

Person interviewed: Michael Irwin  
 Place of interview: New Cathedral Buildings

Police Exhibit No. MR/T2  
 Number of Pages: 51  
 Michael Ranaghan  
 Signature of interviewing officer producing exhibit

Date of interview: 13.03.2001

Time commenced: 11 - 20am

Time concluded: 1 - 40pm

Duration of interview: 2 hours 20 minutes

Tape reference Nos. 221/222/223

Interviewing Officer(s) [redacted] C Mahaffey

Other persons present: [redacted] Solicitor

Tape counter times(*)	Person speaking	Text
00.00	[redacted]	This interview is being tape recorded the interview is being conducted in an interview room at the Office of the Police Ombudsman for Northern Ireland, New Cathedral Buildings, Belfast. I am [redacted] Investigating Officer attached to the Police Ombudsman Office the other Police Ombudsman officer present is
	Mahaffey	I am Chris Mahaffey
	[redacted]	The date is the 13 <sup>th</sup> of March 2001 and the time is 11-20. I am interviewing if you could speak into the tape Michael please.
	Irwin	Detective Inspector Michael Irwin
	[redacted]	Also present is
	[redacted]	[redacted] of Edwards & Co. Solicitors.
	[redacted]	Thank you. Michael your solicitor [redacted] is present at this tape-recorded interview, you may at any time consult or communicate privately with your solicitor. Do you wish to consult with your solicitor at this stage?
	Irwin	No, thank you.
	[redacted]	At the end of the interview Michael I will give you a notice explaining what will happen to the tapes, are you clear about that?
	Irwin	Yes.

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	[REDACTED]	You have been advised of the nature of our enquiries in the form OMB3, which was served upon you and in the pre-interview disclosure package, are you happy to proceed with this interview?
	Irwin	Yes.
	[REDACTED]	Michael I will then caution you as follows, you do not have to say anything but I must caution you that if you do not mention when questioned something which you later rely on in court or any disciplinary proceeding it may harm your defence do you understand the nature of this caution Michael or would you like your solicitor to clarify it for you?
	Irwin	No, no that's okay.
013	[REDACTED]	Prior to the interview you were served with two pre-interview disclosure packages these packages consisted of fourteen individual documents can you confirm for the tape that you've had ample time to examine this documentation?
	Irwin	Yes.
	[REDACTED]	Are you happy to proceed Michael yes?
	Irwin	Yes.
	[REDACTED]	Referring back Michael to our previous interview on 6 <sup>th</sup> March in this building at the end of that interview we were discussing the retraction of his evidence of Timothy Jameson which took place at a meeting in the offices of the Director of Public Prosecutions on 21 <sup>st</sup> October '97 Michael if I can refer you again to page 11 and 12 of the first disclosure package. Have you found it okay?
	Irwin	Eh-ha, yes.
	[REDACTED]	You see Michael that note which is an extract from a letter from the DPP indicates that you were present during the consultation involving Timothy Jameson at which his retraction was made. Do you have any recollection of the meeting Michael?
	Irwin	I wasn't present in the meeting when Timothy Jameson was put over his evidence and retracted his evidence.
	[REDACTED]	Were you in the office that day in at the DPP?

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Irwin	I was, I was in the DPP I was not in the office when consultation took place with the DPP and Timothy Jameson.
[REDACTED]	When did you then become aware of Timothy Jameson's remarks?
Irwin	After that meeting.
[REDACTED]	Who informed you of them?
Irwin	I can't recall, it would have been Mr Kerr or I don't honestly don't recall. It would have been at that time.
[REDACTED]	You aware of what action was taken on foot of Timothy Jameson's remarks and I refer specifically to on page 12 of the package and just for the tape I'll read that out, he stated that when he made his statement he was simply agreeing with what the police said to him and he put in his statement what they told him.
Irwin	No that's the first time I've been aware of that.
[REDACTED]	No one made you aware of those remarks?
Irwin	No that's right.
[REDACTED]	I take it then Michael you're not aware of any action being taken on foot of those?
Irwin	I have no idea no whether the DPP wrote to the Chief Constable or not would be up to them.
[REDACTED]	Is there anything further?
Irwin	Did the DPP write to the Chief Constable regarding this?
[REDACTED]	I'm not aware whether he did or not Michael to be honest with you.
Mahaffey	Can I just ask one thing in the bundle, you've got a copy of the DPP file page 11 which is completed by Detective I'm not sure at the moment I think its Davidson I'm not a hundred percent sure but.
[REDACTED]	I see Shaw on the next page as being the
Mahaffey	It says that on the 21 <sup>st</sup> October 4-00 pm, I attended a consultation between Gordon Kerr, Timothy Jameson, Detective Superintendent Cook, Detective Inspector Irwin

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044	Irwin	and Detective Constable Honeyford also present was Timothy Jameson's father. If you weren't present at the meeting, where were you when this was taking place?  I would have been outside the consultation room, I can assure you that, that I was not present during that meeting. Now Mr Cook Detective Superintendent Cook C1 who we bring with us to consultations to co-ordinate between the people local on the ground and headquarters was obviously the representative of the Chief Constable at that meeting and perhaps he could maybe highlight the fact on that meeting but I was certainly was not present during that meeting.
	Mahaffey	Who were you outside with?
	Irwin	Can't recall.
	Mahaffey	Were you outside with any of the other officers?
	Irwin	Could have been, could have been, I honestly can't recall I know that I wasn't present in the meeting when the consultation took place with Timothy Jameson.
	Mahaffey	Was there any reason for that?
	Irwin	On the DPP's direction.
	Mahaffey	Do you recall who was present in the meeting?
	Irwin	No I don't I honestly don't recall. I'm sure Mr Kerr and Mr Davidson, have they been spoken to?
	Mahaffey	I can't discuss with you the lines of enquiry that
	Irwin	Right.
	Mahaffey	We're taking, you know our questions are based on your recollection of events okay?
	Irwin	All I know is that I was not present I know for definite that I was not present during the consultation.
	Mahaffey	In that case why were you there at all?
	Irwin	The DPP bring down the investigating officer when we go down to the DPP you're gonna have to ask them this question why do they keep us outside the consultation.

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	<b>Mahaffey</b>	<b>Sorry what I'm asking you is why were you there? Are you saying it's because you were there at the invitation of the DPP requested you do that?</b>
	<b>Irwin</b>	<b>That's right, that's right yes.</b>
	<b>Mahaffey</b>	<b>And I think you just said that they'd ask for the investigating officer?</b>
	<b>Irwin</b>	<b>That's right aha.</b>
	<b>Mahaffey</b>	<b>I think during the last interview you said you were the office manager?</b>
	<b>Irwin</b>	<b>That is correct yes but on the DPP file you're down as the investigating officer, I'll give you an example of that, there's a murder trial went on last week in Craigavon Court House R v (inaudible) the investigating officer for the DPP was a D/Con [REDACTED] because he put the DPP file that's an example of how we relate to the investigating officer.</b>
	<b>Mahaffey</b>	<b>Fine so you're invited there as the investigating officer?</b>
	<b>Irwin</b>	<b>I was invited there yes because I had put in the DPP file, submitted the DPP file.</b>
068	<b>Mahaffey</b>	<b>Immediately following the meeting what happened after that?</b>
	<b>Irwin</b>	<b>I can't recall.</b>
	<b>Mahaffey</b>	<b>Did you talk about what had happened in there with them?</b>
	<b>Irwin</b>	<b>No, no they, now let me think on this, I think it was put it was a case of that they would let us know in due course, the DPP would let us know in due course, following the outcome of the consultation now let us know I'm saying that as that's my terminology, let the police know in view of the consultation.</b>
	<b>Mahaffey</b>	<b>My question is did you discuss what happened during that meeting with anybody that was present in that meeting?</b>
	<b>Irwin</b>	<b>I could have yes and they simply said that he'd denied what was in the statement.</b>
	<b>Mahaffey</b>	<b>And do you recall who told you that?</b>
	<b>Irwin</b>	<b>No.</b>

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<b>Mahaffey</b>	Did you ever become aware following this meeting that Timothy Jameson was alleging the statement wasn't in his own words?
<b>Irwin</b>	I couldn't recall, I'm not saying yes and I'm not saying no at this stage I cannot recall being told that.
<b>Mahaffey</b>	As the author of the report to the DPP somebody who is quite closely connected to the conduct of the investigation, I find it somewhat surprising that you didn't know what Jameson was saying was it never discussed after that?
<b>Irwin</b>	I can't recall. You know the DPP have their consultations with the clients or not with the clients with the witnesses what they discuss in that consultation is certainly I think legal privilege, I'm not sure or what they discuss with the witnesses and
<b>Mahaffey</b>	Would you accept that the retraction by Jameson was significant?
<b>Irwin</b>	Yes, it was surely.
<b>Mahaffey</b>	But you don't recall the reason for the retraction?
<b>Irwin</b>	No.
[REDACTED]	Sorry, just on that score I'm not familiar with this at all because the fact I hold nothing, no practice on the prosecution side but I take it the whole procedure were the DPP write to somebody
<b>Irwin</b>	That's right the DPP write to the Chief Constable if they have any concerns or regards conducting you know if they have any complaints regarding the investigation or the conduct of the witness, the bottom line is only they can tell you if they believe Timothy Jameson was telling lies.
<b>Mahaffey</b>	I'm asking you what your reaction is as to what your knowledge was immediately following and in the days following the retraction process after this major setback to your investigation, you're saying you don't recall.
<b>Irwin</b>	I can't recall, I can't recall.
[REDACTED]	Michael we now wish to focus as you can see from the second pre-interview disclosure package on your dealings in with sorry an involvement in the handling of one Andrea McKee who was a witness in the Hamill enquiry. Michael can I ask you at this stage to provide your account just to the best of your recollection and as much detail as you can, reference your dealings with Andrea McKee any meetings

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096	Irwin	<p>you might have had with her, any meetings you might have had about her or any briefings indeed about her importance. Would you be happy Michael to provide an account just from your recollection at this stage?</p> <p>Well before we start here can I just focus on the second allegation could you read that second allegation over to me just for or I can read it out here. As the appointed Investigating Officer you were tasked with the conduct of an investigation dealing with unlawful killing of Robert Hamill. This offence occurred in Portadown on 27<sup>th</sup> of April 1997. It is also alleged that between the same dates further vital information was received from Reserve Constable David McCaw this concerned the alleged criminal actions of Reserve Constable Robert Atkinson and was provided by a member of the public identified as Andrea McKee. You failed to properly investigate or properly deal with these allegations. Could you tell me exactly where you're coming from in relation to this allegation?</p>
	[REDACTED]	<p>Sure Michael, the purpose of our interview today is to find out exactly what you did</p>
	Irwin	<p>No, but</p>
	Michael	<p>And it has been made clear before that we can find no record there's no audit trail in relation to the handling of this witness, essentially our dealings today are to find out your recollection of what happened to provide you an opportunity to explain to us exactly how she was dealt with.</p>
	Irwin	<p>Yes, but the allegation you failed to provide, properly investigate or appropriately deal with these allegations these caused me a lot of concern because I was never the appointed investigating officer, now when it comes down to dealing with Reserve Constable Robert Atkinson and his criminal actions you's' have to accept and this is a letter to Miss [REDACTED] from Mr [REDACTED] the supervising member. Thank you for your letter of the 7<sup>th</sup> of July 1997, it's dated the 29<sup>th</sup> of July '97. The position is that senior RUC detectives based at Portadown RUC station are delegated by the investigating officer under the direction of the Commission to carry out particular functions. These officers perform a supporting role, example, contacting individuals with the purpose of securing witness evidence, compiling evidential documentation for forwarding to the Commission etc. So you must accept that I was not the investigating officer regarding the criminal conduct of Robert Atkinson.</p>
	[REDACTED]	<p>I say again Michael you know we're simply here to find out what you did, you were involved</p>
	Irwin	<p>No</p>

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[REDACTED]

But you were involved with Andrea McKee?

