

SUBJECT:- BRITISH IRISH RIGHTS WATCH - ROBERT HAMILL

64.

Superintendent
Command Secretariat

Please find attached a draft reply to [REDACTED], Director of British Irish Watch, which refers to her letter dated 19 June 1997. I also attach a copy of D/C/Superintendent McBurney's letter to Ms Hamill of 22 May 1997.

It is believed that this matter was referred to the ICPC under article 8(1) of the Police (Northern Ireland) Order 1987, by the Chief Constable. This referral was made prior to receipt of a formal complaint, which was received at Gough Barracks on 7 May 1997, in the format of a letter from [REDACTED] (solicitor acting on behalf of Ms Hamill).

When that formal complaint was transmitted to the ICPC by 'G' Department, in the absence of written confirmation of the article 8(1) referral, the ICPC undertook supervision of the case under article 9(1)(a). This means the ICPC effectively took the decision to supervise the matter as a "complaint alleging that the conduct of a member of the police force resulted in the death of or serious injury to some other person"; as opposed to discretionary supervision under article 9(3)(b) "of any matter referred to it under article 8(1)".

To ensure that the ICPC's, and also this Department's records accurately reflect the perceived sequence of events in this case, it would be important to ensure that written confirmation of the article 8(1) referral is transmitted to the ICPC as soon as possible.

On a more general note, it would also be important in any future article 8(1) referrals, to indicate to 'G' Department, in writing, that this course of action was being/had been contemplated/taken. This would ensure that accurate records are maintained in 'G' Department and obviate any confusion which may arise at the ICPC.

I would suggest that any draft reply to the current correspondence be agreed with the investigating officer and the ICPC, whom I believe may also have received a similar letter from the British Irish Rights Watch. Equally, the aspect of the police response to the alleged sectarian abuse should be verified with the SDC at Portadown.



A O Hays
Assistant Chief Constable
'B' & 'G' Departments

44407

27 June 1997