

Memo

To: Chris Mahaffey
From: David Wood
Date: 13 November 2001
Re: Hamil Review on 24 October 2001

There are five different enquiries in respect of Robert Hamil.

1. Investigation into the landrover crew
- RUC investigation supervised by PONI
2. Investigation into Atkinson and others
- RUC investigation supervised by PONI
3. Murder of Robert Hamil
- RUC investigation
4. Actions at the scene of crime and on the day
- RUC investigation supervised by PONI
5. Neglect of duty, SIO and IO
- PONI investigation

The above four investigations relevant to PONI were discussed at length including all the evidence and the stage each had reached, and the following actions were made as a result:-

Ombudsman investigation regarding the SIO and IO

- In respect of Andrea McKee seen in the car by the Detective Inspector Irwin and another officer on the night Robert Hamil died, did K [redacted] cover this in his North Wales visit? This needs to be established.
- It would appear that the RUC have no witness protection scheme which might be particularly important in respect of Andrea McKee. Enquiries to be made about what witness protection scheme they have and what facilities they will have

for her? The existence of a witness protection scheme may be particularly important if Michael McKee is ever to agree to cooperate with the enquiry.

- We need to enquire if Detective Inspector Irwin is HOLMES trained.
- Constable Honeyford who has had an OMB3 served needs to be interviewed.
- D/C McAteer, who is now retired, needs to be seen as a witness.
- Efforts need to be made to take a statement from ex-Detective Chief Inspector P39. If she continues to refuse we will have to rely on the notes of our interview with her.
- Detective Superintendent Cooke needs to be seen re: retraction process in respect of Jamieson and Andrea McKee.
- We cannot finish our investigation until we see Andrea McKee, arrangements must be made to see her as soon as she has pleaded guilty, at the first opportunity. We should be in a position to do a report by Christmas, even if Andrea McKee's statement is not taken. If her statement is not taken it will be an interim report.
- We agreed the report would be sent to the Director of Public Prosecutions. Although technically there may not be any criminal allegation for his consideration. We agreed it was important in respect of his overall management of the criminal cases.

Atkinson Investigation

- Case discussed and it was agreed that if possible the Director of Public Prosecutions should be influenced to adjourn both Andrea and Michael McKee for sentence if they both plead guilty rather than anyone of them being sentenced at that stage.
- We agreed the Director of Public Prosecutions should be seen to seek to influence the opportunity to receive an earlier plea of guilty from Andrea McKee if she so minded.
- We must disclose our material to the Director of Public Prosecutions that we hold.
- We must review discipline against Atkinson. In the event of no criminal charges what discipline could be preferred? What Form 17/3's have been served? We must ensure we review the whole discipline opportunities that are available against him.

- Chris Mahaffey to write to the Hamil's following the court case on 09 November to update them on the progress of the case.
- In respect of the compromise of technical equipment this has now been investigated and insufficient evidence found to prove how that occurred. A report has been prepared on this by D/I [REDACTED]. I will need to see that report.

Investigation into the landrover crew

- Again this case was discussed at length. In particular the directed discipline against the Constable in the landrover, Constable Neill. There had been RUC obtained legal opinion stating there was no evidence on which to base discipline charges. It was agreed we would seek access to the RUC legal advice, and then we would seek independent legal advice so that we do not rely on the RUC advice as to whether charges are viable. It would only be on if that independent legal advice confirms the evidence is not sufficient for the charges outlined that we would consider withdrawal of the direction. I shall need to be consulted first and the Ombudsman will require consulting.

The RUC investigation into the crime scene lack of action

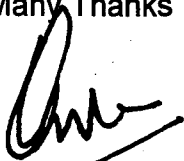
- Again details for case and progress discussed. In the transcript of the trial that did take place there is a lot of controversy about failure of the officers to make notes. It is not clear whether this aspect has been investigated. Chris Mahaffey to speak to Karen Kennedy to see if she has investigated those aspects and if not we must consider whether her enquiry should be extended in order that those enquiries are made.
- It is essential that we pull together all timings and positions of landrover crew, i.e. what opportunities were there to intervene. This is a matter of grave public importance and if there is to be no discipline in respect of it, it will be an aspect where there will be public concern. This is an ideal case to use analytical charting and sequence of events charting to demonstrate all the various timings and opportunities that there were for the police to intervene.

Murder Investigation

- The enquiry is now complete as far as it can be and the file is being finally prepared to go to the Director of Public Prosecutions.

Chris, I will be grateful if all the matters we agreed could be attended to as soon as possible and that this memorandum be put on your file or / and case management system in respect of the case.

Many Thanks

A handwritten signature in black ink, appearing to read 'D. Wood', written over a horizontal line.

DAVID WOOD