

Office of the Police Ombudsman for Northern Ireland:

# Statement under Section 62 of the Police (Northern Ireland) Act 1998.

**STATEMENT ON THE POLICE OMBUDSMAN'S  
INVESTIGATION INTO MATTERS ARISING FROM  
POLICE EVIDENCE GIVEN DURING A TRIAL AT  
BELFAST CROWN COURT BETWEEN  
SEPTEMBER 2006 AND JANUARY 2007.**

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# 1.0

## INTRODUCTION

- 1.1 This investigation relates to evidence provided by police witnesses at the Crown Court trial of a man accused of 58 terrorist charges, including alleged offences relating to the bombing of Omagh on 15th August 1998 in which 29 people were killed, including a woman pregnant with twins. The trial, which began on 25 September 2006 and ended on 17 January 2007, was the biggest mass murder trial in the history of Northern Ireland and ended when the accused was found not guilty on a total of 58 charges, including all those relating to the bombing of Omagh. The trial heard evidence relating to 13 separate incidents and crime scenes, of which 4 were alleged to have been linked by DNA evidence. The evidence subject of the Ombudsman's investigation related to one of the scenes, namely the discovery on 12 April 2001 of an abandoned mortar bomb at Baranagh's Road, Altmore Forest in Cappagh. The prosecution case sought to link forensic evidence from the Altmore scene to the bombing in Omagh and therefore it formed an integral part of the material evidence presented during the trial.
- 1.2 At the outset of the trial, prosecution counsel told the court that DNA and fibre evidence would connect the defendant to a series of explosions, including the bombing of Omagh. The DNA evidence used was gathered in part by process known as Low Copy Number DNA, a technique whereby evidence may be extracted from very small amounts of material and which must be carried out under the most careful of conditions.

- 1.3 During the course of the trial Police Officer A, under cross-examination from defence counsel, admitted making an additional statement to include taking possession of an exhibit. The defence counsel alleged that the evidence had been ‘beefed up’, however this was denied by the officer during cross-examination.
- 1.4 A Scenes of Crime Officer (Officer B) who is currently a serving police officer with the Police Service of Northern Ireland (PSNI) initially provided sworn evidence on oath that the officer could not recall making two statements, both dated 21 October 2002. However at a later point under cross-examination she acknowledged she had in fact made two statements. Crucially, she provided evidence that she had been out of the country on the 21 October 2002 – the date when the statements were purported to have been made.
- 1.5 On 23 November 2006, as a result of the trial judge’s concerns, the PSNI Chief Constable referred, under Section 55 of the Police (Northern Ireland) Act, the matters arising from the case to the Police Ombudsman’s Office for investigation. A decision was made to commence the investigation despite the fact that the trial had not concluded. The investigation focused on two issues relating to the Altmore Forest scene:
- (a) Why the two police officers had made two statements and
  - (b) Why evidence was, in the term used by defence counsel, ‘beefed up.’
- 1.6 As the trial progressed, defence counsel challenged the integrity of forensic evidence, gathered at that scene and in particular alleged that Officers A and B had lied about how they had gathered some of that evidence. Counsel argued there had been a clear indication of a unity of purpose – a conspiracy to ‘beef up’ evidence.

1.7 On 20 December 2007, the verdict delivered by the trial judge, raised issues of the officers' statements concerning the discovery of the explosive find at Altmore, which police had linked to the Omagh bomb and described them as untrue. He indicated that theirs was a deliberate and calculated deception in which others concerned in the investigation and preparation of the case for trial may have also played a part.

1.8 As a result of this verdict, the Police Ombudsman's investigation was extended to consider the involvement of other officers in '*a deliberate and calculated deception,*' in relation to the Altmore investigation.

# 2.0

## BACKGROUND

2.1 Much of the prosecution evidence in this case centred on the allegation that DNA and fibre evidence connected the defendant to a series of explosions, including the bombing of Omagh. For their part, the defence team questioned many of the processes for the gathering of that evidence.

2.2 Among the witnesses for the prosecution were:

- Officer A, who was the lead investigating officer dealing with the find at Altmore.
- Officer B who was a civilian Scene of Crimes Officer (SOCO), responsible for packaging and removing exhibits from the scene of the discovery of a mortar bomb at Altmore.
- Officer C who was the 'Disclosure Officer' for the Omagh Bomb linked investigations. Officer D who was the Senior Investigating officer (SIO) who held overall responsibility for the Omagh bomb investigation and the evidence forming the prosecution case against the accused.

