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Review of the Disappearance of

Madeleine McCann

From the holiday resort of Ocean Club,

Praia Da Luz, Portugal

on Thursday 3rd May 2007



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by

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Overview

This review is based on a critical analysis of over 10000 documents, including statements, photographs, and official reports amassed by the Portuguese police during their investigation into the disappearance of Madeleine McCann on 3rd May 2007, and which are now in the public domain.

The review seeks to establish an accurate time-line of events that took place on the night of Madeleine's disappearance – based on witness statements, and then considers the initial, and ongoing, Portuguese police investigation until the case was closed. The review takes its structure from these three elements.

The review then provides an opinion as to what the author believes to have happened on the night of 3rd May 2007 – constructed not only through this critical analysis, but also informed by applied criminological theory related to child disappearances, and professional experience. Finally, it sets out recommendations in relation to the policing of similar cases in Portugal.

Introduction

On the 28 April 2007, Drs Gerry and Kate McCann arrived in Praia Da Luz, Portugal where they were spending a week-long holiday with their three young children, Madeline then aged 3, and twins Sean and Amelie, at the time aged 2.

They stayed in the town in apartment 5a Vila da Luz - a two-bedroom ground floor corner apartment which had been rented by the holiday company Mark Warner as part of their Ocean Club complex.

Apartment 5a was at street level and thus offered easy access to – and egress from – the accommodation. There were two doors to the apartment – front and rear - the former being a solid oak, single door that is secured by a key mortice lock, and the latter being two sliding patio doors, with a single, poor quality key lock.

The McCanns had travelled to Portugal with seven friends – some of whom were also doctors and who also had children, and with whom they had holidayed in the past.

These friends included: Dr Russell O'Brien and his wife Jane Tanner; Dr Matthew Oldfield and his wife Rachel Oldfield; David Payne and his wife Dr Fiona Payne; and Dianne Webster. This group of friends have been characterised in the media as the "Tapas Seven", and together with the McCanns as the "Tapas Nine".

On the evening of 3 May 2007 – at the end of the family's holiday, Madeleine McCann disappeared from the apartment whilst her parents were at the nearby Tapas restaurant, where they had started their evening meal with their friends. The restaurant was approximately 70 metres from the apartment- as the crow flies. No formalised "babysitting" service was used by the McCanns – even though one was provided by the resort, but they later stated to the police that there were regular checks on the children undertaken by different adults from within the group.

Like much of Europe, there are tiers of police in Portugal. The GNR (Guarda Nacional Republicana) are the National Guard and the equivalent of the French gendarmes. They were the first police unit to arrive at the resort after Madeleine was reported missing.

The GNR do not undertake criminal investigations, their role is to take the initial report and then co-ordinate searches. In this case once it was established that a criminal offence may have occurred, the PJ (Policia Judiciara) were called in.

Robert Murat – A British citizen who lived in Praia da Luz and who initially helped the police and then the media was given "arguido" (suspect) status on 15 May 2007, and then subsequently the McCanns were "arguidos" from 7 September 2007.

On 21 July 2008 the Portuguese Attorney General closed the case.

This review is a critical analysis of over 10000 documents amassed by the Portuguese police during their investigation and which are now within the public domain.

These documents include witness statements, official reports, photographs and other materials – nearly all of which are in Portuguese but which have been translated for the purposes of this review.

This review's author is a former police detective, who also travelled to Praia Da Luz as a consultant for *Sky News* during the investigation, and has been a prominent critic of the police investigation.

The availability of previously unseen documents has allowed for some reflection on his former public position related to the case. (Further biographical details about the author can be found at the end of this review).

At a practical level the review seeks to provide as accurate a time-line for events on the night of 3 May 2007 as is possible – as outlined in witness statements contained within the Portuguese police files, and an assessment of the initial and the ongoing police investigation. More broadly the review also seeks to contextualise the disappearance of Madeleine McCann into the wider criminological literature related to child disappearances, abductions and murders. Finally, the review makes recommendations as to the policing of any future child disappearances in Portugal.

