

DOCUMENT D900

DOCUMENT NUMBER D900

DATE 191200

DESCRIPTION POLICY FILE BOOK 2 - DECISIONS N490

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POLICY FILE BOOK 2 - DECISIONS N490

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OFFENCE: ASSISTING OFFENDERS/CONSPIRACY TO PERVERT THE COURSE OF JUSTICE

VICTIM(S):

THE MURDER OF ROBERT HAMILL IN PORTADOWN ON SUNDAY 27/04/97

SENIOR INVESTIGATING OFFICER:

K

* D/SUPT STEWART APPOINTED AS SENIOR INVESTIGATING OFFICER WEF

18/12/00*

DEPUTY INVESTIGATING OFFICER:

H

DATE ENQUIRY COMMENCED: 26/06/00

DATE ENQUIRY CONCLUDED:

CASE OF: ROBERT ATKINSON & OTHERS

Policy Book 2
Document 900
for consideration
By DPP

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DECISION NO: 21

DATE OF DECISION: 12/10/00

TIME OF DECISION: 2 PM

OFFICER MAKING DECISION: K

DECISION:

In consequence of researching the information contained in a paper written by The Committee on the Administration of Justice (CAJ) entitled "See No Evil, Hear No Evil - The murder of Robert Hamill", further investigations raised concerning:

- (a) The reasons why Tracy Clarke (Witness A) retracted her evidence in 1997
- (b) The source of the anonymous phone calls made to [REDACTED] (who was the Hamill family Solicitor at that time) and a local priest
(See report prepared by K [REDACTED] dated 12/10/00 on HOLMES).

REASONS:

- (1) In relation to (a) above, within the context of the current investigation and when one considers the apparent close relationship between the McKee's and Tracy Clarke, as indicated in the telephone analysis, the possibility of R/Constable Atkinson playing some part in causing Clarke to retract cannot be overlooked.
- (2) In relation to (b) above, if this did happen as is reported in the document, the possibility that there is a police officer who could assist this investigation with information regarding the alleged conspiracy between R/Constable Atkinson and a suspect (believed to

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be Alistair Harvey) cannot be overlooked.

OFFICER MAKING ENTRY: K [REDACTED]
SIGNATURE: K [REDACTED]
DATE: 12/10/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 22

DATE OF DECISION: 16/10/00

TIME OF DECISION: 2 PM

OFFICER MAKING DECISION: K [REDACTED]

DECISION:

- (a) Telephone Call Analysis (Interim Document) dated 16/10/00 and other information collected from other lines of enquiry up to this date will form the basis for structuring the re-interview of Andrea McKee.
- (b) The structure of the proposed interview of Andrea McKee to be prepared by K [REDACTED] and recorded on HOLMES.

REASONS:

- (1) To summarise the investigation's findings to date in so far as they are relevant to the McKee's.

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(2) To enable a probative interview to be carried out with Andrea
McKee.

OFFICER MAKING ENTRY: K [REDACTED]

SIGNATURE: K [REDACTED]

DATE: 16/10/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 23

DATE OF DECISION: 17/10/00

TIME OF DECISION: 10 AM

OFFICER MAKING DECISION: DCS McBURNEY/ICPC

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DECISION:

There is no requirement for a further meeting at this stage with ICPC prior to the re-interview of Andrea McKee which will take place within the next few days. A further meeting will be arranged after Andrea McKee is re-interviewed. This was agreed between DCS McBurney and the ICPC.

REASONS:

Ongoing supervision of the investigation by the ICPC.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

17/10/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO:

24

DATE OF DECISION:

18/10/00

TIME OF DECISION:

4 15 PM

OFFICER MAKING DECISION:

K

DECISION:

To interview Andrea McKee at [REDACTED] Police Station on Wednesday 25/10/00. Andrea McKee's evidence will be recorded in a witness statement similarly to the course of action taken on 20/06/00.

REASONS:

To clarify a number of points in relation to her statement of 20/06/00

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and to put further questions to her.