Irwin

That's right

[REDACTED]

Who was linked to Robert Atkinson.

Irwin

Yes but the allegation here, the allegation now let's focus on this is that you failed to properly investigate or appropriately deal with these allegations and that I was the appointed investigating officer, that was not the point, that was not the factual you have strong evidence in your possession that I was not the investigating officer. You've a policy book decision saying that I was office manager and you've got a letter from Mr [REDACTED] and I know Mr [REDACTED] is deceased now but I think if Mr [REDACTED] was alive and could give you an account of my role and my role in this incident in an investigation of police he will stand over and support that letter that he wrote and dated the 29<sup>th</sup> of July. Where did this, where did this allegation come from that's what I want to know because nobody knows the personal pain that this has caused me so they don't and I want to know what's supporting, what's supporting this allegation where did it come from or who made it up?

[REDACTED]

Well it you have been served with a pre-interview disclosure package its clear from the papers

Irwin

No but

[REDACTED]

Sorry Michael could you let me finish, that you were involved in the handling of the witness that we're interested in, today is to give you a chance to explain your dealings, we want you to provide us with the information.

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[REDACTED]

But that presupposes that he may be interviewed as a witness.

[REDACTED]

Sorry

[REDACTED]

Does that presuppose that

[REDACTED]

Michael was cautioned at the beginning of the interview at the minute he is not being interviewed as a witness he's being interviewed under a caution.

[REDACTED]

This is not an investigative system, an inquisitorial system, ours is not a reviewal system, you can't expect an accused person to give an account of his movements unless an allegation of some kind is being put. Is it being alleged that is there some

		<b>specific allegation of impropriety here?</b>
	<b>Irwin</b>	<b>You know yous have to accept where I'm coming from here yous are on strong evidence, possession of strong evidence that I was not the investigating officer regarding police and yet I have this complaint against me based on the investigation of the criminal actions of Robert Atkinson and that I failed to properly investigate or appropriately deal with these allegations, now that is wrong fundamentally that is wrong and you know that is wrong.</b>
	<b>Mahaffey</b>	<b>Michael can I just stop you there for one minute and ask you this, you are a Detective Inspector in the RUC?</b>
	<b>Irwin</b>	<b>That is correct.</b>
	<b>Mahaffey</b>	<b>As such you have a supervisory responsibility?</b>
	<b>Irwin</b>	<b>Yes</b>
	<b>Mahaffey</b>	<b>At all times?</b>
	<b>Irwin</b>	<b>Yes</b>
	<b>Mahaffey</b>	<b>The enquiries that we have made indicate that you have direct dealings with a witness who was able to give significant evidence to the team investigating the murder of Robert Hamill.</b>
	<b>Irwin</b>	<b>Yes</b>
	<b>Mahaffey</b>	<b>You were a part of that team, is that correct?</b>
	<b>Irwin</b>	<b>Part of the investigations</b>
	<b>Mahaffey</b>	<b>Investigating team</b>
	<b>Irwin</b>	<b>Yes</b>
	<b>Mahaffey</b>	<b>You were a Detective Inspector on that investigating team?</b>
	<b>Irwin</b>	<b>That is correct.</b>
	<b>Mahaffey</b>	<b>The matters which we want to speak to you about relate to your direct handling as a supervisory officer, of Detective Inspector rank and what we want to speak to you</b>

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		about is your handling of Andrea McKee now,
	<b>Irwin</b>	Is that the allegation or, or sorry
	<b>Mahaffey</b>	The allegation is as laid out in the form, the OMB3 form and the allegation is that you mishandled and failed to appropriately deal with information that came to you from Andrea McKee.
	<b>Irwin</b>	That's different from the allegation on this form.
	<b>Mahaffey</b>	Michael I really I don't want to get into a discussion with you over the content of the OMB3 I am satisfied that there is sufficient in there to notify you and to inform you of the investigation we are undertaking. It is our information that you had direct dealings with a very significant witness named Andrea McKee we would like to ask you questions about your handling of that witness.
166	<b>Irwin</b>	That's okay but what I am saying and what I have pointed out to you now that I was not involved in the investigation as such as an appointed investigating officer I was taking direct orders from Mr [REDACTED] and Mr McBurney, direct lawful orders.
	<b>Mahaffey</b>	That's fine. I'm asking you now or I'm I would like to ask you questions around your handling, direct handling and personal involvement with Andrea McKee.
	<b>Irwin</b>	Okay that's fine, I think it could've been done, taken me as a witness however you have to take a course of action which I certainly don't agree with which I want to make a very strong stand on at the start of this interview and again I would point out to you that, that you are in strong, possession of strong evidence that I was never the investigating officer relating the criminal conduct of our R/Constable Atkinson and therefore I couldn't fail to properly investigate that issue because I was taking direct orders from Mr [REDACTED] and Mr McBurney, so yes we continue but I am making the point there, I'm making it very strongly if you go on to ask me about strategy and judgement decisions regarding this investigation again I might be able to give you an opinion on that.
	<b>Mahaffey</b>	Michael all we want to ask is about your personal involvement with this particular witness.
	<b>Irwin</b>	Well
	<b>Mahaffey</b>	You've made your point, you've made it very well and I note it but I really can't get involved in a discussion with you over the documentation that you have before you, you've made your point, I'd like to sort of press on with the interview.

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	<p><b>Irwin</b> Okay no problem.</p>
<p>[REDACTED]</p>	<p>So Michael would you now be happy to give us an account of your dealings with Andrea McKee.</p>
<p><b>Irwin</b></p>	<p>Well obviously you ask me what do I need to know, what do I need to know.</p>
<p>[REDACTED]</p>	<p>Well when did you first become aware of her relevance to the enquiry?</p>
<p><b>Irwin</b></p>	<p>On the 8<sup>th</sup> of May, her relevance I spoke to her on the 8<sup>th</sup> of May so I did.</p>
<p>[REDACTED]</p>	<p>Could you give me an account of what you spoke to her about?</p>
<p><b>Irwin</b></p>	<p>Yeah, basically what happened information come in that a young girl Tracey Clarke had witnessed the incident, that, as a result of that there was an SIO decision to go and interview Tracey Clarke, now I believe the SIO's reasons for going to interview Tracey Clarke at that stage was on information received was to establish facts to obtain evidence, assess the witness, make initial contact with her, assist the SIO in future strategy. Basically this was a case of D/Con McAteer went out and spoke to Tracey Clarke regarding what she had witnessed on the night of the murder of Robert Hamill and on speaking to her she did give an account but she didn't give any specific details of people involved. I think D/C McAteer believed she wasn't fully forthcoming and there was a pro forma completed in relation to that. So on coming back from that meeting I was there with the SIO and at that stage the SIO says right let's speak to the source of the information which turned out to be Andrea McKee so and again I believe the SIO's reasons for such were to establish the full information regarding Tracey Clarke, to obtain evidence witness statement from Andrea McKee and assess the individual and privy the SIO with background to let him decide on future strategy. So as a result of that I think D/C McAteer made contact with R/Con McCaw 'cos that's where information had come from and the outcome of that was that Andrea McKee refused to come near the police station and therefore a decision was made, an arrangement was made to meet her with McCaw, with R/Constable McCaw in a vehicle somewhere well I know where it was if that's relevant to yous I don't know if it is.</p>
<p>231 [REDACTED]</p>	<p>Whatever details you have Michael.</p>
<p><b>Irwin</b></p>	<p>Seagoe and it was quite close, it was sorry I believe halfway point between where she lived and our station I think it was. So when we met her she was absolutely how do I say, it's hard for me to paint the picture of what it's like in Portadown in these sectarian incidents but she come across as petrified so she did she had refused to</p>

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come anywhere near the police station, scared for her life, scared for her property. She had a business in the town which she was concerned about if anybody got to know what she was at, so this was vital information, so what she said was that she had been speaking to a niece of hers or her husband's niece who was Tracey Clarke and Tracey Clarke had told her that she had witnessed the incident and that she had saw Alistair Hanvey he being involved in the attack she also went on to say that Tracey or Alistair Hanvey had told Tracey that he had got a phone call, aye got a phone call, got a phone call the next day to get rid of the clothing. Now this wasn't an easy interview, it wasn't an easy meeting, it wasn't a case of this girl was blasé and (inaudible) in giving this information. I was continually assuring her, she was very concerned about her identify, very concerned, and very concerned that Tracey would know where it come from so I assured her that we would use it in as a professional manner as we could, treat it as sensitive, confidential, secret and that we would treat it, however we had to speak to Tracey Clarke so we had, that was obvious because that was where her evidence was this was a step forward, a giant step forward and it was a case of we had to speak to Tracey Clarke. So as a result of that and it was a case of continually assuring this girl because I have to say I think her fears were genuine and real and you have to acknowledge that in Portadown or in Craigavon she was living in a loyalist estate with the sectarian nature to the incident there was a lot of fears and apprehensions in the area and I think that's quite obvious from the investigation throughout that nobody wanted to have the police to come to get evidence, so here was a girl that had give information regarding another individual who could give evidence it was as a result of that and you know as a result of that we went back to the station and spoke to the SIO Mr McBurney speak to him regarding the matter told him the nature of the witness and that to the assurances that we had give this girl as much as we could give her and it was a continually assuring job it wasn't easy but and briefed Mr McBurney regarding Tracey Clarke, Hanvey and Atkinson. So as a result of that Mr McBurney said there will not be any notebook entries or gave a direction no notebook entry at that stage regarding and I think his reasons and I can only say again his reasons for such were the priority was that the material would not become knowledge to avoid circle of individuals particularly related to R/Constable Atkinson the other priority the life and property of Andrea McKee would not be placed in jeopardy if we could possibly avoid it and this was a real and genuine possibility, so to me that was the secret policy decision so it was. As a result of that Tracey Clarke was brought in the following night, D/C McAteer and Detective Chief Inspector P39 with Mr McBurney and a statement was recorded from Tracey Clarke, so from point of view and achievements in just over twenty-four hours we had managed to pursue intelligence and much of this intelligence became evidence against persons involved in the murder and also that the information regarding it the involvement of a policeman in a criminal act regarding the incident had been declared however Mr McBurney was well aware that this had to be kept very, very tight. Within 48 hours

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of this information coming to light a series of arrests and searches and persons subsequently charged with the murder. I have to say Portadown at that time that was excellent police work now other people could come along and criticise maybe some aspects of it but what I would say to anybody and its not to underestimate it in the circumstances in this case, that we had turned information regarding individuals involved in the attack into evidence and we charged a number of other individuals,

And we charged a number of individuals as a result of that.