2.3 During the course of the trial, defence counsel argued that the two witnesses' statements were 'beefed up' to give the impression that certain forensic precautions, such as wearing protective clothing, were taken to minimize DNA contamination at Altmore. They alleged that certain statements were re-written with a view to strengthening the evidence.

2.4 The trial judge, in delivering his judgement, described the evidence provided by Officers A & B as untrue and said theirs was a deliberate and calculated deception in which others in the investigation and preparation of the case for trial may have also played a part. He said:

*"It has come to light that (Officer B)... gave evidence that she was wearing protective clothing at this scene (Altmore) when in fact she was wearing nothing of the kind, as photographs taken at the scene fortunately reveal. (Officer A) also gave evidence about his wearing protective clothing at Altmore, which photographs have proved incorrect....The explanation as to how their untruths came to be told and the deliberate attempts, as I am satisfied they were, to conceal what the defence not unfairly characterized as the 'beefing up' of the initial statement of (Officer B) are deeply disquieting....."The effect of this , as I find deliberate and calculated deception in which others concerned in the investigation and preparation of the case for trial beyond these two witnesses may have also played a part, is to make it impossible for me to accept any evidence of either witness since I have no means of knowing whether they may have told lies about other aspects of the case that were not capable of being exposed as such."* - (Paragraph 50 of Judgement)

The Judge went on later in his verdict to comment:

*“... that problems inherent in the need to prove integrity had plainly come to be appreciated by one or more police officers concerned in this investigation as was shown by the mendacious attempts to retrospectively alter the Altmore Forest evidence so as to falsely make it appear that appropriate DNA protective precautions had been taken at that scene.” – (Paragraph 60 of Judgement)*

(Identity of police officers redacted by the Police Ombudsman).

# 3.0

## POLICE OMBUDSMAN

### INVESTIGATION

#### **‘BEEFED UP’ STATEMENTS AND ‘UNTRUTHS’**

3.1 Central to the matters referred to the Police Ombudsman was the allegation that the evidence provided by Officers’ A and B was a deliberate and calculated deception in which others may have also played a part. Only Officer B’s statements referred in detail to the forensic precautions taken at Altmore. The statements had been characterised as untrue in the verdict delivered by the trial judge and by the defence counsel as having been ‘beefed up’. Police Ombudsman investigators decided it was necessary to establish what forensic precautions had or had not been taken at the scene and the precise timing of named officers entering the scene.

The investigation included:

- The examination of all photographs taken of the Altmore scene, including both police and military.
- The interview of all personnel taking photographs.
- The examination of police evidence and transcripts of evidence provided during the trial.
- Interview of a military specialist involved with the scene.
- Examination of all available military documents relating to the Altmore scene.

- Interview of PSNI personnel (police and civilian) relevant to the investigation, which included witnesses.
- Witnesses named in Officer A's testimony
- Offering the opportunity to the prosecution, defence and the court to provide any further evidence, relevant to the issues under investigation.
- Enquiries with the lead Chief Officer for the Association of Chief Police Officers in respect of the investigation of homicide and major crime.

3.2

The additions in Officer A's second statement were:

- (a) That on a given date the officer received the pair of white surgical gloves.
- (b) That on another date the gloves were handed to Officer B.

The additions in the more detailed statement by Officer B were that :

- (a) A pair of white surgical gloves was received from Officer A.
- (b) Prior to entering the scene the officer had put on the relevant examination clothing.
- (c) The officer ensured that part of the device, which had been found was in a knotted and sealed bag, which had been done in compliance with instructions for Low Copy DNA examination.
- (d) The officer on returning to Dungannon police station to deal with the exhibits had put on a new examination suit.
- (e) The items examined included the white surgical gloves.

