

OUTLINE OF CASE*

(Give **salient** facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.

Whilst the aim should be to summarise the facts on one page, a continuation page may be used if it is necessary for the inclusion of all the salient facts.)

individually. Certainly in my opinion there is no evidence to substantiate this view.

121. This allegation was pursued as misconduct by an Officer of Justice as recorded in the case of R -v- Dytham, Court of Appeal, July 1979, **(Part III, Pages 288 - 290I)** when it was held - **A public officer who wilfully and without reasonable excuse or justification neglected to perform any duty he was found to perform by common law or statute was indictable for the common law offences of misconduct in a public office. The element of culpability required was not restricted to corruption or dishonesty, although it had to be such that the conduct impugned was calculated to injure the public interest and called to condemnation and punishment.**
122. Touching on the aforementioned considerations is the suggestion that police were reticent or unable to identify or arrest the protagonists. This is a false perception as historically and from a practical point of view in instances of this nature, relatively few arrests are made at Public Order confrontations. Generally police rely on identification with a view to pursuing their investigations and police concerned in this instance were of considerable assistance in this regard.
123. **Having assessed these papers I am satisfied that collectively and as individuals the 4 police officers concerned did not wilfully neglect to perform their duty on the date in question and therefore I recommend no further action criminally or disciplinary in this instance.**
124. In addition to the Hamill complaint of inactivity is an allegation based on hearsay and contained in the statement of Witness A, "I remember Robbie Atkinson's name coming up and Allister (Hanvey) said that Robbie Atkinson had been very good to him because on the Sunday morning after the incident in the town centre he rang him at about 8 00 am and told him to get rid of the clothes he was wearing