

STATEMENT OF WITNESS

STATEMENT OF: KAREN KENNEDY

Name

Rank -

AGE OF WITNESS (If over 18 enter "over 18"):

OVER 18

To be completed when the statement has been written.

I declare that this statement consisting of pages, each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated this

20

day of

July

2001

_____ Kennedy

SIGNATURE OF MEMBER by whom statement was recorded or received

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I am a Superintendent in the Royal Ulster Constabulary at present attached to Complaints and Discipline, Lisnasharragh. On 17 July 2001 at 10.25 am I conducted a tape recorded discipline interview of D/Constable Donald George Keys, 12543 at Lisnasharragh Police Complex. Present during this interview were Chief Inspector Jackson, Complaints and Discipline, _____ and _____ from Police Ombudsman's Office for Northern Ireland. This interview terminated at 10.29 am and the tape with regard to same was sealed in compliance with instructions and marked KK1. The content of this interview is as outlined in the typed transcript marked KK2. At 10.30 am I continued the discipline interview at Lisnasharragh Police Complex of D/Constable Donald George Keys 12543. The D/Constable indicating that he wished the interview to continue by way of questions and recorded answers. Again present during this interview were _____ and _____ Police Ombudsman Office for Northern Ireland. I further cautioned D/Constable Keys using the following

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words:- "You do not have to say anything but I must caution you that if you do not mention when questioned something which you later rely on in any subsequent disciplinary proceedings, it may harm your defence. You may, if you so desire, make a written or oral statement to the Investigating Officer or the Chief Constable or the Police Authority, as appropriate. Anything you mention when questioned, or any written or oral statement you make may be given in evidence at such disciplinary proceedings." I asked if he understood the contents of the Forms 17/3 served on him and also the Discipline Caution. He replied, "Yes". I then informed D/Constable Keys that the interview would continue by way of questions being asked by me and responses being recorded by Chief Inspector Jackson.

Q. The contents of Form 17/3 as served on you by myself on 18.4.01 having been read to you together with your appropriate response - are you satisfied to continue with this disciplinary interview?

A. Yes.

Q. During the course of this interview I may refer to notebook entries and statements made by yourself during the course of your duties. I may also refer to notebook/journal entries and statements made by others. You may at any time ask to read these documents during the course of this interview. Do you understand this?

A. That's OK.

Q. It is alleged that on 27 April 1997 at Market Street, Portadown, following a serious assault on Robert Hamill which resulted in his death, you neglected your duty as a police officer by failing to properly secure the scene

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at an early stage. According to your notebook entry on 27.4.97 - you were contacted regarding this assault by Inspector McCrum. Is this correct?

A. That is correct.

Q. Are you in a position to indicate what time you arrived at Portadown RUC Station on 27.4.97, ie did you arrive at 5 am or was this the actual time you received the telephone call from Inspector McCrum.

A. I was initially contacted by telephone by Inspector McCrum as I was the duty on call CID officer for Portadown. I believe I was contacted at or around 4.40 - 4.45 am. As a consequence of that I placed myself on duty at 5 am. I didn't arrive at my station - Portadown until approx 5.30 am.

Q. With regard to the initial telephone call from Inspector McCrum are you in a position to indicate its actual contents?

A. Well I have to say that after the passage of four years my recollection in relation to both this and other matters has obviously diminished to a certain extent. What I can tell you is that he made me aware of the fact that there had been public disorder in Portadown town centre. That a number of persons had been involved in that and that police had also been attacked. I can also tell you that from recollection I think it was two people had been taken to hospital in Craigavon and that one of those persons had been subsequently transferred to the RVH in Belfast.

Q. Your notebook entry for 27.4.97 reads "Briefed by Inspector McCrum ref. the incident". Have you any

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recorded notes regarding this briefing or are you in a position to indicate the briefing which you received?

A. I have no recorded notes of the briefing I can't be specific now of the exact content of that briefing. He did indicate that a number of persons who had come down Thomas Street and a number of persons coming through the town centre became involved in a fight. Obviously we discussed the issues that the police had attempted to intervene and they themselves were the subject of attack.

Q. Can you recall if you were made aware of the injuries then known to police with regard to Mr Hamill and D D and how same were received?

A. Inspector McCrum made me aware that Robert Hamill had been transferred to the Neuro Surgery Unit at the RVH in respect of a head injury. I am going from recollection - the injury to D his friend were less serious and that D was then detained at Craigavon.

Q. Was any comment made to you about how serious Mr Hamill's injuries were?

A. It was a head injury. The fact that he was transferred to the RVH made it in my own opinion of significance.

Q. I would refer you to the statement of Dr Fannin, Neurosurgeon, with regard to injuries received by Mr Hamill. This statement reads as follows "we were given to understand that he had been hit with a bottle and put to the ground and immediately rendered unconscious". Were you made aware of this information?

A. No.

Q. Were you made aware of this at any time ie the

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information which was relayed to Dr Fannin?

A. No. I'm not aware even of Dr Fannin's statement.

Q. Your notebook entry for 27.4.97 further reads "Attended scene of same with Constable Cooke debriefed re scene". Have you any recorded notes or can you indicate what debriefing you received and the approximate time this took place?

