



ROYAL ULSTER CONSTABULARY

POLICY FILE

OFFENCE: MISCONDUCT INVESTIGATION
RE HAMILL ENQUIRY.

VICTIM(S): B147/1345/97

SENIOR INVESTIGATING OFFICER: SUPT KENNEDY, COMPLAINTS + DISCIPLINE

DEPUTY INVESTIGATING OFFICER: CH. INSP JACKSON, COMPLAINTS + DISCIPLINE

DATE ENQUIRY COMMENCED: 6 JUNE 2001

DATE ENQUIRY CONCLUDED: REPORT SUBMITTED 3 JAN 2002

POLICY FILE

CASE OF: HAM122

DECISION NO: 1

OFFICER MAKING DECISION: SUP ~~KENNEDY~~
DEPUTY CHIEF
CONSTABLE

DATE OF DECISION: _____

TIME OF DECISION: _____

DECISION: Initiation of Enquiry

Please see relevant reports on file with regards to meetings and liaison on how this matter should progress. In particular, the report to the Deputy Chief Constable from Chief Superintendent Complaints and Discipline and his reply ().

The remit of the Disciplinary Investigation is as outlined in the covering memo by Mr C. McHaffey, Police Ombudsman for NI, dated

REASONS: See relevant reports on file

OFFICER MAKING ENTRY: L K KENNEDY SUP

SIGNATURE: L Kennedy

DATE: 6 June 2001

POLICY FILE

CASE OF: HAMILK

DECISION NO: 2

OFFICER MAKING DECISION: Sgt Kennedy
(IN LIAISON WITH CII JACKSON + C/SUPR CRAIG)

DATE OF DECISION: 8 JUNE 2001

TIME OF DECISION: _____

DECISION: allocation of team members -

Chief Inspector Jackson (AIO)

1. Sergeant [REDACTED]

2. Sergeant [REDACTED]

3. Constable [REDACTED]

REASONS: 1 and 2 above were previously engaged on a similar disciplinary investigation.

NB. Sergeant M. Donald was withdrawn PM 8/6/01
Replacement sought from South Region.

Request - a detective sergeant and no connection with Kortadoun.

① Sergeant Lyons, CID Downpatrick confirmed as appointed on 13 June 2001

3. Is a member of staff from Complaints + Discipline

OFFICER MAKING ENTRY: W K KENNEDY

SIGNATURE: [Signature]

DATE: 14 June 2001

POLICY FILE

CASE OF: HAMILL

DECISION NO: 3

OFFICER MAKING DECISION: Supr Kennedy

DATE OF DECISION: 14-6-01

TIME OF DECISION: 0900 hrs

DECISION: Decision to identify all police officers at the scene of the assault and subsequent murder of Robert Hamill.

To recover all relevant statements, notebook entries and further interviews of these persons.

Team tasked.

REASONS: to identify roles played and to establish any breaches of discipline

OFFICER MAKING ENTRY: LK Kennedy

SIGNATURE: Kennedy

DATE: 14-6-01

POLICY FILE

CASE OF: HAMILI

DECISION NO: 4

OFFICER MAKING DECISION:

DATE OF DECISION: 14-6-01

TIME OF DECISION: 0920 hrs

DECISION: Chief Inspector Jackson to advise with
D/Sgt M. Dowell and D/C/Sup [redacted] to
obtain all relevant statements from the
Holmes system regarding police personnel
involved at the scene during the initial
stages of the investigation

REASONS: To examine statements and establish
any possible breaches of discipline

OFFICER MAKING ENTRY: LK KENNEDY

SIGNATURE: LK Kennedy

DATE: 14-6-01

POLICY FILE

CASE OF: HAMILL

DECISION NO: 5

OFFICER MAKING DECISION: Supt KENNEDY

DATE OF DECISION: 14-6-01

TIME OF DECISION: 0920

DECISION: Sergeant [redacted], D/Ag [redacted] and Const [redacted] to examine the M.R.I.M. system from Portadown regarding the initial police investigation into the assault. To obtain all relevant statements. ~~to establish possible~~

REASONS: To establish possible breaches of discipline NB Decisions 3, 4 and 5 should act as a check against each other to identify all officers.

