



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-00016

Keyword: Crime

Subject: HISTORICAL ENQUIRIES TEAM

Request and Answer:

This is to inform you that the Historical Enquiries Team has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full for the following questions:

Question 1. Since it began its work, how many cases have been re-examined by the historical enquiries team?

Answer 1. The Historical Enquiries Team (HET) is to examine all deaths attributed to 'The Troubles' from January 1969 to the Good Friday Agreement in 1998; this equates to 3235 deaths from 2538 incidents. The HET assigns cases per incident. The HET is also undertaking the PSNI response to Office of the Police Ombudsman (OPONI) report Operation Ballast, a linked series of 29 additional investigations.

Currently the HET have the following incidents within its operational process:

- 1421 cases have been opened;
- Reviews in 523 of these cases have been completed, of which:

* 356 are Complete:

*182 Complete Family Engagement (CFE). (A total of 310 have so far been delivered to families, equating to 212 operations). The difference between the figure of 212 and 182 is the re-review of all military shooting (Op STONEYBRIDGE).

*174 Complete No Family Engagement (CNFE).

*167 have reached the stage of the preparation of a Review Summary Report for the families (16 of these are complete but pending delivery to the families).

The remaining open cases include:

- 55 cases in Focussed Investigation.
- 140 cases currently in Review.
- 118 cases allocated to the teams and are Pending Review.
- 585 cases currently in Assessment.
- 17 cases have currently been suspended due to:

* 15 being investigated by PONI (to note, a total of 44 cases have been referred to PONI from the HET).

* 1 case being looked at by PSNI C2 department (Op NAPA).

* 1 case is for information purpose only as it is outside our jurisdiction

Subsequently, the number of operations that have yet to be re-examined by the Historical Enquiries Team is: 1117.

Question 2. How many arrests were made?

Question 3. Outcome of arrests, release, released on bail, files sent to PPS. Please state which?

Question 4. How many of these arrests resulted in charges?

Question 5. Please state what charges i.e. murder, attempted murder?

Answer 1,2,3,4 and 5. The HET have submitted a number of advice files to the PPS since its inception, for a variety of requests not just charging. This figure is believed to be about twelve.

The following are details of those arrested and charged by the HET after appropriate authority from the PPS:

Robert John Stewart and David Ian Stewart on 6th August 2008 were charged with:

- 1) Murder of Thomas English. (Common law)
- 2) Membership of a Proscribed Organisation. (Section 19 (1) Northern Ireland Emergency Provisions Act 1973.)

They appeared at court on 7th August 2008.

The second charge was withdrawn and the following charges were substituted in its place:

- 2) Membership of a Proscribed Organisation between 01/10/94 to 25/08/96. (Section 19 (1) Northern Ireland Emergency Provisions Act 1973.)
- 3) Membership of a Proscribed Organisation between 24/08/96 to 19/02/01. (Section 30 (1)(a) Northern Ireland Emergency Provisions Act 1996)
- 4) Membership of a Proscribed Organisation between 18/02/01 to 04/08/08. (Section 11 (1) Terrorism Act 2000).

They appeared at Belfast Crown Court on 19th December 2008 and pleaded guilty to the above offences

Mark Haddock

Arrested on 7th January 2009, charged with the below offences on 8th January 2009

- 1) Murder of Thomas English on 31st Oct 2000
- 2) Member of Prescribed Organisation

He has been remanded in custody for both offences.

Darren Stuart Moore

Arrested on 14th January 2009 and charged on 14th January 2009 with:

- a) Murder of Thomas English
- b) Membership of UVF

He appeared at Belfast Magistrates Court on 15th January 2009 and was remanded in custody.

Philip Laffin

Arrested on 20th January 2009 and charged on 20th January 2009 with;

- a) Murder of Thomas English
- b) False imprisonment
- c) Hijacking and kidnapping

He appeared at Belfast Magistrates Court on 21st January 2009 and was remanded in custody.

