

TRANSCRIPT OF TAPE RECORDED INTERVIEW

Interviewee: Constable Gordon Cooke  
 Force Number & Station: 14984, Portadown  
 Interviewers: Chief Inspector Jackson  
 Also present: Sergeant [REDACTED]  
 Mr Richard Murphy, Edwards & Co, Solicitors  
 Date of Interview: 1 October 2001  
 Time Started: 0921 hours  
 Time Ended: 0950 hours  
 Master Tape Seal No: T000245A  
 Tape Number: 1 of 1

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Q This interview is being tape recorded. The interview is being conducted in an interview room at Lisnasharragh Police Complex. I am Chief Inspector Jackson attached to Complaints & Discipline at Lisnasharragh the other police officer present is ...

SN Sergeant [REDACTED] attached to C & D, Lisnasharragh.

Q The date is Monday the 1 October 2001, the time is 9.21 am and I am interviewing ...

A Constable Gordon Cooke.

Q Could you state your number please and your station.

A 14984 attached to Portadown.

Q Also present is ...

A Richard Murphy of Edwards & Co, Solicitors.

Q Are you happy enough to be referred to as Gordon during this interview?

A Yes.

Q Eh Gordon you have requested Mr Murphy, Solicitor 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 Mr Murphy. Do you understand that?

A Yes.

Q At the end of this interview I will give you a Form 17/27 which explains what going to happen, what will happen to the tapes. Do you understand that?

A Yeh.

Q Okay, if I could just now refer you to Form 17/3 which was served on yourself by Superintendent Kennedy on the 28 June of this year, okay?

A Yeh.

Q This form reads, "It is alleged that on the 27 April 1997 in 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 broken glass lying 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 in fact to arrange the early arrests of an identified suspect or suspects with regards to this 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 because of the shortfalls in the investigative process of a number of persons who were subsequently acquitted at a court for serious criminal offences. It is further alleged that you were instructed by Inspector McCrum in consultation with other section officers who had been at the scene to draw up a list of those people who had been positively identified at the scene, you failed to comply with this lawful order. It is further alleged that you failed to obey a lawful order from Inspector McCrum to go to Craigavon Area Hospital and obtain clothing from the two persons assaulted, Robert Hamill and

D 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 for professional policing," and when that was served on you Gordon you made no reply. I'll just remind you of the caution then on now, during this, which will remain during this interview. "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 language Gordon you don't have to speak to me during 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. Em in simple terms again Gordon this interview provides you with an opportunity to give an account, explanation or to defend yourself against any

alleged disciplinary offence. Do you understand that?

A Yes.

RM The incident out of which the one 17/3 arose was prepared on the 27 April 1997 when the Form 17/3 was served on the 27 June 2001. It would be my respectful submission that the Form 17/3 is out of date em under the principles enunciated in the Merrill case, em and the Constable attends here without prejudice to his entitlement to argue at any subsequent disciplinary enquiry or hearing that the Form 17/3 is out of date. Having said that the Constable is anxious em to assist with your enquiries and to help you to proceed with the interview at this stage.

DJ Okay, thank you. Okay Gordon, we'll proceed here. Form 17/3 as served on you by Superintendent Kennedy on the 28 June having been read to you together with your appropriate response. Are you satisfied to continue with this interview?

A Yes.

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

A Yes.

Q In your witness statement and notebook entry dated 27.4.1997 you make reference to two injured persons who subsequently left the scene by ambulance. Were these two persons Mr Hamill and Mr D

A I believe so.

Q Can you indicate the direction in which you travelled to this scene and where your patrol vehicle was parked, you may wish Gordon, there's two photograph albums there ARN1 and ARN3. Ones daylight vision and ones night vision if you wish to .....

A We travelled to the scene eh past the police station into the town centre, turned left eh and parked somewhere close to the bottom of Thomas Street.

Q Can you give any indication on those photos. You can flick through them Gordon if you... Can you give an indication from one of the photographs where roughly you parked?

A Eh photograph number one there, I believe we parked in the area just to the left of the photographs.

Q Can you just mark it there please, just roughly?

A With an X.

Q Would you just put eh P1, and just for the information of the tape on document ARN1 photograph one you have marked an 'X' P1 as the position that you parked your vehicle at?

A I believe we parked somewhere around that area, yes.

