CMS Ref 30975250-2003

police Ombudsman FOR NORTHERN IRELAND Investigative report

Office of the Police Ombudsman for Northern Ireland:

Statement under Section 62 of the Police (Northern Ireland) Act 1998.

THE POLICE OMBUDSMAN'S INVESTIGATION RELATING TO ALLEGATIONS MADE BY MR EAMON CAIRNS INTO THE MURDERS OF GERARD AND RORY CAIRNS ON 28 OCTOBER 1993

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1.0 Introduction

1.1 The complainants in this case are Mr Eamon Cairns and Mrs Sheila Cairns, the parents of Gerard Cairns, aged 22 years and Rory Cairns, aged 18 years who were murdered in their home by two unknown gunmen on Thursday 28 October 1993.

1.2 The complaint was accepted by the Police Ombudsman in accordance with Regulation 6(1) RUC (Complaints etc) Regulations 2001, as being 'grave or exceptional' and has been investigated under Section 56 Police (Northern Ireland) Act 1998.

1.3 Mr and Mrs Cairns first met with the Police Ombudsman on 9 September 2003. Mr Cairns complained that the police had not conducted an investigation into the murders of his sons and that he believed the Royal Ulster Constabulary (RUC) were involved.

1.4 Following preliminary enquiries and a review of the evidence obtained the Police Ombudsman again met with the Cairns family on 30 October 2004. The Police Ombudsman explained that the work being undertaken involved the examination of a lot of material. Several matters were discussed with the main points being;

- No intelligence had so far been established, which could have prevented the murders,
- No motive had been established. Nothing in the police files indicated Gerard and Rory were involved in criminality or the paramilitaries. Therefore, it must be assumed, on the evidence

available, that the brothers were murdered because they were Catholic,

- No intelligence was immediately available after the murders, which would have indicated who was responsible for the murders.

- No evidential opportunities had been established as having been lost by the police.

- There was no evidence to support the allegation that the security forces provided a clear path for the murderers. There was evidence in the file that the police had examined security force operations in the area, and

- There was a police report linking the guns to two other murders and it was possible the guns were linked to other crimes. This required further enquiry.

1.5 Mr Cairns stated he wanted his complaint to focus on the way in which the police trivialised the murder of his two sons and he believed the police had not conducted a proper investigation.

2.0
Background to the complaint

2.1 Gerard and Rory Cairns were murdered in a week where there were a total of 23 murders and numerous people injured in different incidents in Northern Ireland; including the Shankill Road bombing and Greysteel attack.

2.2 On the evening of Thursday 28 October 1993 Mr and Mrs Cairns were at home with their family. They were celebrating Roisin's, (their youngest child), 11th birthday.

2.3 At about 7.30 p.m. Mr and Mrs Cairns left their house to go to Lurgan, leaving all of the children at home. A short while later their youngest son, Liam went to see his friend who lived at the end of the road, approximately 100 yards away. Gerard and Rory were sitting in the living room watching television. Roisin was in the kitchen.

2.4 At about 8 p.m., two men burst into the kitchen from the back door. Both men were dressed exactly the same; they wore facemasks, boiler suits and both carried long assault type weapons.

2.5 The first man ran straight into the living room and immediately began to fire at Rory. The second man stopped briefly in front of Roisin and put a forefinger to his lips as if telling Roisin to be quiet. The second man then ran into the living room and started to fire at Gerard. Both men then ran past Roisin and escaped through the back door.

2.6 Roisin ran into the living room and saw Gerard lying on the floor with his back against the couch. Rory was still sitting in the armchair but leaning to one side. Roisin ran out of the house and ran directly across the road into a farmyard looking for help but found no one. She then ran the short distance to the house Liam had gone to where the occupier, Mr Turley (deceased) ran up to the Cairns' house. He found the brothers slumped in the living room and alerted the emergency services.

2.7 Gerard and Rory Cairns were pronounced dead at the scene.

2.8 A very short while after the murders a blue Talbot Horizon car was found on fire at Ballylough Road, Donaghclonney, which is approximately three miles away from the murder scene. Three men were seen being picked up by a second vehicle from the scene of the burnt out car. Police believed the killers used this vehicle.

2.9 On 30 October 1993 an anonymous male called Ulster Television and using a recognised codeword said: -

"UVF claim responsibility for the murder of the two IRA activists in Bleary. The delay in accepting responsibility was due to the quick reaction of the security forces, which forced our members to go to ground. We did not jeopardise their safety by an earlier statement".

3.0
Complaint

3.1 Mr Cairns has a very strong belief that there was collusion between the security forces and the killers of his two sons. Mr Cairns has provided a detailed statement of complaint to the Police Ombudsman, referring to his own privately written account of the murders; this document is dated January 1996.

Allegation 1 – Collusion

1a. There was an unusually high security force presence in the area with the Army and RUC arranging a clear path for the killers to commit the murders and assisting in their escape.

1b. The only reason for the murders was that Gerard and Rory were Catholic. Mr Cairns alleges the RUC and the Army were in involved the murders or knew of the impending attack but failed to do anything about it.

1c. Witness JJ asked for a security presence at Clare Chapel during the Novena. Mr Cairns alleges that this explains the high security presence in the area on the day of the murders and questions why would the killers enter an area to commit the murder on the chance they might be caught. He suggests it was because the killers knew the security forces would let them escape from the scene.

1d. Mr Cairns believes he saw Suspects C and L conducting surveillance in the area several times before the murders.

1e. Mr Cairns believes Suspects C and H have not been charged with the murders of his sons because they worked for the security forces.

Allegation 2 - A poor police investigation

Police trivialised the murders and the investigation was poor and devoid of any real determination to bring to justice those responsible for the death of Gerard and Rory Cairns. Mr Cairns holds the Senior Investigating Officer (SIO) and his deputy (DSIO) responsible for this.

Allegation 3 – Failure to keep the family updated

The SIO and his deputy failed to keep the family properly informed on the progress of the investigation. The information that was provided to the family was very poor.

Allegation 4 – Conduct of Officer C

4a. Officer C failed to ensure the broken twigs were not properly investigated.

4b. Officer C discussed the informer system with Mr Cairns.

4c. Officer C asked for Mr Cairns' car registration number and then sped off without speaking to Mr Cairns who had just returned home.

4d. Officer C failed to keep Mr Cairns updated by telephone or letter.

3.2 Mr Cairns has raised additional issues and questions, some of which have been incorporated into the allegations outlined above. The remainder do not form part of the terms of reference for the Police Ombudsman's investigation. However, they have been answered where possible.

4.0
The RUC Investigation

4.1 The SIO and his deputy have both retired from the police service in the ranks of Detective Chief Inspector and Detective Superintendent respectively. They will be referred to as Officer A and Officer B.

4.2 The police conducted their investigation from Lurgan police station using Major Incident Room (MIR) procedures. The investigation was initially administered using the paper-based system before a computerised system was set up. The investigation has since been transferred onto the latest version of the computerised management system.

4.3 The police investigation is discussed in more detail later in this report but in summary their investigation involved the following:

- Murder scene and burnt out car scene was preserved and forensically examined;
- Exhibits were submitted to the Forensic Science Service laboratory for examination;
- History of the burnt out car established and investigated;
- Enquiries were made at the car auctions where the car was purchased;
- House to house enquiries were conducted;
- Witness appeals with motorists were conducted;
- Media witness appeals were made;

- Witnesses who came forward were followed up and interviewed;
- Intelligence enquiries made regarding the history of the weapons;
- Possible suspects identified, arrested and interviewed but released without charge;
- Possible suspects who purchased the car identified and an identification parade held;
- An allegation of security force collusion by Mr Cairns was noted;
- Information provided by Mr Cairns was noted and acted upon;
- Enquiries with the military were conducted, and
- No FLO was appointed but there was some contact with the family (this was not normal practice a the time).

4.4 There were a total of 248 actions and 68 statements. The police completed their last line of enquiry on 13 February 1994 (an identity parade), three and a half months after the murder.

4.5 The murders remain classified as 'open – undetected'. There is no evidence of it in any situation reports, or closing reports from the Senior Investigating Officer. There have been no reviews. However, there is a Policy File.

4.6 The PSNI Historical Enquiry Team (HET) are currently reviewing the murder investigation.

4.7 The police prepared a file for the Coroner who held an inquest on 12 January 1995. The findings of the inquest were that both Gerard and Rory died of bullet wounds.

5.0

The Police Ombudsman's Investigation

5.1 The terms of reference for this investigation was to investigate the allegations made by Mr Cairns and where possible provide answers to additional issues and questions he has raised. Furthermore, although the Police Ombudsman was not conducting a murder investigation, any new lines of enquiry identified were to be passed on to the police for further consideration.

5.2 Examination of the police investigation file and the Police Ombudsman's findings formed the basis for investigating Mr Cairns allegations, provide answers to his questions and consider the other issues he has raised. The areas identified for review are summarised as follows:

- Initial police actions and scene management;
- Searches and house to house enquiries;
- Identification of witnesses;
- Identification of suspects;
- Intelligence;
- Police main lines of enquiry;
- Family liaison;
- Media appeals;
- Forensic strategy and other forensic issues;
- Reviews, and
- Prosecutorial files

5.3 The work undertaken by the Police Ombudsman's investigators are summarised as:

- Locate, view and seize the original police investigation file;
- View the computerised management system;
- Examine and assess police actions and their lines of enquiry in detail;
- View and assess all relevant intelligence material;
- Trace and interview all witnesses identified by Mr Cairns;
- Obtain and assess relevant material from the Army;
- Identify and proceed with lines of enquiry based on the allegations made;
- Interviewing additional witness and recording their statements,
- Interviewing serving and retired police officers;
- Interviewing of retired officers from the Ulster Defence Regiment.

5.4 All police officers and witnesses are referred to by letters.

6.0
A review of the police investigation

6.1 Initial police action and scene management

6.2 Scene 1 – the murder scene

6.3 The official time for the murders is recorded as 8 p.m. following Mr Turley's telephone call to RUC Lurgan (Mr Turley states he dialled 999 at about 8.05 p.m.).

6.4 Examination of the Scene Log reveals that two constables were the first to arrive at the scene at 8.05 p.m. They commenced the scene log. An Inspector and Criminal Investigation Officers (CID) had arrived by 8.30 p.m. A police Superintendent and the Assistant Chief Constable for South Region also arrived at the scene.

6.5 The record shows that the Force Medical Officer pronounced life extinct and that a Priest had administered the last rites.

6.6 Michael Cairns (complainant's brother) formally identified the brothers and Mr and Mrs Cairns are also shown as entering the house, at a later time, to identify their sons.

6.7 A forensic scientist, a scientific police liaison officer and a Scenes of Crime Officer (SOCO) arrived at the scene. A full scene examination was completed where various items were recovered and submitted to the laboratory.

A photographer, mapping, and Press Officer also arrived on scene at varying times but within three and a half hours of the murders.

6.8 Although Officer B did not arrive at Scene 1 until later in the evening he had recorded a decision in his Policy File, at 8.30 p.m., stipulating the boundaries for the inner and outer cordons. Upon his arrival at Scene 1, Officer B supervised the examination of the scene and the removal of the bodies. He remained at the scene until it was closed at 1.45 a.m.

6.9 Officer B had instructed at 8.45 p.m. that the enquiry would be managed with appropriate Incident Room staff and that they would be called out immediately.

6.10 Officer B made a further decision at 8.45 p.m. directing which support agencies should be called to the scene to ensure "maximum benefit from the scene examination". He recorded that no action was to be taken at the scene until the arrival of a forensic scientist to assess, advise and issue instructions to the police and the Scenes of Crime Officer. Officer B had also instructed that a video recording would be made as well as photographs taken.

6.11 It is worth noting that the police were under added pressure to conduct their scene examination as quickly as possible. Mr Cairns had stated from the outset that he wanted the police off his property as soon as possible and so the police negotiated an agreed 2 a.m. leaving time.

6.12 Scene 2 – the burnt out car

6.13 Although there was no eyewitness evidence that the car was connected to Scene 1, the circumstances and proximity of the burnt out car led to an immediate assumption by the police that this was the car used by the perpetrators of these murders.

6.14 An examination of the scene log shows that a police Sergeant and two Constables arrived at the scene at 8.28 p.m. and the fire brigade arrived a short while later.

6.15 The scene was handed over to military personnel where their role was to preserve the scene over night. Police re-assumed control of the scene the following morning. The SOCO and the photographer arrived. The vehicle was removed an hour later and taken to the car pound at Mahon Road Barracks.

6.16 Police quickly established the burnt out car was a blue Talbot Horizon XIA8110. The vehicle had been purchased at Wilson's Car Auction, Portadown two weeks previously on 16 October 1993.

6.17 Findings

6.18 The murders happened immediately after the television programme Eastenders had ended at 8 p.m. There are some discrepancies in timings, however, it can be seen that these are very minor and relate to a few minutes rather than hours. Human error and/or differences in watch or clock settings are reasonable explanations for this.

6.19 Regardless of the minor variations in the timings, it is clear that police officers arrived on the scene very quickly and based on the evidence, certainly within about five minutes of Mr Turley's telephone call.

