

TRANSCRIPT OF TAPE RECORDED INTERVIEW

Interviewee: Constable Alan Keith Neill
 Force Number & Station: Portadown
 Interviewers: Superintendent L K Kennedy, C & D
 Chief Inspector D G Jackson, C & D
 Also Present: [REDACTED]
 Date of Interview: 26 September 2001
 Time Started: 1217 hours
 Time Ended: 1259 hours
 Master Tape Seal No: T000244A
 Tape Number: 1 of 1

Q. This interview is being tape recorded. The interview is being conducted in an interview room at Complaints & Discipline, Lisnasharragh. I am Superintendent Kennedy, Complaints & Discipline Branch, Lisnasharragh and also present with me is

DJ. Chief Inspector Jackson, Complaints & Discipline, Lisnasharragh.

Q. The date is the 26th September 2001 and the time is 17 minutes past 12. I am interviewing?

A. Alan Keith Neill, Constable, Portadown.

Q. Okay, also present as a friend is?

[REDACTED]

Q. Constable Neill you have requested that [REDACTED] be present during this interview and to act as your friend. I want to remind you that your friend cannot answer directly any question put to you, however at any time during the interview you may consult with your friend. At the end of this interview I will give you a notice Form 17/27 explaining what will happen to the tapes. I am now going to read out the contents of the Form 17/3 and your reply which was served on you by myself at 8.45 am on 28th of June 2001. It is alleged that on the 27th April 1997 at Market Street, Portadown, following a serious assault on Robert Hamill which resulted in his death, you neglected your duty as a police officer in that whilst you noted, you noted a bottle smashed in the area around where the injured persons were lying, you took no appropriate action to secure and preserve same in accordance with Force instructions. It is further alleged that you neglected your duty as a police officer by failing at an

early stage to preserve the scene for expert examination in accordance with Force instructions. It is further alleged that you in accordance with Force instructions failed to effect or arrange the early arrest of an identified suspect or suspects with regard to this incident, or consider the seizure of clothing belonging to the suspect or suspects for the purpose of forensic examination. This resulted in the loss of valuable forensic and identification evidence. Because of the shortfalls in the investigative processes, a number of persons were subsequently acquitted at court of serious criminal offences. It is alleged that you failed to make a full and accurate entry in your notebook, in particular to note the relevance as to why a suspect named as Wayne Lunt was placed in the rear of a police landrover and later released. In addition, as a result of the aforementioned allegations, you have brought the reputation of the Force into disrepute and your actions were contrary to the Force Ethics on Professional Policing and in response to that you made no reply. I am now going to caution you in the following terms: You do not have to say anything but I must caution you that if you do not mention when questioned something which you later rely on in any subsequent disciplinary proceedings, it may harm your defence. You may, if you so desire, make a written or oral statement to the investigating officer, or the Chief Constable or the Police Authority, as appropriate. Anything you mention when questioned, or any written or oral statement you make may be given in evidence at such disciplinary proceedings. In ordinary terms the caution means that you don't have to speak to me in this interview, if you put forward any new information in any subsequent disciplinary proceedings that you do not mention now, the subsequent disciplinary hearing can draw its own conclusions about how much notice to take of this new information. If you do it may be given in evidence. Do you understand this?

A. Yes.

Q. Is there anything you wish to say about the Form 17/3?

A. No.

Q. It is important to realise that this interview provides you with the opportunity to give an account, explanation or to defend yourself against the alleged disciplinary offence.

RM. Just when you have finished the caution may I repeat what I have said in previous interviews that in my respectful submission the ahm the the ah Form 17/3 was served out of time and ahm the Constable attends without prejudice to his entitlement to argue at any future disciplinary enquiry or hearing that the Form 17/3 was served out of time. Having said that the Constable is anxious to assist with your enquiries and is anxious to proceed with the interview.

Q. Thank you [REDACTED]. The contents of Form 17/3 as served on you by myself on 28th June 2001, having been read to you together with your appropriate response, are you satisfied to continue with this disciplinary interview?

A. Yes.

Q. During the course of this interview I may refer to notebook entries and witness statements made by yourself, notebook entries, witness statements and documents as made to others. You may at any stage during this interview ask to see and read these documents. Do you understand this?

A. Yes.

Q. According to your notebook entry dated 26.4.97 you paraded for duty at 1545 hours on that date, is this correct?

A. Yes.

Q. According to your notebook entry dated 27.4.97 at 0001 hours you were redetailed for duty by Sergeant P89 along with R/Con Atkinson, P40 and Cornett for public order duties in the town centre, is this correct?

