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Curriculum Vitae of Ken Armstrong

Profile

A reliable and highly motivated person with almost 29 years policing experience, 24 years of which involved the management and supervision of others. A trained Senior Investigation Officer (SIO) during the last nine years of his police service, gaining extensive knowledge and practical experience in the investigation and review of serious crime. Proven leadership and managerial track record with the ability to work as an individual or part of a team. Skills include providing a thorough approach, the ability to quickly analyse situations and problem solve that achieve results.

Career Summary

24th February 1979 to 5th July 1981 – Uniform Constable – North Queens Street
After initial training station in North Belfast, performed operational uniformed duties. This included beat and patrol, investigating minor crime, public order and attending to various incidents of a terrorist nature.

6th July 1981 to 3rd January 1983 – CID Aide/Constable – Woodbourne CID
Worked in West Belfast dealing with a range of ordinary and serious crime. First introduction to carrying out investigations into terrorist crime and interviewing of terrorist suspects.

4th January 1983 to 2nd January 1984 – Uniform Sergeant – Armagh
Worked six months in rural environment stationed at Middletown border station and six months in Armagh city. Duties in the rural area involved working often with military and performing a variety of patrols methods. Maintained a high standard of professional practice and worked as part of a team.

3rd January 1984 to 11th May 1986 – Uniform DMSU Sergeant – Belfast
Worked with a District Mobile Support Unit (DMSU) situated in North Belfast. Duties mainly included policing patrolling Belfast area supporting local police re public order duties, conducting searches, terrorist arrests and assisting CID with other counter terrorism work. In 1985 regularly performed duty in Portadown and security duties at Supergrass trials held at Crown Court in Belfast.

12th May 1986 to 11th March 1990 – Detective Sergeant – Antrim CID
Initially served for five months in Ballymena CID office and then transferred to Antrim CID. Regularly planned investigative police operations and conducted investigations into a variety of volume, serious and terrorist crimes. These included sectarian assault, shooting and bombing incidents. Notable successes included detecting several UVF offenders for attempted murder, intimidation, armed robbery and other terrorist related offences in the Randalstown area and the rape of two elderly pensioners.

12th March to 1st September 1990 - Detective Sergeant – CID Belfast (west)

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Continued operational CID duties at Grosvenor Road CID where proactively involved in addressing the high number of volume crimes and assisting with the investigation into various terrorist incidents and other serious crimes.

2nd September 1991 -19th December 1993-Detective Inspector–CID Londonderry
Worked in Shantallow and Strand Road CID offices, overseeing and investigating a range of volume and serious crimes. Performed Senior Investigating Officer role for incidents of bombing, shooting and other terrorist attacks. Other experience in the supervision of terrorist suspect interviews and acting as deputy SIO into several murders that occurred within Strand Road sub-division and elsewhere in the division. Regularly assisted with other CID investigations and contributed to the development of staff to enhance performance.

20th December 1993 – 13th November 1994 - A/D/Chief Inspector CID- L Division
Appointed as Acting DCI, based at Enniskillen, responsible for all aspects of crime investigations in three sub-divisional CID offices (30+ staff). Performed role of SIO in a large number of terrorist incidents, including several murders and six separate bombings of police stations.

14th November 1994 to 19th November 1995 – D/Inspector – CID Belfast (centre)
Transferred to Donegall Pass CID, Belfast upon return to Detective Inspector duties. Supervised and managed the work of CID staff in three CID offices. Continued duties directing and overseeing various investigations of a volume and serious crime nature. In December 1994 assisted as deputy SIO in the investigation of sectarian murder by Loyalists.

20th November 1995 to 4th October 1998 – Inspector – Complaints, Belfast
Appointed as an Inspector within Complaints & Discipline Branch with responsibility for the investigation of criminal and disciplinary offences. Duties entailed working with members from the Independent Commission for Police Complaints and performing the role of Prosecuting Officer at RUC internal court hearings before senior police.

5th October 1998 to 30th August 1999 – D/Chief Inspector – CID Belfast (north)
Promoted and appointed to North Queen Street station as the senior detective for CID staff located in two sub-divisions (12 months). Responsible for over 35 CID staff and the investigation of all aspects of crime, including directing the investigations into a range of both serious and terrorist crimes. Conducted further enquiries into at least seven different murder incidents that had occurred earlier in 1998 and during 1997.

31st August 1999 to 18th March 2001 - D/C/Inspector – Antrim CID
Transferred within D division to Antrim, a mainly rural area, with responsibility for all crimes in both this sub-division and Carrickfergus as well. Responsible for just under 30 CID staff. Attended to various sub-divisional meetings and other duties, including overseeing CID work. Conducted investigations into a number of murders, terrorist and other serious crimes. In early 2000 (four months) performed office manager for

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a team of ten detectives assigned to review the Omagh bomb investigation under the management of a Detective Chief Superintendent. Mentored and contributed to the development of staff and crime investigation work

Details on some of the murder crime investigations conducted as an SIO during 2 ½ years attached to D Divisional CID included :-

- **March 1999** – The category B murder of an elderly man who lived alone in a flat in the Whiteabbey area, on the outskirts of Belfast. He had been beaten to death.
- **January 2000** – The category B murder of a UVF paramilitary who, while engaged in a sectarian/drugs motivated attack in an Antrim housing estate, was struck down and killed. This was a protracted investigation which included the arrest of over 25 suspects. A total of 10 persons, from both factions, were charged and taken to court, resulting in convictions for manslaughter, GBH, affray and other related offences.
- **November 2000** – The category B murder of a 19 year old youth found stabbed in an empty house in Antrim. Investigations made resulted in two men being convicted for murder and another for conspiracy to cause GBH.

19th March 2001 to 31st March 2002 – D/C/Inspector – North Belfast District
Transferred to Antrim Road station on appointment of Crime Manager for District CID. This date coincided with the formation of new District Command Units within the RUC and the centralisation of three previously known sub-divisional CID Offices. Responsible for over 50 staff and accountable solely to uniform District Commander. Duties included additional demands relating to high level of public order violence and serious crime arising mainly from the prolonged Loyalist protest at Holy Cross primary school and contentious parades. These included high incidences of murder and attempted murder arising from shootings, pipe & blast bomb attacks and serious assaults. Between periods May 2001 to December 2001 seven separate murders occurred in the District, several of which were of a sectarian nature or had suspicion of paramilitary involvement.

1st April 2002 to 29th February 2004 – D/C/Inspector – Murder Review HQ
SIO appointed to set up the PSNI Murder Review Team. Duties included visiting several other Police Services and compiled written protocol leading to introduction of the Serious Crime Review Team (SCRT). Reviewed several murder enquiries not then subject to investigation. Assisted with updating PSNI SOCO guidance notes, Memorandum of Understanding between the PSNI/FSNI in the retention of exhibits and the introduction of a central database to collate all murders. Appointed as CID representative to set up of a central archive murder store and Serious Crime Exhibit Store. Wrote and implemented procedures and guidelines relating to the use and management of both stores

1st March 2004 to 27th November 2005 – D/C/Inspector – SCRT HQ.

Performed role of a full time PSNI review officer, identifying forensic, investigative and compliance issues, relevant to a number of historic and recently occurring murders and other serious crimes. Prepared detailed reports to Senior PSNI

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Command on various investigative and forensic recommendations and areas of good practice, such as contamination awareness training, utilising IT to ensure fingerprint results were promptly notified for action, devising new scene logs and investigators notebooks for use by operational officers, for implementation within the Service. Contributed and assisting CID training of detective staff, including SIO's.

28th November 2005 to 10th September 2007- SIO – Historical Enquiries Lisburn
Appointed as PSNI SIO representative to work with newly formed Historical Enquiries team where managed a team of around 20 staff. Reviewed 130 or more undetected murder enquiries attributable to the security situation pre Good Friday Agreement on 10th April 1998. This included identifying new major lines of enquiry and addressing issues and concerns raised by the family of victims. This also entailed trying to bring knowledge and understanding of what happened to the victim and help bring closure for families. Carried out proactive enquiries relating to the re-investigation of a number of murder incidents from which new leads were identified during review.

September 2007 to April 2008 - Self employed consultant

Prepared a written Property Handling Policy/Manual for use in PSNI. Work included drawing up staff roles/responsibilities & store specifications for the future management of property.

January 2008 to July 2008 - Self employed consultant

Worked as an advisor to the Northern Ireland Affairs Committee at Westminster, assisting with a Parliamentary report surrounding both the financial & operational consequences for the PSNI servicing various 'historic inquiries' into past events in Northern Ireland and the PSNI ability to bring accused persons to trial subject to provisions in the Inquiries Act 2005 and other legislation which requires the police to divulge information which might identify a covert source.

March 2008 to August 2008 - Self employed consultant

Worked for a private company based in London to project manage the development of an exhibit property storage facility.

Further training

1998-2005 Attended and obtained a Public Policy & Management BA Honours degree (part-time) course at Ulster University at Jordanstown.

2006 Obtained Diploma at Queens University in the investigation of Serious Crime.

Other relevant Skills

- Fully trained and experienced Senior Investigating Officer
- Trained Review Officer who has examined a range of serious crimes.
- 5 years experience working full time in the review of Serious Crimes.
- HOLMES II trained.
- Critical Incident trained

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Introduction

1. On the 31st October 2008 I was instructed by the Robert Hamill Inquiry to prepare a report covering three contentions raised by Mr [REDACTED], solicitor. Mr [REDACTED] is representing a number of police, both serving and retired, who will be giving evidence at the Public Inquiry into the death of Robert Hamill following an attack in Portadown on 27th April 1997.

2. The terms and conditions for my work are in the light of my own particular experience and expertise of policing in Northern Ireland to prepare a report, for the assistance of the Inquiry, on the three contentions raised, namely:-

- (i) 'In paragraph 2.3 of his report, Mr Murray concedes the unique position of the RUC. He mentions policing against the background of sectarian divide. In this concession Mr Murray is seriously mistaken. The RUC was attempting to police in the face of a terrorist campaign. Mr Murray has no experience of policing in a terrorist environment.'
- (ii) 'Mr Murray reveals no appreciation of the influence of the Drumcree situation and the consequent community tensions and violence which dominated this society in those years.'
- (iii) 'In discussing Mr McBurney's approach to securing the attendance of Witness A and Witness B as witnesses for the prosecution, Mr Murray seems to be unaware of the experience of the Northern Ireland legal system arising from "supergrass" or "converted terrorists" prosecutions post 1982. These are dealt with in S Greer "Supergrass: a study in anti-terrorist law enforcement in Northern Ireland.'

3. Mr Murray, a recently retired Senior Investigating Officer from Kent Constabulary prepared a report relating to the police investigation into Robert Hamill's death and other related investigations. His report is based on very specific terms of reference that in general terms centred around the inadequacy of resources, whether the police investigation initially into the Grievous Bodily Harm (GBH), subsequent murder and allegations made against Reserve Constable Atkinson were conducted with due diligence AND if any wrongful act or omission by Royal Ulster Constabulary (RUC) facilitated Robert Hamill's death or obstructed the investigation of it. This included acts of an intentional or negligent nature and whether the investigation into Robert Hamill's death was carried out with due diligence.

4. My terms of reference include reporting upon whether there is any justification for the raising of the three issues and to comment on any relevant points contained in Mr Murray's report.

5. While serving in the police I have had no involvement in the investigation into the death of Robert Hamill or any of the other criminal or disciplinary investigations referred to.

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6. In 1997 the murder of Robert Hamill was one of 47 murders that occurred in Northern Ireland and one of 33 deaths listed as being due to the security situation in Northern Ireland.

7. This report is confined to issues I consider relevant in addressing the three contentions mentioned in the terms of reference. It does not provide any recommendations surrounding the investigation and generally provides further information to hopefully help clarify or contextualise the situation in the RUC in 1997. Details of my own relevant knowledge and experience in the police are included together with findings and facts established from a number of sources. These include an academic paper, a university study and details provided by the PSNI Public Inquiry Team, who responded promptly to a number of information requests made at short notice.

8. It is considered that contextualising RUC investigation practices in terms of ongoing terrorist campaign in 1997, based on the views and experience of one individual, can be problematic. Therefore reference has been made to various reports compiled by other senior CID management, shortly after 1997, to highlight a range of difficulties relating to investigation practices and procedures.

9. This report in respect of contention (i) concentrates on areas that include:-

- The security safeguards and experience that went with policing in the RUC. A matter which both on and off duty had an impact on how officers perceived their own and colleagues safety. An area that can affect the standard of service provided.
- The impact of terrorism on day to day investigation work, the additional demands it can bring on a limited number of staff and how delay in some investigation can be detrimental to the detection of crime.
- How opposing views, religion or beliefs between divided communities have made it difficult for witnesses to assist police, for fear of reprisal or threats from within their own community - a pressure more associated with witnesses to sectarian and terrorist crime.
- The exceptional demands on local divisional CID management and staff. In 1997 while dealing with a murder investigation they also had responsibility to attend to other demands associated with other serious and ordinary crimes. This included dealing with serious public disorder, accompanying uniform officers on searches and the interviewing of terrorist suspects.
- Drawing comparisons between available Divisional CID staff in each region and the likely demands on them during 1997 from statistical data relating to serious and ordinary crime occurrences, Home Office Large Major Enquiry System (HOLMES) investigation and terrorist arrests/interviews.
- Giving an idea on what CID Investigation practices were like in 1997. This includes when/what the HOLMES system was used for and the general way in which crime investigations were managed by CID. To draw comparisons as to the call out, investigating officer and information relating to investigations into serious

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crimes conducted throughout the three CID Regions, a dip sample of available papers on nine attempted murders is commented upon. Similarities are apparent to some of the police practices referred to in this initial assault investigation.

- Police training that was provided during the mid 1990's through the CID Aides course, Divisional Schools of Instruction and RUCR refresher training. My own personal views and experience of CID training are included along with a brief insight of relevant CID training attended by each of the three senior CID officers involved in the initial investigation of this incident.

10. My report on contention (i) reflects some of the investigation practices, demands and constraints. It will suggest that sectarian and terrorist crimes are inextricably linked and played a significant part in the lives of people in Northern Ireland. This is particularly so for those living where there was a religious division, such as in Portadown.

11. For contention (ii) various aspects referred to include:-

- An historical look at parades in Ireland for two centuries drawn from an academic paper by Jarman & Bryan entitled 'Riots to rights - Nationalist Parades in the North of Ireland,' published in November 1997. Dominic Bryan and Neil Jarman during the period 1996 and 1997 wrote a series of articles surrounding conflict.
- Various extracts from the Conflict Archive on the Internet (CAIN) web service which contains information and source material on the Northern Ireland conflict and politics. These include an article entitled 'Parades and Marches - Developments at Drumcree, 1995-2000.'
- Two books entitled 'Northern Protestants An Unsettled People' by Susan McKay (2000) and 'The Orange Order' by Eric P Kaufmann (2007).
- Background to Drumcree and how the disorder that surrounded it did impact on society in Northern Ireland and added many additional demands on police.
- The difficulties imposed on police from all sides and the devastating impact on the lives of some police officers and their families who had to move from their homes due to attack/threats from Loyalists unhappy with police action.
- Details of previous sectarian public disorder in the mid 1980's. This followed the re-routing by the Chief Constable of an orange parade away from the Obin Street area of Portadown, close to where Robert Hamill was attacked.
- The historical significance of the Portadown area, where close by in Loughgall the Orange Order was founded in the late 18th century. A number of references to events during the mid 1980's and 1990's are mentioned, including one that alludes to the high policing costs that could well have gone towards better use.

12. Overall the case for contention (ii) can be made that Mr Murray in writing his report did not give any appreciation as to the influence of the Drumcree situation in the police investigation. It is correct to say that this street attack and subsequent murder of Robert Hamill is one that police could come across in several parts of the United Kingdom. However the impact of Drumcree in Portadown was significant. Drumcree often reflected the deep underlying hatred that existed in certain parts of

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the community who have little sympathy for opposing victims, no matter what side of the religious divide. The police investigation into Robert Hamill's death I believe, from my own experiences of other incidents, would not have benefited from this and or could not rely on the public assistance one might well have expected in "normal" circumstances. Mr Murray is right in his assessment on various aspects of the investigation not meeting standards to be expected. However, it is concluded that some consideration should be given to the Portadown environment and the extreme difficulties that both Uniform and CID officers faced.

13. For contention (iii) the various aspects referred to include:-

- The background and evidence surrounding both witnesses A and B's contact with police.
- Information on apparent police dealings with both witnesses and the difficulty in determining safeguards which police provided in response to their concerns.
- Personal experience and views as to some of the likely difficulties that might well have faced these witnesses and police.
- Investigative interview training in the RUC and reference made to academic research, conducted in 1998 by [REDACTED] BSc. (Hons), University of Bath on behalf of a request by police.
- Various issues mentioned in the supergrass system of the early 1980's included within the book referred to by Mr [REDACTED] solicitor.

14. It is the view of my report that supergrasses are converted terrorists and that there is no evidence to support witnesses A or B were supergrasses, informants or accomplices. It is clear that both witnesses had extreme reservations about giving evidence and may well have been known to the offenders involved in this vicious attack. However from the absence of written records it remains unclear as to the full extent of police efforts to try and secure this key evidence, particularly from witness A, whom crown counsel deemed honest and reliable. It is concluded that taking account of the sectarian nature of this attack there would have been significant difficulties without them leaving Northern Ireland.

15. Overall in 1997 attention is drawn to various detrimental factors placed upon some divisional CID management left with the responsibility of investigating serious crimes. These include details on the level of police training, demands on divisional CID, the availability of appropriate resources, SIO training and other areas of support often required to enhance the likely success or otherwise of such investigations.

16. Investigating a murder or serious crime is a very challenging and demanding role. In recent years significant improvement has been made in the PSNI in the investigation of serious crime. Details of these changes including dedicated SIO's for all murders and the introduction of the Serious Crime Review Team are referred to. These changes and the close scrutiny may well give an indicator as to the measures now in place to help prevent similar situations going unnoticed in future.

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17. Prior to preparing this paper I read Mr Murray's report entitled 'The Murder of Robert Hamill' and its accompanying 106 Appendices. My report includes some details about my own knowledge and experiences in the police. Where it refers to opinion I have endeavoured to qualify it with supporting factual information and documentation, including that provided by the PSNI, in response to a number of information requests made in November and December 2008. Details on documentation from which I have drawn additional information include:-

- The examination of a small quantity of documents registered on the original HOLMES account under the nominal records of three persons, namely witness A, witness B and Andrea McKee. No other original investigation material viewed
- Research on the internet, where there is a considerable amount of press and media material in particular the BBC news, for background information surrounding events relating to the Orange parade in Drumcree during the period 1995 to 1998.
- Various information and research information referred to in specific books and internet articles, the details of which are outlined in the report.
- Statistics provided by the PSNI on various shooting, bombings and other terrorist incidents occurring in South Region during the period 1/1/1995 to 31/12/1999.
- Information provided from the PSNI Homicide Enquiries Analytical Database (HEAD) on murders occurring throughout the province in the period 1/1/1995 to 31/12/1999.
- CID training provided for CID officers during the 1990's.
- Northern Ireland Office booklet 'A commentary on the Northern Ireland crime statistics 1997.'
- RUC Chief Constable's reports 1995 to 1999/2000.
- The number of terrorist prisoner arrests and interviews at each of the three terrorist holding centres namely Castlereagh, Strand Road and Gough during the period 1/1/1995 to 31/12/1998.
- Various 'Times Online' news reports – dates provided.
- PSNI statistical information on the number of offences of attempted murder and grievous bodily harm offences reported between 1995 and 1999.
- Documentation brought to light from records held in PSNI Crime Registry.
- An internal RUC report entitled 'The Structure and Role of Crime Squads in the New Policing Structures' - January 2001.
- Results from various information requests made to PSNI Inquiry Unit, Seapark between 12/11/2008 and 15/12/2008.

18. The body of this report addresses each contention separately. Under each are a number of individual sub headings which include various factual information and comments to help give the reader an idea as to the situation in 1997, before and since.

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Contention (i) – ‘In paragraph 2.3 of his report, Mr Murray concedes the unique position of the RUC. He mentions policing against the background of sectarian divide. In this concession Mr Murray is seriously mistaken. The RUC was attempting to police in the face of a terrorist campaign. Mr Murray has no experience of policing in a terrorist environment.’

1. During the period of the ‘troubles’, between 1969 and the signing of the Good Friday Agreement on 10th April 1998, a total of 312 police officers in the RUC were killed. Over this period police officers were subjected to all forms of terrorist attack, particularly from Republican paramilitaries who waged war against the security forces. Violent incidents against police occurred on a near daily basis, resulting in several thousand officers being injured, some severely.

2. Many police officers, even when off duty and in their own home, lived under constant fear of attack. This was fuelled by the many incidents that occurred and constant information received at work regarding potential security threats against them. Threats, violence and death became part of the lives of a police officer, particularly in areas where they were not welcome or indeed despised.

3. I found the setting up of interfaces or so called peace walls or fences, which segregated the communities, made engaging with the local community all the more difficult and challenging. The vast majority of segregated public housing often compounded feelings in these areas and made normal policing difficult and allowed paramilitary influences to grow. I often experienced instances where law abiding people, who could assist police with crimes committed in their community, declined to do so fearing for their own personal safety. In situations like this it was difficult, no matter how hard police tried, to help them overcome the fear or influence of the paramilitaries. To even receive such persons’ knowledge, to use as intelligence to act upon, was seen as success for police.

4. Intelligence handling during the 1980’s became a big part of policing where Special Branch had primacy over CID in terms of joint handling of paramilitary informants, until 1995 when CID officers ceased to handle paramilitary informants. In 1997 the RUC introduced new rules for informant handling and management which included all information about terrorism and ordinary crime from a member of the public (MOP) being notified to a Regional Intelligence Unit and gave clear guidelines on the registration of informants.

5. In some hard line Loyalist areas the RUC was deemed unacceptable, a fact backed up by the number of police resources required to respond and carry out operations, for example in some areas of North Belfast. Although continually seeking to provide a public service the police would often find themselves as being portrayed as wrong, biased or ‘caught in the middle’ especially when tensions erupted between

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both sides of the political divide. In some of these hard-line areas a sizable number of the population might well have approved of violence be it sectarian or otherwise.

6. To help give an insight of my experience and knowledge of working in a terrorist campaign and some idea of its impact on policing further information is set out in the under mentioned sections of this report from a to g.

a. Day to Day Policing Security Practices

1.1.1 Following the honeymoon period after the introduction of the Military to the Streets of Northern Ireland in 1971, republican paramilitaries, in particular the IRA, waged war against the security forces. During 'the troubles', viewed by many as being the period between the Civil Rights campaign in 1969 until the signing of the Good Friday Agreement on the 10th April 1998, normal policing did not take place in many parts of Northern Ireland. The on-going violence by and the significant influence of Loyalist and Republican paramilitaries brought disharmony and fear to bear in both communities. By April 1998 the PSNI Historical Enquiries Analysis Database (HEAD) records show that 312 RUC police Officers (includes Reserves) and approximately 672 soldiers had lost their lives in Northern Ireland as a direct result of the troubles.