OFFICER MAKING ENTRY: L/K Kennedy

SIGNATURE: A Kennedy

DATE: 14-6-01

POLICY FILE

CASE OF: HAMILLDECISION NO: 6OFFICER MAKING DECISION: SUPT KENNEDYDATE OF DECISION: 15-6-01TIME OF DECISION: 1000HRSDECISION: Outcome of Decisions 3, 4 and 5.

JD 8 - Constable Meale (driver), R/Constable Cornett (observer), R/Constable Atkinson (add obs) and
P40 (add obs).

JD 70 - White Ford Mondeo - R/Constable Bulcock (Driver)
 Constable Adams (observer)

JD 80 - Blue Sierra - Constable Cooke (Driver), R/Constable
 Warnock and R/Constable Murphy.

JD 70 - Constable Orr (Driver) and P (observer).
 also - Inspector M. Crum, Sergeant P89 and
 R/Constable Burrows

REASONS: all the above officers attended the initial
 scene supported by MSU.

The following CID officers were also identified
 as being involved at an early stage -

P39, DI Inspector Irvine,
 SIC Keys and SIC M. Sewell

DECISION -

Individual files on all the above officers to
 be prepared in order to outline relevant
 evidence regarding actions taken. Each
 individual folder to contain witness

OFFICER MAKING ENTRY: H.K. KENNEDYSIGNATURE: H.KennedyDATE: 15 June 2001

CONTINUED OVERLEAF

statements, journal / notebook entries, maps, photographs of the scene. Where relevant, baton reports (use of police baton) and Occurrence book entries to be obtained. Each folder should also include relevant force orders, instructions and entries from The Manual or Letter Order regarding police duties and responsibilities at scenes. They should also include the transcript of interviews previously conducted by D/Chief Superintendent M. Burney in respect of Constable Neal, Constables Cornett, P40 and Atkinson.

Reason -

To identify all evidence to either support or not support service of forms 17/3.

POLICY FILE

CASE OF: HAMILL

DECISION NO: 7

OFFICER MAKING DECISION: _____ DATE OF DECISION: 15-6-01

TIME OF DECISION: 1020 hrs.

DECISION: It is realised that other officers and their initial activities will need to be researched, for example, it appears that clothing was not sent to the NIFSL until 6 days after the incident.

This area will be addressed after task 6 has been completed.

REASONS: Service of forms 1713 will more likely arise in respect of those officers identified at decision 6. It is not wanted to delay the service of form 1713 unnecessarily on any officer initially identified.

OFFICER MAKING ENTRY: L K Kennedy

SIGNATURE: K Kennedy

DATE: 15-6-01

POLICY FILE

CASE OF: Harrell

DECISION NO: 8

OFFICER MAKING DECISION: Supt Kennedy

DATE OF DECISION: 19-6-01

TIME OF DECISION: 1100hrs

DECISION: Interview [redacted] and [redacted]

Both persons employed by Craignon Borough Council.

The statement of Constable [redacted] outlines how at 5.25am on 27.4.97, he spoke with both persons telling them not to clean a certain area in Portadown Town Centre.

To establish (A) How they gained entry to the town centre (B) If they recall a conversation with a police officer.

(C) What they were told (D) What areas they cleaned.

(E) Did they observe any police presence at the alleged scene.

(F) Did they observe any broken glass etc (G) Complete sketch map regarding their recollection of events on 27.4.97.

REASONS: To assist in preparation of 1713 to establish what action was taken by police at an early stage to secure and preserve evidence.

OFFICER MAKING ENTRY: H K Kennedy

SIGNATURE: Kennedy

DATE: 19-6-01

POLICY FILE

CASE OF: HAMILL

DECISION NO: 9

OFFICER MAKING DECISION: C/INSP JACKSON

DATE OF DECISION: 21-6-01

TIME OF DECISION: -

DECISION: Results from interview of Mr [redacted] and [redacted] - obtain and examine Constable Ows original notebook.

