

Contact: Freedom of Information
 Direct Telephone: 0300 122 8752
 Extension: 68752
 Email: FOI@derbyshire.police.uk
 Our reference: 01/FOI/25/007631/U
 Your reference:
 Date: 03/11/2025

Dear Ms Perrins,

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 01/FOI/25/007631/U

I write in connection with your request for information which was received by Derbyshire Constabulary on 24/10/2025. I note you seek access to the following information:

Question 1 –

The study of confession statements forms a large part of our syllabus, and as part of my course work I have opted to carry out a full forensic analysis of the confession statement of Stephen Downing, made in 1973, following the murder of Wendy Sewell. I would therefore like to request a full verbatim copy of Mr Downing's confession statement.

This analysis is entirely for my own personal academic development and will be carried out without malice and without prejudice, using only the techniques I am learning from existing experts in the field.

Mr Downing's statement is already publicly acknowledged as being problematic, so I will be bringing nothing new to the public arena in terms of conclusions. Furthermore, as an edited excerpt from Mr Downing's statement already occurs in a published non-fiction novel, could it be considered in the public interest to release the full statement for purposes of accuracy and transparency?

Indeed, an analysis of the full verbatim document will yield more accurate and transparent results, that those arising from the analysis of an edited excerpt. These results will form the basis of a full academic paper, which I hope will prove useful not only to me, but to future students of this growing discipline, who may wish to use it as reference.

Result of Searches

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located information relevant to your request.

Decision

I have today decided not to disclose the located information to you as I am engaging exemptions under **Section 30(1)(a)(b) - Investigations and Proceedings Conducted by Public**

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Authorities and Section 38 (1)(a)(b) Health and Safety of the Freedom of Information Act 2000; the rationale for which is shown below.

Therefore, please accept this letter as a formal refusal of your request.

Refusal of Request – Section 17 Section 17(1) provides that - “A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which –

- (a) States that fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.”

Section 30 is a qualified, class-based exemption.

Therefore, in order for it to be engaged there is no need for a public authority to demonstrate any prejudice should the requested information be disclosed. It must simply show that the information is held for the purposes specified in the relevant part of the exemption that has been cited. This means that the public authority does not have to conduct a harm test but does need to conduct a public interest test.

Section 38 is a qualified, prejudice-based exemption with a requirement to evidence harm and undertake a public interest test.

Harm

Disclosure of information relating to the murder of Wendy Sewell, a case that resulted in a high-profile miscarriage of justice, could cause significant distress to individuals connected to the case, including the victim’s family and the person originally convicted. The case involved the 1973 murder of Wendy Sewell in Bakewell Cemetery and the subsequent conviction and eventual release of Stephen Downing after 27 years in prison. The conviction was quashed in 2002 following a campaign highlighting serious investigative and procedural flaws.

Given the enduring public interest and unresolved aspects of the case, releasing sensitive or identifying information could infringe on personal privacy, and potentially prejudice any future legal or investigative proceedings. Therefore, the public interest in transparency must be carefully balanced against the potential harm to individuals and the integrity of the justice system.

Under the Freedom of Information Act, any information disclosed is considered released to the world, meaning it becomes publicly accessible to anyone, anywhere, for any purpose. In the context of the Wendy Sewell murder case—a matter involving a brutal 1973 homicide, a controversial conviction, and a subsequent quashing of that conviction after 27 years—this principle carries significant risk.

Historical Records Consideration

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We acknowledge that the requested material relates to a case originating over 50 years ago and may, on the surface, appear to qualify as a historical record. As stated under section 63 of FOIA information contained in a historical record cannot be exempt under section 30(1). Originally, a historical record was one over 30 years old, or if forming part of a file, the last entry on that file must be over 30 years old. However, this has now been amended to 20 years by the Constitutional Reform and Governance Act 2010.

Therefore, it is the age of the information not the age of the investigation that is the key issue. Every time something is added to an investigation, the original record is changed, and the 20 years is reset.

In this case, although the murder occurred in 1973, the case file has been actively reviewed and updated as recently as 2020. This update reflects continued interest and potential relevance to ongoing or future investigative activity. As such, the file cannot be treated as a static historical document. The 2020 update effectively resets the timing for FOIA purposes, meaning the information must be assessed in light of its current sensitivity and potential impact.

Furthermore, the updated content may include modern investigative assessments, personal data, or operational insights that remain sensitive and are subject to the same exemptions as any contemporary record. Therefore, despite the age of the original incident, the file as it currently exists does not qualify for automatic release, and the exemptions under Section 30(1) (Investigations and Proceedings).

Investigations are, by their very nature, dependent upon evidence being received and acted upon, be that from interaction with individuals or advances in science and technology. All evidence is subject to assessment with appropriate action taken. The ultimate intention of the Constabulary was, and remains, to bring the offender to justice and, as importantly, provide some closure to those who knew and cared for Wendy.

