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22 JUN 2006

STATEMENT OF WITNESS

STATEMENT OF DAVID LEONARD WOOD

DATED THIS DAY OF 2006

1. I, DAVID LEONARD WOOD declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
2. On 25 September 2000, I commenced working for the Police Ombudsman (designate) just before she was formally appointed as the Police Ombudsman for Northern Ireland ("PONI"). I was previously a Commander at the Metropolitan Police. By way of very general explanation PONI had power to supervise *and* investigate police complaints unlike ICPC, which could only supervise complaints. Furthermore, all PONI officers had the powers of constables and therefore could search and arrest in respect of police officers suspected of a criminal offence.
3. The investigation into the conspiracy involving Robert Atkinson, however, was one of the cases which we supervised under the new law because the case had commenced with the ICPC and we decided to continue to supervise and not call in for independent investigation. There were a number of factors which influenced our decision to continue to supervise rather than investigate, mostly practical and anecdotal.
4. I first became involved in this case in November 2000. I appointed Chris Mahaffey as investigating officer as he was my most experienced senior investigator. We read all the papers and realised this was an important matter not least because of the public interest element. The Police Ombudsman wished a priority to be given to this case. Thereafter, I retained a strategic oversight of the case but Chris Mahaffey was the main person investigating. If and when there was a particular problem I would intervene whether it be with the Chief Constable or anyone else.

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5. Having read the papers and considered the issues involved, on 5 December 2000 Chris Mahaffey met with K and Maynard McBurney and requested a revised strategy for arrests. That is set out in his file note. He then discussed with me how best to progress the inquiry. I recall that K had raised certain issues about the handling of Andrea McKee which then raised Mr Mahaffey's own concerns, which is noted on the 12 December 2000 action log. I immediately made an appointment to see the Chief Constable and did so on 13 December 2000. A copy of the Action Log is now produced and shown to marked "DLW1".

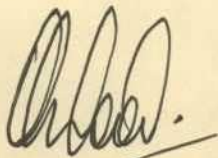
6. At the meeting, I raised with the Chief Constable significant flaws in the investigation. My main concern at that stage however was the Andrea McKee situation. She was quite clearly aware that the contents of her alibi statement were false and this was taken by DI Irwin on the apparent instruction of DCS McBurney, both of whom must have known she was lying, without challenge or intervention. They would have been aware at the time that quite clearly Andrea McKee and her husband were not at the Atkinson's house at the material time. Taking the evidence as a whole, I'm certain there would have been significant suspicion yet they didn't seem to have done much about it to try and knock down that alibi. The whole way that was approached and the way they had then approached Andrea McKee and taken a witness statement from her, when quite clearly she was a suspect caused concern. I expressed in the strongest terms that I did not have any confidence whatsoever in Maynard McBurney carrying on any form of misconduct investigation and that Mr McBurney should not continue. I'm sure I told the Chief Constable my reasons for wanting Mr McBurney removed and that Mr K had raised that very issue with PONI. I also expressed in the strongest terms that whilst I can't tell him he can't investigate the murder, I would certainly have no confidence in him doing that either.

7. As a result of that meeting, Colville Stewart replaced Mr McBurney. On 19 January 2001 I met the Chief Constable again along with Mr Stewart who also raised his own concerns about the initial stages of the murder investigation. Complaints and Discipline was therefore involved in that aspect and were supervised by PONI.

8. The investigation relating to the treatment of Andrea McKee was called in under our s55 (6) powers. We discussed that with the Chief Constable and he didn't put up any resistance to that course of action. The weakness in PONI's powers as I see it in the context of this inquiry was that we could only investigate actions of police officers. We could have called in the investigation of Atkinson but we could only have looked at Atkinson and then the police would have had to carry out a large part of the investigation into the civilians in parallel. We had no power to look at the acts of a civilian and the allegation against Atkinson was that he had conspired with members of the public. With respect to retired police officers we have powers to investigate if a criminal offence was committed while they were a police officer.
9. A concern was that the telephone billing at the McKee's house was not investigated fully at the time. One of the difficulties with opening an investigation three years later is that of witness' memory. For example, there was a mini-cab called that night at Andrea McKee's and if that had been investigated at the time the mini-cab driver might have said who he picked up. Had inquiries been made straight away, it may well have been that alibi would have been immediately broken. To wait until 3 years later almost inevitable means the inquiry will be fruitless.
10. On 2 March 2001, the Ombudsman and I met with the Chief Constable and raised our concerns over the repeated delays in the police investigation. On 10 April 2001, all the conspiracy suspects were arrested and interviewed. We wanted to use intrusive surveillance techniques at the respective homes and raised this. I then experienced various delays in implementing the proactive strategy and technical surveillance and I believed the RUC were resisting it.
11. This was carried out after the arrests in April 2001 but was compromised very quickly and the devices had to be removed.
12. On 24 October 2001, officers at PONI carried out a review of the whole case and I drafted a memorandum, dated 13 November 2001 setting out and summarising the five different enquiries connected to the death of Robert Hamill. One of the inquiries was the murder, which was solely an RUC investigation, and the other four we were either supervising or investigating. A copy of the memorandum is now produced and shown to me marked "DLW2".

13. In November 2003, Chris Mahaffey submitted his report regarding the misconduct allegations against Mr McBurney and Mr Irwin. That report was critical of Mr McBurney but there were no misconduct outcomes available to him because Mr McBurney had retired in 2001. I reviewed Mr Mahaffey's report and agreed with his conclusions. We didn't approach it on the basis of criminal conduct by Mr McBurney and concluded that there was no evidence or allegation that he had perverted the course of justice; rather he wasn't doing his job very well. A copy of the report is now produced and shown to me marked "DLW3".
14. As a footnote, it should be remembered in this context that through the troubles the RUC were under enormous pressure as an organisation and one of the impacts was that detectives received little or no formal training. They didn't release detectives from the front line so there was no formal SIO training in Northern Ireland until about two or three years ago. Furthermore, while conducting a murder investigation there had to be a risk assessment before an officer visited the scene of a crime or went to someone's house. That was a tactic of the IRA; to ring through an emergency call and on arrival there would be a sniper there to shoot the officers dead. They would not be able to do in many cases door-to-door-type enquiries either.
15. Other than directing the Inquiry to the various documents recording meetings and decision-making processes I can add nothing further to assist the Inquiry.

SIGNED:



DATED:

20th June 2006.