

Statutory Report

**Public Statement by the Police Ombudsman under
Section 62 of the Police (Northern Ireland) Act 1998**

**THE INVESTIGATION BY POLICE OF THE MURDER OF
MR. SEAN BROWN ON 12 MAY 1997**

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

1.0 INTRODUCTION

- 1.1 On 12th May 1997, John Patrick Brown (Sean) aged 61 years, was abducted from outside the Gaelic Athletic Association Club (the GAA Club) in Bellaghy, County Derry. He was forcibly placed into the boot compartment of his own vehicle and driven to farmland adjoining Old Moneynick Road, Randalstown, County Antrim. He was shot six times and his vehicle set alight. Police officers who attended the scene discovered his body, lying next to his burning vehicle.
- 1.2 The Royal Ulster Constabulary considered this a sectarian attack and a full-scale murder investigation was launched utilising the Home Office Large Major Enquiry System (HOLMES). A Senior Investigating Officer was appointed who continued to supervise the conduct of the police investigation until his retirement in July 2000*. The appointed deputy to the Senior Investigating Officer was **Detective Chief Inspector** (now **Detective Superintendent**) **A**.
- 1.3 On 04 November 2001 the Royal Ulster Constabulary became the Police Service of Northern Ireland pursuant to Section 1 of the Police (Northern Ireland) Act 2000.

2.0 THE POLICE INVESTIGATION

- 2.1 The murder investigation followed recognised standard investigative procedures. The investigation was conducted as follows:
- a) The enquiry operated using the Home Office Large Murder Enquiry System (HOLMES) in a HOLMES suite;
 - b) Incoming information / messages were recorded, with actions being generated and allocated;

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

- c) Two “crime scenes” were identified and forensic support deployed;
- d) A limited investigation into vehicles passing a checkpoint in Toomebridge Royal Ulster Constabulary Station was undertaken;
- e) Witnesses to the attack were sought and limited house-to-house enquiries carried out;
- f) Intelligence received, from both Special Branch and Force Intelligence Bureau, was researched;
- g) A Policy File was created to record decisions taken and details relating to those decisions;
- h) A review of the intelligence provided to the Murder Investigation Team resulted in the identification of a number of suspects.

2.2 The conclusion of the Senior Investigating Officer, was that there was insufficient evidence to prosecute any individual. No file was submitted to the Director of Public Prosecutions for his decision.

2.3 On 2nd July 1998, the Senior Investigating Officer directed that the investigation be closed “pending new information coming into police possession” *.

2.4 Another senior officer, **Detective Superintendent B**, carried out an assessment of the murder investigation file for the Royal Ulster Constabulary after notification that the Police Ombudsman had received a complaint.

2.5 **Detective Inspector C** has conducted an analysis of the murder investigation

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

file to identify whether opportunities still exist to advance the enquiry.

3.0 THE COMPLAINT

3.1 On 30th January 2001, Solicitors, acting on behalf of Mrs Bridie Brown, wife of the late Mr Sean Brown, complained to the Police Ombudsman making the following allegations:

- a) That the investigation into the death of Mr Sean Brown had “not been efficiently and properly carried out”;
- b) The police had failed to update the victim’s family as to investigative developments;
- c) That “no earnest effort” was being made to identify the persons who murdered Mr Sean Brown.

4.0 THE POLICE OMBUDSMAN’S INVESTIGATION

4.1 Having acknowledged receipt of the above complaint, preliminary enquiries were made with the Royal Ulster Constabulary, who were asked to provide this Office with relevant documentation / material.

4.2 Correspondence received from **Detective Superintendent B** provided a brief summary of the Royal Ulster Constabulary investigation, the level of contact with the victim’s family, detail of the arrests made and the subsequent grounds upon which the original Senior Investigating Officer closed the investigation.

4.3 **Detective Superintendent B** also provided a copy of a page of a Royal Ulster Constabulary Policy File, in which the decision to close the investigation is recorded.