- 3.3 The trial judge found that the evidence of both police officers who informed the court that they were properly forensically suited was disproved by the photographs presented by the defence counsel to the court. In total they presented 31 photographs in relation to Altmore. Photograph number two (See Appendix A), which shows Officer A standing at the scene, on the extreme left while not wearing forensic clothing. The same photograph shows Officer B and the military specialist wearing some items of forensic clothing.
- 3.4 Police Ombudsman investigators spoke to all relevant personnel who had attended the scene and compared their accounts with the photographs taken at the time.
- 3.5 Investigators spoke to the military specialist who attended the scene at Altmore and who was responsible for making the mortar device safe, securing and packaging all the exhibits. The specialist said he was the first military officer inside the cordoned off scene and remained alone until he disarmed the mortar bomb, recovered, sealed and forensically packaged certain items including the timing power unit (TPU). He said one of the last actions he had taken was to tow the van partially on to the grass verge. He said once this had been done, Officer B entered the scene and placed the items in additional police exhibit bags, which were then sealed with police labels. The military specialist unequivocally stated that no person, police or military entered the Altmore scene during his process. He stated that he could recall Officer B wearing a full forensic suit.
- 3.6 The specialist said that the photograph in question was taken after the scene had been made safe and opened for the collection of sealed items and recovery of the vehicle. He emphasized that the photograph in question showed the vehicle on the verge. He explained that the

vehicle during his examination was on the road and his last manoeuvre before declaring the scene safe was to tow the vehicle onto the verge. He also pointed out that an additional photograph amongst the 31 produced by the defence showed that the rear door of the vehicle was closed. The military specialist and police photographer provided evidence to the Police Ombudsman's investigation that the door to the van was only closed at the completion of the forensic recovery and at a point when all seized items had been placed in the van. He said that in the photo he had not been wearing his forensic hood, which he said he had taken off after the area was made safe and opened to Officer B and photographers.

3.7 Police Ombudsman investigators also spoke to the military photographer who attended the scene. He also confirmed that no one had entered the area until the military specialist had made the van safe and had secured and packaged the items. He also said he was of the view that the photograph in question had been taken after the area was made safe and opened. He said that the rear door of the vehicle in the photograph was closed and the explosives which could be seen behind the vehicle would indicate that the specialist had finished and those items were ready to be removed from the scene by the military in accordance with their procedures. The forensically recovered exhibits were placed in the rear of the van prior to being removed from the scene by the police.

3.8 The Police photographer and the Mapping Officer were also adamant that Officer B had not entered the scene while it had been cordoned off.

3.9 The trial judge asked Officer B whether she could remember when the photograph in question was taken.

Officer B replied, “*I don’t remember it specifically but I know they wouldn’t have been down there until the scene was technically closed, my lord.*”

The Ombudsman’s investigation has concluded that Officer B’s response to the question was factually correct, for all forensic recovery at the scene had been completed.

3.10 The provenance of this photograph (Appendix A) introduced by the defence, including the time it was taken were not evidenced at court. The Police Ombudsman has established that the photograph depicting Officers A and B at the Altmore scene, not wearing full forensic suits, was taken after the scene had been made safe and opened for the purpose of photography, recovering sealed items and transportation of the van. All material items had been recovered, secured, packaged and forensically sealed by the military specialist at the time the photograph was taken. The more detailed material in Officer B’s second statement did give additional information of the forensic precautions she had taken, all of which was true. The Police Ombudsman’s investigation has found no evidence that these additions were an attempt to falsely suggest forensic precautions had been taken.

## **WITNESS STATEMENTS**

3.11 The Police Ombudsman investigation also sought to establish why two police witness statements were superseded by replacement statements bearing the same dates as the originals but containing material additions and why the original statements cannot be found.

## OFFICER B

- 3.12 Officer B gave evidence to the trial between 6 and 10 October 2006. During cross-examination the officer was asked if she had made more than one statement in relation to her involvement in the Altmore investigation. Officer B initially stated that only one statement, dated 21 October 2002, was made.
- 3.13 Defence counsel produced a document which purported to be another statement compiled by Officer B, which was also dated 21 October 2002 and which contained less detail than the statement which had been presented to the court. This document had not been provided to the court but had been found by defence counsel in a file held by the Forensic Service for Northern Ireland. Officer B conceded that she compiled the statement but could not recall making it. The court was adjourned for the weekend and on the resumption of the trial, Officer B accepted that she had compiled both statements but stated that neither statement could have been written on 21 October 2002, as she had been on holiday abroad. She produced her passport to the court to support her evidence.
- 3.14 The officer's statement which was disclosed to the court contained details about the forensic precautions taken at the Altmore scene, details of which were not included in the statement introduced by defence counsel. Police Ombudsman investigators interviewed Officer B about the evidence given at court. The officer told investigators that those precautions had been such standard practice at the time that there would be no practical requirement to make reference to them in a statement. The SIO being unaware of the original statement and on conducting an audit review requested that Witness B provide a statement including within it the forensic precautions taken. The second and more detailed statement was the only one disclosed to the court by the prosecution.

