

Statutory Report

Public Statement in accordance with Section 62 of the Police
(Northern Ireland) Act 1998

**THE INVESTIGATION BY POLICE OF THE MURDER OF
EOIN DAVID MORLEY ON 15 APRIL 1990**



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1.0 INTRODUCTION

1.1 In July 1989, through a local newspaper, the Provisional IRA had issued a death threat against Eoin David Morley. On Easter Sunday, evening, 15th April 1990 Eoin Morley was at his girlfriend's home address in Derrybeg, Newry, when at about 2200 hrs, two masked men knocked on the door. It was answered by his girlfriend and they entered the premises and dragged Eoin Morley into the front garden where he was shot twice. Following emergency surgery at Daisy Hill Hospital, Newry, Eoin Morley died of his injuries at 0020 hrs the following morning. The Provisional IRA claimed responsibility for his murder.

2.0 THE COMPLAINT

2.1 A complaint was received by the Police Ombudsman for Northern Ireland about the conduct of the RUC investigation into the murder.

The complaint alleged that:

- the RUC failed to conduct a proper and thorough investigation into the murder of Eoin Morley.
- police knew who was responsible for the murder.
- the police failed to arrest the known suspect, named as Mr A and sought to protect him.
- Eoin Morley was murdered at the instigation and behest of the police to create a feud between PIRA and the IPLO.

3.0 THE RUC INVESTIGATION

- 3.1 A murder investigation was established in Newry headed by a senior officer. The murder investigation team was initially well resourced, involving at least 20 officers. The team was subsequently reduced to a core team of about 8 which reflected the reducing workloads for the investigation after the initial enquiries, such as door to door enquiries, were conducted. The RUC documents show a DI (now Detective Superintendent 'B') as Investigating Officer and show three senior officers (two Superintendents and a DCI, [DCI 'E']) as Senior Investigating Officers. No evidence or record could be found of any executive decisions or actions being taken by any of those named as SIOs. All decisions appear to have been taken by Detective Superintendent 'B'. Many of those decisions were endorsed as supervised by DCI 'E', although there is no evidence of active supervision.
- 3.2 The murder enquiry was managed by a recognised major incident card index system.
- 3.3 Police were unable to visit the scene until after military personnel had cleared the area because there was a high-level security threat. The scene was thus not able to be preserved by police. The area posed a significant threat to police officers at the time.
- 3.4 There is limited information as to the extent of the forensic examination which took place at the murder scene, on 16 April 1990, the day after Eoin Morley was shot. A statement from the Scenes of Crime Officer (SOCO) describes the property, and states that there was a large pool of blood. It concludes that nothing of evidential value was found. From the information available it does not appear that the premises were fingerprinted, nor was a sample recovered from the pool of blood. The total time spent at the crime scene was some 1 hr 30 minutes. It is therefore unlikely that a full forensic examination was carried out. The scene examination was inevitably limited, as it has been established that for reasons of security there would have been a risk in remaining in the vicinity.

- 3.5 House to house enquiries were carried out and two known PIRA activists, “Y” and “Z” were seen to be observing the police. No action was taken by police in respect of these individuals, although the role of at least one of them should have become of greater relevance to the enquiry as the investigation progressed.
- 3.6 A vehicle, which was stolen and abandoned locally on the day of the murder, was initially considered as possibly being linked to the crime. Forensic exhibits were taken from the vehicle, including fibre tapings from the seat, and retained for future forensic examination or comparison. Although never eliminated from the enquiry, the vehicle had only been moved a short distance and may not have been connected with the crime. No evidence was ever found linking the vehicle to the crime.
- 3.7 Ballistic examination of the ammunition identified the murder weapon. The investigator was informed of this on 16 April 1990 (the day after the murder) and told that it had previously been used on two occasions in attacks on helicopters.
- 3.8 Information was provided to the investigator about Eoin Morley by police. No enquiries were made following receipt of this information.
- 3.9 A photo-fit regarding someone of interest to the enquiry was compiled from a description secured from an intelligence source. This was circulated locally and in the Belfast area. There is no record to indicate that the source of this information was ever revealed to the investigator or made available to him.
- 3.10 The investigator asked for any Special Branch intelligence relevant to the murder. He was informed by the local Special Branch liaison officer that there was no intelligence available “in this office” to indicate who might have carried out the murder.
- 3.11 On 27 April 1990 the investigator produced an interim murder report, addressed to his manager, which stated that there was intelligence to suggest that PIRA had not intended to kill Eoin Morley and that it was a punishment shooting which went wrong. His report inaccurately stated that no-one had seen the gunmen arrive or leave and said also that it was not known if a vehicle was involved. The Report did not refer to the fact that Mr Morley’s girlfriend had opened the door to the

