police Ombudsman FOR NORTHERN IRELAND

Statutory Report

Public Statement by the Police Ombudsman under Section 62 of the Police (Northern Ireland) Act 1998

RELATING TO THE COMPLAINTS BY THE RELATIVES OF A VICTIM IN RESPECT OF THE EVENTS SURROUNDING THE BOMBING AND MURDERS AT 38 KILDRUM GARDENS, DERRY/LONDONDERRY, ON 31 AUGUST 1988

Contents

1.0

Executive Summary

1.1 On the morning of Wednesday 31 August 1988 an IRA booby trap device, intended for security forces exploded at 38 Kildrum Gardens in the residential area of Creggan in the City of Derry/Londonderry. The explosion killed Eugene Dalton and Sheila Lewis instantly. A third person, Gerard Curran, sustained injuries. He died seven months later. The three people had gone to the flat over concern for the welfare of a neighbour who had not been seen for a week. The occupant of the flat had been abducted by the Provisional Irish Republican Army (IRA) who then booby-trapped the flat in anticipation of killing members of the security forces. The bomb was triggered as Eugene Dalton entered the flat. The incident was described variously in the media as the 'Good Samaritan Bomb' and 'the Good Neighbours Bomb'. To date no-one has been charged or convicted in connection with the murders.

1.2 In February 2005 the family of Eugene Dalton made a number of complaints to the Police Ombudsman in respect of the events leading to the explosion and the subsequent police investigation.

1.3 The complaints are as follows:

- **Police failed in their duty to advise the local community or its leaders of possible terrorist activities in the area;**
- **Police failed in their duty by knowingly allowing an explosive device to remain in a location close to where the public had access in order to protect a police informant;**

- **That under Article 2 of the European Convention on Human Rights which states 'everyone's right to life shall be protected by law' , the Police failed in their responsibilities to uphold Mr Dalton's right to life;**

- **Police failed in their duties to properly investigate the death of the complainant's father and Mrs Lewis on 31 August 1988.**

1.4 I am clear that the responsibility for the deaths of Mr Dalton, Mrs Lewis and the injuries to Mr Curran rests with those who planted the bomb. It is the responsibility of the police to investigate and bring to justice those responsible for the murders. The scope of my investigation was to determine if there was any evidence of police misconduct or criminality in relation to the matters raised.

1.5 My investigation was wide-ranging and thorough. Witness statements were taken whilst documents and intelligence material was analysed and assessed. A public appeal for witnesses was made on 22 July 2010 in the Creggan, as a result of which, people came forward and provided information. Some retired police officers also provided valuable information and context to the investigation.

1.6 However, my investigation was hampered by both the refusal of a number of retired police officers, some formerly of senior rank, to co-operate and by the loss of investigation documentation.

1.7 Prior to the explosion the police received reliable intelligence that paramilitaries intended to plant a bomb in a house and stage an incident in the hope that the police would carry out follow-up enquiries during which they would trigger an explosion. Further information was received that a car believed to be used in an attack on Rosemount Police Station had been abandoned 'convenient to a house' where a booby trap device had been planted. This reliable intelligence also stated that those who planted

the device did not intend to remove it and that another incident would be planned to lure security forces to the house where the bomb was planted, if the car bomb did not attract the desired response. It is clear from my investigation that 'convenient to a house' means 'near to' or in 'close proximity' to a dwelling.

1.8 In addition there were a number of incidents that should have drawn the attention of the police to the location of the bomb, including a robbery at a local chip shop, during which a document with the name of the occupant and the address of 38 Kildrum Gardens was dropped by the offenders. This was recognised by the police at the time as a potential 'come on' to lure officers to a trap.

1.9 My investigation has established that the area was placed 'out of bounds' (See Section 6.10 for definition) prior to the explosion but I could find no evidence of the police contacting the local community, or its leaders, to warn them of the probable threat nor of any other preventative measures taken to mitigate the threat to the general public and more specifically to those living in or frequenting Kildrum Gardens.

1.10 The conclusion of my investigation is, that whilst I cannot be certain the police knew there was a bomb specifically at 38 Kildrum Gardens, there is strong evidence that the police had sufficient information and intelligence to identify the location of the bomb, that they ought to have known it was in the vicinity of 38 Kildrum Gardens and that steps could and should have been taken to mitigate the threat and to warn the local community. These steps were not taken and the focus of the police effort appears to have been the protection of officers from the terrorist threat.

1.11 My investigation found no evidence of the police mitigating the threat by disruption activity. Evacuation does not appear to have been considered, nor was there any evidence of effective proactive investigation initiated to pinpoint the exact position of the bomb.

1.12 Whilst the protection of officers is obviously a critical concern, there is also an obligation on the police to protect the lives of and reduce the risk of injury to the public. The failure to warn local people had tragic consequences for Eugene Dalton, Sheila Lewis and Gerard Curran. It is my conclusion that the police failed in their duty to protect the victims by allowing an explosive device to remain in a location that presented a real and immediate risk to life and further, that they failed to mitigate that threat or to advise the local community or its leaders of probable terrorist activity in the area.

1.13 I have found no evidence that the police failed to act in order to protect an informant. In addition, I believe that on the balance of probabilities, the police did not do anything or fail to do anything in order to protect an informant.

1.14 In relation to the investigation of the murders, my investigation revealed that there was a range of activities undertaken including house-to-house enquiries, witness interviews, forensic science work and the arrest of a number of suspects.

1.15 However, the police murder investigation was flawed and incomplete. There was a failure to complete comprehensive house-to-house enquiries, to follow up on forensic work and to preserve and manage the investigation documentation. There was little or no communication between the murder investigation and the families of the deceased, leaving them bewildered and frustrated. I have found no evidence of investigative maintenance to ensure the enquiry could respond to

significant events such as the death of Mr Curran or the anniversaries of the murders. The investigation was not left in a fit state to respond to new intelligence or evidence that may have come to the fore.

1.16 Indeed, after an initial flurry of activity, work on the murder inquiry was scaled down and lost focus within a short period of time (by 1989). This is surprising, particularly given the grave nature of the crime. Overall, I would describe the investigation by the standards of the day as inadequate.

1.17 It is the conclusion of my investigation that the police failed to adequately investigate the murders at 38 Kildrum Gardens.

1.18 As stated earlier, responsibility for the deaths of Mr Dalton, Mrs Lewis and injuries to Mr Curran must rest with those who planted the bomb. In addition, I do recognise the serious operational challenges facing the police in Derry/Londonderry at the time of this bombing and murders.

1.19 Between July and August 1988 alone, there were a total of 73 areas placed 'out of bounds' and more than 160 recorded security related incidents in the Derry/Londonderry area.

1.20 This placed enormous pressures on the police and presented significant challenges to policing in the area. It is understandable that the protection of the lives of officers should have been a major concern.

1.21 However, there was a failure by the police in this case to take into consideration the real and immediate threat from the bomb in 38 Kildrum Gardens to the local community. I note that the use of disruption tactics and evacuation in response to such threats today, in Northern Ireland, is much more inclusive of the community and as such reduces the risk and is therefore more likely to save lives.

1.22 It is my finding that the failure to warn the local community and the inadequate investigation represent an overall failure on the part of the Royal Ulster Constabulary (RUC) to the families of the deceased.

2.0
Introduction

2.1 The Office of the Police Ombudsman for Northern Ireland was established by the Police (Northern Ireland) Act 1998, for the purpose of independently investigating complaints relating to the conduct of police officers and other matters, which the Police Ombudsman considers to be in the public interest.

2.2 The Royal Ulster Constabulary (Complaints etc) Regulations 2001 empower the Police Ombudsman to investigate historic complaints, which he considers should be investigated because of the grave or exceptional circumstances.

2.3 On 25 February 2005 the then Police Ombudsman met with the family and representatives of Mr Eugene Dalton who had died as a result of injuries sustained during an explosion at 38 Kildrum Gardens, Creggan, City of Derry/Londonderry on 31 August 1988. A statement was made by a family representative outlining areas of concern and complaint in respect of the events leading to the explosion and subsequent police investigation.

2.4 The Police Ombudsman's investigation of these matters has now concluded and is addressed in this Public Statement.

3.0

The Explosion at 38 Kildrum Gardens

3.1 Kildrum Gardens is in the residential Creggan area of the City of Derry/Londonderry. On the morning of Wednesday 31 August 1988, a resident of Kildrum Gardens, 54 year old Mr Eugene Dalton called at the home of 57 year old Mr Gerard Curran who lived nearby. Mr Dalton discussed his concern for the welfare of a neighbour, (Person A) a man who lived at 38 Kildrum Gardens and who he had not seen for almost a week. Mr Curran also expressed his concern at not having seen Person A for some time.

3.2 Number 38 Kildrum Gardens was the gable-end flat on the top floor of a three storey terraced block of residential units. The ground and first floors were composed of two storey maisonettes. Mr Dalton lived in the maisonette below number 38 with Mrs Lewis living in the adjoining flat to 38 Kildrum Gardens.

3.3 The public entrance to the second floor flats was at the rear of the building and was accessed via a central staircase and open walkway. The outer edge of the walkway comprised of a brick wall with metal railings opposite each door. Children were known to play together at the rear and front of the terraced block.

3.4 Mr Dalton and Mr Curran decided to check on the well being of Person A. In Kildrum Gardens they were met by 68 year old Mrs Sheila Lewis. Mrs Lewis also expressed concern about the welfare of her neighbour and accompanied the two men to the flat.

3.5 On arrival outside 38 Kildrum Gardens, it was observed that the curtains and the blinds in the flat were drawn. A section of the kitchen window which faced onto the public walkway outside the flat was broken and Mr Curran was able to reach through and lift the latch in order to fully open the window.

3.6 Mr Dalton then climbed through the open kitchen window intending to open the front door of the flat to allow Mr Curran and Mrs Lewis access. Both were standing on the balcony outside the flat in the area of the front door.

3.7 Mr Curran watched as Mr Dalton glanced around the kitchen, walked into the hallway and turned to the right, which led to the living room. He then heard footsteps along the hallway towards the front door when a bomb exploded inside 38 Kildrum Gardens. The explosion occurred just before 11.50am.

3.8 The explosion blew three external walls outwards and caused the roof to collapse. Both Mr Dalton and Mrs Lewis died instantly. Mr Curran sustained serious injuries. Mr Curran died on 31 March 1989.

3.9 The following photographs show the rear and front of Kildrum Gardens in the aftermath of the explosion.

3.10

Rear view of 38 Kildrum Gardens (top floor flat)

3.11

Front view of 38 Kildrum Gardens (top floor flat)

3.12 The responsibility for the bomb was claimed by the IRA. In the days that followed, the IRA made statements through the media that the flat had been booby-trapped since 26 August 1988. They stated that it had been monitored on a 24-hour basis by IRA members, to target security forces but that their operation had gone wrong.

