

ROYAL ULSTER CONSTABULARY

File Destination

Tick as appropriate

- If in doubt consult Appendix 5(D) of RUC Manual)

The Director of Public Prosecutions, Royal Courts of Justice, Belfast (via RUC Headquarters)	
The Director of Public Prosecutions, Royal Courts of Justice, Belfast (via Sub-Divisional Commander)	
The Circuit Assistant Director (via Sub-Divisional Commander) Circuit	

RUC References:

SUB-DIVISION:

DIVISION:

HEADQUARTERS:

NB: In "Fast Stream" cases only the Section marked * should be completed.

SUBJECT*

(Nature of offences, venue, persons involved)
NB Certain cases may require long Form reporting - see Appendix 5A to RUC Manual

Conspiracy to Pervert the Course of Justice in respect of the murder of Robert Hamill at Portadown on 27 04 97

R -v- Andrea Louise McKee

PETTY SESSIONS DISTRICT* WHERE OFFENCE COMMITTED

Portadown

DATE OF OFFENCE*

Between 27 04 97 and 25 11 97 inclusive

DATE INVESTIGATION COMMENCED*

June 2000

DATE REPORT SUBMITTED*

REPORTING OFFICER*

H

D/SGT



(Include the name of an alternative officer who is fully familiar with the circumstances of the case and who may be contacted in the absence of the reporting officer).

NAME

C STEWART

H

DISCLOSURE OFFICER
W McDOWELL

RANK & NO

D/C/SUPT

D/SGT

D/SGT

STATION

GOUGH BKS

GOUGH BKS

GOUGH BKS

SUB-DIVISION

ARMAGH

ARMAGH

ARMAGH

DIVISION

'H'

'H'

'H'

T/PHONE NO
CONTACT NO



OUTLINE OF CASE*

(Give salient facts in chronological order with clarity and brevity. Do not merely repeat witness statements. Where more than one person reported summarise the case against each.

Whilst the aim should be to summarise the facts on one page, a continuation page may be used if it is necessary for the inclusion of all the salient facts).

This case relates to an offence of Conspiracy to Pervert the Course of Justice in relation to the murder of Robert Hamill at Portadown who was assaulted on 27 April 1997 and subsequently died on 8 May 1997. Two reports have already been submitted in this case namely:-

- 1 Murder of Robert Hamill at Portadown on 27 April 1997
Crime Ref No: C40/7/97.
- 2 Allegations of Misconduct by officers of Justice at Market Street/High Street, Portadown on 27 April 1997.
C&D Ref No: B147/1345/97
Sub Div Ref No: JD97/1302

This file deals solely with the offence of Conspiracy to Pervert the Course of Justice in respect of one offender - Andrea Louise McKee however others will be reported in a latter file regarding the same offence.

The details of this case centre around the following persons one of whom is a full-time Reserve Police Constable who was stationed at Portadown and was one of 4 police officers in a landrover who were the first police to respond to the assault.

- 1 Robert Atkinson
Full-time Reserve Constable
[Redacted]
- 2 Eleanor Atkinson
Wife of Robert Atkinson
[Redacted]
- 3 Michael McKee
Tae Kwon Do Instructor
[Redacted]
- 4 Andrea Louise McKee
Ex Wife of Michael McKee
[Redacted]
Formerly [Redacted]

I certify that all witness statements taken by police in connection with this investigation are included in this file.

To be signed by investigating officer
NAME: RANK: NO:

5 Alistair Harvey

[REDACTED]

6 Tracey Clarke

[REDACTED]

7 Kenneth Harvey
Father of Alistair Harvey

[REDACTED]

8 Elizabeth Harvey
Mother of Alistair Harvey

[REDACTED]

9 Thomas Harvey
Brother of Kenneth Harvey

[REDACTED]

On 27 April 1997 a fight occurred at Portadown town centre at approximately 1 50 hours as a result of which Robert Hamill died on 8 May 1997.

Four police officers in the vicinity in a police landrover responded to this incident. Two reports have been submitted into these matters as previously mentioned.

Tracey Clarke original witness A who was at the scene that night later told police that she had been told by Alistair Harvey a suspect in the investigation into Robert Hamill's death that R/Constable Atkinson had been contacting him and told Harvey to destroy his clothing and had kept him updated on the investigation.

PART II, PAGE NO 1-4 refers.

Tracey Clarke at that time was having an on off relationship with Alistair Harvey, although they now both live together at [REDACTED] Portadown.

R/Constable Atkinson's home telephone billing was checked and showed 2 calls from his home [REDACTED] to Alistair

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Harvey's home [redacted] at 0837 hours on 27 April 1997 for 1 minute 35 seconds and 2 May 1997 at 1624 hours for 1 minute 41 seconds.

ppp
753/98

R/Constable Atkinson was interviewed about this C&D Ref No B147/1345/97 and Sub Division Ref No JD97/1302 refer and denied this allegation by Tracey Clarke that he had made those calls.

The story given at the time to cover these calls can be summarised as follows:-

The Atkinson's claimed (Robert & Eleanor) that friends namely Michael and Andrea McKee had stayed overnight in their house at [redacted] although Robert was working late that night. The following morning Michael McKee who on hearing of the fight in Portadown from Eleanor Atkinson phoned the house of Alistair Harvey to enquire about the welfare of his niece Tracey Clarke who was going out with Alistair and whom he believed had been in the town centre that night. He claimed he made this call sometime before 9 00 am on 27 April 1997 from Atkinson's home.