- Q Was that a landrover or a police vehicle Gordon?
- A That was a police car.
- Q Can you indicate from the photograph album where the two injured persons who you believed to be Mr Hamill and Mr <sup>D</sup> were lying on your arrival?
- A As far as I remember they were both lying on the left hand side of the Main Street.
- Q Again could you mark two 'X's' and mark them P1 and P2. Just for the tape on the same document ARN1, P1 and P2 have been marked. Can you indicate again from the photograph albums where the ambulance parked at prior to both persons being removed to hospital?
- A The ambulance parked behind where the two persons are indicated.
- Q Could you mark that then P4. Could I take it there was only one ambulance?
- A That's right.
- Q In your witness statement and notebook entry you refer to broken glass lying around where the injured persons were lying and around the police landrover. Can you indicate from the photograph album the approximate position of this glass?
- A I remember glass being in the area in front of where the two persons were lying. There could have been other glass too, I don't remember. I remember some glass in that area I've marked.
- Q Which you have circled and now can you marked that P5 please. Can you indicate the extent of the broken glass, ie what quantity of glass was lying on the ground, in other words what I'm saying was there a lot of glass, was it the type of glass was it broken bottles, was it particles of glass?
- A I remember particles of glass. I don't remember any large pieces of glass and I don't remember there may have been other glass which I didn't notice.
- Q Can you indicate by using the photograph album how close to Mr Hamill and Mr <sup>D</sup> you actually went to at any stage prior to them being transferred to hospital?
- A I wasn't within 10 feet of them at any stage.
- Q What steps did you take to secure and preserve the glass you referred to in order that it could be examined in an attempt to gather material evidence regarding this crime scene?
- A When I arrived it was eh pretty chaotic. There was a large crowd, very violent crowd, fighting with police already at the scene, fighting trying to get towards the injured persons. I immediately helped the other police to hold these persons back. I continued to help to hold this large crowd back until other more senior officers arrived at the scene.
- Q Can I take it Gordon what your saying there is that, correct me if I'm wrong here, initially when you arrived at the scene when you observed glass your other duties were to deal with the crowd?

- A Certainly, that would be right.
- Q Were you or are you aware of the contents of a statement that was made by Dr Fannin, Neurosurgeon who indicates with regards to Mr Hamill, "We were given to understand that he had been hit with a bottle and put to the ground and immediately rendered unconscious?"
- A No I'm not aware of that statement.
- Q Would you have any idea how this information may have been relayed to the hospital?
- A No, I don't.
- Q Whilst at the scene you indicate that Inspector McCrum and Sergeant <sup>P89</sup> arrived did you give any briefing to any of these two officers or did you receive any instructions from them?
- A I spoke to those two officers at the scene. I didn't receive any instructions from them that I can recall.
- Q Did you give them any briefing Gordon on what had taken place?
- A I wasn't at the scene during the initial incident. I arrived a short time afterwards and as best as I could I explained to them what I found at the scene when I arrived.
- Q In your statement and notebook entry for the 27.4.97 you state, "An ambulance arrived and attended to the injured persons while we continued to hold and push the crowd back. After about 30 minutes we had managed to move the crowd up to West Street barrier. They made their way along Atkinson Avenue and hung around there. We remained here with other police until the crowd had dispersed." Your notebook entry states, "Dispersed around 3.15 am." At this time and bearing in mind the glass you had noted at the scene, the fact that two persons had been conveyed to Hospital what steps did you take to preserve the scene of this incident for examination?
- A The town barriers were all closed at this stage effectively sealing the area off. There were other police officers present at the scene of the incident.
- RM Eh do you mean senior officers Gordon or em or Constables?
- A I as far as I am aware Constables.
- DJ In other words Gordon, did you come back down to the scene after you had dispersed the crowd?
- A At a later stage I returned to the scene with the CID officer and at that stage there were still a police car and Constables at the scene.
- Q In your statement you state, "We remained here with other police until the crowd had dispersed." Can you indicate who the other police officers were, ie local police or mobile support personnel and the approximate numbers of police officers that were present at this stage?
- A Is this at Atkinson Avenue area your talking about?
- Q Yes, yes.