The public quite rightly expect the Constabulary to conduct in all cases a thorough, ethical and professional investigation in full compliance with current legislation and guidelines. Whilst this has to be as transparent as possible the public would not expect the Constabulary to release any information that may undermine the investigation and therefore enable the offender to take steps to evade detection and prejudice the prevention and detection of crime.

Public Interest Test.

Factors favouring disclosure for Section 30

The public rightly expect the Constabulary to achieve its core functions, namely the prevention or detection of crime and the apprehension or prosecution of offenders, in an ethical and transparent manner in line with current legislation and guidance. Disclosure in this case would reinforce that approach enabling the public to feel confident that the investigation was being so conducted and that confidence in the service was well placed.

Disclosure of the requested information would certainly improve the public's knowledge and understanding of the investigatory process to date as well as demonstrate how public funds are

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being spent. Additionally, given that the investigation is high profile and attracts significant media/public interest there is a view that disclosure could be justified.

Factors against disclosure for Section 30

Disclosure of the requested information would prejudice how investigations are carried out in the future as they would contain information about how the investigation was/is being conducted. This would hinder the prevention and detection of crime and affect Derbyshire's law enforcement capabilities. Disclosure would inhibit the co-operation of witnesses to all crimes and undermine the partnership approach to investigations.

In the PSNI DN (FS50373733), when considering the public interest arguments in maintaining the Section 30 exemption, the Commissioner stated that "releasing the information would lead to a perception that statements given to the police by witnesses could or would be released to the public at some future date. This perception must inhibit or dissuade some witnesses from giving statements or assistance to the police in future investigations. This diminution of public assistance would hamper the investigation and detection of crimes and, in time, lead to a reduction in the public's confidence in the criminal process"

Factors favouring disclosure for Section 38

Section 38 of the Freedom of Information Act 2000 provides an exemption from disclosure where the release of information would, or would be likely to, endanger the physical or mental health or safety of any individual. In the case of the Wendy Sewell murder investigation, this exemption is engaged due to the potential for significant emotional and psychological harm to individuals closely connected to the case.

The murder, subsequent conviction, and eventual quashing of that conviction remain matters of public sensitivity. Disclosure of certain information—particularly if it includes graphic details, unsubstantiated allegations, or references to individuals who may still be affected—could cause renewed trauma or distress. This includes the victim's family, the individual originally convicted, and others who may have been involved in the investigation or trial.

While there is a public interest in transparency and accountability in criminal investigations, this must be balanced against the risk of harm. In this case, the public interest in protecting individuals from potential mental distress and safeguarding their well-being outweighs the interest in disclosure. The release of such information to the world could have unintended consequences, including the reawakening of past trauma or the targeting of individuals by the public or media.

Balance Test

When balancing the public interest test, it is essential to consider that any disclosure is effectively a release to the world, not just to the applicant. This means the information could be accessed, shared, and interpreted by anyone, without context or control.

The Wendy Sewell investigation remains a matter of significant public sensitivity, involving a violent crime, a controversial conviction, and the eventual quashing of that conviction after nearly

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three decades. Disclosure of certain information could cause renewed trauma to the victim's family, the individual originally convicted, and others closely connected to the case. The enduring emotional impact and the potential for distress must be carefully weighed.

While the proper detection, investigation, and prosecution of crime are fundamental to a democratic society, the Police Service will not disclose information were doing so would hinder those core responsibilities in the prevention and detection of crime or endanger individuals' health and safety.

Therefore, information falling under applicable exemptions will only be released where there is a demonstrable and overriding public benefit that clearly outweighs the potential harm. In this case, I am not satisfied that such a benefit has been shown.

Right to Request a Review (Complaint)

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Freedom of Information Officer

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COMPLAINT RIGHTS and COPYRIGHT ISSUES

If you are unhappy with how your request has been handled or you do not think the decision is correct, you have the right to require the Derbyshire Constabulary to review their decision. Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter. That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision that Derbyshire Constabulary have made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge a complaint with the Derbyshire Constabulary to have the decision reviewed. **However, this request must be made within 40 working days from the date of our response.**

Complaints should be made in writing and addressed to **Freedom of Information Officer, Derbyshire Police Headquarters, Butterley Hall, RIPLEY, Derbyshire, DE5 3RS** or via email at foi@derbyshire.police.uk

Where possible the Derbyshire Constabulary will aim to respond to your complaint within 20 working days. However, meeting this time scale will depend upon the circumstances and complexity of the issue.

The Information Commissioner

After lodging a complaint with the Derbyshire Constabulary, if you are still dissatisfied with the decision, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.ico.org.uk. Alternatively, telephone or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF - Telephone: 0303 123 1113.

Important notice regarding Copyright for all disclosures

The Derbyshire Constabulary, in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information, will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Derbyshire Constabulary Headquarters, Butterley Hall, Ripley, Derbyshire, DE5 3RS.

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