

TRANSCRIPT OF TAPE RECORDED INTERVIEW

Interviewee: A
Force Number & Station: PW1362, Craigavon DCU
Interviewers: Superintendent L K Kennedy, IIB
Chief Inspector D G Jackson, IIB
Also present: [REDACTED]
Date of Interview: 20 November 2001
Time Started: 0904 hours
Time Ended: 0945 hours
Master Tape Seal No: T000271A
Tape Number: 1 of 2

This interview is being tape-recorded. The interview is being conducted in an interview room at Lisnasharragh. I am Superintendent Kennedy from Internal Investigation Branch at Lisnasharragh. And also present with me is?

DGJ. Des Jackson, Chief Inspector, Internal Investigation Branch, Lisnasharragh.

KK. And representing the Police Ombudsman for Northern Ireland's Office?

MR. [REDACTED]

KK. The date is the 20th November 2001 and the time is 9.04. I am interviewing?

CDH. A [REDACTED]

KK. And also present as A [REDACTED] friend is?

RM. [REDACTED]

KK. A [REDACTED] you've 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 going to read out the contents of the Form 17/3 and your reply, which was served on you by myself on the 3rd July 2001. On the 27th April 1997 at approximately 0155 hours you were on duty in the vicinity of Thornton's Confectionery Shop in Portadown Town when you observed a youth carrying a bottle, running towards a crowd at the junction of Thomas Street. You alighted from the police vehicle and you saw the youth pull a scarf from his face and run in the direction of Church Street. You saw two male persons,

now known to be Robert Hamill and D lying at the vicinity of Market Street/Thomas Street. Robert Hamill died days later as a result of injury inflicted upon him. You again came into contact with the youth and took hold of his arm. He assaulted you on the left shin and left ankle. At 0157 hours, you detained him in the back of a police landrover to ascertain his name and address, which was Wayne Lunt, [REDACTED]. You allowed him to leave the landrover at 0205 hours to be spoken to at a later date. It is alleged that when Lunt was leaving the police landrover you were approached by a male person who gave you information to the effect that Lunt was involved in the serious assault and you allowed him to leave the vicinity. It is alleged that you failed to make a full and accurate entry in your notebook and in particular, to note the relevance of this valuable information. It is alleged that you neglected to mention this information in a statement signed and dated by you on the 27th April 1997. It is alleged that you failed to mention this fact to the Investigating Officers or to a Supervisory Officer as soon as possible and that you only offered this information when interviewed by CID on the 24th June 1997, two months later, when you made a further written statement. It is alleged that you may have withheld initial information in connection with an investigation which became a murder enquiry. It is alleged that you neglected in your duty and that you took no action in respect of Wayne Lunt following his disorderly riotous behaviour and assault on you, having detained him. You failed to submit a preliminary report form, conduct an interview, conduct an investigation and submit a report through normal channels to your authorities 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 considered the seizure of clothing belonging to this suspect or suspects, for the purpose of forensic examination. This resulted in the lost 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. In addition, as a result of the aforesaid allegations, you have brought the reputation of the Force into disrepute and your actions were contrary to the Force's ethics on professional policing. And in response to that 17/3 you replied, "I wish to make no comment until I have spoken to my legal representative". I now have 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. That should read sorry, the Policing Board 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 in response to that Form 17/3?

A. No.

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

RM. Ah just at that juncture and before you begin the questions. Could I point out as I have in other interviews that the incident occurred on the 27th April 1997, the Form 17/3 was served on the 27th June 2001 and in my respectful view, in accordance with the principles enunciated by the Master of the Roles in the Merrill case, the Form 17/3 is entirely out of date. And A is anxious to assist with your enquiries and em but she does so without prejudice to her entitlement to argue at any later investigation or disciplinary hearing, that the Form 17/3 is out of date.

KK. Thank you

And just on, on that subject A and in relation and in particular to the gentleman whose name I'm not too sure of em where it is alleged that you did not make a full and accurate entry into your notebook and so on and so forth. While I would at the commencement of any interview be always concerned that you should make any admissions in relation to that and so forth. In this particular instance I think you should, shouldn't worry about that and because of the lateness of the form and so forth, I should think, think you should tell the Investigating Officers exactly what happened in relation to whenever it comes up.