This having been done, it shows other matters being dealt with by police after 2.30am. The following is required -

Examine all original notebooks of police officers on duty 27-4-97 between 12mid-8am.

Examine C6

Examine A8

Examine/establish if [redacted] submitted a prosecution file regarding the arrest of Wayne Lunn.

REASONS:

To assist in preparation of 17135. To establish what action was taken by police at an early stage to secure and preserve evidence.

OFFICER MAKING ENTRY: HK KENNEDY

SIGNATURE: Kennedy

DATE: 25-6-01

POLICY FILE

CASE OF: HAMIL

DECISION NO: 10

OFFICER MAKING DECISION: O/INSP JACKSON

DATE OF DECISION: 25-6-01

TIME OF DECISION: 0930 HRS

DECISION: Obtain original tape copies of radio transmissions regarding police action on 27-4-97 to listen and check against typed manuscript.

REASONS: Typed manuscript indicates (after 2.58AM), the words 'have a look' what other words were used and what did it mean re were instructions at this stage given to seal off the area.

To assist with preparation of 17/35. To establish action taken by police to secure and preserve evidence'

OFFICER MAKING ENTRY: HK KENNEDY

SIGNATURE: A Kennedy

DATE: 25-6-01

POLICY FILE

CASE OF: HAMILL

DECISION NO: 11

OFFICER MAKING DECISION: C/INSP JACKSON

DATE OF DECISION: 25-6-01

TIME OF DECISION: 0935hrs

DECISION: Re-examine all action allocations regarding the initial enquiry carried out by P39 [redacted] /D/E Groom
re from 27-4-97 until the death of Robert Hamill
on 8-5-97.

REASONS: Initial check reveals a list of suspects
regarding this matter prepared by D/Sgt Bradley
on 29-4-97.

To establish action taken by police to secure
and preserve evidence. To assist in preparation
of 17/35.

OFFICER MAKING ENTRY: LK KENNEDY

SIGNATURE: A Kennedy

DATE: 25-6-01

POLICY FILE

CASE OF: HamiltonDECISION NO: 12OFFICER MAKING DECISION: Supt Kennedy
(IN CONSONANCE WITH MR CHRIS McHAFEGY, PONI,
MR MICHAEL RANNIGAN, PONI AND CLINT
JACKSON)DATE OF DECISION: 25-6-01TIME OF DECISION: 1250 hrsDECISION: Forms 17/3 to be sent on the following
officers - Constables COOKE, ORE, A [] AND NEILL.also on R/Constables WARNOCK, MURPHY AND SIMCOCK.Draft 17/3s had been prepared based on the documents
located in each person's individual folder. Each
form 17/3 was examined and compared to the evidence
in the relative folder. The contents were agreed
upon by all members present and complaints and
discipline undertook to serve these as soon as
practicable.It was also agreed that there may be a needREASONS: to also send a form 17/3 on S/Inspector Twinn
but further material has to be gathered in this
regard.The individual folders relating to Constable Adams
and R/Constable Burrows were also examined
and there was complete agreement that no form
17/3 would be sent on either of these officers. They
were not directly involved in crucial matters at
the scene.Reason - see each member's individual folder.OFFICER MAKING ENTRY: L K KennedySIGNATURE: [Signature]DATE: 25-6-01

POLICY FILE

CASE OF: HAMILL

DECISION NO: 13

OFFICER MAKING DECISION: Supt Kennedy
(in liaison with Mr McHaffey & Mr Rannigan
from PONI & C/Insp Jackson)

DATE OF DECISION: 25-6-01

TIME OF DECISION: 1330 hrs

DECISION: That the ~~three~~ ^{four} members who have
now left the force i.e. P39, Sgt P89
R Constables Gonnert (now Hinglo) and P40 named
be written to and invited in for interviews as
witnesses. This was agreed at the meeting
at Banashragh from 1210 - 1350 hrs on 25-6-01
between Supt Kennedy, C/Insp Jackson,
Mr McHaffey PONI and Mr Rannigan PONI.

REASONS: To gather as much information as
possible relative to the matters under
investigation.

