

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD IN PUBLIC HELD ON THURSDAY, 6 OCTOBER 2011 AT 2:00PM WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Mr Brian Rea, Chairperson
Mr Gearóid Ó hEára, Vice Chairperson
Mrs Anne Connolly
Mr Jonathan Craig
Mr Ryan Feeney
Mr Ross Hussey
Mr Trevor Lunn
Mr Ian McCrea
Mr Conall McDevitt
Mr Stuart MacDonnell
Mr Robin Newton
Mrs Joan O'Hagan
Mr Brian Rowntree
Ms Caitriona Ruane
Mr Pat Sheehan
Mr Michael Wardlow
Ms Deborah Watters

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

Mr Matt Baggott, Chief Constable
Mrs Judith Gillespie, Deputy Chief Constable
Mr Drew Harris, ACC Crime Operations
Mr Alistair Finlay, ACC Urban Region
Mr Dave Jones, ACC Rural Region
Mr Peter Farrar, Chief Superintendent Criminal Justice
Mr David Best, Director of Finance and Support Services
Mr Joe Stewart, Director of Human Resources
Ms Liz Young, Head of Media & PR

OFFICIALS IN ATTENDANCE:

Mr Edgar Jardine, Interim Chief Executive

APOLOGIES:

Mr Gerry Kelly

Chairperson, Mr Brian Rea:

Good afternoon and welcome to this meeting in public and public meeting of the Policing Board.

We have a new Board and a new approach to this session. The first hour will deal with Board Members questions to the Chief Constable and then we will move to the public meeting on the issue of PSNI Engagement with Children and Young People.

This first session is for Board Members questions only and will focus on a range of policing issues including questions on police performance against the Policing Plan.

Chief Constable, Members have had time to consider this report, so if you could make a brief introductory comment and then we will go straight to questions.

Members have had time to consider this report, so if you could make a few brief introductory comments and then we will go straight to the questions. Chief Constable.

Chief Constable, Mr Matt Baggott:

Chairperson, thank you very much for that introduction. We are very much aware, that in relation to crime and particularly victims, it's very difficult to talk about success because any single victim is a victim too many. Even as we meet today there are more victims on the roads and more victims of crime and we still face of course the very serious issue of the continued terrorist threat. But there have been some interesting statistics published in the last week, which I just wanted to outline by way of introduction and that is the latest Northern Ireland Crime Survey which covers the period up until June of this year.

I think it is an encouraging picture, both for ourselves and for the Policing Board in relation to some of the joint investments we have made in Policing with the Community, in the commitments, in the extra 640 police officers into neighbourhood and response duties over the last 12 months, into the challenge we have given to proportionate justice, the work of discretion which we are well ahead of the target but is increasing confidence in itself, and in relation I think, to some very sterling work that is being done to tackle serious harm which I will outline some of the measures in a minute, some of

the outcomes of that, so it is an encouraging picture. The picture which is completely independent from the Police Service shows that overall confidence rating in policing has risen to nearly 80%. The fact that police are doing a very or a fairly good job in Northern Ireland has a significant rise, probably the highest rise for a decade to over 70%. The police providing a day to day service has risen significantly again to 83% and probably more important than all of that, the perceptions of anti-social behaviour has fallen to one of the lowest levels in the last 10 years. I outline those figures, not by way of celebration because there is more work to be done, but as a way of encouragement because I think the 4 year plan we have put in place around serious harm, the Policing Plan, tackling service excellence, tackling local concerns has been the right plan and certainly the investment of money is creating opportunities for success.

That of course does come with a downside as well. I am very much aware of concerns around public confidence. We have, for example, in the last 6 months doubled the number of searches we have conducted under the terrorist powers. That creates concern, it creates an issue of trust, so we are very much aware of the fact we have got to work harder on our own internal communication. As you know I have commissioned a full review under Alistair Finlay into the policing tactics over the summer to make sure we are truly listening to people and if we need to be more flexible in those tactics then we will take those opportunities. So, the increase in operational activity has had a negative effect in some areas and I would acknowledge that. But that said, crime itself is down again by 5 percentage points another huge drop that is 3,000 less victims.

Burglaries have dropped significantly, there are nearly 400 less victims of burglary. Armed robberies of business premises, one of the areas we chose together because of the recession and the need to protect businesses from armed robbery has halved, it's halved since last year and complaints of incivility are themselves significantly down. So, for me the encouragement around that is not simply a one dimensional move in terms of public confidence in the quality of service and more work to be done, but actually confidence is rising because we are doing that and we are making serious harm less and also tackling local concerns and that's reflected in the perceptions of anti-social behaviour. So, there are some good things. Nine out of 10 murders are currently solved and I suspect we will get to 10 out of 10. The conviction, the sad case,

the conviction of Karen Walsh is one example this week of some magnificent effort by some highly trained professionals.

