

SEVENTH DAY.

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921.

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

THURSDAY, 6th JUNE, 1996

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayer (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G.C. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for the Scottish Police Federation, and Lothian and Borders Police.

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THURSDAY, 6th JUNE, 1996.

SEVENTH DAY.

JAMES KEENAN,

EXAMINATION CONTINUED BY MR. BONOMY: Good morning, Mr. Keenan, you had yesterday before you a document which I think is best simply described as D2/K and it would be helpful if you had that document again in front of you. One of the things I asked you yesterday was whether there was some supporters for Mr. Hamilton and you told me the supporters were other people camping in the same area? - Yes.

I think if we turn to page 7 of your summary of the evidence of the witnesses we will see that these were adult witnesses whom you interviewed largely aged in their twenties and thirties although one gentleman who was a boatyard manager at Balmaha was 57? - Yes, there are some pages missing from this report.

Which pages do you have? - 8 to 16.

I am told there has been a copying problem, it might be if you just go forward a few more pages you will come to the ones which are numbered 7 to 16 which seem to have got out of place. There is another copy winging its way and if you could just check it please? - Yes, that is the original.

It is in the right order? - Yes.

You understanding was there were witnesses camping in the area, largely adults in their twenties and thirties and in addition you interviewed a boatyard manager at Balmaha who was 57? - Yes.

These witnesses were largely supportive? - Yes.

And they were, for example, a motor mechanic, a product specialist, a quality control inspector, a company director and this boatyard manager? - Yes.

Now,/

Now, I think that you interviewed a good number of witnesses that Mr. McBain and his team hadn't interviewed? - Yes, that is correct.

And you, in fact, had got some specific allegations from the children that you interviewed? - I had.

And again if we just look very quickly at your summary I think you can confirm that this was the first time that allegations of rubbing suntan oil had come out? - Yes.

And there were specific allegations of boys, not necessarily identified boys, but boys having been slapped on the face? - Yes.

There was more than one witness who told you about that? - Yes.

There were also two boys who made claims about being slapped on the legs very severely? - Yes.

And there was also evidence of the use of a wooden spoon I think described by the boys, is that right? - Yes.

So there was material indicating, I suppose, fairly rough handling of the boys in certain circumstances in the course of the camp? - I considered so, yes.

Now, could you please look at page 70 of the report, this is all the numbered witness statements, and confirm to me that that and the subsequent pages are the statement you took from Mrs. Haggar? - Yes.

And you took that statement at 4.55 on Tuesday, 14th February, 1989? - Yes, I did.

That was in Bridgend near Linlithgow? - That is correct.

Could you just look at pages 73 and 74 of that; at the foot of page 73 are we on page 4 of the statement? - Yes.

And does it say or did Mrs. Haggar say to/

to you about the boys being mistreated and "I only saw Mr. Hamilton striking one boy while I was there"? - Yes.

She then names the boy? - Yes.

And that boy is linked or is in the family of the lady about whom a claim is later made on a document apparently by Mrs. Haggart that Hamilton had taken guns to that family's home in Linlithgow? - Yes.

It is the same family? - Yes.

Does it go on to say "He had been cheeky and abusive to Janet and I"? - Yes, she did.

"I expected Mr. Hamilton to reprimand him at the time but Mr. Hamilton did nothing that day until about 11 p.m. at night"? - Yes.

And she goes on to say in the statement that "He woke the boy up, took his trousers down and put him across his knee and forcefully slapped him six times on the bum"? - Yes.

Did she go on to say "I believe in discipline but that was over the top. It happened well after the incident"? - Yes.

Can you then go to, please, page 166 of the same series of statements and is that page 2 of the statement that you took from the boy? - Yes, that is correct.

Was that statement taken at 4.50 p.m. on Monday, 13th February, 1989? - Yes, it was.

At his home? - Yes.

Did he say in the statement to you towards the foot again "I was slapped once on the holiday on the leg by Mr. Hamilton because it was said by Mrs. Haggart that I had been cheeky to her"? - Yes.

"It was a sore slap"? - Yes.

Does he go on to talk about "Seeing a couple of other boys when we first arrived in the camp/

camp being slapped by Hamilton"? - Yes.

Now, did he tell you about being put over Hamilton's knee and slapped six times severely on the bum? - No.

This report at the beginning also contains some correspondence and if you could find, I think it is before even the summary we were looking at, a letter from the Deputy Chief Constable of Strathclyde and the Deputy Chief Constable of Central dated 24th October, 1989? - I would need to look for that in another file.

We have copies all under the one reference at the moment; have you got that one? - Yes.

That is a letter from the Deputy Chief of one Force, Strathclyde, to Central dated 24th October, 1989 and the heading is "Complaint against police -- Thomas Watt Hamilton? - Yes.

That is what you were investigating? - Yes.

Your report was to McMurdo to whom this letter is also addressed? - Yes.

And does it say "I refer to your report dated 22nd May, 1989 in the above regard and have to advise that the circumstances of this complaint were reported to (1) Mr. James Cardle, Procurator Fiscal at Dumbarton", does it say that? - Yes.

And does it go on to say "who advised that no criminal proceedings would be taken in respect of Thomas Watt Hamilton"? - Yes.

That indicates that your material was considered by the Fiscal in the context of a complaint against Hamilton, albeit you had been investigating a complaint against two police officers? - Yes.

This was the Fiscal taking a second look at the circumstances of the camp, is that right? - A different set of boys.

But McBain had reported it to the Fiscal?/

Fiscal? - Yes, but boys from a previous camp.

The same summer camp but boys at a later stage in the camp? - Yes.

And secondly does it go on to say that it was reported to Mr. Robert Lees, Regional Procurator Fiscal at Paisley who decided that no proceedings would be taken against the police officers concerned? - Yes.

Does it enclose a copy of the letter intimating Mr. Lees' decision? - Yes.

Is that the copy over the page? - Yes, it is.

In Mr. Lees' letter does it say "I confirm that in my view there is nothing of a criminal nature brought out in the report and I have accordingly marked the papers 'No Proceedings'"? - Yes.

He is talking about nothing of a criminal nature in the conduct of the two police officers? - This is my first sight of this letter.

If you just look at the heading you will see that is what he is dealing with? - That is correct.

Now, this all didn't end there, you got reported? - I did, yes.

Who were you reported to? - Her Majesty's Chief Inspector of Constabulary.

Was the Chief Inspector investigating your conduct of the investigation of complaints of Hamilton against the police? - Yes, I think a superintendent.

A superintendent from one of his staff? - Yes, a staff officer.

What was his name? - I think Superintendent Molson.

Did he interview you in the course of his/

his investigations? - No.

What did he do then? - From my understanding all I was told was that there was an investigation into my inquiry and I presume he reviewed all the papers.

That is your assumption? - Yes, that is my assumption.

Can I take it he was satisfied of the way in which that investigation had been carried out? - I believe so.

CROSS-EXAMINED BY MR. CAMPBELL: Inspector Keenan, you may not be able to help me with this in which case please just say so but I am interested in any potential role of the Reporter to the Children's Panel in relation to allegations against Hamilton which you, albeit, indirectly investigated. If Hamilton had had children and if one of his children had been on the island subjected to the treatment which you investigated would you then have been obliged to report that matter to the Reporter to the Children's Panel? - Yes.

An incident of parental abuse? - Yes, I would.

And does the Reporter to the Children's Panel have access, to your knowledge, to any general file of information which would have details of any previous incidents of parental abuse by the same person? - I don't know.

We are dealing with another Force area here, Strathclyde, maybe it is outwith your experience; anyway, you can confirm it would be the practice in the case of parental abuse to report the matter to the Reporter? - Yes.

Does the same apply to the type of alleged abuse with which we are concerned here, namely by a third party towards another person's child? - Yes.

And are you aware of any difference in approach which would then be taken by the Reporter to such an incident -- namely, a distinction drawn by that Reporter of parental abuse and third party abuse?/

abuse? - It depends on the age of the abuse but I think it would be wise to investigate it.

On a separate matter do I understand correctly that you were investigating complaints by Hamilton against two police officers and the outcome of that complaint was that the police officers were exonerated? - Yes.

And then there was a subsequent complaint by Hamilton to a further authority about your inquiry? - Yes.

I think to Her Majesty's Inspector of Constabulary? - Yes.

And so there was then a further investigation by somebody else into your inquiry and in due course you were exonerated? - Yes.

At any time during your investigations were you aware of the fact that Hamilton possessed a firearms certificate? - Yes.

Did you consider whether in the light of your findings or the result of your investigations you should make any recommendation in relation to Mr. Hamilton's firearms certificate? - No, not in connection with the inquiry I was conducting.

Why not? - As I said mine was a discipline inquiry, not a criminal inquiry against Mr. Hamilton and what I was concerned with was Mr. Hamilton's fitness and propriety to be in charge of a boys camp.

How did you come to be aware of the fact that Mr. Hamilton had a firearms certificate? - I think it is in one of the correspondence documentary production files where he puts a PS regarding something to do with his certificate to the Chief Constable.

But it never occurred to you to consider your findings in relation to whether or not Mr. Hamilton was a fit and proper person to possess a firearms certificate? - No, it was his fitness and propriety to run boys clubs that I was concerned with.

If/

If someone has a firearms certificate is there a special file relating to that person? - There will be.

What is the purpose of that file? - To record all information relative to the firearms certificate holder and information about him.

BY LORD CULLEN: Just to be clear about that point, is that a file that is held by a particular branch of the police? - Yes, my lord, there is a Firearms Administration Department in each Force including our own.

Have you experience of working in that particular branch or not? - Yes.

So what you are describing to Mr. Campbell is your understanding of how that branch works? - Yes.

CROSS-EXAMINATION/

10.20 a.m.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: Presumably it would be helpful, to put it at the very least, if that file contained all relevant information which the police had ingathered about the relevant person -- take Hamilton in this case. It would be helpful if that file contained all relevant information relating to Hamilton as a person who might be an unsuitable person. Would you agree with that? - I think somebody should have access to all information about a Firearms Certificate holder, yes.

Did it occur to you at any time to pass on the information which you had ingathered to whoever had responsibility for that firearms file relating to Hamilton? - My file goes to the Deputy Chief Constable, who I worked with in connection with that enquiry, so he would have that information.

Is that Mr. McMurdo? - Yes.

BY LORD CULLEN: Just to be quite clear about that point, you have described to us what you were doing, what your function was, but supposing you had come across a piece of information that might at least raise a question as to the suitability of Hamilton to hold a Firearms Certificate, would you have considered it, in certain circumstances anyway, to be your responsibility to draw that to the attention of the officer to whom you were making your report? - Yes.

So does it really depend then on whether you come across a piece of information which does raise a question? - Yes.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: Did you apply your mind to the question as to whether or not the information which you had investigated did or did not raise a question as to Hamilton's suitability? - It did not raise a question in my mind at that time regarding his Firearms Certificate. It raised a question in my mind, as I have said, about this fitness and propriety to run a boys' camp.

The question I asked you was whether or not/

not you specifically asked yourself the question at the time. Did you consider specifically whether or not you should pass on your information in the context of Hamilton's Firearms Certificate? - No.

No? Was there any standing instruction or training or procedure requiring officers investigating a matter in the knowledge that the subject held a Firearms Certificate, to consider whether or not the result of that investigation raised questionmarks as to the suitability of the holder of the Firearms Certificate? - Yes, if I thought that was a relevant issue I would have recorded it.

LORD CULLEN: I think actually that wasn't the question you were asked. I think it was: was there an instruction, a training to that effect? I think Mr. Campbell is looking at it as a matter of routine.

MR. CAMPBELL: Yes. I am obliged.

THE WITNESS: I am trying to think of any formal training. It would be my understanding if it was an issue relevant to the Firearms Certificate then I would know I would have to report that -- so, yes.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: So the answer is yes? - Yes.

What form did this instruction or training take? - I think it is basically your training and experience in the various roles you have been in, that if there is something you are concerned about, you would report it.

So it was really left to your discretion? - I think so, yes.

Whether or not to consider the matter or not? - Yes.

Sorry? - Yes.

But if I understand the main gist of your answers to my

questions, you considered the primary issue which you were investigating was the complaints against the officers, and the events in the/

the camp? - Yes.

CROSS-EXAMINED BY MR. TAYLOR: Do you still have the report which you made in front of you? - Yes.

Just for the avoidance of any doubt, I wonder if you could tell us precisely the nature of the complaint which was made by Mr. Hamilton against the police officers? - Yes. Mr. Hamilton basically complained that two police officers from Central Scotland Police had visited his camp on behalf of Strathclyde Police, and during their visit they had used unlawful and unnecessary exercise of their authority, and disrupted his camp; had then submitted a false, misleading and inaccurate statement regarding conditions in the camp to Strathclyde Police; and there was a further complaint in a letter to Mr. Forsyth, M.P., that one of the officers had been uncivil to Mr. Hamilton at Balfron Police Office in September, 1988. That was the nature of my investigation.

There was no suggestion of incompetence on the part of the officers? - No.

Now, you told my learned friend, Mr. Bonomy, that in the course of your investigations you went further than the investigation which had been undertaken by Strathclyde Police Force; is that correct? - Yes.

And I think in regard to that you made a recommendation in your report which we find at page 17; is that right? - Yes.

Can you tell us what that recommendation was -- page 17 of your summary? - 17?

Yes -- we find at the top of that page in the second paragraph you saying that "In the event numerous points have been elicited which may be worthy of consideration by officers in Strathclyde Police"? - Yes, that is correct.

So that was really a suggestion that your report should be remitted back to Strathclyde Police? - Yes. I think I say that again somewhere else.

You/

You were making this report to the Deputy Chief Constable, Mr. McMurdo? - I was.

Do you know who it is in Central Scotland Police who is responsible for signing Firearms Certificates on application and on renewal? - The Deputy Chief Constable.

So in making this report to the Deputy Chief Constable you would be aware that its content would also be going to the person who had responsibility for the issuing of Firearms Certificates? - Yes I did.

And in the course of your investigation had you found anything which would have reflected on whether Mr. McMurdo should have revoked or failed to renew his certificate you would have included it in your report; is that right? - If I thought it was relevant I would have included it, yes.

And in the course of your investigation, in your opinion did you find anything that you considered to be relevant in that regard? - No.

No re-examination.

EDWARD McGRANE, (46), Sworn,

EXAMINED BY MR. BONOMOY: I am a Sergeant with Lothian and Borders Police now based at West Calder.

How long have you been with Lothian and Borders Police? - I have been with Lothian and Borders 24 years.

Now, I think in 1989 you were stationed elsewhere? -

That is correct.

Where were you in April, May and June, 1989? - In 1989 I was stationed at Bathgate.

Did the office at Bathgate at that time have any general operational responsibilities for Linlithgow? - Bathgate was a larger station. The Division is divided into sub-divisions and I would say Bathgate was the sub-divisional headquarters at that time, and Linlithgow was contained within that sub-

sub-division.

Was Bathgate an office manned 24 hours a day? - The office wasn't manned 24 hours a day, but the town was staffed 24 hours a day.

What about the office at Linlithgow? - It also was staffed 24 hours a day, but the office itself was not manned.

Can you tell me, what were the manned hours of the Linlithgow Office around that time? - Linlithgow around that time was I think 9 a.m. till 10 p.m.; and we also were -- I think we were about 8 a.m. till 10 p.m.

Now, in the course of the present investigation you were interviewed as a witness? - That is correct.

You were shown a number of documents? - That is correct, yes.

And it is, I take it you agree, fairly clear from looking at these documents that you had some involvement in the subject matter of these documents? - Yes, I did.

Have you any personal direct recollection of the investigation that they relate to? - My recollection is very, very vague.

Well, that is something. You do remember something of it, do you? - Yes.

I think the best thing then is to ask you to look first of all at a document to which I will give two references for the scholars among us. First of all DCD275, which is also known as D80L. Now, that should be an AD2a; is that right -- have you got that? - Oh, yes I have got AD2a.

Now, you will see that it is dated the 30th of June, 1989, and it is an internal document from an inspector at Stirling to the Chief Superintendent of Central Police 'A' Division? - That is correct.

And it mentions you? - Yes.

In/

In the third paragraph it says that Inspector Nimmo contacted Sergeant McGrane, Bathgate, and requested he visit a family and obtain statements regarding Mrs. Haggart's allegation? - That is correct.

And you will see it is dated the 30th June? - Yes.

And it then refers to "Attached statements and photographs", and they are forwarded for information; is that right? - That is correct, yes.

Now, are the photographs and the statements attached to what you have been given? You have these, do you? - Yes, that is correct.

Now, there are two statements there; is that right? - That is correct.

Now, for those with the volumes that we are following, they are D77L and D78L, and I think you have got a set of photographs, which we have as D77L. Now, do you remember taking these two statements? - Yes, I do.

Do you remember getting an instruction to go and take them? - The instruction I think came by way of a fax message.

And that was presumably from Inspector Nimmo? -

That is right.

Now, the statements record that they were taken at 7 p.m. on the 20th of May? - That is correct.

1989. Now, in the course of interviewing the lady and gentleman in that household in Linlithgow were they able to tell you about Thomas Hamilton bringing guns to their house? - That is correct.

Around December, 1988 or January, 1989? - That is correct.

Now, the guns were described to you by name? - That is correct.

What/

What were the descriptions you got? - May I refer to the statements?

Yes, please? - The guns were a Magnum revolver, a Browning FN revolver, and a Beretta semi-automatic machine gun.

Do you know what "FN" means? - I am sorry, I do not.

Now, if you look at the photographs, can you confirm that you took these photographs from the family at the time? - Yes, I did.

And what do they depict? - They depict the children of the household holding, one, a pistol and the other child is holding what I presume is an automatic rifle. It is a rifle with a magazine on the bottom.

Who took the pictures? - I believe Thomas Hamilton took the pictures.

Now, if you look at the statement of the lady, and look at the bottom of the first page.....? - My apologies.

Does that not describe differently? - My apologies. That is my mistake.

Who took them? - It was Mr. Smith.

The man of the house? - The man of the house.

"My husband took six photographs of my children and I with the guns"? - Yes -- my apologies.

And did the lady go on to say "At no time was I concerned or distressed by Hamilton's behaviour"? - That is correct.

Did she or her husband indicate whether either of them had actually made a complaint to Central Scotland Police? - Neither Mr. nor Mrs. Smith had made any complaint to the police at all.

And were they making a complaint to you?  
- No.

Was/

Was there any discussion at all about how on earth you came to be knocking at their door investigating this? - Yes.

What was the sum and substance of that discussion?  
- I think I told them that I had been informed by Mrs. Haggart that she had become aware that he had taken these guns to Linlithgow.

You had been informed? - No, that the police had been informed -- if I use "police" to cover both Lothian and Borders and Central Scotland -- had been informed that Mr. Hamilton had taken these guns to Linlithgow.

What was your understanding then of how the police had got that information? - Mrs. Haggart had reported the matter to Central Scotland Police.

Where did you learn that? - From Central Scotland Police, from Inspector Nimmo.

And you didn't speak to Mrs. Haggar? - No.

So I take it having taken the statements and the photos, you sent them back to Central Scotland Police? - That is correct.

And you were sending them back on the basis that nobody was actually making a complaint?

- Yes, that is correct, yes.

Well, at least the householders there weren't? - The householders there weren't making any complaint, yes.

They/

10.40 a.m.

They were obviously happy to take photos of their kids with the gun? - Yes.

Am I putting words into your mouth? Please tell me if that is not the position? - From what I recollect, and I think the husband took the photographs, my recollection was that they were making no complaint regarding Hamilton coming to the house and while they posed for the photographs, they were not at home with someone bringing guns to the house, albeit just to take photographs. They were not at ease with him.

Now, I wonder if you would look at the statement which you took from the man that he didn't know the exact names of the guns but he did describe one as a semi-automatic machine gun and he said "He allowed my children and my wife to handle these weapons but he did not bring ammunition with the weapons. He allowed me to photograph the wife and kids holding these weapons. I was not worried or concerned by Hamilton's behaviour during this visit". Did he say that to you? - Yes, he did. It was still my

impression that they were not at home with him bringing these guns to the house.

Can you also have before you DCD275 which is also D76L? - I am sorry, can you tell me what it is without the numbers.

