

evidence of any investigative opportunity undertaken by DCS McBurney in relation to the alleged perverting the course of justice.

22.47 He is then, having outlined his strategy, questioned by Mr Ranaghan (22838)

“Just a couple of points to try and take him through the same sort of order. Just to confirm, from the 9th or 10th May when the information regarding telephones comes into your possession, could you tell me what steps you took between that date and the interview of Reserve Constable Atkinson in relation to that evidence?”

A) *“That’s in with regard to telephone calls?”*

Q) *“Yeah”*

A) *“I have already said the action I took, I wanted to confirm number one that the telephone, that the intelligence was correct, it was proved to be correct and we knew there and then, right is an investigation that we must pursue, perverting the course of justice and the rest follows suit”*

Q) *“And can I ask specifically what steps you took? You said you were checking the information was correct, how did you go about that?”*

A) *“I have spent an hour here explaining all that and my rationale for the action I took”*

Q) *“But I am asking you specifically what actions you took? I understand your rationale and that you explained your strategy”*

22.48 In my opinion DCS McBurney could not outline what action he had taken during the period between applying for the itemised billing on 9th May 1997 and 9th September 1997 when Reserve Constable Atkinson was interviewed, because he did not take any action.

Conclusion

22.49 I do not find the account of DCS McBurney credible. I do not believe a senior police officer can justify doing virtually nothing for three years and then claim that that was a strategy. In summary I base this on the following:

1. Upon learning of the telephone call, itemised billing was obtained which showed that two telephone calls had been made from the home address of Reserve Constable Atkinson. Nothing further was done, despite there being significant lines of enquiry that could have been undertaken.
2. The statement of Tracey Clarke was typed onto HOLMES on 11th May 1997 which allowed potentially a wide circle of officers the knowledge