1.1.2 My experience of policing in a terrorist environment while serving as a uniform police officer from 1978 up until the mid 1980's, centred particularly on personal security and attending to various safeguards while at home and in the course of going to work. These included:-

1. The use of armoured vehicles with bullet proof glass.
2. Wearing of flak jackets while in uniform or in plain clothes.
3. Carrying a firearm at all times while on or off duty.
4. When performing beat patrol to walk well apart and in certain areas to only go on patrol if accompanied by military personnel.
5. Conducting vehicle check-points.
6. Travelling in/out of heavily fortified police stations with anti-terrorist defences.
7. Being updated on a regular basis on those locations where a threat existed for security personnel, be it on or off duty.
8. Leaving an area or crime scene where concerns existed regarding the local circumstances and/or the adequacy of any surrounding security.
9. Taking steps to check calls out before attending and on occasions using various means to disguise presence in an area.
10. Not setting regular patterns or routines thus decreasing the opportunity to be the subject of attack. This included my journeys to and from work.
11. Avoiding situations where I travelled to work by public transport or having to walk in or out of my place of work.
12. Being continually mindful when on duty to check calls out before attending, again to offset possible 'come on' situations for terrorist attack.

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13. The use of armoured Land Rovers which were difficult to manoeuvre in confined spaces and which had limited all round views to protect against attack.
14. Having my car fitted in mid 1980's with an under car booby trap detection system.
15. Having security number plate fitted to my own vehicle.

1.1.3 Over the years there have been instances where security personnel attending scenes of crime have been targeted and killed. Two such incidents, together with the crime scene type and year, as listed in the 2004 edition of the book 'Lost Lives' published by mainstream publishing are entries 168 (Burglary/1971) and 2818 (Murder/1987).

1.1.4 During the troubles, as a serving police officer, the fear of death and attack continued during my home life. I continually gave attention to safeguards to protect both my family and self. This included:-

- Increasing home security, enclosing rear yard, use of sensor lights and always having the downstairs alarmed at night while in bed.
- Keeping my personal firearm on my person at all times.
- Not divulging my occupation or home address where at all possible when off duty, for instance when renewing my driving licence, car insurance or to acquaintances I met socially.
- Travelling outside the province for holidays.
- Keeping my true occupation and work from my children until a time where I felt they would understand the importance of not discussing outside to others.
- Regularly checking under my car for devices both at home and elsewhere before starting the car or driving off.

1.1.5 As indicated, attending scenes and manning fixed points often presented security force members as easy terrorist targets. This greatly influenced thinking about when and how some scenes were protected and the attending of calls in certain areas by police patrols.

1.1.6 Over the years past knowledge and fears relating to an area resulted in officers having a range of approaches as to when and how scenes were handled, if at all. In a normal environment it would be quite right to expect a scene relating to a serious assault to be readily preserved and protected for investigation. However, in Northern Ireland one needs to look at what over-riding consideration an officer may have had at that time and what personnel security concerns, if any, they may have held.

1.1.7 I have no doubt this approach and the culture of self preservation, to avoid injury or death had on many occasions been detrimental to the needs of investigation work in Northern Ireland over the years. However, the attack on Robert Hamill appears to be one of a spontaneous nature with no apparent fears or concerns

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documented or expressed on the part of police officers involved to the setting up or managing of the scene where this attack occurred.

b. Terrorist Investigation difficulties

1.2.1 A terrorist campaign had been conducted in Northern Ireland by paramilitaries from both sides of the community. To help deal with such investigations in 1997 the RUC had access to various additional powers, in particular those under the Northern Ireland (Emergency Provisions) Act 1996 and the Prevention of Terrorism (Temporary Provisions) Act 1989. However, in this specific investigation by police in 1997 it is clear that terrorist legislation was not deemed appropriate for use in conducting arrests, searches or in any of the main lines of enquiry.

1.2.2 Throughout the period of the troubles terrorists and criminals increased their knowledge greatly through what they learnt in the media and court hearings as to how best to avoid or reduce the chances of them being made amenable when carrying out serious crimes. This presented police officers with many challenges to detect those involved. An indication to some of the difficulties encountered by police investigating a terrorist incident included:-

- Incidents planned in great detail beforehand, including use of intelligence gathering and targeting to establish regular patterns or opportunities.
- During and after an attack those involved resorting to various tactics to minimise their detection, such as removing or destroying clothing.
- Taking other steps such as washing and wiping down scenes so thwarting scene forensic evidence techniques and reducing the possibility of DNA, fingerprint and footwear evidence being left at a scene.
- Destruction or removal of other physical evidence relating to a scene such as vehicles used or empty bullet cartridges discharged in the commission of the crime.
- Lines of enquiries being inhibited due to security threats, limited resources or other demands to remain in an area no longer than necessary. This caused delay and resulted in little or no examinations being carried out.
- Suspect interviewees generally not responding to questioning and invoking their right to silence.
- High HOLMES investigation work demand and limited available resources resulting in delays to progressing investigation requirements and potential evidential opportunities.
- The nature and volume of other crimes to be investigated causing major management difficulties in maintaining investigation team focus and continuity.
- Difficulties in both the recruiting & retention of HOLMES staff to input investigation work and sustaining investigation continuity with insufficient HOLMES posts and which were sometimes filled with temporary staff.
- The high HOLMES staff workload including having to perform a number of roles and move across various accounts opened in the same Major Incident Room (MIR).

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- The knock on effect on non terrorist cases or other serious crimes, with forensic analysis or work being suspended to rightly prioritise terrorist examination work.
- A high demand/workload on limited CID staff, particularly that associated with investigations recorded on HOLMES.
- Organisational structures placing other responsibilities on SIO's dealing with a serious crime preventing him/her from dedicating or focusing his/her attention primarily on the one investigation for too long.
- The impact of real and perceived intimidation and threats to innocent members of the public, enhancing their fear of providing help or assistance to police conducting investigations.
- The effect of paramilitary propaganda causing whole communities to develop opposing views and/or attitude to giving any assistance to police.

1.2.3 The influence of paramilitaries on members of the public, who lived generally in or near areas that had an affiliation with their cause, was an ever present problem. This caused a great sense of fear of intimidation and violence in communities, often preventing witnesses from assisting police. Paramilitary assaults are typical crime types where information was rarely forthcoming about the identity and descriptions of the offender(s) involved. Taking into account that the vast majority of crimes are solved by evidence from the public, victims or witnesses, the fear instilled was detrimental to the police detection of certain crimes. The lack of witness or identification evidence for terrorist and other serious crimes meant that success in such investigations often had to rely on other forms of evidence such as footwear marks, forensic findings and gaining admissions from suspects, to aid detections.

1.2.4 Over the period 1981 to 1985 other measures utilised included the use of supergrasses or 'converted terrorists' as they were referred to by the then RUC Chief Constable, the late Sir John Hermon. In the four years preceding this period there were still on average about 90 deaths each year due to the security situation in Northern Ireland. Despite around 200 or more paramilitaries being arrested during the supergrass trials period, ending in 1986, there still remained on average over 81 deaths for the four years that followed. Further discussion on the use and impact of supergrasses on police investigations can be found in section 3.

1.2.5 The IRA ceasefire in August 1994 did allow some movement in the RUC to try and show a form of normal policing in many parts of Northern Ireland. However, on the 9th February 1996 the IRA ceasefire ended when a huge bomb was planted in London's Docklands, killing two and injuring more than 100 others. Details on some relevant incidents, events and political activity occurring within Northern Ireland and elsewhere in the UK, during the period January 1996 to October 1997, are set out in **Appendix Z11**. This information has been extracted from the Conflict Archive on the Internet (CAIN) web site entitled 'A Chronology of the Conflict - 1968 to the Present.'

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c. Policing Divided Communities

1.3.1 At the outset of the troubles particularly during 1969 and 1970 a form of ethnic cleansing took place in many parts of Northern Ireland where Loyalist or Republican paramilitaries sought to have supremacy. This included families being burnt out of their homes and physically attacked because of their religion, as was the case in many parts of North and West Belfast. These actions all led to the introduction of complete segregation between Catholic and Protestant families in many areas, a matter which became more pronounced with the erection of peace walls or other obstructions to thwart or make more difficult the carrying out of attacks across the divide.

1.3.2 Mr ██████████ MBE, a retired police Sergeant who worked as the Operational Planning sergeant for Portadown Sub division during the period 1993 to 1999, outlined in D109 (see **Appendix S**) answers to a number of questions, raised by Mr Murray, recorded in Document D4. Mr ██████████'s answers, based upon his knowledge and experience of policing in Portadown, include details as to the location of known flash points or interfaces separating communities and some of the problems that often occurred there. When describing incidents occurring at the Thomas Street/Woodhouse Street interface, Mr ██████████ states; *'Alcohol intake served to inflame and embolden those of a sectarian disposition. Although Protestants instigated the majority of the incidents, either side would seize what they saw as an opportunity if they were numerically superior'*.

1.3.3 The sectarian nature of this attack on Robert Hamill, it could be suggested, is borne out by comments of 'fenian' and 'orange bastards', referred to in the accounts from some of those whom police spoke with. These include civilians David Woods (p7390), Maureen McCoy (p9106), Kyle Magee (p8119), Michelle Jamieson (p8111), David Woods (p7534), Colin Prunty (p18062), P51 (p9131) Kyle Woods (p9133), William Jones (p9114) and Beverley Irwin (no statement). Mr McBurney in paragraph 115 of his DPP report dated 22/12/1997 refers to police officers at the scene 'doing their best to prevent sectarian disorder'.

1.3.4 Action 108 relates to the outcome of further research on other incidents in the area about the Thomas Street and Market Street junction in Portadown. Portadown station records for the period Oct 96 to Oct 97 show that there were 160 recorded incidents. These incidents, not all deemed to be crimes, are referred to as involving general disorder and throwing stones between Catholics and Protestants. The occurrences are broken down into three categories the details of which have not yet been made known to me.

1.3.5 In 1985/86 as a sergeant in a Belfast based Mobile Support Unit (MSU) I experienced at first hand policing public disorder in the nearby Woodhouse Street/Obin Street area of Portadown. This followed the banning of an Orange parade from going down through the tunnel area. For several months or more after this I recall on several occasions being directed to go immediately to Portadown to

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assist with public disturbances that had broken out in the area. Fixed points around the Obin Street area became a regular occurrence. I often performed fixed point duty in this area with my patrol, both during the day and throughout the night. While performing this duty police were often the subject of public disorder attack and verbal abuse from both sides.

1.3.6 On occasions I was briefed of possible attacks posed from paramilitaries in the area, so precautions were often taken to protect officers' safety. This included the wearing of body armour, having armed officers strategically positioned, being alert to potential 'come on' situations and booby trap devices etc. Both sides of the divide were violent towards police, causing injury on many occasions. Loyalists often taunted police with comments of 'Barry's boys' in response to the name of the Republic of Ireland Minister for Foreign Affairs who had been heavily involved in the negotiations which resulted in the 1985 Anglo-Irish Agreement. At the time I have no doubt that the police action in Portadown did prevent the escalation of violence in the area and throughout the province.

1.3.7 From the beginning of my service in 1978 while a Constable in the RUC stationed at North Queen Street Police Station, Belfast I regularly performed duty at fixed points in North Belfast between divided communities. Some of them had become more or less permanent fixed points for police at particular periods or nights of the week. Most prevalent in my first two or three years in the police were those at Duncairn Gardens which separated the New Lodge (nationalist) and Tigers Bay (Loyalist) areas and similarly at Unity Flats/Peter's Hill (nationalist), and the lower Shankill Road (Loyalist).

1.3.8 Throughout most of the areas in which I have served, there have been flash points which required policing in one way or another. This duty was often performed by officers who had already completed an eight hour shift of duty. I often found it brought with it other matters such as tiredness, boredom, restriction from being required to attend to ordinary crime needs and a fear of only serving as an easy target for terrorist attack.

1.3.9 On the 7th May 1981, the day of the funeral of hunger striker Bobby Sands, I experienced at first hand the reality and danger of working at fixed points. One of my station colleagues, Constable Phillip Ellis 33yrs, with whom I had spoken only ten minutes before, was shot dead at Duncairn Gardens through a corrugated fence while standing alongside an armoured Land Rover. Later that year on the 28th November 1981 another officer also from North Queen Street, Constable William Coulter 23yrs, was killed as a result of a bomb attack while standing at a weekend fixed point at Unity Flats.

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d. Other demands on CID Offices

1.4.1 Throughout the troubles the occurrence of terrorist shootings, bombings and other sectarian crimes such as murder became additional work requirements to the many other responsibilities placed on local CID officers, which included :-

- Dealing with and assisting with enquiries relating to serious crimes e.g. rape, serious assaults, armed robberies and terrorist finds that occurred.
- Dealing with and attending to local volume crime offences such as burglary, deception, robbery, arson and follow up action surrounding offenders arrested and/or detected for these matters.
- Recording witness statements, crime forms, victim support documentation and other related administrative functions connected with a crime.
- Accompany police search teams carrying out CID searches & arrest enquiries.
- Conducting follow up enquiries, interviews and other investigative avenues relating to their own work or other incidents directed to assist with.
- Preparing court briefs for magistrate prosecutions and attending court to prosecute summary offences of theft, burglary, deception etc.
- Prepare reports to the Director of Public Prosecutions unless the CID office set up a file preparation team with one or two staff dedicated to attend to this administrative duty leaving officers free to other duties.
- Responding to and assisting with the detection of offenders involved in serious public disorder situations.
- Interviewing persons arrested under terrorist legislation for crimes occurring in the officer's own police area of responsibility and elsewhere in the Region

1.4.2 The general practice in 1997 was that uniform officers dealt with very minor crimes and CID attended to all burglaries and those crimes where a scene would have been established or required. I also found it common practice for CID to have responsibility for investigating offenders involved with serious public disorder incidents. There was no one-stop-shop approach to crime management as exists today. These demands, although varying from division to division and depending upon the political climate, all added greatly to the workload of divisional CID officers and the time that could be afforded to each area. Prioritisation was a continual struggle in my role as a supervisory officer in CID.

1.4.3 By way of background I will give some examples of how public order demands impacted on CID resources and the knock on effect this had other investigations. Serious Public disorder disturbances often resulted in steps being taken to detect offenders for various offences such as arson, hijacking, petrol and blast bomb attacks, intimidation and threats to kill, matters which uniformed personnel were often deemed either unsuitable or untrained to deal with.

1.4.4 In North Belfast between 1998 and 2002 I experienced at first hand the demand on CID resources to deal with the effects of serious and prolonged public disorder arising from parades and protests. These included the annual passing of an

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Orange Order parade past a nationalist area, the Holy Cross primary school children dispute and other notable events such as the re-routing and stand-off at Drumcree in 2000. These and other acts of violence often entrenched attitudes and views, leading to widespread and unprecedented demands on policing.

1.4.5 During these periods of serious public disorder it was common practice for me and other CID supervisors working in the sub-division, where these disturbances were occurring, to be required by uniform authorities to set up public order investigation teams to gather all available evidence and organise follow up search, arrest and interview operations of those identified as being involved. In April 2001 while a D/C/Inspector in charge of North Belfast CID, during the Holy Cross dispute I was involved in overseeing and directing investigations in this situation for several months. This dispute concerned Loyalists protesting at Catholic children walking with their parents or other adults through a small stretch of Road occupied by Protestant homes. Almost daily, widespread disturbances erupted throughout North Belfast and afar, similar to the effect that Drumcree protests had following police action preventing its passing along the Garvaghy Road. From July to October 2001 I was required to deploy a large number of officers to continuously view video tapes and investigate public order offences surrounding ongoing disturbances.

1.4.6. Around the same period on the 12th July 2001 disturbances broke out at the nearby Ardoyne shop fronts during and after an Orange parade passed returning from the customary celebrations. That night around 120 police officers were injured and in the days and weeks that followed, a number of my CID staff was deployed to assist with follow up arrests of over forty suspects from both Loyalist and nationalist communities. At that time, due to the pressing demands for uniform officers on the ground, only 4-5 officers were made available to assist CID with the work of the Public Order Unit set up under my command.

1.4.7 The extensive enquiries and demands relating to this and the associated serious crimes that it entailed greatly diminished the attention I or my officers were able to provide to ordinary volume crime investigations, which I was also accountable for. Juggling priorities was a constant battle in such situations, so much so that it became sometimes blurred as to what my main priorities were. The significant demands and lack of resources to conduct investigations to a satisfactory level included me making several requests to senior command for additional resources. This resulted in only three CID staff being provided on a temporary basis from a neighbouring district such were the needs and demands elsewhere.

1.4.8 HOLMES investigations require a lot of management and attention from the senior CID officer responsible for the investigation. HOLMES management includes appointing a CID receiver; generally a D/Sergeant and various support staff to perform the roles of office manager, document reader, indexer(s), typists and other positions relevant to the needs of the investigation. In my experience, particularly in North Belfast from 1998, there was generally limited HOLMES staff available to work in the Major Incident Rooms (MIR) for an enquiry. The trend tended to be at the

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outset of a HOLMES investigation that HOLMES staff would be drawn immediately from existing enquiries and work on the new account for a number of days or weeks depending upon the demands arising in the new enquiry and the investigation work they were previously working on.

1.4.9 Details relevant to 1997 regarding the role description for a D/Inspector and D/Sergeant rank in CID are outlined in RUC vacancy bulletin No. 9/97 dated 17th July 1997. Around this time I recall the service experienced great difficulty in attracting officers to take on the role of D/Inspector CID, such were the heavy demands and hours of duty with little additional financial reward. The D/Inspector CID was then responsible to both the Sub-divisional Commander and the Divisional Head of CID. The officer's main purpose referred to within the vacancy bulletin included being *'Responsible for ensuring that the current action is taken in respect of major crime and that a CID Officer of the appropriate rank and experience is deputed to investigate all such crimes'*.

1.4.10 The D/Inspector's main duties include investigating the offences delegated by the Divisional Head of CID; monitoring/guiding the progress of investigations under his/her control; being aware of all occurrences relative to CID work and brief uniform officers on crime trends/operations. Taking into account the commitment and attention needed for serious crimes such as this murder may help demonstrate the heavy workload many D/Inspector's were faced with. Extracts from the vacancy bulletin No. 9/97, outlining the job description of both a CID D/Inspector and D/Sergeant, are contained in **Appendix T**.

1.4.11 Over the years I have regularly experienced that where serious crime and public disorder occur in a sub-division, such as that associated with the Holy Cross and Drumcree disputes, demands upon CID management skills and resources increase. The extent of public disorder occurring in North Belfast, particularly during the Loyalist protest of the Holy Cross primary school, led me to draw upon a number of initiatives; the use of photographers to work alongside police in the area; setting up organised debriefings using a specially devised pro-forma and promptly communicating any relevant evidence. This enabled me to prioritise CCTV viewings and other actions, including making requests for resources to progress subsequent arrest and search operations.

1.4.12 The additional planning, actual policing (including providing security) and assistance sought by CID in following up arrests, searches and other enquiries often placed enormous pressures on uniform police resources.

e. Statistical Information

1.5.1 To assist with establishing what CID workload or demands may have existed for Portadown CID staff and in South Region CID as a whole, various statistics have been gathered for the period 1/1/1995 to 31/12/1999. These include:-

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- Crime statistics for all police divisions referred to in the RUC Chief Constable's annual reports, including that contained in **Appendix Z8**
- Security serious crime statistics for the four RUC divisions comprising of South Region compared against that of Belfast and North Regions. (see **Appendix E**)
- Information on the total number of attempted murders and GBH assaults recorded in Northern Ireland for each of the five years. (see **Appendix F**)
- Statistics referred to by Mr Murray including figures relating to Loyalist and nationalist assaults occurring during the period 1/10/1996 to 1/10/1997 PSNI action 46 Doc D162 or R6B refer. (see **Appendix C**)
- Information relating to 54 HOLMES accounts opened in CID South Region during the five year period selected. (see **Appendix H**)
Note; One of the 54 accounts relates to a VIP visit in 1998, not applicable to CID work.
- Terrorist suspect arrests under Section 14 of the Prevention of Terrorism Act and those carried out at Gough Police office. Although not all arrests, generally most taken to Gough related to South Region matters. (see **Appendix D**)
- The number of CID officers attached to Belfast, North and South CID Regions.
- The number of murders (terrorist & non terrorist related) on record in the HEAD as having occurred in Northern Ireland between 1/1/1995 to 31/12/1999. (see **Appendix Z9**)
- A breakdown of the ranks (D/Const, D/Sgt, D/Insp, DCI, D/Supt) of CID officers attached to Regional CID HQ, Divisional CID, Crime Squad (includes HOLMES staff) and CID Support departments (includes Regional Intelligence unit, CARE and Driving Away Team staff in Urban region only). (See Table 8)

1.5.2 Research made in November 2008 has revealed that from the introduction of the HOLMES investigation system for use in the RUC in 1988 until the 27/4/1997 there was a total of 472 serious crime investigations recorded on it. The numbers of HOLMES accounts opened in each CID Regions were as follows:-

1. 295 for Urban region (62 ½ %)
2. 87 for North Region (18 ½ %)
3. 90 for South Region (19%)

1.5.3 As a general rule, murder offences were mainly recorded on HOLMES. However, bearing in mind the finite HOLMES computer equipped rooms and limited available trained HOLMES staff throughout the province, some serious incidents were not recorded on HOLMES. These included murders such as those of a domestic nature or where the case was straightforward with admissions readily gained from all those involved. The views of the SIO were a factor that was also considered. Where HOLMES was used in the investigation of a murder I often recall HOLMES staff having to double up on roles and sometimes having to work on a number of different accounts or incidents in the same MIR. As a result of this and their work demands, the use of trained HOLMES staff was usually kept under close scrutiny and priority often given as to their use. Besides murder other serious crimes (such as attempted murder, bomb explosions, rape or investigations of a complex and protracted nature) were also recorded on HOLMES. This generally followed authority being given to do so by the relevant CID Regional Head or deputy. One

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reason to support this action was when it was believed the offence was linked to murder or that the incident formed part of a series. Approval may have been given verbally or where reasons were not so apparent required a written report setting out the likely benefits to merit its inclusion on HOLMES.

1.5.4 On average from 1988 there were nine HOLMES accounts opened each year in South Region. However, for the five year period from 1995, when Drumcree and associated band parades in Portadown first became a major policing event, it can be seen at Table 1 below that there was a total of 54 HOLMES accounts opened. This is on average between 10 or 11 each year. Details provided include a break down of the type and number of HOLMES accounts opened during this five year period.

Table 1

	Yearly Total	Murder incidents	Attempted Murder	Rape	Other
1995	7	3	3	1	Nil
1996	10	10	Nil	Nil	Nil
1997	10	8	Nil	Nil	2
1998	18	8	8	1	1
1999	9	9	Nil	Nil	Nil
Total	54	38	11	2	3

Note: All explosion incidents unless known to involve a death are included as an attempted murder.

1.5.5 Previous research conducted for the Inquiry, Action 104 refers, indicates that a total of 40 HOLMES accounts for use in serious crime investigation purposes were opened in the RUC during 1997. This number is identical to the total number of murder incidents recorded in 1997. See Table 5 at page 29 below.