gunmen. This was the only Investigating Officer's report on the file.

4.0 LINKED INCIDENTS

- 4.1 On 27th April 1990, 12 days after the murder of Eoin Morley, acting upon intelligence received, the Investigator responsible for the Morley investigation supervised the search of two addresses in Newry. Initially there does not appear to have been any obvious link with the murder of Eoin Morley.
- 4.2 However at Address Number One, a firearm was found. This firearm was of the same type as that identified to the investigator as the murder weapon by forensic scientists on 16 April 1990. It was confirmed to the investigator on 18th June 1990 by forensic scientists that it had been used to carry out the murder of Eoin Morley.
- 4.3 In addition to the gun a quantity of explosives, clothing and other assorted material, including masks were found.
- 4.4 An unidentified fingerprint was also recovered during a forensic examination of the scene. The investigator was subsequently sent a request to supply a list of possible suspects so that comparison might be made. No such list was ever provided. The Investigator denies receiving the request sent to him and there were no records made at the time to prove whether it was or was not received.
- 4.5 Details of the occupant of the premises where the murder weapon was found (who had disappeared) were circulated as she was wanted in respect of the munitions find. She was not linked to the murder enquiry, despite the fact that the murder weapon was found at the house and that the occupant had previously been convicted of terrorist offences – whilst clearly not one of the gunman she may have had a role in the murder. At Address Number Two, which was also searched on 27 April, a quantity of munitions were recovered.
- 4.6 Three days later on the 30th April 1990, anonymous information was received by way of a telephone call to the RUC stating "A" was connected to the premises where there had been the recent find of explosives in Newry. The caller also stated that he was believed to have left his fingerprints at the scene. This

information was passed to the team investigating the find of the firearm and other material, which was led by the investigator. Despite this “A” was not put forward as a suspect, to be checked against the fingerprint found.

- 4.7 On 2nd July 1990 premises at a third address in Newry were searched. A quantity of explosives and a firearm and two balaclavas were recovered. The three occupants of the premises were arrested. On 7th August 1990 “A” was arrested for the above offence. He was interviewed but declined to answer any questions and was subsequently released without charge, prior to which a head hair sample was obtained. Whilst the Investigator claims that ‘Z’ was interviewed regarding the munitions find, other correspondence under his signature contradicts this.