In the last few months with organised crime, we have made over 20 interventions into criminal finances, over £640,000 seized in Quarter 2 alone and tackling criminals who bring serious harm by way of their financial assets is as important to us as tackling through the investigative route. Those people hurt and injured on the road has dropped again, we were at the level of 1931, I think we have probably gone below that now again and that's the sterling work that's being done through the Safety Centres, through everything else we're doing and we may get a chance to talk about that later in the thematic on Children and Young Persons.

I just want to raise one final issue before we move into questions and that's this. The rating in terms of policing can be higher and we are determined to do that, but I don't think that a rating of 70-80% in terms of confidence is anything other than encouragement. But when you ask the question about police and partners, although there has been a rise in that again, a significant rise in the last quarter, how we're doing the things that matter, the rate drops in half to 40%. Now, on the left when you ask the question around policing it is 80%, when you add partners in it is 40%. That has to say something about the need perhaps to think about, particularly next April with the introduction of Community Safety Partnerships, how effective are they, both in terms of the engagement or in terms of dealing with the things that matter. We know for example, that a significant number of the people that we have to deal with and help, victims of sexual assaults and alcohol is involved in that, even through the offending or even with the victim. There is a big issue about alcohol and the misuse of drugs. There are still big issues about disadvantaged neighbourhoods and these are the sort of issues I think if we are going to see that 40% rise that collectively we simply will have to address amongst vulnerability. So, I think that's a debate I want to have with the Policing Board later, 80% policing, 40% add on the partners, what's happening there and why? Thank you Chairperson.

Chairperson, Mr Brian Rea:

Thank you Chief Constable. We have got 5 main questions. The first question is subdivided into 3 and it is in relation to the Performance Report and could I say at the

outset that we will finish at 2:55pm because we have guests here today representing Young People, and indeed we have got some young people as well. We will give the correct timing to that and let me just say that any questions that we have already an idea of that don't get asked or answered in the public session, written questions will be submitted to you and you will in the usual manner respond to us.

The first question on the Performance Report is from Joan O'Hagan.

Mrs Joan O'Hagan:

Thank you Chairperson. Target 2.2 really I wanted to raise with you and this is about anti-social behaviour which obviously focuses the community greatly and I think in the run-up to Christmas particularly, there is an expectation that this might increase. I am conscious that in the latest round of target performance there is a 12.7% increase in anti-social behaviour and I am really wanting to hear first of all, your view as to why you think there's a significant increase at this time or over the last quarter. What do you feel is causing that? Given that we had a 15% decrease over the last 3 years, it's quite considerable now and how really do you plan to reduce the incidents in the remaining 2 quarters of this financial year?

Chief Constable, Mr Matt Baggott:

Thanks very much indeed. I just need to clarify a couple of things. I have written to the Board on this because the target is actually set wrong in the Policing Plan. Rather than comparing seasonal trends against last year or a rolling 12 months, this target compares the first 3 months with the second 3 months, so we are comparing spring with summer. The nights get longer and if you compare where we were last year, there's been a significant reduction in anti-social behaviour compared to last year, but the way the target has been framed this year, it has set a benchmark at the first 3 months and then compare that to the second 3 months and the third 3 months. So, in fact the target is set wrongly. If you look at this year compared to last year, there actually is a continued reduction in anti-social behaviour so it's an invitation I think to the Board just to revisit that target because every year you get an increase in the summer because of the long nights and the summer holidays and that's inevitable, that's seasonal trends. So, we shouldn't be comparing the summer with the spring, we

should be comparing it to last year and the rolling year. I think someone may have the figures on that. Dave have you got the figures?

Assistant Chief Constable, Mr Dave Jones:

Just to reassure you, the fact is that anti-social behaviour incidents are actually down. I think what we are seeing is a perverse performance measure. If you look just on quarters from 2009/10, 2010/11, 2011/12 each of those 3 years has shown a significant drop. In 2009/10 there were 23,732 incidents of anti-social behaviour across the Service. In 2010/11 there were 21,993 a drop of nearly 1,700 and then from the first quarter which is the benchmark for this particular performance measure, 16,360 which is some 7,372 incidents less than 2 years before. If you look per month, so every month be it the month of July in 2011, 2010, 2009 the trend is all downwards. So, reflecting on what the Chief said, I think bizarrely for good performance we have got a red when actually we need to revisit the target but even based on that target we do think we would probably hit it anyway by the end of year. What we are seeing across the police is a far more targeted approach working with the local communities on hot spots. Far more effective analysis in relation to why we are having concerns in particular areas and neighbourhood around anti-social behaviour.

