

used in the standard direction in relation to as gross negligence manslaughter.

7. I am not concerned in this opinion about potential disciplinary offences only criminal ones. Given the law as stated above it is possible therefore to test the evidence to see whether it can be proved that the constables or any of them saw the assault taking place and failed to intervene or arguably were so negligent in failing to anticipate the attack that their conduct goes beyond mere nonfeasance but was of such a degree as to rightly require condemnation and punishment. The test to be applied by me is that appropriate to all cases I am asked to advise upon i.e. is there sufficient evidence to provide a reasonable prospect of a conviction.

8. In my original opinion I set out in para 5 the statements of those who purported to place the police intervention in sequence. Taking into account the evidence at the trial it appears that the state of the evidence is as follows.

E transcript p.32 gave evidence that when Mr Hamill and D were lying on the ground the police had not left the Land Rover. She said a police officer spoke to her but that was "after the attack and all was over". She said at p.35 that the whole attack was over very quickly. She denied there was any trouble after the attack or policemen involved with the crowd. The speed of the attack is confirmed in her statement p.8 complaint file where she says they were jumped on out of nowhere.

F at p.49 transcript couldn't say where the crowd came from and the attack happening so quickly. at 51 she said that from the start of the attack until it was over no officer got out. She denied seeing police officers trying to break up any fights during the attack. She alleged it was five or ten minutes or