A. Again I don't have recorded notes. Constable Cooke briefed me insofar as he could. There were no other available officers present at that time who were in a position to brief me beyond his point of response to the incident.

Q. Have you a time for that debriefing?

A. I was just in the station for a short time so I would estimate about 5.30 to 5.45 am.

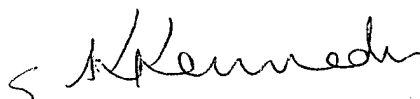
Q. Have you any recollection what specifically Constable Cooke briefed you about?

A. About the directions from which the two crowds had come from, also the general area the injured persons were lying. Also the general position of the landrover - by that I mean the landrover crew which consisted of Constable Neill and others.

Q. Are you in a position to indicate if other police were present at the scene at this time and if same had been secured for examination?

A. I recall police being there. I can't now say who they were. I remember saying to them not to let anybody through the scene. I had indicated that it was my intention to go back to the station and that I would be returning later.

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- Q. With regards to police then present. Can you indicate how many police were present and if a vehicle was present?
- A. From recollection I think two were present. I walked to the scene with Constable Cooke. I have no recollection of anybody else coming with us. I can only assume that a vehicle would have been at the scene because of the fact that Constable Cooke and myself walked to it. That vehicle may have arrived shortly after us. I cannot be sure of this.
- Q. Can you indicate what the two police officers were doing at the scene?
- A. I am not sure when these police arrived. I am sure that I told them not to let anybody through the scene until such times as I returned from the police station. The two barriers were closed and this meant that for a vehicle to gain access to the town would have been via Edward Street.
- Q. Why did you not take the appropriate steps to have the scene secured when you were first debriefed by Constable Cooke?
- A. When I arrived at the scene I found that there were no tapes in place. I couldn't satisfy myself that the scene had not been contaminated prior to my arrival. In order that I could establish the fullest details possible about this incident I required more information. The only source of that information could come from the landrover crew who were at that time off duty and not immediately available to me. Only they could give me the detail which would have indicated to

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me where this incident had started.

Q. When you state "I couldn't satisfy myself that the scene had not been contaminated", what do you mean?

A. The scene was four hours old and it was not possible for me to arrive at a conclusion that it had not been contaminated. I had no information to say it had been contaminated. The facts were not known to me to allow me to make a judgement with regards to the scene.

Q. Your notebook entry for 27.4.97 further reads "To office requested statements of police on duty". Who was this request made to?

A. Inspector McCrum was asked by me to recall the landrover crew back on duty and also I wanted statements from other police who were on duty at the incident at that time. To paint the picture the landrover crew of I believe four members had gone home. The other police were still on duty - the night duty ones. The most important statements that I wanted were from the four officers in the landrover.

Q. Did you consider taping a small area off ie that at which the injured persons were and then extending same later?

A. I think I have answered this when I told the police to allow no persons through the scene. This in fact dealt with a much wider area. I would have to say that it is always a consideration of mine to have it preserved but I needed more information from those people in the landrover crew. By telling the uniform police I did the next best thing to ensure it was secured.

Q. When you left the scene were you satisfied that there

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would be no further contamination?

A. Yes.

Q. Did you draw to the attention of Inspector McCrum or any other supervising officer the fact that the scene had not been properly secured?

A. I may well have done to Inspector McCrum. I have definite recollection of telling P39

Q. Whose responsibility do you think it was at that point in time to ensure that the scene was taped off?

A. The senior police officer on duty should have ensured that the first police who attend the scene had done this.

Q. Do you believe that you as the first CID officer at the scene that you had any responsibility to see that it was done when you realised that it hadn't been?

A. I would have expected this to have been done for me and I repeat again this incident was almost four hours old and I ultimately was the one who took steps to that end. I feel that I did take responsibility as covered before to ensure that no-one went through the scene at that time.

D/Const Keys then referred to Form 17/3 as served on him on 18.4.01. With regards to allegation number one which alleges "neglected your duty as a police officer by failing to properly secure the scene at an early stage." The D/Constable indicated that it was not humanly possible for him to secure the scene at an early stage owing to the fact that when he arrived about four hours had gone by.

11.30 am coffee break.

11.40 am recommenced. I read the discipline caution to

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D/Const Keys and the interview continued.

Q. With regard to the request made to obtain duty statements what other steps did you take, if any, to follow up this request?

A. I left this area to have Inspector McCrum contact those members who had gone home and have them return to duty.

Q. When you requested these duty statements were you in a position to indicate what police were present or on duty at this time, ie those who had been at the actual scene of the alleged incident?

A. I was pretty much aware of what police had been at the scene. All the statements did not come in at one time - they arrived in over a period of time. I would state that at this point I was dealing with another serious matter which I will further comment on as this interview progresses.

Q. Did a debriefing of police regarding the events that occurred at the alleged incident take place?

A. There was not a formal debrief that took place by myself. I was there on my own at this stage. I did establish as much fact from police as I could. I did tell police to include all relevant facts in their statements this would include names of persons seen committing the alleged assault, those identified fighting with police, descriptions of people, the whole lot.