1.5.6 Information provided in December 2008 from PSNI establishment and structures, revealed that approx **1149** police officers were attached to the Criminal Investigation Department over the period 1/1/1995 to 31/12/1999. This is broken into each of the three regions as follows: - **679** officers (59%) for **Belfast**, **272** officers (23½%) for **North** and **198** officers (17½%) for **South**.

1.5.7 If the ratio of HOLMES staff to overall CID operational staff in each Region is consistent this would suggest in 1997 that 10 HOLMES investigations placed a higher demand on South Region CID in the recording and use of HOLMES in the investigation of serious crime. In 1999 concerns were raised about CID serious investigation by two of the three Regional Heads of CID, the details of which are highlighted in **Appendices Y & Z**.

1.5.8 Some information relating to 54 HOLMES accounts opened in CID South Region during the five year period 1/1/1995 to 31/12/1999 has been compiled in **Appendix H**. From these details I would suggest the following can safely be drawn:-

- Seven of the 19 South Region CID HOLMES investigations, opened during the previous 26 months before April 1997, (includes six separate murder incidents) were still being worked on or live at the time of Robert Hamill's attack/murder.

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- On 25 of these HOLMES accounts, completed actions have been resulted on HOLMES but no filing has taken place.
- In 18 of the 26 accounts for which filing on HOLMES has taken place, actions have been raised after the date on which filing last took place.
- That HOLMES accounts still worked on after several years does not necessarily mean that a case has been worked on continuously, but more often that further attention has resulted due to new information or enquiries coming to light.

1.5.9 Where no filing of an action has taken place I would suggest that any of the following three reasons may apply:-

- The investigating officer has yet to check some or all of the resulted action and sign off each as either being fully completed or requiring further attention/action.
- The investigating officer has signed off all actions and directed upon the filing or otherwise of each but HOLMES staff have not yet been allocated to update and file these actions on HOLMES.
- All actions have been checked, directed upon and signed off by the SIO for filing but due to other demands on the few HOLMES staff available, filing on HOLMES has been directed as a low priority.

1.5.10 Comparing details of HOLMES accounts opened in South Region during 1997 (**Appendix H**) and the list of murders recorded on HEAD in the period 1/1/1995 to 31/12/1999 (**Appendix Z9**) it is apparent that at least three other murders occurred during 1997 which were not investigated using HOLMES. These include a stabbing and a beating occurring in July 1997 for which the detection of an offender(s) is not apparent. The full impact of police enquiries into all of the murder incidents occurring in South Region during June and July 1997 is unknown. Did this result in a reduction in CID resources attending to after-charge enquiries relating to the Robert Hamill investigation? These points are provided to raise awareness regarding demands on CID investigating officers and HOLMES staff.

1.5.11 Unfortunately given the short time frame allocated to compiling this report it was not possible to have HOLMES researched further for other matters, including who was the SIO and deputy SIO for each of the 53 HOLMES accounts. In my experience as a D/Inspector and D/C/Inspector in both North and Belfast Regions, the role of Senior Investigating Officer (SIO) was generally carried out by a CID officer of D/Superintendent or D/Chief Inspector rank and the local D/Inspector for the area or sub-division where the incident occurred would act as the deputy SIO. This means that demands are generally not equally spread. There were on average between 10 and 11 HOLMES accounts opened each year in South Region. The extent of additional demands on the D/Inspector (deputy SIO) relating to HOLMES management I would suggest depends upon what attention to HOLMES the SIO considers appropriate. It is apparent that during the period March to July 1997 three other HOLMES accounts as well as this murder incident were opened in J Division. What level of responsibility D/Inspector Irwin or any other D/Inspector within South Region had relating to these three other HOLMES accounts is not known.

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1.5.12 The role and work of D/Inspector Irwin in the Robert Hamill murder investigation is demonstrated by his examination and written directing on most, if not all, of the Actions & Messages raised and received during the period May to December 1997 (see **Appendix P**). This together with his work elsewhere in the investigation suggests a more significant commitment than that of office manager. This role is normally performed by an officer of D/Sergeant rank and where possible by one of the dedicated trained office managers attached to HOLMES and the Regional Crime Squad. General Order 105/91 File box C (c) attached as Appendix 51 of Mr Murray's report and a report from RUC HOLMES liaison D/Inspector, contained in documentation comprising in **Appendix Y**. The inspector outlines details on staff roles when conducting an investigation using the HOLMES system.

1.5.13 Further examples as to the lack of HOLMES and CID resources involved in the investigation of murder and other serious crime throughout the province is outlined in two reports retrieved from Crime Admin records in Knocknagoney. These relate to reports addressed to the Assistant Chief Constable (ACC) Crime, written by Mr [REDACTED] and Mr McBurney, two former Regional Heads of CID, on the 15th June 1999 and 1st July 1999 respectively. The confidential report from Mr [REDACTED] also refers to the stress officers were enduring and recommended that instructions are drawn up on the minimum staffing levels in HOLMES incident rooms and accommodation requirements in each sub-division (see **Appendix Y**). The report from Mr McBurney refers to his concerns as to the extent of investigation being made into serious crime, operating only a 'fire brigade service' and states 'if critically examined I doubt would not stand scrutiny' (see **Appendix Z**).

1.5.14 There are a number of accompanying reports from CID management involved in the investigation of serious crime, in particular murder, along with each report. Apart from the lack of staff the various reports contained within Appendix Y also highlight difficulties such as training, lack of uniform support and accommodation which CID management faced in the investigation of serious crime in early 1999. A report dated 30th April 1999 from the RUC HOLMES liaison D/Inspector outlines the full time establishment for dedicated HOLMES personnel in the Service is broken down for each region as follows:-

Table 2

CID Region	Office Manager	Statement Reader	Indexers	Total staff
North	1	4	4	9
South	1	4	3	8
Belfast	2	8	8	18
Total	4	16	15	35

Note: In early 1999 three indexer posts (2 North & 1 Belfast) remained vacant.

1.5.15 Reference is made in one report to 19 live HOLMES accounts being managed by five HOLMES staff. This represents a very small percentage of what would be considered adequate bearing in mind the ACPO guidelines for the use of HOLMES. All of these reports follow the many adverse findings published in February 1999

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relating to the MacPherson report about police investigations into the murder of Stephen Lawrence in 1993.

1.5.16 In June 2000 the ACC Crime set up a working party under the chairmanship of a D/Superintendent to examine the future structure and role of Crime Squads in light of the Patten recommendations and the RUC Change Management Process. The terms of reference were extended to take in other organisational issues closely interdependent with the work of the Crime Squads in each CID region. Some of the areas covered which are deemed relevant to this report include;

1. The role of senior CID management in supporting and assisting investigations of major and other serious crime.
2. The role and functions of SIO's in the investigative management of murder and serious crime.
3. The involvement of uniform officers in major crime investigations and proactive initiatives aimed at tackling regional and organised crime.
4. The role of DCU commanders in the investigation of murder and other serious crime.
5. The resourcing and effective use of HOLMES as an investigative tool in major crime investigations.
6. Resourcing of murder investigations.
7. Regional CID structures which would provide resilient and robust regional response to major and organised crime and other crimes.

1.5.17 A final report entitled 'The structure and role of crime squads in the new Policing structures' was submitted in January 2001. See **Appendix O**. The content of this report includes a historic perspective surrounding the formation and use of the Regional Crime Squads, research conducted with other UK Police Services and various recommendations for change. Attached to the report are three appendices: an early 1995 review known as the '██████ report'; HOLMES related matters; and a draft proposal for a RUC Major Crime Investigation Policy. The report provides a useful insight to further concerns raised in 2001 about officer training, staffing and resilience in the RUC. In summary, the report shows how badly HOLMES rooms were staffed and that the RUC were ill equipped and inadequately trained in the investigating of murders to the standard of many other large Police Services in the UK.

1.5.18 Following the submission of this report, instructions were issued to the Service under General Order 23/2001 Part 1 C (c) dated 25th April 2001 entitled 'Major Crime Investigations'. (see **Appendix R**). This included the introduction of dedicated Regional SIO's, the classification of murders into category 'A', 'B' or 'C', directing upon the setting up of management teams and minimum staffing for investigating murders. Instructions relating to many other key aspects when carrying out such investigations, such as the use of interview co-ordinators, disclosure, media, family liaison and crime scene management, are also mentioned.

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1.5.19 Prior to the introduction of dedicated SIO's in 2001 the use of HOLMES in the investigation of serious crime was limited and subject to regional CID management approval. Further details on the limited HOLMES staffing levels, alluded to in reports compiled by two Regional Heads of CID in June 1999, meant that often when a new account was opened, HOLMES staff were diverted from another live account to manage it. The staffing problem meant that all roles in a MIR were not filled and staff were often overloaded with paperwork, having to perform several roles in one account whilst being required to work on a number of accounts at the same time. The high level of HOLMES staff sickness and use of temporary staff, with limited training, often presented further difficulties with management of information in HOLMES rooms. As a result, prioritisation on the use of HOLMES was given to the more serious or complex incidents.

1.5.20 A similar situation existed for local Divisional CID personnel/management required for a HOLMES enquiry. In 1997 they still had responsibility for other crime matters occurring in their division. Although well resourced at the outset in terms of CID personnel, supported often by some Crime Squad personnel, it was usually the case that after two or three weeks demands would be made for the return of staff to attend to work in their normal duties, attend court or assist with the interview of terrorist suspects. The occurrence of further terrorist or serious crime incidents was also a major factor in how long staff remained on an investigation.

1.5.21 The investigations of terrorist and other serious crime incidents in 1997 did not include any hand over procedures as there are today. Often when an officer was transferred to another station or division it was expected for the replacement officer to continue with the investigation and seek some form of debriefing from the investigating officer, some of whom did provide a written report updating the position at that time. However I found no consistent approach. Where little background or information was available relating to an investigation this added greatly to my workload in getting up to speed with an investigation and what lines of enquiry may or may not have been progressed or completed.

1.5.22 Instructions on the compilation of 'Closing Reports (HOLMES)' are outlined in General Order 91/97 Part 1 C (c) dated 31st December 1997 entitled 'Major Incident Policy Book—Instructions reference completion, retention and disclosure'. See **Appendix M**. This directs the '*report will be commenced at an early stage of the enquiry and will be amended throughout the duration of the enquiry*'. An attached appendix is also provided on suggested contents for this report. The use of 'closing reports' or procedures whereby a report was compiled on the state of a HOLMES enquiry greatly helped improve communication between investigating officers and senior CID management overseeing progress. General Order 19/2000, dated 9th March 2000, entitled 'Revised ACPO guidelines for the use of policy files & introduction of current situation reports in relation to Major Crime Investigations' (see **Appendix Q**) superseded the 1997 order. This includes reference to the introduction of current situation reports (CSR) instead of closing reports (HOLMES) and directs

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that 'CSR's will be prepared in relation to all murders and undetected stranger rapes, including attempted murder and serious sexual assaults etc.

1.5.23 To highlight likely timescales and work conducted in each of the 54 HOLMES accounts opened in CID South Region during 1995 to 1999, a HOLMES investigation summary report print out has been obtained on all. Specific details as regards the number of statements, actions, messages and other documentation involved with each investigation has been extracted from each summary report. This information together with other details as to when the last action was raised and filed, if available, have been compiled on a grid table shown in **Appendix H**.

1.5.24 It is suggested, however, that careful consideration as to the nature, location (urban or rural) and any other detrimental factors that may be associated with each investigation should be given before drawing any conclusions as to how thorough each police investigation was. This information, it is hoped, will also allow some comparisons to be drawn and give insight as to time spent by CID South Region on HOLMES investigation work, in particular over the relevant period that the initial investigation into Robert Hamill's murder is reported on by Mr Murray. Some further questions, to that already raised at paragraph 1.5.10, that may be drawn from this data include:-

- What impact, if any, did the raising of actions in eight other murder incidents investigated using HOLMES since May 1995 have on this investigation?
- What commitment in terms of Portadown CID management and staff were deployed on a HOLMES investigation opened six weeks prior to the attack on Robert Hamill?
- What impact did the opening of another HOLMES account in J Division on the 16th June 1997 have on CID staff afforded to the Robert Hamill investigation?
- Was it the case that after six persons were charged in May 1997 that limited CID resources remained to progress the various after-charge enquiries and duties connected with the Robert Hamill murder?
- What commitment, in terms of time and South Region CID resources, were taken up in the investigation of other murder related incidents occurring during the same five year period? – see **Appendix Z9** and Table 5 below.

1.5.25 Details provided by PSNI central statistics unit in Appendix F for the same five year period show that incidents of attempted murder recorded in the RUC from 1995 to 1997 rose from 35 to 116, a rise of 231% whereas that of Wounding or Grievous Bodily Harm (GBH) with intent reduced from 243 in 1996 to 211 in 1997, a decrease of around 13%. These incidents together with the overall crime statistics for this period when compared against the HOLMES account information for the same

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period show that far from all serious crime relating to offences of murder and attempted murder were investigated using HOLMES.

1.5.26 **Appendix D** provides numbers of terrorist prisoners detained monthly at the three terrorist arrest detention centres situated in each CID region. This shows that during the four month period April to July in 1996 and 1997 a lot fewer terrorist arrests took place than in the subsequent months. In 1997, in the three months preceding the attack on Robert Hamill, the number of terrorist arrests taken to the Gough holding centre in South Region totalled 54. This was 50% of the total number of arrests taken to Gough in the whole of 1996.

1.5.27 Comparisons as to the number held in each region during this five year period is outlined in Table 3 below.

Table 3

Year	Castlereagh	Strand Road	Gough	Year total
1995	291	85	64 (16%)	440
1996	431	33	105 (18½%)	569
1997	295	29	177 (35½%)	501
1998	450	10	93 (17 %)	553
1999	234	39	95 (29%)	368
Total	1701	196	534	2431

Note: Where occasions arise that a Police office used for terrorist arrests/interviews is closed for some repairs or has no further cells available the prisoner would be taken to a different Police office.

1.5.28 Occasions sometimes arose where a terrorist prisoner being dealt with by one CID Region was held in a Police office of another. However given this was not very often the above figures can be taken as a reasonable guide to what level of terrorist arrests were occurring in each CID Region. The above data indicates a rise in terrorist arrests in South Region, particularly during 1997, when eight new murder accounts were opened on HOLMES in the region. CID officers performing interviewing duties at a designated Police office were required from between one and seven days at a time.

1.5.29 PSNI Security Branch has provided statistical information on all shooting, bombing, incendiary, paramilitary assaults and shootings for the period 1/1/1995 to 31/12/1999 in respect of South Region. **Appendix E** refers. The information also shows the number of baton rounds fired by police. The total South Region figure for each incident type, along with the Portadown sub-divisional figure in brackets, is shown in Table 4 below. The figures clearly show that in South region Portadown sub-division (which includes Lurgan, Moira and Craigavon stations), with exception of paramilitary assaults, had a significantly high number of such attacks.

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Table 4

Security statistics for South Region						
Year	Incendiary Incidents	Shooting Incidents	Bombing Incidents	Paramilitary assaults	Paramilitary shootings	Baton rounds fired by Police
1995	1(0)	16(4)	2(0)	37(8)	0	53(52)
1996	0	15(7)	4(2)	38(5)	1(0)	735(458)
1997	0	46(18)	19(6)	30(1)	12(6)	245(135)
1998	5(4)	44(18)	48(24)	20(4)	2(0)	926(924)
1999	1(0)	18(4)	21(10)	21(4)	6(2)	110(110)
Totals	7(4)	139(51)	94(42)	146(22)	21(8)	2069(1679)
Portadown%	57%	37%	45%	15%	38%	81%

1.5.30 Table 5 below includes details relating to the total number of various crime reports recorded within Northern Ireland during a six year period up until the end of March 2000.

Table 5

Crime Statistics for Northern Ireland taken from RUC Chief Constable's reports							
Year % cleared	Murders (security situ. deaths)	Att. murder	Threats conspiracy to murder	Bombing (incendiary- ies)	Shooting incidents	Paramilitary Shootings & (assaults)	Firearm, ammo and explosive Finds
1994 35.9%	82 (61)	255	221	207 (115)	348	122 (70)	F 178 A 17,878 E 1,285kg's
1995 36.1%	22 (9)	35	162	2 (10)	50	3 (217)	F 118 A 17,878 E 5kg's
1996	35 (15)	71	239	17 or 25 (4)	125	24 (302)	F 98 A N/K E 1,677 kg's
1997	40 (22)	116	285	78 (93)	225	73 (125)	F 105 A N/K E 1,258kg's
1997/98 (App. Z8)	47	113	303	N/K	N/K	N/K	N/K
1998/99 (old rules)	71 (44)	106	415	123	187	73 (172)	F 104 A N/K E 778kg's
1998/1999 (new rules)	71	106	N/K	N/K	N/K	N/K	N/K
	Assaults of OABH, GBH and wounding	Robbery offences (hijacking)	Sexual Offences (Rape/Att's)	Burglary	Fraud & Forgery	Criminal Damage (arson)	Offences against the State (firearm off's)
1994	N/K	1,567 (194)	N/K 26% < 1995	16,902	N/K	N/K 23% < 1995	417
1995	4,321 (intent 194)	1,539 (331)	1,679 (229/30)	16,457	4,884	3,772 (1,132)	339 (42)
1996	4,614 (intent 243)	1,725 (439)	1,745 (264/28)	16,114	4,081	4847 (1490)	400 (47)
1997	4,967 (intent 211)	1,653 (548)	1,444 (268/26)	14,306	3,818	4692 (1201)	501 (55)
1997/98 (App. Z8)	4,5027 (intent 164)	1,573 (542)	1,297 (242/29)	13,724	3,620	4773 (1186)	457 (29)
1998/99 (old rules)	6,616 (intent 520)	1,395 (249)	1,485 (284/40)	15,480	5,280	9,794 (1,997)	459 (89)
1998/1999 (new rules)	N/K	1,395 (249)	1,605 (284/40)	15,480	6,843	27,663 (1,997)	568 (97)

Note: All of the above information is contained within RUC Chief Constable's Reports 1994 to 1998/1999.

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1.5.31 To allow some comparisons to be drawn from crime reports received prior to and after the IRA ceasefire, on the 31st August 1994, crime statistics relating to 1994 are also included in Table 5 above. All of the crime statistical information has been extracted from RUC Chief Constable's Reports' and the Northern Ireland Crime statistics Commentary book on 'Notifiable offences recorded by Police 1992 – 2001.'

1.5.32 It is apparent following the IRA ceasefire in August 1994 that crimes of murder, attempted murder, bombings and shootings, including paramilitary shootings decreased significantly in 1995. However, after 1995 serious crime associated with offences against the person, hijacking and arson increased significantly.

1.5.33 The reasons for these increases may well have been due, I believe, to the various contentious issues surrounding Orange parades and the end of the IRA ceasefire in February 1996. The CAIN web service entitled 'A Chronology of the Conflict - 1968 to the Present' contains information and source material on 'the Troubles' and politics in Northern Ireland. As new material is regularly added the information on pages may change. Extracts of information contained on this CAIN site, relating to the period January 1996 to October 1997 (see Appendix Z11), do provide some insight to the continuing terrorist violence that was occurring both before and after the death of Robert Hamill, particularly in South Region.

1.5.34 Paragraph 12.14 of Mr Murray's report refers to other investigation work that Officers from Portadown CID office were involved with the day following this attack. In order to try and contextualise likely demands upon divisional CID officers within each region during 1997, various relevant crime statistics, including in brackets the number of offences detected, are set out in Table 6 below. These figures have been calculated from Table 3.1 contained in the Divisional Notifiable Offences recorded in Appendix 11 in the RUC Chief Constable's Report 1997/1998. See copy details in Appendix Z8. Those offences referred to in Table 4 are included under the categories offences against the state and person.

Table 6

Regional Crime recording statistics/clearance rate for various crime types for year 1997/1998									
Region	Offences against State	Offences against Person	*Sexual offences	Robbery	Burglary	*Criminal damage	Frauds & Forgery	Approx no of CID crimes	Total of all offences
Urban A-E Div	227 (188)	2329 (1306)	553 (490)	907 (155)	6770 (1015)	1962 (482)	2005 (1001)	12866	32289 (9273)
North G-K Div	122 (113)	1409 (927)	408 (387)	292 (59)	3896 (796)	1377 (425)	855 (606)	7020	14529 (5487)
South L-P Div	108 (64)	1229 (839)	336 (317)	374 (42)	3058 (593)	1434 (411)	760 (524)	6029	13194 (4415)
1997/98 totals	457	4967	1297	1573	13724	4773	3620	25915	

Note: *Only a small percentage of this crime type/figure included in calculations for crimes investigated by CID.

1.5.35 The column entitled *approximate number of CID crimes* is a rough calculation as to the amount of investigation work operational divisional CID staff are likely to

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have been responsible for in 1997/1998. Allowances have been made within Table 6 for the investigation work carried out by uniform officers and specialized units such as Fraud Squad, CARE, Drugs Squad and Crime Branch. This includes two crime categories namely 'Theft' and 'Other notifiable offences' and only 25% of the total crimes figure in categories 'Sexual offences' and 'Criminal damage' being included. Adding together each of the figures in bold it is suggested provides a good indication as to approximate numbers of crimes divisional CID in RUC where responsible for.

1.5.36 Appendix 9 of the Chief Constable's Report 1997/1998 refers to the effective strength of the RUC on 31/12/1997 as 11,467 full time officers. This includes 8,485 regulars and 2,982 RUCR full-time. The PSNI indicate approximately 1149 detectives were attached to CID in 1997. Information relating to the rank distribution of regular officers spread between CID and non CID departments is set out below:-

Table 7

Ranks	Total RUC ranks	CID rank total	Rank % in CID
ACPO staff	9	1	11.1%
Chief Superintendent	16	5	31.25%
Superintendent	137	20	14.6%
Chief Inspector	164	39	23.7%
Inspector	481	92	19.1%
Sergeant	1,393	219	15.72%
Constable	6,285	774	12.31%
Totals	8,485	1149 (+1)	13.55%

1.5.37 The 1149 detectives attached to CID in 1997 were broken into each region as follows: 679 (Belfast); 272 (North); and 198 (South). Details in Table 8 below show the number of officers within each rank and their duty type.

Table 8

CID duty Type	C/Supt	Supt	Chief Inspector	Inspector	Sergeant	Constable	Totals (Sgt/Const)
Belfast Reg HQ	2	3			1	1	7
Urban Div CID		8	21	43	111	329	512 (440)
Urban Crime Sq			1	3	6	55	65
Urban Reg. Support				8	15	72	95
North Reg HQ	2	4		1			7
North Div CID		1	9	16	40	134	200 (174)
North Crime Sq				1	3	16	20
North Reg. Support				6	10	29	45
South Reg HQ	1	4					5
South Div CID			7	11	23	95	136 (118)
South Crime Sq			1	0	6	21	28
South Reg. Support				3	4	22	29
Rank Totals	5	20	39	92	219	774	1149

Note: Regional Support refers to Intelligence, Child Abuse Rape Enquiry (CARE) and other small units which support the work of Operational CID and Regional Crime Squad work.

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1.5.38 Table 9 below sets out various comparisons made between the various crime types/totals listed in Table 6 with the number of operational divisional CID staff, shown at Table 8. I believe this may help give some appreciation as to the likely demands for divisional CID in 1997/98 within each Region.