OFFICER MAKING ENTRY: K

SIGNATURE: K

DATE:

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 25

DATE OF DECISION: 26/10/00

TIME OF DECISION: 10 AM

OFFICER MAKING DECISION: K

DECISION:

- (a) To analyse the content of Andrea McKee's statement dated 25/10/00 and raise further investigative actions which are relevant to the investigation.
- (b) To carry out further investigations into Alistair Hanvey's movements at the scene of the incident and during the hours which followed the incident.
- (c) To interview close family relatives of Michael McKee.
- (d) Overt lines of investigation to be actioned during this phase of the investigation.

REASONS:

- (1) Progress further lines of enquiry which will identify witnesses and produce evidence which will corroborate the evidence of Andrea McKee.

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(11) To find evidence which may contradict his story in 1997 that he went to his uncle's house in [REDACTED] after the incident. In the hours following the incident, it is important to establish with who Alistair Hanvey came into contact with, to establish his movements during the night and to position him at the time when the telephone call was made from Atkinson's home to the Hanvey home at 8 37 am on 27/04/97.

(111) In considering the relationship/involvement between the McKee's and Tracy Clarke and the involvement of the McKee's in the conspiracy with the Atkinson's, to establish what was known about the conspiracy within McKee's family circle.

OFFICER MAKING ENTRY: K [REDACTED]
SIGNATURE: K [REDACTED]
DATE: 26/10/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 26
DATE OF DECISION: 26/10/00
TIME OF DECISION: 10 10 AM
OFFICER MAKING DECISION: K [REDACTED]

DECISION:

To carry out further enquiries with police officers who had contacts with Andrea McKee (1) prior to the interview of Tracy Clarke and (2)

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at the time when Tracy Clarke was interviewed at Portadown Police Station on the night of 9 May 1997, to establish what information Andrea McKee supplied concerning the murder and the allegations about Robert Atkinson.

REASONS:

- (1) Raised from the statement of Andrea McKee dated 25/10/00.
- (11) The issue of what Andrea McKee told police at these times concerning the allegation about Atkinson is relevant to the current investigation. The fact that Andrea McKee did not mention to these police officers that Michael was responsible for making the call from the Atkinson's on the morning following the incident, would tend to suggest that they were not at the Atkinson's as they had said in 1997. This would lend support to Andrea McKee's evidence.

OFFICER MAKING ENTRY:

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SIGNATURE:

K

DATE:

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CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 27
DATE OF DECISION: 26/10/00
TIME OF DECISION: 10 20 AM
OFFICER MAKING DECISION: K

DECISION:

To carry out further investigations concerning:-

(a) The actions/movements of Robert Atkinson at the scene, focusing on who Atkinson may have come into contact with at the scene.

(b) What additional information, if any, Atkinson supplied or spoke about after the incident in addition to the statement he made on 27/04/97.

(Telephone analysis of Atkinson's home telephone is being carried out to identify any other persons who he may have contacted and who was at the scene of the incident).

(c) To establish what time Atkinson left Portadown Police Station to return home on Sunday morning 27/04/97.

REASONS:

To provide evidence which will:-

- (1) Confirm whether Atkinson came into contact with Alistair Hanvey and if so, the nature and circumstances of that contact.
- (11) Establish what information, if any, Atkinson did not supply to Investigating Officers about the incident and the identity of

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persons involved in it.

(111) Indicate what Atkinson was in a position to witness at the scene, focusing on Alistair Hanvey's involvement in the attack upon Mr Hamill.

OFFICER MAKING ENTRY: K

SIGNATURE: K

DATE: 26/10/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 28

DATE OF DECISION: 26/10/00

TIME OF DECISION: 10 40 AM

OFFICER MAKING DECISION: DCS McBURNEY

DECISION:

(a) In view of the statement made by Andrea McKee dated 25/10/00, I raised the issue of supervision of R/Constable Atkinson with DCS McBurney. DCS McBurney said that he had previously discussed this with Complaints and Discipline Department, the issue of supervision will not be considered at this stage. DCS McBurney stated that if there was a change in circumstances in that Atkinson should return

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to duty off the sick, the issue of supervision would be considered with senior police.

- (b) DCS McBurney to review HOLMES resourcing issues regarding the Hamill murder investigation account with D/S McKay (HOLMES Manager).

