

# Statutory Report

Public statement by the Police Ombudsman in accordance with  
Section 62 of the Police (Northern Ireland) Act 1988.

**POLICE ACTIONS IN RELATION TO THE DISAPPEARANCE  
AND DEATH OF MR MICHAEL GERARD HAMPSON**

# 1.0

## INTRODUCTION

- 1.1 On 07 December 2007, Mr Michael Gerard Hampson, aged 53, was reported missing to the Police Service of Northern Ireland (PSNI) at Strand Road PSNI, by one of his daughters (Witness A.)
- 1.2 On 28 January 2010, that daughter, aided by the Pat Finucane Centre (PFC), made a complaint about the police investigation into her father's disappearance and death. Initially the then Police Ombudsman for Northern Ireland (OPONI) did not accept the complaint for investigation. However following further representations from the Hampson family and PFC, the matter was subsequently accepted for formal investigation.
- 1.3 In October 2012 the Police Ombudsman concluded his investigation and submitted a report to the PSNI's Service Improvement Department (SID). The report included a number of recommendations for police. As one of those was that the PSNI should commission a full structured review into the circumstances of Mr Hampson's death, the Police Ombudsman decided not to publish his findings at that time.
- 1.4 This report outlines the circumstances regarding the PSNI Missing Person investigation and the discovery of Mr Hampson's body on 09 January 2008 on the shoreline of Lough Neagh.

1.5

This public statement is made in accordance with Section 62 of the Police (Northern Ireland) Act 1998.

# 2.0

## CIRCUMSTANCES

- 2.1 Mr Gerard Hampson was arrested and interviewed by police in relation to an incident which occurred in April 2007. He was later released without charge. However, in November 2007, detectives at Strand Road CID in Derry/Londonderry contacted his legal representative seeking to re-interview him.
- 2.2 Mr Hampson met his solicitor to discuss the options available to him. It is understood that the solicitor advised his client to attend the police station for re-interview. He did not do so and his solicitor never heard from him again.
- 2.3 On the 07 December 2007 one of Mr Hampson's daughters (Witness A) contacted Strand Road PSNI to formally report her father as missing. Uniformed police conducted a Missing Persons investigation, prior to detectives at Strand Road taking over the investigation on 11 December 2007.
- 2.4 The whereabouts of Gerard Hampson was not known until the discovery of his naked body on the shore of Lough Neagh, in the Toomebridge area, on 09 January 2008.
- 2.5 Although a post mortem examination was inconclusive, police regarded the circumstances of his death as suspicious and referred them to a Major Investigation Team (MIT).

2.6

In January 2008 the investigation was referred back to “G” District to be jointly progressed by Magherafelt and Strand Road CID offices. CID officers conducted further enquiries but no persons were arrested during this period.

# 3.0

## INVESTIGATION

3.1 Gerard Hampson's family complained to the Police Ombudsman that the PSNI failed to conduct basic enquiries when they initially reported that their father was missing, and failed to effectively investigate following the recovery of his body. They also expressed concern that the police had not conducted a full and proper investigation in order to "cover up" a crime. Witness A also made an allegation of incivility against a specific member of the PSNI (Police Officer 9) about comments said to have been made by the officer during the investigation.

3.2 The Police Ombudsman's Office conducted a full review of the PSNI investigation into Mr Hampson's disappearance and subsequent death, including the issues/concerns raised by the family.

**This review was divided into the following chronological phases:**

- 1. Phase 1:** Police dealings with Mr. Hampson between April 2007 and 07 December 2007 (the date when Witness A reported him as missing to Strand Road police).
- 2. Phase 2:** The police investigation between 07 December 2007 and 11 December 2007. On the latter date, Police Officer 8 made a decision to transfer the investigation from uniform police to Strand Road CID for progression.
- 3. Phase 3:** The CID investigation between 11 December 2007 and 09 January 2008 when Mr Hampson's body was recovered from Lough Neagh.

**4. Phase 4:** The MIT investigation between 09 January and 15 January 2008 when the investigation was transferred back to “G” District CID.

**5. Phase 5:** CID enquiries from 15 January 2008 to date.

This report will adhere to these phases for ease of reference.

3.3 A statement of complaint was recorded from one of Mr Hampson’s daughters and further statements recorded from members of his family. All available police documentation and radio transmissions were obtained and reviewed and a number of witnesses interviewed by the PSNI were re-visited by Police Ombudsman investigators for further information.