Sorry, it is an incident log headed "Central Scotland Police". Have you got it? - Yes, I do.

And does that bear to be an entry in a Central Scotland Police incident log indicating that a Doreen Haggar with her proper address and telephone number made the report which led to your investigation? - Yes.

There is something written at the bottom you will see?  
- Yes.

Which is "Incident happened October 1988". That is not the result of your investigation? Your investigation was it was December 1988 or January 1989? - That is correct, yes.

Apart/

Apart from this investigation, had you ever heard the name Mrs. Haggart? - No.

You had no dealings with her in the course of your work at Bathgate? - No.

Did you know anything of an incident only a few days before the date of this log you are looking at where I think two ladies had doused Thomas Hamilton with offensive material at Linlithgow Academy? - No, I have no knowledge of that at all.

So it wasn't even widely known in West Lothian at that time? - It wasn't known to me at that time, no.

Can you now have quite a separate Production? I think this time FA53 which is also D75L? - Yes, I have that.

Now, that is not your writing either, is it? - No.

In fact we have not seen anything that is your writing so far, is that correct? - That is correct.

But your name is on this one as well? - Yes.

And it is a note of you communicating with Central Scotland Police apparently? - That's correct, yes.

And it has got the name Thomas Watt Hamilton, is that right? - That is correct, yes.

It has got a date of birth for him, is that right? - Yes.

A place of birth at Glasgow? - Yes.

And an address? - That is correct, yes.

And the query seems to be whether he is the older of a firearms certificate? - That is correct.

Issued/

Issued by CSP which I assume is Central Scotland Police? - That is correct.

And it looks as if it has been sent by someone then to the Firearms Department so that they can advise Sergeant McGrane what weapons Hamilton is authorised to possess? - Yes.

Now, do you remember making that query? - No.

You will see the date is the 19th May? - That's correct, yes.

Which is the day before the incident log we were looking at a moment ago? - Yes.

Which led to your other investigation? - Yes.

So have you any recollection of having to check up on Hamilton before, immediately before, you were asked to go and visit the family in Linlithgow? - No.

So on this one you don't even have a vague recollection? - None at all, no.

Following the investigations then at the family at Linlithgow, did you have reason to try to get firm information about Hamilton's firearms status? - I can't recall. I might well have contacted Central Scotland Police after having obtained the statements from Mr. and Mrs. Smith.

But that would not be consistent with the date on this because your statements from Smith were..... remind me of the date? - 20th May.

So can I take it you can shed no more light on this entry? - No, I am sorry, I can't.

Can you look now please at FAE97 and that we don't have another reference for because it is a police notebook? Is that your notebook for the time? - Yes.

Is there an entry for the 20th May when you were carrying out the investigation at the home in/

in Linlithgow? It is the 20th May we are looking for, 1989? - Would you bear with me a few moments?

Certainly? - I have found it. Thank you.

Now, do you record in there the taking of the statements from the family? - From Stanley Smith.....

Well.....? - Yes, from the family.

Can you tell me if there is anything in your notes that prompts any further recollection of what went on in the course of your investigation? - No.

Nothing beyond what you have told me so far? - No.

Is there an entry on the 19th at all that might explain the other note we have seen about Hamilton's firearms? - No.

You are going back through a number of pages there?  
- Yes.

It was a busy time, was it? - I wanted to make sure but there is nothing else there.

Can you go right back to the 16th I think which was the date of the mud-slinging? - Yes.

Anything there? - Nothing there at all.

So you have no entries in your notebook that would help you to remember something that might explain all this? - I do not.

CROSS-EXAMINED BY MR. CAMPBELL: Look again at D75L, the note for your attention from the Firearms Department. The copy we have is a poor one. It is the 19th May 1989, a memo. Who has signed that? - I am sorry, I don't know.

Can you make out the signature? - I don't know who that is.

It/

It has come from a Firearms Department? - It has not come from Lothian and Borders Firearms Department.

It has not come from Lothian and Borders? - No, I don't think so.

You really know nothing about this document? - No.

You were telling us about the investigations which you carried out with the family concerned? - Yes.

In your view so far as Hamilton's conduct here was concerned, is that kind of behaviour acceptable conduct by the holder of a firearms certificate? - The same circumstances occurring within my Force area I would report to our Firearms Department.

For what reason? - Just to seek their opinion or their advice as to if that is correct procedure.

What would your view be? - It is not..... I would not consider it to be normal behaviour.

Acceptable behaviour? - Yes, perhaps.

By the holder of a firearms certificate? - I find it quite difficult to answer that question.

You are taking a long time to think about it? - Well, I have difficulty trying to divorce what has happened and remaining objective. Could you repeat the question? My apologies.

Would you try to divorce the details but just look at it in the generality to help you. Is it in your view acceptable for the holder of a firearms certificate to behave in the way Hamilton did on this occasion? - I don't think he should have behaved like that. I don't think a firearms certificate holder should do that.

And if Hamilton had held a firearms certificate in Lothian and Borders Police you would have/

have reported the matter to the responsible authority? - Yes.

Did at that time Lothian and Borders Police have any laid-down system for the reporting of information relevant to the holder of firearms certificates? - If a firearms certificate holder comes to the attention of Lothian and Borders Police in unusual circumstances or breaks the law then automatically a copy of whichever report is sent to our Firearms Department. As standard, whatever report you have it is sent and the standard was in force at that time.

Did you receive instructions in such a system? - That system has been in force almost as long as I can recall.

And during your training would you receive instructions in the operation of that system? - Yes.

You would be informed that it existed? - That is correct.

Would there be any laid-down orders? - Yes.

Standing Orders to that effect? - Yes.

So to see if I understand the matter in the generality; if a Lothian and Borders police officer comes across information in whatever circumstances which raises a question as to the suitability of a firearms certificate holder to possess such a certificate, that officer would be required to make an appropriate report to the responsible authority? - That is correct.

Would the matter be left to you as the officer who discovered this information to decide whether or not any action should be taken about the firearms certificate in the light of that information? - No, it would be the Firearms Department who would decide what action, if any, would be required to be taken.

Would there be a system or was there a system in Lothian and Borders Police where all such information would be kept on a central register or file/

file relating to that firearms holder? - Each firearms holder I believe, and this is not my area of specialist knowledge, each firearms holder would have a file on them and if there were any reports they would be filed with that individual licenceholder.

BY LORD CULLEN: Can I perhaps just take that questioning a little further? In this particular case you were looking into an alleged incident which did concern firearms? - Yes.

And therefore you might want to find out what the position was, if that person did or did not have a certificate. You have agreed I think that you would pass on any information that raised a question as to the person's suitability? - That is correct.

But if you were investigating an incident which has nothing to do with firearms, might there be a situation in which you would want to find out if that person had a firearms certificate or would that not arise really in the normal way? - In the run-of-the-mill thing, something very, very minor, it is perhaps possible that you could..... I am thinking of a minor breach of the law in some form, that you could submit a report unaware that the person holds a firearms certificate. Yes, I think that is possible.

I am sorry? - You would submit a report. If I am interpreting what you are saying, you could submit a report perhaps to the Fiscal unaware that the person had a firearms certificate.

And you would not as a matter of routine ask for information as to whether that person did or did not have a firearms certificate? - I personally wouldn't but again there is a possibility that there is maybe a check in our system that I am not aware of. I know that all other reports go through our Court and Records Branch which have some form of computer system but whether they do individual checks or not I am not sure.

So far as somebody in your position is concerned where an incident does not have anything to do with firearms you yourself would not ask for a check/

check and it would follow from that presumably that you would not make any suggestion as to whether any question was raised as to fitness? That wouldn't arise? - That wouldn't arise.

But there might be somewhere else within the Force or a level at which some investigation is carried out? - There may be an area of the Department I have never worked in. There may well be.

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: Can I develop this just a little further. Let's suppose you are investigating an incident relating to a person and you are aware that he is a firearms certificate holder. Although the purpose of the investigation by yourself may not be directly related to that, if you know the person is a firearms certificate holder, are you required to send a copy of your report to the Firearms Department? - Yes, that is correct.

Whatever the subject matter of the report? - Perhaps a minor traffic offence would not be sent but any of the type of things..... even traffic offences that would affect them, if they were drunk driving, that would be a factor. If there was violence, if they were poaching offences, gun offences, these would all very very high in order of preference. The Licensing Department must be notified.

Suppose/

11.00 a.m.

Suppose you investigate a matter of that nature, drunk driving, poaching, that kind of thing, but you were unaware of the fact that the person possesses a firearms certificate would the system pick up the fact that this investigation had taken place and ensure that the Firearms Department were aware of it? - I have to go back -- I am not 100% sure whether that Records Department have a system to pick that up; drunk driving, I wouldn't see me personally checking to see whether the person held a firearms certificate.

Your feeling is that when you stop somebody for drunk driving you wouldn't, as a matter of routine, ask him whether or not he holds a firearms certificate? - No.

And you are unaware as to whether or not there would be any procedure in place to ensure that somebody notices that a report had been made about a firearms certificate holder? - Yes.

In that connection? - Yes, I am aware of that.

Clearly it would be desirable if such a system were in place? - Yes.

CROSS-EXAMINED BY MR. GIBB: On that point it seemed to me perhaps quite remarkable that if a motor vehicle is stopped that the police quite often have information about the registered keeper of that vehicle before they have even got out of their motor vehicle and approached the driver but there doesn't appear to be any central record that can enable a check to be made of a firearms certificate holder; it wouldn't appear to be difficult to put that in place?  
- My experience in computer and computer systems is not very good but I do believe the Force computer does contain that and could be accessed by our police room at Force Headquarters.

That wouldn't have helped here whether the firearms certificate holder was resident in another Force district? - Yes.

Perhaps there is something to be said of a/

a central register? - A central computer firearms register.

For firearm certificate holders? - There might be merit in that.

CROSS-EXAMINED BY MR. TAYLOR: Do you still have Production D27/L in front of you; this is the statement you took from the mother of the child or children? - Yes, I did.

And in the first paragraph of that statement you record that Mr. Hamilton visited the house or the family on occasions? - Yes.

Do we then see in the final sentence of the first paragraph that it is stated that "During these visits he mentioned his interest in guns and when our children showed an interest in them he offered to bring some to our house and show them"? - Yes.

Is it reasonable to imply that having made that offer the offer was accepted? - Yes.

And we find in the next paragraph it recorded that this event had taken place some months earlier? - Yes, five or six months earlier.

So given the frailty of human recollection it wouldn't be beyond the point of possibility that the incident which is referred to in D76/L -- do you have D76/L before you?

LORD CULLEN: It is the handwritten log.

CROSS-EXAMINATION CONTINUED BY MR. TAYLOR: It is the handwritten log, you have referred to it already? - Is that it?

Yes, you see D76/L records at the bottom, I think it is something like "The event happened October, 1988 or the incident happened October, 1988"? - Yes, that is correct.

And the incident which you were investigating when you visited the house at Linlithgow was said to be December, 1988 or January, 1989? - That is correct.

They/

They are not that far apart in the time frame? -  
No.

So is it possible they are one and the same incident which is being referred to? - Yes.

I think we see in D76/L that there is a reference to somebody taking guns to an address in Linlithgow? - Yes.

We see the name in brackets? - Yes.

I think that name is the same person as you were interviewing when you attended at Linlithgow on the 20th May? - That is correct.

And the address is the same? - Yes.

When you had concluded your investigations what did you then do? - I sent the statement and photographs to the Central Scotland Police.

THE DEAN OF FACULTY: I wonder if I may clarify two points with this witness, my lord?

LORD CULLEN: I was just wondering what points you are wishing to make and how far it goes.

THE DEAN OF FACULTY: I am representing the interests of Lothian and Borders Police and there may be some discrepancy between the two documents that have been put to the witness and I wonder if I could seek to assist the Inquiry hopefully by asking one question to see if I can clarify that discrepancy and secondly, another matter has been raised by Mr. Campbell about the question of what the officer did or might have done or should do in connection with firearms and reporting firearms.

LORD CULLEN: I think there might be some usefulness in some of that as far as the Inquiry is concerned. I will give you that opportunity.

CROSS-EXAMINED BY THE DEAN OF FACULTY:  
Sergeant, can I ask you to have in front of you again D76/L and D80/L which are both within file DCD275, do you still have these in

front of you; D80/L/

D80/L is a memo from Central Scotland Police, Inspector Nimmo?  
- I have D80/L.

D75/L is a handwritten note dated 19th May? -  
Yes, I have both.

Can I ask you, before you were contacted by  
Central Scotland Police in May of 1989 had you heard of Mr.  
Hamilton? - No, I hadn't.

Had you had any dealings with Mr. Hamilton? -  
None at all.

In particular did you know anything about Mr.  
Hamilton, whether he possessed a firearms certificate or not? -  
No, I didn't.

When you went to the house in Linlithgow and  
spoke to the householders there was it apparent from their  
statements that guns had been brought to the house by Mr.  
Hamilton? - That is correct, yes.

If Mr. Hamilton's firearms certificate didn't authorise  
possession of this particular gun would that be an offence? - Yes,  
that would be an offence.

Would that offence have been committed within  
your jurisdiction? - That is correct.

Would you have an interest therefore in knowing  
whether a gun in the house at Linlithgow was actually covered by  
Mr. Hamilton's certificate, whatever the reason for them being  
there? - Yes.

In that regard would the only way in which you  
could find out that information be by making contact to the licensing  
authority, namely Central Scotland Police? - That is correct.

So if one looks at the dates on these two

documents, given that the date on your notebook discloses that 20th May is the date on which you spoke to the householders and coincides with the memo, the internal memo, of Central Scotland Police suggesting that you had contact or that Mrs. Haggart had contact would it appear that this document is incorrect as far as the date is concerned? - It would appear that an error in the date would explain it/

it to me.

LORD CULLEN: I thought you were going to open up another topic; have you had second thoughts?

THE DEAN OF FACULTY: Perhaps I can take one thing from the witness. I have had second thoughts.

LORD CULLEN: I thought it was a rather promising avenue that you were going to explore.

CROSS-EXAMINATION CONTINUED BY THE DEAN OF FACULTY: Sergeant, as far as the question of firearms was concerned have you had any direct involvement with the licensing procedures of firearms in your own Force? - No, none at all.

In so far as you have expressed a view in your evidence about firearms are these personal views as a police officer? - These are my own personal views.

And are there particular officers within Lothian and Borders who would be better qualified to explain to this Inquiry about the procedures within the Firearms Department and about the computerisation of records? - Yes, there certainly would be.

RE-EXAMINED BY MR. BONOMOY: If that was the inquiry you were making about Mr. Hamilton's authority to hold these weapons have you any idea where you get an answer? - I can't recollect this but I can see this as being a natural thing for me to do in these circumstances, given the gentleman had been at the house in Linlithgow with this gun and with people in the house I would contact the Central Scotland Police to see if he was

authorised to have this weapon.

But the note doesn't reflect the identity of the weapon, it is simply a general request to know what weapons Hamilton was authorised to hold? - That is correct.

You did indicate that, and I may have misunderstood this and that is why I want to be clear, that if someone was behaving in this way, that/

that is the way that Hamilton was behaving in your area was the way you put it you would draw that to the attention of the Firearms Department? - Yes.

If it was not your area? - No, if a person was resident.....if a person resident had a licence issued in our Force area and was behaving in such a manner I would notify the Firearms Licensing Department of that.

Do you think it is possible he was committing an offence? - I don't know about an offence, just a concern for public safety and the use of firearms.

Is there an organisation or an object known as the Police National Computer? - Yes.

What is it? - It is a computer that holds information on criminals, stolen vehicles, etc.

When you do a stolen vehicle check or indeed a check of someone's licensed status in a road traffic inquiry do you regularly contact or get in touch with the police national computer?  
- Yes, we regularly use the police national computer.

Does it record whether or not the person holds a firearms certificate? - I don't know.

Well, have you ever yourself contacted the computer? - No, not at all.

How do you make this check? - By contacting the

individual Force itself.

But if you had stopped someone on drunk driving as you have described -- --? - Yes.

And you want to check the licence? - Yes, the driving licence.

Would you contact the police national computer? - No.

Who does that? - For a driving licence we contact the DVLC in Swansea.

In what circumstances would you get in touch/

touch with the police national computer? - More or less for stolen vehicles, checking out persons if they are wanted or warranted.

So you would check if people have a warrant through that system? - Yes.

Can you tell me whether the system records whether or not a person holds a firearms certificate? - No.

It doesn't or you don't know? - I don't know.

FIONA KIRKPATRICK (36), Sworn:

EXAMINED BY MR. BONOMY: You are a Constable in Central Scotland Police? - Yes.

Based in Alloa? - Now based at Stirling.

How long in Central Scotland Police? - 18 years.

Could you look at a document which is No. FA53, also D75; whose handwriting is on that document? -

That is my handwriting.

Are you good on dates? - In what respects?

When you record a date do you usually get it right?  
- Usually.

I suppose police officers should? - They should,  
yes.

You have written a date on this document? - Yes,  
I have.

What is it? - 19/5/89.

You then sent the document somewhere? - Yes, I  
have.

Where? - To the Firearms Department in/

in our Police Headquarters in Stirling.

You have asked them to advise Sergeant McGrane  
what weapons Hamilton, Thomas Watt Hamilton, is authorised to  
possess? - Yes.

You record at the top that the inquiry came from  
Sergeant McGrane of Lothian and Borders? Yes, that is correct.

Do you remember this? - I am afraid I don't.

Absolutely nothing about it? - Nothing at all.

In/

11.20 a.m.

In May, 1989 where were you based? - I was station officer at Stirling Police Office on that date.

So it would make sense for you to have got the message and sent it to the Firearms Department? - Yes, that is correct.

Were you also the station officer on the 20th? - I can only assume I would be.

That was your regular duty around that time? - Yes, that is correct.

Have you actually checked up that you were on duty on the 19th? - No.

You just know that was a duty you did at that time? - Yes, that is right.

CROSS-EXAMINED BY MR. CAMPBELL: What is today's date? - 5th June?

CROSS-EXAMINED BY MR. TAYLOR: Is the Firearms Department open seven days a week? - No, it is not. It is 9 to 5, Monday to Friday, closed at the weekends.

If a phone call came in regarding an enquiry as to somebody's Firearms Certificate, would you normally make a note of it if the Firearms Department was open? - If the Firearms Department was open, I would not normally receive the call at the extension that I was working at.

So if this call which you have recorded on D75L was made on a Saturday, the call would come through to you? - Yes.

If it was made Monday to Friday, it would go to the Firearms Department? - Yes, that is right.

And would it therefore suggest that perhaps this call was made on a Saturday or perhaps a Sunday? - Perhaps, but also it could have been made in the evening after the Firearms Department were closed.

Could/

Could you have a look please at Production 78L? Do you find there a statement of an individual -- you don't need to mention the individual's name? - Yes, I do.

And we see that the date is Saturday 20th May, 1989; is that right? - Yes, that is correct.

I think it would reasonably be implied that the memo bears to record it as being 19th, and that that would be a Friday? - That is right.

And if the call therefore was made during normal working hours on the 19th you wouldn't have received it? - No, that is correct.

No re-examination.

IAN McBAIN, (44), Sworn,

Are you a Detective Sergeant with Strathclyde Police?  
- I am now a Detective Inspector with Strathclyde Police.

Sorry, Detective Inspector. Where are you based? - I am presently based at Dumbarton Police Office.

How long have you been with Strathclyde Police? - 25 years' service.

Would you look please at Production D1K? Do you recognise that as your report into complaints about Thomas Hamilton's summer camp at Inchmoan in July, 1988? - I do.

And is the report dated the 30th of August, 1988? - It is indeed.

Now, if you go to the second page can you confirm that it was a report to your superiors destined for the Procurator-Fiscal at Dumbarton? - That is correct.

Now, I think you have recorded on the first page of

that that following events which we have heard about already, arrangements were made for parents to come to collect children on Thursday the 21st July, 1988? - It was a case of contacting parents/

parents to allow them access to their children, to make up their own mind. It wasn't necessarily a case of collecting their children.

A number came, though? - They did indeed, yes.

And the children were located at a cinema; is that right? - They were indeed.

And they were taken to a police station? - Brought to Dumbarton Police Office.