- A There were MSU personnel there at that stage.
- Q Have you any idea of the approximate number Gordon?
- A I can't remember, no.
- RM Well was your own crew there as well?
- A Yes they were.
- DJ Did you consult with or receive instructions from any supervising officers regarding the securing of this scene to allow it to be examined and glass etc collected?
- A No I wasn't instructed as such by any senior officer.
- Q Did you not think that this scene should have been secured at an early stage ie at 3.15 am when the matter had been brought under control?
- A I wasn't the first person on the scene nor the senior officer at the scene nor was I instructed to take any further action by any senior officer.
- Q In your witness statement you note Stacey Bridgett, Mark [REDACTED] and Rory Robinson, you outline how Stacey Bridgett had a bleeding nose. You indicate in respect of [REDACTED] and Robinson on several occasions while we were holding the crowd back trying to move them towards West Street I spoke to Robinson and [REDACTED] and asked them to move up the street. Both refused to move and each of them tried to push past myself and other police on several occasions. Enquiries have established at or around 2.30 am 15 local police officers supported by two local mobile support call signs were in or at Portadown town centre. Did you give any consideration to the arrest of any of these persons regarding the events which had taken place?
- A This was a riot situation when I arrived, very violent, people running about all over the street trying to get towards these injured people. We done our best to protect them till the ambulance arrived, collected them. It may be hard to explain eh sitting here but it certainly wasn't practical to start arresting people at the scene.
- RM Just going back to a previous question, I'm sorry Mr Jackson just something occurred to me that maybe Constable em Cooke didn't articulate completely in relation to the em the preservation of the scene. Were you aware or did you have any idea of the seriousness of the injuries to Mr Hamill at the time when the crowd had dispersed or was beginning to disperse at 3.15?
- A No I hadn't been present during the initial assaults and neither was I aware of how serious the incident initially had been.
- DJ Okay. Did you consult with any other police or any supervising officer at the scene regarding the possible arrest of suspects?
- A No.
- Q After 3.15 am can you indicate what duties you performed?
- A I resumed mobile patrol at one stage and I also spoke to CID in the station at one stage. I also returned to the scene with a CID officer and I also took time

- to make a written statement in the station prior to finishing duty that morning.
- Q After this incident had been brought under control did any debriefing take place at the scene or any instructions given by supervising officers?
- A Not that I can recall.
- Q Is it fair to presume that after Mr Hamill and Mr D were taken to hospital and the two factions separated police left the scene?
- A As far as I am aware there was one police vehicle remained at the scene.
- Q Again and taking into consideration the two persons left the scene by ambulance, why was it that no action was taken to secure and preserve evidence?
- A I've already indicated that the town barriers were all closed eh effectively sealing the scene from any vehicles passing through and as far as I'm aware there was a police vehicle remained at the scene to prevent any pedestrian access to the scene.
- Q At what stage did you complete your notebook entry regarding events?
- A Prior to terminating duty and going home.
- Q At what stage did you complete your statement of evidence?
- A Prior to finishing duty that morning I completed a full written statement and handed it to CID.
- Q On completing your statement of evidence or after it was completed did you speak to or with any other police officer, were you debriefed regarding events, was consideration given to the early arrest of suspects, or was consideration given to securing the scene for examination. Its maybe a lengthy question Gordon there but what I'm asking you there is when you completed you say you completed your statement of evidence and you handed it to CID?
- A Yes.
- Q Okay. Em its maybe an unfair question with the period of time that has elapsed but can you remember what CID officer you handed it to?
- A Yes D/Constable Keys.
- Q When you handed that statement to him Gordon em was there any conversation, I've phrased it there as briefing or debriefing but was the content of your statement discussed?
- A I don't remember.
- Q Again what I'm getting at Gordon there was there I mean was there any talk about eh persons who you had identified, should they be arrested or ....
- A I had no conversation about eh possible arrests with anyone no.
- Q Can I take it no formal debriefing as such?
- A That's correct.
- Q Can you indicate if you were made aware if Mr Hamill was to be transferred to the Royal Victoria Hospital because of the injuries he had received at any time prior to you terminating duty or whenever you were making your statement?

- A I wasn't aware of that no.
- Q It is alleged that Inspector McCrum instructed you in consultation with other section officers who had been at the scene to draw up a list of those people who had been positively identified at the scene and that you failed to comply with this lawful order. How would you respond to that allegation?
- A Well I went one better than drawing up a list I made a full written statement identifying all persons that I knew at the scene eh and descriptions of them. I don't think it would have been appropriate to consult with other officers and draw up a list especially in the light of this turning out to being a serious assault and identification of offenders possibly being an issue.
- Q It is further alleged that you failed to obey a lawful order from Inspector McCrum to go to Craigavon Area Hospital and obtain clothing from the two persons assaulted, Robert Hamill and <sup>D</sup> and that you failed to comply with this lawful order. How would you respond to this allegation?
- A I never failed to comply with any lawful order eh I was never instructed to attend the hospital, I am aware that other officers were asked to go to the hospital and in fact did go.
- Q Did any consultation take place between yourself and Inspector McCrum, Sergeant P89 at any time after 3.15 am on the 27.4.97 and I mean by that with regards to the assault that had taken place?
- RM Sorry did you say 3.15 ....
- Q At any time after 3.15 am?
- RM Am ...
- A I don't remember.
- Q In your notebook entry dated 27.4.1997 at 5.50 am you gave details of 5 persons whom you noted at Jervis Street, Portadown. What were your duties at this time, ie 5.50 am and were you in a position to indicate who accompanied you at this time?
- A I had resumed mobile patrol at that stage to patrol the general town eh in case there should be any further incidents or trouble eh without having my notebook with me I can't recall who else might have been with me. No I have no note who was with me eh it may or not have been the same officers on patrol with me earlier.
- Q What was the purpose of noting the names?
- A I had observed those persons in the crowd on my arrival at the town centre earlier but I wasn't aware of their identity so this was a chance to eh identify those persons, pass the details to CID.
- Q Of the 5 persons noted did any of their actions at the initial scene warrant arrest or report for any alleged offences ie assault, disorderly behaviour?
- A No I had noted them being at the scene but don't recall eh them committing



any offences.