4.4 **Detective Superintendent B** advised that he had “been appointed to re-assess the decision of the former Senior Investigating Officer and to liaise with the family in relation to any further decisions that are made in this case”. This

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

was communicated by the Police Ombudsman to the Brown family. They declined such liaison.

4.5 The initial complaint made by Mrs Brown was subsequently considerably expanded upon and clarification was sought in relation to a wide range of investigative issues. However many of the issues raised by the family spokesperson were outside the Police Ombudsman's remit, referring to political and other matters, and the general tenor of the original complaint has remained the core focus of enquiries by the Police Ombudsman.

4.6 The Police Ombudsman then began to:

- a) Identify and establish liaison with the Royal Ulster Constabulary / Police Service of Northern Ireland Home Office Large Major Enquiry System (HOLMES) account manager;
- b) Research all relevant evidential information / material, held on the system;
- c) Evaluate all forensic evidential opportunities;
- d) Review the extent of enquiries made to trace key witnesses;
- e) Identify and review specific lines of enquiry undertaken by the investigating team;
- f) Interview the retired Senior Investigating Officer and other officers as appropriate;
- g) Carry out a review of all recorded strategic decisions and / or policy, directed by the Senior Investigating Officer;
- h) Assess the level of family liaison;
- i) Review the content and dissemination of intelligence made available

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

to the Murder Investigation Team and the action generated from that intelligence;

- j) Review all available intelligence relating to the murder of Mr Sean Brown, and to activities in and around Bellaghy both before and after the murder;
- k) Assess the extent to which, if any, the complaints made were substantiated.

5.0 THE INVESTIGATION

5.1 As the investigation progressed, a number of issues came to light, which are cause for concern, some of which are detailed below:

5.2 Forensic Samples

5.3 When reviewing the forensic strategy, it was found that near to the burnt out vehicle, and in close proximity to the body of Mr Sean Brown, a number of discarded cigarette butts were recovered by police. There was every reason to suspect at the time that these may have been discarded by those involved in the murder.

5.4 The cigarette butts were submitted to the Forensic Science Service "for DNA", but no biological samples were taken or requested from any of the persons subsequently arrested for the murder of Mr Sean Brown. It has been established that the necessary technology to carry out DNA analysis was available at the time. The fact that no biological samples were submitted to the Forensic Science Service meant that no analysis was carried out, there being nothing to compare the samples against.

5.5 When asked in interview, the retired Senior Investigating Officer was unable to confirm whether biological samples were taken from the detained suspects. His only comment with regard to forensic samples was, that to his knowledge

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

all forensic exhibits were submitted for analysis.

5.6 In interview under caution **Detective Superintendent A** could offer no explanation as to why the cigarette butts were not examined for DNA.

5.7 The failure to identify and pursue this particular evidential opportunity was a significant error, which could have impacted upon the effectiveness of this investigation.

5.8 The failure to take DNA samples from suspects when they were arrested meant that no samples were available against which comparison could be made of DNA obtained. This has been drawn to the attention of the Police Service of Northern Ireland.

6.0 WITNESS ENQUIRIES

6.1 It was established that there was no proper search for witnesses at the location at which Mr Brown's body was found.

6.2 The Police Ombudsman identified a witness who was in the Old Moneynick Road area on the night Mr Sean Brown was murdered. He told the Police Ombudsman's Investigator that at approximately 19:30 hours on the evening of 12th May 1997, he had seen a dark coloured car parked in the exact isolated spot where Mr Sean Brown's burning vehicle was later discovered.

6.3 The witness said that he approached the police cordon and provided this information, together with his own details, to an unknown uniformed police officer. He had not been contacted by the investigating team. There is no trace of this witness in the investigation file. The details of the witness have been passed to the police.

6.4 In relation to other witnesses the Police Ombudsman has established that other witnesses identified by the Brown family were interviewed, and that their evidence was taken into account.