REASONS:

- (1) R/Constable Atkinson remains on long-term sickness absence with a stress-related illness. Investigations to progress into the allegations of Andrea McKee.
- (2) Re (b) above - To ensure the efficient and effective management of the HOLMES account.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

26/10/00

CASE OF: ROBERT ATKINSON & OTHERS

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DECISION NO: 29

DATE OF DECISION: 02/11/00

TIME OF DECISION: 9 30 AM

OFFICER MAKING DECISION: K

DECISION:

- (a) To carry out enquiries regarding the purchase of a silver coloured jacket by Tracy Clarke around Christmas period of 1996 which she gave to Alistair Hanvey.
- (b) To carry out enquiries regarding Alistair Hanvey's ownership/~~possession~~ of this jacket and to establish when, how and why it was ~~dis~~posed of.
- (c) The existence of photographic material and other documentation confirming the existence/~~possession~~ of this jacket by Alistair Hanvey will be searched for when the suspects homes are searched in due course.

REASONS:

- (1) To establish if this is the jacket which Alistair Hanvey may have been wearing on the night in question and which he destroyed in consequence of the phone call from Robert Atkinson telling him to destroy his clothing.
- (2) A number of enquiries still have to be made. In order to prevent any of these enquiries being prejudiced at this point, searches of the suspects homes for photographic evidence will not be carried out at this time. Enquiries will be carried out sensitively and subsequent actions concerning this line of enquiry will be carefully considered to prevent Alistair Hanvey and the other

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suspects from disposing of any relevant photographs.

OFFICER MAKING ENTRY: K

SIGNATURE: K

DATE: 02/11/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 30

DATE OF DECISION: 02/11/00

TIME OF DECISION: 11 30 AM

OFFICER MAKING DECISION: DCS McBURNEY

K

[Redacted]

MR MULLAN - ICPC

DECISION:

A further directional meeting was held with ICPC representatives to discuss the conduct and progress of the current investigation. As a result of this meeting, Mr Mullan of the ICPC requested copies of a number of witness statements recorded recently and a progress report outlining the lines of enquiry being investigated and the scale of investigative actions raised to date. This progress report which is

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to reflect what the investigation team is currently investigating and which we have discussed today is to be forwarded to Mr Mullan on Monday 06/11/00.

(See notes of 3rd Meeting with ICPC - 02/11/00).

REASONS:

Ongoing supervision of the investigation by the ICPC. On 06/11/00, the Police Ombudsman for N. Ireland will formally take over from the ICPC which will no longer exist from that date. Mr Mullan has indicated that the Police Ombudsman will be involved in the continued supervision of this investigation and this progress report will assist his briefing and hand-over to the Police Ombudsman's team.

OFFICER MAKING ENTRY: K

SIGNATURE: K

DATE: 02/11/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 31

DATE OF DECISION: 06/11/00

TIME OF DECISION: 11 AM

OFFICER MAKING DECISION: K

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DECISION:

D/Sergeant McDowell to research all the evidence and information currently recorded on HOLMES system regarding persons who were at a party in Tracy McAlpine's house (referred to in a category known as 'Party Goers') and to draw up a schedule outlining (1) every person who is known to have been present and (2) precis of evidence/information supplied by each of these individuals.

REASONS:

- (1) Further investigations into the movements/contacts/clothing worn by Alistair Hanvey on the night of the incident by way of further interviews with the 'Party Goers'.
- (2) It is acknowledged that this line of enquiry may produce new evidence not previously known about the murder. Any new evidence uncovered which concerns the murder will be brought to the immediate attention of the SIO for the murder investigation for further investigative action.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

06/11/00

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CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 32
DATE OF DECISION: 16/11/00
TIME OF DECISION: 10 35 AM
OFFICER MAKING DECISION: K

DECISION:

- (a) As a result of a request from Mr Mehaffey, Senior Investigator attached to the Police Ombudsman's Office the proposed arrest of Michael McKee to be temporarily suspended until the Police Ombudsman has had time to familiarise themselves with all aspects of the Hamill murder investigation and the current investigation and decisions are made as to the Ombudsman's role in this investigation.
- (b) Meeting to take place with the Police Ombudsman's team at their offices in Belfast on 23/11/00.
- (c) To update [REDACTED] on this decision.

REASONS:

- (1) To facilitate and allow time for the Police Ombudsman to familiarise themselves with all aspects of this investigation.