3.13 To date no one has been charged or convicted in connection with the murders.

4.0

Complaint to the Police Ombudsman

4.1 In bringing the complaint to the former Police Ombudsman, the family of Mr Eugene Dalton raised a number of concerns in respect of both the action taken by the RUC leading up to the explosion on 31 August 1988 and the police investigation of the murders. The complaints are stated as follows:

4.2 **1. Police failed in their duties to advise the local community or its leaders of possible terrorist activities in the area.**

4.3 The Dalton family believe that police had knowledge of a possible danger to the local community in the form of a booby-trapped device and as such should have taken action to warn the local community of the risk.

4.4 **2. Police failed in their duties by knowingly allowing an explosive device to remain in a location close to where the public had access in order to protect a police informant.**

4.5 The Dalton family have stated that after the explosion it became known locally that the bomb at 38 Kildrum Gardens had been planted a number of days before the explosion had occurred and had been intended for the security forces. The Dalton family highlighted a number of incidents which occurred prior to the explosion which involved information about 38 Kildrum Gardens. They contend that, had these incidents been properly investigated by police, their father would not have been killed in the explosion. Furthermore, the family believe the security forces were

aware of the presence of the bomb at the flat but did not attend in order to protect an informant who they named to this inquiry and is referred to in the report as Person E.

4.6 **3. That under Article 2 of the European Convention on Human Rights which states 'everyone's right to life shall be protected by law', the police failed in their responsibilities to uphold Mr Dalton's right to life.**

4.7 In outlining the complaint against police the Dalton family have referred to the Article 2(1) of the European Convention on Human Rights (ECHR), "Everyone's right to life shall be protected by law." The family believe that police failed to uphold Mr Dalton's right to life.

4.8 **4. Police failed in their duties to properly investigate the death of the complainant's father and Mrs Lewis on 31 August 1988.**

4.9 The complaint by the Dalton family of failure to investigate by police is not limited to the explosion but extends to the various incidents both preceding and subsequent to the explosion, which the family contend form part of the overall circumstances leading to the two murders and the death of Mr Gerard Curran, who was badly injured by the bombing and who died on 31 March 1989.

5.0

Scope of Police Ombudsman's Investigation

5.1 The scope of the investigation was to determine if there is any evidence of police misconduct or police criminality in relation to the matters raised.

5.2 My investigation has made every effort to obtain all available original material held in relation to the RUC investigation into the explosion at 38 Kildrum Gardens and other linked incidents.

5.3 My investigation team obtained documentary material, including intelligence from the following sources: family members, the Inquest papers, military reports, the Public Records Office of Northern Ireland (PRONI), Forensic Science Northern Ireland (FSNI), the Police Service of Northern Ireland (PSNI), the Police Service of Northern Ireland Historical Enquiry Team (HET), press articles and other information publicly available.

5.4 My investigation team launched a public appeal for witnesses in the Creggan area on 22 July 2010. As a result of that appeal and research of the original murder file of evidence, we identified 65 potential witnesses who may have been able to assist in this investigation. Unfortunately, 23 of those individuals were deceased, in poor health or it was not otherwise possible to interview them. However, we were able to interview 42 of those potential witnesses and recorded 23 further statements. In total, we were able to raise 153 viable actions to further the investigation and secured 372 documents. We pursued witnesses from the public domain, from the armed services and both serving and

retired police officers. Whilst some witnesses were able to assist the investigation and did provide statements others were unable or unwilling to do so.

5.5 The investigation of historical matters presents unique challenges. Several people who may have been able to provide witness evidence to this investigation, including former police officers, are now deceased.

5.6 A number of retired police officers identified by this investigation as likely to have knowledge that would assist the investigation declined to co-operate. I cannot compel retired officers to assist with an investigation.

5.7 On 2 October 2000 the Human Rights Act 1998 came into force in Northern Ireland giving 'further effect' to the ECHR. At the time of this incident the ECHR already placed obligations on authorities such as the RUC. The existence of ECHR and common law demanded that the police had a responsibility to protect the right to life of members of the public. This duty will be examined in this report.

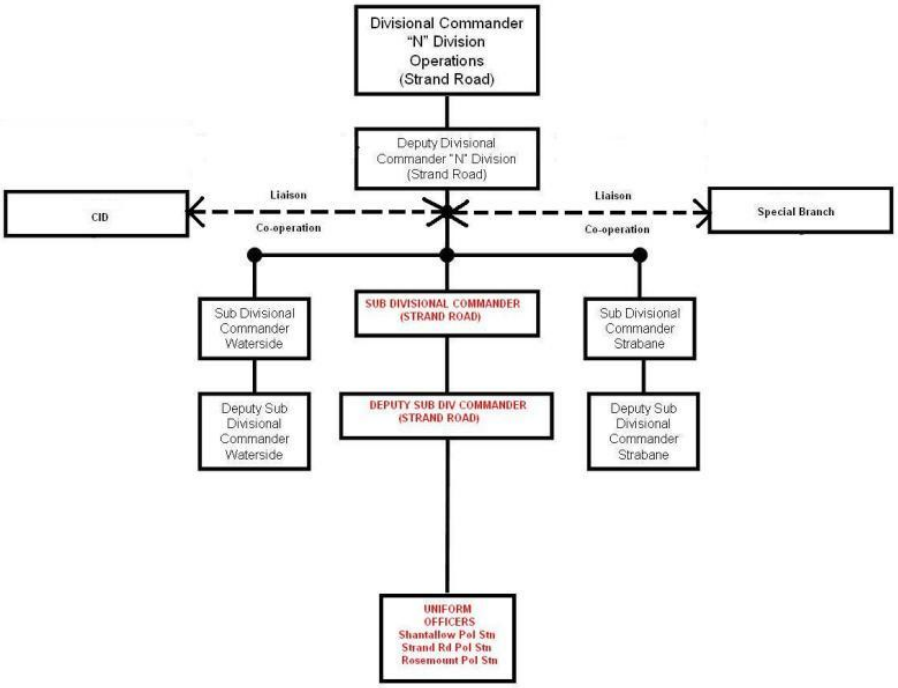
5.8 This report examines the available evidence in respect of the concerns raised and details the Police Ombudsman's findings and conclusions.

6.0

Policing in Derry/Londonderry during July and August 1988 – Structure and Context

6.1 In 1988 policing in Derry/Londonderry was divided into three Sub Divisions, collectively known as 'N' Division. Strand Road Sub Division, which was part of the 'N' Division, comprised of a number of police areas. Those of relevance to my investigation are Shantallow, Strand Road and Rosemount. There was also a significant military presence in the area, operating mainly from Rosemount Station.

6.2 **Structure of Police in Derry/Londonderry**



6.3 In this structure the Divisional Commander had command of the uniformed police resources for the whole of the division, whilst the Sub Divisional Commanders would have been responsible for those staff policing that geographical area of the Division allocated to them. The Criminal Investigation Department (CID) officers had a separate regional command, and whilst they worked with their uniform colleagues they were under the command of a Detective Chief Superintendent – looking solely at crime up to and including multiple murder (as in this case). In addition to both of these public facing units was the Special Branch, again having a separate command structure external to that of the Divisional Commander. The Special Branch dealt with all issues relating to suspected terrorist activity and most specifically the issues relating to intelligence, disruption and threat assessment in relation to paramilitary activity.

6.4 **Policing Context**

6.5 I accept that throughout much of the 'Troubles', policing in Derry/Londonderry was challenging, with elevated threat levels to the security forces but also to the general public from the terrorist activities of paramilitary organisations. During the summer of 1988 there were more than 160 recorded security related incidents in the area.

6.6 Reports of bombs and explosions, both genuine and hoax, and attacks on security force personnel continued throughout the summer of 1988. Police were also made aware that their patrols and the movements of both on and off duty officers were being targeted for attack.

6.7 An assessment of a number of incidents along with intelligence received caused police to suspect that attempts were being made to draw them into areas where they would be attacked.

6.8 Their strategy for attending these types of calls was reviewed and preventative security measures enhanced.

6.9 I found that the security forces, when planning a response to a report of a terrorist incident or other incoming intelligence, were rightly very cautious and that they had a raised organisational awareness to the potential dangers posed. As a consequence police officers were not always deployed to the scene of an incident or report of criminality.

6.10 Over the two month period leading up to the murders, a total of 73 areas were placed 'out of bounds' to security force personnel at various times. At the time of this multiple murder, an area was determined as 'out of bounds' for two reasons:

(i) It was suspected or known that an explosive device or ambush was likely within the particular area; or

(ii) A covert operation by security forces was taking place or planned to take place in that particular area.

6.11 In relation to (i) above, the decision to designate an area as 'out of bounds' was taken by a Sub-Divisional Commander (or their deputy) on receipt of information to the effect that an imminent threat to life existed in a particular geographical area. The designation made it clear that no police patrols were to enter that area without the prior approval of the Sub-Divisional Commander, or where relevant from local Special Branch officers, who had consulted their supervisors before approving the same.

6.12 Prior to lifting restrictions on an area that was 'out of bounds', the Sub-Divisional Commander had to decide whether a full clearance operation of the whole 'out of bounds' area was necessary. The areas were purposely kept as small as possible to contain the threat and to ensure that the scale of policing activity was maintained as far as possible. In respect of areas so designated, records were maintained to

include details such as the parameters of the ‘out of bounds’ area imposed and parties notified.

7.0

Police Ombudsman's Investigation – Incidents and Information Prior to the Explosion at 38 Kildrum Gardens

7.1 My investigation has identified that the police had significant intelligence and were aware of a series of linked incidents prior to the explosion which were pertinent to a bomb being at 38 Kildrum Gardens or nearby premises. This section examines the following areas:-

- the use of 38 Kildrum Gardens as a refuge for a young man who was persistently absent from a care home in Belfast;
- an attack on Rosemount Police Station linked to a subsequent car bombing in Kildrum Gardens;
- the armed robbery of a fast food outlet where the offenders dropped a leaflet with the name and address of the occupant of 38 Kildrum Gardens on the floor;
- Intelligence received by police in respect of booby-trapped devices.

7.2 I have also considered the abduction of the occupants of 38 Kildrum Gardens on Thursday 25 August 1988.

7.3 **Activities Around Kildrum Gardens Prior to Bombing**

7.4 Person A was the sole occupant of 38 Kildrum Gardens. He was, by today's standards, a vulnerable person who was believed to have had both alcohol and substance dependency issues. At the time of the murders he was 32 years old and was a single man. Person A was

known to the police at the time of the murders. This enquiry was unable to interview Person A as he is now deceased.

7.5 Records examined indicate that at 11.00am on **3 July 1988,** police in Derry/Londonderry received a report from Person A that a 15 year old boy, Person B, had absconded from St Patrick's Care Home, Glen Road, Belfast and was staying with him at 38 Kildrum Gardens. Police later visited the flat but by the time they arrived, they found that Person B had already left. He subsequently didn't return to St Patrick's Care Home until 16 July 1988.