A. Yes.

Q. Are in a position to indicate the extent of the briefing you were given or can you expand in what your actual duties were?

A. It was normal ah patrol on a Saturday night of the town centre for public order ah in relation to there was a an event going on at the Rugby Club and there were a lot of people coming in from the Coach and also there was a do on in the St Patrick's Hall, that's why we got called in as well.

Q. Would these have been normal sort of Saturday night activities ...

A. Yes

Q. In Portadown. So there was nothing really out of the ordinary ...

A. No.

Q. On this particular Saturday night, I am aware that you have already been interviewed regarding matters by the then Detective Chief Superintendent McBurney and Detective Inspector Irwin. This interview will not be re-covering any of those areas. Do you understand this?

A. Yes.

Q. In effect you were one of the first police officers at the scene of the alleged assault/disturbance in which Mr Hamill and D received injuries. Mr Hamill was later to die as a result of these injuries, is this correct?

A. Yes.

Q. In your statement and notebook entry you refer to broken glass.

A. Yes.

Q. Your notebook entry states "Checked both persons. Male. One lying in glass which I had seen being smashed earlier." What steps did you take to secure and preserve this glass for examination?

A. None at that time.

Q. Can you give me any reason as to why not?

A. Because of the public order situation that was on in the town at the present at that time. There was four members of one crew and we were unable to ah do

anything other than try to preserve the life of the people who were there and look after ourselves.

Q. So that was your priority at that time?

A. Yes that was our priority.

Q. Were or are you aware of the contents of a statement as made by Dr Fannin, Neurosurgeon, which reads as follows: "We were given to understand that he had been hit with a bottle and put to the ground and immediately rendered unconscious". Do you know who give this information to the hospital?

A. No.

Q. Did you not feel that it was important to preserve the broken glass as referred to in order that it could have been examined in an effort to secure evidence regarding the assault or activities of others?

A. I didn't realise, I didn't remember about the glass until I was ah interviewed or was making my statement later on about that because of the events that were going on at the time.

Q. Right. Okay. So you had moved the glass out of the way in order to assist the

A. That would be yea.

Q. Injured persons?

A. The glass was in that area but ah Mr Hamill I think was, had been put into the recovery position and that as well.

Q. Right.

A. At some stage I can't honestly remember at what stage or

Q. Okay.

A. But I do remember two persons heading towards each other on the side of the street where Mr Mr Hamill was later found.

Q. Right.

A. Lying and ah I do remember one person coming down, coming down from the church towards where Mr Hamill was lying with the bottle in his hand.

Q. Right.

A. But I can't remember, I can't honestly remember it being smashed over his head or anything like that.

Q. Right. Okay. You didn't see that. So you're saying then that that your main priority at the scene was obviously to preserve the life of these injured persons and ...

A. Yes.

Q. The protection of police officers.

A. Yes.

Q. And while you, there was glass there and but you're saying that you had forgotten about that in terms of preservation until you later had to make your statement.

- A. Well because of the ...
- Q. Is that what you're saying.
- A. Because of the events of what happened there was four of us trying to ah withhold forty to fifty persons who were fighting in the street. Now to be able to look after one person in the middle of the street when there's forty or fifty people still fighting in the street it was a bit impractical.
- Q. I appreciate that but there would have come a time when the town centre was settled of course.
- A. Yes and that was whenever I was actually told to finish duty so that was about a quarter to four and that happened about two hours prior to that so.
- Q. Right. Okay.
- A. That had slipped my mind about the glass at that stage.
- Q. Okay. Right. Hmm did you bring it to the attention of any supervisor the fact that there was broken glass prior to terminating the duty or had it completely slipped your mind?
- A. As far as I remember it had slipped my mind at that at that time it was whenever I was I was making my statement and doing my notebook up that I remembered about it.
- Q. Which was after you were recalled to duty?
- A. Yes.
- Q. Okay. Hmm the alleged incident which resulted in the death of Mr Hamill occurred around 1.50 am on the 27.4.97. Your statement dated 27.4.97 indicates the presence of a large number of persons in Portadown town centre involved in various confrontations, am I right in this presumption?
- A. Yes.
- Q. How would you describe the behaviour that was taking place, ie disorderly behaviour, riotous behaviour, affray, how would you describe it?
- A. Hmm it would have been affray. It was just there was any number of, you couldn't have, I couldn't say how many fights were going on at that particular time but there was certainly more than we could actually cope with.
- Q. Right. So more than one or two fights.
- A. Oh there's I'd say more than five or si there was more than five there was six possibly more than that I don't know you couldn't honestly say how many ...
- Q. Right.
- A. But there was certainly fights going on everywhere.
- Q. Okay. Would some of them have been sort of like two people on a one to one?
- A. There was two people on one to one, there was three people on, there was ah at one stage hmm I recollect R/Con Atkinson in the middle of there must have seemed to be about five people or six people round him. Cause I and I tried to assist him and get him out of, out of the road.
- Q. Okay.