Table 9

Number of CID offence type investigation per D/Sergeant and/or D/Constable for each of the three CID Regions during year 1997/98									
Region	Offences against state	Offences against Person	+Sexual offences 25%	Robbery	Burglary	+Criminal damage 25%	Frauds & Forgery	Approx no of CID crimes	Total of all offences
Urban	0.5 or	5.3 or	1.45 or	2.06 or	15.4 or	1.11 or	4.56 or	29.2 or	32289
Total 440	0.68	7.1	1.94	2.75	20.6	1.49	6.1	39.1	(9273)
D/C's 329	(227)	(2329)	(638)	(907)	(6770)	(490)	(2005)	12866	
North	0.71 or	8.1 or	0.59 or	1.7 or	22.4 or	1.98 or	4.91 or	40.34 or	14529
Total 174	0.98	11.37	0.82	2.35	31.4	2.77	6.9	56.6	(5487)
D/C's 124	(122)	(1409)	(102)	(292)	(3896)	(344)	(855)	7020	
South	0.91 or	10.4 or	0.71 or	3.16 or	25.9 or	3.03 or	6.44 or	51.1 or	13194
Total 118	1.3	12.9	0.88	3.94	32.2	3.77	8.0	63.5	(4415)
D/C's 95	(108)	(1229)	(84)	(374)	(3058)	(358)	(760)	6029	

Note: + denotes those crime types a percentage of which were investigated by Operational CID staff.

1.5.39 The results in Table 9 above do not take account of CID staff extractions resulting from the investigation of serious crime, interview of terrorist suspects or court attendance, all of which can last several days or more. The calculations made in Table 8 show that the average number of crime investigations per operational CID detective Constable/Sergeant and D/Constable only in each of the three regions during 1997/1998. This reveals that the average work per officer was greater in South Region in six of the seven crime types selected. Particular differences or extra demands are apparent with the offences of burglary, criminal damage and offences against the state. It is hoped this may further put into context the CID workload and demands, not just in South Region, but throughout the other two CID regions.

f. CID Investigation Practices during late 1990's.

1.6.1 During my service I served as a CID officer for almost 23 years in both rural and urban locations, such as West and North Belfast, Antrim, Londonderry, and Enniskillen. I have never being stationed in a CID office in South Region although I have assisted with interviews at Gough Police office located in Armagh. From October 1998, while performing the role of D/Chief Inspector in a CID office in Belfast, it was the responsibility of the investigating officer to compile together all information relating to a crime investigation, not subject to investigations on HOLMES, and have details of his/her investigation brought to the attention of a CID supervisor who would check and discuss any existing investigative opportunities before filing. Having not served in CID in G, H, J or K Divisions I am unaware whether the same procedure applied to CID staff in South Region.

1.6.2 When dealing with an investigation my experience has been that the investigating officer was required to gather together all information. This included a

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copy of the crime form, all witness statements, the scene of crime officers' (SOCO) investigation reports, any forensic, fingerprint or other examination results along with any related internal MSX incident report, suspect custody, interview, medical records, photo album and other documentation. For example where a mini MIRIAM system is used this also included action, message and reports compiled. Another important document was the completion of a locally devised proforma crime report or investigation record sheet, such as that shown in **Appendix Z7** used in E Division in Belfast Region in 1997. This enabled key aspects of investigation and any relevant evidence findings to be commented on by the investigating officer and was a ready reference for a CID supervising to consider and discuss.

1.6.3 In 1998, while attached to CID 'D' division in Belfast Region, a CID supervisor was required to assess the state of the investigation and, where opportunities still remained, to oversee that they were properly pursued. In crimes of a serious nature such as this attack, where many lines of enquiry existed, a number of officers would be appointed to work on the case under the supervision of myself or the D/Inspector. Generally and where possible, bearing in mind the amount of available staff, the investigation would be conducted using what was often referred to as a mini MIRIAM. This included appointing a receiver, holding regular documented conferences and ensuring all actions, messages and statements received during the course of the enquiry were attended to, indexed and filed. This process enabled a level of scrutiny, control and prioritisation to be given similar to a crime investigated using the HOLMES system. It was basically a document management system.

1.6.4 As an operational CID supervisor during period 1998 to 2002, other demands placed upon my time and diverting me away from my local sub-divisional CID duties included:-

- Supervising the interviews of terrorist suspects at Castlereagh Police Office.
- Attending to demands from senior divisional, sub-divisional and Regional CID management.
- Scrutinising, directing action and managing the filing or otherwise of documentation relating to a HOLMES enquiry for a serious crime.
- Attending to various meetings outside my place of work with staff in other internal departments e.g. Special Branch, Scenes of Crime and CARE unit and externally with Forensic science.
- Performing on-call duties periodically for the Region at weekends and at night.

1.6.5 Further to that indicated at paragraph 1.5.21 relating to there being no official handover process for serious crime investigations, other difficulties I encountered relating to serious crime included:-

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1. The management and safe storage of exhibits.
2. The management and central retention of case papers.
3. The delays caused with seeking approval for arrests and searches.
4. Retaining sufficient staff to work on an investigation after charge.
5. Staff being diverted to assist with demands in other divisions.

1.6.6 The police investigation into the attack on Robert Hamill was initially treated as a grievous bodily harm offence. I consider it could well be argued that such an attack might well have been viewed as an attempted murder. In 1997, at the time of this assault, I was an Inspector attached to the RUC Complaints & Discipline Branch. To seek confirmation and avoid projecting my own personal experience of CID investigating practices during the relevant period in 1997, I have conducted a dip sample of available case papers relating to ten attempted murder incidents occurring between 1/1/1997 and the 30/6/1997 across all three CID Regions. See details in **Appendix G**.

1.6.7 In November 2008 there were a total of 84 attempted murder incidents, occurring during the first six months of 1997, on record in the PSNI Murder Archive Store at Seapark. Ten incidents were selected using the limited information recorded on computer. Similar to the initial GBH investigation none of these incidents are recorded on the HOLMES management system. Further consideration given in the selection of the incidents, listed in **Appendix G**, included those likely to have a primary scene outside and which appeared to have occurred outside normal CID office hours.

1.6.8 Selected information gathered from these incidents, not including any specific victim names/location or times for confidentiality purposes, together with specific findings noted during this exercise, is included in a grid table in **Appendix G**. Findings made included:-

- Minimal recording of statements from or by uniform officers who first attended the scene.
- Varying standards in administration and management of paperwork.
- How common it was for a CID D/Constable to be called out during the night to deal with a major incident.
- The general absence of any statements being provided by police staff involved in scene attendance, management or examination, especially where no persons have been made amenable.
- How common it was for the investigating officer into an attempted murder being either a D/Constable or D/Sergeant rank.

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- The absence of any Policy Books or reference to same in any of the case papers or crime files available.
- The lack of apparent depth and time dedicated to some investigations.
- Outside scenes relating to attacks on the Street were not always subject of cordoning off or had a scene log maintained.
- The potential benefits that quick follow up police action/arrests can sometimes bring such as is indicated in investigation papers for Incident I.
- The use of action sheets and other MIR forms by South Region to investigate some of these incidents.

1.6.9 The outcome of this small survey, conducted across all three CID regions, I would suggest demonstrates some similarities in practice to that adversely referred to by Mr Murray in relation to the attack on Robert Hamill. For the purpose of providing confidentiality limited information, likely to help identify the victim(s) or investigation concerned, has been included in **Appendix G**.

1.6.10 General Order 101/96 File box C (c) dated 6th January 1997 entitled Command and Control of CID and Support Services is attached in **Appendix L**. This instruction set out responsibilities for various roles, including that in Appendix D of Regional Head of CID.

g. Training

1.7.1 While attached to CID in the 1980's and 1990's my experience has been that there was limited CID in-house training and that external training opportunities were limited. The staff appraisal system used in the 1990's was a main source of information for career development. In June 2001 I was successful in being allocated to attend a two week course at Bramshill in June 2001. This was the Management of Linked Serious Crime course. In 2002, after being selected to draw up guidelines for setting up a PSNI Murder review team, I was also selected to attend a two week homicide course in America. This course allowed me to gain some insight into other policing environments and helped increase my awareness of some new examination techniques. I was the first PSNI officer to attend this course. Upon my return I provided written feedback on various matters which was circulated to SIO's in the PSNI. Previously the only other external CID course I had attended was in 1987 while a Detective Sergeant. This was a three week CID advanced course in England.

1.7.2 Details of all the in-house CID training that I received in the police from the time of my appointment as D/Sergeant on 12/5/1986 until my transfer to the Historical Enquiries Team on the 28/11/2005 is outlined in Table 10 below.

Table 10

Training Course attended by Ken Armstrong	Duration	Year
SIO Hydra exercise training	1 week	2005
SIO DP Hydra course	3 weeks	
SIO forensic module	2 days	2004
HOLMES 2 training	1 week	
SIO procedural module	2 days	2003
SIO legal module	3 days	2002
R.I.P.A.	1 day	
SIO Intelligence module	1 week	
Management of serious crime	1 week	2001
Media training	2 days	2000
HOLMES senior investigative training	3 days	
Human Rights	1 day	
PACE refresher	1 day	1996
Police and Criminal evidence (PACE)	1 week	1990
interview techniques	1 week	1988
CID Advanced course	3 weeks	1987

Note: From Nov 1995 until Oct 1998 worked within Complaints & Discipline department.

1.7.3 Other in-house training received included a few CID seminars on various new topics or areas of investigation. During in-house training it wasn't unusual for work demands to sometimes cause disruption and prevent attendance. Table 10 highlights that prior to 1997 while a supervisor for over ten years in CID I only received around 5 weeks training. My own CID training by 1997 would have been quite limited and similar to D/Inspector Irwin.

1.7.4 A letter written on 1/11/2005 by [REDACTED], the PSNI senior legal advisor at the time, includes the comment that during the 1980's the RUC implemented its own junior initial CID training course. It adds that later an adapted version of the National Foundation Criminal (NFC) training course, called 'Investigative Training', was provided to students during 1996.

1.7.5 In 1981 when I joined CID and attended the in-house CID aide's course, little or no preparation was required beforehand and I do not recall hearing of any officers attending this course not being accepted into CID. The high volume of CID cases and few numbers of officers applying in some instances I feel resulted in the selection of officers whose aptitude for CID work was limited. During the early to mid 1990's while a D/Inspector I recall CID training for junior CID officers became more formalised, with preliminary preparation and reading before-hand. Prior to attending the 4 or 6 week RUC National Foundation Course (NFC) those officers who had been preliminarily selected to become detectives were required to study for and pass an exam. This gave a good idea of a person's knowledge and commitment to learn

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and was a significant change from the past when officers were selected and brought into CID without having to demonstrate their knowledge of the law and aptitude for being able to carry out CID duties which can impact on the successful prosecution or otherwise of an investigation.

1.7.6 Further training for CID officers already in post remained minimal. My initial police training in 1978 was primarily theory based with emphasis on learning the criminal law. I understand this to be the case also with CID training and that there was little or no real practical training for investigating officers on how to examine crime scenes, prepare and analyse information, deal with informants or prepare interview strategies. Even during the 1990's I recall little or no practical crime scene training for operational officers, other than those in scientific support. It was my experience that training in such matters was down to the personal drive and determination of officers to learn, gain experience from others and being prepared to use their initiative without waiting for CID to be called.

1.7.7 The RUC version of the National Foundation training manual, supplied to students undertaking the course during the mid 1990's, comprises six books. The information contained therein consists primarily of definitions of the different offences, acts which do or do not constitute the offence together with examples/background relating to various stated cases and powers of search/arrest etc. I have examined this six book document, D285 registered on the PSNI HOLMES account relating to the Billy Wright Inquiry, and draw attention to the following sections which may be relevant to training instructions or theory available to CID Aides at the time of the attack on Robert Hamill and others. Details of the offence type, book number and any point deemed relevant are as follows:-

- **Assaults & Wounding** section **Book 2**– Pages 9 - 10 relating to 'Grievous Bodily Harm' and GBH with Intent.
- **Public Order** section **Book 2**– Pages 32 – 36 refers to the offences of 'Common Law Breach of the Peace, Riot, unlawful assembly and affray.' This includes some instructions for officers, such as:-

'A constable who witnesses an affray is bound to take steps to part those engaged and may arrest the participants if necessary. Otherwise he will separate them and note particulars for a prosecution by summons.'

- **Homicide** section **Book 2** – Pages 98-114 refers to offences of murder, manslaughter, suicide pacts and some further offences involving murder. There are no instructions relating to the investigation or management of such enquiries reported to police.
- **Prevention of Crimes** section **Book 4** – Pages 31-33 refers to use of force and various articles of legislation under the Police & Criminal Evidence (NI) Order 1989.

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- Evidence section **Book 4** – Pages 82- refers to a range of requirements relating to the admissibility or otherwise of evidence and guidance surrounding the competency and compellability of witnesses, including mention of the Criminal Justice (Evidence) Order 1988 and where a person ‘does not give oral evidence through fear or is kept out of the way’.
Note: Reference is made in this section to the Criminal Justice (NI) Order 1994. This helps demonstrate when after this manual was compiled/issued.
- Search Law section **Book 5** under Search Law pages 74-78 refers to the taking of intimate and non-intimate samples.
- Informants section **Book 6**
- Scenes of Crime preservation, management, examination section **Book 6** page 44 refers to these three basic principles being strictly adhered to at all scenes and not solely at serious outrages such as bombings, shootings and murders. At page 46 reference is made to ‘*the more people who enter a scene the greater the extent of contamination or removal of evidence from it.*’

Further details in this area are outlined under sub-section Duties at a scene, Scene management and scene examination on page 46 to 52.

1.7.8 A request made in November 2008 to establish details of all CID training courses available in the RUC during the 1990’s up until 1997, included seeking information as to the time length of each course; the month/year when the course first became available and the number of CID officers who attended each year. The feedback received is attached at Appendix Z12.

1.7.9 Section 4 of Mr Murray’s report refers to the actions of the four police officers in initial attendance. Comments made about one or more of these officers include: ‘passive role’; ‘statements however were inadequate’; and ‘the officers were negligent in their duty’. Taking into account these remarks and without wishing to make any judgement on their accuracy I consider that the level of training and experience of these officers needs to be considered. General Order No. 78/94 Part 1 file box B (c) dated 23rd September 1994 entitled ‘Divisional Training’ refers to sub-divisional schools of instruction not meeting the objectives of a previous instruction issued to the Police Service in 1988 (see **Appendix N**). These 1994 instructions, aimed at improving the training of personnel in stations, were targeted at uniform constables deployed on beat and patrol and operational officers such as those deployed on local Mobile Support Unit and Traffic Branch. They applied to station section personnel, including full time Reserve Constables deployed on operational duties. The instruction also refers to the appointment of a sergeant in each Division or DCU to perform the role of divisional trainer and provide training, four hours on each occasion five times a year. The training is broken up into four areas namely:-

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- **Organisational requirements** – input to be co-ordinated through Inspector Training resources, Training centre at Garnerville.
- **Sub-divisional requirements** – input identified by various sub-divisional management teams in close contact with divisional trainers.
- **Needs of the target group** – trainers responsible for carrying out training need analysis of personnel attending
- **Additional Input** – to cover such items as new General Orders, presentations by CID, Special Branch and outside speakers etc.

1.7.10 A subsequent instruction relating to 'Divisional Training', General Order No. 1/97 Part 1 file box B (c) dated 11th February 1997, refers to specific training sessions being set up on 'Policing with the community'. It directs for all sergeants carrying out operational or administrative duties both in uniform and various other departments to attend. See copy in **Appendix J**.

1.7.11 On two occasions during the period 1999 to 2001 I attended Divisional Schools of Instruction held at Antrim Road station in North Belfast. One of the topics I spoke to officers about was scene preservation and the introduction of crime scene kits, supported by Scenes of Crime personnel; I had initiated for use in police vehicles in the District.

1.7.12 It has been established that the Divisional Training officer for Portadown Sub-division during the period 1995 to 1997 is still serving in the PSNI. However previous requests made to establish what topics were covered with uniform officers at each of the first 10 training cycles for the period Jan 1995 to April 1997 have not been received before the completion of this report. Other information recently brought to light from requests made about divisional training include:-

1. No records being held at the Police College, Garnerville on the organisational requirements issued to all of the Divisional Sergeants from 1/1/1995 to 30/4/1997. Action A2579 refers.
2. No records of topics covered during divisional training in J division for each of the first ten training cycles, period Jan 1995 to April 1997, was located. Action A2580 refers.
3. All four officers in land rover having attended one or more divisional training schools of instruction. From the limited records made available some dates for each are Const Neill (Nov. 96), R/Constable Atkinson (Nov. 96 and Sept/Oct 97) R/Constable Cornett (April 96 and Sept/Oct 97) and R/C **P40** attend (Nov/Dec 97). Document D6805 refers.
4. That enquiries made with divisional training staff revealed no action being taken regarding officers not attending schools of instruction and that the onus remained with the individual officer to keep him/her self updated on topics covered. Action A2583 refers.

1.7.13 A relevant example as to the use of Divisional training is to highlight matters brought to attention such as that contained in a minute dated 15/10/1996 forwarded

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by Crime Admin Unit. It refers to 'very serious errors in the completion of notebooks' and 'a number of incidents have arisen recently which give grave cause for concern'. This minute addressed for the attention of divisional training officers requests for personnel to be reminded of the importance of completing notebooks and the laws of evidence. (see **Appendix Z5**).

1.7.14 Three of the police officers in the police Land Rover parked in Market Street at the time of this attack were full time RUC Reserve (RUCR) Constables. In 1996 RUCR officers received a much shorter training course (ten weeks) than that of a regular constable (twenty five weeks). Although primarily deployed in security duties it was common in various divisions for RUCR officers to be used in operational patrol duties and take on investigation work. I have not supervised the work of uniformed officers since May 1986. A job skills analysis of the work of full-time RUC Reserve Constables, trained in previous two years, was conducted in 1993/1994. This includes information on the involvement in operational duties and lists essential training needs for RUCR in Appendix 2A. Of the 48 areas listed, those in the top twelve relevant to this matter included use of firearms, cautions, arrests, statements and scene preservation. For further information on the likely job skills and abilities of full-time RUC Reserve Constables see copy of report in **Appendix Z2**.

1.7.15 General Order 1/94 Part 1 B (d) dated 11th January 1994 refers to the 'Training of Full-time Reserve Constables' (see **Appendix Z3**). This order refers to the initial eight week training of RUCR officers, the introduction of integrated training, appraisal and contract renewal system of performance monitoring and the role of the sub-divisional commander to determine those RUCR officers who should be required to attend locally arranged training schools.

1.7.16 Up until 1985 RUCR officer initial training consisted of only three weeks, this is significantly less than that for a regular officer. PSNI papers held relating to RUCR training include a report dated 9/1/1985 relating to a working party set up to examine the current training methods with a view to extending the RUCR course to five weeks and identify further requirements for training. Topics mentioned included law and procedure, public order and social awareness. The RUCR initial training course is understood to have change to eight weeks and then during the mid 1990's to ten weeks. It remains unknown what degree of initial training each of the three full time RUCR officers received.

1.7.17 A ten day RUCR refresher training course began in January 1996. The timetable for this course covers topics such as notebooks, statements, evidence at court and public order (see **Appendix Z4**). It remains unknown as to what extent these and other topics were covered or indeed if any of the three full time Reserve Constables, present in the Land Rover at the time of this attack, had attended this refresher course prior to April 1997.

1.7.18 In the mid to late 1990's there were significant developments relating to CID investigation of murder. These included the 1998 ACPO crime committee guidelines

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and publication of the ACPO Murder Manual in 2000, both of which highlighted the reviewing of major crimes investigations as best practice. The Murder Manual also takes account of a number of adverse findings outlined in the Mac Pherson report published in 1999 relating to the Public Inquiry into the death of Stephen Lawrence in London in 1993.

1.7.19 Bearing in mind that an investigation will only be considered effective where police can show that they took all reasonable steps to secure the evidence concerning the incident, a number of new general orders, aimed at police and support staff involved in the preservation, examination, management and investigation of serious crime were issued on the 6th October 2004. These included:-

- **General Order 48/2004** Part 1 File Box, C(c) - Duties of Personnel Attending A Serious Crime Scene.
- **General Order 49/2004** Part 1 File Box, C(c) - Serious Crime Investigation - Forensic Management Strategy.

1.7.20 These General Orders refer to related documentation for use by staff to ensure full and proper information is recorded, namely:

- Serious Crime Scene Log Form 38/15 (Revised)
- Serious Crime Scene Management Log Form 38/16 (New Document)
- Forensic Management Conference Notes Form 38/17 (New Document)

1.7.21 Other relevant steps taken included the introduction of:-

- Investigators notebook for officers working on serious crime to complete and hand in for investigative and disclosure purposes should such requirement later arise.
- The introduction of a post mortem log Form P2 (New Document) for police to complete when attending to a post mortem. This includes an aide-memoire.

1.7.22 Instructions relating to the use of a post mortem log, aimed at improving the de-briefing of information given to police at a post mortem, was included in revised **General Order 30/2004** Part 1 File Box C entitled 'Police Investigation, Unexpected, Unexplained Deaths'. The log ensures that police record accurate notes whilst attending post mortem, invaluable for SIO's briefing and conferences with scientists etc. It also closed a loophole which came to light during the Harold Shipman Inquiry where police were heavily criticized for not keeping accurate records.

Note: None of the three General orders referred to above are included as an Appendix.

1.7.23 The report of Mr Murray in paragraph 6.31 refers to the lack of scene management and direction by uniform supervisors attending scenes of murder being highlighted during an inspection by Her Majesty's Inspectorate of Constabulary (HMIC) in the PSNI in 2002/2003 (appendix 30 refers). A subsequent report is the HMIC Criminal Justice Inspection Review report on Scientific Support Services in the Police Service of Northern Ireland, published in October 2005. This report highlights a lack of forensic awareness by uniform officers and the need for urgent training.

