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FROM: [REDACTED]
Head of Police Division
15 June 2000

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Mr [REDACTED] - O

COMPARISON BETWEEN THE CIRCUMSTANCES SURROUNDING THE MURDER OF STEPHEN LAWRENCE AND THAT OF ROBERT HAMILL

Summary

Issue: You asked for a paper setting out comparisons between the circumstances surrounding the Stephen Lawrence and Robert Hamill murders.

*** Detail**

The profile of the Hamill case has been raised significantly following the Coroner's decision, announced on 7 June, not to hold an inquest into Mr Hamill's murder. The Hamill family met the Taoiseach on 8 May to brief him on developments and following that, the Irish Government called for an independent judicial public inquiry.

2. The Hamill family have consistently drawn comparisons between the murder of Stephen Lawrence and that of Robert Hamill in their campaign to persuade the Government to launch an inquiry into Mr Hamill's murder. The Hamill family have sought the assistance of both the Lawrence family lawyer, [REDACTED] and their QC, [REDACTED]. Mr [REDACTED] stated, at a public meeting to mark the second anniversary of Mr Hamill's death, that there were many similarities between the two murders;

CONFIDENTIAL

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"It was clear that there were similarities in what the Lawrence's were trying to expose in terms of institutionalised racism and institutionalised sectarianism.

The fact that you had a young man who was killed because he was black, and here we have a young man who was killed because of his background or perceived religion.

And then you have the attitudes of the authorities to that, who stood by and allowed that to happen, allowed him to die, and what they did or didn't do.

Whether it was due to incompetence. Whether it was due to institutionalised sectarianism? So there are real similarities and it was that that drew my attention to the case."

Comparison between the two cases

3. The McPherson inquiry concluded that there were fundamental errors in the investigation of Stephen Lawrence's murder: the investigation was marred by a combination of professional incompetence, insitutionalised racism, and failure of leadership by senior officers. In particular the inquiry was astonished at the lack of direction and organisation during the vital first hours after the murder. The lack of imagination and properly co-ordinated action and planning which might have led to the discovery and arrest of suspects was conspicuous by its absence. No officers early on the scene took any proper steps at once to pursue the suspects. There were large numbers of police officers available, but inadequate measures were taken to use them actively and properly. This was due to failure of direction by senior officers, many of who attended the scene, who seem simply to have accepted that everything was being done satisfactorily by somebody else.

4. There are similarities with the Hamill murder, in that there have been widespread allegations by Nationalists/Republicans and Human Rights Groups that four RUC officers in the Landrover near the scene of the attack could have prevented the attack. The police have also been criticized for

CONFIDENTIAL

their inability to provide evidence to enable prosecutions of those responsible for Mr Hamill's death. [REDACTED] MP has asked a number of PQs on this particular aspect, including;

- a list of those officers above the rank of Constable who have attended the scene of the Hamill murder;
- the reasons why the police did not cordon off the location of the attack until 0727 hours on 27 April (attack took place at approximately 1.30am).

5. Mr [REDACTED] continues to question the RUC's handling of the case and their failure to obtain forensic evidence given their close proximity to the scene of the attack.

Institutionalised Racism v Institutionalised Sectarianism

6. The McPherson inquiry found that at its most stark the case against the police was that racism had affected the Metropolitan Police Service and that the catalogue of errors could only be accounted for by something more than incompetence. If corruption and collusion did not play its part then, say the critics, the case must have been thrown or at least slowed down because officers approached the murder of a black man less energetically than if the victim had been white and the murderers black. The inquiry found that institutionalised racism was apparent in those areas described. But they did not accept that it was universally the cause of the failure of the investigation.

7. The Hamill family and Human Rights Groups have expressed the view that Mr Hamill's murder points to institutionalised sectarianism within the Portadown area. They are seeking to ascertain whether the perceived failure of the police to prevent the attack and subsequently provide evidence to enable prosecutions of those responsible for Mr Hamill's death, is indicative

CONFIDENTIAL

of institutionalised sectarianism within the police or whether it is a matter of incompetence of those officers at the scene and those officers who subsequently failed to secure the scene.

* 8. The Hamill family are now aware, following consultations between Mr Leckey and Mr McGrory, of the information contained in the two crucial witness statements that were withdrawn in view of the individuals concerns for their personal safety. One of the statements alleges that an officer present at the time of the attack subsequently made contact with one of the assailants following the attack. It is alleged that the officer phoned the individual and advised him how to go about destroying forensic evidence and thus avoid detection. There is no evidence in the statements to suggest that the police may have colluded, in some way, or "set up" Mr Hamill for attack. The behaviour of the officers in the vicinity at the time of the attack was investigated, under the supervision of the ICPC, and on 30 September 1999 the DPP directed "no prosecution".

* 9. The ICPC have advised us, in confidence on 12 May that they have asked the Chief Constable to consider a disciplinary charge of "neglect of duty" against the senior Constable at the scene at the time of the attack. The Chief Constable is currently considering their recommendation.

Conclusion

* 10. The McPherson inquiry found that there was a striking and inescapable need to demonstrate fairness, not just by the police service but across the criminal justice system as a whole, in order to generate trust and confidence within minority ethnic communities. The need to reestablish trust between minority ethnic communities and the police was paramount. Such distrust and loss of confidence was particularly evident in the widely held view that junior officers discriminate in practice at operational level, and that they support each other in such discrimination.

CONFIDENTIAL

11. The Hamill family and Human Rights Groups perceive that there is a direct read across between the institutionalised racism in the Lawrence case and institutionalised sectarianism in the Hamill case. The decision of the Coroner not to hold an inquest adds fuel to their quest to obtain an independent judicial inquiry into Mr Hamill's death in order to, as they see it, ascertain the truth surrounding his murder.

12. I gave you yesterday, for your information, a copy of [REDACTED]'s submission that outlines some options if it is decided to hold a judicial inquiry in this case.

Signed

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Cc:

[REDACTED]

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