There is considerable work done in peak periods like Halloween. We did see a rise in July which is connected to the parading season. The thing that we are also concentrating on now is, there was a change in the recording practices so we can now differentiate between just a general anti-social behaviour incident and it is sub-divided into 3 categories – general nuisance, those that are personal to an individual or to a family and 5% which is environment be it noise or litter etc. Now, what we are trying to do is to focus on those 22% of those figures which is personal so we can actually provide a far better service to people who are repeat victims. This links into work that has just been launched in relation to R4 which is our Call Handling process and we have just introduced what we call Customer Relationship Management software which is a common feature in most private industries, which basically means that when you contact the police we will know it is Joan O'Hagan and the last time you rang us and what it was about and the person who has come to provide you with a good service will know all that. We should be able actually to identify again repeat callers and again provide a far more effective service.

So, purely on numbers, the numbers are down but like most as the Chief repeated, any anti-social behaviour incident is something that we need to deal with effectively and one of the things we are trying to do is to be better focused on the individuals who are having a really difficult time.

Chairperson, Mr Brian Rea:

Second question. Michael Wardlow on sectarianism and racism.

Mr Michael Wardlow:

Chief, thanks again for coming along and answering questions. Can I just say I am very heartened generally by the figures and by your explanation about quarter to quarter and maybe there's a similar answer to this one.

The one stat that jumped out that surprised me a little bit was the drop in detection rate for sectarian crime by about 4 percentage points, so maybe you could just explain a little bit about what you lies behind that and what, if anything, measures you have put in place to address it. Thank you.

Chief Constable, Mr Matt Baggott:

Thanks very much. I think last year was a high in terms of detection for sectarian crime, so maintaining that standard is going to be difficult. I would always add a note with caution with any detection rate that we are looking at in the first 4 or 5 months of the year. This year, I think because we have improved significantly under some good leadership the way in which we actually assess crime and task against it, that those processes have got better, so this year we haven't seen what we normally have in October, a pretty low detection rate across the peace, we have actually got in the serious harm some pretty good detection rates still and that's ironed out, if you look, the effort before the summer has to go into dealing with some of the issues of the summer and the investigation that goes into that then we catch up in the autumn, this year we haven't had that. But I would anticipate that detection rate rising over the next 2 or 3 months as we're able to deploy more local resources to actually deal with those crimes.

I wonder if Alistair wanted to say anything?

Assistant Chief Constable, Mr Alistair Finlay:

Some of the sectarian crimes can be very difficult to detect. Some of them are attacks on symbolic buildings which takes a particular increase through the summer period in particular. We deploy a whole range of resources to try to detect and prevent those, patrolling patterns that go and check buildings and so often we're discovering, for example, that building has been damaged before the actual users of the building do. But the actual investigation in bringing people to justice can be challenging, it is very often happening in remote areas, the amount of evidence that is available, but they are subject to a full investigation, opportunities of forensics round about the area involved and anything left at the scene is always taken, but it is challenging. What we've got is, we did have some good opportunities last year which led to quite a large number of detections. This year we are not seeing the same pattern just because of some individual incidents we were able to get the hold of the right people, but it is absolutely in terms of this hate crime which has a particular and insidious characteristic, all the Districts are absolutely focused and understand the impact, not only on individuals but on communities and it gets a particular precedence, a particular investigative look to ensure we are covering all eventualities to raise that detection rate.

Chairperson, Mr Brian Rea:

Thank you very much. The second question then relates to the new Public Services College at Cookstown, and the police estate in general and Brian Rowntree is going to ask a question around that and there may be others who wish to make comments on that, but before Brian would ask the question, could I say how pleased we are as the Policing Board along with the PSNI and the other stakeholders who have heard the announcement yesterday that the Public Services College was getting its 'go ahead'. It's very encouraging after the period of time that it has taken to get to here, but nevertheless, we're so glad that it's happening that 3 of the blue light organisations are co-operating and that the Prison Service, sorry it isn't a blue light one, and the Fire and Rescue Service are coming together with the PSNI on the Desertcreat site to provide a world class and world leading college. I commend the Deputy Chief Constable for this morning being on the radio and dealing with the questions that were put to her in Good Morning Ulster, but enough of that, Brian Rowntree please.

Mr Brian Rowntree:

Thank you Chairperson. Would the Chief Constable comment on progress to date in relation to the development of the new Public Services College and more importantly, the impact on the wider Estates Strategy within PSNI and the efficiencies needed therein?

Chief Constable, Mr Matt Baggott:

I will let the Deputy and others deal with how we can prioritise and make sure the finance is in place, but suffice to say I was delighted when we had the news. This is so much more than a college, it's actually the future. Not only will it bring people together from across the world to talk about safety, but it will bring partners in, local authorities and it's a place that is going to be driving forward everything that is positive. I am delighted that we got colleagues, the Guards and the Americans want to come over and it's going to be a really, really good investment plus the fact it's bringing hundreds of jobs at a time of recession. So, this is a good news win, win story. But in terms of the detail, I also want to applaud Judith and colleagues who have worked so hard on this over a long time. It hasn't always been easy, but the fact is the decision has been made, it's going to be there and it's a fantastic thing to do. So would you like to cover some of the detail Judith?