Q. Who conducted the debriefing. When and where did this take place?

A. An informal debrief took place in the CID office. I was present with uniform police. It was not a one to one

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debriefing I told those police present to include all details in their statements as I have previously outlined in the last answer. The information that I was getting at this time was verbal information. I wanted this information to allow me to go back to the scene and reassess it. I can recall giving an instruction to inform police not to go home or finish duty until all statements had been completed.

Q. What role did Detective Sergeant Lawther play in the debriefing and do you know when he recorded notes from speaking to Constable Neill and Reserve Constables Cornett and P40 from their statements.

A. I can't recall exactly when this took place. I believe it may have been the Monday or Tuesday.

Q. Was D/S Lawther on duty with you that night?

A. No.

Q. With regard to statements which were to be made by police officers at the scene are you in a position to indicate:

When these statements were completed?

Who were they handed to?

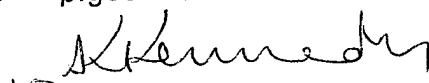
Did you record any of these statements?

Did any debriefing of any of these officers take place before they terminated duty regarding their contents?

A. From recollection the majority of the statements were made that day before police terminated duty. I have some doubt in my mind regarding R/Const Atkinson's statement - this has already been covered in K

K enquiry. The statements were left in the CID office or CID pigeon-hole when they had been

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completed. Again I would say that all the statements were not received at the same time. I did not record any of these statements I would like to point out why I didn't. I was conscious of the fact that each police officer was experienced and capable of making their own statements. In addition I wanted to avoid any future allegation which may have suggested that I assisted the witnesses with what to say. No debriefing was done by myself. Simply I hadn't the opportunity because of other duties which I will comment further on as this interview progresses.

Q. Was a list of persons/suspects positively identified at the scene drawn up or completed prior to those officers who had attended the scene terminating duty?

A. I am not aware of one. I didn't prepare one. The best thing from my viewpoint was the actual witness statements.

Q. Is it correct that on 27th April 1997, CID personnel working were yourself, D/Constable McDowell, D/Sergeant Lawther and P39

A. No. I made the call to D/Const McDowell and got him on duty. P39 was present. D/Sergt Lawther was not on duty on the Sunday that I am aware of. I also made the call to the D/C/Insp as I was faced with a difficult situation and needed assistance. I wanted an SIO in place to take charge of the investigation.

Q. Are you aware of any other CID personnel, from other Sub Divisions, being called to Portadown to give assistance in the investigation of the serious assault on Robert Hamill?

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A. Not on the Sunday.

Q. Do you recall if this matter was discussed with P39 P39
P39 ie to get further assistance on the Sunday?

A. I can't recall if any discussion like this took place.

Q. At what time was the actual scene secured for forensic examination and who directed that it be taped?

A. It was secured immediately on my re-arrival at the scene which I think was around 7.20 - 7.25 am. A check of the serious crime log shows the scene was sealed at 7.27 am. I would agree with this.

Q. Who directed that it be taped?

A. I did along with P39 P39 At this time I had the verbal information to allow me to secure the scene in a wide area as shown in the photograph album marked ARN1.

Q. Your notebook entry for 27.4.97 further reads "Briefed P39 P39 at scene of incident". How did P39 P39 come to be at this scene and can you indicate the time of arrival?

A. She became to be at the scene at my specific request. I initially contacted her in the region of around 7 am. Whilst I had left the station intending to go back down to the scene I met her at the front of the station. This meeting was just by chance, it wasn't planned. The D/C/I and myself returned to the CID office where I explained to her that I had requested police present in the CID office at that time to make duty statements reference events. I then travelled by motor vehicle to the scene with the D/C/I.

Q. When you arrived back at the scene with the D/C/I were police still present?

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A. Yes.

Q. What instructions were given by the D/C/I or yourself at this point?

A. The police were instructed to seal the scene with tapes and it was sealed in the way it is shown in the photographs ARN1. This was done by agreement by

P39

P39

Q. Have you a recorded note or are you in a position to indicate what briefing you gave to the D/C/Inspector?

A. No. I have no recorded note but I would have conveyed to her the information that would have been in my possession at that time.

Q. Can you be specific what this information would have been?

A. I can't recall specifically but it would have included names of those injured. I would have explained the scene to her, position of landrover, where injured people would have been removed from, direction of travel of those injured people.

Q. Were suspects discussed at that time?

A. No. I hadn't been given details regarding any suspects responsible for the assault at this time.

Q. Are you in a position to indicate any instructions given to you by the D/C/Inspector?

A. There was agreement on how the scene was to be sealed with tape. Also in relation to the securing of clothing from the injured parties there was discussion about this. My notebook entry for 27.4.97 outlines how the D/C/I and myself called at two houses in an effort to obtain clothing. The entry also outlines how

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arrangements were made for a witness to attend for interview.

Q. Are you in a position to indicate if Inspector McCrum or any other uniformed supervising officer attended at the scene whilst yourself or P39 were there?