6.20 Initial first actions at Scene 1 by those first officers and subsequent supervising officers were prompt and correct, i.e. attempts to preserve life, scene preservation, identifying witnesses and commencement of a scene log. Subsequent actions were also correct in establishing and maintaining supervisory control and co-ordinating.

6.21 Several senior police officers also attended the scene and although the SIO and DSIO did not arrive until much later, important decisions regarding the management and control of the scenes had been made and recorded in the Policy File by Officer B.

6.22 Furthermore, the army also arrived quickly to assist the police in cordon and control of the incident and placing army patrols at main junctions in and out of the area to identify suspects and witnesses.

6.23 The initial actions of police were correct at Scene 2 where the burnt out car was secured, preserved and evidence was retrieved in the form of some badly burnt clothing. There is no evidence of a Scene Log being maintained by either the Police or military. There was no SIO policy regarding the suspect vehicle or the scene where it had been abandoned.

6.24 The police made early enquiries about the car that led to a significant line of enquiry, which was followed up and is dealt with in more detail below.

The Police Ombudsman concludes that the police responded to the incident quickly. Although a time constraint had been imposed on the police by Mr Cairns, all immediate actions and subsequent scene management to preserve evidence, identify suspects and trace witnesses at that time were correct and in accordance with normal procedures.

6.25 Searches and House to house enquiries

6.26 Police received several anonymous messages providing details of suspicious activity or where the murder weapons were located. Police followed these up by immediately searching those areas. Search warrants were obtained where appropriate. All searches were negative.

6.27 The police also conducted house checks on several suspects to see if they were at home at the time of the murders.

6.28 The military assisted in searching for witnesses and suspects by setting up vehicle checkpoints in the surrounding area. The military also assisted in searching/route clearance from the murder scene to the location of the burnt out car during daylight hours.

6.29 At 9 a.m. the following day Officer B set the parameters for the house-to-house enquiries for both Scene 1 and Scene 2.

6.30 The police conducted house-to-house enquiries of all streets in and around the area of The Slopes and the area of the burnt out car as directed by Officer B. Forms MIR2 (House occupant Form) were used.

6.31 Although the correct forms were used there are some minor instances where the form has not been completed correctly at Scene 2.

6.32 Officer B directed that house-to-house enquiries should be made on an estate in Gilford regarding the details used by the purchasers of the Talbot Horizon. This was to establish beyond doubt that the purchasers of the car had used a false name and address. Those enquiries were made.

6.33 In all instances actions were raised to follow up possible leads from these enquiries. This resulted in either a statement being recorded or a negative report submitted by an officer.

The Police Ombudsman has concluded that all searches and house-to-house enquiries were quickly identified. Parameters were set for Scene 1 but not for Scene 2 and in the main were correct. However, there is no material available that indicates the scene surrounding the burnt out car was searched for evidence. Further criticism is made of the police for not ensuring that a

scene log was maintained by the military whilst guarding Scene 2. Further actions were instigated where applicable.

Identification of witnesses

6.35 Witnesses Scene 1 – Murder scene

6.36 The police investigation file has been examined and found to contain numerous messages and actions referring to potential witnesses. All were correctly acted upon, cross-referenced and followed up by way of a report or a statement.

6.37 The police investigation identified the following persons as key witnesses from whom statements were taken:

- **Roisin Cairns**. The only eyewitness to the murder.
- **Mr Cairns.** Identified his murdered sons at the scene.
- **Mr Turley (deceased)**. Records his actions after the murders.
- **Witness A**. Next-door neighbour. At 7.40 pm she saw a young male on a bicycle. At about 8.15 p.m. she heard two bangs, looked out of the living room curtains but saw nothing. She thought the bangs might have been fireworks. (Comment: It was Halloween week). She then heard another single bang, followed by two car doors closing. She heard a car driving off with what she thought was a faulty exhaust.
- **Witness B**. He reported to police that a video salesman had called at his house at 7.45 p.m. the evening of the murders.
- **Witness C**. Video salesman. He was interviewed and gave the routes he had taken that night. He could not add anything further.
- **Witness D**. Aged 15 years old. At 7.30 p.m. he cycled to the Cairns home to see Liam. His route took him the entire length of

The Slopes. He spoke to Roisin who directed him to the Turley's house. A short while later Roisin arrived at the Turley house to report the shootings. He did not see anything suspicious that evening, nor did he report any military activity in The Slopes.

6.38 Police quickly identified and interviewed potential eyewitnesses who were in the farm opposite the Cairns family home at the time of the murders. They all state they did not see or hear anything suspicious. Their statements were recorded as follows:

- **Witness E**. He did not see or hear anything because the tractors were running in the yard. He told Police Ombudsman investigators that he vaguely recalled cutting wood with chain saws at the farm and that at some stage Witness F arrived. He has no recollection of seeing anything suspicious.

- **Witness F.** He was talking to Witness G when a man ran towards them about the shooting. Witness G went to the Cairns house with the man. He did not notice anything unusual or hear any shooting. He stated to Police Ombudsman investigators that he went to the farm to buy cattle. He did not see anything that aroused any suspicion. He has no recollection of seeing any police or army on his journey to and from the Rodgers farm that evening.

- **Witness G.** States he was cutting logs with Witness E and Witness H who was using a chainsaw. He went to look at some cattle with Witness F. He was told about the shooting and went to the Cairns' house. He did not hear any shooting or see anything suspicious. He could not add anything further to Police Ombudsman investigators other than to say he did not see or hear anything suspicious that evening because of the chain saws. He did say he had seen an army land rover drive past the

farm about 20 minutes before Mr Turley arrived at the farm to alert them about the shootings.

- **Witness H**. States he was sawing wood with a chain saw and then went into the house to use the toilet. When he went back outside he was told that Witness G had gone into the Cairns house because two people had been shot. He states he didn't hear any shooting, he didn't see anything suspicious, and didn't notice any car. Police Ombudsman investigators spoke briefly to Witness H on one occasion but he failed to respond to further efforts to arrange a meeting.

6.39 Witnesses Scene 2 – Burnt out car

The police identified the following witnesses:

- **Witness I**. He reported the vehicle on fire to police. He saw a man observing the burning car but did not see any other vehicles in the area.

- **Witness J**. He told police two of his children saw a car, which was not displaying lights drive past their home and stop in a small lane. The children, who were joined by two other children, used binoculars to continue observing. The interior light came on and they saw three people in the car. About 10 minutes later a second car stopped at the end of the lane and flashed its headlights several times. Three men got out of the first car and after throwing liquid from a tin all over the car, set it ablaze and ran away. They got into the second car, which then drove off at speed. Police spoke to the children but Witness J refused to allow his children to provide statements to the police.

6.40 Police conducted a series of Vehicle Check Points (VCP) a week after the murders in the areas of Scene 1 and Scene 2. Police devised a questionnaire, which was used at this reconstruction. All persons

identified as possible witnesses were interviewed and either a statement or written account was recorded.

6.41 Wilson's Car Auctions

6.42 An examination of the police investigation file shows that there was a firm conclusion that the Talbot Horizon was used in the murders of Gerard and Rory Cairns. Throughout the file, there is reference to the Talbot car as 'the vehicle used in the murder'. Whilst the police assumption may be correct, there is no direct evidence to link that vehicle to the murders. The 'evidence' which led to the assumption is summarised as: the vehicle was purchased using a false identity; it was abandoned and set ablaze very soon after the murders; and the location where it was abandoned is only about three miles from the murder scene, about 5-7 minutes travelling time dependent on the speed of the getaway vehicle.

6.43 The vehicle has never been forensically linked to the murder nor was it observed at the scene. The isolated lane where it was abandoned and set ablaze, was apparently a regular location for such abandoning of vehicles involved in crime, or was used by courting couples.

6.44 Examination of the police files indicates that the police considered the vehicle and its purchase at Wilson's Car Auction as a main line of enquiry. This is reflected in Officer B's policy file where he directed:

- All staff at the car auction to be interviewed.
- All details of owners of cars obtained and then interviewed.
- Obtain all documentation regarding the sale of the car.
- Personal Descriptive Forms (PDFs) will be obtained in every case. Any documentation seized will be fingerprinted if it is established that -the buyer(s) handled it.

6.45 A summary of the police line of enquiry regarding the car is as follows:

- **Previous keeper** – Witness K put the car to auction. A statement was taken but added nothing to the investigation.

- **Car purchaser details** - A false identity (name and address in Gilford) was used to purchase the car. Police made enquiries and established that the person now lived in England. He was interviewed and eliminated from the enquiry although a statement was not taken.

- **Member of staff dealing with the car purchaser** – Witness L provided a brief statement and was interviewed a second time but was not able to assist further. She could not provide any useful description of the purchaser. She thought there may have been a second man but was not certain

- **Documents relating to sale of the car** - Although Witness L's statement makes no reference as to whether or not the sale documents were handled by the purchaser, the police have recorded that the 'purchaser at no time handled the sale documents attached'. The sales invoice and computer records relating to the purchase of the vehicle were seized by the police but were not preserved or exhibited in any way. Police Ombudsman investigators recovered these documents from the police investigation file and have preserved them appropriately.

  Police attempted to locate both portions of the docket that allows purchasers of a car to collect the keys and drive off the site following payment, which would have been handled by the car purchaser (pass out card) and which were subsequently thrown away. Police established that items from Wilsons were taken to the local rubbish dump with the rubbish being levelled out over a

large area. Operators at the rubbish dump expressed the view that such a search would be like “looking for a needle in a haystack’ and police recommended ‘no further action’.

- **Identify persons putting cars up for auction** – An action was raised to obtain full details of all vehicles and owners, offered for sale on 16 October 1993. This was resulted ‘list attached’ but this list cannot be found in the police file.

- **Identify persons attending the car auction** - A questionnaire was created, individual actions raised and PDFs used. Over 50 persons were identified and statements/questionnaires taken. The following are witnesses of note:

  Witness M. He gave a physical description of persons who showed an interest in the car but could not provide facial details.

  Witness N. He gave descriptions of both men who showed an interest in the car (similar to Witness M) and stated he would recognise them again. He provided a video fit of one of the men he had seen at the auction. There is a written instruction on the action sheet stating the video fit was to be circulated to local intelligence officers and to all staff at Wilsons Car Auctions.

  Witness O and Witness P – Could not give any descriptions but both recall the car and state it had a noisy exhaust. Comment: Witness A heard a car with a noisy exhaust outside her house.

  Witness Q. He recalled the car and saw three men looking at it. He is sure he saw the same three men in the car as it drove away from the auctions. He was obviously considered by the police to be a good witness in that on a loose piece of paper recovered from the police file referring to Witness Q it stated, “At

auction, Good Description, may be Suspect A". Witness Q was interviewed a second time where he produced a video fit of one of the men he had seen at the auction.

6.46 The video fits were shown to staff at Wilsons. Witness L stated that the video fit prepared by Witness Q resembled the man who purchased the car. Witness R, another member of staff, thought the same video fit resembled a man she had seen at the auctions before but could not remember when. Other staff members were shown both video fits with a negative result.

6.47 There is a note written on an action that two police officers are to maintain contact with staff at Wilsons to try and identify the persons in the video fits. This is cross-referenced with action 199, which is missing from the police file. Comment: A check on the computerised management system reveals action 199 was annotated "CID to attend auctions for 3 weeks."

6.48 Enquiries by Police Ombudsman investigators have established there was a rumour suggesting employees of Wilsons would not assist in the identification process due to fear of reprisals. There is nothing in the police investigation file, which indicates this. In a preliminary report into the murders, dated 27 January 1994, Officer B comments that enquiries at Wilsons are ongoing and he makes no adverse remarks. Furthermore, there is nothing in the inquest file, which alludes to problems with Wilsons staff.

6.49 Findings

6.50 Police made all reasonable efforts to identify witnesses by conducting house-to-house enquiries at both scenes. There were some minor errors with completing forms, in particular at Scene 2, where some follow up enquiries appear not to have been conducted. The Police Ombudsman's investigation shows that the information from those

follow-up enquiries would have been of limited value to the police investigation. Police also staged a 'reconstruction' witness appeal, a week after the murders. This and the response to members of the public who rang in with information were all correctly followed up and reported by way of a statement or report.

6.51 The information that Witness J's children had provided was significant yet there appears to be little effort by the police to pursue this further. Police Ombudsman investigators have spoken to Witness J's children who although willing to go over what they saw have declined to provide statements to the Police Ombudsman. Witness J also refused to allow his children to make statements to police at the time.

6.52 Of note however, is that although she is not sure if she told police at the time, one of Witness J's children, Witness S, has told Police Ombudsman investigators that she recalls the second car being red in colour and not large in size. She had also stated she saw a blue Ford Sierra car in the area that same day.

6.53 There is no action that requires an officer to establish the identity of all personnel who were working at the car auctions on the day the car was purchased. Police Ombudsman investigators have identified Witness T and Witness U as former employees of Wilsons who have been traced and interviewed. Neither of them has any real recollection of this incident although the initials of Witness U appear on the sales invoice. This indicates to her that she carried out the financial check on the vehicle, but not that she necessarily came into contact with the purchaser.

6.54 Police Ombudsman investigators conducted enquiries with other staff at Wilsons. They were co-operative but information that was given did not provide additional investigative opportunities.

