

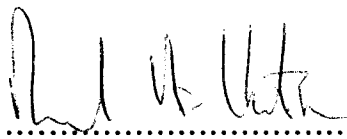
**STATEMENT OF WITNESS**

**STATEMENT OF RAYMOND ANDREW KITSON**

**DATED THIS 22nd DAY OF SEPTEMBER 2009**

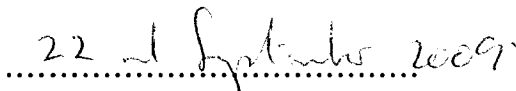
1. I, RAYMOND ANDREW KITSON, Senior Assistant Director of the Public Prosecution Service, declare that this statement is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence at the Inquiry I will be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
2. This is my third statement of evidence to the Inquiry.
3. During the course of his interview on 21<sup>st</sup> August 2009 by Mr Michael Stephens of the Inquiry Team, the Director undertook to provide certain information to the Inquiry in relation to conviction rates, recommendations from the Police Ombudsman and delay in production of forensic reports.
4. I refer to my letter to the Inquiry dated 17<sup>th</sup> September 2009 providing the information sought, which was signed by my personal secretary on my behalf and which I have exhibited as Exhibit RAK12. This information was gathered from records and information held by the Public Prosecution Service and to the best of my knowledge is accurate.

**SIGNED:**

  
.....

**RAYMOND ANDREW KITSON**

**DATED:**

  
.....



RAIK 12

PUBLIC PROSECUTION SERVICE  
BELFAST CHAMBERS  
93 CHICHESTER STREET  
BELFAST  
BT1 3JR

Senior Assistant Director

Ms Judi Kemish  
Solicitor to the Inquiry  
Robert Hamill Inquiry  
PO Box 50156  
LONDON  
SW1E 6WX

PPS Ref: 238326

17 September 2009

Dear Ms Kemish

Arising from his interview on 21 August 2009 with Mr Michael Stephens of the Inquiry team the Director undertook to provide certain information in regard to conviction rates, recommendations from the Police Ombudsman and delay in forensic reports.

The Director asked me to take this forward on his behalf.

I enclose herewith relevant statistics which have been provided to me by PPS Management Information Section.

The statistics refer to:

- (i) A comparison of Crown Court conviction rates in Northern Ireland and England and Wales over the period 1997 to 2004.
- (ii) A comparison of PPS decisions and Police Ombudsman recommendations based on a sample of 100 cases in which decision issued during 2008.

Management Information Section observes that the following points should be noted:-

- (i) The comparison of Crown Court conviction rates in Northern Ireland and England and Wales over the period 1997 to 2004.

In order to ensure comparability, both the Northern Ireland and England and Wales figures are based on cases which proceeded to

a trial only; ie cases which resulted in either a conviction or an acquittal.

The figures for England and Wales are sourced from the Crown Prosecution Service. Whilst calendar year data are available for 1997 and 1998, figures for the remainder of the period are based on the financial year.

The Northern Ireland figures are sourced from NIO Statistics and Research Branch. All NIO court/conviction rate information is produced on a calendar year basis.

(ii) The comparison of PPS decisions and OPONI recommendations

The data is based on a dip sample of 100 cases relating to 214 persons in which decisions were issued during 2008. In 97.7% of cases the PPS decision was the same as the recommendation from the Police Ombudsman. The PPS decision differed from the recommendation of the Police Ombudsman in respect of 5 out of the 214 persons. In 4 of these 5 the Police Ombudsman recommendation was for prosecution: the PPS decision was for no prosecution. In respect of 1 of the 5 persons the Police Ombudsman recommendation was for no prosecution: the PPS decision was for summary prosecution.

Delay in Forensic Reports

On the 10 June 1992 Sir Patrick Mayhew the then Secretary to State for Northern Ireland announced to the House of Commons a scheme designed to reduce the time defendants spent in custody before trial on indictment for scheduled offences – the type of case where delays in the processing of cases had been longest. The scheme was a joint initiative, involving agencies answerable to the Lord Chancellor and the Attorney General as well as the police, the Northern Ireland Forensic Science Agency and the Northern Ireland Office.

It introduced administrative targets for the progress of cases: 38 weeks from remand to committal and 14 weeks from committal to arraignment, cumulative target of 12 months.

The scheme began on 1 July 1992.

The agencies involved set up new machinery for close co-operation between them, in order to track the progress of cases, and to signal the need for attention to those whose targets risked being exceeded.

