

Once the criminal process had been completed, the file would have then been returned to the ICPC to determine whether any discipline charges should follow. In the absence of timely serving of a Form 17/3, any discipline charges would be undermined and any hearing subject to legal challenge.

There is no suggestion that Detective Chief Superintendent McBurney concealed from the ICPC the alleged misconduct of Reserve Constable Atkinson. On the contrary there is evidence within the papers I have read indicating that the alleged misconduct on the part of Reserve Constable Atkinson was discussed in the presence of members of the ICPC.

Based upon the papers I have read I am unsure why this aspect of the investigation was not formally notified to the ICPC. At this stage I prefer to hear the relevant evidence before attempting to reach any conclusions regarding the apparent failure to refer to the ICPC the alleged misconduct of Reserve Constable Atkinson

DECLARATION

The facts as stated in this report are true to the best of my knowledge and belief. I understand that this report and any oral testimony may be used in the proceedings at the Inquiry into the death of Robert Hamill. I make it knowing that I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or that I do not believe to be true.

I understand that as an expert witness I have a duty to assist the Inquiry with matters within my expertise and to advise independently of whoever has instructed me. In compiling this report I believe I have complied with that duty.

COLIN MURRAY

INDEPENDENT POLICE EXPERT

Dated 7 November 2008