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Some relevant comments and recommendations, together with the chapter/sub section concerned, taken from the report are:-

a. Under Chapter 1 Leadership and Accountability paragraph 1.4 – *'A range of officers and civilian staff stated that there is a need for the Service to achieve a better balance in meeting the needs of serious and volume crime. Serious crime is homicide, attempted murder, rape and armed robbery while volume crime includes burglaries and car crimes. The unambiguous 'champion' for serious crime is the Assistant Chief Constable (ACC) for Crime Operations but it was felt by officers at DCU level that, unlike serious crime, the lines of accountability for volume crime are not clear. Officers felt that at DCU level the support/command stopped at the most senior detective for volume crime and that this was not equitable with the arrangements for serious crime. Senior officers in PSNI acknowledged that serious crime has taken precedence over volume crime matters but state that a better balance is being sought. The National Intelligence Model (NIM) has been implemented and a Volume Crime Users Group, chaired by a regional ACC, was established late last year to look at the best use of forensic science in relation to volume crime. Inspectors recommend that the chief officer team of PSNI should review the portfolios around crime to ensure that there are clear lines of accountability and a clear 'champion' for volume crime'.*

b. Under Chapter 2 Policy and Strategy paragraph 2.2 – *'Views expressed by police officers, civilian scientific support staff and Forensic Science Northern Ireland (FSNI) scientists point to a need for improved consistency and co-ordination in crime scene management. For example, CSIs reported that they attend some, but not all, incendiary device scenes and were unclear whether this was as a result of lack of awareness of policy or different decision-making by investigating officers. Variations between DCUs were also found in the attendance of CSIs at volume crime scenes – in one DCU area, attendance at domestic burglary scenes was quoted as being as low as 30%. Examples were also cited of police supervisors overriding CSI advice resulting in staff attending scenes at which they were not required. When a number of different specialists are required to attend a crime scene, it was commented that lack of co-ordination was also impeding their effectiveness. Not only can staff find themselves waiting for lengthy periods in order to gain access (see para 1.7), but examples were given where the lack of forensic awareness by operational police officers had directly inhibited the work of the CSI. FSNI scientists also reported occasions where they duplicated the tasks carried out by CSIs. Inspectors see the need for a clear policy on crime scene attendance and management including guidance on who has primacy and the roles of attending specialists, including FSNI scientists. It is recommended that such a policy should be formulated and implemented as a matter of priority'.*

c. Under Chapter 2 Policy and Strategy paragraph 2.6 – *'Discussions with police officers and civilian scientific staff in PSNI show a need for a more*

comprehensive approach and strategy to forensic science training for all operational officers but particularly for new student officers and newly promoted supervisors. Detective officers of all ranks and CSIs highlighted gaps in awareness in relation to protecting scenes for DNA, packaging of exhibits and continuity of evidence as particular issues. Training and awareness in relation to exhibit handling once recruits have left the police training school was found to be very much dependent on local arrangements within individual DCUs. For example, at Lisburn, training staff are located near to the CSI base and regularly issue instruction on the handling and packaging of exhibits. It is considered that the current training provision to student officers is inadequate. The SLA allows for 210 hours of training to PSNI and provides for the supply of kits for the collection and packaging of approved materials. In order to raise the level of forensic awareness across the service, it is recommended that PSNI in co-operation with FSNI, should develop and deliver a bespoke forensic science training package. Comprehensive training for all operational staff should be provided as a matter of priority’.

d. Under Appendix 1 Recommendation 6 – ‘An urgent review should be carried out of all critical Policies. This should result in the production of a suite of comprehensive corporate policies readily available via the Service intranet site, which ensures that procedures are up to date, staff are fully aware of what is expected of them and mechanisms are in place to ensure compliance. The areas in need of immediate attention are:-

- Greater awareness of, and compliance with, existing policies on the management and co-ordination of crime scenes, including who has primacy for forensic science, attendance and roles of specialists.
- Fatal and serious vehicle crashes and collisions investigation.
- Role and authority of the Submissions Unit including clear guidance on submission priorities.
- Forensic science training and awareness for all operational staff.
- Storage, retention and management of all property (including vehicles)
- Weeding and destruction of property

1.7.24 Upon examination of the personal records of the three senior CID officers involved with the initial murder investigation it is not apparent that Mr McBurney or Detective Chief Inspector (DCI) **P39**, MBE, had in recent years attended any CID training courses. After being promoted to the rank of D/Superintendent in October 1986 Mr McBurney attended a Serious Crime Investigation course at Bramshill in England in February 1989. This appears to be the last CID investigation course he attended. In 1975 Ms **P39** attended a senior initial CID course in England and after being promoted to D/Chief Inspector in November 1994 it is not apparent that she received any further training relevant to CID investigation work. D/Inspector Irwin was promoted to D/Inspector in November 1995 and transferred to Portadown in January 1997. In December 1996 he requested in his annual staff appraisal to be facilitated with attending the CID Management Investigation course.

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Although approved by ACC Crime in February 1997 training was not provided until April 1998. The reason for the delay is not apparent. Since this course D/Inspector Irwin has undergone the full and rigorous SIO training programme which is now normal practice for all senior detectives (D/Inspector rank and above) involved with the investigation of serious crime.

1.7.25 Attached in **Appendix V** is a memorandum entitled 'Selection, Training and Development of SIO's', dated 24/12/1999, written by the then RUC Deputy Chief Constable, the late Mr [REDACTED]. This includes reference to difficulty being experienced in RUC appointing D/Inspectors, more recognition for their role and a need for 'good quality detectives.' My own experiences and the CID staff training information provided in **Appendix Z12** I believe highlight that training of CID officers during the 1990's, in particular for senior CID officers involved in the day to day investigation of serious crime was limited. Some major developments that highlight CID training needs included:-

- *The Commission on Criminal Justice Report of 1993*. This resulted from the courts overturning of a number of police convictions such as the Guildford Four (1989) and Birmingham Six (1991). The terms of reference of the Commission, which examined 64 'failed' cases of serious crime in five different forces, included looking at the degree of control that is exercised by officers over the conduct of the investigation and the gathering & preparation of evidence. Recommendations made, amongst other matters, referred also to the efficiency and effectiveness of police investigations. These included investigations not closing down once a confession is made, interview training for police officers and tape recording of witness statements.
- *The Audit Commission Report of 1993: Helping with enquiries: tackling crime effectively*. This included recommendations that police should spend less time on reactive strategy of responding to reported incidents and more time in proactive targeting of known offenders. It advocated a shift in police focus and as part of this, a greater use of informants.
- *The Major Investigation Incident Room Standardised Administrative Procedures (MIRSAP) guidance (second edition 1993) – revised again in April 2000*. This document addresses changes to working practices and the law that occurred between editions.
- *The ACPO Crime committee guidelines (1998)* This included further guidance on the importance and benefits of reviewing undetected murders and serious crime.
- *The MacPherson report relating to Stephen Lawrence Inquiry published in March 1999*. This relates to the findings of a public inquiry set up to examine the police investigation into the death of Stephen Lawrence in 1993. Highlighting many failings relating to initial actions taken as regards the scene, arrests and other key aspects the report illustrates paradoxically how far reaching the consequences can be if police get such investigations wrong.

1.7.26 RUC Chief Constable's report 1997/98 lists 14 recommendations, in Appendix 5, that arose from a thematic inspection conducted in 1997 within the RUC by Her

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Majesty's Inspectorate of Constabulary. One recommendation, namely No. 7, refers to training. It states; 'All training should be co-ordinated by the training branch within a comprehensive corporate training strategy, identifying the strategic objectives for all training services.' A copy of the resultant training strategy has not been requested.

1.7.27 The 1995 Chief Constable's Report makes reference to the RUC Inspectorate Branch, whose purpose was '*to assist the Force in achieving its aims, by providing a high quality independent inspection, analysis and appraisal of performance*'. This report and that for 1996 refer to a total of eight thematic inspections having been carried out within the Service. The areas covered were :-

1995 - Drug misuse, Child Abuse and Domestic Violence, Mobile Support Units, Criminal Intelligence Officers and Motor Transport Depots.

1996 - Court attendance; Accounting of public money and Traffic

1.7.28 The outcome of enquiries as regards when the RUC Inspectorate Branch was set up and all of the areas a thematic inspection, review or monitoring performance was conducted on, up until 31/12/1999, are still awaited. The purpose of this action is to establish what areas, if any, relating to CID and serious investigation work may have been the subject of attention.

Conclusions - Contention (i)

1.8.1 It may be correct to say that Mr Murray has little or no experience of policing in a terrorist environment. However, in the context of the Robert Hamill investigation and Mr Murray's terms of reference to the adequacy of RUC resources and to comment upon the various police investigations connected with the death of Robert Hamill, it is difficult to understand of what value being experienced on terrorism could have added to Mr Murray's report or how it would have influenced his conclusions on the facts. This view can be further supported by the fact that the Robert Hamill investigation team considered that terrorist legislation was inappropriate to use for arrests, house searches or main lines of enquiry. Mr Murray, as an experienced and retired senior officer, in my opinion has conducted his examination of the facts within the remit of the core investigative principals taught to all officers joining the police Service, whether in Northern Ireland or elsewhere in the United Kingdom which enables the transfer from one Police Service to another a relatively common phenomenon.

1.8.2 In the context of the Robert Hamill murder investigation it is clear that the very reason police were deployed on duty that evening in Portadown town centre was as a result of historic violence. Young people from divided sections of the community converged at weekends in the town centre returning from a night out with more often than not having consumed alcohol, resulting in public disorder. Mr Murray in his report is correct in saying than most towns and cities would make a contingency for a police presence in this instance. In Portadown this consisted of a police presence at

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known flash points, such as Woodhouse Street/Market Street at particular times or evenings when the potential for disorder might occur from persons from either the Protestant and Catholic communities. In 1997, given the continuing Drumcree protests and associated widespread trouble, it could well have been perceived that this may have added to a further entrenchment of their views of local people. Mr Murray might well have found it difficult to fully appreciate the feelings that existed in communities such as Portadown and how it might impact on Police work.

1.8.3 I believe it would be difficult also for Mr Murray to appreciate the constraints, demands and challenges with local CID investigation practices in 1997 having not worked as a police officer in the province. The findings outlined in the dip sample may help put into context what was often typical in some serious crime investigations and give some perspective as to what may surround contention (i).

1.8.4 Unfortunately for whatever reason(s) it appears that the seriousness of this attack was not appreciated at the outset by police, resulting in an absence of attention as to that which it truly deserved. This, I suggest, can occur particularly where the assault is spontaneous, in the street and parties involved are under the influence of alcohol. While attached to the Serious Crime Review Team (SCRT) I became aware of at least three (unrelated to this particular investigation) assault incidents occurring after Robert Hamill's murder where death occurred some days and weeks later and regrettably included initial police investigation work or gathering of evidence being far from satisfactory.

1.8.5 Following a number of SCRT reviews several recommendations were made highlighting the need for further training for both uniform and CID officers attending crime scenes. This included initial response, evidence identification/gathering and the need to maintain a high standard of record keeping. The SCRT also recommended the need for professionally qualified Crime Scene Managers which are now in post and compiled new highly detailed documents which have been adopted by the PSNI to assist in the recording of actions of any officer or agency attending a Crime Scene.

1.8.6 To respond to the point made by Mr [REDACTED], it is true to say that the RUC were in 1997 very much attempting to police in the face of a terrorist campaign. Details on a number of terrorist incidents and key events, occurring following the ending of the ceasefire in February 1996 and October 1997, when both key witnesses no longer wished to go ahead, taken from a CAIN web site, outlined in **Appendix Z11**, I feel support this assertion. Indeed my own personal experience of policing around the period 1995-1999 and the catalogue of issues set out within sub headings a – g also give a brief indication of the difficult challenges that were posed. However, Mr [REDACTED]'s remark that Mr Colin Murray was mistaken to say that policing was against a background of a sectarian divide, I believe is clearly debatable. My view is that terrorism and sectarianism were inextricably linked.

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1.8.7 In April 1997, the IRA had still not renewed their 1994 ceasefire and Loyalists had in the first few months carried out the murder of a number of innocent Catholics, a terrorist environment still existed. In the four months preceding the attack on Robert Hamill, there are several instances of police coming under shooting, bomb, mortar and rocket attack. This threat often created specific restraints and logistical problems in relation to serious investigations and the time spent on each. Although the volume of terrorist related incidents experienced by investigators was greatly reduced it still placed unique and incomparable demands that I would suggest few police services throughout the world have ever experienced. The requirement for CID investigators to resource and thoroughly investigate terrorist related incidents often resulted in demands that could not be met. This included having to utilise personnel that had not received adequate training or indeed may not have had the necessary experience that is now required, added to the difficulties. Many CID officers lacked awareness and appreciation of investigative opportunities and the importance of fast track actions. Some of these problems are referred to in paragraphs 4.13, 6.37, 7.23, 9.4 and 11.3 of Mr Murray's report. In particular, the initial CID officer's delay in securing the scene together with the low level of prioritisation given to obtaining the victim's clothing, de-briefing police and obtaining CCTV recordings in Portadown. Likewise the experience, awareness and commitment of the investigating officer I believe can contribute greatly as to whether any detection will result. The lack of CID resources and training needs for investigators dealing with murder investigations is highlighted in various reports from CID management contained in **Appendices O, Z4 and Z5**.

1.8.8 Policing the terrorist threat and the subsequent staffing requirements, impacted on other areas of investigation work, particularly training. My experience of CID training in the RUC was that there were few opportunities to go on courses and that support in this area was limited. The various demands for non CID training may well have taken priority, particularly at times of increased public disorder. I often considered myself fortunate to become aware of a course or get selected for one of the few available in-house. Personally I learned a lot from work experience and asking others for advice when I was dealing with a situation I was unfamiliar with.

1.8.9 The Historical Enquiries Team (HET), who are charged with the reviewing and re-investigation of many hundreds of terrorist related murder investigations, is staffed by a considerable number of officers from Police Services in the United Kingdom. Having been a senior officer in HET it is my experience that it took considerable time for staff from other police services to put into context the actions of the RUC at the time and understand the extreme constraints associated with some investigations. Comparisons were generally being drawn with what they would have expected done, at that time, in their own police service.

1.8.10 Despite the constraints, be it staff training, resources or support, I often found many officers showing great improvisation, resilience and courage to adapt and deal with the demands they faced. The unique position or policing style of the RUC to other UK Forces is commented upon in an annual HMIC inspection of the RUC, as

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referred to in a BBC News online report dated 22/7/1999. Commending the RUC, the HMIC Inspector Dan Crompton is quoted as saying the province's police force could not be examined on the same basis as those in England, Scotland and Wales and that 'the working environment for officers and organisational culture are "significantly different" from those in other parts of the UK.'

Contention (ii) - Mr Murray reveals no appreciation of the influence of the Drumcree situation and the consequent community tensions and violence which dominated this society in those years.

2.1.1 In 1997 the very mention of the Drumcree parade meant trouble in the eyes of right thinking people in Northern Ireland. After two previous years of stand off, serious public disorder and a sense of real injustice, there existed growing resentment and tension between the two main communities in Northern Ireland.

2.1.2 It has been tradition for the Drumcree Orange parade to take place during the first Sunday in July and for various lodges to march from Drumcree Orange hall into Portadown. On the 9th July 1995 the RUC prevented an Orange Order march from proceeding to Portadown on its way back from an annual church service at Drumcree. As a result Orangemen who had assembled at Drumcree refused to move away and a two day stand-off began before mediation helped broker a compromise whereby 1000 or more Orangemen were allowed on the 11th July 1995 to march without any music along the Garvaghy Road, Portadown, occupied mainly by Catholic residents. Later Sir Hugh Annesley in the 1995 Chief Constable's Report referred to the 'disgraceful scenes at Drumcree in Portadown and the Ormeau Bridge in Belfast' and that these were a stark reminder that 'major inter-community tensions remained'. This first major police event at Drumcree is often referred to as Drumcree One.

2.1.3 On 6 July 1996 Sir Hugh Annesley, the then RUC Chief Constable, decided again to re-route the Orange Order parade from the Garvaghy Road in Portadown. This decision was made in the light of circumstances the previous year and the likelihood of serious public disorder, as laid out in Article 4 of the 1987 Public Order (NI) Order. After five days, on Thursday, 11 July, the Chief Constable reversed his original decision to re-route the parade and over 1000 Portadown Orangemen were allowed to march down the Garvaghy Road. During the stand off period supporters at Drumcree had grown to almost 10,000 and serious public order and crime had erupted throughout many parts of Northern Ireland. This included people being intimidated out of their homes and Loyalist road blocks set up, preventing people from going to/from their place of work or home indeed going about their normal life.

2.1.4 Supporters of the parade believe police should have facilitated the parade and protected the protestors whereas protestors against the parade believe police should have banned the parade and protected residents on the Garvaghy Road. No matter the decision, it evidently led to police being construed as favouring either the Protestant or Catholic side of the community and a no win situation for the police. Sir

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Hugh Annesley's response to press for having reversed his decision to re-route and allowing the march to go ahead stated having been 'between a rock and a hard place.'

2.1.5 The events of Drumcree sparked off both republican and Loyalist violence on a scale which was not seen, I would suggest, anywhere else in the UK. The impact of Drumcree permeated throughout Northern Ireland particularly in the form of sectarian attacks and street disorder, focusing mainly in and around those communities where community divides or peace lines existed.

2.1.6 Police on the front line at the Drumcree, involved in implementing the ban or blocking of the parade, were subjected to physical abuse, taunts and various other forms of intimidation by marchers. I would suggest it provided an opportunity for Loyalist paramilitaries to confront police for their own ends. Police officers involved in overseeing the security measures around Drumcree, which were put up to prevent any breach towards the Garvaghy Road by marchers, were often subjected to more serious attacks. This included them being subjected to shooting, blast bombs and other forms of attack designed to cause serious injury or death. On 14/06/1998 one such attack unfortunately culminated in Constable Frankie Reilly, a father of three, losing his life. He was killed at Drumcree by a blast bomb thrown by a protestor from the Loyalist side.

2.1.7 Following the introduction of the Parades Commission in July 1998 the RUC Chief Constable no longer ruled on the giving of permission for the parade.

a. A Historical Background to Parades in Ireland

2.2.1 Looking at some events in the past, it is considered may, help give some idea as to attitudes and perceptions that have developed in areas, such as Portadown, where communities are in dispute over the holding of parades. To avoid answering this contention based only on my own knowledge and experiences I refer also to some independent research articles relevant to the parades issue.

2.2.2 An academic paper by Neil Jarman and Dominic Bryan entitled '**Riots to Rights - Nationalist Parades in the North Of Ireland**' (Centre for the Study of Conflict University of Ulster) gives one particular perspective. This report, published in November 1997, provides information on research conducted into the holding of parades in Ireland right back from early nineteenth century. It concentrates a lot on the rights to parade, the inequalities that existed and the influence of politicians. It also mentions some ideas as to the difficult position the police were often faced with and how over the years political expression and the right to march has become more recognised. The publication of this paper preceded the formation of the Parades Commission, which was established on 5/7/1998 to rule on contentious parades, replacing a role conducted by the police.

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2.2.3 The research paper traces the changes over time by drawing research from some historical documentation, newspaper reports and other published material to try to establish general tendencies that existed and therefore allow discussion on steps that might improve future community relations in Northern Ireland. Detailed background is given of nationalists' parades in Ireland and later Northern Ireland, including views on many perceived inequalities and problems faced relating to the rights to march in nationalist areas or divided communities.

2.2.4 The research does provide an insight of views suggesting competing strife or perceived inequality having developed over the last 140 years or more. Brief details of some points made in this academic paper, together with the chapter, page, brief introduction and specific quotation(s) that may help with background are as follows:-

- Chapter 2 entitled 'Parading for Home rule' (Page 14) under the sub heading 'The right to parade' refers to the period following 1872 when it is claimed nationalists began to utilise parading to display the strength of their community and the scale of support for their political aspirations and adds *'The demands for the right to parade at this time were acted out within an uncertain tripartite relationship which involved the protestant community, the catholic community and the State, in a balance which varied from place to place and to a lesser extent over time. Usually local Protestants would announce that they would hold a counter demonstration if nationalists tried to hold a parade in a town or village not perceived to be green enough. This left the authorities in a dilemma; should they ban both events, should they just ban one or should they allow both events. Frequently they took the easy path and bowed to the fear of public disorder and chose to confront whoever would generate the lesser threat.'*

Page 16 continues stating *'By the 1890s nationalist parades were more widely accepted, or at least they were more readily ignored by Protestants. In contrast there is no indication that nationalist parades or displays were ever tolerated in Portadown. Nationalists in Lurgan could erect green arches in Edward Street area, but the only time such an act was reported in the tunnel area of Portadown rioting broke out. Nationalists in the town were forced to join processions elsewhere if they wanted to parade their support for the Home Rule cause. Usually residents from the Tunnel area joined their compatriots in Lurgan, but even then they did not necessarily escape the antagonism of local Protestants, who would wait for their return in the evening and then attack them. In August 1880 and again in 1885 more serious action was taken, the Tunnel area was blockaded and the local band stopped from leaving the area by protestant bands who paraded the Streets through the day. As with Lurgan, by the 1890s violent assaults on nationalists at anniversary days had largely ceased, although there was still no suggestion that nationalists should have the right to parade in the town. Portadown remained the Orange Citadel'*.

- Chapter 3 entitled 'Culture and Commemorations' (Page 18) under the sub heading 'Out again in 99,' (page 23) refers to conflict arising in Belfast during

1899 between Nationalists and Protestants and how a familiar tactic of Protestant radicals was to hold counter demonstrations to challenge the rights of nationalists to assemble or parade. It adds '*... violent confrontation was, initially at least, between forces of the State and protestant working class. The victims, all too often, were those people residing, working or with a business in mixed communities. Belfast had always been residentially segregated to some extent, but the violence from parades and other political occasions served to extend and consolidate these divisions.*'

Page 27 under the sub title 'The new century,' refers to the period leading up to the First World War and how nationalists recognised the value of holding parades as a means of building and displaying support for the Home Rule cause stating '*Parades developed as a means of drawing boundaries around dominant communities to such an extent that, as the trade unions found out, there was little symbolic space for any other identities to co-exist. The parades were therefore inevitably expressions of power and were easily seen as a challenge to the other. Until partition the balance of power and therefore the balance of rights were relatively even. After partition the balance changed.*'

- Chapter 4 entitled 'Special Powers in Northern Ireland' (Page 34) refers to the actions of the leaders within Northern Ireland and the 'Free State' adding '*It is important to place these events in historical context and to compare the actions of the Northern Irish State with those of its neighbours. Unionists, Orange politicians increasingly defined Northern Ireland as a protestant state and saw the catholic community as a threat to that State. Yet they were doing so in the context of the Free State which particularly under de Valera defined itself as a Roman Catholic state. Of course with a considerably smaller Protestant population in the south the prosecution of a national identity based upon a single denomination was less problematic for the Dublin government than what it was for its counter part in Belfast.*'
- Chapter 5 entitled 'A Golden Era' (Page 36) refers to the period after the Second World War and how although many of the Loyal Order parades were unproblematic, disputes did arise on some planned in nationalist areas such as Dungiven during the Queen's Coronation in 1953. This period led to disputes to the flying of the Union Flag, not only put up in Protestant areas but also in some Catholic areas, and was a catalyst leading to the introduction of the Flags & Emblems Act 1954. It is added (page 38) '*There were numerous incidents of bunting and flags being torn down, of tri-colours replacing Union flags and visa versa. Police intervened in one such dispute in Derrymacash outside Lurgan and eventually it was agreed that all flags in the village should be taken down. The 1954 Act made it an offence to interfere with the Union flag and empowered police to remove any such flag that might cause a breach of the peace. The tri-colour was not named but the intention of the Act was clear.*'

- Chapter 6 entitled 'You can march – can others?' refers to the late 1960s when civil rights movement directly challenged the control that institutions of the state had placed upon political expression that sought to oppose Unionist power. In 1969 the Unionist administration introduced a Public Order Bill, later passed into law as the Public Order (amendment) Act 1970, which included a requirement for longer notice to be given to police of the holding of a parade. The impact of the legislation is referred to as *'reaffirming that the police should have regard to the desirability of not interfering with a public procession customarily held along a particular route'* In other words traditional parades were still exempt.'