Deputy Chief Constable, Mrs Judith Gillespie:

Yes, thank you. I have the privilege of chairing the Joint Services College Programme Board, but there are some of my colleagues both in the Police and Fire and Rescue and Prison Service who have been involved in this project for much, much longer than I have and I think it beholds me to recognise their resilience in sticking with the project over many years and we are absolutely delighted to get it over the line in terms of the funding from the Department of Finance and Personnel.

But in answer to your specific question, how the progress has gone to date and the impact on the wider police estate. Of course our current facilities in Garnerville and Steeple speaking for PSNI are absolutely outdated and not fit for purpose. This was something that was recognised in the Patten report of September 1999 and we're still in 2011 operating out of the same facilities. So, the impact will be absolutely enormous on our training. We will be able to have first class, world leading, fit for purpose

bespoke practical training facilities that we can share and effect economies of scale with our partners in Northern Fire and Rescue and the Prison Service, and we will also be seen as a place that other criminal justice agencies within Northern Ireland and much further afield will want to come and see and learn from our expertise and our joint working together. So, the impact on the police estate will be that Garnerville and Steeple will in the fullness of time be put up for sale and disposed of and of course the capital that is realised from that will go into the project. It is the same with Fire and Rescue and Prison Service that they also will be selling part of their estate to go into Desertcreat. But it is so much more than a 3 service college. It is an integrated training college and the presumption has been that training will be integrated unless there are very good reasons why not to, so leadership training, health and safety, multi-agency, emergency response, all of that will be integrated training and what that means is safer for the public at large, much better services as well. So, that is really important and it is a huge development for Northern Ireland.

Chairperson, Mr Brian Rea:

Ian McCrea indicated.

Mr Ian McCrea:

Thank you Chairperson. I suppose to some extent it is a win, win for me both as a Member of the Policing Board but as it is the constituency that I represent, and no doubt the economic benefits of this announcement will be certainly more than welcome in our local area.

You and I have spoken about a number of these issues in the sense of this, but I suppose in one sense, one of the issues we chatted about yesterday was the vetting process of anybody who is coming to work there and ensure that people don't have to go through the rigors of security vetting to the extent that their job could be vacated by the time it gets vetted to work on the project. Can you outline how we can work to try and reduce that process so that it goes in the sense it is not being held up because of that purpose?

Chief Constable, Mr Matt Baggott:

Joe Stewart.

PSNI Director of Human Resources, Mr Joe Stewart:

Chairperson, I will take this particular question. On behalf of PSNI, we are at the stage now with the announcement having been made which we are delighted about, that we will be moving shortly to finalise design process and then into letting of the contracts or putting the notice out to advise the market of the contract being there. One of the things we have already talked about is, to make it clear to any potential bidder, their need to have workforces cleared appropriately, vetted well in advance of construction start and to have appropriate processes in place. As a Service, we have considerable experience of this already. There will always be issues where it doesn't quite work out, but all of the contractors who have contracted with us already, already know of the need to maintain a body of staff that are vetted in advance. We will also be liaising with our Criminal Justice Branch which holds that responsibility to ensure that we have the capacity to carry that through because we don't want the project to be held up from our perspective and we don't want anybody unreasonably disadvantaged either from an employer perspective.

Chairperson, Mr Brian Rea:

Ian, okay. Thank you very much.

Next question is from Conall McDevitt representative for South Belfast in the Assembly and his question is on the issue of the recent bomb in Bradbury place. Conall.

Mr Conall McDevitt:

Thank you Chairperson. Good afternoon everyone.

There have been several serious devices in recent weeks, and obviously we were all very disappointed to hear the news of a device being made safe on Saturday night at Bradbury Place in South Belfast in the middle of the Saturday night revelry which that part of town relies on so much for its economic wellbeing as well as its social viability.

There have been reports Chief that that device was in place for some time before it was discovered. Can you tell me what you believe to be the case?

Chief Constable, Mr Matt Baggott:

Well I think we will be somewhat restricted to what we can say because it is a live investigation and, therefore, to talk about that in advance of a judicial process might be seen as hindering a potential trial. But I wonder if Drew can cover as much details as we can on that one. The important thing is, of course, clearly we still have people who are prepared to leave devices and that's a great sadness to all of us.

On the terrorist front, we have charged over 120 people since the April before last which is a significant rise, but again I don't use words other than sadness for that because that money should be spent on keeping people safe on the roads and anti-social behaviour. But that specific incident I will ask Mr Harris to deal with that.