- 3.15 The statement which was disclosed also contained details about a pair of white surgical gloves which had been seized at Altmore and which had not been included in Officer B's first and less detailed statement. Officer B told Police Ombudsman investigators that due to the fact that the gloves were not recovered by the officer no consideration was given to including the exhibit in the initial statement. Officer B stated that Officer A handed over the gloves to her on 15 April 2001. At a later date Officer A requested the detail of the gloves to be included in a statement. Officer B acknowledged that it was an oversight not to include the continuity of the exhibit in the officer's first statement. The Ombudsman investigation examined the notebook of Officer A and noted that the movement and continuity of the exhibit relating to the white surgical gloves was fully documented and recorded at the time of the Altmore investigation.
- 3.16 Officer B stated that on her arrival at Belfast Crown Court on the day the officer was due to give evidence, the PSNI Omagh preparation team presented her with a copy of the officer's second and more detailed statement between 10 and 15 minutes prior to giving evidence. The officer said that at that stage, she believed this was the only statement she had made. This was later challenged by the defence counsel who produced, in court, the first less detailed statement. Officer B then accepted that two differing statements had been made.
- 3.17 Officer B stated that the officer in charge of the Altmore investigation made contact by telephone requesting an additional statement to be made regarding her involvement in the scene including detail of what low copy DNA precautions she had taken.

- 3.18 Officer B said that given the events in question happened more than four years previously, she could not remember the date the telephone call was received nor when the statement was made. The officer stated that under normal circumstances statements are compiled in 'long hand' and then forwarded to the typing pool in Armagh, which would type the statement and return both copies. The typed version would then be signed and forwarded with the copies to the officer requesting the statement.
- 3.19 The officer said that no copies of related paperwork had been retained and she would need to consult with the hand written version of the statements to comment on the accuracy of both. Officer B could not explain why the first and less detailed statement had not been disclosed to the court but denied there was any sinister motive behind the failure.
- 3.20 Police Ombudsman investigators uncovered a request arising from the audit review meeting in January 2003. Officer B was tasked to produce a statement of evidence regarding the bagging and seizing of items from Altmore and to include the actions she had taken to minimize cross contamination. The investigators noted that this request is consistent with the fact that the more complete statement was produced after that meeting. The Omagh investigation team was not aware of the existence of Officer B's first and less detailed statement which was located by the defence in the files belonging to the Forensic Service for Northern Ireland.
- 3.21 Police Ombudsman investigators also made enquiries at the typing pool in Armagh but no written or electronic records remain detailing the exact day both statements were typed. Both typed statements contained typed dates and were not handwritten.

## FINDING - OFFICER B

- 3.22 The Police Ombudsman's Office has established that the evidence contained in Officer B's second and more detailed statement relating to forensic clothing is accurate. Neither the first or second statements written by Officer B contain any inaccuracies.
- 3.23 The Police Ombudsman has concluded that the evidence does not bear out the allegation that the additions were made to 'beef up' statements. The additional statement was correctly requested by the overall senior investigating officer to the Omagh bombing. The practice of reviewing the evidence and addressing any identified shortcomings is a normal practice and procedure carried out in major investigations.
- 3.24 Normal police practice in relation to changes to statements is usually made by way of an additional statement, beginning '*Further to the statement I made on...*' Officer B told Police Ombudsman investigators it was rare to be asked to make additional statements and she was not familiar with the practice of making additional statements with this phrase.
- 3.25 The Police Ombudsman is also of the view that the more detailed statement could only have been compiled with reference to the first, less detailed statement.
- 3.26 In summary the Police Ombudsman has concluded that Officer B's evidence although confused, was not willfully given, knowing it to be false or not believing it to be true (elements of perjury).