KK. Form 17/3 as served on you by myself on 3rd July 2000, having been read over 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 copies of your notebook entry for the 27.4.97, witness statements completed by yourself, notebook entries, witness statements made by other police and other relevant records. You may at any stage request to read the relevant document referred to. Do you understand this?

A. Yes.

- Q. Your notebook entry for the 27.4.97 reads, "0000 commenced duty". Are you in a position to indicate who briefed you prior to commencing duty and what duties you were detailed to perform?
- A. Sergeant P89 briefed me and I was em paraded for duty by Sergeant P89 and I was detailed observer Juliet Delta 70 with Constable Orr and Cooke.
- Q. Okay, were there any other special instructions in that briefing that you can recall?
- A. I don't believe there was, no.
- Q. Alright. Were you aware that a separate call sign known as Juliet Delta 81 was on duty in Portadown's Centre with regard to public order duties?
- A. Yes but I believe yes that's right.
- Q. You were aware of that?
- A. Yes I was, the Town Centre.
- Q. Okay. The call sign, Juliet Delta 81, consisted of four Constables ie Constable Neill, Reserve Constable Cornett, P40, Reserve Constable Atkinson. Were any of these four officers present during the period of time you were being detailed for duty?
- A. No.
- Q. I would now refer you to your notebook entry for the 27.4.97, your witness statement dated the 27.4.97 and a copy of the Occurrence Book entry from Portadown RUC Station dated the 27.4.97. I'll just make them available for you here.
- Q. The witness statement referred to, was this statement completed and signed by yourself?
- A. Yes it was.
- Q. With regards to the Occurrence Book entries, did you complete and sign these entries?
- A. Em in with regard to the disturbance or just any of that on that night?
- Q. Well if you could indicate just what entries that you did complete and sign that night?
- A. Okay. Em at 0050 hours, em I have completed the C6 entry. At 0111 hours I completed the C6 entry. At 0254 and yes 0317, 0520.
- Q. Okay.
- DGJ. Can, can I just recap on the entry dated the 27.4.1997 with the number 3368/97?
- A. Ah ha.
- DGJ. That's it there A
- A. Ah ha.
- DGJ. Is that your writing there?
- A. No.

- DGJ. No. Have you any idea whose writing that is?
- A. It's the Inspector's writing, I believe. That's my writing underneath.
- KK. Right.
- A. That's the Inspector's writing.
- DGJ. Above it. Right just to recap on that there, there's two sets of writing in at the top, it's not your writing?
- A. No.
- DGJ. The bottom bit is your writing?
- A. The bottom bit refers to a separate incident.
- DGJ. Right.
- A. Which I attended after the disturbance.
- DGJ. Okay. That entry refers to a road traffic accident?
- A. Yes.
- DGJ. With the number 3369/97?
- A. Yes that's right.
- DGJ. Thank you.
- KK. In your witness statement dated the 27.4.97, you outlined your observations of the youth, subsequently identified as Wayne Lunt.
- A. Ah ha.
- Q. You outlined how Wayne Lunt pulled the scarf from his face, how he was carrying a bottle upside down and how he ran in the direction of Church Street.
- A. Ah ha.
- Q. You also outlined observing two male persons lying in the vicinity of Market Street at the junction of Thomas Street. Would it be correct to indicate that Wayne Lunt was running in the opposite direction from where the two males were lying or was he running towards them? Now you may wish to use a photograph album which might assist you.
- A. When I first observed him?
- Q. Yes.
- A. Carrying the bottle?
- Q. Yes.
- A. He was running towards the crowd when I first observed him.
- Q. Right, so that's running towards the two injured persons?
- A. He, the two injured persons were on the right hand side.
- Q. Okay.
- A. He was running on the side of Woodhouse Street.
- Q. Okay.
- A. Yes he was running down this side here.
- Q. Right, can you just turn it round A ?
- A. Sorry.
- Q. You're alright.

- A. If you imagine Thorntons is up here.
- Q. Okay.
- A. Okay.
- Q. Yeah.
- A. He's running down here. We're coming round the one way circuit.
- Q. Right.
- A. And we approach him here. Stops the car, I get out and run towards him then. He turns and runs away back towards the church.
- DGJ. There's a better one there.
- A. No that's possibly, no it's not really. He's running in this direction anyway. The landrover's parked on this side of the road by the Alliance and Leicester, Woodhouse Street junction.
- KK. Okay.
- A. And we're coming down this one-way system.
- Q. Right, down here?
- A. Okay, yes.
- Q. Yes, okay.
- A. The incident took place here.
- Q. Right.
- A. Okay. So Wayne Lunt is running down, away from the church.
- Q. Ah ha.
- A. Towards the crowd.
- Q. And the crowd were, were here?
- A. Yes.
- Q. Right, okay and the injured, the injured parties, the injured ...
- A. Yes.
- Q. Right, so he's running towards them?
- A. Yes.
- Q. Towards the injured parties ...
- A. But he hadn't crossed the road at that stage.
- Q. He was on this side of the road?
- A. He was still on the pavement.
- Q. Yes.
- A. On the pavement besides Thorntons now, now in the central reservation.
- Q. Right, on the pavement besides Thorntons ...
- A. Yes.
- Q. But running in that general direction?
- A. Yes, okay.
- Q. In this statement you further outline how you return to the crowd to assist in the disturbance and, and I quote, "At this time I turned and saw Lunt once again behind me. He turned to run again so I took hold of his arm. At this

time he began kicking out with his feet, striking me once on the left shin and once on the ankle". You then outline how Lunt was placed in the landrover at 0157 hours and released at 0205 hours to be spoken to later. What was your purpose in the first instance for placing Wayne Lunt in the landrover ie did you observe him prior to this alleged assault on you, committing any offence?

- A. No. Em it was em purely, when I first observed him it was purely em to stop anything from happening. It was, in my opinion, he was going to be throwing that bottle of Buckfast.
- Q. And is that because he was running in the direction of the crowd with this bottle?
- A. With the bottle with his scarf up over his face.
- Q. Okay and that was your reason therefore for stopping Lunt?
- A. Yes.
- Q. Alright, so he hadn't, you hadn't actually seen him commit an offence ...
- A. No.
- Q. Prior to that, right. Em did you place Lunt in the landrover on your own or were you assisted by other police?
- A. I had to be helped by Constable Alan Neill.
- Q. So Alan Neill assisted you in putting him into ...
- A. Yes.
- Q. The back of the landrover?
- A. Yes.
- Q. Right, when you took hold of Lunt and placed him in the landrover, did he still have the bottle in his hand?
- A. No he didn't.
- Q. What had happened to the bottle?
- A. I don't know. Whenever he returned back to the crowd, there was no bottle.
- Q. Okay so when he was running down towards the crowd ...
- A. Ah ha.
- Q. And you stopped him to prevent anything further happening, are you saying he didn't have the bottle at that stage?
- A. No. When I first observed him running towards the crowd with the bottle ...
- Q. Yes.
- A. In his hand.
- Q. Yes.
- A. I got out of the car. He stopped, pulled the scarf from his face and ran in the opposite direction.
- Q. Ah ha.
- A. I didn't see him again until I went back over to the crowd and then I turned round and he was back, foolishly, but he had come back again and em I then went to take hold of him again but there was no bottle so I don't know what

he did with it because he went out of my view.

Q. Okay.

A. And when he ran back towards the church.

Q. Did he have the scarf over his face when you saw him ...

A. The second time.

Q. The second time?

A. No, it was round his neck.

Q. Okay, but it's at that point that you detained him?

A. Yes it was.

Q. It is. So he didn't have the bottle and he didn't have the scarf but you still felt that he was, he was heading towards the crowd to start trouble?

A. Yes I do.

Q. What, what made you think that or was that based on your previous, your previous sighting of him, bearing in mind he didn't have the bottle and he didn't have the scarf?

A. Yes that was correct. Em the situation as it was as we had arrived ah you know there was two crowds, two bodies lying on the road. Em I saw him running down with the bottle ...

Q. Ah ha.

A. And the scarf up round his face.

Q. Ah ha.

A. Which doesn't mean he's out for a walk, you know.

Q. Ah ha.

A. It was my intention he was going to throw that bottle, either at police or whoever in the crowd.

Q. Okay.

A. That was my intention, that's what he was going to be doing. Em when I saw him again as he had come back to the crowd, I realised you know that he, he had been involved at some stage in this incident and I wanted to take details of him.

Q. Okay. Em so your belief that he may have been involved in this incident, that is really based on the fact that you saw him with the bottle and the scarf up over his face?

A. Yes.

Q. Okay. But did you ever at any stage see him actually in the crowd or over at the injured persons?

A. Only whenever I went back over to the crowd again. I don't know if he had have been in the crowd before I had arrived.

Q. Right, okay.

A. But I only saw him secondly then at the crowd whenever I was there.

Q. Whenever you'd gone over to the crowd and this is where he reappeared

behind you then?

A. Yes that's correct.

Q. Okay. Was, was he aggressive or anything at that stage, when you saw him?

A. No but as soon as I turned and he saw me, he made to run off again.

Q. Right and that's obviously then when you detained him?

A. Yes.

Q. To check him details, okay. With regard to the two males lying in the vicinity of Market Street at the junction of Thomas Street, would it be correct to indicate that they're, that the two persons were Mr Hamill and [D]?

A. Well I'm assuming so, yes.

Q. Okay. Em can you roughly ...

A. I don't know them personally.

Q. Right.

A. Or didn't know Robert Hamill personally so ...

Q. Okay. Em showing you the photograph album again, can you roughly indicate where these two people were lying. I know you've ...

A. Yeah.

DGJ. Go through those [A] and ...

KK. Pick out the best one.

A. Well that's actually quite a good one there em number one, view of Market Street in the direction of St Mark's Church.

DGJ. Just take that [A] and point if you can.

A. Yes. You have the junction at Eastwoods em number seven.

KK. Yes.

A. Okay.

Q. Yeah.

A. And it's just up from the junction in this road.

DGJ. Will you just mark it with the pen there, just put an 'X' roughly whereabouts ...

A. Right, I'll see if I can find a better one then if you want me to put an 'X'. I honestly can't ah if I go to this, oh I don't know what number that is now. Number seven. A view from Woodhouse Street showing Market Street and Thomas Street. I would say it would have been in the main road, the main, not coming out of the junction but on the main road. I can't really recall but somewhere about there.

KK. Okay. Ah for the purposes of the tape [A] has indicated approximately where she believes the two injured persons were by marking an 'X' on photograph seven. Okay I think we'll need, probably need to hold on to that.

DGJ. Of that one.

KK. Yes.

DGJ. Photograph seven of item number ARN1.

- KK. Em can you roughly indicate on any of the photographs (A) where you first observed Lunt?
- A. Em well if you can show me a photograph of Thorntons. When were these photographs taken?
- DGJ. Em this probably, here is the one, that's just for another, these were taken the following morning after the event, ARN1.
- A. Right. It would have been, this is number seventeen of ARN3.
- KK. Okay.
- A. As you see to the left, you see Boots.
- Q. Yes.
- A. Right on the left hand corner, we would have been coming down that way, this is all the one-way system.
- Q. Okay.
- A. And it would have been along that road. Now I can't honestly say exactly where it was, I can't remember but it was, you know he would have been running down this road.
- Q. Right and your vehicle then was coming along behind him ...
- A. Yes.
- Q. So to speak?
- A. Yes ah ha.
- Q. Right okay.
- A. And we drew up beside him at Thorntons.
- Q. Right.
- A. Wherever Thorntons is in that photograph.
- Q. Okay.
- A. So it would have been somewhere between Boots and down here because just at Boots is the, is the entrance into the em the Mall as it were, the shopping centre.
- Q. Right.
- A. So that would have been the first shop after Big Gap and it would have been between the last Boots' window and down.
- Q. Right okay.
- A. 'Course it wasn't Boots then it was Connors I believe.
- Q. Right okay, so somewhere down about here?
- A. Yeah, yeah.
- Q. Wherever Thorntons is?
- A. Yeah.
- Q. Alright, so that's when you first saw Lunt?
- A. Yeah.
- Q. Right okay. Em where was your police vehicle parked whenever you came back to deal with the disturbance?

- A. Em ...
- Q. When you got out to go and deal with the disturbance?
- A. Well I got, I got out after Wayne Lunt, so we ran back up this way and he ran up along this paved area.
- Q. Right.
- A. Okay.
- Q. Okay.
- A. I obviously wasn't going to catch him, so I stopped and by that stage then em Constable Orr had you know driven on.
- Q. Right.
- A. Em.
- Q. Okay.
- A. I think it was at the junction of Woodhouse Street.
- Q. Right.
- A. Just before the junction of Woodhouse Street ...
- Q. Okay.
- A. We stopped.
- Q. Okay.
- A. As far as I can recall any way.
- Q. Alright, okay. Em with regard to Mr Hamill and D, how close were you to them?
- A. Ah whenever I came back from trying to get Wayne Lunt, em there was the two bodies lying on the ground, police and the crowd.
- Q. Ah ha.
- A. And that's how close it was, it was just like that, two bodies, police, crowd.
- Q. Okay, I mean can you estimate it in terms of distance for me?
- A. A couple of metres.
- Q. A couple of metres you were from them?
- A. Ah ha.
- Q. Did you observe both persons being placed in an ambulance?
- A. I can remember the ambulance coming. I can remember em Dean Silcock, Reserve Constable Silcock administering first-aid to one of the bodies. I don't know who it was. I remember the ambulance coming. I don't know, I could say that I did but I can't remember. I remember the ambulance being there but I don't actually recall the ambulance men lifting them because we were dealing with the crowd at that stage still.
- Q. Okay. Em now you've outlined to us how you came to detain Wayne Lunt and put him into the back of the landrover?
- A. Yes.
- Q. Can you tell me why you released Wayne Lunt from the landrover?
- A. Em I really didn't have much choice. Em the personnel on the ground wasn't

enough for what was going on. Em there was two, you know the crowd were outnumbering us, whether I was on the ground or not and I had to let him go.

Q. Right, I mean you'd talked about detaining Wayne Lunt because ...

A. Yes.

Q. You felt that ah he maybe would go and join in ...

A. Yes.

Q. The crowd or create further trouble?

A. Yes.

Q. Now by releasing him then, are you saying that threat from Wayne Lunt had gone away?

A. Not necessarily, no.

Q. Right, so you were, you were happy enough to release him?

A. It wasn't that I was happy enough to release him, no, but if I wanted to detain him any longer, I was going to have to take him to a police station which was going to take me and it was going to take at least two other Constables off the ground, because the way he was fighting. The way in which I first detained him, the crowd were trying to pull him off me. It was going to take at least three people off the ground and we couldn't afford it.

Q. Okay, so the decision to release Wayne Lunt was purely because of the public order situation pertaining at the time?

A. Absolutely, absolutely. The crowd were still there, they were still trying to get at the two bodies lying on the ground.

Q. Okay.

A. And in between were the police.

Q. Okay. Em when you released Wayne Lunt, what duties did you immediately perform thereafter?

A. Back to public order duties.

Q. Okay.

A. Em keeping the crowd away from the bodies and trying to push the crowd back.

Q. Okay, so em the bodies were still there at that stage ...

A. Yeah.

Q. When Wayne Lunt had been ...

A. Yeah.

Q. Released (A)?

A. Yeah.

Q. Right, em and so can you maybe be more specific for me, you know you were saying sort of public order duties. Did you sort of get between the crowd and the bodies, is that ...

A. Yes.

Q. That's what you're saying?

- A. That's right, yes.
- Q. Right and the ambulance obviously hadn't arrived at this stage?
- A. No, I don't believe it had. I can't honestly be sure about that.
- Q. Okay.
- A. God no.
- RM. I take it, sorry I don't know much about these things, but I take it there was a line of police between the bodies and the ah and the crowd?
- A. If you could call it a line, yes, yes. There would have been, we were trying, we were spread out as much as we could to keep the crowd back away, but it wasn't like an MSU line or anything like that you know, it was just ...
- KK. How many police would have been involved in it, do you think A?
- A. About ten.
- Q. Okay and were you physically involved in, in physically ...
- A. Yes.
- Q. Pushing the crowd back?
- A. Yes.
- Q. Right, em and would that mean then that I suppose your back were to D D and Mr Hamill?
- A. Yes that's right.
- Q. Primarily?
- A. Yes.
- Q. Alright. At approximately what time was the situation in the town centre brought under control?
- A. Em we pushed them back to the em barrier and let me see if it says in the statement. Em I don't know.
- Q. Even a rough timescale. I appreciate you don't ...
- A. I really don't have a clue. Em half an hour, three quarters of an hour. I really don't, I really don't remember, I'm sorry.
- Q. Okay. Well then once the town centre did come under control again, what other duties did you perform?
- A. I went straight back to my normal beat and patrol duties.
- Q. Okay which was mobile patrol?
- A. Yip.
- Q. Em bearing in mind that two persons had been taken to hospital by ambulance, did you receive any instructions at the scene from supervising officers regarding any action that should be taken?
- A. The scene was sealed off I know that much. Myself and Constable Orr sealed the scene off with tape. But that wasn't done immediately.
- Q. Right.
- A. Because I had to go to an RTA.
- Q. Right, okay, so I'm talking about just you've the public order situation, you've

two people been taken away in an ambulance, the town centre then is, calm is restored shall we say and you were saying you went on on your normal sort of patrol duties. You know, what I'm saying is, at that time did you receive any instructions from supervisory officers as to any further action to be taken?

A. I don't believe so, no.

Q. Okay. Who was in charge of the alleged assault scene at this time?

A. It would have been our Inspector, Inspector McCrum. He was the senior officer at that time.

Q. Right, so you're saying that he was in charge of the, bearing in mind that the ah calm has been restored and we have the scene of a very serious assault?

A. Ah ha.

Q. And I'm saying who do you think was in charge of the scene at that time and you think it was the ah Inspector?

A. At the whole incident the Inspector, you know he was the senior Constable. Yes we could all have been in charge of the scene em but as I say I had to go on then to an RTA so I don't know exactly what happened at the scene after I had left. The RTA I think I believe it's in the C6 (even). It was a DIC as well. I remember that from my notebook. You know the RTA's at 254, 0254. Em I'm saying in my statement that Lunt left the landrover at 0205 and I'm saying that it's about half an hour, three quarters of an hour before calm is restored and that would tally in then to my next call which was at 0254 hours.

Q. So ...

A. So I went straight from the incident in the town centre to a DIC/RTA.

Q. Okay.

A. So I don't know exactly what happened with the scene.

Q. Okay. Em bearing in mind that at this stage we had an assault. Now as it turns out to be a very serious assault?

A. Yes.

Q. Although I suppose the seriousness of it at that stage may or may not have been apparent?

A. Yes.

Q. Em I mean who in your opinion would have been in charge of that investigation at that moment in time?

A. In my opinion?

Q. Yeah.

A. The first police on the ground.

Q. Would, would have been who?

A. The public order crew, Juliet Delta 81. Whoever was I/C of that crew.

Q. Now you were observer in 70?

A. Ah ha.

Q. What was the sort of policy in existence at that time in respect of, bearing in

mind the public order crew had been held on ...

A. Ah ha.

Q. For several hours into the nightshift for public order duties?

A. Yes.

Q. You were the observer in the main vehicle?

A. Yes.

Q. What was the policy existing either in Portadown or in your section at that time as to who would have been responsible for dealing with offences and crimes and so on. That would have been reported in that nightshift which would have been your normal turn of duty.

A. Ah public order em offences in the town centre to 0300 hours was Juliet Delta 80.

Q. Right.

A. They would have dealt with it unless we were specifically called to it. We would have mainly stayed out of the town centre.

Q. Okay.

A. As normal crew em because we knew there was a vehicle in the town centre, it's barriered off, you know there's one-way in, one-way out. Em so I would say unless we were called, Juliet Delta 80, the public order crew would have dealt with the calls in the town centre. Public order offences.

Q. Right.

A. If it would have been the likes of an alarm or you know depending on what we were doing.

Q. Ah ha.

A. You know if I'd have been at an RTA and an alarm had gone off in the town centre well then maybe the public order crew could have gone and checked it out. It just really depended on what we were doing.

Q. Okay. I mean I can understand the, the ah public order crew ...

A. Yeah.

Q. Dealing with the em sort of disturbance, the riotous behaviour, the mini riot or, or whatever it was. The actual assault, you're saying that the observer in that vehicle would have been the person at that stage, and this is prior to CID ever being tasked ...

A. Ah ha.

Q. At that stage it's a uniformed investigation?

A. Ah ha.

Q. And you're saying that the person, the Investigating Officer, would have been the observer in this public order vehicle?

A. I believe so, yes. That's the way I would have looked at it any way.

Q. Right.

A. If they, if you know they, they, if the incident had happened, the crew were

there and they were dealing with it you know, initially. It wouldn't really have been passed on to 70 who never attended it, you know, albeit we attended it later on.