3.4 Enquiries were also made with the State Pathologists Office, Forensic Science Northern Ireland (FSNI) and An Garda Síochána regarding their involvement in the investigation. Additional enquiries were made with the National Police Improvement Agency (NPIA) seeking specialist advice regarding a number of key investigative areas.

3.5 Thirteen police officers currently serving within the PSNI were linked to the various phases of the police investigation. These officers were served with misconduct papers and interviewed in relation to alleged breaches of the PSNI Code of Ethics.

3.6 PSNI investigations of missing persons at that time were governed by the PSNI General Order 40/2003 – ‘Police Action in Respect of Missing Persons.’ Among the actions recommended by the Order were:

- Make a full report including action taken.
- Open Command & Control serial log.

- Form 57 – to be started from an early stage and reviewed by the Investigating Officer, Line Manager and review team.

The Order stipulated that a risk assessment must be carried out at the time of the initial report, using Form 57. The Order stressed that it was essential to continually review this assessment, particularly when new information came to light. The Order stated that '*The purpose of the risk assessment is to direct the investigation, assist the allocation of resources and indicate the level of supervision required.*' It also required the risk assessment to be graded and signed off in accordance with the level of grading and subsequently reviewed.

3.7 **Phase 1. Events prior to Gerald Hampson's death (April 2007 to December 2007).**

3.8 Following an incident in the Irish Republic in April 2007, a cross-border police investigation was launched. A number of men were arrested in connection with the incident, including Gerard Hampson. Gerard was interviewed and his clothing seized for forensic analysis. He was released the following day without charge.

3.9 However, following the results from a report by Forensic Science Northern Ireland on 03 November 2007, detectives at Strand Road police station sought to re arrest him in connection with the alleged incident.

3.10 Police contacted Mr Hampson's solicitor, who met with his client in November 2007 to discuss the options available to him. The solicitor advised Gerard that police may look upon bail conditions more favourably if he voluntarily attended the Strand Road station. The meeting ended with a proposal that Gerard would consider the advice given to him. He did not go to the police station and his solicitor never saw him again.

- 3.11 According to his family, once their father learned that police were seeking to re-interview him, he started drinking again. It was established during the investigation that he had a history of alcohol abuse. He separated from his wife some years previously but still had contact with his family. He spoke with his children ( Witness A, Witness E and Witness F) regularly by telephone.
- 3.12 On the evening of 29 November 2007, at around 20.00 hours, Gerard phoned one of his children (Witness E) from a bar in the city, asking for a lift to the '19th Hole' Bar in Bridgend, Co. Donegal. Witness E concluded that he had been drinking and refused to collect him as requested.
- 3.13 Later the same evening Gerard phoned another of his children (Witness F) and asked if she would go to his flat on Northland Road in the city and collect some clothes, toiletries and his phone charger for him. Witness F subsequently attended the "Rafters Bar" in the city and gave him the items. This was the last time any of the children saw their father alive.
- 3.14 Police enquiries established that later that evening Mr. Hampson phoned a man (Male 2) and asked for a lift. It is understood that this man and another man (Male 1) went to the bar, collected Gerard and all three spent the night in Maghera / Magherafelt.
- 3.15 On 30 November 2007, Mr Hampson along with two other men, drove to Friel's Bar in Swatragh. He was said to have had a 'bundle of cash' with him.
- 3.16 Police enquiries confirmed that Gerard's mobile phone was last used on at 21:58 hours that evening. There have been no confirmed sightings of him since this date.

- 3.17 Man 1 who had been with Gerard later told one of his daughters (Witness A) that her father wished to return to Derry/Londonderry as he needed his heart medication. He said Gerard was left off at a bus stop in Maghera in order to make the journey.
- 3.18 On or around 04 December 2007, the daughter again made contact with this man, who confirmed that he and his friend had been with her father. He confirmed this in another conversation two days later.
- 3.19 However, Mr Hampson's daughter grew increasingly concerned and subsequently contacted Strand Road PSNI on 07 December 2007 to formally report her father as missing. Local uniformed police initially progressed the Missing Persons investigation. Strand Road CID took over the investigation on 11 December 2007 and representatives of the family met police on a number of occasions during this period.
- 3.20 On 18 December 2007 An Garda Síochána officers' detained Male 1 and Male 2 at Connolly Station, Dublin. Male 1 was found to be in the possession of a false passport and two mobile phones. He was arrested and questioned about the incident he and Mr Hampson were linked to, dating back to April 2007. The PSNI was advised that Male 1's first comments to Garda officers concerning Mr Hampson indicated that if PSNI did not have him, then he would be dead. Male 2 was released and returned to Northern Ireland.

