that Timothy Jameson actually assaulted Robert Hamill. If this had have been so, I have no doubt that Detective Chief Superintendent McBurney, Detective Chief Inspector **P39** or myself would have directed witness statements from the police officer who allegedly heard this admission. Timothy Jameson would have been arrested in regard to the murder. I have also been asked was I present at any time during the subsequent interview of Timothy Jameson. I have no recollection of being present during that interview. Detective Constable Honeyford recorded a witness statement from Timothy Jameson and this formed the basis for arrests, interviews and charging of a number of individuals. The fact that Timothy Jameson was related to a Bobby Jameson is referred to in Mr Murray's report. Personally, I had never met and had had no previous dealings with a Bobby Jameson.

In relation to the evening of the 9th May my notebook entry states 'Office duties ref investigation and speaking to possible witnesses reference incident. Supervision duties throughout night. Liaised with personnel ref their enquiries regarding witnesses/enquiries'.

On the evidence provided by Colin Prunty, Tracey Clarke and Timothy Jameson, and as directed by Detective Chief Superintendent McBurney, I prepared and organised the arrest and search operation for 10th May 1997. The only additional points I make regarding this operation are that:

- (a) Detective Chief Superintendent McBurney directed that the arrest and search operation would not include the individual Reserve Constable Robert Atkinson.
- (b) Detective Constable McAteer was detailed as the Criminal Investigation Department Officer to accompany the uniform search team into the home of Allister Hanvey. This officer had the full information concerning the intelligence and evidence regarding Allister Hanvey and this individuals association with Reserve Constable Atkinson. The fact that Reserve Constable Atkinson was not being arrested, limited the terminology that was used on Allister Hanvey's Article 10 Search Warrant but this would not in any way have prevented Detective Constable McAteer from seizing evidence if discovered or seizing any material he felt was relevant to the Atkinson/Hanvey issue.
- (c) The Hanvey search team would not have been briefed on the Atkinson/Hanvey issue, although Detective Constable McAteer was obviously aware of the full circumstances. Nor was the search team briefed about a potential 'burn site' as the investigation team was not aware of any allegation that clothes were burnt.
- (d) Each search team would have been provided with the details of relevant footwear and clothing of each of the individuals concerned and the grounds for their arrests.

I was assisted in my preparation for this operation by Detective Sergeant Bradley. This was a very busy period in which warrants had to be prepared and signed by a Justice of the Peace, research had to be conducted to establish accurate and full details regarding the individuals to be arrested and their addresses had to be established, details of all potential clothing regarding the suspects had to be researched and, if possible, established. MSU manpower resources had to be obtained and briefing packs had to be prepared for each arrest and search team.

Initially the Senior Investigating Officer directed that the MSU's should be provided from outside 'J' Division. I had attempted to organise this through the Regional Operational Planning 'call out' Officer and in which we would have liaised on manpower numbers, search parameters, arrests, threat and risk assessments. I was informed by the Operational Planning Office that it was not possible to obtain resources from outside 'J' Division, therefore local MSU personnel were tasked. I was in regular contact and discussion as difficulties were being encountered on obtaining sufficient manpower, vehicles and search teams to complete the requirements of the operation.

I terminated duty at 1 30 am on 10th May 1997 and recommenced duty at 6 30 am the following day in order to brief the CID/uniform personnel search teams.

Suspect Interviews/Ongoing Enquiries Regarding the Murder

A conference was held at Portadown RUC Station following the arrest and search operation at which the proposed interviews were discussed. I personally briefed each of the individual interview teams regarding the evidence against each of the suspects and then briefed the remaining members of the investigation team regarding other enquiries. Throughout that day I liaised with Detective Inspector [REDACTED] and Detective Sergeant [REDACTED] who were supervising the interviews of the suspects that were taking place at both Lurgan and Banbridge. I was in Portadown addressing enquiries which were emanating from the interviews and liaising with Detective Chief Inspector **P39** and Detective Chief Superintendent McBurney – notebook entry 10th May relates to all the above matters. On the afternoon of the 10th May I was directed by Detective Chief Superintendent McBurney to charge the five arrested detainees with the murder of Robert Hamill. This direction, made by Detective Chief Superintendent McBurney, is in Policy Log 10 dated 10th May 1997 refers. I subsequently travelled to Lurgan and then Banbridge and completed the charging process. I attended a 'Special Court' in Lurgan Police Station in relation to the five charged individuals on 11th May. On this same date I also charged Rory Robinson with the murder of Robert Hamill – PL12 refers. This individual had been arrested on the night of 10th May and appeared at a Special Court in Craigavon Courthouse on 12th May 1997.

On 15th May 1997 an Andrew Allen, also known as 'Fonzy', was arrested for the murder of Robert Hamill – PL16 refers. This was again based on the evidence of Timothy Jameson, who had identified this individual by his nickname only.

Daily conferences regarding the murder of Robert Hamill continued up until 28th May which are evidenced in my notebook entries. Both prior to and following this date I continued to supervise the distribution, completion and submission of action sheets regarding the murder investigation. My notebook entries make regular reference to this throughout June/July:

1 st June 1997	'Enquiries & mobile patrol in Portadown area reference action sheets Robert Hamill'.
4 th June 1997	'Liaised at HOLMES ref Hamill murder. Worked throughout day ref Hamill murder'.
9 th June 1997	'Worked on actions ref Hamill murder'.
17 th June 1997	'Worked on paperwork & Hamill murder file'.
23 rd June 1997	'Worked on Hamill enquiry'. 'Worked on Hamill investigation & file preparation'.
25 th June 1997	'Travelled with D/Sgt Bradley to Lurgan & spoke with Caroline Maguire ref murder investigation regarding fiancée Robert Hamill & recording of statement ref continuity of clothing'.
26 th June 1997	'Enquiries with D/Sgt Bradley in Portadown area ref action sheets Hamill murder'.
28 th June 1997	'Enquiries with D/C Lilly in Portadown area ref Hamill action sheets...' 'Worked on Hamill DPP file'.
1 st July 1997	'Enquiries at HOLMES ref Hamill murder'.
12 th July 1997	'Worked on murder file throughout day'.
13 th July 1997	'Worked on murder file throughout day'.