This review is written against the backdrop of voluminous broadcast and print media interest in this case; an official website which has been set up to locate Madeleine; a number of other websites which have been established and maintained (and which are often virulently hostile to the McCanns), and the publication of at least two books about Madeleine's disappearance (see Amaral, 2008; Collins, 2008). The review does not specifically comment on any of this secondary material. However, it should be noted that Mr Murat and Kate and Gerry McCann have been awarded substantial damages from a number of newspapers and broadcasters, and that Gerry McCann complained before the House of Commons Culture, Media and Sport Select

Committee in March 2009 that Madeleine had been turned into a “commodity” (see report in the *Guardian*, 11 March 2009).

No review on this subject can ever hope to be definitive, and so, for example, while the author has informally discussed the case with the McCann’s former press spokesman Clarence Mitchell, he has not been interviewed formally, nor indeed have Kate or Gerry McCann – despite a request to do so.

As such this review can only go so far, and while the author offers an opinion as to what he believes happened on the night of 3 May 2007, questions will inevitably remain. Is Madeleine alive or dead? If she is dead, was she murdered in her parent’s flat, and if so by whom? Was she abducted from inside the apartment - where she slept in the same room as her brother and sister who remained asleep throughout? Did she wander out of the apartment looking for her parents, and in doing so became the victim of an opportunistic predatory paedophile, who either used her for his own sexual gratification or smuggled her out of the country? Where answers are suggested to these questions, these stem from the critical analysis that has been undertaken, and what is more generally known about child disappearances.

The review begins by attempting to establish a definitive time-line for events on the night of 3 May 2007.

May 3rd 2007

Time-lines are vital in any police investigation in that they are the beginnings of providing a structure to a seemingly chaotic and messy event – whether that event is a disappearance, an abduction or a murder. They also provide the police with a platform from which to conduct their investigation. For example, by identifying who last saw the victim, and at what time, allows the police to target their investigation by prioritising potential witnesses, suspects, or lines of inquiry.

The time-line is also the beginning of the police case building in relation to what they believe might have happened, and what they can evidence has happened to the victim. The following time-line has been constructed through cross referencing a number of witness statements, although it should be noted that even now there are difficulties in verifying its accuracy.

- 09.00** Madeleine, Sean and Amelie attended the Kids club at the Ocean Club of the resort. They had attended this club on a regular basis throughout the holiday.
- 12.30** Madeleine, Sean and Amelie are collected from the Kids at the Ocean Club by Kate McCann to have lunch.
- 14.30** Madeleine, Sean and Amelie returned to the Kids club at the Ocean Club.
- 17.00** Madeleine, Sean and Amelie are collected from the Kids club at the Ocean Club by their parents. From this time onwards only the McCanns had contact with Madeleine.
- 19.30** Madeleine, Sean and Amelie are put to bed in apartment 5a. The apartment has two bedrooms, situated at the front and rear. The back bedroom was used by Gerry and Kate. This bedroom had two single beds, which were pushed together.
- The front bedroom contained two single beds, both of which were placed against different walls in the apartment. One was below the window facing the front of the property and the other bed – which was used by Madeleine, was closest to the bedroom door and up against the bathroom wall. Her bed was covered by a white sheet, and bed cover. Sean and Amelie slept in two foldaway cots.

The window in the children's bedroom was a double sliding metal framed window, with shutters on the outside which were operated from inside the bedroom.

20.30 Gerry & Kate McCann left for dinner at the Tapas bar – first checking on the children.

Around 21.05 Gerry McCann stated (4 May, but see below) that he returned to the apartment – “entering the room using his key – the door being locked.” He noted that all the children were OK, and he then used the toilet. He then left the apartment and bumped into Jeremy Wilkins – someone he had been playing tennis with.

He did not see Jane Tanner, nor the man that she stated that she had seen carrying a child.

21.15 Jane Tanner left to check on her children and saw Gerry McCann speaking with a British tourist – Jeremy Wilkins. She also stated that she saw a man carrying a child.

Around

21.25 Mathew Oldfield checked on Madeleine McCann and his own children, although he did not go into the room where he presumed Madeleine was sleeping and actually make visual contact.

