

Information concerning the scene of the Robert Hamill incident

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1. INTRODUCTION

I have been instructed by the solicitor to the Robert Hamill Inquiry to answer a number of questions raised by the Inquiry. These include information about the time to walk certain distances; whether specific points can be observed from various locations; details about an RUC Landrover's construction; the viewing and hearing levels relevant to a number of different situations. Full details on the information requested are contained in written instruction, as outlined at **Appendix A**, attached. 75297

Section 2 contains *a summary of findings* (pages 2 – 9) and section 3 provides the *main report of all findings* (pages 10 – 29).

Other relevant documentation or appendices attached, used to assist the reader as to the points raised and findings referred to in this report, made at or close to the scene of this attack, are :-

Appendix B – Wind speed report over 23rd / 24th April 2009 during when the hearing information was gathered. 75301

Appendix C - Weather report for Portadown area over 23rd / 24th April 2009. 75302

Appendix D - Map of Portadown town centre showing distances in yards from the Thomas Street/ Market Street junction – trim reference 75303 refers.

Appendix E - Map of Portadown town centre showing distances in metres from the Thomas Street/ Market Street junction – trim reference 75304 refers.

Appendix F - Sketch showing the Thomas Street /Woodhouse Street junction (scale 1:200) – trim reference 75305 refers.

Appendix G - Plan of RUC Landrover VRM PXI 1928 (scale 1:20) – trim reference 75306 refers.

Appendix H - Weather report for Portadown over the time of the Robert Hamill incident – trim reference 75307-75322 refers.

2. SUMMARY OF FINDINGS

A brief synopsis of findings made for each of the questions posed under the ten areas within **Appendix A** are as follows:-

1. **Dimensions of all windows and baton hatches. Notes regarding construction/fortifications of Landrover e.g. special glass, armoured bodywork etc which could be relevant to sight/hearing capacity for a Landrover crew.**

A. Table 1 below sets out various measurements taken from a Landrover used to conduct a number of observation tests at Portadown town centre on Thursday evening 23rd April 2009. A number of other measurements and points established, including the Landrover rear floor to ceiling height and rear floor length, are set out in paragraphs 3.2 and 3.3 in section 3.

Table 1.

	FRONT	DRIVER'S SIDE IN REAR	PASSENGER SIDE IN REAR	REAR DOOR
Solid window sizes	64cm x 67cm 33cm high (two)	58cm x 74cm 33cm high	58cm x 74cm 33cm high	20.3cm wide 20.2cm high
Glass thickness	Not recorded	3cm	3cm	3cm
Vehicle skin thickness	Not recorded	16cm (Area of slots)	16cm (Area of slots)	6.5cm (Rear door)
Baton hatch slots sizes	Nil	10cm wide 20.5cm high	9.9cm wide 20cm high	None recorded

2. **Range of vision from all seats in the Landrover including the view from the rear seats out through the windscreen in positions LR3 (NB Front Driver = FD, Front Passenger = FP, Rear behind Driver = RBD, Rear behind Passenger = RBP)**

- a. **Limit of view down High St (m) ?**

A. From the front driver's seat I was able to observe two persons walking down the central reservation in High Street until they disappeared from view due to the left hand bend on the road. This point is almost opposite the Au Natural shop on the same side of the street as Woodhouse Street, further down from 'Subway' on the opposite side of the street. From behind both the driver's and front passenger's seat while sitting upright my view was mainly restricted to the immediate footpath and roadway on left hand side of High Street. For further detail see sub paragraphs 3.4.1 to 3.4.4 in section 3 of this report. Portadown town centre distances in yards or metres are shown on **Appendices D** and **E** respectively.

b. View of Banbridge Bus drop off?

A. A view of the bus stop was not possible from any of the four seating positions within the Landrover, when parked at position LR3. For further detail see paragraph 3.4.5 in section 3.

c. View of Herron's Country Fried Chicken?

A. A view of Herron's Country Fried Chicken was not possible from any of the four sitting positions within the Landrover, when parked at position LR3. For further detail see paragraph 3.4.6 in section 3.

d. View of Boss Hoggs?

A. A view of Boss Hoggs, now Subway food shop was possible from the driver's and front passenger seats. It was also possible to see from the rear seats when I leant forward and down to look out the front windscreen OR looked close up through one of the two baton hatch slots on the driver's side of the Landrover. For further detail see paragraph 3.4.7 and 3.4.9 in section 3.

e. View of Thomas St – if so indicate what could be seen?

A. With some effort the bottom part of Thomas Street could be seen from all four sitting positions. However the easiest and best view I

found was from the RBP side, if I sat directly alongside the rear doors and looked out either the rear door window or baton hatch slot. From this position I could see just over half of the left hand side or roadway on Thomas Street and the right hand side footpath until the bend in the road. I could also see up the left hand side footpath, to about 25 metres from the junction with Market Street. For further detail see paragraph 3.4.10 and 3.4.13 in section 3.

f. View of Woodhouse St – if so indicate what could be seen?

A. With some effort it was possible to look down Woodhouse Street from each of the four seating positions. However the easiest position was from the front seat passenger. From here I was able to see slightly beyond the last or third streetlamp on the footpath on the left hand side. On right hand side I was able to see beyond The Oak Bar until the point where the road bends to the left. This is approx 13-15 metres past a telegraph pole alongside the gable wall of the High Street Mall shopping centre. For further detail see paragraph 3.4.14 and 3.4.15 in section 3.