Assistant Chief Constable, Mr Drew Harris:

It very much still remains under investigation and I have seen those reports. I am not particularly sure what they are based upon, but we are following through on our enquiries that it may have been there for some time but initially I am not sure that that's the case and so we may be talking a matter of days as opposed to weeks or months. In terms of attribution of the device, in terms of looking at it and its construction and what we have been able to withdraw from that in its forensic examination that's still ongoing, but the peculiarities of the device don't particularly give us any clue as to its origin as of yet, but a full forensic examination is underway and really what we hope from that is that we are able to extract evidence in terms of forensic information that will then lead us to the perpetrators, certainly those who constructed the device.

Chairperson, Mr Brian Rea:

Are you satisfied with that Conall, thank you.

The next question to the Chief Constable is going to be asked by Stuart MacDonnell on my right, regarding the reallocation or the repositioning of Assistant Chief Constables.

Mr Stuart MacDonnell:

Thank you Chairperson. We understand you have had a recent reallocation of responsibilities across your senior team, so for the benefit of the understanding of the

Board perhaps you could outline these and give us whatever supporting narrative you feel able to do, explaining the rationale. Thank you.

Chief Constable, Mr Matt Baggott:

Thank you Stuart. Three essential reasons why I have done that and that isn't just a decision made on my own. We talk amongst the team about how we are going to reallocate portfolios because we are a team. I wanted to bring together in one portfolio some of the key issues that affect public confidence in policing, I know that is a big issue for the Policing Board, and quite rightly so. So, we have reallocated Professional Standards, Service Excellence, Policing with the Community, all of the justice issues that affect confidence under one ACC's portfolio, I think that makes sense. It also then gives the Deputy some more space to lead on the 4 Year Efficiency Plan and make sure that that's being delivered very effectively as well. So, there is a reallocation there, but I think it makes sense to me to bring together in one portfolio the sort of key areas that often overlap and you can see some of that work already in terms of the rise in confidence figures.

Secondly, one of the big agendas for us is to make sure that we are defining, over the next 4 years, against the £135m efficiency savings, exactly what we need in terms of transport, the estates, information technology and I wanted to, although there is some great work on that already, I wanted to strengthen some of that so I have brought that more under another ACC, Operational Support and that ACC will be responsible with great support from our colleagues in HR and from finance, to actual shape the user requirement across the whole spectrum of policing, and also then to conduct the review, which is taking place as we speak, into the public order tactics over the summer and how we might change some of that in relation to the feedback and some of the work we're doing. I wanted to get on the front foot with that and Alistair is doing that and Will Kerr is going to take over the Urban Region.

The third reason why I have done it is because I think it is good just to introduce challenge. I am very ably supported, more than ably by colleagues to my left and right, but just sometimes changing the portfolios and giving a fresh pair of eyes is a good thing to do which is why Will will be taking over the Urban Region and Alistair will be taking over the Operational Support portfolio.

Mr Stuart MacDonnell:

Thank you.

Chairperson, Mr Brian Rea:

And are there positions that are remaining static?

Chief Constable, Mr Matt Baggott:

Standing in a sense of the portfolios aren't significant, there's some fine tuning we've been doing around that. As you know, the portfolios then link into the Programme Boards, the Programme Boards link into the Policing Plan and that links into the Part 2 of your Plan, so there is a synergy between the portfolios and the Programmes of Work. There's been some fine tuning around that as well just to make sure that's tied up a bit.

Chairperson, Mr Brian Rea:

Thank you very much. Final question is to be asked by Caitríona Ruane. It's on agency workers or consultants within the PSNI.

Ms Caitríona Ruane:

First of all, that question we won't be asking, we are going to be writing to the Team. What I would to ask today is about the Criminal Justice Inspectorate. As you know we had Michael Maguire and his team in today. He concluded that there has been significant lowering of the independence of the operations of the Office of the Police Ombudsman and those of the PSNI. I would just like to ask first of all, do you think the PSNI bears any responsibility for that outcome? Then I would also maybe like to ask Mr Harris a specific question, when did you become aware that the PSNI Crime Department reached an agreement with the Office of the Police Ombudsman, that criticism of the RUC and of Special Branch should be removed? Go raibh maith agat.

Chief Constable, Mr Matt Baggott:

Thank you for that. I think firstly to say is, I would commend any institution whether it's ourselves or the Ombudsman who commissions a report which is inevitably going to be self-critical and I think that's a good thing and as we have been very clear with the Board, for example in the way we tackle public order, we are very open and transparent to improving our tactics in the way we do it.

There are some issues in that report which I think are quite rightly being taken forward by the Ombudsman in conjunction with the Justice Department. It probably isn't appropriate for me to comment on that. There are issues around quality assurance processes, there are issues, for example, around expertise and resourcing, there are issues around the judgement over sensitive material, all of which in terms of recommendations now have to be considered, but that's a matter for the Ombudsman, it is not a matter for the Chief Constable.

