

STATEMENT OF WITNESS

STATEMENT OF **P89**

DATED THIS *24th* DAY OF *FEBRUARY* 2009

I, **P89** declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the relevant page number.
2. I served with the RUC for 27 years and retired on medical grounds in 2001. In April 1997 I was stationed at Portadown Police Station. At that time I think I had been there for around a year, having come from Lurgan. I had been based in Portadown for six years previously before being transferred to Lurgan so it was my second tour of duty in Portadown.
3. On the night of 26/27 April 1997, I was on duty to supervise my section which was referred to as "C Section". Inspector McCrum was the duty Inspector and my immediate supervisor. It was my responsibility to give the briefing to "C section" that night which I did at 23.45.
4. At 00.10 I also briefed the mobile unit who had been retained from their earlier shift to support the section of officers who were on duty from 23.45. This unit consisted of Reserve Constables **P40** , Atkinson and Cornett and Constable Neill. These officers would have commenced duties around 15.45 the previous afternoon and would normally work through until midnight or just after. They were retained that night to provide a patrol of the town centre and had been briefed to pay particular attention to the Magowan Buildings and Woodhouse Street which was a well-known flashpoint interface for trouble at the weekends.

5. Prior to giving the briefings I reviewed the Occurrence Book for any occurrences for the evening. My briefing also included any intelligence that the unit needed to be aware of.
6. I also briefed Reserve Constable Murphy that night who was not a member of my section. He was detailed to be an extra observer in the district Mobile Support vehicle which had the call sign "Juliet Delta 80". That crew were to provide extra support in the event of any incidents that night. There would normally be a crew of two, usually three officers in this vehicle.
7. Referring to my statement of 7 May 1997 [**Page 9213**] I see that at 1.50am on 27 April 1997 I was informed by the Communications Officer, Constable Godly, that a disorder was taking place in the Market Street area of town and that police in attendance were in immediate need of assistance. I do not recall whether I was given any other details. I cannot now recall whether Inspector McCrum called me or I called him, but we left the station together. At this point I did not know the seriousness of the disorder. It was not unusual to have public disorder in the town centre on a weekend at the time.
8. Inspector McCrum and I left the station on foot and headed down Edward Street towards the town centre and into High Street which was only 200-250 yards away. I have marked the route we took on a map of Portadown town centre which is now produced and shown to me containing page **73901**. Referring to my 15 May 1997 statement [**page 9215**], I remember I came across Constable Adams and Reserve Constable Warnock who were in a police car. They stopped and informed me that a serious public disorder was occurring and they requested the issue of a riot gun. They stated that a number of civilians had been attacked and assaulted by a large mob that had then turned on the police. I was immediately concerned and formed the view on the basis of this information that it was necessary to issue a riot gun to Reserve Constable Warnock. I returned to the station and issued a riot gun to Reserve Constable Warnock and took possession of a riot gun myself. I had been part of an MSU for around 5

years and it was not uncommon for riot guns to be issued in public order incidents. I had whilst a member of the MSU dealt with 50 – 60 riots in Portadown town centre.

9. When I arrived at the junction, I found the situation was very hostile. There was a crowd of people – nearly 50 people and it was very noisy with a lot of shouting going on. From experience and the way they behaving, I knew the large crowd were Protestant. Certainly you wouldn't get a group of Nationalist people in the town centre like that. In addition to the large crowd, we had people coming up from Woodhouse Street and our concern was to move the crowd away from the town centre and from the people in Woodhouse Street. I note in my statement of 7 May 1997 [page 9213], I stated this group consisted of about 3-4 youths.
10. In terms of other police support, I have a vague recollection that when we arrived at the scene, we tried to get a section of the MSU to Portadown as it was clear we needed more support. I believe the MSU were at Banbridge at the time. There was some form of communication between Inspector McCrum and myself but I cannot now remember who made the request for the MSU.
11. To the best of my recollection, there was one Land Rover at the scene but I cannot recall where it was parked. I assume it was in the vicinity of Thomas and Woodhouse Streets. I think there was also a police car there which Reserve Constable Warnock and Constable Adams had been driving when they met us earlier on Edward Street.
12. At this stage I did not see any casualties at the scene. To the best of my recollection there was an ambulance there that may have just taken casualties on board and was about to move off. I believe that it was stationary when I arrived and there were officers and a crowd of people nearby. I did not see any of the crowd obstructing the ambulance but they were definitely hostile. In my statement 15 May 1997 [page 9216] I said, "*As I made my way to the scene along Edward Street an ambulance passed me travelling towards the town centre.*"