The scheme was steered by a Working Group. Individual cases were tracked by a Progress and Tracking Group, chaired by the DPP's office, with representatives at a senior level attending from police, courts, state pathology and forensic science. A Monitoring Group, also under the DPP's office chairmanship was responsible for statistical analysis of the operation of the scheme. If a particular case appeared likely to breach the administrative time limit a notional application for an extension of the time limit was made. This was assessed by a senior member of the DPP's office in conjunction, where necessary, with experienced prosecuting Counsel, against criteria presented by statute and England case law, taking into account any particular Northern Ireland factors which would be likely to be relevant in adjudication on such applications.

The scheme reported to Ministers after its first year of operation. The report indicated that significant improvement had been made in the progress of cases. Following the report on the scheme's first year of operation, Ministers agreed that the overall limit should be reduced to 11 months and that it was decided to extend the scheme to include non-scheduled custody cases. Additionally it was agreed by Ministers that it be extended until at least 30 June 1994.


In 1994 the scheme was further extended and was operative at the time of the Robert Hamill murder investigation.

I have examined Archive records maintained by the PPS which relate to the relevant period. From those records, which can be provided if necessary to the Inquiry, I see that the Progress and Tracking Group meeting discussed the case of Hobson and others at its meetings on 21 August, 18 September and 16 October 1997. It was noted that the post mortem report and forensic report were still outstanding. I observe further that at the meeting of 21 August the forensic scientist representative at the time Mr ██████████ had been unable to attend. Mr ██████████ did attend at the meetings of 18 September and 16 October 1997. The outstanding post-mortem reports and forensic report were raised at the meetings and updates on the progress of finalising the reports were provided by the relevant representatives of the agency involved. Mr ██████████ was in a position to seek prioritization of the report within the Forensic Science Agency.

The relevant forensic report, that of Lawrence Marshall was received by the DPP on 3 November.

I apologise for the delay in providing this information to you and if I can be of any further assistance I will make myself available to the Inquiry Team or the Inquiry itself.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Paula Hayes".

PP **RAYMOND A KITSON**

**ENC**

PROTECT: PERSONAL

**Dip Sample: Decisions Issued on Files Received from OPONI**

OVERALL: % Agreement PPS/OPONI = 98%

**BELFAST REGION**

DPP Ref	Prosecutor	Suspect Name & Case Reference	Decision Date	OPONI Recommendation	PPS Decision
401864			11/04/2008	Prosecution	Indictable Prosecution
			11/04/2008	No Prosecution	No Prosecution
			11/04/2008	No Prosecution	No Prosecution
			11/04/2008	Prosecution	No Prosecution
			25/01/2008	Prosecution	Summary Prosecution
			23/10/2008	No Prosecution	No Prosecution
			07/02/2008	No Prosecution	No Prosecution
			03/01/2008	No Prosecution	No Prosecution
			03/01/2008	No Prosecution	No Prosecution
			29/01/2008	No Prosecution	No Prosecution
			29/01/2008	No Prosecution	No Prosecution
			30/01/2008	No Prosecution	No Prosecution
			30/01/2008	No Prosecution	No Prosecution
			30/01/2008	No Prosecution	No Prosecution
			30/01/2008	No Prosecution	No Prosecution
			30/01/2008	No Prosecution	No Prosecution
			30/01/2008	No Prosecution	No Prosecution
			21/02/2008	No Prosecution	No Prosecution
			13/02/2008	No Prosecution	No Prosecution
			13/02/2008	No Prosecution	No Prosecution
			13/02/2008	No Prosecution	No Prosecution
			19/02/2008	No Prosecution	No Prosecution
			19/02/2008	No Prosecution	No Prosecution
			14/03/2008	No Prosecution	No Prosecution
			14/03/2008	No Prosecution	No Prosecution
			04/04/2008	No Prosecution	No Prosecution
			11/04/2008	No Prosecution	No Prosecution
			11/04/2008	No Prosecution	No Prosecution
			14/04/2008	No Prosecution	No Prosecution

**75424**



PROTECT: PERSONAL

CENTRAL CASEWORK SECTION

DPP Ref	Prosecutor	Suspect Name & Case Reference	Decision Date	OPONI Recommendation	PPS Decision
352701	[REDACTED]	[REDACTED]	01/02/2008	No Prosecution	No Prosecution
390446	[REDACTED]	[REDACTED]	10/04/2008	No Prosecution	No Prosecution