6.55 There is no action to identify and interview other persons who may have come into contact with the purchaser(s), i.e. other office staff, the person in the key office and the barrier operator. Police Ombudsman investigators have established that Wilsons no longer have records relating to staff employment in 1993. It has been established that many casual/temporary workers were engaged at that time and these employees were likely to have been students, sometimes employed on a daily basis. It has not been possible to identify and trace the key office attendant or barrier operator but that is not to say the information was not available in 1993. This was an important, missed opportunity by the police.

6.56 Some witnesses at Wilsons were shown video-fits / photographs of suspects and only two witnesses attended the identification parade; it is not clear why this is the case. The policy file does not rationalise or articulate the identification strategy and processes. The actions relating to this are not always accurately recorded within the management system.

6.57 There is no action to establish the existence or otherwise of any CCTV system at Wilson's. It has not been possible to confirm if CCTV systems were in place in 1993 because Wilsons have no records pre-1995 and witness statements conflict as to the existence of such. It has been established that the current system was installed in 1998 but there are no records regarding, what system, if any, had been replaced.

6.58 There is nothing in the police file to indicate what sales procedures existed at Wilson's other than what was briefly described by Witness L.

6.59 The police made no clear records of the staff employed by Wilsons and who was interviewed.

6.60 The policy decisions of the SIO were not complied with. This can be evidenced by the fact that Personal Description Forms (PDFs) were not always completed; there is no evidence of all staff being interviewed; and the possibility of the original sales documents being handled by the purchasers was not sufficiently dealt with in accordance with normal practice. In her statement to the police, Witness L makes no reference to whether or not the purchasers handled the documents but, when spoken to by Police Ombudsman investigators, she conceded it was a possibility. It is recorded on the action that the purchasers did not handle the documents.

6.61 The police did not maximise an investigative opportunity by preserving the original sales documents, which may have been handled by the purchasers. It is accepted that the documents will have been handled by numerous people and therefore may now be contaminated, however, Police Ombudsman investigators have preserved those documents in exhibit bags for future consideration.

The police were correct to assume that the Talbot Horizon was connected with the murders and to therefore treat that hypothesis as a significant line of enquiry. Although much effort was made by the police to identify the purchasers of the car, the Police Ombudsman's investigation has identified flaws in how the police dealt with this particular line of enquiry. Based on the available evidence police did not maximise the opportunity to secure potential evidence that may have assisted in identifying the purchasers of the car.

6.50 Identification of suspects

6.63 Identification Parade

6.64 On 16 November 1993 in Hillhall, Lisburn, police stopped Suspect A and Suspect B in a van containing a large number of bundles of firewood. Police searched the van and discovered a sten-gun and

magazine loaded with ammunition. They were both arrested under terrorism legislation. Both Suspect A and Suspect B were suspected to be members of the Ulster Volunteer Force (UVF). The court case concluded on 21 December 1994 with Suspect B pleading guilty to possession of the firearm and receiving seven years imprisonment. Suspect A was acquitted although the Judge did not consider his evidence credible.

6.65 Police Ombudsman investigators established that the police received information dated 14 February 1994 indicating a person's involvement in the Cairns murders. This information was passed to Officer B. That person appears on the list of suspects that were arrested and interviewed shown at paragraph 6.87.

6.66 However, there is no documentary evidence in the police investigation file to show how or why A and B were identified as the suspects who purchased the car from Wilsons other than the piece of paper with A's name on it as described under Witness Q in paragraph 6.46. It would appear that this is how the intelligence regarding both suspects was recorded in the incident room.

6.67 The significance of these individuals suspected involvement in the murders was not obvious to Police Ombudsman investigators until they discovered an original Identification Parade form in the police investigation file, relating to Suspect A

6.68 It has been established that whilst both suspects were on remand in prison for possession of the firearm in Lisburn, they were taken to Gough Barracks between 11 and 14 February 1994. Both men were detained for three days of questioning in connection with the murders of Gerard and Rory Cairns. They denied any involvement in the murders. Whilst at Gough Barracks Suspect A's custody record shows that he was taken to Lurgan police station to attend an identity parade on 13 February 1994. Missing pages from both custody records has

made it difficult to establish the exact movements of the suspects between Gough Barracks and Lurgan police station.

6.69 Both Witness N and Witness Q (witnesses from the car auction) attended the parade. Their respective identification parade forms are annotated, “Stood at gallery. No identification made”. The witnesses were escorted to separate interview rooms after the parade. Other than the two statements already made to the police there are no additional statements from either of these two witnesses about the identification parade and its outcome.

6.70 Police Ombudsman investigators traced Witness Q and during a telephone conversation he stated he did attend the parade and although he would not be able to make any identification now, he was certain he had made a positive identification at the time. As he heard nothing further about the case he had assumed that it had failed for some other reasons. Comment: Witness Q stated he was a former RUC police officer at the time of the identity parade and had known many of the personalities at Lurgan at that time.

6.71 Witness Q was treated as a significant witness by Police Ombudsman investigators. He states:

- He had made a statement to the police. He had helped prepare a video fit and he attended an identification parade at Lurgan police station.

- He was taken to Lurgan police station where the parade was held.

- He immediately focused on one individual in the parade. He remains confident now, as he was then, that he recognised one of the persons whom he had seen at Wilson’s. That person had ‘smartened up’ in that he had a clean shirt and had tidied his

hair. This person stood out from the other persons on the parade, as there was a considerable variance in age, height and general appearance. He also recognised one of the volunteers who was a police officer.

- He told the police officer in charge of the parade he was 95% certain that it was the same man; the 5% of doubt was due to his change of hair and a smarter appearance.

- Witness Q cannot recall at what stage of the proceedings he had said this to the officer in charge; it may have been during the parade, after the parade, or as he was leaving the station.

- He states the police officers conducting the parade were detectives and not wearing uniform.

- He recalls signing what he refers to as a 'waiver' before leaving the police station but did not make any formal statement about the parade.

- He is not confident he could make any identification today.

6.72 Witness N was also interviewed. He recalled the identification parade and states he was not able to make a positive identification at the time. However, he did state the following:

- There was one man in the group who he thought might have been at Wilsons at the time in question but he was not certain.

- He did tell a police officer at the time but cannot recall which officer.

- He cannot say if the police officers were in uniform or not.

- He did not make any further witness statement and had no further contact with the police after the parade.

6.73 Police Ombudsman investigators interviewed Officer D who recalled his role as the Identification Officer and that he was assisted by a police constable. He states:

- They were both in uniform and that no detective police officers were present.
- He was very clear in saying that if an identification was made then he would have endorsed that fact on the relevant forms and brought this to the attention of the SIO.
- He also states that if either of the witnesses had spoken to him privately or "off the record", and intimated a partial or full identification he would have also recorded this on the relevant forms. That information would have immediately been brought to the attention of the SIO.
- He states no such 'waiver' form exists and explained that a witness would be entitled to expenses and that Witness Q might be referring to a receipt he had signed for his expenses.

6.74 Officer E was interviewed in relation to the Identification Parade. Despite his notebook confirming his role in conveying Suspect B from Gough Barracks to Lurgan police station he could not recall the outcome or specifics of this or the Identification Parade. The officer did state that if any identification had been made to him then he would have reported this immediately to Officer D.

6.75 Findings

6.76 By examining the police investigation file it is difficult to establish how or why Suspects A and B were considered as the suspects who purchased the Talbot Horizon car. However, Suspect A's name does appear on a piece of paper in the police file and Police Ombudsman investigators have viewed intelligence, which names both suspects

allegedly having some involvement in the murders. It is possible that this intelligence was passed to the investigation team but there is no record of this in the police investigation file other than details of the one report relating to Suspect B. During interviews with Police Ombudsman investigators Officer A could not recall what intelligence was passed to him and Officer B could not recall why Suspects A and B were linked to the murders but stated it must have been intelligence received.

6.77 Although there was an identification parade, the documentary evidence clearly supports the fact that Suspect A was not positively identified at the time.

6.78 When the suspects were arrested for possession of a firearm, the vehicle they were driving contained a large quantity of firewood. Suspect B had stated that he and his father were dealing in the sale of firewood / logs using the van they were conveying the firearm in. The police investigation does not appear to have identified a line of enquiry to establish if there was a connection between the suspect's family and another family who have a similar business directly opposite the murder scene.

The Police Ombudsman has concluded this was a very important aspect to the inquiry as there were several witnesses who may have been able to assist on the identity parade yet only two such witnesses attended the parade.

Whilst the police were entirely correct in pursuing the identification parade procedures, it is clear from the police investigation file that this particular line of enquiry could have been much better managed and the events should have been correctly documented, for example there are no decisions, explanations, or rationale in both the policy file and investigation file about the identification parades or the witness strategy for the identification parade.

6.79 Identification, Arrests & Interviews of suspects

6.80 Examination of the police file shows that the police received several pieces of information from the public concerning possible suspects. These were correctly documented and acted upon, all with negative results.

6.81 There are no files or reports in the police investigation file relating to any intelligence about the murders. However, there is one report, dated 4 November 1993, indicating that a known criminal was at the auctions on the day the Talbot Horizon car was purchased. This report does not state that the person was involved in the purchase of the car or in the murders. However, that person was arrested and appears on the list of suspects at paragraph 6.87.

6.82 There are several actions concerning potential UVF suspects. Those of note are:

- Suspect C – Police obtained a list of all police recorded stops/sightings of Suspect C the three months before the murders. There are no sightings of this suspect in or around the Bleary area during the month of October 1993. On 28 October 1993 there are three sighting reports of Suspect C: (1) At 1.30 p.m. he was spotted in a silver Peugeot car in Portadown; (2) At 5.50 p.m. he was seen as a passenger in a blue Ford Fiesta in Moy. (Near Dungannon). (3) At 9.30 p.m. he was driving a Peugeot car in Portadown and had waved to police.

- Sightings of UVF suspects for 28 October 1993 – the action states that a full list of all UVF suspect sightings was attached, however no such list exists in the file.

- Police conducted house checks to establish if local suspects were at home.

- Other actions – UVF suspects were researched and their current vehicle details obtained. The gunman was believed to be left-handed and as a consequence research was carried out on likely left-handed suspects.

6.83 The police received some anonymous telephone calls regarding potential suspects. The Police Ombudsman's investigation has identified the suspects.

- Call 1 – Suspect C, Suspect D, Suspect E, Suspect F and Suspect G as being involved in the murders. The source of this information also said that Suspects C and D picked the killers up at the burnt out car. The message also stated where the guns used in the murders could be found. Police obtained a search warrant; nothing was found.

- Call 2 – At about 7.40 p.m. he thought he recognised Suspect C standing next to a dark blue car at Clare crossroads. He saw four people in the car, one of whom was a female in the front passenger seat. The car switched off its headlights and the man, whom he thought was Suspect C, disappeared.

- Call 3 – Same caller as in Call 1. He again thought he saw Suspect C. He describes the driver as wearing glasses and the front seat passenger was a female with dark collar length hair. The caller refused to identify himself to police and to make a statement.

6.84 Police identified Suspect D for this suspect was not named in the call, only the relationship to Suspect C. However, it cannot be established whether or not police completely matched the connection of the cars with the above-mentioned suspects and if they vigorously pursued this line of enquiry. There is no evidence that Suspect D was pursued as a

line of enquiry other than an action was raised to obtain a physical description. The action was annotated 'NFA'.

6.85 Police identified the caller (Witness V) who made Calls 2 and 3 but this person refused to provide a statement. Police Ombudsman investigators interviewed this person who is now elderly and in poor health. Information that was given did not provide additional investigative opportunities.

6.86 Descriptions of the main suspects were obtained and documented in the police file. There were a total of 14 suspects: 12 male and 2 female (but Suspect D was not included on that list). The following suspects were arrested, interviewed and released without charge:

- A
- B
- C
- F
- G
- H
- I
- J
- K

6.87 Copies of custody records have been obtained except for Suspect H's; this cannot be found. All records of interviews with these suspects have been destroyed.

6.88 Two applications for an extension of detention regarding C, G and F. The details are:

- Officer B – The application states that all three are suspected members of the UVF that have been involved in murders in the area and "this view is supported by much high grade

intelligence." Reference is made to a witness who will not give evidence but has said he saw Suspect C in company with four others at Clare crossroads about 15 minutes before the murders. Furthermore, a footprint had been found at the scene of the murders and Suspect G shoes had been seized for comparison.

- Officer A – Since the first application, a search was carried out an address in Banbridge where an AKM assault rifle believed to belong to the UVF had been recovered from a hide in a ditch. It was known that the weapons used to murder the Cairns brothers were AKM rifles and it was possible that the weapon recovered was linked. The weapon had been submitted for forensic tests. There were plans to make a further arrest of a UVF suspect who lived near the weapons find. The officer reported that the persons arrested were "strongly suspected" of involvement in the murder of the Cairns brothers.

6.89 There are no further details regarding the forensic tests, on the weapon find or of the other UVF suspect about to be arrested.

6.90 Findings

6.91 The police carried out research on Suspects C and H who along with seven other suspects were arrested and interviewed. These suspects were all known UVF members and therefore they were arrested under Prevention of Terrorism legislation where they were detained for a period of one to three days. They all denied any involvement in the murders and because of a lack of evidence they were released without charge.

6.92 Although one caller was a good witness regarding C's movements, that person was not willing to assist the police by providing a statement and by implication assist in an identity parade potentially putting C near the murder scene 20 minutes before the murders. There does not appear

to be any report or policy decision by the SIO to give consideration to this witness being suitable for the 'witness protection programme'.

It is clear that the police considered those persons suspected of being involved in the UVF as possible suspects for these murders. There was anonymous information supported by an unwilling witness that supported the police hypothesis that Suspect C, in particular was involved. Although both the SIO and DSIO have either reported on 'high grade intelligence' or inferred there was existing intelligence, there is nothing in the police investigation file that will assist in determining how and why all of the suspects were arrested and interviewed other than under Prevention of Terrorism legislation. Furthermore, the only entry in the Policy File relates to the arrest of Suspect H. There is no mention of a Sensitive Policy File, which may contain intelligence and neither has one been found.

However, the Police Ombudsman has concluded that the police did make all reasonable efforts to identify and arrest several suspects based on what has been reported on above.

6.93 Intelligence

6.94 Linked incidents

6.95 Police quickly confirmed that the murder weapons had been used in two previous murders. Officer B directed that research should be carried out into those murders to establish who the suspects were, and what evidence was obtained in relation to this.

6.96 Police Ombudsman investigators have viewed the intelligence files of those linked murders. No investigative leads were discovered.

6.97 Additional enquiries by Police Ombudsman investigators reveal that the same weapons have been identified as being used in two further incidents since the murder of Gerard and Rory Cairns.

6.98 Other intelligence matters

6.99 There are no directions in the Policy File relating to other intelligence matters.

6.100 There is no material in the police investigation file or computerised management system relating to any intelligence received from Special Branch other than a report regarding previous usage of the weapons and the information regarding the known criminal being seen at the car auctions.

6.101 There is an undated internal police document, general in nature, which indicates that the Lisburn UVF carried out the murders.

6.102 The identity of the Special Branch Liaison Officer attached to the police investigation team cannot be established. This procedure would have been normal for this period of time.

6.103 Findings

6.104 Mr Cairns' main allegations relate to collusion and intelligence. These specific areas are dealt with in more detail at Sections 8.

6.105 Police Ombudsman investigators have identified the following potential new lines of enquiry namely an investigation into the links connected with weapons usage and the associated intelligence.

6.105.1 Police main lines of enquiry (SIO Policy)

6.106 The original SIO Policy file was recovered from the police investigation file. There are only 11 entries in the Policy File; all made by Officer B. The last entry is dated 4 November 1993.

6.107 There are no definitive lines of enquiry recorded in the Policy File although some decisions do relate to scene management, house-to-house enquiries, some forensic issues and the arrest of Suspect H. There are no details regarding suspects identified or any intelligence that furthers the investigation.

6.107.1 Findings

6.108 It has been established that Officer A did not maintain a Policy File and the only file in this respect was the one maintained by Officer B.

6.111 Officer B has maintained a Policy File but it is clear that entries cease only seven days after the murders. There is no explanation for this and although the investigation was still ongoing, the lack of subsequent entries gives cause for comment. Similarly, there is no mention of closure of the investigation or reasons for the cessation of the investigation. However it is acknowledged that the RUC were conducting several murder investigations in this region at the same time.

The Police Ombudsman concludes that there was a failure to properly maintain the Policy File. Officer B did record some decisions and the rationale behind them but Officer A must bear overall responsibility for this failure, as he was the SIO in the investigation.

6.112 Family Liaison

6.112.1 Contact with the family

6.113 The concept of the Family Liaison Officer (FLO) was not in place in 1993 and therefore a dedicated FLO was not appointed.

6.114 There is nothing in the Policy File relating to police contact with the family.

6.115 It is clear there was very early contact with the Cairns family following the murders. Statements were taken from Mr Cairns and his daughter, Roisin. An action was raised to speak to Liam Cairns; the action has been marked as 'no statement required'. An action was also raised to establish the make up of the family circle.

6.116 Eight days after the murders directing Officer F to maintain close contact with the family. Responsibility was then re-allocated to Officer C. Entries on this action sheet have comments such as "contact still ongoing" and "close contact is being maintained with Mr and Mrs Cairns. No further information has come to light". The last entry is dated 26 November 1993.

6.117 Officer F when interviewed provided a statement stating neither he nor anyone else was appointed as a dedicated liaison officer for the family. He does recall having contact with the family and taking statements from them.

6.118 In an internal RUC report dated 3 April 1998 Officer B states: -

- He accompanied Officer A to Mr Cairns' workplace on one occasion to discuss the investigation. Officer B writes that on that occasion, as in many others, Mr Cairns was given every opportunity to contribute to the enquiry.

- Officer B also wrote that Mr Cairns was visited on a number of occasions in an effort to keep him appraised of the investigation and Mr Cairns was "always attentive but repeated the allegation that he believed that the police were responsible."

6.119 Officer A's account of contact with the family

6.120 Officer A gave the following account regarding his recollection of contact with the family: -

- He recalled meeting Mr Cairns on only one occasion. He referred to a visit Officer B and he made to a building site Mr Cairns was working at about two or three months after the murders. He said he probably told Mr Cairns there are no leads and if he [Mr Cairns] had any information to pass it on to the police. Officer A said that Mr Cairns never approached the police with any information.

- He mentioned several times that Mr Cairns was very hostile and difficult towards the police. Mr Cairns claimed that police knew who was responsible for the murder of his sons.

6.121 Officer B's account of contact with the family

6.122 Officer B gave the following account regarding his recollection of contact with the family:

- Officer B states he visited Mr Cairns several times during a three-month period but he cannot recall the exact dates. He said they were lengthy meetings and fraught with hostility. He did recall visiting the family home one Sunday morning to provide an update. Nevertheless he did feel he tried to keep matters on reasonable terms.

- He recalled visiting Mr Cairns with Officer A at a building site where Mr Cairns worked. Officer B wanted Officer A to see for himself how Mr Cairns was adamant that his sons were murdered by the state and that collusion was the predominant factor in the murders.

6.123 Findings

It is clear that police were directly involved with the family on the evening of the murders and there was some contact as the investigation progressed. It would be unfair to criticise the police for not appointing a FLO when such a concept was not in place at that time. However, it is not unreasonable for a family in this situation to expect regular contact from the police explaining what happened and how the investigation was progressing.

There is evidence that there was an instruction that an officer should maintain regular contact with the family but notes of any contact cease only a month after the murders. There is also evidence Officer B in particular, made some effort to keep in contact with the family. There is no evidence of any other record or log detailing any other contact with the family other than the report by Officer B. There is little evidence except for one visit by Officer A that the SIO made contact with Mr Cairns or his family.

6.124 Media Appeals

6.125 Police press release

6.126 The first press release was at 9.05 p.m. on the night of the murders. This was very brief and referred to “first reports of a shooting incident….”

The second press release was 40 minutes later outlining further details of the murders.

6.127 A police Press Officer arrived at the murder scene at 9.14 p.m. and did not leave until 12.04 a.m. the following morning.

6.128 Witness appeals

6.129 On the evening of the murders the police made a witness appeal through the press where it was stated an Assistant Chief Constable had visited the scene and he was quoted as appealing for witnesses to contact Lurgan police station. The police station number was provided.

6.130 Police released a further press release providing more details of the murders the following morning. They stated they had “already received a number of helpful calls from the public” but issued a further appeal for assistance from the public. The police asked for witnesses who were in the area that evening and also asked for anyone “who spotted any unusual activity in the area during the past week are also encouraged to come forward”.

6.131 Police obtained a similar vehicle to the Talbot Horizon (including identical number plates) that could be used in making an appeal on the television programme Police Six. However, this was not possible, as the programme had stopped covering terrorist related crime. A photograph of a similar vehicle was used in an appeal with the Lurgan Mail and Portadown Times. A copy of that photograph is in the police investigation file.

6.132 Police also made a press appeal for an anonymous male caller to contact police. This relates to Witness V.

6.133 Newspaper reports

6.134 Immediately following the murders, all of the Northern Ireland newspapers ran specific features on the high number of terrorist related killings in the country at that time, including the murders of the Cairns brothers.

6.135 Findings

6.136 A senior police officer and press officer quite rightly attended the murder scene and made the first appeal for witnesses. There were further appeals for witnesses including an appeal for an anonymous caller to come forward.

The Police Ombudsman concludes that although there is no mention of a media strategy/witness appeals in the policy file the police utilised both television and the newspapers in appealing for information and witnesses. The police appeals and high profile reporting of the murders meant the public were well aware of the murders and potential witnesses did make themselves known to police as a result of those appeals.

6.137 Forensic strategy and other forensic issues

6.138 Initial crime scene/forensic considerations

6.139 The initial management of the crime scenes was prompt and well managed, notwithstanding the difficulties imposed on the police by Mr Cairns insisting the police leave his house by 2 a.m.

6.140 Both Officer A and Officer B attended the scene with the deputy remaining until the bodies were removed and the murder scene was closed.

6.141 Entries in the Policy File show that a direction was made ensuring that no action should be taken at the scene until the arrival of the forensic scientist.

6.142 The Scene Log shows that a police liaison Sergeant from the laboratory attended the murder scene with the scientist.

6.143 The scene was video recorded in addition to still photographs being taken. Detailed mapping of the scene was also done.

6.144 Statements were obtained from all personnel who attended the scene to establish what each person saw and did.

6.145 A policy decision was made ensuring any documentation seized from Wilsons Car Auctions would be fingerprinted. Another decision relates to items that will receive high priority: examination of the recovered cartridge cases; and burnt clothing recovered from the burnt out car to establish previous usage of the murder weapons and to obtain DNA.

6.146 Forensic Strategy

6.147 There are no entries in the Policy File or other documentation relating specifically to Forensic Strategy.

6.148 Forensic outcomes

6.149 Items were recovered from both Scene 1 and Scene 2 that were submitted to the forensic science laboratory for examination / analysis. The correct forms were used.

6.150 The six working files held by the Forensic Service Northern Ireland have been located and copies obtained by Police Ombudsman investigators.

6.151 The scientist's examination of items recovered from Scene 1 consisted of: 7 spent cartridges; 6 bullets; clothing of the two brothers; various 'tape lifts' from the murder scene; and control samples of mats / carpets. Comparison tests confirmed that the cases had been "discharged in two firearms thought to be VZ58P assaults rifles.

6.152 The scientist's examination of items recovered from Scene 2 consisted of: the burnt remains of a boot; a boiler suit; a pair of pants; a t-shirt; one glove; and a shoe. The scientist concluded that the condition of these items recovered from the car "precluded any attempt to recover material which could be used to connect any persons to the indecent".

6.153 Exhibits Officer and Exhibits Log

6.154 Officer G was identified as the Exhibits Officer.

6.155 Although there are 31 exhibits recorded on computerised management system the original Exhibits Log cannot be located.

6.156 Retired Officer G when interviewed stated that although he was anxious to assist with the Police Ombudsman's investigation he had no recollection of performing the role of exhibits officer. He agreed the laboratory submission forms contained his signature but could offer no explanation as to the location of the exhibits log.

6.157 The Forensic Service Northern Ireland returned the majority of the original exhibits to the police at Lurgan police station on 22 November 1995. The exhibits retained by the laboratory at that time relate to body fluid samples and the spent cartridge cases and bullet heads; however, the Forensic Service Northern Ireland no longer has those exhibits.

6.158 Those original exhibits that were returned to the police cannot be found. Police Ombudsman investigators made the following enquiries with a negative result: -

- Forensic Service Northern Ireland have confirmed they do not have the missing exhibits;
- Police Archives stores at Seapark do not have any exhibits relating to this case;
- Exhibits log and exhibits could not be found following a thorough search of Lurgan police station;
- Retired Officer G and Officer H who were involved with the collection of the exhibits from Forensic Service Northern Ireland cannot provide any details of where the exhibits might be.

6.159 Findings

6.160 Police acted promptly in preserving both scenes thereby ensuring the best possible forensic opportunities available to them.

6.161 The SIO has not documented any decisions, instructions or any details of conferences that relates to the forensic strategy.

6.162 The deputy SIO identified and implemented ‘fast track’ actions such as: setting the cordon limits; directing which agencies will attend the scene; ensuring a scientist attends the scene to offer advice; and video

recording the scene. The deputy SIO also identified 'high priority' forensic examinations of items recovered from both scenes.

6.163 It is acknowledged that the deputy SIO did take control of the forensic strategy as is evidenced in the Policy File. He also took control at the murder scene and ensured support staff undertook relevant actions as directed by him, which resulted in the retrieval of physical evidence from both scenes.

The Police Ombudsman accepts that the police were under enormous pressure to complete their forensic examination of the murder scene by 2 a.m. however, it must be noted that this is not good investigative practice.

The Police Ombudsman is concerned about the loss of important exhibits. Advances in forensic science may provide new opportunities to re-examine items recovered 13 years ago, for example, the retrieval of DNA from the burnt pants recovered from the car.