On the 22nd July 1997 a DPP Murder file was submitted through D/C/Insp **P39** to the Sub Divisional Commander in Portadown. This would then have been forwarded to the DPP via Crime Branch, Belfast. Whilst I had gone on a period of annual leave from 14th July, I continued to work at home during my holidays in order to submit the

file by 22nd July as there was a time limit in which the file was required to be submitted to the DPP. There were always court pressures to meet those time limits, particularly where persons had been remanded in custody. Therefore, my focus leading up to this period of annual leave was to ensure that the evidence was contained within that file. I would have been assisted by Detective Sergeant Bradley who had been appointed as the HOLMES Receiver/Disclosure Officer. Detective Sergeant Bradley's support role is acknowledged in the DPP File in which I had nominated him as the 'alternative officer who is fully familiar with the circumstances of the case and who may be contacted in the absence of the reporting officer'. I was also heavily engaged with Portadown Criminal Investigation Department personnel in the Drumcree Parade at this period. Previous notebook entry extracts from 17th June reflect my focus regarding the murder file.

Following the arrest and charging of these six persons on 10/11th May, no further significant witnesses came forward regarding the further identification of assailants. There is no doubt that the investigation team was met with consistent non co-operation from persons who were known to be at the crime scene. As previously outlined, my own assessment was that the most likely opportunity of securing further evidence was from the individuals who had association with Robert Hamill. This was also the view of the Senior Investigating Officer and Deputy Senior Investigating Officer. In conjunction with other duties linked to the ICPC investigation I attempted to encourage these witnesses to come forward through Robert Hamill's family and through [REDACTED] Solicitor, who represented the Hamill family and several of the potential witnesses. Additionally, there were further issues which the investigation team needed to address but because of the circumstances and sensitivities this required discussion and assistance. Co-operation from a legal representative who would have had the confidence of these witnesses would have been advantageous but this was not forthcoming. These issues include:-

- (i) Following the interviews of Woods, Allen and a number of other witnesses a different account had arisen as to how the incident occurred. This included counter allegations of assault. This account and these allegations had not been, up to this point, alluded to by any of the group accompanying Robert Hamill. I am in no doubt that to pursue this issue without first discussing it with

a legal representative would have further alienated those witnesses that had previously made statements. My own opinion was that police would have been accused of pressurising witnesses and trying to distort the facts in order to support the version of events which had been provided by the opposing group. Therefore, it was felt best to make contact through the solicitor.

- (ii) There were ambiguities in the statements of Maureen McCoy and Colin Prunty, both of whom had been in each other's company.
- (iii) Other witnesses had still declined to make themselves available for interview.

I believe the Senior Investigating Officer and Deputy Senior Investigating Officer shared my views on this matter. This is reflected in Policy Log 19 dated 15th May 1997. This entry also refers to the liaison with Robert Hamill's family. As previously stated I was finding it difficult to maintain such a liaison and this liaison issue had been brought to the attention of the Senior Investigating Officer and Deputy Senior Investigating Officer.

My following notebook entries refer to these matters:

5th June 1997 Liaised with ICPC ref witnesses ██████████ & Diane Hamill – no word from either ref meeting tonight. Contacted ██████████ office again & left message to confirm attendance tonight. Phoned ICPC ref no acknowledgement... Contacted by phone by Diane Hamill ref murder of her brother Robert Hamill. Asked if Police Officers had been suspended. I related they hadn't & on asking to make contact with Chief Constable I gave police network number & told to inform them of her request. Asked if she was attending tonight for ICPC meeting. She asked if I had received letter from ██████████ Sol. Informed her that I hadn't received any letters & despite numerous phone calls I received no return calls. I explained the present state of investigation & outlined court procedure ref bail/charging/conviction. I explained I was willing to speak to her at any time or occasion & that a number of vital

enquiries had been directed by witnesses to [REDACTED]'s Office who refused to acknowledge my enquiries. She asked if I had received notification from [REDACTED] ref the witnesses regarding the murder which was in result of correspondence sent by Detective Chief Inspector **P39** . I related we hadn't received any. On asking again if she intended to attend tonight she related that she didn't. I informed her if she had any other queries or enquiries I would be more than happy to outline as much as possible. She asked for copy of police report & statements – I informed her that this was not possible. Conversation ended...
Received fax from **P39** 's Office confirming that not attending meeting.

6th June 1997

Contacted by Diane Hamill following a telephone call to her house by myself. Informed her that required authorisation for release medical report on brother Robert & required to prove continuity of R Hamill's clothing submitted to sol. by [REDACTED]
Explained that a number of other queries had risen ref other witnesses. Explained these people were directing us to [REDACTED] who at present hadn't returned the call with exception of 1 fax on 5th/6/97 which was as a result of our conversation on that date. Explained that it was beneficial to investigation ref her brother's murder to complete the enquiries that had arisen. She related she would contact her Sol [REDACTED] & that she would return the call particularly ref medical consent.

11th June 1997

Liaised with Diane & Riane Hamill at P'Down Station. Obtained medical consent forms. Discussed investigation & as result of conversation Occ. Book entry made. SDC informed (ie Sub Divisional Commander).

The above entries also identify the difficulties I was encountering with [REDACTED] Solicitor eg she did not take or return my calls or co-operate with the investigation in any meaningful way. Although I did not document all of my attempts to

make contact with [REDACTED] Solicitor, the following examples of notebook entries further reflect these difficulties.

16th May 1997 Attempted throughout day to contact [REDACTED] however, despite 3 phone calls none were returned.

20th May 1997 Contacted [REDACTED]'s office. No response to previous contact on Friday (ie 16th/5/97) & Monday (ie 19th/5/97).

2nd June 1997 Phoned [REDACTED] Sol ref ICPC Wedn. night. Requested to return phone call as not available.

5th June 1997 (See previous entry in this statement ref liaison with Robert Hamill's family.)