- A. I tried to pull him out of that as well because because at first we were standing there with the guns as well and I'd had an incident there the year before on the same night where somebody had tried to take my gun.
- Q. Right. On the same night? On the same
- A. The same night a year previous.
- Q. Right. Okay.
- Is that recorded that particular incident?
- A. Yes it is.
- Q. How long did it take for the police to get the crowds that they were dealing with under control, ie initial incident occurred at or about 1.50 am so how long after this would you say it took for police to get the situation under control?
- A. Hmm. I think J1 were recalled from Banbridge and it was some time after they arrived eh we managed to push the crowd back up the town through West Street and Mandeville Street into just outside the town up to the Bodega roundabout area and and I'd say we were possibly there for maybe certainly more than half an hour anyway. I wouldn't honestly say that it would have taken possibly forty-five minutes or
- Q. From the time of the assault?
- A. Yes from the time of the assault to the time we realised how ba just how bad it was and ah waiting for hmm the MSU to come from Banbridge.
- Q. Okay. During or after this time at the scene did you speak with or take any instructions from any supervising officer regarding any further action to be taken?
- A. No. Hmm Inspector McCrum and ah Sergeant P89 I think were both on the ground at the time with the MSU.
- Q. Okay.
- A. And we were once he had felt the situation had calmed we were told to stand down.
- Q. Right but did you speak to Inspector McCrum at any stage or receive any instructions from him?
- A. Not that I can remember.
- Q. Or Sergeant P89 ?
- A. Not that I can remember.
- Q. Okay. Hmm our enquiries have established that the following assistance arrived at this scene - Juliet Bravo 70 - R/Constable Silcock, Constable Adams; Delta 70 - Constable Orr, A; Delta 80 - Constable Cooke, R/Con Warnock, R/Con Murphy, Inspector McCrum, Sergeant P89, R/Con Burrows and Constable Adams. In addition MSU callsigns also attended arriving at approximately 2.30 am. From your recollection would this be correct?
- A. Yes.
- Q. In your statement dated 27.4.97 you state "It was at or about this time that I became aware of two persons lying in Market Street outside Eastwoods and the

other more at the mouth of Thomas Street. There was a couple of women tending to him. I went over to them. Both appeared unconscious. The male outside Eastwoods was breathing rasping and was lying in a pool which I immediately believed to be blood and checked this person but could not see any cuts. I then remembered having seen a bottle smashed in this area, I then realised it was alcohol on the ground. Both persons were subsequently conveyed away from the scene by ambulance". Considering these points why did you not take the appropriate steps to preserve the scene for expert examination?

A. Because of the situation at the time. There was it was completely impractical to be able to do anything about the scene.

Q. What about after the situation had calmed down. I'm talking about scene preservation as opposed ...

A. Yes well.

Q. Specifically to the glass here.

A. We hadn't taken into consideration the seriousness of the assault at that time.

Q. Right.

A. It wasn't thought to be life threatening or thought to be a murder scene.

Q. So just to confirm then that at the time that you stood down, were stood down from duty. In other words when you left that you did not realise you were not aware of this potential seriousness of the assault.

A. No.

Q. What duties did you perform when the additional police resources arrived at this scene?

A. I continued on with what I had been doing trying to break up fights and get the people to ah the Nationalists, try to get some of the Nationalists down into the Woodhouse Street and try to push people back from the two persons lying on, on the street.

Q. Were you responding to instructions from any officer when you were doing this?

A. No.

Q. And it was more or less acting on your own initiative?

A. Yes.

Q. Okay. Hmm when the scene had been brought under control why did you not consider liaising with your supervisors for directions?

A. Hmm because we'd, we were up at ah, we had all gone up with the MSU and pushed everybody back out of the town centre as I say up to the Bodega roundabout area and ah we were just told to stand down by Inspector McCrum. The situation was still ongoing at that time and ah having said that I didn't realise the seriousness of the assault at that time or anything else.