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

7.0 ENQUIRIES INTO VEHICLES USED

7.1 The Police Ombudsman examined the police investigation into what has been described as the “convoy” of vehicles driven by those involved in the murder, (one of which would have contained the abducted Mr Sean Brown), as it passed through Toomebridge on the night of 12 May 1997.

7.2 In 1997 the registration number of every vehicle, which drove past Toomebridge Royal Ulster Constabulary station was recorded.

7.3 There are five particular areas of concern:

1. It is known that shortly before being attacked Mr Sean Brown set the security alarm at the Gaelic Athletic Association Club at 23:30 hours. His burning car was discovered (having travelled through Toomebridge), fifteen minutes later at 23:45 hours. The extent of the police investigation of the vehicle numbers recorded was only extended beyond this period by a total of two minutes. The actual time frame investigated by the Murder Investigation Team thus spanned a period of seventeen minutes. The timings have been verified. This was wholly inadequate.
2. No attempt was made to identify possible sightings of a “convoy” or other vehicles passing the police station, en-route to the scene, prior to the attack upon Mr Sean Brown in Bellaghy. Little room for error on the return journey was built in. Nor was any research conducted into the potential for suspect vehicles to have passed Toomebridge on a reconnaissance mission in the days before.
3. During the seventeen-minute period, a total of twenty vehicles, including that owned by Mr Sean Brown, are identified as having passed the police station. It appears that, of these, seventeen were eliminated from the enquiry and statements taken from the owner / drivers. The owner

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

of the vehicle which preceded the victim's car, was interviewed, and denied having travelled through Toomebridge on the night of the murder. That vehicle was seized and forensically examined. Nothing was found which might associate that vehicle with the attack on Mr Sean Brown. It now seems likely that the actual vehicle recorded bore false number plates.

4. Of the two remaining vehicles one bore an English registration number. There is no trace of this vehicle on the Police National Computer, which records the numbers and owners of all registered vehicles. It is possible that the car registration was misread and the wrong number recorded. No further enquiries appear to have been made (i.e. selecting other numerical variations, or contacting manufacturers) to trace this vehicle. There were a number of investigative opportunities which could have been explored in an attempt to identify this vehicle. This was not done.

5. Finally the one remaining vehicle was owned by a person in the Republic of Ireland. The Police Ombudsman's Investigator was informed by An Garda Síochána that the owner was spoken to and denied that his vehicle had been in the North. An Garda Síochána were not requested to take a written statement and did not do so. The result was thus only verbally communicated. This is not a sufficiently thorough process. The practice of "telephone elimination" in such cases is not satisfactory.

8.0 INTELLIGENCE ISSUES

- 8.1 The Police Ombudsman has evaluated the flow of intelligence between Special Branch, Force Intelligence Bureau and the original Murder Investigation Team. There is some confusion, and in certain areas a degree of conflict, as to what was received and from whom.

- 8.2 Some intelligence was made available to the retired Senior Investigating Officer either by Special Branch, or by the Force Intelligence Bureau. However, no

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

clear audit could be found within the Home Office Large Major Enquiry System (HOLMES) account, Special Branch, or the Force Intelligence Bureau of how the intelligence was received and transmitted to the Murder Investigation Team. In the absence of the Policy File (see Paragraph 9.0) the tasks allocated as a consequence of the receipt of the action, and the reasons for the action which was taken or which was not taken, cannot be definitively identified.

- 8.3 The primary source of the intelligence provided to the Murder Investigation Team was Special Branch.
- 8.4 It has been established that all relevant intelligence available to Special Branch was not shared with the original investigating team. There are in total some nineteen intelligence entries, of varying quality (six are of particular relevance). These entries have now been passed to **Detective Inspector C**, who has recently completed an analysis of the investigation into the murder of Mr Sean Brown to identify further investigative opportunities. Obviously the delay in passing this intelligence will have reduced its potential value to the investigation.

9.0 THE MURDER INVESTIGATION POLICY FILE

- 9.1 When decisions are made in an investigation of this type each decision, and the reason for that decision, is recorded in a Policy File which is created for the purpose of the particular investigation.
- 9.2 The retired Senior Investigating Officer stated that he had maintained a Royal Ulster Constabulary Policy File, within which he had recorded all decisions made during the conduct of the murder investigation. Upon his departure from the Royal Ulster Constabulary, he left the document with other filed case papers.

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

- 9.3 The Police Ombudsman had, on 05 March 2001, received from **Detective Superintendent B**, a photocopy of the final page of the Policy File, completed on behalf of the retired Senior Investigating Officer, by his Deputy, **Detective Chief Inspector A**. It had been copied from the Policy File which was held in Garvagh Royal Ulster Constabulary Station on that date. The entry, which is dated 02/07/98, effectively closes the investigation “pending new information coming into police possession”¹.
- 9.4 At some point after the photocopying was undertaken, the Policy File disappeared². Despite extensive searches by the Police Ombudsman and the Police Service of Northern Ireland, it has not been recovered.
- 9.5 This single Box File which contained the Policy File is the only item stored at Garvagh Police Station, found to be missing³.

¹ A review of a complaint by the Retired Senior Investigating Officer concluded that he had ceased to be in charge of the investigation in July 1998, but the police investigation was not closed at that stage. Further actions were taken by police on the case after that date.

² There is no suggestion that the disappearance of the policy file was related to the Retired Senior Investigating Officer, who had left the RUC prior to the file going missing.

³ In June 2012, the policy file was located within the PSNI estate. Following a review of the contents of the policy file by the Police Ombudsman, no justification has been found to alter any of the narrative or findings of this Public Statement.

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

9.6 Examination of the Policy File is a critical process to determine how and why the enquiry into Mr Brown's death was conducted. Failure to access and review the Policy File has seriously impeded enquiries undertaken by the Police Ombudsman, particularly in relation to issues such as family liaison, forensic strategies, receipt and handling of intelligence and any strategy relating to the arrest of identified suspects. It has also effectively prevented the allocation of responsibility for individual decisions made by senior officers.

10.0 THE BELLAGHY OCCURRENCE BOOK

10.1 Each police station maintains an Occurrence Book in which are entered all matters reported to the police. Searches have been made but the Occurrence Book from Bellaghy Royal Ulster Constabulary Station for the relevant period cannot be found. This means that neither the Murder Investigation Team nor the Police Ombudsman has been able to examine the record of what was occurred at Bellaghy Royal Ulster Constabulary Station on the night of the murder.

11.0 CONCLUSIONS

11.1 **COMPLAINT No. 1 – “That the investigation into the murder of Mr Sean Brown had not been efficiently and properly carried out.”**

11.2 The investigation of the murder of Mr Sean Brown on 12th May 1997 was incomplete and inadequate. The investigation encompassed three incident scenes - the Gaelic Athletic Association Club at Bellaghy from which Mr Brown was abducted, his car, in which he was driven to the Old Moneynick Road area of Randalstown, and the location in which his body and his burning car were found.

11.3 Significant failures in the Royal Ulster Constabulary / Police Service of Northern Ireland investigative process have been identified. Those failures include:

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

- I. The failure to carry out a proper search for witnesses at and in the area of the Old Moneynick Road scene;
- II. The failure to speak to an important witness who identified himself to an unknown police officer on 13th May 1997, and who was never subsequently approached by the police;
- III. The consequential failure to pursue the evidential opportunities deriving from this witness's evidence;
- IV. The failure to identify and to deal properly with all the available forensic evidential opportunities;
- V. No attempt being made to identify vehicles passing through Toomebridge in a northward direction prior to 22:30 hours on 12th May 1997;
- VI. Inadequate enquiries into a convoy of vehicles, which passed through Toomebridge between 22:30 hours and 22:47 hours on 12th May 1997;
- VII. The failure by Special Branch to pass a significant amount of relevant and available intelligence to the Murder Investigation Team. There was no audit trail as to who was responsible for the passage of material from Special Branch to the Murder Investigation Team;
- VIII. An unclear audit trail in relation to which intelligence was passed from Special Branch to the Murder Investigation Team;
- IX. The failure to ensure that material gathered during the course of the murder enquiry was properly stored in a secure environment. This led to the inability to produce the Policy File;
- X. The disappearance of the Policy File, in which are recorded the Senior Investigating Officer or Deputy Senior Investigating Officer's decisions,