Irwin

Aha, so following the statement of Tracey Clarke, there was then a further SIO decision not to put the materials on homes, so again I assume that that was an SIO secret policy decision and I think the information the way it was handled has been of great benefit to the present state of the enquiry. I had no then no further dealings with Andrea McKee from the 8<sup>th</sup> of April that meeting that night until the 29<sup>th</sup> of October I think it was until I seen her solicitor, now is there any stage that you want to ask questions here or do you want to take it stage at a time or what way?

Mahaffey

Yeah just a couple of things Michael, who was with you in the car when you met Andrea McKee

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Irwin

D/C McAteer. It's probably better taking it in stages because.

Mahaffey

Yep. Was there anybody else with you?

Irwin

R/Con McCaw was in the vehicle with Andrea, he brought Andrea McKee to our meeting, he was our tangent to meet her.

Mahaffey

Was he, did he come and sit in the car when you spoke to her?

Irwin

Yes, oh did he, I believe he did, I believe he did, he introduced her.

Mahaffey

What time of the day was the meeting?

Irwin

Roughly about 11.00 o'clock at night and again, it was roughly about that time I can't around that

Sorry what time?

Irwin

About 11 o'clock at night

What time of the year was it?

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<p>Irwin</p> <p>[REDACTED]</p>	<p>Oh it was the 8<sup>th</sup> of May.</p> <p>8<sup>th</sup> of May, he records it on one of her statements that it was dark, it must have been late at night.</p>
<p>Irwin</p>	<p>It was late.</p>
<p>Mahaffey</p>	<p>How long did the meeting last?</p>
<p>Irwin</p>	<p>How quick could she get out of the car? I would say no more ten/fifteen minutes I would think I have to say it wasn't, it was a difficult meeting it was a person that was, gave us information but at the same time a very, very concerned individual.</p>
<p>Mahaffey</p>	<p>I just want to confirm you say that no more dealings with Andrea McKee until much later on in the year?</p>
<p>Irwin</p>	<p>I believe that's the, the next time was, down in the solicitor's office in Portadown.</p>
<p>Mahaffey</p>	<p>And I think you mentioned that Tracey Clarke was interviewed the following day?</p>
<p>Irwin</p>	<p>That's right. The following night, the following 9<sup>th</sup> into the 10<sup>th</sup>.</p>
<p>Mahaffey</p>	<p>Did you play any part in that interview?</p>
<p>Irwin</p>	<p>Absolutely not.</p>
<p>Mahaffey</p>	<p>Did you brief anybody apart from Mr McBurney over what had been said in the car?</p>
<p>Irwin</p>	<p>The Chief, Detective Chief Inspector P39 [REDACTED] the following morning.</p>
<p>Mahaffey</p>	<p>Where did that take place?</p>
<p>Irwin</p>	<p>In Portadown. She had been off on the 8<sup>th</sup> of May that was the day Robert Hamill died and she was back in early the next morning and I brought her up to speed or briefed her up to what had happened the previous night.</p>
<p>Mahaffey</p>	<p>And I think we covered your movements that day in the last interview we had so I just want to ask about your recollection around the handling of Tracey Clarke. I accept that you weren't there you said that P39 [REDACTED] was, was anybody else present in the room to your knowledge when Tracey Clarke was interviewed?</p>

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359	Irwin	Where in
	Mahaffey	In the interview room
	Irwin	Oh I have no idea, John McAteer I assume was there with P39
	Mahaffey	Do you know who brought Tracey Clarke to the police station?
	Irwin	I know now yes, it was Andrea McKee.
	Mahaffey	When did you find that out?
	Irwin	I'm not sure it was, it could've been the next day I'm not honestly sure or it could've been that night I cannot recollect
	Mahaffey	But it's during that period of time as opposed to more recently.
	Irwin	Yes oh it is, it is and I have to say from my certainly from what I can say is from my meeting on the previous night there was never any arrangement made with Andrea to bring Tracey to the station.
	Mahaffey	Did you with P39 give any instruction to D/C McAteer re: the interview or his interview with Tracey Clarke?
	Irwin	No I think the way it was left was or not the way it was left the following morning Mr McBurney had a meeting and he felt that John would interview with P39 because John had made the initial contact with Tracey Clarke and P39 being a woman and the witness, interview of the witness so that arrangement was left between John and P39 I honestly don't know that area there at all.
	Mahaffey	Presumably you have read or you read quite soon after Tracey Clarke had come to the police station the statement that she had given on that night.
	Irwin	Now let me think it may have been the next morning.
	Mahaffey	My question is then, did you read Tracey?
	Irwin	Well I saw her statement for a short period of time yes.
	Mahaffey	And how soon after the interview with her?
	Irwin	Oh I don't even know if she, I honestly can't say it was the early hours of the

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		morning or it was the next morning.
	<b>Mahaffey</b>	<b>Was it the handwritten statement?</b>
	<b>Irwin</b>	<b>It would've been the handwritten statement because the typed statement was en route from Portadown, it was taken away somewhere else to be typed.</b>
	<b>Mahaffey</b>	<b>Just want to refer you to that statement if I can, page (inaudible)</b>
	<b>Irwin</b>	<b>Pardon</b>
	<b>Mahaffey</b>	<b>Sorry the it's the new bundle</b>
	<b>[REDACTED]</b>	<b>Page 10 I think</b>
	<b>[REDACTED]</b>	<b>Page 10.</b>
	<b>Mahaffey</b>	<b>Page 12 Tracey Clarke says that I remember Robbie Atkinson's name coming up and Alistair said that Robbie Atkinson had been very good to him. It was on a Sunday morning after the incident in the town centre he rang him about 8-00 am and told him to get rid of the clothes he was wearing the previous night, so this in effect was written confirmation of what you'd been told the night before.</b>
	<b>Irwin</b>	<b>That's correct.</b>
	<b>Mahaffey</b>	<b>Were you aware that Andrea McKee had sat in during the interview with Tracey Clarke and the subsequent statement taken from her?</b>
425	<b>Irwin</b>	<b>I was aware of it afterwards yes, sorry the</b>
	<b>Mahaffey</b>	<b>Were you aware that Andrea McKee had been present during the interview with Tracey Clarke?</b>
	<b>Irwin</b>	<b>Well I know she had accompanied her into the station at that stage, not at that stage you know later on.</b>
	<b>Mahaffey</b>	<b>Yeah sure</b>
	<b>Irwin</b>	<b>Yep but I can't say</b>
	<b>Mahaffey</b>	<b>To your recollection were, did you become aware that Andrea McKee had been present with this interview with Tracey Clarke?</b>

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Irwin	I don't know if she'd sat through the whole lot I couldn't honestly say that whether she sat through the whole statement or not or the whole interview. All I can say is that I was aware that she'd come to the station with Tracey and they had, a witness statement had subsequently been taken but I can't say if Andrea was present throughout the whole interview or come out at any stage or I honestly don't know.
Mahaffey	So let me just go over that short bit again and at the time or very shortly after, sorry let me just rephrase that, you became aware on the night of the 8 <sup>th</sup> about the phone call allegedly made between Atkinson and Hanvey?
Irwin	Yes
Mahaffey	And that, you were told that by Andrea McKee?
Irwin	Yes.
Mahaffey	You were aware that arrangements had been made to interview Tracey Clarke very quickly thereafter.
Irwin	Yes.
Mahaffey	And you subsequently read the statement made by Tracey Clarke?
Irwin	Yes.
Mahaffey	In which again she refers to that same phone call?
Irwin	Yes.
[REDACTED]	Michael sorry to jump about, just to clarify, you've heard the information coming in, could you just detail for us who provided it?
Irwin	Davy McCaw.
[REDACTED]	And, who was it given to directly?
Irwin	I think initially John McAteer and then myself.
[REDACTED]	Did you ever meet with McCaw personally with information or?
Irwin	I think it was spoken to in the presence of John McAteer.

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	[REDACTED]	Just referring you to, see what page it is, it's page 4 of the disclosure bundle, half way down the page, I asked him what did he tell the Detective Inspector he said he would've told him about what Andrea McKee told him, can you confirm me whether or not that Detective Inspector was yourself?
	Irwin	It would have been yes.
	[REDACTED]	And the others present would have been?
	Irwin	John McAteer.
462	[REDACTED]	Now you probably went over this but just to clarify
	[REDACTED]	Sorry I lost the run of that a wee bit there. Do I understand that, do I understand that your (inaudible) of McCaw was when you were coming out of a door?
	Irwin	No, no this was regarding the other issue.
	[REDACTED]	Sorry, oh yes
	Irwin	The first complaint
	[REDACTED]	(Inaudible) I beg your pardon.
	[REDACTED]	Okay, Okay. You want to finish off what you were saying there Michael?
	Irwin	What, what was?
	[REDACTED]	I'll go back again, you confirmed for the tape I was asking you had you met personally with McCaw in relation to that information?
	Irwin	I believe so yes.
	[REDACTED]	You said that also present was D/C McAteer.
	Irwin	John McAteer. I can't recall just exactly what was said in the conversation but you know but I accept that I was aware of the information.
	[REDACTED]	And my next question was what did you do immediately after you received the information?