2200 Kate McCann visited the apartment, entering through the rear, unlocked patio door. She noticed that the children's bedroom door was open, that the blinds were lifted, and the window was open in the children's bedroom. She noticed that the twins were asleep but that Madeleine was missing, and raised the alarm.

She noticed that Madeleine's blanket and toys were all aligned on the bed.

This basic time-line was refined over the first few days of the police investigation as various witnesses remembered issues and incidents, and added detail to what they had originally stated.

As such, a first statement might often differ from statements provided later in the investigation. Gerry McCann's first and subsequent statements are illustrative of this point.

Gerry McCann first made a formal statement to the police on 4 May at 11.15am. In this he stated to the police that he left the Tapas bar around 21.05 having just ordered his food.

He stated that he returned to the apartment – using his key to unlock the door prior to entering. He then went into the children's bedroom and saw all three children in bed. He then used the toilet and left. On leaving the apartment he then stated that he met another British tourist - Jeremy Wilkins, and spoke with him for some minutes before returning to the Tapas bar. He did not mention seeing Jane Tanner, or a man that she stated she saw carrying a child.

He further said that the only unusual thing that happened on the days spent at the resort was when Madeleine questioned why they did not go to the room when the twins cried.

In his second – and subsequent statements made on 10 May and 7 September (by which time he was an arguido) the police transcript notes that “despite what he said in his previous statements, he stated now and with certainty, that he left with Kate by the rear door which he consequently closed, but did not lock given that this was only possible from inside.” He also stated that Matt returned to the restaurant at 2105, and that he then got up to check on the children. He entered the apartment by the rear door, and he noted that “the three were sleeping deeply.”

In his statement he then added that “he never entered any other part of the residence,” and no reference is made to using the toilet. In his statement of 7 September he again stated that he went to the apartment at around 2105 (the note of the interview actually states 2104), and that “the three children were lying in their beds asleep.

He was sure of this.” This statement now suggests that it was only after this visit to apartment 5a that Matt offered to go and check on the children, and thus the sequence of visits changes in relation to what is being declared.

These additions, clarifications, omissions and alterations do not necessarily imply anything other than the witness trying to remember details which - in the heat of the moment, might not have been recollected correctly. So too, perhaps, through discussion with others who are involved in the case, some issues will take on greater significance and as a result the sequencing of events will become clearer in some respects, but more confused in others. However, what this means in practice – especially when dealing with a number of witnesses, is that it becomes more difficult to establish a reliable time-line. Of course, the confusion about some of these details might be interpreted differently, and it is also clear that the Portuguese police found this confusion significant.

Other “First” Statements

Jane Tanner

It is Jane Tanner who first stated on 4 May that she saw a person walking in a hurry carrying a child. She stated that “she spotted a man who was going at a fair speed with a child in his arms, with the child in pyjamas without a blanket.” She described this person as a white male, with thick dark hair, which was short but long at the back. He was wearing beige, golden linen-like trousers and a duffy style jacket, and had on black shoes. The first person that she told of this sighting was her husband, although she also told Kate McCann on the evening Madeleine went missing.

Of note, Jane Tanner also stated that she saw “this person at exactly the moment when she walked past Gerry and Jeremy.” However, neither McCann nor Wilkins (see his account below) saw Jane Tanner or the man that she stated that she saw carrying the child. The police never obtained an artist impression of this person.

Matthew David Oldfield

He stated that he arrived at the Tapas restaurant about 20.45. He then said that Gerry McCann left the bar around 21.05 to check on his children, returning about 5 minutes later.

At 21.25 he left to check on his children, as well as the McCann’s. He entered the McCann’s apartment through the closed patio door at the rear of the apartment which was unlocked. He went to the bedroom door and opened it to approximately 50 degrees and saw the twins on their beds.

He noticed a light shining in the bedroom which he believed was coming from outside. He remembered seeing the curtain drawn but could not remember if the window was open. He could not see Madeleine’s bed and therefore did not see her, but stated that he assumed everything was okay and left.

Kate Healy (McCann)

Kate McCann stated that she put the children to bed at 19.30 and then had a shower. She then went to the Tapas bar at 20.30. Just prior to going to the restaurant she checked on the children.