3. Ability to hear in Landrover – primarily for position LR3

(a) Is it possible to hear people with raised voices at British Legion calling down Thomas St? With engine on/off? With some internal noise of chatting to people at passenger door?

A. With only the passenger's door of the Landrover open and the engine off it was possible to hear noises coming from this area. However I was unable to make out or guess at what was being said. This finding it is suggested needs to take into account a number of variables, such as weather conditions, my own hearing acuity and other factors listed at paragraph 3.6. For further detail on this test see paragraph 3.5.2 in section 3.

(b) Is it possible to hear people with raised voices at corner of Thomas St/Market St calling up Thomas St? With engine

on/off? With some internal noise of chatting to people at passenger door?

A. Not with the Landrover engine on. However with the engine, air conditioning blower, radio and other vehicle equipment turned off, I was able to hear shouting but was unable to clearly distinguish what exactly was shouted. For further detail on this test see paragraph 3.5.1 in section 3.

(c) Other comments on ability to hear for Landrover crew including consideration of the effect of the doors/windows being open.

A. Various points that it is suggested need to be taken into account in relation to these hearing tests, such as weather conditions and my own hearing acuity, are listed at paragraph 3.6 in section 3.

4. Eyewitness views - Can Landrover/people by Landrover be seen in position LR3 from:

a) By British Legion on Thomas St/ if not at what point going down Thomas St is it visible?

A. No. A view of the back part of the Landrover, parked in position LR3, was possible when walking onto the road in Thomas Street, alongside the British Legion entrance. For further details see paragraph 3.7 (i) in section 3.

b) By McKeevers on Woodhouse St, if not at what point going up Woodhouse St is it visible?

A. No. The engine or front part of the Landrover first came into view while walking along the left hand footpath, from McKeevers towards Oak Bar, at side wall of the High Street Shopping Mall. For further details see paragraph 3.7 (ii) in section 3.

c) The summer seats, if not at what point going down Market Street (away from St Marks) is it visible?

A. Yes. However at certain positions on two of the six summer seats the view is restricted by a monument in front. For further details see paragraph 3.7 (iii) in section 3.

5. Eyewitness views - can crowd on High St/Market St by the mouth of Thomas St be seen & well enough to recognise a known individual from the summer seats, if not at what point going down Market Street (away from St Marks) would they be visible?

A. During the hours of darkness people standing by the mouth of Thomas Street can be seen while sitting on either of the two summer seats closest to this point. However I was unable to clearly recognise a person well known to my self until they moved closer towards me. Further details on this test together with factors which may impact on its result are outlined at paragraphs 3.9 and 3.10 in section 3.

6. Timings of walking at a fast, medium and slow pace to the Thomas St/Market St junction from-

(a) The drop off of the Banbridge bus.

A. Prior to conducting this exercise the pedestrian crossing traffic light pole, outside the Alliance & Leicester Building society on Market Street, opposite the entrance to Thomas Street, was selected as the fixed point for all measurements. Taking account of the quickest and slowest times, relating to each of the three walking paces used, it takes approximately 1 minute 42 seconds to 4 minutes 38 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. For further detail on this and other walking tests conducted see paragraphs 3.11 to 3.16 in section 3. Walking times are set out in table 2 at paragraph 3.12.

(b) Herrons Country Fried Chicken.

A. It takes approximately 1 minute 38 seconds to 4 minutes 27 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(c) Boss Hoggs (Now Subway)

A. It takes approximately 1 minute 9 seconds to 2 minutes 46 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(d) Police Station.

A. It takes approximately 1 minute 48 seconds to 5 minutes 11 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(e) McKeevers.

A. It takes approximately 1 minute 36 seconds to 4 minutes 36 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(f) Royal Oak.

A. It takes approximately 42 seconds to 1 minute 45 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(g) Mandarin House Chinese.

A. It takes approximately 2 minutes 8 seconds to 6 minutes 16 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(h) Cam Hing (70 West St).

A. It takes approximately 3 minutes 35 seconds to 10 minutes 21 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(i) St Patrick's Hall.

A. It takes approximately 2 minutes 7 seconds to 5 minutes 50 seconds to walk from this location to the fixed point at the Thomas Street/Market Street junction. See table 2 at paragraph 3.12.

(j) Limit of vision of Driver of Landrover in position LR3 down the High Street [this will be Boss Hoggs now Subway]

A. From the driver's seat of the Landrover, parked in position LR3, a view of Boss Hoggs, now Subway, is possible. Potential variables that it is suggested may need to be taken into account with regard to the different test results provided are listed at paragraph 3.6 below.

7. If possible please indicate which public houses would be turning out customers after 1 am in the vicinity of the Thomas St/ Market St/ High St/Woodhouse St junction. Did they have a predominant clientele from one side of the community or other? Please mark locations on plan.

A. I am unaware of trends and habits that existed in 1997 for the various public houses, located close by or in the vicinity of this incident, having never been stationed in Portadown. However I refer to various comments made by Mr [REDACTED] MBE, a retired Operational Planning Sergeant for Portadown Sub division in his report D106. In response to a request for any relevant material known to Inquiry staff on this point I have been informed of some information on seven public houses, located in the Thomas Street, Woodhouse Street, High Street and Mandeville Street areas, mentioned in the accounts of various witnesses. The majority of these premises can be found on the town centre maps contained at **Appendix D** and **E**. Two other public houses or clubs referred to as 'out of town' are also mentioned. See paragraphs 3.17- 3.19 below for further details.

