

DOCUMENT D1278

DOCUMENT NUMBER D1278

DATE 260601

DESCRIPTION POLICY FILE NO4 N490 K

POLICY FILE NO4 N490

K

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/C/SUPT C STEWART

DEPUTY INVESTIGATING OFFICER: K

DATE ENQUIRY COMMENCED: 26 6 00

DATE ENQUIRY CONCLUDED:

*Policy file 4
Document 1278
for consideration
by DPP*

CASE OF: ROBERT ATKINSON & OTHERS

DECISION NO: 61

OFFICER MAKING DECISION: DCS STEWART

DATE OF DECISION: 23 4 01

TIME OF DECISION:

DOCUMENT D1278

SUPT KENNEDY

DECISION:

Supt Kennedy of Complaints and Discipline Dept has been introduced to the C & D element of the investigation and will assume responsibilities initially undertaken by Supt McGregor.

REASONS:

- (1) See previous decision No 45 dated 26 1 01.
- (2) [REDACTED] will be retiring from the Police Service shortly under Paton Severance Arrangements.

OFFICER MAKING ENTRY: K [REDACTED] SIGNATURE: K [REDACTED]
 DATE: 23 4 01

=====

OFFICER MAKING DECISION: K [REDACTED] DECISION NO: 62
 DATE OF DECISION: 25 4 01
 TIME OF DECISION:

DECISION:

Interviewing Officers (10 4 01) to attend Gough prior to 4 5 01 for further briefing and planning of interviews of suspects who will be reporting off bail on 4th and 8th May.

DOCUMENT D1278

REASONS:

- (1) To plan and structure the further interviews of the suspects.
- (2) To ensure that the suspects are questioned fully on the matters raised in the original interview schedules (6/4/01).
- (3) To brief interviewing officers on any new matters which have emerged from on-going investigations and to ensure that the suspects are also questioned on any new matters when they report off bail.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE: 25 4 01

=====

DECISION NO: 63

OFFICER MAKING DECISION: DCS STEWART

DATE OF DECISION: 2 5 01

K

TIME OF DECISION:

DECISION:

To extend the bail period in respect of the suspects as follows:-

- (1) Robert Atkinson - continuing bail until 11 am 31 5 01.
- (2) Eleanor Atkinson - continuing bail until 11 am 31 5 01.
- (3) Kenneth Hanvey - continuing bail until 10 am 30 5 01.
- (4) Elizabeth Hanvey - continuing bail until 10 am 30 5 01.
- (5) Allister Hanvey - continuing bail until 3 pm 30 5 01.
- (6) Thomas Hanvey - continuing bail until 3 pm 30 5 01.

REASONS:

DOCUMENT D1278

To allow further time to complete outstanding investigative and administrative matters as far as practicable prior to further questioning of suspects.

OFFICER MAKING ENTRY: K SIGNATURE: K DATE: 2 5 01

=====

OFFICER MAKING DECISION: K DECISION: 64 DATE OF DECISION: 2 5 01 TIME OF DECISION:

DECISION:

- (1) To forward to [redacted], Station Inspector, Craigavon all police related paperwork for examination and retention at local station.
(2) To initiate further investigations to establish why found property (Computer Keyboard - Form 56 No 152530, Craigavon RUC dated 27 7 98) was found in R/Constable Atkinson's police locker which was seized at Craigavon RUC Station on 10/4/01 (FDS2).

REASONS:

- (1) This paperwork relates to operational policing duties performed by R/Constable Atkinson. [redacted] to examine and review this material in order to identify any outstanding matters which require attention and operational/investigative/administrative follow up.

DOCUMENT D1278

- (2) To investigate the receipt and handling of this found property which was handed to the police by a member of the public and to establish if any criminal offence has been committed.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

2 5 01

=====

DECISION NO: 65

OFFICER MAKING DECISION:

K

DATE OF DECISION: 2 5 01

TIME OF DECISION:

DECISION:

- (1) To interview [REDACTED] as a potential witness who may have information which is useful and relevant to this investigation.
- (2) Michael McKee, who has been informed that he will be reported to the DPP with a view to prosecution for his part in the conspiracy to pervert the course of justice, will not be questioned further about this line of enquiry with [REDACTED]. No conversation or discussion will be entered into with him concerning this investigation or any other matter and he should, where possible, not be present when the interview of [REDACTED] is conducted.

