

1. Introduction

- 1.1 As the appointed independent police expert for the Robert Hamill Inquiry, I have been asked to prepare a report detailing what disciplinary action the Royal Ulster Constabulary (RUC) took in 1997 in respect of the allegation of misconduct made against Reserve Constable Atkinson.
- 1.2 The alleged misconduct was reported by Tracey Clarke on 9 May 1997. She alleged that Allister Hanvey had told her that, following the assault on Robert Hamill and D on 27 April 1997, he had received a telephone call from Reserve Constable Atkinson in which the officer advised him to destroy his clothing.
- 1.3 I have been asked to examine the policy in place at the time which dealt with complaints against police and internal police investigations where police misconduct was suspected but not subject to a complaint. I have also been asked to determine, if possible, whether the then RUC had complied with the policy in place and, if not, to try to determine why that occurred.
- 1.4 I have also been asked to report on the apparent failure of the RUC to refer the investigation to the Independent Commission for Police Complaints (ICPC).

2. Methodology

- 2.1 In preparing my report I have:
 - Relied upon the papers I read when compiling my earlier report dated 8 September 2006;
 - Researched policy pertaining to the RUC when conducting discipline and criminal investigations with regard to RUC officers;
 - Researched policy pertaining to the ICPC when supervising investigations undertaken by the RUC;
 - Sought clarification from the Police Service of Northern Ireland (PSNI) with regard to police practice in 1997 when dealing with alleged misconduct by members of the RUC.
- 2.2 In preparing my report I have considered and commented upon the actions taken by Detective Chief Superintendent McBurney when investigating the alleged misconduct by Reserve Constable Atkinson.
- 2.3 It is not my intention to duplicate parts of my previous report, which covered in some detail the investigation into Reserve Constable Atkinson, but to comment upon the time line of that investigation.