



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-02798

Keyword: Complaints/Discipline

Subject: Historical Enquiry Team Cases

Request and Answer:

Question 1

Of the 384 cases which have been exempted, exactly how much of your time and budget has been taken up examining catholic/protestant cases?

Question 2

How many cases have been examined where the PIRA were the perpetrators, and how many of these were the victims civilian (not by religion), security forces and their own members?

Question 3

Lastly who requests these special cases and why and what portion of your time has been spent on these cases and how much on murdered members of the security forces?

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450.

In relation to question 1, the Historical Enquiries Team (HET) does not keep a record of the exact time that it takes to complete an individual case review and the associated financial cost of this process.

The actual time that it takes to complete a case will vary considerably, depending upon the individual circumstances and the scope or otherwise to conduct further investigations.

In order to assess the time spent on each case, it would be necessary to conduct an audit of the entire review process, from end-to-end. This would encompass calculating the time spent undertaking a number of different disciplines:

- Collection of case material (which involved travelling to various locations and conducting

searches)

- Tracing the victim's family (which can vary from quite straight forward to complex)
- Collecting and reviewing open source material (which can involve travelling to various locations and reading books etc)
- Collecting intelligence material (which involves liaising with PSNI, military and security services), analysing and preparing briefing document.
- Visiting families who engage with HET (approx 65%) and obtaining their issues and concerns
- The actual conduct of the review which involves an assessment all the case papers, exhibits and any other material obtained. In many cases this also involves speaking to the former officer in charge of the case.
- In many cases the review will also necessitate the completion of focussed investigations which could be tracing and interviewing a witness or making a forensic submission
- At the completion of the review process, a review summary report (RSR) is prepared in cases where families have engaged.
- The RSR is submitted to an Editorial Board and subject of a number of quality assurance checks before being approved for delivery to the family.

Based on the extent of material that would need to be reviewed and the nature of enquiries made, it is conservatively estimated that it would take at least two hours to accurately assess how long was spent on each completed case. For the 384 exempted cases, some of which have not yet been completed, this exercise would take one person over 700 hours to complete. Then, further work would be required to cost the work, taking account of the fact that different tasks are conducted by people on different pay rates.

While a 10% audit of the 384 exempted cases may produce the time spent on these cases, this exercise would still take in excess of 70 hours to complete.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

The Police Service of Northern Ireland have also considered whether we can be of any assistance in terms of helping you refine this request to bring it under the cost limit, however, the nature and structure of the information unfortunately makes this impossible.

Although excess cost removes PSNI's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information relative to your request which was retrieved before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Answer 2

Of the 384 cases that have been exempted by HET, involving 579 victims, 277 have been attributed to republican terrorists. (it is not possible to break this down any further without undertaking more research). The status of the exempted civilian victims is 477. Exempted Police, Military and Prison Officer victims total 102. None of the exempted cases involve victims who belonged to terrorist organisations.

Answer 3

The reasons why a case is exempted varies. Some cases are exempted on grounds of public interest e.g. subject of review by European Court of Inquest hearing; some are exempted on investigative grounds because HET believe they are linked to an earlier case that is already being reviewed, having commenced as part of the chronological allocation process. The vast majority of cases are exempted on humanitarian grounds because family members are elderly and in ill health. In this latter category, the request for a case to be exempted is made by the family concerned and/or their representative.

HET has opened 1,472 cases and those that have been exempted represent 26% of the total. Beyond this, for the reasons outlined above, it is not possible to speculate on what portion of HET time is spent on both exempted cases and those of murdered members of the security forces. However, to highlight HET's commitment to bring to justice those who murdered members of the security forces, it is worth highlighting, the arrest and charging of a man by the PSNI on September 28, 2010, in relation to the murder of a Reserve RUC officer in 1981 was a direct result of a HET investigation.

If you have any queries regarding your request or this 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 letter.

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 @ www.psnipolice.uk

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