13. I cannot remember how many officers were at the scene when I arrived but I think there were no more than 8 of us including the Land Rover crew, Inspector McCrum and I. I am fairly certain there was no-one there from the Mobile Support Unit present at this stage because the first thing that entered my head when I arrived on the scene was "*we need help here*". I knew from experience that we would have great difficulty controlling the situation and knew it was important that we move the crowd away from the town centre, as I could see more people coming up Woodhouse Street and it was the time of night when the pubs would be turning people out. If there were more Nationalist people coming up towards the town centre it would have been a very dangerous situation.
14. The Protestant group were in the middle of Market Street directly opposite Thomas Street. These people were milling about and shouting and being very aggressive towards the police and to the group in Woodhouse Street. I cannot recall exactly what was being shouted both factions were shouting at each other. There was certainly a lot of drunk and disorderly youths in the middle of the street. I do not recall seeing any particular individuals with bottles or anything being thrown.
15. I think the police were between Thomas Street and Woodhouse Street and they were trying to move the crowd up Market Street and avoid the people coming from the Bridge Street direction. I could see people coming up from that end of town who were basically looking to see what was going on and trying to make their way home. They were not aggressive but they were adding to the size of the crowd which was a concern for us.
16. I recall saying to Inspector McCrum that we needed to move the crowd away from the town centre otherwise there'd be a full-scale riot. Most of the officers had experience in similar situations so knew what to do. I think both Inspector McCrum and I directed the officers to move the crowd away. I had my riot gun

which was slung over my shoulder down in front of my chest but did not need to use it as the crowd began to move.

17. I recall seeing Reserve Constable Atkinson at the scene and have a clear recollection of talking to him as he was on my left-hand side as we pushed the crowd up the street. There was one individual who was very hostile towards me and he would not move back. I had to physically push him in the chest area and it got to a stage where I thought that he would assault me because of his attitude towards me. He was shouting in my face and I recall Reserve Constable Atkinson saying "*be careful*" or words to that effect. Referring to my statement dated 28 December 2000 [page 11084], "*I can recall Reserve Constable Atkinson saying words to the effect, 'Do you know who he is watch him that fellows an expert or black belt in martial arts.'*" In other words he was advising me strongly that, if I was to push this guy too much, that he would level me and put me on my back. My only recollection of this person's appearance was that he was in his early 20's, with a slim build and about 5'10. Looking at my statement [page 11084] I can see Reserve Constable Atkinson referred to the man by the name '*Hanvey*', which meant nothing to me at the time.
18. I recall the man identified to me as being called Hanvey was accompanied by a young woman who was also very aggressive to me in particular, perhaps because I had the baton gun. I cannot describe her at all other than to say she was in her late teens and quite small. At the time I assumed she was with Hanvey, possibly a girlfriend of his. There was a lot of conversation between them which led me to believe they were boyfriend and girlfriend I couldn't hear what was being said apart from the abuse that I was getting from them and from her in particular.
19. I think that Reserve Constable Atkinson talked to the young woman about her behaviour trying to quieten her down as we were moving the crowd up the street. I do not recall Hanvey or the young woman being hostile towards him. I did not recognise anyone else in the crowd and do not know Marc Hobson, Rory Robinson, Wayne Lunt, Dean Forbes or Christopher Henderson.

20. I cannot recall seeing Reserve Constable Cornett or Constable A at the scene but think Reserve Constable **P40** was there, though nowhere near me. Similarly I cannot recall speaking to Constable Neill at the scene I probably did but I cannot recall doing so now. I recall seeing Reserve Constable Silcock as he was quite close to me and Reserve Constable Atkinson when we were driving people out of the town centre towards West Street.
21. I have a vague recollection of the Mobile Support Unit arriving in the town centre some time later, I think after we had already moved the crowd into West Street.
22. The youths in Woodhouse Street remained in that street as we pushed the crowd out of the town centre and the people coming from Bridge Street just walked on the footpath and were making their way home.
23. I did not see anybody that night with a bleeding nose and cannot recall seeing anyone with a Rangers scarf, although it was possible that people were dressed with the red, white and blue 'Rangers' colours which was quite common in Portadown.
24. It took about 50 minutes to an hour for the situation to calm down from when I arrived at the scene. I left the scene at about 2.45/50am. There were several officers still present including Inspector McCrum. I cannot recall giving any specific instructions before leaving to attend to another matter however I was aware Inspector McCrum was the most senior person at the scene. I do recall having a conversation with him about visiting the hospital and establishing the condition of the injured persons. I cannot recall whether we discussed scene preservation but I know the scene had not been cordoned off before I left.
25. In my experience, scene preservation usually only takes place in circumstances involving a serious assault, murder or attempted murder, and once there is knowledge of the individual's injuries. During my time in Portadown, I cannot

remember a scene being preserved without knowledge of the injuries. Certainly none of the officers at the scene informed me that anyone had been seriously beaten but I have a very vague recollection of having seen someone being attended to by the ambulance crew.