## OFFICER A

- 3.27 At the time of the police investigation of the unexploded mortar bomb at Altmore Officer A held the rank of Detective Sergeant and was responsible for the investigation. As the lead investigator at the scene the officer had overall responsibility for securing, controlling and examination of all exhibits seized from the scene. Officer A's signature was also on Officer B's first and less detailed statement as having 'received' it.
- 3.28 A copy of Officer A's first statement was disclosed to the Omagh investigation team, however a request was raised by the Omagh review for an additional statement accounting for the possession and movement of a pair of white surgical gloves exhibited as RV1. Officer A's first original statement has not been located by the Police Ombudsman's investigation although a copy was belatedly disclosed to the court.
- 3.29 In relation to Officer B's statement, Officer A told Police Ombudsman investigators that the statements would have been compiled at his request. He surmised that he would have contacted Officer B about the less detailed statement but does not recall speaking to her about the more detailed version.
- 3.30 Officer A told Police Ombudsman investigators he could not recall when he signed Officer B's statement as the 'receiving officer' but said he assumed he signed it without looking at the 21 October 2002 date, which had been typed on it. The second typed statement of Officer B had no handwritten signature on it and it was this statement that was disclosed by the prosecution to the court. The officer said he did not know why the statement with all the additional forensic information had been dated three months before the request directed by the SIO. He

confirmed that at the review meeting in January 2003, Officer D directed him to carry out a number of functions including obtaining a statement from Officer B but also said he could not recall receiving the statement. The Omagh investigation team was unaware of the existence of Officer B's first and less detailed statement which was located by the defence on a file held by the Forensic Service for Northern Ireland. Officer A was unsure of the date he received it. It is clear from Officer B's evidence provided in court that she was abroad, on 21 October 2002 (date statement purported to be signed) and therefore the statement could not have been completed on the date indicated.

- 3.31 Officer A was not able to provide written records which could have clarified the exact dates of compiling or receiving of statements.
- 3.32 Regarding his own statement, Officer A told Police Ombudsman investigators that the Omagh Investigation team first became involved in the Altmore investigation in July 2002 and that this would have been the catalyst for him making a statement about Altmore.
- 3.33 When asked why there were two statements from him, both dated 23 July 2002, he said he believed that after having completed the first statement he may have noticed a 'late entry' in his pocket book about the white surgical gloves and opted to add it. The examination of the pocket notebook entry confirms a late entry regarding the surgical gloves.
- 3.34 During the trial defence counsel put it to Officer A that there was a need to beef up the evidence so there could be no contamination. Officer A replied:  
*"I wouldn't agree with the terminology to beef up, my Lord, but I would have been asked to clarify the position as to the forensic precautions that were taken".*

3.35 The Police Ombudsman's investigation has established that Officer A held a briefing with Officer B and personnel from the Photography and Mapping Departments at Dungannon Police Station prior to visiting the scene, emphasizing the importance of being fully clothed in forensic suits to eliminate contamination.

### **FINDING - OFFICER A**

3.36 Officer A was the investigating officer in charge of the Altmore investigation. Officer A said he did not know why there were two statements from him. He said he could not recall if he completed the more detailed statement or if it was compiled for him, based on the first statement, and which he thereafter signed. Police Ombudsman investigators noted that although Officer A said he had no memory of his initial statement, the compilation of the second statement is unlikely to have been made without access to the first statement given that the only material addition was the continuity evidence relating to exhibit RV 1. Officer A has not been able to account for why Officer B's initial less detailed statement was not in the investigation file which subsequently resulted in the non disclosure of the statement to the defence. Despite this, his signature is on Officer B's initial statement as having received it. Officer C recorded Officer A's statement as being in the Altmore file in September 2002 when he took a photocopy of it but that it was missing when the Omagh investigation team was tasked to collect the original in July 2003.

3.37 In relation to forensic precautions taken by Officer A, it is clear that he was aware of the requirement for forensic clothing. It is also clear that in the photograph, (Appendix A) referred to previously in relation to Officer B, Officer A is not wearing a forensic suit. However the Police Ombudsman has established that this photograph was taken when the forensic recovery had concluded, and Officer A would have no need to have been appropriately attired at this stage. In evidence he initially

stated that he had been forensically suited, but then agreed that he must not have been. Some of Officer A's testimony was confused and contradictory. In summary the Police Ombudsman has concluded that Officer A's evidence although confused, was not wilfully given knowing it to be false or not believing it to be true (elements of perjury).

## **OFFICERS C and D**

3.38 Officer C performed the role of Disclosure Officer for the Omagh linked investigations. His job was to gather and schedule all the investigative material and documents for the prosecution of the case.