- 3.21 Gerard Hampson's family also conducted a number of their own enquiries during this period, assisted by a representative from the Community Restorative Justice team based in Derry/Londonderry (Witness I.) In December 2007, a week before Christmas, Witness E and Witness I spoke to an associate of Male 2. This man told them Gerard had been dropped off at a bus stop at the Castledawson roundabout. This differed from the account of Male 1, who said he had been left at a bus stop in Maghera.
- 3.22 On 09 January 2008 the body of a naked male was discovered by a man whilst walking his dog along the shore of Lough Neagh, outside Toomebridge. Police enquiries established that the body was that of Gerard Hampson.
- 3.23 A post mortem examination was conducted and although the result was inconclusive, police regarded the death as suspicious and referred it to the PSNI's Major Investigation Team. Following a significant number of enquiries the investigation was then referred to Strand Road and Magherafelt CID. Enquiries continued until July 2008. No-one was arrested during this period.
- 3.24 **Phase 2: 7 December 2007 to 11 December 2007. The initial uniform investigation.**
- 3.25 When Gerard Hampson's daughter first reported her father as missing to Strand Road police station, a log/ serial was made of the call at 11:36 hours on 07 December 2007.
- 3.26 The call, which was not recorded, was taken and logged by a civilian Station Enquiry Assistant. The Enquiry Assistant added the relevant information to the log, prior to it being transferred to the Communications Room in Strand Road. She also started to fill in a Missing Person

Investigation Form (Form 57). The risk assessment section part of the form was partially completed and the document was then placed in a tray for the Duty Sergeant to review. The risk was not graded as Low, Medium or High and the Form 57 was not reviewed by the supervising officer.

- 3.27 The Duty Sergeants between 07:00-15:00 hours and 15:00-23:00 hours on 07 December 2007 (Police Officer 2 and Police Officer 4), both stated that they had no recollection of the missing person report.
- 3.28 Police Officer 4 told Police Ombudsman investigators she had no recollection of the incident and, unless she was made aware of the call by the 'front desk' or the person taking the call, there was no other mechanism for her to know about the existence of Form 57.
- 3.29 Police Ombudsman investigators established that police records show this officer to have spoken to one of Gerard's daughter's (Witness A) at 16:46 hours that day. Although the officer did not record this in her notebook, she did not dispute the conversation took place.
- 3.30 Police Officer 2 told Police Ombudsman investigators he had no recollection of reviewing Form 57 or the incident serial/log, but reasoned that he must have been involved to some extent as one of his officers had subsequently conducted enquiries.
- 3.31 Police Officer 14 was the officer responsible for investigating the disappearance at that stage. He told Police Ombudsman investigators he had not been made aware that he had been allocated the investigation and said he had no involvement in it. Although police documents record an email having been forwarded to this officer outlining the role he was to play in the investigation, he denied any knowledge of this communication or its content. Police Ombudsman investigators established that the email was successfully forwarded and

received. However, it was not possible to establish if it was opened by the officer.

- 3.32 Police Officer 6 was identified as the Duty Inspector between 07:00 and 16:00 hours that day. His journal was obtained and reviewed but made no reference to the missing person investigation.
- 3.33 Police Officer 7 took over as Duty Inspector from Police Officer 6 on the afternoon of 07 December 2007. He was Duty Inspector on 07, 08 and 09 December 2007. This officer told Police Ombudsman investigators that he a vague recollection of the investigation but could not recall when it was, nor any input or direction he provided, other than he believed a press release had been organised. It was his understanding that the investigation was to be referred to CID for progression. He said investigative practices at the time into missing persons were lax.
- 3.34 A period of 23 hours had now elapsed since Gerard Hampson had been reported missing. From the time Gerard's daughter had reported her father missing until 10:00 hours on 8 December 2007, police had taken only relatively minor investigative steps.
- 3.35 It was at this point that the Station Duty Officer, who would often conduct routine enquiries about missing persons, made telephone calls to Gerard Hampson's two daughters and to police at Maghera. This officer also attempted to contact Gerard and his friend using mobile phone numbers provided by the Hampson family. These attempts were unsuccessful.
- 3.36 At 18:30 hours that day police collected a photograph of Gerard from one of his children and called at his flat. His details were left in bars he would have frequented and circulated to police patrols and at PSNI 'section' briefings.