7.6 Between **14 and 21 July 1988** police received three anonymous calls directing them to a second address at Kildrum Gardens, not number 38. The calls suggested that they would find a person in possession of firearms and munitions. The message further stated that the person had knowledge about a grenade attack on security forces during that month. Following the third call police were instructed, after assessment by Special Branch, not to attend the address. Further enquiries in respect of this address in Kildrum Gardens revealed a call made on **29 July 1988** from the address requesting an ambulance due to a reported illness and that on **18 August 1988** police made an arrest at the address under legislation in respect of terrorist activity. This activity illustrates that the police were very aware of potential terrorist activity in and around Kildrum Gardens.

7.7 On **5 August 1988** Special Branch received intelligence, assessed as reliable, that republican paramilitaries intended to plant a booby-trapped type bomb in a house in the Derry/Londonderry area, and then stage an incident designed to prompt police officers to carry out enquiries during which they would be targets of the concealed bomb.

7.8 Records also show that on **8 August 1988,** Person A was circulated by police as being 'wanted' in connection with an alleged assault committed

on 9 July 1988. Person A was arrested on **20 August 1988** and later released pending submission of a report to the Director of Public Prosecutions (DPP). My enquiry could not identify the venue of the arrest, nor could it determine whether his home was searched at the time or after arrest.

7.9 On **25 August 1988** (after 1.40pm), a member of staff at St Patrick's Care Home reported to Andersonstown Police Station that Person B had gone absent from care. Given Person B's history of absenteeism, a line of enquiry would have been to check previous places of interest – and there was significant history between Persons A and B recorded at St Patrick's Care Home. The investigation could find no evidence that the police in Andersonstown passed on the report of Person B's absence to the police in Derry/Londonderry for action, nor is there any evidence to show that it was not.

7.10 At around 7.30pm on the evening of Thursday **25 August 1988,** Person B arrived at 38 Kildrum Gardens and was let in to the property by Person A.

7.11 **The Abduction of the Occupants of 38 Kildrum Gardens**

7.12 It is clear from the subsequent murder investigation that at around 8.30pm on the evening of Thursday **25 August 1988**, Person A and Person B were abducted from 38 Kildrum Gardens by the IRA. There is no evidence to suggest that police were aware of this abduction prior to the explosion on 31 August 1988.

7.13 However, enquiries conducted by police after the explosion revealed that on the morning of **30 August 1988** an anonymous call was made to St Patrick's Care Home claiming that Person B was staying with Person A at 38 Kildrum Gardens. It was further claimed by the caller that Person A was a known drug user and an unstable person who had threatened to

stab anyone who came near his door. The caller also asked the staff member if it would be possible to inform the police of the whereabouts of Person B. Although details of this call were recorded in a diary at St Patrick's Care Home the message was not passed to the police.

7.14 Very soon after the bomb went off on 31 August 1988, Persons A and B were taken by car from the house where they were held to Bligh's Lane, where they were released. They went to a nearby house where Person A informed St Patrick's Care Home of Person B's whereabouts and the householder called the police. Both Person A and B provided statements later that day to the murder enquiry.

7.15 The failure of the police to take a formal report of Person B's absence from St Patrick's Care Home on **25 August 1988,** nor to initiate enquiries with officers in Derry/Londonderry into the safety of Person B was an inadequate response then as it would be today.

7.16 **The Attack at Rosemount Police Station**

7.17 Rosemount Police Station was a combined RUC/army premises about 1.5 miles from Kildrum Gardens. At 10.00pm on **25 August 1988**, an explosion occurred outside the outer security fence of Rosemount Police Station. A number of shots were also heard after the explosion and a gunman was seen positioned at the corner of the Creggan Road. After the gunman fled, another explosion occurred within the confines of the police station perimeter.

7.18 Records show that a search conducted by police resulted in the recovery of two unexploded devices in an alleyway at Rosemount Gardens, a quantity of live rounds, spent bullet casings and a magazine spring for an AK47-type assault rifle.

7.19 My investigation has established that at 10.20pm on **25 August 1988** police received intelligence, processed and interpreted by Special

Branch, that there should be no further follow up action as a result of the attack on Rosemount Police Station. It is clear from recovered police documentation that Divisional Command was informed of this intelligence and recommendation. The term 'no further follow up action' meant that it would be dangerous for police or military to make follow up enquiries without all due precautions to maximise safety of their staff, bearing in mind the intelligence received on **5 August 1988**. (Section 7.7 page 20).

7.20 The investigation has further established that at 10.35pm on **25 August 1988** police received a call from a member of the public about an abandoned car in Kildrum Gardens. In a statement provided to police after the explosion on 31 August 1988, this witness explained that at about 9.30pm on the evening of 25 August 1988 there had been discussion in the Kildrum Gardens area that a car had been left with two bombs on board. The witness could see the car was a four door, dark blue or green Datsun, parked facing the cemetery wall with the driver's door and passenger's door left open. Concerned for the safety of local residents the witness telephoned police and was asked for the registration number of the suspect vehicle. The witness, who was phoning from his home, went outside and obtained the registration number CIW 144 which he relayed to police.

7.21 It is recorded that at 10.48pm on **25 August 1988** the military were informed by the police about the abandoned car at Kildrum Gardens. At about 2.10am on **26 August 1988** police based at Strand Road Police Station received a further telephone call, from an anonymous caller, in relation to the car abandoned in the area of Kildrum Gardens. This information was also passed on to the army. Records then show at 2.35am on the same morning an explosion occurred in the abandoned car.

7.22 The Shantallow Police Station 'Occurrences, Reports and Complaints' book (known as 'the C6 Book') was routinely used to record details of incidents and instructions for police. An entry made at 4.16am on **26 August 1988** referring to the attack on Rosemount Police Station the previous evening also relates the circumstances in which two men were seen to abandon a Datsun 120Y car, registration number CIW 144, at Kildrum Gardens, an incident that is noted as being linked to the attack on Rosemount Police Station. This link was treated as reliable by the police. Information received by the police from the public further alleged that, as the men ran away from the car they were heard to shout that there was a bomb in the vehicle. It was recorded that follow up action would only take place in daylight.

7.23 My investigation team interviewed an Army Ammunition Technical Officer (ATO) who was initially tasked in the early hours of **26 August 1988** to attend Rosemount Police Station to deal with an unexploded device and later detailed to deal with the car abandoned at Kildrum Gardens.

7.24 The attack on Rosemount Police Station made the ATO very wary of the report of the abandoned Datsun motor car and its location. He viewed it as an attempt to lure security personnel into that area to ambush them. The ATO stated that he was particularly concerned that the vehicle may have been booby-trapped with intent to kill or injure members of the security forces. Consequently, and in agreement with his military and police colleagues, the ATO decided not to deal with the vehicle until daylight.

7.25 It has been established that at 11.20am on **26 August 1988** police, military and the fire service attended the scene of the burnt-out car in Kildrum Gardens. A police crime scene log recording their attendance documents the location of the abandoned car as *'Kildrum Gardens,*

behind No. 21'. An entry in the C6 Book records the scene visit where the car was found to be burnt out, noting it appeared as a result of an explosion involving approximately 6oz of explosives.

7.26 Examination of the vehicle, after it had exploded, revealed there may have been two devices onboard. The ATO highlighted to this investigation that the explosion in the Datsun motorcar during the night had provided him with confirmation that his initial suspicions of a 'come on' incident were correct.

7.27 After the car was examined by the ATO it was further examined by a Scenes of Crime Officer (SOCO) and Forensic Scientists. It was then removed from Kildrum Gardens.

7.28 Military records indicate they believed a hand grenade had been thrown into the car to set off a booby-trapped device once the paramilitaries suspected that the security forces were not intending to immediately visit the scene of the car bomb. The decision not to visit was linked strongly to the assessment provided by Special Branch after the incident at Rosemount Police Station.

7.29 The following photograph shows charring of the road caused by the destruction of the Datsun (CIW 144) – this illustrates where the car had been abandoned and its position relative to 38 Kildrum Gardens.

7.30

7.31 This investigation has examined the subsequent report (dated 15 September 1988) by the Forensic Scientist detailed to work on the aftermath of the car explosion. The report concludes that items recovered from the car were identified as the remains of an IRA improvised hand grenade.

7.32 It was alleged by the complainant that after the car bomb but prior to the murders, there was a blood trail from the car bomb to 38 Kildrum Gardens. My investigators have viewed the scene photographs taken by the police photographer on 26 August 1988 and spoken to members of the forensic recovery team tasked in the aftermath of the bombing. There was no evidence to support the presence of a blood trail when that scene was examined. However, given the destruction caused by the bomb in the house and the clearing of debris to try and rescue the victims it is possible that such a blood trail could have been destroyed.

7.33 However, my investigation has found, from an examination of photographs taken by police on 26 August 1988 in relation to the attack

on Rosemount Police Station, a substance, believed to be blood, on the ground in an alleyway near the station. My team was not able to trace any subsequent actions in respect of that possible blood trail.

7.34 An entry was made at 5.18pm on **26 August 1988** in the C6 Book at Shantallow Police Station, that under no circumstances should suspect vehicles be approached or brought to a police station without clearance by an ATO.

7.35 The entry in the C6 Book, at Shantallow Police Station, records that police were unable to determine if the vehicle had been used in the attack on Rosemount Police Station but did record, '*it is quite clear that the terrorists intended to kill security forces who would have examined the vehicle'.*

7.36 It is clear to me that the police did link the bombed car outside Kildrum Gardens to the attack on Rosemount Police Station.

7.37 **The Armed Robbery at McD's Hot Food Bar**

7.38 My investigation has recovered records relating to an armed robbery at the above premises, situated in Beechwood Avenue, Derry/Londonderry at 12.50am on **28 August 1988**.

7.39 Within the Shantallow C6 Book there is a record of a 999 call made by a member of the public who provides details of the armed robbery and descriptions of the two masked men involved.

7.40 During the robbery one of the men dropped a piece of paper onto the floor which was later retrieved by one of the staff in the shop and subsequently given to police upon their attendance. The piece of paper was a 'Telethon 88' application form, bearing the name and address of Person A ('Telethon 88' was a televised fundraising marathon event that had been held in May 1988 by Ulster Television).

7.41 On that same night, police circulated a routine telex message about the robbery which included a description of the two suspects. Person A was also included on the telex as a suspect with his details including his address at 38 Kildrum Gardens.

7.42 Police Officer 1, now retired, was a Detective Sergeant attached to the CID at Shantallow Police Station. In assisting the Police Ombudsman's investigation he stated that on the night of the robbery of McD's, a Detective Constable, now deceased, had suggested pursuing enquiries with Person A the following day but was advised not to do so as the area was 'out of bounds'.