8. If possible please indicate what was the expected turning out time from St Patrick's Hall for the dance on 26 April 1997.

What numbers would be expected on foot?

What numbers would be expected to take taxis?

Any information on the likely availability of taxis to patrons of the Hall at losing time?

Are there any other venues which would mean Catholics would be walking down Thomas St on evening of 26 April 1997?

A. I am unaware of any local information relating to these points. However in response to a request I made to Inquiry staff for any relevant material known, I was supplied with information provided by Gerry Hamill, a doorman for St. Patrick's Hall. In his account he refers to the music stopping around 1am – 1.30am and there being some 150 people still at the hall at 1.30 am. He adds that some would leave on foot but only in groups of 3 or 4, not alone. He indicates that there was a crowd waiting outside the Hall for taxis. Witness Statement paragraph 10, p 80388 refers. No information has been provided as to the likely available number of taxis or the existence of any other venues which members of the Catholic community would be walking down Thomas Street to after 1 am. See paragraphs 3.20 below for further details.

9. Please comment on the extent of the duty of vigilance of the Landrover crew bearing in mind the above considerations including the possibility that members of the Landrover crew were talking to civilians during some or all of the build up to the break out of violence?

A. The extent of the officers' vigilance is difficult to comment upon specifically without full knowledge as to their duty, supervisory instructions and previous experience or knowledge of policing the area in question. I often recall talking to civilians as being a useful way to defuse and deter situations getting out of hand. However I could never rely upon it working at all times and I had to be alert to other options. See paragraphs 3.21 to 3.23 below for further details.

10. Any other comments relevant to the position of the Landrover crew and the incident on the evening of 26/27 April 1997.

A. A number observations relating to my experiences and knowledge of Police Landrovers and some factors that might impact upon findings presented on this incident are listed at paragraphs 3.24 to 3.26 below.

3. MAIN REPORT OF ALL FINDINGS

3.1 Around 7pm that evening I accompanied Inquiry staff to Portadown where in Edward Street, close to Portadown Police Station, I took a range of measurements from the white coloured armoured police Landrover provided for use in the exercise. This was a Tangi 3.9i Hobson, vehicle registration number JXI 7153 (Fleet Number 8229). This appears similar to the RUC Landrover VRM PXI 1928 used by the Police on the night of the incident. A plan of the landrover is shown at **Appendix G**. Details on all of the approximate measurements I recorded about this Landrover are as follows:

Table 1.

	FRONT	DRIVER'S SIDE IN REAR	PASSENGER SIDE IN REAR	REAR DOOR
Solid window sizes	64cm x 67cm 33cm high (two)	58cm x 74cm 33cm high	58cm x 74cm 33cm high	20.3cm wide 20.2cm high
Glass thickness	Not recorded	3cm	3cm	3cm
Vehicle skin thickness	Not recorded	16cm (Area of slots)	16cm (Area of slots)	6.5cm (Rear door)
Baton hatch slots sizes	Nil	10cm wide 20.5cm high	9.9cm wide 20cm high	None recorded

3.2 Various other points of note include:

- a) Distance between the top of the front windscreen and the armoured plated ceiling of the Landrover is 22cm.
- b) The distance apart of the two baton hatch slots on both the driver's and passenger's side is approx. 61cm.
- c) The lowest level of each baton hatch slot, on either side of the Landrover, is approximately 48cm above the top seating level of the rear seats.
- d) The distance from the rear of the driver's seat, closest point for a rear seated passenger to sit, to the armoured front windscreen is approximately 105-110cm.
- e) Floor length from the back of the front facing seats to rear doors is 2m.
- f) The rear floor to ceiling height is 92cm.

- g) The front windscreen has a metal bar separating both the passenger and drivers view. Its width in the middle of the windscreen is 4.5cm.
- h) The front metal grill often used to protect the front windscreen of the Landrover during public order disturbances, measures 145cm long by 47cm wide.
- i) An outer "macrolon" or perspex window, 0.6cm in thickness, covers the driver's and front passenger's armoured glass side windows. There is a gap of approximately 7.5cm between the armoured glass and the macrolon covering.
- j) There is a 58cm middle gap or space between both front headrests. The height between the rear board separating front and back of the Landrover and its interior ceiling is 75cm. When a spare tyre is located behind the front seat area the available area of view is further reduced.
- k) The side mirrors on the front of the Landrover measure 15.5cm wide by 22.5cm tall.
- l) The height level from the ground of the side mirrors on the front left and right sides of the Landrover, provided for use in this reconstruction, differed. The top of the right or driver's side was 146.5cm high and the left or passenger's 153cm high.

3.3 My experience as a passenger in the rear of a Landrover is that it is more comfortable and safer to sit upright and hold onto the metal wire which hangs in the middle. The wire is encased within a length of plastic tubing, a few inches below the landrover ceiling. Sitting upright is all the more comfortable when wearing body armour. Bearing these points in mind I sat upright directly behind the driver's seat to establish how far I could see looking out/towards the front windscreen. I found the top of my head was literally touching the ceiling of the Landrover and was unable to place a pencil between the two. Turning my head to the right to look out the front windscreen my field of view was reduced. Still sitting upright I arranged for a member of the Inquiry team to walk away from the front of the Landrover until such time as I could no longer see their feet. After this I measured the distance from the front of the Landrover. With the assistance of an Inquiry staff member I established that beyond 10.3 metres away from the front bumper of the

Landrover I was unable to see their footwear. Taking into account that I am 189cm tall and that a smaller person would see further, I then carried out a similar exercise with the assistance of the police officer who was driving the Landrover. The height of this officer, as provided by him was given as 5'9 ½" or 177cms. He indicated that my footwear disappeared out of view at a distance of 16.63 metres away from the front bumper of the Landrover. This exercise was conducted without any obstructions such as a driver, spare tyre or public order equipment being located between the person observing and the front windscreen of the Landrover.