- 3.37 On 09 December 2007 at 16:30 hours police again called Gerard's mobile and that of his associate, but got no response. They again contacted one of his daughters and spoke to his neighbours and landlord. No new information was forthcoming.
- 3.38 On 10 December 2007 police made checks with local hospitals. A missing persons alert was also circulated.
- 3.39 Police records show that by 19:22 hours that day, uniform officers were in discussion with their detective colleagues. The investigation was not officially transferred to CID until the next day, 11 December 2007. Prior to this date CID were not investigating the case
- 3.40 **Phase 3: 11 December 2007 to 8 January 2008. The CID investigation.**
- 3.41 Records show that on 11 December 2007, the Operations Manager at Strand Road police station (Police Officer 8) chaired a daily management meeting, which included representatives of uniform police and CID, to discuss all incidents that had occurred during the preceding weekend. Gerard's status as a missing person was discussed, along with the fact that CID were seeking his re-arrest. A Detective Sergeant from CID (Police Officer 9) was present during this meeting.
- 3.42 Police Officer 8, who was a Chief Inspector, made the decision that the missing person incident log was to be closed and the investigation into Gerard's whereabouts was to be handed over to CID to progress as a "wanted person" enquiry. The incident C&C log was closed at 09:53 hours and the Chief Inspector signed off Form 57.

- 3.43 This officer told Police Ombudsman investigators that the closure of the 'missing person' serial/log was an operational decision on his part and that he had effectively raised Mr Hampson's risk assessment to 'high' by referring it to CID.
- 3.44 However Police Ombudsman investigators have established that CID did not progress the investigation as expected.
- 3.45 Police Officer 9, who had been present at the management meeting, told investigators he had no specific recollection as to what he was asked to do or who he had to brief regarding the investigation. This officer acknowledged that while a CID officer present at the daily management meeting would normally make his supervisor aware of relevant issues which were discussed, he did not do so. He maintained that the investigation was not his responsibility and that he was not the Investigating Officer. He said he regarded Police Officer 1, the officer involved in the investigation into an incident in the Republic, as the Investigating Officer. He stated he was not this officer's line manager, but added if no other supervisors were available that Police Officer 1 would have contacted him for advice as required.
- 3.46 Police Officer 9's account contrasts markedly with the recollection of Police Officer 1. When Police Ombudsman Investigators initially interviewed Police Officer 1 he stated that Police Officer 9 was his supervisor at the time and had directed him to attend a couple of meetings with the Hampson family.
- 3.47 Following examination of all the police documentation and accounts of other police officers, Police Ombudsman investigators believe that Police Officer 9 was the Detective Sergeant leading the CID investigation at the time.

- 3.48 On the 18 December 2007, the PSNI received information from the Gardaí that Mr Hampson's associates had been detained at Connolly Train Station in Dublin. Police Officer 9 spoke via telephone to Male 1 about Gerard's disappearance, but this did not glean any information.
- 3.49 On 20 December 2007 a meeting was held between the police and representatives of the Hampson family. One of Mr Hampson's daughters (Witness A) and a representative from Community Restorative Justice (Witness I) were present. The police were represented by Police Officer 9, who made a written record of what took place. This record indicated that Witness A was informed police were actively looking for her father and 'all efforts' were being made to locate him. It recorded that Witness A raised concerns that Male 1 may be holding her father against his will, whereupon Police Officer 9 informed her of this man's arrest in Dublin. Police Officer 9 stated that all parties were agreed that a media appeal was to be made about Mr Hampson's disappearance.
- 3.50 Mr Hampson's daughter had a differing recollection of the meeting. She said Police Officer 9 was abrupt and was only interested in the incident that her father and his associates were alleged to have been involved in, rather than actually finding him. She stated this officer informed her that her father was probably in France or Spain being looked after by his friends. Witness A said she asked Police Officer 9 to pursue a number of lines of enquiry. Her account of the meeting was largely supported by Witness I.
- 3.51 As a result of this meeting, Police Officer 9 contacted the PSNI Press Office which stated that they were unwilling to make a media appeal as they did not wish to mislead the media / public that Gerard Hampson was a 'missing person' when in fact he was wanted by police on suspicion of serious criminal offences.