3.39 Officer C told Police Ombudsman investigators that in September 2002 he attended Officer A's office and photocopied all the statements contained within the investigation file relating to the unexploded mortar bomb found at Altmore. He said the file contained Officer A's original less detailed statement but did not contain any statement from Officer B. He said he used this file to help him conduct an 'audit review' of material in relation to the Omagh investigation. As a result of this review a meeting was held in January 2003, chaired by Officer D, the Senior Investigating Officer in charge of the Omagh Bomb investigation. He said that among the tasks arising from that meeting was to get a statement from Officer B about the bagging and seizing of all items from the scene at Altmore and all actions taken to minimize DNA cross contamination. He was also tasked to review the issue of the white surgical gloves (exhibit RV1) found at Altmore. Officer C said that following this meeting he tasked a police officer to attend Officer A's office and gather all the original documentation. He said the officer returned with a file which contained Officer A and B's second statement only. The Police Ombudsman's investigation has established that the collection of the Altmore investigation file took place on 15 July 2003.

3.40 Officer C said it was an oversight on his part that he failed to include in

the court papers Officer A's first statement, which he had received when he initially photocopied the file. He said he only realised his oversight when Officer B was being cross-examined regarding her two statements and immediately reported this matter to prosecuting counsel. Officer C was unaware of Officer B's first statement.

3.41 In January 2003 Officer D chaired a meeting arising from the review conducted by Officer C. This led to requests being made to obtain a statement from Officer B and an additional statement from Officer A. Officer D confirmed to Police Ombudsman investigators that he had made policy decisions about the preparation of material for court and directed Officer C to conduct an 'audit check' on the Altmore investigation and other related investigations and then present the findings to him.

3.42 The Police Ombudsman's investigation has examined Officer D's policy file, confirming the decisions to review available material and request additional statements highlighted from the review. This is a normal and recommended practice and procedure within major investigations. The Ombudsman's investigation made enquiries with the lead officer for the Association of Chief Police Officers (ACPO) Homicide Group. These enquiries confirmed that Officer D's policy decisions in relation to the review of evidence and requests for additional statements were correct and formed part of recommended practice. The Senior Investigating Officer has a professional requirement to provide the best evidence to the Criminal Justice process. The SIO also has a duty when compiling evidence to ensure that the handling of exhibits is documented thoroughly, which would include the making of additional statements to satisfy issues of the continuity and integrity of exhibits. The Ombudsman has noted that Officer D maintained thorough and detailed policy logs.

## FINDING - OFFICER C

- 3.43 The Omagh investigation team was in possession of a copy of Officer A's first less detailed statement but the Police Ombudsman has concluded through his investigation that the statement was not disclosed by C due to an administrative error. There is no evidence that the disclosure procedures were deliberately avoided. The Ombudsman investigation has taken cognizance of the magnitude of the Omagh investigation. Officer C was responsible for the scheduling and disclosure of over 31,000 sensitive and non-sensitive documents connected to the overall linked investigation.
- 3.44 During defence counsel's application for a stay of proceedings the trial judge said he did 'not consider that the present stage of evidence establishes his (Officer C) involvement in a conspiracy such as the defence alleges.' In his judgement, the trial judge held that there was 'a deliberate and calculated deception in which others concerned in the investigation and preparation of this case for trial beyond these two witnesses may also have played a part'. The Police Ombudsman has not found any evidence that Officer C was involved in a conspiracy and calculated deception.
- 3.45 The existence of the first and less detailed statement was brought to the attention of the court by Officer C who performed the role of disclosure officer to the overall linked Omagh investigation. Officer C accepted responsibility for the failure to disclose explaining that it was an administrative error. The Ombudsman's investigation has concluded that the failing was not intentional with a view to deceive the court or the defence counsel.

## OFFICER D FINDING

- 3.46            Officer D's direction for a statement to be obtained, outlining the forensic precautions taken at a crime scene and the continuity of an exhibit was a legitimate and necessary request. The additional actions were raised as a result of Officer C's review of evidence and material. The actions subsequently raised were correctly recorded in the SIO's policy file. This process is a quite normal and recommended practice in major investigations, and it is endorsed by the ACPO Homicide Group.

## OTHER WITNESSES

- 3.47            During the course of the trial, defence counsel raised questions as to whether police had intentionally attempted to manipulate evidence. In his judgment, the trial judge said he believed that there was a deliberate and calculated deception in which others involved in the investigation and preparation of the case for trial (other than the two police witnesses) may have also played a part.
- 3.48            In response to a question from the trial judge during the course of the trial as to whom from the Omagh team asked him to give 'beefed up' statements, Officer A stated that he had dealings with a number of individuals. He named four individuals, two of whom are referred to in this statement as Officers C and D. The other two were treated by Police Ombudsman's investigators as witnesses, having performed minor roles.