A. No. Not when we were there.

Q. At this point in time who was in charge of this investigation, ie the alleged events of 1.50 am on 27.4.97?

A. P39

Q. Can you indicate what actual duties you performed after you briefed P39 until 9 am when you briefed the Scenes of Crime Officer?

A. In conjunction with this enquiry I was carrying out duties in relation to a serious assault which had occurred in Banbridge. I was also endeavouring to have a scenes of crime officer attend at the station and get a photographer. Foremost in my mind was the recovery and securement of clothing from the IPs and to put in place arrangements for witnesses to be interviewed. These are the matters which I was attending to.

Q. What briefing did you give to the Scenes of Crime Officer and based on what information was this given, ie had you a complete account at this stage of the events that had taken place and had you fully read relevant statements as made by officers on duty at the incident?

A. No I hadn't. Firstly the briefing of Const Ardis the SOCO would have been one of a general nature at the office and in more specific terms at the scene. At the

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office a general history of events would have been given. At the scene this was more specific ie blood, glass, any other items that would have been there at that time, direction of travel and position of injured persons. This would have included the landrover's position as well.

Q. At that stage were you aware of the potential significance of items at the scene specifically glass or bottles?

A. From recollection from the landrover crew I became aware that two persons had been seen with a bottle, I was also aware that bottles had been thrown at police. So therefore any glass within the scene would have been of interest. Indeed any items within the scene would have been of interest. I was unaware of the significance of wood. A piece of wood was found at the scene. This was photographed and collected by SOCO. In brief all items within the scene area were of interest and therefore were identified to the SOCO.

Q. Your notebook entry for the 27.4.97 further reads "10 am visited scene with Const Ardis and [REDACTED] Photographer". D/Con McDowell also present. Directed items to be lifted by Const Ardis and photo to be taken". You may wish to refer to photographs of the scene. What items did you direct [REDACTED] to lift?

A. I believe I have covered this in my previous answer. Const Ardis was directed to lift all items within the scene area.

Q. With regard to the items lifted by Mr Ardis what instructions did you give to him regarding examination

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of same to secure evidence?

A. Four years has gone by and therefore I cannot answer this question fully. What I do know is that all items were lifted in compliance with police procedure. They were bagged and labelled. As in any investigation as it progresses instructions what to exactly look for would have been given. Because of the time lapse I cannot fully answer this question.

1.15 pm - break.

Recommenced 1.56 pm. I read the discipline caution to D/Const Keys and the interview continued.

Q. Your notebook entry for the 27.4.97 further reads "10.20 left scene. Went to CAH arranged photographs of IP **D** with consent. Advised that he would contact me am Monday for I-V ref assault. Directed **█** **█** ref photographs of **█** with consent". Was **█** also assaulted in this same incident?

A. No. **█** was assaulted in Banbridge prior to this incident. He was not in any way connected to this incident. When I commenced duty I was contacted by Banbridge CID and asked if I could attend the hospital and establish the then medical condition of **█** and have him photographed.

Q. Your notebook entry for 27.4.97 further reads "Spoke to **█** Consultant, ref the injuries to **D** and **█** Are you in a position to indicate what Mr **█** related to you?

A. Not now. In general terms I saw **█** He had visible facial injuries. I saw **D** as well when he was

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photographed. He had less visible injuries than [REDACTED]

Q. Did you make any enquiries as to the then condition of Mr Hamill who had been transferred to the Royal Victoria Hospital, Belfast?

A. I couldn't say if I made a call or not.

Q. Your notebook entry for 27.4.97 further reads "Perusal of statements made and briefed P39 ref incident". Can you indicate which police officers' statements that you had at this time?

A. At recollection I believe I had Const Neill, R/Const Cornett, P40 I'm not sure about R/Const Atkinson. At recollection I also had the statements from the night duty crew but I can't now be specific with names.

Q. Where and when did you give the briefing to P39 P39 what were the contents of the briefing and what instructions/directions if any did you receive?

A. At Portadown Station. The briefing would have included what was contained in those statements.

Q. Can you recall if the D/C/I gave any specific instructions to you?

A. No I can't recall.

Q. Your notebook entry for 27.4.97 further reads "3.15 pm recorded 38/36 from E [REDACTED] [REDACTED] ref incident. Continued examination of statements. Liaised with P39 ref incident. Continued examination of statement TD 9½ pm". At what time approximately and how did you brief P39 P39 regarding the ongoing investigations?

A. She was briefed on that day on two occasions. One was

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prior to 3.15 pm and the other after the statements of E and F had been taken. She had access and was given all statements that were available to me at that time.

Q. Did you discuss the contents of the statement with the D/C/I?

A. From recollection I just handed them to her.

Q. Did any discussion take place regarding persons identified in the statements and any action that was to be taken?

A. There would have been conversation or discussion in relation to these matters. In any events the D/C/I had all the statements containing relevant information.

Q. Were any instructions/directions given to you by P39

A. No. I don't recall any.

Q. At any time on the 27.4.97 did you refer any of the statements which you examining to the D/C/Inspector to read?

A. All the statements which I had were given to the D/C/Insp. I can't recall at what stage during the course of that day the statements were given to her. I have a clear recollection of the D/C/Insp asking for these statements.