3.4 At approximately 8.20pm that evening I accompanied police and inquiry team staff into Portadown town centre which had been closed to passing traffic. At the junction of High Street and Woodhouse Street I instructed the police officer driving the Landrover to position it as for LR3 as shown on a police scene plan or map reference page 259. I understand this map was prepared by one of the officers in the Landrover during the time of the incident on 27/4/1997. After having the police Landrover placed in the position marked LR3 on the scene plan, photographs of this position were then taken by a member of the inquiry team. Following this and with the assistance of two Inquiry team staff, who walked towards each of the various locations referred to at point 2 on **Appendix A**, I then conducted a number of observations to try and establish the likely range of vision from various sitting positions within the Landrover. This work commenced shortly after 8.30pm. Weather conditions at the time were overcast, damp (light showers) with a slight cross wind. Details of my findings for each of the six locations mentioned under point 2 were as follows:-

3.4.1 (view down High Street) From the *Front Driver* (FD) seat I was able to see both Inquiry staff walking down the middle or central reservation of High Street until they disappeared around the left hand bend of the road. A shop called 'Au Natural' shop is almost opposite this position, on the same side of the street as Woodhouse Street. This point is further down High street from the takeaway shop 'Subway' (previously known as Boss Hogs) which is on the opposite side of the

street, closer to Edward Street. Prior to both staff disappearing around the corner my view was obstructed due to parked cars and a bus shelter on the left hand footpath of High Street, looking down.

3.4.2 (View down High street) - No test conducted from the *Front Passenger* (FP) seat, as view was considered to be similar.

3.4.3 (View down High street) - From the *Rear Behind Driver* (RBD) seat. Sitting upright I was only able to see the footpath area outside Halifax Bank in front of Landrover. My view was similar to the driver if I lowered my head to look through area between the front seat passenger and driver's seat.

3.4.4 (View down High street) - From the *Rear Behind Passenger* (RBP) seat. Sitting upright I was able to see 5 – 10 metres further down footpath and roadway in the immediate vicinity of the Landrover on the left hand side of High street. As for the RBD passenger opposite, to see the road and improve my view down High street, I had to move forward from rear of Landrover and look between the front seat driver and passenger positions. The middle bar on the front windscreen did provide some obstruction to the view but this was very limited, depending upon how close one is to it.

3.4.5 (View of Banbridge Bus drop off) - From the (FD), (FP), (RBD) and (RBP) seats a view of the Banbridge bus drop off point, at bottom of the town in Bridge Street, was not possible from any of these four sitting positions.

3.4.6 (View of Herron's Country Fried Chicken) - From the (FD), (FP), (RBD) and (RBP) a view of this food takeaway, at bottom of High Street, was not possible from any of these four sitting positions.

3.4.7 (View of Boss Hoggs) - From the (FD) and (FP) seats I was able to see both Inquiry staff standing on the right hand footpath outside

Boss Hoggs, now known as 'Subway'. However due to a drop in the road I was not able to see their feet or lower leg area.

3.4.8 (View of Boss Hoggs) - From the (RBD) seat a view of this position was possible when I leant forward and down to look out the front windscreen OR turned to look close up through one of the two baton hatch slots on the side of the Landrover facing towards this area.

3.4.9 (View of Boss Hoggs) - From the (RBP) seat a view of this position was possible when I leant forward and down, to look out through the front windscreen OR looked through one of the two baton slots behind the driver.

3.4.10 (View of Thomas St) - From the (FD) seat turning my head to look behind over my right shoulder I was able to see up the centre of Thomas Street. My view was restricted to the centre part of the road alongside the British Legion Club, beyond which I could no longer see the two Inquiry staff walking up the road. The footpath on the left hand side of street could not be seen much more than about 15 metres from the junction with Market Street. I could see the faith Mission book shop on footpath on the right hand side. This is close to the right hand bend at the top of the hill in Thomas Street.

3.4.11 (View of Thomas St) - From the (FP) seat upon turning to look towards the area directly behind driver I was able to see up Thomas Street through the baton hatch slot nearest to the driver. My view was still restricted to the middle of the road and the faith book shop/public bar on the right hand side of the footpath. I could see slightly further than that from the FD position.

3.4.12 (View of Thomas St) - From the (RBD) seat I could not see Thomas Street unless I turned my body around to look through either one the two baton hatch slots on the driver's side of the Landrover or moved off the seat towards the RBP position to look at an angle

through either the window or baton hatch on the rear doors. From this position I was also able to see about half of the left hand side of the road, travelling up Thomas Street from the town centre, alongside the British Legion club. I was also able to see the footpath on the right hand side all the way up to the corner or right hand bend in the road.

3.4.13 (View of Thomas St) - From the (RBP) seat looking through a baton hatch opposite I could see the Thomas Street junction. However when I moved alongside the rear Landrover door I could see all the way up to the corner or right hand bend in the road. Looking through the rear door window or baton hatch slot, as indicated previously, I could see just over half of the left hand side or roadway on Thomas Street, the right hand footpath to the bend on the road. I was also able to see further up the footpath on the left hand side, about 25 metres from the junction with Market Street. This point is roughly outside an entrance to the Jameson's Sports bar.

