

## STATEMENT OF WITNESS

### STATEMENT OF SIR RONNIE FLANAGAN

**DATED THIS        28<sup>th</sup> April 2009**

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

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. I have made one previous statement to the Inquiry which is dated 31 July 2006. I have been asked to clarify how I was briefed, when I was briefed, and by whom, in connection with the death of Robert Hamill and the investigations which were undertaken into his murder by the Royal Ulster Constabulary.
3. Briefings would have taken a number of forms. As Chief Constable I had regular Monday morning meetings with all my Chief Officers. These meetings alternated with one week being specifically devoted to operational matters and involving Assistant Chief Constable (ACC) Crime Branch, ACC Special Branch and three regional uniformed ACCs who had 'territorial' responsibility for the greater Belfast region and for what we described as north region and south region. South region would have embraced the Portadown area where the attack on Robert Hamill took place. The ACC for south region had an office in Mahon Road, Portadown. This operational meeting would have involved individual briefings to me by the Officers concerned. In the case of the investigation into Robert Hamill's death this could have involved both ACC (Crime) and ACC south region. It could also have involved ACC (Special Branch) if there was specific relevant intelligence but I have no recollection of such a specific briefing.

4. On the alternate Mondays I initiated what I recalled the Chief Constable's Policy Meeting which had a much wider attendance including for example ACC Personnel and Training, ACC Complaints and Discipline, the Force Press Officer the Legal Advisor and representatives of the Police Federation and Superintendent Association, as well as the Force Medical Officer and Director of Finance. These meeting were much broader in scope and I expected everyone to feel able to contribute to development of Force Policy rather than confining themselves to areas within their own formal sphere of responsibility.
5. I would also receive information from a daily incident sheet which was collated by F Department, which was the information department for the various geographic divisions. Those in F department could have informed me immediately in relation to the incident involving Robert Hamill depending on their assessment of the incident, or certainly by Monday morning. F Department included the press office but it was much more than that. The press office deals with the outward dissemination of information by dealing with the media but in addition to that there was the internal dissemination of information as well.
6. I am uncertain how I was briefed about the incident on 27 April 1997 but I was aware of the incident and that Robert Hamill was seriously injured. I recall being shocked to hear of his death because my recollection was that he was progressing. I cannot be certain how I learnt of his death and whether I was briefed or saw a media bulletin. When what might have been an attempted murder became a murder, it would certainly have been brought to my attention. It was certainly a very busy operational period the whole of that time and Drumcree was a big issue in the whole area, which in no way diminishes the seriousness of this incident. I have no notes to assist me to look at the dates and logs to know exactly what was going on but certainly it was a very busy time.
7. I am aware that ex Detective Chief Superintendent McBurney recalls that I telephoned him twice on 10 May 1997 regarding the Hamill investigation. I cannot recall now those calls but it sounds perfectly appropriate. I would have

wanted to know what state the inquiry had reached. This was a murder and an incident cannot be more serious than that. Being a Saturday morning I would have been in the office and my first port of call would have been the ACC for the region and the next would have been the Detective Chief Superintendent.

8. I have no recollection of being told in advance that arrests were being made but if intelligence was building to the point where arrests were appropriate I could have been phoned in advance. When arrests were made they would almost have certainly appeared on the daily incident sheet.
9. I am unable to recall the conversation but if I spoke to Mr. McBurney on two occasions the second call would have been probably later in the day to see what progress had been made. I would have been interested in whether those arrested had made admissions or if there was likely to be any forensic evidence. Clearly this would have been an incident of some public interest. It would not have been unusual for me to have spoken directly to the Senior Investigating Officer on a serious case. I saw it as my role to ensure that the SIO had sufficient resources as well as obtaining a briefing directly from the lead investigator.
10. I have no recollection of being briefed on 10 May 1997 by Maynard McBurney about a Reserve Constable making a telephone call to one of the alleged offenders. I have complete trust in Mr McBurney however and if he is sure that such a conversation took place I would not dispute it. My specific personal recollection of the involvement of a Reserve Constable relates to around June 2000 when I was briefed by Mr McBurney about the alibi provided by a husband and wife who had now split up and there was an opportunity to progress the inquiry. I thought Maynard McBurney was "on the ball" and that a new opportunity in the investigation was now imminent.
11. I have been told that Maynard McBurney states that he may have briefed ACC South during a face-to-face meeting with regards to the allegation about the Reserve Constable. I do not recall being briefed on this at an early stage but I have earlier indicated this may have been the case.