7.43 Police Officer 2, a uniformed sergeant at the time, now retired, recalled having attended the scene of the robbery at McD's Chip Shop. He stated that he remembers that all calls were being treated with caution as there were many 'come on' incidents at that time. Police Officer 2 recounted the incident in respect of the 'note' with the name and address on it. Police Officer 2 said that although the robbery had clearly been genuine his 'sixth sense' had kicked in about the note being part of a potential 'come-on'. Police Officer 2 used the telephone in the chip shop to call the station and speak to Police Officer 3 (a Chief Inspector who was at the time acting Deputy Sub-Division Commander). He explained his thoughts to Police Officer 3 and a decision was made to return to the police station rather than go to 38 Kildrum Gardens to arrest Person A. Police Officer 2 further stated that they would have then engaged with CID and Special Branch. He confirmed that he wrote the entry in the 'Action-taken' column of the related C6 entry. Police Officer 2 added that upon returning to the police station he discussed the incident with Police Officer 3 again and it was decided to delay attending the address for a few days.

7.44 Police Officer 3, also now retired, has assisted my investigation. I

believe the account of Police Officer 3 is worthy of transcription here in respect of the action taken in response to the robbery:

'Because of the location of Kildrum Gardens, it would have needed a major operation to arrest the person so I came to the conclusion with them to let the matter rest as we had the name and address. I told them that the matter should be put before the DAC (Divisional Action Committee) meeting which was held at 9am every Monday morning. It was at these meetings that the week's events would be discussed and they would also plan for the in-coming week. The Superintendent normally attended but I would attend in his place if he was not available. I would note this in my diary if I attended…If the DAC meeting fell on a bank holiday as it did this week, then it would be held on the following day. I have not recorded attending the meeting so I can only assume I did not go but the robbery would have been discussed and plans would have been discussed regarding resolving the matter'.

7.45 Despite enquiries, my investigation has not recovered notes or minutes from the Divisional Action Committee for the week commencing 29 August 1988 but it is almost certain the meeting would have taken place on **30 August 1988,** 24 hours before the explosion.

7.46 In 2010 my investigation traced one of the two women subject to the robbery at McD's, who actually knew Person A. She had discounted him as a suspect due to his noticeably small stature compared to the masked men who confronted her. She has told this investigation that she does not think she mentioned this to police.

7.47 **Intelligence Received by Police in Respect of Booby-Trapped Devices**

7.48 This investigation has examined the available intelligence held by police, which referred to the potential planting of booby-trapped devices by

republican paramilitaries in Derry/Londonderry. An intelligence assessment can be an invaluable tool when assessing risk and deciding upon an operational response.

7.49 It is important to consider the intelligence received by Special Branch on **5 August 1988**, and assessed as reliable. It stated that republican paramilitaries intended to plant a booby-trapped bomb in a house and then stage an incident to lure police to the premises. Upon the police attending, the device would be set off. Divisional Command was informed of this intelligence and the intelligence was circulated to all relevant police officers.

7.50 Records further show this information was passed to police at Shantallow Police Station at 1.00am on **6 August 1988** and they were further informed that republican paramilitaries were monitoring the response of the security forces to incidents and the strategy they employed in search operations, with a view to placing a booby-trapped device.

7.51 My investigation has also established that, on **26 August 1988**, Special Branch received further intelligence assessed as reliable that the car suspected to have been used in the attack on Rosemount Police Station had been abandoned '*convenient to a house'* where a booby-trapped bomb was planted. The police treated this information as reliable and that is illustrated by their response of not attending the venue of the car bomb until daylight. The intelligence received and assessed suggested republican paramilitaries anticipated that police would conduct follow-up searches at locations, which included the house where the bomb was planted, and that it was believed those responsible did not intend to remove or dismantle the device. This intelligence also stated that if no follow up was done by the police then the IRA would mount another operation to lure the security forces to the house where the bomb was planted. It is recorded that Divisional Command was again informed.

7.52 I believe 'convenient to' means that the address or location of the booby-trapped device was next to or beside the car bomb. Information provided to my investigation by a former RUC collator stated that 'convenient to' was police jargon, meaning beside or adjacent to.

7.53 On examining the records of the intelligence received by police on **26 August 1988** there is no specific reference to 38 Kildrum Gardens. Furthermore this investigation has not been able to establish the exact time this information was received. Therefore, in order to gain greater clarity as to the police assessment of the information received, my investigators made requests to meet with, and interview, a significant number of former police officers who were in various relevant roles and levels of seniority within RUC Special Branch operating in the relevant area of Derry/Londonderry in 1988. No former Special Branch officers co-operated with my investigation. The then Divisional Commander, now retired, also chose not to co-operate with my investigation.

7.54 **Kildrum Gardens is Placed 'out of bounds'**

7.55 On **25 August 1988** there were three areas designated as 'out of bounds' in Derry/Londonderry. One of these areas was described by map co-ordinates only and included the southerly tip of both Kildrum Gardens and Rathlin Drive (See Appendix 1 and 1A).

7.56 At 4.56pm on **26 August 1988**, an area bounded by Rathkeele Way, Rathlin Drive and Kildrum Gardens to the cemetery wall, was placed 'out of bounds' to police and security forces until further notice. The instruction directed that there were to be no police foot patrols, vehicular movement, stopping or transit. This information was recorded in the Shantallow C6 Book, which was used to alert police officers to 'out of bounds' directives. Army operations were also informed.

7.57 Police Officer 3 described how police dealt with reported paramilitary threats in the Derry/Londonderry area in 1988, his account is as follows:

'it was not my job to manage any received threats – that was the job of Special Branch. My commitment was to try and keep my officers safe whilst trying to police the area to the best of our ability…. Out of bounds means that certain areas were declared, normally by Special Branch, as 'no go' areas for police officers. If there was a reason to enter these areas, then special permission had to be granted'.

7.58 Police records document that at 7.13am on **29 August 1988** the Divisional Headquarters at Strand Road Police Station were notified of a number of areas which were still directed as 'out of bounds'. Included in that notification was the area including Kildrum Gardens. This information was disseminated to Shantallow Police Station where an entry was made in the C6 Book. The information was for the attention of all police officers and copied to the military.

7.59 An entry in the Shantallow C6 Book made at 7.30am on **31 August 1988**, the morning of the explosion, recorded that instructions relating to 'out of bounds' on the morning of 29 August 1988 was to remain in place.

7.60 My investigation found no evidence of a contingency plan by the police to mitigate the threat of the bomb. The declaration of 'out of bounds' may have been a sound tactical response when, for example, the threat is from a sniper intent on killing a member of the security forces. However, a bomb is less discriminatory and I believe a more diverse tactical response was required.

7.61 I also believe the police should have instigated further proactive investigations before the explosion, to identify the actual location of the bomb, this would have included a review of vacant premises and approaches to community leaders to both inform them of the danger but

also to try and identify the location of the bomb from local community intelligence.

7.62 It is clear all types of property were included in the intelligence received by the police. The flat was a second floor dwelling and the term 'house' would have included, rather than eliminated, the premises at 38 Kildrum Gardens.

7.63 A summary of the sequence of events is attached to this report. (See Appendix 2).

8.0

Police Ombudsman's Investigation - The RUC Murder Investigation

8.1 This investigation has examined the police investigation into the explosion and murders at 38 Kildrum Gardens. This was a major crime of grave public concern, a booby-trapped device within a dwelling that was to claim the lives of two local residents and cause serious injury to a third person.

8.2 A major multiple murder investigation demands leadership and resourcing at optimum levels to ensure a thorough and comprehensive investigation. It would be expected that the correct response would have been carefully monitored by an officer of at least Assistant Chief Constable rank and that the Senior Investigating Officer (SIO) would have agreed, with CID Command, the appropriate resourcing levels for such a significant crime.

8.3 This murder investigation was led by an SIO of Detective Superintendent rank (Police Officer 4) and a Deputy SIO. The investigation was therefore managed at an appropriate senior level. Both officers are now retired. The police investigation utilised 22 officers to assist with the investigation. It was evident from my investigation that these officers were expected to work on many other enquiries at the same time. This would not be considered good practice today but was a reflection of the challenges facing the RUC at the time of these events.

8.4 The murder investigation was managed on a manual paper based system. The computer system to manage such incidents, Home Office

Large Major Enquiry System (HOLMES), was unavailable in Northern Ireland at the time but was to become operational the following year. My investigation was not able to locate the card system utilised on this murder enquiry but did recover copies of 33 actions raised that utilised 11 different officers mostly of Detective Constable rank. The investigation team secured a total of 48 statements mostly obtained in the very early stages of the investigation.

8.5 The staffing level, for this multiple murder investigation, does appear to be limited.

8.6 The murder investigation was comparatively short in duration and does not appear to have been concluded with a situation report that would have assisted its reopening should new evidence have been obtained, or a significant event (such as the death of Mr Curran) occurred. There is no reference to any new enquiries being commissioned into the subsequent death of Mr Curran or any attempt to link (or discount a link) between that death and the explosion.

8.7 My investigation sought the co-operation of both the SIO and his deputy to explore the management of the murder investigation, but they did not engage with my investigators.

8.8 I am very concerned at the apparent subsequent loss of significant documentation concerning the management of the investigation but also in relation to actions, such as house-to-house enquiries and the results of some significant house searches and forensic recoveries.

8.9 The effective timeline for the murder investigation is as follows:

- The crime scene was opened at 12.10pm on 31 August 1988 and closed at 6.50pm that same night with a request for the Royal Engineers Squad to do a renewed bomb search the following day;
- House-to-house enquiries, which were incomplete, started at

4.00pm on 31 August and concluded on 16 September 1988;

- There were a total of 47 witness statements recorded by the investigation team between 31 August and 31 October 1988. Further technical statements were completed between October 1988 and June 1989 taking the total to 55 statements;
- Forensic enquiries commenced on 31 August 1988 with the final response being provided to the investigation team on 4 May 1989;
- There were a series of arrests of suspects including two arrests on the day of the explosion. The final arrest took place on 26 March 1989 of a suspect circulated as wanted the previous November. There were no subsequent criminal charges made in relation to any of the suspects;
- The arrest of that final suspect was the last recorded activity in the murder investigation.

8.10 **The Initial Response**

8.11 At 11.50am on 31 August 1988 ambulance control received a report of an explosion at Kildrum Gardens involving civilian casualties. Strand Road Police Station was informed and police were dispatched to the area. The first police officers arrived at the scene of the explosion at 12.10pm and a serious incident log was commenced. This detailed all personnel in attendance and initial actions taken.

8.12 A rescue operation was immediately started by local people who cleared debris and rescued Mr Curran from underneath rubble. Mr Curran had suffered injuries but was able to walk to a nearby ambulance and was taken to Altnagelvin Hospital.

8.13 The Parish Priest administered last rites and a local doctor pronounced both Mr Dalton and Mrs Lewis dead at the scene.

8.14 At 12.40pm the same day an ATO arrived at the scene and was satisfied that there were no additional risks from other explosive devices.