Stacey Bridgett and the Forensic Link

In relation to the forensic link between Stacey Bridgett and Robert Hamill, I can confirm that I did receive verbal information from the Forensic Scientist. This information was received after Stacey Bridgett had been charged and had been placed on remand and in custody. The information received was to the effect that Stacey Bridgett's blood had been located at the bottom of Robert Hamill's trouser leg. The initial findings placed Bridgett close to Robert Hamill's feet and the initial Forensic Scientist's opinion was that this was a blood drop. His opinion was that this initial finding would not support the possibility that Stacey Bridgett was actually assaulting Robert Hamill at the precise time his blood dripped onto Robert Hamill's trousers. Further forensic examinations, both of Robert Hamill's clothing and that of Stacey Bridgett's, were still ongoing in conjunction with other clothing submitted. At this stage of the investigation Stacey Bridgett had been arrested on two separate occasions and interviewed during both periods of detention. Despite evidence that placed him in the immediate vicinity of the assaults, Stacey Bridgett had continually denied this and had denied any contact with the injured party, stating that he had been punched on the nose whilst in the vicinity of the police landrover. A police officer, Reserve Constable Silcock, had identified a remark made regarding a person called 'Stacey'. This remark

had been made in the immediate area of the assault. However, the witness, Ms E , who was believed to have made reference to this individual being involved with the assaults, later denied making such a remark to Reserve Constable Silcock. Constable Cooke had also placed Stacey Bridgett close to Robert Hamill. Additionally Tracey Clarke identified Stacey Bridgett's involvement as did Jonathan Wright in his statement dated 15th May 1997.

Given the foregoing, I took this information from the Forensic Scientist to the Senior Investigating Officer (Detective Chief Superintendent McBurney) and the Deputy Senior Investigating Officer (Detective Chief Inspector P39) for further direction. To the best of my recollection the discussion involved whether:

- (a) Under PACE (NI) Order 1989 or under the Magistrates Court (NI) Order 1981 the investigation now had the power to produce and further interview Stacey Bridgett. In effect, police had no legal powers to return Stacey Bridgett to a police station in order to pursue a line of questioning about the assault on Robert Hamill. This was because Stacey Bridgett had been charged with the murder of Robert Hamill.
- (b) Questioned the merits of re-interviewing Bridgett who had already denied under interview having any contact or having been in the vicinity of the immediate attack.
- (c) Consideration of no immediate interview, taking into account that these were initial forensic findings and further forensic examinations were still ongoing. Only on conclusion of such would a full forensic picture and scientific interpretation of the findings be known. Additionally, other enquiries were still ongoing regarding significant witnesses including the attempts through [REDACTED]'s solicitor's office to obtain such evidence.

In view of these points the direction was no further action at present. It was highly unlikely that any further evidence of the assault would be obtained at that time by way of an admission. In view of the legislation, consistency of views amongst the senior detectives involved and the fact that this information did not add to the evidence

regarding the actual assault, a decision was made at that time not to re-interview Bridgett. The Senior Investigating Officer would have made this ultimate decision following discussions and views taken from the Deputy Senior Investigating Officer and myself.

When I submitted the police report through my supervisor, Detective Chief Inspector **P39**, to the Director of Public Prosecutions on 22nd July 1997 I had still not received the written report from the Forensic Scientist. I outlined in the Director of Public Prosecutions report that the scientist had verbally indicated a link between a blood sample provided by Stacey Bridgett and a bloodstain located on the clothing of Robert Hamill. I pointed out that this was contrary to Stacey Bridgett's account that he had not been near Robert Hamill. In the summary of the evidence relating to Stacey Bridgett, I again referred to the awaited forensic evidence and the movements of Stacey Bridgett during the period of the assault. Unfortunately further witness evidence either was not forthcoming or added nothing so the opportunity to address the issues and ambiguities relating to certain witness accounts and the sequence of events did not materialise. The investigation suffered significantly from the non co-operation from both sides of the community, including [REDACTED] solicitor, who failed to respond to our attempts to engage in any meaningful way.

The Portadown Criminal Investigation Department was no different from any other throughout Northern Ireland in that crime investigations were continuing on a daily basis and administration and file deadlines still had to be met in all other investigations. These pressures continued to be addressed by the personnel in conjunction with the need to address and complete their action sheets. Due to a lack of resources and the recurring demands and burdens placed upon HOLMES staff the paper flow was intermittent and HOLMES could not dedicate a full-time commitment for any sustained length of time. This made it very difficult to manage and direct the action management system.

Murder Policy File

The Murder Policy File was handed to myself on 30th May 1997 by Detective Chief Inspector **P39**. I fully accept that it is unfortunate that I did not log decisions made

by Detective Chief Superintendent McBurney or myself during the period when Detective Chief Inspector **P39** was on annual leave. Such could have highlighted the external pressures on the investigation team and HOLMES unit at that particular period, eg Murder of two Police Officers in Lurgan on 16th June 1997. By the 30th May the majority of decisions which had affected the course of the murder investigation had already been addressed by the Senior Investigating Officer/Deputy Senior Investigating Officer and were being or had been pursued.

Witness/DPP Consultations

The DPP file was submitted on 22nd July 1997. Accompanying the file was my confidential report to Detective Chief Inspector **P39** dated 21st July 1997, document number 15952, which outlined my concerns about the difficulties regarding Tracey Clarke and Timothy Jameson and the effect this might have in them proceeding with their evidence. The Director of Public Prosecutions began their consultations with a Jonathan Wright, Tracey Clarke, Timothy Jameson, and Colin Prunty commencing in October 1997. Following the consultations with Tracey Clarke and Timothy Jameson, charges were withdrawn regarding a number of suspects. Although I attended the DPP's offices on the date of the DPP consultation with Timothy Jameson, I do not have any recollection at all of being present during the actual interview. Whilst the DPP notes may give the impression that I was present during the actual interview with Timothy Jameson, I was not. My own notebook entry for that date shows this. Supporting this entry is another notebook entry of 7th June 2000 when dealing with the Coroner, on whether to hold an inquest also indicates my non attendance, where I have recorded – 'Mr Leckey had been made aware of Witnesses A & B and that they had had consultation with DPP when they had made their representations to that body (I was not present at any such consultations)'

It was also during this consultation process that Mr Colin Prunty's identification evidence was reconsidered in light of information received. The relevant entries regarding the consultations and DPP directions are as follows:

21/10/97 Travelled to Belfast. Consultation took place between Witness B and Mr Kerr, Mr Davidson DPP in presence of Supt Cooke, Crime Branch.