And I think in paragraph four, towards the end, you have recorded "All the parents present spoke with Hamilton, who was quite happy to speak with them"? - That is correct.

"None of the parents present were prepared to make any complaints or malign Hamilton in any way"? - That is correct.

"Indeed, some praised him"? - That is correct.

Nevertheless, your investigation threw up some material that you thought the Procurator-Fiscal should look at? - Correct.

Can you tell us the general nature of that? - In relation to the condition of the camp on the Island of Inchmoan. The conditions were extremely basic, to say the least. There was also one or two allegations in relation to children being slapped by Hamilton, and there was I believe one or possibly two allegations, where he had I think touched himself or rubbed himself.

Well, was that not in fact an allegation to other people in the camp, not him -- I think you reflect that on the second page in paragraph six? - Yes, that is correct.

It wasn't him at all? - It wasn't him.

Would it be fair to say that anyone viewing this might have seen certain problems about corroboration for any specific incident? - That is correct.

That/

That is not to say there isn't any, but that would have been a problem that someone looking at this carefully would have to consider? - Correct.

In the course of this Inquiry I think you took a statement from Doreen Haggar? - I did.

Can you try and find it -- are your pages numbered? - No, they aren't. I beg your pardon, some are numbered and some are not.

Well, it is towards the back of the statements. I have got a No. 59 at the top that someone has written on mine? - Yes, I have just found it, No. 59, yes.

Now, is that the start of a statement that you took from Doreen Haggar on Friday the 26th of August, 1988? - That is correct.

Do you remember how you took it? - I took it by telephone. I had previously called at her address through in Linlithgow without success, and as I said I took it subsequently by telephone.

Now, could you go to the page numbered 65? Is that a continuation of the statement? - It is indeed.

Now, do you actually remember the statement being taken? - I took the statement, yes.

And you remember doing it, do you? - I do, yes.

I think on that page, from just about halfway down, she is dealing with the circumstances in which she left the camp on Sunday the 6th of August? - Yes.

And I think that she told you that there had been bother and someone was behaving in a threatening manner -- if you go to two lines from the foot, can you confirm that? - Yes, that is correct.

Now, just read through that paragraph quickly to refresh your memory and then tell me what you/

you remember she was telling you was the nature of the threatening behaviour, who was making it, and whom it was directed to -- can you tell me? - It refers to a man "Davie".

And do you remember being told about this? - I do, yes.

Was there any allegation made by Mrs. Hagger that she had been threatened by Hamilton? - At that time, no.

Does this account relate to a threat by a person Davie towards Mrs. Hagger's friend Janet? - Correct.

Have you any recollection of her telling you that she left because Hamilton had threatened to set fire to her tent? - I have no recollection of that, no.

If you go further up the page, the immediately preceding paragraph says "During my ten-day stay I only saw one child being chastised by Hamilton, and in my opinion the boy deserved punishment as he had been bullying other children"? - That is correct.

Is that what she told you? - Yes.

You can part with that document now, and could you look at a document which is DINTEL F1 D4, which is an intelligence log entry which has been copied for everyone this morning. At the top it says "D4 I(iii)". Now, this appears to be a document completed by you in your previous life as a detective sergeant dated the 18th of July, 1988? - Correct.

Do you remember this? - I don't remember that actual form, but I remember the basic content of the information.

You were actually based at Alexandria then? - I was.

There is no doubt it is you that this relates to? - Correct.

And it is an intelligence log input form/

form -- is that a fair description? - That would be a fair description.

Now, who would you send this intelligence to? - My Divisional -- first of all I would send it to my Divisional Intelligence Officer and he in turn would obviously then liaise with our Force Criminal Intelligence Officer who in turn then would liaise with his counterpart in Central Scotland Police area.

Is there a backing, a documentary Production backing sheet? - I only have the one sheet of paper here, sir.

All right. There is a file I think from which this comes, and you are now being given the file from which that was extracted. Can you tell me where these documents were found? - They were found at Police Headquarters, Randolphfield, Stirling.

Which would suggest that the system worked and that the intelligence got through to Central Police? - Correct.

Now, can you read out the intelligence entry please? - It is submitted by myself, D.S. McBain, stationed at Alexandria: "I have received complaints from a series of boys' parents whose sons were camping on a Loch Lomond island under the auspices of an organisation run for boys by Thomas Hamilton, 7 Kent Road, Stirling. Nothing sexual took place, although Hamilton ran a very authoritarian regime and assaulted the boys by punching and slapping them for misdemeanours. He seemed to enjoy pushing the boys about. Parents have complained to the police and I noted statements from eight boys describing the events, although it is my opinion that some may be exaggerating. Do you have anything recorded against Hamilton?" -- and an answer which replies "Information passed".

And what does that mean? - I take it from that that I received a reply from Central Scotland Police.

"Anything recorded against Hamilton" would be an enquiry about what? - In relation to -- well, the boys' club and anything known about his past/

past history.

Yes, recorded where? - In Central Scotland Police area.

So we are not just talking about Scottish Criminal Records here? - We are not, no.

We are looking for an intelligence reply, I suppose? - We are indeed, yes.

You are looking for such intelligence as Central have on Hamilton? - Correct.

Now, that document is dated 18th July, which is actually before you speak to a number of witnesses; is that correct?  
- Yes. It is only my assumption, but 18th July was the date I first became aware of this enquiry, and that may be one explanation as to why it is dated 18th July.

Well, could it possibly be something you did at the very early stages of the enquiry to find out if indeed something was recorded against Hamilton? - That is also possible, yes.

Have you any recollection of what information if any came back to you? - From memory I don't think there was anything came back to me at all about Thomas Hamilton.

Well, that could be "We have nothing", because that would be something, or it could be that you heard nothing. Have you any recollection of which it was? - No. I think what it was was that they certainly were aware of the gentleman, but they had nothing, you know, recorded either by way of convictions against the man or information against the man.

No cross-examination.

EILEEN NIMMO, (51), Sworn,

EXAMINED BY BONOMY: I think you are now retired from the Force, but were an Inspector latterly with Central Scotland Police? - That is correct.

And/

And how long were you actually a serving police officer?  
- 30 years.

I think you now stay in Dunblane? - Yes.

Could you look please at a document -- you will be given all the documents just now, and I will identify them in a moment: DCD275 -- if you can look at the one which is D76L, which I think is the one with your handwriting on it? Is there a handwritten document you have there -- in fact it may not be yours, it may be someone else's handwriting. If you can just find the handwritten document. Do you have that? - Yes, I have the handwritten document.

And does it have the name "Doreen Haggart" at the top?  
- That is correct.

And is it an incident log recording a report to the police at Stirling? - That is correct.

And it suggests that the complaint is made by Doreen Haggart? - Yes.

Now, is that in fact your handwriting? - No.

Have you any idea whose it is? - It is Officer -- I see here it is Officer 436.

So if we identify who No. 436 was we will have the writer of the document? - Yes.

Do you happen to know who it was? - No, I am sorry, I don't.

But it was sent to you, I think? - Yes.

It is dated the 20th of May; is that right? - That is correct.

And have you any direct recollection of this? - Not particularly, no.

Well, any at all? - I remember it now that I see it in front of me.

Now, there is writing also at the bottom. Is/

Is that the same handwriting, do you think -- and if that is an impossible question, please say so? - I couldn't definitely say.

Is it your handwriting? - No.

11.40 a.m.

Now, do you have any recollection of receiving this incident log and doing anything about it? - Yes, I contacted a Sergeant at Bathgate and requested him to make enquiries with the Smiths regarding this incident.

Now, can you look at AD2A which is part of that bundle? Is that in fact your report dated 30th June 1989 to your Chief Superintendent? - Yes.

What was his name? - Malcolm Gunn.

Now, you report here to Mr. Gunn that you have got statements back from Sergeant McGrane? - That is correct.

Statements and photographs and you are sending all these papers to the Chief Superintendent? - Yes.

Was it for you to give any detailed consideration of this or were you just passing it on to him? - Yes, I was passing it on to him.

Without really considering the circumstances yourself?  
- That is correct.

Now, there is then handwriting on the memo. Is that your handwriting? - It is my signature above the words "Inspector" but none of the other writing is my writing, no.

The handwriting there starts DCC as if it is addressed to a person known as DCC? - That is correct.

Who is that? - The Depute Chief Constable.

Do you recognise the writing after that? - Yes.

Whose is it? - It appears to me to be Malcolm  
Gunn's.

And what was he writing to the Depute Chief  
Constable? - "May be quite a harmless display/

display of weapons but nevertheless an action which leaves a lot to be desired".

Now, why would something like that be submitted to a Depute Chief Constable? - I would consider it would be up to him to decide what action, if any, to be taken.

Why him? - Because he was a Depute Chief Constable.

Yes, but was this an area that he in particular had responsibility for? - Yes, he had to do with the issuing of firearms certificates.

You see, the word "harmless" is used in that note and I would not imagine that harmless actions would normally be the subject of reports to the Depute Chief Constable. Now, why should the action of the type described in the report go to the Depute Chief Constable? - I am sorry, I can't answer that. I don't know what was in Mr. Gunn's mind at that time.

Was it not because he had a particular responsibility for firearms? - Mr. Gunn or the Depute Chief Constable?

No, the Depute Chief Constable. Is that not the reason why it would go to the Depute Chief Constable? - I am sorry, can you repeat that?

Would the reason why it went to the Depute Chief Constable be that he had special responsibility for firearms certificates? - I would imagine so, yes.

But you don't know that that would be the reason? - I don't know that that would be the reason.

Why then did you send it to the Chief Superintendent? - It was for his information and attention as to whatever further action he required to take on it.

Well, the Inquiry here will wish to try and establish what hierarchy within the police authority deals with the types of complaint that are relevant to this case and here we have something being/

being described as harmless and going up through the chain of command to the Depute Chief Constable. Now, you must have had something in particular in your mind when you sent it up the chain to the Chief Superintendent. Why did you send a complaint of this type or an investigation report of this types to the Chief Superintendent? - It was for his information and, as I say, for any further action he wished to take on the matter.

And what action did you envisage might be taken? - I have no idea what action he might want to take.

You held a fairly senior rank at that stage as an Inspector. Did you not apply your mind to something like that when it came across your desk? - yes.

Well, what thought did you give to this report before deciding it should go to the Chief Superintendent? - Well, I was looking for directions, if he wanted any further action taken.

Did you think further action should be taken? - It wasn't up to me to say whether further action should be taken, if any.

Well, who was it up to? - My superior officer.

So why is it that this type of complaint, and I am really back to the same question, why is it that this type of subject matter was up to your superior officer and not up to you? - Well, I think in view of the fact..... in my opinion, in view of the fact that there was already enquiries ongoing, that is why I submitted this report in the way I did.

Well, now we are maybe making some progress. What enquiries were ongoing? - I understood that Inspector Keenan was making enquiries regarding Hamilton.

So you were aware of that at that time? That is the 30th June 1989? - Yes.

Now, we have already seen Keenan's report which is dated May of 1989? - Yes.

So/

So were enquiries still ongoing? - I have no idea.

So are you really unable to help me by telling me what was in your mind and what were your reasons for sending this report to the Chief Superintendent? - Well, as I say, having in mind the enquiries that were already ongoing, I felt it my duty to report the matter to the Superintendent for his information and attention.

Can you tell me if there was anything in the content of the report you got that you were particularly concerned about? - Just the fact that he had taken these weapons and shown them to the children.

What was your concern about that? - I felt it really wasn't a very wise thing to have done.

CROSS-EXAMINED BY MR. CAMPBELL: What it comes to is that the reason that you reported this matter to Mr. Gunn was because it concerned a gentleman who was at that time making a complaint about the police? - Oh, I didn't know if he was making a complaint about the police.

Well, if you look at your memo again to the Chief Superintendent of the 30th June 1989 at the second paragraph. "I was aware that Inspector Keenan, Stirling was investigating a complaint against the police made by Hamilton in which Mrs. Haggart was a witness"? - I beg your pardon. I was thinking about another matter.

And if I have understood the thrust of your evidence so far, it is to the effect that the reason why you reported this matter up the chain to the Chief Superintendent was because it concerned a gentleman who was making a complaint against the police? - That is correct.

It might be thought that the fact that this report concerned a man with a gun and children should in itself have been sufficient to require a report to a superior officer? - That is what I did.

Whether or not the gentleman was making a complaint against the police, this is something which/

which should be reported to a superior officer? - That is correct.

However, the reason why you reported it was nothing to do with the fact that it was a man with a gun and children but because Hamilton was in the course of making a complaint? - No, it would have been reported in any case.

Why did you tell my learned friend, Mr. Bonomy, that the reason why you reported this up the chain was because of the complaint made by Mr. Hamilton against the police? - It would have been reported in any case, whether Mr. Hamilton had made a complaint or not.

You see, one might think that the fact that Mr. Hamilton is making a complaint against the police should really be neither here nor there in the context of a report such as this? - That is correct.

What did you understand your role and function in this matter to be? - To report this matter to my superior officer.

Did you consider that it was any part of your function to think about this report? - I did think about it.

Prior to this had you received any training from your employers in firearms licensing procedures? - No.

No re-examination.

ARCHIBALD CARSON (53), Sworn:

EXAMINED BY MR. BONOMOY: Are you still a Sergeant with Lothian and Borders? - I am.

How long in the police? - 24 years.

And are you still based at Livingston? - I am.  
Now, you spent a period in Linlithgow? - Yes.

When/

When was that? - From approximately September 1988 until 1994.

Can you tell me roughly how many officers were at any given time based at Linlithgow during that period? - Approximately it varied between 10 and 12 officers I would say.

And who would be in charge of that station? - There were two sergeants and an inspector in charge.

And the rest constables? - Yes.

Any CID officers? - Not directly based at Linlithgow, no.

All uniform? Every one a uniformed officer? - That is correct, yes.

Can you tell me what the manned hours of the police office were during that period? - We were normally covered from half-past 8 in the morning until 9 o'clock in the evening. There were two civilians worked alternate shifts, day shift and back shift, Monday to Friday.

Let me get that. Half-past 8 in the morning until.....?  
- 9 p.m. in the evening.

Manned by civilians? - Two civilians normally on duty, yes.

But Linlithgow itself as a community would be manned 24 hours? - Yes, there was a police presence in Linlithgow 24 hours a day.

Now, were you a sergeant between 1988 and 1994? - Yes.

Can you look please at your own notebook which is LBSAI08? Is that one of your police notebooks? - Yes.

Which period of time does it cover? - It covers from March 1989 until September of 1989.

During that period did you receive any complaint from Doreen Haggart that a firearm had been presented to her out of a van by a person called Thomas Hamilton? - No.

Did/

Did you hear of any such complaint being made during that period? - No.

Is that sort of complaint one that a sergeant at Linlithgow was likely to hear about if the incident took place in Linlithgow and was reported to a Linlithgow officer? - Yes, it most certainly would be.

Would you be surprised not to hear about it? If it happened and had been reported and you did not hear about it, would that be unusual? - Yes, it would.

Do you know Doreen Haggar? - I do.

Was there one particular incident around that time that you were involved in which Hamilton was involved in? - Yes.

What was that incident? - This was an incident that occurred at Linlithgow Academy.

We have heard about something on the 16th May when noxious liquid was tossed over Hamilton. Is that the incident you are talking about? - Yes.

And that happened at Linlithgow Academy? - Yes.

Were you one of the officers who investigated the incident? - I was.

Were you there when it happened? - No, I arrived shortly after it had happened.

Did you speak to Hamilton? - Yes, I did.

Did he want to make a complaint? - No, he refused pointblank to make a complaint.

Did you tell Mrs. Haggar and Janet Reilly about that? - Yes, they were both made aware of that.

And their reaction? - They were surprised. They were all for a complaint being made. They wanted a complaint to be made.

DOUGLAS/

12.00

DOUGLAS LYNCH, Sworn:

EXAMINED BY MR. BONOMOY: Are you a Sergeant with Lothian and Borders Police? - That is correct.

Based at West End in Edinburgh? - That is correct.

What age are you? - 33.

How long with Lothian and Borders Police? - 10 years' police service.

I think that you spent some time at Linlithgow? - That is correct.

When was that? - It would have been the period from December of 1987 to approximately December, 1990.

Was your whole time throughout that period spent at Linlithgow? - Yes, it would have been.

Did you on any occasion during that period of service get a complaint from either Doreen Haggar or Janet Reilly to the effect that they had been subjected to threats or anything that happened in relation to a firearm in the hands of a man called Thomas Hamilton? - No.

Did you know Doreen Haggar? - Yes, I did.

Did you know Janet Reilly? - Yes, I did.

Were you aware of an incident at Linlithgow Academy on the 16th May, 1989 when material was thrown over Thomas Hamilton? - Yes, I would have been aware at that time.

If you could concentrate on that period of time; in the few months around that time was any complaint that you recollect made by either of these woman about Hamilton's behaviour with a firearm? - No, nothing.

Could/

Could you have in front of you a notebook LBFA90H and 107; now, are both of these your notebooks? - Yes, they are.

What period of time do they cover? - One note book covers from the 31st January, 1989 to Sunday 19th January, 1990 -- '89, I beg your pardon -- and the second notebook was the 14th June, 1989 to the 28th August, 1989.

So there is a gap there between March and June? - That is correct.

Do you know where the notebook is for the intervening period? - I have no idea.

No. 106, is that it? - From 19th March to the 12th May.

So we have now a gap of from the 12th May to when? - The 12th May to the 14th June.

You don't know where the one for that period is? - No, all these notebooks were submitted by me after I had completed them.

How many did you submit? - Approximately it would be once every six weeks I would get a new notebook.

When you finish you put your notebook in? - Yes, once you have completed using that for any statement purposes or inquiry you just submit your notebook.

In connection with Central Scotland police inquiries in this case were you interviewed? - Yes.

Were you shown your books? - I was shown a number of notebooks.

Do you remember how many? - No, I can't remember.

Did you look through the books you were shown to see if there was a record of a complaint of a firearm by either of these ladies? - Yes.

Was there one? - No, there wasn't.

There/

There has been reference in the statements and indeed in the questions put in the inquiry of a Linlithgow officer with a mark on the side of his face like a burn; is that you? - Yes, I would think that would be me.

You have no recollection of any complaint by either lady to you? - No, I never received any complaint.

Made by a phone call resulting in a visit to Mrs. Haggar's house or Mrs. Reilly's house? - No.

Are you quite sure about that? - Definitely.

In the books that you did go through with a Central Scotland police officer were there entries relating to Mrs. Haggar? - Yes, there was a number of entries.

Were there any in relation to Mrs. Reilly? - Yes, I believe there was, Mrs. Reilly's details were also noted.

But nothing to do with presenting a firearm? - No, there was a number of complaints that I had dealt with from Mrs. Haggar, none in relation to a firearm.

CHARLES MITCHELL (26), Sworn:

EXAMINED BY MR. BONOMOY: Are you a Detective Constable with Central Scotland Police? - Yes.

Based in Stirling? - That is correct.

How long in Central Scotland Police? - Seven years.

When did you first become involved in this Inquiry? -

On the 13th March.

I think on the 18th March you were given the/

the role of part of the team investigating Hamilton's background in relation to the possession of firearms? - Yes, I was instructed to assist in that regard.

Your inquiries were directed in that direction thereafter? - That is correct, yes.

I think on Wednesday, 20th March you learned of an allegation that appeared in national newspapers made by Doreen Haggar about an incident in 1989 involving Thomas Hamilton? - That is correct, yes.

As a result of getting that information what was the first inquiry you made? - I was briefed on the newspaper articles and I travelled to Aberdeen to interview Mrs. Haggar.

Did you interview her on more than one occasion? - I did, I interviewed her twice.

When was the second time? - The second time was about a fortnight later after I interviewed an associate of hers, Janet Reilly, who had apparently witnessed the incident referred to by Mrs. Haggar.

Did you examine log books kept at Linlithgow Police Office? - Yes, I did, I initially examined two log books that had been retained by a colleague; latterly with the assistance of Lothian and Borders Police we recovered the remaining log books which span the period of June, 1988 to late 1989.

Were examination of the log books carried out in the full knowledge of the allegation that Mrs. Haggar and the allegation Mrs. Reilly was making? - Yes, that is correct.

Could you find anything recorded in the station log book relating to this? - Nothing at all, no.