Q. Without going into each individual statement made by police officers at the scene on 27.4.97 the following would have been known and recorded in writing:-

Wayne Lunt had been observed with a bottle, he assaulted a police officer, was placed in the rear of a police landrover and later released pending report.

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Details regarding this were recorded in the C6 at Portadown.

A Stacey Bridgett was observed with a bottle.

Stacey Bridgett was identified by various officers with blood coming from his nose/facial area.

A witness identified to one police officer, a person who responded to the name Stacey as being the youth who had jumped on the head of one of the injured men.

Other persons had been identified as being present at this alleged scene.

Considering the extent of the injuries to Mr Hamill, why were none of these persons identified/considered as possible suspects and instructions given regarding their arrest and seizure of clothing for examination?

A. At no stage was anybody in the statements identified as having carried out the assault and in fact conflict had arisen as regards the alleged identification of Stacey Bridgett to police. It was initially believed this

F [redacted] was the lady who had pointed him out but when she was interviewed she said that she was unable to identify any of the persons involved. The evidence from the police at the landrover tended to suggest that he was in close proximity to the vehicle when the assault had occurred. Ultimately it wasn't within my power that day to make a decision as to who or when any persons would be arrested. I say this in view of the fact that the SIO was P39 [redacted]

Q. Did you suggest to P39 [redacted] or any other supervising officer on the 27.4.97 that early arrests of suspects should be made in an effort to secure evidence?

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A. This was not for me to do so. Any information which I had was conveyed to the D/C/Insp. It must be borne in mind that there were conflicts arising as the investigation progressed and I would have to say if this evidence was available in the early stages then I assume uniformed officers would have made arrests at the scene.

Q. What was your actual purpose in the examination of statements made by police officers at this alleged scene?

A. To try and obtain evidence to make those persons involved in the assault amenable and also to identify were possible items of clothing.

Q. Your notebook entry for the 28.4.97 reads "Attended office briefing D/S Bradley and D/Insp Irwin present. Briefed D/S Bradley re assault on [redacted] and Hamill". Was D/C/Inspector [redacted] present at this time?

A. I don't have a note to say that she was.

Q. Who was in charge of the investigation at this point in time?

A. [redacted] as far as I was concerned.

Q. What actual briefing did you give, ie did you give a detailed account of events including relevant statements and their contents as made by police?

A. I would have done yes.

Q. Who took charge of this briefing - [redacted] [redacted], D/Inspector Irwin or D/Sergeant Bradley?

A. My notebook entry reads - attended office briefing D/S Bradley and D/I Irwin present. This would have been a briefing that would occur on a daily basis - first thing in the morning. On that occasion being a Monday would

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have dealt with the various occurrences that then happened between Friday and Monday in Lurgan, Banbridge, Craigavon and Portadown. It obviously would have covered the events of Sunday. My notebook entries indicate that I briefed D/Sergt Bradley regarding the assault.

Q. Were any recorded notes kept and what directions as to the progress of the investigation were given?

A. I didn't keep any notes. I can't answer for the other folk involved. I have however made a specific note in my notebook of having briefed D/Sergt Bradley. I carried out certain tasks that day as outlined in my notebook entry. These tasks would have been allocated to myself at that briefing. I can only account for what is in my notebook but can't account for other directions given.

Q. At this briefing was the then medical condition of Mr Hamill or D known or discussed?

A. I would have relayed to D/Insp Irwin and D/Sergt Bradley that both were in hospital and that Robert Hamill had been transferred to the Royal Victoria Hospital Belfast.

Q. Prior to this briefing would you have contacted the hospital to establish the condition of both persons?

A. I have no recollection of doing this.

Q. Was the arrest of suspects to the alleged assault discussed?

A. Yes they would have been yes.

Q. Can you remember what was discussed regarding arrests?

A. I have no notes to say what was discussed. From recollection the content of the statements obtained

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would have been discussed. I'm not sure if I had these statements at this time or if P39 had them.

Q. What action was to be taken regarding the securing of clothing belonging to Mr Hamill?

A. From early on in this investigation I made determined efforts to secure the recovery of clothing. Police were asked to attend at the hospital in the early hours of 27.4.97 to try and get that clothing. My notebook entry of 27.4.97 clearly indicates that I was making every effort to recover clothing. The families ie D Hamill both were aware of the importance being placed in the obtaining of clothing. It was not until 29.4.97 that Mr Hamill's clothing was obtained by police via a local solicitor. I think police got D clothing on the evening of 27.4.97.

Q. Are you aware if police called at Craigavon Hospital in the early hours of 27.4.97 in an effort to obtain clothing?

A. I believe they did but my recollection is that they were not able to get the clothing.

Q. Are you aware of any further steps that were taken to locate D and Mr Hamill's clothing?

A. Yes. My notebook entry for the 27.4.97 clearly indicates steps taken by myself and P39 in an effort to locate the clothing of both persons.

Break 3 pm.

Recommenced 3.07 pm. I read the discipline caution to D/Const Keys and the interview continued.