Associated entry of 7th June 2000 which states 'Mr Leckey had been made aware of Witnesses A & B and that they had had consultation with DPP when they had made their representations to that body (I was not present at any such consultations)'

- 27/10/97 4.30 pm General office duties & briefed ref DPP meeting. 5.30 pm briefed D/C/Insp **P39**
- 28/10/97 Travelled to [REDACTED] home of Colin Prunty, no-one present... Liaised with DPP ref Hamill murder. Travelled with D/C Honeyford to Colin Prunty's home [REDACTED] – no answer & travelled to [REDACTED] – home of Maureen McCoy – girlfriend of Colin Prunty. No-one present – left contact note & number... Liaised with DPP.
- 29/10/97 Liaised with DPP ref murder of Robert Hamill & proposed consultations with Colin Prunty. Liaised with authorities ref Hamill murder. Briefed D/Sgt Bradley. ... 4 pm travelled to home of Robert Hamill at [REDACTED] – nobody present. 5 pm called at home son only present & to return. 5.30 pm called at home & spoke to Hamill family circle including mother/father/Riane **P54** & 2 others & explained that consultations had been taking place between DPP and witnesses & due to these consultations & considerations by DPP that charges would be withdrawn against three of the accused & this would be done as soon as practicable. As a result verbally abused & criticised by father & **P54** Hamill. Left house followed by father shouting abuse.
- 30/10/97 Briefed D/C/Insp **P39** Briefed Supt [REDACTED] ... 3 pm meeting with Diane, Riane & 1 other sister of Robert Hamill. Questioned decision ref 3 persons being released regarding murder of brother Robert Hamill. Explained following consultation with DPP & witnesses & prospect of evidence being given at Crown Court a decision not sufficient evidence & therefore at that stage they had to be released. Derogatory remarks questioning police involvement/DPP's decision/investigation as a whole/felt discriminated ref process of law.

- 3/11/97 5 pm Contacted Mr Kitson DPP reference Colin Prunty & following DPP meeting with two members of Hamill family. As result of conversation briefed D/Sgt Bradley for arrangement to meet Colin Prunty... 8.45 pm spoke with Colin Prunty & as a result of conversation recorded a witness statement ref further evidence regarding incident on 27th April 97.
- 4/11/97 Briefed D/C/Supt ref Hamill investigation... Liaised with Mr Kitson DPP ref statement from Colin Prunty. Worked on other paperwork ref same... Following DPP liaison called with Colin Prunty at [REDACTED] [REDACTED] Located on [REDACTED] & arranged for consultation with DPP. Declined to travel to Belfast, however, would meet in P'Down. No contact no & to ring me at 12MD ref same... Liaised with DPP. Following phone call from Colin Prunty arrangement to call at P'Down Station on 5th/11/97 at 12.30 pm for consultation with DPP & Senior Counsel.
- 5/11/97 12MD Liaised with Mr Kitson DPP & Mr G Kerr QC ref Hamill murder. Following non appearance of Colin Prunty went to [REDACTED] [REDACTED] Located on [REDACTED] & following discussion agreed to attend P'Down Station in 15 min (1.30 pm). Returned to P'Down Station. On arrival introduced C Prunty to Mr Kitson & Mr Kerr & left them for consultation. On termination thanked C Prunty for attending.
- 13/11/97 Liaised with DPP Mr Kitson ref Hamill murder file.
- 18/11/97 Briefed by DPP ref direction – Hamill file – obtained fax. Briefed authorities ref directions. Travelled to Hamill family home & spoke with mother [REDACTED] Hamill & explained that Wayne Lunt & Stacey Bridgett to be released tomorrow. Explained grounds for decision. Members of family present & subjected to minor verbal abuse.

The above entries show that the investigation had now moved onto carrying out the DPP directions.

It was also during the consultation period that police became aware that two further bloodstains, which were located on Robert Hamill's clothing, remained unidentified. A similar linked stain had been located and remained unidentified on Maureen McCoy's clothing. Intimate/non-intimate evidential samples had not been obtained from three of the eight suspects. Intimate samples, eg blood, could only be obtained from those suspects that had consented in writing and both intimate and non-intimate samples required a Superintendent's authority. However, DNA buccal swabs had been obtained from all the suspects. I, therefore, requested Mr L Marshall, FSANI, to check the outstanding unidentified marks against the DNA database that included the three suspects through their buccal swabs. He confirmed that the outstanding marks remained unidentified following this DNA search – M37 dated 12/11/97 refers. This therefore eliminated all the arrested suspects from the outstanding unidentified marks. There is a strong possibility that the 'outstanding marks' relate to a person who on the date of the attack was a friend and 'associated' with Robert Hamill, however such elimination samples were not forthcoming.

ICPC Investigation

The following is my recollection of my involvement in the ICPC supervised investigation in relation to the alleged inactivity by police at the scene in Portadown on 27th April 1997.

Although not initially involved, I attended a joint ICPC/RUC meeting on 19th May 1997; Mr [REDACTED] Solicitor represented the ICPC. I had never been involved in an investigation that was being supervised by the ICPC and therefore I had little knowledge of how this practically operated.

At this meeting on 19th May 1997, Mr [REDACTED] outlined a number of points including a request for material relating to the murder investigation.

I had my own personal concerns regarding my involvement in the investigation, mainly because I had already informed Diane Hamill that I was not and would not be involved in any complaint regarding the alleged police inactivity. In my conversations with Diane Hamill she had been very critical of the lack of police action at the scene of the assault on her brother. I also felt that the independence of that investigation would be in question if officers from Portadown were involved in investigating other police from the same station. During the course of the ICPC inquiry I brought my concerns to both the attention of Detective Chief Superintendent McBurney and Mr [REDACTED] for the ICPC. Mr [REDACTED] told me that I would be involved in a supporting role only and I would have no influence on either the directions or policy being pursued by that investigation. Detective Chief Superintendent McBurney's view, as outlined in Policy File Decision 13 dated 12/05/07, was that all strands of the complaint incident were inextricably linked to the murder investigation. He would not only continue with the murder investigation but that he would also be in charge of investigating the complaint. Superintendent Anderson and Chief Inspector Bradley from RUC Complaints Department, Gough Barracks, Armagh, were also involved in the ICPC investigation at some level. Further to Mr [REDACTED]'s directions, Detective Chief Superintendent McBurney directed that Detective Chief Inspector P39 and myself would be involved in a supporting role. As directed by my superior officer I followed those orders.