5.0 THE POLICE OMBUDSMAN’S INVESTIGATION AND ITS FINDINGS

- 5.1 Three senior officers, two Superintendents and a DCI, were identified in one entry in the murder file as being “SIOs”. The Police Ombudsman has experienced considerable difficulty holding any individual to account for the failings that have been identified in this investigation. The RUC did not, at this point, adopt the nationally recognised policing standards for murder investigations. Responsibility for overseeing terrorist investigations lay with regional and divisional heads of CID and there were considerable demands made on those Investigators at the time. The Police Ombudsman is, however, satisfied that Detective Superintendent ‘B’, who at the time of this incident was a Detective Inspector, was the investigator responsible for the investigation into the death of Eoin Morley and the two subsequent searches on 27th April 1990. Det. Supt. B had introduced himself to the family of the deceased as the investigator and they always understood that he was the investigator of Eoin Morley’s death. He was also the author of records in the Policy Book. Det Supt. ‘B’ was later to identify himself as the investigator to a Coroner’s Inquest into the death of Eoin Morley. He also made a witness statement describing himself as the Investigator of the death. Detective Superintendent ‘B’ produced the only report on the murder file on 27th April 1990 – it was a brief report of some 300 words.
- 5.2 The PSNI were asked to comment as to who was responsible for the investigation and have stated that “the roles of investigating officer, receiver and office manager were performed by Det Supt “B”. Det. Supt. ‘B’ has denied being

the investigator and claims to have only been the office manager for the enquiry and identifies his line manager, former Detective Chief Inspector 'E' as the individual responsible. He states that he was also involved in other equally serious investigations.

- 5.3 DCI 'E' has been interviewed and denies having this role, has told the Police Ombudsman that he was annual leave at the time of the murder, and has produced records confirming this. He returned to work on 18th April 1990. The initials of DCI 'E' appears on some of the documentation relating the investigation, which he states was in a supervisory rather than an investigatory capacity. The police have also stated that DCI "E" was the "investigation supervisor". DCI 'E' who has been retired for some time, was not prepared to give evidence at any discipline tribunal against any officer who is still serving. Det. Supt. "B" was a newly promoted DI at the time and, in common with RUC practice then, he received no training for the role. He was, thus, a relatively inexperienced murder investigator and did not receive the level of supervision and guidance he was entitled to.
- 5.4 Effort has been made to secure assistance from a number of retired senior police officers, with a supervisory role, and from several of those more junior officers who assisted the investigator with the original enquiry. Apart from the former line manager of the investigator and the former Divisional Commanders "F" and "G", all others with whom contact was sought have declined to assist the Police Ombudsman's investigation. Both former Divisional Commanders were interviewed, but neither was able to recollect any significant detail of the RUC murder investigation.
- 5.5 Retired officers who are suspected of disciplinary offences cannot be investigated. There is no evidence in this case to suggest that a criminal offence may have been committed by any officer. In these circumstances it is not possible to investigate the actions of any retired officer. Nor can such officers be compelled to give evidence as witnesses. One of the officers has since died and it has proved impossible to interview the other officer who was identified as SIO, but who does not appear again in the murder file.

- 5.6 The Police Ombudsman's investigation has included analysis of the material gathered during the course of the murder investigation, the Crime Files prepared as a consequence of the subsequent recoveries of firearms and explosives, and all levels of intelligence held both locally and centrally by the RUC.
- 5.7 The fibre lifts taken from the vehicle abandoned near the murder scene were found to have been stored in the police station, and were not sent to the Forensic Science Service, at any stage of the investigation. The Investigator states this is because there was no evidence that the vehicle was involved in the murder.
- 5.8 From an examination of all submissions to the Forensic Science Service, it does not appear that the clothing, which included masks and overalls, found during one of the searches on 27 April 1990 at the same address as the murder weapon, has ever been submitted for comparison against the head hair sample of "A" which was taken in August 1990. The vehicle had also not been fully eliminated from the enquiry, and fibres removed from that vehicle had been retained for any future comparison. It does not appear that any further consideration took place to comparing fibres removed from the vehicle with clothing found in the premises where the murder weapon was recovered. There was no evidence that the vehicle was involved in the crime but such an examination could have taken place to exclude such possibility.
- 5.9 No comparison has been made of the fingerprint lifted during the searches on 27 April, despite the fact that the investigator was aware that intelligence received on 30 April 1990 indicated that "A" was being linked to the premises at which the explosives and the gun were found, and that he was believed to have left a fingerprint there. The details of "A" and all known associates should have been provided for comparison with the fingerprint lifted.
- 5.10 Although "A" was arrested in connection with the arms and explosives found on 02 July 1990, it has not been possible to establish whether "A" was interviewed about the murder of Eoin Morley. All interview records were destroyed following an asbestos scare at Gough Barracks, in 1998. Had "A" been interviewed about the murder of Eoin Morley one would have expected to find the interview notes in the murder file. However there is nothing in the file to indicate that "A" was ever considered as a suspect.