Q. Bearing in mind the importance of police obtaining the clothing from D and Mr Hamill what steps are you

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aware of taken by police to obtain the clothing of the two injured parties?

A. I have no recorded note in relation to [D]

Q. Have you any knowledge of how police became aware that [D] [D] clothing was available for collection in the later afternoon of 27.4.97?

A. It could very well have arisen from the interview of the two witnesses on that afternoon. I had arranged to interview both these persons at 11 am but they did not turn up until 3.15 pm. Had they have arrived at 11 am then I would have got [D] clothing at that time.

Q. To deal with Mr Hamill are you aware of any steps taken between 27.4.97 and 29.4.97 to obtain his clothing?

A. Within my own knowledge I am not aware of this. This does not mean that steps to obtain his clothing were not taken by others.

Q. What specific instructions were you given regarding action that you had to take regarding this incident at that time?

A. I would refer you to a previous answer in which I outline details contained in my notebook regarding tasks which I performed on 28.4.97.

Q. Was a dedicated enquiry team set up to investigate this incident at this particular briefing?

A. I couldn't possibly say at this time and it's not something that I would keep a note of. I know that I carried out enquiries with another D/Constable that day and that one if not both of the D/Sergeants undertook a debriefing of the landrover crew at the initial incident.

Q. Your notebook entry for 28.4.97 reads "Enquiries at

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Northern Bank ref assault enquiry. Called at Alliance and Leicester. Received 2 original video tapes from Monica O'Reilly marked MOR1 & 2". What enquiries did you make at the Northern Bank?

A. I was endeavouring to establish first of all what premises had CCTV which covered the scene. The enquiries at the Northern Bank relate to the viewing of their security tapes on sight. There was nothing of any evidential value on these tapes.

Q. Who was with you when you viewed these tapes?

A. I think D/Const Lilly.

Q. Did these tapes cover any aspect of the scene?

A. No and I would refer you to an action sheet which specifically deals with this issue.

Q. With regard to the two tapes MOR1 & 2. What did you do with the tapes at this time, ie 28.4.97?

A. I took possession of them. I recorded the fact I took possession of them from Monica O'Reilly. I viewed these two tapes on the 29.4.97 at Portadown Police Station. Again there was nothing of evidential value on them.

Q. Was any other police officer present when you viewed these tapes?

A. There may well have been others present in the office but four years on I have no recollection.

Q. Were these tapes bagged and given exhibit numbers and labels?

A. They were labelled but not bagged. I exhibited them in my notebook as items MOR1 and 2.

Q. What happened to these tapes?

A. Once they were viewed and found to be of no value they

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were subsequently returned to the Alliance and Leicester.

Q. Can you recall when they were returned?

A. No but they were returned within a short space of time.

Q. Was it yourself who returned these tapes?

A. Yes.

Q. Your notebook entry for 28.4.97 further reads "3 pm lunch. Briefed P39 ref [redacted] enquiry". What was this enquiry and was any briefing given to the D/C/Inspector ref the Hamill/D enquiry?

A. The [redacted] enquiry is totally unconnected with D [redacted] and Mr Hamill. This was one of four fraud investigators of which I was dealing with at this time. It was protracted and lengthy enquiry which commenced in or around April of 1996 and one which I had sole responsibility for investigating. Because of its nature it was attracting attention from the SDC and this had been previously raised with P39 [redacted]. This was the only issue which I discussed with D/C/I P39 [redacted] at that time.

Q. Did any further briefing regarding the Hamill/D enquiry take place after 9 am on the 28.4.97 and during the day did any discussions take place regarding the arrest of possible suspects?

A. There could well have been but I have no note of same myself.

Q. Your notebook entry for 28.4.97 further reads "6 pm enquiries at Lurgan with Const Murphy ref assault". Can you recall the extent of the enquiries?

A. No I cannot.

Q. Your notebook entry for 29.4.97 reads "9 am commenced
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duty in Portadown. Attending briefing/conference re serious assault Market Street, Portadown 27/4/97. D/Insp Irwin i/c". Are you in a position to indicate what was discussed at this conference, what notes were kept and what directions/instructions were issued to yourself?

A. No I am not but obviously one of the priorities that date would have been the viewing of the tapes. I have a note to state that enquiries were made that day in Portadown and Belfast. The nature of those enquiries can't say because of the time involved.

Q. Who was in charge of this briefing?

A. I have a note to say D/Insp Irwin. This was combined conference.

Q. Even though D/Insp Irwin was at the briefing. Is it your understanding that P39 was still in charge of the investigation ie D and Mr Hamill?

A. Yes.

Q. Was the then condition of Mr Hamill/D discussed or known?

A. D was out of hospital. He got out on the Sunday afternoon. With regards to Mr Hamill my recollection is that his condition was pretty much the same. I have no specific recollection of this matter being discussed.

Q. Were the arrests of any identified suspects discussed?

A. Again it wouldn't have been a matter for me at this stage but it's not beyond the bounds of possibility that arrests were discussed.

Q. I refer to action 34 issued by D/Inspector Irwin to yourself at 2.30 pm on 29.4.97 and your notebook which reads "continued enquiries ref assault with D/C Lilly.