We have a right, we have a right as the Police Service and it's something I think is in the public interest, to challenge draft report and to challenge recommendation where they might affect the reputation of individuals or the factual basis of those reports or even the interpretation when the view of experienced professional people, particularly professionally experienced detectives who are trained to a European standard may be at variance with the judgements coming up by the Ombudsman. That's a principle established by the Lord Chief Justice Salmon, that you will receive notification where there may be implied criticism. I think that's a good thing. I think that's actually is of benefit to everybody in society. The times when I have to do that myself and I said at the last Board will be extremely rare because of the way things are. I think the other thing to say in that report is, it clearly expresses confidence in the Ombudsman in relation to the events of today. Current live complaints are dealt with very effectively indeed, we will be taking on some of the lower level and hopefully in time with the Taylor reforms and that will work very effectively.

I think the issue to be addressed here from my perspective is probably two fold. One is, the level of expertise you need to deal a huge volume of historical cases and the resources that go with that, is something that the Ombudsman's very clear about. Secondly, as the Chief Constable, I think sometimes looking at it from the way I have to under the law, morally, sometimes I don't think you can reach judgements about matters in a definitive way, that's a broader debate for the Ombudsman, the Justice Department and others. Sometimes it may not be possible to reach definitive judgements and as I did with the McGurk's case as we discussed last time, very rarely I neither agreed or disagreed, I simply said "I don't think I can make a judgement on some of these issues". We will be open and transparent to that report. If there are areas where we can improve, areas for example of our contact with the Ombudsman to

deal with any confidence issues or misinterpretation of that, we will be very, very willing to look at that to make sure there is a very clear audit trail of the contact we have. I would absolutely not want to have any lack of confidence in the Ombudsman, or any lack of confidence in our dealings with him.

In relation to the specific in that report about some alleged, and it is alleged, because Michael Maguire's report is not an investigative report, it is a subjective report. In terms of any alleged decision or policy, the references to RUC Special Branch would be taken out, I don't think the report says that. I think it says that an individual in the Ombudsman's Office misinterpreted that and that's quite clear in the paragraph. I don't know if Mr Harris wants to say anything on that.

Assistant Chief Constable, Mr Drew Harris:

No...

Chairperson, Mr Brian Rea:

Pat Sheehan wanted to come and then Brian Rowntree and that will conclude that I think, because Debbie Watters is going to come in with a very important question on abductions. Pat Sheehan.

Mr Pat Sheehan:

Go raibh maith agat, a Chathaoirleach. First of all Chief Constable, before I move into my question, I want to say that a constituent of mine was murdered in April 2010, just behind Woodbourne police station and at that time we as a party and Sinn Fein called for whole hearted support from the community and to come forward with information and give information to the police about this killing. Seamus Fox was a highly respected member of the community and was brutally beaten to death. The outcome has been that a man appeared before the courts yesterday and was convicted of Seamus's murder and I want to commend the PSNI on the work that they carried out, and I particularly want to commend the Area and District Commanders in West Belfast for all of that. I think it is a salutary lesson that when the community and the police work together they will get positive results, so well done on that.

Just to move onto my question. It is in relation to the disclosure of the ballistic history of weapons that have been used in murders. ACC Harris recently wrote to the Human Rights and Professional Standards Committee and explained that the reason why these histories aren't disclosed and he gave 2 reasons. The first reason was that in order to comply with Article 2, it sometimes necessitates the non-disclosure of ballistic information. The other was, that the Crime Operations Department was established in April 2004 and since that it has been a policy decision that no ballistic information would be released. Now, my problem with that is, that first of all in regard to Article 2 and I would ask if you are aware that the British Government told the European Council that when the Police Ombudsman's Office was established, it was established on the basis that it would help compliance with Article 2. So, in that sense, how could the disclosure of ballistics history to a Police Ombudsman's investigation possibly contradict this issue of Article 2 compliance, so that is one issue.

The second issue is in regard to the new policy that allegedly came into effect in April 2004. The Historical Enquiries Team (HET) has obtained ballistics information, as far as I am aware, every murder they have investigated and yet they weren't established until March 2005, so there are 2 anomalies here and I would like, if possible, if you could give explanations on both of those accounts.

Chief Constable, Mr Matt Baggott:

Firstly, thanks for the kind words around the recent conviction, we appreciate that and I shall make sure they're passed onto the Area Commander as well, so thank you for that. I will let Mr Harris deal with the specifics, but I understand in relation to the ballistic history that was passed onto the Ombudsman, so I don't think that's an issue but we can clarify that for you, no problems on that.

