

**File note to Ms Kemish, Solicitor to the Robert Hamill Inquiry.**

As the appointed Independent Police Expert I have reported on:

- Intelligence available
- Initial response of the four officers
- Overall police response
- Role of the supervisors
- Crime scene assessment
- Police fast track actions
- Initial CID response
- GBH investigation
- Management of the murder
- Witness strategy
- Arrest/suspect strategy
- Search strategy
- Forensic strategy
- Interview strategy
- Communication strategy
- Management and effectiveness of the investigation into alleged misconduct by Reserve Constable Atkinson
- Effectiveness of murder investigation
- The disciplinary issues surrounding Reserve Constable Atkinson

Based upon the evidence I have heard and the material I have read broadly speaking I still reach the same conclusions I have outlined in my report. However there are certain areas that I would now acknowledge and wish to bring to the attention of the Inquiry.

- I accused DCS McBurney of being criminally negligent. I wish to revise that conclusion. I have listened to evidence whereby he conducted the investigation into the alleged misconduct of Reserve Constable Atkinson as a 'wait and see' strategy. I cannot understand that strategy nor do I consider that to be appropriate in the circumstances. I conclude that the investigation into the alleged misconduct was negligent rather than criminally negligent.
- I acknowledge the high regard that officers held for DCS McBurney. I am also mindful of the comments of Sir Ronnie Flanagan in regard to DCS McBurney.
- I do accept that in the early stage of the investigation a major priority for the RUC was the safety of Tracey Clarke.
- In compiling my report under section 20, the management and effectiveness of the investigation into the alleged misconduct of Reserve Constable Atkinson, I place significant emphasis on the failure to challenge in the interview of the Reserve Constable the initial account of the telephone billing. I was unaware that a number of telephone service providers would not assist with evidential telephone billing due to the security situation prevailing at that time.
- In my report at paragraph 23.17 I stated I believed DI Irwin assisted Andrea Mckee in perverting the course of justice. I do not stand by that comment. Having listened to

the evidence I believe DI Irwin was reluctant to take that statement and only did so because he was ordered to.

- I do believe there was a strong desire to bring the suspects to justice. I do however stand by the observations I made into the initial actions and investigation.
- I do acknowledge the unique position the RUC were in and the difficulties they faced due to the security situation. I have not served within the RUC. However when considering the many actions undertaken by the RUC following the murder of Robert Hamill the fact is they were able to undertake a significant number of actions that would have been conducted elsewhere in the UK.

In conclusion I would only add that I have not heard any evidence or read any material that leads me to significantly change any aspect of my report.

Yours sincerely

Colin Murray