

CONFIDENTIAL

BRANCH NOTE

Robert HAMILL

On 22<sup>nd</sup> February I met with [REDACTED] at his office and updated him regarding the case. I told him that the strategy we had directed is still being pursued but that the new SIO had delayed matters as he had to read all the cases papers. I told him that it was expected that there would be real progress within the next 3 weeks and that I would send a fax to him the morning activity occurred in order that he would be able to tell his client. He and his client expressed satisfaction with our part in the enquiry but still ultimately want a Public Enquiry. No further specific detail was given regarding the current investigative strategies.

He thanked me for going to see me. I offered then, or at any stage, to meet Diane HAMILL which he said he would bear in mind. He will update her on the issues I had outlined.

On 2<sup>nd</sup> March 2001 The Ombudsman and I met with Sir Ronnie FALANAGAN at NCB ay our request. He was told that we had concerns about the commitment of the investigators as they were seeking to delay arrests and the technical deployment with a desire to 'cleanse' Andrea McKEE by prosecuting her, then taking a further statement, securing her support as a prosecution witness and then arresting and prosecuting the defendants. The SIO (RUC) had pursued these objectives with the Ombudsman SIO and was told that I did not agree. He had then asked to see me and was due to take place the following Tuesday.

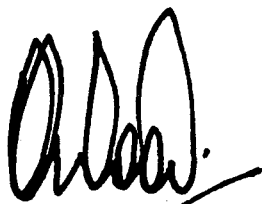
The weaknesses of this strategy were summarisedas follows:

- Significantly delay progress
- Andrea NcKee may not cooperate, indeed it was unlikely in all probability that she would as she would be placed in danger of going to prison
- All element of surprise would be removed as the suspects would be well aware as to what was happening
- Michael McKee is thought to be very vulnerable and may confess. Surprise will maximise those opportunities

- The proposed strategy would effectively eliminate any technical attack and leave the prosecution to rest largely on the evidence of McKee. She is a very tainted witness who cannot, in any event, be relied on to deliver
- Technically obtained evidence is far more preferable to a reliance on witness evidence in this particular case.

The chief constable stated that he did not know of these developments. He agreed that there were weaknesses in the strategy and he would speak to the SIO. The chief constable was also informed that the investigator (DCI) had told my staff that R/C Atkinson had many supporters in the RUC who feel he is being persecuted and is a local hero to a section of the community. The DCI also felt uncomfortable being involved as he lived locally and had indirect links with Atkinson. The concern was raised that this may be impacting on the appetite that the investigators had to pursue a technical development in respect of Atkinson. The chief constable assured us that that would not be the case and remarked that we all, at times, had to undertake tasks that were not comfortable.

In the meeting with DCS Stewart, outlined on the policy file, on 6<sup>th</sup> March 2001 he stated that a further delay to the deployment of technical devices was the fact that they were two pieces of kit short which had to be obtained across the water. I promised to ring the cc re this. That evening I spoke to the cc on the telephone, explained the problem and he assured me that he would speak to the appropriate people the next day and resolve the matter.



David WOOD  
13.3.01