# 4.0

## CONCLUSION

4.1 **An unexploded mortar bomb at Altmore was one of 13 investigations, forming the evidence at the Omagh Bomb trial. The defendant faced 2 charges relating to the Altmore investigation out of a total of 58 charges.**

**The issues considered by the Police Ombudsman's Office were:**

- Whether police had intentionally tried to manipulate evidence relating to the Altmore scene, with respect to the trial of the accused.**
- Why the statements made by two police witnesses were superseded by replacement statements bearing the same dates as the originals.**
- Why the replacement statements had material additions and in the words of the defence counsel, had been 'beefed up'.**
- Why the original statements could not be found.**
- Why the police initially failed to disclose the witnesses' first statements.**

**The trial judge concluded that the police witnesses had been involved in a deliberate and calculated deception in which others in the investigation and preparation of the case for trial may have also played a part.**

4.2 The Police Ombudsman has found no evidence to support a deliberate and calculated deception by any of the police officers involved in the preparation of the Altmore evidence for the trial.

4.3 Following investigation the Police Ombudsman has established that Officer B was correct when telling the court that she was forensically suited when required. A photograph depicting officers not wearing full forensic clothing at the Altmore scene (see Appendix A) had been taken after the exhibits had been secured and forensically sealed by the military specialist. Following the completion of the specialist's task to make the scene safe and to secure relevant items, the scene was declared open, allowing access by police personnel and military photographers.

4.4 This photograph noted above was taken by a military photographer after the scene had been made safe and all exhibits including the TPU had been secured, packaged and forensically sealed. Appendix B shows a photograph of the van at the time of its discovery during the process of forensic recovery. The location of the van in Appendix A is a different location to the position illustrated in Appendix B. Note that the position of the van in Appendix B is not on the verge. Appendix C shows the position of the van at the conclusion of the forensic recovery but before the scene was declared open to police and military photographers. Appendix A and Appendix C show the van in the same location.

The conclusion is that the photograph at Appendix A, depicting Officer A and Officer B, was taken at a time when the scene had been opened by the military specialist and when forensic recovery had been concluded.

- 4.5 The trial judge made comments relating to Officer B's protective clothing, stating that "*in fact she was wearing nothing of the kind.*" The Police Ombudsman has found evidence to support Officer B's evidence with respect to forensic attire. The Police Ombudsman must conclude that this evidence contained no inaccuracies.
- 4.6 Officer B did add information to her statement which provided more detail about forensic precautions taken at Altmore. The phrase 'beefed up', if meant to suggest that (Officer B) added false information to her statement, is without foundation. The photographic evidence, in addition to witness evidence obtained during the Police Ombudsman's investigation supports the conclusion that Officer B was properly attired at the relevant time.
- 4.7 The Police Ombudsman has established that the Omagh Enquiry Team had Officer A's initial less detailed statement in its possession. Officer C's failure to disclose the less detailed statement has been determined as a genuine administrative error and not a deliberate attempt to deceive. When this was recognized during the trial, Officer C immediately advised the prosecution and it was disclosed to the defence. The Ombudsman's investigation has concluded that the detail recorded in both Officer A and B's statements did not contain any inaccuracies or embellishments of the facts. The evidence provided under oath during the trial by Officer A and B was however confusing and contradictory at times.
- 4.8 Officer D's direction for a statement to be obtained, outlining the forensic precautions taken at a crime scene and the continuity of an exhibit was a legitimate and necessary request. This process

is a quite normal and recommended practice in major investigations.

- 4.9 The Police Ombudsman has identified a number of issues and failings that require further consideration. These relate to case preparation, documentation and disclosure. They will be the subject of a further report and recommendations to the Chief Constable.

**Al Hutchinson**  
**Police Ombudsman for Northern Ireland**

**19 February 2009**

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## APPENDICES

### APPENDIX A



A photograph depicting officers not wearing full forensic clothing at the Altmore scene, taken after the exhibits had been secured and forensically sealed by the military specialist.

## APPENDIX B



A photograph of the van at the time of its discovery but before any forensic examination got under way.

## APPENDIX C



This image shows the position of the van at the conclusion of the forensic examination but before the scene was declared open to police and military photographers.