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	Irwin	<p>We at that same time we got word through that Robert Hamill had died so there was a lot of things happening at that particular time, so then Mr McBurney came in and I phoned him about five o'clock or half five or six I'm not sure briefed him on what had happened, briefed him on information that we had received and then it was a decision whether to try and speak to the witness or try and speak to the source of the information first or go and speak to the witness first and that is a judgement decision we decided or certainly I decided and Mr McBurney decided, that let's go speak to the witness let's get a feel for her let's see what she says and we'll take it from there. So that judgement decision was followed through went out or John McAteer went out and spoke to Andrea McKee or not Andrea McKee sorry Tracey Clarke and then the word came back then came back and she gave us, give him an account but she had not witnessed the incident.</p>
	[REDACTED]	<p>Michael I don't mean to interrupt but the tape is about to run out before we switch the tape off Michael, is there anything you wish to say at this stage?</p>
	Irwin	<p>No</p>
	[REDACTED]	<p>No, time is now 12.03 and the tape is being switched off.</p>
	[REDACTED]	<p>The time is now 12.05, Michael you are aware that you are still under caution do you require me to repeat that caution?</p>
	Irwin	<p>No.</p>
508	[REDACTED]	<p>Before the tape was switched off Michael you were detailing your immediate actions after you'd received information from R/Constable McCaw, Can I now ask you specifically in regard to the meeting that night, you described to us somewhere near Seagoie, who decided on the location of the meeting?</p>
	Irwin	<p>That would have to, what happened was John McAteer spoke to David McCaw so I would have to assume that it was there it was a case of Andrea McKee wouldn't come near the police station whatsoever she lived out in [REDACTED] and I think it was a case of a suitable location between that.</p>
	[REDACTED]	<p>Just in regard to that meeting I know once again you have run through it for us, you were asked how long the meeting took just for my own benefit, I didn't actually catch what you said.</p>
	Irwin	<p>Ten to fifteen minutes, I would think ten to fifteen put it this way as quick as she could give us the information and get out of there that was her, with these constant assurances, assurances, assurances and you can, to try and paint a picture of this</p>

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is quite difficult on tape but this wasn't a case of an individual coming forward and being, listen I'm all on for this here, type of forward this was a case of I am a very, very scared woman this is, this dare not get out, my life is in danger, I have fears and I cannot break the confidence of Tracey and her mother because obviously she was doing it without Tracey's knowledge and she had a good relationship between her and her mother which she didn't want the confidence broken.

**[REDACTED]** You said Michael to me that shortly after or around the same time as you got the information McCaw, Robert Hamill died or you were informed he had died.

**Irwin** That's right it was round the same time.

**[REDACTED]** Could you be more specific as to the time and did you get a call in relation to it while you were talking to McCaw or?

**Irwin** Did I get a, oh no it was shortly after that I do believe it was shortly after it. It was round between 4-00 – 5-00 period and I couldn't be any more specific than that.

**Mahaffey** Was it was it a surprise?

**Irwin** What?

**Mahaffey** That he had died suddenly.

**Irwin** It was a big surprise, big surprise. The information that we were getting back was that he was, excuse me, just the terminology is, serious but stable and I think it was a big surprise to the family, the Hamill family as well in deed because everybody was, not everybody but feedback that we were getting is that he's in a coma, he's stable but serious and every so many days they were trying to bring him out of the coma.

**Mahaffey** How were you notified that Robert Hamill had died?

**Irwin** I have to think about this one, I phoned up the hospital to confirm it, I believe that the hospital had phoned the Grosvenor Road police station in Belfast because he was down at the Royal Victoria and then it come back through the network through that, so then I had to phone The Royal Victoria, nobody had come on to the CID in Portadown as such and they had to phone the hospital, The Royal Victoria Hospital I think in Belfast and confirm that he had just died.

**Mahaffey** What other action did you take after being notified that he had died?

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548	Irwin	In relation to what?
	Mahaffey	His death
	Irwin	I rang Mr McBurney.
	Mahaffey	Where you given any instructions by Mr McBurney?
	Irwin	At that stage?
	Mahaffey	Yes.
	Irwin	No, he came in and I briefed him of all the information that we had up to that stage.
	Mahaffey	So what time was that briefing?
	Irwin	Around 6-00, 5-00/6-00, do you mind if I look at my notebook here just?
	Mahaffey	Not at all.
	Irwin	Em 5-30 contact with Royal Victoria Hospital who confirmed Robert had died suddenly, life pronounced extinct at 5-00pm. Contacted Detective Chief Superintendent McBurney reference the death of Robert Hamill. Contacted Deputy Coroner's Office Miss [REDACTED] Belfast reference death of Robert Hamill. Post mortem to be carried out on the 9 <sup>th</sup> with the organised agencies for same. Liased with Detective Sergeant [REDACTED] Grosvenor Road reference positive ID of Robert Hamill by family and completion of relevant forms, so that's what took place in that
	Mahaffey	Who was at the briefing you had with Mr McBurney? Who else was there at this 6-00 o'clock briefing or whenever it was?
	Irwin	I do believe Detective Sergeant Bradley was there at that stage and Detective Constable McAteer, (inaudible) working that night
	[REDACTED]	Michael if we jump forward a bit in the package, that we had here the statement of Andrea McKee dated the 29 <sup>th</sup> of October '97 your name appears as the signatory member who recorded the statement.
Irwin	Yes	
[REDACTED]	You've had a chance to read through the statement, can I ask you Michael, what	

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		prompted the statement being taken?
	Irwin	Okay, well, this is where I have my big bone of contention here folks regarding the investigating officer because well what basically happened I was a (inaudible) I was never to be involved in the investigation regarding the police misconduct but what has happened was there had been interviews with the police conducted by Mr [REDACTED] and Detective Chief Superintendent McBurney and I had to strongly voiced my opinion on my involvement, however I was given lawful orders so I conducted those lawful orders.
	Mahaffey	What, what was your opinion as to your involvement?
	Irwin	I shouldn't have been any where near it.
	Mahaffey	Why?
	Irwin	Because there was letters from Mr [REDACTED] stating that I was not to be involved I'm sure there is a letter from the Chief Constable of the same direction saying that I wasn't to be involved.
	Mahaffey	Why?
	Irwin	Why, because Diane Hamill had specifically asked me was I involved in the investigation of police of the incident at the scene and I had told Diane no that was absolutely nothing to do with me that was between the ICPC and other police, Mr McBurney was the SIO. The other fact is, in Northern Ireland and maybe you could confirm this Mr [REDACTED] is it is very, very peculiar that a police officer stationed in a station where you have other officers serving would be involved in an investigation.
576	[REDACTED]	Absolutely, it would be so unusual it has to be absolutely unique in my experience.
	Mahaffey	When did Diane Hamill ask you this?
	Irwin	Early on in the enquiry, my notes in early May, it was as a result of that conversation with Diane that I went to Mr [REDACTED] and at the same time and I said to Mr [REDACTED] what Diane had said and Mr [REDACTED] if he had been living would confirm this and shortly after that there was a letter in supporting that conversation that I had with Diane because the letter come in to confirm that no police officer in Portadown would be involved in the investigation.
	Mahaffey	Why was presumably her concern was based on what?

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Irwin	The obvious is that, you know independence, you know certainly I would say that was
[REDACTED]	It is in the interest of both parties
Irwin	Certainly it was in my interest not to be involved so it was
Mahaffey	Not, not so much the murder investigation but the investigation into the allegations being levelled at the landrover?
Irwin	Into the allegations being levelled at the police at the scene.
Mahaffey	But you were presumably comfortable with carrying on with the investigation
Irwin	Yes
Mahaffey	Into the murder of
[REDACTED]	Well it's not a case of comfortable either it's a case of all hands to the deck, as well sir and in policing it's put your hand in the dye the dye can run from spot to spot and yes I was the DI in Portadown, the murder was in Portadown, so yes I had no difficulties.
[REDACTED]	There wasn't a lot of manpower?
Irwin	There was very, very few, there was very, very little manpower. We talk about making a silk purse from a sow's lug but all the time we're running from difficulty to difficulty it's no excuse you work with what you have and you do the best with what you have.
Mahaffey	Who did you most closely work with during the murder investigation?
Irwin	In what respect?
Mahaffey	Who did you most, well who?
Irwin	Mr McBurney was there, P39 was there and myself and then
Mahaffey	So it was, would you, okay, from what you've said would you describe three of you, Mr McBurney, P39 and yourself as having responsibility for the murder investigation

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	Irwin	No, I think it states in the policy book Mr McBurney is the SIO, P39 is the Deputy SIO and I'm the office manager I run the conferences in the morning, listen to the actions, what's completed Mr McBurney and P39 oversee it.
	Mahaffey	Okay, primarily the conduct of the investigation was supervised by Mr McBurney, P39 and yourself as the Detective Inspector from Portadown.
	Irwin	I was involved as the office manager.
	Mahaffey	Right okay. That's fine.
610	[REDACTED]	Michael can I ask you do you remember when that meeting was when you voiced your concern, to the best of your recollection?
	Irwin	Many times, many times.
	[REDACTED]	There were several occasions when you voiced your concern?
	Irwin	Yes.
	[REDACTED]	Can I ask you what was said to you when you did voice it and by whom?
	Irwin	Well Mr [REDACTED] said that it would be a purely supporting role as outlined in his letter, now when it came to the taped interviews it was a case of and again I says listen these are individuals that work in Portadown when yous leave these premises I still have to work in Portadown. It was a case of I turn on the tape introduce the individuals who are in to use the tape and I'll terminate the tape, so Atkinson was interviewed on the 9 <sup>th</sup> of September '97, he was then re-interviewed on the 9 <sup>th</sup> of October '97, now that interview on the 9 <sup>th</sup> of October '97 was different from the interview on the 9 <sup>th</sup> of September '97 in that Mr [REDACTED] was not present. For whatever reason you'll have to ask the SIO regarding that. Greg Mullan could possibly tell you as well, I honestly don't know.
	[REDACTED]	Okay Michael, just referring to that statement of Andrea McKee dated 29 <sup>th</sup> of October '97 could you recall what arrangement was made to get her in or did she approach you?
	Irwin	No well this is what happened this is, on the 9 <sup>th</sup> of October '97 Atkinson turned up at Lurgan, I do believe it was Lurgan yes, with his solicitor Sean Hagan and two other witnesses Eleanor and Michael McKee, and

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	<b>Murphy</b>	Sorry that's Eleanor Atkinson
	<b>Irwin</b>	Eleanor Atkinson and Michael McKee and as a result of the interview of Michael McKee, Mr McBurney stated that he would need to speak to Andrea McKee and Mr Hagan said that she would not be available to the following week, now that was the 9 <sup>th</sup> of October '97. I was off duty the following week the 13 <sup>th</sup> of October to the 19 <sup>th</sup> of October so I don't know what took place between Mr Hagan and Mr McBurney during that following week what, what conversation took place.
	<b>Mahaffey</b>	Sorry could you just give me those holiday dates?
	<b>Irwin</b>	Yeah rest day, or off the 13 <sup>th</sup> of October '97 to the 19 <sup>th</sup> of October '97. So I assumed that Mr McBurney would arrange it with the solicitor so I honestly don't know what took place as a result of that. Now I returned then on duty obviously on the 20 <sup>th</sup> and I cannot recall but I believe Mr McBurney had stated that the, that the interview had been arranged for the 29 <sup>th</sup> , now what date that, he said that or when he said that and again its recollection and I'm vague on it, it obviously didn't take place the week that it was supposed to take place and again I don't know why that happened, so I didn't. So as a result of that I contacted Sean Hagan to ensure that the interview was taking place and he informed me that his witness Andrea McKee would be at his offices the next morning and that it could take place at his office
	<b>Murphy</b>	Who all was present Michael during the recording of the statements?
	<b>Irwin</b>	Mr Hagan, Andrea McKee and myself, what happened was that, for some reason Mr McBurney could not attend and again Mr McBurney can give you reasons for his not attendance so he can, it was, I found myself a wee bit isolated in that aspect when he wasn't attending and asked for full guidance on how I could proceed, should proceed.
	<b>[REDACTED]</b>	You say full guidance Michael, was that written guidance?
	<b>Irwin</b>	No, no, no.
	<b>[REDACTED]</b>	And did you receive guidance from Mr McBurney?
	<b>Irwin</b>	I did indeed.
<b>668</b>	<b>[REDACTED]</b>	Can you tell us what the guidance was?
	<b>Irwin</b>	Yes, well if I bring it back and try and put into this context.