Page 44 to 46 refers to late 1969 and 1970, a period when many no go areas were set up throughout the province thus shifting control of public space, adding *'that it was no longer possible for Orange parades always to take the route of their choice.'* It is added (page 48) *'Until 1969 there was little in the way of nationalist questioning of the rights of Protestants to hold parades that went through or near predominately Catholic areas'*, suggesting further *'The dominance of the protestant community in government and in policing led to the overwhelming dominance of that community over public space.'*

Page 50 referring to the mid 1980's states *'the RUC were beginning to take a tougher line on some orange parades'* It specifically refers to tensions becoming particularly high through 1985 and 1986 when it is stated: *'there were major disputes over Orange parades in Portadown and the signing of the Anglo-Irish Agreement worsened community relations. The disputes in Portadown, over the right of Orangemen to use the Catholic Tunnel area of the town for a number of their parades, seems to have been sparked by a dispute over a St Patrick's day parade. On the 17th March 1985 the St Patrick's accordion band was prevented by the RUC from marching from Obin Street past the mainly Loyalist Park Road and onto the Garvaghy Road.'*

Pages 55 refer to republican strategy and importance placed on commemorative occasions, particularly marked since the start of the IRA ceasefire on 31/08/1994. It adds *'the development of a political discourse to accompany the peace process. One of the more effective ways of prosecuting such a political campaign has been to point out the continuing inequalities in political expression in the public sphere, such as the rights of the nationalist community to use town and city centres. As such there have been some significant campaigns to claim the right to march, a move away from the No-Go areas and back into the realm of civil rights'*.

Page 56 adds *'In 1987, after two years of disputes in Portadown, the Government introduced the Public Order (NI) Order that removed the special category of processions 'customarily held along a particular route' and increased the period of notice for all processions from five to seven days.'*

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Page 58 highlights the growing organised opposition to Loyalist parades in Catholic areas and in March 1992 a campaign group called the Lower Ormeau Concerned Committee (LOCC) pressing for the re-routing of Loyal Order parades away from a section of the Ormeau Road that has a predominately nationalist community on one side of it. It refers to the growing number of residents groups including the Garvaghy Road resident's coalition (GRRC) formed in 1995 with the aim of '*getting the Drumcree church parade and the Twelfth feeder parades re-routed.*'

Page 59 makes reference to '*a significant well of resentment towards the Loyal Orders, particularly the Orange Order, within the nationalist community. The role of the Orange Institution in the Stormont regime, and within the police and its continued connection with the Ulster Unionist Party means for most nationalists, and we suspect more Protestants, the institution as well as being a religious or cultural organisation is first and foremost political. It was intimately involved with a state that most Catholics perceive as sectarian and oppressive.*'

Page 60 talks about the period during 1995 and 1996 and the impact of residents groups demanding that their consent should be sought before a decision is taken on whether a parade should go through their designated area. It adds about how this all brought the parades issue to the fore and that '*The response of the unionist community to the stopping of the Drumcree church parade in 1995, and in particular 1996, once again revealed the frailty of the state in the face of widespread unionist violence. Whether by design, or through inept handling of the dispute by senior Orangemen, the campaign to get the 1996 Drumcree parade down the Garvaghy Road relied on widespread violence bringing the authority of the state to its knees. Thus despite the ending of the IRA cease-fire five months earlier, it was the unionist community that appeared to the outside world as the physical aggressors. When the RUC finally changed their decision and allowed the parade to go down the Garvaghy Road they appeared to be, in the end, acting in the interests of the Protestant community.*'

2.2.5 Background research selected from this paper depicts Portadown as a Protestant town where expressions of nationalist identity were not welcomed. It suggests that police were not prepared or able to extend to Portadown nationalist Home Rule supporters the same equal rights as were afforded to Orangemen. Overall many questions are posed about the ability of the state to facilitate the rights of all, regardless of their direct access or otherwise to power or the minority position in the community. However, it concludes that there has been a growing acceptance of the state for republican political expression and a shift to seek political solutions. A full copy of the research paper, obtained off the internet, is included in **Appendix A**.

2.2.6 A key event in history of Portadown which Loyal Orange Orders remember is the killing of Protestant planters (settlers) by Irish rebels at Portadown Bridge, County Armagh, in November 1641. This was during the Great Rebellion in Ireland (1641-49). An internet search on the 'Portadown Bridge massacre' reveals further

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information about this incident. This includes that rebels attacked a group of English and Scottish planters who had been settled by the English government on confiscated Catholic Irish lands during the Plantation of Ireland. The planters were tortured, robbed, and then taken to Portadown Bridge where they were forced into the icy River Bann to drown.

2.2.7 Further information extracted on line from the website 'The free dictionary by Farlex' includes, *'the events on Portadown Bridge were the bloodiest of the rebellion. A pregnant woman was mutilated and drowned, and others had their feet held over hot coals to make them reveal where their money was hidden. Finally the planters were taken to the bridge at Portadown and forced to walk off it into the freezing water. Those who refused were pushed in. To ensure that they drowned, the rebels went out on boats to push any survivors back under the water again. Following the rebellion, a royal commission was set up by the English government to look into the incident. The Puritans in Parliament exaggerated the confrontation to whip up anti-Catholic enthusiasm in England. The massacre had a long-term impact on Ireland. It acted as a source of fear for Protestants in the 17th century. The Protestant planters felt threatened by the Catholics and took steps to protect themselves. This included the further denial of lands and rights to reduce Catholic Irish power. In 1649 the massacres at the Battle of Drogheda and Battle of Wexford, committed during Cromwell's Irish campaign (1649-50) by Parliamentary forces under Puritan leader Oliver Cromwell, were partly in revenge for the events at Portadown Bridge in 1641*

2.2.8 More recent information relating to the Portadown parades dispute and the deep feeling that has grown over the years regarding the rights and traditions of the Protestant people is referred to in a book entitled '**Northern Protestants An Unsettled People**' by Susan McKay published by Blackstaff Press in 2000. Reference is made to over sixty in-depth interviews from a wide range of northern Protestants having contributed to the making of the book. A chapter entitled 'Portadown – Bitter Harvest', available in the CAIN web service, includes views in 1998 from people such as local residents, business people, Orange Order supporters and members of the Concerned Protestants Group (CPG), set up when the Drumcree parade became controversial in 1995.

2.2.9 Information given includes details about the campaign that led to the building of houses on the Garvaghy Road; claims of intimidation of Protestants close to the area and Loyalist reactions to the nationalist community over the parades dispute. The views and comments made by local Protestants give a vivid sense too of the distrust that existed and allows a perspective of their hurt, injustice and resentment. Although not having read all of the book, the research included in chapter ten I feel does allow an insight as to the deep seated feelings and bitterness held by some members of the Protestant community in Portadown and the many challenges and difficulties policing such a divided community could well have brought.

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b. Disputed Parades in Portadown

2.3.1 A BBC on-line news report dated 4th July 2002 entitled 'Drumcree marching into the past' outlines that Portadown District then comprised of 32 separate Orange Lodges with a membership of 1400. It refers to Portadown being steeped in the Order's history and tradition and states '*in 1795 the Orange Order was formed in Dan Winter's cottage in Loughgall, just a few miles from Portadown*'. It adds the topography of Garvaghy Road which the Order paraded along being little more than a country lane until the late 1960's/early 1970's when Ballyronan housing estate was built.

2.3.2 The most recent disturbances prior to Drumcree, I recall, were in 1985 when, after the signing of the Anglo Irish agreement, the nearby Obin Street became a focal point over parades for both communities. On the 03/07/1985 thousands of Loyalists protested at the RUC Chief Constable, Sir John Hermon's, decision to ban an Orange Order parade going down through the tunnel area of Obin Street. However the go ahead for the parade was given on the 7th July when about two and half thousand Orangemen passed through the disputed area. As a result, nationalist protestors clashed with the RUC whereupon some police were injured and persons arrested. Following these disturbances the Chief Constable imposed a ban on further parades planned on the 12th and 13th July respectively. After the decision to re-route the Orange parade, there was further rioting this time by Loyalists on police who responded with plastic bullets.

2.3.3 In 1985/86, while a sergeant in one of the Belfast District Mobile Support Units (DMSU), I often performed long periods of duty in the Obin and Woodhouse Street areas of Portadown. During this duty my colleagues and I were subject to public disorder attack as a result of rioting and other disorder that occurred following the decision to ban an Orange parade from walking through the tunnel area. During the stand-off period Loyalist protestors taunted and called us names such as 'Barry's boys' in response to the surname name of Peter Barry the Republic of Ireland, Minister of Foreign Affairs, involved with the Irish Anglo agreement signed by both the Irish and British governments on 15th November 1985.

2.3.4 The parades season in Northern Ireland generally runs from March to September each year. To provide an impartial perspective on key events leading up to and during the parade season in the mid 80's and 90's and give some idea as to the impact on police and the Northern Ireland society, research was conducted with a variety of sources and websites on the internet. This included BBC News on-line press reports from that era and an 'Ulster Project International' archive document entitled '*A Chronology of Key Events in Irish History*'. This information was supplied by the CAIN project, which is funded by the Economic and Social Welfare Council. I have in chronological order outlined various extracts from these web sites covering a limited number of events which took place in and around Portadown as follows:-

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- **17th March (St Patrick's Day) 1985.** 'A nationalist accordion band is blocked from travelling via the Protestant Park Road. The police re-routed the parade but nationalists were angry because similar measures are not implemented in regard to an Orange Order parade along the Garvaghy Road.'
Source: BBC News report on-line 19/5/99
 - **3rd July 1985.** 'An area known as 'The Tunnel' in the Catholic Obin Street area of Portadown, became the subject of controversy. Thousands of Loyalists demonstrated against a RUC decision to re-route a church parade away from the Tunnel area.'
Source: 'A Chronology of Key Events in Irish History' CAIN Project
 - **6th July 1985.** 'The Royal Ulster Constabulary (RUC) reversed this decision and gave the go ahead for a church parade to go through the disputed tunnel area, but it imposed a ban on similar marches on the 12th / 13th July. The result of this decision was to cause serious clashes in Portadown between nationalist protesters and the police on the 7th July as the parade, consisting of 2500 Orangemen, passed through the Catholic Obin Street area. Eight policemen were injured and three people arrested during these clashes.'
Source: 'A Chronology of Key Events in Irish History' CAIN Project
 - **12th / 13th July 1985.** 'There was further rioting in Portadown, this time between Loyalists and the RUC, as the Orange Order and Black Institution Parades were re-routed from the controversial 'Tunnel' area. Police had sealed off all the entrances to Obin Street, and Loyalist protesters hurled stones and bottles at them. Police responded with plastic bullets. In total 52 police officers were injured and 43 persons arrested during these two days of rioting.'
Source: 'A Chronology of Key Events in Irish History' CAIN Project
 - **Easter Monday 1986.** 'A parade of the Apprentice Boys along the Garvaghy Road is banned by police. Parts of Portadown became battlegrounds, one man, Keith White, a Protestant from Lurgan, is killed by an RUC plastic bullet.'
Source: BBC News report on-line 19/5/99
 - **3rd July 1986.** 'The RUC allowed an Orange Church parade to pass through the Catholic Obin Street area of Portadown, but banned the 12th, 13th July Parades from doing so. Three days later rioting broke out when police prevented George Seawright, a Loyalist politician, from passing through the 'Tunnel' area.'
- Note: George Seawright, a Unionist Councillor known for his extremist views, was later murdered by the IPLO as he sat in a taxi parked close to the Shankill Road, Belfast on 3rd December 1987.*
- **11th July 1986.** 'The Portadown Orangemen accepted the compromise offered to them by the RUC, that is, that they could march along the Garvaghy Road route, a compromise which resulted in a weekend of violence. The weekend casualties included 128 police injuries, 66 civilian injuries and 127 arrests.'

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- **May 1995.** 'The Garvaghy Road Residents Coalition (GRRC) formed with the aim of expressing Catholic and nationalist opposition to Orange parades through the area.'
Source: BBC News report on-line 19/5/99.
- **9 July 1995.** 'The GRRC attempt to parade to the town centre early in the morning but are stopped by police. The Orange Order parade to its service at Drumcree Church is stopped. The Orangemen decide not to move until they are allowed to march down the Garvaghy Road. After negotiations between the GRRC, the RUC, the Orange Order and mediators an agreement is reached which will allow the Orangemen to march back to town via the Garvaghy Road, but with no bands.'
Source: BBC News report on-line 19/5/99
- **7th July 1995.** 'The RUC prevented a march by Portadown Orangemen from returning from Drumcree Church via the Garvaghy Road. Protests and road blocks by Loyalists began to spread across Northern Ireland. The March was then given the go ahead to continue.'
Source: BBC News report on-line 19/5/99
- **10 July 1996.** '... violence continued as did the road blocks and general disruption with many main roads, villages and towns being blocked off. There was also serious rioting in the predominantly Loyalist Newtownards Road in Belfast. In Drumcree that evening a crowd of approximately 10,000 had gathered.'
Source: CAIN Web Service – under article 'Developments at Drumcree, 1995-2000.'
- **6th July 1997.** 'Nationalists on Portadown's Garvaghy Road are beaten off their Street by the RUC to facilitate a pre-Twelfth Orange Parade. Rioting erupts throughout the Six Counties lasting for a full week in places.'
Source: An Phoblacht Review information 1997.
- **8th July 1997.** 'A Northern Ireland Office document was leaked which, it was claimed, showed that Mo Mowlam, then Secretary of State, had taken the decision in late June 1997 to allow the parade to proceed. This in spite of the fact that she had maintained on the 5 July 1997 that no decision had then been made in respect of the parade.'
Source: CAIN Web Service – under article 'Developments at Drumcree, 1995-2000'
- **5th July 1998.** 'For the fourth year in a row the Drumcree parade by the Portadown District lodge of the Orange Order proved to be the focal point for divisions in Northern Ireland. The parade passed from the centre of Portadown, County Armagh, along the edge of a Nationalist area to the Church of Ireland

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parish church at Drumcree where the Orangemen attended a service. However, as the Orangemen attempted to walk back to the centre of Portadown, along the mainly Catholic Garvaghy Road, the route was blocked by the police and the British Army. A stand off began. The decision to re-route the parade had been taken by the parades commission. As the day wore on the number of Orangemen protesting at Drumcree increased. The British Government said that it would 'hold the line' against those protesting at Drumcree. Throughout the day there were Street protests across Northern Ireland by Loyalists in support of the Orange Order. A number of Roads were blocked and some cars set on fire. A number of Catholic homes were also attacked in Belfast.'

Source: BBC On-line report

2.3.5 Various BBC News on-line reports over the period 1995 – 2008 and the CAIN Web Service research article, entitled 'Parades and Marches - Developments at Drumcree, 1995-2000', relating to events, views and consequences of the Drumcree parade dispute can be found in **Appendix B** and **Appendix Z10** respectively.

2.3.6 Since 1997 when police forced down the Orange parade along the Garvaghy Road on what was said to be the 'least worst option' no further parades by the Orange Order have been permitted. In 1998 the Orange Order staged a protest at Drumcree Church, which lasted for over 3 years during which time the late Mr Harold Gracey, District Master of the Portadown Lodge since 1986 on the 07/07/2002 (1000 day after last parade down Garvagh Road) appealed directly to members of RUC saying 'the vast majority of you come from the Protestant community and it is high time that you supported your own Protestant people'. This remark made to officers endeavouring to uphold the rule of law I feel did little to present the impartiality of the police service in the eyes of the Catholic community.

2.3.7 Further insight to the RUC approach to parades in Portadown is outlined in a document (D106) prepared by [REDACTED], MBE, a retired Sergeant, who between 1993 and 1995 performed the role of Operational Planning Sergeant, Portadown. Mr [REDACTED] refers to the area, where the attack on Robert Hamill and his friend occurred, as becoming a flashpoint or interface following the re-routing of Orange parades, not being allowed to enter Woodhouse Street or Obin Street which joins onto Woodhouse Street. He adds that this action maintained over the years has resulted in 'severe rioting over an extended period'.

2.3.8 A book entitled 'The Orange Order' by Eric P Kaufmann published in 2007 by Oxford University Press. A short preview of this book as provided on the internet describes it as '*Based on unprecedented access to the Order's internal documents, this book provides the first systematic social history of the Orange Order - the Protestant association dedicated to maintaining the British connection in Northern Ireland. Kaufmann charts the Order's path from the peak of its influence, in the early 1960s, to its present-day crisis. Along the way, he sketches a portrait of many of Orangeism's leading figures, from ex-Prime Minister John Andrews to Ulster Unionist Party politicians like Martin Smyth, James Molyneaux, and David McNarry, and also*

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includes the highly revealing correspondence with adversaries such as Ian Paisley and David Trimble. Packed with analyses of mass-membership trends and attitudes, the book also takes care to tell the story of the Order from 'below' as well as from above. In the process, it argues that the traditional Unionism of West Ulster is giving way to the more militant Unionism of Antrim and Belfast which is winning the hearts of the younger generation in cities and towns throughout the province.'

2.3.9 The book is split into two parts, Part I 'From insider to outsider 1963 to 1995' and Part II 'Orangeism at the dawn of the third Millennium 1995 to 2005.' Chapter 10 sub-titled 'segmenting the Orange' refers to a small number of militants having been attracted into the Orange Order since 1995 and that during a three year period from 2000 'roughly 1200 Orangemen officially left the organization'. It gives an interesting insight as to some of the motives behind a few members who responded to requests to list their reasons for doing so. Comments from members about Drumcree include:-

- 'Inventing ludicrous stories with no basis in fact in an attempt to excuse the acts of those who attacked the security forces at Drumcree with deadly force is unconscionable'.
- 'Thugs who were there to cause nothing but trouble and bring discredit on the Orange Order'.
- 'The brutal and unwarranted murder of Constable Frankie O'Reilly'.

2.3.10 In March 1999 the Offices of Her Majesty's Inspectorate of Constabulary (HMIC) published a report entitled '**Keeping the Peace**'. This report, compiled under the direction of David J O'Dowd, HM Chief Inspector of Constabulary, considers a wide spectrum of disorder and builds on findings and recommendations from other thematic inspection reports. The terms of reference included identifying good practice in assessing, preparing for and responding to disorder. In preparing this report visits were made with 13 Police Services throughout the UK.

2.3.11 The main findings are referred to as falling into six key areas namely: the Crime and Disorder Act; Led by Intelligence; Leadership; Problem Solving; Training; and Efficiency Gains. Although many aspects of the paper are unrelated in terms of a murder investigation I feel Chapter 3 entitled 'Responding to Disorder' does highlight the demands that such situations can have. It draws upon lessons learnt and ways upon which police may develop a better approach in dealing with disorder. Although more designed for a range of pre-planned events or protests rather than a spontaneous incident like this murder, I do feel that it includes some relevant points as to the demands that such investigation can bring upon police. At sub section 3.8 entitled 'Investigation of Disorder' reference is made to how successful police prosecutions following disorder helps communities maintain confidence in the police. It is also stated;

'With the exception of the Metropolitan Police Service, the police nationally provide little specific training for SIO's and their teams in the investigation of disorder. The recent ACPO work on the Murder Investigation Manual and the

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revised Aide-memoire for SIO's provides generic guidance which is applicable to disorder. However the inspection team found that many detectives had little appreciation of the potential scale and implications of conducting such an investigation; the experiences of the few officers that had was not always effectively disseminated'.

2.3.12 On the 24/05/1999 the D/Chief Inspector attached to Portadown, who had met and discussed issues surrounding the investigation of Public Disorder with HMIC staff, compiled a response to their final report. In his response the officer adds support for specific training to be provided for the senior Investigating Officer dealing with disorder, refers to the unrealistic expectations of CID commitment to the investigation of public order offences and suggests other ideas to aid and streamline how police deal with public disorder offences. A further report from D/Supt Crime Branch (dated 11/05/1999) also alludes to the need for a more problem solving approach. See **Appendix Z1** for full details in both reports.

2.3.13 Divisional CID officers working in areas prone to serious public disorder would have had additional demands. The HMIC paper entitled 'Keeping the Peace' I feel, points towards the need for a change in police culture as to how such situations should be tackled. See **Appendix W** for further details contained in chapter three of the HMIC paper.

c. The impact of Drumcree on Policing

2.4.1 The Chief Constable's (CC) report for 1996 refers to over 3000 parades taking place in Northern Ireland in 1996 and that 15 resulted in disorder. Efforts to establish details regarding any security statistics held on serious public disorder that occurred, connected with these parades or otherwise, has proved unsuccessful.

2.4.2 Following Drumcree One in 1995 further public order disturbances included the Loyal Orange Lodge (LOL) parade at Ormeau Road, Belfast on the 12th July and the Apprentice Boys parade at Ormeau Road and Londonderry on the 12th August. Drumcree brought several consequences for society in Northern Ireland. Some of those relating to the general public in Northern Ireland included:-

- Widespread disorder throughout the province.
- Public fear, apprehension and expectation that there was going to be trouble.
- Public restricting their movements, avoiding known trouble spots or areas where confrontations might occur.
- Economic consequence for Northern Ireland due to widespread trouble and staff being sent home early or being prevented to go to their work.
- A number of Catholics in rural areas of Northern Ireland boycotting Protestant businesses, particularly those owned by business men accused of participating in the stand-off at Drumcree or involved in the setting up of road blocks.

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- Harryville Catholic church in Ballymena targeted by Loyalist protestors every weekend between August 1996 and May 1998, in a campaign to prevent Catholic parishioners from attending mass.
- Similar protests made against Loyal Orange Order (LOL) and Apprentice Boys parades taking place past Catholic communities in Dunloy, Londonderry and other parts of the province.

2.4.3 After 1995 the Drumcree Orange Parade and its associated protests at Portadown have become a major policing event, with a high degree of preparation beforehand. During the height of the Drumcree protest police officers from all over the province, commanded by an Assistant Chief Constable, were drafted in a week or more before the parade, to cover potential flash points and assist with security around Drumcree. This operation had a significant impact on police resources and resulted in a reduction in the work of other police units such as neighbourhood policing, Juvenile liaison, Traffic branch and other HQ departments whose staff were required to make up 'Amber Serial Units.' Other consequences for the police included:-

- Reduction in normal policing throughout other parts of Northern Ireland.
- Restriction of annual leave for all police officers during July
- Increase in police commitment/presence at various flash points in Portadown and elsewhere in the province.
- Extra demands at a number of Orange Order parades which had become contentious.
- Increased emphasis on public order training for uniform officers.
- Officers working long hours and high overtime costs.
- A loss of faith in the RUC being seen as an impartial police force in some quarters.
- Money planned for the introduction of Information Technology (IT) in mid 90's in the RUC delayed for five years or more.
- Political pressure resulting in police responsibility in determining parades, a matter deemed divisive, leading to the appointment of a parades commission in 1998.
- Several police families forced from their homes during periods of disturbance.

2.4.4 No doubt whatever the police decision was, whether to allow or ban the Drumcree parade in 1995 to 1997, violence on the streets was inevitable. This took the form of widespread rioting, hijackings, criminal damage and attacks on property of supporters of the different factions. Police resources were stretched not only to deal with the violence but with the ever present threat of terrorist attack from all quarters.