His wife at that time Andrea McKee and Eleanor Atkinson both made statements supporting this. MI3 and MI1 PART III, PAGES 34, 35 and 29-31 refer.

Eleanor Atkinson also claimed that she made the call on 2 May 1997 to Harvey's house to enquire about Tae Kwon Do boots and books.

Kenneth and Elizabeth Harvey were interviewed about these calls by D/Inspector Irwin on 25 November 1997. MI5 refers PART II, PAGE 35 refers and PART III PAGES 27-28.

Kenneth Harvey claimed it was he who received the call from Michael McKee on 27 April 1997 and although they cannot exactly recall they believe that Elizabeth may have taken the call from Eleanor Atkinson on 2 May 1997.

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Alistair Harvey claimed he had been out all night and stayed at his uncle Tommy Harvey's home at [REDACTED]

Further enquiries were made into this matter and Michael McKee was visited by Detectives on 14 June 2000. At this stage he had separated from his wife Andrea and was living at [REDACTED] (SOE D/C/Superintendent McBurney and D/Inspector Irwin) refer Michael McKee's story remained unchanged. PART II, PAGES 22 and 23.

Andrea McKee was then visited by the same officers on 20 June 2000 and this time her story changed. (See Andrea McKee PART II, PAGE NO 7, 8). She stated on 26/27 April 1997 she was at home at [REDACTED] with her husband, Michael. She stated that she and Michael her husband had been asked by the Atkinsons to cover for a phone call on 27 April 1997.

Andrea McKee was again visited by Detectives on 25 October 1997 (D/Chief Inspector K [REDACTED] & D/Inspector Irwin) PART II, PAGES 22 and 24 when she gave a full account of the entire conspiracy and her and Michael McKee's relationship with the Atkinsons, Statement of Evidence PAGES NO 9-21 refers. She explains how she had spent the night at home at [REDACTED] with Michael and friends being either [REDACTED] and his wife or Rodney Smith and his girlfriend Joy Kitchen. Telephone analysis of McKee's home telephone number for the 27 April 1997 confirms that a taxi company Call-a-Cab [REDACTED] was called from their home number [REDACTED] at 0130 hours. Examination of the taxi log at Call-a-Cab for that date identifies a pick-up at [REDACTED] at 0215 hours to collect a person called Smith and take them to town, driver number 9.

The author of the taxi log Irene McKee has been interviewed PART II, PAGE NO 40-41 refers. She confirms she made I certify that all witness statements taken by police in connection with this investigation are included in this file.

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the entry and states that although the top of the page on the taxi long indicated Sat 26 04 97 the calls on that page are actually for the early hours of 27 April 1997. The date only changes on the logs after 0300 hours.

Rodney Smith and Joy Kitchen have been interviewed and state that although they can't be sure they possibly were at McKee's on that night and they did socialise with them and did get taxi's home. At that time Rodney Smith lived in Portadown town at [REDACTED] which is close to the town centre. PART II PAGES 36-39 refer.

[REDACTED] have been interviewed and state they only met in July of 1997 and therefore couldn't have been at McKee's in April 1997. They did socialise with McKee's in the latter end of 1997. PART II PAGES NO 49-52 refer. There would therefore appear to be no doubt that Andrea and Michael McKee were at home socialising on 26/27 April 1997 and not at Atkinsons.

Andrea McKee was then interviewed after caution on 10 April 2001 in the presence of her solicitor at Wrexham Police Station by D/Chief Inspector [REDACTED] K [REDACTED] and D/Constable P5 [REDACTED], Statement of Evidence PAGE NO 43 and 48 refer and Exhibit JD28 and JD28A PART III, PAGE NOS 1-18 refer.

Andrea McKee has stated that she intends pleading guilty and has agreed to give evidence for the Crown after conviction. This is dealt with in the SOE of D/Chief Inspector K [REDACTED], PART II, PAGES 44-47 refer.

In April 1999 Michael and Andrea McKee separated. At that time Andrea McKee returned to her home town of Wrexham in North Wales and it is our understanding she has resided there ever since. During the course of the current investigation which was initiated after 20 June 2000 divorce proceedings have been ongoing between Michael and Andrea McKee.

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**OTHER
OBSERVATIONS**

(Include any additional matter relevant for DPP consideration, eg sectarian background of case, whether any other incidents linked to the present case are being separately investigated)

This aspect of the investigation into Robert Hamill's murder is being supervised by Police Ombudsman for Northern Ireland.

A further report giving a detailed role into the parts played by the others in this conspiracy will be submitted at a later date.

After Andrea McKee's criminality has been addressed it is anticipated she will give evidence on behalf of the Crown in this matter.

Reserve Constable Robert Atkinson was suspended from duty on the 10 April 2001.

Tracey Clarke (Witness A) in a consultation with the DPP on the 17 October 1997 made it clear that she would not give evidence. Copy of letter from DPP attached PART IV, PAGES 37-38 refer.

**RECOMMENDATIONS*
AS TO CHARGES
AND PROCEEDINGS**

(Stated shortly by reference to offence, IP, date and venue)

Conspiracy to Pervert the Course of Justice
Contrary to Article 3(1) of the Criminal Attempts and Conspiracy (NI) Order and Common Law between and including 27-04-97 and 25-11-97.

Signature of Reporting Officer

[Handwritten Signature]

Date

23.5.01