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[REDACTED]	No problem
Irwin	After the meeting of Eleanor and Michael McKee, Mr McBurney believed that he had got a major breakthrough so he had and he felt that Atkinson
[REDACTED]	Sorry, sorry Michael, you keep referring to Michael and Eleanor McKee
Irwin	Oh, Eleanor Atkinson yeah
[REDACTED]	Michael McKee was not married to Eleanor Atkinson.
Irwin	No, he wasn't no, Eleanor Atkinson and Michael McKee, so he felt that there was other individuals involved in the incident now as he says and he does you know look at it at different angles he'd stated you know that what he was trying to prove against Atkinson was withholding information, assisting offenders.
Mahaffey	(Mobile telephone) Excuse me
[REDACTED]	Sorry Michael
Mahaffey	Hello Chris Mahaffey
Irwin	Do you want to carry on or do you want to quit here at this stage, rather than going back over it.
[REDACTED]	Take a break, we'll take a break now or
Irwin	I'm happy enough I just I don't want to go over it again.
[REDACTED]	Don't worry, no problems, sorry for the benefit of the tape the time is now 12.25 and we're stopping for a break.
Irwin	Time is now 12.25 the tape was stopped following Mr Mahaffey's phone going off and he then left the room to take a call.
[REDACTED]	Well actually I think it's a little after 12.25, it might be 12.35.
Irwin	Pardon me 12.35 I read my watch wrong, the tape has not been changed and would you be happy to proceed with the interview again. Michael you're aware you're still under caution?

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	Irwin	I know, yes, yes. I'd got to the stage where I'd explained the difficulties against the allegation regarding Atkinson, and the allegation obviously was that he was a dirty cop, he had made a phone call to Hanvey's following the murder and obviously
	[REDACTED]	
	Irwin	McBurney was looking, to prove withholding information at the scene or regarding duties at the scene, assisting offenders, perverting the course of justice and misconduct of a police officer and to put it into context this was a I think a one minute call, we didn't know or he didn't know who made the phone call made in Atkinson's house, what was actually said on it and was it about the assault on Robert Hamill and when you consider the enormity of that task and the and proving not beyond reasonable doubt to prove one of the offences there was no doubt it was a major, major task for anybody to achieve so it was. In that respect then what he had at that stage was the hearsay evidence of Tracey Clarke and therefore when the interview took place of Atkinson and these other individuals were mentioned, Michael McKee and then Andrea McKee and then obviously McBurney, Mr McBurney sorry, was taking another look from it and obviously he was looking at it as an opportunity to potentially get to where he wanted to get I was never in any doubt where he wanted to get and that was to get Atkinson, he seen it as a type of an Achilles heel so he did but and he saw it as a priority that Atkinson would have to, would, could, could he get Atkinson to court on that and Atkinson was his prime target because in what he had said to me that Atkinson was the individual that (mobile telephone)
	Mahaffey	Sorry, this will be quick. Hello
	Irwin	Stop the tape again. Time is now 12.37 and the tape's been stopped.
720	[REDACTED]	The time is now 12.38 Mr Mahaffey is back into the room after taking a phone call the tape has once again not been changed. Michael you were giving us an account there again, would you like to continue from where you?
	Irwin	So, obviously Mr McBurney had his eyes fixed on Atkinson as the priority and the individual that needed to be caught, so he had so, when then McKee was introduced and he saw that as a potential and just leave it at that at the minute and go on then to say what happened when spoke to Michael McKee and you have to accept that Michael McKee and Eleanor Atkinson were very coy in their questions, now they were answering and as a result of that Mr McBurney said that he would have to speak to Andrea McKee and solicitor then said she wouldn't be available to next week, so whatever happened the following week then there was the interview for the 29 <sup>th</sup> of the tenth and Mr McBurney was not available and you have to accept that I felt somewhat isolated that he wasn't attending but nevertheless I asked him for guidance and direction because there was obviously a number of matters where they were causing me concern and that was basically the information that we had

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received originally from Andrea. Do I put it to her or do I not, that was one issue the fact then that she'd been back in the witness A at that stage do I put this to her or do I not so and what do I do was proceed, so I was given the orders not to put those issues to her.

Just for the tape Michael could you say who gave you the order?



Irwin

Mr McBurney the SIO and that was in his I think in his strategy and again you have to accept this is my opinion and it may not be factual and he may give you a different account of it but again he was going back to the case that Atkinson was a priority to the court and if he at that stage he saw the McKees as being the potential to at some stage to possibly in road into, that was a priority, that priority was Andrea McKee's information that she had provided and that her life and her property were a priority in the decision-making role that we didn't that I didn't put this to her, so I headed down to the solicitor's office and I thought about it quite a bit before I went down because it was an awkward position that I was in, so it was but nevertheless to take directions from Mr McBurney and that's what I done, so he did say if she did raise the issue regarding the information or witness A that I was pursue that, those avenues. So I went into the solicitor and we were introduced to Andrea McKee now and I know we're sitting up here in a room gentlemen but if you can just envisage how maybe she was feeling, the solicitor was present and I was walking into this room and it was a difficult encounter and I thought the hell with this I am going to make it as difficult for Andrea as it is for me because here she is giving an account and at that stage you don't (inaudible), you don't know whether it's the truth or not the truth but you're making an assessment of her so and also felt that I was bound to comply with the SIO's directions. So I certainly made eye contact with her and went through her story and I said (inaudible) I says now Andrea, you know the way the statement aspect that you go through this aspect the statement declaration at the top of the statement. I says this is a serious incident that you're involved in and I said for goodness sake if you've anything to tell us anything at all tell us now, make sure that everything you say in this interview that you can stand over it because I can assure you if you can't somebody will be back in the future and they'll get to the bottom of this and I kept going over this with Andrea and over it with Andrea and she was a different, she gave me a different my assessment of her was different from when I'd seen her in the back of a police car but I certainly I attempted to make it as an uncomfortable an interview for her as it was for me so it was in the circumstances.

Mahaffey

Did you put to her directly, did you confront her with the fact that some weeks previously, months previously she'd failed to, you know, on one hand she's telling you about the Atkinson phone call and now she's did you actually verbally confront her.

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790	Irwin	No, definitely not.
	Mahaffey	Why?
	Irwin	Because the SIO's direction was not to confront her.
	Mahaffey	Did you understand exactly why you had been given that instruction?
	Irwin	I could see where he was coming from yes he had a strategy and again here we go at the opinion, he had a strategy there was two reasons he felt that, (inaudible) evidence to prove this very, very difficult case we're talking about one minute phone call made by an individual from a house to another house and that's what he had to prove and if you think about it it's a massive bloody task when you think about it and that's what he was thinking about. How the hell does he get the evidence, to prove that because, I (inaudible) conversation Atkinson was the dirty cop that needed to be sorted out he was the individual that had caused this phone call with Hanvey so and he seen that as priority. He didn't want at that stage to blow McKees out of the water completely and I use that terminology and I don't know what he would say about that but that was, he didn't want to put her life in danger that was a big priority as well and he didn't feel at that stage in front of a solicitor that he would get the goal that he wanted and the goal was Atkinson.
	[REDACTED]	You're not impuning in any way the integrity of the solicitor here, I take it.
	Irwin	No, I'm not impuning no, no and I'd have to say Sean Hagan is a very, very upstanding member.
	[REDACTED]	He's a colleague
	Irwin	He is a colleague
	[REDACTED]	But he would be a most reputable, a most
Irwin	He would but however	
[REDACTED]	You would accept that he would have been in total ignorance of the Atkinson phone call, the serious side of it and the	
Irwin	That's right	
[REDACTED]	And the real information Andrea McKee had.	

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	Irwin	That's right but in the same time he was also Atkinson's solicitor and anything said between them he could never, I could never rule it out and again Mr McBurney could never rule it out so but his priority at that stage was to look at it I think from an angle not to, not to blow his investigation out of the water at an early stage and get nowhere and the other thing is not to put (inaudible) Andrea McKee's life in danger.
	Mahaffey	Where you confused by that instruction initially?
	Irwin	Confused no, put it this way, sir, Mr McBurney and you've met him yourself and he gives directions and he talks through them and he supports them and what I said was I want to know here before I go down here and speak to Andrea McKee do I introduce this aspect regarding her previous association with the police and her association with witness A and he says at this stage no Michael you do not do that and he says what you do is you would not get the goal that you're looking to achieve and his goal was to get Atkinson to court and he felt that way. I have to say I did feel a wee bit uneasy on my own that I was the individual that was going down to speak to Andrea McKee but that's from my point of view.
	Mahaffey	So would it be right to summarise that by saying that one of the points for consideration was that if you had've put to Andrea McKee in the presence of Sean Hagan the solicitor, what she had in fact told you in the car some months earlier that may have put her life at risk.
	Irwin	That's right. And not only her life her property as well, because if you know Portadown it is a and particularly '97/'98 it was a pleasant time for petrol bombs and pipe bombs and I'm trying to, I'm trying to paint a picture for you Mr Mahaffey, its very difficult for me sitting here saying this is what it was like and assuming that you know what it was like and it's only for your benefit that I can say that
	Mahaffey	I understand, I understand
	Irwin	And I have to say the whole investigation was difficult.
866	Mahaffey	I've no doubt, but this, this, this must have been seen by yourself to be a serious and very major setback, was the alibi statements provided by the McKees.
	Irwin	Personally from my point of view and again I'd have to say I still assumed that my role in the whole thing was a supporting role but Mr McBurney actually saw it as potential as the Achilles heel, I would say you know that here he had a one minute call from one house to another didn't know what was on the phone call, didn't know who made it and yet there had been, other people that had been involved and he is

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a, he's a fine man, he's an experienced officer and he knows there's many ways to skin a cat as the saying goes and I think that's, he saw it not as a setback I think he saw it as an opportunity for the future.

