

DOCUMENT D1063

DOCUMENT NUMBER D1063

DATE 300401

DESCRIPTION POLICY FILE BOOK 3 - DECISIONS N490

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ROYAL ULSTER CONSTABULARY

POLICY FILE

OFFENCE: ASSISTING OFFENDERS/CONSPIRACY TO PERVERT
JUSTICE

VICTIM(S):

THE MURDER OF ROBERT HAMILL IN PORTADOWN

SENIOR INVESTIGATING OFFICER: D/SUPT C STEWART

DEPUTY INVESTIGATING OFFICER:

K

DATE ENQUIRY COMMENCED: 26 6 00

DATE ENQUIRY CONCLUDED:

Policy Book 3
Document 1063
for consideration
By DPF

=====
CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 41

DOCUMENT D1063

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ROYAL ULSTER CONSTABULARY

POLICY FILE

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

VICTIM(S) :

THE MURDER OF ROBERT HAMILL IN PORTADOWN ON SUNDAY 27 4 97

SENIOR INVESTIGATING OFFICER: D/SUPT C STEWART

DEPUTY INVESTIGATING OFFICER:

K

DATE ENQUIRY COMMENCED: 26 6 00

DATE ENQUIRY CONCLUDED:

=====
CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 41

DOCUMENT D1063

OFFICER MAKING DECISION: D/SUPT STEWART DATE OF DECISION: 3 1 01

TIME OF DECISION: 4 PM

DECISION:

Re: On-going investigations into telephone contents made between Robert Atkinson's home address and Portadown Police Station with Sandringham Nursing Home (Banbury Healthcare:- 27/4/97, 28/4/97 & 6/5/97), to pend any action at this time concerning identifying and interviewing all persons who would have been in Portadown Police Station at the time when telephone calls were made on 28/4/97 and 6/5/97. (The significance of these calls in respect of the current investigation, if any, is not clear.)

REASONS:

- (1) Progress meeting with Investigation Team on 3 1 01.
- (2) (i) The enormity of this task and the resource implications involved.
- (ii) The priority being attached to other lines of enquiry at this time.
- (iii) This line of enquiry may not be definitive.

OFFICER MAKING ENTRY: K [Redacted]

SIGNATURE: K [Redacted]

DATE: 3 1 01

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DECISION NO: 42

OFFICER MAKING DECISION:

DATE OF DECISION: 10 1 01

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D/SUPT STEWART

TIME OF DECISION: 10 AM -

K

12 15 PM

MR MEHAFFEY (PONI)

DECISION:

See Officers Report by K regarding directional meeting with Mr Mehaffey (PONI) at Belfast on 10 1 01. As a result of discussions, it was decided:

- (1) G should be interviewed at the earliest opportunity.
 - (a) To establish what further information he can recall about the conversation with Timothy Jameson and the circumstances around it, which will assist the murder investigation in terms of evidence and deciding further investigative actions;
 - (b) To establish his knowledge of exactly what information was given to the investigating officers at that time. It was agreed that as the interview of G was relevant to both the murder investigation and the PONI investigation, this interview should be carried out jointly. It was also agreed that the further interview of G be temporarily suspended due to his recent sickness. D/Supt Stewart to monitor G sickness absence and to review with Mr Mehaffey in 2-3 weeks
- (2) It was agreed that:
 - (a) Actions 588, 643, 654 and 655 in relation to DCI P39 (Retired) be actioned jointly by Police and PONI.
 - (b) Actions 585, 653, 729 and 764 in relation to DI Irwin will be actioned by PONI. Regarding A764, in considering that

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Timothy Jameson is a potential murder suspect, it was agreed that the Police would interview DI Irwin about this after the Police Ombudsman had interviewed him.

- (3) In considering the issue of whether DI Irwin's current role in the [redacted] murder investigation compromises, in any way, the integrity of that investigation, D/Supt Stewart to discuss this with the Chief Constable and Mr Mehaffey to also discuss with Mr Wood, Director of Investigations, PONI.
- (4) D/Supt Stewart to contact [redacted] within the next few days for the purpose of introducing himself as the Senior Investigating Officer and updating [redacted] on the progress of the current investigation involving R/Constable Atkinson.

REASONS:

- (1) Supervision of the investigation by PONI.
- (2) Efficient and effective management of the investigation.
- (3) In considering the complexities of this investigation, to ensure that investigative strategies are clearly understood and agreed.

OFFICER MAKING ENTRY: [redacted] K SIGNATURE: [redacted] K
 DATE: 10 1 01

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DECISION NO: 43
 OFFICER MAKING DECISION: DATE OF DECISION: 11 1 01
 D/SUPT STEWART TIME OF DECISION:
 DCI [redacted] K

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DECISION:

(1) [REDACTED] to assist D/Superintendent Stewart, who has been appointed as the Senior Investigating Officer in respect of the Hamill murder investigation, to re-visit and examine the wider issues associated with the investigation into the murder of Mr Hamill.

(2) [REDACTED] and [REDACTED] to be introduced to the current investigation and to join the investigation team.

J [REDACTED] has joined the investigation team wef 8 1 01.

REASONS:

(1) D/Supt Stewart has assumed SIO responsibility for the investigation into the murder of Mr Hamill.

(2) To finalise and complete on-going investigations as expeditiously as possible.

OFFICER MAKING ENTRY:

K [REDACTED]

SIGNATURE:

K [REDACTED]

DATE:

11 1 01

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DECISION NO: 44

OFFICER MAKING DECISION:

DATE OF DECISION: 110101

D/SUPT STEWART

TIME OF DECISION:

DECISION:

To submit a progress report on the current investigation concerning

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R/Constable Robert Atkinson R4610 for the information of Assistant Chief Constable, 'G' Dept, RUC Lisnasharragh.

REASONS:

To update Discipline Department on the progress of the criminal investigation into the allegations concerning the activity of R/Constable Robert Atkinson.

OFFICER MAKING ENTRY:

K [Redacted]

SIGNATURE:

K [Redacted]

DATE:

110101

=====

DECISION NO: 45

OFFICER MAKING DECISION:

DATE OF DECISION: 26 1 01

D/SUPT STEWART

TIME OF DECISION: 10 35 AM

[Redacted]

MR C MAHEFFEY

DECISION:

That [Redacted], now investigating the question of scene preservation, arrest initiative and de-briefings issues following the fatal assault on R Hamill, should refrain from serving Forms 17/3.

REASONS:

Because the investigation into the activity of R/Const Atkinson and others is at a crucial stage and to serve Form 17/3 may well have a detrimental effect on this investigation. Since some 3 yrs and

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10 months has elapsed since incident occurred it is collectively felt that a further short delay will not prejudice the rights of the duty Inspector & others.

OFFICER MAKING ENTRY: C STEWART

SIGNATURE: C Stewart

DATE: 30/1/01

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DECISION NO: 46

OFFICER MAKING DECISION: K

DATE OF DECISION: 31 1 01

TIME OF DECISION:

DECISION:

Obtain telephone billings for a number of subscribers, who appear from out-going billings in respect of Michael McKee's H/A and the Tae Kwan Do Club for the April/May period in 1997 (indicating who Michael and Andrea McKee were in contact with) for the period of 26-27 April 1997.

REASONS:

- (1) To establish if any of these subscribers (identified from telephone numbers appearing on McKee's billings) rang in to the McKee's home address on the night of 26-27 April 1997. This may present further evidence to indicate that the McKee's were at home on that night and not at the Atkinson's as they had earlier stated to Police in 1997.
- (2) Due to the passage of time, it is not possible to obtain in-coming telephone billing information which is now no longer

DOCUMENT D1063
available from BT.

OFFICER MAKING ENTRY: K SIGNATURE K

DATE: 31 1 01

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DECISION NO: 47

OFFICER MAKING DECISION: DCS STEWART DATE OF DECISION: 5 2 01

TIME OF DECISION:

DECISION:

To pend at this stage interviewing a number of Mobile Support Unit officers who responded to the incident and to prioritise finding other lines of enquiry which are currently actioned.

REASONS:

- (1) It would appear at this stage that the Mobile Support Unit responded to the call for assistance but arrived after the attack upon Mr Hamill had occurred. It is felt that these interviews may not advance the current investigation concerning R/Constable Atkinson in any meaningful way and it is therefore decided not to prioritise them within the context of the current investigation at this time. These interviews will be conducted when the focus of the investigation shifts to re-visit the murder investigation itself.

OFFICER MAKING ENTRY: K SIGNATURE: K

DOCUMENT D1063

DATE: 5 2 01

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DECISION NO: 48

OFFICER MAKING DECISION:

DATE OF DECISION: 8 2 01

DCS STEWART

TIME OF DECISION: 3 PM

K

DECISION:

- (1) To carry out an appraisal of the evidence which has been collected to date.
- (2) To prepare interview schedules which will assist interviewing officers in planning the interview strategy and structuring the interviews. In considering that investigations are still continuing, interview packs containing information which the suspects will be questioned about will be finalised immediately prior to the arrests.

REASONS:

- (1) As investigations are now at an advanced stage, a review and appraisal of the evidence will facilitate the SIO to assess the evidential merits of the evidence currently available at this stage of the investigation.
- (2) The investigation is now moving towards the position where the suspects will be interviewed and the evidence put to them. Detailed questioning of the suspects may present the investigation with further evidence by way of questioning.

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OFFICER MAKING ENTRY: K [redacted]

SIGNATURE: K [redacted]

DATE: 8 2 01

=====

DECISION NO: 49

OFFICER MAKING DECISION:

DATE OF DECISION: 16 2 01

DCS STEWART

TIME OF DECISION: 10 AM

K [redacted]

MR MEHAFFEY (PONI)

DECISION:

See Officer's Report by K [redacted] regarding directional meeting with Mr Mehaffey of PONI on this date.

- (1) To arrange for a meeting with Mr Kitson of the DPP to discuss the evidential merits of the evidence as the case currently stands against each of the suspects. This meeting should also discuss the legal issues surrounding the evidence of Andrea McKee and Tracy Clarke.
- (2) Arrest strategy remains the same - decision's concerning the timing of arrests will be influenced by a number of factors ie the meeting with Mr Kitson, the finalisation of as many outstanding enquiries as is practicable within the forthcoming time period and the logistics involved in the implementation of the Intensive Surveillance Strategy.

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REASONS:

- (1) (a) An evidential assessment will assist the SIO to consider the strength of the case against each of the suspects at this time.
- (b) To assess the evidence of Andrea McKee within the context of the overall evidence currently available for the purpose of determining
 - (i) the extent to which her evidence is an important and necessary part of the evidence which help to secure a reasonable prospect of conviction against Robert Atkinson and the other conspirators
 - (ii) how her evidence can be relied upon and utilised by the presentation in these circumstances.
- (c) To assess the evidence of Tracy Clarke and to consider whether her evidence (statement dated 10/5/97) can be relied upon by the prosecution and how that evidence can be used by the prosecution.

OFFICER MAKING ENTRY: K

SIGNATURE: K

DATE: 16 2 01

=====

DECISION NO: 50

OFFICER MAKING DECISION:

DATE OF DECISION: 16 2 01

DCS STEWART

TIME OF DECISION: 10 AM

DCI K

MR MEHAFFEY (PONI)

32306

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DECISION:

As previously agreed, to jointly interview P39 (now retired) on Friday 23 2 01.

See Officers Report by K regarding directional meeting with PONI on this date.

REASONS:

See HOLMES Actions - 588, 643, 654, 655 and 918.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

16 2 01

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DECISION: 51

OFFICER MAKING DECISION:

DATE OF DECISION: 16 2 01

DCS STEWART

TIME OF DECISION: 10 AM

K

MR MEHAFFEY (PONI)

DECISION:

See Officers Report by K regarding directional meeting with PONI on this date.

- (1) To investigate the issues concerning Timothy Jameson when current investigations are completed.
- (2) The further interview of G to be temporarily

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suspended for a further period of time - this decision will be kept under review by DCS Stewart who will continue to monitor

G [redacted] sickness absence.

REASONS:

- (1) On the information currently available, the issues of Timothy Jameson are unrelated to the present investigation surrounding Robert Atkinson. DCS Stewart will investigate these matters when this element of the investigation is completed when he intends to re-visit and review the issues surrounding the murder.
- (2) G [redacted] is currently on sick leave suffering from a stress related illness.

OFFICER MAKING ENTRY: K [redacted] SIGNATURE: K [redacted]
 DATE: 16 2 01

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OFFICER MAKING DECISION: DCS STEWART
 [redacted] MR MEHAFFEY (PONI)

DECISION NO: 52
 DATE OF DECISION: 28 2 01
 TIME OF DECISION: 11 AM - 1 15 PM

DECISION:
 See Officers Report by K [redacted] dated 280201 regarding meeting with the Police Ombudsman and Mr Kitson of the DPP's office on this

DOCUMENT D1063
date.

- (1) To consider utilising the evidence of Tracy Clarke in presenting the prosecution case against these suspects by proving the taking of her original statements dated 10 5 97 and summoning her as a witness.
- (2)
 - (a) To consider the ability and willingness of Andrea McKee to give evidence against the others.
 - (b) To consider the legal implications of Andrea McKee as a credible witness for the prosecution and to decide the strategy for presenting Andrea McKee as a prosecution witness at any subsequent proceedings.

REASONS:

- (1) Tracy Clarke may have to be treated as a hostile witness in these circumstances. Although she retracted this evidence in 1997, it was essentially because she refused to give evidence. Clarke has not indicated that her statement of 10 5 97 or any part of it was inaccurate or untruthful.
- (2) To assist in making decisions about the Prosecution Strategy. Andrea McKee has admitted her part in the later conspiracy, there is corroborative and other supporting evidence from the investigation supporting her evidence, and her evidence does implicate Robert Atkinson and the other suspects. Her evidence is relevant and helpful to the prosecution in proving the nature of the phone call on 27 4 97 which frustrated police investigations in the early stages and the later conspiracy to tell lies in a false alibi which was made by the Atkinson's and McKee's to justify the making of that phone call on 27 4 97.

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OFFICER MAKING ENTRY:

K [Redacted]

SIGNATURE:

K [Redacted]

DATE:

28 2 01

=====

DECISION NO: 53

OFFICER MAKING DECISION:

DATE OF DECISION: 6 3 01

DCS STEWART

TIME OF DECISION: 12 30 PM

K [Redacted]

- 1 30PM

MR WOOD (PONI)

MR MEHAFFEY (PONI)

DECISION:

See Officers Report by K [Redacted] dated 6 3 01 regarding meeting with PONI on this date.

- (1) As previously agreed, all suspects will be arrested at the same time. For logistical reasons, it is anticipated that arrests will be made in 4-5 weeks.
- (2) Andrea McKee will be interviewed at the time of the arrests of the other suspects. A course of action will be taken to determine Andrea McKee's ability and willingness to give evidence against the others and thereafter to finalise a relevant witness statement.
- (3) In considering that the statements made by Andrea McKee on 20 6 00 and 251000 represent evidence in the hands of the Police the content of these statements will be put to the suspects during interview.

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REASONS:

- (1) The timing of the arrest strategy is influenced by operational factors within the overall investigation strategy.
- (2)
 - (a) the evidence gathered to date in this investigation has provided corroborative and supportive evidence that supports the facts given by Andrea McKee who was herself an accomplice to the conspiracy.
 - (b) the circumstances in which Andrea McKee became involved in the conspiracy and her co-operation in providing investigators with information about the conspiracy.
 - (c) Andrea McKee's evidence implicates the other suspects.
 - (d) In being in a position to present the strongest case possible against these suspects, it is felt that if the covert strategy was not successful in providing an evidential product, Andrea McKee's evidence may be necessary to secure a reasonable prospect of conviction. It is felt that her evidence would assist in the prosecution of the other suspects.
 - (e) A prosecution strategy to present Andrea McKee as a witness of truth was a legitimate course of action to pursue in these circumstances.

In considering all these issues, it is decided that Andrea McKee, if she is willing to do so, should be encouraged to give evidence in order that Robert Atkinson and the other suspects can be brought to justice.
- (3)
 - (a) To give the suspects the opportunity (1) to be aware of what Andrea McKee has told police about the conspiracy and

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(2) to respond to that during interview.

(b) to gather evidence through questioning the suspects.

OFFICER MAKING ENTRY:

K [Redacted]

SIGNATURE:

K [Redacted]

DATE:

6 3 01

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DECISION NO: 54

OFFICER MAKING DECISION:

DATE OF DECISION: 20 3 01

DCS STEWART

TIME OF DECISION:

K [Redacted]

DECISION:

- (1) To arrest and interview Thomas Hanvey about the conspiracy at the same time that the other suspects are arrested.
- (2) It is intended to interview Jonathan Wright when the suspects are in custody.

REASONS:

- (1) From the facts discovered, it would appear that Thomas Hanvey has not told the truth about Alistair Hanvey's movements and may have knowledge of the conspiracy.
- (2) To establish the truth in relation to the telephone contact between Thomas Hanvey's phone and Wright's phone at 9 45 am on 27 4 97. In considering (1) that Jonathan Wright was with Alistair Hanvey before the incident (2) that Kenneth Hanvey states that he went to Thomas Hanvey's that morning (27/4/97) to

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collect his son Alistair (3) the phone contact between Atkinsons and Kenneth Hanvey's (8 37 am 27 4 97), the reason and timing of this call may be significant to this investigation. Note that the call from Thomas Hanvey's to Wrights (27 4 97) is the only telephone contact recorded in the telephone analysis carried out.

OFFICER MAKING ENTRY:

K [Redacted]

SIGNATURE:

K [Redacted]

DATE:

20 3 01

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DECISION NO:

55

OFFICER MAKING DECISION: DCS STEWART

DATE OF DECISION:

28 3 01

TIME OF DECISION:

DECISION:

To move the arrest operation from Monday 9 4 01 to Tuesday 10 4 01.

REASONS:

Catherine Jagger LLB (Hons), Solicitor of Thomas Andrews and Partners Solicitors, [Redacted] will represent Andrea McKee if Andrea McKee wishes to employ her services. If Andrea McKee wants to employ her services, Ms Jagger will not be available until Tuesday 10 4 01.

OFFICER MAKING ENTRY:

K [Redacted]

SIGNATURE:

K [Redacted]

DATE:

28 3 01

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DECISION NO: 56

OFFICER MAKING DECISION:

DATE OF DECISION: 2 4 01

DCS STEWART

TIME OF DECISION: 11 30AM

K [redacted]

- 1 PM

MR MEHAFFEY (PONI)

[redacted]

DECISION:

See Officers Report by K [redacted] dated 2 4 01 regarding meeting with PONI on this date.

(1) DCS Stewart has made application to have the Police Office at Gough designated for the purpose of detaining arrested persons under PACE (NI) Order 1989. This is currently under consideration by the Chief Constable.

REASONS:

(1) Having taken into consideration the suspect's rights and the administration of justice in these particular circumstances. It is considered that detaining the suspects at Police Office, Gough will not prejudice their rights or disadvantage them in any way.

OFFICER MAKING ENTRY: K [redacted]

SIGNATURE: K [redacted]

DATE: 2 4 01

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DECISION NO: 57

OFFICER MAKING DECISION:

DATE OF DECISION: 3 4 01

DCS STEWART

TIME OF DECISION: 11 30 AM

K

DECISION:

- (1) Operational Order for arrest and search operation on Tuesday 10 4 01 to be prepared for briefing purposes (OPERATION CLUTCH)
- (2) K and P5 will interview Andrea McKee after caution at Wrexham. No approach or contact will be made with Andrea McKee prior to 10 4 01.
- (3) DCS Stewart will be in overall command of the arrest and search operation on the ground.
- (4) D/Supt G Stewart will co-ordinate and supervise the interview phase of the operation at Gough Barracks, Armagh.
- (5) Operational briefing in relation to:
 - (a) Arrest and Search Operation will take place in Belfast on Friday 6/4/01.
- (6) Briefing of Interviewing Officers will take place on Friday 6/4/01. Interview schedules have been prepared to assist interviewing officers to plan the interview strategy. Interviewing Officers will also utilise the time available on Monday 9/4/01 to brief themselves and plan their interview strategy from the information included within the interview packs which have been prepared to assist them.

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OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

3 4 01

=====

DECISION: 58

OFFICER MAKING DECISION:

DATE OF DECISION: 5 4 01

CHIEF CONSTABLE, SIR RONALD FLANAGAN

TIME OF DECISION:

DECISION:

To designate the Police Office at Gough Barracks, Armagh for the purpose of detaining arrested persons under PACE (NI) Order 1989, in compliance with the duty imposed by Article 36 of PACE (NI) Order 1989. The designation shall have effect from midnight on Monday 9/4/01 to midnight on Wednesday 11/4/01.

REASONS:

See attached authority.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

5 4 01

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DECISION NO: 59

OFFICER MAKING DECISION:

K

DATE OF DECISION: 13 4 01

TIME OF DECISION:

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DECISION:

- (1) H [REDACTED] to prepare and submit the prosecution file in respect of Andrea McKee to the Director of Public Prosecutions as soon as practicable.
- (2) Transcripts of taped interviews with each of the suspects will be prepared and made available for comparison with the interview schedules to ensure that all matters which the suspects are to be questioned about, including any further matters which come to light as a result of on-going enquiries during this period, are put to the suspects during further interview when they report off bail to Dúrgan Police Station on 4/5/01 and 8/5/01.
- (3) To examine all items and documentary and photographic material seized during arrest and search operation on 10/4/01.
- (4) D/Sergeant McDowell will examine transcripts of taped interviews with all suspects for the purpose of identifying any further lines of enquiry for investigation as soon as transcripts are prepared.

REASONS:

- (1) Previous decisions concerning the prosecution strategy refer.
- (2) To gather evidence by way of questioning the suspects when they report off bail.

NOTE: Apart from Michael McKee who admitted his part in the conspiracy with the Atkinson's during questioning on 10 4 01, all the other suspects were released on bail on 10 4 01 pending further enquiries.

NOTE: R/Constable Robert Atkinson was suspended from duty following his release on bail from police custody on 10 4 01

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(suspended by [redacted])

(See Officers Report by K [redacted] regarding release of suspects on 10/4/01 pending further enquiries.

- (3) (a) To assess the relevance and evidential value of any items seized to this investigation.
- (b) To identify any further lines of enquiry arising from any items seized.
- (c) Forensic examination will be considered where a forensic issue is relevant to any item seized.
- (4) To identify and raise further investigative actions relevant to the on-going investigation.

OFFICER MAKING ENTRY: K [redacted]

SIGNATURE: K [redacted]

DATE: 13 4 01

=====

DECISION NO: 60

OFFICER MAKING DECISION:

DATE OF DECISION: 23 4 01

DCS STEWART

TIME OF DECISION:

K [redacted]

DECISION:

To speak to [redacted] and update him on the current position of this investigation after 8 5 01.

REASONS:

- (1) The suspects are currently on bail and are to report to Lurgan

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Police Station on 4/5/01 and 8/5/01 pending further enquiries.

After 8/5/01, it will be possible to give [REDACTED] and the family of Robert Hamill a more definitive synopsis of the investigation which has been conducted and police intentions after that date.

OFFICER MAKING ENTRY:

K [REDACTED]

SIGNATURE:

K [REDACTED]

DATE:

23 4 '01

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