

9. On 29 September 1999, the DPP directed no prosecution against the four officers at the scene. I did not review that file and it wouldn't have been the normal practice for the Chief Constable to have done so. DPP directions, although often addressed to the Chief Constable, went to the Assistant Chief Constable Crime, who was the accepted point of contact between the police force and the Director of Public Prosecutions. I should point out that in Northern Ireland at that time, the police would never charge in a serious case without a prior direction from the DPP. This differed from the practice in GB where officers would often charge and then refer the case to the CPS.
10. I first became aware that allegations had been made that a Reserve Constable assisted a suspect in around June 2000. I can't remember precisely when but I recall that DCS McBurney briefed me about a 'development'. He said those investigating had always had a concern about a call that had been made alerting and advising a suspect to dispose of clothing but there was always solid alibi evidence which meant it could not be tied down. The extent of my briefing was that a couple who had been involved in providing the alibi had separated and that McBurney wanted to take the opportunity to re-interview the woman to see if he could break the alibi. Up to that point, my concern had been about alleged police inactivity at the scene. When DCS McBurney briefed me on this other matter, I contacted the Director of Public Prosecutions because I wanted someone in the office of the DPP to work with DCS McBurney as to strategy, for example whether this person should be treated as a suspect or a witness. There is now produced and shown to me marked "RF2" a document referring. I knew that DCS McBurney planned to re-interview the witness after the couple split and I knew he went to Wales to do that but any more detailed briefings would have been through the ACC.
11. My recollection of that briefing is that DCS McBurney had been unable to undermine the alibi and that the billing evidence they had added little because there was no transcript of the conversation and therefore no record of what was actually said. I was not made aware that Andrea McKee had been in contact previously with CID with contrary information or had been present when Tracey Clark told police that a telephone call had been made by the Reserve Constable. That sort of detail wasn't included in my brief. I was not aware that DCS McBurney had not kept a policy book. I can say that I am surprised that he did not.