[REDACTED]

Right did Andrea McKee make any mention of her previous involvement in the matter, through yourself?

Irwin

At that in the solicitor's, definitely not, I can assure you and I don't know when the police are speaking to her I tried to make her as uncomfortable in thon office as I possibly could so I did, I stared her in the eye and I says listen I'm telling you now Andrea this is a serious matter and you make sure what you're writing down here is the truth because if it's not somebody someday will be back to see you and I think personally I think that had some force or sort of effect in the future but that's my own personal opinion and you can ask Andrea McKee yourself I don't know how she felt about that meeting, I would just be interested to know some time because it certainly was an awkward meeting, that's all I can say.

[REDACTED]

Okay this was with regard to the guidance and direction you received Michael can you confirm with me whether any of that was in writing or?

Irwin

No it wasn't, police work I have to say it's, it was given to me just, just verbally so it was you know it wasn't in writing.

[REDACTED]

Did you make any notes yourself?

Irwin

No and I suppose you learn as you get older and maybe that was the downfall I don't know you know I don't know if he made a secret policy entry or anything like that, that's Mr McBurney area for you, he directed and I followed so he did and followed as best I could in the circumstances and despite him telling me not to bring up the points regarding Andrea and her meeting with us and her meeting with witness A, I certainly pursued her and made sure she had every opportunity to give that avenue out or provide that avenue.

[REDACTED]

What was your view of the guidance and direction you were given, Michael?

Irwin

What do you mean what was my view?

[REDACTED]

Were you comfortable with it?

Irwin

Now that's hard to go back four years now, I wasn't comfortable going to the meeting on my own I have to say, throw my hands up, I have no doubt about that. Comfortable with it, uncomfortable and would say in the situation.

		<b>Apart from Mr McBurney did you speak to any other person?</b>
	<b>Irwin</b>	<b>I could understand, no I could understand where he's coming from put it that way you know, he just doesn't give a direction and leave it there he supports it with his reasons for it so I can, you know it was his investigation, the bottom line was it was his investigation, I was acting lawful orders and then was a lawful order that I didn't see, if he had a strategy that was in place to get Atkinson and I'm in no doubt he had, then I was following that.</b>
<b>919</b>	<b>Mahaffey</b>	<b>So the strategy I accept you can't answer for Mr McBurney.</b>
	<b>Irwin</b>	<b>That's right.</b>
	<b>Mahaffey</b>	<b>The strategy would seem to be to carry out very little investigation into the alibis then provided.</b>
	<b>Irwin</b>	<b>Well, we'll move onto that, what I would say was that at that stage it wasn't appropriate to confront Andrea McKee in front of the solicitor that was at that stage you know he thought that it wouldn't get Atkinson to court, at that stage at that meeting and again he may come back with something different sir and I'm only you know.</b>
	<b>Mahaffey</b>	<b>What you've described in relation to your involvement with Andrea McKee and the instruction you were given by Mr McBurney following the statement taking did you ever have a de-briefing or briefing around what was going on in relation to, the so called very questionable alibis now being provided?</b>
	<b>Irwin</b>	<b>When you say very questionable sir, just for my own information there?</b>
	<b>Mahaffey</b>	<b>Questionable because on one hand you have a first hand account given by Andrea McKee that she has heard from Tracey Clarke that Atkinson made that phone call and here you have her again some months later a meeting between you and her and she's saying well no you know basically I failed to mention to you that I was actually there when it was my husband who made the phone call, huge discrepancy</b>
	<b>Irwin</b>	<b>Yip</b>
	<b>Mahaffey</b>	<b>From us looking at the investigation, as objectively as we can.</b>
	<b>Irwin</b>	<b>Yes, I would say now, I would have to say when I spoke, first spoke to Andrea in the car and its only an assessment of her when I spoke to her first in the car was that</b>

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she probably was she wasn't comfortable with it and it took a lot of assurances but to provide information regarding somebody else that, what they had said to her, under assurances she give us that she certainly what I saw of her in thon car that night she wouldn't have been bouncing to tell us what she had, her involvement with Atkinson you know on hindsight looking back now, she could've told me a lot more about Atkinson that

[REDACTED]

I, I accept that would you not think she would have told you nothing if she was involved? Would you, if she had been involved or she imparted the information around the phone call to you, if she had have played a role prior to that night, would she really have given you that information in the first place?

Irwin

She wouldn't have given me the information regarding, herself no.

[REDACTED]

Michael can I just ask you, I mean how did the meeting at the solicitor's office with Andrea McKee end?

Irwin

It ended with me just I think I just got her to sign you know the statement I think I hit a passing shot now Andrea I hope this is alright I hope that you sign this I hope that you understand that anything you've said in it isn't the truth that somebody will be back again it's a very serious matter and if you have anything further to add I says make sure that you do contact through, directly to the police or through your solicitor and I think that was the passing shout, shot it was something in that terminology, I left, she stayed on with the solicitor and I left.

[REDACTED]

Did she ask you anything once the statement was signed and finished?

Irwin

No she didn't, she did not.

[REDACTED]

And at stage did she provide any explanation for not mentioning this before?

Irwin

No, no, no she, no that wasn't brought up, that you know that wasn't brought up and she never I gave her plenty of opportunity to go down that avenue it never happened.

995

[REDACTED]

You've indicated that you tried to in your own words make it as uncomfortable for her as possible?

Irwin

I tried to give her every avenue I tried to make it as uncomfortable and I can assure you I think she did feel uncomfortable but that's only my own personal feeling of it you know I tried to get out of it potentially, full potential of what I was given to work with, I tried to get out of it that's all I you know I can say about it.

[REDACTED]	Did the solicitor Mr Hagan, did he ask?
Irwin	Mr Hagan, well Mr Hagan's a he's a shrewd old solicitor so he is a shrewd old man and he would, you know maybe have to accept that this was from months ago, you appreciate where my client's coming from, you know.
[REDACTED]	(Inaudible)
Irwin	Pardon
[REDACTED]	(Inaudible) his sister
Irwin	That's right, that's right
[REDACTED]	I'm not sure he would completely adopt the adjective, old.
Irwin	No, he wouldn't appreciate me saying that either, so he wouldn't.
[REDACTED]	Michael our tape's about to run again we'll stop now to allow our tapes to be changed it is now 1-00 o'clock and the tape's being switched off.
Mahaffey	The time is now 1-02 pm Michael you're still aware that you're under caution?
Irwin	Yes.
Mahaffey	Do you require me to repeat the caution?
Irwin	No, no.
[REDACTED]	Before the tape was switched off Michael we were discussing the meeting at Mr O'Hagan's office, with yourself and Andrea McKee, I know it's Hagan not O'Hagan, I'd asked you my last question was did the solicitor Mr Hagan ask you anything at the end of the interview in relation to his client.
Irwin	No, no.
[REDACTED]	When you had finished taking the statement Michael what were your immediate actions following that?
Irwin	Ehm, I then went back to the police station in Portadown I had a briefing then with

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		<p>Mr McBurney I believe on the 3<sup>rd</sup> of November '97 or a de-briefing, just again, let me confirm that please, travelled to Armagh and briefed Detective Chief Superintendent McBurney reference APC enquiry. I honestly don't know what he was doing that week, but that was the Monday morning that then I travelled to Armagh.</p>
	[REDACTED]	<p>Sorry what date was that Michael?</p>
1028	Irwin	<p>The 3<sup>rd</sup> of November.</p>
	[REDACTED]	<p>The 3<sup>rd</sup> of November. Okay, could you just run through for the benefit of the tape, the contents of that de-briefing?</p>
	Irwin	<p>I gave him a rundown on what had occurred at the solicitor's office so I did.</p>
	[REDACTED]	<p>Did Mr McBurney give you any further directions or?</p>
	Irwin	<p>No he didn't, he gave his you know he gave certain views and when he asked me about my views, I gave my views on how we, how he should proceed.</p>
1028	[REDACTED]	<p>Can I ask what your views were?</p>
	Irwin	<p>Well, put it this way he's an experienced detective and on hindsight looking back now probably, he was right and I was wrong, I would have probably have carried, got an investigation team and carried out the enquiries regarding what had come out of the interviews, his view on it at that stage was, you have to learn to know when to jump to catch these individuals, time and patience is an art and knowing when to move is.</p>
	[REDACTED]	<p>He was content to play a waiting game, a patient game?</p>
	Irwin	<p>He was, he was, he wanted a window of opportunity, to get what he wanted and what he wanted was Atkinson prosecuted for the offence that he'd committed.</p>
	[REDACTED]	<p>What specific directions did he give Michael at that stage?</p>
	Irwin	<p>No, well I left it with him then, you know it was his investigation I left it with him as far as I was concerned that was his investigation I had done what he had asked from me and I went back, you have to realise Portadown and Banbridge Sub-division I was running ordinary crime and all regarding that, as you're aware it wasn't to be and the investigation as such led on from the interview or the, the, the (inaudible), the statements or you know there wasn't an investigation, I don't know how to put this in the terminology it, the interviews that were taken or that followed</p>

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	after the, the statements that were recorded after the interviews just seemed to follow on and such that was to a certain point, to take it on then there has to be an investigation.
<b>Mahaffey</b>	Into the alibis given?
<b>Irwin</b>	Yes that's right you know my role was I was present there then it rolled on into the witnesses arrived with Atkinson and he spoke to the witnesses and that's what took place and took up to.
<b>Mahaffey</b>	Are you aware was any other investigation around the alibis given, undertaken?
<b>Irwin</b>	No I'm not but I don't know what Mr McBurney (inaudible) about the whole thing, you know, that wouldn't be au fait but he was, he was prepared to play a waiting game, to wait for the window of opportunity, he saw it and you know he said and I recall him saying, circumstances will change, circumstances will change and an opportunity will arise and he saw that through the McKees, so he did.
<b>[REDACTED]</b>	Did you have any involvement Michael in the investigation into the alibi statements or surrounding the alibi after this?
<b>Irwin</b>	No, no.
<b>[REDACTED]</b>	So once you completed that statement, handed it to Mr McBurney did you have any further dealings at that stage around Andrea McKee?
<b>Irwin</b>	No, no, what I did give was then I got a direction some time later to go and speak to the Hanveys.
<b>[REDACTED]</b>	Can you remember when that direction was?
<b>Irwin</b>	It would have been just a short period before I went and spoke to the Hanveys, you know, I wouldn't have went and done that it wasn't my investigation I wasn't seen, I had given my views on the investigation I wouldn't have
<b>Irwin</b>	I, I
<b>[REDACTED]</b>	Sorry, just that direction came from?
<b>Irwin</b>	Mr McBurney, I, wouldn't have went off but you know to the Hanveys.
<b>Mahaffey</b>	What was the reason for going to see the Hanveys?

