

TRANSCRIPT OF TAPE RECORDED INTERVIEW

Interviewee: Reserve Constable James Murphy
Force Number & Station: R6447, Craigavon DCU
Interviewers: Chief Inspector Desmond Jackson
Others Present: [REDACTED]
Date of Interview: 24 September 2001
Time Started: 2.37pm
Time Ended: 2.56pm
Master Tape Seal No: T000242A
Tape Number: 1 of 1

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

GN [REDACTED] attached to C&D Lisnasharragh.

Q The date is the 24th of September 2001 and the time is 2.37pm. I am interviewing....

A Reserve Constable Murphy, Craigavon DCU.

Q And could I have your number and your first name?

A James, my first name, my number is R6447.

Q Are you happy as this interview is conducted to be referred to as James?

A Yes.

Q Other persons present?

[REDACTED]
Q James you have requested [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. Do you understand that?

A Yeap.

Q At the end of the interview I will give you Notice Form 17/27 explaining what will happen to these tapes. Okay.

A Okay.

Q If we could refer you now to Form 17/3 which was served on yourself by Superintendent Kennedy on the 27th of June of this year. Eh and that 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 in that whilst you noted two males lying on the ground and broken, broken glass in the street 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 in accordance with Force Instructions you failed to make a full and accurate entry in your notebook and in particular to note the relevance of why a suspect name Wayne Lunt was placed in the rear of a police landrover and later released. It is further alleged that you failed to mention the reason as to why this person was placed in the rear of a police landrover and later released to the investigating officers or to a supervisory officer. In addition as a result of the aforementioned allegation you have brought the reputation of the Force into disrepute and your actions were contrary to Force ethics and professional policing. Emm and when that was served on you no reply was made.

A That's correct.

Q If I could give you the caution which will remain in place throughout the 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 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. In other words James this interview provides you with an opportunity to give an account, explanation or defend yourself against the alleged disciplinary offences. Do you understand?

A Yes.

RM And the Reserve Constable's anxious to assist with your enquiries but I would point out that the incident occurred on the 27th of April 1997 and the Form 17/3 was served on the 27th of June 2001 and as in previous interviews I would say that the Reserve Constable attends the interview and provides the information which you will without prejudice to his entitlement to argue at any subsequently any subsequent disciplinary enquiry or hearing that the Form 17/3 was served out of time in accordance with the principles in the Merrill case other than that the Reserve Constable is happy to continue at this stage.

- Q Okay, thank you, that's noted. Okay James. Form 17/3 was served on you by Superintendent Kennedy on the 28th of June of this year 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, 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 Yes.
- Q In April 1997 were you a Full Time Reserve Constable based at Portadown RUC Station?
- A I was.
- Q On Sunday the 27th of April 1997 an incident occurred in Portadown Centre namely a street disturbance in which a Robert Hamill subsequently died as a result of injuries sustained during an assault at that time. Do you remember this incident?
- A I do.
- Q On Sunday the 27th of April 1997 were you on mobile patrol with Constable Cooke and Reserve Constable Warnock?
- A I was yes.
- Q Ahh I'm referring now to your witness statement dated the 27th of April 1997 in which you state, at approximately 0145 hours as the result of a radio transmission we were directed to assist other police in Portadown Centre reference a disturbance. Can you recall what the radio transmission said and what the disturbance was?
- A I can't recall, it was Reserve Constable Cornett I believe was on the radio, female officer and basically it was screaming on the radio. Ehh we got the gist of what she was on about but it was hard to just fully make out you know.
- Q Ehh in relation to the disturbance can you?
- A She mentioned there was trouble at eh the town centre and basically that was it, you know, we understood then there was, that there was a disturbance but I mean she was screaming on the radio, she wasn't, it wasn't very coherent.
- Q You further state, on arrival at High Street, Market Street, Thomas Street junction I observed a large crowd numbering approximately 40-50 persons. This crowd consisted mainly of males although there were a few females also present. Can you indicate or can you remember what this crowd was doing on your arrival?
- A Ahh, when we arrived the officers that had been in the landrover were already out, they they appeared to be surrounded in various parts of the town centre. I mean there was people all over the place, they were fighting, they were running about, they were just acting like madmen to be quite honest with you.