- 3.52 On 20 December 2007, Police Officer 9 made an enquiry with Maghera PSNI about CCTV in the area. They made no further enquiries in relation to the investigation until the New Year (January 2008).
- 3.53 During this period, the Hampson family, assisted by Witness I, conducted their own enquiries. They also issued a media appeal, which resulted in a number of witnesses coming forward.
- 3.54 On 3 January 2008 Police Officer 1 spoke to a witness who informed him that she had seen Gerard Hampson on 19 December 2007 close to his home address. Police did not record a statement from this witness until later in 2008 and there is no record or evidence of any proactive enquiries having been conducted by police about the sighting.
- 3.55 On 7 January 2008 representatives of the Hampson family again met police at Strand Road PSNI. Following this meeting, the PSNI searched Mr Hampson's flat in the presence of Witnesses A, C and I. During this search it was alleged that the Police Officer 9 made an inappropriate comment about a bodhran hanging on a wall. During a subsequent interview the officer denied making this comment. Two other witnesses supported the allegation, however. The Police Ombudsman has concluded that on the balance of probabilities the comment was made.
- 3.56 Police next contacted the Hampson family on 9 January 2008 to inform them that a body had been recovered from Lough Neagh

3.57 **PHASE 4: 9 January to 14 January 2008. The recovery of Gerard Hampson's Body**

3.58 At 11:30 hours on 9 January 2008 the body of a naked male was discovered face down on the shoreline of Lough Neagh near Creagh Road, Toomebridge. A man made the discovery whilst out walking his dog along the shore. Police were contacted and the scene was secured at 12:55 hours. CID and officers from the Major Incident Investigation Team attended and oversaw the recovery of the body.

3.59 The incident was immediately treated as suspicious and a Detective Chief Inspector (Police Officer 10) was appointed as the Senior Investigating officer. Police enquiries were conducted and the body was confirmed to be that of Gerard Hampson.

3.60 **Post Mortem**

3.61 State Pathologist, Mr Alistair Bentley, conducted the post mortem on 10 January 2008. Although the findings were limited due to the extent of the body's decomposition, it was noted that there was no obvious evidence of trauma and that "*a possible cause of death was drowning*". The body was thought to have been in water for several days and possibly longer. In view of these circumstances, Mr Bentley concluded that, "there must be considerable suspicions surrounding the death".

- 3.62 The Major Investigation Team undertook a large number of enquiries into the death. Searches were conducted in the Lough Neagh area and also along the adjoining Moyola River, but Gerard's' clothes and personal effects were never recovered. Nor were police able to establish where he had entered the water.
- 3.63 Telephone, CCTV and financial enquiries were undertaken. Statements were also recorded from Gerard friends and associates. Enquiries were conducted in public houses/bars he was known to frequent and the media appeal was tailored accordingly.
- 3.64 Enquiries were also conducted into a number of sightings of Mr Hampson and into vehicles he was known to have travelled in prior to being reported missing. Background research was also conducted into his associates.
- 3.65 Police Ombudsman investigators have interviewed the Detective Chief Inspector in command of the Team (Police Officer 10). He stated that he viewed the death as suspicious and said one of his investigative hypotheses was that Mr Hampson had been murdered.
- 3.66 This officer said that given the large number of other complex and serious investigations being conducted by the Team at that time, he consulted with a Detective Superintendent, (Police Officer 11) who was his line manager. As a result of this, a decision was taken to refer the investigation back to CID on the proviso that, should evidence be subsequently gathered to suggest foul play, the Team could again 'pick up' the investigation.
- 3.67 Police Ombudsman Investigators spoke to Police Officer 11. He supported the account provided by his Detective Chief Inspector. He reiterated that the death remained 'unexplained' but said that given the

lack of evidence at that time to suggest foul play and the large number of ongoing investigations, he decided that the inquiry should be referred back to Regional CID for progression.