OFFICER MAKING ENTRY: W.K. Kennedy

SIGNATURE: A Kennedy

DATE: 25-6-01

POLICY FILE

CASE OF: HAMILL

DECISION NO: 14

OFFICER MAKING DECISION: Supt Kennedy
(IN LIAISON WITH MR MITCHELL - MR RANNEY
FROM PONI AND CLINSP JACKSON).

DATE OF DECISION: 25-6-01

TIME OF DECISION: 1340 hrs

DECISION: That the two sergeants from the MSU
who attended the scene of the murder of
Robert Hamill be interviewed as witnesses
and statements recorded reference their duty
on 27.4.97. These statements would

need to cover the following-

- time of arrival at scene
- how they entered the scene
- what briefing/delivering took place.

Officer - Sergeant [redacted] and Sgt Bingham

REASONS: To gather all relevant information to
assist with the investigation

OFFICER MAKING ENTRY: LK Kennedy

SIGNATURE: L Kennedy

DATE: 25-6-01

POLICY FILE

CASE OF: Hamilton

DECISION NO: 15

OFFICER MAKING DECISION: Supt. Kennedy

DATE OF DECISION: 16-7-01

TIME OF DECISION: 1540 hrs

DECISION: 1500 hrs - Spoke to Mr McCreffey a Poni on the telephone. Told him that the interview tomorrow (15/7/01) with D/C Const Keys was going to have to be recorded by way of question and answer as the member did not want it to be tape-recorded. ASKED him if he had any objection to the member and his solicitor being shown the questions before the interview in order to 'speed up' the interview and allow the member time to re-collect his thoughts as the matters he was being asked about were 6 years ago. Mr McCreffey said that he was content for that to be done although

REASONS: he did express slight reservations about it setting a precedent and also the disadvantage of giving the member advance warning about a question or questions - particularly a question that we might want to gauge a reaction about.

After consideration and discussion with other members of the team, I decided NOT to show the questions in advance. Reason: - it would set a precedent and for some questions we may want to assess the initial response. However, in the interests of fairness, I decided to inform the member and/or his solicitor of the 'general areas' about which we would be questioning.

OFFICER MAKING ENTRY: Supt. Kennedy

SIGNATURE: A Kennedy

DATE: 16-7-01 72523

NB general areas given to Mr ~~forster~~ Murphy - verbally - on 17-7-01 prior to interview of D/C Const Keys & approved prior to interview by [redacted], Poni, who was also present.

POLICY FILE

CASE OF: HAMILL

DECISION NO: 16

OFFICER MAKING DECISION: Supt Kennedy

DATE OF DECISION: 20-8-01

TIME OF DECISION: 1055

DECISION: Discussed with C/Inspector Jackson, Sgt [redacted] and [redacted] how best to interview the 4 ex-members (~~with~~ P89

CORNETT P40 & P39). These persons are

now civilians and therefore cannot be cautioned for discipline offences. After discussion I decided that questions would be prepared for each person in the same format as for serving officers and that these questions would be put to these ex-members in the same way as other interviews. Questions to be approved by P89.

- REASONS:
- (1) To ensure consistency
 - (2) To be fair to serving members who are being interviewed in such a manner
 - (3) To ensure that an important issue or question is not missed.

SB approval given at meeting with Mr McChaffey on 24 August 2001.

OFFICER MAKING ENTRY: Supt Kennedy

SIGNATURE: [Signature]

DATE: 20/8/01

POLICY FILE

CASE OF: HAMILL

DECISION NO: 17

OFFICER MAKING DECISION: Supt Kennedy

DATE OF DECISION: 24/8/01

TIME OF DECISION: 1145hrs

DECISION: Four senior officers who appear to have played a relatively minor role at the scene ie Murphy, Silegh, Cooke and Orr to be interviewed by C/Insp Jackson and Sgt [REDACTED] as opposed to Supt Kennedy (SIO) + C/Insp Jackson (ASIO)

REASONS: To 'speed-up' the investigation and to prevent any further delay while awaiting the availability of the SIO.

Approval given by Mr McChaffey, POW, during a meeting on 24/8/01

OFFICER MAKING ENTRY: _____

SIGNATURE: _____

DATE: _____