

Telep
BELFAST

Supt Anderson

Forwarded for your information
I have put a copy in orange

Jacket

Boyer

Ms [REDACTED]
Director

Dear Ms [REDACTED]

BRITISH IRISH WATCH - ROBERT HAMILL

I refer to your letter of 19 June 1997, the contents of which have been carefully considered. I will deal with the matters you have raised in the order you raise them.

With regard to the appointment of Detective Chief Superintendent McBurney to supervise the investigation of this complaint, he is a CID officer of long-standing and great experience. His appointment, as you are aware, was approved by the Independent Commission for Police Complaints for Northern Ireland (ICPC). Furthermore, contrary to any impression which may have been created in previous correspondence with Ms Hamill, D/C/S McBurney is not based at Portadown; neither are Superintendent Anderson or C/Inspector Bradley. Portadown was chosen as a logistical centre for the enquiry, for a number of reasons, not least of which was the fact that the incident took place in Portadown and there were a considerable number of witnesses whom investigating police were, and are, interested to trace and interview.

The investigation encompasses the criminal and disciplinary aspects of the complaint made to the RUC on behalf of Ms Hamill, and also the broader aspects of the circumstances of the disturbance which resulted in the death of Mr Robert Hamill. You will be aware that 6 persons have been charged with his murder, and a further 2 persons will be the subject of a report to the Director of Public Prosecutions.

I can confirm that no police officer attached to Portadown sub-division will be involved in determining the nature, scope or direction of this ICPC supervised investigation. These are matters for the investigating officer (D/C/S McBurney) and the ICPC supervisor who can, if necessary, impose wide-ranging requirements regarding the conduct of the investigation. At the termination of the investigation, the investigating officer will submit his report on the investigation directly to the ICPC (copied to the Chief Constable) - without referral to officers attached to Portadown sub-division. However, under legislation and the Secretary of State's Guidance to the Chief Constable

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on Police Complaints and Discipline Procedures, obligations are placed on both the ICPC and the Force to inform members of the Force, whose conduct has been investigated, when significant decisions have been taken. You will appreciate, that we are therefore obliged to inform officers under investigation of the progress of the enquiry.

Turning to the issue of appointing an 'external' investigating officer, there are a variety of factors which are taken into account when such appointments are being made. These will include, *inter alia*, the rank and experience of the investigating officer, the rank of the members against whom the allegations have been made and the nature and extent of the allegations. The RUC are content that in this investigation, which is being supervised by the ICPC (who approved the choice of investigating officer) the appointment of an external investigating officer was not warranted.

Regarding the matter of suspension, this aspect is continually kept under review. Where necessary or appropriate, arrangements will be made, at any stage of the investigation process, to suspend officers whose conduct or behaviour warrants such a course of action. In your letter you allude to sectarian abuse which regrettably the Hamill family have experienced since Robert's murder. The RUC is aware of one such instance having been reported to police at Portadown, however no person has as yet been made amenable. I would however request you to pass on to the Hamill family that should any further such instances be reported to police, they will receive our full assistance and attention.

I trust that my response to the points you have raised goes some way towards meeting your concerns and those of the Hamill family who were so tragically bereaved.

Yours sincerely,

C. W. A. [Signature]

Chief Superintendent
for Chief Constable