3.4.14 (View of Woodhouse Street) - From the (FD) seat, without the obstruction of a front seat passenger, I was able to see slightly beyond the last or third streetlamp on left hand side of footpath. After this point the road turns to the left towards McKeever's pub and the Magowan shopping centre car park. On right hand side, looking down Woodhouse Street, I was able to see the footpath and road area beyond The Oak Bar. This was until approx 13-15 metres past a telegraph pole alongside the gable wall of the High Street Mall shopping centre. A similar view existed for the FP seat position.

3.4.15 (View of Woodhouse street) - From both the RBD and RBP seats it was not possible to see down Woodhouse Street from either the window or baton hatch slot on the rear doors of the Landrover. Observations could be made through either of the two baton hatch slots on RBP side of the Landrover. Looking through them from close up I had a similar view to that for the FP seat. However there was a

very slight difference in how far could be seen to the left at the bottom of the street to that from the FP seat.

3.5 Following this around 9pm, with the help of two Inquiry staff members, I then carried out two tests from inside the Landrover to determine my ability to hear noise or commotion occurring outside. This entailed me sitting in the driver's seat of the Landrover, parked in position LR3, with the passenger's door open and listening for any shouting or raised voices. Prior to these tests the baton hatch slots, rear doors and driver's door were closed securely.

3.5.1 The first test, point 3 (b) on **Appendix A**, entailed Inquiry staff standing at the corner of Thomas Street/Market Street raising their voices and calling up Thomas Street. Initially with the Landrover engine on and without the police radio in operation, I was unable, over roughly a minute period, to hear or distinguish any sounds that drew my attention. Subsequently with the engine off and the air conditioning blower, radio and other vehicle equipment turned off, I was able to hear shouting. Although not able to clearly distinguish what was being said I did hear and record something similar to what was being shouted.

3.5.2 The second test, point 3 (a), entailed Inquiry staff standing outside the British Legion and calling down Thomas Street. Sitting in the FD seat with the passenger door open and the engine off I did hear the shouting but was unable to distinguish what was being said. At the time of this test a front seat passenger was sitting in the Landrover and talking periodically. No test was conducted relating to the same exercise with the engine on.

3.6 Potential variables which it is suggested may need to be taken into account with regard to the different results I have provided for these very subjective tests include:-

- a) The inability to replicate the exact level of internal noise distraction within the Landrover, i.e. police radio and general conversation that may or may not have been taking place, at the relevant time.

- b) No recording or indication is available as to how loud or audible the shouting by Inquiry staff was.
- c) The level of my own hearing ability against others doing the same exercise.

Note: On the 19th June 2009 I attended Hidden Hearing offices, High street in Belfast for a hearing test. My hearing test resulted in it being determined that I had a 35% High frequency tone loss in my left ear. Taking on board the result of my hearing test and advice received I have since the 26th June 2009 wore a hearing aid in my left ear.

- d) The unscientific nature of the test procedures used and the many variables that could impact upon results.
- e) The effect of the weather conditions i.e. wind direction and speed at time. Information has been obtained from the Met Office Central Climate Unit at Fitzroy Road, Exeter, Devon relating to the mean wind direction and speed recorded at Glen Anne weather station at 9pm on the 23/4/2009. This reveals the wind mean direction as 180 degrees (blowing from South to North) and wind mean speed of 5 knots. Glen Anne weather station is approximately 13 miles away from Portadown. These details and further wind information for the preceding 24 hours are outlined on **Appendix B**.
- f) The absence, due to the pressure of time, of a hearing test from the front passenger seat area, area closest to the open door, where from experience I would expect, without distraction, my hearing ability to improve.

3.7 Following this I then carried out observations to determine the likely level of eyewitness view from three different locations listed as (i) to (iii) below. The requirement was to determine whether or not I could see either the Landrover or people standing by it (taken as passenger door side) while parked at position LR3. Where it was not possible to see the Landrover or people alongside, it is indicated at what point I could. Details of my findings are:-

- (i) **By British Legion on Thomas St** – A view of either the back part of the Landrover or people talking at the passenger door side was not

possible from directly outside the British Legion Club entrance or on the footpath alongside. However a view of the back part of the Landrover was possible, from around the centre of the left hand lane in Thomas Street, alongside the British Legion entrance.

(ii) **By McKeevers Public house on Woodhouse Street** – A view of either the back part of the Landrover or people talking at the passenger door side was not possible from McKeevers Public House. The engine or front part of the Landrover first came into view while walking along the left hand footpath towards Oak Public House. This was approx 15m short of a telegraph pole on the same side of the footpath, alongside the side wall of the High Street Shopping Mall.

(iii) **The summer seats.** – A view of the rear and passenger side of the Landrover is possible from all of the summer seats with the exception of certain parts of the two summer seats located directly against the railings of St Mark's Church. In front of both is a large statue which depending upon on where seated on the summer seat behind it does prevent a view of the Woodhouse Street/Market Street junction or Landrover position LR3.

3.8 On the 1st June 2009 I returned to Portadown to clarify some pedometer measurements and noted further information pertaining to the area where the summer seats and British Legion are located. Further facts established are:-

- a) There are a total of six metal summer seats in this area in front of St. Mark's Church where a monument and statue are located. Four seats face towards Market Street and two towards the church.
- b) The front pair of summer seats facing down Market Street towards High Street is approximately 75 metres away from the junction with Woodhouse Street.
- c) The two seats, up against the church railings, are about 30 metres back from the two other front facing seats, closest to Thomas Street.