What sort of things were recorded in these log books?  
- In relation to Mrs. Haggar?

In general? - In general -- a wide variety of calls, incidents relating to thefts, road accidents, /

accidents, disturbances reported to Linlithgow police and also calls which had gone to Livingston Police Office but which required to be attended by Linlithgow officers.

Was it the system that if the station at Linlithgow was unmanned the call was made to Livingston? - It is my understanding Linlithgow was covered 24 hours a day but there was not always a person present in the office; however, the text was directed to Linlithgow office which would have been entered in the book prior to attendance there or retrospectively.

If we look at log book LB FA 109, is that an example of a log book? - That is correct.

What period does that one cover? - The 11th April, 1989 to the 16th May, 1989.

Perhaps you could also have 110 as another example; what period does that one cover? - This is the period immediately following the 16th May, 1989 to the 26th June, 1989.

And in these are there apparently complaints recording phone calls made to the Linlithgow Police Office? - Yes, that is correct, there is notes, the text of calls made there and also the action taken in respect of these calls.

Are there also signs of entries that have gone to Livingston and been relative to Linlithgow? - Yes, I believe on checking these these are marked with the letters from DHQ.

Was there any sign of complaints of the type that Mrs. Haggar was relating to? - No, not in relation to a firearm.

I think that you also tried, as far as you could, to check the available police notebooks of officers who were serving at Linlithgow during the period you were interested in? - Yes, that is correct.

Was there any obvious policy being operated in relation to the retention or destruction of/

of notebooks? - I believe in general there's a five year destruction policy; we were fortunate at Linlithgow that there were boxes containing notebooks that were due for destruction prior to that period and this hadn't been carried out.

Is it fair to say you have recovered a number of notebooks from a number of police officers at Linlithgow but not all of them? - That is correct.

Could you have in front of you a series of notebooks that you did recover -- that is LBFA running from 98 through to 108; are these the notebooks of the Linlithgow officers in the following order and if you can check them off with me -- Lynch? - Yes.

Anderson? - Yes.

McArthur? - Yes.

Hamilton? - Yes.

Hamilton again? - Yes, that is correct.

And Hamilton, a third one? - Yes.

McKenzie? - Yes.

Carrol? - Yes.

Two more for Lynch? - Yes.

And one for Sergeant Carson? - Yes.

First of all, do these cover the period around May, 1989? - Yes, some were earlier that covered a longer period but they did generally cover that period.

In any of these was there an entry reflecting the

complaint Mrs. Haggar was now making to you? - No, none of them contained such an entry.

Now, we have heard from some of these officers already but one of them and I refer you to Hamilton who is a constable and his books are 101, 102/

102 and 103 -- can you tell me the period covered by these books in particular? - Yes, the first one covers the 21st February, 1989 to the 18th April, 1989, we have the 18th April, 1989 to the 1st August, 1989 and we have the 2nd August, 1989 to the 11th September, 1989.

Do any of these contain any entry that remotely resemble the one you were looking for? - Nothing -- some of them did contain entries in which Mrs. Haggar featured; however, they were minor complaints which bore no relevance to Thomas Hamilton or anything to do with a firearm.

CROSS-EXAMINED BY MR. CAMPBELL: Did I understand you correctly that as far as the log book entries are concerned the system, as explained to you, was that the entries would be completed either in advance or retrospectively? - If they had come from Divisional Headquarters; if the officer was able to he would record it in advance of attending the call; however, if this wasn't possible, after attending the call they would appear to have fully updated the log book and with the text of the call and the action they had taken.

I understand the exercise you had carried out was simply to look through the various log books in looking to discover whether or not any entries relating to this matter existed? - That is correct.

And if it was to be suggested that the conclusion to be drawn from your investigation was that no visit or no report was made as suggested by Mrs. Haggar that would depend upon those log books being a comprehensive record of everything that the policemen did? - As I say we were obviously aware of the fact that this might not be totally comprehensive, yes.

RE-EXAMINED BY MR. BONOMY: Did you interview

any of the Linlithgow officers? - I was involved in interviewing some of them, yes.

Can you remember which ones? - Lynch -- I believe I interviewed P.C. Lynch -- if I could check there.

Are any of these books not there? - Yes, /

Yes, there were officers whose books were not present; P.C. Anderson I was going to say but I see his books were present; we interviewed all the officers who we could find were at the station at that time but I wasn't responsible for interviewing all of them.

From what you know did any of them recollect this incident? - None of them, no.

SUSAN JANE OVENSTONE, (40), Sworn:

EXAMINED BY MR. BONOMY: I think you are a Journalist? - Yes.

You work with an agency in Aberdeen? - Yes.

You interviewed a lady called Doreen Haggar? - Yes.

When was that? - The day following the Dunblane tragedy.

What was it that alerted you to the fact that she had information? - It came by two sources -- one was that there was a small article in the Press & Journal newspaper in the morning relating to Mrs. Haggar and a Glasgow based newspaper newsdesk phoned me up and asked me to go to her house and interview her.

And/

12.20 p.m.

And did you read the Press & Journal afterwards? -  
Yes.

Did it say anything about a firearm? - No.

Do you remember what time of the day it was you spoke to Mrs. Haggar? - I got to her house about half past 8 in the morning.

Was there anyone apart from her in the house? - There was her daughter Vicky, two younger children and a man.

Was she the only person you interviewed? - For most of the time, yes. Her daughter Vicky came through towards the end of the time that I was there.

Did you regard her as contributing any significant material to the piece you were doing? - Vicky?

Yes? - Not a lot, no.

How did you go about interviewing Mr. Haggar? - I went to her house, asked to speak to her, went through to her lounge, and the two of us just sat.

Was it a question-and-answer session, or did she tell you a story, or what? - I think she told me -- mainly a question-

and-answer.

Now so far as the subject matter is concerned, it would be easy for you to state the basic reason for being there, but did you leave it to her just to tell you in general terms, or did you focus on any particular angle from the outset of the interview? - No. I just asked her what her experience and acquaintance and knowledge of Mr. Hamilton had been, and it sort of developed from there.

And what sort of things did she concentrate on? - The episode which involved her son at camp, the episode outside Linlithgow Academy where she and her friend had thrown items over him, and/

and a gun-related incident outside her house at Bridgend.

And what did she tell you about the gun-related incident? - She said that after the camps she had made various complaints to the police and had been speaking about Mr. Hamilton to people and he had come outside -- as she and her friend were coming out of her house one day he had pulled up in a van and had said "I hear you are bad-mouthing me?" -- something to that effect -- and she had said her reasons why she had been doing that. And she said that he then leant under the driver's seat of the van and pulled out a gun and pointed it at her, and had said something along the lines of "It's amazing how people change their minds when one of these is pointed at them", and made it clear to her that it was loaded; and she had responded that he could shove it, she wasn't frightened by him.

So she said to you -- and this is clear in your recollection -- that Hamilton made it clear to her that the gun was loaded? - Yes.

What part was her daughter playing in the interview at that stage? - She wasn't there at that stage.

Were any other journalists there? - When I arrived at her house at 8.30 I was there on my own, and I was with her for about an hour when another journalist from another newspaper and

a photographer turned up. Now, she had gone through the whole story with me once, and I was nearly on the point of leaving when he turned up; and I wasn't going to leave whilst he was there, so I sat with him till he left; and she went through the whole thing twice. I really got two bites of the cherry, as it were.

Was your story published? - Yes.

Who by? - The Daily Star, the Sun, the Herald, the Daily Mail and the Daily Express.

Was there any payment involved for her? - No.

Are you likely to know that that is the case, or could that have happened outwith your knowledge?/

knowledge? - I would be fairly certain in saying that no payment was made to her through any of the papers I represented. When I went to her house in the morning I was acting for the Daily Star initially only. By the time I left her house other papers had expressed an interest, and it changed.

CROSS-EXAMINED BY MR. CAMPBELL: The incident concerning the gun -- did she tell you whether she had reported it to the police? - Yes, she said she had.

She said she had reported it to the police? - Yes.

No re-examination.

MARGARET THOMSON LAIRD BUTTERWICK, (41), Sworn,

EXAMINED BY MR. BONOMY: Do you still work as a reporter with the Lothian Courier? - Yes, I do.

How long have you been with them? - I have been with them over 16 years, and I am Chief Reporter.

Have you a recollection of the incident on the 16th of

May at Linlithgow Academy, when a lady, a Doreen Haggar, and her friend Janet Reilly threw material over Thomas Hamilton? - Yes.

Did you report it? - What do you mean did I report it?  
Oh, in the paper?

Sorry, yes? - Yes, I did.

And did you know it was going to happen before it happened? - Yes, I did.

How did you know? - I knew because Mrs. Haggar had phoned me the previous week.

And were you there with a photographer? - I was there with a photographer.

And he got the action shots, did he? - Well, he was less accurate than Mrs. Haggar! We didn't/

didn't use the photographs.

Now, what did you anticipate might happen as the result of the publicity this incident got? - I don't fully understand your question, what did I anticipate would result?

Well, perhaps I should put it in an entirely different way. Did you get the impression Mrs. Haggar was hoping things would develop as a result of the publicity? - Yes, I certainly did.

What did you think that she was hoping for? - I think she was hoping that our publicity of the event, the throwing of the bucket of gunge over Mr. Hamilton, would persuade the education authorities to revoke his lease of the facilities at the academy.

Well that worked okay? - It certainly did.

What about her expectations for other parental support for her campaign? - Yes. She certainly said that she hoped it would bring her fears about Mr. Hamilton's suitability to lead a boys' club to the attention of other mothers who had boys at the Linlithgow club.

Did that happen? - I am not sure, because I was never approached by any other mother.

When your office actually learned that the incident was going to happen did you tell the police? - No, I did not.

Was the information at no stage relayed? - Yes. I spoke to Mrs. Haggart at her home following the telephone conversation, in the next day or so, and in order to check whether what she was saying had any foundation I spoke to three police forces before we reported the story. We carried some information, some statements from I think at least one of the officers I spoke to.

So you were just checking the accuracy of what she was telling you? - That is right.

After the incident did you speak to Thomas Hamilton? - Yes I did.

And/

And what was his reaction to it? - He was very calm for a man who had been covered in some substance. He spoke quite politely and very coolly to me about his intentions for the future regarding boys' clubs.

What were the intentions? - Well, he maintained that he had no intention of stopping the club at Linlithgow, and in fact had plans for a boys' club, he hoped, in somewhere like South Queensferry or Bo'ness.

Anything you can tell us now, without -- or excluding the benefit of hindsight -- about your impression of him as a person at that time? - Not really. I spoke very briefly to him, and he followed up our newspaper story with a letter to our office, again maintaining his innocence of the allegations, except for the fact that he was very calm for a man in his situation.

Did you form the impression he was a particularly effeminate type of individual? - Softly spoken.

That is as far as it struck you? - That is as far as I would

go.

Now, after the Dunblane tragedy did you become aware of information Mrs. Haggart had imparted to other newspapers? - Yes, I did.

Did reading that information surprise you at all? - Yes, it did.

Why? - Because she had never mentioned any of her statements about guns and Thomas Hamilton to me at all at the time when she called us out to cover the gunge-throwing incident.

How many times did you speak to her? - I spoke to Mrs. Haggart three times, once by telephone, once when I called at her house after the telephone conversation to get more information, and the third time at the academy, on the evening of the incident.

And the two earlier occasions by phone and visit were how long before 16th May? - Within a week. I think she phoned me on the Wednesday morning and I went to her house either the Thursday or/

or the Friday, and the incident took place on the Tuesday, the Tuesday evening.

Now, in the conversations was she simply telling you about her plans for throwing gunge, or did she tell you anything about the reasons why she was doing this? - Oh no, we went into the reasons for why she was throwing the gunge.

Did she make specific allegations against Hamilton? - She made allegations against him, yes.

Can you tell me what these were, in general terms, now? - Yes, that she felt he was not a suitable person to be running a boys' club, because her son had returned from the summer camp that Mr. Hamilton had run on one of the islands on Loch Lomond -- Inchmurrin or Inchmoan, I think it was, and she had reason to report certain things that the boy had told her had happened on the island to the local police.

I don't want you necessarily to tell me now, but did she tell you what these were? - Yes.

Did she say anything about getting any hassle from Hamilton afterwards? - No, not at all.

In any form or at any time? - No, not at all.

Did you get the impression from your conversations with her about a strength of feeling about Hamilton? - Yes.

How strong were her feelings, and what were her feelings? - Oh, I think she felt very strongly that Mr. Hamilton should not be running clubs; that he had in some way harmed her child; and that she feared that other children may be put, at the very least, in a compromising position if they were to go on the summer camps planned by Mr. Hamilton for the summer -- 1989 in the summer.

Did she say anything about feeling the authorities -- either local or police -- were failing her in some ways? - She felt definitely that her complaints to the police -- and this was before I had spoken to the police myself -- she felt that they had been unable, for some reason, to take her/

her complaint forward, and that this, going to the newspapers, was the only way left to her to bring her complaints about Mr. Hamilton to the public, to tell mothers.

But in that connection did she make any mention of the failure of the police at Linlithgow to take forwards any complaints she had made? - Well, other than answering my question had she reported, or had she made a complaint to the local police, no, she didn't make any further complaint.

And what was the answer to the question had she made any complaint to the local police? - She told me she had.

And did she say what it was about? - Well, it was in connection with statements her son had been making following his time at the camp.

But she indicated that was her complaint to the local police? - To the local police.

Local to where? - Well, Lothian and Borders, but I started checking it out at Linlithgow.

But you found that the complaint was made elsewhere, did you? - Well, I didn't find out where the complaint had been made to, but I was told that a complaint had been made.

CROSS-EXAMINED BY MR. CAMPBELL: Was it quite clear to you that at this time Mrs. Haggar's main concern related to Hamilton's running of clubs and camps? - Yes.

You told us that you spoke to three police forces? - Yes.

Which police forces? - Lothian and Borders, which is the local one for the area; to Strathclyde Police, that is their Press Office in Pitt Street; and to Central Scotland Police in Stirling.

Was this after the incident when material was thrown on Hamilton? - No, it was between the telephone call from Mrs. Haggar and the incident taking place.

What/

What was your purpose in contacting the police? - We were about to report an incident, and as I say, we would have used a photograph of it, had they been suitable, in which one woman, who I had no previous experience of, was making fairly serious allegations about a man running boys' clubs, and I felt that it was necessary to try and check out, to try and find out if there was a foundation for her concern about Mr. Hamilton. And since she had told me that she had reported an incident involving her son and Mr. Hamilton to the police, that is where I started.

So you spoke to all three police forces before the incident when material was thrown? - Yes.

Did you tell them the reason for your investigation of them? - I don't think I did. I told them I had spoken to Mrs. Haggar

and that I was following up statements made to us by Mrs. Haggar, but I don't believe I told them what she was about to do that night.

Now, your main purpose, you have told us, in contacting the police, was to find out something about Hamilton? - Yes.

Did you get the same story from each police force? - Obviously, the stories -- the connections or the knowledge of Mr. Hamilton differed, but yes, I drew enough information from the police to realise that Mrs. Haggar had a foundation, let us say, for her concerns.

Was/

12.40 p.m.

Was the information generally the same from all Police Forces or did it differ? - All Police Forces knew of Mr. Hamilton. All police officers were aware of complaints of a sexual nature, of Mr. Hamilton dealing with boys, whether at the club or whether at summer camp. All three had knowledge of that. Each Police Force passed me on to the other, suggesting that they may have more information for me. All of my information was off the record.

But you obtained enough to come to the view that there was maybe some substance in Mrs. Haggard's complaints? - Yes, I did. That is why we used the story.

Can you remember who it was that you spoke to in the Police Forces? - As I say, all the information was off the record. I did not take names. The only person I could go part-way to identifying is a sergeant at Alexandria Police Station. It was one of the Strathclyde officers I spoke to. I spoke to a Press spokesman in their Pitt Street Press Office and then I spoke to a sergeant at Alexandria who told me that at least some of his men had to take boats across to the island to collect boys after complaints had been received from parents or concerns had been expressed by parents. That would be the 1988 summer camp.

Do you remember I think a Detective Constable Mitchell coming to take a statement from you in April of this year? - I do.

Did you tell him about your contact with the Police Forces? - I can't remember if that cropped up at all or not but I am perfectly sure I would have done.

No re-examination.

CHARLES ALEXANDER GALL (35), Sworn:

EXAMINED BY MR. BONOMOY: Are you a Daily Record reporter? - Yes.

Based/

Based in Aberdeen? - Yes.

A story recording an interview with Doreen Haggar appeared in the Daily Record on the 15th March and I think you were responsible for the reporting of that story? - That is correct.

On the 14th you interviewed Mrs. Haggar at her home?  
- Yes.

Can I take it that there was another reporter there before you got there? - Yes.

Who was that? - Susan Lumsden. Her married name is Ovenstone.

Apart from her, who else was present in the house when you got there? - When we arrived there there was a gentleman in the kitchen. I couldn't tell you who he was. Mrs. Doreen Haggar was in the living room already being interviewed by Susan Lumsden and Mrs. Haggar's daughter Vicky was present and I was accompanied by my photographer colleague, Robert Paterson.

Did the daughter contribute anything to the subject matter of the interview? - Yes, but she wasn't in the room for the duration of the interview. She was coming in and out and occasionally we were asking her some questions.

And did these questions that she was asked relate at all to seeing a firearm? - No, that is not my recollection.

So so far as the firearm is concerned, the interview was confined to Mrs. Haggar? - Yes.

Now, what can you recollect being told by Mrs. Haggar about the possession by Thomas Hamilton of a firearm in her presence? - Well, it followed a visit by Mrs. Haggar to one of these camps where she had sort of virtually gone over and rescued her son and she had come back to the Dunblane area. She lived in Bridgend in fact in Lothian. She came back with some pictorial evidence of what she had seen there and handed this over to the police. So some weeks later Hamilton, she said, had drawn up alongside her in a van, reached under the seat of the van and presented a gun at her/

her.

Did she say what type of gun it was? - No, she wasn't clear on the gun at all. I recollect she did say a handgun but I wasn't convinced that she knew really what type of weapon she might be talking about but she certainly knew it was a gun.

Did she say to you whether she understood it to be loaded or not? - He told her it was loaded.

Did she tell you of her reaction? - She told him to F-off or she would ram it down his throat.

Were you able to form any impression from what Mrs. Haggar said of whether her daughter was there when this happened? - Not really. I got the impression that she was with a friend, Janet Reilly.

But not her daughter? - I wasn't sure that the daughter was there, to be honest, but she may have been.

Now, the headline in the Daily Record the following day was "Killer Held Gun To My Head"? - Yes.

Did she tell you that? - I didn't have a direct quote as such but the conversation and the way the interview went and the circumstances as she described them left me in no doubt that he was pointing or holding a gun towards her head, yes.

Did the headline prompt a reaction from Mrs. Haggar? - Yes, it did.

Did you, as a result of her trying to get in touch, go back and speak to her again? - No, I telephoned her. I have only been in her house once and that was the day the interview was conducted. I was off duty the day after. The day that the article appeared I was off duty so when I returned to work on the following Monday there was a message for me to phone Doreen Haggar which I did. I think possibly she may have phoned me but I think I phoned her.

And/

And what went on in that conversation? - She said something like "What about the article?" and I said "What do you mean?" She mentioned the headline and as reporters tend to say, we often say "We don't do the headlines" which is true. I said "What about the text?" and she appeared okay about the text and we went on to talk about other things generally. She didn't sound like a woman who was going to pursue a complaint.

Did she not on that occasion say something to you though about where she had been in relation to Hamilton at the time of the incident? - Yes, she then sort of I think indicated that there was a bit more distance. It wasn't as close an encounter as she had earlier related but that was as far as it went. There was no sort of further mention of the thing and I have spoken to her several times since.

Did she not give you some indication of where he had been? A specific indication? In other words, how far away he had been? - Not really, no, but she certainly was indicating that the gun was not right up in her face.

And did she not indicate that he had in fact been across the street? - Well, I am aware that she is now saying that.

But that is not something that was said to you? I just want to be clear about that? - I am not sure if she said he was across the street but I was certainly clear after speaking to her that he certainly was not alongside her as she had indicated earlier.

