

STATEMENT OF WITNESS

STATEMENT OF ROBERT JOHN BRIAN MACAULEY

DATED THIS DAY OF 2008

I, Robert John Brian Macauley, 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 joined the Royal Ulster Constabulary (RUC) in January 1960 and retired in the rank of Superintendent in May 1999.
3. During my service I served at various stations in different ranks. In 1982 I was posted as a Superintendent to the Complaints and Discipline Branch where I remained until 1989. I moved to the Command Secretariat and then Firearms licensing until I returned to Complaints and Discipline as the ‘Superintendent New Complaints’ a position I held up until my retirement.
4. My role as the ‘Superintendent New Complaints’ was to receive and process all new complaints made against officers within the RUC. I was responsible for the recording and allocation of complaints to investigating officers. An investigating officer would be at least two ranks above the officer subject of complaint.
5. Of the 4,000 plus complaints received per year all but a small number would be investigated by officers within the Complaints and Discipline Branch. Where I needed to appoint an IO outside of branch I would refer the matter to the Head of Branch (Chief Superintendent).

6. Complaints and Discipline Branch was the responsibility of an ACC with a Chief Superintendent as head of branch. There were at least four or five sections within branch with Superintendents having area responsibilities for investigations. Within area offices each Superintendent had a team of Chief Inspectors and Inspectors as investigators.
7. On receipt of a complaint it would be recorded on a form 17/2 and recorded in a register. A clerk within my section would give the complaint a sequential number. The complaint would also be recorded on a computer regarding key dates to ensure that the complaint was being monitored to comply with statute and performance indicators.
8. I would appoint an investigating officer and forward the complaint to that individual. All public complaints would then be referred to the Independent Commission for Police Complaints who would decide which complaints they would supervise under Article 7.
9. Having carried out these functions and written to the complainant I had no further involvement with the complaint or its investigation.
10. Allegations of criminal behaviour by an officer would be treated as a public complaint and recorded in the same way as other public complaints. Internal disciplinary matters would be dealt with by another section and would not be referred to me.
11. I have been shown a copy of a letter [page 9842] dated 6 May 1997 written by [REDACTED] on behalf of Diane Hamill. I can see that the letter was addressed to the C&D Office at Gough Barracks. The letter would have been forwarded by internal mail to my section where it would have been recorded and registered as a complaint. The complaint form 17/2 [page 63701 - 63702] which accompanies the complaint letter has my name typed into section (3) of the form. This would have been standard practice as I was the head of section. However the form bears the signature of a colleague Superintendent [REDACTED] I

believe that I was out of the office when the complaint was received.

12. It would appear that Superintendent [REDACTED] appointed the investigating officer (IO) because on the appointment form [page 63695] I recognise his writing. The IO is shown as Detective Chief Superintendent McBurney and he was to be assisted by Superintendent Anderson (Head of C&D section at Gough Barracks) and Chief Inspector Bradley (Investigating officer from C&D Gough Barracks).
13. Mr. Anderson and Mr. Bradley would have been appointed to have assisted the IO with administrative matters linked to the investigation. I would have expected the IO to have completed his investigation into criminal and disciplinary matters arising from the complaint.
14. At section 5(a) [page 63695] is a hand written note "*if necessary*" this refers to the preparation of a file to the DPP.
15. At section 8 is a file submission date and a statute barred date. If files were not submitted by these dates the IO would be asked for a progress report. This was to ensure that complaints were being investigated expeditiously but also to ensure that summary cases did not go beyond the six month period before proceedings were commenced.
16. The appointment form [page 63695 - 63696] explains to the IO procedures to be adopted and in particular the service of forms 17/3, which notify an officer of a complaint made against him or her. The service of form 17/3 should be made within days of receipt by the IO of the appointment form, however if to do so would prejudice the investigation of that complaint or any other the service of form 17/3 could be delayed.
17. Superintendent Reel would also appear to have completed a referral form to the ICPC [page 63699 - 63700]. The C&D reference number is B147/1345/97. In section 2 he has written "*Article 8 referral of incident*" In section 3 he has ticked Article 7 referral. This would indicate that he was making a standard Article 7 referral which 'New Complaints' made for every public complaint but

the complaint had already been referred under Article 8.

- 18. As the Superintendent 'New Complaints' it would not have been my responsibility to refer complaints under Article 8 this would normally have been done by the ACC 'G' Department, Head of C&D Branch or the Command Secretariat.
- 19. The form [page 63699] is completed at section 10 that the complaint letter was received from a solicitor. At section 14 *"incident being investigated under Article 8 referral."* Section 15 *"Press and public interest because Robert Hamill has since died."* This explains the reasoning behind the referral to the ICPC with Robert Hamill dying between the writing of the letter and the recording of the complaint.
- 20. I have been asked how I would have expected a criminal allegation against an officer arising from a public complaint to be dealt with. I would expect it to form part of the main complaint. Where allegations are of serious nature I would expect the IO to liaise with the ACC 'G' Department or the Head of Branch. In these circumstances where the ICPC were supervising they also would need to be informed by the IO.
- 21. I had no involvement with decisions on suspending officers subject of complaint or criminal behaviour and therefore cannot assist the Inquiry as to what process would be involved.
- 22. Similarly I had no involvement in files completed by IO's linked to the complaint and did not see any papers or reports on the Hamill complaint.

SIGNED:

ROBERT JOHN BRIAN MACAULEY

SIGNED: