

TRANSCRIPT OF TAPE RECORDED INTERVIEW

Interviewee: David Allan Orr, Constable
Force Number & Station: 13646, Portadown RUC Station
Interviewers: Chief Inspector D G Jackson
[REDACTED]
Others Present: [REDACTED]
Date of Interview: 20 September 2001
Time Started: 0922 hours
Time Ended: 0937 hours
Master Tape Seal No: T000238A
Tape Number: 1 of 1

Q This interview is being tape recorded. The interview is being conducted at an interview room in Lisnasharragh Police Complex. I am Chief Inspector Jackson of Complaints and Discipline, Lisnasharragh. Also present is....

GN [REDACTED] seconded to 'G' Department, Lisnasharragh.

Q The date is the 20th of September 01, the time is 9.22. I am interviewing....

A [REDACTED], David Allan Orr.

Q Could you just confirm your police number please?

A Constable 13646.

Q And your station?

A Portadown.

Q Also present is....

[REDACTED]
Q Constable Orr you have requested [REDACTED] to 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.

A That's alright then.

Q At the end of this interview I'll give you a Form 17/27 explaining what will happen to the tapes.

A Okay.

Q Okay? Emm, if I can just refer to Form 17/3 which was served on yourself by Superintendent Kennedy on the 28th of June of this year.

A Yes.

Q This form reads, it is alleged that on the 27th of 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 by failing to properly secure the scene at an early stage and preserve it for expert examination in accordance with Force Instruction. It is alleged that you failed to mention in your statement dated the 27th of September 1997 involvement with Wayne Lunt seen carrying a bottle in that you stopped a police vehicle alongside the youth to allow **A** to pursue him, you took no action to detain Wayne Lunt. It is alleged that you failed to obey a lawful order from Inspector McCrum to go to Craigavon Area Hospital and obtain clothing from two other persons assaulted, Robert Hamill and **D**, or you failed to mention in your statement your involvement in this regard. Because of the shortfalls in the investigation process a number of persons were subsequently acquitted at a court for serious criminal offences, 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 Force Ethics on professional policing. Emm, your reply or you made no reply when that was served on you and if we just remind you the caution, "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 may make may be given in evidence at such disciplinary proceedings." Now in ordinary language, you don't have to speak to me during this interview. If you, if you, 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. This interview Allan provides you with an opportunity to give an account or an explanation or to defend yourself against any alleged disciplinary offences.

A Okay.

Q Okay. Is there anything that you wish ...

RM Yes, I just, in view of the caution, could I just mention to you, ah, for the purpose of the record that Constable Orr, the second emm forename on Constable Orr's name is spelt with two Ls, its stated ALLAN ORR it's just so that you can amend the records, emm, and just to repeat what I've said in previous interviews the incident occurred on the 27th of April 1997, the Form 17/3 was served on the 27th of June 2001 and while Constable Orr is emm anxious to assist with your enquiries he does so without prejudice to his entitlement to argue at any subsequent disciplinary enquiry or hearing that the Form 17/3 was served out of time in accordance with the principles enunciated in the Merrill decision

other than that he is happy to proceed at this stage.

A Thank you.

Q Okay Allan you're happy enough being called Allan throughout the interview?

A Yes, yes, yes that's fine.

Q Form 17/3 was served on you by Superintendent Kennedy on the 28th of the 6th.01, had 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'll refer to notebook entries, witness statements made by yourself and witness statements, notebook entries, documents prepared by others. You may at any stage ask to read or refer to these documents. Do you understand this?

A That's fine.

Q In your witness statement dated the 27th of the 4th 1997 you outlined arriving at this incident. Emm, there's your witness statement there just for reference. Ahh and I'm just gonna introduce two documents ARN1 and ARN3 and they're photographs ehh of Market Street, Woodhouse Street, Portadown, in the area where this incident happened. Okay. By means of the photograph albums can you outline where you parked your patrol vehicle when you arrived?

A I believe it would have been about just prior to the junction here, just prior to the Thomas Street junction.

Q You just, just roughly mark Allan if you would on.

A I think it must, it may have been about there.

Q About there?

A Ah ha.

Q You've marked an area with an 'X' on photograph 1 of document ARN1?

A That's us, yeah.

Q Okay. In your witness statement dated the 27th of the 4th 1997 you state there was several police vehicles on the street and police officers were on the ground trying to hold parts of the crowd back. Can you indicate where those other police vehicles were parked?

A Emm... I think there was a landrover parked on this side of the street here, I'm not just sure where, it was on this side of the street.

Q Could you just mark it again photograph 2 of this here.

A Well again I wouldn't say the position is correct but it was on that side of the street.

Q Right, that's just to the best of your recollection?

A Yes. Yeah that would be right.

Q So the only, what you're saying Allan is that ...

A ... that that was the land, a landrover there were other police vehicles, I just can't recall where they were.