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(2) To allow time to make informed decisions on the future role of the
Police Ombudsman in the current investigation.

(3) To update the Hamill family on the progress of the current
investigation.

OFFICER MAKING ENTRY: K [REDACTED]

SIGNATURE: K [REDACTED]

DATE: 16/11/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 33

DATE OF DECISION: 23/11/00

TIME OF DECISION: 2 50 PM

OFFICER MAKING DECISION: DCS McBURNEY

DCI K [REDACTED]

MR MEHAFFEY - PONI

DECISION:

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See Officer's report by K [REDACTED] regarding directional meeting

with PONI at Belfast on 23/11/00. As a result of discussions which took place:-

- (a) To review the work carried out to date on telephone analysis with the Force Crime Analysis Centre and to establish whether the services of a Crime Analyst would be of benefit to the investigation at this stage.
- (b) An early meeting should be arranged with the original DPP Directing Officer in this investigation next week to apprise him of developments in this investigation and to seek legal opinion on our assessment of the evidence gathered to date.
- (c) To proceed as proposed on the arrest of Michael McKee at the earliest opportunity and at the same time to conduct searches at the homes of Atkinson, Hanvey and McKee for evidence which may be relevant to the current investigation. (See Officer's Report for fuller explanation of this strategy). It was agreed that Mr Mehaffey and his team would be involved at each stage of the proposed action. Further arrests of the Atkinson's and Hanvey's to take place when a number of further lines of enquiry which focus on the conspiracy between the Atkinson's and Hanvey's have been completed.
- (d) Mr Mehaffey should have full and unrestricted access to the HOLMES account and all relevant material contained within the account. An arrangement is to be made for Mr Mehaffey to visit the HOLMES Incident Room at Gough from where the current investigation is being co-ordinated and managed next week.

REASONS:

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- (1) Supervision of the Investigation by PONI.
- (2) Efficient and effective investigative management of the investigation.
- (3) To have a clear understanding of the investigative strategy.

OFFICER MAKING ENTRY: K

SIGNATURE: K

DATE: 23/11/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 34

DATE OF DECISION: 05/12/00

TIME OF DECISION: 4 PM

OFFICER MAKING DECISION: DCS McBURNEY

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K

MR MEHAFFEY - PONI

DECISION:

See Officer's Report by K regarding directional meeting with PONI at Gough Barracks, Armagh on 05/12/00. Mr Raymond Kitson of the DPP attended the meeting for a period during the afternoon. In consequence of our discussions today, it was decided:-

- (a) Proceed with current lines of investigation in order to gather further evidence which will add further evidential weight to the evidence currently gathered against the suspects - these actions will be prioritised.
- (b) To arrest Michael McKee at the same time as the other suspects unless circumstances dictate otherwise in the interim period (it was explained to Mr Mehaffey that priority was being given to lines of enquiry which are particularly and evidentially relevant to the conspiracy between the Atkinson's and Hanvey's although it was acknowledged that this evidence will be circumstantially relevant to the case against Michael McKee when the evidence is viewed in the round.
- (c) Not to arrest Andrea McKee or interview her after caution at this stage. Andrea McKee will be included in the investigation file which is subsequently submitted to the DPP and which outlines the evidence against all the suspects. A DPP direction will be sought on the position of Andrea McKee after the investigation file is submitted to the DPP.
- (d) As outstanding enquiries are completed during this phase, to begin to plan the interview strategy for interviewing the suspects Robert

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Atkinson, Eleanor Atkinson, Michael McKee, Kenneth Hanvey,

Elizabeth Hanvey and Alistair Hanvey.

REASONS:

- (1) Efficient and effective investigative management of the investigation.
- (2) To continually assess the investigative strategies being pursued.
- (3) Supervision of the Investigation by PONI.
- (4) To plan and structure the interviews of suspects, ensuring that every piece of evidence collected in this investigation is used constructively to structure the questioning of these suspects.

