

47. DS O'Donnell took notes during the post-mortem; these included reference to bruising, an overdose, the fact that AW's underwear was on inside out and back to front and he has made a note "Port...Joe Dean?" suggesting he was aware at an early stage that Port may have lied<sup>28</sup>. A list of actions was compiled demonstrating good practice; however they were not clearly documented on the CRIS. The impact of not recording the actions on the CRIS was that there was no centralised record ensuring the opportunity to check and test that they had been completed, and the opportunity to review early decision making against a changing evidential picture was also then lost. It is known that some actions were not subsequently completed (e.g. submission of the sex swabs).
48. HAT advice at 1800hrs on 20<sup>th</sup> June 2014 stated there was nothing to suggest an assault<sup>29</sup> (which is incorrect as there were bruises). The advice does not record whether or not consideration was given to the possibility that any overdose may not have been voluntary. Clear actions were set to follow up concerns of the friends and it was identified that the informant, Port, may have lied if he was in fact the client.
49. I consider at this point the death should have been treated as suspicious. There are a number of unanswered questions which included the bruising, the lies told by Port, the fact that he may have been the client, the missing phone and the lack of contact between AW and his friends which was considered to be unusual<sup>30</sup>.
50. The next point at which I consider the death should have been treated as suspicious is on the 25<sup>th</sup> June 2014. It was on this date that A/DI McCarthy had a meeting with A/DCI Kirk. Following that meeting A/DI McCarthy reviewed the CRIS and actions to date and prepared a situation report<sup>31</sup>. The HAT team who had oversight were available the following day, the 26<sup>th</sup> June, and it was at this meeting when all the information was available to them that they, HAT, had the opportunity to take responsibility for the investigation<sup>32</sup>. The report does not detail the offence of murder, although in his response to the IOPC A/DI McCarthy stated that he did consider the offence of murder<sup>33</sup>.
51. The email (dated 26 June 2014) from A/DCI Kirk to Supt Sweeney, DCI Jones, T/Supt Hamer, DI Ewing and A/DI McCarthy is explicit in A/DCI Kirk's request

<sup>28</sup> IPC000075 p.13 (Record of AW Post Mortem 20.6.14)

<sup>29</sup> IPC000525 p.2 (HAT case report 20.6.14 at 18:00hrs)

<sup>30</sup> IPC000035 pp67-68 (CRIS entry 19.6.14 concerning account of China Dunning)

<sup>31</sup> IPC000753 (SMT / HAT email 26.6.14)

<sup>32</sup> IPC000449 p.17 ( meeting with HAT), p.19 ( reference to Port not being arrested for murder)

<sup>33</sup> IPC000424 p.6 (DI McCarthy MG14 19.9.17)