The issue of 'senior RUC detectives based at Portadown' being involved in the ICPC supervised investigation was addressed in two response letters by Mr [REDACTED] HOLMES Document D504 dated June 1997 and HOLMES Document D507 dated July 1997, to Miss [REDACTED], Director of the British Irish Rights Watch. Mr [REDACTED] acknowledged that such senior officers from Portadown would be involved 'in a back-up capacity' and a 'supporting role, eg contacting individuals for the purpose of serving witness evidence, compiling evidential documentation for forwarding to the commission etc'. A summary of my involvement in that 'supporting role' was that I:

- (a) Liaised with a Mr Greg Mullan (ICPC) regarding the attendance and non-attendance of witnesses for the ICPC supervised investigation.

- (b) Arranged and supervised, under the direction of Detective Chief Superintendent McBurney and Mr [REDACTED], a reconstruction in regard to the position of the police landrover and its crew members at Market Street, Portadown on 9th June 1997.
- (c) Supervised, under the directions of Detective Chief Superintendent McBurney, a sound quality control examination at Market Street, Portadown, on 16/17 June 1997.
- (d) Assisted Detective Chief Superintendent McBurney and Mr [REDACTED] in the introduction and interview under caution of the four police officers from the police landrover. There were pre-arranged questions for these police officers prepared and agreed between Mr [REDACTED] and Detective Chief Superintendent McBurney.

I want to make it clear by setting out the above that I simply carried out directions from the ICPC and this was only conducted when given specific directions from time to time.

Reserve Constable Atkinson

From the interview above at d) of the four police officers the following matter relates specifically to Reserve Constable Atkinson:

Reserve Constable Atkinson was initially interviewed in the presence of his solicitor, Sean Hagan, at Lurgan Police Station on 9th September 1997. He was a voluntary attendee and cautioned regarding criminal neglect of duty, assisting offenders and withholding information about an arrestable offence. The interview followed a similar pattern to those conducted with three other officers who were on duty and accompanied Reserve Constable Atkinson on 27th April 1997. I was present at the Custody Suite in Lurgan Police Station on the 9th September when Detective Chief Superintendent McBurney had discussed and agreed the interview strategy with Mr [REDACTED]. I was there, as on previous occasions, to assist with the Police And Criminal Evidence (PACE) procedures that were followed in relation to the

interview and to provide the introductions to the areas of evidence that were required to be challenged in relation to the allegations being made regarding this officer's conduct. This interview is as outlined in tape transcripts MI21 and MI22 and in which Detective Chief Superintendent McBurney led the interview following my initial introductions and 'scene setting'.

During the 9th September 1997 interview, Detective Chief Superintendent McBurney arranged a further interview with Reserve Constable Atkinson in order that Reserve Constable Atkinson could produce a relevant telephone billing for the period surrounding the 27th April 1997. It was my understanding going into the 9th September 1997 interview that Reserve Constable Atkinson would be questioned regarding the telephone calls to Harvey's address. This was the reason for my cautioning him for assisting offenders at the beginning of the interview. However, Detective Chief Superintendent McBurney did not in fact produce the telephone billing or pursue this line of questioning at that time. I assumed that this was because of Reserve Constable Atkinson's denial on interview of having had any contact or having any knowledge of any contact with the Harvey family including contact by telephone.

The next interview with Reserve Constable Atkinson was conducted on 9th October 1997. I had been fully occupied throughout that day at the Police Holding Centre, Gough Barracks, Armagh, regarding the supervision, interview and charging process of three persons who had been arrested for serious terrorist offences. I had then travelled to Lurgan Police Station for the second interview of Reserve Constable Atkinson which Detective Chief Superintendent McBurney had arranged. This was again conducted in the presence of his solicitor. He was again cautioned by me for criminal neglect of duty, withholding information and assisting offenders. As with the previous interview, Detective Chief Superintendent McBurney led the questioning. Mr [REDACTED] ICPC, was not present on this occasion. His absence had been agreed with Detective Chief Superintendent McBurney. Again, Detective Chief Superintendent McBurney determined the interview strategy in advance and he provided me with directions regarding that strategy. This interview is as outlined in the tape transcript marked MI23 and focussed on telephone calls made from Reserve Constable Atkinson's home address to an Alistair Harvey's home address. Reserve Constable Atkinson had already provided, via his solicitor, the billing for his home

address. I cannot recall if this was forwarded to Portadown Police Station or Armagh but I believe that this item was received days before the 9th October 1997 interview. During this interview Reserve Constable Atkinson provided information indicating that his wife, Eleanor Atkinson, had knowledge of these calls, one of which was itemised on 27th April 1997 and allegedly made by a Michael McKee.

Eleanor Atkinson and Michael McKee had also attended Lurgan Police Station on 9th October 1997. I cannot recall whether they had attended on their own initiative or because of a prior arrangement with Detective Chief Superintendent McBurney. Following the interview with Reserve Constable Atkinson, Detective Chief Superintendent McBurney and myself interviewed Eleanor Atkinson and Michael McKee separately, in the presence of their solicitor Sean Hagan. Detective Chief Superintendent McBurney requested both to make witness statements. Both agreed to this request and I recorded those statements following instructions from Detective Chief Superintendent McBurney.

Michael McKee related that his wife Andrea had accompanied him to Reserve Constable Atkinson's home on 26th/27th April 1997. Arrangements were made for an interview to be conducted with Andrea McKee who was not available until the following week.

The interview with Andrea McKee did not take place until 29th October 1997. This was conducted at her solicitor, Sean Hagan's office. Detective Chief Superintendent McBurney was not available to conduct this interview and directed that I should undertake this task. Prior to the meeting I had discussed the interview of Andrea McKee with Detective Chief Superintendent McBurney as there were a number of matters that I needed to clarify and obtain direction. Andrea McKee had previously provided the information concerning the witness Tracey Clarke. Clarke had then made a statement alleging that Hanvey had told her that Atkinson had rang Hanvey on the Sunday morning after the incident at about 8 00 am and told him to get rid of the clothes he had been wearing on that Saturday night. Clarke further alleged that Reserve Constable Atkinson was ringing Hanvey everyday. I was aware and concerned that the initial telephone inquiries that had been carried out on the instructions of Detective Chief Inspector **P39** and Detective Chief Superintendent

McBurney did not fully support these allegations. I was also aware that Andrea McKee had been present when the statement had been recorded from Tracey Clarke and would have been aware of the facts as then outlined by Clarke. Moreover, during the previous contacts with both myself and Detective Constable McAteer, Andrea McKee had not disclosed the fact that she had been at Atkinson's home on the Saturday night and Sunday morning, nor that the assault had been mentioned in conversation with Eleanor Atkinson and as a result of the conversation her husband, Michael, had made a phone call to Harvey's home regarding Tracey Clarke's whereabouts.