8.15 **Examination of the Crime Scene**

8.16 Police records indicate that a SOCO attended the scene of the explosion at 1.15pm on 31 August 1988 and requested the attendance of a Forensic Scientist. The SOCO noted the location of the bodies of the deceased. The scene was photographed and the SOCO remained with the Forensic Scientist whilst a forensic examination was being conducted.

8.17 The scientist, a Senior Scientific Officer of the Northern Ireland Forensic Science Laboratory noted that the three external walls of 38 Kildrum Gardens had been blown outwards and the flat roof had collapsed and was lying at an angle. The scientist also observed a hole in the concrete floor of the flat near the front door and collected various items from the flat and a tarmac area at the rear of the residential block.

8.18 On 2 September 1988, a Mapping Officer attended the scene and later produced a floor plan depicting the general layout of 38 Kildrum Gardens and measurements of the crater in the floor created by the explosion.

8.19 The Forensic Scientist outlined his examination and findings in a statement dated 13 February 1989:

'***From my examinations at the scene and of the items in the laboratory I concluded that an explosive device, containing between 0.5 and 1kg of explosive, had functioned in the hallway of number 38 Kildrum Gardens. The device most likely incorporated some form of booby-trap mechanism though no evidence of this was found in the subsequent search. The device was probably contained in a Wellington boot which was probably one of a pair on the hall floor approximately 900 mm from the front door and***

adjacent to the right-hand wall. Examinations to ascertain the type of explosive used were inconclusive.'

8.20 **Search Operations Conducted**

8.21 In assisting my investigation, the then Deputy Commander of Strand Road Sub-Division, Police Officer 3 has referred to records he made at the time which document actions taken at the scene:

'I have noted that it was a booby trap and I organised search of all the houses in the area. Approximately 40 houses were searched.'

8.22 Police Officer 3 recalled that on 1 September 1988 he was involved in search operations in Rathowen Park, Rathkeele Way and Rathlin Drive, all close to Kildrum Gardens:

'I have noted that N1, 3 and 4 support units were present. This would have been a large operation and there would have been a lot of other army personnel deployed in the area to give protection whilst the searches were continuing.'

8.23 The Derry Journal reported on 2 September 1988 of 'daylong' police and military activity in the Kildrum Gardens area in the aftermath of the explosion. Police Officer 3 recalls searches continued on 2 September 1988 as part of the follow up operation to Kildrum Gardens.

8.24 It is recorded that whilst these searches took place there remained an on-going threat to security forces in the Creggan area. On 31 August 1988 at 7.30pm a threat message was received. The following entry was made in the C6 Book;

Threat Message Londonderry: Information has been received that PIRA intend to lure police/army to the scene of an incident in the Shantallow area tonight. Apart from a possible device being left for security forces it is also the intention of PIRA to draw police/army

away from the on-going search operation presently taking place in the Creggan area. All personnel are to be fully briefed and very much on the alert of any come on situations

8.25 **House-to-House Enquiries**

8.26 When a SIO is managing a murder investigation they will utilise murder team conferences to manage the investigation. They are regular and minuted meetings to ensure all investigation developments are monitored and to actively involve the team in the investigation. Notes of such a conference held at 4.00pm on 31 August 1988 at Strand Road Police Station and chaired by Police Officer 4, the SIO in charge of the investigation, document that house-to-house enquiries were directed to be carried out initially at Kildrum Gardens and Rathlin Drive. Police Officer 5, a Detective Inspector (now deceased), was placed in charge of house-to-house enquiries with a dedicated enquiry team.

8.27 Notes examined of a further conference at 8.30pm record Police Officer 5 provided an update, including that further house-to-house enquiries would continue the next morning in the Kildrum Gardens/Rathlin Drive area.

8.28 Despite the contents of the conference notes my investigation has not been able to locate any house-to-house forms, though there is further evidence to support that house-to-house enquiries were conducted.

8.29 The police murder file contains various rough notes and sketches outlining the layout of areas and house numbers relating to Iniscarn Crescent, Bligh's Gardens and Bligh's Lane flats. These are surrounding areas to Kildrum Gardens.

8.30 An action located within the police investigation papers and allocated on 8 September 1988 was raised for a police officer to progress the obtaining of a statement from a witness. There is further comment on

the action dated 9 September 1988, '***to try 10/09/88 during clearing up outstanding hse to hse'*.**

8.31 A number of police officers, most now retired, have been interviewed by my investigators and have confirmed that they were involved in house-to-house enquiries over a large area and over a period of time from 31 August 1988 to 16 September 1988. Specific areas mentioned included Rathlin Drive, Kildrum Gardens, Drumleck Drive, Bligh's Gardens, Iniscarn Crescent, Rosemount Police Station area and Osbourne Street.

8.32 Police Officer 6, who was a Detective Constable involved in the murder investigation, provided a journal entry to my investigation dated Thursday 1 September 1988, which stated ***'point raised by Detective Chief Inspector (redacted) regarding importance of H2H enquiries.'*** Police Officer 6 stated that whilst conducting house-to-house enquiries police would have had military cover and standard forms would have been completed.

8.33 Police Officer 7, who was also a Detective Constable, provided a statement to my investigation outlining duties undertaken from 31 August 1988 to 18 September 1988. This is supported by his police journal of duties which records involvement in house-to-house enquiries in the Kildrum Gardens area, Rosemount area, Bligh's Gardens and Iniscarn Crescent.

8.34 My investigation confirms that there were house-to-house enquiries made. It is also the case that the complainant and a number of local residents state that they did not recall being involved in house-to-house enquiries.

8.35 On balance, it is my finding that a comprehensive and inclusive house-to-house operation was not fully completed. I was unable to

establish the precise nature of the activity due to the loss of some police documentation.

8.36 **Witness Appeals**

8.37 This investigation has established that the police investigation issued a number of media appeals for information. This included the television programme 'Police Six'.

8.38 **Information Received on the Abduction of Person A and Person B**

8.39 This investigation has established that at 2.00pm on 31 August 1988 the occupant of 38 Kildrum Gardens, Person A telephoned the police to report that he, along with the 15 year old boy (Person B), had been abducted some days previously and had just been released. Police immediately met with them and on the same day recorded detailed statements from both individuals.

8.40 In his statement to police Person B explained that on 25 August 1988 he had absconded from St Patrick's Care Home in Belfast and made his way by public transport to 38 Kildrum Gardens, arriving some time between 7.00pm and 7.30pm.

8.41 Person A confirmed in his statement to police that Person B had arrived at his home in the early evening of 25 August 1988, followed some time between 7.00pm and 8.00pm by two masked men claiming to be members of the IRA. He stated that along with Person B he was then taken by car to another location some five or ten minutes drive away but was prevented from seeing where they were going. Person A told police he was questioned and thought that he was going to be 'kneecapped' but later both he and Person B were allowed to watch television. Person A described the interior of the flat in which they were held, including a distinctive wall clock.

8.42 Person A told police that the men initially questioned him about Person B's absence from St Patrick's Care Home including whether it was likely that police would come looking for him at his Kildrum Gardens flat.

8.43 Person A explained to police that on 31 August 1988 he was awoken by Person B who told him that he had heard on the television three people had been killed in an explosion at his flat (Person A could not provide a time for this disclosure). The men who had abducted them said something had gone badly wrong and Person A along with Person B was put into a car and driven to Bligh's Lane where they were released at 12.50pm. Person A stated that he had no idea of the location of the flat where they had been held but that he could hear the chapel bell ring clearly on Sunday morning.

8.44 After being released both Person A and Person B went to Mr Curran's home at Iniscarn Road. Person A telephoned St Patrick's Care Home to tell them what had happened and remained at Iniscarn Road until the police arrived to collect them.

8.45 **The Fast Food Shop Robbery – Forensic Opportunity**

8.46 Records examined by this investigation show that on 2 September 1988, Person A was again seen by police and shown the 'Telethon 88' paper with his handwritten name and address, dropped during the robbery of McD's fast food shop. Person A maintained he had never seen this brochure before and pointed out that his first name was spelt incorrectly. There is no record that police obtained a sample of his handwriting for comparison with the note on the paper. The 'Telethon 88' paper recovered shows two crossings out, including Person A's surname and misspelt first name. The majority of the note is in block capitals.

8.47 My investigation has established that on 5 September 1988 the 'Telethon 88' paper was subject of chemical testing for fingerprints and

that one impression was recovered in connection with both the robbery and murder investigations. A check of records has ascertained that only two suspects were checked against the fingerprint impression which proved negative. There is no record of fingerprints being taken from Person A or submitted for the purposes of elimination or that the fingerprints of other suspects who were arrested for the explosion were nominated for comparison with the outstanding impression.

8.48 My Investigators have interviewed a member of the Fingerprint Bureau who has explained that manual searches against known paramilitaries would have been routinely undertaken, adding that there was no computerised fingerprint system in use by the RUC until 1994.

8.49 The initial response and investigation of the robbery at McD's was proportionate and adequate given the circumstances of the offence.

8.50 **Investigations in respect of Person B going absent from care**

8.51 Records obtained show that on or around 3 September 1988 a member of staff from St Patrick's Care Home contacted police and notified them about the anonymous telephone call made on 30 August 1988 to another member of staff. A review of police documentation indicates that an investigative action was raised to interview and take a statement from the member of staff who had received the initial anonymous call. A copy of the entry in the staff diary was also to be obtained. A review of police documentation indicates that a draft statement was prepared by the police officer allocated the action but that the staff member who received the initial call was on holiday and a full statement was never actually recorded. There is no evidence that this enquiry with the member of staff at the home was ever fully resolved possibly due to St Patrick's Care Home being in an 'out of bounds' area during the murder enquiry. This was an oversight as the question as to who made the call was not pursued with all due diligence.

8.52 The police investigation did however obtain the relevant diary entry dated 30 August 1988 from St Patrick's Care Home which read:

A person 'unknown' rang from Derry this morning to say that (Person B) is again staying with (Person A). This person said he advised (Person A) to return (Person B) to the school, but (Person A) refused and stated that if anybody came near the door that he would stab them. This person also said that (Person A) is a known drug user in Derry and can be very unstable at times.

8.53 **Investigation of Abduction of Persons A and B**

8.54 Police Officer 7, a Detective Constable working on the murder investigation, provided an account of his actions. In investigating the information on the abduction, Police Officer 7 recalled that at noon on 16 September 1988 police gained entry to an unattended flat at Iniscarn Crescent, near a chapel. The flat had an identical wall clock to that described by Person A and after enquiries was confirmed to be the location at which Person A and Person B had been held after being abducted. Police Officer 7 supervised an examination of the flat by a forensic scientist and a fingerprint officer during which documentation was seized. My Investigators have viewed an album of photographs taken of the flat on 16 September 1988. This investigation has not, however, been able to locate or recover a file in respect of the forensic or fingerprint examination of this address from either FSNI or the PSNI Fingerprint Bureau. The loss or failure to retain these documents is a concern to this investigation.