- d) The foliage and growth of trees located within the central reservation, in front of the nearest two summer seats during daytime did not obstruct my view of the Woodhouse Street or Market Street junctions.
- e) Thomas Street currently is subject to parking restrictions, namely that vehicles are not permitted to park in the road on Monday to Saturday between 8.30am to 6.30pm. During my observations on the 23rd April 2009 a number of vehicles were parked on the right and left side of the road in Thomas Street. While I sat inside the Landrover those on the right side of Thomas Street did obstruct my view of pedestrians walking on the footpath.
- f) It is not known if the lighting conditions are the same now as they were in 1997 or if any alterations have been made whether these might have made a difference to the results. Street lights are currently located at the bottom end of Thomas Street, on Market Street beyond Thomas Street towards St Mark's church and on the central reservation area at either side of the pedestrian crossing which runs between Thomas Street and Woodhouse Street. The latter lights consist of two separate lamps which light up both sides of the main road.
- g) You can see directly up the footpath alongside the British Legion in Thomas Street when standing on the left hand footpath of Woodhouse Street, facing away from the High Street/Market Street junction.
- h) Standing on the footpath at the right hand bend in Thomas Street, on the opposite side of the road to the British Legion, it is possible to see almost the entire 'Give Way' triangle painted on the road at the Woodhouse Street/High Street junction.

3.9 At 11.30pm on the 4th June 2009 I returned to Portadown to test eyewitness views, in particular whether a crowd standing by the mouth of Thomas Street could be seen and if so would it be well enough to recognise a known individual from the area of the summer seats. Accompanied by a relative I sat on each of the two front facing summer seats closest to the

Thomas Street junction. When this person initially stood on the footpath at the corner of Thomas Street I was able to see the person from both seats. However I was unable to recognise the person. Only after walking across the mouth of Thomas Street along Market Street towards St Mark's church, was I able to make out the person's height, outline and other details such as hair length and clothing type. Although visible to me at all times I found it extremely difficult to recognise this person from my position on each of the two summer seats. I eventually did begin to recognise this person when walking along the footpath on Market Street towards me, as they approached a street light.

3.10 Some factors which I believe which might well have had a bearing on the results of my observations from the summer seats were:-

- a) The clothing worn, a navy top and light coloured trousers, was not in any way distinguishable or identifiable to the person.
- b) The dark clothing set against the background of black shutters of the corner building on Thomas Street hindered my efforts initially to distinguish the person's outline let alone their identification.
- c) The distance the person was standing out by the mouth of Thomas Street. Further out towards the centre of Market Street there is other street lighting sited.
- d) The effect of the orange coloured, (possible sodium type), street lighting. At the time all the street lights in Thomas Street, Market Street and on the central reservation, covering both sides of the main road, were working.
- e) The fact that it was night time. Dark coloured items such as tree trunks and lampposts between me and the junction/person tended to stand out more than during daylight.
- f) The weather conditions were dry, calm and relatively mild.
- g) I knew and was expecting to see the person whom I was looking out for.

- h) As I was specifically looking for a particular person I believe this may have helped me make a quicker identification than had I not known of this person's whereabouts in the area at the time.

3.11 On 9th and 18th May 2009 I went to Portadown and carried out a number of walking tests to determine likely timings between various points at different speeds. Each measurement is taken from a particular location to the Thomas Street/Market Street junction. A traffic light pole at the pedestrian crossing, outside the Alliance & Leicester Building society on Market Street, (opposite the entrance to Thomas Street) was taken as the fixed point for all measurements. This point is at the corner with Woodhouse Street and close to the rear of where the police Landrover was parked, in position LR3. A Sketch showing the Thomas Street /Woodhouse Street junction can be found at **Appendix F**.

3.12 Full information as to the time taken to travel between the pedestrian crossing on Market Street, opposite Thomas Street and the various locations requested, walking at three different paces, are outlined in the table on the next page.

Table 2.

	Walking to	Walking to	Fast	Medium	Slow
A	Drop off or bus stop for the Banbridge bus Route along left hand side Market st past Subway to the junction with Thomas Street.	Thomas St/Market St junction.	1min 42 seconds	2min 27 seconds (313 s)	4mins 38 seconds
	Drop off or bus stop for the Banbridge bus Route via front Herron's CFC up right hand footpath opposite Subway to Woodhouse St. junction.	Thomas St/Market St junction.	2 mins		
B	Herron's Country Fried Chicken (CFC) Route across High St past Subway along footpath to Thomas St. jction	Thomas St/Market St junction.	1min 38 seconds	2mins 03 seconds (240 s)	4mins 27seconds
C	Boss Hoggs (now Subway) on High Street. Route taken along footpath to Thomas St and cross road.	Thomas St/Market St junction.	1min 9 seconds	1min 27 seconds (160 s)	2mins 46 seconds
D	Portadown Police Station on Edward Street. Route along Edward St. across road near Market St junction on footpath towards Thomas St.	Thomas St/Market St junction.	1min 48 seconds	2mins 34 seconds (321 s)	5mins 11 seconds
E	McKeevers Public House on Woodhouse Street. Route along same side of bar crossing road near junction with High street.	Thomas St/Market St junction.	1min 36 seconds	2mins 19 seconds (284s)	4mins 36 seconds
F	Royal Oak on Woodhouse Street. Route along same side of the bar crossing road near junction with High Street.	Thomas St/Market St junction.	42 seconds	1min 6 seconds (108s)	1 min 45 seconds
G	Mandarin House Chinese on West Street. Route along West St. crossing road at Magowan centre onto left hand side towards Market Street.	Thomas St/Market St junction.	2mins 8 seconds.	2mins 49 seconds (343s)	6mins 16 seconds
H	Cam Hing at 70 West Street (top of town) Route along West St past No 70 crossing road at Magowan centre onto left hand side to Market St.	Thomas St/Market St junction.	3mins 35 seconds	4mins 39 seconds (533s)	10mins 21seconds
I	St Patrick's Hall on Thomas Street. Route along right hand side of Thomas St. going towards Market Street.	Thomas St/Market St junction.	2mins 7 seconds	2mins 51 seconds (347s)	5mins 50 seconds