Q. Well yes, yes ...

A. But ...

Q. You did attend it.

A. No, 80 would have dealt with any public order, that's the way I would have dealt with it any way. If I was public order crew to three o'clock in the morning, something happened, public order offences in the town centre and I was observer with the public order crew, I would have dealt with it.

Q. Okay, so that's your understanding any way ...

A. Yes.

Q. That that ...

A. Yes.

Q. At that stage the Investigating Officer would have been the observer ...

A. Yes.

Q. In 81?

A. Ah ha, ah ha.

Q. Okay. Em did you give any consideration to attempting to locate the bottle which you observed Wayne Lunt with prior to his arrest?

A. No.

Q. Would you, would you have been in a position to even identify the bottle or can you remember what type of bottle it was?

A. A Buckfast bottle. That's all I remember.

Q. Right, but you didn't give any consideration to trying to locate that bottle?

A. If you know Portadown Town Centre at all, you know there's quite a lot of Buckfast bottles lying about the town centre over the weekend and ah the last I saw Wayne Lunt, as I say he was running towards the church, and was still with the bottle you know, so it could have, it could have ended up anywhere at all.

Q. Were you aware of any consideration being given to securing the scene for examination at that time. I'm talking about the time when order was restored, where the opportunity would have been there to potentially seal the scene.

A. Ah ha.

Q. Were you aware, not I appreciate you went on to deal with another call ...

A. Yeah.

Q. And you're saying ...

A. Yeah.

Q. That it was 81 that was dealing with it.

A. Yes.

Q. But of course the crew of 81 terminated duty ...

A. Yes that's right.

Q. In and around that time.

A. Ah ha.

Q. So were you aware of any consideration at that time or any talk of sealing the scene?

A. No I'm not aware.

Q. Okay. Em are you aware of the contents of a statement from Mr Fannin, a Neurosurgeon, which reads as follows, "We were given to understand that he (referring to Mr Hamill obviously) had been hit with a bottle and put to the ground and immediately rendered unconscious". First of all are you aware of, of that comment made by Mr Fannin, no?

A. No.

Q. Can you enlighten us in any way as to how Mr Fannin may have been given that information?

A. just so as you'll understand the situation, that's the statement by Mr Fannin who is now retired but was at that time the Consultant Neurosurgeon in the Neurosurgical Department in the Royal.

A. Ah ha.

(Inaudible). He refers yes but he had obviously noted as the reasons for Mr Hamill coming in.

A. Ah ha.

We're given to understand that he had been hit with a bottle and put to the ground and immediately rendered unconscious.

A. Ah ha.

And Superintendent Kennedy is trying to establish if you're aware of where that bit of information about being hit with a bottle and put to the ground, might have come from?

A. I wouldn't have a clue.

KK. Okay.

RM. And would it have come from you?

A. No, it didn't.

KK. Okay, thank you. Em now A you've already mentioned that and we're just confirming that ah at 0254 hours a call was received regarding an injury road traffic accident?

A. Yip.

Q. And you've already said in this interview that your vehicle was detailed to attend the call?

A. Ah ha.

Q. Can you recall if you were still at the scene of the alleged incident when this was received or had you already resumed mobile patrol?

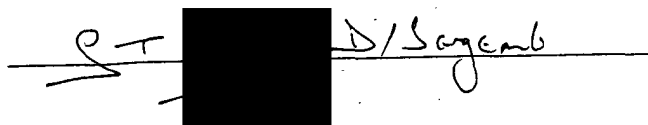
A. I think I was already still at the scene.