She said that Gerry had checked on the children at 21.00 and that Matt had left at 21.30 to check on his own and the McCann children.

At 22.00 she left the Tapas restaurant to check on the children - entering through the rear unlocked patio door.

She noticed that the children's bedroom door was open, that the blinds were lifted and the window was open in the children's bedroom. Stated that she believed that she had kept the window and blinds shut.

She noticed that the twins were asleep but that Madeleine was missing. Also that Madeleine's blanket and toys were all aligned on the bed.

Jeremy Wilkins

He stated that he left his apartment at 20.15 with his child in a buggy to try and make him sleep, and had bumped into Gerry McCann at the bottom of the back steps that led up to their apartment. He had a conversation with Gerry Mc Cann that lasted between 3 and 5 minutes, although he can not be precise about the time that this conversation lasted and he places the time as being between 2045-2115. He could not confirm whether he saw Gerry leaving the apartment.

Derek Flack

He stated that he saw a man fitting the same description as the man seen and identified by Jane Tanner. He made a statement to the effect that this man had been acting suspiciously in the location close to the McCann's apartment on 2 May and 3 May. He described this man as "male, 1.7 metres in height, dark-skinned, with a day's growth of beard, short black hair, a necklace, and dressed in a yellow T-shirt."

A photo-fit was subsequently produced by the police, and this man was later identified, interviewed and eliminated.

Statements Lead to Suspects

Within the first few days of the investigation the police set about identifying and eliminating anyone working at or connected with the Ocean Club.

It is clear – as per established British police protocol in these matters, that a significant number of people were Traced, Interviewed and Eliminated (T.I.E), including gardeners, cleaners, tennis instructors, bar staff and administrators.

In the first five days 3 potential suspects were identified and investigated by the police. As a result of their investigations these suspects were eventually ruled out – although at different times within the investigation.

However another potential suspect, with a paedophile offending history was identified at the end of June 2007, as a result of information that came into the incident room. Although this information was logged it is not possible to say how this was concluded.

Two ransom demands were received, which in the early days of an abduction should always be carefully considered:

- An employee of the resort did receive a £1 million ransom demand on 22 June 2007. This demand was received via a mobile phone voice mail from an adult male, where an English child was clearly speaking in the background. Although an intercept was placed on the employee's line no further calls were received and this resulted in no further investigation.
- A demand for 1 million euros was received from a person in Holland, stating that he had direct information on the whereabouts of Madeleine and her abductors. This resulted in a criminal investigation and the individual was traced and prosecuted.

Search

Hand in glove with the development of the time-line and the process of beginning to identify potential suspects, a major search of the resort, the town, and more widely was undertaken by the police.

However, reading through the various documents which were part of the official inquiry it is now clear that the search co-ordinator, who was a Major in the GNR from Portimao, was in charge of the physical search activity for Madeleine had no previous formal training or accreditation in the management of searching for missing persons. The 80-100 searching officers were drawn from the GNR, Civil Protection, Fire Brigade, Red Cross and Urban Police. All of these officers with the exception of the Search and Rescue team from Lisbon had no formal training in searching techniques.

The strategy of the searches that were undertaken were described as 'Rescue and Recovery' and lasted for 7 days from the 3 May 2007.

The search area was split into 3 zones, radiating out from Praia Da Luz in a northward direction. The three search zones were:

Zone 1 – 3km to the EN125 road at Espiche.

This zone was searched on 3 separate occasions over the 7 days, using line searching and air scenting dogs.

Zone 2 – 7km to the boundary of the N120 road at Bensafrim.

This zone was searched on 2 separate occasions over the 7 days by 2 GNR officers on motorcycles and 6 GNR officers on horses.

Zone 3 – 15km at Barragem de Odiaxere a Dammed lake- and a mountainous region.

This zone was searched by the Fire Brigade as they had local knowledge; the search was done by driving the tracks and visiting empty properties. In addition a Fire Brigade boat was used to visually inspect the surface water of the lake.

Recommendations- *That anyone commanding such a search should have training and knowledge of up to date police techniques related to searching. Such training should also be made available for officers involved in searches.*

It is also recommended that the Portuguese police use a Forensic Anthropologist who has knowledge of the area to provide advice and guidance as to the possible state of remains.