Q. At any stage were you instructed by a supervising officer to secure the scene for examination?

A. No.

- Q. In your witness statement dated 27.4.97 you make mention of Stacey Bridgett. Initially you identified him face to face with a male, this had been unprovoked, carrying a cider bottle in his hand. Later you observed him with blood around his mouth. Rory Robinson, who you describe as taunting injured people and those that were looking after them. Robinson was moving back and forward across the line trying to get through and later Robinson was still in the front line and squared up to me on a couple of occasions when asked to move back, drawing his arms behind me. P51, who you indicated appeared to be injured. You also described other persons whom you then did not know and their alleged activities. Taking into consideration that including yourself, fifteen police officers supported by MSU call-signs were available and at the scene, what action did you take to identify or arrest any of these persons and obtain their clothing for forensic examination?
- A. Those things that you mentioned were all prior to any MSU arriving. The situation was ongoing and I was just, it was more a matter of trying to get the people out of the town centre at that time. I can't recollect seeing Robinson or Bridgett after, after the MSU had arrived. Those particular, particularly that Rory Robinson and that was before all the, the other support had arrived.
- Q. Okay. Are you saying then that the main police priority at that time after attending obviously to the injured persons, was to bring calm to the town centre?
- A. Yes.
- Q. As opposed to anything else, that was the main priority. That's what ...
- A. That was, that was the main part.
- Q. You understood it to be?
- A. Yes because they were still fights, there had still been fights ongoing. If we hadn't have tried to move those people back, the fights would still have been ongoing.
- Q. At the scene did you discuss any of your observations with any supervising officer or indicate to them that early arrests of identified persons should be considered?
- No.
- Q. When the two factions had been separated and dispersed, what duty did you perform?
- Once the Loyalists had been moved up through the town, I was stood down. We had moved them back up into the Bodega roundabout area as I said and we were stood down once the situation up there had calmed.
- Right. What sort of timescale would you be talking about?
- We were ...
- Q. What I mean is, did you patrol the town centre for a while ...
- No.
- Perhaps just to make sure it was calm. No, it was as soon as the crowd was

moved.

A. We were, we were, whenever the crowd, it took some time moving them back.

Q. Right.

A. Because they took up, they took, just right across the street. By the time the MSU arrived and everything else, we had tried to move them back and then try to sweep them up into West Street to get them out of the town centre.

Q. Right. Who stood you down?

A. It was Inspector McCrum as far as I know.

Q. Right.

A. As far as I remember.

Q. Were you, was your crew stood down before the MSU, from recollection?

A. Yes when we left the MSU were still at West Street, they were still, there was per, there was persons coming down from West Street with sticks and stuff, cudgels sort of things.

RM. Sorry, do you mean before the MSU arrived or ...

KK. No I, I was just ascertaining was Alan's crew stood down before the MSU were stood down.

RM. Oh yes (inaudible).

KK. And if also the MSU were left in the town centre.

A. No the MSU were still there when we were stood down.

Q. That's really out now too. You're saying there was really little timescale once the people had been moved, that you were stood down. I mean during this period just while you're, while the place was calm but you were obviously awaiting instructions to stand down. Did you have any direct liaison with any supervising officer at that latter stage?

A. It, it wasn't, wasn't completely calm even at that stage. There was the MSU had come across at the barrier at Bodega and there was still people facing up to us at that point and there were other people further up towards Bowles' Pub in West Street and as I said they had been coming down with, there appeared to be ones coming down with sticks or cudgels whatever towards the line as well at different times.

Q. Okay. Can I just confirm that never at any stage did you receive instructions from any police officer to secure the scene of the alleged incident?

A. No I didn't.

Q. At approximately what time did you return to Portadown Station?

A. I would say it was between half past and a quarter to.

Q. On your ...

A. I think it was after, after half past three and a quarter to four.

Q. Quarter to four, right.

A. Yes.

Q. On your return to the station did you complete your notebook or what duties did

you perform?

A. No I terminated duty at that time.

Q. Okay. Taking into consideration the events that had previously taken place, did you take any steps to establish the then condition of Mr Hamill and D. Any enquiries at all?

A. No, not at that, no. Not at that time.

Q. Did any debriefing take place regarding yourself or any members of your crew by any supervising officers?

A. Is that on the evening?

Q. Prior to initially you terminating duty?

A. No there wasn't.

Q. Okay. Prior to your termination of duty, did you yourself communicate with any of your supervising officers to discuss events or securing the scene or effecting early arrests?

A. No because they were both, they were on the ground.

Q. There were still out?

A. They were still on the ground at Bodega.

Q. Okay. In your statement dated the 27.4.97 and in your notebook you state, "Observed A up Market Street with a male, Wayne Lunt, who had a red, white and blue scarf up over face. Assisted her. Brought back to landrover". How and when did you establish the identify of this person to be Wayne Lunt?