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1062	Irwin	They were the other part of the phone call that the McKees had said they'd made and Eleanor Atkinson had said she'd made.
	Mahaffey	So you're in the position where on the 8 <sup>th</sup> of May, Andrea McKee has told you about the phone call, on the 29 <sup>th</sup> of October you've recorded the statement from her in which she gives her alibi and then you've gone on at the instruction of Mr McBurney to investigate the recipients or the alleged recipients of the phone call made from the Atkinson house.
	Irwin	That's right.
	Mahaffey	So you've been pivotal around those three areas of the investigation. You've had a
	Irwin	Direction
	Mahaffey	Role
	Irwin	Yes I have.
	Mahaffey	Once you'd spoken to the Hanveys Michael, did you have any further involvement in the investigation in that area?
	Irwin	No, not in the investigation no.
	[REDACTED]	Did you have any more briefings with Mr McBurney reference the telephone call?
	Irwin	Mr McBurney told me that we would be back or he would back, he would be back to the McKees at some stage, he saw that as the area where he could exploit to get what he saw the main perpetrator which was Atkinson and felt that that was the avenue to pursue, he told me and I can recall him saying that, you know, if you he becomes aware of a change in circumstances with the McKees, if I became aware, to inform him.
	[REDACTED]	Did he ever indicate why he made the McKees as, looking for, in my words the weak link?
	Irwin	Because they were, I don't know he's an experienced officer you know
	[REDACTED]	But when I say did he say to you why he considered them to be?
	Irwin	No, well I think what he saw was, Eleanor and Robbie Atkinson husband and wife

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	Irwin	evidence husband/wife in a house making a phone call I think one recipient at the other end of a minute phone call what was said on the phone, who actually used the phone, I think that's were his big dilemma was, how do you get these people to court, how do you get with such minor?
	[REDACTED]	Presumably my (inaudible) the whole issue of competence and compellability in evidential terms.
	Irwin	That's right, in evidential against husband and wife, that, that to be fair to him and I don't and I'm not just saying this for him, it was an uphill task to get to prove it and still is an uphill task to prove.
	[REDACTED]	Would you like to comment just for the benefit the, of these gentlemen as the investigating officers and from your knowledge of the people in Portadown do you like to comment on the reliability of the, for instance, the McKees and the Hanveys as potential witnesses.
	Mahaffey	I don't, I don't actually think that's relevant to the questions and the proceedings today but maybe at a later stage.
	[REDACTED]	No but it might give you some insight into the basis upon which judgements were being formed, but anyhow
	Mahaffey	I think, we have an idea
	[REDACTED]	Yip (inaudible)
1099	Irwin	To bring you up to the point, I found out actually about the McKees again and I'll just bring you up to that point, the trial went on and McBurney was very much keen to get Atkinson out in the open even the allegations of the, what he had done during the trial, and it didn't come out, he, it was spoken the trial, the defence opened up by saying, have you been cautioned or have you been cautioned regarding neglect of duty, withholding information and something else, you know, assisting offenders, it didn't come out I think as McBurney wanted, the gory details so after that, after the trial he did say that he would want an inquest. So I went to Mr Lecky
	[REDACTED]	The coroner
	Irwin	And Mr Lecky can confirm this, I was very insistent that there would be an inquest and in Northern Ireland, Mr Mahaffey just to bring you up to speed, a lot of the times you go in there as a trial regarding a murder as there would be a trial with (inaudible) cops and R v (inaudible) cops and in this case there is never an inquest.

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Or the inquest isn't until after trial?

Irwin

No there's never an inquest, they don't hold an inquest they feel that the circumstances surrounding the death of an individual have been fully displayed in a court, so Mr Lecky questioned me regarding why I felt it was important to have an inquest and I just said to him that there were matters of public interest that had not come out in the trial and that the trial was very much curtailed around Mark Hobson and his involvement, so he took that on board and that then pursued with what we term over here probably a controversial inquest, potential for a controversial inquest. So as a result of that, let me see now, around September, October 1999 I had become aware that the McKees had separated and I let Mr McBurney know. Now at that stage I think the inquest was set for January.

Sorry to interrupt you Michael, just ask how did you become aware?

Irwin

Because I believe now that this is, I've been trying to think of this, I was sent by the coroner to see if witness A and witness B would speak to him personally, he wanted to speak to witness A and witness B and it was during that particular time I had heard that the McKees had left Parkmore and had split up.

Was it either witness A or witness B who told you that?

Irwin

He was looking to speak to witness A and witness B and I think it was my enquiries into witness A trying to track her down that I found out the McKees had

Mahaffey

Did the coroner ever speak to witness A or witness B?

Irwin

Oh he did, he spoke to them both personally without me present he wanted to meet them totally on his own away from police involvement.

Mahaffey

Why did you go to the coroner why didn't Mr McBurney go he's the SIO?

Irwin

Because if you see the number of deaths, are in Portadown or in Northern Ireland it's left back to the offices where the death occurs, you know, because we have to prepare the papers from our offices we're their thing, their stationed.

Mahaffey

So had you discussed going to the coroner with Mr McBurney?

Irwin

I had yes.

Mahaffey

And was Mr McBurney keen for you to go to see the coroner?

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	<b>Irwin</b>	He was yes he was.
	<b>Mahaffey</b>	And the reason being to have an inquest to fully expose
	<b>Irwin</b>	Yes he wanted, he seen this, I think am I being now, I have to say this is where I'm on (inaudible), I think he seen this is an area of keeping the pressure up to try and link in with Atkinson and seeing the witnesses and again I may be wrong, this is my opinion on it and therefore it's not, if he says something different I have to accept that.
	[REDACTED]	Just to read it back then Michael your were saying it was either September or October '99 you became aware of the split, do you think you became aware through witness A?
1148	<b>Irwin</b>	Through the enquiries into witness A, I never spoke to witness A again, so I didn't. I have never, what I'd done was I got the coroner to speak directly to witness A so I did I think that's the way it was.
	<b>Mahaffey</b>	Did they both go?
	<b>Irwin</b>	Yes they did both go. They didn't go the same day, I don't know even where he met them you know I don't even know if it was at his office or whether he come and met them at their houses or whatever that was, he kept that completely independent.
	<b>Mahaffey</b>	Could I just ask you again from our own point of view we obviously for some time have been examining all the records we can find around many aspects of the investigation into the murder of Robert Hamill, the allegations made against the landrover crew and indeed the direct allegations made against Robert Atkinson. Up until your explanation today we've been unable to find any other record as to how things progressed, are you aware or can you assist us in locating any auditable or verifiable documentary record as to the issues we've discussed in the two occasions you've attended here for interview.
	<b>Irwin</b>	I can't sir, no.
	[REDACTED]	Is there any record at all, of the meeting with Andrea McKee at 11-00 pm on the night of the 8 <sup>th</sup> .
	<b>Irwin</b>	Just my notebook entry that says that thing with witness, a meeting with witness
	<b>Mahaffey</b>	So that's the sole entry?

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Irwin	Yes it is.
Mahaffey	Okay
Irwin	Sorry I think when you reflect on it (inaudible)
[REDACTED]	Mr Mahaffey's not putting anything to you as a result of your reply, well not yet anyway.
Irwin	Well, then I am not
[REDACTED]	But I think that these gentlemen would have some understanding of the sensitivity of the overall situation and the threat to human life.
Irwin	That
Mahaffey	In that, can I just ask you this, then again, if a trial, probably an unfair question
Irwin	It is
Mahaffey	You'll shout at me I'm sure, if a trial had gone ahead and Atkinson had been prosecuted, excuse my ignorance but how would the issues around the meeting in the vehicle, the handling of the alibi how would those have been dealt with when in court here in Northern Ireland?
Irwin	Well what happened was, as a result of me putting in the file, I had went to Detective Chief Inspector P39 and said listen there's nothing on Holmes system regarding, witness A statement wasn't even on the system so it wasn't, I assume that was the SIO's policy on that so I done a secret officer's report regarding witness A and witness B and I also asked for the consultations with witness A and witness B on the DPP file. At the time of writing both those items both the secret officer's report and the consultations with witness A and witness B it would have been my intention that the background to that would have been brought to the attention of the DPP. Now if you look at the system it's quite obvious that witness A was spoken to on the 8 <sup>th</sup> of May because there was a pro-forma completed and for then for some reason the individual was brought again in on the 9 <sup>th</sup> , Timothy Jameson was spoken on the 29 <sup>th</sup> of April and then came in again on the 9 <sup>th</sup> , there was obviously some reason behind those two things happening.
Mahaffey	Yes

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1202	Mahaffey	Where is that document?
	Irwin	That gentlemen, is now documented on this tape.
	[REDACTED]	But the secret
	Mahaffey	Where are the secret reports?
	[REDACTED]	Well, that would be Mr Mc, the, the secret officer's report and the, with the DPP file, maybe, that I submitted.
	Mahaffey	So you have submitted a
	Irwin	I submitted a secret officer's report on witness A and witness B regarding their vulnerability and I also asked on the DPP file, specifically said on the DPP file, consultations, consultations with witness A and witness B and that, at the time of writing those two articles was to ensure that the circumstances surrounding witness A and witness B was brought to the DPP's attention, what happened then events overtook those incidents because witness A and witness B went, there was consultations and as a result of those consultations
	Mahaffey	But you're not, are you aware of any additional investigation into the allegations made during those consultations by Timothy Jamieson?
	Irwin	About what he said?
	Mahaffey	Yes.
	Irwin	No I'm not aware of those no. I have to say I wasn't present
	Mahaffey	I accept that I'm asking you are you aware of any investigation?
	Irwin	No I'm not.
Mahaffey	Of any subsequent investigation?	
[REDACTED]	And the norm in Northern Ireland (inaudible) is possibly replicated in other jurisdictions is the DPP would not disclose to individual investigating officers, there is a liaison officer usually there with C1, which was in that instance was Detective Superintendent Cook, but the DPP would not normally disclose to the investigating officer or other officers present what was in their mind that would be communicated normally in writing to the, to the, to the Chief Constable.	

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**Mahaffey**

That's fine.

[REDACTED]

There is a cut off stage that doesn't come down to it stays at headquarters it doesn't come down to.

**Mahaffey**

Sure I understand.

[REDACTED]

And just in relation to the secret officer's report I'm not familiar with any of that but I know from other discussions that and again it's possibly replicated in other jurisdictions that there is a well tried procedure of satellite files where there is confidential or sensitive information or sources are involved, that information is passed in a parallel file

**Mahaffey**

Yes I've, I've yeah. I accept that.

[REDACTED]

Okay Michael taking you back again, you were talking about you got the information that the McKees had split what was your action following that?