3.13 Bearing in mind the unscientific nature of these walking exercises and that my stride and speed did vary, particularly when walking slowly, the information provided above should only be taken as a rough guide.

3.14 A description of each of the three paces used to draw up this data is:-

- a) Walking at a fast pace - conducted in a purposeful or rush to get home mode. This was at a rate of around 130 to 135 paces per minute.
- b) Walking at medium pace - conducted as for my normal walking pace, with no rushing or hanging about involved. This was at a rate of around 105 to 110 paces per minute.
- c) Walking at slow pace – This did not involve any stopping but was conducted in a slow or ambling pace. This was at a rate of around 65 to 70 smaller paces per minute.

3.15 A pedometer was used when recording information relating to this walking pace. The pedometer used was set at my average stride length of 70cm per stride. The number of steps taken is shown in brackets below the time recorded to walk the distance.

3.16 The width of High Street varies at different points. Crossing both lanes of High Street at medium or normal pace (approx. 38 steps) from Subway (previously known as Boss Hoggs) to the Cookery Nook opposite took around 20 seconds. However, crossing the pedestrian crossing at the junction with Thomas Street/Market Street at medium or normal pace (approx 20 steps) took around 12 seconds.

3.17 The answers to Points 7 and 8 on **Appendix A** are not known to me. I have never been stationed in Portadown and am unaware of the position in 1997 as to which Public Houses would be turning out customers after 1 am in the vicinity of the Thomas Street/ Market Street/ High Street/Woodhouse Street crossroads or if any have a predominant clientele from one side of the community or the other. I am not aware of the various trends and habits that existed in 1997.

3.18 Within appendix S of a earlier report I prepared for the Inquiry I refer to report D106 from Mr [REDACTED] MBE, a retired police Sergeant who worked as the Operational Planning Sergeant for Portadown Sub division during the period 1993 to 1999. Mr [REDACTED] refers to the location of known flash points or interfaces separating communities and some of the problems that often occurred there. Some specific comments he makes includes:-

(1) "Most incidents at the Woodhouse House/Market Street/Thomas Street/High Street intersection] occurred between youths exiting Protestant public houses in Thomas Street and other areas of Portadown and Roman Catholic public houses in Woodhouse Street (at the time there were three). In addition, many young people travelled by special buses to places of entertainment outside of Portadown. Protestants from Portadown favoured the Coach Inn in Banbridge, while Roman Catholics favoured the Glengannon Inn in Cookstown."

(2) "It was relatively unusual for patrons from St. Patrick's Hall to become involved in sectarian incidents as the clientele of these premises tended to be older, more moderate in outlook and less influenced by alcohol."

(3) "It was a 'normal' weekend in Portadown. The one feature of this particular night that was not 'normal' was that the bus from the Coach Inn, Banbridge, returned to Portadown unusually early. Thus with the addition of youths from the Portadown Rugby Club, there were Protestant youths in numbers."

3.19 In response to a request for any relevant material known to Inquiry staff on point 7 I have been informed of some information on nine public houses or clubs, located both in and outside Portadown town centre. These I understand have been referred to or mentioned during the Inquiry by various witnesses. The information supplied by Inquiry staff for each is as follows:-

Thomas Street

(1) Jameson's – last orders between 12.30 am – 12.45 am, witness evidence is that the last customer would have left by 1.30 am. Oral evidence of bar staff was that people from both sides of the community would drink there albeit it predominantly Protestant.

(2) British Legion – written evidence of staff was that the bar closed promptly at 11 pm albeit there is some dispute about when the staff left (alarm set at 3.07). No evidence about the background of the clientele.

Woodhouse Street

(3) McKeever's – written & oral evidence that this was attended by witnesses from the Catholic part of the Community. The evidence of Colin Hull was that he and Dermot Mc Neice may have been the last to leave at 1.30am.

(4) Royal Oak – written evidence of Colin Hull & Dermot Mc Neice was that this was shut when they walked past around 1.30 am. No evidence as to the backgrounds of clientele.

High Street

(5) Ronnie's Bar - described by Timothy Jameson as midway between Edward St & Thomas St. No evidence about backgrounds of clientele. Located at 5 High Street, Portadown

(6) Classic Bar – mentioned by two Protestant witnesses (Dennis Hayes & Stephen Bloomer) but position on High Street not known. - Located at 23 High Street, Portadown

Mandeville St

(7) Bennett's bar – mentioned by Protestant witness (Shelley Liggett) - Located at 4 Mandeville Street, Portadown.