This is a murder case that remains undetected. The police investigation file was at Lurgan police station and the case could have been re-opened at any time. The police must bear responsibility for their failure in ensuring the exhibits (and the exhibits log) were correctly stored and were accessible in the event of any re-investigation There is no record of decisions made to destroy or dispose of exhibits. The loss of these exhibits cannot be understated.

6.164 Reviews

6.165 There is no evidence that the police have conducted any formal reviews of these two undetected murders. There are no situation or concluding reports available in the police file.

6.166 However in 2002 the family solicitor wrote to the PSNI about the police investigation. The Crime Manager for Lurgan police station reported the following: -

- The police investigation file is retained at Lurgan police station.
- The murder enquiry is not open.
- There have been no active enquiries recently "and having reviewed the available documentation there is no new information which would justify a further review or the referral of the enquiry to a Senior Investigating Officer. Should any new evidence or information become available, this will be actively pursued".

6.167 Prosecutions

6.168 Although police made several arrests no one has been charged with these murders.

7.0
Interviews with the SIO and DSIO

7.1 Both the SIO and the deputy SIO agreed to an informal interview at their homes. A summary is as follows:

7.2 SIO – Officer A

7.3 Officer A suffered a stroke a few years ago but states he has recovered quite well. He said that about four years ago the Police Headquarters Command Secretariat had contacted him with a request to meet with Anglo Irish politicians about the Cairns case; the retired officer refused.

7.4 Officer A agreed he was the SIO but explained that he only went into the Criminal Investigation Department (CID) as cover for six months. He did not really want the role of DCI but eventually agreed. He said he had been a Detective Sergeant in 1978 but had never received any training as an SIO, or in the CID. He felt he was not sufficiently experienced to take on the role of DCI. He said he was not making excuses but wanted to set the scene.

7.5 Response to the allegations of Discrimination

7.6 Officer A strongly denied the allegations stating he was the same religion as the Cairns family.

7.7 Management Structure

7.8 He stated that he was the SIO in the case and attended case conferences and discussed the case with his deputy but said, “It was

very much [Officer B] who ran it". He explained this was because he was based in Portadown whilst Officer B was based in Lurgan.

7.9 He said there were numerous murders in the area at that time but he does not recall what other murder investigations he was involved with.

7.10 Officer A explained that officers from the local CID investigated murders with support provided by the Crime Squad from Armagh. During the early stages of the investigation there were about 20 officers in total on the investigation team but after about two weeks many detectives were taken off the investigation for other duties.

7.11 He does not recall if there was a policy log. Neither can he recall if the investigation was managed on a computerised system.

7.12 Motive

7.13 Officer A referred to the divide between the communities and he felt the motive was sectarianism. He was asked if he had received any information about an impending attack on the home, that it was the right home but wrong target or that it was just the wrong home. He replied, "No".

7.14 Police lines of enquiry

7.15 Officer A said he did not recall much about the murders or the police investigation but did say, “There are only three things I remember: two lads dead in the house; the car auctions; and visiting Mr Cairns at the building site”. However, when asked about his main lines of enquiry. He said he could only recall the suspect vehicle, the car auctions and the house-to-house enquiries but could not remember anything further.

7.16 He was also asked about the persons in the wood yard [farm] opposite the Cairns home. Officer A said he had never been to the area during daylight and did not know there was a wood yard. He said he could not remember.

7.17 Officer C

7.18 He could not recall anything about Officer C’s role and could not say anything about the allegations against that officer.

7.19 Intelligence

7.20 Officer A said that the relationship between Special Branch and the CID was good. He said he could not remember if he received intelligence from Special Branch.

7.21 He could not recall if there were any intelligence links about the murder weapons but he thought there would have been some as this was usually the case.

7.22 He did not know if Suspect C was involved in the murders but opined “word on the street” was that Suspect C was involved.

7.23 Other matters

7.24 Officer A was asked about the issues raised by Mr Cairns. Officer A said he could not remember anything else other than to say that the

military usually patrolled the area and they would have made enquiries about military patrols but he does not recall the outcome.

7.25 Deputy DSIO – Officer B

7.26 Officer B was initially interviewed at the beginning of this investigation whilst still a serving police officer before contact was established with Mr Cairns and the recording of Mr Cairn's statement of complaint. Officer B was then interviewed in more detail towards the end of the investigation.

7.27 A summary of the interviews are as follows:

7.28 Response to allegations

7.27.1 Officer B said that he was aware of the allegation of collusion by Mr Cairns as he expressed this many times. He said on one occasion Mr Cairns had said, "I don't know why you're coming to tell me. You guys did this." Officer B said that from the very beginning of the enquiry Mr Cairns was convinced that his sons were murdered by the State and no amount of discussion could persuade Mr Cairns that there was no evidence of this.

7.30 Officer B states that he was the SIO in another investigation at the time, which he worked on alone. He mentioned the pressures of work for both himself and other police officers because of the terrorist situation at the time.

7.31 He said he did not attend the scene initially but visited it later that evening where the SIO was already in attendance.

7.32 Officer B was allowed to refer to the Policy file during the interview. He confirmed that the document was the only policy file in existence that was maintained by himself and not the SIO.

7.33 Officer B told Police Ombudsman investigators that he led the majority of the investigation during the first few weeks but Officer A became more involved during the latter stages. He said there were so many murders and a lack of resources that the usual practice was to "work flat out on the case for a few weeks then go on to the next case" and "that was how it was in those days and clearly it would not be the case today".

7.34 Motive

7.35 He recalled that checks on Gerard and Rory Cairns did not link the brothers to paramilitary activity. Officer B felt there was no reason for the brothers to be a specific target.

7.36 Officer B said he was never aware of any intelligence that showed the right house had been targeted but the wrong person(s) killed.

7.37 Police lines of enquiry

7.38 He said that he recognised the car auction was his best line of enquiry and that he did devote a lot of time to this. He referred to the potential witnesses at the auction but said, "Nobody was talking".

7.39 Officer B does not recall if any documents were recovered from the car auctions but on checking his policy log noted that he had directed that if any documents were identified as having been handled by those who bought the car then they must be seized for forensic examination. This is something that he would have expected to happen.

7.40 He referred to the identification parade and stated that the view expressed by the officer in charge of that procedure was that "the people would not really commit themselves."

7.41 He also said that the witnesses working in the wood yard at the farm were obvious lines of enquiry and were correctly dealt with but he could not recall their names or the outcome of those enquiries.

7.42 Officer B said that police conducted enquiries along The Slopes for some time.

7.43 Officer C

7.44 He recalled Officer C being on the investigation team but was not able to provide any details about any contact the officer had with Mr Cairns

7.45 Intelligence

7.46 Officer B said that he was aware some intelligence had been passed to the investigation team relating to suspects but he had his own views, which “were not the same as Mr Cairns”. He said that several people were arrested and interviewed.

7.47 He mentioned that the general belief was that Suspect C was responsible for everything in that area at the time but said that this was impossible as Suspect C always made an effort to ensure he was visible to the security forces. Officer B shared his thoughts about who he thought was responsible for the murders, which were consistent with his lines of enquiry.

7.48 Officer B also referred to Suspect H saying he was never made aware of intelligence H was involved in the Cairns’ murders. He said that the arrest of H was “mere window dressing” and the decision to arrest was not his idea but rather it was the Head of South Region CID’s decision.

7.49 He confirmed he was told of the forensic links with the murder weapons but this information did not really help him. He did not know if the weapons had been used since the attack on the Cairns brothers.

7.50 He could not recall why Suspects A and B were linked to the murders and said it must have been by intelligence received from a Special Branch operation directed at those two individuals but said he certainly would not have been told the details of any specific Special Branch operation.

7.46 Special Branch

7.52 Officer B stated there were Special Branch liaison staff based at Lurgan police station but he could not remember any names or add anything further about that. He stressed that relations between the CID and Special Branch was not very good and information sharing was poor. He confirmed that he was not aware of the existence of intelligence indicating who the intended target was.

7.53 He stated that the Head of South Region CID was the person who controlled access / dissemination of intelligence to the SIOs.

7.47 Other matters

7.54 Officer B said there was a line of enquiry to ask the army for documents and to “tie down patrols” in the area that day, which they were able to complete. He explained that because of previous bomb threats the main Lurgan to Gilford road (Plantation Road) was a designated route for the military and police to and from Portadown and Lurgan. He said it was a route the army were required to use. He also said that he was not sure if there was a specific army operation in the area that day but made a point of saying it was not unusual for the army to be in the area on either designated routine patrols or as a transit route between various locations.

7.55 He mentioned the underpants recovered from the burnt out car saying there wasn’t much left, as they were severely burnt. He agreed that forensic opportunities are now much more advanced than they were in 1993 but he has no knowledge of where any exhibits might be now.

8.0 Allegations

8.1 Allegation 1 - Collusion

8.2 There are four elements to Allegation 1 that form the basis of Mr Cairns' principle allegation that there was security force collusion in the murders of his sons. Each element of Allegation 1 is dealt with separately as follows: -

Allegation 1a

There was an unusually high security force presence in the area with the Army and RUC arranging a clear path for the killers to commit the murders and assisting in their escape.

8.3 Additional Witnesses

8.7 Mr Cairns' has expressed a strong belief that the security forces were involved in the murders of his sons. Some of this belief is based on conversations he has had with family members and neighbours.

8.7 Mr Cairns provided details of nine witnesses who, he states, support his allegation that there was an unusually high security presence with a high number of checkpoints in the area prior to the murders. Police Ombudsman investigators interviewed all nine witnesses including a further 27 witnesses who were identified as either neighbours or relatives of the Cairns family. Below is a summary of those witnesses who provide supporting evidence for Mr Cairns' complaint concerning security force activity on 28 October 1993.

- **Witness G**. Reported to the police that he saw an army land rover drive past his farm at about 7.30 p.m. Witness G confirmed the sighting to Police Ombudsman investigators.

- **Witness W**. Saw military land rovers at 7.40 p.m. at Clare crossroads and then driving along Crowhill Road.

- **Witness X.** At 7.30 p.m. he was stopped by an army checkpoint on the Gilford Road near the junction with The Slopes. The army checkpoint had gone when he returned via the same route a short while later.

- **Witness Y.** Was on the Gilford Road at 8 p.m. and as she approached the last entry to The Slopes (near Clare Road) a soldier stopped her. She provided her details and was allowed to drive on.

- **Witness Z.** She left home with Witness AA between 6.30 p.m. and 7 p.m. She turned into the middle access road from The Slopes onto the Gilford Road and saw an Army land rover parked on the road. She almost struck a soldier standing at the junction. She stopped and spoke to the soldier who told her to drive on.

- **Witness AA**. He corroborates Witness Z's account.

- **Witness BB.** He was stopped at a military checkpoint at Clare Crossroads "about 7.30/8.00 p.m." About "30/40 minutes" later he drove home via the same route. The checkpoint had gone.

- **Witness CC.** At about 5 p.m. he was driving home when he saw "a number of army jeeps travelling in convoy" on Crowhill Road passing The Slopes.

- **Witness DD**. Believes she saw unmarked police cars in the area being driven by uniformed police officers but cannot offer

anything further about this. She had gone to Clare Chapel that evening and she might have seen a police checkpoint in the vicinity of Clare crossroads.

- **Witness EE.** On the day of the murders he noticed there seemed to be a heavier police and army presence.

- **Witness FF**. At about 8.05/8.10 p.m. she was stopped by a military vehicle checkpoint on Gilford Road at the junction with Clare Road.

- **Witness GG.** At about 7.15 p.m. she saw a convoy of army land rovers moving slowly up the Crowhill Road.

- **Witness D.** Whilst on his way to the Cairns house he walked along the Gilford Road and he saw an army checkpoint at the junction with The Slopes. The day after the murders he saw an army helicopter hovering around the Dunkirk Road area.

- **Witness HH.** His house is beneath the helicopter flight path used by the army. Helicopters would often land in the fields opposite. On the day of the murders he saw an army helicopter hovering from 3 p.m. until sometime between 5 and 6 p.m. that evening.

- **Witness II.** Married to Witness HH. She saw a helicopter hovering above the fields directly in front of her house at about 11 a.m. that morning. This was normal activity including the deployment of soldiers from the helicopters. Between 11 a.m. and midday she came across an army checkpoint somewhere between Crowhill Road and Bleary Primary School. On her return home about one and a half hours later she noticed the helicopter was still there.

- **Witness JJ**. Reports several sightings of security force activity on 28 October 1993. He was stopped by a police checkpoint at 10 a.m. as he left Lawrencetown. He saw an army helicopter circling the area. Just before midday he saw "what appeared to be another police checkpoint near the entrance to The Slopes." The car was unmarked and "the people appeared to be uniformed police". He then came across a police checkpoint on the Clare Road and as he turned left on to Gilford Road he came across an army checkpoint. At 6.15 p.m. he was stopped at a police checkpoint on leaving Lawrencetown and as he arrived at the Clare Crossroads he could see a police checkpoint half way up Crowhill Road. Both checkpoints were unmarked cars with uniformed police officers.

8.6 Military patrols – police investigation

8.7 In a report dated 3 April 1998 Officer stated there was no unusually high security force presence in the area of the Cairns home at the relevant time and that the investigation had obtained all police and military traces for the period.

8.8 Examination of the police file reveals that police did make enquiries regarding army patrols. They are as follows: -

- The day after the murders an action was raised to obtain details of Army patrols in the area on 28 October 1993.