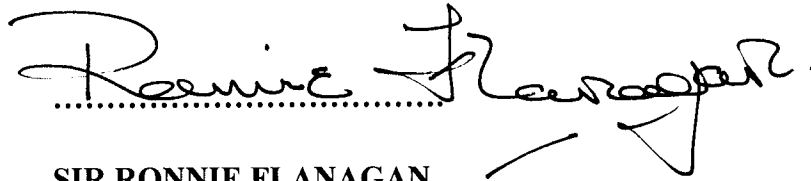
12. It was my belief that the alibi had been provided immediately. I was unaware that the allegation had been made in May 1997 and the alibi for the Reserve Constable provided in October 1997. The assumption that I made would have been that the alibi was immediately forthcoming. It causes me some surprise to be informed that there was some time delay in pursuing the matter.
13. I have been asked to explain what I would have expected as a course of action where an officer was a very strong suspect for a very serious wrongdoing. I would have expected an investigation either overtly or covertly, depending on what was going to bring about the greatest chance of success. Although it may not be appropriate to go and make an arrest because that may blow the investigation, I would have expected consideration certainly to have been given to arresting the officer. This should be undertaken by the SIO in discussion with the ACC for the region and I would have expected early notification of these matters to Complaints and Discipline.
14. If a report had been made to G Department this would be an internal investigation recorded within the Complaints and Discipline Department with a record of the Investigating Officer. Obviously the murder would have been the focus so I would have expected an experienced detective to have been taking great care not do anything to compromise the chances of a successful investigation of the murder. Consideration should be given to immediate suspension, in consultation with G Department, and whether that course of action would compromise the investigation. (My understanding is that the allegation was from a 16 year old girl made on the basis of hearsay).
15. I have been told that the Reserve Constable concerned was interviewed and asked for an itemised phone bill in September 1997. In these circumstances the officer concerned would be served with a regulation 17(3) notice, because, although you would not wish to forewarn an officer in a criminal case, in these circumstances you have shown the officer your hand by requesting an itemised bill.
16. I am aware that in June 2000 following the briefing by Maynard McBurney I contacted the 'number two' at the Independent Commission for Police Complaints

[ICPC] and asked them to supervise the renewed investigation into the allegations against the Reserve Constable.

17. I cannot understand why the allegation against the Reserve Constable made in May 1997 should not have been supervised by the ICPC. The fact that the ICPC were supervising allegations against inactivity by officers and not an allegation that a police officer assisted an offender does not make sense. I cannot think of much more serious conduct to be alleged about a police officer, to assist an offender in a murder inquiry. I would have expected that it would have been subject to ICPC supervision and a suitable record made within Complaints and Discipline Department of conscious decisions made about how to deal with the officer having regard to the investigation of the murder.
18. In terms of the supervision given to an SIO by ACC Crime and ACC South, I would expect that the case would have been discussed. I would not necessarily have expected the ACCs to have gone into the detail of asking for the SIO's policy book. In this particular case the SIO was actually Crime Adviser to ACC South.
19. It was not practice in the RUC to review undetected murder cases in 1997. We initiated this practice in 1999 with the first case to be reviewed being the Omagh bombing.
20. I have been asked, having regard to my experience as a Chief Constable of the RUC, Inspector of Constabulary and Chief Inspector of Constabulary, of any differences in the way murder was investigated in Northern Ireland from cases in England and Wales.
21. I have been asked about the application in Northern Ireland of the principles under the ACPO Murder Manual and procedures under MIRSAP for HOLMES investigations. I cannot be precise as to exactly when the RUC instigated these processes. What I can say is that the RUC, because of resource issues would not have been able to supply all the accepted procedures in every case, but that would have been true for most forces in England and Wales. Officers were trained in the same principles of investigation as in England and Wales.

22. In Northern Ireland there can be very physical barriers to preserving scenes, collecting evidence and interviewing witnesses because of terrorism. One of the major problems for the RUC would have been the reluctance of witnesses to come forward and then go through with their evidence to court. However in certain parts of England and Wales in organised crime these problems are now beginning to manifest. The reluctance of witnesses has been endemic in Northern Ireland whereas, in my view it has become only more recently problematic in England and Wales.

SIGNED

A handwritten signature in black ink, appearing to read 'Ronnie Flanagan', written over a dotted line. The signature is stylized and includes a large flourish at the end.

SIR RONNIE FLANAGAN

DATED 28<sup>th</sup> April 2009