

RECEIVED

18 SEP 2008

STATEMENT OF WITNESS

STATEMENT OF

P40

DATED THIS

15th

DAY OF

SEPT

2008

I, P40 declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. I made a statement to the Police dated 27 April 1997, which is at pages 695 to 696. That statement is true to the best of my knowledge and belief.
3. In April 1997 I was a full time Reserve Constable in the RUC stationed at Portadown. I had been a Reserve Constable for about 15 years. I left the RUC in January 2000 and I am medically retired because of an injury sustained on duty. The injury I sustained in 1996 during a public order incident in Portadown. I was also having cognitive problems at that time.
4. After my initial two week training I was posted to Clogher and from there to Portadown, Mahon Road and back to Portadown where I was stationed for about 5 years prior to April 1997. Initial training covered statement making and report writing with a week's weapon training. I was not trained in first aid but did have a one day course early in my service on public order duties.
5. On 26 April 1997 I was working a late shift 16:00 to 00:00 at Portadown. This duty was extended until 03.00 for public order patrol in the town centre although we had no public order equipment and I had no public order training. This was a normal occurrence on a Friday/Saturday night for part of the late

turn shift to work as a public order crew. The crew would normally consist of 5 officers but on this occasion there were four of us.

6. We had a quick briefing by Sergeant ^{P89} I cannot remember what the briefing was but there were no intelligence about anything in particular. We had a cup of tea and looked at the board to see where I was in the Land Rover. Constable Alan Neill was the driver and the senior man in charge. Reserve Constable Denise Cornett was the observer in the front passenger seat and Reserve Constable Robert Atkinson was in the rear of the vehicle with me. I sat behind Constable Neill with my back towards the side of the vehicle and my feet on the seat opposite.
7. Public Order patrols were performed in an armoured RUC Land Rover and from where I was sitting you could only get a view to the front by bending down and looking past the driver. There were small baton hatches in the side of the vehicle and one in each door about 3 or 4 inches square, visibility from these windows was limited because of the armoured covering.
8. Public Order duty was confined to the centre of Portadown inside the barriers which prevented vehicle access into the town centre.
9. The 26/27 April 1997 was mostly a very quiet night. Most of the pubs closed early and there were very few people about in the town.
10. Heating inside the Land Rover was very basic and fumes used to come into the back of the vehicle through the ill-fitting seals of the back doors so if we stopped for a smoke the doors would be opened. However we would not get out of the vehicle. Patrolling on foot was not carried out in 1997; it was too dangerous to do so. My understanding of Standing Orders was that unless I was told to get out of the vehicle to patrol I wouldn't have done so.
11. Although I was tired because I was up early on Saturday 26 April I did not sleep neither did my colleagues. We did stop for a smoke every so often.

12. We had stopped in Market Street in a lay by, in a position which I have previously referred to as LR/1. This afforded a view for front seat passengers of the junction between High Street/Market Street/Woodhouse Street and Thomas Street with a view down to the bottom of the town where fast food outlets were but there was no view for those in the rear. I cannot remember how long we had stopped at this spot.
13. Constable Neill moved the vehicle forward into the junction of Woodhouse Street at a position I have previously referred to as LR/2. He then moved off again a short distance with the vehicle pointing into the pavement at an angle at position LR/3.
14. I remember two youths walking up the pavement in High Street on the Woolworths side of the street. One of these was a youth I knew from policing Portadown to be a local troublemaker called Stacey. I now know him to be called Stacey Bridgett. I did not know the name of the other youth. I recall an older male crossing in front of the Land Rover and saying that his friends were coming down Thomas Street from St. Patrick's Hall. I cannot remember if I heard this or Reserve Constable Cornett had relayed this to Reserve Constable Atkinson and myself. I am aware from the Inquiry or some other source that the other officers refer to the male coming from Thomas Street crossing in front of the Land Rover and saying something and that is why we stopped at position LR/2 but that is not my recollection of events. I cannot remember Reserve Constable Cornett shouting at these men. I did not see any confrontation between these three men.
15. The comment about people coming from St. Patrick's Hall did not concern me because I had at that stage only seen Stacey Bridgett and his friend. Bridgett put his head through the front passenger door and said, "Where's Rodney". We had a brief conversation but I cannot remember what was said. I saw that he was carrying a bottle of Buckfast Tonic Wine. I did not include this in my statement or notebook but remembered this fact when I was interviewed by Detective Chief Superintendent McBurney on 8 September 1997. So far as I can recall Bridgett had a bottle in his hand.