Out of town

(8) Rugby Club – This is situated some distance from the bottom of the High Street however some Protestant witnesses walked from it up the High Street. - Located at 287 Bridge Street, Portadown

(9) Buffs Bar – Protestant witnesses walked from this bar up the High Street (see evidence of Lunt family)

A number of the above locations can be found on **Appendices D and E**.

3.20 In response to a request for any relevant material known to Inquiry staff on point 8 I have been supplied with the following two pieces of information :-

(1) ‘Gerry Hamill (the doorman for St. Patrick’s Hall) said that people started leaving from 23.30 (Inquiry Witness Statement paragraph 10, p 80388). The witness evidence is not consistent as to when the music stopped but it is some time between 1-1.30 am. Gerry Hamill indicates there were some 200 people at the Hall with some 150 remaining at 1.30 am. At paragraph 4 of his Inquiry witness statement he indicates that some would leave on foot but only in groups of 3 or 4 not alone. He indicates also that there was a crowd waiting for taxis outside the Hall.’

(2) ‘There is no information as to the likely number of taxis available or as to the existence of any other venues from which members of the Catholic community would be walking down Thomas St after 1 am.’

3.21 It is difficult to comment specifically as to the extent of the Landrover crew duty of vigilance, without knowledge as to what directions they were given as to their duties and how to patrol the town centre to deter public disorder etc. Was the same patrol routine adopted by all other police officers performing the same weekend duty in the weeks before? Personal knowledge as to the nature and seriousness of past incidents, which have occurred in the area, I feel should also have a bearing as to the extent of an officer’s vigilance. During patrols it was my experience that specific locations, such as

flash points, Clubs, Public Houses and taxi pick up points might well be identified to patrols to pay attention to during the course of their duty and at specific times when disorder may be prevalent. The policing of these matters could well entail specific instructions from a supervisor or left to the initiative of the individual senior officer on patrol. The extent of those points the patrol where to cover and what was expected of them in particular circumstances and times, for example when the Banbridge bus got back, is not known. This includes whether it was routine or expected by supervisors for officers in the Landrover to dismount from their vehicle at specific flash points such as when a large contingent may be returning home through the town, from bars or clubs, to help deter any trouble starting.

3.22 Police officer's talking to civilians is not precluded in such circumstances. I often recall such action as being a useful way to defuse and deter situations getting out of hand. However whether under the influence of alcohol or not I could never rely upon this tactic working at all times and so had to be alert to other options.

3.23 Full details are unknown as to the number of flash points or locations within Portadown which were prone to trouble in 1997. This local knowledge together with information as to supervisor's directions to the Landrover crew may help give an indication as to whether or not instructions were complied with. The extent of likely flash points in Portadown due to the Drumcree situation together with the lack of resources may have led to a culture of using Landrover presence or patrolling as a the main deterrent and insufficient emphasis put on the use of officers standing out to deter trouble? My experience has been that even when purposely sitting within a Landrover to observe activity, this is done by either watching ahead or opening the rear doors for the rear seat passengers to have a good view behind and to each others side. However even when doing this it is still difficult to see all as there may still be a number of blind spots. Officers may also sit within a Landrover for security reasons. However some might argue that depending upon the nature of the threat sitting inside a static Landrover may make them more vulnerable to attack in certain situations.

3.24 As a police officer working within Northern Ireland I often experienced driving and being a passenger in grey coloured police armoured Landrovers, similar to that shown on the virtual reality presentation used in the Robert Hamill inquiry and provided for use in Portadown on the 23rd April 2009.

3.25 I am aware that various obstructions, such as a spare wheel, riot shields, body armour, police cones and signs can sometimes be placed in the rear of a Police Landrover, towards the front. If any such items are present it is my experience that these would make it much more difficult for a rear seat passenger to see out the front of the Landrover.

3.26 Other variables might well distort or impact upon the observation and hearing information contained within this report. These include whether the position LR3 was the same as that for the Landrover on the night in question. Further matters I would suggest need to be taken into account, the extent of which might well add or take away from the findings provided, include:-.

(1) How similar or otherwise is the Landrover used on the 23rd April 2009 to that which the officers were in during April 1997? The log book for the Landrover used in the reconstruction on the 23rd April 2009 refers to it having been 'refurbished in 1999'. The first log book entry of police use for this Landrover is recorded as the 8th June 1999.

(2) The direction of the wind on the 27th April 1997 and whether this was towards or away from the Landrover. As one looks down Woodhouse Street, from the junction with Market Street, it faces in a north westerly to north direction. The weather report for time of incident is attached at **Appendix H**.

(3) How good or otherwise was the hearing and eye sight of each officer who was in the Landrover.

(4) How similar or otherwise was the weather conditions during these tests to that on 27th April 1997. If cold or damp, there might well have been condensation build up inside and over the windscreen and baton hatch slots thereby reducing vision. Details relating to the hourly readings for rainfall, humidity, air temperature and cloud cover from Glen Anne weather station for the period 22:00 22/04/2009 to 22:00 23/04/2009, covering the time of these vehicle observation tests on the 23rd April 2009, has been obtained from the Met Office and are attached at **Appendix C**.

(5) The level of cleanliness of the outside of the vehicle windows and baton hatch observation slots were at the time.

(6) The level of any other distraction(s) or inattention within or outside the vehicle and its consequential impact.

(7) The extent, type and nature of street lighting in place and working at the time.

A handwritten signature in black ink, appearing to read 'Ken Armstrong', with a large, stylized flourish at the end.

Ken Armstrong

Dated 23rd July 2009