

Police Ombudsman Investigation into the Plastic Bullet killing of Paul Whitters

PFC Statement - 16 April 2007

In 2003 the PFC accompanied the Whitters family to a meeting with the Police Ombudsman, Nuala O'Loan, to lodge a complaint regarding the shooting of their son Paul by RUC Constable David Galway in Derry in 1981. The family was deeply concerned at the actions of the RUC on the day and the justification offered for the shooting by Inspector Robert Andrew Boyd who ordered his subordinate to open fire.

The family was also of the view that no proper investigation was carried out by Inspector Kenneth Mc Farland. At a press conference today (16 April 2007) Nuala O'Loan announced that her office had substantiated the majority of the complaints made in relation to the case. Though she could find no new evidence to prove beyond a reasonable doubt that the intention had been to kill Paul her office did decide that the killing was unjustified and wrong. This investigation also found that a number of civilian witnesses had come forward but the investigating officer had failed to take statements from them. She rejected the claim of the investigating officer that the civilians had been unwilling to cooperate. No proper investigation was carried out. The subsequent decisions by the prosecution service and the findings of the Coroner can no longer be relied upon since both were based on a flawed and professionally incompetent investigation.

See below a link to the OPONI statement on the case and the family response as read out by Paul's sister Emma at the press conference.

PFC

Link to the OPONI statement: http://www.policeombudsman.org/press.cfm?Press_ID=158&action=detail&year=2007

Statement from the family of Paul Whitters in response to the report of the Police Ombudsman

16 April 2007

On 15 April 1981 Paul was with a small group of teenagers who were throwing stones at the upper windows of a business premises in Great James Street in Derry. Paul was 15 years old. There was sporadic rioting in the city linked to the ongoing hunger strikes in the H-blocks of Long Kesh prison.

A group of RUC officers on riot duty were stationed inside a nearby bakery. At approximately 8.30pm an RUC inspector gave the order to a constable to fire a plastic bullet at Paul. He was struck on the head and was subsequently dragged into the bakery by the RUC. Paul was taken to Altnagelvin Hospital and later transferred to the Royal Victoria Hospital in Belfast where he remained on a life support machine for ten days. The most painful decision of our life came when our permission was sought to switch off the life support machine and finally to give Paul release. He died on 25 April 1981.

In 2003 we lodged a complaint with the Police Ombudsman's Office. We welcome the findings and believe that our persistent search for answers has been vindicated. This process has brought some consolation for us. We do not intend to pursue this any further and precisely for this reason we wish to put a number of issues on public record.

The Ombudsman has found that Paul was shot at under the minimum permissible range for firing plastic bullets. They have found that he did not pose a serious threat to persons or property and could have been arrested. The Ombudsman also found that no proper investigation was carried out, civilian witnesses were not sought nor did the RUC approach us until December. Furthermore, contradictions in police evidence were left unchallenged.

As a family, we would like to clarify certain issues. The failure to investigate the shooting of Paul was extensive. There are numerous examples of this but we will briefly highlight only three:

Firstly, the RUC inspector who interviewed the constable who shot Paul had, by his own admission, failed to read any of the civilian statements before questioning the constable. This meant the inspector was in no position to thoroughly question a colleague responsible for the death of a child. (PFC note-this is a reference to another Inspector who had no other involvement in the case)

Secondly, central to this case was the positioning of a lorry that had been delivering bread to the bakery as a supposed threat to the lorry was cited as a reason for firing. The Ombudsman refutes the claim that the lorry was under threat. Whilst the inspector who gave the order to shoot maintained the lorry driver was inside the bakery during the disturbance no civilian accounts corroborate this and, indeed, the lorry driver related a different version of events. There was never any attempt made to resolve these crucial discrepancies. We feel that because these matters were not investigated, it is self evident that the file sent to the DPP was inaccurate, incomplete and unprofessional. The subsequent decisions not to prosecute

must therefore be regarded as unsafe and his judgement questionable.

Thirdly, no proper procedure that might be expected regarding the gun used to shoot Paul were followed. The Ombudsman's Office tracked the gun to Magilligan camp where it was being used as a test weapon.

Another major concern of ours has been the refusal of retired officers to cooperate with the Ombudsman's investigation. The Ombudsman's report suggests to us that there was less than complete cooperation from all officers involved. We find it ironic that people whose careers are based on asking questions of others should then refuse to answer questions which would give us clarification. Our family did not embark on this process in the belief that it would result in a prosecution but after so many years we have come to question the separation of law and state when it comes to state violence. The lack of prosecutions regarding deaths from plastic bullets reinforces these misgivings.

We stated above that we do not wish to pursue Paul's case any further. This report has indeed brought a degree of solace to us and for this we are sincerely grateful to Nuala O'Loane and her staff who have been sensitive, professional and courteous in all their dealings with us. We feel these findings highlight the need for such an office to exist.

We are also indebted to the Pat Finucane Centre for their unwavering support through this difficult period. It is unfortunate that it has taken 26 years for a family to experience the type of investigation and approach that should be expected following the death of a child.

We would like to take this opportunity to remember all victims of plastic bullets. Today is the 16 April and we remember another child, eleven year old Stephen McConomy, who was shot by a plastic bullet on this day in 1982 and died three days later.

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