Samuel Higgins AKA Agnew

Arrested 20th January 2009 and charged on 20th January 2009 with:

- a) Murder of Thomas English
- b) False imprisonment
- c) Hijacking and kidnapping d) 2x Membership of UVF

He appeared at Belfast Magistrates Court on 21st January 2009 and was remanded in custody.

Alexander Woods

Arrested on 20th January 2009 and charged on 21st January 2009 with:

- a) Murder of Thomas English
- b) 2x Membership of UVF

He appeared at Belfast Magistrates Court on 22nd January 2009 and was remanded in custody.

Jason Loughlin

Arrested on 21st January 2009 and charged on 21st January 2009 with Murder of Thomas English

He appeared at Belfast Magistrates Court on 22nd January 2009 and was remanded in custody.

Question 6. How many files are still with the PPS for consideration with the view to possible charges?

Answer. This answer impacts on current operational issues and could impact on current HET operations. Unless you wish to pursue this issue I will not at this stage consider exemptions but would welcome your views.

Question 7. How many cases have yet to be re-examined?

Answer. The number of cases can be found in the answer already provided to Question 1 above.

Question 8. List of new forensic tests carried out as part of re-examination of cases?

Question 9. With regard to DNA tests – were any carried out? Please state date of killing it relates to?

Question 10. How many DNA matches were found. i.e. DNA test taken and found to be a match on criminal database?

Question 11. Please list items where DNA was found i.e. Cigarette butt, and give crime i.e., murder?

Answer 8,9,10 and 11. To answer these questions would be a labour intensive exercise, which would exceed the cost limits as set down by the Secretary of State.

The HET do not have a retrieval method, which would allow the information sought, to be evaluated at this time, other than through manually examining every case file and abstracting details of what forensic work was commissioned, then cross referencing with the Forensic Science Service. As a result of a previous request in 2007 it was hoped that a filter system could be applied to our data bases but this was unable to be done.

Between 1971 - 1973, 155 cases have been identified on the Historical Enquiries Team Analytical Database as ones where exhibits are in existence. We have however, in addition, been exempting cases from more recent years, and a computer glitch, which is not redeemable until the New Year precludes me from obtaining the figures for exempted cases where exhibits still exist. When this is achieved the 155 figure will clearly be inflated.

Many of these cases are now complete and archived in PSNI purpose built storage facilities; some are still actively being worked on. I have estimated that to retrieve and examine the case material, just to see if they contain details of forensic submissions would take about one hour per case and as we are talking of assessing a minimum of 155 case boxes this would equate to at least 155 hours.

Having completed this exercise, I would have to assess whether I could disclose that information or consider if exemptions are applicable, in particular S.30, Investigation of Crime.

I have attempted to assist you by disclosing information that I can retrieve. I must point out that the forensic budget also includes much consultation without actual exhibits being submitted, an area that would also have to be examined and

filtered.

It is almost an impossible task to quantify whether any useful evidence was gathered. No forensic advice would have been sought unless it was for an evidential purpose or could assist answering family questions. A negative result furthers justice as much as a positive one does in that the aim is to eliminate the innocent as well as implicating the guilty for the enquiry.

I have considered whether the HET can assist you in refining your request (in Qs 8 - 11) to bring it within the cost limit but I cannot see how this can be done. It may also assist you to know that other than on a case-by-case basis, other Constabularies e.g. The Metropolitan Police, would also have to examine their cases on an individual basis to retrieve this information.

Whilst I have no applied exemptions to this answer as these can only be applied on a case-to-case basis, I am fairly certain that the information you require in some instances would amount to sub judice and in others attract exemptions.

I hope the answers given to Q 1– 5, 7 & 12 are satisfactory and you understand our difficulties with Q8 and 11.

Question 12. How much has been so far spent on the forensic testing side of the HET teams work?

Answer 12. Our Financial year runs from April to March. Below are figures for this financial year to date and below this again for the previous financial year for what we have spent on FSNI.

08/09 £281,970 from April 07 to Dec 08

07/08 £340,654 from April 06 to March 07

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing FOI@psni.pnn.police.uk

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.