REASONS:

See transcript of interview with Michael McKee on 10/4/01 (SMC8) in

32284

DOCUMENT D1278

which McKee told interviewing officers about ringing Robert Atkinson

and Robert Atkinson later visiting McKee's home address in [REDACTED]

after the phone call. [REDACTED] was co-habiting with

Michael McKee at that time. [REDACTED] is to be interviewed as a witness

to establish if she recalls:-

- (1) Michael McKee contacting Robert Atkinson after McKee had received the letter from Andrea McKee.
- (2) When this happened and from which call box McKee made the call to Atkinson.
- (3) Robert Atkinson calling at their address at [REDACTED] [REDACTED] in response to McKee's phone call to him.
- (4) Being present during any discussions between Atkinson and McKee at that time.
- (5) What was in Andrea McKee's letter which initiated McKee to take this action.
- (6) Why Michael McKee used a call box and not the telephone in their own house.
- (7) What happened with the letter from Andrea McKee.

OFFICER MAKING ENTRY: K [REDACTED]

SIGNATURE: K [REDACTED]

DATE: 2 5 01

=====

OFFICER MAKING DECISION: K [REDACTED]

DECISION NO: 66

DATE OF DECISION: 8 5 01

TIME OF DECISION:

DOCUMENT D1278

DECISION:

D/Sergeant McDowell to speak to the DPP Directing Officer who spoke with Jonathan Wright at a consultation with the DPP in 1997 to establish what was discussed at that consultation concerning the evidence of Jonathan Wright.

REASONS:

- (1) Jonathan Wright was in the company of Allister Hanvey and Mark Hobson during the Saturday evening (26/4/97) prior to the incident. Wright's description of what Allister Hanvey was wearing that night is significant.
- (2) The motive for the phone call from Thomas Hanvey's to Jonathan Wright's home at 9 46 am on Sunday 27 4 97 is currently under investigation.
- (3) While it is still unclear as to whether there is any direct connection with the telephone call made to the Wright's home, the presence of Allister Hanvey at Tracy McAlpine's party and the cash transaction made by Allister Hanvey at the Ulster Bank ATM, High Street, Portadown at 8 46 am on Sunday 27/4/97 (See also evidence of Henderson and McClure) would indicate that Allister Hanvey's own account of his movements that night given in May 1997, supported by Thomas Hanvey who said that Allister Hanvey had arrived at his house in the middle of the night, is at variance with the facts now known. The motive for the phone call to the Wright's may be of evidential value in establishing:-
 - (a) Where Allister Hanvey was when his father Kenneth went to Thomas's to collect him and,

DOCUMENT D1278

(b) What Atkinson told Kenneth Harvey that morning (ie 8 37 am Sunday 27 4 97) which led, as a direct consequence of that phone call, to Kenneth Harvey attempting to make urgent contact with his son Allister that morning for the purpose of getting Allister's clothes destroyed.

OFFICER MAKING ENTRY: K SIGNATURE: K DATE: 8 5 01

=====

DECISION NO: 67
OFFICER MAKING DECISION: DCS STEWART DATE OF DECISION: 9 5 01
K TIME OF DECISION:

DECISION:

To submit police truncheon (Exhibit JDMCC25) and various items of police uniform (Exhibits JDMCC27-35) removed from police locker belonging to R/Constable Atkinson (Exhibit FDS2) to FSANI for forensic examination. Due to the length of time which has elapsed since the incident, the forensic examination will focus on identifying the presence of any bloodstains as a DNA source material.

REASONS:

Forensic examination may identify persons who R/Constable Atkinson has been in close contact with during police duty. In acknowledging that further investigative work will be necessary to establish if this contact happened at the scene of the murder of Robert Hamill, it does

DOCUMENT D1278

offer the potential to develop further lines of enquiry for investigation.

OFFICER MAKING ENTRY: K SIGNATURE: K DATE: 9 5 01

=====

DECISION NO: 68

OFFICER MAKING DECISION: DCS STEWART DATE OF DECISION: 9 5 01

TIME OF DECISION:

DECISION:

Previous decisions concerning the further interview of Timothy Jameson were reviewed. It was agreed that Timothy Jameson will not be interviewed at this stage of the investigation.

REASONS:

In considering the information of R/Constable McCaw Timothy Jameson is a potential murder suspect. This matter will be examined when the investigation is at the stage where the SIO will be in the position to revisit the murder investigation.

