

Reference C40/7/97

SUBJECT: MEETING WITH ROBERT HAMILL'S FAMILY - MONDAY 24.11.97

Staff Officer to  
Chief Constable

The attached papers refer. To assist in understanding this report, it may be necessary to refer to the attached Appendices.

1 Press Statements

- 1.1 Please see report from Superintendent [redacted] Deputy Chief Information Officer at Appendix A. Press Release No 1 was issued at 0600 hours on the day of the incident, 27.4.97. The offensive part of the release is apparently the reference to "rival factions". The Press Duty Officer took the information in respect of this press release from an MHS issued by local police in Portadown which referred to "two rival factions". With hindsight, it is accepted that the use of this phrase may not have been very appropriate, however, its use reflected the local police perceptions at that time.
- 1.2 Press Release No 2 was issued later on the same date by way of an update and an appeal for witnesses to come forward.
- 1.3 Press Release No 3 was issued on 30.4.97 by ACC Hall, in response to criticism from the SDLP regarding the alleged lack of intervention by the Landrover crew.
- 1.4 Press Release No 4 was made on 7.5.97 at the behest of the senior investigating officer, to appeal for witnesses. The opportunity was taken to clarify the situation with the phrase, "It now appears clear that 4 people, 2 couples who had left a social event in St Patrick's Hall, were set upon by a large crowd. This was the result of fairly intensive investigations by the police."
- 1.5 Superintendent [redacted] points out that the police were simply doing their best to satisfy media demand and there was no attempt to be duplicitous about this matter.

2 Suspension of Police Officers

- 2.1 Please see a report from Superintendent [redacted] regarding the involvement of 'G' Department (Appendix B). Superintendent [redacted] quite rightly points out that there has not been an inquest into the death of Robert Hamill and some facts cannot be disclosed to the public as they are *sub judice*. It is recommended that the Secretary of State be advised as follows, in this respect:

"Decisions regarding the suspension of police officers are taken after consideration of various factors, including the seriousness of allegations and the availability of

admissible evidence to secure the conviction of officers for any criminal or disciplinary offences and also the contents of paragraphs 11.42 of the NIO Guidance to the Chief Constable on Police Complaints and Discipline Procedures. The issue of suspension is reviewed at significant stages in Complaints and Discipline investigations, including the stages when the recommendations of the investigating officer are made and the decisions of the DPP and ICPC are taken respectively regarding any criminal or disciplinary proceedings. To date no police officer has been suspended in connection with the ongoing investigation."

2.2 Please note Superintendent [REDACTED] further comments at paragraph 5 where he quotes an earlier reply to the Secretary of State from Command Secretariat.

### 3 Sick Leave etc

3.1 D/Inspector Irwin, Portadown (Appendix C) reports that members of the Landrover crew availed of sick leave as follows:

- (a) Constable A Neill - from 10.6.97 until 11.12.97 - returned to Section duty;
- (b) Reserve Constable P40 - from 13.5.97 until 22.10.97 - returned to Section duty;
- (c) Reserve Constable D Cornett - remains on sick leave from 29.5.97; and
- (d) Reserve Constable R Atcheson - remains on sick leave from 10.9.97.

3.2 Apparently the periods of sick leave are related to the incident on 27.4.97. Constables Neill, P40 and Cornett have each submitted criminal injury claims in relation to verbal and physical abuse at the time of the incident, plus distress caused by allegations made during the investigation.

### 4 Crowd

4.1 In relation to the movement of the crowd and why they were allowed to assemble at flash points, the situation is as follows:

- (a) Every Saturday night several buses convey people from Portadown to The Coach Inn, Banbridge and back again. One of the stops is at Bridge Street, Portadown. Many of these people then walk to their homes via Market Street/High Street in groups of varying sizes.
- (b) In addition a local chip shop known as "Boss Hogg's" in Market Street also attracts groups of people and individuals to the area.
- (c) At the material time there were different groups in the area making their way home or to "Boss Hogg's". It

would now appear that these diverse groups were drawn together either through direct involvement in the assaults or curiosity. Police estimate that numbers may have been in excess of 50. (See Annex 'B' of Appendix A.)

4.2 The police officers in the Landrover had taken up a position to monitor the crowd movements through the area. A short time prior to the incident in question they had dealt with a confrontational situation in Woodhouse Street/Market Street between two male Protestants and one male Catholic. As a result of this, some of the Landrover crew were engaged in a discussion with 2 of these persons. It was during this period that the assault at Thomas Street/Market Street took place. This was located on the opposite side of the road to the Landrover.

## 5 Charges

5.1 No one was charged immediately after their initial arrest because there was insufficient evidence to sustain a charge despite intensive police investigations in the early stages. It is always open to the police, however, to prefer charges following such evidence becoming available (see paragraph 6.3). The reasons why charges were withdrawn is a matter for the DPP and is based on the evidence then available. In this instance 2 of the civilian witnesses who initially identified the alleged assailants subsequently withdrew their evidence. Both witnesses were from the Protestant community. One other witness, Mr Prunty, a member of the Catholic community made a wrong identification and, I understand, that the Hamill family was instrumental in causing confusion regarding this identification.