EASTERN REGION

DPP Ref	Prosecutor	Suspect Name & Case Reference	Decision Date	OPONI Recommendation	PPS Decision
383859	[REDACTED]	[REDACTED]	27/05/2008	No Prosecution	Summary Prosecution
383537	[REDACTED]	[REDACTED]	27/05/2008	No Prosecution	No Prosecution
387696	[REDACTED]	[REDACTED]	30/12/2008	No Prosecution	No Prosecution
390888	[REDACTED]	[REDACTED]	28/01/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	22/01/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	22/01/2008	No Prosecution	No Prosecution
391500	[REDACTED]	[REDACTED]	24/01/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	24/01/2008	No Prosecution	No Prosecution
397543	[REDACTED]	[REDACTED]	04/08/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	04/08/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	04/08/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	04/08/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	04/08/2008	No Prosecution	No Prosecution
400092	[REDACTED]	[REDACTED]	04/08/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	20/03/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	20/03/2008	No Prosecution	No Prosecution
400472	[REDACTED]	[REDACTED]	27/03/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	27/03/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	27/03/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	27/03/2008	No Prosecution	No Prosecution
402507	[REDACTED]	[REDACTED]	27/03/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	21/05/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	21/05/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	21/05/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	21/05/2008	No Prosecution	No Prosecution
406414	[REDACTED]	[REDACTED]	23/05/2008	No Prosecution	No Prosecution

PROTECT: PERSONAL

407870			16/06/2008	No Prosecution	No Prosecution
411375			08/07/2008	No Prosecution	No Prosecution
411806			12/06/2008	No Prosecution	No Prosecution
			12/06/2008	No Prosecution	No Prosecution
411867			12/06/2008	No Prosecution	No Prosecution
412247			14/08/2008	No Prosecution	No Prosecution
417575			09/09/2008	No Prosecution	No Prosecution
			09/09/2008	No Prosecution	No Prosecution
417586			09/09/2008	No Prosecution	No Prosecution
417603			08/12/2008	No Prosecution	No Prosecution
419859			14/08/2008	No Prosecution	No Prosecution
424432			22/10/2008	No Prosecution	No Prosecution
427534			03/10/2008	No Prosecution	No Prosecution
428736			07/10/2008	No Prosecution	No Prosecution
			07/10/2008	No Prosecution	No Prosecution
430324			10/10/2008	No Prosecution	No Prosecution
			10/10/2008	No Prosecution	No Prosecution
437435			08/12/2008	No Prosecution	No Prosecution

NORTHERN - BALLYMENA

DPP Ref	Prosecutor	Suspect Name & Case Reference	Decision Date	OPONI Recommendation	PPS Decision
339230			22/04/2008	Prosecution	Summary Prosecution
413415			04/09/2008	Prosecution	Summary Prosecution
386494			23/01/2008	No Prosecution	No Prosecution
389760			30/01/2008	No Prosecution	No Prosecution
391071			25/01/2008	No Prosecution	No Prosecution
			25/01/2008	No Prosecution	No Prosecution
			25/01/2008	No Prosecution	No Prosecution
			25/01/2008	No Prosecution	No Prosecution
391888			29/01/2008	No Prosecution	No Prosecution
			29/01/2008	No Prosecution	No Prosecution
399383			29/01/2008	No Prosecution	No Prosecution
408136			29/04/2008	No Prosecution	No Prosecution
410175			22/05/2008	No Prosecution	No Prosecution
414718			03/09/2008	No Prosecution	No Prosecution
			21/07/2008	No Prosecution	No Prosecution

PROTECT: PERSONAL

419231	[REDACTED]	[REDACTED]	21/07/2008	No Prosecution	No Prosecution
426512	[REDACTED]	[REDACTED]	21/07/2008	No Prosecution	No Prosecution
427623	[REDACTED]	[REDACTED]	14/08/2008	No Prosecution	No Prosecution
430399	[REDACTED]	[REDACTED]	30/09/2008	No Prosecution	No Prosecution
434122	[REDACTED]	[REDACTED]	05/11/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	22/10/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	03/11/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	03/11/2008	No Prosecution	No Prosecution

NORTHERN - FOYLE

DPP Ref	Prosecutor	Suspect Name & Case Reference	Decision Date	OPONI Recommendation	PPS Decision
388716	[REDACTED]	[REDACTED]	08/01/2008	No Prosecution	No Prosecution
393918	[REDACTED]	[REDACTED]	03/04/2008	No Prosecution	No Prosecution
405125	[REDACTED]	[REDACTED]	27/05/2008	No Prosecution	No Prosecution
408350	[REDACTED]	[REDACTED]	18/06/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	18/06/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	18/06/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	18/06/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	18/06/2008	No Prosecution	No Prosecution
409321	[REDACTED]	[REDACTED]	10/07/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	10/07/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	10/07/2008	No Prosecution	No Prosecution
414713	[REDACTED]	[REDACTED]	30/06/2008	No Prosecution	No Prosecution
418742	[REDACTED]	[REDACTED]	31/07/2008	No Prosecution	No Prosecution
421702	[REDACTED]	[REDACTED]	29/08/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	29/08/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	29/08/2008	No Prosecution	No Prosecution
430760	[REDACTED]	[REDACTED]	20/10/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	20/10/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	11/12/2008	No Prosecution	No Prosecution
	[REDACTED]	[REDACTED]	11/12/2008	No Prosecution	No Prosecution
440160	[REDACTED]	[REDACTED]	11/12/2008	No Prosecution	No Prosecution