2.4.5 The CAIN web service article entitled '**Parades and Marches - Developments at Drumcree, 1995-2000**', see **Appendix Z10**, outlines various events, responses and some consequences surrounding the Drumcree parade over this six year period. Under the year 1996 reference is made to:-

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'The stand-off over the previous four days had resulted in following:

- *Death of Michael McGoldrick, a Catholic taxi driver*
- *Over 100 incidents of intimidation*
- *90 civilian injuries*
- *50 RUC injuries*
- *758 attacks on the police*
- *662 plastic baton rounds fired by police*
- *156 arrests made.'*

2.4.6 The Chief Constable's (CC) Report for 1996 indicates that out of over 3000 parades that took place that year there were 15 that resulted in disorder. Efforts to establish details regarding any security statistics held on serious public disorder that occurred, connected with parades or otherwise, have proved unsuccessful. The report also refers to 350 reported cases of intimidation amongst RUC officers and ex-members during the year. The report further indicates that 34,399 working days were lost through injury on duty in 1996 compared to 25,399 in 1995.

2.4.7 Various tactics to intimidate and frighten police officers were used by Loyalist protesters at Drumcree. These included photographing officers; a matter that might well have led to officers being identified and targeted for attack at their homes. Those officers with families or home addresses close to a Loyalist area were at particular risk. After Drumcree One, in 1995, the number of police officers whose homes or families came under threat rose significantly. A number were forced to move from their homes and sought assistance under the Special Purchase Evacuated Dwellings (SPED) scheme which included making application for a Chief Constable's certificate. In the year 2001 I personally experienced use of this scheme for an unrelated matter. All applications under the SPED scheme are urgently assessed and where it is found that it is unsafe for the applicant to continue to live in a property a Chief Constable's certificate is issued. This may be due the applicant being intimidated, directly or indirectly threatened which as a result the applicant is deemed to be at risk of serious injury or death.

2.4.8 In 1995 there were a total of 16 police officers on record as having received approval for the prompt purchase of their homes under SPED. The number of police officers, who moved house following 1995 using the scheme significantly increased, according to information supplied by the PSNI, as shown below:-

1996	63 (293% increase)
1997	47 (193% increase)
1998	64 (300% increase)
1999	24 (50% increase)

Although it is unlikely all SPED moves were connected to serious public disorder, it is considered that the high level of officer intimidation did play a big part in the significant increases shown.

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2.4.9 A BBC on-line news report published on the 04/7/1999 refers to an interview with the then Chief Constable Sir Ronnie Flanagan. He spoke about how the Drumcree Orange march and the associated protest have required a major security presence in Portadown for the past five years and added "It cost something in the order of £11m last year and when you add the associated costs, it cost something nearer to £14m." He stated "That's a desperate waste of public money. Money that could be put to better use and should be put to better use."

2.4.10 The overall impact on policing arising from Drumcree is difficult to quantify as disorder connected with it was widespread to many other parts of the province. However, from 1995, when the Drumcree dispute began, there are notable increases in serious crimes for offences of murder, attempted murder, bombings, intimidation, shootings, hijacking, arson and other serious crimes attributable to the security situation. For further details see Table 5 within Section 1.5 above and Table 3.1, contained within the Commentary on Northern Ireland Crime statistics 2001 refers to notifiable offences recorded by Police 1992 – 2001 (see **Appendix X**). Over this period there was a decreasing police crime detection rate. This may help give an idea as to the demands and impact that Drumcree and the resultant public disorder had on policing during the period prior to and after this attack.

2.4.11 The CAIN web services research information in **Appendix Z10** includes reference to a survey carried out on behalf of the RUC Police Authority. The survey carried out after Drumcree Two, in 1996, sought information as to public attitudes in Northern Ireland towards the police. It adds that on 05/12/1996 the Police Authority issued a press statement regarding the result and confirmed that the overall level of confidence in the police had fallen. There was a very noticeable difference in the opinions of Catholics and Protestants on this subject. Details on results provided included that only 50 per cent of Catholics questioned felt that the police treated everyone equally and fairly, whilst 81 per cent of Protestants questioned were satisfied that they did. When asked as to whether there was a need for reform or replacement of the RUC, 78 per cent of the Catholic respondents agreed that there was, while only 39 per cent of Protestants questioned believed that there was.

Conclusions - Contention (ii)

2.5.1 In the preparation of Mr Murray's report entitled 'The Murder of Robert Hamill' it is evident that he did not make reference to the Drumcree situation or what impact it may or may not have had in the police investigation. However, Mr Murray did adhere to the Terms of Reference he was given and does not appear to have been asked or required to comment on the influences of Drumcree or what the consequent community tensions and violence might have had on the police investigation.

2.5.2 I feel it would have been difficult for Mr Murray to contextualise the impact of Drumcree, having not served in the RUC or experienced at first hand the many challenges an investigating officer faced in 1997. These include inherent sectarian

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issues affecting Portadown, the internal policing constraints, excessive demands and other pressures police officers had to deal with, both at work and at home.

2.5.3 The books and articles I have referred to, I believe, provide an idea of the background associated with parades and Portadown. The information highlights the traditions, disputes and feelings associated with parades and I feel the animosity felt towards police from both sides of the community. However, these sources are only a fraction of the many other articles written about parades in Northern Ireland. Further information and perspective on the impact of parades and Drumcree can be found on the CAIN web service under 'List of Contributors to the CAIN Site'.

2.5.4 Over the last 20 years or more sectarian history associated with the holding of Orange parades has grown in Portadown, an area steeped in Protestant tradition. From 1995 to 1997 the RUC Chief Constable was in the unenviable position of having to make determination on whether or not the Drumcree Orange Order parade was allowed to travel along its traditional route. Each decision invariably led to retaliation towards the police and opposing community, resulting in serious public disorder, not just in the Portadown area but throughout Northern Ireland. The police action led to them becoming a focus of great resentment and mistrust by both the Loyalist and nationalist communities. No matter the outcome, it was viewed as favouring one side or the other and inevitably violence and disruption occurred.

2.5.5 Sir Ronnie Flanagan in the foreword to the annual RUC Chief Constable's Report of 1996 refers to Drumcree being what people are likely to say, if you asked them, what they remember about 1996. He adds that it was a very traumatic and demanding time for police officers both in Drumcree and many other parts of the province. This point can be supported by the high rate of intimidation made against officers and the increased officer sickness rates in 1996. I found this a time when huge sacrifices were made by many police officers, in terms of their own safety, commitment and home life, who continually sought to deliver a service to the whole community.

2.5.6 The grim statistics relating to public order, violence, threats and internal pressures police had to deal with during the Drumcree protests demonstrate the scale of the unrest and the difficulties they faced. These demands were not confined to July each year but had underlying consequences in the months and years ahead. The media coverage and serious public order disturbances, I believe, portrayed a very grim picture of Northern Ireland. It also greatly set back community relations in many areas and reminded us all of the paramilitary influences and that peace was still a far way off.

2.5.7 The huge support given to the Loyalist protestors in Drumcree in 1996 and the widespread violence that was stirred up did little to help the rule of law and order. The impact of Drumcree instilled great fear and anxiety throughout society in Northern Ireland. There is little doubt that this all had a considerable affect on many aspects of policing.

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2.5.8 Overall the impact of Drumcree I believe entrenched divided community views and polarised them even further. The sectarian nature of Robert Hamill's attack may well have been an overriding factor as to whether or not local people, who could have helped, would have the necessary trust, confidence or moral duty to impart information or assist the police in their investigation. Although difficult to measure, I believe it's not beyond reason to assume that the heightened influences and feelings in Portadown in 1997 could well have had a detrimental effect.

Contention (iii) - in discussing Mr McBurney's approach to securing the attendance of Witness A and Witness B as witnesses for the prosecution, Mr Murray seems to be unaware of the experience of the Northern Ireland legal system arising from "supergrass" or "converted terrorists" prosecutions post 1982. These are dealt with in S Greer "Supergrass: a study in anti-terrorist law enforcement in Northern Ireland".

3.1.1 As well as the information contained in the referred Supergrass book, there are a number of other areas I feel that need to be borne in mind namely:-

1. Relevant information recorded on HOLMES under the nominal record for both witness A and B, In particular during 1997.
2. The remarks made by Mr McBurney during his interview by officers from the Police Ombudsman's Northern Ireland (PONI) Office in March 2001.
3. The RUC witness protection procedures available at the time.
4. My own experiences in the handling of other similar witnesses.

a. Background to key witnesses in the investigation

3.2.1 Investigations into the murder of Robert Hamill resulted in two key witnesses, referred to as witness A and B from whom written statements (Appendices 54, 55 and 87 refers) were recorded over the 9th and 10th May 1997. The evidence from these two witnesses resulted in a number of follow up arrests being made and six persons being charged with murder. A police report, submitted to DCI P39 on 21/07/1997 recommending the prosecution of six persons for murder, was forwarded to the Director of Public Prosecutions (DPP). This report signed by D/I Irwin also refers to an accompanying confidential report and remarks that witnesses A and B may well be the subject of intimidation in the pursuing months.

3.2.2 However less than three months later in October 1997 at separate meetings with a prosecuting Queens Counsel (QC) and DPP staff, both witnesses indicated they no longer would be giving evidence. The reasons behind this appear to include witness A no longer wishing to go through with giving evidence and witness B claiming at the time of the attack having been drunk and unable to remember the events of the night in question. Witness B later added that his statement was based on comments made by others. The DPP concluded that witness B could not be

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considered a reliable witness and as a result on 29/10/1997 issued directions of no prosecution against three suspects, Forbes, Harvey & Robinson, who had been charged with murder by police.

3.2.3 Mr Murray outlines his observations about both witnesses A and B in paragraphs 14.18 to 14.23 of his report. This includes that both were nervous in the providing of their statements, steps taken to protect the identity of either becoming known and that he would have expected 'greater detail' within their statements. Details of what I have considered are important remarks or information contained in each witness's statement include:-

Witness A statement made on 10th May 1997 (Appendix 54):-

- Returned at 1.30am from Coach Inn, Banbridge with number of friends
- Walked up to West Street where heard shouting like 'fight, fight' coming from Main Street. Saw crowd at the junction of Thomas/Market Street.
- Went up to 'Pound-stretcher' from where saw two persons lying on Street. (One near centre of road and other near footpath close to 'Eastwoods').
- Thought person in middle of road was dead
- Saw number of persons gathered around person in centre of road and saw persons kicking him around head, and body, jump all over him and kick him.
- Names five persons, Forbes, Harvey, Bridgett, Robinson and another nicknamed 'Muck', whom the witness saw attack the person lying in centre of road.
- Saw another person lying near 'Eastwoods' being helped by Michelle Jamieson and persons (no names or descriptions given) run up and kick him around head and body and Michelle telling them to stop.
- Police behind crowd, as far as the witness could see, were not doing much to stop what was happening.
- More police arriving before ambulance.
- Spoke to a named police officer at scene and saw police move crowd back to West Street.
- Went onto a house party afterwards where heard incident being discussed with some of those involved.
- A few days after the incident the witness spoke to one of the suspects and conversed about what the witness had seen and having allegedly told police.
- Gives information about having been informed that a named police officer was providing assistance to the suspect the witness spoke with.
- Alleges the suspect whom the witness spoke to had admitted jumping on and kicking the head of one of those attacked.
- Since having spoken to the suspect, the witness claimed the suspect has 'contacted me on numerous occasions and he keeps asking me what I have said to the police.'

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Witness B statement made on 10th May 1997 (Appendix 55):-

- Returned about 1.40am from Coach Inn, Banbridge with some friends
- Walked towards town centre past Ronnie Mays pub from where the witness describes 'fellows punching each other and watched one fight between a fella *the witness* knew as 'Muck' and another fella wearing an 'Umbro' jacket.
- Stood 4-5 ft away, from fight and saw Muck knock fella to ground, in the middle of road opposite 'bakery No. 7' on the corner. Fella lay for a minute and then got up again – didn't see Muck hit fella while on ground.
- Sees Muck fighting with another fella described as having ginger hair, who was trying to stop the fight.
- At time witnesses 'police Land Rover parked at the Halifax building society facing down the Street', parked at side of street and didn't see any police get out.
- Witnessed Rory Robinson fighting and hitting somebody with his fists, at the time the witness was standing in middle of the fight.
- Witnessed Allister Harvey kick and punch a fella lying on ground, a different person to whom Rory Robinson was hitting. Described fella lying on middle of street opposite 'Eastwood' clothing, with his hands by side and not moving. At the time the witness was about nine feet from the fella on ground. Witness adds seeing Harvey (known for 3 years) kick fella on chest three to four times while on the ground.
- Witnessed another fella (nickname Fonzy) kick the same person on the ground 'on his face a couple of times'. Fella did not move.
- Witness describes a dark coloured police car coming up at speed, stops in Thomas Street and adds 'about three police get out of car and go into the middle of the fight'.
- Further up street while the witness was at 'Pound stretcher' saw Dean Forbes punch a fella (Umbro sweater) on face and run towards him.
- While being moved towards the church a second police car arrived and parked beside the first one. The witness named a police officer carrying a rubber bullet gun.

3.2.4 A Questionnaire (QPF8 refers) completed on the 29/4/1997 when witness B was spoken to previously by D/Const Honeyford refers to the witness having not seen any assault in Market Street.

3.2.5 When interviewed by PONI staff in March 2001 Mr McBurney outlined the steps taken by police via another person to encourage witness A's assistance and having spoken with witness A at the time the witness statement was made. Mr McBurney states having given some reassurance to witness A that the police would do all they could to protect her and not to tell anyone about making a statement. Mr McBurney states that having considered protection for both witness A and B, he directed no notes or details of either witness's involvement assistance to be made or recorded on HOLMES. This action he states was necessary to prevent information

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getting back to any of those involved and was to afford protection to both witnesses. However, a point of note made during Mr McBurney's questioning about witness protection measures for witness B, is his referral to this witness's family connections and that he '*wasn't worried about*'. Bearing in mind his comments and the absence of written records, it has been difficult to identify, from the documentation available, the full extent of police action in seeking to protect both witnesses. This includes the full extent of efforts made to encourage either witness in giving their evidence at court or to reassure them as to their safety or otherwise.

3.2.6 From examination of information recorded under the HOLMES nominal for each witness, details that may point to the police management of these witnesses, from time of recording their statements and before end of October 1997, include:-

1. Attending to both witnesses' concerns about not having their identity put on paper - namely being treated thereon as witness A and B.
2. Mr McBurney's direction not to put either witness A or B's statement on HOLMES and for no notes to be made about the location where an earlier meeting with witness A had taken place.
Note: This was not complied with as alluded to in paragraph 14.19 and 14.22 of Mr Murray's report.
3. CID accompanying witness A to her home and assistance discussed with witnesses mother and step-father. The witness's mother had been spoken with previously by police.
4. After being asked by witness B, the interviewing officer D/C Honeyford spoke with senior police, resulting in assurances that the witness's identity would be kept secret to the trial.
5. The completion of Policy book decision 21, dated 17/05/1997 which refers 'to continue close liaison with witness A'.
6. Police advising both witnesses not to divulge to anyone details of their assistance.
7. Police direction for neither witness's name to be revealed in bail statements as police believed there was a strong possibility of intimidation being suffered by witnesses A and B.
8. Mr McBurney's nomination of D/C McAteer and DCI **P39** to look after the interests of relative of witness A's.
9. Efforts made relating to witness A accepting a change of employment.

3.2.7 It is clear from the careful steps take by both witnesses to attend for interview by police and their request for anonymity that fears and concerns existed on their part. There is a lack of information recorded to clarify the full extent of their anxiety over the period May 1997 to October 1997 and what may have caused them to still decline to go ahead with their evidence. Various circumstances, I feel, that may have influenced their decision could have included:-

- The impact of both witnesses living in or near to a Loyalist community.
- The influence of paramilitaries in the Loyalist Volunteer Force (LVF) in Portadown which was very prominent at the time and many supporters of whom backed the Drumcree protest.

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- That all those charged by police in May 1997 with the murder of Robert Hamill elected to be housed in the LVF wing of the Maze prison.
- The fact that witness A had already made their knowledge known to one of the main suspects.
- The difficulties encountered when some of those whom witness A and B had given evidence against were also known as a friend or associate.
- The impact on witness B resulting from being asked and declining to attend an identification parade in connection with a suspect.
- Whether any concerns arose as to the credibility of the account provided by either witness following police enquiries with their friends whom they were with on the night.
- Possible interference with witness A, who through associations had the potential to come into contact with a police officer who had come under suspicion, relating to this enquiry.
- The adverse publicity and huge public attention that was being given to the police investigation.
- The contact between Reserve Constable Atkinson and Michael McKee, a relative, during the summer of 1997. (p17347 refers)
- A lack of confidence or trust in the police or that sufficient urgency in the security measures that were afforded.
- Whether the witness was suspected by police of having played a role in the incident and told lies to take suspicion from themselves?

3.2.8 At the trial of Paul Rodney Marc Hobson neither witness A or B attended and gave evidence. The judge at the trial argued that it was impossible for him to be satisfied of Paul Hobson's guilt in relation to the murder charge but stated 'although it is probable that he intended and did strike'. Although acquitted of the murder charge Paul Hobson was convicted of affray and jailed for four years.

3.2.9 Andrea McKee is another key witness, described as scared and refusing to attend a police station to speak about information she had heard, who may fall into the same category as both witness A and B. This witness's remarks that life would not be worth living if someone knew of her cooperation is, I would suggest, another indication of the influence or perception that feelings in areas such as Portadown created on the minds of the public, deterring them from giving assistance to police.

3.2.10 Another incident which I feel gives an example of how local impressions can be influenced by paramilitaries is that relating to the brutal murder of two teenagers on the 19/2/2000. Andrew Robb and David McIlwaine, who had been out for the night at a disco, were taken to a forest in Tandragee, close to Portadown, where they were repeatedly stabbed. The motive behind these murders is said to have been due to a remark they allegedly made about a murdered UVF member called Richard Jameson. Currently Steven Leslie Brown, also known as Stephen Revels, whose DNA was found on the heavily bloodstained jacket of one of the young victims, is currently on trial for this murder. A main part of the prosecution case I understand

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surrounds the evidence of Mark Burcombe, (28), who gave evidence at Belfast Crown Court against Brown, who denies the charges. Burcombe had originally been charged with the murders but turned 'Queen's evidence' in 2008, and pleaded guilty to conspiring to cause grievous bodily harm to Andrew Robb. He was jailed for 2 ½ years.

3.2.11 Although witness A and B were described as having provided invaluable assistance to the enquiry into Robert Hamill's murder, it has not been possible on the documentation available to assess what level of contact or safeguards were provided by police to either witness or what efforts before October 1997 would have been sufficient, if any, to have brought about their co-operation in giving evidence against any of those they named.

b. Trained CID Investigative interview staff

3.3.1 The principles of investigative interviewing were developed by the Home Office in 1991. At the time in 1997 neither D/Constable McAteer nor D/Constable Honeyford, who interviewed witness A and witness B respectively, had undergone training on the use of investigative interviewing techniques. The national Preparation, Engage & explains, Account, Closure and Evaluation (PEACE) model is now a well recognised approach. In 1998, let alone 1997, while managing approx 25 detectives in North Queen Street sub-division I recall having access to only 2 or 3 CID staff, one an aide, trained in the use of the PEACE investigative interview techniques. As a result it was not uncommon for untrained officers, particularly senior and more experienced detectives, such as in this investigation, to interview and record statements from a significant witness.

3.3.2 On 5/12/2001 during the discipline interview of D/C Honeyford, in the presence of an ICPC member (Appendix 106), he remarked that since the incident he had attended a CID investigative interview techniques course. This one week course, he described as the best course he had completed in the police and how he feels that for twenty odd years he has been interviewing the wrong way. Enquiries made confirm that D/Constable Honeyford attended this course in March 1999 and that D/Const McAteer, who interviewed witness A and is now retired, never underwent this course.

3.3.3 My recollection is that RUC training in the conducting of interviews using the national PEACE investigative interviewing model came in around 1994. Appendix Z12 refers to 155 officers having been trained in investigative interviewing by the end of 1997. It is not known how many of these trained officers were stationed in 'J' Division or South Region. During the 1990's I found CID training and courses quite limited. Information disseminated on such courses generally consisted of a notice to senior management to select one or two officers in their division or for a specific officer, who may have requested in their appraisal certain training to aid their development, to be facilitated.

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3.3.4 In 1997 there existed three specially designed audio/video interview suites in three stations throughout the province. These suites were located at Garnerville in Belfast, Maydown in Londonderry and Enniskillen stations. They were primarily used by specially trained detectives attached to the CARE unit for the interview of victims of rape, child abuse and other serious sexual offences. It was not until around 1999 or 2000 that I recall them being used for the interview of significant witnesses such as those of witness A and B.

3.3.5 In December 2008 enquiries were initiated to establish from staff in the PSNI Central Interview Collation Unit (CICU) at Seapark the date of the earliest audio or video recording they hold for a significant witness. It has been indicated that for both 1996 and 1997 a total of 387 witness audio/video recordings were received/held. It was not possible to distinguish if any of these recordings related to a witness who was not either a victim of a sexual assault or child abuse. However is not believed that any significant witness recordings are held before 1998. The 1997/1998 Chief Constable's Report does mention in the crime section; *'April 1997 saw the first prosecution involving the use of video recorded evidence at Belfast Crown Court, under the provisions of the Children's Evidence (NI) Order 1995'*.

3.3.6 In 1998 the Assistant Chief Constable Mr Raymond White OBE commissioned research entitled 'A study to evaluate the RUC investigative interviewing training to see if it results in behavioural changes in trained officers'. This academic research, conducted by ██████████ BSc. (Hons), University of Bath, looked at the effect of the PEACE course in the planning and conducting of witness, victim and suspect interviews. The research included details on observations made of a PEACE training course involving ten officers held at Garnerville CID training centre in March 1998, the analysis of information contained in 171 questionnaires returned from operational officers and the assessment of the taped interviews of several suspects. Various comments made in the main research report include:-

- A significant difference between the reported skills of trained and untrained officers.
- 99% of trained officers were more likely to report challenging a conflicting suspect account at the end of the interview.
- The extent of interview supervision was minimal, an area seen as helping promote adherence to best practice, legislative procedures and investigative interviewing feedback.
- Significant difference between longer and shorter serving officers as to the purpose of a suspect interview – to gain confession or admission against providing an opportunity to gain the suspect's version or accounts and therefore information which is of evidential value in prosecution cases.
- The recording of witness statements by trained officers are more likely to request all information the witness could recall, including descriptions, in as much details as possible.

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- That considerable attention should be paid to importance of training supervisors and SIO's in order to promote the importance of the planning and preparation stage.

3.3.7 To give some idea as to the limited CID staff that were actually trained in the PEACE model of interviewing, the comments within Chapter 3 of the main research report, dated August 1999, may be helpful. The author states:-

'Since 1996 the occurrence of training has increased with each year hosting approximately 11 courses, accommodating on average 12 participants. However frequency is dependent on the availability of training personnel.'

3.3.8 The titles of the various CID courses provided during 1990 and 1997 and the number of officers who received training are shown in **Appendix Z12**. This indicates that in the period 1993 to 1996 a total of 110 officers were trained in investigative interviewing.