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Viewed 2 video tapes from Alliance & Leicester negative".
Was D/Constable Lilly present during this viewing?

A. He could have been but I couldn't be sure.

Q. Did you view any further video tapes as covered in action 34?

A. Northern Bank which I have already referred to. With regards to the Queens Bar they did not have a tape for the 27.4.97. In any event their camera only covered the front door. The CCTV at the First Trust Bank, Market Street, Portadown, was not recording at the relevant time.

Q. Can you remember who you spoke with at the Queens Bar and the First Trust Bank?

A. I can't.

Q. What did you do with the video tapes in question?

A. Once the tapes were viewed on the 29.4.97 - Alliance & Leicester, the lack of evidential content was related to both the SIO and the Deputy SIO P39 D/Insp Irwin). Having discussed this with them I returned both tapes. It wasn't Force policy at this stage to retain items of non-evidential value. It is currently policy now to do so. In the intervening years I have dealt with matters in this way.

Q. Your notebook entry for 29.4.97 further reads "5 pm. Attended conference ref assault enquiry. D/Insp Irwin i/c". Are you in a position to indicate what was discussed at this conference and if and whom kept notes. In particular did you discuss your viewing of the video tapes?

A. I have no note to say what was discussed but it would be

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reasonable to presume that this particular aspect of the enquiry was discussed.

Q. Did you receive any directions/instructions at this conference and was the area of arresting identified suspects discussed?

A. I can't say at this time.

Q. Your notebook entry for the 29.4.97 further reads "Enq Portadown and Belfast ref same with D/C Lilly T.D 11 pm". Are you in a position to indicate the extent of these enquiries?

A. No I'm sorry I am not at this time.

Q. Your notebook entry for 30.4.97 reads "9 am commenced CID duty Portadown. Attended conference/briefing D/Sergt Bradley and D/Insp Irwin i/c". Who was in charge of this briefing?

A. Well D/Insp Irwin was the senior rank there according to the note that I have.

Q. What was discussed, what directions were given and are any recorded notes available regarding same?

A. I can't account for what other notes may have been kept. I just recorded the fact that I was attending a briefing.

Q. Was the then condition of Mr Hamill known or discussed?

A. I can't say. I don't know because of the time lapse.


Q. Was the arrest of identified persons discussed at this conference?

A. Again I can't say.

Q. In the days following the assault was any strategy discussed regarding arrests?

A. I was not privy to any discussions. It was a long long time after this assault that I became aware about other

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matters ie protected witnesses. In an area like this ie protected witnesses this would not be openly discussed.

Q. Your notebook entry for 30.4.97 further reads "Enquiries Lurgan area with D/C [REDACTED] I refer you to action sheet 48 issued by D/Inspector Irwin to yourself at 11.35 am on 30.4.97. Does this action sheet deal with your enquiries in Lurgan on that date?"

A. Yes.

Q. Was this action sheet completed, signed and submitted by yourself at 5 pm on 30.4.97?

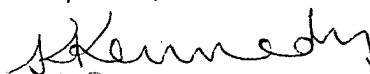
A. It was yes.

Q. Part of this action sheet reads as follows "Saw Wayne Lunt near to Bennets shop bent over - had cider bottle in his hand, said he helped Lunt up because he had difficulty breathing. Said he never saw Lunt at the Allied Irish Bank, police car arrived. Lunt ran away. Stated Lunt was later arrested and released. Blevins states he did not witness the assault. Saw women, 2 fellas on the ground, saw Rory Robinson in crowd of people, town centre also saw Mark Currie works in Turkingtons he was trying to get people to go home and not get involved. States that he heard the people who carried out the assault had been talking to the police short time before it happened". Did you discuss this witnesses evidence with D/Inspector Irwin?

A. I can't now recall if I did or not but I would assume that I did because it was he who raised the action.

Q. In brief this witness was verifying information already known to police on 27.4.97, ie Wayne Lunt was observed with a bottle, subsequently assaulted a police officer

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and was arrested. Stacey Bridgett was observed with a bottle, he also conversed with police before the actual assault took place. Bearing in mind Mr Blevins was verifying facts already known was the arrest of Lunt and Bridgett not considered at that time?

A. This was not a matter for me to make that decision.

Q. Were you privy to any conversation to the arrest of both these persons at that time?

A. I have no note to say if I was or if I wasn't.

Q. Why was a witness statement not recorded from Donald Blevins and Judith Little. Enquiries to date show that no statement has been recorded from them?

A. I can't say. It may have been the case neither person wished to make statements at that time. The action sheet is unclear and in fact from reading it I can't indicate if Judith Little was in fact present with Donald Belvins.

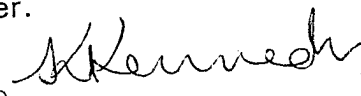
Q. Was Donald Blevins asked how he knew that Wayne Lunt had been arrested, ie did he witness any of his activities?

A. It's not clear from the action sheet. I don't know if he was asked this question or if he witnessed his activities.

Q. Who told Donald Blevins that the person/persons responsible for the assault had been talking to police a short time earlier. Were any efforts made to locate this person to establish if material evidence could be given?