**Irwin**

Went to Mr McBurney and told him, regarding it.

[REDACTED]

Did he give any direction to you in relation to that?

**Irwin**

No not at that stage no. He was at that time in September/October, the inquest had been scheduled in I think for January of 2000 and I think he was using that as a springboard to for his window of opportunity.

**Mahaffey**

And what happened in January 2000?

1231

**Irwin**

To and fro'd between the coroner and Barra McGrory, solicitor, there was a lot of consultations, I would put I, between those parties regarding the interest in holding it. Now again he may say different that it wasn't but that's my understanding that there was.

**Mahaffey**

And what was the outcome?

**Irwin**

The outcome was that there was no inquest held and even though I can assure you I was personally told that there was an inquest was going to be held, what happened then there was none and then

[REDACTED]

The coroner cited the threats to witnesses as being justification for not holding an inquest.

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Irwin	That's correct.
[REDACTED]	Michael if I can just refer you now as part of the pre-interview disclosure package statement dated 20 <sup>th</sup> of June 2000 statement made by Andrea McKee and you're down again as the signature of the member who recorded it. Could you just once again in your own words give us the background to how the situation arose the taking of this statement?
Irwin	Well what happened then was, Mr McBurney directed that we would go following the, following the decision not to hold an inquest then his anxious strategy then had to change in that he decided that stage then to go to the McKees to establish if there was any change of circumstances.
[REDACTED]	So just clarify again, when was the decision taken not to hold the inquest?
Irwin	It must have been around the end of, the middle of May, start of May it must have been around that time.
Mahaffey	May 2000?
Irwin	May 2000, yeah.
[REDACTED]	So if I'm right May 2000 you find out there's no inquest?
Irwin	That's right, then his strategy.
[REDACTED]	Can you recall when you met Mr McBurney re: this further briefing about the change of strategy?
Irwin	No I never, you know I'm only assuming that was you know the circumstances changed so then obviously he says right let us go and visit the McKees.
Mahaffey	Was there anything else that happened that generated that approach to the McKees anything else that you have knowledge of that generated that?
Irwin	I don't, I have no knowledge now he may have knowledge of something I have no knowledge.
Mahaffey	So it's purely and simply the outcome of the inquest to your knowledge?
Irwin	Well it was his, you know it was two factors it was the split with the McKees, the

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		McKees had split and then he was going to springboard the inquest I believe with a window of opportunity, to revisit them, a number of individuals and I just wouldn't say the McKees you know.
	Mahaffey	Was the split of the McKees and (inaudible) but there's nothing else in your recollection that caused you and Mr McBurney to go to Wales.
1277	Irwin	Not me sir no. Again I have to say all the time and I come back to this all the time gentlemen in this investigation it is Mr McBurney's investigation I was carrying out lawful orders under his command and that's what I done.
	[REDACTED]	Can I ask you Michael how did you know where she lived?
	Irwin	How did I know where she lived, I made enquiries with I made enquiries with Tracey Clarke's mother.
	[REDACTED]	That's [REDACTED]
	Irwin	That's right, I believe that's, it in a very coy sort of way.
	[REDACTED]	Can I ask you what you mean by a very coy sort of way just clarify that.
	Irwin	I had an opportunity to talk to Irene regarding the inquest and that and I used conversation to see what was happening round me.
	[REDACTED]	You didn't, you weren't completely frank about the reason for your?
	Irwin	No I wasn't.
	Mahaffey	[REDACTED] would she have been aware that you wanted to speak to Andrea after that?
	Irwin	Definitely not, definitely not.
	[REDACTED]	Just refer who all was present when the statement actually was taken?
	Irwin	Mr McBurney and myself and again I was under the directions of Mr McBurney.
	[REDACTED]	Could you tell us what sort of initial approach was made to Andrea when and how contact was established?
	Irwin	I believe that it was initially made to confirm that she was still living at the address

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		that I was given through police in Wrexham and would she speak to police, police were looking to speak to her.
	<b>Mahaffey</b>	You made an enquiry, you asked the police in Wrexham to call round?
	<b>Irwin</b>	In to confirm that she was still living at that address.
	<b>Mahaffey</b>	Had she been in contact with you?
	<b>Irwin</b>	No she hadn't.
	<b>Mahaffey</b>	Or Mr McBurney?
	<b>Irwin</b>	Not that I'm aware no.
	<b>Mahaffey</b>	So it was a cold con?
	<b>Irwin</b>	It was a cold con yes it was indeed. I believe now, I would have to check on that you know but I think that was the way it was.
	<b>Mahaffey</b>	Where did the meeting with Andrea McKee take place?
	<b>Irwin</b>	At Wrexham police station up in, it was a tall building up on the SDC at one of the officers' rooms.
	<b>Mahaffey</b>	Did she have a solicitor?
	<b>Irwin</b>	She didn't
1304		And did she travel to the station herself to see you there in Wrexham?
	<b>Irwin</b>	She did.
		Who made the appointment as such with her?
	<b>Irwin</b>	It would have been myself would have made the appointment or else the Wrexham police you know I'm not sure by saying, I think what we got was maybe a phone number from her, a phone number from the Wrexham police and then I contacted her by phone I think that's actually the way it was the Wrexham police got a phone contact.
	<b>Mahaffey</b>	How did she receive you?

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Irwin	Alright you know what do you mean you know I'm trying to
Mahaffey	Was she a reluctant attender?
Irwin	No, no she wasn't, circumstances had changed.
Mahaffey	Did you during your meeting with her give her any assurances about the level of assistance or what assistance she may be able to give you?
Irwin	No I didn't give her.
[REDACTED]	Did she ask for any?
Irwin	In relation to I'm sorry
[REDACTED]	Just clarify that are you asking about some protection or material (inaudible)?
Mahaffey	During the interview with her, I mean clearly she at that stage now tells you all.
Irwin	When
Mahaffey	A revelation, was there any assurances given?
Irwin	That she wouldn't
Mahaffey	No, no, I don't know were there any assurances of any type?
Irwin	No, no there weren't, Mr McBurney I think spelled out that he had taken a course of action and others may look at it differently and
Mahaffey	What was your view?
Irwin	What on?
Mahaffey	As to how she was approached?
Irwin	Well that's not up to me sir and you know I appreciate you asking the question but you know everybody, every one of us has different ways of skinning a cat and
[REDACTED]	Did you voice the concerns over to Mr McBurney about the

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		I raised the issues yes that had to be confronted.
	[REDACTED]	And was that done verbally or in writing?
	Irwin	No that was again verbally so it was.
	[REDACTED]	Can we just confirm that in regard to this relationship sorry arrangement to interview Andrea there are no other written records or?
1336	Irwin	No there not I might have a notebook entry regarding contacting Andrea, what date was that?
	[REDACTED]	Round about the 20 <sup>th</sup> of June.
	Irwin	I haven't with me now I would have to, 20 <sup>th</sup> of June I would have to check on that.
	[REDACTED]	Okay.
	Irwin	I didn't to be appreciated I didn't know you were going to put 20 <sup>th</sup> of June 2000 so.
	[REDACTED]	You can produce that eventually.
	Irwin	I can no problem. Again you have to appreciate and I know I keep winding back to, this was Mr McBurney's investigation and I was taking orders from Mr McBurney now all the lawful orders that I got he supported them with sound views you know and he's a, he is an experienced detective, no doubt had looked at that in great depth and
	[REDACTED]	But it wasn't a committee decision, these aren't committee decisions.
	Irwin	No they're not committee decisions no they're, they're his decisions the bottom line is he's the man that makes the decision. We all have our own views on how we carry out our investigations.
	[REDACTED]	Could I ask you Michael when you were interviewing Andrea at what stage was she made aware of the declaration?
	Irwin	Before, before taking the statement I always go through a statement by getting the declaration out onto view, that's my process of going through a statement and I think
	Mahaffey	Was she uncomfortable that here you were again and she's telling you the complete

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		opposite of what she's told you at Sean O'Hagan, Sean Hagan's office?
	Irwin	I don't know if she was uncomfortable or not.
	[REDACTED]	Did the declaration prompt any question from her about her own position?
	Irwin	No I, I made her aware of her own position as well you know I was taking the statement here under direction and I think Mr McBurney, that's a decision that he has made and that's what he has to stand over and I think it's unfair to ask me about that statement you know because I think it's his decision.
	[REDACTED]	Just to ask you Michael was there a briefing between yourself and Mr McBurney following the recording of the statement?
	Irwin	A briefing, we travelled back together so yes we did discuss it and then he immediately commenced the whole process that's going on now.
	[REDACTED]	Just finally Michael there's a further statement there of Andrea McKee dated 25 <sup>th</sup> of October 2000 were you present at the recording of that statement?
	Irwin	I was.
	[REDACTED]	You were?
	Irwin	I was the introductory officer.
	[REDACTED]	Okay.
	[REDACTED]	You were the machine man?
	Irwin	You call me whatever you want but I was the introductory officer.
	Mahaffey	Where you present throughout the taking of that?
1392	Irwin	I was indeed yes I sat, I sat on a chair at the side of that, when I was given instructions not to involve myself with the interview so I was.
	Mahaffey	Who else was there?
	Irwin	Mr <sup>K</sup> [REDACTED]
	Mahaffey	Just the two of you?

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Irwin	Just the two of us and my instructions, specific instructions were a Mr <b>K</b> had a lot of questions wrote out for him my instructions on that day were simply to introduce Andrea to Mr <b>K</b> and then he took over from there.
Mahaffey	Can I ask you who those instructions came from?
Irwin	<b>K</b>
Mahaffey	The instructions that you were given in relation to that interview did they come from <b>K</b>
Irwin	Yes ahha, I think at that stage he had
[REDACTED]	Michael I think we've explored all the issues we set out to do at the beginning of the interview before I switch off the tape is there anything you wish to add or any points you want to clarify from whatever we have said or you have said.
Irwin	Gentleman I go back to my second charge that second allegation and honestly yous don't know how it has affected me personally but I take exception to the fact that I have been highlighted as the appointed investigating officer when really I was never the investigating officer in that aspect of it
Mahaffey	I take your point.
Irwin	Okay Michael I will now give you a notice explaining what will happen to the tapes and your entitlement thereto.
[REDACTED]	Reference numbers
Mahaffey	I'll just put them (inaudible) tape
[REDACTED]	Yeah
Mahaffey	The number I've recorded at the top of the form Michael is the master tape seal numbers.
Irwin	Okay sir, thank-you.
Mahaffey	You can have that and I would just like you to sign there to say that you've received that form, nothing more?

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	<b>Irwin</b>	<b>Thank-you</b>
	<b>Mahaffey</b>	<b>Okay, this interview is concluded at 1-40 pm, we are now switching off the tape.</b>

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