

CONCLUSIONS (Cont'd)

and then to College Walk which is approximately midway between the Lough Road roundabout and station. It is considered improbable that the alleged journey and assaults would have taken place inside the 10 minutes from his arrest to arrival at the Custody Suite. There is also the report of in the Occurrence Book regarding missile thrown at the police car.

The Custody Record indicates that complainant was totally unco-operative while in detention by refusing to sign relevant entries at Page 1 and only spoke when he was asking for his solicitor Rosemary Nelson. The Custody Record also indicates that on arrival the complainant showed evidence of alcohol consumption and swelling over right eye but no confirmation as to cause. There is no indication of complainant/solicitor making any allegations while complaint was in Custody although he was given the opportunity on 2 occasions to converse with his solicitor on the telephone. The complainant was released at 0310 hours and the custody record indicates he declined to await the arrival of the Force Medical Officer.

It is the considered opinion of the investigating officer that the credibility of complainant's allegations are questionable when -

1. It is purported he went immediately to his solicitor's home but the first notification of a complaint is not made until 6 7 94 by way of a very brief letter from his solicitor who purportedly saw the alleged injuries:-
2. Complainant did not co-operate by attending for interview with the investigating officer until 17 1 95.
3. Although the complainant states he was literally kicked and punched all over there is no medical evidence to substantiate same. Complainant states he tried to protect his face but there is no evidence of injury to his hands or arms to suggest he was shielding his face. The complainant had been playing in a football match earlier and could have sustained injuries.
4. Complainant alleges it was Constable [REDACTED] who charged him while in fact it was Constable [REDACTED]
5. Complainant was allowed to freely converse on telephone with his solicitor and it is therefore considered highly improbable that he would have been refused access to a Doctor as it would certainly have been in the interest of police to have complainant examined.