26. I note in my statement of 28 December 2000 [page 11085] I stated that Reserve Constable Atkinson had struck a man named Rory Robinson in the stomach using his baton. This information was taken from a baton report and was not something I observed personally. It is protocol to complete these forms when someone has used their baton. Reserve Constable Atkinson had advised me that he had struck a person, I then examined his baton and completed the form. Reserve Constable Atkinson had advised the person he had struck was known to him as Rory Robinson. I think I completed the form before terminating duty that morning. I cannot remember if I drew my own baton but I think in such a violent situation that I would have done so to defend myself. In my statement of 15 May 1997 [page 9216] I recorded, "*Later in the police station Constable Neill and Reserve Constable Atkinson both produced to me their police issue baton for inspection according to Force instructions. There was nothing of significance on either baton although I did note that the leather strap on Reserve Constable Atkinson's baton was broken.*"
27. When I left the scene I knew that there was at least one casualty but nothing more. I left with Reserve Constable Silcock and we drove to Craigavon Area Hospital which was only 5-6 minutes away. On our way there we discussed the incident. I was feeling quite proud of the men for being able to resolve the situation. I do not think any names were mentioned.
28. We arrived at the hospital at approximately 2.50-2.55am and went straight to Casualty. We were confronted by relatives or friends of Mr Hamill who were verbally abusive towards us. One of them kept saying "*you let them beat my brother*" or "*my brother-in-law*". I think they were making reference to what had gone on in the town centre prior to my arrival at the scene. There was some suggestion that the police had stood by and obviously, because I was in police uniform, they felt I was part and parcel of the whole thing. I didn't feel they

were angry at me as an individual and they obviously knew things that I didn't know in relation to what had happened. There was somewhere between 4-7 people who confronted us – men and women. There were two who were particularly aggressive, one a woman referred to her '*brother*' or '*brother in law*.'

29. I remember speaking to a nurse briefly and she told me that the injured party was receiving treatment for his injuries and she could not tell me at that stage how serious they were. I do not recall asking her if he was conscious or unconscious and I cannot remember if the nurse mentioned another casualty or the name **D**. I only recall inquiring about one person.
30. I did not speak to any doctors as I was told they were attending to patients at the time. I did not make a note of what I was told in my notebook. I would not normally make a note where I can report back the information verbally. I had no reason to make a note of the actual words said. And the situation was quite difficult anyway. I was only there for a few minutes. At the time, there was no standard procedure in respect of recording information from the hospital about injured parties. Having left the hospital I still did not know it was as serious an incident as it turned out to be. I had no idea Mr Hamill had been so seriously injured. I cannot remember if there was some form of communication between myself and Portadown police station about attending the hospital.
31. I recall then attending a road accident in Bridge Street at 03.00am. I was not at that scene very long. Constable **A** then requested that I convey the driver who had been arrested back to the station. I cannot recall bringing this individual back but, looking at my statement of 27 April 1997 [page **10871**], it would appear it was about 03.05am. Upon my return, I cannot recall whether I advised the officers in the Control Room of the outcome of my earlier hospital visit. According to my statement, the individual was released from police custody at 04.15am. The man was from up north so I may have helped him find accommodation or arrange a lift home which could have taken another hour to organise.

32. I cannot recall exactly what I did after dealing with the road traffic matter but I do not think I went back to the scene of the public disorder that morning. I do recall seeing the Land Rover crew in the Communications Room in the station with Inspector McCrum and Detective Constable Keys. I did not talk to them. In fact I do not recall that I had any further involvement in the matter.
33. I think I spoke to Inspector McCrum before I finished my duty that morning but I cannot recall the circumstances. It may have been around the time that I was processing Reserve Constable Atkinson's baton report and after I had dealt with the road traffic matter.
34. I did not receive any updates or debriefings from Inspector McCrum that morning but I recall at some point whilst I was dealing with the road traffic matter, information came in from the hospital to indicate the seriousness of the injuries sustained by Mr Hamill. As a result, CID became involved and recalled to duty the Land Rover crew who I had seen in the Communications Room with the Inspector. I can vaguely recall Land Rovers in the town centre right up until I finished duty but I certainly didn't organise them to be there. I also have some recollection of talk about a street cleaning lorry being in the area of the town centre and concerns about scene preservation.
35. I do not recall being asked to make a statement about the incident that morning but I know that I did one on 7 May 1997 [**page 9213 – 9214**] and then a further statement on the 15 May 1997 [**page 9215 – 9216**]. I do not know who asked me to do those statements. It seems the only statement I made on 27 April 1997 was in relation to the drunk driver I dealt with.
36. I accept that my statement dated 15 May 1997 was more detailed than that of 7 May 1997. A possible explanation is that I was asked by CID to give more details and clarify particular points.