- Police obtained copies of Army patrol reports and maps.

- These reports show that the Army deployed three land rovers on patrol between 12 noon. and 8 p.m.

- The patrol was tasked to set up vehicle check points in the Loughbrickland, Banbridge and Lawrencetown areas.

- The police also obtained a copy of a Log Keeper sheet, which shows that after the announcement of the murders over the military radio net, the patrol communicated to his operations room that he and his patrol had "transited through the area at 1917 hrs."

- No additional material is available for reading.

8.9 Police identified that the army patrol had completed two vehicle checks on the computer whilst in Lawrencetown; one at 6.58 p.m. and the other at 7 p.m. These timings, the location and announcement that it had been in the area suggest that it travelled from Lawrencetown to Gilford Road via Clare crossroads and Crowhill Road. The radio log shows that the patrol reported it was back in barracks at 7.47 p.m. This patrol would have driven past The Slopes about 40-45 minutes before the murders.

8.10 Military – Police Ombudsman enquiries

8.11 Documentation

8.12 A major line of enquiry for Police Ombudsman investigators was to obtain as much information as possible from the Army regarding military patrols and activities in the area leading up to and on the day of the murders. The Army were very helpful although the investigative process was very time consuming. Material that was supplied consisted of patrol nominal rolls, patrol taskings, patrol reports, patrol maps and log sheets.

8.13 Police Ombudsman investigators have established that the army regularly sent soldiers out on patrol in the area. It has also been established that there were patrols in the local area or passing through Crowhill Road on the day of the murders.

8.14 The records show that Army patrols were deployed on a daily basis in the Portadown/Craigavon/Lurgan area during the months leading up to the murders. The object of these patrols to prevent terrorist activity in those areas. Police Ombudsman investigators have now identified other patrols that were in the area on the day of the murders. The main aims of these deployments were: -

- Deter terrorists from mounting attacks in the Lurgan area or those moving to and from it.
- Intelligence gathering
- Close protection duties of government buildings, e.g. Craigavon Court House and Lurgan police station.
- Check derelict buildings and.

8.15 Army radio logs

8.16 Radio logs record communications between the Operations Room and army units deployed on the ground. The relevant logs were made available for examination. They provide further evidence that the army deployed regular patrols in the Bleary area (relevant to The Slopes) in the weeks before the murders.

9.15 Log Keeper logs

8.18 The Log Keeper is a more senior soldier or army officer who is also located in the Operations Room. The Log Keeper maintains a listening watch of all radio communications and records events onto a Log Sheet. An examination of these logs show that they contain similar information to the radio communications logs.

8.19 Helicopter deployments

8.20 The Army were not able to provide detailed information about helicopter deployments. Some information about helicopter movement was contained in the radio and Log Keeper's records.

8.21 After examining the relevant logs it was established that military helicopters routinely flew over the area when flying between various locations. This was not unusual military activity. There are entries that show a helicopter has often landed or departed the barracks at Portadown.

8.22 There are no specific entries regarding helicopter deployments recorded in the logs during the afternoon and evening of 28 October 1993. However, there are several entries that show that helicopters were over-flying the area that afternoon. There are entries in the logs that show helicopters were used to deploy troops after the murders.

Interview with Soldier 'A'

8.24 Soldier A was the senior soldier in charge of a patrol who reported to Control at 6.31 p.m. on 28 October 1993 that he was at Plantation Road (Gilford to Lurgan road) and would be leaving for Control's location in 10 minutes.

8.25 Soldier A was shown his original patrol report and map for the 28 October 1993. He cannot recall the patrol but states the handwriting was his. He explained that he was allocated set tasks for the duration of the patrol and he would go from one task to the next whilst reporting to Control his movements during the patrol. He was shown the communications logs for the day of the murders but could not comment on anything attributed to his call sign.

8.26 Soldier A could not recall specific taskings in the Bleary area but said the majority of patrols were directed at "interdiction of IRA and Loyalist terrorists" where they would check for possible sniper/bomb sites and gather intelligence.

8.27 Soldier A confirmed that the area was part of the flight path for military helicopters flying between various locations. He also stated that during helicopter deployments troops would be dropped off field, the helicopter would back off and then return to pick up the troops when required.

8.28 In summary, Soldier A could not recall the Cairns murders because of the time lapse and "the sheer volume of murders and terrorist incidents at that time". He said he was an experienced soldier who knew the area well. He states that patrols in the Lurgan and Bleary area were the norm for that period and that patrols regularly drove through roads such as The Slopes, Crowhill Road and Clare Road. The main Lurgan to Gilford Road (Plantation Road) was a popular road to conduct VCPs because it was a main road that carried a lot of traffic.

8.29 In June 2007, Mr Cairns forwarded to the Police Ombudsman Investigation details of witnesses AAA and BBB, who had made reference to a conversation with man known as "Billy" whilst on vacation in Ibiza in 2000 or 2001. The reported conversation related to the soldiers' experiences whilst on patrol duties in the area of the Slopes during the evening of 28th October 1993.

8.30 The Police Ombudsman investigation carried out extensive enquiries to identify the witness known as "Billy"; however despite the assistance of a photograph to aid identification, enquiries with Soldier A and five other retired military personnel (Soldiers B, C, D, E and F) produced negative results:

Additional enquiries with a hotel in Ibiza described by witness AAA and BBB also produced negative results in relation to records of its occupants in the relevant years.

8.31 Police patrols – police investigation

8.32 There is no material in the police file or the management system that indicate that police examined the issue of police patrols. It would appear the police concentrated on establishing what military patrols were in the area on the day of the murders.

8.32 Police patrols – Police Ombudsman's investigation

8.34 There was no community police officer assigned for The Slopes area at the time of the murders. Officers from Lurgan would have generally policed this area but there was no dedicated police officer or team of officers.

8.35 Officer I was an Inspector at the time who had responsibility for the Brownlow area of Lurgan. He has assisted the investigation by recalling that: -

- There was a large fireworks display in Craigavon that evening and there would have been additional police officers assigned to that event at the time.

- He said there were three traffic control points set up close to the fireworks display, manned only by police officers and there were undoubtedly other road checks set up for operational reasons. He cited the building of a new police station being built in Brownlow and that it was a terrorist target as an example.

- He states there are no records available of police road checks that were set up on or about 28 October 1993.

- He states the Duty Book from 1993 cannot be located. This would contain details of personnel on duty, details of their deployment and any specific tasks allocated.

- Operational Orders for 1993 cannot be located.

8.36 The only records that are available relating to police deployments on the day of the murders are statements provided by police officers who arrived at the murder scene. They are: -

- **Officer D**. He was on mobile patrol (no other details) when he received the call at 8.05 p.m. to attend The Slopes. He arrived at 8.20 p.m.

- **Officer H.** He was the first officer on scene and states, “I was on mobile patrol in the Waringstown area.”

- **Officer I.** He was on duty in the Craigavon area when he attended the murder scene at 9.10 p.m.

- **Officer J.** He was on uniform mobile patrol in the Lurgan area when at approximately 8.10 p.m. he heard of reports of the shooting. He attended the murder scene (no time given) stating, "On arrival, a Waringstown patrol car was already present."

- **Officer K**. He states he was "on mobile patrol in the Lurgan area" when he attended the murder scene. No timings are given but the officer states other officers were already on scene upon his arrival.

8.37 Findings

8.38 Many witnesses have described seeing army vehicles in the area at varying times between 5 and 8 p.m. Some witnesses report that they saw army vehicles at Clare crossroads and driving along Crowhill Road or were stopped at a VCP in Gilford Road [Plantation Road] between 6.30 p.m. and 8 p.m.

8.39 Witness D is an important witness by virtue of the fact that he travelled along the entire length of The Slopes but does not report seeing any military vehicles or unusual activity during this time. His account of going to the Cairns house, on to the Turley house and then Roisin alerting the Turleys' of the murders means that Witness D would have missed the killers by a matter of minutes.

The Police Ombudsman concludes that the available evidence shows that there were police on patrol in the general Lurgan and Waringstown area on the 28 October 1993. However, there is no evidence that there were specific police patrols in the area of The Slopes just before the murders. There was a higher police presence in the Craigavon area but this was some miles away.

The Police Ombudsman concludes that the evidence clearly supports the assertion that there were military patrols in the area

on the 28 October 1993. It is clear that the civilian sightings of army patrols match the military documentation that was viewed by Police Ombudsman investigators, albeit there are some small differences with timings.

The investigation has established that the Army deployed patrols in the area on a regular basis to interdict terrorist activity with patrols being varied in the type of patrol being undertaken and the tasks set for each patrol. It is also clear that patrols would regularly drive along Crowhill Road and past The Slopes as part of their deployment or even as a transit route back to barracks. The available evidence shows there were military patrols conducting VCPs or transiting the area on that day.

There is no evidence to show that this activity was "an unusually high security presence" in the area on the 28 October 1993. Neither is there evidence that there was an increase in such activity in the weeks prior to the murders or that there were any special military or police operations in or around The Slopes. There is no evidence to indicate that the security forces 'cleared a path' for the killers to and from the Cairns' house.

8.40 Allegation 1b

The only reason for the murders was that Gerard and Rory Cairns were Catholic. Mr Cairns alleges the RUC and the Army were involved in the murders or knew of the impending attack but failed to do anything about it.

8.41 Mr Cairns bases his allegations on several suspicious activities that occurred in the days and weeks before the murders. They are as follows:

8.42 Suspicious vehicle in Crowhill Road

8.43 Mr Cairns states that he saw a land rover parked in the Crowhill Road (at Lavery's gate), which leads onto an open field that overlooks his back garden. There were three or four sightings on different days before the murders; the last time was the night before the murders. The land rover was always parked facing towards the Cairns house and he could see it from his kitchen window.

8.44 Mr Cairns believes this was an army land rover, which was keeping observation on his house. He has no evidence of this but he feels the land rover is connected with the murders. Mr Cairns states that he did not report these sightings to the police before the murders but he did mention it to the police afterwards.

8.45 Liam Cairns states he recalls seeing a black Sierra estate car parked on the Crowhill Road overlooking his house several times during the week before the murders. He thinks he saw "at least two men in the car". He did not mention this to anyone at the time.

8.46 Findings

8.47 Police Ombudsman investigators conducted various enquiries regarding this.

The Police Ombudsman concludes that witnesses saw various types of vehicle at Lavery's Gate before the murders. There is also evidence that these incidents had been reported to the police after the murders and that the police did make relevant enquiries as soon as it had been reported to them. Neither police enquiries at that time, nor subsequent Police Ombudsman enquiries could produce any further information regarding this activity. There is no evidence to corroborate the allegation that the vehicles sighted at Lavery's Gate were from the Police or Army.

8.48 Sighting of strange men at the farm

8.49 Mr and Mrs Cairns refer to seeing a strange man several weeks before the murders on the road outside the farm opposite their house. They were returning home at around midnight when they saw the man in the car headlights. The man ducked his head down and appeared to pretend to knock at the door of the house.

8.50 Findings

8.51 The police file shows that Mrs Cairns had reported this matter to the police at the time of the murders and the matter was investigated. Furthermore, Mr Cairns states that police officers arrived at his home a week after the murders to make enquiries about this. Police officers also spoke to Witness KK who lived at the farm but she had no knowledge of the incident.

8.52 Witness G told Police Ombudsman investigators he recalls Mr Cairns saying he had seen a suspicious man close to his front door late one night and this man hid his face. Witness G has no knowledge of this incident or who the man was.

The Police Ombudsman concludes that the police dealt with this matter correctly and no useful information was gained.

8.53 In the second sighting, Mr Cairns also states that Witness G told him that two or three weeks before the murders he was feeding his cattle in an area at the side of a lay-by when he saw a man standing in uniform. Witness G spoke to this man several times but the man did not reply. Mr Cairns thinks this is very suspicious.

8.54 There is no reference to this matter in the police investigation file. However, Witness G's original statement to the police states that at about 7 p.m. on the Tuesday before the murders he was driving his tractor when he noticed a light flash up a lane. Witness G drove along the lane and saw a person disappear into a gateway. There is no

mention of a person wearing a uniform. When interviewed by Police Ombudsman investigators Witness G could not recall this incident.

The Police Ombudsman concludes that the lack of information prevents this from being taken further and corroboration has prevented this point from developing into an investigative opportunity.

8.55 Witness G told Mr Cairns that the police remarked to him that they knew the attack was going to happen.

8.56 Mr Cairns states that during house-to-house enquiries an unnamed detective remarked to Witness G that the police knew the attack was going to happen but did not think it would be so soon.

8.57 Findings

8.58 There is no reference to this matter in the police investigation file. Police Ombudsman investigators interviewed Witness G who states he has had many conversations with Mr Cairns over the years but cannot recall this particular conversation.

8.59 Police Ombudsman investigators have viewed a report by Officer B dated 3 April 1998, which states, “There were no indications that this attack was going to take place.”

8.60 In his interview with Police Ombudsman investigation Officer B stated there was no intelligence that the Cairns house was targeted and expressed the personal view “it was more than likely the wrong house.”