OFFICER MAKING ENTRY: K SIGNATURE: K DATE: 9 5 01

=====

DOCUMENT D1278

DECISION NO: 69

OFFICER MAKING DECISION: DCS STEWART

DATE OF DECISION: 30 5 01

K

TIME OF DECISION:

DECISION:

Following further interviews with a number of the suspects in this investigation at Lurgan Police Station on this date, the following persons were informed that they will be the subject of report to the Director of Public Prosecutions with a view to prosecution for the offence of conspiracy to pervert the course of justice surrounding the murder of Robert Hamill at Portadown on 27 4 1997:-

- (1) Kenneth Hanvey
- (2) Elizabeth Hanvey
- (3) Allister Hanvey
- (4) Thomas Mervyn Hanvey

REASONS:

Investigative process.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

30 5 01

=====

DECISION NO: 70

OFFICER MAKING DECISION: DCS STEWART

DATE OF DECISION: 31 5 01

K

TIME OF DECISION:

DOCUMENT D1278

DECISION:

- (1) Following further interview of Eleanor Atkinson at Lurgan Police Station on 31 5 01, Eleanor Atkinson was informed that she will be the subject of report to the Director of Public Prosecutions with a view to prosecution for the offence of conspiracy to pervert the course of justice surrounding the murder of Robert Hamill at Portadown on 27 4 1997.
- (2) Following further interview of Robert Atkinson at Lurgan Police Station on this date, Robert Atkinson is released on continuing police bail to reappear at Lurgan Police Station at 2 pm 12/6/01.
- (3) [REDACTED]
[REDACTED] will be updated on the progress of the investigation after 12/6/01 when R/Constable Atkinson will be interviewed further.

REASONS:

- (1) Investigative Process.
- (2) As a result of representations made by Robert Atkinson's Solicitor, Mr Hagan, who requests the opportunity to listen to relevant material collected by means of a listening device and to examine relevant typed transcripts which we would intend to refer to during further interview with Robert Atkinson prior to conducting an interview on these matters, it was decided to release Mr Atkinson on continuing bail to facilitate Mr Hagan's request.
- (3) To ensure that the Hamill family are kept updated on the current position of this investigation.

DOCUMENT D1278

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

31 5 01

=====

DECISION NO: 71

OFFICER MAKING DECISION: DCS STEWART

DATE OF DECISION: 12 6 01

TIME OF DECISION:

DECISION:

- (1) Following further interview of Robert Atkinson at Lurgan Police Station on 12/6/01, Robert Atkinson was informed that he will be the subject of report to the Director of Public Prosecutions with a view to prosecution for the offence of conspiracy to pervert the course of justice surrounding the murder of Robert Hamill at Portadown on 27 4 97.
- (2) Robert Atkinson was served with Form 17/3 by Supt Kennedy and Chief Inspector Jackson of Discipline Department, Force Headquarters.

REASONS:

Investigative Process.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE:

14 6 01

=====

DOCUMENT D1278

DECISION NO: 72

OFFICER MAKING DECISION: DCS STEWART

DATE OF DECISION: 14 6 01

K

TIME OF DECISION:

DECISION:

Detective Chief Superintendent to update [REDACTED] on the current position in the investigation and to inform him that a full report will be submitted to the Director of Public Prosecutions in due course recommending prosecution against the suspects in this case concerning the conspiracy to pervert the course of justice.

REASONS:

To update the Hamill family and to keep them informed of developments.

OFFICER MAKING ENTRY:

K

SIGNATURE:

K

DATE: 14 6 01

=====

DECISION NO: 73

OFFICER MAKING DECISION:

K

DATE OF DECISION: 21 6 01

TIME OF DECISION:

DECISION:

- (1) To apply for additional HOLMES resources (Indexers) to assist in the administration and processing of documents within the HOLMES System.
- (2) Investigative emphasis will be directed towards completing

DOCUMENT D1278

outstanding investigative actions.

- (3) Preliminary consideration to be given to planning the format and structure of the Crime File and presentation of evidence contained therein, work to begin on preparing the file after the Drumcree policing operation.
- (4) In determining time-scales for completion of the Crime File, annual leave entitlements will need to be factored in to any projection.

REASONS:

To manage the process of completing outstanding enquiries and preparation and submission of the Crime File to the Director of Public Prosecutions.

OFFICER MAKING ENTRY: K SIGNATURE: K
 DATE: 21 6 01

=====

DECISION: 74
 OFFICER MAKING DECISION: DCS STEWART DATE OF DECISION: 10 7 01
K TIME OF DECISION:
 MR R KITSON (DPP)

DECISION:

- (1) To forward all relevant prosecution evidence concerning Michael McKee's involvement in the conspiracy under investigation to the Director of Public Prosecutions for direction.

DOCUMENT D1278

(2) H [redacted] to collate and present all evidence supporting the prosecution case against Michael McKee to Mr Kitson of the DPP as a matter of priority. If practicable, this matter will be addressed today and relevant papers delivered to Mr Kitson today.

REASONS:

For legal consideration and judicial direction by the Director of Public Prosecutions. A Crime File in respect of Andrea McKee was submitted for the attention of the DPP on 23 5 01.

OFFICER MAKING ENTRY:

K [redacted]

SIGNATURE:

K [redacted]

DATE:

10 7 01

=====