

ROBERT HAMILL INQUIRY

Day 59: 8th September 2009

Testimony of Witness K (continued)

The witness testified that Mr. McBurney had indicated that his intention was always to monitor the McKees. He told the witness that they had separated and that his strategy was always to penetrate this conspiracy by taking advantage of that separation, and, consequently, when he found out that they had separated and were both living apart he took the decision at that point to approach both of them. To break a conspiracy, the detective has to penetrate it and get one of the conspirators to come out and tell the truth about it. The witness explained that for this reason, taking advantage of the McKees separation was a useful strategy.

The witness explained that a policy book is absolutely essential to an investigation because it draws together the many threads that run through an investigation. It is there to guide any person who needs to understand what path an investigation takes. It is there to record some of the major decisions, the major strands of investigation being pursued. The secret policy book was equally important as the normal policy book in terms of basically managing some of the very sensitive sides to investigations. Some of the major investigations go on for several years and so the policy book is very useful if an investigation is transferred to a new senior investigating officer.

The witness explained that he considered implementing an intrusive surveillance strategy to penetrate the conspiracy between the Atkinsons and the Hanveys, because the team had already broken into the first part of the conspiracy between the McKees and the Atkinsons. He also considered utilizing a covert strategy. He put various supporting elements for a covert strategy in place because developing intelligence leads was also important to the investigation- these could open up opportunities to give evidence. However, he stated that he could not move on with the intrusive surveillance strategy until he had a solid intelligence foundation for the case he would make, as well as a firm understanding of the issues around the lifestyles of the people concerned. The issue of an intrusive surveillance strategy is that it is very much work in progress. It is not a set-piece strategy. It takes a lot of work to build the case through covert installation.

The key issues for a senior investigating officer (SIO) in thinking about intrusive surveillance is about the fact that it has to be operationalised at a time and in a manner at which the SIO can optimise the chance of getting the evidence. The SIO has to understand what is in play in terms of the targets and when the best time is to insert. These strategies are only successful if they are done totally covertly; this minimises the risks associated with intelligence gathering as far as possible.

The witness explained that he thought that the investigative team should move against Michael McKee first, to establish what position he would take when he was interviewed.

The witness thought that McKee may well be able to provide useful information and potential evidence or open up leads that would move the team into the conspiracy that then happened between Atkinson and Hanveys. However, investigative work is not a set-piece action, rather it ebbs and flows and moves with changing circumstances.

The plan for the investigation changed in early 2001, when the witness became aware that the target, Allister Hanvey, was considering moving into new accommodation with Tracey Clarke. He explained that had an implication in relation to when the team could implement the strategy. Tracey Clarke and Allister Hanvey had a volatile relationship. It was important to get a covert installation against Allister Hanvey, but it would not make sense to install this in his old accommodation if he was going to move.

The witness explained that if he planned strategically, Andrea McKee's interview could provide him with a large amount of information in order to open up a number of investigative leads. If Andrea McKee was warned that her husband was under investigation, however, she might refuse to say anything during questioning. For this reason, the witness came to the conclusion that, if he was to arrest and question Andrea McKee, it was best to do both arrests at the same time and deal with the McKees together.

Andrea McKee was married to Michael and got caught up in the business between her husband and Robert Atkinson. Michael McKee was a principal conspirator. When he was arrested and interviewed, he admitted his part in the conspiracy and admitted his guilt at court .

The witness also addressed the issue of the delay in Andrea McKee's testimony. He explained that he did talk to the General Practitioner (GP) concerned. During the course of examining the health of the child over that particular weekend, it was Andrea McKee who indicated the problems that happened with the child beginning on Friday night. She indicated that her child was sick over the weekend and that she had seen a doctor at an emergency call-out facility. The investigative team looked for support to this statement but was unable to substantiate it. The child was seen by the doctor on Monday morning, with an appointment that Ms. McKee had made the morning she should have been in court in Craigavon.

The witness explained that they had offered to set up a child-minding facility for her, but she rejected this proposal. However, she left her child with her mom the next day to go to her own medical examination, a logic the witness stated he could not understand. In short, Ms. McKee declined to attend the proceedings for the days she was scheduled.

Testimony of Witness H

The witness received two medical statements from a GP, on 24 December and 30 December, regarding the condition of Andrea McKee's child. The witness stated that he found the content of these letters to be satisfactory explanation for why she was unable to attend the hearing.

Witness H believed that Andrea McKee was a very willing witness who was happy to return after the aborted hearing. He explained that though she told lies on one occasion at the start, he found her to be very credible. He was able to corroborate the dates that Andrea McKee stated she contacted the doctors.