8.55 **Investigation Case Conferences**

8.56 This Investigation has examined records of a number of the case conferences regarding the investigation into the explosion and murders of 31 August 1988. It has been established that the murder investigation

team was drawn from CID in the Derry/Londonderry Policing Division.

8.57 Police records indicate that during the two weeks following the explosion the investigation used a paper based system to manage investigative actions. These enquiries included recording statements from various witnesses at the scene, including the person who reported the explosion, members of the public, the priest, Mr Curran, the doctor, emergency services and police personnel.

8.58 This investigation has examined records of a case conference on the evening of 31 August 1988. Police Officer 4, the Detective Superintendent in charge of the investigation briefed his officers that the IRA had accepted responsibility for the explosion which had been intended for police/army personnel. Notes of the meeting record:

'The D/Supt went on to say that there was no doubt that from various incidents occurring recently commencing with the attack on Rosemount joint Police/Army post on Thursday 25 August every effort was made by the PIRA to lure police or indeed army to the Kildrum Gardens area. Following this incident there was a report of a Datsun 120Y car, VRM CIW 144 abandoned Kildrum Gardens and an explosion was heard in the same area earlier in the morning of 26 August 1988. A follow up later that morning revealed the Datsun car in question burnt out. Examination of the vehicle revealed the remains of a MK 14 grenade. Again on Sunday, Aug 28th a robbery was staged at McD's chip shop, Beechwood Avenue where the two female employees were held up by two masked youths, one who appeared to be armed. £30.00 was taken. Before they left one of the robbers, it is thought at the time had accidentally dropped a telethon form bearing the name (Person A) 38 Kildrum GDNS. Police would therefore consider (Person A) to be one of the suspects for the robbery. In retrospect there was a concerted effort by the terrorists to bring police to Kildrum Gdns.'

8.59 Police Officer 4 has declined to assist my investigation of this matter. His deputy, Police Officer 8, did speak with my investigators, and despite his position stated he did not play a major role in the investigation.

8.60 Police Officer 8 stated he did not have specific knowledge of any intelligence that may have been generated by police either before or after the bombing but was clear that in hindsight there had been deliberate attempts by the republican paramilitaries involved to lure security forces into a pre-planned ambush, tactics which were in continuous use against the police and army.

8.61 An examination of correspondence in the years following the murders articulate that although the police declared the area around Kildrum Gardens as 'out of bounds', they only concluded in the aftermath of the explosion that a number of prior incidents had been instigated by republican paramilitaries in an attempt to lure police to the booby-trapped premises of 38 Kildrum Gardens.

8.62 Internal police documentation, dated 13 November 1991, from Police Officer 9, a Detective Inspector who was reporting to the Detective Superintendent for North Region in respect of this murder enquiry surrounding Kildrum Gardens stated the following in relation to the robbery:

'***events led police to believe that PIRA were making a concentrated effort to lure police into the Kildrum Gardens area in order to mount an ambush. However, what form that ambush might take was not known. There was no evidence in police possession at that time which might have raised suspicions about 38 Kildrum Gardens specifically. It was considered that the 'accidental' dropping of a piece of paper by the robbers was an attempt by the terrorists to lure security forces into that area as indeed the abandoned Datsun car had been. The ambush could have taken***

many forms and there was no reason for police to believe that there was anything untoward about 38 Kildrum Gardens itself. Consequently as with the 'car incident', there was no immediate response to the discovery of (Person A) name and address at the scene of the robbery.'

8.63 I do not find this to be an accurate or realistic assessment of the information the police had at the time of the explosion and murders, nor at the time this message was sent.

8.64 Police Officer 3, the then Deputy Commander of the Strand Road Sub–Division in providing his statement to this investigation specifically recalled, ***'a conversation with CID officers about the dropped documentation at the scene of the robbery and then when the bomb went off at Number 38, was the point when I personally linked those two incidents together'.*** This would appear to further highlight the failure of the police structure in Derry/Londonderry to secure, assess and process intelligence to all the necessary operational staff; this must have influenced decision making and operational response.

8.65 **Suspect Enquiries**

8.66 This investigation has established that a number of arrests were made and persons interviewed in relation to the explosion and murders. There were two arrests on 31 August 1988 in relation to the explosion. Both of these suspects were interviewed and released without charge. Subsequently another eleven individuals were arrested, interviewed and released without charge. From examination of police documentation there is no documented arrest or interview strategy in relation to the people who were arrested or interviewed. The failure to determine and document the reasons for implicating or eliminating suspects was inadequate in 1988 just as it would be today.

8.67 Police arrested the Last Registered Owner (LRO) of the abandoned car which exploded in Kildrum Gardens on 26 August 1988. That person explained that the car was sold through a local newspaper to an unidentified man on or around 22 July 1988 for £200. Police were satisfied that the LRO was not involved in the attack and that person was released without charge.

8.68 Further arrests continued between 13 September and 13 November 1988. These centred upon investigation around the address that Persons A and B were held at during their abduction. This was a significant line of enquiry with four of the individuals subsequently supplying witness statements in respect of their connection with the premises.

8.69 **Intelligence Issue – Person E**

8.70 The complainant has stated that it was the belief of his family that Person E was an informant at the time of the murders and that the security forces did not attend at 38 Kildrum Gardens in an attempt to protect Person E. My investigation has revealed that the individual does not feature in the investigation in any way until intelligence, received in 1990, describes him as 'acting suspiciously' in the area of the bombed flat earlier in August 1988. This investigation could find no evidence or intelligence to suggest that Person E was afforded any unlawful protection by the police in relation to this bombing and murders.

8.71 The intelligence received in 1990, with no further corroboration, was insufficient to justify an arrest of Person E. However, this investigation found no evidence that any police officer, involved in the murder investigation, considered the intelligence received in respect of Person E in 1990 or subsequently. The murder investigation had effectively been closed down in 1989. This is further evidence that this multiple murder investigation was not comprehensive and not subject to investigative

maintenance (the process of continually reassessing new evidence and opportunities on an open enquiry).

8.72 **The Inquest – 7 December 1989**

8.73 The inquest into the deaths of Mrs Lewis and Mr Dalton was held on 7 December 1989 at the Courthouse, Londonderry. The cause of death was established as multiple injuries due to bomb explosion.

8.74 The findings for both Mrs Lewis and Mr Dalton were recorded as:

'Died from injuries received when an explosive device was detonated at number 38 Kildrum Gardens Londonderry around 11:50am on 31st August 1988.'

9.0
Conclusions

9.1 **Remit of Police Ombudsman's Investigation**

9.2 The objective of this investigation has been to address the complaints made by the family, and determine whether or not there is evidence of criminality or misconduct by any member of the RUC in relation to the four main areas of complaint made by Mr Dalton's family.

9.3 The scope of my investigation has also examined the RUC investigation into the explosion and the resulting deaths to determine if all reasonable lines of enquiry were followed.

9.4 **Scope**

9.5 In reporting matters of policing in 1988 I do recognise that there was a different context then to that existing in Derry/Londonderry today. I am very conscious of the threat posed to police officers as they carried out their duties but also of their mission to protect the public. I therefore focus my determinations on the conduct of police officers within that context.

9.6 My determinations are reached on the balance of probabilities, which are evidence based and drawn from all sources of information available.

9.7 **Evidential Analysis**

9.8 The summer of 1988 in Derry/Londonderry was a period characterised by a high level of IRA activity directed against security forces. Evidence supports that the IRA placed a booby-trapped device within 38 Kildrum

Gardens, a flat within a block of housing in a built up residential area, with the clear intention to murder members of the security forces.

9.9 It is evident that the IRA instigated a number of incidents specifically to lure security force personnel to attend 38 Kildrum Gardens where the IRA intended that the device would be triggered.

9.10 **Abduction of Persons A and B**

9.11 The first incident identified is that of the abduction of Person A and Person B from 38 Kildrum Gardens in the early evening of 25 August 1988. It is believed the IRA planted the device within the flat on 25 August 1988. A subsequent phone call was made on 30 August 1988 to a staff member at St Patrick's Care Home with information intended to bring about the deployment of security force personnel to 38 Kildrum Gardens.

9.12 There is no evidence to suggest that police knew, prior to the explosion on 31 August 1988, of the abduction of Person A and Person B on 25 August 1988 or of the anonymous phone call made on 30 August 1988. Records show that police first learnt of the abduction at 2.00pm on 31 August 1988 when they were contacted directly by Person A.

9.13 **Rosemount Police Station Attack and the Car Bomb**

9.14 At 10.00pm on 25 August 1988 there was an explosion at Rosemount Police Station, followed by shots fired in the direction of the station. Shortly afterwards, a car abandoned in Kildrum Gardens by two men who ran from the car shouting there was a bomb on board was reported to police. This is believed to be an attempt by the IRA to lure security forces into the area, however as the car had been left in an area of high risk to security forces, the clearance operation was postponed until the daylight. The bomb in the car exploded at 2.35am on 26 August 1988 and police subsequently attended later that morning. The car was

examined and the police assessed the explosion was due to a device containing approximately 6oz of explosives. The remains of an IRA improvised grenade was also recovered from inside the car.

9.15 It is clear that the police concluded the circumstances surrounding the car explosion in Kildrum Gardens on 26 August 1988 had been an attempt to injure and kill security force personnel.

9.16 An armed robbery occurred in the early hours of 28 August 1988, during which two masked and armed men stole a small amount of cash from a hot food bar in the Creggan. As they left the premises, one of the men dropped the 'Telethon 88' form upon which was written the name of Person A and the address of 38 Kildrum Gardens. Police attended the scene and seized the form as evidence. Following consultation, by the attendees with a senior officer, a decision was made not to conduct any immediate follow up enquiries at that address as the area was 'out of bounds', thereby requiring a major joint operation between police and military to conduct an arrest.

9.17 The armed robbery on 28 August 1988 was a further attempt by republican paramilitaries to lure security forces to Kildrum Gardens, and it was specific to number 38 due to information left at the scene.

9.18 The aforementioned incidents show that, republican paramilitaries having placed a booby-trapped bomb in 38 Kildrum Gardens on 25 August 1988, staged a number of crimes during the course of the following days that they believed would entice security forces to the area and specifically to 38 Kildrum Gardens. I do not believe the police in Derry/Londonderry were aware of the abduction of Person A and B. The report of Person B being absent from care (from St Patrick's Care Home) was also apparently not passed from Andersonstown to the Police in Derry/Londonderry.

9.19 **Police Knowledge**

9.20 However, police were in possession of three key pieces of intelligence:

- On 5 August 1988 police knew of the IRA intention to plant a booby-trapped bomb then stage an incident to lure police to the scene. It is recorded that this intelligence was shared with uniform personnel.
- On 25 August 1988 police were warned after the attack on Rosemount Police Station that there should be no follow up action. It is recorded that Divisional Command was informed of this.
- On 26 August 1988 intelligence was received indicating that a car used in the attack on Rosemount Police Station was abandoned *'convenient to'* a house in which a booby-trapped bomb was planted.

