

# STATEMENT OF WITNESS

STATEMENT OF: LYNN KAREN KENNEDY SUPERINTENDENT

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 30th day of November 2001

[Redacted Signature]

*L. Kennedy*

SIGNATURE OF MEMBER by whom statement was recorded or received

SIGNATURE OF WITNESS

I am a Superintendent in the Police Service of Northern Ireland presently attached to Internal Investigation Branch, Lisnasharragh. On 17 October 2001 accompanied by Chief Inspector Jackson we spoke with retired Sergeant P89 at Banbridge Police Station. I introduced ourselves to P89, thanked Mr P89 for attending and explained the nature of my enquiry, ie appointed by the Deputy Chief Constable to conduct a disciplinary investigation regarding police action at Portadown on 27 April 1997. On that date a Robert Hamill and one other person were assaulted. Robert Hamill subsequently died as a result of injuries received. The investigation focused on alleged inactivity by police, alleged failure to secure the scene at an early stage to allow proper and complete forensic examination, alleged failure by police to secure the clothing from both injured persons at an early stage, alleged failure by police to secure the arrest of identified suspects at an early stage, alleged failure by police to secure the seizure of clothing from identified suspects at an early stage to

SIGNATURE OF WITNESS

*L. Kennedy*

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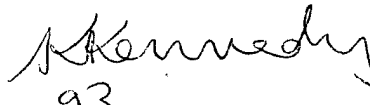
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STATEMENT OF: LYNN KAREN KENNEDY

Continuation Page No: 2

allow forensic examination. It was explained to Mr P89 that a number of interviews regarding this matter had already been conducted with regard to serving police officers. These interviews were conducted by means of questions and answers. It was pointed out to Mr P89 that statements he had already made were in our possession and these would, if he consented to an interview, be referred to. Other statements and documents were also available and could be referred to if required. It was again explained to Mr P89 that he was no longer a serving police officer and at any stage he could leave the interview room. It was explained that the same interview format was being applied to every person to be interviewed to ensure fairness in an effort to establish the complete events of 27.4.97. Mr P89 asked if our enquiry was a disciplinary investigation only. This was confirmed. Mr P89 indicated he had concerns that if he related something now that it may be used in a public enquiry at a later date. He was informed that we had no knowledge of a public enquiry going to take place, however same could not be ruled out. We informed him that any statement made or answers to questions asked could be used in such an enquiry. Mr P89 again indicated his reluctance to answer any questions or make a statement today, indicating he would like time to rethink the complete matter to ensure any responses given were correct. He indicated that he would like a copy of the questions he would be asked. We told him that this would not be possible but indicated that in interviews already carried out a precis of questions was given. We explained to Mr P89 that the matters he may be asked - subject to his consent to interview - would include

SIGNATURE OF WITNESS

  
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10267

STATEMENT OF: LYNN KAREN KENNEDY

Continuation Page No: 3

reasons why scene that took place at 1.50 am was not secured until 7.30 am on the same date. Would include what action police took after the scene had been brought under control - would include what debriefing would take place - would include who was appointed to investigate the matter. Mr P89 indicated that he had already made four statements regarding this matter. One of these statements had been made to C&D reference a complaint by a Mr Hanvey. This complaint related to the alleged use of an FRG. Mr P89 indicated that he did not fire the FRG but used it to push people up the street. He indicated that he would not be happy to have a formal interview until he had time to read all these statements. We handed to Mr P89 three statements which we had in our possession along with a copy of his notebook entry. Mr P89 indicated that the third statement he made in 2000 was made to clarify facts to CID. He indicated that the information for this statement was obtained from baton reports. These reports were examined and he indicated from them it was a Mr Hanvey who had made the complaint against him. He also indicated that on that night he had been instructed by Alan McCrum to go to the hospital and establish the condition of both persons. He could not remember at what time this was - before or after dealing with an accident. This resulted from the fact that when he arrived at the scene, both persons were being put in an ambulance and that he had no sight of them to establish their conditions. He thinks he went to the hospital with R/Constable Silcock. He outlined how he was verbally abused by male persons who he believed to be friends of the late Robert Hamill. No assault just verbal abuse took place. At

SIGNATURE OF WITNESS

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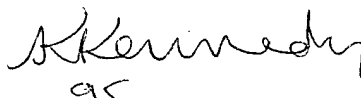
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STATEMENT OF: LYNN KAREN KENNEDY

Continuation Page No: 4

this point the IPs were being treated so he felt it best not to get involved and left. He at first indicated that he did not talk to medical staff but then said that though he might have spoken to staff but their condition at that time was not known. He was not sure when in fact he found out about the condition of Mr Hamill. He indicated that he dealt with an accident and a policeman for DIC. He indicated that from his notebook that he might have finished this about 4.30 am. He could not give any account of his duty after 4.30 am. He indicated that he would have to think why his notebook was out of sequence but indicated that there must be some reason. When asked if a formal debriefing took place he could recall a CID man - Don Keys, Alan McCrum and the four members of the landrover crew in the control room. He could not recall the complete conversation. He had some recollection about the scene - a street cleaning lorry. He was not sure who mentioned this - it may have been himself - it may have been Inspector McCrum. He does recall a landrover being sent to the scene but again can't be sure when and who directed this. It may have been said by Alan McCrum at the scene but he couldn't be sure. He was asked if he wished to make a witness statement, but indicated not at this time as he wished to be sure of all his facts. Again indicated he would be unhappy to do so until he had sight of the statement made for the complaint file. He indicated that he did not want to be seen as unhelpful but he needed to think about the matter and maybe get advice. It was explained to Mr P89 that the matter we were talking to him about was one when he was a serving police officer and that he was entitled if he so wished to seek legal advice. It was also outlined that all

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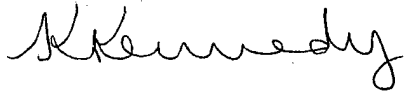
  
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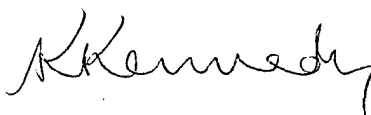
STATEMENT OF: LYNN KAREN KENNEDY

Continuation Page No: 5

other persons interviewed had attended with a legal adviser from [REDACTED] via the Federation. Mr P89 indicated that he would think the matter over and would contact us if he wished to make a statement or complete a question and answer interview. He asked for sight of his statement made regarding the complainant - Harvey prior to any interview. This was to be obtained and forwarded in due course. He was asked if he had any recollection of the arrest of a Wayne Lunt. He had no recollection. The interview terminated with Mr P89 indicating that he did not wish to be seen as not co-operating but he wanted to be sure that anything he said or had to recall was accurate. He indicated that he had no difficulty with the matter but in view of events and what had been on the news/in the papers he felt that someone was looking for a scapegoat. Therefore if a public enquiry was to take place he wished to ensure that any recollection he gave was complete. Again we indicated that we could not say if an enquiry would or would not take place. We again suggested that via the Police Federation/solicitor he may wish to take advice on the matter. Interview terminated at 4.30 pm.



SIGNATURE OF WITNESS



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