But it would be wrong to say that the impression you got was that he was across the street? It was nothing like that? - The impression at the time of the interview?

No, at the time of the phone call? - At the time of the phone call I was pretty clear that he was not as close to her as she had suggested. There were yards between them. He wasn't on the kerb beside her.

At either the interview or the telephone conversation did the question arise of whether she had/

had reported the matter to the police? - Yes, she said she reported the matter.

Was that during your initial interview with her? - Yes.

Were you able to establish when this had happened?  
- When she had actually reported it? Whether she had reported it that day?

No, were you able to establish when the incident itself had actually happened? - Oh, yes. Well, in my notes she said it happened around August of 1989, shortly after she had returned from this camp.

Well, the evidence we have heard in the Inquiry so far is that the camp was in July 1988 or possibly maybe August 1988? - Well, 1989 is what I had noted.

What about the month? - August seemed to be the month in my notes.

ROBERT McMILLAN (40), Sworn:

EXAMINED BY MR. BONOMY: Are you a Sergeant with Lothian and Borders Police? - Yes.

Where are you now based? - I am stationed at Bathgate.

How long with the police? - 21 years.

Can you look please at the notebook LBFA100? Is that your police notebook? - No, that is Sergeant McArthur's notebook.

Oh, sorry. My mistake. I don't have one relating to you. You spent a period of your service at Linlithgow? - That's correct, yes. When was that period? - June 1989 to February 1991.

In/

In the course of this present Inquiry, were you interviewed by a Central Scotland police officer? - Yes, I was.

And were you asked to think back to your period in Linlithgow? - Yes, I was.

Were you asked about whether you had dealt with a complaint from either Doreen Haggar or Janet Reilly about being approached by Thomas Hamilton when he was in possession of a firearm? - I was asked that question, yes.

Was any such complaint brought to your attention? - No.

Did you hear of any complaint remotely resembling that while you were at Linlithgow? - No.

CROSS-EXAMINED BY MR. CAMPBELL: Were you asked to produce your notebook for the period 1988 and 1989? - No, I was not.

RE-EXAMINED BY MR. BONOMOY: What happens to the notebook when you are finished with it? - They are stored at Divisional Headquarters but I don't know what the period of retention is.

So production would be a matter for others, would it? - Yes, it would be.

Do you know what the policy is at Linlithgow about keeping notebooks for a period of time? - The notebooks are held at the officer's station for two years and they are then forwarded to Divisional Headquarters for retention.

Do you know whether in this case efforts were made to find your notebook over that period? - I have no idea at all.

DUNCAN CAMERON McARTHUR (60), Sworn:

EXAMINED BY MR. BONOMOY: I think you are a retired police officer? - That is correct.

And you actually live in Bridgend? - I do/

do.

By Linlithgow? - Yes.

Did you spend the whole of your police career with Lothian and Borders? - Yes.

How long did it last? - 30 years.

During that career were you stationed at Linlithgow for part of the time? - Yes.

When was that? - Part of it was 1969 to 1973 and then 1985 to 1990.

Now, I wonder if you could look at a notebook please which is No. 100. Is that your police notebook? - Yes.

What period does it cover? - 29th September 1989 to 31/12/89.

September of 1989 to December of 1989? - Yes.

Did you see it in the course of the current investigation or are you seeing it for the first time since you handed it in? - The first time.

In the course of the present investigation were you interviewed by a Central police officer? - Yes.

And was he concerned to find out if you knew of a complaint made by either Doreen Haggart or Janet Reilly about Thomas Hamilton being in possession of a firearm? - Yes.

First of all can I ask you if you know either of these women? - Yes, I do.

Both of them? - Yes.

And did you have dealings with both of them in the course of your service in Linlithgow? - Yes.

Did both of them on occasions make complaints to you as a police officer? - Well, not entirely/

entirely to me but I had attended complaints involving them.

Both of them? - Yes.

Did you ever hear of any complaint by either about Hamilton or any other man having a firearm? - Not to my knowledge can I remember that.

What was the first you knew that there was any connection between Doreen Haggart and Thomas Hamilton? - I couldn't really recall. I can remember, and this is very vague, an officer in Linlithgow when the Loch Lomond incident occurred came to me and I don't even remember which officer it was and I said "Well, whatever information you do have you will have to pass it on to the area concerned".

1.00 p.m.

When you were in Linlithgow the second time, that is 1985 to 1990, were you a sergeant? - Yes.

If there was a complaint about a firearm being pointed in Mrs. Haggart's direction are you likely as a sergeant to have learned about it? - I would think so -- either me or the other sergeant.

Who was the other sergeant? - Sergeant Carson.

We have heard from him? - Yes.

BY LORD CULLEN: Do I take it that Sergeant Carson was the only other sergeant? - During my period there from 1985 to 1990 there were other sergeants there, Sergeant Wilson, Sergeant Purdie, Sergeant Carson and myself.

Were Wilson and Purdie there at the same period or was it simply according to the shifts that were worked? - Sergeant Wilson was there in 1985 because he was there when I arrived and Sergeant Purdie came after that.

CROSS-EXAMINED BY MR. CAMPBELL: Just as a matter of procedure in a generality, if there had been a complaint against Hamilton for carrying a gun and pointing it at somebody and that matter was reported to Lothian and Borders Police, given that Hamilton resided in Stirling and if there was a view that he should be interviewed who would carry out that interview; would it be an officer from Lothian and Borders Police or an officer of Central Scotland Police? - The procedure I would think would happen, we would immediately pass a matter of that nature to our CID and they would make that decision, whether they would go through or pass it on to

Stirling; I would imagine they would go through.

After an adjournment for  
lunch:

JOHN WILLIAM RICE (41), Sworn:

EXAMINED BY MR. BONOMOY: Are you a Constable with Lothian Borders Police based now in Bathgate? - I am based now at Armadale.

How long in the police? - 12 years.

I think for part of your service you were based at Linlithgow? - Yes, that is correct.

During what period? - Approximately 1986 to 1989.

Was there any part of that period that you were actually moved elsewhere or were you there throughout that period? - I could be moved for short periods of time to other stations just to assist with cover.

When did you move from Linlithgow? - As far as I remember it would be March, 1989.

In the period around the time you were moving or in the few months before that did you receive a note about a complaint by Doreen Haggar or Janet Reilly that Thomas Hamilton had presented a firearm at either of them? - No.

You have never heard of such a complaint during your service? - No, I haven't.

Have you heard either of these names in the course of your period in Linlithgow? - Yes, I had.

Of any kind connected with a complaint about a firearm? - No.

No cross-examination.

PAUL CARROL (33), Sworn:

EXAMINED BY MR. BONOMOY: Are you a Constable with Lothian and Borders Police? - Yes.

Where are you now? - Whitburn.

How/

How long have you been with the police? - Nine years.

Look at notebook, Production 105; is that one of your police notebooks? - Yes.

What period does it cover? - From the 11th April, 1989 to the 1st June, 1989.

During that period where were you based? - At Linlithgow.

In all how long were you based at Linlithgow? - For four years.

From when till when? - From 1987 till September, 1990.

Did you know or come to know during that period of service a person called Doreen Haggar? - Yes.

Did you know a lady called Janet Reilly? - Yes.

Did either of these ladies make a complaint to you about a person called Thomas Hamilton having a firearm and presenting it at either of them? - No.

Did you hear of such a complaint during your period of service there? - No, I didn't.

No cross-examination.

ALISTAIR McKENZIE (34), Affirmed:

EXAMINED BY MR. BONOMY: You are a Constable with Lothian and Borders Police? - That is correct.

Where are you now based? - Dryloan, Edinburgh.

How long have you been in the police? - Nine years.

During part of the nine years were you based/

based at Linlithgow? - Yes.

When was that? - From 1989 to 1991.

From when in 1989? - The summer of 1989.

Would you look at notebook No. 104, is that your police notebook? - Yes, that is correct.

What period does it refer to? - From 15/5/89 to the 31st December, 1989.

So it covers part of the period before you were at Linlithgow? - No, I started my service in Linlithgow.

On what date? - I started my first shift at Linlithgow on the 15th May, 1989.

So you were in Linlithgow from the 15th May? - That is correct.

Around that time do you have a recollection of a complaint made by Doreen Haggart or Janet Reilly about a person called Thomas Hamilton presenting a firearm at either of them? - No.

Is that something you have ever heard anything of? - No.

No cross-examination.

CALUM ROSS (33), Sworn:

EXAMINED BY MR. BONOMOY: You are a Constable in Lothian and Borders Police? - Yes.

Still based at Livingston? - I am in Edinburgh at the moment.

How long in the police? - 10 years' service.

For part of your service were you based at Linlithgow? - Yes.

What/

What period? - From 1986 until 1992.

During that period did you come across the names Doreen Haggar and Janet Reilly? - Yes.

Were you ever aware of complaints made by either about a man called Thomas Hamilton presenting a firearm? - No.

No cross-examination.

RANALD ROSS-WATT (50), Sworn:

EXAMINED BY MR. BONOMOY: Are you a Company Director? - Yes, that is correct.

Do you live in Dunblane? - Yes, I do.

You knew Thomas Hamilton over a period; what period? - It was a very brief period, I would say a period of perhaps three to four months and it is about 10 years ago.

About 1986? - Yes, that is correct, 1985 or 1986.

And at that time did you have a son who was in Dunblane Boys Club? - That is correct -- well, he was in the club for part of that period.

And that club was run by Hamilton? - It was.

Generally speaking how did your son get on at the club? - No problem.

That was the case throughout his period of interest in the club? - That is correct.

How did you come to get to know Hamilton? - Well, my son came home one day and said that Hamilton had been asking questions of, you know, who we were and all that sort of thing because my son was quite a new member of the club, I suppose he wanted to find out who the lads were and what the parents did and so on and I had recently.....well, for a few years I had been in the Royal Naval

Reserve and once that came to light then/

then Hamilton wanted to know if I had done any shooting which I had done a very small amount of rifle shooting; that is basically it, but he then asked my son or asked me through my son if I would be interested in taking up pistol shooting; as a result of this I actually went to a gun club with him, I drove him to this club, it was in the Larkhall area about six or seven times over a period of three or four months.

At that time where was the boys club being held? -  
Dunblane High School.

Was your son ever involved in going to any camps? -  
No, he wasn't.

Were you at that time interested in shooting? - No,  
not really.

Did you have any weapons? - No.

And even since then have you had any weapons? -  
Well, no, because certainly what happened after I had been to that club a few times I thought well, you know, if I was going to become any good I would have to have my own weapon and ammunition and my wife was extremely apprehensive about having a weapon in the house and we discussed it and we decided I wouldn't have a weapon and as such I decided to leave the club.

Had you actually joined the club? - No, I was taken  
in as a guest.

You didn't apply to join? - No.

Was/

Was Hamilton a member? - Yes.

What was the name of the club? - I can't remember, it is on the A71 near Larkhall to the east of the M74, I can't remember the name of it. There was some kind of Army connection in that it was supervised by the Army.

Did he say why he went there? - He said something about he couldn't get on with the people in the Stirling club.

His going there had nothing to do with the availability of full bore shooting? - I can't say; he did shoot full bore, I didn't shoot full bore; you had to gain a certain score in small bore before you were allowed to shoot full bore; I managed to achieve that score on the first night but I didn't think I was good enough to spend the sort of money on full bore ammunition so I never shot full bore.

Was Hamilton any good as a shot? - Yes, but there were others who were just as good.

Were you able to form an impression of how careful he was? - Very careful.

Did you get any impression of his sociability? - I would say that he was on polite terms with the other members of the club but he wasn't one of the lads, he wasn't really accepted but having said that he was coming from some distance away so I didn't see any particular significance in that at the time.

How did you get on with him? - Okay, I think we chatted about business in the car; I don't know what business he was involved in, that was about it really.

Did you learn from him whether he was a member of any other rifle club or gun club? - As far as I knew he wasn't a member of any other club.

Did he mention any of the clubs locally to you? - He mentioned something about Stirling and he didn't get on with them;

I presumed because he was travelling as far as Larkhall he didn't go to a local club.

What/

What guns do you remember him having? - He had a .357 Magnum revolver, he had at least one automatic weapon, I mean an automatic pistol.

Is that a self-loading pistol? - Well, I mean the type that has a magazine that goes on the stock.

There are some that you pull the trigger once and they continue firing? - As far as I know it didn't do that.

Did he ever bring any of the weapons to your house?  
- Yes.

On more than once? - One occasion.

What was the reason for that? - Well, it is hard to say; it came through my son; again he asked the lad would he be interested in seeing these weapons, that sort of thing and, you know, kids are interested in that type of thing and we said "Fair enough" and he brought them along and it was conducted in a safe manner. Although I have done hardly any shooting at all when I was in the Cadets at school I used to be in the RNR and you learn on these military ranges that safety is of the utmost importance and there is a lot of trouble given to making sure that there was no accidents. He seemed to have that approach to the whole thing, it was exactly as I had seen on the military ranges.

No cross-examination.

JOSEPH HOLDEN, (Recalled),

LORD CULLEN: You are still on oath, of course.

EXAMINATED BY MR. BONOMOY: We have heard from you before and we already know that you are a Superintendent with Central Scotland Police; can you now tell me the general nature of the duty that you would normally be carrying out as

Superintendent but for the intervention of the Dunblane incident and enquiry? - Yes, I am part of what Central Scotland Police call the Operations Division which really means the uniformed section of Central Scotland Police. I am termed the Local Unit Commander for the Stirling Police area and I oversee/

oversee the policing activity or policing enforcement of the Stirling area. Simply put I am in charge of the Uniform Section of Stirling.

Is your office in the Police Headquarters? - Yes.

But you are not part of the Headquarters itself, you are part of the Unit in there that deals with Stirling? - Yes, it is Stirling Police Office within the Headquarters.

In 1991 what rank did you hold? - I was Detective Chief Inspector.

Whereabouts in 1991? - I was based within Headquarters, Criminal Investigation Department.

Who was your immediate superior then? - Detective Superintendent John Miller.

And had you any responsibility for the Child Protection Unit? - Yes, my post at that time covered all of the Specialist Units within the Criminal Investigation Department and one of these was the Child Protection Unit.

What name is now given to that Unit? - The Family Unit.

In 1991 who was in charge of it? - Detective Sergeant Paul Hughes.

Did he report directly to you? - Yes, he did.

Now, we have heard evidence in this Inquiry already from a Chief Inspector Hughes; is that the same person? - Yes.

So he was a detective sergeant in 1991? - Yes.

In 1991 what was, in general terms, the function of the

Child Protection Unit? - It was a Unit that had been created two years before and was responsible for the joint investigation of all child protection matters, joint investigations with the Social Work Department and the then Central Regional Council.

In/

In 1991 did Hughes get involved in an investigation which involved Thomas Hamilton? - Yes, he did.

And did that investigation stem from a complaint by a parent about the activities of Hamilton at one of his camps at Loch Lomond? - Yes.

And that was a camp during the summer of 1991? - Yes.

Is that right? - Yes.

Could you now have before you the Production D3/K which is a substantial bundle of papers relating to that investigation; now, is that Hughes' report following his investigation? - Yes, it is.

And was that destined for the Procurator-Fiscal at Stirling? - Yes, it was.

We have heard already of a report relating to the 1988 camp going to the Fiscal at Dumbarton; why did this one go to the Fiscal at Stirling? - Because the locus of the offence within this report was at Milarrochy Bay at Loch Lomond which fell within the Central Scotland Police area.

We will hear from Hughes in due course about this and about it in some more detail but for present purposes can you confirm that one of the things Hughes did was compile a list of all charges that he thought the Procurator-Fiscal might consider preferring against Thomas Hamilton? - Yes, that is correct.

I think that it was ten in number? - Yes, it was.

Can/

Can I take it Hamilton was not actually charged by the police with any offences? - No, he was interviewed but not charged.

Now, before that report went to the Procurator-Fiscal did you read it? - Yes, I did.

It is fairly substantial; did you read it all? - Yes.

In fact, I think the statement pages are..... maybe they are not all numbered but is there a number at the top of all the statement pages? - Yes, it starts with page 13.

And goes to? - 144.

What was your view about whether that should go to the Procurator-Fiscal? - I felt the substance of it was enough that it should go to the Procurator-Fiscal.

Did you give any instructions about how it should actually be delivered to the Fiscal? - Yes, slightly out of the normal Detective Sergeant Hughes had had previous discussions with the Procurator-Fiscal in regard to this case and I felt that the case was sufficiently complicated enough to warrant a personal visit to the Procurator-Fiscal to present and explain to him the officers' in charge of the enquiries feelings.

Did that visit result in further action being taken? - Yes.

What was that action? - I recollect that the Fiscal at that time asked for Hamilton to be interviewed but only on a voluntary basis.

And was an attempt made to interview him on a voluntary basis? - Yes, there was.

And did he agree to that? - No, he made it clear by telephone to Detective Sergeant Hughes that he didn't wish to be interviewed.

You may have said earlier in your evidence that Hamilton was interviewed in the course of this investigation; was he at any time? - Yes, my recollection was he was spoken to and interviewed at/

at the camp during the course of Detective Sergeant Hughes's visit there.

Do you know what the Procurator-Fiscal's decision was about the proceedings? - Yes.

What was it? - That no further proceedings could be taken.

Do you know when that decision was made? - Only very roughly -- I think it was in October of that year.

Now, would you look at another document which I think has been circulated, it is DFU3A; it may also be D82/L; now, do you recognise that document? - Yes, I do.

It is dated 11th November, 1991? - Yes.

And it is a report internally from Hughes to Detective Superintendent, CID; who was that? - That was Detective Superintendent John Miller.

Did this pass through your hands? - Yes.

Is that normal? - Yes.

Why would Hughes choose to refer it to Detective Superintendent? - Detective Sergeant Hughes would refer it to me and I would refer it to my immediate supervisor.

Why would Hughes address it to Detective Superintendent? - It is very normal practice within the Department within the police.

The date of 11th November, does that indicate to us whether the Fiscal has already dealt with it or not? - It does indicate from Mr. Miller's notation what he believes the decision was but I am not sure.

I think if you go to the second page, I think in the second-last paragraph it says "The Procurator-Fiscal at Stirling has not yet decided on whether or not he will proceed with the case against Hamilton/

Hamilton but at the moment it appears in all likelihood that he will not"?  
- Yes.

That is the 11th November so it may have been into November before you actually knew the Fiscal's final decision? - Yes, it may have been.

Now, can you read the heading first of all of this? - Yes. "Firearms Certificate - Thomas Watt Hamilton born 10/5/52, 7 Kent Road, Stirling".

Would you then read the text of what Hughes reported to you for onward transmission to the Superintendent? - "I refer to the above and have to report as follows. On Tuesday, 23rd July, 1991 the Child Protection Unit, Bannockburn, became involved in an investigation surrounding allegations regarding the above-named's treatment of a group of children whom he had taken on a summer holiday camp to Loch Lomond. Hamilton is a self-styled 'youth leader' and as such runs boys' clubs in Dunblane, Stirling and Dunfermline. During the course of my investigation I discovered that Hamilton was no stranger to controversy and similar investigations had been undertaken by this and Strathclyde Police Forces in the past. Hamilton also features in local criminal Intelligence files. Throughout my investigation I met and spoke with Hamilton on a number of occasions. It is as a result of the impressions left with me by this man that I feel compelled to make this report. I have recently discovered that Hamilton possesses a firearms certificate which indicates that he owns a 9mm Browning pistol and a .357 Smith and Wesson revolver. He also has permission to acquire a .22 rifle and a 7.62 rifle. This concerns me. I am firmly of the opinion that Hamilton is an unsavoury character and an unstable personality. It emerged from enquiries that he, during the course of the first week of camp, seemed to become increasingly stressed and had difficulty managing the group. It was during one such moment that he became extremely angry and assaulted one of the boys. This particular child was in fact assaulted three times by Hamilton during the first few days of the holiday and was eventually removed by his parents. Furthermore, allegations were made, albeit uncorroborated, by one of the children that Hamilton induced the child to pose in various compromising positions, scantily clad in extremely ill-fitting swimming/

swimming trunks for photographs. To date these photographs have not been recovered but neither I nor the officer who interviewed the child have any reason to disbelieve that the allegations are in fact wholly true. Convincing corroborated evidence was uncovered which confirms that two boxes containing approximately 36 slides each have not been recovered by the police despite Hamilton's claims that he handed over all of the photographs taken. Mr. Hamilton has been reported to the Procurator-Fiscal in this regard for obstructing the police. The foregoing report, in part, conveys some of the concerns which I harbour about this man. I firmly believe that he has an extremely unhealthy interest in young boys which to a degree appears to have been controlled to date. It is his ploy, whenever challenged, to engage in 'smokescreen' tactics which divert attention from the focal issue and this is the purpose for the profusion of correspondence to MPs, Procurator-Fiscal, the Chief Constable and the like. I would contend that Mr. Hamilton will be a risk to children whenever he has access to them and that he appears to me to be an unsuitable person to possess a firearms certificate in view of the number of occasions he has come to the adverse attention of the police and his apparent instability. The Procurator-Fiscal at Stirling has not yet decided on whether or not he will proceed with the case against Hamilton but at the moment it appears in all likelihood that he will not. I respectfully request that serious consideration is given to withdrawing this man's firearms certificate as a precautionary measure as it is my opinion that he is a scheming, devious and deceitful individual who is not to be trusted" and it is signed Paul Hughes, Detective Sergeant.