A number of other searches took place within the first 4 weeks of Madeleine's disappearance, on people who were flagged up as potential suspects. These searches included the local area with waste bins, homes, places of work and motor vehicles. It is clear that some House-to-House enquiries were undertaken but with no clear policy or pro-forma identified and used to validate and cross reference these searches.

Recommendation: *That training is provided to senior officers responsible for House-To House enquiries, to ensure a policy is implemented and reviewed in the first few days. It is also vital that the senior officer adopts a structured pro-forma or questionnaire in order to validate the process.*

Sightings

The police received several thousand possible sightings, both directly into the investigating police team, and also via the British and International law enforcement agencies. These sightings were from nearby countries such as Spain and Italy and also much further away from Indonesia and Singapore.

Sightings can present a significant challenge and distraction for any major missing person/abduction case.

It is therefore vital that a clear policy is established for this area. It has not been possible to establish what system was used by the police to validate each sighting, and therefore not possible to say if every sighting was given the appropriate significance and attention.

Crime Scene

It was clear from my attendance at the scene, from speaking with local residents, and through analysing the PJ's documents that no secure perimeter was set up.

It was possible, for example, to walk up the back steps to the rear of Apartment 5a, and while the front door of the apartment, which is accessible via the Ocean Club car park, was guarded by police patrolling the car park entrance to the resort, the crime scene ribbon which was erected across the main road outside the apartment was ignored by everyone and crossed without challenge by the police.

No co-ordinated fingertip search was ever undertaken of the roads and immediate area surrounding the apartment.

This is a major failing in the early hours following Madeleine's disappearance, as any potential offender/abductor may well have dropped a cigarette, left a drinks can/water bottle or dropped a tissue , these and many other items could have potentially held vital DNA evidence.

***Recommendations-** That the senior officer should establish for all critical incidents an outer, and inner perimeter, in order to preserve any potential forensic evidence. The outer perimeter is necessary for a sterile area to be searched in the immediate hours after a disappearance. Once this area has been searched the perimeter can be made smaller, reducing disruption.*

CCTV- External Controls

In modern policing CCTV and cameras play an important role. The nearest camera to the apartment was one fixed on the outside of the mini-supermarket, situated approximately 15 metres down from the Tapas Restaurant.

This camera was pointing up towards the rear entrance/exit to Apartment 5a and would have been able to have captured anyone walking down the pavement past the front entrance of the Ocean Club and Tapas Restaurant.

Significantly the mini-supermarket camera although switched on - was not recording.

Recommendations: *The importance of CCTV in this case cannot be underplayed, although it is clearly an issue for the Government and/ or area governance to install CCTV, had the resort had CCTV then this may well have been significant to the investigation.*

Media

The British media were initially notified of Madeleine's disappearance in the early hours of the 4 May 2007. Madeleine's disappearance received significant coverage both in this country and also featured in the media in Portugal, Spain and thereafter in most countries around the world.

It was clear in the first few days that the PJ had very little - if any - experience of handling the media, and although they did appoint a specific officer to liaise and handle media relations they did not have, or develop, a clear media strategy.

The lack of a media strategy had a significant impact on the initial investigation. Although it was clear in the first few hours that Madeline may have been abducted, the police failed to release any information, or appeal for any information from the public. The description of what Madeleine was wearing when she disappeared was not released by the police until a few days after she disappeared, and at that stage it was only released initially on the internet.

Although the police did hold a number of press conferences in the early days, this was very much as a result of pressure from the media and not something they would routinely do. It was clear that the police had little or no experience of handling the scale of media interest that this case attracted.

At no stage did the PJ make a formal appeal to the public – which was a significant failing, as the public potentially held vital information. It was difficult for the public to contact the correct police team as no formal incident room number was released.

The Portuguese secrecy law has been carefully considered, in respect of the failure by the police to release more information to the media and the public.

The law is such that once a criminal investigation is under way; police cannot reveal anything about that investigation, including any details about potential suspects.