OFFICER MAKING ENTRY: K

SIGNATURE: K

DATE: 05/12/00

CASE OF: ROBERT ATKINSON & OTHERS

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DECISION NO: 35

DATE OF DECISION: 05/12/00

TIME OF DECISION: 11 AM

OFFICER MAKING DECISION: DCS McBURNEY

DECISION:

- (a) D/I Irwin and [redacted] to speak to Michael McKee as soon as possible concerning a threatening letter containing a bullet which Michael McKee received in the post at this home this morning.
- (b) D/I Irwin and [redacted] directed not to get into any conversation about the current investigation unless McKee initiates conversation about it - if this happens D/I Irwin is to note whatever he may say if he raises it and to contact DCS McBurney immediately.
- (c) To seize the letter and bullet for forensic examination.

REASONS:

To investigate the circumstances of the threatening letter to establish:

- (1) The origin of the threatening letter.
- (11) The reason why the threatening letter was sent to him at this time.

OFFICER MAKING ENTRY:

[redacted] K

SIGNATURE:

[redacted] K

DATE:

05/12/00

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CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 36
DATE OF DECISION: 08/12/00
TIME OF DECISION: 12 30 PM
OFFICER MAKING DECISION: DCI K

DECISION:

Following discussions with DCS McBurney concerning the content of a statement made by G dated 07/12/00 and interview of R/Constable McCaw (Retired) today 08/12/00 concerning Timothy Jameson, the statement of G to be discussed with Mr Mehaffey of PONI before deciding further investigative action in consequence of it. Meeting to be arranged with Mr Mehaffey to discuss this as soon as possible.

REASONS:

Statement raises potential new evidence about the murder of Mr Hamill

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and requires further investigation.

OFFICER MAKING ENTRY: K [REDACTED]

SIGNATURE: K [REDACTED]

DATE: 08/12/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 37

DATE OF DECISION: 11/12/00

TIME OF DECISION: 9 AM

OFFICER MAKING DECISION: DCI K [REDACTED]

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DECISION:

P5 [redacted] and D/Constable McCrumlish to join the Investigation Team from this date.

REASONS:

To complete investigations as expeditiously as possible.

OFFICER MAKING ENTRY: K [redacted]

SIGNATURE: K [redacted]

DATE: 11/12/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 38

DATE OF DECISION: 12/12/00

TIME OF DECISION: 2 30 PM

OFFICER MAKING DECISION: DCS McBURNEY

DCI K [redacted]

MR MEHAFFEY - PONI

DECISION:

(See Officer's Report by DCI K [redacted] regarding directional meeting with PONI at Gough Barracks, Armagh on 12/12/00).

As a result of discussions it was decided:

(a) That there should be no investigative action taken concerning

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Timothy Jameson until the PONI has had the opportunity to consider the content of G [REDACTED] statement.

- (b) That the current investigation should not be involved in the further investigation of G [REDACTED] statement and should remain solely focused on investigating the allegations concerning Robert Atkinson and the other conspirators.

REASONS:

- (1) To ensure that the current investigation remains focused on the allegation of conspiracy to pervert the course of justice involving R/Constable Atkinson.
- (2) To facilitate in making further decisions about investigating the information concerning Timothy Jameson.

OFFICER MAKING ENTRY: K [REDACTED]

SIGNATURE: K [REDACTED]

DATE: 12/12/00

CASE OF: ROBERT ATKINSON & OTHERS

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DECISION NO: 39

DATE OF DECISION: 13/12/00

TIME OF DECISION: 12 45 PM

OFFICER MAKING DECISION: K [redacted]

DECISION:

To pend any actions which have been raised in the current investigation concerning P39 [redacted] and DI Irwin on the HOLMES System.

REASONS:

Following discussions with Mr Mehaffey of PONI on this date.

OFFICER MAKING ENTRY: K [redacted]

SIGNATURE: K [redacted]

DATE: 13/12/00

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 40

DATE OF DECISION: 18/12/00

TIME OF DECISION:

OFFICER MAKING DECISION:

DECISION:

D/Superintendent Stewart is appointed and is to assume responsibility as Senior Investigating Officer in relation to the Hamill murder

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investigation from this date. D/Superintendent Stewart is also to assume Senior Investigating Officer responsibilities in respect of the current investigation involving R/Constable Robert Atkinson and others.

REASONS:

Meeting between the Police Ombudsman and the Chief Constable prior to the appointment of D/Superintendent Stewart being made.

OFFICER MAKING ENTRY:

K

SIGNATURE

K

DATE:

18/12/00