3.3.9 An executive summary relating to this research, including some of the recommendations proposed, is outlined in **Appendix U**. One aspect which did result from this report was the introduction of remote monitoring of interviews. Although Home Office circular 50/96 governed the monitoring of suspect interviews, as a CID supervisor I recall first using or having access to such equipment at Lisburn Police Station in late 2001/2002. Around 2003/2004 the PSNI opened a new serious crime suite at Antrim station. This facility, used to interview crime suspects such as those involved in this murder, is equipped with remote monitoring facilities, so allowing better supervision and control of this aspect of a police investigation.

3.3.10 Mr McBurney describes the witnesses as 'all friends and conspirators together.' This does not paint a positive picture as to their value or if indeed police considered them witnesses of integrity. An assessment by senior investigating police outlining witness A or B's value to the prosecution, vulnerabilities and any protection measures necessary to try and safeguard both witnesses' cooperation at any future trial, is not apparent. However, it is apparent that police made efforts to help find employment for witness A away from the Portadown area and from the accounts provided by associates of both witnesses that they might well have earlier been in the company of some of the suspects involved and were known to them.

3.3.11 It is apparent from the account of witness A that prior to making a statement to police on the 10/5/1997 this witness had already alerted a suspect and close friend to having observed him assault one of those injured.

3.3.12 It has been my experience that where sectarian or terrorist incidents occur getting witnesses to come forward is often difficult and beset with problems, particularly where it is against others from the witness's own community. In this incident it is also apparent that there was even a delay in some witnesses from the nationalist community coming forward. Although this might well be satisfactorily

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explained or justified it does highlight further that police did experience difficulty with witnesses. Various reasons I have encountered for such delays or lack of cooperation have included allegiances, fear, lack of confidence or mistrust of the legal profession or police, particularly as a result of the adverse publicity surrounding the actions or alleged inactions by police at the scene of this assault.

3.3.13 During my experience as an investigator in the Police Service, I often encountered witnesses having difficulty in making statements to police or providing information for police to act on. Some of the pressures experienced have included:-

- Fear of reprisal on them or their families.
- Realization of having to move away from home, family and friends.
- Being unable to continue support to an elderly parent.
- Changing jobs.
- Pressure from within their own immediate family against their action.
- Isolation and inability to cope with moving away or change.
- The ordeal of scrutiny in the court by an experienced advocate.

3.3.14 Another potential constraint in the practical sense that might surround witness protection are the rules of disclosure to the defence of any relevant material and the impact this might have on police efforts to protect and maintain confidence of the witness. In 1997 written instructions relating to disclosure included that in Part 1 General Order No. 108/91 File box C (c) dated 26th November 1991 entitled 'Disclosure of witness's previous convictions to the defence' refers (See Appendix K).

c. Witness Protection measures in RUC

3.4.1 The RUC witness protection programme has been in existence from the late 1970s/early 1980s. It experienced the handling of a number of informers or 'Supergrasses' many of whom appeared before courts during the early 1980s and gave evidence against their former comrades. My understanding is that the various lessons learnt during this period by the Witness Protection Unit have been instrumental in establishing good practice throughout other Police Services in the United Kingdom. Its aim is to support injured parties and significant witnesses to serious crime or participants in crime who have elected to give evidence. Three of the main criteria for being accepted on the witness protection scheme include :-

- The seriousness of the crime.
- That the witness has made a written statement about his/her evidence which is crucial to the prosecution case and that the witness has indicated their willingness to attend and give evidence.
- A real or perceived threat on the life of the witness is deemed to exist.

3.4.2 In 1997 another possible safeguard available to investigators to apply for was witness screening, outlined in General Order No. 66/94 File box C (c) dated 11th August 1994 entitled 'Screening of witnesses in criminal cases'. (See Appendix I). A

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fundamental principle in these instructions is for evidence in court to be heard in public. These provisions provide procedures for the screening of witnesses in criminal cases and entail police making written application via Crime department to the Director of Public Prosecutions, for the prosecutor to consider as to the making of an application before a judge to seek permission to the witness being screened at court. This instruction adds that applications will only be made "*in exceptional circumstances and after the fullest consideration of all relevant issues in a particular case*". Further details relating to this matter are outlined in the General Order referred to.

3.4.3 In 2000 while investigating the murder of a Loyalist paramilitary I had experience in seeking witness protection for a witness who had observed a murder and knew some of those involved. In the course of this enquiry after the witness was spoken to by myself and identified as being vulnerable, various security measures were afforded at the witness's home as a temporary measure.

3.4.4 Careful arrangements were also put in place to protect drawing attention to the witness's identity. Taking account of the background of those involved in this attack and the extreme value the witness was to the prosecution case, consultation took place with the witness and immediate family who agreed to sign up to the RUC witness protection programme. This entailed me forwarding a written report to my Regional Head of CID in Belfast who after endorsing the planned course of action passed it to the Assistant Chief Constable Crime for consideration/attention. Taking account of the witness's clear background, significant evidence and agreement to abide by the terms and conditions associated with the witness protection programme, the witness and family were soon moved outside Northern Ireland where rented accommodation was sought and paid for on their behalf.

3.4.5 The witness and any family accompanying were warned of the importance of not disclosing their whereabouts to family and friends. A police officer from the witness protection unit was appointed to liaise with the witness/family, oversee the move and assist with settling into the area. They also acted as a point of contact between the witness and the investigating officer. However, unfortunately in my case after almost 12 months living outside Northern Ireland and just prior to the murder trial, the witness declined to give evidence as he wanted to return to Northern Ireland for personal reasons.

3.4.6 In 1998 the publication of a Home Office report called 'Speaking up for Justice' brought about radical new witness protection measures to help encourage vulnerable and intimidated witnesses to give evidence at court. These new measures included greater restriction on the cross examination of rape victims' sexual history, the giving of evidence by CCTV links for witnesses likely to be distressed and intimidated and the use of special measures to help the witness give evidence at court. I believe this report was the catalyst which led (around 1999) to the interviews of vulnerable and intimidated witnesses to serious crime being first recorded on video.

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d. Information in 'Supergrasses' Book published 1995

3.5.1 The use of 'Supergrasses' in Northern Ireland (NI) during the 1980's was condemned by all Human Rights groups throughout the world and following the overturning of many convictions was eventually scrapped by the British Government. In Northern Ireland the use of Diplock Courts did not help the cause as on their own they were deemed unconstitutional and legally corrupt by left wing objectors who argued that judges were one sided and unfair. However, the reality in NI was that juries hearing such trials would have been subjected to intimidation, particularly in supergrass trials as there were often numerous defendants. Lord Justice Kelly during the trial involving IRA Supergrass Christopher Black ordered two police marksmen armed with rifles to stand either side of him during his hearing of the trial involving 38 defendants, said to be one of the biggest trials in Irish legal history. Overall there was no liking of supergrass trials by the judges, legal profession, Human Rights groups or the churches.

3.5.2 The book '*Supergrasses, informers & anti-terrorist law enforcement in NI*' referred to by Mr [REDACTED] is written by Steven Greer and published by Clarendon Press in 1995, shortly after the IRA ceasefire in August 1994. I have recently read this book to try and draw what key facts I can which may be relevant to the problems faced with police dealing with witness such as A and B. The following paragraphs include remarks drawn from the book that it is felt may have some relevancy. However I would caution that others may draw different perspectives from reading this book.

3.5.3 The book provides a study on the evidence of 'supergrasses' from Loyalist and Republican organisations. It covers many of the high profile and deeply controversial Loyalist and Republican supergrass trials that took place during mid to late 1980's. These trials involved paramilitaries from both communities who agreed to betray large numbers of their former alleged confederates in return for immunity or reduction in sentencing for their own misdemeanours. It also outlines various problems and dilemmas associated with supergrass witnesses who later retracted or gave evidence for the prosecution. Details relating to various supergrass trials, together with some information on the convictions and acquittals that resulted, are outlined in **Appendix Z6**. Some of this information can be readily found in appendices at the rear of the book.

3.5.4 The introductory chapter describes informants coming under two key variables namely 'their relationship between the activities and people about which and upon whom they inform AND their relationships with the policing agencies to whom they supply their information'. As a result the following classifications are made:-

1. Inside single event informant –the confessor and the accomplice witness
2. Inside multiple event informants – the informer, agent provocateur and supergrass.

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3. Outside single event informant – the casual observer.
4. Outside multiple event informant – the snoop.

3.5.5 In the circumstances associated with witness A and B it would appear that both come under category 3. There is nothing to suggest either had previously provided information to police or had been tasked to identify those involved. As members of the public who had been present during the commission of a crime, an isolated attack on Robert Hamill and his friend, they reluctantly spoke with police about their knowledge of the matter.

3.5.6 The insider informants, described as those who are directly involved either actively or passively in the activities they report to police, is broken into two types, the *confession informer* who is described as 'confess his own wrongdoings and implicate others, who are then prosecuted either upon their own confessions or other evidence' AND the *accomplice witness* who is described as 'testifies against his alleged associates at trial' It is added that this kind of informant may emerge in respect of any offence which involves more than one offender, in any part of the jurisdiction, and under the influence of one or more motives, including genuine contrition; the hope of striking a bargain with the prosecuting authorities in the selection of charges and/or with the courts in passing sentence; revenge against fellow accomplices or a configuration of all three.

3.5.7 Various dangers, listed at Page 9, associated with an accomplice's evidence include:-

- Being by definition, criminals and therefore in the eyes of the law, persons of bad character, whose evidence is not entitled to the same consideration as that of 'a clean man, free from infamy'.
- Being motivated to fabricate part(s) of their evidence.
- Telling the truth about incident but substituting names of innocent people or suspects whom the police are especially anxious to see convicted, for those who in fact took part.
- Changing the roles of those involved, casting him/her self in the most favourable light and the other suspects in the worst.
- Spurious plausibility being accorded to false accomplice evidence by virtue of the accomplice's familiarity with the details of the crime or crimes.
- Giving their evidence in expectation of executive clemency
- Providing inconsistencies and omissions in their accounts relating to events.

3.5.8 The book emphasises the importance of maintaining secrecy of any informer system, but that in doing so suggests serious problems may arise such as police corruption, prosecutions based upon unreliable information and likely incidents of agent provocateur. Apart from distinguishing the various types of informers, chapter one outlines the complexity behind the role of 'informer' and how their contribution can be both problematic and even counter productive. It lists various motivations that police informers may have or react to, namely coercion from police, fear and despair, immunity from prosecution, disillusionment, leniency in the selection of charges,

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release from police custody, reduction in prison sentence and other inducements including disaffection to a cause or belief held.

3.5.9 Chapter three entitled 'The origins of the supergrass system from 1969 to 1982' refers to three processes which created the conditions of which the supergrass system emerged. It states '*the maturing intelligence system throughout the 1970s; the difficulties which the police faced in obtaining confessions from key terrorist suspects following the Bennett Report in 1979, and a crisis of allegiance amongst certain paramilitary activists, especially the second-time rounders, who by the early 1980s, had already served one period imprisonment*'. Reference is made to the trial R -v- Flynn and Leonard in 1972 in which the Court of Appeal ruled against confessions obtained in the special anti-terrorist investigation centres established by the police to question suspects. This chapter also refers to '*enormous pressure on police to produce evidence capable of securing convictions in the Diplock courts and that the security situation presented problems regarding the collection of evidence from a wide range of sources: examination of the scenes was often difficult because of the threat from paramilitaries, and witnesses were often reluctant to come forward.*'

3.5.10 Chapter two concludes giving details about various supergrass informers who did not go ahead with their evidence, yet immunities from prosecution for alleged murders had remained intact for two informers, despite the retraction of evidence for which they had been offered as a reward. By the end of 1983 the book on page 58 records that 19 informers had retracted their evidence. Further information on some of those who retracted their evidence before trial is outlined in **Appendix Z6**.

3.5.11 Subsequent chapters in the book outline detailed information regarding a number of supergrass or informer evidence trials, many of which resulted in a small prosecution ratio in relation to the number of defendants who were charged and stood trial. **Appendix Z6** provides some information relating to twenty-six supergrass witnesses, eleven of whom retracted their evidence before trial. The author of the book refers to thirteen supergrasses having been granted immunity, two of whom, O'Rawe and Williamson, are not included in Appendix Z6. It adds that eleven others were denied immunity, two of whom, McConkey and Smith, are not listed.

3.5.12 The end of the 1980's supergrass process came in 1985 when senior DPP staff decided not to progress a female supergrass's evidence to trial. Evidence provided from the fourteen other supergrass witnesses listed resulted in over 250 persons standing trial and after appeal only around 45-50 persons being convicted for a range of crimes.

3.5.13 The entirety of each informer's evidence was said to revolve around three central issues namely their character, credibility as a witness and the effect of any immunity or other inducement upon the reliability of each informer's evidence. Various criticisms were raised at court by judges involved with either a trial or in the appeal process relating to a supergrass trial. These included:-

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1. The failure of the Crown to provide official versions of the 'deal' and what kind of immunity had been offered.
2. Promises of immunity being offered by senior police.
3. Informers being unsure about what the immunity deal covered.
4. Expectations of reward of various kinds in return for testifying.
5. Deliberate fabrication, faulty memory and attempts by supergrass witnesses to improve a good case.
6. The absence of 'clear and compelling' corroborated evidence.
7. Trial judges being too willing to believe accomplice evidence and insufficient attention given to the inherently untrustworthy nature of such evidence.
8. Insufficient attention given to specific weaknesses in the accomplice evidence as expressed by defence counsel.
9. Not enough importance put in evidence which detracted from witnesses' credibility, shortcomings and mistakes made as a prosecution witness.
10. The impact of the Diplock court process in dealing with such trials and sometimes failure of a trial judge to identify generally untrustworthy evidence.

3.5.14 By the end of 1986 any conviction resulting from the evidence of a supergrass which was not supported by a confession or what was deemed to be an admission were all quashed on appeal. Following the end of the supergrass trials in Northern Ireland a review was conducted into the difficulties and lessons experienced. This included the introduction of some new legislation, in particular the abolition of the right to silence by the Criminal Evidence (Northern Ireland) Order 1988. This now allows a judge or jury the opportunity to draw inference from silence of defendants who refrain from offering explanation on various key points, such as when presented with evidence suggesting his/her presence at a particular location. This legislation also expressly allows such silences to be treated as corroboration of other evidence.

3.5.15 Information on other matters relevant to the legacy of the supergrass system, referred to in chapter nine, include:-

- Some reduction in the number of security related deaths over the period when a large number of active paramilitaries had been arrested and were in custody.
- More careful targeting of victims by terrorist organisations.
- An increase in violence between paramilitaries. By 1990 at least five prominent Loyalist defendants, tried on evidence of a supergrass, had been killed by the IRA. The book 'Lost Lives' at entry 3545 refers to seven INLA members who stood trial being killed by Loyalists and mainly due to an internal feud.
- Discouragement of the Police and DPP in placing heavy reliance upon one method of counter insurgency law enforcement.
- Recommendation that no further grants of immunity from prosecution be made to any prospective witness who has been involved in serious offences.
- Recommendation that sentence discount due to supergrasses should be determined by statute and not seen as a principal reward for testifying.

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- Recommendation that minimal assistance be provided to supergrasses after their sentence is completed in finding a job, and accommodation outside Northern Ireland and that large sums of money should not be available.
- Recommendation that all accomplices should be tried and sentenced before giving evidence for the Crown and that in any future trials no more than 10 defendants are tried together unless they so consent.

3.5.16 Overall the supergrass process largely resulted in very few convictions, approximately 24% from the Bennett to the Kirkpatrick trials. However, it did lead to internal changes in how paramilitary groups operated. They introduced internal security teams and increased the use punishment shootings to help protect against or reduce further problems. It was a sanction of death for any of those within the organisation who were found co-operating with the security forces. Publicity on such incidents helped further fuel the fear and apprehension that paramilitary organisations had in society. Witnesses to a terrorist or sectarian incident, such as those of witness A and B who lived in the midst of terrorist suspects, I believe would have been well aware of the threats and dangers likely to result from their actions.

3.5.17 It is suggested that the evidence of a supergrass is deemed more dangerous than that of an ordinary accomplice. Although concern still remains over whether witness B was in fact involved in the attack on Robert Hamill, there is no indication of witness B having been treated in any fashion by police to induce the evidence this witness provided or implicate others involved. Recent forensic examinations and checks of this witness's DNA against a number of unidentified blood stains proved negative. Had this witness been involved or an accomplice and evidence was established to proceed with a prosecution, it still remains uncertain whether this would have changed his mind in giving evidence as to the observations he made that night. A review of further other key investigative lines of enquiry may help clarify this issue.

3.5.18 On the 2nd April 2008 two high ranking retired RUC officers, who were involved with Special Branch, gave evidence before the Northern Ireland Affairs Committee (NIAC) at Westminster on behalf of the Northern Ireland Retired Police Officers Association. One of these officers was retired Assistant Chief Constable Raymond White OBE, who has been referred to earlier in this report. In response to questioning (Q450) about the use of the Inquiries Act and concerns held about past police informers being identified it was stated 'the sad reality is that there have been around 60 deaths that have occurred during the troubles could be attributed to people who, it is alleged, were informers'. Further details are contained in the House of Commons NIAC report entitled 'Policing and Criminal Justice in Northern Ireland; the cost of Policing the Past' published in July 2008.

3.5.19 One key issue throughout the book was the lack of supporting evidence or corroboration relating to the involvement of suspects named in supergrass evidence. In the attack on Robert Hamill and others it is apparent that the evidence of witness A can be supported from forensic examination work which found the blood of Stacey

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Bridgett on the trousers of Robert Hamill. Likewise both witness A and B mention some identical names of suspects who were fighting and assaulting others at the scene. Although in some cases it is not clear who they were assaulting the impact of both their evidence being provided at court could well be seen as a major coup to bring about the detection of those involved.

3.5.20 The author of the book refers to the origin of the supergrass system being traced back through intelligence gathering and counter terrorist policy in Northern Ireland. He compares and contrasts the failures of the supergrass system with the more successful system in other countries, including England and outlines why some countries such as France choose not to go down the same path. He refers to the Police playing five principal roles in the supergrass system; recruiting, preparing for trial, protecting their families, building the case against the accused and defending the process in public debate. Taking into account previous remarks made relating to the management of both witness A and B it is difficult to comment with any authority as regards their evidence which aspect, if any, the investigators in this case pursued.

3.5.21 It is concluded that any lasting settlement requires there to be a strong due process in civil rights in the criminal justice system and for more effective mechanisms of public accountability over policing and intelligence gathering in liberal democracies generally.

Conclusions - Contention (iii)

3.6.1 By the end of 1986 the experience of the Northern Ireland legal system arising from "supergrass" or "converted terrorists" trials was that prosecutions were very low in number, despite the huge costs and efforts made. Less than 25% of all those tried were convicted in the ten major supergrass trials referred to in the book entitled '*Supergrasses, informers & anti-terrorist law enforcement in NI*'.

3.6.2 The author of the supergrass book refers to just over 40% of all supergrasses, who had initially elected to give evidence, later retracting or not going ahead with their evidence at court. This was despite the extensive steps police had taken to protect both the supergrass and their families.

3.6.3 The function of the DPP includes predicting how a court will treat particular forms of evidence which the police present and, when prosecutions are justified, if there is a reasonable expectation of conviction. Following on from the supergrass trials of the 1980's it is now apparent from the on-going trial relating to the murders of Andrew Robb and David McIlwaine that further prosecutions on the evidence of a supergrass do still occur. However I would suggest this is limited and only considered where it is corroborated by particularly compelling independent evidence.

3.6.4 The decision in October 1997 of both witness A and B not to go ahead with their evidence greatly diminished the police prosecution. It is unclear why police efforts relating to forensic evidence against one suspect, corroborating both witness

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accounts, were not progressed further. The absence of witness A and B's evidence clearly had a significant impact on the prosecution case, highlighted further by the prosecuting QC's comment that he had found witness A to be a truthful and articulate witness.

3.6.5 It is difficult to conclude that Mr [REDACTED]'s comment that Mr Murray seems to be unaware of the experience of the Northern Ireland legal system arising from Supergrass or converted terrorists prosecutions post 1982 has any bearing on the status of witnesses A or B. As I have previously outlined in this report there is no apparent documentation to suggest that either of these witnesses can be placed in the category of supergrass or informer. Although these types of witnesses were used extensively during the early to mid 1980's, in relation to several terrorist trials, the circumstances relating to witnesses A and B are deemed to be significantly different. Neither witness has admitted involvement with this attack, nor did evidence come to light to warrant any charge, nor is it apparent that either witness sought any form of inducement or amnesty from the prosecution.

3.6.6 The assault on Robert Hamill was of a sectarian nature. The fears and concerns of witnesses to this attack might well be comparable to the experiences and difficulties experienced by those involved in the supergrass system. Had the two witnesses proceeded with providing evidence, during this highly charged period in Portadown, it might well have led to both of them being seen as 'informers' in the eyes of the paramilitaries and their own community. However, unlike the supergrass situation these witnesses and their families were not under police care.

3.6.7 Setting aside the term 'supergrasses' I have regularly experienced during my career in the police in Northern Ireland how difficult it is to have witnesses come forward for crimes connected with terrorism or sectarianism, both inextricably linked. Portadown is a small community and witnesses to such attacks particularly those who have lived or spent all their lives in council housing estates characterised by high levels of economic and social deprivation, sometimes known as 'sink estates', often find it hard to trust or take on the change which is usually called for when they perceive themselves to be standing against their own community.

3.6.8 It remains unknown what the impact on either witness was when it became apparent that the suspects charged with this murder elected to go on remand in the LVF wing of the Maze prison. This, together with the influence of the LVF in Portadown at this time, particularly their leader Billy Wright, might well have had a bearing on why both witnesses did not go through with their evidence. Other outside factors or pressures might well have played a big part in their decision. It is apparent that following the recording of their statements resentment of police over Drumcree continued as did sectarian and terrorist incidents around the province. All this, I would suggest, would have done little to help reassure both witnesses.

3.6.9 The whole circumstances leading to the recording of both witnesses' evidence and the subsequent follow up action or arrests by police on the 10/5/1997 is one that I can relate to from my own experiences of such circumstances. The police in this

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investigation were not faced with having to prosecute a witness before relying on the witness then giving 'Queens Evidence' against others involved. Instead they were relying upon each witness's cooperation to give evidence when the time of the trial came. The murders of two young protestants (Robb and McIlwaine) by a loyalist paramilitary organisation in 2000 I feel demonstrates how easy it would have been for law abiding citizens to be discouraged or justify not assisting police prosecutions of those connected with or supporting a paramilitary organisation. From my own experiences a lot also depends upon a witness's own personal circumstances and their ability to cope with the various sacrifices that often comes with giving evidence in attacks such as that on Robert Hamill.

3.6.10 It is not apparent that either witness raised concerns regarding paramilitary threats causing them to withdraw their evidence or that any intelligence exists to explain their decision. Without knowing what concerns and pressures each witness was under it is difficult to say whether police action or inaction played a part in their retraction. It may well be the case that no matter what efforts police made it was never likely that either witness would have given evidence at court. However it is possible upon the commencement of the Public Inquiry new evidence or information may come to light to clarify one way or another, what really lay behind these two witnesses' reluctance to go ahead with their evidence in a court. It is hoped further efforts made in the police investigation into this incident might still result in bringing those involved in this brutal and cowardly attack before the courts.

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