

17. I continued to have meetings with the Ombudsman's officers and on 16 February 2001, page **16685**; I met Chris Mahaffey with DCI **K** where we decided to seek the views of Raymond Kitson of the DPP. That meeting went ahead on the 28 February 2001 with DCI **K** outlining the facts and what our plan was. We were seeking Mr. Kitson's views on the legalities of what we were proposing. It was agreed that Andrea McKee would be dealt with for her criminality and her potential as a witness would be considered after she had purged her criminal behaviour.
18. Part of the strategy agreed with the Ombudsman was the use of intrusive surveillance. I could see difficulties with this deployment particularly with respect to Robert Atkinson who was already aware that we were interviewing police officers as part of our investigation. I was concerned that he would also be aware of the installation of any technical equipment and would suspect that we would try and use that sort of deployment.
19. Delays were inevitable because of the surveillance stage. We needed to get the equipment and train the staff in its use. The officer charged with that phase was also concerned about the insertion of the equipment taking place after the arrests and house searches. Certainly the PSNI had experience of surveillance in terrorist cases but this was without parallel in an investigation of its type.
20. The arrest phase went ahead on 10 April 2001 and interviews were conducted by police officers with Ombudsman staff sitting in. Andrea and Michael McKee admitted their parts in the conspiracy but the other offenders denied the offence.
21. The surveillance phase did not last very long, a matter of two or three days before it was compromised and certainly my fears about Robert Atkinson being alive to surveillance on him were justified. I cannot say if there were any other reasons why this phase was compromised and could not rule out that there had not been a leak.
22. Robert Atkinson was suspended from duty upon being arrested. I cannot speak for Maynard McBurney but my view was that Mr Atkinson should have been