These issues were discussed with Detective Chief Superintendent McBurney and I asked what my line of questioning with Andrea McKee should be. Detective Chief Superintendent McBurney expressed the view that the introduction of Andrea McKee's evidence had potential to "break" a tight alibi issue between the Atkinson and Harvey families; however, he was firmly of the view that Andrea McKee would support her husband's account.

Although both Detective Chief Superintendent McBurney and I were not convinced by the account given by Michael McKee concerning the telephone call which had been made to Harvey's home, we had no evidence at that stage to refute this account. It was clear to both of us that at some stage Andrea McKee would have had to be challenged about her earlier information provided to me in order to assess the truthfulness of what she might now want to say. This challenge would have had to include the circumstances surrounding McKee's initial information provided to me on 8th May and why she had not previously disclosed these facts as now outlined by her husband. Faced with this dilemma, I asked Detective Chief Superintendent McBurney for advice as to how to conduct my interview with Andrea McKee. He outlined to me his own assessment and directed that Andrea McKee should not be confronted, exposed, or in any other way challenged at that particular time; unless during the course of the interview she volunteered details of our previous meetings. He directed me to interview Andrea McKee simply as a witness. It was not my working practice in or about 1997 to record such directions.

As directed by Detective Chief Superintendent McBurney, I undertook the interview of Andrea McKee as a witness. Whilst I was not fully sighted or privy to the overall strategy being pursued by Detective Chief Superintendent McBurney, I was in no doubt that Detective Chief Superintendent McBurney was pursuing a course of action that he believed was most likely to achieve his objective of bringing those responsible for assisting offenders and withholding information in the Robert Hamill murder to account.

Because of the discreet nature of the interview and the fact that it was being conducted in the presence of a solicitor I was not accompanied by any other officer. I carried out the interview of Andrea McKee as directed by Detective Chief Superintendent McBurney. As a result of this interview I recorded a statement from Andrea McKee on 29th October 1997 in the presence of her solicitor. Understandably, Andrea McKee did not refer to our previous meeting and, as instructed by Detective Chief Superintendent McBurney, I did not reveal this fact during the interview. However, at the commencement and during the course of this interview process I made sure that Andrea McKee was fully aware of the statement declaration and that she was also fully aware of the consequences should it be revealed that anything she stated was found to be untrue. She acknowledged the warning and signed the statement.

On 3rd November 1997 I travelled to Armagh and briefed Detective Chief Superintendent McBurney regarding the outcome of the interview with Andrea McKee. I believe Detective Chief Superintendent McBurney had been on a period of leave and this would have been my first opportunity of discussing the interview of Andrea McKee and for seeking further clarification and direction on this matter. During the conversation that followed, I provided Detective Chief Superintendent McBurney with my personal assessment of Andrea McKee and how she had presented her account during the course of her interview. In brief, I told Detective Chief Superintendent McBurney that whilst Andrea McKee appeared uncomfortable throughout the interview, she had fully supported the account provided by her husband and Eleanor Atkinson. I volunteered my opinion to Detective Chief Superintendent McBurney, that a review of this specific area of the investigation was necessary prior to any further action and prior to any consideration of interviewing under caution those

persons now potentially involved in a criminal offence. I also briefed Detective Chief Superintendent McBurney on the recent circumstances surrounding the outcome of the DPP directions that had followed their consultations with a number of the significant witnesses, that is, persons charged with the murder had been released due to insufficient evidence. I updated him on the response to the DPP's direction by members of Robert Hamill's family. I aired my frustration at a situation where witnesses were failing to fully co-operate with the investigation and yet the police investigation was being unfairly criticised for failing to make progress. Detective Chief Superintendent McBurney left me in no doubt that his assessment of the enquiries conducted up to that date, which took into account the attitudes of all those involved in the murder investigation and those involved in the incident surrounding the phone calls from Reserve Constable Atkinson's house, persuaded him that the timing of the next stage of this investigation was crucial if there was to be a successful outcome. Detective Chief Superintendent McBurney told me that he wanted to consider further options surrounding the investigation but he did not discuss with me what these options may have been.

On the following day, 4th November, I further updated Detective Chief Superintendent McBurney regarding the fact that Colin Prunty's identification evidence was now changing and this was likely to have a detrimental effect on the prosecution of Wayne Lunt.

As a result of the DPP direction of 'No Prosecution' regarding Alister Hanvey, Rory Robinson and Dean Forbes, all three were invited to attend Portadown Police Station on 10th November 1997 for an ICPC interview. However, they did not attend. As previously outlined in this statement I also received the DPP direction of 'No Prosecution' in relation to Wayne Lunt and Stacy Bridgett on 18th November 1997. They were also invited to attend an ICPC interview on 2nd December 1997; again neither attended.

Detective Chief Superintendent McBurney later directed me to interview Kenneth and Elizabeth Hanvey reference the phone calls made from Reserve Constable R Atkinson's house. This interview took place at their home address on 25th November 1997 and related to their alleged contact by phone with a Michael McKee and an

Eleanor Atkinson. I have no doubt that on this occasion I would have been accompanied by a fellow officer from the Portadown CID Office and I would also have had nearby uniform support when I carried out this enquiry. Both these persons confirmed and supported the telephone contact; however, they both declined to make a witness statement. I recorded the information as provided and submitted it to the HOLMES account on a Message Form, M39 dated 25th November 1997 refers.

