

Note for File**ALLEGATIONS AGAINST ROBERT CECIL ATKINSON, RESERVE CONSTABLE**

On 26 June, a meeting having been previously arranged, [REDACTED] and Mr Gregg Mullan from the ICPC and Detective Superintendent McBurney and Detective Inspector Irwin called to consult with Mr Kitson in regard to the above person.

The background to this matter is as follows:-

At the time of the original complaint investigation one of the allegations made was that Reserve Constable Atkinson had been in touch with an Alastair Hanvey (a suspect in relation to the murder of Robert Hamill) in order to tell him to get rid of the clothes which he had been wearing on the date of the assault on Mr Hamill and also that he, Reserve Constable Atkinson, had been keeping Hanvey informed of developments in the police investigation. This initial allegation had come from witness A.

Police investigated the allegation and found as follows:-

Two phone calls from Atkinson's phone to the Hanvey household were identified, one at 8.37 am on 27 April, the day of the assault on Mr Hamill, and a further telephone call on 2 May 1997. However, witness statements had been recorded from a Michael McKee and an Andrea McKee and from Reserve Constable Atkinson's wife, which indicated that there was an innocent explanation for these telephone calls. As there was no other evidence in this regard it was concluded that the evidence was insufficient to afford any reasonable prospect of the conviction of Atkinson for any offence.

It now appeared that Andrea McKee, referred to above, had made, on 20 June 2000 a further statement of witness in which she stated that parts of her original witness statement made by herself on 29 October 1997 were untrue. The untruthful parts related in short, to the fact that in her original statement she stated that she and her husband had stayed in Atkinson's house and she was present when the telephone call of 27 April was made, by her husband, to the home of Alastair Hanvey.

I noted that on the face of this further statement of Andrea McKee she had committed an offence, at least, of doing an act with intent to pervert the course of justice.

The circumstances under which Andrea McKee came to make this further statement were made known to me by Detective Superintendent McBurney. In the course of assisting the Coroner to set up the inquest into the death of Mr hamill he learnt that Andrea McKee had now become separated from Michael McKee and she was living in Wales. Superintendent McBurney explained to me that in such circumstances he often felt it beneficial to an investigation to go back and see separated parties individually. He often found that the individuals came up with more information than they

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had originally done so at the start of an investigation. Superintendent McBurney explained to me that when it became clear that Andrea McKee had indicated that her initial statement was untrue and therefore that there were criminal offences occurring, he decided, rightly or wrongly at that stage and balancing out various factors, to take a witness statement rather than a caution statement from her.

Detective Superintendent McBurney said he was coming to discuss 2 issues as follows:-

1. Whether he was right to have taken a witness statement rather than a caution statement, from Andrea McKee.
2. To seek advice on how to proceed with the investigation in respect of Michael McKee.

I indicated to Detective Superintendent McBurney that it was not for me to say whether he was right or wrong to have taken a witness statement from Andrea McKee. It seemed to me that she had, at the very least, committed an offence of doing an act with intent to pervert the course of justice. However, I noted what he had said as to why he had decided to go down the witness statement route. The matter would need to be reported to the Director. Further consideration would be given to any issues which flowed from the decision not to taken a caution statement from her.

In relation to Michael McKee this was a matter upon which it was not for me at this stage to advise police. It seemed to me that, in the first instance, that further enquiries had to be carried out in regard to Andrea McKee's statement with a view to ascertaining whether there was objective supporting, evidence for what she was asserting. I assumed that this would have been the normal course for a police investigation to follow before other potential suspects were interviewed, whether as witnesses or under caution. It seemed also to me that, while it could be argued that Andrea McKee was not part of the original conspiracy by Atkinson and Michael McKee and that she had been prevailed upon by her husband to support him in his story, Michael McKee was central to the conspiracy and should be regarded by police in that light. I indicated that these were serious offences which Michael McKee and Constable Atkinson had committed, if the allegations made by Andrea McKee were correct. The matters, in any event, would have to be reported formally, via RUC Headquarters, to the Director's office. I was not prepared at this stage, nor did I have the authority to do so in any event, to determine the question of some sort of immunity, in advance, from prosecution of Michael McKee or any others.

Detective Superintendent McBurney agreed that there were other enquiries to be carried out based on Andrea McKee's statement. These would take sometime. No further steps would be taken to interview in any fashion any of the others until those enquiries had been carried out. Superintendent McBurney's preliminary view was that Andrea McKee was in a different position to Michael McKee and that Michael McKee should be interviewed, after caution.

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██████████ on behalf of the ICPC stated that he could understand the desirability for police to look further into matters to support Andrea McKee's statement. He was concerned, however, as to the time that police had indicated that these enquiries would take. In particular, enquiries in relation to further telephone calls made to any of the Hanvey household would take some considerable time. However, he agreed on the general approach.

The meeting concluded on the basis that it was for police to carry out further enquiries as suggested by them. Police would keep me informed of developments. In the meantime I would give further consideration to the questions of immunity from prosecution of Michael McKee. I indicated, however, that my views may not change. I undertook to mention it to the Director or, in his absence the Deputy Director.

On 26 June I mentioned the matter to the Director. I informed him of the broad details of what had occurred during consultation. He was content to let me take matters on with police as above.

A copy of the statement of Andrea McKee referred to above was provided to me by Detective Inspector Irwin. That copy is attached herewith.

RAC

RAYMOND A KITSON
27 June 2000