- 5.11 There is no form of closure report, nor is there any other record or information, as to the overall status of the investigation when the last record appeared on 18 June 1990.
- 5.12 Police Ombudsman investigators examined all the intelligence held by Special Branch. It was clear that all intelligence held centrally was not passed on to the investigator as it should have been. Although Special Branch responded when, on 2nd May 1990, the investigator asked whether they had any up-to-date intelligence and whether this was a punishment shooting which had gone wrong, they stated that there was no intelligence “at this office” to indicate who carried out the murder. They did confirm that it was carried out by PIRA and that it was intended to be a punishment shooting only.
- 5.13 It has been established by the Police Ombudsman that between 18th April 1990, (three days after the murder of Eoin Morley) and 3rd May 1990, there were ten separate items of intelligence, which would have been of some relevance to the murder investigating team. Four individuals were variously named as being one of those responsible for carrying out the attack. It is clear from the records that intelligence which could have been given to the investigator was withheld. It has not been possible to establish who withheld the information and why it was withheld, and it is therefore not possible to draw any conclusions in relation to this matter, other than to say that this is but one of many occasions on which intelligence held at Special Branch headquarters, which was relevant to investigation of the most serious of crimes, was not transmitted to those who were carrying out those investigations. Det. Supt. ‘B’ cannot be held responsible for the failure to use the intelligence for investigative purposes as he was not informed of the material which should have been made available to him.
- 5.14 The failure by Special Branch to disseminate intelligence relating to the murder of Eoin Morley is unacceptable. There is nothing within the material examined by this office to justify or explain the rationale behind such a decision. This, together with the other evidence which was available, and would have created significant investigative opportunities. These were significant failures.
- 5.15 Det. Supt. ‘B’ was responsible for both investigation of the arms and explosives finds in Newry in April 1990 and for investigation of the murder of Eoin Morley.

The fact that the murder weapon was found in Address Number One, three days after the murder together with masks, overalls, gloves etc. was very significant and should have stimulated further enquiries and linkage between the investigations.

- 5.16 Enquiries were made by the Police Ombudsman regarding the outstanding fingerprint, which has been matched by an independent forensic scientist to one of the persons whose identity was known to police. Had proper consideration been given to proposing suspects for comparison at the time, he would have been identified and further lines of enquiry would have been opened.
- 5.17 In addition to the fingerprint referred to above it has been established by the Police Ombudsman's investigators that a second fingerprint was found on a piece of the evidence found at Address Number One. RUC fingerprints officers did not inform the investigator of this fact. It could not therefore be used by the investigator in his conduct of the murder investigation.
- 5.18 The Police Ombudsman was concerned to establish the context of the time, and the pressures on Det. Supt. 'B', and the local policing area at the time to put the identified failures into context. It is acknowledged that, as a Detective Inspector, he was responsible for the day-to-day supervision of all crime investigations within the Newry Sub Division and Banbridge Sub Division, which suffered their share of terrorist incidents and general crime. However Det. Supt "B" maintains that he conducted a proper and complete investigation into the murder of Eoin Morley. On 18th June 1990 Det. Supt "B" signed off all the actions sheets for the Morley murder enquiry, which he then filed. No further action was then taken. The murder enquiry was effectively closed on the day on which the evidence as to the murder weapon was confirmed by the forensic scientists.
- 5.19 As the recognised Investigating Officer, responsible for the RUC investigation into the murder of Eoin Morley and the arms find at Address Number One, Det. Supt "B" was responsible for ensuring that all evidential opportunities were identified and acted upon. This did not happen. DCI "E" and other senior officers should also have provided better supervision and support to the officer. Whilst this is a dated matter, the failings in these investigations are significant and seriously limited the opportunity to bring one or more terrorists to justice for serious

offences. This has resulted in community concern and speculation that the RUC covered up the murderous activity of an agent.