Q With regards to the alleged actions of Stacey Bridgett, Rory Robinson, Mark [REDACTED] at the initial scene. Did any of their actions warrant arrests or report to your authorities?

A I don't believe so, no.

Q At 5.50 am was it the case at the scene of this alleged incident had still not been sealed off and various individuals at will could walk through the scene?

A No I don't believe that was the case.

Q I'd refer you to the photograph album regarding this scene. From these photographs various items can be observed. Do these photographs more or less indicate how the scene appeared to you between 1.50 am and 3.15 am on 27.4.1997. What I'm referring to there is broken glass etc. Just for the tape we are at ARN1. I am referring to photographs 9-13 Gordon now just to see, okay?

A Eh what's that item on photograph 9?

Q It appears to be, it looks like ..... 2 small (towels) green items?

RM Two small green items.

Q Yeh.

A It might be part of a bottle that that looks like the base of a bottle. I don't recall seeing those items at the scene eh the glass I saw was very small particles, I don't remember the base of a bottle at the scene.

DJ Okay so is the base of the bottle there, you'd think the best way to describe those as 2 green items it could be, you know the green towels Gordon that they sometimes paper towels sometimes .... ?

A Right.

Q Anything on photograph 10?

A No.

Q Photograph 11 see a tin, small pieces of glass there?

A I don't recall seeing them.

Q Photograph 12, again that's glass and that stick.

A Right.

Q Photograph 13, a stick, bottles?

A Right.

Q 14, you see a bottle there and there are 2 bottles?

A Right.

Q Did you have any recollection of seeing those?

A No I don't recollect seeing those.

Q And that's just the same 2 bottles again at 15.

A Right.

Q You don't recollect seeing those?

A I don't, no.

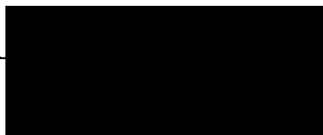
- Q So just for clarification, what your saying Gordon is that your recollection is it's the same glass but it was fine particles or ...
- A Fine piece of glass which may or may not have been there before this incident happened.
- Q Prior to your actual termination of duty on the 27.4.1997 did you receive a debriefing from either CID or a supervising officer regarding previous events or the contents of your statement?
- A Not a debriefing, I did speak to a CID officer prior to termination of duty.
- Q Who was ...?
- A Who was D/Constable Keys.
- Q And if I have taken it right from the interview there what your indicating there is that you prepared your statement of evidence and handed it to the D/Constable?
- A I did prepare a statement handed to the Constable. Eh I also accompanied the Constable to the scene and eh explained to him approximately where the injured persons had been eh although as I've covered I wasn't at the scene during the initial incident so I was limited as to what I could tell them.
- GN Just to confirm something with you, is it true to say that you arrived at the scene after it had started, there was another crew on duty when it initially started. You assisted to hold the crowd back. You state that when you left the scene you believe there was a car left at the scene?
- A Yes that's correct.
- GN And you say that when you returned with D/Con Keys the vehicle was still at the scene?
- A That's correct.
- GN So in your opinion the scene had been preserved but not by yourself, there was someone at the scene?
- A In my opinion the scene was preserved although not by myself, yes.
- GN And the reason you took D/C Keys was the initial crew had been stood down, it had finished because they had been held on from the late crew. Would that be correct?
- A They had, they had finished, they had been held on from the late crew and eh were away home at this stage.
- GN That's about the only reason you went round to brief D/C/Keys?
- A It is that its ...
- GN Because the other crew had went?
- A That's the reason, there was none of them available to speak to him at that stage.
- DJ Okay Gordon that concludes the interview. Is there anything that you wish to add or is there any point that you wish clarification of?
- A Eh no.

RM No I have nothing to add.

DJ Okay that terminates the interview. Just before we switch it could I ask you there to sign the tape. That's the interview concluded at 9.51.

A Okay.

**CHECKED AND CERTIFIED AN ACCURATE TRANSCRIPT OF:-  
TAPE NO. T000245A OF CONSTABLE GORDON COOKE  
ON 1.10.01 BETWEEN 0921 HOURS AND 0951 HOURS**



*D/Sgt*