- Q When you state several police vehicles, do you actually mean seven?
- A No no no I don't I I would say there was my own vehicle the landrover and possibly two others, possibly two, I'm not sure.
- Q With regards to the crowd then present can you indicate what in fact was taking place ie., disorderly behaviour, riot, affray, etc?
- A There was serious disorder going on basically I I would describe you know the sort of a melee, people punching and kicking and the police were trying to keep hold the crowds apart, the two rival factions apart.
- Q Did you observe any actual assaults taking place?
- A I can't recall whether I did or not. I was more interested in in trying to separate crowds, keep them apart.
- Q The witness statement of A [redacted] states, at 0155 hours whilst driving past Thorntons Confectionery Shop I observed a male youth to my left, this youth was of slim build, approximately 5'9" in height, wearing white trainers, white jeans, a white sweatshirt with grey stripes on the sleeves. He also wore a white peaked cap and had a red, white and blue scarf wrapped round his face. Upon observing this youth I noticed he was carrying a bottle upside down and running towards a crowd that was at the junction of Thomas Street. Constable Orr stopped the car alongside this youth and as I alighted from the vehicle he pulled the scarf from his face and ran in the direction of Church Street. This person was subsequently identified as a Wayne Lunt, you make no mention of this and the observation referred to by A [redacted] in your witness statement. Have you response to this?
- A I can't recall seeing him.
- Q Did you consult with A [redacted] regarding this person at any time before you terminated duty on the 27th of the 4th 97?
- A I can't remember.
- Q After this alleged incident did you continue to perform duty with A [redacted] on the 27th of the 4th 97?
- A I did.
- Q Were or are you aware that A [redacted] subsequently arrested Wayne Lunt who allegedly kicked the Constable to the ankle and shin causing injuries?
- A I heard about it after the the incident was over.
- Q When you say after the incident was over do you mean after the actual incident that you attended that night?
- A Well after, after speaking you know, after the incident had finished in the town you know where I had heard about it and that, that was it.
- Q What actual duties did you perform at this alleged incident on your arrival?
- A I tried to, as as I said, tried to separate the the rival factions, at one stage I directed a Reserve Constable to go back to Portadown Station and get a riot gun because I thought the disorder warranted it and Inspector McCrum, and Sergeant

P89

then I believe came up and they took over the scene and were directed to move the crowd back away from the junction of Thomas Street up towards Church Street and into West Street.

Q At what time approximately was the incident brought under control?

A I can't recall.

Q Bearing in mind the two persons had left the scene by ambulance did you not consider it essential to have the scene of this incident secured and preserved for forensic examination?

A Basically I didn't realise that it was a serious assault until I say, the, the people coming are taking away in ambulances fairly frequently and you know it's it's not always ahh, turn out to be a what has happened here a murder case. We didn't believe it was a serious assault at the time, we didn't know about it.

Q During the alleged incident or after order had been restored did consultation take place with supervising officers regarding the securing of the scene?

A I can't recall. I know I, I, I emm, went with Constable ^a and eh taped off an area. I can't recall who told me to do it or whether I was directed to do it or not.

Sorry was that much later or was that.

A That was about I think it was I refer to my statement here was 7.25.

Aye, that's that's after Constable Keys had come. Just read him that again please detective, Inspector, Chief Inspector, emm, the one in relation to the consultation.

Q During the alleged incident or after order had been restored did consultations take place from supervising officers regarding the securing of the scene what Allan I'm meaning there is that, after the incident is brought under control or you describe how Inspector McCrum arrives and Sergeant P89 and the crowd moves back, okay, away from the junction?

A Yes.

Q And I've asked you there previous was consideration, or why was consideration not given to tape it off and your answer was that you didn't realise that it was a serious assault?

A Yes.

Q What I'm referring to here that when the situation had been brought under control ie., the rival factions had been separated...

A Ah ha.

Q ... okay. Did any consultation take place at that stage?

A No, not to my knowledge.

Q After the incident was brought under control is it right to presume that police reverted to normal patrolling and left the town centre?

A I believe that was the case, yeah.

Q Did you overhear any instructions being given to have the scene secured immediately after the event?

- A No.
- Q At what time approximately did you become aware of the fact that Mr Hamill was transferred to the Royal Victoria Hospital because of injuries sustained?
- A I don't know that I was made aware of that.
- █ Sorry, before you terminated duty?
- A Yeah. No I don't know that I was aware of that at all.
- Q So what you're saying Allan if I'm right that that you can't recall if you were in fact informed that he....
- A I don't know that he, I didn't, I don't know that I was informed that he went to the Royal Victoria Hospital, I don't know about that.
- Q Why was consideration not given to securing the scene until 7.27am?
- A I can't say.
- Q Considering all the circumstances do you not feel that the scene should have been secured much earlier, in other words whenever you refer to your statement that you sealed it off at 7.25. Do you not think that it maybe should have been secured much earlier?
- A It's possible it should have been but again it's I don't think anybody realised the seriousness of the assault.
- Q When did you complete your notebook entry and statement of evidence regarding this matter?
- A I think the notebook entry and statement was completed eh, that morning after I was relieved from eh, the scene there at Woodhouse Street, the junction of Woodhouse Street.
- Q And your statement of evidence?
- A It would have been done at the same time.
- Q At any time did a debriefing take place regarding the events or the contents of your witness statement?
- A No I can't recall that at all.
- Q It is alleged that you failed to obey a lawful order from Inspector McCrum to go to Craigavon Area Hospital and obtain clothing from two persons assaulted Robert Hamill and ^D█ or you failed to mention in your statement your involvement in this regard, how do you respond to this?
- A I've no recollection of being given that order.
- Q At any time after this alleged incident were you asked to assist in the drawing up a list of suspects of persons who had been positively identified at the scene?
- A I could have been I can't remember.
- Q Is there anything further you wish to add?
- A No that's fine.
- Q Right, Mr █?
- █ Oh I'm perfectly content.
- Q The time is 9.37. Before I switch off the tape is there anything you wish to add