5.2 I also understand that during consultations Mr Prunty indicated to DPP Professional Staff that when the Landrover crew realised what was happening they did what they could but were heavily outnumbered. This was disclosed in confidence by senior personnel within the DPP and should not be disclosed at the present time to the Secretary of State (see para 5.3).

5.3 The investigation into the actions of the Landrover crew by D/Chief Superintendent McBurney have almost concluded and the indicates are that they did their very best in extremely difficult circumstances. This matter will be the subject of a report to the Director of Public Prosecutions and nothing we say should pre-empt his decision. Again, therefore, these details should not be disclosed.

## 6 Lack of Forensic/Identification Evidence

6.1 The police were badly outnumbered in what was a very fluid situation, but were able to make one arrest. However, this was not connected with the assault on Mr Hamill. The arrested person was named Lunt. He was "checked out" in the Landrover and his identification was confirmed. The police officer involved in this arrest/identification was unaware of Lunt's previous suspected involvement in the Hamill

assault. However, as she was releasing Lunt, Prunty came across and asked why Lunt was being allowed to leave. This is a very important issue because, during consultations with the DPP, Prunty identified Lunt, not by name but by description and circumstances, as being one of the assailants. On him subsequently being shown a video in the Hamill family home, Prunty changed his identification evidence and named another co-accused, Dean Forbes. The video in question was news coverage of the release of Forbes and others from Court following the withdrawal of the charges against them. When the Hamill family put this to the DPP, further consultations took place between the DPP and Prunty. The DPP then directed that the charges against Lunt also be withdrawn.

- 6.2 Clothes were seized on 6.5.97 from 2 of the accused, Forbes and Bridgett. However, as there was no evidence to charge either of these persons, at this stage, they were released on bail pending further enquiry. A third person was also arrested on this date, however enquiries revealed that this was a mistaken identity and this person was released without charge.
- 6.3 On 9/10.5.97 two eyewitnesses made statements in respect of the assault on Mr Hamill and, resulting from this, searches and arrests were carried out on the early morning of 10.5.97 and 6 persons were subsequently charged. A further 2 persons were arrested on 15.5.97 and were released pending report to the DPP.
- 6.4 One of the police officers identified a person "kicking at" Mr Hamill, however, due to the circumstances at the time he was unable to effect an arrest. The suspect was not positively identified as Mark Hobson until the night of 9.5.97, following which Hobson was arrested on 10.5.97. Hobson is currently charged with Mr Hamill's murder.
- 6.5 The officer in this instance is the subject of a complaint.
- 6.6 D/Inspector Irwin quite rightly points out that forensic evidence on its own, in such circumstances, may not be sufficient evidence to substantiate a charge, and therefore it was of vital importance to obtain witness evidence by way of corroboration. In the early stages of the enquiry it was felt verbal admissions would not be forthcoming from any of the suspects, therefore extensive enquiries were carried out to identify potential witnesses and record evidence from them.
- 6.7 It should be noted that there were forensic links between one of the accused, Bridgett, and Mr Hamill. However, following the withdrawal of the supporting witness evidence, the remaining forensic evidence was deemed to be insufficient and the charge against Bridgett was withdrawn.
- 7 Relationship between Accused and Police Officer
- 7.1 This matter is the subject of a criminal investigation and a file will be forwarded to the DPP in due course. It would

not be prudent to make any comment about this at this stage, nor to pre-empt the decision of the DPP.

8 Complaint re Action of Police at Hamill Home

8.1 A complaint has been made in this matter and is being investigated by 'G' Department. This complaint is being supervised by the ICPC. Diane Hamill has made a 6 page statement of complaint. Whilst the relevant police officers have not been formally interviewed as yet, initial enquiries would indicate that they did in fact visit the scene on 2 occasions but could not find the person referred to by Miss Hamill.

9 Incident at the Remand Court, HMP Maze

9.1 The Courtroom at the Maze is relatively small and there is only sufficient sitting room for approximately 6 members of the public. On Wednesday 19.11.97 there were approximately 12 members of the Hamill family and friends present in the Court. Diane Hamill was heard to pass comments to the accused in the witness box and one other member of the Hamill party also passed comment to a defence solicitor regarding the proceedings. Three additional police officers were brought into the court as a precaution to prevent possible disorder. In keeping with current practice two police officers also accompanied each of the three defendants, all of whom were together in the dock. Consequently a total of 9 uniformed police officers were present in the restricted confines of the court. (Please see attached sketch of court room, Appendix D attached.)

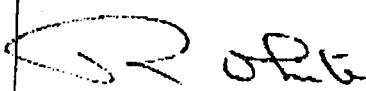
10 Video

10.1 No video is available of the police Landrover. I am unaware as to where this information came from.

11 Witnesses

11.1 This is a matter for the DPP and I understand the Director has written to the Attorney General about the situation. However, I can say that "Witness B", during consultation with the DPP and senior Counsel, stated that he could remember nothing about the incident. During the same consultation, "Witness A" retracted her evidence. It is the opinion of the investigating officers that no matter what sanctions may have been threatened against "Witness A" she would not have continued with her evidence.

Forwarded for information and consideration.

  
R C WHITE  
ACC. Crime

18<sup>th</sup> December 1997

ACC/hamill-r

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