PROTECT: PERSONAL

439111      DAVISON ROGER

DAVID SAMUEL DUMICAN 439111

27/11/2008

No Prosecution

No Prosecution

WESTERN REGION

DPP Ref	Prosecutor	Suspect Name & Case Reference	Decision Date	OPONI Recommendation	PPS Decision
391074			18/01/2008	No Prosecution	No Prosecution
393734			05/02/2008	No Prosecution	No Prosecution
396217			22/02/2008	No Prosecution	No Prosecution
398076			10/03/2008	No Prosecution	No Prosecution
399527			14/03/2008	No Prosecution	No Prosecution
399616			20/03/2008	No Prosecution	No Prosecution
406998			09/05/2008	No Prosecution	No Prosecution
			09/05/2008	No Prosecution	No Prosecution
			09/05/2008	No Prosecution	No Prosecution
			09/05/2008	No Prosecution	No Prosecution
			28/05/2008	No Prosecution	No Prosecution
409830			28/05/2008	No Prosecution	No Prosecution
			28/05/2008	No Prosecution	No Prosecution
			28/05/2008	No Prosecution	No Prosecution
			28/05/2008	No Prosecution	No Prosecution
			28/05/2008	No Prosecution	No Prosecution
			28/05/2008	No Prosecution	No Prosecution
			01/07/2008	No Prosecution	No Prosecution
414872			01/07/2008	No Prosecution	No Prosecution
			01/07/2008	No Prosecution	No Prosecution
			01/08/2008	No Prosecution	No Prosecution
419035			01/08/2008	No Prosecution	No Prosecution
			01/08/2008	No Prosecution	No Prosecution
			01/08/2008	No Prosecution	No Prosecution
			01/08/2008	No Prosecution	No Prosecution
			01/08/2008	No Prosecution	No Prosecution
			01/08/2008	No Prosecution	No Prosecution
			13/11/2008	No Prosecution	No Prosecution
432635			13/11/2008	No Prosecution	No Prosecution
			13/11/2008	No Prosecution	No Prosecution
			18/11/2008	No Prosecution	No Prosecution
437206			18/11/2008	No Prosecution	No Prosecution

**Conviction Rates in the Crown Court in Northern Ireland 1997 to 2004 \***

Finding	Number of Defendants								
	1997	1998	1999	2000	2001	2002	2003	2004	
Convictions	1,039	1,017	791	1,105	933	857	1,121	1,294	
Acquittals	85	101	61	76	117	81	119	147	
<b>Total</b>	<b>1,124</b>	<b>1,118</b>	<b>852</b>	<b>1,181</b>	<b>1,050</b>	<b>938</b>	<b>1,240</b>	<b>1,441</b>	
<b>% Conviction Rate</b>	<b>92.4%</b>	<b>91.0%</b>	<b>92.8%</b>	<b>93.6%</b>	<b>88.9%</b>	<b>91.4%</b>	<b>90.4%</b>	<b>89.9%</b>	

Source: Northern Ireland Office

\* Based on cases which proceeded to trial.

**Conviction Rates in the Crown Court in England and Wales 1997 to 2004-05 \***

Finding	Number of Defendants								
	1997	1998	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	
Guilty Pleas	74,398	61,863	55,407	51,596	51,824	58,624	59,537	58,222	
Convictions after trial	11,520	10,524	11,553	10,823	11,000	13,099	13,119	13,591	
Acquittals	8,293	8,350	8,658	8,600	7,956	8,073	8,190	7,809	
<b>Total</b>	<b>94,211</b>	<b>80,737</b>	<b>75,618</b>	<b>71,019</b>	<b>70,780</b>	<b>79,796</b>	<b>80,846</b>	<b>79,622</b>	
<b>% Conviction Rate</b>	<b>91.2%</b>	<b>89.7%</b>	<b>88.6%</b>	<b>87.9%</b>	<b>88.8%</b>	<b>89.9%</b>	<b>89.9%</b>	<b>90.2%</b>	

Source: Crown Prosecution Service

\* Based on cases which proceeded to trial.