On the second issue of a difference between the HET and our processes, I would just say this. I think firstly the HET reports are designated as being confidential and had there been a possibility of a trial following, one would assume that they would not be so free in disclosing the ballistic history, but the reports are supposed to be confidential.

Secondly, one of the things we have done as you probably know, without any disrespect to our colleagues in the HET, is if there is a possibility of a case coming to court that is passed on now under the protocols with C2 to make sure that all of the issues that the PPS (Public Prosecution Service) may stand over or Judges may subsequently, are addressed in the way that we actually disclose material. But I wonder if Mr Harris might say something more?

Mr Pat Sheehan:

Could I come in there just a second? Are you saying then that if ballistic history is disclosed, there must be a presumption that there isn't going to be any further investigation, or trial, or due process? Because if take for instance the Kingsmills massacre, the ballistic history of the weapons that were used in that incident have been released publicly?

Chief Constable, Mr Matt Baggott:

Yes, by in large yes. Because we wouldn't want to run the risk of any possibility of undermining a future trial. It might actually Chairperson, as a matter of courtesy to the Board, it might be worth in longer time if I could invite the Public Prosecution Service perhaps to talk about some of these issues as well as the Human Rights Advisor. But we have to be very careful on this. I am not going to say that in every single case we have got this right, but there must be a presumption that any material that could possibly be in the public domain and undermine the future of a successful trial has to be considered. Do you want to cover that?

Assistant Chief Constable, Mr Drew Harris:

The reason I first of all referred to date was specifically at the Human Rights and Professional Standards Committee was asked for the change of policy. Now, our policy since Crime Operations has been founded, has to be to improve and professionalise our murder investigation processes and I think results and outcomes show how we have moved forward in terms of all murder investigations.

But the Loughinisland murder investigation is very much a live investigation. All relevant information has been shared with the Ombudsman. In respect of the ballistics history, as this is a live investigation, there is a major investigation team which is committed to this investigation and is taking forward their work as we speak and also then the Serious Crime Review Team which was a specific recommendation from the Ombudsman, has also been applied to the whole course and history of this investigation. So, there is a very considerable amount of work being done in respect of this as a live investigation.

Now, we are charged with conducting under Article 2, an effective investigation and that precludes us then in the great majority of circumstances, taking action which we feel would be detrimental to an ongoing investigation and that would be in terms of giving out information into the public domain which could in effect inform and assist those who we suspect of this murder. So, in effect we would be informing the killers of what we know and potentially what a line of enquiry might be further down the line. Where...

Mr Pat Sheehan:

Could I just stop you there.....

Chairperson, Mr Brian Rea:

Sorry, I have to draw this to a close, there are 2 other people who wish to come in on this.

Mr Pat Sheehan:

I know.....

Chairperson, Mr Brian Rea:

I am just asking you please to desist. Are you finished Drew?

Mr Pat Sheehan:

I am not asking about publicly releasing that information, I am talking about giving it to the Ombudsman's Office.

Assistant Chief Constable, Mr Drew Harris:

Well I can assure you 100% that all that information is with the Ombudsman. The Ombudsman asked if they might use that in their public facing report and for the reasons that I have already stated in terms of a live investigation and it was the Ombudsman's recommendation that we do a serious case review and we have taken that seriously. We have applied a lot of resources to this, a lot of time and effort and we are conducting a live investigation. This isn't an exercise in just going through the motions, this is a live investigation and we seek an outcome at the end of this which is bringing the killers to justice.

Chairperson, Mr Brian Rea:

Thank you. Brian Rowntree briefly and then Robin Newton.

Mr Brian Rowntree:

Thank you Chairperson. Could I just go back on the issue of the Criminal Justice Inspectorate report? It is a critical document and we got a briefly today from Dr Michael Maguire. It is a critical document in many ways in that it is a very open, it is a very forthright document in relation to recent findings in relation to the Ombudsman's Office. But it is also critical of aspects of relationships and liaisons with police. It is also critical of a lack of transparency around dealings and matters thereon and also it draws attention to the issue of acceptability and the abiding principle in relation to accepting reports.

I think that in relation to public confidence for this Board, who must hold PSNI to account, but also the Ombudsman as a regulator, who must also hold the PSNI to account for your investigative procedures, I think behoves us all you all to find some common ground where we can reach settlement on processes that will allow PSNI to come to this Board and to the Ombudsman and say that you are in a position to accept and abide by findings. Now, I know there are issues around recommendation and whether certain recommendations are within the gift and the power of the Ombudsman and I fully accept and acknowledge that, but I think we have got to reach a point where we have that regulator in place and a bona fide regulator established and accepted by all parts. I am just asking the Chief Constable does he see a timeframe when we can reach that point within his present arrangements with the Ombudsman?

Chairperson, Mr Brian Rea:

Briefly, Chief if you can.