9.21 It is recorded that this intelligence was also shared with the Divisional Command.

9.22 It is clear from police documentation recovered that the phrase 'convenient to' means next to and as such it is apparent to me that there was cogent information, at the disposal of the police, that there was a bomb in Kildrum Gardens. In the absence of the co-operation of the police officers, who submitted and assessed that information, it is difficult to draw any other conclusions as to what *'convenient to'* meant to the police officers assessing this information. The 'out of bounds' instructed on 26 August 1988 included the area of Rathkeele Way, Rathlin Drive and Kildrum Gardens to the cemetery wall.

9.23 It has been established that on 26 August 1988 the security forces, including the police, did suspect that the car abandoned in Kildrum Gardens was linked to the attack on Rosemount Police Station (see Section 7.22). However it was believed that the primary purpose of the car being abandoned in Kildrum Gardens was to kill security forces upon

examining the car. Although my investigation has not established the time at which the third piece of intelligence was received it appears likely the 'out of bounds' instruction at 4.56pm on 26 August 1988 was made on the basis of this information.

9.24 Intelligence may in some cases be developed into evidence by obtaining corroborating facts. It has not been established if further enquiries were conducted by police after the third piece of intelligence was received on 26 August 1988 in an attempt to establish the exact location or potential existence of the booby-trapped bomb.

9.25 In the absence of records documenting strategic decisions on the assessment of this information and rationale for actions taken, it is preferable to seek accounts from those involved at the time. A substantial number of retired police officers who were in key positions to assist this investigation were approached but declined to assist. This significantly hampered my investigation and examination of this case.

9.26 Having reviewed all of the information available to me, I believe that there was sufficient intelligence and information available to the police to have identified the location of the bomb in 38 Kildrum Gardens or very close by. I further believe that they ought to have known it was in the vicinity of 38 Kildrum Gardens and that steps could and should have been taken to locate the threat and warn the local community and that the failure to do so had tragic consequences for the victims of the bombing. This failure and the continued knowledge that there was a device in a house 'convenient to' the car bomb (and as such 'next to') resulted in the police not fulfilling their duty to protect the public.

9.27 **'Out of Bounds' – the Context and Findings**

9.28 It is noted that in 1988 it was not custom and practice to notify the public of an area being placed 'out of bounds'. Current policy does reflect that,

in some circumstances, the public do need to be made aware if an area is ‘out of bounds’.

9.29 Documentation from the police reveals that no police operations were in place as a consequence of Kildrum Gardens being put ‘out of bounds’ at 4.56pm on 26 August 1988. In not informing the public of the security alert on 26 August 1988 the police must have accepted a higher degree of risk for ensuring public safety.

9.30 I accept that the police needed to adopt a cautious approach when dealing with incidents in the Creggan area. Police were in receipt of intelligence alerting them to the potential that a booby-trapped bomb had been planted near to where the car had been abandoned. In line with the policy at the time relating to how such threats were dealt with, police did not immediately search the area but they also failed to warn and inform their community.

9.31 Policy in 1988 governing police response to threats caused by improvised explosive devices allowed for circumstances in which a delayed response should be considered. Factors to consider included a high threat level in terms of ‘come-ons’, necessitating a safe waiting period, or to wait for additional intelligence.

9.32 The response by police to not immediately search the area was consistent with the policies in 1988 governing ‘out of bounds’ and police response to threats caused by improvised explosive devices. However, in the absence of records or co-operation from the key police officers involved in the decision making process, I have been unable to establish if police took any further action on the intelligence received on 26 August 1988, other than to place the area ‘out of bounds.’

9.33 Within any potential intelligence-led operations, key officers in uniform, CID and those in intelligence roles would have had available to them, on

a daily basis, information relating to the previous day's incidents. Within the policing Division a 'collating' resource, drawn from uniformed police, were responsible for monitoring crime and sightings of persons of interest and routine liaison with the military with a view to briefing senior officers, uniformed patrols and Intelligence functions, including Special Branch.

9.34 **In respect of complaint 1: that the police failed in their duty to advise the local community or its leaders of possible terrorist activities in the area. Substantiated**

9.35 The family have concerns that police did not act on information received in order to protect a named individual, Person E, who they believe to be an informer. In respect of informants I will neither confirm nor deny the status of an individual.

9.36 I have not been able to find any evidence to support the allegation that the police chose not to attend Kildrum Gardens prior to the explosion at number 38 in an attempt to protect an alleged informant.

9.37 It is clear from my investigation that intelligence did become available in 1990 that Person E was seen in the area of the bombing prior to the murders. The intelligence was made available to the CID by the Special Branch but there is no evidence that this intelligence was ever made available to the murder enquiry, which was by 1990, no longer an active investigation in any case.

9.38 We have not been able to ascertain why this intelligence was not passed on. After considering the wider intelligence picture available, we could find no evidence or intelligence to suggest that Person E was provided with any unlawful protection or that actions were not carried out to protect him as an individual.

9.39 **In respect of complaint 2: that the police failed in their duty by knowingly allowing an explosive device to remain in a location close to where the public had access in order to protect a police informant. Not Substantiated**

9.40 The police response to designate the area, including Kildrum Gardens, as 'out of bounds' combined with the related intelligence leaves me with no doubts that the police were aware of a bomb being in Kildrum Gardens and that it would remain there until it was set off (to injure police officers or other security service personnel).

9.41 I refer back to the actual amount of viable intelligence that was in the possession of the police and also to the items they failed to collect due to poor systems – here I refer to the failure to develop the report from St Patrick's and to account for decisions taken in response to the evidence recovered from the robbery at McD's.

9.42 I believe that the potential opportunities to link the intelligence and significant incidents were not fully pursued in relation to 38 Kildrum Gardens. I believe it is reasonable to conclude that the DAC meeting on the morning of 30 August 1988 took place (despite there being no minutes available) and that there was information and intelligence available to that meeting that ought to have identified the linkage between the bomb and 38 Kildrum Gardens.

9.43 I can find no evidence to suggest that the police put any plan in place to mitigate the real and immediate threat from a bomb in Kildrum Gardens. The use of 'out of bounds' was not by itself the right response to protect the community from the potential non-discriminatory attack posed by a bomb. This was even less acceptable considering the community were not told of the 'out of bounds' and the threat that lay behind it.

9.44 Again, I can see no actions put in place by the police prior to the

explosion, to disrupt the terrorist activity nor apparently was there any plan for an evacuation of the area identified as the most likely location.

9.45 As such, my only conclusion must be that the police were very aware of the threat of the bomb, its location and their own duty to protect the public and maximise the safety of the police and security staff involved in any response. It is apparent that there was no contingency put in place to protect the public from the bomb, and whilst the responsibility for the murders remains with the bombers, there was a failure by the police to protect the lives of the local community who were in such a real and immediate danger.

9.46 The RUC failed to do all that could reasonably be expected of them to avoid a real and immediate risk to life which they knew about. Whether by today's standards or those of 1988, there was a failure to uphold Mr Dalton's right to life.

9.47 **In respect of complaint 3: that under Article 2 of the European Convention on Human Rights which states 'everyone's right to life shall be protected by law'; it is my opinion that police failed in their responsibilities to uphold Mr Dalton's right to life. Substantiated.**

9.48 **The Multiple Murder Investigation**

9.49 It has been established that, after the fatal explosion the police investigation linked the related prior incidents together and examined each incident for potential lines of enquiries.

9.50 All scenes were examined forensically and photographs taken at: Rosemount Police Station; the scene of the explosion in the abandoned car; the scene of the explosion at 38 Kildrum Gardens; and the house where Persons A and B were held. None of the forensic examinations, or the exhibits apart from an unidentified fingerprint on the 'Telethon 88' form, provided any evidential or investigative leads. I accept that the

majority of forensic evidence was destroyed in the explosion.

9.51 Police records were located which document that the fingerprints recovered from the 'Telethon 88' form were checked against two suspects, however, there are no records to support that checks were made against any of the remaining suspects.

9.52 Thirteen persons were arrested for the murders of Mr Dalton and Mrs Lewis. Two arrests occurred within hours of the explosion following police security force stop-checks, neither suspect was subject to charge. The last registered keeper of the car blown up in Kildrum Gardens was arrested but eliminated from the enquiry and a witness statement taken. A series of arrests followed in relation to the house used to keep Persons A and B during their abduction. Again, there was insufficient evidence to charge these individuals and four of them gave witness statements explaining their connection to the premises.

9.53 There is an absence of any documented arrest strategy; there is no written explanation of how suspects were subsequently eliminated from the investigation; and there were no interview records traced by my investigators. Intelligence obtained in 1990 regarding Person E and others acting suspiciously in the area of Kildrum Gardens, prior to the murders, does not appear to have been actively pursued due to the investigation being effectively closed down at the time.

9.54 **Summary of the RUC Investigation into the murder**

9.55
- The attendance and control of the murder scene was prompt and of a good standard.
- The forensic examination and recovery at the murder scene was in line with best practice at the time but the subsequent forensic examination at the house where Persons A and B were held appears to have been poorly recorded and my investigation revealed

no trace of recovered exhibits or subsequent forensic investigation work.

- There was no sustained contact between the police murder investigation and the families of the deceased and injured. Whilst I accept that the concept of Family Liaison was not established at the time, I would have expected a more concerted effort to include the family in the investigation of a multiple murder and that such contact may have secured more information from the community in and around Kildrum Gardens.

- There was an initial flurry of activity following the murders to identify witnesses, take statements and some excellent subsequent use of cognitive interview technique to identify the premises where Persons A and B were held following their abduction – the follow-up to that very significant investigatory breakthrough resulted in arrests but despite forensic examinations of that scene there was no evidence to implicate offenders recovered.

- I do not believe that the murder investigation was well structured with definite identified lines of enquiry, witness or suspect strategies. There was also a failure to satisfactorily conclude processes of house-to-house enquiries, forensic submissions and the investigation team officers were not solely dedicated to the actual murder enquiry but were also carrying significant casework from local CID offices. I do not feel that the recommendations of the 1982 Byford Report recommending how major incident rooms, on the most serious murder enquiries were managed, were adhered to in this case.

- I was not able to find evidence that a sustained media strategy was put in place to appeal to a community that was quite obviously shocked by the murders of these innocent people and who were justifiably angry at the paramilitary forces responsible. I believe this

was, and continues to be, an opportunity missed.