A. It was after, after he was brought back to the landrover.

Q. Right, okay, so you didn't recognise him as Wayne Lunt?

A. No I didn't ...

Q. Initially?

A. I didn't recognise him as Wayne Lunt. I, A had come in from the top end of the town. I don't know who was with her but she had got out, she was, I think she was observer as far as I mind. She had got out of the car and the driver was still in the car and she had gone over to this person with the, the scarf.

Q. Okay.

A. She was about twenty, thirty metres at least from the backs of the police line at that stage and there was a number of persons there so I went up to assist her.

Q. Okay.

A. Because she was by herself at that time.

Q. Okay and you only became aware of his identity when he came to the landrover?

A. Yes it was only after that yeah.

Q. Alright. Did any other police officer assist you in bringing Wayne Lunt to the landrover?

A. Not that I can recollect but I didn't, A more or less had him in hand whenever,

whenever I got there and we sort of just brought him down.

Q. It was the two of you then?

A. It was just the two of us. We came down to the landrover, I'm not too sure whether, I didn't actually put him into the landrover.

Q. Okay.

A. Or take anything to do with him after that.

Q. Okay.

A. There was other police in that immediate area but ...

Q. Right.

A. Whether anybody else came I can't honestly be sure or recollect.

Q. Okay, alright. You were saying that you saw [A] go and this person with the scarf?

A. Yes.

Q. Did you observe what Wayne Lunt was actually doing at that time?

A. No. I believe that he'd, whenever [A] had come in in the police car, that a bottle had been smashed on the car or something like that there, I don't honestly. I didn't actually, I didn't see it happen.

Q. You didn't see that?

A. I didn't see it happening.

Q. No.

A. But as far as, that was ascertained that from ...

Q. Right.

A. Going up to her.

Q. Okay.

A. At that time but I didn't actually see him smashing any bottle.

Q. Right. Was he coming reasonably peaceably with [A] do you think or was he resisting her?

A. He was reasonable, reasonably peaceful I think at that time, he had, he had been putting up a bit of a struggle up at the top of the town but by the time he had got down he was ...

Q. Okay. When you brought Wayne Lunt to the rear of the landrover, what did you do?

A. Well I, I, as I said I took him down with [A], down to the landrover but I didn't put him into the landrover. There was possibly somebody else at the landrover, I can't think who it was.

Q. Right but you, you're dealings with him terminated?

A. I had no more dealings with him.

Q. At the sort of rear of the landrover?

A. Yes I didn't have any more dealings with him.

Q. Okay. Were or are you aware that Wayne Lunt allegedly assaulted [A] [A] causing her injury, details of which were entered into the Occurrence Book

at Portadown Station?

A. I'm not aware, I wasn't aware of that.

Q. Okay. Can you tell me why your notebook entry does not contain all relevant details regarding the arrest of Wayne Lunt?

A. No I don't, I can't honestly recollect why.

Q. Okay. Did you make any enquiries to establish why in fact Wayne Lunt had been arrested and placed in the rear of the landrover?

A. I took it that it was for smashing the bottle on the ...

Q. Bottle on the vehicle but did anyone ...

A. Yes but I can't ...

Q. Tell you specifically ...

A. I can't ...

Q. Why he was arrested?

A. No.

Q. No, okay. You simply went to assist ...

A. I simply went to assist ...

Q. A

A. A and that was it.

Q. Right, So you were never actually aware the reason for his arrest?

A. She already, she already had him, it was like at the top end of the traffic island.

Q. Right.

A. She was, she had him there. Whenever I went up she, she was starting to bring him back down so I was ...

Q. Ah ha.

A. Just helping her through the crowd.

Q. Okay.

A. That was there.

Q. Would it have been your, would it have been your understanding at the time or your assumption that A had already arrested him and was bringing him ...

A. Well I took it that ...

Q. Towards the vehicle?

A. Yeah.

Q. Right, okay. But just to clarify you weren't aware at that stage why he was arrested. You assumed it was because of the bottle being smashed on the vehicle but ...

A. I take it that's why he had been arrested but I, I took it that he had been arrested because we were taking him to the landrover.