On 4th December 1997 I apprised Detective Chief Superintendent McBurney of my interview with the Hanveys. We discussed the investigation surrounding Reserve Constable Atkinson. Detective Chief Superintendent McBurney was firmly of the view that the evidence gathered to date would not have resulted in a successful prosecution against R/Constable Atkinson, his wife or the Hanveys for assisting offenders and withholding information. As a result of him coming to this conclusion, he informed me that he was going to continue to review this investigation and await future investigative opportunities, which he seemed to me to sincerely believe would materialise either through developments with Michael or Andrea McKee.

He stated that he intended to submit a DPP File regarding the ICPC investigation that would incorporate the associated allegations regarding Reserve Constable Atkinson and the enquiries and their outcomes conducted up to that date. I assisted Detective Chief Superintendent McBurney in the compilation of his DPP file by gathering and ordering the bundle of evidential statements, interview transcripts and other documents that would support his DPP report. I was aware that the information provided by Andrea McKee on the 8th May 1997 had not been submitted onto the HOLMES account and therefore would not be identified through the disclosure process. I also had not documented this matter in the DPP file, which I had submitted regarding the murder of Robert Hamill. As a consequence of the DPP directions following the consultation with Tracey Clarke on 22nd October 1997, this matter had not been the subject of any detailed discussion. I was also aware that in May 1997 Detective Chief Superintendent McBurney and Detective Chief Inspector **P39** had had meetings with the DPP regarding Tracey Clarke and Timothy Jameson's statements but again I was unaware if the issue of Andrea McKee had been raised on those occasions. I raised this matter with Detective Chief Superintendent McBurney to establish how he wanted to address this issue within the DPP file. Detective Chief

Superintendent McBurney indicated that he still did not want it entered onto the HOLMES account nor did he want it provided in an evidential format within the bundle I was working on for his DPP file. I could understand Detective Chief Superintendent McBurney's rationale for this decision. I presumed he was persuaded to follow this course of action because of the sensitivity of the matter and because of his intention to continue to pursue this line of investigation at a time, which he felt, was most opportune. He informed me that he would personally address this matter. I assumed that he would follow this up through direct contact with the office of the Director of Public Prosecutions. I assumed that this would have been completed either in person or through a "closed" satellite file to the DPP. Detective Chief Superintendent McBurney submitted his completed DPP file prior to Christmas 1997 and I organised the copying of the full file and its submission on 22nd December 1997 to Crime Branch, the Independent Commission of Police Complaints and the Disclosure Unit. Following the submission of Detective Chief Superintendent McBurney's DPP file I had no further responsibilities regarding this matter and that finished my back-up role for the ICPC investigation. I continued with my other work. From December 1997 until February 1999 I continually liaised with the DPP up until the start of the trial of Marc Hobson.

Between the 22nd and 25th February 1999 I attended the trial of Marc Hobson, who was charged with the murder of Robert Hamill. Marc Hobson was acquitted of murder but convicted of Affray, for which he received 4 years imprisonment, the date of sentencing being 25th March 1999.

Coroner's Inquest Process

Back in December 1997 I had given the Coroner, Mr John Leckey, a situation report regarding the death of Robert Hamill. This included the fact that there was a person charged with Robert Hamill's murder. Now, following the outcome of Marc Hobson's trial, I initiated further correspondence with Mr Leckey. Detective Chief Superintendent McBurney informed me, following the trial, that he wanted me to encourage the Coroner to hold an Inquest due to the fact that the full circumstances surrounding the investigation had not been exposed. On many occasions where a murder/manslaughter trial had taken place, the Coroner would then not hold an

inquest. Detective Chief Superintendent McBurney informed me that he was hoping to use this event process to gauge the situation and to recommence and develop his investigation into Andrea and Michael McKee's association with Reserve Constable Atkinson. The facts regarding the allegations surrounding Reserve Constable Atkinson were not fully exposed during the trial of Marc Hobson.

He did not provide me with any further information on his strategy. My meetings and correspondence with the Coroner commenced on 18th June 1999 and continued through to the 6th June 2000. During this period and on the direction of the Coroner, I made arrangements for Mr Leckey to speak with Tracey Clarke and Timothy Jameson and to establish if any of those individuals who had been previously interviewed under caution were prepared to now make witness statements. The Coroner initially indicated that he intended to hold an Inquest into the death of Robert Hamill, however he later changed that decision. I was aware that Mr [REDACTED] solicitor for Robert Hamill's family, was also in correspondence with the Coroner, Mr Leckey. I was aware that Robert Hamill's family were seeking a Public Inquiry rather than a Coroner's Inquest and that Mr [REDACTED] was objecting to the Coroner's proposed course of action.

I was first notified of this change in the Coroner's decision on 19th May 2000. I submitted a HOLMES message, M48, dated 2nd June 2000. Throughout the period of ongoing discussions with the Coroner I regularly updated Detective Chief Superintendent McBurney on the progress of the Inquest process. Detective Chief Superintendent McBurney indicated that he was continuing to monitor the situation regarding Reserve Constable Atkinson.

It was also during this process, in October 1999, that I first became aware that Michael and Andrea McKee had separated. Michael McKee had moved to the Republic of Ireland and therefore outside NI jurisdiction. Andrea McKee had returned to Wales. I immediately informed Detective Chief Superintendent McBurney of this development. Detective Chief Superintendent McBurney directed that I should try and confirm these facts and establish the address of both individuals, as it was his intention to speak to both Michael and Andrea McKee to see whether he could develop the investigation further. He related that this would be conducted at some appropriate stage during the

Coroner's Inquest but did not provide me with any further details. I submitted a HOLMES message sheet, M45, dated 19th October 1999 in order to update the HOLMES account. I was of the settled belief that this next stage of the investigation would not involve me but would be conducted under the direction and supervision of Detective Chief Superintendent McBurney who would appoint an officer and an investigation team independent of the Portadown Police area.

On 2nd June 2000 and following the Coroner's decision not to formally hold an Inquest, I contacted the mother of Tracey Clarke and during our conversation I further established that Michael McKee had recently moved back into NI jurisdiction and was now living in Gilford, Co Down whilst Andrea McKee was still living in Wales. Again this enquiry was pursued on the direction of Detective Chief Superintendent McBurney. He stated that he was now proceeding with the next stage of the investigation. He directed me to accompany him in the initial re-interview of Michael and Andrea McKee. He gave his reasons for this direction as being that I had previously interviewed the two individuals and I was briefed and aware of the investigation that had been conducted up until that stage. As a result of further enquiries and establishing the address of both Michael and Andrea McKee, I accompanied Detective Chief Superintendent McBurney to Gilford on 14th June 2000. Prior to the meeting with Michael McKee, Detective Chief Superintendent McBurney informed me that he would initially speak to Michael McKee as a witness and if there was any change in circumstances he would re-consider the position. However, Michael McKee maintained his approach during the interview which was the same as that outlined in his initial statement on 9th October 1997. The outcome of this interview is as outlined on a HOLMES message, M47, dated 14th June 2000.