16. I did hear shouting coming from Thomas Street it was the sort of noise you hear when there are people on the street who have been drinking. I told Constable Neill what I had heard.
17. The driver's door of the Land Rover was suddenly opened and a man was pulling at Constable Neill. I didn't hear what was being said but Neill got out. Reserve Constable Atkinson and I also got out through the rear doors. Once on the street I looked towards Thomas Street and saw about 50 people across the bottom of the street with its junction with High Street and Market Street. They were in 4 or 5 groups they appeared to be struggling but I didn't see any punching.
18. Whilst I was still at the back of the vehicle a man approached me about 5'9" tall and he was wearing a navy blue shirt and dark coloured trousers he appeared agitated and he said, "Look what the fuck are you going to do?" or words to that effect. I took this man over to the left hand side of the junction of Woodhouse Street, by putting my hands on his shoulders, to keep him away from the big group across the street.
19. Another male then came up Woodhouse Street; he had light coloured hair and was wearing a grey sweatshirt. I believed him to be a Nationalist because of his direction of travel. He made a dash to go across towards the crowd and in doing so he tripped. I grabbed hold of him and could smell alcohol and he appeared to be drunk. As I was lifting the man up I saw a person lying on the ground. It was just a brief look as I was pulling the man up and I don't know how or why he went to the ground. I put the male in the grey sweatshirt into Woodhouse Street and went across the street to assist my colleagues. I then saw that there were two men on the ground.
20. I hadn't seen anyone on the ground when I got out of the Land Rover.
21. Together with Constable Neill and Reserve Constable Atkinson I tried to keep the larger group of Loyalists away from the Nationalists and the two men on the

ground. There were women screaming and shouting from the men on the ground and we were pushing the Loyalists back.

22. I saw a male with black hair; moustache and goatee beard he appeared hyped up and wanted to get into more fights. He kept taunting the Nationalists and I recalled him shouting 'Hope he fucking dies', pointing his finger, 'hope he fucking dies'. I did not include this in my statement but when I had a conversation with D/Sgt. BRADLEY on afternoon of 27 April 1997 he included this in a note which is at page number **9688 - 9689**. This man had to be moved back by other officers.
23. Whilst I was pushing the crowd back I heard a bottle smash on the road behind me.
24. Other officers arrived and joined the line and I recall one person being taken back to the Land Rover by a policewoman, but I don't know which officer or who the person was.
25. An ambulance arrived and the two male persons on the ground were taken away by the ambulance crew. I didn't see anyone attending to the two men although there may have been some women around one of the men.
26. Inspector McCrum and Sergeant **P89** arrived and we formed a line pushing the Loyalist crowd back towards West Street and the Church. I remember Constables Atkinson; Cooke and Silcock being there. There were others but I cannot remember who. I believe the Mobile Support Unit also came to assist but at what stage I cannot say.
27. My crew were stood down and we got back to the station about 03.30. This had been the biggest public disorder I had seen and I was concerned about my own safety and that of others because of the violence. I did not however see anyone punch or kick anyone else and I was not assaulted during the incident.

28. I was not debriefed prior to going off duty and I was not asked to make a list of possible offenders. I did not make a notebook entry before going home at 03.45. I was not aware when going off duty that one of the males was seriously injured.
29. I was recalled to duty at 05.49 and when I got to the station I saw Inspector McCrum who instructed me to go to the CID office and make a statement about the public disorder earlier that night. In the CID office I saw Detective Constable Keys.
30. I made my statement and notebook entry on my own and did not discuss the events with Reserve Constables Atkinson and Cornett who were also there. I believe Constable Neill arrived when I had finished the statement. I went home and on returning to duty later that day was seen by Detective Sergeant Bradley who took some additional notes about what I could remember of the incident.
31. Stacey Bridgett is the only person who I have named but there were other people in retrospect who I saw but didn't write down their names. I think this was due to my being tired and not having the time to debrief with my colleagues. I cannot remember these persons now.
32. I do not know Rory Robinson; Allister Hanvey; Marc Hobson or Wayne Lunt. I now know Dean Forbes to be the person who was with Stacey Bridgett at the Land Rover but I did not know him personally.
33. I was never asked to attend for any identification process.
34. I was interviewed under caution by Detective Chief Superintendent McBurney and Detective Inspector Irwin together with a representative of the Independent Commission for Police Complaints on 8 September 1997 a copy of the transcript of that interview, provided by the RUC, is at page number **9351**. It is a true transcript of the interview to the best of my knowledge and belief.

35. I became aware of an inquiry into Reserve Constable Atkinson through conversations with other officers at work. I can't remember when this was because I was off duty shortly after the incident on 26/27 April through stress.
36. I was interviewed by Detective Chief Inspector **K** on 11 December 2000 about the allegation that Reserve Constable Atkinson had made a telephone call to someone who had been involved in the killing of Robert Hamill. I cannot now remember making a comment to Alan Neill at a retirement function about Robert Atkinson but anything I had learnt would have been from Portadown Police Station because I did not socialise in Portadown or with Robert Atkinson. The note of the interview of 11 December 2000, which is now produced and shown to me containing page number **11114**.
37. I do have memories of the incident but they are limited. I feel anxiety and grief about the fact that someone died whilst I was performing duty but I believe that there was nothing the four of us could have done it was all over so quickly. I have even thought that if I had discharged my handgun into the air it might have prevented the violence.

SIGNED:

P40


DATED:

15th - 09 - 08
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