Q. Yes, right.

A. But I wasn't present when she ...

Q. Okay.

- A. Actually arrested him.
- Q. Okay.
- A. And I hadn't been there from the actual start of her particular incident either so.
- Q. Okay. Why did you not complete a duty statement regarding the events of the 27.4.97 before you terminated duty?
- A. We weren't asked for anything at the time, we were just told to stand down.
- Q. Did, your notebook entry for the 27.4.97 states, "0540 phone call at home to parade. Seen D/Con Keys re statement". Was 0540 the actual time you were contacted at home or the time that you arrived at the station?
- A. That was the time I was contacted at home.
- Q. Who contacted you at home and can you recall the contents of what was related to you?
- A. I think it, from other interviews I believe it was Constable Godley. I vaguely, from recollection I was talking to Constable Godley.
- Q. Would he have been the Comms Officer?
- A. He was the Comms, he was on Comms that night.
- Q. Have you any recollection of specifically what he said to you when he telephoned you?
- A. Just to come in, that I was to come in and make a statement for Don Keys. I didn't, I think they had, he had said something about the seriousness of the assault at that stage.
- Q. Right.
- A. But I couldn't honestly remember exactly the content of it.
- Q. Am I right in saying that that was the first that you really had an appreciation of how serious that this had, this was?
- A. Ah ha.
- Q. On your arrival did you speak with Detective Constable Keys?
- A. As far as I can remember yes.
- Q. Okay.
- A. It was early, there was three, there was more than Constable Keys in the office. There was quite a few different ones from probably RCS or something like.
- Q. At that stage now when you first came back into the station?
- A. There was, there was certainly other CID members there that I, certainly not from the station.
- Q. Right, whenever you arrived?
- A. Yes.
- Q. Okay was it the CID office that you made your way to?
- A. Yes.
- Q. And you were saying that you did speak to Detective Constable Keys?
- A. Yes.
- Q. Can you recall the extent of the conversation and in particular were you made

aware of the then condition of Mr Hamill and **D**?

A. I can't honestly remember if they, of being told of the ...

Q. Okay.

A. Seriousness of the injuries at that time.

Q. Can you recall maybe what instructions you were given by CID, by Detective Constable Keys presumably?

A. I was just, we basically ah just went through what exactly had happened. Nothing, it wasn't a deep sort of interview type ...

Q. Right.

A. Thing, it was just basically what has happened, what happened and I told him what had happened.

Q. Okay.

A. And he asked me to make a statement.

Q. Okay.

A. Sort of thing.

Q. Right, so it wasn't a deep probing sort of interview. He was merely saying tell me ...

A. No well I mean ...

Q. Tell me your evidence or what you recollect?

A. The office, the office was mayhem at that stage.

Q. Right.

A. There was any number of persons there between the night crew and ah MSU as far as I can remember as well as what other CID was on.

Q. Okay. Whenever you returned to duty, did you speak with Inspector McCrum or Sergeant **P89** at any stage?

A. No, they had been, they were on nightshift. I hadn't, I can't remember seeing them or speaking to them whenever I came back in to make my statement.

Q. Right. Do you recall if there was ever a formal debriefing regarding these events after you were recalled to duty, a formal debriefing?

A. There, the four of us that were in the landrover had, there was four of us in the landrover and R/Con Murphy I think went up for a, there was supposed to have been a debriefing in the DI's office, I think it was on the Monday or possibly the Tuesday.

Q. Okay, right, so we'll not ...

A. It was after I made a statement and that.

Q. Right, okay. So you went up for a sort of formal debriefing?

A. Yeah.

Q. At that time?

A. Ah ha.

Q. I mean what format did that take?

A. It was just, we were sitting in the office and sort of discussed what had gone on,

what had happened.

Q. Okay. Was it a, a more probing than ...

A. Ah ...

Q. What you had initially said, told D/Con Keys for example?

A. Yes, it would have been because we were all together. We were all sat down together and we were all talking about it but ah ...

Q. Right. Can you recall anything specifically that was perhaps discussed or probed?

DJ. Would it be right to say that it was D/S Bradley done that?

A. It was D/S, yes it was Derek, Derek Bradley that did that particular ...

DJ. There are notes recorded on file.

KK. Right, okay.

A. Aye.

Q. Okay, there are notes appear to be recorded on file in relation to that debriefing so we have that.

A. Yes.

Q. Can you recall if when you initially returned to duty and were in the CID office and there was obviously a lot of officers there ...

A. Yes.

Q. And you were giving your account of what happened. Can you remember if at that time there was any consideration being given to the early arrest of identified persons?

A. There, there certainly appeared to be.

Q. There appeared to be, what do you mean by that?

A. They had a big dry-board up on the wall and it had different descriptions and it was just like kind of trying to collate what information was ...

Q. Okay.

A. Coming in and I remember standing with ah Constable Cooke and looking at the board and sort of going, yeah I remember him and that but I never seen that information after that like. There was ...

Q. Right, okay. But I presume whenever you had initially returned and gone to the CID office, that you were obviously giving your information in relation to some of the people we've already talked about here, who had been identified?