- 5.20 Whilst it is difficult to speculate what the outcome of the investigation would have been if it had been professionally conducted, the intelligence appropriately disseminated, and the other fingerprint evidence made available to the investigator, it is reasonable to conclude that the investigation would have stood an improved chance of a successful outcome. The passage of time will undoubtedly diminish the opportunities which were available then.
- 5.21 It is important to emphasise that the identified police failings occurred in 1990. The PSNI has recently re-organised the crime department to professionalise serious crime investigation. A much greater emphasis has also been placed on leadership and the training detectives in recent years. These developments should give the public more confidence in the present ability of the PSNI to tackle murder and other heinous crime. The government has also announced funding for a new unit which will look at unsolved murder investigations from the past. It is hoped that this unit will ensure that investigations like that of the death of Eoin Morley, where there were serious shortcomings, are identified, and where evidential opportunities still exist, they are exploited and criminals brought to justice.

6.0 RECOMMENDATIONS IN RELATION TO THE MORLEY MURDER INVESTIGATION

- 6.1 A separate letter has been sent to the Chief Constable by the Executive Director recommending investigative actions regarding the murder and relating offences. The murder investigation has been re-opened.

The failures in this investigation can be attributed variously to the investigating officer, the lack of supervision by his supervisors, inadequate fingerprint audit systems, some Special Branch officers and the lack of systems for the dissemination of information in Special Branch at the time. The standard of proof for disciplinary failures from that period was 'beyond reasonable doubt' and, in the absence of an identifiable responsible officer, it has been judged that disciplinary action in respect of the failures in the Morley investigation could not

be taken. Disciplinary action has been taken in respect of the failure to deal properly with the investigations following the searches conducted on 27th April 2004.

7.0 THE CONCLUSIONS OF THE POLICE OMBUDSMAN IN RELATION TO THE COMPLAINTS ABOUT THE INVESTIGATION OF THE DEATH OF EOIN DAVID MORLEY

7.1 Complaint 1

That the RUC failed to conduct a proper and thorough investigation into the murder of Eoin David Morley.

This complaint is substantiated.

7.2 Complaint 2

That police knew who was responsible for murdering Eoin Morley.

This complaint is not substantiated but the Police Ombudsman is of the view that police did fail to take appropriate action.

7.3 Complaint 3

That police failed to arrest the known suspect "A" and sought to protect him.

There is nothing within the murder file to indicate that anyone was arrested in connection with Eoin Morley's murder. High-grade intelligence was held by the RUC in relation to a number of individuals who were named as being responsible for the murder.

The frequent practice of the RUC Special Branch, not to disseminate information, and the consequences thereof inevitably led to suspicion that individuals were being protected.

This complaint is therefore partially substantiated.

7.4 **Complaint 4**

That Eoin Morley was murdered at the instigation and behest of the police to create a feud between PIRA and the IPLO.

There is nothing to indicate any prior knowledge by police or any police involvement in Eoin Morley's death. Nor is there any evidence or intelligence to indicate that there was an attempt by the police to provoke a feud between the IPLO and PIRA.

This complaint is not substantiated.

NUALA O'LOAN (MRS)
POLICE OMBUDSMAN FOR NORTHERN IRELAND

17 February 2005

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Police Ombudsman for Northern Ireland
New Cathedral Buildings
St. Anne's Square
11 Church Street
Belfast
BT1 1PG

Telephone: 028 9082 8600

Textphone: 028 9082 8756

Witness Appeal Line: 0800 0327 880

Email: research@policeombudsman.org

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