Chief Constable, Mr Matt Baggott:

There are 2 things, 95% of that report and I would encourage people to read it to see exactly what it says, is actually about the internal workings of the Ombudsman's Office. The experience, the expertise, the resources, the effectiveness of their assurance processes, the way in which people apply different judgements to the same material and how the timeframe within which they come up with those judgements. Now, they are matters for the Ombudsman and the Justice Minister. I think once those matters have been addressed, then I clearly would be looking at ways in which we can help the Ombudsman to improve that.

There is an issue for us in the report that hints at people's interpretation of relationships, but they are relationships between individuals, there is nothing wrong in that. What would be wrong is if the integrity of the process was undermined. There is not one shred of evidence in the report to suggest that, so these are individual interpretations of informal contacts or alleged friendships between people, that is not evidence based. So, I think what we have to do is look very objectively at how the Ombudsman can be supported in dealing with a huge weight of historical cases which are new business alongside a resource base that hasn't grown, alongside dealing with some very complex matters from Operation Stafford and Ballast where, as the report says, on one occasion we have got 14 Detectives working on this, the Ombudsman has been able to put one Detective. Now there is an imbalance here between expertise and resources and it does provide the context to a controversial decision that I had to make last February, which I did with absolute integrity and impartiality.

There may be occasions, even in the future, where the Ombudsman comes up with a recommendation that I simply have to say I cannot agree with this or disagree with this because I don't think the evidence is there. There is nothing disrespectful about that at all, there is nothing disrespectful about that and maybe one of the debates that comes out of the Ombudsman's Report apart from how he is resources and how he does the job he is given to do is actually about sometimes you cannot make judgements about matters that are 40 years ago, sometimes it will not be possible to do that.

Chairperson, Mr Brian Rea:

Thank you, Robin Newtown, finally.

Mr Robin Newton:

Thank you Chairperson and can I thank the Chief Constable for just those remarks. But can I ask, whatever the source of a report when the integrity of the police is challenged in a subjective manner, can I have your assurance that you will reply against evidence based and measurable criteria?

Chief Constable, Mr Matt Baggott:

I am very privileged to be the Chief Constable of an organisation that has to keep on improving and let me be clear about this, if the police service have done things wrong in the past, I will be the first to acknowledge and apologise because that's exactly where we should be and I have done that on numerous occasions as Chief Constable since I've been here. When you have an Ombudsman's Report looking at events, inevitably when you look at the context of how we do things today against the past and where there is behaviours that are unacceptable, we will be the first people to say so, so I will do that. Likewise, if I think a case is not made out, firm enough to be a very definitive judgements, there may be occasions when I have to say that. But that will not be disrespectful to the people making those judgements because I absolutely respect people who do that. So, if there's unfair criticism I will stand over that. But there have been other comments in the last few months around the sensitive and measured way in which we have responded to other enquiries and other investigations, so I think you have to take it case by case.

The occasions I disagree with the Ombudsman will be very, very rare although clearly the report does raise some significant issues which in fairness to the Ombudsman he has raised himself historically about expertise and resourcing.

Ms Caitríona Ruane:

Sorry Chairperson, I asked a question of Mr Harris and he ignored my question, despite being asked to answer it by the Chief Constable, I would welcome an answer to my question. Go raibh maith agaibh.

Chairperson, Mr Brian Rea:

I understand that Mr Harris said that he didn't have anything further to add.

Ms Caitríona Ruane:

Well, it was a very specific question, directed specifically at Mr Harris and we are here today to ask questions, I expect to get answers to my questions. Thank you.

Chief Constable, Mr Matt Baggott:

I am very happy for Mr Harris to answer that question. I think it was a specific question in the report. Have you got the report in front of you, forgive me?

Ms Caitríona Ruane:

I'll repeat the question. Could Mr Harris let us know when he became aware that PSNI Crime Department reached an agreement with the Office of the Police Ombudsman, that criticism of the RUC and of Special Branch should be removed?

Assistant Chief Constable, Mr Drew Harris:

The Chief Constable has already answered that question. For my part I have nothing further to add to what has already been said, but I cannot give a date because I knew of no such agreement until I read this report.

Chairperson, Mr Brian Rea:

Thank you Mr Harris. Now, Debbie Watters has a question on abductions. Now for the sake of time Debbie if you would ask the question, if the Chief or whichever officer he wishes would answer it. We will not take any supplementaries because we do have children and young people and their representatives here and we wish to give them a fair time as well. Debbie, thank you.

Ms Debbie Watters:

Chairperson, for the sake of time, I am happy to leave my question to the next section because it relates to children and young people, because I would like it to have some time and energy focused on it, so I am happy to wait until later.

Chairperson, Mr Brian Rea:

Thank you very much indeed. That concludes this part of our meeting and if we could take just a few minutes for the Chief Constable to move here beside me, then we will introduce the remaining section of this.