Now/

2.25 p.m.

Now, you then added your own view and signed it on the same day, 11th November, 1991?

- Yes.

And what did you say? - My notation says, "Sir, a difficult situation. I do agree with D.S. Hughes' appraisal of Mr. Hamilton. Do we have any latitude for progress in respect of the revocation of his Certificate?"

And of course "revocation" is the right expression to use in this context; is that correct? - Yes.

You then passed that to "Sir", who was Mr. Miller? - Yes.

And Mr. Miller has added his views before sending it to the DCC, the Deputy Chief Constable? - Yes.

What did Mr. Miller say? - "DCC, while appreciating D.S. Hughes' concern I cannot recommend the action proposed for obvious reasons, i.e. Hamilton has not been convicted of crime, and it seems the PF is likely to 'no pro' the recently reported case".

We will hear from the Deputy Chief Constable in due course, but can you tell us what decision he made in relation to this? - The report was later returned with that no action would be taken.

Do you remember when that was, or does it tell us on the report? - It tells me. There is a Deputy Chief Constable's stamp with "No Action" on it, signed by him, and although it is a bit faded I think it is on the 19th of November.

This is on the front of the Production? - Yes.

In general terms what were your responsibilities at that time in relation to firearms -- that is you personally? - Only really in the investigation of firearms offences, not in firearm certification.

And/

And did Hughes have any responsibilities in relation to firearms? - None at all, other than in investigating crime.

And what about Miller? - The same. He was head of the Criminal Investigation Department.

So this is an example of an investigation into something which is not directly a firearms matter, leading to a report to the officer responsible for firearms matters? - Yes.

Asking him to look at a Firearms Certificate? - Yes.

Now, in what circumstances, in general terms, would a report be made to the Deputy Chief Constable of something that is not, on the face of it, a firearms matter, inviting him to consider it in a firearms context? - If I understand the question, the circumstances where we would have a concern in a matter that was outwith our field of expertise, and that we would pass it to him, as his area of expertise or responsibility.

Let us assume I am driving along and you catch me with a lot of drink in my system when I am driving, and I am convicted, and you know I have got a Firearms Certificate. Would you bother telling the firearms officers or those responsible for firearms about that? - If I was the officer concerned in reporting that case, that type of offence would go to our SCRO office, who conduct a safety check, and it would eventually find its way to the firearms file, as I understand it.

So your understanding is that a firearms investigation would throw up anything that was recorded in criminal records? - Yes.

But let's look at it from the revocation point of view for the moment, where something has to be initiated by the police rather than simply renewal of an application, which has to be initiated by the applicant. In that connection would your knowledge of my conviction for drink driving go to the firearms officers automatically for them to look at, or would it simply get to them by chance if they happened to check criminal records? - Not by chance. The system should ensure that if you have a/

a Firearms Certificate and you are convicted of such an offence, the system will ensure that it gets to the Firearms Department and the firearms file.

Well, can you tell me how that would happen? - As I understand it -- it is not my area of expertise till the last seven months -- that the report would be submitted on what we would call an RS2A, which is a blue form which goes with the report to the Procurator-Fiscal. It would go to our SCRO, our Scottish Criminal Records Office within Headquarters, and that SCRO record would be updated within the Scottish Criminal Records file for that person -- it has a chapter which refers to whether he is a firearms holder or not, so the system should come together at that point.

And it would then be up to whoever is keeping the criminal records to notify the Firearms Department? - Yes.

And are these criminal records kept in your own office, or are these centralised? - It is a national computer system, which is updated.

And you have someone in your own office who deals with the updating and passing on of information to Firearms? - Yes, within police Headquarters.

And was that the position in 1991? - I believe so, yes.

Now did you have a particular view of the basis -- and by that I mean the statutory basis -- on which it might be open to the Deputy Chief Constable to consider revoking Hamilton's Firearms Certificate in light of this report? - In 1991 I was very unsure of the criteria for revocation. I shared somewhat the concern of D.S. Hughes in his report to me, but to be frank, in 1991 I was not aware of the revocation criteria.

So you weren't endorsing this report on the basis that you could see yourself a statutory basis on which the certificate could be revoked? - No, I didn't have the knowledge for that.

Whose job was it to consider whether there was such a basis in this case? - I feel it is the Firearms/

Firearms Department along with the Deputy Chief.

Were you still in the same position in September, 1993? - Yes.

And at that stage who was in charge of the Child Protection Unit or Family Unit? - An officer by the name of Detective Sergeant Allan Moffat.

Were you alerted to a complaint from a family in 1993 about Hamilton's behaviour in another summer camp? - Yes.

And did you learn of that from Detective Sergeant Moffat? - Yes.

Where was that camp? - Dunblane High School.

And what was the nature of the complaint? - The nature was similar in terms in many respects to Detective Sergeant Hughes' report, which was children wearing -- being scantily clad with black swimming trunks, as well as photography which appeared to be inappropriate, to the parents.

What did you do about that complaint? - I asked Detective Sergeant Moffat to investigate it and to make preliminary enquiry and report back to me.

Did he do that? - Yes, he did.

What did you then do? - I reported back to the Deputy Chief Constable, who was aware of that complaint at that time.

And what did he decide? - He asked me to go with Detective Sergeant Moffat and interview Mr. Hamilton on two main areas, one being the organisation of his committee, and the composition of that committee, and also to make him aware of the complaint that had been received.

And when did you have that interview with Hamilton?  
- In October of 1993.

And can you tell us what happened in the course of that conversation? - Yes. We called at his/

his home and it was late afternoon of that day, and I conducted an interview with Mr. Hamilton in the living room of his home.

And can you tell us the general terms of the interview?  
- Yes. I followed the remit given by the Deputy Chief Constable and I spoke to him first of all about the complaint, which brought us on to the method that he ran the club, and the photography sections, and then we went on to the organisation of his committee, which I requested that he supply us with details of people who were on that committee.

And did you get them? - No.

How much time did you allow for him to produce that information? - My recollection was two weeks, but perhaps three weeks, this process went on, with various phone calls to Detective Sergeant Moffat.

And no list of committee members was forthcoming? -  
No. He eventually said that he didn't see why he should, and he didn't.

So you didn't get one single name? - No.

What impression did you form of Hamilton during that conversation? - It was my first time speaking to him. I formed the impression that the boys' club organisation that we were talking about filled most of his life, and he was quite obsessive about his methods and his manner or his method of organising the exercises within his club, and he was quite persuasive, although I didn't agree with the methods -- he was quite articulate. He was calm, he was extremely evasive when he got to the boys' club committee members, and I felt he was lying at that point.

Did/

2.40 p.m.

Did he make any concessions, accept any criticisms being advanced of the conduct of his clubs? - Not at all.

Of the dress of the boys? - No.

And did you thereafter make a further report to the Depute Chief Constable explaining what you have told us here? - Yes, Detective Sergeant Murphy prepared a memorandum, a record of the enquiry plus the interview and I reported back to the Depute Chief Constable with that report.

On a quite separate matter; you continued to have a senior role in the enquiry into Hamilton's conduct on the 13th March? - Yes.

In that connection you will be familiar with all the efforts that are being made by your officers to unearth information that might be relevant to the enquiry? - Yes.

One of the areas of enquiry has been centred on Linlithgow Police Office to establish whether or not a complaint was made by either Doreen Haggar or Janet Reilly of an incident where Hamilton may have presented a firearm? - Yes.

Do you know whether that enquiry has managed to identify all the Lothian and Borders officers who served at Linlithgow at the time that this incident may have taken place? - Yes, I believe it has.

And have they all been interviewed? - Yes.

Does any of them as far as you can ascertain

remember anything of this incident? - No.

CROSS-EXAMINED BY MR. CAMPBELL: Can we go back please to D82L which is the document of 11th November 1991 that you were asked certain questions about from Detective Sergeant Hughes. I wonder if I could just try to summarise some of the main features of Detective Sergeant Hughes's assessment of Hamilton. Looking at the first page we see that the/

the author was firmly of the opinion that Hamilton was an unsavoury character and an unstable personality, is that correct? - That is correct.

And then at the foot of that page we see that he was the subject of various allegations relating to inducing children to pose in compromising positions when scantily clad in extremely ill-fitting swimming trunks for photographs, which allegations the officer had no reason to believe were untrue? - Yes.

And then over the page did Detective Sergeant Hughes record that he firmly believes that Hamilton has an extremely unhealthy interest in young boys, is that correct? - Yes.

And that he engages, whenever challenged, in smokescreen tactics which divert attention from the focal issue, is that correct? - Yes.

He expresses the view that he contends that Mr. Hamilton will be a risk to children whenever he has access to them and that he appears to Detective Sergeant Hughes to be an unsuitable person to possess a firearms certificate. Do you see that? - Yes.

Now, would you agree with me that whatever else it is a matter of commonsense that a person such as this should not be permitted lawfully to possess firearms? - I don't know if I can give you a Yes or a No to that. There was only one point of the bullet points you have taken out of that report that I particularly explored in depth with Detective Sergeant Hughes. We discussed the whole of the document and it was felt where..... I am just trying to look for it. The unstable..... where he refers to Hamilton as being unstable, an unstable personality, we did discuss that at length and Detective Sergeant Hughes, who is a very able officer, explained to me that that was based on the activities or actions by Hamilton at the camp at Milarrochy Bay and he was describing at that point his reaction to dealing with a number of children which he couldn't cope with the number and that had in his view then resulted in him assaulting the child concerned. That is his understanding or that was my understanding of my conversation on unstable. At/

At that point I agreed with his concerns and I supported him in the report to pass it on to our Detective Superintendent and then to the Depute Chief Constable and quite rightly the question whether Hamilton was fit and proper to have a firearms certificate.

What I am asking you is this; would you agree with me that if this assessment of Hamilton is accurate it is quite clear that Hamilton was a person who should not have been permitted lawful possession of firearms? - No, I am afraid I would not agree. I would agree that the question had to be asked.

What is your view? Was it your view that he was a suitable person to have lawful possession of firearms notwithstanding this assessment? - No, I was concerned that there was a question about his fit and proper authority to have a firearm. I was concerned that the question had to be asked and further enquiry had to be made.

I am asking you what your view, your view, was given this assessment as to whether or not Hamilton was a fit and proper person to have a firearm? - I can't give you a view on Hamilton being fit and proper because in 1991 I am depending on Detective Sergeant Hughes's report and his report to me and the best I can do and say to you is that in his report to me I could find no reason why he was not right but I can't say that Hamilton was not fit and proper.

Come now. This is not a difficult matter. We have just been through the various elements of his character assessment with which you tell us you agree. That he was an unsavoury character, that he had an unstable personality, that he was the subject of complaints about indecent behaviour towards children which appear to be well-founded, that he had an unhealthy interest in boys and that he was a risk to children whenever he had access to them and he was, you are also told, scheming, devious and deceitful. It is not a particularly difficult matter, is it? In your view is such a person suitable to be given lawful possession of firearms? - No, I would agree with you, that if he was an unstable personality I would agree with that, that he was not fit and proper but I/

I can't say he was of unstable personality. I had no connection with Hamilton at that time. I had never spoken to him personally. It was second opinion or second-hand information from Detective Sergeant Hughes.

So can you at least agree with this; that if Detective Sergeant Hughes's assessment was accurate then Hamilton should not have been permitted lawful possession of firearms? - If Detective Sergeant Hughes is correct in saying he is an unstable personality, yes, I do agree.

What about being a risk to children whenever he has access to them? - I know this is maybe an unpopular viewpoint but it depends what the risk to the children is and that is the problem for me in 1991 to make that decision because I was not aware and I had no experience in the field of firearms certification.

Well, what about the last line, scheming, devious and deceitful individual. In your view, is this the kind of person who should be given firearms? - In my view?

Yes? - It is where he is a risk to public safety or he is a danger to the public.

Yes? - I know numerous people who are scheming, devious and deceitful, but I don't know if that allows us to revoke firearms certificates and I certainly don't know that in 1991.

Do you know many scheming, devious and deceitful people who have firearms certificates? - Not that I can think of, no.

You were asked about the statutory basis but would you not agree with me that this is just a matter of commonsense? The essence of it is to make a judgment as to whether a person is or is not the kind of person who should be given firearms on a lawful basis? - As I understand it, it is people of unsound mind, prohibited persons and intemperate people that form the basis of people who should not have firearms certificates under the legislation. It may be commonsense as well but there is the legislative side of it as I understand it.

If/

If a person is a liar is he a fit and proper person to have firearms? - I don't think that if a person is a liar that is the one and only basis for taking a firearms certificate off someone.

Well, it will give you a very serious question mark as to the extent to which you can trust anything he says, wouldn't it? - Absolutely and that is what I was saying about Hamilton in 1991. I shared the concerns.

Is it not a feature of our licensing regime that there is a degree of trust, that when people make a declaration they are telling the truth? - Yes.

So if somebody is a proven liar why should you trust what he says when applying for a firearms certificate? - The question you asked me is if a man is a liar or a person is a liar should he have a firearms certificate.

Yes, what is your view on that? - Well, I would contend that numerous people, perhaps the majority of people in their lives become a liar at some point in time.

Yes, let's assume I have become a liar and I applied for a firearms certificate and you know I am a liar. Would it be your view that I should get one? - I would report that I thought you to be deceitful and it would be part of the reason why you should not get a firearms certificate.

So if I was applying to you for a firearms certificate and you knew that I was a deceitful liar, your view would be that I should not get a firearms certificate? Am I right? - It would be part of the reason I would argue that you should not, yes.

Now, in 1993 when you investigated another complaint against Mr. Hamilton you came to the view that he was being extremely evasive and he was lying to you? - Yes.

What action, if any, did you take in relation to his firearms certificate after that? - None.

To/

To your knowledge was any action taken in relation to his firearms certificate after the 1993 investigation? - To my knowledge, no.

Was any report or recommendation made in the context of his firearms certificate? - No.

Going back to Detective Sergeant Hughes's memo, would you agree that it is a very clear and unequivocal recommendation that for the reasons set out Hamilton's firearms certificate should be withdrawn? - Yes, he says that he requests serious consideration to that.

And anybody reading that memorandum could be in no doubt as to Detective Sergeant Hughes's view on the matter? - That is correct.

Would you agree that ultimately and tragically Detective Sergeant Hughes was proved to be correct? - That he should not have had a firearms certificate?

Yes? - I don't think anybody could say that or speak against that now.

Just very briefly on the matter of the summer camp in 1991. There is an earlier report to the Fiscal in Dumbarton, D4K. I think you indicated to the learned Advocate Depute that you had had previous discussions with the Fiscal about the case before the report was submitted? - It was a report to the Procurator-Fiscal at Stirling rather than Dumbarton.

I do beg your pardon. That is entirely my fault. I apologise. The Fiscal at Stirling? - Stirling and Detective Sergeant Hughes had had previous conversations and we had had previous contact with the Fiscal.

2.55 p.m.

I noted you as saying "We had had previous discussions". Had you been involved in those discussions? - No. By "we" I meant D.S. Hughes and Central Scotland Police.

Well, no doubt we can ask D.S. Hughes as to what those discussions were about? - Yes.

But the result was, if I followed you, that you felt that, I think abnormally, the report should be accompanied by a personal visit to the Fiscal? - Yes.

And did you make that visit? - No, Detective Sergeant Hughes made that visit as the officer in charge of the case.

Why was it felt that a personal visit was required? - It is not a common occurrence, but it is not uncommon. But I felt that the report was of -- not complexity or sufficient complexity, but it was a report that was better handed over and discussed in regard to the charges. Mr. Hamilton had not been charged. He had been interviewed earlier, and that was always a question that would have to be asked, and I thought it was sufficiently voluminous to be accompanied by a verbal summary; and certainly it was what the Procurator-Fiscal wanted as well.

What was the context of the earlier discussions with the Fiscal; do you know? - Yes. The context was Mr. Hamilton had been investigated before, and that some of the allegations were repeats of allegations which had been made before, and that there was an allegation of assault, which he was alleging was in the form of chastisement for misbehaviour by the child, and that is what he had said in his interview at the camp that particular day. And I felt that was enough -- that was the context of the previous discussions. It then was produced in a report and it was logical to follow it up with a visit.

The opinion that was taken by the Fiscal was that Hamilton should be interviewed? - Yes.

But only on a voluntary basis? - Yes.

Why/

Why only on a voluntary basis? - I don't know.

You didn't receive any explanation for that? - No.

Because the consequence of that was when he refused interview, then you had no authority to compel him? - No.

And did you tell the Fiscal that Hamilton had refused to attend for interview? - Yes, Detective Sergeant Hughes did.

And what was his reaction to that? - I can only assume -- I don't know, but I can only assume that that was the end of the matter and that he had the report, and it was a question of he would deliberate on the matter.

Did it occur to you that if the Fiscal thought it important that Hamilton be interviewed, powers were available to compel Hamilton to attend? - Yes.

CROSS-EXAMINED BY MR. GIBB: Officer, I do appreciate that we all sit here with a degree of hindsight. Was the Procurator-Fiscal told, as far as you are aware, when Detective Sergeant Hughes submitted his report, that there was a concern about Hamilton's Firearms Certificate and that this prosecution might be a means to an end to get a conviction so that something could be done about the Firearms Certificate? - No, I can't say that. I am almost sure that he wouldn't be aware of that.

He would be? - He wouldn't.

He wouldn't. Do you not think it might have been an idea to say to the Procurator-Fiscal "This man is a concern to us" -- indeed, could he not have seen a copy of your colleague's memo of 11th November -- and he might have formed a different view as to prosecution? - I don't know if he has seen a copy. I don't think he saw a copy of that report, and I am not sure if that would have been part of his decision-making process anyway.

But here we have a man who is a menace, according to your colleague, he is dangerous; but there/

there has never been a conviction, and of course Hamilton is well aware of that. I do appreciate the concern of the Crown about a prosecution here when there was such a plethora of evidence to get through, but do you think perhaps if the Procurator-Fiscal had been advised of the police force's concern about the firearms issue, that there might have been a decision to run a prosecution and see how it went? - As I say, I can only repeat I don't know if that type of thinking would have been part of a reason to proceed against a person. I am not so sure that, according to Detective Superintendent Miller's viewpoint, that a conviction was necessary to get revocation.

But you were concerned -- certainly your note indicates that you were concerned about the issue of revocation without a conviction, obviously? - No, not to my mind.

I thought that was your note? - No. I thought the circumstances were not comprehensive enough but we did not have the knowledge -- meaning I felt Detective Sergeant Hughes and I didn't have the knowledge of firearms revocation, or the criteria for revocation.

And that would be for firearms officers? - Yes.

We will no doubt hear later on as to whether this may be a matter which is taken into consideration by the Procurator-Fiscal, but you are not aware as to whether that might have made any difference or not? - I can't say.

CROSS-EXAMINED BY TAYLOR: I take it you still have B82L in front of you, Sergeant Hughes' memo? - Yes.

To be grammatically correct would it be right that there should be a questionmark at the end of your manuscript note? - Yes.

So you are really posing a question for those senior to you? - Yes, I am.

And with more experience in this field than you? - Yes.