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

the reasons for them, and the tasks allocated by the Senior Investigating Officer. It was last seen on 20th February 2001, three weeks after the Brown family complained to the Police Ombudsman. The Box File in which this document and others relating to the Royal Ulster Constabulary investigation were kept, was stored at Garvagh Police Station. The Box File was not available on 23rd and 24th May 2001, and was formally declared missing on 26th July 2001. The inability of the Police Service of Northern Ireland to produce this document had massive consequences for this investigation. It prevented the investigation of individual officer responsibility for the failures identified by the Police Ombudsman;

XI. The failure to ensure the proper custody of the Occurrence Book for Bellaghy Police Station which covered the night of Mr Brown's murder. This is the book in which all matters reported to the police in Bellaghy Police Station are recorded. This Book was not available when sought by the Police Ombudsman and despite searches it has not been possible to find it;

XII. The failure to investigate properly the ongoing history of the murder weapon.

11.4 The complaint made by the Brown family about the quality of the Police Service of Northern Ireland investigation is upheld.

11.5 COMPLAINT No. 2 – “That police have failed to update the family as to investigative developments.”

11.6 The level and degree of family liaison will perhaps always remain an outstanding and unresolved issue. On the one side the family say there was very little liaison and that they weren't kept properly updated. It has not been possible to speak to all members of the family. On the other hand we have some corroboration of the police account of the original investigation that there was a genuine effort, to support and keep the Brown family apprised of all developments. It is clear that the Brown family did not have confidence in the

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

investigation of Mr Sean Brown's murder. It is also clear that they asked the Royal Ulster Constabulary to discontinue visits to their home some weeks after the murder, and that following this members of the family visited police stations on at least three occasions.

- 11.7 The family became dissatisfied with the information they were receiving from the police and stopped visiting the police premises.
- 11.8 Whilst it is accepted that early contact was pursued by the Investigators and that after the family instructed the police not to visit their home, letters were written by the police to the family and to their solicitor to inform them. There have been various key stages where the family have not been kept informed. One example involves the arrest of a suspect in 2002, after the Police Ombudsman had been involved in the investigation, when a suspect was arrested and the family not told. They learnt of this from the press. The Police Ombudsman is aware that the Brown family had declined the offer of liaison from the Police Service of Northern Ireland which was made by **Detective Superintendent B** (see paragraph 4.2).
- 11.9 **The complaint is therefore partially upheld.**
- 11.10 **COMPLAINT No 3 "That no earnest effort was made to identify the persons who murdered Mr Sean Brown."**
- 11.11 The Police Ombudsman has identified above the multiple failures in this investigation. It is clear from the Investigation File that there was not full co-operation from the community. Nevertheless, despite this, many investigative actions which could have been taken, were not taken.
- 11.12 **The disappearance of both the Policy File and the Bellaghy Occurrence Book is very significant, and this, combined with the investigative failings identified, has led the Police Ombudsman to conclude that, an earnest effort to identify the murderers cannot be evidenced from the Investigation File. This complaint is upheld.**