3.68 **PHASE 5: 15 January 2008 onwards**

3.69 From the 15 January 2008, the officer in charge was a Detective Sergeant (Police Officer 12) based at CID Magherafelt. A Detective Chief Inspector (Police Officer 13) had overall supervision of the investigation and enquiries were to be shared between CID Magherafelt and CID Strand Road.

3.70 A number of outstanding enquiries were conducted in the months which followed. In particular, CCTV enquiries were undertaken at a number of locations including various bars, bookmakers, bus stations and bus stops in the Maghera, Magherafelt and Castledawson areas. However, this proved fruitless because by that stage the majority of CCTV recordings, which were only retained for a period of 2-4 weeks, no longer had images from the period in question. Witness enquiries at these locations also proved negative.

3.71 Police also examined Mr Hampson's phone records in April 2008 but no follow up enquiries were conducted into those people identified as having spoken to him in the days prior to his disappearance.

3.72 Police Ombudsman investigators found that police had failed to follow and complete a number of important leads. An enquiry regarding Mr Hampson's financial transactions was never completed. An enquiry to re-interview Male 2 was not completed. Mobile phone enquiries of two of his close friends could not be authorised as neither of them had been formally declared as suspects.

3.73

A number of CID case conferences, chaired by the Detective Chief Inspector, were held between the 15 January 2008 and 2 July 2008. However, the police investigation was no nearer to establishing what had happened to Gerard Hampson.

# 4.0

## FINDINGS

### 4.1 Finding 1

4.2 **In the hours after Gerard Hampson was report missing, police failed to complete an assessment of the level of risk to his safety, as they were required to do.**

4.3 An initial attempt at risk assessment was completed by a Station Enquiry Assistant who took the telephone call from Gerard's daughter. The fact that this assessment was not completed cannot be attributed to this person, who had no formal training in the processes required. Having initiated the necessary procedures by entering details on a Missing Persons form (Form 57) she left it in an 'in tray' within Strand Road PSNI Enquiry Office. Duty Sergeants, although aware of the processes in place at the time, failed to check this tray. Whilst the Enquiry Assistant completed the majority of sections required, the formal risk grading was never made.

4.4 The PSNI were aware that Gerard Hampson was an alcoholic with a history of heart disease that had resulted in him being hospitalised some months previously. Whilst one could argue that he had a reason to evade police at that time, the lack of contact with his family was out of character for him. It is argued that given the above factors his risk assessment should have graded more accurately

4.5 The general consensus to emerge from Police Ombudsman interviews was that Mr Hampson would have been considered at low risk. General Order 40/2003 defines ‘low risk’ as there being, ‘*No apparent threat/danger to the missing person or members of the public.*’ A uniform Investigation Officer would normally be appointed in a low risk case to investigate along with their other duties.

4.4 The lack of any review of Form 57 during the initial phase of the investigation resulted in the Hampson disappearance effectively going “under the radar”. This, combined with a lack of any kind of investigative supervision, resulted in sporadic and uncoordinated progress. Basic CCTV and witness enquiries were either overlooked or not followed up, other than attempting to phone his mobile telephone on a number of occasions, and no real effort was made to speak to the last man to have been in his company. An entry made on the police log on 10 December 2007 seemed to typify the police belief that Mr Hampson was “on the run” and would turn up when it suited him.

4.5 **Finding 2**

4.6 **The police investigation into the disappearance of Gerard Hampson was most flawed in its early stages, when the majority of the evidential opportunities were missed.**

4.7 OPONI recommended that six officers be disciplined for failing to adequately progress the “Missing Persons” investigation between 07 and 11 December 2007, in accordance with PSNI guidelines. These officers failed to properly supervise the initial and ongoing risk assessment and to ensure that all reasonable lines of enquiry were progressed in a timely and thorough manner. A lack of proper communication between the ranks and sections permeated throughout this phase of the investigation. The General Order 40/2003, which sets out actions required during a police missing person investigation, was not followed when Mr

Hampson's daughter first reported her father as missing.