At/

At the time when this report was put up to your superior officers did you have any feel for what the likely outcome was going to be in relation to the firearms issue? - Yes. I spoke with Detective Superintendent Miller, who occupies the next office to me -- or did at that time -- and handed it to him and explained our views, our concern, and he felt that it was unlikely that the Deputy Chief Constable would support any revocation, given the information that we had given to Detective Superintendent Miller at that point.

And did that expression of view surprise you when you heard it? - No, it didn't.

And can you say why it didn't? - From my limited knowledge -- and it was very limited knowledge -- of firearms certification, and of people having, or observing people having their certificates revoked -- that the likely answer was going to be that there wasn't enough information there, or enough evidence.

And have I understood you correctly that the aspect of Sergeant Hughes' report which caused you concern in relation to the firearms was the unstable personality statement? - Yes, I felt that -- I mean, I don't want to say it was over-stated, but what I felt was that his description of unstable personality was based on the assumed circumstances within the summer camp, and it made me question how could he come to that. I fully supported him in his question of the situation, and in my personal opinion he should have questioned it -- I fully supported that 100 per cent. I just felt that we probably did not have enough at that point in time.

You have told us that you subsequently met with Mr. Hamilton at his house. Can you describe his house to us? - Yes. It was in 1993. It was probably a touch tidier than we found it on the 13th of March, 1996. It was more of a lived-in type of house, whereas on the 13th it was quite a cold house with no ornaments or pictures on the walls. It looked very tidy. It looked like he kept the domestic side of his life intact. I think in fact he offered us tea at the time, although we refused it. I felt there was nothing abnormal about the house.

How/

How long did you stay there? - It was quite a tedious interview. It was well over two hours, probably nearer two and a half hours.

How did Mr. Hamilton react to the interview which you had with him? - He was very calm, very composed, given the nature of the complaint, or what I would have thought would have been a reaction of being quite nervous. He sat in an armchair and was questioned by me and Detective Sergeant Moffat for two and a half hours, and never moved out the armchair -- but very calm, very polite.

What were the allegations which you were putting to him? - That there was some sort of impropriety or inappropriate behaviour towards young boys in the camp; that he had taken photographs which were inappropriate; and the underlying, I would have thought clear intention of our question was perhaps some sort of sexual illegality.

And when you put to him the concerns which you had about his camp, how did he respond to these? - He was very articulate. If I asked him a short question he would spend the next two or three minutes answering it, and I would get a litany of why it was good for the boys to undergo these methods of training. And even when I said "Well, if it was children of my own I would see that as not the type of method I would like my children to undergo", he would try and then persuade me otherwise, and although I didn't agree with him, he was actually quite persuasive in his argument. I got the feeling that he had argued very many times about the same question.

If Sergeant Hughes' memo had been presented to you in 1993 after you had had your meeting with Mr. Hamilton, as opposed to in 1991, would the manuscript note which you have appended to the 1991 memo be any different in 1993? - No.

After the interview which you conducted with Mr. Hamilton did you have to report back to Mr. McMurdo? - Yes, I did. He had specifically asked for me to come back and brief him on the conduct of the interview and the result of the interview. I did that later on.

And/

And did you convey to Mr. McMurdo any view about Mr. Hamilton perhaps different from that which had been expressed in the past? - No. In fact, when I described the interview with Mr. Hamilton Mr. McMurdo commented that it was the same opinion that he had had of him in an interview that he had had in the past.

You have told us I think that for the past seven months you have had some experience in firearms certification; is that correct? - Yes.

If you were now asked whether you considered the behaviour of Mr. Hamilton at the 1991 summer camp to justify revocation, what would your view be? - It is very difficult. I think my view would still be that given Detective Sergeant Hughes' report, and given my notation at the end of it, I think it would still have been very problematic to revoke the certificate.

After having met with him were you more inclined to consider a revocation than before you had met with him? - After I spoke to him, having had personal experience of him I would have had to question the phrase of "unstable". He was evasive, he obviously didn't want to tell us who his committee members were. I am firmly of the opinion there was no committee members, so he was lying, and I thought at that time in 1993 that perhaps he was still a risk to children in regard to the methods he used, and a potential that there may have been some sort of illegality, but it was very difficult to come to an opinion on this man.

From the discussions which you had with him in 1993 did you form the view that he was unstable? - No.

You were asked some questions in relation to whether a liar ought to be somebody who is entitled to have a Firearms Certificate. Can I just explore that with you a little bit. When an applicant puts in an application either for a Firearms Certificate to be awarded for the first time, or for renewal of the Firearms Certificate, do the police just take it at face value what is stated in the application form? - No, not at all.

So if somebody was trying to pull the wool over/



over your eyes in completing the application form and being untruthful, would you expect the Police Force to be able to uncover that untruth? - Yes. The protective measures within the system should uncover that.

And you were also asked some questions in relation to the 1993 interview, and as to whether you had made a report in relation to firearms. Can you tell me who it was in 1993 had the responsibility for firearms within Central Scotland Police Force? - Ultimately the Deputy Chief Constable.

And he was fully aware, as I understand it, from your evidence, of the investigations which you were undertaking at that time? - Yes, he was.

We have heard at this Inquiry of the considerable police effort which has gone into the investigation of the events of the 13th. Would it be fair to say that you have been involved in a central role in these investigations? - Yes, I have assisted the senior investigating officer.

And have these investigations centred largely upon trying to uncover the background of Mr. Hamilton and his conduct in the events leading up to the 13th? - Yes.

Over what sort of period have you investigated? - We have looked at the whole of his lifetime, and certainly in very fine detail from his leaving school to the 13th of March.

And having carried out such an investigation are you able to say what conclusion you drew in relation to Mr. Hamilton's criminality or sexuality prior to the 13th? - Yes. My opinion from the investigation that is still ongoing is that clearly we can find no -- other than the common law assault case of slapping, no corroborated, or even uncorroborated acts of violence. The sexuality of Mr. Hamilton, it appears that we cannot find any evidence of whether his own sexuality was of homosexuality, or heterosexuality. We have interviewed very many people in regard to the running of the boys' clubs. We have, other than I think it is two isolated statements many years ago -- and I think the Inquiry has already heard from them -- we cannot find any person or persons who can give us a statement of, or describe, acts of sexuality against young boys or children. We do believe that there has been innuendo and rumour about Mr. Hamilton, principally because of his own odd method of running, and his inappropriate method and inappropriate photography. That would be my opinion of Mr. Hamilton at this moment of time.

3.15 p.m.

RE-EXAMINED BY MR. BONOMOY: When you visited Hamilton's house were there any pictures on the walls showing young boys? - Not in 1993.

You were asked some questions there about revocation and you indicated current experience in firearms. What is your position in relation to firearms experience now? - Since August of 1995 it is still limited experience. I described, in relation to the post of local unit commander at Stirling and superintendent experience of renewals and grants, the system of the inquiry also went into grant or renewal and comes up through the supervisor. The paperwork will then reach my desk and I will process it to the firearms authority with out recommendation.

That would include revocation then as well as renewal and grant, does it? - Yes.

If something came to the attention of the Stirling unit it would come up through you for onwards transmission to the Firearms Department, would it? - Yes.

Now, the basis on which a firearms certificate might be revoked is what? - As I understand it it would be a person who is prohibited from obtaining or possessing a firearm. Revocation would probably come in the terms of unsound mind or intemperate habits or that type of circumstances or the conviction of a crime.

The section actually includes provision "Or is otherwise unfitted to be entrusted with such a firearm"? - Yes.

Is that not a very general provision? - It certainly sounds and reads very general.

Taking these words, "otherwise unfitted to be entrusted with such a firearm", and thinking back to the question Mr. Taylor put to you about the position by 1993, would you say it was still problematic in 1993? - Yes, I still think the position in 1991 where we questioned his fitness and quite rightly so and in 1993 the Depute Chief Constable was aware of the inquiry ongoing.

But/

But your word was "problematic". Is that a word you say still applied to the situation by 1993? - I'm sorry. Yes, it would be.

That word can be applied to determining the question whether you can be satisfied that Hamilton was of intemperate habit or unsound mind or otherwise unfitted to be entrusted with a firearm, is that right? - Yes.

Now, if the situation is problematic, your expression, which way do you go? Do you revoke it or do you refrain from revoking it? - Certainly at my level and my position in the police, I would question it and I would leave it to the officer in charge of the Firearms Department to revoke it or to go for it.

So that means we are putting the question to the wrong person? - Yes.

You have also been asked a lot of questions since I sat down about the circumstances or at least the view you formed following on Hughes report. You have provided a statement to your own officers who were investigating the case because you had played this role in the past? - Yes.

And therefore you were a witness, not just a senior investigating officer? - Yes.

Can I take it you are familiar with the terms of your statement and would have seen it fairly recently, have you? - Yes.

One of the things you say in the statement is that you believed our recommendation, and you are referring to Hughes and yourself, was based on Hamilton not being a fit and proper person to hold firearms authority? - Yes.

Well, was that your belief? - Yes, I was questioning whether he was a fit and proper person.

These are two separate concepts I think, a belief and a question. Now, which was it? Were you questioning it, his fitness, or did you believe he was unfit? - No, I was questioning it.

So/

So the statement is inaccurate? - It may be badly written but the intent of that statement is that I was questioning the man's authority to have a firearm.

So your expression "I believed our recommendation was based on Hamilton not being a fit and proper person to hold firearms authority", is that an inaccurate record of what you actually felt? - I wrote the statement and certainly what I meant by writing that statement is that I was questioning his being fit and proper.

PAUL HUGHES (Recalled),

LORD CULLEN: You are still on oath.

EXAMINED BY MR. BONOMY: When you were last here you were dealing with Hamilton's financial position? - That is correct, yes.

And before I go any further, can I ask you if you have further information as yet about the money Hamilton got from selling his business, Woodcraft, and the money he got from an insurance claim for his boat at Loch Lomond? - Yes, some further inquiry was carried out in regard to that and a subsequent report was sent to the Fiscal. I believe at the time that the business was sold Hamilton was some £16,000 in overdraft at that time. I would have to refresh my memory.

Do you remember whether the net effect was that he got about £11,000 from selling the business? - Yes, I think that is correct.

When he had paid his debts he was £11,000 richer?  
- That is correct, yes.

And do you remember he got about £26,000 for the insurance claim? - Yes.

Now, has anything been done yet or is it still being

done to try and establish how that money disappeared? - In order for the bank, as I understand/

understand it, to examine individual transactions, it will take some time for us to get access to the individual transactions and that is an inquiry that we are awaiting the result from the Fiscal about.

So that may be updated in due course and is an ongoing investigation? - Yes.

But is it fair to say that he would appear in the mid 1980s to have had an amount, a fairly substantial amount, of capital and by the 13th March he had nothing more or less? - That is correct.

Now, can I turn to other matters. I think that you are now a Chief Inspector? - Yes.

And you are based at Police Headquarters? - Yes.

What are your particular responsibilities there? - I am currently head of the Community Safety Department which is based in Police Headquarters.

Is that a Headquarters unit rather than the sort of Stirling local unit? - Yes, that is a Headquarters function.

In 1991, 1992 and 1993 what was your position? - I was a Detective Sergeant in charge of the Force Child Protection Unit at Bannockburn.

That is now called the Family Unit? - That is correct.

Since when? - Since I think 1994 or 1995. I think it was 1995.

In that connection, on the 23rd July, 1991 you became aware of a complaint made by one parent in particular about Hamilton's camp at Milarrochy Bay? - That is correct.

And that was a camp which he was running between

the 14th and the 28th July? - Yes.

Had you heard of Hamilton by that time? - I didn't know him.

You/

You were in the Family Unit or the Child Protection Unit, is that right? - Yes.

But you didn't actually know of him? - I didn't know him at that time, no.

You will appreciate I am just trying to get the facts of the matter at the moment before we look more deeply at it. Can I take it that means that if there was any intelligence circulating somewhere within Central about him, it never came to you? - I never saw any intelligence prior to that.

Would it be appropriate for you to go looking for intelligence or is there a system whereby it is supposed to come to you as the person in charge of such a unit? - There is a unit which deals with crime intelligence and criminal intelligence. If it is historical information it is on file within that department. If it is new information and if it is felt appropriate to circulate to the Force then it can be done by way of internal bulletin.

And would the trigger for you looking at criminal intelligence files be a name into whom you are investigating? - Yes.

So you would have no reason to go checking generally until a name cropped up and was the subject of one of your investigations? - Something would bring a matter to my attention and I would then perhaps look for information regarding it.

If, however, during your period in charge, another office in your Force or in an outside Force had occasion to report intelligence relating to a potential child abuse, would that automatically come to you as head of the Child Protection Unit? - In all probability it would come to me.

In carrying out investigations in 1991 did the police normally enlist the assistance of any other agency? - The Social Work Department at that time.

Was that a matter of policy? - That was/

was a policy matter.

Is that still a matter of policy? - Yes.

Who did you assign to the task of investigating the complaint about the camp? - One of the detective constables, Detective Constable Grant Kirk, was instructed initially along with a Social Work colleague. The Social Work colleague who was allocated it was Ron Keenan who was based at Stirling.

What did their investigation turn up in relation to the complaints? What was the nature of the complaint as they established it? - Apparently the complaint which was known at that time was an assault. There was also concern about some video material that Hamilton had been taking although that was not the principal complaint of the mother. The police officer and social worker attended at the camp and interviewed Hamilton regarding the allegation of assault under caution and he made a statement effectively admitting the assault.

Now, apart from these elements of the complaint, can you remember whether the issue of the wearing of small black swimming trunks arose? - Yes, that was mentioned at the time as well.

Did anything arise about suntan oil? - My recollection is that it did at some point during the course of the investigation but I can't recall quite whether it did at that time or not.

Now, you became directly involved in the investigation yourself? - I did, yes.

What triggered that? - It was a peculiar case. I felt that Detective Constable Kirk would require some assistance with the matter and I was a bit concerned about some of the allegations and as

time went on I began to learn a bit more about Hamilton and that the case might be a problematic one to deal with given the previous involvement he had had with the police.

What did you learn? - I learned that he was likely to complain about the police, that he was/

was likely to pay close attention to everything that the police were likely to do in the course of the investigation and that he would in all probability be a difficult character to deal with. So I decided to become involved myself.

Did anyone actually go to the camp? - On day one?

Yes? - Yes, D.C. Kirk.

That was the 23rd July? - Yes.

Did you go at any stage? - Yes, I returned to the camp I think on the Thursday which was the 25th July.

Do you mean returned? Was that your first visit? - That was my first visit. I went with D.C. Kirk at that time.

Was D.C. Kirk first of all able to establish whether there was any other assistance for Hamilton running the camp? - He was able to establish that a man by the name of William Brown had arrived the day before D.C. Kirk's initial attendance but he had only arrived on the Monday, the day before.

I think he is now dead? - That is correct, yes.

By the time D.C. Kirk had completed his investigations at the camp, did he have information in relation to a number of potential offences, what might be viewed as offences? - Yes.

Can you tell us what these were? - Well, there were concerns about the assault, there were concerns raised about the nature of photographs that had been taken and there was also concern about a trip that had been taken during the course of the same camp where the children had been taken to an island and had

been forced to take part in making a video film which was to have a theme along the lines of "Lord of the Flies". One child in particular was forced to lie in cold water against his wishes at that time and there were also some concerns about the fact that a rain shower had made the children feel rather cold and they were only dressed in swimming/

swimming trunks at the time and Hamilton prevented them from putting their clothes on.

And you have told us that D.C. Kirk actually interviewed Mr. Hamilton under caution? - Yes, initially in regard to the initial complaint regarding the assault.

Is it right to say that Hamilton admitted slapping the child who was the subject of the original complaint across the face? - Yes.

Did he try to justify that? - He did.

By saying what? - He maintained that the boy was disruptive, that he was a bully, that he had assaulted another child and he had thrown a stone which had struck another child in the eye and the child basically required chastisement.

Did he also admit slapping the same child across the back of the leg? - That is correct.

How did he try to justify that? - By having already administered chastisement to the child, he returned to the football park at that point and did the same thing again so he felt that he required further chastisement.

Did he also admit that he had grabbed that boy and shaken him? - I think he denied that actually. He admitted grabbing the boy but denied shaking him.

Once the statement was taken did Hamilton sign it? - He refused to sign it.

When you went on the 25th July, what was your principal reason for going? - Hamilton had been asked to surrender

at that time photographic equipment and photographs, negatives, that he had taken but obviously.....he had ultimately agreed to this although he was a bit obstructive initially and camera equipment was taken possession of.

Was that by D.C. Kirk? - Yes. I went along to return the camera equipment and also to meet Hamilton and have a look for myself at the circumstances of the camp.

Had/

Had the camera equipment been taken with Hamilton's permission? - Yes.

And had he been asked to provide or produce photographs which he had taken? - Yes.

What was his attitude to the request to produce photographs? - He denied that there had been any photographs, still photographs, taken.

Did he deny that to you as well as to D.C. Kirk? - He did, yes.

When you were there was there anything about the way the camp was being run that caused you concern? - Yes, I immediately became concerned about the levels of supervision at the camp. I think there was about a dozen boys there at the time but when I arrived at the actual camp area there were possibly five or six laddies running around in the camp area. There were others who were not within the line of sight of the camp and I asked where they were and Hamilton didn't know at that time. I questioned some of the other children that were running about at the time and they said some of the boys were down at the jetty which was some 400 or 500 yards away from where the camp was situated. It was not in clear view of the camp and it took me three or four minutes to walk from the camp site down to the jetty and when I got there I was concerned that a number of these laddies were playing on the boat, Hamilton's boat, jumping from the jetty into the boat and back out again. Clearly they were not being supervised. There was deep water there and none of them were wearing life jackets and I think the youngest child was just six years of age. When I questioned Hamilton, obviously he didn't know

the children were there. If anything had happened at the jetty it would have been some time before he would have been able to react to it or find out about it in the first place and then be able to react to it and I pointed these matters out to him and I rounded up the boys and took them back to the camp site.

What was Hamilton's reaction when you pointed out these things? - He was of the view at the time that everything was okay, that the children were capable of looking after themselves and he would have been able to provide any assistance/

assistance had any accident occurred. He maintained he was experienced in these matters.

Did you take action that day at all? - In regard to.....?

The camp and Hamilton. Did you take any action? - We had already contacted the parents and made them aware of our concerns and the allegations that had been made. That was done on the first day. Given the position on the Tuesday when D.C. Kirk had attended, we advised the parents of our concerns and basically left the decision to the parents on whether or not they felt it was appropriate for their child to stay there.

And/

3.40 p.m.

And did any of them remove their children? - I believe some did, yes.

Now, you interviewed these boys in due course? - Well, I interviewed some of them.

When was that done? - That was Monday, 29th July.

And was that in the presence of their parents? - Yes.

Arising out of these interviews was there any particular concern you had about the photography? - Yes.

What was that? - There was one boy in particular who maintained that he had been taken alone to an individual tent by Hamilton and had been photographed within the tent. This was the one and only mention of any child having been asked to wear red-coloured swimming trunks, and it was the contents of this boys statement that I found particularly concerning about the motives for the photographs.

And in the course of your work did you have some training in trying to detect signs of particular tendencies among adults that were the subject of complaints to you? - Some training, but

mainly experience, I think.

And what did you make of this particular episode in indicating Hamilton's character? - I felt at the time that this boy had been singled out for special treatment and was perhaps being groomed for future abuse.

Did you quiz Hamilton about this? - Yes.

What was his explanation? - He denied it.

Did he deny taking the photographs? - He denied taking the photographs, yes.

Now, did you ever get any photographs off/

off Hamilton? - Yes.

When? - On Tuesday, 30th July Hamilton came to Bannockburn Police Office to see me.

And what did he hand in? - He handed me six boxes of slides and a packet of photographs, and he told me at that time that there was one other box of slides in for processing at that time, which he was still awaiting.

So how many photos did you get? - I think at that time there was about 150 still photographs.

And did you get the other box that was in for processing? - Eventually Hamilton came back to me and handed that one in as well.

Were there many photographs of the boy you have mentioned? - Yes, there was a great deal of photographs of the one boy.

Were any of the photographs indecent? - No.

