

STATEMENT OF WITNESS

SECOND STATEMENT OF LAWRENCE MARSHALL

DATED THIS 7 DAY OF MAY 2009

I, LAWRENCE MARSHALL declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

1. The Inquiry has disclosed a number of documents to me. Where I make specific reference to a document in my statement I have given the number of the relevant page.
2. This is my second statement for the Inquiry. It is supplemental to my first statement dated 12th March 2008 and is intended to clarify certain issues prior to giving evidence at the hearing of the Inquiry.
3. I have been directed to paragraph 20 of my first statement, which refers to the 'unknown A' and 'unknown B' blood samples and asked whether there is any update regarding their identity. I can confirm that the bloodstains remain unidentified: the England and Wales database has been checked and we have not had any hits for them.
4. FSANI was aware by 10th May 1997 that the Hamill case involved the DPP. The length of time it took from the date of submission of the documents by the police until FSANI reported was approximately 151 days in this case. In 1997, the projected time to complete work for a DPP case was 80 days from first command and 120 days in all other ordinary non-DPP cases. The short reason for not meeting the target in the present case was that the biology department was chronically under-resourced and there was a high pressure and volume of work.

5. The Inquiry has asked me to produce a breakdown of figures showing the cases FSANI dealt with in 1997. There is now produced and shown to me a typed copy of those marked "LM1" which can be summarised as follows. The number of new cases created in FSANI in 1997 was 5,664. A case could be allocated to more than one department, depending on the nature of the evidence. Apart from the alcohol cases, there were 1072 allocations to the biology department, which was considerably more than any other section. There were 567 DPP cases that year, approximately 10% of the workload. These cases were more serious and generally had more suspects who might have been on remand. Of the DPP cases in 1997, 269 were allocated to the biology department. We achieved the 120 day target in 169 of these cases and missed 100; it might be that some of the cases where the target was met ran longer than the projected length depending on agreement from the RUC, or due to further items being submitted. In the absence of further computer records I cannot say for certain, but my memory is that it would not have been terribly unusual for cases to overrun by a similar length of time as the Hamill case.

6. I submitted work to our DNA department on 10th May and 28th May 1997, which was completed on 30th May 1997. The testing started on 10th May 1997 had the status of urgent work, and was treated as such. Initially, I verbally reported on 12th May 1997 by telephoning the police with the finding of Bridgett's DNA in the pre-charge sample of blood taken from the clothing of Robert Hamill. It has never been our practice to write interim reports and the police did not chase FSANI such report; we have always tended to want to report everything we find in one go. There was no mechanism in place through which the police could pay extra to get the work accelerated. I am now informed that for DPP cases there was a liaison group between FSANI, the police and the DPP that met on a bimonthly basis. I was not very well aware of this at the time: that was a level of management into which I had no input and I do not know who represented the laboratory on that group.

7. My report was written on 24th October 1997 and included the results obtained in those tests (pages 17798 - 17807). There was some fibre transfer work that ran into June 1997: we looked at that without much hope of success, but it had to be looked at. Then it was a matter of getting all the results collated and ready so I could prepare the report. I can confirm that there was no need to wait to obtain a post-charge sample from Stacey Bridgett; that is not a practice with which I am familiar. Indeed, there was no delay caused by waiting for any results; it was the preparation of the report that took the time. However, I do accept that the report contains about eight data sets and so there was not a great deal to report back on; for example, the DNA typing results were probably one of the most important matters and runs to less than a page.
8. As I have outlined, the main reason for the delay was pressure of work. Sometimes an urgent case arrives and then a fortnight later something else replaces it at the top of the priority list: we are constantly chasing new cases. With the Hamill case, with the exception of the Bridgett DNA hit, it was essentially a 'negative' case in terms of the results we were able to obtain; there might have been a feeling that there were other more 'positive' cases that we could more usefully write-up. I can confirm that I have searched through my file again: there are no notes relating to the period between 28th May and 24th October 1997.
9. One of the heads of department, Dr [REDACTED], used to go around on a weekly or fortnightly basis with a typed list of DPP cases and chase up the status of those at the head of the list. Dr [REDACTED] was not the head of biology, but his role was to carry out an overview of all of the DPP cases in all of the departments. To my recollection, the cases were ordered by age and he was more interested in the older rather than the fresher ones. Dr [REDACTED] used to ask for the position on each case and for an indication as to how long it would take to be completed; this would occur perhaps half-a-dozen times per case. There was no direct sanction for overdue work. The worst that I can imagine might have happened was that consistently bad performance would have been reflected in an employee's annual appraisal. There was awareness that reports needed to be submitted as soon as possible, rather than a pressure exerted by the supervisor.