8.61 The only reasons for the murders were that Gerard and Rory Cairns were Catholics.

8.62 Findings

The Police Ombudsman found no evidence or intelligence indicating that Gerard or Rory Cairns had any links with paramilitary or criminal activity. All of the available evidence supports Mr Cairns belief that his sons were murdered because they were Catholic.

Police Ombudsman investigators undertook a comprehensive examination of the police investigation file and intelligence files. There was no intelligence that the Cairns' were being targeted or any intelligence indicating an alternative target in The Slopes. The Police Ombudsman's Intelligence assessment is there was no intelligence prior to the murders, which could have prevented them. Intelligence was received by the Police however shortly after the murders indicating that Rory and Gerard Cairns were possibly not the intended targets. This intelligence was ot forwarded to the Senior Investigating Officer. The Police Ombudsman concludes that there is no evidence that supports the allegation that any of the security forces were involved in the murders or knew of the impending attack on Mr Cairns' house.

8.63 Allegation 1c

Witness JJ asked for a security presence at Clare Chapel during the Novena. Mr Cairns alleges that this explains the high security presence in the area on the day of the murders and questions why would the killers enter an area to commit murder on the chance they might be caught. He suggests it was because the killers knew the security forces would let them escape from the scene.

8.64 Mr Cairns states before the commencement of the Police Ombudsman's investigation he discovered Witness JJ had asked for a high security police presence in the area of Clare Chapel during the Novena. Mr Cairns did not have any further details but he feels that this

significantly supports his belief that security forces helped to create 'a clear path for the killers'.

8.65 Findings

8.66 Police Ombudsman investigators interviewed and obtained a statement from Witness JJ. A summary of his statement is as follows: -

- During the week of the murders Witness JJ was hosting the Novena at Clare Chapel where prayers were said each evening.

- Two incidents caused him some concern: on the way home one night he saw a burning bundle of sacks in the middle of the road, which had been soaked in petrol; and a parishioner discovered a potato in the exhaust pipe of the car.

- Witness JJ spoke to a local constable, Officer L at Lurgan police station to ask if the officer could arrange for a police car to sit at Clare crossroads from 7.30 p.m. for the next two evenings of the Novena to act as a visual deterrent (but not to stop cars) and to watch the parked cars at the Chapel.

- Witness JJ states the officer had said a potato in a car exhaust was a usual Halloween prank but the burning sack was more "sinister". The officer said he would log the request so that there was a police presence.

- Witness JJ does not know if police attended the Chapel the following evening; in any event there were no further incidents.

8.67 At the end of prayers on the evening of 28 October 1993 Witness JJ was told about the shooting and states he attended the murder scene with his Parish Priest where the last rites were performed

8.68 Police Ombudsman investigators interviewed and obtained a statement from Officer L. He has no recollection of this matter but states that it is

quite possible that Witness JJ spoke to him about the problems he was having and he would have arranged for colleagues or himself "to give the matter passing attention."

8.69 The Occurrences Reports & Complaints Book (Book C6) from Lurgan police station has been examined. There are no entries relating to the incident reported by Witness JJ. Additional enquiries with the police have revealed that there are no records of any emergency calls or incidents, which would explain the need for police checkpoints at Clare Chapel on the day of the murders.

The Police Ombudsman concludes that the evidence clearly shows that Witness JJ requested a police presence to deter a repeat of Halloween style pranks against some of his parishioners. It is not clear whether police attended the area of the Chapel, however, Witness JJ reports seeing a police car on Crowhill Road the following evening, not far from the Chapel. Although Officer L cannot recall the incident it is quite possible that this particular sighting is related to Witness JJ's request for assistance as arranged by Officer L.

8.70 Allegation 1d

Mr Cairns believes he saw Suspects C and L conducting surveillance in the area several times before the murders.

8.71 Mr Cairns has described how in the four weeks before the murders he noticed some unusual vehicular activity in The Slopes, always around lunchtime on a Saturday. He describes different vehicles containing three males and one female driving along The Slopes past his house then after a short distance the car would turn round and drive past his house again.

8.72 Mr Cairns describes one male who he says would always turn his head away on seeing Mr Cairns. He describes this man as being of South African or Germanic appearance with either a moustache or goatee beard. Mr Cairns states that some months later he saw a picture of Suspect C and instantly recognised him as the man he had seen in the car.

8.73 Mr Cairns refers to a second man who was in the car and once again, after seeing a picture in a paper identified this man as Suspect L, a known Loyalist.

8.74 Mr Cairns did not know the people in the car and was very suspicious particularly because of the high tension in the area regarding terrorist related murders at that time. He states that he feared for the safety of his family. Mr Cairns did not tell the police about these sightings at the time but he did tell his parents and his family.

8.75 Mr Cairns states he was also concerned about “the police constantly patrolling the area, including The Slopes, in unmarked cars several months before the murders”. Mr Cairns believes “that Loyalist killers such as Suspects C and L along with security forces were putting my family and me under surveillance”. He believes all of these sightings are connected with the murders of his two sons.

8.76 Findings

8.77 In his original statement to the police, Mr Cairns does not make mention of this unusual activity in The Slopes the weeks leading up to the murders. It is not known if he was specifically asked questions about any unusual activity by the police officer recording the statement. Neither is there any evidence that Mr Cairns told the police of the suspicious sightings during the early days of the police investigation, although such conversations may have occurred but were not documented.

8.78 Furthermore, Mr Cairns states it wasn't until a few months later that he identified two of the people as Suspects C and L after seeing their pictures in the newspapers; Mr Cairns states he did not pass this onto the police.

8.79 Mr Cairns' elderly mother has told Police Ombudsman investigators of unusual vehicles in the area of The Slopes that were being driven by uniformed police officers. She also states that about 1.30 p.m. on the day of the murders she was close to her son's house when she saw a light blue car with the driver appearing to look at the houses. She states that about a month or so after the murders she saw a news item about Suspect C on television. She immediately recognised Suspect C as the person she saw in the light blue car. She believes she told Mr Cairns about this and a short while later told a detective but heard nothing further about it.

8.80 Found in the police file was an RUC memorandum compiled by Officer B. The report states that Mr Cairns, during the investigation, had indicated to Officer B that he had information about a specific person who might have been involved in the murders. Officer B wrote that Mr Cairns seemed to suggest to him that because he wasn't specifically asked, he didn't pass this information onto the police at the beginning of the investigation.

8.81 Officer B wrote in the same document that on subsequent meetings Mr Cairns "repeated local rumours about a person neighbours had allegedly seen in the area prior to the attack" and as a result Officer B directed a re-visit of house-to-house enquiries, but no one came forward to confirm those rumours. There is no other information available to indicate what this information might have been or that it related specifically to Suspects C or L.

8.82 Examination of the Policy File reveals that there is no mention of Suspects C or L. The only mention of a suspect relates to a direction

that Suspect H was to be arrested and interviewed and an application for his extended detention was to be made.

8.83 There is a clear instruction for house-to-house enquiries to be re-visited to establish if anyone saw anything unusual in the area in the weeks previous to the murders. This may refer to Mr Cairns having mentioned all of the suspicious sightings including a report by Mrs Cairns of seeing a suspicious male near the farm on either a Friday or Saturday night at the beginning of October 1993. Police made enquiries at the time but no useful information was obtained.

8.84 From examination of the police files it is apparent that although Suspect C was not identified as a specific line of enquiry in the Policy File he was regarded as a suspect in the murders. Various actions were created regarding Suspect C:

- Obtain Suspect C's file (along with other named suspects) and to identify his girlfriend.

- To obtain a list of Suspect C's recorded stops/sightings for the period three months before the murders. There are no reported sightings of Suspect C for the Saturdays mentioned by Mr Cairns.

- Conduct a house check on Suspect C on the night of the murders.

- Establish if Suspect C had been sighted anywhere else on the night of the murders. He was sighted by police at 9.30 p.m. in Portadown that evening. A police Inspector reported that police saw Suspect C driving a Peugeot car. Suspect C waved at police.

- Checks on suspect vehicles.

- Police arrested and interviewed Suspect C about the murders two weeks after receiving information from Witness V. Suspect C was released without charge.

Mr Cairns states he did not tell the police about the unusual activity, in The Slopes, however, Mr Cairns may be mistaken as the evidence shows the police did conduct enquiries as a result of Mr Cairns telling them about suspicious activity before the murders. The Police Ombudsman's investigation is unable to confirm whether Mr Cairns observations were in fact identified as relating to Suspect C.

The evidence also shows that the police regarded Suspect C as a suspect for the murders and considered his movements and activities leading up to and on the day of the murders. Similarly, police did receive evidence that placed Suspect C near the murder scene about 20 minutes before the murders. Suspect C was arrested and interviewed but released from custody. There is no material in the police file relating to Suspect L.

The Cairns' house is located on an isolated road amongst 10-12 randomly scattered dwellings. The Cairns' house is not numbered. The Police Ombudsman has concluded that the murder of Gerard and Rory Cairns appears to have been well planned and therefore it is highly likely that those involved in the murders conducted surveillance on the Cairns house during the weeks before. However, there is no other evidence to corroborate Mr Cairns assertion that it was Suspects C and L who were involved in surveillance activities before the murders.

8.85 Allegation 1e

Mr Cairns believes that Suspects C and H have not been charged with the murders of his sons because they worked for the security forces.

8.86 Findings

The Police Ombudsman can neither confirm nor deny whether any individual is or was a source for the security forces. The Police Ombudsman's investigation has not discovered evidence, which would justify Suspects C or H being charged with the murders of Gerard and Rory Cairns.

The Police Ombudsman has found no evidence of security force collusion and therefore Allegation 1 is not substantiated.

8.87 Allegation 2 – A poor police investigation

Police trivialised the murders and the investigation was poor and devoid of any real determination to bring to justice those responsible for the death of Gerard and Rory Cairns. Mr Cairns holds the SIO and his deputy responsible for this.

8.88 Mr Cairns alleges that the police did not conduct an effective investigation alleging that they failed to speak to all of his neighbours and that the police allowed the investigation "to drift without any real drive to catch the killers."

8.89 **Police did not speak to all the neighbours**

8.90 Mr Cairns cannot provide names but has stated that some neighbours have told him that the police never interviewed them after the murders.

8.91 **Findings**

8.92 There is a full list of the voters register contained in the police file, which was used to prepare the house-to-house enquiry forms. An examination of those documents show that the police visited all the houses in The Slopes and Crowhill Road. Any necessary follow up visits were also completed.

8.93 There may be a misunderstanding in that some neighbours may have felt the police should have formally interviewed them even if they had no information that would assist the police investigation. Police Ombudsman investigators visited key neighbours of the Cairns family home where statements were taken but no useful information was gained.

8.94 Additionally, an examination of the police file shows that the police interviewed all those people who contacted police with information.

The Police Ombudsman concludes that the police spoke to all Mr Cairns' neighbours during their investigation into the murders.

8.95 Police allowed the investigation to drift without any real drive to catch the murderers

8.96 Findings

8.97 The last action in the police investigation file was created on 18 November 1993. The majority of police actions are signed off as complete at the beginning of November 1993 with the last date being on 12 November 1993.

8.98 From examining the police file it appears that the full momentum of the case had slowed down considerably in November 1993. During his interview with Police Ombudsman investigators Officer A states there was a team of about 20 officers on the investigation but after two weeks many of them were taken off the enquiry by the head of the Regional CID at the time.

8.99 Similarly, during his interview with Police Ombudsman investigators, Officer B stated that the usual practice at that time was to "work flat out on the case then go on to the next case". Officer B stated that was how it was in those days and clearly this would not be the case today.

8.100 Officer B also stated that he met with Mr Cairns three or four times but could not recall the dates. He said he always went back to lines of enquiry whenever the family made a suggestion or mentioned something that might be of interest.

8.101 It is evident that the identity parade was the last line of enquiry available to the police and Officer B had personally visited the family home to explain the outcome. Officer B said he could not recall the second officer who was present at that meeting. Nonetheless, it is not clear whether the Cairns family were actually told anything about the future intentions of the SIO or deputy SIO, whether or not the investigation was still ongoing, and if so, how many officers were involved on the team or simply that the enquiry had been closed and would be reopened if there was any new evidence.

8.102 There is no closing report in the police file, or any document that states that Mr Cairns had been advised the investigation was closed.

8.103 Police Ombudsman investigators have established that the police response to the murders was prompt and correct. A senior police officer attended the scene and made an immediate appeal for witnesses. The necessary resources were called to the scene and although there was pressure for the police to leave sooner that they would have preferred, they were still able to examine and recover the evidence. Similarly, police documentation showed that during the early stages of the investigation police were conducting all the necessary enquiries as would be expected of a murder investigation.

8.104 During his interview with Police Ombudsman investigators Officer A admitted he was not suitably experienced or qualified to act as the SIO in a murder investigation.

8.105 Following the interview with Officer B and after examining the police file it became evident to Police Ombudsman investigators that the decision-making and the day-to-day management of the enquiry was left to Officer B who did the best he could without support from Officer A or other senior officers.

It is clear that during the early stages of the police investigation there was much activity and determination to bring those responsible for the murders to justice. However, as the matter remained undetected, resources were diverted elsewhere, new lines of enquiry were not identified and progressed with the case being allowed to remain dormant.