A. It's not clear from the action sheet and I have no recollection of it now. This information was submitted to the system for other actions to be raised. Because of the passage of time I cannot recall asking Mr Blevins any further questions on this matter.

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Q. Your notebook entry from 1.5.97 to 5.5.97 shows that you were off duty. On the 6.5.97 you commence duty at 7 am regarding arrests for suspects in this matter. Were you notified prior to terminating duty on 30.4.97 that these arrests were to be made or when did you learn about same?

A. I was most likely informed on the 30.4.97 that there were to be planned arrests on the 6.5.97.

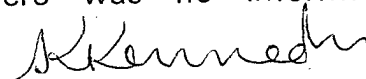
Q. To summarise the allegations against you refer to your failure to properly secure the scene of the alleged incident on 27.4.97 at an early stage and preserve it for expert examination. Have you anything further which you wish to state regarding this?

A. I wish to reiterate that it was not possible for me to secure the scene at an early stage. I was faced with difficult circumstances and ultimately I was responsible for securing this scene and in effect I believe that I have endeavoured to redeem a situation which was beyond me in the first place.

Q. It is further alleged that you failed to effect the early arrest of an identified suspect or suspects with regard to this incident or consider the seizure of clothing belonging to this suspect or suspects for the purpose of forensic examination. This may have resulted in the loss of valuable forensic and identification evidence. Taking into consideration that at an early stage on 27.4.97 police had details of persons identified at this alleged scene yet no arrests took place of these persons until 6.5.97. Is there anything further which you wish to say regarding this allegation?

A. To my knowledge there was no information in the evidence

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available that positively identified persons responsible for the commission of this assault. Persons were identified by name and by description as being in a crowd of which numbered around 40 - 50 people. It was always a consideration to effect arrests and seize clothing but because no-one was actually identified committing the assault this could not have taken place. Because of the early efforts made to secure the clothing of the injured parties it should be noted that forensic evidence was gained on the clothing of Robert Hamill.

Q. Are you in a position to indicate if a decision book of directions given or discussions that took place at various briefings prior to the 6.5.97 is in existence?

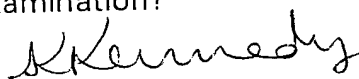
A. I couldn't say.

Q. It is also alleged that you failed to direct the lifting of debris, broken bottles, glass etc at the scene and that you also subsequently failed to properly exhibit CCTV video evidence. With regard to the lifting of debris, broken bottles glass, etc is there anything further which you wish to state and are you satisfied that all relevant material was collected from this scene?

A. I am satisfied that everything of relevance which was then known to me was collected on the direction of myself. As I have said previously items which I may not have been aware of ie relevant were also collected on my direction. My notebook entry for 27.4.97 uses the term directed items to be lifted by Const Ardis.

Q. With regard to the debris, glass lifted at the scene did you make follow-up enquiries or are you in a position to indicate the outcome of examination?

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A. This would have been communicated through to the SIO from the forensic laboratory. It is normal procedure in an investigation of this nature for results to go directly to the SIO and then into the Holmes system.

Q. With regard to the CCTV video evidence is it not the case that this should have been copied and retained or retained and blank tapes either purchased by police or given to the relevant premises?

A. No. It would have been a complete waste of time to have copied tapes on which there was nothing of evidential value. It was not Force policy and I complied with Force policy having first sought and took direction from those with responsibility for the investigation. In fact I do not understand why this matter is being raised at all or the wording of the 17/3. I have explained repeatedly that there was no CCTV video evidence. I was contacted on at least two occasions [REDACTED] from the Police Ombudsman's office and explained also to him that there was no CCTV evidence. If there had have been any such evidence on the tapes that were seized from the Alliance and Leicester no matter how vague or inconsequential I would have exhibited it. There was none. The decision to return these tapes was taken by the SIO and her deputy and the continued raising of this matter constitutes an attack on my professional integrity. Surely I am entitled to be protected against the repetition of an allegation which is not based on any evidence that I am aware of and I hope that this interview is the last occasion that I have to answer it.

Q. Is there anything further which you wish to add?

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A. I hope it is recognised by others who may have occasion to make calm judgement on matters that I was faced with that there were difficulties presented to me which were beyond my control. At all stages I was diligent in my endeavours in all aspects of this investigation. This was not a classroom or a training scenario and I had to make judgements in difficult conditions. I made those rationally and I feel prejudiced at four years on I am being asked to recount in detail the passage of time and my involvement in many other incidents and major investigations since 27.4.97 means that I cannot recall in detail everything that was said or done. As a consequence I feel that I have been compromised. I have at all stages sought to assist your investigations and other related investigations despite this. As and when the need arose to consult with the families I did so in difficult circumstances and in particular I would refer you to my notebook entry of 9.5.97 where I visited [REDACTED] and relayed what information I could to the family. It will also be seen in that entry that any information they or anyone got should be made available to the police as quickly as possible. That's it.

Time terminated 4.55 pm. The interview notes were then signed by D/Constable Keys.

Kennedy

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