However whilst this tight restriction on the police is acknowledged, the Secrecy law did not prevent them from making an appeal for information on a one way basis. Failure to ask the public for information was a significant error.

Recommendation: *That the senior officer must establish a media strategy where it is obvious either that the incident will attract considerable media attention, or where the incident has been deemed critical, requiring considerable resources and investigation. It was not acknowledge by the police the vital role that the media play in any critical incident – especially abductions. This failure had a significant impact on the investigation.*

Suspect Identification

Although the police had information from two witnesses in the first few days about a possible suspect, they dealt with each witness differently. Both witnesses – Derek Flack and Jane Tanner - provided early identification of someone seen acting suspiciously in and around the time of Madeleine’s disappearance.

Derek Flack identified a man acting strangely in the location close to the McCann’s apartment on 2 May and 3 May. He described this man as “male, 1.7 metres in height, dark-skinned, with a day’s growth of beard, short black hair, a necklace, and dressed in a yellow T-shirt.” A photo-fit was produced by the police, and this man was later identified, interviewed and eliminated.

Jane Tanner’s evidence was given little attention by the police – perhaps because they felt that it was not corroborated by either Gerry McCann or Jeremy Wilkins.

Even so, they failed to obtain a photo-fit, or release any information about this possible significant sighting to the public.

Recommendation: *Where evidence is obtained that suggests a sighting may be significant it is vital that at the earliest opportunity a proper description is obtained, using photo-fit or artist impressions. Serious consideration should then be given to releasing this to the public.*

Phone Intercepts & Analysis

A significant amount of time and resources were also allocated to placing intercepts and collecting phone data for the investigation. This included all the early suspects and potential witnesses.

In summary, in the course of this initial stage of the investigation several hundred people were interviewed and eliminated from the inquiry. A search of the local area was begun, and phone intercepts initiated.

Statements from all the leading witnesses were taken and analysed. However, there were weaknesses during this stage which are likely to have had a major impact on the outcome of the investigation.

Specifically, the search that was organised was undertaken by inexperienced staff with no particular background or training in searching techniques, and nor was there any co-ordinated media strategy which might have appealed to the public for information. In addition certain crucial evidence and in particular possible sightings were treated very differently.

Ongoing Investigation

After this period which we can characterise as the initial stage of the police ongoing investigation – which also involved help from a number of British and International police forces had a number of distinct characteristics.

These included the use of “cadaver dogs” and information generated by forensic evidence gathered at the scene of Madeleine’s disappearance. I will consider these issues in turn.

So too by this stage the police should have developed a number of theories as to what might have led to the disappearance of Madeleine, and it is clear from reading the report prepared when the case was due to be closed by Inspector Joao Carlos that they were considering three hypotheses during the ongoing investigation.

These were – in the descriptions used by Inspector Carlos:

- Abduction without homicide.
- Abduction followed by homicide.
- Accidental death and later hiding of the corpse.

It is clear from reading the police files that form the basis of this review that the hypothesis that Madeleine had been accidentally killed, and her body hidden, took on a greater significance when the police were under greater pressure, and after the use of “Cadaver Dogs”.

Cadaver Dogs

Cadaver dogs are used by the police in England and Wales in a number of different situations, such as in the search for missing people or homicide victims. The dogs are trained to detect vestiges of human blood and the odour of corpses. The dogs were brought over to Praia da Luz by Martin Grime, at the time a South Yorkshire Police Officer, at the request of the Portuguese police between 1st to 8th August.

It is a moot point as to whether or not this time gap before using the dog team was too great to have produced significant results.

Searches were made by the dogs on the following areas: Mr Murat's property; Apartment 5a; Western and Eastern Beaches; and ten different vehicles. Dogs positively indicated corpse odour inside apartment 5a; in the couple's bedroom, in a corner close to a wardrobe, in the living room, behind the sofa, in the area immediately outside the flat; on two pieces of Kate's clothing, and also on one piece of Madeline's clothing.

The cadaver dog also identified traces in a flower bed in a back yard close to apartment 5a and in various places related to a Renault Scenic car, which had been hired by the McCanns over two weeks after Madeleine's disappearance.