At the same time I attempted to contact Andrea McKee and made phone contact with her on 15th June 2000. Andrea McKee agreed to meet Detective Chief Superintendent McBurney and myself on 20th June 2000. Detective Chief Superintendent McBurney employed the same strategy as he had for Michael McKee. However, on this occasion during our opening conversation with Andrea McKee she revealed changes in her personal circumstances and stated that she now wanted to tell us about parts of her original statement that she said were not true. Detective Chief Superintendent McBurney explained to her that prior to going any further he

wanted to discuss the matter in private with myself. We conferred together and he asked me for my opinion. I had previously discussed this point with Detective Chief Superintendent McBurney. I had some personal experience of the procedures to be adopted when dealing with an individual who has committed a criminal offence but is prepared to give evidence against other persons involved in the same offence. I had dealt with such an individual for an offence of murder. This individual had pleaded guilty to the murder and had then been sentenced. Immediately following the Trial Judge's sentence I approached the convicted murderer and a witness statement was recorded from him. This individual later appeared as a witness and gave evidence in a trial against other defendants who had also been involved in the same murder. I had previously shared my experience of this process with Detective Chief Superintendent McBurney and when he asked my advice in respect of how we should now proceed with Andrea McKee, I pointed out that, in my opinion, Andrea McKee should be cautioned prior to being interviewed. Detective Chief Superintendent McBurney acknowledged that that was normally the position, however, due to many considerations he felt that Andrea McKee should be still treated as a witness and not cautioned. Although he accepted that the DPP might take a different view and might later direct her to be interviewed under caution. Following this brief discussion he directed that Andrea McKee would be interviewed as a witness. In my presence, Detective Chief Superintendent McBurney fully explained these circumstances to Andrea McKee including that her earlier account would be reported to the DPP and the DPP may direct criminal proceedings. Andrea McKee then provided an account, which differed in detail from that of her statement dated 29th October 1997. On the direction of Detective Chief Superintendent McBurney I took a further witness statement from her. I also submitted a further HOLMES message (M46) dated 20th June 2000 regarding the interview with Andrea McKee.

On our immediate return to Northern Ireland, Detective Chief Superintendent McBurney and myself travelled to Knocknagoney, Belfast where Detective Chief Superintendent McBurney briefed Detective Chief Superintendent Anderson, Crime Branch, whom I believe at the time was Deputy to the Assistant Chief Constable, Crime Branch. On that same date and on 21st June 2000 I had further discussions concerning the management of this specific line of enquiry with Detective Chief Superintendent McBurney. He related that he was arranging meetings with the ICPC

and with the DPP. My recollection is that these meetings had been discussed between Detective Chief Superintendent McBurney and Detective Chief Superintendent Anderson on our return from Wales.

I also suggested to Detective Chief Superintendent McBurney that there was a requirement to review the HOLMES account and the lines of enquiry relating to the information previously provided by Tracey Clarke and now supported by Andrea McKee. I reiterated to him, that in my view, to ensure transparency, there was a necessity to appoint an Investigating Officer not attached to Portadown Sub Division. Detective Chief Superintendent McBurney appeared receptive to my observations, however, he wanted me to accompany him initially to a meeting with the ICPC and then with the DPP which he had arranged for 26th June 2000. During the meeting with the ICPC on 22nd June 2000 Detective Chief Superintendent McBurney outlined the new developments regarding Andrea McKee and the present position regarding Michael McKee. The same areas were discussed with the DPP on the 26th June 2000. Members from the ICPC also attended this consultation with the DPP. Following the meeting with the DPP I returned to Portadown Police Station. I later travelled to Gough Barracks, Armagh and had a further meeting with Detective Chief Superintendent McBurney regarding the outcome of the DPP meeting. Detective Chief Superintendent McBurney informed me that he was now appointing Detective Chief Inspector **K** from the Regional Crime Squad with an investigation team that would be located at Gough Barracks, Armagh. I fully agreed with Detective Chief Superintendent McBurney's decision. I personally felt that a further senior officer's experience and views on the investigation was essential. In addition Detective Chief Inspector **K** had responsibility for the HOLMES unit and Regional Crime Squad resources and could use his influence and these resources to ensure that a dedicated team was available to review the areas of the investigation that had not been completed or pursued at that date. A meeting then took place with Detective Chief Inspector **K**. Detective Chief Superintendent McBurney briefed Detective Chief Inspector **K** regarding the enquiry, the meeting with the DPP, the ICPC and the enquiries required to be conducted and which had arisen from those meetings. Detective Chief Inspector **K** was initially to update himself with the investigation and with the enquiries that had been conducted up until that date.

As stated above, I fully agreed with Detective Chief Superintendent McBurney's decision to appoint Detective Chief Inspector **K** to specifically review the investigation concerning Reserve Constable Atkinson. I believe this was the right decision and as agreed with Detective Chief Superintendent McBurney, I took no further role in the investigation, except at the directions of these two officers. This only included:-

- (1) Accompanying and introducing Detective Chief Inspector **K** to Andrea McKee in Wales on 25th October 2000. During this meeting Detective Chief Inspector **K** interviewed Andrea McKee regarding her full involvement with the Robert Hamill investigation and which he recorded a further witness statement.

- (2) Interviewing Michael McKee and his partner on 5th December 2000 regarding a threatening letter and a 'bullet' that he had received on that date. A statement and elimination fingerprints were obtained. I was accompanied by Detective Sergeant **H** who was part of Detective Chief Inspector **K**'s investigation team and he recorded the witness statement from Michael McKee. Michael McKee had initially contacted me regarding receipt of the threatening letter and I had immediately contacted Detective Chief Inspector **K** and Detective Chief Superintendent McBurney for direction.