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

12.0 OTHER FINDINGS

- 12.1 It has been suggested that the attack upon Mr Sean Brown was linked to efforts being made to “cement the Northern Ireland peace process”. This suggestion could not form part of the Police Ombudsman’s investigation.
- 12.2 It has been suggested that a number of vehicles were under surveillance at the time of the attack on Mr Brown. This has been investigated. There is no record of any pre-planned police or military surveillance operation going on in Bellaghy during or in the days preceding the relevant time.
- 12.3 Another allegation made was that the “convoy of vehicles”, one of which contained Mr Sean Brown, was allowed “safe passage” by police and or Security Services. **There is no evidence to substantiate this.**
- 12.4 Enquiries to establish the degree of military / police deployment in the area have been carried out. Records detailing both police and military deployments both before and after the murder have been examined. During the period **following** the murder, military units responded to a request from the Royal Ulster Constabulary to assist in securing the area around both crime scenes. Apart from this specific action, the deployment of military and police personnel does not indicate any shift or change to what was normal operational practice at that time, or before the murder. **This allegation is not substantiated.**
- 12.5 A final response, received from the military in December 2002, indicates that until the discovery of Mr Sean Brown’s body, there were no records of notable incidents of any description in the area which may have been related to the murder.
- 12.6 Finally it should be noted it is only since the involvement of this Office, that the Royal Ulster Constabulary considered reviewing this investigation (as indicated in the letter from **Detective Superintendent B**, dated 02/03/01). Until recently the Police Service of Northern Ireland had no policy with regard to the review of murders. A Murder Review Policy is currently being developed following earlier criticism in this respect by the Police Ombudsman. This development has been

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

welcomed by the Police Ombudsman.

13.0 MATTERS REFERRED TO THE MURDER INVESTIGATION TEAM

13.1 As a consequence of the Police Ombudsman's Investigation, the matter of the failure to develop DNA from the discarded cigarette ends has now been addressed. The Police Service of Northern Ireland assessment of the original murder investigation, undertaken by **Detective Superintendent B**, did not recommend any form of forensic re-evaluation.

13.2 The Police Ombudsman identified that samples for biological testing were not taken from those suspects originally arrested in connection with the murder of Mr Sean Brown. Since this development relevant action has been taken by the Police Service of Northern Ireland in respect of this matter and other failings identified in this Statement.

13.3 There are in total some nineteen intelligence entries, of varying quality (six are of particular relevance). These entries have now been passed to **Detective Inspector C** who has carried out an analysis of the investigation into the murder of Mr Sean Brown to identify further investigative opportunities.

14.0 ALLOCATING RESPONSIBILITY FOR THE FAILURES IDENTIFIED IN THIS REPORT

14.1 In the course of carrying out this investigation the Police Ombudsman has uncovered significant failures within the investigative process.

14.2 In any major investigation the police officer responsible for that investigation is the Senior Investigating Officer ¹. The Senior Investigating Officer responsible for the investigation has now retired. The law states that a retired officer cannot be made amenable after retirement for any misconduct occurring before his retirement ². Such a retired officer can be investigated for any alleged

¹ A review of a complaint by the Retired Senior Investigating Officer concluded that he could not be held responsible for all the failings in the investigation, having been moved to another major enquiry in July 1998.

² The review also concluded that any reference to potential disciplinary processes in relation to the Retired Senior Investigating Officer was inappropriate.

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

criminal activity.

- 14.3 The retired Senior Investigating Officer was interviewed but did not provide any explanation for the failures identified by the Police Ombudsman. There is no evidence of any criminal action by this Officer.
- 14.4 The retired Senior Investigating Officer had responsibility for a number of other serious investigations and he was assisted by a Deputy Senior Investigating Officer, **Detective Chief Inspector** (now **Detective Superintendent**) **A**.
- 14.5 The unexplained disappearance of the Policy File has prevented the Police Ombudsman from 'auditing' the decision making process and establishing the degree of autonomy that **Detective Superintendent A** had during the period from 12th May 1997 to 02nd July 1998 when the Policy File recorded the closure of the investigation pending new information coming into police possession.
- 14.6 The Deputy Senior Investigating Officer, **Detective Superintendent A**, declined to be interviewed as a witness, and because of the emerging evidence, he was ultimately served with a notice that he was under investigation in relation to the complaint made by the Brown family.
- 14.7 When interviewed under caution he relied on the fact that he acted solely on the instructions of the Senior Investigating Officer, and that he followed the instructions which he was given. **Detective Superintendent A's** explanation to all issues was that it was the "Senior Investigating Officer's decision". In the absence of the Policy File which would have clarified responsibility for decision-making, this provides an effective shield. It does, however, raise the question as to what value he added to the investigation. He was a Deputy Senior Investigator, with a far more 'hands on role' in managing the murder enquiry. He should have made effective decisions, and challenged any made by the Senior Investigating Officer which did not meet the needs of the investigation. There is no evidence that he did so. Equally there is no evidence that he did not do so.