- I am also aware that there was no current situation report completed by any Senior Investigation Officer at the point the investigation was run down to a closure. I believe such a report, including the following issues, would have assisted and perhaps prompted a reopening of the investigation at the time of Mr Curran's death or as new intelligence and evidence entered the system:
    - Scene description, assessment and management;
    - Details of the main lines of enquiries – with a summary of the outcomes;
    - Forensic evidence and material available to support the investigation;
    - Communication strategy and consideration of appeals on the relevant anniversaries of the murders;
    - An intelligence assessment;
    - Full preserved details of the house-to-house enquiry;
    - Offender profile – here I would have expected the identification of potential paramilitary suspects who had the knowledge and 'know-how' to build booby-trapped devices;
    - Details of expert witnesses;
    - Suspects – full details of any suspects and actions already taken to trace, implicate or eliminate them from the enquiry.

9.56 From my investigation it is clear that much of the evidence and information collected was neither well preserved nor effectively stored – there was an absence of investigative maintenance.

9.57 **In respect of complaint 4**: **Police failed in their duty to properly investigate the death of the complainant's father and Mrs Lewis on 31 August 1988. Substantiated.**

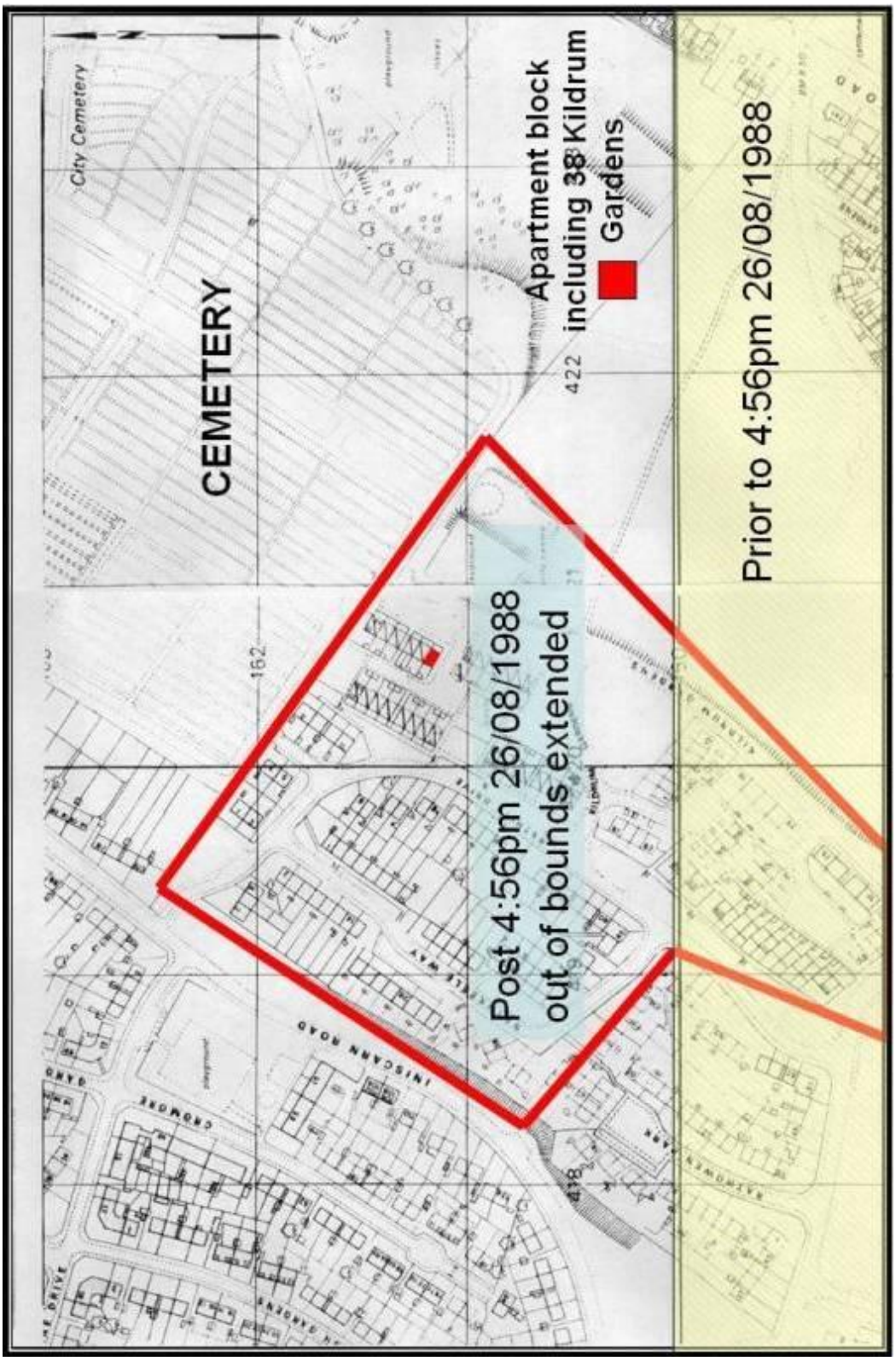
9.58 The obligations of police in respect of protecting life are now properly

defined by the PSNI and therefore I make no specific recommendations in respect of this matter.

9.59 It is important that the Chief Constable reflects on the circumstances surrounding these events, to satisfy himself that the tactical and strategic responses available to his officers continue to be effective in mitigating threats and risk to life.

DR MICHAEL MAGUIRE
POLICE OMBUDSMAN FOR NORTHERN IRELAND

APPENDIX 1


City Cemetery
CEMETERY
Apartment block
including 38 Kildrum
Gardens
422
162
Post 4:56pm 26/08/1988
out of bounds extended
Prior to 4:56pm 26/08/1988

APPENDIX 1A


CEMETERY
Apartment block including 38 Kildrum Gardens
Post 4:56pm 26/08/1988 out of bounds extended
Prior to 4:56pm 26/08/1988
RIVER FOYLE

APPENDIX 2

Date	Time	Event
3/7/88	11.00am	Person A informs police that Person B is at his address 38 Kildrum Gardens whilst absent from care from St Patrick's Care Home, Belfast. Police visit 38 Kildrum Gardens but Person B had left but doesn't return to Care Home until 16/7/88.
14 – 21 July 1988	Not known	Three anonymous calls received by police of alleged terrorist activity within Kildrum Gardens.
5/8/88	Not known	Special Branch receive intelligence, assessed as reliable, that republican paramilitaries intend to plant booby-trap type bomb in a house in Derry/Londonderry, then lure police officers into the location.
6/8/88	1.00am	Police at Shantallow Police Station informed by SB that paramilitaries intend to deploy a booby-trap.
8/8/88	Not known	Person A circulated for alleged assault committed on 9/7/88.
16/8/88	Not known	Person B returns to St Patrick's Care Home.
20/8/88	Not known	Person A arrested re assault and bailed for DPP decision (place of arrest unknown).
25/8/88	After 1.40pm	Person B goes absent from care from St Patrick's Care Home, Belfast – reported to Andersonstown Police Station, Belfast.
25/8/88	8.30pm	Person A & B abducted from 38 Kildrum Gardens.
25/8/88	10.00pm	Attack on Rosemount Police Station – shots fired and explosion close to that location. Two unexploded devices recovered close to scene.
25/8/88	10.20pm	Police (Special Branch) receive intelligence (reliable) that there should be no follow-up action in respect of the incident at Rosemount Police Station. Divisional Command informed. Intelligence received that the car used in an attack on Rosemount Police Station was abandoned in Kildrum Gardens.
25/8/88	10.38pm	Report of abandoned Datsun motor vehicle CIW 144 in Kildrum Gardens.
25/8/88	10.48pm	Police inform military of abandoned car in Kildrum Gardens.
26/8/88	02.35am	CIW 144 explodes in Kildrum Gardens.
26/8/88	02.10am	Anonymous report re: car abandoned in Kildrum Gardens.
26/8/88	4.16am	Entry made in C6 book at Shantallow Police Station that two men seen to abandon Datsun motor vehicle CIW 144 at Kildrum Gardens and that car is linked to attack at Rosemount Police Station. Decision not to attend scene until daylight due to previous guidance not to follow-up enquiries re Rosemount Police Station incident.
26/8/88	11.20am	Police, Fire Service and Military attend scene of bombed out car in Kildrum Gardens.
26/6/88	1.40pm	Area search initiated by security forces.
26/6/88	4.30pm	Search discontinued due to sustained attack on security forces.
26/6/88	Before	Area bounded by Rathkeele Way, Rathlin Drive, Kildrum Gardens to cemetery wall –

	5.00pm	placed as 'out-of-bounds'
26/6/88	5.18pm	Direction given to police and military that no suspect vehicles should be removed to a police station without clearance from ATO.
26/8/88	Not known	SB receive reliable intelligence that the car suspected of use at Rosemount Police Station - was abandoned close to house with booby-trap bomb – Kildrum Gardens not mentioned in this case.
26/8/88	Not known	Further intelligence received by Special Branch that the IRA used a car the previous night in the attack which they abandoned 'convenient to' a house where a booby-trap bomb is planted'. It further stated that the IRA would mount another operation to lure the security forces to the house where the bomb is planted as they were not going to remove or dismantle the bomb – again Kildrum Gardens is not named in the intelligence.
28/8/88	12.50am	Robbery at McD's Hot Food Bar – during which 'Telethon 88' form dropped with Person A's name and address written on it.
28/8/88	Not known	Police attend robbery scene and after consultation with a senior officer a decision was made not to attend at 38 Kildrum Gardens, as area 'out of bounds' and that it was perceived as a potential 'come-on'.
28/8/88	Not known	Matter referred by Police Officer 3 to DAC meeting due on Tuesday 30/8/88 for action to be determined at that meeting.
29/8/88	7.13am	Divisional HQ were notified that the area including Kildrum Gardens 'out-of-bounds' and confirmed same.
30/8/88	Approx. 9.00am	DAC meeting at Strand Road Police Station took place and should have discussed all 'out-of-bounds' issues, intelligence and robbery at McD's
30/8/88	Morning	St Patrick's Care Home receive anonymous call that Person B with Person A, described as drug user and caller asked staff at St Patrick's to inform the police. Call noted in diary at St Patrick's but police not informed of call until after the explosion.
31/8/88	7.30am	'Out-of-bounds' confirmed to remain in place around Kildrum Gardens (recorded in Shantallow C6 book).
31/8/88	11.50am	Bomb explodes at 38 Kildrum Gardens killing Mr Dalton & Mrs Lewis and injuring Mr Curran.
31/8/88	2.00pm	Police notified that Person A has been located and alleges he has, with Person B, been abducted and just released by the IRA.

Additional copies of this and other publications are available from:

Police Ombudsman for Northern Ireland
New Cathedral Buildings
St. Anne's Square
11 Church Street
Belfast
BT1 1PG

Telephone: 028 9082 8600
Textphone: 028 9082 8756
Witness Appeal Line: 0800 0327 880
Email: research@policeombudsman.org

These publications and other information about the work of the Police Ombudsman for Northern Ireland are also available on the Internet at:

Website: www.policeombudsman.org