- 4.8 The appointed Investigating Officer (Police Officer 14) did not even realise he had been assigned the investigation. Other than basic hospital and family checks, the enquiries conducted initially and the matter being raised at section briefings/via radio transmissions, little progress if any had been made by the time of the 11 December 2007 Management Meeting. The investigation had never been formally graded or reviewed at any time by a series of supervisory ranks between 07 and 11 December 2007.
- 4.9 During his misconduct interview Police Officer 14 argued that he was unaware that the Hampson investigation was allocated to him for investigation. However, as an observer in a response call sign on 07 December 2007 he was aware of the practice that new investigations received during that shift may have been referred to him for investigation. An email about the investigation, dated 30 December 2007, was forwarded to this officer's account and it is difficult to believe that this e mail making his role clear to him was not opened and read in the hours or days which followed.
- 4.10 When transferring the investigation from Uniform to CID, Police Officer 8 failed to review the investigation up to that point and to identify the inherent problems at that time. He also failed to ensure that a proper handover between Uniform and CID took place. His directions to Police Officer 9 appear vague and there was no liaison to ensure the investigation was being progressed in a proper manner.
- 4.11 Police Officer 8's decision to 'write off' the investigation as a Missing Person Investigation on 11 December 2007 meant that it effectively fell outside the parameters of General Order 40/2003. In effect, as opposed to making the investigation 'High Risk', the manner of the handover to CID made the investigation effectively 'No Risk.' His operational decision

could be interpreted as one that simply got the enquiry “off the books” for uniform police.

4.12 **Finding 3**

4.13 **Investigative opportunities continued to be missed after the investigation was transferred to CID.**

4.14 Following transfer of the case to CID, no enquiries were made regarding the ‘bus stop in Maghera’ where Mr Hampson was reportedly dropped off by Male 1. No pro-active enquiries were made to trace and interview Male 1 or make enquiries with Ulsterbus as to whether a male matching Gerard Hampson’s description boarded on the relevant date and time. No enquiries were made with either ‘Rafters’ or the ‘19th Hole’ public houses where Gerard had been drinking on 29 November 2007 or with the taxi driver who drove him between the two establishments. No financial, telephone or intelligence checks were initiated. One could argue that while the onus of responsibility to conduct such enquiries lay with uniform police who first conducted the search for Gerard, the fact that dedicated detectives failed to consider the enquiries were needed is a matter of some concern.

4.15 Police Officer 1 failed to take any real ownership during this period despite being the appointed Investigating Officer for the incident earlier in the year that Mr Hampson was forensically linked to. Whilst Police Officer 9 did liaise with the family, a multitude of basic enquiries were overlooked and neglected. Key witnesses were not spoken to, CCTV evidence was not gathered and basic telephone and financial enquiries not considered. These failings effectively “hamstrung” subsequent enquiries.

- 4.16 During interview Police Officer 9 and Police Officer 1 effectively blamed one another for not progressing the investigation. The Police Ombudsman has concluded that both were culpable. As the Investigation Officer, Police Officer 1 was actively seeking Gerard Hampson prior to his disappearance as he was linked forensically to matters that were under investigation by Strand Road PSNI. Police Officer 1 stated that he played a very small role in the investigation following 11 December 2007, other than attending a few meetings with Police Officer 9.
- 4.17 Whilst Police Officer 9 argued that he played a peripheral role in the investigation, the available police records suggest he had ownership of the enquiry during this phase. It would appear that he failed to make his supervisors aware of the matter being transferred to CID, who in turn then failed to progress the matter adequately.
- 4.18 The allegation that an uncivil comment was made regarding a bodhran by Police Officer 9 was also addressed in this investigation. The allegation, which was supported by two witnesses, has been substantiated by this Office.
- 4.19 **Finding 4**
- 4.20 **An investigative bias existed in the police search for Gerard Hampson. It made the assumption he was not at risk and would “turn up” at some point.**
- 4.21 This continued up until the discovery of his body, over a month after had been reported as missing by Witness A.

4.22 **Finding 5**

4.23 **The period when the Major Investigations Team was in charge was the most thorough stage of the police investigation.**

4.24 During this period more progress was made than in the preceding month of the investigation. However, this progress was hampered by the lack of basic enquiries earlier. CCTV evidence had been recorded over and the recollection of potential key witnesses had faded. Whilst investigative momentum was lost following 15 January 2008 when the investigation was referred back to CID, the decision taken by Police Officer 11 at that time made operational sense in light of the status of the investigation, available resources and overall workloads. Key lines of enquiry were progressed and the decision to refer the enquiry back to CID on 15 January 2008 made operational sense.