Can you tell us what they were like generally? - The majority of the photographs -- they were quite varied, but there

were a great number of the one boy in particular, and it was clear that this particular laddie was a favourite. He seemed to get a lot of plum jobs on the camp, he got to drive the boat, and he was the one who was selected I think by Hamilton as one of his leaders, the boys' clubs leaders. There were a number of photographs, group photographs and individual photographs -- some children obviously wearing suntan lotion, beach photographs, photographs of camp fires, and there were a good deal of close-up type photographs of just head shots of children as well.

Did you try to find out more about the question whether there were other photographs that hadn't been handed over to you? - Yes.

Who did you go to? - I went to the local shop in Stirling, Kilpatrick's.

Is/

Is that where Hamilton got his photographs developed? - Well, I didn't know that at the time. I just guessed he perhaps had put them there, and I went to make some enquiry and established he had in fact put photographs in there for processing.

How many? - Well, the day he had come to me and handed over six boxes of slides, he had actually been given eight boxes of slides from Kilpatrick that morning.

And did Kilpatrick also confirm that a further box had just arrived for Hamilton? - That is correct.

And did you get that box? - I didn't take possession of it at that time. Hamilton later gave it to me.

So that is the other one Hamilton was talking about?  
- Yes.

But there were two boxes you never got? - Yes.

Did you also find out a little more from Kilpatrick about concern elsewhere about some of Hamilton's photographs? - I did.

What did you learn from him? - Mr. Kilpatrick told me that he had been contacted by a female at the processing laboratory, the Colour Care processing laboratory in Livingston. The female had contacted him quite unsolicitedly and had expressed concern about the contents of some of the photographs that had been submitted for processing.

Presumably that was in relation to some of the photographs of the eight boxes altogether? - Yes.

And it may or may not be some that you have seen? - Yes.

Can I take it that it was also confirmed that although there were various different poses by boys in black swimming trunks, there were none explicitly indecent, according to the report? - No.

Was/

Was there also an expression of concern made to Strathclyde Police from staff in a shop in Glasgow about some photographs that had gone there for processing? - That is right.

And again were these not overtly obscene? - That is correct.

Again these were photographs that you were not told about in spite of asking Hamilton? - That is correct.

In total how many slides and photographs did you get?  
- I think there were 279 still -- sorry, 279 slides and 72 photographs in total that I eventually had access to.

Were any of them of the youngster wearing red swimming trunks? - No.

So you never saw any of those? - No.

Was there also contact -- this may be the same incident -- but was there contact from a constable in Strathclyde Police concerned about photographs which were being enlarged -- or is that

the same.....? - That is the same incident.

That is the Glasgow one? - Yes. It was quite coincidental.

Now, around this time did you become the target of complaints by Hamilton? - Yes I did.

To whom were these complaints made? - I understood at the time he was writing to the Chief Constable, the Deputy Chief Constable, the MP, the Fiscal, and people like that.

Did you continue with your investigation? - I did.

Did it extend beyond simply investigating the camp? - Yes, it did.

How widely did it go? - I took the opportunity of interviewing some parents of children who attended some of the boys' clubs, just to see if I could unearth any other concerns about Hamilton, but that was largely fruitless.

Did/

Did you thereafter have any contact with Hamilton? - Yes, I had contact with Hamilton on a number of occasions during the course of the investigation. He would telephone me regularly, and he wrote to me regularly as well.

What about interviewing him? - Only on the 30th July at the police office at Bannockburn, when I actually interviewed him. He did call at the police office on one or two occasions beyond that.

Did you, however, in the course of the investigation, want to interview him formally? - Yes I did.

And what arrangement was made for that? - I discussed the matter -- when I was in a position to have all the information regarding my investigation to hand, I was at the stage where it would have been appropriate or desirable to interview Hamilton regarding the full circumstances, but because I was the

subject of a complaint myself at the time I chose to seek some advice on the matter as to how I should approach it, and I discussed it with my colleagues at the time, and I also discussed it with the Fiscal at Stirling.

So when you went to see the Fiscal how much material did you give him? - It was discussed at that particular time.

You didn't have your report? - I hadn't completed my report at that time.

So what was the Fiscal's position about interviewing Hamilton? - That I should invite him to the police office on a voluntary basis, and if he chose to be interviewed then I could interview him, under caution.

What if he didn't? - Then I would submit my report to the Fiscal with all the facts as they were then known.

Are you aware of the reason behind confining interview to interview voluntarily? - Well, no, I am not aware of the reason. I could second-guess that it was perhaps on account of the nature of the report and the fact that I was under the/

the clear impression at the time that it was unlikely that the report would be proceeded with, and I think perhaps that was the reason for the advice that was given to me.

What do you think would be the purpose of any interview? - That I could put the allegations that were being made against Hamilton to him, and give him an opportunity to respond, and interview him under caution, and question him further regarding the missing photographs and the like.

Did you think it would be appropriate in all the circumstances to detain him for that purpose? - Probably under normal circumstances that is exactly how I would have gone about it.

So what was abnormal, apart from the fact that you were the subject of investigation? - That was the.....

That was the abnormality? - That was the abnormality as far as I was concerned. I was a bit guarded, to be perfectly honest, about my contact with him.

Hamilton refused to be interviewed; is that right? - That is correct.

Who was the Fiscal you actually dealt with? - I can't be sure who I spoke to on that occasion. I think it was Mr. Valentine, but I can't be sure. I did have subsequent contact with Mr. Valentine.

In what connection did you speak to Mr. Valentine? - In connection with the issue of whether or not Hamilton should be interviewed at the police office on a basis other than voluntarily.

So was that a second occasion when interview is being considered? - No. I actually had quite a lot of contact with the Fiscal over the course of that investigation, and I spoke with different people. I spoke with Mr. Valentine at some stage, and I spoke, I am sure, with Mr. Gallagher at another stage; and I also spoke with Mr. Coyne, another Depute Fiscal, towards the end of the matter, and I am just not sure who it was I spoke/

spoke to with regard to the issue of the interviewing of Hamilton.

But was it only once you spoke to someone in the Fiscal's office about interviewing Hamilton? - Yes, only once.

And that was before your written support was submitted to the Fiscal's office? - Yes.

And you didn't manage to interview Hamilton? - That is correct.

So you were then in a position to complete your report? - Yes.

Now, would you look at D3K please, which is a large bundle which will be given to you? Is that the report? - Yes, that is correct.

It includes 10 charges that have been drafted against Hamilton? - Yes.

Whose idea was that? - It was my idea.

Was that discussed at all with the Fiscal before you submitted these charges? - I can't recall if it was or not. That is how I would normally prepare a report for the Fiscal.

Including charges? - Yes.

But you hadn't actually charged Hamilton with any of these offences? - No.

When did you discover the Fiscal's decision? - Which decision would that be?

Not to proceed? - That was in November some time -- late November.

Would you just look at the charges please. The first one was a charge relating to all the children in the camp, that they were exposed in a manner likely to cause unnecessary suffering or injury to health? - Yes.

The second, third and fourth charges are charges of assault in relation to the child whose parent/

parent initially complained? - That is correct.

And the fifth one is a breach of the peace. What were the circumstances of that alleged breach of the peace? - Shouting and swearing at the children.

In what sort of way, though -- what had you made of the information you got? - When the children were asking to put their clothes on, and when things weren't going Mr. Hamilton's way with the children, he would resort to shouting at the children and swearing at them.

There are then two more cases or charges of contravening the Children and Young Persons Act, similar to the first charge, one of them relating to all the children being out in their swimming trunks in a rain shower and being extremely cold and upset; is that right? - That is correct.

And the seventh charge is one of assault or ill-treatment under the same Act, in a manner likely to cause unnecessary suffering, by forcing one boy to lie down in cold water on the shores of the island; is that right? - That is correct.

And then there are three charges, to finish, relating to Hamilton's obstruction of your investigation by failing to hand over the photographs? - Yes.

So these are the 10 charges? - Yes.

And then there is a summary of your investigation in there as well; is that correct? - That is correct.

And you I think in there summarise the various things you have been telling us you found out in the course of your investigation; is that right? - Yes.

You also submitted a report relating to Mr. Hamilton's firearms certificate? - Yes.

When did you discover he had a firearms certificate? - I can't be sure about that. It was at some point during the course of my research.

Well, /

Well, could you now have that document, DFU3A, which is also D82L in front of you? Is that the report that you submitted? - That is correct.

And why did you send that in? - Because I was concerned about the fact that Hamilton had a firearms certificate, in view of the feelings that I was left with following my investigation of him.

And what did you hope would happen as a result of that? - The purpose of the report was to bring the matter to the attention of the people in the organisation who deal with firearms certification, to make them aware of the concerns that I certainly felt were about, regarding this man, and that consideration would be given to the revocation of his certificate.

Did you yourself believe it should be revoked? - I think I have said that within the report, yes, on the second page, that I felt that consideration should be given to withdrawing his certificate.

What was your view at that stage about Hamilton's sexual proclivities towards young boys? - I felt that he had -- I suspected, I strongly suspected at the time, that I was dealing with a paedophile, and I suspected that to a degree his tendencies had been controlled, because there was no evidence forthcoming that he had actually physically abused any of the children; but I was concerned at that time that there was perhaps some other children that we didn't know about, or that at some point in the future the tendencies would manifest themselves and there would be physical abuse or sexual abuse in the future.

And what was the pattern you in fact saw from your investigation? - I certainly believed that he had singled one child out. What the reason would be for that I was only able to speculate upon, but it would certainly add to Hamilton's credibility if an allegation was made against him, that out of 25 or so boys only one had made any such allegation against him; and the fact that this child was being singled out for better treatment than some of the other children

seemed to me to be an effort on his part to engage the boy's interest.

What/

4.00 p.m.

What did you make of the violence he had demonstrated according to the information you had got? - I felt that the violence was a reaction during the course of the week. I felt that he had left himself short of staff and was having difficulty controlling the boys in the course of the week and as time went by he became increasingly more stressed and ultimately resulted in resorting to physical assaults.

Losing control of himself? - That is how it appeared.

Did you have any views about whether either sexual tendencies or these indications of violence were likely to go further if left unchecked? - That is a difficult question to answer.

Well, was that in your mind at the time? - It was in my mind at the time, yes, that certainly the sexual aspect I was concerned would develop into some form of actual abuse if it was not already occurring. In regard to the violence aspect, in the context of the assaults that I was dealing with, I didn't consider him at that time to be a particular threat, to be honest. More of a bully I think.

In the statement you provided here you do say that you believed that there was a darker side of his personality and in layman's terms I would have described him then as schizophrenic? - Yes.

"I had strong feelings at that time he was quite capable of violence and did not cope particularly well with stressful situations"? - Yes.

That sound a bit different from what you are saying at the moment? - No, not at all. I did feel that he was capable of violence. I had evidence of it. The use of the word "schizophrenic" in layman's terms was how I saw it. I think that if I could describe it; he presented as the type of person who I would have described to be as like trying to talk to a brick wall to be honest. He had no/

no intention of listening to reason. He had very much his own agenda and I was quite convinced at the time when I was speaking to him that he firmly believed that he was an upstanding pillar of the community and all the investigations and contact that he had in the past before were all designed to undermine him. I also was of the view that what I was dealing with was a paedophile and that somewhere within himself he must have recognised that he was not a pillar of the community and that he was something quite different from that and that is really how I would like to see the word "schizophrenic" seen in that context.

The word paedophile I don't think appears in your report to your senior officers. Did you discuss Hamilton in these terms with them? - I did discuss with DCI Holden regarding that report at the time.

Did you use to him the expression paedophile? - I can't recall if I did or not.

You have already told us that Hamilton was complaining about you. Did that complaint become a formal complaint? - Yes, eventually I think a senior officer was appointed to investigate me.

What were the terms of the complaint? - From memory..... I can't rightly recall. I think he was concerned that I had been spreading gossip and innuendo about him and that I had gone about my business in an unprofessional manner.

Was that investigated by Mr. Ferguson, an Inspector?  
- Yes, he was a Chief Inspector at that time.

A Chief Inspector, sorry? - Yes.

And were you exonerated from that complaint? - Yes,  
I was.

Did Hamilton complain about the way Mr. Ferguson carried out the investigation, do you know? - I believe he did, yes.

Do I take it nothing came of that and you remained exonerated? - Yes.

Was/

Was there any justification for any criticism of the way you carried out this investigation or your conduct thereafter? - No, there was not.

CROSS-EXAMINED BY MR. CAMPBELL: Can we just look again briefly at the memorandum you have just been looking at D82L, the memorandum of the 11th November 1991? Now, we can read this for ourselves of course but do we see that on the second page, towards the bottom of the large paragraph on that page, you express the view that Hamilton appears to yourself to be an unsuitable person to possess a firearms certificate for the reasons which you set out? - Yes.

And your principal concern was to bring that to the attention of the responsible officers in Central Scotland Police? - Yes.

You have told us that you had discussed the terms of your report with DCI Holden? - Yes.

Did he share your view as to Hamilton's suitability to possess a firearms certificate? - Yes.

Now, in due course, the memorandum having gone up the chain if I can put it that way, according to the memorandum on the front page, the document is stamped I think by the Depute Chief Constable, Mr. McMurdo, "No Action". Do you see that on the front page? - Yes, that is correct.

At any time before that was done did any of your senior officers come to you and ask you to elaborate upon the terms of your report? - No.

I take it that if Mr. McMurdo or anyone else had asked you questions about this you would have expanded upon your report as you have done for us today? - Yes.

Did you receive any explanation from anybody as to why no action was to be taken? - No.

Did you ask for an explanation? - I think I did discuss with DCI Holden about it but he was not aware of the reason behind it either. I was left to assume that a considerable amount was already/

already known about Hamilton and Mr. McMurdo knew Hamilton fairly well with the dealings he had had with him in the past and I assumed with all the circumstances and all the information that was known that that had been taken into account when the decision had been made.

That is an assumption on your part? - That is an assumption on my part, yes.

We know I think that Mr. Hamilton's firearms certificate was renewed the following year in 1992. Were you aware of that? - No.

Before that certificate was renewed did anybody come to you and ask you about this report? - No.

Are you aware as to whether this report was placed upon Mr. Hamilton's firearms file? - I wasn't aware.

You don't know one way or the other? - I don't know.

Do I understand correctly that you were prepared to write this report notwithstanding the fact that Hamilton was making some form of complaint against you? - That is correct.

Am I right in thinking that we don't see on the report anywhere "Copy to Firearms File" or anything of that nature? - The word "File" is written on the top right-hand corner. I think I recognise that as Mr. Millar's writing.

To your knowledge, was the Procurator-Fiscal's office in Stirling aware that Hamilton had a firearms certificate? - I have no knowledge of whether they knew that.

Because all of this is going on round about the same time, am I correct, as the discussions with the Fiscal as to the Milarrochy Bay investigation or have I got that wrong? Remember we were talking earlier on about your discussions with the Fiscal following upon your investigations into the Milarrochy Bay camp and eventually that was marked "No Proceedings"? - Yes, I know now that the date that the Fiscal took no proceedings was the 18th/

18th November. My investigation was complete and my report was delivered to the Fiscal on the 6th September and it was obviously some time after that that I wrote this letter.

Did you say the 18th November was the decision to mark the matter "No proceedings"? - Yes.

That is a week after the date of your memorandum? - Yes.

Would you agree in general terms when we look at this memo that you have set out your views quite clearly in the typescript and we then have two manuscript notes below that on the second page? - Yes.

Would you agree with me that the recommendation appears to be becoming progressively diluted? Just take a moment to read what is said in the two manuscript notes? - My understanding of the comment which is appended by Chief Inspector Holden was that he agreed with my appraisal. I think he knew Hamilton before I did. Certainly nothing indicated to me at the time that he had any disagreement with my appraisal of the situation and he was basically passing it up the line for consideration.

So you didn't understand Chief Inspector Holden to be sounding a cautionary note or anything of that nature? - No, I didn't have that feeling at the time.

Did you have any discussions with Mr. Millar before he wrote the manuscript note at the foot of the page? - No, I don't recall having any discussion. I think perhaps Mr. Holden spoke to him but I didn't.

You see, there is a reference in Mr. Millar's note to what is regarded to be the likelihood that the Procurator-Fiscal would mark the recently reported case "No Proceedings"? - Yes.

Am I correct in understanding that you can't help me as to whether the Fiscal was aware of these parallel procedures relating to the firearms certificate? - I don't know that. I can't help you/

you with that. I am sorry.

You would not know whether anybody further up the chain spoke to the Fiscal about this matter? - No, I would have communicated to Mr. Holden that I was under the impression from the Fiscal that the matter was likely to be not proceeded with and it may be that in fact it probably was the case, although this is an assumption on my part again, that if Mr. Holden had discussed with Mr. Millar regarding that matter he would have told me.

Now, so far as the report to the Fiscal is concerned, was it or did it become apparent in the course of the proceedings that there was a degree of reluctance on the part of the Fiscal to prosecute? - Yes.

When/

4.15 p.m.

When in the investigation did that become apparent?

- I think it was towards the end of August that I first had a conversation with the Fiscal regarding the case, and at that time I became aware that Mr. Hamilton was not a stranger to the Fiscal. He seemed to know him at that stage. And I had a discussion with the Fiscal, when I explained the nature of the investigation and the evidence that I had at that time. I can't really remember the exact terms of the conversation, but I remember having a clear impression at the time that it was unlikely that the case would be proceeded with -- I don't know if that answers your question or not?

Well, perhaps I can just follow it up in this way: why did the fact that Hamilton was known to the Fiscal's Service -- why was that relevant to a reluctance to prosecute? - I don't know if that was relevant to the reluctance or not. I merely commented on the fact that the Fiscal seemed to know the person that we were dealing with, and I don't know whether that influenced the decision ultimately or not.

Were you told as to why it was, in all the circumstances, the Fiscal had become wary? - Not in detail -- not in detail, no.

Was this Mr. Valentine? - To the best of my recollection it was, but I can't be certain about that. I know that I had conversations with Mr. Valentine regarding this case.

At any time, either past or -- well, it would have to be thereafter -- but at any time did you receive any explanation as to why the report was being marked "No Proceedings"? - Yes I did.

What was that explanation? - I can't recall again the exact terms of it, but Mr. Coyne, the Fiscal Depute at the time, spoke to me some time after I think the case had been precognosced, and he took the time to read over to me what he had written in regard to the reason for no proceedings being taken, and it was really, I think from memory, that it wasn't felt that it was a particularly serious case or that the charges were a bit -- I don't know -- a bit sort of contrived, perhaps.

Did/

Did you agree with that view? - No, no.

Did you tell the Fiscal that you didn't agree? - I think I had made my feelings about Hamilton known during the course of my investigation, and I think everybody knew how I felt.

You told us towards the end of your evidence to the learned Advocate Depute that talking to Mr. Hamilton was a little bit like talking to a brick wall; that he seemed to be somebody who could lose control of himself was something I think you said at one point? - Well, that was based on the evidence of the assault.

Did he appear to be somebody who was able to cope with a stressful situation? - I got the impression on dealing with him on a number of occasions that he was actually quite angry when I was speaking to him, but he came across as quite calm underneath (sic), so in that respect I suppose he was coping; and I don't underestimate the job of having to look after so many boys on his own. At one point during the course of the week he evidently lost control to a degree, but I mean I don't know, he would maintain that he was acting in loco parentis, and that he was administering discipline and chastisement which was necessary to control a group of children such as the one he was having to care for. And it may well be the case, and obviously was the case, that he was maintaining at that time that he was exercising control and not in effect losing control.

In your statement that was mentioned by the learned Advocate Depute, on the last page you say that you had strong feelings at that time that Hamilton was quite capable of violence? - Yes.

And you go on to say that you felt that he tried to be intimidating in a veiled sort of fashion, and it was perhaps this that gave you most cause for concern on his possession of a Firearms Certificate? - Yes.

If anybody had asked you at the time whether you were concerned about the possibility that Hamilton might become violent, then I take it you would have readily explained this to a superior officer?/

officer? - Yes, in the context of the events that I was dealing with. I never imagined at all that anybody would have been capable of what happened on the 13th of March, and I would like that to be seen in that context.

But whatever else, you did recognise that Hamilton was an unsuitable person to possess a Firearms Certificate? - Yes.

Adjourned until tomorrow at  
10 a.m.

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