- Q You also state, I also observed two males lying motionless on the street one male was lying at the entrance to Thomas Street and the second male was lying in Market Street just up from Thomas Street junction. These two males appeared to be comforted by females whom I presumed had been with them. Were the crowd near these two motionless men on the street at this time?
- A They would have been closer to the one that was further up the street, eh, there was one actually from what I remember was at the junction of Thomas Street, Market Street. There was one that was slightly further up the street and they'd have been closer to that one. You know they were in the upper end of Market Street, Thomas Street junction.
- Q Could, could I maybe interrupt James just a minute if I could introduce document ARN1 which is photographs of the scene if that assists you. In answer to that just take your time.
- A Right. There was one, sorry, one guy....
- Q That's black.
- A Eh, there isn't a, there isn't a better photograph of the junction of that there no.
- Q Just keep, just go through those there, go right through them.
- A Right, there was one, one of the guys was....
- █ Why not mark it with an 'X' and.
- A okay, right, was approximately there.
- █ Make a big 'X'.
- A Just from what I can remember.
- █ Were you able to know which one that was?
- A No, although.
- █ You still don't ehh.
- A No I still don't know who that was and then the second one.... let's see, he was actually further one up here, if there's.... he would have been about roughly there on the road.
- Q Just put another 'X' there yeah.
- A You know on the other side of that central island over here.
- Q Okay.
- GN Is there no way there's a better one of that to.
- A Approximately there, happy enough to mark there.
- Q Yes, yes mark just okay. Right can you say where the crowd was in relation to those people now.
- A Ahh, there was, the crowd was all round this area and over here as well, the crowd was, the street, they were the full length of the street, the full width of the street.
- Q Right.
- A And there was various things going on, you know.
- Q Can you recall where the police landrover was parked?

A Eh.

Do you mean his own or the.

Q The first, the first landrover.

A Right for I was, I was in the police car.

Sorry I didn't know that.

A The landrover was there approximately.

Q Just.

A An 'X' again or do you want a square.

Q Aye just put a square and just mark it landrover.

GN Or 'LR'.

Q 'LR' will do. Okay and just approximately where your your vehicle was parked.

A Ahh wait to we see.... Right our vehicle, we came in, the town barriers were closed so we came in passed Edward Street Station, our vehicle was here but not, probably slightly back more, you know here.

Q Will you just mark an approximate mark then if it was back and then...

A Right.

Q ...and then we'll clarify that.

A Okay.

Q Just put police car. Okay if I just could just go through this. Document ARN1 at photograph 1 you have marked roughly the position of your police vehicle.

A Yeah well it's slightly back from that but that's rough.

Q Slightly back from that. Photograph number 3 you've marked the position of one of the males but you're not in a position to indicate who that male was.

A I don't know who it was no.

Q At photograph 5 you've marked the position of the landrover?

A Ahhha.

Q Was the landrover facing?

A Facing down the town.

Q Down the town?

A Yeah.

Q So if I can just put an arrow there just to show the direction...

A Yeah.

Q ...it was facing. Okay. And at photograph number 7 you've marked the position of the second male person but again you're not in a position to indicate who that was.

A Yeah that's an approximate position, yeah.

Q And to clarify what you're indicating was that the crowd that you talked about was across the street or basically in your words all over the place.

A They were all over the place, yeah.

Q Okay, thank you. Just keep those out if you want. Apart from the females were there any police eh at these two injured persons rendering assistance?

- A Not that I saw.
- Q You then state there was a lot of broken glass in the street. Can you clarify what you mean by a lot?
- A Ah, there was a lot of small particles of glass, you know it looked, bottles had been broken or glasses had been broken, you know, there was, it was strewn over the place.
- Q Right.
- A You know emm, it wasn't large pieces of glass it was all small that I remember seeing, you know.
- Q Emm, can I take it what you're indicating there is that it wasn't actually half bottles?
- A No there was nothing I don't believe it was as big as that that I can remember.
- Q Right.
- A It was all smaller particles.
- Q Was the glass generally covering the street or was it mainly around where the two motionless males were?
- A It would have been, yeah, the left hand, it would have been the Thomas Street side of the junction, you know, the Thomas Street side of Market Street.
- Q I just couldn't ask you to refer to that there again, just again something.
- A It would have been strewn round this area, you know, as...
- Q Just.
- A ...do you want a circle?
- Q Ahhha. Will you just mark that ehh...
- A 'Glass'?
- Q ...glass. And just for the tape, eh, ARN1 photograph 1 you have given a rough estimation of glass.
- A Ahhha. Ahhha.
- Q Okay. In your statement you say, I was assisting other police present to try and keep the Loyalist and Nationalist elements apart. In this crowd of 40-50 people you saw can you indicate the percentage of the crowd that were Loyalists to that of Nationalists?
- A The majority were Loyalists, there was, there was, there was few Nationalists, emm, during the course of this there was actually more Nationalists was appearing from Woodhouse Street but they were certainly were not in near the same numbers as the as the Loyalists crowd.
- Q At the initial stages?
- A Yes, at the initial stages I took the majority of the crowd ehh, 99 per cent of them basically or 90/98 per cent of them to be Loyalists.
- Q Okay. You state, after what seemed a long time an ambulance arrived and after approximately 15 minutes the ambulance conveyed both the injured males to hospital. Can you say what was happening to the two injured men lying in the