For example, the cadaver dog positively signalled a vehicle key, and another dog - specially trained to identify blood, identified traces on the vehicle's key, and the interior of the Scenic's boot.

These results undoubtedly influenced the police thinking to such an extent that Inspector Carlos specifically maintained that it was after the dog searches that the McCanns were made arguidos.

Even so, the positive results from these dog searches were not confirmed in relation to any DNA evidence taken from apartment 5a, or from the McCann's hire car.

Recommendation - *The use of cadaver dogs should be very carefully considered by any future senior investigating officer. Also when used very careful consideration should be given to relying solely on their evidence.*

DNA

Forensic tests were performed by the Forensic Science Service (FSS) in England and Wales and their final results did not corroborate any of the positive signals given by the dog searches, either in the apartment being rented by the McCanns, or in their hire car. Indeed the statement given by the forensic scientist stated that:

In the objects recovered from the Scenic, there were around 15 blonde/fair hairs similar to the reference hairs from SJM2, 4 and 5. However, as it was not possible to do solid [definitive] or significant [forensically meaningful] tests it is not possible for me to determine if, or not, these could have been from Madeleine McCann.

Even so, the reliance by the police to use the evidence presented by the dogs was in this case significant and damaging. It enabled the investigation to become focused on the McCanns and thus ignoring all other possible lines of enquiry.

In short, the police gave far too much strength to the dog evidence and as a result it now seems clear that they set out to establish a case against the McCanns. After all, the use of dogs and the evidence that they provide is not “science” and is often a matter of judgement and interpretation on the part of the dog handler. So too it should also be remembered that the dog cannot be challenged and therefore presents a significant breakdown in the evidence chain.

Sex Offenders - Paedophiles

It is impossible to say just how many sex offenders with a sexual interest in children live or routinely visit the area of Praia Da Luz.

Whilst in England and Wales we know that we have around 31,300 known sex offenders (not all of these have a sexual interest in children) our Police at least have a starting point from where to investigate people who potentially could have an interest in abducting a child- a vitally important line of enquiry.

The Portuguese authorities have consistently failed to accept that they have paedophiles living and targeting children in their country, and as such this approach makes it more attractive for sex offenders to visit. There is no central database or register of known paedophiles.

Recommendation - *Urgent consideration needs to be given to a country wide register for sex offenders.*

Police Theory

Based on their initial and ongoing investigations the police followed a number of hypotheses about how Madeleine had disappeared.

These theories – despite the criticism above, were consistent with applied academic criminology in relation to child disappearances, abductions and murders. Put simply that in any abduction/murder it is important to first rule out the child's immediate family.

For example, in reviewing the literature about stranger abduction and murder of children in Britain, the number of child sex murders, where the perpetrator was a stranger, has remained roughly static, at between five and seven a year since about 1970, (Silverman & Wilson, 2002: 20).

So too a significant proportion of children who are murdered in Britain are killed by their parents or carers, so that, for example,

- On average, every week in England and Wales one to two children are killed at the hands of another person,
- In 2005-2006 55 children were killed at the hands of another person and 24 of these victims were killed by their parents, and

- Almost two thirds of children killed at the hands of another person in England and Wales were under the age of five, (various Home Office sources especially K Coleman, et al, 2007).

In short, the police were right to attempt to rule out Kate and Gerry McCann as suspects when they believed that Madeleine had been murdered in the apartment. Although they should have fallen under suspicion immediately, and not when all other lines of the investigation had failed.

Overview and Discussion

A careful review of the documents in this case file has not produced a definitive timeline for the events that occurred on the night of 3 May 2007.

So too it is now also clear that after the Portuguese police failed to establish or identify any possible suspects during their initial investigation, and when they came under increasing pressure to resolve the case, they turned their attention onto Madeline's parents. In particular they over-relied on the evidence of the dog team – such as it was, and it was this that prompted them to make Gerry and Kate McCann *arguidos*.

In short, they concentrated on their theory that Madeleine had been accidentally killed and that her parents had later hidden her body, although how they would have been able to have done this does not seem to have been considered by the PJ.

