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## Chris Thornton: Police flounder under criticism while bombers remain at large

Thursday, 10 July 2008

The Omagh bomb killed and maimed, but also cracked the foundations of policing.

FIRST there were the dead, the maimed, and the devastated. Then the Omagh bomb reverberated back on the dissidents who set it off, with the security and public opinion backlash that followed effectively disabling them and robbing them of all but the most hardcore support.

But perhaps the slowest effects of that decade-old atrocity have told in damage to the police.

Omagh has been an enduring thorn that many officers fear has scraped away at public confidence — not just because of the failure to capture the killers, but also due to the very public exposure of shortcomings in the inquiry.

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These have been sticky times for the PSNI. While not portrayed as some sort of society for moral betterment, PSNI officers have been embroiled in a series of damaging legal cases and headlines concerning drink driving, possession of drugs with intent to supply, adultery, allegations of brothel keeping, and the employment of killers as agents.

What are these?

But last December's judgment in the trial of Sean Hoey, the south Armagh electrician cleared of the 29 Omagh murders, was perhaps the most penetrating blow.

Mr Justice Weir's ruling was critical, but withering on one point in particular — that two officers had lied about aspects of that handling. Those officers remain on duty with the force.

The judgment was delivered just before Christmas, but the holidays did not diminish its impact.

In January, the Policing Board met to discuss the outcome and ordered its own report. It was released by the Board yesterday.

That report, put together by two former English police officers, assisted by a third, looked at the handling of evidence, the situation regarding the two officers and the prospects for any further prosecutions. Those are remote.

The Board's report may have put to bed the concerns about the handling of evidence. Much of what concerned the judge happened years earlier, when the evidence was gathered at bomb sites and potentially tainted, because there was little awareness or concerns about future developments in DNA gathering.

But the report has reignited a row about the officers accused of lying and the PSNI's approach to the judge's criticism.

Detective Chief Inspector Phil Marshall and Fiona Cooper, a civilian scene of crime officer who later became a policewoman, both told the court that they had taken forensic precautions — namely wearing protective suits — at the scene of a bomb Hoey was accused of making. Subsequently, Hoey's defence team produced photographs showing both officers were not wearing the protection they claimed.

Mr Justice Weir said the two had taken part in a "deliberate and calculated deception", adding — crucially — that "others concerned in the investigation and preparation of this case for trial beyond these two witnesses may also have played a part".

What he described as the officers' lies played a role in the senior judge's decision to acquit.

The authors of the Board's report said they initially agreed with calls for the PSNI to suspend the two officers while Police Ombudsman Al Hutchinson investigates their testimony. But they concluded the PSNI was right to move them to other duties rather than suspend.

The authors may know more than is publicly available (a draft of the Ombudsman's report is believed to be completed and undergoing legal review), because the Board report refers "attendant circumstances" that the Ombudsman will consider, beyond the obvious conflict between the police officers' testimony and photographs.

The Board report also argues that to suspend the officers would cause them ignominy if they are later reinstated and might infringe their human rights.

That comes across as an argument for not suspending anyone — or at least only suspending those you're certain are guilty.

The report also queries why the judge referred to the possibility of others being involved in the "deliberate deception".

Like Chief Constable Sir Hugh Orde, the authors say they are "left uninformed" about what they describe as the judge's speculation. The Lord Chief Justice's office denied the comments amounted to speculation.

It seems clear that Mr Justice Weir was concerned that two officers may not have acted alone.

Consider that staple of every cop show on TV: if they lied, what was their motive?

Personal dislike of Sean Hoey? Embarrassment at not wearing protective clothing? Or was there a

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conspiracy to "beef up" evidence, as Hoey's defence claimed?

That would cause the kind of damage to public confidence that the Board and the PSNI would not like to contemplate.

So a sharper spotlight turns on the Ombudsman's report into the matter, and the Public Prosecutions Service's decision on whether the officers should face charges. And the chances of catching the Omagh bombers slip further down the cracks.

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