37. I was never given a specific, personal update about Mr Hamills' condition but I do recall daily reports were received and, at one stage, these were showing he was progressing and responding to treatment. I cannot recall hearing anything about Mr D at all.
38. I gave a further statement on the 28 December 2000 [**page 11084**] in which I mentioned Allister Hanvey, Rory Robinson and Reserve Constable Atkinson. I did not know who Robinson and Hanvey were. When making my statements in 1997, I don't think I thought this information was relevant. I now know that Allister Hanvey was a suspect in the murder of Robert Hamill but at that time I did not connect the man who had been aggressive to me at the scene was Allister Hanvey, the murder suspect. I think that at the time of the murder investigation from 1997 to 1999, I had moved to Newcastle, where I stayed until I retired in February 2001. I had been on sick leave for approximately a year before my retirement.
39. In respect of the entries in my notebook for the dates 26-27 April 1997 inclusive [**page 9962**], I note they are not in chronological order. I think what happened was that I completed my notebook the day after the incident, that is, on 28 April 1997. I started by putting in an entry in relation to the road traffic matter then the public order incident.
40. It was not unusual for me to make an entry in my notebook in relation to my duties of the previous day because sometimes I was too busy to complete my notebook before I finished duty or too tired if I had just finished a night shift. Indeed what may have happened is that I initially made an entry in my notebook about the road traffic accident on 27 April 1997 at the same time that I was processing the forms for that accident and the drunk driving procedure and forgot to make an entry about the riot that morning or included the times for my overtime. Once I had realised my mistake, I had gone back and made the relevant entries, which may explain the lack of chronological order. So as I remembered things I would add the entries to my notebook.

41. Aside from talking to Reserve Constable Atkinson about the use of his baton, I do not think we spoke about anything else before I terminated duty. I do not recall talking to the other members of the Land Rover crew that morning.
42. I recall speaking to Constable Gordon Cooke but I cannot remember what we were talking about. I assume it was about the incident in town and how there were witnesses saying that the police had not responded as they should have to the assault.
43. I was aware of general conversation some weeks or months after the incident that Reserve Constable Atkinson had been arrested but I was not aware that there was an allegation he was helping suspects. I am shocked by that information and I did not see anything at the scene to suggest that.
44. A statement dated 30 November 2001 by Superintendent Karen Kennedy has been produced and shown to me containing page numbers **10266 to 10270** in respect of the disciplinary investigation that she led and her dealings with me.
45. I recall being asked to come to the police station by Chief Inspector Jackson but unfortunately I arrived for the interview a day earlier than scheduled. Someone rang the Superintendent or the Chief Inspector and told them that I was at the station and I was asked to come back in an hour. I went home and phoned the Police Federation because I was concerned they wanted to speak with me so urgently and were prepared to leave the department to come down and speak with me. I was advised by a representative that I did not have to attend as it was a disciplinary matter and I was retired from the Force.
46. I chose to still attend the interview with Chief Inspector Jackson and Superintendent Kennedy and it was only after discussing what the Superintendent proposed to interview me about, that I realised the nature of the investigation. At the time I felt rather set upon and under pressure. At this point, it was common knowledge amongst some of my colleagues that there was a possibility of a public inquiry and I wanted time to be sure of my facts. I didn't want to be used as a scapegoat for anybody as I felt I had done nothing

wrong. I was given my statements which I was told I could read before the interview.

47. I did not regard my position as one of non-cooperation or declining to assist. I just wanted to be sure of my facts before I participated in any interview. Superintendent Kennedy told me that the investigation was a disciplinary matter and, as I was a retired officer, I was not obliged to make any statements. She also said that if I was unhappy with the process I could get advice from a solicitor. I had already spoken to the Police Federation prior to talking with her so after I left the station I did not do anything more and I did not hear anything further from Superintendent Kennedy about the matter.

P89

SIGNED:

DATED:

24/2/09

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