What of the other two hypotheses that we now know that they considered during the ongoing investigation? Both presume that Madeleine had been abducted, but they do not differentiate between whether that abduction took place within, or outside the apartment 5a. Yet, based on evidence provided from within the case files it is more likely that she was abducted after she had left the apartment. A number of factors suggest that this is the likely scenario.

First, an abductor would not normally carefully arrange a child's toys on her bed, but would instead be intent on leaving the scene of the abduction as quickly as possible. Why would an abductor take the eldest child, when he could take a younger child who would offer less resistance? Second, we know from evidence that has been provided by Gerry McCann, that the only thing that he could think of that had been unusual during their holiday was that Madeleine had asked why her parents hadn't come to check on them when the twins had been crying.

Is it unreasonable to presume, that Madeleine woke up and then went in search of her parents at a restaurant within a holiday complex that she had grown familiar with over the course of her holiday? Neatly tucking up her toys – as her parents had done to her – she slipped out of the apartment through an insecure patio door. This seems all the more credible given what we now know happened to eight-year-old Sarah Payne who was abducted in July 2000, even though she was only out of sight of her family for a matter of seconds.

The other presumption that unites the police two remaining hypotheses relates to whether or not Madeleine is dead. While there is no hard, physical evidence to conclude on this issue one way or another, criminological writing based on a review of real cases would overwhelmingly indicate that 91% of children who are abducted are killed within the first twenty four hours after their abduction- with 74% dead within the first 3 hours, (Hanfland, 1997).

Conclusion

It is acknowledged that no review about this particular case can be definitive, but based on the various documents which we have seen it is my opinion that the McCanns did not murder their daughter, or have anything to do with her disappearance.

So too I would argue that Madeleine walked out of apartment 5a through an insecure rear patio door looking for her parents –she was then abducted.

Summary of Recommendations

1. *That anyone commanding such a search should have training and knowledge of up to date police techniques related to searching. Such training should also be made available for officers involved in searches. It is also recommended that the Portuguese police use a Forensic Anthropologist who has knowledge of the area to provide advice and guidance as to the possible state of remains.*
2. *That training is provided to senior officers responsible for House-To House enquiries, to ensure a policy is implemented and reviewed in the first few days. It is also vital that the senior officer adopts a structured pro-forma or questionnaire in order to validate the process.*
3. *That the senior officer should establish for all critical incidents an outer and inner perimeter, in order to preserve any potential forensic evidence. The outer perimeter necessary for a sterile area to be searched in the immediate hours after a child's disappearance. Once this area has been searched the perimeter could be made smaller, reducing disruption.*
4. *The importance of CCTV cameras in this case cannot be underplayed, although it is clearly an issue for the Government and /or area governance to install CCTV, had the resort had CCTV then this may well have been significant to the investigation.*
5. *That the senior officer must establish a media strategy where it is obvious either that the incident will attract considerable media attention, or where the incident has been deemed critical, requiring considerable resources and investigation. It was not acknowledge by the police the vital role that the media play in any critical incident – especially abductions. This failure had a significant impact on the investigation.*
6. *Where evidence is obtained that suggests a sighting may be significant it is vital that at the earliest opportunity a proper description is obtained, using photo-fit or artist impressions. Serious consideration should then be given to releasing this sighting and photo-fit to the public.*

7. *The use of cadaver dogs should be very carefully considered by any future senior investigating officer. And when used very careful consideration should be given to relying solely on their evidence.*

8. *Urgent consideration needs to be given to a country wide register for sex offenders.*

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Reviewer

This review has been undertaken by:

- Mark Williams-Thomas MA is a Criminologist and leading child protection consultant, having spent over two decades working in the field. He is an ex-police Detective, with considerable experience of running major paedophile investigations as well as interfamilial abuse inquiries. During Mark's time in the police, he specialised in major crime (murders and paedophile investigations), working on both the Jonathan King investigation and the murder of Sarah Payne.

Mark has considerable knowledge about the disappearance of Madeleine McCann and has provided expert commentary to UK and International broadcasters, as well as many national and international newspapers. He has been to Praia Da Luz on numerous occasions and was there within 72 hours of Madeleine's disappearance covering the event for *Sky News*.