There is no evidence to suggest that the police, and in particular Officer A and Officer B trivialised the murders or lacked any determination to catch those responsible. However, the Police Ombudsman's investigation is of the opinion that Officer B drove the police investigation whereas Officer A had a limited knowledge and little involvement in leading the investigation.

It is worthy of comment that the police investigation ended prematurely because Officer B had been told to "move on" and other officers had been transferred to other duties on instructions from the ACC South Region.

The Police Ombudsman concludes that Mr Cairns is right to feel aggrieved that after only three months of the murders of his sons he was left with the feeling that the police investigation had come to a halt without being formally told the murders remained unsolved. The Police Ombudsman has concluded that the RUC failed to ensure a robust investigation led by an experienced SIO.

However it is recognised that the criticism must be balanced taking into consideration the extreme pressure and volume of major investigations placed on the police at this time.

The Police Ombudsman concludes that on the balance of probabilities this allegation is substantiated.

8.106 Allegation 3 – Failure to keep the family updated

8.107 The SIO and his deputy failed to keep the family properly informed on the progress of the investigation. The information that was provided was very poor.

8.108 The outcome of the Police Ombudsman's investigation into this aspect of Mr Cairns' complaint has already been addressed under paragraphs 6.121 to 6.133.

The Police Ombudsman concludes that that Mr Cairns did have difficulties with regard to the police but the police have a responsibility to meeting family expectations of receiving regular updates. Police were alert to the difficulties with the family at the time and therefore should have managed this more positively. The police should have made more reasonable efforts to ensure contact with the family was on a regular basis.

The evidence supports the allegation that the police did not maintain regular contact with the family and therefore this allegation is substantiated.

8.109 Allegation 4 – Conduct of Officer C

Mr Cairns is not satisfied with how Officer C conducted himself. The complaints about this officer are: -

a. **Officer C failed to ensure the broken twigs were not properly investigated.**

b. **Officer C was more interested in trying to recruit Mr Cairns as an informant.**

c. **Officer C did not explain why he wanted to know the registration number of Mr Cairns' car and then drove away at speed from the Cairns house without waiting to speak to Mr Cairns.**

d. **Officer C failed to keep Mr Cairns updated by telephone or letter.**

8.110 Officer C has retired from the police service and has made it very clear to Police Ombudsman investigators that he did not wish to be interviewed and was not prepared to assist in any way.

8.111 Allegation 4a

8.112 Broken twigs

8.113 Mr Cairns refers to the evening after the murders when Officer C and another detective arrived at his home to take statements. He states he had remarked to Officer C that there was some broken twigs at the back fence, which separates his property from his neighbours, Witnesses A and B.

8.114 Mr Cairns states that although the apparent consensus was that the killers entered the house via the driveway Mr Cairns suggested they might have entered via the neighbours back garden. The detectives and Mr Cairns examined the area around the fence and Officer C, said he would arrange for someone from forensics to investigate. Mr Cairns

does not know the name of the other detective. Mr Cairns does not think this matter was ever investigated

8.115 Findings

8.116 There is no material in the police investigation file or on the computerised management system about broken twigs.

8.117 Officer C's original police statement records how he attended the scene and liased with other assisting agencies. He also conducted enquiries in the immediate vicinity but provides no specific detail about what his enquiries were.

The Police Ombudsman has concluded that there is no evidence that Officer C reported this matter so that a forensic examination of the broken twigs (or consideration for such an examination) could be made.

8.118 Allegation 4b

8.119 Officer C discussed the informer system with Mr Cairns

8.120 Mr Cairns states that about one week after the murders, Officer C and other police detectives arrived at his house to make enquiries about the strange man seen outside the farm opposite the Cairns' house some weeks prior to the attack.

8.121 Mr Cairns recalls a discussion he had with the officer outside his house. Officer C started to tell Mr Cairns about some of his childhood experiences and how he first became aware of sectarian division in the community. There followed a discussion about how the attack may have been set up, the purchase of the car and Officer C suggesting other cars may have been used to "scout" the area.

8.122 Mr Cairns then alleges that Officer C mentioned the informer system and said how successful it had been. Mr Cairns could not see the relevance of this, especially when asked by Officer C, "What do you

think of the informer system?" Mr Cairns firmly believes that Officer C was trying to recruit Mr Cairns as a police informant.

8.123 Findings

8.124 It would appear that Mr Cairns had challenged the police about this matter some years after the murders as the only mention of informants is in a report by Officer b dated 3 April 1998 stating, "No officer involved in this enquiry made overtures to Mr Cairns regarding the informer system. Indeed there was no good reason, as he states, to believe that he was involved in terrorism, or indeed crime at any time".

8.125 There are no instructions in the police file that Mr Cairns or any member of his family should be approached about the informer system.

8.126 During interview with Police Ombudsman investigators Officer B expressed the view that CID police officers were always encouraged to try and recruit informants but it is highly unlikely that a police officer would make such an overture to someone whose sons had just been murdered. He certainly would not have issued any instructions to any officer to approach Mr Cairns about becoming an informer.

8.127 Mr Cairns' daughter, Paula provides corroborative hearsay evidence in her statement to the Police Ombudsman. Paula refers to a policeman being at the house where Mr Cairns took him into another room to speak in private. When the policeman had left Mr Cairns is alleged to have said to Paula, "That fella was just trying to set me up as an informant".

The Police Ombudsman has found no evidence to indicate that there was an attempt to recruit Mr Cairns as an informant. Officer B further confirms the finding by stating that no such instruction was given to any police officer. The allegations however do not surmount to Police misconduct or wrongdoing.

The recruitment of potential informants is not a misconduct or criminal offence.

8.128 Allegation 4c

8.129 Officer C asked for Mr Cairns' car registration number and then sped off without speaking to Mr Cairns who had just returned home.

8.130 Mr Cairns states that about two weeks after the murders Officer C arrived at his home with other police officers. Mr Cairns was not at home at the time but his wife spoke to the officers who wanted to know the registration number of Mr Cairns' car.

8.131 When Mr Cairns returned home police officers saw him and drove away in a police car at speed. Mr Cairns expected the car to stop so the officers could speak to him. Mr Cairns was annoyed and worried about this and could not understand or believe why the police wanted his car registration number.

8.132 Findings

8.133 The only record in the investigation file that relates to Mr Cairns' car is an action regarding sightings of him driving his car.

8.134 In his statement to the Police Ombudsman Mr Cairns records that he had challenged Officer B during a meeting on 23 January 1994, about sending an officer to obtain his car registration number. Officer B explained that this was to eliminate Mr Cairns' car from the enquiry and said the detective should have explained this to him at the time. Mr Cairns is still not satisfied with this as he feels the police would already have details of all cars in their files.

The Police Ombudsman concludes that it is standard practice for a murder investigation team to obtain details of all of the victim's family details and their vehicles for information and elimination

purposes. Mr Cairns has assumed that the police routinely hold records of everyone's car; this would not be necessarily the case.

Mr Cairns' concern is understandable and although the reasons for asking for the car registration number was explained to him by Officer B, Officer C and his colleague(s) should have made more of an effort in explaining the need for the enquiry.

8.135 Allegation 4d

8.136 Officer C failed to keep Mr Cairns updated by telephone or letter

8.137 Police Ombudsman investigators have established that Officer F was initially directed to maintain close contact with the family. Mr Cairns is satisfied with that officer's conduct and has no complaints to make about him.

8.138 An examination of the police file reveals that Officer C was then directed to take over responsibility for maintaining family contact and other than two very brief entries on the action sheet there is no other reference to visits, telephone calls or letters to the family.

The Police Ombudsman concludes that Officer C failed to keep Mr Cairns updated by telephone or letter.

It is unfortunate that Officer C has refused to cooperate with the Police Ombudsman's investigation. This undoubtedly frustrated the investigation and limited its capacity to answer the allegations. However, the Police Ombudsman has concluded that based on all of the available evidence and on the balance of probabilities Allegation 4 is substantiated.

9.0
Conclusion

9.1 Both the SIO and DSIO have cooperated with this investigation but have since retired from the police service. The family contact officer has also retired from the police service but has refused to cooperate with this investigation. There is no evidence that any of these retired police officers or serving police officers have committed any criminal offence. All other police officers have cooperated fully with this investigation.

9.2 Mr Cairns and his family have every right to expect a thorough police investigation where every line of enquiry is exhausted in order to find the evidence required to bring to justice those responsible for murdering their sons. They are also entitled to expect answers regarding the circumstances and subsequent police investigation into the death of Gerard and Rory.

9.3 The main allegation of security force collusion has been carefully considered and assessed against all of the available evidence. The Police Ombudsman has no jurisdiction over the Army. They have co-operated fully with the investigation. However, due to the nature of the investigation and the request for significant amounts of historical material, there has been some delay in the Ombudsman's investigation coming to its conclusions. The Army has provided answers to relevant questions and where appropriate a substantial amount of material has been supplied. There is no evidence to support Mr Cairns' allegation that there was an unusually high security force presence at the time of

the murders and the security forces created a clear path for the killers to and from the murder scene.

9.4 All of the available intelligence has also been viewed and considered. The investigation has revealed that there is no evidence that the police had any prior intelligence suggesting that an attack was going to take place at the Cairns home or at any other home in the area. The only logical conclusion for murdering the Cairns brothers was because they were Catholic.

9.5 There is evidence that Special Branch did not pass all of the intelligence relating to the murders and linked incidents to the investigating officer. The Police Ombudsman has commented on this aspect of Special Branch work in the past and it remains a cause for concern. This practice clearly limited the range of investigative opportunities available for an SIO.

9.6 It is recognised that tensions in Northern Ireland were very high at that time, where the police were investigating many terrorist related murders and incidents, for example Officer B was also investigating another murder in the local area. It is clear this would have had an impact on resources, which would have been severely stretched at times.

9.7 Officer A was not qualified for the role of SIO and Officer B clearly tried his best during the early stages of the investigation. Initial police actions at the crime scenes were good and the search for witnesses and identification of suspects were what would be expected of a murder enquiry. It is clear there was much effort during the first few weeks of the police enquiry, particularly by Officer B.

9.8 Although they must bear some responsibility, the Police Ombudsman concludes it would be unfair to single Officer A and Officer B out for criticism when it was clear that more senior police officers re-directed

resources to other work so early in the enquiry. However, the evidence shows that the police investigation was allowed to slowly drift along and come to a halt without any finality. There were no situation reports that would assist any reviews; indeed there were no reviews of the investigation that may have given some re-direction to the enquiry team.

9.9 In addition, the family were not adequately kept informed of the situation. It is evident that Officer B did make some effort to speak to the family and although there were some difficulties, he still had a responsibility to overcome them with Officer A having overall responsibility. However, the Police Ombudsman acknowledges Officer B's honesty in stating contact with the family was not as it should have been. Officer F was the appointed family contact officer and therefore had a responsibility to maintain communication with the family and keep them informed of the progress.

9.10 The Police Ombudsman concludes that the RUCs failure to share intelligence with the investigation team so that they could pursue new lines of enquiry to obtain evidence. The police enquiry did not maximise the opportunities arsing from potential lines of enquiry at the car auctions where potential witnesses were missed and a document that may have been handled by the person who purchased the car was not correctly seized for forensic examination. Furthermore, some potentially good witnesses were not adequately pursued, for example Witness V and Witness J's children. This was the responsibility of the SIO and his deputy.

9.11 Similarly, the loss of important exhibits gives cause for concern. There is no evidence of wrongdoing but the loss of exhibits in this case is unacceptable and has prevented new forensic opportunities from being explored. This investigating failure is not unique to this enquiry and has been previously commented on by the Police Ombudsman.

9.12 It has been established that on 30 December 2003 police advised Mr Cairns that the weapons used in the murders of his two sons had a history of previous use and no one had yet been made amenable for the incidents involving their use. Mr Cairns was told, “these investigations remain.” Furthermore, the Crime Manager from Lurgan police station has confirmed to Police Ombudsman investigators that the case remains “open – undetected” and is not currently being investigated.

10.0 Recommendations

10.1 Recommendation 1

10.2 The PSNI Historical Review Team (HET) undertake a complete review of the police investigation with particular attention being paid to the following: -

a) Re-assess all of the available intelligence held by C3 to determine potential lines of enquiry.

b) Review the original police lines of enquiry.

c) Research murders linked by weapon usage.

d) Consider the links between named suspects and any members of the immediate community.

e) Review the status of potential suspects.

f) Interview Witness NN and obtain details of female Witness OO.

g) Conduct another thorough search for the missing exhibits for they could potentially provide forensic opportunities that may progress any future investigation.

h) Consider submitting the original paperwork seized from the car auctions for forensic analysis.

The Police Ombudsman has already commenced this process by referring our findings to the HET.

10.2 Recommendation 2

The PSNI reviewing officer and family contact officer to meet with Mr & Mrs Cairns in order to discuss the police reviewing process outlining the available investigative opportunities open today.

10.3 Recommendation 3

The Police Ombudsman shares this report and any relevant information with any future police investigation SIO, which might assist 03with identifying new evidential opportunities.

The Police Ombudsman to share the findings of this investigation with any potential future investigating officer appointed by the PSNI.

Mrs Nuala O'Loan
Police Ombudsman for Northern Ireland