A. Yes, they were ...

Q. Okay. And someone was collating this information on the board from your recollection?

A. Yes.

Q. Have you any recollection who was co-ordinating that?

A. No I don't.

Q. Right, okay.

A. It was descriptions, there were certain names that appeared like Rory Robinson.

They had been talking to us at the, at the landrover.

Q. Right.

A. And there was, his name, there was other persons identified just by clothing and that as well.

Q. Okay. Can you recall if any other names were written on the board?

A. I can't actually, I couldn't honestly remember ...

Q. Right.

A. The information that was on the board, no.

Q. Could you give me an estimation of what time that would have been approximately. You got the call at 5.40 so ...

A. It was some time, it was, it was during making my statement.

Q. Right.

A. At various points there was sort of, somebody would have said something or I would have overheard something.

Q. Right.

A. Just, you would, you know remembered something.

Q. Okay.

A. So ...

Q. Have you any recollection of any discussion or instructions being given in relation to preserving the scene?

A. No.

Q. No. From our enquiries it would appear that the scene had, was not secured until 27 minutes past 7 in the morning and that's why I was just trying to pinpoint at what time you may have been in the CID office but you've no recollection of any discussion in relation to scene preservation?

A. No. There was no discussion with me about scene preservation.

Q. Okay. You've already said that you spoke with D/Con Keys prior to making your statement. Did you consult with or speak with any other police officer before or when completing your statement of evidence?

A. I had briefly spoken to R/Con Atkinson on the phone I think.

Q. Before you had completed your statement?

A. Yes.

Q. Right. He wasn't back in at this stage?

A. He wasn't, he wasn't present whenever I was making my statement.

Q. Right, okay. Can you tell me why you contacted him to talk or was it to talk about ...

A. No I didn't contact him. I had got a second phonecall at home.

DJ. Yes, is it maybe the case ...

A. There's a further statement in relation to that.

DJ. There's two areas here just to be fair. I think one of them is an area that has possibly already been covered in another investigation.

A. Yes.

DJ. By K and I think maybe one of the things Alan and correct me if I'm wrong here. I think maybe from the enquiries that we have done, you initially got a phonecall in the early hours of the morning?

A. I actually got two phonecalls.

DJ. And you might have went back to sleep again?

A. Yes.

DJ. And got a second ...

A. Got a second phonecall.

DJ. Phonecall which maybe may have delayed you. I think Ma'am this is what our enquiries has, I think there was a delay in yourself coming in. It's not a criticism.

A. No, no.

DJ. You went back to sleep?

A. Yeah.

DJ. But I think our enquiries would tend to show that you got a phonecall, possibly went back to sleep and got a second phonecall.

A. Well considering that we'd, we'd only finished at 4 o'clock and that you know.

DJ. It's not a criticism.

A. Aye I know.

Q. It's just to cover the two, the two areas.

 You are allowed to sleep.

A. Oh I know.

 It's not in Code Regulations that you're not allowed to sleep.

KK. Okay, just to get back to the point. I mean the question was, for example, did you consult or speak with any other police officer before completing your statement and certainly obviously D/Con Keys and you were in the process of saying that you also spoke with R/Con Atkinson?

A. I had spoken to him but he just simply said that he had his statement made out.

Q. Right.

A. I hadn't, didn't get into any discussion with him.

Q. Okay.

A. It was just simply that he had his statement made out and there was a copy in his file, his pigeonhole.

Q. Okay.

A. If I wanted to read it.

Q. And did you read it?

A. No I didn't.

Q. Right, okay. So he had been in and made a statement, had he?

A. Yeah.

Q. And then had gone home?

A. Ah ha.

- Q. Okay, so did you phone him at home or did he ...
- A. No, he had, he phoned, he was in the Communications Room.
- Q. Oh!
- A. On the second phone, when I got the second phonecall.
- Q. Right. Oh right, okay. So this, sorry, this conversation with R/Con Atkinson took place then when you got the second phonecall. He actually ...
- A. Yes.
- Q. Spoke to you on the telephone?
- A. Yes.
- Q. Right and said that he had made a statement?
- A. Ah ha.
- Q. But you didn't actually look at it at all or discuss any details?
- A. No.
- Q. So D/Con Keys was the only person really that you spoke to prior to ...
- A. He was.
- Q. Making a statement?
- A. Yes but I, R/Con Cornett and P40 were both present in the CID Office whenever I was making my statement.
- Q. Right, okay. Did you converse with them at all in relation to recollection of events?
- A. Very briefly.
- Q. Right.
- A. I think we should have actually been sat down and you know been able to discuss it because the timescale between finishing off and then having to come back, back in to make a statement. We were, we were just unable to remember a lot of stuff. There are a lot of things I think that could have been probably put into the statement you know if we had been gone through it.
- Q. Right.
- A. In a formal sort of debriefing.
- █ In other words, if there had have been a proper debriefing ...
- A. A proper debriefing.
- █ When you finished duty?
- A. Yes.
- Q. When you first?
- A. Yeah or later whenever we had come in for a late or whatever because I mean I had been, I certainly had been up from early the morning before.
- Q. Right, okay.
- A. And finishing at that time and back in again.
- Q. I mean there's a relatively short timescale between you terminating duty ...
- A. Yes.
- Q. And when you presumably made this statement but ...