10. Further work was reported on 5th December 1997. That work came from material which had been overlooked when the original work was specified in the middle and end of May 1997. When I came to writing the report I realised that there were matters that had not been dealt with, so the additional work was submitted as a consequence; this was not as a result of fresh admissions by the police. The outstanding matters were item number 24 to 27, relating to Market Street, Woodhouse Street.
11. I referred in paragraphs 4 and 8 to chronic under resourcing and volume of work as the principal reasons for the delay in submitting my written report. I would like to provide some further information in explanation of these matters.
12. I have consulted the laboratory records covering the period in question and believe these show (a) the large volume of work we were dealing with at the time, (b) that the laboratory was under resourced, (c) that my productivity was in line with the average in my department and (d) the delay in producing a written report in this type of case was not uncommon.
13. At the time I was appointed reporting officer in the Robert Hamill case my workload consisted of 53 cases:
 - 6 murders (including 3 by firearm)
 - 3 attempted murders (including 1 by explosion)
 - 1 suspicious death
 - 8 rapes (including attempted rapes)
 - 10 assaults / GBH
 - 4 robberies (including attempted robbery)
 - 10 burglaries
 - 5 thefts
 - 6 others

These cases constituted the outstanding workload at the time I was appointed to the Robert Hamill case. A steady flow of new cases, including other significant cases came in after that point.

14. I was required in all of my cases to direct in detail which examinations should be carried out (including such matters as where samples should be taken from), oversee these examinations and report on the findings. In addition all reporting officers were required, for quality assurance, to read and check the reports and case files of colleagues. This also involves case discussion with colleagues and can be surprisingly time consuming. In addition we were required to attend various meetings and serve on internal committees.
15. It was always my practice to relay significant findings to the police orally as they were made. This was done in the Robert Hamill case. Priorities and workload dictated that sometimes there would be a delay before a full written report was made.
16. The scale of under resourcing is illustrated by the growth in the staff numbers in the agency since 1997. There has been no significant change in the number of cases submitted annually. The number of reporting officers in the Biology department has almost doubled, reflecting the need to reduce the level of individual reporting officers' workload.

Total staff in 1997	123	
Total staff in 2008	215	
Reporting Officers in 1997	32.5	(6.5 in biology)
Reporting officers in 2008	46.5	(12.5 in biology)

17. In 1997 I completed a total of 101 reports. The figures relating to my colleagues in the Biology department were as follows:

“A”	93
“B”	91

“C”	130	
“D”	91	
“E”	45	(six months only)
“F”	109	
“G”	28	(department manager)

My rate of case reporting was in line with my colleagues in the biology department.

18. As stated in paragraph 5 above, of 269 DPP cases submitted to the Biology department in 1997 one hundred missed the target of 80 days for a final report. I have analysed the length of delay in these 100 cases. The average time for reporting these cases was 172 days. The shortest period was 94 days and the longest was 420 days. The delay in the Robert Hamill case was, therefore, not out of line with that experienced in a large number of other cases.

19. I am confident that my colleagues in the Biology department would not regard the length of time it took to complete the report as anything other than a consequence of the circumstances we were working under at the time. There is now produced and shown to me “LM2” a letter from [REDACTED] dated 28 April 2009 explaining the work pressures facing senior staff in the Biology section at the time of compiling my report.

SIGNED: Lawrence Marshall
LAWRENCE BRIAN MARSHALL

DATED: 7 May 2009.