4.25 **Finding 6**

4.26 **The final phase of the investigation saw some but not all appropriate actions progressed. This phase also suffered from the opportunities missed during the earlier part of the enquiry.**

4.27 The investigation from 15 January 2008 onwards was the joint responsibility of Strand Road CID and Magherafelt CID, under the overall supervision of Police Officer 13. Enquiries were to be shared between the two offices. The Police Ombudsman has identified failings during this phase of the investigation, namely enquiries were not completed and inconsistencies were not revisited.

4.28 A proper handover was given to CID identifying what had been achieved and suggesting outstanding lines of enquiry that required progression. The majority of these were then progressed by a Detective Sergeant, (Police Officer 12) who at this time had a heavy workload. Again, this phase of the investigation was stymied by the lack of earlier progress. However a number of evidential opportunities were overlooked or missed. Key lines of enquiry allocated to specific officers were not further progressed or actioned.

4.29 **Additional Issues**

4.30 Had a number of retired CID supervisors still been serving at the time of the Police Ombudsman investigation, they too would have been linked to the failings which have been identified and those of supervisory rank would have been subject to recommendations for disciplinary action.

4.31 In 2010, Police Officer 5, a Detective Inspector in Strand Road CID who had no involvement in the investigation, was asked to review the Hampson case papers and files. Following that review this officer compiled a two page report for the attention of Professional Standards Department within the PSNI. Despite this report highlighting significant enquiries that had either not been considered or completed, no further action was taken. Police Officer 5 concluded in this report that no further evidence had come to light and that they had not uncovered any misconduct by Police Officer 9. OPONI had access to the same material as Police Officer 5 and in the light of the significant failings the OPONI investigation have uncovered it seriously questions the thoroughness or accuracy of this Detective Inspector's review.

# 5.0

## CONCLUSION

- 5.1 The Police Ombudsman's investigation was not an investigation into the circumstances of Gerard Hampson's death - that is a matter for the PSNI. This investigation was focused on reviewing the police response to his disappearance and subsequent death. During the numerous meetings this Office had with the Hampson family, it was evident that they hold a strong view that the circumstances surrounding the death of their father may have constituted a crime and that the PSNI played a role in covering up that crime by not carrying out an effective investigation. While the Police Ombudsman's investigation identified numerous failings it did not identify evidence to suggest those failings were part of a deliberate cover up. Irrespective, the confidence the family have in the effectiveness and reputation of the PSNI has been severely damaged
- 5.2 Whilst the Police Ombudsman's investigation was limited to the actions of police, it identified existing and potential new lines of enquiry. It is clear from the evidence contained within the body of this report that the PSNI did not initially conduct a thorough, robust or effective investigation. Had they done so, they may have been in a position to inform the Hampson family what happened to their father.
- 5.3 The Police Ombudsman's investigation has concluded that the PSNI investigation during phases 1, 2, 3 and 5 lacked focus, direction and attention to detail. Orders had not been followed and several investigation opportunities have been lost. No-one from the PSNI had taken proper ownership of this case. This resulted in an overall poor investigation that failed the Hampson Family.

5.4

Whilst a number of police officers interviewed have cited how busy they were at the time of the Hampson investigation that does not excuse the numerous failings that the Police Ombudsman has identified.

# 6.0

## RECOMMENDATIONS

- 6.1 In light of the significant failings identified in this report and the concerns around the thoroughness of a review conducted by Police Officer 5 in 2010, it is recommended that PSNI commission a full structured review of the investigation into Gerard Hampson's disappearance with a view to determine whether sufficient evidence exists to merit a re-investigation.
- 6.2 In order to secure the trust and confidence of the Hampson family in this process it is recommended that an external police service be tasked to conduct this review, following Terms of Reference set by PSNI.
- 6.3 Given the significant failings identified during this investigation, it is recommended that the PSNI apologise to the Hampson family for these failings.
- 6.4 Following this investigation, the Police Ombudsman recommended that 10 police officers involved in this enquiry receive disciplinary sanctions. Those recommendations consisted of one Assistant Chief Constable's Written Warning, eight Superintendent's Written Warnings and one Advice and Guidance. The PSNI considered the recommendations and on 31 May 2013 advised the Police Ombudsman that two officers would receive Superintendent Written Warnings, the remaining eight were to receive sanctions at a level below that recommended by the Police Ombudsman.

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