- A. Yes.
- Q. Are you saying that tiredness and all had played a part in this?
- A. I would say, I would say that tiredness certainly took an effect on it. I mean, plus the fact that on other occasions I had been able to sit down with the colleagues and go through what happened.
- Q. Ah ha.
- A. Because ah everybody remembers things differently but ah I certainly had no problems with being able to sit down and being able to discuss the thing with them because they would bring out things that I remember ...
- Q. Right.
- A. Or they would remember.
- Q. So you're saying that the making of this statement, although there was other people present ...
- A. Yeah.
- Q. It was pretty well done in isolation as such. In other words you were just ...
- A. Yes.
- Q. Doing your statement, they were doing theirs.
- A. You were doing yours ...
- Q. There wasn't that much ...
- A. They were doing, yeah.
- Q. Right, okay. And am I right in saying that really what, your statement was not really probed with you until this sort of more formal debrief?
- A. Yes.
- Q. In the, with, by the D/S?
- A. Yes.
- Q. In the D/I's office. Okay. When your statement of evidence was completed, did you hand it to any person?
- A. I can't, I couldn't honestly say who I handed it to but it was handed to a, one ...
- Q. Right.
- A. Of the CID members there.
- Q. Okay.
- A. A D/Constable from RCS. I'm not too sure which it was.
- Q. And again just to sort of confirm that you weren't debriefed on its contents until this formal debriefing with the D/S?
- A. Not that I can remember.
- Q. A day or two later.
- A. No.
- Q. Okay, Alan just to summarise in relation to this interview. It is alleged that you neglected your duty as a police officer by failing at an early stage to preserve the scene for examination in an effort to collect and secure evidence ie broken glass and bottles. Do you wish to respond to that, say anything further about it?

- A. I was simply trying to preserve my own life and that of my colleagues and members of the public that were there.
- Q. It is further alleged you failed to effect or arrange the early arrest of an identified suspect or suspects with regard to the incident or consider the seizure of clothing belonging to this suspect or suspects for the purpose of forensic examination. This resulted in the loss of valuable forensic and identification evidence. Do you wish to respond further to that allegation?
- A. I don't think I can say anything more to that, I've already covered that.
- Q. Okay. It is further alleged that you failed to make a full and accurate entry in your notebook. In particular, to note the relevance as to why a suspect named Wayne Lunt was placed in the rear of a police landrover and later released. Do you wish to respond to this or say anything further in respect of this allegation?
- A. I had nothing to do with Wayne Lunt after he had been put, brought back to the landrover. I didn't have anything to do with him once he was, it was somebody else had put him into the landrover and I had no further dealings with him.
- RM. And in that regard the Superintendent put to you earlier that you had failed to make a full and proper entry in your notebook and the entry reads, "When holding back the crowd I observed A up Market Street with a male, Wayne Lunt, who had a red and white, red, white and blue scarf up over his face. Assisted her, brought back to the landrover". Did you consider that that was all that you knew about?
- A. Yes.
- RM. About that.
- A. Yes. That is all I knew about that at that stage.
- KK. Okay. Is there anything further which you wish to state?
- A. No.
- Q. Okay. Before I switch off the tape recorder, do you wish to add anything further or to clarify any point which you have stated?
- A. No.
- Q. I'm going to give you a notice, a Form 17/27, which explains your entitlement to a copy of the tape used in this interview. And I would also ask that you sign a Form 17/32 to acknowledge receipt of the Form 17/27.
- A. Right.
- Q. If you could sign it there.
- A. Underneath this?
- Q. No that's okay just that one place. This interview is concluded at 1259 on the 26th September 2001.

**CHECKED AND CERTIFIED AN ACCURATE TRANSCRIPT OF:-
TAPE NO. T000244A OF CONSTABLE ALAN KEITH NEILL
ON 26.09.01 BETWEEN 1217 HOURS AND 1259 HOURS**