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

14.8 In the absence of the Policy File it would not be right or possible to attempt to hold junior officers to account for the investigative failures.

15.0 OTHER ISSUES

15.1 Following the disappearance of the Policy File, the Police Service of Northern Ireland has recognised the failure of its systems for the protection of murder investigation files and, in the course of the Police Ombudsman's investigation there was a Police Service of Northern Ireland Review of, and necessary amendment to the systems.

15.2 The failure to review properly the murder enquiry has been acknowledged by the Police Service of Northern Ireland, and following earlier Recommendation by the Police Ombudsman the Police Service of Northern Ireland has now established a Major Crime Review Group.

15.3 This investigation has shown a failure of the leadership and management of the Royal Ulster Constabulary enquiry into the murder of Mr Sean Brown. The extent to which there were failures of the investigative process is clear evidence of that failure. Had the necessary reviews and consideration of the conduct of the investigation taken place the matter could have been more effectively dealt with.

15.4 No evidence of police collusion in the murder of Mr Sean Brown has been found. There is clear evidence of police failure to investigate the murder properly.

15.5 In the absence of the Policy File it is not possible to determine who was responsible for the failures of management and leadership which are evident from this investigation. The Police Ombudsman is concerned at the inability of **Detective Superintendent A** to recall, other than to say that each decision was a Senior Investigating Officer matter, the nature of his contribution to the murder enquiry. However in the absence of evidence indicating actual misconduct this matter cannot be taken any further.

STATEMENT UNDER SECTION 62 OF THE POLICE (NORTHERN IRELAND) ACT 1998

16.0 RECOMMENDATIONS

- 16.1 The Police Ombudsman has recommended that there be a full Independent Review of the enquiry into the murder of Mr Sean Brown; that there be a full commitment to carry out the Recommendations of the Review and that his family be kept informed of all developments. The Review would identify and assess all evidential opportunities. The Chief Constable has now informed the Police Ombudsman that he intends that there will be a full re-investigation of the murder which obviates the need for a Review.
- 16.2 That the Review of the enquiry into Mr Sean Brown's murder should be linked with the investigation into the two identified murders in which the same or a similar weapon was used.
- 16.3 Since the murder of Mr Sean Brown his family have been most concerned about the quality of the police investigation. They have articulated those concerns to the police and those concerns, which are now shown to be justified have caused them significant additional stress and suffering. As a result of this, and because of the consequences of the disappearance of both the Policy File and the Bellaghy Occurrence Book, I therefore recommend that the Chief Constable pay to Mrs Brown, the complainant, a sum equivalent to the maximum amount currently permitted under the Police (Northern Ireland) Act 1998 as amended, in recognition of the distress caused by the failure of this investigation.

NUALA O'LOAN (MRS)

POLICE OMBUDSMAN FOR NORTHERN IRELAND

19 January 2004

Additional copies of this and other publications are available from:

Police Ombudsman for Northern Ireland
New Cathedral Buildings
St. Anne's Square
11 Church Street
Belfast
BT1 1PG

Telephone: 028 9082 8600

Textphone: 028 9082 8756

Witness Appeal Line: 0800 0327 880

Email: research@policeombudsman.org

These publications and other information about the work of the Police Ombudsman for Northern Ireland are also available on the Internet at:

Website: www.policeombudsman.org



INVESTOR IN PEOPLE