

DRAFT LETTER

Miss Diane Hamill



I wrote to you on 23 December, explaining that the Attorney General's office would be writing to you. Since then I have received a response from the Chief Constable. He has, very helpfully, given me information on which to respond to a number of the policing-related points you made. I should say, however, that (and I have made this clear to you throughout) it is not appropriate for me to comment on evidential issues or other related points which are under investigation. These issues must be dealt with through the investigations.

I have dealt with the matters you raised in the order you raised them.

Press statements

The police sometimes have a difficult job in issuing statements. On the one hand they are asked to give as much information as possible, and as quickly as possible. On the other, they want to ensure the integrity and accuracy of the information. It is sometimes difficult to reconcile the two.

Agreed re-out!

The police accept that they got it wrong in the case of Robert's murder. The press release which issued at 6.00 am on 27 April referred to "two rival factions". They acknowledge, with the benefit of hindsight, that this was not appropriate. Their second release was also issued on 27 April. Its aim was to appeal for witnesses to come forward to assist the investigation. The third release, on 30 April, was judged to be appropriate and necessary because of the allegations that the officers in the landrover had failed to act. The circumstances surrounding their behaviour are currently the

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unintentionally misleading

Out ?

From legal Advice

subject of an investigation which is being supervised by the Independent Commission for Police Complaints.

Finally, on 7 May, a fourth release was issued at the request of the investigating officer. It again appealed for witnesses to come forward. In addition, because of the continuing media interest and because of the facts that were coming to light from the investigation, the opportunity was taken to put the record straight for the press on the circumstances surrounding the death.

out In your letter you ask whether I have ordered an investigation into this aspect of the case. I have not. The issues surrounding the alleged inactivity or otherwise of those in the police landrover are being investigated. ~~and the Chief Constable, having considered the matter personally, is satisfied that~~ *out* there was no attempt by the police to be duplicitous in releasing the statements.

Investigation of the complaint/suspension

The Independent Commission for Police Complaints is currently considering the police investigating officer's report into your complaint. The Commission member may issue a statement of satisfaction with the investigation, in which case the file will be sent to the Director of Public Prosecutions, or may ask for further enquiries to be carried out. The Commission will write to you once it has issued a statement.

The question of suspension of officers is a matter for the police and decisions in this area are taken after consideration of various factors, including the seriousness of any allegations, and the availability of admissible evidence which would be likely to secure the conviction of officers for any criminal or disciplinary offences. The police review the issue of suspension at all significant stages in complaints and discipline investigations, including when recommendations are made by the investigating officer and when decisions are made by the Director of Public Prosecutions and Independent Commission for Police Complaints concerning any criminal or disciplinary proceedings. (Although, therefore, your sizeable petition is something the police could not have failed to take notice of, it is not of itself conclusive.)

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Petition should have no bearing on any decision to suspend.

The issues of sick leave and ^{but.} claims for compensation made by the officers in the landrover are personal matters ~~between the officers and the Police Authority~~. It would not be appropriate for me to comment on them. //

What I can say, however, is that whether an officer is on sick leave or not has no bearing on the application of the criminal law or the disciplinary regulations to him or her. In other words, investigations can be and are still carried out, and reports completed, whether or not an officer is on sick leave. In addition, any compensation claims made by these officers or any others, would be considered against established criteria.

Your letter asked why the police allowed a crowd to assemble at a known flashpoint and asked about their failure to warn Robert and his friends of the presence of a crowd. Obviously this ties in with the investigation of the complaint of neglect of duty. I understand, however, that the reason the police were in this vicinity in the first place was because it is an area that attracts crowds, including those getting off buses and walking home, or visiting the local hot food bar.

Charges

I can understand that your family's suffering has been compounded by the withdrawal of charges by the Director of Public Prosecutions against five of the six men charged with Robert's murder. The DPP, however, is the ultimate prosecuting authority and it is his decision as to whether or not prosecutions should proceed. I believe the Attorney General's office deal with this point in their

letter and record that Mr Hobson is to be proceeded against. ?

check ✓

Is this correct
DICI Supt MCB. to update.

Forensic/identification evidence

↑ Mr. Kitson, DPP's office says this is correct, and happy for it to be included.

A number of the points you make concerning this are the subject of the investigation which is looking at the conduct of the officers. The investigation is looking at their reaction and conduct throughout the incident.

Relationship between officers and defendants

The allegation that some officers and some defendants had links has been included in the criminal investigation and will be considered by the Director of Public Prosecutions.

Incidents outside your home and at the Maze court

I was appalled and sorry to hear about the incidents outside your house and I know that there have been others in the town centre.

I understand that your complaint about one of the incidents is currently being investigated under the supervision of the Independent Commission for Police Complaints.

In relation to the Maze court, I understand there were two police officers accompanying each of the three defendants, as is normal practice. Three additional officers were brought into the court on this occasion as a precaution, not least because of comments passed between the defendants and a defence solicitor, and your family. This would seem to me to have been a sensible step in the circumstances, especially as the court is a small one.

Video evidence

An additional point you made at our meeting was the availability of video evidence. You questioned whether or not there was any such evidence available. The police, of course, made extensive efforts to establish whether there was video evidence and were not able to find any relevant footage. They are not aware, therefore, why you believe that the landrover was on video. If, of course, you know of a source of video evidence you should make this information available, to the police, ~~to the ICPC or to the DPP.~~

or the ICPC.

I have tried through this letter to answer as many of your questions as it is possible to answer while investigations are ongoing. I also want to say that, as far as I can tell, everything possible is being done to pursue those who murdered your brother and to conduct a full and thorough investigation into the conduct of the police officers in the landrover. I am afraid I have to repeat,

the failure of your family and friends, and others, to co-operate with the complaint investigation has not helped the process or ensured its first stage has been completed as quickly as it might have been.

If there are other questions which you have then I am sure that the Director of Public Prosecutions, or Attorney General, or the Chief Constable will try to answer them, but with the proviso that they cannot get into detail on issues which are the subject of investigation.