- Q. You think you were still at the scene?
- A. Yes.
- Q. Right.
- A. We had pushed the crowd back to the barrier at the Bodega Roundabout and the MSU had come in to assist as well at that stage em so I'm assuming I'm still at the scene, yeah.
- Q. Alright, okay. Em at any stage when you were dealing with the road traffic accident, was any direction given to you or your crew to secure the scene?
- A. Not that I can recall, no.
- Q. Right. Em after you dealt with the road traffic accident, presumably then you returned to the station to complete the C6, is that correct?
- A. I think I had to come back because it was a DIC, it was a prisoner.
- Q. Yeah.
- A. Em yeah it's (inaudible) so ...
- The same one?
- A. Yeah, that's it, ah ah.
- Yes.
- A. Right.
- That's the C6 entry for ah 0317, I think it is.
- A. Yeah.
- Is that right?
- A. Yeah.
- KK. Okay.
- But em you, you ah write it off then.
- KK. Can you recall just when you completed that entry in relation to the road traffic accident A, would it have been when you did return to the station with the DIC or was it later?
- A. I honestly don't know.
- Q. Okay. At what stage did you become aware of the condition of Robert Hamill and the fact that he was to be transferred to the Royal Victoria Hospital?
- A. I didn't know he was to be transferred to the Royal Victoria Hospital. The last I knew he was in Craigavon.
- Q. Right. Em at some stage I would presume that you would have been made aware that he had been transferred to the Royal Victoria Hospital?
- A. I don't know and if I was, I can't remember.
- Q. Right, so you've no recollection of ever being told or overhearing conversation or being made aware that he had been transferred to the Royal Victoria Hospital?
- A. I don't think so, no, sorry.
- Q. Okay. Did any form of briefing or debriefing regarding the events of the alleged assault take place regarding yourself?

- A. No.
- Q. Right, you were never debriefed about it?
- A. We were asked to write a statement, that was it.
- Q. At approximately what time did you complete your statement of evidence?
- A. It would have been at the end of my duty.
- Q. At the end of your duty?
- A. Ah ha.
- Q. So what time, we're talking about eight o'clock?
- A. I think I have it in my notebook em what time I actually finished at. Let me see. You see the log was closed by myself at 0813 hours so I would have returned to the station at that stage ...
- Q. Yes.
- A. Signed in my stuff etc. So you're talking about half eight I started to write a statement, my first statement.
- Q. So you've approximately half eight. Em who asked you to write the statement?
- A. I believe we were asked by CID but I don't know who it was, who asked us to do it.
- Q. Right em and did you complete the statement yourself or was it recorded by CID?
- A. No I wrote it myself.
- Q. You wrote it yourself?
- A. Ah ha.
- Q. Em now either prior to completing the statement or during the statement or after you completed the statement, were you debriefed ...
- A. No.
- Q. Regarding the events and the contents of your statement by CID or any other supervisor?
- A. No.
- Q. No, you just wrote your statement at their request and, and handed it in?
- A. I handed it into the CID office, yes.
- Q. Alright em and did you hand that in immediately you had completed it ...
- A. Yes.
- Q. **A**
- A. Ah ha.
- Q. Okay. When completing the statement of evidence, did you consult with any of your colleagues?
- A. Em no I don't believe I did.
- Q. Em sorry just to backtrack a little bit, you had completed the scene log and had come into the station and roughly at about half past eight you wrote your statement. When were you asked actually to seal the scene?

- A. It will be in my notebook entry I believe. Well, 0727 the area was taped off, so it would have been just prior to that.
- Q. Okay. And was that the first time that you had been asked during the course of that nightshift to seal the scene?
- A. I believe it was, yes.
- Q. Right. Em can you recall who asked you to seal the scene?
- A. No, I can't.
- Q. Right. Ah was your vehicle, can you recall **A**, I mean was your vehicle already present at the scene when CID or someone approached you and asked you to seal it or were you, were you in the station perhaps or were you on mobile patrol. In other words did you receive a message by RT to secure the scene. Can you recall?
- A. I really can't remember, I'm sorry.
- Q. Right, you just can't remember how or who?
- A. No.
- Q. Told you to seal the scene?
- A. No.
- Q. But from, from the best of your recollection that was the first time that you had been asked anything about sealing the scene?
- A. Yes.
- Q. Right. Em just, you were saying about your notebook entry, your notebook entry does actually talk about sealing the scene upon the request of CID.
- A. Ah ha.
- Q. Does that help ah ...
- A. No it doesn't.
- Q. As to who in CID it would have been?
- A. No.
- Q. Right. Em can you give any indication, ah this tape is about to terminate, we shall conclude this part of the interview. The time is 9.45 hours.

CHECKED AND CERTIFIED AN ACCURATE TRANSCRIPT OF:-
TAPE NO. T000271A OF CONSTABLE **A** PW1362, CRAIGAVON
DCU
ON 20.11.01 BETWEEN 0904 HOURS AND 0945 HOURS

 **A**