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- 1.3 This report will highlight collusion, the wilful failure to keep records, the absence of accountability, the withholding of intelligence and the extreme of agents being involved in murder "of Nationalists". These serious acts and omissions have meant that people have been killed or seriously injured.

Chapter

6

Murder Investigation

6.1. Family liaison

6.1.1. Family liaison is a matter of prime importance in any murder investigation. I am satisfied that efforts were made from the outset of both murder investigations to establish liaison with the families of the deceased. The family of Brian Adam Lambert have remained engaged throughout my Enquiry. Despite continuing efforts I have not been able to engage the Finucane family as much as I would have liked.

6.2. The re-investigation of the two murders

6.2.1. The re-investigation of the murder of Patrick Finucane began ten years after the event. The re-investigation of the murder of Brian Lambert began twelve years after the event. My Enquiry team encountered obvious disadvantages caused by the passage of time but also made use of forensic and technological advances that had taken place during the intervening period.

6.2.2. The re-investigation consisted of a thorough

review of all documentation, which included examining the Major Incident Room papers, the notes of the interviews of those arrested, and the court files of those charged with subsidiary offences. Files relating to incidents connected with the murders were also examined, such as the original theft of one of the Finucane murder weapons from the Ulster Defence Regiment Palace Barracks.

6.2.3. My Enquiry team also carried out fresh appeals for information and carried out house to house enquiries in the vicinity of the two attacks. An experienced Metropolitan Police Service Crime Scene Manager has reviewed the initial scene examination of both murders. All fingerprint evidence and other forensic samples were reviewed to see whether any further suspects could be identified.

6.2.4. My re-investigation of both these cases continues. As there is the potential of further criminal proceedings it is not appropriate to make further comment at this stage. I do believe, however, that there are some general issues worth highlighting and upon which I have based my recommendations.

6.3. **The RUC's investigation**

- 6.3.1. By any standards the RUC's investigation of these two murders was inadequate. This was in part, I believe, because there was no centralised unit to deal with homicide offences. Murders were investigated on a local basis by the Divisional Detective Superintendents, or their Detective Chief Inspector deputies. They provided 24 hour cover in response to any serious crimes. Once a murder occurred an *ad hoc* team of a dozen detectives would be the norm at a busy Division such as 'D', where the Finucane murder was investigated. The volume of work was substantial and the staff there investigated an average of thirty murders a year, as well as other serious crimes. The investigation of murder requires many skills for which officers must be trained to a high standard and in a number of different roles.
- 6.3.2. The policy book for major crime investigations should record all decisions relating to the direction and control of the enquiry. This important document should be retained with the enquiry papers for scrutiny and review. In the case of the murder of Patrick Finucane this policy book cannot be found.
- 6.3.3. Exhibit handling was poor overall. Vital evidence could not be retrieved because audit trails did not exist to keep track of crucial murder exhibits. Despite the absence of any formal exhibits books

or register, the initial handling of exhibits by the original murder team appears to have been satisfactory. Once the team was scaled down and officers moved onto other enquiries, problems emerged associated with the lack of a formal process for closing down enquiries. There was no system to ensure that the case papers and exhibits were retained.

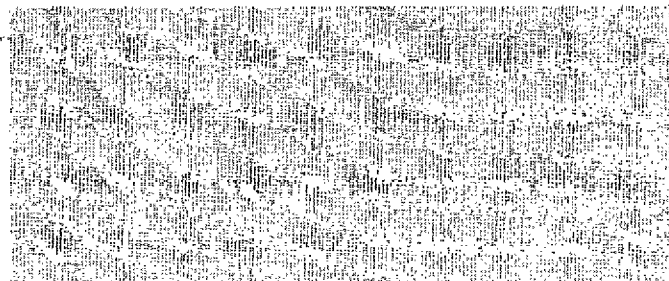
- 6.3.4. *Certain documents and other key exhibits are missing. The loss of the samples retrieved from the getaway vehicle, used in the murder of Patrick Finucane, has prevented new evidential opportunities from being realised.*
- 6.3.5. A crucial exhibit, the Browning pistol used in the murder of Patrick Finucane, was restored back to the Army. This was not a case of administrative oversight or even some loss occasioned by a lack of care. I believe it was a clear and deliberate decision to relinquish control of a key exhibit, resulting in the destruction of vital evidence. The lack of records has prevented the identification of the person responsible for this decision.
- 6.3.6. The potential consequences of this particular disposal are obvious with allegations made from the start of collusion between the security forces and the loyalist paramilitaries. The fact that the firearm when recovered, was found to have

originated from the Army no doubt fuelled that suspicion. To have returned it to the Army for re-issue not only compromised a key exhibit, it potentially put at risk any soldier receiving and using it in lawful circumstances given the implications of any subsequent ballistic comparisons.

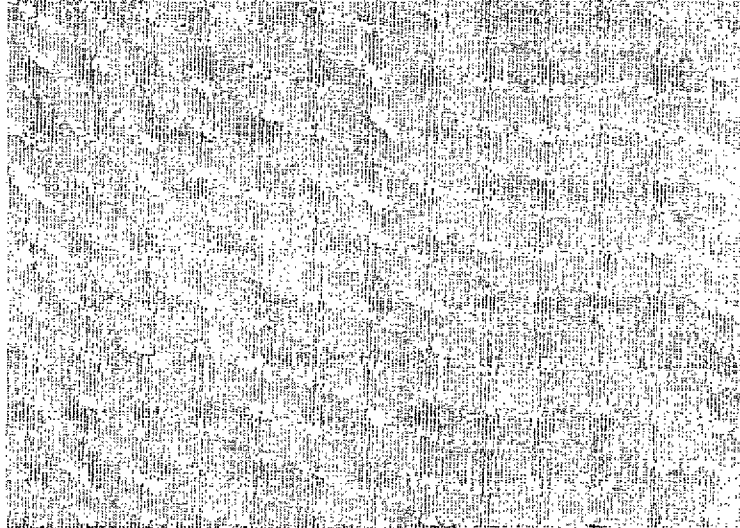
6.3.7. Finger marks found at the Finucane murder scene were not properly compared against other outstanding marks and suspects. This has now been done but with a negative result.

6.3.8. Many of these issues are now addressed in the Association of Chief Police Officers (ACPO) Homicide Investigation guidelines. I strongly recommend that the investigation of murder in Northern Ireland be carried out in accordance with this best practice. Significant improvements need to be made to the management of exhibits and storage of material gathered during an investigation. Systems for reviewing murders must be rigidly followed.


6.3.9.





6.3.10.




THE FOLLOWING RECOMMENDATIONS ARE MADE:

 The investigation of murder should be carried out in accordance with the Association of Chief Police Officers' (ACPO) guidelines on Homicide Investigation.

 Senior Investigating Officers should attend the nationally accredited SIO course and receive critical incident training on scenarios relevant to Northern Ireland.

 The PSNI should carry out a full review of all their methods and processes of exhibit management.

 An overarching strategy group of all relevant agencies (Gold group) should be formed at the outset of any major investigation to ensure effective intelligence sharing and to respond to

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[REDACTED] community concerns.