

CONTENT OF THE BRIEFING

1. The material on this is straightforward:
 - 1.1 The Land Rover crew JD81 was briefed by Sgt **P89** to remain in the town centre and give particular attention to the area of Magowan Buildings and Woodhouse Street. The Land Rover crew was assigned call-sign JD81. He also detailed Res Con James Murphy as an extra observer in the mobile support vehicle, call-sign JD80 (9215 &10836).
 - 1.2 Con Alan Neill said in his statement that the Land Rover crew had been briefed for public order duties in the town because there were a number of problems, especially around the junction, Mandeville Street and at the other end town at Country Fried or Boss Hoggs (9389).
 - 1.3 Res Con **P40** said in interview that he was briefed for public order duties, by which he understood the crew would stay inside the barriers in the town centre (9351). They would watch for fighting or any competition between Catholics and Protestants (9362).
 - 1.4 Res Con Robert Atkinson said in interview that the RUC presence at the centre of Portadown was to give Catholics some protection when crossing the street (9476).
 - 1.5 A psychiatric report relating to Res Con Denise Cornett recorded that the purpose of her duty was to watch for sectarian trouble (72257).

Submissions by the Police Service of Northern Ireland

See section 3 below.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

We agree with this synopsis.

2. Witnesses dealt with this in writing and orally, as follows:

A

Oral Evidence

- 2.1 “23:45 paraded for duty by Sgt **P89**” (9980). Detailed observer in JD70 with Cons Orr and Cooke”. She did not recall Con Cooke being in the car. The entry would have been made at the briefing (p.90).

John Adams (80001)

Statement Notes

2.2 Para. 2: He was on general patrol duties with Res Con Silcock.

P89

Statement

2.3 Para. 4: The Land Rover crew had to pay particular attention to Woodhouse St and Magowan Buildings.

Oral Evidence

2.4 He briefed five members of 'C' section at 23.45. The briefing would have been aided by the occurrence book and other intelligence gathered that evening (p.2). The occurrence book contains reports and concerns for the previous eight hours (p.3). He does not recall what was in the occurrence book (p.4). Most officers, without being told, would know what was required when on town centre public order duties. At 00.10 he briefed the Land Rover crew. There were not always five officers in the Land Rover as it depended on the manpower available (p.3). He put three officers in the mobile response car as that was his preference. He briefed Res Con Murphy to be the extra observer in the MSU (p.4). The MSU was to back up the mobile patrol. The two vehicles could be anything up to 7/8 miles from Portadown (p.5).

2.5 The role of the police is to nip in the bud any public disorder. This requires constant vigilance to see from where, and how, events are developing (p.24).

Denise Cornett

Statement

2.6 Para. 5: She was briefed to pay particular attention to the area within the barriers.

P40

Statement

2.7 Para. 6: He had a quick briefing from Sgt **P89**. He does not remember the content of the briefing but he recalls that there was no specific intelligence.

- 2.8 Para. 8: Public order duty was confined to the centre of Portadown i.e. that which was inside the barriers.

Alan Neill

Statement

- 2.9 Para. 8: He was briefed by Sgt **P89** for public order duty in the town centre. He was to pay attention to people coming from clubs and bars, including St Patrick's Hall the Coach Inn.

Oral Evidence

- 2.10 There was no understanding as to what the crew would do in the Land Rover. It was normal for officers to remain in the Land Rover and for the Land Rover to sit in places where they could see from where trouble could come (p.2). The officers would not split up into two groups of two (p.3).

Submissions by the Police Service of Northern Ireland

See section 3 below.

Comment

3. The briefing appears to have been perfunctory, and did not go beyond "public order duties". The Panel will no doubt consider whether the notoriety of the flashpoint and the experience of, in particular, Constable Neill meant that more was necessary.

Submissions by British Irish Rights Watch and Committee on the Administration of Justice

We agree that the briefing was perfunctory. While we appreciate the need to focus on particular aspects of the Inquiry's remit. We suggest that they cannot be seen in isolation. In our submission, there was no impetus on the RUC to deal with regular public disorder in Portadown town centre, or any other town centre for that matter. There was no assessment of the particular policing needs on the evening of the incident, other than cursory consideration of the occurrence book and any intelligence received that evening [please see 2.4 above] because there was a routine procedure for dealing with such disorder, which was in essence about containment rather than prevention or long-term deterrence. To be fair to the RUC, there was an element of "recreational fighting" [please see 3.5, 3.10, 3.32, 3.40, and particularly 3.49 from module 2], and the local population did not appear to demand any more in the way of policing than was actually delivered.

However, this was a circular situation, because people did not make more demands on the police because their expectations were low, and the police themselves did not entertain any expectation that regular fighting could or should be addressed. This is worrying in itself, but more worrying is Constable Neill's assertion [at 2.4 above] that "there was no understanding as to what the crew would do in the Land Rover". This suggests that the detailing of officers for "public order duties" scarcely amounted to a briefing. It would appear that all that officers understood by such orders was that they were to take their Land Rover to the town centre; sit in it in the hope of acting as a deterrent; deal with any minor scuffles; and if serious violence broke out, call for backup. Evidence for witnesses quoted in module 2 suggests that, in reality, officers mainly sat in the Land Rover and called for backup if the situation got serious, with no real attempt to intervene in minor scuffles. Since there appears to have been no attempt from those in higher authority to tackle the systemic problem of regular violence, and no clear briefing given, such behaviour on the part of individual officers is understandable, although unacceptable.

Submissions by Edwards & Co Solicitors (Serving and Retired Police Officers)

We agree that, having regard to the local knowledge of the police deployed on that night, the briefing was sufficient.

Submissions by Gus Campbell Solicitors (Marc Hobson)

Despite p89 instructing the Land Rover crew to pay particular attention to Woodhouse St & Magowan Buildings (statement Pg 4) and giving evidence that 'most officers, without being told would know what is required when on town centre public order duties' (Pg 2 .Day 32 24th March 2009). No police officer had given any thought to how physically able the police would react to trouble or indeed how they were able to react to the trouble within the terms of the briefing and Con Neill stated in oral evidence that 'there was no understanding as to what the crew would do in the Land Rover. It was normal for officers to remain in the Land Rover and for the Land Rover to sit in places were they could see from were trouble could come' (Pg1 Day51 19th May 2009). The most senior officer of the Land Rover crew Con Neill has again demonstrated a failing in relation to the execution of the professionalism of his duty as evidenced in the placing of the Land Rover and their ability to observe the areas that they were specifically instructed to pay particular attention to.

Submissions by the Police Service of Northern Ireland

It is the case that there is no documentary evidence to demonstrate just what briefing was given to the late turn patrols by P89 on the 26 April 1997.

P89 said in his evidence to the Inquiry that he gave a briefing to C section at 23.45 hours on the 26 April 1997 (page 2, 24 March 2009). It was his practice to bring with him to the briefing the C6/Occurrence Book so that he could brief those going on duty about all the events or concerns of the previous 7-8 hours. It is submitted that this is evidence of a structured and organised approach to briefing, and one which identifies the importance of communicating essential information to those who were about to go out on the beat.

P89 had no recollection of there being anything particularly relevant arising from the Occurrence Book and with the passage of time this is understandable. P89 said in his statement to the Inquiry that he would have briefed the land rover crew to pay particular attention to Magowan Buildings and Woodhouse Street, although such a direction appears hardly to have been necessary (page 2, 24 March 2009). As he explained to the Inquiry in answer to a question from Mr. Underwood QC, those officers working the night duty would have known what was required of them without having to be told ((page 3, 24 March 2009)

This latter view was supported by the driver of the land rover, Constable Neill. In his evidence to the Inquiry (page 1, 19 May 2009) he explained that he had done this (late) duty before. He explained that there were a number of places in the town centre where trouble could flare up, and that a land rover crew would be expected to "sit" at those locations in order to prevent and/or stop any trouble.

The adequacy of P89's briefing to the land rover crew has been confirmed by Mr. Murray in his report. Having considered the evidence he commented that the officers would have known what was expected of them based on their experience of public order duties and he concluded that, "In the absence of specific intelligence I would not expect a detailed briefing to have been given" (Murray at 3.16).

The word 'perfunctory' has been used to describe P89's briefing to the late turn. 'Perfunctory' means done merely for getting through a duty, done in a cursory or careless manner or done superficially or mechanically (see the Oxford Dictionary and Thesaurus).

It is submitted that there is no evidence to support any such criticism of the content of the briefing of P89. If the state of the evidence is that there was no specific intelligence to bring to the attention of the officers on the late turn, and if the evidence demonstrates that those officers had substantial experience of public order policing and shows that they were aware of the potential trouble spots in the town centre, then it is submitted that a concise briefing in order to advise officers of where they would be patrolling and what to look out for was all that was necessary.

It is submitted that the briefing which was provided by P89 was adequate in policing terms and that no criticism can be attached to it.

Submissions by Richard Monteith Solicitors (Civilian Witnesses)

Agreed.